

# **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

## **BOARD OF DIRECTORS MEETING**

**September 26, 2024**

**10:00 a.m.**

**Batavia, New York**

### **AGENDA**

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

# **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

## **PERSONNEL COMMITTEE MEETING**

**Wednesday, September 25, 2024**

**1:00 p.m.**

**Batavia, New York**

Elliott Winter, Chairperson  
Vincent Horrigan, Vice-Chairperson

Dennis Bassett, Member  
Edward Morgan, Member  
Susan May, Member  
Thomas Wamp, Member

### **AGENDA**

1. True North Executive Solutions - Christina Gullo
2. Contract Negotiations Update - Danielle Fleming
3. Approval of Job Titles - H. Wojtaszek
  - President & CEO
  - General Counsel
4. Executive Session
  - a. Executive session for the discussion of the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting  
Wednesday, September 25, 2024 at 2:00 p.m.  
Batavia, New York

Michael Horton, Chairman  
Thomas Wamp, Vice Chairman

Paul Bartow, Member  
Dennis Bassett, Member  
Terrance Baxter, Member  
Vincent Horrigan, Member  
Edward Morgan, Member  
Elliott Winter, Member

## ***AGENDA***

1. Award of Bid – Energy Services – Electric and Natural Gas - M. Glor
  - Constellation New Energy Inc. Electric - Resolution 76-2024
  - New Wave Energy, LLC – Natural Gas – Resolution 77-2024
  
2. Chief Financial Officer Report & BDG Financials - J. Leach
  - August 2024
  
3. Regional VGM Numbers - J. Leach



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*New York State  
Gaming Association*

*United States  
Trotting Association*

*Local Chambers  
of Commerce*

WESTERN REGIONAL OFF-TRACK  
BETTING CORPORATION

September 19, 2024

TO: Michael Horton, Chairman Finance  
Members, Board of Directors

FROM: Megan Glor, Director of Purchasing & Real Estate

SUBJECT: Public Bid–Energy Services- Electric and Natural Gas

Specifications were sent to twelve (12) vendors requesting proposals for Energy Services for all OTB locations and the Batavia Downs Gaming & Hotel facility for a twelve (12) month Period. A public bid was held on August 8, 2024, please see below a breakdown of the bids received:

Vendor	Natural Gas	Electric
Constellation New Energy Inc.	no bid	<b>0.07034</b>
New Wave Energy	<b>0.34</b>	0.084
Sprague Operating Resources LLC	0.3607	no bid
Engie/Power Management	no bid	0.07087
Direct Energy/Power Management	0.341	no bid
Energy Cooperative of America	no bid	0.07325
NOCO Gas and Electric	0.405	0.0762

Below is the cost comparison as per the 2022 bid results:

Natural Gas	NOCO	0.675
Electric	Constellation	0.0645

After review of bids submitted, staff requests the award be made to the lowest, responsive bidders:

New Wave Energy – Natural Gas Supply at the rate of 0.34/ccf  
Constellation New Energy Inc.– Electricity Supply at the rate of 0.07034/kwh.

The new pricing reflects a .49% decrease for gas and a .09% increase for electric.

Thank you.

## **RESOLUTION - #76-2024**

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

**WHEREAS**, Western needs to purchase electric services in order to operate its locations; and

**WHEREAS**, staff recommends that the Board of Western engage Constellation New Energy Inc of Baltimore, Maryland, who was the lowest responsible bidder, to provide the service at a cost of \$0.07034 per kwh; and now therefore

**BE IT RESOLVED**, that Western’s Board of Directors agrees to engage Constellation New Energy Inc of Baltimore, Maryland, who was the lowest responsible bidder, to provide the service at a cost of \$0.07034 per kwh; 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:           September 26, 2024  
                    Batavia, New York

## **RESOLUTION - #77-2024**

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

**WHEREAS**, Western needs to purchase natural gas services to operate its locations; and

**WHEREAS**, staff recommends that the Board of Western engage New Wave Energy LLC of Buffalo, NY, who was the lowest responsible bidder, to provide the service at a cost of \$.34 ccf; and now therefore

**BE IT RESOLVED**, that Western's Board of Directors agrees to engage New Wave Energy LLC of Buffalo, NY, who was the lowest responsible bidder, to provide the service at a cost of \$0.34 ccf; 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: September 26, 2024  
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING  
CORPORATION



AUGUST 2024

FINANCIAL REPORT

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

<u>Operational Results - August 2024</u>	August 2024	August 2023	August Plan
<b>Total Handle</b>	\$4,569,634	\$4,773,873	\$4,518,694
\$ Variance		(204,239)	50,940
% Variance		-4%	1%
<b>VGM Net Win</b>	\$8,299,917	\$7,164,567	\$7,627,816
\$ Variance		1,135,351	672,101
% Variance		16%	9%
<b>Revenue net of Statutories</b>	\$ 5,253,738	\$ 4,713,594	\$ 4,920,488
<b>Operating Expenses</b>	4,340,792	3,730,303	4,199,255
<b>Earnings and Surcharge</b>	912,946	983,291	721,233
<b>Surcharge</b>	48,265	48,599	48,309
<b>Operational Earnings (Losses)</b>	\$ 864,681	\$ 934,692	\$ 672,924
\$ Variance		(70,011)	191,757
% Variance		-7%	28%

\* Earnings are distributed on a quarterly basis

<u>Segment Performance:</u>	August 2024	August 2023	August Plan
<b>BRANCH Earnings from Operations</b>	\$ 229,934	\$ 147,760	\$ 118,774
<b>Less: G&amp;A Allocation</b>	223,346	206,238	175,006
<b>Earnings (Losses) net of G&amp;A Allocation</b>	<u>\$ 6,588</u>	<u>\$ (58,478)</u>	<u>\$ (56,232)</u>
\$ Variance		65,066	62,820
% Variance		111%	112%
<b>BATAVIA DOWNS Earnings from Operations</b>	\$ 1,379,234	\$ 1,376,184	\$ 1,137,504
<b>Less: G&amp;A Allocation</b>	521,141	383,014	408,348
<b>Earnings net of G&amp;A Allocation</b>	<u>\$ 858,093</u>	<u>\$ 993,170</u>	<u>\$ 729,156</u>
\$ Variance		(135,077)	128,937
% Variance		-14%	18%
<b>GENERAL AND ADMINISTRATIVE expense</b>	\$ 744,487	\$ 589,252	\$ 583,354
\$ Variance		155,235	161,133
% Variance		26%	28%
<b>Net Cash Distributions to Municipalities:</b>	August 2024	August 2023	August Plan
<b>SURCHARGE</b>	\$ 48,265	\$ 48,599	\$ 48,309
\$ Variance		(334)	(44)
% Variance		-1%	0%
<b>Year to Date Surcharge and Net Revenue</b>	August 2024	August 2023	August Plan
<b>SURCHARGE</b>	\$ 377,980	\$ 451,982	\$ 420,115
\$ Variance		(74,002)	(42,135)
% Variance		-16%	-10%
<b>NET EARNINGS AVAILABLE FOR DISTRIBUTION</b>	\$ 5,596,696	\$ 6,880,126	\$ 6,607,925
\$ Variance		(1,283,430)	(1,011,229)
% Variance		-19%	-15%
<b>TOTAL</b>	\$ 5,974,676	\$ 7,332,108	\$ 7,028,040



## CFO'S REPORT - August 2024

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

	2024 August	2023 August	2024 August Plan	2024 Year To Date	2023 Year To Date	2024 Operating Plan YTD
<b>HANDLE (includes Live)</b>	<b>\$4,570,000</b>	<b>\$4,774,000</b>	<b>\$4,519,000</b>	<b>\$31,529,000</b>	<b>\$36,113,000</b>	<b>\$32,547,000</b>
\$ Variance		(204,000)	51,000		(4,584,000)	(1,018,000)
% Variance		-4%	1%		-13%	-3%
<b>VGM Net Win</b>	<b>\$8,300,000</b>	<b>\$7,165,000</b>	<b>\$7,628,000</b>	<b>\$59,198,000</b>	<b>\$57,143,000</b>	<b>\$59,653,000</b>
\$ Variance		1,135,000	672,000		2,055,000	(455,000)
% Variance		16%	9%		4%	-1%
<b>Revenue and Expense:</b>						
<b>Operating Revenue</b>	<b>9,889,000</b>	<b>8,811,000</b>	<b>9,223,000</b>	<b>68,327,000</b>	<b>67,352,000</b>	<b>68,974,000</b>
\$ Variance		1,078,000	666,000		975,000	(647,000)
% Variance		12%	7%		1%	-1%
<b>Less: Statutory Expenses</b>	<b>4,635,000</b>	<b>4,097,000</b>	<b>4,303,000</b>	<b>33,178,000</b>	<b>32,661,000</b>	<b>33,394,000</b>
\$ Variance		538,000	332,000		517,000	(216,000)
% Variance		13%	8%		2%	-1%
<b>Revenue before Operating Expenses</b>	<b>5,254,000</b>	<b>4,714,000</b>	<b>4,920,000</b>	<b>35,149,000</b>	<b>34,691,000</b>	<b>35,580,000</b>
\$ Variance		540,000	334,000		458,000	(431,000)
% Variance		11%	7%		1%	-1%
<b>Less: Operating Expenses</b>	<b>4,341,000</b>	<b>3,730,000</b>	<b>4,199,000</b>	<b>29,175,000</b>	<b>27,359,000</b>	<b>28,553,000</b>
\$ Variance		611,000	142,000		1,816,000	622,000
% Variance		16%	3%		7%	2%
<b>Retained Surcharge/Net earnings</b>	<b>913,000</b>	<b>983,000</b>	<b>721,000</b>	<b>5,974,000</b>	<b>7,332,000</b>	<b>7,027,000</b>
\$ Variance		(70,000)	192,000		(1,358,000)	(1,053,000)
% Variance		-7%	27%		-19%	-15%
<b>Retained Surcharge</b>	<b>48,000</b>	<b>49,000</b>	<b>48,000</b>	<b>378,000</b>	<b>452,000</b>	<b>420,000</b>
\$ Variance		(1,000)	0		(74,000)	(42,000)
% Variance		-2%	0%		-16%	-10%
<b>Net Earnings(Losses) from Operations</b>	<b>865,000</b>	<b>935,000</b>	<b>673,000</b>	<b>5,596,000</b>	<b>6,880,000</b>	<b>6,607,000</b>
\$ Variance		(70,000)	192,000		(1,284,000)	(1,011,000)
% Variance		-7%	29%		-19%	-15%

	Operational Earnings	Earnings allocated to CAF	Distributable Earnings	2023 Year To Date	2024 Operating Plan YTD
<b>1st Qtr. Operational Earnings*</b>	<b>\$1,980,231</b>	<b>\$95,589</b>	<b>\$1,884,642</b>	<b>\$2,116,946</b>	<b>\$2,349,103</b>
\$ Variance				(232,304)	(464,461)
% Variance				-11%	-20%
<b>2nd Qtr. Operational Earnings*</b>	<b>\$2,218,870</b>	<b>\$125,187</b>	<b>\$2,093,683</b>	<b>\$2,527,528</b>	<b>\$2,505,971</b>
\$ Variance				(433,845)	(412,288)
% Variance				-17%	-16%
<b>3rd Qtr. Operational Earnings*</b>	<b>\$1,397,595</b>	<b>\$0</b>	<b>\$1,397,595</b>	<b>\$1,978,574</b>	<b>\$1,752,851</b>
\$ Variance				(580,979)	(355,256)
% Variance				-29%	-20%
<b>Total YTD</b>	<b>\$5,596,696</b>	<b>\$220,776</b>	<b>\$5,375,920</b>	<b>\$6,623,048</b>	<b>\$6,607,925</b>
\$ Variance				(1,247,128)	(1,232,005)
% Variance				-19%	-19%
* Available for Distribution					

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## ADVERTISING & PROMOTIONS COMMITTEE

Wednesday, September 25, 2024

2:30 p.m.

Batavia, New York

Susan May – Chairperson  
James Wilmot – Vice Chairperson  
Dennis Bassett – Member  
Edward Morgan – Member

Terrance Baxter - Member  
Crystal Rodriguez-Dabney – Member  
Elliott Winter – Member  
Timothy Callan – Member

### Also Attending were:

Henry F. Wojtaszek, President & CEO  
Scott P. Kiedrowski, Chief Operating Officer  
Jacquelyne A. Leach, Chief Financial Officer  
Zachary Elliott – Controller

William R. White, Vice-President – Admin.  
Sean S. Schiano, Vice President - Operations  
Steve Haigh, Internal Auditor  
John Owens, Legal Counsel

## AGENDA

1. Gaming/Branch Marketing Update - R. Hasenauer
  
2. Resolution 75-2024  
- Zenger Group - R. Hasenauer
  
3. Resolution 78-2024  
- Blue Cross Arena - R. Hasenauer
  
4. Resolution 79-2024  
- Delaware North – Amerks Suite Food - R. Hasenauer

## **RESOLUTION - #75-2024**

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

**WHEREAS**, Western needs to send monthly postcard mailings to our patrons; and

**WHEREAS**, staff recommends that the Board of Western continue to utilize the Zenger Group, who was the lowest responsible bidder, to provide the service at an annual cost of \$81,936.00; and now therefore

**BE IT RESOLVED**, that Western's Board of Directors agrees to continue to use the Zenger Group, who was the lowest responsible bidder, to provide the service at an annual cost of \$81,936.00; 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:           September 26, 2024  
                    Batavia, New York

## **RESOLUTION - #78-2024**

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

**WHEREAS**, Western needs to secure a suite at the Blue Cross Arena in Rochester for use by our patrons; and

**WHEREAS**, staff recommends that we enter into a five year contract to provide the use of a suite from the sole source provider, Rochester Arena LLC; at a total cost of \$211,500.00; and now therefore

**BE IT RESOLVED**, that Western's Board of Directors agrees to enter into a five year contract to provide the use of a suite from the sole source provider, Rochester Arena LLC; at a total cost of \$211,500.00; 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:           September 26, 2024  
                    Batavia, New York

## **RESOLUTION - #79-2024**

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

**WHEREAS**, Western needs to secure food service at the Blue Cross Arena in Rochester for use by our patrons from October 2024 through September 2025; and

**WHEREAS**, staff recommends that we enter into a contract with Delaware North, the sole source provider, to provide food service at the Blue Cross Arena in Rochester for use by our patrons from October 2024 through September 2025 at a cost of \$30,000.00; and now therefore

**BE IT RESOLVED**, that Western’s Board of Directors agrees to enter into a contract to provide food service at the Blue Cross Arena in Rochester for use by our patrons from October 2024 through September 2025 at a cost of \$30,000.00; and

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

Respectfully submitted,

Dated:           September 26, 2024  
                    Batavia, New York

# WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

## BATAVIA DOWNS OPERATIONS COMMITTEE

Wednesday – September 25, 2024

3:00 p.m.

Batavia, New York

Edward Morgan - Chairperson  
Charles Zambito - Vice-Chairperson  
Dennis Bassett - Member

Paul Bartow – Member  
Michael Horton - Member  
Thomas Wamp - Member  
Mark Bombardo – Member

### Agenda

1. Gaming Floor Update - S. Schiano
2. Live Racing Update - D. Hoover
3. Hotel Expansion Update - H. Wojtaszek
4. Infrastructure Update - H. Wojtaszek  
S. Kiedrowski  
T. Balk

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**LEGISLATIVE COMMITTEE**  
**Wednesday September 25, 2024**  
**3:30 p.m.**

Mark Bombardo - Chairperson  
Terrance Baxter - Vice Chairman  
Dennis Bassett - Member

Susan May - Member  
Mark Burr - Member  
Charles Zambito – Member  
Paul Bartow - Member

**AGENDA**

1. Advocacy RFP update

- H. Wojtaszek

**WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

**AUDIT COMMITTEE MEETING**

**Wednesday- September 25, 2024  
4:00 P.M.**

Charles Zambito, Chairman  
Richard Ricci, Vice Chairman  
Dennis Bassett, Member  
Ed Morgan, Member

Paul Bartow, Member  
Vincent Horrigan, Member  
Crystal Rodriguez-Dabney, Member  
James Wilmot, Member  
Timothy Callan, Member

**AGENDA**

1. By-Laws - Revisions - S. Haigh



# **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

## **LEGAL COMMITTEE MEETING**

**Wednesday, September 25, 2024**

**1:00 p.m.**

**Batavia, New York**

Crystal Rodriguez-Dabney-Chairperson  
Charles Zambito- Vice-Chairperson

Vincent Horrigan - Member

## **AGENDA**

### **1. Executive Session**

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

# **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION**

## **BRANCH OPERATIONS COMMITTEE MEETING**

**Thursday, September 26, 2024**

**9:00 a.m.**

**Batavia, New York**

Mark Burr, Chairperson  
Crystal Rodriguez-Dabney, Vice-Chairperson

Dennis Bassett, Member  
Mark Bombardo, Member  
Michael Horton, Member  
Edward Morgan, Member

### **AGENDA**

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