

**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 28th day of April, 2022 and commencing at 10:00 a.m. in the *Boardroom*, Corporate Headquarters at 8315 Park Road Batavia, New York.

**Participating were:**

Cattaraugus	Mark Burr
Genesee	Richard Siebert
Livingston	Thomas Wamp
Monroe	Richard Bianchi
Niagara	Elliott Winter
Orleans	Edward Morgan
Oswego	Mark Bombardo
Rochester	Dennis Bassett
Seneca	Richard Ricci
Steuben	Michael Horton
Wayne	Ken Lauderdale
Wyoming	Susan May

**Absent:**

Buffalo	Parmer-Garner
Cayuga	Lattimore
Chautauqua	Vacant
Erie	Warthling
Schuyler	Barnes

constituting the Directors of all participating municipalities.

Also participating were: Henry F. Wojtaszek, President & CEO; Scott Kiedrowski, Vice President Operations; Jacquelyne A. Leach, Chief Financial Officer; William R. White, Vice President – Administration; Mark Gabriele, Associate General Counsel; Steven Haigh, Internal Auditor; Ryan Hasenauer, Director of Marketing-WROTBC & Video Gaming, Brian Quinn, The Batavia Daily News.

A roll of the membership of the Board having been called, Mr. Scott P. Kiedrowski, Vice President - Operations declared a quorum present.

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

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

**Approval of Previous Minutes:**

Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous meeting of March 24, 2022. There being none, a motion was made by Director Winter and seconded by Director Horton to approve the March minutes as submitted. The minutes were approved unanimously by voice vote.

**Communications:**

The Corporation received the following thank you notes that were read to members by Mr. Scott P. Kiedrowski, Vice President - Operations:

From Cindy A. Eller, Executive Director Roswell Park Alliance Foundation, All Star Night Auction.

From Cindy Lowder and Tara Johnson of Crossroads House, Annual Betty Ellison Memorial Bowling Event.

From Justin M. Johnston, Vice President, Development & External Affairs, Executive Director, Genesee Community College Foundation.

**Legislative Committee Report:**

Committee Chairman Bombardo reported that the Legislative Committee meeting was held on Wednesday April 27, 2022 at 1:00 p.m. and the following items were discussed.

At 1:01 p.m. a motion to enter into Executive Session was made by Committee Chairman Bombardo and seconded by Director Morgan.

At 1:40 p.m. a motion was made by Committee Chairman Bombardo to exit out of Executive Session seconded by Director Siebert.

Mr. Wojtaszek led a discussion on the activity in Albany.

A motion by Director Morgan and seconded by Director Siebert the Legislative Committee adjourned at 1:41 p.m.

**Batavia Downs Operations Committee Report:**

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was held on Wednesday April 27, 2022 at 1:41 p.m. and the following items were discussed.

Mr. Sean Schiano, General Manager of Gaming provided gaming statistics to the Committee.

Mr. Henry F. Wojtaszek, President & CEO updated the committee discussing how the hotel continues to generate revenue. Updates to the hotel rooms continue.

Mr. Wojtaszek provided a warehouse project update discussing the near completion and expects a Certificate of Operation next week.

Mr. Wojtaszek provided a Park Rd. update discussing the water and sewer phase is almost complete and also how accommodating the Town of Batavia has been through this first month of the project.

The Resolution #38-2022 was presented for EVERI Corp. a sole source vendor to provide for two (2) CXC 5.0 Kiosks including software, cassettes connection training and installation at a cost of \$110,216.00

Upon motion by Director Burr, seconded by Director Siebert, and carried unanimously for Resolution #38-2022 to be carried to the full Board.

Upon motion by Director Morgan and seconded by Director Bombardo a roll call vote was taken. The motion passed for EVERI Corp. a sole source vendor to provide for two (2) CXC 5.0 Kiosks including software, cassettes connection training and installation at a cost of \$110,216.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #38-2022**

The Resolution #45-2022 was presented for B&G Food Service Equipment the lowest responsible bidder for the purchase and installation of a new pizza oven for the total amount of \$25,358.31.

Upon motion by Director Lauderdale, seconded by Director Winter, and carried unanimously for Resolution #45-2022 to be carried to the full Board.

**Batavia Downs Operations Committee Report continued:**

Upon motion by Director Morgan and seconded by Director Lauderdale a roll call vote was taken. The motion passed for B&G Food Service Equipment the lowest responsible bidder for the purchase and installation of a new pizza oven for the total amount of \$25,358.31. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #45-2022**

The Resolution #46-2022 was presented for Kraftwerks to provide and install pallet rack shelving for the new warehouse and cold storage facility in the amount of \$45,043.00.

Upon motion by Director Burr, seconded by Director Winter, and carried unanimously for Resolution #46-2022 to be carried to the full Board.

Upon motion by Director Morgan and seconded by Director Burr a roll call vote was taken. The motion passed for Kraftwerks to provide and install pallet rack shelving for the new warehouse and cold storage facility in the amount of \$45,043.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #46-2022**

The following late item was presented to the Committee for a change order with Hume for the parking lot paving at a cost of \$97,000.00. Upon motion made by Director Lauderdale and seconded by Director Siebert to approve the following late item presented in the Batavia Downs Operations Committee.

Upon motion by Director Lauderdale, seconded by Director Siebert and carried unanimously for Resolution #46-2022 to be carried to the full Board.

Upon motion by Director Morgan to waive the rules, seconded by Director Bombardo a voice vote was taken and carried unanimously.

Upon motion by Director Morgan and seconded by Director Bombardo a roll call vote was taken. The motion passed for a change order with Hume for the parking lot paving at a cost of \$97,000.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #48-2022**

A motion made by Director Lauderdale and seconded by Director Siebert the Batavia Downs Operations Committee meeting adjourned at 2:11 pm.

**Personnel Committee Report:**

The Personnel Committee did not meet.

**Finance Committee Report:**

Committee Chairman Lauderdale reported that the Finance Committee meeting was held on Wednesday April 27, 2022 at 2:26 p.m. and the following items were discussed.

Mrs. Jacquelyne A. Leach, Chief Financial Officer presented the Resolution #39-2022. The Resolution is for the PPP loan The Hotel at Batavia Downs received for operations during the Coronavirus pandemic to cover various expenses including normal compensation to employees. Western received notice that the PPP loan had been formally forgiven on March 12, 2022 and wishes to exclude \$81,335.48 from the first quarter municipality earnings distribution calculation, as the funds were properly used to pay certain expenses of The Hotel.

Upon motion by Director Winter, seconded by Director Bombardo, and carried unanimously for Resolution #39-2022 to be carried to the full Board.

Upon motion by Director Lauderdale and seconded by Director Wamp a roll call vote was taken. The motion passed to exclude \$81,335.48 from the first quarter municipality earnings distribution calculation, as the funds were properly used to pay certain expenses of The Hotel Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #39-2022**

The Resolution #47-2022 to engage Jorns & Associates to work on behalf of Western regarding qualification of the employee retention tax credit. Jorns will receive twenty percent of any employee retention tax credit recovery.

Upon motion by Director Bombardo, seconded by Director Horton, and carried unanimously for Resolution #47-2022 to be carried to the full Board.

Upon motion by Director Lauderdale and seconded by Director Winter a roll call vote was taken. The motion passed to engage Jorns & Associates to work on behalf of Western regarding qualification of the employee retention tax credit. Jorns will receive twenty percent of any employee retention tax credit recovery. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #47-2022**

**Finance Committee Report continued:**

Mrs. Leach stated that in accordance with the Investment Policy and Guidelines of the Corporation adopted by the Board of Directors in April 26, 2018, the Corporation's 2021 Investment Report was submitted for discussion.

After the report was reviewed and discussed among the Committee, it was moved by Director Horton, seconded by Director Bombardo and carried unanimously that the Corporate Investment Report for calendar year 2021 be moved to the full Board for approval.

Upon motion by Director Lauderdale, seconded by Director Horton, a voice vote was taken and passed unanimously to approve the Corporate Investment Report for calendar year 2021. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua.

Mrs. Leach reviewed the March 2022 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation will distribute \$58,661 in surcharge revenues to member municipalities for March. For the first quarter 2022 the Corporation will distribute \$1,791,935 in operational earnings to member municipalities. Mrs. Leach also reviewed the March 2022 Batavia Downs results of operations, and provided information on credits played, net win and free play, food and beverage, hotel and other statistics.

Mrs. Leach reviewed the NYGA Weekly Numbers with Committee members, highlighting Batavia Downs Gaming net win performance through March as compared to same period 2021 and 2019.

Upon motion by Director Winter and seconded by Director Horton the Finance Committee meeting adjourned at 3:39 p.m.

**Advertising Committee Report:**

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday April 27, 2022 at 3:40 p.m. and the following items were discussed.

Mr. Ryan Hasenauer, Director of Marketing presented the upcoming Kentucky Derby Parties including the Gala in the Clubhouse and the \$30 derby deal in Park Place. The Kentucky Derby events will be promoted on various radio stations and podcasts.

**Advertising Committee Report continued:**

Mr. Hasenauer showed pictures from events including the Music of the Stars and the Nerds Gone Wild concerts as well as the Dyngus Day Celebration.

The Resolution #40-2022 was presented for Batavia Newspaper Corporation a sole source provider for local advertising and promotions in the amount not to exceed \$60,000.00.

Upon motion by Director Horton, seconded by Director Ricci, and carried unanimously for Resolution #40-2022 to be carried to the full Board.

Upon motion by Director May and seconded by Director Morgan a roll call vote was taken. The motion passed for Batavia Newspaper Corporation a sole source provider for local advertising and promotions in the amount not to exceed \$60,000.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #40-2022**

The Resolution #41-2022 was presented for WGRZ Channel 2 television a sole source provider to advertise during the 2022 year in the amount not to exceed \$30,000.00.

Upon motion by Director Lauderdale, seconded by Director Ricci, and carried unanimously for Resolution #41-2022 to be carried to the full Board.

Upon motion by Director May and seconded by Director Lauderdale a roll call vote was taken. The motion passed for WGRZ Channel 2 television a sole source provider to advertise during the 2022 year in the amount not to exceed \$30,000.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #41-2022**

The Resolution #42-2022 was presented for WKBW Channel 7 television a sole source provider to advertise during the 2022 year in the amount not to exceed \$50,000.00.

Upon motion by Director Lauderdale, seconded by Director Ricci, and carried unanimously for Resolution #42-2022 to be carried to the full Board.

Upon motion by Director May and seconded by Director Bombardo a roll call vote was taken. The motion passed for WKBW Channel 7 television a sole source provider to advertise during the 2022 year in the amount not to exceed \$50,000.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #42-2022**

**Advertising Committee Report continued:**

The Resolution #43-2022 was presented for Audacy Radio Advertising a sole source provider for local advertising and promotions during the 2022 year in an amount not to exceed \$100,000.00.

Upon motion by Director Horton, seconded by Director Lauderdale, and carried unanimously for Resolution #43-2022 to be carried to the full Board.

Upon motion by Director May and seconded by Director Winter a roll call vote was taken. The motion passed for Audacy Radio Advertising a sole source provider for local advertising and promotions during the 2022 year in an amount not to exceed \$100,000.00. Ayes: 11; Nays: 1; Ricci; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #43-2022**

The Resolution #44-2022 was presented for Spectrum Reach a sole source provider for local advertising and promotions during the 2022 year in an amount not to exceed \$120,000.00.

Upon motion by Director Bianchi, seconded by Director Ricci, and carried unanimously for Resolution #44-2022 to be carried to the full Board.

Upon motion by Director May and seconded by Director Horton a roll call vote was taken. The motion passed for Spectrum Reach a sole source provider for local advertising and promotions during the 2022 year in an amount not to exceed \$120,000.00. Ayes: 12; Nays: 0; Absent: 4; Parmer-Garner; Lattimore; Warthling; Barnes; Vacant: 1; Chautauqua. **See Resolution #44-2022**

A motion by Director Horton and seconded by Director Ricci the Advertising & Promotions Committee adjourned at 4:03 p.m.

**Insurance Committee Report:**

The Insurance Committee did not meet.



**Audit Committee Report:**

The Audit Committee did not meet.

**Branch Operations Committee Report:**

Director Horton reported the Branch Operations Committee meeting was held on Thursday April 28, 2022 at 9:30 a.m. and the following items were discussed.

Ms. Pane reported that there was a Managers Meeting held for all Branch managers at Batavia Downs Gaming to discuss any and all issues regarding the Branches. She also reported that there is continued preparation being done in the Branches for Derby Day. Derby t-shirts are in and we are waiting for a new shipment of glasses due to breakage on the first shipment. Ms. Pane reported that with the closing of the Military Branch, it does appear that most of the handle has transferred between the River Road Brand and three (3) Niagara County E-Z Bet locations; Jimmy's, Players and Tin Pan Alley.

Ms. Pane informed the Committee that the Dark Horse Saloon had a soft opening on Tuesday, 4/26/2022. Their Grand Opening party will be the week of Preakness. Ms. Pane reported that we are still awaiting paperwork from the new E-Z Bets in Monroe and Wayne Counties. She is continuing to look for possible new E-Z Bet locations.

Ms. Pane reported that Batavia Bets is down 17% year to date. Last year's numbers were high due to customers still relying on Batavia Bets as opposed to coming in to the Branches. Ms. Pane stated that compared to all other years we are still trending upwards.

Upon motion by Director Horton and seconded by Director Winter the Branch Operations Committee meeting adjourned at 9:42 a.m.

**New Business:**

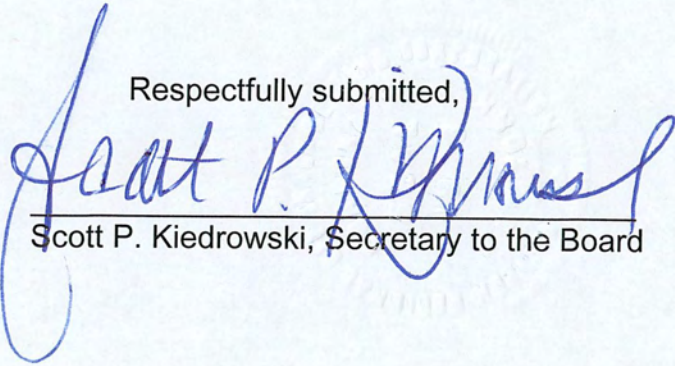
The next Committee and Board meeting is scheduled for May 25 and 26, 2022 respectively.

Board of Directors  
Meeting #540  
April 28, 2022  
10 of 10

**Adjournment:**

A motion made by Director Ricci to adjourn seconded by Director Morgan the meeting was adjourned at 10:33 a.m.

Respectfully submitted,



Scott P. Kiedrowski, Secretary to the Board

/pma

## RESOLUTION - #38-2022

**WHEREAS**, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate Batavia Downs Gaming in an efficient manner, while providing the best experience available to our customers; and

**WHEREAS**, a Kiosk system allows our customers to cash gaming vouchers, as well as to utilize an ATM function: and

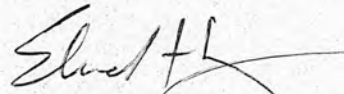
**WHEREAS**, Western is in need of two (2) kiosks for the gaming floor at its Batavia Downs location; and

**WHEREAS**, Everi Corp. ("Everi") is a sole source vendor who proposes to provide two (2) CXC 5.0 kiosks including software, cassettes, connection training and installation to Western at a cost of \$110,216.00; and therefore, be it

**RESOLVED**, that the Western's Board of Directors accepts the proposal from Everi for two (2) CXC 5.0 kiosks with software, cassettes, connection training and installation for an amount not to exceed \$110,216.00; 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: April 28, 2022  
Batavia, New York

## WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #38-2022 was duly put to a vote on roll call, which resulted as follows: Everi Corp

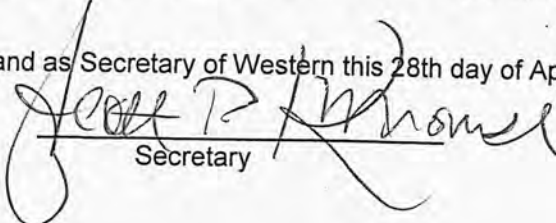
Motion by Director Morgan, seconded by Director Bombardo

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugus	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #39-2022

**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; and

**WHEREAS**, on March 15, 2021, Hart Hotels, received a \$177,082.00 PPP loan which funds were used to pay various expenses, including normal compensation to its employees at the Hotel at Batavia Downs; and

**WHEREAS**, Hart Hotels expended the proceeds of the PPP loan during 2021 calendar year; and

**WHEREAS**, Western purchased from Hart Hotels the Hotel at Batavia Downs; and

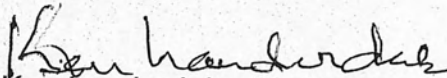
**WHEREAS**, Western received notice that the PPP loan related to the Hotel at Batavia Downs had been formally forgiven; and

**WHEREAS**, Western wishes to exclude its portion of the forgiveness of the PPP loan in the amount of \$81,335.48 from 2022 revenue; now therefore be it

**RESOLVED**, that the Board of Directors of Western authorize staff to exclude \$81,335.48 from 2022 revenue which amount represents Western's portion of the forgiveness of the PPP loan; 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: April 28, 2022  
Batavia, New York

## WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #39-2022 was duly put to a vote on roll call, which resulted as follows: PPP Hotel Net Revenue

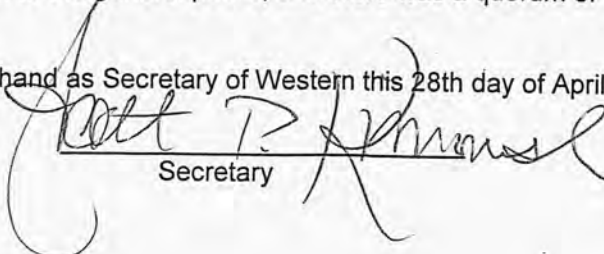
**Motion by Director Lauderdale, seconded by Director Wamp**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugus	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES   12   NAYS            ABSTAIN            ABSENT   4   Vacant   1  

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #40-2022

**WHEREAS**, it is necessary for Western Regional Off-Track Betting Corporation ("Western") to advertise and promote its various events, restaurants and promotions as it relates to the operation of the Batavia Gaming facility; and

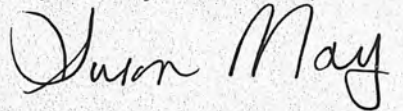
**WHEREAS**, Batavia Newspaper Corporation ("Batavia News") is a sole source provider for local advertising and promotions; and

**WHEREAS**, the Board of Directors of Western wishes to enter into an agreement with Batavia News to advertise in its publications during the 2022 year in an amount not to exceed \$60,000.00; now therefore be it

**RESOLVED**, that the Board of Directors of Western approve an agreement with Batavia News to advertise in its publications during the 2022 year in an amount not to exceed \$60,000.00; and further

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

Respectfully submitted,



Susan May, Chairperson  
Advertising & Promotions Committee

Dated: April 28, 2022  
Batavia, New York



## WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #40-2022 was duly put to a vote on roll call, which resulted as follows: Batavia News Corp

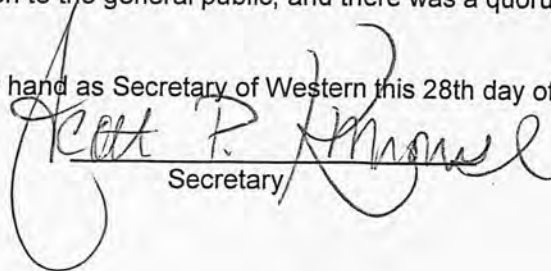
**Motion by Director May, seconded by Director Morgan**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugus	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES   12   NAYS            ABSTAIN            ABSENT   4   Vacant   1  

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #41-2022

**WHEREAS**, it is necessary for Western Regional Off-Track Betting Corporation ("Western") to advertise and promote its various events, restaurants and promotions as it relates to the operation of the Batavia Gaming facility; and

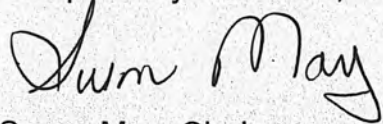
**WHEREAS**, WGRZ Channel 2 is a television station servicing the Buffalo, New York area ("WGRZ") and is a sole source provider for local advertising and promotions; and

**WHEREAS**, the Board of Directors of Western wishes to enter into an agreement with WGRZ to advertise on its television station during the 2022 year in an amount not to exceed \$30,000.00; now therefore be it

**RESOLVED**, that the Board of Directors of Western approve an agreement with WGRZ to advertise on its television station during the 2022 year in an amount not to exceed \$30,000.00; and further

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

Respectfully submitted,



Susan May, Chairperson  
Advertising & Promotions Committee

Dated: April 28, 2022  
Batavia, New York

## WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #41-2022 was duly put to a vote on roll call, which resulted as follows: **WGRZ**

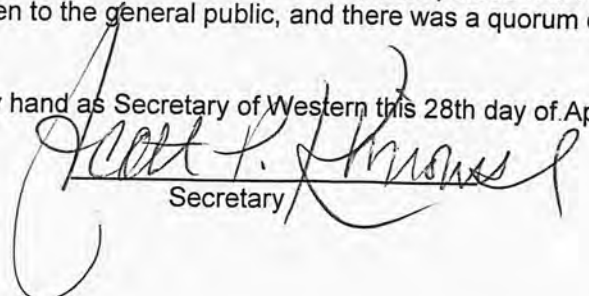
**Motion by Director May, seconded by Director Lauderdale**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #42-2022

**WHEREAS**, it is necessary for Western Regional Off-Track Betting Corporation ("Western") to advertise and promote its various events, restaurants and promotions as it relates to the operation of the Batavia Gaming facility; and

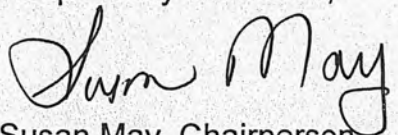
**WHEREAS**, WKBW Channel 7 is a television station servicing the Buffalo, New York area ("WKBW") and is a sole source provider for local advertising and promotions; and

**WHEREAS**, the Board of Directors of Western wishes to enter into an agreement with WKBW to advertise on its television station during the 2022 year in an amount not to exceed \$50,000.00; now therefore be it

**RESOLVED**, that the Board of Directors of Western approve an agreement with WKBW to advertise on its television station during the 2022 year in an amount not to exceed \$50,000.00; and further

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

Respectfully submitted,



Susan May, Chairperson  
Advertising & Promotions Committee

Dated: April 28, 2022  
Batavia, New York

## WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #42-2022 was duly put to a vote on roll call, which resulted as follows: **WKBW**

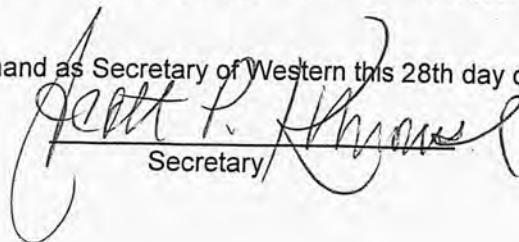
**Motion by Director May, seconded by Director Bombardo**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES   12   NAYS            ABSTAIN            ABSENT   4   Vacant   1  

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #43-2022

**WHEREAS**, it is necessary for Western Regional Off-Track Betting Corporation ("Western") to advertise and promote its various events, restaurants and promotions as it relates to the operation of the Batavia Gaming facility; and

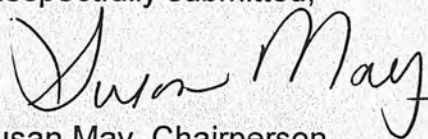
**WHEREAS**, Audacy Radio Advertising operates radio stations in the Buffalo and Rochester area ("Audacy") and is a sole source provider for local advertising and promotions; and

**WHEREAS**, the Board of Directors of Western wishes to enter into an agreement with Audacy to advertise on its radio stations during the 2022 year in an amount not to exceed \$100,000.00; now therefore be it

**RESOLVED**, that the Board of Directors of Western approve an agreement with Audacy to advertise on its radio stations during the 2022 year in an amount not to exceed \$100,000.00; and further

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

Respectfully submitted,



Susan May, Chairperson  
Advertising & Promotions Committee

Dated: April 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #43-2022 was duly put to a vote on roll call, which resulted as follows: **Audacy**

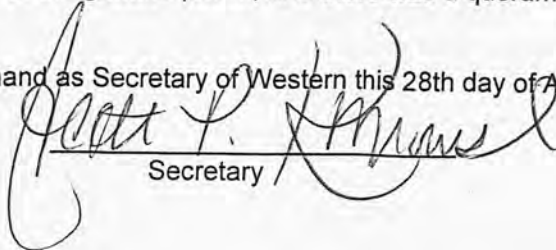
**Motion by Director May, seconded by Director Winter**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
	X				Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #44-2022

**WHEREAS**, it is necessary for Western Regional Off-Track Betting Corporation ("Western") to advertise and promote its various events, restaurants and promotions as it relates to the operation of the Batavia Gaming facility; and

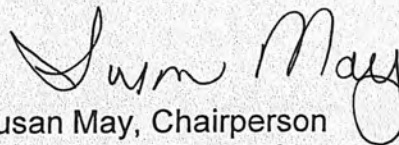
**WHEREAS**, Spectrum Reach is a television station with internet advertising that services the Western New York area ("Spectrum") and is a sole source provider for local advertising and promotions; and

**WHEREAS**, the Board of Directors of Western wishes to enter into an agreement with Spectrum to advertise on its television station and internet site during the 2022 year in an amount not to exceed \$120,000.00; now therefore be it

**RESOLVED**, that the Board of Directors of Western approve an agreement with Spectrum to advertise on its television station and internet site during the 2022 year in an amount not to exceed \$120,000.00; and further

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

Respectfully submitted,



Susan May, Chairperson  
Advertising & Promotions Committee

Dated: April 28, 2022  
Batavia, New York



**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #44-2022 was duly put to a vote on roll call, which resulted as follows: **Spectrum Reach**

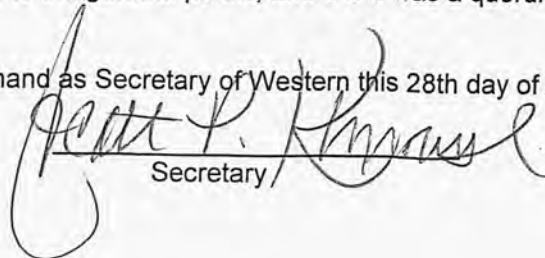
**Motion by Director May, seconded by Director Horton**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION - #45-2022

**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 a new pizza oven be purchased and installed in the Homestretch restaurant at the Batavia Downs location: and

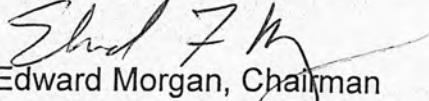
**WHEREAS**, Western has sent out an RFP requesting pricing for a new pizza oven per specifications and B&G Food Service Equipment ("B&G") was the lowest responsible bidder for the total amount of \$25,358.31; and

**WHEREAS**, Staff recommends that the Board approves the purchase of the pizza oven from B&G as set forth herein; now therefore

**BE IT RESOLVED**, that the Western's Board of Directors hereby approves the purchase of a pizza oven from B&G in an amount not to exceed \$25,358.31; 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: April 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #45-2022 was duly put to a vote on roll call, which resulted as follows: **B & G Food Service Pizza Oven**

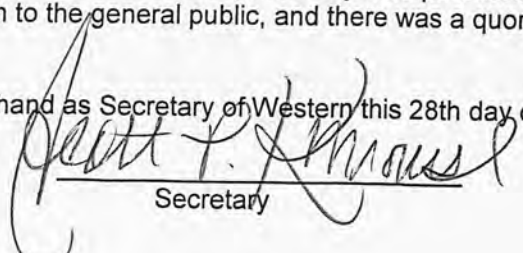
**Motion by Director Morgan, seconded by Director Lauderdale**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugus	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #46-2022

**WHEREAS**, Western requires the services of a professional design and fabrication firm to fabricate, render specifications and to provide and install pallet rack shelving for Western's new warehouse and cold storage facility at its Batavia Downs location; and

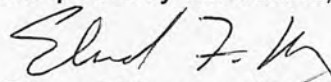
**WHEREAS**, staff is recommending to the Board of Directors of Western to accept Kraftwerks as the professional design firm together with their quote of \$45,043.00; and

**WHEREAS**, that the Board of Directors of the Western wishes to engage Kraftwerks as the professional design firm and to accept the quote of Kraftwerks to fabricate, render specifications and to provide and install pallet rack shelving for the new warehouse and cold storage facility; and, therefore be it

**RESOLVED**, that the Board of Directors of Western hereby accepts the quote of Kraftwerks in the amount of \$45,043.00 to provide professional design services, including to fabricate, render specifications and to provide and install pallet rack shelving for the new warehouse and cold storage facility; and further

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

Respectfully submitted,



Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: April 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #46-2022 was duly put to a vote on roll call, which resulted as follows: Kraftwerks

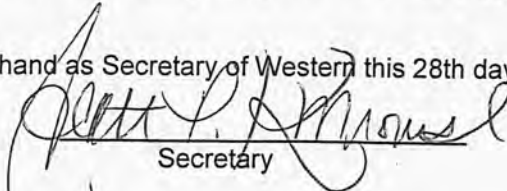
Motion by Director Morgan, seconded by Director Burr

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS          ABSTAIN          ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary

## RESOLUTION #47-2022

**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") is a New York public benefit corporation, wishing to apply to the Internal Revenue Service for employee retention tax credits; and

**WHEREAS**, the Employee Retention Tax Credit program was first introduced in the CARES Act of March 25, 2020; and

**WHEREAS**, this application is for a fully refundable tax credit against the employer portion of Social Security / Medicare payments made in 2020 and 2021. This program is a direct credit and not a loan and is not earmarked for any particular purpose. If Western Qualifies for this program it is paid directly via check from the US Treasury; and

**WHEREAS**, Western was contacted by Jorns & Associates ("Jorns") who have offered Western their specialty professional services to qualify Western for this program,

**WHEREAS**, as compensation for services to be provided to Western, Jorns would receive twenty percent of any employee retention tax credit recovery; and

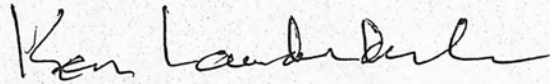
**WHEREAS**, staff recommends that Western engage Jorns to work to have Western deemed eligible for the employee retention tax credit; and, now therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby engages Jorns to work to qualify Western for the employee retention tax credit; and

**BE IT FURTHER RESOLVED**, that Western agrees that as compensation for services to be provided to Western, Jorns will receive twenty percent of any employee retention tax credit recovery; and

**BE IT FURTHER RESOLVED**, that the Board of Western authorizes an officer to execute any agreement in furtherance of this resolution.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ken Lauderdale". The signature is written in a cursive style with a prominent initial "K".

Ken Lauderdale, Chairman  
Finance Committee

Dated: April 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #47-2022 was duly put to a vote on roll call, which resulted as follows:        **Jorn Asc. Emp Retention Fund**

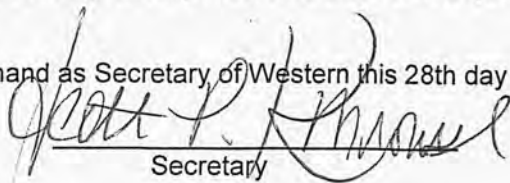
**Motion by Director Lauderdale, seconded by Director Winter**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES   12   NAYS            ABSTAIN            ABSENT   4   Vacant   1  

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 \_\_\_\_\_  
 Secretary



## RESOLUTION #48-2022

**WHEREAS**, Western previously entered into an agreement with Edward Hulme, Inc. ("Hulme") for the construction of a new warehouse and cold storage facility at its Batavia Downs location; and

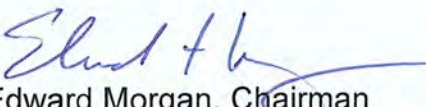
**WHEREAS**, staff is recommending that a change order be entered into between Western and Hulme, whereby Hulme would repave the adjacent 22,940 square foot parking lot; and

**WHEREAS**, Hulme has proposed to make the changes as set forth for the additional amount of \$97,352.36; and, therefore be it

**RESOLVED** that the Board of Directors of Western hereby authorize the change order as attached hereto and to accept the proposal of Hulme to conduct such work in an amount not exceeding \$97,352.36; and 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: April 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #48-2022 was duly put to a vote on roll call, which resulted as follows: Hume

Motion to Waive the Rules of Order Morgan, seconded by Director Bombardo

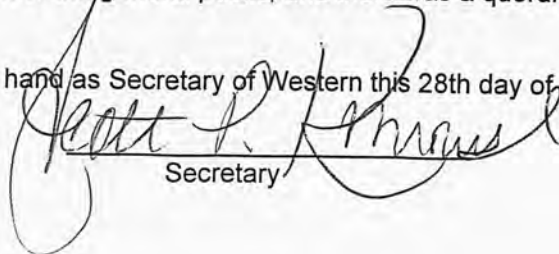
Motion by Director Morgan, seconded by Director Bassett

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	
			X		Erie	Warthling
X					Genesee	Siebert
X					Livingston	Wamp
X					Monroe	Bianchi
X					Niagara	Winter
X					Orleans	Morgan
X					Oswego	Bombardo
X					Rochester	Bassett
			X		Schuyler	Barnes
X					Seneca	Ricci
X					Steuben	Horton
X					Wayne	Lauderdale
X					Wyoming	May

AYES 12 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 4 Vacant 1

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 28th day of April 2022.

  
 Secretary