

Western Regional Off-Track Betting Corporation

8315 Park Road, Batavia, NY 14020

PUBLIC NOTICE

January 2023 MEETINGS

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

Committee meetings for Western Regional Off-Track Betting Corp. will be held on **Wednesday, January 18, 2023, and Thursday, January 19, 2023**, at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020 as follows:

Wednesday, January 18, 2023

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

Thursday, January 19, 2023

- 9:00 a.m. Batavia Downs Operations

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

The Regular Monthly Meeting of the Board of Directors of Western Regional Off-Track Betting Corp. will be held on **Thursday, January 19, 2023, at 10:00 a.m.** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020.

Dated: December 28, 2022

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

PERSONNEL COMMITTEE MEETING

Wednesday, January 18, 2023

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. Approval - Director of Human Resources Position

-H. Wojtaszek
-W. White

2. Mind Squad Consulting LLC
 - Resolution #18-2023

-H. Wojtaszek

3. Executive Session

3a. 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 #18-2023

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) recognizes the need for the corporation to continue to grow and develop, and in particular provide occasional training to its leadership staff; and

WHEREAS, Western would like to engage Mind Squad Consulting LLC located at 17 Birdsong Parkway, Orchard Park, New York (“Mind Squad”) for purposes of providing Western leadership training to certain officers as set forth in the attached description; and

WHEREAS, the Board desires to enter into such agreement with Mind Squad in the total amount of \$41,000.00; and therefore, be it

RESOLVED, that Western agrees to enter into an agreement with Mind Squad for the amount of \$41,000.00 to provide the leadership training as set forth on the attached description; and it is further

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

Respectfully Submitted,
Elliott Winter, Chairman
Personnel Committee

Dated: January 19, 2023
Batavia, New York

B. Vice President of Administration:

Leadership Coaching Vice-President of Administration	Description of Services
Introductory Session CFO	60-minute session to meet Coachee and give them an opportunity to interview the Coach and discuss all questions about the coaching process, approach, etc. Commitment to confidentiality.
Introductory Session Supervising Executive	30-minute sessions to discuss transition plans, their expectation, and any necessary supports for the transitioning executive. Confirm coaching is a confidential process for the Coachee.
Initial Coaching Session	60-minute session to discuss engagement, review the coaching process and priorities, and discuss the HOGAN personality assessment. Provide HOGAN 360 and Personality Assessment invites. Invite & Values Clarification Exercise.
HOGAN 360	Coach will conduct HOGAN 360 (Leadership 360) with various raters including CEO, peers, and subordinates.
HOGAN Personality Assessment	Certified HOGAN Interpreter to administer the HOGAN Personality Assessment and provide feedback to Coachee to gain insight into leadership qualities, potential derailers and motivators.
Coaching Session (Values)	60 to 90-minute session with review of Values Clarification Exercise.
Feedback & Development Sessions	Conduct a 120-minute debrief to review all data collected and co-create a Leadership Development Plan with the Coachee. Portions of the Development Plan may need to be finalized asynchronously before the weekly coaching sessions begin
Coaching Alignment Meeting	45-minute session with Coachee and Supervising Executive to review summary of the leadership development plan to obtain buy-in and consider strategies to support Coachee for future success.
Weekly/Bi-Weekly Coaching Sessions	Conduct 7, 60-minute ZOOM, MS Teams, or telephonic coaching sessions. Scheduled bi-weekly or monthly. Depending on extent of time it takes to complete the Assessments and the needs of the Coachee, these weekly sessions may commence prior to the Feedback & Development Session.
Transition Session	60 to 90-minute session with Coachee to co-create a plan that will promote and reinforce continued progress and maintain momentum.

EXHIBIT A

Wild Squad shall provide Leadership Development and Coaching services for two OTB executive leaders: the Chief Executive Officer and the VP of Administration. Details of the services are as follows:

A. Chief Executive Officer: 6 Month Duration

Executive Coaching CEO	Description of Services
Introductory Session	60-minute session to meet Coachee and give them an opportunity to interview the Coach and discuss all questions about the coaching process, approach, etc. Commitment to confidentiality. Obtain contact information for conducting Stakeholder Interviews.
Stakeholder Interviews	Up to two 45-minute sessions to meet Board Members to discuss Coachee, their anticipated development goals, and impressions of CEO strengths that can be utilized to create long term value for Western Region OTB.
Initial Coaching Session	60-minute session to discuss engagement, review the coaching process and priorities, and discuss the HOGAN personality assessment. Provide HOGAN 360 and Personality Assessment invites. Invite & Values Clarification Exercise.
HOGAN 360	Coach will conduct HOGAN 360 (Leadership 360) with various raters including Board Members, peers, and subordinates.
HOGAN Personality Assessment	Certified HOGAN interpreter to administer the HOGAN Personality Assessment and provide feedback to Coachee to gain insight into leadership qualities, potential derailers and motivators.
Coaching Session (Values)	60 to 90-minute session with review of Values Clarification Exercise.
Executive Framework	Conduct a 120-minute debrief to review all data collected and co-create an Executive Framework with the Coachee. Portions of the Executive Framework may need to be finalized asynchronously before the weekly coaching sessions begin.
Weekly/Bi-Weekly Coaching Sessions	Conduct 7, 1-hour, ZOOM, MS Teams, or telephonic coaching sessions. Scheduled bi-weekly or monthly. Depending on extent of time it takes to complete the A assessments and the needs of the CEO, these weekly sessions may commence prior to the Feedback & Development Session.
Executive Touch Points	To the extent practicable, subject to the availability of the Coach, conduct 15 to 30-minute touch point meetings to provide CEO with leadership coaching involving matters of greater significance to the CFO, the organization and/or the Board.
Transition Session	60 to 90-minute session with Coachee to co-create a plan that will promote and reinforce continued progress and maintain momentum.

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting
January 18, 2023
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. United Tote System
 - Resolution #1-2023

- H. Wojtaszek
- W. White
- S. Kiedrowski

2. GASB Financial Postings
 - Resolution #17-2023

- J. Leach

3. Chief Financial Officer Report & BDG Financials
 - November 2022

- J. Leach

4. NYGA Weekly Numbers

- J. Leach

RESOLUTION - #01-2023

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate its gaming operation in the most efficient manner, while providing the best experience to our customers; and

WHEREAS, Western requires a totalisator system which will have as its principal components a core wagering engine, a core wagering application, customer interface devices, advance deposit wagering, as well as other components such as communication network, compliance and site-specific parameters; and

WHEREAS, in response to such needs, Western issued an RFP for a totalisator system and received two (2) responses; and

WHEREAS, based upon the analysis attached hereto, staff is recommending that Western accept the proposal from United Tote, with address at 600 North Hurstbourne Parkway, Louisville, Kentucky ("United") to provide a totalisator system and that Western enter into a five (5) year agreement with United to provide Western with the totalisator system as per the amounts set forth; and now therefore

BE IT RESOLVED, that Western's Board of Directors agree to enter into an agreement with United to provide a totalisator system for a five (5) year period for the amounts set forth hereto; and

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

Respectfully submitted,
Ken Lauderdale, Chairman
Finance Committee

Dated: January 19, 2023
Batavia, New York

<i>Labor Included in Tote Service Fee</i>	United Tote
Tote Service Fee Minimum Year 1	\$ 558,162.00
Tote Service Fee Minimum Year 2	\$ 574,907.00
Tote Service Fee Minimum Year 3	\$ 592,154.00
Tote Service Fee Minimum Year 4	\$ 609,919.00
Tote Service Fee Minimum Year 5	\$ 628,216.00

	Global Tote
Tote Service Fee Minimum Year 1	\$ 425,000.00
Tote Service Fee Minimum Year 2	\$ 437,750.00
Tote Service Fee Minimum Year 3	\$ 450,882.50
Tote Service Fee Minimum Year 4	\$ 464,408.98
Tote Service Fee Minimum Year 5	\$ 478,341.25

Annual Wide Area Network Charge (Includes delivery of all routers, UPSs, EL2, switches and continued management of all primary circuits for the branches)	\$ 125,000.00
Annual State Settlement Reporting Fee	\$ 32,500.00
One time set-up fee for above (Fee will be waived if United Tote remains Western's Tote provider)	\$ 15,000.00
Player's Bank Terminal 1	\$ 18,500.00
Player's Bank Terminal 2	\$ 18,500.00
Maintenance Fee Per Unit - \$250 monthly-negotiated to \$200	\$ 4,800.00
Consumables - Ticket Stock	\$ 30,000.00

Annual Labor to increase by 3% annually	\$ 310,000.00
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Annual Terminal Hardware and Software Fee	\$ 172,134.00
Annual <i>Host Track</i> Settlement Fees	\$ 18,000.00
Consumables - Ticket Stock	\$ 30,000.00

Estimated United Tote Total-First year/annual	787,462
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Estimated Global Tote Total-First year/annual	955,134
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reductionstaken compared to last year

RESOLUTION #17-2023

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 adheres to Generally Accepted Accounting Principles ("GAAP"), a common set of accounting rules, standards and procedures issued by the Financial Accounting Standards Board; and

WHEREAS, Public Companies in the U.S. must follow GAAP when compiling their financial statements; and

WHEREAS, Western complies with the financial posting of GASB 68 (Accounting and Financial Reporting for Pensions) and GASB 75 (Accounting and Financial Reporting for Post-Employment Benefits); and

WHEREAS, the associated financial postings are non-cash revenue or disbursement entries; and

WHEREAS, Western wishes to exclude the financial effect of these postings from its revenue distributions to its participating municipalities; and

BE IT RESOLVED , that the Board of Directors authorize staff to exclude the GASB financial postings from the revenue distributions to participating municipalities.

RESOLVED, that an officer of Western is authorized to take all steps necessary in furtherance of the Board's approval and consent.

Dated: January 19, 2023
Batavia, New York

Respectfully submitted,
Ken Lauderdale, Chairman
Finance Committee

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

<u>Operational Results - November 2022</u>	November 2022	November 2021	November Plan
Total Handle	\$4,164,378	\$5,247,175	\$5,243,000
\$ Variance		(1,082,797)	(1,078,622)
% Variance		-21%	-21%
VGM Net Win	\$5,812,958	\$5,667,273	\$4,743,256
\$ Variance		145,685	1,069,702
% Variance		3%	23%
Revenue net of Statutories	\$ 3,568,419	\$ 3,545,203	\$ 3,216,569
Operating Expenses	3,245,944	2,997,002	3,104,384
Earnings and Surcharge	322,475	548,201	112,185
Surcharge	49,780	65,215	67,624
Operational Earnings	\$ 272,695	\$ 482,986	\$ 44,561
\$ Variance		(210,291)	228,134
% Variance		-44%	512%

* Earnings are computed and distributed on a quarterly basis

<u>Segment Performance:</u>	November 2022	November 2021	November Plan
BRANCH Earnings (Losses) from Operations	\$ (45,319)	\$ 133,810	\$ 167,220
Less: G&A Allocation	216,938	203,246	202,971
<u>Earnings (Losses) net of G&A Allocation</u>	<u>\$ (262,257)</u>	<u>\$ (69,436)</u>	<u>\$ (35,751)</u>
\$ Variance		(192,821)	(226,506)
% Variance		-278%	-634%
BATAVIA DOWNS Earnings from Operations	\$ 847,130	\$ 844,899	\$ 372,393
Less: G&A Allocation	312,178	292,477	292,081
<u>Earnings net of G&A Allocation</u>	<u>\$ 534,952</u>	<u>\$ 552,422</u>	<u>\$ 80,312</u>
\$ Variance		(17,470)	454,640
% Variance		-3%	566%
GENERAL AND ADMINISTRATIVE expense	\$ 529,116	\$ 495,723	\$ 495,052
\$ Variance		33,393	34,064
% Variance		7%	7%

<u>Net Cash Distributions to Municipalities:</u>	November 2022	November 2021	November Plan
SURCHARGE	\$ 49,780	\$ 65,215	\$ 67,624
\$ Variance		(15,435)	(17,844)
% Variance		-24%	-26%

<u>Year to Date Surcharge and Net Revenue</u>	November 2022	November 2021	November Plan
SURCHARGE	\$ 657,095	\$ 834,279	\$ 829,216
\$ Variance		(177,184)	(172,121)
% Variance		-21%	-21%
NET EARNINGS AVAILABLE FOR DISTRIBUTION	\$ 7,977,652	\$ 4,278,017	\$ 4,704,663
\$ Variance		3,699,635	3,272,989
% Variance		86%	70%
TOTAL	\$ 8,634,747	\$ 5,112,296	\$ 5,533,879

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

	2022 November	2021 November	2022 November Plan	2022 Year To Date	2021 Year To Date	2022 Operating Plan YTD
HANDLE (includes Live)						
\$ Variance	\$4,164,000	\$5,247,000	\$5,243,000	\$52,495,000	\$64,170,000	\$64,106,000
% Variance		(1,083,000) -21%	(1,079,000) -21%		(11,675,000) -18%	(11,611,000) -18%
VGM Net Win						
\$ Variance	\$5,813,000	\$5,667,000	\$4,743,000	\$70,050,000	\$60,657,000	\$60,674,000
% Variance		146,000 3%	1,070,000 23%		9,393,000 15%	9,376,000 15%
Revenue and Expense:						
Operating Revenue	6,941,000	6,964,000	6,188,000	84,540,000	76,840,000	76,928,000
\$ Variance		(23,000)	753,000		7,700,000	7,612,000
% Variance		0%	12%		10%	10%
Less: Statutory Expenses	3,373,000	3,419,000	2,971,000	40,974,000	37,635,000	37,614,000
\$ Variance		(46,000)	402,000		3,339,000	3,360,000
% Variance		-1%	14%		9%	9%
Revenue before Operating Expenses	3,568,000	3,545,000	3,217,000	43,566,000	39,205,000	39,314,000
\$ Variance		23,000	351,000		4,361,000	4,252,000
% Variance		1%	11%		11%	11%
Less: Operating Expenses	3,246,000	2,997,000	3,104,000	34,931,000	32,942,000	33,780,000
\$ Variance		249,000	142,000		1,989,000	1,151,000
% Variance		8%	5%		6%	3%
Retained Surcharge/Net earnings	322,000	548,000	112,000	8,635,000	6,263,000	5,534,000
\$ Variance		(226,000)	210,000		2,372,000	3,101,000
% Variance		-41%	188%		38%	56%
Retained Surcharge	50,000	65,000	68,000	657,000	834,000	829,000
\$ Variance		(15,000)	(18,000)		(177,000)	(172,000)
% Variance		-23%	-26%		-21%	-21%
Net Earnings(Losses) from Operations	273,000	483,000	45,000	7,978,000	5,429,000	4,705,000
\$ Variance		(210,000)	228,000		2,549,000	3,273,000
% Variance		-43%	507%		47%	70%
PPP Forgiveness	0	0	0	81,000	0	0
Earnings (Losses) Net of PPP Forgiveness	273,000	483,000	45,000	8,059,000	5,429,000	4,705,000
\$ Variance		(210,000)	228,000		2,630,000	3,354,000
% Variance		-43%	507%		48%	71%
			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				1,496,569	679,008	
% 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*	\$986,332	\$0	\$986,332	\$1,150,862	\$247,021	
\$ Variance				(164,530)	739,311	
% Variance				-14%	299%	
PPP Forgiveness**	\$81,335	\$0	\$0	\$0	\$0	
Total YTD	\$8,058,987	\$420,663	\$7,556,989	\$4,896,007	\$4,704,663	
\$ Variance				2,660,982	2,852,326	
% Variance				54%	61%	

* 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, January 19, 2023

2:30 P.M.

Susan May, Chairperson
Ken Lauderdale, Vice-Chairman
Edward Morgan, Member
Vincent Horrigan, Member

Paul Lattimore Jr. Member
Richard Bianchi, Member
Richard Ricci, Member

AGENDA

- | | |
|--|------------------------------|
| 1. Gaming/Branch Marketing Update | R. Hasenauer |
| 2. Resolution #02-2023
Mark It Smart | R. Hasenauer |
| 3. Resolution #03-2023
Buffalo Bills Suite | H. Wojtaszek
R. Hasenauer |
| 4. Resolution #04-2023
ValPak Supplemental 2022 | R. Hasenauer |
| 5. Resolution #05-2023
ValPak 2023 | R. Hasenauer |

RESOLUTION #02-2023

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

WHEREAS, Western has sent out an RFP requesting pricing for Buffalo Bills Clogs, Coaster Sets, Backpacks and Coolers and Mark-It-Smart Inc. (“Smart”) located at 128 East Dyer Road, Santa Ana, California was the lowest responsible bidder to purchase those items as set forth in the attached schedule to this resolution.

WHEREAS, Staff requests that the Board approve the above referenced purchase of Buffalo Bills items to be used as promotional items from Smart to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts set forth in the attached schedule, and in the total amount of \$51,878.96; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western enter into a series of purchase agreements with Smart for the purchase of various Buffalo Bills items to be given away to various patrons of Batavia Gaming in the total amount of \$51,878.96; 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: January 19, 2022
Batavia, New York

RESOLUTION #03-2023

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 has been provided an opportunity to utilize a suite from Buffalo Bills LLC, 1 Bills Drive, Buffalo, New York (“Bills”) for the Buffalo Bills 2023, 2024, 2025 and 2026 seasons in the total amount not to exceed \$109,000 for 2023, \$113,000 for 2024, \$117,000 for 2025 and \$117,000 for 2026; and

WHEREAS, Staff recommends that Western enter into an agreement with the Bills for the purchase a licensing fee and tickets for the use of a suite for the Buffalo Bills 2023, 2024, 2025 and 2026 season; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby agree to purchase the licensing fee and tickets from the Bills for the Buffalo Bills 2023, 2024, 2025 and 2026 seasons in the amount of \$109,000 for the 2023 season, \$113,000 for the 2024 season, \$117,000 for the 2025 season and \$117,000 for the 2026 season; and further

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

Respectfully submitted,
Susan May, Chairperson
Advertising & Promotions Committee

Dated: January 19, 2023
Batavia, New York

RESOLUTION #04-2023

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) sends out marketing materials to its patrons and potential patrons to promote the Batavia Downs Gaming facility; and

WHEREAS, Western has previously entered into an agreement with Valpak Print Advertising (“Valpak”), offices at 4053 Maple Road, Amherst, NY, a national advertising company that sends envelopes full of coupons and other advertising materials to homes within specific zip codes to best target specific areas and individuals; and

WHEREAS, staff requests that the Board consider a supplement for the remainder of 2022 in the amount not to exceed \$15,000.00; now therefore

BE IT RESOLVED, that the Board of Directors of Western hereby agrees to supplement the prior resolution for the remainder of 2022 not to exceed \$15,000; 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: January 19, 2023
 Batavia, New York

RESOLUTION #05-2023

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) sends out marketing materials to its patrons and potential patrons to promote the Batavia Downs Gaming facility; and

WHEREAS, Western has previously entered into an agreement with Valpak Print Advertising (“Valpak”), offices at 4053 Maple Road, Amherst, NY, a national advertising company that sends envelopes full of coupons and other advertising materials to homes within specific zip codes to best target specific areas and individuals; and

WHEREAS, the Board previously approved for 2023 the amount not to exceed \$20,000; and

WHEREAS, staff requests that the Board approve for 2023 an additional amount not to exceed \$45,000; now therefore

BE IT RESOLVED, that the Board of Directors of Western hereby agrees to supplement the prior resolution for 2023 not to exceed an additional \$45,000; 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: January 19, 2023
 Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

LEGISLATIVE COMMITTEE

**Wednesday – January 18, 2023
3:00 p.m.**

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

Paul Lattimore, Jr., Member
Mark Burr, Member
Vincent Horrigan, Member

AGENDA

1. Legislative Update
Patrick McCarthy - Mercury Public Affairs
Sam Hoyt - Upstate Strategic Advisors

H. Wojtaszek

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BRANCH OPERATIONS COMMITTEE MEETING

**Wednesday, January 18, 2023
3:30 P.M.**

Michael Horton, Chairperson
Mark Burr, Vice-Chairperson

Richard Bianchi, Member
Mark Bombardo, Member
Vincent Horrigan, Member
Edward Morgan, Member
Francis Warthling, Member

AGENDA

- 1) Branch Update
- Dina Pane
- 2) E-Z Bet Update
- Dina Pane
- 3) Batavia Bets Update
- Dina Pane
- 4) Military Sale
-Mark Gabriele

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

INSURANCE COMMITTEE
Wednesday January 18, 2023
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. Consultant – Insurance Review Coverage

H. Wojtaszek

RESOLUTION #16-2023

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) requires professional services of an insurance consultant in respect to Western’s various commercial insurance coverages and requirements; and

WHEREAS, Western has received two (2) proposals from insurance consultants to act as an independent consultant for purposes of assisting Western in its review of its existing corporate policies; and

WHEREAS, staff of Western recommends to the Board to engage the services of CIC Group with offices at 3840 E. Robinson Road, Amherst, New York (“CIC”) for such purposes; and

WHEREAS, the Board desires to enter into an agreement with CIC along the same terms and conditions as set forth in the attached proposal for the total amount of \$25,000.00; and therefore, be it

RESOLVED, that Western enter into an agreement with CIC for commercial insurance consulting services for the total amount of \$25,000.00; and further

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

Respectfully Submitted,
Susan May, Chairperson
Insurance Committee

Dated: January 19, 2023
Batavia, New York



AN AGREEMENT TO PERFORM CONSULTING SERVICES

FOR

Western Region OTB.

AGREEMENT FOR CONSULTING SERVICES

This agreement made and entered into the 18th day of May 2022 by and between Western Region OTB, (WROTB) a domestic corporation with its principal office for the transaction of business at 8315 Park Rd, Batavia, NY 14020 herein after referred to as "WROTB" and Alterity, a domestic corporation with its principal office for the transaction of business at 3840 E Robinson Rd, PO Box 323, Amherst, NY 14228, hereafter referred to as "Consultant."

WITNESSETH:

In consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

First

WROTB hereby employs Consultant as an insurance advisor the period beginning January 11, 2023.

Second

WROTB will acquaint Consultant with its business operations, ownership structure, programming, insurance broker teams and provide Consultant with supporting information as reasonably requested.

Third

Consultant will perform consulting services as more particularly described herein. Consultant will work in conjunction with WROTB's management team to evaluate the suitability of the existing insurance program for the exposures of its operating businesses. Consultant will coordinate with WROTB to review and evaluate its property and casualty and risk management program through the following services as herein described:

I. Risk Management Program Review

- a. Consultant will work with WROTB's team to better understand the corporate exposures and policies making up its existing risk management program.
- b. Collect and review current insurance policies to evaluate coverages, retentions, limitations and/or exclusions
- c. Analyze program for adequacy based on interviews
- d. Review broker and insurance carrier services and ascertain fulfillment – assist Broker as requested by WROTB management
- e. Review loss history to determine acceptable deductible levels and possible loss control needs
- f. Review risk transfer procedures
- g. Evaluate cyber risk associated with firm's activities
- h. Analyze Management Liability programs, inclusive of Directors & Officers to determine needs
- i. Review vendor contracts/service agreements to verify WROTB's insurance obligations
- j. Request a summary of previous marketing efforts and results from incumbent broker
- k. Identify gaps and /or deficiencies in current program
- l. Provide an analysis of Client's current insurance coverage.
- m. Such other services as are reasonable and appropriate in order for consultant to complete a review of Client's insurance and risk transfer practices.

- n. Evaluate Alternative Risk Transfer options.
- o. Evaluate Employee Benefits Program

The results of Consultant's review shall be presented with Client's management and shall also be reflected in a final written report setting forth Consultant's findings and recommendations.

Fourth

A flat fee of \$25,000 for the services set forth shall be payable to Consultant by WROTB. This shall be payable with a 50% deposit (\$12,500) and the remaining (\$12,500) due upon completion and deliverance of final written report.

WROTB shall be responsible for payment of a late charge of 1.5% per month on all outstanding balances which are over 30-days in arrears.

In the event of default in the payment of any amount due under this agreement, and if this account is placed in the hands of a collection agency or attorney for collection or legal action, WROTB agrees to pay in addition to the amount here above, all costs of collection including and not limited to agency and attorney fees and court costs.

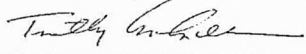
In witness whereof, the parties hereto have hereunto set their hand and seals the day and year first written.

WROTB

Alterity

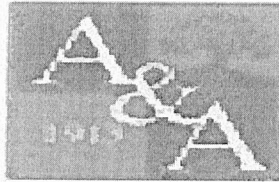
BY:

BY:



Henry Wojtaszek
President/Chief Executive Officer

Timothy McMullen
Partner



AEBLY & ASSOCIATES

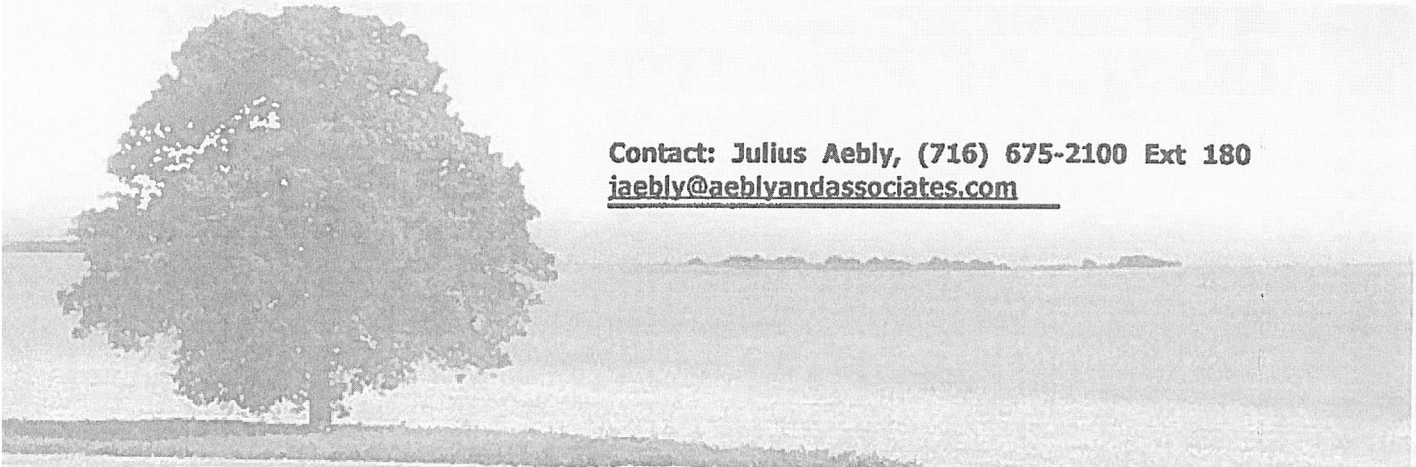
Insurance • Investments • TPA Services • Captives

**Executive Summary Review for
Western OTB**

December 1st, 2022

**Aebly and Associates Insurance Services, Inc.
3638 Seneca Street West Seneca, NY 14224**

**Contact: Julius Aebly, (716) 675-2100 Ext 180
jaebly@aeblyandassociates.com**



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INTRODUCTION AND SUMMARY

About Aebly & Associates Insurance Services, Inc.

Aebly & Associates Insurance Services, Inc. has a reputation for excellence in the products and services we offer. We provide a full range of brokerage and consulting services including employee benefits, property and casualty, retirement products and administration services.

In addition to our own professional staff and value-added services, our firm can provide a wealth of resources to our clients through prestigious national affiliations.

We will deliver to you the highest quality property and casualty insurance programs and strategic planning consultation services in a manner that is most suitable to achieving your business goals.

Our product offering includes insurance products and risk management services for commercial property, automobile liability and physical damage, workers' compensation, excess liability, marine, cyber, directors & officers, flood, specialty coverage, surety, employee benefits, TPA services, Captives, payroll and retirement services. We also offer a variety of medical plans, voluntary products, retirement planning and other employee benefits plans. We specialize in evaluating, negotiating with, and recommending insurers and providers to our clients, and we employ rigorous selection criteria and performance objectives when considering a vendor.

This proposal to be the Exclusive Consultant for Insurance Services (EC) outlines our history, business philosophy and services as they relate to satisfying Western OTB insurance objectives.

Proposal Content

Company Background and History

Since 1913, our clients have relied on the knowledgeable, friendly staff of Aebly and Associates Insurance Services, Inc. to provide insurance, consulting, brokerage, risk management and administration services for all types of businesses. Our philosophy is a customer-centric approach to tailor solutions to our individual client needs. Aebly & Associates is a full-service, technology-focused insurance firm with the skills and experience necessary to provide clients and prospects comprehensive solutions for all their insurance needs.

Aebly & Associates and our predecessor firms have been in business over 100 years and has a long history as a trusted insurance firm in the



community. We have four locations with 22 employees in Western New York and Long Island. The philosophy of our firm is to offer pertinent risk assessments, advice, and coverage. We are committed to building lasting relationships with our clients, knowing we are protecting what means the most to them.

Julius W. Aebly, Jr., President is the principal contact for the proposal. He is available at the West Seneca, NY office at 3638 Seneca Street, West Seneca, NY 14224. (716) 675-2100 Ext 180, Facsimile: (716) 675-4956, Email: jaebly@aeblyandassociates.com

List of your company professionals with whom Western OTB will be working with in making a new partnership a reality (names, titles, roles)

Our property & casualty division is committed to developing long-term partnerships with our clients to develop and maintain effective loss control and safety programs. To support this goal, we will assign a team of professional that is ready to meet your needs. From initial planning to ongoing implementation, the team provides exceptional service and will help manage claims and loss control exposures. The team available for assignment to Western OTB includes:

- Julius W Aebly, Jr., President
- Jim Niland, Senior Consultant
- Sandra Porpora, Commercial Lines Manager
- Andrew Lanphear - Assistant Business Account Rep
- Michael Forster - Commercial Lines Account Executive
- Tina Sadowski, Benefits Administrator

Julius, Jim, Sandra, Mike and Andrew will be responsible for all Property & Casualty lines of business. Tina will be responsible for the NYS Disability and Paid Family Leave offerings.

Western OTB will also have the professional experience of the following Aebly and Associates consultants.

- Mary Jo Colligan, VP Underwriting, Employee Benefits
- Paul Hammond, Senior Healthcare Consultant
- Michele Pratt, Payroll & Benefits Administrator
- Cristina Lydon, Director, Brokerage Services
- Laurie Hilton, Specialist Claims Review II
- Peter Stone, Specialist Claims Review II
- Paul Lytle, Investment Advisory Representative



Biographies for all team members are available on request.

Scope of Services

Aebly & Associates will have the responsibility of acting as a consultant for Western OTB representative to the world insurance market and will provide the entities with risk management advice.

Analysis & RFP

- We will review existing policies, locations, limits, coverages and exclusions for Western OTB, to ensure that policies and coverages currently in place are adequate and meet your unique needs. Any exposures that are not currently covered by insurance or knowingly accepted as a retained risk will be identified.
- Our Claims specialist will review claims history, activity and trends and will use the tools like Mod Master that can offer you insight, uncover actionable problem areas and improve your impact on total workers' compensation costs.
- Our team will prepare an RFP as well as Bid specs.

Stewardship Meetings

- Ongoing management will consist of Quarterly Stewardship meetings to review claims and insurance industry updates

Employee Benefits Review

- A comprehensive proposal for the review of your benefits program, including funding mechanisms, rate adequacy, benefit attributes and plan saving opportunities will follow in the Spring 2023.

Our advice to clients is client specific and detail oriented. We believe in educating our clients so that the insurance process is transparent. Our range of value-added services includes delivering custom solutions for all your property/casualty needs including exposure analysis, retention analysis, claims analysis, loss control techniques, OSHA compliance and reporting, safety education and developing safety policies and programs.

We deliver tailored solutions with thoughtful strategic planning, valuable professional services, and technology-based solutions that result in sustained customer and employee satisfaction. Through initiative and follow-through, we help our clients find answers, implement solutions, and anticipate consequences.



The Aebly & Associates Resource Center will provide you with a customized Web tool that provides full OSHA reporting and analysis capabilities, designed specifically to help you meet your OSHA compliance, reporting and analysis needs. You can easily source OSHA recordkeeping guidelines and related resources, generate log summaries, and the analysis feature will even enable you to compare your incident rates to similar industries across the nation.

To support our clients, we have access to a program for relevant, timely information and updates related to a prospect or client's interests. This means that if, for example, there is a change in OSHA regulations, we can easily send an email to all our Workers Compensation clients advising them of the update. We view this as a value-added service that our clients are excited about.

Consulting Fees

Phase 1 - Initial Analysis & RFP	\$20,000
Phase 2 - Quarterly Stewardship Meetings	\$ 7,500



WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BATAVIA DOWNS OPERATIONS COMMITTEE

**Thursday – January 19, 2023
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. PPR -Car Charging Station
Michael Prinzi | H. Wojtaszek
S. Kiedrowski |
| 2. Hotel Update | D. Hart |
| 3. Gaming Floor Update | S. Schiano |
| 4. Live Racing Update | D. Hoover |
| 5. Resolution #06-2023
Extreme Streetwear Supplemental 2022 | W. White |
| 6. Resolution #07-2023
Tops Friendly Markets 2023 | H. Wojtaszek |
| 7. Resolution #08-2023
Napa Supplemental 2022 | S. Kiedrowski |
| 8. Resolution #09-2023
Napa 2023 | S. Kiedrowski |
| 9. Resolution #10-2023
Tarantino Foods Supplemental 2022 | S. Kiedrowski |
| 10. Resolution #11-2023
US Foods Supplemental 2022 | S. Kiedrowski |
| 11. Resolution #12-2023
Great Lakes Environmental & Safety Consultants, Inc. | H. Wojtaszek |
| 12. Resolution #13-2023
Schneiders Seafood Supplemental 2022 | S. Kiedrowski |

13. Resolution #14-2023
WNY Tile

H. Wojtaszek

14. Resolution #15-2023
Kim Crawford

S. Kiedrowski

15. Resolution #141-2022A
F & B Various Vendors

S.Kiedrowski

2022 FINAL HANDLE FIGURES

Live Racing Handle Figures 2021/2022

	<u>On-Track</u>	<u>Export</u>	<u>Total Handle</u>	<u>Races</u>
2022	\$911,501	\$6,650,630	\$7,562,131	642
2021	\$945,105	\$7,139,206	\$8,084,311	554

Live Racing Nightly Average Handles 2021/2022

	<u>On-Track</u>	<u>Export</u>	<u>Total Handle</u>	<u>Dates</u>
2022	\$16,574	\$120,920	\$137,494	55
2021	\$17,183	\$129,804	\$146,987	55

IN SUM: Live On-Track handle was down \$33,599 or 3.5%

Total handle was down \$522,170 or 6.4%

HOW DID WE STACK UP NATIONALLY?

ALL HARNESS WAGERING IN NORTH AMERICA IN 2022

WAS DOWN 8.4% WHILE BATAVIA WAS DOWN 6.4%

Highest All Time Betting

Year	Total	Race Dates
2019	\$8,779,409	63
2017	\$8,240,182	71
2021	\$8,084,311	55
2015	\$7,763,216	69
2016	\$7,617,214	71
2022	\$7,562,131	55

Highest Nightly Betting

Year	Total	Races
2019	\$339,893	11
2022	\$237,733	13
2022	\$223,733	11
2020	\$222,198	13
2021	\$218,561	10

**FYI: OPENING NIGHT HANDLE
JANUARY 9, 2023 \$257,510!**

Purse Money Payments

2022 Total Purse Money Paid Out

2022	\$6,783,356
2021	\$4,680,516

2022 Non-Stakes Money Paid Out

2022	\$5,723,356	(\$104,061 Nightly Average)	**ALL TIME HIGH
2021	\$4,064,850	(\$73,906 Nightly Average)	

RESOLUTION #06-2023

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) operates the Lucky Treasures Store located in the Batavia Downs Gaming facility; and

WHEREAS, Western has previously purchased various Buffalo Mafia apparel from Extreme Streetwear, Inc. located at 545 East Main Street, Batavia, New York (“Extreme”) being a single source provider of such brand to be sold at the Lucky Treasures Store for the 2022 calendar year; and

WHEREAS, the Staff requests that Western purchase additional Buffalo Mafia apparel from Extreme for the remainder of 2022 in the amount not to exceed \$5,000.00; and now therefore, be it

RESOLVED, that the Board of Directors of Western approve the purchase of additional apparel from Extreme to be sold in the Lucky Treasures Store for the amount not to exceed \$5,000.00 for the remainder of calendar year 2022; and further

BE IT RESOLVED, that an Officer of Western is authorized to execute any agreement in furtherance of the Boards approval of this resolution.

Respectfully submitted,
Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: January 19, 2023
Batavia, New York

RESOLUTION #07-2023

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 gift card from Tops Friendly Markets with office located at 6592 Paysphere Circle, Chicago, Illinois (“Tops”) with eligible hotel stays in 2023; and

WHEREAS, Staff requests that the Board approve the purchase from Tops of \$20.00 gift cards in the aggregate amount of \$100,000.00 to be used toward a promotion for the Hotel at Batavia Downs in 2023; 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 for 2023 in the total aggregate amount of \$100,000.00: 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,
Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: January 19, 2023
 Batavia, New York

RESOLUTION - #08-2023

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; and

WHEREAS, Western has previously purchased various items and car parts from Napa Auto Parts, located at 412 East Main Street, Batavia, New York ("Napa") under a Omnia Federal Bid Contract to maintain various vehicles owned and operated by Western; and

WHEREAS, Western needs to purchase additional items and parts from Napa for the remainder of the 2022 year in the total annual amount of \$20,000.00; and

WHEREAS, Staff recommends that the Board approve the purchase of items and car parts from Napa to help maintain the various vehicles owned and operated by Western in the annual amount of \$20,000.00 for the remainder of 2022 year; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approve the purchase of various items and car parts from Napa in the annual amount of \$20,000.00 for the remainder 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: January 19, 2023
Batavia, New York

RESOLUTION - #09-2023

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; and

WHEREAS, Western wishes to purchase various items and car parts from Napa Auto Parts, located at 412 East Main Street, Batavia, New York ("Napa") under a Omnia Federal Bid Contract to maintain various vehicles owned and operated by Western; and

WHEREAS, Western needs to purchase additional items and parts from Napa for the 2023 year in the total annual amount of \$20,000.00; and

WHEREAS, Staff recommends that the Board approve the purchase of items and car parts from Napa to help maintain the various vehicles owned and operated by Western in the annual amount of \$20,000.00 for the 2023 year; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approve the purchase of various items and car parts from Napa in the annual amount of \$20,000.00 for 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: January 19, 2023
Batavia, New York

RESOLUTION - #10-2023

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 Tarantino Foods LLC located at 530 Baily Avenue, Buffalo, New York (“Tarantino”) for the remainder of the 2022 calendar year; and

WHEREAS, Western requires a supplemental blanket purchase order in the amount of \$15,000.00 for use by the Food & Beverage Department through the remainder 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 \$15,000.00 with Tarantino for the purchase of various food commodities and related products through the remainder 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 \$15,000.00 from Tarantino 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: January 19, 2023
Batavia, New York

RESOLUTION - #11-2023

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., with mailing address of PO Box 644547, Pittsburgh, PA (“US Food”) for the remainder of the 2022 calendar year; and

WHEREAS, Western requires a supplemental blanket purchase order in the amount of \$35,000.00 for use by the Food & Beverage Department through the remainder 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 \$35,000.00 with US Food for the purchase of various food commodities and related products through the remainder 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 \$35,000.00 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: January 19, 2023
Batavia, New York

RESOLUTION - #12-2023

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate its various locations including its Batavia Downs Gaming location in a safe and efficient manner, while providing the best experience available to our patrons and employees; and

WHEREAS, Great Lakes Environmental & Safety Consultants, Inc. with offices at 50 Ridge Road, Buffalo, New York ("Great Lakes") have provided a proposal to Western to provide continual workplace safety compliance assistance for an additional one (1) year period for an amount not to exceed \$19,200.00; and

WHEREAS, staff recommends that the Board of Western accept the proposal of Great Lakes of \$19,200.00 for an additional one (1) year period; and now therefore

BE IT RESOLVED, that Western's Board of Directors accepts the proposal of Great Lakes to provide continual workplace safety compliance for an additional one (1) year period in an amount not to exceed \$19,200.00; 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: January 19, 2023
Batavia, New York



December 21, 2022

Safety CSA 2023
Proposal # 22249

Mr. Henry Wojtaszek
WROTB/BDG
8315 Park Rd
Batavia, NY 14020

Henry:

Great Lakes Environmental & Safety Consultants, Inc. ("Great Lakes") is pleased to submit this proposal to provide WROTB/BDG with continual workplace safety compliance assistance.

SCOPE OF WORK

Great Lakes will ensure continuity of WROTB/BDG safety programs by providing the assistance of subject matter experts in general industry safety matters, including both on-site training and safety meetings and off-site support, in the form of a continuing service agreement ("CSA").

For observed safety deficiencies, Great Lakes will provide a summarized report and develop a roadmap to bring each deficiency into compliance to see through implementation any safety programs developed including process reviews and ongoing safety projects. This monthly arrangement is the backbone for the safety assistance we provide, allowing us to plan our services on a continuing basis, ensure continuity throughout the process, improve and assist in the development of a sustainable safety management system.

Our monthly support would include services such as:

- Participation in and provide guidance to Safety Committee
- Safety training on various topics as applicable
- Safety and environmental compliance inspections
- Safety Data Sheet (SDS) tracking and maintenance
- Annual safety manual review/audits
- Assistance with injury and illness reporting, accident investigations, contractor qualifications and OSHA interfacing, as required
- Ongoing EHS support for new projects/issues
- Provide current regulatory enforcement trends
- Review/provide guidance of/for governmental submissions



A typical month may look like the following:

- One day on site each month, including:
 - Participation in safety committee
 - Facility walkthrough, with or without supervisory personnel present, to inspect for deficiencies and improvements since last month. Some on-the-fly training may take place with employees or supervisors during the walkthrough.
 - Formal training, whether classroom or practical
 - Additional safety initiatives
- Remote support and assistance, including email and telephonic support to maintain safety program and improvement progress.

INVESTMENT

Great Lakes will provide the aforementioned services from our team each month for a fixed fee of \$1,600 per month, Effective January 1, 2023 through December 31, 2023.

Additional Services:

Any services that are not reflected in the Scope of Work above will be considered Additional Services and proposed separately.

These may include industrial hygiene monitoring and associated laboratory fees, arc flash analysis, First Aid/CPR/AED training, machine-specific lockout/tagout procedures, environmental plan development, air permitting, DOT support, motor vehicle safety courses or OSHA conferences beyond initial contact and informal conference.

PROPOSAL ACKNOWLEDGEMENT

A signature below authorizes acceptance of this proposal and creates an agreement incorporating the terms and conditions herein effective the latest date signed below.

Payment terms are net 30 days from receipt of invoice.

GREAT LAKES ENVIRONMENTAL
& SAFETY CONSULTANTS, INC.

WROTB/BDG

Title: _____

Evan J. Casey
President

Date: _____

Date: December 21, 2022

P.O. #: _____

RESOLUTION #14-2023

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 requires new LVT tile flooring to be installed in the Park Place bar area; and

WHEREAS, Western received a proposal under NYS Contract #PC69411 to purchase from WNY Tile and Stone Corp. with offices located at 139 Division Street, N. Tonawanda, New York (“WNY Tile”) as set forth above in the amount of \$24,962.98; and

WHEREAS, Staff recommends that the Board of Directors of Western to accept the proposal of WNY Tile for the purchase of LVT tile flooring in the amount not to exceed \$24,962.98; and, therefore be it

BE IT RESOLVED, that the Board of Directors of Western hereby accept the proposal of WNY Tile in an amount not to exceed \$24,962.98 for the purchase of LVT tile flooring; 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: January 19, 2023
Batavia, New York

RESOLUTION #15-2023

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 has previously entered into an agreement with Kim Crawford (“Crawford”) to provide professional consulting services to Western in respect to the surfacing and banking of the horse race track at Batavia Downs for the amount of \$60,000.00 for the 2022 race season and \$65,000 for the 2023 race season; and

WHEREAS, Western has expanded its race season to include a 2023 winter meet and wishes to entered into an agreement with Crawford to provide professional consulting services to Western in respect to the surfacing and banking of the horse race track at Batavia Downs for the winter meet for the additional amount of \$21,667.00; and

WHEREAS, Staff recommends that the Board of Directors of Western amend the existing agreement with to Crawford to provide professional consulting services regarding the surfacing and banking of the horse race track at Batavia Downs for the 2023 winter meet; and therefore, be it

RESOLVED, that the Board of Directors of Western hereby approve an amendment to the agreement with Crawford to provide professional consulting services in respect to the surfacing and banking the horse racetrack at Batavia Downs for the 2023 winter meet the additional amount of \$21,667.00; 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: January 19, 2023
Batavia, New York

RESOLUTION # 141-2022 (A)

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) purchases various food, beverage and various supplies and maintenance items for the operation of the Homestretch Grill, Grandstands, Fortune’s, 34 Rush and the Clubhouse restaurant on an as-needed basis; and

WHEREAS, based on Western’s desire to provide high quality food to our customers, the Board previously authorized the purchase food & beverage products from various vendors in the amounts attached to resolution #141-2022 for the 2023 year; and

WHEREAS, staff has found that the attachment to that resolution needs to be amended to reflect the correct name and total limits; and

WHEREAS, staff requests that the Board of Western amend the above resolution to reflect the correct vendors and amounts; now therefore, be it further

RESOLVED, that the Board of Directors of the Western approves the purchase of various products for 2023 from the corrected list of vendors not to exceed the amounts set forth therein; and, be it further

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

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: January 19, 2023
Batavia, New York

F & B 2023

VENDOR	BLANKET PO	AMOUNT	
CH WRIGHT	63375BL	\$240,000.00	
EMPIRE MERCHANTS	63377BL	\$130,000.00	
JACOB KERN	63356BL	\$70,000.00	
JFS/CURTZE	63357BL	\$150,000.00	
PALMER FOODS	63358BL	\$500,000.00	
TRY-IT DIST. - SANZO BEVERAGE	63399BL	\$100,000.00	
SCHNEIDER'S SEAFOOD	63359BL	\$50,000.00	
SOUTHERN WINE	63398BL	\$250,000.00	
SYSCO	63543BL	\$200,000.00	
TARANTINO FOOD	63360BL	\$100,000.00	
US FOOD SERVICE	63397BL	\$535,000.00	

\$2,325,000.00