

RESOLUTION

Resolution No.: 48 of 2014

Roll Call Vote

Name	Ayes	Noes	Abstain	Absent
<i>Mayor</i> Mr. Robert Jeroloman	X			
<i>Deputy Mayor</i> Mr. John Hickey	X			
<i>Trustee</i> Mrs. Dorine Sas	X			
<i>Trustee</i> Mr. Garry Dugan	X			
<i>Trustee</i> Mr. James Mullany	X			
TOTAL	5			

The following was presented

By Trustee Mullany

Seconded by Trustee Sas

Date of Adoption April 17, 2014

RESOLUTION – VILLAGE BOARD OF THE VILLAGE OF SOUTH BLOOMING GROVE, NEW YORK IN FULL SUPPORT AS A HOST MUNICIPALITY FOR OCCR ENTERPRISES, LLC REGARDING THE UPSTATE NEW YORK GAMING ECONOMIC DEVELOPMENT ACT OF 2013 TO DEVELOP AND OPERATE A GAMING FACILITY ON LAND LOCATED ADJACENT TO NEW YORK STATE ROUTE 208 IN THE VILLAGE OF SOUTH BLOOMING GROVE BY OCCR ENTERPRISES, LLC

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

Facility in New York State (the “**RFA**”) pursuant to The Upstate New York Gaming Economic Development Act of 2013 (the “**Act**”); and

WHEREAS, prior to the enactment of such Act, no Project had been proposed, applied for or otherwise developed in the Village of South Blooming Grove, New York (“**Village**”) by an entity that would qualify under the Act as said Act was previously being considered before its enactment, but other entities had already applied for facilities elsewhere in New York State that could qualify if the Act were approved by the New York State voters as eventually the Act was in November 2013; and

WHEREAS, an entity such as OCCR Enterprises, LLC (“**OCCR**”), not having already proposed, applied for or constructed any facility that would qualify under the Act prior to its expression of interest in the Village was accordingly at a disadvantage in being considered equally as others and therefore time requirements for actions by any municipality such as the Village must be expeditious to provide equally opportunity for all entities being so considered under the Act;

WHEREAS, OCCR has informed the Village that it has entered into contracts to purchase land in the Village of South Blooming Grove known as Section 223, Block 1, Lot 1 and Section 223, Block 1, Lot 2 on the Tax Map of the Village of South Blooming Grove (the “**Project Site**”). The Project Site is situated on New York State Route 208 in close proximity to Exit 130 off New York State Highway Route 17 soon to be Interstate Route 86; and

WHEREAS, OCCR at a Village Board meeting on April 11, 2014 in open public session provided information to the Village Board that OCCR is a qualified applicant with substantial experience in financing, developing and operating entertainment, restaurant and gaming facilities; and

WHEREAS, at the April 11, 2014 meeting, the Village Board heard from OCCR as well as considered and discussed matters relating to the potential development of certain types of gaming and/or casino projects in the Village and the potential positive economic and community development that could flow from such development; and

WHEREAS, the facility proposed by OCCR is a joint effort of the Cordish Companies and Penn National Gaming, Inc., who collectively have extensive experience in the development and operation of the type of facilities being considered in the Village; and

WHEREAS, the affiliates and principals of OCCR are qualified applicants with substantial experience in financing, developing and operating entertainment, restaurant and gaming facilities; and

WHEREAS, OCCR has stated its intent to file an application with the State Gaming Board in response to the RFA (the “**Application**”) seeking a license to develop and operate a Gaming Facility, with a hotel and other amenities, including retail space and entertainment venues (the “**Project**”) on the Project Site, as same may be expanded. As a condition to the

filing of the Application with the State Gaming Board, OCCR is required to submit a Resolution passed by the Village Board supporting the Application; and

WHEREAS, failure of the Village Board to pass a Resolution of support of OCCR would preclude further review and consideration of such potential development by the Village as the application would not be accepted by the State Gaming Board; and

WHEREAS, any such Project, even if approved for a license by the State Gaming Board, would still be required to comply with all the Village's planning, zoning and environmental review process as well as proceeding through public hearings where any and all aspects of any construction or operations of OCCR can be discussed by the public for all appropriate approvals in order to ensure the protection of the health, safety and welfare of the residents of the Village, including but not limited to, work required in and around such Gaming Project (e.g. major alteration to the Rt. 208 corridor leading to the site); and

WHEREAS, as a result of the development of such facility, residents of the Village of South Blooming Grove could benefit from significant job opportunities, lower taxes, additional aid to local schools, increased local investment, and various economic and community benefits that could derive from such Project; and

WHEREAS, the Village Board recognizes the uniqueness of the Project Site, the qualifications of OCCR and the opportunity the Project represents to the Village of South Blooming Grove and its residents; and

WHEREAS, by fully supporting the development and operation of the Project at the Project Site by OCCR, the Village and County of Orange can realize lower taxes, more job opportunities and other benefits as part of a balanced as well as sustainable economy and can expand the commercial tax base of the Village and the County of Orange so as to lessen the burden on local taxpayers; and

WHEREAS, on April 16, 2014, the Village Board, during an open public meeting, heard from the representatives of OCCR, including representatives of Cordish Companies and Penn National Gaming, Inc., including the presentation of questions from the members of the Village Board and the public as well a presentation of the relevant laws from Special Counsel; and

WHEREAS, on April 17, 2014, the Village Board, during an open and public meeting in a joint session with the Town of Blooming Grove Town Board, received information pertaining to the relevant laws and application process from Special Counsel; a presentation from the OCCR representatives, comments and questions from members of the public and municipal representatives; and

NOW THEREFORE IT IS RESOLVED, that the Village Board of the Village of South Blooming Grove fully supports the Application to be filed by OCCR Enterprises, LLC with the State Gaming Board for the development and operation of the Gaming Project on the Project Site as same may be expanded and fully supports and encourages the proposal for

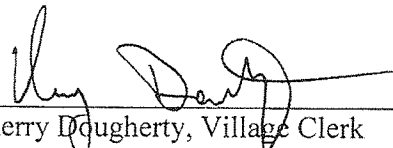
development and operation of the Gaming Project on the Project Site by OCCR Enterprises, LLC and its successors and assigns; and

IT IS FURTHER RESOLVED, that the South Blooming Grove Village Clerk is hereby directed to forward a copy of this Resolution to the State Gaming Board and move its adoption.

MOTION CARRIED The foregoing resolution was thereupon declared duly adopted on April 17, 2014

**BY ORDER OF THE VILLAGE BOARD OF THE
VILLAGE OF SOUTH BLOOMING GROVE, NEW YORK.**

DATED: April 17, 2014


Kerry Dougherty, Village Clerk