

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 25th day of August, 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
Cayuga	Paul W. Lattimore, Jr.
Erie	Francis G. Warthling
Genesee	Richard E. Siebert
Livingston	Thomas P. Wamp
Monroe	Richard D. Bianchi
Orleans	Edward F. Morgan
Oswego	Mark Bombardo
Rochester	Dennis Bassett
Seneca	Richard L. Ricci
Steuben	Michael Horton
Wayne	Ken Lauderdale
Wyoming	Susan May

Absent:

Buffalo	Parmer-Garner
Chautauqua	Vacant
Niagara	Winter
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, Ryan Hasenauer, Director of Marketing, 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 Warthling 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 July 25, 2022. There being none, a motion was made by Director Bassett and seconded by Director Burr to approve the July minutes as submitted. The minutes were approved unanimously by voice vote.

Communications:

Mr. Kevin Gardner, Oswego County Treasurer and Mr. Frank Bombardo presented a new Oswego County flag and Oswego County book to Mr. Henry F. Wojtaszek, President & CEO and the members of the Board and thanked Batavia Downs Gaming and Hotel for their wonderful hospitality.

Personnel Committee Report:

Committee Vice-Chairman Wamp reported that Chairman Winter called the Personnel Committee meeting to order on Wednesday August 24, 2022 at 1:06 p.m. and the following items were discussed:

Mr. William R. White and Mrs. Jacquelyne A. Leach, Chief Financial Officer explained the need to add the IT Department to the Compendium. Currently the Corporation does not have a Department titled IT. A motion was made by Director Morgan, seconded by Director May and carried unanimously to be brought to the full Board.

Upon motion by Director Wamp and seconded by Director May a voice vote was taken and passed unanimously.

Mrs. Leach explained why the Corporation would like to change the Accounting Department to the Finance Department which is more in line with today's business model. A motion was made by Director Ricci, seconded by Director May and carried unanimously to be brought to the full Board.

Upon motion by Director Wamp and seconded by Director Lauderdale a voice vote was taken and passed unanimously.

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Personnel Committee Report continued:

Mr. White requested the approval of adding the title of Executive Chef to the Compendium. This title would be a Salary Grade 9. Mr. Kiedrowski explained the duties of the Executive Chef and the reason the position is needed. A motion was made by Director Bassett, seconded by Director Morgan and carried unanimously to be brought to the full Board.

Upon motion by Director Wamp and seconded by Director Ricci a voice vote was taken and passed unanimously.

Mr. White explained to the Committee that Management would like to eliminate the Host Department along with all titles associated with the Host Department. Management would like to merge the Hosts with the Customer Relations Managers. Mr. White also requested that the Board approves increasing the number of Customer Relations Managers to eight (8). Mr. Wojtaszek explained that Management feels that this is a better way to assist our customers and promote the facility. A motion was made by Director May, seconded by Director Ricci and carried unanimously to be brought to the full Board.

Upon motion by Director Wamp and seconded by Director May a voice vote was taken and passed unanimously.

Mr. Wojtaszek presented the late item Resolution #82-2022 recommending the extension of Connors LLP Law Firm. A motion was made to approve staff's recommendation by Director Bassett, seconded by Director Wamp and carried unanimously to bring Resolution #82-2022 to the full Board.

Upon motion to waive the Rules of Order for the Resolution #82-2022 by Director Lattimore and seconded by Director Morgan a voice vote was taken and passed unanimously.

Upon motion by Director Wamp and seconded by Director Ricci to approve the extension of Connors LLP Law Firm a roll call vote was taken Ayes: 13; Nays: 0; Absent: 3; Parmer-Garner; Winter; Barnes; Vacant: 1; Chautauqua. **See Resolution #82-2022**

Upon motion made by Director Wamp seconded by Director May the Personnel Committee meeting adjourned at 1:28 p.m.

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Finance Committee Report:

Committee Chairman Lauderdale reported that the Finance Committee meeting was held on Wednesday August 24, 2022 at 1:37 p.m. and the following items were discussed.

Mrs. Leach reviewed the July 2022 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation will distribute \$61,498 in surcharge revenues to member municipalities for July. Mrs. Leach also reviewed the July 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 July as compared to same period 2021 and 2019.

Upon motion by Director Horton and seconded by Director Morgan, the Finance Committee meeting adjourned at 2:01 p.m.

Advertising & Promotions Committee Report:

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday August 24, 2022 at 2:05 p.m. and the following items were discussed.

Mr. Ryan Hasenauer, Director of Marketing delivered a presentation showing the efforts made to promote Batavia Bets and the hotel.

Mr. Hasenauer reviewed photos and statistics from the final four concerts, with a short discussion about the complexities of running the concerts and what changes can be made in the future.

Mr. Hasenauer reviewed photos from several community outreach events.

Mr. Hasenauer discussed upcoming events which include Polka Night, Elton John and Bob Seger Tribute shows and the Kane Memorial and Vodka Fest.

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Advertising & Promotions Committee Report continued:

Mr. Hasenauer presented the Resolution #79-2022 for Tops Friendly Markets, for the purchase of \$20.00 gift cards for promotional use at the Hotel at Batavia Downs in the amount of \$50,000.00.

Upon 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 Horton a roll call vote was taken. The motion passed to approve the purchase of gift cards from Tops Friendly Markets in the amount of \$50,000.00. Ayes: 13; Nays: 0; Absent: 3; Parmer-Garner; Winter; Barnes; Vacant: 1; Chautauqua. **See Resolution #79-2022**

Upon Motion by Director May seconded by Director Bianchi the Advertising and Promotions Committee meeting adjourned at 2:30 p.m.

Legislative Committee Report:

Committee Chairman Bombardo called the Legislative meeting to order at 2:37 p.m. on Wednesday, August 24, 2022 and the following items were discussed:

Mr. Wojtaszek provided a brief Legislative update regarding the election process and any current racing Bills that are pending.

Mr. Wojtaszek held a brief discussion regarding the Saratoga Conference.

Upon motion by Director Siebert and seconded by Director Burr the Legislative Committee adjourned at 2:50 p.m.

Insurance Committee Report:

Committee Chairperson May Called the Insurance meeting to order at 2:52 p.m. on Wednesday August 24, 2022 and the following items were discussed.

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Insurance Committee Report continued:

At 2:53 p.m. a motion was made by Director Ricci, seconded by Director Burr to enter into Executive Session. The Committee came out of Executive Session at 2:55 p.m. A motion to adjourn was made by Director May, seconded by Director Ricci. The meeting adjourned at 2:57p.m.

A motion by Director Bassett and seconded by Director Burr the Insurance Committee adjourned at 2:57 p.m.

Branch Operations Committee Report:

Committee Vice-Chairman Horton reported the Branch Operations Committee meeting was held on Wednesday August 24, 2022 at 3:25 p.m. and the following items were discussed.

Ms. Dina Pane, General Manager-OTB Operations reported that the River Road improvements have begun. Landscaping has been completed and new awnings are due to come in in late October/early November. Maintenance will be power washing the building in September in preparation for the painting of the outside of the building. Branch Customer Appreciation Days have been completed for this year with a good response from the customers. The Travers Stakes is set for this Saturday, August 27th. Branches will open at 11:15 a.m. with a first post time of 11:35 a.m.

Ms. Pane informed the Committee that she is looking into Customer Appreciation Days at the E-Z Bet locations in the future and she will send the dates and times to each Director for their prospective county. With the closing of Military, the Niagara Falls E-Z Bets have been doing great. Jimmy's is up 129%, Tim Pan Alley is up 121% and Players is up 19%.

Ms. Pane reported that year to date through August 21st, Batavia Bets is down 16%, last month down 17% and the month before down 19%. We are hoping this is a trend and we are on our way back up in handle.

Upon motion by Director Bianchi and seconded by Director Burr the Branch Operations Committee meeting adjourned at 3:35 p.m.

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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 August 25, 2022 at 9:03 a.m. and the following items were discussed.

Mr. Sean S. Schiano, General Manager-Gaming provided gaming statistics to the Committee. He reported by October there will be a total of four (4) vendors on the floor.

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

Mr. Mark Loewe provided a Horse Racing Integrity Act (HISA) update.

Mr. Wojtaszek provided a hotel update. July and August specials have been very successful and he also discussed the possibility of expanding the hotel in the future.

Mr. Wojtaszek provided a Park Rd. update and is hoping for it to be drivable soon after Labor Day.

Mr. Wojtaszek provided a concert series update, relaying what a great series it was and would like to expand on security and crowd control next year.

The Resolution #80-2022 was presented for supplemental purchase order for Sysco in the amount not to exceed \$135,000.00.

A motion by Director Lauderdale and seconded by Director Wamp the motion pass unanimously to be brought to the full Board.

Upon motion by Director Morgan and seconded by Director Lauderdale a roll call vote was taken. The motion passed to approve the supplemental purchase order for Sysco in the amount not to exceed \$135,000.00. Ayes: 13; Nays: 0; Absent: 3; Parmer-Garner; Winter; Barnes; Vacant: 1; Chautauqua. **See Resolution #80-2022**

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Batavia Downs Operations Committee Report continued:

The Resolution #81-2022 supplemental purchase order for US Foodservice Inc. in the amount not to exceed \$135,000.00.

A motion by Director Lauderdale and seconded director Bombardo the motion passed to bring to the full Board.

Upon motion by Director Morgan and seconded by Director Lauderdale a roll call vote was taken. The motion passed to approve the supplemental purchase order for US Foodservice in the amount not to exceed \$135,000.00. Ayes: 13; Nays: 0; Absent: 3; Parmer-Garner; Winter; Barnes; Vacant: 1; Chautauqua. **See Resolution #81-2022**

Mr. Kiedrowski reported that the process continues for the POS system that will include inventory.

Upon motion by Director Bombardo and seconded by Director Lauderdale the Batavia Downs Operations Committee adjourned at 9:36 a.m.

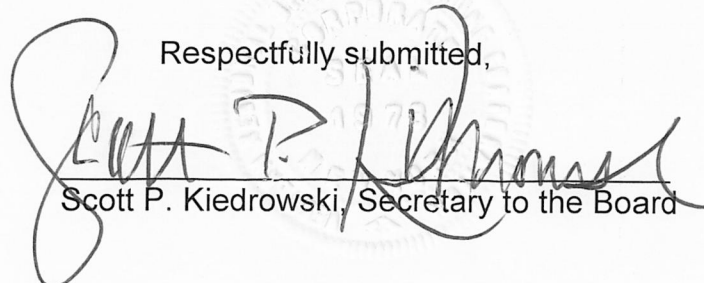
New Business:

The next Committee and Board meeting is scheduled for September 21 and 22, 2022 respectively.

Adjournment:

Upon motion made by Director Burr to adjourn seconded by Director Bombardo the meeting was adjourned at 10:19 a.m.

Respectfully submitted,



Scott P. Kiedrowski, Secretary to the Board

/pma

RESOLUTION #79-2022

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

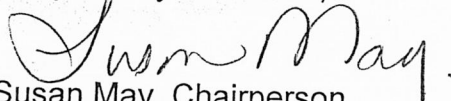
WHEREAS, Western wishes to promote the Hotel at Batavia Downs by offering a Tops Friendly Markets ("Tops") gift card with eligible hotel stays from July 2022 until December 2022; and

WHEREAS, Staff requests that the Board approve the purchase from single source provider Tops, \$20.00 gift cards in the amount of \$50,000 to be used toward a promotion for the Hotel at Batavia Downs in order to encourage stays; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western purchase \$20.00 Tops gift cards for use in a promotion for the Hotel at Batavia Downs in the total amount of \$50,000.00; and further

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

Respectfully submitted,



Susan May, Chairperson
Advertising & Promotions Committee

Dated: August 25, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #79-2022 was duly put to a vote on roll call, which resulted as follows: **Tops Friendly Market**

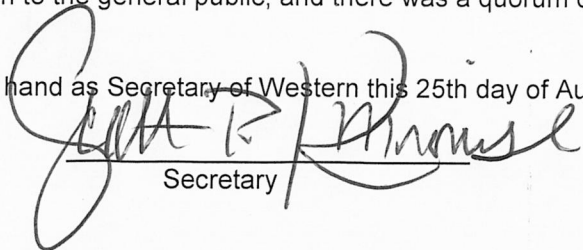
Motion by Director May **seconded by Director Horton**

AYE	NAY	ABSTAIN	ABSENT	VACANT	COUNTY	DIRECTOR
			X		Buffalo	Parmer-Garner
X					Cattaraugs	Burr
X					Cayuga	Lattimore
			X		Chautauqua	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 13 NAYS _____ ABSTAIN _____ ABSENT 3 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 25th day of August 2022.



 Secretary

RESOLUTION #80-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to provide the best dining experience to its patrons at Western's Batavia Downs restaurants; and

WHEREAS, Western had previously approved a purchase order for food and related items from Sysco Food Services ("Sysco"); and

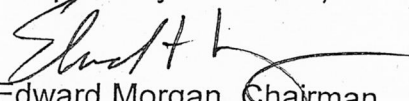
WHEREAS, Western requires a supplemental purchase order in the amount of \$135,000.00 for use by the Food and Beverage Department through the end of 2022; and

WHEREAS, staff requests that the Board of Directors of Western approve a supplemental purchase order in an amount not to exceed \$135,000.00 with Sysco for food and related items through the end of 2022; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves a supplemental purchase order in an amount not to exceed \$135,000.00 from Sysco through the end of 2022; 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: August 25, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #80-2022 was duly put to a vote on roll call, which resulted as follows: SYSCO

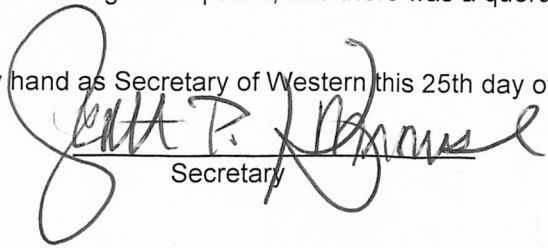
Motion by Director Morgan seconded by Director Lauderdale

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 13 NAYS _____ ABSTAIN _____ ABSENT 3 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 25th day of August 2022.



 Secretary

RESOLUTION #81-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to provide the best dining experience to its patrons at Western's Batavia Downs restaurants; and

WHEREAS, Western had previously approved a blanket purchase order for the purchase of various food commodities and related items from US Foodservice Inc. ("US Food") for the 2022 calendar year; and

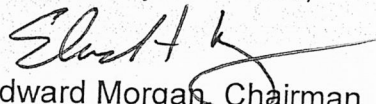
WHEREAS, Western requires a supplemental blanket purchase order in the amount of \$135,000.00 for use by the Food & Beverage Department through 2022; and

WHEREAS, staff requests that the Board of Directors of Western approve a supplemental blanket purchase order in an amount not to exceed \$135,000.00 with US Food for the purchase of various food commodities and related products through the end of 2022; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves a supplemental blanket purchase order in an amount not to exceed \$135,000.00 from US Food through the end of 2022; 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: August 25, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The question of the adoption of the foregoing Resolution #81-2022 was duly put to a vote on roll call, which resulted as follows: US Foodservice Inc.

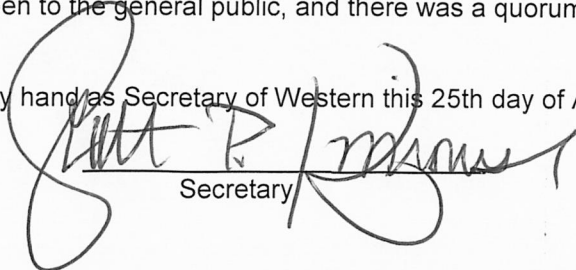
Motion by Director Morgan seconded by Director Ricci

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 13 NAYS _____ ABSTAIN _____ ABSENT 3 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 25th day of August 2022.



 Secretary

RESOLUTION #82-2022

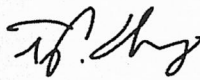
WHEREAS, the Western Regional Off-Track Betting Corporation ("Western") has been the subject of media attention based upon unfounded allegations and an alleged investigation of Western; and

WHEREAS, Western has previously engaged the Connors LLP Law Firm to represent Western in its efforts to deal with any such allegations, including to interact with any authority regarding such matters; and

WHEREAS, the Board of Western wishes to continue to use the Connors LLP Law Firm to handle such matters in an additional amount not to exceed \$25,000.00; and, therefore be it

RESOLVED, that the Board of Directors of Western hereby approve the continued utilization of the Connors LLP Law Firm to represent Western in an additional amount not to exceed \$25,000.00.

Respectfully Submitted,



Thomas Wamp, Vice-Chairman
Personnel Committee

Dated: August 25, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

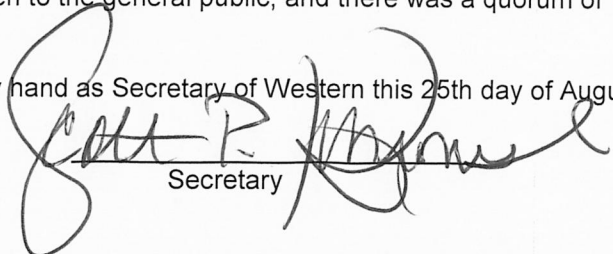
The question of the adoption of the foregoing Resolution #82-2022 was duly put to a vote on roll call, which resulted as follows: Connors, LLC Late Item
 Motion to waive the rules of order by Director Lattimore seconded by Director Morgan
 Motion by Director Wamp seconded by Director Ricci

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

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