

New York Gaming Facility Location Board
Response to Request for Applications to Develop and Operate a
Gaming Facility in New York State

TIOGA DOWNS RACETRACK, LLC

Exhibit VIII.C.3.a.

Town of Nichols Resolution for SEQR Lead Agency

TIOGA DOWNS RACETRACK, LLC

Exhibit VIII.C.3.a. (cont)

RESOLUTION

Resolution #4 – 2012

Entitled: A Resolution to declare the Town Board of the Town of Nichols as the Lead Agency for review of the Tioga Downs Expansion Project under the State Environmental Quality Review act.

At a regular meeting of the Town Board of the Town of Nichols held on the 14th day of August, 2012, the following resolution was offered by the Board member Barbara Crannell, who moved for its adoption, second by Board member William Caloroso.

WHEREAS, Tioga Downs Racetrack, LLC (“Tioga Downs”) has proposed the Tioga Downs Gaming, Hotel and Related Amenities Expansion Project (“The Project”) at the existing Tioga Downs Casino at 2384 West River Road Nichols, New York; and

WHEREAS, Tioga Downs has submitted a full Environmental Assessment form to the Town Board of the Town of Nichols in regard to the project, pursuant to the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Town Board has determined that the Project is subject to SEQR and preliminary determined it as a Type I action under SEQR;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Nichols hereby determines that it is the Lead Agency for the purpose of Review of the Project under the SEQR; and

BE IT FURTHER RESOLVED that the action is the preliminary classified as a Type I action under SEQR; and

BE IT FURTHER RESOLVED that notice of the establishment of the Town Board as Lead Agency shall be sent to all involved agencies, pursuant to SEQR; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Councilperson Thetga	Votes <u>aye</u>
Councilperson Caloroso	Votes <u>aye</u>
Councilperson Engelbert	Votes <u>aye</u>
Councilperson Crannell	Votes <u>aye</u>
Supervisor Branston	Votes <u>aye</u>

The resolution was thereupon declared duly adopted.

#4 2012

TIOGA DOWNS RACETRACK, LLC

Exhibit VIII.C.3.a. (cont)

A RESOLUTION TO DECLARE THE TOWN BOARD OF THE TOWN OF NICHOLS AS THE LEAD AGENCY FOR REVIEW OF THE TIOGA DOWNS EXPANSION PROJECT UNDER THE STATE ENVIRONMENTAL QUIALITY REVIEW ACT

At a regular meeting of the Town Board of the Town of Nichols held at the Town Hall on the 14 of August, 2012, the following resolution was offered by the Bo9ard member

Barbara Crannell, who moved for its adoption, second by Board member, William Caloroso

WHEREAS, Tjoga Downs Racetrack, LLC ("Tioga Down") has proposed the Tioga Downs Gaming, Hotel and Related Amenities Expansion Project ("The Project") at the existing Tioga Downs Casino at 2384 West River Road, Nichols, New York; and

WHEREAS , Tioga Downs has submitted a Full Environmental Assessment Form to the Town Board of the Town of Nichols in regard to the Project, pursuant to the State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the Town Board has determined that the Project is subject to SEQR and preliminary determined it as a Type I action under SEQR;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Nichols herby determines that it is the Lead Agency for the purposes of Review of the Project under SEQR; and

BE IT FURTHUR RESOLVED that the action is the preliminary classified as a Type I action under SEQR; and

BE IT FURTHUR RESOLVED that notice of the establishment of the Town Board as Lead Agency shall be sent to all involved agencies, pursuant to SEQR; and

BE IT FURTHUR RESOLVED that this Resolution shall take effect immediately.

The questions of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Councilperson Thetga	Votes <u>Aye.</u>
Councilperson Caloroso	Votes <u>Aye.</u>
Councilperson Crannell	Votes <u>Aye.</u>
Councilperson Engelbert	Votes <u>Aye.</u>
Supervisor Branston	Votes <u>Aye.</u>

The resolution was thereupon declared duly adopted.