

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Minutes of the regular meeting of Board of Directors of the Western Regional Off-Track Betting Corporation, ("Western") held on the 23rd day of February 2023 and commencing at 10:00 a.m. in the *Boardroom*, Corporate Headquarters at 8315 Park Road Batavia, New York.

Participating were:

Cattaraugus	Mark C. Burr
Chautauqua	Vincent W. Horrigan
Erie	Francis Warthling
Genesee	Richard E. Siebert
Livingston	Thomas P. Wamp
Monroe	Richard D. Bianchi
Niagara	Elliott Winter
Orleans	Edward F. Morgan
Rochester	Dennis Bassett
Steuben	Michael Horton
Wayne	Ken Lauderdale
Wyoming	Susan May

Absent:

Buffalo	Parmer-Garner
Cayuga	Lattimore
Oswego	Bombardo
Schuyler	Barnes
Seneca	Ricci

constituting the Directors of all participating municipalities.

Also participating were Henry F. Wojtaszek, President & CEO; Scott Kiedrowski, Vice President Operations; Jacquelyne A. Leach, Chief Financial Officer; William R. White, Vice President – Administration; Mark J. Gabriele, Associate Counsel; Steven Haigh, Internal Auditor, Ryan Hasenauer, Director of Marketing; Mike Pettinella, The Batavian, Brian Quinn, The Batavia Daily News.

A roll of the membership of the Board having been called, Mr. Scott P. Kiedrowski, Vice President - Operations declared a quorum present.

Chairman Richard D. Bianchi proceeded to conduct the meeting following the published Agenda for this regular meeting.

Chairman Bianchi asked Mr. Steve Haigh to lead the assemblage in the Pledge of Allegiance.

Approval of Previous Minutes:

Chairman Bianchi called for amendments, additions, deletions, or corrections to the minutes of the previous meeting of January 19, 2023. There being none, a motion was made by Director Bassett and seconded by Director Horton to approve the January minutes as submitted. The minutes were approved unanimously by voice vote.

Communications:

Mr. Kiedrowski informed the members of a thank you note from Mr. & Mrs. Mike Anthony to the kind and generous staff at Batavia Downs Gaming & Hotel who volunteered their time to build a backyard playground for their daughter Remi.

Personnel Committee Report:

Committee Chairman Winter reported that the Personnel Committee meeting was held on Wednesday February 22, 2023, at 1:05 p.m.

Director Winter reported that staff conducted three interviews with three very qualified individuals for the position of Director of Human Resources. Management recommends Ms. Daniele Fleming to the position of Director of Human Resources.

Upon motion by Director Winter, seconded by Director Morgan, a roll call vote was taken and passed unanimously to accept the recommendation of Ms. Daniele Fleming to the position of Director of Human Resources. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci.

Upon motion made by Director May seconded by Director Morgan, the Personnel Committee was adjourned at 1:44 p.m.

Finance Committee Report:

Committee Chairman Lauderdale reported that the Finance Committee meeting was held on Wednesday February 22, 2023, at 1:55 p.m.

Finance Committee Report continued:

Director Lauderdale reported that Staff is recommending the two-year cleaning service contract for two Erie County branches be awarded to Duran Cleaning Service, in the total amount of \$114,720.

Upon motion by Director Lauderdale, seconded by Director Morgan, a roll call vote was taken and passed unanimously to accept the two-year cleaning service contract for two Erie County branches to be awarded to Duran Cleaning Service, in the total amount of \$114,720. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 27-2023.**

Staff is recommending the two-year cleaning service contract for one Niagara County branch to be awarded to ABC Cleaning Services, Inc., in the total amount of \$69,646.32.

Upon motion by Director Lauderdale, seconded by Director Burr, a roll call vote was taken and passed unanimously to accept the two-year cleaning service contract for Niagara County branch to be awarded to ABC Cleaning Services, Inc., in the total amount of \$69,646.32. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 31-2023.**

Staff is requesting approval for an increase of snowplowing services for Erie County Branches in the amount of an additional \$20,000 for the remainder of the 2022-2023 Winter season, due to unforeseen snowfall amounts.

Upon motion by Director Lauderdale, seconded by Director Morgan, a roll call vote was taken and passed unanimously to approve the snowplowing services from Land & Snow Services LLC., for Erie County Branches in the amount of an additional \$20,000 for the remainder of the Winter season. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 28-2023.**

Staff is recommending renewing the existing agreement with ISolved Inc. which provides a payroll timekeeping system. The agreement is for an additional ten-year period not to exceed \$25,000 in year one with annual increases of 5% per year for the remainder of the agreement.

Finance Committee Report continued:

Upon motion by Director Lauderdale, seconded by Director Horrigan, a roll call vote was taken and passed unanimously to approve renewing the existing agreement with ISolved Inc. which provides a payroll timekeeping system for an additional ten-year period not to exceed \$25,000 in year one with annual increases of 5% per year for the remainder of the agreement. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 30-2023.**

Director Lauderdale reported that the December 2022 and January 2023 Chief Financial Officer Reports were reviewed. Also reviewed were the results of operations for Branches and Batavia Downs, and that December 2022 final financial results are still pending the Bonadio audit. The Corporation will distribute \$44,553 in surcharge to member municipalities for December and will distribute \$47,730 for January. For the fourth quarter 2022 the Corporation is anticipating it will distribute \$1,181,958 in operational earnings. For the year 2022, the Corporation will distribute surcharge in the amount of \$701,648 and potential earnings of \$7,752,613, for a total distribution of \$8,454,261. This is the highest earnings distribution in the Corporation's history.

Director Lauderdale reported that the December 2022 and January 2023 Batavia Downs results of operations were reviewed, which provided information on credits played, net win and free play, food and beverage, and other statistics.

Director Lauderdale reported that the NYGA Weekly Numbers were reviewed, highlighting Batavia Downs Gaming net win performance through December as compared to same period 2021 and 2019 as well as January as compared to same period 2022 and 2021.

A late item was added to engage Holland & Knight, LLC for professional legal services for the period March 1, 2023, through August 31, 2023 for the amount of \$25,000.00 per month.

Upon motion by Director Morgan to waive the rules of order, seconded by Director Siebert, a voice vote was taken and passed unanimously.

Motion by Director Winter and seconded by Director May a roll call vote was taken and passed unanimously to engage legal services and enter into a six (6) month agreement with Holland & Knight, LLC., for the period March 1, 2023, through August 31, 2023, for the amount of \$25,000.00 per month. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 35-2023.**

Finance Committee Report continued:

Upon motion by Director Winter and seconded by Director Horton the Finance Committee meeting adjourned at 3:06 p.m.

Advertising & Promotions Committee Report:

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday February 22, 2023, at 3:33 p.m.

Director May reported that a presentation was made at the committee meeting showing the recent Million Dollar Dice Roll, Brew Fest, and Jim Beam Dinner. Also reviewed was a recent news story by Spectrum News on the success of Live Racing at Batavia Downs as well as the new thirty-second testimonial commercial.

Resolution 23-2023 for Live Nation was presented to the Board, to purchase a block of eight (8) tickets with parking for the 2023 concert series at Darien Lake at an amount not to exceed \$26,880.00.

Upon motion by Director May and seconded by Director Lauderdale a roll call vote was taken to approve 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 \$26,880.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 23-2023.**

Resolution 32-2023 for Game Changing Technologies Inc. was presented for QCI Software which multiple departments will use to obtain information more quickly and more efficiently to serve our guests.

Upon motion by Director May and seconded by Director Horton a roll call vote was taken to approve the purchase of QCI Software from Game Changing Technologies Inc. in the amount of \$150,000.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 32-2023.**

Director May reported that travel requests were made for four separate Marketing and training conferences out of state.

Upon motion by Director May and seconded by Director Lauderdale a voice vote was taken and passed unanimously to approve the out-of-state travel.

Advertising & Promotions Committee Report continued:

Upon motion by Director May and seconded by Director Morgan, the Advertising & Promotions Committee meeting adjourned at 4:06 p.m.

Legislative Committee Report:

Committee Chairman Siebert reported the Legislative meeting was held on Wednesday February 22, 2023, at 3:16 p.m.

Director Siebert reported that Mr. Wojtaszek held a brief Legislative discussion along with Patrick McCarthy, Mercury Public Affairs and Sam Hoyt Upstate Strategic Advisors via phone conference.

A motion by Director Morgan and seconded by Director Horrigan the Legislative Committee adjourned at 3:32 p.m.

Branch Operations Committee Report:

Committee Chairman Horton reported the Branch Operations Committee meeting was held on Wednesday February 22, 2023, at 4:10 p.m.

Director Horton reported that the Marway Branch repairs are completed, including a new carpet in the office and tib line and new molding because of a pipe burst. The Battle of the Branches 2023 will begin on March 24th with the contest concluding on April 14th. He also reported that Maintenance has been cleaning up the outside of the Branches while also repairing potholes.

Director Horton reported that the equipment and T.V.'s has been installed at Southside in Hornell and that we are waiting on the router from United Tote. A new E-Z Bet in Monroe County, 58 Main in Brockport, is in the process of completing the paperwork.

Staff is still waiting for approval from the NYS Gaming Commission for Salvatore's Saloon located at the old Jefferson Road Branch location.

Director Horton reported that Batavia Bets reported that through the end of January we are down 10% from 2022 and year to date it was down 10%.

Branch Operations Committee Report continued:

Resolution 24-2023 for the replacement of flooring at 550 River Road for an amount not to exceed \$28,749.57 was presented to the Board.

Upon motion by Director Horton, seconded by Director Warthling, a roll call vote was taken and passed unanimously to accept WNY Tile for the replacement of flooring at 550 River Road for an amount not to exceed \$28,749.57. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 24-2023.**

Upon motion by Director Burr and seconded by Director Bianchi the Branch Operations Committee adjourned at 4:16 p.m.

Insurance Committee Report:

Committee Chairperson May reported that the Insurance meeting was held on Wednesday February 22, 2023, at 4:07p.m.

Director May reported that Western recently passed a resolution to engage the services of CIC Group for the purpose of assisting in the review of existing corporate insurance policies. It has come to the staff's attention that the correct name for CIC Group is Alterity and recommends that the Board amend Resolution 16-2023 to set forth the correct name of the consultant.

Upon motion by Director May and seconded by Director Burr a roll call vote was taken and passed unanimously to amend 16-2023 to set forth the correct name of the consultant Alterity. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 16-2023A.**

Resolution 25-2023 was presented to enter into a one (1) year agreement through its agent Garland Insurance & Financial Services to provide Cyber Liability insurance to Western through Houston Casualty Company in the amount of \$24,752.00.

Upon motion by Director May and seconded by Director Lauderdale a roll call vote was taken and passed unanimously to enter into a one (1) year agreement through its agent Garland Insurance & Financial Services to provide Cyber Liability insurance to Western through Houston Casualty Company in the amount of \$24,752.00. Ayes: 12; Nays: 0;

Insurance Committee Report continued:

Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 25-2023.**

Resolution 26-2023 was presented to enter into agreement for a one (1) year term through its agent Garland Insurance & Financial to provide Property Insurance coverage for the hotel located at Western's Batavia Downs Gaming location through Travelers Property Casualty Company of America in the amount of \$53,838.00.

Upon motion by Director May and seconded by Director Warthling a roll call vote was taken and passed unanimously to enter into a one (1) year agreement through its agent Garland Insurance & Financial Services to provide Property Insurance coverage for the hotel located at Western's Batavia Downs Gaming location through Travelers Property Casualty Company of America in the amount of \$53,838.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 26-2023.**

A motion by Director Bianchi and seconded by Director Burr the Insurance Committee adjourned at 4:09 p.m.

Audit Committee Report:

The Audit Committee did not meet.

Batavia Downs Operations Committee Report:

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was held on Thursday February 23, 2023, at 9:05 a.m.

Director Morgan reported that Mr. Don Hoover, Director/GM Live Racing/Race Secretary provided a winter live racing update. A comparison viewing the average daily handle for winter racing at Batavia Downs shows an increase of 36.8% compared to Buffalo Raceway's average daily handle for winter racing in 2022.

Director Morgan reported that Sean Schiano, General Manager-Gaming provided gaming statistics to the Committee.

Batavia Downs Operations Committee Report continued:

Director Morgan reported that a discussion was held regarding the proposal received from Pure Performance Renewable Energy Solutions, Inc. under NYS OGS Contract, for the infrastructure for sixteen (16) car charging ports in the amount of \$13,485.00.

Upon motion by Director Morgan and seconded by Director Horrigan a roll call vote was taken and passed unanimously to accept the proposal received from Pure Performance Renewable Energy Solutions, Inc. under NYS OGS Contract, for the infrastructure for sixteen (16) car charging ports in the amount of \$13,485.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 36-2023.**

Resolution 19-2023 for Edward Hulme Inc. was presented to modify the warehouse loading area for additional height in the amount of \$26,119.20.

Upon motion by Director Morgan and seconded by Director May a roll call vote was taken and passed unanimously to accept the change order for Edward Hulme Inc. to modify the warehouse loading area for additional height in the amount of \$26,119.20. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 19-2023.**

Resolution 20-2023 was presented to enter into a one (1) year agreement with Loomis to provide armored car services 5 days a week at Batavia Downs in the amount not to exceed \$17,000.00.

Upon motion by Director Morgan and seconded by Director Horton a roll call vote was taken and passed unanimously to enter into a one (1) year agreement with Loomis to provide armored car services 5 days a week at Batavia Downs in the amount not to exceed \$17,000.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 20-2023.**

Resolution 21-2023 was presented for Wesco for the purchase of Eaton Powerware UPS System to backup Western's electric system as part of NYS Contract #R192008 in an amount not to exceed \$50,589.00.

Upon motion by Director Morgan and seconded by Director Burr a roll call vote was taken and passed unanimously to purchase of Eaton Powerware UPS System to backup Western's electric system as part of NYS Contract #R192008 in an amount not to exceed \$50,589.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 21-2023.**

Batavia Downs Operations Committee Report continued:

Resolution 22-2023 was presented for Global Payments Gaming Services, Inc., a sole source vendor that offers a variety of cash, check and credit card services for our patrons in the amount of \$150,000.00 for the remainder of 2022.

Upon motion by Director Morgan and seconded by Director Winter a roll call vote was taken and passed unanimously to approve Global Payments Gaming Services, Inc., a sole source vendor that offers a variety of cash, check and credit card services for our patrons in the amount of \$150,000.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 22-2023.**

Resolution 29-2023 was presented for Painters Plus Home Decorating Inc., the lowest responsible bidder to paint sixty-seven (67) hotel rooms at Western's Batavia Downs location in the amount of \$69,900.00.

Upon motion by Director Morgan and seconded by Director Horrigan a roll call vote was taken and passed unanimously to approve Painters Plus Home Decorating Inc. the lowest responsible bidder to paint sixty-seven (67) hotel rooms at Western's Batavia Downs location in the amount of \$69,900.00 Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 29-2023.**

Resolution 33-2023 was presented to install new floor and wall tile in the second-floor restroom area in the amount not to exceed \$31,692.00.

Upon motion by Director Morgan and seconded by Director Burr a roll call vote was taken and passed unanimously to approve WNY Tile & Stone Corp. to install new floor and wall tile on the second floor in the restroom area in the amount not to exceed \$31,692.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 33-2023.**

Resolution 34-2023 was presented under NYS Contract #PC69410 to purchase flooring and tile in Park Place and Boardroom in Western's location in the amount not to exceed \$128,882.33.

Upon motion by Director Morgan and seconded by Director Horrigan a roll call vote was taken and passed unanimously to approve WNY Tile & Stone Corp. under NYS Contract #PC69410 to purchase flooring and tile in Park Place and Boardroom in the amount not to exceed \$128,882.33. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci. **See Resolution 34-2023.**

Batavia Downs Operations Committee Report continued:

Resolution 65-2021A was presented for Canal Concerts Inc. to oversee the 2022 Concert Series at Batavia Downs for \$3,500.00 per concert, not to exceed the total of \$35,000.00. 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. Staff are looking for approval of the amendment of Resolution #65-2021 to increase the amount by a total of \$3,500.00.

Upon motion by Director Morgan and seconded by Director Winter a roll call vote was taken and passed unanimously to approve Canal Concerts Inc. to oversee the 2022 Concert Series at Batavia Downs for \$3,500.00 per concert, not to exceed the total of \$35,000.00. Western conducted eleven (11) concerts in 2022, which requires Resolution #65-2021 to be amended to reflect the additional \$3,500.00. Ayes: 12; Nays: 0; Abstain: 0; Absent: 5; Parmer-Garner; Lattimore; Barnes; Bombardo; Ricci.
See Resolution 65-2021A.

Upon motion by Director Siebert and seconded by Director Winter the Batavia Downs Operations Committee adjourned at 9:38 a.m.

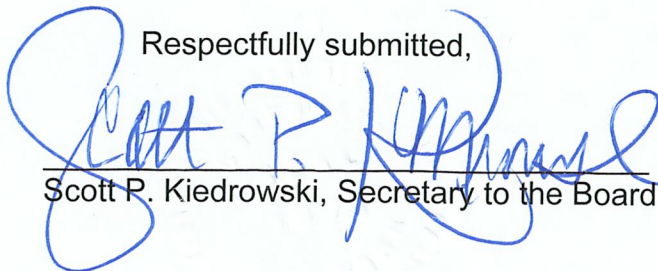
New Business:

The next Committee and Board meeting is scheduled for March 22, and March 23, 2023, respectively.

Adjournment:

Upon motion made by Director Lauderdale to adjourn seconded by Director Horton the meeting was adjourned at 10:42 a.m.

Respectfully submitted,



Scott P. Kiedrowski, Secretary to the Board

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: Jason E. Hale

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

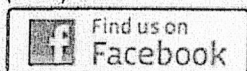
- ~Loading dock was built to exact dimensions on drawing
- ~Supposing that the arch went with matching existing grades
- ~Front loading dock is at truck height but can be an inconvenience for everyday deliveries
- ~Architect was under impression that we would be buying a walking reach which extends out 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 #19-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director May which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

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 #20-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Horton which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)

) SS:


COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

Scott P. Kiedrowski, Secretary

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 #21-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

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 #22-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Winter which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.


[illegible]

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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 #23-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director May and seconded by Director Lauderdale which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)

) SS:


COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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

Resolution #24-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Horton and seconded by Director Warthling which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)

) SS:


COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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 #25-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director May and seconded by Director Lauderdale which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.

Scott P. Kiedrowski, Secretary

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

Resolution #26-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director May and seconded by Director Warthling which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)

) SS:

COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.

Scott P. Kiedrowski, Secretary

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



westernotb.com



bataviadownsgaming.com

8315 Park Road
Batavia, NY 14020
585-343-3750
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 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Lauderdale and seconded by Director Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

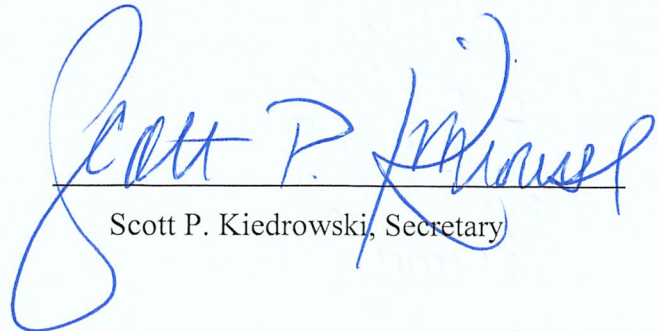
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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



westernotb.com



bataviadownsgaming.com

8315 Park Road
Batavia, NY 14020
585-343-3750
Fax: 585-343-6873

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*New York State
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*United States
Betting Association*

*Local Chambers
of Commerce*

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: 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 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 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Lauderdale and seconded by Director Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

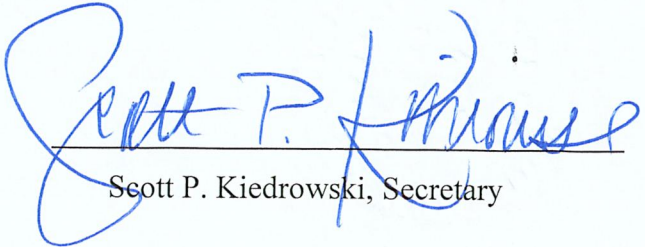
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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 #29-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

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

Resolution #30-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Lauderdale and seconded by Director Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.


[illegible]

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.


Scott P. Kiedrowski, Secretary

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



westernotb.com



bataviadownsgaming.com

8315 Park Road
Batavia, NY 14020
585-343-3750
Fax: 585-343-6873

*reating Revenues
or Racing, State
and Local
Governments*

urrent Member of:

*New York State
aming Association*

*United States
otting Association*

*Local Chambers
of Commerce*

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 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Lauderdale and seconded by Director Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)

) SS:


COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

Scott P. Kiedrowski, Secretary

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

Resolution #32-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director May and seconded by Director Horton which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.


COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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 #33-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

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 #34-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)

) SS:


COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #35-2023

WHEREAS, the Western Regional Off-Track Betting Corporation ("Western") requires professional legal services, in respect to Western's Employee Retention Credit application; and

WHEREAS, Western would like to engage Holland & Knight, LLC ("Holland") with address at 800 17th St. NW Washington DC, 20006, for such purposes; and

WHEREAS, the Board desires to enter into a six (6) month agreement with Holland for the amount of \$25,000.00 per month, covering the period from March 1, 2023 through August 31, 2023; and therefore, be it

RESOLVED, that Western agrees to enter into an agreement with Holland for the amount of \$25,000.00 per month, covering the six (6) month period from March 1, 2023, through August 31, 2023.

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

Respectfully Submitted,
Ken Lauderdale, Chairman
Finance Committee

Dated: February 23, 2023
Batavia, New York

Resolution #35-2023 shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Winter and seconded by Director May which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.


[illegible]

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.



Scott P. Kiedrowski, Secretary

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 3rd 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

Print Name and Title

K Paradowski 10/1/21
Authorized CCS signer Date

Kathleen Paradowski 10/1/21
Print Name and Title

Resolution #65-2021A shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director Morgan and seconded by Director Winter which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
Agency this 23rd day of February, 2023.

Scott P. Kiedrowski, Secretary

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 #16-2023A shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, motion was made by Director May and seconded by Director Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Richard D. Bianchi	[X]	[]	[]	[]
Thomas P. Wamp	[X]	[]	[]	[]
Richard E. Siebert	[X]	[]	[]	[]
Elliott Winter	[X]	[]	[]	[]
Francis G. Warthling	[X]	[]	[]	[]
Vincent W. Horrigan	[X]	[]	[]	[]
Paul W. Lattimore, Jr.	[]	[]	[]	[X]
Mark C. Burr	[X]	[]	[]	[]
Michelle Parmer-Garner	[]	[]	[]	[X]
Edward F. Morgan	[X]	[]	[]	[]
Mark Bombardo	[]	[]	[]	[X]
Dennis Bassett	[X]	[]	[]	[]
Philip Barnes	[]	[]	[]	[X]
Richard L. Ricci	[]	[]	[]	[X]
Michael D. Horton	[X]	[]	[]	[]
Ken Lauderdale	[X]	[]	[]	[]
Susan May	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

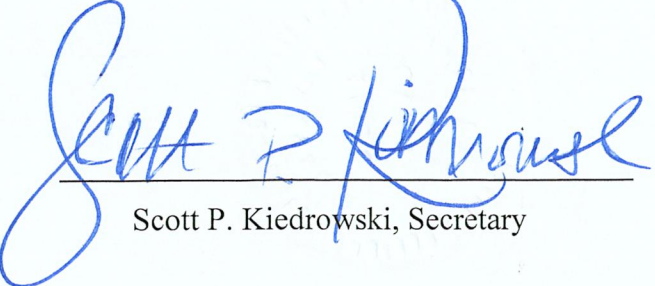
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 23, 2023 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of Western had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of Western present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 23rd day of February 2023.



Scott P. Kiedrowski, Secretary