

Western Regional Off-Track Betting Corporation

8315 Park Road, Batavia, NY 14020

PUBLIC NOTICE

DECEMBER 2024 MEETINGS

Committee Meetings for **Western Regional Off-Track Betting Corporation**

Committee meetings for Western Regional Off-Track Betting Corp. will be held on **Wednesday, December 11, 2024, and Thursday, December 12, 2024**, at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020 as follows:

Wednesday, December 11, 2024

- 1:00 p.m. Personnel
- 2:00 p.m. Finance
- 2:30 p.m. Advertising & Promotions
- 3:00 p.m. Batavia Downs Operations
- 3:30 p.m. Legislative
- 3:45 p.m. Insurance
- 4:00 p.m. Audit
- 4:15 p.m. Legal

Thursday, December 12, 2024

- 9:00 a.m. Branch Operations

Regular Meeting of the Western Regional Off-Track **Betting Corporation Board of Directors**

The Regular Monthly Meeting of the Board of Directors of Western Regional Off-Track Betting Corp. will be held on **Thursday, December 12, 2024, at 10:00 a.m.** at Western Regional Off-Track Betting Corporation offices located at 8315 Park Road, Batavia, NY 14020.

Dated: December 4, 2024

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

PERSONNEL COMMITTEE MEETING

Wednesday, December 11, 2024

1:00 p.m.

Batavia, New York

Elliott Winter, Chairperson
Vincent Horrigan, Vice-Chairperson

Dennis Bassett, Member
Edward Morgan, Member
Susan May, 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.

2. Resolution 114-2024 (action)

- Bamboo HR

- D. Fleming

RESOLUTION - #114-2024

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 extend its agreement with BambooHR to provide HRIS software on a month-month basis for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, there is a 5% discount available if the year is paid upfront saving approximately \$2,400.00; and

WHEREAS, BambooHR is the sole source provider for this service if Western is to go forward without changing its payroll system; and

WHEREAS, staff recommends that the Board of Western obtain the service from BambooHR at a cost not to exceed \$48,400.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to obtain the service from BambooHR for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$48,400.00, 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: December 12, 2024
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting
Wednesday – December 11, 2024
2:00p.m.
Batavia, New York

Michael Horton, Chairman

Paul Bartow, Member
Dennis Bassett, Member
Terrance Baxter, Member
Vincent Horrigan, Member
Edward Morgan, Member
Elliott Winter, 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.
2. Resolution 115-2024
- Kaseya US,LLC (action) - J. Leach
3. Chief Financial Officer Report & BDG Financials
- October 2024 - J. Leach
4. Regional VGM Numbers - J. Leach
5. 2025 Operating Plan Report - J. Leach

RESOLUTION - #115-2024

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 renew its agreement with Kaseya US, LLC for Unitrends backup appliance, cloud storage and 24/7 support from January 1, 2025 through December 31, 2025; and

WHEREAS, staff recommends that Western renew its agreement with Kaseya US, LLC as the sole source for this service as Western has utilized Unitrends/Kaseya for the past 6 years and it houses all our current backups for a cost not to exceed \$28,684.45 for 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to renew its agreement with Kaseya US, LLC as the sole source for this service as Western has utilized Unitrends/Kaseya for the past 6 years and it houses all our current backups for a cost not to exceed \$28,684.45 for 2025; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING
CORPORATION



OCTOBER 2024
FINANCIAL REPORT

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

<u>Operational Results - October 2024</u>	<u>October 2024</u>	<u>October 2023</u>	<u>October Plan</u>
Total Handle	\$3,610,108	\$3,628,133	\$3,509,872
\$ Variance		(18,025)	100,236
% Variance		0%	3%
VGM Net Win	\$7,641,556	\$7,130,982	\$7,455,202
\$ Variance		510,574	186,354
% Variance		7%	2%
Revenue net of Statutories	\$ 4,481,171	\$ 4,199,484	\$ 4,317,668
Operating Expenses	3,735,018	3,552,223	3,664,425
Earnings and Surcharge	746,153	647,261	653,243
Surcharge	41,532	40,151	40,517
Operational Earnings (Losses)	\$ 704,621	\$ 607,110	\$ 612,726
\$ Variance		97,511	91,895
% Variance		16%	15%

* Earnings are distributed on a quarterly basis

<u>Segment Performance:</u>	<u>October 2024</u>	<u>October 2023</u>	<u>October Plan</u>
BRANCH Earnings from Operations	\$ 94,521	\$ 40,472	\$ 56,928
Less: G&A Allocation	174,826	218,513	184,715
<u>Earnings (Losses) net of G&A Allocation</u>	<u>\$ (80,305)</u>	<u>\$ (178,041)</u>	<u>\$ (127,787)</u>
\$ Variance		97,736	47,482
% Variance		55%	37%
BATAVIA DOWNS Earnings from Operations	\$ 1,192,854	\$ 1,190,960	\$ 1,171,515
Less: G&A Allocation	407,928	405,809	431,002
<u>Earnings net of G&A Allocation</u>	<u>\$ 784,926</u>	<u>\$ 785,151</u>	<u>\$ 740,513</u>
\$ Variance		(225)	44,413
% Variance		0%	6%
GENERAL AND ADMINISTRATIVE expense	\$ 582,754	\$ 624,322	\$ 615,717
\$ Variance		(41,568)	(32,963)
% Variance		-7%	-5%

<u>Net Cash Distributions to Municipalities:</u>	<u>October 2024</u>	<u>October 2023</u>	<u>October Plan</u>
SURCHARGE	\$ 41,532	\$ 40,151	\$ 40,517
\$ Variance		1,381	1,015
% Variance		3%	3%

<u>Year to Date Surcharge and Net Revenue</u>	<u>October 2024</u>	<u>October 2023</u>	<u>October Plan</u>
SURCHARGE	\$ 457,056	\$ 537,102	\$ 504,883
\$ Variance		(80,046)	(47,827)
% Variance		-15%	-9%
NET EARNINGS AVAILABLE FOR DISTRIBUTION	\$ 6,650,328	\$ 8,248,232	\$ 7,865,233
\$ Variance		(1,597,904)	(1,214,905)
% Variance		-19%	-15%
TOTAL	\$ 7,107,384	\$ 8,785,334	\$ 8,370,116

CFO'S REPORT - October 2024

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

	2024 October	2023 October	2024 October Plan	2024 Year To Date	2023 Year To Date	2024 Operating Plan YTD
HANDLE (Includes Live)	\$3,610,000	\$3,628,000	\$3,510,000	\$38,579,000	\$43,697,000	\$39,787,000
\$ Variance		(18,000)	100,000		(5,118,000)	(1,208,000)
% Variance		0%	3%		-12%	-3%
VGM Net Win	\$7,642,000	\$7,131,000	\$7,455,000	\$74,126,000	\$71,415,000	\$74,579,000
\$ Variance		511,000	187,000		2,711,000	(453,000)
% Variance		7%	3%		4%	-1%
Revenue and Expense:						
Operating Revenue	8,682,000	8,149,000	8,415,000	85,367,000	83,797,000	85,938,000
\$ Variance		533,000	267,000		1,570,000	(571,000)
% Variance		7%	3%		2%	-1%
Less: Statutory Expenses	4,201,000	3,950,000	4,097,000	41,395,000	40,615,000	41,624,000
\$ Variance		251,000	104,000		780,000	(229,000)
% Variance		6%	3%		2%	-1%
Revenue before Operating Expenses	4,481,000	4,199,000	4,318,000	43,972,000	43,182,000	44,314,000
\$ Variance		282,000	163,000		790,000	(342,000)
% Variance		7%	4%		2%	-1%
Less: Operating Expenses	3,735,000	3,552,000	3,664,000	36,866,000	34,396,000	35,959,000
\$ Variance		183,000	71,000		2,470,000	907,000
% Variance		5%	2%		7%	3%
Retained Surcharge/Net earnings	746,000	647,000	653,000	7,106,000	8,786,000	8,355,000
\$ Variance		99,000	93,000		(1,680,000)	(1,249,000)
% Variance		15%	14%		-19%	-15%
Retained Surcharge	42,000	40,000	41,000	457,000	537,000	505,000
\$ Variance		2,000	1,000		(80,000)	(48,000)
% Variance		5%	2%		-15%	-10%
Net Earnings(Losses) from Operations	705,000	607,000	613,000	6,649,000	8,249,000	7,850,000
\$ Variance		98,000	92,000		(1,600,000)	(1,201,000)
% Variance		16%	15%		-19%	-15%

	Operational Earnings	Earnings allocated to CAF	Distributable Earnings	2023 Year To Date	2024 Operating Plan YTD
1st Qtr. Operational Earnings*	\$1,980,231	\$95,589	\$1,884,642	\$2,116,946	\$2,349,103
\$ Variance				(232,304)	(464,461)
% Variance				-11%	-20%
2nd Qtr. Operational Earnings*	\$2,218,870	\$125,187	\$2,093,683	\$2,527,528	\$2,505,971
\$ Variance				(433,845)	(412,288)
% Variance				-17%	-16%
3rd Qtr. Operational Earnings*	\$1,746,606	\$110,785	\$1,635,821	\$2,613,323	\$2,397,433
\$ Variance				(977,502)	(761,612)
% Variance				-37%	-32%
4th Qtr. Operational Earnings*	\$704,621	\$0	\$704,621	\$607,110	\$612,726
\$ Variance				97,511	91,895
% Variance				16%	15%
Total YTD	\$6,650,328	\$331,561	\$6,318,767	\$7,864,907	\$7,865,233
\$ Variance				(1,546,140)	(1,546,466)
% Variance				-20%	-20%
* Available for Distribution					

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

ADVERTISING & PROMOTIONS COMMITTEE

Wednesday – December 11, 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

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.
2. Gaming/Branch Marketing Update - R. Hasenauer
3. Resolution 111-2024 (action)
 - Electronic Field Production - R. Hasenauer
4. Resolution 119-2024 (action)
 - Pidg - R. Hasenauer
5. Resolution 120-2024 (action)
 - William Ryan Group - R. Hasenauer
6. Resolution 121-2024 (action)
 - USPS (Post card mailings) - R. Hasenauer
7. Resolution 122-2024 (action)
 - Tops – Cash Star - R. Hasenauer
8. Resolution 123-2024 (action)
 - Light & Wonder - R. Hasenauer
9. Resolution 124-2024 (action)
 - Facebook/Meta - R. Hasenauer
10. Resolution 125-2024 (action)
 - GCT (QCI Software) - R. Hasenauer
11. Resolution 126-2024 (action)
 - Valpak - R. Hasenauer

12. Resolution 128-2024 (action)
- Riviera Theatre

- R. Hasenauer

13. Resolution 134-2024 (action)
- Excel Media

- R. Hasenauer

RESOLUTION - #111-2024

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 increase the award to Electronic Field Productions (Resolution 2023-116) for the purpose of video and audio advertising conception and production for 2024; and

WHEREAS, staff recommends that Western increase the 2024 award to Electronic Field Productions by \$15,000.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to increase the 2024 award to Electronic Field Productions by \$15,000.00; and

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

Respectfully submitted,

Dated: December 12, 2024
 Batavia, New York

RESOLUTION - #119-2024

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 increase the ways to effectively reach out to its guests and thus has started and maintained a text club where guests can opt into receiving messages from Western, and whereby Western can send out reminders and offers on its promotions and events to guests for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, the Pidg is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from the Pidg at a cost not to exceed \$36,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from the Pidg for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$36,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #120-2024

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 software that allows the gaming floor and Marketing staff to receive updates from the gaming machines when there are jackpots, vouchers outs/jams and when certain players deserving of special treatment arrive at the facility for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, the William Ryan Group is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from the William Ryan Group at a cost not to exceed \$16,500.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to obtain the service from the William Ryan Group for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$16,500.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #121-2024

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 USPS postage for postcards/direct mailings for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, the United States Post Office (USPS) is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from USPS at a cost not to exceed \$120,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from USPS for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$120,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #122-2024

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 Tops Markets gift cards for use with hotel specials for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, Cash Star is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from Cash Star at a cost not to exceed \$200,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from Cash Star for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$200,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #123-2024

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 yearly maintenance and storage for the Player Tracking System for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, Light and Wonder is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from Light and Wonder at a cost not to exceed \$53,667.21 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from Light and Wonder for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$53,667.21, 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: December 12, 2024
Batavia, New York

RESOLUTION - #124-2024

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 advertising on Facebook/Instagram/Meta for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, Meta/Facebook is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from Meta/Facebook at a cost not to exceed \$20,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from Meta/Facebook for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$20,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #125-2024

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 software that pulls together all monthly mailing lists for postcards and allows it to pull various lists for Hosts to drive traffic from the top players and to track in real time player preference to be able to provide customer service January 1, 2025 through December 31, 2025; and

WHEREAS, Game Changing Technologies/Quick Custom Intelligence (GCT) is the sole source provider; and

WHEREAS, staff recommends that the Board of Western obtain the service from the GCT at a cost not to exceed \$120,816.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to obtain the service from GCT for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$120,816.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #126-2024

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 extend its agreement with Valpak/Clipper to provide advertising in direct to homes Valpak and Clipper coupon mail pieces for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, Valpak is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from Valpak at a cost not to exceed \$50,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from Valpak for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$50,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #128-2024

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 provide for ads on tickets, signage on site and recognition when promoting events for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, the Riviera Theatre is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from the Riviera Theatre at a cost not to exceed \$25,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to obtain the service from the Riviera Theatre for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$25,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #134-2024

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 arrange for media and advertising consulting services; and

WHEREAS, staff recommends that Western engage Excel Media and Design after a review of 4 proposals that were submitted; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to engage Excel Media and Design; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BATAVIA DOWNS OPERATIONS COMMITTEE

Wednesday - December 12, 2024

3:00 p.m.

Batavia, New York

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

Paul Bartow – Member
Michael Horton - Member
Mark Bombardo - 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.
2. Live Racing Update - D. Hoover
3. Gaming Floor Update - S. Schiano
4. Resolution 102-2024 (action) - S. Kiedrowski
 - Burley Brothers
5. Resolution 103-2024 (action) - H. Wojtaszek
 - 2024 Hart Hotel Annual Spend
6. Resolution 104-2024 (action) - B. Brown
 - 2025 Hart Hotel Annual Spend- summary of services
7. Resolution 105-2024 (action) - S. Kiedrowski
 - 2024 Sysco Increase
8. Resolution 106-2024 (action) - S. Kiedrowski
 - Booking.com
9. Resolution 107-2024 (action) - S. Kiedrowski
 - Expedia.com
10. Resolution 108-2024 (action) - S. Kiedrowski
 - Travel Click

11. Resolution 109-2024 (action)
 - 2024 Increase for Tarantino Foods- S. Kiedrowski
12. Resolution 110-2024 (action)
 - 2025 Food and Beverage- S. Kiedrowski
13. Resolution 112-2024 (action)
 - 2025 Chevrolet Silverado 3500 HD- S. Kiedrowski
14. Resolution 116-2024 (action)
 - Everi- J. Leach
15. Resolution 117-2024 (action)
 - Cummins Allison- J. Leach
16. Resolution 118-2024 (action)
 - Loomis- J. Leach
17. Resolution 133-2024 (action)
 - Agilysys- J. Leach
- S. Kiedrowski
18. Resolution 136-2024 (action)
 - Danny Gare- R. Hasenauer
19. Resolution 137-2024 (action)
 - Mariacher Thomas LLC- R. Hasenauer

RESOLUTION - #102-2024

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 increase the Burley Brothers purchase order for 2024; and

WHEREAS, staff recommends that Western increase the 2024 Burly Brothers purchase order by \$10,000.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to increase the 2024 Burly Brothers purchase order by \$10,000.00 and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #103-2024

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 increase the annual spend for split charges with Hart Hotel for 2024; and

WHEREAS, staff recommends that Western increase the 2024 annual spend for charges split with Hart Hotels to \$20,000.00 from \$15,000.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to increase the 2024 annual spend for charges split with Hart Hotels to \$20,000.00 from \$15,000.00; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION – #104-2024

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 provide for the annual spend for split charges with Hart Hotel for 2025; and

WHEREAS, staff recommends that Western provide for the split charges with Hart Hotels for 2025 at a cost not to exceed \$25,000.00; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to provide for the split charges with Hart Hotels for 2025 at a cost not to exceed \$25,000.00; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #105-2024

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 increase the Sysco purchase order for 2024; and

WHEREAS, staff recommends that Western increase the 2024 Sysco purchase order by \$40,000.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to increase the 2024 Sysco purchase order by \$40,000.00 and

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

Respectfully submitted,

Dated: December 12, 2024
 Batavia, New York

RESOLUTION - #106-2024

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 arrange for online reservation hotel booking for 2025; and

WHEREAS, staff recommends that Western arrange for online hotel reservation booking through Booking.com as a sole source provider for a total cost not to exceed \$35,000.00 in 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to arrange for online hotel reservation booking through Booking.com as a sole source provider for a total cost not to exceed \$35,000.00 in 2025; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #107-2024

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 arrange for online reservation hotel booking for 2025; and

WHEREAS, staff recommends that Western arrange for online hotel reservation booking through Expedia.com as a sole source provider for a total cost not to exceed \$35,000.00 in 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to arrange for online hotel reservation booking through Expedia.com as a sole source provider for a total cost not to exceed \$35,000.00 in 2025; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #108-2024

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 arrange for online reservation hotel booking for 2025; and

WHEREAS, staff recommends that Western arrange for online hotel reservation booking through Travel Click as a sole source provider for a total cost not to exceed \$60,000.00 in 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to arrange for online hotel reservation booking through Travel Click as a sole source provider for a total cost not to exceed \$60,000.00 in 2025; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #109-2024

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 increase the Tarantino Foods purchase order for 2024; and

WHEREAS, staff recommends that Western increase the 2024 Tarantino Foods purchase order by \$30,000.00; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to increase the 2024 Tarantino Foods purchase order by \$30,000.00 and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #110-2024

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 provide for an annual food and beverage spend for 2025 and

WHEREAS, staff recommends that Western provide an annual food and beverage spend for 2025 through a quarterly RFP for food vendors per the attached list at a cost not to exceed \$3,480,000.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to provide an annual food and beverage spend for 2025 through a quarterly RFP for food vendors per the attached list at a cost not to exceed \$3,480,000.00; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

FOOD AND BEVERAGE 2025

VENDOR	AMOUNT
CH WRIGHT	\$ 300,000.00
EMPIRE MERCHANTS	\$ 175,000.00
JACOB KERN	\$ 95,000.00
JFS/CURTZE	\$ 170,000.00
PALMER FOODS	\$ 575,000.00
TRY-IT DIST. - SANZO BEVERAGE	\$ 175,000.00
SCHNEIDER'S SEAFOOD	\$ 100,000.00
SOUTHERN WINE	\$ 325,000.00
SYSCO-food	\$ 375,000.00
SYSCO-dishwasher lease	\$ 25,000.00
TARANTINO FOOD	\$ 175,000.00
US FOOD SERVICE	\$ 700,000.00
BURLEY BROTHERS	\$ 70,000.00
LATINA	\$ 220,000.00
TOTAL	\$ 3,480,000.00

RESOLUTION - #112-2024

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 purchase a 2025 Chevrolet Silverado with aluminum dump body; and

WHEREAS, after receiving two quotes, staff recommends that Western purchase the vehicle from Jim Barnard Chevrolet, Churchville, NY for \$72,321.62 pursuant to NYS OGS Award No. 23166 Contract No. PC68975; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to purchase the vehicle from Jim Barnard Chevrolet, Churchville, NY for \$72,321.62 pursuant to NYS OGS Award No. 23166 Contract No. PC68975; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #116-2024

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 an annual service contract for 6 Kiosks from 8:00am to 5:00 pm, Monday to Friday, from December 1, 2024 through November 30, 2025; and

WHEREAS, Everi is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from Everi at a cost not to exceed \$48,695.14; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from Everi for the period of December 1, 2024 through November 30, 2025 at a cost not to exceed \$48,695.14, 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: December 12, 2024
Batavia, New York

RESOLUTION - #117-2024

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 an annual maintenance contract for all Jet Scans, MPX machines, printers and strapper for the period from October 1, 2024 through September 30, 2025; and

WHEREAS, Cummins Allison Corp is the sole source provider for this service; and

WHEREAS, staff recommends that the Board of Western obtain the service from Cummins Allison Corp at a cost not to exceed \$43,047.08; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the service from Cummins Allison Corp for the period of October 1, 2024 through September 30, 2025 at a cost not to exceed \$43,047.08, 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: December 12, 2024
Batavia, New York

RESOLUTION - #118-2024

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 armored car service five days a week with the exception of banking holidays for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, Loomis is the sole source provider for this service due to cash vault services; and

WHEREAS, staff recommends that the Board of Western obtain the service from Loomis at a cost not to exceed \$25,000.00; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to obtain the service from Loomis for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$25,000.00, 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: December 12, 2024
Batavia, New York

RESOLUTION - #133-2024

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 arrange for point of sale interface maintenance, as well as POS and IGS interface terminal maintenance software for 2025; and

WHEREAS, Agilysys was chosen pursuant to a public bid for the hardware dated May 1, 2023; and

WHEREAS, staff recommends that Western renew the agreement with Agilysys in the amount of \$26,351.06; and now therefore

BE IT RESOLVED, that Western’s Board of Directors accepts the quote from Agilysys in the amount of \$26,351.06; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #136-2024

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 desires to have Danny Gare make goodwill appearances on behalf of Western; and

WHEREAS, staff recommends that the Board of Western approve paying Danny Gare \$2,000.00 per appearance in 2025, not to exceed \$29,000.00 pursuant to contract details to be worked out between Western and Danny Gare; and now therefore

BE IT RESOLVED, that Western's Board of Directors approves paying Danny Gare \$2,000.00 per appearance in 2025, not to exceed \$29,000.00 pursuant to contract details to be worked out between Western and Danny Gare; and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION #137-2024

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) has in the past contracted with Mariacher Thomas LLC (“Mariacher”) for Thurman Thomas to act a Western’s spokesman; and

WHEAREAS, Western wishes to continue to engage Mariacher for purposes of having Thurman Thomas as Western’s spokesman; and

WHEREAS, Staff recommends that the Board of Directors of Western enter into a two (2) year extension of the agreement with Mariacher along the same terms as set forth in the original agreement for the annual amount of \$120,000.00 for the period January 1, 2025 to December 31, 2026; and; therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves entering a two (2) year extension with Mariacher for Thurman Thomas spokesman services for the annual amount of \$120,000.00; and further

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

Respectfully submitted,

Dated: December 12, 2024
 Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

LEGISLATIVE COMMITTEE
Wednesday, December 11, 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. 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.

2. NYS Lobbyist Contracts

- B. Brown
- H. Wojtaszek

RESOLUTION - #129-2024

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 arrange for consulting and advocacy services consisting of regulatory and legal representation; and

WHEREAS, Western advertised for this service, and statements of qualifications and proposals were sent to 6 firms; and

WHEREAS, staff recommends that Western engage _____ to provide such services for \$10,000.00 per month from December 15, 2024 through May 15, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors accepts the quote from _____ to provide such services for \$10,000.00 per month from December 15, 2024 through May 15, 2025; and

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

Respectfully submitted,

Dated: December 12, 2024
 Batavia, New York

RESOLUTION - #130-2024

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 arrange for consulting and advocacy services consisting of regulatory and legal representation; and

WHEREAS, Western advertised for this service, and statements of qualifications and proposals were sent to 6 firms; and

WHEREAS, staff recommends that Western engage _____ to provide such services for \$10,000.00 per month from December 15, 2024 through May 15, 2025; and now therefore

BE IT RESOLVED, that Western’s Board of Directors accepts the quote from _____ to provide such services for \$10,000.00 per month from December 15, 2024 through May 15, 2025; and

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

Respectfully submitted,

Dated: December 12, 2024
 Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

INSURANCE COMMITTEE
Wednesday, December 11, 2024
3:45 p.m.

Vince Horrigan – Chairperson
Mark Burr – Vice-Chairperson
Dennis Bassett – Member

James Wilmot - Member
Edward Morgan - Member
Tim Callan - Member

AGENDA

1. Resolution 113-2024 -Travelers Insurance (action) - M. Glor
- Hotel at Batavia Downs-General Liability & Property
2. Resolution 127-2024 – Shelter Point Life (action) - M. Glor
- (NYS Disability Insurance)

RESOLUTION - #113-2024

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 general liability insurance coverage for the hotel for the period from December 10, 2024 through May 30, 2025; and

WHEREAS, Western’s agent, Lawley, solicited coverage from 10 different companies, and all declined since they could not meet the target price except Travelers Insurance Co who will supply the coverage for \$30,394.00; and

WHEREAS, staff recommends that Western accept the quote from Travelers in the amount of \$30,394.00; and now therefore

BE IT RESOLVED, that Western’s Board of Directors accepts the quote from Travelers in the amount of \$30,394.00; and

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

Respectfully submitted,

Dated: November 13, 2024
Batavia, New York

RESOLUTION - #127-2024

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 renew its NYS Disability Insurance for the period from January 1, 2025 through December 31, 2025; and

WHEREAS, Western's insurance agent, Lawley, has secured the coverage through Shelter Point Life at the same rate charged in 2024; and

WHEREAS, staff recommends that the Board of Western obtain the coverage from the Shelter Point Life at a cost not to exceed \$40,000.00 for the period from January 1, 2025 through December 31, 2025; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to obtain the coverage from the Shelter Point Life for the period of January 1, 2025 through December 31, 2025 at a cost not to exceed \$40,000.00, 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: December 12, 2024
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

AUDIT COMMITTEE MEETING

**Wednesday- December 11, 2024
4:00 P.M.**

Charles Zambito, 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. Policy Updates

- John Owens
- Steve Haigh

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

LEGAL COMMITTEE MEETING

Wednesday, December 11, 2024

4:15 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.

- 2. Harris Beach PLLC - H. Wojtaszek
- 3. Holland & Knight LLP - H. Wojtaszek
- 4. Hodgson Russ LLP – Counter Claim - H. Wojtaszek

RESOLUTION - #131-2024

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 needed to retain Harris Beach PLLC in respect to its hotel expansion, CEO search committee, and general advice; and

WHEREAS, staff recommends that Western continue such engagement at a cost not to exceed \$100,000.00; and now therefore

BE IT RESOLVED, that Western’s Board of Directors agrees to continue such engagement at a cost not to exceed \$100,000.00 and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION - #132-2024

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 continue its representation by Holland and Knight in respect to its Employee Retention Credit Application; and

WHEREAS, staff recommends that Western continue its representation by Holland and Knight in respect to its Employee Retention Credit Application for a sum not to exceed \$150,000.00; and now therefore

BE IT RESOLVED, that Western's Board of Directors agrees to continue its representation by Holland and Knight in respect to its Employee Retention Credit Application for a sum not to exceed \$150,000.00 and

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

Respectfully submitted,

Dated: December 12, 2024
Batavia, New York

RESOLUTION #135-2024

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) has previously engaged the law firm of Hodgson Russ to represent Western regarding an ongoing personnel matter; and

WHEREAS, Western wishes to continue to engage Hodgson Russ to represent Western in its efforts to deal with any such personnel matters, including defending Western against any and all claims or actions brought against it, and to provide a legal defense to any such claim; and

WHEREAS, Western wishes to continue to engage Hodgson Russ to provide legal services to Western, and now be it

WHEREAS, we hereby authorize the law firm of Hodgson Russ to continue to defend the Michael Nolan lawsuit and prosecute any potential claims or counterclaims against Mike Nolan or any others associated with this matter to continue to provide legal services to Western in the additional amount of \$150.00 per hour not to exceed \$75,000.00; and now be it.

RESOLVED, the Board of Directors of Western wishes to continue to engage the law firm of Hodgson Russ to provide such continued legal services as outlined above; and further

RESOLVED, that the Board of Directors of Western hereby authorizes Western’s legal counsel to continue to defend the Michael Nolan lawsuit and prosecute any potential claims or counterclaims against Michael Nolan or any others associated with this matter with Hodgson Russ to represent Western to continue to provide legal services to Western in the additional amount of \$150.00 per hour not to exceed \$75,000.00 as set forth in this resolution.

Respectfully Submitted,

Dated: December 12, 2024
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BRANCH OPERATIONS COMMITTEE MEETING

Thursday, December 12, 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. 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.

2. Branch Update - D. Pane

3. E-Z Bet Update - D. Pane

4. Batavia Bets Update - D. Pane