

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

8315 Park Road, Batavia, NY 14020

## **PUBLIC NOTICE**

### **FEBRUARY 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, February 22, 2023, and Thursday, February 23, 2023**, at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020 as follows:

#### **Wednesday, February 22, 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, February 23, 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, February 23, 2023, at 10:00 a.m.** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020.

**Dated: February 7, 2023**

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## PERSONNEL COMMITTEE MEETING

Wednesday, February 22, 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 for the Appointment of

- Director of Human Resources Position

-H. Wojtaszek  
-W. White

2. Executive Session

2a. 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.



tel. 585-343-1423  
 fax. 585-343-6873  
 WesternOTB.com



tel. 585-343-3750  
 fax. 585-343-7773  
 bataviaDownsGaming.com

8315 Park Road  
 Batavia, New York 14020

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- Current Member of:
- Harness Tracks of America*
  - United States Trotting Association*
  - American Horse Council*
  - New York Thoroughbred Breeders' Inc.*
  - Local Chambers of Commerce*

WESTERN REGIONAL OFF-TRACK  
 BETTING CORPORATION

February 17, 2023

Mr. Ken Lauderdale, Chairman  
 Members, Finance Committee  
 Western Regional Off-Track  
 Betting Corporation  
 8315 Park Road  
 Batavia, New York 14020

Dear Members:

Enclosed for your review is the upcoming Finance Committee Agenda and attachments for the Finance meeting. The Finance Committee meeting is scheduled for Wednesday, February 22, 2023.

If any members have any questions concerning the information regarding the Finance Committee items, feel free to contact me.

Sincerely,

Jacquelyne A. Leach  
 Chief Financial Officer

JAL/pag  
 cc: Officers

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## Finance Committee Meeting February 22, 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. Daily Cleaning Services – Erie County
  - Resolution #27-2023

- M. Glor
  
2. Daily Cleaning Services – Niagara County
  - Resolution #31-2023

- M. Glor
  
3. Land & Snow Services LLC - Supplemental
  - Resolution #28-2023

- M. Glor
  
4. ISolved Inc.
  - Resolution #30-2023

- J. Leach
  
5. Chief Financial Officer Report & BDG Financials
  - December 2022 – Preliminary (pending Bonadio audit)
  - January 2023

- J. Leach
  
6. NYGA Weekly Numbers
  - December 2022/January 2023

- J. Leach



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Fax: 585-343-6873

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WESTERN REGIONAL OFF-TRACK  
BETTING CORPORATION

February 15, 2023

TO: Ken Lauderdale, Chairman Finance  
Members, Board of Directors

FROM: Megan Glor, Director of Purchasing *Megan Glor*  
Real Estate

SUBJECT: Daily Cleaning Services – Erie County

A public bid was held on February 9, 2023 for the daily cleaning services of two (2) OTB branch locations in Erie County.

Bid packages were sent to nine (9) vendors and three (3) bids were received as below based on a monthly bid pricing model:

| <u>Vendor Name</u>       | <u>Clinton</u> | <u>Wehrle</u> |
|--------------------------|----------------|---------------|
| Duran Cleaning Service   | \$1980.00      | \$2800.00     |
| ABC Cleaning Services    | \$3866.34      | \$5039.63     |
| Clean MD Commercial Inc. | \$5763.17      | \$8555.17     |

Current Contract rate is as follows:

| <u>Clinton</u> | <u>Wehrle</u> |
|----------------|---------------|
| \$2673.09      | \$3650.26     |

The above pricing reflects an annual cost savings to the Corporation of 26% for the Clinton Street location and 23% for the Wehrle location.

Staff recommends the award be made to the lowest, responsible bidder Duran Cleaning Service for a period of twenty-four (24) months, March 1, 2023 – February 28, 2025, in the total amount of \$114,720.00.

Thank you.

## **RESOLUTION #27-2023**

**WHEREAS**, the Western Regional Off Track Betting Corporation (“Western”) maintains two (2) branch facilities in Erie County for patronage by its customers; and

**WHEREAS**, it is imperative that the facilities are clean and suitable for frequenting by the wagering public; and

**WHEREAS**, Western has invited bids for that proposed cleaning service contract for a two (2) year period; and

**WHEREAS**, on February 9, 2023 such cleaning service bid proposals were publicly opened for the branches in Erie County; and

**WHEREAS**, Duran Cleaning Services, located at 525 Sherborne Road, Webster, New York (“Duran”), has been identified as the lowest responsible bidder with a total bid of \$114,720.00; now, therefore

**BE IT RESOLVED**, that Western upon the recommendation of staff, awards the two-year cleaning service contract for the two (2) Erie County branches to Duran in the total amount of \$114,720.00.

Respectfully submitted,  
Ken Lauderdale, Chairman  
Finance Committee

Dated: February 23, 2023  
Batavia, New York



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WESTERN REGIONAL OFF-TRACK  
BETTING CORPORATION

February 15, 2023

TO: Ken Lauderdale, Chairman Finance  
Members, Board of Directors

FROM: Megan Glor, Director of Purchasing / Real Estate 

SUBJECT: Daily Cleaning Services – Niagara County

A public bid was held on February 9, 2023 for the daily cleaning services of one (1) OTB branch location in Niagara County.

Bid packages were sent to nine (9) vendors and two (2) bids were received as below based on a monthly bid pricing model:

| <u>Vendor Name</u>       | <u>River Road</u> |
|--------------------------|-------------------|
| ABC Cleaning Services    | \$2901.93         |
| Clean MD Commercial Inc. | \$3813.17         |

Current Contract rate is as follows:

River Road  
\$2062.59

The above pricing reflects a 41% increase in cost to the Corporation.

Staff recommends the award be made to the lowest, responsible bidder ABC Cleaning Services Inc. for a period of twenty-four (24) months, March 1, 2023 – February 28, 2025, in the total amount of \$69,646.32.

Thank you.

## **RESOLUTION #31-2023**

**WHEREAS**, the Western Regional Off-Track Betting Corporation ("Western") maintains one (1) branch facility in Niagara County for patronage by its customers; and

**WHEREAS**, it is imperative that the facility is clean and suitable for frequenting by the wagering public; and

**WHEREAS**, Western has invited bids for that proposed two (2) year cleaning service contract; and

**WHEREAS**, on February 9, 2023 such cleaning service bid proposals were publicly opened for the branch in Niagara County; and

**WHEREAS**, ABC Cleaning Service, located at 1458 East Delevan Avenue, Buffalo, New York has been identified as the lowest responsible bidder with a total bid of \$69,646.32; now, therefore

**BE IT RESOLVED**, that Western, upon the recommendation of staff, awards the two-year cleaning service contract for the Niagara County branch to ABC Cleaning Service in the total amount of \$69,646.32.

Respectfully submitted,  
Ken Lauderdale, Chairman  
Finance Committee

Dated: February 23, 2023  
Batavia, New York





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WESTERN REGIONAL OFF-TRACK  
BETTING CORPORATION

February 15, 2023

TO: Ken Lauderdale, Chairman Finance  
Members, Board of Directors

FROM: Megan Glor, Director of Purchasing & Real Estate *Megan Glor*

SUBJECT: Public Bid – Increase Contract Amount  
Erie County Snowplowing/Shoveling Services

A public bid was held on Thursday, October 13, 2022 for the 2022-2023 snowplowing and shoveling services at two (2) OTB branch locations in Erie County.

The board approved the award be made to Land & Snow Services LLC in the amount of \$25,000.00 per the below breakdown:

| Land & Snow Services<br>LLC      | Per Call Plowing | Per Call Salting |
|----------------------------------|------------------|------------------|
| 2310 Clinton Street, Buffalo     | \$174.00         | \$149.00         |
| 1042 Wehrle Drive, Williamsville | \$200.00         | \$199.00         |

Staff is requesting approval for an increase in this amount of an additional \$20,000.00 for the remainder of the Winter Season, due to unforeseen snowfall amounts in November and December, and the need for dump truck removal of snow from the lots.

Thank you.

## RESOLUTION #28-2023

**WHEREAS**, it is the responsibility of the Western Regional Off-Track Betting Corporation (“Western”) to maintain the physical condition and aesthetic appearance of its branch facilities; and

**WHEREAS**, the Board of Directors of Western and staff see as a fundamental duty the safety and well-being of its patrons and branch employees who visit and use these branch facilities; and

**WHEREAS**, after an RFP process, the Board of Western determined that Land & Snow Services LLC (“Land”) was the lowest responsible bidder on a branch-by-branch basis as per the attached schedule and authorized staff to enter into an agreement to provide snow plowing services for Erie County branches for the 2022-2023 season up to the amount of \$25,000.00; now

**WHEREAS**, due to an extraordinary amount of snow, the staff requests that the Board of Western authorize additional funds to provide snow plowing services for the remainder of the 2022-2023 season in the additional amount of \$20,000.00; now

**THEREFORE, BE IT RESOLVED**, that the Board of Directors of Western authorized the additional amount of \$20,000.00 for snow plowing and salting for Erie County branches for the remainder of the 2022-2023 season; and

**BE IT FURTHER, RESOLVED** that an officer of Western is directed to facilitate the performance of the contracts by taking such actions as are required to do so.

Respectfully submitted,  
Ken Lauderdale, Chairman  
Finance Committee

Dated: February 23, 2023  
Batavia, New York

## **RESOLUTION #30-2023**

**WHEREAS**, Western Regional Off-Track Betting Corporation (“Western”), has previously entered into an agreement with ISolved Inc. (“ISolved”) with address at PO Box 120299, Dallas, Texas Systems, Inc., to provide a payroll time keeping system; and

**WHEREAS**, Western has the option to renew the existing agreement with ISolved for an additional ten (10) year period, the estimated life span for the system at the cost not to exceed \$25,000.00 in year one, with annual increases of 5% per year through the remainder of the agreement; and

**WHEREAS**, Staff recommends that Western exercise its option to extend the agreement for a ten (10) year period with ISolved; now therefore

**BE IT RESOLVED**, that Western exercises its option to extend the existing agreement with ISolved for an additional ten (10) year period at the cost not to exceed \$25,000.00 in year one, with annual increases of 5% per year through the remainder of the agreement; and

**IT IS FURTHER, RESOLVED** that an officer of Western is authorized to execute such a contract consistent with the purpose and intent of this resolution.

Respectfully submitted,  
Ken Lauderdale, Chairman  
Finance Committee

Dated: February 23, 2023  
Batavia, New York

| <u>Operational Results - December 2022</u> | December 2022 | December 2021 | December Plan |
|--|---------------|---------------|---------------|
| Total Handle                               | \$3,545,616   | \$4,196,217   | \$4,176,000   |
| \$ Variance                                |               | (650,601)     | (630,384)     |
| % Variance                                 |               | -16%          | -15%          |
| VGM Net Win                                | \$5,981,976   | \$5,743,743   | \$4,326,336   |
| \$ Variance                                |               | 238,233       | 1,655,640     |
| % Variance                                 |               | 4%            | 38%           |
| Revenue net of Statutories                 | \$ 3,626,108  | \$ 3,395,375  | \$ 2,861,929  |
| Operating Expenses                         | 3,271,022     | 3,381,962     | 2,951,852     |
| Earnings and Surcharge                     | 355,086       | 13,413        | (89,923)      |
| Surcharge                                  | 44,553        | 52,625        | 56,928        |
| Operational Earnings (Losses)              | \$ 310,533    | \$ (39,212)   | \$ (146,851)  |
| \$ Variance                                |               | 349,745       | 457,384       |
| % Variance                                 |               | 892%          | 311%          |

\* Earnings are computed and distributed on a quarterly basis

| <u>Segment Performance:</u>                        | December 2022     | December 2021       | December Plan       |
|--|-------------------|---------------------|---------------------|
| BRANCH Earnings from Operations                    | \$ 38,046         | \$ 82,649           | \$ 84,106           |
| Less: G&A Allocation                               | 35,334            | 480,750             | 212,592             |
| <u>Earnings (Losses) net of G&amp;A Allocation</u> | <u>\$ 2,712</u>   | <u>\$ (398,101)</u> | <u>\$ (128,486)</u> |
| \$ Variance  |                   | 400,813             | 131,198             |
| % Variance   |                   | 101%                | 102%                |
| BATAVIA DOWNS Earnings from Operations             | \$ 358,668        | \$ 1,050,700        | \$ 287,561          |
| Less: G&A Allocation                               | 50,847            | 691,811             | 305,926             |
| <u>Earnings (Losses) net of G&amp;A Allocation</u> | <u>\$ 307,821</u> | <u>\$ 358,889</u>   | <u>\$ (18,365)</u>  |
| \$ Variance  |                   | (51,068)            | 326,186             |
| % Variance   |                   | -14%                | 1776%               |
| GENERAL AND ADMINISTRATIVE expense                 | \$ 86,181         | \$ 1,172,561        | \$ 518,518          |
| \$ Variance  |                   | (1,086,380)         | (432,337)           |
| % Variance   |                   | -93%                | -83%                |

| <u>Net Cash Distributions to Municipalities:</u> | December 2022 | December 2021 | December Plan |
|--|---------------|---------------|---------------|
| SURCHARGE  | \$ 44,553     | \$ 52,625     | \$ 56,928     |
| \$ Variance                                      |               | (8,072)       | (12,375)      |
| % Variance                                       |               | -15%          | -22%          |

| <u>Year to Date Surcharge and Net Revenue</u> | December 2022 | December 2021 | December Plan |
|---|---------------|---------------|---------------|
| SURCHARGE                                     | \$ 701,648    | \$ 886,904    | \$ 886,144    |
| \$ Variance                                   |               | (185,256)     | (184,496)     |
| % Variance                                    |               | -21%          | -21%          |
| NET EARNINGS AVAILABLE FOR DISTRIBUTION       | \$ 8,288,183  | \$ 5,566,079  | \$ 4,557,612  |
| \$ Variance                                   |               | 2,722,104     | 3,730,571     |
| % Variance                                    |               | 49%           | 82%           |
| TOTAL   | \$ 8,989,831  | \$ 6,452,983  | \$ 5,443,756  |

\* Pending Bonadio Audit

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

|  | 2022<br>December | 2021<br>December | 2022<br>December Plan | 2022<br>Year To Date | 2021<br>Year To Date      | 2022<br>Operating Plan<br>YTD |
|--|------------------|------------------|-----------------------|----------------------|---------------------------|-------------------------------|
| HANDLE (Includes Live)                   | \$3,546,000      | \$4,196,000      | \$4,176,000           | \$58,041,000         | \$68,366,000              | \$68,282,000                  |
| \$ Variance                              |                  | (650,000)        | (620,000)             |                      | (12,325,000)              | (12,241,000)                  |
| % Variance                               |                  | -15%             | -15%                  |                      | -18%                      | -18%                          |
| VGM Net Win                              | \$5,982,000      | \$5,744,000      | \$4,326,000           | \$76,032,000         | \$66,400,000              | \$65,000,000                  |
| \$ Variance                              |                  | 238,000          | 1,659,000             |                      | 9,632,000                 | 11,032,000                    |
| % Variance                               |                  | 4%               | 38%                   |                      | 15%                       | 17%                           |
| <b>Revenue and Expense:</b>              |                  |                  |                       |                      |                           |                               |
| Operating Revenue                        | 7,069,000        | 6,787,000        | 5,516,000             | 91,609,000           | 83,627,000                | 82,444,000                    |
| \$ Variance                              |                  | 282,000          | 1,553,000             |                      | 7,982,000                 | 9,165,000                     |
| % Variance                               |                  | 4%               | 28%                   |                      | 10%                       | 11%                           |
| Less: Statutory Expenses                 | 3,443,000        | 3,392,000        | 2,654,000             | 44,417,000           | 41,027,000                | 40,268,000                    |
| \$ Variance                              |                  | 51,000           | 789,000               |                      | 3,390,000                 | 4,149,000                     |
| % Variance                               |                  | 2%               | 30%                   |                      | 8%                        | 10%                           |
| Revenue before Operating Expenses        | 3,626,000        | 3,395,000        | 2,862,000             | 47,192,000           | 42,600,000                | 42,176,000                    |
| \$ Variance                              |                  | 231,000          | 784,000               |                      | 4,532,000                 | 5,016,000                     |
| % Variance                               |                  | 7%               | 27%                   |                      | 11%                       | 12%                           |
| Less: Operating Expenses                 | 3,271,000        | 3,382,000        | 2,952,000             | 38,201,000           | 36,324,000                | 36,732,000                    |
| \$ Variance                              |                  | (111,000)        | 318,000               |                      | 1,877,000                 | 1,469,000                     |
| % Variance                               |                  | -3%              | 11%                   |                      | 5%                        | 4%                            |
| Retained Surcharge/Net earnings          | 355,000          | 13,000           | (90,000)              | 8,991,000            | 6,276,000                 | 5,444,000                     |
| \$ Variance                              |                  | 342,000          | 445,000               |                      | 2,715,000                 | 3,547,000                     |
| % Variance                               |                  | 2631%            | 484%                  |                      | 43%                       | 65%                           |
| Retained Surcharge                       | 45,000           | 53,000           | 57,000                | 702,000              | 887,000                   | 886,000                       |
| \$ Variance                              |                  | (8,000)          | (12,000)              |                      | (185,000)                 | (184,000)                     |
| % Variance                               |                  | -16%             | -21%                  |                      | -21%                      | -21%                          |
| Net Earnings(Losses) from Operations     | 311,000          | (39,000)         | (147,000)             | 8,289,000            | 5,389,000                 | 4,558,000                     |
| \$ Variance                              |                  | 350,000          | 458,000               |                      | 2,900,000                 | 3,731,000                     |
| % Variance                               |                  | 897%             | 312%                  |                      | 54%                       | 82%                           |
| PPP Forgiveness                          | 0                | 0                | 0                     | 81,000               | 0                         | 0                             |
| Earnings (Losses) Net of PPP Forgiveness | 311,000          | (39,000)         | (147,000)             | 8,370,000            | 5,389,000                 | 4,558,000                     |
| \$ Variance                              |                  | 350,000          | 458,000               |                      | 2,900,000                 | 3,612,000                     |
| % Variance                               |                  | 897%             | 312%                  |                      | 55%                       | 84%                           |
|  |                  |                  |                       | 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      | \$153,978             | \$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          | \$2,618,587               | \$1,655,736                   |
| \$ Variance                              |                  |                  |                       |                      | (288,062)                 | 574,789                       |
| % Variance                               |                  |                  |                       |                      | -11%                      | 35%                           |
| 4th Qtr. Operational Earnings*           |                  | \$1,296,865      | \$114,908             | \$1,181,958          | \$1,161,135               | \$100,170                     |
| \$ Variance                              |                  |                  |                       |                      | 20,823                    | 1,081,788                     |
| % Variance                               |                  |                  |                       |                      | 2%                        | 1080%                         |
| PPP Forgiveness**                        |                  | \$81,335         | \$0                   | \$0                  | \$0                       | \$0                           |
| Total YTD                                |                  | \$8,369,619      | \$535,571             | \$7,752,613          | \$4,906,280               | \$4,557,812                   |
| \$ Variance                              |                  |                  |                       |                      | 2,846,333                 | 3,194,801                     |
| % Variance                               |                  |                  |                       |                      | 58%                       | 70%                           |

\* 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 - SUMMARY OF CFO'S REPORT - ACTUAL RESULTS:

| <u>Operational Results - January 2023</u> | January<br>2023 | January<br>2022 | January<br>Plan |
|---|-----------------|-----------------|-----------------|
| Total Handle                              | \$3,839,686     | \$4,022,314     | \$3,868,462     |
| \$ Variance                               |                 | (182,628)       | (28,776)        |
| % Variance                                |                 | -5%             | -1%             |
| VGM Net Win                               | \$6,630,851     | \$5,319,843     | \$5,519,843     |
| \$ Variance                               |                 | 1,311,008       | 1,111,008       |
| % Variance                                |                 | 25%             | 20%             |
| Revenue net of Statutories                | \$ 3,779,360    | \$ 3,148,897    | \$ 3,238,967    |
| Operating Expenses                        | 3,359,500       | 2,751,369       | 3,271,344       |
| Earnings and Surcharge                    | 419,860         | 397,528         | (32,377)        |
| Surcharge                                 | 47,730          | 49,418          | 45,821          |
| Operational Earnings (Losses)             | \$ 372,130      | \$ 348,110      | \$ (78,198)     |
| \$ Variance                               |                 | 24,020          | 450,328         |
| % Variance                                |                 | 7%              | 576%            |
| Loss on sale of Military Road             | (102,981)       | 0               | 0               |
| Earnings after Branch Sale                | \$ 269,149      | \$ 348,110      | \$ (78,198)     |

\* Earnings are computed and distributed on a quarterly basis

| <u>Segment Performance:</u>                        | January<br>2023         | January<br>2022         | January<br>Plan         |
|--|-------------------------|-------------------------|-------------------------|
| BRANCH Earnings from Operations                    | \$ 23,070               | \$ 26,963               | \$ 5,458                |
| Less: G&A Allocation                               | 195,189                 | 199,383                 | 193,019                 |
| <u>Earnings (Losses) net of G&amp;A Allocation</u> | <u>\$ (172,119)</u>     | <u>\$ (172,420)</u>     | <u>\$ (187,561)</u>     |
| \$ Variance  |                         | 301                     | 15,442                  |
| % Variance   |                         | 0%                      | 8%                      |
| BATAVIA DOWNS Earnings from Operations             | \$ 906,743              | \$ 807,447              | \$ 467,827              |
| Less: G&A Allocation                               | 362,494                 | 286,917                 | 358,464                 |
| <u>Earnings net of G&amp;A Allocation</u>          | <u>\$ 544,249</u>       | <u>\$ 520,530</u>       | <u>\$ 109,363</u>       |
| \$ Variance  |                         | 23,719                  | 434,886                 |
| % Variance   |                         | 5%                      | 398%                    |
| GENERAL AND ADMINISTRATIVE expense                 | \$ 557,683              | \$ 486,300              | \$ 551,483              |
| \$ Variance  |                         | 71,383                  | 6,200                   |
| % Variance   |                         | 15%                     | 1%                      |
| <u>Net Cash Distributions to Municipalities:</u>   | <u>January<br/>2023</u> | <u>January<br/>2022</u> | <u>January<br/>Plan</u> |
| SURCHARGE  | \$ 47,730               | \$ 49,418               | \$ 45,821               |
| \$ Variance  |                         | (1,688)                 | 1,909                   |
| % Variance   |                         | -3%                     | 4%                      |
| <u>Year to Date Surcharge and Net Revenue</u>      | <u>January<br/>2023</u> | <u>January<br/>2022</u> | <u>January<br/>Plan</u> |
| SURCHARGE  | \$ 47,730               | \$ 49,418               | \$ 45,821               |
| \$ Variance  |                         | (1,688)                 | 1,909                   |
| % Variance   |                         | -3%                     | 4%                      |
| NET EARNINGS AVAILABLE FOR DISTRIBUTION            | \$ -                    | \$ -                    | \$ -                    |
| \$ Variance  |                         | 0                       | 0                       |
| % Variance   |                         | 0%                      | 0%                      |
| TOTAL  | \$ 47,730               | \$ 49,418               | \$ 45,821               |

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

|                                       | 2023<br>January | 2022<br>January | 2023<br>January Plan |
|---------------------------------------|-----------------|-----------------|----------------------|
| HANDLE (includes Live)                | \$3,840,000     | \$4,022,000     | \$3,868,000          |
| \$ Variance                           |                 | (182,000)       | (28,000)             |
| % Variance                            |                 | -5%             | -1%                  |
| VGM Net Wtn                           | \$6,631,000     | \$5,320,000     | \$5,520,000          |
| \$ Variance                           |                 | 1,311,000       | 1,111,000            |
| % Variance                            |                 | 25%             | 20%                  |
| <b>Revenue and Expense:</b>           |                 |                 |                      |
| Operating Revenue                     | 7,545,000       | 6,290,000       | 6,453,000            |
| \$ Variance                           |                 | 1,255,000       | 1,092,000            |
| % Variance                            |                 | 20%             | 17%                  |
| Less: Statutory Expenses              | 3,766,000       | 3,141,000       | 3,214,000            |
| \$ Variance                           |                 | 625,000         | 552,000              |
| % Variance                            |                 | 20%             | 17%                  |
| Revenue before Operating Expenses     | 3,779,000       | 3,149,000       | 3,239,000            |
| \$ Variance                           |                 | 630,000         | 540,000              |
| % Variance                            |                 | 20%             | 17%                  |
| Less: Operating Expenses              | 3,360,000       | 2,751,000       | 3,271,000            |
| \$ Variance                           |                 | 609,000         | 89,000               |
| % Variance                            |                 | 22%             | 3%                   |
| Retained Surcharge/Net earnings       | 420,000         | 398,000         | (32,000)             |
| \$ Variance                           |                 | 22,000          | 452,000              |
| % Variance                            |                 | 6%              | 1413%                |
| Retained Surcharge                    | 48,000          | 49,000          | 46,000               |
| \$ Variance                           |                 | (1,000)         | 2,000                |
| % Variance                            |                 | -2%             | 4%                   |
| Net Earnings (Losses) from Operations | 372,000         | 348,000         | (78,000)             |
| \$ Variance                           |                 | 24,000          | 450,000              |
| % Variance                            |                 | 7%              | 577%                 |
| Loss on sale of Military Road         | (103,000)       | 0               | 0                    |
| Earnings (Losses) Net of Branch Sale  | 372,000         | 348,000         | (78,000)             |
| \$ Variance                           |                 | 24,000          | 450,000              |
| % Variance                            |                 | 7%              | 577%                 |

|                               |     |     |
|-------------------------------|-----|-----|
| 1st Qtr. Operational Earnings | \$0 | \$0 |
| \$ Variance                   |     |     |
| % Variance                    |     |     |

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**ADVERTISING AND PROMOTIONS COMMITTEE AGENDA**

**Wednesday, February 22, 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 23-2023<br>Live Nation                     | R. Hasenauer |
| 3. Resolution 32-2023<br>Game Changing Technologies Inc. | R. Hasenauer |



## RESOLUTION #23-2023

**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 would like to purchase a block of eight (8) tickets with parking from Live Nation Marketing Inc. with office located at 14005 Live Oak Avenue, Irwindale, CA (“Live Nation”) for the 2023 concert series at Darien Lake; and

**WHEREAS**, Staff recommends that Western enter into an agreement with Live Nation for the purchase of a block of eight (8) tickets with parking for the 2023 concert series at Darien Lake at an amount not to exceed \$30,000.00, Live Nation being a sole source provider; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby approves the purchase of a block of eight (8) tickets with parking from Live Nation for the 2023 concert series at Darien Lake in an amount not to exceed \$30,000.00; and further

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

Respectfully submitted,  
Susan May, Chairperson  
Advertising & Promotions Committee

Dated: February 23, 2023  
Batavia, New York

## RESOLUTION #32-2023

**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 its patrons; and

**WHEREAS**, Game Changing Technologies, Inc. (“GCT”), located at 16880 West Bernardo Drive, Suite 210, San Diego, California provides a proprietary software to improve customer service and increase loyalty from our guests, while assisting the gaming, marketing and IT departments: and

**WHEREAS**, staff requests that the Board of Directors of Western authorize the purchase of the software from GCT in the annual amount not to exceed \$150,000.00; and therefore

**BE IT RESOLVED**, that the Board of Directors of Western authorize the purchase of the GCT software for an annual amount not to exceed \$150,000.00; and

**BE IT FURTHER RESOLVED**, that an officer of the Corporation is hereby authorized to execute any document in furtherance of this resolution.

Respectfully submitted,  
Susan May, Chairperson Chairman  
Advertising & Promotions Committee

Dated: February 23, 2023  
Batavia, New York

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**LEGISLATIVE COMMITTEE**

**Wednesday – February 22, 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**

**INSURANCE COMMITTEE**  
**Wednesday February 22, 2023**  
**3:45p.m.**

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

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

**AGENDA**

1. Resolution 16-2023A  
Alterity Insurance  
H. Wojtaszek
  
2. Resolution 25-2023  
Garland Insurance - Cyber Liability Insurance  
H. Wojtaszek
  
3. Resolution 26-2023  
Travelers - Hotel Property Insurance  
H. Wojtaszek

## RESOLUTION #16-2023A

**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 previously 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**, Western passed a resolution to engage the services of CIC Group with offices at 3840 E. Robinson Road, Amherst, New York (“CIC”) for such purposes; and

**WHEREAS**, it has come to staff attention that the correct name for CIC is Alterity, and staff requests that the Board amend Resolution #16-2023 to set forth the correct name of the consultant; and therefore, be it

**RESOLVED**, that Western amends Resolution #16-2023, replacing CIC with Alterity for commercial insurance consulting services.

Respectfully Submitted,  
Susan May, Chairperson  
Insurance Committee

Dated: February 23, 2023  
Batavia, New York

## **RESOLUTION #25-2023**

**WHEREAS**, the Western Regional Off-Track Betting Corporation (“Western”) has received a renewal proposal from Houston Casualty Company through its agent Garland Insurance & Financial Services (“Garland”) to provide Western with Cyber Liability Insurance; and

**WHEREAS**, Staff is recommending to the Board of Directors of Western to accept such proposal and to enter into an agreement with Garland to provide Cyber Liability Insurance coverage through Houston Casualty Company for a one (1) year term for \$24,752.00; and therefore, be it

**RESOLVED**, that the Board of Directors of Western hereby accepts the proposal from Garland to provide Cyber Liability Insurance coverage to Western for the one-year term for \$24,752.00; 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: February 23, 2023  
Batavia, New York

## **RESOLUTION #26-2023**

**WHEREAS**, the Western Regional Off-Track Betting Corporation (“Western”) has received a proposal from Travelers Property Casualty Company of America through its agent Garland Insurance & Financial Services (“Garland”) to provide Western with Property Insurance for the hotel located at the Batavia Downs Gaming location; and

**WHEREAS**, Staff is recommending to the Board of Directors of Western to accept such proposal and to enter into an agreement with Garland to provide such Property Insurance coverage through Travelers Property Casualty Company of America for a one (1) year term for \$53,838.00; and therefore, be it

**RESOLVED**, that the Board of Directors of Western hereby accepts the proposal from Garland to provide Property Insurance coverage to Western for the hotel located at Western’s Batavia Downs Gaming location for the one-year term in the amount of \$53,838.00; 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: February 23, 2023  
Batavia, New York

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## BRANCH OPERATIONS COMMITTEE MEETING

Wednesday, February 22, 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) WNY Tile and Stone Corp.
  - Resolution #24-2023  
- H. Wojtaszek  
- D. Pane



## **RESOLUTION #24-2023**

**WHEREAS**, it is the responsibility of Western Regional Off-Track Betting Corporation (“Western”) to maintain the physical condition of its branch facilities; and

**WHEREAS**, Western requires new LVT flooring to be installed at the branch location at 550 River Road; and

**WHEREAS**, Western received a proposal under NYS Contract #PC69410 from WNY Tile and Stone Corp. with offices located at 139 Division Street, N. Tonawanda, New York (“WNY Tile”) for demo, labor and materials to replace the approximately 3000 sq. ft. of flooring for the amount of \$28,749.57; and

**WHEREAS**, Staff recommends that the Board of Directors of Western accept the proposal of WNY Tile for the replacement of flooring in the amount not to exceed \$28,749.57; 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 \$28,749.57; and further

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

Respectfully submitted,  
Michael Horton, Chairman  
Branch Operations Committee

Dated: February 23, 2023  
Batavia, New York

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## BATAVIA DOWNS OPERATIONS COMMITTEE

Thursday – February 23, 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. Live Racing Update  | D. Hoover                     |
| 2. Gaming Floor Update   | S. Schiano                    |
| 3. Resolution 19-2023<br>Edward Hulme Inc.                                 | S. Kiedrowski<br>H. Wojtaszek |
| 4. Resolution 20-2023<br>Loomis  | H. Wojtaszek / J. Leach       |
| 5. Resolution 21-2023<br>WESCO   | H. Wojtaszek                  |
| 6. Resolution 22-2023<br>Global Payments & Gaming Services, Inc.           | H. Wojtaszek / J. Leach       |
| 7. Resolution 29-2023<br>Painters Plus - Hotel Interior Painting           | S. Kiedrowski<br>H. Wojtaszek |
| 8. Resolution 33-2023<br>WNY Tile & Stone Corp. (Restroom)                 | S. Kiedrowski<br>H. Wojtaszek |
| 9. Resolution 34-2023<br>WNY Tile & Stone (Park Place)                     | S. Kiedrowski<br>H. Wojtaszek |
| 10. Resolution 65-2021A<br>Canal Concerts, Inc. (11 <sup>th</sup> concert) | H. Wojtaszek                  |

## **RESOLUTION #19-2023**

**WHEREAS**, Western previously entered into an agreement with Edward Hulme, Inc. (“Hulme”) for the construction of a new warehouse and cold storage facility at its Batavia Downs location; and

**WHEREAS**, staff is recommending that a change order be entered into between Western and Hulme, whereby Hulme would make various changes to existing project to take steps to modify the warehouse loading area to allow for additional height, as more particularly set forth in the attached change order proposal; and

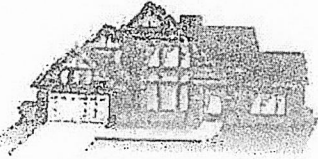
**WHEREAS**, Hulme has proposed to make the changes as set forth for the amount of \$26,119.20; and, therefore be it

**RESOLVED** that the Board of Directors of Western hereby authorize the change order as attached hereto and to accept the proposal of Hulme to conduct such work in an amount not exceeding \$26,119.20; and further

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

Respectfully submitted,  
Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: February 23, 2023  
Batavia, New York



**EDWARD HULME, INC.**

17 East Buffalo Street  
Warsaw, New York 14569  
585-786-5880 Fax 585-786-8269

**Proposal submitted to:**

Western Regional OTB  
8315 Park Rd  
Batavia, NY 14020

Phone:

Date 1/11/23  
MC/prop.23

We hereby submit specifications and estimates:

Proposal to install a new concrete Truck Bay at Batavia Downs Warehouse described as follows:

- Mobilize/demobilize
- Sawcut existing asphalt and concrete and bust out existing concrete truck pad and asphalt to allow for new pad with proper slope. All debris will be hauled off site. Remove bollards and salvage for re-installation after proper grading is achieved. Box down 2" crusher run limestone and re-use for grading pad. A 50" tall truck pad is desired by owner. Once proper grading is achieved, we will roll stone for compaction.
- Form and pour new cast in place concrete curb. 50LF 5" x 18" and new concrete apron at loading dock. Apron will be approx. 850 SF x 6" thick with 6-gauge heavy mesh.
- Furnish and install 2 1/2" of #3 Binder (3 ton) and cap with 1 1/2" of 7F top (3 ton) all blacktop will be rolled for compaction at completion.
- Sawcut existing bollards to proper height at completion.

Total Cost \$ 26,119.20

**Notes:**

Any and all concrete work is not guaranteed against chipping, cracking or spalling; due to abusive methods of snow & ice removal and the freezing & thawing conditions of our natural climate.  
Tax Exempt -- owner to furnish exempt certificate

We propose hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:

Dollars \$26,119.20

Payment to be as follows:

Upon receipt of invoice

All work to be completed in a workman like manner according to standard practices. If conditions change at the jobsite or work is added, this will be billed at our standard rates, which are posted in the office. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is responsible for fire, wind, tornado and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance.

Note: This proposal may be withdrawn by Edward Hulme, Inc. if not accepted within 15 days.

Authorized Signature:

ACCEPTANCE OF PROPOSAL - the above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. A two percent per month service charge will be added to all accounts not paid within 30 days of first billing. In the event of default, if this account is placed in the hands of attorneys for collection, buyer agrees to pay all cost and expenses incurred, including reasonable attorney's fees of 25%.

Date of Acceptance: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**Megan Glor**

---

**Subject:**

FW: Hulme, Inc

*This might be easier for whomever is typing the resolution up, as they can copy/paste.*

### **Bullet Points for Loading Dock**

- ~Loading dock was built to exact dimensions on drawing
- ~Supposing that the arch went with matching existing grades
- ~Front loading dock is at truck height but can be an inconvenience for everyday deliveries
- ~Architect was under impression that we would be buying a walking reach which extends out into trucks
- ~A truck bay extension dock will only go a max of 5" (at current height won't work)
- ~Need to put in a recessed pad with curb to get proper depth
- ~Solves any further issues with deliveries

Thanks,

Heather

**Heather L. Dillon**

Environmental Services Supervisor  
WROTBC/ Batavia Downs Gaming  
8315 Park Road  
Batavia, New York 14020  
(585) 343-3750 ext. 6228  
(585) 344-6174 -fax



## **RESOLUTION #20-2023**

**WHEREAS**, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation (“Western”) to operate its Batavia Downs gaming location in a secure and safe environment; and

**WHEREAS**, Western presently engage Loomis, an armored car services company located in Palatine, Illinois to provide armor care services to Western; and

**WHEREAS**, Western’s staff recommends to the Board that Western enter into a one (1) year agreement with Loomis to provide armored car services 5 days a week at its Batavia Downs gaming location for the annual amount of \$17,000.00; now therefore

**BE IT RESOLVED**, that the Western’s Board of Directors hereby accept the proposal from Loomis to provide armored car services to Western at the Batavia Downs gaming location for a one (1) year period in the amount of \$17,000.00; and

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

Respectfully submitted,  
Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: February 23, 2023  
Batavia, New York

## RESOLUTION #21-2023

**WHEREAS**, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate Batavia Downs Gaming in the best possible manner to protect the Corporation; and

**WHEREAS**, it is imperative that Western's operations are not interrupted by a power shutdown that would affect Western's electric supply, including power to the gaming floor; and

**WHEREAS**, Wesco, with offices located at 120 Galleria Drive, Cheektowaga, New York can provide an Eaton Powerware UPS System to Western's electric system as part of NYS Contract #R192008 for the cost of \$50,589.00; and

**WHEREAS**, staff recommends that the Board of Western purchase the Eaton System from Wesco; and therefore

**BE IT RESOLVED**, that Western accepts the proposal from Wesco for the purchase of the Eaton Powerware UPS System for an amount not to exceed \$50,589.00; and further

**RESOLVED**, that an officer of Western is authorized to enter into an agreement in furtherance of this resolution.

Respectfully submitted,  
Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: February 23, 2023  
Batavia, New York

## RESOLUTION #22-2023

**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**, it is important to Western to provide our customers convenient access to cash, check and credit card services while on Western's gaming floor; and

**WHEREAS**, Global Payments Gaming Services, Inc., P.O. Box 036914, Atlanta, Georgia ("Global") is a sole source vendor who proposed to provide a variety of cash, check and credit card services for our patrons; and

**WHEREAS**, such services provided by Global will also provide a significant revenue to Western which will go to offset much of the cost of such services; and therefore

**BE IT RESOLVED**, that Western accepts the proposal from Global for a one (1) year period to provide a variety of cash access services for an amount not to exceed \$150,000.00; and

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

Respectfully submitted,  
Edward Morgan, Chairman  
Batavia Downs Operations Committee

Dated: February 23, 2023  
Batavia, New York



## **RESOLUTION #29-2023**

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

**WHEREAS**, Western requires that the sixty-seven (67) hotel rooms need to be painted, including the bathrooms at the hotel at Western’s Batavia Downs location; and

**WHEREAS**, Western received ten (10) responses to its RFP and publicly opened the bids on February 13, 2023; and

**WHEREAS**, Staff recommends that the Board of Directors of Western to find that Painters Plus Home Decorating Inc, with offices located at 800 Walck Road, North Tonawanda, New, York (“Painters”) as the lowest responsible bidder with a bid in the amount of \$69,900.00; and, therefore

**BE IT RESOLVED**, that the Board of Directors of Western hereby accept the bid of Painters as the lowest responsible bidder in an amount of \$69,900.00; 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: February 23, 2023  
Batavia, New York

## **RESOLUTION #33-2023**

**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 floor and wall tile to be installed on the second floor in the restroom area of Western’s Batavia Downs location; and

**WHEREAS**, Western received a proposal under NYS Contract #PC69410 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 \$31,692.00; and

**WHEREAS**, Staff recommends that the Board of Directors of Western to accept the proposal of WNY Tile for the purchase of floor and wall tile in the amount not to exceed \$31,692.00; 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 \$31,692.00 for the purchase of the floor and wall tile; 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: February 23, 2023  
Batavia, New York

## **RESOLUTION #34-2023**

**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 flooring and tile to be installed in the Park Place and Boardroom located in Western’s Batavia Downs location; and

**WHEREAS**, Western received a proposal under NYS Contract #PC69410 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 \$128,882.33; and

**WHEREAS**, Staff recommends that the Board of Directors of Western to accept the proposal of WNY Tile for the purchase of flooring and tile in the amount not to exceed \$128,882.33; 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 \$128,882.33 for the purchase and installation of the flooring and tile as set forth above; 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: February 23, 2023  
Batavia, New York

## RESOLUTION #65-2021A

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

**WHEREAS**, in order to hold concert series, Western previously retained Canal Concerts, Inc., a professional concert consultant to oversee the setup and presentation of each concert; and

**WHEREAS**, it was agreed that Canal Concerts Inc (“Canal”) located at 4521 East Lake Road, Wilson, New York provide such professional services more fully described in the attached agreement to oversee the Concert Series at Batavia Downs for the amount of \$3,500.00 per concert, not to exceed the total of \$35,000.00; and

**WHEREAS**, Western conducted eleven (11) concerts in 2022, which requires Resolution #65-2021 to be amended to reflect the additional \$3,500.00 expenditure that season; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Western approve the amendment of Resolution #65-2021 to increase the amount by a total of \$3,500.00; and

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

Respectfully submitted,  
Edward Morgan, Chairman  
Batavia Downs Committee

Dated: February 23, 2023  
Batavia, New York

ADDENDUM TO CANAL CONCERT AGREEMENT DATED 10 /2021

This Addendum made and entered into this 3<sup>rd</sup> day of November 2022, by and between, Batavia Downs Gaming having a place of business at 8315 Park Rd. Batavia NY 14020, herein referred to as "WROTB", on one hand, and Canal Concerts, Inc., a New York Corporation having a place of business at 4521 East Lake Rd. Wilson NY, 14172, herein referred to as "CCS" on the other hand also referred to as the "Talent Buyer".

WITNESSETH

**WHEREAS**, This Addendum will further explain the duties of CCS for the day of show for each concert booked and run concurrent with the original Agreement dated October 1, 2021, and

**WHEREAS**, All aspects of the original Agreement will remain intact, but the compensation for the Addendum of additional duties of CCS will increase \$2,000 for each show booked for WROTB or charity event.

**NOW THEREFORE**, in consideration of the covenants, agreements, terms, provisions and conditions set forth herein, the parties intending to be legally bound do now mutually agree, each with the other, as follows:

1. CCS will provide staffing for the outside bars which includes a minimum of 8 people which will encompass the main bar, VIP bar and add bar in venue. If a CCS staffer cannot work WROTB may be asked to provide a fill in for the night. WROTB Dave or other staffer will continue to stock and maintain bars and ice and product during the show. CCS staffers will be compensated by WROTB with the same wages as prior concert years. Bar staff will continue to operate at minimum until 15 minutes before concert is finished. The announcer will tell patrons last call at 9:45 pm or 15 minutes prior to the end of show.
2. CCS will provide a minimum of 8 security staff for the outside concert venue. Security staff will be compensated by WROTB with the same wages as prior concert years. WROTB will provide inside security staff with metal detectors and wands and local police will patrol the venue during the show.
3. CCS will provide 6 ticket sellers for the outside venue. Ticket sellers will be compensated by WROTB with the same wages as previous concert

years. Ticket sellers will operate sales until 15 minutes prior to the end of show.

4. CCS will coordinate with Modern Disposal or any other company to provide porta johns for the concert season. Six porta johns for the VIP area and 15 -18 in the concert venue. Handicap units and hand wash stations also provided in venue. WROTB will compensate the company agreed upon to provide the service.
5. CCS will be provided with a list of food vendors along with contact information. CCS will confirm food vendors for the concert event and direct location for each vendor.
6. CCS will have 2 security/set up personnel in addition to Kathy Paradowski that will work the entire concert day. The 2 personnel will be compensated by WROTB with the same wages as prior concert years. Tom / Kyle or any new head of maintenance will assist with their maintenance crew with set up and clean up. Leaf blowers will be provided by WROTB for clean up as well.
7. WROTB will provide staff to scan tickets, coordinate the VIP and Premier sections based on ticket sales, coordinate clean up and trash pick up, and coordinate with a local group to pick up cans in the venue after show, and anything else previously agreed upon in the original Agreement.

CCS may ask WROTB for wage increases for said staffers for future years of this Agreement.

ACCEPTED BY:

Henry F. Wojtaszek

Authorized WROTB signer      DATE

K. Paradowski 12/2/22

Authorized CCS signer      Date

Henry F. Wojtaszek

Print name and title

Kathleen Paradowski

Print name and title

## CANAL CONCERTS, INC. AGREEMENT

This Agreement made and entered into this 1st day of October 2021, by and between, Batavia Downs Gaming, having a place of business at 8315 Park Rd, Batavia NY 14020, herein referred to as "WROTB", on one hand, and Canal Concerts, Inc., a New York Corporation having a place of business at 4521 E Lake Rd Wilson NY 14172, herein referred to as "CCS" on the other hand also referred to as the "Talent Buyer".

### WITNESSETH

**WHEREAS**, CCS is a concert and event company; and contacts Artist's Agency Groups to book shows; run the event day of show; and

**WHEREAS**, CCS and WROTB desire to enter into an Exclusive Agreement whereby that CCS is the sole promoter for WROTB outdoor concert series and will run the concert event day of show for WROTB, and CCS will also contact the various Artist's Agencies to book shows for WROTB upon written signature or verbal permission from WROTB CEO to do so. This agreement will run for a period of 5 years beginning October 1 2021 booking for 2022 through October 1 2027.

**WHEREAS**, This Agreement will be automatically renew for 4 consecutive years on October 1 2027 unless either party gives 60 days written notice not to renew. CCS will book a minimum of 10 acts for each concert year of this agreement.

**NOW THEREFORE**, in consideration of the covenants, agreements, terms, provisions and conditions set forth herein, the parties intending to be legally bound do now mutually agree, each with the other, as follows:

1. That CCS will not at its own discretion put in any written or verbal offers to any Agency representing any Artist unless given written or verbal permission by WROTB to do so. That CCS may freelance and/or subcontract his services as long as CCS does not use the WROTB name in doing so.
2. It is understood the CCS is a concert and event company owned solely by Kathleen Paradowski as President.
3. Tickets for all shows will run through the WROTB account. CCS will receive 20 complimentary VIP tickets per show.
4. CCS will bring to WROTB all Artists' that are offered to the company for booking engagements for WROTB. WROTB will determine which acts they wish CCS to book. CCS will in good faith bring shows for review that is for the good of WROTB. CCS will book and confirm the show; advance the show or contract; be available at the venue before and during the show; and handle any issues that might arise with the band or management. CCS is not responsible for any legal issues with the band, staging or production costs.
5. The Bands rider and hospitality requirements, runner, hotels, and day of show expenses for the band are the sole responsibility of WROTB.

6. Once an Artist's offer is submitted than accepted by Artist's management a contract from Artist is emailed for signature. This Agreement gives permission to CCS to sign the contracts for the band. However, by signing the Artist's contract does not make CCS liable for any deposit or required payments or guarantee to the Artist.
7. WROTB agrees to pay any deposit due to Artist by the required date on Artist contract, either by check or wire transfer to Artist or Artist management.
8. WROTB understands and agrees to pay Artist remaining guarantee to Artist Day of show. WROTB understands Artist is paid rain or shine. If Artist cancels the show for any reason, it is the sole responsibility of WROTB to satisfy the terms of the signed Artist agreement between CCS on behalf of WROTB.
9. WROTB will receive an Artist Rider and Contract which lists all requirements of the Artist. Management of the Artist will need the Rider and Contract signed by WROTB before the show is released; however, once the offer is verbally accepted by the Artist and Artist Management, the rider and contract must be completed and signed, and the show must take place. This Agreement gives permission to CCS to sign the contract and rider for the band.
10. WROTB agrees to pay CCS the fee of \$3500.00 per show to run the event day of show rain or shine. This fee is also for services which include booking the show, oversee and direct set up of venue and staging, oversee and direct personnel of WROTB in relation to the concert, and on-site consulting day of show. CCS will have the right to select staff to run a successful event and WROTB is responsible to compensate those said workers. CCS may make suggestions on food and beverage vendors.
11. If any show does not happen due to unforeseen restrictions (ie. Covid, pandemic) CCS will be compensated \$1200.00 for each show booked.
12. CCS may charge an additional 10% fee if CCS solicits and locks a deal with potential sponsors.
13. CCS is a concert and event company that also buys shows for outside entities and businesses which will not conflict with any WROTB concert date.
14. This Agreement allows CCS to add one or two local opening bands per show to play before headline Artist. These opening bands will be compensated by WROTB.
15. This Agreement is not meant to constitute an employer – employee relationship between CCS and WROTB.

Accepted by:

\_\_\_\_\_  
 Authorized WROTB signer                      Date

*K Paradowska* 10/1/21  
 Authorized CCS signer                      Date

\_\_\_\_\_  
 Print Name and Title

*Kathleen Paradowska* 10/1/21  
 Print Name and Title