

# **Western Regional Off-Track Betting Corporation**

8315 Park Road, Batavia, NY 14020

## **PUBLIC NOTICE**

### **JULY 2022 MEETINGS**

#### **Committee Meetings for Western Regional Off-Track Betting Corporation**

Committee meetings for Western Regional Off-Track Betting Corp. will be held on **Wednesday, July 27 and Thursday, July 28, 2022** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020 as follows:

#### **Wednesday, July 27, 2022**

- 1:00 p.m. Personnel
- 2:00 p.m. Finance
- 2:30 p.m. Advertising
- 3:00 p.m. Legislative
- 3:30 p.m. Branch
- 3:45 p.m. Insurance
- 4:00 p.m. Audit

#### **Thursday, July 28, 2022**

- 9:00 a.m. Batavia Downs Operations

#### **Regular Meeting of the Western Regional Off-Track Betting Corporation Board of Directors**

The Regular Monthly Meeting of the Board of Directors of Western Regional Off-Track Betting Corp. will be held on **Thursday, July 28, 2022 at 10:00 a.m.** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020.

**Dated: July 5, 2022**

# **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

## **PERSONNEL COMMITTEE MEETING**

**Wednesday, July 27, 2022**

**1:00 p.m.**

Elliott Winter, Chairperson  
Thomas P. Wamp, Vice-Chairperson

Dennis Bassett, Member  
Richard Bianchi, Member  
Susan May, Member  
Edward Morgan, Member  
Richard Ricci, Member

## **AGENDA**

### 1. Executive Session

1a. Executive session for the discussion of the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting  
July 27, 2022  
Batavia, New York

Ken Lauderdale, Chairman  
Thomas Wamp, Vice Chairman

Richard Bianchi, Member  
Michael Horton, Member  
Paul Lattimore, Member  
Edward Morgan, Member  
Elliott Winter, Member

## AGENDA

1. Chief Financial Officer Report & BDG Financials
  - June 2022

- J. Leach
  
2. NYGA Weekly Numbers

- J. Leach

## WESTERN REGIONAL OFF-TRACK BETTING - SUMMARY OF CFO'S REPORT - ACTUAL RESULTS:

<u>Operational Results - June 2022</u>	June 2022	June 2021	June Plan
Total Handle	\$4,620,165	\$5,588,958	\$5,650,000
\$ Variance		(968,793)	(1,029,835)
% Variance		-17%	-18%
VGM Net Win	\$6,356,123	\$5,910,033	\$6,090,866
\$ Variance		446,090	265,257
% Variance		8%	4%
Revenue net of Statutories	\$ 3,917,837	\$ 3,654,469	\$ 3,726,141
Operating Expenses	3,151,850	3,135,432	3,087,936
Earnings and Surcharge	765,987	519,037	638,205
Surcharge	58,509	68,392	67,029
Operational Earnings	\$ 707,478	\$ 450,645	\$ 571,176
\$ Variance		256,833	136,302
% Variance		57%	24%
PPP Forgiveness	0	3,151,700	0
Earnings Including PPP Loan Forgiveness	\$ 707,478	\$ 3,602,345	\$ 571,176

Earnings are computed and distributed on a quarterly basis

<u>Segment Performance:</u>	June 2022	June 2021	June Plan
BRANCH Earnings from Operations	\$ 160,129	\$ 190,124	\$ 226,141
Less: G&A Allocation	210,216	253,786	223,400
<u>Earnings (Losses) net of G&amp;A Allocation</u>	<u>\$ (50,087)</u>	<u>\$ (63,662)</u>	<u>\$ 2,741</u>
\$ Variance		13,575	(52,828)
% Variance		21%	-1927%
BATAVIA DOWNS Earnings from Operations	\$ 1,060,070	\$ 879,511	\$ 889,913
Less: G&A Allocation	302,505	365,204	321,478
<u>Earnings net of G&amp;A Allocation</u>	<u>\$ 757,565</u>	<u>\$ 514,307</u>	<u>\$ 568,435</u>
\$ Variance		243,258	189,130
% Variance		47%	33%
GENERAL AND ADMINISTRATIVE expense	\$ 512,721	\$ 618,990	\$ 544,878
\$ Variance		(106,269)	(32,157)
% Variance		-17%	-6%
<u>Net Cash Distributions to Municipalities:</u>	June 2022	June 2021	June Plan
SURCHARGE	\$ 58,509	\$ 68,392	\$ 67,029
\$ Variance		(9,883)	(8,520)
% Variance		-14%	-13%
<u>Year to Date Surcharge and Net Revenue</u>	June 2022	June 2021	June Plan
SURCHARGE	\$ 373,378	\$ 490,312	\$ 494,683
\$ Variance		(116,934)	(121,305)
% Variance		-24%	-25%
NET EARNINGS AVAILABLE FOR DISTRIBUTION	\$ 4,619,713	\$ 1,583,534	\$ 2,801,906
\$ Variance		3,036,179	1,817,807
% Variance		192%	65%
TOTAL	\$ 4,993,091	\$ 2,073,846	\$ 3,296,589

## CFO'S REPORT - June 2022

## SUMMARY - WESTERN REGIONAL OTB CORPORATION - ALL LOCATIONS/DEPARTMENTS: ROUNDED

	2022 June	2021 June	2022 June Plan	2022 Year To Date	2021 Year To Date	2022 Operating Plan YTD
HANDLE (includes Live)	\$4,620,000	\$5,589,000	\$5,650,000	\$28,824,000	\$36,017,000	\$36,220,000
\$ Variance		(969,000)	(1,030,000)		(7,193,000)	(7,396,000)
% Variance		-17%	-18%		-20%	-20%
VGM Net Win	\$6,356,000	\$5,910,000	\$6,091,000	\$38,000,000	\$28,774,000	\$31,797,000
\$ Variance		446,000	265,000		9,226,000	6,203,000
% Variance		8%	4%		32%	20%
<b>Revenue and Expense:</b>						
Operating Revenue	7,618,000	7,227,000	7,416,000	45,149,000	37,046,000	40,329,000
\$ Variance		391,000	202,000		8,103,000	4,820,000
% Variance		5%	3%		22%	12%
Less: Statutory Expenses	3,700,000	3,573,000	3,690,000	22,350,000	18,645,000	20,014,000
\$ Variance		127,000	10,000		3,705,000	2,336,000
% Variance		4%	0%		20%	12%
Revenue before Operating Expenses	3,918,000	3,654,000	3,726,000	22,799,000	18,401,000	20,315,000
\$ Variance		264,000	192,000		4,398,000	2,484,000
% Variance		7%	5%		24%	12%
Less: Operating Expenses	3,152,000	3,135,000	3,088,000	17,806,000	16,328,000	17,018,000
\$ Variance		17,000	64,000		1,478,000	788,000
% Variance		1%	2%		9%	5%
Retained Surcharge/Net earnings	766,000	519,000	638,000	4,993,000	2,073,000	3,297,000
\$ Variance		247,000	128,000		2,920,000	1,696,000
% Variance		48%	20%		141%	51%
Retained Surcharge	59,000	68,000	67,000	373,000	490,000	495,000
\$ Variance		(9,000)	(8,000)		(117,000)	(122,000)
% Variance		-13%	-12%		-24%	-25%
Net Earnings(Losses) from Operations	707,000	451,000	571,000	4,620,000	1,583,000	2,802,000
\$ Variance		256,000	136,000		3,037,000	1,818,000
% Variance		57%	24%		192%	65%
PPP Forgiveness	0	3,152,000	0	81,000	3,152,000	0
Earnings (Losses) Net of PPP Forgiveness	707,000	3,603,000	571,000	4,701,000	4,735,000	2,802,000
\$ Variance		(2,896,000)	136,000		(34,000)	1,899,000
% Variance		-80%	24%		-1%	68%
			<b>Earnings allocated to CAF</b>	<b>Distributable Earnings</b>		
1st Qtr. Operational Earnings*		\$1,917,539	\$125,604	\$1,791,935	\$174,952	\$1,132,719
\$ Variance					1,616,983	659,216
% Variance					924%	58%
2nd Qtr. Operational Earnings*		\$2,702,174	\$153,979	\$2,548,195	\$1,051,606	\$1,669,187
\$ Variance					1,496,589	879,008
% Variance					142%	53%
PPP Forgiveness**		\$81,335	\$0	\$0	\$0	\$0
Total YTD		\$4,701,048	\$279,583	\$4,340,130	\$1,226,558	\$2,801,906
\$ Variance					3,113,572	1,538,224
% Variance					254%	55%
* Available for Distribution						
**The Hotel at Batavia Downs PPP loan was fully forgiven by the SBA on 3/12/2022.						
Resolution 39-2022 removes these forgiven funds from member distributions as funds were used during the COVID-19 pandemic for their intended purpose.						

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## ADVERTISING AND PROMOTIONS COMMITTEE AGENDA

Wednesday, July 27, 2022

2:30 P.M.

Susan May, Chairperson  
Ken Lauderdale, Vice-Chairman  
Richard Bianchi, Member  
Edward Morgan, Member

Paul Lattimore Jr. Member  
Michelle Parmer-Garner, Member  
Richard Ricci, Member

### AGENDA

1. Gaming/Branch Marketing Update R. Hasenauer
2. Resolution #64-2022  
Electronic Field R. Hasenauer
3. Resolution #72-2022  
Blue Cross Arena R. Hasenauer
4. Resolution #73-2022  
Highmark Stadium R. Hasenauer
5. Resolution #74-2022  
KeyBank Center R, Hasenauer

## RESOLUTION #64-2022

**WHEREAS**, Western Regional Off-Track Betting Corporation (“Western”) utilizes television and radio commercials in order to market the facility to our patrons; and

**WHEREAS**, in order to produce professional television and radio commercials, Western previously engaged the services of Electronic Field Productions to create and such commercials; and

**WHEREAS**, the Board of Western wishes to continue to engage Electronic Field Productions to create and produce professional television and radio commercials for an additional amount of \$20,000.00 for the 2022 year; and, therefore

**BE IT RESOLVED**, that the Board of Directors of Western approves the purchase of professional services to produce television and radio commercials from Electronic Field Productions for 2022 in the additional amount of \$20,000.00; 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,

Susan May, Chairperson  
Advertising & Promotions Committee

Dated: July 28, 2022  
Batavia, New York

## **RESOLUTION #72-2022**

**WHEREAS**, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has contracted with the Blue Cross Arena for rental of a suite for various events at that facility, all of which is to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

**WHEREAS**, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

**WHEREAS**, Staff requests that the Board of Directors of Western authorize an expenditure for food and beverages at the Blue Cross Arena during events held at the Blue Cross Arena in an amount not to exceed \$30,000.00; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby approves the expenditure for food and beverages at the Blue Cross Arena during various entertainment events in an amount not to exceed \$30,000.00; and further

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

Respectfully submitted,

Susan May, Chairperson  
Advertising & Promotion Committee

Dated: July 28, 2022  
Batavia, New York



## **RESOLUTION #73-2022**

**WHEREAS**, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has contracted with the Highmark Stadium for rental of a suite for various events at that facility, such as the Buffalo Bills and various concerts, all of which is to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

**WHEREAS**, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

**WHEREAS**, Staff requests that the Board of Directors of Western authorize an expenditure for food and beverages at Highmark Stadium during events such as the Buffalo Bills and various concerts in an amount not to exceed \$25,000.00; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby approves the expenditure for food and beverages at Highmark Stadium during entertainment events such as the Buffalo Bills and various concerts in an amount not to exceed \$25,000.00; and further

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

Respectfully submitted,

Susan May, Chairperson  
Advertising & Promotions Committee

Dated: July 28, 2022  
Batavia, New York

## **RESOLUTION #74-2022**

**WHEREAS**, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has contracted with the KeyBank Center for rental of a suite for various events at that facility, such as the Buffalo Sabres, Buffalo Bandits and various concerts, all of which is to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

**WHEREAS**, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

**WHEREAS**, Staff requests that the Board of Directors of Western authorize an expenditure for food and beverages at the Keybank Center during events such as the Buffalo Sabres, Buffalo Bandits and various concerts in an amount not to exceed \$75,000.00; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby approves the expenditure for food and beverages at the KeyBank Center during entertainment events such as the Buffalo Sabres, Buffalo Bandits and various concerts in an amount not to exceed \$75,000.00; and further

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

Respectfully submitted,

Susan May, Chairperson  
Advertising & Promotions Committee

Dated: July 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**LEGISLATIVE COMMITTEE**

**Wednesday – July 27, 2022  
3:00 p.m.**

Mark Bombardo, Chairman  
Richard Siebert, Vice Chairman  
Richard Bianchi, Member  
Edward Morgan, Member

Paul Lattimore, Jr., Member  
Phil Barnes, Member  
Mark Burr, Member

**AGENDA**

1. Legislative Update

H. Wojtaszek

# **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

## **BRANCH OPERATIONS COMMITTEE MEETING**

**Wednesday, July 27, 2022  
3:30 P.M.**

Michelle Parmer-Garner, Chairperson  
Michael Horton, Vice-Chairperson

Richard Bianchi, Member  
Mark Bombardo, Member  
Mark Burr, Member  
Edward Morgan, Member  
Francis Warthling, Member

### **AGENDA**

- 1) Branch Update  
- Dina Pane
- 2) E-Z Bet Update  
- Dina Pane
- 3) Batavia Bets Update  
- Dina Pane
- 4) Real Estate Update  
- Mark Gabriele
- 5) Military Sale  
• Resolution #69-2022  
- Mark Gabriele

## **RESOLUTION #69-2022**

**WHEREAS**, Western Regional Off-Track Betting Corporation (“Western”) currently is offering for sale the property located at 2500 Military, Niagara Falls, New York; and

**WHEREAS**, Western has received an offer to purchase that property from Laur Properties LLC, on behalf of itself or an entity formed or to be formed, in the amount not less than \$450,000.00; 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 not less than \$450,000.00 from Laur Properties LLC, on behalf of itself or an entity formed or to be formed, for the real property located at 2500 Properties, Niagara Falls, 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,

Michael Horton, Vice-Chairperson  
Branch Committee

Dated: July 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**INSURANCE COMMITTEE**

**Wednesday July 27, 2022**

**3:45p.m.**

Susan May, Chairperson  
Dennis Bassett, Vice-Chairman  
Richard Bianchi, Member  
Edward Morgan, Member  
Richard Ricci, Member

Richard Ricci, Member  
Mark Burr, Member  
Francis Warthling, Member

**AGENDA**

1. Resolution #71-2022  
CIC Group

H. Wojtaszek

## **RESOLUTION #71-2022**

**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**, Western has previously elected to self-insure its Workers Compensation exposures; and

**WHEREAS**, Western has previously entered into a three (3) year agreement with Self Funding Inc. (“Funding”), now known as CIC Group, Inc. (CIC”) whereas CIC provides Western with professional consulting services in respect to implementing and providing ongoing supervision of Western’s self-insurance plan at the cost of \$47,500.00 annually; and

**WHEREAS**, Western has the option to extend the agreement with Funding for an additional three (3) year period whereby CIC would continue to provide Western with professional consulting services in respect to implementing and providing ongoing supervision of Western’s self-insurance plan at the cost of \$47,500.00 annually; and

**WHEREAS**, Staff recommends that the Board of Directors of Western approve the extension of the consulting agreement with CIC; now therefore, be it

**RESOLVED**, that the Board of Directors of Western approve the three (3) year extension agreement for Workers Compensation consulting services with CIC in the annual amount of \$47,500.00; and further

**RESOLVED**, that an officer of Western is authorized to execute any documents necessary in furtherance of the Board’s approval and consent.

Respectfully submitted,

Susan May, Chairperson  
Insurance Committee

Dated: July 28, 2022  
Batavia, New York



# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## BATAVIA DOWNS OPERATIONS COMMITTEE

Thursday – July 28, 2022  
9:00 A.M.

Edward Morgan, Chairman  
Richard Siebert, Vice-Chairman  
Richard Bianchi, Member  
Thomas Wamp, Member

Ken Lauderdale, Member  
Elliott Winter, Member  
Mark Burr, Member

### AGENDA

- |  |               |
|--|---------------|
| 1. Gaming Floor Update   | S. Schiano    |
| 2. Live Racing Update  | Don Hoover    |
| 3. Park Road Update  | H. Wojtaszek  |
| 4. Concert Update  | H. Wojtaszek  |
| 5. Resolution #65-2022<br>AlSCO, Inc.                          | S. Kiedrowski |
| 6. Resolution #66-2022<br>John Deere Financial                 | S. Kiedrowski |
| 7. Resolution #67-2022<br>Suburban Electric                    | S. Kiedrowski |
| 8. Resolution #68-2022<br>Standard Textile Co. Inc.            | S. Kiedrowski |
| 9. Resolution #70-2022<br>Audio Images Sound & Lighting        | H. Wojtaszek  |
| 10. Resolution #75-2022<br>Live Racing January & February 2023 | S. Kiedrowski |
| 11. Resolution #76-2022<br>Towns of Batavia Sewer Line Install | H. Wojtaszek  |

## RESOLUTION #65-2022

**WHEREAS**, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate its Batavia Downs restaurants in a clean, and sanitary environment; and

**WHEREAS**, Western previously placed for public bid the linen services contract for a three (3) year period to provide Western with weekly linen services for the Food and Beverage Department; and

**WHEREAS**, Western received bids for the linen services for the Food and Beverage Department for a three (3) year period and engaged the firm of AlSCO, Inc. to provide such services; and

**WHEREAS**, due to increase in the need for additional linens being used in Fortunes, Western requests that the previous resolution with AlSCO, Inc. be increased annually by \$20,000.00 for such services; now therefore

**BE IT RESOLVED**, that the Western's Board of Directors hereby approve the increase in the contract with AlSCO, Inc by the amount of \$20,000.00 per year for linen services through 2023; 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: July 28, 2022  
Batavia, New York

## **RESOLUTION #66-2022**

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

**WHEREAS**, the use of a John Deere Tractor/Loader is required for the maintenance and upkeep of the race track at Batavia Downs; and

**WHEREAS**, currently, Western has an option to purchase a 2016 John Deere Tractor/Loader that it has been leasing from John Deere Financial; and

**WHEREAS**, staff recommends to the Board of Directors of Western that Western exercise its option to purchase the 2016 John Deere Tractor/Loader from John Deere Financial for an amount not to exceed \$31,912.03.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Directors of the Western authorize the purchase of a 2016 John Deere Tractor/Loader from John Deere Financial for use on the Batavia Downs racetrack for an amount not to exceed \$31,912.03; 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: July 28, 2022  
Batavia, New York

## RESOLUTION #67-2022

**WHEREAS**, Western previously entered into an agreement with Suburban Electric, Inc. ("Suburban") for the electric work required in 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 Suburban, whereby Suburban would perform all necessary electrical services associated with the lighting of the adjacent parking lot, as more particularly set forth in the attached change order proposal; and

**WHEREAS**, Suburban has proposed to make the changes as set forth for the amount of \$22,709.36; 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 Suburban to conduct such work in an amount not exceeding \$22,709.36; 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: July 28, 2022  
Batavia, New York

## RESOLUTION #68-2022

**WHEREAS**, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation (“Western”) to operate the Hotel at Batavia Downs in a clean, and sanitary environment; and

**WHEREAS**, Western has placed for public bid for the purchase of various hotel bedding shams, along with king and queen size comforters for the Hotel at Batavia Downs; and

**WHEREAS**, Western has received bids for the above items; and

**WHEREAS**, staff recommends that the Board of Directors of Western accept the bid of Standard Textile Co. Inc. as the lowest responsible bidder for bedding shams and comforters in the amount not to exceed \$26,011.32; now therefore

**BE IT RESOLVED**, that the Western’s Board of Directors hereby approve Standard Textile Co. Inc. as the lowest responsible bidder for bedding shams and comforters in an amount not to exceed \$26,011.32; 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: July 28, 2022  
Batavia, New York

## **RESOLUTION #70-2022**

**WHEREAS**, the Western Regional Off-Track Betting Corporation (“Western”) is the owner and operator of Batavia Downs Gaming located at 8315 Park Road, Batavia, New York and holds concerts at that location; and

**WHEREAS**, in order to hold the 2022 concert series, Western is required to provide various equipment, including a stage and lighting for the performers; and

**WHEREAS**, Audio Images Sound & Lighting (“Audio”) is a single source provider in Western New York that sets up the stage and concert lighting and associated equipment for each concert; and

**WHEREAS**, Audio has provided Western with an agreement to provide such services to Western for the 2022 Concert Series for the amount of \$150,000.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Western approve the agreement with Audio to provide services to set up the stage and concert lighting and associated equipment for the 2022 Concert Series for the amount of \$150,000.00; and

**IT IS FURTHER, RESOLVED** that an officer of Western is directed to execute such documents as to further this resolution.

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Committee

Dated: July 28, 2022  
Batavia, New York

## **RESOLUTION #75-2022**

**WHEREAS**, Western Regional Off-Track Betting Corporation (“Western”) owns and operates a horse racing track at its Batavia Downs location; and

**WHEREAS**, Western has previously entered into an agreement with the Western New York Harness Horsemen’s Association (“Horsemen”) to conduct racing meets at its location in 2022 from late July to early December; and

**WHEREAS**, Horsemen have requested that Western modify the existing contract to include an additional fifteen (15) race dates in January and February 2023; and

**WHEREAS**, Horsemen will agree to reimburse Western for any and all costs associated with conducting the additional fifteen (15) race meets in January and February 2023; and

**WHEREAS**, Staff recommends that the Board of Directors of Western enter into an addendum to the original agreement with the Horsemen whereby Western would conduct the additional fifteen (15) race meets upon the condition that the Horsemen will fully reimburse Western for any and all costs associated with conducting the additional race meets, and, therefore,

**BE IT RESOLVED**, that the Board of Directors of Western hereby agrees to enter into addendum to the original agreement with the Horsemen whereby Western would conduct the additional fifteen (15) race meets upon the condition that the Horsemen will fully reimburse Western for any and all costs associated with conducting the additional race meets, and, further,

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

Respectfully submitted,

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: July 28, 2022  
Batavia, New York