



GARY D. FINCH  
Assemblyman 126<sup>th</sup> District  
Cayuga, Chenango, Cortland,  
and Onondaga Counties

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

ASSISTANT MINORITY LEADER

COMMITTEES

Agriculture  
Correction  
Energy  
Environmental Conservation  
Insurance  
Rules

May 20, 2014

Mr. Jeffrey Gural  
Chairman and Chief Executive Officer  
American Racing and Entertainment  
2384 West River Road, P.O. Box 509  
Nichols, New York 13812

Dear Mr. Gural:

According to the New York State Department of Labor, private sector employment in the Southern Tier Region (Zone 2, Region 5) is now at its lowest level since 1990. As a longtime representative of the Southern Tier, I supported the 2013 Upstate Economic Development Act, which authorizes non-Native American casino gambling in order to bolster economically distressed areas of the state and increase state aid to education.

It appears that there will be three bids for the full gaming license in the Southern Tier.

One proposal is actually north of the New York State Thruway in Seneca County, between the Seneca and Oneida Regions.

Gaming studies have indicated that awarding a license to a Northern Tier County in Region 5 will cannibalize existing New York State gaming operations, and merely transfer both direct and indirect jobs and gaming revenues, without contributing to the positive impact of \$430 million in new revenue that the Governor's Budget Office has projected. It has been estimated that 81% of the revenue of a Tyre, New York casino, would merely be a shift of existing revenue rather than the creation of new revenue. New revenues currently projected to be shared to counties in those regions would be reduced by up to 25%. There is also rising opposition throughout Seneca County to siting a casino in Tyre.

A second proposal, from Traditions at the Glen in Broome County is located only twenty-five miles away from Tioga Downs. It faces significant traffic and environmental obstacles to development, as well as potential opposition from New York State historical agencies due to recent discovery of Native American artifacts at the site. Gaming industry consultants confirm that the Southern Tier Market is unable to support two casinos within a fifty mile radius of one another, and such a siting would adversely affect Tioga Downs—and existing business that has already proven to be a valued community partner by way of job creation, capital investment, and a significant supporter of the \$1.2 billion horse and agriculture industry.

Under your leadership, during which time you have invested over \$45 million in the formerly defunct racetrack property in Nichols, New York, that produced negligible tax revenue, no jobs, and no recreational opportunity, your contributions to the community have been myriad and laudable:

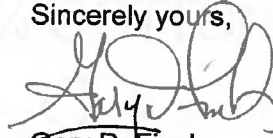
- The Tioga Downs operation provides local tax revenue and consumer recreation that includes horse racing, video gaming and live entertainment.
- Tioga Downs employs over 560 people.
- Nearly \$1 million has been donated to various charities and nonprofit organizations throughout the region.
- Over \$170 million in State Aid to Education has been generated since July, 2006.
- Your commitment to the region continues to grow with an additional \$100 million planned investment to construct an on-site 136-room hotel, and events center facility, and a 274-spot covered parking garage.
- Tioga Downs hires union contractors, pays prevailing wages, and is actively negotiating a Project Labor Agreement with the Binghamton-Oneonta Building Trades Association and Labor Peace Agreements for current and future employee groups.

It is my belief that Tioga Downs represents the best opportunity for New York State to draw regional Pennsylvania patrons, who will generate new revenue for our state. Further, I believe that Tioga Downs will be able to generate new gaming revenue for New York State and local schools and governments *within six months* of obtaining a license. Other applicants will not be able to do so until 2018.

Tioga Downs Casino and Racetrack has my full support, as it is the facility that provides the best scenario for a successful, fully licensed Commercial Gaming

facility in Zone 2, Region 5. Please feel free to use this letter of support in your proposal to and subsequent negotiations with the New York State Gaming Commission. If I may be of further assistance, do not hesitate to contact me. Best wishes.

Sincerely yours,



Gary D. Finch  
Assistant Minority Leader

GDF:mjf



CHRIS FRIEND  
Assemblyman 124<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

RANKING MINORITY MEMBER  
Committee on Children and Families  
Committee on Local Governments  
  
COMMITTEES  
Corporations, Authorities & Commissions  
Aging  
Housing

May 7, 2014

Jeffrey Gural  
Chairman & CEO  
American Racing & Entertainment, LLC  
2384 West River Road, PO Box 509  
Nichols, NY 13812

Dear Mr. Gural:

I am writing this letter to communicate my enthusiastic support for the application of Tioga Downs to be selected as the fully licensed commercial gaming facility in Zone 2, Region 5 of the Southern Tier. I am well aware of the competition to win this license and I am confident that the proposed business case, strong community support and the applicant's established commitment in advance preparation all contribute to a winning scenario for Tioga Downs.

I am concerned that gaming industry consultants have confirmed that the Southern Tier Market simply does not have enough people living within a 50 mile radius to support two casinos. Moving forward with the proposal from Traditions at the Glen in Broome County, a mere 25 miles away from Tioga Downs, would adversely impact the Tioga Downs operation that has already proven to be a valued community partner by way of job creation, capital investment and a significant supporter of the \$1.2 Billion Horse and Agricultural Industry.

I feel that it is important to emphasize that your organization has invested over \$45 million in the formerly defunct racetrack property in the Nichols, NY that was previously producing negligible tax revenue, no jobs and offered no recreational opportunities. Today, all that has changed. The Tioga Downs operation, providing local tax revenue, and consumer recreation including horse racing, video gaming & live entertainment, employs over 560 people. Tioga Downs is a great community partner having donated nearly \$1 million to various charities and nonprofit organizations throughout the region. Most significantly over \$170 million in State Aid to Education has been generated since July of 2006.

Tioga Downs is ready to go and promises to be generating new gaming revenue for the State of New York and local schools and governments in the region within 6 months of the award of the license. The other proposed casinos will not be generating revenues for the State until 2018.

For all the above reasons I am sure that Tioga Downs provides the best scenario for a successful, fully licensed commercial gaming facility in Zone 2, Region 5. I am happy to discuss my support at any time.

Best regards,

A handwritten signature in blue ink, appearing to read "CSF".

Christopher S. Friend, PhD  
Member of Assembly, 124<sup>th</sup> Assembly District



TIOGA DOWNS RACETRACK, LLC  
Exhibit IX.A.1.b. (cont.)

JOSEPH A. GRIFFO  
SENATOR, 47TH DISTRICT



THE SENATE  
STATE OF NEW YORK

**ALBANY OFFICE:**  
ROOM 412  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-3334  
FAX: (518) 426-6921

**UTICA OFFICE:**  
207 GENESEE STREET  
UTICA, NEW YORK 13501  
(315) 793-9072  
FAX: (315) 793-0298

**EMAIL ADDRESS:**  
griffo@nysenate.gov

May 2, 2014

Mr. Jeffrey Gural, Chairman & CEO  
American Racing & Entertainment  
2384 W. River,  
Nichols, New York 13812

Dear Mr. Gural:

I supported the 2013 Upstate Economic Development Act, authorizing non-Native American casino gambling, to help bolster economically distressed areas of the state, to increase state aid to education and to provide additional School District Tax Relief and Aid to Local Government distributions.

The private sector employment in the true Southern Tier Region (Zone 2, Region 5) is now at its lowest level since 1990 per the New State Department of Labor.

Three (3) bids for the full gaming license will likely emerge from the Southern Tier.

One proposal from the "Southern Tier" is actually north of the NYS Throughway in Seneca County, right between Seneca Region and the Oneida Region.

Gaming studies have indicated that the award of a license to a Northern Tier County in Region 5 would serve only to cannibalize existing New York State gaming operations, representing only an internal transfer of direct and indirect jobs and gaming revenues, without contributing to the positive economic impact of \$430 million in new revenue that Governor's Budget Office projected. In fact, an estimated 81% of the revenue that a Tyre, NY casino would generate would merely be a shift of the existing revenues, rather than the creation of new revenues...and reducing the new revenues currently projected to be shared to counties in those regions by up to 25%. In addition, opposition has arisen in Seneca County against this proposal.

A second proposal, from Traditions at the Glen in Broome County is a mere 25 miles away from Tioga Downs, and must still overcome significant Traffic, Environmental and potentially, even New York State based historical agencies opposition due to the recent discovery of Native American artifacts at the site.

Gaming Industry consultants have confirmed that the Southern Tier Market simply does not have enough people living within a 50 mile radius to allow two casinos, 25 miles apart, to prosper.

Such a siting would adversely affect a Tioga Downs operation that has already proven to be a valued community partner by way of job creation, capital investment and a significant supporter of the \$1.2 Billion Horse and Agricultural Industry.



Over \$170 million in State Aid to Education has been generated for State Aid to Education since July of 2006.

I applaud the investment you have made of over \$45 million in the formerly defunct racetrack property in Nichols, NY that previously produced negligible tax revenue, no jobs and offered no recreational opportunity.

Today, all that has changed. The Tioga Downs operation, providing local tax revenue, and consumer recreation including horse racing, video gaming & live entertainment, employs over 560 people. Nearly \$1 million has been donated to various charities and nonprofit organizations throughout the region.

Most significantly over \$170 million in State Aid to Education has been generated since July of 2006.

This commitment to the region continues to grow with an additional \$100 million planned investment to construct an on-site 136 room hotel, an Events Center facility and a 274 spot covered parking garage.

Tioga Downs is a great community partner, making the decision to hire union contractors and to pay Prevailing Wages. It is my understanding that they are actively negotiating a Project Labor Agreement with the Binghamton-Oneonta Building Trades Association and Labor Peace Agreements for current & future employee groups.

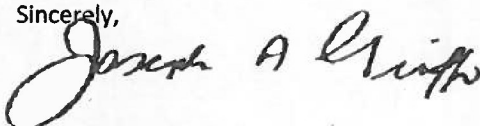
Tioga Downs also represents the best opportunity for New York State to draw regional Pennsylvania patrons and, thus, new revenue for New York.

Most important Tioga Downs will be generating new gaming revenue for the State of New York and local schools and governments in the region within 6 months of the award of the license. This state or that region cannot afford to wait until 2018 for the other proposed casinos to begin trying to generate revenues.

Tioga Downs Casino & Racetrack provides the best scenario for a successful fully licensed Commercial Gaming facility in Zone 2, Region 5.

For all the reasons above, I am submitting this Letter of Support for Tioga Downs Casino & Racetrack, in Nichols, New York because Tioga Downs provides the best scenario for a successful, fully licensed Commercial Gaming facility in Zone 2, Region 5.

Sincerely,



Joseph A. Griffo  
Senator, 47<sup>th</sup> Senate District



WILLIAM MAGEE  
Assemblyman 121<sup>st</sup> District

CHAIRMAN  
Agriculture Committee

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Aging  
Banks  
Higher Education  
Local Governments

Jeffrey Gural, Chairman & CEO  
American Racing & Entertainment  
2384 W. River, NY 13812

Dear Mr. Gural,

I supported the 2013 Upstate Economic Development Act, authorizing non-Native American casino gambling, to help bolster economically distressed areas of the state, to increase state aid to education and to provide additional School District Tax Relief and Aid to Local Governments distribution.

The private sector employment in the true Southern Tier Region (Zone 2, Region 5) is now at its lowest level since 1990 per the New State Department of Labor.

Three (3) bids for the full gaming license will likely emerge from the Southern Tier.

One proposal from the "Southern Tier" is actually north of the NYS Throughway in Seneca County, right between Seneca Region and the Oneida Region.

Gaming studies have indicated that the award of a license to a Northern Tier County in Region 5 would serve only to cannibalize existing New York State gaming operations, representing only an internal transfer of direct and indirect jobs and gaming revenues, without contributing to the positive economic impact of the \$430 million in new revenue that Governor's Budget Office projected. In fact, an estimated 81% of the revenue that a Tyre, NY casino would generate would merely be a shift of the existing revenues, rather than the creation of new revenues... and reducing the new revenues currently projected to be shared to counties in those regions by up to 25%. In addition, opposition has arisen in Seneca County against this proposal.

A second proposal, from Traditions at the Glen in Broome County is a mere 25 miles away from Tioga Downs, and must still overcome significant Traffic, Environmental and potentially, even New York State based historical agencies opposition due to the recent discovery of Native American artifacts at the site.

Gaming Industry consultants have confirmed that the Southern Tier Market simply does not have enough people living within a 50 mile radius to allow two casinos, 25 miles apart, to prosper.

Such a siting would adversely affect a Tioga Downs operation that has already proven to be a valued community partner by way of job creation, capital investment and a significant supporter of the \$1.2 Billion Horse and Agriculture Industry.

Over \$170 million in State Aid to Education has been generated for State Aid to Education since July of 2006.

Chairman Jeff Gural has invested over \$45 million in the formerly defunct racetrack property in the Nichols, NY that previously produced negligible tax revenue, no jobs and offered no recreational opportunity.

Today, all that has changed. The Tioga Downs operation, providing local tax revenue, and consumer recreation including horse racing, video gaming & live entertainment, employs over 560 people. Nearly \$1 million has been donated to various charities and nonprofit organizations throughout the region.

Most significantly, over \$170 million in State Aid to education has been generated since July of 2006.

This commitment to the region continues to grow with an additional \$100 million planned investment to construct an on-site 136 room hotel, an Events Center facility and a 274 spot covered parking garage.

Tioga Downs is a great community partner, making the decision to hire union contractors and to pay Prevailing Wages. We are actively negotiating a Project Labor Agreement with the Binghamton-Oneonta Building Trades Association and Labor Peace Agreements for current & future employee groups.

Tioga Downs also represents the best opportunity for New York State to draw regional Pennsylvania patrons and, thus, new revenue for New York.

Most important, Tioga Downs will be generating new gaming revenue for the State of New York and local schools and governments in the region within 6 months of the award of the license. This state or that region cannot afford to wait until 2018 for the other proposed casinos to begin trying to generate revenues.

Tioga Downs Casino & Racetrack provides the best scenario for a successful fully licensed Commercial Gaming facility in Zone 2, Region 5.

For all the reasons above, I am submitting this Letter of Support for Tioga Downs Casino & Racetrack, in Nichols, NY because Tioga Downs provides the best scenario for a successful, fully licensed Commercial Gaming facility in Zone 2, Region 5.

Sincerely,



William Magee  
Assemblyman, 121<sup>st</sup> District





FRED W. THIELE, JR.  
Assemblyman 1<sup>st</sup> District  
CHAIR  
Assembly Committee on  
Libraries and Education Technology

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Ways & Means  
Education  
Election Law  
Environmental Conservation  
Oversight, Analysis & Investigation  
Transportation  
MEMBER  
Assembly Majority Steering Committee

May 20, 2014

Jeffrey Gural, Chairman & CEO  
American Racing & Entertainment  
Wading River, New York 13812

Dear Mr. Gural:

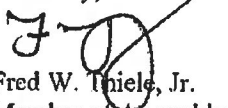
I am writing to support Tioga Downs Casino and Racetrack's bid for a full gaming license in New York's Southern Tier Region.

The Upstate New York Gaming and Economic Development Act authorizes non-Native American casino gambling in New York State. This act is intended to help bolster economically distressed areas, increase state aid to education and to provide additional property tax relief and aid to localities.

While the boundaries of the Southern Tier may fall far from my Assembly district on Long Island's East End, the economic impact of a properly situated full-gaming facility will be realized on both a regional and state-wide level. As such, I believe that the Tioga Downs Casino and Racetrack in Nichols, New York would provide the best scenario for a successful, fully licensed gaming facility in the Southern Tier Region (Zone 2, Region 5).

Thank you for your attention and consideration. Please feel free to contact me if I can provide any additional information.

Sincerely,



Fred W. Thiele, Jr.  
Member of Assembly

FWT/lml



TIOGA DOWNS RACETRACK, LLC  
Exhibit IX.A.1.b. (cont.)

CHAIRMAN  
COMMITTEE ON ELECTIONS

COMMITTEES  
AGRICULTURE  
BANKS  
CODES  
ENERGY AND TELECOMMUNICATIONS  
ENVIRONMENTAL CONSERVATION  
FINANCE  
INSURANCE  
INVESTIGATIONS &  
GOVERNMENT OPERATIONS  
JUDICIARY  
TRANSPORTATION

THE SENATE  
STATE OF NEW YORK



THOMAS F. O'MARA  
SENATOR  
58<sup>TH</sup> DISTRICT  
June 10, 2014

ALBANY OFFICE:  
ROOM 812  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2091  
FAX: (518) 426-6976

DISTRICT OFFICE:  
333 E. WATER STREET  
SUITE 301  
ELMIRA, NEW YORK 14901  
(607) 735-9671  
FAX: (607) 735-9675

SATELLITE OFFICE:  
105 E. STEUBEN STREET  
BATH, NEW YORK 14810  
(607) 776-3201  
FAX: (607) 776-5185

INTERNET ADDRESS:  
omara.nysenate.gov

E-MAIL ADDRESS:  
omara@nysenate.gov

Mr. Jeffrey Gural, Chairman and CEO  
American Racing & Entertainment  
2384 West River Road  
Nichols, New York 13812

Dear Mr. Gural:

I appreciate this opportunity to express my strong and unequivocal support for the State of New York, as it moves forward in awarding a full gaming license for a casino in the Southern Tier region, to give precedence to a proposal advanced by Tioga Downs Casino and Racetrack in Nichols, New York, over competing proposals in Broome and Seneca counties.

In supporting the New York Gaming Economic Development Act of 2013, I repeatedly stressed that my support was aimed at stimulating the depressed economies of New York State, including and especially the economy of the Southern Tier. It was my intention and belief that the ultimately designated casinos would help create new jobs, generate badly needed revenue which would bolster state aid to education, and provide additional support to local governments.

It remains my firm belief that Tioga Downs Casino and Racetrack would accomplish these aforementioned goals most effectively for the Southern Tier region I represent. Tioga Downs currently employs over 550 people and has already donated over \$1 million to numerous charitable and not-for-profit events and organizations throughout the region. If awarded a full gaming license, Tioga Downs has planned expansions that would produce an additional \$100-million investment in the region and, furthermore, contribute greatly towards the \$430 million in increased revenue from gaming the Governor's Budget Office projected to be annually generated statewide. Specifically, the Southern Tier is expected to generate \$20 million in new state aid to education.

It's my understanding that awarding a gaming license to another proposed site in Seneca County, which is surrounded by the existing gaming operations of Batavia Downs, Finger Lakes Racetrack, the Seneca Nation Casinos, the Oneida Nation Casino, and Vernon Downs, would work against this effort's overriding goals and, instead, would be a detriment to rather than create new revenues from out-of-state patrons and new jobs.

The same concern holds true for the proposed site in Broome County which would be, at the very least, detrimental to the viability of Tioga Downs Casino and Racetrack, as that regional market could not support two casinos in such proximity.

In short, the award of a full gaming license in either Seneca or Broome counties would only serve to undo much of the work that Tioga Downs has already done and will not work to revive the Southern Tier economy.

For all of the above reasons, I again express my strong and unequivocal support for Tioga Downs Casino and Racetrack as the only viable facility in Region 5, the only facility capable of fully utilizing a full gaming license to provide all the aforementioned benefits to the Southern Tier region and New York State as a whole.

If I can be of any further assistance in this effort, I hope that you won't hesitate to contact me.

Sincerely,



Thomas F. O'Mara  
New York State Senator, 58<sup>th</sup> District