

2024 Agreement between the Village of Mamaroneck and Sportime

WHEREAS, the Village of Mamaroneck, a New York municipal corporation with its principal office at Village Hall at the Regatta, 123 Mamaroneck Avenue, Mamaroneck, NY 10543 (the “Village”) and Sportime Clubs, LLC, f/k/a Island Tennis, L.P., d/b/a Sportime, a New York limited liability company with offices at 320 Abrahams Path, P.O. Box 778, Amagansett, NY 11930 (“Sportime”), entered into an agreement on February 11, 2002, by which the Village granted a license to Sportime to use a portion of Harbor Island Park in the Village for, among other things, a multi-purpose recreational facility (the “2002 Agreement”), and

WHEREAS, the Village and Sportime agreed to amend the 2002 Agreement by agreement dated February 11, 2002 (“the 2002 Amendment”), and

WHEREAS, on April 22, 2009, the Village and Sportime executed a letter agreement further amending the 2002 Agreement (“the 2009 Agreement”), and

WHEREAS, on May 29, 2019, the Village and Sportime executed an agreement recognizing, among other things, that the Village will not interfere with Sportime’s operation in Harbor Island Park through August 31, 2020 (the “2019 Agreement”), and

WHEREAS, on December 17, 2019, the parties entered into an agreement settling a dispute in arbitration (the “Settlement Agreement”), and

WHEREAS, pursuant to the 2019 Agreement, the term of the 2002 Agreement, the 2002 Amendment, the 2009 Agreement and the 2019 Agreement will end on August 31, 2020, and

WHEREAS, on May 27, 2020, the parties entered into an agreement entitled “2020 Agreement between the village of Mamaroneck and Sportime” (the “2020 Agreement”), a copy of which is attached as Exhibit A, which gave Sportime the right, subject to the terms of the agreement, to continue to operate the tennis facility at Harbor Island Park for two additional years, from September 1, 2020 through August 31, 2022, and

WHEREAS, on January 21, 2022, the parties entered into an agreement entitled “2021 Agreement between the village of Mamaroneck and Sportime” (the “2021 Agreement”), a copy of which is attached as Exhibit B, which gave Sportime the right, subject to the terms of the agreement, to continue to operate the tennis facility at Harbor Island Park for two additional years, from September 1, 2022 through August 31, 2024, and

WHEREAS, the parties now mutually desire to extend the 2021 Agreement for two years, from September 1, 2024 through August 31, 2026.

NOW, THEREFORE, the Village and Sportime agree as follows:

1. **Term.** The term of the 2021 Agreement is extended from September 1, 2024 through August 31, 2026, upon the same terms and conditions except as set forth in this agreement.

2. **Improvements to the Tennis Facility by Sportime.** In consideration of the extension granted by this agreement, Sportime will make improvements to the Tennis Facility that will cost Sportime, in the aggregate, at least \$150,000 (the “Construction”).

- a. The improvements must include renovating, repairing, and resurfacing the outdoor hard tennis court to a first-class condition and converting its use from a single outdoor tennis court to four dedicated outdoor pickleball courts.

- b. In addition to routine maintenance and repair, the improvements may include, without further consent by the Village other than the approval of the Village Manager as provided in this agreement:
 - i. Any necessary cleaning and repair to the air structures.
 - ii. Maintenance, repair, or replacement of inflation/heating units for air structures.
 - iii. Reconditioning of clay courts, including all new lines.
 - iv. Structural and cosmetic renovation of the interior and exterior of the clubhouse, including necessary exterior carpentry and paint, a new roof, a gut renovation of the bathrooms and all new interior finishes in the bathrooms and clubhouse.
 - c. Prior to commencing any work, Sportime must submit a short environmental assessment form and reasonably detailed plans for the proposed renovation to the Harbor and Coastal Zone Management Commission for an advisory consistency determination under Village Code § 240-26 and obtain the written approval of the Village Manager and any building permit or other permit required by law before making any improvements. The Village Manager's approval will not be unreasonably withheld or delayed.
 - d. Sportime must provide to the Village by September 30, 2024 an itemized accounting for the improvements it makes. If by that date Sportime has not made improvements that, in the aggregate, cost \$150,000, Sportime will pay to the Village, no later than September 30, 2024, an amount equal to the difference between the cost of the improvements it has made or installed and \$150,000.
3. ***Harbor Island Park Village Camp programming.*** In addition to any other obligation under this or the previous agreements between the Village and Sportime, during 2024 and 2025, Sportime will offer 45 to 60 minutes of professional tennis and/or pickleball instruction each week, subject to adjustment by reason of weather, to all Harbor Island Park Village campers, as determined by the Village's Superintendent of Recreation, at no cost to the Village.
4. ***Preferential pricing for Village residents.*** Notwithstanding anything set forth in any of the prior agreements between the Village and Sportime, and notwithstanding Sportime's usual charges, Sportime will offer the following services to Village residents at the prices stated:
- a. Pickleball membership, including 7-day advanced court-time reservation privileges, 50 percent off all court-rental fees and social open play sessions at Sportime Harbor Island only, 10 percent instructional clinics and lessons at Sportime Harbor Island only, and designated complimentary monthly clinics and court time, \$18.00 per month;
 - b. Pickleball private lessons, 1-hour, \$81.00;
 - c. Pickleball semi-private lesson (2 players), 1-hou, \$45.00 per player;
 - d. Pickleball open play, 2-hour drop-in session, \$10.00;
 - e. Pickleball court reservation, open court time, \$12.00; and
 - f. Pickleball instructional clinics, four, 1-hour sessions, \$90.00, 1-hour, drop-in drill session, \$27.00.

5. ***Other services to be provided by Sportime.*** As required by section 13(i) of the 2020 agreement, Sportime will:

- a. Provide a free weekly group tennis clinic to children under the age of 18 who reside in the Village during the summer tennis season in 2024 and 2025, as determined by the Village's Superintendent of Recreation, at no cost to the Village;
- b. Provide a free introductory tennis clinic to Village residents on four dates each term year as determined by the Village's Superintendent of Recreation, at no cost to the Village;
- c. Provide free instruction, practice, and facility use, as determined by the Village's Superintendent of Recreation, at no cost to the Village, to children below the age of 18 who demonstrate financial need in accordance with criteria to be agreed upon by the Village Manager and Sportime.

6. **Continuation of prior terms.** Except as modified by this agreement, the terms of the 2020 agreement and the 2021 extension remain in effect.

The Village of Mamaroneck

By: _____
Daniel Sarnoff
Deputy Village Manager

**Sportime Clubs, LLC, f/k/a Island
Tennis, L.P., d/b/a Sportime**

By: _____
Claude Okin
President and CEO

Dated: May __, 2024