

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

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March 24, 2015

Dominick P. Feeney, Chairman
Suffolk Regional Off-Track Betting Corporation
5 Davids Drive
Hauppauge, NY 11788

Dear Mr. Feeney:

I am disappointed to hear that Suffolk Regional Off-Track Betting Corporation continues to refuse to seek meaningful local input in the site plan and design of the proposed Video Lotter Terminal facility in Medford. I have been a vocal proponent of local host community input in the land use process and none of the traditional methods of public participation have been utilized throughout the course of this project proposal. Therefore, it is incumbent upon me to insist that this board as legislative appointees provide information to ensure the public has the ability to fully understand the plan being put forward.

I am requesting that the following documents be made available to me and to the community at large so that we may all understand what I believe has been an extremely confusing and inconsistent procedure.

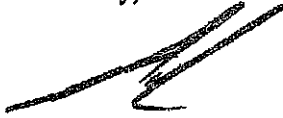
- The Suffolk Regional Off-Track Betting Corporation contract with Delaware North that outlines the responsibility of each party during this process.
- The criteria for site selection, specifically, the rationale for selecting the Medford site over any other sites that may have been considered in Suffolk County.
- Any paperwork that may have been submitted (including but not limited to land-use applications, wastewater permits, community outreach, etc.) for ANY branch facility that may have been constructed in the last decade by Suffolk County OTB.
- Any SEQRA documents that have been submitted pertaining to this application, including declaring a lead agency status. In the event SEQRA documents have not been filed, a current status would be appreciated.

Additionally, there are a number of issues I see that are contradictory in the handling of this application. Section 1617a under the New York State Tax Law, which authorizes Video Lottery Terminals in Suffolk and Nassau Counties, clearly states they must be placed in a simulcast facility authorized pursuant to Sections 1008 and 1009 of the Racing, Pari-Mutuel Wagering and Breeding Law. Sections 1008 (referring to Section 1003) and 1009 clearly state that any simulcast facility or theater must conform to local ordinances. I am enclosing a letter dated February 11, 2015 addressed to Mr. Brett Houdek, by the New York State Gaming Commission that makes the same assertion.

Finally, because Suffolk County is the local authority for wastewater permits we fully expect the Suffolk Regional Off-Track Betting Corporation to go through and comply with our permitting process. In the event that the Suffolk Regional Off-Track Betting Corporation fails to submit an application for our wastewater permitting and approval process, I will seek to have the county enforce its local ordinance as they apply in this situation by every means necessary, including taking appropriate legal action.

I look forward to receiving a response with the requested documents and addressing my questions on this important issue in a timely manner.

Sincerely,



Robert Calarco
Suffolk County Legislator, LD #7

cc: Phil Nolan, President & CEO, Suffolk Off-Track Betting Corporation
Herbert Hemendinger, Vice Chairman
Eddie S. Wynn, Secretary
NYS State Senator Thomas Croci, 3rd Senate District
NYS Assemblyman Dean Murray, 3rd Assembly District

Enc.