

**MINUTES OF THE  
BOARD MEETING  
OF MAY 25, 1995**

A Meeting of the New York State Racing and Wagering Board was held on Thursday, May 25, 1995, at the Board office located at 120 Broadway, New York, New York 10271.

**IN ATTENDANCE WERE:**

Jerry Bilinski, DVM,, Chairman  
Joseph P. Neglia, Member  
Bennett Liebman, Member  
James Gallagher, Special Assistant to Chairman  
Robert Feuerstein, Counsel  
Donna M. Ross, Secretary to the Board  
Herman Kluge, Director of Audits, Investigations & Licensing  
Arthur Schechter, Chief of Audits & Investigations  
Gale Berg, Assistant Counsel  
Felix Hester, Assistant Counsel  
Eileen Clarke-Brady, Assistant Chief of OTB Operations  
Brian Barry, Assistant Chief of Racing Operations  
Theodore Garrison, Director of Wagering  
Andrea Mercado, Assistant Counsel  
Ronald Sommer, Chief of Administrative Services

**"MINUTES"**  
**BOARD MEETING HELD ON**  
**MAY 25, 1995**  
**FOR THE N.Y.S. RACING & WAGERING BOARD**

**A. THE BOARD APPROVED THE MINUTES OF BOARD MEETING HELD ON WEDNESDAY, APRIL 19, 1995.**

**B. ITEMS PREVIOUSLY APPROVED BY THE CHAIRMAN**

1. **CDROTBC TO AMEND ITS SIMULCAST PLAN OF OPERATION TO APPOINT MR. ALAN R. CONTE AS A CONCESSIONAIRE OF ENTERTAINMENT VENDING MACHINES AT ITS WHITESBORO OTB SIMULCAST BRANCH**  
For entry into the minutes, the Chairman's prior approval of request by Capital District Regional Off-Track Betting Corporation to amend its Plan of Operation to appoint Mr. Alan R. Conte as a concessionaire of entertainment vending machines at its 16 Main Street, Whitesboro/Oneida County OTB simulcast branch. A background check and a review of Mr. Conte's application found nothing derogatory.
2. **YONKERS RACEWAY - ACCEPTANCE OF THE COLONIAL TROT FROM FOXBORO RACEWAY ON APRIL 22, 1995**  
For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to designate the Colonial Trot from Foxboro Raceway on April 22, 1995 a harness race of Special Interest pursuant to Section 1007(6)(a) of the Racing Law.
3. **NYRA - STEVENSON AND ASSOCIATES, INC. - NEW RACE BOOK OUTLET - SANTO DOMINGO**  
For entry into the minutes, the Chairman's prior approval of request by New York Racing Association of the following new betting shop for simulcasting pursuant to NYRA'S agreement with Stevenson and Associates: Hipodromo Perla Antillana, Eventos Deportivos, C. Pora, Administracion, Santo Domingo, R.D.
4. **NYRA - STEVENSON AND ASSOCIATES, INC. - NEW RACE BOOK OUTLET - TRINIDAD**  
For entry into the minutes, the Chairman's prior approval of request by New York Racing Association of the following new betting shop for simulcasting pursuant to NYRA's agreement with Stevenson and Associates: Trinidad Race Club (Arima), Santa Rosa Park, Arima, Trinidad.

5. **MONTICELLO RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Monticello Raceway to amend the racing schedule as follows:

Mondays, May 8th, 15th and 22nd (Post Time 7:30 p.m.)

Monday, May 29th (Post Time 1:00 p.m.)

Wednesdays, May 3rd, 10th, 17th, 24th and 31st (PostTime 7:30 p.m.)

6. **FINGER LAKES CAPITAL IMPROVEMENT**

For entry into the minutes, the Chairman's prior approval of request by Finger Lakes Racing Association to withdraw from the Capital Improvement Fund \$236,470 for the purchase of new starting gates. An April 20, 1995 invoice from the vendor indicates the purchase of one 14 stall starting gate and one 12 stall starting gate for the \$236,470.00. A used 1979 GMC truck will be added at no additional cost.

Approval was granted for the full amount of \$236,470.00, subject to later submission of the final bill and check payment.

7. **YONKERS RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to amend the racing schedule as follows:

Change: Post Time to 1:00 p.m. for Tuesday, May 2nd, 9th, 16th, 23rd, 30th and Tuesday, June 6th, 13th, 20th and 27th, 1995.

8. **MONTICELLO RACEWAY - FREE ADMISSION**

For entry into the minutes, the Chairman's prior approval of request by Monticello Raceway to offer free admission to the racing program on Saturday, May 6, 1995. This request would be in conjunction with the Kentucky Derby simulcast.

9. **YONKERS RACEWAY - EAST COAST HARNESS LEAGUE PROMOTION**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to conduct the East Coast Harness League Promotion in conjunction with Freehold, the Meadowlands and the Meadows. The League is scheduled to begin on Monday, May 8, 1995.

10. **YONKERS RACEWAY - SCHEDULE FOR THE GREATER WESTCHESTER COUNTY FAIR**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway concerning the racing schedule for the Greater Westchester County Fair beginning Thursday, May 25 and concluding on Sunday, June 11, 1995. Racing will be conducted on Mondays, Tuesday afternoon, Thursday, Fridays and Saturdays with the exception of Memorial Day, May 29th. (Post Time - 7:30 evenings, 1:00 p.m. for matinees)

11. **NYRA - ADDENDUM TO MAY 1995 SIMULCAST SCHEDULE**

For entry into the minutes, the Chairman's prior approval of request by the New York Racing Association to simulcast full cards to the Meadowlands and Monmouth Park on an experimental basis beginning May 10, 1995 through and inclusive of May 31, 1995. This experimental period provides the New York City Off-Track Betting and Catskill Regional Off-Track Betting Corporations with an opportunity to assess the impact of the simulcasts and report to the Board thereon.

**C. ITEMS APPROVED BY THE BOARD**

1. **BATAVIA DOWNS/CAPITAL IMPROVEMENT**

The Board approved the request by Batavia Downs to withdraw \$30,000 from the Capital Improvement Fund to make an initial down payment on new heating and air conditioning equipment for the simulcast area.

**D. FOR BOARD DETERMINATION**

1. **SARATOGA RACEWAY/CAPITAL IMPROVEMENTS**

The Board approved the request by Saratoga Raceway to withdraw \$48,526.07 from the Capital Improvement Fund by application dated December 9, 1994 on a preliminary basis subject to later audit. The loan provisions of Section 319 apply.

2. **NEW YORK CITY OTB CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPROVE AN AGREEMENT WITH PREMIER CASHLINK FOR THE PROVISION OF CASH ADVANCE SERVICES VIA CREDIT CARD TO OTB CUSTOMERS**

The Board approved the request by New York City Off-Track Betting Corporation to amend its plan of operation for an agreement with Premier Cashlink for the provision of cash advance services via credit card to OTB customers at 15 OTB facilities. The term of the agreement runs for one year and OTB will have the right to extend the agreement for three additional one year terms

3. **BATAVIA DOWNS/CAPITAL IMPROVEMENTS**

The Board approved the request by Batavia Downs Raceway to withdraw a total of \$25,314.91 from the Capital Improvement Fund by applications dated 2/20/95, 2/21/95, 3/17/95 and 4/18/95. This approval is on a preliminary basis subject to later audit.

4. **BUFFALO RACEWAY/CAPITAL IMPROVEMENTS**

The Board approved the request by Buffalo Raceway to withdraw \$9,715.99 from the Capital Improvement Fund by application dated 4/27/95 on a preliminary basis subject to a later audit.

5. **FINGER LAKES RACETRACK/CAPITAL IMPROVEMENTS**

The Board reviewed the request by Finger Lakes Racetrack to withdraw \$278,275.86 from the Capital Improvement Fund by application dated 5/3/95. The Board approved \$260,603.72 for withdrawal subject to later audit. The approval is subject to the loan provisions of Section 228-a. The Board denied the remaining \$17,672.14 for stone additions to the track as this represents maintenance costs.

6. **MONTICELLO RACEWAY/CAPITAL IMPROVEMENTS**

The Board reviewed the request by Monticello Raceway to withdraw \$119,404.00 from the Capital Improvement Fund by application dated 4/10/95. The Board approved \$116,057.82 for withdrawal subject to the loan provisions of Section 319. The Board denied the remaining \$3,346.18 for lumber and supplies as this represents maintenance costs.

7. **1995 PARI-MUTUEL TAX RATES/1994 EXPENDITURES FOR ENHANCEMENTS**

The Board approved a certification pursuant to Sections 228(1), 318(l)(a)(i) and 318(l)(b)(i) of the Racing, Pari-Mutuel Wagering and Breeding Law that Finger Lakes Race Track, Batavia Downs, Buffalo Raceway, Monticello Raceway, Saratoga Raceway, Vernon Downs and Yonkers Raceway did expend during 1994 at least 1/2 of 1% of their respective on-track bets during 1994 for the statutorily mandated capital improvements, repairs and special events. The Board further approved a report to the Commission of Taxation and Finance that during 1994, the Syracuse Mile, Inc., a harness association or corporation conducting a meeting of seven days, failed to expend such 1/2 of 1% of such on-track bets as required by Section 318(l)(b)(i). This certification is made for the purpose of establishing the pari-mutuel tax rate as of April 1995 for each such racetrack.

8. **GUIDELINES FOR 1995-96 SIMULCAST FACILITY LICENSING**

The Board adopted the proposed guidelines that govern the 1995-96 simulcast facility licensing process and authorizes their distribution to all potential simulcast facility licensees. The guidelines are identical to those approved May 19, 1994.

9. **HEARING OFFICER REPORT/IN THE MATTER OF YOUTH COMMUNITY RELATIONS, INC.**

The Board approved the Hearing Officer's recommendation that the City of Buffalo's determination be reversed and the matter remanded to its agency for the conduct of a hearing pursuant to Article 9-A of the General Municipal Law.

10. **HEARING OFFICER REPORT/IN THE MATTER OF JOHN GILMOUR**

The Board approved the Hearing Officer's recommendation that John Gilmour is guilty of violating Rule 4116.9(b) and that the \$50.00 fine be confirmed.

11. **RULE PROPOSALS - EXTENSION OF PERIOD FOR ADOPTION**

The Board approved Counsel's recommendation that it authorize the filing of a Notice of Continuation which will extend the expiration date for each of the three proposed rules, which are the following:

1. 9NYCRR Section 4006.8
2. 9NYCRR Section 4002.14(b)
3. 9NYCRR Section 4011.15(m), 4011.20(f), 4011.22(g) and (i), 4122.39(h), 4122.41(h) and (j), 4112.42(l), 4217.10(l), 4217.13(h) and 4217.14(h-i).

12. **RULE PROPOSAL FOR THE RACE DAY USE OF FUROSEMIDE**

The Board approved the proposal to publish a draft rule that will pave the way for race day use of the diuretic furosemide, commonly known as lasix.