



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 402

**RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR  
THE PRESIDENT AND CEO TO ENTER INTO AN AGREEMENT FOR LIFT  
MODERNIZATIONS AT WHITEFACE MOUNTAIN FOR COMPONENTS OF THE  
FACE LIFT AND CLOUDSPLITTER GONDOLA**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

**WHEREAS**, ORDA desires to enter into a proposed Agreement for work on a project entitled “WFM Lift Modernization” (WFM.20.011.001) with Doppelmayr USA, Inc., for necessary repairs and improvements at Whiteface Mountain Ski Center (the “Project”); and

**WHEREAS**, a general overview of the Project scope includes, but is not limited to, all the proprietary design/engineering for the manufactured systems and components to be included within the contract and all the labor, materials, tools, equipment and temporary facilities to manufacture, transport to the contract/project location and to install as required by the scope of the identified systems. The Cloudsplitter Gondola upgrade shall include a new low-voltage control system and the Face Lift upgrade shall include a new low-voltage control system, DC Drive replacement, communication line replacement and associated components; and

**WHEREAS**, the Project is part of a continuing effort to provide upgrades and improvements to ORDA facilities that are necessary to ensure the continued success of ORDA operations; and

**WHEREAS**, following a provide and install manufactured system Request for Proposals in the New York State Contract Reporter, Doppelmayr USA, Inc. submitted a proposal for ORDA’s consideration and said bid was awarded as the lowest responsible bidder; and

**WHEREAS**, the lump sum cost for the Project is \$2,170,000.00; and

**WHEREAS**, the anticipated final completion date for the Project is July 21, 2021; and

**WHEREAS**, the President & CEO has requested that the Board commit the requisite capital for the Project; and

**WHEREAS**, pursuant to ORDA’s By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which

will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into the foregoing proposed Agreement.

**THEREFORE, BE IT RESOLVED** that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the Project as is described more fully herein; and

**THEREFORE, BE IT FURTHER RESOLVED** that, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreement under the circumstances and incorporating the terms described above.

MOVED BY: Betty Little

SECONDED BY: Andy Lack

and

ADOPTED BY the following vote:

Kelly Cummings  
Bill Beancy  
Stephen Hunt  
Thomas Keegan  
Andy Lack  
Betty Little  
Art Lussi  
Diane Munro  
Chris Pushkarsh  
Jeff Stefanko  
Elmor Tatum

Excused/Abstained:

Cliff Donaldson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Against:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 402 was duly passed by the Board of Directors on January 22, 2021.

Signature Emily Stanton  
Title: Secretary to the Board of Directors

Sworn before me this 22 day of January 2021  
Notary Public, State of New York

**CHARLOTTE JUDITH SHEPARD**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
No. 01SH6406992  
Qualified in Essex County  
My Commission Expires 04-27-2024

Charlotte Judith Shepard 1/22/2021



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 403**

**RESOLUTION COMMITTING CAPITAL AND GRANTING CONDITIONAL APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AN AMENDED AGREEMENT FOR THE OLYMPIC SPORTS COMPLEX - TRANSFORMATION PROJECTS SITE WORK**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

**WHEREAS**, on May 22, 2019, the Board of Directors (“Board”) approved Resolution #330, entitled “Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Olympic Sports Complex – Transformational Projects Site Work” (Contract No. OSC.18.004.011) (“the Agreement”); and

**WHEREAS**, Resolution #330 provided, among other things, for a variety of upgrades at the Olympic Sports Complex to facilitate trailhead access, enable expanded ski trails and snowmaking capabilities, establish broadcast media infrastructure and a Nordic Stadium, a new biathlon shooting range, provide parking lot improvements, accommodate a planned alpine coaster recreational ride system, and assure compliance with the Americans with Disabilities Act (ADA); and

**WHEREAS**, the specific work to be performed included the installation of the lower campus wastewater collection and treatment system, and trenching and backfill for primary and secondary electrical distribution and outside plant network duct bank, including a media compound and the outside plant network operations center; and

**WHEREAS**, the value of the original Agreement, as approved by the New York State Office of the Comptroller and Office of the Attorney General, was \$25,645,355; and

**WHEREAS**, thereafter, during the design of the onsite wastewater system, the area initially identified for the subsurface wastewater disposal system was determined to have high ground water making it not suitable for subsurface disposal, however suitable soils were found in the snow field area where the proposed subsurface absorption area will now be located, with additional pumping and pipeline to convey the wastewater; and

**WHEREAS**, the design of the permanent site electrical and site data and communications was completed at the end of 2019, which included additional buried conduit and vaults to facilitate the installation of the permanent power and telecommunications at the venue; and

**WHEREAS**, as a result of the need for the changes described above, on March 16, 2020, the Board approved Resolution #374 to Amend the original contract to increase its value by \$2,090,000.00 for a total estimated cost of work of \$27,735,355.00, as approved by the New

York State Office of the Comptroller and the Office of the Attorney General on May 12, 2020; and

**WHEREAS**, thereafter, changes to the specific work to be performed included the infrastructure to support electric vehicle charging stations for six vehicles. Due to the anticipated growth in demand for charging stations, ORDA proposed to increase the support infrastructure to allow for up to ten dual charging stations with a twenty vehicle future capacity; and

**WHEREAS**, changes to the specific work to be performed further included plans for the installation of two ski bridges on the Nordic trail network for stream crossings when, during the design process, field work identified that the wetlands bordering the stream were larger in extent than initially anticipated, as a result the dimensions of the two ski bridges needed to be increased in order to span the wetlands and stream; and

**WHEREAS**, changes to the specific work to be performed further included the water pumping and transmission system to feed the snowmaking reservoir that relied on existing wells onsite and the North Meadowbrook Pump House, with a sharing capacity between the existing wells to satisfy the potable water demand in addition to the snowmaking demand. During the design process, the capacity of the existing wells onsite were tested and determined to have less capacity than originally anticipated, which resulted in modifying the potable water system to use the existing wells exclusively and adding a new well to supply water to the snowmaking reservoir, along with modifications of the pumping system to combine the North Meadowbrook Pump station and the new well; and

**WHEREAS**, changes to the specific work to be performed further included the construction of a new biathlon range, which the final design stage reflected the requirement of additional alterations to bring the range into compliance with the International Biathlon Union homologation standards for competition, including a lower infield area which will entail using concrete curbing and modifications to the drainage, and additional fencing to provide separation of competition areas and to provide a uniform backstop behind the range targets; and

**WHEREAS**, changes to the specific work to be performed further included site stormwater drainage improvements, which required additional improvements needed to handle unforeseen drainage issues for the final homologation grade requirements of the biathlon stadium, and for design and grading changes at the Base Lodge south end and trail area, and to complete the drainage design in the Awards Plaza and ADA Drop-Off area and unforeseen grade issues with the buried propane storage tank system; and

**WHEREAS**, as a result of the need for the changes described above, on August 7, 2020, the Board approved Resolution #391 to Amend the original contract to increase its value by \$873,000.00 for a total estimated cost of work of \$28,608,355.00, as approved by the New York State Office of the Comptroller and the Office of the Attorney General on December 16, 2020; and

**WHEREAS**, thereafter, during the design of the reservoir, it was discovered the subsurface soil borings provided in the Request for Proposals (RFP) for a basis of design for the reservoir did not fully reflect the actual subsurface conditions, and the RFP was specific in the avoidance of any design which would impact the schedule, such as a “dam” that requires permitting

from the NYS Department of Environmental Conservation. Accordingly the configuration of the reservoir was modified as to conform to the existing subsurface conditions. Said conditions resulted in an increase of overburden excavation and a reduction of mass blasting causing the Contractor to change their proposal methodology and reduce the size of the proposed reservoir and the delivery of crushed aggregate for many elements of the project. Additionally, it was determined that increased fencing around the reservoir was in the best interest of the safety of wildlife and guests; and

**WHEREAS**, changes to the specific work to be performed further included the addition of temporary tanks and pumps for potable water supply to allow for filling and testing hydronic mechanical heating and fire sprinkler equipment for phased occupancy of the Base Lodge and for commissioning the snowmaking system and the mitigation of existing corroded supply piping at the North Meadowbrook Pump House; and

**WHEREAS**, changes to the specific work to be performed further included the new Base Lodge Push Track roof drains which lie adjacent to the new ski trail system and required installation of a stone drip edge system to avoid undesirable and unsafe trail conditions; and

**WHEREAS**, changes to the specific work to be performed further included the relocation of four pairs of snowmaking hydrants and the relocation of highpoint drains with direct piping to nearby swales and air-relief valves that will provide better coverage and reduced operational costs and maintenance; and

**WHEREAS**, the Novel COVID-19 virus impacted the operation of the local concrete batch plant and the Contractor was required to secure concrete from an alternate batch plant at an increased cost; and

**WHEREAS**, the final design and installation of the wastewater system has been completed and has resulted in a credit to the previously approved amount, therefore this amount needs to be credited back into the funding; and

**WHEREAS**, the proposed Amendment will reflect these changes to the scope of work; and

**WHEREAS**, pursuant to the terms of the proposed Amendment, the change order will increase the value of the contract by \$553,458.16 for a total estimated cost of work of \$29,161,813.16; and

**WHEREAS**, due to the changes described herein, including all previous changes, the date of Substantial Completion is now November 6, 2020 with a Physical Completion date of January 15, 2021; and

**WHEREAS**, the President & CEO has requested that the Board commit the requisite capital for the proposed Amendment; and

**WHEREAS**, pursuant to ORDA's By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into any agreement the value of which will be in

excess of \$250,000.00 or more over the life of the agreement, the President & CEO hereby requests the authority to enter into the foregoing proposed Amended Agreement on the revised terms as provided for herein, and subject to approval by the Office of the State Comptroller and the Office of the Attorney General; and

**THEREFORE, BE IT RESOLVED** that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the proposed amendment, which will authorize the change order described herein to Resolution #330, entitled "Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Olympic Sports Complex – Transformational Projects Site Work" (Contract No. OSC.18.004.011); and

**THEREFORE, BE IT FURTHER RESOLVED** that, subject to the approval of the proposed Agreement by the Office of the State Comptroller and the Office of the Attorney General, the Board of Directors hereby authorizes the President & CEO to enter into the proposed Amended Agreement upon the terms and amounts provided for above.

MOVED BY: Diane Munro

SECONDED BY: Thomas Keegan

and

ADOPTED BY the following vote:

Kelly Cummings  
Bill Beahy  
Stephen Hunt  
Thomas Keegan  
Andy Lack  
Betty Little  
Art Luzzi  
Diane Munro  
Chris Pushkarsh  
Jeff Stefanko  
Elinor Tatum

Excused/Abstained:

Cliff Donaldson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Against:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 403 was duly passed by the Board of Directors on January 22, 2021.

Signature Emily Stanton  
Title: Secretary to the ORDA Board of Directors

Sworn before me this 22 day of January 2021  
Notary Public, State of New York

**CHARLOTTE JUDITH SHEPARD**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. J15H6406002  
Qualified in Essex County  
My Commission Expires 04-27-2024

Charlotte Judith Shepard  
1/22/2021



## NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

### Resolution # 404

#### **RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AGREEMENTS FOR THE OLYMPIC SKI JUMPING COMPLEX OUTFRAN RECONSTRUCTION PROJECT**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

**WHEREAS**, ORDA desires to enter into proposed Agreements entitled “HS128 & HS100 Outrun Reconstruction Contract” (OJC.20.001.100), “Snowmaking System Contract” (OJC.20.001.101), “Electrical and IT Conduit Installation Contract” (OJC.20.001.104), “HS128 & HS100 Outrun Reconstruction Construction Management Contracts” (OJC.20.001.007-008), and “HS128 & HS100 Outrun Reconstruction Construction Administration Contracts” (OJC.20.001.009-013) for necessary upgrades and improvements at the Olympic Ski Jumping Complex (the “Project”); and

**WHEREAS**, the Project work shall include all work in the Project Manual and on the Project Drawings, including all labor, equipment, materials and temporary facilities for the Project, the scope of which shall include, but not be limited to:

- “HS128 & HS100 Outrun Reconstruction Contract” (OJC.20.001.100), ORDA is still evaluating bid proposals – performing the reconstruction of the profiles of the HS128 and HS100 ski jump outruns and installation of a concrete surface, which includes steel structures, grading, concrete work, deflection boards, stair systems, drainage system, installation of lighting foundations and excavation for conduit system and other miscellaneous electrical and information technology conduits, developing a stormwater pollution prevention plan, and full cooperation and coordination with other contracts that are involved in the Project and final clean-up.
- “Snowmaking System Contract” (OJC.20.001.101), to be performed by G.W. Tatro Construction NY LLC - performing the reconstruction of the HS128, HS100, HS10, HS20 and HS40 ski jump outruns snowmaking systems and new Pump House. ORDA will supply snowmaking distribution piping (pump house piping is excluded), air compressor and snow guns. The Contractor shall be responsible for receiving and unloading ORDA supplied piping and air compressor. Startup assistance, commissioning, training, and final clean-up are included. Additional contingency has been added due to unit pricing.
- “Electrical and IT Conduit Installation Contract” (OJC.20.001.104), to be performed by Northline Utilities – assisting Venue operations staff with the installation of electrical and IT conduit. Materials by ORDA and trenching by Contact No. OJC.20.001.100.

- “HS128 & HS100 Outrun Reconstruction Construction Management Contracts” (OJC.20.001.007-008) to be performed respectively by Gilbane Building Company and aBAERE Group - Construction Management Services are to include management and coordination of the Project and third-party specialty inspections. Preconstruction phase services are to include but not be limited to interdisciplinary document review and estimates services. Includes all expenses.
- “HS128 & HS100 Outrun Reconstruction Construction Administration Contracts” (OJC.20.001.009-013) be performed respectively by Schoder Rivers Associate, North Woods Engineering, Reynolds Architecture Engineering, The LA Group, and Sno-Matic - Construction Administration Services includes all primes and all sub-consultants management, and supervision for Shop Drawings/Submittal review, addressing Request for Information, issuance of Information Bulletins and subsequent Work Change Directives, management of Quality Control/Quality Assurance Program, interpretation of Contract Documents and expenses.

**WHEREAS**, ORDA desires to enter into proposed Agreements entitled “Snowmaking Compressor Purchase Contract” (OJC.20.001.107), “Snowmaking Summer Jumping Surface Contract” (OJC.20.001.102), “Electrical and IT Conduit Purchase Contract” (OJC.20.001.113), “Snowmaking Piping Purchase Contract” (OJC.20.001.105), “Snowmaking Snow Gun and Hose Purchase Contract” (OJC.20.001.106), and “Summer Surface Precast Lighting Foundation Contract” (OJC.20.001.110) for the supply of commodities contracts as identified in the Project Manuals which includes all materials and delivery and, if required, technical installation services for the Project, the scope of which shall include, but not be limited to:

- “Snowmaking Summer Jumping Surface Contract” (OJC.20.001.102) ORDA is still evaluating bid proposals – supply all materials required to cover the HS128 & HS100 with a summer jumping surface for off season jumping, and snow retention netting for winter jumping. All materials shall meet FIS Specifications for alpine competition equipment. Vendor shall also provide five days on site supervision for plastic installation and two days on site to supervise the installation of snow retention nets. Materials are procured via posting on New York State Contract Reporter.
- “Snowmaking Compressor Purchase Contract” (OJC.20.001.107) to be performed by Wise Air Inc. – supply and delivery of a centrifugal type air compressor system with enclosure and start-up for snowmaking operations. Materials are procured via posting on New York State Contract Reporter.
- “Electrical and IT Conduit Purchase Contract” (OJC.20.001.113), supply of electrical and IT conduits for installation by ORDA with assistance by Contract No. OJC.20.001.104 and trenching by Contract No. OJC.20.001.100.
- “Snowmaking Piping Purchase Contract” (OJC.20.001.105) to be performed by Crestwood Tubulars – supply 2-inch, 4-inch and 6-inch snowmaking piping required to complete the design as provided by Sno-Matic Engineering, Snowmaking Distribution Upgrades-2020 and all Detail Drawings. Materials are procured via posting on New York State Contract Reporter.



- “Summer Surface Precast Lighting Foundation Contract” (OJC.20.001.110) to be performed by Musco – supply pre-cast lighting foundation units for installation by Contract No. OJC.20.001.100. Materials are procured via Piggy-Back Procurement Contract.

**WHEREAS**, the Projects are part of a continuing effort to provide upgrades and improvements to ORDA facilities that are necessary to ensure the continued success of ORDA operations; and

**WHEREAS**, to do this ORDA will need to be able to commit to the expenditure of funds necessary for the expenses related to the Project including but not limited to possible contracts for design and/or construction as soon as any funds are made available; and

**WHEREAS**, following design-bid-build Requests for the construction Proposals in the New York State Contract Reporter, of the proposals submitted for ORDA’s consideration, including, but not limited to, the companies referenced hereinabove, all bids chosen by ORDA were determined to be the lowest responsible bidder for the Project; and

**WHEREAS**, following Requests for Proposals the commodities in the New York State Contract Reporter or via Piggy-Back Procurement in compliance with State Finance Law, of the proposals submitted for ORDA’s consideration, including, but not limited to, the companies referenced hereinabove, all bids chosen by ORDA were determined to be the Best Value bidder for the Project; and

**WHEREAS**, the anticipated cost of the Project is approximately \$11,300,000.00; and

**WHEREAS**, the President & CEO has requested that the Board commit the requisite capital for the Project; and

**WHEREAS**, pursuant to ORDA’s By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into those Agreements listed above that exceed \$250,000.00.

**THEREFORE, BE IT RESOLVED** that, subject to any necessary review and approvals as may be required by law or regulation, the Board of Directors hereby authorizes the President & CEO to invest up to \$11,300,000.00 for expenses related to the Project as is described more fully herein, including but not limited to the authority to enter into those contracts identified in this resolution that exceed \$250,000.00. The President & CEO will report to the Board of Directors at each meeting the status of the Project and the amount and type of any contracts entered into since the last meeting of the Board of Directors, in implementing the work necessary for upgrades and improvements at the Project.

**THEREFORE, BE IT FURTHER RESOLVED** that, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreements under the circumstances and incorporating the terms described above.

MOVED BY: *Elijior Tatum*

SECONDED BY: Betty Little

and

ADOPTED BY the following vote:

Kelly Cummings  
Bill Beaney  
Stephen Hunt  
Thomas Keegan  
Andrew Lack  
Betty Little  
Art Lussi  
Diane Munro  
Chris Pushkarsh  
Jeff Stefanko  
Elinor Tatum

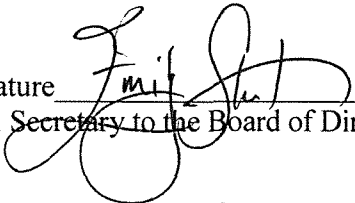
Excused/Abstained:  
Cliff Donaldson

Against:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 404 was duly passed by the Board of Directors on January 22, 2021.

Signature   
Title: Secretary to the Board of Directors

Sworn before me this 22 day of January 2021  
Notary Public, State of New York

CHARLOTTE JUDITH SHEPARD  
NOTARY PUBLIC-STATE OF NEW YORK  
No 015H6406092  
Qualified in Essex County  
My Commission Expires 04-27-2024

Charlotte Judith Shepard 1/22/2021



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 405**

**RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR  
THE PRESIDENT & CEO TO ENTER INTO AN AGREEMENT FOR THE UPDATE  
AND EXTENSION OF ORDA'S WORKERS' COMPENSATION INSURANCE POLICY**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

**WHEREAS**, ORDA currently maintains a three-year Workers' Compensation Insurance Policy with ORDA's Workers' Compensation Insurance Carrier, Public Employer Risk Management Association Inc. (PERMA); and

**WHEREAS**, the third term of the current contract began on January 1, 2021; and

**WHEREAS**, PERMA has offered an incentive to extend the current contract for an additional year until January 1, 2023; and

**WHEREAS**, the incentive being offered will reduce ORDA's 2021 premium costs by \$42,298.00 from \$1,691,935 to \$1,649,637 and will include an updated loss ratio adjustment as set forth below; and

**WHEREAS**, this incentive is being offered in part due to ORDA's loss ratio of 37.21% for the 2020 contract term; and

**WHEREAS**, the amount of premium in 2022 will be dependent on a ratio that is determined by the amount of losses that ORDA incurs in 2021 as follows:

- For a loss ratio equal to or less than 45%, \$1,484,673;
- For a loss ratio greater than 45% to less than or equal to 55%, \$1,598,498;
- For a loss ratio greater than 55% to less than or equal to 75%, \$1,649,637;
- For a loss ratio of greater than 75%, 1,765,112; and

**WHEREAS**, under the first three scenarios, ORDA will pay the same or substantially less than its 2021 premium; and

**WHEREAS**, PERMA has been ORDA's carrier for Workers' Compensation Insurance since 2008 and has been working with ORDA for the past three years to implement programs through which ORDA has reduced and will continue to work to reduce its Workers' Compensation insurance costs; and

**WHEREAS**, ORDA's insurance broker has advised that as a public authority ski area operator ORDA has insurance needs for which PERMA is uniquely suited to provide the required Workers' Compensation coverage; and

**WHEREAS**, for the foregoing reasons, it is in the best interest of ORDA to extend the Workers' Compensation Policy term for an additional year over the current term due to the savings that will accrue to ORDA as a result; and

**WHEREAS**, pursuant to ORDA's By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into an agreement to extend the current PERMA Workers' Compensation Insurance contract by an additional year until January 1, 2023.

**THEREFORE, BE IT RESOLVED** that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the Project as is described more fully herein; and

**THEREFORE, BE IT FURTHER RESOLVED** that, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreement under the circumstances and incorporating the terms described above.

MOVED BY: Art Lussi

SECONDED BY: Betty Little

and

ADOPTED BY the following vote:

Kelly Cummings  
Bill Beaney  
Stephen Hunt  
Thomas Keegan  
Andy Lack  
Betty Little  
Art Lussi  
Diane Munro  
Chris Pushkarsh  
Jeff StefanKo  
Elinor Tatum  
\_\_\_\_\_

Excused/Abstained:

Cliff Donaldson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

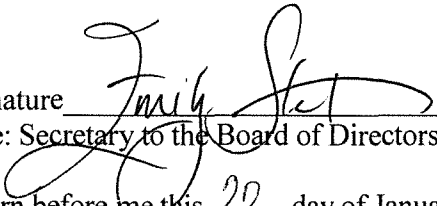
Against:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 405 was duly passed by the Board of Directors on January 22, 2021.

Signature

  
Title: Secretary to the Board of Directors

Sworn before me this 22 day of January 2021

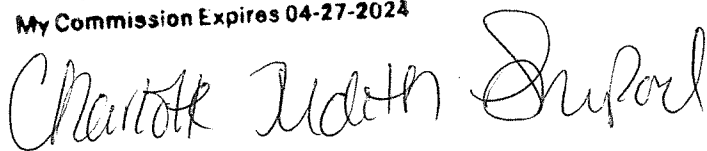
Notary Public, State of New York

CHARLOTTE JUDITH SHEPARD  
NOTARY PUBLIC-STATE OF NEW YORK

No. 01SH6406992

Qualified in Essex County

My Commission Expires 04-27-2024



1/22/2021



## NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

### Resolution # 406

#### **RESOLUTION APPROVING AND ADOPTING A BACKGROUND CHECK POLICY**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

**WHEREAS**, pursuant to Public Authorities Law § 2824, the Board of Directors is charged with establishing written policies and procedures governing the conduct of ORDA and ORDA personnel; and

**WHEREAS**, ORDA is committed to the highest standards for its employees, and to complying with all applicable statutes and regulations in making employment decisions; and

**WHEREAS**, consistent with the law, it is ORDA's intent to implement and adopt a written policy and procedure to determine the overall fitness for employment of a Candidate, as that term is defined in the Policy, to promote a safe work environment for other ORDA employees, to ensure the safety of the visiting public and the many athletes who utilize ORDA venues for training and competition, and to assure the protection of ORDA property, proprietary information, and other assets; and

**WHEREAS**, due in part to the requirements of the Safe Sport Authorization Act (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, 36 U.S.C. § 22051) and ORDA's relationship with the United States Olympic and Paralympic Committee, those ORDA staff who are employed in certain titles, as is further detailed in the Policy, will be subject to ongoing background check requirements during the terms of their employment; and

**WHEREAS**, ORDA will conduct all employment background checks in accordance with the terms of this Policy, New York State's Fair Credit Reporting Act (N.Y. GEN. BUS. LAW § 380), the Federal Fair Credit Reporting Act (15 U.S.C. § 1681), and all other applicable laws, statutes, rules, and regulations including, but not limited to, New York State Correction Law Article 23-a; and

**WHEREAS**, ORDA will use a TPA, as defined in the Policy, that is approved by the United States Olympic and Paralympic Committee ("USOPC") as a background check vendor. The authorized TPA will be a full-service screening organization that works in accordance with the recommended guidelines established by the USOPC; and

**WHEREAS**, the responsibility for implementation and oversight of this Policy resides with the ORDA Office of Human Resources, unless otherwise noted within the Policy; and

**WHEREAS**, based on the foregoing, it is found and determined that it is both necessary and desirable to implement and adopt a comprehensive Background Check Policy which is compliant with applicable State and Federal laws and regulations; and

**WHEREAS**, annexed hereto and made a part hereof as if fully restated herein, is ORDA's proposed Background Check Policy;

**THEREFORE, BE IT RESOLVED**, that after careful consideration and due deliberation, the Board of Directors hereby approves and adopts the attached Background Check Policy, effective immediately, that will be posted on the ORDA website and implemented across all ORDA venues.

MOVED BY: Diane Munro

SECONDED BY: Andy Lack

and

ADOPTED BY the following vote:

Kelly Cummings  
Bill Beaney  
Stephen Hunt  
Thomas Keegan  
Andy Lack  
Betty Little  
Art Lussi  
Diane Munro  
Chris Pushkarsh  
Jeff Stefaniko  
Elinor Tatum

Excused/Abstained:

Cliff Donaldson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Against:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 406 was duly passed by the Board of Directors on January 22, 2021.

Signature

Emily Stanton  
Title: Secretary to the Board of Directors

Sworn before me this 22 day of January 2021  
Notary Public, State of New York

**CHARLOTTE JUDITH SHEPARD**  
**NOTARY PUBLIC STATE OF NEW YORK**  
No. 019H6406392  
Qualified in Essex County  
My Commission Expires 04-27-2024

Charlotte Judith Shepard 1/22/2021



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 407**

**RESOLUTION APPROVING AND ADOPTING AN OPEN DATA POLICY  
PURSUANT TO EXECUTIVE ORDER 95**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on January 22, 2021, the Chair offered the following resolution:

**WHEREAS**, pursuant to Public Authorities Law § 2824, the Board of Directors is charged with establishing written policies and procedures governing the conduct of ORDA and ORDA personnel; and

**WHEREAS**, ORDA is committed to the principles of open, accessible, efficient, and transparent government, and the use of technology to help put those principles into practice; and

**WHEREAS**, consistent with Executive Order 95, it is ORDA's intent to implement and adopt a written policy and procedure for making ORDA's "data", as that term is defined in the policy, available to the public on the Open Data Website to promote civic engagement, improve service delivery, allow for more effective communication with the public, and increase opportunities for economic development; and

**WHEREAS**, this policy is intended to make the operation of ORDA more transparent, effective, and accountable to the public; and

**WHEREAS**, ORDA will not make publicly available data that would violate statute or regulation (e.g., disclosure that would constitute an unwarranted invasion of personal privacy), endanger the public health, safety or welfare, hinder the operation of government, including criminal and civil investigations, or impose an undue financial, operational, or administrative burden on ORDA or the State; and

**WHEREAS**, ORDA will not make publicly available data that is exempt from disclosure pursuant to the New York State Freedom of Information Law, or any other law or regulation; and

**WHEREAS**, ORDA's President and CEO will designate a Data Coordinator who will have authority equivalent to an ORDA department head, have knowledge of data and resources in use by ORDA, and be responsible for ORDA's compliance with the Executive Order, this policy, and future directives which may be needed to support the open data program; and



**WHEREAS**, prior to ORDA's data being published on the Open Data Website, the Data Coordinator will be responsible for obtaining the required approvals from ORDA's "Data Owners", as that term is defined in the policy, ORDA's legal department, and ORDA's President and CEO; and

**WHEREAS**, based on the foregoing, it is found and determined that it is both necessary and desirable to implement and adopt an Open Data Policy which is compliant with Executive Order 95 and applicable State and Federal laws and regulations; and

**WHEREAS**, annexed hereto and made a part hereof as if fully restated herein, is ORDA's proposed Open Data Policy;

**THEREFORE, BE IT RESOLVED**, that after careful consideration and due deliberation, the Board of Directors hereby approves and adopts the attached Open Data Policy, effective immediately, that will be posted on the ORDA website and implemented across all ORDA venues.

MOVED BY: Art Lussi

SECONDED BY: Andy Lack

and

ADOPTED BY the following vote:

Kelly Cummings  
Bill Beaney  
Stephen Hunt  
Thomas Keegan  
Andy Lack  
Betty Little  
Art Lussi  
Diane Munro  
Chris Pushkarsh  
Jeff Stefaniko  
Elinor Tatum

Excused/Abstained:


Cliff Donaldson

Against:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 407 was duly passed by the Board of Directors on January 22, 2021.

Signature   
Title: Secretary to the Board of Directors

Sworn before me this 22 day of January 2021  
Notary Public, State of New York

**CHARLOTTE JUDITH SHEPARD**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01SH6406992**  
**Qualified in Essex County**  
**My Commission Expires 04-27-2024**

 1/22/2021