

**MINUTES OF THE
BOARD MEETING
OF OCTOBER 29, 1996**

A Meeting of the New York State Racing and Wagering Board was held on Tuesday, October 29, 1996, at the Board office located at 120 Broadway, 13th Floor, New York, New York 10271.

IN ATTENDANCE WERE:

Joseph P. Neglia, Member
Bennett Liebman, Member
Donna Ross, Secretary to the Board
Robert Feuerstein, General Counsel
James Gallagher, Chief of Racing

MINUTES OF THE
BOARD MEETING HELD IN NEW YORK, NEW YORK
TUESDAY, OCTOBER 29, 1996
NYS RACING & WAGERING BOARD

A. **THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD IN NEW YORK, NEW YORK ON SEPTEMBER 16, 1996.**

C. **ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD**

1. **YONKERS RACEWAY REQUEST TO SIMULCAST ITS RACES TO NORTHFIELD PARK**

For entry into the minutes, the Board approved on September 17, 1996 the Yonkers Raceway request to simulcast its races on Monday, Tuesday and Thursday to Northfield Park beginning September 19, 1996 until further notice.

2. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Board approved on September 19, 1996 the Capital District Regional OTB request to amend its Simulcast Plan of Operation to appoint Massena Independent Living Center, Inc., with Jeff Reifensnyder serving as Executive Director, as the new concessionaire of the Massena branch.

3. **NASSAU REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO APPOINT MR. JOSEPH BENTIVEGNA, SR. AS A MEMBER**

For entry into the minutes, the Board approved on September 19, 1996 the Nassau Regional OTB request to appoint Mr. Joseph Bentivegna, Sr. as a member of Nassau Regional OTB Corporation Board of Directors to represent Nassau County.

4. **NEW YORK RACING ASSOCIATION, INC. REQUEST TO APPOINT PAUL J. CAMPO AS PLACING AND PATROL JUDGE**

For entry into the minutes, the Board approved on September 27, 1996 the New York Racing Association, Inc. request to appoint Paul J. Campo as placing and patrol Judge.

5. **YONKERS RACEWAY REQUEST TO OFFER ALL TRIPLE NIGHT**

For entry into the minutes, the Board approved on September 24, 1996 the Yonkers Raceway request to offer an All Triple Night on Saturday, September 28, 1996.

6. **GENESEE VALLEY HUNT REQUEST TO CONDUCT THE GENESEE VALLEY HUNT RACE MEET**

For entry into the minutes, the Board approved on September 24, 1996 the Genesee Valley Hunt request to conduct the Genesee Valley Hunt race meet at Nations Farm in Genesee, New York on Saturday, October 12, 1996 in accordance with Section 207 of the NYS Racing, Pari-Mutuel Wagering and Breeding Law. William Welch was approved to serve as the official steward for the day.

7. **FINGER LAKES RACING ASSOCIATION, INC. SIMULCAST AGREEMENT WITH THISTLEDOWN RACING CLUB, INC. AND INTERTRACK WAGERING**

For entry into the minutes, the Board approved on September 24, 1996 the Finger Lakes Racing Association, Inc. request approval of a simulcast agreement with Thistledown Association, Inc. and intertrack wagering for the remainder of the 1996 racing season.

8. **YONKERS RACEWAY REQUEST TO AMEND ITS CONTRACT WITH NORTHFIELD PARK**

For entry into the minutes, the Board approved on September 25, 1996 the Yonkers Raceway request to amend its contract with Northfield Park to include Saturday, September 28, 1996.

9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO OFFER FREE ADMISSION**

For entry into the minutes, the Board approved on October 1, 1996 the Capital District Regional OTB request to offer free admission to Golden Horseshoe members wearing Halloween costumes on the evening of October 24, 1996 beginning 6:30pm and to issue a possible total of one hundred (100) free bet vouchers to those members exchanging one non-winning race ticket.

10. **FINGER LAKES RACING ASSOCIATION, INC. SIMULCAST AGREEMENT WITH SANTA FE RACING, INC.**

For entry into the minutes, the Board approved on September 25, 1996 the Finger Lakes Racing Association, Inc. simulcast agreement with Santa Fe Racing, Inc. in order that Finger Lakes can send its signal for the remainder of the 1996 racing season.

11. **FINGER LAKES RACING ASSOCIATION REQUEST TO DISTRIBUTE THE ENTIRE PICK 6 POOL**

For entry into minutes, the Board approved on September 27, 1996 the Finger Lakes Racing Association, Inc. request to distribute the entire Pick 6 pool on Friday, October 25, 1996, in accordance with Board rule 4001.23e, as Finger Lakes ran only 5 live races on Saturday, October 26, 1996. (Breeders' Cup Day) The Board also approved Finger Lakes request to reinstate the Pick 6 wager on Sunday, October 27, 1996.

12. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 HARNESS RACING SCHEDULE**

For entry into the minutes, the Board approved on October 1, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule as follows:

ADD: Monday, October 7, 14, 21 and 28.
Wednesday, October 2, 9, 16, 23 and 30.

DELETE; Saturday, October 5, 12, 19, and 26.

13. **YONKERS RACEWAY REQUEST TO AMEND ITS CONTRACTS WITH DETROIT RACE COURSE AND LADBROKE AT THE MEADOWS**

For entry into the minutes, the Board approved on September 27, 1996 the Yonkers Raceway request to amend its contracts with Detroit Race Course and Ladbroke at the Meadows to include Saturday, September 28, 1996.

14. **YONKERS RACEWAY REQUEST TO AMEND ITS CONTRACT WITH POCONO DOWNS AND POMPARNO RACEWAY**

For entry into the minutes, the Board approved on October 3, 1996 the Yonkers Raceway request to amend its contract with Pocono Downs and Pompano Raceway. Pocono Downs will be taking Yonkers' races on Monday, Tuesday, and Thursday until further notice and Pompano Raceway will take Yonkers' races on a daily basis. Both tracks began taking the signal on Friday, October 4, 1996.

15. **VERNON DOWNS REQUEST FOR FULL CARD SIMULCASTING OF HARNESS RACING FROM THE ONTARIO JOCKEY CLUB**

For entry into the minutes, the Board approved on October 4, 1996 the Vernon Downs request for full card simulcasting of harness races from the Ontario Jockey Club on Friday through Tuesday each week until the end of the calendar year.

16. **NEW YORK RACING ASSOCIATION REQUEST TO OFFER FREE GRANDSTAND ADMISSION OR \$2.00 OFF CLUBHOUSE ADMISSION**

For entry into the minutes, the Board approved on October 7, 1996 the New York Racing Association request to offer free grandstand admission or \$2.00 off clubhouse admission on October 20, 1996 at Belmont Park Racetrack.

17. **BERENSON PARI-MUTUEL REQUEST FOR CAPITAL IMPROVEMENT EXPENDITURES**

For entry into the minutes, the Board approved on October 9, 1996 the Berenson Pari-Mutuel of New York, Inc. request for capital improvement expenditures within the meaning of Section 319 of the Racing, Pari-Mutuel Wagering and Breeding Law as listed below.

From the request of April 10, 1996:

15 New Breakers for Transformer Vault	\$11,947.00
3 Transformers for Sportsmen	
Restaurant and Maintenance Garage	6,363.65
Air Pump for Boiler #2	1,854.15
New Gas Heater Maintenance Garage	1,962.00
Fax Machine Publicity Office	684.22
Computer Printer Publicity Office	459.03
Subtotal	\$23,234.05

From the request of May 30, 1996:

New Surveillance System	\$18,788.92
Satellite Equipment	7,511.09
Subtotal	\$26,300.01

From the requests of May 30 and June 27, 1996:

Added Purses Borscht Belt Races	\$14,900.00
Baseball Card Shows- April 21 and May 26	3,047.52
Radio and Newspaper Advertising	3,896.93
Car Show May 26	200.00
Horse Coolers - Borscht Belt Winners	156.20
Advertisement in Sportsmen Guide	500.00
Billboard Advertisement - Catskill Cougars	2,000.00
Payments to Horse Owners Bartenders Derby	1,019.19
Subtotal	\$25,719.84

Accordingly, the total sum of \$75,253.90 was approved as capital improvement expenditures.

18. **MONTICELLO RACEWAY MANAGEMENT, INC. REQUEST FOR EXTENSION OF THE HARNESS RACING LICENSE**

For entry into the minutes, the Board approved on October 11, 1996 an extension of the Harness Racing License to Monticello Raceway Management, Inc. to conduct a harness horse race meeting with pari-mutuel betting through December 31, 1996. This license is issued pursuant to the provisions of Article Three of the New York Racing, Pari-Mutuel Wagering and Breeding Law.

19. **FIRST READOPTION OF EMERGENCY RAFFLES RULE**

For entry into the minutes, the Board approved on October 15, 1996 the readoption of the emergency raffles rule, 5624.3, initially adopted July 22, 1996.

20. **VERNON DOWNS REQUEST TO CONDUCT TRIFECTA WAGERING ON ALL ITS RACES ON OCTOBER 25, AND OCTOBER 26, 1996**

For entry into the minutes, the Board approved on October 17, 1996 the Vernon Downs request to conduct trifecta wagering on all its races on Friday, October 25th, the night of the "Cadillac" Breeders' Crown Finals, and on Saturday, October 26, 1996, closing night for the season.

21. **NEW YORK RACING ASSOCIATION REQUEST TO ADD RACES OF SPECIAL INTEREST**

For entry into the minutes, the Board approved on October 17, 1996 the New York Racing Association request to add the following races of special interest in accordance with Section 905a of the Racing, Pari-Mutuel Wagering and Breeding Law.

<u>Date</u>	<u>Race</u>	<u>Track</u>
10/25/96	Sky Classic Stakes	Woodbine
10/27/96	E.P. Taylor Stakes	Woodbine
11/02/96	Powder Break Handicap	Calder
11/03/96	Selima Stakes	Laurel
11/11/96	Laurel Turf Cup Handicap	Laurel
11/16/96	Hawthorne Gold Cup	Hawthorne
11/30/96	Tropical Turf Handicap	Calder
12/01/96	Carousel Stakes	Laurel

22. **BUFFALO RACEWAY REQUEST TO CONDUCT AN "ALL TRIFECTA WEEKEND"**

For entry into the minutes, the Board approved on October 17, 1996 the Buffalo Raceway request to conduct an "All Trifecta Weekend" on Friday, October 25th and Saturday, October 26, 1996.

23. **YONKERS RACEWAY TO SIMULCAST ITS BREEDERS' CROWN THREE-YEAR OLD COLT PACE TO MOHAWK RACEWAY**

For entry into the minutes, the Board approved on October 17, 1996 the Yonkers Raceway request to simulcast its Breeders' Crown three-year old colt pace to Mohawk Raceway on Saturday, October 26, 1996.

24. **NEW YORK RACING ASSOCIATION REQUEST TO OFFER FREE GRANDSTAND ADMISSION IN CONJUNCTION WITH BREEDERS' CUP DAY**
For entry into the minutes, the Board approved on October 17, 1996 the New York Racing Association request to offer free grandstand admission or \$1.00 off clubhouse admission on Saturday, October 26, 1996, in conjunction with Breeders' Cup Day.
25. **CONSIDERATION OF BATAVIA DOWNS 1996 LICENSE**
For entry into the minutes, the Board approved on October 17, 1996 the request for continuation of the track license for Batavia Downs for the balance of the calendar year. This license is conditioned upon continued weekly submission to the Board of detailed financial information, as discussed in September 1996.
26. **YONKERS RACEWAY REQUEST TO SIMULCAST RACES TO FAIRMOUNT PARK**
For entry into the minutes, the Board approved on October 21, 1996 the Yonkers Raceway request to simulcast its races to Fairmount Park beginning on Tuesday, November 5, 1996, until further notice.
27. **MONTICELLO RACEWAY REQUEST TO AMEND ITS SUNDAY MATINEE POST TIME**
For entry into the minutes, the Board approved on October 21, 1996 the Monticello Raceway request to amend its Sunday matinee post time to 1:05p.m. beginning on Sunday, October 27, 1996.

D. FOR BOARD DETERMINATION

1. **FINGER LAKES CAPITAL IMPROVEMENT FUND ADVERTISING AND PROMOTION EXPENDITURES**
For entry into the minutes, on October 29, 1996 the Board approved the Finger Lakes Racing Association request to withdraw \$31,222.73 from the capital improvement fund for advertising and promotion expenditures pursuant to Section 228-a of the Racing, Pari-Mutuel Wagering and Breeding Law.
2. **SYRACUSE MILE CAPITAL IMPROVEMENT FUND ADVERTISING AND PROMOTION EXPENDITURES**
For entry into the minutes, on October 29, 1996 the Board approved the Syracuse Mile, Inc. request to withdraw \$5,155.90 from the capital improvement fund for advertising and promotion expenditures. The capital improvement fund commission from on-track handle generated \$10,311.79 of which one half, \$5,155.90, was available for advertising and promotion expenditures.
3. **SARATOGA RACEWAY CAPITAL IMPROVEMENT FUND ADVERTISING AND PROMOTION EXPENDITURES**
For entry into the minutes, on October 29, 1996 the Board approved the Saratoga Harness

Racing, Inc. request to withdraw \$31,284.22 from the capital improvement fund for advertising and promotion expenditures in 1996. Saratoga has indicated that the additions to the capital improvement fund from on track handles through September 30, 1996 have provided \$62,568.48, of which one half is \$31,284.24.

4. **MATTER OF EDGAR AYALA**

For entry into the minutes, on October 29, 1996 the Board approved the request that Edgar Ayala's license be revoked upon findings that Mr. Ayala violated Rule 4042.5 and his agreement to comply with the rehabilitation program.

5. **MATTER OF BRUCE ALEXANDER (PROTEST OF CLAIM OF GLOWING DAWN)**

For entry into the minutes, on October 29, 1996 the Board approved the request that the protest be found to be valid and that Mr. Cox retain ownership of Glowing Dawn. This approval is based upon a findings that the stewards should be equitably estopped from enforcing the 48 hours time limitation against Mr. Cox.

6. **NEW YORK RACING ASSOCIATION - 1997 RACING DATES**

For entry into the minutes, the Board approved on October 29, 1996 the New York Racing Association request for 265 racing dates for 1997. The schedule by meet is as follows:

PROPOSED 1997 NYRA RACING SCHEDULE

	DAYS
AQUEDUCT WINTER	65
AQUEDUCT SPRING	30
BELMONT SPRING	50
SARATOGA	36
BELMONT FALL	33
AQUEDUCT FALL	51
Total	265

7. **BATAVIA DOWNS CAPITAL IMPROVEMENT FUND ADVERTISING AND PROMOTION**

For entry into the minutes, on October 29, 1996 the Board approved the Batavia Downs request for withdrawal of a total of \$5,848.41 from the capital improvement fund for

advertising and promotion expenditures as follows:

Radio Advertising	\$2,460.00
Daily Racing Form Advertising	1,406.00
Rochester Sports & Recreation Magazine	1,008.25
Labor Day Promotion - 8 Bicycles	974.16
Total	\$5,848.41

8. **NEW YORK RACING ASSOCIATION - 1997 SARATOGA RACE COURSE FREE GRANDSTAND ADMISSION**

For entry into the minutes, on October 29, 1996 the Board approved the New York Racing Association, Vice President, Secretary and General Counsel Martin L. Lieberman request to attach to reserved seat tickets, a coupon valid for one free grandstand admission on any weekday of the 1997 Saratoga Race Meeting. An estimated 12,000 - 15,000 coupons will be circulated.

9. **NEW YORK CITY OFF-TRACK BETTING CORPORATION EXTENSION AND EXPANSION OF BETMATE PILOT/TEST PROJECT**

For entry into the minutes, on October 29, 1996 the Board approved the New York City Off-Track Betting Corporation, Deputy General Counsel Steven H. Richman request to extend and expand the authorization for the pilot/test project for Bet Mates through Sunday, June 8, 1997. A maximum cap of 40 BetMates may be used during this period. New York City OTB will submit a report at the end of the experimental period in June 1997.

10. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST AGREEMENT WITH THE NEW YORK RACING ASSOCIATION**

For entry into the minutes, on October 29, 1996 the Board approved the Deputy General Counsel Steven H. Richman request to amend the Simulcast Plan of Operation to approve an amendment dated October 2, 1996 to the January 1, 1996 agreement between the New York Racing Association, Inc., and New York City Off-Track Betting Corporation.

11. **SARATOGA RACEWAY CAPITAL IMPROVEMENTS REQUEST**

For entry into the minutes, on October 29, 1996 the Board approved the Saratoga Harness Racing, Inc. request to withdraw \$47,136.91 from the capital improvement fund for capital improvements.

12. **NEW YORK RACING ASSOCIATION - NEVADA PARI MUTUEL RACEBOOKS CONTRACT**

For entry into the minutes, on October 29, 1996 the Board approved the Director of Simulcasting, William A. Nader's request to contract with Nevada Pari-Mutuel Racebooks for the 1997 NYRA race dates, which run from January 1 through December 31, 1997. The dates include all Aqueduct, Belmont Park and Saratoga Race Course race meetings.

13. **FREEZE BRANDING RULE**

For entry into the minutes, on October 29, 1996 the Board approved the rule proposal which authorizes the use of freeze branding, in addition to lip tattooing, as a method of identifying harness racehorses. The rule initially was proposed in March 1996 and published in the State Register on June 19, 1996 with a 45-day public comment period.

14. **YONKERS RACEWAY CAPITAL IMPROVEMENT FUND ADVERTISING AND PROMOTION EXPENDITURES**

For entry into the minutes, on October 29, 1996 the Board approved the Yonkers Raceway request to withdraw \$286,819.64 from the capital improvement fund for 1995 and 1996 advertising and promotion expenditures.

15. **BREAKAGE RULE**

For entry into the minutes, on October 29, 1996 the Board approved the addition of a new section 5209.11 to the Board's rules to provide for implementation of a formula for determination of breaks after imposition of the off-track betting surcharge. The second break after imposition of the off-track betting surcharge will be calculated with the same formula applicable at the racetracks.