



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 393

**RESOLUTION GRANTING APPROVAL FOR THE PRESIDENT & CEO TO
ENTER INTO AN AGREEMENT FOR FOOD AND BEVERAGE
CONCESSIONAIRE SERVICES AT MT. VAN HOEVENBERG**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on September 25, 2020, the Chairperson offered the following resolution:

WHEREAS, pursuant to Public Authorities Law § 2611 (12), the New York State Olympic Regional Development Authority (ORDA) has the power “[t]o operate, or contract for the operation of, concession services at any participating Olympic facility or the Belleayre Mountain ski center”; and

WHEREAS, ORDA is completing construction of a new 30,000 square foot base lodge at Mt. Van Hoevenberg that will host visitors to the bobsled track, new mountain coaster, hikers, bikers, and winter Nordic guests; it will contain retail shops, a welcome center, food services, and ticket offices, and is expected to attract business conferences, corporate outings, private functions, and special events which will drive revenue and offer unique Adirondack experiences and products; and

WHEREAS, in addition, the lodge will include a visitor’s lounge that will provide a close-up experience with a new year-round winter training start facility consisting of a state-of-the-art bobsled and skeleton refrigerated indoor push track three stories high and 500 feet long, the first of its kind in the USA, which will also be part of a future bobsled guest ride experience; and

WHEREAS, the new lodge construction will be completed and is scheduled to open on or about November 27, 2020; and

WHEREAS, the mission of Mt. Van Hoevenberg, as administered by ORDA, is to provide safe and enjoyable recreational and interpretive opportunities for all New York state residents and visitors, to be responsible stewards of the valuable Adirondack natural resources, and provide recreational and world class facilities for New York State residents, out-of-state guests, and visiting U.S. and international athletes, and guests; and

WHEREAS, with the goal of furthering the mission at Mt. Van Hoevenberg by providing a first-class food concession at the new lodge, ORDA desires to enter into a proposed agreement with a Licensee that will operate the restaurant/bar concession at the Mt. Van Hoevenberg Lodge (“Licensed Premises”) upon the opening of the new lodge in November 2020; and

WHEREAS, the selected Licensee will create a welcoming food and beverage environment

that provides value options, healthy options, sourced NY products, and food options that encourages guests to buy from and use ORDA services; and

WHEREAS, the Licensee's operations will additionally promote sustainability through the reduced use of packaging and plastics, ban Styrofoam, support and maintain a recycling program, provide and implement an organic waste composting plan, and develop a plan that minimizes waste and trash that leaves the Licensed Premises at Mt. Van Hoevenberg; and

WHEREAS, the term of the proposed agreement will be for a period of five (5) years with an option to extend for an additional five (5) years, depending on performance; and

WHEREAS, Licensee will be the exclusive concessionaire for the Licensed Premises; and

WHEREAS, Licensee will not be designated as the exclusive food service provider or caterer for all of Mt. Van Hoevenberg; and

WHEREAS, ORDA is currently coordinating the competitive bidding and selection of eligible Licensees, after which ORDA staff will enter into negotiations with the selected Licensee over the terms of the License Agreement; and

WHEREAS, the RFP included a sample license which contains substantially all material terms and conditions of the License that will be negotiated upon the selection of the successful Licensee; and

WHEREAS, the President & CEO must be ready and have the authority to act by entering into the negotiated License Agreement as soon as it is ready, to enable ORDA to be prepared the opening of the Licensed Premises in November 2020;

WHEREAS, the President & CEO therefore requests the authority to negotiate and execute License Agreement at the point at which ORDA has been able to obtain the best value for food and beverage concessionaire operations at the Licensed Premises, without having to wait until the next regularly scheduled Board meeting for approval to do so; and

WHEREAS, at the first regularly scheduled Board meeting that is held after the date on which such an agreement is executed, the President & CEO will report the full details of said agreement to the Board; and

WHEREAS, the negotiated License Agreement will be for a new operation, and the value of the agreement is unknown as a result, but over the License Term of five (5) years (and with a possible extension for an additional five years) it is anticipated that the value of the License Agreement will exceed \$250,000.00; 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 proposed agreement at the point at which the price structure is at the best value for ORDA based upon the competitive bidding process; and

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds for the proposed agreement for a Licensee to operate the restaurant/bar concession at the Licensed Premises, as is described more fully herein; and

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

SO RESOLVED,

MOVED BY: Eliqor Tatum

SECONDED BY: Diane Munro

and

ADOPTED BY the following vote:

Kelly Cummings

Bill Beaney

Steve Hunt

Andy Lack

Art Lussi

Chris Pushkarsh

Jeff Stefanko

Betty Little

Diane Munro

Eliqor Tatum

Thomas Keegan

Excused:

Cliff Donaldson

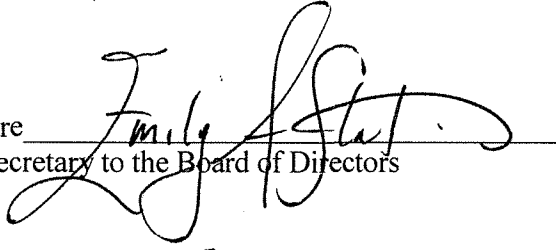
Against:

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

The above Resolution # 393 was duly passed by the Board of Directors on September 25, 2020.

Signature

Title: Secretary to the Board of Directors



Sworn before me this 28 day of September 2020
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





NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 394

**RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL
FOR THE PRESIDENT & CEO TO ENTER INTO AGREEMENTS FOR
2020-2021 ANNUAL POLICIES OF INSURANCE**

WHEREAS, pursuant to Public Authorities Law § 2611 (15), the New York State Olympic Regional Development Authority (ORDA) is authorized “[t]o procure insurance against any loss or liability in connection with the use, management, maintenance and operation of the participating Olympic facilities and/or Belleayre Mountain ski center, in such amounts and from such insurers, subject to public bidding as it deems desirable”; and

WHEREAS, ORDA uses, manages, owns, maintains, and operates both real and personal property assets at its venues which require insurance coverage to protect the interests of ORDA and the people of the State of New York, and to comply with its legal obligations under, among other things, its agreements with other State and local entities, the Lake Placid Olympic Museum, and the United States Olympic and Paralympic Committee; and

WHEREAS, ORDA enters into annual insurance agreements to satisfy its obligations in this regard, which agreements will expire on September 30, 2020; and

WHEREAS, as a result ORDA desires to enter into proposed agreements for the 2020-2021 annual purchase of the coverage for insurance coverage for Comprehensive General Liability (CGL), Umbrella, Property/Inland Marine, Equipment Breakdown, Crime, and Auto.

WHEREAS, the proposed policies will be billed to ORDA in four separate sets of premiums (1) CGL, Property/Inland Marine, and Equipment Breakdown; (2) Umbrella; (3) Crime; (4) Auto; and

WHEREAS, the proposed cost of the premium for the policy that includes CGL, Property/Inland Marine, Equipment Breakdown will exceed \$250,000.00, with the costs of the premiums for Umbrella, Crime, and Auto will falling below \$250,000.00 each; and

WHEREAS, the term of the proposed agreements shall be one year, commencing on October 1, 2020 and expiring on September 30, 2021; and

WHEREAS, the policies are recommended following a competitive process conducted by ORDA’s insurance representative in multiple insurance markets, through a process that was designed to obtain the best insurance products for ORDA’s interests at the most competitive prices available

under the circumstances; and

WHEREAS, the ORDA Executive Committee, whose responsibility it is to recommend to the Board of Directors an adequate program of insurance for ORDA, has recommended the approval of the proposed agreements based on the Committee's thorough review and consideration of the process, products, and prices offered as a result of the competitive process described above; and

WHEREAS, based on the recommendation of the Executive Committee, the President & CEO has requested that the Board commit the requisite capital to enter into the proposed agreement for the purchase of the CGL, Property/Inland Marine, and Equipment Breakdown insurance coverage for 2020/2021; 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 proposed agreement; and

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the proposed agreement for the purchase of the CGL, Property/Inland Marine, and Equipment Breakdown insurance coverages, as is described more fully herein; and

THEREFORE, BE IT FURTHER RESOLVED that, the Board of Directors hereby authorizes the President & CEO to enter into the proposed agreement under the circumstances described above.

MOVED BY: Andrew Lack

SECONDED BY: Diane Munro

and

ADOPTED BY the following vote:

Kelly Cummings
Bill Beaney
Steve Hunt
Andy Lack
Art Lussi
Chris Pushkarsh
Jeff Stefanke

Betty Little
Diane Munro
Elinor Tatum
Thomas Keegan

Excused:

Cliff Donaldson

Against:

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

The above Resolution # 394 was duly passed by the Board of Directors on September 25, 2020.

Signature 
Title: Secretary to the Board of Directors

Sworn before me this 28 day of September 2020
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





NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 396

**RESOLUTION APPROVING AND ADOPTING AN
EXECUTIVE COMMITTEE CHARTER**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on September 25, 2020, the Chairperson offered the following resolution:

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

WHEREAS, Section 2 of the By-Laws of the New York State Olympic Regional Development Authority (ORDA By-Laws) directs the establishment of an Executive Committee, the duties of which are to include recommending an adequate insurance program to the Board, reviewing the monthly financial statement and balance sheet of the authority, the statistics from the ORDA management information system, the monthly budgets, and the preparation of a written analysis of this information for the Board of Directors; and

WHEREAS, the Executive Committee is given the power under the ORDA By-Laws to transact the Authority's business between meetings of the Board of Directors; and

WHEREAS, the Executive Committee is required pursuant to Section 2 of the ORDA By-Laws to be Chaired by the Chairperson of the ORDA Board, and to consist of no less than three members including the Chairperson, one of whom is required to be one of the members of the Board designated by the Town of North Elba; and

WHEREAS, the ORDA President & CEO is required under Section 2 of the By-Laws to be an ex-officio non-voting member of the Executive Committee; and

WHEREAS, for the 2020-2021 fiscal year the Executive Committee shall consist of the following ORDA Board members:

Kelly Cummings, Chair, ORDA Board of Directors;
Arthur Lussi, Town of North Elba designee to the Board of Directors;
Senator Betty Little;
William Beaney;
Michael Pratt, ORDA President & CEO; and

WHEREAS, at a meeting of the Executive Committee on _____, the Committee voted to accept and submit to the full Board for adoption and approval, the Executive Committee Charter that is attached hereto as Exhibit A, which Charter sets out the powers and duties of the Committee, the manner and circumstances under which it will exercise its authority to transact

Authority business between meetings of the full Board of Directors, its composition, and the schedule and process for its meetings, and;

WHEREAS, the Executive Committee seeks approval by the full Board to adopt the Executive Committee Charter attached hereto;

NOW THEREFORE BE IT RESOLVED, that after careful consideration and due deliberation, the ORDA Board of Directors hereby approves and adopts the attached Executive Committee Charter, effective immediately, which will be posted with Board materials on the ORDA website, for access by the public;

SO RESOLVED,

MOVED BY: Betty Little

SECONDED BY: Art Lussi

and

ADOPTED BY the following vote:

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

Excused	Against
<u>Cliff Donaldson</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

The above Resolution #396 was duly passed by the Board of Directors on September 25, 2019

Signature [Signature]
Title: Secretary to the Board of Directors

Sworn before me this 28 day of September, 2020
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

[Signature]