

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

Minutes of the special meeting of Board of Directors of the Western Regional Off-Track Betting Corporation, held on the 8th day of January, 2013, and commencing at 11:04 a.m. in the *Robert J. Kane Board Room*, Corporate Headquarters at 8315 Park Road, Batavia, New York.

Participating were:

Cattaraugus	Richard E. Haberer
Cayuga	Paul W. Lattimore, Jr.
Chautauqua	Roger E. Ruckman
Erie	Beverly A. Mazur
Genesee	Richard E. Siebert
Livingston	Thomas P. Wamp
Monroe	Richard D. Bianchi
Orleans	Marcia Tuohey
Oswego	Ronald B. Darrow
Schuyler	Philip C. Smith
Wayne	Ken Lauderdale
Wyoming	Jim Foley

Absent:

M. Garner  
S. Kiedrowski  
R. Ricci  
J. Clifford  
D. Bassett

constituting the Directors of all participating municipalities. Also participating were Michael D. Kane, President & CEO; Michael P. Nolan, Vice President – Administration; Jacquelyne Leach, Comptroller; Henry F. Wojtaszek, General Counsel; William R. White, Vice President - Administration; Mark Wolf, Director of Video Gaming & Marketing; Barb Mruczek, Deputy Comptroller; Gayle Ashbery, Director of Purchasing; Tom Balk Director of Building and Grounds; Chelsea Carrubba, Clerk/Building & Grounds; Tom Fox, Director of Surveillance, and Steven J. Haigh, Internal Auditor. Also attending was Tom Rivers, Daily News Reporter and Thomas N. Fraser, Engineer of Fraser Engineer and Design Services.

A roll of the membership of the Board having been called and General Counsel Wojtaszek declared a quorum present.

Chairman Bianchi proceeded to conduct the meeting following the published Agenda.

Chairman Bianchi asked Tom Fox, Director of Surveillance to lead the assemblage in the Pledge of Allegiance.

**1. Batavia Downs Committee:**

Mike Kane stated that the purpose of this special meeting is to award the bids to the Capital Project. It was noted that a letter reviewing all of the bids from Fraser Engineering was sent.

1. **Batavia Downs Committee:**

Mr. Fraser is available to answer any pending questions regarding the contracts. It was also noted that all motions will be requiring that the rules are to be waived.

a. A motion was made by Mr. Lauderdale and seconded by Mr. Ruckman to waive the rules to take up Resolutions 6-15. A voice vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion was carried.

Director Wamp asked Mr. Fraser if a quantity of vendors provided bid. Mr. Fraser noted that many were received. The General Construction received 14 bids for review. Mr. Fraser explained the process used to review the bids received. Mr. Fraser commented on concerns regarding change orders, generators, past vendor's projects and evidence of asbestos in the building from Directors Wamp, Bianchi, Siebert, Tuohey, Lauderdale and Darrow.

The award of bids associated with resolutions 7-11 and 14 (Contracts 2-5 and 9) are subject to completion and staff review of the bidders certification of compliance with State Finance Law §139 j and k (Appendix C of Western's Procurement Policy).

b. A motion was made by Mr. Lattimore and seconded by Mr. Wamp to award the general construction contract for the Capital Awards Project to Allied Builders, Inc. of Brockport, NY, in the base amount of \$2,682,000.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #6-2013).**

c. A motion was made by Mr. Lattimore and seconded by Mr. Haberer to award the plumbing contract for the Capital Awards Project to Leo J. Roth of Rochester, NY, in the base amount of \$349,600.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #7-2013).**

d. A motion was made by Mr. Lattimore and seconded by Mr. Siebert to award the HVAC contract for the Capital Awards Project to Danforth of Tonawanda NY, in the base amount of \$1,733,000.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #8-2013).**

**1. Batavia Downs Committee (continued):**

e. A motion was made by Mr. Lattimore and seconded by Mr. Ruckman to award the elevator contract for the Capital Awards Project to The Elevator Guild, Inc. of Rochester, NY, in the base amount of \$125,400.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #9-2013).**

f. A motion was made by Mr. Lattimore and seconded by Mr. Ruckman to award the fire protection contract for the Capital Awards Project to Allied Fire Protection Systems, Inc. of Falconer, NY, in the base amount of \$119,670.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #10-2013).**

g. A motion was made by Mr. Lattimore and seconded by Mr. Smith to award the electrical contract for the Capital Awards Project to Hewitt Young Electric, LLC of Rochester, NY, in the base amount of \$2,235,000.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #11-2013).**

h. A motion was made by Mr. Lattimore and seconded by Mr. Ruckman to award the surveillance, security and fire alarm contract for the Capital Awards Project to IK Systems, Inc. of Victor, NY, in the base amount of \$1,824,462.79 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #12-2013).**

i. A motion was made by Mr. Lattimore and seconded by Mr. Darrow to award the installation of kitchen/bar furniture contract for the Capital Awards Project to Buffalo Hotel Supply of Farmington, NY in the base amount of \$115,359.00 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #13-2013).**

j. A motion was made by Mr. Lattimore and seconded by Mr. Ruckman to award the installation of kitchen equipment contract for the Capital Awards Project to Gerharz Kitchen Equipment of East Syracuse, NY in the base amount of \$530,729.88 with a 10% contingency as noted on the attached bidder's matrix. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #14-2013).**

**1. Batavia Downs Committee (continued):**

The Board was advised that the construction will begin on February 1, 2013. Any necessary documents will be mailed today to awarded vendors.

I. A motion was made by Mr. Lattimore and seconded by Mr. Smith to award the installation of a generator for the Capital Awards Project to Penn Power Generator the base amount of \$81,650.00 with a 10% contingency as noted by Fraser Engineering. A roll vote was taken. Ayes: 12; Nays: 0; Abstain: 0; Absent 5: Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion passed. **(See Resolution #15-2013).**

**2. Resolutions:**

- # 6-2013 Award General Construction Contract – Allied Builders
- # 7-2013 Award Plumbing Contract – Leo J. Roth
- # 8-2013 Award HVAC Contract – John W. Danforth
- # 9-2013 Award Elevator Contract – The Elevator Guild
- # 10-2013 Award Fire Protection Contract – Allied Fire Protection
- # 11-2013 Award Electrical Contract – Hewitt Young Electric
- # 12-2013 Award Fire Alarm, Security, etc Contract – IK Systems
- # 13-2013 Award Kitchen/Bar Furniture Contract – Buffalo Hotel
- # 14-2013 Award Kitchen Equipment Contract – Gerharz Kitchen
- # 15-2013 Award Generator Installation Contract – Penn Power

**3. Unfinished Business**

Mr. Haberer inquired about the pending issue of the modification of Park Road. Mr. Kane indicated that notification was recently received by the Town of Batavia that this item is not on the State's agenda. A meeting with the Town of Batavia has been set for January 28, 2013 to discuss this matter and a safer access way into the Casino.

**4. New Business**

Mr. Kane advised the Board of the 2013 Harness Racing Conference which will be held in Ft. Lauderdale, Florida on February 28 thru March 4, 2013 and the need for approval for out-of-state travel for Messrs. Michael Nolan, Todd Haight, and himself. A motion was made by Mr. Haberer and seconded by Mr. Ruckman. A voice vote was taken. Ayes: 12; Nays: 0; Absent: 5, Garner, Kiedrowski, Bassett, Ricci, Clifford. The motion was carried.

**4. New Business (continued):**

Messrs. Nolan and White were thanked for taking quick action on a recent situation at the Dunkirk branch by Director Ruckman.

Chairman Bianchi requested the Board to enter into executive session to discuss a personnel issue at 11:33 a.m. The Board reconvened at 11:44 a.m. and the meeting was adjourned.

The next Committee and organizational Board meetings will be held on January 16 and January 17, 2013 respectively.

Respectfully submitted,

---

Henry F. Wojtaszek  
Secretary to the Board

HFW/dmf