



State of New York
Franchise Oversight Board
State Capitol
Albany, NY 12224

Resolution No. 12-01

WHEREAS, in 2008, the New York State Legislature amended the New York Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) to establish the Franchise Oversight Board (the “FOB”) to represent the interests of the People of the State of New York as owner of the Aqueduct Racetrack, Belmont Park Racetrack, and Saratoga Race Course (the “Franchised Racetracks”), and also conferred upon the New York Racing Association (“NYRA”) the right and responsibility to, among other things, manage, operate, maintain, refurbish, renovate and improve the Franchised Racetracks; and

WHEREAS, as the custodial State agency responsible for the Franchised Racetracks, the FOB is charged with providing for periodic fire and life safety inspections for each building within its custody to assure compliance with the Uniform Fire Prevention and Building Code (the “Uniform Code”), pursuant to 19 NYCRR § 1204.12; and

WHEREAS, pursuant to Racing Law § 212(8)(a)(i), the FOB is responsible for representing the interests of the State in all real estate development proposed for the Franchised Racetracks and is authorized to do all things necessary to carry out these responsibilities; and

WHEREAS, pursuant to Racing Law § 212(8)(a)(ii)(E), the FOB is responsible for reviewing NYRA’s compliance with the laws, rules and regulations applicable to NYRA’s activities and is authorized to do all things necessary to carry out these responsibilities; and

WHEREAS, the Franchise Agreement and Ground Leases for the Franchised Racetracks entered into on September 12, 2008 between the FOB and NYRA provide that NYRA, as the lessee, shall at its expense use, operate and maintain the Franchised Racetracks in compliance with all applicable laws; and

WHEREAS, pursuant to Executive Law § 156(13), the Office of Fire Prevention and Control (“OFPC”) is empowered to conduct fire and life safety inspections at State-regulated facilities, and OFPC has the personnel, training and equipment to conduct fire and life safety inspections of the Franchised Racetracks on behalf of the FOB in accordance with 19 NYCRR § 1204.12; and

WHEREAS, the FOB has determined that it is in the best interests of the State to authorize NYRA to interact directly with OFPC to obtain fire and life safety inspections, re-inspections, and other services to assure compliance with the Uniform Code at the Franchised Racetracks; and

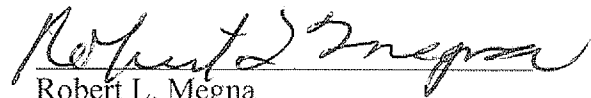
WHEREAS, it is anticipated that the FOB, OFPC, and NYRA will enter into one or more agreements in order to set forth the terms and conditions of the services to be provided by OFPC.

NOW, THEREFORE, pursuant to its appointment and delegation authority, be it resolved that the FOB hereby delegates to the Secretary and Administrative Officer of the FOB the ability to negotiate and enter into agreements among the FOB, OFPC, and NYRA related to fire and life safety inspections, re-inspections, and other services to be performed by OFPC at the Franchised Racetracks.

VOTES:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Robert L. Megna, Chair	✓			
Gordon Medenica	✓			
John Crotty	✓			
Richard Aurelio	✓			
Steven Newman	✓			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on June 26, 2012.



Robert L. Megna
Chair
Franchise Oversight Board

June 26, 2012