

Meeting #558

Minutes of the meeting of Board of Directors of the Western Regional Off-Track Betting Corporation, ("Western") held on the 15th day of November 2023 and commencing at 10:00 a.m. in the *Boardroom*, Corporate Headquarters at 8315 Park Road Batavia, New York.

Attending:

Jennifer Hibt – Erie
James Wilmot – Monroe
Dennis Bassett – Rochester
Elliott Winter – Niagara
Vincent W. Horrigan – Chautauqua
Mark Bombardo – Oswego
Michael D. Horton – Steuben
Mark Burr – Cattaraugus
Terrance Baxter – Cayuga
Thomas P. Wamp – Livingston
Susan C. May - Wyoming
Edward F. Morgan – Orleans
Paul Bartow - Schuyler

Absent:

Rodriguez-Dabney - Buffalo
Vacant - Wayne
Zambito - Genesee
Ricci - Seneca

Also Attending:

Henry F. Wojtaszek, President & CEO
Scott P. Kiedrowski, Chief Operating Officer
Jacquelyne A. Leach, Chief Financial Officer
Sean S. Schiano, Vice President – Operations
Steven J. Haigh, Internal Auditor
Ryan L. Hasenauer, Director of Marketing
Megan M. Glor, Director of Purchasing
Mike Pettinella, The Batavian, Brian Quinn, The Batavia Daily News, Dale Shoemaker, Investigative Post.

The meeting was called to order at 10:00 a.m. by Chairman Dennis Bassett.

A roll of the membership of the Board having been called, Mr. Scott P. Kiedrowski, Chief Operating Officer declared a quorum present.

Chairman Bassett proceeded to conduct a meeting following the published Agenda.

Chairman Bassett asked Director Wilmot to lead the assemblage in the Pledge of Allegiance.

Board of Directors
Meeting #558
November 15, 2023
2 of 3

Chairman Bassett asked for a moment of silence for Mr. Ken Lauderdale, Wayne County Director who passed away.

The following Resolutions were presented to members.

Resolution 44-2023 was presented for Baskin Livestock for the supplemental allowance at an annual cost not to exceed \$30,000 for day-to-day debris during live racing.

Upon motion by Director Bombardo and seconded by Director Horrigan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant Wayne; Schuyler.

Resolution 45-2023 was presented for a two (2) year Erie County branch cleaning service, ABC Cleaning Services, in the amount of \$189,252.37 as Duran Cleaning Services did per specifications.

Upon motion Director Morgan and seconded by Director Winter a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 46-2023 was presented for Suburban Electric of Albion Inc., the lowest responsible bidder for electrical services and repairs in the amount not to exceed \$50,000 annually.

Upon motion by Director Morgan and seconded by Director Burr a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 47-2023 was presented to enter into a five (5) year agreement with Agilysys Inc. to provide a Point-of-Sale System, software support and training in a total amount of \$362,755.00.

Upon motion by Director Bombardo and seconded by Director Winter a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 48-2023 was presented to enter into a lease agreement for grooms quarters with the Quality Inn of Bataiva from July 22, 2023, through February 28, 2024, for up to four (4) units accommodating nine (9) grooms in an amount not to exceed \$70,000.

Board of Directors
Meeting #558
November 15, 2023
3 of 3

Upon motion by Director Horton and seconded by Director May a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 49-2023 was presented to enter into an agreement with Garland Insurance and Financial Services for commercial insurance coverage for a one-year term from June 1, 2023, through May 31, 2024, for the renewal premium of \$1,147,215.46.

Upon motion by Director Winter and seconded by Director Horrigan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 50-2023 was presented to renew the agreement with C&C Miraculous Cleaning for an additional two (2) years for the period July 1, 2023, through June 30, 2025, in the amount not to exceed \$76,104.00.

Upon motion by Director Horton and seconded by Director Morgan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 51-2023 was presented for Baskin Livestock for bedding and manure at this facility through September 2023 at an annual cost not to exceed \$30,000.00.

Upon motion by Director Baxter and seconded by Director Winter a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 52-2023 was presented for WNY Tile for the installation of flooring for two of the south ends second floor restrooms in the amount not to exceed \$62,607.00.

Upon motion by Director Morgan and seconded by Director May a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 53-2023 was presented to purchase paint and related products from Sherwin Williams for the remainder of 2023 in the amount not to exceed \$30,000.00.

Upon motion by Director Horrigan and seconded by Director Horton a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 54-2023 was presented to approve the increased purchase from Cash Star Inc. for \$20.00 Tops Friendly Markets gift cards to continue the successful promotion for the Hotel at Batavia Downs in the aggregate amount of \$275,000.00.

Upon motion by Director May and seconded by Director Burr a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 55-2023 was presented for Schneiders Seafood and Meats in an additional amount not to exceed \$30,000.00 for the supplemental blanket purchase order.

Upon motion by Director Horton and seconded by Director Morgan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 56-2023 was presented for Heidelberg Materials Northeast LLC for the purchase and delivery of concrete in an annual amount not to exceed \$50,000.00.

Upon motion by Director Horrigan and seconded by Director Morgan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 57-2023 was presented for the single source provider Audio Images Sound and Lighting to provide stage set up and concert lighting and associated equipment for the 2023 Concert Series in the amount of \$95,000.00.

Upon motion by Director May and seconded by Director Winter a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 58-2023 was presented for Dell Marketing L.P. to purchase 20 new computers in an amount not to exceed \$16,023.00.

Upon motion by Director Baxter and seconded by Director Burr a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 59-2023 was presented for the purchase of 4 servers with Microsoft Server 2022 from Dell Marketing L.P. in an amount not to exceed \$35,742.24.

Upon motion by Director Wamp and seconded by Director Horrigan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 60-2023 was presented to enter into an agreement with BambooHR at a cost not to exceed \$32,000.00 through the end of 2023.

Upon motion by Director Baxter and seconded by Director Wilmot a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 61-2023 was presented to enter into an agreement with Pidj.co to provide texting ability through the 2023 year at a cost not to exceed \$30,000.00.

Upon motion by Director Baxter and seconded by Director May a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 62-2023 was presented for food and beverage at Highmark Stadium in an amount not to exceed \$25, 000.00.

Upon motion by Director Winer and seconded by Director May a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 63-2023 was presented for food and beverage at Blue Cross Arena in an amount not to exceed \$30,000.00.

Upon motion by Director Winter and seconded by Director Horrigan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 64-2023 was presented for food and beverage at KeyBank Center in an amount not to exceed \$75,000.00.

Upon motion by Director May and seconded by Director Morgan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 65-2023 was presented to purchase promotional items from Mark It Smart in 2024 in the total amount of \$330,960.00.

Board of Directors
Meeting #558
November 15, 2023
6 of 3

Upon motion by director May and seconded by Director Burr a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 66-2023 was presented to purchase promotional items from Mark It Smart in 2024 in the total amount of 184,388.30.

Upon motion by Director May and seconded by Director Burr a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 67-2023 was presented to purchase promotional items from Pro Specialties in the total amount of \$52,320.00.

Upon motion by Director Winter and seconded by Director Morgan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Resolution 92-2023 was presented to modify the existing contract with WNYHHA whereby Western would conduct an additional sixteen (16) race dates upon the condition that the WNYHHA will fully reimburse Western for any and all costs associated with conducting the additional race meets.

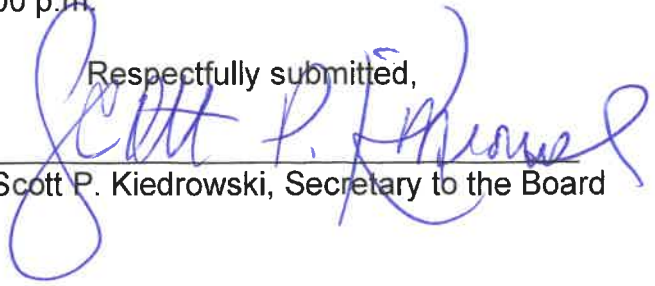
Upon motion by Director Winter and seconded by Director Horrigan a roll call vote was taken. The motion passed. Ayes: 12; Nays 0; Absent 3; Rodriguez-Dabney, Zambito, Ricci, Vacant: Wayne; Schuyler.

Mrs. Jacquelyne Leach, Chief Financial Officer, and Mr. Zach Elliott, Controller-WROTB-Operations reviewed the 2024 Operating Plan with members.

The next Committee and Board meeting is scheduled for December 13 and 14, 2023, respectively.

The meeting adjourned the meeting at 1:00 p.m.

Respectfully submitted,


Scott P. Kiedrowski, Secretary to the Board

Resolution #44-2023 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 Bombardo and seconded by Director Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

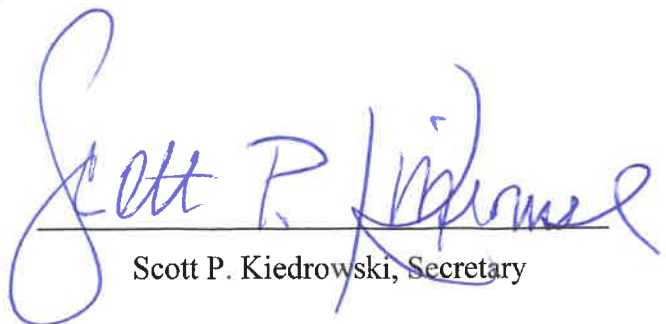
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #44-2023

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate its Batavia Downs location in a clean, clutter free environment; and

WHEREAS, Western has been in the process of ongoing construction projects due to unforeseen flood damage in-house and disposing of day-to-day debris and is also utilized during the live racing season; and

WHEREAS, Western has previously contracted with Baskin Livestock to dispose of the debris by use of a dumpster; and

WHEREAS, Western has utilized that dumpster from Baskin Livestock to dispose of the day-to-day debris including flood debris and other unforeseen projects and is also utilized during live racing; and

WHEREAS, Western has utilized the dumpster from Baskin Livestock in excess of its anticipated use and staff requests an additional allowance at an annual cost of \$30,000.00 through September to dispose of the day-to-day debris; and

WHEREAS, staff recommends that the Board of Directors of Western approve a supplemental allowance at an annual cost not to exceed \$30,000.00 with Baskin Livestock for dumpster service at this facility through September 2023; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves a supplemental purchase allowance at an annual cost not to exceed \$30,000.00 from Baskin Livestock for dumpster service through September 2023; and

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

Respectfully submitted,

Dated: June 22, 2023
Batavia, New York

0000000000
0000000000
6330000000
3240000000

Thomas P. Balk, Director of Building & Grounds
Western Regional Off-Track Betting Corp.
Batavia Downs Casino & Racing
8313 Park Road
Batavia, NY 14020

October 11th, 2022

Subject: Bedding/Manure/Trash disposal Proposal Agreement Renewal

Dear Tom,

We would like to thank you and your staff for the opportunity to service your facility. We are looking forward to continuing our service agreement for October 2022-September 2023. We will provide the same services as indicated below as needed. We will also continue to provide "on call" emergency service as required. Please communicate to your staff the need to continue segregating trash from manure.

Bedding/Manure


- Two (2) 40 ft. open-top containers - **No charge (Number of containers can be changed based on seasonality with the approval of Batavia Downs and Baskin Livestock, and based on availability)**
- Pull fee for above containers - **\$200/pull**

Trash

- One (1) open-top container Rental - **No Charge**
- Landfill tip fee/ton - **\$62.50/Ton**
- Pull fee - **\$275/pull**

Terms

- Payment Terms - **Net 30 days**
- Service Contract Term - **12-month renewable**
- Service start Date - **Continued**

Signature 
Authorized Agent

Western Regional Off-Track Betting Corp.
Batavia Downs Casino & Racing

Please sign and return as your earliest convenience.
Again, thank you!

Mark D. Notaro
Baskin Livestock

44-2023

Resolution #45-2023 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>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

STATE OF NEW YORK)

) SS:

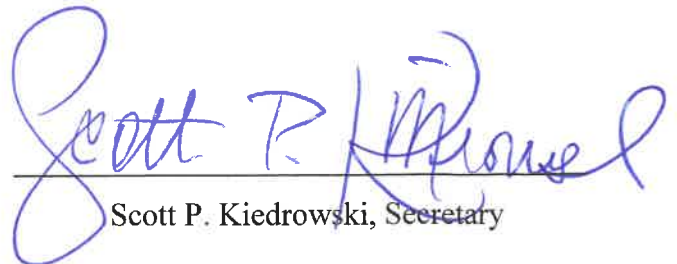
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #45-2023

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. Duran did not fulfill the duties as per the specifications therefore the contract was issued to the next lowest bidder ABC Cleaning Services (“ABC”) of 1458 East Delevan Ave, Buffalo, NY 14215; 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 ABC in the total amount of \$189,252.37.

Respectfully submitted,

Dated: June 22, 2023
Batavia, New York

2/9/23 - Erie/Niagara County Daily Cleaning Services Results

Vendor Name	Total monthly Bid Price	
	Clinton	Wehrle
Duran Cleaning Service	\$ 1,980.00	\$ 2,800.00
ABC Cleaning Services	\$ 3,866.34	\$ 5,039.63
Clean MD Commercial Inc	\$ 5,763.17	\$ 8,555.17

Niagara County 10:15 am		
Vendor Name	Total monthly Bid Price	
	River	
ABC Cleaning Services	\$ 2,901.93	
Clean MD Commercial Inc	\$ 3,813.17	

#45-2023

Resolution #46-2023 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>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #46-2023

WHEREAS, Western has received responses to a request for proposal for the Electrical for Services and Repair; and

WHEREAS, upon a review of the bids received, staff is recommending to the Board of Directors to accept the bid from the lowest responsible bidder for Electrical from Suburban Electric of Albion, Inc. of 225 E Bank St, Albion, NY, in the amount of Normal Charge \$109.43/hr.; Overtime Charge \$148.01/hr. and Sunday/Holiday Charge \$186.35; and

WHEREAS, that the Board of Directors of the Western wishes to accept the bid of Suburban Electric of Albion, Inc., for Electrical services and repairs; and be it

RESOLVED, that Western hereby accepts the bid from the lowest responsible bidder Suburban Electric of Albion, Inc., in the amount of Normal Charge \$109.43/hr., Overtime Charge \$148.01/hr. and Sunday/Holiday Charge \$186.35 in an amount not to exceed \$50,000 annually; 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,

Dated: June 22, 2023
Batavia, New York

PART A: BASE BID SHEET

BIDDER NAME: Suburban Electric of Albion, Inc

ELECTRICAL SERVICES AND REPAIR

	Year 1	Year 2	Year 3
NORMAL HOURLY SERVICE CHARGE	\$ <u>109⁴³</u>	\$ <u>112⁵⁰</u>	\$ <u>115⁵⁰</u>
OVERTIME HOURLY SERVICE CHARGE	\$ <u>148⁰¹</u>	\$ <u>153⁰⁰</u>	\$ <u>157⁵⁰</u>
HOLIDAY HOURLY SERVICE CHARGE	\$ <u>186³⁵</u>	\$ <u>193⁰⁰</u>	\$ <u>199⁰⁰</u>

PART B: OWNER'S EVALUATION OF BIDS

The Owner will determine the Apparent Lowest, Most Responsible Bidder based on the lowest amount of the **TOTAL BASE BID PRICE.**

"BIDDER MUST SUBMIT A COMPLETE PROPOSAL PACKET"

#46-2023

Resolution #47-2023 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 Bombardo and seconded by Director Winter which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

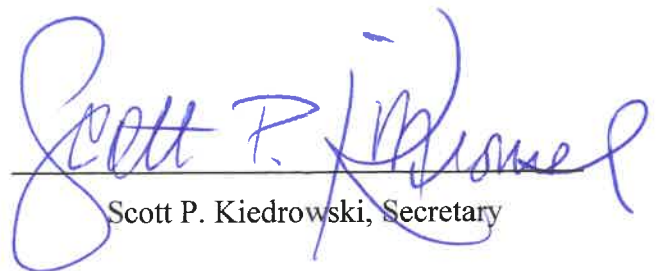
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION - #47-2023

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

WHEREAS, Western operates a number of restaurants and bars at its Batavia Downs location providing various food and beverage options to our customers: and

WHEREAS, Agilysys Inc., provides a point of service product which offers a comprehensive and customizable POS product which will provide Western with extraordinary food and beverage ordering accuracy and convenience, as well as inventory control; and

WHEREAS, on June 11, 2023, bid proposals were publicly opened for Point of Sale System and staff recommends that Western enter into a five (5) year agreement with Agilysys Inc. to provide Western with all hardware for its point of service system in the total amount of \$362,755.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agree to enter into a five (5) year agreement with Agilysys Inc. to provide a point of service system, software support and training in a total amount of \$362,755.00; and

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

Respectfully submitted,

Dated: June 22, 2023
Batavia, New York

#47-2023

RFP Response

VENDOR

ORACLE

DCRS

Description

Result

Result

System Functions

POS server location (cloud/on-prem/hybrid)	Cloud/Hybrid w/hardware	Cloud/Hybrid w/hardware
Database type	Oracle	Oracle
Menu ease of use for updates/edits	Yes, can show via demo	Yes, can show via demo
Ability to update across cost centers	Yes	Yes
Ability to use points/comps from CMP	Yes	Yes
When using points is check still editable	Yes	Unclear
Payment processors supported	Shift4/Elevon/FreedomPay/+	Shift4/Elavon/FreedomPay
Able to import exiting menus from RES3700	⁵ Yes, see notes	¹ Yes
Can process employee discounts	Yes	Yes
Can process house accounts	Yes	² Uses custom tenders
Can process marketing promotions	⁶ Yes	³ uses special discounts
Gift card support	Yes	⁴ does support, import possible
Able to split checks and entrees	Yes	Yes
Able to use seat numbering	Yes	Yes
Able to capture detail retail sales	Yes	Yes

Interfaces

Bally CMP v13 interface	⁷ Yes	Yes, wants to demo
MS Dynamics/Great Plains account connection	⁸ Yes	Uses integration manager
Connectivity to IQWare	Yes	Yes

Reporting

Summary of available reports	Included	Included
Terminal reports samples	Included	Included
Able to auto-generate reports	-Yes	Included

Custom reporting options

Yes, via RA Builder

Yes, RA builder

Support

Training for onboarding

Remote/In person options

Yes, might use QRS

24/7 support and average response times

Yes, severity based 5m-24h

Yes, 2 hour

Install/Config process and charges supplies

Included

Included

System updates with support

Yes, local updates included

Yes

Additional Information

References

One given, more coming

None supplied as yet

DETAILS/NOTES

¹ Can export RES3700 menus to Excel for modification and then imported to system

² Creates custom tenders to be reconciled MANUALLY, otherwise need 3rd party solution

³ can create special discounts, else 3rd party needed

⁴ BDG can manually import or Oracle can import for a charge

⁵ "this is possible. However, best practice suggestion would be to start fresh"

⁶ "if there are complex structures in promotions, this may require Professional Services or 3rd party consulting"

⁷ Can be configured for 2-way communication to CMP, including self service kiosk for patrons

⁸ Either via CSV files using Integration Manager or direct access via Business Intelligence Application Programming Interface (BI-API)

AGILYSYS

Result

On-premise or Cloud

MSSQL

Yes

Yes

Yes

Yes

Shift4/Elevon/FreedomPay/+

Yes, via CSV

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes, direct or CSV

Yes

List of reports included

List of reports included

Yes

Yes

3 levels, see pg 18

1-4 hours for severity 1

Included

Yes

To be supplied in next phase

Resolution #48-2023 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 May which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

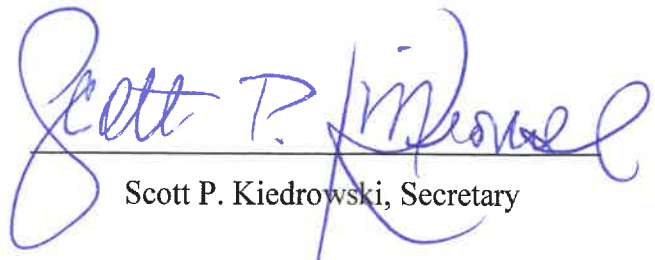
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #48-2023

WHEREAS, Western Regional Off-Track Betting Corporation ("WESTERN") will conduct a live racing season commencing July 26, 2023, and concluding February 28, 2024; and

WHEREAS, on June 11, 2023, bid proposals were sent to five (5) area hotels with no response to provide housing for grooms employed by owners or trainers of harness horses participating in races at Batavia Downs; and

WHEREAS, Western has an agreement with the Western New York Harness Horsemen's Association ("WNYHHA") for this racing season which requires that Western provide living accommodations for up to 9 grooms employed by owners or trainers of harness horses' participating in activities at Batavia Downs during this 2023-2024 live racing calendar year; and

WHEREAS, the Quality Inn of Batavia ("Quality") with offices at 8250 Park Rd, Batavia, New York, has proposed a lease agreement for up to four (4) units at its facility that would accommodate the maximum 9 grooms required under the agreement with the Horsemen; and

WHEREAS, the proposal by Quality would require Western as the tenant to pay rent at a daily room rate per room of \$75.00 July 22, 2023 through August 31, 2023, and \$55.00 from September 1, 2023 through February 28, 2024 for up to four (4) units accommodating nine (9) grooms each night to be paid on a monthly basis in an amount not to exceed \$70,000.; now therefore

BE IT RESOLVED, that the Board of Directors of the Western Regional Off-Track Betting Corporation approves the proposed agreement with Quality of Batavia for the subject accommodation at an amount not to exceed \$70,000.00.

Respectively submitted,

Dated: June 22, 2023
Batavia, New York

GROOMS QUARTERS LEASE AGREEMENT

THIS LEASE AGREEMENT made this 7th day of June 2023 between **DAYS INN OF BATAVIA**, with offices at 200 Oak Street, Batavia, New York, hereinafter referred to as "Landlord", and "**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**", with offices at 8315 Park Road, Batavia, New York, hereinafter referred to as "Tenant".

RECITALS

WHEREAS, Landlord maintains a unit motel facility open to the public and located convenient to the Batavia Downs harness horse racetrack in Batavia, New York; and

WHEREAS, Tenant owns and operates said Batavia Downs Racetrack, intends to operate that facility for racing during the 2023-2024 racing year –concluding February 26, 2024. Tenant is obligated by contract with the Western New York Harness Horsemen's Association ("**WNYHHA**") to provide living accommodations for up to nine (9) grooms employed by owners or trainers of harness horseman participating in activities at Batavia Downs Racetrack during the 2023-2024 racing calendar; and

WHEREAS, Landlord has available sufficient living accommodations to meet Tenant's requirements under the WNYHHA Agreement during the above-referred specified dates; and

WHEREAS, following Landlord's initial response to Tenant's invitation for a proposal for such temporary living accommodations, the parties having negotiated the final terms and conditions of the leasing of said living accommodations;

NOW, THEREFORE, upon the following terms and conditions, the parties to this Agreement address their mutual interests and needs as follows:

WITNESSETH:

1. **Leased Premises:** The Landlord leases to the Tenant up to four (4) units at **DAYS INN OF BATAVIA** hereinafter "The Premises", accommodating the ability to house up to 9 grooms, for a term commencing 12:00 p.m. July 15, 2023 and concluding 12:01 p.m. February 26, 2024.

Tenant and Landlord agree to a rental rate of \$55.00 per night when four (4) unit. Tenant shall solely determine the number of units to be leased bases upon the number of grooms requiring housing on a daily basis during the July 2023 through February 2024, term. Tenant shall pay landlord for units leased on a monthly basis. Such payment shall be made within seven (7) days of Tenant receipt of invoice from landlord.

In the event the amount of rooms required during any given month that live racing is conducted changes, the amount to be paid to the **DAYS INN OF BATAVIA** will be prorated based on the amount of rooms needed.

In the event the length of the race meet is shortened for any reason, the Tenant reserves the right to terminate the lease at any time subject to thirty (30) days written notice to Landlord.

2. **Use:** Leased premises shall be used and occupied by the grooms as a dormitory facility for those individuals employed by owners or trainers and working at Tenant's racetrack facility. All zoning and use permits, and requirements for such approvals, if any, shall, at Tenant's sole cost and expense, be obtained by the Tenant for use of the premises in this manner. If, for any reasons, approval for use of the premises cannot be obtained by the commencement of the term of this lease, the parties herein, upon notice to the other, are released from any further agreement, and this lease shall terminate without any obligation to either party.

During occupancy of the leased premises, the Tenant shall ensure that the grooms shall maintain the premises in a clean and tidy manner and shall exercise such control of these grooms by conformance with written rules of conduct as may be required to maintain a well-behaved and orderly situation at all times. A copy of this "Dormitory Agreement" setting forth the rules of conduct and conditions of occupancy are attached and made a part of this Agreement.

3. **Facilities:** The Landlord agrees to provide the leased rooms consistent with the accoutrements found in a standard motel room operated by the Landlord. This shall include electric, heat, air-conditioning, hot and cold running water, the appropriate number of beds, sheets, pillow cases, pillows, blankets, within a room capable of being secured, together with sufficient keys for the occupants. The Landlord shall provide cable TV service without charge, weekly maid service to clean the room and change the sheets and pillow cases on the provided beds.

4. **Subletting Assignment:** The Tenant agrees not to assign or sublet any part of the demises premises unless the Landlord agrees in writing and Landlord will not unreasonably withhold consent to an assignment or sublease on good cause given. Tenant will provide Landlord a weekly list of the individuals authorized to reside at Landlord's facility as needed.

5. **Damage and Destruction:** Should the premises be destroyed or injured by the elements or for any cause so as to be untenable and unfit for Tenant's business, the Tenant may quit and surrender possession of the premises. The Tenant shall not be liable for any rent under this lease for any time subsequent to the destruction or damage to the building. In the event that the Landlord elects to rebuild the demised premises, the Landlord will commence reconstruction within thirty (30) days of when the damage occurred and shall continue to continually repair the building until it is tenable for the use of Tenant's business. The Tenant, at his option, may then occupy the building and the rent shall be suspended from the date of loss until the date the Tenant reenters the premises as tenable for Tenant's business. Should the premises be partially destroyed or damaged by fire, explosion or the elements, and should the Tenant, at its option, elect to remain in possession of part of the damaged premises, then, in that event, the rental shall be abated and adjusted on a square foot basis, the Tenant paying on a square foot basis based on the annual rental t the date of loss for that portion of the premises in which it remains in possession. Should the Tenant elect to remain in possession, the owner shall, subject to the rights of any mortgagee, repair the premises by commencing repairs no later than thirty (30) days after the loss or damage and continuing repairs until they are completed. Should the Tenant elect to remove from the premises in case the demised premises are partially damaged by fire, explosion or the elements, the Tenant shall not be liable for any rental under this Agreement for any time subsequent to the destruction or damage of the building.

6. **Fixtures:** All trade fixtures installed by the Tenant or the groom's occupants shall remain the property of the Tenant or the groom's occupants and may be removed any time during the period of the lease. Upon termination of this lease, the Tenant, and/or groom-occupants at its option, may remove all such fixtures or abandon them in place. Fixtures left abandoned in place after the termination or expiration of this lease shall become the property of the Landlord. All remodeling and improvements made by the Tenant and/or groom-occupants remain the property of the Tenant and may, at the Tenant's option, be abandoned in place or removed. The Tenant agrees that any improvements placed on the premises shall be removed without damage to the freehold, or the premises shall be repaired.

7. **Condemnation:** In the event that all of the leased premises shall be taken in condemnation proceedings, this lease shall terminate as of the date of title vesting in the condemning authority and all unearned rental and other charges paid in advance shall be refunded to Tenant and Tenant shall surrender possession of the leased premises to the condemning authority subject, however, to the rights of the Tenant to remain a tenant in possession under Federal or State laws which the premises are condemned and further subject to the rights of the Tenant to any relocation costs or other profits accruing to Tenant in possession under Federal or State Laws. The Tenant shall be entitled to recover from any condemning authority the value of any trade fixtures or personal property placed in the demised premises by the Tenant, together with any other benefits accruing to the Tenant by reason of the termination of this Agreement but in no event shall Tenant's award reduce the amount awarded to the Landlord.

8. **Covenants by Landlord:** The Landlord covenants and warrants as follows:

- A. Landlord is the owner of the leased premises and has the right to enter into this agreement.
- B. Premises are free from latent defects. The Landlord will make all exterior structural repairs to the premises including the roof during the period of this agreement; the Landlord knows of no latent defects to the structure at the date of this Agreement.
- C. No mortgage of record, mechanics lien or any other encumbrance against the premises shall be foreclosed or disturb Tenant while it is in lawful possession of the premises under this Agreement and not in default thereof.

9. **Common Area and Parking Lot:** Landlord agrees to provide a parking area for Tenant's customers, invitees and employees in the contiguous front, side and rear parking areas. The Landlord agrees to be responsible for the parking lot lighting, maintenance and repairs.

10. This Agreement is subject to the approval of the **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION** Board of Directors.

11. **Amendment:** This lease may be modified, amended or surrendered only by an instrument in writing duly executed by the Landlord and Tenant.

12. **Glass:** Tenant agrees that it shall replace any glass broken or damaged upon the leased premises at its own cost and expense. In the event that Tenant shall fail to do so, Landlord may, but shall be obligated to do so, and Tenant shall be responsible for cost thereof and shall pay for the same as additional rent.

IT IS MUTALLY UNDERSTOOD AND AGREED that the covenants and agreements contained within this Lease shall be binding upon the parties and upon their successors and assigns.

DAYS INN OF BATAVIA

Dated: _____

By: _____
Piyush Patel, Manager – DAYS INN OF BATAVIA

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Dated: _____

By: _____
Henry F. Wojtaszek, President/CEO

GROOMS QUARTERS LEASE AGREEMENT

THIS LEASE AGREEMENT made this 7th day of ~~September 2022~~ ^{June 2023} between
QUALITY INN OF BATAVIA with offices at 8250 Park Road Batavia, New York,
hereinafter referred to as "Landlord", and "WESTERN REGIONAL OFF-TRACK BETTING
CORPORATION, with offices at 8315 Park Road, Batavia, New York, hereinafter referred to as
"Tenant".

RECITALS

WHEREAS, Landlord maintains a unit motel facility open to the public and located
convenient to the Batavia Downs harness horse racetrack in Batavia, New York; and

WHEREAS, Tenant owns and operates said Batavia Downs Racetrack, intends to operate
that facility for racing during the ~~2022~~ ²⁰²³⁻²⁰²⁴ racing year -concluding ~~December 31, 2022~~ ^{Feb. 2024}. Tenant is
obligated by contract with the Western New York Harness Horsemen's Association ("WNYHHA")
to provide living accommodations for up to nine (9) grooms employed by owners or trainers of
harness horseman participating in activities at Batavia Downs Racetrack during the ~~2022~~ ²⁰²³⁻²⁰²⁴ racing
calendar; and

WHEREAS, Landlord has available sufficient living accommodations to meet Tenant's
requirements under the WNYHHA Agreement during the above-referred specified dates; and

WHEREAS, following Landlord's initial response to Tenant's invitation for a proposal for
such temporary living accommodations, the parties having negotiated the final terms and
conditions of the leasing of said living accommodations;

NOW, THEREFORE, upon the following terms and conditions, the parties to this
Agreement address their mutual interests and needs as follows:

WITNESSETH:

1. **Leased Premises:** The Landlord leases to the Tenant up to five (4) units at
QUALITY INN BATAVIA hereinafter "The Premises", accommodating the ability to house up to
9 grooms, for a term commencing 12:00 p.m. September 9 and concluding 12:01 p.m. ~~December~~
~~31, 2022~~ ²⁰²⁴ ~~Feb~~

Tenant and Landlord agree to a rental rate of \$55.00 per night for up to four (4) units.

Tenant shall solely determine the number of units to be leased bases upon the number of
grooms requiring housing on a daily basis during the ~~September 9 through December 31, 2022~~
term. Tenant shall pay landlord for units leased on a ^{July 2023} ~~monthly~~ ^{Feb 2024} basis. Such payment shall be made
within seven (7) days of Tenant receipt of invoice from landlord.

In the event the amount of rooms required during any given month that live racing is conducted changes, the amount to be paid to the **QUALITY INN OF BATAVIA** will be prorated based on the amount of rooms needed.

In the event the length of the race meet is shortened for any reason, the Tenant reserves the right to terminate the lease at any time subject to thirty (30) days written notice to Landlord.

2. **Use:** Leased premises shall be used and occupied by the grooms as a dormitory facility for those individuals employed by owners or trainers and working at Tenant's racetrack facility. All zoning and use permits, and requirements for such approvals, if any, shall, at Tenant's sole cost and expense, be obtained by the Tenant for use of the premises in this manner. If, for any reasons, approval for use of the premises cannot be obtained by the commencement of the term of this lease, the parties herein, upon notice to the other, are released from any further agreement, and this lease shall terminate without any obligation to either party.

During occupancy of the leased premises, the Tenant shall ensure that the grooms shall maintain the premises in a clean and tidy manner and shall exercise such control of these grooms by conformance with written rules of conduct as may be required to maintain a well-behaved and orderly situation at all times. A copy of this "Dormitory Agreement" setting forth the rules of conduct and conditions of occupancy are attached and made a part of this Agreement.

3. **Facilities:** The Landlord agrees to provide the leased rooms consistent with the accoutrements found in a standard motel room operated by the Landlord. This shall include electric, heat, air-conditioning, hot and cold running water, the appropriate number of beds, sheets, pillow cases, pillows, blankets, within a room capable of being secured, together with sufficient keys for the occupants. The Landlord shall provide cable TV service without charge, weekly maid service to clean the room and change the sheets and pillow cases on the provided beds.

4. **Subletting Assignment:** The Tenant agrees not to assign or sublet any part of the demises premises unless the Landlord agrees in writing and Landlord will not unreasonably withhold consent to an assignment or sublease on good cause given. Tenant will provide Landlord a weekly list of the individuals authorized to reside at Landlord's facility as needed.

5. **Damage and Destruction:** Should the premises be destroyed or injured by the elements or for any cause so as to be untenable and unfit for Tenant's business, the Tenant may

quit and surrender possession of the premises. The Tenant shall not be liable for any rent under this lease for any time subsequent to the destruction or damage to the building. In the event that the Landlord elects to rebuild the demised premises, the Landlord will commence reconstruction within thirty (30) days of when the damage occurred and shall continue to continually repair the building until it is tenable for the use of Tenant's business. The Tenant, at his option, may then occupy the building and the rent shall be suspended from the date of loss until the date the Tenant reenters the premises as tenable for Tenant's business. Should the premises be partially destroyed or damaged by fire, explosion or the elements, and should the Tenant, at its option, elect to remain in possession of part of the damaged premises, then, in that event, the rental shall be abated and adjusted on a square foot basis, the Tenant paying on a square foot basis based on the annual rental at the date of loss for that portion of the premises in which it remains in possession. Should the Tenant elect to remain in possession, the owner shall, subject to the rights of any mortgagee, repair the premises by commencing repairs no later than thirty (30) days after the loss or damage and continuing repairs until they are completed. Should the Tenant elect to remove from the premises in case the demised premises are partially damaged by fire, explosion or the elements, the Tenant shall not be liable for any rental under this Agreement for any time subsequent to the destruction or damage of the building.

6. **Fixtures:** All trade fixtures installed by the Tenant or the groom's occupants shall remain the property of the Tenant or the groom's occupants and may be removed any time during the period of the lease. Upon termination of this lease, the Tenant, and/or groom-occupants at its option, may remove all such fixtures or abandon them in place. Fixtures left abandoned in place after the termination or expiration of this lease shall become the property of the Landlord. All remodeling and improvements made by the Tenant and/or groom-occupants remain the property of the Tenant and may, at the Tenant's option, be abandoned in place or removed. The Tenant agrees that any improvements placed on the premises shall be removed without damage to the freehold, or the premises shall be repaired.

7. **Condemnation:** In the event that all of the leased premises shall be taken in condemnation proceedings, this lease shall terminate as of the date of title vesting in the condemning authority and all unearned rental and other charges paid in advance shall be refunded to Tenant and Tenant shall surrender possession of the leased premises to the condemning authority subject, however, to the rights of the Tenant to remain a tenant in possession under Federal or State laws which the premises are condemned and further subject to the rights of the Tenant to any relocation costs or other profits accruing to Tenant in possession



westernotb.com



bataviadownsgaming.com

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

*Creating Revenues
for Racing, State
and Local
Governments*

Current Member of:

*New York State
Gaming Association*

*United States
Trotting Association*

*Local Chambers
of Commerce*

WESTERN REGIONAL OFF-TRACK
BETTING CORPORATION

May 17, 2023

Quality Inn
8250 Park Road
Batavia, NY 14020
Attn: Evan Sakeeb, GM

Meeting 5/17/23

In person Meeting 6/6/23

Mr. Sakeeb:

Batavia Downs Gaming by contract with the Western New York Harness Horseman Association must provide living quarters for up to 9 harness racing grooms during our 76th racing season that will run from July 15, 2023, until February 28, 2024.

The housing of the grooms can be provided in up to 4 rooms depending on size, Thus, please provide seasonal pricing for:

	<i>2023 - 62,000</i>		
	<i>9500</i>		
One room	<u>\$ 75 (July - August)</u>	<u>55 (September - Feb)</u>	<i>18000</i>
Two rooms	<u>\$ Same as Above</u>		<i>955</i>
Three rooms	<u>\$ Same as Above</u>		<i>9900</i>
Four rooms	<u>\$ Same as Above</u>		

Batavia Downs Gaming will pay six monthly payments beginning at the end of July.

Please submit pricing via fax to 585-344-6189 or email to mglor@westernotb.com as soon as possible.

If you have any questions, please contact me at 585-343-142, ext. 6241.

Sincerely,

WESTERN REGIONAL OFF-TRACK
BETTING CORPORATION

Megan Glor
Director of Purchasing/Real Estate

under Federal or State Laws. The Tenant shall be entitled to recover from any condemning authority the value of any trade fixtures or personal property placed in the demised premises by the Tenant, together with any other benefits accruing to the Tenant by reason of the termination of this Agreement but in no event shall Tenant's award reduce the amount awarded to the Landlord.

8. **Covenants by Landlord:** The Landlord covenants and warrants as follows:
- A. Landlord is the owner of the leased premises and has the right to enter into this agreement.
 - B. Premises are free from latent defects. The Landlord will make all exterior structural repairs to the premises including the roof during the period of this agreement; the Landlord knows of no latent defects to the structure at the date of this Agreement.
 - C. No mortgage of record, mechanics lien or any other encumbrance against the premises shall be foreclosed or disturb Tenant while it is in lawful possession of the premises under this Agreement and not in default thereof.

9. **Common Area and Parking Lot:** Landlord agrees to provide a parking area for Tenant's customers, invitees and employees in the contiguous front, side and rear parking areas. The Landlord agrees to be responsible for the parking lot lighting, maintenance and repairs.

10. This Agreement is subject to the approval of the **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION** Board of Directors.

11. **Amendment:** This lease may be modified, amended or surrendered only by an instrument in writing duly executed by the Landlord and Tenant.

12. **Glass:** Tenant agrees that it shall replace any glass broken or damaged upon the leased premises at its own cost and expense. In the event that Tenant shall fail to do so, Landlord may, but shall be obligated to do so, and Tenant shall be responsible for cost thereof and shall pay for the same as additional rent.

IT IS MUTUALLY UNDERSTOOD AND AGREED that the covenants and agreements contained within this Lease shall be binding upon the parties and upon their successors and assigns.

QUALITY INN OF BATAVIA

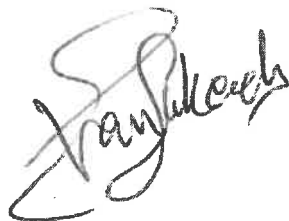
Dated:

9/7/22

By:

Evan Sakeeb, G.M. QUALITY INN OF BATAVIA

6/7/22



WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Dated: 9/7/22

By: 
Henry F. Wojtaszek - President/CEO/General Counsel

Resolution #49-2023 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 Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

* Pending License approval.

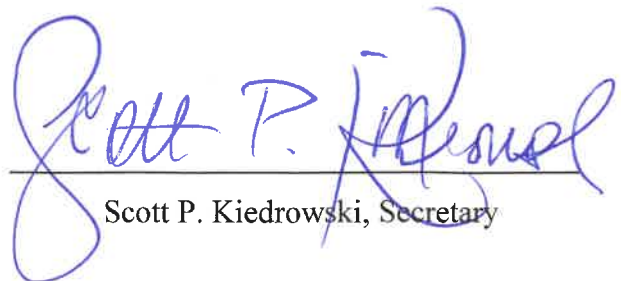
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #49-2023

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) has received a renewal proposal from Garland Insurance & Financial Services (“Garland”) of 11811 N. Tatum Blvd, Phoenix, AZ 85028 to provide Western with Commercial Insurance coverage; 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 Commercial Insurance coverage for a one (1) year term from June 1, 2023 through May 31, 2024, for the renewal premium of \$1,147,215.46; and therefore, be it

RESOLVED, that the Board of Directors of Western hereby accepts the proposal from Garland to provide Commercial Insurance coverage to Western for the one-year term of June 1, 2023, through May 31, 2024 for the renewal premium of \$1,147,215.46; and further

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

Respectfully Submitted,

Dated: June 22, 2023
Batavia, New York

Policy Period	Insurance Carrier	Actual Premium - 2023-2024	\$100,000 Deductible Option	Actual Premium - 2022-2023	Difference	Change (%)
Commercial Property Track	Travelers Insurance Company	214,518.00	214,278.00	179,386.00	35,132.00	16.30%
Boiler and Machinery	same	Included		Included		
Commercial General Liability including all OTB's	James River (Burns & Wilcox)	448,372.81		447,458.67	914.14	0.20%
Commercial GL Track	same	Included		Included		
Commercial Auto \$2,500 Deductible	Travelers Insurance Company	100,978.00	100,078.00	81,806.00	19,172.00	18.99%
Inland Marine	Travelers Insurance Company	Included		Included		
Labor Liability	James River (Burns & Wilcox)	Included		Included		
Sexual/Physical Abuse	James River (Burns & Wilcox)	Included		Included		
Employee Benefit	James River (Burns & Wilcox)	Included		Included		
Excess Liability Umbrella Liability including all OTB's	Burlington Insurance Company (Burns & Wilcox)	161,735.65		161,770.34	(30.69)	-0.02%
Umbrella Liability Track	Same	Included		Included		
Director & Officers	N/A	69,471.00		86,478.63	(17,007.63)	-24.48%
Cyber Liability/Data Breach	N/A	N/A		N/A		
Travel/Accident	United States Fire Insurance Company	29,776.00		32,998.00	(3,222.00)	-10.82%
Accident Participants	United States Fire Insurance Company	Included		Included		
Policy Fees	James River (Burns & Wilcox)	118,000.00		99,616.00	18,384.00	15.58%
Terrorism Coverage	Midwest Employers Mutual	5,500.00		5,500.00		
Workers Compensation						
* Budget Estimate *						
Fee						
Total		1,148,335.46	(2,140.00)	1,095,013.64	53,341.82	4.65%

#49-2023

Resolution #50-2023 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 Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

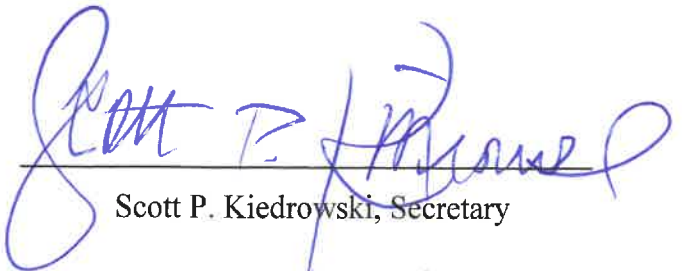
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #50-2023

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) maintains facilities in Monroe County, including the City of Rochester, for patronage by its customers; and

WHEREAS, Western previously invited bids for a two (2) year cleaning service contract; with an option to renew; and

WHEREAS, on June 3, 2019, bid proposals were publicly opened and the Board of Directors accepted the bid of C&C Miraculous Cleaning (“C&C”) for such Monroe County Branch cleaning contract; and

WHEREAS, staff is recommending to Western’s Board of Directors to exercise the option to renew the agreement with C&C Miraculous Cleaning for an additional two (2) year agreement for the period July 1, 2023 through June 30, 2025 in the amount not to exceed \$76,104.00 annually.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of Western hereby exercises its option for a two (2) year cleaning contract extension for the three (3) Monroe County facilities with C&C in the amount not to exceed \$76,104.00 annually; and

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

Respectfully submitted,

Dated: June 22, 2023
Batavia, New York

Resolution #51-2023 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 Baxter and seconded by Director Winter which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

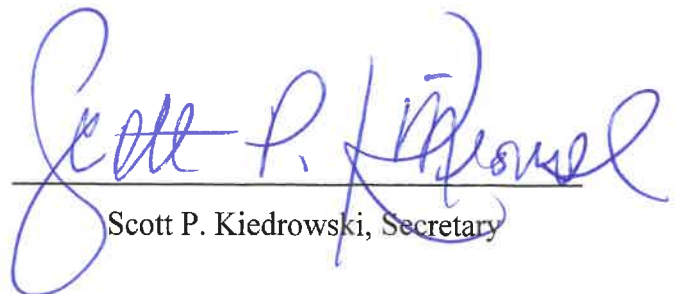
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION 51-2023

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

WHEREAS, Western has previously contracted with Baskin Livestock Inc. (“Baskin”) of 9778 Creek Rd, Batavia, NY to dispose of the bedding and manure debris; and

WHEREAS, Western has utilized such container from Baskin at an annual cost of \$30,000.00 through September to dispose of the day-to-day bedding and manure debris; and

WHEREAS, staff recommends that the Board of Directors of Western approve Baskin at an annual cost not to exceed \$30,000.00 for the bedding and manure at this facility through September 2023; now therefore

BE IT RESOLVED, that the Western’s Board of Directors hereby approves the agreement for the removal of bedding and manure debris at this facility through September 2023; not to exceed \$30,000.00 from Baskin Livestock; 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,

Dated: June 22, 2023
 Batavia, New York

SCALE UP 100
2 733
6323 BL
63240 BL

Thomas P. Balk, Director of Building & Grounds
Western Regional Off-Track Betting Corp.
Batavia Downs Casino & Racing
8313 Park Road
Batavia, NY 14020

October 11th, 2022

Subject: Bedding/Manure/Trash disposal Proposal Agreement Renewal

Dear Tom,

We would like to thank you and your staff for the opportunity to service your facility. We are looking forward to continuing our service agreement for October 2022-September 2023. We will provide the same services as indicated below as needed. We will also continue to provide "on call" emergency service as required. Please communicate to your staff the need to continue segregating trash from manure.

Bedding/Manure

- Two (2) 40 ft. open-top containers - **No charge** (Number of containers can be changed based on seasonality with the approval of Batavia Downs and Baskin Livestock, and based on availability)
- Pull fee for above containers - **\$200/pull**

Trash

- One (1) open-top container Rental - **No Charge**
- Landfill tip fee/ton - **\$62.50/Ton**
- Pull fee - **\$275/pull**

Terms

- Payment Terms - **Net 30 days**
- Service Contract Term - **12- month renewable**
- Service start Date - **Continued**

Signature

Authorized Agent

Western Regional Off-Track Betting Corp.
Batavia Downs Casino & Racing

Please sign and return as your earliest convenience.
Again, thank you!

Mark D. Notaro
Baskin Livestock

#51-2023

Resolution #52-2023 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>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

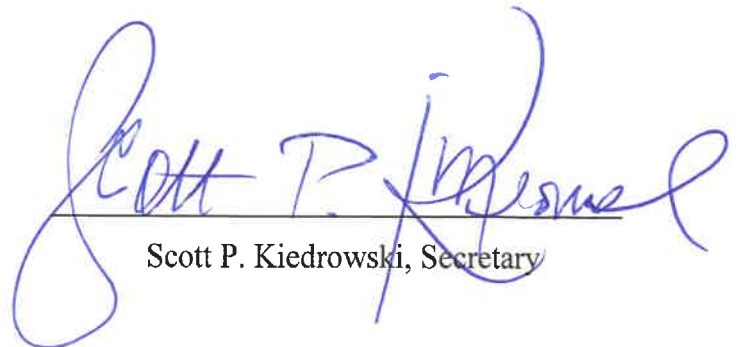
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #52-2023

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 wall base to be installed at two of the south ends second floor restrooms at 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 \$62,607.00; and

WHEREAS, Staff recommends that the Board of Directors of Western to accept the proposal of WNY Tile for the installation of flooring for two of the south ends second floor restrooms in the amount not to exceed \$62,607.00; 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 \$62,607.00 for the Installation of new flooring and wall base at two of the south ends second floor restrooms; 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,

Dated: June 22, 2023
Batavia, New York

Flooring Project Quote Form

#52-2023

Quote Due Date	May 22, 2023
Facility Name:	Batavia Downs
Address:	8315 Park Road Batavia, NY 14020
Contact Name:	Megan Glor
Contact Phone #:	
Contact Email:	mglor@westernotb.com

Today's Date 5/22/2023

Contractor Name: WNY Tile and Stone Corp.

PC69410 Mohawk

Contact Name: Nicholas Alba

Contact Phone #: 716-698-6942

Contact Email: Nick@wnytileandstone.com

Project Start Date: _____ Project End Date: _____

Batavia Downs - 2nd Floor Restrooms 254 & 255, Floor & Wall Prep, Floor and Wall Tile

Materials			
Item	Quantity	Unit Cost	Extended Amount
Self Leveler Poured at 1/4" Thick			\$0.00
WP900 - Waterproofing and Crack Isolation Membrane			\$0.00
Skim Coat Walls with Sag Resistant Thinset			\$0.00
CT-1 Floor - Olympia - Lea Stone - 24x24 - Color: Dark Grey			\$0.00
CWT-1- Imola Oro - 24"x48" - Polished - Color: Ocean Blue			\$0.00
TS-1 - Schluter - Dilex Cove - Color: Nickel			\$0.00
TS-2 - Schluter- Rondec - Color: Nickel			\$0.00
TS-3 - Schluter- Reno U - Color: Nickel			\$0.00
Tile Setting Material Thinset			\$0.00
Floor and Wall Cement Grout			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
Total Material Cost			\$0.00

Labor					
Item	Quantity	Quoted Unit Price	Not to exceed unit price (for reference)	Extended Amount	Man Hours to Complete Task
Furnish and Install Ceramic Floor and Wall Tile	2340	\$21.65	60.75	\$50,661.00	313
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
Total Labor Cost				\$50,661.00	

Total Material Cost	\$0.00
Total Labor Cost	\$50,661.00
Total Shipping Cost	\$0.00
Total Project Cost	\$50,661.00

Total number of labor hours for the project: 313

Total Prevailing Rate (Including Supplemental): \$95.00/Hr

PRC# _____ (provided by Authorized User)

Resolution #53-2023 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 Horrigan and seconded by Director Horton which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

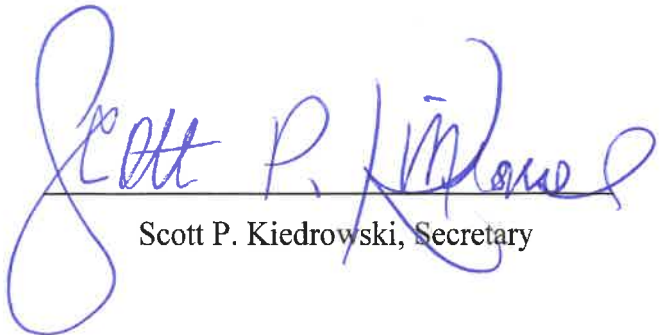
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #53-2023

WHEREAS, it is the responsibility Western Regional Off-Track Betting Corporation (“Western”) to provide a first class experience to its customers and to insure its various locations are kept to the highest standards; and

WHEREAS, in furtherance of this responsibility, Western’s various locations require annual upkeep, including painting at its various construction projects; and

WHEREAS, Sherwin Williams provides top quality paint and related products and is a party to the National Cooperative Purchasing Alliance; and

WHEREAS, the Board of Directors of Western wishes to purchase paint and related products from Sherwin Williams for the remainder of 2023 in an amount not to exceed \$30,000; now therefore be it

RESOLVED, that the Board of Directors of Western approve the purchase of paint and related products from Sherwin Williams for the remainder of 2023 in an amount not to exceed \$30,000; and further

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

Respectfully submitted,

Dated: June 22, 2023
Batavia, New York

#53-2023



Sherwin Williams

Flooring, Paint & Painting Supplies

From floor to ceiling and everything in between, Sherwin-Williams has you covered.

When you work with Sherwin-Williams, you get support from a team of experts with extensive experience meeting the unique needs of Multifamily Housing properties. Specialists can help control costs, simplify maintenance, and make your communities stand above the rest. Sherwin-Williams understands that quick turns are an essential part of Multifamily Housing management. From the interior to the exterior, from the walls to the walkways they have everything you need to get the work done right and get it done fast.

Click Your Industry

Education | Government

Real Estate

U.S. Communities, National IPA, & NCPA are wholly-owned subsidiaries of OMNIA Partners, dba OMNIA Partners, Public Sector. All public sector participants already registered with National IPA, U.S. Communities, or NCPA continue to have access to all contracts, with certain exceptions, in the portfolio and do not need to re-register to use a legacy National IPA, legacy U.S. Communities, legacy NCPA, or new OMNIA Partners contract. U.S. Communities, National IPA, and NCPA remain separate legal entities and lead agency contracts completed under each brand are effective and available for use through the contract's approved term. In the event we believe re-registration is necessary for any reason, OMNIA Partners will let you know.

Paint and Related Supplies

Region 14 ESC - TX

Contract Number: 02-147

May 1, 2023 through April 30, 2026

Option to renew for two (2) additional one-year periods through April 30, 2028

Executive Summary

- Due Diligence

Master Agreement Documents

- Contract Award Letter

Response Evaluation

- Evaluation Documents

Solicitation Process

- Original RFP Document
- Proof of Publication

BECOME A MEMBER

[Privacy Policy](#) | [Terms of Use](#)



**NATIONAL COOPERATIVE
PURCHASING ALLIANCE**

May 1, 2023

NCPA has determined that the use of a RFP for Paint and Related Supplies will benefit our members more than the use of an Invitation for Bid (IFB).

Region 14 ESC contracts are eligible to be used by over 90,000 agencies nationwide from both the public and nonprofit sectors. These include, but are not limited to School Districts (including K-12, Charter schools, and Private K-12), Higher Education (including Universities, Community Colleges, Private Colleges, and Technical / Vocational Schools), Cities, Counties, and any Local Government, State Agencies, Healthcare Organizations, Church/Religious, Nonprofit Corporations throughout the country. The use of an RFP will allow vendors to decrease submitted pricing if needed based on quantity and size of projects, as well as the ability to negotiate supplemental agreements. Each purchase made through this contract will be customized to the needs of the purchasing agency. In addition, competitive sealed bidding does not allow the ability to compare offers and determine the best value for our wide range of members.

Therefore, it is our opinion that a RFP, rather than an IFB, is more advantageous to our members.

Sincerely,

Sarah Vavra

Evaluation Criteria	Point Value	Sherwin-Williams Co				
Pricing	40	35				
Ability to service the contract	25	20				
References	20	15				
Technology	7	4				
Value Added Products and Services	8	6				
<u>Total</u>	<u>100</u>	<u>80</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>



Awarded Vendors

Sherwin-Williams Co

- Emily Jeffrey*
- Jeremy Eaton*
- Jessica Goforth*



05-23 - Request for Proposal (RFP) for Paint and Related Supplies

Project Overview

Project Details

Reference ID	05-23
Project Name	Request for Proposal (RFP) for Paint and Related Supplies
Project Type	RFP
Project Description	Paint and Related Supplies
Open Date	Feb 07, 2023 6:00 AM CST
Close Date	Mar 23, 2023 2:00 PM CDT

Seal status

Requested Information	Unsealed on	Unsealed by
Proposal	Mar 23, 2023 2:10 PM CDT	Jim Cary
Pricing	Mar 23, 2023 2:10 PM CDT	Jim Cary



RFP Bid/Proposal Receipt List:

RFP #05-23 for Paint and Related
Supplier
Thursday, March 23rd, 2023 2:00
pm

Supplier	Date Submitted	Name	Email
Sherwin-Williams Co	Mar 20, 2023 1:13 PM CDT	Beniam Tirfe	beniam.tirfe@sherwin.com

Resolution #54-2023 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 Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X]24	[]	[]	[]
James Wilmot	[X]20	[]	[]	[]
Crystal Rodriguez-Dabney	[]10	[]	[]	[X]
Dennis Bassett	[X]8	[]	[]	[]
Elliott Winter	[X]8	[]	[]	[]
Vincent W. Horrigan	[X]5	[]	[]	[]
Mark Bombardo	[X]4	[]	[]	[]
Michael Horton	[X]3	[]	[]	[]
Vacant	[]3	[]	[]	[X]
Mark Burr	[X]3	[]	[]	[]
Terrance Baxter	[X]3	[]	[]	[]
Thomas Wamp	[X]2	[]	[]	[]
Charles Zambito	[]2	[]	[]	[X]
Susan May	[X]1	[]	[]	[]
Edward Morgan	[X]1	[]	[]	[]
Richard Ricci	[]1	[]	[]	[X]
*Paul Bartow	[]1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

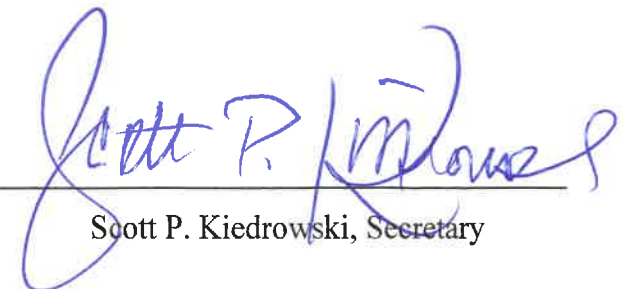
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #54-2023

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

WHEREAS, Western has been tremendously successful promoting the Hotel at Batavia Downs by offering a gift card to Tops Friendly Markets to be purchased from the sole source Cash Star Inc. with offices located at 25 Pearl St. Portland, ME 04101 (“Tops”) with eligible hotel stays in 2023; and

WHEREAS, Staff requests that the Board approve the increased purchase from Tops of \$20.00 gift cards in the aggregate amount of \$275,000.00 to continue the successful promotion for the Hotel at Batavia Downs in 2023; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western purchase \$20.00 Tops gift cards from Cash Star Inc. to continue a successful promotion for the Hotel at Batavia Downs for 2023 in the total aggregate amount of \$275,000.00; and further

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

Respectfully submitted,

Dated: July 27, 2023
 Batavia, New York

Resolution #55-2023 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 Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

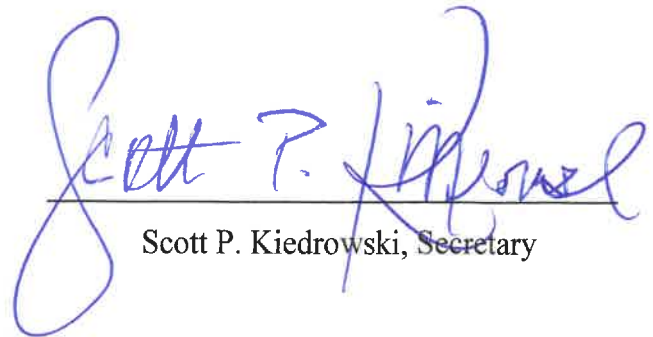
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION - #55-2023

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

WHEREAS, Western had previously approved a blanket purchase order for the purchase of seafood and meats and related items from Schneiders Seafood & Meats located at 2150 Old Union Road, Cheektowaga, New York ("Schneiders") for the 2023 calendar year; and

WHEREAS, Western requires an additional amount of \$30,000.00 for use by the Food and Beverage Department through the end of 2023; and

WHEREAS, staff requests that the Board of Directors of Western approve a supplemental blanket purchase order in an additional amount not to exceed \$30,000.00 with Schneiders for the purchase of seafood and meats and related products through the end of 2023; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves a supplemental blanket purchase order in an amount not to exceed \$30,000.00 from Schneiders through the end of 2023; and

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

Respectfully submitted,

Dated: July 27, 2023
Batavia, New York

Resolution #56-2023 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 Horrigan and seconded by Director Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

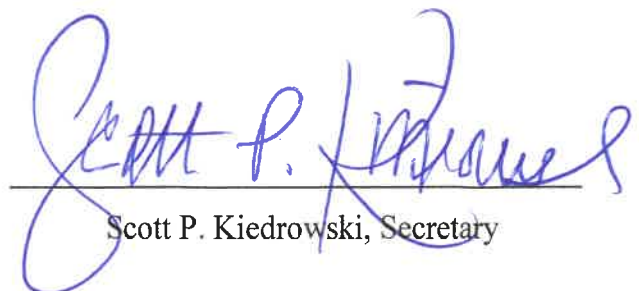
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #56-2023

WHEREAS, Western has received responses to a request for proposal for the purchase and delivery of concrete by the truckload; and

WHEREAS, upon a review of the bids received on June 23, 2023, staff is recommending the Board of Directors to accept the bid from the lowest responsible bidder for the purchase and delivery of concrete from Heidelberg Materials Northeast LLC. Of 15620 Collection Center Dr. Chicago IL, ("Heidelberg") with rates for 10-yard truckload cost per yard \$185 and minimum load charge \$100.00 and rate for fuel of \$100.00 and rate for delivery of \$90.00; and

WHEREAS, that the Board of Directors of the Western wishes to accept the bid of Heidelberg for the purchase and delivery of concrete in an annual amount not to exceed \$50,000.00; and be it

RESOLVED, that Western hereby accepts the bid from the lowest responsible bidder Heidelberg for the delivered concrete. in an annual amount not to exceed \$50,000.00 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,

Dated: July 27, 2023
Batavia, New York

Resolution #57-2023 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 Winter which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X]24	[]	[]	[]
James Wilmot	[X]20	[]	[]	[]
Crystal Rodriguez-Dabney	[]10	[]	[]	[X]
Dennis Bassett	[X]8	[]	[]	[]
Elliott Winter	[X]8	[]	[]	[]
Vincent W. Horrigan	[X]5	[]	[]	[]
Mark Bombardo	[X]4	[]	[]	[]
Michael Horton	[X]3	[]	[]	[]
Vacant	[]3	[]	[]	[X]
Mark Burr	[X]3	[]	[]	[]
Terrance Baxter	[X]3	[]	[]	[]
Thomas Wamp	[X]2	[]	[]	[]
Charles Zambito	[]2	[]	[]	[X]
Susan May	[X]1	[]	[]	[]
Edward Morgan	[X]1	[]	[]	[]
Richard Ricci	[]1	[]	[]	[X]
*Paul Bartow	[]1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

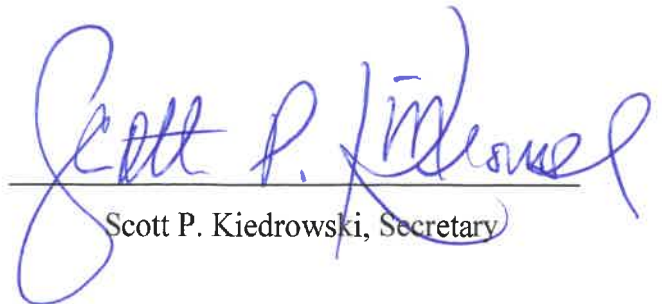
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION #57-2023

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 the 2023 concert series, Western is required to provide various equipment, including a stage and lighting for the performers; and

WHEREAS, Audio Images Sound & Lighting (“Audio”) is a single source provider in Western New York that sets up the stage and concert lighting and associated equipment for each concert; and

WHEREAS, Audio has provided Western with an agreement to provide such services to Western for the 2023 Concert Series in the amount of \$95,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Western approve the agreement with Audio to provide services to set up the stage and concert lighting and associated equipment for the 2023 Concert Series in the amount of \$95,000.00; and

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

Respectfully submitted,

Dated: July 27, 2023
Batavia, New York

Resolution #58-2023 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 Baxter and seconded by Director Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

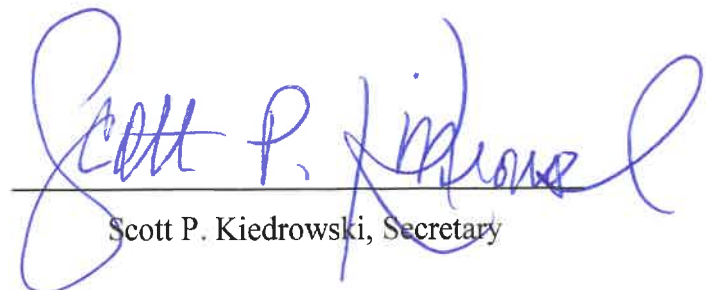
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION - #58-2023

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation (“Western”) to operate its Batavia Downs location in the most efficient manner possible; and

WHEREAS, Western requires 20 new desktop computers for its Batavia Downs location and has received quotes from both Dell and HP suppliers: and

WHEREAS, Western has received a quote under the under NYS OGS Contract #PM20820 Dell Marketing L.P One Dell Way, Round Rock, TX 78682 (“Dell”) for the required specifications to provide Western 20 new desk computers for the total amount not to exceed \$16,023.00; and

WHEREAS, Staff recommends that the Board approves the purchase of 20 new computers from Dell as set forth herein; now therefore

BE IT RESOLVED, that the Western’s Board of Directors hereby approves the purchase of 20 new desktop computers as set forth in the specifications attached from Dell in an amount not to exceed \$16,023.00; 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,

Dated:

July 27, 2023

Batavia, New York

Resolution #59-2023 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 Wamp and seconded by Director Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

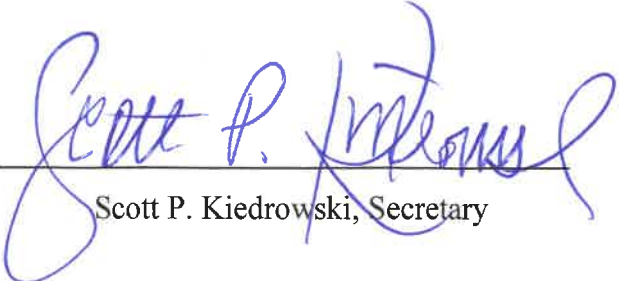
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION - #59-2023

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

WHEREAS, Western requires four (4) servers with Microsoft Server 2022 operating system for its Batavia Downs location: and

WHEREAS, Western has received a quote under NYS OGS Contract #PM20820 and recommend the purchase of four (4) servers with Microsoft Server 2022 operating system from Dell Marketing L.P One Dell Way, Round Rock, TX 78682 ("Dell") to provide Western for the total amount not to exceed \$35,742.24; and

WHEREAS, Staff recommends that the Board approves the purchase of four (4) servers with Microsoft Server 2022 operating system from Dell as set forth herein; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves the purchase of four (4) servers with Microsoft Server 2022 operating system as set forth in the specifications attached from Dell in an amount not to exceed \$35,742.24; 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,

Dated: July 27, 2023
Batavia, New York

Resolution #60-2023 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 Baxter and seconded by Director Wilmot which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

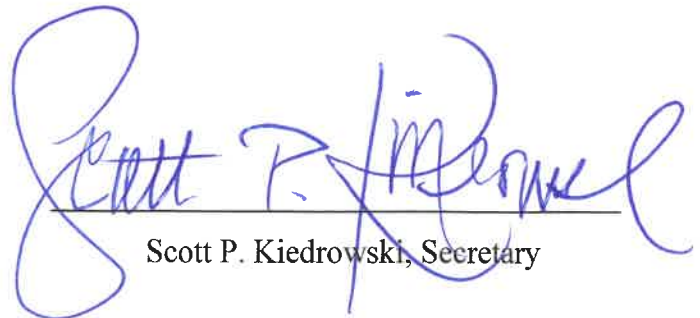
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.


Scott P. Kiedrowski, Secretary

RESOLUTION - #60-2023

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

WHEREAS, Western needs to obtain HRIS software, and accordingly has obtained at least two proposals; and

WHEREAS, the proposal from BambooHR to provide HRIS software is better suited to the needs of Western and the more cost-effective proposal; and

WHEREAS, staff recommends that Western enter into an agreement with BambooHR to provide Western with this service through the end of the 2023 calendar year; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to enter into an agreement with BambooHR to provide such service at a cost not to exceed \$32,000.00 through the end of calendar year 2023, including the activation and implementation fee; and

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

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

60-2023

Prepared For	From	Date	Expires
Batavia Downs Gaming	BambooHR LLC	5/16/23	5/30/23
Danielle Fleming	335 S 560 W		
dfleming@westermotb.com	London, UT 84042		
	USA		

Product	Quantity	List Price	Volume Discount	Early Adopter Discount**	Sales Price	Months	Total Price (USD)
Advantage	400	\$ 9.00	45.66%		\$ 4.89	1	\$ 1,956.00
Performance Management	200	\$ 5.25	36.18%		\$ 3.35	1	\$ 670.00
Benefits Administration	400	\$ 5.00	45.66%	40.0%	\$ 1.83	1	\$ 652.00
Total Due Monthly							\$ 3,278.00

Service	Quantity	List Price	Executive Discount	Total Price (USD)
HRIS Implementation	1	\$ 4,706.48	70.0%	\$ 1,411.94
Total Due at Activation*				\$ 4,689.94

Additional Comments:

*Applicable sales tax may be added

**The Benefits Administration Early Adopter Discount expires 12/31/2023 and will impact the total monthly cost after that date.

Month-to-month | No long-term contracts

BambooHR Advantage includes:

-HR Management (Mobile App, Employee Records, 10 GB of Doc Storage - 250 MB per active employee, Employee Directory, Org Chart, Company Calendar, Training Tracking, Audit Trail)

-Onboarding (Onboarding and Offboarding Tasks, Employee Self-onboarding, eSignatures)

-Hiring (Applicant Tracking System for 25 concurrent job openings, Offer Letters, Hiring Mobile App)

-Compensation Tracking (Time-off Mgmt, Benefits Tracking, Compensation History)

-Employee Experiences (Employee Satisfaction with eNPS, Employee Wellbeing)

-Advanced Reporting & Components (Custom Reporting, Custom Access Levels, Tailored Workflows & Approvals, Personalized Email Alerts, Custom Tabs & Fields, Company Branding)

-Integrations (Google & SAML Single Sign-on, API Access, BambooHR Marketplace)

-Support (Email/Phone support Mon-Fri, 6:00 AM - 6:00 PM MT; Webinar Library)

Add-ons:

BambooHR Time Tracking, Performance Management, Payroll, and Benefits Administration may be purchased as add-on products.

Advantage Implementation Includes:

A dedicated Implementation Specialist for 4-6 weeks; five (5) training phone calls; importing general demographic data; importing training data; importing benefit data; importing and initial setup of Vacation/Holiday balances/policies; importing job data such as salary, division, department; importing data for other custom fields, tabs, and tables; enabling employee self-service to gather emergency contacts, dependents, and other data. It also includes the current custom fields, tables, and tabs available in BambooHR; BambooHR will not do custom programming efforts or any development work with the BambooHR API. Utilization of the BambooHR API is completed by the customer with technical support available via email.

During implementation, your Project Manager will work with one main point of contact; all data must be imported within the duration of the package as outlined in your success plan. Extra time, if needed, is billed by the hour. Data for import must be in Excel or CSV files. The service does not include uploading of files or photos, manual data entry (hand entering) from paper files or PDF documents, setting up the onboarding/offboarding checklists, posting jobs or importing resumes, importing time off data prior to the current calendar year, or importing benefit data in excess of 1 year and does not include the importing of past employees. Implementation duration is 4-6 weeks following the date of sign up with BambooHR. Work not completed during this time frame is subject to additional implementation fees.

Things you need to know in connection with this price quote:

1. Prices quoted above are based on your agreement to subscribe to the above noted services, and represents the number of active employees that you have indicated will be added to BambooHR when fully implemented. Should your number of users change, or you subscribe to additional services, your prices may increase or decrease.

2. Payment for all services, including implementation, becomes due when you become a subscriber of BambooHR services. Your first payment will be due immediately upon your acceptance of this price quote and your subscription will renew in the future for the same term selected upon initial payment.

3. Please note that by agreeing to use our services, you agree to BambooHR's Terms of Service, which are found at: <https://www.bamboohr.com/terms.php>

4. See <https://www.bamboohr.com/packages> for product details.

5. Please contact your BambooHR sales representative with any questions or changes, or you may contact customer support at 801-724-6600.

Payroll & HR Complete

Greenshades

Greenshades

Proposal For



Western OTB pricing comparison

Package / Services	Price PEPM	QTY	Subtotal
Payroll + Payroll Tax + HR Complete	\$11	410	\$4,510 per month
HR Complete	\$6	410	\$2,460 per month
Implementation, Service, Mobile	Included		\$0
Difference with Payroll + Payroll Tax Service	\$5	410	\$2,050 per month

Pricing based on one-year agreement and commitment date of 3/31/23

How can Greenshades help?

Payroll Processing

- ✓ Dynamics GP integration that leverages the Greenshades Tax Engine
- ✓ Browser-based unified platform for optimal admin, manager, and employee access
- ✓ Self-service scheduled and off-cycle payroll processing
- ✓ Multiple import options of POS time entry including API
- ✓ Withholding, gross-to-net, OT, and gross-up calculations
- ✓ Garnishment and arrears management

Compliance

- ✓ Premium service-based Payroll Tax Service
- ✓ Unlimited state and local Payroll Tax Service licensing
- ✓ ACA management with proactive alerts and eligibility tracking
- ✓ ACA reporting, including streamlined 1095/1094-C management
- ✓ W2 year-end tax management
- ✓ Suite of Employee, Administrator, Pay History, Payroll, Benefits, and Employee Portal usage reports

Employee Self-Service

- ✓ Employee pay history, W-2, and 1095-C self-service
- ✓ Employee profile info and direct deposit access and management
- ✓ Federal and state W-4 employee access and employer management
- ✓ I-9 employee access and employer management
- ✓ TO policy and accrual presentation with employee and admin request/approval workflows

HR Management*

- ✓ New employee onboarding with flexible templates and multi-level approvals
- ✓ ATS integration Options
- ✓ Electronic document management with employee self-service
- ✓ Performance evaluations with employee and manager self-service
- ✓ Company organizational chart and directory
- ✓ On-demand HR legal Advice
- ✓ Self-service benefits management including open enrollment and QLE

What You Care About Most

Enhance GP with HR automation

Save time/resources and reduce potential errors by automating Onboarding, Employee self-service, Benefits enrollment, ACA management, Electronic management/storage of all HR personnel files.

Integration with Dynamics GP

Easy sync of HR & possibly payroll data to your GL. Minimize the time required for implementation due to limited resources & other priorities.

All-in-one, unified solution

Maximize efficiency and automation of HR & Payroll in single platform through which all functions and single-entry of data speaks to each other. Easy down-sync of payroll into GL.

Greenshades

Resolution #61-2023 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 Baxter and seconded by Director May which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X]24	[]	[]	[]
James Wilmot	[X]20	[]	[]	[]
Crystal Rodriguez-Dabney	[]10	[]	[]	[X]
Dennis Bassett	[X]8	[]	[]	[]
Elliott Winter	[X]8	[]	[]	[]
Vincent W. Horrigan	[X]5	[]	[]	[]
Mark Bombardo	[X]4	[]	[]	[]
Michael Horton	[X]3	[]	[]	[]
Vacant	[]3	[]	[]	[X]
Mark Burr	[X]3	[]	[]	[]
Terrance Baxter	[X]3	[]	[]	[]
Thomas Wamp	[X]2	[]	[]	[]
Charles Zambito	[]2	[]	[]	[X]
Susan May	[X]1	[]	[]	[]
Edward Morgan	[X]1	[]	[]	[]
Richard Ricci	[]1	[]	[]	[X]
*Paul Bartow	[]1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

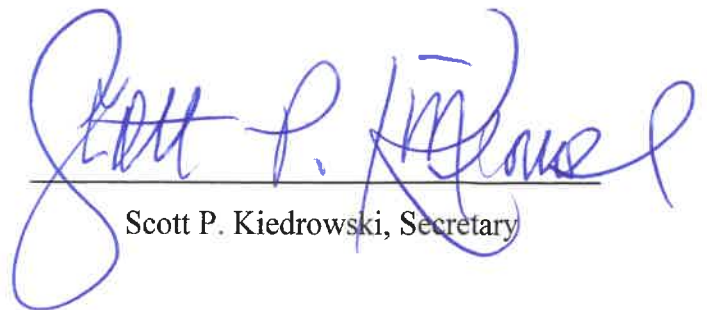
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION - #61-2023

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

WHEREAS, Western needs to operate in such a manner as to incorporate more characters and information into its texting ability; and

WHEREAS, Pidj.co offers such a service that is better suited to the needs of Western than that presently in use; and

WHEREAS, staff recommends that Western enter into an agreement with Pidj.co to provide Western with this service through the end of the 2023 year at which time all such needs shall be re-evaluated; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to enter into an agreement with Pidj.co to provide such service at a cost not to exceed \$30,000.00 through the end of calendar year 2023; and

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

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

Resolution #62-2023 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>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

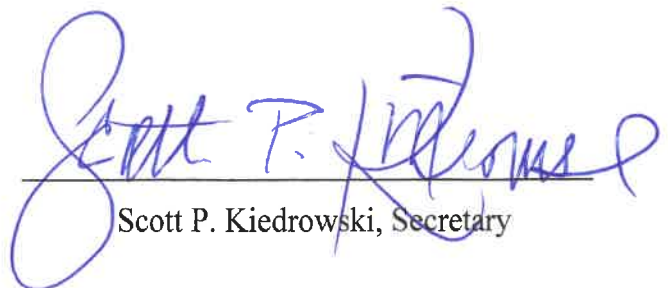
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #62-2023

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has contracted with the Highmark Stadium for rental of a suite for various events at that facility, such as the Buffalo Bills and various concerts, all of which is to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

WHEREAS, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

WHEREAS, Staff requests that the Board of Directors of Western authorize an expenditure for food and beverages at Highmark Stadium during events such as the Buffalo Bills and various concerts in an amount not to exceed \$25,000.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the expenditure for food and beverages at Highmark Stadium during entertainment events such as the Buffalo Bills and various concerts in an amount not to exceed \$25,000.00; and further

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

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

Resolution #63-2023 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 Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

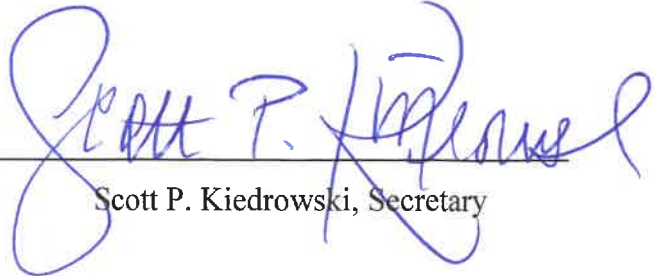
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #63-2023

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has contracted with the Blue Cross Arena for rental of a suite for various events at that facility, all of which is to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

WHEREAS, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

WHEREAS, Staff requests that the Board of Directors of Western authorize an expenditure for food and beverages at the Blue Cross Arena during events held at the Blue Cross Arena in an amount not to exceed \$30,000.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the expenditure for food and beverages at the Blue Cross Arena during various entertainment events 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 any document in furtherance of this resolution.

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

Resolution #64-2023 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 Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

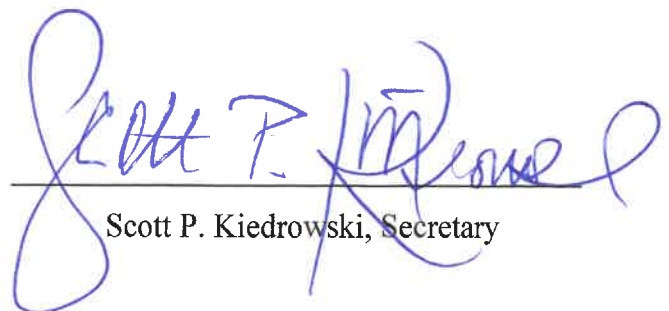
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #64-2023

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has contracted with the KeyBank Center for rental of a suite for various events at that facility, such as the Buffalo Sabres, Buffalo Bandits and various concerts, all of which is to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

WHEREAS, Western has also provided our patrons with complimentary food and beverages in the suite during these various suite events; and

WHEREAS, Staff requests that the Board of Directors of Western authorize an expenditure for food and beverages at the KeyBank Center during events such as the Buffalo Sabres, Buffalo Bandits and various concerts in an amount not to exceed \$75,000.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the expenditure for food and beverages at the KeyBank Center during entertainment events such as the Buffalo Sabres, Buffalo Bandits and various concerts in an amount not to exceed \$75,000.00; and further

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

Respectfully submitted,

Dated: August 24, 2023
 Batavia, New York

Resolution #65-2023 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 Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

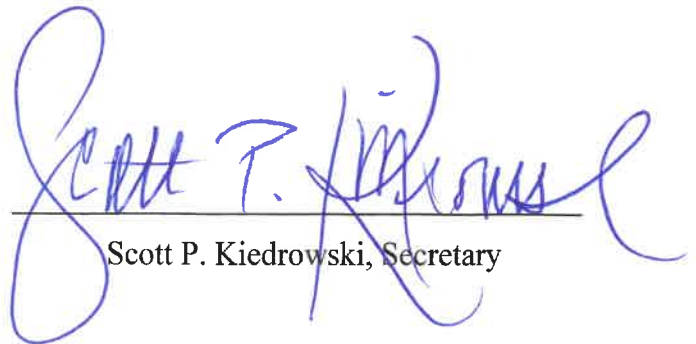
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #65-2023

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

WHEREAS, Western has sent out an RFP requesting pricing for Cast Iron Cookware, Luggage, White Cookware, Cooler/Camping Set Copper Cookware, and Stoneware for the year 2024 and Mark-It-Smart Inc. of 128 Dyer Rd. Santa Ana, Ca 92707 ("Smart") was the lowest responsible bidder to purchase those items as set forth in the attached schedule to this resolution.

WHEREAS, Staff requests that the Board approve the above referenced purchase of Cast Iron Cookware, Luggage, White Cookware, Cooler/Camping Set Copper Cookware, and Stoneware to be used as promotional items from Smart to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts set forth in the attached schedule, and in the total amount of \$330,960.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western enter into a series of purchase agreements with Smart for the purchase of the Cast Iron Cookware, Luggage, White Cookware, Cooler/Camping Set Copper Cookware, and Stoneware to be given away to various patrons of Batavia Gaming for the year 2024 in the total amount of \$330,960.00; and further

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

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

	Mark It Smart 128 Dyer Rd, Santa Ana, CA 92707	800 each item
CAST IRON		
sauce pot	\$ 18.32	\$ 14,656.00
grill pan	\$ 16.35	\$ 13,080.00
skillet	\$ 16.02	\$ 12,816.00
casserole	\$ 28.13	\$ 22,504.00
TOTAL		\$ 63,056.00
RUGGED LUGGAGE		
toiletry bag	\$ 7.90	\$ 6,320.00
shoulder bag	\$ 19.28	\$ 15,424.00
backpack	\$ 17.24	\$ 13,792.00
duffel	\$ 20.40	\$ 16,320.00
TOTAL		\$ 51,856.00
WHITE COOKWARE		
9.5 fry pan	\$ 12.34	\$ 9,872.00
11 fry pan	\$ 14.97	\$ 11,976.00
2 qt sauce pan	\$ 20.23	\$ 16,184.00
4.3 qt sauce pan	\$ 20.43	\$ 16,344.00
TOTAL		\$ 54,376.00
COOLER/CAMP SETS		
bag	\$ 14.63	\$ 11,704.00
backpack	\$ 14.97	\$ 11,976.00
tumbler	\$ 12.59	\$ 10,072.00
travel bag	\$ 17.59	\$ 14,072.00
TOTAL		\$ 47,824.00
COPPER COOKWARE		
fry pan	\$ 13.94	\$ 11,152.00
saute pan	\$ 18.35	\$ 14,680.00
sauce pot	\$ 13.07	\$ 10,456.00
stock pot	\$ 18.72	\$ 14,976.00
TOTAL		\$ 51,264.00
STONEWARE		
rectangle baker	\$ 16.04	\$ 12,832.00
loaf baker	\$ 10.97	\$ 8,776.00
mixing jug	\$ 14.26	\$ 11,408.00
dutch oven	\$ 36.96	\$ 29,568.00
TOTAL		\$ 62,584.00
GRAND TOTAL FOR BID ITEMS		\$ 330,960.00

#65

#66

#67

Attachments

Resolution #66-2023 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 Burr which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

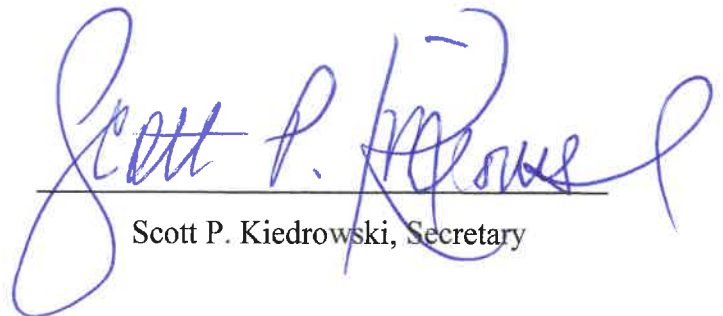
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #66-2023

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

WHEREAS, Western has sent out an RFP requesting pricing for the sole source Marilyn Monroe, John Wayne and Dash Kitchen items and Mark-It-Smart Inc. of 128 Dyer Rd. Santa Ana, Ca 92707 (“Smart”) was the lowest responsible bidder to purchase those items as set forth in the attached schedule to this resolution.

WHEREAS, Staff requests that the Board approve the above referenced purchase of the sole source Marilyn Monroe, John Wayne and Dash Kitchen items to be used as promotional items from Smart to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts set forth in the attached schedule, and in the total amount of \$184,388.30; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western enter into a series of purchase agreements with Smart for the purchase of the sole source Marilyn Monroe, John Wayne and Dash Kitchen items to be given away to various patrons of Batavia Gaming for the year 2024 in the total amount of \$184,388.30; and further

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

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

	Mark It Smart 128 Dyer Rd, Santa Ana, CA 92707	TOTAL (800 or 798)
Marilyn Monroe Blush Purse Continuity		
Book Tote	\$ 22.65	\$ 18,120.00
Top Handle Purse	\$ 21.01	\$ 16,808.00
Shoulder Hobo	\$ 18.18	\$ 14,544.00
Crossbody	\$ 13.18	\$ 10,544.00
TOTAL		\$ 60,016.00
John Wayne Grilling Continuity		
Grill Toppers	\$ 20.51	\$ 16,366.98
BBQ Utensils	\$ 15.24	\$ 12,192.00
2.5 Qt. Sauce Pot	\$ 16.23	\$ 12,984.00
10" Skillet	\$ 15.24	\$ 12,161.52
TOTAL		\$ 53,704.50
Rise by Dash Continuity		
Egg Cooker	\$ 15.52	\$ 12,416.00
Toaster	\$ 27.36	\$ 21,888.00
Kettle	\$ 22.10	\$ 17,635.80
Coffee Maker	\$ 23.41	\$ 18,728.00
TOTAL		\$ 70,667.80
GRAND TOTAL		\$ 184,388.30
FOR SOLE SOURCE ITEMS		

Resolution #67-2023 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 Morgan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

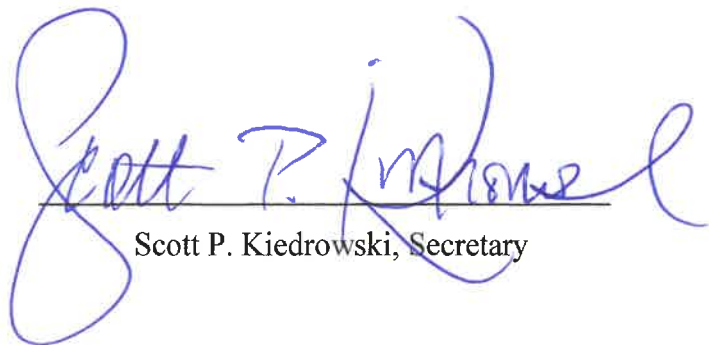
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #67-2023

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

WHEREAS, Western has sent out an RFP requesting pricing for bedding continuity for January 2025 and Pro Specialties of 8211 Arjons Dr., San Diego, CA 92126 (“Pro”) was the lowest responsible bidder to purchase those items as set forth in the attached schedule to this resolution.

WHEREAS, Staff requests that the Board approve the above referenced purchase of the bedding continuity to be used as promotional items from Pro to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts set forth in the attached schedule, and in the total amount of \$52,320.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western enter into a series of purchase agreements with Pro for the purchase of bedding continuity to be given away to various patrons of Batavia Gaming in the total amount of \$52,320.00; and further

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

Respectfully submitted,

Dated: August 24, 2023
Batavia, New York

67-2023

	Pro Specialties 8221 Arjons Dr, San Diego, CA 92126	800 each item
BEDDING		
quilt set	\$ 28.50	\$ 22,800.00
sheet set	\$ 14.00	\$ 11,200.00
throw	\$ 13.90	\$ 11,120.00
pillow set	\$ 9.00	\$ 7,200.00
TOTAL		\$ 52,320.00

Resolution #92-2023 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 Horrigan which results were as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Jennifer Hibit	[X] 24	[]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[X] 4	[]	[]	[]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[] 2	[]	[]	[X]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Richard Ricci	[] 1	[]	[]	[X]
*Paul Bartow	[] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

*Pending License approval.

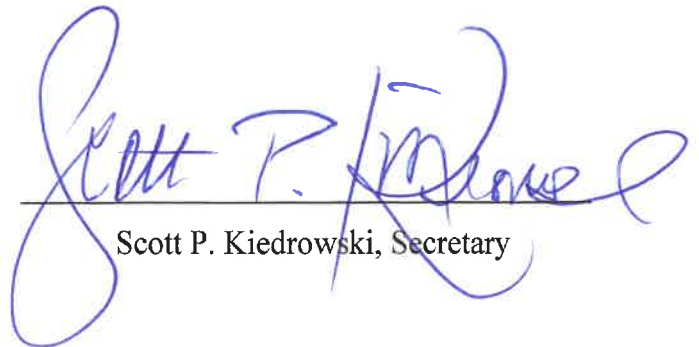
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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 November 15, 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 15th day of November 2023.



Scott P. Kiedrowski, Secretary

RESOLUTION #92-2023

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) owns and operates a horse racing track at its Batavia Downs location; and

WHEREAS, Western has previously entered into an agreement with the Western New York Harness Horsemen’s Association (“Horsemen”) to conduct racing meets at its location in 2023 from late July to early December; and

WHEREAS, Horsemen have requested that Western modify the existing contract to include an additional sixteen (16) race dates in January and February 2024; and

WHEREAS, Horsemen will agree to reimburse Western for any and all costs associated with conducting the additional sixteen (16) race meets in January and February 2024; and

WHEREAS, Staff recommends that the Board of Directors of Western enter into an addendum to the original agreement with the Horsemen whereby Western would conduct the additional sixteen (16) race meets upon the condition that the Horsemen will fully reimburse Western for any and all costs associated with conducting the additional race meets, and therefore,

BE IT RESOLVED, that the Board of Directors of Western hereby agrees to enter into an addendum to the original agreement with the Horsemen whereby Western would conduct the additional sixteen (16) race meets upon the condition that the Horsemen will fully reimburse Western for any and all costs associated with conducting the additional race meets, and further,

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

Respectfully submitted,

Dated: November 15, 2023
Batavia, New York