

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BOARD OF DIRECTORS MEETING

December 1, 2022
10:00 a.m.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Previous Minutes
5. Communications
6. Personnel Committee Report
7. Finance Committee Report
8. Advertising & Promotions Committee Report
9. Legislative Committee Report
10. Insurance Committee Report
11. Branch Operations Report
12. Audit Committee Report
13. Batavia Downs Operations Committee Report
14. New Business
15. Adjournment

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

PERSONNEL COMMITTEE MEETING

Wednesday, November 30, 2022

1:00 p.m.

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

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

AGENDA

1. Executive Session

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

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting
November 30, 2022
Batavia, New York

Ken Lauderdale, Chairman
Thomas Wamp, Vice Chairman

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

AGENDA

1. Final 2023 Operating Plan
- J. Leach
2. Chief Financial Officer Report & BDG Financials
• October 2022
- J. Leach
3. NYGA Weekly Numbers
- J. Leach

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

| <u>Operational Results - October 2022</u> | October 2022 | October 2021 | October Plan |
|---|-----------------|-----------------|-----------------|
| Total Handle | \$4,411,217 | \$5,316,868 | \$5,317,000 |
| \$ Variance | | (905,651) | (905,783) |
| % Variance | | -17% | -17% |
| VGM Net Win | \$6,620,736 | \$6,232,051 | \$5,138,671 |
| \$ Variance | | 388,685 | 1,482,065 |
| % Variance | | 6% | 29% |
| Revenue net of Statutories | \$ 4,004,075 | \$ 3,946,688 | \$ 3,454,879 |
| Operating Expenses | 3,236,068 | 3,210,691 | 3,186,655 |
| Earnings and Surcharge | 768,007 | 735,997 | 268,224 |
| Surcharge | 54,370 | 68,120 | 65,764 |
| Operational Earnings | \$ 713,637 | \$ 667,877 | \$ 202,460 |
| \$ Variance | | 45,760 | 511,177 |
| % Variance | | 7% | 252% |

* Earnings are computed and distributed on a quarterly basis

| <u>Segment Performance:</u> | October 2022 | October 2021 | October Plan |
|---|--------------------|-------------------|--------------------|
| BRANCH Earnings from Operations | \$ 116,404 | \$ 188,669 | \$ 184,541 |
| Less: G&A Allocation | 215,772 | 198,040 | 198,607 |
| <u>Earnings (Losses) net of G&A Allocation</u> | \$ (99,368) | \$ (9,371) | \$ (14,066) |
| \$ Variance | | (89,997) | (85,302) |
| % Variance | | -960% | -606% |
| BATAVIA DOWNS Earnings from Operations | \$ 1,123,505 | \$ 962,233 | \$ 502,326 |
| Less: G&A Allocation | 310,500 | 284,985 | 285,800 |
| <u>Earnings net of G&A Allocation</u> | \$ 813,005 | \$ 677,248 | \$ 216,526 |
| \$ Variance | | 135,757 | 596,479 |
| % Variance | | 20% | 275% |
| GENERAL AND ADMINISTRATIVE expense | \$ 526,272 | \$ 483,025 | \$ 484,407 |
| \$ Variance | | 43,247 | 41,865 |
| % Variance | | 9% | 9% |

| <u>Net Cash Distributions to Municipalities:</u> | October 2022 | October 2021 | October Plan |
|--|-----------------|-----------------|-----------------|
| SURCHARGE | \$ 54,370 | \$ 68,120 | \$ 65,764 |
| \$ Variance | | (13,750) | (11,394) |
| % Variance | | -20% | -17% |

| <u>Year to Date Surcharge and Net Revenue</u> | October 2022 | October 2021 | October Plan |
|--|-----------------|-----------------|-----------------|
| SURCHARGE | \$ 607,315 | \$ 769,064 | \$ 761,591 |
| \$ Variance | | (161,749) | (154,276) |
| % Variance | | -21% | -20% |
| NET EARNINGS AVAILABLE FOR DISTRIBUTION | \$ 7,704,955 | \$ 4,945,894 | \$ 4,660,102 |
| \$ Variance | | 2,759,061 | 3,044,853 |
| % Variance | | 56% | 65% |
| TOTAL | \$ 8,312,270 | \$ 5,714,958 | \$ 5,421,693 |

CFO'S REPORT - October 2022

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

| | 2022 October | 2021 October | 2022 October Plan | 2022 Year To Date | 2021 Year To Date | 2022 Operating Plan YTD |
|---|--------------------|--------------------|----------------------|----------------------|----------------------|-------------------------------|
| HANDLE (includes Live) | \$4,411,000 | \$5,317,000 | \$5,317,000 | \$48,331,000 | \$58,923,000 | \$58,863,000 |
| \$ Variance | | (906,000) | (906,000) | | (10,592,000) | (10,532,000) |
| % Variance | | -17% | -17% | | -18% | -18% |
| VGM Net Win | \$6,621,000 | \$6,232,000 | \$5,139,000 | \$64,237,000 | \$54,989,000 | \$55,930,000 |
| \$ Variance | | 389,000 | 1,482,000 | | 9,248,000 | 8,307,000 |
| % Variance | | 6% | 29% | | 17% | 15% |
| Revenue and Expense: | | | | | | |
| Operating Revenue | 7,792,000 | 7,638,000 | 6,627,000 | 77,598,000 | 69,876,000 | 70,741,000 |
| \$ Variance | | 154,000 | 1,165,000 | | 7,722,000 | 6,857,000 |
| % Variance | | 2% | 18% | | 11% | 10% |
| Less: Statutory Expenses | 3,788,000 | 3,691,000 | 3,172,000 | 37,601,000 | 34,216,000 | 34,643,000 |
| \$ Variance | | 97,000 | 616,000 | | 3,385,000 | 2,958,000 |
| % Variance | | 3% | 19% | | 10% | 9% |
| Revenue before Operating Expenses | 4,004,000 | 3,947,000 | 3,455,000 | 39,997,000 | 35,660,000 | 36,098,000 |
| \$ Variance | | 57,000 | 549,000 | | 4,337,000 | 3,899,000 |
| % Variance | | 1% | 16% | | 12% | 11% |
| Less: Operating Expenses | 3,236,000 | 3,211,000 | 3,187,000 | 31,685,000 | 29,945,000 | 30,676,000 |
| \$ Variance | | 25,000 | 49,000 | | 1,740,000 | 1,009,000 |
| % Variance | | 1% | 2% | | 6% | 3% |
| Retained Surcharge/Net earnings | 768,000 | 736,000 | 268,000 | 8,312,000 | 5,715,000 | 5,422,000 |
| \$ Variance | | 32,000 | 500,000 | | 2,597,000 | 2,890,000 |
| % Variance | | 4% | 187% | | 45% | 53% |
| Retained Surcharge | 54,000 | 68,000 | 66,000 | 607,000 | 769,000 | 762,000 |
| \$ Variance | | (14,000) | (12,000) | | (162,000) | (155,000) |
| % Variance | | -21% | -18% | | -21% | -20% |
| Net Earnings(Losses) from Operations | 714,000 | 668,000 | 202,000 | 7,705,000 | 4,946,000 | 4,660,000 |
| \$ Variance | | 46,000 | 512,000 | | 2,759,000 | 3,045,000 |
| % Variance | | 7% | 253% | | 56% | 65% |
| PPP Forgiveness | 0 | 0 | 0 | 81,000 | 3,152,000 | 0 |
| Earnings (Losses) Net of PPP Forgiveness | 714,000 | 668,000 | 202,000 | 7,786,000 | 8,098,000 | 4,660,000 |
| \$ Variance | | 46,000 | 512,000 | | (312,000) | 3,126,000 |
| % Variance | | 7% | 253% | | -4% | 67% |

| | Operational Earnings | Earnings allocated to CAF | Distributable Earnings | | |
|---------------------------------------|-------------------------|---------------------------------|---------------------------|--------------------|--------------------|
| 1st Qtr. Operational Earnings* | \$1,917,539 | \$125,604 | \$1,791,935 | \$174,952 | \$1,132,719 |
| \$ Variance | | | | 1,616,983 | 659,216 |
| % Variance | | | | 924% | 58% |
| 2nd Qtr. Operational Earnings* | \$2,702,174 | \$153,979 | \$2,548,195 | \$1,051,606 | \$1,669,187 |
| \$ Variance | | | | 1,496,589 | 879,008 |
| % Variance | | | | 142% | 53% |
| 3rd Qtr. Operational Earnings* | \$2,371,605 | \$141,080 | \$2,230,525 | \$2,518,587 | \$1,655,736 |
| \$ Variance | | | | (288,062) | 574,789 |
| % Variance | | | | -11% | 35% |
| 4th Qtr. Operational Earnings* | \$713,637 | \$0 | \$713,637 | \$667,877 | \$202,460 |
| \$ Variance | | | | 45,760 | 511,177 |
| % Variance | | | | 7% | 252% |
| PPP Forgiveness** | \$81,335 | \$0 | \$0 | \$0 | \$0 |
| Total YTD | \$7,786,292 | \$420,663 | \$7,284,292 | \$4,413,022 | \$4,660,102 |
| \$ Variance | | | | 2,871,270 | 2,624,190 |
| % Variance | | | | 65% | 56% |

* Available for Distribution

**The Hotel at Batavia Downs PPP loan was fully forgiven by the SBA on 3/12/2022.

Resolution 39-2022 removes these forgiven funds from member distributions as funds were used during the COVID-19 pandemic for their intended purpose.

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

ADVERTISING AND PROMOTIONS COMMITTEE AGENDA

Wednesday, November 30, 2022

2:30 P.M.

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

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

AGENDA

1. Gaming/Branch Marketing Update R. Hasenauer
2. Buffalo Rising R. Hasenauer
3. Step Out Buffalo R. Hasenauer

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

LEGISLATIVE COMMITTEE

**Wednesday – November 30, 2022
3:00 p.m.**

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

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

AGENDA

- | | |
|--|--------------|
| 1. Legislative Update | H. Wojtaszek |
| 2. Resolution #150-2022 Upstate Strategic Affairs | H. Wojtaszek |
| 3. Resolution #151-2022 Mercury Public Affairs | H. Wojtaszek |
| 4. Resolution #152-2022 Bolton St. John | H. Wojtaszek |

RESOLUTION #150-2022

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) has previously entered into an agreement with Upstate Strategic Advisors, LLC. (“Upstate”); and

WHEREAS, Western previously engaged Upstate to act as a consultant for purposes of assisting Western to enhance its operations. Upstate will continue to provide professional guidance, strategic advice and to work and perform with the intent to help Western increase their revenue and improve their marketing strategies; and

WHEREAS, Western would like to continue to engage Upstate for such purposes; and

WHEREAS, the Board desires to enter into a one (1) year extension agreement with Upstate effective January 1, 2023 through December 31, 2023 at the rate of \$3,500.00 per month; and therefore, be it

RESOLVED, that Western enter into a one (1) year extension agreement with Upstate for the period of January 1, 2023 through December 31, 2023, at the rate of \$3,500.00 per month for the services set forth above; and further

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

Respectfully Submitted,

Mark Bombardo, Chairman
Legislative Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION #151-2022

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) has previously entered into an agreement with Mercury Public Affairs LLC (“Mercury”) for purposes of providing Western certain consulting services as a liaison with various government officials; and

WHEREAS, Western would like to continue to engage Mercury for such purposes; and

WHEREAS, the Board desires to enter into a one (1) year extension to the agreement with Mercury for the amount of \$8,000.00 per month, covering the period from January 1, 2023 through December 31, 2023; and therefore, be it

RESOLVED, that Western agrees to enter into an extension to the agreement with Mercury for the amount of \$8,000.00 per month, covering the one (1) year period from January 1, 2023 through December 31, 2023, along the same terms and conditions of the agreement previously entered into between the parties.

RESOLVED, that an officer of Western is directed to execute such documents as to further this extension to the Agreement.

Respectfully Submitted,

Mark Bombardo, Chairman
Legislative Committee

Dated: December 1, 2023
Batavia, New York

RESOLUTION #152-2022

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) has previously entered into an agreement with Bolton-St. Johns (“BSJ”) for purposes of providing Western certain consulting services as a liaison with various government officials; and

WHEREAS, Western would like to continue to engage BSJ for such purposes; and

WHEREAS, the Board desires to enter into a one (1) year extension to the agreement with BSJ for the amount of \$8,500.00 per month, covering the period from January 1, 2023 through December 31, 2023; and therefore, be it

RESOLVED, that Western agrees to enter into an extension to the agreement with BSJ for the amount of \$8,500.00 per month, covering the one (1) year period from January 1, 2023 through December 31, 2023, along the same terms and conditions of the agreement previously entered into between the parties.

RESOLVED, that an officer of Western is directed to execute such documents as to further this extension to the Agreement.

Respectfully Submitted,

Mark Bombardo, Chairman
Legislative Committee

Dated: December 1, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BRANCH OPERATIONS COMMITTEE MEETING

**Wednesday, November 30, 2022
3:30 P.M.**

Michael Horton, Chairperson
Mark Burr, Vice-Chairperson

Richard Bianchi, Member
Mark Bombardo, Member
Edward Morgan, Member
Michelle Parmer-Garner, Member
Francis Warthling, Member

AGENDA

- 1) Branch Update
- Dina Pane
- 2) E-Z Bet Update
- Dina Pane
- 3) Batavia Bets Update
- Dina Pane

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

INSURANCE COMMITTEE
Wednesday November 30, 2022
3:45p.m.

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

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

AGENDA

1. Resolution #143-2022 Disability - Shelter Point
2. Executive session for the discussion of the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

RESOLUTION #143-2022

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) has received proposals in respect to Western’s New York State Disability coverage for 2023; and

WHEREAS, Staff is recommending to the Board of Directors of Western to accept a proposal from Shelter Point to provide New York State Disability coverage for Western for 2023 at the annual cost not to exceed \$30,500.00; and therefore, be it

RESOLVED, that the Board of Directors of Western hereby accepts the proposal from Shelter Point to provide New York State disability coverage to Western for 2023 for the amount not to exceed \$30,500.00; and further

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

Respectfully Submitted,

Susan May, Chairperson
Insurance Committee

Dated: December 1, 2022
Batavia, New York

5WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BATAVIA DOWNS OPERATIONS COMMITTEE

**Thursday – December 1, 2022
9:00 A.M.**

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

Ken Lauderdale, Member
Elliott Winter, Member
Thomas Wamp, Member
Mark Bombardo, Member

AGENDA

- | | |
|--|---------------|
| 1. Gaming Floor Update | S. Schiano |
| 2. Live Racing Update | S. Kiedrowski |
| 3. Hotel Update | H. Wojtaszek |
| 4. Park Road Update | H. Wojtaszek |
| 5. Resolution #139A - 2022 Everi | J. Leach |
| 6. Resolution #144-2022 Riviera Theatre | H. Wojtaszek |
| 7. Resolution #145-2022 Schneiders Seafood | S. Kiedrowski |
| 8. Resolution #146-2022 Crosby Brownlie | S. Kiedrowski |
| 9. Resolution #147-2022 Mariacher Thomas LLC | H. Wojtaszek |
| 10. Resolution #148-2022 Hanson Aggregates | S. Kiedrowski |
| 11. Resolution #149-2022 Servicemaster Restoration Services | H. Wojtaszek |

12. Resolution #153-2022
Consultant – Live Racing

H. Wojtaszek

13. Resolution #154-2022
Pepsi Supplemental

S. Kiedrowski

14. Resolution #155-2022
Heinrich Chevrolet

S. Kiedrowski

RESOLUTION - # 139A - 2022

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

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

WHEREAS, a Kiosk system requires regular maintenance and repair to function properly; and

WHEREAS, Western previously agreed to enter into an agreement with Everi, a sole source vendor, who proposed to provide routine maintenance and repairs to Western's kiosks for the December 1, 2022, through November 30, 2023; and

WHEREAS, Everi proposes to provide routine maintenance and repairs to Western's kiosks at the revised annual cost of \$32,183.52 for the December 1, 2022 through November 30, 2023; and therefore

BE IT RESOLVED, that the Western's Board of Directors accepts the revised proposal from Everi for the one (1) year period from December 1, 2022 through November 30, 2023 for a kiosk maintenance and repair service agreement for an amount not to exceed \$32,183.52; 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: December 1, 2022
Batavia, New York

RESOLUTION #144-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) contracts with local venues to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

WHEREAS, Western was provided an opportunity to purchase a Sponsorship for the Riviera Theatre (“Riviera”) for the 2023 season in an amount not to exceed \$20,000.00; and

WHEREAS, as part of the arrangement, Western would be provided on site advisement, as well as advertising on the back of each Riviera event ticket throughout the 2023 season; and

WHEREAS, Staff recommends that Western enter into a sponsorship agreement with Riviera for the 2023 season at an amount not to exceed \$20,000.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves entering into a sponsorship agreement with Riviera for the 2023 season in an amount not to exceed \$20,000.00; and further

RESOLVED, that the Board of Directors of Western hereby authorizes an officer of Western to execute an agreement with Riviera in furtherance of this resolution.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION - #145-2022

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 seafood and meats and related items from Schneiders Seafood & Meats (“Schneiders”) for the 2022 calendar year; and

WHEREAS, Western requires a supplemental blanket purchase order in the amount of \$10,000.00 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 blanket purchase order in an amount not to exceed \$10,000.00 with Schneiders for the purchase of seafood and meats 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 \$10,000.00 from Schneiders 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: December 1, 2022
Batavia, New York

RESOLUTION - #146-2022

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

WHEREAS, Western requires that a new kitchen hood be relocated and installed with required venting in Rush 34 at the Batavia Downs location: and

WHEREAS, Western has sent out an RFP requesting pricing for such installation and that Crosby Brownie ("Crosby") was the lowest responsible bidder to perform the installation work as set forth in the total amount of \$52,700.00; and

WHEREAS, Staff recommends that the Board approves an agreement with Crosby to install the kitchen hood at 34 Rush; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves entering into an agreement with Crosby for the installation of the kitchen hood at 34 Rush in an amount not to exceed \$52,700.00; and

BE IT FURTHER RESOLVED, that an officer of Western is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION #147-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has in the past contracted with Mariacher Thomas LLC (“Mariacher”) for Thurman Thomas to act a Western’s spokesman; and

WHEAREAS, Western wishes to continue to engage Mariacher for purposes of having Thurman Thomas as Western’s spokesman; and

WHEREAS, Staff recommends that the Board of Directors of Western enter into a two (2) year extension of the agreement with Mariacher along the same terms as set forth in the original agreement for the annual amount of \$120,000.00 for the period January 1, 2023 to December 31, 2024; and; therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves entering a two (2) year extension with Mariacher for Thurman Thomas spokesman services for the annual amount of \$120,000.00; and further

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

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION #148-2022

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

WHEREAS, Western resurfaces and re-banks the racetrack prior to the beginning of the race season and as needed throughout the year; and

WHEREAS, Western previously entered into an agreement with Hanson Aggregates (“Hanson”) a NYS OGS Contractor can provide the matching material needed to resurface the racetrack in 2022 at a cost not to exceed \$30,000.00; and

WHEREAS, Western requires additional material in 2022 to be used at the racetrack at a cost of an additional \$5,000.00; and

WHEREAS, Staff recommends that the Board of Directors of Western authorize payment to Hanson in the amount not to exceed an additional \$5,000.00 for the purchase of the resurfacing material for the racetrack for 2022; and, therefore be it

BE IT RESOLVED, that the Board of Directors of Western hereby authorize the payment of an amount not to exceed an additional \$5,000.00 to Hanson for the purchase of resurfacing material needed to resurface the horse racetrack at Batavia Downs for 2022 and further; 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,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION #149-2022

WHEREAS, it is the responsibility of Western Regional Off-Track Betting Corporation (“Western”) to maintain the physical condition of its facility at Batavia Downs; and

WHEREAS, Western experienced a water leak that caused ongoing and significant damage to the facility at Batavia Downs; and

WHEREAS, Western was able to respond to the emergency by contracting with Servicemaster Restoration Services (“Servicemaster”) to clean the water damage and conduct structural cleaning and demolition to areas effected at Batavia Downs for the amount of \$15,178.55; and

WHEREAS, Staff requests that the Board of Directors of Western acknowledge the emergency declaration and agree to the payment to Servicemaster the amount of \$15,178.55 for services rendered; and, therefore be it

RESOLVED, that the Board of Directors of Western hereby acknowledge the emergency declaration and agree to the payment to Servicemaster the amount of \$15,178.55; 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,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION #153-2022

WHEREAS, it is the responsibility of Western Regional Off-Track Betting Corporation (“Western”) to provide the patrons the best experience while attending a live racing event at Batavia Downs; and

WHEREAS, the Board of Directors of Western previously engaged the services of Mark Lowe LLWE (“Lowe”) as live racing consultant for the period April 1, 2022 through December 31, 2022, at a rate of \$3,500 a month; and

WHEREAS, the Board of Directors of Western wishes to continue to engage the services of Mark Lowe LLWE (“Lowe”) as live racing consultant for the period January 1, 2023 through March 31, 2023, at a rate of \$3,500 a month; and, therefore be it

RESOLVED, that the Board of Directors of Western hereby engages the services of Lowe as a live racing consultant for the period January 1, 2023 through March 31, 2023 for the total amount of \$10,500.00; and further

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

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: December 1, 2022
Batavia, New York

RESOLUTION #154-2022

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) has previously purchased various beverages and related supplies for its Batavia Gaming facility restaurant and concessions stand operations from Pepsi Bottling Group (“Pepsi”); and

WHEREAS, Western had previously approved a blanket purchase order for the purchase of various beverages and related supplies from Pepsi for the 2022 calendar year; and

WHEREAS, Western requires a supplemental blanket purchase order in the amount of \$40,000.00 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 blanket purchase order in an amount not to exceed \$40,000.00 with Pepsi for the purchase of various beverages and related supplies 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 \$40,000.00 from Pepsi 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: December 1, 2022
Batavia, New York

RESOLUTION #155-2022

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

WHEREAS, Western requires a four-wheel drive pickup truck to use for the starting gate for its live racing meets at Batavia Downs; and

WHEARAS, Western sent out an RFP for such vehicle whereby two (2) responses were received; and

WHEREAS, Staff recommends that the Board of Directors of Western to accept the proposal from Heinrich Chevrolet for a 2022 Silverado 1500 crew 4WD truck for the amount of \$49,850.00 that will be immediately available to have the starting gate attached; and, therefore

BE IT RESOLVED, that the Board of Directors of Western hereby accepts the proposal of Heinrich Chevrolet for a 2022 Silverado 1500 crew 4WD truck for use as the starting gate for living racing for the amount of \$49,850.00; 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,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: December 1, 2022
Batavia, New York