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THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION
RACING DIVISION PUBLIC HEARING
PLAINVILLE GAMING AND REDEVELOPMENT, LLC
HORSE RACING LICENSE APPLICATION

CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Lloyd Macdonald

Bruce W. Stebbins

Enrique Zuniga

Gayle Cameron

October 25, 2017, 10:02 a.m. to 10:45 a.m.

Plainville Council on Aging

9 School Street

Plainville, Massachusetts

1 PROCEEDINGS

2 -----
3 Morning Session

4 10:02 a.m.
5 -----

6 COMMISSIONER CAMERON: Good

7 morning, everyone. Today is Wednesday,
8 October 25th, 2017. This is a public hearing
9 before the Massachusetts Gaming Commission.
10 I'm Commissioner Gayle Cameron representing
11 the Commission. Also present is Commissioner
12 Bruce Stebbins.

13 This hearing is being convened
14 pursuant to Massachusetts General Law Chapter
15 128, Section 3. We are here today to accept
16 public comment on the racing license
17 application submitted by Plainville Gaming
18 and Redevelopment, LLC for harness horse
19 racing to be held at the Plainridge Park
20 Casino.

21 Before we begin, the Commission
22 would like to thank all of you for being here
23 today. This is a public hearing, and it's
24 critically important that you, the public, be

1 part of the process to ensure that the
2 Commission achieves the best results
3 possible.

4 The purpose of this public hearing
5 is to offer any interested person or group an
6 opportunity to comment on the racing license
7 application. This is not a question and
8 answer period or a debate. Once we begin,
9 anyone who wishes to comment may raise their
10 hand and be recognized by the Commission.
11 They may then proceed to offer their comment.
12 The Commission requests that all speakers
13 identify themselves prior to commenting, and
14 keep your voices high. Could you also spell
15 your name. That helps tremendously with an
16 accurate transcription.

17 So voices high, and with that, we
18 will now open the floor for comment. The
19 licensee, as per custom, will give us a
20 statement first on the license. Mr. O'Toole.

21 MR. O'TOOLE: Thank you,
22 Commissioners, and welcome to the Plainville
23 Senior Center again on your annual visit.
24 This could be our last time here with the

1 construction down the road of the new public
2 administration and public safety building. I
3 know that Chief Alexander and Chief Alfred
4 were planning on visiting us this morning.
5 Of course, Chief Alexander is part of the
6 committee to build that --

7 AUDIENCE MEMBER: Steve, can you
8 speak up a little more?

9 MR. O'TOOLE: Sure -- to build that
10 facility down there. So this could be our
11 last time here, but I'm not sure what the
12 progress is on that. If Chief Alexander does
13 show up, I'm sure he could update us.

14 COMMISSIONER CAMERON: Great.

15 MR. O'TOOLE: I'm Steve O'Toole,
16 director of racing at Plainridge Park. I'm
17 here on behalf of Plainville Gaming and
18 Redevelopment to present the license
19 application for 2018, which includes 100 days
20 of racing in Norfolk County at Plainridge
21 Park Casino. This application meets the
22 seven criteria for licensure and the
23 financial ability of the applicant to operate
24 a racetrack, the maximization of state

1 revenues, suitability of the racing facility
2 for operation at the time of year for which
3 the dates are granted, the circumstance that
4 large groups of spectators require safe and
5 convenient facilities, the interest of the
6 members of the public in racing competition
7 honestly managed and of good quality, the
8 necessity of having and maintaining the
9 proper physical facilities for racing
10 meetings, and the necessity of according fair
11 treatment for the economic interests and
12 investments of those who in good faith have
13 provided and maintained those facilities.

14 The last few years have been an
15 exciting time for racing at Plainridge from
16 our near extinction in 2012, 2013 time frame.
17 Plainville Gaming and Redevelopment, at that
18 time Springfield Gaming and Redevelopment,
19 was fortunate enough to be awarded the gaming
20 license, which benefited just about all of
21 our benefit, just about every one in this
22 room.

23 Plainville Gaming and
24 Redevelopment's parent company, Penn National

1 Gaming, continues to have one of the
2 strongest balance sheets in the gaming and
3 the racing industry reflecting the financial
4 ability to operate not only Plainridge, but
5 ten other racing facilities in eight
6 jurisdictions. In the process, we've created
7 an inviting racing atmosphere by investing
8 deeply in both the customer facing side and
9 the horsemen's side of our operation.

10 Hundreds of thousands of dollars have been
11 invested, including the paddock, the shipping
12 barn, upgraded track equipment, video board,
13 in-field fencing and landscaping, most
14 recently, the integrated gaming and racing
15 rewards program for the benefit of our
16 customers. Some of the infrastructure which
17 we've done which can't be seen, just last
18 week in this very room, the planning board
19 approved the return of the \$300,000 landscape
20 and storm water drainage deposit; that is, we
21 had the town planner out to see and watch our
22 -- recharge our storm water recharge system
23 work, which was a lot of underground work,
24 and the wetlands protection as well. So they

1 signed off on returning that deposit to us,
2 as well as the Mirimichi Street fiasco with
3 the gas line. So all that growth had been
4 coming along good, and they approved the
5 return of that deposit.

6 AUDIENCE MEMBER: We still can't
7 hear him.

8 COMMISSIONER CAMERON: Mr. O'Toole,
9 if you could, a little louder.

10 AUDIENCE MEMBER: He's got his back
11 towards us.

12 MR. O'TOOLE: We're committed to
13 continue to make the appropriate improvements
14 at the property as we continue forward.
15 We're consistently maintaining the physical
16 facilities for our racing meetings and
17 provide a convenient and safe atmosphere for
18 our customers and horsemen. And if the
19 chiefs show up, I'm sure they'll weigh in on
20 our relationship and how we continue to --
21 our efforts to continue that goal.

22 We also continue to offer our
23 racing officials the latest technologies to
24 perform their duties and honestly manage the

1 racing at Plainridge. We've worked
2 successfully with our horsemen collaborating
3 on The Spirit of Massachusetts event, which
4 brought national attention to Plainridge, and
5 negotiating amendments to our agreement to
6 provide necessary changes that are beneficial
7 for both parties.

8 The racing product has improved
9 since the dark years of 2012, 2013 and the
10 transition year of 2014 with the aid of the
11 Racehorse Development Fund supplementing our
12 purses. Handles have risen the past few
13 seasons maximizing state revenues.
14 Thankfully, you approved the Wicked High Five
15 Wager this past year, and we implemented
16 that. We also guaranteed pools this season,
17 and they were a huge success, and we hope to
18 continue those for next season.

19 While racing at Plainridge is
20 moving in a positive direction, there is
21 concern with participation mainly caused by
22 the shortage of the racing stock. The
23 average number of race days per season this
24 year in this particular season is at 9.57.

1 That's the number of races per day with the
2 average field size at 7.38. Not the numbers
3 we were hoping to see with the purses
4 increasing threefold and not much better than
5 we were a few years ago. This is not just a
6 Plainridge issue, to be clear. It's the
7 national problem for many tracks. This year
8 alone in 2017, there have been 36 race day
9 cancellations among the tracks in the
10 northeast due to lack of entries.

11 With these figures in mind, the
12 racing schedule submitted is 100 days over
13 the same time period as this year. It
14 features three days of racing per week, and
15 we believe this is a reasonable schedule to
16 maximize participation in our race cards
17 given the horse supply at hand. It would
18 give the customers more competitive racing to
19 wager on and provide the same amount of
20 racing opportunities in terms of the length
21 of season and the number of races, 33 weeks,
22 same as this year, a little bit under 1,200
23 races.

24 Opportunities to guarantee pools

1 and offer unique wagers come with the
2 improved product. Fuller fields drive the
3 increased handle. This racing schedule
4 offers the same racing opportunities for our
5 horseman while at the same time increasing
6 competition and the opportunity to increase
7 handle in the process.

8 The mid-April through
9 November 33-week schedule is consistent with
10 past seasons and the facility is suited for
11 the time of year we applied for. This
12 schedule also provides for the fair treatment
13 and economic interest of Plainville Gaming
14 and Redevelopment. Thank you for the
15 opportunity to present this morning, and I
16 can answer any questions you may have.

17 COMMISSIONER CAMERON: Mr. O'Toole,
18 you mentioned the shortage of the racing
19 stock and that was somewhat of a
20 disappointment. With the additional breeding
21 money, do you anticipate that improving, or
22 what is the reason for this shortage, you
23 know, in particular in the northeast?

24 MR. O'TOOLE: It's not just the

1 northeast. It's nationwide. There are many
2 factors that go into this shortage. USDA
3 records show half the amount of foals.
4 There's a registration, foal registration,
5 yearly registration is down from 10,000 foals
6 to approximately 6,000 foals in the past ten
7 years. So while it is a very good sign that
8 the Massachusetts breeders program has almost
9 doubled the amount of mares bred in this
10 state, the overall breeding of standardbred
11 horses is down.

12 So it's kind of a double-edge sword
13 with the Massachusetts bred. It's a great
14 story. They've done a good job and it's very
15 promising. But those foals, again, they, you
16 know -- I think it was 110 brood mares were
17 bred last year, which would result in
18 slightly under 110 foals for this year, which
19 will be yearlings next year. Those horses
20 wouldn't be ready to race until 2019, and
21 that would only be an influx of 50 more
22 horses than normally that program produces.

23 COMMISSIONER CAMERON: And that
24 still will create this shortage, right, 50

1 more next year?

2 MR. O'TOOLE: It will help.

3 COMMISSIONER CAMERON: It will
4 help.

5 MR. O'TOOLE: It will help, but it
6 doesn't, you know...

7 COMMISSIONER CAMERON: You
8 mentioned an average of 9.57 races this year.

9 MR. O'TOOLE: Correct.

10 COMMISSIONER CAMERON: Which
11 equated to -- we're talking about -- for next
12 year, you talked about a bit under 1,200
13 races, right. How many races this year?

14 MR. O'TOOLE: Well, it would be
15 9.57 multiplied by -- if we continue on this
16 same average, multiplied by 125. If we keep
17 on that same pace, which I think we will.

18 COMMISSIONER CAMERON: To the end
19 of this year?

20 MR. O'TOOLE: Right. The figures
21 that I've put together are through 102 days,
22 and the average is 9.57.

23 COMMISSIONER CAMERON: So --

24 MR. O'TOOLE: So we could basically

1 right now, we could race three days and race
2 the horses from the fourth day on the three
3 days that we race.

4 COMMISSIONER CAMERON: So with
5 100 days, would you be racing anymore races
6 per day?

7 MR. O'TOOLE: Well, we've hit 11
8 races maybe 15 times this year. I don't have
9 the exact number.

10 COMMISSIONER CAMERON: So it really
11 depends on the number of horses?

12 MR. O'TOOLE: Correct. And we can
13 race 12.

14 COMMISSIONER CAMERON: So it's hard
15 to say how many races because it's dependent
16 on the horse population?

17 MR. O'TOOLE: Correct. And, you
18 know, most of the 2000 to 2007, 2008 years,
19 we did 14 races on Mondays and Tuesdays.
20 But, you know, more recently -- you know, and
21 we stretched the schedule to fit the 125-day
22 requirement this year. So we saved, we held
23 back, you know, a lot of the beginning of the
24 week we'd go 10, 10, nine and eight. You

1 know, so we'd like to have 12 races a day,
2 but 11 races a day would be nice. And the
3 more races per card engages the customer
4 better, and we see an uptick in handle on
5 those cards that have more races on them.

6 COMMISSIONER CAMERON: So more
7 races per day is good for business, good for
8 the horsemen, so it would be your intention
9 to do that if possible?

10 MR. O'TOOLE: Yes.

11 COMMISSIONER CAMERON: Okay.

12 MR. O'TOOLE: We've raced virtually
13 every horse that's possible to race that's
14 entered, and I think we can accomplish the
15 same thing in three days.

16 COMMISSIONER CAMERON: Thank you.
17 Commissioner Stebbins?

18 COMMISSIONER STEBBINS: Are you
19 talking about shifting the days that you're
20 racing per week from this year?

21 MR. O'TOOLE: Monday, Tuesday
22 Thursday is the bulk of the schedule.

23 COMMISSIONER STEBBINS: From a
24 competitive standpoint, what are competing

1 tracks in the northeast doing?

2 MR. O'TOOLE: Well, there was, I
3 think, 20 cancellations in Maine this past
4 year. They've cut dates.

5 COMMISSIONER STEBBINS: Okay.

6 MR. O'TOOLE: I don't know what the
7 other states are doing, what the other tracks
8 are doing. I know with Vernon Downs, you
9 know, they have had many cancellations. They
10 raised their purses because they were going
11 less days, so that kind of keeps the horses
12 stagnant there. They don't tend to move from
13 there. There are a few opportunities in our
14 schedule to get horses from those tracks when
15 they close. They close a little bit earlier
16 than us, so we have the opportunity to get a
17 few extra horses from those tracks when they
18 close. But, you know, the tracks in the
19 northeast are offering sizeable purses, and
20 horses don't tend to shift, migrate to our
21 region without, you know, more purse money
22 involved, and you know, we're right at a
23 level that we -- we're at 68, about \$68,000 a
24 day or right around \$70,000 a day. We're

1 being either matched or out done by that in
2 the northeast by most tracks.

3 COMMISSIONER STEBBINS: Any chance
4 to kind of adjust your schedule based on what
5 other tracks are doing to adjust theirs? If
6 they're shutting down, ending their season
7 earlier, does that allow you to kind of --

8 MR. O'TOOLE: It allows us to shift
9 a few days, but we're pretty much limited to
10 good weather racing. The configuration of
11 the track on the south side, I guess it is,
12 where the neighborhood is, it's up high and
13 it casts a shadow. We have that one turn
14 that gives us problems in the wintertime, so
15 we wouldn't be able to really expand our
16 schedule.

17 As a matter of fact, I think this
18 year, we couldn't qualify when we wanted to.
19 Two years ago, we couldn't open when we
20 wanted to due to weather. As a matter of
21 fact, this past year, I think the casino
22 actually closed on March 15, and I think we
23 were scheduled to qualify at the end -- the
24 following week, so we had to plush qualifiers

1 ahead, which we still opened on time, but it
2 was a little bit of a tough haul for our
3 horsemen to get in, get qualified, and all
4 that. So we're pretty much -- that mid-April
5 to end of November window is pretty much
6 where we fit.

7 COMMISSIONER STEBBINS: Okay.

8 COMMISSIONER CAMERON: Anything
9 else?

10 COMMISSIONER STEBBINS: No.

11 COMMISSIONER CAMERON: Thank you,
12 Mr. O'Toole.

13 MR. O'TOOLE: Thank you.

14 COMMISSIONER CAMERON: Do we have a
15 sign-in sheet or are we just going to call
16 names?

17 MS. BLUE: We do have a sign-in
18 sheet.

19 COMMISSIONER CAMERON: We should
20 probably go in that order if we have a sign
21 in sheet. Maryann, do you have a sign-in
22 sheet? Thank you.

23 So Dominique Demar is the first
24 member of this to sign in.

1 MS. DEMAR: I'm not testifying.

2 COMMISSIONER CAMERON: Okay. So
3 you signed in, but you don't want to speak?

4 AUDIENCE MEMBER: We were supposed
5 to sign in.

6 COMMISSIONER CAMERON: This is just
7 a sign in?

8 MS. DOOLEY: This wasn't for
9 speaking.

10 COMMISSIONER CAMERON: You had
11 everyone sign in whether or not they wanted
12 to speak?

13 MS. BLUE: Yes. So just maybe go
14 down the list.

15 COMMISSIONER CAMERON: We'll go
16 down the list. Mr. Corry, Number 2.

17 How are you, sir?

18 MR. CORRY: Good morning.

19 COMMISSIONER STEBBINS: Good
20 morning.

21 COMMISSIONER CAMERON: Good
22 morning.

23 MR. CORRY: Will you be continuing?

24 MR. O'TOOLE: Only if they have

1 questions.

2 COMMISSIONER CAMERON: I think
3 we're through. That'll be fine. Thank you,
4 Mr. O'Toole.

5 MR. CORRY: Commissioner,
6 Commissioner. I'm Martin Corry, an attorney
7 representing the Harness Horseman's
8 Association of New England, this morning
9 appearing to opposed the 100-day application
10 by Plainville Park Gaming and Redevelopment,
11 LLC and asking for the consultation with the
12 Commission in the hopes that you will adjust
13 the amount of live racing to a minimum of
14 125 days in 2018. And in order to best put
15 forth the arguments, I would like to discuss
16 the implications of Chapter 23K, Section 24
17 and how it will impact the process.

18 The clear and unambiguous
19 obligation of an applicant for gaming license
20 who holds a live racing license under Chapter
21 128A to continue live racing pursuant to
22 Section 24 is indisputable. Moreover, this
23 obligation is further defined in Sections 24A
24 through C.

1 In Section A, an applicant for a
2 gaming license who holds a live racing
3 license under Chapter 128A shall maintain an
4 existing racing facility on the premises,
5 provided however that the licensee shall
6 increase the number of live racing days to a
7 minimum of 125 days according to the
8 following schedule: One, in the first year
9 of operation, a gaming licensee shall hold
10 105 racing days; two, in the second calendar
11 year of operation, a gaming licensee shall
12 hold 115 racing days; and three, in the third
13 and subsequent calendar years of operation, a
14 gaming licensee shall hold 125 racing days,
15 in the third and subsequent year, a gaming
16 licensee shall hold 125 days.

17 So in order to get a license in the
18 first place, an applicant for that license
19 knows going in the clear obligation is to
20 support and expand live racing. Indeed, one
21 of the clear underpinnings of the entire
22 Gaming Statute in Massachusetts has been to
23 enhance, support, and help live racing
24 thrive. Parenthetically, one need look no

1 further than the Horse Racing Development
2 Fund and the action of the Commission's
3 racing committee to see the strong support
4 for both the standardbred and thoroughbred
5 racing industries. This is clear evidence of
6 the acknowledgment of the Commission for the
7 importance of live racing in Massachusetts.

8 In Section B, a gaming licensee may
9 increase the number of live racing days if
10 the licensee is holding a minimum of 125
11 racing days within three years of receiving a
12 gaming license. If the licensee does not
13 conduct live racing for the minimum number of
14 days set forth in Subsection A, the
15 Commission shall suspend the gaming license.

16 So Section B clearly permits the
17 gaming licensee to increase above 125 days if
18 the licensee is holding a minimum of 125 days
19 within three years of receiving the license.
20 Conversely, the Commission shall suspend the
21 gaming license if they do not conduct live
22 racing for the minimum number of days set
23 forth in Subsection A. Imagine the
24 seriousness of this penalty, either hold

1 125 days of live racing or your casino will
2 be shut down.

3 Section C, after three years of
4 operation of the gaming establishment and in
5 consultation with the parties to the purse
6 agreement, the Commission may adjust the
7 amount of required racing days at a gaming
8 establishment based on fields, demand, and
9 racing performance. In Section C, we see
10 reference for the first time gaming
11 establishment which is defined as the
12 premises approved under a gaming license
13 which includes the gaming area and any other
14 nongaming structure related to the gaming
15 area and may include, but shall not be
16 limited to, hotels, restaurants, and other
17 amenities.

18 Lastly, operations certificate is
19 the certificate of compliance issued by the
20 Commission to the operator of a gaming
21 establishment. The operation certificate
22 issued by the Commission to Plainville Gaming
23 and Redevelopment was issued on January 24th,
24 2015. Prior to this date, there was no legal

1 entity that existed as referenced under
2 Section C. Moreover, the three-year period
3 referenced in that section hasn't told yet.
4 Accordingly, three full years at 125 days
5 won't be reached until 2019.

6 Section 23K -- Chapter 23K,
7 Section 24 gives a clear roadmap in the
8 construction of the gaming laws as to the
9 relationship of the priority of live racing
10 and the relationship to obtaining and as a
11 condition to maintaining a gaming license.
12 The plain reading of Chapter 23K, Section 24
13 provides a clear progression through the
14 three stages in this process.

15 Section A, you're an applicant for
16 a gaming license, and Section B, you're now a
17 gaming licensee, and in section three --
18 Section C, excuse me, you're a gaming
19 establishment with three years of operation.
20 In this instance, this establishment, this
21 gaming establishment, does not have three
22 years of operation. And we think there's a
23 clear distinguishment between those three
24 stages. And it is then and only then, in

1 consultation with the parties to the purse
2 agreement, which HHANE is, that the
3 Commission may adjust the amount of required
4 racing days at a gaming establishment based
5 on fields, demand, and racing performance.

6 The application filed by Plainville
7 Gaming and Redevelopment, LLC must be
8 rejected which weighed against the
9 requirements of the statute. In addition to
10 these arguments, using any metrics based on
11 fields, demands, or racing performance,
12 harness racing at Plainridge Park is
13 improving significantly, and given the
14 opportunity to consult with the Commission,
15 we will be happy to prove this. Bob McHugh,
16 the president of HHANE, will be testifying on
17 this aspect to the conversation. In
18 addition, we will also provide relevant
19 content.

20 In the 2016 annual report of the
21 Gaming Commission, note that the second full
22 year of operation of Plainridge Park
23 concluded on June 30th, 2017. That's the
24 second year, not the third. Obviously, the

1 third year will be June 30, 2018. And
2 moreover, you go on to say on page 21 the
3 Gaming Act requires 125 days for calendar
4 year 2017 for Penn National. The number of
5 race days in calendar year 2018 will be
6 determined by the Commission. In doing so,
7 the MGC will solicit public comment and
8 conduct public hearings to obtain input from
9 stakeholders (operator, horseman, et cetera.)

10 We think for the following reasons
11 that the technical details of Section 24 have
12 not been met and that for race year 2018, the
13 statute requires Plainridge Park to run
14 125 days. And if the Commission does not
15 agree with this analysis, we hope that you
16 will consult with HHANE as a member to the
17 purse agreement, and once you review the data
18 that Mr. McHugh will present and given the
19 opportunity to consult formally with the
20 Commission that you will conclude that there
21 is significant growth with 125 race days at
22 Plainridge and that you will come down on the
23 side of keeping 125 race days in 2018. Thank
24 you very much for your time.

1 COMMISSIONER STEBBINS: Thank you.

2 COMMISSIONER CAMERON: Thank you.

3 MR. CORRY: Do you have any
4 questions?

5 COMMISSIONER CAMERON: No. Thank
6 you.

7 Mr. McHugh.

8 MR. MCHUGH: Yes. Good morning.
9 I've got to check this place out closer.
10 I'll probably be here in a few years.

11 COMMISSIONER CAMERON: Well, that
12 would be up to you, sir.

13 MR. MCHUGH: Yeah. I know.

14 COMMISSIONER CAMERON: I think they
15 have square dancing here, just so you know.

16 MR. MCHUGH: This is a spreadsheet
17 later on we'll see. Nice to meet you,
18 Mr. Stebbins.

19 COMMISSIONER STEBBINS: Thank you.
20 Nice to meet you.

21 MR. MCHUGH: Good morning. My name
22 is Bob McHugh. I'm proud to represent the
23 horsemen and women that work so hard to make
24 Plainridge Park successful since we opened.

1 I want to start by saying that the
2 harness horsemen and women want to work with
3 PGR, Penn Gaming. We've always felt that
4 working together as a team is the best way
5 for everyone to maximize their potential, and
6 we did that during the Spirit of
7 Massachusetts Trot, and that in turn would
8 maximize the income paid to the Commonwealth.
9 When Penn Gaming was awarded the only Class 2
10 gaming license in Massachusetts, it was on
11 the condition that they race an increasing
12 number of days each year for the first three
13 years and subsequent years.

14 When the factors included in
15 Chapter 23K, Section 24C are taken into
16 consideration, they clearly show that all
17 those metrics are up and they continue to
18 move in the right direction for standardbred
19 racing of Massachusetts. Specifically, the
20 metrics considered the field, demand, and
21 performance. The field size hasn't gone up a
22 lot, but it was seven starters in 2015, 7.21
23 in '16, and 7.38 this year. That's a six
24 percent increase. I think that's significant

1 given the fact that's the field.

2 Let me talk about demand. That's
3 great because a number of races have shown a
4 significant increase. Live handle is up.
5 The number of live races was 949 in 2015,
6 1,092 last year, and 1,196 year to date, a
7 25 percent increase since 2015.

8 The live handle was a million two
9 plus in 2015, a million five last year, and
10 obviously we don't know yet, but there is
11 going to be a significant increase this year.
12 The total handle has gone from 14 million in
13 2015 to 18 million in 2016 to almost 23
14 million in 2017. Certainly, we've increased
15 -- we've shown that metric is good.

16 Regarding performance, that's not a
17 metric. That's a wow factor. If you look in
18 the past three years since purses have been
19 enhanced, there have been 18 track records in
20 the 24 categories listed at Plainridge. I
21 mean, the trot, top track records. To put
22 this in perspective, another track owned by
23 Penn Gaming, Freehold Raceway, for the same
24 24 categories, there's only been three track

1 records setting the time near record. That
2 certainly speaks to performance.

3 So I'm going to say the metrics,
4 the metrics in 23K strongly support keeping
5 the racing days as is. In fact, as the
6 statute directs, if any change should be made
7 to the number of race days, it should
8 increase. There is no credible evidence
9 whatsoever that racing days should be
10 decreased.

11 I mean, Penn talks -- we talked
12 about the horse population. This population
13 has substantially increased: 44 mares bred
14 in 2014, 65 in -- I mean, 56 in 2015, then 65
15 last year, and 111 last year. This bodes
16 well for Mass. bred horses and many young
17 horses will be around in the future.

18 So I want to conclude there is not
19 one single metric that would suggest there is
20 a need to reduce race days. 2017 has proven
21 to the most successful racing season since
22 Plainridge Park opened. If there is any
23 change at all, it should be the days of the
24 week offered.

1 I think you mentioned,
2 Mr. Stebbins, we would love to have a weekend
3 day. A weekend day would be great for us.
4 We'd get people maybe who work, can't come
5 in. We could promote it better. We would
6 love that. It would get new owners. But we
7 do not get a weekend day, but we would love
8 that.

9 And more important, it can't be
10 emphasized regarding the importance to keep
11 this industry stable. Horsemen and women are
12 still unsure as to the lasting and long-term
13 stability of racing in Massachusetts. We
14 must continue, we have to continue to send
15 the right message to the breeders, owners,
16 and trainers that harness racing in
17 Massachusetts is on the rise and that this
18 upward trend will continue.

19 In summary, Penn Gaming has an
20 obligation to Massachusetts which granted to
21 Penn the only Class 2 gaming license to the
22 standardbred men and women to continue racing
23 125 days or more. Thank you.

24 COMMISSIONER CAMERON: A question,

1 Mr. McHugh. Did you, in fact, attempt to
2 negotiate number of days with Penn National?

3 MR. MCHUGH: Yes, we did. I have a
4 timeline of when we met.

5 COMMISSIONER CAMERON: And those,
6 you were not able to come to an agreement on
7 the number of race days?

8 MR. MCHUGH: No, we were not. We
9 were not even close. We were not even close.

10 COMMISSIONER CAMERON: Okay. Thank
11 you.

12 MR. MCHUGH: You're welcome.

13 COMMISSIONER CAMERON: Anything?

14 COMMISSIONER STEBBINS: No.

15 COMMISSIONER CAMERON: Thank you,
16 Mr. McHugh.

17 MR. MCHUGH: Thank you.

18 COMMISSIONER CAMERON: Next, we
19 have, is it, Jeffrey Gulve?

20 MR. GULVE: Gulve. I was just here
21 for attendance.

22 COMMISSIONER CAMERON: Okay. Very
23 good. William Alderman? Is it that -- Oh,
24 Abdelnour, is that? Yeah. Yes. Did you

1 want to speak, sir?

2 MR. ABDELNOUR: No.

3 COMMISSIONER CAMERON: I'm going
4 through the list. Let me know. Frank
5 Antonacci, did you want to speak?

6 MR. ANTONACCI: Just here in
7 support of HHANE.

8 COMMISSIONER CAMERON: It might be
9 easier at this point if I ask who would like
10 to speak rather than read everyone's name,
11 which some of them are difficult to
12 understand of the sheet here. Is there
13 anyone else who would like to speak at this
14 hearing? Yes, sir.

15 MR. FLYNN: Joe Flynn.

16 COMMISSIONER CAMERON: Mr. Flynn,
17 could you come up and present your name for
18 --

19 MR. FLYNN: Joseph Flynn,
20 F-l-y-n-n. I own an 80-acre farm in Grafton,
21 and I've had a breeding operation there, and
22 I have a standardbred racing operation right
23 here in Plainville with Mr. Farrar.

24 We're sending out the wrong message

1 right now at this point if we reduce the
2 number of days. What we need is stability.
3 What HHANE said is absolutely right, too
4 early to even discuss a reduction in days.
5 We can do a better job and we can get horses
6 here. We've got the purses now. Things are
7 on an increase. I agree a hundred percent
8 with what was said by our representatives.
9 That's all I wanted to say. Thank you.

10 COMMISSIONER CAMERON: Thank you,
11 sir. Is there anyone else that would like to
12 speak? Sir.

13 MR. LAWSON: My name is Russell
14 Lawson. I'm a trainer and driver, and I'm
15 also on the board of directors of HHANE.

16 My wife and I have raced a small
17 stable for a number of years. We recently
18 purchased property in Mendon, are in the
19 process of building a house. We rented that
20 property for quite a while, have a barn, have
21 a small track. And we are investing, you
22 know, in Massachusetts in a sense just to --
23 And I would love as many racing opportunities
24 as possible.

1 The idea of local more local
2 exposure, more -- being able to race on
3 weekends would be a plus. I know that
4 doesn't seem to be on the table at all. But
5 the length of the year, the number of racing
6 days, they all should -- you know, we should
7 at least maintain what we have and not
8 decrease. Because, you know, to continue to
9 get people to invest in farmland, et cetera,
10 to keep open space, it's important to keep
11 number of days and racing opportunity.

12 COMMISSIONER CAMERON: Okay. Thank
13 you, sir.

14 MR. LAWSON: Thank you.

15 COMMISSIONER CAMERON: Anyone else
16 that would like to make comments here today?
17 Okay. At this point I'd like to recognize
18 the chiefs, our fire chief and police chief,
19 and invite you to say a word or two if you'd
20 like to about this application. Good
21 morning.

22 CHIEF ALFRED: Good morning. From
23 the police end of it --

24 THE COURT REPORTER: Your name,

1 please.

2 CHIEF ALFRED: Chief James Alfred.
3 We've had another successful year. We have a
4 great relationship with Steve O'Toole and the
5 management on the racing side. You have seen
6 the crime analysis, of course, and nothing
7 that points to any spikes of any type or any
8 issues, whether it be at the property or
9 around the property. So we have at this
10 point nothing but good things to say.

11 COMMISSIONER CAMERON: Excellent.

12 CHIEF ALFRED: And certainly the
13 racing seems to be doing well and that's
14 great for the farms in Plainville as well,
15 and so we've got nothing but good things to
16 say.

17 COMMISSIONER CAMERON: Thank you,
18 Chief Alfred.

19 Chief Alexander.

20 CHIEF ALEXANDER: Justin Alexander,
21 fire chef. I mirror Chief Alfred's comments.
22 Great partnership up there, no anomalies in
23 any incidents. We have incidents, but
24 they're the normal medical emergency, things

1 you would expect. Nothing abnormal with it.
2 So very positive. Very for the continuation
3 of what's going on up there, and it's been
4 wonderful for the town as well, as you both
5 know.

6 And if I may, I'd just like to
7 thank the Commission. We recently were able
8 to obtain two lifting harnesses for large
9 animals, horses, and we're in the process of
10 putting those in service and that will
11 greatly allow us to keep the horsemen safe
12 and women, and also assist the animals
13 better. So thank you, because you really
14 gave us some extreme capabilities that we
15 didn't have before to deal with these large
16 animals, so my gratitude.

17 COMMISSIONER CAMERON: Thank you
18 both. Before you leave, could you give us
19 just an update on the new public safety
20 building. How is that coming along? I know
21 it's something you look forward to.

22 CHIEF ALFRED: Absolutely. The old
23 school is down. The foundation is being
24 completed for the town hall at this time, and

1 we hope the foundation to be poured soon for
2 the public safety facility. So --

3 CHIEF ALEXANDER: Next week.

4 CHIEF ALFRED: Yes. And things are
5 going well. And we hope within a year, about
6 just over a year, the doors will be opening
7 up.

8 COMMISSIONER CAMERON: Terrific.
9 Good news. Thanks.

10 CHIEF ALFRED: A tremendous help
11 for us.

12 CHIEF ALEXANDER: A credit to this
13 process.

14 CHIEF ALFRED: Because we wouldn't
15 be here without it.

16 COMMISSIONER CAMERON: Thank you
17 both. Thank you.

18 CHIEF ALFRED: Thank you.

19 CHIEF ALEXANDER: Thank you.

20 COMMISSIONER STEBBINS: Thank you.

21 COMMISSIONER CAMERON: Okay.

22 Before we close this hearing, is there anyone
23 else that would like to speak? Sir, come on
24 up.

1 MR. BLUESTEIN: I wasn't going to
2 speak, but I like to talk. So my name is
3 Irving Bluestein, and I'm an owner and a
4 part-time driver, amateur driver.

5 THE COURT REPORTER: Could you
6 spell the last name.

7 MR. BLUESTEIN: Bluestein,
8 B-l-u-e-s-t-e-i-n.

9 I've been involved in harness
10 racing in and out part time, years ago full
11 time, oh, for about 50 years, I'd say, back
12 in the '60s. And you know, I was away from
13 it for quite a while, and I came back a few
14 years ago when I met a friend. We decided to
15 get back.

16 I think what hasn't be pointed out
17 is years ago Foxboro was very active in the
18 '70s, '80s. That was the hay day of harness
19 racing, and then we had a setback. You know,
20 it was struggles at the track. Foxboro
21 closed. And then about 20 years -- and that
22 was 20, 18 years ago, Plainridge reopened.

23 I think what's happening now in
24 Plainridge is there's a tremendous interest

1 from other areas to race at Plainridge,
2 obviously, because of the purse money
3 involved. When we compare Plainridge to,
4 say, Vernon Downs, it was mentioned that
5 Vernon Downs is struggling and they couldn't
6 -- they didn't have enough horses. That
7 track's been there for 50 years, and our
8 purses are so much bigger than Vernon. And
9 sure, they struggle with the number of
10 horses, but people want to race at
11 Plainridge. And I think to reduce the amount
12 of days may discourage outsiders from wanting
13 to race because maybe they see it as sort of
14 going in reverse again. Even though the
15 purse is still good, that the -- It could
16 lose some of its luster.

17 You know, it was mentioned by
18 Mr. O'Toole the \$280,000 trot race we had in
19 July. I mean, that was amazing, the
20 interest. We had all the best drivers from
21 around the country come in and drive. There
22 was so much excitement. You know, all the
23 big names were there. And, you know, to kind
24 of go backwards and cutting back in race

1 dates seems incongruous to what's happening
2 at the track. And I think we should at least
3 stay where we're at, and hopefully down the
4 road, maybe we can even increase more dates
5 depending on the demand. Thank you for
6 listening.

7 COMMISSIONER CAMERON: Thank you,
8 sir.

9 COMMISSIONER STEBBINS: Thank you.

10 COMMISSIONER CAMERON: Anyone else?
11 Okay. It is now a quarter to 11:00, and we
12 will close the hearing. Thank you all very
13 much for coming. It's important.

14
15 (Whereupon the hearing was adjourned at
16 10:45 a.m.)

17
18
19
20
21
22
23
24

GUEST SPEAKERS

PLAINRIDGE PARK CASINO:

Steve O'Toole, Director of Racing

HARNESS HORSEMEN'S ASSOCIATION OF NEW ENGLAND:

Martin Corry, Esq.

Corry Associates

6 Beacon Street, Suite 720

Boston, Massachusetts 02108

Bob McHugh, President

Russell Lawson, Board of Directors

AUDIENCE MEMBERS:

Joseph Flynn, horse owner

Irving Bluestein, horse owner

CITY OF PLAINVILLE:

Police Chief James Alfred

Fire Chief Justin Alexander

C E R T I F I C A T E
COMMONWEALTH OF MASSACHUSETTS

I, Amie D. Rumbo, a Shorthand Court Reporter, do hereby certify that the foregoing Pages 1-42 to be a true, complete, and accurate transcript of the proceedings held at the time and place hereinbefore set forth, to the best of my knowledge, skill, and ability.

Proceedings recorded by verbatim Stenographic means, and the transcript was produced from a computer.

WITNESS MY HAND this 26th day of October, 2017.

Amie D. Rumbo



Amie D. Rumbo

Notary Public

My Commission Expires:

10/23/2020