



**AGENDA**  
December 05, 2013 Meeting  
4:00 p.m.  
**Raynham Middle School Auditorium**  
420 Titicut Road  
Raynham, MA

**PUBLIC MEETING - #95**

1. Call to Order
2. Welcome by Joseph Pacheco, Chairman, Board of Selectmen
3. Presentation by the Applicant
4. Commission Questions to the Applicant
5. Comments by Representatives of the Host Community
6. Comments by Representatives of the Surrounding Communities
7. Comments by Representatives of Live Impacted Entertainment Venues
8. Comments by Members of the Public
9. Comments from the Applicant



Massachusetts Gaming Commission



**NOTICE OF THE STATUTORILY REQUIRED MEETING IN THE HOST COMMUNITY  
PURSUANT TO M.G.L. c.23K §17 (c) AND 205 CMR 118.05 TO CONSIDER THE  
APPLICATION FOR A CATEGORY 2 GAMING LICENSE**

December 5, 2013 Meeting

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25 and G.L. c.23K, §§17(c) and (d), notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Thursday, December 5, 2013 @ 4 P.M. – 6 P.M. (longer if necessary)  
Raynham Middle School  
420 Titicut Rd.  
Raynham, MA

**PUBLIC MEETING**

This public hearing is intended to provide the Commission with the opportunity to pose questions to the applicant and address concerns relative to the proposal of **Raynham Park LLC** (“applicant”) to build a gaming establishment in Raynham, MA including the scope and quality of the gaming area and amenities, the integration of the gaming establishment into the surrounding community and the extent of required mitigation plans and receive input from members of the public from an impacted community. A copy of the applicant’s application is available for review on the Commission’s website: [www.massgaming.com](http://www.massgaming.com). No votes or decisions will be made at this hearing; it is simply intended as an opportunity for the Commission to gather information and gauge public sentiment relative to the application.

The Commission will schedule a pre-hearing conference with the applicant approximately 7-10 days prior to the public hearing to advise the applicant of the issues that it may be required to address in the public hearing.

Receipt of this notice by a community other than the host community is not an indication or a decision by the Commission regarding that community’s status as a surrounding community pursuant to c. 23K. The Commission will make a final designation regarding surrounding community status pursuant to 205 CMR 125.01.

The chair will preside over this public hearing. The applicant and its agents and representatives shall attend the public hearing, may make a presentation, and respond to questions as directed by the chair. Representatives of Raynham, representatives of the surrounding communities, and representatives of the impacted live entertainment venues may attend the public hearing, may make a presentation, and respond to questions as directed by the chair. Any other interested person may attend the public hearing and may make a presentation in the discretion of the Commission.



Massachusetts Gaming Commission

Those who wish to submit written comments in advance of the hearing may do so by sending an email to [mgccomments@state.ma.us](mailto:mgccomments@state.ma.us) with the name of the applicant in the subject line. All comments received via email will be made public and distributed to the Commission for their review prior to the hearing.

Public officials from a host or surrounding community, representatives of interested parties, and members of the host or surrounding communities who wish to address the Commission at the hearing may place their name on the list of speakers by sending an email to [mgccomments@state.ma.us](mailto:mgccomments@state.ma.us) with 'Request to address the Commission/ *'name of applicant'*' in the subject line. In order to use the available time most efficiently, the Commission reserves the right to limit the amount of time for speakers depending on attendance at the meetings.

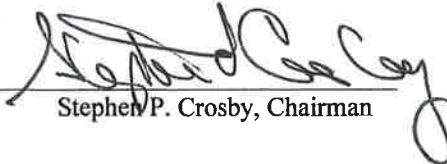
The following is the anticipated agenda for the public meeting:

1. Call to order and introductory remarks by the chair
2. Presentation by the applicant
3. Commission questions to the Applicant
4. Comments by representatives of the Host Community
5. Comments by representatives of the Surrounding Communities
6. Comments by representatives of Live Impacted Entertainment Venues
7. Comments by members of the public
8. Comments from the applicant
9. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as "Gaming Commission Meeting" at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us), [brian.gosselin@state.ma.us](mailto:brian.gosselin@state.ma.us).

11/1/13  
(date)

**Date Posted to Website:** November 1, 2013 at 4:00 pm.

  
Stephen P. Crosby, Chairman



Massachusetts Gaming Commission



## Public Hearing Questions PR Raynham | Greenwood

### Questions for all applicants

#### Finance

1. Will any of the non-gaming amenities be operated by third parties? If so please provide details of such arrangements.
2. Do you envision there will be times of year, or times of week when the facility will be at maximum occupancy, i.e. food and beverage facilities are full, parking areas are full, or the building is at capacity. If so when do you expect these periods to occur and what is the plan to manage these periods.
3. Will your Business Interruption coverage name the State of Massachusetts as a beneficiary?

#### Economic Development

1. Would you say the FTE counts in your projections are conservative, realistic or aggressive? If FTE levels you project were translated into a condition of the license (i.e., not to fall below these levels) would you object?
2. Please address your company approach or strategy with respect to full-time versus part-time employment as well as differences in how FT and PT employees are managed (e.g., benefits, proportion of union labor, work times/periods, departmental preference, workforce development).
3. Your application anticipates that competition from full-service destination casinos in Massachusetts will occur in the fourth and fifth (and potentially subsequent) years. How will you manage any staff reductions that may result increased competition?
4. You have made commitments in your application and the host community agreement to hire locally as well as to favor local suppliers/vendors. Can you define "local"?
5. The Massachusetts statute requires you to incorporate MBE, WBE, and VBE commitments into your design, construction, and operation.
  - a) Will your general contractor ultimately be responsible for these commitments or do you intend to retain this responsibility?
  - b) What experience do you have working with veteran-owned business either in the construction or operation of your other gaming venues?

- c) How will you set MBE, WBE, and VBE targets and how will you measure your success in this area?
  - d) How flexible are you in how these monies are allocated?
6. The statute asks applicants for their best efforts to hire the unemployed and under-employed. Some may need to have basic skills enhanced or updated before they could be brought on board or into a training program. How do you plan to assist with these recruitment and training efforts?
  7. Do you expect the employee retention rate at your proposed Massachusetts gaming facility to vary from your other operations? How do you propose to limit turnover if your retention rates are high even among certain positions?
  8. Since your application was filed in October, would you provide an update regarding the status of proposed labor harmony agreements for your project (including both construction and operations)?

#### Building & Site Design

1. In your presentation, provide a clear and succinct summary and plan documentation describing your approach to phasing, if included in your application, of the proposed gaming facilities. This summary should include at a minimum the timing of construction and occupancy of buildings, parking locations and counts, gaming start-up, transition between phases, and boundaries of the proposed area to be licensed and future property acquisition.

In your presentation, provide the following:

- a) A clear description of the basis of your calculation for parking requirements, taking into account the number of gaming positions, food and beverage venues, and entertainment or meeting spaces. In addition, please describe any peak load conditions which may exceed the parking capacity and how you propose to address these.
  - b) An illustration and description of the proposed gaming establishment as defined in c. 23K §2 site boundaries for which the license is sought.
2. Provide an update on the status of your permitting process with regional and local authorities.
  3. Severe storms and emergency events frequently require response by the combined forces of public and private entities. Please describe your proposals for maintaining a heated and functional facility that can support recovery efforts during and in the aftermath of a severe weather event, the availability of your facility to accommodate public needs, and your willingness to coordinate your efforts with local and regional response personnel and equipment.
  4. The stretch Energy code, adopted in 134 communities, will soon become the base code. How do you plan to improve the performance of your facility beyond the 20% improvement over ASHRAE 90.1 when the new stretch code is adopted in 2014 (expected)?

5. Given the importance of long term commitments to local sourcing of renewable energy, please characterize the size and duration/term of your planned long term Massachusetts based renewable energy certificates (RECs)? Failing that, please address your plans to purchase NEPOOL Class I RECs (New England Power Pool Class 1 Renewable Energy Certificates) and the size and duration/term of your long term energy contracts.
6. Electric vehicle (EV) adoption is increasing around the Commonwealth and around the country. Applicants have proposed EV charging capacity that meets significantly less than 1% of total parking capacity. Please describe your plans to add additional charging infrastructure, and provide more detail with regard to the equipment specified (i.e., AC Level I, AC Level II or DC Fast Charging ("DC Level II") charging units)

#### Mitigation

1. Identify what types and sizes (in terms of projected attendance) of events beyond gaming you anticipate hosting at the facility. Describe the anticipated maximum duration and total traffic vehicle counts for arrival and departure from any such events that you plan to host at the gaming facility.
2. How do you plan to comply with the requirement pursuant to MGL c. 23K, sec. 11(a) that any infrastructure improvements necessary to increase visitor capacity and account for traffic mitigation be completed before the category 2 licensee shall be authorized to operate a slot machine at the gaming establishment?

## **Applicant Specific Public Hearing Questions**

### Questions for PR Raynham | Greenwood

1. Have you accounted for a transition period in moving operations from the temporary facility to the permanent facility? If so, is there any period where the casino will need to be closed?
2. Please expand on your strategy with respect to the quantum of marketing and entertainment spending (notably in years 3 and 4 and Raynham's view of market strength (e.g., limited impact from competition).
3. The permitting schedule for Phase 1 is aggressive. What contingencies have been made if permitting delays postpone the opening of Phase 1 beyond 6 months?
4. How will you address the request by MEPA to do an alternative site analysis?
5. How do you evaluate the risk of starting Phase 2 procurement/construction before MEPA related permits are obtained? To the extent you proceed before completion of the MEPA related permitting process, how do you assure the Commission that you are not incurring legal liability?

6. There is confusion about the parking for Phase 2. The site plans in the Application are not consistent. Explain the Phase 2 parking proposal and the basis for the parking count.

## Sharlow, Albert (MGC)

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**From:** Randy Buckner <rbuckner@Town.raynham.ma.us>  
**Sent:** Tuesday, December 03, 2013 9:40 AM  
**To:** MGCcomments (MGC)  
**Subject:** Request to Address the Commission/Raynham Park, LLC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Orange Category

Please add the following speaker for Thursday's public hearing in Raynham:

**Robert Birmingham**

B & S Consulting

Consultant for the Town of Raynham regarding gaming impacts of Raynham Park LLC's proposal for slots casino



## Sharlow, Albert (MGC)

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**From:** Randy Buckner <rbuckner@Town.raynham.ma.us>  
**Sent:** Wednesday, December 04, 2013 11:05 AM  
**To:** MGCcomments (MGC)  
**Subject:** Request to Address the Commission/Raynham Park LLC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Orange Category

I'm not sure if I need to register the three Selectmen as speakers but here goes:

Joseph Pacheco, Chairman  
Richard Schiavo, Vice Chairman  
Marie Smith, Clerk

Thank you.  
Randy Buckner  
Town Administrator

## Sharlow, Albert (MGC)

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**From:** Molly Horan <horan@libertysquaregroup.com>  
**Sent:** Thursday, December 05, 2013 9:32 AM  
**To:** MGCcomments (MGC)  
**Subject:** Request to address the Commission/Raynham Park

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Orange Category

To whom it may concern:

We have several local officials who have requested to put their names on a list to speak at the MGC's hearing in Raynham this evening. Below are the officials:

Mayor Tom Hoye  
Former Mayor Jack Yunits  
State Senator Tom Kennedy  
State Representative Claire Cronin  
State Representative Mike Brady  
Easton Selectman Dan Murphy  
Chris Cooney, CEO, Metro South Chamber

Please let me know if you need any additional information.

Best,

Molly

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LIBERTY  
SQUARE  
GROUP

Molly Horan  
Associate Vice President, Communications and  
Public Affairs  
4 Liberty Square, 5<sup>th</sup> Floor, Boston, MA 02109  
Office: 617.695.0369 | Mobile: 339.793.1840  
[horan@libertysquaregroup.com](mailto:horan@libertysquaregroup.com)



## Sharlow, Albert (MGC)

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**From:** Kate O'Neil <koneil@unitehere.org>  
**Sent:** Wednesday, December 04, 2013 1:24 PM  
**To:** MGCcomments (MGC)  
**Cc:** Ethan Snow  
**Subject:** Request to address the commission/Raynham Park, LLC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Orange Category

Dear MGC Staff,

UNITE HERE would like to be on the speaker list for the hearing on Thursday in Raynham.

Representing our union will be Ethan Snow, resident of Pembroke, and Political Director of the New England Joint Board of UNITE HERE.

Ethan will be joined at the hearing by several members of our union. In the interest of time, we are requesting one speaker at the hearing.

Thank you.  
Sincerely,  
Kate

Kate O'Neil  
Senior Research Analyst  
UNITE HERE!  
[koneil@unitehere.org](mailto:koneil@unitehere.org)  
662-801-2241

## **Sharlow, Albert (MGC)**

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**From:** Randy Buckner <rbuckner@Town.raynham.ma.us>  
**Sent:** Thursday, December 05, 2013 12:05 PM  
**To:** MGCcomments (MGC)  
**Subject:** Request to Address the Commission/Raynham Park LLC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Orange Category

### **William Smith, Chairman of the Raynham Conservation Commission**

wishes to be added to the list of speakers.

Thanks you.  
Randy Buckner  
Town Administrator

MGC Public Hearing - December 5, 2013 - Raynham, MA

	Name	Affiliation	City/Town
1	Joseph Pacheco	Chairman, Board of Selectmen, Raynham	Raynham
2	Richard Schiavo	Vice Chairman, Board of Selectmen, Raynham	Raynham
3	Marie Smith	Clerk, Board of Selectmen, Raynham	Raynham
4	Randy Buckner	Town Administrator, Raynham	Raynham
5	Robert Birmingham	Consultant, Raynham	Raynham
		Political Director of New England Joint Board of	
6	Ethan Snow	UNITE HERE	Pembroke
7	Tom Hoye	Mayor, City of Taunton	Taunton
8	Jack Yunits	Former Mayor, Town of Brockton	Brockton
9	Tom Kennedy	Massachusetts Senator	East Bridgewater
10	Claire Cronin	Massachusetts Rep, 11th Plymouth District	Easton
11	Mike Brady	Massachusetts Rep, 9th Plymouth District	Brockton
12	Dan Murphy	Easton Selectman	Easton
13	Chris Cooney	CEO, Metro South Chamber of Commerce	Brockton
14	William Smith	Chairman, Raynham Conservation Commission	Raynham
15			
16			
17			
18			
19			
20			



The Commonwealth of Massachusetts  
MASSACHUSETTS SENATE

**SENATOR MARC R. PACHECO**

*First Plymouth and Bristol District*

STATE HOUSE, ROOM 312B  
BOSTON, MA 02133-1053  
TEL. (617) 722-1551

MARC.PACHECO@MASENATE.GOV  
WWW.MASENATE.GOV

SENATE COMMITTEES

*Chairman*  
GLOBAL WARMING AND  
CLIMATE CHANGE  
WAYS AND MEANS

JOINT COMMITTEES

*Senate Chairman*  
ENVIRONMENT, NATURAL RESOURCES  
AND AGRICULTURE

*Senate Vice Chairman*  
PUBLIC HEALTH

HOUSING

REVENUE

TRANSPORTATION

TELECOMMUNICATIONS,  
UTILITIES AND ENERGY

December 5, 2013

Mr. Stephen Crosby  
Chair  
Massachusetts Gaming Commission  
84 State Street, 10<sup>th</sup> Floor  
Boston, MA 02109

Dear Mr. Crosby:

I am writing to you today to express my support for Raynham Park to be awarded the sole slots parlor license in Massachusetts. Of the proposals before the Massachusetts Gaming Commission, it is clear Raynham Park maintains the business experience, the clean track record, the community support and a history of significant tax revenue contributions paid to the Commonwealth of Massachusetts, which combined with the other attributes of their proposal, should place Raynham as the most desirable bidder in this process.

I am proud to provide formal testimony for your hearing today so the Massachusetts Gaming Commission has a record of the State Senator who represents the First Plymouth and Bristol district arguing in favor of a slots parlor in that region. I consider Raynham Park the best option for Massachusetts' single slots parlor license, not only from a parochial perspective as Raynham's State Senator, but also from a statewide perspective. The Massachusetts Gaming Commission had questioned the suitability of one competing bidder, while the other bidder lacks the significant history and industry knowledge with which Raynham Park has operated in Massachusetts for generations. Most importantly, 86.1 percent of Raynham voters supported this proposal in their community; that outcome far outweighs the community backing for any other slots parlor proposal in any other location in the Commonwealth.

As you continue to weigh the bids before you, I urge you to listen to the overwhelming majority of Raynham voters, who not only want this gaming facility, but need the employment opportunities it would bring to a region that desperately needs improved economic development. I hope you will consider the long and successful history that Raynham Park has had since 1942 and I implore you to consider the serious amount of tax revenue Raynham Park has already generated for the Commonwealth of Massachusetts during that period of time. Choosing Raynham Park as the destination for a slots parlor in Massachusetts is a common-sense decision, and I hope the commission will take advantage of this tremendous opportunity for the Commonwealth.

Respectfully,



Marc R. Pacheco  
State Senator

cc: G. Cameron  
E. Zuniga  
J. McHugh  
B. Stebbins



TAUNTON AREA  
CHAMBER OF COMMERCE

*"Serving Business and the Community"*

December 5, 2013

Chairman Stephen Crosby & Members  
The Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, MA 02109

Dear Chairman Crosby and Commission Members:

I am writing on behalf of the Taunton Area Chamber of Commerce Board of Directors to urge you to consider awarding the category two gaming license at Raynham Park.

The Chamber voted to support this license in the town of Raynham as a way to re-hire displaced workers from the dog track. Our region needs job and we need them quickly. We believe the establishment of a slot parlor would bring temporary construction jobs as well as permanent jobs totaling a minimum of 500 new hires.

The Carney family has a long standing tradition of being one of the largest employers in our region for over 70 years. They are committed to Raynham and the surrounding communities.

The Taunton Area Chamber of Commerce supports fiscal policy that encourages economic growth and investment. The Raynham Park has committed to \$220 million dollars in renovations to their establishment using local contractors to make their improvements. This would be lost revenue and jobs to the area if this location is not approved.

On behalf of the Board of Directors and its members in Raynham, the Chamber urges you to consider providing Raynham Park with slot machines. We are more than happy to discuss this issue with you further and look forward to working with you to ensure the economic advancement in our region.

Sincerely,

  
Kerrie L. Babin  
President & CEO



**From:** Jennifer Pinck [mailto:jpinck@pinck-co.com]  
**Sent:** Tuesday, November 26, 2013 6:02 PM  
**To:** GLee@eckertseamans.com  
**Cc:** Ziemba, John S (MGC); Blue, Catherine (MGC); Nancy Stack  
**Subject:** FW: MGC Raynam Park LLC Public Hearing Questions

Ms Lee,

As you are aware, the Commission will be holding Ryanham Park LLC's host community hearing on December 5, 2013. Attached please find a list of questions that the Commission may ask you at the hearing. Each applicant will be asked to provide opening remarks lasting approximately 15 minutes. Applicants should address as many of the questions as they deem advisable in their opening statement. Commissioners will then ask questions from the list and any other questions they may have after the 15 minute presentations.

After the presentations by Applicants, additional comments will be made by representatives from the host community, the surrounding communities, impacted live entertainment venues, and the general public (see the hearing notice provided on November 19, 2013 and posted on the Commission web site). The Commission will then allow time for each applicant to address comments received during the hearing.

If you would like further clarification regarding any of the questions, please either call Nancy Stack at 617-445-3555 ext.313 or send an e-mail to [njstack@pinck-co.com](mailto:njstack@pinck-co.com). We will try to get you an answer to any questions as soon as we can. In addition, please feel free to contact John Ziemba with any other issues. Because of the difficulty in scheduling due to the Holiday, we will try to answer any of your questions through these contacts instead of the planned pre-hearing conferences.

After the hearing, the Commission will also submit a list of questions to each applicant for further clarification of application elements. As many if not all of these clarifying questions relate to items that have been deemed confidential by Applicants in their applications, applicants are not expected to address such questions in an open public hearing.

Happy Thanksgiving,  
Jennifer  
MGC Project Coordinators

Jennifer Pinck  
President  
Pinck & Co, Inc.

617-445-3555  
[www.pinck-co.com](http://www.pinck-co.com)

## Sharlow, Albert (MGC)

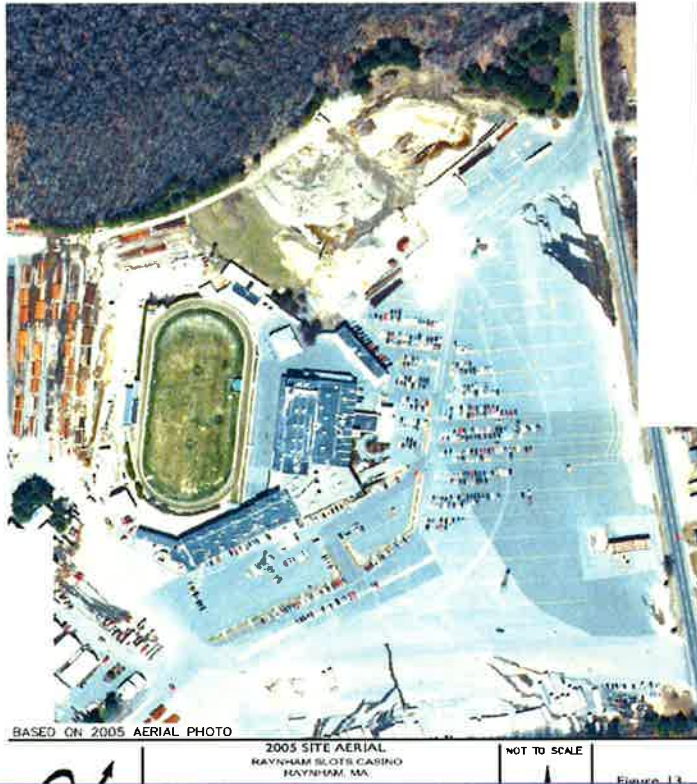
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**From:** Randy Buckner <rbuckner@Town.raynham.ma.us>  
**Sent:** Tuesday, December 03, 2013 9:49 AM  
**To:** MGCcomments (MGC)  
**Subject:** Raynham Park LLC  
**Attachments:** Raynham Park LLC Final summary Memo.docx

**Categories:** Orange Category

Attached is our consultants' Summary Memorandum on the work it performed for the Town of Raynham relative to the impacts of Raynham Park LLC's proposal for a slots casino. Included is a summary of the mitigation measures to which Raynham Park has agreed.

Thanks,  
Randy Buckner  
Town of Raynham



# GAMING IMPACT: RAYNHAM SLOTS CASINO:

SUMMARY MEMORANDUM TO BOARD OF  
SELECTMEN TOWN OF RAYNHAM, MASS:

## **INTRODUCTION:**

B&S Consultants is a partnership of planners and engineers, retained by the Town of Raynham on April 9<sup>th</sup> 2013 to assess the impact of the proposed 1250 slot casino on the Town. Proposed by a partnership of the Carney Group who have historically operated a dog racing track and recently a simulcast betting parlor and the PARX Casino group who operate casinos in Pennsylvania and elsewhere, the operation is to be located in a renovated, and then new facility at 1958 Broadway in Raynham, the historic location of the Dog Track and other operations of the Carneys.

B&S was contracted to assess the physical, economic, traffic and operational impacts of the proposal.

To that end we met with officials of the town, representatives and engineers of the applicant, and solicited the comments and concerns of the citizens of Raynham in three public forums held in Town Hall.

## **Methodology:**

### Step 1:

B&S Consulting and its consultant team have unique perspectives developed from twenty five years of effort in creating and analyzing the Indian gaming venues in Connecticut and their efforts to expand those operations into other jurisdictions including Philadelphia, Kansas and with their partners in Las Vegas and Malaysia. B&S Consulting examined the market trend for slot gaming within the construct of the Act and the likelihood of competing venues both within and external to the State of Massachusetts. Such potential and existing competition includes: Rhode Island, Maine, New York, and to lesser degrees, New Jersey, Pennsylvania and Maryland.

We reviewed background studies by the mass legislature in preparation for the adoption of the Act, and other studies we have, such as the "Federal gaming impact study", by Department of Interior and various economic analysis documents prepared for planning studies for Foxwoods Resort and Casino as well as regional and State of Connecticut entities, among others, were used to summarize the existing state of knowledge on gaming impacts.

Central to that analysis are, data bases available to B&S Consulting and research into demographics of gaming customers and, their propensity for gaming. That propensity will be translated into revenue for potential licensees as well as potential host communities based on the expected net revenue from slots. This analysis is to be performed on a short-term basis, a market maturity basis, as well as on a long term basis concentrating of the trends of slot revenues in the jurisdictions where data is available.

Resources B&S Consulting did require access to information regarding the location of Town of Raynham water and sewer facilities, pipe locations, sizing, and flow data for the last year. B&S Consulting also

accessed existing traffic data (Mass DOT, SPREDD and available studies such as prepared in Taunton), zoning, planning, approved site plans, permits, building plans and regional studies that relate to the Raynham Park site, Route 138, Interstate 495, and the like.

Also as listed below interviews were conducted with the Towns staff in the areas of infrastructure, emergency services, social service agencies, housing, education, tax assessor, and public works personnel among others.

Reports to the Board addressed:

- Gaming economic trends
- Social & Housing impact expectations
- Infrastructure impacts, as can be established by FAH and B&S from the initial reviews of the applicant's proposal and documentation from consultants.
- Recommendations on revenue expectations and issues for inclusion in the "Agreement".

Step 2:

B&S Consulting conducted "**Kick off**" **Forum #1**, on April 24<sup>th</sup>, a review the existing literature in the areas of the Mass Gaming Act, and for other locations. A PowerPoint presentation for the "Kick-off Forum" reviewed gaming trends and the experience of other jurisdictions and was placed on the town's website for later review as were the subsequent two "Forums".

Step 3:

Forum #2 was held on May 21<sup>st</sup> on the "Impact Review and Recommendations" Assessed issues to address, expected costs and benefits to be derived for the town in increased revenues, vendor contracts, jobs, and mitigation fees.

Step #4:

Recommendations were prepared to assist the Board in final negotiations with the applicant to include areas of impact on the Town which resulted in a signing of the agreement on June 11<sup>th</sup>, 2013.

Step #5

"Forum #3: was held on July 10<sup>th</sup>, 2013 to present the content of the agreement to the town and as all the Forums, was presented on local cable access TV and replayed on a scheduled basis.

**ACTIVITIES:**

- Raynham Park LLC submits letter of intent
- Bd of Selectmen applies for funds to study impact & retain consultants on April 9<sup>th</sup>.
- Staff interviews and data collection began on April 10<sup>th</sup>, contact with the applicant began immediately and meetings began on April 18<sup>th</sup>

- A Kick Off Forum was held April 24<sup>th</sup> to review the act and the history and trends of the gaming industry
- Traffic and site capacity peer review by FA Hesketh and Associates
- Projection of Site Generated Traffic indicates the traffic impact is less than a standard Walmart.
- Overall LOS C or better at signalized intersections within the Town of Raynham
- Meetings and information gathering continued with NISCH Engineering, SPREDD, additional reviews with effected officials and the “Four Party Meeting” on May 21<sup>st</sup>.
  - Identify increased municipal costs after interviews with Department leadership in potentially affected areas and the review existing operational budgets
- B&S assessed agreements in other jurisdictions: including recently drafted agreements in Everett with Wynn and in Springfield with MGM. Also operational agreements and payments in Lincoln RI from Twin Rivers, Foxwoods & Mohegan Sun in CT, Aqueduct in New York and the several casino operations in Penn. Revenues were reviewed additionally in Maine, and New Jersey and other New York locations.
- Assess potential benefits to be derived for the town in:
  - increased revenues,
  - vendor contracts,
  - jobs
  - mitigation fees.
- Impact Recommendation Forum 5/21
- Selectmen reviewed several drafts from May 29<sup>th</sup> and negotiate thru 6/10, with final agreement signed on 6/13

## **AGREEMENT TERMS**

- **RAYNHAM PARK AGREES TO THE FOLLOWING:**
- Pay the Town’s reasonable and direct costs of determining the impacts of the gaming establishment, negotiating this Agreement and any related agreements.
- Pay the Town’s standard permit and license fees and actual, reasonable costs incurred in connection with the review and inspection of the permit and license applications

- Annual Mitigation Fee: Raynham Park will pay the Town an annual fee in the sum of \$1,000,000.
- Beginning in year for the Annual Mitigation Payments it will be increased by 2.5% per annum and after Year 21 it is capped at 1% of Gaming Revenue
- Beginning in Year 1 Pay \$100,000 into a Capital Fund disbursed by Bd of Selectmen
- Section 31 RP agrees to abide by all Federal, State and Local Laws.
- In Section 27, Raynham Park must invest a minimum of \$125 million per State Gaming Act.
- At \$20 per \$1000 of value: Property Tax income: \$2 million to \$2.5 million annually (pending final valuation in the tax year that RP comes on line)
- Section 11, RP will pay excise taxes to the Town on all gaming motor vehicles
- Meals Tax of .75 %
- 6% Room Tax on proposed **future** 200 room hotel
- FACADE IMPROVEMENTS: annual payment of \$15,000 to the Town for the purpose of improving the facades and signage of businesses located along Route 138 in Raynham.
- LOCAL BUSINESS: purchase at least \$5,000 in vouchers and gift certificates annually from local businesses unrelated to the gaming establishment, for patrons.
- Infrastructure Improvements: Raynham Park will pay for Water, Sewer and Traffic improvements directly related to its construction and operation.
- Ongoing studies (to be submitted prior to Phase 3):
  - Traffic impact study of the junction of Old North Main Street and Elm Street East

Sewer and water Infrastructure "Capacity Assessment

- Fire: At the discretion of RP, if it utilizes the firefighting and ambulance services of the Raynham Fire Department, Raynham Park will pay the Town for those services.
- All services must meet State licensing.
- RP agrees to negotiate in good faith over the methods and procedures related to the use of Raynham Police at the gaming establishment, as well as make payment for such use.
- Raynham Park affirms its strong commitment to responsible gaming, and agrees to implement an appropriate responsible gaming plan.
- RP will participate in the Massachusetts Partnership on Responsible Gaming.

RP will work with the Town to address issues involving problem gaming in Raynham

- Commencing Year 1, RP agrees to make monetary donations to non-profit entities that serve Raynham citizens at RP's discretion.

Raynham Park will report annually to the Town Bd of Selectmen on its charitable contributions

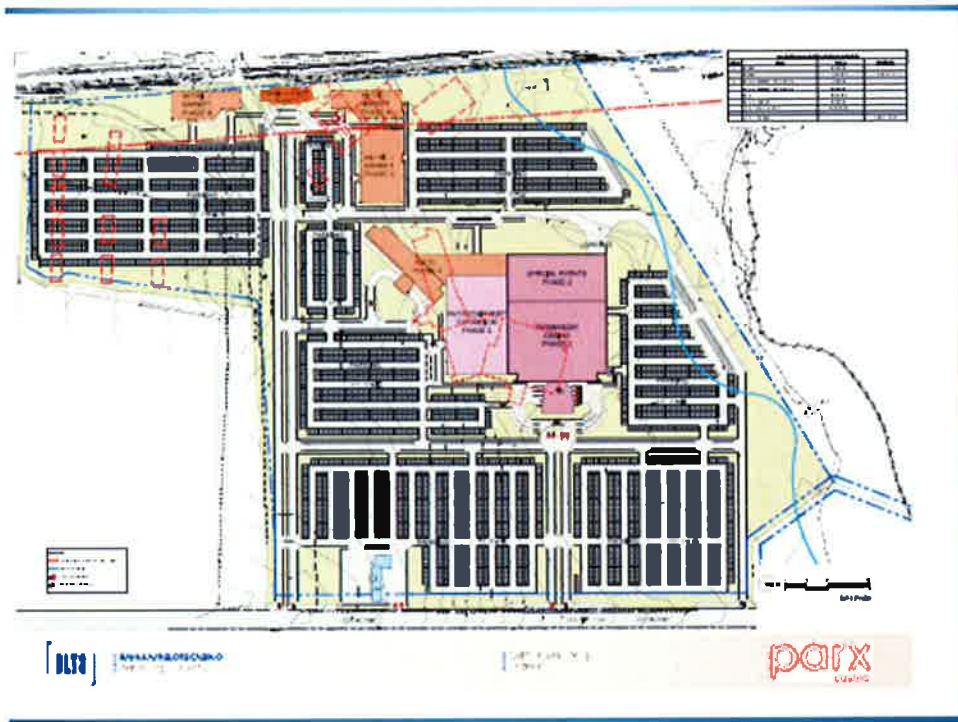
- RP provide preference for the employment of town residents and former employees of the now closed Raynham Dog.
- RP will hold an event for town residents at which it will publicize its employment needs and explain its hiring processes.
- RP will make periodic reports to the Town regarding its employment statistics.
- RP will make a good faith effort to use local vendors where cost and quality of goods and services are competitive.

RP will advertise and work with the Taunton Area Chamber of Commerce to promote opportunities for local businesses

- RP agrees to utilize union labor in the construction.
- RP is to enhance opportunities for local union chapters and local residents who are members of the various construction unions.

RP will make periodic compliance reports to the Town





## REVIEW OF APPLICANTS PHASE 2 DOCUMENTS.

B&S reviewed the applicants phase 2 submission in the light of the following requirements.

### G.L. c.23K, §15, lists 16 application requirements

- ▣ 1. Agree to be a Lottery sales agent
- ▣ 2. Provide signed Surrounding Communities agreements
- ▣ 3. Capital investment of at least \$125,000,000 for a Cat 2 license
- ▣ 4. Provide signed Impacted Live Entertainment Venues agreements
- ▣ 5. Own or acquire 75 year lease on land
- ▣ 6. Pay nonrefundable application fee of \$400,000
- ▣ 7. Meet licensee deposit requirement
- ▣ 8. Comply with state and local building codes and local ordinances and bylaws
- ▣ 9. Ability to pay gaming licensing fees

- ☐ 10. Favorable binding ballot vote in Host Community
- ☐ 11. Address mitigation and impact issues
- ☐ 12. Provide community impact fee to Host Community
- ☐ 13. Identify infrastructure costs to host/surrounding communities and commit to mitigation plan
- ☐ 14. Minority/women/veteran business outreach program
- ☐ 15. Provide signed Host Community Agreement
- ☐ 16. Affirmative action program

We find all the requirements are met by the commitment of the LLC to provide substantial cash payments and taxes to the Town of Raynham and their commitment to fund all identified infrastructure and Public Safety costs as final agreements are developed with permitting agencies.

## **GAMING COMMISSION DISCRETION**

The commission has substantial latitude to determine which proposal provides the State of Massachusetts with the greatest net Benefit, or the WOW factor.

The Raynham Park proposal located on the historic South Coast Rail, and the future extension to the MTA would provide a greater long term benefit to the State when the rail extension becomes a reality.

Clearly the WOW factor in the Raynham Park/PARX proposal in their commitment to provide and construct a station and a TOD (transportation oriented development) ad their third and or fourth phase of the development on the site.

## Sharlow, Albert (MGC)

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**From:** Southworth, Mary <MSouthworth@easton.ma.us>  
**Sent:** Friday, November 22, 2013 12:18 PM  
**To:** glee@eckertseamans.com  
**Cc:** MGCcomments (MGC)  
**Subject:** Easton Letter to Raynham Park re Surrounding Community Agreement 11 22 13  
**Attachments:** Letter to Raynham Park re Surrounding Community Agreement 11 22 13.pdf



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TOWN OF EASTON  
MASSACHUSETTS  
*Office of the Town Administrator*

DAVID A. COLTON  
Town Administrator

November 22, 2013

Raynham Park, LLC  
c/o Grace Lee, Special Counsel  
Eckert, Seamans, Cherin & Mellot, LLC  
Two International Place, 16<sup>th</sup> Floor  
Boston, MA 02110

Re: Surrounding Community Agreement - Easton, Massachusetts

Dear Ms. Lee:

Please be advised we are in receipt of your letter, dated November 19, 2013, which was sent to Town Counsel, Jason Talerma. In your letter, you reject the Town's most recent counter-proposal, which was a significant reduction from the Town's prior proposal. In addition, you threaten to withdraw your best and last offer in favor of an approach wherein your client would pay nothing at all. Your letter is disappointing, exhibits a lack of good faith, and ignores the facts that have not only been the subject of our lengthy negotiation but also have been presented by your own consultant.

At the outset, I am bewildered by your apparent conclusion that Easton is being unreasonable in seeking to receive payments that amount to *half* of the amount of the mitigation payment that your client is bound to pay Raynham. As has been well settled in this matter, by virtue of the location of the proposed facility (less than 600 feet from Easton), the Town of Easton will be faced with equal or greater impacts than the Town of Raynham. Furthermore, unlike the Town of Raynham, Easton will receive no property or meals tax from your proposed facility. As a consequence, it stands to reason that Easton is deserving of a larger mitigation payment than the Town of Raynham. Your position in this regard is further belied by the fact that Raynham Park has agreed to pay the City of Taunton \$200,000 per year but will only pay the Town of Easton \$325,000 per year. As you are well aware, the Town of Easton will be saddled with 50% of the proposed project's traffic whereas Taunton will be faced with only 5% of the traffic.

Your letter also continues to *push for* an approach that defers any mitigation to a future date. An approach you did not take with Raynham or Taunton. Such an approach is reflective of Raynham Park's efforts to ignore the State's directive of supplying mitigation. Rather, Raynham Park would do nothing at all, in favor of a rigged game where non-descript future studies would be produced after a municipality's opportunity to avail itself of the Gaming Commission's

remedial procedures has lapsed. In any event, we have emphatically rejected such an approach and it is utter nonsense that you would bring it up again.

You also have the temerity to suggest that Raynham Park may ignore the requirements of the applicable regulations and withdraw your last offer of \$325,000 (plus other commitments). The Regulations plainly require that you present the arbitrator with your "best" offer. We find any premise that would allow you to render these negotiations meaningless by engaging in regressive bargaining to be beyond the pale. It is unthinkable that this method of negotiation is what the legislature had in mind when it created this process. We intend to hold you to this requirement and, if you fail to do so, we will present such information to the arbitrator. Be further forewarned that, should you be permitted to retract such offer, we will retract our last and best offer and pursue the absolute maximum that we may be able to achieve in an arbitration. In this vein, there can be little doubt that the procedures are designed to adequately compensate municipalities and allow for the consideration of a variety of factors, all of which weigh in favor of the community. Should such arbitration be commenced, we fully expect to advance an exhaustive case that addresses impacts relating to housing, public safety, schools, traffic, the environment and municipal infrastructure, all items that have been laid out in our prior discourse.

The Town is ready, willing and able to continue to negotiate in good faith and hopes that you come to your senses and return to the table prepared to negotiate. Accordingly, we hereby reinstitute our prior offer, which, included intersection improvements, an annual mitigation payment of \$500,000.00 and other associated commitments. We are fully committed to the proposition that our proposal is fair and reasonable because it is supported by the facts and the value you have placed on such mitigation in your agreements with Raynham and Taunton.

I look forward to hearing from you.

Sincerely,  


David Colton,  
Town Administrator

- cc: Board of Selectmen  
Senator Brian A. Joyce  
Senator Thomas P. Kennedy  
Representative Claire D. Cronin  
Representative Shaunna O'Connell  
Massachusetts Gaming Commission  
Town of West Bridgewater  
Town of Bridgewater  
Jay Talerman, Town Counsel  
Gary Anderson, Planning Director  
Pat Ciaramella, Old Colony Planning Council

## Sharlow, Albert (MGC)

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**From:** MGC Website <website@massgaming.com>  
**Sent:** Friday, November 15, 2013 12:06 PM  
**To:** MGCcomments (MGC)  
**Subject:** Contact the Commissioner Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### Name

Wayne Perry

### Email

[wayneperry@comm-pass-statebidconsulting.com](mailto:wayneperry@comm-pass-statebidconsulting.com)

### Phone

(781)817-3711

### Subject

Suggestion for fiscal situation concerning slots

### Questions or Comments

Watched Thursdays afternoon streaming and have a few comments and suggestions regarding the ongoing fiscal situation. As was brought up in the meeting Director Day seems to get conflicting instructions from the board. He does, have seen it happen many times. It is the drawback to the very open system of the commission that forces the commissioners to often have to think out loud over problems they have to resolve.

I would suggest in this matter of the of the finances that the chairman would be best served to draw up a list of the situations and alternatives, read through it with the rest of the board, and have a follow up the next session to decide on a course of action to give to Day. It should cut down on drift and still keep to the letter and spirit of the commissions openness.

Having heard the Raynham proposal, candidly I think the August date is just a sales pitch to make them appear more favorable as an applicant. Not the first vendor pitch I've ever heard with an very exaggerated scheduled keyed to winning the bid. After all you can always be late once you have the job, and the finish date was not given under oath under pain of perjury.

In case a miracle may happen, Napoleon had his 100 days, consider to direct Day to get an option from the neighboring states that have casinos for using their facilities for the necessary testing and if needed their personnel as well for inspection and certification. A cost effective option, shop around, get prices. There are a lot of certified suppliers out there and the gaming industry is in over capacity. Suggest you use comm-pass and send out an RFI (Request for Information) not an RFP (request for Proposal) It is fairer to notify the vendors under an RFI that you are looking for information and will not be purchasing. RFP have been used for this, but it is bad practice as more than once a bidder will spend a lot of effort educating the buyer only to lose the bid by a small amount of money. It leaves a bad experience to all concerned.

I ran a small business for 20 years, we often had to face a situation of doing work before we had the equipment and would send it out as needed to a trade shop. When it became cost effective with an increase in volume we would expand and bring it in house. Applying that to the situation of the commission, you will have a larger initial amount of activity for setting up the slots parlour, then the casinos. After that it will be only maintenance and replacement. For many years.

If I were asked to make a recommendation would suggest a modest but capable facility for the long term maintenance with an outsource partner for handling the initial overflow from setting up.

## Sharlow, Albert (MGC)

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**From:** MGC Website <website@massgaming.com>  
**Sent:** Thursday, October 31, 2013 9:12 AM  
**To:** MGCcomments (MGC)  
**Subject:** Contact the Commissioner Form Submission

### Name

Joseph Gillis

### Email

[joe@josephgillisjr.com](mailto:joe@josephgillisjr.com)

### Phone

(508)846-1650

### Subject

Logic for determining impacted communities

### Questions or Comments

How do Regional School Districts work into the discussion? By MGL, they are their own government entities. With a proposal in Raynham, the Bridgewater Raynham Regional School District is not part of the discussion; Raynham town has a mitigation agreement, Bridgewater does not, but neither can speak for the BRRSD.

Thus, I believe there to be an error in the current rules for mitigation. This is exacerbated by Raynham Parx refusal to deem Bridgewater as an impacted community. If MGC allows this to move forward, there may be merit to legal challenge to this decision on the basis of your initial rules being flawed.

**Reilly, Janice (MGC)**

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**From:** Ziemba, John S (MGC)  
**Sent:** Friday, December 06, 2013 7:06 PM  
**To:** Crosby, Steve (MGC); McHugh, James (MGC); Cameron, Gayle (MGC); Stebbins, Bruce (MGC); Zuniga, Enrique (MGC); Reilly, Janice (MGC); Day, Rick (MGC); Pinck, Jennifer; Nancy Stack; Blue, Catherine (MGC)  
**Subject:** Fwd: Written Response  
**Attachments:** Written Response to Commissioner McHugh.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "GLee@eckertseamans.com" <GLee@eckertseamans.com>  
**Date:** December 6, 2013, 5:51:21 PM EST  
**To:** "Ziemba, John S (MGC)" <John.S.Ziemba@MassMail.State.MA.US>  
**Cc:** "AKohler@eckertseamans.com" <AKohler@eckertseamans.com>, "Thomas C. Bonner" <TBonner@parxcasino.com>  
**Subject:** Written Response

John,

Please find attached the written response to Commissioner McHugh's questions. Please let me know if you have any questions or need additional information.

Thank you and have a great weekend.

Sincerely,

Grace H. Lee

Grace H. Lee  
ESCM, LLC  
Two International Place, 16th Fl.  
Boston, MA 02110  
(617) 342-6809 (t)  
(617) 892-5310 (cell)  
[glee@eckertseamans.com](mailto:glee@eckertseamans.com)

Sent from iPhone.



4. The stretch Energy code, adopted in 134 communities, will soon become the base code. How do you plan to improve the performance of your facility beyond the 20% improvement over ASHRAE 90.1 when the new stretch code is adopted in 2014 (expected)?

**The project mechanical - electrical engineer is a Boston based firm, familiar with the Stretch Energy Code, and is proposing to design the permanent casino building to meet this more stringent requirement.**

5. Given the importance of long term commitments to local sourcing of renewable energy, please characterize the size and duration/term of your planned long term Massachusetts based renewable energy certificates (RECs)? Failing that, please address your plans to purchase NEPOOL Class I RECs (New England Power Pool Class 1 Renewable Energy Certificates) and the size and duration/term of your long term energy contracts.

**As part of our method of achieving LEED Silver certification for the permanent casino, the intent is to produce on-site renewable energy through provision of photovoltaic cells providing approximately 13% of the required electricity for the permanent casino. Achievement of additional LEED credits are being explored that would include purchasing electrical power from Massachusetts certified renewable energy sources or using Massachusetts approved renewable energy credits for a minimum of two years. The percent of total electrical usage that will be produced by on-site renewable energy in combination with either purchased power or energy credits is still being evaluated.**



The Commonwealth of Massachusetts  
MASSACHUSETTS SENATE

**SENATOR MARC R. PACHECO**  
*First Plymouth and Bristol District*

STATE HOUSE, ROOM 312B  
BOSTON, MA 02133-1053  
TEL. (617) 722-1551

MARC.PACHECO@MASENATE.GOV  
WWW.MASENATE.GOV

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CLIMATE CHANGE

WAYS AND MEANS

JOINT COMMITTEES

*Senate Chairman*  
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AND AGRICULTURE

*Senate Vice Chairman*  
PUBLIC HEALTH

HOUSING

REVENUE

TRANSPORTATION

TELECOMMUNICATIONS,  
UTILITIES AND ENERGY

December 5, 2013

Mr. Stephen Crosby  
Chair  
Massachusetts Gaming Commission  
84 State Street, 10<sup>th</sup> Floor  
Boston, MA 02109

Dear Mr. Crosby:

I am writing to you today to express my support for Raynham Park to be awarded the sole slots parlor license in Massachusetts. Of the proposals before the Massachusetts Gaming Commission, it is clear Raynham Park maintains the business experience, the clean track record, the community support and a history of significant tax revenue contributions paid to the Commonwealth of Massachusetts, which combined with the other attributes of their proposal, should place Raynham as the most desirable bidder in this process.

I am proud to provide formal testimony for your hearing today so the Massachusetts Gaming Commission has a record of the State Senator who represents the First Plymouth and Bristol district arguing in favor of a slots parlor in that region. I consider Raynham Park the best option for Massachusetts' single slots parlor license, not only from a parochial perspective as Raynham's State Senator, but also from a statewide perspective. The Massachusetts Gaming Commission had questioned the suitability of one competing bidder, while the other bidder lacks the significant history and industry knowledge with which Raynham Park has operated in Massachusetts for generations. Most importantly, 86.1 percent of Raynham voters supported this proposal in their community; that outcome far outweighs the community backing for any other slots parlor proposal in any other location in the Commonwealth.

As you continue to weigh the bids before you, I urge you to listen to the overwhelming majority of Raynham voters, who not only want this gaming facility, but need the employment opportunities it would bring to a region that desperately needs improved economic development. I hope you will consider the long and successful history that Raynham Park has had since 1942 and I implore you to consider the serious amount of tax revenue Raynham Park has already generated for the Commonwealth of Massachusetts during that period of time. Choosing Raynham Park as the destination for a slots parlor in Massachusetts is a common-sense decision, and I hope the commission will take advantage of this tremendous opportunity for the Commonwealth.

Respectfully,



Marc R. Pacheco  
State Senator

cc: G. Cameron  
E. Zuniga  
J. McHugh  
B. Stebbins