



## Agriculture & NYS Horse Breeding Development Fund

### MINUTES

Agriculture and NYS Horse Breeding Development Fund  
Board of Directors Meeting  
NYS Department of Agriculture and Markets, Albany, New York  
December 30, 2019

Present: Chairman of NYS Gaming Commission Barry Sample; Commissioner of NYS Agriculture and Markets Richard Ball, Trustee Peter Arrigenna; Agriculture and Markets Deputy Commissioner Jackie Czub; Ron Ochrym, Director of the Division of Horse Racing at the Gaming Commission; Executive Director of the Breeding Development Fund Kelly Young; Fund Executive Assistant Connie Richardson; and NYS Gaming Commission Assistant Counsel Melanie LaCour, acting as counsel. Vendor representatives: Sarah Quinn, Capitol Hill Management Services, and Leah Rostohar and Jason Politi, Baker Public Relations.

**Agenda Item #1 – Establishment of Quorum:** A quorum was present and the meeting of the Agriculture & New York State Horse Breeding Development Fund was called to order at 1:03 p.m. by Commissioner Richard Ball. He asked guests in the room to introduce themselves, which included Jean Clearwater of Blue Chip Farms, in addition to those listed above.

**Agenda Item # 2 - Designate a Board Member as Presiding Officer:** A motion was made by Member Sample to designate Commissioner Ball, a Member, as Presiding Officer of the meeting and seconded by Member Arrigenna. All in favor.

Before going to the agenda, Presiding Officer Ball made a few remarks. He noted that that in addition to the Members, the following staff were present: Kelly Young, the Executive Director of the Agriculture and New York State Horse Breeding Development Fund, Connie Richardson, who provide staff support to the Fund. Melanie LaCour, Assistant Counsel of the NYS Gaming Commission was providing legal counsel. Presiding Officer Ball also introduced Sarah Quinn of Capitol Hill Management who provides marketing and event coordination services to the Fund and Jason Politi and Leah Rostohar of Baker Public Relations that provide public relations services.

Presiding Officer Ball then then opened the meeting to Public Comment, but there were no speakers and he moved on to the agenda.

**Agenda Item #3 – Consideration of Meeting Minutes for April 9, 2019:** Minutes of the regular meeting of April 9, 2019 were presented for review and approval. Several typographical changes were suggested by Ochrym. A motion was made by Member Sample to accept the Minutes as amended and seconded by Member Arrigenna. All in favor.

**Agenda Item #4 – Consideration to Enter into Executive Session:** Presiding Officer Ball called for the members to consider a motion to enter into Executive Session. Member Arrigenna made the motion, seconded by Member Sample. All in favor. The members then convened into Executive Session.

**Return from Executive Session:** Upon returning from Executive Session, Presiding Officer Ball thanked everyone for their patience and explained that the Trustees discussed several personnel issues during Executive Session, pursuant to New York Public Officers Law Section 105.1f, and moved to the next item on the agenda.

**Agenda Item #5 – Consideration of Marketing Services Contract:** Presiding Officer Ball noted that the Fund’s contract for Equine Marketing and Public Relations Services was awarded for three years, beginning May 1, 2017, and concluding on April 30, 2020. With that end date approaching right before the Sire Stakes racing season begins, he noted that issuing an RFP and potentially contracting a new firm may not be in the best interest of the program so the Trustees need to decide how to proceed.

Member Sample made a motion to extend the current contract under the current terms and payment rate through Feb. 28, 2021 and provide executive staff the authority to execute an extension agreement on behalf of the Fund. Member Arrigenna seconded. All in favor.

**Agenda Item #6 – Ratification of Yearling and Stallion Eligibility Requirements for 2020:** Presiding Officer Ball noted that The Trustees have previously approved by email ballot the Yearling and Stallion Eligibility Requirements for 2020 so that stallions could register for the 2020 breeding season by Jan. 1. According to the Fund by-laws, the Board may take action on time-sensitive items but must ratify them at the next public meeting. He explained that board planned to do that, but would also consider a change proposed by staff.

Executive Directory Young noted that the provision in the stallion rules that allows stallions to ship out of state for the purpose of semen preservation (3 (g) 4), which was newly adopted by the Board last year, the deadline to return to New York was November 1. In practice this seemed like an arbitrary date and she proposed amending that to December 31 of the registration year. Young invited Jean Clearwater to talk about her experience with this rule and supported the change to allow stallions extra time for collection and the post-testing required for preservation.

Member Arrigenna made a motion to ratify the approval of the Yearling and Stallion Eligibility Requirements with the change amending the return deadline for semen preservation to December 31. Member Sample seconded. All in favor.

**Agenda Item #7 – Consideration of 2020 Conditions:** Presiding Officer Ball noted that Trustees have reviewed proposed changes for New York Sire Stakes #61 (foals of 2019), the Excelsior Series for 2020 and the County Fair Series for 2020. He asked Young to outline the changes in each set of conditions.

Young described the changes, noting dates were changed to update each set of conditions. In Sire Stakes conditions, the supplemental payment date was updated to Feb. 15 from March 1 to limit confusion and qualifying requirements were changed to 45 days of the date of declaration. In County Fair conditions a minimum purse guarantee of \$2,000 was added. In all three conditions, language was added to clarify that horses are only able to race in one final event each year, but they may enter another event if they do not draw in.

Member Sample asked about field size at fairs and Member Arrigenna explained that fair date conflicts can spread the horse population thin and that higher purses and well maintained equine facilities at the fairs will help attract more horses to ensure more robust fields.

Member Arrigenna made a motion to approve the conditions for New York Sire Stakes #61. Seconded by Member Sample. All in favor.

Member Arrigenna made a motion to approve the conditions for the Excelsior Series. Seconded by Member Sample. All in favor.

Member Arrigenna made a motion to approve the conditions for the County Fair Series. Seconded by Member Sample. All in favor.

**Agenda Item #8 – Consideration of 2020 NYSS Schedules:** Presiding Officer Ball noted that a proposed New York Sire Stakes and Excelsior Series schedule in 2020 has been reviewed and agreed to by the seven harness tracks. The New York Sire Stakes Finals will be held at Yonkers Raceway in conjunction with the International Trot. This “Day of Champions,” with a special afternoon post time, will be held on Saturday, Sept. 12. The Consolations are scheduled for Monday, Sept. 14, at Monticello Raceway and the Excelsior Series Finals are scheduled at Tioga Downs on Saturday, Sept. 19. The County Fair finals are planned at Batavia Downs on Labor Day, Monday, Sept. 7.

Member Sample made a motion to adopt the 2020 New York Sire Stakes and Excelsior schedule. Member Arrigenna seconded. All in favor.

**Agenda Item #9 – Consideration of 2020 Purses:** Presiding Officer Ball noted that the proposed purses would provide an estimated \$9.4 million for Sire Stakes purses. Of that, \$1.8 million is allocated for the Sire Stakes finals, with each division racing for \$225,000. An adjustment to the Consolations and Excelsior Finals would make both events \$50,000 per division to encourage full fields in all events. The purses for Excelsior legs remain the same for participants, but the total budgeted amount is adjusted to reflect the actual cost of these events with a smaller foal crop.

Member Arrigenna made a motion to approve the purse schedules for the 2020 New York Sire Stakes and Excelsior Series. Member Sample seconded. All in favor.

**Agenda Item #10 – Consideration of 2020 Budget:** Presiding Officer Ball asked the Trustees to consider the 2020 proposed budget and highlighted a few differences from the previous year. He noted the budget provides for revenue and expenses of \$16.5 million, down just slightly from \$16.77 million in the Fund’s 2019 Budget, due to the trend of slightly declining revenues from racing sources. In addition, there are changes in:

- a. County Fair Changes – In line with the approved condition changes for the county fair program, the Fund will guarantee minimum purses of \$2,000. This reflects a \$25,000 budget increase. Also, in response to inquiries from two locations to potentially add county fair racing in 2020, we are increasing the budget for purses and repairs by \$64,000.
- b. Consolation & Excelsior Final Purses—In line with the purse schedule just approved by the Trustees, the total impact to the budget is an additional \$40,000 for these year-end events.
- c. Equine Drug Testing—The Fund has been able to streamline its testing program and is adjusting the budget to reflect this. County fair testing will receive \$15,000 and out-of-competition testing is allocated \$55,000.
- d. Breeder Awards – This budget again includes \$1 million in Breeder Awards, the same level as last year.

Member Arrigenna made a motion to adopt the 2020 Budget as proposed. Seconded by Member Sample. All in favor.

**Agenda Item #11 – Consideration of Grant Applications Process in 2020:** Presiding Officer Ball noted that the budget just approved included \$150,000 in grant funding and the Trustees have a grants policy and application. He proposed setting a deadline of March 2 for 2020 grant applications and receive presentations from requesting organizations at a meeting in the spring.

Member Arrigenna made a motion to establish March 2, 2020 as the deadline for grant submissions. Member Sample seconded. All in favor.

**Agenda Item #12 – Update on Zweig Memorial Fund for Equine Research:** Presiding Officer Ball noted that the Fund provides a statutory percentage of income to the Zweig Memorial Fund for Equine Research at Cornell University and has a seat on the Board of Directors. He asked Kelly Young, the Fund’s designated representative on that board, to provide an update. Young reported that the Breeding Fund provided just over \$300,000 to the Equine Research Fund in 2019. A summary of funded research projects for 2020 was provided. She also noted that there was a celebration of the 40<sup>th</sup> anniversary of the Research Fund in the fall highlighting all the contributions over time.

**Agenda Item #13 – New/Old Business:** Member Arrigenna brought up the state’s coupling rule for owners, noting that owners are only uncoupled in races with purses of \$100,000 or more. This doesn’t impact the Night of Champions events, but does impact the Excelsior Finals ad Consolation races because the purse was below \$100,000. If an owner has more than one horse make the finals, it results in a short betting field. He noted that Thoroughbred rules in the state allow for ownership to be uncoupled with purses of \$50,000 or more. Ron Ochrym noted that the Gaming Commission set the level at \$100,000 in 2016 for harness and it can be looked at again.

**Agenda Item #14– Adjourn:** Presiding Officer Ball thanked everyone for attending the meeting and asked for a motion to adjourn. Member Arrigenna made the motion which was seconded by Member Arrigenna. The meeting was adjourned at 1:58 p.m.

*Approved by Trustees May 13, 2021*