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# ERIE COUNTY LEGISLATURE



**MARIA R. WHYTE**  
LEGISLATOR - 6<sup>th</sup> DISTRICT  
MAJORITY LEADER

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March 4, 2011

Erie County Legislature  
Mr. Robert Graber, Clerk  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, N.Y. 14202

**RE: Item for Government Affairs Committee**

Dear Mr. Clerk:

Attached to this communication, please find a letter and resolution regarding the future of Off Track Betting (OTB) in New York State. Please clock in these items to the Government Affairs Committee of the Erie County Legislature for discussion.

Thank you for your attention to this matter.

Sincerely,

Maria Whyte

cc: Mr. Martin Basinait, Western Regional Off-Track Betting Corporation



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WESTERN REGIONAL OFF-TRACK  
BETTING CORPORATION

February 9, 2011

Honorable Maria R. Whyte  
Erie County  
92 Franklin Street  
Buffalo, NY 14202

Dear Honorable Maria R. Whyte:

You may well have read that there are discussions in Albany regarding the "consolidation" of the remaining five Regional OTB Corporations into one entity, be that private or government.

Western OTB for and on your county's behalf is vehemently opposed to such a plan. The OTB's in this state were formed in their present fashion back in the early 1970's for certain specific reasons.

- To provide revenue for state and local government
- To provide revenue to the horseracing industry
- To curb illegal gambling on horseracing

This formation was done through public referendum by each participating county; the reason for that was so each county could decide if it wanted OTB within its boundaries and also to give local governments control over its operations.

If the State is successful in its efforts to consolidate the OTBs, your counties (cities) will not only lose the revenue they currently enjoy but also lose their control over how and where it is operated.

WROTBC's Board of Directors (BOD) at their January meeting approved unanimously the attached resolution in objection to the State's stated efforts to consolidate. It is imperative that your county or city seriously consider passing a similar resolution in opposition.

This is your money and your local control; if we do not all act expeditiously in like fashion, you stand a real chance of losing both.

If you have any questions, please contact me at 1-800-724-2000.

Very truly yours,

WESTERN REGIONAL OFF-TRACK  
BETTING CORPORATION

Martin C. Basinait  
President & Chief Executive Officer

MCB/dmf  
Enc.

**RESOLUTION # 4-2011****BOARD OF DIRECTORS' RESOLUTION TO OPPOSE STATE  
TAKING OF WESTERN'S PARTICIPATING MUNICIPALITY'S ASSETS**

**WHEREAS**, in September 1973, eleven western New York counties established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

**WHEREAS**, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

**WHEREAS**, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

**WHEREAS**, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$200 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

**WHEREAS**, now, the incoming governor and both houses of the state legislature are publically proposing a taking of Western OTB's business and its assets by a consolidation of all the regional off-track betting corporations in this state by some state-sponsored private or quasi-governmental interloper that threatens a loss of local revenue, independence and local oversight of gaming in our communities; and

**WHEREAS**, the participating municipalities of Western as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

**WHEREAS**, the reality of such state-sponsored consolidation and takeover the OTB's would rob Western's communities of not only local control but their substantial re-investment of profits to acquire and maintain such money-making assets; now, therefore, be it

**RESOLVED**, that the Board of Directors of the Western Regional Off-Track Betting Corporation, and its individual members representing their respective participating municipality, unalterably oppose such threatened "nationalizing" of Western's business by New York State; and, it is further

**RESOLVED**, that each governing body of Western's participating municipalities be solicited to join this Board in the opposition to this ill-timed and poorly-conceived proposed take-over by the state.

Dated: Batavia, New York  
January 27, 2011

Respectfully submitted,



Richard E. Siebert  
Chairman