

This transcript was produced as the meeting progressed. It has not been edited or reviewed for corrections.

00:00:00:00

00:00:08:18 All right, I will plug him through.

00:00:10:27 Thank you so much.

00:00:15:12 We are live?

00:00:16:08 Yes.

00:00:16:26 We are live.

00:00:17:13 Excellent.

00:00:18:22 New York State Racing, Pari-Mutuel Wagering and

00:00:21:02 Breeding Law, section 109-a, provides that the Gaming

00:00:25:03 Facility Location Board shall consist of five members,

00:00:28:27 appointed by the New York State Gaming Commission.

00:00:31:29 The statute further specifies that the Board will be able to

00:00:35:24 undertake its assignments upon the seating of three members.

00:00:39:27 Three members having been appointed to the Gaming--by the

00:00:42:11 Gaming Commission affords the Board an ability to establish a

00:00:45:22 quorum and undertake action.

00:00:48:07 This present meeting of the Board is now called to order.

00:00:53:16 Establishment of a quorum requires three members being

00:00:56:02 present.

00:00:57:11 Please indicate presence when your name is called.

00:01:00:15 Paul Francis?

00:01:01:18 Present.

00:01:02:16 Stuart Rabinowitz?

00:01:04:16 Virtually present.

00:01:07:12 William C. Thompson Junior?

00:01:08:27 Present.

00:01:10:03 The record will reflect that a quorum of qualified members is

00:01:12:21 present, thus enabling transaction of business.

00:01:16:11 Mr. Rabinowitz joins us remotely from a properly noticed and open

00:01:20:24 remote meeting location.

00:01:23:06 The record shall note that there is bilateral visual and oral

00:01:26:09 communication between Mr. Rabinowitz and the members here

00:01:29:29 in Manhattan.

00:01:31:08 Just one thing before you continue.

00:01:33:00 I think it's good since we're now being streamed, is if you

00:01:36:00 identify yourself.

00:01:37:10 Oh, I apologize.

00:01:38:05 My name is Robert Williams.

00:01:39:26 I'm the Acting Executive Director of the Gaming

00:01:41:19 Commission and I've been detailed in some certain

00:01:43:22 circumstances to assist you at the Gaming Facility Location

00:01:47:09 Board.

00:01:48:23 Next to me?

00:01:50:06 I'm Edmund Burns, general counsel of the New York State

00:01:52:18 Gaming Commission and also, when requested, can function as staff

00:01:56:18 to the Gaming Facility Location Board.

00:01:59:16 Excellent.

00:02:00:14 Thank you.

00:02:01:10 You're welcome.

00:02:02:22 The Commission has the authority to designate a chair  
00:02:05:16 from among sitting Board members.  
00:02:08:04 No such designation has occurred, thus the Board should  
00:02:10:22 select one member to act as the presiding officer for the  
00:02:14:00 purposes of this meeting.  
00:02:16:04 Gentlemen, would you like to select a presiding officer for  
00:02:18:14 the purposes of this meeting?  
00:02:20:14 I'd like to, Stu, I'd like to nominate Paul Francis to  
preside  
00:02:25:25 over this meeting.  
00:02:29:13 [inaudible]  
00:02:35:24 We're no longer bilateral.  
00:02:37:24 Stuart?  
00:02:39:17 It's just breaking up a little bit.  
00:02:40:17 We've got a little bit of a--a little breaking up here but  
00:02:43:27 I wanted to nominate, if you can still hear me, I can see  
you're  
00:02:47:02 a little frozen there but if you can--I'd like to nominate  
Paul  
00:02:50:07 Francis to preside over this meeting.  
00:02:55:06 [inaudible]  
00:02:59:20 Go to the action.  
00:03:01:02 Technology is not working for us all of a sudden.  
00:03:02:25 No.  
00:03:03:21 We have backups.  
00:03:05:04 All of a sudden, it was the mention of your name.  
00:03:06:18 Yeah.  
00:03:07:24 That just threw things into disarray, Paul.  
00:03:09:28 Here we go.  
00:03:11:05 Can you hear me there?  
00:03:12:09 Yeah, we can hear you a little.  
00:03:18:02 [inaudible]  
00:03:23:29 Can we re-establish the link?  
00:03:25:10 Yeah, we're gonna re-establish the link.  
00:03:26:21 Just please stand by.  
00:03:28:03 Hang on for a second, we're gonna re-establish the link  
00:03:30:01 again.  
00:03:31:19 [inaudible]  
00:03:34:18 It happens.  
00:03:36:04 It does indeed.  
00:03:37:29 It's hard enough with just conference clients--  
00:03:40:00 I have to tell you, it's amazing.  
00:03:41:05 I was in--I forget, someone's office a couple of years ago,  
00:03:46:02 maybe a year and a half ago, in Los Angeles.  
00:03:47:27 Yeah.  
00:03:49:04 They have a room that's set up for conference calls but it's  
00:03:54:00 so visual and it's so--it's like the curvature of the table,  
00:03:57:23 everything is--it looks like you're in the room with the  
00:03:59:25 person.  
00:04:00:21 It's amazing.  
00:04:01:20 It really is just astonishing.  
00:04:03:17 And there was some miscommunication of where the  
00:04:05:12 meeting would be.  
00:04:06:15 We wound up, you know, nowhere--oh, well, you know,

00:04:08:25 we'll do this telephonically.  
00:04:10:01 We'll hook you in, you know, with the video.  
00:04:11:27 It was stunning.  
00:04:13:10 It was literally--  
00:04:16:22 This unfortunately, is not.  
00:04:18:04 No, not quite.  
00:04:22:26 Is that any better or are we freezing up again?  
00:04:24:29 It doesn't look like we're doing so good.  
00:04:30:13 Got a plan two?  
00:04:31:18 Stuart?  
00:04:40:22 All right, just one moment.  
00:04:42:27 Stuart, are you gonna hear us?  
00:04:44:04 I'm back.  
00:04:45:05 Yes.  
00:04:45:29 There we go.  
00:04:47:02 Okay.  
00:04:48:11 As long as we can hear you.  
00:04:49:13 We can see you.  
00:04:51:04 Great.  
00:04:52:24 We have a bit of latency.  
00:04:55:07 I wonder if we wouldn't be better off--  
00:04:57:03 Open a cellular communication?  
00:04:58:16 Opening cell phone and--  
00:05:00:09 Yeah.  
00:05:01:03 If it's a little bit behind the--  
00:05:02:04 Yes, I'll take care of that right now.  
00:05:05:09 Hang on for one minute.  
00:05:06:10 We're just trying to work something out.  
00:05:27:21 I want you to call this number and put a phone in front  
00:05:30:17 of Mr. Rabinowitz.  
00:05:36:07 Yeah, I'm gonna do it right now.  
00:05:42:13 Yeah, put this right in front of Mr. Rabinowitz please and  
mute  
00:05:45:02 your end.  
00:05:46:13 Or mute the iPad.  
00:05:52:28 He's moving.  
00:05:58:06 Hear me?  
00:05:59:05 Yeah.  
00:06:02:22 Stuart, can you hear us?  
00:06:05:13 Hold on one second.  
00:06:06:11 Sure.  
00:06:09:10 Hello?  
00:06:10:27 Can you hear us now?  
00:06:14:01 Hello?  
00:06:14:29 Yes, can you hear us?  
00:06:16:19 Yes, I can hear you.  
00:06:20:28 That's as loud as we go.  
00:06:21:26 Okay, well, what we're gonna do, you're still, just so you  
00:06:24:01 know, we're listening to you, and we're able to communicate  
00:06:27:16 with you on the phone.  
00:06:28:16 And even though we can still see you on the visual, we just--  
it's  
00:06:32:06 a slightly delayed signal.  
00:06:34:10 But we can communicate this way.

00:06:36:04 Yeah, I can see you too.  
00:06:37:09 Okay, excellent.  
00:06:38:11 And I can see myself and what I said last time was I endorse  
00:06:43:28 the motion that was made and I suggest that Paul  
00:06:48:16 [inaudible] meeting by acclamation.  
00:06:51:03 Okay.  
00:06:51:20 Works for me.  
00:06:52:12 Thank you.  
00:06:52:28 Mr. Francis.  
00:06:54:05 All right.  
00:06:55:22 Well, New York State Racing, Pari-Mutuel Wagering and  
00:06:58:14 Breeding Law, section 1306.9, authorizes the Gaming Facility  
00:07:04:16 Location Board to promulgate rules and regulations it deems  
00:07:08:00 necessary to carry out its responsibilities and, to that  
00:07:11:18 end, the Board will from time to time promulgate rules and  
rule  
00:07:15:17 amendments pursuant to the State administrative procedure.  
00:07:19:14 Today's meeting has a single purpose: to adopt regulations  
00:07:22:08 and documents necessary to permit the Gaming Facility  
00:07:25:26 Location Board to release the Commercial Casino Gaming  
Request  
00:07:30:12 for Application.  
00:07:32:07 Rob, will you call the first item?  
00:07:34:05 Yes, sir.  
00:07:35:28 Racing, Pari-Mutuel Wagering and Breeding Law, section  
1006.4,  
00:07:40:12 requires the Board to set a gaming facility licensing fee.  
00:07:44:12 As fees, the State and Administrative Procedures Act at  
00:07:48:20 section 102(2)(a)(i) requires the promulgation of rules to  
00:07:54:16 effectuate such.  
00:07:56:10 Additionally, we need to establish hearing procedures  
00:08:00:11 which also requires rule-making.  
00:08:03:00 Emergency rule-making is necessary to allow the Gaming  
00:08:05:13 Facility Location Board to issue the RFA today.  
00:08:09:29 Therefore, for the Board's consideration, is a proposed  
00:08:12:29 emergency rule-making which contains a determination of zone  
00:08:16:16 2 commercial license fees by region and rules that will  
00:08:21:18 govern hearing procedures.  
00:08:24:14 Okay, members of the Board, do you have any questions about  
00:08:27:16 this technical provision of the emergency rule-making?  
00:08:34:03 And if not, would someone make a motion to adopt the  
emergency  
00:08:37:04 rule-making provision?  
00:08:41:17 [inaudible] so moved.  
00:08:43:09 And seconded.  
00:08:44:22 All in favor?  
00:08:46:11 Aye.  
00:08:47:02 Aye.  
00:08:47:26 Aye.  
00:08:48:21 The motion carries.  
00:08:50:01 Rob, will you please move on to the next item?  
00:08:53:05 Certainly.  
00:08:54:13 Commission staff, acting for and on behalf of the Board, has  
00:08:58:09 diligently worked with Board members and the Gaming Advisory

00:09:01:28 Services Consultant to develop a Request for Application document  
00:09:05:17 that satisfies the statutory requirements and requires  
00:09:09:21 potential applicants to provide documentation and materials  
00:09:13:00 necessary to afford the Board with an ability to evaluate  
00:09:15:12 projects and determine the appropriate responses to forward  
00:09:19:13 to the Commission for casino license evaluation.  
00:09:22:26 That document, the RFA, is now before you for action.  
00:09:26:00 Okay.  
00:09:28:14 Now Rob, all of the commissioners and Board members  
00:09:32:12 have reviewed this document, and have had some comments for  
00:09:35:16 staff.  
00:09:37:03 I think for the public record, it would be useful if you  
would  
00:09:39:28 at a high level go through the RFA, section by section, and  
00:09:46:08 just identify what the major provisions are in this document.  
00:09:49:25 Sure, hm-mm.  
00:09:51:01 Basically, the RFA is divided into a number of component  
00:09:54:23 areas.  
00:09:56:26 Right now it's 13 component areas or it is 13 component  
00:10:00:19 areas.  
00:10:01:26 The first is an overview which lays out the schedule, certain  
00:10:04:21 procurement lobbying restrictions, permissible  
00:10:08:19 contacts, walks through the questions and inquiries period  
00:10:13:04 that we'll be undertaking, the mandatory applicant  
conference,  
00:10:17:18 and a bunch of other little elements that are really kind of  
00:10:20:03 a necessary overall global--  
00:10:22:08 Yeah.  
00:10:23:11 The second main section is application instructions, which,  
00:10:26:20 basically, walks you through exactly how we would like the  
00:10:30:13 RFA responses to come back to us.  
00:10:32:29 Obviously, we have a format and a structure that we're  
00:10:35:23 interested in so that it makes it easier for us to be able to  
00:10:39:01 compare apples to apples as we go through what we anticipate  
to  
00:10:42:19 be a number of responsive applications.  
00:10:45:21 Rob?  
00:10:47:05 Yes, sir?  
00:10:48:04 I have a question.  
00:10:49:05 We have members of the public and a member of the press here  
00:10:54:00 at [inaudible] he cannot hear what you're saying  
00:10:59:14 that is because--  
00:11:01:00 Okay, I'll move the phone [inaudible]  
00:11:03:13 Do you have any suggestions so that he could hear?  
00:11:07:01 He needs to hear at his end.  
00:11:08:20 Oh, that's right.  
00:11:11:05 Is it possible that--  
00:11:12:29 They can pick the web stream up that's--  
00:11:14:13 They can pick the web stream up?  
00:11:16:11 If not, is it possible to put your phone on speaker as well?  
00:11:20:29 We see you're holding it up to your ear.  
00:11:24:01 That's a question.  
00:11:26:27 Is it that to put it on speakers?

00:11:29:05 Okay, hold on.  
00:11:34:17 We trust future meetings will be smoother.  
00:11:38:27 Unfortunately, Mr. Rabinowitz is out of town.  
00:11:41:04 No, understand that.  
00:11:42:12 That's fine.  
00:11:43:24 Can you hear us now?  
00:11:45:03 Yes.  
00:11:46:07 Okay, can you hear me?  
00:11:48:06 Yes.  
00:11:50:09 Can you hear me?  
00:11:52:13 We hear you very clearly.  
00:11:53:21 Hear you well.  
00:11:54:10 And can the others hear us?  
00:11:57:12 Could you begin again, Rob?  
00:11:59:13 I can certainly walk through where I'd been already, if  
00:12:02:14 that's appropriate.  
00:12:05:17 On the key points.  
00:12:07:25 Okay, on the key points, again, as I've mentioned, there  
00:12:11:07 are 13 provisions of the RFA here.  
00:12:16:23 The first one--I guess, walking through very, very quickly--  
00:12:20:24 Very, very high level, yes?  
00:12:22:25 There's a initial requirement of local support.  
00:12:25:19 If that is not evidenced, your application will not be  
00:12:27:16 received.  
00:12:28:27 We then segue into a definition section that helps drive some  
of  
00:12:32:11 the definitions and the phrases, terms, that are used later  
in  
00:12:35:16 the document.  
00:12:37:02 The third major element is an overview of the process itself.  
00:12:40:21 It basically walks through the schedule and some restrictions  
00:12:43:16 that there are on lobbying and procurement lobbying.  
00:12:47:03 Walks through the question-and-answer period and  
00:12:49:03 the applicant's conference and what's going to be undertaken  
in  
00:12:52:16 the process of backgrounding.  
00:12:55:11 It also talks about some of the clarification processes and  
just  
00:12:58:18 general pro forma-type language that's necessary in this type  
of  
00:13:02:08 a released document.  
00:13:04:26 The next major element is where we left off.  
00:13:08:22 And it's the application's instructions.  
00:13:11:08 This basically is to ensure that everyone provides a like  
kind  
00:13:15:28 document for the ease of ability of you members to be able to  
00:13:20:14 compare and contrast the responses to each of the  
00:13:23:29 individual questions that are asked here.  
00:13:26:06 So we have an official submission format that we want.  
00:13:29:10 We're also looking for public presentations.  
00:13:31:24 What we would like, as you guys have directed, excuse me, we  
00:13:36:06 want public participation in two different manners.  
00:13:40:09 The first is for each of the bidders to come in after the  
00:13:44:09 bids are received and to go through at a relatively high

00:13:48:26 level exactly what their proposal is so that every one of  
00:13:52:08 the members has an understanding of how the different  
elements  
00:13:55:20 fit together and a cohesiveness of their approach to the  
entire  
00:13:58:11 process.  
00:14:00:23 We're also looking to hold a public hearing in each one of  
00:14:03:24 the different zones to try to reflect what the local members  
00:14:07:18 in the local communities are interested in.  
00:14:10:29 There's also going to be public disclosure of this material.  
00:14:14:18 We are going to post as much as we can that is not trade  
secrets  
00:14:17:20 up on the web so that everyone can take a look at it and they  
00:14:21:08 can also follow along and make certain decisions as we do as  
00:14:24:00 well.  
00:14:26:01 And then the next element, next major element of this, is  
really  
00:14:29:23 the applicant information which is section 6.  
00:14:32:17 This basically walks through and asks about the business  
00:14:36:01 formation itself, how it's constructed, who owns it,  
00:14:39:21 what--the organization, who are the people that are directors  
00:14:43:05 and officers, what are the ownership interests, where  
00:14:46:07 are--what are the regional and host municipalities that  
you're  
00:14:50:02 seeking to locate a gaming facility.  
00:14:53:25 What kind of conflicts of interest might you have, do you  
00:14:57:26 have any contracts with the State of New York, have you  
00:15:00:16 selected a casino manager, and then also providing us all the  
00:15:03:13 organizational documents so that we can really start that  
process  
00:15:06:28 of examining who is actually applying for this.  
00:15:10:15 The next element is section 7 which walks through the  
00:15:13:21 evaluation criteria.  
00:15:15:20 And this basically tracks what the statute says.  
00:15:18:07 It's the 70%-20%-10% factors that was required by the State  
00:15:21:07 Legislature.  
00:15:23:08 First is the 70% on economic development activity and  
00:15:26:13 business development factors.  
00:15:28:04 Second is the local impact in siting factors, that's worth  
00:15:30:28 20%.  
00:15:32:00 And the workforce enhancement factors which are worth 10%.  
00:15:34:19 This basically outlines what those factors are and explains  
00:15:37:21 the different things that are in statute that require your  
00:15:41:21 attention as you do your evaluation.  
00:15:44:11 As to the actual RFA itself, it really commences with section  
8,  
00:15:50:12 which is the economic activity and business development.  
00:15:53:01 Here we have it divided into a number of different factors.  
00:15:57:03 First being finance and capital structure.  
00:15:59:22 We talk about the capital investment that's going to be  
00:16:01:27 required.  
00:16:02:29 At this moment in time, we have not identified the capital  
00:16:05:19 investment but we will be doing that within 10 days of the  
00:16:09:00 bidders' conference so that we can better analyze the market

00:16:12:00 and regions that we're looking at.  
00:16:14:06 This also will explain what is to be contained in an applicant  
00:16:18:14 and minimal capital investment requires some pro forma  
00:16:21:19 financial information, a 5-year business plan, capital and  
00:16:26:04 financing structure, where you're getting your money and  
00:16:29:00 under what terms, and then also requires submission of a variety  
00:16:32:22 of other information for each of the applicants, including  
00:16:35:18 financial statements, audit reports, U.S.  
00:16:40:10 and Securities Exchange Commission filings if  
00:16:42:20 applicable, documentation of financial suitability and also  
00:16:48:03 some elements related to your activity, legal actions,  
00:16:52:24 bankruptcy, breach of contracts, et cetera.  
00:16:57:06 We also in this location ask for licenses that are held in other  
00:17:00:10 jurisdictions and also some illustration of additional  
00:17:04:23 financial commitments for further building.  
00:17:07:16 The next element under that provision is economics.  
00:17:11:12 Here, we're looking for market analysis and also how you're  
00:17:14:07 going to develop your program itself.  
00:17:16:24 Player database and loyalty programs, studies and reports  
00:17:20:02 that have been undertaken, what the projected tax revenues are  
00:17:23:16 with the State, how you integrate with regional economic  
00:17:26:26 plans that are out there right now, whether you're using New  
00:17:30:27 York State subcontractors and suppliers.  
00:17:33:28 We want an employee definition as well.  
00:17:37:00 Who are you hiring?  
00:17:37:26 Who do you project to hire?  
00:17:39:02 Where do they come from?  
00:17:41:02 We're also looking at the competitive environment and how  
00:17:42:22 you operate within that competitive environment.  
00:17:45:16 We're looking for the marketing plans, also a potential of a  
00:17:48:27 supplemental tax payment.  
00:17:50:25 As you all recollect, the statute says that a licensing  
00:17:52:28 fee is set, which is what you guys have done and what was done  
00:17:56:25 with the Gaming Commission earlier today.  
00:17:59:08 But it also specifically says that any bidder can exceed that  
00:18:04:24 base line if they feel that their presentation needs or if  
00:18:11:21 the market requires some differentiation amongst other  
00:18:15:07 bidders.  
00:18:17:00 And then there's the licensing fee as well.  
00:18:19:03 Actually, the licensing is what I was talking about.  
00:18:23:14 The next major element is on land construction and design.  
00:18:25:26 And here we want to talk about the--we want the applicants to  
00:18:30:23 talk about the land itself, the ownership of the land, how it  
00:18:34:13 fits in with present zoning, how it fits in with a master plan in  
00:18:39:02 building, what's the design and layout, how does the casino  
00:18:42:27 look, what is contained in the casino itself, a hotel, what  
00:18:48:02 does the hotel look like and how does that integrate with the  
00:18:51:12 facility, what kind of meeting and convention facilities you

00:18:54:17 might have.  
00:18:56:01 Entertainment venues that you have on site as well, and then  
00:18:59:18 going into non-gaming amenities, and the quality of the  
00:19:02:17 amenities.  
00:19:03:28 Here we also are looking for the hours of operation, how your  
00:19:07:05 back-of-house areas are set up, what kind of parking  
00:19:10:07 infrastructure you're going to have, and how does that  
relate,  
00:19:12:25 the parking and the expected demand for transportation, in  
00:19:15:23 the region itself.  
00:19:17:21 We're also looking for different project firms that will be  
00:19:20:23 utilized, a construction budget, a timeline for construction,  
00:19:24:20 some very significant information on construction jobs  
00:19:28:01 and what gaming vendors you anticipate using if you have  
00:19:31:10 made that determination at this point.  
00:19:34:12 Also pursuant to statute, we are interested in your internal  
00:19:37:23 control and security system.  
00:19:39:26 The next major element of the RFA--am I missing a page?  
00:19:48:06 No, is the local impact and siting factors.  
00:19:51:16 Here what we want to look at is not just that threshold  
question  
00:19:55:00 that you have.  
00:19:56:06 Move the bar enough simply to afford your application to be  
00:20:00:27 reviewed but we need to do an assessment of local support.  
00:20:05:11 This includes local and regional municipalities, the counties  
00:20:09:20 that are surrounding there, the businesses, the chambers of  
00:20:13:22 commerce, and other community groups, religious groups, and  
00:20:17:06 other community organizations as well.  
00:20:19:23 Here we're also looking for information on mitigation of  
00:20:22:20 impact to host communities and nearby municipalities, the  
00:20:25:28 impact or potential on housing and the impact potential on  
00:20:29:27 school populations that might result as an increase of  
00:20:33:13 employment is concentrated in a particular locale.  
00:20:37:09 Also within this section, we're looking for regional and  
tourism  
00:20:41:00 attractions, how you partner with local businesses, your  
00:20:45:00 partnership with live entertainment venues, how the  
00:20:48:09 local business communities are being integrated and whether  
you  
00:20:51:16 have any local agreements.  
00:20:53:17 And if there are, are there any cross-marketing agreements on  
a  
00:20:56:18 regional tourism basis.  
00:20:58:21 The next element is on workforce enhancement factors.  
00:21:04:07 Here, the first is to measure how you are addressing problem  
00:21:08:16 gambling.  
00:21:10:07 And this is right out of the statute.  
00:21:12:08 It refers and requests some information related to on-site  
00:21:15:05 resources for problem gambling, problem gambling signage, how  
00:21:18:23 you identify problem gamblers, self-exclusion policies,  
00:21:23:08 treatment and prevention policies and programs that you  
00:21:26:15 might in place and historical efforts for those companies  
that  
00:21:29:27 have been in the casino industry before, against problem

00:21:33:23 gambling.  
00:21:35:13 Workforce development is also a significant factor here.  
00:21:38:25 Here we want to know about your human resources practices.  
00:21:41:29 We want to know whether you have certain goals in mind for women-  
00:21:45:09 and minority-owned businesses.  
00:21:48:01 We'd like you to address your affirmative action plan.  
00:21:50:28 Job opportunities for training the unemployed.  
00:21:54:28 We also are interested in your experience in hiring unemployed.  
00:21:59:22 What labor or organized labor contracts you have and then  
00:22:03:17 again, pursuant to the statute, need to address an element of  
00:22:07:14 labor harmony that is specifically required within the  
00:22:10:17 enabling legislation.  
00:22:13:03 Next in this element here relates to sustainability and  
00:22:15:28 resource management, which includes traffic mitigation and  
00:22:19:14 that's kind of what I talked about before, it actually bleeds  
00:22:22:03 into a couple of locations.  
00:22:23:26 Lead certification, energy efficient equipment, storm water  
00:22:27:26 and water conservation, renewable energy, things of that  
00:22:31:11 nature, your energy consumption and how you will actually look  
00:22:34:21 at your energy utilization.  
00:22:38:14 The last elements of this, the RFA, basically just have post  
00:22:42:15 licensing responsibilities.  
00:22:45:01 This is to identify to each of the members, the individuals  
00:22:47:24 that'll be applying, and see that they understand very  
00:22:51:02 cleanly what they are going to be required to do if they are  
00:22:54:25 awarded a license.  
00:22:56:23 Lastly, we include a list of required exhibits because there  
00:23:00:07 is a tremendous amount of material that's going to be  
00:23:02:26 adhered and created in exhibit form and we want to make sure  
00:23:07:23 that nobody misses anything on that.  
00:23:09:27 And then we close with a few attachments that are necessary  
00:23:13:02 for the process itself.  
00:23:14:20 Well, thank you, Rob.  
00:23:15:24 That's a very good overview.  
00:23:18:27 When will the RFA itself be put online?  
00:23:23:21 We can put that online today.  
00:23:25:19 Okay, thank you.  
00:23:27:11 Well, with that, are there any questions about the RFA?  
00:23:33:06 Not really.  
00:23:35:06 The only and the one thing that we had talked about was making  
00:23:37:21 an addition and strengthening the component pertaining to  
00:23:41:13 minority- and women-owned businesses.  
00:23:44:01 Okay.  
00:23:45:04 And I think that it would make sense, you know, we talked  
00:23:47:07 about that and we'll be able to put that up in the next few days  
00:23:49:27 also and make that addition.  
00:23:51:20 There's no doubt.  
00:23:52:12 There's also an ability in the process and in general sense to

00:23:55:15 make revisions to the RFA as we find.  
00:23:58:06 I mean, we worked all very hard on this document in the last  
00:24:01:13 couple of weeks but there may be certain sections that we  
have  
00:24:05:00 omitted or certain sections that we may want to enhance or  
draw  
00:24:09:21 additional attention to and that--we have that ability too.  
00:24:14:08 We will also be posting any of that information online as we  
do  
00:24:16:29 that.  
00:24:18:08 Okay, good.  
00:24:20:00 Thank you.  
00:24:21:04 I just wanted to add, you know, you probably said, maybe I  
00:24:24:13 didn't hear it that--I want to emphasize the importance of  
00:24:28:29 [inaudible] not just for here, of course, but [inaudible]  
00:24:37:16 transparent as possible.  
00:24:39:03 You know, above all we need the public to understand that  
this  
00:24:44:06 is a process that [inaudible] importance that the statutory  
00:24:52:21 [inaudible] and all of us have discussed that  
00:24:57:17 time and time again in our context and concernedly  
00:25:02:28 going over various drafts of the--  
00:25:08:04 [inaudible]  
00:25:14:23 Yeah, I think that's a great point.  
00:25:16:14 That it is a very transparent process.  
00:25:21:27 With that--  
00:25:23:14 [inaudible]  
00:25:30:18 supported by the users' findings--  
00:25:34:13 That is correct.  
00:25:35:09 So that [inaudible]  
00:25:37:20 the end result of [inaudible]  
00:25:45:16 That is correct.  
00:25:46:02 That's an unusual element of an RFA or an RFP process where  
the  
00:25:50:10 determinations will have to be made upon a written record and  
00:25:54:11 written findings.  
00:25:55:26 That is a major element that will illustrate exactly how the  
00:25:59:20 decisions were made.  
00:26:02:28 Right.  
00:26:03:29 And again, except for confidential commercial  
00:26:06:25 information, the applications themselves will be public.  
00:26:09:14 Which is novel.  
00:26:11:12 Which is, you know, which is something I think that the  
00:26:13:14 public wants to see, how the decisions are gonna be made so I  
00:26:17:01 just, you know, it's something I've continued to applaud.  
00:26:19:25 I just--it's really well done.  
00:26:21:17 Good.  
00:26:23:21 If there are no further questions, is there a motion to  
00:26:26:02 approve the RFA?  
00:26:27:27 I make that motion.  
00:26:30:13 Second?  
00:26:31:02 Second.  
00:26:32:14 All in favor?  
00:26:33:26 Aye.

00:26:34:13 Aye.  
00:26:35:11 Okay.  
00:26:36:27 And the motion carries.  
00:26:39:19 Rob, will you call the next item?  
00:26:42:11 Yes, sir.  
00:26:43:08 As you're all aware, the Commission staff has been  
00:26:45:19 working on a variety of forms that are necessary to  
00:26:48:02 appropriately investigate the applicants.  
00:26:50:05 These forms include a Gaming Facility License Application  
00:26:53:08 form; a Multi-Jurisdictional Personal History Disclosure  
00:26:56:24 form; and a New York supplement form, which includes  
questions  
00:27:00:11 relevant to New York investigators that are not  
00:27:02:28 otherwise included in the Multi-Jurisdictional form.  
00:27:05:23 These forms have been developed with the input of the Gaming  
00:27:08:08 Advisory Services' Consultant, Commission staff, and the New  
00:27:11:25 York State Police.  
00:27:13:06 I want to advise that earlier this afternoon, the New York  
00:27:16:15 State Gaming Commission adopted these forms by rule.  
00:27:22:24 And are there any question on the forms?  
00:27:27:06 Again, they require a great deal of disclosure about the  
00:27:31:17 applicants.  
00:27:33:14 The million-dollar application fee supports a thorough  
00:27:38:03 investigation, and with that, was there other questions?  
00:27:43:04 Do I have a motion to adopt the forms?  
00:27:48:02 Motion to adopt.  
00:27:52:08 Do we have a second?  
00:27:54:08 Second.  
00:27:55:01 Second.  
00:27:55:28 Okay.  
00:27:57:20 All in favor, say "Aye."  
00:27:59:06 Aye.  
00:28:00:19 Aye.  
00:28:01:17 Motion carries.  
00:28:02:27 Okay, Rob, will you call the final item?  
00:28:05:07 Yes, sir.  
00:28:05:26 The New York State Department--or New York  
00:28:07:22 Department of State requires that an individual appropriately  
00:28:10:16 designated to take action on behalf of the authority, Board,  
00:28:14:00 Commission or public benefit corporation, sign any  
00:28:16:16 rule-making submission.  
00:28:19:02 In this instance, the Board should designate an individual  
00:28:21:24 to make the submissions.  
00:28:23:26 Okay, do I have a nomination for such a duty?  
00:28:29:05 I have a feeling you're the person.  
00:28:30:15 Aye.  
00:28:31:09 I'd like to nominate Paul Francis.  
00:28:32:25 Ah, there you go, that's right.  
00:28:34:18 [laughing]  
00:28:35:21 So--  
00:28:37:03 [inaudible]  
00:28:39:05 Yes, I'm happy to.  
00:28:40:19 [inaudible]  
00:28:41:20 and I second.

00:28:42:16 Happy to accept that.  
00:28:43:11 Happily nominate you.  
00:28:44:16 Lost myself for a moment.  
00:28:45:13 Okay, so I'd like to indicate now that for purposes of the  
00:28:47:28 RFA, the Board is now in the restricted period, as the  
00:28:51:11 Commission said earlier on its behalf.  
00:28:56:10 All individuals who are interested in discussion of the  
00:28:59:19 RFA should contact Gail Thorpe or Stacey Relation at the  
Gaming  
00:29:05:27 Commission's Contract Administration Unit and I am  
00:29:11:13 aware that their contact information is explicitly listed  
00:29:15:05 in the RFA.  
00:29:16:09 Will it be also identifiable on the website?  
00:29:19:10 Yes, it will be, very prominently.  
00:29:21:00 Okay.  
00:29:21:20 Rob, and just for clarification, for public clarification,  
what  
00:29:24:27 does that mean?  
00:29:26:04 Okay, I'm gonna kick this over to Ed Burns to talk about.  
00:29:28:23 He's done a little looking into this and--  
00:29:33:12 Sure.  
00:29:34:19 This enabling legislation for the casino siting process  
00:29:39:06 explicitly incorporates provisions of the State Finance  
00:29:42:09 Law known as the procurement lobbying law, and the basic gist  
00:29:47:07 of it is simple.  
00:29:48:14 Any potential applicant or applicant through this  
00:29:51:26 competitive process must only communicate with the Board or  
00:29:56:28 the Commission through the designated points of contact.  
00:30:00:11 And any attempt to try to influence any of you as Board  
00:30:03:14 members or even contact you about the substance of their  
00:30:07:04 proposals is strictly forbidden and could result in the  
00:30:10:11 disqualification of an application.  
00:30:12:25 So right now, people are prohibited from reaching out in  
00:30:16:24 any form or fashion to any of the members of the Commission?  
00:30:20:00 That's correct.  
00:30:21:04 The sole point of contact should be the points of contact  
00:30:24:22 indicated in the RFA itself and on the Commission's website.  
00:30:26:24 Okay.  
00:30:28:23 Could not be more clear.  
00:30:30:14 Thank you.  
00:30:32:04 Okay, so that concludes today's published agenda.  
00:30:35:20 Do either of the Board members have any other items they  
would  
00:30:40:00 like to present for consideration?  
00:30:42:10 The only thing I'd like to mention is, you know, given the  
00:30:45:04 staffing, given Rob, you guys have done a great job, and  
Paul.  
00:30:50:14 The work in going through and putting together the RFA has  
00:30:53:25 been very well done.  
00:30:55:15 And it has been very involved, very focused, and, as I said,  
a  
00:30:59:01 great collaboration.  
00:31:00:06 So I'd just like to make that mention.  
00:31:03:18 Very, very good.

00:31:05:09 So I second that.

00:31:06:28 You know, with regard to staff, did a great job on a complex  
00:31:09:06 process.

00:31:10:01 You had some great staff to work with.

00:31:11:16 Hm-mm.

00:31:12:14 If there are no other comments or questions, then the  
00:31:16:01 meeting of the Board is adjourned.

00:31:18:09 Okay, thank you.

00:31:19:01 Thank you.

00:31:19:26 Stuart, take care.