

Rejected casino bidder wants redo – and it's not Gural

Written by Administrator
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Joseph Spector, Albany Bureau Chief 3:17 p.m. EST January 15, 2015



Casino(Photo: Shutterstock)

ALBANY – Greenetrack, Inc., one of the rejected bidders for a casino in Orange County, has filed a complaint with the state Comptroller's Office alleging that the state casino board broke state laws when it approved three instead of four casino projects last month.

Greenetrack, the Alabama-based gaming company, proposed [the Grand Hudson Resort & Casino](#) in New Windsor, Orange County, but the five-member siting board rejected all of the six projects sought for the county. While the board could have issued up to four licenses, it issued three: in Thompson, Sullivan County; Schenectady; and Tyre, Seneca County.

Since the Dec. 17 decision, [the board agreed Tuesday](#) to Gov. Andrew Cuomo's request that the bidding be reopened for the Southern Tier for the fourth and final casino.

Greenetrack, in a 14-page letter dated Jan. 2, said the board had a clear directive in state law to approve four casinos, saying the board "arbitrarily and capriciously elected, without disclosed criteria, to limit its selection to three locations. In so doing, the board, without advance notice and without, violated the separation of powers provision of the state constitution and usurped the power of the Legislature."

The company said Comptroller Thomas DiNapoli should annul the three selections and direct the board to establish a new request for applications. The complaint also notes that Orange

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County was unfairly excluded from the final selections.

"The unbalanced evaluation process resulted in the board becoming prejudiced to all of the facilities in Orange County simply because of where they were to be located without a comprehensive review of the financial benefits a facility in such county would bring to the state and localities," the complaint said.

The board choose Sullivan County in the Catskills, saying it would have the best chance of success to help the region. The board has defended its process, saying it picked the most viable plans and is within its right to reopen the bidding for a fourth casino in the Southern Tier.

"We have already decided two casinos in Catskills did not make economic sense and that the Orange County applications either had deficiencies or would hurt the chances in the Catskills," board chairman Kevin Law said at its meeting Tuesday.

Still, the complaint may be the first legal salvo as the rejected bidders and communities continue to express anger over the board's decisions.

There was no immediate comment from the Comptroller's Office, but it's uncertain whether the office would have the authority to intercede. The Gaming Commission declined comment.

The state law said in one section that the state "should authorize four destination resort casinos in upstate New York." But another section said that "no more than four entities" can be approved by the board.

[The NAACP said Tuesday](#) the board's picks could have violated civil rights by excluding Newburgh, which is 80 percent black and Latino.

George Green, New Windsor's supervisor, said he's considering a lawsuit against the state. He said to reopen the bidding for the Southern Tier and not Newburgh, a struggling city, makes no

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sense.

"They use the absolute absurd statement that the Southern Tier needs the economic benefit," Green said. "Do you know of any city in New York state that needs the economic benefit more than the city of Newburgh?"

In a statement Tuesday, Greenetrack said it too was considering its legal options -- although the bidders were required to sign documents that they wouldn't sue after the process.

"The Gaming Commission needs to ensure every struggling community in upstate New York gets a fair shot to compete for this license," Jon Weinstein, spokesman for Greenetrack, said. "With a new process, we would be excited to submit a bid that would bring jobs and tax revenue to the Newburgh area. We are committed to fighting for this community and Greenetrack is keeping all of our options open including a legal challenge."

The siting board is expected to soon reopen the bidding for a Southern Tier casino. So far, only Tioga Downs owner Jeff Gural has expressed interest in a Southern Tier bid after his initial proposal was rejected by the board for the Lago casino in Tyre.

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