

**Western Regional Off-Track Betting Corporation**

Minutes of the regular meeting of Board of Directors of the Western Regional Off-Track Betting Corporation, held on the 5<sup>th</sup> day of December 2013, and commencing at 10:42 a.m. in the Robert J. Kane Board Room, Corporate Headquarters at 8315 Park Road, Batavia, New York.

**Participating were:**

City of Buffalo	Maurice Garner
Cattaraugus	Richard E. Haberer
Chautauqua	Roger E. Ruckman
Erie	Beverly A. Mazur
Genesee	Richard Siebert
Livingston	Thomas P. Wamp
Monroe	Richard D. Bianchi
Niagara	Scott Kiedrowski
Orleans	Marcia B. Tuohey
Oswego	Ronald Darrow
City of Rochester	Dennis Bassett
Seneca	Richard L. Ricci
Wayne	Ken Lauderdale
Wyoming	James A, Foley

**Absent:**

John E. Clifford  
Paul W. Lattimore  
Philip C. Smith

Constituting the Directors of all participating municipalities.

**Staff Members Present:**

Michael D. Kane President/CEO  
Henry Wojtaszek, General Counsel  
Michael Nolan, Executive Vice President/COO  
William R. White, Vice President-Administration  
Jacquelyne Leach, Comptroller  
Mark Wolf, Director of Video Gaming  
James Haas, Communication Manager  
Steve Haigh, Internal Auditor  
William R. White, Vice President-Administration

**Staff Members Present: Continued**

Ryan Hasenauer, Director of Marketing-WROTB & Video Gaming  
Gayle Ashbery, Director of Purchasing  
Barbara Mruczek, Deputy Comptroller  
EJ Merriman, Manager of Branch Operations  
Stephanie Underhill, Marketing Graphics Specialist

Chairman Bianchi asked Director Darrow to lead the assemblage in the Pledge of Allegiance.

1. **Approval of Previous Minutes:** Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous meeting held on October 24, 2013. Director Lauderdale requested that a correction be made regarding the snow plowing that it was approved by the Finance Committee and not the Personnel. The request was noted and the corrections have been made. The motion to approve the minutes was made by Mr. Lauderdale and seconded by Mr. Haberer. The motion was carried unanimously by a voice vote.
2. **Communications:** There were not communications.
3. **Officers' Reports:** There were no Officer's Reports.
4. **Finance Committee Report:**

Committee Chairman Ken Lauderdale reported that the Finance Committee meeting was held on Wednesday December 4, 2013 at 4:30 p.m. and the following business was considered.

- a. The Finance Committee was given an update. Mrs. Leach presented the Controllers report and the 2014 Operating Plan.

A motion was made by Mr. Garner and seconded by Mr. Ruckman. A voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Mr. Lattimore, Mr. Clifford and Mr. Smith. The motion was carried.

**5. Personnel Committee Report:**

Committee Chairperson Wamp reported the Personnel Committee met on Wednesday, December 4<sup>th</sup> at 1:30 p.m.

- a. Mr. Wamp informed the Board the Hartford 457 Plan change to AXA and required that the trust company needed to be changed from Reliance to MG Trust Co. as Trustee. **(Resolution # 104)**

Upon a motion by Mr. Wamp and a second by Mr. Kiedrowski, a Roll Call vote was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- b. Mr. Wamp informed the Board of a request from Melanie Balduf to be compensated for 80 hours vacation at her old rate of \$16.84 and carry over 30 hours at the new rate of \$5.46.

Upon a motion by Mr. Wamp and a second by Mr. Darrow, a voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- c. Mr. White informed the Board of the Branch Supervisor vote, which will result in the Supervisory unit to be represented by UPSEU.
- d. Mr. Wamp informed the Board that an Executive Session was called with Mr. Kane to discuss his 2014 salary adjustments. Mr. Kane's proposal was approved as noted below.

Upon motion by Mr. Wamp and a second by Mr. Ricci, a voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**6. Legislative Committee:**

Committee Vice-Chairman Mr. Siebert reported that the Legislative Committee met on Wednesday, December 4, 2013 at approximately 4p.m.

- a. Mr. Siebert informed the Board the contract is up with Wilson Elser. Mr. Kane recommended renewing the contract for another year at the same cost of \$50,000. (**Resolution # 102**)

Upon motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 13; Nays: 0; Abstain: 1 (Garner); Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- b. Mr. Siebert informed the board of the NYRA Relief which has been completed as a credit of \$300,000 against the bill that is owed.

**7. Advertising Committee:**

Committee Vice-Chairman Mr. Foley reported that the Advertising Committee met on Wednesday, December 4, 2013 at approximately 3:15p.m.

- a. Mr. Foley informed the Board there was discussions of EZ Bet operations, New Years Eve events, also, the car drawing for 2014 is changed from March to April so not to conflict with other Gaming Facilities. Mr. Haight informed the committee of the highlights of racing for the 2013 year.

**8. Audit Committee:**

Committee Chairman Mr. Bassett reported that the Audit Committee met on Wednesday, December 4, 2013 until approximately 5:30p.m.

- a. Mr. Bassett informed the Board the committee went over Audit findings from Mr. Haigh.

**8. Audit Committee Continued:**

- b. Mr. Bassett informed the Board they continued the meeting today with Bonadio who presented their audit process for the end of the year. The Committee went into executive session at 10:01 and came out of executive session and 10:19 and adjourned.

**9. Batavia Downs Committee:**

Committee Vice Chairman Mr. Siebert reported that the Committee met on Wednesday, December 4, 2013 at approximately 3:30p.m.

- a. Mr. Siebert informed the Board that figures from October for Batavia Downs Gaming were very impressive. Over \$2 million was sent over to NYS for Education.
- b. Resolutions #81-#94 for Food and Beverage were approved unanimously by the Board. (**Resolutions #80-#94**)
  - 1. **Resolution # 80** for Tarantino Foods in the amount of \$40,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- 2. **Resolution # 81** for Empire Merchants in the amount of 50,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**Batavia Downs Committee Continued:**

3. **Resolution # 82** for Palmer Food in the amount of \$100,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

4. **Resolution # 83** for Tim Horton's in the amount of \$75,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

5. **Resolution # 84** for Condidorio Deliveries in the amount of \$24,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

6. **Resolution # 85** for Will Poultry in the amount of \$400,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

7. **Resolution # 86** for US Foods in the amount of \$350,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

8. **Resolution # 87** for Boston's Best in the amount of \$25,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**Batavia Downs Committee Continued:**

9. **Resolution # 88** for Southern Wine and Spirits for the amount of \$50,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

10. **Resolution # 89** for C. H. Wright in the amount of \$100,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

11. **Resolution # 90** for Sanzo Beverage Company for the amount of \$60,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

12. **Resolution # 91** for Pepsi for the amount of \$100,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

13. **Resolution # 92** for Maines Paper and Food for the amount of \$250,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**Batavia Downs Committee Continued:**

13. **Resolution # 93** for Jacob & Kern and Son for the amount of \$35,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

14. **Resolution # 94** for Hill & Markes for the amount of \$125,000 for the 2014 year.

Upon a motion by Mr. Siebert and a second by Mr. Bassett, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- c. Resolutions #95-#101 for Food and Beverage were approved unanimously by the Board. (**Resolutions #95-#101**)

1. **Resolution # 95** Townsend Energy in the amount of \$5,000 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

2. **Resolution # 96** for Empire Merchants in the amount of \$7,500 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

3. **Resolution # 97** for Southern Wine & Spirits in the amount of \$7,500 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.



**Batavia Downs Committee Continued:**

4. **Resolution # 98** for Tarantino Foods in the amount of \$3,000 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

5. **Resolution # 99** for Alsco in the amount of \$3,500 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

6. **Resolution # 100** for Hanson in the amount of \$5,000 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

7. **Resolution # 101** for Home Depot for the amount of \$9,000 for the remainder of 2013.

Upon a motion by Mr. Siebert and a second by Mr. Ricci, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- d. Mr. Kane informed the Board of the General Construction Bid for phase 7, the low bidder was Allied Builders in the amount of \$678,000. The Staff recommends it be given to them with a 10% contingency. (**Resolution # 105**)

Upon a motion by Mr. Siebert and a second by Mr. Wamp, a voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**Batavia Downs Committee Continued:**

- e. Mr. Kane informed the Board of the HVAC Bid for phase 7, the low bidder was Leo J. Roth Co. at \$166,380. The Staff recommends it be given to them with a 10% contingency. **(Resolution # 106)**

Upon a motion by Mr. Siebert and a second by Mr. Darrow, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- f. Mr. Kane informed the Board of the Electrical and Fire Alarm Services for phase 7, the low bid is from Hewitt Young Electric in the amount of \$470,000. The Staff recommends it be given to them with a 10% contingency. **(Resolution # 107)**

Upon a motion by Mr. Siebert and a second by Mr. Ruckman, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- g. Mr. Kane informed the Board of the Plumbing required by Phase 7. The low bid is from John W. Danforth for \$26,900. The Staff recommends they be awarded the bid with a 10% contingency. **(Resolution # 108)**

Upon a motion by Mr. Siebert and a second by Mr. Ruckman, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- h. Mr. Kane informed the Board of the Fire Protection Service for Phase 7. The low bidder was Allied Fire for \$142,500. The Staff recommends they be awarded the bid with a 10% contingency. **(Resolution # 109)**

Upon a motion by Mr. Siebert and a second by Mr. Ruckman, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**10. Insurance Committee:**

- a. Mr. Kane informed the Board of the Contract with Commercial Insurance Consultants expires at the end of the year, December 31, 2013. Mr. Lattimore asked to renew the contract under the same terms. **(Resolution # 103)**

Upon a motion by Mr. Ruckman and a second by Mr. Garner, a Roll Call was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

**11. Branch Operations:**

- a. Mr. Garner informed the Board that an offer was received in the amount of \$150,000 for the State Street Branch. Mr. Garner moved that we accept the offer.

Upon a motion by Mr. Garner and a second by Mr. Ruckman, a voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved.

- a. Mr. Garner moved to enter in to a contract with Monroe County Storage Facility for a 10 year term r a 10 year term.

Upon a motion by Mr. Garner and a second by Mr. Ruckman, a voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Lattimore, Clifford and Smith. The motion was approved

**12. Resolutions:**

80-2013	12/5/2013	Tarantino Foods
81-2013	12/5/2013	Empire Merchants

82-2013	12/5/2013	Palmer Foods
83-2013	12/5/2013	Sysco –Tim Horton’s Products
84-2013	12/5/2013	Condidorio
85-2013	12/5/2013	Will Poultry
86-2013	12/5/2013	US Foods
87-2013	12/5/2013	Boston’s Best
88-2013	12/5/2013	Southern Wine & Liquor
89-2013	12/5/2013	CH Wright
90-2013	12/5/2013	Sanzo
91-2013	12/5/2013	Pepsi
92-2013	12/5/2013	Maines Paper
93-2013	12/5/2013	Jacob Kern
94-2013	12/5/2013	Hill & Markes
95-2013	12/5/2013	Townsend Energy (Sup)
96-2013	12/5/2013	Empire Merchants (Sup)
97-2013	12/5/2013	Southern Wine & Spirit (Sup)
98-2013	12/5/2013	Tarantino (Sup)
99-2013	12/5/2013	ALSCO (Sup)
100-2013	12/5/2013	Hanson (Sup)
101-2013	12/5/2013	Home Depot (Sup)
102-2013	12/5/2013	Wilson Elser
103-2013	12/5/2013	Commercial Insurance Cons. Inc
104-2013	12/5/2013	Reliance Trust Co.
105-2013	12/5/2013	General Contractor
106-2013	12/5/2013	HVAC
107-2013	12/5/2013	Electrical
108-2013	12/5/2013	Plumbing John W. Danforth
109-2013	12/5/2013	Fire Protection

**13. Unfinished Business:**

No unfinished business.

**14. New Business:**

Mr. Haberer informed the Board that the Seneca Nation is actively perusing a slot only facility on Cuba Lake which is on the border of Cattaraugus and Allegany Counties.

The next Committee and Board meetings will be held on January 15 and 16, 2014 respectively.

**15. Adjournment:**

A motion was made by Mr. Garner and seconded by Mr. Haberer to adjourn the meeting. The meeting was adjourned at 11:09 a.m.

Respectfully submitted,

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Henry Wojtaszek  
Secretary to the Board

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