

Attachment IX.A.1.a.-1

Res. No.: 139 of 2014

RESOLUTION OF THE TOWN OF THOMPSON IN SUPPORT OF MRMI'S APPLICATION FOR A DESTINATION GAMING RESORT LICENSE AT ADELAAR, A COMPREHENSIVE PLANNED DESTINATION RESORT IN SULLIVAN COUNTY, IN THE TOWN OF THOMPSON

WHEREAS, on July 30, 2013, the Governor signed the Upstate New York Gaming and Economic Development Act (the "Gaming Act") which authorized the establishment of four destination gaming resorts in Upstate New York (each a "Gaming Facility"); and

WHEREAS, in a referendum on November 5, 2013, New York State voters approved Proposition One, a constitutional amendment to allow the New York State Legislature ("State Legislature") to authorize up to seven Gaming Facilities in New York State; and

WHEREAS, the voters of Sullivan County provided overwhelming support for Proposition One approving the measure with more than 68% of the voters approving the measure and;

WHEREAS the margin of support within the Town of Thompson was even higher with over 82% of voters approving the measure; and

WHEREAS, the legislative purpose of Proposition One was to promote job growth, increase aid to schools, and permit local governments to lower property taxes through revenues generated; and

WHEREAS, as set forth in the Legislative Findings and Purpose of the Gaming Act, the State Legislature found that destination resort casinos would "boost economic development, create thousands of well-paying jobs and provide added revenue to the State ... increase support for education beyond that of the state's education formulae and ... provide real property tax relief to localities"; and;

WHEREAS, the New York State Gaming Facility Location Board (the "Siting Board") established by the New York State Gaming Commission ("NYSGC") pursuant to the Gaming Act shall select, following a competitive process and subject to the restrictions of the Gaming Act, no more than four entities to apply to the NYSGC for destination gaming resort licenses ("Gaming Facility License") in Regions One, Two and Five of Zone Two; and

WHEREAS, the Town of Thompson, Sullivan County is included in Zone Two, Region One under the Gaming Act and is therefore considered to be the Host Municipality for a Gaming Facility in the Town of Thompson; and

WHEREAS, the Siting Board will develop criteria, in addition to those outlined in the Gaming Act, in order to evaluate, and issue findings, to assess which Gaming Facility applicants will provide the highest and best value to the State, the Zone, and the Region in which a Gaming Facility is to be located; and

WHEREAS, the criteria outlined in the Gaming Act advance a number of objectives, including, without limitation, economic activity and business development factors, as well as local impact and siting factors, including public support; and

WHEREAS, pursuant to the Gaming Act, as a condition of filing an application for a Gaming Facility License, each Gaming Facility applicant must demonstrate to the Siting Board's satisfaction that local support has been demonstrated; and

WHEREAS, EPR Concord II, LP and EPT Concord II, LLC (collectively, "EPT") is the owner of approximately 1,700 acres of land in the Town of Thompson, County of Sullivan (the "Site"); and

WHEREAS, EPT and Monticello Raceway Management, Inc. ("MRMI") propose to develop a world class destination resort at the Site ("Adelaar"), which will include a Gaming Facility owned and operated by MRMI; and

WHEREAS, Adelaar will include the Rees Jones-renovated world famous "Monster" 18-hole championship golf course, a Gaming Facility complex, hotels, water park, an entertainment village with a cinema and supporting retail, a residential village with a mix of unit types, a civic center, including a diverse open space program, additional recreational activities, including, a trail system, skiing, sledding, fishing, hiking, and boating on the Site (collectively, the "Project"); and

WHEREAS, the phase of the Project, which is expected to be completed by 2016, and includes the Gaming Facility complex, water park and golf course, is estimated to generate over 2,100 new permanent full and part-time time jobs in the region; and

WHEREAS, at full build-out, the Project is estimated to generate over 3,600 new permanent full and part-time jobs within the County; and

WHEREAS, EPT and MRMI have taken numerous significant and necessary steps over the past three years in furtherance of the Project, including, completion of a comprehensive environmental impact review of the Project; and

WHEREAS, specifically, to enable development of the Project, the Town of Thompson Town Board reviewed a Petition to amend to the Town of Thompson Town Zoning Law, pursuant to Section 250-27.2 of the Town of Thompson Zoning Code with respect to the Planned Resort Development ("PRD") district, and to create a new PRD Comprehensive Development Plan for the Project, which included a Gaming Facility as one of the focal points of Adelaar; and

WHEREAS, as part of its review, the Town of Thompson Town Board and Planning Board retained independent experts, and conducted an extensive environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, as part of its SEQRA review, the Town of Thompson Town Board adopted a draft scoping outline that was subject to public review at a public hearing, prepared a Draft Generic Environmental Impact Statement (“DGEIS”) analyzing the potential impacts of the full build-out of the entire Project, and a Draft Environmental Impact Statement (“DEIS”), analyzing the specific impacts of the proposed first phase of the Project, which includes a Gaming Facility (“Phase 1”); and

WHEREAS, the DGEIS and DEIS were deemed complete by the Town of Thompson Town Board in July, 2012; and

WHEREAS, as part of its SEQRA review of Phase 1 and the Project as a whole, the Town of Thompson thoroughly reviewed the potential incremental effect a Gaming Facility would have on local government services, including police, fire, emergency medical services, health and building inspection, schools, public health and addiction services and general government services; and

WHEREAS, the Town of Thompson Town Board held a public hearing in August 2012, and extensive public comment period to accept oral and written comments on the DGEIS and DEIS, circulated the DGEIS and DEIS, and in response to comments, prepared a Final DEIS (“FGEIS”) and a Final EIS (“FEIS”), which in addition to containing a comprehensive response to comments received on the DGEIS and DEIS, also contained revisions to the Proposed Comprehensive Development Plan (“CDP”), and the site specific development of Phase 1; and

WHEREAS, the Town of Thompson Town Board prepared clarifying and technical alterations to the proposed text amendments to the PRD, and considered same in the FGEIS and FEIS; and

WHEREAS, the Town of Thompson Town Board circulated the clarifying and technical alterations in the FGEIS and FEIS to the involved and interested agencies and the public and accepted comments on same; and

WHEREAS, the Town of Thompson Town Board revised the Phase 1 program, following a careful review and analysis, and circulated an FGEIS and FEIS reflecting these revisions to the involved and interested agencies and the public. Comments on the FGEIS and FEIS were received from the public through January 14, 2013, and from other agencies; and

WHEREAS, the Town of Thompson Town Board concluded that the comprehensive review of land use, community character, zoning, public policy, community services, geology, soils, topography, natural resources, surface water resources and wetlands, stormwater management, water

supply, sanitary sewer service, energy & telecommunications, traffic & transportation, air quality, noise, economic conditions, cultural resources, visual resources, hazardous waste materials, construction, alternatives, unavoidable adverse impacts, mitigation, irreversible and irretrievable commitment of resources, growth-inducing effects, and use and conservation of energy considerations were adequately undertaken for the Project as a whole and Phase 1, and included in the DGEIS and DEIS, respectively; and

WHEREAS, the Town of Thompson adopted a Findings Statement on January 15, 2013 indicating that the Project, including Phase 1, is consistent with social, economic and other essential considerations, and that, to the maximum extent practicable, adverse environmental effects revealed in the SEQRA process will be minimized or avoided to the maximum extent practicable by incorporating as conditions those mitigative measures that were identified as practicable; and

WHEREAS, upon completion of the SEQRA review process, the Town of Thompson duly amended the Town Zoning Law, and adopted a new PRD CDP for the Project to enable the development of the Project in accordance with an approved CDP consistent with applicable regional planning initiatives; and

WHEREAS, by separate Resolution adopted by the Town of Thompson Planning Board, which was duly filed with the Office of the Town Clerk in April 2013, the Planning Board, as an Involved Agency pursuant to the provisions of SEQRA, found that it thoroughly reviewed, considered and deliberated upon the entire record that was before the Planning Board and Town Board for the Project and Phase 1 Gaming Facility (referred to therein as the “Casino Resort”), including, but not limited to, the Findings Statement and the record of documents and proceedings referenced therein, and ratified the Findings Statement issued by the Town Board for the Project and Phase 1 Gaming Facility, thus certifying that it complied with the requirements of the SEQRA by taking a “hard-look” with respect to said application, and that proposed mitigation measures previously reviewed and adopted by the Town Board would avoid significant adverse impacts to the maximum extent practicable; and

WHEREAS, by separate Resolution adopted by the Town of Thompson Planning Board in April 2013, and filed with the Office of the Town Clerk, the Planning Board granted Preliminary Site Plan Approval for Phase 1 of the Project, which includes the Gaming Facility, pursuant to the authority vested in it by Sections 250-27.2 and 250-50 through 250-52 of the Town Code; and

WHEREAS, by separate Resolution adopted by the Town of Thompson Planning Board in April 2013, and filed with the Office of the Town Clerk, the Planning Board approved the EPT Lot Improvement/Consolidation Plan; and

WHEREAS, by separate Resolution adopted by the Town of Thompson Planning Board in April 2013, and filed with the Office of the Town Clerk, the Planning Board granted the EPT application for Preliminary Subdivision Plat Approval; and

WHEREAS, by separate Resolution adopted by the Town of Thompson Planning Board in July 2013, and filed with the Office of the Town Clerk, the Planning Board granted the EPT and MRMI's application for Final Site Plan Approval; and

WHEREAS, EPT and MRMI have entered into an agreement with the Village of Monticello which will further facilitate the Project by providing for the beneficial and productive use of the Village of Monticello's existing surplus of water, and improve the reliability and fire flow capacity of the Village's existing water system; and

WHEREAS, the Sullivan County Legislature has taken formal action in furtherance of the Project, including abandonment of maintenance jurisdiction over former County Road 173A, and selection of a consultant to provide Design Review Services to the County; and

WHEREAS, by promoting a tourist destination, which comprises a balanced mix of year round activities that include eco-tourism and recreational venues, agri-tourism; casinos, hotels, and resorts, and the cultural arts, the Project is consistent with and advances regional planning initiatives such as the Town of Thompson/Village of Monticello Comprehensive Plan (1999) and the Sullivan County Comprehensive Plan (Sullivan 2020: Defining an Image and Managing Change: A Strategic Plan for Sullivan County, May 2005); and

WHEREAS, the Project also supports the Mid-Hudson Regional Economic Development Council's objectives by providing a targeted investment in the region that encourages job creation and economic vitality by creating destination hotels and casino gambling; and

WHEREAS, the Project was named as one of the region's Priority Projects, and a project that the Mid-Hudson Regional Economic Development Council believes supports the core goals of its Strategic Plan, which can have a transformational impact on the region; and

WHEREAS, as set forth in the record of various proceedings, the approvals issued, and agreements entered into for the Project, demonstrate significant local and regional support for the Project and MRMI's proposed Gaming Facility by way of public statements and declarations, numerous letters of support from community groups, chambers of commerce, local businesses, and labor organizations; and

WHEREAS, the Project with the Gaming Facility, is expected to have a significant positive impact on the Catskills Region; and

WHEREAS, based upon the significant capital investments made to date, the approvals already obtained and those pending, and the demonstrated ability to provide financing, construction of Phase 1 of Adelaar could begin within within thirty (30) days of an award of a Gaming Facility License to MRMI; and

WHEREAS, Phase 1 of Adelaar is the furthest advanced of the Gaming Facility applications within the State; and

WHEREAS, consistent with the Gaming Act, the proposed construction and operation Adelaar, including the Gaming Facility thereon, presents an opportunity to advance the purposes of the Gaming Act, including, without limitation, increased tourism, economic development, educational funding, and generation of high quality jobs in the Town of Thompson, Sullivan County and the region.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Thompson Town Board hereby finds that by the passage of local laws; the execution of various agreements with the Town of Thompson and other nearby municipalities; public statements and declarations; letters and resolutions from the Town of Thompson, County of Sullivan, nearby local governments, private organizations, community, religious and civic groups, charitable organizations, entertainment venues, chambers of commerce, local businesses, and labor organizations, received on behalf of the Project, including the Gaming Facility, MRMI and EPT have demonstrated local support from the County of Sullivan, Town of Thompson and nearby municipalities; and

BE IT FURTHER RESOLVED, that the Town of Thompson Town Board supports the construction and operation by MRMI of a Gaming Facility at the Site as part of Adelaar in the Town of Thompson; and

BE IT FURTHER RESOLVED, that the Town of Thompson Town Board hereby supports the Gaming Facility application of MRMI for a Gaming Facility License at the Project.

Adopted the 1st day of April, 2014

Moved by: Councilman Richard Sush

Seconded by: Councilman John A. Pavese

The members of the Town Board voted as follows:

ADOPTED BY THE FOLLOWING VOTE:


Supervisor William J. Rieber, Jr.	Aye
Councilman Richard Sush	Aye
Councilman Peter T. Briggs	Aye
Councilman John A. Pavese	Aye
Councilman Scott Mace	Aye

STATE OF NEW YORK}
COUNTY OF SULLIVAN} §:
Office of the Clerk of the}
Town of Thompson}

This is to certify that I, Marilee J. Calhoun, Town Clerk of the Town of Thompson in the said County of Sullivan, have compared the foregoing copy of **Resolution No. 139** of the Year **2014** entitled **“RESOLUTION OF THE TOWN OF THOMPSON IN SUPPORT OF MRMI’S APPLICATION FOR A DESTINATION GAMING RESORT LICENSE AT ADELAAR, A COMPREHENSIVE PLANNED DESTINATION RESORT IN SULLIVAN COUNTY, IN THE TOWN OF THOMPSON”** adopted on **April 01, 2014** with the original now on file in this office, and that the same is a correct and true transcript of such original and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 3rd day of April, 2014.

(SEAL)



Town Clerk of the Town of Thompson,
Sullivan County, New York