



**Agriculture and New York State Horse Breeding Development Fund  
Minutes – April 25, 2024**

**ITEM 1: CALL TO ORDER** – Chairman Brian O’Dwyer called the meeting to order at approximately 10:43 a.m. Establishment of a quorum was noted by Chairman O’Dwyer. In attendance were Fund Board Members Richard Ball, Commissioner of the Department of Agriculture and Markets and Steve Jones.

**ITEM 2: OPENING REMARKS BY CHAIRMAN O’DWYER** – Chairman O’Dwyer welcomed everyone to the New York State Gaming Commission’s new Offices.

**ITEM 3: CONSIDERATION OF MINUTES OF NOVEMBER 27, 2023** – The Fund considered previously circulated draft minutes of the meeting conducted on November 27, 2023. The minutes were accepted as circulated.

**ITEM 4: FINANCIAL UPDATE – ANNUAL FINANCIAL AUDIT REVIEW** – Representatives from UHY presented the 2023 Audited Financial Statements. Howard Foote, Brian Kearns, and Brandon Valvo spoke about the work they did with the Fund and discussed their findings. UHY noted the unmodified opinion. Chairman O’Dwyer noted the Fund’s significant cash position and requested that the Fund come up with ways to utilize this surplus. Commissioner Ball and Trustee Jones agreed.

The 2023 Audited Financial Statements were approved.

**ON A MOTION BY: Commissioner Ball - APPROVED: 3-0**

Jill LaBoissiere updated the Board on the 2024 Q1 Financials. Jill noted that the Financials are in line with the budgeted amounts. Jill noted that adjustments will be made to future Financial Reports in line with the findings of the 2023 Audit. Jill noted that the Fund is currently receiving ~4% interest on deposited funds. Chairman O’Dwyer requested that Executive Director Ralph Scunziano explore investment options for excess funds.

Trustee Jones inquired about the money owed by Resorts World Catskill. Ralph noted that Resorts World Catskills failed to make any payments for the period of January 2019 through December 2022. Pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1355, a statutory condition of licensure as a gaming facility is to make applicable racing support payments. Resorts World Catskills proposed to pay its current obligations, while making annual of payments of 25% of the outstanding balance each April of the next four years and offered 6% interest per annum starting January 1, 2024, on any overdue unpaid balances. On January 12th, Resorts World Catskills sent a first payment in the amount payment of \$900k. Resorts World Catskills has otherwise remained current and this \$900k payment represents approximately 25% of its outstanding balance. Ralph suggested that the Fund consider entering into an Agreement with Resorts World to help ensure they abide by these terms. The Members agreed.

**ITEM 5: CONSIDERATION OF SCHEDULES** – The schedules for the Sire Stakes and the Excelsior Series were considered. Both schedules were publicly noticed with a notation “pending Fund Board approval.” The Sire Stakes Finals should be held at Yonkers Raceway again in 2024, and the Fund will begin accepting proposals from harness tracks for the 2025 Finals. The proposed location for the 2024 Excelsior Finals is Vernon Downs.

The Sire Stakes and Excelsior Series Schedules were approved.

**ON A MOTION BY: Trustee Jones - APPROVED: 3-0**

The 2024 County Fair schedule was considered. The County Fair Conditions no longer require the Finals to be held at a pari-mutuel track. The proposed location for the 2024 County Fair Finals is the Goshen Historic Track. Executive Director Ralph Scunziano discussed the status of the County Fair Capital Improvement Program.

The County Fair Schedule was approved.

**ON A MOTION BY: Commissioner Ball - APPROVED: 2-0 (Trustee Jones-Abstained)**

**ITEM 6: CONSIDERATION OF FUND POLICIES** – The Fund updated all of its policies. Executive Director Ralph Scunziano read all of the policies into the record:

- a. Gender-based Violence Policy
- b. Workplace Violence Policy
- c. Cancellation of Undeposited/Uncashed Checks
- d. Project Sunlight
- e. Procurements Policy
- f. Minority and Women Owned Business Enterprises
- g. Lobbying Policy
- h. Hiring Policy
- i. Equipment Control Policy
- j. Credit Card Policy
- k. Cash Receipts Policy
- l. Collections Policy
- m. Whistleblower Policy
- n. Records Retention Policy
- o. Investment Policy
- p. Disposal of Property Policy
- q. Grants Policy
- r. Internal Controls Policy
- s. Time and Attendance Policy
- t. Travel Policy
- u. County Fair Guidelines
- v. Use of Fund Property Policy

The Members approved all of the Policies.

**ON A MOTION BY: Member Jones - APPROVED: 3-0**

**ITEM 7: UPDATED BY-LAWS** – Chairman O’Dwyer noted the By-Laws have not been updated in some time and contain numerous outdated provisions. Chairman O’Dwyer asked Ralph to create a new version. The proposed By-Laws were presented to the Members. Chairman O’Dwyer tabled this item for consideration at the next meeting. Members have the opportunity to review these proposed By-Laws before they are up for consideration at the Fund’s next meeting.

**ITEM 8: LEGISLATIVE UPDATE** – Executive Director Ralph Scunziano noted that Governor Kathy Hochul signed Assembly Bill A8533 (Pretlow) into law on February 7, 2024 (L. 2024, ch. 39). The changes impact all series of racing (including the County Fair and Excelsior races). On September 29, 2023, the requirements for a mare to be bred in New York State were removed. Further changes were referenced in Governor Hochul’s October 2023 Approval Memorandum. With these new changes, eligibility for the County Fair and Excelsior Series have once again been restricted to foals bred in NY State (to a NY stallion and a mare bred in NY State). Foals that are a product of shipped semen will only be eligible for the Sire Stakes Series. Additionally, foals bred in NY State (to a NY stallion and a mare bred in NY State) are eligible for bonus payments for Sire Stakes Series races. These changes to the program will affect the 2026 racing season, at the earliest. No Board action is necessary at this time.

**ITEM 9: NEW/OLD BUSINESS** – Chairman O’Dwyer asked the Members if they had any new or old business to discuss. No new or old business was discussed.

**ITEM 10: ADJOURNMENT: On a motion by Trustee Jones, APPROVED: 3-0**  
Chairman O’Dwyer declared the meeting adjourned at approximately 11:37 a.m.