

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 24th day of September, 2020 and commencing at 10:00 a.m. in the *Grandstands*, Corporate Headquarters at 8315 Park Road Batavia, New York.

Participating were:

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

Absent:

Buffalo – Parmer-Garner  
Genesee – Siebert  
Steuben – Barnes

constituting the Directors of all participating municipalities.

Also participating were: Henry F. Wojtaszek, President & CEO; 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; Megan Glor, Director of Purchasing/Real Estate; Todd Haight, Director/GM Live Racing/Branch Ops Specialist; 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 Hendrickson 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 August 27, 2020. There being none, a motion was made by Director Winter and seconded by Director May to approve the August 27th minutes as submitted. The minutes were approved unanimously by voice vote.

2. **Officers' Reports:**

There were no Officers reports.

3. **Personnel Committee Report:**

Committee Chairman Winter reported that the Personnel Committee meeting was held on Wednesday September 23, 2020 at 1:00 p.m. and the following business was discussed.

Director Haberer made a motion to enter into Executive Session to discuss a possible litigation matter, seconded by Director May. The Committee came out of Executive Session at approximately 2:50 p.m.

Mr. William R. White, Vice President - Administration explained the need for a new position of Cage Operations Supervisor in the Cashier's Cage.

Upon motion by Director Winter, seconded by Director Ricci to approve the new position of Cage Operations Supervisor. A voice vote was taken and passed unanimously.

Upon motion by Director Winter, seconded by Director Wamp to approve the Health Insurance \$25.00 co-payment for all employees including those enrolled in Medicare. A voice vote was taken and passed unanimously.

Upon motion by Director Winter, seconded by Director Schneider to amend the Personnel Policy to reflect contribution to health insurance to go to 5% for all tiers, single, employee spouse, employee child and family. A voice vote was taken and passed unanimously

The Personnel meeting was adjourned at 3:10 p.m.

4. **Finance Committee Report:**

Committee Chairman Lauderdale reported that the Finance Committee meeting was held on Wednesday September 24, 2020 at 3:15 p.m. and the following business was discussed.

Ms. Megan Glor, Director of Purchasing/Real Estate advised the Committee that bids for snowplowing services were opened on September 22, 2020 for snowplowing services at three (3) branches in Erie County, one (1) branch in Niagara County for the 2020-2021 winter season. After review by staff, the following is recommended:

**Erie County:**

<b><u>Branch</u></b>	<b><u>Low Bidder</u></b>	<b><u>Per Plow Price</u></b>	
		<b><u>Plow</u></b>	<b><u>Salt</u></b>
Clinton	Buffalo Landscaping & Maintenance, LLC	\$175.00	\$150.00
Delaware	Buffalo Landscaping & Maintenance, LLC	\$ 85.00	\$ 95.00
Wehrle	Buffalo Landscaping & Maintenance, LLC	\$200.00	\$200.00

Upon motion by Director Lauderdale and seconded by Director Winter a roll call vote was taken. The motion passed to approve Buffalo Landscaping & Maintenance, LLC. for snowplowing services for the 2020-2021 winter season at three (3) branches in Erie County. Ayes: 14; Nays: 0; Absent: Farmer-Garner; Barnes, Siebert. **See Resolution #26-2020.**

**Niagara County:**

<b><u>Branch</u></b>	<b><u>Low Bidder</u></b>	<b><u>Per Plow Price</u></b>	
		<b><u>Plow</u></b>	<b><u>Salt</u></b>
Military	Peterson Heating & Cooling Inc.	\$128.00	\$155.00

4. **Finance Committee Report continued:**

Upon motion by Director Lauderdale and seconded by Director Winter a roll call vote was taken. The motion passed to approve Peterson Heating & Cooling Inc. for snowplowing services at one (1) branch in Niagara County for the 2020-2021 winter season. Ayes: 14; Nays: 0; Absent: 3; Parmer-Garner; Barnes, Siebert. **See Resolution #27-2020.**

Ms. Jacquelyne A. Leach, Chief Financial Officer reviewed the August 2020 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation will distribute \$91,604 in surcharge to member municipalities for August.

Mrs. Leach also reviewed the August 2020 Batavia Downs results of operations, and provided information on credits played, net win and free play, food and beverage, and other statistics.

Mrs. Leach reviewed the NYGA Weekly Numbers with Committee members, highlighting Batavia Downs Gaming net win performance through September as compared to same period 2020 and 2019.

The Finance Committee meeting adjourned at 4:05 p.m.

5. **Advertising Committee Report:**

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday September 23, 2020 at 4:00 p.m. and the following business was discussed.

Mr. Todd Haight, Director/GM Live Racing/Branch Ops Specialist provided a presentation on the betting handle surrounding the Derby and Travers. He also provided a preview of the upcoming Preakness Stakes.

5. **Advertising Committee Report:**

Mr. Ryan Hasenauer, Director of Marketing-WROTBC & Video Gaming went over the positive reopening media coverage Batavia Downs received in Buffalo, Rochester and Batavia.

5. **Advertising Committee Report:**

He reported that the G2E Conference is being held remotely, staff plans to watch video conferences and speeches.

He reported that several video presentations have been attended by officers and staff. Information regarding what has taken place at other gaming facilities as they've reopened has been beneficial to staff as a plan moving forward is being formulated.

The Advertising & Promotions Committee meeting adjourned at 4:15 p.m.

6. **Legislative Committee Report:**

Committee Chairman Hendrickson reported the Legislative Committee meeting was held on Wednesday September 23, 2020 at 2:34p.m. and the following business was discussed.

Mr. Henry F. Wojtaszek, President & CEO presented the Resolution for Western to enter into a three (3) month agreement with Upstate Strategic Advisors, LLC. for the period of October 1, 2020 through December 31, 2020.

Upon motion by Director Hendrickson and seconded by Director Lauderdale a roll call vote was taken. The motion passed to approve Western to enter into a three (3) month agreement with Upstate Strategic Advisors, LLC. for the period of October 1, 2020 through December 31, 2020 at a rate of \$3,500.00 per month. Ayes: 14; Nays: 0; Absent: 3; Parmer-Garner; Barnes, Siebert. **See Resolution #25-2020.**

The Legislative Committee meeting adjourned at 2:38 p.m.

7. **Insurance Committee Report:**

The Insurance Committee did not meet.

8. **Audit Committee Report:**

Committee Chairman Bassett reported the Audit Committee meeting was held on Wednesday September 23, 2020 at 4:15 p.m. and the following business was discussed.

Committee Chairman Bassett discussed the necessity to engage the services of a Certified Public Accounting Firm to provide auditing services for Western Regional OTB Corporation.

A public bid opening was held on September 9, 2020 for such auditing services. The Audit Committee has determined that The Bonadio Group was the most responsible bidder.

Upon motion by Director Bassett and seconded by Director Schneider a roll call vote was taken to select The Bonadio Group for auditing services for Western. Ayes: 14; Nays: 0; Absent: 3; Parmer-Garner; Barnes, Siebert. **See Resolution #29-2020.**

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

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was held on Wednesday September 23, 2020 at 2:20 p.m. and the following business was discussed.

Mr. Wojtaszek provided a gaming floor status update.

Mr. Todd Haight, Director/GM Live Racing provided a Live Racing update.

The following policies were discussed and will be updated at the October meeting.

- Advertising
- Anti-Money Laundering
- Code of Ethics
- Procurement & Procurement Disclosure
- Whistle-Blowing Code of Conduct

The Batavia Downs Committee meeting adjourned at 4:55 p.m.

10. **Branch Operations Committee Report:**

Committee Chairperson Mazur reported the Branch Operations Committee meeting was held on Thursday September 24, 2020 at 9:35 a.m. and the following business was discussed.

Mr. Sean Schiano, Director of Branch Operations reported that Batavia Bets handled almost \$2.2 million in August, up \$755,000 or 53%. Through September 20<sup>th</sup>, Batavia Bets has handled almost \$1.4 million, up \$757,000 or 119%. Year to date Batavia Bets is up almost \$2.8 million or 29%.

10. **Branch Operations Committee Report continued:**

Mr. Schiano reported that all but two E-Z Bets have reopened since the pandemic began. He also mentioned that he is in contact with interested parties in Newark, Wayne County and Mumford in Monroe County.

A motion was made by Director Morgan to enter into Executive Session, seconded by Director Bassett, to discuss the future of Branch operations.

After discussion the Committee approved the closures of the Newark and McKinley branches effective at the end of business on October 10, 2020 as well as the French, Delaware and Jefferson branches effective at the end of business on November 14, 2020. A motion was made to approve these measures by Director Hendrickson, seconded by Director Bassett and approved the entire Committee.

A motion to exit Executive Session was made by Director Hendrickson, seconded by Director Bianchi.

Upon motion by Director Mazur and seconded by Director Morgan a roll call vote was taken. The motion passed to approve the closures of the Newark and McKinley branches effective at the end of business on October 10, 2020 as well as the French, Delaware and Jefferson branches effective at the end of business on November 14, 2020. Ayes: 14; Nays: 0; Absent: 3; Parmer-Garner; Barnes, Siebert. **See Resolution #28-2020.**

The Branch Operations Committee adjourned at 9:45 a.m.

11. **Resolutions:**

**#25-2020 Upstate Strategic Advisors, LLC.**

**#26-2020 Erie County Snow Plowing Buffalo Landscaping & Maintenance, LLC.**

**#27-2020 Niagara County Snow Plowing Peterson Heating & Cooling Inc.**

**#28-2020 Newark Lease Termination Marvin Ventures, LLC.**

**#29-2020 The Bonadio Group**

12. **Unfinished Business:**

Chairman Bianchi honored Director Mazur who will be stepping down later this year after serving as Erie County Director since 2010.

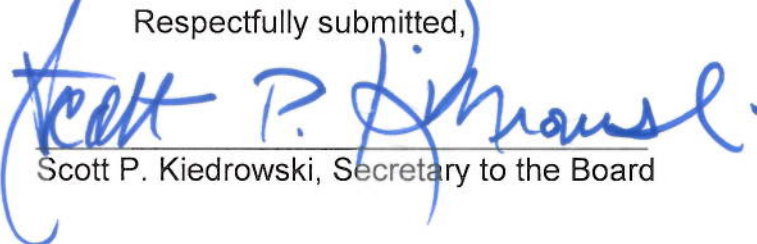
13. **New Business:**

The next Committee and Board meeting is scheduled for October 21 & 22, 2020 respectively.

14. **Adjournment:**

Director Winter made a motion to adjourn which Director May seconded. The meeting was adjourned at 10:14 a.m.

Respectfully submitted,



Scott P. Kiedrowski, Secretary to the Board

/pma



## RESOLUTION #25-2020

**WHEREAS**, the Western Regional Off-Track Betting Corporation ("Western") has previously entered into an agreement with Upstate Strategic Advisors, LLC. ("Upstate"); and

**WHEREAS**, Western previously engaged Upstate to act as an independent consultant for purposes of assisting Western to enhance its operations. Upstate will continue to provide professional guidance, strategic advice and to work and perform with the intent to help Western increase their revenue and improve their marketing strategies; and

**WHEREAS**, Western would like to extend the engagement of Upstate for such purposes through December 31, 2020; and

**WHEREAS**, the Board desires to enter into an extension agreement with Upstate through December 31, 2020 at the rate of \$3,500.00 per month; and therefore, be it

**RESOLVED**, that Western enter into a five ~~(5)~~<sup>3</sup> month extension agreement with Upstate for the period of August 1, 2020 through December 31, 2020, at the rate of \$3,500.00 per month for the services set forth above; and further

**RESOLVED**, that an officer of Western is authorized to execute such a document necessary as per this Resolution.

Respectfully Submitted,

Allan Hendrickson, Chairman  
Legislative Committee

Dated: September 24, 2020  
Batavia, New York

## RESOLUTION #26-2020

**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

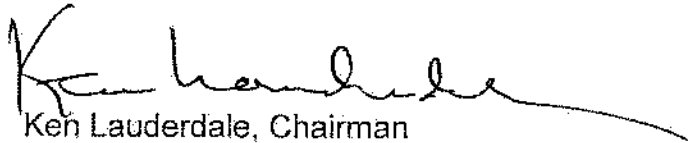
**WHEREAS**, a public bid opening was held on September 22, 2020 for snow plowing and salting services at each of the three branch facilities in Erie County for the upcoming 2020-2021 winter season in the amount not to exceed \$40,000.00; and

**WHEREAS**, staff has determined that Buffalo Landscaping & Maintenance, LLC. was the lowest responsible bidder on a branch-by-branch basis; now

**THEREFORE, BE IT RESOLVED**, that the Board of Directors of Western award the contract for snow plowing and salting to Buffalo Landscaping & Maintenance, LLC. in the amount not to exceed \$40,000.00 as per the schedule attached; and

**BE IT FURTHER, RESOLVED** that an officer of Western is directed to facilitate the performance of the contracts by taking such actions as are required to do so.

Respectfully submitted,

  
Ken Lauderdale, Chairman  
Finance Committee

Dated: September 24, 2020  
Batavia, New York

## RESOLUTION #28-2020

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") currently operates an Off-Track Betting Branch in Newark, New York; and

**WHEREAS**, the Board of Directors of Western, upon recommendation from its Officers and staff, recommend that the Off-Track Betting Branch facility located at 103 West Union in Newark, New York be closed; and

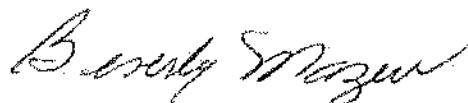
**WHEREAS**, the current lease terms for this location allows for the termination of the lease upon thirty (30) day notice to the Landlord; and

**WHEREAS**, staff recommends that Western provide a thirty (30) day notice to the Landlord Marvin Ventures LLC that Western intends to terminate the lease on October 31, 2020; and therefore, be it

**RESOLVED**, that the Board of Directors of the Western hereby approve the closing of the Newark, New York Off-Track Betting Branch and the termination of the lease at 103 West Union Road in the Town of Newark as of October 31, 2020; and

**BE IT FURTHER, RESOLVED**, that Board of Directors of Western authorize an Officer to take such actions as are required to close the Off-Track Betting Branch and terminate the lease.

Respectfully submitted,



Beverly Mazur, Chairperson  
Branch Committee

Dated: September 24, 2020  
Batavia, New York

## RESOLUTION #29-2020

**WHEREAS**, it is necessary for Western Regional Off-Track Betting Corporation ("Western") to engage the services of a Certified Public Accounting Firm to provide auditing services for the corporate operations of Western; and

**WHEREAS**, Western has requested responses from qualified firms to a Request to Qualifications ("RFQ") for professional audit services; and

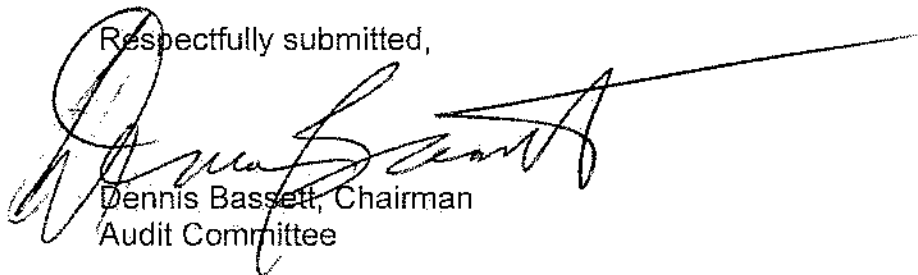
**WHEREAS**, a public bid opening was held on September 9, 2020 for such auditing services; and

**WHEREAS**, the Audit Committee has determined that The Bonadio Group was the most responsible bidder; now

**THEREFORE, BE IT RESOLVED**, that the Board of Directors of Western award the contract for auditing services to The Bonadio Group; and

**BE IT FURTHER, RESOLVED** that an officer of Western is directed to take such actions as are required to implement this resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis Bassett", is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dennis Bassett, Chairman  
Audit Committee

Dated: September 24, 2020  
Batavia, New York