

1 COMMONWEALTH OF MASSACHUSETTS
2 MASSACHUSETTS GAMING COMMISSION
3 PUBLIC MEETING #220
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6 CHAIRMAN

7 Stephen P. Crosby
8

9 COMMISSIONERS

10 Lloyd Macdonald

11 Enrique Zuniga

12 Bruce Stebbins

13 Gayle Cameron
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17 MASSACHUSETTS GAMING COMMISSION

18 101 Federal Street, 12th Floor

19 Boston, Massachusetts

20 June 22, 2017

21 10:00 a.m. - 4:02 p.m.
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P R O C E E D I N G S

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3 CHAIRMAN CROSBY: Welcome,
4 Plainville. We are calling to order the
5 220th public meeting of the Gaming
6 Commission on June 22, 2017 at our offices
7 on Federal Street. First item of business
8 as always is the approval of the minutes.

9 COMMISSIONER MACDONALD: Yes.
10 Before moving them be approved, I noticed a
11 minor typo at the 12:42 p.m. time in that
12 Mr. Lagorio's name was misspelled as
13 Lagoria. So with that exception, I move
14 that we approve the minutes of the June 8,
15 2017 meeting of the commission subject to
16 corrections for typographical errors and
17 for other nonmaterial matters.

18 COMMISSIONER CAMERON: Second.

19 COMMISSIONER STEBBINS: I had a
20 couple of quick questions. The 10:51 mark
21 as we introduced the conversation about
22 gaming service employee about halfway down
23 we note, it says, he noted that MGM comma
24 Springfield. I don't know if we were

1 referring to MGM Springfield or MGM and the
2 City of Springfield had both been
3 advocating on that.

4 MS. BLUE: It's the City of
5 Springfield as well as MGM.

6 COMMISSIONER STEBBINS: Okay.
7 That's what I thought. And then just a
8 general comment, down at 10:59 when we were
9 engaged in this conversation about gaming
10 service employee, you know, more just a
11 note about -- I know we can always refer to
12 the transcript, but it seems a little light
13 in terms of content about the discussion,
14 and also the fact that part of the reason
15 that we postponed a decision on the issue
16 until today is that we wanted to make sure
17 Commissioner Macdonald was here, so that
18 was kind of a point, I think, we should
19 include at least it in that paragraph.

20 CHAIRMAN CROSBY: This is --

21 COMMISSIONER CAMERON: It's the one
22 before.

23 CHAIRMAN CROSBY: This is the one
24 before. I made the same mistake.

1 COMMISSIONER CAMERON: I did, too.

2 CHAIRMAN CROSBY: This is the
3 special meeting of Wednesday.

4 MS. BLUE: This isn't the 14th.
5 This is the prior meeting.

6 COMMISSIONER STEBBINS: Okay.

7 MS. BLUE: We have not yet completed
8 the minutes for the 14th.

9 CHAIRMAN CROSBY: So Commissioner
10 Macdonald was at this meeting. This was
11 the special Wednesday meeting.

12 COMMISSIONER CAMERON: Steve,
13 microphone.

14 CHAIRMAN CROSBY: This was the
15 special Wednesday meeting that we had.

16 COMMISSIONER STEBBINS: I don't
17 think so.

18 COMMISSIONER MACDONALD: It was last
19 week. No, this is two weeks ago.

20 COMMISSIONER CAMERON: Then we had
21 one last week.

22 CHAIRMAN CROSBY: This is the one
23 where Commissioner Macdonald was gone was
24 last week.

1 COMMISSIONER STEBBINS: Sorry about
2 that.

3 CHAIRMAN CROSBY: I thought so.
4 Okay, anything else? All in favor?

5 COMMISSIONER MACDONALD: Aye.

6 COMMISSIONER CAMERON: Aye.

7 COMMISSIONER STEBBINS: Aye.

8 COMMISSIONER ZUNIGA: Aye.

9 CHAIRMAN CROSBY: Opposed? The ayes
10 have it unanimously.

11 COMMISSIONER ZUNIGA: And there are
12 two sets of minutes that we didn't approve,
13 meeting minutes, correct, last meeting; are
14 they pending?

15 COMMISSIONER CAMERON: We didn't
16 have a quorum.

17 MS. BLUE: That's the agenda setting
18 meeting that we had extra minutes, and
19 we'll get them at the next one.

20 COMMISSIONER ZUNIGA: Thank you.

21 CHAIRMAN CROSBY: So next up is
22 Executive Director Bedrosian.

23 MR. BEDROSIAN: Good morning,
24 Commissioners. On 3A just a general

1 update. I don't have much other than to
2 say we are having our summer all staff
3 meeting tomorrow, so a bunch of
4 administrative issues to go over with staff
5 then.

6 And on 3B I note that due to the
7 Opening Meeting Law concerns, you've just
8 been distributed approximately two and a
9 half page memo, which I believe is actually
10 in our packet also, but you couldn't see it
11 until now. So I would just suggest that we
12 just delay this meeting to give
13 commissioners, other than Commissioner
14 Macdonald, some time to review it at a
15 break. And if they're satisfied after
16 having reviewed it, we can take the SER
17 issue up a little later in the agenda, if
18 that's okay, Mr. Chairman.

19 CHAIRMAN CROSBY: Yeah, you said
20 delay this meeting. You meant delay this
21 topic.

22 MR. BEDROSIAN: Yeah, I'm sorry,
23 delay this topic 3B, yes.

24 CHAIRMAN CROSBY: Yes, I think that

1 makes sense. So that gets us to Item No.
2 4. Sorry, Director Wells and Loretta.
3 We'll try to give you a heads-up when we
4 are going to get to it. We'll find you.
5 Director Vander Linden and troops.

6 MR. VANDER LINDEN: Good morning.

7 COMMISSIONER MACDONALD: Good
8 morning.

9 COMMISSIONER CAMERON: Good morning.

10 COMMISSIONER ZUNIGA: Good morning.

11 MR. VANDER LINDEN: I am joined with
12 Teresa Fiore and Marlene Warner, Executive
13 Director from the Massachusetts Council on
14 Compulsive Gambling. We wanted to just
15 give you a status update on the work that
16 we're doing toward creating a regional
17 approach to voluntary self-exclusion. I
18 have largely been sitting back from this
19 specific project, though I'm very
20 interested and think it's a fantastic idea.

21 So I was going to let Teresa and
22 Marlene kind of present this to you and,
23 certainly, Chairman Crosby, you have been a
24 huge champion on this issue as well. So I

1 know you have a lot of thoughts on it, too.
2 So, Teresa.

3 MS. FIORE: Thank you. So voluntary
4 self-exclusion is something in which we are
5 mandated to implement in Section 46 of the
6 Expanded Gaming Act. In addition to a
7 statewide voluntary self-exclusion program,
8 it also specifically calls for an
9 interstate compact.

10 Now, it doesn't specify which states
11 we are to work with. But we wanted to
12 create local states so that it's easier for
13 individuals who want to join a voluntary
14 self-exclusion program to do so within this
15 region.

16 Voluntary self-exclusion is a widely
17 accepted practice in states which offer
18 gaming; however, no regional model
19 currently exists in the United States.
20 Now, details of the various individual
21 programs vary widely by state. For
22 example, term length is something that
23 could differ in Massachusetts to
24 Connecticut. Trespassing is something that

1 can be charged in certain jurisdictions
2 where it's not in Massachusetts for
3 individuals who breached their voluntary
4 self-exclusion.

5 Research shows that individuals who
6 participate in voluntary self-exclusion
7 experience a significant reduction in
8 gambling problems. And those who pursue
9 additional treatment after enrolling
10 experience even more positive outcomes than
11 those who do not.

12 So we know it's a good idea. When
13 Massachusetts head out to create their own
14 statewide program, we sought to create an
15 engaged approach which ensures that patrons
16 obtain assistance needed and is responded
17 to in a respectful, timely, discrete manner
18 all the while feeling supported.

19 So if you kind of go through the
20 literature and talk to individuals who have
21 enrolled across different properties,
22 states and jurisdictions, they don't always
23 have the best experience. Oftentimes, they
24 could be enrolled by an untrained

1 individual on the security team, for
2 example. So we have all of our enrolling
3 agents go through training by the
4 Massachusetts Council on Compulsive
5 Gambling to ensure that all those facets
6 are met.

7 Although our own program is
8 currently under evaluation, preliminary
9 findings show that 89 percent of
10 Massachusetts VSE enrollees reported being
11 very or extremely satisfied with the
12 program at follow-up. 86 percent of those
13 found their experience with the
14 Massachusetts program better than their
15 experience with other programs.

16 Now, anecdotally, we do hear from a
17 lot of enrollees that they do travel to
18 other jurisdictions to enroll in their VSE
19 programs. What our research has shown is
20 that 81 percent of those individuals have
21 also enrolled in a voluntary self-exclusion
22 program outside of Massachusetts. So we
23 know that the need exists. So the idea for
24 this regional program is a direct response

1 to that.

2 So as far as our process, I'm going
3 to hand that over to Marlene who has been
4 working really closely with us.

5 MS. WARNER: Good morning.

6 CHAIRMAN CROSBY: I should just
7 interrupt and say it was Marlene that
8 actually started this whole thing. Marlene
9 as the chair -- as the head of the Mass.
10 Council on Compulsive Gambling orchestrates
11 a New England wide and sometimes including
12 New York kind of quarterly meeting of all
13 the gambling councils on problem gambling.

14 And one of the things that she had
15 envisioned and started talking about there
16 was a regional approach to VSE, which
17 exists nowhere else in the country. And
18 then when we got involved, Enrique and I
19 and Mark, we really thought that was a
20 great idea and kind of took the bit in our
21 teeth, but it wouldn't have happened if it
22 hadn't been for Marlene's introduction.

23 MS. WARNER: Thank you very much,
24 Chairman Crosby. I think that -- I do want

1 to give, you know, to your point, credit to
2 really all the members of the Northeast
3 Consortium on problem gambling who have
4 been meeting since the 1980s. You're
5 exactly right that it's been typically
6 quarterly to two times a year, and that
7 they recognize that people are out Gamblers
8 Anonymous, a 12-step support program for
9 people with gambling disorder will kind of
10 take someone who wants to self-exclude on a
11 casino tour and meaning they will go
12 currently, which seems kind of ludicrous,
13 but they will -- folks with long-term
14 recovery will take someone who is new in
15 recovery and wants to self-exclude and
16 drive them to each of the casinos to
17 self-exclude. It seems like a really
18 ridiculous prospect for somebody who is
19 trying to stay away from a casino to have
20 to be driven to them to self-exclude.

21 So it was out of that idea that we
22 really wanted to be effective. And, again,
23 the Northeast Consortium is made up of
24 clinicians, people who have similar jobs to

1 mine, state officials and problem gambling
2 services, regulators, operators. So it's a
3 nice group that where we really did have
4 some very vigorous conversations.

5 I will say, though, it really
6 wouldn't have gotten to the point where it
7 is if it wasn't for the leadership of
8 Chairman Crosby who did say great idea. We
9 should stop talking about it and actually
10 make this happen, and the Mass. Gaming
11 Commission is willing to kind of think
12 about some of that in the mechanism, so
13 thank you again for the leadership there.

14 So, I think, what's amazing is that
15 it's gone from a concept to reality quite
16 quickly. And there -- we have
17 participation from each of the New England
18 states and New York to varying levels.
19 And, I think, we're continuing to work on
20 that and figure out who is the appropriate
21 person to give the green light to this
22 process, but it is moving along. Sometimes
23 more nudging is involved that we care to
24 think about, but it's certainly moving that

1 way.

2 The other interesting parse that
3 each of the partners have been willing to
4 compromise. So Teresa talked about how,
5 you know, there are different levels in
6 terms of length of time or who does it.
7 People feel very strongly about their
8 voluntary self-exclusion programs more than
9 I think I realize before we started this
10 process. And we are dealing, again, with
11 some are regulators, some are operators,
12 some are sovereign nations and they all
13 have different channels through which they
14 have to have processes like this approved.

15 So it's been a difficult road to
16 negotiate at points but it's, you know,
17 again, I really think because of Chairman
18 Crosby's leadership and the Gaming
19 Commission's work that we're going to get
20 there.

21 I also just want to, I think, I
22 would be remiss to not say is that one of
23 the ways that we got here is because you
24 had two legal interns who did a lot of the

1 background research, so both Judy and
2 Terrance were really vital in those early
3 days of doing the right research and
4 getting us to that point.

5 And, so, the process where we are
6 right now is that Massachusetts is looking
7 at maintenance and technology support and
8 is thinking that the regional program will
9 range between 5,000 and 6,000 people just
10 at launch. What I hope for from this
11 process is that voluntary self-exclusion,
12 as Teresa alluded to, is one of the most
13 evidence-based practices that is useful for
14 someone who has struggled or been in crisis
15 with gambling disorder.

16 One of the things that's hard about
17 it is that it is difficult to negotiate in
18 terms of process, and so we're trying to
19 work on that. It's also difficult to find
20 someone on the floor and to help them
21 commit -- maintain that commitment to
22 themselves that they are going to stay out
23 of that casino.

24 So I'm hoping that through putting

1 all these really tremendous entities
2 together that we can also think a little
3 bit about how are we going to be more
4 effective in helping people to do what
5 they've come to -- come and asked us to do,
6 which is to keep them out of the casino and
7 keep them from gambling.

8 So the next steps Teresa is going to
9 talk about.

10 MS. FIORE: So Marlene made a good
11 point when she talked about how just at
12 launch we're anticipating 5 to 6,000 people
13 if this does go through. And part of the
14 compromise is figuring out the great ideas
15 which we have for the program and balancing
16 that with the administration of it. How
17 can we be realistic about the maintenance?

18 It's going to be really, really big
19 and that doesn't even include the two
20 resort style casinos that are going into
21 Massachusetts, and we'll swallow the list
22 even further. So, I think, everyone who
23 has been involved to date has been really
24 great and taking a little and giving a

1 little to get to our ultimate goal.

2 So we meet on a roughly a quarterly
3 basis. That's not set in stone. Just
4 we're working with a lot of different
5 people and a lot of different places, so
6 it's hard to get everyone on the same
7 schedule. But our next meeting is slated
8 for sometime in the early fall.

9 And what I do in between the
10 meetings is I incorporate all the feedback
11 into a working draft voluntary
12 self-exclusion document. So we literally
13 sit down in this room, and we go over all
14 the changes that are made, and we continue
15 to make changes for it.

16 But I'm happy to say that we're
17 getting very close to what we would like to
18 see in the final program, and we continue
19 to work with other key stakeholders. So
20 Tech has been really important to date and
21 understanding how we're going to implement
22 this on that side of things. Our next step
23 will be to work closely with legal. So not
24 only our legal team but the participating

1 jurisdictions and properties. They have
2 their own set of concerns, and we're going
3 to have to sit down and talk through those
4 with them.

5 That is all I have for the next
6 steps, and we are happy to answer any
7 questions you have about the program.

8 COMMISSIONER CAMERON: Just basic,
9 so a person would come to say our casino
10 here who wants to self-exclude and, I
11 guess, with their permission the goal is to
12 get their name on all of these other
13 states' casino lists.

14 MS. FIORE: Correct. So they would
15 have the option to either exclude on the
16 Massachusetts statewide list, or if they
17 chose the regional list they would have
18 that option at that point.

19 COMMISSIONER CAMERON: Thanks.

20 COMMISSIONER ZUNIGA: But they can
21 also choose by state.

22 MS. FIORE: Yes.

23 MS. WARNER: We should clarify that.
24 So there's a bunch of boxes. They can

1 check all the boxes, or they can say I just
2 want to exclude from Connecticut and
3 Massachusetts or they could check, you
4 know, New Hampshire and Maine and New York
5 as well. So they really -- the ball is
6 very much in their court. They can decide
7 how that works.

8 COMMISSIONER ZUNIGA: I feel I
9 should know this but please clarify. The
10 5,000 to 6,000 initial size of the
11 voluntary self-exclusion list, regional,
12 would mean that there is existing in other
13 states that would become part of the
14 initial list or how is that number
15 ascertained?

16 MS. FIORE: That's a really good
17 point actually. That number came from one
18 of our very first meetings when we combined
19 the current list, but I don't know why I
20 added it in here because we would maintain
21 two separate lists. So if somebody is on
22 the statewide list in any of the
23 jurisdiction, they wouldn't automatically
24 be rolled over to regional. It would be a

1 choice moving forward.

2 COMMISSIONER ZUNIGA: Yes, unless
3 they were given the choice.

4 CHAIRMAN CROSBY: This list would
5 actually start with 0.

6 COMMISSIONER ZUNIGA: Yes. But
7 there's a population, a universe of about
8 6,000 people out there.

9 MS. FIORE: Correct.

10 MS. WARNER: And when people
11 currently come off, and this is one of the
12 points of decision at this point, is
13 whether they will or won't go through an
14 exit interview. Currently in Massachusetts
15 they go through an exit interview. And at
16 that time, we offer -- in Massachusetts we
17 offer them all the resources, including the
18 fact that we can help them get on the list
19 in other locations. So maybe they'd come
20 back on the list or they don't. They have
21 that choice in Massachusetts, but they
22 could choose to exclude from other places,
23 so we could help them with that. But, yes,
24 that's a good point.

1 COMMISSIONER STEBBINS: You
2 mentioned trying to harmonize everybody's
3 regs. in between all the states be it
4 length of term for self-exclusion or even
5 in some way states deal with the
6 trespassing issues differently. Are those
7 issues that can be harmonized regulatory or
8 do some states have to go back and revisit
9 their legislation?

10 MS. FIORE: Term length has actually
11 been a fairly easy one. I am trying to
12 think of some of the other issues that we
13 run into.

14 MS. WARNER: One of the biggest
15 issues has been whether the exclusion is
16 for the gaming floor versus the whole
17 facility. And that, I think, is going to
18 continue to be a bit of a struggle even in
19 Connecticut between the two casinos. One
20 is the whole property. So whether you go
21 to a show at Mohegan or you go anywhere,
22 doesn't matter if you're excluded, you're
23 not invited to be on the facility or at the
24 facility versus Foxwoods is just the gaming

1 floor, so I think that's going to be a
2 tough one still to negotiate.

3 COMMISSIONER ZUNIGA: But if I may
4 answer, maybe you were going to make this
5 point. Nobody is assuming that they'd have
6 to go back to the legislative bodies to be
7 able to implement this. Everybody is
8 assuming that we'll work with the existing,
9 you know, framework and some are different
10 because they have different definitions
11 like gaming establishment, and we'll just
12 have to adjust by regulations or by
13 practice.

14 COMMISSIONER CAMERON: And wouldn't
15 you just have to advise the person? Just
16 so you know, if you exclude from this
17 location, that means the entire property
18 you couldn't go to a show. Do you know
19 what I mean? Wouldn't that be enough?

20 MS. WARNER: I think we're trying to
21 not get into having, you know --

22 COMMISSIONER CAMERON: Having to
23 tell them.

24 MS. WARNER: Just this long list of

1 things that --

2 CHAIRMAN CROSBY: Because there's so
3 many. We're talking 40 facilities.

4 MS. WARNER: Yeah. When you
5 consider like, you know, New York, New York
6 also includes other types of gaming, not
7 just casinos. And, I think, that's the
8 other piece we probably should have covered
9 is that it's primarily casinos that we're
10 talking about. But in New Hampshire, who
11 doesn't have casinos, we're also talking
12 about card rooms. In Connecticut they just
13 approved slots at OTB. So trying to
14 negotiate that and specify as much as we
15 can without going overboard and they shut
16 down and forget, right. So I'm trying to
17 negotiate that.

18 We've also talked about having a
19 common website or place where they can go
20 and find out more details as well as, you
21 know, one of the comments that came up last
22 time was as facilities are built, the goal
23 is to never contact anyone on the VSE list.
24 So how do you give them updates without

1 contacting them is triggering them? So to
2 have it on the website if they ever wanted
3 to check and figure out how that worked.

4 COMMISSIONER MACDONALD: Teresa, you
5 mentioned some statistics that were you, I
6 think, characterized as preliminary of
7 89 percent satisfied, 86 percent
8 Massachusetts better than other states if
9 my notes are correct. What was that; what
10 was that survey?

11 MS. FIORE: So that's part of the
12 Massachusetts voluntary self-exclusion
13 evaluation, which will be available --

14 MR. VANDER LINDEN: We will have a
15 preliminary sort of update report by the
16 end of this month, but the full report
17 we're wrapping up data collection and
18 surveying participants. That won't be
19 ready until next fiscal year.

20 MS. FIORE: But the researchers were
21 confident enough with these numbers to
22 share them with us with a disclaimer that
23 they could change slightly, but that
24 directionally I read them as pretty strong.

1 MR. VANDER LINDEN: And we used
2 Harvard Medical School of Cambridge Health
3 Alliance just as we use them to evaluate
4 the GameSense program overall and
5 PlayMyWay.

6 COMMISSIONER STEBBINS: Is there
7 anything that -- I mean, obviously our
8 licensees are aware of the requirements.
9 Other licensees in other states are aware
10 of the requirements. But is there anything
11 that the industry can be doing to help kind
12 of finesse this forward? Thinking a group
13 like the AGA which can talk to the industry
14 in terms of getting them on board.

15 MR. VANDER LINDEN: It would be
16 fantastic to have not just a regional
17 approach but even a national approach, and
18 that would take some serious leadership
19 from organizations that have that type of
20 national standing. The American Gaming
21 Association certainly would be -- have that
22 type of national standing. The National
23 Council on Problem Gambling certainly has
24 that national standing. It's a huge push,

1 but I don't think it's impossible. And
2 there are examples of other countries that
3 have a national voluntary self-exclusion
4 list.

5 It makes sense, you know. We are
6 focusing on the Northeast, and we're doing
7 what we can recognizing it's a very tight
8 gaming market, and we want to provide the
9 best service we can for people that have
10 experienced gambling-related harm related
11 to casino gambling. But wouldn't it be
12 great if we could have a national approach
13 to voluntary self-exclusion.

14 CHAIRMAN CROSBY: We have kept Keith
15 White from the National Council involved.
16 He knows this is going on, and we'll try
17 to -- if we get this done -- we will get it
18 done. The question is: Will we get
19 everybody to participate? But once this is
20 done, then we'll start working with him to
21 see whether there is a -- taking national
22 would be a big, big bite but you never
23 know.

24 COMMISSIONER ZUNIGA: I think maybe

1 done incrementally, and this is one step
2 towards that. I did want to mention one
3 thing that was sort of highlighted, but
4 it's one of the things that we've come to
5 appreciate. We are the only ones that
6 require an exit interview when coming off
7 the voluntary self-exclusion. That
8 brings -- I think, that is a big part of a
9 therapeutic nature of this program, and I
10 like it in concept and I think it's going
11 to be a -- you know, it's a great approach.
12 It will be evaluated and so on.

13 That has brought up, however, some
14 important questions as to whether and how
15 do we put this requirement regionally
16 because others really don't and probably
17 aren't expected to have that either.

18 CHAIRMAN CROSBY: Don't have the
19 capacity.

20 COMMISSIONER ZUNIGA: Don't have the
21 capacity to do that. I'd say that's the
22 biggest sort of difference in terms of
23 reconciling, you know, those things.

24 CHAIRMAN CROSBY: But we have agreed

1 that, as you know, to offer an electronic
2 form and Mark has seen, at least Mark,
3 maybe you too, Marlene, have seen the
4 electronic self-interview, and it's pretty
5 good apparently. So we've agreed with
6 everybody that -- all parties have agreed
7 that you cannot get off the list until
8 completing an exit interview either
9 electronically or in person.

10 We will continue to do it in person,
11 and we'll try to encourage others to do it
12 in person where possible. But where it is,
13 though, at least will be in an electronic
14 portion, which is a step in the right
15 direction and everybody agreed to it right
16 off the bat.

17 COMMISSIONER STEBBINS: That's a
18 great idea.

19 CHAIRMAN CROSBY: Two other things.
20 One that we get, this is just anecdotal,
21 because we have the GameSense program in
22 place, it gives us the ability to deal with
23 VSEs in a much more sensitive way. Usually
24 it's done by the security people or the

1 gaming agents, and they're not very
2 well-trained in it, if they are trained in
3 it at all. In most jurisdictions, it's
4 considered a law enforcement function.
5 It's really, you know, you're a bad guy.
6 If you come in here, you run the risk of
7 arrest and so forth.

8 Because of our GameSense agents,
9 it's a much more sensitive process. People
10 are credited. They are heros to get on the
11 list. Not bad folks to get on the list.
12 And we get constant anecdotal feedback from
13 people who have signed up in other
14 jurisdictions where it's been handled in
15 this offhanded very sometimes authoritarian
16 way versus our's. I think that's a real
17 asset.

18 And one of the things we talked
19 about and everybody has agreed to it is to
20 do training, you know. We may provide the
21 training, and so that the people who do
22 intake other places will have an
23 opportunity to get some of the training and
24 experience that our intake people have.

1 One thing that is very striking to
2 me, I must say, is there has been virtually
3 zero chauvinism about the way I do it.
4 It's so commonplace for institutions to be
5 committed to their own way of doing things,
6 and that's one of the things you always run
7 up against when you try to do a consortium
8 effort like this. There has not been a
9 word of that. Everybody has been quick to
10 try to compromise where they possibly can,
11 so that was really a real surprise.
12 Probably credit to you and consortiums sort
13 of frame of mind.

14 Anyway, I just thought everybody
15 would be interested in that. It's a great
16 thing. It will be another thing, I think,
17 we can take some pride in our whole
18 responsible gaming package of programs, and
19 we can make this happen.

20 COMMISSIONER CAMERON: Thank you.

21 COMMISSIONER MACDONALD: Thank you
22 very much.

23 COMMISSIONER STEBBINS: Thank you.

24 CHAIRMAN CROSBY: Thank you. No. 5,

1 Director Connelly. Paul, if you'll bear
2 with me, I'm going to run and get another
3 quick cup of coffee.

4 MR. CONNELLY: Not a problem.

5 COMMISSIONER STEBBINS: No
6 reflection on your presentation.

7 MR. CONNELLY: It never is.

8 CHAIRMAN CROSBY: Go ahead, Director
9 Connelly.

10 MR. CONNELLY: Great, thank you.
11 Good morning, Chairman Crosby and
12 Commissioners.

13 COMMISSIONER ZUNIGA: Good morning.

14 COMMISSIONER MACDONALD: Good
15 morning.

16 COMMISSIONER STEBBINS: Good
17 morning.

18 MR. CONNELLY: This is really a nice
19 topic right now, because we're able to
20 issue the very first -- Commonwealth's
21 first gaming school certification. So
22 under 205 CMR 137, once the application for
23 a gaming school is deemed complete, the
24 Division of Licensing is to issue that

1 certification, but we have not done so yet
2 because we felt it was proper to introduce
3 it to the Commission first. And, also,
4 moving forward I have with me Chef John
5 Caressimo, who is the director of the CATCH
6 Institute which contains the casino track.

7 So I'll give -- and I have Bill
8 Curtis, licensing supervisor who was
9 instrumental in helping go through,
10 frankly, the first of its kind application.
11 Not for nothing, but the application was
12 probably close to the size of the binder of
13 the mitigation fund you have in front of
14 you. So it was Bristol Community College
15 provided us with the welcome materials to
16 go through.

17 It's a very, very thorough program,
18 and they have done a tremendous amount of
19 work on it. Just, if you will, I'll
20 provide a brief overview of the program.
21 And as I said, Chef Caressimo is here to
22 answer any questions you might have.

23 So the casino track is part of an
24 overall hospitality program under what's

1 called the CATCH Institute, which stands
2 for Culinary Arts, Tourism, Casino
3 Management and Hospitality. So it is
4 notable that anyone going through this
5 track at Bristol Community College would be
6 well-trained and well-educated to serve in
7 a number of positions at the casinos in
8 Massachusetts. So that in and of itself is
9 really a great story. But within that, in
10 the casino management course, once someone
11 goes through the proper prerequisites with
12 the appropriate grades, they are eligible
13 to take two dealing classes.

14 So, currently, the school is
15 offering blackjack, craps, roulette, poker
16 and that's it. And, notably, and I think
17 some of you have had the fortune of going
18 down, they have a great lab, training lab.
19 So in addition to in class didactic
20 learning they go through and do training in
21 a lab. I do know, I don't want to get you
22 guys ahead of yourself, but they have shown
23 us the seed of a surveillance lab which we
24 maybe seeing in the future, which would

1 also be a great addition to their program.

2 I want to note that Bristol
3 Community College, in particular Chef
4 Caressimo, was a great partner in this
5 process. Like I said, it's the first one
6 we've looked at. So there were certainly
7 some questions and we had -- they were
8 extremely generous in providing us not only
9 tours of the facility, access to all the
10 information they had about the program.

11 But we also had some good back and
12 forth about the course hours, and they
13 notably adjusted some of the hours to make
14 sure they met the regulatory requirements,
15 which was no small feat because it wasn't
16 just do it by fiat. They had to go in
17 front of the curriculum committee and do a
18 whole number of things, and at no point did
19 they give us any trouble whatsoever. It
20 was a great partnership, and I wanted to
21 thank them for that.

22 With that, like I said, we're
23 prepared to give them the certification but
24 I wanted, frankly, Chef Caressimo, who is

1 the star of the show, I wanted to make him
2 available for any questions you had.

3 COMMISSIONER CAMERON: I just,
4 Director Caressimo, sorry about that, I did
5 have the opportunity to come down and see
6 the program, very impressive how your
7 staff -- how hard everyone is working to
8 conduct the research, what will would be
9 the best programs. And I know this was new
10 for you. This was new for us to be able to
11 license, and the location is ideal.

12 I think eventually there will be a
13 casino in Southeastern Mass., and I give
14 you credit for being the first in the state
15 to take this leap and to put the work in
16 and the time, and I know you have students
17 and it's just terrific, so congratulations.

18 MR. CARESSIMO: Thank you very much.

19 COMMISSIONER STEBBINS: I echo that.
20 This is early on we were excited about
21 creating a partnership with the community
22 colleges, and we were thinking about it
23 just from the gaming aspect, you know, how
24 many hours of blackjack instead of kind of

1 following the Atlantic Community College
2 curriculum. You guys have taken it to the
3 whole next step, a whole nother level in
4 terms of general introduction to any number
5 of topics that are connected to the gaming
6 industry coming into Massachusetts, so we
7 are excited about that.

8 I did have one question. Is there
9 an opportunity -- I think we even talked
10 about this at our meeting out in
11 Springfield -- about using the credentials
12 of the students will obtain to kind of
13 build onto the other pieces of the degree,
14 you know, kind of those stackable
15 credentials from some of the programs that
16 you're going to offer? Can you just remind
17 us about that?

18 MR. CARESSIMO: Initially the
19 students who come in initially will be
20 signed up in a degree program. We're
21 currently working with our workshop area of
22 the college to create a stack of
23 credentials where if a student is coming in
24 and just wishes to get the training to the

1 dealing courses, then they will be able to
2 take the prerequisite courses and the
3 dealing courses. And if in the future they
4 decide to return to Bristol Community
5 College in any degree program, they will
6 receive the credits that the courses carry
7 that they were enrolled in, and they can
8 either use them in the hospitality degree,
9 or they can apply them as elective credits
10 to any other program that they choose.

11 COMMISSIONER STEBBINS: That's
12 great. And correct me, did you also do
13 some ServSafe training for folks out in
14 Plainridge?

15 MR. CARESSIMO: ServSafe training is
16 in there. Initially it was in there with
17 the culinary arts program, yes.

18 CHAIRMAN CROSBY: What is that? Oh,
19 that's the alcoholic beverage --

20 MR. CARESSIMO: That's food service.

21 COMMISSIONER STEBBINS: That's food
22 preparation.

23 MR. CARESSIMO: The alcohol is the
24 tips.

1 COMMISSIONER ZUNIGA: I know you
2 have been before us, Mr. Caressimo, but
3 perhaps as an overview, can you give us a
4 sense of the current pipeline of students
5 that you have, the interest -- the level of
6 interest, the expected enrollment or things
7 like that?

8 MR. CARESSIMO: That's problematic.
9 We've had 9 to 11 students enrolled in this
10 past semester taking the introductory
11 courses. And currently right now I have 17
12 on the application list who are in various
13 stages of completing their application
14 process. They need either transcripts or
15 testing or an applicant orientation
16 meeting.

17 So if things work out the way they
18 should, we should have a class of around 8
19 to 10 for the fall. But students like
20 anybody else, unless they see
21 bricks-and-mortar in front of them, they
22 don't make the leap of faith connection
23 that, you know, the jobs are out there.

24 So I would think that once the

1 Mashpee Wampanoags get their final approval
2 and we start to see something rising there,
3 I think that will renew a whole new spirit
4 with the students, and that should bump up
5 the enrollment. The other thing is,
6 obviously once we have this in hand, in the
7 next two to three weeks we're planning on a
8 ribbon-cutting ceremony, to which obviously
9 you all will be invited. And with the
10 resulting promotion, with that we would
11 anticipate a slight increase in the number
12 of students coming in.

13 COMMISSIONER ZUNIGA: Do you
14 typically get commuter students, I take it?

15 MR. CARESSIMO: When you say
16 "commuter students," we have students who
17 have come from as far away as maybe 50 or
18 60-miles who make that round trip every
19 day. We have no boarding facilities. I
20 doubt anybody is coming from any further
21 distance.

22 COMMISSIONER ZUNIGA: Right, right.
23 I was thinking of Western Mass. of course
24 as the next -- or the brick-and-mortar that

1 is actually already showing.

2 MR. CARESSIMO: We have been talking
3 with the vice president from MGM. She was
4 down last week, and we were talking about
5 the possibility of cooperating in the
6 training. Because obviously regardless of
7 how good any of us are, there is no way we
8 can train everybody that's going to be
9 meeting over the next two-year period. So
10 there's certainly going to be a lot of
11 collegiality and cooperation that's going
12 to be necessary among schools and the
13 casinos.

14 COMMISSIONER MACDONALD: Well, while
15 there's been the unfortunate delay from the
16 perspective of the tribal casino across the
17 street from your facility, and I was part
18 with Commissioner Cameron of the tour there
19 and I was very impressed by it. But we do
20 have the prospect -- not we. But there is
21 the prospect of a casino in Tiverton.

22 MR. CARESSIMO: Tiverton also,
23 correct.

24 COMMISSIONER MACDONALD: And if my

1 understanding of the geography is right,
2 that's even closer to the main campus of
3 Bristol Community College than Taunton
4 would be. Is there a prospect here of
5 being able to direct the students into the
6 pipeline of the Rhode Island casinos?

7 MR. CARESSIMO: Yes, there is. I
8 know Twin River does a great deal of their
9 own training, you know, a lot of that. But
10 just the other day, I received a phone call
11 that the casino and games manager from Twin
12 Rivers was at the site visiting it. So I'm
13 in correspondence with him, and hopefully
14 something can be worked out in the future.

15 CHAIRMAN CROSBY: Great. And
16 obviously Wynn to I assume your --

17 MR. CARESSIMO: Absolutely.

18 CHAIRMAN CROSBY: You know all the
19 Wynn people as well. Great,
20 congratulations.

21 MR. CARESSIMO: I don't want to
22 stand in the way of planning a
23 ribbon-cutting so here is the
24 certification, and it really represents a

1 tremendous amount of work on their part
2 putting together a program that everyone
3 who saw really commented it was a great
4 program, and it's going to do a lot for a
5 lot of people.

6 CHAIRMAN CROSBY: Great,
7 congratulations.

8 COMMISSIONER CAMERON:
9 Congratulations.

10

11 (Round of applause)

12

13 COMMISSIONER MACDONALD: Can we hear
14 from the chef?

15 MR. CARESSIMO: Thank you.

16 CHAIRMAN CROSBY: Next up -- oh no,
17 you have another item, sorry.

18 MR. CONNELLY: I do, I do. But I
19 have to apologize. I may have called -- I
20 wasn't -- there isn't a vote on this, but I
21 did want to brief you regarding a gift that
22 the Division of Licensing received. So one
23 of our non-gaming vendors company called
24 Palmer (phonetic) Acquisition Corporation

1 was so pleased, frankly, with the job that
2 Bill Curtis, licensing supervisor, did
3 helping them through the process not only
4 through our process but in also getting
5 certification in Massachusetts as a
6 minority owned business and a veteran owned
7 business that they were gracious enough to
8 send us a gift, which we are in the process
9 of returning.

10 But it's really -- it's a unique
11 gift, because the person who sent it was a
12 professional baseball player of great
13 renowned, World Series champion and sent us
14 a bat that had he had written on it to the
15 Division of Licensing -- sorry, I'm
16 starting to get choked up. It's so
17 emotional -- to the Division of Licensing,
18 thank you so much for your patience and
19 professionalism. Good luck and very best
20 wishes, Garry Maddox, Phillies 1980 World
21 Series champions.

22 So it was really -- it was an honor
23 to receive it, and I think it was great and
24 it reflects on it's, you know, again, just

1 another example of the great job that the
2 team does and Bill in particular. But,
3 unfortunately, as one of our registrants,
4 even if there were a question that we could
5 receive it, we didn't want the appearance
6 of any impropriety.

7 So we've contacted Mr. Maddox.
8 We've told him that, you know, we are
9 returning it. We may take pictures with it
10 before we do, but that remains to be seen.
11 But it, again, the value and the message of
12 the gift will never leave. It's been
13 expressed, and so we are appreciative of
14 that. We'll be boxing it up and returning
15 it shortly. So I just wanted to give you
16 an update on that.

17 COMMISSIONER STEBBINS: Very sad
18 occasion that we have to return it. But I,
19 you know, I personally have heard this a
20 number of times from a number of small
21 businesses that talk about, not you
22 specifically, Paul, but your team of
23 course, as to how helpful, you know, people
24 get calls back saying, you know, just

1 circling back with you anxious to see if
2 you're helping to complete the information
3 that we've asked for all in a professional
4 and courteous manner, and this is kind of a
5 very nice show of appreciation for Bill's
6 work and the work by the rest of the team.
7 I wish we had a picture of Gary, because he
8 used to have those crazy mutton chop kind
9 of beard and mustache when he was playing.

10 CHAIRMAN CROSBY: What's his
11 connection to the organization?

12 COMMISSIONER CAMERON: He has a
13 furniture -- office furniture store, so he
14 is now a vender of casinos.

15 MR. CONNELLY: Life after baseball.

16 CHAIRMAN CROSBY: He can come visit
17 anytime. We can accept a visit.

18 COMMISSIONER STEBBINS: I suggested
19 to Paul we should have him come visit
20 because we also found out, I think, in this
21 process that he is also an Army veteran.
22 In thinking, you know, ahead as we try to
23 promote our engagements and our licensees'
24 engagements for veterans that we have him

1 up and maybe come visit as a guest during
2 Veteran's Day time period. Because, you
3 know, certainly can help us draw some
4 awareness to the opportunities that
5 veterans have through this whole vending
6 opportunity, so sorry to see the bat go.

7 MR. CONNELLY: Exactly. We
8 certainly have let him know if he had
9 reason to be up here, we always like to
10 meet our venders. Just as a note, it's
11 funny because, you know, we were working --
12 when Bill was working with him, you have no
13 idea who someone is. And then only after
14 the process is pretty much complete does he
15 indicate, oh, by the way, I'm the guy who
16 played for the Phillies. You know, so it's
17 great.

18 It's just a really -- and that's one
19 of the benefits of, you know, in the
20 division is we do get to work with so many
21 different members of the public both
22 individually as licensees and venders and
23 we get to see a real, you know, broad
24 section of what's going on in terms of the

1 venders out there. And you think
2 competitively someone might throw that out
3 as first thing to grab attention. He
4 waited until he was all the way through the
5 process, oh, by the way, you may know my
6 name. It was really a great story.

7 COMMISSIONER STEBBINS: It wasn't a
8 Yankee, but Bill still accepted the bat.

9 COMMISSIONER CAMERON: I know those
10 bats go for a lot of money. I play in a
11 lot of charity golf tournaments, and I know
12 they go for a lot of money. So he was
13 giving that away, because of the work that
14 your team did, and that's really a tribute
15 to Bill and the team.

16 MR. CONNELLY: If it goes on eBay,
17 maybe there's another division of licensing
18 that will buy it.

19 COMMISSIONER CAMERON: Thank you for
20 sharing that with us.

21 COMMISSIONER ZUNIGA: Yes, thank
22 you. I actually just want to mention
23 something. I have pretty much mixed
24 feelings on this. I have found myself

1 personally to be in the position that you
2 are returning a gift that's of monacle
3 value. But according to our enhanced code
4 of ethics, we are not to accept any gift
5 for the work we do.

6 I always go through the calculation
7 of it feels like I'm offending somebody by
8 returning what's clearly came after the
9 fact. In my case it was just an appearance
10 for a speaker's bureau, and they just gave
11 me a gift card with a thank you note. But
12 even that, you cannot go wrong with our
13 ethics expectations and whatnot. Returning
14 it with a thoughtful note that lets them
15 know, that context I think is really
16 appropriate.

17 MR. CONNELLY: And it did and
18 selfishly it did being able to discuss it
19 provided us the opportunity, again, to
20 highlight the great work of the team that I
21 have. So any chance I get to do that, I'll
22 take.

23 COMMISSIONER CAMERON: Great,
24 thanks.

1 CHAIRMAN CROSBY: I'll add my two
2 cents worth, Bill and Paul. You've heard
3 me say many times about how important
4 customer service is to me and to this
5 organization and the value -- if it's in
6 our value statements, we talk about wanting
7 to be -- having a really proper customer
8 interface no matter their point of view or
9 point of entry. And point of entry
10 licensing, like VSE, that could be a
11 command and control function. That can be
12 one that you take on almost a law
13 enforcement attitude and, you know, lots of
14 people do.

15 COMMISSIONER CAMERON: What does
16 that mean, "a law enforcement attitude"?

17 CHAIRMAN CROSBY: Sorry, a punitive
18 --

19 COMMISSIONER ZUNIGA: An
20 intimidating one.

21 CHAIRMAN CROSBY: She knows what I
22 mean. She's just giving me grief. But,
23 anyway, you know, like our voluntary
24 self-exclusion, it can be done as a

1 security authoritarian kind of approach or
2 it can be done in a very collegic,
3 collateral approach and you obviously are
4 distinguished in doing it that way, and I
5 really appreciate it. I think maybe
6 tomorrow in our whole staff meeting, if you
7 didn't have this on the agenda, I think it
8 would be worth having Paul tell that story
9 so the whole staff hears.

10 MR. BEDROSIAN: Sure.

11 CHAIRMAN CROSBY: Great, thanks.

12 COMMISSIONER CAMERON: Thank you.

13 COMMISSIONER MACDONALD:

14 Congratulations.

15 CHAIRMAN CROSBY: Now Mr. Lennon.

16 MR. LENNON: Good morning,

17 Mr. Chairman and Commissioners.

18 COMMISSIONER MACDONALD: Good
19 morning.

20 COMMISSIONER CAMERON: Good morning.

21 COMMISSIONER ZUNIGA: Good morning.

22 MR. LENNON: A quick sidenote to
23 that bat story. It's actually a great
24 thing that licensing is doing, because they

1 are giving us additional vendors. As you
2 know, you hold us to high standards for
3 minority, women and veteran owned
4 businesses on or own spend.

5 When WB Mason bought out New England
6 Office Supply, we lost a woman-owned entity
7 for office supplies. We are actually
8 working with one of our registrant vendors
9 to see if they can meet prices or beat the
10 prices that are offered by WB Mason, and
11 then we'll both get minority and veteran
12 status for that spend. So not only is it
13 helping the casinos, it's helping us
14 internally as well to meet some of our
15 requirements.

16 CHAIRMAN CROSBY: Great.

17 MR. LENNON: But that wasn't why I
18 was here to present. I'm here to present
19 on the 2018 budget. On June 8th, we
20 presented to you staff recommendations for
21 the fiscal year 2018 budget. In your
22 packet, you have the memorandum from the
23 8th, as well as all the accompanying
24 detailed budget documents that were

1 presented. We opened up our budget for
2 public comment. We received two comments,
3 which are included in your packet.

4 And at this point, we're here to
5 discuss anything now that you've had a
6 chance to take in more of the information,
7 hear the public comments and hopefully
8 approve a budget so we can move forward
9 into July and start billing our licensees
10 for their share of the assessment.

11 COMMISSIONER ZUNIGA: And by the two
12 comments, you mean the letter from MGM and
13 the Attorney General's office?

14 MR. LENNON: Correct.

15 CHAIRMAN CROSBY: Are they in the
16 packet?

17 COMMISSIONER CAMERON: Yes, back of
18 budget.

19 CHAIRMAN CROSBY: Okay.

20 COMMISSIONER CAMERON: Back of the
21 six.

22 CHAIRMAN CROSBY: Yes.

23 COMMISSIONER ZUNIGA: I feel like
24 I'd like to make a comment, maybe not a

1 question but a comment on a couple of the
2 topics from the MGM letter that, I think,
3 are relevant for us to discuss or, if
4 anything, just for the public to
5 understand.

6 In their letter, MGM suggests that
7 we scrutinize or audit the cost of the
8 attorney general, and that's authority that
9 we simply don't have. If anybody is going
10 to audit those costs, that would be the
11 state auditor and, you know, we don't have
12 input into the audit problem of the state
13 audit.

14 There is another element that they
15 talk about that we could consider but
16 perhaps really explain of what we do, which
17 is what we do in our budget. We provide a
18 number for planning purposes for the
19 assessment, and we bill quarterly based on
20 the costs as we incur. And there's usually
21 a reconciliation of sorts or an assessment
22 that takes into account prior expenditures
23 and non-expenditures that effectively chews
24 up, you know, whatever may be unexpended,

1 which we continue to do and we'll continue
2 to do in any expenditures that are any part
3 of our budgets.

4 There's for sure a final
5 reconciliation that we do at the end of the
6 fiscal year and any unexpended moneys
7 simply get credited to the next quarter
8 assessment. So when they mention that
9 there is a front loading, I think, I don't
10 know if that's the term, of costs, well,
11 this is really the nature of how we assess
12 our costs and we reimburse and offset
13 relative to prior costs.

14 There is little that we can do. I
15 think we are doing what's reasonable in
16 terms of making sure there is not a big
17 balance, let's say, in our accounts at the
18 expense of the licensees. Do you want to
19 expand on any of that, Derek?

20 MR. LENNON: So I agree with you on
21 the auditing side. So it's not a grant
22 that we are giving out, so we don't have
23 the same authority that you would typically
24 have under a grant. The statute clearly

1 gives them money as long as -- and within
2 the statute, it says that it's up to them
3 to make sure there is no duplication. So,
4 I completely agree with you there. We
5 don't have auditing capacity.

6 On the front loading reimbursement,
7 we could ask for reimbursement but we have
8 to ask the state control's office to also
9 give the attorney generals the authority to
10 spend into a negative on that account and
11 then reimburse them for actual expenses.
12 That's not how the state accounting system
13 is set up.

14 The way it's set up is you have to
15 give an ISA with funding up front, absent
16 the authority to allow account to spend
17 into the negative. So I'd have to go
18 through that with the control's office.
19 It's going to be basically the same thing.
20 It's just we wouldn't be assessing up front
21 and loading the money into their account.
22 It would be them spend into the negative
23 and then reimburse the account.

24 So that's more of a technical. I

1 can't really tell you which way the state
2 control's office would come down on that,
3 but it's a request we can make. It's not
4 going to change their operations one way or
5 another. So, I thoroughly agree with you
6 on both aspects the way it's kind of set up
7 right now.

8 CHAIRMAN CROSBY: But the statute
9 does say reimbursed, doesn't it, pretty
10 clearly?

11 MR. LENNON: It does say reimbursed.
12 But you can could also look at it as -- I
13 mean, it doesn't -- the way Chapter 29
14 finance law goes, you have to have the
15 specific authority to spend an account into
16 a negative, so there is somewhat of a
17 contradiction there. And we would be
18 asking the controllers to take the leap of
19 the intent was to allow to spend into the
20 negative without the language there.

21 I mean, once again, it's one of
22 those things I don't think it really
23 changes the impact. It's just we wouldn't
24 be building it into the budget. We'd just

1 be sending the licensees a bill on top of
2 whatever our assessment is at the end of
3 each quarter.

4 COMMISSIONER ZUNIGA: And that's,
5 frankly, that's a request that we can make
6 of the controller.

7 MR. LENNON: Yes, we can work that
8 one out.

9 COMMISSIONER ZUNIGA: If it's too
10 much to do, if they don't want to change
11 procedure, we can simply continue as going.
12 This is only a cash flow on reimbursement
13 timing element, but it gets technical in
14 the notion of, you know, having the
15 authority to spend moneys into accounts
16 that go into negative.

17 MR. LENNON: And a positive I saw
18 from the two communications was they asked
19 for discussion around the budget, and it
20 seemed like in the attorney general's
21 response it said they're open to discussing
22 the budget. So, I see a positive there
23 through the communication.

24 COMMISSIONER CAMERON: In reading

1 the two letters, I think they have a
2 disagreement on the interpretation of the
3 statute. And, certainly, the attorney
4 general as the chief legal official, as
5 well as the chief law enforcement official
6 for the Commonwealth, I certainly give
7 deference to the attorney general on how
8 they interpret the statute. I have been
9 reading those two letters. That seemed to
10 be the issue.

11 It wasn't -- they understood that
12 they weren't going to question
13 investigations, and that's certainly an
14 area in which, you know, when we talk about
15 auditing or reimbursements, I mean, you
16 just don't know when you start an
17 investigation where it's going, how much it
18 will cost to complete because, you know,
19 you just don't know. The circumstances
20 change so --

21 CHAIRMAN CROSBY: Actually, that
22 reinforces I think why the reimbursement
23 idea might be, which the statute calls for,
24 might be a better way to go because you

1 don't know.

2 COMMISSIONER CAMERON: Then you
3 upfront the money and get reimbursed.

4 CHAIRMAN CROSBY: If the controller
5 is okay with it.

6 COMMISSIONER CAMERON: I think
7 that's difficult for an agency that is --

8 MR. LENNON: So they wouldn't be
9 upfronting the money if the controllers
10 authorized it. What we do is we'd give
11 them an account and the Commonwealth will
12 be upfronting the money. So the account
13 will spend into the deficit -- similar to
14 how federal grants work -- they spend into
15 the deficit and then you make a
16 reimbursement request on a timing schedule,
17 and then the Commonwealth is reimbursed for
18 that.

19 COMMISSIONER ZUNIGA: I think the
20 difference in interpretation that is
21 highlighted in the letter is relative to
22 going in excess of \$3 million, which I
23 agree with you that, I think, that
24 deference is afforded to the attorney

1 general as to whether, you know, the costs
2 on the cap include the state police or not.
3 I see it one way, but they see it another
4 way and I'll defer to them.

5 The one thing that it begs the
6 question, I think, which is also part of
7 the letter, is if they're at a level that
8 is nearing the cap when there is one --
9 there is only one Category 2 operating what
10 might anybody might expect relative to the
11 next Category 1s and but, again -- then
12 again, it's not for us to question the
13 reasonability of those resources.

14 COMMISSIONER CAMERON: No --

15 COMMISSIONER ZUNIGA: We don't have
16 that authority, and that was part of my
17 point.

18 COMMISSIONER CAMERON: But they're
19 doing much more than -- there's a whole
20 illegal gambling around the entire state
21 piece of this as well as preparation and
22 work done in the communities in which there
23 will be casinos.

24 COMMISSIONER ZUNIGA: Understood.

1 COMMISSIONER CAMERON: So, I think
2 the operation is much bigger than one small
3 casino.

4 COMMISSIONER ZUNIGA: Understood,
5 understood. It's still a relevant question
6 that, again, it gets posed to us. I cannot
7 answer that. The one thing that we do have
8 and we can highlight this as part of the
9 reimbursement piece, those expenditures are
10 supposed to be making sure that there is no
11 duplication of efforts. That's an area
12 that we, you know, we really need to
13 understand and inquire where possible or
14 make sure that the division understands
15 that there is no duplication by
16 understanding the wrong costs.

17 COMMISSIONER CAMERON: I think you'd
18 be -- well, I know about the communication
19 that takes place between our IEB and the
20 attorney general's unit, constant
21 communication, constant sharing of
22 information, and part of that is to make
23 sure that they are not duplicating their
24 efforts.

1 So, I know that those relationships
2 are sound and there are lots of
3 communication and a really good system
4 where the higher level cases are turned
5 over to the attorney general's office from
6 our IEB. So, I think, that that work is
7 being done.

8 COMMISSIONER ZUNIGA: That's fine.
9 The only point is that MGM raises it, and
10 it occurs to me that they don't understand
11 that. That's important for us to
12 highlight.

13 COMMISSIONER MACDONALD: I have a
14 question as to process. Once again as the
15 relative new guy on the block, there are a
16 couple of issues that have been raised by
17 MGM here. One of them is the forward
18 funding issue, and the other one that comes
19 to mind is that they are objecting to them
20 being assessed for costs of the attorney
21 general's unit that pertains to just
22 illegal gaming gambling in general,
23 something that presumedly has preexisted
24 the 23K.

1 How do these issues get resolved;
2 are they resolved before us or are they
3 resolved before the controller or the
4 courts?

5 COMMISSIONER CAMERON: I don't know
6 that there's a reason to resolve. I think
7 that there were limited resources before
8 that the state police utilized and some of
9 the DA's offices if they were aware of an
10 illegal gambling case, and they had the
11 resources to handle it. I just attended a
12 conference in which I sat on a panel in
13 which this was the topic.

14 And, frankly, folks from around the
15 country were really intrigued by our system
16 in which some moneys were dedicated to the
17 attorney general's office for
18 gaming-related investigations. I think, I
19 think there were a limited amount of
20 investigations that occurred before moneys
21 were dedicated for this, and I think there
22 is a -- there are more resources now to
23 handle those illegal gaming operations.

24 And I have to tell you with my

1 experience in Atlantic City because there
2 were so many casinos, they were really very
3 encouraging to the state police in New
4 Jersey to handle these matters, these
5 cases, because they did feel like it had an
6 effect on their operation. A lot of
7 illegal slot machines, for example, around
8 New Jersey. The casino operators were
9 encouraging to us, and we had the moneys
10 from gaming to handle some of those
11 investigations. So, I don't see anything
12 that has to be resolved frankly.

13 COMMISSIONER MACDONALD: There
14 appears to be an issue here. My question
15 is: What's the forum for the resolution of
16 the issue here?

17 COMMISSIONER CAMERON: Well, I think

18 --

19 MR. LENNON: For the reimbursement,
20 I'll take this up right after. We just got
21 these letters, so I'll take this up this
22 week, next week and I'll have a resolution
23 for you hopefully by the next public
24 meeting.

1 COMMISSIONER CAMERON: And your
2 point was well-taken in that the offer was
3 made to have further dialogue by the AG's
4 office and our operators, so I think that
5 communication will be helpful as well.

6 COMMISSIONER ZUNIGA: That's on the
7 issue on reimbursement. On the other topic
8 that you're talking about or we're talking
9 about here relative to the gaming-related
10 crimes, the statute seems broad enough to
11 encompass just what Commissioner Cameron is
12 saying. Now --

13 CHAIRMAN CROSBY: And we
14 participated with them in a discussion
15 about illegal gambling.

16 COMMISSIONER CAMERON: Yes.

17 COMMISSIONER ZUNIGA: It also
18 includes -- I don't have the four elements
19 of the statute here. But the other one is
20 referrals that we make to the division on
21 matters that they will pursue and the
22 illegal gaming is one that we refer,
23 illegal slot machines sort of at the
24 request of the lottery.

1 The lottery feels that there are
2 many elements of slot machines that are
3 illegal being used next to lottery signage
4 that would appear to make them legitimate.
5 So we simply referred that matter. I note
6 that there was an element recently some
7 kind of a case. Could you refresh my
8 memory?

9 CHAIRMAN CROSBY: Can I interrupt
10 there? Because Commissioner Macdonald was
11 not raising the issue about whether or not
12 we should pay for investigations in -- or
13 the licensees should pay for investigations
14 in illegal gambling. He was saying if
15 there is a dispute about how this gets
16 forwarded, what is the process for doing
17 that? That was your question. And, I
18 think, that's a very interesting and
19 complicated and maybe even troubling
20 question.

21 This is one of these -- I mean, I
22 think the statute by saying that we
23 reimburse for costs incurred inherently
24 implies a sort of reasonableness standard

1 that is presumed that we will be given
2 costs. We understand that there are costs,
3 and we will then be reimbursed for those.
4 It's not being done on speck.

5 And we're in this funny business,
6 and we've experienced this ourselves,
7 where, fortunately, under our statute our
8 expenses are paid for by our licensees if
9 we say so. That is subject to abuse, you
10 know, if we want to do it. We know that it
11 creates real tension with our licensees.

12 We have made the decision to be
13 incredibly transparent and to put ourselves
14 out there and really go over these numbers
15 with a fine-tooth comb in order to make the
16 licensees feel like at a minimum they've
17 had a fair shot to scrub the numbers, and
18 that we are as transparent as possible.
19 Transparency is more difficult for a law
20 enforcement agency for all the reasons
21 we've discussed a million times.

22 Nevertheless, I think that need for
23 transparency for the reasons we are now
24 discussing, in order to make this system,

1 which is based on trust and effect, can
2 work.

3 But I gather -- I just read -- I was
4 on a plane and read the letters on the
5 plane, but I'm not that familiar with the
6 content. But from what you're saying, the
7 attorney general has already said that they
8 would be willing to discuss in more detail.
9 And, I think, for the moment that is where
10 we should leave it.

11 I think if the attorney general, who
12 is here, and has made, you know, heard
13 through Mr. Riley has made -- Healey,
14 sorry, has made her willingness clear, and
15 they ought to have those conversations and,
16 hopefully, they will lead to, you know, a
17 commonsense satisfaction. I'm sure they
18 will, because I'm sure the attorney general
19 put forward commonsense expenses.

20 If there are still issues,
21 Commissioner Macdonald, then we have to
22 figure out whether we have any role in
23 that. But I think at the moment, I'm
24 letting them continue their communication

1 and see whether they can come to agreement
2 through an as transparent process as
3 possible that works as it has for us.

4 COMMISSIONER ZUNIGA: Yes, I think
5 that's completely right. I would just say
6 one thing that, you know, before in terms
7 of forum, it occurs to me that it would be
8 the state auditor if they wanted to look
9 into this, and I don't know if there are
10 plans about any agency, they could and that
11 they could call for an opinion however they
12 wanted to offer it if they decided to look
13 into the costs of the attorney general in
14 this matter.

15 CHAIRMAN CROSBY: Is the attorney
16 general audited like we are? They must be.

17 MR. BEDROSIAN: They are.

18 CHAIRMAN CROSBY: Whatever the
19 process is. Yes, right. Thank you, Mr.
20 First Assistant. So the attorney general
21 is subject to the same rigor that we are.
22 So let's -- if everybody is okay with that,
23 let's leave it where it is for the
24 time-being. There will presumably be

1 further discussions, and we will see where,
2 if anywhere, there is left for us to go
3 later on.

4 COMMISSIONER ZUNIGA: But Mr. Lennon
5 will ask --

6 CHAIRMAN CROSBY: You're going to
7 follow-up.

8 MR. LENNON: Correct.

9 CHAIRMAN CROSBY: That seems to me
10 is important. If it can't be done, if the
11 law asks us to do something that we cannot
12 do, then I guess we don't do it. But if
13 the law asks us to do something which we
14 can do and it actually helps with this
15 transparency issue, then we will do it.

16 Now, that was sort of a sidelight,
17 interesting sidelight to the overall budget
18 discussion. We talked about this now a
19 couple of times. Are there any other
20 questions or issues?

21 COMMISSIONER CAMERON: The budget?

22 CHAIRMAN CROSBY: Budget, yes.

23 COMMISSIONER CAMERON: I think we
24 had a very thorough briefing last meeting.

1 I know I am certainly satisfied and pleased
2 with the due diligence and the work that
3 was done by the financial team. I think we
4 are ready to approve.

5 COMMISSIONER ZUNIGA: Yes. I will
6 add not just the financial team and the
7 executive director but every department
8 that really worked very hard to try to get
9 the most reasonable number. We are always
10 thinking about right sizing. Our
11 activities always have changed, and our
12 resources have to be allocated accordingly
13 through the phases that we go, so the IEB,
14 legal, everybody, responsible gaming,
15 economic development, they all have a very
16 thoughtful approach, and I think it's a
17 great overall document.

18 COMMISSIONER STEBBINS: I would
19 agree. I think Director Bedrosian put it
20 well when he said, you know, we're kind of
21 at a perfect storm here. We're going into
22 a budget season shortly before the opening
23 of one of our Class 1 licensees, and that
24 there's a lot of regulatory costs we need

1 to be mindful of. I appreciate the work of
2 the MGC team. They kind of really keep
3 that barebone and account for barely a
4 percentage and a half -- one and a half
5 percent growth.

6 But, you know, it's being prepared
7 for what we know we are going to have to
8 tackle this fiscal year for what will
9 result in the opening of, you know, our
10 first Class 1 licensee hopefully in
11 September of next year, so I appreciate all
12 the good work and due diligence.

13 COMMISSIONER ZUNIGA: And as a
14 reminder, we might need to come back as,
15 you know, two quarters from now or whatnot
16 like we do with ever quarterly report to
17 adjust with much better information
18 depending on open dates and resource and
19 hiring speed in anticipation of the exact
20 date of opening of MGM.

21 CHAIRMAN CROSBY: And I really
22 particularly have both as a prior
23 conversation really appreciate your
24 willingness to really sit down with the

1 applicants, licensees on a multiple time
2 basis, I think, and take slings and arrows
3 and questions and critiques. They don't
4 necessarily agree, but I think they really
5 know they got a fair bite at this apple,
6 and we did push hard on our numbers, and I
7 appreciate that you were willing to go
8 through that process.

9 COMMISSIONER STEBBINS: Mr. Chair,
10 I'd move, unless there is other questions,
11 the Commission approve the FY17 MGC
12 operating budget of --

13 MR. BEDROSIAN: '18.

14 COMMISSIONER STEBBINS: '18, I'm
15 sorry, of \$29,152,556.87.

16 CHAIRMAN CROSBY: Second?

17 COMMISSIONER MACDONALD: Second.

18 CHAIRMAN CROSBY: Any further
19 discussion? All in favor?

20 COMMISSIONER MACDONALD: Aye.

21 COMMISSIONER CAMERON: Aye.

22 COMMISSIONER STEBBINS: Aye.

23 COMMISSIONER ZUNIGA: Aye.

24 CHAIRMAN CROSBY: Opposed? The ayes

1 have it unanimously.

2 COMMISSIONER CAMERON: Thank you.

3 MR. LENNON: Thank you.

4 CHAIRMAN CROSBY: Good job. Now
5 start working on the 2019 budget. All
6 right, next up is legal division.

7 MS. BLUE: Good morning,
8 Commissioners. We have a number of
9 regulations to move forward in the process.
10 If you would look at Item 7A 1 and 2 and we
11 move them together. This is the small
12 business impact statement for the racing
13 medication regs. We're asking you to
14 approve the small business impact
15 statements as well as the version of the
16 regs. that is in the commission packet, and
17 you have seen those before. And we're
18 starting the formal promulgation process
19 with this. We have already approved them
20 on an emergency basis, so they are in
21 effect.

22 COMMISSIONER ZUNIGA: These are the
23 harness horse racing?

24 MS. BLUE: The harness and the

1 thoroughbred, yes. It's the medication.
2 Predominantly it's the medication
3 regulations that we've seen before. We're
4 now going to hold our regular public
5 hearing and that process.

6 COMMISSIONER ZUNIGA: I have a
7 question. In the packet, there are under
8 annex one if you go to 32801, Subsection 1,
9 a few pages in, there are a lot of Greek
10 letters and they're exogenous --

11 CHAIRMAN CROSBY: You don't read
12 Greek?

13 COMMISSIONER ZUNIGA: I used to when
14 I was doing a lot of math and calculus.
15 And I was curious to see if this was a
16 formatting issue or if that's the way all
17 of these substances are denoted?

18 MS. BLUE: That is the way they are
19 described for veterinary purposes, yes.
20 That's why I didn't retype them all,
21 because I wouldn't know how to type the
22 Greek letters either.

23 COMMISSIONER ZUNIGA: You have to
24 look at symbols and word in special

1 screens.

2 MS. BLUE: That's right.

3 COMMISSIONER ZUNIGA: That's very
4 time-consuming.

5 CHAIRMAN CROSBY: So we're working
6 on 7A first, right?

7 MS. BLUE: Yes, 7A 1 and 2 if you
8 could move those together. And, I think,
9 we have provided a draft motion if you are
10 so inclined. It will cover both of them.

11 COMMISSIONER STEBBINS: Catherine,
12 I'm looking for it. For some reason I
13 can't seem to find it. There were some
14 attached small business impact statements.
15 Maybe it's not related to these or it's
16 related to the other measures, but it
17 talked the impact on small business and
18 referred to a number of licenses.

19 MS. BLUE: In this particular 7A 1
20 and 2, it refers to approximately three to
21 four hundred licensees. That's because
22 these regulations impact owners, trainers
23 and veterinarians. We use that as a
24 licensee number. That's not necessarily

1 the number of small businesses, because
2 those folks aren't all necessarily small
3 businesses.

4 COMMISSIONER STEBBINS: Okay.

5 MS. BLUE: But it is in the small
6 business impact statement for these two
7 regulations, that number.

8 COMMISSIONER STEBBINS: Can you help
9 me out with that? Because for some reason
10 I can't find it. Can you read me the
11 language that talks about impacts, talks
12 about the number and then there is a
13 qualifying statement after that?

14 MS. BLUE: Yes, it says --

15 COMMISSIONER STEBBINS: You know, I
16 made a note. For some reason I can't find
17 it. The note about there are
18 approximately, again, as you pointed out,
19 325 licenses issued annually for the
20 identified groups. But the next comment
21 is, "However, a very small percentage would
22 be classified as small business." I'm
23 assuming almost all of them would be
24 classified or considered a small business.

1 MS. BLUE: Not necessarily. If
2 you're looking at the group -- if you're
3 looking at the universe of owners, trainers
4 and veterinarians, a certain number of
5 veterinarians may be small businesses.
6 Owners may not. You could own a percentage
7 in a horse, and that's not necessarily your
8 business. We license people -- we took
9 this number off of the number of licenses
10 that we issue. You can get a license in a
11 horse if you own as little as say 20
12 percent of the horse so...

13 COMMISSIONER ZUNIGA: And that by
14 itself doesn't make you a small business.

15 MS. BLUE: That may not make you a
16 small business. That may not be a business
17 you're engaged in. It may be some sort of
18 an investment or hobby or whatever. But
19 that's the distinction, but we thought it
20 was important to look at the number of
21 people we license in terms of trying to
22 gauge what that universe might be.

23 COMMISSIONER STEBBINS: I would be
24 interested to see if we could clarify that

1 language a little bit better. If you read
2 that as a standalone, small percentage is
3 classified as small business, you know.
4 You take the SPA definition that's 500 or
5 less. Certainly none of our licenses are
6 awarded to companies with 500 employees or
7 more. So just helping to make that a
8 little clearer for the group that's going
9 to read this, I think, would be helpful.

10 MS. BLUE: We can do that, yes.

11 CHAIRMAN CROSBY: Excellent point.
12 Anything else on 7A little i 1 and 2.
13 Somebody want to move?

14 COMMISSIONER MACDONALD: I'll move.
15 I move that the Commission approve the
16 small business impact statements that's 205
17 CMR 3.00 and 205 CMR 4.00 as included in
18 the packet and authorize the staff to
19 proceed with the regulation promulgation
20 process.

21 COMMISSIONER CAMERON: Second.

22 COMMISSIONER ZUNIGA: With the
23 suggested edit from Commissioner Stebbins,
24 correct?

1 COMMISSIONER STEBBINS: Yes.

2 COMMISSIONER MACDONALD: Can that be
3 done?

4 MS. BLUE: Yes.

5 COMMISSIONER MACDONALD: As amended
6 by Commissioner Stebbins' suggestion.

7 CHAIRMAN CROSBY: Further
8 discussion? All in favor?

9 COMMISSIONER MACDONALD: Aye.

10 COMMISSIONER CAMERON: Aye.

11 COMMISSIONER STEBBINS: Aye.

12 COMMISSIONER ZUNIGA: Aye.

13 CHAIRMAN CROSBY: Opposed? The ayes
14 have it unanimously.

15 MS. BLUE: Thank you. The next set
16 of regulations that you have, I think what
17 we will do is I'll do 7B 1 and 2 and then
18 7B 3, 4, 5 will be Mr. Grossman to discuss
19 with you, and they will be moved together
20 too. So if we do 7B 1 first, this is the
21 final promulgation process for this
22 regulation removing the name of the manager
23 from the alcoholic beverage license. We
24 have taken that through the hearings.

1 We've had that in front of you before.

2 So we would ask that you approve the
3 amended small business impact statement and
4 the form of the regulation, and we'll file
5 it and finish the promulgation process.

6 COMMISSIONER ZUNIGA: Well, I'm
7 noting here that this impact statements we
8 have similar -- we have the similar point
9 that Commissioner Stebbins made, correct?

10 MS. BLUE: Well, I believe it's a
11 different regulation. This is the amended
12 small business impact statement so that the
13 number of small businesses would
14 potentially be different.

15 COMMISSIONER ZUNIGA: Yes. But it's
16 similarly ambiguous, because it denotes 400
17 licenses in this case and a small
18 percentage would be classified as small
19 business.

20 MS. BLUE: No. That's the one for
21 number -- that's the one that you already
22 approved. So for thoroughbreds that --
23 you're looking at 400 for thoroughbreds,
24 and that's slightly more.

1 CHAIRMAN CROSBY: But your point is
2 still right.

3 MS. BLUE: And we will have to fix
4 that one as well, yes.

5 COMMISSIONER ZUNIGA: No. 7B
6 there's no small businesses impacted by
7 this regulation. I stand corrected.

8 CHAIRMAN CROSBY: But I would have
9 thought they would be. This is where --
10 this is license holders of bars.

11 MS. BLUE: Well, this is in the
12 casino. This is the license that we grant,
13 so there is --

14 CHAIRMAN CROSBY: Right. And they
15 are all going to the licensees.

16 MS. BLUE: Yes, they wouldn't be
17 classified as small businesses.

18 MR. GROSSMAN: And we're just
19 removing names from the license. It
20 doesn't really do anything to affect it in
21 any way.

22 CHAIRMAN CROSBY: Right.

23 COMMISSIONER STEBBINS: It makes the
24 process a little bit easier.

1 CHAIRMAN CROSBY: Okay, all right.
2 Do I have a motion on 7B little i?

3 COMMISSIONER STEBBINS: Mr. Chair, I
4 move the Commission approve the amended
5 small business impact statement and final
6 version of 205 CMR 136.08 as included in
7 the packet and authorize staff to take all
8 necessary steps to file the regulation with
9 the Secretary of the Commonwealth and
10 complete the regulation promulgation
11 process.

12 COMMISSIONER MACDONALD: Second.

13 CHAIRMAN CROSBY: Further
14 discussion? All in favor?

15 COMMISSIONER MACDONALD: Aye.

16 COMMISSIONER CAMERON: Aye.

17 COMMISSIONER STEBBINS: Aye.

18 COMMISSIONER ZUNIGA: Aye.

19 CHAIRMAN CROSBY: Opposed? The ayes
20 have it.

21 MS. BLUE: And then on 7B 2 this is
22 the transfer of progressive jackpots. We
23 have taken this through the process so far.
24 This is, again, an amended small business

1 impact statement so that we can finalize
2 the process.

3 COMMISSIONER ZUNIGA: Are these the
4 ones for which we received comments from
5 Scientific Games?

6 MR. GROSSMAN: No. Those are
7 actually the wide area progressive
8 transfers. These just apply to the
9 stand-alone and local area progressives, so
10 it's a different set of regulations,
11 although it's the same content basically.

12 COMMISSIONER ZUNIGA: I'll hold my
13 comments for the later ones.

14 CHAIRMAN CROSBY: Any other
15 discussion? Do we have a motion?

16 COMMISSIONER ZUNIGA: We are --

17 CHAIRMAN CROSBY: 7B 2.

18 MS. BLUE: 7B 2.

19 COMMISSIONER ZUNIGA: I will be
20 happy to make the motion that the
21 Commission approve the amended small
22 business impact statement and final version
23 of 205 CMR 143.02 as included in the packet
24 and authorize staff to take all steps

1 necessary to file the regulation with the
2 Secretary of the Commonwealth and complete
3 the regulation promulgation process.

4 CHAIRMAN CROSBY: Second?

5 COMMISSIONER CAMERON: Second.

6 CHAIRMAN CROSBY: Any further
7 discussion? All in favor?

8 COMMISSIONER MACDONALD: Aye.

9 COMMISSIONER CAMERON: Aye.

10 COMMISSIONER STEBBINS: Aye.

11 COMMISSIONER ZUNIGA: Aye.

12 CHAIRMAN CROSBY: Opposed? The ayes
13 have it unanimously.

14 MS. BLUE: For 7B 3, 4 and 5, I'll
15 let Mr. Grossman speak to these
16 regulations. They are amendments that all
17 pertain to a particular kind of issue, and
18 they are all intertwined, so we'd have you
19 move them together.

20 MR. GROSSMAN: This set of
21 amendments pertains to the adoption of GLI
22 11. This is version 3.0 moving the
23 Commission from 2.1 to 3.0. It
24 incorporates, you'll recall, all the

1 skill-based gaming standards. So that's
2 probably the highlight, if you will, of
3 what's included in 3.0; though, it also
4 updates the technical standards for slot
5 machines and other devices and other ways
6 as well. But it's the skill-based gaming
7 provisions that have gained the most
8 attention for sure.

9 We have discussed a number of these.
10 We actually received a couple of comments.
11 I would also point out that Floyd and John
12 and I have actually discussed these
13 regulations with Scientific Games based
14 upon the comments we received, and I think
15 we resolved any outstanding issues. We did
16 make one adjustment that I'll point out in
17 a moment.

18 And we also were on a call -- I'm
19 sorry, GLI representatives themselves came
20 to visit, and we had a nice discussion
21 about these standards with them as well.
22 And, I think, it would be fair to represent
23 that they supported the amendments that we
24 were proposing here.

1 With that there are just two changes
2 to the draft you've seen in the past that I
3 would draw your attention to. The first is
4 on page two towards the bottom you'll see
5 in the green language there's an amendment
6 made to the section that talks about the
7 malfunction voids all pays provisions.

8 Here there was -- it's essentially
9 the same except instead of requiring that a
10 physical sign be affixed to a machine, this
11 provision would now allow electronic
12 display on a machine indicating that
13 malfunction voids all pays. That was based
14 on a comment we received from Scientific
15 Games. As long as the message is displayed
16 somewhere, we didn't see any problem with
17 that.

18 CHAIRMAN CROSBY: Somewhere and at
19 all times.

20 MR. GROSSMAN: At all times. So it
21 could be just on the screen instead of a
22 physical sign that is glued to the machine
23 or something, so that's all that does.

24 On the next page, page three, you'll

1 see this is the provision we talked about a
2 little bit in the past where effort was
3 made here to differentiate between an
4 automatic amusement device and a slot
5 machine to avoid problems in places like
6 Dave and Buster and things like that. It's
7 not a huge issue.

8 We did receive some comment that
9 suggested that we might be getting a little
10 ahead of ourselves, and this might be a
11 little bit ahead of where we want to be.
12 So to avoid any problems at the moment, I'd
13 just recommend that we remove it. I think
14 we're covered adequately with the existing
15 language where a distinction is already
16 drawn between the two.

17 The statutory language arguments
18 could be made to cover the issue anyway.
19 So, I think, we should probably step back
20 from this particular proposal and maybe
21 revisit it at some point in the future if
22 it becomes relevant again.

23 CHAIRMAN CROSBY: When you say "step
24 back from this proposal," you mean this

1 whole reg. change?

2 MR. GROSSMAN: No, no. Just this
3 one where we drew a distinction between an
4 automatic amusement device, you know, the
5 things with the claws that pick up the
6 stuffed animals and things like that, video
7 games and whatnot and actual slot machines.

8 The concern was -- the definition of
9 slot machine in 23K Section 2 would seem to
10 include these types of things, but the
11 definition in the automatic amusement
12 device chapter actually explicitly excludes
13 them, but this was just an effort to draw a
14 brighter line between the two. And we
15 don't want to disturb any other issues that
16 surround it. So for the time-being, I
17 think it's okay to move away from this
18 proposal and come back to it later.

19 We did also receive some comments
20 from Penn National Gaming or Plainridge
21 Park, I should say. There was an exchange
22 between us and they, and I think some
23 explanation as to what we actually meant by
24 some of the provisions. One of them, in

1 particular, being the one where we talk
2 about the need for a preventative
3 maintenance program.

4 That was designed not for
5 necessarily the slot machines and the
6 mechanical pieces of the interworkings of a
7 slot machine, but instead where you have
8 games that you have dice that actually pop
9 up or a roulette ball that rolls around
10 that those particular pieces of machinery
11 be maintained to avoid any warping or other
12 types of issues like that. So I take it
13 we're on the same page with them on all
14 that as well, and I think we're covered
15 with the rest of the comments with them.

16 COMMISSIONER ZUNIGA: I did have a
17 couple of -- well, a question on the two
18 comments from Scientific Games, the top
19 two, and I was wondering if you could help
20 me understand whether they -- whether and
21 how they should cause us to revise any of
22 the language here or it already has been
23 addressed in one way or another.

24 MR. GROSSMAN: The top one -- you

1 mean the preventative maintenance program.

2 COMMISSIONER ZUNIGA: Yes.

3 MR. GROSSMAN: That's the one I
4 mentioned --

5 COMMISSIONER ZUNIGA: You just did,
6 yes. Then the second one is the skill
7 games, 14301, Sub 1J.

8 MR. GROSSMAN: So this is an
9 interesting one that kind of gets right to
10 the core of skill-based gaming. There is a
11 provision in GLI 11 3.0 that essentially
12 says that these machines will be tested
13 using optimal strategy, which means if you
14 play the game perfectly essentially, it
15 will pay out a certain percentage.

16 There are other ways of testing
17 machines of course other than using optimal
18 strategy. You could use average strategy,
19 just the average person might play or you
20 could use suboptimal or whatever strategy
21 where what happens if you do the opposite
22 of what you're supposed to do, what's the
23 payout there.

24 And it was GLI after much

1 deliberation landed on optimal strategy as
2 the best approach. We collectively agree
3 that that is the way to embark upon our 4A
4 into skill-based gaming regulations. But
5 we also wanted -- all we did here is
6 reserve for ourselves the ability in unique
7 cases to ask the lab to test the game using
8 some of these other methods. In the
9 event -- and it's hard to even envision
10 exactly what the issue would be. But
11 perhaps if a game is not paying out at a
12 level that was expected, perhaps because of
13 the skill or otherwise or what have you,
14 that we may be able to explain that through
15 other means of testing.

16 And, so, that was the reason we
17 reserved that language in there. It
18 doesn't say that we are going to do that or
19 that anyone is required to do that to
20 obtain certification for any particular
21 game. But just that in certain
22 circumstances, we may ask that that be
23 done. I don't know if you have anything
24 you would like to add.

1 MR. BARROGA: So if a manufacturer
2 to develop a game and we were to evaluate
3 off the optimal skill and, for example, a
4 game where you are shooting bow and arrows
5 where the target is two times your bet, say
6 that game is very difficult and only one
7 percent of the players was able to gain
8 that prize while the optimal pay is 20
9 percent, it could be very difficult and you
10 may want to go back and review is this game
11 fair to players. So this gives us a chance
12 to allow the manufacturers to develop
13 compelling product, as well as ensuring
14 that the payouts are fair and what's
15 expected for customers.

16 COMMISSIONER ZUNIGA: It could
17 considerably also allow us the ability to
18 retest if optimal strategy changes or is
19 further defined along the way, isn't it?
20 Because I may argue that optimal strategy
21 could have a number of different
22 permutations.

23 MR. GROSSMAN: Well, that's an
24 interesting issue in and of itself.

1 Because how do you figure out what the
2 optimal strategy is. And they at GLI
3 explained have a whole team of folks who
4 sit around and figure out how you will
5 optimally play the game. The manufacturers
6 may have some input into that as well. So
7 it's just determining what the optimal
8 strategy is is a whole science and probably
9 art as well.

10 But that has been kind of determined
11 to be the best approach for testing these
12 particular games at least at this stage and
13 the proceedings. And we'll, as with this
14 whole thing, I think it bears repeating
15 from earlier discussion we've had, this
16 whole thing will need to be revisited
17 periodically as skill-based gaming takes
18 hold, if it does in fact takes hold, to
19 make sure that we have the right standards
20 in place. But for now with the forecast we
21 have, these seem to be the right measures
22 to it.

23 CHAIRMAN CROSBY: Sci Games said if
24 we can't remove it, clarify when this might

1 be used, did you talk with them and they
2 understood your reaction and they were okay
3 with that?

4 MR. GROSSMAN: Yes. I think we said
5 to them exactly what we just said.

6 MR. GLENNON: We had a conversation
7 with them, and they were okay with the
8 approach as long as they didn't have to --
9 we weren't requiring this as a part of the
10 production of the machine and the test
11 results that provided the GLI in order to
12 get a machine certified.

13 COMMISSIONER STEBBINS: Right.

14 CHAIRMAN CROSBY: Okay.

15 COMMISSIONER ZUNIGA: The final
16 question I had was on the session comment
17 relative to the \$1,200 and how is it
18 they -- what exactly are they asking here
19 that we may or may not be addressing?

20 MR. GROSSMAN: Well, I think we were
21 both attempting to get to the same point,
22 but we're dancing to different beats but I
23 think we resolved that. Ultimately, the
24 purpose of our regulation and their concern

1 was to ensure that if someone is playing a
2 skill-based game and is in the middle of
3 the game and that the game won't stop and
4 require that a tax report be filed, and
5 that's what the session means.

6 In GLI 11 3.0, the term is actually
7 defined to mean from the beginning of the
8 game to the end of the game and not
9 periodically in between. Like a slot
10 machine, you know, you push the button and
11 it's one and you're done.

12 With a skill-based game, there might
13 be things that happen in the middle of the
14 game. Maybe there are further bets that
15 you make. There could be a whole host of
16 different things that happen, and we don't
17 want any of those to trigger a report to be
18 filed because your win could fluctuate
19 between 1,200 to 600, 1,800, you know.

20 So we want to basically figure out
21 at the end of your game, once you're done
22 making all the wages and the game is over
23 whether you have hit that \$1,200 threshold
24 or not. So that's why we draw the

1 distinction between a gaming cycle and a
2 gaming session, and the terms are actually
3 defined in the regulations. And once we've
4 had this discussion, I think Sci Games was
5 comfortable with that.

6 COMMISSIONER ZUNIGA: Sounds good.

7 CHAIRMAN CROSBY: All right.
8 Anything else on -- was that all of them?

9 COMMISSIONER ZUNIGA: Couple of
10 minor questions, but I should have no
11 problem.

12 CHAIRMAN CROSBY: So this is now 3,
13 4 and 5, right? We have a motion?

14 COMMISSIONER CAMERON: Mr. Chair, I
15 move that the Commission approve the
16 amended small business impact statement and
17 final version of 205 CMR 143.01, 138.56 and
18 139.04 as included in the packet and
19 authorize the staff to take all steps
20 necessary to file the regulation with the
21 Secretary of the Commonwealth and complete
22 the regulation promulgation process.

23 COMMISSIONER MACDONALD: Second.

24 CHAIRMAN CROSBY: Any further

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discussion? All in favor?

COMMISSIONER MACDONALD: Aye.

COMMISSIONER CAMERON: Aye.

COMMISSIONER STEBBINS: Aye.

COMMISSIONER ZUNIGA: Aye.

CHAIRMAN CROSBY: Opposed? The ayes have it unanimously. Before we do 7C, let's take a quick break.

(A recess was taken)

CHAIRMAN CROSBY: Okay. We are reconvening public meeting number 220. We are on Item 7C.

MS. LILLIOS: Good morning, Commissioners.

COMMISSIONER MACDONALD: Good morning.

CHAIRMAN CROSBY: Excuse me, just one sec. I'm sorry, Loretta. I just wanted to talk and give everybody a heads-up about the schedule. I thought we would finish up this Item 7C. We would do 8, and then we would have a lunch break.

1 No. But rather than take our lunch break,
2 I've talked with Ombudsman Ziemba about
3 whether we could move the Plainville item
4 up so the Chief, the fire department in
5 Plainville doesn't have to stay here all
6 day long, and John said we could do that.
7 So I thought we'd do that before lunch as
8 well, and then we take a lunch break and
9 we'll do SERs and the rest of the community
10 mitigation stuff, if that works for
11 everybody. Okay, sorry.

12 MS. LILLIOS: So this is a request
13 for an adjustment to the regulation
14 covering licensing requirements for gaming
15 venders, specifically Subsection 4 of 205
16 CMR 134.04. And that subsection identifies
17 categories of individuals who must
18 automatically submit to the background
19 qualification process for gaming vender
20 applications. There are two categories of
21 individuals in the current reg. that we are
22 seeking to remove from the automatic
23 qualification category.

24 First, under the existing

1 regulation, inside directors and outside
2 directors serving on the compliance or
3 audit committees of primary venders,
4 primary gaming venders, those folks are all
5 required to go through the background
6 process. And we are asking to remove
7 outside directors from the automatic
8 category knowing that we can perform a case
9 by case review under our risk-based
10 approach and capture them in our discretion
11 if they have significant responsibility for
12 the venders business in Massachusetts.

13 What we are finding is with the
14 outside directors is that they can be a
15 relatively high degree of turnover on their
16 committee assignments, so we will identify
17 an outside director serving on the audit
18 committee. And within a number of months,
19 the company has its annual meeting if the
20 accompany assignments all shift and now
21 we've got somebody mid-review and then need
22 to capture a new person.

23 We would prefer to spend our
24 resources really gaining and understanding

1 of how the compliance an audit process
2 works in that particular company, what
3 types of issues that they deal with and
4 what their responses are to the issues and
5 allow us discretion on whom to identify.

6 We also have the same request for
7 discretion with respect to individuals who
8 served in the sales function for both the
9 primary and the secondary gaming venders.
10 Under the current reg., we must capture any
11 person who will act as a sales
12 representative or regularly engages in the
13 solicitation of business from a
14 Massachusetts casino.

15 And this requirement often results
16 in the identification of many individuals
17 from the same company. Like with a large
18 slot's company that is selling both their
19 slot machines and their systems, they may
20 have three or four individuals on both
21 sides of those equations that under the
22 current reg. we must review and those
23 individuals often have little to no
24 decision-making power, and they often shift

1 jobs fairly frequently.

2 So we are looking in the sales
3 function as well to do a case by case
4 analysis of the company and really focus on
5 where we think any risks are. So,
6 essentially, that is the request for this
7 morning. But the item in your packet does
8 present something with respect to 205
9 134.18. I'm asking you to disregard that.
10 That is not on the agenda. We are not
11 asking for any adjustments to that section.

12 We are asking for you to vote on
13 this matter with respect to the qualifiers
14 on an emergency basis. And the reason for
15 that is that we have gaming venders in the
16 pipeline right now both for their initial
17 full licenses, for their renewal licenses
18 and we would prefer not to ask those
19 individuals to submit their paperwork,
20 especially because some of these sale folks
21 and outside folks have not submitted in
22 other jurisdictions, so they would have to
23 do it for the first time. And because of
24 that pipeline process, we're asking for you

1 to adopt this by emergency promulgation.

2 COMMISSIONER MACDONALD: Loretta, I
3 wanted to just follow-up on a comment that
4 you made about what we are not going to be
5 addressing that's in the materials. Is it
6 the 134.18, duties of applicants and
7 licensees, Subsection 5, which is in our
8 packet?

9 MS. LILLIOS: That's correct.

10 COMMISSIONER MACDONALD: We are not
11 going to --

12 MS. LILLIOS: We are not addressing
13 that today. That is not --

14 COMMISSIONER MACDONALD: Isn't that
15 the one that deals with
16 self-representatives?

17 MS. LILLIOS: That's a notification
18 reg. and we have not discussed yet whether
19 even if we don't capture sales reps.
20 automatically, we may still want to be
21 notified of updates in the sale structure.
22 That whole section on duties is under
23 separate review, so it was really placed
24 here.

1 COMMISSIONER MACDONALD: So what's
2 before us is that provision pertaining to
3 sales representatives that fall under 134
4 044 C.

5 MS. LILLIOS: B and C.

6 COMMISSIONER MACDONALD: B and C.

7 MS. LILLIOS: Yes. And the outside
8 directors for the primary venders.

9 COMMISSIONER MACDONALD: Right.

10 MS. LILLIOS: That's right, yes.

11 CHAIRMAN CROSBY: Other questions?

12 COMMISSIONER CAMERON: Just a
13 comment, I think, and I have had a chance
14 to review this, so I understood it. It's
15 another example of, you know, start to do
16 the work. We are engaged in the process.
17 We have lessons learned, and you have
18 assessed the risk and decided that this is
19 an area in which poses much less risk, and
20 we're going to make the change. I think
21 that is a good thing.

22 COMMISSIONER MACDONALD: I agree.

23 CHAIRMAN CROSBY: I agree. You're
24 making no distinction between public

1 companies and private companies. Just
2 corporations in general.

3 MS. LILLIOS: Correct.

4 COMMISSIONER STEBBINS: But still
5 serving reserving your authority if
6 somebody pops up, again, is not floating in
7 and out depending on the gaming vender
8 primary, not floating in an out of the
9 audit positions. It's still reserving your
10 authority if an outside director does come
11 into play, we might have an interest in it,
12 so you still have the flexibility.

13 MS. LILLIOS: That's right. In a
14 couple of places in these regs., there are
15 catchall provisions that gives us broad
16 discretion to identify those individuals.

17 COMMISSIONER STEBBINS: Just
18 automatic you would have to do it.

19 MS. LILLIOS: Right.

20 COMMISSIONER STEBBINS: Mr. Chair, I
21 move that the Commission approve by
22 emergency the amendments to 205 CMR 134 as
23 included in the packet and authorize staff
24 to take steps necessary to file the

1 regulation with the Secretary of
2 Commonwealth and to proceed with the
3 regulation promulgation process.

4 COMMISSIONER CAMERON: Second.

5 CHAIRMAN CROSBY: Further
6 discussion? All in favor?

7 COMMISSIONER MACDONALD: Aye.

8 COMMISSIONER CAMERON: Aye.

9 COMMISSIONER STEBBINS: Aye.

10 COMMISSIONER ZUNIGA: Aye.

11 MS. LILLIOS: And will that be by
12 emergency?

13 COMMISSIONER CAMERON: Yes.

14 COMMISSIONER ZUNIGA: It was in the
15 motion.

16 CHAIRMAN CROSBY: All in favor?

17 COMMISSIONER MACDONALD: Aye.

18 COMMISSIONER CAMERON: Aye.

19 COMMISSIONER STEBBINS: Aye.

20 COMMISSIONER ZUNIGA: Aye.

21 CHAIRMAN CROSBY: Opposed? The ayes
22 have it unanimously.

23 COMMISSIONER CAMERON: Thank you.

24 MS. LILLIOS: Thank you.

1 COMMISSIONER ZUNIGA: Thank you.

2 CHAIRMAN CROSBY: All right. So we
3 are to 8, right? No.

4 MS. BLUE: Yes. I believe, it's
5 Item No. 8, the suitability determination
6 that you wanted to proceed with.

7 CHAIRMAN CROSBY: Yes.

8 MS. WELLS: Good morning, Mr. Chair,
9 members of the commission. On the agenda
10 this morning are the results of the
11 suitability investigation for Andrew
12 Pacopian (phonetic). He's a qualifier for
13 MGM Resorts. This investigation was
14 conducted by Trooper Mike Banks and initial
15 investor Paul Eldridge. I think Mike Banks
16 may have done other investigations. I
17 believe, this is Mr. Eldridge's first one
18 before the commission.

19 COMMISSIONER MACDONALD: He is not
20 here.

21 MS. WELLS: Well, there he is, okay.
22 So an excellent addition both Trooper Banks
23 and Mr. Eldridge to the team. So we're
24 very pleased with how all that is going

1 right now.

2 Mr. Pacopian began working for MGM
3 Resorts International in 2011. MGM Resorts
4 International, as you know, is a parent
5 company of Rutar Redevelopment, LLC, MGM
6 Springfield, a Massachusetts Category 1
7 gaming licensee. In December of 2016,
8 about six months ago, he was promoted to
9 chief corporate counsel and assistant
10 secretary. As a result of his promotion,
11 he was designated to be an individual
12 qualifier for MGM Springfield. He
13 submitted all the required forms to the
14 MGC, and his submission was deemed complete
15 in January of this year.

16 The investigators conducted the
17 rigorous background check prior to the
18 qualifiers, including criminal history,
19 criminal record, education, directorships,
20 shareholder interest, civil litigation,
21 bankruptcies, property ownerships,
22 political contributions, references, media
23 coverage, et cetera.

24 He was interviewed in person by the

1 IEB and state police, the financial
2 investigators as part of the investigation
3 protocol. Also Investigator Mr. Eldridge
4 conducted a financial responsibility
5 evaluation of Mr. Pacopian with positive
6 results.

7 Mr. Pacopian attended the University
8 of California in Los Angeles where he
9 obtained a bachelor's of business
10 administration in 2002. He then attended
11 Georgetown University Law Center where he
12 obtained a juris doctorate degree in 2005.
13 As I've stated previously, he's currently
14 the chief corporate counsel and assistant
15 secretary of MGM Resorts International.

16 He started in 2011, and through
17 December of 2014 he was vice president of
18 deputy general counsel and then promoted
19 through December of 2016 to senior VP
20 assistant general counsel. And then as I
21 stated, he was promoted to his current
22 position in December of the chief corporate
23 counsel and assistant secretary.

24 Both the state bar of California and

1 the state bar of Nevada were queried as to
2 Mr. Pacopian. He's active and may practice
3 law in California. He is a nonmember
4 attorney in the State of Nevada. There is
5 no public record of discipline in either
6 jurisdiction.

7 During his interview, he indicated
8 he'd never been the subject of a complaint
9 or discipline by any board or overseers
10 court or magistrate relative to his conduct
11 or work as an attorney. He currently holds
12 one directorship as trustee of the Pacopian
13 Family Trust.

14 He disclosed in his application and
15 we confirmed he's never made application
16 for or held or any kind of license
17 registration for finding suitability in any
18 other jurisdiction or gaming-related
19 entity. So he has never been through the
20 background process before. This is the
21 first time.

22 At the conclusion of the
23 investigation, the investigators determined
24 there was no significant issues relative to

1 his application for licensure, and that he
2 had demonstrated by clear and convincing
3 evidence that he is suitable for licensure
4 in Massachusetts and, therefore, the IEB is
5 recommending that the Commission find him
6 suitable as a qualifier for MGM Resorts.

7 COMMISSIONER CAMERON: Just one
8 comment, Director. I believe that
9 interview was conducted by video, correct?

10 MS. WELLS: Oh, is it? Okay.

11 COMMISSIONER CAMERON: And I only
12 make note of it because I know that is
13 important to the industry that saves
14 everyone a lot of time and effort if we're
15 able to do that, and I just had a question
16 about that. I know that we have been
17 utilizing a technology of late and
18 obviously without out any issue; is that
19 correct? Investigators --

20 MS. WELLS: Well, we talked about --
21 we actually had a conversation about that
22 the other day. There are pluses and
23 minuses with the Skype interviews. We try
24 to use so it can be a benefit for resource

1 allocation. An example where it's
2 difficult or there is a foreign translator,
3 so you have not only Skype but it was also
4 a foreign translator in some of these
5 jurisdictions for some of these qualifiers.

6 So we're still evaluating it, but
7 it's worth to look at it as a tool. But,
8 generally, it's always better to have a
9 face-to-face interview with anybody that
10 you have an ongoing relationship with, but
11 we try to use it where it's feasible.

12 COMMISSIONER CAMERON: Would it be
13 fair to say that obviously this applicant
14 is very clean.

15 MS. WELLS: Yes.

16 COMMISSIONER CAMERON: Extremely.

17 MS. WELLS: Yes.

18 COMMISSIONER CAMERON: Maybe
19 decisions could be made if you had a
20 candidate who may have had some issues that
21 an in-person interview would be appropriate
22 at that time --

23 MS. WELLS: Correct.

24 COMMISSIONER CAMERON: -- where

1 someone of this level of -- I mean, there
2 really were no outstanding issues. So that
3 would be appropriate; is that what I'm
4 hearing?

5 MS. WELLS: It's a factor and
6 another factor is what the position is and
7 what responsibilities the individual has.
8 That would be a factor. You look at and
9 see where do you want to spend your money
10 on, where do you want to spend your time
11 and resources. I think that there is no
12 substitute for experience. And the more we
13 do these, the more we are better able to
14 judge which approach makes the most sense.

15 CHAIRMAN CROSBY: Any discussion,
16 further discussion? Do I have a motion?
17 Commissioner?

18 COMMISSIONER CAMERON: I move that
19 we approve a qualifier for MGM, Andrew
20 Pacopian? Is that --

21 MS. WELLS: Pacopian.

22 COMMISSIONER CAMERON: Pacopian,
23 sorry about that. I heard you say it, too,
24 but not a common name.

1 COMMISSIONER MACDONALD: Second.

2 CHAIRMAN CROSBY: Further
3 discussion? All in favor?

4 COMMISSIONER MACDONALD: Aye.

5 COMMISSIONER CAMERON: Aye.

6 COMMISSIONER STEBBINS: Aye.

7 COMMISSIONER ZUNIGA: Aye.

8 CHAIRMAN CROSBY: Opposed? The ayes
9 have it unanimously.

10 COMMISSIONER CAMERON: Thank you.

11 MS. WELLS: Thank you very much.

12 COMMISSIONER MACDONALD: I hope we
13 ought to recognize the contribution of
14 Mr. Eldridge, who is in the room. It's his
15 first investigation, and it seemed to be
16 very nicely done and a great member of the
17 team.

18 COMMISSIONER CAMERON: Well done.

19 CHAIRMAN CROSBY: Congratulations.
20 So we are now going to take an item out of
21 order. We are on to Item No. 9, which will
22 be most of this afternoon an extended
23 discussion of applications for money from
24 the Community Mitigation Fund. But as I

1 mentioned, the police chief from Plainville
2 is here to watch the discussion on his
3 application. And out of deference his
4 schedule, we're going to do that one first
5 and then we're going to take a lunch break.
6 Sorry, did I say police chief?

7 THE FLOOR: Fire chief. We're all
8 the same.

9 CHAIRMAN CROSBY: Didn't mean to
10 demote you there. Ombudsman Ziemba.

11 MR. ZIEMBA: Thank you, Mr. Chairman
12 and Commissioners. So at the beginning of
13 my remarks, I'll give you a little bit of
14 an overview regarding the Community
15 Mitigation Fund application process just
16 because it provides a context to the
17 Plainville-related applications. I
18 obviously won't go into detail regarding
19 all of the other applications at this time.
20 But if you would allow me, I would like to
21 just give a very, very brief opening
22 contextual statement.

23 So thank you, Mr. Chairman and
24 Commissioners. Today we continue the

1 review of the applications for the 2017
2 Community Mitigation Fund. On June 14th,
3 the Commission reviewed the recommendations
4 for the three workforce development pilot
5 program applications. Before you today are
6 the remaining 19 applications under the
7 four remaining categories of grants,
8 specific impact grants, transportation
9 planning grants, travel, gaming technical
10 assistance and reserves.

11 I'd first like to recognize the
12 review time for this year's program, which
13 included Commissioner Macdonald, General
14 Counsel Blue, Chief Financial Officer Derek
15 Lennon, Director of Workforce Supplier
16 Development and Diversity initiative Jill
17 Griffin, program manager Mary Thurlow and
18 Construction Project Oversight Manager Joe
19 Delaney. We'd also like to thank the
20 administrative team of Maryann Dooley,
21 Jamie Anderson and Mary for all of their
22 assistance, including providing copies of
23 the materials to the Commission and The
24 Review Team.

1 So The Review Team has provided
2 recommendations on this year's applications
3 for your review. They are included in your
4 packet. We are making these
5 recommendations after a very thorough
6 review detailed -- very thorough review
7 detailed in your packet, which is being
8 offered in the timetable that was
9 anticipated in the guidelines that were
10 published by the Commission last December.

11 In comparison to the funding that
12 will be available after the four casinos
13 are open, our resources are now
14 constrained. Coming into this funding
15 round, we received significant input from
16 communities that urge the Commission to
17 conservatively structure the program so
18 that more significant dollars and resources
19 are available closer to the opening of the
20 four casinos.

21 We note the greater availability of
22 future dollars makes sense, because the
23 majority of impacts are likely after the
24 casinos are operational. You'll see that

1 The Review Team recommends approximately
2 2.5 million in grant applications plus
3 approximately another 300,000 in the use of
4 reserves.

5 This compares to the 3.4 million in
6 targeted spending proposed in the 2017
7 guidelines plus 300,000 in reserves
8 allocated to the three communities
9 requesting funding. Please note that these
10 amounts represent the upper end of The
11 Review Team's recommendation as these
12 amounts include funding which was not
13 unanimously recommended by The Review Team.

14 At a prior meeting, the Commission
15 instructed me they would like to begin with
16 this general overview of all the
17 applications first, which I will dispense.
18 Before the Commission begins its discussion
19 of individual applications, I plan to
20 provide a very brief overview of the
21 applications that The Review Team found to
22 be more straight forward. I'll provide
23 more detail on those applications that
24 involved significant discussion and debate

1 within The Review Team, and I'll provide
2 more detail in those applications, which
3 The Review Team does not recommend.

4 So even in the context of the
5 Plainville-related applications, I'll give
6 you sort of a very brief summary of the one
7 that was recommend by the team in a little
8 bit more of an expansive one that was at
9 issue.

10 So based upon my understanding of
11 how the Commission would like to proceed,
12 with these brief -- after these brief
13 overviews, we can discuss the 2017 fund in
14 general. We can get into more depth on any
15 applications Commissioners would want to
16 discuss and answer any questions about the
17 individual applications.

18 Commissioner Zuniga, you had
19 mentioned before that you wanted a general
20 discussion before we get to any specific
21 applications, but I think we're going to
22 proceed right into the Plainville-related
23 applications.

24 Now, as we did last year, we do

1 apologize for the length of the summary
2 memorandum. But as I understand it, there
3 are hundreds and hundreds of pages of
4 materials included in your packets today.
5 Sorry for all of those materials, but we
6 tried to put it together in a more
7 understandable fashion using a coloring
8 system that's reflected in the new criteria
9 that we adopted for review of these
10 applications.

11 So I'll try to make all of my
12 reviews brief and understandable. So let
13 me just jump right into the specific impact
14 application from Plainville.

15 CHAIRMAN CROSBY: Which page is that
16 in your memo?

17 MS. THURLOW: 18.

18 MR. ZIEMBA: So Plainville requests
19 funds to cover fire equipment needed as an
20 unanticipated consequence of having a
21 multistory parking garage. Plainville has
22 determined that it does not have an
23 adequate fire prevention vehicle that could
24 address a fire occurring in the upper

1 levels of the garage. Plainville requests
2 funds to cover fire equipment to address
3 vehicle fires in Plainridge Park's
4 multistory garage, because it doesn't have
5 fire apparatus that would fit into the
6 garage. I believe in our meetings with
7 Plainville, they noted that the clearance
8 is 7 feet, which would not allow larger
9 vehicles to get into the garage.

10 The Review Team was not unanimous on
11 the significance of the impact in the town
12 as it relates to this application. The
13 Review Team does understand the resource
14 constraints that exist and the impact of
15 fire it has on the town and the facility.
16 However, it's impossible to predict how
17 often such a vehicle would be needed to
18 fight such a vehicle fire.

19 Plainville explains that a vehicle
20 fire can sometimes spread very quickly to
21 adjoining vehicles and could impact the
22 facility itself. The Review Team
23 questioned whether such a fire truck would
24 be unique. Plainville responded that

1 larger communities have greater resources
2 to devote to such fires, and that this is
3 an innovative method to safely address
4 fires.

5 CHAIRMAN CROSBY: John, what does
6 that mean "other resources"?

7 MR. ZIEMBA: So in multistory
8 garages, oftentimes you don't have a
9 multistory garage in some of the smaller
10 communities. I think Plainville's
11 population is approximately 9,000. In
12 larger communities, you might have a much
13 more extensive fire departments that can
14 devote many fire personnel to whatever
15 incident occurs at the garage.

16 Part of the application that
17 Plainville was making is that when they
18 send these resources to address this
19 particular fire, it may actually meet call
20 upon adjoining towns to help with other
21 needs of the town.

22 CHAIRMAN CROSBY: But the issue
23 wasn't manpower. The issue was a truck to
24 get into the building. Does this mean

1 other like in Attleboro would have such a
2 truck?

3 MR. ZIEMBA: So, what Plainville is
4 noting is that they have to devote the
5 manpower and the time to send enough
6 personnel, basically one fire truck and an
7 ambulance that accompanies most of these
8 fires. And through all of those personnel,
9 some fire personnel would have to run up
10 three stories, four stories, they'd have to
11 plug in one of the hoses -- other fire
12 personnels would have to plug in the hoses
13 down at the base level to the truck in a
14 time that is a very delayed process.

15 It devotes a significant portion of
16 Plainville's resources to that one fire,
17 and the concern is that that fire could
18 spread to 1, 2, 3, 4 cars and potentially
19 damage the facility itself causing
20 potential safety concerns to the patrons
21 and employees.

22 CHAIRMAN CROSBY: Okay.

23 MR. ZIEMBA: There was significant
24 discussion in The Review Team about the

1 importance of ensuring the safety of the
2 facility, its patrons and employees.
3 However, The Review Team did not reach a
4 unanimous decision determination on the
5 need for the fire truck mainly for the
6 reason that is really difficult to
7 determine how many fires could, if ever,
8 hopefully never, could occur in that
9 garage.

10 COMMISSIONER ZUNIGA: Yes. I
11 suspect it might not be a unanimous
12 decision either from the Commission. But I
13 had a couple of questions that will
14 highlight my reluctance to look at this and
15 approve this. And some of this is spoken
16 in the materials, but I just want to sort
17 of confirm a couple of things. Is the
18 proposal that this fire truck be
19 exclusively used for the event of a fire in
20 the upper floors of the garage?

21 MR. ZIEMBA: No. We did some
22 consultations internally with some of our
23 colleagues that formally worked at public
24 safety agencies regarding what is the

1 typical requirement for public safety
2 equipment that is given to -- that is
3 granted to communities. And some of the
4 examples are, antiterrorism equipment. And
5 normally they don't come with any types of
6 conditions that they only be utilized for a
7 particular purpose of the grant, because
8 that would not be beneficial to the overall
9 safety of the community.

10 What we did note is that, I believe,
11 that The Review Team we believe that
12 Plainville is putting this forward
13 specifically for the purposes of this
14 facility rather than a general municipal
15 purpose. As you know that we are very
16 conservative when we review all of our
17 applications on the mitigation fund that
18 what is the primary purpose of the fund or
19 what is the predominant purpose of the fund
20 request? Is it just for a general
21 municipal purpose, which is not available
22 with the mitigation fund or is it really
23 for the purposes of meeting a specific need
24 tied to the facility?

1 And, so, what the town did say is
2 they said, it is primarily for the
3 facility. If there could be potential
4 other uses, we had thought that maybe the
5 apparatus was really going to be used by
6 the town to fight small brushfires and
7 maybe they had a need in the town.

8 The fire department told us that no,
9 they already do have a vehicle, so
10 potentially there could be serve a purpose
11 of having two vehicles to get small
12 brushfires but really predominately it was
13 the purpose was the particular need of this
14 facility, which was not addressed initially
15 when they permitted the garage.

16 COMMISSIONER ZUNIGA: So is it going
17 to be parked at the facility?

18 MR. ZIEMBA: No. It's not going to
19 be parked at the facility. It would be
20 parked at the Plainridge Fire Department.
21 Plainville Fire Department.

22 MR. LENNON: But in addition to
23 those other uses, they also mention that
24 ambulances can't get into the garage. This

1 vehicle would be equipped with medical
2 equipment that could respond to those type
3 of emergencies as well. So it's more than
4 just that one use. We didn't want
5 something that would collect dust either as
6 a review committee.

7 CHAIRMAN CROSBY: That's not
8 mentioned anywhere in the writing.

9 MR. LENNON: That was part of our
10 review with them. So if it's not in
11 writing, that's --

12 COMMISSIONER CAMERON: And, I think,
13 it's important to remember that that garage
14 was built -- that was not part of the
15 original design. It was built in
16 anticipation maybe of a license by the old
17 racing licensees. So possibly if they had
18 had the opportunity on their own, they
19 could have changed the dimensions or
20 whatever, but they didn't have that
21 opportunity. It was there in advance of
22 the license, the garage itself.

23 COMMISSIONER ZUNIGA: But that was
24 built to code. That garage was built to

1 code.

2 MR. LENNON: It is built to code.
3 But one other thing to consider, and this
4 is I looked at it as the same thing as an
5 insurance policy, and this is a lot of
6 discussion that went on with our review
7 committee. If you get the type of fire
8 that could possibly happen, and the
9 probability is that is low, it could cause
10 structural damage to the garage. You're
11 going to shut down the garage. And how
12 much money would you lose in one day
13 post-gaming revenues compared to this
14 vehicle?

15 COMMISSIONER ZUNIGA: But they would
16 still be able to respond without the
17 vehicle. They would still be able to
18 respond to a fire however unlikely.

19 MR. LENNON: They would be able to
20 responds, but in the time needed to -- as
21 they indicated to us, these fires spread
22 quickly. They go from one vehicle to
23 another. There's gasoline --

24 COMMISSIONER ZUNIGA: Does it jump

1 across parked cars that are not running?

2 MR. LENNON: Well, there's gasoline
3 in parked cars. There's vapors in parked
4 cars. Is there a possibility of a fire
5 starting by smoking a cigarette next to a
6 gas pump? Is there? So you're basically
7 working off of an insurance policy at this
8 point. And if you're willing to gamble
9 closure of the parking facility for an
10 extended period of time, then that's the
11 way we looked at it as part of the
12 nonunanimous decision.

13 COMMISSIONER ZUNIGA: The licensees
14 are required by statute to monitor the
15 garage for minors. One could considerably
16 draw the conclusion that there would be
17 constant monitoring should a fire start in
18 the facility, no?

19 CHAIRMAN CROSBY: But they have
20 cameras throughout it.

21 MR. LENNON: Correct. But this is
22 dealing with response time. So is a fire
23 extinguisher enough to put out a car fire?

24 COMMISSIONER ZUNIGA: Potentially.

1 Depends on the fire.

2 MR. LENNON: And that's the risk.

3 COMMISSIONER CAMERON: I actually
4 think this is a worthwhile request. I'm
5 persuaded by the fact that the trucks they
6 have now do not fit and the time it would
7 take to put a truck outside and then get
8 the water inside, and I'm also persuaded by
9 the issue of ambulances not fitting in this
10 garage either. So, I actually -- I know
11 it's a split decision, but I come down in
12 favor of the majority on your team I
13 thought this was worthwhile.

14 COMMISSIONER STEBBINS: Is there
15 a -- typically you can, I mean, again, we
16 are dealing with a community that doesn't
17 have a similar type structure unlike
18 Springfield, probably unlike Everett and a
19 building code reflects a different solution
20 for dealing with these types of ailments.

21 At the same time, you know, all of
22 us regularly go into other garages. You
23 always see these enormous extinguishers on
24 wheels. I'm assuming that's for the same

1 purpose, the capacity to put out a car
2 fire. Was there any discussion, any
3 consideration of, I guess, alternative
4 means to the expense to this particular
5 type of truck kind of in your conversations
6 with the town?

7 MR. ZIEMBA: Yes. We did ask the
8 fire chief about that question in our
9 review meetings. One of the issues is that
10 for one to be able to fully extinguish a
11 car fire, you really do need water and that
12 is provided by the fire trucks that are
13 outside. I'm just trying to find my notes
14 here.

15 So far 2010 the standard fulmen foam
16 is used for vapor and fuel spills only.
17 Mr. Lennon also inquired about the use of a
18 fire extinguisher in the garage as an
19 alternative. Fire Chief Alexander stated
20 that you need water in addition to a fire
21 extinguisher to get the fire under control
22 to completely eliminate the fire.

23 CHAIRMAN CROSBY: That's what he was
24 asking about, the idea of these tanks.

1 MR. ZIEMBA: Fire extinguisher.

2 CHAIRMAN CROSBY: Not this kind of a
3 fire extinguisher. This kind of a fire
4 extinguisher.

5 COMMISSIONER STEBBINS: I'm thinking
6 a fire extinguisher on the stairwells that
7 has wheels that kind of like a little
8 old-fashion. I think they still have the
9 same purpose.

10 MR. ZIEMBA: I think that it's you
11 need water to fully extinguish it.

12 MR. LENNON: Correct. So we dealt
13 with that and they have chemical
14 applications on some of their brush
15 equipment too, which would be bigger than
16 what you're talking about. But if you
17 can't put it out and it jumps from one car
18 to the next, you're in the same problem.
19 And the timing capacity, we discussed this
20 ad nauseam, the timing capacity to actually
21 get the truck hooked up -- the fire truck
22 hooked up with one team waiting for
23 reserves to come in from another community
24 but waiting for reserves who are out at

1 another issue to come in, another issue in
2 town to come in to then hook up the truck
3 to the drywell, get the drywell pumped, get
4 up into the facility and then actually put
5 out the fire in time so it doesn't jump is
6 just somewhat unrealistic. Now, if you're
7 willing to take that gamble, I see split
8 decisions. It seems like a rather risky
9 thing for a relatively small investment.

10 COMMISSIONER MACDONALD: I was a
11 member of The Review Team and I think that
12 my first reaction in going over the
13 proposal was to be skeptical about it, but
14 that the fire chief was here today did come
15 in, made a presentation to us all the
16 concerns that have been expressed amongst
17 us here were put to him, and I was
18 convinced that this vehicle really would
19 add a material enhancement to the safety
20 function of the town with regard to the
21 parking facility.

22 And I just assume that you had a
23 building, a large structure that you would
24 have, you know, on every floor in the

1 parking garage, you know, a spigot in which
2 you just put a hose on, and then you go out
3 and put the fire out. That doesn't exist
4 there. And keep in mind, this is a very
5 small town. This is a small, small town.
6 Fire resources are limited.

7 The chief also explained about the
8 risk of the rapid spread of the fire within
9 the confines of the parking facility, and
10 that putting all those things together in
11 addition to the notion that if not used at
12 the casino -- parking facility at the
13 casino, it could be of use for other
14 emergencies in the town. The brushfires, I
15 guess, there are a potential number of
16 horse farms that there was a reference to
17 it not being uncommon to have to respond to
18 sportsman's equestrian accidents.

19 So this is not -- there is not a
20 significant prospect of this machine just
21 gathering dust for the possibility of a
22 once in a decade fire in the parking
23 facility. While we were not unanimous, I'm
24 not sure what the practice is here. So

1 I'll shut it off. Well, it's not
2 unanimous. This wasn't a five to four.

3 COMMISSIONER STEBBINS: I guess the
4 other question I had is Plainridge has now
5 been open for two years. The use of the
6 garage has been active for two years. I
7 guess, if we can answer the question why
8 are we just getting the application now
9 knowing that we were leading up to it being
10 almost two years.

11 MR. ZIEMBA: As you know,
12 Commissioner, it's a brand-new program.
13 Communities are getting used to what the
14 requirements are. They are understanding
15 what the impacts of the facility are, and I
16 think there has been much more effort on
17 behalf of a lot of the communities to
18 determine what would be their best effort
19 application given their needs.

20 COMMISSIONER STEBBINS: I mean, just
21 in general, I think -- you know, obviously
22 if we do approve it, they're going to be
23 costs that are going to need to be incurred
24 by the town. They have to maintain the

1 piece of equipment, the fuel, you know,
2 that can hopefully not with a new vehicle,
3 but that can certainly take on some
4 additional costs that the town will be
5 responsible for bearing. So there's almost
6 kind of in kind or cash match in some
7 respects that they need to make for this
8 application. Obviously at the end of the
9 lifespan of the truck, hopefully there's an
10 expectation by the town. They can't tell
11 us it's -- this is not a forecast to go out
12 and buy new.

13 COMMISSIONER ZUNIGA: Well, I see a
14 little bit of a precedence setting question
15 that, I think, we need to consider just on
16 the probability or the likelihood of this.
17 When you compound the probabilities, the
18 probability gets low. You talk about a
19 fire could occur. That's a low
20 probability. It could spread quickly.
21 That's another low probability. Then
22 compounded means in my view lower. That it
23 can be spread quickly to then shut down the
24 entire building and add some structural

1 damage where it no longer could have
2 revenues in that facility is yet another
3 element.

4 MR. LENNON: Well, that's the
5 garage. You see garages shut down
6 regularly. And as you saw on opening day
7 --

8 COMMISSIONER ZUNIGA: Let me finish
9 my thought, which is I think the
10 compounding problem, I think, in my view
11 the scenario is dire but it's a very, very
12 small probability. And, I think, that
13 we -- in approving this, we would be
14 creating a precedent or an expectation that
15 even very low probability scenarios need to
16 be needed where there is no real evidence
17 that this is viable. However, it depends
18 on the town, et cetera.

19 So I'm highly skeptical of this. I
20 understand why the chief makes his request.
21 I would be doing the same if I was in his
22 position. But in our position, we need to
23 think about, you know, the best use of this
24 moneys, make them go where they really need

1 it. There's many other scenarios that may
2 happen that we have not yet anticipated,
3 and then the overall nature of this request
4 makes me think, you know, we need to be,
5 you know, perhaps a little bit more
6 judicious on requests like this.

7 COMMISSIONER CAMERON: Commissioner,
8 I think your argument is sound if we were
9 talking about something like
10 transportation, a bike sharing program but
11 we're talking about public safety. I don't
12 think public safety is a time to talk about
13 probabilities. I just don't think that's a
14 wise way to talk about resources when
15 you're talking about public safety. Other
16 issues I agree that we can look at it that
17 way. But when it comes to public safety, I
18 know that I can't look at it it's a low
19 possibility so you shouldn't consider it.

20 COMMISSIONER ZUNIGA: But the
21 alternative is not -- there is response.
22 There's an existing plan --

23 COMMISSIONER CAMERON: I understand
24 that.

1 COMMISSIONER ZUNIGA: There's an
2 existing plan that was --

3 COMMISSIONER CAMERON: One that's
4 not efficient, and the team was persuaded
5 that it was reasonable.

6 COMMISSIONER ZUNIGA: Not entire
7 team and not one Commissioner at least.
8 The point being is that there are other
9 factors that mitigate currently the
10 existing facility was built to code. If
11 it's such an imperative to public safety,
12 the code would reflect it. They would
13 recommend it.

14 COMMISSIONER CAMERON: Code is
15 just -- again, we're talking about public
16 safety here. The request is all around
17 that not --

18 COMMISSIONER ZUNIGA: And the
19 code -- the building code incorporates a
20 lot of things around public safety and fire
21 suppression, and things like that.

22 COMMISSIONER CAMERON: Right. It
23 doesn't take into consideration a small
24 town who doesn't have the proper equipment

1 now.

2 COMMISSIONER ZUNIGA: Actually, it
3 does, it does.

4 MR. LENNON: So just to comment on
5 the back and forth, and we see this in our
6 internal risk group, what you're doing is a
7 risk assessment and you may have more risk
8 appetite, Commissioner Zuniga, on this
9 aspect than say Commissioner Cameron or the
10 majority of The Review Team. You have to
11 weigh the risks. And sometimes when you
12 have a low probability but the potential
13 risk is catastrophic, you choose to
14 mitigate that risk.

15 And when you look at like, tax
16 revenue, that's a risk that some people are
17 willing to mitigate for the relatively low
18 cost where, you know, you're looking at it
19 just from the compounding aspect. So, it's
20 not the ones right or wrong. It's a risk
21 appetite, and that's what it comes down to.

22 COMMISSIONER ZUNIGA: Absolutely.

23 In order to get to the catastrophic
24 scenario, you need to compound the

1 probabilities, and that is my point.

2 MR. LENNON: Correct. So what's
3 your appetite?

4 CHAIRMAN CROSBY: I think you guys
5 are agreeing. You're just coming down to a
6 different place on what this is an
7 insurance policy. We do weigh
8 probabilities and public safety all the
9 time. We make these trade-offs constantly.
10 I kind of think that this decision has been
11 made before, the people who built the
12 building made the decision that it was not
13 worth cost to accommodate a fire truck.
14 Various regulatory agencies have made the
15 decision that it's not worth requiring a
16 building to have a clearance for fire
17 trucks.

18 The town could mandate itself if it
19 wanted to. The town could just go buy it.
20 If the risk was so great, the town could go
21 buy it or if the town could mandate the
22 casino to buy it, you know, with -- right,
23 to deal with it however.

24 So, I think it's a closed issue. I

1 totally get everybody's perspective on it,
2 and I do think it's just a judgment call
3 about risk versus reward, risk versus
4 costs. And, I think, I agree on sort of a
5 51/49 basis with Commissioner Zuniga that
6 particularly now when we don't know where
7 this fund is going to go.

8 We've been pretty liberal with this
9 fund so far, which I'm a part of. But we
10 will be making these trade-off decisions a
11 lot probably down the road. And to make
12 one that where the risk versus costs in my
13 view is the way that it is in this
14 situation, I think I would be inclined not
15 to want to do it. Anybody else?

16 COMMISSIONER MACDONALD: Just on the
17 point of, you know, of a limited fund, John
18 can speak to the specifics of this but that
19 with the prospect of coming online of the
20 Category 1 casinos, there is also the near
21 term expectation with very significant
22 addition to the current balance of --

23 CHAIRMAN CROSBY: I understand --

24 COMMISSIONER MACDONALD: You make

1 the obvious point that The Review Team took
2 that into account and took the present
3 balance into account against the larger
4 context of the other commitments that we
5 were willing to vote in favor of with
6 regard to the other applications.

7 I don't think we are in a
8 situation -- I don't think we are in a
9 situation here at which by, you know,
10 approving this, if we were to approve it,
11 that we would be placing a risk a solvency
12 of the fund to be able to -- the
13 sufficiency of the fund to respond to
14 arguably more acute risks.

15 CHAIRMAN CROSBY: Yes. To be clear,
16 I wasn't suggesting that we were concerned
17 about the solvency of the fund. I was
18 saying we just don't know what kind of
19 demands are going to be made on this fund
20 in the future. I think there's a ton of
21 money in this fund, you know, 15 to
22 \$20 million. I don't know what we're going
23 to do with that money. But the key
24 sentence there is: I don't know what we

1 are going to do with that money. Maybe
2 there will lots of applicants. Maybe there
3 will be lots things. We just don't know.

4 So it's not -- it was not the
5 thought it might be insolvent. It's kind
6 of like if we're going to have to make this
7 kind of decision all the time, same
8 wrestling you did, do we want to set a
9 precedent at this stage of the game for
10 this kind of judgment on this kind of call?
11 There is no right or wrong here. It's just
12 a judgment call.

13 COMMISSIONER ZUNIGA: I looked up --
14 I'm sorry I didn't bring it with me, but I
15 looked up a report of the Fire Protection
16 Association on highway car fires. And by
17 highway car in this context, they mean any
18 vehicle that can go into the highway.
19 Doesn't mean -- in other words, in their
20 analysis they never alluded to lawnmowers
21 and whatnot.

22 And there was a particular --
23 because I was searching -- the state asked
24 for the likelihood of something like this,

1 how often does it happen. And there is a
2 lot of statistics. There's one that really
3 sort of kept me thinking, which is the
4 overall fire in the United States on
5 vehicles has been going down, trending down
6 over the last ten years and that counts
7 everything, arson, highway fires and so on
8 and so forth.

9 I could produce that. I didn't
10 bring it with me. I showed it to Ombudsman
11 Ziemba, Joe Delaney. But that's a trend
12 that may be important for us to consider in
13 this context. There are other data there.
14 The vast majority of fires happen among
15 streets and highways. This is not
16 surprising, by the way. But they also
17 happen on parking garages that is included
18 with parking on soft surface, regular
19 parking lots, and that number is small.

20 So I'm not -- there's a lot of other
21 information that you can pick and draw the
22 opposite conclusion, which is part of your
23 point. But there is one that left me
24 really thinking if all the fires in the

1 United States, car fires, have been going
2 down in the last ten years or so, that's an
3 important piece of data that comes across.
4 The cars are maybe getting better in terms
5 of their design, in terms of the coolant
6 that they have that, you know, et cetera,
7 et cetera. You know what I'm saying.

8 MR. ZIEMBA: Joe and I did take a
9 look at that report, and I would just
10 mention just for analysis purposes that,
11 you know, one of the key statistics
12 included in that report is that 17 percent
13 of all fires are related to garages and
14 service parking lots. So I don't know what
15 the percentage would be of garages versus
16 surface parking lots and that --

17 CHAIRMAN CROSBY: This is all fires
18 in the country?

19 MR. ZIEMBA: Of highway-related
20 vehicle fires are either in garages or
21 surface lots.

22 MR. DELANEY: So parked vehicles.

23 MR. ZIEMBA: Parked vehicles. And
24 the damages can be in the tunes of billions

1 of dollars and part of what we're concerned
2 about is the damage here in terms of also
3 lives of, I think, approximately 500 -- I
4 think, it was 500 lives per year due to --
5 not garage fires. Due to car fires.

6 So, again, exactly your point. The
7 jury is sort of out on exactly what are the
8 statistics related to garage fires, but I
9 thought I would mention that.

10 COMMISSIONER ZUNIGA: There are many
11 others that you can take it away. In that
12 report, one of the reasons those fires
13 spread most often is that people decide to
14 kind of try to deal with them on their own.
15 One of the recommendations is you always
16 need to call 911 where you might figure,
17 well, if this facility is going to be
18 monitored 24/7, we could try to mitigate in
19 that way, you know.

20 But, again, you read a lot of that
21 report and can come in either side of this
22 on a number of data. There is one that is
23 unequivocal in my opinion, and that is that
24 all fires in the last 15 years, you account

1 for everything, has been scaling down.

2 COMMISSIONER STEBBINS: I think
3 we're all sufficiently scared about where
4 we park our car during the day. I guess,
5 you know, I'm also looking at this is, you
6 know, I talked about it a little bit
7 earlier, again, there's an ongoing
8 obligation of the Town of Plainville to
9 have to maintain this vehicle.

10 I guess I want to raise the point
11 that I'm a little disappointed in our
12 licensee that there wasn't some
13 acknowledgment -- obviously they're in
14 favor of the application -- but there
15 wasn't some acknowledgment or there doesn't
16 seem to be in the material of this is
17 unique to their property.

18 They certainly could have decided to
19 pony up some part of the cost. They could
20 have talked to the community about using
21 some amount of their host community
22 agreement payment to be set aside for this
23 specific purpose, so I'm a little
24 frustrated by that but that's certainly not

1 something that's necessarily within the
2 purview of the issue.

3 CHAIRMAN CROSBY: But also they're
4 making the judgment. They're thinking
5 about it. They could spend \$148,000.
6 Plainville is not really doing this for the
7 sake of the Town of Plainville. They're
8 doing it for the sake of the facility and
9 the people involved. But the issue that's
10 raised, the macro issue that's raised is a
11 massive fire that does damage to the garage
12 and shuts the facility down. That doesn't
13 hurt Plainville much. It does a little
14 bit.

15 What hurts is Plainridge Park Casino
16 first and, secondly, the Commonwealth
17 Plainridge Park Casino doesn't think this
18 is worth \$148,000 or any portion thereof as
19 far as I can tell.

20 COMMISSIONER STEBBINS: Or their
21 attitude might be it's our money that's in
22 the Community Mitigation Fund. Here, chase
23 it.

24 CHAIRMAN CROSBY: That will be fine.

1 I'm not opposed to asking at all.

2 MR. LENNON: To address the ongoing
3 cost, it's a 20 year asset, which the town
4 has committed to maintaining. So, I
5 understand you're talking about the ongoing
6 costs. That's one of the things that they
7 have committed to. Once again, I did want
8 to go back to it's a risk assessment on
9 your part as a commission and The Review
10 Team came to a different conclusion.

11 CHAIRMAN CROSBY: I think we're
12 ready. If we could make a motion whichever
13 way and see where we are at.

14 COMMISSIONER CAMERON: I move that
15 we approve this request, the Plainville
16 request. I think that the team has
17 persuaded me and one Commissioner from our
18 team was a member, and I'm in favor of
19 moving that we approve this.

20 CHAIRMAN CROSBY: Second?

21 COMMISSIONER STEBBINS: Second.

22 CHAIRMAN CROSBY: All in favor? Is
23 there any further discussion? All in
24 favor?

1 COMMISSIONER CAMERON: Aye.

2 COMMISSIONER MACDONALD: Aye.

3 COMMISSIONER STEBBINS: Aye.

4 CHAIRMAN CROSBY: That would be
5 Commissioner Cameron, Commissioner
6 Macdonald and Commissioner Stebbins. All
7 opposed? Aye.

8 COMMISSIONER ZUNIGA: Aye.

9 CHAIRMAN CROSBY: That would be
10 Commissioner Crosby and Commissioner
11 Zuniga. The motion passes three to two.
12 All set. Okay.

13 MR. ZIEMBA: Chairman, I have one
14 other Plainville-related question.
15 Plainville asked for the use of its
16 reserve. As you recall, the reserve was
17 established so that would get funding
18 requests that occur between funding rounds
19 and, in general, we have provided some more
20 flexibility with the use of reserves by the
21 communities.

22 Plainville has not utilized its
23 \$100,000 reserve to date. The Town of
24 Plainville would like to use this reserve

1 to purchase public safety items that it
2 notes it was unanticipated in the host
3 community agreement, such as a cardiac
4 monitor, 23 portable radios to replace the
5 old non-compatible technology radios and a
6 set of body armor for the Gaming
7 Enforcement Unit officers in the gaming
8 facility.

9 The Review Team recommends the
10 Commission approve Plainville's use of
11 98,397.92 of the reserve for these public
12 safety-related items.

13 COMMISSIONER CAMERON: And that was
14 unanimous, correct?

15 MR. ZIEMBA: That one was unanimous.

16 COMMISSIONER CAMERON: I certainly
17 agree with the team particularly --

18 CHAIRMAN CROSBY: Which page is that
19 on?

20 COMMISSIONER STEBBINS: 52.

21 COMMISSIONER CAMERON: In
22 particular, the intra-operability issue was
23 huge for public safety purposes.

24 MR. ZIEMBA: Commissioners, after

1 the break, we'll provide you a page number
2 on the summary memo and a page on the --
3 they are broken down by tabs.

4 CHAIRMAN CROSBY: I was asking
5 summary. It was 52 in the summary, I
6 think. So do we need to vote on this? Do
7 we have to vote on these? I forget.

8 COMMISSIONER CAMERON: Yes.

9 CHAIRMAN CROSBY: We do, okay. Do
10 we have a motion on the Plainville reserve?

11 COMMISSIONER STEBBINS: Mr. Chair, I
12 move to approve the recommended use of the
13 Plainville reserve as included in the
14 packet.

15 COMMISSIONER CAMERON: Second.

16 CHAIRMAN CROSBY: Further
17 discussion? All in favor?

18 COMMISSIONER MACDONALD: Aye.

19 COMMISSIONER CAMERON: Aye.

20 COMMISSIONER STEBBINS: Aye.

21 COMMISSIONER ZUNIGA: Aye.

22 CHAIRMAN CROSBY: Opposed? The ayes
23 have it unanimously. What would you think
24 about taking a break until 1:30? Would

1 that be all right?

2 COMMISSIONER CAMERON: That's fine.

3 CHAIRMAN CROSBY: We will do the SER
4 first, and then go in to do the rest of the
5 community mitigation stuff hopefully. We
6 are adjourned until 1:30.

7

8 (A recess was taken)

9

10 CHAIRMAN CROSBY: So we are
11 reconvening public meeting number 220 at
12 about 1:30 on June, whatever this is, 22nd
13 and we are going to -- there we go. Thank
14 you -- and we are going to go to Item 3B,
15 the service employees legislative and
16 regulatory options. Just sort of by way of
17 introduction to kind of renowned everybody
18 where we're at, we've had a number of
19 conversations about this reflecting a
20 variety of differences of opinion. What
21 does the statute say? Is it confusing? If
22 it is, can we do anything about it? Can we
23 get a legislative fix? Is it substantively
24 an issue and on and on.

1 And where we ended up now, I think,
2 is a clear consensus that if we can get a
3 legislative fix that's preferable to us
4 having to join the issue of whether or not
5 we can do an administrative fix. So we
6 have been discussing the various options
7 that we might recommend. There's nothing
8 that says we have to recommend to the
9 legislature. But if we can, that probably
10 would be nothing but constructive. So
11 that's where we are, and I will pass it
12 over to Loretta or --

13 MR. BEDROSIAN: No, why don't I just
14 take a shot. My memory, Mr. Chairman,
15 Commissioners, after our last meeting,
16 which Commissioner Macdonald was not
17 present at, there had been at least some
18 form of a consensus around Options A and a
19 little bit about D. Staff went back and
20 tried to draft something and combine those
21 two.

22 The big unknown, obviously, was
23 Commissioner Macdonald's input after having
24 been able to view and, I think, listen to

1 the conversation, which he missed. So, we
2 drafted the options based on what we heard
3 at the last meeting. But, obviously, I
4 think there was a decision to wait for
5 Commissioner Macdonald and get his input,
6 so I think that's where we're at now.

7 CHAIRMAN CROSBY: Which option did
8 you choose?

9 COMMISSIONER ZUNIGA: A and D.

10 CHAIRMAN CROSBY: There were two A
11 and D, 1 A and one, I think, I was B at
12 that point. That's where we were last time
13 sort of informally. So who's up?

14 MR. BEDROSIAN: I think it's
15 Commissioner Macdonald.

16 COMMISSIONER MACDONALD: Okay. I'm
17 the reason for this. While you guys were
18 all meeting diligently a week ago
19 yesterday, I was on a flight to San
20 Francisco and I was ruined that I couldn't
21 be in your company, but I made up for lost
22 time on Thursday afternoon after my
23 granddaughter's graduation to listen to the
24 entirety of the discussion via the video

1 record of the meeting. And then as I was
2 flying east on Friday, I wrote up what I've
3 described as a sketch of my thinking on the
4 issue in light of the discussion,
5 deliberation that you all had on Wednesday.

6 And I wrote that up and with the
7 intention of it being circulated to you and
8 issued publically so that at this occasion
9 we could perhaps finally address the issue
10 at least of the next step of how to deal
11 with this question of gaming service
12 employees and whether the automatic
13 exclusion of 16B of the gaming statute
14 ought to be preserved.

15 I was advised by our Executive
16 Director that if I circulated even in a
17 public distribution of the memorandum that
18 that would be incompatible with the Open
19 Meeting Law. And, accordingly, I followed
20 further his advice that it be distributed
21 as early as possible once we are all here
22 together, and so don't hold it against me
23 you only got it this morning.

24 CHAIRMAN CROSBY: Not even our

1 executive director -- at my request he
2 actually went to the AG to say there has to
3 be some way we could distribute it.

4 COMMISSIONER MACDONALD: The answer
5 is no. On the other hand, I took advantage
6 of in support of our executive director
7 took advantage of circulating it to the
8 senior legal staff and met with them at
9 length earlier this week.

10 My thinking is memorialized in the
11 memorandum, and I'm not going to, you know,
12 repeat that. You've all had the
13 opportunity to review it, but let me just
14 say a couple of things.

15 Number one, having reviewed the
16 proposed hybrid that the staff put
17 together, I think that if that were to be
18 enacted in legislation that that would be a
19 significant improvement of the otherwise
20 strapped condition that we find ourselves
21 in with regard to gaming service employees
22 by virtue of the overbroad automatic
23 exclusion of 16B.

24 On the other hand that as I noted in

1 the memorandum, I continue to think it's
2 really unfortunate -- it would be really
3 unfortunate if we did not take advantage of
4 what appears to be an opportunity to
5 support a legislative fix, and of course
6 against the background it's not for us to
7 do the legislation. It's something that
8 the Senate and the House and, ultimately,
9 the governor would have to support.

10 But it appears to be that we have an
11 opportunity to significantly inform the
12 judgment as to whether or not the language
13 of the gaming statute should be a changed
14 in this as it relates to gaming service
15 employees, and the continued operation of
16 the automatic exclusion.

17 The hybrid proposal is an
18 improvement because it gives to us, if it
19 were enacted, it would give to us the
20 authority to exempt various classes, all
21 classes of gaming service employees that we
22 did not think were appropriately subject to
23 16B's automatic exclusion.

24 There was discussion at the meeting

1 on the -- at the public meeting on the 14th
2 that, if I recall right, that a bowling
3 alley attendant -- really there's no
4 rational reason that a bowling ally
5 attendant should be subject to 16B's
6 automatic exclusion.

7 So that would be kind of a, as I
8 visualize it, if the hybrid proposal was
9 adopted, then that bowling alley type of
10 gaming service employees would be exempted
11 from the registration requirement and being
12 subject to 13B -- I mean, 16B exclusion.

13 The problem is whether it's just
14 gaming service employees or another two or
15 three other categories of employees that we
16 would exempt. That would leave all of the
17 other categories of the gaming service
18 employees.

19 CHAIRMAN CROSBY: You said other
20 gaming service employees. You mean you
21 might exempt people -- ticket takers in the
22 movie theaters and other gaming service
23 employees, but that will still leave other
24 categories of gaming service employees.

1 COMMISSIONER MACDONALD: Right, that
2 would be subject to --

3 CHAIRMAN CROSBY: That would be
4 subject to exclusion.

5 COMMISSIONER MACDONALD: You know,
6 so it could be that authority could be
7 exercised by the Commission, you know, most
8 conservatively by not exempting anybody but
9 it could exempt, you know, the ticket
10 takers or the bowling alley people. The
11 classes of employees that will have --
12 there will be no plausible reason to
13 require them to be subject to an automatic
14 exclusion of the draconian sort that 16B
15 provides. But under those circumstances,
16 all the other categories of gaming service
17 employees would still be subject to it.

18 So then question is: What sense
19 does it make for any gaming service
20 employee to be subject to the automatic
21 exclusion of 16B? And I can't find any
22 reason for that against the backdrop of
23 there being an alternative for us to adopt
24 a recommendation to the legislature to take

1 gaming service employees entirely outside
2 of the registration -- not necessary out of
3 the registration process, but take it
4 outside of being the subject to 16B's
5 automatic exclusion.

6 That doesn't mean we would just sort
7 of ignore any kind of oversight of gaming
8 service employees. But it would mean in
9 the first instance that we would, in
10 effect, look to our licensees to perform
11 the core of the vetting function of the
12 hiring of gaming service employees.

13 They, as the attorneys for MGM when
14 we met in Springfield described, that in
15 that process in compliance with state and
16 federal employment law, they would make
17 inquiries of the criminal background of the
18 applicants to the extent that it was
19 authorized by state and federal law, but
20 would then make a judgment that they felt
21 would provide confidence that these people
22 would perform satisfactorily their
23 functions while at the same time also on
24 the basis of their prior employment record

1 and other things that would be
2 appropriately taken into account in the
3 employment decision that they would perform
4 well and would not pose a risk to either
5 the safety or the financial well-being of
6 the patrons or of the licensee's
7 operations.

8 How that would be accomplished under
9 those circumstances is that we would
10 create, as an administrative agency, a
11 regime, an administrative regulatory regime
12 for this class of employees. I don't have
13 the details of all of that, but I think the
14 bottom line of it would be that it would be
15 very light, because the core of it would be
16 that accepted in it I would expect to be a
17 relatively narrow group of people that
18 would be classified as gaming service
19 employees. We would feel comfortable that
20 the public safety and the integrity of the
21 gaming operations would be sufficiently
22 addressed by the exercise of the executive
23 authority of our licensees.

24 That would provide, in my view, the

1 most efficient way to provide for a hiring
2 process for gaming service employees and --
3 and this is enormously significant -- that
4 it would free up substantially our
5 licensees from what otherwise by operation
6 of 16B is a very significant obstacle to
7 their ability to be able to meet the
8 workforce and employment objectives of the
9 gaming statute.

10 As I've said on any number of
11 occasions since I've come on to the
12 Commission that what I've been most
13 impressed by since becoming part of the
14 Commission is the accomplishments in the
15 area of workforce development and the
16 affirmative action that our licensees have
17 exhibited to date.

18 And, I think, it would be most
19 unfortunate that just as the two Category 1
20 casinos are coming on board with the
21 largest, by far the largest numbers of
22 employees, specifically the gaming service
23 employees, it would be most unfortunate if
24 at that stage by our allowing 16B in any

1 form to continue to operate automatically
2 against gaming service employee advocates
3 would be, number one, unnecessary and would
4 jeopardize the larger employment of
5 workforce development goals of the gaming
6 statute.

7 So that's why I -- that's the reason
8 that I strongly favor either B or -- you
9 know, Options B or C. I don't see any
10 significant difference between the two of
11 them.

12 COMMISSIONER CAMERON: Thank you,
13 Commissioner. Do you want to go?

14 COMMISSIONER ZUNIGA: Well, yes. I
15 suppose when I read Options B and C and
16 throughout all the discussion of last time,
17 there was open the question as to what
18 criteria we would come up with at a later
19 time. You seem to be making the case that
20 the criteria should be the registrants
21 shouldn't -- that service employees should
22 just be led to be basically saying up to
23 the licensees.

24 CHAIRMAN CROSBY: He's saying up to

1 the licensees.

2 COMMISSIONER ZUNIGA: He's basically
3 saying we'll eliminate 16B from the service
4 employees, which is that I mentioned that I
5 hadn't sort of thought of, it could apply
6 within the realm of many other different
7 criteria that we could implement on Options
8 B and C. Just like frankly Option A
9 applies to B and C. It's just, you know, a
10 concrete application of criteria later to
11 be developed.

12 COMMISSIONER MACDONALD: Yea. I
13 mean, I wouldn't -- I'm not suggesting that
14 we have -- that there be nothing. If we
15 took, you know, Option C that there would
16 be no policy articulated in, I mean, our
17 regulations that would affect the gaming
18 service employees. I think under those
19 circumstances, we would then be free to
20 create, you know, a structure for that.

21 My own inclination would be that it
22 would be as to that class of employees
23 would be regulation light, and then the
24 essential substance of it would be that for

1 a large, let's call it 85 percent, 85
2 percent of the gaming service employees
3 applicants would have their employment
4 decision essentially made by the licensees.

5 But I'm not prepared at this point
6 in time to say that if we are at the table
7 to create an administrative regime for
8 gaming service employees that there might
9 not be some other provisions that would
10 be -- that would address the concerns for
11 perhaps those small number of job
12 categories within the gaming service
13 employees that would justify a more
14 proactive --

15 CHAIRMAN CROSBY: For example, wait
16 people who are going to be on the floor,
17 casino floor we might decide to create some
18 more coverage for.

19 COMMISSIONER MACDONALD: And the
20 other example, which I noted in my sketch,
21 was that I'm not sure everybody would agree
22 with this but, you know, housekeeping
23 staff, housekeeping staff that, yes, at one
24 level it's a very, you know, low level

1 employment function. But at the same time,
2 the housekeeping staff has direct access to
3 the hotel rooms of MGM and Wynn that, you
4 know, a high-roller is coming over from
5 Macau to patronize Wynn Boston Harbor, I
6 think there is a reason to at least think
7 that we might want to have a broader CORI
8 check on that category of employees than
9 employers are permitted to have under
10 current Massachusetts law.

11 But, I think, that's going to be a
12 relatively small number of people, and it
13 could be accomplished without any kind of
14 time-consuming suitability, you know,
15 reviewed by the IEB. And I am very aware,
16 and Director Wells has emphasized this
17 repeatedly, that she is already -- she has
18 already, you know, stretched resource-wise,
19 I, think at last week's meeting she
20 described as catastrophic this idea of, you
21 know, of Option C.

22 But when we spoke earlier in the
23 week, you know, I addressed that with her
24 and that -- when I described the concept of

1 an administrative regime for these purposes
2 develop bias, that doesn't mean we're going
3 to be doing extensive background checks of
4 the gaming service employees that would
5 come in. Almost the opposite of, as I said
6 before not to repeat myself. So I don't
7 think that Option C would require any
8 materially greater call on the resources of
9 the IEB.

10 MS. WELLS: If I could just to
11 clarify, I think that my comments on that
12 were Option C. The issue with that is not
13 that it's necessarily catastrophic, but
14 there's a potential for catastrophic
15 process failure depending on what the
16 Commission does and depending on the time
17 frame. The issue with Options B and Option
18 C really from a purely process operation
19 standpoint is the lack of certainty and the
20 time frame.

21 So, when you're talking about Option
22 B, if you look at the language, it
23 basically gives the Commission the power to
24 do whatever you want. Just make something

1 up. Do it however you want. And I
2 understand from a policy perspective why a
3 Commission might want that. But given the
4 practical considerations of this opening in
5 right now scheduled for fall of 2018, might
6 be earlier, the uncertainty of the
7 resources.

8 So, for example, under Commissioner
9 Macdonald's model where, you know, it's
10 almost as if he -- from what I hear you
11 saying, 85 percent of those jobs it's
12 almost like you're exempt. Just look at
13 15. But you may have a different opinion
14 from two, three, four other Commissioners
15 and then that process of deciding.

16 I don't know at this point when
17 we're trying to make a decision what to
18 recommend what the Commission could
19 recommend. Because, theoretically, the
20 Commission could end up recommending you
21 know what, we're going to do backgrounds on
22 all of them, but we're not going to have
23 any kind of automatic disqualifiers but
24 look at all of them and do an individual

1 judgment on all of them. That's an option
2 under B or C. There's nothing in that
3 recommendation that prohibits the
4 Commission from doing that, and you haven't
5 made that decision yet.

6 COMMISSIONER MACDONALD: I certainly
7 have never suggested anything that would
8 make that as a plausible possibility. And,
9 frankly, right down I have not heard
10 anything from any of my fellow
11 commissioners that would suggest that, so
12 frankly the opposite.

13 MS. WELLS: But every year there
14 potentially could be another commissioner.
15 You're already split on this issue. It
16 could change every year, and then you've
17 got sort of a structure where you're
18 potentially having changes every time a new
19 commissioner comes on. The lack of
20 certainly is potentially problematic.

21 That's all I think the Commission
22 should be aware when we have this opening
23 that I can't tell you what the potential
24 ramifications are on a process and

1 administrative standpoint, because I have
2 no idea what the plan is. You haven't
3 voted on a plan. You don't know what the
4 plan is. You don't know what it's going to
5 be, so I can't tell you.

6 And that's part of the problem is
7 that with Option A and D, I have certainty.
8 I can tell you how that's going to work. I
9 can tell you what we're going to do and
10 that works, but I just don't know. Because
11 it sort of gives you this option to do
12 whatever, but we don't know what the
13 whatever is at this point.

14 COMMISSIONER MACDONALD: But you
15 know the principles. You know the
16 principles behind it, and the principle
17 would be very substantial deference to the
18 licensees with regard to the hiring of
19 employment decisions as to gaming service
20 employees with the possibility of a very
21 narrow group of employees that there would
22 be some inquiry about but nothing that
23 would approach the kind of deep suitability
24 evaluations that you're suggesting.

1 MS. WELLS: So what I see from a
2 practical standpoint what you're describing
3 can actually be accomplished by Option A
4 and Option D. So what you're suggesting is
5 there's a certain group we're going to
6 defer to the licensees on their process of
7 vetting these people. That's what Option A
8 is.

9 COMMISSIONER ZUNIGA: That's D.

10 MS. WELLS: That's Option A.

11 COMMISSIONER ZUNIGA: I'm sorry,
12 that's right. You exempt a category.

13 MS. WELLS: You know what, MGM,
14 Penn, Wynn, you do the background in them.
15 If you are comfortable, we're not going to
16 do anything. That leaves that narrow --
17 that group, and that's sort of the
18 Commission's decision under A which part of
19 this other group where if we do have an
20 interest and we do want to take a look at
21 them, then I think your issue is, do you
22 want any kind of mandatory disqualifier or
23 not on the group that's left.

24 So that's the Option D where that's

1 the sort of the range of, you know, when
2 you're doing these backgrounds on the group
3 that you're keeping, do you want some kind
4 of hard and fast rule that if it's over
5 five years, then you're out, otherwise,
6 you're in. And there is pluses and minuses
7 to that, too. So that's why when I look at
8 it from a practical standpoint, I
9 understand the philosophical point of view
10 but practically the Option D and Option A
11 combined actually addresses a lot of your
12 concerns.

13 COMMISSIONER MACDONALD: But isn't
14 the problem with Option D or Option A, as I
15 articulate in the memo, that for those
16 service employees that are not exempted
17 then they would still be subject to 16B,
18 and I have never heard anybody give a
19 rational defense to 16B.

20 MS. WELLS: That's right.

21 COMMISSIONER MACDONALD: That
22 somebody, whether it's ten years, nine
23 years and eleven months ago had a
24 shoplifting offense and they would

1 automatically be taken out or whether it be
2 five years, which is now the hybrid, have
3 the shoplifting offense and not being able
4 to be taken into account. Why preserve a
5 standard that can't be objectively
6 justified?

7 MS. WELLS: Well, I think a couple
8 of things. Because that whole shoplifting
9 example has come up a number of times, so
10 there's a couple of things to remember with
11 that. In my experience and other folks
12 that have worked in the district courts at
13 that level, I haven't seen anybody, to my
14 experience, you know, and I've worked in
15 law enforcement for 20 years, out of
16 nowhere no prior record, no issues has not
17 been guilty on a shoplifting offense. So,
18 I think, we have to be careful with some of
19 the language around those offenses.

20 The other piece, which you have to
21 remember, is anything between five and ten
22 years that's a misdemeanor has the ability
23 to be sealed. So someone that,
24 hypothetically, has a shoplifting offense

1 that's nine and a half years old can get
2 that record sealed, and then they'd have
3 the ability to work in the casino.

4 The option -- you know, so there
5 are -- when you're dealing with these
6 employees, so a group of employees. So,
7 hypothetically, MGM is looking to hire, so
8 they've got 1,200 service level employees.
9 I don't know what percentage of that there
10 potentially would be hired convicted
11 felons, whether it be 5, percent,
12 10 percent, 20 percent, 50 percent. I
13 don't know. But there are certain options
14 under the different structures.

15 So, hypothetically, I think we
16 talked about this before when we had our
17 individual meetings, that you've got
18 someone with some kind of felony conviction
19 that's nine years old. Under Option A and
20 D, that individual could go work in one of
21 the exempt positions. Maybe the bowling
22 alley, maybe another position, work there
23 for a year, develop a good relationship
24 with MGM. Once they hit the ten year

1 threshold, then they could work. Or in the
2 circumstance, as Commissioner Zuniga
3 recommended that you reduce it to five
4 years, they could work a shorter period of
5 time and then have the opportunity to move
6 into a different job.

7 So there would be jobs available for
8 that certain percentage of employees of
9 those 1,200. And I'm not sure -- it would
10 depend on the ratio how many convicted
11 felons they'd want to hire and how many
12 jobs the Commission exempts. But there
13 could be a matrix where those people that
14 they want to hire there are positions.
15 But, theoretically, I understand your
16 question. What's the value in having sort
17 of a hard and fast rule? And I would
18 suggest to you --

19 COMMISSIONER MACDONALD: What's the
20 value of having a hard and fast rule that
21 has the elements of 16B? I'm not against
22 hard and fast rules. It's --

23 MS. WELLS: I think the answer to
24 that is process, because it would be fine

1 if you had 20 of these people that you were
2 vetting, you could do whatever you want.
3 You probably wouldn't need any kind of
4 automatic disqualifier. That's easy. But
5 if we are talking about, you know, in a
6 period of three months doing 1,200 for MGM
7 and 2,300, if you have to do an individual
8 analysis every time someone has a felony
9 conviction and you don't sort of have a
10 bright line rule as guidance, then you're
11 expending resources on doing the background
12 on those when otherwise you wouldn't.

13 And I understand that's your call as
14 the Commission whether it's worth it in
15 those resources, but that certainty not
16 only helps the processes move forward, if
17 there is a line of convicted felons or
18 theft offenses, you draw the line. You're
19 on one side or the other. The
20 investigators have certainty. There's
21 fairness across the board depending on your
22 background.

23 And then the other issue with that
24 is applicants. Because, remember, the

1 applicants are people, too. So if there is
2 this amorphous standard we don't really
3 know, we'll see, then you'd have Karen
4 Wells wants to go to culinary school, but I
5 had an armed robbery four years ago. Well,
6 maybe I'll do it anyway but you don't have
7 some certainty about whether that's going
8 to be a problem or not.

9 And you may disagree with that, but
10 that's just a decision the Commission needs
11 to make on policy versus operations, and
12 you need to make that decision and make
13 that recommendation. I'm just advising you
14 there are consequences on either side, and
15 it's your decision on how you want to go
16 with it.

17 MR. BEDROSIAN: Can I add one thing
18 and then staff will be quiet, which is,
19 Commissioner Macdonald, to talk to your
20 point and I think you and I have had
21 conversation about sort of the strategy of
22 this. I see 16B, of whether we agree with
23 it or not, as having been a very deliberate
24 regime by the legislature back in 2011, and

1 we've had discussions publically about why
2 they may have done that.

3 And while we can disagree on a
4 policy basis with it, I'm going to suggest
5 the option of A and D is still a
6 recognition in my view to legislature that
7 they put in a very strict regime, and they
8 said, you know, in order -- I suspect in
9 order for their view to pass gaming in
10 Massachusetts, they need it as their
11 primary goal a very strict regime.

12 We have heard from really one
13 licensee mainly. Not our licensees, one
14 licensee, who is very vocal about it
15 admittedly and may be deserveably so vocal
16 about it, that clearly that paramount
17 concern of the integrity of the process
18 butts up against legitimate workforce
19 development under unemployed goals.

20 Strategy-wise of not necessarily
21 turning 16B on its head in the face of the
22 legislature recognizing what they did, but
23 giving the Commission options to carve out
24 ranges of employees, including potentially

1 up to the Commission, you know, most ranges
2 of employees up to everything potentially
3 except people on the floor and people who
4 deal personally with a patron's property or
5 something like that.

6 So there one is under A and D, I
7 would suggest there is a wide range of
8 discretion and employees who could then
9 help sort of bridge that gap between the
10 tension of the paramount concern and one of
11 the very, very valid concerns of
12 unemployment and underemployment without
13 necessarily turning 16B on its head. And,
14 I think, from our point of view, it's just
15 a little more of a strategy of saying to
16 the legislature --

17 CHAIRMAN CROSBY: I don't understand
18 why you're saying that. Because if you're
19 talking very practically about a
20 legislative strategy rather than what's the
21 best thing to do here, which is what I was
22 looking for, we've been told by all of the
23 major drafters that that was not their
24 intent. That it was a drafting error.

1 That they did not mean to disqualify gaming
2 service employees, so --

3 MR. BEDROSIAN: I wasn't involved in
4 those conversations, and I'm certainly not
5 going to dispute the representation of
6 them. It seems hard to suggest that 16B
7 was a drafting error.

8 CHAIRMAN CROSBY: Drafters say it
9 is.

10 COMMISSIONER ZUNIGA: Remember that
11 16B applies to both, GELs and SERS, and
12 presumedly the SER --

13 CHAIRMAN CROSBY: The only error was
14 the words "or registration." That was the
15 error.

16 COMMISSIONER ZUNIGA: Did you want
17 to talk, Commissioner? I was going to say
18 something directly to just I want to
19 emphasize perhaps, you know, what you're
20 going to say or what Director Wells is
21 saying. It's the discretion piece that
22 throws uncertainty into the time frame
23 giving us ourselves a discretion of, you
24 know, we will figure this out later

1 presumedly.

2 And what I hear you sort of arguing,
3 you know, with the exception of the carve
4 out maybe that an Option D let's a separate
5 one in which registrants are entirely --
6 service employees are entirely left to the
7 discretion of, you know, to due diligence
8 that the licensee does.

9 COMMISSIONER MACDONALD: The New
10 Jersey model.

11 COMMISSIONER ZUNIGA: Right.

12 COMMISSIONER CAMERON: The new New
13 Jersey model. For years -- and they had a
14 whole body of work in which they looked at
15 everyone very closely until they understood
16 their risk and were capable of going in a
17 different direction. And, frankly, the
18 reason they went in a completely different
19 direction was because of a significant
20 money issue, frankly. Those decisions were
21 based on economics. Not always based on
22 risk. We don't have that body of work.

23 And what I continue to be impressed
24 by is how thoughtful our staff is. We had

1 an example of that this morning where they
2 have decided because of the work they have
3 done that they no longer have to take a
4 look or have the outside directors, as well
5 as sales folks, go through that rigorous
6 background process.

7 And between legal, IEB, our
8 executive director, I mean, first of all,
9 the experience they all have is amazing.
10 And they are very strong about this
11 recommendation of A and D.

12 I think for us to sit here and be
13 pure policy people when we have to regulate
14 and, frankly, the operations are huge and
15 they are telling us this is a problem.
16 That is significant for me. Their rational
17 is sound. They continue to prove that it's
18 sound, and I'm strongly in favor of A and D
19 for that certainty, and let's look at
20 entire categories.

21 And, frankly, I think we could have
22 a huge problem if we decide, hey, and then
23 something happens the first year of
24 operations because we decided that, you

1 know, we weren't going to look at anybody.
2 I'm not willing to take that risk, and I
3 think we can do this as we get better at
4 it. We can continue to make good
5 decisions. And that's what the staff has
6 done over the last couple of years. And,
7 you know, other gaming agencies have gotten
8 there over time. And, like I said, this is
9 a huge step forward, so I'm strongly in
10 favor of A and D. I do think it addresses
11 a couple of issues, a couple of significant
12 issues.

13 COMMISSIONER ZUNIGA: You know, I'm
14 in agreement with that with the following
15 exception: I don't think we should suppose
16 that Options B and D would mean not looking
17 at anything. We would be relying on a lot
18 that happens on, you know, by the licensees
19 and we will be figuring that out later.

20 COMMISSIONER CAMERON: We'll
21 continue to do that with A, right?

22 COMMISSIONER ZUNIGA: Yes, exactly.
23 So in a way, it almost seems like they
24 accomplish the same goal but with a timing

1 difference, which is exactly why I favor A
2 and D. Because there is, you know, what I
3 hear the staff loudly saying is something
4 like this would give us, you know, to
5 implement it on day one or whenever it
6 passes as opposed to --

7 CHAIRMAN CROSBY: We would have to
8 decide who we exempt.

9 COMMISSIONER ZUNIGA: Yes, which is
10 presumedly different and easier than coming
11 up with different categories. I know that
12 you're suggesting --

13 COMMISSIONER MACDONALD: It's
14 actually very much the same. As I said at
15 the start, I think the hybrid proposal, you
16 know, is a good proposal. I just think
17 it's less good than Option B and C because
18 it perpetuates 16B, which it makes no sense
19 to be applied to any class.

20 COMMISSIONER CAMERON: That's your
21 opinion, Commissioner.

22 COMMISSIONER MACDONALD: Exactly.

23 COMMISSIONER CAMERON: And you know
24 what, we have no evidence. We have no

1 evidence. Let's just start with our body
2 of work. We have no evidence that there
3 has been a problem at Plainridge with the
4 staff the way it is. We did listen to MGM.
5 Frankly, that's the only group that wants
6 to talk to us about this. They don't have
7 any evidence. They tried to find it. They
8 couldn't find it that there is.

9 So I'm not willing to assume there
10 is a problem. I do think there are merits
11 to getting folks to work, and I want to
12 provide those opportunities. But for us to
13 assume there is this huge problem and they
14 are not going to be able to find enough
15 folks to work, I'm not -- I haven't seen
16 any evidence of that.

17 COMMISSIONER ZUNIGA: You know,
18 maybe this is along the lines of what
19 Director Bedrosian was articulating. But
20 when thinking about A and D and my
21 preference is that it's seemingly, and it
22 might not be in the eyes of the
23 legislature, what appears to be the
24 least -- the one that modifies the least

1 that works within the confines, yes, it may
2 perpetuate a section that seems to have no
3 relevance to a broad category, but it would
4 work within the confines.

5 It would be very concrete in my mind
6 for the legislature to say, okay this -- I
7 mean, I don't know their thinking on any of
8 this. But it would appear to me that it
9 would be the easiest to explain. It works
10 within the framework. We're just going to
11 exempt a certain category and reduce the
12 automatic disqualifier.

13 COMMISSIONER MACDONALD: Just to
14 make this clear that I have substantial
15 amount of experience by virtue of age and
16 long-term involvement in law enforcement.
17 One thing that I would never claim having
18 any incite into is the operation of the
19 legislature and handicapping the
20 likelihood -- the greater or lesser
21 likelihood of some piece of legislation to
22 go through. I don't hold myself out of
23 having any expertise in that regard.

24 As I said before, I would have

1 thought that, particularly in this
2 environment, that the clean focus of Option
3 C on this narrow class of employees leaving
4 in place 16B for all the other classes of
5 qualifiers and employees that that would be
6 very appealing to the legislature. But
7 that's just that and two bucks will get you
8 a T ticket.

9 COMMISSIONER ZUNIGA: It's 2.75.

10 COMMISSIONER MACDONALD: It's more
11 than that now?

12 COMMISSIONER ZUNIGA: Yes. You
13 know, I think we're talking about the same
14 thing in many ways. I don't -- I cannot
15 handicap that either. I don't know what --
16 we could even offer options really and have
17 that discussion, you know, up there. I
18 don't know.

19 CHAIRMAN CROSBY: I think they'll
20 know their options. I don't think they --
21 if we decided we wanted to recommend two
22 things, we can certainly do that. If we
23 have a majority that wants to go one way or
24 the other, I think that's what we ought to

1 go with, you know. You know, my -- I
2 totally agree this is a big improvement
3 and, I think, we would end up exempting
4 most of these people, which is where we
5 were trying to get anyway. That's a big
6 step in the right direction as far as I'm
7 concerned.

8 If the legislature were to adopt A
9 and D, I'd feel like we made major
10 progress. That was a really good thing,
11 and we've done good work. What it leaves
12 is the problem that Commissioner Stebbins
13 raised last year, which is that we -- last
14 week -- that we are left only with a binary
15 choice, or there may not be any categories
16 of gaming service employees that we think
17 need something more than the vetting by the
18 licensee. I don't know where we would come
19 down on that.

20 At a minimum I'm positive, I am now
21 the second one to say this, at a minimum
22 it's not going to be very many. Whether
23 it's that we leave them exempt under 16B or
24 whether if it was I'm going to vote for C,

1 if it were C that we would decide to
2 authorize IEB, direct IEB to do some
3 minimal background check on some limited
4 number of categories. So somewhere between
5 all of the GSEs would be exempt or a very
6 small number.

7 But for those that we think need to
8 get some kind of background check, like
9 either of the two categories we've talked
10 about, Commissioner Stebbins' point last
11 year is we are left with either automatic
12 disqualification for five years, and then
13 they can go through a suitability process,
14 which is problematic if that happens very
15 much for them.

16 And he was saying that last week
17 that it would be better for those rare
18 gaming service employees that might meet
19 some higher standard that we are able to do
20 something other than automatically
21 disqualify them.

22 And, you know, I agree with
23 Commissioner Macdonald that the automatic
24 disqualification is not grounded in

1 commonsense. I think it's anathematical
2 probably to the law, to the DOC law. It's
3 not good policy. And the flexibility that
4 we would have under C would give us the
5 multiple choice, not binary. It would
6 still probably be pretty much binary. It
7 would be between doing nothing. Let the
8 licensees make the decision or do a little,
9 and the little we would say whatever that
10 is.

11 But, you know, so A I think this is
12 a big improvement. If we go with this, I'm
13 fine with it. B, I think, it leaves the
14 problem Commissioner Stebbins raised and
15 leaves in place what I think is very bad
16 policy, so C -- I would support C. Anybody
17 else? Commissioner Stebbins, do you want
18 to speak before we --

19 COMMISSIONER STEBBINS: Yes. I echo
20 what Commissioner Cameron said. We spent a
21 lot of hours on this, and probably our
22 staff has spent four times that amount.
23 And there was something that resonated me
24 with, I think, Karen's remarks. She's

1 probably said it before, and it just
2 resinated with me this time in terms of
3 kind of, you know, let's take it out of our
4 authority and the licensees' authority
5 trying to clarify remove all doubt,
6 confusion for somebody who is thinking
7 about applying for these jobs is an
8 interesting point, and maybe the way she
9 pointed it out today has kind of clarified
10 it for me.

11 I, you know, I appreciate the new
12 work that was done on hybrid of Options A
13 and D. I think we should be mindful, and I
14 did some work over this the last week with
15 Counselor Grossman of trying to figure out
16 where the ten year piece might have been
17 dropped into our statute.

18 And if you go back and pull sections
19 out of the CORI general law, the sealing
20 records law, there's a lot of kind of
21 mirror language between that ten year --
22 that ten year time frame.

23 Again, I will, like Commissioner
24 Macdonald, I don't profess to be any type

1 of legislative strategist as to what the
2 legislature might consider. All of our
3 efforts, sadly, might hit a wall but I
4 think we should be mindful of that ten year
5 language and be mindful of the fact that if
6 you take other legislative leaders'
7 comments about interest in doing some type
8 of criminal justice reform that some of our
9 goals might wind up somewhere in the
10 criminal justice.

11 One draft bill, which talks about
12 reducing the ten down to seven and a five
13 down to three. So, again, kind of, you
14 know, potentially inching us a little
15 closer to satisfying, I think, you know,
16 which each of us have in our hearts in
17 terms of trying to find career
18 opportunities for people who have just been
19 stuck and left behind and not be able to
20 find those great opportunities to keep them
21 out of trouble.

22 You know, in talking about, you
23 know, Option B, and I'll just put a final
24 point on this, my interest in Option B, and

1 again, I tag it in the phrase I like about
2 a body of work, if we can clammer to get
3 the legislature to open up 23K taking
4 advantage of that opportunity to adopt B,
5 give us some flexibility, maybe not in the
6 near future, but when we're ready for it
7 and ready to have that body of work and
8 body of experience to think a little more
9 strategically about the level of background
10 and suitability and gaming service
11 employees years out, not for the immediate
12 opening.

13 But where I find myself right now is
14 I like A, because it's pretty crisp. It's
15 pretty clear, but I think we should be
16 mindful of whatever language we offer the
17 legislature that D might tie back into
18 other legislative actions on criminal
19 justice reform that, again, may benefit the
20 stance in where we hope to find ourselves.

21 CHAIRMAN CROSBY: So just as I'm
22 taking a straw pull, and if you don't want
23 to do this, then fine, but I'm saying I
24 would vote for -- prefer B. I would go for

1 either B or C if there were two others
2 going for that. It sounds like your
3 preference would be either B or C.

4 COMMISSIONER MACDONALD: B or C.

5 CHAIRMAN CROSBY: Right. You're the
6 hybrid A and D. You're the hybrid A and D.
7 Do you have one? Are you saying --

8 COMMISSIONER STEBBINS: I still
9 favor A. Strongly, I think, it's clear and
10 simple. I have no problem kind of adding D
11 into it, but I think D might find a
12 solution for itself based somewhere else.

13 COMMISSIONER CAMERON: Commissioner,
14 would you be comfortable if the staff when
15 they write this up that could be mentioned
16 as part of D?

17 CHAIRMAN CROSBY: As part of what?

18 COMMISSIONER MACDONALD: We are
19 looking for a draft statute.

20 COMMISSIONER CAMERON: Right.

21 COMMISSIONER STEBBINS: We're also
22 looking for a draft communication to the
23 legislature to kind of convey our thoughts.
24 I think just highlighting our interest in

1 D, but I think there is some other points
2 we want to make clear about we understand
3 legislative activity elsewhere might have
4 an impact on part of our statute.

5 COMMISSIONER CAMERON: Like we
6 mention when we speak about the fact that
7 we think D is appropriate and we want to --
8 so you want us to mention in that
9 correspondence that this may be
10 accomplished through CORI reform or
11 something along those lines?

12 COMMISSIONER STEBBINS: It could. I
13 think, we are all aware there are -- we've
14 heard there is some general reluctance to
15 open up 23K but, hopefully, giving the
16 legislature some food for thought of other
17 changes they might do may impact that
18 language for us in the gaming section.

19 COMMISSIONER ZUNIGA: But would you
20 favor the inclusion of D in the option of
21 A? Because they, in my view, really are
22 complimentary. They compliment each other.
23 However, if they match it with other CORI
24 reform bills that is sort of, you know,

1 besides the point in my view. One thing I
2 want to express is that A by itself in my
3 view just too little. It's the combination
4 --

5 COMMISSIONER MACDONALD: That does
6 what?

7 COMMISSIONER ZUNIGA: Too little.
8 It's the combination that really creates
9 likelihood the frame work that sort of fits
10 together well. Because, you know, we leave
11 however big a chunk of people but there's a
12 recognition that it's not the same as the
13 GEL sort of the qualifiers. There is
14 de-facto rehabilitation that the director
15 can exercise by virtue of between five
16 years or less five years or more.

17 MR. BEDROSIAN: Could we potentially
18 send over a legislative option including A
19 and D recognizing that D may get
20 accomplished by some total other
21 legislative vehicle that has nothing to do
22 with opening 23K. And, quite frankly, you
23 could see something where they don't do
24 anything, unfortunately, maybe in our view

1 on cutting out categories but just do
2 something on the term of years in a CORI
3 fix.

4 COMMISSIONER CAMERON: I would be
5 comfortable with that.

6 COMMISSIONER MACDONALD: That would
7 be very unfortunate. That would be very
8 disappointing.

9 MR. BEDROSIAN: I hear you, but you
10 could potentially see that.

11 COMMISSIONER STEBBINS: I think
12 it's -- I just think it's -- I hear your
13 point. It certainly is more clear
14 distinctions for the folks that are
15 considering pursuing this type of career
16 opportunity for themselves, but I think,
17 you know, I think we just need to be
18 mindful of and point out that you may not
19 do it this way, but please understand that
20 we are not blinded. In fact, you may help
21 us accomplish our goal through another
22 bill.

23 COMMISSIONER ZUNIGA: So would you
24 support A and D together or are you saying

1 you only want to support A?

2 COMMISSIONER STEBBINS: I'm
3 comfortable with A and D. Again, just kind
4 of pointing out for everybody's
5 consideration that they already may be
6 thinking along the lines of D and helping
7 us solve the problem.

8 COMMISSIONER ZUNIGA: And if they
9 are that is --

10 COMMISSIONER MACDONALD: I am
11 counting heads here. There are only two of
12 us that are for B and C. I would say this
13 if I don't get -- if I'm not on the winning
14 side for C, and I'm obviously not, and as I
15 said this at the outset, I'm very
16 comfortable with the staff's proposal as a
17 fallback, the so-called hybrid, which is a
18 combination of A and D, whether it was five
19 years. It reduces -- for that reduced
20 category of gaming service employees who
21 would still be subject to the language of
22 16B, at least it would reduce the number of
23 years that that unfortunate standard would
24 apply to.

1 CHAIRMAN CROSBY: So you would vote
2 in favor of the hybrid option as long as
3 there was clarifying language making the
4 points you're making.

5 COMMISSIONER MACDONALD: Yes.

6 CHAIRMAN CROSBY: Okay. So, I
7 think, I would agree on that. I worry that
8 we won't have much of a shot anyway and the
9 clearer it can be, our message can be that
10 more likely it is to have an impact, so I
11 would support the hybrid option as well.
12 So let's have somebody make a motion.

13 COMMISSIONER STEBBINS: Mr. Chairman,
14 I'd move that the Commission approve the
15 recommendation of staff to address the
16 question of eligibility for gaming service
17 employees and assist you with preparing a
18 letter in appropriate legislative language
19 to convey to the legislature as early as
20 convenience.

21 CHAIRMAN CROSBY: Second?

22 COMMISSIONER CAMERON: Second.

23 COMMISSIONER MACDONALD: I'm
24 assuming you're basically advancing you're

1 moving hybrid up -- the document hybrid of
2 Options A and D to be approved by our vote.

3 CHAIRMAN CROSBY: To be our
4 recommendation, yes. Further discussion?
5 All in favor?

6 COMMISSIONER MACDONALD: Aye.

7 COMMISSIONER CAMERON: Aye.

8 COMMISSIONER STEBBINS: Aye.

9 COMMISSIONER ZUNIGA: Aye.

10 CHAIRMAN CROSBY: Opposed? The ayes
11 have it unanimously. Two other things.
12 One, just for the record, Commissioner
13 Cameron, you sometimes use language that
14 sets this up as a conflict between our
15 judgment and respect for the staff and
16 their work. And I just want to make
17 absolutely clear that I'm involved -- I
18 just differed with you on whether we should
19 buy a fire engine. That doesn't mean I in
20 any way disrespect your judgment or the
21 recommendation for the people who were in
22 favor of it. We're all grown-ups.

23 I have enormous respect for our
24 staff. If I didn't, I wouldn't be here.

1 But I'm also capable of using my own
2 judgment to make judgments, which sometimes
3 may be different from staff. But in no way
4 should staff ever take that my disagreement
5 with them is in any way an implication of
6 some kind of disapproval or dissatisfaction
7 or lack of respect for the work that you're
8 doing. Quite the opposite is true.

9 COMMISSIONER CAMERON: And, Mr.
10 Chair, I was expressing my own opinion
11 about how I've assessed their work and
12 value it and incorporate that into my
13 decision here, so I was speaking for
14 myself.

15 MR. BEDROSIAN: And, Mr. Chairman,
16 we recognize this was a difficult not
17 decision, I mean, but a difficult process
18 for all of us mainly because, I think, on
19 policy we all almost agree about where we'd
20 love this to come out and what
21 opportunities we'd love people to have.
22 But thank you for getting it to a close,
23 and we will work with you on whatever we
24 can help you get that communication to the

1 legislature.

2 CHAIRMAN CROSBY: Great. One last
3 thing. We are hoping, hoping, hoping and
4 we're urging our other constituents to push
5 on this that there will be a legislative
6 fix really quickly. We know from
7 everything Karen has been saying now for
8 three meetings that she needs certainty of
9 a decision yesterday. The longer we don't
10 know -- the longer change might be coming,
11 the worse it gets for our operations.

12 Sometime, pretty soon, it's not a
13 big problem yet but it's beginning to be an
14 issue. We just heard from Bristol
15 Community College that they have a class of
16 they hope, what did they say, nine people
17 or something or other. Presumably those
18 people need to know what the rules are
19 going to be, and that will ramp up to a
20 major problem over the course of the next
21 relatively few months.

22 So, I at least will think that at
23 some point if the legislature chooses not
24 to act that we are going to have to

1 reengage on whether or not we take an
2 administrative action. So if anybody --
3 does anybody have any advice for me as the
4 agenda setter or any other kind of
5 suggestion?

6 You know, Wynn, I know you need
7 certainty as soon as you can get it. I
8 think we probably have certainty three or
9 four months before it's a major problem
10 from the hiring folks. But how long do we
11 wait, I guess, is what I'm asking?

12 MS. WELLS: I think the only thing I
13 can say is the option the Commission just
14 recommended you could implement that just
15 before opening, so that's okay. I just
16 don't know what other option is.

17 CHAIRMAN CROSBY: I understand that,
18 Karen. That's the problem. The problem is
19 we don't know what they will do, if
20 anything.

21 MS. WELLS: Right.

22 CHAIRMAN CROSBY: And then if they
23 don't do anything, we don't know whether
24 the Commission will consider an

1 administrative reaction. So until this is
2 addressed, you're living with your fingers
3 crossed. So, I mean --

4 MR. BEDROSIAN: I think it's just
5 unfortunate from staff's point of view
6 continues to be the view that this is a
7 legislative fix.

8 CHAIRMAN CROSBY: I know you think
9 that. If it doesn't get fixed, it's going
10 to come up again. I just need some idea of
11 how long to wait. Let's give it a while,
12 and maybe our representatives out there who
13 sometimes float around the State House can
14 give us some advice. And anything and
15 anybody who is watching can do to push
16 through this hybrid option, this would
17 solve a tremendous amount of problems for
18 people looking for work, as well as for an
19 investigation and enforcement bureau, as
20 well as for our Gaming Commission. So it
21 will be a lot of winners if the legislature
22 could fix this for us.

23 COMMISSIONER STEBBINS: Mr.
24 Chairman, I just add, you know, we've had a

1 number of stakeholders groups that have
2 offered to be helpful. They now have
3 essentially something to go up and talk
4 about, because we finally identified what
5 we feel is good legislative solution. It
6 sounds like I'm beating a dead horse here,
7 but I still think we need to continue to
8 work on proper education for folks that are
9 considering these employment opportunities.

10 You know, you can seal your records
11 and not have those considered as part of
12 the process, you know. We don't take, you
13 know, I guess it's called -- the proper
14 term is "delinquency convictions" as an
15 adolescent.

16 MS. WELLS: Right. There are no
17 convictions for juveniles. They are found
18 delinquent.

19 COMMISSIONER STEBBINS: You know,
20 the more we can do to try to clarify
21 questions for people who are maybe sitting
22 in that state should I apply, should I
23 pursue a career, I still have unanswered
24 questions that we still in the meantime do

1 a lot focus on the education piece.

2 CHAIRMAN CROSBY: Yes. You've said
3 that many times, and I think that's a very,
4 very critical point and I totally agree.
5 Okay. So let's take a quick break, and
6 then maybe we can take our jackets off and
7 roll up our sleeves and plow through the
8 ballads.

9

10 (A recess was taken)

11

12 CHAIRMAN CROSBY: So now we are back
13 to item whatever it is, which is the
14 community mitigation grants. Ombudsman
15 Ziemba, pick us up where you left off.

16 MR. ZIEMBA: Great. Thank you, Mr.
17 Chairman and Commissioners. Just as a
18 brief reminder of the process, what I think
19 I learned from the Commission at a previous
20 meeting is that you wanted me to go through
21 an overview of all the applications. My
22 suggestion for the efficiency of the
23 thought process going forward is that if
24 you'll allow me to go through the list of

1 all of the applications once, hold on any
2 questions until after I get through my
3 analysis and then we can have, as
4 Commissioner Zuniga asked for, a general
5 discussion regarding all of the mitigation
6 fund, and then, specifically, we can go to
7 all of the questions. I think that that
8 might be probably the best and most
9 efficient way to do this; is that okay?

10 COMMISSIONER ZUNIGA: Sounds good.

11 COMMISSIONER CAMERON: Thank you for
12 setting the ground rules.

13 MR. ZIEMBA: Thank you so much. So
14 now on to the specific impact grant
15 applications. We already discussed one,
16 which is Plainville. Let's go on to
17 Attleboro. Attleboro can be found in your
18 summary of memorandum on page four. Thank
19 you Mary Thurlow for providing us the index
20 for all of our applications.

21 Attleboro: The Review Team's
22 analysis for the Attleboro and the other
23 specific impact applications is broke down
24 by each of the criteria specified in the

1 2017 guidelines for specific impact grants.
2 You'll see that The Review Team does not
3 believe that the application adequately
4 demonstrates the impact as being caused by
5 the facility. It did not believe that the
6 significance of the impact was sufficiently
7 demonstrated. It had questions regarding
8 how the proposed mitigation measure
9 addresses the impact and the feasibility
10 and reasonableness of the application.

11 The City of Attleboro is seeking
12 funding to assist in the design and
13 construction of a combined fire, EMS and
14 police dispatch center to help offset
15 police and fire service calls that may be
16 attributable to the operation of Plainridge
17 casino.

18 A predominant concern by The Review
19 Team is that the data in its current state
20 does not support the request.

21 Specifically, in a letter to Attleboro
22 following the conference call between
23 Attleboro and The Review Team, Attleboro
24 was asked about the data that it used to

1 demonstrate that the impacted survey
2 increase in crime affecting Attleboro is
3 being caused by the Plainridge Park Casino.

4 The letter stated: As of this date,
5 some of the traffic and other impacts are
6 still being assessed. As noted in
7 Attleboro's application, much of the data
8 included in the Christopher Bruce study
9 indicated that overall crime is down across
10 all of these communities impacted by the
11 Plainridge casino between July 1, 2015 and
12 December 31, 2015 when compared to previous
13 years.

14 The letter also stated that in
15 addition to these statistics, an
16 independent traffic analysis conducted by
17 Vanasse and Associate's, Inc. relating to
18 the impact of the Plainridge Park facility
19 noted that we have concluded that the
20 measured impact of the project on traffic
21 volumes, trip patterns, motor vehicle crash
22 trends, traffic operations, level of
23 service, motorist and vehicle cuing and
24 emergency vehicle response times has been

1 relatively minor with operating conditions
2 at the monitoring intersections found to be
3 similar to or improved over the conditions
4 that were documented as part of the 2015
5 baseline study.

6 I will have to note for the record
7 that that Vanasse and Associates study did
8 not include Attleboro specific locations,
9 but it was more for the geographically
10 closer approximate communities next to
11 Plainridge Park.

12 The Review Team asked Christopher
13 Bruce, the Commission's independent crime
14 analyst, to review the application. In
15 part, Mr. Bruce stated that even if
16 Plainridge Park has a causal relationship
17 to some of the incident types mentioned in
18 the memo, including traffic collisions and
19 complaints, it likely isn't responsible for
20 all of the increase. In general, aside
21 from the things that may be attributed to
22 Plainridge Park, total crime has decreased
23 quite significantly in Attleboro during the
24 18 months since Plainridge Park opened.

1 Overall, I think it's too soon for
2 this request. It hasn't been long enough
3 since PPC opened to establish any
4 consistent trends. Overall, The Review
5 Team determined that because the Plainridge
6 Park Casino is just completing its second
7 year of operations that it was too early to
8 ascertain the impact. Attleboro's dispatch
9 center or its responses are experiencing
10 directly related to as a result of the
11 casino.

12 The Review Team does note that
13 Attleboro's \$100,000 community mitigation
14 reserve remains unexpended. As more data
15 becomes available potentially demonstrating
16 the facility's impact on Attleboro, this
17 reserve could potentially be used to a
18 differentiate portion of the dispatch
19 center or for other approaches that help
20 Attleboro offset costs related to the
21 facility.

22 As a reminder, all use of reserves
23 must go before the Commission. In relation
24 to the latest data, we understand that

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Mr. Bruce is due to come out early this fall with more information related to traffic collisions assuming that he can collect all this statewide data.

The Everett specific impact: Everett is requesting funds to be used to help build, operate and maintain a bike sharing service in Everett that would provide alternative mobility to Everett residents and workers.

The Review Team had concerns regarding Everett's application in relation to the following criteria: Demonstration that the impact is being caused by the gaming facility, the significance of the impact to be remedied, the potential for the proposed mitigation measure to address the impact, the feasibility and reasonableness of the proposed mitigation measure and a demonstration that other funds from the hosting surrounding community agreements are not available to fund for the mitigation measures.

The Review Team evaluation: The

1 Review Team did not reach a consensus.
2 This is one of the, I believe, two
3 remaining applications where there was no
4 consensus that was recommended to the
5 Commission. The Review Team did not reach
6 a consensus on whether a bike sharing
7 system should be recommended for funding at
8 this time.

9 Important concerns remain about
10 whether the proposed mitigation measure may
11 cause further safety concerns for
12 bicyclists, whether the benefit of the
13 mitigation measure is closely related to
14 the construction of the casino or instead
15 as a general community improvement, whether
16 the original proposal of ten stations is
17 achievable given operating costs and
18 whether this expenditure is more
19 appropriately made out of the host
20 community agreement payments.

21 Although The Review Team had such
22 concerns, it recognizes that Everett has
23 few other available options to address the
24 transgression concerns along the Broadway

1 quarter in the near future. The review
2 team also acknowledges the potential for
3 future connectivity benefits to the Wynn
4 Boston casino for regional commuters.

5 If the Commission -- The Review Team
6 was unanimous whereby they stated that if
7 the Commission does believe that funding is
8 advisable, they would recommend no more
9 than 150,000, and that's 150,000 out of the
10 \$400,000 request. It reflects what has
11 been authorized under other similar
12 transportation planning grant applications.

13 We do note that actual capital costs
14 are not covered under transportation
15 planning grants, but this would also serve
16 a similar purpose to all of our
17 transportation planning grants in that it
18 would really help prepare for future
19 operational concerns for the Wynn
20 Everett -- Wynn Boston Harbor casino.

21 Lynn's specific impact: The City of
22 Lynn is seeking funding to alleviate
23 traffic by creating a left-hand turn into
24 the ferry entrance for commuters traveling

1 south on Route 1A. The City is also
2 actively seeking to operate the Lynn ferry
3 this summer.

4 This is a little bit dated in the
5 fact that just recently MassDOT has
6 provided some funding for ferry service for
7 this summer, but the dredging study that is
8 being requested would enable Lynn to dredge
9 and provide a more full year-round ferry
10 service for the City of Lynn.

11 Other options that were included in
12 this application synchronizing lights on
13 Route 107 to alleviate congestion and
14 adding stops to the Rockport/Newburyport
15 commuter rail line.

16 You'll see that The Review Team
17 unanimously does not recommend that this
18 application adequately demonstrates the
19 impact as being caused by the facility. It
20 did not believe that the significance of
21 the impact was sufficiently demonstrated.
22 It had concerns regarding how the proposed
23 mitigation measure addresses the impact,
24 and had concerns regarding the feasibility

1 and reasonableness of the application.

2 The predominant issue with Lynn's
3 application was that in The Review Team's
4 opinion, Lynn's application did not
5 demonstrate that the impacts were being
6 caused by the construction of the Wynn
7 Boston Harbor facility. This is one of the
8 baseline criteria for the specific impact
9 grants.

10 Much of Lynn's application will call
11 for studies that in The Review Team's
12 opinion would help Lynn remedy future
13 transportation impacts from the Wynn Boston
14 Harbor facility once it is operational
15 rather than construction-related impacts,
16 which are the subject of specific impact
17 grant applications. Overall, The Review
18 Team did not recommend the Lynn
19 application.

20 Norfolk DA's office: The Norfolk
21 District Attorney's Office is requesting
22 funds to pay for one half of the annual
23 salary of an assistant district attorney at
24 Wrentham District Court, including the and

1 indirect costs associated with the salary.
2 This assistant district attorney would be
3 in charge of all criminal cases arising
4 from the Plainridge Park Casino.

5 The application also requests one
6 half of the annual salary of one victim
7 witness advocate at the Wrentham District
8 Court and tracking of all facility-related
9 crimes.

10 The Review Team notes the Expanded
11 Gaming Act anticipates that the district
12 attorney's offices may be impacted by the
13 operations of gaming facilities.
14 Specifically the Gaming Act at states that
15 the Commission shall administer the
16 Community Mitigation Fund and without
17 further appropriation shall expend moneys
18 in the fund to assist in off-centered costs
19 related to the construction and operation
20 of gaming establishment, including but not
21 limited to public safety, including the
22 office of the county district attorney.
23 It's clear to The Review Team that the
24 legislature meant for the Commission to

1 consider district attorney additional costs
2 when we're considering mitigation fund
3 allocations.

4 That said, it is unclear how
5 significant the impact is to be remedied
6 pursuant to the application. Indeed, the
7 purpose of the funding being requested by
8 the DA's office would be to enable the DA's
9 office to more effectively track the cases
10 resulting from the Plainridge Park
11 facility.

12 The DA's office is trying to track
13 these cases in its typical data collection
14 processes and how it handles all of its
15 data. It does not have systems to track
16 basically the source of the crime that they
17 are involved in prosecuting.

18 When we asked them for further data
19 regarding how many cases related to
20 Plainridge Park facility that they noted,
21 they included a sample in response to our
22 question of 14 specific cases, and this is
23 in comparison to 20,000 cases annually in
24 district court by the DA's office.

1 When we asked Christopher Bruce, our
2 crime analyst, about this application, he
3 noted that Plainridge Park itself generates
4 some activity that would affect the DA's
5 office. The GEU reported 45 arrests during
6 its first year of operation and all of
7 these would likely -- and I inserted
8 likely -- would have fallen on the Norfolk
9 DA's office. Mr. Bruce noted that overall
10 he doesn't have data on prosecutions and
11 that data on arrests is an imperfect
12 indicator of the number of cases that
13 actually go to prosecution.

14 Given that both the Norfolk County
15 DA's office and the Commission have not
16 been able to define with specificity the
17 number of Plainridge Park-related cases
18 that are being prosecuted by the DA's
19 office, The Review Team has insufficient
20 data to determine if the requested
21 resources corresponded the impact.

22 Instead of allocating funding to
23 cover one half of the cost of these two
24 personnel, The Review Team recommends that

1 the commission staff work with the office
2 to determine how best to understand the
3 impacts prior to any agreement to pay for
4 such a percentage of the district
5 attorney's office personnel. Funding could
6 be available to fray the district
7 attorney's office cost and helping to
8 develop a tracking system for Plainridge
9 Park caseloads.

10 While the details of such a system
11 are unknown and the district attorney's
12 estimated costs are unknown, it is not
13 likely to exceed \$25,000 for assistance to
14 determine what the caseloads would be.

15 Plainville specific impact: We went
16 through Plainville earlier today, so we can
17 move forward on that one.

18 Springfield: Springfield included
19 two applications for specific impact
20 grants. The first one that I'll note here
21 is the Focus Springfield. Springfield is
22 requesting mitigation funds to cover the
23 cost of relocating Focus Springfield, which
24 operates a public access television studio

1 and training facility right in the MGM
2 Springfield focus area right within their
3 facility area. The aforesaid would result
4 in a budget shortfall of approximately
5 \$400,000.

6 The recommendation from The Review
7 Team is that the Commission hold on this
8 one. On Friday, June 16th, The Review Team
9 was informed in writing by MGM Springfield
10 that MGM Springfield does not intend to
11 require that Focus Springfield vacate the
12 ground floor of 101 State Street prior to
13 the project opening.

14 We are currently in discussions with
15 Focus Springfield regarding a new agreement
16 for continued occupancy and to agreement
17 and do not anticipate the need for Focus
18 Springfield to vacate during fiscal year
19 '18.

20 Due to the importance of this
21 official notification, The Review Team
22 needs to do more diligence on the review of
23 this application. The Review Team,
24 therefore, recommends placing a hold on

1 this application until a further
2 determination is available.

3 Springfield's valet application:
4 The City of Springfield on behalf of Caring
5 Health Center and other businesses seeks
6 full funding for the continuation of the
7 valet parking pilot program that the
8 Commission previously authorized. As you
9 know, on August 1, 2016, the Commission
10 awarded the City of Springfield \$200,000 in
11 mitigation funds to alleviate parking
12 issues related to MGM Springfield's
13 construction.

14 The Springfield Parking Authorities
15 have been managing the operation of a valet
16 parking service providing businesses
17 located on Main Street in Springfield
18 between Union Street and State Street with
19 parking services to patrons of businesses.

20 Springfield's initial 2017 fund
21 application for such extension was
22 submitted to allow the program to be
23 extended for 15 months. The need for this
24 mitigation was previously demonstrated. I

1 can refer to those -- to the deliberations
2 on the 2016 Community Mitigation Fund
3 grant. So The Review Team focused on the
4 need for the additional funding to carry
5 this program through the opening of the MGM
6 Springfield facility or the opening of its
7 garage to the public.

8 When we did our review, we believe
9 that the additional assistance that would
10 be needed based on current invoices would
11 be approximately \$25,000 for the months of
12 August and September. This is if the later
13 dates were applicable; whereby, the valet
14 program would continue through September,
15 MGM's scheduled opening. And, so, that
16 leaves \$25,000 in comparison to the request
17 that we received from the City of
18 Springfield.

19 Springfield additionally asked for
20 another approximately \$6,500 to help with
21 mailing costs and to make sure that we try
22 to reach more businesses along that stretch
23 along the road. So, therefore, we
24 recommend that the Commission authorize up

1 to 31,523 for this purpose instead of the
2 request made by Springfield, and that the
3 commission staff would be required to work
4 with the City of Springfield and MGM
5 Springfield on what would be the actual
6 termination date for that program. We can
7 certainly come back to the Commission once
8 that termination date is determined.

9 Okay, transportation planning
10 grants. Pursuant to the 2017 guidelines,
11 the Commission authorized transportation
12 planning grants for certain transportation
13 planning activities. The planning projects
14 must be clearly related to addressing
15 transportation issues or impacts directly
16 related to the gaming facility according to
17 our guidelines. Eligible planning projects
18 must have a defined area or issue that will
19 be investigated as well as a clear plan for
20 implementation of the results.

21 Boston: Boston applied for funds to
22 cover costs associated with the engineering
23 and design services for the reconstruction
24 of Sullivan Square, Rutherford Ave. and

1 Charlestown. The Review Team strongly
2 agreed that Boston's review of the design
3 for the Sullivan Square, Rutherford Ave.
4 improvements is cheerily related to
5 transportation issues or impacts directly
6 related to the gaming facility.

7 Therefore, The Review Team
8 recommends that the Commission provide
9 250,000 in funding, \$150,000 in
10 transportation planning grant funding and
11 \$100,000 from Boston's reserve for this
12 planning activity.

13 Everett's transportation grant: The
14 City of Everett is requesting funding for
15 the preliminary design and engineering of a
16 bus only lane on the west side of Broadway,
17 Route 99 from the Everett city line to
18 Route 16, Switzer Circle.

19 The Review Team was unanimous in its
20 support for this application. It noted
21 that this is exactly the type of project
22 that was envisioned for the use of
23 transportation planning funds. There's a
24 clear nexus to the gaming facility and if

1 implemented, the bus lane could help
2 mitigate both traffic congestion as well as
3 the movement of buses through the corridor.

4 Given the importance of mode share
5 for the Wynn project, any effort to improve
6 bus service to the Wynn facility should
7 encourage more use of that service by
8 employers, employees and patrons.

9 Lynn transportation: The City of
10 Lynn is requesting funds to be used to fund
11 a cost sharing agreement with the US Army
12 Corp. of engineers for Lynn's dredging
13 navigational improvement project. The
14 dredging would afford the ferry service and
15 other vessels faster and direct deepwater
16 access from our Blossom Street terminal to
17 Boston. Lynn could also use the funds to
18 conduct a study to determine the
19 feasibility and costs of the direct
20 left-hand turn into Blossom Street ferry
21 terminal.

22 The Review Team does not believe
23 that Lynn's application is clearly related
24 to addressing transportation issues or

1 impacts directly related to the gaming
2 facility. The Review Team had questions
3 regarding how closely additional ferry
4 services related to the gaming facility.

5 MassDOT echoed such concerns when it
6 stated that MassDOT has reviewed the
7 request of the City of Lynn in the amount
8 of \$150,000 for a cost sharing agreement
9 with the US Army Corp. of Engineers for the
10 dredging project to improve ferry
11 navigation. All intended use of the
12 funding would entail the design and
13 construction of a left turn to facilitate
14 access to the Blossom ferry terminal.

15 While both of these projects have
16 merit, we could not specifically tie their
17 benefit to casino-related impacts. We
18 recommend that other projects identified in
19 a specific mitigation application be given
20 consideration as they would likely be a
21 better fit for this grant.

22 Lynn's response to The Review Team
23 did not address a direct relationship
24 between the ferry service and the Wynn

1 Boston Harbor location, but instead focused
2 on the importance of lessening the impact
3 of Wynn's traffic through all available
4 means, including the ferry service.

5 The Review Team concluded that it is
6 not clear that the proposed ferry service
7 has sufficient direct relationship for the
8 purpose of meeting this criteria. Although
9 we do not believe that this funding is
10 supportive under this year's program, Lynn
11 continues to have access to the
12 Commission's 2016 reserve grant, which
13 could be used for the ferry study.

14 Last year the Commission authorized
15 the City of Lynn to utilize its 100,000
16 reserve for transportation studies, which
17 may include commuter rail studies, 107
18 connector study, Lynn ferry analysis and
19 studies related to the Route 1A Lynnway.

20 While The Review Team did not
21 believe that the ferry dredging study is
22 supportable under the 2017 guidelines, it
23 did agree with the importance of minimizing
24 the impact of Wynn's related traffic on

1 Lynn's roads as articulated by Lynn.

2 In order to help Lynn plan a way to
3 lessen potential traffic impacts from the
4 facility, The Review Team recommends the
5 Commission authorize an additional 100,000
6 for 101 or 2 non-ferry-related
7 transportation planning studies subject to
8 the condition that Lynn must first consult
9 with MassDOT and commission staff on how
10 such funds would be best utilized to lessen
11 any casino-related impacts on Lynn traffic.

12 So that's under this recommendation,
13 Lynn could utilize all 200,000 of last
14 year's -- including last year's 100,000
15 plus this new 100,000 on the Route 107
16 connector study, for example, or 100,000
17 could be used on the Route 107 connector
18 and no more than 100,000 could be used on
19 the ferry dredging study. The ultimate use
20 determined by Lynn after such consultations
21 would be reported back to the Commission.

22 Malden transportation: The City of
23 Malden is requesting funding to complete
24 planning and design work for the full

1 length of Exchange Street from Pleasant
2 Street to Main Street. The total design
3 costs 170,720 and Malden will cover the
4 balance remaining. This project has been
5 submitted to the MAPC and is consistent
6 with MassDOT'S complete street policy.

7 MassDOT noted that the area
8 surrounding Malden center will seek
9 increased multimodal traffic directly
10 related to the Wynn casino project. The
11 reconstruction project is not only intended
12 to provide better multimodal accommodations
13 but also to address documented safety
14 concerns in the area. The application has
15 adequately documented how the requested
16 funds will be used.

17 This isn't one of those applications
18 that there was no unanimity among The
19 Review Team. The Review Team agreed that
20 Exchange Street will be used by a portion
21 of the Wynn traffic and pedestrians. But
22 there is some dissent among the group just
23 as to what level that would be. From
24 reviews and maps and field visits as noted

1 by the dissent, Exchange Street appears to
2 be more of a local shopping district street
3 than a through route for traffic coming to
4 or going from the area.

5 It's a one-way street which
6 immediately limits its use by a portion of
7 traffic. Pedestrians who travel from the
8 garages to Malden Center Station would
9 likely use either Exchange Street or Route
10 60 as their travel routes. Both streets
11 have been provided with sidewalks and
12 intersecting streets have accessible ramps,
13 crosswalks and pedestrian actuated traffic
14 signals. Pedestrian traffic using Exchange
15 Street has to cross Commercial Street to
16 access the T station.

17 While this intersection is a high
18 hazard location, the Gaming Commission
19 provided a transportation planning grant to
20 Malden in 2016 for the re-design of Malden
21 center to address pedestrian and bicycle
22 access to the T station.

23 In sum, The Review Team was not
24 unanimous in determining whether Malden's

1 application clearly related to addressing
2 such impacts or issues. The Review Team
3 believes that the proposed improvements to
4 Exchange Street will improve pedestrian and
5 bicycle safety and better facilitate the
6 movement of traffic through the area.
7 However, there is concerns among some team
8 members that the impacts of the gaming
9 facility were not necessarily the driving
10 factor in moving this project forward.

11 Medford: The City of Medford is
12 requesting \$150,000 for transportation
13 planning grants. Medford is requesting
14 year two of a contract transportation
15 planner in the amount of 60,000.
16 Additionally, it seeks to access the land
17 use impacts of the casino's construction in
18 the Wellington Circle area and the
19 remainder 60,000 to conduct an engineering
20 feasibility study for a new multiuse path
21 on the southern side of the Mystic River.

22 We note that the Commission just
23 recently reconsidered Medford's
24 application. There was previously an issue

1 whereby we had put a condition on their
2 application stating that they have to
3 certify that all expenses are
4 casino-related, and they thought if they
5 hired a transportation planner it would be
6 very difficult to do so given that on any
7 given day, somebody could ask a question
8 that is not casino-related and that planner
9 might have answered that question, so that
10 would be a difficult certification.

11 So they did agree to do a contract
12 employee. We authorized the use of \$60,000
13 for that contract employee consistent with
14 the grant. Last year they asked for a
15 total of 80,000 in funding. We gave them
16 \$60,000, which was just a prorated portion
17 of the 80,000 salary. We recommend that we
18 do grant \$20,000, which would be a full
19 year's term of the contract employee for
20 this upcoming year but not the full 60,000
21 amount that was requested by Medford.

22 The Review Team had concerns
23 regarding whether the land use study and
24 the South Medford connector study were

1 clearly related to addressing
2 transportation issues or impacts directly
3 related to the gaming facility. They had
4 some questions regarding the detail and the
5 budget and timetable and did not see detail
6 regarding the ability of the projects to
7 compete for state and federal
8 transportation funds.

9 In regard to the land use
10 assessment, the City of Medford requested
11 30,000 to assess the land use impacts of
12 the casino's construction on the Wellington
13 Circle area, with particular emphasis on
14 the Wellington Transit Station and its
15 immediate environments. This study would
16 include the analysis of land use and
17 property ownership in addition of potential
18 uses and development due to ancillary needs
19 generated by the casino, and then potential
20 partnerships with the MBTA and the
21 development of air rights at Wellington
22 Station will also be addressed.

23 The Review Team had a predominant
24 concern. It asked Medford to provide

1 detail as to how the proposed use of
2 funding to assess land use impacts the
3 casino is transportation planning and not
4 economic development funding -- planning.

5 Medford responded that construction
6 of the casino will have tripled down land
7 use and economic development impacts that
8 will in turn general additional demands on
9 the already overburden transportation
10 system.

11 The Review Team does not believe
12 that this study is clearly related to
13 addressing transportation issues or impacts
14 directly related to the gaming facility.
15 As such, The Review Team does not recommend
16 the land use assessment for funding this
17 year.

18 In regard to the South Medford
19 connector, The Review Team asked Medford to
20 demonstrate how the connector is related to
21 the casino, even though it is on the
22 opposite side of the Mystic River from the
23 casino and asked whether this connection is
24 dependent upon the construction of the

1 proposed pedestrian bicyclist bridge across
2 the Mystic River from Somerville.

3 Medford responded that bicyclists
4 may use a series of current and under
5 construction bridges to access the facility
6 in the near future, and could use the
7 proposed pedestrian bicyclist bridge across
8 the Mystic if it's built.

9 The Review Team was satisfied that
10 the South Medford connector study is
11 clearly related to transportation issues or
12 impacts, especially if pedestrian bridge is
13 built over the Mystic River. We note that
14 Wynn Boston Harbor is very actively pursuing
15 the design of that pedestrian bridge as we
16 speak.

17 So in sum, The Review Team
18 recommended the commission provide \$20,000
19 for this year's cost of the planner
20 contract employee, and they recommended
21 \$60,000 for the South Medford connector
22 study but did not recommend the further
23 analysis.

24 Revere/Saugus transportation: This

1 is a joint application that was submitted
2 by the City of Revere and the Town of
3 Saugus. And what they're asking for is the
4 plan to use \$150,000 to fund a joint
5 planner that would address concerns related
6 to the casino. Neither Revere nor Saugus
7 had a surrounding community agreement.

8 The Review Team found that the
9 approach was reasonable. There are very
10 significant transportation issues that
11 would benefit from the review of a
12 transportation planner between the two
13 communities. We felt that it was admirable
14 that the two communities are working
15 together on a regional basis.

16 However, we did note that when we
17 crafted the guidelines, we did not include
18 joint applications. We said that, hey, if
19 you're going file for a similar purpose,
20 you can each file for your own portion of
21 the grant and we'd consider them as
22 complimentary applications. And one of the
23 complications of a joint application is
24 that we didn't write any of the

1 sub-guidelines or subrules on how joint
2 applications would be treated.

3 One of the rules that we have for
4 transportation planning grants is that when
5 you receive a transportation planning
6 grant, we ask that you utilize your
7 reserve, which is dedicated for planning or
8 specific impacts. But, in essence, if you
9 are just a singular community and you
10 received \$150,000 transportation planning
11 grant, we would ask you to utilize or we
12 would require you to utilize the \$100,000
13 for that, and then we would grant the
14 additional \$50,000 in new moneys.

15 So we recommend -- we certainly
16 recommend the planner, but we recommend
17 that the same rules that apply for
18 transportation planning grants would apply
19 to these two communities, and that they
20 would need to determine how they are going
21 to allocate the \$100,000.

22 Somerville: Somerville seeks
23 funding to mitigate the intersection of
24 I-93, State Route 28 and State Route 38.

1 The City of Somerville proposes to use the
2 transportation planning funds to initiate a
3 formal planning study at the facility,
4 which would implement key recommendations
5 of the 2017 road safety audit. A
6 consultant team would be engaged to conduct
7 public engagement, alternative analysis and
8 concept and design. This step is
9 consistent with the formal project
10 development process used by MassDOT for
11 highway capital projects.

12 In its response to The Review Team,
13 MassDOT noted: MassDOT recommends funding
14 to mitigate the intersection of I-93, State
15 Route 28 and State Route 38. This area
16 already experiences one of the highest
17 crash rates in the state and the extra
18 volume heading to and from the casino will
19 exacerbate the existing conditions.
20 Upgrades to bicycle and pedestrian
21 infrastructures should also be required any
22 and all study conducted.

23 The Review Team believes that
24 Somerville has complied in regard to the

1 scope, budget and timetable as required
2 under the guidelines, and that this study
3 could provide valuable information relative
4 to a very congested area that potentially
5 could be impacted by the Wynn Boston Harbor
6 casino. As such, we recommended the
7 funding request.

8 West Springfield transportation:

9 The Town of West Springfield is requesting
10 funding to cover costs associated with the
11 engineering design services for
12 improvements to the Elm Street Route 20
13 corridor from Westfield Street to Park
14 Street. Improvements will be designed to
15 better accommodate casino-related traffic
16 as well as incorporate complete streets
17 element to improve pedestrian, bicycle and
18 public transit access and safety.

19 The Review Team agrees that there is
20 direct traffic impact on the Elm Street
21 corridor as evidenced by MGM's draft
22 environmental impact report. While
23 mitigation was not required as part of the
24 decision on the final environmental impact

1 report, the applicant demonstrates
2 deficiencies relative to existing traffic
3 signals, pedestrian access, bicycle access
4 and public transit.

5 West Springfield has adopted a
6 complete streets ordinance to ensure that
7 roadway designs incorporate all users on
8 the roads at the time of the project
9 approval's complete street concept was just
10 starting to be adopted by local
11 communities. The Review Team agreed that
12 funding is appropriate in this regard, and
13 we recommend funding this.

14 Okay, on to the next portion of the
15 show. Travel gaming technical assistance
16 --

17 CHAIRMAN CROSBY: Can we stop and
18 take a deep breath?

19 MR. ZIEMBA: Travel gaming technical
20 assistance grant: As you know,
21 Commissioners, pursuant to the guidelines,
22 the Commission shall make available no more
23 than \$200,000 in technical assistance
24 funding to assist in the determination of

1 potential impacts that may be experienced
2 by communities in geographic proximity the
3 potential gaming facility in Taunton.

4 The guidelines fully stated that
5 such funding will only be made available
6 after approval of any application by SRPED,
7 Southeast Regional Planning and Economic
8 Development District or a comparable
9 regional entity if it is determined by the
10 commission that construction of such gaming
11 facility will likely commence prior to or
12 during fiscal year 2018.

13 The Review Team proposes that
14 \$200,000 being held in reserve for such
15 technical assistance program. In order to
16 activate this reserve, such determination
17 regarding Taunton's potential construction
18 would first need to be made by the
19 Commission. The Review Team recommends
20 that the Commission would review the
21 details of such program at this future
22 date.

23 In regard to the reserve
24 applications, we have Boston's reserves.

1 Boston's reserve is for the same purposes
2 of its transportation planning grant
3 application; namely, for the re-design of
4 the Sullivan Square/Rutherford Ave.
5 project. I already noted that we recommend
6 this reserve. Plainville reserve, we
7 conquered that a little bit earlier today.

8 And then the Somerville reserve:
9 The City of Somerville's initial request
10 was the use of 100,000 for baseline
11 studies. In its response to request for
12 further information, Somerville refined
13 what these would be. The city proposes to
14 focus on baseline data collection for two
15 key areas that are related to its
16 environmental justice legacy near highway
17 air pollution and vehicular traffic
18 patterns.

19 The gold standard for particular
20 pollution data collection is to perform
21 fieldwork in the winter season as
22 prevailing winds and particularly disbursal
23 patterns have been demonstrated to be
24 higher pollutant concentrations.

1 The city would like to actively
2 pursue both of those as part of its
3 reserve. The Review Team believes that
4 Somerville has complied in regard to the
5 scope, budget and timetable. And The
6 Review Team further believes that the air
7 quality study and air traffic baseline
8 study can provide valuable information
9 relative to a very congested area that
10 potentially could be impacted by the Wynn
11 Boston Harbor casino.

12 So with that as a summary, The
13 Review Team welcomes any general discussion
14 regarding all of the mitigation fund.

15 CHAIRMAN CROSBY: Travel gaming? Oh
16 you did that.

17 MR. ZIEMBA: I did that. And any
18 specific -- we welcome any specific
19 questions. And the one thing I will do
20 note that after we review all the
21 applications, I do ask the Commission if it
22 does go along with these recommendations
23 that it give the authority to staff to work
24 on the grant contracts and to determine or

1 work with any further conditions we need to
2 place on the grants themselves consistent
3 with the guidelines and consistent with our
4 reviews and other conversations that we
5 would likely have with the folks such as
6 MassDOT.

7 MassDOT recommended a number of
8 different conditions that we placed on some
9 of these studies. In some cases the
10 community noted that they did not want to
11 move forward with those recommendations.
12 What we could do is we could have some
13 quick conversations between MassDOT and the
14 communities to determine the
15 appropriateness of the scopes of study, for
16 example.

17 But I would just ask for some
18 flexibility in the determination of
19 conditions, which I would obviously inform
20 The Review Team and the Commission
21 regarding those contracts and those
22 conditions. And with that, I conclude my
23 brief review.

24 CHAIRMAN CROSBY: If there are any

1 overcall questions, we can start with that.
2 Otherwise, I suggest we just go through
3 them project by project and ask if you have
4 questions and if we do, take them. If we
5 don't, move on.

6 COMMISSIONER MACDONALD: Wasn't
7 there a suggestion that we address first
8 those as to which there was unanimity and
9 then go on to the ones there was --

10 MR. ZIEMBA: As I said a couple of
11 times today, I think that Commissioner
12 Zuniga wanted to have a general discussion
13 about the fund in general, and then we can
14 get to the specific grants. There were
15 only a few that there was not unanimity.
16 Some of the applications involved, and I
17 gave more detail in here because we
18 recommended against the application. So I
19 wanted to make sure that there was enough
20 focus today.

21 COMMISSIONER STEBBINS: John, just a
22 quick process question. Last week you gave
23 us an overview of, I believe, of the three
24 training applications.

1 MR. ZIEMBA: Correct.

2 COMMISSIONER STEBBINS: We're
3 deferring action on those. They are not
4 included today. Based on decisions we make
5 here, we will take those up at a subsequent
6 meeting.

7 MR. ZIEMBA: No, they can be
8 included in here. I was anticipating that
9 we could do the whole bottle of wax. I
10 determined that we wouldn't make a
11 determination on those, because you needed
12 to know the overall funding level for
13 today. So I anticipated, you know, now the
14 recommended levels, so we could take those
15 into consideration.

16 CHAIRMAN CROSBY: We are going to go
17 until four. We'll stop at four. And then
18 if there is -- if we are not done, we'll
19 pick it up again at a special meeting next
20 Wednesday after our agenda setting meeting.

21 My only overall comment, John, which
22 I mentioned to you earlier, this is really
23 a prodigious amount of work. You guys
24 really did, Mary and Joe and John in

1 particular, as well as the rest of the
2 team, did a tremendous amount of work.
3 It's really thoughtful and really detailed.
4 It seemed like you put the applicants
5 through the basis, so it's very impressive.
6 I was really impressed by it.

7 MR. ZIEMBA: Thank you.

8 CHAIRMAN CROSBY: Let's start out
9 with Attleboro. This one is recommended
10 for approval. Do we have questions?

11 COMMISSIONER ZUNIGA: It's not
12 recommended.

13 CHAIRMAN CROSBY: I'm sorry. My
14 okay meant yes, we agree with you, right.
15 Sorry, not recommended for approval. Do we
16 have any dissent or questions? So we move
17 on? The Everett bike share.

18 COMMISSIONER MACDONALD: Do we do a
19 motion and vote as we go?

20 CHAIRMAN CROSBY: I guess, we could
21 vote on each one them, yes. That might be
22 a way to surface the conversation, yes.
23 You want to move on Attleboro first?

24 COMMISSIONER MACDONALD: I move that

1 we decline to approve the application of
2 Attleboro for the reasons stated in the
3 presentation by Mr. Ziemba and the
4 materials in the packet.

5 COMMISSIONER ZUNIGA: I second that.

6 CHAIRMAN CROSBY: Further
7 discussion, any discussion? All in favor?

8 COMMISSIONER MACDONALD: Aye.

9 COMMISSIONER CAMERON: Aye.

10 COMMISSIONER STEBBINS: Aye.

11 COMMISSIONER ZUNIGA: Aye.

12 CHAIRMAN CROSBY: Opposed? The ayes
13 have it unanimously. Let's make a motion
14 on the next one as well and just go through
15 them, and we will use the discussion period
16 in the motion for discussion. So do you
17 want to go ahead?

18 COMMISSIONER MACDONALD: This was
19 not unanimous.

20 CHAIRMAN CROSBY: No, but recommend
21 that it be -- oh, it's not.

22 COMMISSIONER MACDONALD: Nonetheless,
23 I move that the Commission approve the
24 recommendation of the majority of The

1 Review Team that the Everett specific
2 impact application be approved in the
3 amount of \$150,000 for the reasons stated
4 in the materials.

5 CHAIRMAN CROSBY: Second?

6 COMMISSIONER CAMERON: Second.

7 CHAIRMAN CROSBY: Discussion.

8 COMMISSIONER STEBBINS: I had a --
9 John, looking at the quick overview
10 analysis. Help me understand what
11 competing recommendations. You have
12 MassDOT supporting the request of the
13 mitigation funds in the amount of 400,000.
14 But then when you get down into bullet
15 number four, the feasibility and
16 reasonableness of the proposed mitigation
17 measures, the second paragraph it says, in
18 regard to the reasonableness of the
19 mitigation, The Review Team questions
20 whether potentially adding more bicycles to
21 the impacted area is most reasonable
22 response to the congestion concerns. And
23 the next point says, such concern is shared
24 by MassDOT. It sounds like it's somewhat

1 at odds.

2 MR. ZIEMBA: Well, if you take a
3 look at the specific wording of Everett's
4 -- of the MassDOT recommendation from on
5 Everett, it stated that -- it says, Everett
6 is also planning on for bicycles. This
7 request they support it. However, MassDOT
8 wants to express its concerns about the
9 safety issues that may arise during Wynn's
10 construction work as well as the
11 construction on Route 16.

12 If Everett attempts to pursue this
13 project before the casino construction is
14 completed, the city should make sure they
15 have an understanding of the implications
16 that the construction will have on cyclists
17 and be able to identify safe pass to
18 transit.

19 They also need a mechanism to convey
20 information to cyclists. They may require
21 signage to indicate when it may be best to
22 ride on sidewalks. It also may warrant
23 rethinking the Wellington Station location,
24 an alternative to having a bike share

1 location at Malden Station where the
2 Northern Strand provides safe access.

3 So, in my opinion, MassDOT was
4 providing its support in many ways that The
5 Review Team was providing support that
6 enhancing access to bicyclists. It's a
7 very important measure for trying to
8 alleviate additional vehicles on congested
9 roads, and we have been trying achieve that
10 as well.

11 Part of the concern of The Review
12 Team was that you're putting new bicyclists
13 in a very congested area that is going to
14 be impacted during construction, and that's
15 consistent with what MassDOT was saying.

16 COMMISSIONER ZUNIGA: And isn't that
17 a case to try to entertain that funding at
18 a later time when the casino is
19 constructed?

20 MR. ZIEMBA: That is the case. One
21 thing I will note is that transportation
22 planning funding is only for planning. So
23 Everett could not have applied for this
24 grant under transportation planning,

1 because it's for actual capital costs. But
2 quite potentially at some point in the
3 immediate future or near future, it's
4 likely that we will start entertaining
5 actual requests for real
6 transportation-related projects. And
7 whatever systems we determine to make those
8 determinations between projects, that will
9 be done at that future date. But as of
10 right now, planning funds -- they are not
11 eligible for the purposes that Everett is
12 seeking.

13 COMMISSIONER ZUNIGA: Joe, do you
14 want to say something?

15 MR. DELANEY: Yes. I just wanted to
16 add onto that, I think, The Review Team as
17 a group thought that having a bike shared
18 system in Everett is a good idea. Part of
19 the question is how much is it related to
20 the casino and how much of it is related to
21 general purposes. And, I think, the idea
22 was we will say if we provided them some
23 money, that will be for really the impact
24 with Wynn. And if we were able to set that

1 up at some time before the facility is
2 open, that will be a good thing, too, to
3 get people used to the system and have it
4 up and running where, you know, they're
5 asking for capital funds.

6 So, I think, that was the sense of
7 the group was that getting them somebody to
8 get the system up and running would be a
9 good thing so when the facility is open and
10 it's up and running and people are using
11 it.

12 COMMISSIONER ZUNIGA: But that
13 doesn't get to necessarily directed to the
14 question of the safety concerns under the
15 current state, which includes a lot of
16 vehicles for construction.

17 MR. ZIEMBA: You know, we asked that
18 question about where we said, well, why
19 would we be putting more bicycles on these
20 congested roads during this construction
21 period. What they did note, they said,
22 well, firstly, Wynn is responsible for
23 making sure that the bicycles commuting
24 through the area are safe, and they're

1 going to have some diversions to make sure
2 they are safe going through the Broadway
3 area and that any additional bicycles that
4 would go through the area would benefit
5 from the divergent that they are putting in
6 place for existing bikes. But the question
7 is: Is that a mitigation to combat the
8 additional congestion on lower Broadway
9 related to construction or does that become
10 a little bit of a circular dynamic?

11 MR. DELANEY: And, I think, the
12 other notion was you could get people to
13 take bicycles either over to the Chelsea
14 Silver Line Station or Wellington or
15 Malden, getting them to a T station and
16 getting them off.

17 MR. ZIEMBA: Getting them off of
18 lower Broadway.

19 COMMISSIONER ZUNIGA: As part of
20 this grant, the 150?

21 MR. ZIEMBA: Yes. We don't know how
22 many stations there would be. Their
23 initial application was for ten. We don't
24 know how much they would be able to use

1 now. In their response to The Review Team,
2 there's an indication that it might be five
3 stations. So would those five stations
4 include Chelsea and Wellington? I think
5 that still needs to be determined by
6 Medford -- by Everett, pardon me.

7 CHAIRMAN CROSBY: You know, I sort
8 of had the same concerns, I think, both of
9 you were expressing it but it feels a
10 little premature to me. Sort of like
11 MassDOT was kind of saying they wanted to
12 be supportive, but they weren't sure this
13 was the right time the data was really
14 ready to make final decisions. I agree
15 that it feels sort of kind of
16 counterintuitive to be sending bikes down
17 Lower Broadway right now.

18 And it kind of feels to me like it,
19 never mind the number one criteria is the
20 impact is being caused by the proposed
21 gaming facility, which you mentioned is --
22 I don't know that it meets that standard,
23 which is probably the reason why you cut
24 the money back. But I sort of lean towards

1 saying this doesn't make sense just yet.
2 It may well.

3 The idea -- I agree with you that
4 the idea of having it, particularly if you
5 can really anchor it somehow in the Wynn
6 project and accommodating affecting Wynn
7 traffic, that would be a really great
8 thing. It just doesn't quite feel right to
9 me at this stage of the game.

10 MR. ZIEMBA: I think the best
11 argument that Everett made in its response
12 to The Review Team was that they tried
13 everything to try to mitigate the
14 construction-related impact in that
15 corridor. They went to MBTA to try to get
16 additional bus service to serve that
17 corridor during the period of the
18 construction. And the T said, I'm sorry we
19 can't do additional service for a limited
20 period of time.

21 And, so, they're saying, hey, we
22 tried everything to try to mitigate it.
23 This is basically our only available group.
24 So, I think, I do agree with you those are

1 very key points, Chairman. But on the
2 other side, I guess that was their best
3 argument.

4 COMMISSIONER MACDONALD: If I recall
5 right, and correct me if I recall, correct
6 me if I'm mistaken, but that there was
7 apparent consensus amongst The Review Team
8 that in some ways this is a little early,
9 and there was concern for the safety of
10 bicyclists on the current circumstances of
11 Broadway on a day to day basis. But by
12 dialing it back, this in some ways is just
13 an early investment in the eventual larger
14 project of the bike -- of the bike system
15 in Everett. Am I off the mark on that?

16 MR. ZIEMBA: No, I think that's
17 right.

18 COMMISSIONER MACDONALD: So to your
19 point, Mr. Chairman, it was against the
20 backdrop of kind of agreeing in principal
21 that there is an element of prematurity on
22 this, but at the same time that it is
23 worthwhile to at least get started because
24 we know that the bike program is going to

1 be part of the overall mix of things to
2 reduce the adverse impacts of the
3 construction and eventually the operation
4 of casinos.

5 CHAIRMAN CROSBY: So is the way that
6 this recommendation -- the effect of this
7 recommendation, it sounded like you sort of
8 wanted to contort it into a planning grant.
9 And are you saying that this would, in
10 effect, be used to plan for planning for
11 the future?

12 MR. ZIEMBA: No. Because they would
13 use these dollars for actual capital costs.
14 But it is similar to a transportation
15 planning grant in regard that this will
16 maybe provide future benefits once Wynn is
17 operational. But in regard to whether or
18 not it is a construction-related impact, I
19 think that The Review Team, all The Review
20 Team had a little bit of difficulty with
21 that.

22 MR. DELANEY: I think the other
23 thing is you just can't throw a switch and
24 have a bike share program out there.

1 There's a lot of planning that needs to be
2 done with it. There's probably some
3 permitting with the T stations and other
4 things. So there is a -- they have to go
5 out to bid on these things, so there is a
6 process to get there, you know. If we
7 waited a year, you know, that might be
8 pushing it out too far.

9 CHAIRMAN CROSBY: Right.

10 COMMISSIONER CAMERON: Is there a
11 way -- you mentioned some of the stations
12 will take the bikes away from Broadway. Is
13 there a way to make a recommendation that
14 these moneys could be used in that
15 direction or is that not possible?

16 MR. ZIEMBA: I mean, we could
17 mandate that two of the five are for the
18 Chelsea Silver Line Station and Wellington,
19 you know. I've been responsible for
20 creating conditions in the past that could
21 never really be fulfilled, and that has
22 come back to the Commission.

23 COMMISSIONER STEBBINS: Only once.

24 MR. ZIEMBA: So I don't know. I

1 don't know.

2 CHAIRMAN CROSBY: Anybody else
3 comments?

4 COMMISSIONER ZUNIGA: I'm just sort
5 of on the fence on this. I think, there is
6 a real -- whenever we did the mitigation
7 hearings and I'm a bit concerned
8 unequivocally is transit. And in the case
9 of Region A, it's all about Sullivan Square
10 and the already congested area. But there
11 is some prematurity in my view, and there
12 is ironically a partial funding of the
13 request that there may be a notion they
14 really wanted a -- really need a bike
15 sharing program to be, you know, well
16 planned for, not necessarily incrementally.
17 Although, I get the virtue of proceeding
18 incrementally. I could almost go either
19 way on this.

20 I want to mention something that I
21 know you brought up a list to me. There is
22 user fees associated with these programs,
23 but they don't necessarily cover the
24 capital and operating costs. Is that a

1 fair summary and how is the city proposing
2 to kind of deal with this going forward
3 on additional stations?

4 MR. ZIEMBA: So we asked -- we
5 understand that you want to get the capital
6 costs from us. How are you going to deal
7 with the operational concerns? And they
8 came back from a project that was ten
9 stations down to five stations, and they
10 wanted to reallocate \$100,000 of what they
11 requested for operation's costs. What they
12 did note in their response, they said, hey,
13 the city will bear those costs if they
14 can't get all of these user fees and
15 sponsorships to pay for the
16 operational-related costs.

17 COMMISSIONER ZUNIGA: And is there
18 anything from the host community agreement
19 that goes towards multimodal
20 transportation?

21 MR. ZIEMBA: In the memo we note
22 that Wynn Boston Harbor just made a
23 \$12.5 million payment to the City of
24 Everett for pursuant to special legislation

1 that was enacted relative to Everett for
2 capital costs.

3 COMMISSIONER ZUNIGA: So they could
4 presumedly fund this out of that.

5 MR. ZIEMBA: Correct. But
6 presumedly there is some mile markers in
7 there that say it has to be in duration for
8 longer than five years. I assume the bikes
9 would be met for more than five years, but
10 somebody could make an argument that bikes
11 in this type of a system would not
12 necessarily last five years. So I'm not
13 quite certain that it would be counted
14 towards that 12.5, but it seems that it
15 would.

16 COMMISSIONER STEBBINS: John, is it
17 worth considering because Everett also has
18 a transportation funding grant in which it
19 appears to get unanimous support with
20 respect to a bus only lane down Broadway.

21 MR. ZIEMBA: Yes.

22 COMMISSIONER STEBBINS: Is it worth
23 considering that we could have some
24 endorsement to them coming back next year,

1 next round or assuming we will still be
2 doing transportation planning grants in
3 2018?

4 MR. ZIEMBA: I would assume so.

5 COMMISSIONER STEBBINS: And
6 recommending that this 150,000 at that oint
7 might be a good fit.

8 MR. ZIEMBA: Quite possibly. If we
9 start entertaining opening up our
10 transportation for actual projects, some
11 will be getting closer. There might be
12 more competitive uses for those dollars.
13 So, I don't know if this would similarly be
14 the priority next year for Everett itself
15 but it could.

16 COMMISSIONER ZUNIGA: And by the
17 way, that's one notion that I have in the
18 back of my mind when I'm thinking about
19 requests like the Plainville earlier this
20 morning. That so far a lot of this
21 transportation piece has been limited to
22 design and planning. Once we get into the
23 actual implementation of some of these
24 projects, they get quite pricey.

1 And there is, in my view anyway,
2 some virtue to think about judiciously in
3 this period because there is projects down
4 the line. Some of which are going to be
5 paid by the licensees already as part of
6 the conditions. But we know, for example,
7 that the licensee is not by itself going to
8 solve the Sullivan Square long-term
9 project.

10 MR. ZIEMBA: The good news on that
11 project is that Boston has identified that
12 federal funding should pay for the entire
13 cost of that project together with the
14 \$25 million allocation that we require from
15 Wynn Boston Harbor towards the long-term
16 plan based on the current estimates. But,
17 indeed, these projects do get expensive.
18 In fairness to The Review Team, The Review
19 Team in terms of judiciousness it did not
20 recommend 400,000. The maximum would go
21 150,000, so I do put that out there for
22 consideration.

23 COMMISSIONER CAMERON: And if I
24 heard Joe correctly, planning and

1 permitting, a lot of that 150 would go
2 toward that, correct?

3 MR. DELANEY: I'm not sure there's a
4 huge cost associated with that, but that
5 would have to be the service and so on and,
6 you know, they have to work with the T and
7 others to, you know, find locations to put
8 the bike racks and all those. I mean, you
9 walk around downtown every one of those hub
10 way bike racks that you see had to get a
11 permit from the city. So I'm just saying
12 it's a time-consuming effort more so than
13 other than a huge funding.

14 COMMISSIONER ZUNIGA: Was there a
15 presumption that something like this could
16 be connected to other hub way --

17 MR. ZIEMBA: Yes. The Review Team
18 felt there was very strong regional
19 benefits, and that they were trying to
20 connect it to the hub way and potentially
21 hub way stations in Malden and Wellington
22 and Southern Line Station and Chelsea.

23 MR. DELANEY: And Sullivan Square.

24 MR. ZIEMBA: And Sullivan Square.

1 COMMISSIONER ZUNIGA: Is there
2 anyone else on the fence or --

3 CHAIRMAN CROSBY: Well, I'm on the
4 fence but I'm sort of leaning towards
5 giving it. Do we have any further
6 discussion? The motion is on the table to
7 support the recommendation of doing the
8 150. That's the motion on the table.
9 Further discussion?

10 COMMISSIONER STEBBINS: And it's not
11 for capital costs.

12 MR. BEDROSIAN: It is for capital
13 costs.

14 COMMISSIONER CAMERON: Start the
15 program.

16 CHAIRMAN CROSBY: To start the
17 program. Are we all in favor?

18 COMMISSIONER CAMERON: Do we have a
19 second?

20 CHAIRMAN CROSBY: We do. All in
21 favor signify by saying aye?

22 COMMISSIONER MACDONALD: Aye.

23 COMMISSIONER CAMERON: Aye.

24 COMMISSIONER STEBBINS: Aye.

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COMMISSIONER ZUNIGA: Aye.

CHAIRMAN CROSBY: All opposed? It passed unanimous. We have a few more minutes.

MR. ZIEMBA: So as a reminder just because it becomes a little bit unclear, so the Lynn specific impact application was an application for a multiple of different purposes that in The Review Team's analysis were more can do planning for future needs. And then the transportation planning application, that was for specific to the ferry itself and dredging costs for the left turn lane into Blossom Street.

CHAIRMAN CROSBY: Let's deal with both of them, because they fit together for your recommendations and everything else. Let's do Lynn, and then we'll be out of here probably.

COMMISSIONER STEBBINS: Mr. Chair, do you want to separate do motions?

CHAIRMAN CROSBY: However we do separate motions, I thought we ought to just let John introduce them as a pair.

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MR. ZIEMBA: The Review Team's recommendation was that the Commission would authorize another \$100,000 for the purposes of transportation studies one or two, no more than \$100,000 that has already been allocated for the Lynn ferry, and that the commission staff would work with MassDOT and the City of Lynn to try to make a determination on how best to utilize such funds to address casino-related impacts.

CHAIRMAN CROSBY: Commissioner Macdonald?

COMMISSIONER MACDONALD: Is there a motion?

CHAIRMAN CROSBY: I'm asking you if you want to make a motion to support the recommendation.

COMMISSIONER MACDONALD: I move that the Commission support the recommendation of The Review Team as it relates to declining Lynn's application for a specific impact grant of \$400,000 but to approve the recommendation of The Review Team as to its application for a transportation planning

1 grant in the amount of \$100,000.

2 CHAIRMAN CROSBY: Second?

3 COMMISSIONER CAMERON: Second.

4 CHAIRMAN CROSBY: Comment?

5 COMMISSIONER STEBBINS: We're also
6 encouraging them to use last year's
7 reserve?

8 MR. ZIEMBA: So they can utilize
9 last year's reserve, but we would not
10 authorize any additional new dollars
11 towards the ferry study, but they could use
12 it because we're not going to rescind what
13 we already granted towards the ferry.

14 CHAIRMAN CROSBY: Anybody?

15 COMMISSIONER ZUNIGA: I agree with
16 the recommendation.

17 CHAIRMAN CROSBY: Okay. I had a
18 problem with it. It seemed to me like the
19 committee was trying very hard to figure
20 out a way to say yes, which I can
21 understand, but they didn't even ask for
22 money for 107 or 1A. They didn't assert an
23 impact from particular -- I mean, they
24 talked about, generally speaking, there are

1 going to be impacts. What we've done now
2 is say, let this money sort of act as a
3 grab bag and find some road that might have
4 an impact and use it to study. They didn't
5 even ask for that.

6 MR. ZIEMBA: Well, they did. In
7 their specific impact application, they
8 included a sort of a pan play of purposes
9 that they asserted are related to the
10 Wynn-related traffic. MassDOT in its
11 response letter said that those weren't
12 worthy projects. When it analyzed the
13 ferry, it said that the ferry services is
14 probably not related to the casino. So,
15 instead, they should pick one or two of
16 those projects to proceed.

17 But they did say that one of their
18 due big projects would be the ferry study
19 or Route 107 connector study, but they also
20 had included other eligible purposes such
21 as the commuter rail study, traffic
22 signalization and a number -- and a number
23 of other things included in their overall
24 analysis.

1 COMMISSIONER ZUNIGA: And the Route
2 107 connector is a lot more associated at
3 least in the eyes of MassDOT to the
4 potential impacts from the casino; is that
5 correct?

6 MR. ZIEMBA: We think so. Again,
7 it's in Lynn and so the percentage of
8 traffic coming through Lynn is not as
9 significant as the percentage coming
10 through Everett obviously. But there are
11 impacts on Route 1, Route 1A, 60 and all of
12 these areas are included in a number of
13 different applications. If you take a look
14 at the Revere and Saugus application, they
15 mention Route 107. They mention impacts on
16 Route 1. Revere mentions the impacts on
17 Route 1A. They'll circle en route on 1A is
18 already a mitigation requirement of the
19 Wynn facility as part of their Section 61
20 findings.

21 So a lot of these facilities are
22 connected to each other, and there is a
23 significant numbers of traffic coming down
24 Route 1. Eight to nine percent of Wynn's

1 traffic comes down there and then more
2 percentage coming from 1A. And, so,
3 between that 107 and 60, these are all
4 facilities that are closely connected.

5 How specifically you can tie 107 to
6 direct impacts to the casino, I think, that
7 that remains part of the consultative
8 process that we recommend where we work
9 with MassDOT and the City of Lynn to try to
10 make a determination how best these funds
11 can be used to reduce the impact of
12 Wynn-related casino traffic.

13 COMMISSIONER MACDONALD: And that's
14 in the transportation planning application,
15 right?

16 MR. ZIEMBA: Correct.

17 COMMISSIONER MACDONALD: The 107
18 connector is -- if you look at a map and
19 where the connector would go, there really
20 is a potential for a direct tie into
21 Everett whereas --

22 MR. ZIEMBA: The one thing that Lynn
23 did note is that last year we authorized
24 100,000 because that was their entire

1 reserve. But MassDOT and Lynn recognized
2 that a lot of these studies are actually
3 much more than 200,000. So the \$100,000
4 granting may be limited utility unless they
5 can come up with the additional dollars to
6 pay for some of these studies.

7 COMMISSIONER CAMERON: So this would
8 give them 200,000.

9 MR. ZIEMBA: This would give them
10 200,000.

11 CHAIRMAN CROSBY: 200 or 250?

12 MR. ZIEMBA: 200 total. We didn't
13 recommend the whole 150. We recommended
14 just 100,000, because they said -- they
15 didn't include anything that it's over 250,
16 and we were being conservative about it.

17 CHAIRMAN CROSBY: So it's 100,000
18 from the reserve and 100,000 is the
19 planning grant.

20 MR. ZIEMBA: Yes.

21 CHAIRMAN CROSBY: But criteria one
22 for the planning project is that it must be
23 clearly related to addressing transfer
24 issues or impacts directly related to the

1 gaming facility; two is required to submit
2 a detailed scope, budget and timetable for
3 the planning effort. Has that happened?

4 MR. ZIEMBA: No.

5 CHAIRMAN CROSBY: So by that
6 definition, we can't even award it.

7 MR. ZIEMBA: I don't think the
8 guidelines any one of them wouldn't say in
9 our guidelines that if we failed to meet
10 one of those guidelines that it
11 automatically denies your application.
12 It's supposed to taken it in its totality.
13 Some are more important than others such as
14 you just mentioned, Mr. Chairman, that can
15 you demonstrate clearly the transportation
16 impact to the mitigation -- to
17 transportation-related issues.

18 And what the City of Lynn is
19 asserting is that based on some studies,
20 significant studies is that any additional
21 vehicles within Lynn, because it is very
22 constrained without some major facilities,
23 it is mostly folks commuting along these
24 residential streets or small streets that

1 additional traffic from the Wynn casino
2 will have a major impact upon those roads.

3 So the goal really needs to be can
4 you get -- reduce the overall amount of the
5 Wynn-related traffic on all of those roads,
6 because it reaches them to further
7 congestion point. We thought that the Lynn
8 ferry was too tangential, too much of an
9 indirect. But all of Lynn's focus has been
10 trying to reduce the impact upon those
11 additional traffic on city streets.

12 COMMISSIONER CAMERON: So the
13 traffic won't stop at the border. Some of
14 it will go into Lynn. So you thought that
15 this was related enough to meet that.

16 COMMISSIONER ZUNIGA: So long as
17 they know we're not funding the ferry or
18 the dredging.

19 MR. ZIEMBA: Correct. And part of
20 the consultation with MassDOT would be to
21 try to get that more direct relationship to
22 casino-related traffic.

23 COMMISSIONER MACDONALD: I think
24 there was a strong consensus on The Review

1 Team that the ferry's connection to the
2 casino was not just a stretch. There was
3 just no substantial connection between them
4 but these roads, specifically including
5 107, potentially very significant.

6 COMMISSIONER STEBBINS: I found some
7 of their -- didn't necessarily find this
8 the strongest application but, I think,
9 this would be one where we would look to
10 you and to MassDOT to craft the grant
11 contract with pretty significant language
12 and, you know, putting you in a position
13 feeling comfortable to release money when
14 appropriate projects are recommended, you
15 know, decided upon.

16 MR. ZIEMBA: I can certainly come
17 back to the Commission with whatever is
18 determined between those parties.

19 COMMISSIONER ZUNIGA: I'm fine with
20 that.

21 COMMISSIONER CAMERON: I as well.

22 CHAIRMAN CROSBY: You know what, for
23 the heck of it, I might recuse myself from
24 this vote. My brother lives there and is

1 very involved in some not development
2 activities. He is not a developer. He is
3 not a civic leader. He is very involved in
4 doing some stuff up there. I've never
5 heard anything about this. It's just as a
6 matter of squeaky clean I think I'll recuse
7 myself of this vote.

8 COMMISSIONER CAMERON: Do we have a
9 motion?

10 COMMISSIONER MACDONALD: Yes. We
11 had a motion and it's be been seconded, and
12 it would be to decline the application with
13 regards to Lynn's application with regard
14 to the specific impact but to approve it's
15 application for transportation planning in
16 the amount of \$100,000.

17 COMMISSIONER ZUNIGA: With the added
18 recommendation of the subject to further
19 review by Ombudsman Ziemba.

20 CHAIRMAN CROSBY: For clarity of
21 the -- the clarity of the nexus with Wynn
22 traffic basically.

23 COMMISSIONER ZUNIGA: Yes.

24 MR. ZIEMBA: Would you like me to

1 report that back to the Commission?

2 COMMISSIONER ZUNIGA: Just report
3 that back.

4 CHAIRMAN CROSBY: Further
5 discussion?

6 COMMISSIONER MACDONALD: I will
7 second that motion.

8 CHAIRMAN CROSBY: Further
9 discussion? All in favor?

10 COMMISSIONER MACDONALD: Aye.

11 COMMISSIONER CAMERON: Aye.

12 COMMISSIONER STEBBINS: Aye.

13 COMMISSIONER ZUNIGA: Aye.

14 CHAIRMAN CROSBY: Opposed? And one
15 recusal by Chairman Crosby. All right. We
16 are eight minutes off. Shall we call it a
17 day?

18 COMMISSIONER STEBBINS: Do Norfolk
19 really quickly?

20 CHAIRMAN CROSBY: We could do
21 Norfolk, yes.

22 COMMISSIONER MACDONALD: Let's do
23 Norfolk. I was the one who wanted to get
24 away at four. If we go a little bit beyond

1 it, it's not a problem.

2 CHAIRMAN CROSBY: Let's do Norfolk.
3 Do you want to make a motion to accept the
4 recommendation?

5 COMMISSIONER MACDONALD: I'll make a
6 motion to accept the recommendation that we
7 approve the application of the Norfolk
8 County District Attorney for a specific
9 impact grant in the amount of \$25,000 with
10 the use of that limited according to the
11 conditions described in the review
12 committee's materials before the
13 Commission.

14 CHAIRMAN CROSBY: Second?

15 COMMISSIONER STEBBINS: Second.

16 CHAIRMAN CROSBY: Is there any
17 discussion on this item?

18 COMMISSIONER ZUNIGA: And those
19 conditions are essentially limited to them
20 understanding -- better understanding the
21 specific impacts, because they have no
22 current way of understanding that, correct?

23 MR. ZIEMBA: Correct.

24 COMMISSIONER ZUNIGA: The additional

1 workload and --

2 MR. ZIEMBA: That's right.

3 CHAIRMAN CROSBY: I think this
4 basically assures that we will get the same
5 request from the other DAs. But given the
6 district attorneys are specifically
7 mentioned in the statute as one of the
8 potential mitigated parties, then that
9 seems perfectly reasonable.

10 COMMISSIONER CAMERON: And I expect
11 a much bigger workload with the other DAs
12 because of the size of the facility.

13 MR. ZIEMBA: If you want to look at
14 the transportation planning, The Review
15 Team was really unanimous regarding
16 Boston's applications, was unanimous
17 regarding the Medford recommendations. It
18 was unanimous regarding Revere and Saugus,
19 Somerville and West Springfield. There was
20 some lack of unanimity regarding Malden and
21 Everett, the bus line was also unanimous.
22 All of those applications were unanimous,
23 and I think we felt pretty strongly that we
24 could move forward with those.

1 COMMISSIONER ZUNIGA: Let's finish
2 up this one.

3 CHAIRMAN CROSBY: I'm not suggesting
4 we do all of those.

5 MR. ZIEMBA: We're not going to
6 bundle?

7 CHAIRMAN CROSBY: I don't think we
8 should bundle. I think it's worth going
9 through them. Even if we agree, I think
10 it's worth having this conversation. So is
11 there anymore discussion on the Norfolk DA?

12 COMMISSIONER MACDONALD: I'll just
13 add, as I understood, which is in keeping
14 as John described it, is we felt -- The
15 Review Team felt that the district attorney
16 did not succeed in convincing us that they
17 currently had data that could justify the
18 full amount of the application to fund half
19 of the assistant district attorney. I
20 think there was a supervisor in there and a
21 witness list -- victim witness advocate.

22 However, we did feel that there was
23 a potential for there to be a need and that
24 this amount would fund either one or more,

1 you know, technical people, perhaps a
2 consultant that would then help them be
3 able to make an objective case for an
4 impact. Basically to be a means of
5 developing data that would permit them to
6 base a future application or not if they
7 can't prove it.

8 CHAIRMAN CROSBY: Yes, makes sense.

9 COMMISSIONER STEBBINS: I would like
10 to -- I mean, you referenced it a couple of
11 times and you did in your remarks. I would
12 like to say it again, you know, getting
13 down to some of the conditions may be in
14 the contract. Norfolk DA's office work
15 with our crime consultants. They review
16 their results and review any information
17 that they gather so we have it, too.

18 MR. ZIEMBA: Great.

19 COMMISSIONER CAMERON: I would just
20 like to say that I really am supportive of
21 the DAs getting the moneys they need for
22 their part in this, because it will be a
23 large part but we just need the data so...

24 CHAIRMAN CROSBY: And they are

1 chronically underfunded frequently.

2 COMMISSIONER CAMERON: So I do want
3 to express that support. But obviously
4 when we see the data, that will be helpful
5 for us.

6 CHAIRMAN CROSBY: Any further
7 discussion? All in favor?

8 COMMISSIONER MACDONALD: Aye.

9 COMMISSIONER CAMERON: Aye.

10 COMMISSIONER STEBBINS: Aye.

11 COMMISSIONER ZUNIGA: Aye.

12 CHAIRMAN CROSBY: Opposed? The ayes
13 have it unanimously. I think let's try six
14 and seven. We have five more minutes here.
15 Commissioner Macdonald.

16 COMMISSIONER MACDONALD: I was just
17 getting up from my chair.

18 CHAIRMAN CROSBY: There's a motion
19 of six to support the recommendation to put
20 on hold the community television.

21 COMMISSIONER MACDONALD: So moved.

22 COMMISSIONER CAMERON: Second.

23 CHAIRMAN CROSBY: Any discussion
24 about this recommendation to postpone

1 further action?

2 COMMISSIONER ZUNIGA: This matter is
3 little, because we are putting it on hold.
4 But when does the original lease end?

5 MR. ZIEMBA: September.

6 COMMISSIONER ZUNIGA: This
7 September, the original lease?

8 MR. ZIEMBA: No. The original lease
9 went through 2022 is my understanding, but
10 I think the determination was anticipated
11 for, I believe, it was September.

12 COMMISSIONER ZUNIGA: And at least
13 there is a written statement from MGM --

14 MR. ZIEMBA: Correct.

15 COMMISSIONER ZUNIGA: -- that they
16 can continue with this for the time-being.

17 CHAIRMAN CROSBY: It should be noted
18 that the community TV folks got a lot of
19 very strong and sincere and non-form like
20 letters in support of their applications.
21 It turns out not to have been necessary but
22 should be noted sort of speaks well of the
23 organization. Any other discussion?

24 COMMISSIONER STEBBINS: Just one

1 point for disclosure purposes, obviously, I
2 was -- wearing my old Springfield hats,
3 I've had an opportunity to interact with
4 Mr. Abbot and some of the folks at the
5 station and just for years of being in the
6 City of Springfield. Just thought I would
7 highlight that. I don't feel that
8 necessarily requires me to recuse myself,
9 but I want to have it on the record.

10 CHAIRMAN CROSBY: All in favor?

11 COMMISSIONER MACDONALD: Aye.

12 COMMISSIONER CAMERON: Aye.

13 COMMISSIONER STEBBINS: Aye.

14 COMMISSIONER ZUNIGA: Aye.

15 CHAIRMAN CROSBY: Opposed? The ayes
16 have it. Let's try one more. Valley
17 Service, and then we will stop.

18 COMMISSIONER MACDONALD: I move that
19 the Commission approve the recommendation
20 of the review committee with regard to the
21 City of Springfield slash Caring and Health
22 valet program in the amount of \$31,523 for
23 the reasons explained in the packet summary
24 memorandum from The Review Team.

1 CHAIRMAN CROSBY: Second?

2 COMMISSIONER STEBBINS: Second.

3 CHAIRMAN CROSBY: Any discussion?

4 COMMISSIONER CAMERON: I thought
5 this one was really interesting because the
6 math, they had it down to the penny, the
7 team, so that's pretty persuasive when you
8 read that whole paragraph about how you
9 figured out the numbers.

10 MR. ZIEMBA: And our number's guy
11 Joe, and our other number's guy Derek all
12 had hands all be it in a different way.

13 COMMISSIONER CAMERON: I was
14 wondering where tat \$23 came from, but I
15 trust the team.

16 COMMISSIONER STEBBINS: Is the
17 spending on track with what from the
18 original amount that we budgeted, is it
19 under forecast or over forecast?

20 MR. ZIEMBA: I think it was a little
21 bit under. We think it's going to last
22 till July. The city thought in its
23 response that it would last until March.
24 So if it lasts till July, the \$25,000,

1 hopefully, will be comfortable enough to
2 enable us to continue through September.

3 COMMISSIONER STEBBINS: And on a
4 broader question, is there -- you
5 highlighted in terms of working with the
6 city to determine the exact date of the
7 program's conclusion. Obviously at some
8 point MGM will open its doors.

9 MR. ZIEMBA: Correct, yes.

10 COMMISSIONER STEBBINS: Is there
11 conversations or planning around what
12 happens for parking for folks for Caring
13 Health and some of the adjoining businesses
14 or we anticipate that conversation
15 happening at some point?

16 MR. ZIEMBA: Yes, we do. And there
17 is an open question to the City of
18 Springfield in its response to us said they
19 wanted to make sure that it is for the
20 later of, the opening of MGM Springfield or
21 the opening of the parking garage for the
22 general public. And there's a question on
23 what and if that date might be, so there
24 remains some further questions that need to

1 be resolved.

2 COMMISSIONER ZUNIGA: But my
3 assumption is that after that, the later
4 off date, then it's back to the way it was
5 before.

6 MR. ZIEMBA: The Commission has been
7 very clear on that point.

8 MR. DELANEY: For our purposes, we
9 just took the worst-case scenario of the
10 September 6th opening date and used that
11 and even said we might be able to go a
12 couple of weeks beyond that during that
13 real busy grand opening time where parking
14 may be at a premium.

15 CHAIRMAN CROSBY: What is the
16 argument for leaving the program in
17 operation, the valet program, after the
18 parking lot is open but even if the casino
19 isn't?

20 MR. ZIEMBA: No. There's a question
21 of Wynn and if that garage might be open to
22 the public. The other questions that were
23 raised in our meeting -- meetings with
24 Springfield was there will be some

1 significant work that goes -- that is being
2 done along Main Street and along some of
3 the side streets. And, so, would some of
4 the, for example, the Caring Health
5 patients be able to access the Caring
6 facility with a lot of that work going on
7 from the garage once it is open, so there
8 remains some questions about that.

9 CHAIRMAN CROSBY: But that's going
10 to happen anyway. I mean, at some point
11 the garage -- at some point, the valet goes
12 away and they are going to have to live
13 with whatever the situation is.

14 MR. ZIEMBA: That's correct.

15 CHAIRMAN CROSBY: Which has
16 basically been presumed to be when the
17 garage opens. That was our presumption, I
18 think.

19 MR. ZIEMBA: That's consistent with
20 the city of Springfield as to they said
21 earlier of the garage being open or MGM
22 Springfield being open.

23 CHAIRMAN CROSBY: Earlier?

24 MR. ZIEMBA: The earlier of those

1 two is what was requested by Springfield.

2 CHAIRMAN CROSBY: Oh, I thought you
3 said the later of the two.

4 MR. ZIEMBA: No, no. The funding
5 amount that's being authorized is what
6 would be necessary to carry through to that
7 later date.

8 CHAIRMAN CROSBY: Oh, okay. So when
9 does the program stop?

10 MR. ZIEMBA: The program stops
11 according to Springfield's application the
12 earlier of the opening of the garage to the
13 public or the opening of MGM.

14 CHAIRMAN CROSBY: So that's the
15 trigger date.

16 MR. ZIEMBA: Yes.

17 MR. DELANEY: I think we're going
18 under the assumption that the garage is
19 talked that they are going to open up to
20 the construction workers initially and at
21 some point it opens up to everyone. And we
22 are assuming that that's going to coincide
23 with the opening of the facility just
24 because we have nothing that gives a date

1 that's earlier than that.

2 And, you know, there will be
3 construction around the facility, the
4 sidewalks along State Street and Main
5 Street. And the only way that they will
6 have to get there is coming out of MGM Way
7 and down State Street, because it's still
8 an active construction site, the rest of
9 the building.

10 MR. ZIEMBA: We do note that there's
11 existing commitments in our license and
12 what's relative to opening of the garage
13 and, so, all of these would have to be
14 demonstrating that they're complying with
15 those. So there remains some things to
16 work out.

17 MR. DELANEY: Yes. This just gives
18 us enough money to get to the opening, if
19 necessary.

20 MR. ZIEMBA: If necessary. And
21 that's part of the condition we could write
22 into the grant agreement, but this one
23 might be a little bit more complicated than
24 most.

1 CHAIRMAN CROSBY: Okay. Let's
2 conclude the Ombudsman's mitigation for
3 now.

4 MS. BLUE: Did you vote? You didn't
5 vote.

6 CHAIRMAN CROSBY: We didn't vote on
7 this last one, sorry. Any further
8 discussion? All in favor?

9 COMMISSIONER MACDONALD: Aye.

10 COMMISSIONER CAMERON: Aye.

11 COMMISSIONER STEBBINS: Aye.

12 COMMISSIONER ZUNIGA: Aye.

13 CHAIRMAN CROSBY: Opposed. The ayes
14 have it unanimously. Thank you. Any
15 Commission updates, Commissioner updates?
16 Do I have a motion to adjourn?

17 COMMISSIONER CAMERON: So moved.

18 CHAIRMAN CROSBY: All in favor?

19 COMMISSIONER MACDONALD: Aye.

20 COMMISSIONER CAMERON: Aye.

21 COMMISSIONER ZUNIGA: Aye.

22 COMMISSIONER STEBBINS: Aye.

23 CHAIRMAN CROSBY: Opposed? The ayes
24 have it.

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MR. ZIEMBA: Thank you.

(Proceeding concluded at 4:02 p.m.)

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APPEARANCES:

MASSACHUSETTS GAMING COMMISSION STAFF:

Catherine Blue, General Counsel

Edward Bedrosian, Executive Director

John Ziemba, Ombudsman

Karen Wells, Director of IEB

Mark Vander Linden, Director of Research and
Responsible Gaming

Michael Sangalang, Digital Communications
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Derek Lennon, Chief Financial Officer

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John Glennon, Chief Information Officer

Paul Connelly, Director

Joseph Delaney, Construction Project Oversight
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Bill Curtis, Licensing Supervisor

Mary Thurlow, Paralegal

Teresa Fiore

Marlene Warner, Massachusetts Council on
Compulsive Gambling

Floyd Barroga

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APPEARANCES (Continued)

GUEST SPEAKERS:

John Caressimo, Bristol Community College

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COMMONWEALTH OF MASSACHUSETTS

I, KRISTEN M. EDWARDS, COURT REPORTER,
do hereby certify that the foregoing is a true and
accurate transcription of my stenographic notes,
to the best of my knowledge and ability.

WITNESS MY HAND, this 27th day of June,
2017.

Kristen M. Edwards