



**NY Power
Authority**

JUN 07 2024

KATHY HOCHUL
Governor

JOHN R. KOELMEL
Chairman

JUSTIN E. DRISCOLL
President and Chief Executive Officer

RECEIVED

May 30, 2024

Hon. Thomas P. DiNapoli
New York State Comptroller
110 State Street
Albany, New York 12236

Mr. Blake Washington
Director, Division of Budget
State Capitol Bldg., Room 113
Albany, New York 12224

Hon. Andrea Stewart Cousins
President Pro Tempore and Majority Leader
New York State Senate
188 State Street, Rm 907
Legislative Office Bldg.
Albany, New York 12247

Hon. Carl E. Heastie
Speaker
New York State Assembly
188 State Street
Legislative Office Bldg. #932
Albany, New York 12248

Hon. Jeanette Moy
Commissioner
State of New York
Office of General Services
Corning Tower, 36th Fl.
Empire State Plaza
Albany, New York 12242

Mr. Jeffery Pearlman
Director
State of New York
Authorities Budget Office
240 State Street
#2076
Albany, New York 12220

Re: Satellite Suites Portable Shower Trailer - Transfer of Ownership to
NYS Department of Agriculture and Markets – Explanatory Statement

To Whom it May Concern:

Pursuant to Title 5-A of the Public Authorities Law, I forward a resolution, approved by the Board of Trustees of the New York Power Authority at their meeting on May 21, 2024, which is the explanatory statement of the circumstances of the Public Authorities Law Section 2897(7)(i) disposal by negotiation of NYPA Satellite Suites Portable Shower Trailer to the New York State Department of Agriculture and Markets described therein.

Please be advised that the New York Power Authority expects to transfer the aforementioned property at least ninety (90) days after the date of this letter.

Very truly yours,

Karen Delince
Vice President and Corporate Secretary



Date: May 21, 2024
To: NEW YORK POWER AUTHORITY BOARD OF TRUSTEES
From: THE PRESIDENT AND CHIEF EXECUTIVE OFFICER
Subject: Satellite Suites Portable Shower Trailer – Transfer of Ownership to NYS Department of Agriculture and Markets

SUMMARY

The New York Power Authority Trustees ("Trustees") are requested to approve transfer of ownership of one Authority Satellite Suites Shower Pro 29' Portable Shower Trailer, VIN 1W9BS3538LA561166, to the New York State Department of Agriculture and Markets without payment to the Authority. The acquired value of the unit in July of 2021 was \$107,646.00 and the Net Book Value as of April 2024 is \$90,627.00 due to depreciation.

In accordance with the Authority's Guidelines for Disposal of Personal Property, the transfer of personal property ownership for less than fair market value requires Trustee Approval. Trustee approval will be requested at the May 21, 2024 meeting.

BACKGROUND

Portable shower trailers were purchased by the Authority in support of sequestration in place at the generating sites due to the COVID-19 pandemic. Since the pandemic, the portable shower trailer has been sitting at the St. Lawrence Power Project in storage, unused, and deemed no longer needed.

It was found that there is a need for the portable shower trailer to support the Great New York State Fair ("the Fair") which is organized and supported by the NYS Department of Agriculture and Markets. The New York State Fairgrounds has a 313-space RV campground. It is used heavily by the public during the Fair. During that time, the Fair has to rent restrooms and showers, as there are no permanent facilities that comply with NYS Department of Health requirements of public campgrounds. The Fair is receiving more requests to utilize the campground during other events and other times of the year. In order to accommodate this request and make our RV campground an attraction, the Fair needs to provide restrooms and showers from April to October. Receiving a shower trailer from the Authority will allow them to increase availability to the public and will decrease the costs of having to rent a shower trailer.

DISCUSSION

Title 5-A of Article 9 of the Public Authorities Law (the "Act") and the Authority's Guidelines for the Disposal of Personal Property (the "Guidelines") allow the Authority, with the approval of the Trustees, to dispose of Authority property for less than fair market value when the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the property will remain with the government or any other public entity. Accordingly, based on the foregoing, the transfer of ownership of the portable shower trailer to the NYS Department of Agriculture and Markets is in accordance with the Act and the Guidelines.

The Act and the Guidelines require that the purpose and the terms of such disposal are documented in writing and approved by resolution of the Trustees. Further, the Act and the Guidelines require that an explanatory statement be prepared of the circumstances of each disposal by negotiation and be transmitted to the New York State Comptroller, the Director of the Budget, the Commissioner of General Services and the Legislature not less than 90 days in advance of the disposal. Accordingly, this transfer is subject to approval by the Trustees and the timely filing of the required statement. This Trustee action, if adopted, would constitute the foregoing required explanatory statement and Trustee action.

The transfer is to be further conditioned upon the execution of an agreement between the NYS Department of Agriculture and Markets and the Authority. The terms of such an agreement are to include transferring the portable shower trailer in its "as is" condition, a requirement that the ownership and use of the unit will remain with the Department of Agriculture and Markets and such additional provisions that reasonably safeguard the Authority from future responsibility.

FISCAL INFORMATION

In accordance with the foregoing, the portable shower trailer will be transferred to the Department of Agriculture and Markets without payment to the Authority.

RECOMMENDATION

The Senior Vice President, Strategic Supply Management and the Regional Manager of Northern NY recommend the Trustees approve the transfer of ownership of the Authority's St. Lawrence Power Projects' Satellite Suites Shower Pro 29' portable shower trailer to the NYS Department of Agriculture and Markets for less than fair market value to the NYS Department of Health as set forth above.

For the reasons stated, I recommend the approval of the above-requested action by signing adoption of the resolution below.

Justin E. Driscoll
President and Chief Executive Officer

RESOLUTION

RESOLVED, That pursuant to Title 5-A of Article 9 of the Public Authorities Law and the Authority's Guidelines for the Disposal of Personal Property, the Board of Trustees hereby approve the transfer of ownership of a Satellite Suites portable shower trailer (collectively "portable shower trailer") for less than fair market value to the New York State Department of Agriculture and Markets as set forth in the foregoing memorandum of the President and Chief Executive Officer; and be it further.

RESOLVED, That the Chairman, the President and Chief Executive Officer, the Chief Operating Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things, take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution, subject to the approval of the form thereof by the Executive Vice President and General Counsel.