

Minutes of the Town Board Special Meeting held at Town Hall on June 25, 2014 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Joseph McKay and Eric Ossentjuk, Attorneys for the Town; Robert Weyant, Highway Superintendent; John Bourke and Kevin Phillips, Police Sergeants; Patricia Reynolds, Library Board; Joseph Gianzero, Parks Director; Timothy Egan and David Sutz, Village Trustees; Maria Hunter, Village Planning Board; Karen Ungerer, Village Zoning Board

1. Resolution - Host Community Benefit Agreement:

Motion was offered by Councilman Palermo, seconded by Councilman Arone to adopt the following resolution authorizing the execution of a host community benefit agreement:

WHEREAS, on July 30, 2013, Governor Andrew M. Cuomo signed into law the Upstate New York Gaming Economic Development Act of 2013, which outlined the process and criteria for siting no more than four destination resort casinos within three regions of the State, including up to two resort casinos in our Hudson Valley/Catskill area; and

WHEREAS, on March 31, 2014, the New York Gaming Facility Location Board issued a Request for Applications to Develop and Operate a Gaming Facility in New York State ("RFA"); and

WHEREAS, Woodbury Casino, LLC, a Delaware Limited Liability Company with an address of One Caesars Palace Drive, Las Vegas, Nevada 89109 (the "WC LLC") which is a subsidiary of Caesars Acquisition Company, itself a Delaware corporation authorized to do business in the State of New York with an address of One Caesars Palace Drive, Las Vegas, Nevada 89109 ("CAC"), is planning to file an application in response to the RFA on or before June 30, 2014; and

WHEREAS, CAC, in coordination with CAC's affiliates and Flaum Management Company, Inc. a New York domestic business corporation with an address of 400 Andrews Street, Ste. 500, Rochester, New York 14604 ("Flaum"), has timely submitted its fee to the New York State Resort Gaming Facility Location Board ("Gaming Board") to be eligible for a gaming license and related approvals to be issued by the New York State Gaming Commission (the "Gaming License"), in connection with the development and construction of a luxury hotel, resort, casino and a parking facility located on approximately 115.222 acres along the easterly side of New York State Route 17 near its intersection with Ramapo Avenue, and lying between the Harriman Train Station to the south and the former Nepera, Inc. property to the north, which property is located in the Village of Woodbury and Town of Woodbury, and County of Orange, and is known on the tax maps of the Village of Woodbury as Section 243, Block 1, Lots 3 through 25 (containing 104.536 acres, "Parcel #1") and Section 233, Block 1, Portion of Lot 2.2 (containing 10.686 acres, "Parcel #2"); and

WHEREAS, the proposed casino development is to be managed by a subsidiary of Caesars Entertainment Corporation ("CEC") currently known as Woodbury Manager, LLC ("Woodbury Manager"); and

WHEREAS, as a condition of filing an application with the New York Gaming Facility Location Board, each applicant is required to submit to the Gaming Facility Location Board a resolution passed by the local legislative body of its host municipality in support of the application for a gaming license; and

WHEREAS, the Town Board of Woodbury has discussed and considered the various issues related to the proposed casino development; and

WHEREAS, the Town Board recognizes that the siting, construction and development of the proposed casino by CAC and Flaum, and the operation of the proposed casino by CEC would bring benefits to the Town, including significant local job opportunities, increased local spending, associated local and regional economic development, and other community benefits; and

WHEREAS, WC LLC, WC Manager and the Town desire to enter into a Host Community Benefits Agreement (“HCBA”); and

WHEREAS, WC LLC, WC Manager and the Town have come to an agreement as to the terms of a HCBA;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor shall have authority to execute the HCBA on behalf of the Town of Woodbury and the Board directs the Supervisor to execute the HCBA on behalf of the Town of Woodbury.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES

2. Resolution – Support of Casino Application:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the following resolution in support of an application for a gaming facility license to construct a destination resort gaming facility located on land adjacent to and east of New York State Route 17 in the Village and Town of Woodbury, New York:

WHEREAS, on July 30, 2013, Governor Andrew M. Cuomo signed into law the Upstate New York Gaming Economic Development Act of 2013, which outlined the process and criteria for siting no more than four destination resort casinos within three regions of the State, including up to two resort casinos in our Hudson Valley/Catskill area; and

WHEREAS, on March 31, 2014, the New York Gaming Facility Location Board issued a Request for Applications to Develop and Operate a Gaming Facility in New York State (“RFA”); and

WHEREAS, Woodbury Casino, LLC, a subsidiary of Caesars Acquisition Company (“CAC”), is planning to file an application in response to the RFA on or before June 30, 2014; and

WHEREAS, CAC, in coordination with CAC’s affiliates and Flaum Management Co., Inc. (“Flaum”), has timely submitted its fee to the New York Gaming Facility Location Board to be eligible for a gaming license and related approvals to be issued by the State, in connection with the construction of a gaming facility (the “Project”) located on approximately 115.03 acres along the easterly side of New York State Route 17 near its intersection with Ramapo Avenue, and lying between the Harriman Train Station to the south and the former Nepera, Inc. property to the north, which property is located in the Village of Woodbury, Town of Woodbury, and County of Orange, and is better known on the tax maps of the Village of Woodbury as Section 243, Block 1, Lots 3 through 25 (containing 104.53 acres) and Section 233, Block 1, Portion of Lot 2.2 (containing 10.5 acres) (“Project Site”). Copies of the surveyed legal descriptions of the parcels are attached hereto as Schedule A; and

WHEREAS, the Project is to be managed by a subsidiary of Caesars Entertainment Corporation (“CEC”) currently known as Woodbury Manager, LLC; and

WHEREAS, as a condition of filing an application with the New York Gaming Facility Location Board, each applicant is required to submit to the Gaming Facility Location Board a resolution passed by the local legislative body of its host municipality in support of the application for a gaming license; and

WHEREAS, the Town Board of Woodbury has discussed and considered the various issues related to the Project and use of the Project Site, and recognizes the substantial benefits to the Town of the Project’s location, the construction of the Project by CAC and Flaum, the operation of the Project by CEC and the unique location of the Project Site, which benefits include significant local job opportunities, increased local spending, associated local and regional economic development, and

community benefits that would necessarily accompany the Project located at the Project Site, which is located within the Town and Village of Woodbury.

NOW, THEREFORE, BE IT RESOLVED, that in furtherance of the above goals, the Town of Woodbury hereby agrees to the location of the Project proposed by subsidiaries and affiliates of CAC and CEC on the Project Site at premises within the Town and Village of Woodbury; and

BE IT FURTHER RESOLVED that the Town Board of Woodbury fully supports the submission of an application to the New York Gaming Facility Location Board by subsidiaries and affiliates of CAC, CEC and Flaum for a gaming facility license and related approvals to develop and operate the Project on the Project Site, and authorizes the Town Supervisor to also send any further letters of support consistent with this Resolution; and

BE IT FURTHER RESOLVED, that this Resolution of the Town Board of Woodbury, the local legislative body of a host municipality, is intended to satisfy the eligibility requirements of the Racing, Pari-Mutuel Wagering and Breeding Law § 1314(2), the Initial Requirement of Local Support of the RFA, and Exhibit IX.A.1.(a) of the List of Required Exhibits in the RFA; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to (1) the New York Gaming Facility Location Board; (2) CAC and Flaum for filing with the New York Gaming Facility Location Board; and (3) the Board of Trustees of the Village of Woodbury.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES

3. Public Comment:

Some members of the Board thanked the residents and the community businesses for all of their participation on the issue of the casino application. Some also thanked the attorneys and representatives from Caesars for the time that was dedicated during the negotiation process.

Several residents thanked the Board for the action they took this evening. One individual asked what items were agreed upon in the host community agreement and Attorney McKay stated the agreement will not be made public until after it is executed by all parties involved.

Maria Hunter, Chairperson of the Village Planning Board, summarized items that were discussed at the Planning Board meeting held on June 23 regarding the casinos.

4. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 8PM.

ADOPTED AYES 5 Burke, Arone, Hunter, Palermo, Prestia
 NOES 0

Desiree Potvin, Town Clerk