

## Usry, Greg G.

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**From:** Usry, Greg G.  
**Sent:** Tuesday, July 27, 2021 5:28 PM  
**To:** 'Nicholas J. Singer'; Wilson, Kristen K.  
**Cc:** Beau Berni (bberni@StandardAmusements.com); Andy Maniglia; Evonne Keeler (ekeeler@unitedparks.com)  
**Subject:** RE: SA / Rye Follow up

Nick,

I appreciate the follow up. I am close to having the information assembled on our end, and hope to have something out to you at the end of the week. We can look to regroup after you have had a chance to review.

Greg

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**From:** Nicholas J. Singer [mailto:ns@purchasecap.com]  
**Sent:** Monday, July 26, 2021 3:58 PM  
**To:** Usry, Greg G. <gusry@ryeny.gov>; Wilson, Kristen K. <kwilson@ryeny.gov>  
**Cc:** Beau Berni (bberni@StandardAmusements.com) <bberni@StandardAmusements.com>; Andy Maniglia <amaniglia@StandardAmusements.com>; Evonne Keeler (ekeeler@unitedparks.com) <ekeeler@unitedparks.com>  
**Subject:** SA / Rye Follow up

Greg –

Hope all is well. We have been diligently working on closing our financing for United Parks / Standard Amusements and recently wrapped that up.

In the spirit of keeping an ongoing dialogue during our transition phase and prior to us taking over operations of Playland in December, there were a few deliverables that we discussed during our meeting:

- Sewage charge: Rye to provide a rough order of magnitude
- Provide detail to Rye's estimation of services / costs related to Playland (fire, EMS, etc.)
- Ice Casino Agreement: Standard Amusements to provide Rye with current copy of agreement (attached)

Please let us know if we missed anything on this list above. We look forward working with you on various Playland matters over the next few months as we transition into the operation of the site.

Thank you,  
Nicholas

**Nicholas J. Singer**  
Purchase Capital  
Office: +1.305.697.9610  
Email: [ns@purchasecap.com](mailto:ns@purchasecap.com)

## Usry, Greg G.

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**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Monday, August 02, 2021 12:53 PM  
**To:** Usry, Greg G.  
**Cc:** Wilson, Kristen K.; Beau Berni (bberni@StandardAmusements.com); Evonne Keeler (ekeeler@unitedparks.com); Andy Maniglia  
**Subject:** RE: Cost Summary

Greg –

Thanks for sending – we will review and come back to you.

Thank you,  
Nicholas

---

**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Monday, August 2, 2021 11:54 AM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Cc:** Wilson, Kristen K. <kwilson@ryeny.gov>  
**Subject:** Cost Summary

Nick,

As promised, attached is the summary information for our emergency services, and estimated sewer expense. I look forward to continuing our conversation.

Greg

**Greg Usry**  
City Manager  
**City of Rye, New York**  
1051 Boston Post Road | Rye, New York | 10580  
O: 914-967-7411 | >[gusry@ryeny.gov](mailto:gusry@ryeny.gov) | [www.ryeny.gov](http://www.ryeny.gov)  
[Take Advantage of RYEmote Services](#)

## Usry, Greg G.

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**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Wednesday, August 18, 2021 7:34 AM  
**To:** Usry, Greg G.  
**Cc:** Wilson, Kristen K.; Evonne Keeler (ekeeler@unitedparks.com); Beau Berni (bberni@StandardAmusements.com); Andy Maniglia  
**Subject:** RE: Cost Summary

Greg –

Thanks for reaching out. We are still reviewing the information you send and are considering next steps.

Also, several members of our team are taking end of August vacations.

At a minimum, you and I should plan to speak next week. Would Thursday August 26<sup>th</sup> at 11:30am ET work for you?

Thank you,  
Nicholas

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**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Tuesday, August 17, 2021 3:39 PM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Cc:** Wilson, Kristen K. <kwilson@ryeny.gov>  
**Subject:** RE: Cost Summary

Nick,

Just touching base. I am in town and available until August 30 if we can schedule some time to discuss. I will be out on vacation until September 13.

Greg

---

**From:** Usry, Greg G.  
**Sent:** Monday, August 02, 2021 11:54 AM  
**To:** [ns@purchasecap.com](mailto:ns@purchasecap.com)  
**Cc:** Wilson, Kristen K. <[kwilson@ryeny.gov](mailto:kwilson@ryeny.gov)>  
**Subject:** Cost Summary

Nick,

As promised, attached is the summary information for our emergency services, and estimated sewer expense. I look forward to continuing our conversation.

Greg

**Usry, Greg G.**

---

**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Friday, August 27, 2021 9:34 AM  
**To:** Usry, Greg G.  
**Subject:** RE: SA / Rye

Greg --

Thanks for the call and the follow up clarification.

I will reflect on everything and see if I can come up with a mutually agreeable solution.

Look forward to continuing the discussion once you are back.

Most importantly, please enjoy what sounds like an amazing family trip!  
Nicholas

-----Original Message-----

**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Thursday, August 26, 2021 3:50 PM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Subject:**

Nick,

I appreciate the call today, and the continued resolution. I will be back in the office on the 13th and we can pick things up after that.

As you give thought to the PILOT, pls understanding that the costs I outlined for you are actual incurred expenses. Anything you are thinking for a PILOT needs to recover those in full as a starting point.

I look forward to getting together in September.

Greg

Greg Usry  
City Manager

City of Rye  
1051 Boston Post Road  
Rye, New York 10580  
(914) 967-7411

**Usry, Greg G.**

---

**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Thursday, September 30, 2021 10:51 AM  
**To:** Usry, Greg G.  
**Subject:** RE: SA / Rye

Greg --

Good to hear from you and apologies for the delay in getting back to you.

I have a draft proposal, but before submitting it I wanted to speak to a lawyer knowledgeable about PILOT's in Rye / Westchester. We have found two potential firms and are hoping to select one this week.

They will likely need another 1-2 weeks to get up to speed. Once I have their input, I will send along the draft proposal.

Let's touch base the week of October 11th.

Thank you and I appreciate your patience.  
Nicholas

-----Original Message-----

**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Thursday, September 30, 2021 9:09 AM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Subject:** RE: SA / Rye

Good morning. I hope you are doing well. I would like to restart our conversations. I know you were working on term sheet/concept paper on how to approach City costs related to Playland. Is that something you can share in the next week? We begin our budget process Nov. 1 and it would be great to have a rough idea of how you are thinking about it before that.

Greg

-----Original Message-----

**From:** Nicholas J. Singer [mailto:ns@purchasecap.com]  
**Sent:** Friday, August 27, 2021 9:34 AM  
**To:** Usry, Greg G. <gusry@ryeny.gov>  
**Subject:** RE: SA / Rye

Greg --

Thanks for the call and the follow up clarification.

I will reflect on everything and see if I can come up with a mutually agreeable solution.

Look forward to continuing the discussion once you are back.

Most importantly, please enjoy what sounds like an amazing family trip!

Nicholas

-----Original Message-----

From: Usry, Greg G. <gusry@ryeny.gov>

Sent: Thursday, August 26, 2021 3:50 PM

To: Nicholas J. Singer <ns@purchasecap.com>

Subject:

Nick,

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As you give thought to the PILOT, pls understanding that the costs I outlined for you are actual incurred expenses. Anything you are thinking for a PILOT needs to recover those in full as a starting point.

I look forward to getting together in September.

Greg

Greg Usry  
City Manager

City of Rye  
1051 Boston Post Road  
Rye, New York 10580  
(914) 967-7411

## Usry, Greg G.

---

**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Monday, November 01, 2021 8:41 PM  
**To:** Usry, Greg G.  
**Subject:** RE: GT / Property Tax Memo

Greg –

Thanks for the quick response. I would note this is not a lease, but a management agreement.

Second, we have several examples of longer-term agreements on golf courses, airports, etc. so this is nothing new.

Given we shared our legal analysis, I would expect you to share whatever legal analysis you may be referring to.

Thank you,  
Nicholas

---

**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Monday, November 1, 2021 8:17 PM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Subject:** Re: GT / Property Tax Memo

Thank you. Much appreciated

We will review and revert. I am familiar with the position the County attorney has taken in the past. Obviously we view things differently given the change of control under the term lease.

I appreciate the quick turn around.

Greg

Greg Usry  
City Manager

City of Rye  
1051 Boston Post Road  
Rye, New York 10580  
(914) 967-7411

On Nov 1, 2021, at 8:12 PM, Nicholas J. Singer <[ns@purchasecap.com](mailto:ns@purchasecap.com)> wrote:

Greg –

I have been cleared by GT to share the memo. I would also note WC has done extensive research and has their own analysis. I am not at liberty to share given it is not our work product, but I would encourage you to speak to John Nonna about the topic.

The conclusion is unambiguous.

Thank you,  
Nicholas

**Nicholas J. Singer**  
Purchase Capital  
Office: +1.305.697.9610  
Email: [ns@purchasecap.com](mailto:ns@purchasecap.com)



**Usry, Greg G.**

---

**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Monday, November 01, 2021 8:12 PM  
**To:** Usry, Greg G.  
**Subject:** GT / Property Tax Memo  
**Attachments:** 1458\_001.pdf

Greg –

I have been cleared by GT to share the memo. I would also note WC has done extensive research and has their own analysis. I am not at liberty to share given it is not our work product, but I would encourage you to speak to John Nonna about the topic.

The conclusion is unambiguous.

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Nicholas

**Nicholas J. Singer**  
Purchase Capital  
Office: +1.305.697.9610  
Email: [ns@purchasecap.com](mailto:ns@purchasecap.com)

**Memorandum**

**TO:** Doug Anderson & Andy Maniglia

**FROM:** Glenn Newman

**DATE:** October 14, 2021

**RE:** Property Tax Exemption on Municipally Owned Land

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This memorandum addresses the issues surrounding whether certain parkland property owned by Westchester County and located in Rye, New York should be exempt from real property tax. The County of Westchester (the "County") owns certain property located at 100 Playland Parkway in Rye, New York, consisting of approximately 260 acres of parkland, commonly referred to as "Playland Park". Within Playland Park there is a boardwalk restaurant operated on a parcel pursuant to a license with the County ("Restaurant Parcel"). The restaurant is open to the general public when Playland Park is open and is open at times when Playland Park is closed.

In 2011, the Assessor of the City of Rye ("Assessor") asserted that property tax was due on the Restaurant Parcel denying an exemption that had been in place for many years and subsequently asserted property tax due for the years 2012 and beyond. An appeal was filed with the Board of Assessment Review for the City of Rye and, after that Board refused to reinstate the tax exemption the property had previously enjoyed, an Article 7 proceeding under the Real Property Tax Law was commenced in the Supreme Court, Westchester County where it is currently pending. *181 New England Seafood v. Noreen Whitty in her capacity as the Tax Assessor for the City of Rye* (Index No. 15923/2011).

The Real Property Tax Law ("RPTL") provides in § 406 (1) that: "Real property owned by a municipal corporation within its corporate limits held for a public use shall be exempt from taxation and exempt from special ad valorem levies and special assessments." Since the Restaurant Parcel is owned by Westchester County and within its corporate limits, the only issue involved in whether to grant the tax exemptions is whether the property is "held for public use".

The leading case to consider the issue of what is 'public use' involved a property tax exemption for a municipal airport on property owned by a municipality within its borders. *Town*

To: Doug Anderson & Andy Maniglia  
From: Glenn Newman  
Date: October 14, 2021  
Re: Property Tax Exemption on Municipally Owned Land

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*of Harrison v. Westchester County*, 13 N.Y.2d 258 (1963). In that case, the Court of Appeals held that “although what comprises a ‘public use’ within the meaning of the statute ‘has never been defined with exactitude’ and ‘must necessarily depend upon the peculiar circumstances of each case,’ it has been said, and most appropriately, that ‘held for public use,’ in this connection means that the property should be occupied, employed, or availed of, by and for the benefit of the community at large, and implies a possession, occupation and enjoyment by the public, or by public agencies.” (Citations omitted). It follows, therefore, that those portions of the land owned by a municipality which are employed in the actual operation of an airport for the general use of its inhabitants must be deemed to be “held for a public use” and, accordingly, exempt from taxation.”

In *Town of Harrison*, the issue was whether certain hangars leased to private parties were exempt from property tax. There was no dispute that ticketing offices, waiting rooms and the hangars used to house and maintain aircraft serving the public were exempt. Other hangars that were occupied by private corporations, either as lessees or sublessees which gave them complete dominion over the premises. The hangars were not leased nor used for the purpose of providing storage or maintenance area for aircraft serving the general public. On the contrary, since the exclusive, long-term control of the premises was by private corporations and the use of the premises by them was solely for the storage and maintenance of aircraft serving only their own personnel and guests, resulted in the conclusion that the hangars, and the land upon which they are located, are not held for a public use.

The Restaurant Parcel at issue here is open to the general public and is similar to ticket offices and waiting areas as well as food service provided at airports. It is an amenity necessary for the public’s enjoyment of Playland Park unlike the private use of the hangars at issue in *Town of Harrison*.

More recently, municipally owned property leased to the Internal Revenue Service for use as offices and parking was determined to be a ‘public use’ and exempt from property tax and special assessments in *Fallica v. Town of Brookhaven*, 52 N.Y. 2d 794 (1980) adopting the dissenting opinion of Judge Lazer, 69 A.D.2d 579, 598 (2nd Dept., 1979). In his dissent in *Fallica*, Judge Lazer cited both *Matter of County of Erie v Kerr* (49 A.D.2d 174 [Rich Stadium]) and *Matter of Dubhs v Board of Assessment Review of County of Nassau* (81 Misc.2d 591 [Nassau

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From: Glenn Newman  
Date: October 14, 2021  
Re: Property Tax Exemption on Municipally Owned Land

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Veterans Memorial Coliseum]), municipal facilities leased to private commercial interests for the showing of major league sporting contests, cultural events, public exhibitions and the like were declared to be held for public use. This was so despite the fact that the primary beneficiaries were the owners of major league sports franchises. “Nevertheless, the rationale of *Erie* and *Dubhs* is not difficult to accept — the uses involved provided a means of meeting the recreational needs of the residents of the locality.” *Fallica*, 69 AD2d at 602.

In addition, a garage leased to and operated by a private entity on municipal property adjacent to the Pepsi Arena in Albany was determined to be a public use in *Matter of Spectapark Associates v. City of Albany*, 12 AD 3rd 800 (3<sup>rd</sup> Dept., 2004). These decisions demonstrate that a restaurant facility serving the general public on municipal property in connection with a recreational facility should be exempt for property tax as it is a public use.

Additional authority, aside from court decisions, include Opinions of Counsel of the State Board of Equalization and Assessment (now the Office of Real Property Services within the New York State Department of Taxation and Finance) addressing the issue of tax exemptions on municipally owned land. These opinions are issued to local officials to advise them on property tax questions.

In an Opinion involving an airport on municipal property, the court decisions were reviewed and the Opinion concluded that “parking concessions, restaurants, airline ticket facilities and hangars, and car rental services which are necessary to the operation of the airport and which are available to the general public are entitled to an exemption from taxation.” The Opinion goes on to state if “use of such facilities is restricted to a specific group or class of people, then such facilities are subject to taxation. However, if such facilities are leased to a private concern which makes them available to the general public use, then they are clearly exempt from taxation.” Opinions of Counsel (SBEA) Volume 5 No. 20, August 11, 1975.

In what is probably the closest case to the facts and issues presented regarding the Restaurant Parcel in Playland Park, involved a catering facility at a county owned golf course located within the county and operating on the county’s behalf by a licensee. This Opinion referenced a court case involving the Glen Island Casino located on a golf course on parkland in New Rochelle. Although no conclusion on the exemption was reached by the court due to a

To: Doug Anderson & Andy Maniglia  
From: Glenn Newman  
Date: October 14, 2021  
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procedural issue, the Opinion notes the case of *Mtr. Of Westchester County v. Rizzardi*, 39 Misc.2d 820; aff'd 22 A.D.2d 808 (2<sup>nd</sup> Dept., 1964). Although it did not reach a conclusion, the Supreme Court Westchester County stated: "There is no evidence in the record showing that those coming to the park for general recreation make any substantial use of the Casino. There is nothing to show that in any material way its operation contributes to park purposes or public use of the park as a park. It is literally only a restaurant that is open Saturday nights and whenever some particular group or organization or some person makes special reservation for a private or public function there." *Id.* at p. 822.

The facts in the case and the Opinion are that in addition to operating the golf course, the licensee opened a catering business on the premises which catered private parties. The licensee was authorized to schedule two golf "outings" per week (Monday - Thursday), but one of these could not have more than 60 guests and the golf course had to remain open to the public unless the town's parks and recreation commissioner agreed otherwise. After reviewing the case law and given these facts, the question was whether the golf course and/or catering facility may continue to receive a tax exemption pursuant to section 406(1) of the Real Property Tax Law.

Public accessibility was the key factor. The Opinion states that the golf course may be unavailable to the public on one or (with town approval) two weekdays per week. "It is a question for the trier of fact (*i.e.*, the assessor in the first instance) whether that potential unavailability vitiates the public use test." For purposes of addressing the catering facility it was assumed that the golf course was tax exempt. Based on the facts provided, it appeared that public access to the catering facility was far more restricted. The Opinion concludes, "[w]here exemption has been lost in leasehold situations (citations omitted), it has been where the public has had its access to the leased property so restricted as to eliminate its "public use" thereof." Opinion of Counsel (SBRPS) Volume 10 No. 120, November 27, 2000. The restaurant in Playland Park is open to the general public and is accessible for public use at more times than the park itself.

In any discussions with the assessor or in litigation, it may be argued that the case of *Town of Rye v. Assessor of the City of Rye*, 141 A.D. 3<sup>rd</sup> 727 (2<sup>nd</sup> Dept., 2016) is relevant. That case involved a license to an operator of a restaurant on land owned by the Town of Rye but located

To: Doug Anderson & Andy Maniglia  
From: Glenn Newman  
Date: October 14, 2021  
Re: Property Tax Exemption on Municipally Owned Land

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outside the corporate limits of the Town and within the boundaries of another municipality, the City of Rye. In 2011 the Assessor of the City of Rye removed the tax property exemption that had been in place from 1908 through 2010 for a portion of the park licensed to a private corporation for the operation of a restaurant. The Town of Rye filed a petition and moved for summary judgment noting that the park had been wholly exempt from 1908 to 2010 and had a food concession and/or a restaurant operating continuously since 1910. The Town argued that the restaurant enhanced the amenities of the park by encouraging people to come to the park to utilize it for recreation. The City cross-moved for summary judgment contending that no exemption was allowed because the City Council had not agreed in writing to grant the exemption pursuant to RPTL§ 406 (2). The court did not reach the issue of whether the restaurant was a ‘public use’ but rather denied the exemption holding that RPTL§ 406 (2) was the controlling statute. RPTL§ 406 (2) provides, “property owned by a municipal corporation **not within its corporate limits** while used for...a public park...shall be exempt from taxation by the municipal corporation in which it is located, provided the governing board thereof shall so agree in writing.” *Town of Rye*, supra (emphasis added). The Restaurant Parcel at issue, is located within the corporate limits of the relevant municipality, therefore any reliance on the decision in *Town of Rye* is misplaced.

As mentioned previously, there is a case pending in the Certiorari Part of the Supreme Court Westchester County, entitled *181 New England Seafood v. Noreen Whitty in her capacity as the Tax Assessor for the City of Rye* (Index No. 15923/2011), involving the property at issue here. This case is distinguished from *Town of Rye*, discussed above in that the parcel is within the corporate limits of the municipality and RPTL § 406 (2) would not apply.

#### **Payments in Lieu of Taxes**

In the event that property tax was sought to be imposed on the Restaurant Parcel, one possible solution would be to enter into an agreement for a payment in lieu of tax (“PILOT”) with the County or through the County’s Industrial Development Agency (“IDA”).

Real property owned by the county or controlled by an IDA is not subject to real property tax. Even when an IDA takes a leasehold interest in real property, the property becomes 100% exempt from real property taxes however, real property owned or controlled by an IDA continues to be subject to special assessments and user fees, like water, sewer, fire, etc.

To: Doug Anderson & Andy Maniglia  
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To provide for the needs of the local tax jurisdictions the IDA negotiates a PILOT Agreement with the company using the property. The IDA will then direct these PILOT payments to be made to the affected tax jurisdictions in the percentage that each affected tax jurisdiction would otherwise have received but for the IDA's involvement. IDAs are required to adopt a "Uniform Tax Exemption Policy" ("UTEP") which outlines the types of PILOT Agreements the IDA offers and the procedures for deviation from those stated policies. The Westchester County policy can be found at: [Microsoft Word - uniform sales tax policy.doc \(westchestercatalyst.com\)](#). Unfortunately, the policy available on the website does not contain the years the PILOT would be available nor the exemption percentage.

There are limitations on the financial assistance that can be provided including on retail facilities. An IDA is limited in its ability to provide financial assistance to projects "that are primarily used in making retail sales to customers" although there is an exception to the retail restriction, which include a "tourism destination" which is defined as locations or facilities which are likely to attract a significant number of visitors from outside the economic development region. It seems quite clear that Playland Park is, and has been for many years, such an attraction. Accordingly, in the event that a court determines that property tax can be imposed on the Restaurant Parcel, an IDA PILOT could be sought, and the terms negotiated.

It is important to note that RPTL § 406 (1) also provides an exemption from ad valorem levies and special assessments. However, it says nothing about user fees and there appears to be nothing that would prohibit an agreement between a municipality and a private party from entering into an agreement to pay fees for use or access to municipal property or services.

## Usry, Greg G.

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**From:** Usry, Greg G.  
**Sent:** Thursday, November 04, 2021 11:21 AM  
**To:** 'Beau Berni'  
**Cc:** Evonne Keeler; Andy Maniglia; Kopy, Michael A.  
**Subject:** RE: Playland's management transition

Beau,

I appreciate the outreach and beginning this important discussion. Coincidentally I have been in conversations with Nick regarding the significant financial and operational expense the City absorbs in supporting Playland. I welcome the chance to discuss how best to accomplish our collective goals going forward.

I recently hired a new Public Safety Commissioner, Mike Kopy. Mike was head of Emergency Management for the Governor and is a 30 yr veteran of the State Police. He brings a tremendous perspective.

Let's start with a kick off meeting to better understand Standard's plans vs. historic. We can make ourselves available next week if you want to suggest some dates and times.

Greg

---

**From:** Beau Berni [mailto:[bberni@StandardAmusements.com](mailto:bberni@StandardAmusements.com)]  
**Sent:** Tuesday, November 02, 2021 9:01 AM  
**To:** Usry, Greg G. <[gusry@ryeny.gov](mailto:gusry@ryeny.gov)>  
**Cc:** Evonne Keeler <[ekeeler@unitedparks.com](mailto:ekeeler@unitedparks.com)>; Andy Maniglia <[amaniglia@StandardAmusements.com](mailto:amaniglia@StandardAmusements.com)>  
**Subject:** Playland's management transition

Greg:

Hope you have been well.

In advance of our transition to daily operational management of Playland on December 1, I wanted to reach out prior to setting up any meetings with Rye Police and Fire departments. We are committed to an open communication with all parties and thought it may be of interest to have all of us together putting faces to names and discussing operational contacts and plans during the off-season.

Please let me know how you would like to proceed.

Thank you.

**Beau Berni**  
Standard Amusements LLC  
Phone: +1.914.820.3004  
Email: [bberni@standardamusements.com](mailto:bberni@standardamusements.com)



**sry, Greg G.**

---

**From:** Usry, Greg G.  
**Sent:** Wednesday, November 10, 2021 8:05 PM  
**To:** Nicholas J. Singer  
**Subject:** Re: GT / Property Tax Memo

Nick

I appreciate the follow up. We had a good intro meeting with Beau and team today.

Re the proposal, I need to brief the Council next Wednesday before I get into details. We have reviewed your reasoning in the context of your agreement with the County. Obviously we are very familiar with the noted cases. As you see we were/are a party to several. I am disappointed that the suggested contribution reflects a negligible amount of our historically determined costs, without including any asset depreciation or allocated administrative expense.

With that said, as promised I will have a more learned response in a few weeks. I do appreciate the continued outreach and discussion. I expect to have something more to discuss by the first of December.

Greg

Greg Usry  
City Manager

City of Rye  
1051 Boston Post Road  
Rye, New York 10580  
(914) 967-7411

On Nov 10, 2021, at 7:21 PM, Nicholas J. Singer <ns@purchasecap.com> wrote:

Greg –

Following up below on your legal analysis as well as your response of the proposal I made.

Should we plan to catch up on Friday?

Thank you,  
Nicholas

**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Monday, November 1, 2021 8:43 PM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Subject:** Re: GT / Property Tax Memo

Will do.

Greg

Greg Usry  
City Manager

City of Rye  
1051 Boston Post Road  
Rye, New York 10580  
(914) 967-7411

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Greg –

Thanks for the quick response. I would note this is not a lease, but a management agreement.

Second, we have several examples of longer-term agreements on golf courses, airports, etc. so this is nothing new.

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Thank you,  
Nicholas

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**Sent:** Monday, November 1, 2021 8:17 PM  
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City Manager

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wrote:

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Email: [ns@purchasecap.com](mailto:ns@purchasecap.com)

**Usry, Greg G.**

---

**From:** Nicholas J. Singer <ns@purchasecap.com>  
**Sent:** Thursday, November 11, 2021 2:23 PM  
**To:** Usry, Greg G.  
**Subject:** RE: GT / Property Tax Memo

Greg –

Thanks for the quick reply and I appreciate the open line of communication.

I was hoping for an expeditious win-win for Rye and for SA around the topic of a community impact fee.

Unfortunately, I feel Rye's approach to date has been fairly one-sided and does not recognize that a) several major categories of costs (particularly police) will decrease under SA's management and b) the substantial positive economic impact that will benefit the community.

Let's talk in a few weeks and see where we are. It is positive that we are discussing these very important issues. If we are still far apart by mid- December, then we might want to consider hiring an independent 3<sup>rd</sup> party consultant to perform a comprehensive cost / benefit analysis.

In the interim, have a Happy Thanksgiving and please feel free to reach to me and / or the team on all things Playland.

Thank you,  
Nicholas

**From:** Usry, Greg G. <gusry@ryeny.gov>  
**Sent:** Wednesday, November 10, 2021 8:05 PM  
**To:** Nicholas J. Singer <ns@purchasecap.com>  
**Subject:** Re: GT / Property Tax Memo

Nick

I appreciate the follow up. We had a good intro meeting with Beau and team today.

Re the proposal, I need to brief the Council next Wednesday before I get into details. We have reviewed your reasoning in the context of your agreement with the County. Obviously we are very familiar with the noted cases. As you see we were/are a party to several. I am disappointed that the suggested contribution reflects a negligible amount of our historically determined costs, without including any asset depreciation or allocated administrative expense.

With that said, as promised I will have a more learned response in a few weeks. I do appreciate the continued outreach and discussion. I expect to have something more to discuss by the first of December.

Greg

Greg Usry  
City Manager

City of Rye  
1051 Boston Post Road

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(914) 967-7411

On Nov 10, 2021, at 7:21 PM, Nicholas J. Singer <[ns@purchasecap.com](mailto:ns@purchasecap.com)> wrote:

Greg –

Following up below on your legal analysis as well as your response of the proposal I made.

Should we plan to catch up on Friday?

Thank you,  
Nicholas

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**From:** Usry, Greg G. <[gusry@ryeny.gov](mailto:gusry@ryeny.gov)>  
**Sent:** Monday, November 1, 2021 8:43 PM  
**To:** Nicholas J. Singer <[ns@purchasecap.com](mailto:ns@purchasecap.com)>  
**Subject:** Re: GT / Property Tax Memo

Will do.

Greg

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On Nov 1, 2021, at 8:40 PM, Nicholas J. Singer <[ns@purchasecap.com](mailto:ns@purchasecap.com)> wrote:

Greg –

Thanks for the quick response. I would note this is not a lease, but a management agreement.

Second, we have several examples of longer-term agreements on golf courses, airports, etc. so this is nothing new.

Given we shared our legal analysis, I would expect you to share whatever legal analysis you may be referring to.

Thank you,  
Nicholas

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**From:** Usry, Greg G. <[gusry@ryeny.gov](mailto:gusry@ryeny.gov)>  
**Sent:** Monday, November 1, 2021 8:17 PM  
**To:** Nicholas J. Singer <[ns@purchasecap.com](mailto:ns@purchasecap.com)>  
**Subject:** Re: GT / Property Tax Memo

Thank you. Much appreciated

We will review and revert. I am familiar with the position the County attorney has taken in the past. Obviously we view things differently given the change of control under the term lease.

I appreciate the quick turn around.

Greg

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On Nov 1, 2021, at 8:12 PM, Nicholas J. Singer <[ns@purchasecap.com](mailto:ns@purchasecap.com)> wrote:

Greg –

I have been cleared by GT to share the memo. I would also note WC has done extensive research and has their own analysis. I am not at liberty to share given it is not our work product, but I would encourage you to speak to John Nonna about the topic.

The conclusion is unambiguous.

Thank you,  
Nicholas

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