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## Meeting Minutes

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**Date/Time:** July 10, 2014 – 10:30 a.m.

**Place:** Boston Convention and Exhibition Center  
415 Summer Street, Room 102  
Boston, Massachusetts

**Present:** Commissioner Stephen P. Crosby, Chairman, participated by telephone  
Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** None

### Call to Order

See transcript page 2.

10:30 a.m. Commissioner McHugh called to order the 128th public meeting. Commissioner McHugh stated that Chairman Crosby would be participating today by telephonic means due to personal illness. Commissioner McHugh stated that a quorum of Commissioners is physically present at the meeting location and that all votes taken at the meeting would be taken by roll call vote. Commissioner McHugh then conducted a test of the telephonic connection to determine that the Commissioners and persons present at the meeting could hear Chairman Crosby and that Chairman Crosby could hear the Commissioners and all speakers. The connection was deemed satisfactory

### Approval of Minutes

See transcript pages 2-6.

10:30 a.m. Commissioner McHugh stated that two sets of minutes are ready for approval.

*Motion made by Commissioner McHugh that the minutes of June 20<sup>th</sup>, be accepted. Motion seconded by Commissioner Cameron.*

*A roll call vote was taken:*

*Commissioner Stebbins: aye*  
*Commissioner Zuniga: aye*  
*Commissioner Cameron: aye*  
*Commissioner McHugh: aye*

Chairman Crosby abstained from voting because he did not attend the June 20<sup>th</sup> meeting.

The motion passed.

*Motion made by Commissioner McHugh that the minutes of June 26<sup>th</sup> be accepted. Motion seconded by Commissioner Stebbins.*

Commissioner McHugh explained that the minutes do not contain the link to the video that had been part of the past minutes. The person responsible for creating that connection is no longer with the Commission. The Commission is working on an easier process to connect the minutes to the video.

*A roll call vote was taken:*

*Chairman Crosby: aye*  
*Commissioner Stebbins: aye*  
*Commissioner Zuniga: aye*  
*Commissioner Cameron: aye*  
*Commissioner McHugh: aye*

The motion passed.

## **Racing Division**

See transcript pages 6-18.

- 10:34 a.m. Director Jennifer Durenberger gave an administrative update from the Racing Division.
- 10:37 a.m. The telephonic connection with Chairman Crosby was broken. The Commission recessed for 5 minutes to reestablish the connection.
- 10:43 a.m. The Commission came back into session. Commissioner McHugh conducted a test of the telephonic connection to determine that the Commissioners and persons present at the meeting could hear

Chairman Crosby and that Chairman Crosby could hear the Commissioners and all speakers. The connection was deemed satisfactory and the meeting continued.

10:43 a.m. Director Durenberger requested approval of a request from Ourway Realty LLC for consideration and reimbursement from the Harness Horse Promotional Trust. Director Durenberger explained that this request was for expenses incurred prior to the transfer of the Plainridge Racecourse to Springfield Gaming and Redevelopment LLC.

*Motion made by Commissioner Stebbins that the Commission approve the attached Ourway Realty request for reimbursement for satellite uplink costs to export the Plainridge Racecourse live racing in calendar year 2013. Motion seconded by Commissioner Cameron.*

*A roll call vote was taken:*

*Chairman Crosby: aye  
Commissioner Stebbins: aye  
Commissioner Zuniga: aye  
Commissioner Cameron: aye  
Commissioner McHugh: aye*

The motion passed.

### **Administration**

See transcript pages 18-95.

- 10:50 a.m. a. Executive Director Day provided a general administrative update.
- b. Executive Director Day introduced Pinck and Co, represented by Jennifer Pinck and Bill Perry. Also present were Gary McNaughton from McMahan and Associates, Emile Giordano from Turner Construction, and Jack Rauen and Jim Baum, from Penn National. Mr. Rauen presented the project schedule for the Plainridge project. Ms. Pinck recommended that the Commission approve the schedule.

*Motion made by Commissioner Zuniga that the Commission approve the overall baseline project schedule as presented and as required by the Commission's regulations. Motion seconded by Commissioner Cameron.*

*A roll call vote was taken:*

*Chairman Crosby: aye  
Commissioner Stebbins: aye  
Commissioner Zuniga: aye*

*Commissioner Cameron: aye*  
*Commissioner McHugh: aye*

The motion passed.

c. CFAO Lennon and Human Resources Director Trupti Banda presented a report on employee and applicant diversity. Ms. Banda explained that the Commission has 85 employees; 42 gaming employees and 43 racing employees. Of the 43 racing employees, 37 of them are seasonal. Sixteen percent of the Commission's employees are diverse; 25% of the Commission's senior management is diverse.

Ms. Banda stated that the Commonwealth of Massachusetts as a whole is 19.6% diverse. The City of Boston is 34.4% diverse. Since the Commission is a Commonwealth wide agency and will have locations across the Commonwealth, the Commission's diversity goal should be somewhere between the Commonwealth and the City of Boston percentages.

d. CIO John Glennon reported on the comments received by the Commission regarding whether the Commission should add language to the proposed slot machine regulations to allow slot machines that have multiple positions. Mr. Glennon described language that could be included in the proposed regulations. The Commission instructed Mr. Glennon to include the language in the draft of the proposed regulations and to bring the regulations back to the Commission at its next meeting for the Commission's review.

e. Executive Director Day presented a revised Region C timeline. He explained that the timeline has the dates for submission of the RFA 1 and RFA 2 applications and that dates for other portions of the process are to be determined.

### **Legal Report**

See transcript pages 95-108.

12:15 p.m. a. General Counsel Blue presented draft amendments to 205 CMR 122. The draft amendments reflected the Commission's prior discussion on capitalized interest but did not reflect the Commission's prior discussion on infrastructure improvements. She asked that the Commission look at this as a proposed draft and that she will bring a revised draft back to the Commission for further review at the next Commission meeting.

b. General Counsel Blue requested the Commission designate Arthur Kreiger, of the firm of Anderson & Krieger as an as needed hearing officer for racing matters. Mr. Krieger's biography is included in the Commission packet.

*Motion made by Commissioner McHugh to authorize Mr. Krieger to act as a hearing examiner in those cases where he is designated by the General Counsel. Motion seconded by Commissioner Stebbins*

*A roll call vote was taken:*

*Chairman Crosby: aye  
Commissioner Stebbins: aye  
Commissioner Zuniga: aye  
Commissioner Cameron: aye  
Commissioner McHugh: aye*

The motion passed.

c. General Counsel Blue and Executive Director Day presented the Monitoring and Preopening regulations and amended Small Business Impact Statement for Commission review and approval to file with the Secretary of the Commonwealth. Ms. Blue advised the Commission that although the agenda mentioned the amended qualifier regulations, those regulations are not before the Commission today.

*Motion made by Commissioner Cameron to approve 205 CMR 135.00 monitoring and project construction and licensee requirements along with the amended small business impact statement. Motion seconded by Commissioner Stebbins*

*A roll call vote was taken:*

*Chairman Crosby: aye  
Commissioner Stebbins: aye  
Commissioner Zuniga: aye  
Commissioner Cameron: aye  
Commissioner McHugh: aye*

The motion passed.

## **Region A report**

See transcript pages 108-114.

12:30 Chairman Crosby disconnected from the meeting. Commissioner McHugh acted as chair for the balance of the meeting.

Executive Director Day presented the Region A timeline and the updated Region A chart for Commission review and discussion.

12:36 p.m. *The Commission having no further business, a motion was made by Commissioner Cameron to adjourn the meeting. The motion was seconded by Commissioner Stebbins. The motion carried unanimously.*

### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission July 10, 2014 Notice of Meeting and Agenda.
2. Massachusetts Gaming Commission June 20, 2014 Meeting Minutes
3. Massachusetts Gaming Commission June 26, 2014 Meeting Minutes
4. Massachusetts Gaming Commission July 10, 2014 Memorandum Regarding Harness Horse Promotional Trust Fund Request with Attachments.
5. Plainridge Park Casino Project Schedule Presentation.
6. Massachusetts Gaming Commission Slot Machines and Gaming Positions Presentation.
7. Massachusetts Gaming Commission 7-08-2014 Licensing Schedule Update.
8. 205 CMR 122.00.
9. Biography of Arthur Krieger.
10. Amended Small Business Impact Statement.
11. 205 CMR 135.00.
12. Massachusetts Gaming Commission 7-08-2014 Licensing Schedule Update and Attachments.

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary