RESOLUTION -2017

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, PROHIBITING THE LOCATION OF A CATEGORY 4 LICENSED FACILITY WITHIN THE TOWNSHIP.

WHEREAS, Act 42 of 2017 authorizes the licensing of ten (10) Category 4 casinos within the Commonwealth; and

WHEREAS, these Category 4 casinos will be "mini-casinos" licensed to those that operate a Category 1, 2 or 3 casino within the Commonwealth; and

WHEREAS, Act 42 of 2017 {§1305.1 (A.1) (1)} gives all municipalities within the Commonwealth the option to prohibit the location of a Category 4 facility within their municipal boundaries; and

WHEREAS a resolution to prohibit the location of a Category 4 facility within the municipal boundaries must be passed by the governing body of the municipality and delivered to the Pennsylvania Gaming Control Board no later than December 31, 2017.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania, adopts this resolution in accordance with §1305.1 (A.1) (1) of Act 42 of 2017 to prohibit the placement and operation of a Category 4 licensed facility within the boundaries of Maidencreek Township.

AND FURTHER, that a copy of this resolution shall be delivered to the Pennsylvania Gaming Control Board no later than December 31, 2017.

RESOLVED and ADOPTED by the Supervisors of the Township of Maidencreek in lawful session duly assembled this 14th day of December, 2017 A.D.

Board of Supervisors
Maidencreek Township
Berks County, Pennsylvania

_____
Joseph E. Rudderow III

Attest:

_____
David Franke

_____
Diane Hollenbach

_____
Claude Beaver

PSATS

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

November 3, 2017

Dear Township Official:

Act 42 of 2017 authorizes the placement of ten Category 4 casinos within the Commonwealth. A Category 4 casino is a "mini-casino" with not less than 300 or more than 750 slot machines and table games. These ten facilities will be owned and operated by those currently possessing a Category 1, 2, or 3 casino license that was issued by the Commonwealth. Under Act 42 a host municipality, which is defined as a city, borough or township, would receive 50% of the 4% local assessment fee paid by the Category 4 casino. However, the most the host municipality could receive in any one year would be 50% of its 2016-17 budget, as modified annually for inflation by a cost-of-living adjustment.

Act 42 also grants municipalities the authority to prohibit the location of a Category 4 casino within the boundaries of the municipality. To do so, the governing body of a municipality must pass a resolution indicating its desire to prohibit Category 4 casinos within the municipality. *This resolution needs to be passed and delivered to the PA Gaming Control Board no later than December 31, 2017.* Any action taken after December 31, 2017 to prohibit Category 4 casinos will be null and void, and the municipality will no longer have the authority to prohibit the location of a Category 4 casino within its boundaries.

Municipalities that pass a resolution to prohibit a Category 4 casino may, in the future, pass another resolution to rescind the prohibition. As with the passage of the original resolution, this resolution must be sent to the PA Gaming Control Board. If a municipality passes the resolution to rescind the original resolution, it no longer has the authority to prohibit Category 4 casinos in the future.

Attached to this notice is a sample resolution for your review should the township desire to prohibit Category 4 casinos within the boundaries of the township.

Should you have any questions, please contact PSATS.

Sincerely,

David M. Sanko
Executive Director

Attachment

4855 Woodland Drive ▮ Enola, PA 17025-1291 ▮ Internet: www.psats.org

PSATS ▮ Pennsylvania Township News ▮ Telephone: (717) 763-0930 ▮ Fax: (717) 763-9732

Trustees Insurance Fund ▮ Unemployment Compensation Group Trust ▮ Telephone: (800) 382-1268 ▮ Fax: (717) 730-0209

From the PA Gaming Control Board: Municipal Option To Prohibit Siting of Category 4 Casino

Resolutions passed by the Board of Supervisors to prohibit a Category 4 casino shall be delivered no later than December 31, 2017 to:

Pamela Lewis, Board Secretary
Pennsylvania Gaming Control Board
303 Walnut Street
Commonwealth Tower, 5th Floor
Harrisburg, PA 17101

BARRY J. JOZWIAK, MEMBER
5TH LEGISLATIVE DISTRICT

P.O. BOX 202005
HARRISBURG, PA 17120-2005
PHONE: (717) 772-9940
FAX: (717) 782-2908

READING REGIONAL AIRPORT - MAIN TERMINAL
2501 BERNVILLE ROAD, BOX 4
READING, PA 19605
PHONE: (610) 378-4407
FAX: (610) 378-4412

EMAIL: bjozwiak@pahousegop.com
www.RepJozwiak.com

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES:
GAME & FISHERIES
JUDICIARY
URBAN AFFAIRS
VETERANS AFFAIRS & EMERGENCY PREPAREDNESS

CAUCUS:
CHAIRMAN,
LAW ENFORCEMENT CAUCUS

APPOINTMENTS:
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

MEMO

TO: Current and newly-elected borough and township officials in the 5th Legislative District
Berks County Commissioners

FROM: Representative Barry Jozwiak

DATE: November 13, 2017

On October 30th, 2017, Governor Wolf signed into law House Bill 271 as Act 42 of 2017. This bill expands gaming, including the creation of ten new "category 4" or "mini" casinos.

The new casino locations will be auctioned off by the PA Gaming Control Board after January 15th, 2018. Act 42 provides that all municipalities and counties will have the opportunity to "opt out" or prohibit the permitting of a category 4 location. To exercise this option, a municipality must pass a resolution and send it to the Gaming Control Board no later than December 31st, 2017. Please refer to the two documents included with this letter outlining the options facing county and municipal officials. The PGCB recommends that municipalities and counties consult with their solicitors regarding the drafting of their resolution. For both county and municipal officials, an official copy of the resolution prohibiting either VGTs or Category 4 casinos must be delivered no later than December 31st, 2017 to:

Pamela Lewis, Board Secretary
Pennsylvania Gaming control Board
303 Walnut Street
Commonwealth Tower, 5th Floor
Harrisburg, PA 17101

Beginning January 15th, 2018, the auction process will open to casinos to bid on a license and choose any location that has not opted out, in winning bid order. The placement of any ancillary facility may not be within 25 miles of a current competing casino license, which may rule out some of the municipalities in the 5th Legislative District.

Act 42 includes a local share assessment for counties and municipalities hosting a category 4 casino. The category 4 casino must pay 2 percent of gross revenue from table games and 4 percent of gross revenue from slot machines as a local share assessment. Half of those funds will be distributed to the host municipality and half will be distributed to the Commonwealth Financing Authority for grants for project in the public interest in the host county. Although judging the actual amounts of the local share assessments will be difficult at this time, it is anticipated the fee will be in the hundreds of thousands of dollars for each and every year a license is held, for each new casino.

I hope this information will be of assistance to you in understand the decision you must make regarding Act 42. Please do not hesitate to contact me with questions.

Pennsylvania Gaming Control Board

FOR IMMEDIATE RELEASE
November 2, 2017

Pennsylvania Gaming Control Board
P.O. Box 69060
Harrisburg, PA 17106-9060
www.gamingcontrolboard.pa.gov

Notice from the PA Gaming Control Board: County Option to Prohibit Placement of Truck Stop Video Gaming Terminals

HARRISBURG, PA: On October 30, 2017, Governor Wolf signed into law House Bill 271 which amends the Pennsylvania Race Horse Development and Gaming Act ("Act"), 4 Pa.C.S. §§1101 et seq., and authorizes a number of gambling expansion opportunities throughout the Commonwealth.

One such opportunity is found in the creation of Video Gaming at certain truck stops across Pennsylvania. Under the expansion language, a truck stop which could be eligible for placement of up to 5 video gaming terminals is defined as:

- a premises that is equipped with diesel islands used for fueling commercial motor vehicles;
- has sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to do so for the next 12 months;
- has at least 20 parking spaces dedicated for commercial motor vehicles;
- has a convenience store;
- is situated on a parcel of land not less than three acres; and,
- is not located on any property owned by the Pennsylvania Turnpike.

Section 4506 of the Act provides for a "Host County Option" that permits a county in which a Category 1, Category 2 or Category 3 Slot Machine Licensee is located to prohibit, or opt-out of, the placement of video gaming terminals within the host county by delivering a resolution exercising this power within 60 days of the effective date of §4506 which would be no later than December 29, 2017.[1]

In order to facilitate this process, if a county which currently hosts a Category 1, 2 or 3 casino facility desired to avail itself of the Host County Option regarding video gaming terminals, the Pennsylvania Gaming Control Board provides the following guidance:

- The governing body of the County should officially adopt the Resolution at a public meeting consistent with the requirements of Pennsylvania's Sunshine Act, 65 Pa.C.S. §701 et seq., after October 31, 2017.
- Then, an official copy of the Resolution should be delivered no later than December 29, 2017 to:

  Pamela Lewis, Board Secretary
  Pennsylvania Gaming Control Board
  303 Walnut Street
  Commonwealth Tower, 5th Floor
  Harrisburg, PA 17101
  pamelewis@pa.gov

The Board also recommends that each county governing body consult their solicitor in the development of the resolution which, at minimum, should include the following information:

- Reference to the power granted under Section 4506 and the county's decision to exercise the power to opt-out;
- The date that the county governing body adopted the resolution; and
- The inclusion of signatures or seal necessary to establish that the resolution was officially adopted.

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[1] The specific text of Section 4506 is as follows:

§ 4506. HOST COUNTY OPTION.

(A) GENERAL RULE.--A COUNTY THAT HOSTS A CATEGORY 1, CATEGORY 2 OR CATEGORY 3 LICENSED FACILITY ON THE EFFECTIVE DATE OF THIS SECTION SHALL HAVE THE OPTION TO PROHIBIT THE PLACEMENT OF VIDEO GAMING TERMINALS WITHIN THE HOST COUNTY **BY DELIVERING A RESOLUTION OF THE COUNTY GOVERNING BODY TO THE BOARD WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.** NO VIDEO GAMING TERMINALS MAY BE OPERATED IN A HOST COUNTY THAT HAS EXERCISED THE OPTION TO PROHIBIT VIDEO GAMING TERMINALS UNDER THIS SECTION.

(B) RESCISSION OF PROHIBITION.—

(1) SUBJECT TO PARAGRAPH (2), A HOST COUNTY THAT PROHIBITS VIDEO GAMING TERMINALS WITHIN THE HOST COUNTY UNDER SUBSECTION (A) **MAY RESCIND THAT PROHIBITION AT ANY TIME BY DELIVERING A NEW RESOLUTION OF THE COUNTY GOVERNING BODY TO THE BOARD.**

(2) A HOST COUNTY THAT RESCINDS ITS PRIOR PROHIBITION ACCORDING TO PARAGRAPH (1) MAY NOT SUBSEQUENTLY PROHIBIT VIDEO GAMING TERMINALS IN THE HOST COUNTY UNDER THIS SECTION.

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