

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 26th day of March, 2020 and commencing at 10:05 a.m. in the *Robert J. Kane Board Room*, Corporate Headquarters at 8315 Park Road Batavia, New York.

Participating were:

Absent:

Buffalo	Michelle Parmer-Garner	P. Barnes
Cattaraugus	Richard E. Haberer	D. Bassett
Cayuga	Paul Lattimore, Jr.	
Chautauqua	Allan Hendrickson	
Erie	Beverly A. Mazur	
Genesee	Richard Siebert	
Livingston	Thomas P. Wamp	
Monroe	Richard D. Bianchi	
Niagara	Elliott Winter	
Orleans	Edward Morgan	
Oswego	Ronald B. Darrow	
Seneca	Richard L. Ricci	
Steuben	Norman Schneider	
Wayne	Ken Lauderdale	
Wyoming	Susan May	

constituting the Directors of all participating municipalities.

Also participating were: Henry F. Wojtaszek, President & CEO; Michael P. Nolan, Chief Operating Officer; Scott Kiedrowski, Vice President Operations; William R. White, Vice President – Administration; Jacquelyne Leach, Chief Financial Officer; Mark Gabriele, Associate General Counsel; Steven Haigh, Internal Auditor; Sean Schiano, Director of Branch Operations; James Haas, Communications Manager/Mutuels Manager; Mike Pettinella, The Batavian

A roll of the membership of the Board having been called, Mr. Kiedrowski declared a quorum present.

Chairman Bianchi proceeded to conduct the meeting following the published Agenda for this regular meeting.

Chairman Bianchi then asked Director Haberer 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 of January 16, 2020. There being none, a motion was made by Director Mazur and seconded by Director Haberer to approve the January minutes as submitted. The minutes were approved unanimously by roll call vote Ayes: 15; Absent 2; Bassett, Barnes.

2. **Officers' Reports:**

There were no Officers reports.

3. **Personnel Committee Report:**

Committee Chairman Winter called the Personnel Committee meeting to order at 9:08 a.m. on Thursday March 26, 2020 and the following business was discussed.

Mr. Henry F. Wojtaszek, President & CEO explained to the Committee the need to adjust the Skilled Maintenance Master Plumber's wage change. The rate will be going from \$22.40 an hour to \$24.36. This is still a Union negotiated rate. A motion was made by Director Ricci, seconded by Director Haberer and carried unanimously to take to the full Board.

Mr. William R. White, Vice-President-Administration explained to the Committee that the positions of Drop Team Supervisor and Drop Team were in need of Job Descriptions even though these positions have existed previously. No change in pay or amount of positions.

Upon motion by Director Wamp and seconded by Director Lauderdale a voice vote was taken. The motion carried to approve the Personnel Classifications changes.

The Personnel Committee adjourned at 9:14 a.m.

**4. Finance Committee Report:**

Committee Chairman Lauderdale, called the Finance Committee meeting to order at 10:15 a.m. on Thursday March 26, 2020 and the following business was discussed.

Mrs. Jacquelyne A. Leach, Chief Financial Officer reviewed the November 2019 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation has distributed \$80,667.00 in surcharge to member municipalities for November. The Corporation also generated operational earnings of \$226,865.00.

Mrs. Leach and Mr. Wojtaszek presented the Resolution needed for employee compensation and benefits in response to the Coronavirus through pay period ending April 11, 2020.

Upon motion by Committee Chairman Lauderdale and seconded by Director Morgan, a roll call vote was taken. The motion passed to approve the normal employee compensation and benefits in response to the Coronavirus through pay period ending April 11, 2020. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #20-2020**).

Mrs. Leach also reviewed the November 2019 Batavia Downs results of operations, and provided information on credits played, net win and free play, food and beverage, and other statistics.

The Finance Committee meeting adjourned at 10:44 a.m.

**5. Advertising Committee Report:**

The Advertising Committee did not meet.

**6. Legislative Committee Report:**

Committee Chairman Hendrickson reported that the Legislative Committee meeting was held on Thursday March 26, 2020 at 9:20 a.m. and the following business was discussed.

**6. Legislative Committee Report:**

Mr. Wojtaszek discussed that Legislation will most likely be called back into session this weekend and will also likely be a bare bones budget. Also discussed was the implementation of Federal Legislation relative to unemployment insurance or business assistance loans or programs.

The Legislative Committee meeting was adjourned at 9:32 a.m.

**7. Insurance Committee Report:**

The Insurance Committee did not meet.

**8. Audit Committee Report:**

The Audit Committee did not meet.

**9. Batavia Downs Operations Committee Report:**

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was called to order at 9:40 a.m. and the following business was discussed.

Mr. Michael P. Nolan, Chief Operating Officer updated the Committee that the Capital Warehouse Project was bid out and came in very high. He informed the Committee that under the circumstances the project will be shelved at this time.

Committee Chairman Morgan informed the Committee that the parking lot paving will be shelved as well at this time.

Mr. Scott P. Kiedrowski, Vice-President/Operations informed the Committee of the Resolution needed for JFS Curtze for various food items in the amount not to exceed \$30,000.00.

9. **Batavia Downs Operations Committee Report continued:**

Upon motion by Committee Chairman Morgan and seconded by Director Hendrickson, a roll call vote was taken. The motion passed to approve the purchase of various food items from JFS Curtze in the amount not to exceed \$30,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #19-2020**).

The following Resolutions were discussed at the Batavia Downs Committee meeting held on February 15, 2020.

The Committee was informed of the Resolution needed for the 2020 Concert Series Performers to provide entertainment at Western's 2020 Summer Concert Series in the amount not to exceed \$254,000.00.

Upon motion by Committee Chairman Morgan and seconded by Director Hendrickson, a roll call vote was taken. The motion passed to approve the purchase of various performers in an amount not to exceed \$254,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #12-2020**).

The Committee was informed of the Resolution needed for the previously approved the landscaping & snowplowing by Landscaping & Snowplowing Maintenance of Buffalo, LLC. in the additional amount not to exceed \$8,000.00.

Upon motion by Committee Chairman Morgan and seconded by Director Lauderdale, a roll call vote was taken. The motion passed to approve Landscaping & Snowplowing Maintenance of Buffalo, LLC. in the amount not to exceed \$8,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #13-2020**).

The Committee was informed of the Resolution needed for the purchase of a 167 ton air conditioning unit from Trane US, Inc. in the amount not to exceed \$115,500.00.

Upon motion by Committee Chairman Morgan and seconded by Director Ricci a roll call vote was taken. The motion passed to approve the purchase of a 167 ton air conditioning unit from Trane US, Inc. in the amount not to exceed \$115,500.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #14-2020**).

9. **Batavia Downs Operations Committee Report continued:**

The Committee was informed of the Resolution needed for paper and plastic products for its restaurant operations per public bid held on February 13, 2020 for a two (2) year agreement at \$115,000.00 per year from Regional Distributors, Inc. amount not to exceed \$230,000.00.

Upon motion by Committee Chairman Morgan and seconded by Director Lauderdale, a roll call vote was taken. The motion passed to approve the purchase of paper and plastic products from Regional Distributors, Inc. in the amount not to exceed \$230,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #15-2020**).

The Committee was informed of the Resolution needed for the purchase of material for resurfacing the racetrack from Hanson Aggregates a NYS OGS Contract provider in amount not to exceed \$30,000.00.

Upon motion by Committee Chairman Morgan and seconded by Director Haberer, a roll call vote was taken. The motion passed to approve the purchase of material for resurfacing the racetrack from Hanson Aggregates a NYS OGS Contract provider in amount not to exceed \$30,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #16-2020**).

The Committee was informed of the Resolution needed for the immediate supply of new hardware and programming from Unitrends in the amount not to exceed \$56,226.82.

Upon motion by Committee Chairman Morgan and seconded by Director Lauderdale, a roll call vote was taken. The motion passed to approve the purchase of the immediate supply of new hardware and programming from Unitrends in the amount not to exceed \$56,226.82. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #17-2020**).

The Committee was informed of the Resolution needed for the purchase of a 1997 Champion Motor Grader from the Town of Seneca Highway Department in the amount not to exceed \$47,000.00.

Upon motion by Committee Chairman Morgan and seconded by Director Mazur, a roll call vote was taken. The motion passed to approve the purchase of a 1997 Champion Motor Grader in the amount not to exceed \$47,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett (**See Resolution #18-2020**).

9. **Batavia Downs Operations Committee Report continued:**

Committee Chairman Morgan recapped the Committee's discussion held in January to sponsor the Glow With Your Hands program in the amount of \$5,000.00.

Upon motion by Committee Chairman Morgan seconded by Director Hendrickson a roll call vote was taken. The motion passed to approve the Glow With Your Hands Sponsorship in the amount of \$5,000.00. Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett.

The Batavia Downs Committee meeting adjourned at 10:15 a.m.

10. **Branch Operations Committee Report:**

Chairperson Mazur called the meeting to order at 9:32 a.m. and the following items were discussed.

Mr. Sean Schiano, Director of Branch Operations provided a Branch update informing the Committee of the TV install at Auburn, the extra cleaning in the branches, and how maintenance is continually checking the safety and security of buildings.

Mr. Schiano reported that Batavia Bets was up \$163,000 or 18% in February, is only down .6% or \$4,500 through March 22, and year to date is still up 5% or \$93,000.

Mr. Schiano reported that the Tin Pan Alley EZ-Bet in Lewiston, Niagara County is just waiting on a router from Kentucky. He also dropped off a packet to a possible new partner in Rochester.

Mr. Mark Gabriele, Associate Counsel informed the Committee that the potential Transit Road buyer had some worries with the Corona outbreak but has come to a deal to make a \$60,000 non-refundable deposit with a closing date no later than June 1, 2020.

Mr. Schiano presented the Resolution needed for the French Road Lease extension with Joseph Bueme which will commence on March 1, 2020 and terminate February 28, 2021 at an annual rental rate of \$31,020.00.

**10. Branch Operations Committee Report:**

Upon motion by Director Wamp and seconded by Director May, a roll call vote was taken. The motion passed to extend the French Rd Lease with Joseph Bueme and will commence on March 1, 2020 and terminate February 28, 2021 at an annual rental rate of \$31,020.00 Ayes: 15; Nays: 0; Absent: 2; Barnes, Bassett. (See Resolution #11-2020).

Mr. Schiano informed the Committee that the Military Rd. roof project was being rebid due to all the bids coming in well over the estimated price.

The Branch Committee meeting adjourned at 9:40 a.m.

**11. Resolutions:**

- Resolution #11-2020 French Rd Lease
- Resolution #12-2020 2020 Concert Series
- Resolution #13-2020 Landscaping & Snowplowing Maintenance of Buffalo, LLC
- Resolution #14-2020 Trane US Inc.
- Resolution #15-2020 Regional Distributors, Inc.
- Resolution #16-2020 Hanson Aggregates
- Resolution #17-2020 Unitrends
- Resolution #18-2020 Auctions International
- Resolution #19-2020 JFS Curtze
- Resolution #20-2020 Employee Compensation

**12. Unfinished Business:**

Mr. Wojtaszek informed the Board that the Kentucky Derby is scheduled for Saturday, September 5, 2020.

**13. New Business:**

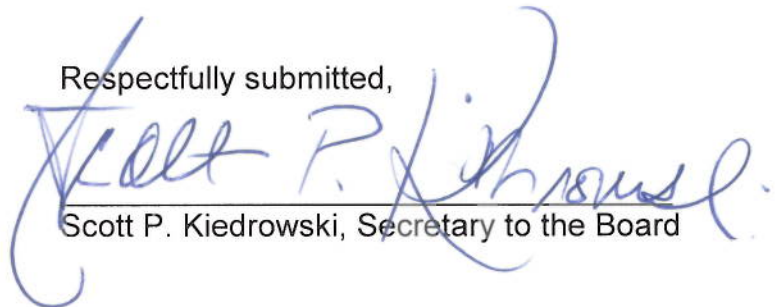
The next Committee and Board meeting is scheduled for April 23, 2020 respectively.



14. **Adjournment:**

Director Mazur made a motion to adjourn which Director Haberer seconded.  
The meeting was adjourned at 10:46 a.m.

Respectfully submitted,



Scott P. Kiedrowski, Secretary to the Board

/pma

## **RESOLUTION #11-2020**

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") wishes to maintain a presence in Erie County; and

**WHEREAS**, the Board of Directors of Western, upon recommendation from its officers and staff, recommend that the branch facility located on French Road in Depew, New York continue operating; and

**WHEREAS**, the lease for the French Road branch location will expire on February 29, 2020; and

**WHEREAS**, Staff recommends that Western enter into a twelve (12) month lease extension with Joseph Bueme to commence on March 1, 2020 and terminate of February 28, 2021 at an annual rental rate of \$31,020.00; and therefore, be it

**RESOLVED**, that the Board of Directors of the Western hereby approve a twelve (12) month lease extension with Joseph Bueme for the branch location at 1460 French Road at an annual rent of \$31,020.00; and

**BE IT FURTHER, RESOLVED**, that Board of Directors of Western authorize an Officer to take such actions as are required to extend the lease upon these terms.

Respectfully submitted,

Beverly A. Mazur, Chairperson  
Branch Operations Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #12-2020**

**WHEREAS**, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation ("Western") wishes to contract with a number of nationally known performers to provide entertainment at its 2020 Summer Concert Series at its Batavia Downs location; and

**WHEREAS**, Western will contract with such performers for a total cost for the 2020 Summer Concert Series in an amount not to exceed \$254,000.00; and

**WHEREAS**, Staff requests authorization to enter into a series of separate agreements with the various nationally known performers who will provide the entertainment at the 2020 Summer Concert Series at its Batavia Downs; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby approves that Western enter into a series of agreements with various nationally known performers to provide entertainment at Western's 2020 Summer Concert Series in an amount not to exceed \$254,000.00; and further

**RESOLVED**, that the Board of Directors of Western hereby authorizes an officer of Western to execute all such agreements with the various performers in furtherance of this resolution.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: March 26, 2020  
Batavia, New York

## RESOLUTION #13-2020

**WHEREAS**, it is the responsibility of the Western Regional Off-Track Betting Corporation ("Western") to maintain the physical condition and aesthetic appearance of its branch facilities; and

**WHEREAS**, the Board of Directors of Western and staff see as a fundamental duty the safety and well-being of its patrons and branch employees who visit and use these branch facilities; and

**WHEREAS**, a public bid opening was held on September 19, 2019 for snow plowing and salting services at each of four branch facilities in Erie County for the 2019-2020 winter season; and

**WHEREAS**, the Board of Western previously approved Landscaping & Snowplowing Maintenance of Buffalo, LLC to provide these services at its Wehrle Drive location at a cost not to exceed \$13,000.00; and

**WHEREAS**, staff is requesting that the Board of Western approve an additional \$8,000.00 for the remaining of 2019-2020 winter season; now

**THEREFORE, BE IT RESOLVED**, that the Board of Directors of Western approve the additional amount for snow plowing and salting to Landscaping & Snowplowing Maintenance of Buffalo, LLC. for the Wehrle Drive location in an amount not to exceed an additional \$8,000.00; and

**BE IT FURTHER, RESOLVED** that an officer of Western is authorized to take all actions in furtherance of this resolution.

Respectfully submitted,

Edward Morgan Acting Chairman  
Finance Committee

Dated: March 26, 2020  
Batavia, New York

## RESOLUTION #14-2020

**WHEREAS**, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate its Batavia Downs location in the most efficient manner possible, while providing a comfortable experience to our patrons; and

**WHEREAS**, Western requires that an existing air conditioning unit be replaced with a new 167 ton air conditioning unit at its Batavia Downs location; and

**WHEREAS**, as part of the NYS OGS Contract #PT65823, Trane U.S. Inc. ("Trane") has provided Western with a proposal for the purchase of a 167 ton air conditioning unit, as more particularly described in the attached proposal, for the total amount of \$115,500.00; and

**WHEREAS**, Staff recommends that the Board approve the purchase of the air conditioning unit from Trane as set forth herein; now therefore

**BE IT RESOLVED**, that Western's Board of Directors hereby approve the purchase of the 167 ton air conditioning unit from Trane for the amount of \$115,500.00; and

**BE IT FURTHER RESOLVED**, that an officer of Western is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #15-2020**

**WHEREAS**, Western has received three (3) responses to a request for proposal for the purchase of various paper and plastic products for the operation of its restaurants at its Batavia Downs location for the 2020 year; and

**WHEREAS**, upon a review of the bids received, staff is recommending to the Board of Directors to accept the bid from the lowest responsible bidder Regional Distributors, Inc. in the two (2) year amount not to exceed \$230,000.00; and

**WHEREAS**, that the Board of Directors of the Western wishes to accept the bid of Regional Distributors, Inc. for paper and plastic products for the two (2) year amount not to exceed \$230,000.00; and, therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby approve and accept the bid of Regional Distributors, Inc. for paper and plastic products for its restaurant operations at its Batavia Downs location for two (2) years in an amount not to exceed \$230,000.00; and be it further

**RESOLVED**, that an Officer of Western is authorized to execute such documentation in furtherance of the Board's approval of this resolution.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #16-2020**

**WHEREAS**, it is the responsibility of Western Regional Off-Track Betting Corporation ("Western") to maintain the physical condition of the horse racing track at Batavia Downs; and

**WHEREAS**, Western, as needed, resurfaces and re-banks the racetrack prior to the beginning of the race season; and

**WHEREAS**, Hanson Aggregates ("Hanson") a NYS OGS Contract provider can provide the matching material needed to resurface the racetrack at a cost not to exceed \$30,000.00; and

**WHEREAS**, Staff recommends that the Board of Directors of Western authorize payment to Hanson in the amount not to exceed \$30,000.00 for the purchase of the resurfacing material for the racetrack; and, therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby authorize the payment of an amount not to exceed \$30,000.00 to Hanson for the purchase of resurfacing material needed to resurface and re-bank the horse racetrack at Batavia Downs; and be it further

**RESOLVED**, that an officer of Western is authorized to execute such documentation in furtherance of the Board's resolution.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #17-2020**

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") has previously entered into an agreement with Unitrends, Inc. ("Unitrends") in January 2019 to provide a backup support for Western's critical data at a total cost of \$56,226.82 for a three (3) year agreement; and

**WHEREAS**, Western entered into this arrangement with Unitrends on an emergency basis when the then current provider Infrascale suddenly attempted to significantly raise fees charged Western without notice; and

**WHEREAS**, Western's IT consultant, JM Consulting Service, immediately researched and found Unitrends, who received high ratings and could immediately supply Western with new hardware and programming in the timeframe needed; and

**WHEREAS**, it has come to staff's attention that this emergency action has not yet been formally approved by the Board of Directors of Western; and

**WHEREAS**, that the Board of Directors of the Western wish to acknowledge and approve the prior three year agreement beginning January 2019 between Western and Unitrends for an amount not to exceed \$56,226.82, and, therefore be it

**RESOLVED**, that the Board of Directors of Western hereby acknowledge and approve the three (3) year agreement between Western and Unitrends in the amount not to exceed \$56,226.82 to provide IT backup hardware and programming to Western.



Respectfully submitted,

Edward Morgan Acting Chairman  
Finance Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #18-2020**

**WHEREAS**, the continued operation of Western Regional Off-Track Betting Corporation ("Western") Batavia Downs racetrack facility is important to Western's lasting success and public image; and

**WHEREAS**, the use of a Motor Grader is required for the maintenance and upkeep of the race track at Batavia Downs; and

**WHEREAS**, the current Motor Grader being used by Western is coming to the end of its useful life; and

**WHEREAS**, staff recommends to the Board of Directors of Western that Western purchase a 1997 Champion 720A-VHP Motor Grader from the Town of Seneca Highway Department (as to be obtained on Auctions International Bid Site) for an amount not to exceed \$47,000.00.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors of Western authorize the purchase of a 1997 Champion 720A-VHP Motor Grader for use on the Batavia Downs racetrack for an amount not to exceed \$47,000.00; and

**BE IT FURTHER RESOLVED**, that an officer of Western is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #19-2020**

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") purchases various food, beverage and various supplies and maintenance items for the operation of the Homestretch Grill, Grandstands, Fortune's, 34 Rush and the Clubhouse restaurant on an as-needed basis; and

**WHEREAS**, based on Western's desire to provide high quality food to our customers, Staff requests the authority to purchase food & beverage products from various vendors in the amounts attached for the 2020 year; and

**WHEREAS**, that the Board of Directors of the Western wishes to purchase various food item products for 2020 from JFS Curtze/Jacobson Foods in an amount not to exceed \$30,000.00; now therefore, be it further

**RESOLVED**, that the Board of Directors of the Western approves the purchase of various food products for 2020 from JFS Curtze/Jacobson Foods in an amount not to exceed \$30,000.00; and, be it further

**RESOLVED**, that an Officer of Western is authorized to execute such purchases in furtherance of the Board's approval of this resolution.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: March 26, 2020  
Batavia, New York

## **RESOLUTION #20-2020**

**WHEREAS**, it is the responsibility of Western Regional Off-Track Betting Corporation (“Western”) to operate the business in the most efficient and economically practical manner, while continuing to be a good and caring community leader; and

**WHEREAS**, on March 16, 2020, Western was directed to close its operations in response to the Coronavirus for an unknown period of time; and

**WHEREAS**, Western, as a gesture of good faith during these difficult times, wishes to pay its current employees their normal compensation with benefits through the pay period ending April 11, 2020, now be it

**RESOLVED**, that the Board of Directors of Western authorize payment to its current employees their normal compensation and benefits through the pay period ending April 11, 2020; and further

**RESOLVED**, that an officer of Western is authorized to take all steps necessary in furtherance of the Board’s approval and consent.

Respectfully submitted,

Ken Lauderdale, Chairman  
Finance Committee

Dated: March 26, 2020  
Batavia, New York