

1 COMMONWEALTH OF MASSACHUSETTS  
2 MASSACHUSETTS GAMING COMMISSION  
3 PUBLIC MEETING #132  
4  
5

6 CHAIRMAN

7 Stephen P. Crosby  
8

9 COMMISSIONERS

10 Gayle Cameron

11 Bruce W. Stebbins

12 Enrique Zuniga

13 James F. McHugh  
14  
15  
16

17 August 21, 2014

18 10:30 a.m. - 1:42 p.m.

19 BOSTON CONVENTION AND EXHIBITION CENTER

20 415 Summer Street, Room 102B

21 Boston, Massachusetts  
22  
23  
24

P R O C E E D I N G S

COMMISSIONER MCHUGH: All right.

Good morning everybody. I would like to call to order public meeting number 132 of the Massachusetts Gaming Commission. It's August 21, 2014. We are at the Boston Convention Center and -- Boston Convention and Exhibition Center, and we are going to deal this morning with Region A matters first and, therefore, Chairman Crosby is going to join us when we've concluded those matters.

We have two items on the agenda with respect to that, and the first item is a new qualifier and Director Wells from the Investigation and Enforcement Bureau will present her report.

Good morning, Director Wells.

MS. WELLS: Good morning, Commissioners. On the agenda this morning are the results of the suitability investigation for an additional Mohegan Sun Massachusetts qualifier, Kevin Peter Brown.

1 Kevin Brown is the chairman of the Mohegan  
2 Tribal Council as of October 7, 2013.

3 Mr. Brown submitted all required  
4 forms to the IEB and our investigators  
5 conducted a rigorous background check,  
6 including the areas of employment history,  
7 criminal record, education, directorships  
8 and shareholder interest, civil litigation,  
9 bankruptcies, property ownership, political  
10 contributions, references and media  
11 coverages and media coverage, pardon me.  
12 Investigators also conducted a financial  
13 responsibility evaluation, and the results  
14 of that were extremely positive.

15 Mr. Brown was approved on March 13,  
16 2014 by the licensure by the New Jersey  
17 Division of Gaming Enforcement. In  
18 addition to what is in your report, he's  
19 also been approved for licensure by the  
20 Pennsylvania Gaming Control Board on June  
21 11th of 2014 and approved in June of this  
22 year by the Florida Pari-mutuel Division.

23 Mr. Brown graduated from the United  
24 States Military Academy West Point with a

1 bachelor of science degree in mechanical  
2 engineering with aerospace concentration in  
3 1987. He also obtained a master's degree  
4 in operations research and systems analysis  
5 from the Naval Post-Graduate School in  
6 1996. He further obtained an additional  
7 master's degree in public diplomacy from  
8 Norwich University in 2009, and he is  
9 currently completing his doctoral program  
10 in security studies from Kansas State  
11 University.

12 Mr. Brown's employment history shows  
13 his long time military service leading up  
14 to his rank of colonel as a garrison  
15 commander. He also served as an assistant  
16 instructor in history at the Barton County  
17 Community College and as the Director of  
18 Military Housing for Place Properties in  
19 Atlanta, Georgia. Leading up to his  
20 appointment as tribal chairman, he worked  
21 as a military consultant at Kids Peace and  
22 Teen Central in Pennsylvania and then as a  
23 business consultant at the Boston Minority  
24 Development Agency.

1                   Through the course of the  
2                   investigation, Mr. Brown has demonstrated  
3                   by clear and convincing evidence that he is  
4                   suitable for licensure in Massachusetts  
5                   and, therefore, the IEB is recommending  
6                   that this Commission find him suitable.  
7                   The report has been given to you for your  
8                   consideration.

9                   COMMISSIONER MCHUGH: All right,  
10                  Director Wells, thank you very much.  
11                  Questions, comments?

12                 COMMISSIONER CAMERON: It's hard to  
13                 ask a question on this particular  
14                 qualifier. Just a comment that he is a  
15                 very impressive individual.

16                 MS. WELLS: He is.

17                 COMMISSIONER MCHUGH: Other  
18                 thoughts, questions, comments?

19                 COMMISSIONER ZUNIGA: Nope, and I  
20                 agree with Commissioner Cameron. Remind  
21                 me, Director, we picked the bulk of this  
22                 investigation like we have been doing in  
23                 the recent past internally; is that  
24                 correct?

1 MS. WELLS: That is correct, sir,  
2 and we will continue to do that going  
3 forward.

4 COMMISSIONER ZUNIGA: Thank you.

5 COMMISSIONER MCHUGH: I thought that  
6 was an important point to emphasize. We  
7 are now got a terrific team here, and we  
8 basically transferred from outside  
9 consultants to internal -- our internal  
10 team and responsibility for doing these  
11 kinds of things; is that right?

12 MS. WELLS: That is correct. And I  
13 will point out we also have our new  
14 financial investigator here with us this  
15 morning, Vanessa Orso, who is going to be  
16 working on these going forward.

17 COMMISSIONER MCHUGH: Great,  
18 welcome. All right, I think we need to  
19 vote on this.

20 MS. WELLS: That's correct.

21 COMMISSIONER MCHUGH: So I entertain  
22 a motion to find -- to find Chairman Brown  
23 a qualifier.

24 COMMISSIONER ZUNIGA: Gladly I would

1           make a motion that this Commission find  
2           Mr. Kevin Peter Brown suitable as  
3           recommended by the Investigation  
4           Enforcement Bureau and the report submitted  
5           herein.

6                    COMMISSIONER CAMERON:    Second.

7                    COMMISSIONER MCHUGH:   All in favor?

8                    COMMISSIONER CAMERON:    Aye.

9                    COMMISSIONER ZUNIGA:    Aye.

10                   COMMISSIONER STEBBINS:   Aye.

11                   COMMISSIONER MCHUGH:   All opposed?

12           The ayes have it unanimously.

13                    Thank you, Director Wells.

14                    MS. WELLS:    Thank you very much.

15                    COMMISSIONER MCHUGH:   The second and  
16           final item on the Region A agenda this  
17           morning is a discussion of the process that  
18           we will use when we begin in two weeks, a  
19           little over two weeks, with the Region A  
20           licensing hearings.  And those hearings, of  
21           course, are hearings that will be conducted  
22           as we have done all of those licensing  
23           hearings thus far in a public setting.

24                    And, so, I am going to ask Executive

1 Director Day to outline the process that he  
2 and the staff recommend and we will have  
3 some conversation about it, what it means,  
4 what it doesn't mean and the likes, so  
5 Director Day.

6 MR. DAY: Thank you, Commissioner  
7 McHugh and good morning, Commissioners.

8 COMMISSIONER CAMERON: Good morning.

9 COMMISSIONER ZUNIGA: Good morning.

10 COMMISSIONER STEBBINS: Good  
11 morning.

12 MR. DAY: If I could refer you to  
13 what's item 2B in your packet. It's titled  
14 "Issuance of Category 1 License Region A."  
15 What it is is the, as Commissioner McHugh  
16 mentioned, it's the proposed process  
17 planning chart that we have used before  
18 with the slot parlor selection when the  
19 Commission was going through that process  
20 and then it's the process, of course, is  
21 scheduled to begin, as Commissioner McHugh  
22 mentioned, on September 8th.

23 I would like to mention at least one  
24 thing that might be different than what we



1 have seen oftentimes is you will see with  
2 the chart it actually lists steps as  
3 opposed to particular days or dates.

4 And the reason for that is because  
5 this process -- the focus is on the process  
6 and the information needed during the  
7 process recognizing that it's a complex  
8 process with the length of interviews, the  
9 length of applicant information, the length  
10 of the reports will all vary, so it's very  
11 difficult, of course, to predict exactly  
12 how long the process itself might take.

13 If you begin on step one, I am just  
14 going to -- I know the Commissioners have  
15 this so I am just going to try to hit on a  
16 couple of some points as I go through each  
17 section, although there is a lot of  
18 important points so it may seem like I'm  
19 reading the document itself.

20 But first, of course, after it  
21 begins on September 8th, probably one of  
22 the most important sections we do revisit,  
23 the Commission revisits is suitability from  
24 IEB on the applicants. The Commission

1 plans, of course, starting with the  
2 building and site design report and then  
3 the finance report. Then the Commissioners  
4 as they move through, they will see that's  
5 noted in all the Commissioner reports. As  
6 the Commissioners move through their  
7 reports, they will recommend potential  
8 conditions as part of their evaluation.

9 During the process staff will be  
10 making a running list of those conditions,  
11 and we will also as time wears on we have  
12 always invited the applicants if they see  
13 some kind of alleged material error to let  
14 staff know, and we will be documenting  
15 those particular concerns, and we will be  
16 reflecting them later in the process in the  
17 Commission.

18 After the finance evaluation report,  
19 anticipate the mitigation report and the  
20 economic development report and begin the  
21 same process during their potential  
22 conditions and any alleged material errors.

23 In step three the Commissioners, and  
24 this is a little different from what we

1           have done procedure wise, the Commissioners  
2           will present the overview report. In this  
3           case, the Commissioners are validated under  
4           the questions between each of you and the  
5           concept is that the Commissioners will  
6           report -- overview report will still be a  
7           separate report, and the Commissioners will  
8           report on each question that they have  
9           individually been assigned.

10                   Following those individual  
11           presentations, the Commission will then  
12           essentially deliberate on that particular  
13           report but will determine a final  
14           evaluation rating. So during the report,  
15           it's by the Commission there won't be a  
16           final evaluation rating for that category  
17           concept is that would take place with the  
18           Commission as a group after those reports  
19           on the overview -- on the overview section  
20           have been delivered.

21                   Again, then following that section,  
22           anticipate the staff will be able to report  
23           on the alleged material errors, at least  
24           the information that has been gathered at

1           that point.

2                     And then step four, we will finish  
3           up any more information on the material  
4           errors and provide any information the  
5           Commission has requested in response to  
6           those. And, of course, the Commission  
7           would have an opportunity to then make any  
8           changes they would deem as a result of the  
9           reports they have received.

10                    Hereafter that the staff would have  
11           the opportunity and its consultants for any  
12           additional conditions that there was  
13           something that the staff felt needed to be  
14           moved forward. We have talked about the  
15           staff creating a list of all the conditions  
16           at this point. We have had all the  
17           presentations, all information has come  
18           forward and the conditions staff will have  
19           a list.

20                    The Commission will review that list  
21           and then we will decide what needs -- what  
22           is comfortable to be on that list. The  
23           Commission at the point will vote, but it  
24           will vote to have the staff ask about the

1 selected conditions that the Commission  
2 have determined they're comfortable with at  
3 that point. It will not be a vote of the  
4 approval on the conditions themselves.

5 At that point, of course the staff  
6 will present those conditions back to the  
7 applicants for their comments. The  
8 Commission, as it does that, of course  
9 reserves the right to change, amend and add  
10 conditions from that process as the reports  
11 in progress goes further.

12 Each applicant will then be advised.  
13 These are, of course, the conditions that  
14 apply, and the Commission will set a time  
15 limit and will ask for a response from the  
16 applicants in writing on those  
17 particular -- on those particular  
18 conditions.

19 Staff evaluation of the meeting  
20 itself will most likely be recessed in that  
21 process somewhere to allow time for the  
22 applicants to respond. Staff will receive  
23 the written responses. In step six written  
24 responses will be supplied to the

1 Commission, of course, and posted to the  
2 Commission's website. And at this point  
3 also, the Commission may decide that if  
4 once the applicant come before it and later  
5 answer specific questions, if necessary.

6 When the meeting reconvenes, those  
7 questions and that information will then  
8 come back to the Commission. And at that  
9 point, the Commission, the idea is all  
10 reports, all the conditions, the responses  
11 of conditions are before the Commission,  
12 then the Commission will begin its  
13 deliberations on the agreement of to award  
14 the license.

15 As part of the deliberation, the  
16 Commission determines if the conditions  
17 agreed to modified or requested by the  
18 applicant will be acceptable or whether the  
19 additional conditions need to be added,  
20 amended or modified for each applicant.

21 And then, of course, in step eight,  
22 the applicant selects or the applicant --  
23 the Commission selects the applicant for  
24 agreement to award the license and votes on

1 final conditions. That, of course,  
2 information then comes to the applicant and  
3 the applicant then in the final steps  
4 appears before the Commission to indicate  
5 whether it agrees to enter into the  
6 agreement to award the license.

7 That's at least the process that  
8 we -- proposed process that we have  
9 outlined at this point for the Commission's  
10 consideration.

11 COMMISSIONER MCHUGH: Very helpful,  
12 very helpful. Comments, questions,  
13 thoughts, any members of the commission?

14 COMMISSIONER CAMERON: Yes, I have a  
15 comment. So there is a bigger role for the  
16 applicant in this process, and I am sure we  
17 will be getting feedback. Is that what we  
18 are anticipating on maybe the timeframe  
19 that the applicant will need to respond  
20 appropriately; is that what we would  
21 anticipate?

22 MS. BLUE: We have -- Mr. Ziembra and  
23 I have reached out to the applicants to ask  
24 them to consider what possible timeframes.

1 I don't know that we will know that exactly  
2 until the applicant sees what the  
3 conditions are. But we do think there is  
4 some timeframe, and we are going to  
5 continue to work on trying to refine that a  
6 little bit more.

7 COMMISSIONER CAMERON: Okay, thank  
8 you.

9 COMMISSIONER STEBBINS: Just a  
10 matter of clarification, in the first  
11 bullet under step four, when we received  
12 information back on any alleged material  
13 errors, is the next sentence the Commission  
14 reviews the information or are we  
15 collectively potentially reassigning a  
16 ranking on the category or I am unclear as  
17 to what that next step in the process is.

18 MS. BLUE: When the material error  
19 information comes back, the Commission will  
20 be able to look at it and review it. If  
21 the information indicates that there should  
22 be a change in the report, then the  
23 commission could do that.

24 Our experience in past reviews and



1 evaluations we haven't had anything quite  
2 like that, but we leave the possibility  
3 open for the case where we might want to do  
4 that, so you need to deliberate and go over  
5 your report at that point in the case.

6 COMMISSIONER STEBBINS: If it's a  
7 question of material within a category that  
8 one of us has been assigned, we look to the  
9 individual Commissioner to lead the  
10 discussion or make recommendations to his  
11 or her colleague?

12 MS. BLUE: I think so, yes.

13 MR. DAY: And that has been a past  
14 practice.

15 COMMISSIONER MCHUGH: Well, we've  
16 always reserved, as I understood it and  
17 we've never done it, but I think we have  
18 always understood that the rankings of and  
19 ratings, I should say, not rankings, the  
20 ratings in the reports were the ratings of  
21 the individual recommended by the  
22 individual Commissioner and if the  
23 Commission disagreed with those ratings,  
24 the Commission could change them and it

1           could provide a discussion point, and it  
2           has done that in the past without actually  
3           changing the ratings.

4                    COMMISSIONER STEBBINS: Absolutely.

5                    COMMISSIONER MCHUGH: That part is  
6           not -- that part is just exactly the same  
7           as the process we've used in the past.

8                    MS. BLUE: That's right.

9                    COMMISSIONER ZUNIGA: We've always  
10          had those provisional rates. Can I go back  
11          to step four just for clarification? Where  
12          it says "The Commission reviews the list of  
13          proposed conditions," you know, this is  
14          after the staff and consultants present  
15          conditions that deems appropriate. It's  
16          understood that it's not the running list  
17          of conditions necessarily that the staff  
18          keeps through the four presentations,  
19          correct? It could be additional. It could  
20          be less.

21                   MS. BLUE: It will be -- it will  
22          include the running list that we keep. It  
23          can be more. The Commission will review  
24          those conditions, and then they can remove

1           them as they see fit. They will be at this  
2           point more broad conceptual type  
3           conditions.

4                       So that is what the Commission will  
5           be looking at in determining when to  
6           instruct staff while with that list what  
7           that list really should be, but there will  
8           be a more broad conception.

9                       COMMISSIONER ZUNIGA: Right. But it  
10          is up to this point on step four that we  
11          really start deliberating as to whether the  
12          rest of the Commissioners feel comfortable  
13          with this conditions presented by each of  
14          the individual Commissioners, if any,  
15          correct?

16                      MS. BLUE: Yes, that's the first  
17          step.

18                      COMMISSIONER ZUNIGA: Because during  
19          the presentation, they are only presented  
20          as potential and just left out. They go in  
21          the list. They come back and step four to  
22          really be deliberated upon.

23                      MS. BLUE: That's right. As you  
24          present your reports, what we do as staff

1 is make a list of things that you  
2 particularly call out as conditions. But  
3 we also try to add anything that we think  
4 looks like you are thinking about  
5 conditions.

6 So the list will be probably longer  
7 than it needs to be at the end of the day,  
8 and then you will have your decision about  
9 what you want on that list or not.

10 COMMISSIONER ZUNIGA: Right, okay.

11 COMMISSIONER MCHUGH: So the list --  
12 I think that's an important point that  
13 Commissioner Zuniga touched on -- the list  
14 would include all of the Commissioners'  
15 recommendations with the possibility of  
16 additional things that the staff thinks the  
17 Commissioners ought to consider.

18 MS. BLUE: That's right.

19 MR. DAY: Correct. And I think  
20 during previous discussions, the  
21 Commissioners have also taken during the  
22 discussion take the opportunity to make the  
23 decision to withdraw one of those  
24 conditions, so if that would take place

1           then --

2                       COMMISSIONER MCHUGH: That would be  
3           the Commission's decision, not the staff's  
4           decision.

5                       MR. DAY: It would be the  
6           Commissioner's decision.

7                       COMMISSIONER MCHUGH: Right, right.  
8           Commissioner Zuniga.

9                       COMMISSIONER ZUNIGA: Hypothetically  
10          some of these could be brought and some of  
11          these could be specific. I am thinking of  
12          just by loss of averages that could be the  
13          case and maybe it is until this point with  
14          the recommendations of with the help of  
15          consultants and staff that those things  
16          could be refined. If it's too broad, we  
17          might need to refine it. If it's too  
18          specific, we could also do the same.

19                      COMMISSIONER CAMERON: So, I guess  
20          we will be -- we will make our  
21          presentations on our category, any  
22          questions will be asked at that time to  
23          clarify but we would hold discussion on the  
24          conditions until step four.

1 MS. BLUE: I think that's right. I  
2 think generally, yes.

3 COMMISSIONER MCHUGH: Well, that  
4 raises sort of a thematic thing that it  
5 seems to me we need to clarify here and  
6 understand. This is, as I understand it,  
7 is a structure. It's not a step-by-step  
8 necessarily guide to exactly how this is  
9 going to flow, because this is a dynamic  
10 process that is going to have some  
11 situational content and some situational  
12 processes.

13 By that I mean, if there is some  
14 ambiguity in a condition -- pick up on  
15 Commissioner Cameron's point -- that a  
16 Commissioner presents, it will be certainly  
17 appropriate for questions to be taken right  
18 then so that the staff could write it down  
19 correctly.

20 I suspect not many of these complex  
21 things are going to come out of the air  
22 from nowhere, but it seems to me we have to  
23 be prepared to do that and save the perhaps  
24 the full discussion or the fuller most

1 thorough discussion until step four until  
2 we have them all on the table. But is that  
3 consistent with your understanding of what  
4 this is?

5 MR. DAY: Commissioner McHugh, that  
6 is similar to how our practice has gone  
7 when we've actually had the opportunity to  
8 do it is because there is discussion around  
9 this, as Commissioner Cameron and the other  
10 Commissioners has delivered the reports,  
11 there is questions about that and questions  
12 about the conditions at that point as well,  
13 so they are all preliminary.

14 And then the full process is  
15 designed to inform that final list so the  
16 Commissioners have all the information  
17 before they make a deliberation or make a  
18 decision on which list to send staff over  
19 with.

20 COMMISSIONER MCHUGH: Yes. And  
21 certainly the applicants can see what is  
22 coming and begin to think about it as it  
23 comes and begin to comment on it as they  
24 get a heads-up as to what is coming. So,

1 even though the final list won't come until  
2 step four.

3 It seems to be stepping back from  
4 this, and I want to follow-up with just a  
5 few more questions on just the thematic  
6 component of this that we basically have  
7 four elements. They are the same elements  
8 that we have had in the past. We had the  
9 reports and presentations. We had the  
10 solicitation of concerns about material  
11 inaccuracies if there are some. And in  
12 each case, we have had some concerns about  
13 material inaccuracies.

14 Sometimes we thought that the  
15 assertion if there was a material  
16 inaccuracy was warranted and corrected and  
17 sometimes not but we have solicited that.  
18 Deliberations on conditions, on the whole  
19 process and the award and the finality of  
20 the award at the end. And this isn't  
21 intended to do anything other than get us  
22 through in a little bit more detail these  
23 four steps if I read this correctly.

24 MR. DAY: Commissioner McHugh,



1           that's correct. The concept is just to do  
2           our best to make sure we didn't miss  
3           something in that process and make sure we  
4           have covered everything that we can think  
5           of going into the process.

6                        COMMISSIONER MCHUGH: Right. In  
7           most cases, much of this is done by staff  
8           or by the Commission in working sessions  
9           out of the public eye. But we are doing it  
10          here, as we have the others, in the public  
11          eye. And this one is a little bit more  
12          complicated because we don't have a  
13          surrounding community agreement in one  
14          major area. So some of this is more  
15          complicated than we have done in the past,  
16          but the principals are exactly the same.

17                      I have a couple of more detailed  
18          questions. With respect to step one, the  
19          staff will collect -- let me put it another  
20          way. As I understand it, the applicant  
21          listening to the presentations and reading  
22          the report is free to approach staff at any  
23          time and staff would be you and Ombudsman  
24          Ziemba or anybody else you publically

1 designate, but I assume it's going to be  
2 one of you, with concerns about the  
3 accuracy of anything they see or hear as it  
4 occurs.

5 And the reason we are waiting until  
6 Wednesday to or step three -- step four to  
7 actually discuss them is so that everybody  
8 has time to think them through. But that  
9 doesn't mean they have to wait to any  
10 specified time to give information to you;  
11 is that right?

12 MS. BLUE: That's correct. They can  
13 approach us at any time while the reports  
14 are being presented or afterward. It  
15 really doesn't matter. It's not limited to  
16 the report that was presented right before.  
17 So if they come to us the next day for the  
18 report, the day before, that's fine too.

19 COMMISSIONER MCHUGH: In step three  
20 we talk about the individual presentations  
21 of segments of the overview report and then  
22 talk about deliberating on the overall  
23 overview rating, then that doesn't preclude  
24 us if we feel it's appropriate to defer

1           that discussion until the beginning of the  
2           overall deliberations, right?

3                   MS. BLUE: That's right.

4                   COMMISSIONER MCHUGH: Presumptively  
5           we are going to do it then. But like all  
6           other pieces of this, I think that's  
7           flexible if we collectively want to do it  
8           later for some reason, we reserve the right  
9           to do it.

10                  MS. BLUE: Yes.

11                  COMMISSIONER ZUNIGA: Which would be  
12           my preference, by the way. We could always  
13           get to -- cross that bridge when we get  
14           there.

15                  COMMISSIONER MCHUGH: Right. It  
16           might be that it just feels right to do it  
17           then. It might be that it feels right to  
18           do it later.

19                  COMMISSIONER ZUNIGA: Right.

20                  COMMISSIONER MCHUGH: Because the  
21           overview might ultimately take into account  
22           the reaction to some of the conditions.

23                  COMMISSIONER ZUNIGA: Precisely.

24                  COMMISSIONER MCHUGH: Right, right.

1 So that is why this is -- it's important to  
2 stress that this is a guide rather than a  
3 prescription it seems to me.

4 Now, the piece about in step three,  
5 I said step four, step three, staff will  
6 then present the alleged material errors to  
7 the Commission in step three. I haven't  
8 thought about this before when I first  
9 looked at this.

10 Is there any reason why the staff  
11 can't present at least in writing  
12 assertions of material error at the  
13 beginning of each day, for example, so that  
14 Commissioners can be thinking about them  
15 even though perhaps we will not discuss  
16 them until we get to step three or give the  
17 assertion to consultants for their input so  
18 that we can proceed in an informed fashion  
19 when we get to step three and in the time  
20 for discussing them arrises.

21 MR. ZIEMBA: So, the practice that  
22 we have had in the past when we get an  
23 allegation of a material error, we provide  
24 that directly to the Commissioner that has

1           been responsible for that specific area as  
2           soon as we get it, and so that we can begin  
3           working on any response to that issue as  
4           quickly as we can.

5                   And then we also circulate that to  
6           the consultants and the other staff that  
7           have been involved in that area. So, in  
8           practice what we will do is we will put  
9           that forward to the specific Commissioner  
10          as soon as we possibly can.

11                   COMMISSIONER MCHUGH: That would be  
12          great because some of these may take a  
13          little investigation, and we want to be  
14          able to deal with them in a thoughtful  
15          fashion when the time comes.

16                   MR. ZIEMBA: And where we say staff  
17          presentation, in practice and reality has  
18          been the Commissioner that has been in  
19          charge of that specific area that has  
20          addressed the alleged material error at the  
21          time that we go over that. So, I am not  
22          exactly sure it would be presentation by  
23          staff, but we can present anything that has  
24          been put forward in writing.

1                   COMMISSIONER MCHUGH: Sure, great,  
2                   great. When we get to step four, the  
3                   process of approving the conditions is that  
4                   the Commission doesn't vote on the  
5                   conditions but votes on conditions to send  
6                   to the applicant. Let's just talk a little  
7                   bit about what that means, why that. I  
8                   think I understand, but I think it would be  
9                   helpful since we are discussing this for  
10                  everybody to understand why we are doing  
11                  that.

12                 MS. BLUE: So, the thought behind  
13                 that is at that point in time, the  
14                 conditions are in a broad more conceptual  
15                 form. The Commission still has the right  
16                 to add, amend, modify those conditions.  
17                 Really what we are doing at this point is  
18                 you're authorizing staff to go back and  
19                 start a conversation about those conditions  
20                 and get the feedback from the applicant.

21                 So, it's not as much about the  
22                 actual conditions and what they are at that  
23                 point but that you're asking staff to go  
24                 back and solicit input because there is a

1 recognition that there will be more  
2 discussion, your deliberations will inform  
3 the conditions as you move forward and then  
4 there may be changes based both on your  
5 deliberations and on the input that you  
6 receive on those conditions.

7 COMMISSIONER MCHUGH: In some other  
8 situations, the context that we looked at  
9 the process involves -- the process of  
10 getting to the end involves at least two  
11 steps. One is sort of a term sheet kind of  
12 thing in which there are terms of whatever  
13 it is at a conceptual level for discussion  
14 by the parties.

15 And then once the terms at that  
16 level are agreed on, then the more detailed  
17 process of producing them to writing begins  
18 and the writing becomes the final  
19 agreement. Is that similar to what is  
20 envisioned by the process outlined in step  
21 four?

22 MS. BLUE: It is. Staff is working  
23 now on the format for that kind of a term  
24 sheet type of condition list, and the idea

1 would be that the term sheet would have the  
2 basic conceptual terms. But then they  
3 would have to be crafted once they are  
4 specific into a form of agreement like we  
5 did for MGM. So, there would be sort of a  
6 term sheet first and then an actual  
7 agreement that has more specific language  
8 once you determine what that should be.

9 COMMISSIONER MCHUGH: Any thoughts  
10 or discussions on that? This is the first  
11 time we have really done that. And, so, if  
12 there is any discussion or thought about  
13 that, now is the time to do it.

14 COMMISSIONER CAMERON: So, in the  
15 written response back from the applicant  
16 with regard to the conditions, we would  
17 anticipate signing an agreement or that  
18 would be later.

19 MS. BLUE: That's later. That comes  
20 in Wednesday.

21 COMMISSIONER CAMERON: This would be  
22 just a response to the conditions that we  
23 would be looking for.

24 MS. BLUE: Yes.



1                   COMMISSIONER MCHUGH: In all other  
2 cases that we have had, the conditions --  
3 this is just my take on it, so jump in --  
4 the conditions that we have had have been  
5 relatively minor, maybe not to the  
6 applicants but they have been relatively  
7 minor because the essential framework of  
8 the proposal has been worked down through  
9 the host community agreement, the  
10 application and the surrounding community  
11 agreement.

12                   So, that three-legged stool has been  
13 the -- has been the package with which the  
14 Commission was presented. And, therefore,  
15 what we were about in our conditions is  
16 sort of an interstitial filling in of gaps.

17                   Here we in one case only have two  
18 legs of that stool. And, so, we have to  
19 contemplate to create that third leg and  
20 this kind of flexibility is I take it  
21 designed to allow us to create that in a  
22 manner that we can talk about, because we  
23 can't immediately proceed to a fully  
24 panoply description of what a condition

1           might entail without first agreeing on what  
2           conceptually that condition is. Have I  
3           articulated that?

4                   MS. BLUE: Yes, I think that's  
5           correct. That's definitely what it is.  
6           The conditions may require better language  
7           drafting. They will probably be different  
8           sometimes from what we have seen in the  
9           past. And, so, in order to do that, we  
10          want to have the flexibility to get some  
11          input first, come back, do some drafting  
12          and then come back again.

13                   COMMISSIONER MCHUGH: Thoughts?

14                   COMMISSIONER CAMERON: But that  
15          would be for both applicants though even  
16          though one is missing this surrounding  
17          community agreement, we would obviously  
18          have a similar process for both applicants.

19                   MS. BLUE: Yes. There will be a  
20          term sheet for both, yes.

21                   COMMISSIONER MCHUGH: Oh yeah. This  
22          has to be a mirror image of each other.

23                   COMMISSIONER ZUNIGA: Because of  
24          that if the condition is -- if there is one

1 condition that is similar to both  
2 applicants, how do we ensure that there is  
3 not a or maybe there is a -- I am going to  
4 vest my position because the other  
5 applicant is accepting or not accepting or  
6 the terms, the specific term, assuming that  
7 both conditions are equal for both  
8 applicants.

9 MS. BLUE: A lot of the conditions  
10 that we have will be standard. We have had  
11 a fairly set of conditions through our  
12 prior evaluation, so those conditions will  
13 most likely stay the same. Other  
14 conditions will be specific to the  
15 particular applicant.

16 So if that situation arrises, we  
17 will have to look at it and give it some  
18 thought. But it may not come up because  
19 the boilerplate type conditions will be the  
20 same, and we are not likely to change those  
21 for one over another. Specific conditions  
22 may require some more drafting to fit the  
23 applicant.

24 So, but if that happens, we will

1 have to look at it. We will get your input  
2 on that, and then the Commission will  
3 consider it.

4 MR. ZIEMBA: In regard to timing,  
5 both applicants will be required to respond  
6 at exactly the same time and nothing will  
7 be made public until they are both  
8 presented to the Commission. And, so, that  
9 to one applicant can't see the response to  
10 conditions of the other before they are  
11 made public to the Commission to avoid any  
12 potential issue such as your discussion.

13 MR. DAY: Let me make a final step  
14 in that process too is it's written so the  
15 applicants have to respond to those  
16 conditions in writing, and it's up to the  
17 Commission whether or not to request  
18 additional information directly from the  
19 applicant.

20 COMMISSIONER ZUNIGA: Okay.

21 COMMISSIONER MCHUGH: And that's all  
22 designed to level the playing field.

23 MR. DAY: That's correct.

24 COMMISSIONER MCHUGH: Further

1           comments on this piece? Okay.

2                         In step eight, there is in the  
3           second sentence, "part of the deliberations  
4           the Commission determines if the conditions  
5           are agreed to, modified or rejected by the  
6           applicant will be acceptable or whether  
7           conditions need to be added, amended or  
8           modified for each applicant," is it  
9           anticipated if the latter clause is invoked  
10          for either additions, amendments or  
11          modifications that there be an opportunity  
12          for the applicant to comment on the  
13          proposed addition, amendment or  
14          modification?

15                        MS. BLUE: We didn't build an  
16          additional step for that, but we certainly  
17          could do that if the Commission thought  
18          that was appropriate.

19                        COMMISSIONER MCHUGH: It may be that  
20          some are technical, but it also may be that  
21          at that stage something comes up that it  
22          wasn't anticipated before that the first  
23          back and forth may generate some kind of  
24          something that hadn't been contemplated

1 before that it really does need another  
2 interaction so at least we maintain the  
3 flexibility to that recognizing that this  
4 is overall a process and a design to be  
5 both transparent and fair and get the input  
6 from the applicants as we move forward so  
7 we don't proceed on the assumption that  
8 something is acceptable if, in fact, it's  
9 not a full acceptable process.

10 And then, finally, in step ten, I  
11 take it the anticipation is the we have  
12 exactly the same ending as we've had  
13 before; that is, an authorized person on  
14 behalf of the applicant sits down with the  
15 Commission and signs a document that is the  
16 ultimate agreement to license.

17 MS. BLUE: Yes, that is what we  
18 anticipate.

19 COMMISSIONER MCHUGH: Okay.

20 COMMISSIONER CAMERON: In thinking  
21 through all of these steps and  
22 possibilities, I think it was wise to lay  
23 this out in steps rather than days because  
24 it really does -- when you look at the

1 complicated process, it would be really  
2 hard to predict exactly which day will be  
3 on which step. So, you know, that's I  
4 believe what you're trying to articulate by  
5 giving us steps as opposed to days.

6 MR. DAY: Commissioner Cameron,  
7 that's the idea. It's also the recognition  
8 that you just mentioned that the complexity  
9 of both projects and the nature of both of  
10 those projects is that it may very well  
11 take time to get a clear understanding of  
12 what those conditions and what each of the  
13 evaluation parts say. So, I think it's the  
14 concept is to make sure that the process is  
15 flexible and be able to take different  
16 steps along the way if you need it.

17 COMMISSIONER CAMERON: So although  
18 we have been saying the 12th, it would be  
19 wise to say that that may not be the case  
20 because of this -- the complexity.

21 MR. DAY: Yes. I think at least  
22 from the approach here it seems very clear  
23 that we have got that week targeted. But  
24 in the end, the process is designed to

1 allow the timing Commission needs part of  
2 the information and to get appropriate  
3 responses from the applicants of the  
4 complex reports and conditions that are  
5 there. I think the concentration is the  
6 best result for the Commonwealth as opposed  
7 to a particular day.

8 COMMISSIONER CAMERON: I agree.

9 COMMISSIONER MCHUGH: That's really  
10 an important point. We've said and  
11 maintain that we're starting on the 8th.  
12 We are starting on the 8th, and we said we  
13 are finishing on the 12th. We are going to  
14 make the award on the 12th. We will try to  
15 do that.

16 But if we don't do that because we  
17 are trying to make sure that we get the  
18 best result for the Commonwealth, we will  
19 continue with perhaps pauses to have these  
20 back and forths with the applicants  
21 straightforward until we do finish them.  
22 If that takes a few extra days, so be it.

23 But the object is to ensure that we  
24 have a fair transparent process that



1 results in the best -- in the best bagging  
2 for the Commonwealth, and this is designed  
3 to assist us in doing that.

4 Okay. Further thoughts or things  
5 that you think we should be thinking about  
6 any of the three of you?

7 MS. BLUE: No.

8 COMMISSIONER MCHUGH: Further  
9 comments from the Commissioners? I will  
10 just like to -- I don't think we need a  
11 vote for this. This is a procedural  
12 guideline, procedural outline or concept  
13 rather than a formal requirement. And if  
14 there is no significant comment at this  
15 point, I sense a consensus is formed around  
16 this with the understanding that it is  
17 flexible and designed to be utilitarian  
18 rather than prescriptive.

19 COMMISSIONER ZUNIGA: I would agree  
20 with that. I, of course, keep thinking of  
21 how all of this applies to a lot of the  
22 topics that have been emersed into the  
23 finance category and I think the general  
24 framework is, as I would characterize it,

1 flexible enough so that it fits all the  
2 other categories, not just the one I am  
3 thinking about.

4 And that like we have done in almost  
5 the regulation that we write, there is  
6 enough flexibility afforded to this board  
7 and all of the versions happening in the  
8 public eye and it's all on the record, so I  
9 think it's a good -- it's a great  
10 framework.

11 COMMISSIONER CAMERON: I would agree  
12 and thank you. This is a well thought out  
13 process, much appreciated.

14 COMMISSIONER MCHUGH: Indeed it is,  
15 and we look forward to getting it started.  
16 I suspect we are not alone in that. So, I  
17 think that, that -- I think it's good. I  
18 think we will proceed and, again, thank you  
19 for your thoughtful work.

20 That ends -- unless there is  
21 something else, Director Day, in the Region  
22 A category, that finishes the Region A  
23 agenda, General Counsel Blue, Ombudsman  
24 Ziemba?

1 MS. BLUE: No, nothing else.

2 COMMISSIONER MCHUGH: So, I think we  
3 will take a brief recess now see if we can  
4 find -- I know we will be able to find  
5 Chairman Crosby and we'll resume in about  
6 10 minutes with the rest of the agenda.

7  
8 (A recess was taken)

9  
10 CHAIRMAN CROSBY: All right. We are  
11 ready to reconvene public meeting 132 at  
12 about 11:30, 11:25. And we will pick up  
13 with the second order of business, which is  
14 approval of minutes, Commissioner McHugh.

15 COMMISSIONER MCHUGH: All right. We  
16 have two sets of minutes in the materials,  
17 I believe, Mr. Chairman. First, the  
18 July 15 minutes and I would move the  
19 approval in the form that they are in the  
20 materials with the customary reservation of  
21 the power to correct typographical errors  
22 and spellings and the like, mechanical  
23 errors.

24 COMMISSIONER ZUNIGA: Can I correct

1 one quick one? It's actually the July 2nd  
2 minutes just for the record that the agenda  
3 had a typo.

4 COMMISSIONER MCHUGH: Right, yes.

5 CHAIRMAN CROSBY: But we still  
6 haven't got July 15th, right? They were  
7 going to come out this week. I don't know  
8 what happened to July 15th.

9 MS. BLUE: We, in fact, did do  
10 July 15th. We have been mistakenly  
11 referring to the 2nd as the 15th. We had a  
12 number of extra meetings that month and  
13 sometimes I get a little confused in the  
14 legal department so but they are, in fact,  
15 the July 2nd and I do believe we have done  
16 July 15th already.

17 CHAIRMAN CROSBY: All right, fine.

18 COMMISSIONER MCHUGH: Okay.

19 COMMISSIONER CAMERON: Second.

20 COMMISSIONER MCHUGH: Wait a minute.  
21 We don't have a motion yet.

22 COMMISSIONER CAMERON: I thought you  
23 just did make one. You did.

24 COMMISSIONER MCHUGH: Oh, I did make

1 a motion. It's only 10:30.

2 CHAIRMAN CROSBY: Don't lose  
3 confidence in Commissioner McHugh's  
4 judgments. Who's bidding on Region A? No.  
5 So, do we have a motion; do we have a  
6 second?

7 COMMISSIONER ZUNIGA: That was made.

8 CHAIRMAN CROSBY: Any further  
9 discussion? All in favor?

10 COMMISSIONER CAMERON: Aye.

11 COMMISSIONER MCHUGH: Aye.

12 COMMISSIONER ZUNIGA: Aye.

13 COMMISSIONER STEBBINS: Aye.

14 CHAIRMAN CROSBY: They are accepted  
15 unanimously.

16 COMMISSIONER MCHUGH: And then the  
17 second set is the August 7th minutes and I  
18 make the same motion as the approval of the  
19 usual reservation of power to correct  
20 typographical and mechanical errors.

21 CHAIRMAN CROSBY: Second?

22 COMMISSIONER STEBBINS: Second.

23 CHAIRMAN CROSBY: All in favor?

24 COMMISSIONER CAMERON: Aye.

1 COMMISSIONER MCHUGH: Aye.

2 COMMISSIONER ZUNIGA: Aye.

3 COMMISSIONER STEBBINS: Aye.

4 CHAIRMAN CROSBY: The ayes have it  
5 unanimously. We will move onto the third  
6 item in the agenda, administrative -- I  
7 guess the fourth item, Executive Director  
8 Day.

9 MR. DAY: Thank you, Chairman  
10 Crosby. And I have just one initial note  
11 as we start from the general side is that  
12 on behalf of the racing division, I would  
13 like to note that "Back to the Track" event  
14 at Plainridge Race Course will begin  
15 Saturday and will be held Saturday and  
16 Sunday August 23rd and 24th and begin with  
17 barn tours Saturday at noon.

18 CHAIRMAN CROSBY: What is the "Back  
19 to the Track" event?

20 MR. DAY: It's a promotional event,  
21 and it starts with tours of the barn and  
22 they do it every year.

23 CHAIRMAN CROSBY: For anybody, for  
24 the public?

1 MR. DAY: Yes.

2 CHAIRMAN CROSBY: Great.

3 COMMISSIONER MCHUGH: It sounds like  
4 fun.

5 MR. DAY: It does. And then with  
6 that, if it's all right, Chairman Crosby,  
7 I'll just go to item 4B, which is the  
8 policy delegation approval section. And  
9 the first item under 4B, what you see there  
10 is the delegation to allow me to sign and  
11 approve policies to make nonmaterial  
12 changes to previously approved policies and  
13 implement a 90 day internal policy if it is  
14 needed. That is brought forth by our chief  
15 counsel Catherine Blue, who I will look  
16 over to see if she has comments.

17 MS. BLUE: The purpose of this  
18 delegation is to allow the efficient  
19 implementation of what is generally HR  
20 policies but can be other administrative  
21 policies, and you'll see a number of them  
22 come before you today. The idea is that  
23 those policies previously approved meets  
24 some small nonmaterial changes, the

1 executive director can do that.

2 Also, if there is a need for an  
3 interim policy that he can put something in  
4 place and then get a formal policy before  
5 you for approval. So, it's just a much  
6 more efficient way to get the policies  
7 implemented and in place.

8 COMMISSIONER STEBBINS: In this  
9 case, could you give me an example of a  
10 nonmaterial change?

11 MS. BLUE: So, say for example we  
12 have an internal policy that has a certain  
13 number of days attached to it, if we wanted  
14 to shorten that period or lengthen that by  
15 a little bit, it might be a nonmaterial  
16 change and the executive director could do  
17 it. Or if we needed to add say another  
18 category or employee to it, that we could  
19 do that so that it would be covered  
20 immediately.

21 COMMISSIONER STEBBINS: Okay.

22 MR. DAY: So they correct a typo or  
23 a reference of what.

24 CHAIRMAN CROSBY: I think there -- I



1 think it's straightforward, but we would  
2 want to be apprized of whatever those steps  
3 were. Any steps that were taken under this  
4 authority, we would want to know, be  
5 apprized of them expo facto probably but be  
6 apprized of them.

7 MS. BLUE: We could report on it  
8 after the fact, yes.

9 CHAIRMAN CROSBY: Okay. Any further  
10 discussion? Do we have a motion?

11 COMMISSIONER STEBBINS: I move that  
12 the Commission delegate the authority to  
13 the executive director assigned for changes  
14 to previously approved administrative and  
15 human resources policy.

16 COMMISSIONER CAMERON: Second.

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

19 COMMISSIONER CAMERON: Aye.

20 COMMISSIONER MCHUGH: Aye.

21 COMMISSIONER ZUNIGA: Aye.

22 COMMISSIONER STEBBINS: Aye.

23 CHAIRMAN CROSBY: The ayes have it  
24 unanimously.

1 MR. DAY: Thank you, Commissioners.

2 The next item before you is our  
3 first attempt, hopefully it will be better  
4 than an attempt, but our first set of  
5 policies and that the high performance team  
6 is bringing before you.

7 The idea here is to this is the  
8 first time we've actually had the  
9 presentation of policies specifically but  
10 what we anticipated is that Ed Burke and  
11 Joan, who are here with us as well today,  
12 to present the policies is that we would  
13 concentrate on the -- Ed will do a little  
14 update on the project itself but also  
15 concentrate on the policy statement from  
16 each policy.

17 And we'll refer to the Commission  
18 each policy is in the appendix and, of  
19 course, we will all be taking any  
20 corrections or concerns, whatever the  
21 Commission might have as we go forward with  
22 the policies. And then if it works,  
23 whatever set the Commission would be  
24 interested in approving, then we can do

1           that at the end of Ed's presentation.

2           That's just a thought.

3                       Part of what we hear for today is to  
4           find out what works best for the Commission  
5           to get these policies through, because we  
6           actually have a larger set coming for you  
7           next time.

8                       CHAIRMAN CROSBY:   So, what was the  
9           net of that?   So, what is the proposal that  
10          you have on the table to help move this  
11          forward?

12                      MR. DAY:   Basically that we will  
13          present them -- we will actually have the  
14          policy statement and briefly review what  
15          the policy statement is, which is the basic  
16          reason we're trying to address -- what  
17          we're trying to address, and then we won't  
18          go over the entire policy itself.  It is in  
19          the pack -- in your packets.

20                      Ed will just make sure that we're  
21          all on the same page policy statement  
22          policy.  And then if the Commission had  
23          questions or changes you wanted there, we  
24          could make those as we went along.  And

1           then if the Commission is comfortable  
2           whatever set to approve at the end do that  
3           after we had completed the discussion.

4           CHAIRMAN CROSBY: So, we won't read  
5           through all the detailed policy, but we  
6           will -- well, may have comments on it,  
7           which we will bring up, great.

8           MR. DAY: Right. And with that  
9           let's -- please, I am sure you will but let  
10          us know if there is some other mechanism or  
11          some other way that you need to get the  
12          information before you so as we move  
13          forward we can incorporate those changes.

14          And with that, Mr. Burke.

15          MR. BURKE: Good morning,  
16          Commissioners.

17          COMMISSIONER CAMERON: Good morning.

18          CHAIRMAN CROSBY: Good morning.

19          COMMISSIONER MCHUGH: Good morning.

20          MR. BURKE: As Executive Director  
21          Day mentioned, I'm joined this morning by  
22          Joan Cune. Joan is the human resources  
23          expert on our project team and will help me  
24          with any detailed questions that you have

1 as we go forward.

2 I'm going to start by giving you a  
3 quick review of where we have been to date,  
4 and then what we are bringing before you.

5 Within the package there is a few  
6 different things, a workflow in terms of  
7 what we already completed, a workflow of  
8 the policy development which leads us up to  
9 this approval step. We have 14 policies  
10 before you this morning in the packet. As  
11 Director Day mentioned, we will quickly go  
12 through the statements for each of these  
13 policies and then take any questions that  
14 you might have.

15 And as you mentioned, we have two  
16 appendices. The first is a policy master  
17 list, which you approved last time. We are  
18 using that as a score sheet as we go so you  
19 can keep track of which policies are in  
20 process, which have been reviewed sort of  
21 the high performance team and which are now  
22 being brought to the Commission. And then  
23 the second appendix is the policy  
24 themselves. So, there is a full text of

1 each policies included in that section.

2 There is a number of reference lines  
3 and signature lines at the end of each  
4 policy. We have them only on the first  
5 policy just in order to save space. We  
6 went over 20 pages as it was, but each  
7 policy will have the same references and  
8 signature blocks at the end of it.

9 So, if we look quickly at the first  
10 workflow, as you recall, we started by  
11 conducting an analysis of what policies  
12 were needed. We looked at peer agencies  
13 within the state. We looked at other  
14 gaming agencies around the country to come  
15 up with a -- and we did a best practice  
16 review, including some of the private  
17 sector, which Joan was able to help us  
18 with, and basically came up with a policy  
19 master list which had three different  
20 components.

21 Policies currently exist in your  
22 handbook, which we will review to see if  
23 any changes are needed or improvements but,  
24 otherwise, just reformat into the standard

1 policy format. New policies, which we're  
2 developing from scratch which is what we  
3 are going through this morning and  
4 important policies the policies which exist  
5 already at the state level either Human  
6 Resources Division or the Group Insurance  
7 Division, in which case we just refer to  
8 the HR manager and interested parties to  
9 those policies there.

10 So, last time through we created a  
11 policy format. We had reviewed that with  
12 the high performance team. We mentioned  
13 that a few times just for everyone -- to  
14 remind everyone, the members of that team  
15 is Executive Director Day, Commissioner  
16 Zuniga, Commissioner Cameron, General  
17 Counsel Blue, Finance Director Director  
18 Lennon, Trupti Banda, who is the HR  
19 manager, Maryann Dooley and Dean Ventola,  
20 as well as members of my team who  
21 participated in the process.

22 So, last time we were here, we  
23 brought you the policy master list which  
24 gave us a list of policies we were going to

1 review. We received approval on those. We  
2 also came up with a policy template, and  
3 that is what we are using to complete these  
4 policies.

5 The next page is basically the  
6 process we have been taking for new  
7 policies. So, what we've been doing is  
8 drafting those policies. There are 29 in  
9 all, and these are ones that we are  
10 drafting not from scratch. We are using,  
11 you know, precedent best practices but they  
12 are new at least to the MGC. We start with  
13 the team in HR review.

14 The high performance team formally  
15 meets and reviews each policy and then with  
16 revisions once those are approved, we bring  
17 them to you. We expect to be able to do  
18 this in two batches for the Commission.  
19 First one has 14, and the next one will  
20 have 15. So, are there questions at this  
21 point?

22 COMMISSIONER CAMERON: No.

23 MR. BURKE: So, I can start going  
24 through the policies?



1                   CHAIRMAN CROSBY: Go ahead.

2                   MR. BURKE: What we have the policy  
3                   template includes a statement at the  
4                   beginning of it. The statement gives the  
5                   rational for why the policy exists, the  
6                   important aspects of the policy, in general  
7                   who it applies to and major components of  
8                   it. So, it's an, if you will, an executive  
9                   summary of the policies. So, what I have  
10                  done is Joan and myself we put together the  
11                  executive summaries in each of the 14 here.

12                  The first one is employment-at-will.  
13                  As you can read and this basically says  
14                  that all personnel employed by the  
15                  Massachusetts Gaming Commission are  
16                  employed-at-will by the Commission for  
17                  indefinite periods. As such, they are  
18                  subject to termination for any reason and  
19                  policies and practices of the MGC are not  
20                  intended to create a more permanent  
21                  relationship between the organization and  
22                  its employees.

23                  CHAIRMAN CROSBY: Questions? How  
24                  does it square with union rules? At the

1 moment we're not union, but it's probably  
2 in the wind.

3 MS. CUNE: I believe that the union  
4 would kind of trump this policy.

5 CHAIRMAN CROSBY: It seems to me  
6 there ought to be something. It's sort of  
7 silly to have a policy that says we are one  
8 thing when, in fact, we're not.

9 MS. CUNE: But if we're not  
10 unionized, why would we want to reference  
11 that this policy doesn't apply currently?  
12 If we became unionized, if we became  
13 unionized, then we would have to kind of  
14 relook at this.

15 CHAIRMAN CROSBY: Go back.

16 MS. CUNE: And then we would say it  
17 applies only to nonunion employees, so we  
18 would change the applicability.

19 CHAIRMAN CROSBY: Okay. So, we can  
20 either do that now or do it later on if we  
21 are unionized.

22 MS. CUNE: Right. I would suggest  
23 that you might not want to do it now  
24 because then you're just pointing out that

1           you are without a union and might intrigue  
2           some people to think about why --

3                   CHAIRMAN CROSBY: I don't think  
4           that's going to go unnoticed.

5                   MR. BURKE: It's really at your  
6           option. We're easy either way.

7                   COMMISSIONER ZUNIGA: By the way, we  
8           already -- we have had this from the  
9           beginning.

10                   MR. BURKE: Yes.

11                   MS. CUNE: Yes.

12                   COMMISSIONER ZUNIGA: What the team  
13           here has done is presented a process for,  
14           you know, an example of some of the policy  
15           statements that can then translate into  
16           specific policies and the format that we --

17                   MS. CUNE: This statement is  
18           throughout your employee handbook.

19                   CHAIRMAN CROSBY: Okay. Anything  
20           else?

21                   COMMISSIONER CAMERON: No.

22                   CHAIRMAN CROSBY: Next.

23                   MR. BURKE: The next one is the  
24           initial review period. Basically this says

1 Mass Gaming Commission has a 90 day initial  
2 review period at the beginning of each term  
3 of employment for each employee.

4 Basically, it's an opportunity for the  
5 employee to learn about the position, for  
6 the supervisors to work with the employee  
7 to get comfortable with them.

8 It's essentially in addition to the  
9 normal employee appraisal process provides  
10 review point at the end of 90 days to say  
11 how are things going, you know, are there  
12 areas for improvement? And from the  
13 employee side, are you comfortable with  
14 your position, do you have questions, et  
15 cetera.

16 COMMISSIONER ZUNIGA: Now, Ed and  
17 Joan, remind me, this was not explicit in  
18 the prior employee handbook so this is an  
19 example of something that has surfaced out  
20 of the process that you come with us today.

21 MS. CUNE: Yes, and we're looking at  
22 best practice.

23 MR. BURKE: That's right. And as  
24 you point out, the prior one, the

1 appointment will exist as a statement in  
2 the orientation package. There was a  
3 signature -- the policy was to be reviewed  
4 and signed by people as they were employed  
5 but it was not in a formal policy. We  
6 formalized that.

7 COMMISSIONER STEBBINS: Is the 90  
8 days consistent with other state agencies?

9 MS. CUNE: I did look at HRD, and  
10 they talk about three months.

11 MR. BURKE: Not all state agencies  
12 use it, but it is not uncommon to have a  
13 sort of --

14 COMMISSIONER STEBBINS: It's usually  
15 60 or 90 or one of the two?

16 MS. CUNE: Yes. At least I can  
17 stick to the private sector. It's  
18 generally 90 and it's that point in time  
19 where while both the employee and the  
20 manager are assessing is this a good fit.  
21 And if, in fact, at the end of 90 days you  
22 determine it's not a good fit, people kind  
23 of walk away without the negativity added  
24 to their record.

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COMMISSIONER STEBBINS: Okay.

CHAIRMAN CROSBY: In the second paragraph on the full form it says, "Employees may be terminated without warning, notice or paid in lieu of notice." That is not a phrase I'm familiar with. What does that mean?

MS. CUNE: Some organizations will allow -- say we'll give you two weeks. Go away, so that is pay in lieu of notice. So we want you to leave today but to make it kind of a little less onerous and they will give you some additional money and that is a -- that's not a given. That's a determination that will be made at the time.

CHAIRMAN CROSBY: Right, may be terminated, right, okay. Others? Next.

MR. BURKE: The next one is corrective action. This policy I wanted to process for dealing with issues with employees where there may be questions whether duties are being performed in a satisfactory manner, whether they're

1 following MGC policies, whether there are  
2 other issues like that.

3 In those situations, there is a  
4 process that is outlined in this policy for  
5 the supervisor in this case to go through a  
6 series of escalations to try to remedy the  
7 situation as it is. And this basically  
8 lays out the process for doing that.

9 Again, this is a fairly common  
10 practice in most organizations. This is  
11 just a question of laying the ground rules  
12 for what type of documentation will be  
13 required and what the steps and process  
14 will be.

15 CHAIRMAN CROSBY: Thoughts?

16 COMMISSIONER CAMERON: No.

17 CHAIRMAN CROSBY: This one, you  
18 know, particularly on the fully fledged out  
19 policy makes a point of saying, "However,  
20 notwithstanding this policy, a person may  
21 be terminated with no corrective action and  
22 no notice" and is kind of put in there in  
23 two or three different places.

24 So, what are we saying here? Are we

1 saying that this is the better way to go if  
2 you can but we are just not going to tie  
3 our hands and we are not giving up?

4 MR. BURKE: It depends on the  
5 severity of the problem and the offense.  
6 If someone is doing something that is  
7 illegal or, you know, is going to cause an  
8 immediate ethical concern for the  
9 Commission, then this basically gives the  
10 director and the HR manager the discretion  
11 and legal counsel the discretion to bypass  
12 the corrective policy and go directly to  
13 termination.

14 CHAIRMAN CROSBY: This occurs in a  
15 couple of other places. But in this  
16 paragraph, it says -- in the second  
17 paragraph, in the second sentence, I think  
18 it is it says, "In those situations where  
19 employees fail to meet these expectations,  
20 corrective action will be taken." Okay,  
21 corrective action includes termination.

22 MS. CUNE: Yes, that's the ultimate  
23 corrective action.

24 CHAIRMAN CROSBY: Okay, got it.



1                   COMMISSIONER MCHUGH: But this  
2                   invites in each case in which termination  
3                   is the remedy a comparison to how the  
4                   Commission has acted in other similar  
5                   situations. So, by putting in this  
6                   multistep process regardless of reserving  
7                   the right to terminate without corrective  
8                   action, we are, in effect, creating a code  
9                   with practice as its text and that code is  
10                  available for the use by anybody whom we  
11                  terminate at any point in the future,  
12                  right?

13                 MS. CUNE: I would hope that  
14                 managers through training would be  
15                 consistent. And my understanding is also  
16                 if a situation came -- that came before we  
17                 are thinking of terminating this person, it  
18                 goes to both the HR manager and to the  
19                 executive director who then could say this  
20                 is so inconsistent with what we've done, we  
21                 would -- you need to follow the corrective  
22                 action policy and which kind of leads to  
23                 termination.

24                 COMMISSIONER MCHUGH: I would hope

1           that too, but that does not mean that the  
2           person who is terminated would agree that  
3           that is what is happened. And, in fact,  
4           you are creating -- we are creating, and I  
5           am just saying this so we do this with our  
6           eyes open, we are creating a code to which  
7           we have to adhere. We do not have a free  
8           rank to terminate anybody at will under any  
9           circumstance we choose.

10           MS. CUNE: Right. But I would say  
11           this is best practice and needs to put  
12           employee relations in.

13           COMMISSIONER MCHUGH: I'm not  
14           weighing on one side or the other. I just  
15           invite the comments that we have an at will  
16           policy here. I just want us all to  
17           understand that we have an at will policy  
18           but --

19           CHAIRMAN CROSBY: Well, what does  
20           the but -- I had the same reaction. My  
21           reading of this, again, if you read the  
22           whole thing, not just the summary, was  
23           there are so many places in there where if  
24           you read the policy, it's clear that

1 immediate termination is one of the options  
2 on the table within this corrective action  
3 policy.

4 So, I was originally concerned are  
5 we establishing something that's going to  
6 get us in trouble. And then as I read it,  
7 I was thinking, well, it's so clear in so  
8 many places that immediate termination is  
9 part of this policy. It's not outside the  
10 policy, but Commissioner McHugh is raising  
11 it again. I'm just wondering --

12 MR. BURKE: I think what would be  
13 helpful is termination, if you will, is a  
14 nuclear option; in other words, its  
15 terminated relationship the employer would  
16 be the MGC. This really deals with much  
17 more minor situations, people who are late  
18 showing up for work, people who might be  
19 rude to customers, any number of much more  
20 minor situations.

21 So, for the most part, this will be  
22 a way of correcting not major but perhaps  
23 significant issues with employee  
24 performance that we are trying to deal

1 with. So, it provides a process for doing  
2 that.

3 While at the same time, I think as  
4 you point out, Chairman, the policy does  
5 remind you that the Mass Gaming Commission  
6 maintains a very high standard of ethics  
7 and code of conduct, et cetera, and that  
8 certain problems, certain issues will  
9 result in termination. So, this doesn't  
10 always apply, but it applies to the more  
11 less significant cases, if you will.

12 CHAIRMAN CROSBY: Well, nowhere does  
13 it say that. It doesn't say anything about  
14 degree of severity. It makes it completely  
15 up to the manager and HR and up to MGC to  
16 determine which corrective action is  
17 appropriate and one of the corrective  
18 actions is termination. There is no  
19 guidance in there about severity.

20 MR. BURKE: That's correct. It  
21 leaves it at the discretion of the  
22 executive director and HR manager.

23 COMMISSIONER MCHUGH: And that's  
24 where I just want everybody to understand

1 that consistency is essential. If somebody  
2 shows up drunk for work, let's just take a  
3 hypothetical, and that person is sent home  
4 and told to sober up and come back tomorrow  
5 and then two months later somebody shows up  
6 drunk for work and is suspended for a week,  
7 there is a litigation problem.

8 Let's be candid about that, and that  
9 is what this sets up. And, so, it  
10 emphasizes -- and, again, I am being simply  
11 so we have our eyes open here. This is a  
12 policy that has practice as a major text.

13 COMMISSIONER CAMERON: Which is  
14 appropriate, would you agree?

15 CHAIRMAN CROSBY: She said would you  
16 agree. I mean, what is your judgment; is  
17 this a good idea or not?

18 COMMISSIONER MCHUGH: It is a -- I  
19 think it is a -- it is best practice but it  
20 also -- but it also requires a really  
21 rigorous adherence to uniform policies, and  
22 it is going to lead to litigation. Just  
23 there is no way around it. So, I just  
24 point out both of those things, all three

1 of those things.

2 It's best practice. It needs --  
3 it's good for employees. It's good for the  
4 organization. It's not the only way to go.  
5 It is -- it requires a rigorous adherence  
6 to consistency, and it is going to lead to  
7 litigation. And those are the pieces.

8 COMMISSIONER ZUNIGA: If there was  
9 rigorous adherence to consistency, it will  
10 still lead to litigation, to litigation?

11 COMMISSIONER MCHUGH: Its  
12 consistency is inevitably in the eye of the  
13 beholder, because these things are never  
14 exactly the same. So, what's consistent  
15 from action A to action B when action A and  
16 B are not exactly the same?

17 COMMISSIONER ZUNIGA: Well, the  
18 other I struggle --

19 COMMISSIONER MCHUGH: Just to finish  
20 that thought, I think that the prospect of  
21 litigation is just a part of life and the  
22 part of having a policy in charge in an  
23 evenhanded chair, because inevitably  
24 somebody is going to claim to have that

1 ability to claim that you are not.

2 MR. BURKE: I would hold, I think, a  
3 couple of observations. First of all, I  
4 agree with your concern about litigation.  
5 I think the risk of litigation exists  
6 whether this policy is here or not. In any  
7 case where you have had terminations, I  
8 think to a certain extent this provides  
9 some defense.

10 So, if someone, to use your example,  
11 someone showing up drunk, if someone shows  
12 up drunk under this, they would be sent  
13 home. There would be a discussion with the  
14 supervisor, you know, this is inappropriate  
15 and shall not continue. There will be a  
16 memorandum on that meeting. If it happens  
17 again, then it's documented. If it happens  
18 a third time or at the judgment of the HR  
19 manager with the advice of the supervisor  
20 and executive director that it is a  
21 problem, it's not going away, then they  
22 might go to termination.

23 But what the policy does is if  
24 someone says I was wrongly terminated, you

1 can go back and say there was a process  
2 that was followed. There were multiple  
3 interactions, multiple warnings, corrective  
4 actions were attempted so it gives in the  
5 event of litigation, I think, it makes it  
6 easier to defend the process that the  
7 Commission followed.

8 COMMISSIONER MCHUGH: I don't want  
9 to draw on this, but it's a policy that I  
10 think is the right policy to have. I think  
11 easier than what is the question you can  
12 have a straight everybody is at will and  
13 there is no policy. Pretty much you are  
14 out. You're still subject to embrace  
15 discrimination, sex discrimination claims.  
16 Those never go away. This is better.

17 I just want us to be aware of  
18 consistency is essential if we are going to  
19 have this policy, and we really need to  
20 have the kind of training and the kind of  
21 review and the kind of attention to detail  
22 and the kind of matching like circumstances  
23 with like results that will require a  
24 considerable investment to make it work;



1 otherwise, it's going to be -- it's not  
2 going to be helpful.

3 COMMISSIONER CAMERON: We have  
4 spoken as a high performance team  
5 extensively about the training needed to  
6 implement these policies, and it's a really  
7 important piece. So, I think there has  
8 been discussion. There are plans involved  
9 along those lines, and I think everybody  
10 recognizes the training piece as essential  
11 and the monitoring piece to make sure that  
12 consistency is being adhered to.

13 CHAIRMAN CROSBY: If Trupti is not  
14 watching this, you just might want to draw  
15 her attention to the fact that this is  
16 something everybody paid a lot of attention  
17 to.

18 MR. BURKE: Yes, you know, this is a  
19 thought. One thing that I have seen in  
20 other organizations is you have periodic  
21 reviews. So, in this case, perhaps  
22 Executive Director Day and Trupti Banda,  
23 the HR manager, might sit down quarterly  
24 and say okay, what have we had in terms of

1 performance problems, in terms of  
2 corrective actions, how has it been  
3 applied. And in that way kind of keep  
4 track of the process and help to maintain  
5 consistency until the approach goes  
6 forward.

7 CHAIRMAN CROSBY: Anything else?  
8 Next.

9 MR. BURKE: Okay. The next one is  
10 workplace standard. Basically, this is the  
11 workplace standard sets out the MGC wants  
12 to maintain a working environment that  
13 determines mutual respect, promotes  
14 collegial atmosphere, collaboration between  
15 employees, among employees and is free from  
16 all forms of harassment and violence.

17 So, this sets basically a general  
18 standard for the type of behavior expected  
19 in a workplace. There are obviously a  
20 number of policies that deal with specific  
21 issues below that sexual harassment,  
22 violence in the workplace, et cetera. But  
23 this essentially sets the table for the  
24 rest of those.

1 MS. CUNE: And this list actually  
2 occurs in your current employee handbook.

3 CHAIRMAN CROSBY: And I assume that  
4 it does that because the state police --  
5 state troopers are not our employees so the  
6 fact that they have firearms is not  
7 inconsistent with this policy; is that  
8 right?

9 MS. CUNE: Right.

10 CHAIRMAN CROSBY: Questions? Okay.

11 COMMISSIONER CAMERON: No.

12 MR. BURKE: Okay. The next one is  
13 more of administrative policy that  
14 basically sets out the fact that the Mass  
15 Gaming Commission will maintain personnel  
16 records in a secured environment. It lists  
17 the availability right to access to it. It  
18 lays out the responsibilities of the HR  
19 manager and the general counsel with regard  
20 to these policies, and it also establishes  
21 the right of employees to have access to  
22 their record in accordance with the state  
23 law.

24 MS. CUNE: And this is set by state

1 law. It's very prescriptive the way the  
2 law is written.

3 CHAIRMAN CROSBY: Okay.

4 MR. BURKE: The next one is similar  
5 in it reflects state law that just  
6 establishes the policy of Massachusetts  
7 Gaming Commission to comply with the law  
8 regarding unemployment insurance and the  
9 requirements of the Department of  
10 Unemployment Assistance.

11 CHAIRMAN CROSBY: Okay.

12 MR. BURKE: Breastfeeding, this lays  
13 out the policy and, again, this is a  
14 federal law in this case, but it lays out  
15 the Massachusetts Gaming Commission's  
16 specific policy in accordance with the  
17 federal law on regarding reasonable break  
18 times for mothers with nursing infants.

19 COMMISSIONER ZUNIGA: One of the  
20 ones I think about when we first started.

21 CHAIRMAN CROSBY: You're catching up  
22 with the world.

23 MR. BURKE: It's what it is. We  
24 talked about this the last time. It is

1           amazing when you get into how many  
2           different policies you actually need.  
3           There are many different circumstances to  
4           deal with.

5                     The next one is bereavement leave.  
6           This lays out the policy that MGC will  
7           recognize employees need the time to  
8           grieve. And in the case of a death of a  
9           family member, it has definitions for the  
10          different types of relationships. There  
11          are different numbers of days that an  
12          employee has available to them to take time  
13          off depending on the closeness of the  
14          relationship. The policy lays out each of  
15          those specifics.

16                    MS. CUNE: And this actually is  
17          basically I adapted this from your employee  
18          handbook.

19                    CHAIRMAN CROSBY: In the definitions  
20          it has named partner, but I don't see named  
21          partner in the policy anywhere. Here it  
22          is.

23                    MS. CUNE: It's in the definitions.

24                    CHAIRMAN CROSBY: I see it.

1 Immediate family member. It's within --  
2 okay, got it.

3 MS. CUNE: And the issue came up  
4 what is a named partner, and the other  
5 lingo here would be significant other.

6 CHAIRMAN CROSBY: I missed that.  
7 Thank you. Okay.

8 MR. BURKE: No more questions, okay.

9 The next one is background check.  
10 Again, this is a process of procedure that  
11 has been in place for quite a while at the  
12 Mass Gaming Commission since the first  
13 days. This basically builds a policy  
14 around that procedure. So, it basically  
15 says if there will be a background check,  
16 it ensures all employees meet the highest  
17 ethical standards.

18 It refers to the MGC enhanced code  
19 of ethics, which as we said before we think  
20 is a best practice really in this area of  
21 the country. The actual policy lays out  
22 the process, how it works and basically the  
23 relationship of the policy to the beginning  
24 of the employment; in other words, the

1 background check has to be completed before  
2 the employee starts with the Commission.

3 CHAIRMAN CROSBY: Questions?

4 COMMISSIONER CAMERON: No.

5 CHAIRMAN CROSBY: There are two  
6 places where the verb is "will" or "shall"  
7 rather than "may" and I just want to make  
8 sure that is what we mean. One of them  
9 says, "Initial candidates who were found to  
10 withhold or falsify information that  
11 impacts a background check will have their  
12 offer revoked and be ineligible for  
13 employment" as opposed to may have them  
14 revoked. In probably virtually every  
15 situation, it would -- if you withhold or  
16 falsify information but would we be better  
17 off to use the word "may" rather than  
18 "will?" Commissioner Cameron?

19 COMMISSIONER CAMERON: I say it  
20 conflicts with the code of ethics. That  
21 would be my personal opinion.

22 CHAIRMAN CROSBY: Well, I mean,  
23 hypothetical somebody withholds something  
24 that they are really embarrassed about, you

1 know. I don't know what.

2 COMMISSIONER ZUNIGA: Or that it's  
3 minor. That is a better example.

4 CHAIRMAN CROSBY: Okay. But it's an  
5 intentional withholding either because it's  
6 a mistake in judgment. They think it's  
7 minor or because it was something that was  
8 terribly embarrassing to them, you know. I  
9 don't know what it might be.

10 You know, might there be  
11 circumstances, if I am nitpicking please  
12 tell me, but might there be circumstances  
13 where we would want flexibility to be able  
14 to consider whether that withholding of  
15 information was a firing offense.

16 COMMISSIONER CAMERON: Slippery  
17 slope.

18 COMMISSIONER MCHUGH: Doing it sets  
19 up another comparative kind of thing is  
20 withholding information about your two  
21 misdemeanor arrests is that the same as  
22 withholding information about your divorce,  
23 you know.

24 MS. CUNE: Your divorce hopefully



1 would not be a consideration for the  
2 organization. It shouldn't know you had it  
3 or there was an issue.

4 COMMISSIONER MCHUGH: That's a bad  
5 example. But the point is --

6 MR. BURKE: College transcripts  
7 versus --

8 COMMISSIONER MCHUGH: Right.

9 COMMISSIONER CAMERON: That's a  
10 common one.

11 CHAIRMAN CROSBY: To withhold?

12 COMMISSIONER CAMERON: That people  
13 say they have a degree and they don't and  
14 that is --

15 CHAIRMAN CROSBY: Yes.

16 MR. DAY: I think from my  
17 perspective is the withholding the document  
18 or information to me is almost more  
19 significant than what was withheld itself.  
20 I think it really can bring into question  
21 the potential employee's ethical  
22 boundaries.

23 CHAIRMAN CROSBY: I totally agree  
24 with that. I totally agree with that.

1           It's just a question of whether we want to  
2           give ourselves the opportunity to have some  
3           flexibility.

4                   MR. BURKE: From my standpoint, I  
5           think this is I can go either way. This  
6           is --

7                   COMMISSIONER ZUNIGA: It presupposes  
8           that you did not answer our specific  
9           question or did you not fill out a form or  
10          provide a different document that was  
11          specifically asked for, doesn't it?

12                   CHAIRMAN CROSBY: Yes, withhold or  
13          falsify.

14                   COMMISSIONER ZUNIGA: Right.

15                   CHAIRMAN CROSBY: It's intentional.

16                   COMMISSIONER ZUNIGA: And it's  
17          conscious, not just intentional. It's not  
18          as if, oh, I didn't realize you were asking  
19          for this.

20                   CHAIRMAN CROSBY: It's not that you  
21          forgot.

22                   COMMISSIONER ZUNIGA: Well, you just  
23          misunderstood the question or that you --

24                   CHAIRMAN CROSBY: You could say

1 something like "withhold or falsify  
2 material information that impacts the  
3 background check." That puts the  
4 flexibility in a different place.

5 COMMISSIONER CAMERON: I can think  
6 of an example having done this for so many  
7 years, looked at background investigations,  
8 you know, someone doesn't put an address in  
9 because they've lived in 10 different  
10 places so we wouldn't have considered that  
11 that may be to your point about material.

12 Now, you know, well, we know if the  
13 person -- if there was something there we  
14 didn't want for the most part, they say,  
15 oh, I forgot and that wouldn't be something  
16 unless we see a pattern. There are many  
17 issues where the person failed to put  
18 information down.

19 So, maybe, maybe material would be  
20 sufficient in that we -- you know,  
21 investigators usually have a good idea of  
22 when one is hiding rather than just right  
23 after college I lived at this address and  
24 I -- so, maybe that would -- I would be

1           okay with that material part.

2                       MR. BURKE: Material I think works  
3 fine. I think the issue here is that if  
4 they either omit or falsify in response to  
5 a specific material question in the  
6 background check, for example, do you have  
7 a criminal record? You say no and it turns  
8 out you have been arrested before even if  
9 there were no convictions or anything like  
10 that, that is a significant omission.

11                      To falsify is your example of or  
12 Commissioner McHugh's example of  
13 falsified -- actually, it was yours,  
14 Commissioner Cameron, falsify your  
15 graduation record, for example, that  
16 also -- those are both in my mind more  
17 material breaches. You are entering false  
18 information or withholding pertinent  
19 information that would have significant  
20 impact on a hiring decision.

21                      Something like, okay, you had 10  
22 addresses and you were evicted from one for  
23 loud parties or something that's probably  
24 more borderline. I mean --

1                   CHAIRMAN CROSBY: So, I think we're  
2                   in agreement if we add the word "material"  
3                   that takes care of it.

4                   MR. BURKE: Yes.

5                   CHAIRMAN CROSBY: There's a second  
6                   one at the last bullet point but I think  
7                   this one is -- would not want to be  
8                   reconsidered but the MGC upon careful  
9                   evaluation shall disqualify a conditional  
10                  candidate if any one or more screenings in  
11                  the background check indicates a candidate  
12                  may pose a risk to the honest and official  
13                  operation of the MGC, and I think that one  
14                  is probably right.

15                  You know, if the -- if the MGC  
16                  concludes that one or more failed  
17                  screenings says that person may pose a  
18                  risk, that's probably pretty depositive, so  
19                  shall I think works there. Okay, anything  
20                  else? Next.

21                  MR. BURKE: The next is --

22                  MR. DAY: Hold on one second. Now  
23                  in the background policy in the bottom is  
24                  an authorization section. All it is is

1           that this policy is the only draft that had  
2           this authorization section. I think it was  
3           just our attempt to let you know that that  
4           will be added to the policies once they are  
5           completed and approved by the Commission  
6           for signature.

7                   CHAIRMAN CROSBY: Right.

8                   MS. CUNE: The goal is to have all  
9           of the policies so you can go back and you  
10          connect which ones connect to each other.

11                  MR. BURKE: So, they will let you  
12          know who it references to applicable state  
13          laws and to other policies as some of these  
14          policies interact with each other.

15                  COMMISSIONER STEBBINS: Just before  
16          we move onto the background check,  
17          something that just kind of occurred to me  
18          is obviously is there a general theme or a  
19          general provision which keeps us consistent  
20          with our review in people who are coming to  
21          us -- before us for a license to work with  
22          us?

23                   I mean, we're kind of holding up two  
24          different standards probably not be in our

1 best interests. I didn't know if that  
2 thought or conversation kind of crept into  
3 your discussion about the background check.

4 MR. BURKE: There will certainly be  
5 background checks as it relates to  
6 licensing. We haven't discussed that as it  
7 relates to this. I don't know if --

8 MS. BLUE: We have slightly  
9 different standards on each one. They are  
10 not necessarily the same. We do think  
11 about how where they are similar and where  
12 they are not. But there's different  
13 spelled out standards in gaming licenses as  
14 opposed to employees. Employees have a  
15 much more statutorily driven set of  
16 standards that we have to comply with, so  
17 they won't be exactly the same but we do  
18 consider what we do in both.

19 COMMISSIONER STEBBINS: I am just  
20 reflecting on the conversation we are  
21 having about withholding information. I  
22 think we've probably been more stringent in  
23 coming down in the cases that we've seen  
24 with the IEB and pretty tough on those

1 people who are leaving out information. I  
2 just want to make sure that to the extent  
3 that we can and the extent that we are  
4 consistent with the statute that we try to  
5 be as consistent across the board.

6 It's our employees -- I know what  
7 the defining differences are but it would  
8 help -- I think it would help our  
9 Commission work to be consistent as we can  
10 with what we are requiring unless we modify  
11 statutes. Sorry.

12 CHAIRMAN CROSBY: Yes, okay.

13 MR. BURKE: Okay. Identification  
14 badge, again, this is the existing  
15 procedure that you have and it creates a  
16 policy around the identification badge that  
17 you currently have. It lays out the  
18 possibility of some employees may be issued  
19 additional badges depending on the access  
20 requirements to casinos or other places  
21 that they need to get into.

22 The detailed policy lays out, you  
23 know, proper use of the badge, what to do  
24 if it's lost or stolen. It warns against



1 misuse of the badge. We are not exactly  
2 sure whether you could get into private  
3 parties if you flash the MGC badge, but the  
4 idea is that it's used for appropriate  
5 reasons only. And that's basically it.

6 CHAIRMAN CROSBY: What is the --  
7 what is the purpose here? Why do we want  
8 to require people to carry ID badges?  
9 What's the policy objective here?

10 MR. BURKE: There is an access  
11 requirement to the office itself so --

12 CHAIRMAN CROSBY: We have passes  
13 that have our name on it. I mean, that  
14 have our picture on it.

15 COMMISSIONER STEBBINS: I think it's  
16 more for people going out into the field,  
17 going to one of our licensees and making  
18 themselves known as they are walking around  
19 the floor of one of our licensees.

20 COMMISSIONER MCHUGH: I think it's  
21 in the regulations going into the casino  
22 you have to check in with state police  
23 register. You have to have your uniform  
24 thing. So, the state police as we get --

1 the state police unit isn't familiar with  
2 us all, knows who we are.

3 COMMISSIONER ZUNIGA: There's  
4 restricted areas. There's different levels  
5 of restrictions and different areas in the  
6 gaming establishment, for example.

7 CHAIRMAN CROSBY: I get that, but  
8 that is not what this says. What this says  
9 is you have to -- all employees have to  
10 carry them at all times. And, again, if I  
11 am nitpicking please say so. But it feels  
12 like I don't like regulations just for the  
13 sake of regulations and why is Becky  
14 required to carry her ID? She needs to  
15 carry her ID badge if she is going out into  
16 the field. That is a legitimate  
17 requirement. If you don't have your ID  
18 badge, you don't get in. That makes sense.  
19 And as a practical matter, you might choose  
20 to carry it all the time. But do we want  
21 to require everybody to?

22 COMMISSIONER CAMERON: We really are  
23 talking access to the building right now.  
24 That's the badge we are talking about now.

1 So everyone has to have one or else they  
2 have to be buzzed in, right. So --

3 CHAIRMAN CROSBY: This will replace  
4 the card? Will these replace the card, our  
5 little --

6 COMMISSIONER CAMERON: No. We are  
7 not talking about an additional ID for  
8 where we are right now. We are talking  
9 about -- you know, when we get to the new  
10 facility, there will be a form of ID as  
11 well. That is what we're talking about.

12 CHAIRMAN CROSBY: So, the badge will  
13 also be the thing that you put in front of  
14 the door to get in.

15 COMMISSIONER CAMERON: Yes. I don't  
16 think we are talking about anything  
17 additional.

18 MR. BURKE: It's the existing badge.

19 COMMISSIONER CAMERON: Correct,  
20 that's what we are talking about.

21 CHAIRMAN CROSBY: It's this little  
22 pass that we have right now?

23 MR. BURKE: Yes, it's the same  
24 thing. Yes. This does lay out the

1 possibility that in the future additional  
2 badges may be required for certain  
3 employees for -- you know.

4 COMMISSIONER CAMERON: That is very  
5 important when the facilities are open to  
6 have those additional badges.

7 CHAIRMAN CROSBY: I'm sorry. I  
8 thought that was going to be in addition to  
9 this.

10 COMMISSIONER CAMERON: No.

11 CHAIRMAN CROSBY: Okay, fine.

12 MR. BURKE: Okay. The next policy  
13 lays out the employee assistance program.  
14 Our Massachusetts Gaming Commission is in  
15 the process of, I believe, in the process  
16 of contracting a new employee assistance  
17 provider at this point. But at any rate,  
18 this lays out that an employee assistance  
19 program is part of the policies for  
20 employees.

21 It gives them the right to  
22 confidential professional help for personal  
23 problems, job performance problems, family  
24 issues, those sorts of things, and the

1 policy lays out the specifics of how that  
2 would apply. In the case where someone  
3 actually goes, you know, requests the  
4 employee assistance program, there is then  
5 a detailed program that will be behind  
6 that.

7 CHAIRMAN CROSBY: Issues? Okay.

8 MR. BURKE: Smoke-free workplace,  
9 this, again, puts Mass Gaming Commission in  
10 compliance with Massachusetts law as it  
11 relates to smoking in enclosed workplaces.

12 CHAIRMAN CROSBY: Next.

13 MR. BURKE: Sexual harassment, this  
14 lays out the policy of the Massachusetts  
15 Gaming Commission as it relates to sexual  
16 harassment. It lays out definitions of  
17 sexual harassment. It gives examples not  
18 intended to be complete but examples of the  
19 types of things that would create a hostile  
20 work environment as it relates to sexual  
21 harassment. And it lays out the process  
22 for handling allegations in conducting  
23 investigations when a case is brought to  
24 the attention of the HR manager, supervisor

1 or executive director.

2 MS. CUNE: And like personnel  
3 records, it's very descriptive written in  
4 the law and this basically follows the law.

5 CHAIRMAN CROSBY: Okay.

6 MR. BURKE: No questions on that?  
7 Okay. The next one is the whistleblower  
8 protection. Again, this follows the state  
9 statute and others but it lays out the  
10 policy of the Mass Gaming Commission to  
11 commit to the highest standard of ethical  
12 moral or business conduct obviously in  
13 accordance with the code of ethics.

14 MGC employees are encouraged to  
15 bring forward any potential issues that  
16 might raise concerns in terms of the  
17 processes that are being followed or other  
18 activities. It lays out basically the  
19 process for reporting when there are issues  
20 and it allows among other things, you know,  
21 whistleblowers would go to the executive  
22 directors, to the HR manager or in some  
23 cases they may even approach one of the  
24 Commissioners individually depending on the

1 nature of the situation. And this  
2 basically just kind of lays out the process  
3 and also warns against, you know, kind of  
4 retaliation and also false allegations.

5 CHAIRMAN CROSBY: Okay.

6 MR. BURKE: That is our 14 policies,  
7 so that's all we have for this morning.

8 CHAIRMAN CROSBY: Great.

9 COMMISSIONER MCHUGH: Great.

10 COMMISSIONER CAMERON: Thank you.

11 COMMISSIONER ZUNIGA: Great work.

12 Can you remind us in the workflow we had  
13 policies batches one, two and three.

14 MR. BURKE: That's right.

15 COMMISSIONER ZUNIGA: Which is where  
16 we are on up until today. Do we have an  
17 idea of the next step, the next number of  
18 batches? I know I missed the last meeting,  
19 so I apologize for that.

20 MS. CUNE: The batch four is  
21 bringing forward a couple of policies that  
22 the high performance team was still having  
23 discussion about. And, I think, I have  
24 written three or four policies. Don't

1 quote me. And they will be -- they are all  
2 done, and they will be reviewed by Carmen  
3 and then they will go to Trupti before the  
4 end of the week. So, we should have that  
5 batch ready to be reviewed at the next MGC  
6 meeting.

7 CHAIRMAN CROSBY: Which is next  
8 Thursday.

9 COMMISSIONER ZUNIGA: Which, again,  
10 I won't be here but it's okay. I will  
11 catch up with you.

12 MS. CUNE: You will definitely get  
13 the packet.

14 CHAIRMAN CROSBY: You will have the  
15 transcript.

16 MR. BURKE: Will you have an  
17 official excuse note?

18 COMMISSIONER ZUNIGA: Yes. I will  
19 been on vacation next week.

20 MR. BURKE: That's allowed. I think  
21 we have a policy on that.

22 CHAIRMAN CROSBY: Okay, thank you.

23 MR. BURKE: Thank you.

24 COMMISSIONER MCHUGH: Thank you very



1 much.

2 MR. DAY: Mr. Chairman, would the  
3 Commission be interested in approving those  
4 policies with the change?

5 CHAIRMAN CROSBY: Yes, if you need  
6 us to do that. Do we need a vote?

7 MR. DAY: Yes. The one change is  
8 the addition of material on background for  
9 falsifying material.

10 CHAIRMAN CROSBY: Right, withhold,  
11 falsify, right.

12 COMMISSIONER ZUNIGA: Then,  
13 Mr. Chairman, I would move that the  
14 Commission approve the policy statements as  
15 presented and discussed here today, period.

16 CHAIRMAN CROSBY: Second?

17 COMMISSIONER CAMERON: Second.

18 CHAIRMAN CROSBY: Further  
19 discussion? All in favor?

20 COMMISSIONER CAMERON: Aye.

21 COMMISSIONER MCHUGH: Aye.

22 COMMISSIONER ZUNIGA: Aye.

23 COMMISSIONER STEBBINS: Aye.

24 CHAIRMAN CROSBY: The ayes have it

1                   unanimously. Thank you.

2                   COMMISSIONER MCHUGH: Thank you very  
3 much.

4                   CHAIRMAN CROSBY: Item C.

5                   MR. DAY: Item C is the delegation  
6 and, Catherine, I think I'll pass this off  
7 to you.

8                   MS. BLUE: This is a delegation of  
9 authority to the general counsel to attend  
10 those meetings and conferences required by  
11 state and federal judicial order. The  
12 Commission considered this at a prior  
13 meeting. I didn't have a memo to put in  
14 the package at that point.

15                   It came up right before our  
16 commission meeting at the time, so I am  
17 just bringing it back before the Commission  
18 to allow you to take a look at the memo and  
19 then vote on it and approve it more  
20 formally this time.

21                   COMMISSIONER CAMERON: Entirely  
22 appropriate. See no reason not to move  
23 forward with the delegation.

24                   CHAIRMAN CROSBY: Do you want to

1 move that?

2 COMMISSIONER CAMERON: So, I move  
3 that we approve the request to delegate our  
4 general chair to be able to represent the  
5 Commission at meetings and other events  
6 that are appropriate.

7 CHAIRMAN CROSBY: Further  
8 discussion?

9 COMMISSIONER ZUNIGA: Would you  
10 accept an amendment to that as general  
11 counsel?

12 CHAIRMAN CROSBY: Right, not general  
13 chairman.

14 COMMISSIONER CAMERON: Oh, general  
15 counsel, sorry. I said that.

16 CHAIRMAN CROSBY: Why don't you say  
17 as described in Counsel Blue's August 21st  
18 memo.

19 COMMISSIONER CAMERON: So amended.

20 CHAIRMAN CROSBY: All in favor?

21 COMMISSIONER CAMERON: Aye.

22 COMMISSIONER MCHUGH: Aye.

23 COMMISSIONER ZUNIGA: Aye.

24 COMMISSIONER STEBBINS: Aye.

1                   CHAIRMAN CROSBY: The ayes have it  
2 unanimously. We have one other item on the  
3 agenda. We were told that it might take  
4 about an hour. And as far as I am  
5 concerned, we might as well plow through.  
6 Is that all right with everybody?

7                   COMMISSIONER CAMERON: Yes.

8                   CHAIRMAN CROSBY: Okay. Item number  
9 five, Ombudsman Ziemba.

10                  MR. ZIEMBA: Thank you,  
11 Mr. Chairman. Pursuant to the agreement  
12 the Commission reached with MGM in June of  
13 this year, MGM is required to make a  
14 monthly report to the Commission regarding  
15 its progress and ensuring that it's ready  
16 to commence with its project as soon as  
17 practicable.

18                  This is the second monthly report.  
19 MGM provided its first review to the  
20 Commission on July 24th. Since that date,  
21 both our consultants, Pinck and Co. and  
22 Director Day have met with MGM regarding  
23 this progress report and they are here to  
24 provide us with the latest.

1 I will ask Jed Nosal, counsel for  
2 MGM, to introduce his members and begin the  
3 presentation.

4 MR. NOSAL: Good morning, Chairman  
5 Crosby, members of the commission. Jed  
6 Nosal on behalf of Blue Tarp reDevelopment  
7 and MGM Resorts International.

8 As John indicated, we are here for  
9 our second monthly update that as the  
10 condition per our agreement we reached back  
11 in June. I am just going to do some quick  
12 introductions of the team that you will  
13 hear from today, and then we can jump right  
14 into things and certainly at any point  
15 answer any questions that the Commission  
16 has along the way.

17 So, with us today, just we are kind  
18 of sitting all over so I'll ask people just  
19 to wave as I go through this. So we have  
20 Chuck Irving from Davenport Companies. He  
21 is accompanied by Joy Martin also from  
22 Davenport. We have Kevin Dandry from Tech,  
23 also Rebecca Brennan from Tech.  
24 Mr. Cignoli, Christopher Cignoli from the

1 City of Springfield, Director of Public  
2 Works, Steven Newbold and Carrie Julian  
3 both from Davenport. And to my right, we  
4 have Anita Burg, who is the office manager  
5 for MGM Springfield.

6 So, today just to give you a quick  
7 overview, we're basically breaking this  
8 into two parts. We're going to talk  
9 through a document, I believe that is part  
10 of your packet, which we're terming loosely  
11 a work plan that covers all the activities  
12 that we're currently engaged in and will be  
13 through certainly the November 4th vote and  
14 then onward. And we will go through an  
15 overview of that. Mr. Irving will lead  
16 that discussion and answer any questions  
17 that you have. That document really just  
18 illustrates all the different matters that  
19 we are currently working on.

20 And then second we are going to get  
21 into a more detailed discussion really on  
22 the coordination of the Viaduct project.  
23 And, I think that is certainly sort of what  
24 I will suggest is the foundation of what

1 will drive a lot of the coordination and  
2 scheduling certainly throughout the  
3 ultimately the 30 month construction  
4 schedule that MGM has presented and the  
5 Commission has approved in connection with  
6 our project.

7 So with that, I will turn it over to  
8 Mr. Irving and he'll start with an overview  
9 of our current work plan.

10 MR. IRVING: Excellent. Thank you,  
11 Jed. Thank you, Commissioners. Can we put  
12 the slide up that has the plan? I think I  
13 saw it just before this one.

14 CHAIRMAN CROSBY: What happened to  
15 our slide, Becky? Are you --

16 COMMISSIONER CAMERON: She is  
17 coming.

18 MR. IRVING: This work plan has been  
19 condensed to about 70 line items, and I'm  
20 going to try to make this as painless as  
21 possible for you. So, what I am going to  
22 do today is go through this 70 line items  
23 as efficiently as possible. I am not going  
24 to detail the days and the weeks that we

1 plan to do each other.

2 And after we do that, if I missed  
3 something or if you have a question about a  
4 specific line item, just ask us and we will  
5 take you through exactly what is going on  
6 there. Joy and Steve are going to back me  
7 up on this, because I need their backup on  
8 this.

9 To start with, quite a bit is  
10 happening relative to Springfield. I think  
11 a lot of folks out there were wishing there  
12 were cranes and buildings coming down. But  
13 even though that is not happening, MGM is  
14 working very diligently. Obviously we have  
15 our commission meetings monthly, which are  
16 great to keep us in touch with all of you  
17 in terms of what we are doing.

18 I think just going through the  
19 project planning process the diversity  
20 meetings is one of the important things  
21 that MGM has going on. MGM's participating  
22 in workshops, events that provide a forum  
23 to interact with firms and allow MGM to  
24 reiterate its goals of diversity.



1                   Our next one is the CWE Women's  
2                   Business Leader conference on  
3                   September 12th. I anticipate that every  
4                   time we are in front of you we will tell  
5                   you about another event that is coming up.  
6                   This process has been going on for two  
7                   years now, and it will continue to occur.

8                   CHAIRMAN CROSBY: What is the event  
9                   you just described?

10                  MR. IRVING: It's the CWE Women's  
11                  Business Leader conference on  
12                  September 12th. We are going to be  
13                  matchmaking in a lot of sessions with  
14                  various firms in Western Massachusetts.  
15                  CWE stands for?

16                  MS. MARTIN: Center for Women  
17                  Enterprises.

18                  MR. IRVING: Thank you.

19                  CHAIRMAN CROSBY: Pull your mike  
20                  over there.

21                  MR. IRVING: In addition to that, we  
22                  obviously have our design review process  
23                  with the gaming commission. That is going  
24                  to be everything from the bricks that we're

1 selecting to the parking garage to the  
2 larger plan. I can tell you our plan  
3 continues to evolve right now, and so we  
4 will be entering that with you probably in  
5 September and we will continue it on right  
6 through until November.

7 The parking coordination, the  
8 Springfield Parking Authority, we call it  
9 the SPA, is something we're constantly  
10 working on with Chris Cignoli. Chris is  
11 here today. He is going to be part of our  
12 Viaduct presentation, and I think he'll  
13 update you on that as well. But the  
14 coordination is critical given the Viaduct  
15 construction that is occurring, the  
16 displacement of courthouse workers and  
17 displacement of local businesses.

18 The DOT Viaduct coordination, that's  
19 going to be part of our larger presentation  
20 and Chris and Kevin will take you through  
21 that. The PVPC participation, that's the  
22 Pioneer Valley Planning Commission. PVPC  
23 was critical to our surrounding community  
24 agreements, and they are probably going to

1 be critical into look back provisions that  
2 are in those agreements. So, we will be  
3 working with them or at least updating them  
4 on a monthly basis to let them know what is  
5 going on with the project.

6 Community outreach, Anita is  
7 thankfully here today and Anita Burg runs  
8 the community outreach program in  
9 Springfield. She and her team are in  
10 Springfield every single day, so that's  
11 just a long item on the chart that we'll  
12 just continue to go out.

13 Zoning overlay, obviously I think it  
14 is zoning approved for this project in the  
15 City of Springfield. We have, as you know,  
16 about 90 tax parcels. And even though we  
17 have enclosed on those parcels, every  
18 single one of those owners has to sign off  
19 and say yes, I agree with the zoning  
20 overlay. Joy's in the process of that and  
21 that will obviously be finishing up before  
22 November, right?

23 MS. MARTIN: That's correct.

24 MR. IRVING: City council meeting

1 has to bless it once we have the sign-offs,  
2 and that will occur once we have them. The  
3 Springfield Historic Commission meetings,  
4 as we mentioned before, we intend to be  
5 working with them monthly on this.

6 Presently we are going through a  
7 reconsideration of the site, you know,  
8 which Ginsler and Associates, our redesign  
9 firm is taking us on. And we're looking  
10 at, I guess some more creative and  
11 aggressive measures to preserve more a  
12 building out there. And, so, I think that  
13 will probably be our next discussion with  
14 the Springfield Historic Commission.

15 CHAIRMAN CROSBY: Which one is that,  
16 which building?

17 MR. NEWBOLD: We're looking at 95  
18 State Street. We've done a series of  
19 meetings with the Historic Commission  
20 related to saving certain facades. This is  
21 one opportunity that we have looked at to  
22 evaluate the building to preserve the  
23 entire building. It would enhance our  
24 sustainability approach as well as speed

1 our construction and lower our impacts.

2 So, we had to do further evaluation.  
3 We couldn't propose it yet. We are still  
4 evaluating that, but we would like to talk  
5 to them about that as an opportunity.

6 CHAIRMAN CROSBY: Great.

7 COMMISSIONER ZUNIGA: Remind us,  
8 which one is that building; is that the one  
9 with the mall with the ceiling?

10 COMMISSIONER MCHUGH: It's the  
11 art-deco interior.

12 SPEAKER: Correct. It's kind of the  
13 eclectic kind of building.

14 COMMISSIONER MCHUGH: It's very  
15 cool.

16 CHAIRMAN CROSBY: Have you come up  
17 with a strategy to save the art and  
18 whatever it's called, the dome?

19 MR. NEWBOLD: The dome, we haven't  
20 looked at that. We have been focusing our  
21 efforts for the moment at 95. There is a  
22 certain series of logistical issues related  
23 to 95, because there is mechanical systems  
24 in 95 that support other buildings, so we

1 are always trying to preserve parts of that  
2 building.

3 We are trying to work through that  
4 because that affects our central plan and  
5 other systems and the loads on those  
6 buildings, so it's a little intricate. We  
7 will be looking at the dome and the hotel  
8 building. We are looking at some hotel  
9 modules.

10 They are the appropriate size of the  
11 room, if you would, that sets the footprint  
12 for the hotel and that will determine  
13 exactly where the building sits in relation  
14 to that facade and that dome, as well as  
15 looking at optimizing some of the  
16 elevators. So, there is an ongoing design  
17 effort going on there that is directly  
18 adjacent to where the dome is.

19 We've spoken to the Historic  
20 Commission about using that dome elsewhere  
21 other than exactly where it is, and they're  
22 supportive of that but they need more  
23 information. We haven't had a chance to  
24 design that, because we haven't figured out

1 the rest of the hotel lobby design at this  
2 point to replace that efficiently.

3 COMMISSIONER STEBBINS: So, you  
4 might have the opportunity to take the  
5 existing elevators and just kind of say  
6 have them go up through the roof and  
7 continue on?

8 MR. NEWBOLD: No. There is two  
9 separate discussions there. The existing  
10 building that the hotel, the site where it  
11 occupies is a four-story building. And,  
12 so, the question we voice as the hotel has  
13 23 stories, we are looking to save the  
14 facade to keep the streetscape. But  
15 everything beyond about 20 feet back would  
16 be removed and the dome starts at 20 feet.

17 So, the Historic Commission was  
18 looking at that dome in particular that is  
19 within your demolition zone is there a way  
20 to preserve it. They like the look of the  
21 dome itself. The lobby had some details  
22 they're interested in, but they realized  
23 that given the elevator banks come right  
24 down in that area that that would not be

1 possible. So, since we have to dig out  
2 underneath that area for foundations,  
3 again, complicating it, they were  
4 interested in can you preserve the dome and  
5 glass and relocate it someplace.

6 COMMISSIONER STEBBINS: Chuck, you  
7 list September, October, November meetings  
8 on the chart but I am assuming that the  
9 conversations in ongoing meetings continue  
10 even after these three dates on the  
11 spreadsheet.

12 MR. IRVING: Oh, absolutely,  
13 absolutely. You know, I think especially  
14 as we get into surveying items in these  
15 buildings that should be retained, you  
16 know, it's not just the buildings the  
17 Commission is focused on. It's the details  
18 that we can continue to retain and  
19 hopefully make part of the project, so that  
20 will go on.

21 CHAIRMAN CROSBY: I think we said  
22 this before, but I just want to express  
23 appreciation again. I think you folks have  
24 done a really remarkable job and take



1 seriously the preservations. It's usually  
2 done or it's frequently done, you know,  
3 just as a throwaway, try to get away as  
4 minium as you possibly can that the  
5 relationship with organizations like the  
6 HSC, they are adversarial.

7 And from what I can tell, you've  
8 really taken it seriously and I think it's  
9 enhanced the project. I think it makes the  
10 project a much more attractive project.  
11 That is my own bias. But I really  
12 appreciate the attitude that you all take  
13 towards this. The fact that now you got  
14 the de facto award and are still looking to  
15 maybe add buildings bespeaks that point.

16 MR. IRVING: We are fortunate to  
17 have, Chairman, who got his urban studies  
18 degree at Trinity and every time Jim comes  
19 into town he is speeding through buildings  
20 and let's save this. Let's do that. He  
21 kind of leads the charge on this, and it  
22 creates a great environment for us.

23 CHAIRMAN CROSBY: Pass back our  
24 comments.

1                   COMMISSIONER MCHUGH: That's very  
2                   good.

3                   MR. IRVING: I will. Let's talk  
4                   about MEPA. We had in February told you  
5                   that we were probably going to be filing  
6                   the FEIR in September. We have moved that  
7                   date back to November. The MEPA process,  
8                   basically they need to gather all the  
9                   information about our environmental impact  
10                  on the state and the surrounding community.

11                  I would say that we are primarily  
12                  done with most of those issues, like  
13                  traffic and some of the bigger ones but  
14                  there are some lower level issues, like the  
15                  historic issue and details like where we  
16                  are going to put the bus parking up and  
17                  down Main Street that all fall into that  
18                  filing, so we will be doing that in  
19                  November. It does not impact our  
20                  construction timeline in any way.

21                  Utility coordination meetings are  
22                  handled by our consultant Alan Mayor,  
23                  Stewart Morter, electrical, gas, telephone,  
24                  communications, those have all been helpful

1 and ongoing. I will tell you the sewer and  
2 water, the folks at Bondi's Island have  
3 requested a level of completeness in our  
4 plan before they give us feedback. So,  
5 that has been another bit of a delay for  
6 us, but we don't see it as a problem. And  
7 we have asked John to maybe help us along  
8 with that in terms of having them bite off  
9 these in smaller increments.

10 Construction permitting, we are  
11 constantly in Springfield Building  
12 Department as Chris will attest. And what  
13 the Springfield Building Department has  
14 asked for has it's a process. This is  
15 small chunks. They want to take the  
16 parking garage first and then the hotel and  
17 then the casino and then the retail just  
18 because with their staff that is how they  
19 need to do it, and we actually like that  
20 better as well.

21 Abatement filings, we are obviously  
22 going to survey every building for  
23 hazardous waste. We're going to be testing  
24 soils to see if there's any remediation

1 issues. Anything that we come up with, we  
2 have to inform the EPA on. And once we  
3 have those findings, we obviously will hit  
4 asbestos and other things. Joy has been  
5 running that for us, and I don't think you  
6 have found anything of critical concern at  
7 this point?

8 MS. MARTIN: No, nothing unusual.

9 MR. IRVING: Demolition permitting,  
10 we are going to pull permits on every  
11 building they intend to demo but it's going  
12 to happen in sequences. The first part of  
13 it will be for the parking garage, and we  
14 want to get to work on that area as quickly  
15 as possible.

16 Because as Chris will tell you, part  
17 of our parking plan is to have that garage  
18 in place so workers working on the Viaduct  
19 and our project can both utilize that  
20 garage to minimize the impact on the city.  
21 And, hopefully, we can get some courthouse  
22 people in there as quickly as possible as  
23 well.

24 The mission, we are relocating a

1 men's mission facility which has been  
2 located on Bliss Street for almost 100  
3 years. They are going to be going down the  
4 street, and MGM is going to be building  
5 them a state of the art new facility. That  
6 is obviously a lead permitting timeline  
7 issue for us, because we have to build that  
8 building before we can relocate these  
9 gentlemen and tear their's down.

10 If you are wondering what our  
11 longest lead item is on our process, that  
12 one is probably it. So, we are going to be  
13 jumping on that as quickly as possible and  
14 hopefully having them in within the first  
15 quarter of 2015.

16 Vender fairs, we are going to be  
17 holding vender fairs throughout Western  
18 Massachusetts. Given the Viaduct project  
19 and the MGM project and the renovation in  
20 Union Station, candidly we are going to  
21 absorb the construction workforce in the  
22 immediate Springfield area so we will be  
23 holding vender fairs all the way out to  
24 Worcester. And September 8th is our next

1 vender fair which happens in Worcester?

2 MS. MARTIN: Yes, in Worcester. And  
3 then we have one in October in Springfield  
4 for the Western Business Expo and we will  
5 be exhibiting those at both, as well as  
6 future meetings planned with the various  
7 Chamber of Commerce in the area.

8 COMMISSIONER ZUNIGA: Mr. Irving,  
9 can we go back to your prior activity, the  
10 mission building? Is that in the footprint  
11 of the parking garage?

12 MR. IRVING: No. It's actually on  
13 Main Street but the mission will be located  
14 to a site that is now referred to as Ore  
15 Cadillac, which is at the very far end at  
16 the south end in Springfield. Ore Cadillac  
17 is about a 25,000 foot building that's been  
18 vacant for almost eight years, so we are  
19 going to purchase that, renovate it and  
20 then hand title it over to the Springfield  
21 Rest Commission. And the Springfield Rest  
22 Commission is a privately funded  
23 organization. It is not a government  
24 organization.

1                   COMMISSIONER STEBBINS: Chuck, as we  
2 talked about before, obviously any vender  
3 fairs we feel our license team can have  
4 some impact or participate to help  
5 businesses understand licensing  
6 requirements as well, feel free to call  
7 upon us to do that.

8                   MR. IRVING: We are as concerned  
9 about that as you are, and we are already  
10 talking to folks that have to be licensed.  
11 Every time we meet with them, we say that  
12 this is something you should be doing right  
13 now. We're obviously concerned about that  
14 timeline, so we're pushing these vender  
15 fairs ahead of time and I understand, at  
16 least I hope, that the people working with  
17 MGM are talking to you already.

18                   CHAIRMAN CROSBY: I think we are  
19 right. Isn't there an MGM meeting next  
20 week?

21                   COMMISSIONER STEBBINS: Yes. We  
22 have a meeting on Monday with members of  
23 our vender advisory team. But in terms of  
24 licensing requirements helping a small

1 business understand what steps are going to  
2 have to go through, feel free to call upon  
3 our people to participate at those events  
4 or meetings.

5 MR. IRVING: Okay, thank you. We  
6 are going to have consultants and suppliers  
7 arranging from people who do painting  
8 carpet to specialty companies that do  
9 curtain walls and parking garages. All of  
10 these discussions have been in some way  
11 already begun and will continue right  
12 through November. I anticipate that we  
13 will be awarding a contract to a general  
14 contractor and construction manager  
15 probably in November.

16 Vender licensing, Bruce, we're  
17 focused on that. Budget review process  
18 design and programming update, that's all  
19 internal to MGM and something that has been  
20 ongoing. It's probably been Steve's  
21 primary focus for the past month.

22 Sustainability strategy update, as  
23 you know, MGM built the largest gold lead  
24 certified project in the country. We are



1 going to be doing the same in Springfield.  
2 That is a checklist strategy that Steve  
3 will probably be leading you through in  
4 September about how we are approaching that  
5 and letting you know where we're focusing  
6 and where we're not focusing.

7 Parking garage, we will update you  
8 on that. I can tell you in our sequence  
9 the parking garage is going to be the first  
10 thing that will be built as I mentioned.  
11 Demolition documentation for select  
12 buildings, that goes back to the building  
13 department again, and Joy will be working  
14 on that with that team.

15 Geo Tech and Engineering, that's  
16 ongoing right now. We don't know whether  
17 our pilings are going down 50 feet or 100  
18 feet and going to be doing spread footings  
19 in some areas. Those are the things we are  
20 focused on right now. It goes right back  
21 to Steve's budget that he is trying to work  
22 on.

23 The construction development  
24 schedule, we're still hoping a firm 30

1 months. So, that is based on when we  
2 hopefully get a green light on  
3 November 4th. Preliminary logistic plans  
4 in terms of how we are sequencing this,  
5 when roads will be closed, we'll come into  
6 you in September and October and really  
7 walk through that one bit at a time. It's  
8 so important for the Viaduct and Kevin will  
9 say this. I will say it now. We can't  
10 have the casino open with a highway closed.  
11 So, sequencing all of this and how we build  
12 it over time is unbelievably important.

13 I can tell you that Michael O'Dowd  
14 and his team from DOT have been incredibly  
15 proactive about meeting with us almost  
16 every single month since March on this.  
17 And, so, the two teams are working together  
18 like that and I expect that will continue.

19 CHAIRMAN CROSBY: Great. We have  
20 had Ombudsman Ziemba not only, as you know  
21 has personal experience in this area, but  
22 also has very good relationships and we  
23 have very strong commitments from all these  
24 executive branch agencies but particularly

1 DOT to be helpful. It sounds like it's  
2 going to be great. But if there is ever  
3 any issue, obviously let us know because  
4 everybody agrees with everybody else that  
5 that is a really critical juncture.

6 MR. IRVING: I appreciate that, and  
7 I want you to know it goes both ways. If  
8 there's something that we can do for the  
9 Viaduct in terms of our coordination, we're  
10 going to do it. Michael and I have said to  
11 each other specifically our contract with  
12 our general contractors are going to have  
13 exhibits that reflect when the streets  
14 close and then they are going to match up.  
15 And, you know, thankfully I see that he is  
16 probably going to be signing a contract in  
17 December, which is right around the time we  
18 will be doing it as well.

19 CHAIRMAN CROSBY: Great.

20 MR. IRVING: The church relocation,  
21 as you probably know, we are relocating a  
22 historic church that's currently on Bliss  
23 Street. A lot of folks in the City of  
24 Springfield are looking forward to see how

1 we do this. I am too.

2 COMMISSIONER MCHUGH: I think  
3 everybody is. It's absolutely fascinating.

4 MR. IRVING: So, as soon as we  
5 figure that out, we'll let you know.

6 CHAIRMAN CROSBY: I think we will be  
7 having the commission meeting in  
8 Springfield that week.

9 COMMISSIONER STEBBINS: We are going  
10 to bring our lawn chairs out to the  
11 sidewalk as this thing goes by.

12 MR. IRVING: Once we've nailed down  
13 our final contract with our contractors, we  
14 will have a final logistics plan. And, so,  
15 I expect that we will come into you in  
16 November and December. We will show you  
17 the exhibits that will be attached to these  
18 contracts saying this is the timing. This  
19 is how it's going to work.

20 Soil and borings test, we already  
21 talked about that. Building hazmat  
22 surveys, as I said, Joy is all over that.  
23 And salvage surveys, that refers to  
24 everything that, you know, we can retain on

1 this site for future use.

2 For example, the Zanetti School,  
3 which we purchased, is condemned because of  
4 tornado damage but it has 68 panel open  
5 doors which are irreplaceable and we intend  
6 to take each one of those out and they will  
7 probably be the doors that go onto our  
8 apartments and we will label them as the  
9 "Zanetti School" doors.

10 COMMISSIONER MCHUGH: That's great.

11 CHAIRMAN CROSBY: That's great.

12 MR. IRVING: I appreciate your  
13 patience. That's our logistics.

14 COMMISSIONER MCHUGH: That's  
15 fascinating.

16 MR. IRVING: I would love to use  
17 this in going forward as our beginning to  
18 each meeting, meaning we put this up and I  
19 will not take you through 70 items at each  
20 meeting but we will address what has  
21 changed or what is new and should be on  
22 that, and you may come back and say today I  
23 would like to talk about item number 20,  
24 and we'll be happy to do that.

1 MR. NOSAL: I just wanted to add,  
2 Commissioners, to give Nancy and Michael  
3 our appreciation certainly in helping us  
4 develop this from Pinck and certainly  
5 helpful in that level of contact that we  
6 have had just about I won't say daily but  
7 several times a week has been -- has been  
8 good in helping us put this together and I  
9 think convey this type of information to  
10 the Commission.

11 CHAIRMAN CROSBY: Let me just say to  
12 you all what we have said to Penn National,  
13 which is we're new to this game and  
14 certainly are committed in making sure the  
15 critical variables that we have selected  
16 you for are met on time and so forth but we  
17 don't want to get in the way. We don't  
18 want to be a pain in the neck. We don't  
19 want to be obstructionists. We don't want  
20 to be nitpicking, and so we need to find a  
21 proper balance for what's an appropriate  
22 level of oversight. And we are perfectly  
23 open to talking about it, you know, if you  
24 as time progresses, you feel like it's too

1 much, say so and we will talk about it.

2 MR. IRVING: I appreciate that. And  
3 I'd like to echo to what Jed said, Michael  
4 and Nancy have been very helpful in this  
5 process and Rick overseeing all of us has  
6 been great as well. But one thing I do  
7 want to mention is we have a lot more  
8 things going on than the 70 line items.

9 So, I don't care if it's the movie  
10 theater or the Armory, if you have a  
11 specific question, never hesitate to ask  
12 it. If we don't know the answer, we'll  
13 tell you but we'll get it for you.

14 COMMISSIONER CAMERON: Great, thank  
15 you.

16 COMMISSIONER MCHUGH: I just want to  
17 echo the Chairman's appreciation for the  
18 sensitivity you have to the surroundings.  
19 This is really -- it's a project that I am  
20 really eager to see develop because of its  
21 potential and you, I think, are realizing  
22 its potential.

23 The idea of saving the doors out of  
24 the school and using them for the apartment

1 is the kind of detail and attention to  
2 history and the local that I think is going  
3 to make this a really first-class. It  
4 always had that potential. Your enthusiasm  
5 was infectious when you were looking at it  
6 collectively and it's being realized and I  
7 think it's really -- we're off to a great  
8 start. I am really very happy to hear  
9 this.

10 MR. IRVING: Thank you. I've never  
11 been involved in a project like this before  
12 so I'm right there with you, and I can't  
13 wait to see this coming.

14 CHAIRMAN CROSBY: You know, this is  
15 a perfect example of doing well is doing  
16 good when you have one of the major  
17 candidates for governor saying even if the  
18 referendum were successful he would -- if  
19 the ballot initiative were successful, he  
20 would consider an initiative to put  
21 Springfield back on. That just says a lot  
22 about what outside observers make of this  
23 project as well. So, you're getting  
24 something back for what you're putting into



1 this.

2 MR. IRVING: Thank you, I appreciate  
3 that.

4 CHAIRMAN CROSBY: Out of curiosity,  
5 totally just out of curiosity, what would  
6 you be doing if it weren't for the issue of  
7 the ballot issue? So, we sort of suspended  
8 certain things. What would be different?

9 MR. IRVING: Right now we would be  
10 preparing the pad for the parking garage  
11 and meaning we would be selectively taking  
12 down specific buildings, and that is what  
13 you see really right now.

14 CHAIRMAN CROSBY: But I don't see on  
15 November 5th the day after the thing is  
16 done that that starts. There is -- I don't  
17 see -- I was expecting to see some trigger  
18 points in the first week of November that  
19 said assuming all goes well, bang, these  
20 things start to happen.

21 MR. IRVING: You know, I think we  
22 will put that on the next date. But  
23 literally I wanted to tell you that first  
24 because some people express concern, for

1 example, our MEPA filing is going to be  
2 delayed, which means our approval won't  
3 happen until 2015. And how can you  
4 demolish buildings when you don't have all  
5 of your approvals? That's very standard  
6 for Massachusetts development.

7 In fact, our last mall in  
8 Springfield that we purchased, we took the  
9 mall down for Stop & Shop and Lowe's before  
10 we had all of our approvals just because,  
11 you know, it sped up the process. So, part  
12 of staying on our 30 month schedule is by  
13 moving forward aggressively like that. We  
14 certainly wouldn't do it if we had any  
15 concerns about approvals, which we don't on  
16 this project.

17 COMMISSIONER ZUNIGA: To your prior  
18 question, Mr. Chairman, there's a number of  
19 activities that follow under  
20 preconstruction here that, as Mr. Irving is  
21 alluding to, they will continue to check up  
22 as we approach those days.

23 MR. NOSAL: Let me point out one  
24 thing here. What we're doing here is

1 really trying to create a reporting  
2 requirement over this four month period and  
3 in no way substitute what I think will be  
4 the requirements under your regulations  
5 once that sort of kicks in in November, and  
6 certainly it will be a different level of  
7 detail and similar to what you've seen from  
8 certainly what is happening in Penn. And  
9 once we kick into the second week, I think  
10 it's more process.

11 CHAIRMAN CROSBY: What about this  
12 project keeps you awake at night?

13 MR. IRVING: I have to say this on  
14 TV? You know, a typical developer is  
15 worried about things going under --  
16 underground that he doesn't know about, you  
17 know, and that is just standard. And in  
18 all development, it's what holes haven't  
19 you dug and what pipe haven't you looked  
20 at.

21 We can't afford to open a casino  
22 where a pipe bursts, you know, a month  
23 later. And, so, we need to be exploring  
24 every bit of that. And part of our current

1 phase is literally getting into the ground  
2 and probably putting cameras down some  
3 pipes that may be 100 years old and saying  
4 how do these look? Do we have to replace  
5 them?

6 The soils, you know, whether I go  
7 down 50 feet or 100 feet with pilings  
8 that's a big number, you know. That is the  
9 type of thing where Steve and I have to  
10 say, okay, let's hope we got this right.  
11 So, we are physically into it right now and  
12 we are qualifying all of that. Nothing  
13 will change what you have seen or what  
14 we've committed to.

15 But in terms of how this building  
16 goes up, you know, there are always  
17 unknowns when you are dealing with an urban  
18 project that hasn't been excavated for 100  
19 years.

20 CHAIRMAN CROSBY: Interesting, thank  
21 you.

22 COMMISSIONER CAMERON: Thank you.

23 MR. IRVING: So with that, I'm going  
24 to stand up and give my seat to Chris and

1 Kevin, and they are going go into the  
2 Viaduct. What I want you to know is that  
3 Michael O'Dowd has been so critical and  
4 most of these slides that you see have come  
5 from Michael and the DOT team and Kevin is  
6 going to take you through the project.  
7 Chris is going to tell you how the city is  
8 coordinating. And then if there are any  
9 follow-up questions about how MGM  
10 integrates, I'll be happy to answer those.

11 CHAIRMAN CROSBY: While you  
12 exchange -- guys exchange seats, we will  
13 take a very quick break.

14 MR. IRVING: Great.

15  
16 (A recess was taken)

17  
18 CHAIRMAN CROSBY: We are back in  
19 business. Want to introduce your team?

20 MR. NOSAL: I think I did already  
21 but Kevin and Chris, if they want to say  
22 hello back to the Commission.

23 MR. DANDRY: Mr. Chair, members of  
24 the commission, Kevin Dandry. I'm a

1 principal and senior project manager with  
2 TEC.

3 MR. CIGNOLI: Good morning,  
4 Commission, Chris Cignoli, DPW director for  
5 the City of Springfield.

6 COMMISSIONER MCHUGH: It's good to  
7 see you both.

8 MR. DANDRY: Thank you for having us  
9 today. This what we'll be showing you  
10 today is the first part of it is a summary,  
11 an abridged version of what MassDOT uses as  
12 part of their design public hearing that  
13 they presented to the public several months  
14 ago as they kicked off the Viaduct project  
15 in a design state. So, it was beyond a  
16 planning state but it was more the design  
17 details and the ideas about traffic  
18 management and things such as that.

19 As Chuck has mentioned, we've had a  
20 great collaborative process for  
21 coordinating with MassDOT and with the city  
22 as we all get better definition as these  
23 designs have advanced to what's really  
24 going to happen. And as I sit before you

1           today, there's wonderful news to share as  
2           far as the sequencing of these projects,  
3           how they're fitting together. And in a  
4           different world if they were going to do  
5           this project three years from now, it  
6           wouldn't make sense.

7                         But what we have in front of us is a  
8           great opportunity where two projects are  
9           being constructed at the same time. And  
10          that based on the MassDOT's estimates and  
11          schedules, this will be done before the  
12          opening. So it's fitting in wonderfully at  
13          this point.

14                        We've had dozens of meetings and  
15          conference calls with MassDOT staff, folks  
16          like Michael O'Dowd, the project manager,  
17          who is responsible for the entire Viaduct  
18          project, executive director David Muller  
19          and his team in the office of  
20          transportation planning, Al Stegman and  
21          Rich Masse from the District 2 office who  
22          are the folks on the ground who deal with  
23          communities every day and have to advance  
24          these projects through construction.

1                   There has been a lot of stakeholder  
2                   coordination. And as Chris will describe,  
3                   one of the elements that we will talk about  
4                   the Viaduct is the parking coordination,  
5                   what's available to us both on the public  
6                   and the private side, which is great news  
7                   for having adequate parking supplies for  
8                   all of the things that will be going on for  
9                   the interim constructions that we have in  
10                  reference to the courthouse.

11                  We are planning a meeting  
12                  specifically with the courthouse. It's  
13                  likely to be the second week in September  
14                  so that we can understand from them and  
15                  hear their specific concerns and issues,  
16                  talk about the strategies.

17                  Chuck, Rebecca and I, Rebecca Brown  
18                  from our office, we had a chance to host  
19                  some of the perspective general contractors  
20                  that MGM is looking at and talked about the  
21                  transportation items, the need for  
22                  coordination with MassDOT, the things like  
23                  transportation demand management, which is  
24                  trying to get people out of their cars.



1           And it's not just once the project is built  
2           but we're looking for the contract to have  
3           very specific plans that we can share with  
4           us and with the Commission eventually for  
5           managing traffic during construction,  
6           employee related construction traffic.  
7           Rebecca, if you can advance.

8                       As far as the Viaduct specifically,  
9           there is unquestionable need as far as the  
10          why perform a project? Many of you -- if  
11          you had seen it from the site visits that  
12          we did with the gaming commission up in Mr.  
13          Picknelly's office on the top floor and you  
14          look down at the Viaduct, you can see the  
15          patchwork of rehab improvements that have  
16          occurred. It's that series of patchwork in  
17          that depth that a concrete surface of that  
18          elevated structure has been compromised  
19          over time.

20                      It's become a significant  
21          maintenance burden for MassDOT and thus  
22          just a need for a significant reinvestment  
23          for that facility. So, you can see  
24          evidence of the patchwork here. The broken

1 concrete almost getting through the deck  
2 here evidence on the underside. The great  
3 news about the facility itself is that the  
4 superstructure for the steel and the  
5 concrete that holds up this Viaduct is in  
6 remarkable condition that they have to do  
7 some painting, but a lot of it is done  
8 after the deck replacement when it doesn't  
9 affect traffic.

10 As far as the limits of the Viaduct  
11 project, what we have done as adaptation of  
12 MassDOT's slides is they had the limits of  
13 the project here but we superimposed the  
14 limits of the MGM site just to put it in  
15 perspective. North is to the left. This  
16 is 291, 91, Exit 6 and 7 in this area. The  
17 limits of that elevated structure that will  
18 be rehabilitated.

19 Next slide. The scope from MassDOT  
20 starts with the advertisement of the  
21 construction project. That is expected the  
22 middle of September, just a few weeks away,  
23 where they will put out central register  
24 for this large contract that is currently

1           valued at approximately \$230 million. That  
2           is expected to go to the award to the  
3           contractor after the bidding process in  
4           December of this year.

5                     And that will include deck  
6           replacement or that concrete surface that  
7           everybody rides on, the painting of the  
8           steel and other minor structural  
9           rehabilitation underneath the concrete  
10          deck, improve bridge drainage, new highway  
11          lighting. And then other things relate to  
12          the merge and diverge area between 91 and  
13          291.

14                    But as part of each of the phases,  
15          and we will show you some examples in a  
16          moment, comprehensive traffic management  
17          during construction. It's going to be the  
18          same for MassDOT as it will be for us. We  
19          anticipate biweekly meetings that we will  
20          be able to understand where each of us are  
21          on an ongoing basis during construction to  
22          know how one affects the other.

23                    As part of the Viaduct project, they  
24          are using what is called ABC techniques or

1 Accelerated Bridge Construction techniques.  
2 The most recent and probably a positive  
3 example of this is the fast 14 projects  
4 that you may have driven over and probably  
5 not been delayed by thankfully with what  
6 was a seamless process for MassDOT in using  
7 these same techniques to replace four  
8 bridges on I-93 just north of Boston.

9 That is the scale of what we're  
10 talking about here, similar techniques  
11 where the major pieces of the  
12 infrastructure are constructed off site,  
13 prefabricated and then brought to the site.  
14 So, rather than have a gazillion concrete  
15 trucks show up through the process, a lot  
16 of that concrete and steel work is done off  
17 site and they are having lifts onto those  
18 sections of the Viaduct. This allows for  
19 great efficiencies. It can reduce the  
20 number of stages or phases of construction.  
21 And it is going to be approximately half of  
22 the time to construct this project as it  
23 would be with conventional phasing and  
24 conventional construction.

1                   CHAIRMAN CROSBY: What does it do to  
2 cost this ABC strategy?

3                   MR. DANDRY: Well, as it relates to  
4 cost, time is money, you know. So, that to  
5 be able to do things in an organized way,  
6 we will usually reduce cost as well because  
7 any time you get into multiple additional  
8 phases of work, you have additional not  
9 only potential for delaying with those  
10 phases but also the risk and the risk is  
11 not just for MassDOT and the contractor but  
12 for the general public that has to go  
13 through a work zone for that much longer  
14 and the really undocumented dollars that  
15 people are getting delayed on their way to  
16 work or business cars going from one place  
17 to another.

18                   So, this is being used more and more  
19 and MassDOT has done a wonderful job as  
20 they deem we move Massachusetts in really  
21 doing it in a coordinated way, in a very  
22 visible way as they have done with the  
23 hearing process to make sure the public is  
24 aware of what is coming. And part of that

1 is going to be managing traffic during  
2 construction just like any other project.  
3 It's just going to be done in a condensed  
4 time period.

5 CHAIRMAN CROSBY: But it's not  
6 particularly a cost saving tool. It's a  
7 time saving tool, which incidentally is a  
8 cost saving tool oftentimes.

9 MR. DANDRY: Exactly. And as we'll  
10 get to in a few slides, there is an  
11 incentive for the contractors as well to  
12 maintain or get done early.

13 COMMISSIONER MCHUGH: This doesn't  
14 have anything to do with our jurisdiction.  
15 I watched the I-93 thing at a very high  
16 level. How does it work if you leave the  
17 infrastructure, the steel in place? You  
18 take new prefab slabs of concrete and  
19 overlay it over the --

20 MR. DANDRY: Yes. I'll actually  
21 have a couple of exhibits that show you  
22 just that.

23 COMMISSIONER MCHUGH: Thank you.  
24 I'm looking forward to that.

1 MR. DANDRY: As we deal with  
2 traffic -- and when I say "we," it's really  
3 a collaboration of all entities. Chris has  
4 spent a considerable time, as we have, as  
5 he represents the city as DPW director in  
6 better understanding how things will occur.  
7 And, Chris, do you want to describe the  
8 survey that you conducted?

9 MR. CIGNOLI: Sure. When MassDOT  
10 started this process, they held two public  
11 hearings. One was in February 25th and one  
12 was on May 20th. As Kevin mentioned, we  
13 had a number of meetings at the DPW in  
14 Springfield where we brought a lot of  
15 businesses in and there were a lot of  
16 assumptions on a project like this that you  
17 make about traffic flow and number of  
18 people and parking and where they get on  
19 and off the highway that are buried inside  
20 of the basic traffic numbers.

21 So, what MassDOT decided was to put  
22 a survey together and advertise it  
23 everywhere and sent it out to all the area  
24 businesses and basically trying to exactly

1 figure out the behavior of people and how  
2 this project may affect them and how the  
3 design elements need to be brought into it.

4 We wanted to identify patterns, the  
5 routes, the behaviors of the commuters and  
6 really to prove and disprove some of the  
7 assumptions that have been made. The  
8 survey was done in April and May of 2014  
9 and received over 3,000 -- just about over  
10 3,000 responses, excuse me. It was  
11 distributed to, as I mentioned, to all the  
12 businesses in the city. It was on our  
13 city's website. It was on Mass Live's  
14 website, our local paper, numerous articles  
15 in the paper as well. We wanted to know  
16 all aspects about the commuters.

17 And really what it confirmed us with  
18 was how traffic patterns really work in the  
19 cities. The major commuters come from the  
20 north, south and east, not as much from the  
21 west. But really what it said is was, I  
22 think 80 percent of the people responded  
23 work in the City of Springfield, so it  
24 really impacts them how they get on and off



1 the highway. And 60 percent of the people  
2 have a commute of less than a half hour,  
3 which obviously in Boston we don't see that  
4 a lot.

5 But it's in Springfield, that means  
6 that people who are used to quickly going  
7 back and forth to work and traffic is not  
8 being a major issue, so making sure that  
9 when we started to put into the design  
10 these items that we weren't going to be all  
11 of sudden be doubling and tripling peoples'  
12 commute through the city.

13 So, it's really what the survey  
14 results really did was confirmed a lot of  
15 the assumptions that we had made and  
16 allowed us to really focus in on much more  
17 specific improvements in the city and on  
18 the ramps, et cetera. But really focused  
19 in on what improvements needed to be done  
20 in the city to make sure that the commuters  
21 within the city are able to get back and  
22 forth within the city very well, and we can  
23 be able to get back on the highway when  
24 they need to at the time.

1                   One-third of the traffic that uses  
2                   Route 91 only uses it for an exit two or  
3                   three. They get on. They get off. They  
4                   get on. They get off. They get on. They  
5                   get off because of the way that the system  
6                   is in the city with the frontage roads.

7                   So, we have been able to modify a  
8                   lot of the frontage roads to be able to  
9                   handle additional traffic to get some of  
10                  the traffic off of the highway to be able  
11                  to utilize less lanes that will be on the  
12                  highway during construction. So, it  
13                  really -- the survey information really,  
14                  really helped MassDOT with their designs  
15                  with the city.

16                  MR. DANDRY: And there are certain  
17                  elements as far as the baseline that needed  
18                  to stay during construction, two lanes on  
19                  I-91 at all times during those peak  
20                  commuter times because to pinch it below  
21                  two lanes passing through each direction  
22                  would result in a very long backup. So,  
23                  that was one of the premises, maintaining  
24                  access between I-91 and 291 at all times,

1           you know, between that interchange.

2           Looking at the interaction between the  
3           ramps themselves, the off ramps and on  
4           ramps because, and you'll see in a moment,  
5           during certain phases, there is not as much  
6           room to merge or diverge into traffic.

7                         So, with that in mind, there are  
8           certain ramps that will be closed for the  
9           duration of both phases of construction and  
10          those are the types of things that we've  
11          been coordinating with them on is  
12          understanding on how our trucks make it to  
13          the site, how may they leave by various  
14          routes, various options so that it's all  
15          predictable and it can be presented to the  
16          contractors.

17                        And as Chris mentioned, some of  
18          those detours off the highway are on  
19          facilities are already used as such, the  
20          frontage roads, the Hall of Fame out or  
21          East Columbus going northbound. That helps  
22          shed some of the burden of that traffic off  
23          of 91. What's up in front is a graphic.  
24          Again, we superimposed where the MGM site

1 is. This is the same graphic that MassDOT  
2 used in the design public hearing.

3 What's shown in red here are the  
4 ramps between Exit 6 and 7 that will be  
5 closed during construction and that traffic  
6 will be redistributed with guide signs to  
7 other adjacent exits. During the first  
8 phase, they will be occupying the middle of  
9 the Viaduct to reconstruct that and the  
10 travel lanes will be pushed to the outside  
11 of the highway maintaining two at each  
12 time. That is stage one. It's the first  
13 major phase.

14 Once that's completed, they will  
15 adjust the portable concrete barrier and  
16 restripe it. Traffic will now use the  
17 inside, and they'll work on the outer  
18 extense of that elevated structure. Other  
19 things like temporary ramp openings up near  
20 Route 20 and traffic signals here and there  
21 are all part of trying to maintain the flow  
22 of traffic.

23 This just shows you a  
24 cross-sectional view. They are going to be

1 occupying the middle of the Viaduct so  
2 there's a concrete barrier here on the  
3 side. They will take off the deck in this  
4 location, clean the steel underneath, which  
5 is in great shape. So, they will be  
6 removing all that concrete. It's the  
7 replacement of that concrete surface that  
8 will go on top of the existing beams and  
9 barriers. The steel structure here, that  
10 can be done in a much more efficient way.

11 So you say, okay, we are going to  
12 demolish all this existing concrete decking  
13 and get it ready and tie it in with the  
14 adjacent structure and then bring in this  
15 heavy lift pieces that will be done in  
16 sections. So, it's a much cleaner, quicker  
17 way of replacing that deck surface.

18 COMMISSIONER MCHUGH: Instead of  
19 pouring on site.

20 MR. DANDRY: Exactly. And that's  
21 what with conventional construction takes  
22 significant and longer time, procure before  
23 you can work with it, be on it to ensure  
24 the strength of that concrete.

1           The next phase, and we come into the  
2 middle and they adjust the barrier and then  
3 working on the outside, so two major  
4 stages. And just before that occurs, there  
5 are some things, whether it's upgrading  
6 signals and technology and detection,  
7 looking at cameras for monitoring traffic.  
8 All of those things, that will be done as a  
9 pre-cursor.

10           Police details are critical  
11 locations, the monitoring program, counting  
12 traffic to understand, you know, regardless  
13 of the survey, which is one coordination,  
14 what's happening on the fly of the data.  
15 The monitoring cameras for traffic  
16 management system, so looking at the  
17 variable message parts on the highway that  
18 may say use Exit 5 or use Exit 9, use Exit  
19 2 on 291. Other options to alert traffic.  
20 And then being able to respond to incidents  
21 quickly.

22           You see the service vehicles on the  
23 highway in many locations today. Folks in  
24 Boston being able to respond to instances

1 quickly, attending the situation, get it  
2 cleared and get traffic moving.

3 Major milestone for dates, again,  
4 project advertisement middle of September,  
5 awarding it in December. They are going to  
6 begin with some of these surface  
7 improvements in February and the first  
8 major stage of construction will probably  
9 occur June, July of '15. They are looking  
10 to complete both stages and have traffic on  
11 91 flowing again with all the lanes that  
12 are there today with a brand-new deck by  
13 early spring of '17. With the 30 month  
14 calender for the construction of this  
15 project, if it starts in November of this  
16 year, then we are talking about May of '17.

17 So, things are lining up very well.  
18 There has been intense coordination on  
19 various phases of construction. They will  
20 have a lot more detail with specific plans  
21 that they go through with their successful  
22 low bidder on the project. So, this is  
23 going to be an ongoing coordination element  
24 not just until the GCs are brought on board

1 but biweekly after that as well. Again,  
2 that just talks about the coordination that  
3 will be conducted over the next many  
4 months.

5 COMMISSIONER ZUNIGA: Does DOT  
6 anticipate only one contractor, one  
7 presentation?

8 MR. DANDRY: I believe so. I think  
9 it will be advertised for one contractor  
10 and a general contractor I would expect  
11 manage several subcontractors in many  
12 different disciplines.

13 COMMISSIONER STEBBINS: Does this  
14 have any impact or bearing on some of the  
15 MGM improvements that have been discussed  
16 for the rotaries on the other side of the  
17 river? I mean, I see people probably  
18 foregoing going up 91 and scooting over  
19 Route 5, which has a lot of its own  
20 construction issues. But MGM has talked  
21 about making a lot of roadway improvements  
22 on the Route 5 side to better direct  
23 traffic. Is there a life for those?

24 MR. DANDRY: Yes. There is a



1 separate MassDOT project for the Memorial  
2 rotary. That is a fast track designed  
3 built process as well. It's not expected  
4 to impact lanes from much of the time they  
5 prepare for work, but the actual  
6 replacement of the bridge that goes over  
7 Route 5 right there at the westerly end of  
8 the Memorial Bridge is expected to be -- to  
9 occur over two long weekends.

10 So, as far as the big picture of  
11 things, we talked with them about if we  
12 have to limit trucking to our site during  
13 those two weekends, so be it. We have  
14 plenty of time to prepare.

15 So, that is an ongoing project for  
16 them. And the consultant that MassDOT or  
17 the contractor has for that design built  
18 the project there just happens to be the  
19 same consultant for the Viaduct project, so  
20 there's good coordination automatically.

21 COMMISSIONER CAMERON: Thank you.

22 CHAIRMAN CROSBY: This -- you know,  
23 you're obviously much more attune to this  
24 than we but if given that the target date

1 for the DOT project is May of '17 and  
2 you're planning to open on or around May of  
3 '17, I have a little heartburn that there  
4 is no slip time in there. I mean, I  
5 wouldn't want to stake my life on that May  
6 '17 success date.

7 MR. DANDRY: Actually, they had put  
8 spring '17 as far as the MassDOT schedule.  
9 But based on what we have seen and talked  
10 about, I expect it to be very early spring.  
11 So, we should have a few months of a buffer  
12 there.

13 One thing I mentioned earlier in the  
14 presentation is that consistent with other  
15 ABC projects that MassDOT is doing, they  
16 are extremely likely to put great  
17 incentives in place in the contract to stay  
18 on schedule or finish early.

19 Those are things that will be  
20 formulated within their contract documents  
21 that they will be putting out for  
22 advertisement and bidding, but those have  
23 been well received in their fast track  
24 projects, like fast 14 in the past. So, I

1 have no doubt that that will be consistent  
2 with this scale project as well.

3 MR. CIGNOLI: The other item I  
4 wanted to bring up is that the intent of  
5 the -- based upon the ABC construction  
6 method that they are using and how they  
7 anticipate the project to move, whether  
8 it's moving north to south or south to  
9 north, as they are in the final stages of  
10 it, as they are moving that final stage,  
11 that roadway then becomes open and then  
12 you're dealing with a much, much smaller  
13 construction area to a point when they are  
14 almost complete with the project the  
15 roadway is almost open.

16 It's not going to be all of a sudden  
17 one day you only have two lanes and then at  
18 the end of the project we have to wait.  
19 So, as they move forward on a lot of the  
20 stuff is going to get going simply by the  
21 way we are using the ABC method.

22 It's going to have to move that way.  
23 And as we're doing it, the ramps that we  
24 talked about that are enclosed, most likely

1 some of them will be able to be open so  
2 traffic will be able to flow a lot better.

3 CHAIRMAN CROSBY: That's reassuring.  
4 Might throw in some preplans or something  
5 in there too since it's so important for  
6 you guys as well.

7 COMMISSIONER ZUNIGA: Do you  
8 anticipate, or perhaps it's too early to  
9 tell, that labor would be a constraint that  
10 some of the -- that would be competed for  
11 some of the same work force with the  
12 contractor?

13 MR. DANDRY: We talked about the  
14 labor pool at times. It's something that  
15 each party is aware of. But one of the  
16 benefits of it is that the benefits of both  
17 projects going at the same time extends  
18 further within the Commonwealth. It's a  
19 significant benefit for the labor pool in  
20 the valley and in the region but it's  
21 also -- it's going to have great effects  
22 for job creation that we expect will  
23 further extend. So, it's great news for  
24 the Commonwealth as far as the benefits of

1           having two large scale projects going on at  
2           the same time.

3                       MR. IRVING:   There is not a big  
4           enough labor supply here in the immediate  
5           Springfield area and our strategy is to  
6           dive deeply into the Worcester labor pool.  
7           And as Kevin said, that's great because  
8           that spreads out the word.

9                       CHAIRMAN CROSBY:   Great.

10                      COMMISSIONER STEBBINS:   I just want  
11           to note this is why I might be late to a  
12           few meetings over the coming years.

13                      COMMISSIONER MCHUGH:   I just heard  
14           there is no slowdown in traffic.

15                      CHAIRMAN CROSBY:   Nice try,  
16           Commissioner.   You've been busted.

17                      MR. DANDRY:   So, now, one of the  
18           things that's intricately tied with the  
19           Viaduct in our project is the idea of  
20           parking, parking accommodations during  
21           construction, so Chris is going to speak  
22           for a few minutes as to some of the data,  
23           some of the information and strategy about  
24           parking accommodations.

1 MR. CIGNOLI: Sure. Just as a  
2 little history of myself, I've been with  
3 the City of Springfield for five years.  
4 I've been a lifelong resident. Prior to  
5 working with the City of Springfield, I  
6 worked on the private side. Our biggest  
7 client was the Mashantucket Pequot Tribal  
8 nation in performing all the traffic  
9 projects related to their development down  
10 in Ledyard, Connecticut.

11 So, the idea of dealing with a  
12 casino development within trying to keep --  
13 obviously it's in a much more rural area  
14 but the idea of how the process works, the  
15 construction, the phasing, et cetera, and  
16 what they are trying to move forward with  
17 is very much in the area that I dealt with  
18 over the years.

19 So, when we started looking at this  
20 project and the other developers who were  
21 interested in Springfield, the traffic  
22 circulation, et cetera, is something that I  
23 dealt with before. And when we start  
24 bringing what they were doing there into

1 the city and we had to start looking at  
2 things such as trucking routes, vehicle  
3 detours and just lay down areas,  
4 construction areas.

5 When you're in a big rural site, you  
6 have all sorts of areas to be able to put  
7 the stuff down. In the city, it's a little  
8 difficult. Parking has really become the  
9 major item of the city, as well as the  
10 construction phasing is going to occur.  
11 The details of things such as bus stops and  
12 pedestrian access is more of a construction  
13 related idea to making sure that we have  
14 people can get from point A to point B  
15 without having to be detoured a lot.

16 One of the unique things that has  
17 happened in the past couple of weeks, if  
18 you could just change the slide, Rebecca,  
19 just to get an idea of what we are looking  
20 at in the city and some of the next slides  
21 with regard to routes coming in and out but  
22 just a little on the parking a lot in the  
23 city -- we have to have three different  
24 parking. We have parking that is run by

1 the Springfield Parking Authority, parking  
2 that is private. Parking authority stuff,  
3 which is shown on this slide here in green,  
4 private parking, which is not really shown,  
5 that are lots that you pay and somebody  
6 else runs it. And there are a number of  
7 locations that people just have parking  
8 lots as part of their business.

9 What we have been getting from those  
10 people who are just businesses that have  
11 parking lots are request open -- what are  
12 called open air parking lots, being able to  
13 charge for parking. They have excess  
14 parking on their sites. So, all of a  
15 sudden an additional number in the city  
16 center have now become available for some  
17 of these businesses to rent out to adjacent  
18 businesses, et cetera, in the area. So, we  
19 have been starting to get those requests.

20 Just to talk about parking, the  
21 Springfield Parking Authority has about a  
22 little over 1,000 parking spaces in  
23 downtown Springfield basically in the city  
24 center. The MGM site here, as you can see,



1 everything is really to the north of it  
2 anyways. I'm going to put the pointer  
3 right there.

4 That is a large flat parking area.  
5 That probably has about 400 parking spaces.  
6 There is a lot down here that has about  
7 250. Tower Square, which is right here,  
8 has about 300 inside their facility and  
9 each one of those are probably at a rate of  
10 about 60 percent of or so on a lot of lots.  
11 And then there's others spread around the  
12 area.

13 So, we're looking at probably  
14 another 1,200 parking spaces in the city  
15 exclusive of the Springfield Parking  
16 Authority that we know that people can be  
17 absorbed in as they -- as different things  
18 happen.

19 And as I mentioned in the last  
20 meeting and spoke some time with the  
21 Springfield Parking Authority and some of  
22 the private lots as well is getting them,  
23 if people are going to be having to move  
24 from a particular location, whether it's on

1 the MGM site or whether it's underneath  
2 Route 91, which I will talk about in a  
3 second, was getting those people now  
4 getting them into -- I don't want to use  
5 the word "contract" -- but getting them  
6 into their monthly rate so that they are  
7 moving, not all of a sudden showing up one  
8 day and finding that something is closed.  
9 That there is a little bit more advanced  
10 notice on it.

11 Underneath 91 right here there are  
12 two parking garages, north garage, south  
13 garage. A majority of those have been  
14 closed for six to eight months simply  
15 because of the deterioration of the deck of  
16 I-91. Pieces were falling off, falling on  
17 cars, so MassDOT had to perform a lot of  
18 work screening, et cetera, to be able to  
19 get some of those spaces back open. So, we  
20 have been dealing with a little crunch with  
21 that.

22 About two and a half, three weeks  
23 ago, one of those pictures that Kevin  
24 showed you of deterioration of the highway

1 about a three-by-three section of the area  
2 collapsed in the middle lane southbound. A  
3 number of cars hit it, obviously blew out  
4 tires, blew out suspensions. MassDOT had  
5 to come in and close the upper deck of the  
6 parking garage on the south end here to be  
7 able to get all the equipment.

8 It took them about two days to get  
9 it fixed. That is probably about the fifth  
10 or sixth time that something like that has  
11 happened over the past six or seven years.  
12 So, that sort of thing will just continue  
13 to happen if the deck is not fixed and  
14 obviously putting in parallel people here.

15 So, from a parking standpoint with  
16 the MGM site with the first thing they are  
17 going to be doing is building a parking  
18 garage is basically sits around here and  
19 then a lot of the remainder of the site,  
20 even though it's shown as a giant square,  
21 there's a portion of the site here that is  
22 surface parking. That is not going to be  
23 touched as part of the development.

24 And, so, just to orient everybody,

1 the building that's right there is the  
2 courthouse. So, a lot of the courthouse  
3 parking occurs here, some of it occurs here  
4 and some of it occurs in some of the other  
5 areas as well. So, that is a meeting that  
6 Kevin was going to be talking about.

7 The thing that was very interesting  
8 to us in looking at the parking was also  
9 access. If you want to go back to the  
10 first slide, Rebecca, was looking at how  
11 trucks, construction vehicles were going to  
12 be getting in and out of the site. We  
13 looked at the major routes into the city.

14 This first one basically talks about  
15 to and from the south. To and from the  
16 south to the site really isn't going to be  
17 a problem. Ramps are open. Ramps are  
18 going to remain open during the entire  
19 construction project. There is no issue  
20 with it. A vehicle can get off of Route 91  
21 in a couple of different locations, go to  
22 the site, come back down, get back on 91  
23 along the frontage road in a couple of  
24 different locations and then follow 91 to

1 the south and however it gets distributed  
2 to the south. So, other than maybe some  
3 volume on the highway, there really isn't  
4 an impact to the vehicles from the south.

5 Rebecca. To and from I-91 north  
6 and I-90 west, the turnpike, and way off  
7 the map up here, obviously the turnpike  
8 goes north, south, or excuse me, east, west  
9 and those vehicles would be coming into the  
10 city from this direction. Being able to  
11 get to the site, there's a couple of  
12 different ways to do it.

13 We have a frontage road that runs  
14 parallel to the highway so they can get to  
15 MGM or depending upon the size of the  
16 vehicle, they just travel through the  
17 construction zone, get off at the next  
18 exit. We have a loop-around ramp that  
19 doesn't even have to enter an intersection.  
20 Its own ramp can loop right around and get  
21 to the site.

22 Vehicles exiting the site can then  
23 just hop on our frontage road and travel to  
24 the north and get back on Route 91 north

1 eventually to the turnpike. There is a  
2 small pinchpoint right near the railroad.  
3 There's a little bit of a lull passover  
4 there that some oversize vehicles that may  
5 be coming to the site may have some  
6 difficulty.

7 Those vehicles can just travel to  
8 the south, get on Route 5, travel in West  
9 Springfield on a highway section, cross  
10 over the North End Bridge, not have to deal  
11 with any sort of height restrictions, lane  
12 restrictions, et cetera, and be able to do  
13 that. So, from the north and from the  
14 west, we think we have that all worked out.

15 Rebecca. Vehicles that are coming  
16 from the east will enter the city through  
17 the Route 291 most likely getting off the  
18 turnpike at the Springfield exit on the  
19 turnpike, which is actually in Chicopee.  
20 Coming into the city -- one of the unique  
21 things here is that the ramp that is going  
22 to be worked on as part of the project is  
23 extremely wide. It's probably two and a  
24 half lanes wide, and it's only striped for

1 one lane.

2 So, when they are doing work on 291  
3 on the ramp on the corner here, we really  
4 don't anticipate any sort of pinchpoint and  
5 that the work that is coming in on -- the  
6 lane coming in off of 291 will be its own  
7 lane for all the construction. So, I  
8 anticipate a decent flow of traffic to be  
9 able to get to the site and, again, they  
10 will just travel down, loop back around and  
11 come to the site.

12 Coming out of the site, the smaller  
13 vehicles, smaller trucks can just travel  
14 along East Columbus. There's a number of  
15 roadways they can take and hop back onto  
16 91. Oversize vehicles can take the same  
17 route that I was talking about before in  
18 West Springfield. Over the bridge right  
19 here, there's an entrance ramp to get onto  
20 291 and they are all set there.

21 Route 5, as we talked about this  
22 area, is essentially a highway section.  
23 It's not a local section of roadway. It's  
24 two lanes in each direction and we are --

1 the only time that you are any sort of  
2 local type road is right here, which is  
3 four lanes wide for probably, if that,  
4 quarter a mile at the most. And that is in  
5 the City of Springfield, which we  
6 controlled.

7 So, the other unique thing with  
8 regard to access parking traffic is that a  
9 number of locations along the corridor, as  
10 part of the project, Mass Highway is  
11 installing realtime cameras with access by  
12 the City of Springfield so that we can  
13 access with MassDOT if there is backups in  
14 certain areas, if trucks are causing a  
15 clock problem in a particular area and just  
16 being able to monitor traffic overall to go  
17 to a contractor and our personnel to start  
18 looking at timing signal on frontage roads  
19 so to be able to do realtime work and not  
20 just sit back and say, oh, that was a lousy  
21 month. Maybe we have to do something. We  
22 will be able to make the changes on the  
23 fly.

24 So, from a parking standpoint, as we



1 delve into it a lot more, we're getting a  
2 lot more comfortable that available parking  
3 in the cross, available parking is there  
4 and that there are other spaces in the  
5 process for finding other spaces in the  
6 process and trucks being able to get and  
7 out of the city for both the 91 project and  
8 the MGM project.

9 We are very comfortable that these  
10 processes will be able to be followed and  
11 not be running people through the city  
12 center with, you know, 75-foot long trucks  
13 with carrying precast T-sections. So,  
14 we're very comfortable with that bearing  
15 the location provide us some unique access  
16 to the highway. So, we're very happy about  
17 that. Kevin, I don't know if you want to  
18 add anything to it.

19 MR. DANDRY: As it relates to  
20 parking and in coordination with our  
21 butters where parking is sensitive, we will  
22 be temporarily displacing about 600 spaces.  
23 And as Chuck mentioned earlier, our parking  
24 facilities is going to be the first phase

1 of on site construction, which tries to get  
2 those spots back in as soon as possible.

3 But one of the other conversations  
4 along with traffic management during  
5 construction in coordination with MassDOT  
6 is a specific shuttle program to some of  
7 these other outlying parking facilities  
8 that are used for the courthouse and others  
9 that are accustomed to having their parking  
10 right next door to make sure that it's an  
11 efficient, snappy operation with great  
12 service to those front doors.

13 MR. IRVING: I think the only thing  
14 I'll add is this is an urban project. And  
15 if you look at building a high-rise in  
16 downtown Boston or building 5 million  
17 square feet in south Boston, it's a lot  
18 more complicated than what we are doing.  
19 It's too bad Springfield isn't occupied  
20 right now. Most of the buildings are  
21 largely vacant. The upside to that is we  
22 are not disturbing people, and it gives us  
23 a lot of good staging area to get this  
24 project done.

1 COMMISSIONER CAMERON: Thank you.

2 CHAIRMAN CROSBY: Questions,  
3 comments?

4 COMMISSIONER ZUNIGA: It's very  
5 clear that you thought about it, been a lot  
6 of planning already done by multiple  
7 parties, not just the folks at MGM, but  
8 clearly the city and DOT and it's great to  
9 learn about.

10 MR. DANDRY: Thank you.

11 CHAIRMAN CROSBY: Do you know if DOT  
12 would make those cameras available to  
13 commercial traffic borders and the websites  
14 and stuff?

15 MR. CIGNOLI: We're trying to work  
16 with them on the protocol to who is going  
17 to have access to them. And if it ends up  
18 being more of an IT issue than it does, do  
19 we want to do it, trying to make sure where  
20 it's tied in because the intent initially  
21 is it's going to be tied into the, lack of  
22 a better term, the contractor's trailer so  
23 that the MassDOT personnel can monitor it.  
24 It's also tied back into our office on

1 Tapply Street so that we can realtime  
2 monitor it with other cameras that we have  
3 in the city.

4 It becomes an IT issue of how we get  
5 it out to the different locations having it  
6 be a camera that's also available on  
7 MassDOT's website, that sort of thing.  
8 That's the sort of detailed stuff we are  
9 working through right now. Because in the  
10 end, in downtown Springfield right now,  
11 there are three cameras I think that  
12 MassDOT has up.

13 The ones that are going up here are  
14 a different type and style, meaning that we  
15 have -- it's realtime. Rather than it  
16 being a little bit more jumpy, it gives you  
17 a little bit more flowing to be able to  
18 monitor traffic, better resolution, et  
19 cetera. So, we're really working through  
20 some of the IT stuff.

21 It's going to be coming back -- all  
22 the wiring is going to be coming back to  
23 most likely to City Hall and how we  
24 distribute it. We are just trying to

1 figure out how we can physically get it  
2 there. I don't think we have any  
3 limitation where it can go or where we want  
4 it to go. It's just a matter of can we get  
5 it there.

6 CHAIRMAN CROSBY: Well, you can  
7 always get it there, somebody else,  
8 commercial folks could pay for it if it was  
9 a huge cost. It's just sort of a major  
10 detail, but it is something that people  
11 find tremendously useful. Over time DOT  
12 has become much more willing to let this  
13 kind of information out. I certainly  
14 encourage you to encourage them to make it  
15 available to commercial providers and  
16 website and so forth.

17 MR. CIGNOLI: Absolutely.

18 COMMISSIONER ZUNIGA: You have  
19 personal knowledge of that history, right,  
20 Mr. Chairman?

21 CHAIRMAN CROSBY: I do. Any other  
22 questions, comments?

23 COMMISSIONER MCHUGH: Terrific.

24 COMMISSIONER CAMERON: Thank you

1 very much.

2 CHAIRMAN CROSBY: I'm really  
3 pleased. As I said, pass back our  
4 appreciation.

5 COMMISSIONER MCHUGH: Thank you.

6 CHAIRMAN CROSBY: Ombudsman Ziemba,  
7 is that the end of it?

8 MR. ZIEMBA: That's it.

9 CHAIRMAN CROSBY: I think that we  
10 have no other business. Do I have a motion  
11 to adjourn?

12 COMMISSIONER CAMERON: So moved.

13 CHAIRMAN CROSBY: All in favor?

14 COMMISSIONER CAMERON: Aye.

15 COMMISSIONER MCHUGH: Aye.

16 COMMISSIONER ZUNIGA: Aye.

17 COMMISSIONER STEBBINS: Aye.

18 CHAIRMAN CROSBY: Thank you.

19

20 (Meeting adjourned at 1:42 p.m.)

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22

23

24

1 MASSACHUSETTS GAMING COMMISSION STAFF:

2

3 Karen Wells, Investigation and Enforcement Bureau

4 Richard Day, Executive Director

5 John Ziemba, Ombudsman

6 Catherine Blue, General Counsel

7 Ed Burke

8 Joan Cune

9

10 GUEST SPEAKERS:

11

12 Jed Nosal, MGM Counsel

13 Chuck Irving, Davenport Properties

14 Steve Newbold, Davenport Properties

15 Joy Martin, Davenport Properties

16 Kevin Dandry, TEC

17 Christopher Cignoli, DEP Director for City of

18 Springfield

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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 25th day of  
August, 2014.

  


Kristen M. Edwards