



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 500**

**RESOLUTION APPROVING POLICY MAKERS FOR 2023/2024**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 23, 2023, the Chair offered the following resolution:

**WHEREAS**, pursuant to the provisions of Public Officers Law § 73-a, the Olympic Authority is required to submit an annual statement of Board Members and Olympic Authority employees who have been determined to be policy makers, to the New York State Commission on Ethics and Lobbying in Government (“Ethics Commission); and

**WHEREAS**, the Ethics Commission regulations at 19 NYCRR Part 932 define the term “policy maker” as “an officer, employee, director, commissioner or member of a State Agency (other than a multi-state authority) who has been determined to hold a policy-making position pursuant to Public Officers Law § 73-a (1) (c);” and

**WHEREAS**, the Olympic Authority is a State agency for the purposes of compliance with the Public Officers Law; and

**WHEREAS**, in accordance with the requirements of the Public Officers Law and implementing regulations, the Olympic Authority has determined that the staff listed in this resolution hold policy-making positions, which such list is required to be filed with the Ethics Commission each year during the month of February; and

**WHEREAS**, the Olympic Authority is required to keep this list up to date after the annual filing, by amending it within thirty (30) days of the undertaking of policy-making responsibilities by an employee not currently included in the list of staff who hold policy-making positions; and

**WHEREAS**, at a duly called meeting of the Governance Committee held on June 14, 2023, the Governance Committee approved the list of names and titles of Olympic Authority staff who hold policy-making positions set forth herein, and recommended that the list be presented to the Board of Directors for approval for submission by the Olympic Authority to the Ethics Commission when due, and further recommend that Olympic Authority staff be granted the authority to amend and submit an updated list in the event that becomes necessary during the course of the year;

**NOW, THEREFORE, BE IT RESOLVED THAT**, after careful consideration and due deliberation, the Olympic Authority Board of Directors hereby approves the list of Olympic Authority policy makers set forth below and authorize Olympic Authority staff to amend the list



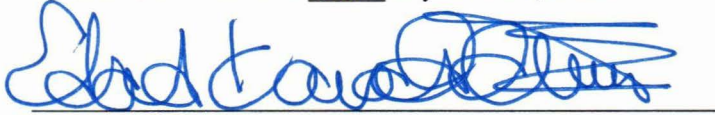
Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 500 was duly passed by the Board of Directors on June 23, 2023.

Signature

Title: Secretary to the Board of Directors

Sworn before me this 23<sup>rd</sup> day of June, 2023.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911 *Franklin*  
Qualified in ~~Saratoga~~ *Saratoga* County  
Commission Expires June 10, 20*27*



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 501**

**RESOLUTION ADOPTING CERTAIN POLICIES AND PROCEDURES**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 23, 2023, the Chair offered the following resolution:

**I. Investment of Corporate Funds Policy and Guidelines**

**WHEREAS**, pursuant to Public Authorities Law § 2824 (1) (e), the Olympic Authority Board of Directors is charged with establishing written policies and procedures governing investments by the Authority; and

**WHEREAS**, pursuant to Public Authorities Law § 2925 (1) and the Olympic Authority’s Investment of Corporate Funds Policy and Guidelines (“Investment Policy”), Olympic Authority staff involved in the investment process shall review the Investment Policy on an annual basis, or more frequently as required, and shall submit the Investment Policy to Olympic Authority’s Executive Committee and Board no less frequently than annually for review and approval; and

**WHEREAS**, pursuant to Public Authorities Law § 2925 (6) and the Investment Policy, the Olympic Authority is required to annually prepare and approve an Annual Investment Report and submit it to the Division of Budget, the Senate Finance Committee and the Assembly Ways and Means Committee, and the Office of the State Comptroller by no later than ninety (90) days after the end of the fiscal year; and

**WHEREAS**, annexed hereto and made a part hereof is the Olympic Authority Investment Policy that was approved and adopted by the Board on September 22, 2021, as amended by recommendation of the Executive Committee at its meeting held on June 14, 2022, together with the Annual Investment Report for the Fiscal Year ending March 31, 2023; and

**WHEREAS**, at a duly called meeting of the Executive Committee held on June 14, 2023, the Executive Committee recommended the Board’s approval of the Investment Policy, as amended, and the approval of the Annual Investment Report, based on the Committee’s thorough review and consideration of such Policy and Report; and

**II. Background Check Policy**

**WHEREAS**, pursuant to Public Authorities Law § 2824 (1) (e), the Board of Directors is charged with establishing written policies and procedures governing the conduct of Olympic Authority personnel; and

**WHEREAS**, consistent with applicable law, the Olympic Authority has implemented and adopted a written Background Check Policy (“Policy”) to, among other purposes, 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 Olympic Authority employees, to ensure the safety of the visiting public and the many athletes who utilize Olympic Authority venues for training and competition, and to assure the protection of Olympic Authority property, proprietary information, and other assets; and

**WHEREAS**, in accordance with the Policy, it is to be reviewed and updated, as needed, on an annual basis; and

**WHEREAS**, annexed hereto and made a part hereof is the Policy that was approved and adopted by the Board on January 22, 2021, as amended by the Board on December 2, 2022; and

**WHEREAS**, the Policy has been amended further to include additional Olympic Authority titles, as further detailed in the Policy, that will be subject to initial background check requirements as a condition of employing people in those positions, as well as additional Olympic Authority titles that will be subject to both initial and ongoing background checks as a condition of employment; and

**WHEREAS**, at a duly called meeting of the Governance Committee held on June 14, 2023, the Governance Committee recommended the approval of the revised Background Check Policy, as amended, based on the Committee’s thorough review and consideration of such Policy;

**NOW, THEREFORE, BE IT RESOLVED THAT**, after careful consideration and due deliberation, the Olympic Authority Board of Directors hereby approves and adopts the attached Investment of Corporate Funds Policy and Guidelines, Annual Investment Report, and revised Background Check Policy, effective immediately, each of which will be posted with other Board materials on the Olympic Authority website for access by the public; and

**BE IT FURTHER RESOLVED THAT**, in accordance with this approval, the Olympic Authority Board of Directors hereby authorizes the submission of the Annual Investment Report to the Division of Budget, the Senate Finance Committee and the Assembly Ways and Means Committee, and the Office of the State Comptroller by no later than ninety (90) days after the end of the fiscal year.

**SO RESOLVED,**

MOVED BY: Betty Little

SECONDED BY: Art Lussi

and

ADOPTED BY the following vote:

In Favor:	Excused/Abstained:	Against:
Joe Martens	_____	_____
Bill Beaney	_____	_____
Betty Little	_____	_____
Art Lussi	_____	_____

Diane Munro  
Chris Pushkarsh  
Joe Zalewski  
Elinor Tatum

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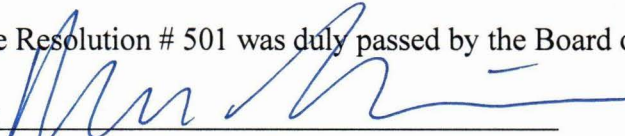
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Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 501 was duly passed by the Board of Directors on June 23, 2023.

Signature   
Title: Secretary to the Board of Directors

Sworn before me this 23<sup>rd</sup> day of June, 2023.

  
Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911 Franklin  
Qualified in Saratoga County  
Commission Expires June 10, 2027



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 502**

**RESOLUTION PERMITTING THE MEMBERS OF THE BOARD OF DIRECTORS TO ATTEND MEETINGS BY VIDEOCONFERENCING, IN NON-PUBLIC LOCATIONS, UNDER EXTRAORDINARY CIRCUMSTANCES**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (Olympic Authority) held on June 23, 2023, the Chair offered the following resolution:

**WHEREAS**, in passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Article 7 of the Public Officers Law (“Open Meetings Law”) permitting public bodies such as the Olympic Regional Development Authority (“Olympic Authority”) to authorize its members to attend meetings by videoconferencing, where attendance will not be at a previously noticed location that is open to the public, under extraordinary circumstances; and

**WHEREAS**, pursuant to Public Officers Law §103-a (2) (a), the authority to permit such attendance under extraordinary circumstances is dependent on the adoption by the Olympic Authority’s Board of Directors, of a resolution following a public meeting, authorizing the limited use of videoconferencing under such circumstances; and

**WHEREAS**, Public Officers Law § 103-a (2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

**WHEREAS**, Public Officers Law § 103-a (2) (c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

**WHEREAS**, in accordance with Public Officers Law § 103-a (2) (d), any members attending by videoconference must, except during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

**WHEREAS**, Public Officers Law § 103-a (2) (g) requires that any meeting where a member attends by videoconference be recorded, posted to the Olympic Authority website within five (5) business days, and transcribed upon request; and

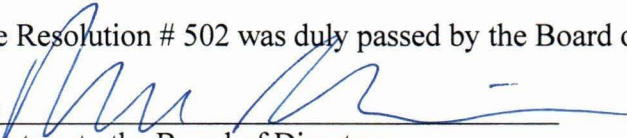
**WHEREAS**, Public Officers Law § 103-a (2) (h) requires, in pertinent part, that members of the public be permitted to attend by videoconference when a member attends by videoconference.




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Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 502 was duly passed by the Board of Directors on June 23, 2023.

Signature   
Title: Secretary to the Board of Directors

Sworn before me this 23<sup>rd</sup> day of June, 2023.

  
\_\_\_\_\_  
Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911 Franklin  
Qualified in ~~Saratoga~~ County  
Commission Expires June 10, 2027



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 503**

**RESOLUTION APPROVING OLYMPIC REGIONAL DEVELOPMENT AUTHORITY  
ANNUAL REPORT**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 23, 2023, the Chair offered the following resolution:

**WHEREAS**, pursuant to Public Authorities Law §§ 2621 and 2800(1)(a), the Olympic Regional Development Authority is required, within ninety (90) days after the end of its fiscal year, to submit to various executive, legislative and local officials, a complete and detailed Annual Report setting forth, *inter alia*, (1) its operations and accomplishments, and (2) its receipts and expenditures during such fiscal year; and

**WHEREAS**, annexed hereto and made a part hereof as if fully set forth herein is the Olympic Authority’s proposed Annual Report (“Annual Report”); and

**WHEREAS**, at a duly called meeting of the Executive Committee held on June 14, 2023, the Executive Committee recommended the approval of the Annual Report by the Board of Directors, based on the Committee’s thorough review and consideration of such Report; and

**WHEREAS**, the Board is in receipt of the Annual Report; and

**WHEREAS**, the Board has been provided with ample opportunity to review the contents of the Annual Report and has been provided with an opportunity to make inquiries and/or comments regarding its contents; and

**WHEREAS**, the Board being satisfied with the contents of the Annual Report;

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby approves the Annual Report, and further directs that the Annual Report be forwarded to the proper legislative, executive, and local officials in accordance with the requirements of Public Authorities Law §§ 2621 and 2800(1)(a).

**SO RESOLVED,**

MOVED BY: Art Lussi

SECONDED BY: Betty Little

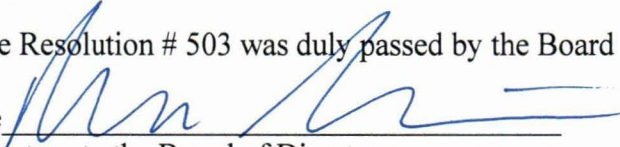
and

ADOPTED BY the following vote:

In Favor:	Excused/Abstained:	Against:
Joe Martens		
Bill Beaney		
Betty Little		
Art Lussi		
Diane Munro		
Chris Pushkarsh		
Joe Zalewski		
Elinor Tatum		

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 503 was duly passed by the Board of Directors on June 23, 2023.

Signature 

Title: Secretary to the Board of Directors

Sworn before me this 23<sup>rd</sup> day of June, 2023.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
 Notary Public, State of New York  
 No. 02KO4982911 Franklin  
 Qualified in ~~Saratoga~~ Franklin County  
 Commission Expires June 10, 2027



## NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

### Resolution # 504

#### **RESOLUTION APPROVING INDEPENDENT AUDITOR'S REPORT**

At a meeting of the Board of Directors of the Olympic Regional Development Authority ("Olympic Authority") held on June 23, 2023, the Chair offered the following resolution:

**WHEREAS**, pursuant to the requirements of Public Authorities Law § 2802 (1), the Olympic Authority shall:

" . . . submit to the governor, chairman and ranking minority member of the senate finance committee, chairman and ranking minority member of the assembly ways and means committee, each chair and ranking member of the senate and assembly committees on corporations, authorities and commissions, the state comptroller, and the authorities budget office, together with the report described in section twenty-eight hundred of this title [Olympic Authority's Annual Report], a copy of the annual independent audit report, performed by a certified public accounting firm in accordance with generally accepted auditing standards as defined in subdivision eleven of section two of the state finance law, and management letter and any other external examination of the books and accounts . . . ;" and

**WHEREAS**, the services of EFPR Group, CPAs, PLLC, a certified public accounting and consulting firm, have been retained by the Olympic Authority to complete an independent financial audit in compliance with the requirements of Public Authorities Law § 2802 (1); and

**WHEREAS**, annexed hereto and made a part hereof is the independent financial audit report prepared by EFPR Group, CPAs, PLLC ("Independent Auditor's Report"); and

**WHEREAS**, at a duly called meeting of the Audit Committee held on June 14, 2023, the Audit Committee recommended the approval of the Independent Auditor's Report by the Board of Directors, based on the Committee's thorough review and consideration of such Report; and

**WHEREAS**, the Board has been provided with the Independent Auditor's Report, an explanation of the independent auditor's methodology and findings, and an opportunity to make inquiries and/or comments; and

**WHEREAS**, the Board being satisfied with the contents of the Independent Auditor's Report and the financial statements of the Olympic Authority reflected therein;

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby approves the Independent Auditor's Report, and further directs that the Independent Auditor's Report be

forwarded to the proper legislative and executive officials in accordance with the requirements of Public Authorities Law § 2802(1).

**SO RESOLVED,**

MOVED BY: Betty Little

SECONDED BY: Diane Munro

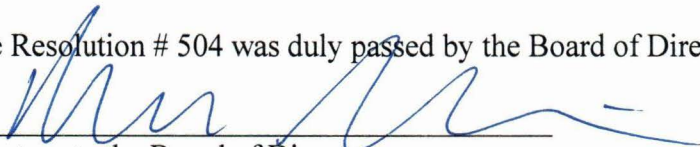
and

ADOPTED BY the following vote:

In Favor:	Excused/Abstained:	Against:
Joe Martens		
Bill Beaney		
Betty Little		
Art Lussi		
Diane Munro		
Chris Pushkarsh		
Joe Zalewski		
Elinor Tatum		

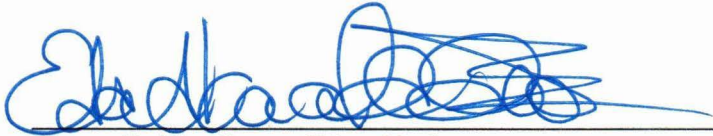
Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 504 was duly passed by the Board of Directors on June 23, 2023.

Signature 

Title: Secretary to the Board of Directors

Sworn before me this 23<sup>rd</sup> day of June, 2022.



Notary Public, State of New York

EDWARD KOWALEWSKI, JR.  
Notary Public, State of New York  
No. 02KO4982911 Franklin  
Qualified in Saratoga County  
Commission Expires June 10, 2027



**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 505**

**RESOLUTION APPROVING AMENDMENT TO AGREEMENT WITH THE TOWN OF JOHNSBURG FOR NORTH CREEK SKI BOWL**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 23, 2023, the Chair offered the following resolution:

**WHEREAS**, pursuant to the requirements of Public Authorities Law § 2611 (7),(16), the Olympic Authority is empowered to enter into contracts and to execute all instruments necessary or convenient for the conduct of Olympic Authority business, and to do all things necessary, convenient, or desirable to carry out its purposes, respectively; and

**WHEREAS**, pursuant to Public Authorities Law § 2606, the Olympic Authority’s legislative mandate includes the establishment of a comprehensive, coordinated program of year-round activities at its venues that, among other things, will provide economic and social benefits to the communities in which those venues are located; and

**WHEREAS**, in support and furtherance of the legislative mandate set forth in Public Authorities Law § 2614 (5), which took effect in 2000, the Olympic Authority has entered into agreements with the Town of Johnsburg to facilitate and expand Olympic Authority operations at the North Creek Ski Bowl located in the Town of Johnsburg; and

**WHEREAS**, the most recent agreement between the Town of Johnsburg and the Olympic Authority is dated December 16, 2017 (the “Agreement”); and

**WHEREAS**, at a meeting of the Olympic Authority Board of Directors held on April 18, 2022, the Board adopted Resolution numbers 449, 450, 451, and 457, which authorized the Olympic Authority President & CEO to invest the necessary capital for expenses related to expansion and enhancement of winter operations while adding year-round operations to be located at the North Creek Ski Bowl, including, but not limited to, a lodge, an anchor attraction, the replacement of a fixed grip lift with a detachable four-person chairlift system, and other site enhancements; and

**WHEREAS**, in recognition of the planned capital investment by the Olympic Authority in the North Creek Ski Bowl, certain amendments to the Agreement were sought, including the addition of twenty-five (25) years to the term currently set forth in the Agreement; and

**WHEREAS**, at a duly called special meeting of the Town Board of the Town of Johnsburg held on June 9, 2023, the Town Board adopted a resolution authorizing the Town of Johnsburg to execute the Amendment to the Agreement; and

**WHEREAS**, annexed hereto and made a part hereof is a copy of the proposed Amendment to the Agreement, signed by the Town of Johnsburg; and





**NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY**

**Resolution # 506**

**RESOLUTION AMENDING BOARD RESOLUTION #'s 449, 450, 451 & 457 AND COMMITTING ADDITIONAL CAPITAL AND GRANTING APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AMENDED AGREEMENTS FOR THE NORTH CREEK SKI BOWL PROJECTS**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (Olympic Authority) held on June 23, 2023, the Chair offered the following resolution:

**WHEREAS**, on April 18, 2022, the Board of Directors approved, in part, the following resolutions related to the North Creek Ski Bowl Projects:

- Resolution # 449 entitled “Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for the Redevelopment of the North Creek Ski Bowl Lodge;”
- Resolution # 450 entitled “Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for Gore Mountain Summer Operations – Anchor Attraction Project;”
- Resolution # 451 entitled “Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for Electrical Infrastructure Improvements at the North Creek Ski Bowl;” and
- Resolution # 457 entitled “Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for Replacement of Gore Mountain’s Hudson Chair with a Four-Person Detachable Chairlift Designed for Year-Round Operations (collectively, the “Resolutions”); and

**WHEREAS**, the funding approved by the Board for the Resolutions was as follows:

- Resolution # 449 - \$19,750,000.00;
- Resolution # 450 - \$7,250,000.00;
- Resolution # 451 - \$1,280,000.00; and
- Resolution # 457 - \$8,761,520.00; and

**WHEREAS**, in all of the planning for the projects identified in the Resolutions (“Projects”), the Olympic Authority utilized the Memorandum of Understanding (“MOU”) between the Town of Johnsbury and Front Street Mountain Development (“FSMD”), which provided, in part, that FSMD would accept up to 12,000 gallons of wastewater per day from the new Ski Hut at no cost to the Town or the Olympic Authority for connection or processing; and

**WHEREAS**, the MOU is an official part of FSMD’s APA permit; and

**WHEREAS**, following approval of the Resolutions, and after soliciting bids for, and awarding certain contracts, FSMD disclosed that the infrastructure for processing the

wastewater was not installed and that FSMD could not accept the wastewater from the proposed lodge; and

**WHEREAS**, the Town of Johnsborg chose to pursue the installation of a wastewater treatment facility to which the proposed lodge would connect; and

**WHEREAS**, installation of a wastewater treatment facility has since been approved by the property owners of the established sewer district and the Town has been awarded several grants to construct the facility, which is expected to be completed prior to completion of the Projects; and

**WHEREAS**, connecting to the Town's wastewater treatment facility is an alternative that is satisfactory to Olympic Authority staff, who are now ready to move forward with the project under the terms of the amended agreement that is the subject of proposed Resolution # 505; and

**WHEREAS**, on account of the inflation of construction costs since approval of the Resolutions, the anticipated increased cost of the Projects is approximately as follows:

- Resolution # 449 - \$2,750,000.00;
- Resolution # 450 - \$2,950,000.00;
- Resolution # 451 - \$320,000.00; and
- Resolution # 457 - \$681,000.00; and

**WHEREAS**, the Olympic Authority desires to secure the Board's approval to expend new capital in the amount of \$6,701,000.00 to cover the anticipated increased costs of the Projects; and

**WHEREAS**, the President & CEO has requested that the Board commit the additional requisite capital for the Projects in the amount of \$6,701,000.00; and

**WHEREAS**, pursuant to the Olympic Authority's By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into contracts, 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 contracts as provided for in the Resolutions to ensure timely completion of the Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors hereby authorizes the President & CEO to invest the necessary capital for expenses related to the Projects as is described more fully herein, including, but not limited to, the authority to enter into contracts whether or not any contract amount exceeds \$250,000.00; and

**BE IT FURTHER RESOLVED** that Resolutions are hereby amended to increase the capital expenditures authorized thereby as follows:

- Resolution # 449 - \$22,500,000.00;
- Resolution # 450 - \$10,200,000.00;
- Resolution # 451 - \$1,600,000.00; and
- Resolution # 457 - \$9,442,520.00; and

**BE IT FURTHER RESOLVED** that the Board of Directors hereby authorizes the President & CEO to enter into the proposed contracts as provided for in the Resolutions under the circumstances and upon the terms and amounts provided for herein.

**SO RESOLVED,**

