

January 3, 2008

RESOLUTION NO. 10-08

REGARDING THE PROPOSED EXPANSION OF THE
BELLEAYRE MOUNTAIN SKI CENTER

Legislators Gardner and/ ^{Hitchcock jointly} offered the following resolution and moved its adoption:

WHEREAS, the New York State Department of Environmental Conservation is accepting comments from the public to develop a final scoping document concerning the proposed expansion of the Belleayre Mountain Ski Center; and

WHEREAS, the proposed expansion plan represents a 62% increase in the size of Belleayre over what exists today at a cost to the taxpayers of New York of \$45 million to \$75 million dollars; and

WHEREAS, the New York State Department of Environmental Conservation is the owner and operator of the Belleayre Mountain Ski Center, which is a direct competitor to the privately owned and operated ski resorts in Greene County of Hunter Mountain and Windham Mountain; and

WHEREAS, as a result of being State owned and operated, Belleayre enjoys significant competitive advantages that are not available to Hunter and Windham such as the ability to operate in a manner whereby expenses exceed revenue at a significant cost to the taxpayers of New York and access to large amounts of capital for improvements and expansion with no borrowing costs; and

WHEREAS, as a result of being State owned and operated, Belleayre is exempted from having to pay a variety of taxes, insurance costs and other administrative and operating costs that Hunter and Windham must pay for an average of \$2 million-\$3 million per year; and

WHEREAS, as a result of these competitive advantages, Belleayre has gone from 70,000 skier visits in 1995 to over 175,000 skier visits while at the same time, the number of skier visits to Hunter and Windham have declined by approximately the same amount; and

WHEREAS, while Belleayre, Hunter and Windham Mountains have been able to coexist and grow in the past, this has changed over the past decade and Hunter and Windham are at a point where Belleayre's aggressive marketing practices, its use of taxpayer funding to operate and make major capital improvements to its ski mountain, and its exemptions from various tax, administrative and operating expenses are negatively impacting the operations of Hunter and Windham; and

WHEREAS, the negative impact on Hunter and Windham mountains and their communities is having a negative impact on Greene County, including but not limited to its tourism based economy and tax revenues; and

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WHEREAS, the proposed expansion of Belleayre will only serve to further widen the competitive gap with Hunter and Windham, raising the possibility that if left unchecked, the inevitable result of this proposed expansion will be to seriously jeopardize the economic viability of Hunter Mountain, Windham Mountain and the surrounding mountaintop communities of Greene County; and

WHEREAS, the Department of Environmental Conservation's current scoping plan for the proposed expansion fails to fully address the potential environmental, economic and social impacts the expansion will have on Hunter Mountain, Windham Mountain and the surrounding communities of Greene County; and

WHEREAS, in an effort to establish fairness, Greene County is requesting the following be addressed in the final DEC scoping document for the proposed expansion:

1. in DEC's current draft scoping document, it is stated that a management goal and objective is to "enhance the opportunity for economic benefit to the local communities, region, and the state"; this should be modified to particularly identify and include the Catskill Mountains ski community as a whole, specifically Hunter Mountain, Windham Mountain and Greene County;

2. in DEC's current draft scoping document, it is stated that a management goal and objective is to "ensure that revenues equal or exceed operating costs for that portion for the program covered by user fees"; this should be modified to require Belleayre to cease its reliance on State subsidies and taxpayer dollars and operate in a fiscally sound manner;

3. in DEC's current draft scoping document, it is stated that there is a requirement to evaluate the proposed Belleayre expansion's "direct economic impacts"; this should be expanded to consider both the direct and indirect economic impacts on the Catskill Mountains ski community as a whole, specifically Greene County, with such impacts to include, at a minimum, the economic impacts to Greene County's privately owned ski resorts, the impact to other businesses and retailers in Greene County, the corresponding impact to current and potential employees of the ski resorts and the tax implications to Greene County;

4. in DEC's current draft scoping document, where the consideration of community character is to be evaluated, the geographic parameters of the identified community should include Greene County for the purposes of a more thorough and appropriate environmental review; and

5. in DEC's current draft scoping document, the analysis should include the cumulative impacts from the Belleayre expansion plan on Greene County's economy, including full a examination of the proposed land acquisitions and the planned ski-in-ski-out connections between Belleayre and the Crossroads Development.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Environmental Conservation should include in its final scoping document on the proposed Belleayre expansion a complete environmental, economic and social analysis evaluating the impacts Belleayre's operations and the proposed expansion will have on the neighboring privately owned and operated ski resorts of Hunter Mountain and Windham Mountain and the surrounding communities of Greene County with a view toward leveling the playing field and establishing a healthy competitive balance for the benefit of the region and the ski industry as a whole; more specifically, the final DEC scoping document should include a complete analysis of the Catskill Mountains ski community as a whole, specifically Hunter Mountain, Windham Mountain and Greene County; a requirement that Belleayre cease its reliance on State subsidies and taxpayer dollars and operate in a fiscally sound manner; a complete analysis of both the direct and indirect economic impacts on the Catskill Mountains ski community as a whole, specifically Greene County; the consideration of community character be expanded to include Greene County; and, an analysis of the cumulative economic impact the proposed land acquisitions and the planned ski-in-ski-out connections will have on Greene County; and be it further

RESOLVED, that copies of this Resolution shall be forwarded to: New York State Senator James Seward; New York State Assemblyman Peter Lopez; New York State Assemblyman Timothy Gordon; Daniel Whitehead (NYSDEC), Douglas Bernhard (NYSDEC), NYSDEC Commissioner Pete Grannis, Governor Eliot Spitzer, Judith Enck (Office of the Governor) and Timothy Gilchrist (Office of the Governor).

Seconded by Legislators Brooks, Cotten, Deyo, Dudley, Frey, Lawrence, Lennon, Martinez, Prest, Valentine, Van Slyke and Speenburgh

Ayes 14 Noes 0 Absent 0 CARRIED.
(10,000)

Approved by Government Operations Comm.: 1/3/08

APPROVED AS TO FORM

Campbell Stevens
COUNTY ATTORNEY

STATE OF NEW YORK)
) ss.
COUNTY OF GREENE)

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted January 3, 2008 with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said Greene County Legislature this 4th day of January, 2008.

Tammy L. Sciavillo
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Acting Clerk, Greene County Legislature