

NEW JERSEY RACING COMMISSION
WEDNESDAY, JULY 22, 2015
HILLSBOROUGH HIGH SCHOOL (AUDITORIUM)
466 RAIDER BOULEVARD
HILLSBOROUGH, NEW JERSEY

A meeting of the New Jersey Racing Commission was held on Wednesday, July 22, 2015, in the Auditorium of Hillsborough High School, located in Hillsborough, New Jersey.

The following were present:

Pamela J. Clyne, Chairman
Anthony T. Abbatiello, Commissioner
Michael J. Arnone, Commissioner
Anthony G. DePaola, Commissioner
David C. Gruskos, Commissioner
Francis X. Keegan, Jr., Commissioner
Frank Zanzuccki, Executive Director
DAG Susan C. Sharpe

The following were absent:

Manny E. Aponte, Commissioner
Peter J. Cofrancesco, III, Commissioner
Peter T. Roselle, Commissioner

Executive Director Frank Zanzuccki read the following statement:

“This meeting today conforms with Chapter 231, P.L. 1975, called the “Open Public Meetings Act,” and as per the requirements of the statute, notification of this meeting has been filed with the Secretary of State and with the following newspapers: Daily Racing Form, Bergen Record, Asbury Park Press, Courier-Post and the Newark Star Ledger.

Additionally, consistent with provisions of N.J.S.A. 5:5-132, notification of this meeting was published in the following Hillsborough Township, Somerset County Publications: The Hillsborough Beacon and the Courier News.

WHEREAS in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits bodies to exclude the public from that portion of a meeting at which certain matters are discussed.

NOW, THEREFORE, be it resolved that consistent with the provision of N.J.S.A. 10:4-12(b), the New Jersey Racing Commission will now adjourn to executive session to obtain legal advice protected from disclosure by the attorney-client privilege on the following matters:

1. Consider the application of the New Jersey Sports and Exposition Authority (“Authority”), made pursuant to the “Off-Track and Account Wagering Act” (N.J.S.A. 5:5-127 et seq.) and the rules of the New Jersey Racing Commission (Chapter 74 of Title 13 of the New Jersey Administrative Code), for the issuance to the Authority of an off-track wagering license, which off-track wagering facility is to be located at the following premises within Hillsborough Township: 150 Route 206, Hillsborough, New Jersey 08844.
2. In connection with the related application of the Authority, consider the application of the New Jersey Thoroughbred Horsemen’s Association, Inc. (“NJTHA”) for the issuance of an off-track wagering license and consider whether the NJTHA is qualified to hold the off-track wagering license.
3. Subject to a determination that the NJTHA is qualified to hold the off-track wagering license, consider the applications of the Authority and the NJTHA, made pursuant to the “Off-Track and Account Wagering Act” (N.J.S.A. 5:5-127 et seq.) and the rules of the New Jersey Racing Commission (Chapter 74 of Title 13 of the New Jersey Administrative Code), for the assignment or transfer to the NJTHA of any off-track wagering license issued to the Authority, pursuant to agenda item 1 above, to establish and operate an off-track wagering facility at the following premises within Hillsborough Township: 150 Route 206, Hillsborough, New Jersey 08844.
4. Subject to a determination to approve the transfer or assignment of said off-track wagering license from the Authority to the NJTHA in connection with the further application of the NJTHA as set forth in agenda item 5 below, consider whether Darby Development, L.L.C. is qualified, pursuant to N.J.A.C. 13:74-4.2(a), (b) and (c), to perform the functions subject of a contract or agreement authorizing it to conduct or operate (that is, to design, develop, construct, finance and operate) the Hillsborough Township off-track wagering facility for the NJTHA and to act as the agent of the NJTHA in all off-track wagering matters approved by the Racing Commission.

5. Subject to a determination to approve the transfer or assignment of said off-track wagering license from the Authority to the NJTHA and further subject to a determination that Darby Development, L.L.C. is determined qualified pursuant to agenda item 4 above, consider the additional application of the NJTHA for approval for its entering into a contract or agreement authorizing Darby Development, L.L.C. to conduct or operate (that is, to design, develop, construct, finance and operate) the Hillsborough Township off-track wagering facility for the NJTHA and to act as the agent of the NJTHA in all off-track wagering matters approved by the Racing Commission.

Commissioner Keegan motioned to adopt the resolution to adjourn. Chairman Clyne seconded the motion. The Commission then adjourned to Executive Session.

The Commission ended the execution session and Commissioner Gruskos moved to reconvene the public session. Commissioner Keegan seconded the motion and the Commission concurring, the public session resumed.

CONSIDER THE APPLICATION OF THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY AND THE NEW JERSEY THOROUGHBRED HORSEMEN'S ASSOCIATION, INC. FOR AN OFF-TRACK WAGERING LICENSE FOR A FACILITY TO BE SITED IN HILLSBOROUGH TOWNSHIP, SOMERSET, NEW JERSEY

Executive Director Zanzuccki read the following statement:

Before we commence with the public hearing, the New Jersey Racing Commission would like to thank Hillsborough Township. The Commission appreciates the Township and Hillsborough High School Administration making the Auditorium available to us. We would also like to thank the applicants -- the New Jersey Sports and Exposition Authority and the New Jersey Thoroughbred Horsemen's Association, Inc. -- for the level of cooperation they have displayed in the Commission's investigation into the applications to establish an off-track wagering facility in Hillsborough Township.

The purpose of this hearing is to allow the Commission to consider the applications filed by the Authority and NJTHA for the issuance of an initial off-track wagering license. The Commission will also consider their request that any license issued to the Authority be transferred or assigned to the NJTHA. If the Commission were to approve the issuance of an off-track wagering license to the Authority and the transfer of that license to the NJTHA, the NJTHA will be authorized to establish and operate an off-track wagering facility at the premises located at 150 Route 206, Hillsborough, New Jersey. The full details of the matters

to be considered by the Commission are listed in the agenda which is present in the room and hereby incorporated into the record by reference.

Any off-track wagering license that might be issued by the Commission will be valid for a period of one year. The license shall be subject to renewal thereafter in accordance with law. The Commission must make a final determination on the applications no sooner than 30 days nor later than 60 days following the closing of the record from the public hearing. The Commission must submit its final determination to the Attorney General for review and approval. The decision of the Attorney General shall be deemed a final decision.

In anticipation of this public hearing, each Commissioner has been provided with a binder of materials compiled by staff. This binder, which is incorporated into the record of these proceedings, includes the off-track wagering applications of the parties, the supplemental filings of the parties in support of their applications, correspondence, public comments and materials prepared by staff.

The Commissioners have also been provided with a copy of the Power Point presentation being offered tonight by the NJTHA.

By letter, the applicants were advised of the format of this hearing. The Commission asked each applicant to present its case using an attorney or representative to swear in and question the witnesses it elects to present at this hearing. Prior to offering witnesses, the applicants will be afforded the opportunity to provide opening remarks. The Authority will be asked to go first.

During the proceeding, the Commission, in its discretion, will have the ability to question any witness at any time and to call or recall any witness. Following the presentation of all witnesses by the applicants, the members of the public will be afforded an opportunity to be heard.

Thereafter, the Authority and the NJTHA will be allowed, in their discretion, to present additional testimony or evidence. Each applicant will have an opportunity to make closing remarks with the Authority proceeding first.

I would like to remind the applicants that the burden rests upon each of you to establish, consistent with law, each aspect of the relief you seek from the Commission.

Before we hear from the Authority, I note that Douglas Tomson, the Mayor of Hillsborough Township is present and we would like to invite him to speak.

Douglas Tomson, Mayor of Hillsborough Township addressed the Commission and indicated his opposition to the application.

Ralph Marra, Esq., General Counsel for the NJSEA stated that he endorsed the application of the NJTHA and indicated that the NJTHA and Darby Development, LLC have an excellent record in operating off-track wagering facilities.

John Forbes, President of the NJTHA addressed the Commission and turned the presentation over to James Aaron, Esq., the attorney representing the NJTHA.

Mr. Aaron called the following witnesses who were sworn to testify in tandem with a Power Point presentation that was shown at the public hearing:

David Attilio, Senior Manager of Favorites at Woodbridge
Bill Knauf, Vice President-Business Operations of Monmouth Park

Following the presentation by Mr. Aaron, the Commission heard comments from Assemblyman Jack Ciattarelli who was opposed to the proposed Hillsborough off-track wagering facility.

The Commission heard comments from the following persons who were in attendance:

Chris Venis, 18 Updike Ave.; Andy Fresco, 14 Park Ave.; Caroline Katmann, 258 Long Hill Rd.; Marie Harvey, 51 Nostrand Rd.; Brian Tarantino, Fairfield Lane; Susan Gulliford, 7 Hunt Club Rd.; Amadeo Dadamo; Sonya Martin, Gabriel Ct.; John Petish, Nottingham Way; Laurie Poppe, Esq., Sharp Dr.; Susan Clevenger, Dorchester Ct.; Maria Janucik, Camplain Rd.; Michele Eilbacher, Wolverton Lane; Steve (inaudible); and Greg Zotian, 53 Amerman Lane.

Mr. Aaron concluded his presentation and thanked all the individuals who spoke, and thanked Assemblyman Ciattarelli and Mayor Tomson. He asked that the Racing Commission grant the application of the NJTHA and emphasized that he will work with the Commission to ensure that the application is complete and accurate.

Mr. Marra indicated that he wanted to correct what he believes is a misimpression of the applicant. He explained the generosity of Monmouth Park following Hurricane Sandy and stated the NJTHA are humanitarians and not bullies.

At this time, Chairman Clyne made the following motion:

“On behalf of the Racing Commission, I would like to thank each person who offered testimony or comment tonight. We would also like to thank Hillsborough Township once again for its cooperation in the conduct of this hearing.

The Commission is not authorized by law to make a decision on the application today. Pursuant to N.J.S.A. 5:5-133, the Commission must issue a determination no sooner than 30 days nor later than 60 days following the closing of the record from this public hearing. I propose through this motion that the Commission leave the record of this public hearing open for seven days to receive additional information. The record will then be closed as of July 30, 2015.”

The Commission will then consider the application for an initial off-track wagering license in accordance with the requirements of law at a properly scheduled public meeting.

Commissioner DePaola seconded the motion and all Commissioners voted yes.

There was no further discussion and the meeting ended.

ATTEST:



Executive Director Frank Zanzuccki