

**MINUTES OF THE
BOARD MEETING
OF NOVEMBER 21, 1996**

A Meeting of the New York State Racing and Wagering Board was held on Thursday, November 21, 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 (via telephone conference)
Robert Feuerstein, General Counsel (via telephone conference)
James Gallagher, Chief of Racing
Arthur Schechter, Chief of Audits & Investigations
Felix Hester, Assistant Counsel

ALSO IN ATTENDANCE WAS:

Dan Wray, Legislative Representative/NYCOTB

**MINUTES OF THE
BOARD MEETING HELD IN NEW YORK, NEW YORK
THURSDAY, NOVEMBER 21, 1996
NYS RACING & WAGERING BOARD**

A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD IN NEW YORK, NEW YORK ON OCTOBER 29, 1996.

C. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 HARNESS RACING SCHEDULE

For entry into the minutes, the Board approved on October 25, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule as follows:

ADD: Monday, November 4, 11, 18, and 25
Wednesday, November 6, 13, 20, and 27

DELETE: Saturday, November 2, 9, 16, 23, and 30

2. YONKERS RACEWAY REQUEST TO SIMULCAST ITS RACES TO BALMORAL RACEWAY, BEULAH PARK AND CAPITAL RACING ASSOCIATION

For entry into the minutes, the Board approved on October 25, 1996 the Yonkers Raceway request to simulcast its races to Balmoral Raceway, Beulah Park and Capital Racing Association.

3. VERNON DOWNS REQUEST TO CONDUCT TRIFECTA WAGERING ON FRIDAY, OCTOBER 25, 1996

For entry into the minutes, the Board approved on October 25, 1996, the Vernon Downs request to conduct trifecta wagering on Friday, October 25, 1996 with an entry in the ninth race.

4. NEW YORK RACING ASSOCIATION, INC. REQUEST TO DISTRIBUTE THE ENTIRE PICK 6 POOL ON OCTOBER 25, 1996

For entry into the minutes, the Board approved on October 25, 1996 the NYRA request to distribute the entire Pick 6 Pool on Friday, October 25, 1996 as it will be participating in the National Pick 7 in conjunction with Breeder's Cup races on Saturday, October 26, 1996 from Woodbine.

5. **YONKERS REQUEST TO OFFER AN ALL TRIPLE NIGHT ON SATURDAY, OCTOBER 26, 1996**

For entry into the minutes, the Board approved on October 25, 1996 the Yonkers Raceway request to offer an all triple night on Saturday, October 26, 1996 in conjunction with the Breeder's Crown races.

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

For entry into the minutes, the Board approved on October 25, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule as follows:

DELETE: Wednesday, November 27.

7. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO TRANSFER ITS EXISTING SIMULCAST BRANCH TO A PROPOSED SITE**

For entry into the minutes, the Board approved on November 1, 1996 the Suffolk Regional Off-Track Betting Corporation request to transfer its existing simulcast branch located at 4788 Sunrise Highway, Bohemia, New York to a proposed sit located on Knickerbocker Avenue, Bohemia, New York; conditioned upon receipt of the Certificate of Occupancy, an Environmental Assessment form and compliance with all pertinent codes.

8. **YONKERS RACEWAY REQUEST TO CANCEL THURSDAY, NOVEMBER 7 AND 14 RACING PROGRAMS**

For entry into the minutes, the Board approved on November 1, 1996 the Yonkers Raceway request to cancel Thursday, November 7 and 14 racing programs due to a shortage of horses.

9. **NEW YORK RACING ASSOCIATION, INC. REQUEST TO DEMOLISH AND REMOVE THE TRAINER'S SHACK IN BELMONT PARK**

For entry into the minutes, the Board approved on October 31, 1996 the New York Racing Association request to demolish and remove the trainer's shack on the pony track in the Belmont Park backstretch area.

10. **NEW YORK RACING ASSOCIATION REQUEST TO OFFER FREE GRANDSTAND ADMISSION OR \$1.00 OFF CLUBHOUSE ADMISSION**

For entry into the minutes, the Board approved on November 1, 1996 the New York Racing Association request to offer free grandstand admission or \$1.00 off clubhouse admission on Saturday and Sunday, November 2 and 3, 1996 to anyone with a New York Yankee cap.

11. **NASSAU REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**
For entry into the minutes, the Board approved on November 7, 1996 the Nassau Regional Off-Track Betting Corporation request to amend its simulcast plan of operation to reflect the opening of an expanded branch in Wantagh, New York on October 23, 1996.
12. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 HARNESS RACING SCHEDULE**
For entry into the minutes, the Board approved on November 7, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule by adding Thursday, November 14, 1996.
13. **FINGER LAKES RACING ASSOCIATION FOR SIMULCAST AGREEMENT WITH TURF PARADISE RACE COURSE**
For entry into the minutes, the Board approved on November 7, 1996 the Finger Lakes Racing Association request for simulcast agreement with Turf Paradise Race Course for the 1996-1997 winter racing season.
14. **NEW YORK RACING ASSOCIATION REQUEST TO OFFER FREE GRANDSTAND AND CLUBHOUSE ADMISSION**
For entry into the minutes, the Board approved on November 7, 1996 the New York Racing Association request to offer free grandstand and clubhouse admission on Friday, November 29, 1996.
15. **CAPITAL DISTRICT OFF-TRACK BETTING CORPORATION REQUEST TO SIMULCAST THE TYSON VS. HOLYFIELD BOXING MATCH**
For entry into the minutes, the Board approved on November 7, 1996 the Capital District Off-Track Betting Corporation request to simulcast the Tyson vs. Holyfield boxing match into the Albany Tele-Theater, 711 Central Avenue, Albany, New York on Saturday, November 9, 1996.
16. **MATTER OF JEFFREY PORTER/CONSIDERATION FOR REINSTATEMENT**
For entry into the minutes, the Board approved on November 12, 1996, the reinstatement of Jeffrey Porter.
17. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 HARNESS RACING SCHEDULE**
For entry into the minutes, the Board approved on November 13, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule by adding Thursday, November 21, 1996.

18. **YONKERS RACEWAY REQUEST TO CANCEL A RACING PROGRAM ON NOVEMBER 21, 1996**

For entry into the minutes, the Board approved on November 13, 1996 the Yonkers Raceway request to cancel Thursday, November 21, 1996 racing program due to a shortage of horses.

19. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, the Board approved on November 13, 1996 the Western Regional Off-Track Betting Corporation request to amend its simulcast plan of operation to open a new simulcast branch facility at 5810 Transit Road, Lockport, Niagara County, New York, conditioned upon receipt of the certificate of occupancy and fire inspection.

20. **CAPITAL OFF-TRACK BETTING CORPORATION REQUEST TO DESIGNATE THE WINDY CITY PACE FROM MAYWOOD PARK AS A HARNESS RACE OF SPECIAL INTEREST**

For entry into the minutes, the Board approved on November 15, 1996 the Capital District Off-Track Betting Corporation request to designate the Windy City Pace from Maywood Park as a harness race of special interest, in conjunction with the Garden State Race Card on November 15, 1996.

D. ITEMS FOR BOARD DETERMINATION

1. **SUFFOLK REGIONAL OFFTRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION TO ALLOW LIVE SIMULCASTS FROM THE NEW YORK RACING ASSOCIATION**

The Board approved the Suffolk Regional Off-Track Betting Corporation request of an amendment to its Simulcast Plan of Operation to allow live simulcasts from the New York Racing Association, and to accept pari-mutuel wagering via telephone.

2. **FLRA - CAPITAL IMPROVEMENT FUND APPLICATION DATED AUGUST 19TH AND SEPTEMBER 24,1996 REQUESTING \$142,493.91 AND \$27,709.25, RESPECTIVELY**

The Board approved the following projects included in the August 19th application:

Re-roofing Grandstand Building	\$ 79,480.98
Replacing Three Gas Lines	14,152.00
Theater Seating Area in Lower Clubhouse	13,517.13
Handicap Bathroom Conversion	9,424.21
Air Conditioning & Heating Systems	5,094.98
Racing Strip Maintenance Equipment	4,086.53
Computers & Software	<u>16,738.08</u>
TOTAL	\$142,493.91

6. **BATAVIA DOWNS CAPITAL IMPROVEMENTS/FUND ADVERTISING AND PROMOTION**

The Board approved the withdrawal by Batavia Downs of \$8,013.24 from the capital improvement fund for advertising and promotion expenditures included in the letters dated October 21, 31, November 12, and 14, 1996 totalling \$10,761.38. The full amount was not approved because such approvals would have exceeded the amount approvable for advertising and promotions.

Batavia Daily News Advertising	\$ 5,336.42
Radio Advertising	2,759.96
Cable Advertising	1,092.00
Genesee County Travel Guide	515.00
Daily Racing Form	788.00
Internet Advertising Site	195.00
Batavia Police Program Ad	<u>75.00</u>
TOTAL	\$10,761.38

7. **BATAVIA DOWNS CAPITAL IMPROVEMENTS REQUEST**

The Board approved the Batavia Downs request to withdraw \$7,416.20 from the capital improvement fund for the following projects:

Resurfacing Race Strip - Track Labor	\$2,982.73
Barn Roofs - Track Labor	2,773.44
Refurnishing Barns & Barn Area-Track Labor	<u>1,660.03</u>
TOTAL	\$7,416.20

8. **BATAVIA DOWNS CAPITAL IMPROVEMENTS REQUEST**

The Board approved the Batavia Downs withdrawal of \$5,246.74 requested on October 11 and 21, 1996. The sum of \$1,670.39 was disapproved as maintenance and non-verifiable items. These items are electrical work, air conditioning and a copier drum.

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Software for Horsemen Bookkeeping System	\$1,312.63
Amtote Software - Color Runner & Odd's Tracking	1,134.00
Electrical Work - Barn 17 and Special Events Area	469.24
Recharging Air Conditioning System	1,097.55
New Drum for Copier	<u>250.56</u>
TOTAL	\$4,263.98

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Lease payments - Canon Copier	980.00
Telephone Lines for Visa Machines-Simulcast area	502.20
Telephone Lines - Dining Room	518.71
Cash Register - Restaurant Use	<u>652.24</u>
TOTAL	\$2,653.15

9. **MATTER OF MAY I INQUIRE**

The Board deferred decision on the Matter of **May I Inquire**. This case involves the appeal from the disqualification of **May I Inquire** which competed in the seventh race of June 12, 1996 at Belmont Park. **May I Inquire** finished first and was placed last.

10. **BELL JAR RULE PROPOSAL**

The Board approved the proposed rules that would primarily amend the Board's Games of Chance rules to implement the new bell jar laws contained in Chapter 309 of the Laws of 1996, entitled State Finances-Omnibus Article VII Bill Programmatic Changes in Conformance with Proposed Appropriation Bills. The new bell jar laws become effective on January 1, 1997.

The Board meeting was adjourned at 11:50 a.m.