CHAIRMAN CROSBY: Good morning, everybody. We are calling to order at 9:00 on January 29, the 105th meeting of the Mass. Gaming Commission at the Hynes Auditorium in Boston. And we will start directly with our first agenda item, which is surrounding community and ILEVs if we have any, conversations. We don't have any. Ombudsman, Ziemba, you're up.

MR. ZIEMBA: Mr. Chairman, members of the Commission, this is day two of our surrounding community discussions. There have been a couple of modifications to our schedule. We heard from the city of Melrose that they will not be attending today's hearing relating to both the Mohegan Sun surrounding community petition and the Wynn surrounding community petition.

There's been a number of conversations over the last couple of days, and they're proceeding swimmingly, I guess is a good word, if not have reached an agreement or
agreement in principle. So, that is very good
news. And potentially, there may be an
additional change to our schedule relative to
the city of Lynn, but we await news on that.

First up, let me just go over the
order of presentations today. We have the city
of Everett that is going to be presenting both
its surrounding community petition. We've
allocated 15 minutes for that and we give them
an additional five minutes for their
involuntary disbursement petition. And
following that there is a response by Mohegan
Sun. That will conclude the Mohegan Sun
surrounding community petitioners.

Then we'll transition to the Wynn
application. We will have Cambridge followed
perhaps by Lynn and then Saugus is the
remaining petitioner. Just in the last day,
we've received an involuntary disbursement
petition for Saugus. But pursuant to our
rules, there's some time for applicant to
provide some response. So, that was not put
forward on the agenda today, so will not be a
part of the hearing today. It may be talked
about by one or more of the parties, but it's
not formally before the Commission.

CHAIRMAN CROSBY: Excuse me, John.

Can we get it formally? If the parties are
willing and I don't know if they are.

MR. ZIEMBA: Well, I think that we
have afforded and our process does afford
applicants some time to provide some official
response. And given the lateness of hour --

CHAIRMAN CROSBY: Okay.

MR. ZIEMBA: So, let me first call
the representative from the city of Everett.
I'll have Jonathan Silverstein introduce his
team. And then Kevin Conroy will introduce his
team from Mohegan Sun.

CHAIRMAN CROSBY: Good morning.

MR. SILVERSTEIN: Good morning, Mr.

Chairman and members of the Commission. It's a
pleasure to be before you again.

Jonathan Silverstein for the city of
Everett. With me is James Fitzgerald a
principle of WorldTech Engineering as well as
James Errickson, the Executive Director of
Planning and Development for the city of
Members of the Commission, the city of Everett is an adjoining community to the applicant host community of Revere. It is adjoined directly by infrastructure, roadway infrastructure to the host community site, which is directly on Route 16, also known as the Revere Beach Parkway.

And I submit the Revere Beach Parkway in Everett is known as the Revere Beach Parkway for a reason; it's because it provides direct access to the Revere Beach, which I believe Mr. Etess during his presentation to Commission a week or so ago said that some of his hotel rooms were going to have a view of and Mr. Wynn described the duck boat tour that could get there.

If we could go to the first slide. This is a slide from the presentation that VHB, the applicant's engineer gave some time ago with respect to the project. You'll see that Everett adjoins Revere. You see Route 16 right there providing direct access to the site.

The slide indicates that seven
percent of inbound and 17 percent of outbound trips are going to be using Route 16. The applicant has since revised that to be 18 percent of outbound trips. The regional planning agency which the applicant declined to engage in a regional approach to impact analysis very directly and definitively determined that those trip estimates significant in and of themselves are understated in that a substantially higher proportion of traffic to the site, and I think some of the Commissioners expressed this yesterday, as a matter of common sense, a much higher percentage of trips to the Suffolk Downs site will be using Route 16 and coming directly through Everett.

If we go to the next slide, you'll see why. In order to use the primary route that the applicant submits trips will take from the Metro-west, Northwest and North, someone approaching the site would have to instead of cutting directly over and the most direct route, they would have to choose to go through Boston, because everyone knows that Boston has
no traffic, and they would have to choose to go through the Callahan Tunnel to come back up through a much less direct route, much more circuitous, much more high probability of traffic tie ups. And anyone who has tried to go to Logan Airport knows that that is not going to be the preferred route for most individuals.

And for that reason, we can just quickly run through some of the additional sites. This was Exhibit J1 through J10 of my petition. If we could just briefly run through the next several slides, you'll see that whether you're coming from Burlington, Lowell, Malden, Medford, Nashua, New Hampshire, it's clearly going to be a preferred route for you to take, to take Route 16 through Everett, the Revere Beach Parkway to get to the Revere host community site.

As I indicated, the regional planning agency, MAPC, determined that the applicant's own numbers significant in and of themselves are understated. The city's own consulting engineer, WorldTech has similarly
concluded that those numbers are understated.

One thing I do want to point out is you look at the mileage count, I do want to point out that with a revised proposal, this is about a mile that with the original proposal someone coming in on Route 16 would have had to go south on 1A for about a mile, pull a U-turn and then go into the project site. With the revised proposal that is no longer going to be the case. So, you're cutting out a mile and a number of trip movements. So, it's even more direct, even more easy to get into the project site using Route 16 than it would have been previously.

Both MAPD and the city's consulting engineer determined that the applicant's trip numbers are understated. But let's even look at those trip numbers, if you look at Exhibit O to my petition, VHB on December 30 of last year determined that there would be 226 and 312 respectively west and eastbound trips along Route 16 through Everett during the Friday peak hour.

One thing I do want to point out,
Commissioners, is that the Revere Beach Parkway and Mr. Fitzgerald can speak to this in greater detail if you would like him to, the Revere Beach Parkway unlike a number of roadways that are solely used or not solely but primarily used for commuting traffic, is almost as busy during the Saturday peak hour when the casino traffic will be the heaviest as it is during the Friday p.m. peak hour.

So, where there’s going to be even more trips than VHB indicated the 226 and 312 during the Saturday peak hour, I think that’s an important point, traveling through Everett which has no less than 14 difficult intersections coming onto Route 16 within the space of Everett as you travel from Route 93.

One thing I do want to point out as well is the applicant notes that Sweetser Circle, Route 16 passes underneath it. Still when you have backups on 16, it affects Sweetser Circle. But one other point that I should make is Santilli Circle, another very difficult high crash, high traffic rotary is directly on 16 and will be dramatically
impacted as well.

I also want to make another point, which is the applicant argues that well, Mass. DOT didn't require us to look at any areas along Route 16 in Everett or any intersections in Everett. Route 16 is nominally a DCR maintained road, Department of Conservation and Recreation. It is not a Mass. DOT road.

And as I believe was pointed out by Green International during the Bridgewater hearing when Route 104 was being discussed, Mass. DOT really only cares about Mass. DOT roads. And Mr. Fitzgerald can speak to that as well as can Mr. Errickson. The city has been repeatedly told by Mass. DOT that Mass. DOT does not care about Route 16.

Additionally, DCR never does any maintenance on Rote 16. The city always does the maintenance on Route 16. That's referred to in Mr. Errickson's affidavit. He can speak to it further. But it has not been rebutted in any way by the applicant.

So, I think it's important to know that although ostensibly Route 16 is a state
road, maintenance, public safety responses all fall on the burden of the city.

I know that the notice the Commission issued regarding these hearings indicated that you don't want to hear about the back-and-forth between the applicants and the surrounding communities. And I won't belabor the point. I think I've described it in my petition.

But do want to make the point that we are here because we've had literally no ability to talk to the applicant. Unlike, for instance, the city of Fitchburg which had tremendous ability to interact with Cordish, unlike the town of Longmeadow which had a long interaction with MGM, Mohegan and Suffolk Downs literally have refused to speak to the city of Everett.

Why, because Everett is a competing host community. They all say, well we were worried they were going to be spending our money on researching ways to torpedo the project. I would submit to the Commission, I've been before you a number of times, I hope
you have become familiar enough with me to know that I don't play dirty tricks.

The letter I sent to the Commission on December 6 made two points. One, if the applicant was allowed to switch their project midstream, it would be detrimental to Everett as a surrounding community. Why, because they refuse to talk to us.

And two, that as a matter of election law I didn't think that the vote in Revere was sufficient to authorize that project to go forward.

I think that's a view that least some Commissioners shared and a view ultimately that prevailed. So, I don't think that the city of Everett has done anything untoward. It's exercised its First Amendment rights to petition government by putting its views before you and asking for a level playing field that it followed all of the rules, and the applicant should as well.

I don't think any of that justifies the applicant completely ignoring and snubbing all attempts at good-faith discussion about
surrounding community issues.

If we could go to the next slide, I thought it would just be useful to point out or -- to compare Everett's situation to the two communities that the Commission has found to be surrounding communities. You looked at the distance from the site to the boundary of the various surrounding communities, Bridgewater two miles, Bolton five miles, Everett 1.7 miles.

Distance to the city center 4.2 miles for Bridgewater, Bolton 8.1 miles, Everett 2.6 miles. If we could go to the next slide, peak hour trips. This is the Friday p.m. peak hour, Bridgewater 55 to 90 as determined by Green. Bolton 100 to 150 determined by Green.

Again, these are not the applicant's numbers in those circumstances, which I think we can all agree the applicant has an interest in understating its numbers. Again, from a commonsense standpoint, I think some of the Commissioners made that point yesterday specifically with respect to Route 16. Everett
226 to 312 peak hour trips, more than double the Bolton numbers.

Percentage of casino trips -- And bear in mind order of magnitude, the slots proposal in Leominster was probably going to produce one-third to one-fourth of the number of total trips of this Category 1 facility. -- five to eight percent in Bridgewater, Bolton 11 percent, as I noted from the earlier slide, seven percent inbound, 18 percent outbound for the Revere proposal going through Everett.

Again, this is both Bridgewater and Bolton are the Green International numbers, whereas the Everett numbers are the applicant's numbers and which both MAPD and WorldTech had said are understated.

With that, members of the Commission, I'll briefly turn it over just to see if Mr. Fitzgerald has any points that I missed with respect to traffic. Of course, if you have any questions, and then I'll move onto the involuntary disbursement issue.

MR. FITZGERALD: I'll just touch on a few of the traffic issues that have been
discussed. First of all, has to do with trip
distribution. We believe that the amount of
traffic that's anticipated to travel along
Route 16 is understated.

When this was originally brought up
in response to the limited information that we
had, we were told that the reason that for
instance Google maps currently sends traffic
via Route 16 instead Route 1A through the
Callahan Tunnel is because the Callahan is
currently closed.

But if you look at the travel routes
going in the reverse direction, mainly along
Route 1A, through the Sumner Tunnel onto 93
northbound departing the site, and compare that
travel distance to the Route 16 route, Route 16
is actually three miles shorter.

Without any traffic, the Route 16
route takes one minute longer, however. But
with traffic, as was mentioned, especially
along the lower deck entering the city,
certainly that the delays experienced on a
Friday evening commute would outweigh the
traffic signal delays along Route 16 and
traffic would likely be diverted along the
Route 16 corridor.

CHAIRMAN CROSBY: Something I'm not
following here. You're making the point that
everybody is going to take Route 16, which by
the way as a driver I never would elect to do,
but now you're saying that even if there is no
traffic it's slower. Why would people choose
Route 16?

MR. FITZGERALD: Route 16 is one
minute slower without any delays. When you
compare the 93 Route 1 alternative versus the
Route 16 alternative, Route 16 is three miles
shorter but takes one minute longer without any
traffic. The lower deck along the Expressway
is severe traffic. So, that would take longer
to travel through 93 South waiting to get onto
Route 1A northbound approaching when trying to
get to the casino during Friday evening.

CHAIRMAN CROSBY: Is there some data
for that? Do you know that for a fact?

MR. FITZGERALD: It's just based on
personal experience. I drive through that road
frequently. And actually quite honestly, I've
cut through 16 to try to avoid the lower deck myself. Sometimes those delays can be just a parking lot.

Also, when talking about changes --
So, when the Callahan Tunnel is closed, Route 16 is one of the detour routes that's out there. And we've been told that traffic signal alterations have been made at the signals along the Route 16 corridor. We haven't seen any data or information to show the before and after these signal alterations have improved the congestion along the Route 16 corridor or not.

But one thing I do want to point out is traffic fluctuates over the course of the year from month-to-month. Traffic volumes tend to be lighter in the winter months than they are in the summer months and that's likely why the Callahan Tunnel may be closed during a few months in the winter as opposed to during the summer.

So, certainly need to look at the summer volumes as well to see the full picture of what the traffic operations are along Route
Another point that I'd like to bring up is that in reviewing the January 22 memo that was provided regarding traffic, this discussion about trips, traffic volumes generated from the casino, based on Exhibit C in that document, it appears that the volumes that are being presented are that just for the patrons only and not for employee trips.

You certainly want to be looking at the complete picture. Again, looking at what the employee trips are going to be and where satellite lots will be located and how that also impacts Route 16.

Lastly, regarding Saturdays, just to expand on what was previously mentioned about Saturday volumes, the westbound traffic volume around Route 16 appears to be almost pretty close to what the traffic volume is heading westbound on 16 during the Friday peak period. But with the Saturday condition, you've got increased trips being generated by the casino on top of the fact that in the westbound direction in particular at least at this point
the trips are estimated at 18 percent.

So, not only do we need to look at
the Friday which is very important but also
along Route 16, the Saturday s have to be
addressed and looked at to make sure that Route
16 corridor and any impacts to traffic
operations are mitigated.

COMMISSIONER MCHUGH: What does the
18 percent figure mean?

MR. FITZGERALD: What is currently
being estimated in VHB study is that seven
percent of entering site traffic will travel
via Route 16 eastbound.

COMMISSIONER MCHUGH: You are using
their 18 percent.

MR. FITZGERALD: Yes, and they are
saying 18 percent, a heavier distribution will
be for exiting.

COMMISSIONER MCHUGH: Do you have
any idea what percentage of trips the 226 or
the 312 is, what the additional -- is that in
the data?

MR. SILVERSTEIN: Commissioner, I
believe according to, and this again is Exhibit
O to my petition the December 30, 2013 memo from VHB, they claim that that will reflect four and six percent increase in volumes west and east of Route 99 respectively.

COMMISSIONER MCHUGH: And do you have any data that counters that?

MR. SILVERSTEIN: I don't, Commissioner. This will segue into the disbursement request.

COMMISSIONER MCHUGH: I understand.

So, we don't know if there's any decrease in the service level from that four to six percent?

MR. SILVERSTEIN: We don't specifically. I would note that DCR and MAPC again did not agree with those distribution numbers. And that I believe that the Bolton and/or Bridgewater changes in percentage increase in traffic were comparable. But I don't think we can --

COMMISSIONER MCHUGH: I understand that, but those are very different roads from Route 16. We were talking about 117, which is a two-lane road. This is a very different road
MR. SILVERSTEIN: Agreed, but a percentage of traffic is a percentage of traffic. So, since Route 16 carries a lot more traffic and I would submit it's a lot more problems that it is a proportional increase.

COMMISSIONER MCHUGH: I see. I take your point.

MR. SILVERSTEIN: So, I didn't touch on some of the other issues. Again, Mr. Errickson is here. He can't speak to the rampant problems the city is experiencing with insufficient resources to address illegal apartments and hotbedding.

I do want to note one thing, which is that the applicant claims that there's going to be regional benefits. I'm quite certain there will be. I would submit that given the attitude and approach the applicant has taken to date with the city of Everett, it's going to do everything it can to avoid giving Everett any benefits.

It's not going to use Everett vendors. It's entered into agreements with a
number of other communities much farther away
from Revere than Everett committing to use
their vendors. I think unless they are
compelled to do so, they are not going to
provide any benefits to the city of Everett.

COMMISSIONER MCHUGH: Well, there
won't be any competitive reason to do that,
right?

MR. SILVERSTEIN: To do what
Commissioner?

COMMISSIONER MCHUGH: To punish
Everett. When the dust settles if Mohegan Sun
gets the license then there is no competitive
reason to punish Everett.

MR. SILVERSTEIN: There’s no
competitive reason to do it now, I would
submit. Including them in surrounding
community discussions -- I represented West
Springfield when they were a competitor to MGM.

MGM was talking to us from day one. So, I
would submit there is no reason for Mohegan and
Suffolk to simply refuse to speak with us from
a competitive standpoint. I don't think it's
in the spirit of what this Commission has
COMMISSIONER MCHUGH: That is a different question.

MR. SILVERSTEIN: And I don't see how it gives them a competitive advantage, frankly. I think it's a matter of animus and think that animus will continue.

If I might, I'll turn briefly to the surrounding -- to the involuntary distribution petition. Obviously, a lot of work has gone into preparing the petition that is before you.

That work was a matter of trying to evaluate impacts. That is a function that the legislation and your regulations suggest should be reimbursed by the applicant if Everett is found to be a surrounding community.

So, the fact that the applicant forced us into this position, forced us to have a lot less ability to evaluate impacts, to speak with them, forced us into this position to try to evaluate impacts in a vacuum, they shouldn't benefit from that. And the city shouldn't be hurt by that.

It's all a part of evaluating
impacts and trying to negotiate an agreement.

So, the argument in the application or in the opposition to the application that they shouldn't have to pay for this process I would submit, is simply inaccurate.

I would note also they repeatedly state the city didn't comment on the DEIR. I just confirmed, the city never received the DEIR. Certainly, it should have, but it didn't. It would have commented had it.

But even putting that aside, it doesn't to give up its right to do its own independent analysis. It would have been just as much of a disadvantage with the lack of information and the lack of consultant funding back then as it is now.

I would further note that certainly the city will be commenting on the notice of project change that applicant claims it's going to be filing. The applicant does not take issue with either the WorldTech proposal or with the Consultant Econ proposal, the economic impact proposal. They don't challenge those numbers.
What they say is we shouldn’t have to pay for everything upfront. Well, respectfully that is the way the letter of authorization and grant process works. If all of that money isn't used, the difference goes back to the applicant. So, we are only using that process because that’s the process the Commission has established.

They do take issue with my proposal, the legal proposal. They contest the suggestion that they should have to pay for the surrounding community petition process. I just addressed that issue.

All of the work I did in this process was solely to try to evaluate impacts and to get to the point where we could negotiate a surrounding community agreement.

CHAIRMAN CROSBY: What is the total amount that you petitioned for?

MR. SILVERSTEIN: The total amount I petitioned for is $60,000 for legal. And I will say, Chairman, that I have spent probably 40 to 50 hours trying to deal with the applicant and their Counsel, preparing the
surrounding community petitions, meeting with
city officials and consultants. It's a very
involved process.

CHAIRMAN CROSBY: And the total
amount for the entire disbursement?

MR. SILVERSTEIN: I believe it was
50 for WorldTech -- So, 145 was the total. And
I would note, members of the Commission, had
the applicant -- Mohegan was going to pay a
much higher consultant bill when it was in
Palmer than that. But it would have been lower
than they would have had to have paid had they
not used the RPA process.

I think they were going to pay a
couple of hundred thousand dollars through the
RPA process, which was going in analyze impacts
for all of the surrounding communities. And
they were going to pay the legal bills of each
community.

I would note that they paid $12,000
to the town of Munson for legal bills and they
never even got close to the actual negotiation
of an agreement. They were still in the early
stages of the RPA impact analysis.
So, I really don't think those legal bills are at all out of whack when you look at the fact they paid $12,000 for a community that didn't have to petition and hadn't even started to negotiate.

I want to address the argument that they shouldn't pay for the city of Everett to research ways to try undermined their project or torpedo their project. Again, I hope that the Commission is familiar enough with me to know that I am going to be above-board with my billing. I would not bill to the applicant work that was not related to evaluating impacts and negotiating an agreement. And certainly I have no intention of doing that but I will make that commitment to the Commission now.

Had the applicant used an RPA process, it would have been much cheaper. They wouldn't have had to pay impact consultants for each community. That was their choice. It was their choice to freeze Everett out of the process from day one.

We're in a situation now where we're going to have to essentially have consultants
to drop everything and dedicate the next several weeks, if we are designated, to do this impact analysis. There’s a cost associated with that. Again, had MAPD been given the opportunity to do this impact analysis, we wouldn't be looking for anywhere near the amount of money that we.

CHAIRMAN CROSBY: That was a different applicant. Are you conflating SSR and Mohegan Sun?

MR. SILVERSTEIN: I'm not, Chairman, I think they are. You'll note that the letter I got from Chip Tuttle on January 8 was responding well after the applicant had switched, responding to my numerous requests to be contacted.

Meanwhile, Mohegan Sun has been in the process for quite some time. They could have enlisted MAPD. They could have started giving us information and letting us hire consultants. They literally refused to talk, literally refused to talk and made it clear in no uncertain terms that the reason is is that Everett is a competing host community and that
Everett had spoken out twice on the issues of public concern that it had every right to do. So I don't think I am conflating. I think it's clear that Chip Tuttle has been involved and Suffolk Downs has been involved in every stage of the surrounding community negotiations. They've made it clear in press releases in their the response to Everett's petition. So, respectfully I don't think I am conflating it.

But certainly Sterling Suffolk could have engaged the RPAs. And Mohegan Sun could have engaged the RPAs or they could've let us use some of these consultant dollars. But it's not Everett's fault is my point. And these are good-faith proposals that Everett has received from recognized professional entities, whether it's legal, traffic or economic consulting. They have not provided any information to suggest that these are inflated numbers or illegitimate numbers.

CHAIRMAN CROSBY: Okay. We got the drift, I think.

COMMISSIONER ZUNIGA: I have a
question. The city has first-hand access to
the numbers that the Wynn proposal would
generate in terms of traffic studies and the
like. Have you looked at those numbers in
terms of -- I know they're different projects
but there's an argument that there will be
increased traffic in Route 16 about either
project. Have you looked at those numbers and
compared them to make assumptions about the
other project?

MR. SILVERSTEIN: We've looked at
them to a certain degree, Commissioner. I
think that Mr. Fitzgerald speak more to this.
But there is a great deal of mitigation taking
place in Everett if the Wynn proposal goes
forward. So, that's less of a concern. But
certainly I think the Wynn numbers are higher
on Route 16. I think it does inform the fact
that certainly you would expect some trips to
coming on Route 16 for that proposal as well.

So yes, I think that is worthwhile
to look at that. I don't think -- Again, we
haven't had the funding to have WorldTech do a
real in-depth analysis to compare those
proposals and how they would respectively impact Route 16 or to compare it. Certainly, we've looked at it from Route 16 itself. I don't know if you have more specific questions about that, I'm certain Mr. Fitzgerald could answer it.

MR. FITZGERALD: There is obviously, going to be traffic going from the Wynn Casino onto Route 16, totally different projects, totally different distributions. However, yes, there will be traffic going on Route 16.

A lot of the traffic from the Wynn project is anticipated coming in from the other way because of its very close proximity to 93. But to address the traffic coming in along Route 16 right now there is a number of costly mitigation measures, including especially over at Santilli Circle in particular, to try to accommodate these already over burden locations Santilli, Sweetser, locations such as that to handle that.

I believe the current proposal is for raise interchange at Santilli, for instance. It's a very complex -- Santilli
Circle is a very complex location. It’s a combination of a traffic circle with a road traveling through and traffic signals.

COMMISSIONER ZUNIGA: I think I’ve gotten lost around there every now and then.

CHAIRMAN CROSBY: Yes, Sir. Mr. Conroy.

MR. CONROY: Good morning, Commissioners. For the record, I am Kevin Conroy representing Mohegan Sun Massachusetts. Today with me is Charlie Baker from DLA Piper also representing Mohegan Sun we have John Kennedy again from VHB and Bruce Barnett with DLA Piper.

Things are moving really quickly on our surrounding community front. And things actually changed since yesterday and I wanted to give you a quick update.

And Ombudsman mentioned at the beginning, we have designated Melrose as a surrounding community. And yesterday while I was talking to you, we entered into a surrounding community agreement with Melrose yesterday. We have had 12 communities that
have approached us seeking surrounding community status. Ten of those communities we have designated and seven of those communities right now we have agreements with.

We are working really hard with Boston, Saugus and Winthrop, the remaining three who we have designated who we don't have agreements at this point. You heard yesterday from Somerville. We continue to have discussions with Somerville. Today, we are addressing Everett.

We also as you know entered into an agreement with the Lynn Auditorium. So, the two theaters that approached us seeking ILEV status we designated and we have entered into agreements with. So, we're working very hard on that.

We did, as a Commissioner mentioned, join this project somewhere in early December. We specifically at that point made a decision that we had to go directly to these communities and not participate in the regional process with the MAPC.

I think we've seen a lot success in
that, our ability to already enter into seven
agreements with the 12 who have approached us.
That was a decision we made and one that I
think has kind of worked out for us.

I'm going to turn it over to Charlie
Baker to discuss Everett.

MR. BAKER: Thanks, Kevin. Mr.
Chairman, members of the Commission, let me
just address the six criteria that are in front
of you. Proximity, it is true that the two
communities share a border. It's a three-
quarter of a mile border. There aren't any
major roads that cut through that border
between the two communities. And I would
simply note that the fact of a border in your
decision as related to the two sister cities of
Fitchburg and Leominster are not dispositive.

Transportation, I'm going to leave
the in-depth -- most of Counsel's presentation
is on transportation. I'm going to leave the
transportation discussion to John Kennedy, who
is a very well-respected transportation expert.

I would note a couple of things.

This issue of what the MAPC found, the MAPC's
letters doesn't say they found anything. They have a belief and they laid out that belief in their comments to MEPA.

MEPA and DOT reviewed that belief and concluded that their reviews were correct and MAPC's position wasn't. It doesn't mean that further work and research couldn't happen, but I don't want anyone to think that MAPC's views have not been fully vetted by the agencies responsible for the transportation infrastructure in the Commonwealth.

As it relates to that, I would like to note that the project both the current project in the Mohegan Sun frame and the Suffolk project have regular and frequent meetings with both DOT and DCR. And we have addressed with them the impacts that we have on every intersection in the area including all of the DCR roads.

And the issues raised by Everett have simply not come up in any of those meetings. And I would note having spent a lot of time with DCR on meetings about this project, because as I think the Commission may
be aware, one of the important regional
improvements that the project is going to pay
for is a fix of Route 1 and 16, which actually
will have a lot of benefits for residents of
Everett. I can tell you with great certainty
that DCR has great concern about the operation
of their roads. They care passionately about
the operation of their roads. And the idea
that somehow this road in Everett, even though
it's owned by DCR, DCR ignores it, I would
simply reject.

There's this issue of Bolton and I
know --

CHAIRMAN CROSBY: Who pays for
upgrades for DCR -- for Route 16?

MR. BAKER: Physical maintenance
evidently is paid for by Everett. I don't know
enough to qualify that. But the physical
upgrades in the sense of improvements are paid
for by DCR. Or in our case the improvements
they've asked us to make the private person
will make them. When people have projects they
pay for upgrades.

But I can tell you just having sat
in meetings with DCR they made significant improvements on Revere Beach Parkway. It's a road they deeply care about. And Counsel is right, it's a road that goes to their beach. And there is no doubt about that.

I would also note just as a correction, there was an implication that the entrance to the project on Winthrop Avenue didn't exist in the prior project. That's just not correct. That entrance on Winthrop Avenue existed in the prior project and exists today.

Just a little mention on Bolton, because Bolton came up. I'd just simply point out that the impact on a two-lane road in Bolton -- Where actually there's a lot of traffic because there are a lot of people who live there now from when I grew up. It's a different place. -- is a very different than the six-lane road that we're talking about. It is, I would focus you on the words in your regulations, is a state road and not a local road.

Development didn't really come up in the presentation, but I just want to address it
because it's in the petition. There are issues of construction mitigation. And I would simply point out that this proponent has entered into a legally binding commitment that it will enter into a construction management plan with the city of Revere. That plan has been filed and is an attachment to the DEIR and will be further upgraded noted in the notice of project change that will be filed on January 31, and will be fully laid out in the final DEIR that the project goes through.

I can just tell you that all of those relevant agencies care deeply. DCR cars a whole lot about traffic impact on Route 16 as an example. They've had extensive discussions with us about truck traffic.

So, I think there is another forum where those matters are being dealt with. I would also note that there is no required construction management plan in the Everett HCA as opposed to the Revere HCA. So, the sudden concern of this applicant on this issue is of interest to me.

Operations, I just want to point out
that even though again, Counsel didn't bring it up, it's in their petition. Exhibits 14 and 15 of our opposition lay out the fact that both the Fire Chief and the Police Chief in Revere do not believe that there will be additional mutual aid needs mostly because all of the expert mitigation that they will be getting.

And then as it relates to the issue of code enforcement and hotbedding, I think that the Commission's very aware of the fact that in our studies we submitted in our RFA-2 and in other studies the Commission is aware, there is no real evidence that there was a negative impact on housing in the region.

We spent a lot of times thinking about this. We were required to study the matter in our Revere negotiations. So, there's extensive research on this question.

This project is a legally binding commitment to use best efforts to hire 75 percent of its workforce within 15 miles of the project. There is no expectation that there are going to be a bunch of people moving in from somewhere and just camping out.
Other is the last criteria and the applicant did not make any assertions of others. So, I'll leave that alone.

As it relates -- I am going to turn it over to John and I'll leave our discussion of the involuntary disbursement after that.

So, John.

MR. KENNEDY: Thank you, good morning. John Kennedy from Vanasse Hangen Brustlin. I am just going to focus on three major points that were questioned in the petition, our trip generation, our trip distribution and the trip assignments, where we loaded traffic, how things will actually function.

Our trip generation was again very much vetted through Mass. DOT as we went through the process. In fact, the trip generation numbers that we used, about .3 trips per gaming position during that critical Friday peak period that they talked about, a few more in than out, matches very closely with the trip generation profile in the Everett site, which is .29 trips with slightly more out than
slightly in.

So, in terms of the numbers that we used when we got into the actual loading of the site, everything is very, very much balanced.

When it comes to trip distribution, we vetted our process through a series of gravity models that were provided by the sponsor, by the operator. We brought those to Mass. DOT about a year ago as we were starting to prepare the ENF.

Mass. DOT asked us to modify them a little bit to shift some of the demand to the North to the point where we have about 51, 52 percent of our traffic coming from the North. And I'll call Northeast of a line half way between Route 2 and Route 93 and the balance from the South and the West. Much less from the South, believe it or not because there's competition. A little bit more from the West even with the future competition. So, we have got a difference that favors the North.

In looking at the trip distribution pattern for the Everett site, they are very much skewed to the South and the West. They've
only got about 40 to 45 percent of their traffic approaching from the North and that basic line I talked about. The rest is coming to the South and the West. So, by virtue of the fact that we have looked at an 18 percent demand in the Route 1 corridor, compared to their nine percent demand in the Route 1 corridor, we're actually putting a little bit more traffic on Mystic Valley Parkway and Revere Beach Parkway than the Everett project had envisioned and we're managing it.

So, distribution, when it comes to distribution we also looked and Mass. DOT has accepted our findings in terms of the way -- and DCR has supported it -- the way we have assigned trips to get to the site.

We have held that the inbound traffic will primarily stay on I-93 southbound not use the Route 16 Roadway. Route 16 has got between 10 and 15 traffic signals. And if you listen they're congested to get the Suffolk Downs site in Revere, again, I would stick with the highway.

If the highway costs me one or two
or three minutes of delay to break through, because once you get beyond a certain point, things flow much better and you’ve got a direct shot into the Callahan Tunnel. Coming out of the Callahan Tunnel, there will be two signals. One at Boardman Street, currently experiences a lot of delay. That is going to be resolved.

In fact, our base design volumes in our design for the Boardman Street intersection are 65 percent greater than today's volumes. So, we're really loading up that intersection and we're finding we can get it to function very well.

Then the Jughandle, which again something that is being improved with the addition of a third lane. So, we're enhancing, we're making it easier to get in on Route 1A through the Callahan Tunnel.

The issue with taking traffic out of the site, we are projecting that 18 percent of our traffic that is destined that's leaving the site is going to use Route 16. One simple matter, a $3.50 toll to come back through the Sumner Tunnel. We decided that we were going
to take a very conservative review or view of this and relocate that traffic along the Route 16 corridor to get to I93, to get to a series of uses.

That demand does add traffic. In fact when you compare the 18 percent that we've got running in that corridor, it's greater than the total amount of traffic that the Wynn proposal has using Route 16 westbound, because they're only assigning nine percent to Route 1 southbound, one percent from Revere and a few other percent from internal sites. So, the way they've loaded their system, is not to where we are.

The eastbound traffic coming from I-93, it's also interesting to note that we were told or based on information that people seem to be putting in front of us, everybody's going to get off at Route 16. The Wynn review didn't take everybody off at 16. It brought traffic down through the Sullivan Square off-ramp onto Martha Way and through Sullivan Square.

Now, Sullivan Square can be pretty difficult still, but about one-quarter of their
site traffic coming from the I-93 corridor was relocated and not brought in Route 16 but taken to the South.

So again, the argument that it's easy to get in Route 16, in this case with a series of right turns, doesn't really jive with the distribution that we're looking at.

When it comes to total trips, the amount of traffic that's generated, and we do have information that we would be more than happy to provide on the employee demands, we're looking at about between 40 and 50 employees entering, arriving at the site during the afternoon peak hour.

Thirty percent of our employees are expected to be on transit. The other employees are not going to be permitted to park onsite. Mohegan Sun is talking with Paul Revere Transportation about shuttle buses, remote pickups just to reduce the amount of employees in the system. Oh by the way, we assumed that there were 90 employee trips in our analysis coming to or past site just to load them in to be absolutely conservative in what we do.
The need for improvements in the Route 16 corridor have been identified as something that is very much desired. There's talk about Santilli Circle being a congested location. Well, by documents contained in the draft EIR prepared for the Everett site, Route 16 east and westbound is level of service A passing through the circle.

The bad intersection is the east intersection with the loop coming from on the shopping center side taking traffic out and bringing it up towards Route 99 that's level of service D.

The approach can be very easily modified and improvements can very easily be made if that is something that is desirable. But the operation in the Route 16 corridor at that point is the best at any point in the entire corridor.

There are two intersections on Route 16, Ferry Street and Everett Avenue that are shown as poorly operating within the draft EIR that was filed. And in fact, there is mitigation proposed at those two locations as
part of the Everett site, signal timing changes. I can speak on behalf of Mohegan Sun and Sterling Suffolk Raceway and say that we'd be happy to make those signal timing changes because that's all it is.

It's something that can be done by a contractor and the numbers are there to be designed. It's just something that gets carried to DCR with a request for a change. I think it can be implemented for under $2500. That takes care of the built condition with the Everett site.

Again, I think as we go through this, when we start looking at the amount of traffic that's placed in the corridor and put in the corridor, it is a regional corridor. It is six lanes wide. The numbers 250 to 300 trips per hour by direction split, it may seem a little bit high, but it is traffic that can be absorbed.

And I'd like to reiterate something that I said yesterday. We have included -- I guess an agreement has been reached. A surrounding community agreement was reached
with Medford because of Wellington Circle.
Mohegan Sun is committed as part of that agreement to look at the operations of Wellington Circle because that's where the true impact is in the Route 16 corridor.

And it's primarily on the westbound side of the corridor where through traffic destined to I-93 and up Route 28 into Medford is concentrated in two lanes.

So, when all is said and done, yes we are adding traffic. The traffic is spread over six lanes. The traffic is passing through two intersections which are congested at this point. They can be mitigated for under $2500 using information that's already available. In fact, that mitigation may have already happened as part of the Callahan Tunnel closing process because Route 16 is a primary detour corridor.

We fully disagree with the concept that people will avoid the Callahan Tunnel to get to the site because the Callahan Tunnel is currently running, even with the build condition in the year 2023 at only about 2650 vehicles. In 1995, prior to the opening of the
Ted Williams Tunnel to general traffic, the tunnel was carrying in excess of 3500 vehicles in the afternoon peak hour in that single direction heading toward the airport. Plenty of capacity is available.

So, we see no reason why people wouldn’t stay on the highway to continue on rather than get off at Route 16, but we have assumed that there would be a movement to Route 16 to start with.

CHAIRMAN CROSBY: What is the peak hour total flow on Route 16?

MR. KENNEDY: You're challenging me.

CHAIRMAN CROSBY: What's the order of magnitude of the increase?

MR. KENNEDY: The order of magnitude of the increase is four percent, three to four percent.

CHAIRMAN CROSBY: So, 20 times that.

MR. KENNEDY: Yes. I am going to guess the two-way volume approaching the intersections is probably in the order of 4000 vehicles. So, we're adding 250, so five percent to six percent.

COMMISSIONER ZUNIGA: Do we have
access to a map of Route 16? I think one of
the presentation slides might be helpful. I'd
like to get a view of what you were just
referring to, Mr. Kennedy.

MR. KENNEDY: Actually, I've got a
board, not quite of that but it's more of a
regional plan that might be helpful.

COMMISSIONER ZUNIGA: Well, whatever
you think may be helpful. I would like to
understand the location of Santilli Circle in
reference to Wellington Circle and the
improvements that you were just talking about.

MR. KENNEDY: Santilli Circle is
just over the river the next controlled
intersection from Medford. The circles will go
Wellington Circle to Santilli Circle. Then the
next circle is Sweetser Circle. There is no
signal between Santilli Circle and Sweetser
Circle.

And in fact, Route 16 passes under
Santilli Circle. Our loading of Santilli
Circle itself is just minor related to what is
coming in from Medford or from Everett and a
little bit from Medford.
COMMISSIONER ZUNIGA: Is Santilli Circle the access to the commercial center, the Target and the Bank of New York?

MR. KENNEDY: That's correct.

COMMISSIONER ZUNIGA: Thank you.

CHAIRMAN CROSBY: Are you finished?

MR. KENNEDY: Yes, Sir.

CHAIRMAN CROSBY: Anything else?

MR. BAKER: Yes. Let me just deal with the involuntary disbursement. I would want to note, because the applicant made the point that people have an interest in low-balling numbers. As John said and actually as DOT and the other state agencies have confirmed our traffic analysis is actually conservative.

We are counting employees going to the property who we have plan for them not to go to the property. We have a plan for people to take public transportation because there’s a subway station literally next door to this new project.

We're not counting that as wholesomely as we can. So, I think the numbers that John has presented and that you have in
your filings are higher than accurate, and
purposely so because this project made a
commitment that it would improve every road it
impacted. And I believe that there is every
evidence in front of you that that is in fact
the case.

As it relates to involuntary
disbursement, I just simply make a couple of
points. One, the request that they've made is
three times the amount that the Commission set
aside for what they thought a community would
need, the $50,000. I would just note that.

COMMISSIONER MCHUGH: Which the
statute says.

MR. BAKER: Which the statute says,
correct. I'm sorry, Sir.

COMMISSIONER MCHUGH: And that was
for all surrounding communities. How that
number was derived --

MR. BAKER: The Legislature in its
wisdom concluded it.

COMMISSIONER MCHUGH: In its wisdom.

MR. BAKER: The second point I would
make is I really don't believe that it's
necessary for this independent traffic analysis. There’s plenty of opportunity to comment through the DEIR process. Counsel made the point that they didn't receive a copy of the DEIR. They certainly knew enough about it to send a letter to you saying that it's invalid. So, I would just make that point.

The second point I would make is as it relates to these other social economic studies, I think that they can rely on the studies they used before they entered into the HCA with Everett. Certainly, all of the same issues applied. And I'm sure they thought about those matters very carefully.

As it relates to this notion of animus, we don't have any animus to Everett. We really don't. We note and we observed that they are attacking the project. We note and observe that they are attacking the project. We note and we observe that they are friends of the (INAUDIBLE) who funded the opposition to the campaign. Those are facts.

We have every reason to think that we can deal with them on an even basis. We are
just now in the process where they are trying
to support their project. We understand that.
Faced with the same situation, the
mayor of Revere decided I'm not going to try to
be a surrounding community. We talked about
this when we drafted the HCA. He thought it
was a complete conflict of interest because he
was wearing two hats.
We don't believe that there is a
basis for them being a surrounding community.
So, we are not choosing to ignore them because
there's animus. We just don't believe there's
a basis that they're a surrounding community.
I would also just make a point that
the commitments that this applicant has made as
the best efforts matter in a legally binding
way to hire people locally within 15 miles, to
buy produce and goods within 15 miles that
applies to everybody. And certainly, there is
no belief on our part that anybody in Everett
should have any negative impact based on the
actions of their government officials.
MR. CONROY: I just wanted to
quickly say I neglected to leave out of my
introductory remarks, what we have been able to accomplish on surrounding communities could not have been done without the advice and assistance of your staff. John Ziemba, Nancy Stack and Catherine Blue, we called them a lot. They provided us advice. They've been very, very helpful in this process.

And the fact that we didn't have to have a hearing today on Melrose and a hearing yesterday on Lynn, and the thing is in part because of their work. I just wanted to thank them in front of you because they've been an incredible resource to us.

CHAIRMAN CROSBY: Thank you. Before we go back, anybody, Commissioners. Did you want to respond to it?

MR. SILVERSTEIN: Just briefly, Mr. Chairman. In their opposition to our application and just now, Mr. Baker keeps referring to some letter supposedly that the city of Everett sent regarding the DEIR. I haven't seen that letter. I don't know if Mr. Errickson has.

MR. BAKER: I'll get you a copy of
MR. SILVERSTEIN: I appreciate it.

I'm not aware of any such letter having been sent. In any case, that was an issue that was raised by the Boston Globe, very recently not back when the DEIR was first filed. So, I don't think it has any relevance to the petition.

But in any case, certainly the city has not had the opportunity to have its own traffic consultant look at this issue. It would've been happy if MAPC could have looked at the issue for it. That wasn't an option given to it.

And in terms of the $50,000 repeatedly raised, every single applicant has spent far more than that. I don't think anyone in this room believes that that $50,000 was meant to be the be-all end-all and it certainly hasn't turned out to be that way. As I noted, Mohegan Sun was going to spend hundreds of thousands of dollars on the RPA process and other surrounding community disbursements and never suggested that that was inappropriate,
only with respect to the city of Everett.

If the Commission has any questions on that need answer, I don't know -- Mr. Fitzgerald do you have anything you wanted to say specifically in response to with respect to the traffic presentation?

MR. FIZGERALD: One thing that I would like to say is obviously if Route 16 is a very efficient corridor in that the traffic signals are free-flowing and delays, significant delays aren't experienced along this corridor that is three miles shorter, it's three miles shorter of a travel route, then wouldn't more vehicles travel along that roadway?

Route 16, especially Santilli Circle on a Saturday especially during winter periods or heavy shopping periods is pretty congested and people try to avoid it as a result.

So, I guess my question is which one is it? Is it a very efficient corridor for vehicles to go and therefore more trips will travel down this corridor? Or is it congested to the point that if you add more trips to it
then you're just going to overburden -- you're
going to add traffic to already overburden
intersections. Again, without having the
evaluations or the analysis to review, I can’t
really answer that.

COMMISSIONER MCHUGH: The logical
extension of that is if you don’t fix it, it’s
better, right?

MR. FITZGERALD: If you don’t fix
it, it's better?

COMMISSIONER MCHUGH: Yes, because
fewer people will use it. If you fix it, more
people will use it and that's not good. If you
don't fix it --

MR. FITZGERALD: Well, it's
already --

COMMISSIONER MCHUGH: --broke.

MR. FITZGERALD: Yes. It is already
broke, but is it the point of how are the
backups along neighboring streets and things
such as that.

MR. SILVERSTEIN: And Commissioner,
I think under the applicant's own numbers,
about 1 million trips per year will go through
Route 16 in Everett. So, whether that is increased because the roadway gets better or it's just that million trips because the roadway is still difficult, that's a substantial amount of traffic coming through Everett.

When there are traffic accidents, Everett public safety services will have to respond to. When there are storms, Everett plows that street. Again, there are 14 intersections, 14 streets coming into Route 16 in Everett, local streets. Difficult intersections that people have to navigate, apart from level of service they are still difficult intersections.

When you have more traffic, you have greater possibility of conflict when you're adding a million trips per year. That's a substantial amount of traffic.

And I don't know how the applicant can voluntarily designate Malden and Salem and Medford and every single community except Everett and Somerville, the two that they perceive as negative. And argue that they're
going to mitigate traffic problems on roads
where they're going to have one percent of
their traffic distribution, intersections along
1A, a state highway that that requires
mitigation but not Route 16 is illogical.

CHAIRMAN CROSBY: Got it. Thank you.

MR. KENNEDY: My only comment on
some of the intersections that are only seeing
in two percent corridors, two percent
projection corridors, they were addressed
because they were part of our MEPA scope that
was agreed to by MEPA, the surrounding
communities -- not the surrounding communities,
the host communities at the time.

DCR and Mass. DOT, we looked at them
because we were asked to. We didn’t look at
anything in the Route 16 corridor, west of
Webster Street in Chelsea because we weren't
asked to.

And the city of Revere has asked us
to go in and make some signal improvements,
whether it's phasing changes or timing changes
and some resurfacing within those
intersections. Again, that's why those
intersections were included in the study scope.

    MR. BAKER: Again, I just make the
point, and we'll separately send it to you,
because it's not fair to you to have to go
through the voluminous filings, but if you look
at the DOT and the DCR comment letters on our
project, the idea that these state agencies
have not given great thought to this and have
really thought through the impacts on the
regional road system that they own and control,
I just don't think there's a basis for it.

    And the other thing I do say is at
least Mohegan Sun, there is on negative animus
as it relates to anybody and certainly that was
not the reason the Somerville hearing happened
yesterday.

    CHAIRMAN CROSBY: Anybody else? All
right, thank you folks. We will be back to you
and thus conclude Mohegan Sun.

    MR. ZIEMBA: Mr. Chairman, members
of the Commission, I'd like to ask
representatives of the city of Cambridge to
come down to the table. I will ask Lee
Gianetti to do the introductions of his team.

We are also joined by the Wynn representatives. And I'll ask Kim Sinatra to introduce her team when it comes time for the Wynn presentation.

CHAIRMAN CROSBY: Is everybody ready? Who is starting for Cambridge?

MR. GIANETTI: Mr. Chairman, members of the Commission, good morning. My name is Lee Gianetti. I am the Director of Communications and Community Relations for the city of Cambridge. With me is Sue Clippinger, Director of Traffic, Parking and Transportation, and Police Commissioner Robert Haas.

CHAIRMAN CROSBY: I should disclose that I used to work with Sue Clippinger hundreds of years ago back when I was in the transportation business. Nice to see you again.

MR. GIANETTI: We are before you today to present our case as to why Cambridge should be designated a surrounding community for the Wynn Everett project.
As a city, we are fortunate to have a thriving economy, a robust housing market, a vibrant and expanding tourism and entertainment industry, not to mention a couple of universities.

We're not here because we believe this designation will solve a particular problem in Cambridge or will be a source of unexpected money. We know how to deal with issues in our community. We invest an enormous amount of resources into planning, planning for disasters, planning for traffic mitigation, planning for development and planning for Cambridge's future.

The proposed casino in Everett because of its proximity to Cambridge, presents potentially significant impacts on developing residential and commercial areas in Cambridge. It threatens our careful and successful transportation planning. And it will potentially increase demands on our police force, and it threatens our mature hospitality and tourism industry.

Both Sue Clippinger and Commissioner
Haas will address some of the ways that Cambridge will be impacted and the importance of regional coordination and cooperation.

MS. CLIPPINGER: Good morning. I'm Sue Clippinger. I'm the Director of the Traffic, Parking and Transportation Department in the city of Cambridge. And I just want to talk a little bit about the transportation issues that we are concerned about.

We basically see that casino as creating regional traffic and transit challenges and that we feel they have to be addressed at a regional level. And that the impacted region of the surrounding communities should include the city of Cambridge.

We believe that the four percent of trips that were shown to cut through Cambridge along Washington Street is understated. And that if those trips end up on Prospect Street, for us that's a 20 percent increase in traffic.

We feel that the traffic congestion at the heavily congested intersections will serve to focus additional traffic onto Washington Street above what was in the study.
and those coming through Cambridge. We also do not believe that zero percent of trips are going to cut through Cambridge on the Gilmore Bridge. Rutherford Ave. congestion and congestion in the general area is likely to cause some people to use that route.

And if only 10 percent of the trips were using the Gilmore, it's an additional 50 or 60 trips into an intersection which is already heavily congested.

We also don't believe that all 38 percent of the trips that are expected to use I-93 coming up from the South will stay on I-93. We feel some of them are going to want to avoid the congested central artery in downtown Boston. And when they make that decision, one of the options they have is to get off of I-90 or to come through Allston Brighton and cut through Cambridge, a direct route right up River, Western and Prospect Street to Washington Street.

One of the things that we're incredibly proud of is that we've been working on development in Kendall Square. Hopefully,
people realize that there's been a huge improvement and new activity in Kendall Square. Forty-five percent of the people who commute to and from jobs in Kendall Square are coming from the north and northwest areas that are in the same direction that the casino is from the city. So, we are concerned about the big increase of traffic. And we obviously want to continue to have Kendall Square as a vibrant and growing area.

We've had four million square feet of development that's been added in Kendall Square. And the percentage of employees that are driving to work at those establishments in the last 10 years have dropped from 55 percent of people driving to 43 percent of people driving. And we are working incredibly hard. We have innovative ordinances. We are active in the permitting process for large projects to encourage them to use transit, to walk, to bike. And we're trying to make sure that we are effectively using the scarce resource of the roadway system that feeds this area. We feel we've been incredibly
The traffic counts that we are doing is showing that traffic growth in Kendall Square has been flat even while we've added four million square feet of development. The casino is assuming that 77 percent of their patrons are going to drive. So, obviously this is of grave concern to us.

The other issue, key issue for us is transit. We see that the future growth of Kendall Square and of the whole region is greatly enhanced if we can have a really strong and improved transit connection between Sullivan Square and Kendall Square through Lechmere. And we want very much for that to happen.

It's been identified by both the MBTA's program and MPL long-range planning as a key transit need in the area. And we want to make sure that that effort moves forward and that we can be as a region as creative and innovative as possible in making that transit connection. That's a connection that is affecting other surrounding communities and
everybody needs to be at the table in making that happen.

So, in summary I think what we are saying is we feel that there are challenges here obviously, in terms of traffic. There are opportunities is in terms of transit improvements and that the surrounding community process is a way of trying to address these. And that Cambridge should be a part of that effort to look for ways to make this a successful effort. Thank you.

COMMISSIONER MCHUGH: I'm not sure I understood the last point. What impact on what we're talking about today does the desired transit connection between Kendall and Sullivan Square have? Sounds wonderful, but what impact in what we are trying to decide today does that have?

MS. CLIPPINGER: I think one of the ways -- One viable way of trying to improve the Sullivan to Kendall transit service availability, capacity is service reliability and looking at whether there are ways to have exclusive bus lanes or few jump for buses or
lanes for buses. Anything we can do to give them a reliable travel time savings.

There's going to be a huge incentive with casino with the kinds of trips being generated for all available space to be used for moving automobiles. And what we're trying to do is make sure we have a balance between what the automobile needs are but also making sure that space is available to make these transit improvements and that we don't look back on the implementation of a casino and say well, we've lost all of this space that we would need.

And if we can have strong transit, I think it makes a huge benefit to the whole region in terms of being able to keep the existing roadway capacity meeting the vehicle needs because we're able to provide transit for a large portion of people who would like that.

COMMISSIONER MCHUGH: Got it, thank you.

MR. HAAS: Good morning. My name is Robert Hass. I am the Police Commissioner for the city of Cambridge. And I'm really going to
talk about a really narrow portion of our concerns with respect to crime and crime impact.

We know that crime is a regional problem. And what's particularly interesting about Everett, Cambridge and Somerville is that we've seen a great deal of interplay between the three jurisdictions. And I'm going to talk about three examples of where we've seen this play out.

We've seen it in our drug markets between the three cities in terms of the interplay between those three cities and how it's exchanged between them.

We also see it with our gang activity in terms of Metro gang task force. For many years, Cambridge, Everett and Somerville have all been partners in that Metro gang force. And we're seeing those players cross over constantly between our jurisdictions.

Lastly and most importantly I think the initiative we've had underway now for the last two years. We've actually partnered with
Everett and Somerville in looking at high-risk impact players. We are seeing correlation and transfer of those people between our three jurisdiction over and over again. I think it's short-sighted we believe that they're going to be reallocated or staying in one area. But I think the evidence we have in the past in terms of interplay and how a crossover of jurisdictional lines is just going to be symptomatic of what we're going to see in the future if there is in fact an influx of crime.

I will tell you in the last two years, we've now seen a 23 percent decrease in our violent crime. It's a dramatic decrease. And I really attribute it to the partnership that we've had with Somerville and Everett. And both of those jurisdictions have seen equal reductions in their crime.

Prior to that we were seeing maybe two, three percent reductions. And this a dramatic increase. And I think it's because of the collaboration we've had between our jurisdictions that we’re actually seeing that downplay. And I think if we don't maintain
that kind of partnership, relationship, we're going to be back in a reactionary posture, waiting for crime to happen and trying to deal with it.

I think the partnerships we've established now have worked really well for us. And I think it will continue to work very well for us in terms of going forward. And I think that's why anything that happens in Everett, we're going to feel it in Cambridge and vice versa.

We are getting away from this whole displacement notion where we're just pushing crime from one place to another. And we've really been communicating in terms of being able to identify patterns and trends very early, reacting to them stopping them. So, I think the collaboration and partnerships are extremely important. I think it needs to be maintained if in fact Everett is going to be successful in its venture.

COMMISSIONER MCHUGH: And how, Chief, does that impact on the mitigation that you think would be appropriate?
MR. HAAS: So, I think what we're concerned about as I think Lee indicated in his testimony is not so much about the monies, but the opportunities that every surrounding community will have access to in terms of being able to maintain and enhance that partnership and collaboration with Everett.

CHAIRMAN CROSBY: Is there anything that gets in the way of maintaining this working relationship if you're not a designated surrounding community?

MR. HAAS: No. I just think it enhances our position.

COMMISSIONER CAMERON: Commissioner, do you realize that there's an extensive research program that's starting here. And one of the aspects will be to look at a baseline of crime in the region. And then being able to characterize crime once a casino is built so that we know if in fact any uptick is related to the casino.

So, there really are efforts going on now that I'm sure you'll be a part of actually. They're just starting to put groups
together to just talk about -- Frankly, I'll make sure that you are included in that baseline and those continued discussions to identify. One of the problems in other, and you're probably aware of this, other jurisdictions is the inability to identify if in fact the casino had something to do with the uptick or maybe there was no increase in crime. But being able to label or identify, and that may take some reporting changes, if in fact that crime is related to a casino in the region. So, I just wanted you to be aware. And I'll make sure you're a part of that.

MR. HAAS: I am aware of that, Commissioner. I think the thing that we're concerned about, quite honestly, is it's not so much the casino and its operation, I just think it's the fallout and the collateral effect it takes when you have something like that taking place, what does that look like.

So, I was in New Jersey when Atlantic City was actually opening up and started to see some of the residual effects from that. And some of the arid kind of spread
across away from Atlantic City.

COMMISSIONER CAMERON: Who were you with in New Jersey?

MR. HAAS: I was Morristown. So, I've seen some of that. And again, I'm not saying it's going to be a direct correlation between the activity and the casino itself.

But what are the collateral effects that are taking place?

One of the big concerns we're seeing now in our region is human trafficking. We're starting to see a lot more that taking place.

I suspect you may see some more of that taking place as a result just the nature of the activities that will take place as a result of the casino itself.

CHAIRMAN CROSBY: Anybody else?

MS. SINATRA: Hello. I'm Kim Sinatra from Wynn Resorts. I'm here on behalf of Wynn Massachusetts. Thank you so much for having us here today.

I thought what we would do is I would like to introduce the folks who are here to answer any questions and provide information
today. I would also like to before we start, 
thank staff, because Ziemba has been pushing 
people around a bit and to great effect I think 
taking a lot off of your plates. So, we 
appreciate both John and the rest of the staff 
and their assistance with this task. 

I have beside me our own Harvard MIT 
guy, Chris Gordon. Chris has been working with 
us for over a year. He’s been coordinating all 
of the construction and development related 
activities here in Massachusetts. 

Chris, in addition to teaching at 
both Harvard and MIT, has lots of experience on 
both public and private projects here in 
Massachusetts and around the world. 

Next to Chris is Keri Pyke. She is 
our traffic consultant from Howard Stein 
Hudson. She has over 20 years of experience, 
lots of it in the Commonwealth. So, she is 
here to answer any traffic and transportation 
related issues. 

Next to Keri is Suzanne Lackert. 
Suzanne has come from the frigid tundra of New 
Orleans to join us. She's from TMG. And they
prepared our economic impact report that was included with our RFA-2 application, and is here to answer any economic impacts. We have asked Suzanne to do a little bit of additional work on surrounding communities, specifically on this topic. So, hopefully she can be helpful.

And we have the other individual Jacqui Krum from Wynn here as well.

So, what we did when started thinking about surrounding communities is we went directly to the regulation. Jacqui, if you could kick ahead a few slides just to look at that. We were very specific about trying to adhere to the stated definition of what a surrounding community is.

So, we looked at the regulations. And the first thing that is considered is proximity. We have lots of information on proximity for you.

But then we looked, is the transportation infrastructure going to be significantly and adversely affected? Is the community itself to be significantly and
adversely affected by the development? Is the
community to be significantly and adversely
affected by the operation of the establishment?
And will the community be significantly and
adversely affected by other relevant and
potential impacts?

What we told Cambridge when we met
with them yesterday, and I will compliment them
on so many of the really innovative things that
have happened there. We continue, regardless
of how it comes today, we intend to continue
our conversations with Cambridge and all of the
regional players, because we want to, if we're
lucky enough to be able to come to the
Commonwealth of Massachusetts, we want to be
part of regional solutions to all of the issues
that they've talked about.

That doesn't mean you're a
surrounding community, however, because a
surrounding community is very specifically
defined. And so while we'd like to get folks
out their cars, we'd love to minimize crime and
we'd like to be part of regional task force and
all of those items that doesn't make a
community necessarily a surrounding community
under the regulation with the attendant
required agreements.

So, I'm going to let Chris talk
about sort of where we are on this journey and
talk about the work we've done with respect to
Cambridge, particularly. And why we came to
the conclusion that they did not fit within the
regulatory framework.

MR. GORDON: Thank you, Kim. We're
going to briefly give you some background on
how we applied the methodology. And then we're
going to talk specifically about Cambridge.
So, bear with us for a few slides on how we
actually did this.

Just to remind everyone, the
communities in red, we have designated as
surrounding communities. You know Malden,
Medford, Somerville, Chelsea and Boston. I
should say that since this process started for
the petitioning, we just recently designated
Chelsea and Somerville, partially as a result
of the information they provided through the
petition process. So, we think the process is
working.

   The ones in blue have also

petitioned. However, as you know recently
Melrose and Lynn, we think we have agreements
with. So, we can talk about that. But today
we don't expect to need to address those. We
are of course today going to address Cambridge
and Saugus and make sure we work through those
issues with the Commission and with those
cities.

   This is a list. You might know
Revere did not petition. They are an adjacent
community but did not petition. So, that's why
we're not addressing them on the map.

   We've already talked about this, but
as Kim said we tried to do it very rigorously.
Instead of sort of folklore and opinions and
personal experience, we tried to actually go
through the criteria as best we could to
identify exactly who is a surrounding
community, because we thought that that was the
logical way of course to approach it.

   You all know where Everett is, but I
want to talk briefly about proximity, because a
lot of these communities have talked about that in some of the petitions. This is a matrix that we put together. We want to get a bit quantitative about this because everybody talks about who's close and who's not, but we wanted to measure it.

The first column here is the actual length of the common border with some of these communities. These are the ones that we've recognized as surrounding communities. Most of them have a fairly significant common border. We think that's important for a lot of reasons, but it was one metric we decided to use.

We also measured the actual distance from our site to their border. Again, these are all sort of, use them as you want, but we thought that this was something that was important was actually how far away they were. And you'll see later in some of the construction impacts, this does matter when you start talking about things like noise, dust, vibration that sort of stuff.

These are the ones that we haven't recognized. And again, it's no disrespect to
these communities, but we found that in this
measure, most of them don't have a common
border or are quite a bit further away. And
you'll see later on traffic and other stuff
that we just didn't see the same level of
impact.

Another point we wanted to make,
this is our site, as you know, in Everett on
the river. It's almost completely surrounded
by Everett, with the exception of, as you know
and we've talked about it before, the finger of
Boston land that comes in here. And also,
almost everything around it is industrial
property.

There are two areas of residential.
There's an area of residential here. And
there's a few residential units on the street
here, but most of it is all industrial property
all in Everett. And we take that seriously.

So, when we think about construction
impacts that's one of the things we like about
this site is we can -- you don't have the same
thing as close in residential neighbors as you
might have on some sites. So, we spent a lot
of time thinking about that. And that's one of the great features we think of this site both for operations and for construction.

There's three slides here which I won't go through all of the detail because they've been filed with you many times, but there's a summary slide I want to get to in a minute. This is all of the patrons and how they would get to the site.

This is all in the filings we've put with you. So, we won't go through it. These are the percentage of our traffic coming and going to the site. Green is coming into the site and yellow is leaving the site. So, this is patrons. -- Flip that, sorry. Keri did it, so she is correct.

This is the employee one. The reason it's a lot less lines is we are using off-site parking for employees. So, we created three employee off-site parking locations. And we're busing them in from here. Next, this is the composite slide. Again, you have all of these. This is the composite slide of what the percentages are.
But more important if you go to the next one, this is it in tabular form which we think is a lot easier to understand. This shows the five communities that we've recognized and the four that were petitioned. This is the percentage of our traffic that is directly through those cities coming in and out of our site.

Indirect means they're going through another city before they get there. No surprise, you can see that Boston has the biggest chunk. That is primarily through Sullivan Square. And Medford has the next biggest chunk that's coming through Wellington Circle. Those are two areas that we really want to focus on from a traffic point of view.

We're meeting with both the MDOT and DCR as well as those cities. You can see Malden has a fair bit. Chelsea has a fair bit. Somerville does not have any direct traffic but we feel they have indirect traffic here. That's traffic that's going through Sullivan Square in Boston and over to Somerville. So, even though it's not direct, we felt we should
recognize it because it is an impact on them.

The other is the numbers are very small. And we'll talk about those in particular when we get to each city but there's just not a lot of traffic in those cities. And as you look at our DEIR application, if you boil it all down, traffic really is our impact. Everything else turned out positive. The negative was traffic. So, we decided to focus on that.

Again, we won't go through this in detail but the way the city and the state process works is first we identify our traffic. Then we identify what the problems it causes is and then we figure out how to mitigate it.

So, through our environmental process, including all of the state agencies, we've identified about $40 million of traffic mitigation that we're going to do and we think we should. That we think mitigates any impact we have.

So, this is separate from surrounding communities, separate from any of them. This is just funding that we're going to
provide for some of the stuff you heard about
earlier today, rebuilding Santilli, Sweetser,
the issues in Wellington, issues in Sullivan
Square, issues on Broadway, Revere Beach
Parkway. All of that is part of our mitigation
package, which we are already committing to
through our environmental process.

Construction, everybody has their
own sort of folklore about construction. But
we want it to be much more quantitative. So,
we looked at five standard metrics that are
used around the world of whether or not we
would impact. They're construction noise,
dust, erosion, vibration and traffic. Those are
tangible impacts that we can measure.

And we're going to be very hard on
our construction folks to make sure we don't
have these impacts. When we get to each city,
we want to talk to you about what we think you
might see in those areas.

This is an example. This a noise
contour map that we had developed. This is our
site. We asked them to take the middle of the
site and to take the worst construction noise
we would develop, which is primarily putting in
the sheathing and the piles at the beginning of
the project. And then measure the decibel
levels to all of the areas around us.

You can't quite read these decibels
on the slide, I apologize. But by the time you
get across the river and you're out into
Somerville, you get down into areas as the
traffic folks labeled it, this is national
numbers, this isn't our language. Quiet,
suburban residential areas at night. That's
about as quiet as you can get.

So, that means you really will not
be able to hear much of anything when you get
over towards Somerville and certainly not
beyond that. So, we think the numbers are
quite low on construction noise. I'm going to
turn it over to Suzanne who's going to talk
about we talked about economic impacts.

MS. LECKERT: Thank you, Mr.
Chairman and members of the Commission. In our
study, what we did was we projected the
potential impacts that the Wynn Everett
facility would have on the entire Commonwealth.
In doing so, we utilized the US Bureau of Economic Analysis RIMS II system. This is an input-output modeling system. The BEA sets multipliers for specific industries, specific to each state in the country. When these are applied to certain inputs, these multipliers very accurately project the impacts of an industry or a development on a statewide economy.

These multipliers are for distinct segments such as casino operations, hotel, food and beverage, retail, advertising and general administration. And we used these multipliers from the BEA for these segments. And they protected both jobs and other impacts throughout the community.

This graph just very briefly details what goes into these models and what comes out. The projections of total new jobs in the Commonwealth as well as total new earnings.

In our study, which you should have all received a copy of some time ago, we projected 5144 new jobs or rather FTEs throughout the state, 3287 direct 1858 indirect
and induced FTEs throughout the Commonwealth.

In addition, $270 million in new earnings. $136 million are attributed to direct onsite earnings at the Wynn Everett facility, and another $134 million indirect and induced earnings throughout the Commonwealth.

Before I go on, we'll actually go back to that slide, what we did after making the statewide projections was then we looked at things on more of a community level because the RIMS II model is a statewide model.

Even though it's a statewide model we really didn't believe that all of the impacts would be distributed equally across the Commonwealth. So, what we did was following the commitments made by Wynn Resorts, we assumed that 75 percent of all of the induced and indirect impacts would be felt within about a 30-minute drive of the Wynn Everett facility. That's about 1400 of the indirect and induced jobs. And a little bit over $203 million of the earnings being shared by those living within a 30-minute drive of the Wynn Everett facility.
Finally, we took into account the size of those populations and their relative distance to the Everett facility. This resulted in estimates of the jobs and earnings impacts that each individual community could expect.

Now in terms of impacts on residential property values, in our research we have not found that the presence of a casino has negative impacts on residential housing values. And often we've found that communities with a casino, they experience either more stable housing markets or stronger growth than the rest of their states.

This is one example. This is Newport Grand. And Newport Grand opened in 1992. Before this time, Newport County's median housing values were slightly lower than the state average. After the casino opened, it flip-flopped and they have grown at a stronger clip than the statewide average.

Here's another example over in Philadelphia with regard to the Harrah's facility in Chester. The first year after the
casino opened, housing values in the immediate area grew at a slightly faster pace than the rest of the state. Data for 2012 shows that while housing values declined slightly, they didn't so dramatically and they weren't out of line with what the rest of the state was experiencing.

MS. SINATRA: So, I think one of the things that we wanted to show and this is a table that is included within our RFA-2 application, basically what it does is model a year of operations and the 25 percent gaming tax to the state, and breaks it into the various baskets that the legislation establishes.

Because one of the things that I mentioned earlier that we want to make sure that communities take comfort from is just because you are not either a host community or a surrounding community pursuant to an agreement with a dedicated revenue stream that the Legislature provided really quite generously for many things that communities care about.
I guess I would highlight from this slide the cultural council, which could expect $4.2 million a year. The tourism fund at $2 million, the community mitigation fund of $13 million, again on an annual basis. Local capital projects fund of $9 million, local aid of over $40 million incremental. We can skip over the Commonwealth stabilization fund, education fund, economic development fund because the local committees won't care about that so much for the issues they are talking about now. I look at a transportation and infrastructure development fund of an additional 30. So, that's over and above what we've committed to as a one-time basis, which is over $40 million.

And then the surrounding communities that we have agreed with for additional traffic and infrastructure development, the public health trust fund, again $10 million. A lot of that can deal with the social impacts that people are worried about should they occur.

So, my point of including this is to show communities and to remind the Commission
that there is significant funding available to
address some of the issues raised by folks even
if they don't fit within the definition of a
surrounding community.

MR. GORDON: Unless there's any
questions on that we'd go right into the
Cambridge discussion.

This obviously shows where Cambridge
is compared to the site. You go through
Somerville and then you get to Cambridge. This
is a traffic slide you'll see for both
communities we are addressing today.

If there as any traffic projected in
Cambridge, you would see it labeled on the
slide. Our traffic model shows literally no
traffic going through Cambridge either to or
from the casino. We have a lot of traffic
elsewhere, which you saw on the earlier slides,
but none of those arrows green, yellow with the
numbers on them go through Cambridge.

So, our model shows there isn't any
impact on Cambridge traffic. We also look
closely at the construction impacts. And
again, we don't mean to be wise with this
slide, but we didn't find any. It's too far
away for the things you measure for
construction. You saw the noise contour map,
noise, dust, erosion, vibration, all that. We
just don't see any of it for our construction
operation at all.

This is an economic impact as
Suzanne talked about earlier. This shows about
$11 million positive economic impact. So,
instead of it being a negative impact, we view
as quite a positive, which of course wouldn't
be mitigated.

So, finally, our conclusion on
Cambridge with all due respect is that it
wouldn't be designated as a surrounding
community because we couldn't identify any
impact and certainly not anything significant
and adverse as the legislation requires.

CHAIRMAN CROSBY: Anybody?

COMMISSIONER STEBBINS: Could you
quickly go back to that estimated impacts from
Wynn Everett on Cambridge, the earnings impact,
just walk through that final number, how you
got to it.
MS. LECKERET: That number came from the statewide projections for induced earnings impacts. And that was allocated to Cambridge based on the size of the population and the distance from Everett. Those are new household earnings that are a result of the presence of the Wynn Everett facility.

COMMISSIONER STEBBINS: Thank you.

MR. GORDON: That concludes our presentation.

CHAIRMAN CROSBY: Do you folks have anything else you wanted to respond with?

MS. CLIPPINGER: I think I just want to reiterate two points to relate my comments to the slides that were just shown. We are as a community surrounded by surrounding communities. As part of the identification of the surrounding communities and feel that we share many of the challenges and impacts of those communities that have been identified.

Secondly, the slide that was just shown that showed the roads in Cambridge that would potentially have traffic on them from the casino all run east-west. And the comments I
was making was traffic that we expect to see essentially running north-south or northeast-southwest through our community.

And I have a little trouble figuring out how a four percent traffic volume from the site that ends a few blocks short of the Cambridge border will have zero trips in Cambridge. Thank you.

CHAIRMAN CROSBY: Could you look at that chart?

MR. GORDON: And Keri did that chart so we can address that if you'd like.

CHAIRMAN CROSBY: Sue, where would you see trips coming from? Where on this map would you see through Cambridge traffic starting from?

MS. CLIPPINGER: The two areas of concern are essentially the corridor that is running from the Mass. Pike exit toward the casino.

CHAIRMAN CROSBY: In Allston.

MS. CLIPPINGER: Right, so it's running diagonally right -- If I had a pointer, I would point. -- diagonally across --
MS. SINATRA: Here, we have one we can share.

MS. CLIPPINGER: Great. We are concerned about running this way. That people are going to shortcut through the city to get over here.

The other area that we are concerned about is people who don't stay on Memorial Drive or don't stay on 93 who are cutting through either First Street or Land Boulevard or even worse through the east Cambridge neighborhood who are trying to make this move across this way instead of going around.

Those are the two areas where we see traffic today, and where we would expect that the casino would add additional traffic. And those are the areas where we are concerned about.

MR. GORDON: Can we address that?

MS. PYKE: Good morning Keri Pyke from Howard Stein Hudson, traffic consultant for the Wynn team. So, just to address Ms. Clippinger's concerns, I think one of the items she was talking about the four percent coming
across what is Cambridge Street in Boston that ends up in Somerville, heading towards Union Square. I think we think that that traffic is going to be dispersed.

It's four percent, which is a relatively small amount. Some of it is Somerville resident. Some of it is a small basement that may be going to Union Square into Prospect Street.

The concern with respect to folks getting off of the turnpike in Allston and cutting through Cambridge just sort of whether they do Memorial Drive or kind of winding their way through Cambridge and Somerville to get over here, last night I actually did a little quick Google maps, let's see what it tells us about travel times and distances. If a person say were coming from Newton Center and using the turnpike to then use I-93 getting off at Sullivan Square to go the Wynn Everett site, that travel distance wise is actually a couple of miles longer than getting off here in Allston and using Memorial Drive over to Rutherford Avenue and up across the Alfred
street Bridge.

But time wise, it's actually a minute shorter primarily because of all of the signals that you have to go through on Memorial Drive. The speed is slower. It has 10-foot travel lanes, sometimes nine-foot travel lanes. So, you can't travel even though the speed limit on the turnpike is 45, you can't travel at 60 miles an hour.

And then I did that at rush-hour last night. So, even with rush-hour traffic, it was actually three minutes faster in rush-hour to say on the regional highways to get to our site if you're coming via the turnpike. So, we don't necessarily think that folks are going to be induced to go through Cambridge and sit at all of those red lights as they weave their way through Cambridge and/or Somerville.

I also just wanted to quickly, if I could, address the concern about transit connections. I think as Kim stated, we are also concerned about those pieces and wanting to be able to preserve those. And we think part of our mitigation package is working with
the city of Boston on the Sullivan Square/Rutherford Avenue project, which addresses some of those bus connections that Ms. Clippinger was talking about. Certainly, if that project were to go forward, that would be one of the key pieces to think about.

We want the transit pieces to work too because we are presuming that our employees particularly will be able -- we want them to be able to use transit and then connect to shuttles that go directly to the Wynn and to be able to do that efficiently.

So, the plan that the city of Boston has for the Sullivan Square and Rutherford Avenue is intended I think to address all of those pieces.

CHAIRMAN CROSBY: Okay. Anybody else?

MS. CLIPPINGER: Can I say one more thing?

CHAIRMAN CROSBY: Sure.

MS. CLIPPINGER: One of the other traffic concerns and thoughts we have is that the casino traffic, which is going to the
casino may be taking space on roadways which
are currently being used by other commuters who
are coming to Kendall Square and other areas.
So, that some of the impact isn't necessarily
just people who going directly to the casino,
but it's the casino's use of capacity within
the system which may cause other commuters to
seek alternate routes. Those also obviously
are going to affect us and adversely in many
cases stopping.

MR. GORDON: Just one minor point
there. As you remember from our filing, our
peak is at 9:00 at night. So, we wouldn't
envision impacting many commuters in the system
wide because most of our peak is quite
different from the computing people.

COMMISSIONER STEBBINS: Is there any
impact with respect to shift changes, workers
coming in? They are coming in at rush-hour.

MR. GORDON: The model we set up and
we can get it to you again, if you want, but
the model in the application shows the shift,
very detailed granular shift change forecast.
And you're correct, during the day and the
evenings there's actually different shift changes 24 hours a day. But they're miniscule compared to the peak, which is Friday and Saturday nights when you'd see the most traffic. And the models that we show, the drawings that we show reflect all of that.

CHAIRMAN CROSBY: Anybody else?

COMMISSIONER MCHUGH: Can we go back to the slide where you have all of the percentages, please?

MR. GORDON: Of traffic?

COMMISSIONER MCHUGH: Yes. You've got down here coming out of Boston, on the right-hand side I understand what that is. What is the route on the left-hand side of that duo?

MS. PYKE: Here?

COMMISSIONER MCHUGH: Yes, what is that?

MR. GORDON: It's 93.

COMMISSIONER MCHUGH: Oh, that's 93.

MS. PYKE: The numbers on the left are 93 and the ones on the right on the traffic on Rutherford Avenue.
COMMISSIONER MCHUGH: Then you get off 93 at 16; is that it?

MS. PYKE: No. If they're coming up from the South, they are getting off at Sullivan Square. I think it's exit 28.

COMMISSIONER MCHUGH: Both of those wind up in Sullivan Square.

MS. PYKE: Correct.

COMMISSIONER MCHUGH: Got it. Okay, thank you.

CHAIRMAN CROSBY: All set? All right. Thank you very much. We will be back in touch. We'll take about a 10-minute break.

(A recess was taken)

CHAIRMAN CROSBY: We are back in session at 11:10. We are I believe going to Saugus or at least Ombudsman Ziemba.

MR. ZIEMBA: Thank you, Mr. Chairman, members of the Commission. I'm going to ask the representatives from Saugus to come down to the table. And I'll ask Mr. Crabtree to give introductions to the team. Following
that we will have to final presentation from
the Wynn group. And that will conclude our
surrounding community presentations for today.

As I referenced at the beginning of
this meeting, Saugus has filed an involuntary
disbursements petition. I've talked to them
about fact that there is a time for response by
the applicant and also noted that it's likely
someone will talk about it anyway, but pursuant
to our regs., we have some time period for
responses from the applicant.

CHAIRMAN CROSBY: Okay. Good
morning.

MR. AUSROTAS: Good morning, Mr.
Chairman. Thanks to you and through you to the
Commissioners for hearing from us today. I am
Ray Ausrotas. I represent the town of Saugus
and I'm with the law firm Arrowood Peters here
in Boston.

With me is Scott Crabtree, town
manager. We also have Dan Murphy with CDM,
Robert Luongo, the economic development
coordinator for the town of Saugus as well as
Donald McQuaid, the Fire Chief and Domenic
DiMella the Police Chief for the town of Saugus.

We are all here today to talk obviously about the surrounding community designation to which the town believes it's entitled. We'll have each individual talk about sort of their area of expertise. But just as a rough overview, the Commission is certainly aware that proximity is an issue.

We did provide written testimony, which was handed to Commission staff this morning as well as to Wynn Resort's counsel. If I could direct everyone's attention to page three of that written statement, you'll see in there which reflects proximity both as regards to the casino as well as the border of Everett itself.

By our calculation, with regard to the host community border, that's less than two miles along Route 99, 1.9 miles to be precise, less than five miles from the proposed casino. By our calculations, it's 4.2 miles to the Saugus border from the Wynn proposed site and 4.5 miles from Route 99/Route 1 interchange.
If you see where Route 99 ends at the Wynn proposed casino, north where it hits Route 1 is in Saugus.

If I could actually request one of the slides which we hadn't seen before be put back up showing proximity of nonadjacent communities. I don’t know if that is still available?

CHAIRMAN CROSBY: The Wynn slide?

MR. AUSROTAS: Yes.

MR. GORDON: Do you want the matrix?

MR. AUSROTAS: The distance, that showed respective distance. Thank you. It's notable to us at least in seeing this today, it's our understanding that Lynn and Melrose have reached agreement as to surrounding community designation that neither are adjacent.

MS. SINATRA: Time out. I'll just correct. We did not designate either Lynn or Melrose as surrounding communities. We entered into neighboring community agreements with them. As I noted when we were talking with Cambridge, is that we have not abandoned anyone
who has reasonable discussion with our company.  

So, it's important to be clear  

though we have continued to adhere very closely  

to the regulations.  Our conclusion, which  

Chris will review in greater detail with  

respect to Saugus is that it does not fulfill  

the regulatory requirements of a surrounding  

community.  

CHAIRMAN CROSBY: We'll get to that.  

MS. SINATRA: Right, but neither did  

Lynn or Melrose.  And I just wanted to let  

Counsel know that we did not designate them as  

surrounding communities.  

MR. AUSROTAS: Thank you for the  

clarification.  I knew that they had been on  

the document had petitioned and from what I  

understood from the prior testimony had been  

designated.  

In any event, a couple notable  

points moving on from proximity with regard to  

transportation as we'll hear from CDM and Mr.  

Murphy and the attached report, which you've  

been provided with our written testimony today,  

using Wynn's numbers, again, Saugus has not had
the opportunity to perform its own methodology, for example, to try make an estimation as to the impact, but using Wynn's own numbers, Route 1 through Saugus is estimated to carry 11 percent of the traffic to and from the proposed casino.

And getting onto the question of operational impacts, so to speak, of the proposed casino, Saugus really does believe, and you'll hear from its officials that there are a few public safety impacts with regard to police. The impact of that additional traffic and congestion, potential for social crime as well as the impact on the mutual aid agreements which are in place which were submitted with our original petition to the Commission with Everett to which Everett is a party as well as Saugus.

As to fire, Everett and Saugus are both parties to a mutual aid agreement comparable to the police and we'll be able to hear the impact on response time when there is increased congestion.

Furthermore, one of the impacts that
Saugus anticipates is economic in nature.
Saugus has a thriving and significant retail component to its local economy, primarily on Route 1 but throughout the community. The Wynn Resort through interviews with proprietors of businesses in Saugus will be a competitor.

It would not necessarily just be a rising tide lifting all boats, but it will be a situation where people with limited income would choose one or the other. And that would reflect and impact both on Saugus's meals tax as well as in the event of any businesses that were lost potential abatement as to its properties.

In addition, we'll hear about very specific issues with regard to Saugus historically and its zoning, its current zoning laws, and its present inability in any instance to take advantage of what would be seen as secondary impacts, positive impacts of the Wynn casino.

So with that, what I'd like to do is turn the floor over to Dan Murphy from CDM to talk about the report that was attached to the
written statement and also traffic more
generally. Thank you.

MR. MURPHY: Thank you very much. I just wanted to summarize real quickly the memo that's attached. The point being that Route 1, it's not a typical limited access highway. There are a lot of abutters who direct access onto Route 1. It carries close to 100,000 vehicles a day. And as the project has stated, it will be adding about 11 percent north of the Route 99 merge.

CHAIRMAN CROSBY: Eleven percent of the 100,000?

MR. MURPHY: No, 11 percent of their project trip traffic will be traveling via Route 1 north of Router 99. Route 1 already operates at bad levels, level of service E, level of service F based on various studies and various projects.

And the addition of those vehicles will cause vehicles to divert, whether they be local traffic that would have normally gotten on Route 1 on the north side of the town to travel south or vice versa or local regional
traffic.

The long regional project trips will likely stay on Route 1 because they're not familiar with the side roads and other routes that can be taken to the project site.

The other concern for the town is the interchanges. Again, those interchanges are the only opportunity to pass from one side of town to the other. So, there are four locations where they can traverse from one side to the other.

As those interchanges become more congested, obviously, that could have an impact on emergency response times as well as the local traffic. That's about it.

There is concern for the town that the trips that are to be added to Route 1 will create diversion which will create problems for not only certain interchanges but adjacent intersections on alternate routes.

CHAIRMAN CROSBY: How many trips is the 11 percent?

MR. MURPHY: The 11 percent would be about 1800.
CHAIRMAN CROSBY: 1800 trips that's per hour at max?

MR. MURPHY: That's in the peak hour.

CHAIRMAN CROSBY: Somebody else?

MR. AUSROTAS: If I could, I'd like to now move onto what would be potential likely public safety impacts. With that if I could ask Chief DiMella to take the microphone and discuss that further.

MR. DIMELLA: Good morning. As far as public safety impacts, specifically on the Police Department, we feel that any increase in traffic on Route 1 will have an effect on the town and on public safety as far as our response times go.

People, when Route 1 is tied up now, they find the back roads in Saugus to try to avoid those traffic jams on Route 1. It's a very heavily traveled road. And I believe this will have an impact on the traffic and on the side roads of town, which in my opinion will increase our response times to accidents and other emergencies like medical.
So, I believe it will definitely have an impact, a detrimental impact on traffic and put a strain on our resources as a police department.

Another thing that I believe would be a fallout from the casino, not necessarily at the casino but around the casino, would be social crimes. On Route 1, we have a number of motels and small hotels that people can stay in if they're not going to stay at the casino themselves, which could bring about other issues like OUI, operating under the influence of liquor, drugs, domestic violence, social issues that would be caused by the additional people staying at those hotels and motels.

Also, potentially prostitution. As you know, that can be a fallout from a business like this. So, social crimes that would be another issue that put would an additional strain on the police department.

Also, we have an MOU signed with Everett, Chelsea, Malden and Revere where we share our resources, our detectives and police officers. And it's been in effect for a while
because as you know, crimes don't stay in one
specific area. They cross borders.

So, if Everett has more need for
officers in crimes than obviously it would take
away from my department because our resources
would be sent to Everett. As the MOU was
signed with Everett, Chelsea, Malden and
Revere, three of those communities are
designated as surrounding communities.

So, I believe the MOU shows that
we've already been collaborating with them. We
have a signed MOU. And our resources are
always used together to try to combat these
crimes.

In closing, I believe those are the
three major areas that will impact my
department. Thank you.

MR. CRABTREE: Mr. Chairman and
members of the Commission, good morning. I
just wanted to note and add and maybe the Chief
could speak on it so that you get an
understanding of Route 1. It is a state
highway, but Saugus and Saugus law-enforcement
is the primary response up on Route 1. And
probably you might know the percentage of the
accidents that we book rather than the State
Police because of their limited resources.
It's probably somewhere north of 80 percent of
the accidents up on Route 1 that we handle and
the incidents and calls.

    MR. DIMELLA: Yes. Historically, we
have patrolled Route 1. We share with the
State Police. But in Saugus we predominately
book most of the accident there.
    So, Route 1 calls for service is a
big drain on a small department like mine. And
any additional traffic would have a negative
impact.

    CHAIRMAN CROSBY: Okay.
    MR. AUSROTAS: Chief McQuaid, if you
could speak as to the fire department.
    MR. MCQUAID: Good morning. Looking
at this situation from my perspective as the
Fire Chief, as the Wynn representative said,
it's all about the increase in traffic the
casino will cause. Saugus doesn't have a large
fire department. We have a ladder and two
pumps in service.
If there's more traffic on the highway, there's going to be more accidents. It's short and sweet. It's simple. If we have apparatus tied up on the highway, a building fire on the other side of town, it could significantly affect how we fight the fire, put the guys in danger, put the civilians in danger. It's definitely going to affect us.

It's basically coming from the North Shore, you've got to use Route 1. That's going to be the main thoroughfare. Again, more people on the highway, more accidents. We have 6:30 in the morning until 9:30 the morning with real bad on Route 1 and then again in the afternoon.

As the Wynn representative said, maybe the times will be different because it won't be until 9:00 in the evening when their traffic hits. But when they're leaving the casinos, potentially one or two of them might have had a drink. So again, they're going to be coming back down Route 1 going home, accidents again.

If we have backups on the highway,
our response times are going to be more
difficult. It's going to take us longer to get
there. The quicker we get there, the better it
is for the patients that are injured on the
scene.

We also have a reciprocal agreement,
Saugus and Everett and all of the surrounding
communities are in the Metro fire district.
Again, I'm going to get back to the traffic.
It's 35 communities all in the Metro fire
district. And if we can't get from one place
to another, if Everett has a fire, if Saugus
has a fire, like I said, the mutual aid, they
come to us, we go to them. It's just going to
be more difficult to get anywhere you need to
go. The response times are going to be longer.
This is going to be a very large
building, thousands of fire prevention devices
in the building. Everett is going to be tied
up much more often going to these buildings.
This whole situation is going to affect Saugus.
I'm not sure what the term was but people from
Lynn that are going to be coming through Saugus
to get to Everett. So, it definitely affects
Saugus.

MR. CRABTREE: Mr. Chairman, it should be noted also to the Commission that the fire stations that we have, we have two fire stations. And as the Chief talked about, both of those stations are located on the east side of Route 1.

So, we don't have a station that's on the west side on the other side of Route 1. Obviously, with the traffic impact and what we think with our overpasses and interchanges that that could cause more significant time delay to get to the other side on the west side of the town to answer calls.

MR. AUSROTAS: Really moving onto to what I also call the economic and retail impacts, it's my understanding from the applicant Wynn that at least a significant portion of the revenue generated by the proposed resort casino would be not gaming but actually entertainment and meals and the like.

To the extent that that is the case, given Saugus's local economy, Saugus certainly feels there will be an impact. It's economic
development coordinator, Mr. Luongo, again
without the benefit a complicated economic
survey as they would perform an informal survey
of businesses in Saugus to discuss what impact
they foresee. So, I would like to pass the
door to Mr. Luongo

    MR. LUONGO:  Good morning, Mr.
Chairman, Commissioners. I'm here to briefly
talk about the impacts of the casino on the
local retail, entertainment and service
establishments in Saugus. And just let me
quickly set the stage.

    Saugus is a bedroom community of
about 11 square miles. Basically, the three-
mile stretch of Route 1 in Saugus serves as our
town's primary economic engine. We have no
other industrial parks, really no commercial
centers other the Route 1.

    So, Saugus in in the unique
situation in which that three-mile stretch of
the Route 1 corridor serves as the town's
primary economic engine. It functions as our
main street, as our downtown, as our regional
mall, as our office park, as our light
industrial park. We even have Saugus High School is located on Route 1. So that for us is our downtown, fortunately or unfortunately. And quite frankly, without a vibrant Route 1, the town of Saugus will be in serious financial constraints. That's kind of like the stage I'd like to set.

Saugus is one of the top 20 communities in Massachusetts in terms of revenue generated by local meals tax. To us, that means we get about $1 million a year in local meals tax and a budget of about $80 million. So, that is a significant amount of taxes that we depend on to try to balance our town's budget and provide services for our citizens.

Our businesses on Route 1 really encompass a wide breadth. We have quite a diversity, as I mentioned. We have high-end establishments. And then we service the middle and working class as well on Route 1.

I did an informal survey. I'm a staff of one. So, I don't have a large budget. Maybe the town manager will increase it if I do
well. Basically, I've interviewed five establishments on Route 1. And they're mostly restaurants and entertainment venues. And spoke to them about what they felt the impacts would be.

They basically were concerned about discretionary entertainment dollars, limited discretionary entertainment dollars being spent at the casino and they perhaps would be losing business. They’ve also expressed concern that even though traffic can be a plus for a strip mall development or strip developments, they fear any increases in traffic could be more detrimental to them and discourage people coming into their facilities.

If any of you have ever traveled on Route 1, you know you are taking your life in your hands either in ingress or egress into a facility. I do that every day and I make the sign of the cross as I go out in there. It can be brutal.

So, they are actually concerned about weekend traffic which we hope that the casino would be successful in drawing people on
weekends. But actually by increasing traffic on the weekends, less traffic would go into their establishments. So, that surprised me in a way that that would have an impact.

Where Saugus needs to be competitive in the marketplace -- And there's a lot of other developments taking place that are really sucking retail away from Saugus. The recently opened Market Street up in Lynnfield that is having an impact on Saugus. We don't expect the Commission or Wynn development to solve Saugus's problems. What we're asking for is a level playing field so our businesses won’t be negatively impacted, can compete and generate the revenue that we need here in Saugus.

CHAIRMAN CROSBY: How do you create that level playing field? What are you asking for?

MR. LUONGO: I guess what we are asking for, quite frankly, is a seat at the table so we can discuss these issues with Wynn and see how we can negate any of these impacts either through some traffic mitigation or what have you.
We're not asking for them to do our zoning for us or create other opportunities for us. I think our traffic engineer can attest to the fact that we have one of the highest accident rates. Our interchanges at Main Street and Walnut Street and Essex Street have some of the highest accident rates in the state.

Increasing the traffic volume, especially on weekends could create more problems. So, one the asks is probably to help us look at some of these traffic issues that are impacting the Route 1 corridor as a result we feel of some increased traffic obviously on Route 1 to go to the casino.

There are tons of studies out there. I just quickly did a search. There had been a study done in 2005, it was called the Casino Gamble in Massachusetts. And basically, it said two things that I just want to bring out. It said basically commercial casinos were shown to create reduced earnings in hospitality and retail businesses located within 50 miles. Also, it stated that commercial casinos reduce
general merchandise earning 13 percent among
businesses inside a 50-mile radius of a
commercial casino.

This study kind of like reinforces
what I heard from the five businesses that I
had interviewed about their concerns about
losing revenue from the project. Even though
more people will be traveling through Saugus,
the traffic congestion created, the
configuration of the roadways would probably
make them loose business.

I'll quickly wrap up here. I don't
want to monopolize this. Basically, what we
are doing with the Route 1 area is we are
rethinking land uses along the corridor. We
need to do this in order to be more
competitive.

Unfortunately, Route 1, if you're
familiar with it, is surrounded on both sides
of the north and south side residential
properties. So, there's not much opportunity
for us to rethink and capture more market
share. Our zoning right now prohibits or
dissuades hotel development because of these
issues with traffic and the abutting residential area.

We are still looking at opportunities to create zoning so we can capture some of the hopefully positive economic generations from the Wynn development.

But right now, we need to maintain what is in place because what is in place is giving us revenue to support our services in Saugus. So, if we start losing businesses in Saugus, we're going to have a difficult time in creating the services for the residents of our community.

I thank you for the opportunity to speak with this morning and be happy to answer any questions.

COMMISSIONER STEBBINS: A couple of quick questions. How many hotels run along that Route 1 strip?

MR. LUONGO: In Saugus? The strip goes all of the way up to Danvers, basically. Scott, do you know?

MR. CRABTREE: Essentially, I think we have in Saugus we have one hotel. We have a
1 Red Roof Inn, a Holiday Inn Express, and we
2 have a couple of motels. We have three or four
3 motels that are located on Route 1 that are
4 somewhat, and I think the Chief touched upon it
5 a little bit, the Police Chief, somewhat
6 problematic with different issues there crime
7 wise and drugs and whatnot. That's essentially
8 how the makeup is of motels and hotels.
9
10 COMMISSIONER STEBBINS: Do you have
11 any estimate as what the occupancy rate is?
12 Obviously, it can fluctuate depending on the
13 time of year.
14
15 MR. LUONGO: It could be up as high
16 in some periods of 80 percent. There's a lot
17 of activity because of the airport. Obviously,
18 that's a generator for us. There is a fairly
19 high occupancy rate at certain times, people
20 who don't want go into the airport and stay or
21 go into Boston and stay. There's obviously
22 people from the North coming down from New
23 Hampshire and Maine.
24
25 MR. CRABTREE: There has been
26 development with some hotels that are over the
27 line into Peabody in the last recent years.
But Saugus historically, as Mr. Luongo spoke about, zoning wise is not in a position to be able to embrace that type of development.

CHAIRMAN CROSBY: Anybody else?

Saugus is a host community -- Do you have another speaker?

MR. AUSROTAS: I think Chris Murphy has just a quick follow-up.

MR. MURPHY: I just wanted to make one clarifying point to correct a statement that I made. You had asked what 11 percent of those trips would be on Route 1. And the number I responded with is the project generated trips.

So, the 11 percent that would be on Route 1 would be in an order of magnitude of 200 trips. With the stop-and-go nature of Route 1, as Mr. Luongo stated, there are a high number of accidents. And those numbers are included in the memo that's in your testimony. So, it does exacerbate things.

CHAIRMAN CROSBY: Saugus is a surrounding community to Mohegan Sun?

MR. AUSROTAS: Yes, that's right.
After discussions, we reached agreement to secure that designation with Mohegan Sun, which we have placed on file with the Commission.

CHAIRMAN CROSBY: But there is no agreement yet. You've just agreed to negotiate?

MR. AUSROTAS: That's correct.

CHAIRMAN CROSBY: And what are the principle concerns? Are they the same concerns, essentially?

MR. AUSROTAS: They are similar in nature.

COMMISSIONER ZUNIGA: I had a question of Mr. Murphy from traffic. You mentioned that Route 1 is at a level of service of E or F?

MR. MURPHY: Yes. During the peak hours, our studies have shown that they do operate at level of service F. The intersections and interchanges get heavily congested.

COMMISSIONER ZUNIGA: Is this the intersections you were mentioning earlier in Saugus?

MR. MURPHY: I'm sorry?
COMMISSIONER ZUNIGA: Are these the intersections that you mentioned in Saugus or throughout?

MR. MURPHY: Yes. In particular, the Walnut Street interchange that's scheduled to be reconstructed beginning in 2016, recognizing the fact that it does have a high incidents of accidents. There were 72 accidents there in 2011.

All four of the interchanges show up on the Mass. DOT 2011 crash clusters map because of congestion. You have a lot of rear-end accidents when you have traffic entering and exiting the traffic stream at on-ramps and off-ramps. So, yes, those are the intersections that I'm speaking of.

COMMISSIONER ZUNIGA: And the peak hours are rush hour in the morning and the afternoon, I take it?

MR. MURPHY: Yes.

CHAIRMAN CROSBY: Anybody else?

MR. CRABTREE: Mr. Chairman, I just wanted to conclude with just to give a little bit of background myself. I'm a lifelong
resident of Saugus. I also served as a police officer on the Saugus Police Department for approximately 11 years. I've also served the community on the board of selectmen and as chairman which are the traffic commissioners for the town. I now serve in the capacity as the town manager there.

Just to give you a background of Saugus in the sense of economic development, we're a senior community, which we're proud of. With that comes difficulty historically to make any kind of changes. We have a town form of government with a representative town meeting, which is made up of 50 town meeting members elected in 10 precincts, which is the smallest in the state. It makes much difficulty in trying to take advantage of economic development and planning for the future and being proactive.

Since coming on as manager in 2012, I was able to get the support of the town meeting and other town officials to bring on an economic development coordinator that the town hasn't had for more than 20 years.
So, we are trying to take advantage of that, but it's a difficult process. And that I think puts us uniquely situated than other communities where we're not ahead of the curve and have not been in a situation and likely not going to be able to take advantage of this upboom.

And I think looking at that this is going to be great for the economy, for the state budget for those type of things, for people making more money, but when you look at the contrast of me being in my position as the chief financial officer of the town, I'm looking at an $80 million dollar budget that has to do with operations and delivering services to the community and the quality of life impacts that a casino in Everett is going to have as an impact.

In looking at that I wanted to reiterate we’re an $80 million dollar budget that's $1 million dependent in present day money on the meals tax and room tax that we generate that allows us to -- I think if we had a 10 percent decrease or a 20 percent decrease
because obviously when you're building a casino, part of it is to have entertainment and to keep people there.

And the people are going to choose, and like we talked about the pie is only so big. They're either going to spend here or there. That is sort of our lifeline of what allows us to reclassify taxes so that the commercial tax base and the sustainably that allows us to provide services to the community.

So, those are I guess the biggest concerns and I think that puts us different than some of these other communities, even communities that have been designated as a surrounding community and how we would be significantly adversely affected in that manner.

CHAIRMAN CROSBY: Okay.

MR. AUSROTAS: Mr. Chairman, just in concluding, I would like to thank the staff of the Commission who has been extremely helpful throughout this process. Thank you.

CHAIRMAN CROSBY: Great, Wynn.

MR. GORDON: Thank you. We have a
very similar presentation. We won't do the
preamble we did last time. We want to go right
to the Saugus slides.

First, just to remind of course
where they are. You've seen this many times.
The traffic, I do want to dwell on this for a
minute, especially after hearing some of the
presentation. We did have an opportunity to
review the CDM Smith information they sent over
to us this week.

The numbers right now, we are
showing eight and seven percent on Route 1.
That's slightly different than the 11 percent.
Again, I don't think we are misrepresenting it.
But the 11 percent is when you don't factor in
what we're going to do with employee shuttles.

So, the actual traffic, percentage
of our traffic, on Route 1 is eight and seven
percent. More important is what is the impact
on Route 1. And we don't disagree at all with
the issues with Route 1. And we certainly
don't want to argue about that at all. But our
traffic on Route 1 would be roughly one percent
increase in our peak hour to Route 1.
If you look at 107,000 cars that’s on that a day, our traffic is about 1500 cars a day. In the peak hour, it's 144, and only half of that is going in either direction.

So, we're down to about 65 or 70 cars in the peak hour, which is a Friday night on Route 1. And most of it is going in the opposite direction from the peak commute on Route 1 and we're later than the peak commute.

So, again, with no disrespect, we think we have a very small impact on Route 1. It's around one percent. As an example, in the letter that was sent out by CDM Smith, they referenced the recent Super Walmart that was approved on Route 1 and is being built. That produces about 8300 cars. So, we've got about one-sixth of that amount of traffic. And that was viewed as having an almost insignificant impact. And that required a fix to only one signal. So, they have about a $65,000 mitigation package for that project.

So, with being one-sixth of that traffic, we felt it fell well below the thresholds that we're triggering for all of the
other improvements we're making for the other parts of the state.

Again, we felt the traffic numbers, and again, it isn't to argue with them, but we felt the traffic numbers are so small it didn't trigger anything close to a surrounding community impact.

Next, again, on the construction impact, it's just too far away. Any of our analysis didn't show any impacts for things like noise, dust, erosion, vibration, traffic for construction. Again, we just didn't see any impact from our analysis that we did on all of that for Saugus primarily because of the distance it is away from the site and of course from the construction.

Next, the economic impact, we found were positive. In a minute, Kim will talk more about the question of Route 1 businesses. But the actual economic impact from new earnings in Everett -- excuse me, in Saugus are up. They're $3 million additional impact.

So, to conclude, we had to draw the line somewhere. We felt that Saugus fell way
below the criteria that the Legislature set out for surrounding communities. So, we did not designate them. And I know Kim wants to talk a bit about some of the questions that just came up.

MS. SINATRA: Thanks, Chris. I actually think that was a very complete answer to where we came down on Saugus. I will note that we didn't hear from Saugus until they filed their petition. So, there was no request for discussion or request for expenses until they filed a petition to be recognized as a surrounding community.

That said, we had completed all of this type of analysis for the entire region. When we met with Saugus after their petition, we did offer them what we call our neighboring community agreement, which addresses some of the concerns that they raised today.

That includes participation in our concierge program, co-marketing on some of their food and beverage outlets, marketing to our employees. We provide sometimes subsidies for our employees to use in area businesses.
So, there were items like that that we did offer to Saugus because as I say, we've been quite rigid about adhering to the regulatory requirements with respect to official designations as a surrounding community.

That said, we are interested in regional prosperity as a result of our entry into the market if we are so lucky. So, the conversations will continue with Saugus and other communities who believe they are affected.

With respect to mutual aid or shared services that have come up a couple of times today, I will not pretend to be schooled in all of the details of those agreements, but I will note that of the host community agreement $5 million of Everett's annual payment will be dedicated to community impacts that should address holding up Everett's side of the bargain under those agreements. So, they will be able to add fire, police, other public safety resources as necessary. That's all I have. Thank you.

COMMISSIONER ZUNIGA: I had a quick
question of Mr. Gordon. Where is the Walmart
that you reference? Is there a slide that
could help us?

MR. GORDON: Maybe the folks from -

MS. PYKE: I can tell you where it

is. I live in Malden and I'm well aware of

where it is. I think it's right around this

area. It's on the northbound side of Route 1.

It's 770 Broadway. So, I think it's right

about in here. For anyone who is sort of

familiar with McDonald's, so it's south of the

Home Depot and Barnes and Noble and the Lynn

Fells interchange between Main Street --

MR. CRABTREE: Across from the

Hilltop. And I think it just should be noted

as far as the Walmart, when the Walmart was put

in, there was a traffic study, but it was six

years old. And out of the wisdom of the local

planning board, they did not have a traffic

impact study done for a Super Walmart. I guess

my question would be to the Wynn organization

is that in these studies here, did it take into

account the Super Walmart being in that

location?
MR. GORDON: The traffic analysis took in all of the -- We did a 10-year projection including any of the stuff that was either built or stuff that was approved and also in some cases stuff that was projected to be approved. So, the 10-year window tried to take in all of the development that we could find.

COMMISSIONER ZUNIGA: Thank you.

CHAIRMAN CROSBY: What's going in where Hilltop is?

MR. CRABTREE: We are still working on that hoping to partner with them. And we're actually awaiting an MAPC grant to give us some technical assistance with the rezoning.

COMMISSIONER MCHUGH: Are you going to keep the cactus?

MR. CRABTREE: It probably will not come down at least the stand. We have a lot of sign bylaws now that don't grandfather anybody in.

CHAIRMAN CROSBY: An actual historic monument.

MR. CRABTREE: Mr. Chairman, I just
wanted to add one point regarding the mutual aid, they talk about the mutual aid agreements. I think that's great. The Fire Chief if he wanted to speak on it, he could, is that those mutual aid agreements, the way they are designed is that there is no repayment or reimbursement.

So, it's great that Everett would build up their infrastructure or their manpower for fire and police. But if our fire department is responding to a mutual aid agreement, it's our overtime budget that pays for that. And that's the way the agreement is set up. So, unless there's some change in that agreement or some regional approach that deals with this financially, we would be impacted and not have the direct dollars to deal with that.

CHAIRMAN CROSBY: Anybody else?

COMMISSIONER STEBBINS: Quick question. We heard about the size of the police department -- fire department. I can't see the Chief. Can you us information about the size of the police department?

MR. DIMELLA: We have 54 sworn
officers from me on down. We serve a population of roughly around 26,000 people. With Route 1, we have a lot of urban problems because of the businesses on Route 1, the bars and restaurants. So, that impacts us a lot. We are a fairly small department. And again, we have some urban problems because of Route 1, which severely strains the department.

COMMISSIONER STEBBINS: You have just one station?

MR. DIMELLA: We have just one station, yes.

CHAIRMAN CROSBY: All right. Thank you all very much. We will take this under consideration.

We have one loose end on the surrounding community topic and then I think we will take a lunch break. We had this open question of whether Revere only was a Revere only in fact gaming establishment. I think Commissioner McHugh's group has taken a look at that and has something to say.

COMMISSIONER MCHUGH: Yes. Mr. Chairman I asked the consultants who I'm using
to assist with the building and site design

component of the application to take a look at
the application and the plans and the diagrams
and the lease agreements that are part of the
Mohegan Sun application to see if there were
any connections to Boston. And I took a look
at those myself with their help and assistance.

From those diagrams, it is quite
clear that everything they've designed is in
Revere. And there are no discernible chunks of
the facility in Boston.

And the lease agreement that we also
took a preliminary look at has the normal
things that one would expect to find in a
commercial lease. No operational control over
how the facility operates, although there is a
profit-sharing arrangement and some other
things that are typical of a commercial lease.

So, my view and my recommendation is

that we proceed on that brief review that this
is in fact a Revere facility, but leave open
the ability of anybody to present to us some
concrete suggestion based on those plans or
other factual documents that that's not the
right way to approach it that it is in fact in
to Boston at some point.

CHAIRMAN CROSBY: Okay.

COMMISSIONER MCHUGH: I would not
propose some kind of formal vote, motion or
anything. We just leave it on that assumption
for the moment.

CHAIRMAN CROSBY: Okay. That's
fine. That satisfies the inquiries that I've
gotten.

I think we will now take about an
hour lunch break and we will reconvene at 1:00
for the rest of the items on the agenda.

(A recess was taken)

CHAIRMAN CROSBY: We are ready to go
back to work, reconvening the 105th meeting at
1:00. I think we will go directly to the
Executive Director Day.

MR. DAY: Thank you, Chairman Crosby
and members of the Commission. Good afternoon.

COMMISSIONER CAMERON: Good
afternoon.
COMMISSIONER ZUNIGA: Good afternoon.

COMMISSIONER MCHUGH: It is a good afternoon.

MR. DAY: Our three items here, I have no general report and our three items we have today, I think the first one is becoming even more real as the Commissioners have now closed the three host community hearings for the slots parlor. That means our tentative schedule is of course estimated for the end of this month or the end of February to make an award decision.

With that, that brings us to a discussion that I think we all recognize the need to get involved in. That's to discuss how that process might occur. It's pretty easy to say time for reports, evaluation reports, process and selection. And it's another thing altogether to bring that process together.

This afternoon Jennifer Pinck and Catherine are here to take us through that discussion. And I'll turn it over to Catherine.
MS. BLUE: Thank you, good afternoon, Commissioners. Recently, you asked the legal department to create a flow chart of how the process might work in terms of final phase of the issuance of the Category 2 license. And in your packet we have created such a chart.

You will see that we’ve put in some language about what happens before we start deliberations. And then we have created what looks like about a three-day scenario in terms of presentations, deliberation and then potential award. So, we are here to discuss that with you today and get any questions or comments or changes that you would like to make to that process.

Jennifer is here to talk a little bit about the formats of the reports. Because you’ll notice in the beginning that we talked about compiling reports from the individual groups. And Jennifer can talk a little bit more about how those reports might be set up.

MS. PINCK: Good afternoon. I have spoken with most all of you or Nancy has to
sort of get our hands around what this report should look like. I think we would want them to be similar but they don't have to be absolutely cookie cutter, because some of you will rate every question and some of you won't rate every question.

But we do have and I'd like to share with you today -- I do have it on a stick, but I need somebody to plug it in. So, I will hand you, if you don't mind. This is the first three pages of what would be typical, I call them binders. You can call them reports, binders. I'll walk you through them.

This is a draft. And really we've taken Commissioner McHugh's lead on what it would look like. The front page or the cover page of these binders would include an outline of what each criteria is within each category, a table of contents which we'll talk about in a moment, and then the color coding rating system down at the bottom.

We imagine that each of these binders may contain appendices, which would support the work and the eventual findings.
You will see for example, in this one we're
anticipating including the schematic design
plans for all of the applicants, for reference
parking and traffic studies, energy and
sustainable design analysis and permitting.

So, that would be generally what the
front page would look like. The next page is
your provisional ratings for the overall
categories. The top box really sort of states
-- restates how the criteria were considered.

For Commissioner McHugh, criteria
one through four, for example, were considered
most important to building and site design
because they establish the critical elements
for each applicant's proposal.

So, we are suggesting that for each
Commissioner you would want to sort of talk
about a high-level summary approach to the
criteria. How'd you think about them? How
are weighting them in terms of your
considerations?

Then the high-level overall rating
for each of the applicants. And that's your
overall rating for each of the applicants in
COMMISSIONER ZUNIGA: Are you already on page two of this handout? So, there would be an overall rating for the whole category?

MS. PINCK: Yes.

COMMISSIONER ZUNIGA: That's anticipated to be a verbal description like it says here? Or would there be a --

MS. PINCK: No. The consensus is we expect you to commit something to paper and bring it on the day of the presentations, when these binders will be passed out.

And what I'm calling it, I think is a provisional rating because I do think that after some discussion you may want to edit it somewhat. But we're expecting or the consensus is that we're expecting you to rate each category. Call it a provisional rating. And on day one, bring these binders.

CHAIRMAN CROSBY: When you say day one, I thought the binders were available in advance.

MS. PINCK: Actually, let's go back
to this. I sort of jumped out of order, my
darn fault.

What we are generally suggesting is
and you will see the bullets on the top of the
pages that each Commissioner is going to
prepare a binder, which documents the review of
each category including the reviews of all
questions and criteria. You can elect to rate
all, some or none of the questions.

We do expect that you're going to
prepare a binder where each criteria was rated
and an overall provisional rating for each
applicant in their respective categories.
That's what we are generally expecting from
you.

COMMISSIONER ZUNIGA: By the overall
rating, there is one rating for each applicant
for each Commissioner, each team?

MS. PINCK: Yes.

COMMISSIONER ZUNIGA: There would be
a G or an S next to at least on page two.

MS. PINCK: That's right. On page
two let's use the term Leominster was a VG.

COMMISSIONER MCHUGH: Let's not use
examples.

MS. PINCK: Applicant A is very good and some narrative on why you consider them very good.

CHAIRMAN CROSBY: That's the total is very good on everything having to do with site and building design.

COMMISSIONER ZUNIGA: The overall rating.

COMMISSIONER MCHUGH: Overall rating, right.

MS. PINCK: So, for each applicant, you're going to rate it. And as we said earlier, I think, when we first started this process, you may find applicants who are all rated the same. You might say they’re all satisfactory. Satisfactory was fine but there wasn't anything extraordinary. So, they may all have the same overall rating.

CHAIRMAN CROSBY: Yes.

MS. PINCK: That is your decision. That is in your purview to make that call.

CHAIRMAN CROSBY: The first bullet point says Commissioners can elect to rate all,
some or none of the questions. The next one says each criteria shall be rated. What's a criteria versus a question?

MS. PINCK: Criteria contain questions but not in the Wow category. For example, if you look at this cover page here, you'll see that Commissioner McHugh has seven criteria and there's questions 4.1 to 4.9 that make up criteria one.

CHAIRMAN CROSBY: Got it.

MS. PINCK: And almost every criteria has multiple questions except Wow.

COMMISSIONER MCHUGH: Criterion, really. That's a typo, we need to change that, but that's a detail.

MS. PINCK: And then the next bullet, the binders may contain appendices. We expect them primarily to be related to data analysis or relevant site or architectural details. There should be considerable appendices I think for Category 2. I think there will be traffic analysis. It's a very data-driven discipline. So, we expect appendices to be included in these binders at
your discretion.

MR. DAY: Can we just pause? I'd like to just pause a minute to make sure the Commission is in agreement with this part of the provision, the one we just discussed anyway, overall provision rating for each applicant.

As this discussion has gone on, part of what we've been talking about is how far the Commission wants to go with the details that it has in its report as opposed to how much you want to leave for the body itself to discuss.

In this case, this would actually have each of the Commissioners going right up to the rating, the category rating for each one of the applicants. And that would be in the presentation to the rest of the Commission, as opposed to stopping after a question or stopping after criteria. And the Commission in a group would assemble the final ratings.

So, I just wanted to point that out and make sure everybody understood it and was in agreement.

COMMISSIONER MCHUGH: This is the
way we went through all of this in September before we started. This is the plan that we conceived in September.

And that had the Commission making the final judgment based on each Commissioner assigning a rating in the four scale overall for his or her section of the application.

And it seems to me that it is essential to do that, to have a discussion that starts someplace rather than trying to spend two days trying to figure out from the underlying data what the overall rating for the category ought to be, for the part of the application ought to be.

And it for me would be a very helpful thing to see what each Commissioner did with that. And then look at the underlying data. And then make a judgment about whether or not I agreed or disagreed with that. In most cases, I am sure I will agree.

But it's a very useful target. It's the product of thinking that's been going on since September. And it seems to me we really just flail around for a day or two if we don't
do that.

COMMISSIONER CAMERON: When you say
do that, you mean have everything scored
separately before we begin?

COMMISSIONER MCHUGH: Yes, that's
what we agreed on initially. But I am now
looking at page two. And that now in addition
to the narrative on page two, we assign an
good, very good, satisfactory or
unsatisfactory rating to each of those with the
accompanying color code so that we take the
rollup to that stage. And then give a
narrative here as to why we've done it. And
then all of the rest is back up to that and
it’s highly detailed.

COMMISSIONER CAMERON: Right. I
guess the concern I have is that, and something
we really haven't talked about, is for example,
if we do that and that certainly makes sense
other than if for example, I have a grade in
mitigation and we have another grade in
finance, are they equal?

In other words, if we come out with
five of us and there are three with the highest
grade and two -- whatever that final product may be, I'm just concerned that all of these pieces of the application in my mind are not equal.

COMMISSIONER MCHUGH: Right.

COMMISSIONER CAMERON: So, that's my concern is that oh, I'm the winner. I have three very goods and no one else has three very goods.

CHAIRMAN CROSBY: Let me phrase it as a question. And I think I understand what Gayle is getting at. Is there any problem for us in the ability of a loser to contest our decision if these provisional ratings seem to suggest something different from where we end up?

MS. BLUE: I don't believe that there is. I think the point of having the provisional ratings is for a place for the Commission to start the deliberations.

But it's expected that you will deliberate and discuss all of the ratings and come to different conclusions as to how you balance them. All of the ratings will tie into
factors that have already been considered.

So, I think I'm comfortable that if you give them provisional ratings that you will talk about them. You will balance them. You will deliberate on them. And you will come out with a finding that we can support. So, no, I'm not concerned about that.

CHAIRMAN CROSBY: Is there anything in the litigation mitigation strategy, is there anything in this process that we need to be sensitive to?

MS. BLUE: I would be sensitive to making sure that however you do come up with a rating that it ties into the facts that you've looked at in the material that supports it. I think that's very important. Because we will issue findings and we want to be able to tie them into what you reviewed.

But other than that as long as we've followed the process that we've laid out, as long we've reviewed all of the information fairly, as long as we can tie our findings to information that we have, I think the ratings will be fine and our decisions will be fine.
COMMISSIONER MCHUGH: Can I just add to that? Isn't the relative weight of the factors that Commissioner Cameron's talking about, which is an important consideration, isn't that part of the deliberative process? And don't we need to explain that?

I am not sure what the weight is. I look forward to having that discussion. But it seems to me that's an important part of the deliberative process and would tend to ameliorate if not eliminate concerns about I got three goods but I lost.

MS. BLUE: I think that is a very key part of your deliberations is having that conversation. And this is to give you the place to start. But I think that is probably what you'll spend most of your time deliberating.

COMMISSIONER CAMERON: In fact, I thought about in my explanation to all of you giving some information about why I think certain questions, certain aspects are more important and the reasons why I feel like that. Of course, my decision -- rather my
recommendation is influenced by consultants that have assisted.

So, I thought that rather than just go through the presentation my part of it was okay these are the questions, the criterion, and give ratings. Okay, that's a piece of it, but another piece is these are the hot button items with regard to mitigation.

COMMISSIONER ZUNIGA: That is actually a case towards issuing an overall rating, because the rollup in and of itself between the categories and the rating may be seemingly unbalanced, three very goods but in the rollup and the description, you could then articulate at least for me in the balance these were the most important factors. And this is what made a difference. Hence this is some of the ratings.

CHAIRMAN CROSBY: Okay. Are you all right with that?

COMMISSIONER CAMERON: Yes. That makes sense as well.

CHAIRMAN CROSBY: So, then we're on the third bullet point. Did you get the answer
you were looking for? The answer is yes.

MR. DAY: Yes, that's what I understand.

MS. PINCK: The third bullet point was about binders containing appendices which the teams are happy to support you with as I know we have been that will I think also be critical to supporting your eventual decisions.

We also are suggesting that you can elect to bring any original source material to the meetings or to include it in the appendices. If there's something that an applicant submitted or applicants submitted that you want to be able to refer to and make is part of this binder and it would be useful, we think that is certainly appropriate.

CHAIRMAN CROSBY: You keep saying bring it to the meeting.

MS. PINCK: Let me get to the next box here. What we are proposing is that on the first day of this process when you are presenting your categories to each other, we are going to make available to the public these binders.
Prior to that though, we're suggesting that you should be looking at each other's binders because we think and I believe you would concur that you would want to at least get a sense of how applicants responded all of these other criteria and categories. You've been so busy with so many things, I know, most of you have barely focused on these other categories or it's been incidental. And we really believe it would be important for you at least to see what the information is in those.

So, we're going to distribute those probably the week before so that you can become familiar. Then bring them to the meeting because clearly the public has a great deal of interest. And they will be released to the public on the first day of the presentations when you're making your presentations.

CHAIRMAN CROSBY: Basically, probably no later than Friday of the third week of February we get the binders. We'll have the weekend and then day one will be Monday of the fourth week.
MS. PINCK: Exactly. If we can get you any sooner, we will but that is the intent.

COMMISSIONER CAMERON: Is Monday --

MS. PINCK: The 24th I believe is the Tuesday.

MR. DAY: Friday would be the 21st of February and Monday would be the 24th.

COMMISSIONER CAMERON: It was going to be Tuesday when we were having it a week earlier.

COMMISSIONER CAMERON: Oh, I see, because it went back a week, we start on Monday now.

MR. DAY: Correct.

MS. PINCK: An important part of the preparation of these binders will be legal review. Especially to make sure that in terms of confidentiality or propriety information, it's not included. And I think also in addition to our review, it's really to look for consistency and make sure there aren't contradictions within the reports. And we'll be looking very, very closely at that.

And appropriate language so that
when you release it to the public you feel good
and we feel good about what is says and how it
says it. That's what we'll be doing. And
legal and Catherine and her staff will be
taking a close look.

MS. BLUE: We will support that
effort.

CHAIRMAN CROSBY: Why is the
parameter no Commissioner should discuss the
contents of a report with another Commissioner?
Why is that?

MS. BLUE: Our thinking on this was
that you want to have those conversations in
your deliberations. Certainly, if there are
particular questions about something, I think
there could be some limited conversation about
it. But we would want to save most of the
discussion for your deliberations.

CHAIRMAN CROSBY: I don't think we
ought to have that sentence in there. If we
don't mean it literally, I don't think we want
it there. It's going to be almost impossible
to adhere to that. You might want to say it's
recommended.
MS. BLUE: We can make that change.

MS. PINCK: Kept to a minimum.

COMMISSIONER ZUNIGA: Just make sure that there is not seriatim deliberation.

That's a real concern.

MS. BLUE: Yes, that's the concern.

CHAIRMAN CROSBY: That's a whole different issue.

COMMISSIONER ZUNIGA: Which is a different issue, I think.

CHAIRMAN CROSBY: If I knew that there's 79 questions and one of them I might want to sit down and say to Jim, give me a sense of where you're coming down. I don't see why that would be a problem.

MS. BLUE: No. And you may want particular documentation that you want to review too that maybe isn't in the binder. So, we will address that.

COMMISSIONER MCHUGH: I second the idea that that sentence should just come out.

We can't deliberate. This has got to be an open and transparent process, but I think there may be a clarification, I may not understand a
term and it would help me think over the
weekend about something.

CHAIRMAN CROSBY: We're under enough
constraints as it is without putting one on
ourselves we can't possibly adhere to.

MS. BLUE: No. We'll take that
sentence out.

MR. DAY: With that schedule, what
we've been talking about the schedule in mind,
it might be worth worthwhile if we're
anticipating that legal take a look at the
reports, probably would need to have them ready
to go before the 21st on a Friday.

MS. BLUE: I think you're going to
want more time than that. We should probably
shoot for earlier in that week, because when
you think about it, you'll have five binders
per applicant. And there is a lot of
information.

So, the sooner we can get them to
you I think the better.

MS. PINCK: We were going to try to
get them as soon as possible. And it may be
one comes out Monday and two comes out Tuesday
and the last come out on Thursday, but we will
try to get them as soon as possible.

CHAIRMAN CROSBY: Five binders?

MS. BLUE: Well, there's five
sections and each section will be in a binder.
And then there's three applicants.

CHAIRMAN CROSBY: Aren't they all in
the same binder?

MS. PINCK: Each binder will be an
applicant, just five binders.

COMMISSIONER MCHUGH: Five sections.

MS. BLUE: Five sections.

MS. PINCK: Five sections, five
reports, I've been calling them binders.

CHAIRMAN CROSBY: This is the
report, right? This is a binder and this is
going to have all three applications in it?

MS. PINCK: Yes. And this one for
example is probably about 50 pages long, I
would say, when you get to all of the criteria
rating and the questions.

CHAIRMAN CROSBY: This is a model.

COMMISSIONER MCHUGH: That's a model
of a binder.
MS. PINCK: Exactly.

CHAIRMAN CROSBY: And each binder includes all three applicants.

COMMISSIONER MCHUGH: That's right.

MS. PINCK: Exactly. One binder per criteria for all three applicants. Then what you see on the rest of this chart is day one is introduction and explanation of proceedings, which I think would be nice to sort of recap where you've been and how you got there.

CHAIRMAN CROSBY: Is that a public meeting?

MS. BLUE: Yes.

CHAIRMAN CROSBY: That won't take long. Is that like an hour long?

MS. BLUE: The thought would be the first day of a series of days would be an introduction of how the process worked and what you did. But then each Commissioner would make their presentation that day. And it's up to each Commissioner --

CHAIRMAN CROSBY: I'm sorry. This part of day one.

MS. PINCK: The first day one line
is you making an introduction. Then we have
each Commissioner presenting.

What we have, I think this is a very
important point that we need to discuss is in
what order do you want to present, make your
presentations.

COMMISSIONER ZUNIGA: Before we get
to that, my assumption when I was looking at
the three-day allotment was that the
presentation would take longer than a fifth of
a day.

I have enough material to go through
in terms of methodology, how we looked at
things, how we arrived at things that I think
would serve a great purpose to at least
highlight.

CHAIRMAN CROSBY: However,
Commissioner Cameron said she will bring her
weapon, bring her sidearm.

COMMISSIONER ZUNIGA: I'm concerned
that in the presentation, which eyeballing it
here could be limited to an hour or an hour
half once we take breaks.

MS. BLUE: It's not meant to be any
particular limit. We need a sense from you as how much time it is. If it needs to be longer than that, then we'll just schedule more days or more time.

MS. PINCK: We do have a footnote here because we knew this would be a topic. The timing really is subject to change depending on the length of the presentations and the deliberations. We need the feedback from you. I know my calendar, I've got Monday to Friday blocked. And I think you probably also have.

CHAIRMAN CROSBY: If we haven't, I think we have that whole week blocked.

MS. PINCK: And I do think it would be helpful for us because we will refine this and reissue it. If you could all let us know how long you think you might need whether it's an hour. Commissioner Cameron I think is probably briefer than -- who knows.

COMMISSIONER CAMERON: Just starting to put a PowerPoint together now. So, I can't answer that question yet, because I just have to figure out what detail is adequate. So,
it's hard to answer.

MS. PINCK: So, think about it and let us know. It really doesn't matter, I think, because we do have the whole week blocked off.

CHAIRMAN CROSBY: I'm pretty sure I won't need more than an hour or an hour and a half. I have no idea about the Wow because there's just not a lot of Wow in slots.

COMMISSIONER MCHUGH: That's what I was thinking about too. I thought about it personally from the standpoint of communicating. We've all got the stuff. Communicating a sufficiently detailed overview to show methodology, weight, consideration, value to groups of questions. But also we're talking to a wider audience. And short enough to allow them to follow particularly those who haven't been intimately involved in this.

Then take questions. That was the way I was thinking of structuring it. Not everybody has to do it the same. But the second audience, the people who are going to be really interested in this, the media, the
others, people who want to be able to engage in this process passively. But we want to make it short enough to get them I was thinking. You don't all have to have the same --

CHAIRMAN CROSBY: There's another side of the consideration, which is the transparency of the process. Having people hear what the discussion was about, because to the public and to the press, the stuff that precedes that presentation is going to be opaque. So, if we came up too short --

COMMISSIONER MCHUGH: I agree with you. It's trying to find a happy medium, right.

COMMISSIONER CAMERON: It is a happy medium. If you get into too much detail --

CHAIRMAN CROSBY: I don't want to delegate away to that task force effectively the decision-making.

COMMISSIONER MCHUGH: To what task force?

CHAIRMAN CROSBY: To each of our task forces, I don't want to --

COMMISSIONER CAMERON: Our
consultants that have assisted us?

    CHAIRMAN CROSBY: No, each of the
other Commissioners and their task forces, I
don't want to have no alternative but to
effectively rely on what somebody else says.

    COMMISSIONER MCHUGH: No, no. We're
not saying different things. We're emphasizing
different aspects of the same thing, I think.
I agree.

    MS. PINCK: As we move forward and
you get closer --

    COMMISSIONER ZUNIGA: I for one may
take longer than an hour.

    MS. PINCK: Just let us know.

That's fine.

    MS. BLUE: That's fine.

    COMMISSIONER ZUNIGA: There's a
particular section that I'm thinking about that
our consultants walked me through. And it took
me a while and that was necessary and I think
that was very important.

    CHAIRMAN CROSBY: And he went to
Yale Business School and it took him awhile,
imagine how I'll react.
COMMISSIONER ZUNIGA: This is only a fourth of my presentation but it's a market assessment. You get my point. I think it's important for the process as the Chair describes, but I know it's a balance because too much detail loses.

COMMISSIONER MCHUGH: It's not the same for everybody. Different subjects find themselves different balances.

MS. PINCK: Oaky. That would be great. We do have then order that's just on here. It's not meant to suggest we think it's the best order or the right order. So, do you want to give us some input on that?

COMMISSIONER CAMERON: I like and certainly Commissioner McHugh may think differently, but I like the idea of building and design and site design going first because we have a visual of what the three different projects look like. I always think that's a good place to start with a visual.

As far as economic development, to me it could be mitigation; it could be economic development next. Finance, those three are
probably -- We may have a preference but they
almost could be interchangeable. I think the
Wow is certainly to go last makes a lot of
sense. Or it's the overview now, the overview
of the project.

COMMISSIONER STEBBINS: I also like
the idea of starting with building and site
design. I think Commissioner McHugh said
conceptualizing what these facilities are going
to look like.

But because there is an element I
believe in building and site design that talks
about traffic, the other piece of traffic, the
other mitigation issues then follow
Commissioner Cameron as well as the host
community agreements, surrounding community
agreements, etc.

There's certainly -- And then as you
get into economic development there, I'm
considering discussion of pieces of host
community and surrounding community agreements
in my presentation especially as it relates to
jobs, it relates to local spending. So, that
might be the next natural progression.
And then how do we pay for it all goes to Commissioner Zuniga and then to the Chairman to kind of wrap it up.

COMMISSIONER CAMERON: That makes sense, good analysis.

COMMISSIONER ZUNIGA: I just need to say this. My consultants tell me that I should go first. That's their opinion. I'm indifferent about it, but it got me thinking as to really why is this? I think it boils down to a matter of opinion. I am really indifferent as to the order.

CHAIRMAN CROSBY: What was their logic?

COMMISSIONER ZUNIGA: Establishing the framework for the operations plan and the market, which is perhaps discrete, but very important to the public.

CHAIRMAN CROSBY: I don't think it really matters. I was going to say second. If I had to vote, I would say second. I like the physical orientation I think is helpful, I agree, but also I think finance I would have said as between the three I would have said
should be second because it is sort of the
underpinning and holds everything else up.

COMMISSIONER ZUNIGA: But I could
just as easily flip a coin.

COMMISSIONER CAMERON: We could go
mitigation and then we could go economic
development. That makes sense. We could do it
that way. I know I'm a visual learner. So, I
love to see the site and what those factors
are.

MS. PINCK: From what I know, I like
the idea of finance closer to the front because
I do think that the foundation for creating
jobs realistically and having the revenue that
they say or the net income or the financial
aspect does have a relationship.

So, if you're presenting on economic
development and the job numbers or it seems not
credible, we'd probably have to go back to
refer to Enrique's to substantiate it or not.
So, I think finance does make sense to go
second in that regard.

COMMISSIONER CAMERON: Does it
matter to you what order?
COMMISSIONER MCHUGH: I think that the visual piece is a framework piece. But if there were a sufficiently strong reason to do a nonvisual piece first that would be fine too. I too think visually and I think that people are going to orient themselves, a lot of the succeeding discussion, not all of it but a lot of it will refer to the visual, even some of the economic development stuff, I mean even some of the finance stuff.

COMMISSIONER ZUNIGA: That's what I was referring to. Maybe building and site design first, finance second.

MS. PINCK: I think so. That to me makes sense. And I think a visual orientation is a absolutely critical first off.

COMMISSIONER MCHUGH: Yes.

MS. PINCK: So, building and site first, finance second, then mitigation and economic development.

COMMISSIONER CAMERON: And then overview.

COMMISSIONER STEBBINS: In so many ways, it could go either way. I pick up a
piece of finance because part of my analysis is looking at five-year window. And some of that five-year employment and benefit window is all contingent on the market.

COMMISSIONER CAMERON: Commissioner, would you like to go third? I would have no problem.

COMMISSIONER STEBBINS: No, I think to follow host community and surrounding community discussion is helpful.

COMMISSIONER CAMERON: Okay.

COMMISSIONER ZUNIGA: We don't anticipate deliberation at the presentations during the questions? It could be very easy, I could imagine to get into deliberation, which would be fine because it's all public during the presentations in between.

MS. BLUE: I do anticipate a lot of back-and-forth in questions. I do. And you could certainly deliberate at that point too. You probably would want more time to deliberate once everyone has done their presentation as well. So, it could start as part of the presentations and it could continue onto
another day.

MR. DAY: It seems to me that's kind of a key question. After each Commissioner has reported, is the Commission going to then pause, debate the information that was received, come at least to its own preliminary rating at that point or hold that process and kind of wait until the end? I think it will definitely determine what amount of time that you will need for each of the days as to which direction.

CHAIRMAN CROSBY: I don't think we need a hard and fast rule on this. I think we'll sort of go with the flow. I agree with you, whoever said it, I think it's sort of natural that you'll sit there and say I don't understand that. Let's talk about that.

Maybe the second bullet point under each of day ones ought to be questions from Commissioners and discussion. It's open-ended. If we feel like really getting into it then we can. And if we have had enough and wait until we roll it up that's fine too.

COMMISSIONER MCHUGH: I agree with
that. I think we ought to let this be organic.

But it seems to me that, maybe I'm getting ahead of myself, but the hardest question isn't on here. And for me the hardest question has always been when we get to the end, how do we get to the end?

We have day one, day two, day three are full in vigorous discussions. We either see a consensus emerging or we don't see a consensus emerging. I suspect we will. We've come to a consensus on most other things.

So, let's say hypothetically on Wednesday we are coalescing around a result. Do we take a vote then and announce the result right then and there with findings to follow? It's really the association of the findings with the result that I've never satisfied myself about.

Or do we stop sensing that we're about to make the final vote and have some findings drafted. And then reconvene a day later and have the findings accompany the vote? I don't see how we can do that.

CHAIRMAN CROSBY: What do you
envision, anybody, the findings looking like at this point?

COMMISSIONER MCHUGH: I envision the findings being a compendium of the stuff that comes out of this. Not word for word, but an aggregation of the things that come out of that. We have to make findings with respect to the ones we don't award.

MS. BLUE: That's correct.

COMMISSIONER MCHUGH: On request?

MS. BLUE: It is upon request.

COMMISSIONER MCHUGH: Upon request we have to make findings.

CHAIRMAN CROSBY: So, we don't have to make findings for the one we select?

MS. BLUE: That's true. I think the Commission may decide they are more comfortable making findings for the award, the person who gets the award. This leads us to the question about the form of the decision that we've had some conversation about and we have some comments coming in from different sources.

COMMISSIONER ZUNIGA: The finance team, we have a lot of preliminary finding
bullets. Back to the compendium notion, that may or may not be the final form but a lot of the groundwork has already happened. It's already ongoing.

COMMISSIONER MCHUGH: So do we in building and site design. The raw material, you can put together the findings in a day from the stuff if everybody had something along the same lines.

But the question remains do we want to do that or do we just want to announce the result, wait for requests from people who didn't get the award for findings and not make any findings with respect to the winner?

COMMISSIONER ZUNIGA: I think we have findings for each one of the categories, the criteria for each one of the applicants.

COMMISSIONER MCHUGH: So, do we.

COMMISSIONER ZUNIGA: So, they would be available right there.

COMMISSIONER CAMERON: But that may not be --

CHAIRMAN CROSBY: -- where we end up.
COMMISSIONER CAMERON: Right. So,

having a finding which explains what we thought
the most important factors were in making the
decision I think would be helpful.

COMMISSIONER MCHUGH: Yes.

CHAIRMAN CROSBY: I don't have a

strong feeling on this. I do have a pretty

strong feeling that we should not hold up the

process. That somehow if there is a published

report of some sort, findings whatever you call

it that it should be clear that that's sort of

for the record.

The decision and the purpose of the
decision is in the discussion. It's going to

be on tape for everybody to see. We'll never

be able to do a better job of hashing through

the issues than we will have been doing on
tape. I don't want to lose the timing.

If we come a decision on that

Wednesday or that Thursday or that Friday, I

don't want to wait a day or two to draft

something up because a lot happens when we take

that vote. That triggers the award. That

triggers a whole lot of things, not least of
all the money.

So, if we do it, I'd like to have it be sort of be an ex-post facto wrap up.

COMMISSIONER MCHUGH: Were you going to shift another topic?

CHAIRMAN CROSBY: I was going to be disinclined -- So, I think ex-post facto is point one. And sort of a report rather than a part of the decision.

Then I was about to say as to whether we do one or not, I'm kind of disinclined because the video and the transcript, if somebody wants to know why we decided, it's right there. They can look at it.

If we try to synthesize it, we will be making value judgments after the fact about what was most important, how much did it weigh. Were we trying to put it into a five-page paper as opposed to the hours of conversation that we had.

COMMISSIONER STEBBINS: There's somewhat of a difference in that in what we're required to issue under section 18.
MS. BLUE: There are findings we need to make and consider. Then there is the what we do when issue the award. So, when we talked about the form of the decision, we talked about separating out the findings. Then we talked about the actual award being something different.

The question is more about timing as to how we do it. The legal department is prepared to do findings in all situations if the Commission so desires. It's kind of how you want to do to the timing.

COMMISSIONER MCHUGH: Can I come back to that, Commissioner, because it says in section 18 in determining whether an applicant shall receive a gaming license, the Commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives.

So, we've got to issue some kind --

CHAIRMAN CROSBY: Read that one more time, just read it again.

COMMISSIONER MCHUGH: In determining whether an applicant shall receive a gaming
license, the Commission shall evaluate and
issue a statement of findings of how each
applicant proposes to advance the following
objectives and then follow 18 statutory
objectives.

CHAIRMAN CROSBY: That doesn't say
how you weighted them or how you decided them
that just says how they propose to do it,
right?

COMMISSIONER MCHUGH: That's right.
And it seems to me the Pennsylvania model, and
we've gotten a number of decisions from
Pennsylvania in a competitive environment in
which they ran through the whole list of
criteria and simply stated what it was that
they found about the approach of the different
applicants to the various criteria. And then
one conclusory paragraph at the end.

That's the kind of thing that I had
in mind, not going back and saying we weighted
this this way and weighted that that way. But
here's a list and that's why I thought these
things could be rolled up in effect with some
tailoring and tinkering into a master set of
findings that would satisfy 18, talk about
evaluation, have the concluding paragraph and
that's what we have.

CHAIRMAN CROSBY: I like that. When
would you do that?

COMMISSIONER MCHUGH: That's the
question. I think we could do that after we
made the award. My question for myself was do
we do that after we make the award or do we
make the award and have that ready to issue as
we make the award? It seems to me from our
discussion here that it could follow making the
award by a day or so.

CHAIRMAN CROSBY: Right. That makes
sense to me. We make the award as soon as we
get ourselves to a vote and we should talk
about that too. And that's it. That is the
award. We've already said that triggers the
time, the clock. And we get the report done,
the finding/report done as quickly as possible
thereafter pursuant to that section and
fundamentally built on these binders.

COMMISSIONER MCHUGH: Right.

COMMISSIONER CAMERON: So, would the
findings contain the responses or our
evaluation for all three of the applicants? Or
just the winning applicant and there would be a
separate --

CHAIRMAN CROSBY: It has to be all
three.

COMMISSIONER MCHUGH: All three.

COMMISSIONER STEBBINS: It could be
attached as an appendix to our findings.

COMMISSIONER MCHUGH: This says a
statement of findings of how each applicant
proposes to advance. We've got to do that for
these 18 anyway. And I don't see why we
shouldn't do it for everything that we've got
here and maybe use page three of this thing.
Actually, I don't want to use page three. Can
everybody not use page three, please. Just
don't use it.

MS. PINCK: No real content in
there.

COMMISSIONER MCHUGH: Yes, I
understand. But the third page of this thing
will be a synopsis of criteria and there will
be a one paragraph comparative thing across all
three applicants in a little narrative form.
That's the proposal. And that can be the basis
for these findings.

CHAIRMAN CROSBY: That would be the
rating for everybody with a little narrative.

COMMISSIONER MCHUGH: Yes, but
there's a narrative. We could use the
narrative as the basis for findings.

MS. BLUE: I think you would get
there organically by doing it that way. And we
would have what we needed to have findings both
for the criteria in 18 and any other findings
we needed to make. So, that would work.

COMMISSIONER CAMERON: But our
findings would take into consideration the fact
that we thought some pieces were more important
than others, right? That would just give us a
boom, boom, boom, boom without any
particular --

COMMISSIONER MCHUGH: But there
would be in each of these when they are
finished there'd be groupings that would give
value judgments. And that could be
incorporated as well.
Out of this will be the raw materials. It wouldn't be just be a cut-and-paste job. You'd have to polish it and buff it a bit. But out of this would come fairly quickly the findings with respect to each criterion for each applicant.

COMMISSIONER CAMERON: So, our conclusion piece would be the piece where we determine what the most important issues were that helped us make a decision.

COMMISSIONER MCHUGH: Right. That's right. We could do that or we could just say based on all of the above and our deliberations and evaluation, we’ve concluded that X gets the thing, gets the license with having earlier on set out how we weighed and evaluated things and then listed the findings in light of the evaluation and weighting.

COMMISSIONER CAMERON: As long as we have it in there somewhere.

COMMISSIONER MCHUGH: It would have to be.

MS. BLUE: We would. We could take some of these documents and have them attached
as appendix. And then we would have a narrative that explained how you got there, what your deliberations arrived at. And this is the raw material that’s attached to it. We can get that in there.

CHAIRMAN CROSBY: As long as it comes after the award and I think we can work on that a little bit. And as with the others, we'll look at it, we’ll think about it and see drafts and then have a better idea when we get to the casinos too.

COMMISSIONER MCHUGH: Could I raise then, before we begin to coalesce around that the only other thing that I was thinking about that I don't know how we want to handle and that is there are going to be general license conditions. We have them out for comment now. We'll get comments back. We'll coalesce around them. We'll get some statement general license conditions. What do we do about the specifics license conditions?

And I suppose when we make the final judgment verbally we can say on the condition that A, B, C, D, and run through them. That
will emerge I think from the discussions that we'll have before that.

But how do we evaluate whether the applicant is willing to accept all of those conditions? Or do we just say these are the conditions and if you're not willing to accept them, we'll move onto number two? It won't come out to that, but what do we about that?

CHAIRMAN CROSBY: So, you're saying we pick applicant A. And we say to applicant A -- give me a couple of examples of conditions.

COMMISSIONER MCHUGH: Applicant A, you have promised to hire 15 percent of your workforce within a 20-mile radius, we wanted 60 percent. You have committed to a spending plan for business development of $2 million a year, we want $7 million a year. These are wild hypotheticals. Not the kind of thing we're going to do. But supposed we do two or three of those.

CHAIRMAN CROSBY: So, we agree on the conditions. We vote and we choose applicant A. Then we go to applicant A and say congratulations. And they say forget about it,
we're not going to 60 percent.

COMMISSIONER MCHUGH: Right.

CHAIRMAN CROSBY: Then what do we do

is your question, right?

COMMISSIONER MCHUGH: That's right.

Or do we have some mechanism, and I don't see

how we can do this, saying to applicant A

beforehand what would you do if -- You can't do

it.

CHAIRMAN CROSBY: Or can you?

COMMISSIONER MCHUGH: As a practical

matter.

CHAIRMAN CROSBY: Take the lesser of

those two. If you wanted to up the percentage

of local hires and we knew we were going to go

with A, so if we went to them and they said no,

then we'd have to come back.

COMMISSIONER MCHUGH: We wouldn't

know we were going to go to A until we all

decided we were going to go to A. And we would have

to do that in the public setting.

COMMISSIONER ZUNIGA: It occurs to

me that although I know these are

hypotheticals, something tells me that if we
set a condition that was not what they proposed, there is a ripple effect to that. There may be an answer that an applicant could come back and say I would love to hire 40 percent but there is a reason why. There's other commitments we've made. It affects my financials in this other way.

CHAIRMAN CROSBY: That's Jim's point. How do we deal with it if they don't agree?

COMMISSIONER ZUNIGA: Okay.

CHAIRMAN CROSBY: If you need to negotiate and do some trade-offs, how do we deal with that? Do we make the vote? Do we say yes if they don't accept it because they can't accept the condition then we have to come back and vote again, I guess.

COMMISSIONER ZUNIGA: It all depends on what the condition is, I guess. If it's something that's really an arbitrary and I'm sure we will not come up with something like that.

COMMISSIONER MCHUGH: Even if it isn't arbitrary, Enrique, maybe your example of
the ripple effect is really a good one.

We say we want you to commit to
hiring 40 percent instead of 15 percent. And
their response is we’re not going to do that
and we're not going to do that because we need
to get this thing up and running to meet our
revenue plans. Therefore, we need 85 percent
of skilled labor to import from elsewhere so we
can get the thing on the road. Otherwise, all
of our financial projections fall apart.

CHAIRMAN CROSBY: Get postponed by
six months.

COMMISSIONER MCHUGH: Gets postponed
by six months and we'll never catch up and
we've got creditors and other things. So, we
weren't arbitrary and the response isn't
arbitrary. But how do you deal with it?

COMMISSIONER ZUNIGA: I would submit
to you that at that juncture we might go oh, we
better rethink this condition that we just set.

CHAIRMAN CROSBY: Is this after we
made the award?

COMMISSIONER ZUNIGA: Right. Just
following the same example, if hiring 50
percent as opposed to 15 puts in jeopardy the
construction plan and the revenue plan then
maybe I don't want to impose that condition.

CHAIRMAN CROSBY: We're just talking
about process here. We have a condition. It's
go to 40 not 15. We all agree. We vote. We
pick applicant A. Now we go to applicant A and
applicant A says sorry, I can't go to 40 or if
I do go to 40, I have to change my revenue
projections.

So, what do we do? We have to have
a new meeting. We have to decide whether to
rescind that condition. Whether we let them
change the thing or whether we throw them out
and go to somebody else.

COMMISSIONER CAMERON: Does our
General Counsel have something to say about
this?

MS. BLUE: We were looking at the
regs., the Executive Director and I, if we're
looking at 118.06 and it talks about the
Commission issuing an award. So, the choices
are grant the application with appropriate
conditions, deny the application or, and then
the third section is, extend the period for
issuing a decision in order to obtain
additional information deemed necessary by the
Commission for a complete evaluation of the
application provided however the extension
shall be no longer than 30 days.

So, maybe you could --

COMMISSIONER STEBBINS: Does that lend itself to a negotiation period?

MS. BLUE: It would lend itself potentially to sort of a provisional kind of license potentially where you have -- you're not issuing your final decision for 30 days. And perhaps you would have the conversations there.

We didn't address specifically what you're talking about in the regs.

COMMISSIONER ZUNIGA: I just thought of this example, which may guide the discussion. A very easy condition to set up is that they open when they promise a year from now or whenever, 18 months from now. That's one of the conditions.

Somewhere along the way, maybe six
months from now after any number of things that
can go wrong in a construction and design and
permitting process they come back and say it
looks like it's going to be a little later.

In anticipation of that, they would
have to come back and say we were always hoping
to meet that condition and our plan but now
things have developed that we bring before you.

And then we will look at it and we
will talk about it in the public and we will
issue a waiver or not. But we cannot
anticipate all of those eventualities that may
happen.

CHAIRMAN CROSBY: Go ahead, Bruce.

COMMISSIONER STEBBINS: I mean we're
really drawing fine lines, but we're going to
have conditions which are consistent which are
consistent regardless of who gets the license.
We are going to have additional conditions that
we're going to add that are going to be project
specific.

So, if we simply move at the end of
our evaluation, the end of our discussion
again, ideally one applicant rises to the top,
we make a motion to offer the license subject
to acceptance of all of the license conditions.
And then have them come back before us.
Whoever the person we want to award the license
to says one through five, I agree with. Six I
have a problem with or whatever, then we
negotiate. And if at some point we get to an
end where we don't want to let them off the
hook on a condition, we've only awarded it on a
conditional basis. And we step back.

I think Commissioner Zuniga's point
is fine. At various stages, we will get to
points that they may not be able to meet
license conditions. My hope is that it would
be more of a partnership to try to help them
resolve any of those obstacles that they run
into.

Getting back to the original point
of award the license subject to a willingness
of the licensee to accept all of the
conditions. And come back before us if there's
one or two that you don't agree with and we try
to hash those out.

It's not necessarily an award of a
license. It's a motion to conditionally award
a license subject to agreement on the
prescribed conditions.

CHAIRMAN CROSBY: Within the limits
of this reg. we have we could say okay, we all
decided we want to give it to applicant A if
they’ll do such and such. I think probably
within that reg. we could suspend or stop and
delegate somebody to go speak to applicant A
and say are you willing to do such and such.
It could be right outside the room for five
minutes or it could be the next day. Then we
would find out whether applicant A will do such
and such. We then reconvene and decide to
accept them or not.

That's a little bit different in
form. I'm not sure it's different in substance
from the conditional -- I think it is different
from the conditional license, because the
effort would be -- I mean, I hope we are
talking about something which is pretty largely
hypothetical.

COMMISSIONER MCHUGH: I do too, but
I'd rather talk about it now.
CHAIRMAN CROSBY: But we do have to deal with it, right. We want to expedite this process. And we're particularly concerned about the deadline for the Category 1s. So, I think the idea of being able to suspend our conversation, go to the presumed winner and say we're going to pick you assuming you can do such and such. Then the delegation comes back and reports to the Commission and we do whatever we do. Does that work?

COMMISSIONER MCHUGH: I think that's probably the best way do it. And give 24 hours because we're on a tight leash. And then when we get the report back, then the next motion is we move to grant the license to X.

CHAIRMAN CROSBY: There has to be a line between negotiating a best and final with somebody and everybody else didn't get a chance to negotiate a best and final. So, it's a careful line to walk.

Because we have to say we prefer applicant A, period. But want them to do one or two things. And if they do the one or two things and there is no one or two things that
could make applicant B become applicant number one, but it's a tricky line.

COMMISSIONER CAMERON: They may have different things.

CHAIRMAN CROSBY: Well, they may have different things, but we're not doing that. So, it's a tight line to walk, I think.

COMMISSIONER MCHUGH: I think it is. But I think it's inevitable that we're going to have to do it. I think you put your finger on it. We've really got to be convinced this is the one we want. This is not a final negotiation thing. And we can't come up with 17 things that we want them to change and go see if they'll change them.

We really have to take this essentially as it is presented to us on their terms. And if there is just something that has to be addressed that's it.

CHAIRMAN CROSBY: Can I add something? We talk about it amongst ourselves. You may make a point, that's too much of a condition. They didn't put that on the table.

We can't give them the chance to enhance their
COMMISSIONER MCHUGH: Right.

COMMISSIONER ZUNIGA: Since we are on this point, assume that we like applicant A on however many attributes that puts them at the top, but there's one thing about applicant B that we really like. That if we take that one thing and impose it on applicant A as one of the conditions under the notion that if they were able to do this, they should be able to do this too. We would be treading very close to your point which is this best and final. So, it all depends on what condition we are talking about.

COMMISSIONER MCHUGH: Exactly.

CHAIRMAN CROSBY: And I think we would have a conversation just like this. We'd be saying is it legitimate for us to put that kind of a condition on here? Does it create an uneven playing field for other people? Is it too material?

COMMISSIONER ZUNIGA: Because applicant B may have been in a position likely to have trade-offs to have a choice. We did
what you like because we didn't do the other
things.

COMMISSIONER CAMERON: If you had
something for that point, I had one other point
that's somewhat related.

COMMISSIONER MCHUGH: I was just
going to say, it seems to me that this is a
hypothetical thing. We're probably not going
to come to it, but we need to discuss it now.
And that most of the special conditions that we
impose on the licensee as opposed to the
general conditions are going to be things we
extract from their application and say you
committed to doing this and it's a condition of
the license if you do it. I think that's where
the bulk of it is going to come from.

COMMISSIONER CAMERON: And I don't
think we've talked about that applicant that is
awarded a license, has given us they're going
to do this, this, this and this and then they
don't deliver how we handle that. That's
another discussion, right?

CHAIRMAN CROSBY: This is like a
hypothetical. That's post license.
COMMISSIONER CAMERON: When would be the appropriate time to talk? For example, your example of one of the reasons we gave that license is they could get it up and running in 18 months. And everybody else is two and a half years. Obviously, these are all hypothetical. And then they're just not meeting that deadline. I keep getting back to Singapore that has significant fines in place for not meeting the conditions of the award.

COMMISSIONER ZUNIGA: The statute is very specific about being late one year carries a very significant penalty.

COMMISSIONER CAMERON: One year.

COMMISSIONER ZUNIGA: That's a long time. And a lot of things happen before just by looking at the schedule of progress.

COMMISSIONER CAMERON: I guess time is one to be specific, but other conditions.

COMMISSIONER ZUNIGA: But other conditions, I suppose we have the ability to first ask for a corrective measure or a corrective plan, impose penalties.

MS. BLUE: That could also be part
of your specific conditions to that project.

So, I envision reporting requirements they may be unique to the particular applicant. So, that every three months they're in and this is the kind of report they have to provide to you and they have to show their compliance. That is my idea of what a very specific condition may be.

So, you're getting regular updates and understanding where they are and what they're doing. And if they can meet the condition then talking about some kind of corrective action or some change to the plan.

MR. DAY: We've actually envisioned a process of obtaining resources to monitor those projects instead of wait for the applicant.

So, we'll physically be going out to follow up. And that follow-up will include the progress on the surrounding agreements, their surrounding community agreements or financial or construction schedule, all of those kind of things would be part of that process. Rather than wait for the applicant, we anticipate
going ahead and monitoring

COMMISSIONER STEBBINS: I want to
again, go back to the question or thought or
idea around specific conditions. Because you
have it laid out in our presentations. We have
a general discussion and debate of under
economic development I think for applicant A, I
would suggest these specific conditions.

We obviously debate -- I would
assume we debate those at that time to see
whether my four colleagues I’m all wet or they
think I actually came up with a good idea. So,
that by the time we do get to a license
condition, it's not just throwing everything
into the kitchen sink. It is a defined number
of criteria -- not criteria, specific
conditions that we all agree upon so we're not
doing it at that late stage of the deliberative
process.

MS. BLUE: We will be discussing
them throughout the deliberations, yes.

MS. PINCK: I think the teams are
having these kinds of conversations so that
you’ve given this some thought certainly before
the presentation, which is well if we awarded it to this applicant these are the kinds of conditions that would be absolutely fundamental to award of the license. So, you are bringing those individually to the table.

COMMISSIONER STEBBINS: And I'm assuming at the end of the day, we will wind up with more generally accepted conditions of whoever gets the license versus maybe a smaller number of project specific conditions. I would expect that's the outcome.

COMMISSIONER MCUGH: Right.

CHAIRMAN CROSBY: So, we figured out the process for conditions pretty well. When we get down to the last part here, final deliberations and vote, I would think we would try to do what we generally try to do which is try to get to a unanimous view if we can.

But if it's clear that we're not, is there any issue with having a split vote? If it's pretty clear that three of us favor one and two of us favor another, it's just a matter of a difference of opinion. Is there any issue with having a three to two vote?
COMMISSIONER ZUNIGA: I don't think there is one. The statute is very clear about a majority of the Commission vote makes a decision. The only issue in that but we would have to resolve this of course by deliberating more is if there was two, two and one.

CHAIRMAN CROSBY: That's clear, right.

COMMISSIONER ZUNIGA: That is really the only one and then go back to more deliberation to entice the majority.

COMMISSIONER CAMERON: To convince that one.

COMMISSIONER STEBBINS: That's when Commissioner Cameron brings her sidearm.

COMMISSIONER MCHUGH: Obviously, three to two wins, but we've always tried to reach consensus. And it seems to me we really ought to try to reach a consensus here. It may be impossible. And you've always used good judgment and will continue to use good judgment about when to call for the vote. And it may be that we get to the end of day three and we're split three to two or even four to one. We
could take a vote, but let's take the night off
and come back.

CHAIRMAN CROSBY: I think that's
when we all go have a drink.

COMMISSIONER MCHUGH: That may be.

CHAIRMAN CROSBY: That makes sense
to me. Anything else in the discussion about
how we do this? This is the last week of
February, folks, get ready.

COMMISSIONER CAMERON: We will work
on our binders.

I have one more questions. Does
everybody intend to use a PowerPoint to
illustrate the work done by that individual
Commissioner?

COMMISSIONER STEBBINS: I had
planned to.

COMMISSIONER CAMERON: I did as
well.

COMMISSIONER MCHUGH: I did as well.

COMMISSIONER ZUNIGA: Yes.

CHAIRMAN CROSBY: Mine is really
pretty modest. So, I don't know. I hadn't
really thought about it.
COMMISSIONER CAMERON: You may just take the microphone in the front of the room?

CHAIRMAN CROSBY: Right. I don't know. I hadn't thought about it yet.

Is this sentence okay, Catherine, this report provides a summary of the review by the building and site design group? We want to be clear. That's in the middle underneath all of the bullet points. We want to make clear that the group isn't making any decisions, right -- didn't make any decisions. Is that worded okay to not be fuzzy on that point?

MS. BLUE: We can clarify this to make it clearer that what the group does is provide assistance to the Commissioner in making their decision. That is the purpose of the group. So, we can work on that sentence.

CHAIRMAN CROSBY: Page two, provides an overall rating for each applicant in the entire category.

COMMISSIONER MCHUGH: I'm sorry. You're still on page one?

CHAIRMAN CROSBY: This is going to be an important document.
COMMISSIONER MCHUGH: Right.

CHAIRMAN CROSBY: We're not going to do page three like this?

COMMISSIONER MCHUGH: We're not going to use page two and three of this document at this meeting.

CHAIRMAN CROSBY: At this meeting?

COMMISSIONER MCHUGH: That's right. It's just page two and page three are not part of what the meeting materials are today. But page one is open for questions.

CHAIRMAN CROSBY: Except as it refers to page two and three.

COMMISSIONER MCHUGH: Yes, which are not part of the meeting materials.

CHAIRMAN CROSBY: All right. Got it. Okay, I'm done. Anything else on this? Anything else about the process, the schedule? We really nailed the schedule down finally, assuming we can deliberate within a five-day period, we should have a decision by the 28th, last day of the month.

MS. BLUE: Yes.

CHAIRMAN CROSBY: Great, we picked
COMMISSIONER MCHUGH: It's very exciting.

CHAIRMAN CROSBY: Director Driscoll, we picked up a week. Next agenda item is the $600 issue next.

MR. DAY: That is next, Mr. Chairman I think Catherine is going to summarize that for you.

MS. BLUE: I think, Mr. Chairman, you have the materials that are in the package regarding that issue. We, the legal department, has contributed to that package. And we in fact drafted some proposed language that is in the Chairman's memo.

CHAIRMAN CROSBY: You guys were great. Todd and Artem both and Catherine, all three played a huge hand in this. I don't know whether I need to sort of go through this again.

Basically, everybody has taken this statute to say that you're going to have to pay withholding taxes on any winning of $600 or more. We're not sure that's actually is what
it says but that is the assumption everybody's been operating under.

I think it was right when this first came up, I certainly reacted when Jennifer first brought it up, my reaction was oh, yeah, these people just don't want to pay their taxes. I at least and I think Jim and it sounds like Commissioner Cameron too, we were predisposed in favor of the law at first.

But having looked into it, it seems to me that this is not just an industry whine. That it generally is a substantive problem given the standards that have been established in essentially the rest of the United States virtually without exception.

And that under those circumstances, it really would be incumbent upon us to bring Massachusetts reporting/withholding in line with the rest of the industry and address, I recommend that we address the offset issue too. To me that's only fair. That's not necessarily the industry standard is quite as much as the $600 threshold.

And that we propose this. I don't
I have the competence to approve or disapprove of the draft legislation, but it's probably pretty close. And that we propose this to the Legislature.

I have previewed it with them pretty much. The House actually wanted me -- authorized me to say that the House never liked the $600 anyway. And they would be very open to this idea as I think at least some members of the Senate will be as well.

There is this issue about the lottery. And I tried to make the distinction. There's clearly just a totally different business proposition that doesn't impinge on the lottery's operations at all to have the requirement the way that it is. And there are other states that have the difference that we would have if the lottery stayed at $600. I imagine the Legislature would want the lottery to stay at $600.

So, that's the bottom line. Does anybody have any questions or thoughts or issues? And the other thing was Commissioner McHugh raised the issue about is there a
technological fix here, which sounds kind of appealing on the face it. And you could do some things, but as a practical matter, the big enchilada is you have to identify, you have to verify who the person is. But you also have to give the W-2 and you have to take the money.

So, there appears to not be not any feasible way within today's technology to do that.

COMMISSIONER MCHUGH: I just had -- And I'm sorry I didn't read this earlier. But that was my one substantive question. You have to do that under the federal statute. You have to get the taxpayer's identity and the player needs to be given a W-2G.

But literally our statute simply requires a deduction on payment. The Treasury has issued some letter, they haven't issued regulations, but they have issued some letter in which they've outlined some advisory bulletin. I've forgotten what the technical term is for those things. But we saw that earlier.

MS. BLUE: The TIR we looked at, yes.
COMMISSIONER MCHUGH: Yes, and they've described in there what you have to do -- the fact that you have to take the 600 bucks out, but I don't think they said in there that you had to fill out the forms.

I was just wondering why you couldn't treat under the state statute not the federal statute the five percent on $600 as you would a sales-tax? You just take it out?

CHAIRMAN CROSBY: Well, you have to assign it to a person.

COMMISSIONER MCHUGH: Why?

COMMISSIONER ZUNIGA: The person that comes to the machine comes with cash more often than not. And it's hard to identify the person.

COMMISSIONER MCHUGH: Absolutely. I guess my question is you go into a store or buy a watch for 800 bucks. A sales tax is added onto that. You pay the sales tax and out you go. It's not deducted from the $700. It's an add-on. Here's it's a deduction from the $600 that you win. The statute says you pay the tax. Why do you have to know who the taxpayer
is?

MS. BLUE: I think part of it is in 62B, it talks about treating this as if it was wages paid to an employee.

COMMISSIONER MCHUGH: Okay. That’s the answer.

MS. BLUE: So, I think in that -- And our understanding from DOR is that it all goes into one account just like withholdings from employees.

COMMISSIONER MCHUGH: It all goes into one account.

MS. BLUE: Like withholding from wages, yes.

COMMISSIONER ZUNIGA: They need to have the Social Security.

COMMISSIONER MCHUGH: So, you report the $600 as income and you report the tax that you already paid on it and get credit for it?

MS. BLUE: Yes, that’s my understanding.

COMMISSIONER MCHUGH: But it might kick you into a higher bracket or something.

Well, no, not with state taxes.
CHAIRMAN CROSBY: Or you might get it back.

COMMISSIONER MCHUGH: Fair enough.

CHAIRMAN CROSBY: Any other issues or thoughts.

COMMISSIONER ZUNIGA: I think for the discussion, one example that I saw in Maryland was in my view very much a good illustration.

As I mentioned, I've been in favor of recommending this fix. I don't think it is a matter of people not paying their taxes. The Commonwealth stands to gain so much more on the gaming revenues, on the 49 percent that gets collected if the player continues to play that the model of the casino is the longer the player plays, the more assured we are that they will pay the 49 percent on gaming revenues.

That's the laws of the mathematics that are behind these games. The odds are slightly stacked against the player. We happen to be the house in this case. So, focusing on five percent is literally nickeling the player and putting at risk the 49 percent that we
collect when the player returns any payout back
to the machine.

CHAIRMAN CROSBY: Which is the point
of the HLT assessment.

COMMISSIONER ZUNIGA: Yes, which is
the point of the assessment. But it's also
very much this high-end play that we hurt the
most or we have the potential to hurt the most
which is an important part of the equation
here.

The Pareto principle of the 80-20 is
very much true in the casino. Our consultants
tell us that a very small percentage of players
represent a very large portion of the profits.
And that's what's at risk with this
withholding.

That's what I keep saying that this
is a competitive topic. That when compared to
other options that players may have in nearby
states, this could end up hurting the maximum
goal of getting a robust gaming market here.

But the Maryland example that I
wanted to mention on our visits, they showed us
when we were walking on the casino floor that
they are ready to put in two machines with a
$500 minimum for a spin. It almost sounds
unfathomable.

COMMISSIONER MCHUGH: Almost?

COMMISSIONER ZUNIGA: The question
is who plays these $500 a spin?

CHAIRMAN CROSBY: Bill Gates.

COMMISSIONER ZUNIGA: And the answer
is the casino knows exactly who they are
because those people are the ones asking for
those higher minimums. So, they figured out
that there is a market in and around Baltimore
and Washington to put in a 5000-machine
operation two machines with those minimums.

In our case, if just repaying one
spin would essentially generate this whole tax
and withholding business that we're talking
about. In my view effectively eliminating the
possibility of those kinds of machines and
therefore eliminating the possibility of
capturing those high-end players. There's no
reason to think that we are that much different
from Maryland in the ability to attract players
of that caliber to our operations here.
COMMISSIONER MCHUGH:  But a payout on a $500 bet is going to exceed the $1200 minimum right, in all likelihood?  The only way to deal with that is to put the IRS agent at a chair right next to the machine.

COMMISSIONER ZUNIGA:  That's my point. But there's a difference between 200 and 1200.

COMMISSIONER MCHUGH:  I got it.

CHAIRMAN CROSBY:  We're all on the same page on this. You're just adding fuel to the fire. You're with it, right. I think we should vote on this. But there are a bunch of other issues that a number of the bidders have raised. Some of them directly related to this such as checking for deadbeat dads, checking for unpaid taxes.

I haven't taken the time and I sort of considered this in my bailiwick, but I haven't had time yet to think about this. A lot of those other issues that have been raised particularly by the casino operators in various mechanisms, but in particularly in answer to question nine, I think there's probably ways we
can work our way through it with regs. We
don't need a legal change. We might need a
legal change on some of these other things.
But I just haven't had time to pursue it.

Before I leave, I may talk with you
to pass some of these things out to some of the
staff to do some work on this while I'm gone.
But I think it's important enough that this --
This is the big enchilada. This is the one
that some of the casino operators really think
might be a showstopper.

We're not in a huge rush because
they're not going to start the machines going
anytime soon. But I think we should get this
into the hands of the Legislature soon. I did
call everybody, the key players and tell them
that we were going to be voting on this today
and my guess is it would pass.

Maybe somebody would move to
authorize me to turn this into a memorandum to
elected folks. Vote on this and then authorize
us to send it to the Legislature.

COMMISSIONER ZUNIGA: I'd be happy
to do that, Mr. Chair. I move that we
authorize the Chair to present all of the
materials and arguments relative to the topic
of a $600 withholding to the Legislature and
present recommendations for legislative action.

CHAIRMAN CROSBY: For adopting the
federal standards -- threshold.

COMMISSIONER STEBBINS: Threshold
not withholding.

COMMISSIONER ZUNIGA: Right, the
$600 withholding and reporting threshold.

COMMISSIONER MCHUGH: And adopting
the federal.

COMMISSIONER ZUNIGA: And recommend
that we adopt the federal standards.

COMMISSIONER STEBBINS: Second.

CHAIRMAN CROSBY: Any more
discussion? Okay. Thank you. All in favor,
aye.

COMMISSIONER MCHUGH: Aye.

COMMISSIONER CAMERON: Aye.

COMMISSIONER ZUNIGA: Aye.

COMMISSIONER STEBBINS: Aye.

CHAIRMAN CROSBY: Opposed? The ayes
have it unanimously.
COMMISSIONER MCHUGH: So, we need to get a response to those other things or at least consider them.

CHAIRMAN CROSBY: Yes. There's a bunch of them and some of are nontrivial but I think we get this going.

COMMISSIONER MCHUGH: This is done. But I just don't want to lose sight of the importance of doing the rest of them.

CHAIRMAN CROSBY: No. I'll make sure that it gets underway before I leave.

Okay. Director Day, last issue is the discussion possibly of the repeal. Is there anything else?

MR. DAY: That is it.

COMMISSIONER MCHUGH: There's no dates involved in anything.

CHAIRMAN CROSBY: Correct. Basically, there’s a sense that this is an issue. It is clearly being kicked around as an issue. It's being talked about. The Legislature is going to bringing it up at some point in the next few weeks. We will be asked to comment.
At the moment, our law is the award happens. You pay your money within 30 days. That at the moment is firm. We may want to think about it or we may not want to think about it.

We may want to -- Some of us think that it's not an illegitimate concern about plunking down $85 million. The nonrefundable part is something that the Legislature could fix relatively simply if they saw fit to. That might give comfort to operators.

There may be other ways we could deal with this if the repeal does go forward and if bidders have concerns about it. I think staff has already done some work on this. We ought to continue to do that because it is something we're going to have to come up with a solution to one way or the other.

I think Commissioner McHugh will be testifying if and when the Legislature has hearings on this since I won't be here.
yes. But I think it's important that we get ourselves just thinking about this. Enough people are talking about it that it's important that people know we hear about it and we're going to start to think about it as well. That was it for me. Do you have other?

COMMISSIONER MCHUGH: No. I was going to say that it seems to me that just taking a broad look at things that suggesting to the Legislature that we work with them if this ever were to pass on providing some kind of a refund mechanism or otherwise would be the appropriate course.

And that not putting it simply in their lap, but that we would be prepared to work with them and make proposals and the like would be an appropriate response at this moment and not take a position one way or the other on the substantive proposition.

We've got a lot of credibility with all kinds of groups for playing things straight down the middle. And we're an implementation group and not a policy making group at that level. That it seems the general contours of
the position we ought to take.

CHAIRMAN CROSBY: Two points of clarification, go-ahead.

COMMISSIONER CAMERON: You may be going to clarify, I think your point was very well taken that we're aware. We know it's being talked about. And your point that our bidders -- our applicants rather may or may not have similar concerns. And certainly they would be legitimate concerns. And that that will not be part of our evaluation process. I think it is important to note it's a separate matter. And our evaluation process, as we just spoke about extensively, will be done based on the facts and information.

CHAIRMAN CROSBY: And you're saying where a company comes down on whether or not they are concerned about the repeal will have no bearing on our evaluation of their application.

COMMISSIONER CAMERON: Correct.

CHAIRMAN CROSBY: That's very important. This is a wildcard. Nobody knew about it. It's never been part of our
evaluation. They are free to speak their minds. They're business people. They have businesses to run. That will not affect our judgment one way or the other. That's important.

The second thing was just to make sure what you were saying, Commissioner McHugh that we are agnostic on the issue of the repeal or not. At this stage of the game that's not our business. First of all, it's up to the SJC. And if the SJC says it's unconstitutional, it's over. If it is constitutional, then it's up to the people.

Our issue is to figure out how in our job as stewards of this industry to make sure that we provide a fair and level playing field for people and keep our eye on the ball and keep moving as best as we can with this issue on the table.

COMMISSIONER MCHUGH: And agnostic on the legislation that's pending too. There's legislation on a separate track.

CHAIRMAN CROSBY: Right. Okay anything else?
COMMISSIONER MCHUGH: I have one other thing and it's simply a declaration from last night.

We were in Leominster last night, had a good and healthy discussion with the citizens of Leominster on the last phase of our statutory hearing out there. But a number of people came up to me and to Commissioner Zuniga and to Commissioner Stebbins at the end to say how much they thought the process was democracy at its purest in action. The people coming together and talking about these issues with some energy. But everybody got a chance to come together and talk about these issues and they appreciate that.

And two in particular, one by proxy for the other. They both intended to be there, but one was ill and not able to join us. But two who have been very active on the opponent’s side and who have been active correspondents and careful and thoughtful correspondents. And particularly interested in the siting and the issues surrounding the size of the site and the like. But who clearly are opponents said that
they thought that the process had been fair.

And they wanted me to express to the entire Commission their satisfaction with the process and their appreciation for the way that the Commission had handled that. So, I think it's a credit to everybody although it's kind of self-congratulatory to be reporting that, it is really nice to hear those kinds of comments even after an energized discussion of the type we have had Leominster.

They're good people, thoughtful people on both sides. And they presented their cases well. And I'm glad they thought we gave them a fair hearing.

CHAIRMAN CROSBY: Me too. I will take some pride in that.

COMMISSIONER ZUNIGA: And the fact that it was also a very important milestone that we now run the clock for a decision in 30 days.

CHAIRMAN CROSBY: Commissioner McHugh, you were under the license award process you were thinking about the arbitration topic?
COMMISSIONER MCHUGH: Yes, thank you, Mr. Chairman. I wanted to not for today. I wanted to put -- revisit the arbitration regulation at some point in the very near future. Because I didn't read the thing carefully, I gather, I thought there was a little bit more flexibility that the arbitrator had than the arbitrator does have under the regulations.

I wanted to revisit that. Not to change what the arbitrator is empowered to do but perhaps to provide some kind of a safety valve in case the award is the result of two unreasonable proposals. I'd just like to talk about that. I'm not sure we'd all agree on it, but I would like to talk about that and see if without undermining the force that is exerted by the last and best and final process, we couldn't put in a safety valve that would prevent something, particularly when the stakes are so high like they are here with some of these communities and some of these operators, a safety valve that would prevent some socially undesirable result.
I think there's a way to do that. I would like to have that on the agenda at some point in the near future so that I could make a presentation and see if I can persuade anybody. That's worth doing.

CHAIRMAN CROSBY: Yes. As you know, I am of mixed minds on this, but certainly fine to talk about it, no question about it. So, if we can put it on the agenda at our next meeting that's fine.

COMMISSIONER MCHUGH: Our next meeting is next week, right? And you won't be here. So, maybe two meetings from now.

COMMISSIONER MCHUGH: Maybe two meetings from now, although knowing you're of a mixed mind, I'd just assume have it.

CHAIRMAN CROSBY: I can also call in. For important meetings, anything that's important, I can call in and we may have depending on what the schedule is with the Legislature, we may have heard something about the repeal issue. I will consider calling in if need be.

COMMISSIONER CAMERON: I think it
might be four in the morning when you call in.

CHAIRMAN CROSBY: It would be four in the morning. I don't usually see that hour except from the other end.

I know that all of the bidders still love us because they're all bidders. And things may change once they become licensees, but I think we can take some of what they say at face value.

And think the compliments that have come repeatedly to you John and to you Catherine and to the team that you work with is heartfelt and genuine and is said with respect, not just blowing smoke. And it should be noted, because this has been a very demanding process. Because we've been so hands off, it's really been all you. And the fact that these folks have gone through this and are going out of their way to thank you says a lot about your professionalism and the way you've done it, several of you, but you two in particular and Director Day deserve real credit for this. It's great. It's great to hear that. So, thank you.
MS. BLUE: Thank you.

COMMISSIONER MCHUGH: Yes, that is really so.

COMMISSIONER ZUNIGA: Certainly.

CHAIRMAN CROSBY: Do I have a motion to adjourn?

COMMISSIONER CAMERON: So moved.

CHAIRMAN CROSBY: Second?

COMMISSIONER ZUNIGA: Second.

CHAIRMAN CROSBY: All in favor, aye.

COMMISSIONER MCHUGH: Aye.

COMMISSIONER CAMERON: Aye.

COMMISSIONER ZUNIGA: Aye.

COMMISSIONER STEBBINS: Aye.

CHAIRMAN CROSBY: Unanimous.

(Meeting adjourned at 2:40 p.m.)
ATTACHMENTS:

1. Massachusetts Gaming Commission January 29, 2014 Notice of Meeting and Agenda

2. DRAFT Final Phase - Issuance of Category 2 License Flow Chart

3. Massachusetts Gaming Commission January 28, 2014 Memorandum Regarding $600 Withholding and Reporting Requirements and attachment
GUEST SPEAKERS:

MOHEGAN SUN/SUFFOLK DOWNS
Charlie Baker, Esq., DLA Piper
Kevin Conroy, Esq. Foley Hoag, LLP
John Kennedy, Vanasse Hangen Brustlin, Inc.

WYNN RESORTS MASSACHUSETTS
Jacqui Krum, Senior Vice President & General Counsel
Kim Sinatra, Secretary and General Counsel
Chris Gordon, TMG Consulting
Suzanne Leckert, TMG Consulting
Keri Pyke, Howard Stein Hudson

EVERETT
Jonathan Silverstein, Esq., Kopelman and Paige,
James Errickson, Director of Planning and Development
James Fitzgerald, WorldTech Engineering
CAMBRIDGE
Sue Clippinger, Director of Traffic, Parking, and Transportation
Lee Gianetti, Director of Communications
Robert Haas, Police Commissioner

SAUGUS
Scott Crabtree, Town Manager
Ray Ausrotas, Town Solicitor
Dan Murphy, CDM Smith
Robert Luongo, Economic Development Coordinator
Dom DiMella, Police Chief
Donald McQuaid, Fire Chief

MASSACHUSETTS GAMING COMMISSION STAFF:
Catherine Blue, General Counsel
Richard Day, Executive Director
John Ziemba, Ombudsman
Jennifer Pinck, Pinck and Co.
CERTIFICATE

I, Laurie J. Jordan, an Approved Court Reporter, do hereby certify that the foregoing is a true and accurate transcript from the record of the proceedings.

I, Laurie J. Jordan, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Laurie J. Jordan, further certify I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken and further that I am not financially nor otherwise interested in the outcome of this action.

Proceedings recorded by Verbatim means, and transcript produced from computer.

WITNESS MY HAND this 31st day of January, 2014.

LAURIE J. JORDAN       My Commission expires:
Notary Public         May 11, 2018