

BELMONT PARK COMMUNITY COALITION

P.O. Box 30285, Elmont, NY 11003

Phone: (516) 325-1599

Email: info@belmontparkcoalition.com

October 22, 2018

Re: Amend Racing, Pari-Mutuel Wagering and Breeding Law * § 212.

Dear State Legislator:

Background of Issue

S6950 (Bruno)/A9998 (Pretlow) passed the Senate on February 13th, 2008 by a vote of 39-17. Among other provisions, the bill provided a bailout to NYRA and authorized them to exclusively run thoroughbred racing at the state's three tracks. The local advisory boards were included at the time as part of this much larger omnibus proposal.

The People of the State of New York, acting through the Franchise Oversight Board (FOB), established a Franchise Agreement with the New York Racing Authority dated September 12, 2008. Under the agreement, the land of the Aqueduct, Saratoga and Belmont Park facilities were acquired by the People of the State of New York. Under a newly created Ground Lease, The State of New York allowed "New NYRA" to operate the Thoroughbred Racing franchise at the three facilities through a lease of \$1.00 per annum for a term of 25 years.

The Franchise Agreement section 2.13b addresses the Real Estate Development Parcels (known to many as Parcels A & B). Section 212 of the NYS Racing Law, legally requires the FOB to establish a Local Advisory Board for the Aqueduct and Saratoga operations. However, it is important to note that the Belmont operations was left off the list of required Local Advisory Boards, leaving Section 2.13b of the Franchise agreement citing consultation with the Local Advisory Board de minimis (too trivial or minor to merit consideration, especially in law).

Area of Concern

The Belmont Park Community Coalition (BPCC) representing many residents of Elmont, Bellerose, Floral Park, and other immediately surrounding communities' question why Belmont Park Racetrack was left out while local boards were implemented at Aqueduct and Saratoga? In 2009 Sen. Johnson introduced a bill, S766 (C Johnson) which tried to rectify the oversight and implement a Belmont Local Advisory Board. That bill did not move to the floor for a vote.

Belmont Park is "privately-operated recreational resource". However, as mentioned previously, the proposed project sites are owned by the State of New York acting by and through the Franchise Oversight Board (FOB) and are leased through a ground lease to New York Racing Association (NYRA). What is more interesting, is the fact that **Empire State Development Corp. (ESDC) needs the Franchise Oversight Board to surrender parcel A in writing to be able to build a proposed arena.**

BELMONT PARK COMMUNITY COALITION

P.O. Box 30285, Elmont, NY 11003

Phone: (516) 325-1599

Email: info@belmontparkcoalition.com

Our Demand

BPCC demands that among other requirements, that these proposed developments shall only be undertaken after consultation with the **Local Advisory Board referred to in Section 212 of the New York State Racing Law. The Community Advisory Council (CAC)**, established by ESDC for the current redevelopment project at Belmont Park with the New York Arena Partners (conditional designees), is not the Local Advisory Board residents surrounding Belmont Park have been fairly demanding since 2008.

In the winter of 2018, the State Assembly as part of its one house budget proposal advanced new language to create a Belmont Racetrack Local Advisory Board. The Board would have been made up of 15 designees. Four members to be appointed by the County of Nassau, three of whom must reside in the hamlet of Elmont, four appointees by the Mayor of the Village of Floral Park, four from the Elmont Community Coalition of Civics, and three by NYRA. This language however, ultimately dropped out of the final enacted budget. BPCC is not sure why that occurred but the issue was revived for a short while, only to be dropped out.

State Senator Elaine Phillips also introduced a bill (S8986) on June 11, 2018. The S8986 is to amend the racing, pari-mutuel wagering and breeding law, in relation to the composition of the local advisory board for the Belmont Racetrack facility. Senator Phillips bill requested that “The local advisory board for the Belmont Racetrack facility shall be comprised of fifteen members and include five designees from each of the following: the temporary president of the senate, the speaker of the assembly and the franchised corporation. All such designees shall reside, work or own a business within five miles of the Belmont Racetrack facility; provided, however, no one shall designate more than two individuals from any one community or village. The board shall advise on matters relevant to the operations and capital improvements of the franchised corporation at the Belmont Racetrack facility. To avoid duplication, the advisory board shall not advise on the proposed development being separately reviewed by the community advisory committee formed by the Empire State Development Corporation.”

Both bills introduced contradict the original language in section 212 of the New York State Racing Law. Our state elected officials whom represent the communities surrounding the Belmont Racetrack need to sit down with the community and work on reintroducing S766 (C Johnson).

In closing, the local advisory board under section 212 should have the opportunity to build an working relationship with the members of the Franchise Oversight Board, The New York Racing Association, Empire State Development Corp., Nassau County and the Town of Hempstead Planning and Economic Development Commission in the implementation of comprehensive planning and rezoning (MASTER PLAN) to preserve and enhance the historical Belmont Park Racetrack and its immediately surrounding neighborhoods. **Ask yourself why is the State purposely excluding the community?**

Sincerely yours,

Tammie S. Williams, LMSW
The Belmont Park Community Coalition