

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

Minutes of the regular meeting of Board of Directors of the Western Regional Off-Track Betting Corporation, ("Western") held on the 21st day of January, 2021 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
Chautauqua	Allan Hendrickson
Genesee	Richard E. Siebert
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
Cayuga	Lattimore
Erie	Warthling
Schuyler	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; Ryan Hasenauer, Director of Marketing-WROTBC & Video Gaming; Mark Wolf, General Manager-Video Gaming; Todd Haight, Director/GM Live Racing/Branch Ops Specialist; Megan Glor, Director of Purchasing/Real Estate;

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 asked Director Haberer to lead the assemblage in the Pledge of Allegiance.

1. Chairman Bianchi asked Director Haberer to proceed as temporary Chairman. Director Haberer continued to conduct the annual nomination proceeding for Chairman of the Board.

Director Haberer asked for nominations from the floor for the position of the Chairman of the Board of Directors. Director Wamp nominated Director Bianchi. Director Ricci seconded the nomination. Director Haberer moved to close the request for nominations. A voice vote was taken; Ayes: 12; Abstain: 1; Bianchi; Absent: 4; Parmar-Garner; Lattimore; Warthling; Barnes.

Newly elected Chairman Bianchi thanked the members of the Board. He asked if there were nominations from the floor for Vice-Chairman. Director Siebert nominated Director Morgan. Director Bassett seconded the nomination. A voice vote was taken; Ayes: 12; Abstain: 1; Morgan; Absent: 4; Parmar-Garner; Lattimore; Warthling; Barnes.

Newly elected Vice-Chairman Morgan thanked the members of the Board and looks forward to serving as Vice-Chairman.

2. **Approval of Previous Minutes:**

Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous meeting of December 3, 2020. There being none, a motion was made by Director Bassett and seconded by Director Morgan to approve the December 3<sup>rd</sup> minutes as submitted. The minutes were approved unanimously by voice vote.

Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous special meeting of December 16, 2020. There being none, a motion was made by Director Winter and seconded by Director Siebert to approve the December 16th minutes as submitted. The minutes were approved unanimously by voice vote.

3. **Communications:**

Mr. Scott P. Kiedrowski, Vice President - Operations informed the Board of the following:

**3. Communications continued:**

A thank you note from Paula Lane for being chosen to attend the Buffalo Bills football game. It was an amazing experience and appreciated it so much.

A thank you note from Kara Turner for the unforgettable amazing opportunity to attend the Buffalo Bills football game, she is forever grateful.

A thank you note from Linda Pasterz for the wonderful & delicious Jackpot Dinner she attended.

**4. Officers Report:**

There were no Officers reports.

**5. Personnel Committee Report:**

Committee Chairman Winter reported that the Personnel Committee meeting was held on Wednesday January 20, 2021 at 1:00 p.m. and the following business was discussed.

Mr. William R. White, Vice President - Administration informed the Committee of needed changes in employee classifications, explaining that these changes included no salary increases outside of New York State minimum wage increases.

Upon motion by Director Winter and seconded by Director May to approve the employee classifications, a voice vote was taken and passed unanimously.

The Committee entered Executive Session at 1:17 p.m. to discuss legal matters. A motion was made to exit Executive Session by Director Haberer at 1:21 p.m., seconded by Director May.

The Personnel meeting was adjourned at 1:22 p.m.

**6. Finance Committee Report:**

Committee Chairman Lauderdale reported that the Finance Committee meeting was held on Wednesday January 20, 2021 at 1:26 p.m. and the following business was discussed.

The Resolution #03-2021 was presented and Staff is recommending the two (2) year cleaning service contract for two (2) Erie County Branches to ABC Cleaning Service in the amount of \$5,723.35 per month.

Upon motion by Director Lauderdale and seconded by Director Winter a roll call vote was taken. The motion passed to accept the two (2) year cleaning contract for two (2) Erie County Branches to ABC Cleaning Service in the amount of \$5,723.35 per month. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #03-2021.**

The Resolution #04-2021 was presented and Staff is recommending the two (2) year cleaning service contract for two (2) Niagara County branches to be awarded to ABC Cleaning Service, in the amount of \$4,099.16 per month

Upon motion by Director Lauderdale and seconded by Director Winter a roll call vote was taken. The motion passed to accept the two (2) year cleaning contract for two (2) Niagara County Branches to ABC Cleaning Service in the amount of \$4,099.16 per month. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #04-2021.**

The Resolution #08-2021 was presented and Staff is recommending a one (1) year consulting agreement with JM Consulting Network Services, LLC to provide service for Western's corporate business network and Batavia Downs Gaming Scientific Games network systems at the rate of \$1,800.00 per month.

Upon motion by Director Lauderdale and seconded by Director Winter a roll call vote was taken. The motion passed to accept the one (1) year agreement with JM Consulting Network Services, LLC effective January 1, 2021 through December 31, 2021 at the rate of \$1,800.00 per month. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #08-2021**

**6. Finance Committee Report continued:**

Mrs. Jacquelyne A. Leach, Chief Financial Officer reviewed the November 2020 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation will distribute \$64,449.00 in surcharge to member municipalities for November.

Mrs. Leach also reviewed the November 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 November as compared to same period 2020 and 2019.

The Finance Committee meeting adjourned at 1:52 p.m.

**7. Advertising Committee Report:**

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday, January 20, 2021 at 2:00 p.m. and the following business was discussed.

Mr. Todd Haight, Director/GM Live Racing/Branch Ops Specialist delivered a presentation on betting handle surrounding OTB events including the Pegasus World Cup this weekend and the 2021 Kentucky Derby. He reported that uncashed tickets for the year will expire on March 31, 2021.

Mr. Ryan Hasenauer, Director of Marketing-WROTBC & Video Gaming reported the success of the theme nights inside fortunes and the clubhouse. Photos were shown from the following: Toys for Tots collection, Turkey's to the Salvation Army and the Genesee County Animal Shelter donations.

The distribution of the Buffalo Bills tickets to front line healthcare workers was covered by many news outlets and those that received tickets were very appreciative.

7. **Advertising Committee Report continued:**

The Resolution #06-2021 was presented to the Committee for luggage sets and welcome sets to be used as promotional items from the lowest responsible bidder, Mark It Smart in the total amount of \$107,603.00.

Upon motion by Director May and seconded by Director Lauderdale a roll call vote was taken. The motion was passed to approve the purchase of promotional items from Mark It Smart in the total amount of \$107,603.00. **See Resolution #06-2021.**

The Advertising & Promotions Committee meeting adjourned at 2:20 p.m.

8. **Legislative Committee Report:**

Committee Chairman Hendrickson reported the Legislative Committee meeting was held on Wednesday January 20, 2021 at 2:56 p.m. and the following business was discussed.

Mr. Henry F. Wojtaszek, President & CEO held discussions regarding the Spectrum Study and Sports Betting.

Mr. Wojtaszek discussed proposing new hours of operation.\*

The Legislative Committee meeting adjourned at 3:17 p.m.

9. **Insurance Committee Report:**

Committee Chairperson May reported the Legislative Committee meeting was held on Wednesday, January 20, 2021 at 3:18 p.m. and the following business was discussed.

The Resolution #01-2021 was presented to accept the proposal from Guardian Insurance to provide New York State Disability coverage for Western for 2021 at the annual cost for \$31,445.64.

9. **Insurance Committee Report continued:**

Upon motion by Director May and seconded by Director Schneider a roll call vote was taken. The motion was passed to accept the proposal from Guardian Insurance to provide New York State Disability coverage for Western for 2021 at the annual cost for \$31,445.64. **See Resolution #01-2021.**

The Insurance Committee meeting adjourned at 3:20 p.m.

10. **Audit Committee Report:**

The Audit Committee did not meet.

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

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was held on Wednesday January 20, 2021 at 2:26 p.m. and the following business was discussed.

Mr. Mark Wolf, General Manager-Video Gaming provided a gaming floor status update.

Mr. Haight provided the Committee with a Live Racing update.

Mr. Kiedrowski provided the Committee with a Food & Beverage update.

Mr. Kiedrowski presented the Resolution #02-2021 for Great Lakes Environmental & Safety Consultants, Inc. for continual workplace safety compliance assistance for a one (1) year period in the amount not to exceed \$18,000.00.

Upon motion by Director Morgan and seconded by Director Darrow a roll call vote was taken. The motion was passed to approve Great Lakes Environmental & Safety Consultants, Inc. for continual workplace safety compliance assistance for a one (1) year period in the amount not to exceed \$18,000.00. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #02-2021.**

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

The Resolution #07-2021 was presented for the purchase of custom gator matting for the main lobby/vestibule and the valet entrance from Hillyard, Inc. under NYS contract PC67229, in the amount not to exceed \$18,674.69.

Upon motion by Director Morgan and seconded by Director Wamp a roll call vote was taken. The motion was passed to approve the purchase of custom gator matting for the main lobby/vestibule and the valet entrance from Hillyard, Inc. under NYS contract PC67229, in the amount not to exceed \$18,674.69. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #07-2021.**

The Batavia Downs Committee meeting adjourned at 2:55 p.m.

**12. Branch Operations Committee Report:**

Committee Vice Chairman Darrow reported the Branch Operations Committee meeting was held on Thursday January 21, 2021 at 9:30 a.m. and the following business was discussed.

Mr. Sean Schiano, Director of Branch Operations gave an update on the work that Maintenance has done with reusing televisions as well as repairing employee bathrooms at the Marway and West Ridge branches.

Mr. Schiano updated the Committee that Hunt's Pub in Mumford, Monroe County was approved and should be ready for a soft opening in the next two weeks. Page's in Depew, Erie County, has to move locations and Buffalo Raceway has given approval for this short move. Mr. Schneider suggested a possible location in Cohocton, Steuben County that staff will look into.

Mr. Schiano informed the Committee that Batavia Bets was up \$530,500.00 or 64% in December, and is currently up \$352,000.00 through January 18<sup>th</sup>, or 72%. For the year 2020, Batavia Bets was up \$4.8 million or 37%.



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

Mr. Schiano and Mr. Mark Gabriele, General Counsel updated the Committee on the close of the sale of Hornell, as well as the due diligence for the Delaware sale, and the offer for the sale of the Jefferson Road property.

The Resolution #09-2021 was presented for the sale of 352 Jefferson Road in Henrietta in the amount of \$650,000.00 from Pieworks LLC.

Upon motion by Director Darrow and seconded by Director Wamp a roll call vote was taken. The motion was passed to approve the sale of 352 Jefferson Road in Henrietta in the amount of \$650,000.00 from Pieworks LLC. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #09-2021.**

The Resolution #05-2021 was presented for the purchase of The Daily Racing Form for 2021, a single source provider that offers useful racing history information in the amount not to exceed \$40,000.00.

Upon motion by Director Darrow and seconded by Director Ricci a roll call vote was taken. The motion was passed to approve the purchase of The Daily Racing Form for 2021, a single source provider in the amount not to exceed \$40,000.00. Ayes: 13; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes. **See Resolution #05-2021.**

The Branch Operations Committee adjourned at 9:48 a.m.

**13. Unfinished Business:**

There was no unfinished business.

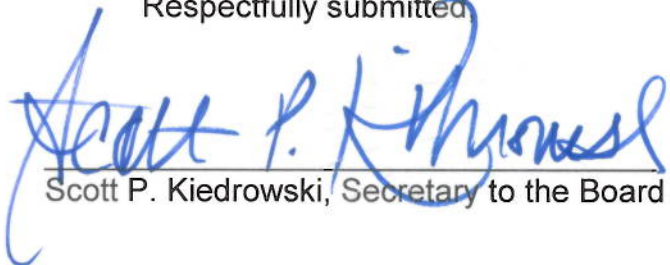
**14. New Business:**

The Committees and Board meetings are scheduled for February 24 & 25, 2021 respectively.

**15. Adjournment:**

Director May made a motion to adjourn which Director Siebert seconded.  
The meeting was adjourned at 10:43 a.m.

Respectfully submitted



Scott P. Kiedrowski, Secretary to the Board

/pma

## **RESOLUTION #01-2020**

**WHEREAS**, the Western Regional Off-Track Betting Corporation ("Western") has received a recommendation from Western's insurance broker has performed a New York State Disability marketing analysis in respect to Western's disability coverage for 2021; and

**WHEREAS**, it is being recommended to Western that the Board of Directors of Western to accept a proposal from Guardian Insurance to provide New York State Disability coverage for Western for 2021 at the annual cost of \$31,445.64; and therefore, be it

**RESOLVED**, that the Board of Directors of Western hereby accepts the proposal from Guardian Insurance to provide New York State disability coverage to Western for 2021 for the amount of \$31,445.64; and further

**RESOLVED**, that an officer of Western is directed to execute such documents as to further this Resolution.

Respectfully Submitted,

Susan May, Chairperson  
Insurance Committee

Dated: January 21, 2021  
Batavia, New York

## RESOLUTION - #02-2021

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate its Batavia Downs Gaming location in a safe and efficient manner, while providing the best experience available to our patrons and employees; and

WHEREAS, Great Lakes Environmental & Safety Consultants, Inc ("Great Lakes") have provided a proposal to Western to provide continual workplace safety compliance assistance for a one (1) year period for an amount not to exceed \$18,000.00; and

WHEREAS, staff recommends that the Board of Western accept the proposal of Great Lakes of \$18,000.00 for a one (1) year period; and now therefore

BE IT RESOLVED, that Western's Board of Directors accepts the proposal of Great Lakes to provide continual workplace safety compliance for a one (1) year period in an amount not to exceed \$18,000.00; 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: January 21, 2021  
Batavia, New York

## RESOLUTION #03-2021

**WHEREAS**, the Western Regional Off Track Betting Corporation ("Western") maintains two (2) branch facilities in Erie County for patronage by its customers; and

**WHEREAS**, it is imperative that the facilities are clean and suitable for frequenting by the wagering public; and

**WHEREAS**, Western has invited bids for that proposed cleaning service contract; and

**WHEREAS**, on December 17, 2020 such cleaning service bid proposals were publicly opened for the branches in Erie County; and

**WHEREAS**, ABC Cleaning Service, has been identified as the lowest responsible bidder; now, therefore

**BE IT RESOLVED**, that Western upon the recommendation of staff, awards the two-year cleaning service contract for the two (2) Erie County branches to ABC Cleaning Service in the amount of \$5,723.35 per month,

Respectfully submitted,

Ken Lauderdale, Chairman  
Finance Committee

Dated: January 21, 2021  
Batavia, New York

## RESOLUTION #04-2021

WHEREAS, the Western Regional Off Track Betting Corporation ("Western") maintains two (2) branch facilities in Niagara County for patronage by its customers; and

WHEREAS, it is imperative that the facilities are clean and suitable for frequenting by the wagering public; and

WHEREAS, Western has invited bids for that proposed cleaning service contract; and

WHEREAS, on December 17, 2020 such cleaning service bid proposals were publicly opened for the branches in Niagara County; and

WHEREAS, ABC Cleaning Service, has been identified as the lowest responsible bidder; now, therefore

BE IT RESOLVED, that Western upon the recommendation of staff, awards the two-year cleaning service contract for the two (2) Niagara County branches to ABC Cleaning Service in the amount of \$4,099.16 per month.

Respectfully submitted,

Ken Lauderdale, Chairman  
Finance Committee

Dated: January 21, 2021  
Batavia, New York

## **RESOLUTION #05-2021**

**WHEREAS**, Western Regional Off Track Betting Corporation ("Western") provides a tabloid to its horse betting customers at its branch locations, as well as the Inter-Track Wagering at its Batavia, New York facility; and

**WHEREAS**, The Daily Racing Form is a single source provider that offers racing information about history of past horse races, entries for daily races, and how to place bets; and

**WHEREAS**, this tool provides customers with information useful in placing an educated bet; and

**WHEREAS**, Staff recommends that the Board of Director of Western purchase racing forms for 2021 from The Daily Racing Form for an amount not to exceed \$40,000.00; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors of Western authorizes the purchase of racing forms for the 2021 calendar year from The Daily Racing Form in the amount not to exceed \$40,000.00; and

**BE IT FURTHER RESOLVED**, that the Board of Directors of Western authorize an officer to take such action as requested to further this resolution.

Respectfully submitted,

Ron Darrow, Vice Chairman  
Branch Operations Committee

Dated: January 21, 2021  
Batavia, New York

## RESOLUTION #06-2021

**WHEREAS**, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation ("Western") purchases various promotional items that are given away to patrons of Batavia Gaming; and

**WHEREAS**, Western has sent out an RFP requesting pricing for various items and Mark-It-Smart Inc. ("Smart") was the lowest responsible bidder to purchase the following items for patron promotions:

Luggage sets in the amount of \$61,802.00; and

Welcome sets in the amount of \$45,801.00.

**WHEREAS**, Staff requests that the Board approve the above referenced purchases to be used as promotional items from Smart to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts above, and in the total amount of \$107,603.00; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby acknowledges and approves that Western enter into a series of purchase agreements with Smart for the purchase of the various promotional items set forth above to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts set forth above; and in the total amount of \$107,603.00; and further

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

Respectfully submitted,

Susan May, Chairperson  
Advertising & Promotions Committee

Dated: January 21, 2021  
Batavia, New York



## RESOLUTION #07-2021

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") requires certain matting for the main lobby vestibule and valet entrance to its Batavia facility; and

**WHEREAS**, Staff recommends that the Board of Directors of the Western approve the purchase from Hillyard, Inc., under NYS contract PC67229, custom gator matting for the main lobby vestibule and the valet entrance in the amount not to exceed \$18,674.69; and, now therefore be it

**RESOLVED**, that the Board of Directors of the Western approve the purchase of custom gator matting for the main lobby vestibule and valet entrance from Hillyard Inc. in an amount not to exceed \$18,674.69; 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: January 21, 2021  
Batavia, New York

## RESOLUTION #08-2021

**WHEREAS**, the Western Regional Off-Track Betting Corporation ("Western") has previously engaged JM Consulting Network Services LLC ("JM Consulting") to provide service for Western's corporate business network and Batavia Downs Gaming and Scientific Games network systems; and

**WHEREAS**, Western would like to continue to engage JM Consulting for such purposes; and

**WHEREAS**, Staff recommends to the Board to enter into a one (1) year agreement with JM Consulting effective January 1, 2021 through December 31, 2021 at the rate of \$1,800.00 per month; and therefore, be it

**RESOLVED**, that Western enter into a one (1) year agreement with JM Consulting for the period of January 1, 2021 through December 31, 2021, at the rate of \$1,800.00 per month for the services set forth above; and further

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

Respectfully Submitted,

Ken Lauderdale, Chairman  
Finance Committee

Dated: January 21, 2021  
Batavia, New York

## RESOLUTION #09-2021

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") currently is offering for sale the property located at 352 Jefferson Road, Henrietta, New York; and

**WHEREAS**, Western has received an offer to purchase that property from Pieworks LLC, on behalf of itself or an entity formed or to be formed, in the amount of \$650,000.00; and

**WHEREAS**, Staff recommends to the Board of Directors of Western to accept said offer.

**THEREFORE, BE IT RESOLVED**, that the Board of Directors of Western approves and accept an offer in the amount of \$650,000.00 from Pieworks LLC, on behalf of itself or an entity formed or to be formed, for the real property located at 352 Jefferson Road, Henrietta, New York; and

**BE IT FURTHER, RESOLVED**, that Board of Directors of Western authorize an Officer to execute a sale contract for this transaction.

Respectfully submitted,

Ron Darrow, Vice-Chairman  
Branch Operations Committee

Dated: January 21, 2021  
Batavia, New York