

MITIGATION OF IMPACT TO HOST MUNICIPALITY AND NEARBY MUNICIPALITIES

EXHIBIT IX. A.3

Resorts World Hudson Valley may result in the potential impacts detailed in Exhibit IX. A.2.B Local and Regional Impacts. Critical among these include potential impacts to traffic and noise, watershed impacts from stormwater and wastewater discharge, and hydrologic impacts to surface waters and wetlands. RW Orange County LLC has committed financial resources to both minimize potential impacts and mitigate for any impacts that may occur.

- Key components of the Resorts World Hudson Valley Mitigation Strategy include:
- Constructing the proposed intersection of Route 17K/North-South Access Road, which will provide access to a new internal north-south access road.
- Constructing the proposed intersection of Route 747/East-West Access road to provide access to the new internal north-south access road. The proposed intersection will be constructed as a two-lane roundabout.
- Minimizing construction noise through construction specifications; and minimizing traffic noise through accepted noise reduction mitigation strategies such as the replacement of residential windows with double- or triple-pane windows.
- Meeting or exceeding wastewater discharge requirements by designing a water reclamation facility that will be designed to effluent discharge limitations more stringent than NYS DEC stream discharge requirements.
- Employing stormwater management best practices to reduce soil erosion and improve water quality over existing conditions.
- Minimizing light pollution through the use of Night Sky compliant lighting and the introduction of LEED® measures, with architectural design features keeping with the existing rural character of the area.

Mitigation of Impacts on Traffic and Roadway Infrastructure

The Resorts World Hudson Valley Traffic Impact Study (TIS) will serve as the basis for the proposed traffic mitigation. Upon completion and approval of the TIS, the mitigation measures will be finalized. The traffic mitigation measures developed to date will benefit not only the users of Resorts World Hudson Valley, but also the local residents and commuters. Broadly, these mitigation measures have been developed to efficiently manage traffic, minimize costs, and enhance the public safety. Roadway transportation improvements currently being proposed to mitigate the traffic and transportation impacts of the Resorts World Hudson Valley site are as follows.

Traffic Management

To minimize traffic impacts associated with Resorts World Hudson Valley, the most significant component of the proposed transportation infrastructure involves the construction of a 2-lane roundabout along Route 747. Located approximately 2500' north of the I-84/Route 757 Exit 5A interchange, this newly proposed intersection will handle approximately 80% of the Resorts World anticipated traffic volume. With this close proximity to I-84 and only two minor residential intersections between the roundabout and I-84, minimal traffic impacts will be created. The purpose of the roundabout is to efficiently and effectively manage traffic demand. The roundabout mitigates traffic delay and minimizes disruption of Route 747 traffic, and does not rely on the need for special signal timing plans. The roundabout configuration also provides the ancillary mitigation measure of improved safety due to a significant reduction of conflict points that would result in a traditional intersection. All improvements will be made in accordance with NYSDOT standards. Traffic destined to Resorts World Hudson Valley to and from I-84 will only encounter one or two signalized intersections (both at the I-84 interchange) and one unsignalized intersection (proposed roundabout) along the local transportation when arriving or leaving the site.

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Along Route 17K, traffic to Resorts World will be managed with a newly created signalized T-intersection. Route 17K currently operates with one travel lane in each direction in this location, before widening to six lanes (two westbound and four eastbound) approaching Route 747. Under the proposed project, the roadway would be further widened to accommodate two eastbound lanes approaching the new intersection (consisting of a through lane and a shared through/right-turn lane) and three westbound lanes (consisting of two through lanes and a left-turn lane). A three-lane approach (two northbound lanes and one southbound lane) is proposed for the project site's access roadway at this intersection. A two-phase signal timing plan coordinated with the signal timing at the adjacent Route 17K/Route 747 intersection was assumed for this new intersection. The proposed intersection configuration is expected to adequately handle the volume of anticipated traffic. The spacing of the traffic signal to adjacent traffic signals provides ample distance to ensure the proper progression of vehicles with minimal overall delays. As a T-intersection and with adequate side street laneage, the intersection will function at an acceptable level of service, with minimal queues and delays to through traffic along Route 17K.

A well planned internal roadway of north/south and east/west access roadways will provide adequate capacity for the internal circulation of traffic. The internal access roadway has adequate capacity to support the easy and convenient internal circulation of motorists, resulting in reduced traffic on the surrounding transportation network.

Special event traffic management strategies and techniques will be employed for large events at the convention center to address and mitigate traffic impacts. These techniques will typically range from additional traffic control, signing and special traffic signal timing plans, manual traffic control, and parking control measures.

Operational Improvements

Minor modifications to traffic signal timing and phasing are also proposed for two study area intersections—Route 17K/Rock Cut Road and Route 747/I-84 Eastbound Ramps—in order to accommodate new project-generated demand.

- *Route 17K/Rock Cut Road:* A minor signal timing adjustment—the transfer of 4 seconds of signal green time from the Rock Cut Road northbound/southbound phase to the Route 17K eastbound/westbound phase in the Friday PM and Saturday midday peak periods—is recommended to provide additional capacity to accommodate project traffic using the Route 17K corridor east of the project site.
- *Route 747/I-84 Eastbound Ramps:* A minor signal timing adjustment—the transfer of 4 seconds of signal green time from the eastbound I-84 exit ramp phase to the Route 747 leading southbound phase in the Friday PM peak hour—is recommended to provide additional capacity to accommodate project traffic using southbound Route 747. It is also recommended that the Route 747 southbound left-turn movement be permitted during the northbound/southbound signal phase.

Site Access Improvements

The Resorts World Hudson Valley site is proposed to be served by two access points. A new signalized T-intersection along Route 17K will be constructed to serve the project from the north. A new two-lane roundabout along Route 747 will be constructed to serve the project traffic from the south. These two points of access will connect a new north-south internal access road and a new east-west access road that traverse the project. These new roadway facilities will provide direct vehicular access to the Resorts World Hudson Valley project and circulation of vehicles between the main building of Resorts World Hudson Valley and the surface parking lot.

The proposed intersection of Route 17K and the north-south access road will be developed as a new signalized T-intersection with Route 17K. Route 17K currently operates with one travel lane in each direction in this location, before widening to six lanes (two westbound and four eastbound) approaching Route 747. Under the proposed project, the roadway would be further widened to accommodate two

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eastbound lanes approaching the new intersection (consisting of a through lane and a shared through/right-turn lane) and three westbound lanes (consisting of two through lanes and a left-turn lane). A three-lane approach (two northbound lanes and one southbound lane) is proposed for the project site's access roadway at this intersection. A two-phase signal timing plan coordinated with the signal timing at the adjacent Route 17K/Route 747 intersection was assumed for this new intersection. All improvements will be made in accordance with NYSDOT standards.

The proposed intersection of Route 747/east-west access road will be developed as a new two-lane roundabout. The east-west access road, at its connection to Route 747 is proposed to consist of a four-lane divided section, with two receiving/inbound lanes. The eastbound approach to the roundabout will consist of two outbound lanes. All improvements will be made in accordance with NYSDOT standards. Figures IX. A.3-1 and IX. A.3-2 illustrate site access improvements at RW Hudson Valley.

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Figure IX. A.3-1. Proposed New Route 17K Intersection

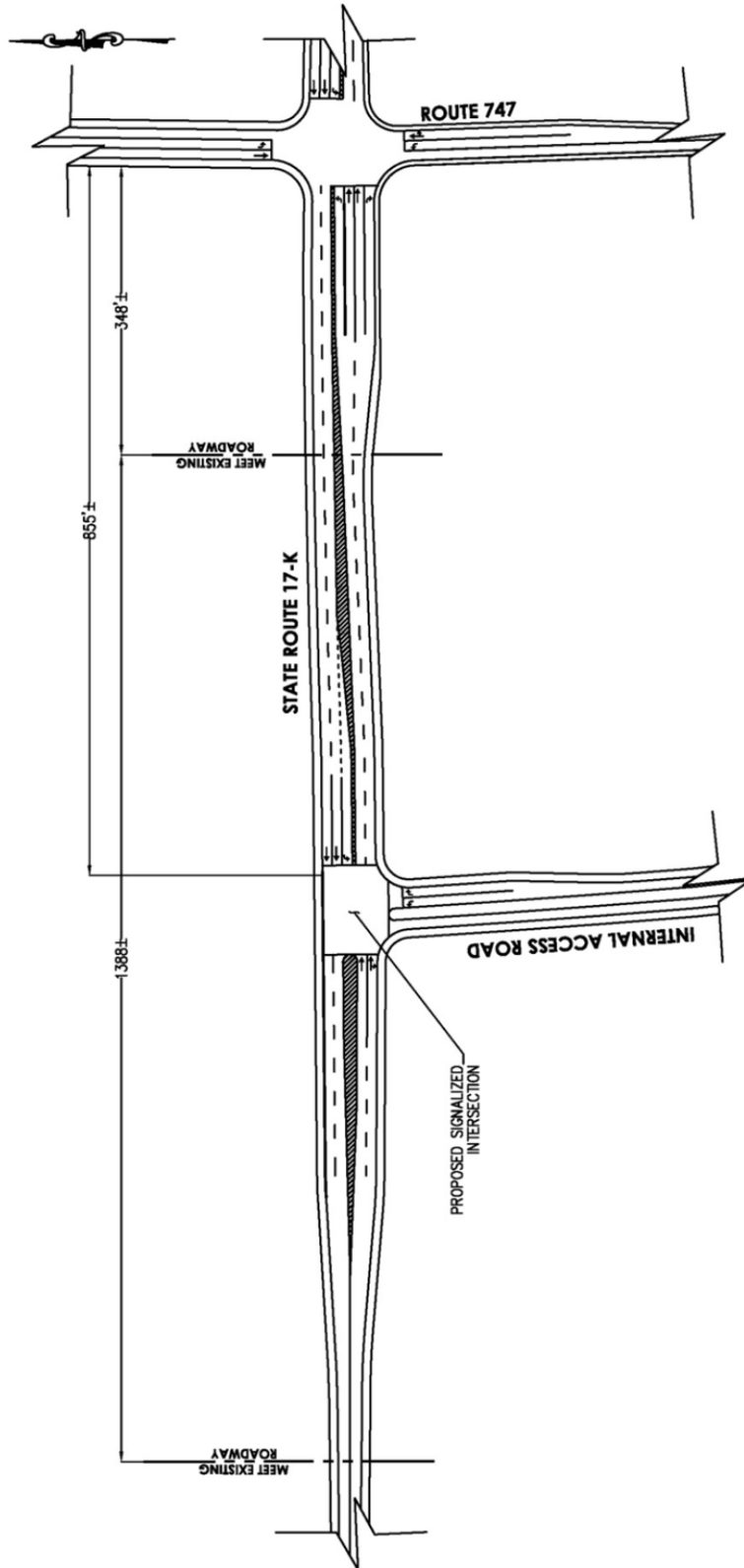
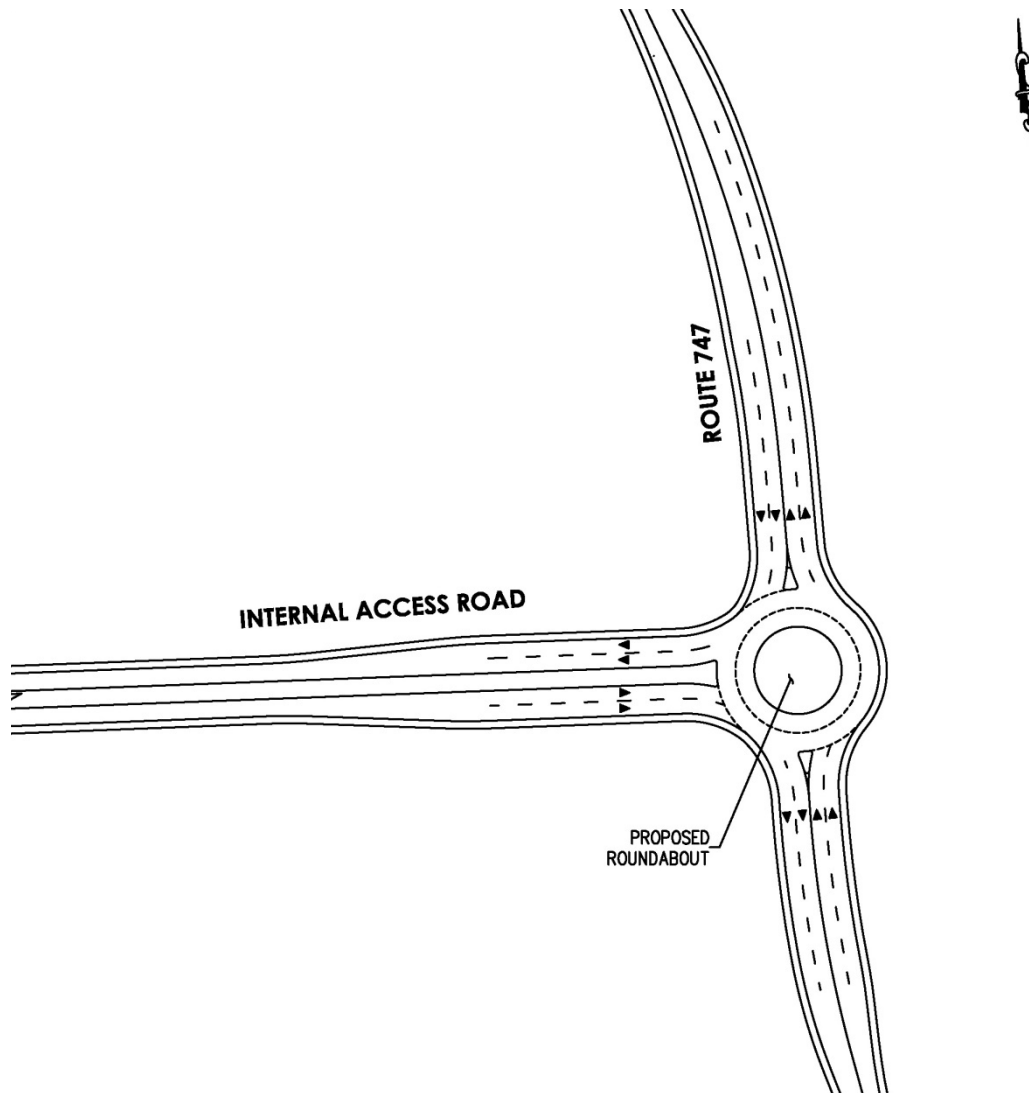


Figure IX. A.3-2. Proposed New Route 747 Roundabout



Parking

Parking facilities will support the needs of Resorts World Hudson Valley. The proposed design includes approximately 6,550 parking spaces among one multi-level parking garage and one surface parking lot. This measure will ensure adequate parking supply to meet estimated demand. Parking will be shared between the Resorts World Grand Hotel, including its casino, lodging, retail and restaurants, and other recreational uses.

Parking facilities will include preferential parking spaces for hybrid, electric, and alternative fuel vehicles. Electric vehicle charging stations will also be provided. Parking impacts will be avoided by fully accommodating peak demand by on-site parking.

Multi-modal Transportation and Pedestrian Safety Improvements

MTA currently has two rail lines that may serve employees and patrons of the gaming facility. The Port Jervis Line is west of the Hudson River and currently has service through several MTA stations in Orange County and connects with the New Jersey Transit (NJT) Main/Bergen-Port Jervis Line. Employees

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and patrons of the gaming facility may take the Port Jervis Line to Hoboken or transfer at the Secaucus Junction to reach New York City. The closest stations to the resort are Middletown/Town of Wallkill, Campbell Hall, and Salisbury Mills-Cornwall.

The Hudson Line runs along the east bank of the Hudson River and connects directly with Grand Central Terminal in Manhattan. The northern terminus of the Hudson Line is Poughkeepsie, NY. The closest station to the resort is in Beacon. Employees and patrons of Resorts World Hudson Valley may access Beacon station through a ferry from Newburgh, NY.

Resorts World Hudson Valley includes a bus depot to accommodate shuttle service to/from these nearby public transportation facilities. Further detail on traffic mitigation is provided in EXHIBIT X.C.1.TRAFFIC MITIGATION.

Mitigation of Noise Impacts

Given the impact threshold of 6 dBA above ambient, there could be periods when, if unmitigated, construction noise would exceed impact criteria near the residences along Maple Avenue in the vicinity of the hotel/casino. Project contractors would be required to develop a noise mitigation plan outlining measures to be enacted in order to reduce construction noise the maximum extent practicable. Such measures could include:

- Using noise sheds around noisy equipment, temporary noise-absorbing walls situated between construction activity and receptors, and shrouds consisting of sound absorbent material around pile driving rigs;
- Conducting public outreach to inform nearby residents of the schedule of particularly noisy activities and limiting the hours when such activities are conducted can reduce complaints;
- Requiring idling equipment to be shut down after 5 minutes;
- Using appropriate mufflers to reduce the frequency and amplitude of sound on machinery;
- Using electric motors instead of compressed air driven machinery and using low-speed fans instead of high-speed fans;
- Using electric-powered cranes in place of diesel-powered cranes.

Traffic increases due to the project could generate noise exceeding impact criteria in the vicinity of residences on Route 747. Traffic noise mitigation activities could include the installation of noise wall along Route 747 and/or the replacement of residential windows with double- or triple-pane windows. RW Orange County LLC will bear all costs for noise mitigation measures.

Mitigation of Water Demand, Supply and Infrastructure Costs

Mitigation measures and supply augmentation are not anticipated for potable water as the project will not place additional stresses on the water balance of the Town of Montgomery's system. New groundwater wells are proposed on-site. Areas of the site with permeable soil will be used as "recharge" areas to replenish groundwater supplies.

As discussed in the "Mitigation of Waste Water Production, Discharge, and Infrastructure Costs" section below, it is anticipated that 30 to 50 percent of the waste water average daily flow (ADF) will be reused as reclaimed water, thus conserving potable water in the area.

RW Orange County LLC will bear all costs for constructing the proposed water infrastructure.

Mitigation of Waste Water Production, Discharge, and Infrastructure Costs

In accordance with the State Pollutant Discharge Elimination System (SPDES) permit process, Resorts World Hudson Valley will meet or exceed the waste water discharge requirements set forth by the New York State Department of Environmental Conservation (NYSDEC). The proposed waste water reclamation facility (WRF) includes a high level of treatment followed by the use of reclaimed water for non-potable uses on the site, with the ultimate goal of improving existing water quality conditions.

The WRF will include two parallel 180,000-gpd membrane bio reactor (MBR) treatment plants. Secondary treatment and high-level disinfection will be provided in the treatment plant to meet public

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access reuse water quality treatment requirements. The treatment facility will operate as a five-stage Bardenpho MBR process. The plant will incorporate anaerobic treatment for phosphorous removal followed by a four-stage anoxic/oxic denitrification/nitrification process with internal recycle for nitrogen reduction. The membrane treatment process will be provided for clarification and filtration. Effluent meeting the requirement of less than 5 mg/l total suspended solids (TSS) will be allowed to pass into the ultraviolet (UV) process for disinfection and discharge to the on-site stream, which is rated as a Class B stream by the NYSDEC. The treatment facility will be designed to meet Class I reliability standards and Class A stream effluent standards.

Wasted sludge from the treatment plant process will be directed to a solids process facility for thickening and storage. The processed biosolids will be treated and dewatered to create a fertilizer grade product. The fertilizer then will be used on site and/or sold for agricultural use.

The facility is being sized for Class I reliability, meaning there will be enough equalization tanks and duplicate pumps for 100 percent redundancy. It is being designed for peak flow, which is three times higher than average flow; an overflow tank also will be included to accommodate 100 percent of the demand. Further, it will have permanent back-up power using a natural gas generator.

To minimize odor and eliminate aerosol drift, the WRF will be completely housed inside a climate-controlled building. The building ventilation will be equipped with an odor scrubbing filtration system. Housing the WRF inside the building also will minimize the potential for off-site noise concerns. Noise inside the treatment facility building will be minimized by using low-noise producing equipment and sound-attenuation shielding where needed.

The proposed effluent discharge will be located on the finishing process of the WRF and will include ultraviolet disinfection prior to discharge; only water intended for reclaimed water use in toilet flushing will include the addition of chlorine.

The WRF will discharge into the on-site stream and will be capable of producing reclaimed water to be used on-site for irrigation, toilet flushing and other non-potable uses. Proposed landscaped areas will incorporate irrigation by reclaimed water. The proposed buildings will be dual-plumbed such that toilet flushing uses reclaimed water versus potable water. Approximately one-third of the waste water flow is anticipated to be reused in these non-potable uses.

RW Orange County LLC will bear all costs for construction of the waste water treatment plant.

Mitigation of Watershed Impacts

Resorts World Hudson Valley will meet or exceed the storm water quality requirements set forth in the New York State Storm Water Design Manual. Storm water treatment will exceed the required water quality volume for the project by 10 percent or more, if possible. Nearly all site storm water will pass through a treatment facility, which will include retention basins, bio-retention areas, and infiltration basins. The treated storm water then will be released at a rate less than or equal to pre-development rates to ensure no erosion of the downstream receiving channels.

The project will employ a suite of measures to maintain or improve storm water infiltration, where practical. Run-off will be captured on-site and will be treated and discharge rates will be controlled. Green infrastructure best management practices will include capturing rooftop storm water run-off in cisterns; using pervious pavement in surface parking lots to provide storage of storm water and water quality improvement; and constructing bio-swales where permeable soils exist.

Geotechnical investigations have determined that high ground water is present throughout the project site, and the storm water measures will be designed to maintain the ground water levels. The project will excavate areas of poor soils where present, which may lower the groundwater elevation in that immediate area. The excavation areas will be replaced with engineered fill allowing for infiltration to the new groundwater elevation.

Storm Water Pollution Prevention and Post-Construction Storm Water Management Plans will be developed for the project to provide sediment control, prevent erosion, and protect water quality. RW Orange County LLC will bear all costs for storm water management best practices.

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Mitigation of Flooding Impacts

Once the storm water has been treated and retained to pre-development flow rates, it will be safely discharged into existing stream and or wetlands areas on the site for conveyance downstream to the Tin Brook. Post-development discharge rates will be less than or equal to pre-development discharge rates.

The project will impact existing wetlands and will replace those impacted wetlands on-site at a minimum of a 2:1 ratio. These mitigation areas will be constructed adjacent to existing on-site wetlands and will provide additional flood storage on-site in excess of existing flood storage capacities.

Mitigation of Impacts on Wetlands and Surface Waters

Throughout the design process attempts have been made to avoid and minimize impacts to wetlands and open waters. The design and placement of structures, roads, and other features have been reduced, shifted or modified to the extent practicable and still achieve their functional and operational needs. For unavoidable impacts to aquatic resources (wetlands and waters), the project site has the capacity to provide for the mitigation of stream and wetland impacts such that no net loss of aquatic habitats would occur with the implementation of the project. The mitigation plan would include the following mitigation measures. RW Orange County LLC will bear all costs for wetland mitigation.

- Relocation of an existing 1st order tributary to Tin Brook through the implementation of natural channel design process to incorporate features that will improve the streams water quality and habitat functions resulting in an ecological uplift over existing conditions.
- Provide on-site restoration of former wetland areas (agricultural fields) to replace in-kind the wetland types impacted by the project (forest, emergent and open water).
- Enhance existing wetlands and riparian buffers to improve and protect functions through minor grading and native vegetation establishment.
- As discussed above, the project will impact existing wetlands and will replace those impacted wetlands on-site at a minimum of a 2:1 ratio.
- Implementation of an Invasive Species Management Plan to actively remove and control the spread of invasive plant species within the project site.
- Implementation of storm water control that treats runoff from not only the proposed impervious areas but also existing, untreated areas (parking lots) will result in a net improvement to water quality within the watershed.

Mitigation of Electricity Demand and Infrastructure Costs

Central Hudson Gas & Electric (CHGE) provided a willingness to serve letter on June 26, 2014 and has committed to providing electrical service for Resorts World Hudson Valley. The existing utility lines along Route 17K and an easement east of Route 747 currently serve the area where the resort will be located. The existing circuit does not currently have enough capacity to serve the resort. Resorts World Hudson Valley will seek to upgrade the existing substation which is located just north of the site; approximately one-half mile north of Route 17K on Colonel Foster Drive (a private road).

The evaluation of the transmission-system source and the best usage of the distribution system haven't been finalized. Several options are under consideration with permutations for either overhead or underground lines or a new or upgraded substation. Improvements that are included in CHGE's Long-Range Transmission Plan will be accommodated to the extent possible.

Additionally, use of public right-of-way for the proposed utility trenching along Route 17K and Route 747 will help minimize construction risk and cost. Also under consideration is an on-site substation, with the capacity to serve approximately 30 MW daily. Supply potentially will be provided by an existing CHGE high-voltage transmission line located west of the site.

The cost of the proposed line will be borne by the developer in accordance with the CHGE tariff set by the New York State Public Service Commission (PSC). The anticipated cost of the electrical service improvements described above is approximately \$8 million. The estimated date of completion is November 2016.

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Resorts World Hudson Valley also will procure or generate on-site 10 percent of the main facilities' annual electrical consumption from renewable energy sources qualified by the New York State Energy Research and Development Authority (NYSERDA). To generate 3.9 million kilowatt-hours, a solar photovoltaic system of approximately 3 megawatts of DC nameplate capacity may be installed on the upper level of the parking garage as a canopy system and on the roof of the main resort complex. Other renewable energy systems also are being considered, as further detailed in Exhibit X. C.6. RW Orange County LLC will bear all costs associated with utility infrastructure upgrades and renewable energy production.

Mitigation of Impacts on Protected Habitats and Species

To avoid potential impacts to Indiana and Northern long-eared bats, and reduce potential impacts to breeding birds, tree removals will be conducted between September 30 and April 1.

During construction, on-site monitoring of the construction site will be performed as needed to prevent species of concern from entering into active construction zones, specifically bog turtles. Additional species of concern include the dwarf wedgemussel and small whorled pogonia. To avoid potential impacts to the dwarf wedgemussel, construction activities will be staged and performed in such a way as to prevent the introduction of chemicals or additional sediment into the streams which run through the site. In addition, every effort will be made to avoid increasing the velocity of the streams. To avoid potential impacts to potential populations of the small whorled pogonia, drainage on the site will be controlled, and flagging fencing will be placed around any plants that are present in the construction and support areas. If a plant is present where a structure is to be placed, the plant will be re-located to another space within the habitat. Undeveloped portions of the property outside of the immediate project site would be protected through a conservation easement.

The mitigation activities outlined above will also benefit other wildlife species. In addition, on-site wetland and stream mitigation will target replacement of similar wildlife habitats as those that will be impacted by the project. Further, landscaping around the proposed facility will utilize native species to the extent feasible.

The proposed project has focused on the use of disturbed, sparsely vegetated portions of the Site to minimize impacts to natural communities. Mitigation for unavoidable impacts may include the development and implementation of an Invasive Species Management Plan that would assist in prevention of degradation of these habitats over time. In addition, the placement of the remaining areas within a conservation easement would offer added protection to the remaining areas within the site from future disturbance.

Mitigation of Light Pollution and Visual Impacts

No significant impacts have been identified in relation to aesthetic and visual resources; it is anticipated that the proposed development will enhance the visual character of the Site by removal of deteriorating buildings, removal of all existing site lighting, and the introduction of a modern, sustainable development scheme with LEED® designed buildings, re-vegetation of graded areas and added landscape plantings in keeping with the existing rural character of the area. Areas outside of the limits of disturbance specified on the project construction plans will be protected and preserved in existing vegetative cover. Nonetheless, the proposed project plans will incorporate the following mitigation measures to minimize or avoid adverse visual impacts, the costs of which will be entirely borne by RW Orange County LLC.

- Design standards are proposed (use of natural materials, selection from limited color palette) that ensure buildings blend with natural landscape.
- Siting of buildings, roads and trails along existing contours and within areas of existing development, to the extent practicable.
- Landscaping of the development areas with native or naturalizing vegetation, particularly where open to public views of the Site, will be part of the overall site landscape design. Particular attention will be paid to plantings needed for screening of vehicular areas (roadways

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and parking areas) from offsite views by the public, including vehicle lights at nighttime. New buildings and pavement areas potentially visible from nearby off site vantage points will receive screen planting to buffer the view.

- Treatment of the Main Entrance area on Route 17K following excavation for the Hotel and access roads will entail minor sculpting of any exposed rock to create a natural looking rock face. Rock encountered by these excavations will be utilized as stabilized side slopes thereby reducing the extent of earth cut and land disturbance needed for the road construction, while providing a visual amenity. Existing trees will be supplemented by new plantings along roadways and buffered areas.
- Lighting plan to limit exterior lighting to safety and comfort, reduce light power densities and minimize light trespass, including the following specific measures:
 - Night Sky compliant lighting fixtures to minimize “sky glow”
 - Down-Lighting to direct light where specifically needed, thereby necessitating lower light intensity lamps
 - cutoff fixtures to minimize stray light
 - street lighting is limited to road intersections and parking areas
 - bollard lighting is used around buildings
 - All existing lighting will be removed (including the street lights along Route 17K and all building mounted flood lights)
- The Project will develop architectural guidelines and will use a limited “palette” of exterior building materials, colors and styles, incorporating elements from local architecture, to create a unified overall development style for the Project.
- The Project will develop standards of design regarding earth grading, soil conservation and erosion controls to limit changes in the landform, minimize adverse effects on soil and water resources, and ensure sustainable development.
- The Project will develop management guidelines for the resort regarding exterior lighting to minimize light pollution;
- The Project will develop landscaping guidelines for the resort regarding tree removals and new planting to preserve the natural landscape character;
- The Project will incorporate minimal directional signage at the main entrance and secondary access points. There will be no entrance features located on the public road, such as stone pillars, project signs, and the like. The proposed Main Entry facility is located internal to the Site.

Mitigation of Impacts on Land and Geological Features

Mitigation measures will include Best Management Practices (BMPs) to minimize and reduce effects on soil erosion to less-than-significant levels. Adherence to the New York State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Construction Activity, combined with the required storm water pollution prevention plan and soil protection BMPs to minimize effects, would reduce the potential effect to less than significant. The BMPs will include, but not be limited to the following mitigation measures.

- Schedule construction sequences to minimize land disturbance during rainy and dry periods
- Provide soil stabilization to steep slope areas
- Provide sediment controls to intercept and slow down storm water flows
- Cover stockpiled soil
- Use dust suppressants, such as watering soils and unpaved roadways
- Preserve existing vegetation where no construction activities are planned and wherever possible
- Replant/re-vegetate all exposed disturbed areas immediately upon completion of construction

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To mitigate impacts of excavation and grading, all topsoil within the disturbed areas will be cleaned and reused on site. When sound rock (e.g., boulders or large pieces of weathered bedrock) is encountered during excavation, it may be reduced in size or crushed on-site and utilized as fill or base material, whichever is appropriate. Blasting holes will be backfilled with native material from the original excavation. Dewatering will occur to install building foundations and underground utility infrastructure.

Mitigation of Increased Emergency Services Costs

RW Orange County LLC is presently negotiating a host community agreement with the Town of Montgomery. The Town and RW Orange County LLC are working collaboratively to draft a host community agreement. The draft host agreement is anticipated to be completed by June 27, 2014. Among the agreements between RW Orange County LLC and the Town set forth in the host community agreement and subject to the conditions set forth therein, RW Orange County LLC will pay for reasonable upfront costs of additional emergency services equipment for the Town including new police vehicles, new fire trucks and new full-time employees necessitated by the Project up to an agreed upon cap.