

**NEW JERSEY RACING COMMISSION
WEDNESDAY, JANUARY 22, 2025
NEW JERSEY RACING COMMISSION
TRENTON OFFICE - 140 EAST FRONT STREET
TRENTON, NEW JERSEY**

A public meeting of the New Jersey Racing Commission ("NJRC" or "Commission") was held on Wednesday, January 22, 2025 at the New Jersey Racing Commission Trenton Office located at 140 East Front St., Trenton, New Jersey.

The following were present:

Lawrence DeMarzo, Commissioner (by phone)
Francis Keegan, Commissioner (by phone)
Arlene Quinones Perez, Esq., Commissioner (by phone)
Charles E. Tomaro, Commissioner (by phone)
Glen Vetrano, Commissioner (by phone)
Sara Ben-David, Acting Executive Director
Levi Klinger-Christiansen, Deputy Attorney General
Samuel Kovach-Orr, Associate Counsel, Governor's Authorities Unit (by phone)
Alessandra Baldini, Sr. Counsel, Office of the Attorney General

Acting Executive Director Ben-David read the following resolution:

This meeting today conforms with the Open Public Meetings Act and as per the requirements of the statute, notification of this meeting has been filed with the Secretary of State and with the following newspapers: Daily Racing Form, Bergen Record, Asbury Park Press, Courier-Post, and the Star Ledger.

WHEREAS, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits bodies to exclude the public from that portion of a meeting at which certain matters are discussed.

NOW, THEREFORE, BE IT RESOLVED that consistent with *N.J.S.A. 10:4-12(b)*, the Commission will now adjourn to executive session to obtain legal advice protected from disclosure by the attorney-client privilege on the following matters:

1. Legal advice concerning the request of Meadowlands Racetrack and Monmouth Park to amend their 2025 race dates.
2. Other legal advice.

Discussion of the above matters falls within the exceptions under the law; specifically, matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the Commission's attorney to exercise his ethical duties as a lawyer, and/or matters involving pending or anticipated litigation.

Commissioner Vetrano motioned to adjourn into Executive Session. Commissioner Tomaro seconded the motion. All of the Commissioners voted to adjourn.

Commissioner Perez motioned to move back to the public session. Commissioner Tomaro seconded the motion. All of the Commissioners agreed.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE NOVEMBER 20, 2024 COMMISSION MEETING

Commissioner Vetrano made a motion to approve the public and executive minutes of the November 20, 2024 Commission meeting. Commissioner DeMarzo seconded the motion, and all Commissioners voted yes.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE DECEMBER 11, 2024 SPECIAL COMMISSION MEETING

Commissioner Perez made a motion to approve the public and executive minutes of the December 11, 2024 Special Commission meeting. Commissioners Keegan and Vetrano abstained. Commissioner DeMarzo seconded the motion, and all other Commissioner voted yes.

CONSIDER THE GRANT OF A SPECIAL STEEPLECHASE PERMIT TO DARBY DEVELOPMENT LLC FOR THE STEEPLECHASE MEET AT MOORLAND FARM ON OCTOBER 18, 2025

Acting Executive Director Ben-David stated that *N.J.S.A. 5:5-38.2* requires the Racing Commission to provide written notice to the governing body of the municipality where a special steeplechase race meeting is to be held. The Commission may grant the permit if the governing body does not object within 30 days of receipt of the notice.

Acting Executive Director Ben David explained that on October 8, 2024, Darby filed an application to conduct a one-day steeplechase race meeting on property located in Far Hills and Bedminster Township on October 18, 2025. The Commission sent the required notice to the two municipalities. At the time of the November 20, 2024 public meeting, the Commission was in receipt of a resolution in support of Darby's application from the Township of Bedminster. No response had been received from the Borough of Far Hills, and the 30-day notice period had not run yet. Accordingly, the Commission tabled action on the permit.

Acting Executive Director Ben-David stated that the 30-day notice period concluded on November 24, 2024 and, as a result, this matter is now ready to be decided by the Commission. No objection was received from Far Hills.

Commissioner DeMarzo made a motion that the Commission grant the Special Steeplechase Permit to Darby Development LLC. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

CONSIDER THE REQUEST OF NEW MEADOWLANDS RACETRACK AND MONMOUTH PARK TO AMEND THEIR 2025 RACE DATES

Acting Executive Director Ben-David explained that race date requests and permit applications were approved by the Commission at the public meeting on November 20, 2024, with two exceptions. The first exception was the special steeplechase permit, which the Commission has just addressed. The second exception was the thoroughbred meet which takes place at the Meadowlands in the fall. At the time, the length and circumstances of that meet were still being discussed by Meadowlands Racetrack and Monmouth Park. With the submission of amended calendars, that matter can be considered by the Commission at this time.

Acting Executive Director Ben-David stated that Monmouth Park had requested 72 days of thoroughbred racing in October when it submitted its race date application. An amended calendar was submitted on January 9, 2025. Monmouth Park has removed a total of 12 days of thoroughbred racing from the fall. The thoroughbred meet at the Meadowlands has been reduced from 21 days to 9 days, which will be run on the turf.

Acting Executive Director Ben-David stated that Meadowlands Racetrack had requested 90 days of harness racing when it submitted its race date application in October. An amended calendar was submitted on January 10, 2025. Meadowlands Racetrack has removed a total of 10 days of harness racing. The 10 removed dates are on Sundays in February and March and Thursdays in December. A total of 14 days of harness racing were added at other times of the year. The 14 new dates consist of 12 days in October and November plus 2 days in December.

Acting Executive Director Ben-David advised that *N.J.S.A. 5:5-156(a)* requires Monmouth Park to schedule in the aggregate not fewer than 141 thoroughbred race dates in a calendar year; however, that number can be reduced to 50 dates in the aggregate with the written consent of the New Jersey Thoroughbred Horsemen's Association ("THA"). Meadowlands Racetrack is required to schedule no fewer than 151 standardbred race dates; however, that number can be reduced to a minimum of 75 race dates with the written consent of the Standardbred Breeders' and Owners' Association of New Jersey ("SBOA").

Acting Executive Director Ben-David advised that if the amended calendars are approved, these statutory requirements will be met. Monmouth Park would conduct an aggregate of 60 days of thoroughbred racing, and the Meadowlands would conduct an aggregate of 94 days of harness racing. The required consents from the THA and the SBOA have been submitted.

Commissioner DeMarzo made a motion to approve the revised 2025 race dates. Commissioner Keegan abstained. Commissioner Vetrano seconded the motion, and all other Commissioners voted yes.

CONSIDER APPROVAL OF CHARITY DAYS FOR 2025

Acting Executive Director Ben-David advised that pursuant to N.J.S.A. 5:5-44.2, -44.8, and -49, the Commission must designate a total of five race days for each permit as charity race days. Three of those days are to be designated as days for the developmentally disabled, one day for the backstretch benevolence programs, and one day for the Horse Park of New Jersey and the care of retired racehorses.

Acting Executive Director Ben-David stated that a proposed list of charity racing days intended to result in the highest amount of revenue for the charities had been prepared and the selected days are now ready for approval.

Commissioner Vetrano made a motion to accept the proposed charity days for 2025. Commissioner Keegan abstained. Commissioner Perez seconded the motion, and all other Commissioners voted yes.

CONSIDER APPROVAL OF THE PROPOSED 2025 BUDGET OF THE THOROUGHBRED BREEDERS ASSOCIATION OF NEW JERSEY

Acting Executive Director Ben-David stated that on December 12, 2024, the TBA submitted a proposed budget for 2025. The projected revenue for 2025 is \$73,700 with projected expenditures of \$282,223.

Acting Executive Director Ben-David explained that the projected in-house revenue for 2025 includes \$20,000 from the New Jersey Thoroughbred Festival due to a sponsorship agreement with Malouf Auto Group and BCB Community Bank. The budget anticipates that the New Jersey Stallion Auction will generate \$25,000 for the 2025 breeding season. Other income includes membership dues, foal registrations, and stallion registrations.

Acting Executive Director Ben-David advised that subtracting the proposed 2025 in-house revenue of \$73,700 from the proposed expense budget results in a request for Commission approval of \$208,523.

Commissioner DeMarzo made a motion to approve the proposed 2025 budget of the Thoroughbred Breeders Association of New Jersey. Commissioner Tomaro seconded the motion, and all Commissioner voted yes. Commissioner Keegan did not cast a vote regarding this item.

CONSIDER APPROVAL OF THE PROPOSED 2025 STATUTORY BUDGET OF THE NEW JERSEY THOROUGHBRED HORSEMEN'S ASSOCIATION, INC.

Acting Executive Director Ben-David explained that state law allows 2.9% of money allocated for purses to be used for programs designed to aid the horsemen. The total amount of money available for purses is negotiated between the THA and Monmouth Park. By statute, a certain portion of take-outs from wagering is set aside for purses. Additional funding can come from inactive or dormant accounts, breakage moneys, and outstanding tickets.

Acting Executive Director Ben-David stated that to ensure the allocated funds are used to benefit all New Jersey horsemen and that administrative and overhead costs are reasonably related to such programs, *N.J.A.C. 13:70-1.30* requires each horsemen's organization to submit a detailed budget to the Commission by December 15 of each year. That budget must adhere to certain guidelines. Funding for benevolent programs should amount to at least 70% of the total statutory allocation. Remaining funds can be spent on general administration and overhead expenses.

Acting Executive Director Ben-David advised that based on total overnight purses of \$23 million, the THA projects a 2.9% statutory budget of \$660,000. The THA also projects expenditures of \$660,000, resulting in a balanced budget.

Acting Executive Director Ben-David stated that the 2.9% statutory budget appears to be in compliance with the requirement in *N.J.A.C. 13:70-1.30* that at least 70% of the statutory revenue should be spent on benevolence programs. Under the proposed budget, 86.21% would be spent on benevolent programs.

Commissioner DeMarzo made a motion to approve the proposed 2025 budget of the New Jersey Thoroughbred Horsemen's Association, Inc. Commissioner Perez seconded the motion, and all Commissioners voted yes.

CONSIDER APPROVAL OF THE PROPOSED 2025-2026 BUDGET OF THE NEW JERSEY JOCKEY'S HEALTH AND WELFARE TRUST

Acting Executive Director Ben-David stated that the New Jersey Jockey's Health and Welfare Trust is a health and welfare trust that was established for the purpose of providing health and welfare benefits to active, disabled, and retired New Jersey jockeys and their dependents. The Off-Track and Account Wagering Act requires \$150,000 of breakage from off-track wagering and account wagering and uncashed ticket monies on out-of-state races to be distributed to the Jockey's Health and Welfare Trust.

Acting Executive Director Ben-David advised that the New Jersey Jockey's Health and Welfare Trust's estimated budget is for May 1, 2025 through April 30, 2026. The estimated

budget is \$204,867, which represents a decrease of \$24,275.76 compared to last year's approved budget of \$229,142.76. This is a 10.6% decrease.

Acting Executive Director Ben-David explained that in addition to the \$150,000 annual statutory contribution, the New Jersey Jockey's Health and Welfare Trust has estimated that it will receive contributions of \$83,851.84 from active and retired enrollees, resulting in a projected surplus of \$28,984.84.

Commissioner DeMarzo made a motion to approve the proposed 2025-2026 budget of the New Jersey Jockey's Health and Welfare Trust. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

ITEMS FOR DISCUSSION AND INFORMATION

Acting Executive Director Ben-David asked if anyone would like to comment or bring new business to the Commission's attention.

Commissioner Vetrano asked if there is any outstanding pending issues with the closure of Freehold and if there has there been any on-going discussion with the SBOA and the Meadowlands for fulling some of those dates for the Sire Stakes Program.

Nancy Grbelja made the following comment on behalf of the Sire Stakes Program:

The calendar that was adopted today does not include the days for the Freehold horsemen as designated in the legislation that was passed regarding the transfer of the \$1.6 million to the Meadowlands. Right now, we are at a critical stage where many of the Freehold horsemen, because of the delay in being able to have those days scheduled at the Meadowlands, are in a quandary because they are not able to race, and they do not have the availability to be able to race. They are considering selling their horses, and they are having problems being able to keep them. That is posing a problem for a lot of people. I've had a lot of conversations with individuals to try to tell them to hang on. Hopefully we can work something out. I'm urging the Racing Commission to assist in getting the parties together to get the dates scheduled as quickly as possible. There seems to be other issues that are taking precedence over the scheduling of these days which is creating a problem for the industry as a whole. Certainly, the New Jersey Sire Stakes is interested in the breeding of horses in New Jersey and if we don't do something quickly not only are we going to affect people wanting to purchase horses that are part of our program, but there is not going to be a racing industry in New Jersey. We have to act quickly, we have to act smartly, and right now we have a breeding season so the stallions are going to be affected. We have mares that needs to be bred, we have Sire Stakes payments that need to be paid, and people don't know whether or not those races are actually going to take place or not. In order for us to be able to move forward and let people know that yes we are in business and we are a strong state and you should be purchasing babies and breed to our horses, we need to do something quickly. The industry, if it doesn't survive, is going to impact negatively on all horses whether they happen to be riding

horses, handicapped horses, dressage horses, open space, farm lands, the whole bit. I don't want to see the bickering between horsemen take precedence over what we need to do to keep the racing industry viable in New Jersey. If there's anything that the Racing Commission can do to step in and facilitate that, it would be important. We've reached out to the Meadowlands to sit down and at least to get our Sire Stakes program going as well. We have some dates, but we'd like to sit down and have a conversation about that. Thank you very much for bringing it up. We would really like to see any assistance possible in getting those dates out as quickly as possible so the Freehold horsemen can feel confident that there will be racing opportunities for them.

Acting Executive Director Ben-David stated that if the Racing Commission receives applications, they will certainly act upon them. She acknowledged that everyone is thinking about those dates.

Commissioner Vetrano stated that his question was answered for now. He commented that there is a certain amount of an obligation for those horses that were eligible to race at Freehold; dates have to be approved somewhere to fulfill that Sire Stake obligation.

Jason Settlemoir commented that the Meadowlands has changed its race dates. It has added four more dates than it typically would race in a calendar year from 90 to 94 days. First, Mr. Settlemoir extended his thank you's to Sara Ben-David and her staff at the New Jersey Racing Commission. He commented that they have worked with the Meadowlands, answered phones, and returned emails. Sara has hit the ground running and actually been slammed with the Freehold closure. She's working through a lot of difficulties there. Mr. Settlemoir said the Meadowlands stands willing and ready to do what it takes to make sure that the standardbred industry in the state of New Jersey is viable and on the national front as it always has been. The issues facing the Meadowlands are some of the same as what Freehold had faced prior to the closing with shrinking margins and shrinking handle. In a meeting that Mr. Settlemoir had scheduled with Ms. Ben-David and Tom Salerno that, they had spoken about having some type of financial impact meeting. Mr. Settlemoir thinks that would be helpful to get the door started, and he thought that was a great idea from Sara to get things moving along, to get those parties to sit down at the same table. Mr. Settlemoir said he is more than willing to make himself available on any of those days that are working for everybody else. He said: we hear it, we see it, and we understand it, and we want to do everything we humanly possibly can too without asking Mr. Gural to continue to write checks at the Meadowlands.

There being no further comments, Acting Executive Director asked for a motion to adjourn. Commissioner Tomaro made a motion to adjourn. Commissioner Perez seconded the motion, and all Commissioners voted yes.

ATTEST:


Sara Ben-David, Acting Executive Director