



**REQUEST FOR APPLICATIONS
TO DEVELOP AND OPERATE
A GAMING FACILITY IN NEW YORK STATE**

RESOLUTIONS OF SUPPORT QUESTION & ANSWER REVISIONS

June 10, 2014

**THE ANSWERS TO THE FOLLOWING PREVIOUSLY POSED QUESTIONS HAVE
BEEN REVISED. THE NEW, REVISED ANSWERS NOW CONTROL.**

Q.208: According to the RFA for a casino siting application, the local legislative body has to vote in support of the application. If there isn't a favorable vote by the local legislative body, would the Gaming Commission's siting board accept the application, or is the application not allowed to move forward and automatically denied?

Delete the prior answer to Question 208 and replace it with the following:

A.208: Acceptance of the Application would be declined. The RFA specifically provides that a condition of filing an Application is that each Applicant submit to the Board a post-November 5, 2013 resolution passed by the local legislative body of the Host Municipality that supports the Applicant's proposed Gaming Facility within their jurisdiction.

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Q.217. Initial Requirement of Local Support. The RFA states that “each Applicant must submit to the Board a [post-November 5, 2013] resolution passed by the local legislative body of its Host Municipality supporting the Application.” If a Host Municipality has passed a resolution after November 5, 2013 that endorses the location of a casino in the Host Municipality, would an Applicant need such Host Community to pass a subsequent resolution that endorses the specific plans proposed by the Applicant and/or the specific identity of the Applicant?

Delete the prior answer to Question 217 and replace it with the following:

A.217. Yes. A sufficient Host Municipality Resolution must specifically indicate support for the Applicant’s proposed Gaming Facility within the jurisdiction of the Host Municipality.

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Q.218: Is there any specific provision which will be required by the Location Board and which should be included in the Host Municipality resolution referenced in Section IX.A.1.a?

Delete the prior answer to Question 218 and replace it with the following:

A.218: A sufficient Host Municipality resolution must indicate support for the Applicant’s proposed Gaming Facility within the jurisdiction of the Host Municipality.

Please see the Board’s Guidance Document: Acceptable Host Municipality Resolutions in Support of the Location of a Gaming Facility, May 20, 2014 for examples of acceptable and unacceptable “resolved clauses.”

<http://www.gaming.ny.gov/pdf/GuidanceResolutionsofSupport.pdf>

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Q.219: If the Host Municipality is a Town or City, what level or kind support is required or expected by the Location Board from the Host County?

Delete the prior answer to Question 219 and replace it with the following:

A.219: None is required. While there is no requirement of action at the county level, such support would be positively viewed pursuant to the N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1320.2 evaluation.

Local support means a post-November 5, 2013 resolution passed by a local legislative body of the Host Municipality supporting the Applicant’s proposed Gaming Facility within the jurisdiction of the Host Municipality.

Please see the Board’s Acceptable Host Municipality Resolutions in Support of the Location of a Gaming Facility, May 20, 2014 for examples of acceptable and unacceptable “resolved clauses.”

<http://www.gaming.ny.gov/pdf/GuidanceResolutionsofSupport.pdf>

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Q.220: Legislative Form of Action Demonstrating Host Community Support of Gaming Application. The RFA Section I, Initial Requirement of Local Support, states” “local support means a post-November 5, 2013 resolution passed by the local legislative body of the Host Community.” N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1320. (b), and RFA Section VII.B.2 require evidence of local support by: “gaining public support in the host and nearby municipalities which may be demonstrated through the passage of local laws....” The New York Municipal Home Rule Law defines and authorizes the adoption of local laws by NY municipalities but does not appear to provide for the adoption of local laws in support of an application (See MHRL Sections 2 & 10).

Will the adoption of a resolution by the local legislative body of a Host Community in support of an Application for Casino Gaming be sufficient to satisfy the requirements of the RFA?

Delete the prior answer to Question 220 and replace it with the following:

A.220: Yes, provided the resolution of support is specifically for the Applicant’s proposed Gaming Facility, within the jurisdiction of the Host Municipality, and such resolution is approved after November 5, 2013.

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Q.221: a. How do we determine host community if a subject parcel lies within three (3) separate municipalities?

b. Would the host community be the municipality with the greatest land area?

Delete the prior answer to Question 221.a and replace it with the following:

A.221.a: Each of the three municipalities would need to adopt a post-November 5, 2013 resolution of support for the Applicant’s proposed Gaming Facility.

b. See the answer to Question 221.a.

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Q.223: In establishing local support from the host community, is there a minimum standard requirement, i.e., a Resolution of the municipal board in support or is a letter from the host municipality sufficient?

Delete the prior answer to Question 221.a and replace it with the following:

A.223: Yes, a resolution is required. A letter is insufficient. For the Board to deem a Host Municipality resolution to be sufficient, such resolution should indicate specific support for the Applicant’s proposed Gaming Facility within its jurisdiction.

Please see the Board’s Acceptable Host Municipality Resolutions in Support of the Location of Gaming Facility, May 20, 2014 for examples of acceptable and unacceptable “resolved clauses.”

<http://www.gaming.ny.gov/pdf/GuidanceResolutionsofSupport.pdf>

For reference, the following previously posed Questions contemplated Host Municipality Resolution issues:

Round 1 Questions and Answers

208, 216, 217, 218, 219, 220, 221, 223, 224, 225

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