

1. Approval of Previous Minutes:

Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous meeting of June 23, 2011. A motion was made by Mr. White and seconded by Mr. Wamp to approve the minutes. The motion was carried unanimously by voice vote.

2. Communications:

Mr. Kane reported one communication which was read. Det. Sgt. Patrick Corona of the City of Batavia Police Department expressed appreciation for services provided by Mr. Dan Maloney, Director of Security, regarding the development of a system for incidents involving abandoned vouchers and or credits at Batavia Downs.

3. Officers' Reports:

There were no Officer's reports.

4. Finance Committee Report:

Committee Chairman William White reported that the Finance Committee meeting was held on Wednesday, July 27, 2011 at 3:37 p.m. and the following business was considered.

- a. Comptroller Jackie Leach presented to the Board the June 2011 Comptroller's Report. For informational purposes.
- b. A review of the Corporation's investments was provided to the Committee as well as a presentation explaining the free play allowance program for customers.

5. Personnel Committee Report:

Committee Chairman Tom Wamp reported that the Personnel Committee met on Wednesday, June 22, 2011 at approximately 2:30 p.m. General Counsel Henry Wojtaszek was available via telephone conference.

- a. The Sexual Harassment Policy was discussed at the Committee meeting at length. Amendments to the policy were discussed.

5. Personnel Committee Report (continued):

a. First, Western Regional OTB Corporation is to be added where OTB is. Secondly, the President of the Corporation would be the administrative officer to appoint the individuals who are to be the Compliance Officers.

A motion was then made by Mr. Wamp and seconded by Mr. Garner to approve the Sexual Discrimination & Sexual Harassment Policies. A roll call vote was taken. Ayes: 5, Lattimore, Mazur, Wamp, Bianchi, White; Nays: 8; Haberer, Ruckman, Siebert, Tuohey, Darrow, Smith, Clifford, and Foley; Abstain: 1, Garner Absent: 3, Kiedrowski, Bassett, and Gallo. The motion failed.

A motion was made by Mr. Clifford and seconded by Ms. Tuohey to table the approval of the Policies until the next meeting without disapproval.

b. The Board was informed by Mr. Kane of the hiring of Lisa Clarke as Host Supervisor. The position of General Ledger Accountant was filled by Mary Kern, formerly in the Food & Beverage department. Any open positions in Accounting and Food & Beverage will remain unfilled and the responsibilities will be absorbed by others within each department.

6. Legislative Committee:

Committee Chairman Haberer reported that the Legislative Committee met on Wednesday, June 22, 2011 at approximately 4:05 p.m.

a. Messrs. Kane and Nolan provided the Committee with a summary of activities regarding Suffolk and Capital OTBs during the past month.

b. Mr. Nolan provided the Committee with information resulting from a meeting that he and Mr. Wojtaszek had with Mr. Ben Leibman from the Governor's office regarding Gaming & Racing issues.

c. The Committee discussed a proposed agreement with NYS Gaming Association. Members are licensed VLGs within NYS. As a member with this organization Western will benefit by being represented by various Lobbyists who support the improvement in many aspects within the gaming industry. One of the main purposes of this group is to strongly represent racetracks for the future of becoming a full blown gaming facility.

6. Legislative Committee (continued):

A motion was then made by Mr. Haberer and seconded by Mr. Lattimore to join the NYS Gaming Association for a membership fee of \$6,050.00, expenses for the Association will be based on the number of machines on the gaming floor at each of the members facilities. A voice roll call vote was taken. Ayes: 14; Nays: 0; Absent: 3, Kiedrowski, Bassett, and Gallo.

7. Insurance Committee:

Chairman Paul Lattimore reported that the Insurance Committee did not meet.

8. Advertising Committee:

Committee Chairman James Foley reported that the Committee met on Wednesday, July 27, 2011 at approximately 4:00 p.m.

a. Mr. Todd Haight, General Manager of Live Racing, reported on the re-opening of the Mohawk Branch.

b. Ryan Hasenauer, Director of Marketing, provided the Committee with promotional efforts in radio, TV and printing for the 2011 Live Racing Season. Mr. Haight recapped Batavia's overall numbers for the day as well as the on-track handle which have reached the highest total in many years. Also provided were the Live Racing and OTB advertisement sales.

c.. A summary of the casino promotions for July which included the Harley motorcycle drawing was provided by Mr. Hasenauer. The August promotions were previewed.

d. A bid opening held on July 12, 2011 resulted in 15 bids for advertising through direct mailing. After evaluation of each bid, the lowest bidder determined was Applied Business Systems, Inc.

A motion was made by Mr. Foley and seconded by Mr. Ruckman to award the agreement to Applied Business Systems, Inc. A roll call vote was taken. Ayes: 14; Nays: 0; Absent: 3, Kiedrowski, Bassett, and Gallo. **(See Resolution 17-2011).**

The Committee meeting adjourned at 4:30 p.m.

9. Audit Committee:

Chairman Bianchi reported that the Committee did not meet.

10. Property/Real Estate Committee:

Chairman John Clifford reported that the Committee met on July 27, 2011 at 4:40 p.m.

a. Mrs. Algier provided the Committee with a review of the following branches: Webster, Mohawk, City of Niagara Falls, Ridge Lea, Hornell, Corning, Grant Street, Auburn, Seneca Falls, and Bullshead. Various improvements were made. Proposals are being sought for necessary improvements to others in need of repairs.

b. It was noted that the Clubhouse in Batavia Downs has recently had solar shades installed in the south half of the area. The heat load in this space has been reduced dramatically.

c. Director of Buildings & Grounds Tom Balk provided the Committee with a number of Capital Projects that his staff has been working on.

d. Results from researching a water credit meter which will be used in the barn areas will be provided at the next meeting.

The meeting was adjourned at 2:54 p.m.

11. Batavia Downs Committee:

Committee Chairman Paul Lattimore called the Committee meeting to order on Wednesday, July 27, 2011 at approximately 5:00 p.m. The following items were discussed:

a. The monthly Status Report with gaming statistics was provided to the Committee by Mr. Mark Wolf.

b. The Committee was provided with financial statistics by Ms. Cindy DeCarlo.

11. Batavia Downs Committee (continued):

c. Mr. Tom Fraser presented the Committee with the conception design for the Capital Plan for the next phase. After a lengthy question and answer session regarding the renovations of the first floor which will have gaming, dining, concessions, improved exhibit space and entries to the live racing area, the directors continued to review the second floor modifications of a temporary smoking gaming/conference room, the new ITW area, private dining area and expanded office space.

d. Mr. Kane provided an update on the smoking room expansion.

e. Mr. Kane reported that bids for the main facility building roof repair which is also part of the Capital Project are being prepared.

f. The Committee was provided information on an electric shuttle bus, a shuttle bus and the need to purchase kiosks.

A motion was then made by Mr. Haberer and seconded by Mr. Foley to waive the rules for three (3) resolutions; 18-2011, 19-2011, and 20-2011. A voice vote was taken. Ayes: 14; Nays: 0; Absent: 3, Kiedrowski, Bassett and Gallo.

g. The Board was briefed with the results of a public bid which was read on July 25, 2011 for two cash kiosks for Batavia Downs Casino by Mr. Mark Wolf.

A motion was then made by Mr. Lattimore and seconded by Ms. Mazur to purchase two (2) each of Model TXC Western Money Ticket Redemption Kiosks in the amount of \$35,900.00, with curved front fascia at \$900.00, spare MEI BV 1400 note cash box at \$280.00 and spare Fujitsu currency cassette for model TXC at \$725.00. The total purchase for the two (2) Kiosks is \$75,610.00. A roll call vote was taken. Ayes: 14; Nays: 0; Absent: 3, Kiedrowski, Bassett, and Gallo. **(See Resolution # 18-2011)**. The motion passed.

Mr. Kane indicated to the members that Mr. Wolf submitted the request of the use of the Capital monies for verification of acceptance by Lottery which was affirmative.

h. A motion was made by Mr. Lattimore and seconded by Mr. xxxxxx for the approval to purchase a 15-Passenger, Type 1 Bus to be purchased from the NYS OGS state contract. The bus is to be purchased from Matthews Busses, Inc. for a total cost of \$38,990.87. A roll call vote was taken. Ayes: 14; Nays: 0; Absent: 3, Kiedrowski, Bassett, and Gallo. **(See Resolution # 19-2011)**. The motion passed.

11. Batavia Downs Committee (continued):

i. A motion was made by Mr. Wamp and seconded by Mr. Lattimore for the approval to purchase a 15-Passenger electric shuttle bus. The bus is to be purchased from Gatamoto Utility Vehicles, a sole Source pursuant to §103 of the General Municipal Law of NYS for a total of \$27,510.00. A roll call vote was taken. Ayes: 14; Nays: 0; Absent: 3, Kiedrowski, Bassett, and Gallo. (See **Resolution # 20-2011**). The motion passed.

Mr. Garner asked if the purchase of buses was indication of an increase of the number of customers requiring transportation. Mr. Hasenauer responded that this would allow Batavia Downs Casino to be a regional entertainment destination.

In addition, Mr. Kane informed the Board that the new gaming floor hours will begin on Sunday, July 31st and will be from 9:00am until 4:00am.

The meeting adjourned at approximately 6:15 p.m.

12. Branch Operations:

Committee Chairman Maurice Garner reported that the Committee met on Thursday, July 28, 2011 at approximately 9:30 a.m.

a. Mr. EJ Merriman and Mrs. Joann Algier provided the Branch Committee with an update regarding the East Mohawk branch. The approval for the build out of new space is pending NYS Racing & Wagering's Board's approval.

b. Mr. Mike Kane provided status of the possible relocation of the Teletheater. No agreement has been made to move.

c. Mrs. Algier informed the Committee of the Webster branch move to 44 Main Street which is pending NYS Racing Board's approval.

d. Mr. Sean Schiano briefed the Committee of the approval of approval of the Olean smoking waiver.

e. Chairman Garner and Sean Schiano proved the Committee with a complete listing of the 27 branches visited along with other significant information pertaining to each branch visited.

f. Mr. Sean Schiano indicated that a Concessionaire for the Phoenix branch has not been obtained.

12. Branch Operations (continued):

g. Ms. Cyndie Wellman provided status of four pending EZ Bet applications.

h. Mr. Mike Kane indicated that several website design companies have been contacted. Results of the proposals will be provided to the Directors in the future.

13. Resolutions:

- # 17-2011 Applied Business Systems Contract
- # 18-2011 Purchase of two Kiosks
- # 19-2011 Purchase Bus - Matthews Busses, Inc.
- # 20-2011 Purchase Electric Shuttle Bus – Gatamoto Utility Vehicles

14. Unfinished Business:

Mr. Clifford commended Ms. Algier and Mr. Tom Balk for their efforts in obtaining cooperation of all departments during the demand for energy conservation on July 22nd requested by Energy Curtailment Specialists, Inc. which will be reflected in a rebate.

15. New Business:

Mr. Kane reported that bids for valet services will be opened on August 10th and results will be reported to the Board next month.

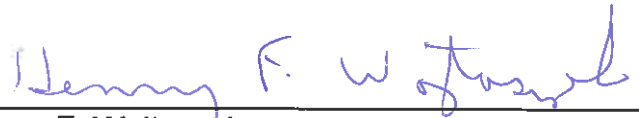
Chairman Bianchi addressed the Board if there was any interest in visiting Finger Lakes Raceway. After some discussion it was determined the Mr. Kane would contact Mr. Riegle at Finger Lakes with the possibility of having Board members touring the facility possibility in August.

The next Committee and Board meetings will be held on August 24 and August 25, 2011 respectively.

16. Adjournment:

Mr. Wamp made a motion to adjourn which was seconded by Mr. Ruckman.
The meeting was adjourned at 10:32 a.m.

Respectfully submitted,



Henry F. Wojtaszek
Secretary to the Board

HFW/dmf