



UPDATED

NOTICE OF MEETING/HEARING and AGENDA

September 6, 2013 Meeting

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

Friday, September 6, 2013

1:30 p.m.

Boston Convention and Exhibition Center

415 Summer Street, Room 151B

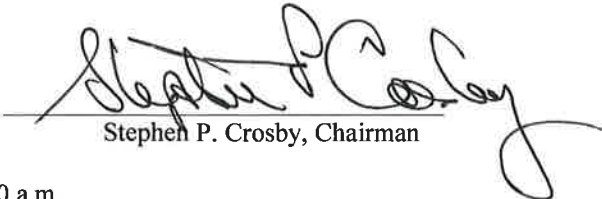
Boston, MA

PUBLIC MEETING - #76

1. Call to order
2. Ombudsman Report – John Ziembra and Catherine Blue, General Counsel
 - a. Continuation of Plainridge/Plainville Discussion
 - i. Penn National Gaming Option and Host Community Agreement
3. Legal Report - Catherine Blue, General Counsel and Todd Grossman, Deputy General Counsel
 - a. Phase 3 Regulations Update
 - i. Process
 - ii. Policy
4. 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 and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us, brian.gosselin@state.ma.us.

9/5/13
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: September 5, 2013 at 11:30 a.m.



Massachusetts Gaming Commission



Massachusetts Gaming Commission

Pinck & Co. Inc. Comments on RFA-2 Application For a Category 1 or Category 2 Gaming License

Order	Section - Question	Page	PCI Comment
49	2-8 Budget	39	Consider providing a template for the development costs? AND Provide assumptions about escalation.
50	2-9 Significant Economic Downturn	40	Define a steep downturn (such as two quarters with no increase in GDP)? AND Provide specific % change in best, worst, average scenarios.
51	2-10 Timeline for Construction	41	Schedule should be a Level II format
60	2-18 Revenue Generation	49	Assume a start date of Jan 1 2016 AND Provide specific assumptions for best, average, worst case scenarios
61	2-19 Projected Gaming Revenue	50	See question 49
62	2-20 Projected Non-Gaming Revenue	51	see question 49
63	2-21 Projected Tax Revenue to the Commonwealth	52	See question 49; Include payroll, meals, hotel and room tax. Identify local vs state taxes
71	2-28 Total Investment Outside the Property	59	Break out investment by: Water / Sewer / Local roads / State roads / Traffic signalization / Buffer zones / Transportation improvements / Pedestrian improvements / Lighting / Landscaping / Other
73	2-30 Construction Plan	61	Schedule should be a Level II format
88	3-02 Employees	73	Delete both refs to "number of employees" and substitute "number of full time positions and number of part time positions"
102	3-15 Local Suppliers	86	Change the 1st sentence to read "....firms, suppliers and materials in the design , construction and...."
104	3-17 Assisting Businesses	88	
106	3-19 Vendor Supplied Goods	90	Change the 1st sentence to read "...detailing an annual outside spending budget...."
107	3-20 Minority, Women, and Veteran Businesses	91	Change the 1st sentence to read "...expressed as a percentage of the total dollar amount....."
114	3-26 Collaboration with Tourism and Other Industries	97	Change 1st sentence to read "Provide plans that detail collaboration by the applicant with Regional and Massachusetts tourism and other related industries"
129	4-5 Schematic Design	110	First attachment should be bulleted summary of the design approach
130	4-6 Proposed Landscaping	110	For "other site improvements", include as a minimum: Roadways, access and pedestrian circulation, lighting, planting and other
132	4-8 Parking	112	Provide template for documenting existing, proposed and basis of design assumptions
133	4-9 Transportation Infrastructure	113	Add "access to public transit" to the transportation items listed in the 1st sentence that the applicant must describe.
149	4-23 Egress from Gaming Establishment Site	127	Add the following sentence: "Clearly designate what are existing public transportation facilities and what are proposed improvements."



Massachusetts Gaming Commission

Pinck & Co. Inc. Comments on RFA-2 Application For a Category 1 or Category 2 Gaming License

Order	Section - Question	Page	PCI Comment
150	4-24 Adequacy of Existing Transportation Infrastructure	128	Add the following sentence: "Identify projected traffic volumes for the establishment, in both average daily traffic (ADT) and peak hour(am/pm) volumes"
151	4-25 Traffic Mitigation	129	Add the following sentence: "Identify infrastructure improvements that will improve roadway capacity, such as intersection improvements, in addition to encouraging transit usage."
152	4-26 Parking Facilities	130	Add the following sentence: "Identify projected volumes in vehicle trips/hour and if any will be during am/pm peak periods"
159	4-33 Stimulating Retail Activity	137	Define "immediate vicinity"
161	4-35 Regional Water Facilities	139	Add the following sentence: "Identify projected water usage for the facilities in terms of gallons per day (GPD) for average usage and identify periods and volumes of peak usage."
162	4-36 Sewage Facilities	140	Add the following " Identify projected sewage flows in terms of GPD for average usage and identify periods and volumes of peak usage"
164	4-37 LEED Certification	141	Supply LEED checklist indicating projected yes's, maybe's, no's
179	4-52 Shifting Peak Energy Use	156	Add the following sentence: "Identify projected electrical usage for average and peak periods."
194	4-66 Security of Premises	170	Define "immediate vicinity"
198	4-69 Permit Chart	173	Clarify if this chart will be made public (NOTE: no summary box for this question)
250	5-33 Traffic Control Measures	214	Add the following sentence: Provide expected total traffic vehicle traffic in both Average Daily Traffic (ADT) and Peak hour volumes (AM/PM)." AND define "surrounding area" in terms of distance from site.
251	5-34 Traffic for Special Events	215	Add the following sentence: "Provide maximum anticipated duration and total traffic vehicle traffic counts at arrival and departure from a special event."

SUMMARY OF RFA-2 APPLICATION

Title	Page
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A. Background

- Overview of Project..... 1

2. Financial

- Prerequisites..... 3
- Financial & Capital Structure..... 4
- Maximize Revenues to the Commonwealth 6
- Realize Maximum Capital Investment Exclusive of Land and Infrastructure..... 8
- Offer Highest and Best Value to Create a Secure and Robust Gaming Market..... 9

3. General

- Job Creation..... 12
- Supporting External Business and Job Growth..... 15
- Regional Tourism and Attractions..... 16

4. Building & Site Design

- Demonstrate Creativity in Design and Overall Concept Excellence..... 19
- Gaming Establishment of High Caliber with Quality Amenities In Partnership with Local Facilities..... 20
- Compatibility with Surroundings..... 22
- Utilize Sustainable Development Principles In The Construction and During the Life Cycle of the Facility..... 24
- Security..... 28
- Permitting..... 30
- Other..... 32

5. Mitigation

• Prerequisites.....	33
• Host Community Agreement.....	33
• Surrounding Community Agreements.....	35
• Impacted Live Entertainment Venue Agreements.....	36
• Protect and Enhance Lottery.....	36
• Implement Measures to Address Problem Gambling.....	37
• Traffic.....	38
• Other.....	39

B. Background

• Licensing Fees.....	40
• Capital Investment.....	40
• Affirmative Action Program of Equal Opportunity.....	40
• Marketing To Minority, Women, and Veterans Businesses.....	41
• Public Health Mitigation.....	41
• State Lottery Sales Agent.....	41
• Commitment to Community Mitigation.....	41
• Verification and Authentication.....	42
• Verification and Authentication.....	42
• Waiver of Liability.....	42

C. Public Records

•	43
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A. BACKGROUND

OVERVIEW OF PROJECT

Since it began operations more than a year ago and throughout its nearly seventy public meetings and eight public educational sessions, the members of the Massachusetts Gaming Commission have tried to articulate a vision, rooted in the expanded gaming legislation, of how it would like to see expanded gaming conceived of and operated in the Commonwealth. The backbone of that vision will be found in considerable detail in the four other sections of this application: finance, economic development, building and site design, and mitigation. In addition to these basic structures, the Commission has tried to articulate its aspirations for something more-something unique, something special, something innovative- in the architecture of the gaming industry in Massachusetts. In this part of the application the applicant is asked to respond in detail to the broad thematic questions on the following pages that, in combination, embrace that architecture.

1-1 Massachusetts Brand

How does the project you propose manifest an appreciation for and collaboration with the existing Massachusetts “brand,” i.e., our intellectual/knowledge economy; our biomedical, life sciences, educational and financial services economic driver; and our long history of innovation and economic regeneration over the 400 years of our existence?

Please attach a detailed, written response to this question as attachment 1-01-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-2 Destination Resort

(Optional For Category 2 applicants) Some visionaries in the gaming business describe an evolution of gaming facilities from “convenience casinos” to “destination resorts” to “city integrated resorts.” Explain what, if any, meaning “city integrated resorts” has to you, and how you anticipate following its principles, if in fact you subscribe to them. Additionally, please explain how the project you propose embraces the Legislature’s mandate to present “destination resort casinos” rather than “convenience casinos”?

Please attach a detailed, written response to this question as attachment 1-02-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-3 Outward Looking

How do you propose to merge the creation of a destination resort casino or slots parlor with the concept of creating an outward looking physical structure; that is, an establishment that relates to and is integrated with the host and surrounding communities, leverages Massachusetts’ existing assets, and enhances and coordinates with Massachusetts’ existing tourism and other leisure venues?

Please attach a detailed, written response to this question as attachment 1-03-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-4 Competitive Environment

Describe the competitive environment in which you anticipate operating over the next 10 years and how you plan to succeed in that environment without taking revenues away from other Massachusetts gaming establishments, race tracks or businesses.

Please attach a detailed, written response to this question as attachment 1-04-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-5 Meeting Unmet Needs

How do you propose to work with affiliated attractions and amenities to broaden the market base of the gaming facility and to meet unmet needs in our array of entertainment, education and leisure resources?

Please attach a detailed, written response to this question as attachment 1-05-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-6 Collaborative Marketing

How do you intend to market aggressively outside Massachusetts and internationally, perhaps in cooperation with our existing industries and organizations such as MassPort and the Massachusetts Office of Travel and Tourism (“MOTT”), and certainly in collaboration with our existing institutional drivers of economic and international development?

Please attach a detailed, written response to this question as attachment 1-06-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-7 Diverse Workforce and Supplier Base

Describe your commitment to a diverse workforce and supplier base, and an inclusive approach to marketing, operations and training practices that will take advantage of the broad range of skills and experiences represented in our Commonwealth's evolving demographic profile. Further, identify and discuss the diversity within the leadership and ownership of the applicant, if any.

Please attach a detailed, written response to this question as attachment 1-07-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-8 Broadening the Region's Tourism Appeal

What is your overall perspective and strategy for broadening the appeal of your region and the Commonwealth to travelers inside and outside of Massachusetts?

Please attach a detailed, written response to this question as attachment 1-08-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

1-9 Post Licensing

Describe any post-licensing actions by the Commission or the Commonwealth of Massachusetts that you believe will be essential for the success of the project you are proposing.

Please attach a detailed, written response to this question as attachment 1-09-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2. FINANCE

Prerequisites

2-1 Application Fee and Community Disbursements

All applicants have paid a nonrefundable application fee of \$400,000 to the Commission to defray the costs associated with the processing of the application and investigation of the applicant. However, if the costs of the investigation exceed or have exceeded the initial application fee, the applicant shall pay the additional amount to the Commission within 30 days after notification of insufficient fees by the Commission or the application shall be rejected. Similarly, each applicant shall pay to the Commission all amounts in excess of the initial \$50,000 of the application fee for purposes of making approved Community Disbursements in accordance with 205 CMR 114.03. Is the applicant current with all payments to the Commission for amounts in excess of the initial application fee?

2-1 Application Fee and Community Disbursements

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2-3 Minimum Capital Investment

In accordance with the design plans submitted in accordance with section 4 of the RFA-2 application that applicant must agree to invest not less than \$500,000,000 into a Category 1 gaming establishment or \$125,000,000 into a Category 2 gaming establishment. Further, unless granted leave by the Commission, the applicant must agree to expend at least the amount identified as the capital investment in accordance with section 2-27 of the RFA-2 application. Have you signed and attached the required acknowledgment form contained in section *B. Signature Forms*?

2-4 Land

The applicant must own or acquire the land where the gaming establishment is proposed to be constructed within 60 days after a license has been awarded (an applicant shall be deemed to own the land if it has entered into a tenancy for a term of years under a lease that extends not less than 60 years beyond 15 years for a Category 1 license or 5 years for a Category 2 license). Please attach a copy of a lease, deed, option, or other documentation to this page and provide an explanation as to the status of the land on which the proposed establishment will be constructed in the box below. If the applicant does not presently possess an ownership interest in the location, provide an agreement, and description of its plan as to how it intends to own or acquire, within 60 days after a license has been awarded, the land where the gaming establishment is proposed to be constructed. Further, state whether the land that the applicant purchased or intends to purchase is publicly-owned.

Financial & Capital Structure

2-5 Audited Financial Statements

Provide an independent audit report of financial activities and interests for each of the last five years, including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years. If applicant is comprised of more than one legal entity, provide financial statements for each. Do not include financial statements for individual partners, officers or shareholders.

2-6 Unaudited Financials and SEC Filings

Provide any unaudited financial statements and all SEC filings for the applicant, if applicable, for the current fiscal year through the end of the most recent quarter prior to filing.

2-7 Financing Structure

An applicant must demonstrate its financial stability by clear and convincing evidence. Describe and attach documentation demonstrating the financing structure and plan for the proposed project including all sources of capital. Include current capital commitments as well as plan and timing for meeting future capital needs.

Please attach a written response to this question as attachment 2-07-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be of a general nature but shall identify the sources of capital. The response provided in this box will be released to the public.

2-8 Budget

Provide a detailed budget of the total project cost. Identify separately construction costs (labor, materials), design costs, legal and professional fees, consulting fees and all other development costs. Also identify all other pre-opening costs including training, marketing and initial working capital.

Please attach a detailed, written response to this question as attachment 2-08-01 and briefly describe the major costs of the project in this box. The information contained in The response provided in this box will be released to the public.

2-9 Significant Economic Downturn

Submit an analysis including best, worst, and average case scenarios that demonstrates the applicant's plan and capacity for accommodating steep downturns in gaming revenues, and cite examples of where those plans and strategies have been successful in other markets in which the applicant operates.

Please attach a detailed, written response to this question as attachment 2-09-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a description of the plan and reference to the examples. The response provided in this box will be released to the public.

2-10 Timeline for Construction

Provide a timeline of construction of the gaming establishment that includes detailed stages of construction for the gaming establishment, non-gaming structures and any racecourse, where applicable, and provide the number of construction hours estimated to complete the work. Include the deadline by which the stages and overall construction and any infrastructure improvements will be completed, any plans for phasing of the project, and a projected date that the applicant will begin gaming operations.

Please attach a detailed, written response to this question as attachment 2-10-01 and provide a brief overview of your response in this box. The overview must include, at a minimum, identification of each stage and associated timeframe, the number of construction hours, and the projected date to begin gaming operations. The response provided in this box will be released to the public.

2-11 Pro-Forma Cash Flow

An applicant must demonstrate its financial stability by clear and convincing evidence. Provide an enterprise pro-forma with a summary budget and cash-flow. Identify sources and uses of cash on a quarterly basis during the construction period and annually for five years (Category 2 gaming establishment) or 15 years (Category 1 gaming establishment) after opening. Provide the following 3 calculations: (1) Present value discounting cash flows at 4%, (2) Present value discounting cash flows at 15%, and (3) Estimating the project's internal rate of return.

Please attach a detailed, written response to this question as attachment 2-11-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the contents of the pro-forma. The response provided in this box will be released to the public.

2-12 Credit Arrangements and Financial Commitments

An applicant must demonstrate its financial stability by clear and convincing evidence. Describe all existing credit arrangements and financial commitments relative to the project including the identity of each lender and the terms or conditions under which loan proceeds can be obtained and distributed.

Please attach a detailed, written response to this question as attachment 2-12-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a general description of the credit arrangements and financial commitments. The response provided in this box will be released to the public.

2-13 Breaches of Contract

Provide a description of any contract, loan agreement or commitment that the applicant has breached or defaulted on during the last 10 years and provide information for any lawsuit, administrative proceeding or other proceeding that occurred as a result of the breach or default.

Please attach a detailed, written response to this question as attachment 2-13-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-14 Administrative and Judicial Proceedings

Provide a description of any administrative or judicial proceeding during the last 10 years in which the applicant or any entity that owns a 5% or greater share of the applicant was found to have violated a statute or regulation governing its operations.

Please attach a detailed, written response to this question as attachment 2-14-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-15 Bankruptcy Filings

Identify any bankruptcy filings made or proceedings commenced since submission of the RFA-1 application for any entities owned or controlled by the applicant and any entity that owns a 5% or greater share of the applicant.

Please attach a detailed, written response to this question as attachment 2-15-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-16 Minority sources of financing

Identify any minority sources of financing for the project.

Please attach a detailed, written response to this question as attachment 2-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-17 Documentation of Financial Suitability and Responsibility

An applicant must demonstrate its financial stability by clear and convincing evidence. The Commission will review the information relative to financial stability provided by the applicant, or otherwise obtained by the Commission, in the course of the RFA-1 application process. Please provide any supplemental documentation, if any, for each qualifier reflecting the period between the submission of the RFA-1 application and the submission of the RFA-2 application including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers.

Please attach a detailed, written response to this question as attachment 2-17-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the applicant's financial stability. The response provided in this box will be released to the public.

Maximize Revenues to the Commonwealth

2-18 Revenue Generation

Provide completed studies and reports showing the estimated municipal and state tax revenue to be generated by the gaming establishment.

Please attach a detailed, written response to this question as attachment 2-18-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, the figures of the estimated taxes to be generated and the method(s) used to generate the estimates. The response provided in this box will be released to the public.

2-19 Projected Gaming Revenue

Provide projections for gross gaming revenue each year for the first five years of gaming operations on a best, average and worst case basis.

Please attach a detailed, written response to this question as attachment 2-19-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, each of the projected figures. The response provided in this box will be released to the public.

2-20 Projected Non-Gaming Revenue

Provide projections for gross non-gaming revenue generated by elements of the gaming establishment complex each year for the first five years of operations on a best, average and worst case basis, identifying the source of each element of the non-gaming revenue.

Please attach a detailed, written response to this question as attachment 2-20-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, each of the projected figures categorized in broad categories. The response provided in this box will be released to the public.

2-21 Projected Tax Revenue to the Commonwealth

Provide projections for all tax revenue to the Commonwealth (gaming, sales, etc.) each year for the first five years of operations on a best, average and worst case basis, identifying the source of each element of the tax revenue.

Please attach a detailed, written response to this question as attachment 2-21-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, each of the projected figures. The response provided in this box will be released to the public.

2-22 Internal Controls

The Commission will develop regulations governing internal controls for gaming establishments in Massachusetts in the near future. However, in order to assist its evaluation of the applicant, the Commission is interested in knowing what standards the applicant anticipates adhering to at its Massachusetts establishment. Accordingly, subject to any adjustments required upon promulgation of the future regulations, please provide a full description of the proposed internal controls, electronic surveillance systems, and security systems for the proposed gaming establishment and any related facilities, including internal audits, independent external audits, separation of accounting and cage processes for independent verifications, cage and count room supervision, gaming floor drop processes, and other asset preservation and secure cash handling systems and processes. Further, please attach a projected table of organization that includes staffing levels and identifies the critical departments of accounting (e.g.- positions in the cage, count room, and income control sections), internal audit, compliance and security, and surveillance as well as indication as to which staff position(s) would be responsible for communications with the Commission.

Please attach a detailed, written response to this question as attachment 2-22-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a very broad description of the internal controls. The response provided in this box will be released to the public.

2-23 Maximizing In-State Revenue

If the applicant or any entity that owns a 5% or greater share of the applicant has an investment in a gaming establishment within 300 miles of the applicant's proposed location within the Commonwealth, describe the plans and methods the applicant intends to use to ensure that revenues are maximized at the Massachusetts gaming establishment even if maximizing revenues in Massachusetts requires or leads to reduction of revenues at the out of state facility.

Please attach a detailed, written response to this question as attachment 2-23-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.

2-24 Customer Cross-Marketing

If the applicant or any entity that owns a 5% or greater share of the applicant has an investment in a gaming establishment beyond 300 miles from the applicant's proposed location within the Commonwealth, describe any plans the applicant has to use those other facilities or customers who patronize those other facilities to enhance revenues at the applicant's Massachusetts facility.

Please attach a detailed, written response to this question as attachment 2-24-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.

2-25 History of Revenue

In order to award a gaming license to an applicant, an applicant must demonstrate that it has sufficient business ability and experience to create the likelihood of establishing and maintaining a successful gaming establishment. To that end, provide a history of operating performance versus revenue projections over the last ten years with respect to each facility of a size comparable to or larger than the facility you are proposing for Massachusetts. Include documentation outlining the applicant's record of success or failure in meeting these performance objectives.

Please attach a detailed, written response to this question as attachment 2-25-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the applicant's business ability and experience and its general history over the last ten years. The response provided in this box will be released to the public.

2-26 Market Analysis

One of the principal objectives driving the enactment of the Expanded Gaming Act was to repatriate money spent by Massachusetts residents in other gaming jurisdictions. Provide a market analysis showing benefits of the site location of the applicant's proposal and the estimated recapture rate of gaming-related spending by Massachusetts residents travelling to out-of-state gaming establishments. Further, please describe how the applicant plans to compete with other nearby gaming destinations and to market to their patrons from Massachusetts who are embedded in their databases and marketing systems.

Please attach a detailed, written response to this question as attachment 2-26-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the benefits of the site locations and the???????

Realize Maximum Capital Investment Exclusive of Land and Infrastructure

2-27 Capital Investment

Provide the total capital investment and demonstrate how it was calculated in accordance with 205 CMR 122.00. Describe how the applicant proposes to realize the maximum capital investment exclusive of land acquisition and infrastructure improvements. (See related attestation in Section B. *Signature Forms*).

Please attach a detailed, written response to this question as attachment 2-27-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, the total capital investment figure and a broad description as to how the applicant proposes to realize the maximum capital investment. The response provided in this box will be released to the public.

2-28 Total Investment Outside the Property

Show the total investment in the infrastructure outside the property boundaries.

Please attach a detailed, written response to this question as attachment 2-28-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-29 Additional Financial Commitments

(Optional For Category 2 applicants) Describe all financial commitments and guarantees the applicant is prepared to provide to the Commission and to the host community over and above the deposit or bond required

by G.L. c. 23K, §10(a) to ensure that the project is completed, license conditions are fulfilled and sufficient working capital is available to allow operation in the promised fashion. Include examples of letters of credit, MOU's or other agreements or commitments the applicant is willing to provide.

Please attach a detailed, written response to this question as attachment 2-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-30 Construction Plan

Provide a construction plan and schedule that includes major construction milestones, key dates, and any phased opening plans, and mitigation measures the applicant will take to reduce the impact of construction on the local community.

Please attach a detailed, written response to this question as attachment 2-30-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, information relative to each of the required elements of the plan and schedule. The response provided in this box will be released to the public.

Offer Highest and Best Value to Create a Secure and Robust Gaming Market

2-31 Business Plan

Provide a business plan describing how the applicant will meet projected revenue generation plans in the near term and over time.

Please attach a detailed, written response to this question as attachment 2-31-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan. The response provided in this box will be released to the public.

2-32 Maximum Facility Use

Describe the applicant's strategy for ensuring maximum use of the facilities throughout the calendar year including how that strategy will take account of the seasonal nature of tourism in the Northeast.

Please attach a detailed, written response to this question as attachment 2-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-33 Competition from Internet Gaming

Describe the applicant's plans for maintaining a robust gaming market at its facility if, and as, internet gaming becomes more widespread by articulating: 1. How does the applicant plan to compete with internet gaming in the event that internet gaming is not allowed in Massachusetts; and 2. Does the applicant intend to implement internet gaming into its plans if internet gaming is allowed in Massachusetts, and if so, how?

Please attach a detailed, written response to this question as attachment 2-33-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan. The response provided in this box will be released to the public.

2-34 Marketing Plan

Describe the applicant's marketing plan for its Massachusetts gaming establishment. If that marketing plan is the same as, or similar to, marketing plans the applicant has used elsewhere, describe how those plans succeeded or failed, including whether the applicant met its financial projections for the facilities where the plans were used. If the marketing plan for a Massachusetts facility differs from the marketing plans used elsewhere, describe the factors that led the applicant to devise its Massachusetts plan. Further, in the highly competitive gaming market that exists today, gaming facility operators are increasingly diversifying their products and assuring financial stability by increasing revenues from non-gaming activities. Explain your long-term strategies for accommodating the increasingly saturated competitive environment, and cite examples from other locations you operate that demonstrate the strategic development.

Please attach a detailed, written response to this question as attachment 2-34-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan. The response provided in this box will be released to the public.

2-35 New Revenue

Describe and provide a completed study showing the overall economic benefit to the Commonwealth and the region from the applicant's proposed gaming establishment, including in that study the way in which the facility will generate new revenues as opposed to taking revenues from other Massachusetts businesses.

Please attach a detailed, written response to this question as attachment 2-35-01 and provide a brief overview of your response in this box. The overview should, at a minimum, summarize the study. The response provided in this box will be released to the public.

2-36 Marketing to Out of State Visitors and use of Junkets

Describe the components of the applicant's marketing plan that focus on out of state visitors and the anticipated gaming and non-gaming gross revenues the applicant anticipates from out of state visitors during each of the first five years of the gaming establishment's operations on a best, average and worst case scenario. Please explain how the use of Junkets, as the term is defined by G.L. c.23K, §2, will factor into this plan. Include a short summary of the applicant's historical use of and reliance upon Junkets in its other operations in other jurisdictions, and include a listing of Junket operators who are anticipated to be utilized at the Commonwealth property.

Please attach a detailed, written response to this question as attachment 2-36-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan including the planned and historical use of Junkets. The response provided in this box will be released to the public.

2-37 Marketing to In-State Visitors

Describe the components of the applicant's marketing plan that focus on in-state visitors and the anticipated gaming and non-gaming gross revenues the applicant anticipates from in-state visitors during each of the first five years of the facility's operations on a best, average and worst case scenario. Please explain how the use of Junkets will factor into this plan.

Please attach a detailed, written response to this question as attachment 2-37-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

2-38 Secure and Robust Gaming Market

Describe the measures the applicant or any entity owning a 5% or greater share of the applicant has taken to ensure a secure and robust gaming market at each other gaming facility it owns or controls.

Please attach a detailed, written response to this question as attachment 2-38-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of such measures. The response provided in this box will be released to the public.

3. ECONOMIC DEVELOPMENT

General

3-1 Studies and Reports

Provide completed studies and reports showing the proposed gaming establishment's: (i) economic benefits to the region and the Commonwealth; (ii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities.

Please provide a brief overview summarizing the studies and reports in this box. The response provided in this box will be released to the public.

Job Creation

3-2 Employees

State the number of employees to be employed at the proposed gaming establishment, including detailed information on the pay rate and benefits for employees, and describe how the applicant proposes to ensure that it provides a high number of quality jobs in the gaming establishment.

Please attach a detailed, written response to this question as attachment 3-02-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, the total number of anticipated employees to be employed at the proposed gaming establishment and a general description of the applicant's plan. The response provided in this box will be released to the public.

3-3 Massachusetts Community College Workforce Training Plans

Describe any plans the applicant has for working with the Massachusetts Community College Casino Careers Training Institute or other training organizations as the applicant trains and hires the staff for its facility and specifically its plans for **stafing** gaming positions with Massachusetts residents.

Please attach a detailed, written response to this question as attachment 3-03-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-4 Job Opportunities and Training for Unemployed or Underemployed

Provide strategy as to how applicant will focus on job opportunities and training in areas and demographics of high unemployment and underemployment.

Please attach a detailed, written response to this question as attachment 3-04-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the strategy. The response provided in this box will be released to the public.

3-5 Experience with Hiring Unemployed and Underemployed

Describe the applicant's approach to and experience with hiring in areas and demographics of high unemployment and underemployment in other jurisdictions where the applicant has done business in the last 10 years.

Please attach a detailed, written response to this question as attachment 3-05-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the approach and experience. The response provided in this box will be released to the public.

3-6 Plan for Workforce Development

Provide your plan for workforce development as set forth in the host community agreement and any surrounding community agreements that the applicant has executed.

Please attach a detailed, written response to this question as attachment 3-06-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-7 Affirmative Action Plan

Provide an explanation as to how the applicant proposes to establish and implement an affirmative action program of equal opportunity whereby specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in the executive office for administration and finance Administration Bulletin Number 14. (See related attestation in section *B. Signature Forms*).

Please attach a detailed, written response to this question as attachment 3-07-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, identification of the specific goals. The response provided in this box will be released to the public.

3-8 Workforce Development

Describe your workforce development plan and explain how the applicant proposes to implement it such that it: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities (applicant may reference response to question 3-7); (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; (v) identifies the methods for accessing employment at the gaming establishment; and (vi) addresses workplace safety issues for employees.

Please attach a detailed, written response to this question as attachment 3-08-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan for each category provided including the number of estimated construction jobs to be generated. The response provided in this box will be released to the public.

3-9 HR Practices

State whether the applicant has prepared, and how the applicant proposes to establish, fund and maintain human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides

employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program. Further, identify whether the applicant plans to establish employee assistance programs, including those relative to substance abuse and problem gaming, and outline its plan to establish a program to train its gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior.

Please attach a detailed, written response to this question as attachment 3-09-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan within each of the categories provided. The response provided in this box will be released to the public.

3-10 Organized Labor Contracts

State whether the applicant has, is subject to, or is negotiating any contract with organized labor, including hospitality services, and whether the applicant has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors, (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project, (iii) completed studies and reports including an economic benefit study, both for the Commonwealth and the region and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment.

Please attach a detailed, written response to this question as attachment 3-10-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-11 Labor Harmony

Outline the applicant's plans for ensuring labor harmony during the construction and operational phases of the project including whether the applicant plans to enter into any Project Labor Agreements or neutrality agreements. (Reference may be made to the response to question 3-10). If the applicant does not intend to enter into any such agreements, please explain.

Please attach a detailed, written response to this question as attachment 3-11-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-12 Employee Retention Record

Please describe and provide documentation that outlines applicant's employee retention record at other operational sites.

Please attach a detailed, written response to this question as attachment 3-12-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a summary of the record. The response provided in this box will be released to the public.

3-13 Ethnic Diversity

Please describe and provide documentation that outlines the ethnic diversity of the applicant's workforce at other locations, the plans for workforce diversity the applicant has used at those facilities, the results of those plans and, unless they are self-explanatory, the metrics the applicant has used to determine those results.

Please attach a detailed, written response to this question as attachment 3-13-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a summary of the diversity. The response provided in this box will be released to the public.

Supporting External Business And Job Growth

3-14 Local Business Promotion

Describe plans for promoting local businesses in host and surrounding communities including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues.

Please attach a detailed, written response to this question as attachment 3-14-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-15 Local Suppliers

Describe plans for use of Massachusetts based firms, suppliers and materials in the construction and furniture, fixtures, and equipment (“FFE”) furnishing phase of the applicant's project.

Please attach a detailed, written response to this question as attachment 3-15-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-16 Local Business Owners

Describe plans for contracting with local business owners for provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the Commonwealth in identifying the needs for goods and services to the establishment.

Please attach a detailed, written response to this question as attachment 3-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-17 Assisting Businesses

Provide your plans to assist businesses owners in the Commonwealth in identifying the future needs of the applicant for the provision of goods and services to the establishment.

Please attach a detailed, written response to this question as attachment 3-17-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-18 Promoting Regional Businesses

Provide plans to demonstrate how you will support and/or promote regional businesses. (Applicant may refer back to response to question 3-14).

Please attach a detailed, written response to this question as attachment 3-18-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-19 Vendor Supplied Goods

Provide plans detailing an outside spending budget for vendor supplied goods and services and breakdowns by category of expenditures.

Please attach a detailed, written response to this question as attachment 3-19-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of the plan by category. The response provided in this box will be released to the public.

3-20 Minority, Women, and Veteran Businesses

Provide a copy of a marketing program, and an explanation as to how the applicant proposes to implement the program, by which the applicant identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment. (See related attestation in section *B. Signature Forms*).

Please attach a detailed, written response to this question as attachment 3-20-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a general summary of the plan in each of the provided categories. The response provided in this box will be released to the public.

3-21 Projected Benefit for Regional Businesses

Provide projections for increases in gross revenues for regional businesses as a result of gaming establishment operations each year for the first five years of operations on a best, average and worst case basis, identifying and describing the methodology used to produce the projections and describe the assumptions on which each projection is based.

Please attach a detailed, written response to this question as attachment 3-21-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, the projection within each category. The response provided in this box will be released to the public.

3-22 Domestic Slot Machines

Describe any plans the applicant has for purchasing domestically manufactured slot machines for installation in the gaming establishment.

Please attach a detailed, written response to this question as attachment 3-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-22 Domestic Slot Machines

Describe any plans the applicant has for purchasing domestically manufactured slot machines for installation in the gaming establishment.

Please attach a detailed, written response to this question as attachment 3-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Regional Tourism And Attractions

3-24 Local Agreements

Provide local agreements designed to expand gaming establishment draw (i.e. - number of patrons brought to the region).

Please provide a brief summary of any attached agreements in this box. The response provided in this box will be released to the public.

3-24 Local Agreements

Provide local agreements designed to expand gaming establishment draw (i.e. - number of patrons brought to the region).

Please provide a brief summary of any attached agreements in this box. The response provided in this box will be released to the public.

3-26 Collaboration with Tourism and Other Industries

Provide plans that detail collaboration by the applicant with tourism and other related industries including the Massachusetts tourism and other related industries.

Please attach a detailed, written response to this question as attachment 3-26-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-27 International Marketing Efforts

(Optional For Category 2 applicants) Provide plans for international marketing efforts. Reference may be made to the response to question 3-26.

Please attach a detailed, written response to this question as attachment 3-27-01 and provide a brief overview of your response in this box. The summary should include, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.

3-28 Other Amenities

Provide plans for planned attractions and amenities beyond hotel, gaming, restaurants and in house entertainment to draw customers. *(Note- hotel optional For Category 2 applicants)*

Please attach a detailed, written response to this question as attachment 3-28-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-29 Unique Business and Marketing Strategies

Provide additional plans that demonstrate unique business and marketing strategies to draw new revenues from new customers.

Please attach a detailed, written response to this question as attachment 3-29-01 and provide a brief overview of your response in this box. Given the potential sensitivity of this information, the overview should contain, at a minimum, a broad summary of any plans. The response provided in this box will be released to the public.

3-30 Regional Economic Plan Coordination

State whether the applicant's proposed gaming establishment is part of a regional or local economic plan, and provide documentation demonstrating inclusion and coordination with regional economic plans.

Please attach a detailed, written response to this question as attachment 3-30-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-31 Other Community Enhancements

Provide plans outlining community enhancements not already covered by section 3. *Economic Development.*

Please attach a detailed, written response to this question as attachment 3-31-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-32 Record of Success

Provide documentation that outlines the applicant's record of success at other operational sites in other jurisdictions in meeting objectives similar to those discussed in the responses to questions 3-24, 3-25, 3-26, 3-27, and 3-29.

Please attach a detailed, written response to this question as attachment 3-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

3-33 Entertainment and Athletic Events

Provide details of the applicant's plans for using entertainers and entertainment, including athletic events, to attract patrons to the applicant's facility.

Please attach a detailed, written response to this question as attachment 3-33-01 and provide a brief overview of your response in this box. The summary should include, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.

4. BUILDING & SITE DESIGN

Demonstrate Creativity In Design And Overall Concept Excellence

4-1 Overall Theme

Describe the overall theme and concept underlying the proposed design of the facility, including how that theme and concept promote attraction of visitors to the facility and interaction by those visitors with the facility's immediate and regional surroundings.

Please attach a detailed, written response to this question as attachment 4-01-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-2 Relationship with Surroundings

Describe the relationship, if any, between the proposed facility and the architecture, history and culture of its immediate and regional surroundings.

Please attach a detailed, written response to this question as attachment 4-02-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-3 Architects, Engineers, and Designers

Provide the names and addresses of the architects, engineers and designers of the gaming facility. Further, please provide a brief biographical summary along with any other information including links to web sites or other similar material about these individuals and/or entities describing projects in which these individuals and/or entities have participated.

Please attach a detailed, written response to this question as attachment 4-03-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-4 Color Rendering

Provide a color rendering of the gaming establishment and all structures located on the gaming establishment site.

4-5 Schematic Design

Provide a schematic design, as defined/understood by the [AIA](#), for each structure within the boundaries of the site showing at least the total and usable floor area, interior and exterior themes, and finished, building elevations and perspectives.

4-6 Proposed Landscaping

Provide a site plan showing the proposed landscaping and other site improvements.

4-7 Alternative Presentation

If the applicant chooses, it may provide an electronic mockup of the project, video presentation, or other medium of presenting the proposal separate from those otherwise required. If such a presentation is provided, please provide a written explanation briefly describing it and how it has been included in the application materials.

4-8 Parking

Describe the number, location and accessibility of parking spaces for employees, patrons and buses.

Please attach a detailed, written response to this question as attachment 4-08-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-9 Transportation Infrastructure

Describe the plans for tour bus, taxi and valet drop-off and for service vehicle parking, satellite parking and other related transportation infrastructure. Additionally, please describe plans to offer refueling, overnight bus parking, disabled vehicle assistance, and convenience store facilities on site.

Please attach a detailed, written response to this question as attachment 4-09-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

4-10 Gaming

Describe the proposed gaming area, including the square feet of gaming area, the number and types of table games and slot machines it will contain, the number of gaming positions, as defined in G.L. c. 23K, §2, it will contain and the specific location of the games and machines in the proposed gaming establishment. Further, please discuss any plans for special high limit or VIP areas.

lease attach a detailed, written response to this question as attachment 4-10-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a brief summary of the description specifically including the number and types of table games and slot machines, and the number of gaming positions. The response provided in this box will be released to the public.

4-11 Non-Gaming Amenities

Describe the restaurants, retail spaces, bars, lounges and other non-gaming amenities located within the boundaries of the gaming establishment site, along with the names of their proposed operators.

Please attach a detailed, written response to this question as attachment 4-11-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-12 Exhibition Spaces

(Optional For Category 2 applicants) Describe any exhibition space or spaces the applicant plans to include in its facility, including the square footage of the spaces and the amenities they will contain.

Please attach a detailed, written response to this question as attachment 4-12-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-13 Conference Space

(Optional For Category 2 applicants) Describe any conference space or spaces the applicant plans to include in its facility, including the square footage of the spaces and the amenities they will contain.

Please attach a detailed, written response to this question as attachment 4-13-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-14 Serving the Surrounding Community

Describe how the restaurants, retail spaces, bars, lounges and other non-gaming amenities located within the boundaries of the gaming establishment site will serve the surrounding community.

Please attach a detailed, written response to this question as attachment 4-14-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-15 Entertainment Venues

Describe the entertainment venues located on the gaming establishment site inside or outside the gaming establishment proper, the capacity of each and uses to which the venues will be dedicated. Note- in accordance with M.G.L. c.23K, §9(a)(11) a gaming licensee shall only be permitted to build a live entertainment venue that has less than 1,000 seats or more than 3,500 seats.

Please attach a detailed, written response to this question as attachment 4-15-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-16 Public Spaces

(Optional For Category 2 applicants) Describe the convention, meeting and other public spaces, other than those identified in response to questions 4-11 and 4-12 if any, located on the gaming establishment site inside or outside the gaming establishment proper, the capacity of each and uses to which the venues will be dedicated.

Please attach a detailed, written response to this question as attachment 4-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-16 Public Spaces

(Optional For Category 2 applicants) Describe the convention, meeting and other public spaces, other than those identified in response to questions 4-11 and 4-12 if any, located on the gaming establishment site inside or outside the gaming establishment proper, the capacity of each and uses to which the venues will be dedicated.

Please attach a detailed, written response to this question as attachment 4-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-18 Other Facilities

Describe any other facilities or amenities, other than those already described, that will be located on the site. Further, please specify whether day care or minor/child babysitting services are planned. If so, what standards will be utilized in offering such patron services?

Please attach a detailed, written response to this question as attachment 4-18-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-19 Quality of Amenities

(Hotel and hotel room portion of the response is optional For Category 2 applicants) State how the hotels, hotel rooms, restaurants and other amenities that are part of the proposed facility will compare in quality to other area hotels and amenities as well as those included and offered in other competitive gaming establishments within the 300 mile area.

Please attach a detailed, written response to this question as attachment 4-19-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-20 Art

Describe any public art, sculpture, paintings, or other patron attractions that will be located at the gaming establishment complex.

Please attach a detailed, written response to this question as attachment 4-20-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-21 Tourism Diversity

Describe how the applicant proposes to build a gaming establishment of high caliber with a variety of quality amenities included as part of the gaming establishment and operated in partnership with local hotels, and dining, retail, and entertainment facilities, including identifying the existing or anticipated contracts, agreements, or strategies between and among the applicant and local hotels and dining, retail and entertainment facilities, designed to ensure that patrons experience the diversified regional tourism industry. Further please describe the applicant's intended use of any busing programs including any plans for patron solicitation for bus related marketing programs.

Please attach a detailed, written response to this question as attachment 4-21-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-22 Diversified Regional Tourism

Describe the existing or anticipated contracts or agreements between non-gaming entities within the boundaries of the gaming establishment complex and local hotels and dining, retail and entertainment facilities designed to ensure that patrons experience the diversified regional tourism industry.

Please attach a detailed, written response to this question as attachment 4-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Compatibility with Surroundings

4-23 Egress from Gaming Establishment Site

Describe all adjacent streets, highways, buses, and other public transportation facilities and how they will be utilized for access to and egress from the gaming establishment site.

Please attach a detailed, written response to this question as attachment 4-23-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of the overall plan. The response provided in this box will be released to the public.

4-24 Adequacy of Existing Transportation Infrastructure

Provide an analysis of the adequacy of the existing transportation facilities, including those for refueling, to deliver patrons to and from the gaming establishment complex and the measures the applicant will take, including infrastructure and other improvements, to remedy any inadequacy.

Please attach a detailed, written response to this question as attachment 4-24-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-25 Traffic Mitigation

Describe the steps, plans and measures the applicant will take, including infrastructure improvements, to mitigate traffic flow in the vicinity of the gaming establishment complex by stimulating use of public transit.

Please attach a detailed, written response to this question as attachment 4-25-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-26 Parking Facilities

Describe the parking facilities and how they will be linked to the gaming establishment complex in a manner consistent with other design elements.

Please attach a detailed, written response to this question as attachment 4-26-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-27 Adjacent Land

Describe the relationship of the project to adjacent land uses and proposed land uses to ensure compatibility between the gaming establishment complex and the adjacent uses.

Please attach a detailed, written response to this question as attachment 4-27-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-28 Delivery of Supplies and Trash Removal

Describe how the facilities for delivery and storage of supplies and trash removal are integrated with the overall project complex including an explanation as to whether on-site compacting or incineration will be utilized and what facility systemic recycling processes, if any, are planned.

Please attach a detailed, written response to this question as attachment 4-28-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-29 Signage

Describe the proposed signage and the plans to ensure that signs are energy efficient and sensitive to surroundings.

Please attach a detailed, written response to this question as attachment 4-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-30 Minimizing Noise and Lighting

Describe plans to minimize impact of noise and facility lighting on surroundings areas.

Please attach a detailed, written response to this question as attachment 4-30-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-31 Integration with Surrounding Venues

Describe how the site will be integrated with and provide access to and from surrounding areas restaurants, hotels, bars, entertainment venues and other attractions through multiple entry and exit points.

Please attach a detailed, written response to this question as attachment 4-31-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-32 Site improvements

Describe the landscaping, lighting, and other site improvements and how they will integrate the gaming establishment complex with its surroundings.

Please attach a detailed, written response to this question as attachment 4-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-33 Stimulating Retail Activity

Describe how the facility will stimulate retail activity in the immediate vicinity.

Please attach a detailed, written response to this question as attachment 4-33-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-34 Extreme Weather

State whether facilities will be available for community use in the event of extreme weather and, if so, describe how.

Please attach a detailed, written response to this question as attachment 4-34-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-35 Regional Water Facilities

Provide an analysis of existing regional water facilities available to the project, the impact the facility's water usage will have on those who share the same water resources, and the steps the applicant plans to take to remedy any deficiencies the impact produces.

Please attach a detailed, written response to this question as attachment 4-35-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-36 Sewage Facilities

Provide an analysis of existing sewage facilities and their capacity to absorb the effluent from the gaming establishment complex during average and peak flows, including an estimate of those flows in gallons per day, and the steps the applicant plans to take to remedy any deficiencies in the ability of the existing infrastructure to absorb that flow.

Please attach a detailed, written response to this question as attachment 4-36-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

4-37 LEED Certification

Describe plans including all proposed baseline and improved building design elements and measures for becoming certifiable at the gold or higher level under the appropriate certification category in the Leadership in Environmental and Energy Design (LEED) program created by the United States Green Building Council.

Please attach a detailed, written response to this question as attachment 4-37-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-38 Compliance with Environmental Standards

Describe the extent to which the building and site will comply with LEED-ND, LEED Existing Building; LEED EBOM Water; ISI; & IGCC Standards.

Please attach a detailed, written response to this question as attachment 4-38-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-39 Stretch Energy Code

Describe plans to meet or exceed the stretch energy code requirements contained in Appendix 115AA of the Massachusetts State Building Code, 8th edition (780 CMR 115: *Appendices*) or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs, including any building energy efficiency measures you propose to use to do so.

Please attach a detailed, written response to this question as attachment 4-39-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-40 Alternative Fuel Vehicles

Describe any plans for utilizing electric vehicles and other alternative fuel vehicles for the resort fleet vehicles, and the accommodation of electric vehicle recharging for resort patrons, and any preferential parking for hybrid or electric vehicles at the site.

Please attach a detailed, written response to this question as attachment 4-40-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-41 Storm Water

Describe plans for management of storm water including any plans to use Institute for Sustainable Infrastructure (“ISI”) techniques to minimize impact of storm water and maximize its reuse.

Please attach a detailed, written response to this question as attachment 4-41-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-42 Water Conservation

Describe plans for conservation of water including any plans to target use of 40% less water than standard buildings of same size and design, for example through the use of waterless urinals, dual flush toilets, and low flow faucets, and by water saving landscaping techniques, and promotion of water reuse and recharge.

Please attach a detailed, written response to this question as attachment 4-42-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-43 Energy Efficient Equipment

Describe plans for ensuring use of Energy Star rated equipment and high efficiency HVAC and heat recovery systems throughout the gaming establishment complex.

Please attach a detailed, written response to this question as attachment 4-43-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-44 Energy Efficient Gaming Equipment

Describe any plans for ensuring that all gaming equipment conforms to best practices for energy efficient use.

Please attach a detailed, written response to this question as attachment 4-44-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-45 Lighting

Describe plans for incorporating and fully commissioning state of the art daylighting, LED lighting and lighting controls and for installing upgraded lighting periodically every 5 years or less.

Please attach a detailed, written response to this question as attachment 4-45-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-46 On-Site Energy Generation

Describe plans for procuring or generating on-site at least 10% of the facility's annual electricity consumption from renewable energy sources qualified by the Massachusetts Department of Energy Resources (DOER) under G.L. c.25A, §11F. Further, please describe plans, if any, for ensuring that 25% of the facility's annual electricity generated on site is from renewable energy sources, and the date by which that goal will be reached.

Please attach a detailed, written response to this question as attachment 4-46-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of the plans as they relate to the 10% and 25% objectives. The response provided in this box will be released to the public.

4-47 Off-Site Renewable Energy

Describe any plans for obtaining off site power from renewable energy sources or with renewable energy credits.

Please attach a detailed, written response to this question as attachment 4-47-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-48 Building Envelope and HVAC

Describe plans for commissioning the building envelope and HVAC systems in all buildings, and plans for ongoing retrocommissioning of facilities.

Please attach a detailed, written response to this question as attachment 4-48-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-49 Energy Consumption Monitoring

Describe plans for developing an ongoing system that will submeter and monitor all major sources of energy consumption and for undertaking regular and sustained efforts throughout the life-cycle of the facility to maintain and improve energy efficiency and reliance on renewable sources of power in all buildings and equipment that are part of the facility.

Please attach a detailed, written response to this question as attachment 4-49-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-50 Advanced Building Controls for Energy Use

Describe plans for including advanced building controls necessary to manage energy use throughout the entire facility.

Please attach a detailed, written response to this question as attachment 4-50-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-50 Advanced Building Controls for Energy Use

Describe plans for including advanced building controls necessary to manage energy use throughout the entire facility.

Please attach a detailed, written response to this question as attachment 4-50-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-52 Shifting Peak Energy Use

Describe plans, if any, to utilize technologies such as absorption chiller based cooling and offpeak, thermal ice and heat storage, to maximize operational efficiencies of the physical plant, and to shift peak demands to off-peak time periods for the electric grid.

Please attach a detailed, written response to this question as attachment 4-52-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-53 Net Zero Energy

Describe plans, if any, for operation of one or more buildings at net zero energy within 3 years.

Please attach a detailed, written response to this question as attachment 4-53-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-54 Sustainable Building Construction

Describe any plans for incorporating other sustainable features into building construction, such as use of local, recycled and/or natural materials, protection of indoor environmental quality from construction materials and, natural habitat protection, reuse and recycling of construction materials.

Please attach a detailed, written response to this question as attachment 4-54-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-55 Ongoing Sustainable Site Operations

Describe any plans for ongoing sustainable site operations,, including, but not limited to, the management of solid waste generated at the site, including food waste and other organic materials, the use of less or non-toxic cleaning, personal care, and any other products used at the facility, policies to minimize use of hazardous materials and to effectively manage any hazardous materials on site, the procurement of environmentally preferable products for use in the facility, EPEAT certified equipment, and other products certified by independent 3rd party organizations.

Please attach a detailed, written response to this question as attachment 4-55-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-56 Testing of Clean Energy Technologies

Describe any plans for integrating emerging clean energy technologies by providing beta test sites for Massachusetts based companies into buildings, facilities, and vehicles in partnership with the Massachusetts Clean Energy Center and other parties.

Please attach a detailed, written response to this question as attachment 4-56-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-57 Energy Contracts

Describe any plans to offset all or some of the projected electrical energy consumption not met with on-site renewable energy sources via long term contracts for energy and RECs with off-site RPS Class I qualified wind, or solar, or other renewable energy projects, or other strategies.

Please attach a detailed, written response to this question as attachment 4-57-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-58 Public Education on Clean Energy, Sustainability, and Waste Management

Describe any plans to educate building and facility occupants with educational kiosks, display screens, or other public awareness campaigns regarding the clean energy, sustainability, and waste management strategies and technologies deployed on and off site.

Please attach a detailed, written response to this question as attachment 4-58-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-59 Grid Failure

Describe any plans to identify a portion of the gaming establishment to serve as a designated critical facility that would allow patrons and other affected residents to seek shelter, heating or cooling, and cell phone charging emergency power services in the event of a grid failure and describe the applicant's back up power generation plans. Such a system could integrate CHP or fuel cells, energy storage (electric and thermal) and clean DG (solar) with grid islanding capabilities to provide community resilience benefits while also helping to shave peak loads and reduce facility electric demand charges. Further, please describe the applicant's plan to ensure that adequate data and information protection and backup is in place in the event of a grid failure.

Please attach a detailed, written response to this question as attachment 4-59-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Security

4-60 Surveillance

Describe the applicant's approach to surveillance within and in the immediate vicinity of the gaming establishment and the types and kinds of security surveillance the facility will contain including, but not limited to, specifics relating to gaming floor coverage, location of cameras, recording policies, retention of recordings, sharing of information with other gaming facilities and law enforcement agencies, monitoring room access, and operational guidelines. Please also describe the applicant's plans to ensure that adequate backup generator or battery power systems are in place to protect and ensure that there is no interruption of mandatory continuous visual surveillance and security systems for the gaming establishment.

Please attach a detailed, written response to this question as attachment 4-60-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a very generic description of the surveillance approach. The response provided in this box will be released to the public.

4-61 Emergency Evacuation

State how the design of the building will support emergency evacuation.

Please attach a detailed, written response to this question as attachment 4-61-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-62 Emergency Response

Describe all of the applicant's plans for dealing with emergencies, including any and all use of local, state or regional public safety and medical entities and facilities that will be utilized in the event an emergency occurs. Further, please discuss any plan to develop and implement an active shooter/terrorist response plan.

Please attach a detailed, written response to this question as attachment 4-62-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-63 Regulatory Accommodations

Describe the spaces within the facility that will be provided for regulatory staff, including members of the State Police including designation of square footage. Plans should also address the provision of security, law enforcement and regulatory interview rooms with electronic surveillance coverage, including any temporary criminal holding facility plans, and fingerprinting area. Additionally, please discuss plans for enabling Commission and State Police access to computer terminals for player tracking, surveillance coverage, and any required audit capabilities.

Please attach a detailed, written response to this question as attachment 4-63-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-64 Remote Regulatory Surveillance

Describe the applicant's approach to remote regulatory surveillance, including the facilities and equipment in the establishment that will be available for facilitating surveillance of that type.

Please attach a detailed, written response to this question as attachment 4-64-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a very broad description of the approach. The response provided in this box will be released to the public.

4-65 Excluding Minors

Describe the steps and measures the applicant will take to ensure that minors are excluded from the gaming premises including a description of plans for controlled facility access points, security policies, and age verification techniques and equipment. Further, please describe how the facility design itself will help minimize access by minors into restricted areas.

Please attach a detailed, written response to this question as attachment 4-65-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-66 Security of Premises

Describes the steps and measures that the applicant will take with respect to security and prevention of unlawful behavior on the gaming establishment premises and in its immediate vicinity. Please also describe any planned policies relative to use of force and restraint, notification to law enforcement, and use of non-lethal chemical and electrical equipment for subduing unruly and physically assaultive patrons. Further, please describe any planned processes for the discovery, documentation and notification of proper authorities relative to forged documents, counterfeit currency, credit card fraud, player bonus point frauds, and false identifications. Finally, please describe any anticipated policies and procedures addressing such issues as the abandonment of minors in a parking area or hotel room.

Please attach a detailed, written response to this question as attachment 4-66-01 and provide a brief overview of your response in this box. Given the sensitivity of some of this information, the information provided in the overview may include only general descriptions where necessary. The response provided in this box will be released to the public.

4-67 History of Security

Describe the measures the applicant has utilized with respect to security and prevention of unlawful behavior at other facilities it owns and operates, how well those measures have succeeded and the metrics used to measure their success.

Please attach a detailed, written response to this question as attachment 4-67-01 and provide a brief overview of your response in this box. Given the sensitivity of some of this information, the information provided in the overview may include only general descriptions where necessary. The response provided in this box will be released to the public.

4-68 Computerized Accounting and Auditing

The Commission will likely utilize a central, computerized accounting and auditing system to assure the integrity, security, honesty, accountability and fairness in the operation and administration of games played at the facility. Describe the measures and commitment that the applicant will institute to facilitate installation and maintenance of any hardware and software, necessary for the system's operation and the applicant's experience with similar systems at all other locations the applicant owns, controls or operates. Further, please attach a projected table of organization, containing brief descriptions of the positions, relative to staffing of the Information Technology department to address the needs posed by a system of this nature.

Please attach a detailed, written response to this question as attachment 4-68-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Permitting

4-69 Permit Chart

Provide as attachment 4-69-01 a chart identifying all federal, state, and local permits and approvals required, or anticipated to be required, for the construction and operation of the applicant's proposed category 1 or category 2 gaming establishment that includes: a) the date on which the applicant submitted, or anticipates that it will submit, its application for each permit or approval; b) the maximum time period set by statute, regulation, and/or by-law or ordinance that the authority having jurisdiction has to render a decision on an application, if any (*e.g.* 780 CMR 105.3.1 *Action on Application*); c) the expiration date or maximum effective time period for

each permit or approval, if any, set by statute, regulation, and/or by-law or ordinance; and d) a citation to the statute, regulations, and/or by-law or ordinance governing the issuance of each permit or approval.

4-70 Permit Chart Attachments

Provide a complete copy of: (i) any completed application for each permit or approval that was submitted by the applicant to the authority having jurisdiction, including a copy of any exhibits and attachments; (ii) any written comments received by the applicant from a host community, surrounding community or prospective surrounding community, impacted live entertainment venue or prospective impacted live entertainment venue, and/or the permitting agency regarding the applicant's request for the permit or approval; and (iii) any permit, approval or decision issued by the authority having jurisdiction.

4-71 ENF

Provide a copy of the applicant's environmental notification form (ENF) along with proof of the applicant's submission of the ENF in compliance with G.L. c. 30, §62A and 301 CMR 11.00 in connection with the applicant's proposed category 1 or category 2 gaming establishment.

4-72 EOEEA Certificate (ENF)

Provide a copy of the certificate from the secretary of EOEEA after the conclusion of the comment period on the filing of the ENF pursuant to 301 CMR 11.06(7) and a copy of all written comments submitted to the MEPA unit during its review of such ENF.

4-73 EIR

Provide a copy, if any, of the draft, final, supplemental, or single environmental impact report (EIR), Notice of Project Change, or a request for an Advisory Opinion submitted by the applicant pursuant to G.L. c. 30, §§61-62H and 301 CMR 11.00 in connection with the applicant's proposed category 1 or category 2 gaming establishment.

4-74 EOEEA Certificate (EIR)

Provide a copy, if any, of the certificate from the secretary of EOEEA after the conclusion of the comment period on the filing of any such draft, final, supplemental, or single EIR, Notice(s) of Project Change, and in the case of an Advisory Opinion, the decision of either the Secretary or the MEPA Director pursuant to G.L. c. 30, §§61-62H and 301 CMR 11.00, and a copy of all written comments submitted to the MEPA unit during its review of such filing.

4-75 Environmental Assessment, Findings, and Impact Statement

Provide a copy of any notice or draft, final, or supplemental environmental assessment, finding of no significant impact, or environmental impact statement prepared by any federal agency in accordance with 42 U.S.C. §4321 in connection with the applicant's proposed category 1 or category 2 gaming establishment.

4-76 Host Community Zoning

Describe applicable zoning requirements for the site of the proposed project, explain how the applicant proposes to meet them, and provide a statement from the host community's zoning officer, town counsel or city solicitor that, notwithstanding a site plan approval, the proposed category 1 or category 2 gaming establishment is either: a) Permitted at its proposed location as of right pursuant to the host community's zoning ordinances or bylaws; or b) Permitted at its proposed location pursuant to all of the host community's zoning ordinances or bylaws subject only to the applicant's obtaining some or all of the permits and approvals identified in the application pursuant to 205 CMR 120.01(1)(a).

4-77 Permit Appeals

Provide a copy of the filings associated with any appeal, whether to a municipal or state entity or for judicial review, filed with respect to any permit or approval listed on the chart provided in response to question 4-69 along with a current copy of the docket sheet on such appeal and each decision on any appeal, if any.

Other

4-78 Other Uses of Facility

Describe the design features that will allow other uses of the buildings in the gaming establishment complex in the event that the applicant decides to cease gaming operations in the facility at some future date.

Please attach a detailed, written response to this question as attachment 4-78-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

4-79 Site Plan

Provide documentation showing the location of the proposed gaming establishment, including all amenities and significant structures, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application and ownership interests over the past 20 years, including all interests, options, agreements in property and demographic, geographic and environmental information.

Please attach a detailed, written response to this question as attachment 4-79-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5. MITIGATION

Prerequisites

5-1 Infrastructure Costs

Identify the infrastructure costs to the host and surrounding communities from construction and operation of a gaming establishment. May reference response to question 5-2. (See related agreement in section *B. Signature Forms*).

Please attach a summary costs, including a citation as to the source of the information, as attachment 5-01-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-2 Impacts and Costs

Provide completed studies and reports showing the proposed gaming establishment's: (i) cost to the host community and surrounding communities and the Commonwealth for the proposed gaming establishment to be located at the proposed location, and (ii) local and regional social, environmental, traffic and infrastructure impacts.

Please attach a summary of each study and report and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-3 Community Impact Fee

Describe and identify the applicable section of the executed host community agreement, between the applicant and the host community, for the payment of a community impact fee including the timing as to when the fee will be paid in the event that the applicant is awarded a gaming license.

Please attach a detailed, written response to this question as attachment 5-03-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, the total impact fee to be paid and the timing of the payment. The response provided in this box will be released to the public.

Host Community Agreement

5-4 Agreements

Attach all host community agreements, including any appendices or attachments, into which the applicant has entered.

5-5 Election Materials

Provide the summary of the host community agreement that was provided to the voters along with a description of the election at which the project was approved of by the voters, including the date of the election, the polling procedures, and a certified copy of the election results provided by the city or town clerk.

Please attach a detailed, written response to this question as attachment 5-05-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-6 Mitigation

Describe how the applicant proposes to address host community impact and mitigation issues as set forth in the host community agreement during both the construction and operation of the proposed gaming establishment.

Please attach a detailed, written response to this question as attachment 5-06-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-7 Election Related Advertising

Attach a copy of all M22 forms filed in accordance with G.L. c.55, §22 relative to expenditures made by the applicant with intent to influence the outcome of the host community ballot question and/or the M101 BQ and M102 forms filed relative to the forming and funding by the applicant of a host community related ballot question committee as prescribed by the Office of Campaign and Political Finance. Please provide these items as attachments 5-07-01 *et seq.*

State the total amount of money the applicant spent on advertising or organizing for a favorable election outcome.

5-8 Negative Advertising

Since November 22, 2011, has the applicant, any person or entity with a financial interest in the applicant, anyone acting at the direction or request of the applicant or anyone acting at the direction or request of a person or entity with a financial interest in the applicant made any monetary or in-kind contribution, directly or through an intermediary, to any entity, group or person who was urging voters to cast a negative vote in any election governed by G.L. c. 23K, §15(13)?

5-9 Contributions

Attach a copy of all Form M119 prescribed by the Office of Campaign and Political Finance that have been filed by the applicant in accordance with G.L. c.23K, §47. Further, in accordance with 205 CMR 108.02, disclose all political contributions, community contributions, or contributions in kind made by an applicant or qualifier to a municipality or a municipal employee of the host community from January 15, 2013 through the date of submission of this application. Please provide these items as attachments 5-09-01 *et seq.*

5-10 Requests for Contribution

Subject to the exemptions identified in 205 CMR 108.03(4), identify all requests of which the applicant is aware for any thing of substantial value, as defined by 205 CMR 108.03(1), made to an agent or employee of the applicant or any qualifier by persons or persons listed in 205 CMR 108.01(1) from January 15, 2013 through the date this application is filed. Each request identified shall include the name of the person who made the request, the date the request was made, and the nature of the request. (Note- the Commission is only interested in requests that are related in some fashion to the Massachusetts project, be it the nature of the request or the individual making the request. The Commission is not seeking disclosure of requests solely related to the applicant's business in other states or internationally. For example, a request received by the applicant to sponsor a youth sports team in Massachusetts should be disclosed. However, a similar request by an individual unconnected to Massachusetts to sponsor a youth sports team in Nevada need not be disclosed.)

5-11 Public Outreach

Provide a description and documentation for all public outreach efforts that the applicant has made to local communities.

Please attach a detailed, written response to this question as attachment 5-11-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-12 Public Support

Describe in detail the public support for the project the applicant has obtained in the host and surrounding communities in addition to that reflected by the host community vote, including the names and affiliations of all individuals, including elected officials, organizations and groups that have given public support to the project, and describe any agreement relationships with local organizations.

Please attach a detailed, written response to this question as attachment 5-12-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-12 Public Support

Describe in detail the public support for the project the applicant has obtained in the host and surrounding communities in addition to that reflected by the host community vote, including the names and affiliations of all individuals, including elected officials, organizations and groups that have given public support to the project, and describe any agreement relationships with local organizations.

Please attach a detailed, written response to this question as attachment 5-12-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Surrounding Community Agreements

5-14 Executed Surrounding Community Agreements

Provide a copy of all executed surrounding community agreements as described in 205 CMR 125.01(1)(b).

5-15 Designation of Surrounding Community w/o Executed Agreement

List all municipalities that the applicant wishes to designate as a surrounding community in accordance with 205 CMR 125.01(1)(a) with which no surrounding community agreement has been executed as of the time of the filing of this application. Please briefly describe the nature of the discussions with any identified community. Please attach the notice of such designation that was provided to the chief executive officer of the community in accordance with 205 CMR 125.01(1)(a).

5-16 Declined Communities

Identify any community that requested a surrounding community agreement or sought to discuss its status as a prospective surrounding community, which the applicant declined. Please explain the reasons for declining and describe the nature of the discussions or negotiations the applicant had with the community.

5-17 Mitigation

Describe how the applicant proposes to address surrounding community impact and mitigation issues as set forth in the surrounding community agreements during both the construction and operation of the proposed gaming establishment.

Please attach a detailed, written response to this question as attachment 5-17-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Impacted Live Entertainment Venue Agreements

5-18 Executed Impacted Live Entertainment Venue Agreements

Provide a copy of all impacted live entertainment venue agreements executed in accordance with 205 CMR 126.01(1)(a).

5-19 Declined ILEV Agreements

Identify any venue that requested an impacted live entertainment venue agreement or sought to discuss its status as a prospective impacted live entertainment venue, which the applicant declined. Please explain the reasons for declining and describe the nature of the discussions or negotiations the applicant had with the venue.

5-20 Cross Marketing Agreements

List all cross-marketing agreements with impacted live entertainment venues the applicant has entered. If more space is needed, please use an attachment.

5-21 Exclusivity with Entertainers

Provide a statement as to whether the applicant intends to incorporate a geographic exclusivity clause into agreements with its entertainers engaged to perform at a venue within its proposed Massachusetts gaming establishment. If so, please explain the nature of the agreements.

Please attach a detailed, written response to this question as attachment 5-21-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Protect and Enhance Lottery

5-22 State Lottery

Describe the plans, measures and steps the applicant intends to take to avoid any negative impact on the revenues currently generated by the Massachusetts State Lottery, including crossmarketing strategies with the lottery and increasing ticket sales to out-of-state residents. Further, provide a written plan demonstrating the manner in which the lottery and keno games shall be made readily accessible to the guests of the gaming establishment including the designation of any lottery outlet retail floor space. (See associated agreement in section *B. Signature Forms*).

Please attach a detailed, written response to this question as attachment 5-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Implement Measures to Address Problem Gambling

5-23 On Site Resources for Problem Gambling

Describe the on-site resources that will be accessible to those affected by gambling-related problems. (See associated agreement in section *B. Signature Forms*)

Please attach a detailed, written response to this question as attachment 5-23-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-24 Problem Gambling Signage

Describe the signs, alerts and other information that will be available in the gaming establishment complex to identify the on-site resources available for those affected by gambling-related problems. (See associated agreement in section *B. Signature Forms*)

Please attach a detailed, written response to this question as attachment 5-24-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-25 Self Exclusion Policies

Describe the exclusion policies that will be available for gaming establishment patrons and employees, including the process that will be utilized to notify individuals of the availability of self-exclusion and the steps that will be taken to assist those who request exclusion. (See associated agreement in section *B. Signature Forms*)

Please attach a detailed, written response to this question as attachment 5-25-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-26 Identification of Problem Gambling

Describe the initial and ongoing training that will be used to help gaming establishment employees identify those who may have gambling-related problems, or self-identify, and assist them to obtain help for those problems.

Please attach a detailed, written response to this question as attachment 5-26-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-27 Credit Extension Abuse

Describe the policies the applicant will use to ensure that credit extensions are not being abused by those with gambling-related problems.

Please attach a detailed, written response to this question as attachment 5-27-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-28 Code of Ethics

Provide a copy of the code of ethics employees, including senior managers, are required to follow and the process by which the code is promulgated.

Please attach a detailed, written response to this question as attachment 5-28-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-29 Metrics for Problem Gambling

Describe the metrics the applicant will use to measure whether it is succeeding in its efforts to reduce gambling at its gaming establishment by those with gambling-related problems and the use to which those metrics will be put and provide the data those metrics have generated for each of the last five years at each of the applicant's facilities. Further, please describe how the applicant proposes to cooperate and support the Commission in the development of an annual research agenda as provided in G.L. c. 23K, §71.

Please attach a detailed, written response to this question as attachment 5-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-30 Advertising Responsible Gambling

Describe the extent to which responsible gambling messages will be part of the applicant's advertising.

Please attach a detailed, written response to this question as attachment 5-30-01 and provide a brief overview of your response in this box. The response provided in this box will be released in the public.

5-31 Treatment and Prevention

Describe the plans the applicant has to coordinate with local providers to facilitate assistance and treatment for those with gambling-related problems and plans to develop prevention programs targeted toward vulnerable populations as the term is defined by 205 CMR 102.02.

Please attach a detailed, written response to this question as attachment 5-31-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-32 Historical Efforts Against Problem Gambling

Describe the processes the applicant uses to address problem gambling at the other facilities it owns or controls, the effectiveness of those processes, and the metrics the applicant uses to determine the effects.

Please attach a detailed, written response to this question as attachment 5-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Traffic

5-33 Traffic Control Measures

Describe the plans for traffic control measures the applicant proposes for the gaming establishment complex and the surrounding areas, the expected total vehicle traffic generated by the site, and plans for mitigating vehicle trips to and from the site both during construction and operation of the facilities. Further, describe efforts to encourage public transportation options to access the site, and pedestrian access and amenities of the site and surrounding area.

Please attach a detailed, written response to this question as attachment 5-33-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-34 Traffic for Special Events

Describe the applicant's plans for accommodating special events and the traffic those events may generate.

Please attach a detailed, written response to this question as attachment 5-34-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-35 Snow Removal

Describe the applicant's snow-removal plans.

Please attach a detailed, written response to this question as attachment 5-35-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

Other

5-36 Housing

Provide an assessment of the likely impact on the housing stock in the host and surrounding communities resulting from the new jobs the gaming establishment provides, and the steps the applicant plans to take to remedy any negative impacts.

Please attach a detailed, written response to this question as attachment 5-36-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-37 School Population

Provide an assessment of the likely impact on school populations in the host and surrounding communities resulting from new jobs the gaming establishment provides, and the steps the applicant plans to take to remedy any negative impacts. Also, please describe the proximity and potential impact of the gaming establishment to local schools, religious institutions and facilities, and public fields and parks, including any plans designed to avoid interference with school buses, student drop-offs, local athletic events, and other education related activities, especially during peak student transportation hours.

Please attach a detailed, written response to this question as attachment 5-37-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

5-38 Emergency Services Available

Provide an analysis of available police, fire and emergency medical services available to the gaming establishment complex, the adequacy of those resources, the steps the applicant plans to take to remedy any deficiencies, and the agreements the applicant has made with the service providers to ensure that the appropriate levels of protection are available.

Please attach a detailed, written response to this question as attachment 5-38-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

A.SIGNATURE FORMS

LICENSING FEES

An applicant must demonstrate that it is able to pay the licensing fee (\$85,000,000 for a Category 1 license and \$25,000,000 for a Category 2 license) in the event that it is awarded a license. The Commission will refer to the applicant's RFA-1 application and responses to relevant questions in the RFA-2 application to make this determination. The applicant may attach additional documentation or provide further evidence as to its ability to pay. Further, the applicant must commit to paying the gaming licensing fee in the event that it is awarded a license. Pursuant to 205 CMR 118.06(5), the 'award' of a gaming license shall be deemed to have occurred immediately upon a majority vote by the commission to issue a license to an applicant. In accordance with 205 CMR 121.02, if the successful applicant fails to pay all required licensing fees within 30 days after the vote by the Commission to award the license, the Commission may take any remedial action it deems necessary up to and including revocation of the gaming license and re-awarding the license.

CAPITAL INVESTMENT

In accordance with the design plans submitted in accordance with sections 4-4 and 4-5 of the RFA-2 application the applicant must agree to invest not less than \$500,000,000 into a Category 1 gaming establishment or \$125,000,000 into a Category 2 gaming establishment. Further, unless granted leave by the Commission, the applicant must agree to expend at least the amount identified as the capital investment in accordance with section 2-27 of the RFA-2 application.

AFFIRMATIVE ACTION PROGRAM OF EQUAL OPPORTUNITY

The applicant must agree to abide by an affirmative action program of equal opportunity, as referenced in question 3-7, whereby the applicant establishes specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in the executive office for administration and finance Administration Bulletin Number 14.

MARKETING TO MINORITY, WOMEN, AND VETERAN BUSINESSES

The applicant must agree to abide by a marketing program, as referenced in question 3-20, for utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured

PUBLIC HEALTH MITIGATION

In the event that it is awarded a gaming license, _____ hereby agrees, in accordance with G.L. c.23K, §9(a)(8), to mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including: (i) maintaining a smoke-free environment within the gaming establishment under G.L. c.270, §22; (ii) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the Commission; (iii) prominently displaying information on the signs of problem gambling and how to access assistance; (iv) describing a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications; and (v) instituting other public health strategies as determined by the commission.

STATE LOTTERY SALES AGENT

The applicant is required to agree to be a licensed state lottery sales agent under G.L. c.10 to sell or operate lottery, multi-jurisdictional and keno games; demonstrate that the lottery and keno games shall be readily accessible to the guests of the gaming establishment and agree that, as a condition of its license to operate a gaming establishment, it will not create, promote, operate or sell games that are similar to or in direct competition, as determined by the commission, with games offered by the state lottery commission, including the lottery instant games or its lotto style games such as keno or its multi-jurisdictional games.

COMMITMENT TO COMMUNITY MITIGATION

The applicant is required to commit to supporting its community mitigation plan under 205 CMR 119.01(6) and (11).

VERIFICATION AND AUTHENTICATION

The applicant, _____, hereby authorizes the Commission, the Executive Director of the Commission, the Investigations and Enforcement Bureau, and/or their respective designees to take all necessary and reasonable steps to verify and authenticate any information or materials submitted in conjunction with this application and agrees to fully cooperate in such an inquiry. Further, the applicant is aware that if any of the responses to any question in this application are determined to be false, or if they are misleading, the application may be denied. The applicant acknowledges its continuing duty to provide updated information and/or promptly notify the Commission of any changes to the information or materials, of which it becomes aware or should be aware, that were provided in response to any question in this application.

VERIFICATION AND AUTHENTICATION

The applicant, _____, hereby authorizes the Commission, the Executive Director of the Commission, the Investigations and Enforcement Bureau, and/or their respective designees to take all necessary and reasonable steps to verify and authenticate any information or materials submitted in conjunction with this application and agrees to fully cooperate in such an inquiry. Further, the applicant is aware that if any of the responses to any question in this application are determined to be false, or if they are misleading, the application may be denied. The applicant acknowledges its continuing duty to provide updated information and/or promptly notify the Commission of any changes to the information or materials, of which it becomes aware or should be aware, that were provided in response to any question in this application.

WAIVER OF LIABILITY

_____ hereby holds the Commonwealth of Massachusetts and its instrumentalities and agents, including but not limited to the Massachusetts Gaming Commission and its agents, representatives and employees harmless, both individually and collectively, from any and all claims of liability for damages of whatever kind, resulting at any time from any disclosure or publication of information acquired during the application process or the use of any information provided in furtherance of this application.

B. PUBLIC RECORDS



TOWN OF PLAINVILLE

Office of the

BOARD OF SELECTMEN

September 5, 2013

VIA ELECTRONIC AND FIRST CLASS MAIL

Stephen Crosby, Chairman
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

ATTENTION: John Ziemba, Ombudsman

Dear Chairman Crosby and Members of the Commission:

Please accept these comments as my attempt to allay some of the concerns expressed by the Commission on the application and status of Penn National as such relates to Plainridge and the Town of Plainville. Among other issues, it appeared that the key concerns were: public outreach, potential voter confusion, and "who is the applicant and when were they the applicant?".

From the outset, we in Plainville have attempted to engage the public in every aspect of the host community agreement process with the obvious exception of the actual negotiations. In January of this year, we crafted and issued an extensive Request for Proposals in our search for an experienced and objective consultant to examine the impacts of expanded gaming at Plainridge. I met with opponents to such a possibility and incorporated their concerns into the scope of work that the winning consultant would be charged with completing. (As an aside, one of those opponents was Ms. Greanier herself.) The resulting RFP was not only used to hire Plainville's consultant (Cummings Associates) but an abridged version was used by the Town of Raynham to select its consultant. Additionally, Ombudsman Ziemba asked if he could share the RFP with other communities who may also be in need of consulting services. Although I obviously agreed, I am unaware if anyone else used it. What I do know is that no other community considering whether to host a Category 2 licensee has had the amount of Town sponsored public outreach and analysis that Plainville has.

The Town's consultant will conduct the fourth and final public forum this evening, September 5th. Each forum has revolved around a specific phase of the consultant's work. This last forum requires that the consultant "discuss the content of the negotiated Host Community Agreement and how the Agreement addresses identified impacts and provides maximum benefit to the Town". Every report generated by the consultant has been made available to the public and placed on the Town's website. Email blasts have been sent to each registered subscriber to our website service, notifying them of each received report and of any impending forum. Cable access has announced the availability of the reports and the scheduling of forums. The forums themselves have been broadcast repeatedly. Additionally, the local and Boston press has covered the forums and examined associated reports. In addition, the Town offered opponents of the project an opportunity and facilities to host their own public forum to promote their position in opposition to the project.

At the same time, another public process was going on through the Planning Board. From April through August, with all of the requisite public notice, the Town's Planning Board held six public hearings and meetings, to consider the granting of a Special Permit to allow slot gaming at the Plainridge site. That Special Permit was granted by a unanimous vote of the Planning Board.

Though representatives from Ourway were present at and involved in these forms of public outreach it is clear to me that none of those forms of public outreach would have come to a different conclusion regarding the merits or impact of the project had the applicant been different.

As for the concern regarding voter confusion, I can assure the Commission that Plainville's voters are fully informed regarding Penn's new role in the project. As authorized by the Commission, we have today mailed the required "Citizen Notification" to each voting household in Plainville. Additionally, that notice will appear in the Sun Chronicle's Friday, September 6th, edition. The notice has also been placed on the Town's website with a readily apparent red banner which can be clicked to get you to the notice, as suggested by Commissioner Stebbins. There has been significant coverage, both in local and Boston print, as well as in Boston and Providence electronic media, concerning Penn's efforts to pursue its application in Plainville. Tonight's referenced forum will both announce the recent developments concerning Penn as well as serve as an introduction for Penn to make a subsequent and separate presentation as to who they are and what their aspirations are in Plainville. That notwithstanding, I have complete confidence in saying that the voters in Plainville are well aware of the consequence of their vote next Tuesday. A no vote, at minimum, ends the possibility that slots will be allowed at Plainridge. It may also mean the end of Harness Racing in the Commonwealth. A yes vote allows the owner of the site to proceed to the next step in the licensing process. It is really that simple!

There appears to be some concern regarding the mention of "Plainridge" in our election ballot in light of Penn's interest in pursuing the Category 2 license at the site. In Plainville, "Plainridge" has always been understood to be both a marketing brand and a physical site where harness racing and simulcasting takes place. Throughout its history, the site and/or the brand "Plainridge" have been claimed by ever shifting groups beginning with Management Acquisition Corporation, GTWO, LLC of Massachusetts, GTWO, LLC of Rhode Island, Plainville Racing Company, and most recently, Ourway Realty, LLC. Throughout this history, a suggestion to "Meet me at Plainridge" never required a visit to the Secretary of State's Office to figure out where to go. The use of the name "Plainridge" in our ballot was meant to utilize a common moniker. People in Town may or may not know have known that the current owner of Plainridge was "Ourway Realty, LLC", but the term "Plainridge" has never been understood to refer to whatever corporate entity owned it at the time. Given that Penn now has the rights to both the site and the brand "Plainridge", and that Penn has committed to maintaining the use of that brand, I fail to understand why the appearance of "Plainridge" on our ballot would be of concern.

Finally, I will leave it to the lawyers (and Lord knows that we all have them) to argue the legal points. However from the common man's perspective, I truly hope that the overarching mandate to maximize economic benefit to the Commonwealth, utilizing competition as a tool, will not be trumped by an overly technical reading of one term in the statute and I believe not in keeping with the statute's purpose and intent. More than this, I hope that the citizens of Plainville will not lose their right to a meaningful Home Rule vote on an issue that has been the subject of so much hard work and public debate. Such a result could hardly be of benefit to the residents of Plainville or the Commonwealth of Massachusetts.

Respectfully,



Joseph E. Fernandes
Town Administrator



COMMONWEALTH OF MASSACHUSETTS
TOWN OF PLAINVILLE

OFFICE OF THE TOWN TREASURER

142 SOUTH STREET, P.O. BOX 1717
PLAINVILLE, MA 02762

KATHLEEN A. PARKER
Town Treasurer

Tel. (508) 695-3010 x18
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Stephen Crosby, Chairperson
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

VIA E-MAIL

September 5, 2013

Dear Mr. Crosby:

I am writing to you and the Commission after watching the live stream of yesterday's meeting. I understand you are interested in hearing from people in Plainville relative to the assignment of our Host Community Agreement from Ourway Realty, LLC to Springfield Gaming and Redevelopment, LLC (aka Penn National). I listened intently to the questions that were posed and I very much appreciate your efforts on our behalf. I write to you with a unique perspective as I am the elected Treasurer/Collector in Plainville, having been first elected to my position in 1980. In addition, I was part of the Gaming Consultant screening committee.

Let me begin by stating I voted in favor of the Gaming Legislation at the state level and I am in favor of hosting a slot parlor at the Plainridge Racecourse in Plainville. My reasons for supporting both proposals are quite simple. First, at the state level, the legislation is quite clear in its support of the racing industry. The town of Plainville although small and easily overlooked, has a very strong presence of that industry in our community. In fact, that presence is the most distinguishing characteristic of our town. It affords all our residents the pleasure of viewing open fields, paddocks, and grazing horses on the west side of town. The community at large has continually supported the horse farms by insuring that zoning statutes remain in place to protect and preserve that way of life. The many stable owners, groomsmen, trainers and jockeys who are part of our community rely on our commitment to them and in turn, we are able to partake in the beauty of their farms. I see Plainville's ongoing support of our horse farms being mirrored by the gaming legislation's support of the racing industry. If our race track closes and the farm owners are forced to sell out to developers, the character of Plainville will be changed forever and a very vibrant part of our community will be lost to other states.

Secondly, at the town level, I believe the Host Community Agreement guarantees a firm financial footing to our community for years to come. This agreement is an important part of the directive given to our consultants, Cummings Associates, but not the most important part. A primary concern of the search committee was how the chosen firm would educate the public as to the costs and benefits of allowing a slot parlor in Plainville. To this point, Cummings and Associates have held three public forums and a fourth is scheduled for this evening. These forums have been well attended by a wide cross-section of people and public input was encouraged. The forums were televised, received press coverage in three different newspapers, were critiqued and explained on various social media sites and were discussed on the streets and ball fields of the community. I truly believe the community is very well informed as to the impacts of a slot parlor on the community, the benefits promised by the Host Community Agreement, the dismissal of Ourway as a suitable applicant and the subsequent assignment of the Host Community Agreement to Penn National. In fact, Penn National will be given an opportunity to address our forum tonight and has promised to answer every question put to them. Plainville voters will be fully educated as to the particulars of the Host Community Agreement as well as the applicant now guaranteeing its financial benefits prior to Tuesday's vote. In today's local newspaper, the two lead articles highlighted yesterday's hearing and the corporate history of Penn National. To say that Plainville voters are uninformed or have not had the time to review the agreement is simply false.

The Host Community Agreement stands as a legally executed document, posted as of July 9th. I have had many inquiries on the particulars, answered countless questions and given my heartfelt opinion as to the benefits I see in its offerings. The fact that it has been assigned to Penn National does not affect the benefits it guarantees to the taxpayers of Plainville. If anything, Penn National brings even more assurances to us based on its track record of operating racinos in other venues. The fact that Penn National began their business in racing once again gives us hope that our farm community will be protected and preserved. The prospect of harness racing continuing in Plainville brings hope to the town's financial team that we will not have to look at balancing our town budget without the Local Share of Racing Taxes, an essential part of our Local Estimated Receipts. We will be able to look to the future with joy rather than dread.

Penn National is now the applicant which has been identified to our voters as the entity which will follow through on the promises of the Host Community Agreement, keep Plainridge Racecourse viable, allow our horsemen to thrive and to earn a living from their hard work and allow the Town of Plainville a secure financial future.

Thank you for your time and consideration.

Yours Truly,



Kathleen A. Parker

Town Treasurer-Tax Collector



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

September 5, 2013

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BY ELECTRONIC AND FIRST CLASS MAIL

Stephen Crosby, Chairman
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

ATTENTION: John Ziemba, Ombudsman

Re: Town of Plainville and Springfield Gaming and Redevelopment, LLC

Dear Chairman Crosby and Members of the Commission:

This office represents the Town of Plainville (“Plainville”) as Town Counsel. As you know, Plainville is the proposed host community of a Category 2 gaming facility, proposed to be located at the Plainridge Racecourse (“Plainridge Project”). On behalf of Plainville, I respectfully submit this letter to address the questions raised at the Commission’s meeting of September 4, 2013, regarding the proposed substitution of Springfield Gaming and Redevelopment, LLC (“SGR”), a subsidiary of Penn National Gaming, Inc. (“Penn”), as the developer of the Plainridge Project for the original applicant, Ourway Realty, LLC, who was determined by the Commission to not have satisfied its burden of demonstrating suitability for licensure by clear and convincing evidence. To avoid redundancy, Plainville respectfully joins in and incorporates by reference the points made in the letter brief of even date by SGR’s legal counsel, Jonathan Albano, Esq. of Bingham McCutchen (“SGR Brief”).

As set forth in the SGR Brief and below, Plainville submits there is nothing in G.L. c.23K or in the Commission’s regulations thereunder that would prevent the Commission from accepting SGR as the substitute applicant for the Plainridge Project, consistent with the unanimous vote of the Plainville Board of Selectmen on September 3, 2013. To the contrary, such action is wholly consistent with the statute and the regulations and is necessary to further the goals of the legislation. In addition to the points raised in the SGR Brief, Plainville requests that the Commission consider the following:

1. SGR May Properly Be Considered “the Applicant” for the Plainridge Project

For the reasons discussed in the SGR Brief, Plainville submits that the term “applicant” need not, and should not, be narrowly construed to prohibit the proposed substitution of SGR as the applicant for the Plainridge Project. Plainville respectfully offers the following additional points in support of this position.

No statutory purpose would be served by adopting a narrow and hyper-technical construction of the term “applicant”. As previously noted, the Commission indisputably has the authority to approve of the transfer of a license subsequent to licensure, see, e.g. 205 CMR 31.00. It would be an illogical result

KOPELMAN AND PAIGE, P.C.

Stephen Crosby, Chairman
Massachusetts Gaming Commission
September 5, 2013
Page 2

for the statute to be construed or applied so as to prohibit substitution now, where this will result in frustration of the oft-stated goals of promoting competition, maximizing revenue for the Commonwealth and protecting racing. Statutory and regulatory provisions should not be construed to have such absurd results. “It is trite, but true, that courts are bound to interpret statutes whenever possible in ways that avoid absurd results.” Arevalo v. Ashcroft, 344 F.3d 1, 8 (1st Cir.2003); see also General Motors Corp. v. Darling’s, 444 F.3d 98, 108 (1st Cir. 2006) (“[W]e ‘avoid statutory constructions that create absurd, illogical or inconsistent results.’ ”)

Chapter 23K, §1(10) states that “the power and authority of the commission shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.” Thus, “the Legislature ‘made it clear in [the statute] that it wished the definitions it enacted to serve its legislative purpose, not thwart it.’ ” DiFiore v. American Airlines, Inc., 454 Mass. 486, 493 (2009). Similarly, 205 CMR 102.03(2) provides the Commission’s regulations “shall be liberally construed to permit the commission, the bureau, and their agents and employees to effectively carry out their respective statutory functions and to secure a just and expeditious determination of issues properly presented to the commission and the bureau.”

It is clear that neither the Legislature, in adopting Chapter 23K, nor the Commission, in adopting its regulations, contemplate the circumstances now faced by Plainville or the Commission—i.e. a situation in which the original applicant for a project is deemed unsuitable and another RFA-1 applicant steps in and is ready, willing and able to assume all aspects of the project, including all obligations under the operative Host Community Agreement. The Commission has explicitly provided for such unforeseen eventualities in 205 CMR 102.06:

Matters Not Provided For

In recognition of the inherent difficulty of drafting functional regulations that contemplate every situation that may arise in the regulation of gaming in the Commonwealth, 205 CMR 102.06 provides the Commission, the IEB, and Commission staff, with reasonable discretion to ensure that all issues that may arise in the enforcement of 205 CMR may be appropriately addressed. Matters not specifically provided for in 205 CMR regarding the licensing of a gaming establishment, individual, or vendor, or the operation of a gaming establishment, shall be determined by the Commission ... in a manner consistent with the principles set forth in M.G.L. c. 23K, § 1. [Emphasis added].

Plainville respectfully submits that the Commission may properly invoke its own regulation to approve SGR’s proposed assumption of the Plainridge Project. Such action would clearly be “consistent with the principles set forth in M.G.L. c. 23K, §1.”

Finally, Plainville submits that the Commission may properly authorize SGR to be substituted for Ourway as applicant for the Plainridge Project nunc pro tunc (“now for then”). This doctrine permits

Stephen Crosby, Chairman
Massachusetts Gaming Commission
September 5, 2013
Page 3

the substitution of one party for another without running afoul of temporal requirements such as statutes of limitations. See, e.g., Feener Bus. Sch., Inc. v. Speedwriting Pub. Co., 249 F.2d 609, 612 (1st Cir. 1957) (“Only the sheerest technicality was involved in the order of substitution, whereby the parent corporation, having absorbed its wholly owned subsidiary by merger, was allowed to be substituted nunc pro tunc for the original nominal plaintiff in this case”); Touzin v. Smith, 6 Mass.App.Ct. 641 (1978) (allowing substitution of executor of deceased defendant’s estate for defendant nunc pro tunc serves statutory purpose, and prohibiting such substitution would “derogate” from such purpose). Such retroactive substitution clearly would further the goals of the statute in this instance.

2. There Would Be No Voter Confusion Or Prejudice To The Public As A Result Of The Proposed Substitution

Plainville has engaged in a lengthy, wide-ranging and transparent public discourse and analysis regarding the Plainridge Project. This process has involved detailed review of the potential impacts of the project and details concerning its design, location and interaction with the community, and it has resulted in several comprehensive reports regarding such impacts, which have been posted on Plainville’s website for months. This process has not focused in any way on the ownership of Plainridge and certainly has not been focused upon Ourway Realty, LLC being the applicant for the project.

Consistent with the form required under G.L. c.23K, §15(13), the ballot question that has been printed for the Town’s September 10 special election refers only to the location of the project and the fact that obligations to the Town under the Host Community Agreement are borne by Plainridge. Ourway is mentioned nowhere on the ballot. It is important to note that SGR has committed to maintaining the brand name and d/b/a of Plainridge, and the ballot before the voters is thus completely accurate. Furthermore, at all times since the Host Community Agreement was signed and posted on the Town’s Website on July 8, 2013, the voters of the Town were on notice that, pursuant to the explicit terms of the Host Community Agreement (Section 8), the Board of Selectmen would have the authority to approve of a transfer of the Agreement to another entity.

As previously noted in comments to the Commission, the Legislature clearly envisioned the chief executive body of a municipality as having the right to negotiate (or not) with particular applicants regarding proposed projects. Of course, the Legislature also intended that the Commission have the final say regarding the suitability of prospective applicants. In contrast, the Legislature clearly contemplated that the voters of a proposed host community would vote on the project, based upon the protections and benefits established in the Host Community Agreement. The statute requires that the ballot specify the location of the project and contain a summary of the Host Community Agreement. Had the Legislature intended the identity of the applicant to be a subject of the ballot election, it clearly could have prescribed the ballot form to include such information. It did not do so, however, and the Commission should not read such a requirement into the statute. “[E]ven if an injustice or hardship were to result, this court cannot insert words into a statute, where, as here, the language of the statute, taken as a whole, is clear and unambiguous. Bronstein v. Prudential Ins. Co. of Am., 390 Mass. 701,

KOPELMAN AND PAIGE, P.C.

Stephen Crosby, Chairman
Massachusetts Gaming Commission
September 5, 2013
Page 4

708 (1984). Here, far from remedying any injustice, reading the statute as proposed by opponents of the Plainridge Project would itself result in a grave injustice—undermining of the local sovereignty and home rule of Plainville and nullification of the will of Plainville’s voters, who will go to the polls to vote on this project on September 10, 2013, regardless of the Commission’s decision.

In any case, in the unlikely event that any voter in Plainville might be inclined to vote for or against the project based upon SGR being the applicant instead of Ourway, it is rank speculation to suggest that any such voter would be unaware of the substitution prior to voting on September 10. Methods by which voters have been/will be informed of this issue include:

- On September 3, 2013, the Board held a properly-posted public meeting, at which SGR’s assumption of the project was discussed and the Board unanimously voted to approve of such assumption. This meeting was attended by members of the local press, as well as opponents of the project.
- On September 4, 2013, the matter was discussed publicly and at length at a meeting of the Commission. This meeting, too, was attended by members of the press and opponents of the project.
- The voter education notice, approved by the Commission pursuant to 205 CMR 115.05(6) clearly identifies this occurrence and has been mailed to all voting households, posted on the Town’s website and will be published in a newspaper of general circulation on Friday, September 6, 2013.
- A previously-scheduled public forum regarding the project will be held this evening (September 5, 2013), at which SGR’s assumption of the project will be discussed in detail.
- There have been numerous accounts of SGR’s assumption of the project in the local and statewide press.

Simply put, it is extremely doubtful that a single voter in Plainville, who is interested enough to vote at a special election regarding the Plainridge Project, could be ignorant of the fact that the project is being acquired by another applicant. Therefore, even were the identity of an applicant an issue the Legislature contemplating being placed before the voters, there can be no question that the voters will be adequately informed concerning this subject by the time they vote on September 10.

Finally, in addition to the lack of any viable argument regarding voter confusion, there is no other prejudice to the public that would result from the Commission’s approval of SGR’s substitution as applicant for the Plainridge Project. As noted, opponents of the project are well aware of this substitution. Indeed, it is interesting to note that the email to the Commission from the leader of the opposition to the project (discussed during the Commission’s September 4 meeting) was dated August 23, 2013—over a week before SGR executed its agreement with Ourway and the Selectmen voted to authorize the assignment. Conspicuously absent from this August 23, 2013 email is any suggestion of harm to the public or prejudice to project opponents that would allegedly result from the proposed substitution. Plainville respectfully submits that, particularly absent any such prejudice, a

KOPELMAN AND PAIGE, P.C.

Stephen Crosby, Chairman
Massachusetts Gaming Commission
September 5, 2013
Page 5

hyper-technical reading of the statute should not be used as a method to subvert the electoral process prescribed by the Legislature.

On behalf of the Town of Plainville, I thank the Commission for its careful consideration of this important matter and look forward to appearing at the Commission's meeting of September 6, 2013.

Very truly yours,



Jonathan M. Silverstein

JMS/lem
481451/plvl/0024

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September 5, 2013

Stephen Crosby, Chairman
Massachusetts Gaming Commission
10th Floor
84 State Street
Boston, MA 02109

Attention: John Ziemba, Ombudsman
john.s.ziemba@state.ma.us
johnziemba@hotmail.com

Re: September 6, 2013 Public Hearing

Dear Chairman Crosby:

Springfield Gaming and Redevelopment, LLC (“SGR”), a subsidiary of Penn National Gaming, Inc. (“Penn”), respectfully submits this letter brief to address the sole issue raised at the Commission’s September 4, 2013 public hearing concerning Plainridge Racecourse: whether the September 10, 2013 election scheduled by the Town of Plainville can result in the necessary “binding vote on a ballot question” in favor of the Category 2 License sought by SGR.

The relevant facts are not in dispute. On July 8, 2013, Plainville entered into a Host Community Agreement with Ourway Realty, LLC, d/b/a Plainridge Racecourse (“Ourway”), regarding a Category 2 License to operate a slot parlor in Plainville. Section 8 of the Host Community Agreement granted Ourway the right to assign its rights and obligations thereunder provided that (a) Plainville consented to the assignment; and (b) any assignee was bound by the terms of the Agreement to the fullest extent permitted by law. The Host Community Agreement has been posted on the Town website since July 9, 2013 and has been available for public inspection since that time at the Town offices.

Pursuant to M.G.L. ch. 23K, § 15(13), the Plainville Board of Selectmen voted to approve the holding of an election on September 10, 2013 to consider a ballot question on whether to permit the operation of a gaming establishment located at 301 Washington Street, Plainville. Consistent with the Act, the ballot does not disclose the name of the entity that is party to the Host Community Agreement, either in the ballot question, the summary of the ballot question, or in the summary of the Host Community Agreement. Rather, with respect to the prospective licensee, it discloses only that the proposed licensee would be the owner of the Plainridge Racecourse. SGR fully controls the racecourse and its real estate for purposes of development of a gaming establishment by

Beijing
Boston
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Hartford
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Stephen Crosby, Chairman
September 5, 2013
Page 2

virtue of an Option Agreement, a memorandum of which is recorded in the Registry of Deeds and a copy of which has been provided to the Commission. SGR is therefore the equitable owner of the racecourse.

On August 5, 2013, the Commission issued a negative determination of suitability of Ourway. Thereafter, on September 3, 2013, SGR and Ourway entered into an Assignment and Assumption of Host Community Agreement (“Assignment”). Under the Assignment, Ourway assigned, and SGR assumed, all of Ourway’s rights, title, interest, duties and obligations under the Host Community Agreement. *See* Assignment, §§ 2, 3. On September 3, 2013, the Plainville Board of Selectmen unanimously authorized the Assignment. The Board of Selectmen also voted to move forward with the September 10, 2013 election in view of the Assignment to SGR in order to permit the Town and the racecourse to participate in (and potentially benefit from) the selection process.

The specific question raised during the September 4 hearing was whether, under § 15(13), the Assignment required SGR to request a new election, thereby postponing the election for at least 60 days and ensuring that the citizens of Plainville have no opportunity to vote to approve the operation of a gaming establishment in the community. A similar question was raised in a correspondence to the Commission from an interested citizen. As shown below, the statutory language, context and purpose of ch. 23K in general and § 15(13) in particular demonstrate that there is no such requirement. To the contrary, the Massachusetts Expanded Gaming Act permits a party to a Host Community Agreement (“HCA”) to assign its rights under an HCA to another applicant without any requirement that the assignee re-start the entire ballot question process to the detriment of the host community, the racing community, and the competitive selection process mandated by the Act.

A. The Relevant Statutory Framework

Before turning to an analysis of the specific language of § 15(13), it is appropriate to consider the overall context and structure of ch. 23K. *See generally Massachusetts v. Morash*, 490 U.S. 107, 115 (1989) (“in expounding a statute, we [are] not . . . guided by a single sentence or member of a sentence, but look to the provisions of the whole law, and to its object and policy.”). The Act delegates to the Commission the authority to conduct exhaustive examinations of the suitability of applicants. *See* M.G.L. c. 23K, §§4, 12. The negotiation and execution of HCAs, in contrast, serve distinctly different purposes. Pursuant to Massachusetts General Law, Chapter 23K, Section 15(13), the ballot question presented to voters in a Host Community must be worded as follows:

Shall the (city/town) of _____ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission located at _____ [description of site] _____ ? Yes _____ No _____.

This statutorily-mandated language does not require the disclosure of the identity of the license applicant. Rather, the only question the legislature put to the voters was whether to permit the operation of a gaming establishment at a specified location in the community. That is not to suggest that voters do not have a legitimate interest in the identity of an applicant seeking a license to operate a gaming facility in the community. It does mean, however, that the legislature deliberately crafted the mandatory language of the ballot question to address only whether voters support the “operation of a gaming establishment” at a particular location in the community. The determination of whether an applicant is suitable to operate that gaming facility was legislatively reserved to the Commission.

Given the different -- but equally important -- purposes served by, on the one hand, the ballot question the legislature decided to put to the voters and, on the other hand, the suitability determination the legislature reserved to the Commission, it is not surprising that nothing in the Act restricts the assignment of rights under an HCA from one applicant. Such an assignment does not limit in any way the Commission’s authority to determine the suitability of the assignee applicant. Indeed, § 20(e) of ch. 23K expressly allows the transfer of a Category 2 License upon approval of the Commission without any participation or approval by the Host Community. Further, 205 CMR 131, which implements Section 20(e), allows a new licensee to operate a gaming establishment at the same location as the revoked licensee without even executing a host community agreement. Rather, it allows the new licensee to assume the rights and obligations of the former licensee’s agreements solely based on the action of the Commission. Imposing a requirement for local approval of the assignment of rights under an HCA to an applicant who has not yet been deemed suitable by the Commission while, at the same time, permitting the transfer of an approved gaming license without the need for any community approval would lead to the type of absurd result disfavored by fundamental principles of statutory construction. *See generally Holy Trinity Church v. United States*, 143 U.S. 457, 460 (1892) (“If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity.”).

There also is nothing in the Act requiring that a valid assignment of rights under an HCA requires the ballot question process to begin anew. In stark contrast, § 15(13) unambiguously provides that if a ballot question is voted in the negative, the applicant is required to submit a “new request” for an election no sooner than 180 days after the last election. Thus, when the legislature wished to require a re-start of the ballot question process, it knew how to say so and did so expressly and without ambiguity.

In sum, the overall context and structure of the Act demonstrates that the legislature left applicants free to assign rights under an HCA when permitted to do so as a matter of contract law (as occurred here). This freedom to contract is consistent with the different statutory purposes underlying the local ballot question process and the Commission’s suitability determinations. As shown below, the statutory language of § 15(13) fully supports this conclusion and inescapably leads to the conclusion that that “the applicant”

for a license on the date of the election and “the applicant” for the license 60 days prior to the election need not be the same legal entity.

B. The Relevant Statutory Language

Opponents of SGR’s application have argued that § 15(13) precludes voters who participate in the election scheduled for September 10, 2013 from approving the operation of a gaming establishment operated by SGR rather than by Ourway. *See, e.g.*, August 23, 2013 Comments of Mary-Ann Greanier submitted to the Commission prior to the September 4, 2013 Public Meeting (“the Applicant must sign the Host Community Agreement 60 days prior to the holding of a voter referendum”). This hyper-technical argument is premised on the erroneous assumption that the Act requires that “the applicant” at the time of the election must be the same “applicant” that signed the HCA at least 60 days before the election.

Subsection 13 of § 15 contains certain provisos related to the conduct of the election, each of which is discussed below. Not one of them can bear the meaning ascribed by the opponents of SGR’s application.

Proviso 1: “provided, however that a request for an election shall take place after the signing of an agreement between the host community and **the applicant;**” (emphasis added).

The term “applicant” is broadly defined by ch. 23K to mean “a person who has applied for a license to engage in activity regulated under this chapter.” M.G.L. ch. 23K, § 2. Opponents of gaming operations in Plainville nevertheless argue that legislature’s use of the word “the” to modify the word “applicant” has the remarkable and unintended effect of requiring that the September 10 election only can be a vote on a gaming facility operated by Ourway, not SGR, because SGR was not “the” applicant at the time a request for an election took place.

Such an expansive interpretation of the word “the” to refer only to whatever applicant was a party to an HCA at the time the election was requested contravenes fundamental principles of statutory construction long recognized in the Commonwealth. M.G.L. ch. 4, § 6 (4th), for example, provides that, as a general matter, “[w]ords importing the singular number may extend and be applied to several persons or things.” *See generally Hannum v. Day*, 105 Mass. 33, 34-35 (1870) (use of the singular term “executor” held to mean all people holding such title); *Graci v. Damon*, 6 Mass.App.Ct. 160, 171(1978) (use of term “person” in statute held to mean “persons”). The Commission expressly approved this canon of statutory construction in 205 CMR 102.04, which provides that in interpreting regulations governing, *inter alia*, the ballot question process, “words in the singular shall include the plural and the plural shall include the singular.”

These legislative and administrative canons are appropriately applied here to avoid an overly technical interpretation of § 15(13) that would lead to unexpected and absurd

Stephen Crosby, Chairman
September 5, 2013
Page 5

results. Read in the context of a statute that permits pre- and post-license transfers, the use of the word “the” to modify the term “applicant” does not convey a legislative intent to unjustifiably delay ballot question elections by 60 days and deprive voters of the right to decide whether to permit the operation of a gaming facility in their community.

Proviso 2: “provided further, that upon receipt of a request for an election, the governing body of the municipality shall call for the election to be held not less than 60 days but not more than 90 days from the date that the request was received;”

Read literally, the provision has been complied with: (a) There was a request for “an election;” (b) the ballot question for the election remains the same as when the request initially was made; and (c) the date set was within the 60-90 day period required by the Act.

Proviso 3: “provided further, that, upon the signing of an agreement between the host community and the applicant and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the host community”

The only mandatory requirement of this proviso is that the town clerk set a date certain for the election, a requirement that was fully satisfied in this case.

In sum, the statutory language offers no support for the argument that SGR was required to re-start the ballot question process upon the assignment and assumption of the Plainville HCA.¹

C. Benefits of Competition

Chapter 23k, Section 1(10) states that the Commission’s authority shall be construed broadly to implement Chapter 23k. Chapter 23k is fundamentally designed to obtain the greatest possible benefits from licensing gaming establishments in the Commonwealth by selecting successful applicants through a competitive solicitation process. Adopting the interpretation of Section 15(13) advocated by SGR will further the purposes of Chapter 23k by enhancing competition for the single Category 2 gaming license.

To date only a single prospective applicant has both successfully completed the Phase 1 certification process and obtained a favorable local vote. It remains possible that this single project may be the only applicant to reach the Phase 2 process. Allowing SGR to

¹ Proviso 3 of § 15 (13) states: “provided further, that the signed agreement between the host community and the applicant shall be made public with a concise summary, approved by the city solicitor or town counsel, in a periodical of general circulation and on the official website of the municipality not later than 7 days after the agreement was signed by the parties...” Both the HCA and the Assignment are publicly available in accordance with the requirements of Proviso 3.

Stephen Crosby, Chairman
September 5, 2013
Page 6

move forward at the Plainridge Racecourse increases the potential that more than one bidder will be eligible to compete in Phase 2. Even if other applicants reach Phase 2, however, the presence of an additional proposal will better serve the purposes of Chapter 23k.

As the Commission is aware, Plainridge Racecourse is one of only two operating pari-mutuel facilities offering live racing in the Commonwealth, and the only facility supporting harness racing. Allowing SGR to proceed to Phase 2 will preserve the Commission's ability to consider the benefits to the racing industry of awarding the Category 2 license to an operating race track.

D. The Commission's Discretionary Powers

As discussed above, the definition of "applicant" in Chapter 23k, Section 2 is extremely broad. The Commission would be fully within its discretion to interpret the term "the applicant" to mean the current applicant at a given location and to waive any provisions of 205 CMR inconsistent with such interpretation. *See* 205 CMR 101.00 through 131.00; *see also* 205 CMR 102(2) (expressing the intent to construe the terms of 205 CMR liberally to accomplish the purposes of Chapter 23k). Failure to do so would cause undue hardship on the Town of Plainville, in particular, who is not at fault for the failure of Ourway to obtain Phase 1 certification and who is at risk economically if the Plainridge Racecourse does not continue to operate. Further, it would cause undue hardship to the horsemen and employees that depend on income from Plainridge. Allowing such a waiver would be in the public interest, and would not unduly prejudice any other applicants, municipalities, or the Commonwealth and the residents of the Commonwealth.

Thank you for your consideration.

Very truly yours,



Jonathan M. Albano

cc: Catherine Blue, Esq., General Counsel,
Massachusetts Gaming Commission
Frank T. Donaghue, Esq.
Carl Sottosanti, Esq.

JMA/kas

Grace Lee
glee@eckertseamans.com
(617) 342.6809

September 6, 2013

DELIVERY BY E-MAIL

Commissioner Stephen P. Crosby, Chairman
Massachusetts Gaming Commission
84 State Street, Suite 720
Boston, Massachusetts 02109

Re: Raynham Park, LLC Response Re: Penn National Gaming Inc.'s Assignment and Assumption of Host Community Agreement

Commissioner Crosby:

This letter is submitted on behalf of Raynham Park, LLC ("Raynham Park"), in response to the Massachusetts Gaming Commission's (the "Commission") consideration of Penn National Gaming, Inc.'s ("Penn") request for approval of its Assignment and Assumption of Host Community Agreement ("Assignment Agreement") with Ourway Realty LLC, doing business as Plainridge Racecourse ("Ourway"). This letter is in supplement to Raynham Park's testimony concerning this same request. Raynham Park opposes Penn's request and respectfully requests that the Commission deny Penn's request for the following reasons:

1. Penn Must Not Be Allowed to Share Profits with An Entity Determined Not Suitable to Receive A Gaming License

The Option and Purchase Agreement between Ourway and Penn includes a profit sharing arrangement, referred to as "Contingent Consideration." See Option and Purchase Agreement at § 4(ii). Additionally, the Contingent Consideration provision appears to incorporate the EBITDA Calculation attached to the Option and Purchase Agreement at Exhibit D. The EBITDA Calculation provides Ourway with an on-going profit share, which is continuing even if Penn sells its operations in the future. Massachusetts law mandates that "anyone with a financial interest in a gaming establishment, or with a financial interest in the business of the gaming licensee or applicant for a gaming license or who is a close associate of a gaming licensee or an applicant for a gaming license, [must] be qualified for licensure..." M.G.L. c. 23K, § 14 (emphasis added). Every such entity within that broad class must have the "integrity, honesty, good character and reputation" so as to be suitable to receive a gaming license. M.G.L. c. 23K, §§ 12 and 16. It is patently clear that any person that shares in the profits of a gaming licensee (as it is proposed that Ourway will do with Penn pursuant to the Option and Purchase Agreement) has a financial interest in the licensee. This Commission's consultants, during the

background investigations of applicants, emphasized that all persons with an interest in profits must be licensed.

On August 5, 2013, this Commission issued a NEGATIVE determination on the Phase 1 suitability application of Ourway, and concluded that Ourway could not proceed to Phase 2 of the application process. See Aug. 5, 2013 Phase 1 Suitability Decision. Nevertheless, despite this NEGATIVE determination, Ourway here seeks to continue to press its Phase 2 application through its financial interest, *i.e.*, “Contingent Consideration,” in the Option and Purchase Agreement with Penn. Ourway, with a right to share in the profits of Penn, is – for all intents and purposes – a partner of Penn in this endeavor. To allow Ourway to continue in the application process after a NEGATIVE Phase 1 suitability decision would contravene not only the spirit of the law, but also its black letter. As such, this Commission must deny Penn’s request for approval of the Assignment Agreement.

2. Penn National Has Not Fulfilled The Statutory Requirements Necessary for A Binding Ballot Question at An Election in Plainville

As aptly noted by Ms. Mary-Ann Greanier in her August 23, 2013 email to the Commission, Penn has not entered into a Host Community Agreement (HCA) with Plainville as required by M.G.L. c 23K, § 15(8), and, as such, the proposed September 10, 2013 referendum is a fiction. Massachusetts law strictly requires that an applicant “provide to the commission a signed agreement between the host community and the applicant... .” M.G.L. c. 23K, § 15(8) (emphasis added). The law does not allow an applicant to alternatively inform the Commission that it has purportedly assumed the HCA entered into by a host community and some other applicant. Ourway’s attempted assignment is fatally flawed where it does not enable Penn to comply with the requirement that Penn, and not Ourway, enter into an HCA with Plainville. When Category 2 applicants were going through the process of negotiating HCAs, Penn chose to conduct negotiations with Tewksbury, and not Plainville. To date, Penn has not entered into a HCA with Plainville, but has instead attempted to evade the Commission’s time deadlines for HCAs by using a legal assignment procedure. This sort of end-round arrangement was never contemplated or permitted by the Commission, and should not be permitted now.

Penn’s purported assumption of the rights and responsibility of Ourway’s HCA does not transform Penn into “the applicant” as required by M.G.L. c. 23K, §§ 15(8) and (13). The qualifications and suitability of each individual applicant is an inseparable part of the Expanded Gaming Act, and the voters of host communities are prescribed a minimum of 60 days to evaluate each applicant’s reputation, qualification and the details of the applicant’s specifically proposed project. See M.G.L. c. 23K, § 15(13). Penn’s requested approval of the Assignment Agreement is in direct conflict with that statutory time requirement, and would provide voters a mere seven (7) days to assess Penn’s suitability. As a matter of law, Penn’s purported legal arrangement with Ourway does not automatically transform Penn into “the applicant” for purposes of M.G.L. c. 23K, §§ 15(8) and (13). Significantly, Penn is not “stepping into the

shoes” of Ourway, but rather is acquiring an option to purchase Ourway’s assets by a completely different legal entity.¹ Gaming laws in Massachusetts, and around the nation, frown upon the assignment of any agreements pertaining to licensure. Since HCAs are such an important part of the licensing process, public policy dictates that HCAs must not be assignable. As correctly pointed out by Ms. Greanier, according to statute, each applicant must sign its own HCA with Plainville, and only after “the applicant” has signed such an HCA may the applicant request an election to take place in not less than 60 days. See M.G.L. c. 23K, §15(13) (“...request for an election shall take place the signing of an agreement between the host community and the applicant...”) (emphasis added). Here, Penn has neither signed an HCA with Plainville nor taken the necessary steps as “the applicant” to request an election. Id. As such, Penn has not fulfilled the statutory requirements necessary for referendum, and the election proposed for September 10, 2013 is meaningless. To allow Penn to escape its legal obligations under the statute and regulations (the same legal obligations that all other applicants have met) is both fundamentally unfair and unlawful.

3. The Equities Necessitate Denial of Penn National’s Request

In his letter to the Commission, counsel for Penn argues that the equities of Ourway’s NEGATIVE suitability determinations dictates that Penn be allowed to pursue a license in Plainville to alleviate the purported disappointment of the residents of Plainville, employees of Plainridge, and others. See Sept. 3, 2013 Letter From Walter J. Sullivan to Chair Stephen Crosby. Nevertheless, the Commission should not provide unfair deference to Penn merely because Plainville will otherwise be left out of the Category 2 field in the going forward. Penn could have negotiated and agreed upon an HCA with Plainville at the appropriate time rather than focusing its efforts on Tewksbury. In a situation such as this, where only one (1) Category 2 license will be awarded, disappointment within the communities that do not receive the license is inevitable. Accordingly the Commission should stand by its decision that Ourway is unsuitable and move forward with the remaining Category 2 applications.

The equities further necessitate denying Penn’s request where this is the third community with which Penn has been associated, and this is not the first time that Penn has sought special consideration from the Commission. For instance, notwithstanding the fact that all other applicants were required to identify in their Phase 1 “Applicant Certification” whether they were seeking a Category 1 or Category 2 license, this Commission allowed Penn to change its designation from Category 1 to Category 2 after its initial proposal was rejected by Springfield. In light of the accommodation already extended by the Commission, further consideration could be viewed as preferential treatment. This is particularly true where Penn is still able, if it so chooses, to apply for a Category 1 license in Region C.

¹ The proposed legal entity, which is essentially a partnership between Penn and Ourway, cannot be suitable to hold a license where the Commission has already determined the unsuitability of Ourway. See discussion, above at 1.

In closing, Raynham Park has truly appreciated the Commission's time, patience and consideration during this application process. Although the process has been very demanding, arduous and fast paced, Raynham Park has been mindful of the fact that all the applicants have been subjected to the same scrutiny, evaluation and legal requirements. As this Commission has noted on several occasions, the integrity of the process is paramount. In coming to a decision on Penn's request for approval of the Assignment Agreement, Raynham Park urges the Commission to take into consideration its own regulations and deadlines, and to maintain its unwavering commitment to the letter and spirit of the Expanded Gaming Act. It is hard to conceive how Penn could be lawfully allowed to move forward as it has not, and cannot, satisfy what is legally required of all applicants under the statute.

Thank you for your time and consideration.

Sincerely,



Grace H. Lee

cc: Alan C. Kohler, Esquire
Mark Stewart, Esquire

Bresilla, Colette (MGC)

From: marfourthbpos <mar4thbpos@yahoo.com>
Sent: Friday, September 06, 2013 9:27 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Members of the Gaming Commission,

I'm writing in reference to Plainridge Racecourse. On July 8, 2013, Ourway Realty, Inc. ("Ourway") the owners of Plainridge, negotiated a Host Community Agreement ("HCA") with the town of Plainville. At that time, both Ourway and Plainridge were very familiar to the citizens of Plainville. In August, the Commission determined that Ourway was not a suitable candidate for a gaming license. The Commission is now being asked to allow the Host Community Agreement the town of Plainville signed with applicant Ourway to be assigned to an out-of-state entity named Penn National.

I would urge the Commission to reject this request. The statute requires that the commission be provided with "a signed agreement between the host community and the applicant..." At the time the Host Community Agreement was executed with the town, Penn National was not the "applicant" and it did not sign the Agreement with the town. Moreover, unlike the applicant Ourway, the residents of Plainville know very little about Penn National and have had virtually no time to vet this out-of-state company.

Lastly, the Commission's approval of the assignment of the Host Community Agreement after its earlier disqualification of Plainridge as a suitable candidate would undermine the credibility of the Gaming Commission itself. I respectfully request that the Commission disapprove the assignment of the Host Community Agreement between Ourway and the town of Plainville to the Penn National. Thank you for your consideration.

Edward Phelan
North Attleboro, MA 02760

Bresilla, Colette (MGC)

From: Linda Evans <linda.m.evans@comcast.net>
Sent: Friday, September 06, 2013 9:23 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Absolutely let them transfer ownership. The company should itself should be vetted though.

Bresilla, Colette (MGC)

From: Driscoll, Elaine (MGC)
Sent: Thursday, September 05, 2013 1:14 PM
To: Bresilla, Colette (MGC)
Cc: Reilly, Janice (MGC)
Subject: FW: Penn National acquisition of Plainridge

Elaine Driscoll
Director of Communications

Massachusetts Gaming Commission
84 State Street 10th Floor
Boston, MA 02109
TEL 617-979-8408 | FAX 617-725-0258
www.massgaming.com

follow us on



From: l.travis@comcast.net [<mailto:l.travis@comcast.net>]
Sent: Thursday, September 05, 2013 1:12 PM
To: Driscoll, Elaine (MGC)
Subject: Penn National acquisition of Plainridge

Dear Commissioners:

I am a 20 year resident of the Town of Plainville. I currently serve on the Plainville Redevelopment Authority.

I am personally strongly in favor of the acquisition of the Plainridge property and operations by Penn National.

I believe that the Plainridge location is ideally situated to maximize its potential as a slot and racing venue while resulting in the least impact on our community.

As you well know, it is immediately adjacent to I 495 where the traffic engineer's reports have shown that most all of the traffic in and out will originate.

As you also know, the location is in close proximity to I-95 and the Patriot Stadium complex, both of which will generate additional patrons due to the convenience of access.

I cannot think of a more advantageous location for a slot facility if the goal of the Commission is to provide a license to an owner with the most likelihood of success.

The granting of a slot license to Plainridge will undoubtedly benefit the town and surrounds in numerous ways.

Obviously the cash benefit is of great importance. Also, as you know, numerous farms, horsemen and their related vendors rely on Plainridge for their income.

Since our Town's loss of the Laidlaw landfill site on the other side of 495, the Town has struggled to keep its residential and commercial taxes in line with our ever increasing needs.

Plainville has seen several examples of much larger developments in our area (see Wrentham Outlets and Patriots Place) which have added burdens to our roadways and services but have brought no revenue benefits.

It is fit and worthy that Plainville finally be allowed to use its last remaining 495 parcel for a worthwhile purpose which will greatly benefit our town and at a minimal impact.

As for Penn National, the applicant for acquisition, I can only speak from my personal experience at their facility in Freehold, New Jersey where I and several of my friends and relatives have visited numerous times.

Freehold Raceway is a harness track in Freehold Township which sits on a parcel very similar to Plainridge and is situated on Route 9 which is very similar to Route 1 in Plainville.

The Freehold Raceway is a local institution and a first class operation. It is meticulously clean and very family friendly. On many occasions, I visited my in-laws in New Jersey who were thrilled to be able to take their grandchildren to a "Family Day" at Freehold Raceway where, in addition to live racing, the track offered pony rides and other entertainment and picnic style offerings for the families. We thoroughly enjoyed it even though we'd probably only place bets on one or two races. It was a great day outside with friends and family in a unique and memorable setting. I am sure that Penn National will continue that tradition in Plainville.

I only relay my Freehold experience to say that I believe that Penn National would be a welcome and contributing member of the Plainville Community as much as if not more than Plainridge has been in the past.

In conclusion, I know that an unfortunate occurrence with a now former employee of Ourway has tainted Plainridge's opportunity.

I am hopeful that this misstep will not penalize the Town of Plainville's opportunity and hurt the livelihoods of the many farms and horsemen who rely on Plainridge for their families.

The Commission should allow the Town of Plainville to vote on its agreement with the facility regardless of who the owner is as long as such owner meets the criteria of the Commission.

I am confident and I'm sure you know that Penn National is an appropriate and qualified applicant..

Thank you for your attention and consideration,
Very truly yours,

Luke P. Travis
101 Pleasant Street
Plainville, MA 02762

Bresilla, Colette (MGC)

From: Irving Bluestein <ibluestein@yahoo.com>
Sent: Thursday, September 05, 2013 1:57 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Gaming Commission,

I believe based on Penn National's successful history in the Gaming Industry and reviving racetracks in other states in particular Rosecroft Raceway in Maryland that this Company should be allowed to replace the previous ownership of Plainridge Racecourse which had an Host Community Agreement with the town of Plainville.

Respectfully submitted,

Irving Bluestein
Newton, Ma.

Bresilla, Colette (MGC)

From: Rick DiGiacomo <rdigiaco@holmaninsurance.com>
Sent: Thursday, September 05, 2013 2:36 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Esteemed Members of the Massachusetts Gaming Commission:

I am a resident of neighboring Wrentham who lives about 4 miles from Plainridge. I am opposed to the granting of a license for a slot machine facility at the Plainridge facility. My primary concern is that after Plainridge was disqualified as an applicant for cause that the license could be transferred to another entity who has not been vetted by the Town or the Gaming Commission. One would hope that a significant factor in the Selectmen's decision to approve the Host Community with Plainridge was the applicant itself. Town Officials assured the public that Plainridge was a good neighbor, a good corporate citizen and a known entity; the Commission found otherwise. As best I can tell the Selectmen approved the transfer of the Host Community Agreement to Penn National without a single meeting or discussion with Penn National in a last minute vote with barely any public notice. In addition, Town Officials have repeatedly stated that one of the benefits of Plainridge being approved was that it would save harness racing at the facility however The Gaming Commission has gone on record as saying that it is not tying slot approval to saving harness racing and Penn National has guaranteed harness racing will continue at Plainridge for [only] one year. Two of the main rationales made by Town Officials for entering into a Host Community Agreement with Plainridge turn out to be false yet they insist on pursuing the transfer of that Host Community Agreement to an unknown, unvetted out of state entity with no guarantees they'll continue harness racing long term. I find Plainville Town Officials actions irresponsible (at best) however I have no say in the matter as I live in an abutting town and Plainville Town officials have no accountability to those of us in surrounding towns.

The Gaming Act clearly states that the Applicant must sign the Host Community Agreement 60 days prior to the holding of a voter referendum. I believe that the law should be followed and licenses should be applicant specific otherwise that would undermine the entire process and protections afforded to the Plainville and the surrounding community.

Thank you for your consideration.

Respectfully,

Richard J. DiGiacomo
322 South Street
Wrentham, MA
508-317-5517

Bresilla, Colette (MGC)

From: Stephanie Crimmins <Stephanie.Crimmins@panerabread.com>
Sent: Thursday, September 05, 2013 1:49 PM
To: mgccomments (MGC)
Subject: Plainville / Penn National: Please Delay Vote!

To the Gaming Commission:

I am writing to strongly urge you to delay the vote that has been scheduled in the Town of Plainville next week. Given that Penn National is a last minute entrant in the Plainville Racino discussion, it is absolutely impossible for the town of Plainville and for the surrounding communities to properly vet that organization as a strategic, long term partner. It is my understanding the Gambling Legislation has a 60 day review period so that communities can appropriately vet these long term potential partners who will forever alter the shape of the host towns and the surrounding communities.

It is virtually impossible for ordinary residents to do any research or gather any information about this prospective owner under this ridiculously tight timeline. It has always been explained to me that the intent of the legislation is to do what it can to level the playing field between these multi-million / billion dollar organizations, lobbyists, full time PR teams, etc. who have billions of dollars on the line, and the local citizens who are operating in their spare time, with no funding, after they finish their real work and put their kids to bed. Perhaps the only thing that protects the local citizens in this case is a little time to do some appropriate research. In this case, with a vote next week, even this miniscule amount of protection is lost.

I urge you to delay this vote. Thank you for your consideration.

Respectfully,

Stephanie Crimmins
76 Granite Street
Foxborough

Bresilla, Colette (MGC)

From: Tom Kelly <t2kelly@ix.netcom.com>
Sent: Thursday, September 05, 2013 2:38 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I am writing to respectfully request that the town wide vote in Plainville be postponed until the proper 60 day review period has elapsed. Residents in the surrounding towns like Foxboro, where I live, need the full review period allotted to fully understand the proposal. A proposal that could affect my family and my friends and neighbors for the rest of our, and our children's, lives.

Sincerely,
Thomas Kelly
24 Meadowview Road
Foxboro, MA 02035
508-543-2751

Bresilla, Colette (MGC)

From: K M Papianou <meehan619@hotmail.com>
Sent: Thursday, September 05, 2013 2:45 PM
To: mgccomments (MGC)
Cc: F.JayBarrows@mahouse.gov
Subject: Plainridge Racecourse

I understand that Mass. Gaming Commissioner Crosby will be deciding tomorrow whether or not Plainville residents can approve the Penn National agreement during a town wide vote on Tuesday. I also understand that the gaming legislation calls for a 60-day period for local communities to review the agreement before a vote can take place.

As a resident of Foxborough, MA, and a concerned member of a local community, I strongly urge the Commissioner to delay this vote and to honor the 60-day review period.

Thank you in advance for your adherence to the guidelines put in place to ensure that the interest of all impacted parties are protected.

Sincerely,
Kristin Meehan Papianou
30 Carpenter Street
Foxborough, MA 02035

Bresilla, Colette (MGC)

From: dan criv <dancriv1@gmail.com>
Sent: Thursday, September 05, 2013 3:26 PM
To: mgccomments (MGC)
Subject: plainridge racecourse

It is with GREAT concern I write this letter urging your office to NOT ALLOW a transfer of the host community agreement to Penn National.

The gaming Commission exists for THIS REASON, you MUST not allow these last minute back door deals. PLEASE, protect the people of Plainville, and surrounding towns and all the people of the Commonwealth.

Dan Crivellaro

Bresilla, Colette (MGC)

From: Andrea Jaillet <a.jaillet@comcast.net>
Sent: Thursday, September 05, 2013 3:33 PM
To: mgccomments (MGC)
Subject: Plainridge race course

Dear Mr. Crosby,

I am writing to ask that you please uphold the 60-day review period and not allow a Plainville town-wide vote on whether to approve the Penn national agreement to go forward before then. The 60-day review period is an important part of the gaming legislation and should be upheld and supported by your office.

Kind regards,

Andrea

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 3:16 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Arthur Roy

Email

art.roy@verizon.net

Phone

(508)695-0505

Subject

Plainville/Plainridge Racecourse

Questions or Comments

I have lived in this town for 36 years and have held various political and civic positions in Plainville. I am also a owner/breeder and fan of horse racing. First, I believe that Plainville should decide on whether we want slots at the track next Tuesday. Second, having owned a PA bred horse who raced at Penn National and are familiar with them being very successful in managing other racinos. They are a much improved owner versus the prior owner - Ourway Realty. On a personal note, my wife and I live in the western part of Plainville - a very rural part of Plainville with many horse farms - which will be in jeopardy of closing or selling to developers to build homes. Slots at Plainridge will almost guarentee these farms to remain as is.

I hope the commission reconsider the application for Penn National to operate a slot parlor at Plainridge.

Feel free to contact me to discuss this issue further.

Thanks.....Art Roy

Bresilla, Colette (MGC)

From: INSJOBS@aol.com
Sent: Thursday, September 05, 2013 2:56 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Commissioners,

I am writing to share my concerns about casino gaming at Plainridge Racecourse.

My first concern is the timing of the referendum vote. Ourway Realty was turned down by your commission. Penn National has turned up and our citizens know nothing about them and the vote is days away. Our selectman has sent out a note today telling us that the host community agreement has been transferred and signed back in July. why is Penn National not a new candidate and just assuming the role of the old agreement? Why can't the town have an opportunity to vet Penn National. We have no idea who they are, what there intentions are and what is their vision for the future with Plainridge ? Our Town Administrator gave us the web site to look them up and they will be at a public forum but this is very hurried. It concerns me that if we vote them in for this that they then can shift into a full resort casino in the future.

My second concern is drinking and driving. Route 1 in Plainville has many accidents now. We have people driving through our town already to Gillette for games and concerts and we have had many alcohol related incidents. Now we are going to put a 24/7 slots parlor on the same roads but add in people who can drink for free as along as they keep putting change in machines? Its very dangerous. Our police force does not have the resources to handle this problem. Many of our children's activities are right on and off Route 1. Are we putting our children in harms way by taking them to gymnastics or dance or piano lessons?

My third concern is traffic. Where they are located on Route 1 is a very congested retail area. When there are events at Gillette, traffic can back up almost into Plainville. The entrance to 495 North and South is just past Plainridge. We also have The Wrentham Outlets just down the road on Route 1A. On busy shopping days we can have traffic back ups on Route 1A right into Plainville. These block our entrance in to 495 North and South. On Black Friday I have had traffic in front of my home on 1A at 3 am! I live almost on the North Attleboro line. Between these two places how will we be able to drive anywhere? We will have to get creative and drive back roads and through neighborhoods that are not capable of handling expanded traffic.

Thank you for asking to hear our concerns.

Sincerely,
Robin Chandler
61 South Street
Plainville Ma 02762

Bresilla, Colette (MGC)

From: Andy Ferreira <andrew.ferreira@comcast.net>
Sent: Thursday, September 05, 2013 2:55 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

To Whom It May Concern,

As a Plainville resident, my understanding is that the host community agreement would be the same one previously in place, ownership of that agreement would just transfer to Penn National. If that is the case, I completely support it, even more so than before given Penn National's gaming experience nationwide.

I fully support slots coming to Plainville and feel the pros far outweigh the cons for our town.

Sincerely,
Andy Ferreira
3 Millbrook Dr.
Plainville, MA 02762

Sent from my iPhone

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 2:44 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Thomas Lawler

Email

TOMPL109@comcast.net

Phone

(508)695-9738

Subject

Plain vile slots

Questions or Comments

I just wanted to send a short message in favor of the slots which I hope will be coming to Plainridge Racecourse. I feel that having the slot in the town of Plainville will be beneficial to both the town, it's citizens, and the multiple horse farms & the supporting industies. It is my feeling that a slot parlor at the Plainridge Racecourse would be a win- win for everyone involved. Please award the license to Plainridge Racecourse and help the town of Plainville survive with better emergency personal support and a brighter outlook in the future. Thank you for reading this and hopfullyfor voting YES to the future of Plainville.

Bresilla, Colette (MGC)

From: Jessica Rock <jlrock80@gmail.com>
Sent: Thursday, September 05, 2013 2:41 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Chairman Crosby,

I am writing as a Plainville resident as per your request to hear more from the public. I will not be able to make the meeting on Friday as it is in the middle of a work day, but I wanted to express my strong concerns around the transfer of the HCA from Plainridge to Penn National.

As a property abutter to Plainridge, we have worked with the previous applicant regarding potential mitigation around property lines (adding trees, fences, sound mitigation, etc.). I believe both parties were satisfied with actions to be taken to ensure safety around our home and property (also to give peace of mind to any future homeowner should we try to sell). This was not a contentious process, but it did take time, and I believe the 60 days from signing the HCA and the vote were critical for us to establish an understanding of our safety concerns regarding our home and property, all items not covered in the HCA.

If Penn is allowed to transfer into the applicant position without the 60 day allotment of time before the vote on September 10, I feel that the community simply won't have enough time to work with the applicant to understand what their views of the track include. How will they handle abutters safety concerns (trees, fences, burms)? How will they mitigate traffic issues on Route 1, Route 152? Will they make road repairs to Mirimichi street? - Plainridge answered all of these questions, but Penn National has not. They can certainly work with us on these concerns after the vote, but what impetus would they have to help us out? Will they even address them given that their intention is only to purchase IF the license is granted to Plainville/Plainridge?

All of these questions are critical for citizens to make an educated vote. Once "yes" is cast, we no longer have a say in the matter, and I fear that our town officials are blindly reaching for some saving grace to bail out the track/town without taking the time to truly understand consequences of hasty action. Mr. Fernanades has repeatedly stated that our process is taking too long and dismisses "dissenters" as a minority, but I disagree and believe that there is a reason 60 days was granted.

If the transfer were allowed, then towns could just come up with their own HCA and wait for an applicant to come along and agree at the 11th hour??? This simply doesn't make sense. There is more to a "yes" vote on September 10th than agreeing to the HCA, it means that the town supports the applicant and the vision for the site. Yes, we have had time to review the HCA, but not the applicant or their vision. One public forum is not enough. One week is just not enough time.

This is all to say nothing of the other applicants who have given the appropriate 60 day timeline. I imagine that they would consider pursuing some sort of legal action should Plainville/Plainridge/Penn National be awarded the license with this "backdoor" technique. Who then would be liable to defend these lawsuits? The town of Plainville and its citizens?

I understand that these are not easy decisions to make and I thank you for taking the time to consider my concerns.

Regards,
Jessica Rock
Plainville, MA

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 12:54 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Rosemary Coates

Email

r.j.coates@verizon.net

Phone

(508)699-8622

Subject

Plainridge Slots

Questions or Comments

I am writing the commission to urge you to preserve our right to vote on the Host Community Agreement for the town of Plainville. I have lived in Plainville for 37 years and have witnessed the closing of many businesses in town resulting in many jobs lost. The residents of Plainville had no say in those closings. Now we have an opportunity to have a say as to whether or not we want slots in Plainville please allow us to do so.

Plainville is a small rural community with many horse farms. There is a small micro-industry which supports Plainridge. The addition of slots to our town would not only add much needed revenue to Plainville and create new jobs but it would also preserve existing jobs.

Plainville residents should have the right to vote on the future of their town

Ennis, Jamie (MGC)

From: Edward Nowak <nowak@slnadv.com>
Sent: Thursday, September 05, 2013 11:09 AM
To: Ennis, Jamie (MGC)
Subject: FW: Plainridge Racecourse

From: Edward Nowak [mailto:nowak@slnadv.com]
Sent: Thursday, September 05, 2013 10:55 AM
To: 'jamie.ennis@state.ma.us'
Subject: Plainridge Racecourse

I am sending this email to you in hopes that you will forward it to Chairman Crosby.

Thank you for you help.

Ed Nowak

Dear Chairman Crosby,

I would urge you to look favorably on the assignment of the Plainville Host Community Agreement to Penn National. During the structuring of the Massachusetts Gaming Commission under your leadership you have made reference several times to the mandate the legislature has given the commission with regard to horse racing. Given that mandate and the special requirements under the act that this applicant will have that no other applicant will be bound by (the provisions in the racing language regarding mandatory dates and horsemen agreement, etc.) is a clear example that the applicant for this location is different and special under the act and should be treated that way. Penn National is a proven racing industry leader that can make good on those requirements and commitments. As I understand it, the law and regulations are either silent or did not contemplate this situation and you are tasked with an unforeseen decision to make. For the reasons above and the competition and value to the commonwealth the commission is striving for, it would be fairest of decisions to allow this proposal with Penn National to go forward.

Thank you for efforts,

Sincerely,
Ed Nowak
President
Standardbred Owners of Massachusetts, Inc.

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 8:01 AM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Follow Up Flag: Follow up
Flag Status: Completed

Name

Dale Bergevine

Email

Dale.bergevine@owens-minor.com

Phone

(508)524-9276

Subject

Plainville

Questions or Comments

To the Commission Board please award the Single-Slot Parlor License to our town of Plainville. Plainville has supported Plainridge and they have been a great partner to our town. Now with Penn National on board they will keep the track alive, keep the local farms going and keep the 150 jobs at the track!

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 9:56 AM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Edward Merrick

Email

n.merrick@comcast.net

Phone

(508)277-9110

Subject

Plainville Vote

Questions or Comments

I understand that the Commission will be taking an important step for the future of Plainville at their next meeting on Sept 6, 2013. As you are aware, the town vote on the Host Community Agreement is scheduled for Tues, Sept 10th. Your ruling could impact a very basic constitutional right of citizens to express their views by voting.

I know there is perhaps compelling arguments on both sides of this issue for you to consider, but I urge you ion the strongest terms possible to permit this vote to take place. Our future and basic constitutional rights are at stake.

Respectfully,
Edward M Merrick, Jr
Plainville

Bresilla, Colette (MGC)

From: cmurphy@cbps.canon.com
Sent: Thursday, September 05, 2013 12:17 PM
To: mgccomments (MGC)
Subject: Plainridge / Plainville - Citizen Comments

Sirs:

As a 21 year resident of the town of Plainville, MA I would like to go on record as a supporter of the states singular slot license being awarded to the owners of the Plainridge Raceway. The benefits to the town, the region as well as the agribusinesses associated with the track are undeniable and numerous.

The expected revenue Plainville will receive (\$4.5 m) would represent just over 20% of our towns current operating budget. I've attended our regular town meetings and for years and during that time I've heard the same unavoidable message repeated again and again from our finance committee: "save, cut, scrimp, cut-back, do without, we don't have the money". This message, although understandable, is still very frustrating. The money needed to move our town forward is not available.

From the Historical Commission to the Highway Department our town and it's citizens have tightened their collective belts for long enough while still making the sacrifices necessary that have made Plainville a great place to live. The positive impact this revenue will have on our town is undeniable. Our schools, senior citizen concerns, police and fire facilities, youth athletics, our infrastructure, water and sewer upgrades and the future development of our town represent only a partial list of the benefits this infusion of revenue would bring.

I'm sure the commission also realizes the harness racing industry and the individuals who make a living from this industry are at a significant crossroads. The track will not survive without the addition of gaming. The individuals who's jobs are associated with the track as well as the current revenue generated by the track for the town all stand at risk. Here before the commission are numerous willing participants (Plainville citizens, harness owners, horse farm owners, current track employees, Plainville town gov't, new potential owners) who are offering a solid, grassroots based solution to alot of problems that would be caused and exacerbated should this slot application be denied. It makes sense on so many fronts. It is now up to the Gaming Commission to do what is obvious and right for so many.

Our community is being presented with a rare chance to invest in itself by seizing this opportunity. The challenges, although real, can be addressed by reasonable, careful and thoughtful consideration of the citizens of Plainville and our current town government. It is my firm belief that the vote our town will take this Tuesday, Sept 10 will reflect the passion with which we view this opportunity an send a clear message to the Gaming Commission that we want this business in our town.

Respectfully,

Chris Murphy
18 Bacon Square
Plainville MA 02762

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 12:31 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Prefer not to State

Email

Dela333@aol.com

Subject

Penn and Plainridge Racing

Questions or Comments

Thanks to the background investigating, many of the improper dealings and intimidation of Ourway was brought to light. For that so many horsemen and women applaud the Commission, but still do so secretively. The management team of the Racing entity at Plainridge still works to keep the divide and intimidation among horsemen and women. Many of us want so badly to pursue our passion of Harness Racing, but NOT under the present management team and its' undisclosed practices. The only way this seems to be a possibility is to "clean house." Period.

New owners and new racing management would put the viability of the States' only Slot License at Plainridge in Plainville Ma a winning combination for all.

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 1:15 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Michael Coates

Email

coates519@gmail.com

Phone

(508)699-8622

Subject

Plainville Vote

Questions or Comments

I believe the citizens of Plainville should be allowed to vote on the Host Community Agreement. It is a fundamental right. If the majority of the residents want to vote then they should be able to enforce their right.

I have been a Plainville resident for 37 years. I cannot begin to count the number of horse trailers that have gone past my house in that time. Horse racing is a vital part of Plainville and should be preserved. The addition of slot to Plainridge would save existing jobs and create new ones. The closing of Plainridge would have an extremely negative effect on the future of Plainville.

Bresilla, Colette (MGC)

From: Amy Van Dell <javandell@verizon.net>
Sent: Thursday, September 05, 2013 3:47 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

To whom it may concern,

I have just learned that Penn National Gaming assumed Plainridge Racecourse's slot application two days ago.

The gaming legislation calls for a 60-day period for communities to review the agreement before a vote can take place.

I urge the Commissioner to delay the vote scheduled for September 10th and to honor the 60-day review period so all of us who live close to where the facility may be located can get to know Penn National and their plans for the facility.

Thank you for your consideration.

Amy Van Dell
9 Fox Lane
Foxboro, MA

Durenberger, Jennifer (MGC)

From: L Sherman HHANE <hhanesec@yahoo.com>
Sent: Friday, September 06, 2013 7:03 AM
To: Durenberger, Jennifer (MGC)
Subject: Assistance please in contacting the MGC Commissioners

Dear Director Durenberger,
The Harness Horseman's Association of New England (HHANE) is contacting you, as Director of Racing, to request your assistance in forwarding the following message directly to the MGC members. Thank you in advance for your assistance in doing so.

Best regards,
Lin Sherman, Secretary to the HHANE Board
ph: 508.824.1074 fx: 508.824.0154

=====

To the Honorable Members of the Massachusetts Gaming Commission:

Commissioners:

We, the undersigned members of the Harness Horseman's Association of New England, wish to express to you our strongest possible support for the request by Penn National to pursue a Category II license at the Plainridge Racecourse by assuming assignment of the existing Host Community Agreement negotiated by the Plainville Board of Selectmen.

We applaud the work that has been done by both Penn and Plainridge to arrive at an agreement that allows the opportunity for harness racing to continue. We see this request as completely consistent with the Commonwealth's best interests and the intent of the Legislature to provide for an optimally competitive process. Since the Plainridge Racecourse opened more than a dozen years ago, Plainville residents have known that expanded gaming would be sought at the track in the event that the Commonwealth adopted legislation allowing for the possibility. Even as recently as TWO WEEKS ago, the Plainville Planning Board, by unanimous vote, issued the special permit for gaming at the Racecourse.

The voters of Plainville understand the impacts of expanded gaming in Plainville, have understood it for a long time, and they well understand the benefits of the Host Community Agreement that was negotiated by the Selectmen. They also know that Penn National is a national operator with a highly successful record and that the Commission itself is the arbiter of Penn's suitability. The voters should be trusted to make a decision on what is in their own best interests at the ballot box next week.

Respectfully submitted,
Michael E. Perpall, President
Harness Horseman's Association of New England

On behalf of Board Members
Frank M. Antonacci
Robert Bogigian
John S. Coffey
Louis T. Ferreiro
Donald Guidette, Jr.
James Hardy
K. William Krikorian
Stephen F. Quinn

Bresilla, Colette (MGC)

From: Jessie Powell <ffjp49@yahoo.com>
Sent: Friday, September 06, 2013 8:47 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse: Transfer of Host Community Agreement

Members of the Gaming Commission:

The Gaming statute seems rather clearly written to allow a community at least 60 days to discuss, review, research and carefully consider an applicant that proposes to conduct a Gaming facility in their community.

During the hearings I attended on Beacon Hill, that intent was repeated by legislators who supported the statute.

In Plainville, town leaders supported Plainridge's endeavor because the facility included local management, residents of the Commonwealth and as you know, for many years, supported Plainville organizations through the illegal raffle they conducted.

Plainridge, for all its faults, was a local commodity, known to the community.

Penn National is not known to residents of Plainville nor the Commonwealth. While Penn National has conducted extensive polling, they have misjudged many issues and a week's time fails to allow for any correction.

It is disappointing that Penn National believed there was citizens' involvement in the Plainville process, as well as the wild accusation that the opposition sought to prevent people from voting.

It is also unclear if amendments proposed by Penn National comply with Plainville Planning Board approval or whether that approval is transferable.

Please respect the clearly written Gaming Statute, the intent of the legislature to protect the rights of community residents and the rights of surrounding communities as well.

Penn National fails to comply with the statute at this time.

Sincerely,

Jessie Powell
9 Akinbac Rd.
Middleboro, MA 02346
(508) 946-9761

'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has.' Margaret

Mead

Middleboro Remembers

Bresilla, Colette (MGC)

From: John S. Coffey <JCoffey@allstatesmedicaid.com>
Sent: Friday, September 06, 2013 8:50 AM
To: mgccomments (MGC)
Cc: Durenberger, Jennifer (MGC)
Subject: PLAINRIDGE RACECOURSE

Dear Massachusetts Gaming Commission and Commissioner Durenberger

As an elected board member and current treasurer of the Harness Horsemen's Association of New England (HHANE) I want to let you know of my full support of Penn National's pursuit of a Category II gaming license at Plainridge Racecourse. They are a truly qualified and experienced organization with a proven track record in the industry. In my dealings and interaction with Penn National, they have shown nothing but respect and class to the Harness Horsemen and Town of Plainville.

Thank you for your time,

John S. Coffey, HHANE Treasurer
All States Medicaid, Inc.
2 South Main Street
Milford, MA 01757
508-482-9600
jcoffey@allstatesmedicaid.com

Bresilla, Colette (MGC)

From: tspubregular@aol.com
Sent: Friday, September 06, 2013 8:39 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse.

Dear Gaming Commission,

It is my opinion that the transfer to Penn National is good for the town of Plainville and the State. Penn National runs over 25 casinos, slot parlors and racetracks across the country. I think they would be a great partner for the town of Plainville and the Commonwealth of Massachusetts. Please do not let the actions of Gary Piontkowski ruin a good thing for the community and State at Plainridge. Thank you for your time.

Bill Ryan
Executive Vice President of Operations
FBS and Venue Management
508-494-2009

Bresilla, Colette (MGC)

From: Howard Siegal <hsiegal@gmail.com>
Sent: Friday, September 06, 2013 8:30 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I am writing concerning today's hearing concerning request by Penn National Gaming to allow transfer of the Host Community Agreement previously negotiated between ownership at Plainridge and Town of Plainville. The 60 day review period after an agreement and prior to a community vote should not and must not be waived. The 60 days allows residents of Plainville and other local communities barely adequate time to review and determine suitability as it now stands. Change of Applicant is clearly a material change and the 60 day period needs to begin from the date when a NEW Applicant enters the agreement.

Allowing the new Applicant (Penn National) to merely step into the shoes of former Plainridge ownership undermines the Mass Gaming Comm. rules and transparency of the process.

Howard Siegal
3 Kathryn Rd.
Foxboro, MA 02035

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Friday, September 06, 2013 8:23 AM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Richard Sabin

Email

richard.sabin7@gmail.com

Phone

(508)699-0237

Subject

Plainville

Questions or Comments

Dear Commissioners,

I am a Plainville resident living on Appletree Drive, last night I attended a forum presented by the towns gaming consultant. This was the fourth forum to educate the residents on the issue of slots at the Plainridge Racetrack. At that forum we were presented with an extensive in-depth look at one of your applicants Penn National Gaming by an expert in the field of business analysis on the Will Cummings consulting team. Penn National as you know has acquired an option on the facility and has been assigned the host community agreement by our elected selectman. Given the information that was given to the residents last night by an independent consultant proved overwhelmingly that our selectman had made not only the right decision but a decision that was necessary for the town and its residents. I am aware that you will decide the appropriateness of this decision. Please give me and my fellow residents the opportunity to validate the thinking of our elected officials; it ! is right and proper in our democratic system. A small faction of our community tries to circumvent our democratic system from time to time and undermine that democratic protection we enjoy. Please do not fall prey to these antics. We as citizens of Plainville are not new to the idea of expanded gambling we have been educated on the issue for more that 10 years and certainly more than any other small community in the commonwealth. To say anything to the contrary is a thinly veiled ploy. Please validate the opinions and vote of the most educated citizens on this matter by approving the assignment that our elected body has blessed. Thank you for accepting my comments and the hard work you do on our behalf.

Richard Sabin

Bresilla, Colette (MGC)

From: Kathleen Tomes <k.rosetomes@comcast.net>
Sent: Friday, September 06, 2013 8:21 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I am writing this in response to your question of whether or not to allow to transfer the host community agreement to Penn National. I am 100% in favor of supporting this transfer. As Penn has stated it is the perfect "marriage" for this to happen. Please do not allow the misfortune of what happened with the previous owner ruin a good thing for the Town of Plainville and its hard working citizens.

Thank you.

The Tomes Family
Plainville, MA

Bresilla, Colette (MGC)

From: Erin Earnst <erinearnst@comcast.net>
Sent: Friday, September 06, 2013 8:08 AM
To: mgccomments (MGC)
Cc: Ziemba, John S (MGC)
Subject: Plainridge Racecourse

Dear Commissioner Crosby and Members of the Mass. Gaming Commission,

Thank you for delaying your decision on whether your commission will allow for the transfer of the host community agreement in Plainville and inviting public comment.

Last night the Town of Plainville hosted it's fourth and last in a series of forums related to the expansion of gambling in the town. This was the first and only opportunity for residents of the town and surrounding communities to hear about Penn National and ask questions. There was a very brief presentation about Penn National where a great deal of information was shared about the company. With just five days until the September 10th election, there is not time for the residents of Plainville to get to know Penn National to see if they will be a good fit for the town.

Transferring the host community agreement from a company who the town has known for the past fifteen years to a company that the town has had very little time to get to know with just five days before the residents are being asked to vote on the host community agreement is significant and something that no other town considering being a host community has had to go through.

The residents of Raynham, Springfield, and Everett were given the full 60-90 days to get to know the applicant before voting on the host community agreement as intended by the legislation. Please allow the people of Plainville the same amount of time to make this important decision.

Respectfully,

Erin Earnst

781-414-9753

Bresilla, Colette (MGC)

From: NANCY CROSBY <madcro@verizon.net>
Sent: Friday, September 06, 2013 7:46 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Mass. Gaming Commissioner,

I am writing to you today to express my concern about a possible slot parlor at Plainridge Racecourse. This area on Route 1 is not suitable for a slot parlor. The traffic congestion that would occur would be too much for Route 1 to handle and would also affect the surrounding towns, including the town that I live in, Foxboro.

Plainville and the surrounding towns are small towns with very small roads. I implore you to please deny the request of Plainridge Racecourse from obtaining a slot parlor. A slot parlor in our area would put a very heavy burden on Foxboro and is something that our area does not need. As it is, event traffic at the stadium causes major traffic on our roads and a slot parlor less than 5 miles away would be a disaster to our area.

Thank you in advance for your consideration.

Regards,

Nancy and Joe Crosby
Foxboro, MA

Bresilla, Colette (MGC)

From: Justin Camire <jcamire@yahoo.com>
Sent: Friday, September 06, 2013 7:39 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I am a Plainville resident and I support the transfer of the community host agreement to the new owners.

Plainville desperately needs a boost to the fiscal budget to invest in town facilities and infrastructure.

Regards,

Justin

Sent from my iPhone

Bresilla, Colette (MGC)

From: TJ Keen <tj@keensense.com>
Sent: Friday, September 06, 2013 1:06 AM
To: mgccomments (MGC)
Cc: Crosby, Steve (MGC)
Subject: Plainridge Racecourse
Attachments: Plainridge HCA Transfer.PDF; ATT00002.htm

I respectfully submit my comments in Adobe PDF format re: whether the Commission should allow for a transfer of the host community agreement to occur between the previous ownership of Plainridge Racecourse and current slots-parlor applicant, Penn National.

Thank you very much in advance for reading my submission.

Sincerely,

Thomas ("TJ") Keen

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 11:26 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Susan Bankert

Email

suebankert@yahoo.com

Phone

(508)409-9009

Subject

Plainridge Racecourse

Questions or Comments

I am not a resident in Plainville, but I am very concerned about the horse racing industry. We need to keep it going, we need the people of this industry to become strong, and keep the horsemen, and everyone associated with this industry working. It will be very lucrative to keep racing going for the town of Plainville, and the state of Massachusetts. We need the money from this industry and you need to allow other gambling in Massachusetts. People are going to go to other states to gamble. They already do, why shouldn't we get that revenue? It is millions of dollars going to the other states, when we can get that revenue for our own state. Vote for slots and casinos in MA, and for Plainridge to get the slots.

Bresilla, Colette (MGC)

From: Collin Earnst <collin_earnst@haseltongroup.com>
Sent: Thursday, September 05, 2013 11:25 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Commissioner Crosby,

I respectfully ask that you provide the residents of Plainville the full 60-day window of time to review and evaluate the suitability of Penn National as a potential partner for a slot casino. The town, and its neighboring communities, are potentially entering a long-term relationship with Penn National. Conducting a binding vote on Sept. 10 does not provide ample opportunity to make this decision and its impact on Plainville and neighboring communities.

Granting a full transfer of the host community agreement to Penn National, and shortening the public review period, contradicts the spirit of the legislation and undermines the credibility of the process the Gaming Commission has set forth.

Thank you for your attention to this matter.

Respectfully,

Collin Earnst
Foxborough, Mass.
508-543-2966

Bresilla, Colette (MGC)

From: rgriswol@aol.com
Sent: Thursday, September 05, 2013 11:24 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I write this to give my total support to Plainridge Racecourse and the Penn National organization that plans to run the enterprise.

I have lived in Plainville for the 35 years and in the last 15 or so years have known Plainridge as a good neighbor and corporation.

They have supported the town and the activities in the town and as we attended the Post-Signing meeting this evening, Penn National has been positive in assuring the continued support to our town and the community as a whole.

The horse owners, trainers, riders and boarding facilities are a great asset to the community and without the continuing operation of the race track I think their very existence is in jeopardy.

The current track has offered entertainment as well as regulated gambling to the town and the region.

The expansion into the slot machines will be an additional form of entertainment and will also ensure continued support to the horse community.

I don't know what else to say other than I ask for your support by awarding the combined license to Plainridge Racecourse and the operation by Penn National and their subsidiaries.

Again, the presentation this evening, Sept 5, was a very positive event that showed the professionalism and top drawer management being offered to this community and to the state of Massachusetts.

Thank you for your consideration of my letter,

Respectfully,

Robert M Griswold
16 Valerie Dr
Plainville, MA 02762

Bresilla, Colette (MGC)

From: Jan Donaway <jzldonaway@aol.com>
Sent: Thursday, September 05, 2013 11:00 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Please support Penn National's plan for Plainridge Park. They are an outstanding company and a lot of people's jobs and lives depend on your support! Please help the town of Plainville and all the horsemen and women that need Plainridge to stay open by supporting this plan. Thank you!

Jan Donaway
Horse owner and trainer

Sent from my iPad

Bresilla, Colette (MGC)

From: Christopher Steel <csteel33@aol.com>
Sent: Thursday, September 05, 2013 10:39 PM
To: mgccomments (MGC)
Subject: Plainville vote

Dear Commissioner,

As a resident of the Plainville/Foxboro area I urge you to delay the vote and honor the 60-day review period. Gambling has no place in our small community.

Thank you,
Chris steel
6 fox lane
Foxboro, ma 02035

Sent from my iPhone

Bresilla, Colette (MGC)

From: berrysteel@aol.com
Sent: Thursday, September 05, 2013 10:36 PM
To: mgccomments (MGC)
Subject: Plainville Racecourse

Dear Commissioner,

As a resident of the Plainville/Foxboro area I urge you to delay the vote and honor the 60-day review period. Gambling has no place in our small community.

Thank you,
Jayne Berry-Steel

September 5, 2013

Massachusetts Gaming Commission
84 State Street – 10th Floor
Boston, MA 02109

Dear Gaming Commission Members:

I am writing as an employee of the Town of Plainville. It has been very difficult to sit by and hear some of the accusations made against the Board of Selectmen and the Town Administrator with regard to Plainridge Racecourse. It has been said that the Board has “sold out” the residents and do not have the best interests of the residents at heart when making their decisions. Nothing could be further from the truth. The Board has done what they have done – approve the Special Ballot on September 10th, approve the Transfer of the Host Community Agreement from Ourway to Penn National – because they know how beneficial having a “Racino” in Plainville can be for the residents.

When the Commission did not find Ourway “suitable” applicants, many residents were devastated by the information which came out about the employees and management at Plainridge. However, the residents did not have any knowledge of what was happening at Plainridge prior to the Commission findings and it would seem that not only was Ourway found not “suitable”, but Plainville is being included in that decision.

Plainville now has an opportunity to once again ask the Commission to investigate if the new Owner/Applicant, Penn National, would be acceptable and give Plainville a fair chance at being considered by the Commission for the Racino License to be issued.

The Board of Selectmen and the Town Administrator took every precaution to ensure that they followed the rules to the best of their ability. They have made all information available to the residents of the Town by posting the information on the Town Website as soon as it became available. Any resident who called or came to Town Hall to request information or just to ask questions was always granted the information and the time to deal with their questions. This process has been handled openly by the Town Administration from the beginning of the process.

I would humbly ask this Commission to allow the transfer of the Host Community Agreement and to allow the vote on September 10, 2013 to be the voice of the people of Plainville as to their approval or disapproval of a “Racino” in Plainville.

Thank you for your time and consideration.

Respectfully yours,

Drusilla Proctor

Drusilla Proctor
Plainville, MA

Bresilla, Colette (MGC)

From: Natalia Stasiewicz <nstasiewicz@gmail.com>
Sent: Thursday, September 05, 2013 10:34 PM
To: mgccomments (MGC)
Subject: Plainridge slot application - 60 days review period

Dear Massachusetts Gaming Commission Members,

With the new developments in the Plainville Racino and a new player, Penn National, I am writing to you with a hope that you will grant the 60 days review period and postpone vote on Plainridge slot application so I have time to learn more about this new proposal and its pros and cons to my town, Foxboro, which abuts Plainville.

I do believe that the 60 day review period can only help and give people a fair and equal opportunity to ask questions, do more research and discuss the topic before any decision is made. We had many surprising developments in the Plainville Racino recently that require some time to digest. Many casinos and slots parlors struggle financially. Many eventually also search to expand to full casinos to increase their revenue. We need to be very careful when analyzing any new bidder since these type of developments impact surrounding communities as well.

Thank you for your consideration.

Natalia Stasiewicz
Foxboro resident

Bresilla, Colette (MGC)

From: Srinivasan Sankar <srinisanakar@hotmail.com>
Sent: Thursday, September 05, 2013 10:29 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I strongly oppose any proposal for slot machines at the Plainville racecourse. We don't want anything related to casino gambling in our neighborhood.

Regards,
Srini

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Thursday, September 05, 2013 10:25 PM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Name

Juan Cruzado

Email

Jcruzado@comcast.net

Phone

(413)313-5555

Subject

No casino in Springfield

Questions or Comments

I don't think that it's a very good idea to introduce casino gambling in Springfield. I believe it's going to change the city of homes, I have been here my entire life and seriously considering leaving if a casino is built.

Bresilla, Colette (MGC)

From: Wayne Bryant <wayne.bryant@comcast.net>
Sent: Thursday, September 05, 2013 10:06 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Commissioners,

I work during the day, so I am unable to attend Friday's hearing on the Penn National request to be exempt from a provision of the Massachusetts gaming law. Thank you for allowing me to express my opinion via email.

The law clearly states that the applicant for a slots license shall have signed a Host Community Agreement between 60 and 90 days prior to the town vote. Penn National has not done that, and now wishes to skirt the law by purchasing a Host Community Agreement that Plainville had signed with a different company which has since been disqualified. Given how clear the law is in this area, the fact that Penn National does not yet own the property, the circumstances that led to the disqualification of the company that did sign the agreement, and the necessity for the State of Massachusetts to keep everything associated with gambling as above-board and lawful as they have done with the Lottery, I think it is incumbent upon the Gaming Commission to enforce the law as written, rather than just saying, "close enough."

Sincerely,

Wayne M. Bryant
Plainville, MA

Bresilla, Colette (MGC)

From: Arthur McLaughlin <arthurmclaughlin48@comcast.net>
Sent: Thursday, September 05, 2013 10:03 PM
To: mgccomments (MGC)
Subject: Plainville Racecourse

Good Morning:

As a resident of Plainville I would like to voice my support for the transfer of the Host Community Agreement from Ourway Realty to Penn National Gaming. I have closely followed the application submitted for a Racino by Ourway Realty and, like many residents, felt many emotions when the problems at Plainridge came to light through the Commission's investigation. Plainridge had always been a good neighbor in Plainville and lent its' support to many charitable events so it was very disheartening to many residents to learn that all was not as it seemed at the Racecourse. However, although we understand the Commission finding of "unsuitable" for the owners, Ourway Realty, that does not mean that a Racino at that location would not be a good thing for Plainville and the residents.

There is a group who strongly oppose the Racino in Plainville, but I do not believe that a small group should have the right to prevent the majority from having their say on the issue. My feeling is that the transfer of the Host Community Agreement should be allowed by the Commission, the vote should proceed as a meaningful vote in Plainville and the residents should be the deciding voice – whichever way the majority votes. I understand those who oppose gambling I do not feel that they should have the power to stop people who do enjoy slot machines from being able to participate in that activity if they wish.

It has been stated by those who oppose this that "they" have not had time to "vet" the proposed new owner/applicant. That should be the job of the Commission and best left to them to handle. When a new store opens in a town such as Lowe's, Stop N Shop, T J Maxx, etc., did in Plainville, the residents did not have to decide if they thought the owners were "suitable". The residents only had to decide that new commercial businesses would be beneficial to the residents of Plainville. The new business hoped for at Plainridge Racecourse would certainly be beneficial to the residents of Plainville – by keeping the tax base low, adding funds that could be used for a "rainy day" account, providing funds that could be set aside for future "capital" expenditures, etc. Plainville is a small Town – a wonderful place to live – but can and should welcome the revenues that a Racino could provide to make the Town an even better place to live for all of us.

I sincerely hope that this Honorable Commission will see their way clear to allowing the transfer of the Host Community Agreement and the residents of Plainville to all have their say on September 10, 2013.

I thank you for your time and consideration in considering my comments.

Sincerely,

Arthur E. McLaughlin
Plainville, MA

Bresilla, Colette (MGC)

From: Mary Griswold <rightwinggranny@live.com>
Sent: Thursday, September 05, 2013 9:56 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I attended the meeting in Plainville tonight that included information about Penn National Gaming. I was impressed with the company's plans for Plainridge, their commitment to the community, and their representatives. I respectfully ask that the Gaming Commission approve the transfer of ownership of Plainridge to Penn National. I think they are an experienced, reputable company who will do a good job of developing and managing the facility. Mary Griswold, 16 Valerie Drive, Plainville, MA.

Bresilla, Colette (MGC)

From: Rachel Calabrese <rachel_calabrese@yahoo.com>
Sent: Thursday, September 05, 2013 9:43 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear members of the Massachusetts Gaming Commission,

Thank you for taking the time to read my email. I know your schedule must be extremely tight and I probably can not fully understand the incredible amount of emails just like this that you must receive. It has been my understanding that you have made each and every decision carefully in order to protect the residents of Massachusetts. There will be communities that will welcome casinos and communities that will not. I reside in a town that went through a very public battle with this very issue last year.

Communities, like the one I reside in, need time to be able to research FIRST the impact (positive and negative) that a casino can have to their community. They also need to have the time to learn about the company that is hoping to bring that establishment to their community. I believe this is why you established the 60 day review period for communities. The town of Plainville has had the time to research only one of these important conditions. Their vote to accept Penn National is only four days away. I am contacting you in hope that you will honor the 60 day review period that was put in place in order for residents in cities and towns across the state to have a full understanding (pro and con) of the company who will become a large part of their community and the impacts that could involve.

Please would you consider honoring this review period. It is my belief that the protections you put in place were meant to help all residents in Massachusetts. I do appreciate any consideration.

Thank you,

Rachel Calabrese
Foxboro resident (abutter of Plainville)

Bresilla, Colette (MGC)

From: Jennifer Keen <jen@keensense.com>
Sent: Thursday, September 05, 2013 9:31 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Mass Gaming Committee:

I am writing today to ask you to not approve the transfer of the Plainridge license to Penn National. I, effectively, have already cast my vote by moving out of town a few months ago. After my husband was sued by Plainridge Racecourse for Defamation of Character (a lawsuit that we won resulting in Plainridge paying \$25,000 of our legal costs), I couldn't stay in a town that had every aspect of its leadership 100% for slots, no matter what the cost to the town and the townspeople. But I digress.

My main concern is that after Plainridge was disqualified as an applicant for cause that the license could be transferred to another entity who has not been vetted by the Town or the Gaming Commission. In every Selectmens meeting I attended the Selectmen spoke of their decision to approve the Host Community was that Plainridge was the applicant and they were so great to the town over the past years. Town Officials said that Plainridge was a good neighbor, a good corporate citizen and a known entity but thankfully the Commission did a wonderful job and found otherwise. I believe the Selectmen approved the transfer of the Host Community Agreement to Penn National without a single meeting or discussion with Penn National in a last minute vote two days after Labor Day with barely any notice.

In addition, Town Officials have repeatedly stated that one of the benefits of Plainridge being approved was that it would save harness racing at the facility however The Gaming Commission has gone on record as saying that it is not tying slot approval to saving harness racing and Penn National has guaranteed harness racing will continue at Plainridge for just one year. Two of the main rationales made by Town Officials for entering into a Host Community Agreement with Plainridge turn out to be wrong yet they insist on pursuing the transfer of that Host Community Agreement to an unknown, unvetted out of state entity with no guarantees they'll continue harness racing long term.

The Gaming Act clearly states that the Applicant must sign the Host Community Agreement 60 days prior to the holding of a voter referendum. I believe that the law should be followed and licenses should be applicant specific otherwise that would undermine the entire process and protections afforded to the Plainville and the surrounding community. Fortunately, I was able to vote with my feet. The rest of the citizens of Plainville aren't as lucky. Please do what is in the best interests of the townspeople and make sure they have the appropriate time to learn about Penn National.

Thank you very much for your consideration.

Jennifer Keen

17 Windsor Drive, Foxborough, MA (formerly of 50 Taunton Street, Plainville, MA)

Bresilla, Colette (MGC)

From: Marcia Benes <benes@mahb.org>
Sent: Thursday, September 05, 2013 9:23 PM
To: mgccomments (MGC)
Subject: PlainridgeRacecourse

Dear Commissioners,

Thank you for providing this opportunity to express my concerns as a lifelong resident of Plainville Massachusetts. I very much appreciate the fact that you are performing due diligence regarding the applicants. For twenty-five years, I have provided technical support and representation to local boards of health across the Commonwealth. I have also served in local government. This has provided me with a solid understanding of the dynamics of small town government. Some fortunate towns have a culture of good governance and an expectation that only well informed and public spirited people should be entrusted with political office.

Unfortunately, my home town of Plainville, while not the worst example of dysfunctional local government, has not had good leadership for the last few decades. Petty corruption exists and was particularly egregious when Plainridge came to town. Things reached a dystopian peak when our police chief, whose wife worked (works?) for Plainridge, intimidated some who spoke out against the track. We had a Selectwoman who received large contributions from a developer, and a wrist slap from the Ethics Commission. It wasn't too long ago when running for political office in town meant buying a few signs and spending a few hundred dollars. Now a well-connected official can raise several thousands.

I firmly believe that gambling facilities need to be sited in places where political institutions are mature and where their influence will be watered down by competing industries and interests. A small town like Plainville has proven that local government will not stand up for the rights of its citizens.

Plainville has not managed its finances well, and now we are being told that the slots will be our economic salvation. I have grave concerns that having a gambling facility in our community will result in a further erosion of our rights and political integrity.

As you are no doubt aware, the American Civil Liberties Union felt it necessary to defend a resident against a SLAPP suit initiated Plainridge. Even after the judge dismissed the suit, the selectmen never addressed the attempted intimidation of my neighbor - who has now moved out of town - The Lions Club meets at the track - do they pay market rate for the room? The same former police chief is the local Lions President. The political climate here is chilling, and I fear it will get worse if the slots go forward here no matter who is managing the facility.

We have not had an opportunity to size up this new potential applicant, but we are being asked by local officials to vote for the agreement sight unseen, even before the background check is completed.

Sincerely

--

Marcia Benes
Executive Director
MAHB
508-643-0234

Bresilla, Colette (MGC)

From: Jean Smolinsky O'Bryant <jeansmolinsky@ymail.com>
Sent: Thursday, September 05, 2013 9:00 PM
To: mgccomments (MGC)
Subject: plainridge racecourse - DELAY VOTE

Dear Mass Gaming Commission,

I am aware of the possibility of a racino in Plainville, MA, which could possibly grow to a full casino down the road with the sudden arrival of Penn National Gaming (who run many facilities with the name "Hollywood Casino" around the country) two days ago to assume Plainridge's slot application.

The gaming legislation calls for a 60-day period for communities to review the agreement before a vote can take place. Please delay this vote and to honor the 60-day review period so all of us who live close to where the facility may be located can get to know Penn National and their plans for the facility.

Thank you,
Jean Smolinsky O'Bryant
Foxborough Resident

Bresilla, Colette (MGC)

From: Cyndi Bush <cyndibush@comcast.net>
Sent: Thursday, September 05, 2013 8:52 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Sir/Madam,

As residents of Plainville for the last 16 years we have been actively educating ourselves, and attending meetings for the past several months, to learn more about the proposed Plainridge slot application. This is a huge issue for our small town, and we feel that we need to do proper due diligence as a town and as a community to make sure we are partnering with a positive organization.

After the Gaming Commission recently rejected Plainridge, we were surprised that the Selectmen wanted to move forward with the September 10th election. We were also very surprised to learn of a meeting that occurred just this Tuesday evening (without any advanced notification to the town residents) where the Selectmen quickly approved the transfer of the community host agreement to Penn National.

As residents, we know nothing about this organization or their plans for the property, yet we are expected to decide **within 7 days** whether or not they are a good fit for a major presence in our community, and whether they should have the community host agreement that was negotiated with an entirely different entity, Plainridge, assigned to them.

We feel that if the applicant is to change, that our community and its citizens should be given time for a proper review of the Penn National. We also do not feel that we should be voting on an applicant that has not yet been reviewed and approved by the Gaming Commission. After learning of the misuse of funds by Plainridge, which by all accounts our selectman thought was going to be a perfect corporate citizen, our town and its officials should be even more prudent in evaluating future candidates.

Thank you for your consideration of this matter.

Sincerely,
Carl and Cynthia Bush
13 Landau Road,
Plainville, MA
508-695-8155

Bresilla, Colette (MGC)

From: John Snow <jsnow@snowclan.org>
Sent: Thursday, September 05, 2013 8:44 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Mass Gaming Commission,

I urge you to refuse the slot machine license for Plainridge Racecourse in Plainville, MA. As a nearby resident I do not want a casino anywhere near my community. We voted it out of Foxborough and we will be active in ensuring the same outcome in Plainville. Clearly the citizens in this area do not want gambling interests to be given any foothold.

Furthermore, with Penn National taking over Plainridge's application for the slot machine license the entire flavor of the deal has changed and you should honor the community's right to a 60-day review/evaluation period of the new applicant and application.

Submitted with kindest regards,

John Snow
2 Allens Way
Foxborough, MA 02035
Johnsnow1@comcast.net
(508) 543-6742

Bresilla, Colette (MGC)

From: jasonmiles1@comcast.net
Sent: Thursday, September 05, 2013 8:31 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

To the Massachusetts Gaming Commission,

I am writing you to voice my support of the transfer of ownership of the Plainridge Racecourse Host Community Agreement to Penn National Gaming. The Town of Plainville has spent a great amount of time preparing for this vote on September 10th. A deal was reached with the prior ownership after a lot of research was completed. The same agreement is still in place even though the owner has changed. I would hate to see all that effort go to waste before voters had a chance to weigh in. As a resident of Plainville, I plan on going to the polls on Tuesday prepared to vote on the acceptability of the \$4 million a year my town would receive in that agreement. My hope all along was that new revenue would help better schools for my two children under the age of 5. I also trust the commission to determine the suitability of Penn National Gaming as an operator of a slot venue in Massachusetts against other competitors.

Thank you for your consideration,
Jason Miles
26 Paddock Dr
Plainville, MA 02762

Bresilla, Colette (MGC)

From: Tanya Perkins <tperk@me.com>
Sent: Thursday, September 05, 2013 8:17 PM
To: mgccomments (MGC)
Subject: Plainridge racecourse

Dear Massachusetts Gaming Commission,

As a Plainville town resident, I have been frantically trying to work to inform my fellow citizens of the host agreement vote. As of just last week, most people that I spoke to were still unaware that the vote was still happening after the Plainridge ownership was denied a license. In the time since the new agreement the Selectmen made with penn national over Labor Day, there has been NO time to inform and educate the community about the vote. There is one VERY late-called public meeting at a time totally inconvenient for families.

How can the residents of Plainville know what or who they are voting for on September 10?

Thank you,
Tanya Perkins

Sent from my iPhone

Bresilla, Colette (MGC)

From: mike.oneil@juno.com
Sent: Thursday, September 05, 2013 7:39 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse - Deny the transfer

To the State Gaming Commission:

Please deny the transfer of the slot machine agreement from Plainridge Racecourse to Penn National Gambling. Currently, the town of Plainville is in agreement with Plainridge Racecourse. Unless the agreement states that it is transferable to Penn National Gambling, Plainville can only be in agreement with Penn National Gambling if the town signs a new agreement with them. It is not up to the Gaming Commission to say that the town is in agreement with Penn National Gambling. The town of Plainville must enter into a new agreement for it to be valid. You don't have the authority to speak for the people of Plainville by creating a new agreement for them.

As a concerned home owner in Plainville, I have seen palpable corruption, lies and greed in this whole agreement process between the selectmen and the track. I am grateful to the State Gaming Commission for alertly discovering the deception and acting decisively. The selectmen in Plainville are behaving as if the only problem here was Plainridge got caught. Now they want the election to go on next Tuesday as if nothing has happened, with no time for evaluation and ignoring their responsibility to enter into agreements for the people of Plainville. Please do the correct legal and honorable thing and deny the transfer of the agreement.

Thank you for considering my written testimony.

Sincerely yours,

Michael P. O'Neil

67 Spring Street
Plainville MA 02762
cell: 774-219-6093
email: mike.oneil@juno.com

Bresilla, Colette (MGC)

From: Matt Antinoro <mattantinoro@gmail.com>
Sent: Thursday, September 05, 2013 7:16 PM
To: mgccomments (MGC)
Subject: Plainridge host agreement

Sirs and madams;

We deserve the right to allow our votes to be heard and counted, or at least that's what I'm trying to teach my children.

We want the agreement to stand. Please don't let the MINORITY rule, the agreement is what the town wants, and its what we voted for.

Bresilla, Colette (MGC)

From: jaymarino74@aol.com
Sent: Thursday, September 05, 2013 6:56 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I wish that you would allow the transfer of the host agreement. I would like to be able to go vote on the 10th and then the town can move on no matter the outcome of the vote. The host agreement is the same as it was proposed so people shouldn't feel blindsided. Who owns the track is just a technicality. Please approve the transfer of the host agreement!
Thank You, for asking for our input!
Thank You, Jason

Bresilla, Colette (MGC)

From: Patti Poirier <natlpatti@yahoo.com>
Sent: Thursday, September 05, 2013 6:42 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I have followed closely the new developments by Penn National and their interest in purchasing Plainridge for the slot venue . I not only approve on a number of reasons but hope it goes through. Not withstanding the benefits to our town in the form of revenue,spin off business, and new employment, but the number of people that will likely find themselves on the unemployment line. The track employs many Plainville residents but extends to farms, stables, trainers and all facets of running a harness track. It is very likely that if the slots proposal fails so will the existence of the track and the dominoes will begin to tumble. So I say yes and thank you for your consideration.

Thank you
Rod Poirier

508-446-1515

Bresilla, Colette (MGC)

From: Ellen & Paul DeAngelis <ellenpauld@gmail.com>
Sent: Thursday, September 05, 2013 6:40 PM
To: mgccomments (MGC)
Cc: Ellen & Paul DeAngelis
Subject: A vote in favor of a gaming license in Plainville, MA

Dear Gaming Commission Members;

I am writing to you today as a 13-year resident of Plainville. Given the time I have lived in this town, I have been very involved in various matters going on here. Recently of particular interest is the Gaming Legislation in the state and the Town of Plainville.

Early on, I realized the importance this would be to our Town and the Racecourse. For the Town, it would help relieve some of the financial burdens we are facing at this time, but more importantly for the Racecourse and the people that are intimately involved with it and reliant on it.

Plainville has had a very good, long-standing relationship with Plainridge Racecourse that has grown over the years. Their commitment to this Town has been apparent in their being a good corporate citizen and neighbor.

As for the people intimately involved with the Racecourse, the impact on them would be immeasurable. If you start with the people that board their horses going away, that then means the farm owners would not be able to sustain their land. This would then mean the land would be sold to a developer, which would then impact the Town with more families in the town and less industry. This lopsided situation would have significant impact on the people of Plainville.

I'd like to comment on the level of education the people in the Town of Plainville have in regards to having a racino in town. There have been three meetings hosted by the Town along with the Consultant that was hired to assess the impact, positive and negative, on the Town of Plainville. A fourth one is taking place tonight to review the executed Host Community Agreement and to meet with the members of Penn National. Everyone in the town was able to attend these meetings and they have been extremely valuable not only as an educational tool, but as a forum for the people to ask any and all questions to the Consultant, Racecourse spokesperson and our own Town managers.

Another way people can educate themselves on this initiative is to go onto the Town of Plainville's website and read the executed Host Community Agreement and all of the presentations that have been discussed so far. They can also go to the storefront that Plainridge has open on South Street in Plainville and ask questions, look at the presentations and view the development plans.

If anyone is stating otherwise that the people in Plainville are not able to make an educated decision about the Host Community Agreement and what would be expected to take place if Plainridge were to be awarded the license, they are very mistaken.

In regard to the new relationship with Penn National, we as the Town would expect the MA Gaming Commission to do their due diligence on vetting the Company, which in turn would mean that the Town of Plainville should be comfortable with the fact that Penn National is on the up and up. Even though it was agonizing to hear why the parent company of Plainridge was disqualified, it was completely understandable that their application be denied. It wouldn't bode well for the Town if a mis-managed organization was given carte blanche with a gaming license.

To show some of the favorable representations about the gaming license being awarded to Plainridge, below are two of many articles written by residents of Plainville in favor of hosting a slot parlor in our town. The first was published in the Sun Chronicle on August 30th and the second on September 3rd:

Reasons to vote for Plainville slots parlor To the editor:

I read with much disappointment Sunday's editorial ("Time to move on in Plainville"). Certainly the odds are not good for Plainville, but to advocate throwing in the towel before all avenues are exhausted is, in my mind, clear folly and an insult to the intelligence of the voters of Plainville. To quote Yogi Berra, "It ain't over 'til it's over." I, like many are troubled by the actions of an employee of the track and they should be held accountable. But what troubles me even more is the absolute autonomy of a state agency that can render a decision with such broad based impact with no review. Was this investigation totally unbiased? It seems we'll never know. The actions of an executive with too much control and little or no supervision are obviously a questionable business decision, but does that decision mean the owners are unsuitable for a license? We'll never know because the decision is not subject to any review. Good grief, even judges do not have that level of autonomy. In all the stories and reports on this issue, I have not seen one iota of evidence that the town was short-changed in any manner based upon facts presented. The victims here are the investors of the track; and I am satisfied that they have seen the errors of their ways and have made provisions to correct and prevent any such activity in the future. The Gaming Commission did not see it that way and has decided to punish them forever, while questioning their business acumen. When any of the commissioners accumulates

assets in excess of a billion dollars, then they can question the investors' business know-how. In the meantime, if there is even a sliver of a sliver of hope, the board of selectmen owes it to the residents and their pocketbooks to keep that hope alive. After all, we could still be the beneficiaries if the stars align and the track is able to survive. Selectmen were right in ignoring the calls of the nay-sayers and moving forward with any opportunity that can benefit the town. The Editorial Board of The Sun Chronicle would do well to do the same. I urge the voters of Plainville to ignore the rhetoric of the local nay-sayers as well and vote yes on Sept. 10 because "It ain't over 'til it's over."

Edward M. Merrick

Plainville

A 'yes' vote Sept. 10 could mean a brighter future for Plainville To the editor:

On Sept. 10, Plainville residents have a unique opportunity to shape and influence the future of our town in a manner few of us will ever have again. Voting "yes" for the approval of a slot license in our town will provide a long-term solution for the fiscal woes we are now facing. Plainridge Raceway currently employs 150 people. It supplies agri-business support to over 75 farms in and around the region as well as approximately 450 horsemen/women. One bad

apple does spoil this bushel. These hardworking individuals and grassroots businesses count on this well-established Plainville business for a portion of their livelihood. The small but vocal minority opposed to the slot parlor at Plainridge would have you believe that adding slots would be the end of civilized society in our town. Don't fall for their inflammatory rhetoric. Do your own research. Make your own decision.

But know this: Without the infusion of slot-generated revenue our town will continue to face significant shortfalls in almost all departmental budgets for years and years to come. Our tax base will shrink. Our schools, our senior support services, youth athletic programs, police and fire services, town infrastructure, will continue to suffer and degrade if we fail to approve this initiative. On one hand, we have a professional, highly regarded and very dedicated group of people who make up our town government saying this is a good thing for the town. They contend we should move forward with this proposal in a deliberate, measured and specific manner.

On the other hand, we have a caterwauling clutch of high-minded Democrats who force-feed their world view on anyone willing to listen. They contend to know what's best for you and your family and will use any method at their disposal to get you to think negatively about the gaming industry. Who are you going to believe?

Plainville voters need to demonstrate to the racing commission that we very much want to stay in consideration for the one state slot license. A "yes" vote on Sept. 10 is a "yes" vote for a brighter Plainville future.

Dale Bergevine

Plainville

An item to note is when you drive around Plainville and see all of the lawn signs in favor of the slot parlor and the few that are opposed. The people in favor wouldn't put these on their lawn if they didn't whole-heartedly believe that this would be a good thing for Town of Plainville.

There is also the point that people are moving into Plainville knowing that a gaming license could be awarded. One of the reasons they do this because the town is still affordable, but also because they must realize that a racino isn't going to have that much negative impact on the Town itself.

In closing, I'd like to say that the people of Plainville shouldn't be held responsible for the misdeeds of one or two people from Plainridge. It would be good for you to note the desire of the people from this Town to have this come to fruition.

Sincerely,

Ellen DeAngelis

10 Maple Terrace

Plainville, MA

Bresilla, Colette (MGC)

From: Matthew Leclair <mjleclair1@yahoo.com>
Sent: Thursday, September 05, 2013 6:38 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Hello,

Please enforce the gaming legislation that requires 60 day notice prior to voting. Plainville should not be allowed to vote without adequate notice to understand the new applicant. Otherwise you run the risk of it appearing that the Plainville Board of Selectmen are trying to push this through without the appropriate guidelines. This is Especially important to other towns who want to understand the impact to their towns.

Thank you

Matthew Leclair
Norfolk, MA

Sent from my iPhone

Bresilla, Colette (MGC)

From: Patti Poirier <natlpatti@yahoo.com>
Sent: Thursday, September 05, 2013 6:31 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

I have been a resident of Plainville since 1986. It is a wonderful community to raise a family and enjoy life. Like all small communities there have been ongoing issues since the economic setback. That is why I have and continue to support slots in Plainville. The opportunity that was so close and was snatched away has once again been put just in our grasp. The fact that a major casino operation is interested in our venue is to me a second chance. A second chance to keep many people employed from the people already working at Plainridge to the farmers, horse trainers, riders, etc. that base much of their livelihood on the track being able to stay open. I am fortunate I run my own business which has proven to be recession proof. Many are not, some of whom I know personally and others I don't. However I have always realized what I have can also go so easily and I know that is what these people are facing. So for many reasons and for second chances I feel that we all should be able to cast our vote, speak our minds all with the realizations that it is not nor has it ever been completely in our hands. To sum it up the benefits to our town and all the people depending on this situation speak volumes as do the right to move forward with a yes, yes, yes, vote for slots in Plainville.

Thank you for your time.

Patricia Poirier
Resident of Plainville
508.695.2056



TOWN OF PLAINVILLE

Office of the

BOARD OF SELECTMEN

September 5, 2013

VIA ELECTRONIC AND FIRST CLASS MAIL

Stephen Crosby, Chairman
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

ATTENTION: John Ziembra, Ombudsman

Dear Chairman Crosby and Members of the Commission:

Please accept these comments as my attempt to allay some of the concerns expressed by the Commission on the application and status of Penn National as such relates to Plainridge and the Town of Plainville. Among other issues, it appeared that the key concerns were: public outreach, potential voter confusion, and "who is the applicant and when were they the applicant?".

From the outset, we in Plainville have attempted to engage the public in every aspect of the host community agreement process with the obvious exception of the actual negotiations. In January of this year, we crafted and issued an extensive Request for Proposals in our search for an experienced and objective consultant to examine the impacts of expanded gaming at Plainridge. I met with opponents to such a possibility and incorporated their concerns into the scope of work that the winning consultant would be charged with completing. (As an aside, one of those opponents was Ms. Greanier herself.) The resulting RFP was not only used to hire Plainville's consultant (Cummings Associates) but an abridged version was used by the Town of Raynham to select its consultant. Additionally, Ombudsman Ziembra asked if he could share the RFP with other communities who may also be in need of consulting services. Although I obviously agreed, I am unaware if anyone else used it. What I do know is that no other community considering whether to host a Category 2 licensee has had the amount of Town sponsored public outreach and analysis that Plainville has.

The Town's consultant will conduct the fourth and final public forum this evening, September 5th. Each forum has revolved around a specific phase of the consultant's work. This last forum requires that the consultant "discuss the content of the negotiated Host Community Agreement and how the Agreement addresses identified impacts and provides maximum benefit to the Town". Every report generated by the consultant has been made available to the public and placed on the Town's website. Email blasts have been sent to each registered subscriber to our website service, notifying them of each received report and of any impending forum. Cable access has announced the availability of the reports and the scheduling of forums. The forums themselves have been broadcast repeatedly. Additionally, the local and Boston press has covered the forums and examined associated reports. In addition, the Town offered opponents of the project an opportunity and facilities to host their own public forum to promote their position in opposition to the project.

At the same time, another public process was going on through the Planning Board. From April through August, with all of the requisite public notice, the Town's Planning Board held six public hearings and meetings, to consider the granting of a Special Permit to allow slot gaming at the Plainridge site. That Special Permit was granted by a unanimous vote of the Planning Board.

Though representatives from Ourway were present at and involved in these forms of public outreach it is clear to me that none of those forms of public outreach would have come to a different conclusion regarding the merits or impact of the project had the applicant been different.

As for the concern regarding voter confusion, I can assure the Commission that Plainville's voters are fully informed regarding Penn's new role in the project. As authorized by the Commission, we have today mailed the required "Citizen Notification" to each voting household in Plainville. Additionally, that notice will appear in the Sun Chronicle's Friday, September 6th, edition. The notice has also been placed on the Town's website with a readily apparent red banner which can be clicked to get you to the notice, as suggested by Commissioner Stebbins. There has been significant coverage, both in local and Boston print, as well as in Boston and Providence electronic media, concerning Penn's efforts to pursue its application in Plainville. Tonight's referenced forum will both announce the recent developments concerning Penn as well as serve as an introduction for Penn to make a subsequent and separate presentation as to who they are and what their aspirations are in Plainville. That notwithstanding, I have complete confidence in saying that the voters in Plainville are well aware of the consequence of their vote next Tuesday. A no vote, at minimum, ends the possibility that slots will be allowed at Plainridge. It may also mean the end of Harness Racing in the Commonwealth. A yes vote allows the owner of the site to proceed to the next step in the licensing process. It is really that simple!

There appears to be some concern regarding the mention of "Plainridge" in our election ballot in light of Penn's interest in pursuing the Category 2 license at the site. In Plainville, "Plainridge" has always been understood to be both a marketing brand and a physical site where harness racing and simulcasting takes place. Throughout its history, the site and/or the brand "Plainridge" have been claimed by ever shifting groups beginning with Management Acquisition Corporation, GTWO, LLC of Massachusetts, GTWO, LLC of Rhode Island, Plainville Racing Company, and most recently, Ourway Realty, LLC. Throughout this history, a suggestion to "Meet me at Plainridge" never required a visit to the Secretary of State's Office to figure out where to go. The use of the name "Plainridge" in our ballot was meant to utilize a common moniker. People in Town may or may not know have known that the current owner of Plainridge was "Ourway Realty, LLC", but the term "Plainridge" has never been understood to refer to whatever corporate entity owned it at the time. Given that Penn now has the rights to both the site and the brand "Plainridge", and that Penn has committed to maintaining the use of that brand, I fail to understand why the appearance of "Plainridge" on our ballot would be of concern.

Finally, I will leave it to the lawyers (and Lord knows that we all have them) to argue the legal points. However from the common man's perspective, I truly hope that the overarching mandate to maximize economic benefit to the Commonwealth, utilizing competition as a tool, will not be trumped by an overly technical reading of one term in the statute and I believe not in keeping with the statute's purpose and intent. More than this, I hope that the citizens of Plainville will not lose their right to a meaningful Home Rule vote on an issue that has been the subject of so much hard work and public debate. Such a result could hardly be of benefit to the residents of Plainville or the Commonwealth of Massachusetts.

Respectfully,



Joseph E. Fernandes
Town Administrator



COMMONWEALTH OF MASSACHUSETTS
TOWN OF PLAINVILLE

OFFICE OF THE TOWN TREASURER

142 SOUTH STREET, P.O. BOX 1717
PLAINVILLE, MA 02762

KATHLEEN A. PARKER
Town Treasurer

Tel. (508) 695-3010 x18
Fax. (508) 695-1857

Stephen Crosby, Chairperson
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

VIA E-MAIL

September 5, 2013

Dear Mr. Crosby:

I am writing to you and the Commission after watching the live stream of yesterday's meeting. I understand you are interested in hearing from people in Plainville relative to the assignment of our Host Community Agreement from Ourway Realty, LLC to Springfield Gaming and Redevelopment, LLC (aka Penn National). I listened intently to the questions that were posed and I very much appreciate your efforts on our behalf. I write to you with a unique perspective as I am the elected Treasurer/Collector in Plainville, having been first elected to my position in 1980. In addition, I was part of the Gaming Consultant screening committee.

Let me begin by stating I voted in favor of the Gaming Legislation at the state level and I am in favor of hosting a slot parlor at the Plainridge Racecourse in Plainville. My reasons for supporting both proposals are quite simple. First, at the state level, the legislation is quite clear in its support of the racing industry. The town of Plainville although small and easily overlooked, has a very strong presence of that industry in our community. In fact, that presence is the most distinguishing characteristic of our town. It affords all our residents the pleasure of viewing open fields, paddocks, and grazing horses on the west side of town. The community at large has continually supported the horse farms by insuring that zoning statutes remain in place to protect and preserve that way of life. The many stable owners, groomsmen, trainers and jockeys who are part of our community rely on our commitment to them and in turn, we are able to partake in the beauty of their farms. I see Plainville's ongoing support of our horse farms being mirrored by the gaming legislation's support of the racing industry. If our race track closes and the farm owners are forced to sell out to developers, the character of Plainville will be changed forever and a very vibrant part of our community will be lost to other states.

Secondly, at the town level, I believe the Host Community Agreement guarantees a firm financial footing to our community for years to come. This agreement is an important part of the directive given to our consultants, Cummings Associates, but not the most important part. A primary concern of the search committee was how the chosen firm would educate the public as to the costs and benefits of allowing a slot parlor in Plainville. To this point, Cummings and Associates have held three public forums and a fourth is scheduled for this evening. These forums have been well attended by a wide cross-section of people and public input was encouraged. The forums were televised, received press coverage in three different newspapers, were critiqued and explained on various social media sites and were discussed on the streets and ball fields of the community. I truly believe the community is very well informed as to the impacts of a slot parlor on the community, the benefits promised by the Host Community Agreement, the dismissal of Ourway as a suitable applicant and the subsequent assignment of the Host Community Agreement to Penn National. In fact, Penn National will be given an opportunity to address our forum tonight and has promised to answer every question put to them. Plainville voters will be fully educated as to the particulars of the Host Community Agreement as well as the applicant now guaranteeing its financial benefits prior to Tuesday's vote. In today's local newspaper, the two lead articles highlighted yesterday's hearing and the corporate history of Penn National. To say that Plainville voters are uninformed or have not had the time to review the agreement is simply false.

The Host Community Agreement stands as a legally executed document, posted as of July 9th. I have had many inquiries on the particulars, answered countless questions and given my heartfelt opinion as to the benefits I see in its offerings. The fact that it has been assigned to Penn National does not affect the benefits it guarantees to the taxpayers of Plainville. If anything, Penn National brings even more assurances to us based on its track record of operating racinos in other venues. The fact that Penn National began their business in racing once again gives us hope that our farm community will be protected and preserved. The prospect of harness racing continuing in Plainville brings hope to the town's financial team that we will not have to look at balancing our town budget without the Local Share of Racing Taxes, an essential part of our Local Estimated Receipts. We will be able to look to the future with joy rather than dread.

Penn National is now the applicant which has been identified to our voters as the entity which will follow through on the promises of the Host Community Agreement, keep Plainridge Racecourse viable, allow our horsemen to thrive and to earn a living from their hard work and allow the Town of Plainville a secure financial future.

Thank you for your time and consideration.

Yours Truly,



Kathleen A. Parker
Town Treasurer-Tax Collector

Bresilla, Colette (MGC)

From: Parkers <kap0405@gmail.com>
Sent: Thursday, September 05, 2013 5:48 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

To the Mass Gaming Commissioners:

I'd like to respond to your request for citizen input on the question of whether Penn National should be allowed to accept the assignment of Plainville's Host Community Agreement. My understanding is the agreement is strictly between the town and the applicant and no input was expected or required of the Commission. We rely on your board to vet the applicants and report to us the outcome of that review. The process worked perfectly when Ourway was deemed unsuitable. You obviously will continue to study Penn National and report back to us when your vetting is completed. We will hear from Penn National tonight at the scheduled public forum. We will be able to get all the information we need from them to help us decide what type of company they are and what their intentions are. Plainville voters expect to go to the polls on Tuesday to vote on the host community agreement which Penn has pledged to uphold. Please allow the assignment so that this vote goes forward with no impediments. Plainville voters should not be denied their chance to speak.

Respectfully submitted,

C. Curtis Parker
87 Pleasant Street
Plainville, MA 02762

Bresilla, Colette (MGC)

From: Pauline DiSangro <msspauline@yahoo.com>
Sent: Thursday, September 05, 2013 5:22 PM
To: mgccomments (MGC)
Subject: Plainville

Dear Chairman Crosby,

As a current resident of Plainville and employee of Plainridge Racecourse, I wanted to encourage you to support Penn National's request to assume responsibility for Ourway Realty's Host Community Agreement that was signed with Plainville.

The residents of Plainville deserve the chance to go to the ballot box and support or oppose this proposal. For some residents, this is about \$4.3 million in revenue that'll lead to lower property taxes and improvements to our roads and schools. For me, this project and next Tuesday's vote means a whole lot more. It's about my job.

Please don't fall victim to a loud minority of Plainville residents. Let us have a vote. Please support Penn National's request.

Sincerely,

Pauline Disangro

4 Highview Dr, Plainville MA

Bresilla, Colette (MGC)

From: Cindy Ostrowski <cynostro@hotmail.com>
Sent: Thursday, September 05, 2013 4:29 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Commissioner Crosby and the Massachusetts Gaming Commission,

I strongly urge you to delay your decision tomorrow to authorize a town wide vote on Tuesday September 10th by the residents in the town of Plainville to approve the Penn National agreement. Please **honor the 60 day review period** so that everyone one may be heard on the topic and learn about Penn National and their plans for the facility. It is, after all, the democratic thing to do. And there's no reason in the world to rush anything through the process when the residents of Plainville with have to live with any decision for a very long time, and they are the ones who will live with the decision, not you, not the executives of Penn National, and not anyone on the MA Gaming Commission. Again, I **strongly urge you to honor the 60 day review period**. That review period is in place for a very good reason. Thank you.

Cindy Ostrowski

Bresilla, Colette (MGC)

From: Trish Mitchell <trishmitchell98@msn.com>
Sent: Thursday, September 05, 2013 4:28 PM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Commissioner Crosby,

The possibility of a racino, which could possibly grow to a full casino license down the road, is increasing in Plainville, with the sudden arrival of Penn National to assume Plainridge's slot application. As a resident of Foxboro, I urge you to keep gambling interests out of our neighborhoods!

The gaming legislation calls for a 60-day period for local communities to review the agreement with Penn National before a vote can take place. I strongly urge you to delay next Tuesday's vote and to honor the 60-day review period.

Thank you for your consideration of this matter,
Trish Mitchell
30 Fletcher St
Foxboro, MA

Bresilla, Colette (MGC)

From: Karen Casson <kcasson@comcast.net>
Sent: Thursday, September 05, 2013 4:08 PM
To: mgccomments (MGC)
Subject: Fwd: Plainridge Racecourse

From: Karen Casson <kcasson@comcast.net>
Date: September 5, 2013 2:57:14 PM CDT
To: "mgccomments@state.ma.us" <mgccomments@state.ma.us>
Subject: Plainridge Racecourse

Good afternoon,

Please add my name to the list of constituents opposed to Penn company being granted a license for Plainridge under any circumstances. Foxboro residents have made it clear they do not want gambling anywhere in or near their town.

Thank you,

Karen Casson wheatley
57 beach street
Foxboro am 02035

Bresilla, Colette (MGC)

From: fortunes35@comcast.net
Sent: Thursday, September 05, 2013 3:58 PM
To: mgccomments (MGC)
Subject: PLAINRIDGE RACE COURSE

Greetings....

PLEASE delay the vote until the residents and abutters of this area have the time to understand PennNational.

We need to be fully informed.

Thanks.

Bresilla, Colette (MGC)

From: Mary Flaherty <mjflaherty2000@yahoo.com>
Sent: Friday, September 06, 2013 9:01 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Commissioner Crosby and Members of the Mass. Gaming Commission,

We recently became aware of a request from Penn National to transfer the original proposed host community agreement for Plainridge, to be considered and voted on by the residents of Plainville next Tuesday. Our understanding is that potential host communities should be allowed at least 60 days in order to consider all proposed agreements, and we're requesting that you apply that same window to this offer as a net new submittal.

We are residents of Foxborough, which, as you know, voted against having a full-service casino in our town. We feel just as strongly about any type of gaming establishment in neighboring towns, and we also live just up the road from Plainridge and along a busy road that is already a cut-through to Route 1. We feel strongly that Plainville and neighboring towns need to have the required time to consider this new proposal and its impact on the community.

We would appreciate it if Plainville and neighboring towns can have sufficient time to consider this proposal.

Sincerely,
Jeff and Mary Flaherty
508-543-1506

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Friday, September 06, 2013 10:03 AM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

laurie Bedard

Email

laurieacook45@gmail.com

Subject

Plainridge Racecourse

Questions or Comments

Hello,

My name is Laurie Bedard and I am currently employed by Ourway Realty.(Plainridge Racecourse). I am writiint to you today regarding Penn National. I Have been employed by Plainridge Racecourse for ten years. I am also a Plainville resident.

I am very much in favor of Penn National purchasing Plainridge. It would mean job security for myself and all my fellow employees. It would continue to aide in the tax revenue that Plainville needs so desperately.

Being a lifelong resident, I was fortunate to have grown with a town that once offered the worlds most precious capital. The Jewlery Industry. Plainville has lost the Plainville Stock Company, (Rings,earrings,Bracelts)
The Whiting & Davis Company (World renowned Mesh Clothing and accessories, Worn by many startlets in the film Industry as well as shark proof gloves and clothing, worn by NOAA. and curently seen on Shark Week on the Discovery Channel. We have also lost the Mcgill Box company that once manufactured the most elegant Jewelry boxes in the world.

As a resident I have seen our town loose so many treasured landmarks. Falks Market, Home of the famous Cole Slaw, Franks and Penny Candy. The Wonderous and best meat Market in town. Bo Peep Market. The rotissere Chickens and homemade sandwichts that were made for all the workers in town to grab a home made sandwich from Pat Lydon (greatly Missed). There are numerous business that have suffered the loss of industry in our town.

We need to move forward with the expanded gaming in Massachusetts. Please allow Penn National the chance to improve our town, keep our jobs and progress into the future so our familys can have the same great town opportunitys as we all have had. Thank you for your time,

Bresilla, Colette (MGC)

From: Patricia Antosca <theantoscas@yahoo.com>
Sent: Friday, September 06, 2013 9:55 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

The review of Plainridge should not even be considered. They had a fair chance to compete and through their own misbehavior, were denied. A "new" operator will not remove the perception that they are not to be trusted. In fact, this just seems to be a ploy to be given a second chance. Others who have gone by the rules should be given the benefit of their above-board behavior.

Patricia Antosca
Foxboro, MA

Bresilla, Colette (MGC)

From: Andrew Stone <AStone007@Outlook.com>
Sent: Friday, September 06, 2013 9:55 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Hi,

I really appreciate your work to ensure that gaming is conducted honestly in the commonwealth, and wish you all the best in your continued efforts.

Would you please delay the Plainville vote to honor the 60-day review period?

Thanks,
Andy Stone
Concerned Foxboro Resident (Plainville neighbor)

Bresilla, Colette (MGC)

From: Jack Martin <jack.martin1@comcast.net>
Sent: Friday, September 06, 2013 9:49 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Gentlemen,

I urge you to reject Penn National's attempt to "assume" Plainridge's application for a slot license. The regulations require that the voters have 60 days to assess the applicant and its proposal. Obviously, that cannot happen in a September ballot. Nor does such a last-minute slight-of-hand allow residents of abutting towns to determine the effect of the applicant on the region.

Plainridge destroyed its application by long-term mismanagement. The Gaming Commission is not obliged, and as a matter of policy should not, rescue them from their self-inflicted wounds.

Thank you,

Jack Martin, Ph.D.

66 Summer Street

Foxborough, MA 02035

Email: jack.martin1@comcast.net

Landline: (508) 543-3640

Wireless: (508) 930-4745

Bresilla, Colette (MGC)

From: MGC Website <website@massgaming.com>
Sent: Friday, September 06, 2013 9:44 AM
To: mgccomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Rosemary Coates

Email

r.j.coates@verizon.net

Phone

(508)699-8622

Subject

Plainridge Racecourse

Questions or Comments

To the Gaming Commission

I wish you could ride up and down the streets of Plainville to see to overwhelming support for slots. There are vote "yes" signs everywhere.

Yes, there are also vote "no" signs but they are greatly out numbered by the positive ones.

I have spoken to many other residents young and old who are in favor of Plainridge getting the slots license. Our opponents may be loud and well spoken but they are in the minority.

Please allow us to vote on Tuesday

Bresilla, Colette (MGC)

From: Ann Marie <ameisele@comcast.net>
Sent: Friday, September 06, 2013 9:41 AM
To: mgccomments (MGC)
Subject: Plainridge Racecourse

Dear Gaming Commision,

Please allow the transfer of the host community agreement to Penn National. I attended the meeting last night with Penn National and I was very impressed with thier presentation. I think they would be a good fit for Plainville. PN is perfect for taking over Plainridge, they have the experience with the racetrack and the slots. PN also seems to be involved with the community which is great. I live on the west side of Plainville were all the horse farms are. I can just picture what will happen if the racetrack is not in town. Plainridge is in a great spot, just off the highway. I am looking forward to a nice evening out, having dinner, watching the horses and playing the slots! Please vote in favor of Penn National.

Thank you for your time,

Ann Marie Eisele
120 Hawkins St.
Plainville, MA 02762