



RESOLUTION NO. 16-02

WHEREAS, in 2008, the New York State Legislature amended the N.Y. Racing, Pari-Mutuel Wagering and Breeding Law (i) to establish the Franchise Oversight Board to represent the interests of the People of the State of New York as owner of the Aqueduct Racetrack, Belmont Park, and Saratoga Race Course (the “Franchised Racetracks”) and (ii) conferred upon The New York Racing Association, Inc. (“NYRA”) the right and responsibility to, among other things, operate all functions at the Franchised Racetracks; and

WHEREAS, pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 212(8)(b), the Franchise Oversight Board is responsible for review and approval of any modification to NYRA’s capital plan that the Franchise Oversight Board determines is material and any future capital plans for the Franchised Racetracks involving the expenditure of more than five million dollars in the aggregate; and

WHEREAS, The N.Y.S. Environmental Quality Review Act, (Environmental Conservation Law Article 8 and implementing regulations set forth in 6 NYCRR Part 617) (“SEQRA”) requires consideration and avoidance or mitigation of potentially significant adverse environmental effects, including effects on historic resources, whenever a State agency or authority (including Franchise Oversight Board) undertakes, approves or funds an action subject to SEQRA, including capital improvement or planning actions in relation thereto; and

WHEREAS, NYRA has prepared a concept or master plan for the long-term redevelopment and capital improvements of the Saratoga Race Course (the “Redevelopment Plan” or “Proposed Project”) for review by and approval of the FOB and has proposed that it prepare a generic environmental impact statement (“GEIS”) as required by SEQRA to evaluate the environmental, social, and economic effects of implementing the Redevelopment Plan; and

WHEREAS, the Franchise Oversight Board is the SEQRA agency principally responsible for review and approval of the Proposed Project for the Saratoga Race Course; and

WHEREAS, the Franchise Oversight Board has retained the N.Y.S. Office of General Services (“OGS”) as its agent to provide construction, demolition, and other permitting, engineering and certification services at the Franchised Racetracks, and OGS has retained the services of O’Brien & Gere (“OB&G”) to provide technical expertise to assist the Franchise Oversight Board in its review of the Proposed Project and compliance with SEQRA; and

WHEREAS, at a duly noticed public meeting on June 12, 2013, the Franchise Oversight Board adopted Resolution No. 13-02, which (i) confirmed that the Franchise Oversight Board is the SEQRA Lead Agency for the review of the Proposed Project; (ii) directed the Franchise Oversight Board staff to issue a SEQRA Positive Declaration requiring the preparation of a Draft GEIS by NYRA for the Proposed Project; (iii) directed the Franchise Oversight Board staff to circulate the draft Scoping Outline prepared by NYRA and to hold a public scoping session in the City of Saratoga Springs on July 11, 2013 to consider the draft Scoping Outline; and (iv) established July 30, 2013 as the closing date of the public comment period on the draft Scoping Outline; and

WHEREAS, the public scoping session was conducted and all public comments received on the draft Scoping Outline have been considered and, where necessary, addressed by NYRA and its consultants in preparing the final Scoping Outline;

WHEREAS, after carefully review the final Scoping Outline and ensuring that NYRA and its consultants have addressed all comments and concerns, the Franchise Oversight Board approved, at a duly noticed public meeting on September 16, 2013, the final Scoping Outline in its Resolution 13-03, which sets forth the issues and analyses that would be addressed in the Draft GEIS; and

WHEREAS, NYRA prepared a proposed Draft GEIS in accordance with the final Scoping Outline and Franchise Oversight Board staff, OGS and OB&G reviewed the Draft GEIS for completeness and after several revisions by NYRA responding to staff comments and edits, a revised Draft GEIS was submitted to the members of the Franchise Oversight Board for their review; and

WHEREAS, the members of the Franchise Oversight Board carefully reviewed the revised Draft GEIS submitted by NYRA along with the recommendations of the Franchise Oversight Board staff, OGS and OB&G and accepted the Draft GEIS as complete at a duly noticed public meeting on April 27, 2015 in its Resolution 15-02; and

WHEREAS, the Draft GEIS was the subject of a public hearing held on May 28, 2015 at the Saratoga Springs Civic Center, 522 Broadway, Saratoga Springs,

New York and written public comments were accepted initially through June 15, 2016 and the comment period was extended to June 29, 2016; and

WHEREAS, included in Appendix E to the Draft GEIS was a Draft Letter of Resolution (“Draft LOR”) between NYRA, Franchise Oversight Board, and the N.Y.S. Office of Parks, Recreation and Historic Preservation (“OPRHP”) which sets forth a process for avoiding potential adverse impacts to contributing cultural resources at the Saratoga Race Course as proposed projects identified in the Redevelopment Plan and Draft GEIS may in the future be advanced to final design and construction; and

WHEREAS, the Franchise Oversight Board received many comments on the Draft GEIS and Draft LOR, which have been carefully evaluated and considered by the OGS and its consultant OB&G, the Franchise Oversight Board, NYRA and OPRHP and responses to these collective comments have been developed and incorporated into a proposed Final GEIS and a Final Letter of Resolution (“Final LOR”) including some modifications to concept plans by NYRA in response to public comments; and

WHEREAS, NYRA prepared a proposed Final GEIS considering and responding to the public comments received and Franchise Oversight Board staff, OGS and OB&G reviewed the proposed Final GEIS for content and completeness and after several revisions by NYRA responding to staff comments and edits, a revised Final GEIS has been submitted to the members of the Franchise Oversight Board for their review;

WHEREAS, the Final LOR and additional information requested and responsive to the public comments received, which will provide an invaluable comprehensive collection of information about the history and resources of the Saratoga Race Course to help guide future activities and avoid or minimize potentially adverse effects on the historic Saratoga Race Course to the maximum extent practicable; and

WHEREAS, the members of the Franchise Oversight Board have carefully reviewed the Final LOR and its attachments, as well as the advice and recommendations of the Franchise Oversight Board Staff, OGS and its consultant OB&G and is satisfied that the Final LOR will serve to protect the historic resources of the Saratoga Race Course.

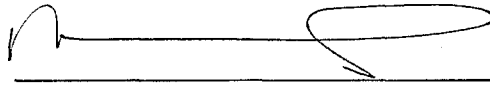
NOW THEREFORE, be it resolved that the Franchise Oversight Board hereby approves the Final LOR and the Chairman of the Franchise Oversight Board is authorized to execute the Final LOR on behalf of the Franchise Oversight Board, and to circulate it to the other signatory parties for execution; and

BE IT FURTHER RESOLVED, that Steven M. Lowenstein, as Secretary to the Franchise Oversight Board, is authorized to execute any documents necessary to carry out the foregoing Resolutions.

VOTES:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Robert T. Williams	x			
Elizabeth C. Garvey	x			
Steven I. Newman	x			
Joseph J. Rabito	x			
James T. Towne, Jr.	x			

Adopted by the affirmative vote of a majority of the members at a duly constituted meeting of the Franchise Oversight Board on May 3, 2016.



Robert Williams
Chairman

May 3, 2016