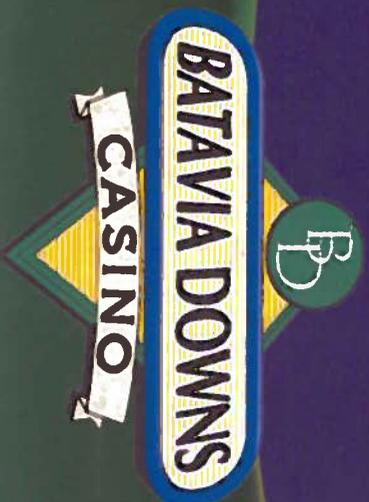


A Proposal to have live table games at BATAVIA DOWNS CASINO



Batavia Downs Casino / Western Regional OTB Stakeholders

- Cattaraugus County
- Cayuga County
- Chautauqua County
- City of Buffalo
- City of Rochester
- Erie County
- Genesee County
- Livingston County
- Monroe county
- Niagara County
- Orleans County
- Oswego County
- Schuyler County
- Seneca County
- Steuben County
- Wayne County
- Wyoming County



New York Gaming Association

- The Association was formed to advocate for a Constitutional Amendment to permit live table games to the State's nine racetrack casinos, located at harness & thoroughbred racing venues in all regions of New York
- The Association works in partnership with NYS on long-term strategies to create jobs; fund education, support agribusiness and horse racing; and generate new revenues for the State to benefit all New Yorkers



New York Gaming Association Members

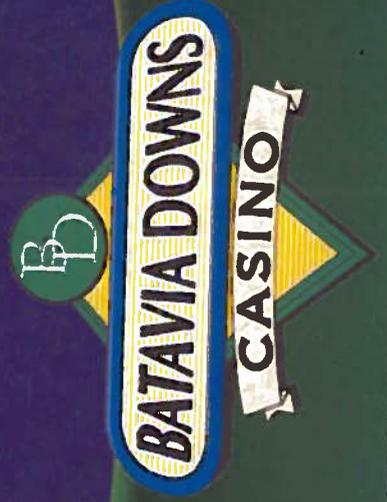
- Batavia Downs Casino
- Empire City Casino at Yonkers Raceway
- Empire Resorts at Monticello Casino & Raceway
- Finger Lakes Casino & Racetrack
- Hamburg Casino at Buffalo Raceway
- Resorts World Casino New York at Aqueduct Racetrack
- Saratoga Casino & Raceway
- Tioga Downs Casino
- Vernon Downs Casino & Hotel



New York's Economy Needs Help

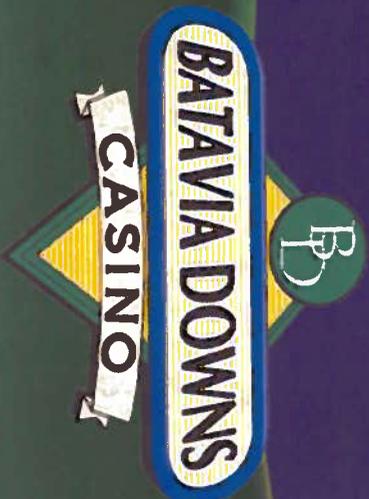
- Need to create new jobs
- Need investment in local communities
- Need to generate revenue for the State

Enhanced gaming at existing tracks is a key part of the solution.

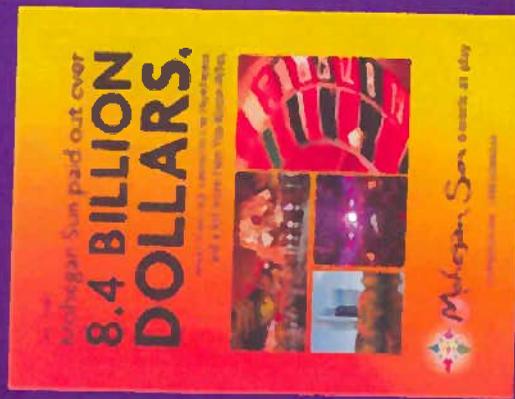


Current State of Play

- New Yorkers spend between \$3 to \$5 billion at out-of-state gaming facilities
- This number *does not include* money spent on restaurants, hotels, retail, golf courses, etc.
- Aggressive marketing by out-of-state casinos



Out of State Casinos Aggressive Marketing Campaign



Gambling in New York State

- Gambling in various forms is happening throughout the State (Native American gaming, VLT's, electronic table games, etc.)
- There are over 27,000 gaming machines in New York State
- We need a comprehensive solution going forward



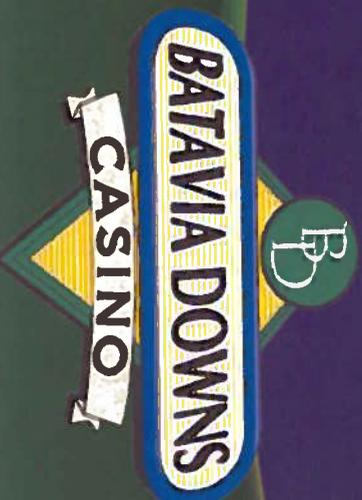
Native American Gaming in New York State

- Many Native American casinos stopped paying obligations years ago
- Provide no funding for education or agribusiness
- Native American casinos continue to compete with existing racetracks facilities which cannot offer table games



Key question for policy-makers

How does NY improve its competitive position in gaming in an economically effective and socially responsible way?



Evaluating the options

Key Components of Any Policy Proposal

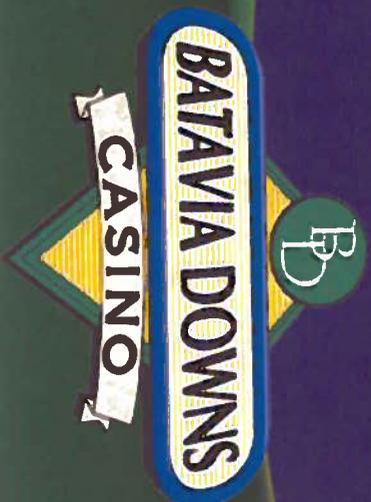
1. Greatest return with the least risk possible
2. Geographically balanced and fair
3. Work with companies with demonstrated commitment to state & local communities
4. Quickest, most dependable & most predictable results



Some alternatives

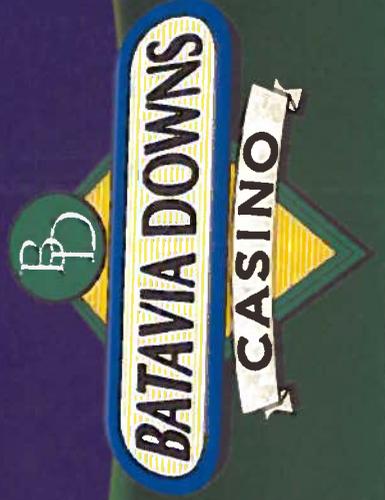
Cluster gaming (e.g. Las Vegas, Atlantic City)

- In many ways, yesterday's economic model
- We already have people, don't need to get them to one site
- Burdens one geographic location at expense of others



Building on our “track record”

The current New York model—limited number of strategically located gaming facilities—has a proven track record. Let’s build on this enormously successful partnership to meet the new challenges.



Authorizing commercial gaming at existing facilities

You know who we are

1. Nine tracks licensed by the Racing & Wagering Board and Division of the Lottery
2. Transparency in financials and business models
3. All well-known companies—leaders in gaming and entertainment
4. Already among largest employers in their areas



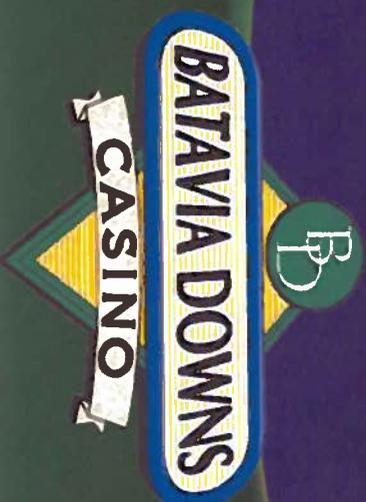
A commitment to social responsibility

- Our racetrack casinos already have programs in place to address problem gambling
- Provide referral information to resources in NYS for problem gamblers, including 24-hour hotline (1-877-8 HOPE NY)
- Our members are committed to continuing to work with the state and other service providers to ensure that assistance for problem gamblers is readily available to any individual who requires it

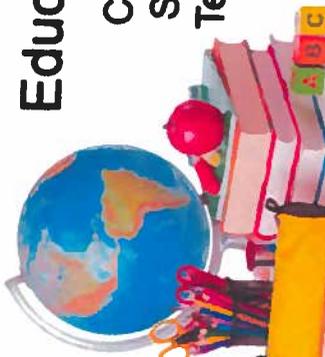


You know who we are

- A tremendously successfully private-public partnership
- Record of being good partners to state and localities
- In FY 2012 – 2013; will provide **approximately \$1.1 billion** in revenues to the state including over **\$850 million** for education
- These nine venues will continue to support New York's agribusiness



VLT Funding \$



Education
Children,
Schools,
Teachers

48%



Agribusiness
Breeders, Farms, Horsemen

10%



Capital Investment

10%



Racetrack Operations
Jobs, Employees, Workforce

22%



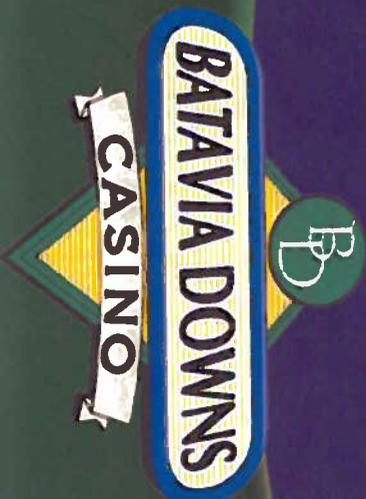
Division of Lottery

10%



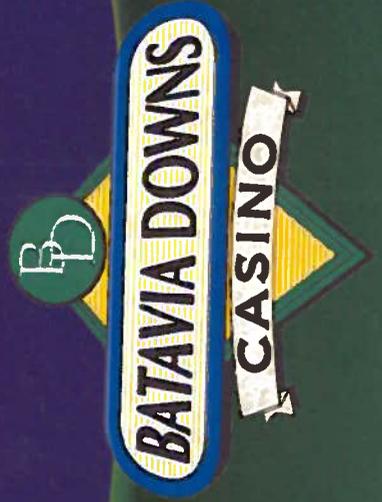
Minimal Risk

Allow successful facilities that already partner with the State of New York to become even more successful.



Geographically balanced approach

- Virtually every region covered, including Catskills
- Even-handed distribution of gaming
- Badly needed economic assistance to all areas of state





VERMONT

HARBURG CASINO AT THE FARMBOUNDS
5800 Harbary Parkway
Harbburg, NY 14075

BATAVIA DOWNS CASINO
6315 Park Road
Batavia, NY 14020

FINGER LAKES CASINO & RACETRACK
5937 Route 88
Farmington, NY 14425

TIOGA DOWNS CASINO
2384 W. River Rd
Methua, NY 13812-1405

VERNON DOWNS CASINO & HOTEL
4229 Sherman Rd
Vernon, NY 13478

SARATOGA CASINO & RACETRACK
342 Jackson St
Saratoga Springs, NY

EMPIRE RESORTS AT MONTICELLO CASINO & RACETRACK
204 State Route 178
Monticello, NY 12701

EMPIRE CITY CASINO AT YONKERS RACETRACK
910 Yonkers Avenue
Yonkers, NY 10704

RESORTS WORLD CASINO NEW YORK AT AQUeduct RACETRACK
110-00 Roosevelt Blvd
New York, NY 10417

MASSACHUSETTS
CONNECTICUT

NEW JERSEY

Yonkers

New York

EMPIRE CITY CASINO AT YONKERS RACETRACK

EMPIRE RESORTS AT MONTICELLO

TIOGA DOWNS CASINO

Binghamton

VERNON DOWNS CASINO & HOTEL

Syracuse

FINGER LAKES CASINO & RACETRACK

Rochester

HARBURG CASINO AT THE FARMBOUNDS

Buffalo

BATAVIA DOWNS CASINO

Niagara Falls

ONTARIO

CANADA

BATAVIA DOWNS CASINO



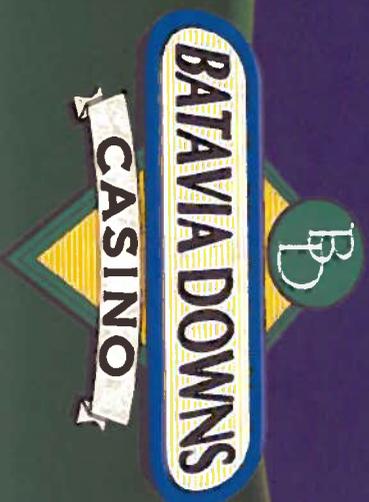
Immediate economic boost

- Substantially increased revenues for state & local governments
- Nine shovel-ready sites with fastest turnaround to be up and running, creating new jobs & helping local economies starting in November 2014



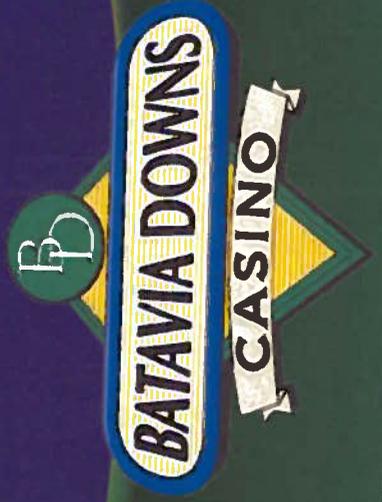
Shovel-ready projects

- Association partners are prepared to invest over \$1.8 billion to upgrade racing venues, add non-gaming attractions and mount comprehensive marketing efforts
- These enhancements would be made at no cost to the state



Economic impact

- NY could recoup \$3 to \$5 billion of the wagering now done in other states
- Every region of the state will see economic benefits and job creation
- With ancillary economic activity (hotels, restaurants, etc.) out-of-state gamblers, proposal will generate well above the billions that now flow out of the state



Doesn't cost the state a cent

We are not asking the state for another dime.

We are only asking for the permission to invest our private resources in facilities that would be truly competitive with those in other states.

Risk is ours, not the state's or the taxpayers'.



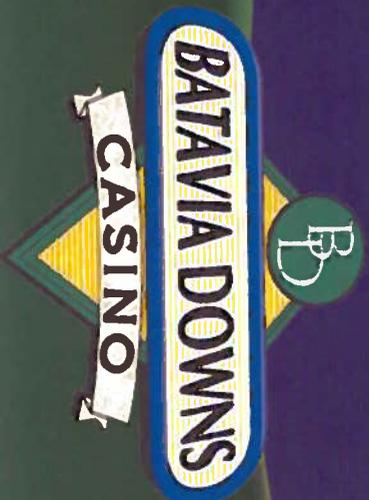
Risk is ours, but rewards will be shared with all

- The creation of over 20,000 new jobs:
 - Over 8,000 direct and indirect jobs
 - Over 15,000 construction jobs
- Hundreds of millions in new revenue for state and local governments, including new funds for education, the state and agribusiness



How to make it happen

We can accomplish introducing table games at existing facilities in a socially responsible, economically positive way through a proposed constitutional amendment.



Constitutional Amendment

1. Concurrent resolution to amend the State Constitution, expanding current exception to allow full commercial gaming at existing authorized sites.
2. Gaming continues to be regulated by the state.
3. Revenues to continue to be dedicated to education, agribusiness and the support of state operations.



Process & Timeline

The resolution will require passage by the New York State Legislature in 2012 and again in 2013.

It will then go before the people in November 2013.



Making NY gaming the model for the country

If a Constitutional amendment is approved, rest assured that NYGA members have shovels ready and are poised to begin: 2014 will be the year the New York gaming industry becomes the model for the country.



**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION
REVENUE SUMMARY
1974 - 2011**

Net Wagers	5,723,000,000
Winnings Returned to Bettors	4,502,000,000
VGM Net Win	213,000,000
Payments to State of New York	98,000,000
Payments to NYS Lottery (VGM)	114,000,000
Payments to NYSRWB	6,000,000
Payments to Race Tracks (Commissions)	342,000,000
Payments to Breeders' Fund	37,000,000
Payments of Surcharge to Counties Outside Region	59,000,000
Payments to Various Local Governments	2,000,000
Contributions to Horsemen Purses	29,000,000

The above figures are rounded to the nearest \$1,000,000

Earnings of Net Revenue to Participating Municipalities

Cattaraugus County	4,451,522
Cayuga County	4,639,304
Chautauqua County	8,395,163
City of Buffalo	25,198,481
**Erie County	56,080,586
**Genesee County	11,906,008
Livingston County	2,850,858
City of Rochester	18,681,577
Monroe County	35,744,147
Niagara County	18,701,172
Orleans County	2,176,561
Oswego County	8,470,139
Schuyler County	907,576
Seneca County	2,707,098
Steuben County	5,893,940
Wayne County	4,321,527
Wyoming County	1,539,355
Total to Participating Municipalities	212,665,014

****Includes surcharge payments to counties with racetracks**

Erie County & The City of Buffalo Participation Summary 1974- 2011

From 1974 through 2011 Erie County OTB Branches generated handle (wagers) totaling **\$2,047,981,820**

Erie County OTB Branches have produced the following:

Erie County earnings	\$71,036,362
Winnings returned to bettors	\$1,650,775,722
Wages and fringe benefits paid to Erie County OTB employees	\$103,814,065
Racing commissions paid to racetracks	\$130,073,096
Surcharge payments to counties with racetracks	\$29,704,877
Taxes paid to the State of New York	\$24,605,110
Regulatory Fee paid to New York State Racing & Wagering Board	\$1,913,882
Payments made to the New York State Breeders' Fund	\$12,595,939

WROTBC was formed and operational by May of 1974. Certain current member counties joined after the formation date. In all cases, those counties who joined later have never been required to provide any financial support to the Corporation, yet they have all enjoyed the financial windfall of participation in WROTBC as full members of the Corporation.

On February 1, 1974, Erie County loaned WROTBC \$261,522 to cover start-up costs. This loan was repaid on May 30, 1975 with interest of \$11,903.00.

During the period of 1974 - 2011, Erie County has earned profit distributions from Western Regional Off-Track Betting Corporation totaling \$71,036,362. In thirty-seven years, Erie County's investment in WROTBC has been returned over 271 times.

Additionally, WROTBC currently employs 76 people in Erie County and has paid wages and fringe benefits totaling \$103,814,065 from 1974 - 2011. Over the same period this money has primarily benefited the local economy.

During 1974 - 2009, Erie County also has received surcharge to C/W/T payments totaling \$10,242,705

<u>YEAR</u>	<u>HANDLE</u>	<u>YEAR</u>	<u>HANDLE</u>
1974	6,902,514	1993	56,229,063
1975	25,511,195	1994	56,977,169
1976	35,276,312	1995	58,124,005
1977	41,093,378	1996	58,701,292
1978	50,171,361	1997	56,573,381
1979	59,300,221	1998	57,688,824
1980	63,575,144	1999	57,374,797
1981	64,535,705	2000	56,415,836
1982	59,919,745	2001	59,014,271
1983	57,511,389	2002	58,581,978
1984	59,020,800	2003	54,139,770
1985	55,146,120	2004	52,118,517
1986	64,352,661	2005	51,233,725
1987	68,970,911	2006	50,098,090
1988	69,790,936	2007	49,765,123
1989	70,408,912	2008	47,451,833
1990	68,856,576	2009	43,645,690
1991	62,044,269	2010	41,412,036
1992	61,261,160	2011	\$38,787,111
Total wagers placed in Erie County		\$2,047,981,820	
*City of Buffalo earnings		\$25,198,481	
Erie County earnings		\$45,837,881	

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION
 DISTRIBUTION OF SURCHARGE & EARNINGS ON A QUARTERLY BASIS TO PARTICIPATING MUNICIPALITIES
 FOR THE YEAR 2011 THROUGH DECEMBER**

COUNTY	1ST QUARTER		(Includes Free Play Adjustment)		3RD QUARTER
	SurchARGE	Earnings from Operations	SurchARGE	Earnings from Operations	
CATTARAUGUS	\$ 9,377	\$ -	\$ 11,601	\$ 25,137	\$ 9.8
CAYUGA	12,143	0	14,957	22,770	13.1
CHATAUQUA	17,025	0	20,016	41,489	17.1
ERIE:					
CITY OF BUFFALO	55,330	0	64,274	75,886	55.4
ERIE COUNTY*	124,270	0	144,424	170,402	125.4
GENESEE**	5,554	0	6,625	18,872	5.5
LIVINGSTON	8,297	0	9,226	19,137	8.2
MONROE:					
CITY OF ROCHESTER	39,725	0	44,983	58,524	40.4
MONROE COUNTY	93,204	0	105,566	137,352	94.8
NIAGARA	44,750	0	52,979	54,697	44.6
ORLEANS	6,108	0	7,185	12,655	6.3
OSWEGO	28,375	0	34,163	28,086	29.8
SCHUYLER	1,659	0	1,929	6,122	1.6
SENECA	6,662	0	7,074	8,715	6.6
STEUBEN	13,226	0	16,020	28,395	13.5
WAYNE	11,037	0	13,279	27,898	11.1
WYOMING	4,185	0	4,837	13,605	4.2
TOTAL 2011	\$ 480,927	\$ -	\$ 559,138	\$ 749,742	\$ 490.26

* Erie County does not include S/C/M/T of \$45,053

** Genesee County does not include S/C/M/T of \$35,452

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION
HISTORY OF MUNICIPAL MEMBERSHIP**

<u>Participating Municipalities</u>	<u>Year of Membership</u>	<u>Initial Contribution</u>	<u>Repayment Date</u>	<u>Interest Received on Contribution</u>	<u>Surcharge & Earnings Distribution Inception Thru 2011</u>
Cattaraugus County	1974	\$19,182	May 30, 1975	\$954	\$4,451,522
Cayuga County	1978	N/A			4,639,304
Chautauqua County	1974	34,596	May 30, 1975	1,265	8,395,163
Erie county City of Buffalo	1974	261,522	May 30, 1975	11,903	56,080,586 25,198,481
Genesee County	1974	13,794	May 30, 1975	746	11,906,008
Livingston County	1974	12,690	May 30, 1975	687	2,850,858
Monroe County City of Rochester	1974	167,208	May 30, 1975	9,124	35,744,147 18,681,577
Niagara County	1974	55,362	May 30, 1975	2,943	18,701,172
Orleans County	1974	8,760	May 30, 1975	66	2,176,561
Oswego County	1979	N/A			8,470,139
Schuyler County	1976	N/A			907,576
Seneca County	1974	8,238	May 30, 1975	343	2,707,098
Steuben County	1974	22,880	May 30, 1975	1,211	5,893,940
Wayne County	1974	18,648	May 30, 1975	1,024	4,321,527
Wyoming County	1976	N/A			1,539,355
Totals		<u>\$622,880</u>		<u>\$30,266</u>	<u>\$212,665,014</u>

RESOLUTION 97-312

-page 2-

RESOLVED, that each member of the New York State Legislature and Governor be urged to join this Legislature in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees.

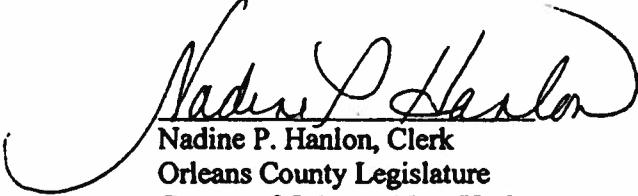
Moved, Bower; second, Allport.

Adopted. 6 ayes; 0 nays; 1 absent, Eick.

COUNTY OF ORLEANS
STATE OF NEW YORK

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Orleans County Legislature on the 14th day of March, 2012.

Dated at Albion, New York
March 15, 2012


Nadine P. Hanlon, Clerk
Orleans County Legislature
County of Orleans, New York

L.S.

RESOLUTION NO. 97-312

ORLEANS COUNTY LEGISLATURE RESOLUTION TO SUPPORT FULL CASINO GAMING AT THE NINE EXISTING RACINOS IN NEW YORK STATE

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino (WROTB) has proven to be a successful Public Benefit Corporation to Orleans County returning over \$2.1 million dollars to Orleans since its inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars; and

WHEREAS; the nine New York State Racino's have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner; now be it

RESOLVED, that the Orleans County Legislature, support Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming,



**LIVINGSTON COUNTY
BOARD OF SUPERVISORS**
Livingston County Government Center
6 Court Street, Room 302
Geneseo, New York 14454
(585) 243-7030
(585) 243-7045 Fax

e-mail: vamico@co.livingston.ny.us
www.livingstoncounty.us

James C. Merrick
Chairman of the Board

Virginia O. Amico, IIMC-CMC
Clerk of the Board

April 12, 2012

Mr. Mike Kane
President, Western Regional Off-Track Betting Corporation
8315 Park Rd
Batavia, NY 14020

Dear Mr. Kane:

Enclosed please find the following certified resolution(s) adopted by the Livingston County Board of Supervisors at their meeting on Wednesday, April 12, 2012.

Res. No(s). 2012-121

Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Virginia O. Amico".

Virginia O. Amico
Clerk of the Board

Enc.

**Livingston County Board of Supervisors
Geneseo, New York**



Resolution No. 2012-121

SUPPORTING FULL CASINO GAMING AT THE NINE EXISTING RACINOS IN NEW YORK STATE

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino (WROTB) has proven to be a successful Public Benefit Corporation to Livingston County returning over \$2.7 million dollars to Livingston since its inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars,

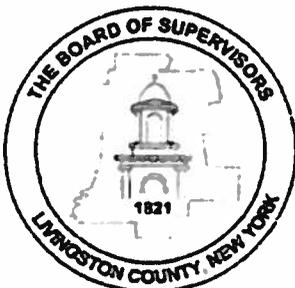
WHEREAS, the nine New York State Racinos have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner;

RESOLVED, that the Livingston County Board of Supervisors support Batavia Downs Casino, and the eight racino facilities presently licensed for video gaming, to be authorized for full Casino gaming,

RESOLVED, that each member of the New York State Legislature and Governor be urged to join this Board in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees.

Dated at Geneseo, New York
April 11, 2012

Public Services Committee



This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Livingston have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County on the 11th day of April, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof I have hereunto set my hand and the official seal of the Board of Supervisors of the County of Livingston, this 11th day of April, 2012.

Virginia O. Amico, Clerk of the Board

RESOLUTION NO. 75

**MEMORIALIZATION-SUPPORT FOR FULL CASINO
GAMING AT THE NINE EXISTING RACINOS IN NEW
YORK STATE**

Legislator Ferrando offered the following resolution:

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to the City and Town of Batavia as well as Genesee County, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$92 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars,

WHEREAS; The nine New York State Racino's have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner. Now, therefore, Be it

RESOLVED, that the County Legislature of Genesee County, support Batavia Downs Casino and the eight Racino facilities presently licensed for video gaming to be authorized for full Casino gaming, and Be it further

RESOLVED, that Governor Andrew Cuomo, Senator Michael Ranzenhofer, and Assemblymen Hawley and Burling be urged to join the Genesee County Legislature in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees.

Legislator Cianfrini seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) no.

State of New York

County of Genesee

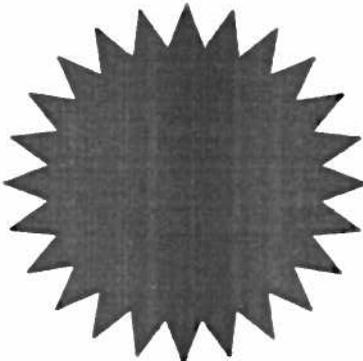
I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee County Legislature on the 22nd day of February 2012.

Dated, Batavia, New York

February 23, 2012

Carolyn P. Pratt

Clerk of the Genesee County Legislature



April 12, 2012

**RESOLUTION TO SUPPORT FULL CASINO GAMING AT THE
NINE EXISTING RACINOS IN NEW YORK STATE**

By Legislator Milferd Potter:

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four Western New York counties, Oswego, Schuyler, Wyoming, and Cayuga have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino (WROTB) has proven to be a successful Public Benefit Corporation to Oswego County returning over \$8.4 million dollars to Oswego County since it's inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars; and

WHEREAS, the nine New York State Racinos have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner; and be it

RESOLVED, that the Oswego County Legislature, support Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming; and be it further

RESOLVED, that each member of the New York State Legislature and Governor be urged to join this Legislature in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a certified copy of this Resolution to Governor Andrew Cuomo, Senator Patty Ritchie, and Members of Assembly Will Barclay, Robert Oaks, Ken Blankenbush, and Claudia Tenney.

ROLL CALL

YES: 22 **NO:** 1 **ABSENT:** 2

RESOLUTION NO. 12-110
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS RESOLUTION TO
SUPPORT FULL CASINO GAMING
AT THE NINE EXISTING RACINOS IN NEW YORK STATE**

WHEREAS, In September 1973, eleven western New York counties and 2 cities established the Western Regional Off—Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, These municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, The start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, Since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, Now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, The participating municipalities of Western OTB as its shareholders have a pro-rata financial interest in the \$39 million of net equity re-invested in its 30 plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to Wyoming County, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars; and

WHEREAS, The nine New York State Racino's have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner; now therefore

RESOLUTION NO. 12-110

March 13, 2012

Page 2

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby supports Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming; and be it

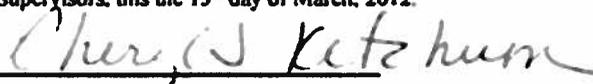
FURTHER RESOLVED, That each member of the New York State Legislature and Governor be urged to join this Board in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licenses.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

WYOMING COUNTY]
BOARD OF SUPERVISORS]
Warsaw, N.Y.]

THIS IS TO CERTIFY that I, the undersigned Clerk to the Board of Supervisors of the County of Wyoming, have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Board of Supervisors of the said County, on the 13th day of March, 2012 a majority of all the members elected to the Board voted in favor thereof, and that the same is correct and true of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Board of Supervisors, this the 13th day of March, 2012.



Clerk to the Board of Supervisors

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 05/21/2012 INTRO. NO. : 13-12
 PERM. NO. : 099-12 INTRO. DATE: 05/21/2012

INTRO. BY : P. McAllister SECONDED BY : H. Lando

VOTE:
 ROLL CALL YES _____ AMENDED _____ LOST _____
 ADOPTED X NO 1048 Tabled _____ W/DRWN _____
 ACCLAMATION X ABSENT _____ POSTPONED _____
 ABSTN'D _____ REF'D/COM _____

COMMITTEES:
 Admin. Y: 4 N: 0 Y: _____ N: _____ Y: _____ N: _____

TITLE: MEMORIALIZING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO SUPPORT FULL CASINO GAMING AT THE NINE EXISTING RACINOS IN NEW YORK STATE.

WHEREAS, in September 1973, eleven western New York counties and two cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, the Governor and New York State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a pro-rata financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino (WROTB) has proven to be a successful Public Benefit Corporation to Steuben County returning over \$5.8 million dollars to Steuben since its inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars; and

WHEREAS; the nine New York State Racinos have proven to be successful business partners with New York State and has provided gaming in a socially responsible and economically sensible manner.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature supports Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming; and be it further

RESOLVED, the Steuben County Legislature urges the Governor and New York State Legislature to support full casino gaming at Batavia Downs and the other New York State Video Gaming Licensees; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Governor Andrew M. Cuomo, New York State Capitol Building, Albany, NY 12224; Senate Majority Leader, Dean G. Skelos, 907 Legislative Office Building, Albany, NY 12247; Senate Minority Leader, John Sampson, 907 Legislative Office Building, Albany, NY 12247; Assembly Speaker, Sheldon Silver, 932 Legislative Office Building, Albany, NY 12248; Senator Thomas F. O'Mara, 415 Legislative Office Building, Albany, NY 12247; Assemblyman Philip A. Palmesano, 723 Legislative Office Building, Albany, NY 12248; New York State Association of Counties, 540 Broadway, 5th Floor, Albany, NY 12207; Glenn Larison, President, InterCounty Association of WNY, c/o Schuyler County Legislature; and John Clifford, WROTB Director, Batavia Downs Casino, 8315 Park Rd., Batavia, NY 14020.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, May 21, 2012; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, May 21, 2012.




Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 303-12: WAYNE COUNTY BOARD OF SUPERVISORS RESOLUTION TO SUPPORT FULL CASINO GAMING AT THE NINE EXISTING RACINOS IN NEW YORK STATE

Mr. Hammond presented the following:

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to Wayne County, WROTB has returned over 4.3 million dollars to Wayne County, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars, and

WHEREAS, the nine New York State Racino's have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner; now, therefore, be it

RESOLVED, that the Board of Supervisors of Wayne County, support Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming; and be it further

RESOLVED, that each member of the New York State Legislature and Governor be urged to join this Board in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees; and be it further

mandates on local service delivery and property taxes; and be it further

RESOLVED, that copies of this resolution shall be distributed to Governor Andrew Cuomo, Senator Michael Nozzolio, Assemblyman Robert Oaks, Congresswoman Ann Marie Buerkle, Senator Charles Schumer, Senator Kirsten Gillibrand, NYSAC and to each County Board in New York State.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, all Supervisors voted Aye, except Supervisors Colacino, Spickerman, Manktelow, Kelsch and Baldridge who voted Nay. Absent - Supervisors Bender and Kolczynski. The Chairman declared the Resolution adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 15th day of May 2012 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 15th day of May 2012.


Clerk of the Board

RESOLUTION

ERIE COUNTY LEGISLATURE RESOLUTION TO SUPPORT FULL CASINO GAMING AT THE NINE EXISTING RACINOS IN New York STATE

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to Erie County, WROTB has returned over \$56 million dollars to Erie County since it's inception, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars,

WHEREAS; the nine New York State Racino's have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner;

RESOLVED, that the Erie County Legislature, support Batavia Downs Casino, Hamburg Casino, and the seven other racino facilities presently licensed for video gaming to be authorized for full Casino gaming,

RESOLVED, that each member of the New York State Legislature and Governor be urged to join this Board in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees,

Dated:

Respectfully submitted,