

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Minutes of the regular meeting of Board of Directors of the Western Regional Off-Track Betting Corporation, ("Western") held on the 25th day of July 2024 and commencing at 10: a.m. in the *Boardroom*, Corporate Headquarters at 8315 Park Road Batavia, New York.

Participating was:

Absent:

Erie	Timothy Callan	Wayne	Vacant
Monroe	James Wilmot	Buffalo	Rodriguez-Dabney
Rochester	Dennis Bassett	Oswego	Bombardo
Niagara	Elliott Winter		
Chautauqua	Vincent W. Horrigan		
Steuben	Michael Horton		
Cattaraugus	Mark C. Burr		
Cayuga	Terrance Baxter		
Livingston	Thomas Wamp		
Genesee	Charles Zambito		
Wyoming	Susan May		
Orleans	Edward Morgan		
Schuyler	Paul Bartow		
Seneca	Kyle Black		

constituting the Directors of all participating municipalities.

Also participating were Henry F. Wojtaszek, President & CEO; Scott P. Kiedrowski, Chief Operating Officer; Jacquelyne A. Leach, Chief Financial Officer; William R. White, Vice President – Administration; Sean S. Schiano, Vice President – Operations; John M. Owens, Associate Counsel; Steven Haigh, Internal Auditor, Ryan Hasenauer, Director of Marketing; Kyle Black, Seneca County; Dale Shoemaker, Investigative Post

A roll of the membership of the Board having been called, Mr. Kiedrowski declared a quorum present.

Chairman Dennis Bassett proceeded to conduct the meeting following the published Agenda for this regular meeting.

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

Approval of Previous Minutes:

Chairman Bassett called for amendments, additions, deletions, or corrections to the minutes of the previous meeting of June 27, 2024. There being none, a motion was made by Director Bartow and seconded by Director Burr to approve the June minutes as submitted. The minutes were approved unanimously by voice vote.

Communications:

Mr. Scott P. Kiedrowski, Chief Operating Officer reported several thank you notes including:

A thank you note James Lester, Executive Director of The History Center for the stay and play package for the Discovery Auction & Gala fundraiser.

A thank you note from Candace Johnson, PhD, President & CEO Roswell Park Comprehensive Cancer Center for the sponsorship for the Empire State Ride.

A thank you note from Donna Auria, Regional Director, Development, Rochester Region Make-A-Wish for the sponsorship to support the Rochester Gala.

A thank you note from Jonathan Friedberg, MD, Samuel E. Durand Professor of Medicine Director, Wilmot Cancer Institute for the sponsorship to celebrate the 25th anniversary of the Discovery Ball.

Personnel Committee Report:

Committee Chairman Winter reported that the Personnel Committee meeting was held on Wednesday July 24, 2024, at 1:10 p.m.

Director Winter reported that Mr. Wojtaszek explained the need to create a master painter position. The position is non-union.

Upon motion by Director May and seconded by Director Horrigan a voice vote was taken and passed unanimously to bring the position of master painter to the full board.

Upon motion by Director Winter and seconded by Director May a roll call vote was taken and passed to create the non-union position of Master Painter. Ayes: 13; Nays: 0; Absent: 2; Vacant: 2; Seneca, Wayne.

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Personnel Committee Report continued:

Director Winter reported that at 1:21 p.m. a motion was made by Director Winter, seconded by Director May to enter 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.

The Executive Session ended at 2:15 p.m. and the Personnel Committee adjourned at 2:15 p.m.

Insurance Committee Report:

The Insurance Committee did not meet.

Audit Committee Report:

The Audit Committee did not meet.

Advertising & Promotions Committee Report:

Committee Chairperson May reported that the Advertising & Promotions Committee meeting was held on Wednesday July 24, 2024, at 2:24 p.m.

Director May reported that Mr. Hasenauer provided a gaming update with images of the upcoming hotel offers. Photos of the Summer Concert Series Smashmouth were also reviewed.

The Advertising & Promotions Committee meeting adjourned at 2:38 p.m.

Finance Committee Report:

Committee Chairman Horton reported that the Finance Committee meeting was held on Wednesday July 24, 2024, at 2:40 p.m.

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Finance Committee Report continued:

Director Horton reported that Mrs. Leach reviewed the June 2024 Chief Financial Officer Reports with Committee members. Mrs. Leach discussed the results of operations for branches and Batavia Downs. The Corporation will distribute \$49,376 in surcharge revenues to member municipalities for June. For the second quarter 2024, the Corporation will Distribute \$2,093,683 in operational earnings to member municipalities.

Director Horton reported Mrs. Leach encouraged Members to review the weekly Regional VGM Numbers highlighting Batavia Downs Gaming net win performance from June as compared to same period 2024 and 2023.

The Finance Committee meeting adjourned at 3:22 p.m.

Batavia Downs Operations Committee Report:

Committee Chairman Morgan reported the Batavia Downs Operations Committee meeting was held on Wednesday July 24, 2024, at 3:30 p.m.

Director Morgan reported that Mr. Sean S. Schiano, Vice President - Operations provided gaming statistics to the Committee.

Director Morgan reported the previously tabled Resolution 52-2024 from May 23, 2024, where Western issued a Request for Proposal to twelve firms with one response received May 13, 2024. The response to the RFP was from Superstruct Architecture PC, for the architectural services for the construction of a partial 2-story 1000 sq. ft. continuity warehouse at Batavia Downs Gaming.

Upon motion to waive the Rules of Order by Director Morgan and seconded by Director Horrigan a voice vote was taken and passed unanimously.

Upon motion by Director Morgan and seconded by Director Burr a roll call vote was taken and passed unanimously to accept the proposal from Superstruct Architecture PC, for the architectural services for the construction of a partial 2-story 1000 sq. ft. continuity warehouse at Batavia Downs Gaming. Ayes: 12; Nays: 1; Callan; Absent: 2 Rodriguez-Dabney, Bombardo; Vacant: 2; Seneca, Wayne. **See Resolution 52-2024.**

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Batavia Downs Operations Committee Report continued:

Director Morgan reported Resolution 67-2024 was presented for IK Systems Inc. to obtain a new configuration of network hardware and system servers to optimize video network traffic upgrades and application of windows server updates and to configure a Genetec security center. IK Systems Inc can provide the service through New York State OGS contract PT68808-SB, OGS group 77201, Award 23150 for a cost of \$259,277.00.

Upon motion by Director Morgan and seconded by Director Zambito a roll call vote was taken and passed unanimously to accept IK Systems Inc to provide the service through New York State OGS contract PT68808-SB, OGS group 77201, Award 23150 for a cost of \$259,277.00. Ayes: 13; Nays: 0; Absent: 2; Rodriguez-Dabney, Bombardo; Vacant: 2; Seneca, Wayne. **See Resolution 67-2024.**

The Batavia Downs Operations committee meeting adjourned at 3:55 p.m.

Legislative Committee Report:

Committee Vice-Chairman Baxter reported that the Legislative Committee meeting was held on Wednesday July 24, 2024, at 3:56 p.m.

Director Baxter reported that a discussion was led by Mr. Wojtaszek regarding continuing to engage with Lobbyist. Director Baxter reported that an RFP was advertised on July 19 and is due on August 11.

The Legislative Committee meeting adjourned at 4:08 p.m.

Branch Operations Committee:

Committee Chairman Burr reported the Branch Operations Committee meeting was held on Thursday July 24, 2024, at 9:00 a.m.

Director Burr reported that Ms. Dina Pane, General Manager of OTB Operations updated the Committee on the work done to rebuild the drain at the Wehrle parking lot She also informed the Committee on the Employee Highlight of the Month in the

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Branch Operations Committee continued:

branches that staff are working on making a social media presence for Western OTB more visible.

Director Burr reported that Ms. Pane discussed the July Anniversary parties at Dr's Inn and Tin Pan Alley. He also informed members she is awaiting approval from NYS Gaming Commission for four EZ Bets.

Director Burr reported that Ms. Pane informed the Committee that June 1-30, Batavia Bets was up 6.45% compared to same time last year.

The Branch Committee meeting adjourned at 9:15 a.m.

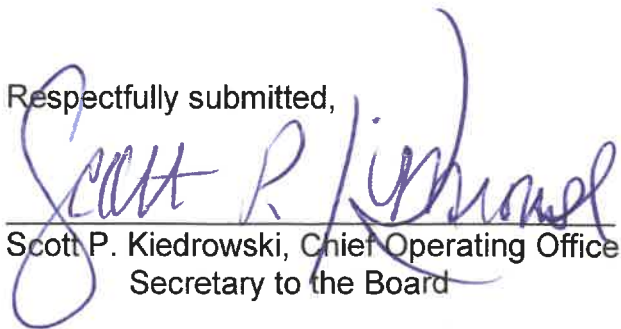
New Business:

The next Committee and Board meeting is scheduled for August 21 and 22, 2024, respectively.

Adjournment:

Upon motion made by Director Burr to adjourn seconded by Director Horton the meeting was adjourned at 10:33 a.m.

Respectfully submitted,



Scott P. Kiedrowski, Chief Operating Officer
Secretary to the Board

/pma

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

The position of Master Painter was duly put to a vote on roll call, which resulted as follows:

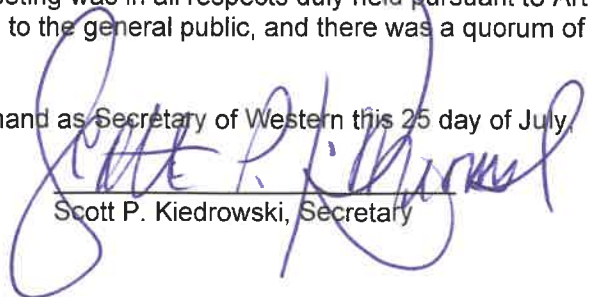
Motion by Winter, seconded by May

AYE	NAY	ABSTAIN	ABSENT	Votes	COUNTY	DIRECTOR
X				24	Erie	Callan
X				20	Monroe	Wilmot
			X	10	Buffalo	Rodriguez-Dabney
X				8	Rochester	Bassett
X				8	Niagara	Winter
X				5	Chautauqua	Horrigan
			X	4	Oswego	Bombardo
X				3	Steuben	Horton
X			X	3	Wayne	Vacant
X				3	Cattaraugus	Burr
X				3	Cayuga	Baxter
X				2	Livingston	Wamp
X				2	Genesee	Zambito
X				1	Wyoming	May
X				1	Orleans	Morgan
			X	1	Seneca	Vacant
X				1	Schuyler	Bartow

AYES 13 NAYS ABSTAIN ABSENT 4

I, the undersigned Secretary of the Western Regional Off-Track Betting Corporation ("Western") does hereby certify that the above resolution was duly adopted by the Board of Western, that all Board members had due notice of said meeting, the the meeting was in all respects duly held pursuant to Article 7 of Public Officers Law, that said meeting was open to the general public, and there was a quorum of Board members present throughout the meeting.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary of Western this 25 day of July, 2024


 Scott P. Kiedrowski, Secretary

RESOLUTION - #52-2024

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 will need architectural services for the construction of a partial 2-story building at Batavia Downs Gaming; and

WHEREAS, Western issued a Request for Proposal to twelve firms with one response received May 13, 2024; and

WHEREAS, the response to the RFP was from Superstruct Architecture PC, of 9212 Waddell Creek SW, Olympia, WA 98512; and

WHEREAS, staff recommends that Western accept the RFP from Superstruct Architecture PC for the architectural services for the construction of a partial 2-story 1000 sq. ft. continuity warehouse at Batavia Downs Gaming; and now therefore

BE IT RESOLVED, that Western’s Board of Directors authorizes the acceptance of the proposal from Superstruct Architecture PC in an amount not to exceed \$47,330; 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: July 25, 2024
Batavia, New York

Resolution #52-2024 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>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Timothy Callan	[] 24	[X]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[] 4	[]	[]	[X]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[X] 2	[]	[]	[]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Vacant	[] 1	[]	[]	[X]
Paul Bartow	[X] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

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

I, the undersigned Secretary of Western Regional Off-Track Betting Corporation ("Western"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 25, 2024 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 25th day of July 2024.


Scott P. Kiedrowski, Secretary

RESOLUTION - #66-2024

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 conduct an energy efficiency study; and

WHEREAS, Wendel Energy Services LLC can do a thorough study for \$87,250.00 less a NYSERDA grant of \$43,625.00 (50%) resulting in a net cost of \$43,625.00; and

WHEREAS, staff recommends that the Board of Western retain Wendel Energy Services LLC to do the study; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to retain Wendel Energy Services LLC can do a thorough study for \$87,250.00 less a NYSERDA grant of \$43,625.00 (50%) resulting in a net cost of \$43,625.00, 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 25, 2024
Batavia, New York

Resolution #66-2024 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>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Timothy Callan	[] 24	[X]	[]	[]
James Wilmot	[X] 20	[]	[]	[]
Crystal Rodriguez-Dabney	[] 10	[]	[]	[X]
Dennis Bassett	[X] 8	[]	[]	[]
Elliott Winter	[X] 8	[]	[]	[]
Vincent W. Horrigan	[X] 5	[]	[]	[]
Mark Bombardo	[] 4	[]	[]	[X]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[X] 2	[]	[]	[]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Vacant	[] 1	[]	[]	[X]
Paul Bartow	[X] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

RESOLUTION - #67-2024

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 obtain a new configuration of network hardware and system servers to optimize video network traffic upgrades and application of windows server updates and to configure a Genetec security center; and

WHEREAS, IK Systems Inc can provide the service through New York State OGS contract PT68808-SB, OGS group 77201, Award 23150 for a cost of \$259,277.00; and

WHEREAS, staff recommends that the Board of Western retain IK Systems Inc to provide the service; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to retain IK Systems Inc to provide the service through New York State OGS contract PT68808-SB, OGS group 77201, Award 23150 for a cost of \$259,277.00, 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 25, 2024
Batavia, New York

Resolution #67-2024 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 Zambito which results were as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Timothy Callan	[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	[] 4	[]	[]	[X]
Michael Horton	[X] 3	[]	[]	[]
Vacant	[] 3	[]	[]	[X]
Mark Burr	[X] 3	[]	[]	[]
Terrance Baxter	[X] 3	[]	[]	[]
Thomas Wamp	[X] 2	[]	[]	[]
Charles Zambito	[X] 2	[]	[]	[]
Susan May	[X] 1	[]	[]	[]
Edward Morgan	[X] 1	[]	[]	[]
Vacant	[] 1	[]	[]	[X]
Paul Bartow	[X] 1	[]	[]	[]

The Resolution was thereupon duly adopted.

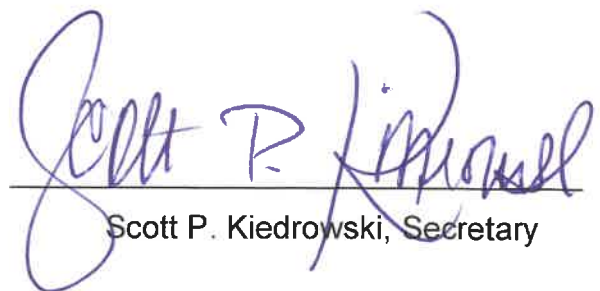
STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

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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 25th day of July 2024.



Scott P. Kiedrowski, Secretary