

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 July, 2022 and commencing at 10:00 a.m. in the *Boardroom*, Corporate Headquarters at 8315 Park Road Batavia, New York.

Participating were:

Cattaraugus	Mark C. Burr
Livingston	Thomas P. Wamp
Monroe	Richard D. Bianchi
Niagara	Elliott Winter
Orleans	Edward F. Morgan
Rochester	Dennis Bassett
Seneca	Richard L. Ricci
Steuben	Michael Horton
Wayne	Ken Lauderdale
Wyoming	Susan May

Absent:

Buffalo	Parmer-Gagner
Cayuga	Lattimore
Chautauqua	Vacant
Erie	Warthling
Genesee	Siebert
Oswego	Bombardo
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; Steven Haigh, Internal Auditor, Brian Quinn, The Daily News, Mike Pettinella, The Batavian.

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 Horton to lead the assemblage in the Pledge of Allegiance.

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### **Approval of Previous Minutes:**

Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous meeting of June 23, 2022. There being none, a motion was made by Director May and seconded by Director Wamp to approve the June 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. Kiedrowski:

A thank you note from Jeanne Hellert, Executive Director at Junior Achievement & Buffalo Niagara Sales & Marketing Executives for the Stay and Play at Batavia Downs Gaming & Hotel for their 27<sup>th</sup> Annual Golf Outing.

A thank you note from Amy Lesakowski, Co-Founder & Executive Director at The 11 Day Power Play, Inc. for the Batavia Downs Sponsorship.

### **Personnel Committee Report:**

Committee Chairman Winter called the Personnel Committee meeting to order at 1:05 p.m. and the following items were discussed:

Mr. William R. White, Vice President - Administration requested the Board's approval of the staff's recommendation to add the Union position of Lead Hostess. A motion was made to approve by Director Ricci, seconded by Director May and the motion carried unanimously.

At 1:10 p.m. a motion was made by Director Winter, seconded by Director Morgan to enter into Executive Session. The Committee came out of Executive Session at 2:01 p.m.

Upon motion by Director May, seconded by Director Ricci. The Personnel Committee meeting adjourned at 2:02 p.m.

**Personnel Committee Report continued:**

Upon motion to waive the rules for the late item by Director Morgan and seconded by Director Lauderdale regarding commission for Ms. Barbara O'Rourke, Sales Manager a voice vote was taken and passed unanimously.

Mr. Henry F. Wojtaszek, President & CEO discussed the commissions for Ms. O'Rourke, Sales Manager, for new sales she will receive 20% commission and for existing sales she will receive 10 % commission.

Upon motion by Director May and seconded by Director Winter a roll call vote was taken. The motion passed. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua.

**Finance Committee Report:**

Committee Chairman Lauderdale reported that the Finance Committee meeting was held on Wednesday July 27, 2022 at 2:14 p.m. and the following items were discussed.

Mrs. Jacquelyne A. Leach, Chief Financial Officer reviewed the June 2022 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation will distribute \$58,509 in surcharge revenues to member municipalities for June. For the second quarter 2022 the Corporation will distribute \$2,548,195 in operational earnings to member municipalities. Mrs. Leach also reviewed the June 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 June as compared to same period 2021 and 2019.

Upon motion by Director Horton and seconded by Director Morgan, the Finance Committee meeting adjourned at 2:38 p.m.

**Advertising & Promotions Committee Report:**

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday July 27, 2022 at 2:41 p.m. and the following items were discussed.

Mr. Ryan Hasenauer, Director of Marketing delivered a presentation showing the efforts made to promote Live Racing and Batavia Bets. The new Fill 'er up Hotel Special is doing well.

Mr. Hasenauer provided a concert update discussing strong ticket sales and new signups at the Player's Club.

The Resolution #64-2022 was presented to continue to engage Electronic Field to create and produce professional television and radio commercials for the additional amount of \$20,000.00.

A motion by Director Lauderdale and seconded by Director Ricci a voice vote was taken and passed to be carried to the full board.

Upon motion by Director May and seconded by Director Wamp a roll call vote was taken. The motion passed to continue to engage Electronic Field. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #64-2022**

The Resolution # 72-2022 was presented for food and beverages at the Blue Cross Arena in an amount not to exceed \$30,000.00.

A motion by Director Bianchi and seconded by Director May a voice vote was taken and passed 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 the expenditure for food and beverages at the Blue Cross Arena in the amount not to exceed \$30,000.00. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #72-2022**

The Resolution #73-2022 was presented for food and beverage at Highmark Stadium in an amount not to exceed \$25,000.00.

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**Advertising & Promotions Committee Report continued:**

A motion by Director Ricci and seconded by Director Bianchi a voice vote was taken and passed 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 the expenditure for food and beverages at the Highmark Stadium in the amount not to exceed \$25,000.00. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #73-2022**

The Resolution #74-2022 was presented for the food and beverage at the KeyBank Center in the amount not to exceed \$75,000.00.

A motion by Director Bianchi and seconded by Director Ricci a voice vote was taken and passed to be carried to the full board.

Upon motion by Director May and seconded by Director Wamp a roll call vote was taken. The motion passed for the expenditure for food and beverages at the KeyBank Center. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #74-2022**

Upon Motion by Director May seconded by Director Bianchi the Advertising and Promotions Committee meeting adjourned at 2:56.

**Legislative Committee Report:**

The Legislative Committee did not meet.

**Branch Operations Committee Report:**

Committee Vice-Chairman Horton reported the Branch Operations Committee meeting was held on Wednesday July 27, 2022 at 3:07 p.m. and the following items were discussed.

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**Branch Operations Committee Report continued:**

Ms. Dina Pane, General Manager of OTB Operations reported that the maintenance team has cleaned out the Military Road location and is in the process of cleaning out West Ridge Road. She reported that Customer Appreciation Days are going well and that four Branches are complete. The remaining Branches will be completed by mid-August. Ms. Pane informed the Committee that the Mutuel Clerk staffing for the Live Racing season is looking good but she would like to hire one additional person and if any staffing issues arise they will fill with Branch people if necessary.

Ms. Pane informed the Committee that last week the E-Z Bets were up almost 9% from the same period last year. She is continuing to actively search for possible new E-Z Bet locations.

Ms. Pane reported that year to date through July 24, 2022 Batavia Bets is down 17% and although we are down, the number from last month to this month has decreased.

Mr. Gabriele informed the Committee that after consulting with Director Wamp, we have decided to get an appraisal on the West Ridge Road building.

There was no quorum to address Resolution #69-2022 at the Branch Operations Committee Meeting. This Resolution will be addressed at the Board of Directors meeting on Thursday, July 28, 2022.

The Resolution #69-2022 was presented for Laur Properties LLC, for Western to accept the offer not less than \$450,000.00 to purchase the property located at 2500 Military Road, Niagara Falls, New York.

Upon motion by Director Horton and seconded by Director Wamp the motion passed to accept the offer not less than \$450,000.00 from Laur Properties LLC for the property located at 2500 Military Road, Niagara Falls, New York. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #69-2022**

Upon motion by Director Horton and seconded by Director Bianchi the Branch Operations Committee meeting adjourned at 3:12 p.m.

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### **Insurance Committee Report:**

Committee Chairperson May Called the Insurance meeting to order at 3:13 p.m. on Wednesday July 27, 2022 and the following items were discussed.

Mr. Wojtaszek presented the Resolution #71-2022 for an additional three (3) year extension with CIC Group Inc. for professional consulting services providing ongoing supervision of Western's self-insurance in the annual amount of \$47,500.00

Upon motion by Director Bassett and seconded by Director Ricci, the motion passed 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 to approve the additional three (3) year extension for professional consulting services with CIC Group, Inc. to provide ongoing supervision of Western's self-insurance in the annual amount of \$47,500.00. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #71-2022**

A motion by Director Bassett and seconded by Director Burr the Insurance Committee adjourned at 3:30 p.m.

### **Audit Committee Report:**

The Audit Committee did not meet.

### **Batavia Downs Operations Committee Report:**

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was held on Thursday July 28, 2022 at 9:03 a.m. and the following items were discussed.

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

**Batavia Downs Operations Committee Report continued:**

Mr. Don R. Hoover, Director/GM Live Racing/Race Secretary provided a live racing update.

Resolution #65-2022 was presented for Alsco, Inc. to increase the previous resolution annually by \$20,000.00 for the increase in linen services for food & beverage through 2023.

Upon motion by Director Lauderdale and seconded by Director Wamp, the motion passed to be carried to the full Board.

Upon motion by Director Morgan and seconded by Director Winter a roll call vote was taken. The motion passed to accept the Alsco, Inc. linen service increase by \$20,000.00 for Food & Beverage through 2023. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #65-2022**

The Resolution #66-2022 was presented for John Deere Financial for the purchase of the 2016 John Deere Tractor/Loader in an amount not to exceed \$31,912.03.

Upon motion by Director Bianchi and seconded by Director Wamp, the motion passed to be carried to the full Board.

Upon motion by Director Morgan and seconded by Director Horton a roll call vote was taken. The motion passed to purchase the 2016 John Deere Tractor Loader in an amount not to exceed \$31,912.03 from John Deere Financial. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #66-2022**

The Resolution #67-2022 was presented for Suburban Electric for the change order proposal for electrical services for parking lot lighting in an amount not to exceed \$22,709.36.

Upon motion by Director Bianchi and seconded by Director Lauderdale, the motion passed to be carried to the full Board.



**Batavia Downs Operations Committee Report continued:**

Upon motion by Director Morgan and seconded by Director Burr a roll call vote was taken. The motion passed to accept the change order proposal for electrical services for parking lot lighting in an amount not to exceed \$22,709.36. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #67-2022**

The Resolution #68-2022 was presented to accept the bid from Standard Textile Co. Inc. the lowest responsible bidder for various bedding for the Hotel at Batavia Downs. In the amount not to exceed \$26,011.32.

Upon motion by Director Wamp and seconded by Director Bianchi, the motion passed to be carried to the full Board

Upon motion by Director Morgan and seconded by Director Wamp a roll call vote was taken. The motion passed accept the bid from Standard Textile Co. Inc. the lowest responsible bidder for various bedding for the Hotel at Batavia Downs. In the amount not to exceed \$26,011.32. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #68-2022**

The Resolution #70-2022 was presented for Audio Images Sound & Lighting a single source provider, for various equipment, including a stage and lighting for the 2022 concert performers for the amount of \$150,000.00.

Upon motion by Director Lauderdale and seconded by Director Bianchi, the motion passed to be carried to the full Board.

Upon motion by Director Morgan and seconded by Director Winter a roll call vote was taken. The motion passed to accept the single source provider Audio Images Sound & Lighting for various equipment, including a stage and lighting for the 2022 concert performers for the amount of \$150,000.00. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #70-2022**

The Resolution #75-2022 was presented for conducting an additional fifteen (15) race dates in January and February 2023, upon the condition the Horsemen will fully reimburse Western for any and all costs associated.

**Batavia Downs Operations Committee Report continued:**

Upon motion by Director Bianchi and seconded by Director Wamp, the motion passed 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 to accept the additional fifteen (15) race dates in January and February 2023, upon the condition the Horsemen will fully reimburse Western for any and all costs associated. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #75-2022**

The Resolution #76-2022 was presented to enter into an agreement with the Town of Batavia which will provide a new sewer line on Park Road to benefit Western's facility, and which Western will agree to reimburse the Town the amount of \$140,000.00.

Upon motion by Director Bianchi and seconded by Director Wamp, the motion passed 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 to enter into an agreement with the Town of Batavia which will provide a new sewer line on Park Road to benefit Western's facility, and which Western will agree to reimburse the Town the amount of \$140,000.00. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #76-2022**

Upon motion by Director Lauderdale and seconded by Director Winter to waive the Rules of Order for the late item Resolution #77-2022 for the purchase of a new 621 G Z Bar Case Loader to be used at Western's Batavia Downs. A voice vote was taken and passed unanimously.

The Resolution #77-2022 was presented for the purchase of a new 621 G Z Bar Case Loader to be used at Western's Batavia Downs location for the amount of \$186,412.59 of which the Horseman's Association will pay 50%.

Upon motion by Director Morgan and seconded by Director Wamp a roll call vote was taken. The motion passed to purchase a new 621 G Z Bar Case Loader to be used at Western's Batavia Downs location for the amount of \$186,412.59 of which the Horseman's Association will pay 50%. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #77-2022**

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**Batavia Downs Operations Committee Report continued:**

Upon motion by Director Morgan and seconded by Director Lauderdale to waive the Rules of Order for the late item Resolution #78-2022 for the purchase of a new T450 Track Loader to be used to maintain the Horse racing track at Batavia Downs. A voice vote was taken and passed unanimously.

The Resolution #78-2022 was presented for the purchase of a new T450 Track Loader to be used to maintain the Horse racing track at Batavia Downs in the amount of \$54,786.63 of which the Horseman's Association will pay 50%.

Upon motion by Director Morgan and seconded by Director May a roll call vote was taken. The motion passed to purchase a new T450 Track Loader to be used to maintain the Horse racing track at Batavia Downs in the amount of \$54,786.63 of which the Horseman's Association will pay 50%. Ayes: 10; Nays: 0; Absent: 6; Parmer-Garner; Lattimore; Warthling; Siebert; Bombardo; Barnes; Vacant: 1; Chautauqua. **See Resolution #78-2022**

Upon motion made by Director Wamp and seconded by Director Bianchi the Batavia Downs Operations Committee meeting adjourned at 9:45 a.m.

**New Business:**

Mr. Wojtaszek requested Out of State travel one (1) day for Mr. Schiano. Also Mr. Wojtaszek requested to add three (3) out of State travelers to the G2E Conference in October.

The next Committee and Board meeting is scheduled for August 24 and 25, 2022 respectively.

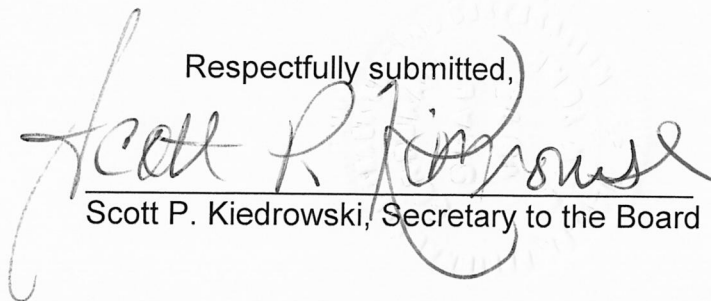
Chairman Bianchi reminded the members that the Legislative Night at the Races will be held on August 24, 2022 in the Clubhouse.

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**Adjournment:**

Upon motion made by Director Horton to adjourn seconded by Director Wamp the meeting was adjourned at 10:35 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Scott P. Kiedrowski". The signature is written in black ink and is positioned above a horizontal line. Below the line, the name and title are printed in a standard font.

Scott P. Kiedrowski, Secretary to the Board

/pma

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #64-2022 was duly put to a vote on roll call, which resulted as follows: Electronic Field Productions

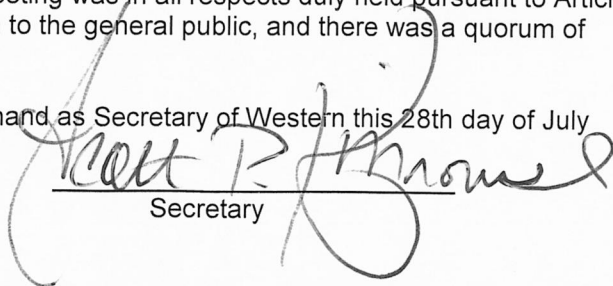
**Motion by Director May seconded by Director Wamp**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 \_\_\_\_\_  
 Secretary

## 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

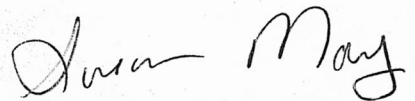
**WHEREAS**, in order to produce professional television and radio commercials, Western previously engaged the services of Electronic Field Productions to create and such commercials; and

**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

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #65-2022 was duly put to a vote on roll call, which resulted as follows: AlSCO, Inc.

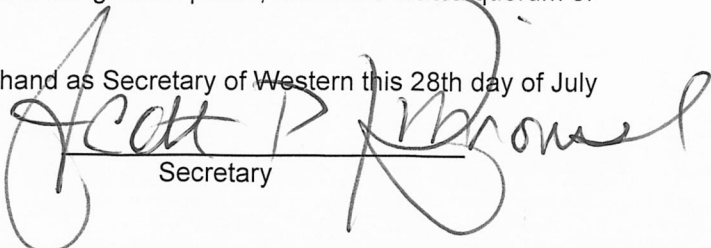
**Motion by Director Morgan, seconded by Director Winter**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## 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

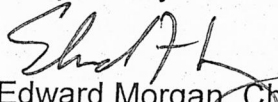
**WHEREAS**, Western received bids for the linen services for the Food and Beverage Department for a three (3) year period and engaged the firm of AlSCO, Inc. to provide such services; and

**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



**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #66-2022 was duly put to a vote on roll call, which resulted as follows: John Deere Financial

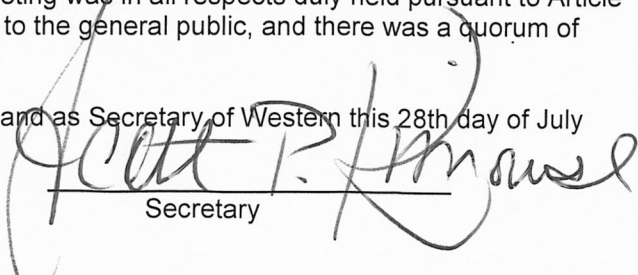
Motion by Director Morgan, seconded by Director Horton

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 \_\_\_\_\_  
 Secretary

## 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

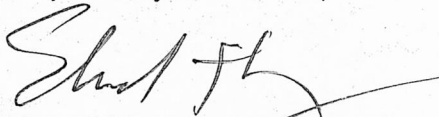
**WHEREAS**, currently, Western has an option to purchase a 2016 John Deere Tractor/Loader that it has been leasing from John Deere Financial; and

**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

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #67-2022 was duly put to a vote on roll call, which resulted as follows: Suburban Electric, Inc.

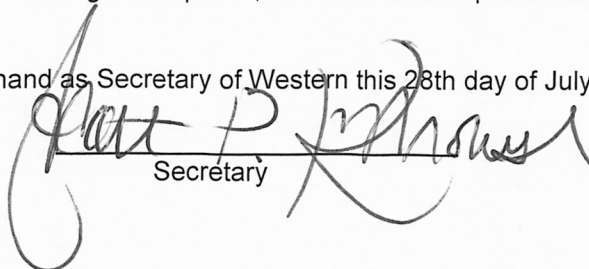
Motion by Director Morgan, seconded by Director Burr

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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 10 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 6 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 July 2022.

  
 \_\_\_\_\_  
 Secretary

## 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

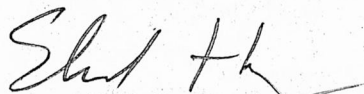
**WHEREAS**, staff is recommending that a change order be entered into between Western and Suburban, whereby Suburban would perform all necessary electrical services associated with the lighting of the adjacent parking lot, as more particularly set forth in the attached change order proposal; and

**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

**APPLICATION AND CERTIFICATE FOR PAYMENT**

**TO OWNER:**  
 Western Regional OTB  
 Park Road  
 Batavia, NY 14020

**PROJECT:**  
 Batavia Downs Warehouse

**FROM CONTRACTOR:**  
 Suburban Electric, Inc.  
 225 E. Bank Street  
 Albion, NY 14411

**CONTRACT DATE:**  
 07/29/2021

**APPLICATION NO.:** 7 Final  
**PERIOD TO:** 06.27.22

**DISTRIBUTION TO:**  
 X OWNER  
 ARCHITECT  
 CONTRACTOR

**CONTRACT FOR:** Electrical Work  
**ARCHITECT:** E.I. Team

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application in trade for payment, as shown below, in connection with Contract. Continuation sheet, AIA Document, is attached.

- 1. ORIGINAL CONTRACT SUM..... \$143,000.00
- 2. Net change by Change Orders..... \$22,709.36
- 3. CONTRACT SUM TO DATE (LINE 1+/- 2)..... \$165,709.36
- 4. TOTAL COMPLETED AND STORED TO DATE..... \$165,709.36  
 (Column G on G703)

- 5. RETAINAGE:
  - a. 0 % of Completed Work..... \$0.00  
 (Column D+E on G703)
  - b. 0 % of Stored Material..... \$0.00  
 (Column F on G703)

Total Retainage (Line 5a + 5b or Total in Column I of G703)..... \$0.00

6. TOTAL EARNED LESS RETAINAGE..... \$165,709.36  
 (Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT..... \$132,525.00  
 (Line 6 from prior Certificate)

8. CURRENT PAYMENT DUE..... \$33,184.36

9. BALANCE TO FINISH, INCLUDING RETAINAGE..... \$0.00  
 (Line 8 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0
Total approved this Month	\$22,709.36	\$0
<b>TOTALS</b>	<b>\$22,709.36</b>	<b>\$0</b>
FILED/PAID BY Change Order	\$22,709.36	

The undersigned Contractor certifies that the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

**CONTRACTOR:** SUBURBAN ELECTRIC, INC.  
 By: *[Signature]* Date: 06.27.22

State of: New York  
 County of: Orleans  
 Subscribed and sworn to before me this 27th day of June, 2022

ALEXANDER PAUL VANSOTER  
 Notary Public - State of New York  
 NO. 01VA6416561  
 My Commission Expires Apr 19, 2025

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application, and the Continuation Sheet that are changed to conform to the amount certified.)

**ARCHITECT:** 0  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are prejudice to any rights of the Owner or Contractor under the Contract.

Batavia Downs Warehouse

**CONTRACTOR:**

Suburban Electric, Inc.  
225 E. Bank Street  
Albion, NY 14411

**OWNER:**

Western Regional OTB  
Park Road  
Batavia, NY 14020

**APPLICATION #**  
**APPLICATION DATE:**

7 Final  
06.27.22

**CONTRACT FOR:**

Electrical Work

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	PREVIOUS APPLICATION	THIS APPLICATION	STORED MATERIAL	TOTAL COMPLETED	% COMPLETE	BALANCE TO COMPLETE	RETAINAGE
1	Bond & Insurance	\$5,700	\$5,700	\$0	\$0	\$5,700	100%	\$0.00	\$0.00
2	Mobilization	\$2,000	\$2,000	\$0	\$0	\$2,000	100%	\$0.00	\$0.00
3	Closeout	\$2,000	\$0	\$2,000	\$0	\$2,000	100%	\$0.00	\$0.00
4	Removals	\$2,000	\$2,000	\$0	\$0	\$2,000	100%	\$0.00	\$0.00
5	Temporary Electric	\$500	\$500	\$0	\$0	\$500	100%	\$0.00	\$0.00
6	Raceways-Labor	\$32,000	\$32,000	\$0	\$0	\$32,000	100%	\$0.00	\$0.00
7	Raceways-Material	\$13,000	\$13,000	\$0	\$0	\$13,000	100%	\$0.00	\$0.00
8	Wire & Cable-Labor	\$14,800	\$14,800	\$0	\$0	\$14,800	100%	\$0.00	\$0.00
9	Wire & Cable-Material	\$26,000	\$26,000	\$0	\$0	\$26,000	100%	\$0.00	\$0.00
10	Distribution-Labor	\$1,600	\$1,600	\$0	\$0	\$1,600	100%	\$0.00	\$0.00
11	Distribution-material	\$3,100	\$3,100	\$0	\$0	\$3,100	100%	\$0.00	\$0.00
12	Fixtures-Labor	\$3,000	\$3,000	\$0	\$0	\$3,000	100%	\$0.00	\$0.00
13	Fixtures-Material	\$21,000	\$21,000	\$0	\$0	\$21,000	100%	\$0.00	\$0.00
14	Wiring Devices-Labor	\$1,200	\$1,200	\$0	\$0	\$1,200	100%	\$0.00	\$0.00
15	Wiring Devices-Material	\$800	\$800	\$0	\$0	\$800	100%	\$0.00	\$0.00
16	Lighting Control-Labor	\$600	\$600	\$0	\$0	\$600	100%	\$0.00	\$0.00
17	Lighting Control-Material	\$1,200	\$1,200	\$0	\$0	\$1,200	100%	\$0.00	\$0.00
18	Grounding-Labor	\$1,600	\$1,600	\$0	\$0	\$1,600	100%	\$0.00	\$0.00
19	Grounding-Material	\$1,500	\$1,500	\$0	\$0	\$1,500	100%	\$0.00	\$0.00
20	AS Built Drawings	\$1,500	\$0	\$1,500	\$0	\$1,500	100%	\$0.00	\$0.00
21	Final Connections-Labor	\$2,300	\$2,300	\$0	\$0	\$2,300	100%	\$0.00	\$0.00
22	Final Connections-Material	\$400	\$400	\$0	\$0	\$400	100%	\$0.00	\$0.00
23	Data Wiring-Labor	\$2,600	\$2,600	\$0	\$0	\$2,600	100%	\$0.00	\$0.00
24	Data Wiring-Material	\$2,600	\$2,600	\$0	\$0	\$2,600	100%	\$0.00	\$0.00
25	Change order #1--Parking Lot	\$22,709.36	\$0	\$22,709.36	\$0	\$22,709.36	100%	\$0.00	\$0.00
<b>TOTAL THIS PAGE</b>		<b>\$165,709.36</b>	<b>\$139,500.00</b>	<b>\$26,209.36</b>	<b>\$0.00</b>	<b>\$165,709.36</b>	<b>100%</b>	<b>\$0.00</b>	<b>\$0.00</b>

# SUBURBAN ELECTRIC

225 East Bank Street  
Albion, New York 14411  
Tel 585-589-4254  
Fax 585-589-9813

# INVOICE

# 147907

Bill To:

Ship To:

36616

**Western Regional OTB**

8315 Park Road

Batavia NY

14020

Attn: Accounts Receivable

Job Name: Batavia Downs	Invoice Date	Our Job # NA	Cust P.O.#	Checked 06/27/22	Cust #
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Quantity	Description	Ship	Price	Amount
1	pay app 7 final	1	33,184.36	33,184.36

Sub Total \$33,184.36

Sales Tax \$0.00

Total Charge \$33,184.36

*Serving Western New York Since 1969*

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #68-2022 was duly put to a vote on roll call, which resulted as follows: Standard Textile Co. Inc.

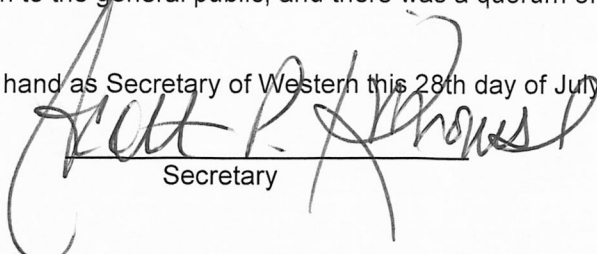
**Motion by Director Morgan, seconded by Director Wamp**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary



## 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

## WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #69-2022 was duly put to a vote on roll call, which resulted as follows: Sale Of Military Rd

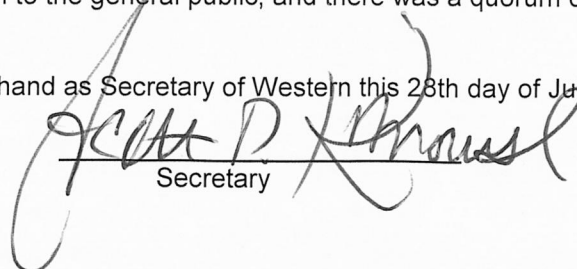
Motion by Director Horton, seconded by Director Wamp

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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 \_\_\_10\_\_\_ NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT \_\_\_6\_\_\_ 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 July 2022.

  
 Secretary

## 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**

The question of the adoption of the foregoing Resolution #70-2022 was duly put to a vote on roll call, which resulted as follows: Audio Images Sound & Lighting

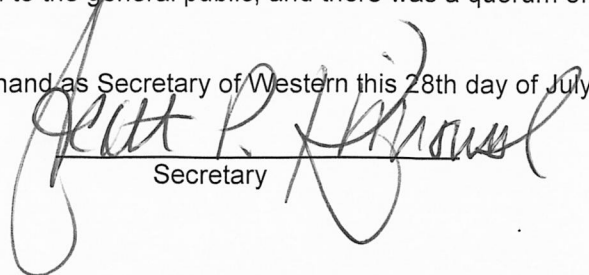
Motion by Director Morgan, seconded by Director Winter

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## 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

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #71-2022 was duly put to a vote on roll call, which resulted as follows: CIC Group (Self Funding)

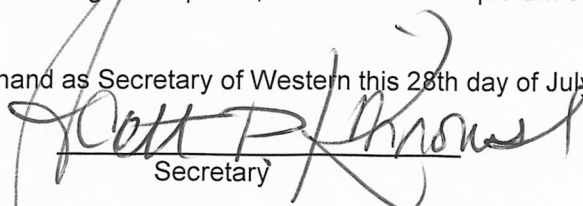
**Motion by Director May, seconded by Director Lauderdale**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## **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*

Susan May, Chairperson  
Insurance Committee

Dated: July 28, 2022  
Batavia, New York



**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #72-2022 was duly put to a vote on roll call, which resulted as follows: Blue Cross Arena

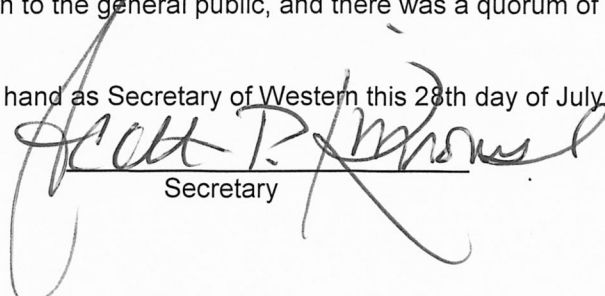
Motion by Director May, seconded by Director Morgan

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## 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

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #73-2022 was duly put to a vote on roll call, which resulted as follows: Highmark Stadium

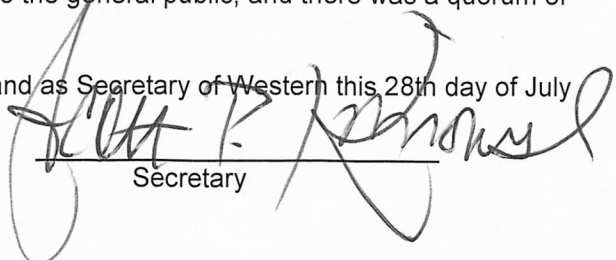
**Motion by Director May, seconded by Director Winter**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugus	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 \_\_\_\_\_  
 Secretary

## 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

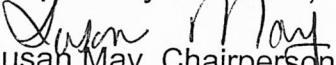
**WHEREAS**, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

**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

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #74-2022 was duly put to a vote on roll call, which resulted as follows: Keybank Center

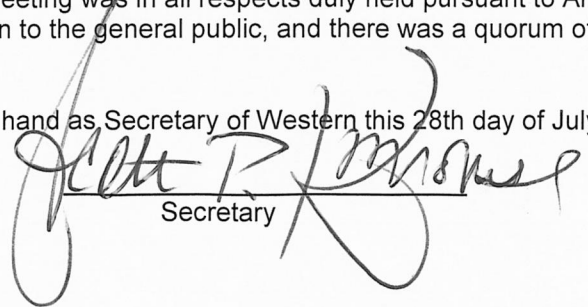
Motion by Director May, seconded by Director Wamp

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## 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

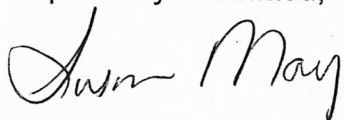
**WHEREAS**, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

**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**

The question of the adoption of the foregoing Resolution #75-2022 was duly put to a vote on roll call, which resulted as follows: Live Racing Jan & Feb 2023

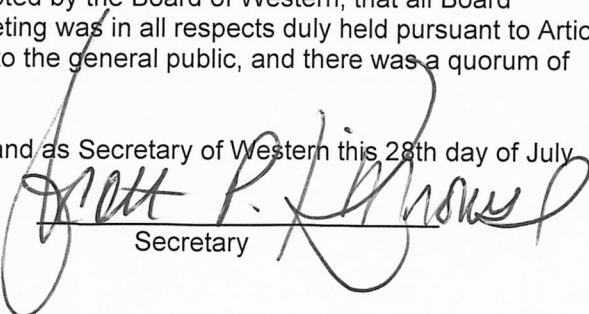
Motion by Director Morgan, seconded by Director Burr

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## 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

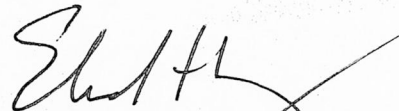
**WHEREAS**, Staff recommends that the Board of Directors of Western enter into an addendum to the original agreement with the Horsemen whereby Western would conduct the additional fifteen (15) race meets upon the condition that the Horsemen will fully reimburse Western for any and all costs associated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

A handwritten signature in black ink, appearing to read "E. Morgan", with a long, sweeping flourish extending to the right.

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: July 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #76-2022 was duly put to a vote on roll call, which resulted as follows: Town of Batavia Sewer Installation

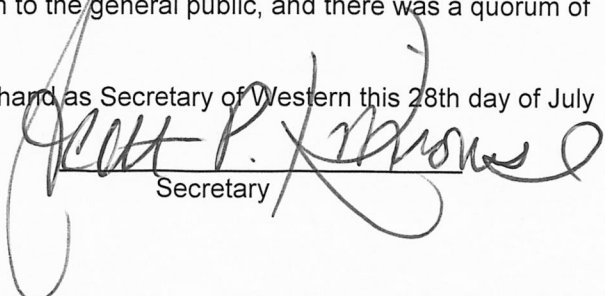
Motion by Director Morgan, seconded by Director Burr

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 \_\_\_\_\_  
 Secretary

## RESOLUTION #76-2022

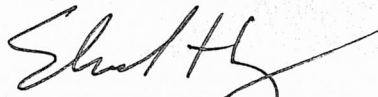
**WHEREAS**, Western Regional Off-Track Betting Corporation ("Western") has been in discussions with the Town of Batavia ("Town") in respect to the installation of a sewer line along Park Road at Western's Batavia Downs location; and

**WHEREAS**, staff is recommending that Western enter into an agreement with the Town which will provide a new sewer line on Park Road to benefit Western's facility, and which Western will agree to reimburse the Town the amount of \$140,000.00 for such installation, as more particularly set forth in the attached agreement; and, therefore be it

**RESOLVED** that the Board of Directors of Western hereby agree to enter into an agreement with the Town whereby the Town will install a new sewer line on Park Road which will benefit Western's Batavia Downs location, and whereby Western agrees to reimburse the Town the amount of \$140,000.00 for such installation; and further

**RESOLVED**, that an officer of Western is authorized to execute such agreement and 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

**PARK ROAD PROJECT  
WESTERN REGIONAL OFF-TRACK BETTING  
SEWER CUSTOMER AGREEMENT**

THIS AGREEMENT made this 20<sup>th</sup> day of July, 2022 by and between **Western Regional Off-Track Betting, Corporation**, a domestic not-for-profit Corporation, having its office and principal place of business at 5 8315 Park Road, Batavia, County of Genesee and State of New York, party of the first part (hereinafter "OTB") and the Town of Batavia, a municipal corporation having its office and principal place of business at 3833 West Main Street Road in the Town of Batavia, County of Genesee and the State of New York, party of the second part (hereafter "Town").

**WITNESSETH:**

**WHEREAS**, the Town is the owner of Sewer District No. 2 in the Town of Batavia, New York, which Sewer District provides sewer service to residents in a portion of the Town of Batavia; and

**WHEREAS**, OTB is the owner of a parcel of land situated on Park Road, located partially in the Town of Batavia and partially in the City of Batavia, New York, which has a casino, a racetrack, related horse racing facilities and a hotel located thereon; and

**WHEREAS**, said parcel is in close proximity to the Town's Sewer District No. 2 facilities on Park Road and OTB has requested permission to continue to be a customer of the Town: and

**WHEREAS**, the Town intends to construct approximately 700 feet of new 12" sanitary sewer main along Park Road (hereinafter "Project") for the use by both **Park Place Associates, LP**, having its office and principal place of business at 5861 Groveland Road, Town of Mount Morris, County of Livingston and State of New York, (hereinafter "Park Place"), which is the owner of land situated at the northeast corner of the intersection of Park Road and Richmond

Avenue, in the City of Batavia, New York, and by OTB ; and

**WHEREAS**, the Town at its expense intends to connect this new sanitary sewer main to the existing sanitary sewer system for OTB; and

**WHEREAS**, the total cost for this Project is estimated to be Two Hundred Sixty Thousand Dollars (\$260,000); and

**WHEREAS**, the Town intends to pay for this Project by obtaining municipal bond financing over a seven (7) year period, with both Park Place and OTB to contribute towards payment of these financing costs as set forth herein, with the Town to be solely responsible to pay any costs and expenses above and beyond two hundred sixty thousand dollars (\$260,000).

**NOW THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the parties pursuant to Section 198 (1)(c) of the New York State Town Law covenant and agree as follows:

1. The Town shall be responsible for advanced payment for all costs associated with the construction of this sanitary sewer line; as well as repairing and maintaining it thereafter.
2. The Town shall pay all expenses relating to the connection of the new sanitary sewer main to the existing sanitary sewer system for OTB.
3. Park Place shall pay to the Town an amount equal to forty-six percent (46%) of the total cost of the Project, not to exceed One Hundred Twenty Thousand Dollars (\$120,000), to be made in seven (7) equal annual payments, with three percent (3%) annual interest, with each annual payment not to exceed Nineteen Thousand Two Hundred Sixty and 76/100 Dollars (\$19,260.76).
4. OTB shall pay to the Town an amount equal to fifty-four percent (54%) of the total cost of the Project, not to exceed One Hundred Forty Thousand Dollars (\$140,000), to be made in five (5) equal annual payments, with three percent (3%) annual interest, with each annual payment

not to exceed Thirty Thousand Five Hundred Sixty-Nine and 64/100 Dollars (\$30,569.64).

5. The first payment by both Park Place and OTB shall be made at the same time as the first Town bond payment is due, and at the same annual bond due date thereafter.

6. It is acknowledged that the terms and conditions of this Agreement shall not be effective until Park Place executes a similar Agreement with the Town to run simultaneously with this Agreement, and which obligates Park Place to make the financial payments set forth above. A copy of the Place Agreement shall be provided to OTB promptly within 10 days after the execution of this Agreement.

7. The Town previously transferred approximately 820 feet of 12" diameter sewer main to OTB pursuant to a "Quitclaim Deed (Individual or Corporation)", dated September 18, 2019, that was recorded in the Genesee County Clerk's Office on December 29, 2019, in Instrument # DE2019-1589 (hereinafter "existing facilities") This transfer was made because in 2019, this sewer main only affected OTB as a non-municipal entity, and therefore, could not be maintained by the Town when there was no municipal benefits or purpose. Based upon the construction of the new sewer facilities designated as the Project herein, the Town will need to again take dedication of this existing sewer main in order to insure service to the Project area. Based upon the foregoing, this Agreement is also subject to OTB transferring the existing facilities back to the Town, and the parties entering into an Agreement requiring the Town after accepting dedication to maintain the existing facilities; provided that OTB will reimburse the Town for any and all costs and expenses incurred for any work performed upon any portions of the existing facilities lying underneath structure(s) owned by OTB above the existing facilities.

8. OTB shall make the following payments to the Town within thirty (30) days of billing:

a. A sewer use charge which shall be calculated by using the water usage records provided by the City of Batavia then multiplying this usage amount by the Town Sewer Use Rate.

9. OTB further covenants and agrees as follows:

a. Not to permit any tap-in to the sewer line for the benefit of any other person, firm, or corporation, without the prior written permission of the Town.

b. To abide by and obey all presently existing and future enacted rules, regulations and ordinances of the Town of Batavia pertaining to the use of and payment for sewer services provided to residents of the Town of Batavia sewer districts.

c. Not to assign this Agreement without the prior written consent of the Town.

10. The Town will be responsible to pay the standard charges imposed to OTB by the City of Batavia for sewer usage relating to the aforesaid OTB parcel located within the City of Batavia limits.

11. This Agreement shall automatically terminate upon the happening of any of the following events:

a. Any incurred breach of this agreement by OTB following ten (10) days written notice from the Town, except for default in payment.

12. This Agreement and any transactions between the parties hereunder shall be governed by, construed, and interpreted in accordance with the laws of the State of New York.

13. There are no other agreements or understandings, either oral or written, between the parties affecting this Agreement. No changes, additions, or deletions of any portions of this Agreement shall be valid or binding upon the parties thereto, unless approved in writing by the parties.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first written above.

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

By: Henry F. Wozaszek

Print Title: Henry F. Wozaszek President WROTB

TOWN OF BATAVIA

By: Gregory H. Post  
Gregory H. Post, Supervisor

STATE OF NEW YORK )  
COUNTY OF GENESEE ) SS:

On the 20<sup>th</sup> day of July 2022, before me came **Gregory H. Post**, to me known, who, being by me duly sworn, did depose and say that he resides in Batavia, New York; that he is the Supervisor of the Town of Batavia, described in and who executed the foregoing Agreement; and that he signed his name thereto by like order.

Teresasa M Morasco  
NOTARY PUBLIC

TERESSA M. MORASCO  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MO6065614  
Qualified in Genesee County  
Commission Expires October 22, 2025



STATE OF NEW YORK )  
COUNTY OF Genesee ) SS:

On the 20<sup>th</sup> day of July 2022, before me came Henry F. Wojtaszek, to me known, who, being by me duly sworn, did depose and say that resides in New York; that is the President, described in and who executed the foregoing Agreement; and that she signed her name thereto by like order.

Teresa M. Morasco

NOTARY PUBLIC

TERESSA M. MORASCO  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MO6065614  
Qualified in Genesee County  
Commission Expires October 22, 2025

RESOLUTION NO. 146

DATED: JULY 20, 2022

**PARK ROAD PROJECT  
SEWER CUSTOMER AGREEMENT  
BETWEEN TOWN OF BATAVIA AND  
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**WHEREAS**, the Town is the owner of Sanitary Sewer District #2 in the Town of Batavia, New York, which Sewer District provides service to residents and properties of the Town in general; and

**WHEREAS**, Western Regional Off-Track Betting Corporation (OTB) is the owner of a parcel situation partially in the Town of Batavia and partially in the City of Batavia and has requested permission to continue to be a customer of the Town; and

**WHEREAS**, the Town intends to construct approximately 700 feet of new 12" sanitary sewer main along Park Road for the use by OTB; and

**WHEREAS**, the Town at its expense intends to connect this new sanitary sewer main to the existing sanitary sewer system for OTB; and

**WHEREAS**, the total cost for this Project is estimated to be Two Hundred Sixty Thousand Dollars (\$260,000); and

**WHEREAS**, the Town intends to pay for this Project by obtaining municipal bond financing over a seven (7) year period, with both Park Place and OTB to contribute towards payment of these financing costs as set forth herein, with the Town to be solely responsible to pay any costs and expenses above and beyond two hundred sixty thousand dollars (\$260,000).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Batavia Town Board hereby approves and authorizes the Supervisor to execute the Sewer Customer Agreement between the Town of Batavia and Western Regional Off-Track Betting Corporation, located at 8315 Park Road, Batavia, New York, a copy of which is annexed hereto and made a part of the minutes.

**Offered by:** Supervisor Post

**Second by:** Councilman Zambito

**Ayes:** Post, Zambito, White, Underhill, Michalak

**APPROVED by unanimous vote (5-0)**

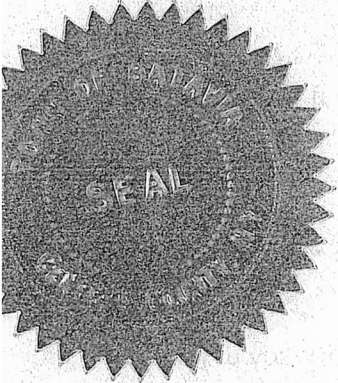
**CERTIFICATION**

I, Teresa M. Morasco, Town Clerk of the Town of Batavia, County of Genesee and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Batavia, on the 20<sup>th</sup> day of July, 2022 with the original now on file in my office, and the same is a correct and true copy of said Resolution and of the whole thereof.

**Dated:** July 22, 2022



**Teresa M. Morasco  
Town Clerk**



**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #77-2022 was duly put to a vote on roll call, which resulted as follows: 2022 Case 621 G Loader Monroe Tractor

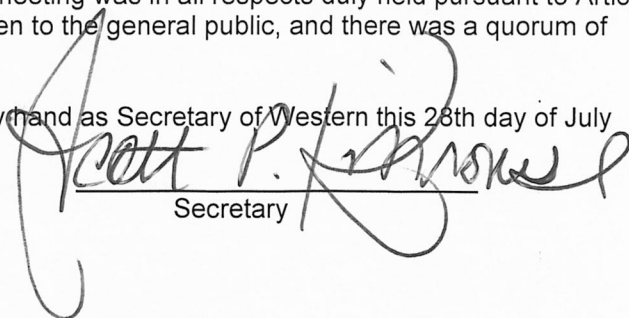
\*Late Item Motion to Waive the Rules Lauderdale seconded by Winter  
Motion by Director Morgan, seconded by Director Wamp

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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 10 NAYS \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT 6 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 July 2022.

  
 Secretary

## **RESOLUTION #77-2022**

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

**WHEREAS**, Western requires a new 621 G Z Bar Case Loader to be used at Western's Batavia Downs location; and

**WHEREAS**, Horseman's Association will split the cost of purchasing the 621 G Z Bar Case Loader for use at Western's Batavia Downs location; and

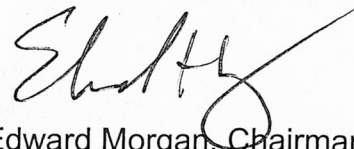
**WHEREAS**, Monroe Tractor ("Monroe"), under a NY State Contract is offering a new 621 G Z Bar Loader for the amount of \$186,412.59; and

**WHEREAS**, Staff recommends that the Board of Directors of Western to accept the offer from Monroe for a new 621 G Z Bar Loader for the amount of \$186,412.59 of which the Horseman's Association will pay 50%; and, therefore be it

**BE IT RESOLVED**, that the Board of Directors of Western hereby accepts the offer from Monroe for a new 621 G Z Bar Loader for the amount of \$186,412.59 for use at Western's Batavia Downs location of which the Horseman's Association will pay 50%; and be it further

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Morgan', with a long horizontal stroke extending to the right.

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: July 28, 2022  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

The question of the adoption of the foregoing Resolution #78-2022 was duly put to a vote on roll call, which resulted as follows: T450 Compact Track Loader Clark Equipment Company

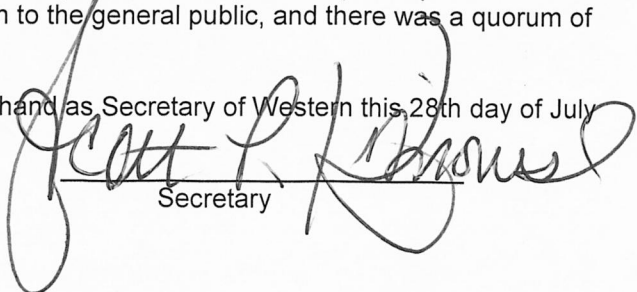
\*Late Item Motion to Waive the Rules Morgan seconded by Lauderdale  
 Motion by Director Morgan seconded by Director May

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
			X		Cayuga	Lattimore
			X		Chautauqua	Vacant
			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   10   NAYS            ABSTAIN            ABSENT   6   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 July 2022.

  
 Secretary

## **RESOLUTION #78-2022**

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

**WHEREAS**, Western requires a new T450 Track Loader to be used to maintain the horse racing track at Batavia Downs; and

**WHEREAS**, Horseman's Association will split the cost of purchasing the T450 Track Loader for use on the horse racing track with Western; and

**WHEARAS**, Clark Equipment Company ("Clark"), under NY State Contract #PC69396, Quote #AMS-07462 is offering a new T450 Track Loader for the amount of \$54,786.63; and

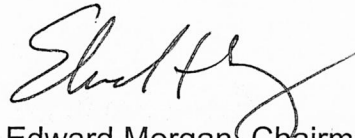
**WHEREAS**, Staff recommends that the Board of Directors of Western to accept Quote #AMS-07462 from Clark for a new T450 Track Loader for the amount of \$54,786.63 of which the Horseman's Association will pay 50%; and, therefore be it

**BE IT RESOLVED**, that the Board of Directors of Western hereby accepts Quote #AMS-07462 from Clark for a new T450 Track Loader for the amount of \$54,786.63 for use at the horse racing track at Batavia Downs of which the Horseman's Association will pay 50%; and be it further



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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward Morgan", written in a cursive style.

Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: July 28, 2022  
Batavia, New York