

## Casino opponents file court challenge to East Greenbush vote

Written by Administrator  
Friday, 27 June 2014 20:12 -

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### *East Greenbush*

Members of the anti-casino group called Save East Greenbush sued on Thursday to block progress on the casino proposed by the leaders of Saratoga Casino and Raceway and Churchill Downs, the group's lawyer said.

The litigation was filed in state [Supreme Court](#) in Rensselaer County against the state, town and development team. It challenges the June 12 vote of the [East Greenbush Town Board](#) for adopting a resolution in support of the \$300 million casino project proposed atop Thompson Hill in view of the state Thruway.

The petition contends the town's unanimous action came at a public meeting held in violation of the state Open Meetings Law; that it was adopted without having undergone any environmental review as required under the state Environmental Quality Review Act, was arbitrary and capricious, an abuse of discretion and an error of law.

"This is a silly and meritless lawsuit, and we are confident we will ultimately prevail in this matter," said Morgan Hook, a spokesman for the project team. "We have been the most transparent of all bidders in the Capital Region and at every step have followed the letter and spirit of the law that was approved by the Legislature, governor and majority of New Yorkers in a statewide referendum, including a majority of voters in East Greenbush."

The project in question, called [Capital View Casino & Resort](#), has drawn opponents, some of whom were initially displeased with the Town Board's abrupt passage of a generic support resolution for a casino in the town just a few days before the Saratoga Harness team announced its intentions for the Thompson Hill property.

The petition to the court cites notations in meetings that showed Gaming Commission lawyer [Brad Fischer](#) was consulting with town officials, according to the group. The group contends Fischer also spoke with members of the gaming team to "discern the precise language that would be

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necessary for adopting the requisite resolution of support."

"Any contact with Mr. Brad Fischer is an illegal ex parte communication that should mandate immediate dismissal of any application submitted to the [Respondent state Gaming Commission](#)," the petition states.

Gaming Commission spokesman Lee Park said Fischer only communicated with East Greenbush staff about the requirements of any support resolutions, offering the same guidance available to any public official who inquired.

The suit was filed by [Jeff Meyer](#), a Lake George attorney retained by Save East Greenbush. "This is merely an initial step in our continued fight against locating a casino in East Greenbush," he said. He said even if Fischer did not meet directly with casino planners, the indirect advice may be inappropriate.

Last week, elected officials from Montgomery County met with Fischer in an effort to get concessions for casino developers proposing to build at Thruway Exit 27 at Amsterdam. They were unsuccessful.

Meyer said his group will continue to challenge other actions of the town, including zoning and land use approvals needed for the project. "We will show that a casino isn't even permitted to be in this area period," said Meyer, who specializes in land-use law.

Meyer said the suit was filed in the name of four residents near the proposed casino site: Jennifer and [Dwight Jenkins](#), [Donald A. Johnson](#) and [Elizabeth A. Wade](#).

A group of 57 residents in the town of Tyre in Seneca County in the Finger Lakes region unsuccessfully sued their local government for taking actions to support a proposed \$425 million casino planned by Rochester developer [Thomas Wilmot](#) Sr. A state Supreme Court judge dismissed the case in May.

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