

**RESOLUTION OF THE NEW YORK GAMING FACILITY LOCATION BOARD
TO SELECT AN APPLICANT FROM ZONE TWO, REGION FIVE
TO BE CONSIDERED FOR GAMING FACILITY LICENSURE
BY THE NEW YORK STATE GAMING COMMISSION**

WHEREAS, the New York legislature passed, in two consecutive legislatures in 2012 and 2013, concurrent resolutions to amend the State constitution to permit casino gaming; and

WHEREAS, the people of the State of New York voted to amend section 9 of Article I of the Constitution of the State of New York to permit casino gaming as authorized and prescribed by the legislature; and

WHEREAS, the legislature passed, and the governor approved, the Upstate New York Gaming Economic Development Act ("Act") in 2013, authorizing and prescribing casino gaming in New York State upon appropriate amendment of the State constitution; and

WHEREAS, the Act authorized up to four destination casinos to boost upstate economic development, create thousands of well-paying jobs and provide added revenue to the State located in three defined regions of the State: Hudson Valley/Catskill area (Region One, Zone Two), Capital Region (Region Two, Zone Two), and Eastern Southern Tier (Region Five, Zone Two), with a second license to a qualified applicant to be awarded, if at all, in no more than a single region; and

WHEREAS, the New York State Gaming Commission ("Commission") established the Gaming Facility Location Board ("Board"), as prescribed by Racing Pari-Mutuel Wagering and Breeding Law ("PML") section 109-a, to select up to four Applicants, following a competitive Application process, to be considered for gaming facility licensure; and

WHEREAS, on December 17, 2014, the Board selected three applicants to be considered for licensure by the Commission; and

WHEREAS, on March 23, 2015 the Board issued a second Request for Applications to develop and operate a gaming facility in New York State ("RFA"), limited to applicants from Zone Two, Region Five; and

WHEREAS, by July 6, 2015, the Board received one set of application materials (the "Application") from an entity ("Applicant") in response to the RFA; and

WHEREAS, on September 10, 2015, the Applicant made an informational introductory presentation of its Application to the Board; and

WHEREAS, at a public comment event convened on September 18, 2015 in Binghamton, the Board heard comments on the Application from 50 speakers; and

WHEREAS, the Board received and catalogued more than 2,860 pieces of unique communications relating to the siting of a casino following the RFA; and

WHEREAS, the Board is required to evaluate the RFA submissions pursuant to the statutory criteria of PML section 1320; and

WHEREAS, the Board is authorized under subdivision 3 of PML section 1306 to develop additional criteria to assess whether the Application provides the highest and best value to the State; and

WHEREAS, the Board is required under subdivision 7 of PML section 1306 to issue detailed findings of fact and conclusions demonstrating the reasons supporting its decision to select Applicants for licensure and to issue a finding on how each Applicant proposes to advance the criteria of PML section 1320;

NOW, THEREFORE BE IT RESOLVED, that the Board evaluated the Application based on the statutory criteria of PML section 1320 and the additional criterion developed by the Board under subdivision 3 of PML section 1306 as to whether the proposal best fulfills the intent of the Act in regard to providing economic assistance to disadvantaged areas of the State while enhancing upstate New York's tourism industry; and

BE IT FURTHER RESOLVED, that based on the Board's evaluation, the Board selects the Applicant to apply to the Commission for a gaming facility license:

BE IT FURTHER RESOLVED, that the Board hereby adopts as its initial findings, the attached "Selection of the New York Gaming Facility Location Board" dated October 14, 2015, which summarizes the Board's evaluation and selection of the Applicant to apply to the Commission for a gaming facility license; and

BE IT FURTHER RESOLVED, that the Board hereby shall issue the findings required by subdivision 7 of PML section 1306 and PML section 1320, with the intention of issuing such findings on or about 30 days following adoption of this resolution; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall be effective immediately; and

BE IT FURTHER RESOLVED, that the chair of the Board be authorized to sign this resolution indicating the assent of the Board to the contents herein.

Kevin S. Law	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
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Dennis E. Glazer	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
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Stuart Rabinowitz	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
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A handwritten signature in dark ink, appearing to read 'K. Law', with a large, stylized loop at the end.

Kevin S. Law
Chair
Gaming Facility Location Board

New York, New York
October 14, 2015