

MASSACHUSETTS GAMING COMMISSION
MEETING
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P R O C E E D I N G S

>> CHAIR JUDD-STEIN: Good morning. We are calling to order meeting 267 of the Massachusetts Gaming Commission on May 6th, 2019, at 10:00 a.m. at our offices here at 101 Federal Street here in Boston. We will begin today with item 2, our administrative update. Executive Director Bedrosian, please.

>> MR. BEDROSIAN: Good morning, Commissioners.

>> COMMISSIONER CAMERON: Good morning.

>> COMMISSIONER ZUNIGA: Good morning.

>> MR. BEDROSIAN: My update will be quick but what you see reflected in the agenda today I think as I described to describe last week is the culmination of parallel paths getting ready for the opening of Encore Boston Harbor, but there was only so much staff could do. There were items that demanded -- demanded -- required the Commission's attention, and I think you'll see the introduction of those items today. So thank you for your flexibility in taking those up so quickly. And I will just remind the Commission that during May and June, we may be required to have what I might call out of cycle or even shorter meetings to get some of these things ultimately addressed. So thank you very much.

With that, I will turn it back over to our CFO for a continuation of the discussion we had the last meeting at which we had neglected to schedule for a vote. Thank you.

>> MR. LENNON: Thank you. Good morning, Madam Chair and Commissioners. On May 1st Agnes and I presented to you the third quarterly budget update which recommended adjusting the gaming control fund to \$37.8 million, which is a \$1.3 million increase all in legal costs. We're not recommending or asking for an increase to the assessment as the majority of the increased costs are eligible for reimbursement from the Wynn Resorts ongoing suitability review. Any amounts that are not reimbursable will be offset by the licensing fees that continue to outpace estimates. The information in the packet is the same information we presented on May 1st. If you have any additional questions, we'd like to take them up now. If not, we are seeking a vote.

>> CHAIR JUDD-STEIN: We addressed this, of course, at our last meeting. We wanted to make sure it was properly marked up for the vote. We have that now. But

do we need any further discussion or any questions answered by Derek or Agnes?
Good morning, Agnes.

>> COMMISSIONER ZUNIGA: No, I think it's an appropriate recommendation. I think it also reflects the good budgeting that the team does here to try to forecast both revenues and expenses with the exception of all the legal costs associated with the investigation, which is what it is. We would cover them from the licensee.

>> CHAIR JUDD-STEIN: Do we have a motion?

>> COMMISSIONER ZUNIGA: Madam Chair, I will move that the Commission approve the adjustment to the budget as outlined in the packet and discussed here today.

>> CHAIR JUDD-STEIN: Do we have a second?

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: All those in favor. Opposed. 5-0. Thank you.

>> MR. LENNON: Thank you very much.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: And thank you, Agnes. Good morning. Moving on to item 3. Mr. Ziemba and Mr. Delaney, Ombudsman Ziemba and Joe Delaney, our Construction Project Oversight Manager. Good morning.

>> COMMISSIONER CAMERON: Good morning.

>> CHAIR JUDD-STEIN: John, how many notebooks do you have?

>> COMMISSIONER CAMERON: I know. I know.

>> MR. ZIEMBA: One second. Good morning, Commissioners.

>> CHAIR JUDD-STEIN: Good morning.

>> COMMISSIONER ZUNIGA: Good morning.

>> MR. ZIEMBA: As you're aware, the Commission and Commission staff have been carefully monitoring the construction of the Encore Boston Harbor facility. In anticipation of the planned June 23rd opening, there are a number of items that are up for consideration by the Commission. First, Jacqui Krum, Encore Boston Harbor Vice President and General Counsel, and Peter Campot, Director of Construction, will present an update on the project and answer any questions the Commission may have regarding their quarterly reports for the first quarter of 2018 and first quarter of 2019. After the quarterly reports with the assistance of Joe Delaney, Construction Project Manager, we will discuss a number of other updates and requirements. We'll ask for the Commission's approval of STV Incorporated as the firm to conduct the baseline monitoring and after opening transportation monitoring specified in the Commission's requirements, the Massachusetts Department of Transportation's requirements, and those of the City of Boston.

As you are aware, monitoring the potential impacts from the facility has been and continues to be extremely important to the Commission. We will also hear a presentation regarding material changes to the project since the time of the Commission's approval of the final design of the project. As detailed in the memorandum in your packet and as described by Joe, the Commission has had a very thorough process to review the design of the Encore Boston Harbor facility. The Commission will also hear a presentation regarding the time line for the remaining items to be constructed before the planned opening. Both the project changes and the time line will be up for a vote by the Commission at a future Commission meeting.

Following the time line presentation, the Commission will hear a description of a proposed update to the Commission's current Section 61 findings, which update memorializes the measures required by the Commission to avoid or minimize the project's impacts on the environment. We recommend that the Commission request comments on the proposed amendment to the findings before taking action. Joe will discuss the potential timing of such request for comments.

In general, the proposed update is designed to reflect the latest on the project's permitting and is designed to reference requirements of the project that were made subsequent to the Commission's issuance of its Section 61 findings. For example, the document references changes that were made following the project's 2017 Massachusetts Environmental Policy Act notice of project change that was previously presented to the Commission. In the draft document, there is a rather lengthy description of the sediment remediation measures that were chosen at the time for a portion of the project site and an adjacent area of the Mystic River. The language of the proposed Section 61 findings will also provide an updated description of the work of the lower Mystic Regional Working Group, the language in the current Section 61 findings was written before the working group's final deliberations and Boston's decision regarding its long-term Sullivan Square, Rutherford Ave projects. Encore Boston Harbor will provide and has provided significant funding for such project and is required to pay a proportionate share of such project under the current and the proposed Section 61 findings. New language is included to reflect current plans for Encore Boston Harbor's water shuttles included in your packets is also a memo we asked Encore Boston Harbor to provide that describes how it plans to meet the passenger levels included in the MEPA filings despite the fact that the passenger capacity of individual water shuttles is less than anticipated. Mina Makarious from Andersen & Kreiger is also here to help with the discussion of the findings. Following that, we will have a presentation on Encore Boston Harbor's opening period traffic and public safety planning. And with that, I will turn it over to Jacqui and to Peter, if you could join us up front.

>> MS. KRUM: Good morning, Commissioners. And thank you so much for having us here. We really appreciate it.

>> COMMISSIONER ZUNIGA: Thank you. Good morning.

>> MS. KRUM: I will start with our quarterly report for -- it's actually two quarters. It's the last quarter of 2018 and the first quarter of 2019. So I'm going to turn it over to our director of construction, Peter Campot, to take you through the construction update.

>> MR. CAMPOT: Good morning.

>> COMMISSIONER ZUNIGA: Good morning.

>> COMMISSIONER STEBBINS: Good morning.

>> MR. CAMPOT: We have approximately 35 days to temporary CFO. We expect to receive that no later than June 10th and I'm pleased to report that we're on schedule. We're in the final throes of finishing spaces throughout the facility, and I'll run through that on a space-by-space basis as we look at this presentation.

These photos are a couple weeks old of the site. And if you visit, you'd see that we're actually quite a bit farther along than what you see here even though what you see is very substantial. The site work due to the winter weather and I wish the rain would stop is on schedule, but it's one of the items that's going to finish up right till the

very end but we don't see any problem. Finished paving is scheduled for next week. And the turf areas -- all the gray areas you see in the photos are turf and that will be installed next week also. So you're going to see -- it's almost like the switch is going to turn. It's going to look fantastic out there.

There really are no major issues on the site. We've planted over 700 large trees, to give you an idea, we replaced a lot of the ones that didn't survive the winter, a normal tough winter. So those are in the process of being replaced. And we expect to have all those replaced in time for the opening. The marine docks are also 100% complete. Minor punch list. And we're ready to start testing shuttles mid-May.

And then the garage is 100% complete. We're restoring materials on the B1 level. And essentially we're just finishing that up. The bottom three levels have been punch listed out 100% done. And we expect to have the B1 level done in the next couple weeks, so we don't see any issue with the garage either.

The podium, as you know, we turned over the north section. We've been using that since December, which has been included in the major plan, so that's been a huge benefit. You can go to the next. The gaming areas, if not -- I think all of the slot machines are on the floor now, and I think almost all of them are installed. And we're also installing gaming tables throughout. So when you walk through the space right now, it looks -- it really looks like a casino, which is kind of neat.

The convention area is being punch listed. And we're just -- it's essentially done. And, again, you walk through there. A beautiful space that's ready for opening right now. The tower, we've installed furniture all the way up through 27. We had a few lights we had to replace. I think we've got less than a dozen left, and there's essentially just punch list and just finishing it up. But again, it's in really good shape.

I do want to note that we have fallen behind in some of the punch lists. You've heard me say that word. You know, punch list in a facility of this size is pretty overwhelming. We're falling a little bit behind in the atrium, the spa and gaming areas, but we're working with the construction manager and we expect to catch that up over the next two to three weeks. What we're essentially trying to do is have it 100% complete by June 1st. That allows operations team enough time to move in and be ready for opening.

The other thing that I should note is all the restaurant areas, half the restaurants have been accepted by the health inspector. All the rest of them except for two will be inspected this week. And then we expect to catch the other two up the end of the month. As well as the retail spaces in the promenade are all on schedule to be finished at the end of the month. So overall -- and I should note, too, that we're -- we tested permanent power this weekend. National Grid's been doing a great job working with us, and we expect to have the permanent power accepted and approved this week, which is a big -- another huge milestone.

So right now we're testing a lot of the fire alarm systems, that type of thing. But we're essentially on schedule, and we expect to be in very good shape by the 1st of June. That leaves us two to three weeks before opening.

>> MS. KRUM: Unless you have any further questions from Peter, we can move to the infrastructure improvements.

>> COMMISSIONER ZUNIGA: I may actually have a couple and maybe you were going to get into this later or not. I'll just ask that. Just coming from the experience of

MGM, there were a couple of areas, retail, et cetera that were not open during -- at the very beginning, or they were flexible space that was later going to be determined which was going to be its final use. Are there any areas as such that you're contemplating for the property?

>> MR. CAMPOT: No, we expect to have everything 100% complete. The retail spaces, we did release late. So they're going to finish right up the end of the month. And we have a space for watches of Switzerland in the main lobby which we released about two months ago. And they're going to complete the first week of June. So we expect to have all that space complete on time.

>> COMMISSIONER ZUNIGA: Great. And so what would you say is, in general, your critical path?

>> MR. CAMPOT: It's just all the testing acceptance. We've got a portion of the elevators have been accepted. We've got approximately 20 more elevators to go that need to be inspected and signed off by the state. A good portion of those get done this week including escalators. We just have a lot of testing and that type of thing that's part of the turnover process that we need to pull together this month.

>> COMMISSIONER ZUNIGA: Great.

>> MS. KRUM: One of the items which we'll tell you a little bit more later, we are trying to install a battery installation, and that is delayed -- that won't be part of the opening but it wasn't anticipated as part of the initial project. It's an add-on, which we were hoping we can hopefully go to the next level of lead certification. But we've run into some issues in terms of the placement, and so we need to look at alternative placement areas for that.

>> COMMISSIONER ZUNIGA: Thank you.

>> MS. KRUM: So as John alluded to, we have a significant offsite infrastructure improvements. This is just a generalized map. We broke them into four different packages. Because Wellington and Sweetser are relatively close in proximity, we put that into one package. And then the other three packages are as outlined on this slide. Starting off with the first package which is Lower Broadway, so that's the area right outside the resort. We are paving some nights this week, depending on the weather. The weather was not kind to us, as we all know, in April. So we're a little bit behind on that, but hopefully we can catch up quickly. The landscaping will be done at the end of next week. And we are striping last week of May and testing on signals. The last week of May, first week of June. That includes the interconnect which is the feed to the City of Boston who is going to be monitoring that so that we can adjust for special events or times of significant traffic congestion.

On CP2, which is route 16, this is the Wellington Circle and the Sweetser Circle projects. We are paving Wellington this week, marking and striping will be the week of May 13th. And on Sweetser, we're waiting for MassDOT to finish some of their bridgework which has delayed us slightly, but we should still be able to pave the week of 5-13. Markings will follow the next week. And we've also agreed with the City of Everett to some additional new curbing, and we're almost complete with that. We've got about another additional 75 feet of curbing to put in.

On CP3, which is Malden and Wellington MBTA stations, we are complete. Just waiting for signoff from MassDOT and the "T," and we understand that that should be forthcoming imminently. And then, of course, on Sullivan Square, we are paving -- we

are doing the final paving tonight. We start work on the traffic signals the week of -- traffic signals on 5-14. Striping will be next week. And with the landscaping, we're clearing this week, and we'll start next week, and I'm told it should be just a few days to get the landscaping installed.

Scheduled on that work to be done on the 24th. So moving forward to our diversity goals.

>> COMMISSIONER ZUNIGA: Jacqui, before you do that, I recall there was some paving and work that had to be done around Robin and Dexter that you were waiting for some of the, who from --

>> MS. KRUM: Eversource?

>> COMMISSIONER ZUNIGA: Eversource, yes. How is that going?

>> MS. KRUM: That worked out and we are able to complete that paving as part of the Lower Broadway package. Yeah.

>> COMMISSIONER ZUNIGA: Okay. Thanks.

>> MS. KRUM: So obviously our design phase is complete at this point, and we're proud to say that we had a goal of 18.9%, and we achieved 22.6% in total MWVBE contracts. As you can see from this the only one we fell slightly short on was the women-owned enterprises. We worked hard to achieve our goal, but we didn't achieve that number.

On the --

>> CHAIR JUDD-STEIN: And that's with respect to design only.

>> MS. KRUM: That's correct. So we broke it out separately between design and construction projects.

>> CHAIR JUDD-STEIN: Right. Okay. Thank you.

>> MS. KRUM: And just to note, a lot of the design that we do is internally done.

And so that -- that was part of the --

>> CHAIR JUDD-STEIN: That's interesting to me because I know that with respect to design, WBEs have done quite well in Massachusetts, generally. So that's good -- a lot of that work was internal.

>> MS. KRUM: Right.

>> CHAIR JUDD-STEIN: Okay.

>> MS. KRUM: And I'll defer to Peter, how many people on the design team internally?

>> MR. CAMPOT: Oh, probably 60.

>> MS. KRUM: That's here.

>> MR. CAMPOT: Yeah.

>> MS. KRUM: Yeah. And more in Vegas as well. So it's a big team.

>> CHAIR JUDD-STEIN: But otherwise with respect to MBEs, you exceeded your goal with respect to vets, you --

>> COMMISSIONER ZUNIGA: More than exceeded.

>> CHAIR JUDD-STEIN: And how many -- so four separate veteran awards.

>> MS. KRUM: That's correct. And with the veteran business enterprises, what was difficult is a lot of veteran business enterprises don't necessarily identify as such. So they had to go through the registration process, certification process, in order to be identified.

>> CHAIR JUDD-STEIN: And that's great for the future. Thank you.

>> MS. KRUM: So on the -- whoops. I skipped ahead. On the contracts awarded for the construction phase, we met and exceeded all of the goals, and if you look at the total number of contracts, our goal was 11.4, and we had 19.1. So this took an excessive amount of effort from our team and from our construction manager. And so we're very proud of that work.

>> COMMISSIONER ZUNIGA: It's worthy of noting the number of contracts here. Of course, the project is quite large, but full parking, about 280 contracts.

>> MS. KRUM: Well, what we did was right from the beginning we broke down the packages into smaller packages, noting that other businesses which normally would not have the opportunity to participate in a project this size would have the opportunity to bid and compete.

>> COMMISSIONER ZUNIGA: Mm-hmm.

>> MS. KRUM: We also encouraged them to get together with other businesses so that they could grow for future projects.

>> CHAIR JUDD-STEIN: And so you're saying as a joint -- in a joint venture as opposed to -- or subcontractor?

>> MS. KRUM: Some were subcontractors and some were more joint ventures.

>> CHAIR JUDD-STEIN: Oh, that's good.

>> MS. KRUM: And then on the workforce participation. So as you can see on this one, too, we were fortunate enough to exceed all of our goals. I think what we're most proud of is the minority participation, which we had a goal of 15%, and we hit 25.3%. On women, we had a goal of 6.9%, and we hit 7.2%. This, too, was a pretty big struggle. And right to the very end, we were noticing that the women -- the women construction workers were dropping down. So we called a meeting. I say we. Peter called a meeting and looked at why that was happening. And what was happening is as we were cutting back the various trades because we were phasing out of that particular line of work, the first people that they were laying off were the women. So we made a conscious effort to say you have to keep them on. And so we were able to keep our numbers up at the end.

>> COMMISSIONER CAMERON: Did you ask why that was?

>> MS. KRUM: So I think it was the more junior, frankly, members.

>> COMMISSIONER CAMERON: Okay. Senior issue?

>> MS. KRUM: Yeah. And so they, you know, like to have their most senior people work on -- work on this. And so it was -- it was a directive that we gave that they actually had to keep them on longer.

>> COMMISSIONER STEBBINS: I think it's important to note that the minority and the female goal were almost prescribed in the gaming statute. But throughout, and this extends to MGM as well, it was great to see that both of you prescribed this as the floor and not the ceiling. And I know early on we had a lot of encouragement to get you to raise the goal to kind of reflect the diversity of the region. But, you know, to come in almost 10 percentage points above what the goal is is commendable.

>> MS. KRUM: Thank you. So just a quick update. I know Peter alluded to this briefly, but the installation of gaming equipment should be completed by the end of May. We have 3,109 of the 3,130 slot machines already installed. We have all nonpoker tables installed and we're working on the poker table installation as we speak.

In terms of hiring, at the time we prepared this late last week, we had 930

employees on board. This week we're up to 1,150. So we're bringing in people very quickly at this point. And the number for -- you see 86% of total hires in the onboarding process. That means they're going through either registration with the gaming Commission or our own internal background check and onboarding. We're actually at 90%. So we've hired 5,200 of the 5,800 employees.

>> COMMISSIONER CAMERON: Has that process gone smoothly? Any snags that --

>> MS. KRUM: Your staff has been fantastic. They have really got people through the registration process quickly and efficiently. It's always a challenge, I think, particularly now when we're bringing on hordes of people, so we're working through that right now. But generally it's gone really smoothly.

>> COMMISSIONER CAMERON: Okay.

>> COMMISSIONER ZUNIGA: Will you be updating on the numbers relative to -- on those people being hired? The number of women or local?

>> MS. KRUM: Oh, absolutely. So we're preparing that. It's a little bit difficult right now because we don't have completely accurate information about the people who are in the system.

>> COMMISSIONER ZUNIGA: Okay.

>> MS. KRUM: So that's the vast majority. You know, we only have the 1,150 right now, but as soon as we get more people through the system, we'll provide you that information.

>> COMMISSIONER ZUNIGA: That's great. And also, and before you move on, Jacqui, there's -- you mentioned there's all of the slot machines are installed, but we are behind them, right, Ed, in terms of testing? Can you speak a little bit do that?

>> MR. BEDROSIAN: Yeah, I think our folks said they're in good shape. And the goal was to have them all tested and communicating with our CMS by the end of the month.

>> COMMISSIONER ZUNIGA: Thanks.

>> MS. KRUM: And so we hope to be completely done with hiring by the end of May. And then the idea would be to get everyone on board and start doing mass orientations and trainings. That will take all the way up until opening.

Just a few slides on some other projects, even though we've been incredibly busy, we've had amazing volunteerism from our teams. I think we've had -- I think the number I received this morning was we've had over 700 hours volunteered this year to date. So a couple of projects that we worked on. We made blankets for the Everett Grace Food Pantry. 30 volunteers helped Summer Search which is a program that seeks students out with potential but unequal opportunities. And we partner with them to ensure their success in school work and life. And so one of the components of that is a summer camp. So these are preparing bags for them to take to their summer camp experience.

On one Boston day, we actually had a different project planned. But, of course, it poured on that day. So we were going to clean up a park. But that didn't work out so well. So we did that last week. But on one Boston Day, we entertained over 100 children for Kids Only which is an after-school program which is very high-quality, out of school programming of school-age children.

The Walk For Change was last weekend. And we had over 60 employees and

friends of those employees participate in the Boston area Rape Crisis Center Walk For Change. And then one of the partnerships that we have is with the Wang Theater, and we've been fortunate enough where we've contracted for a certain amount of tickets every year, but they always give us extra if they have them. And so we were able to bring children who would never necessarily have access to some of these programs to the theater. They really do a good job in terms of bringing them in early, giving them food, letting them speak to the cast. So it's been a fun way to bring in some of the local groups that we work with. Whoops.

And finally, as you know, we partnered with the Museum of Fine Arts. We were sponsoring -- and I hope I don't mess up the name of the exhibition. All of the Everett residents and all of our employees get free admission to the MFA for the duration of the exhibition. Which we're told they're actually using. And that is it for our affirmative presentation, but we are, of course, available for any questions.

>> COMMISSIONER CAMERON: Looks -- it looks impressive, all the programs that your team, you know, got involved with, all the community programs. That really looks like really good work being done. So congrats on that.

>> MS. KRUM: Thank you.

>> COMMISSIONER ZUNIGA: Yeah, it looks like there's quite a bit of progress since we last heard from you and a lot more since we last visited.

>> MS. KRUM: Definitely a lot more since we last visited.

>> COMMISSIONER ZUNIGA: It's been a while, so I really look forward to looking at the progress.

>> MS. KRUM: Yeah. We look forward to having you. Thank you.

>> MR. ZIEMBA: Thank you very much. We'll now move on to the next section, the independent traffic monitoring section. I'm going to turn it over to Joe.

>> MR. DELANEY: Thank you, Commissioners.

>> CHAIR JUDD-STEIN: Thank you, Ms. Krum. Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> MR. DELANEY: So I'm joined here by Jim Folk, who is the Executive Director of transportation for Encore Boston Harbor as well as Paul Tyrell and Dustin Kerksieck from STV Incorporated. So the first item we have here is the approval of the independent traffic monitor. So as part of the Section 61 findings, both MassDOT and the Gaming Commission must approve of the independent traffic monitor that will initially conduct a baseline traffic study before the project opens as well as ongoing traffic monitoring that will take place after Encore opens for a period of ten years, I believe.

Now, Encore has selected STV Incorporated as the independent monitor. STV is a multidisciplinary engineering firm with over 2,200 employees around the country with about 120 here in Boston. STV is on the MassDOT list of approved consultants and has been specifically approved by MassDOT for this monitoring project as well. So as part of their approval, they require that Encore consult with the communities in which the monitoring work is being conducted. We also felt that this outreach was a very important part of that monitoring plan.

In your packets is a letter from STV requesting approval by the Gaming Commission. Also STV's qualifications package. The MassDOT approval of STV and the proposed scope of work for the monitoring project. We are recommending that the

Gaming Commission approve STV as the independent traffic monitor. Of course, the gaming Commission has the authority to rescind this approval at any time if we felt that that were necessary. And again, we have Jim Folk, Paul and Dustin here to answer any questions that you might have.

>> CHAIR JUDD-STEIN: Just to clarify, I want to make sure I'm reminded of a process. The licensee was able to choose, correct? And then we did our own due diligence on the proposal. Correct?

>> MR. DELANEY: Correct.

>> CHAIR JUDD-STEIN: It wasn't done due to a competitive procurement that we issued.

>> MR. DELANEY: No, it was not. Yeah, it's Encore's choice of who they would like to use and they got Mass Dot's buy-in and our buy-in that they were sufficiently qualified and independent to do the work.

>> CHAIR JUDD-STEIN: I just wanted to make sure everyone understood that process. Thank you.

>> COMMISSIONER CAMERON: I see you've done a lot of local work here, correct?

>> Yes.

>> COMMISSIONER CAMERON: So it's not a new region that you haven't worked before? You've done similar projects, correct?

>> CHAIR JUDD-STEIN: It might be -- would you like to expound on that, maybe?

>> MR. TYRELL: I'd be happy to. My name is Paul Tyrell. I've been with STV for about 15 years now. Our footprint is Boston. Our footprint is our primary clients are MassDOT and the MBTA. Significant projects that we've done, the green bush commuter rail line. We just finished the Longfellow Bridge for MassDOT where we mitigated traffic for five years on that project. We're the lead consultant for the Green Line Extension. We do an awful lot of work for the State in all aspects of transportation.

>> COMMISSIONER ZUNIGA: As you mentioned, although I have not met Mr. Tyrell or others in the team, I am quite familiar with the firm STV. They did a lot of work for the school building authority when I was there, and I'm sure they continue to do that. In a similar capacity, they did a lot of assessment of schools on behalf of the state when we were trying to figure out funding decisions and whatnot.

>> MR. TYRELL: We were fortunate enough to receive that contract twice where we worked are for the school building authority, assessing all of the schools in Massachusetts. So we were proud to have received that one, but we did the job so well, we were successful in being selected a second time.

>> COMMISSIONER ZUNIGA: And they draw on a number of engineers and architects that do a lot of the work.

>> MR. TYRELL: Fortunately we have 120 people in the Boston office alone, full-service architectural and engineering firm. We procure the vehicles for the MBTA. So we understand transportation from the footprint of the vehicles all the way to the delivery, fare collections and everything that the MBTA does as well as MassDot.

>> COMMISSIONER CAMERON: Is there anything different or challenging about this particular project that you haven't quite seen before, or is it very --

>> MR. TYRELL: No, nothing. We look forward to being able to validate the

numbers that were estimated. It's interesting because of some of the construction work that's ongoing in the area that's not associated with the gaming authority, and we have challenge -- we have discussed the green line is impacting some of the numbers, and so we'll have to take a good look at those to make sure we have the appropriate numbers as we think they should be.

>> COMMISSIONER ZUNIGA: I should also probably note that they have not been involved in any prior gaming-related assessment either for the licensee in the past or other applicants. So I think that's a very positive in this case because some of the conditions that we imposed relate to the outcome of this monitoring, of the traffic monitoring. So that there's any question as to any foundation or ulterior motives, I think that is also a very important aspect.

>> MR. FOLK: Yeah, and if I can just add if you don't mind. One of the reasons we selected STV, I actually, in my past job, I worked at the Massachusetts Convention Center Authority in charge of their transportation, I was as well the deputy chief operating officer at the MBTA, and I've had STV do work in the past for a few projects that were directly correlated to something that I was working on. And they've done a fantastic job. So, you know, we have had other consultants look at the traffic monitoring, you know, like obviously before the construction started, but this had to be independent. So that's why one of the reasons we selected STV, because of their experience in this state, the years of experience, and they're a local company. So we were going to have them obviously check all of the turning at all the intersections that we want. They're obviously going to be working with MBTA to get counts on the MBTA bus routes, and then they're going to -- you know, we're working, like Joe said, the cities and getting their point of view and making sure that they're satisfied and everything that we're doing moving it forward.

>> COMMISSIONER CAMERON: Obviously a challenging area with traffic.

>> Just a little. I had the South Boston Waterfront so I'm used to it.

>> CHAIR JUDD-STEIN: Mr. Delaney or Mr. Ziemba, do you want to add anything?

>> MR. ZIEMBA: No, I think that's sufficient. Unlike the other items, we are asking for the Commission's vote on that. There's a number of counts that these folks need to get done over the next couple of weeks.

>> CHAIR JUDD-STEIN: Further discussion? Questions from the Commissioners? Do we have a motion, then?

>> COMMISSIONER ZUNIGA: Madam Chair, I'd be happy to move that the Commission approve the firm of STV Incorporated to function as the independent traffic monitoring for the work at the Boston -- the Encore Boston Harbor scope.

>> COMMISSIONER CAMERON: This --

>> COMMISSIONER ZUNIGA: Oh, I'm sorry. I was going off of the cuff. There is a selection here. I move that -- let me strike that and make a motion again. I move that the Commission approve the selection and engagement of STV Incorporated as the independent transportation monitor as is fully described in the memorandum from Ombudsman Ziemba and Oversight Manager Delaney. Included in the Commission packet. And further move that the Commission may rescind its approval of STV as the independent transportation monitor at any time in the Commission's discretion and require the selection and engagement of a different independent monitor, if the Commission decided that was necessary.

>> CHAIR JUDD-STEIN: Do we have a second?

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Any further discussion? Just clarify that it's conditioned upon a potential rescission. We don't anticipate that. Thank you. All those in favor. Opposed. 5-0.

>> COMMISSIONER CAMERON: Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> Thank you.

>> MR. DELANEY: Okay. So the next item on the agenda is the approval of changes to the Encore Boston Harbor design. So now the Gaming Commission has reviewed the Encore design a number of times throughout the project's history. And voted an approval of the final design in October of 2016. Since that time a notice of project change was filed that changed the number of hotel rooms and the mix of square footage and so on and so forth. And in addition to that, there's been some other, you know, minor project changes that have happened since that time. Just, you know, refinements to the project that happened in the course of any kind of construction.

Just as a matter of a couple of the highlights, I won't go into all of the items that are in the memo because it's rather extensive. The restaurant program has been finalized. At the notice of project change. The square footages of the food and beverage outlets was increased, but the program had not been fully defined. So there are now 15 food and beverage outlets that are identified in the memo. Square footages, as I mentioned, were updated at the notice of project change stage and are outlined in the revised Section 61 findings that we'll talk about in a little bit.

The final sediment remediation alternative was defined. Items related to employee parking and off-site park and ride locations have been secured. And also a day-care facility is being constructed by Encore at Station Landing. There are also a couple of additional items that are related to the project but that are not part of the Gaming Commission's approval that we just wanted to keep you apprised of. The first one is the River Green parking lot. Encore had purchased what was known as the former GE facility on Air Force Road as a location to relocate properties that they had bought out on Broadway. There was some extra space on that site, so they approached the City of Everett about constructing a temporary parking lot on that location. So the City has approved that, and that parking lot's now under construction.

Also across Broadway from the project site is what's known as the community parking lot. This is a temporary 800-space parking lot that's being constructed across Broadway from the facility which will be operated by the City of Everett for a period of up to three years. 100 spaces of that will be used for queueing for ride share services with the remainder for general parking.

Also Encore is refining the number of gaming positions as the project approaches opening. And I'll turn this over to Jacqui Krum to provide some additional information on this item.

>> MS. KRUM: Sure. So in our original MEPA filings, what we did was we had to propose a formula for traffic generation. So obviously the State has sufficient information about how much traffic is generated by, you know, uses such as restaurants and movie theaters. But they did not have that information for casinos. So they looked -- they did some research -- we did some research on benchmark casinos. We

looked at casinos in St. Charles, Missouri; the Hollywood Casino in Ohio; Sugar House in Pennsylvania; Resorts World Casino and Aqueduct in Queens, New York; Casino de Montreal in Quebec; and Rivers Casino in Pennsylvania. And ultimately based on the facilities that had the most similar market area and demographic bases, number of gaming positions and resort amenities and access to public transportation, three of these were selected, and we proposed to MEPA a formula for counting the number of -- counting the traffic that would be generated by our casino. Sorry. This is a long explanation. But based on that, MEPA approved six positions per gaming table and one position per slot machine. So to date all of our MEPA filings have followed that formula.

In I believe it was January of this year, the Gaming Commission proposed a revised formula to calculate the number of gaming positions. And for instance, as opposed to our six per table, craps went up to 14, roulette went to 7, and poker, which is somewhat significant for our property, went from 6 to 10 positions. As a result, if you look at the number of gaming positions that the Gaming Commission uses, it's quite significantly higher than that, which we proposed for MEPA.

We intend to address this with MEPA to try to get to an apples-to-apples comparison. Our thought is the same word is used, gaming positions, it may be different for MEPA purposes.

>> CHAIR JUDD-STEIN: Ms. Krum, I just need to understand, when you first went to MEPA, you said MEPA adopted -- was that at your proposal?

>> MS. KRUM: It was. So we --

>> CHAIR JUDD-STEIN: Initially it was six for all except -- what was it, nine for slots? What was it?

>> MS. KRUM: One for slots. So one-to-one.

>> COMMISSIONER ZUNIGA: Six per table.

>> CHAIR JUDD-STEIN: Per table and then six.

>> MS. KRUM: Right. And that was based on an average rather than actual number of seats because they were trying to understand more, you know, the casino wouldn't be operating at full capacity every day.

>> CHAIR JUDD-STEIN: So that was your proposal to MEPA. MEPA issues its order based on a proposal. And then you said the Gaming Commission presented others. Was that based on a newly revised proposal from Encore or was --

>> MS. KRUM: No, that was done by the Gaming Commission I think to reflect -- and I'm not going to speak to what the Gaming -- but I think to reflect actual number of seats.

>> COMMISSIONER ZUNIGA: So can I ask maybe the question just a follow-up. When -- so is it fair to say that you have not changed the number of tables from the MEPA --

>> MS. KRUM: We -- so if we're looking at apples to apples, we're at about 127 positions, additional gaming positions, which is less than 3% of the number that was proposed in our notice of project change.

>> COMMISSIONER ZUNIGA: 127 additional gaming positions.

>> MS. KRUM: Correct.

>> COMMISSIONER ZUNIGA: All together, slots and tables.

>> MS. KRUM: Correct.

>> COMMISSIONER ZUNIGA: But the difference between filing and now is mostly due to the point that you made which is the recalculation -- or rather define calculation of seats per table.

>> MS. KRUM: That's correct. And that's obviously a significantly higher number. You know, I was just looking at the poker tables alone. So under our original formula, we would have had 528 gaming positions. And that's increased to 880.

>> COMMISSIONER ZUNIGA: Yeah.

>> CHAIR JUDD-STEIN: 528?

>> MS. KRUM: So 880.

>> COMMISSIONER ZUNIGA: That's just in poker.

>> MS. KRUM: With no -- no change in the number of tables.

>> COMMISSIONER ZUNIGA: Poker tables.

>> MS. KRUM: Yes.

>> COMMISSIONER ZUNIGA: I guess I didn't really realize this was the source. Can I go back to -- are we approving anything on this matter now? No.

>> MR. BEDROSIAN: No.

>> CHAIR JUDD-STEIN: It would be a good time personally for me to take a break and secondly I'd like to get clarification from Mr. Ziemba on just one point because I'm not going to be able to clarify that right now. So if you wouldn't mind, if we could have a ten-minute break, and Mr. Ziemba, if I could just ask a question. Thank you.

>> MR. ZIEMBA: Sure.

>> CHAIR JUDD-STEIN: Thank you.

(A break was taken at 10:49 a.m.)

>> CHAIR JUDD-STEIN: We'll reconvene the meeting, please, and thank you for your patience. Attorney Krum, if you'd like to continue. Or I think, Commissioner Zuniga, did you want to further clarify? You were asking a question?

>> COMMISSIONER ZUNIGA: You know, I actually -- I got some background relative to the change that Attorney Krum is referring to that we -- that we did back in last January. Is that -- could you further explain it?

>> MR. BEDROSIAN: Yeah, to put it a little bit in perspective, Commissioners, I think CFO -- CFAO Lennon had made a recommendation at the time to -- for lack of a better term -- true up the numbers at some of the tables. They were using an average of six. All tables are not created equally as Attorney Krum articulated, and we were trying to rationalize our assessment across our licensees. So Derek came in with the recommendation of why don't we use -- I don't want to say actual numbers but potential numbers as a way of trueing up that assessment. And I could be clear, the law of unintended consequences, it was not a comment on environmental policy or anything like that at the time. It was really for another purpose. So -- and I think that was -- and we've had a bit of this conversation about how much of that reassessment for financial accounting purposes is now affecting this assessment for environmental purposes. And they may be, in the end, I don't know, we may be now talking apples to oranges in terms of potential positions versus environmental assessment positions. So just want -- I apologize for not catching that and giving you that information earlier.

>> CHAIR JUDD-STEIN: And just to clarify that that might -- the fact that you're using numbers that were used for the assessment, the methodology that MEPA relied on might not have been clearly exposed. And so that sounds as though there probably

needs to be continuing conversations with MEPA to make sure we have a clear understanding. Is that fair?

>> MS. KRUM: That's correct. And in the original memo we submitted to MEPA when this was first proposed, we did say it was an average and not an actual. But some of these numbers in the new proposal, for instance, poker tables, there's a number of ten positions per poker table. We don't have ten positions at our poker tables. We only have nine. And so craps tables obviously don't have any chairs. And so that's a number that is -- a potential number, certainly, but in terms of actual and average, there may be a difference there.

>> COMMISSIONER CAMERON: I guess I'm -- when we say true up, these are not a true up. There's a significant change in numbers here. And you expect to be able to get that through MEPA in a short period of time?

>> MS. KRUM: So it's not really a significant change. What it is is -- I'll give you an example. Our poker tables have not changed the number at all since we applied to MEPA. And since the notice of project change. But the gaming positions, based on the proposed formula from the Gaming Commission, has changed that number significantly. So MEPA originally accepted six per table as an average and calculated their generation based on that, accepted trip generation based on that. And so the question is whether MEPA will continue to use that six or whether it will adjust to the Gaming Commission's proposed formula.

>> COMMISSIONER ZUNIGA: I remember that the formula that we came in with was for the purposes of the assessment.

>> CHAIR JUDD-STEIN: Yes.

>> MS. KRUM: Right.

>> COMMISSIONER ZUNIGA: Because that assessment is, by statute -- by regulation, may be done on gaming position.

>> CHAIR JUDD-STEIN: But to clarify, it wasn't -- it's numbers that perhaps licensee used some have relied on but it was for a different purpose. As you say, apples and oranges. So it does -- it does matter for environmental purposes.

>> MS. KRUM: Right.

>> CHAIR JUDD-STEIN: I think, Mr. Ziemba, do we know, is MEPA expecting to meet on this?

>> MR. ZIEMBA: We have informed MEPA that we've asked Encore to go talk to them about this issue, and we're also trying to be in touch with MassDOT as well.

>> CHAIR JUDD-STEIN: And MassDOT needs to be involved as well.

>> MR. ZIEMBA: Yeah.

>> CHAIR JUDD-STEIN: Do you have a meeting scheduled yet?

>> MS. KRUM: We do not have a meeting scheduled yet. We've reached out to both, and we will obviously report back as soon as we get feedback from them.

>> COMMISSIONER ZUNIGA: But I think what you were alluding, Commissioner, and you as well, Chair, is that this would be an answer to come from MEPA if they see that they should at a minimum understand the nuances as to why these numbers changed, when we clarify for our purposes the number of gaming positions per table.

>> MS. KRUM: Right.

>> COMMISSIONER ZUNIGA: And that the number of tables has not changed significantly. There's only been a change -- an addition of 127 positions.

>> MS. KRUM: That's correct.

>> COMMISSIONER ZUNIGA: Which you just said earlier. Which may include slots, whatever the case may be in terms of refining of those numbers. They need to understand where this discrepancy comes from.

>> MR. ZIEMBA: Just a point of clarification, maybe Attorney Krum can give us the number that she's referencing, the additional 127, that is a number based on the six per average. That's not the total difference between the notice of project change gaming positions and the current -- if you count every seat based on this methodology.

>> MS. KRUM: The 127 is if we continue to use the formula that we previously used with MEPA.

>> COMMISSIONER ZUNIGA: Yes.

>> MS. KRUM: So, you know, we filed an EENF, a DIR, FEIR, an SFEIR and an SSFEIR. And those numbers were all consistent throughout that process. And actually, the numbers that the Commission was using for purposes of the financial -- to determine what portion of the budget we paid was also using the 6 to 1 until this change.

>> CHAIR JUDD-STEIN: So we can't anticipate yet MEPA's reaction or decision on this. It's just -- I think right now it's something that it's in everyone's interest to move on quickly. Is that fair?

>> MR. ZIEMBA: That is fair.

>> MS. KRUM: Absolutely.

>> CHAIR JUDD-STEIN: Commissioner, I didn't mean to cut you off.

>> COMMISSIONER CAMERON: Oh, no, no, I was just trying to understand the changes, the numbers and the formula. So it's a little different than I thought it was.

>> MR. DELANEY: Are you ready to move on from that?

>> CHAIR JUDD-STEIN: Do you want to have those questions more precisely answered?

We do not need to move on.

>> COMMISSIONER CAMERON: Well, we are not moving on this matter today.

>> CHAIR JUDD-STEIN: No.

>> COMMISSIONER CAMERON: So I think that there's time to really understand it better, and I'll take that opportunity.

>> CHAIR JUDD-STEIN: Any further questions on that particular matter? Commissioner O'Brien? All right. We're all set. Thank you.

>> MS. KRUM: Thank you.

>> MR. DELANEY: Thankfully we're not asking you to make any vote on that today, but we are recommending that those -- that the changes be voted along with the Section 61 approval which we'll talk about in a little bit.

So the next item is the detailed construction schedule. The Gaming Commission approved an opening date for the facility but has not yet approved the underlying construction schedule, which is required by 205 CMR 135. In your packet's a high-level summary of the schedule showing the completion dates for the major components of the resort and for the off-site improvements. As Peter Campot explained during his quarterly report, the project is on schedule for opening on June 23rd. Encore plans to file with the City of Everett for a certificate of occupancy on June 1st with an expected CO on June 10th. And we have no reason right now to believe

that that will not happen.

We as the Gaming Commission continue to coordinate with the appropriate entities on the off-site roadway improvements. Those including MassDOT, City of Boston, City of Everett, some of the other surrounding communities to ensure that all of those portions of the project are satisfactorily completed before the project opens.

And the one other item related to schedule is that the Commission also needs to vote the final stage of construction which allows the construction bond to be returned to Encore. Essentially what we are proposing in conjunction with Encore is that the final stage of construction will coincide with the issuance of the certificate of operations. So when we issue that certificate, whether it's June 22nd, 1st, 2nd, whatever it is, that would coincide the same day as the final stage of construction, and at that point the bond could be released to Encore.

>> COMMISSIONER ZUNIGA: Final stage culmination or --

>> MR. DELANEY: Well, the way that the reg is written is really designed for someone putting up a cash deposit. You know, if someone put up a \$50 million cash deposit, they actually need that money towards the end of the project to finish it because this is a bond, releasing the bond doesn't really do anything. It doesn't free up money to finish the project. So we just said let's just do it in conjunction with the operations certificate.

>> COMMISSIONER ZUNIGA: Sounds good.

>> MR. DELANEY: So the project is done, ribbon is cut, bond can be released. And again, we're recommending that the final construction schedule be voted along with the vote that you take on Section 61 findings in a couple weeks.

Okay. So any questions on the construction schedule? Okay.

>> COMMISSIONER ZUNIGA: Just one question. There will be test nights and the sort in between the June 10th expected certificate of occupancy and the opening data, I presume?

>> MR. ZIEMBA: That's right.

>> COMMISSIONER ZUNIGA: But we don't have that information yet?

>> MR. ZIEMBA: The test nights, that's not really called for in the construction reg that we're referencing as part of the opening process, we'll detail, you know, rather significantly all of the various steps included in the test nights as we get a little bit closer towards opening.

>> COMMISSIONER ZUNIGA: At a later time.

>> MR. ZIEMBA: We're pretty close, I admit.

>> CHAIR JUDD-STEIN: I do have one question around the day-care facility. I think that that's going to come a little bit later, but you've made some temporary arrangements, is that correct? Or you are in the process of doing so?

>> MS. KRUM: Right. So just to give you a little update on the day-care facility, we have signed a lease at Wellington Circle which is where a majority of our employees will be parking. So we think it will be convenient for families to drop their children there and then take the shuttle into the property because our employees are not entitled to park on property as part of our MEPA filings. So we signed the lease. We have partnered with an organization that provides the Head Start program. And just in terms of the construction and getting that done, getting them in there, they've got a pretty hefty process to get through their final approvals. That delayed it past the opening. So

what we're going to do is we're looking at various alternatives both with the provider that is going to operate our day-care center to see where they can house children during the interim period. And we're also looking at other options for whether we can supplement in-home care or at other facilities within the area. That may be convenient to our employees residences as well.

>> CHAIR JUDD-STEIN: So it was a combination of center-based and family-based, the Head Start organization is orchestrating temporarily.

>> MS. KRUM: That's correct, but we are also looking at other organizations that are not part of the Head Start program.

>> CHAIR JUDD-STEIN: Okay.

>> MS. KRUM: To supplement to that to make sure that we've got employees covered.

>> CHAIR JUDD-STEIN: And then the site itself, your operator will eventually be ABCD?

>> MS. KRUM: That's -- yes, that's correct.

>> CHAIR JUDD-STEIN: That's great. Thank you.

>> COMMISSIONER O'BRIEN: What is the ETA for when they're actually going to open?

>> MS. KRUM: We were hoping that September would be the date but he with think more likely November just to give us a little bit of cushion to make sure that the families are covered.

>> COMMISSIONER O'BRIEN: Do you have an internal deadline and when you're going to come up with the alternative for that six-month period?

>> MS. KRUM: So Peter had told me September and then I heard because of the additional work that ABCD would need to do after they take over the facility, that that's more likely to be a month or a month and a half to get the federal approvals that they need.

>> COMMISSIONER O'BRIEN: I mean, the interim solution. Do you have an internal time line for when you're going to come up with your six-month coverage?

>> MS. KRUM: We would definitely need to do that by the end of May.

>> COMMISSIONER O'BRIEN: Okay.

>> CHAIR JUDD-STEIN: And just to close the loop, do you have an anticipated number of children that you'll be serving? How are you estimating -- are you able to estimate that fairly?

>> MS. KRUM: The facility -- and Peter, correct me if I'm wrong -- I believe it accommodates 62 children, which is -- they have a toddler program as well as an infant program.

>> MR. DELANEY: Okay. The next section is the revised Section 61 findings. So in your packet, you will find the second revision to the Section 61 findings. We had done a revision earlier related to the study of the pedestrian bridge. But what you'll find here are the changes really reflect a lot of the refinements that happened during the notice of change process where footages and the like as well as the completion of the Lower Mystic Working Group. Some references to that. So some of the project-related changes, and we've talked about a couple of these before, the final alternative for sediment remediation is identified in there. We did a couple of changes to the water transportation sector that John alluded to earlier. This section reflected

some changes due to the boats being constructed for the facility. What we've done is we've changed the Section 61 finding to create more of a performance-based standard than a prescriptive standard based on the number of boats and seats. In your packet is a memo that was put together by AE Com that talks about how they're going to meet all of the underlying mode splits and so on for the use of the boats.

A couple other minor things, during some value engineering, there had been a row of skylights that was going all the way down the main corridor from the retail and restaurant spaces all the way down into the convention area. Those were being done primarily for lead purposes and the elimination of those didn't affect the lead certification anyway. So we were fine with that. There was also a requirement to use energy, efficient gaming equipment, and we found that there really isn't any equipment of that nature. We ran into the same thing with MGM and changed their Section 61 findings to reflect that.

And you'll see a bunch of other very minor changes in there that reflect, you know, the current plans for the site. There's also some minor revisions to the proportional share language that was based on earlier discussions and the completion of the Lower Mystic Working Group. And nothing in these changes modifies the reopen or clause that we have in the Section 61 findings.

Enclosed in your packet is the environmental monitor schedule. In order to get these changes into the monitor for May 22nd, they would need to be approved by the Commission on May 14th with a submission to MEPA by May 15th. This would allow only one week for change -- for comments on the changes. There is an ability to go out a little bit further, and it sounds like based on the discussions we've had about -- more about the gaming positions and the further contact with MEPA, that may want to be something that the Commission considers. So we can -- I don't have that right in front of me, the schedule, but that pushes everything out two weeks, which still gets us into the environmental monitor before the facility opens. And again, so we're recommending that the Commission put these changes out for public comment with the final Section 61 findings being voted at a time determined by the Commission.

>> COMMISSIONER O'BRIEN: Just for point of clarification, do we normally put things out for one week or two weeks in this context?

>> MR. ZIEMBA: Well, usually two weeks is the standard.

>> COMMISSIONER O'BRIEN: Okay.

>> MR. ZIEMBA: Or more.

>> COMMISSIONER O'BRIEN: And it's doable when we do the traditional two-week comment period? It still fits within the time line, correct?

>> MR. ZIEMBA: So if we did the two-week period, we would miss the next environmental monitoring date. The publication schedule would require a filing by the -- instead of the 15th of May, it would require a filing by the end of May. And that would appear in the environmental monitor on June 10th. June 10th is the last date before the proposed opening of June 23rd. So the -- if you did a shorter period, you could file by the 15th, and then it would have a monitor appearance by the end of May. If you miss that and go to the end of May, we still get the final monitor period of the June 10th monitor publication date.

>> COMMISSIONER O'BRIEN: And then so it could be completed prior to the anticipated opening?

>> MR. ZIEMBA: Yes.

>> COMMISSIONER ZUNIGA: I would note that given that there's not a significant change to the Section 61 findings from the first time that we promulgated that we approved them and in the context of what clearly appears to be a very tight schedule relative to the monitor, I would be comfortable with the one week for comment period is rather tight. It's not what we've done in the past necessarily, but I think observers of these items here could really be alerted to it.

>> MR. BEDROSIAN: So Commissioners, the only thing I would add to that is there are a couple other items on the agenda that we might want to put out for public comment also including the revisions to the gaming establishment and the draft Encore Boston Harbor alcohol permit. So maybe once we get through all those things, you want to address the date to put all these things out to comment, it might be helpful to come back at the same time for all of these items.

>> COMMISSIONER O'BRIEN: My preference would be the two weeks. It's doable, and I don't see any reason to shorten the comment period if we can do it. I think it should be two weeks.

>> COMMISSIONER CAMERON: Well, and I think there are some issues here that are changing. So I do think that makes a difference, and this is such a critical issue around this project.

>> CHAIR JUDD-STEIN: And you're referring to the positions.

>> COMMISSIONER CAMERON: I am, yes.

>> CHAIR JUDD-STEIN: And I did hear Mr. Delaney say because we noted the need to address this properly with MEPA, how does -- I'm not sure if I completely understand how that will be addressed within a one-week -- how we could go forward with one week.

>> MR. ZIEMBA: It would be rather difficult to get something addressed with MEPA in a one-week period. Even though that they're very capable people.

>> CHAIR JUDD-STEIN: We want to be fair.

>> COMMISSIONER ZUNIGA: Help me understand, our Section 61 findings do not necessarily run counter to a MEPA determination that they, for example, would not require a notice of project change. Or the gaming positions.

>> MR. ZIEMBA: There is a reference to the number under the notice of project change of gaming positions. That is included within the current draft. So the current -- the proposed draft that we would put out for comment reflects the notice of project change gaming positions. It includes that 4421.

>> COMMISSIONER ZUNIGA: Not the prior one. The one that might be required by MEPA if they view these numbers to be different from what they were initially given.

>> MR. ZIEMBA: If they view these numbers as different, then it would require more formal filing in all likelihood. And that could -- that might carry on well past the opening.

>> COMMISSIONER ZUNIGA: Yes. But my point is that it's not contingent on our drafting of the Section 61 findings. Those two are separate events. Approving that a week from now.

>> MR. ZIEMBA: I do think that they are linked. If there's any disagreement regarding the methodology, then it's sort of a weird situation. If there's disagreement with that methodology, then the draft revisions as they currently sit would be fine. They would be able to move forward.

>> COMMISSIONER ZUNIGA: If there is disagreement?

>> MR. ZIEMBA: Yes because --

>> COMMISSIONER ZUNIGA: Or if there isn't?

>> MR. ZIEMBA: Because it would require a further filing. But the current filing reflects that 4421 which is the notice of project change gaming positions.

>> COMMISSIONER ZUNIGA: And what was the 4421 again?

>> MR. ZIEMBA: That's the total number of gaming positions in the notice of project change.

>> COMMISSIONER ZUNIGA: Initially. In the last one.

>> MR. ZIEMBA: 2017.

>> COMMISSIONER ZUNIGA: Right.

>> CHAIR JUDD-STEIN: Right. And again, to be fair to everyone, including MEPA, we don't want to put words in MEPA's mouth, we don't know how they'll view this change.

>> MR. ZIEMBA: Correct.

>> CHAIR JUDD-STEIN: They may say it's within a certain their regular expectations, it's just that they're not here and we can't anticipate their viewpoint at all. So I'm hearing Commissioner O'Brien argue for two weeks. We did anticipate that there was a proposal for one week. I'd like to just hear from you, Ombudsman Ziemba, as to whether you could accommodate, of course, a longer notice period.

>> MR. ZIEMBA: Yeah.

>> CHAIR JUDD-STEIN: Or if we could segment it out if we need to.

>> MR. ZIEMBA: We can accommodate the longer period. The hesitancy is we only have two filing dates left. And so if something unanticipated came up, that might be an issue. But we can accommodate the longer period.

>> CHAIR JUDD-STEIN: Two in addition to the one that's coming up or two total?

>> MR. ZIEMBA: Two in total.

>> COMMISSIONER ZUNIGA: Total.

>> MR. ZIEMBA: Inclusive of the next one.

>> COMMISSIONER ZUNIGA: In other words, a two-week comment period leaves no room for error.

>> CHAIR JUDD-STEIN: That's right. I understand.

>> COMMISSIONER ZUNIGA: After that.

>> COMMISSIONER CAMERON: This is such a significant part of this project. And it has been from day one. That I am comfortable with two weeks. I think it's a really important piece of our project in that we need to give people a chance to weigh in on this.

>> CHAIR JUDD-STEIN: We haven't -- we have not marked this up for a formal vote. I think that it's probably fair that we hope that -- I think there's three of us who at least are suggesting that two weeks is a better practice. We would love to give more notice always.

>> MR. ZIEMBA: Right.

>> CHAIR JUDD-STEIN: And if that can be arranged, we would -- and even if it means somehow we have to tighten up on other ends, that would be our recommendation. My fellow Commissioners to the left, how would you like to discuss this further?

>> COMMISSIONER ZUNIGA: Well, I think that's a good summary. We do have a scheduled meeting for the next week. Is that -- is that fair? Do we know whether we'll have a meeting for next week?

>> MR. BEDROSIAN: We had anticipated potentially something as early as the 14th, I believe. But we could -- we could adjust that. I also would -- maybe take a short break because there's one or two other issues on the other items. I just want to have a discussion with to see if we should put the whole -- all of those three items over for that two-week period, I assume. So if that were the case, I would work with the Chair and the rest of the Commissioners to determine, you know, what the meeting would be right after that two-week period.

>> CHAIR JUDD-STEIN: Right. And I alluded to that, we might have to segment and then do one for the one week, provided it's a good practice. Thank you. I'm happy to accommodate another short break, everybody. Thank you for your patience.

>> MR. BEDROSIAN: Thank you.

>> CHAIR JUDD-STEIN: We'll convene again at 11:35. Thank you.

>> MR. BEDROSIAN: Thank you.

(A break was taken at 11:25 a.m.)

>> CHAIR JUDD-STEIN: Thank you, everyone, for your patience as we deal with some scheduling issues. I think Ombudsman Ziemba had the floor, but --

>> MR. BEDROSIAN: Sure. So I'll just preempt Mr. Ziemba for one second, which is I think we can accommodate the desire of the Commission in our past practice, our past practice, and put most of the item, if not all of the items, we will put out for public comment including the Section 61s, the liquor license, and the property delineation for a two-week period, do it two weeks from today and tentatively -- I always say tentatively -- potentially have a meeting on May 20th, which is two weeks from today. To resolve those issues.

>> CHAIR JUDD-STEIN: May 20th.

>> MR. BEDROSIAN: Yes.

>> COMMISSIONER CAMERON: That works.

>> MR. BEDROSIAN: Would mean -- well, never mind. Right now I -- there had been some talk about the 14th. We'll see. Obviously we'll post in compliance with the open meeting if we have one on the 14th.

>> CHAIR JUDD-STEIN: Obviously we support our Commission's work and be as nimble as necessary with our meetings, giving proper notice, and right now there's a tentative plan for May 20th. For our next meeting. And that will give time for everyone to really sort out these details.

>> COMMISSIONER ZUNIGA: Okay.

>> CHAIR JUDD-STEIN: And Mr. Ziemba --

>> MR. BEDROSIAN: Mr. Ziemba likes to throw a curveball at me all the time. We will have to consider what she's correct on, whether the comment period can coincide with the -- with the meeting schedule, and let's talk about that behind scenes because we do want to make sure the Commission has plenty of time, appropriately, to -- yeah, right, analyze all the comments. So we will work at that. So tentatively the 20th, but we just want to make sure the Commission has enough time. So we'll look at the schedule, whether we need to move it out a day or two so you can have time for the comments.

>> CHAIR JUDD-STEIN: Mr. Ziemba, are you all set?

>> MR. ZIEMBA: Enough trouble for today, Chair.

>> MR. DELANEY: Okay. So the last item that we have is the opening day traffic planning. I'm going to turn this over to Bob DeSalvio from Encore Boston Harbor for a high-level discussion of the opening day, week, month kind of traffic planning activities. We expect as the project gets closer to opening, we'll have Encore back in front of us to provide a more detailed plan of the opening day activities. With that, I'll turn it over to you, Bob.

>> MR. DeSALVIO: Good morning, Madam Chair and Commissioners.

>> COMMISSIONER CAMERON: Good morning.

>> CHAIR JUDD-STEIN: Good morning.

>> MR. DeSALVIO: I am actually joined today not only by Jacqui Krum who's up at the front but also I want to acknowledge that the significant portion of the preparation of even this high-level summary and, of course, all the transportation was done under the auspices of two of our really capable team members. And I know you heard from Jim Folk who is our Executive Director of transportation, and I'm assuming you know about his background in terms of large movements of folks in and around the BCEC and other projects. But also the co-head of this particular effort has been Rich Prior who, as you know, is our Executive Director of security and investigations and through his extensive background with the State Police, has had lots of interaction and experience as it relates to whether it's large movements of people and/or large gatherings. So I want to thank these gentlemen. And I'm here to really present the summary of a lot of their effort.

I will tell you that this particular aspect of the project I stayed very close to. I know that this has been a subject for, you know, now about a little over five years into the project. And this was probably the number one topic that we had at all of our public meetings. And so I wanted to stay close to this one personally. I will tell you that I attended -- Jim and Rich organized very large-scale update meetings with probably upwards of, I don't know, 40, 50 people at each one through -- with law enforcement and other transportation professionals, the "T" and DOT. I attended every one of their working sessions myself except for one when I was out of town. I wanted to make sure that I stayed close to it because I knew there was going to be a lot of questions about this. So just to basically reiterate that we take this particular aspect of the project extremely seriously.

The opening slide is really a sort of a combination that shows many of the different methods that we are going to be using to encourage visitors to attend the facility and leave their car at home or leave their car at another location and then use mass transit to come in. And so you'll see it's a combination of items that we're going to be talking about, whether it's the Orange Line or the water or premium motor coach or local buses. So we'll cover them all.

As we move to this next slide, I want to highlight a couple of the key opportunities for folks to, again, leave the car at home. First and foremost, we are right in the final production and Commissioning of our Encore premium harbor shuttles. We are very excited about this service, as you know. We're going to have a route that runs from Encore to the sea port and the financial district. These are ADA-compliant brand-new, gorgeous water shuttles that were built right in Charlestown. And we look forward to

them getting out on the water very soon. We're going to run early morning into the evening seven days a week. Weather dependent. We've studied this quite a bit. We know that there are rare instances when the ice and/or the weather is so bad that it doesn't allow for safe passage. So, of course, we'll be operating no different than anyone else who's out on the water, and it's always safety first. So there may be a few times when operation is not feasible. But for the most part, we're all year long.

The next item is interesting --

>> COMMISSIONER CAMERON: Could I ask a quick question?

>> MR. DeSALVIO: Yes.

>> COMMISSIONER CAMERON: They look very nice, by the way, but they're a little smaller than anticipated. But you still anticipate getting the same amount of folks there via water?

>> MR. DeSALVIO: That's correct because we actually -- we are working with an operator that decided on their own to add a fourth vessel. So we had -- our commitment was for three. Turns out that you are correct, they are slightly less capacity based on working with the Coast Guard, but the operator chose to add a fourth exact same vessel. So we'll wind up with the full seating capacity that we had. And even though that vessel comes online a little -- the fourth vessel comes online a little later in the summer, we're going to supplement that with other service they are going to be providing. So we'll have the capability to do the numbers that we anticipated. It just turned out to be pretty much four boats instead of three.

>> COMMISSIONER CAMERON: So frequent -- more frequent trips with the fourth boat.

>> MR. DeSALVIO: Yep, absolutely. Even actually that probably is a better setup than where we originally started.

>> COMMISSIONER CAMERON: Because folks are very patient in Boston? Is that your experience?

>> MR. DeSALVIO: Extremely patient.

>> COMMISSIONER CAMERON: Thank you.

>> MR. DeSALVIO: So we are excited about that. You know, the issue -- and there's been a lot written about this recently about how fares intersect with ridership. And so Jim and I had many hours of discussion about how to make this work. And we thought this the best approach would be to come out with very aggressive introductory pricing. So as you can see, we put in there that it's \$7 a trip, which is actually well below what is current market for even short water taxi legs in the harbor. So this is an elevated experience at a very reasonable price. The reason you do that for anybody who's been involved in marketing is to get the initial ridership up as quickly as possible. So Jim and I chatted about that.

And then there was -- there's also been a lot written recently about whether commuters could even jump on segments of our leg, and in reality, there is a short leg that you can go from financial district to the sea port. So we put out there that we're going to have a \$5 version of a short leg. And again, that will help just move people around with the idea of us connecting with the other water transit options in the harbor. And the folks that do these kinds of services were pretty excited, especially the folks at MOD and the convention center and other businesses in the area. So again, that service will start -- we'll do some test runs, but it will be ready for the day that we open.

The MBTA Encore shuttle. So we have multiple routes there. They go from Malden Station and Wellington. We've got brand-new 58-passenger ADA-compliant vehicles. Those are going to be free to the general public and our employees. So they'll be -- and they're going to operate basically the "T" hours. So from 5:00 a.m. to 1:00 a.m. seven days a week. We're also going to have as part of our commitment an Encore neighborhood shuttle. So that's a system that will run with new 26-passenger ADA-compliant vehicles as well. Again, free to the general public and to our employees. And those pretty much run 24 hours, 7 days a week as part of the process. And we've got a nice route set up with that, where it will go from Encore to River Green over to the city -- near City Hall area in Everett Square and we picked a spot right by the Silver Line stop in Chelsea. So again, it will be another opportunity for people to use different methods of mass transit to get to and from the facility.

And then the last on this page is the -- what we're calling the premium motor coach service, similar to what you think about as like a premium park and ride. Here we're go from Milbury which is out towards Worcester, Rockland and Londonderry, New Hampshire, where we know we're going to get a large pocket of business coming from the north. Those, again, are new 56-passenger ADA-compliant luxury coaches. Again, a very reasonable 7 bucks for that trip. So again, the whole idea is to get people on these services as quickly as possible to help take the burden off the roads. We'll run them for approximately a 12-hour period, 7 days a week.

>> COMMISSIONER ZUNIGA: Bob, before you leave this slide, so this is mostly preparations for the opening period, or what elements will remain mostly?

>> MR. DeSALVIO: It's actually both. So -- and I'll talk a little bit more about this further in the presentation. But we think of this as not a one-day concept because we know that the opening period of any of these resorts extends for quite a while. So we think of it as the opening week. We also think of it as the opening 90-day period. And all the meetings that we had with our -- in particular our law enforcement partners. What they said is a lot of this is going to be a game day call. So the police are prepared to provide whatever backup we need in terms of assistance on these roadways for as long as it takes to make sure that we've got this under control. And if that means it's the first seven days straight, it's fine. If it's the first 14 days straight, if it turns out being, you know, obviously our peak time's Friday evening, Saturday and Sunday day shift, it may be that after the opening-day period, this might resort more to a weekend-type operation until we finally get it to the period where you get some semblance of regularity in terms of what the flow is. There's going to be a new kid on the block syndrome. You'll have a lot of initial trial. And all of our partners have said that they will work with us all the way through that. And by the way, the other agency I want to talk about, we've got great cooperation from the MBTA. They've even made some shifts in terms of some of their maintenance schedules to make sure that Orange Line available would be appropriate during this period. Because as you know, they have a significant amount of work done. So I will tell you that every partner has chipped in and said that they will help us all the way through this to make sure that the resources are available. Because it's almost impossible to say when that opening sort of period starts and stops. Part of this is going to be that we are going to have to make weekly and/or daily game day calls.

>> COMMISSIONER CAMERON: So Mr. DeSalvio, you've committed to the law

enforcement professionals, many of whom are here today in support of this to let them make those calls, meaning if they come back to you and say, look, we're really busy, we need to extend this for another couple of days --

>> MR. DeSALVIO: We're all in.

>> COMMISSIONER CAMERON: Okay.

>> MR. DeSALVIO: You know, that's one of the advantages of having Rich on the team. He's obviously got long-standing relationships with everyone. The State Police is going to be setting up one of their mobile command centers. Again, kudos to the "T." They're going to let us use their facility right next to the property so we can actually set that mobile command center up. You know -- here's -- bless you -- here's the great thing about being in eastern Massachusetts. After -- I have to tell you, even going through some of the first sessions, we all have trepidations about making sure that we cover everything. But when you hear the law enforcement professionals talk about how they handle major events in and around eastern Massachusetts, almost weekly, when you think about all the different events that happen here, these folks know what they're doing. And so they've been a great partner. And we're more than happy to take their lead.

>> COMMISSIONER ZUNIGA: Again, one more question. Some of the service that you highlighted in this slide is going to be free but has multiple stops at times. Does that take away from people who ultimately want to get to the property and some might want to just save a little walking in between points, for example? Is that a consideration?

>> MR. DeSALVIO: I mean, I'll give you an example. We had a long discussion with the City of Everett on the neighborhood shuttle. And we were debating, do we charge? Do we not charge employees? But at the end of the day, the whole idea was to get people out of their cars. So in a case like that, the City was really anxious and didn't really want us to put a charge on that. We didn't want -- obviously we don't want to charge our employees to get to and from work. And so for -- you know, we're going to evaluate it all. And if it turns out that it's highly successful and we have to put another section on, we'll certainly consider doing that. But the idea in both the areas where it's free, meaning the connections from the "T" stops as well as the neighborhood, we went -- on those we went no charge. And if it turns out, like I said, if we need more service, that's something we'll take a look at. On the others we put a very reasonable price to encourage their usage. And again, it's all up for evaluation.

>> COMMISSIONER ZUNIGA: Thanks.

>> MR. DeSALVIO: The next slide really kind of highlights the already existing extensive assets, a lot of which are in the hands of the "T." And by that, you know, you think about the fact that there are 750,000 people that live within walking distance of an Orange Line stop. And you've got all the way from Forest Hills to Oak Grove to think about. There's a lot of folks that have access to get on the Orange Line. And if they can get on the Orange Line, not only do we have free shuttle service at Wellington and at Malden Center, but as a lot of folks are starting to do now, you can very easily get off at Sullivan Square and just walk. It's a very short walk. And as part of our improvement project in Sullivan Square, there's now all new sidewalks, all new ADA-accessible ramps. There's a logical pathway to get you from the station, the Alfred Street bridge construction is done, and so literally you can get off and walk it on

nice weather days. So it's just another option for folks. And so we're going to obviously heavily promote the Orange Line. But then there's also parking -- we listed here some of the different stations and their parking capabilities. But look at Wellington Station landing, out at River Green at Malden, Wonderland, all these are places where you can either drop a car, take a line, switch lines and then get over to the facility so we do want to promote that. And, of course, this new connection to the new Chelsea Silver Line stop we think will be a nice add.

On the next slide, this is an interesting method of us connecting to our shuttle stops at Wellington and/or at Malden Center by using what's called Mystic View Road. So for those of you that don't know, when you get off at Wellington, one of the concepts was how do we keep even shuttle buses off of Broadway, if possible? So when you come out of Wellington and you go onto the parkway, normally you would go through and go all the way down to Everett and then down Broadway. But there is a way to hang a right at Mystic View Road, go down by where the Amelia Earhart Dam is. There's an area enough there for a turnaround. We've already talked to the DRC about this because this is really in their bailiwick. Once you get off in that location, you can just jump on the DCR harbor walk connection that we made and literally walk right over towards the front of the property.

And by doing so, we can keep a significant number of shuttle buses from actually ever hitting Broadway. So this was an idea that Jim came up with. He talked to law enforcement about it. They went to the DCR about this. And they've endorsed this as an idea that for now we're using for opening day, but in a tour that we did with MEPA just last week, one of the DCR folks was on it and said at the end of the day if this turns out to be successful, it's something that we can talk about going forward. But it was just a clever way to keep the shuttles off of Broadway because we know that first June 23rd day is going to be interesting as we try to navigate through one of those large-scale openings.

>> COMMISSIONER ZUNIGA: So the Blue Line in the slide would be the shuttle and the red is the pedestrian?

>> MR. DeSALVIO: Correct. Correct. The shuttle is the blue. You've got that correct, Commissioner.

>> COMMISSIONER ZUNIGA: And so how much -- what's the distance of that walk?

>> MR. DeSALVIO: I walked it the other day. I just put myself where you'd get off and walked over to the property. It took me about ten minutes to get to the front door. So it's really actually -- it's much closer than what you think. I wasn't sure. So I just clocked it. So it's really a short walk and a great option to keep some vehicles off of Broadway.

The next slide is actually a larger blow-up of what I just described. And it shows you the pathway for both pedestrians and for connection for the shuttles using the DCR connector.

>> COMMISSIONER ZUNIGA: So where's the entrance when you come, let's say, from the Amelia Earhart Dam, where do you enter the property?

>> MR. DeSALVIO: Oh, you go underneath the -- the dotted line, the dotted red is underneath the railroad tracks. We are just down there now. The pathway is done. We're doing landscaping, lighting. So you go underneath the tracks.

>> COMMISSIONER ZUNIGA: Yep.

>> MR. DeSALVIO: You walk around the harbor walk and then over and into the property.

>> COMMISSIONER ZUNIGA: Just like the arrow suggests.

>> MR. DeSALVIO: Just like the arrow says. And the arrow actually will take you all the way out to Broadway, but you can stop obviously right at the end of where that first arrow is by the port.

>> COMMISSIONER ZUNIGA: Right.

>> MR. DeSALVIO: The next slide, I mentioned earlier about the cooperation of law enforcement. As you can see, they're willing to put significant resources in terms of making sure that this works. And again, they've got a plan that they've worked out with both Rich and Jim about where are all the appropriate places. They know the road network better than anyone else. And we'll continue to work, again, with all the different departments. And that's not only State Police and local police, but we got the MBTA, the Coast Guard for the waterways along with the State Police, Everett, and Boston Marine Unit so we've got this covered. Air, land and sea.

>> COMMISSIONER CAMERON: When we talk about details, there -- that's -- this is significant numbers of public safety professionals. How did we go about -- I mean, how far out does this stretch?

>> MR. DeSALVIO: And so what this is is for the opening about -- not only the opening day but what we are considering the opening period, and again, the commitment from law enforcement was as much as it's needed, we'll make it available. So we know that first week for sure is going to be a challenge. After that we're going to wait and see what the midweeks are like. And so the question is at least after that first week, do we have to have this much presence on a midweek day? We're not sure yet. It could end up being a modified schedule. And if we need the full schedule for a longer period, we'll use the full schedule. But we got the commitment that they will provide the resources as needed.

>> COMMISSIONER CAMERON: And these are details?

>> MR. DeSALVIO: These are details.

>> COMMISSIONER CAMERON: So these are committed officers?

>> MR. DeSALVIO: Yeah, they're reimbursable detail. So obviously we're paying for the service.

>> COMMISSIONER CAMERON: So they will be at a post at an intersection.

>> MR. DeSALVIO: Correct.

>> COMMISSIONER CAMERON: Available to assist with whatever happens to get traffic moving.

>> MR. DeSALVIO: Correct. Correct. Reimbursing overtime. Correct.

>> COMMISSIONER CAMERON: Thank you. Great.

>> MR. DeSALVIO: The next slide, the use of signage is critical. And so we have been working for the better part of a year and a half with AE Com as our partner and then going through all the appropriate state agencies for a combination of highway and local signage. And so obviously the key is to make sure the motoring public, if they are driving, that they know where to go and that cars do not wind up in the wrong place. So you can see this particular slide shows a map of where the wayfinding packages represented by the various dots. And on the next page on the following slide, we took this all the way out as far as we could on the major roadway network. So this is signs

on 93, on 90 that really handle all the major interchanges where somebody would have to go to and from the property. And so there is an extensive process of getting approval for these. We are right in the final throes of it now after going through MassDOT and the local communities, and our contractor will be installing these signs before we open.

The next slide --

>> COMMISSIONER CAMERON: Can I ask one more question?

>> MR. DeSALVIO: Sure.

>> COMMISSIONER CAMERON: And can we go back to the slide -- and I failed to ask before -- the Encore opening pedestrian pathways.

>> MR. DeSALVIO: Yes.

>> COMMISSIONER CAMERON: We talked extensively about the walk from the DCR connector. We did not talk about the walk across Alfred there. I mean, that's --

>> MR. DeSALVIO: Sure. So we -- in that particular case, Commissioner, we have a commitment for -- to use -- and we have two different intersections. One, the main site intersection in front of the property which would be part of the Everett detail. And then there is a commitment down by Dexter Street that's actually not in Everett, but it's in the City of Boston. And we've already had -- I think we brought this up at a previous update meeting with the Commission. We had communication with the City of Boston's Transportation Department, and they are ready, willing and able to assist at that particular intersection, again, with a detail for crossings.

>> COMMISSIONER CAMERON: So this would be the community parking lot, getting those folks across the street to the facility.

>> MR. DeSALVIO: That's correct.

>> COMMISSIONER CAMERON: And it's not signaled. It's really just --

>> MR. DeSALVIO: It is signaled.

>> COMMISSIONER CAMERON: Right there is the signal? So you're -- okay.

>> MR. DeSALVIO: Yes.

>> COMMISSIONER CAMERON: So you're going to ask everyone to come down to the intersection rather than try to cross earlier?

>> MR. DeSALVIO: So what we're doing is the way the community parking lots were set up, they were purposely designed to encourage pedestrians to not use the main site drive but to go one intersection south. And "A," it's going to be better for them because it's a better place to cross. And "B," we set up the pathway so it's a shorter walk. And so what we tried to do by the use of fencing and landscaping --

>> COMMISSIONER CAMERON: I see.

>> MR. DeSALVIO: Now, again, we don't prohibit anyone from using the main site drive, but you sort of encourage it through the use of landscape design to get the pedestrians to feel like where's my "A," safest path to go, "B," shortest travel distance.

>> COMMISSIONER CAMERON: Well, shortest travel will attract people. Safest will not, frankly.

>> MR. DeSALVIO: But we're hoping for both. And so we design literally when we design the pathways out in the front of the property, it was done with this in mind. So when they get across, they actually get to cut out all that section where you come in on the main site drive.

>> COMMISSIONER CAMERON: Okay.

>> MR. DeSALVIO: So we're hoping that will accommodate that. And then you supplement that with police details.

>> COMMISSIONER CAMERON: Okay. Thank you.

>> MR. DeSALVIO: Sure.

>> CHAIR JUDD-STEIN: Sorry. You may have addressed this, but most of these are accessible?

>> MR. DeSALVIO: All are. All are accessible, yes.

>> CHAIR JUDD-STEIN: Thank you.

>> MR. DeSALVIO: Sure. I am going to go to the slide that says "Opening Public Relations and Communications." So we are currently working with our marketing folks and outside agencies to build awareness about the mass transit plan to try to minimize the number of folks that use automobiles. And this is going to be story lines on everything that I talked to you about earlier, whether it's the premium harbor shuttle, bike share, ride share. By the way, one thing I failed to mention for ride share, we do have an accommodation. You know, that's something that's kind of intricate in terms of making sure that you get it right in a high-volume facility. So there is a piece of property across the way where we have an area that the ride share folks can all congregate. And then through the use of geofencing and the ride-share apps, you can have somebody come out of the building. They tap for a vehicle. The vehicle gets dispatched from the ride share area and then goes right out to the front door because we don't have storage facility for all the vehicles, and you don't want them driving around the street. So this is -- we're doing a smaller version of what's done at places like airports or Gillette Stadium or other places where you have to manage the ride share if you want it to go effectively. So that -- we will be promoting that through the ride share apps and, of course, using all the media outlets.

On the next page, again, we're talking about local advisories. We're going to have advisories on radio stations. We're going to have realtime traffic information. We had already set up realtime traffic information during our construction period on the Wynn for all app, and that has gone over extremely well. So we'll be able to roll with our communications that were originally for construction-related issues into guest facing now and let the general public know, should they need to, for anything that they might need for directions. Of course, using the website, we're developing an app that they can use for the premium park and ride so they can actually reserve space. Again, we're trying anything and everything to make this easy for folks to hopefully choose something other than using their automobile.

And this next page talks about at the end of the day, you can do everything you want. We need -- except you've got to tell people about it. So it's going to be -- we're going to have to spend some money on this to make sure. So we've got an extensive paid media campaign. It will be Omni Channel. We're going to use direct, digital, print, out of home. We're going to cover all the bases on this because it's in our best interest to do so. I think that was -- those are really the highlights. And I know John and Joe wanted us to sort of do the overview. I believe there will be some more discussion about this even maybe at a future meeting. But just to let you know that we have thought a lot about this, and we've taken this plan very seriously. And now, I'm sure we didn't think of everything, and I know we'll be doing some adjustments after we open. But it was a very, very significant planning exercise to get to where we are

today. Thank you.

>> COMMISSIONER CAMERON: I -- I think it's impressive. The commitment from all of the agencies, all the planning that's been involved, even down to the last detail of landscaping, they may accommodate a safer crossing, I do think the planning is really apparent in looking at this plan. So thank you.

>> MR. DeSALVIO: Thank you, Commissioner.

>> CHAIR JUDD-STEIN: Any further questions? Thank you. Does that conclude your presentation?

>> MR. ZIEMBA: That concludes our report.

>> CHAIR JUDD-STEIN: Thank you so much.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: The next item is item 4, but I think we will take a short break and, again, my apologies, but we have quite an agenda today. So this will help us stay right on target. Thank you very much.

(A break was taken at 12:04 P.M.)

>> CHAIR JUDD-STEIN: We'd like to convene, reconvene this meeting. Thank you very much. Next on the items, number 4, IEB. Mr. Band and -- Assistant Director Band and Todd Grossman, thank you.

>> MR. BAND: We have General Counsel Todd Grossman here with us. Jacqui Krum, Senior Vice President of Legal and Bob DeSalvio, the President. We're here today to talk about the gaming establishment area and an adjustment to a proposed adjustment to that area.

>> MR. GROSSMAN: Good morning. And just for the record, I'm not the General Counsel. I wanted to defer to Ms. Blue.

>> CHAIR JUDD-STEIN: Your official title is deputy General Counsel, and duly noted.

>> MR. GROSSMAN: Thank you. As Mr. Band pointed out, the licensee has proposed amending the gaming establishment boundary, which is a timely request at this point. The boundary was first set, as you may recall, back in 2014, September of 2014, when the gaming establishment boundaries for both this project and for the proposed Mohegan Sun project were established after a hearing where information was presented from all interested parties as to where the boundary should be set. Obviously, the project has changed in scope and some of the dynamics over time. So it's certainly a good idea to have a look at the boundary now.

The Commission did issue a decision back when it first reviewed the project to determine the proper mechanism and analysis for determining where the boundary should be. And essentially what it did back there is set out a four-part test based upon the statute in which the Commission looked at the definition of the term gaming establishment, which is outlined in Chapter 23K, Section 2, as well as some of the other definitions including that for gaming area and what have you. And essentially it said that there are four things you look at. It includes the gaming establishment must include the gaming area itself and the hotel. But otherwise when you're looking at which amenities and where exactly the line should be drawn, you want to look at whether it's a nongaming structure that is related to the gaming area, that is under the common ownership and control of the gaming licensee, then the applicant. And fourth, whether the Gaming Commission actually has some type of regulatory interest in

including that piece of the premises within the boundaries of the gaming establishment.

With those things in mind, the Commission has drawn all the boundaries for all the licensees at this point. The one nuance that I would add that has kind of evolved over time is that the Commission has said, as it pertains to determining whether the particular amenity or part of the premises is a structure or not, we've looked at the core of the structure and said, well, that has to be an actual structure, but we have extended the line out to areas that are adjacent to actual physical structures that are, in essence, really an extension of the physical structure and included those areas within the boundaries of the gaming establishment, too.

For example, that would include the plaza area at the MGM Springfield property or the racing apron area at Plainridge Park Casino, and that's certainly relevant here today, too, with the proposal that you have before you. So with that, the licensee has submitted a proposed map that has the boundary on it. As a general matter, I think it's fair to say that we support where the boundary is drawn with a couple of exceptions that we would like to point out to you for consideration. As I understand, there won't be any final vote taken here today, but just a couple of things to have a look at in anticipation of your upcoming vote. And I don't know if we can flip to the map itself. It's identified as Exhibit B in your -- page 20?

>> COMMISSIONER ZUNIGA: It's this one.

>> MS. KRUM: That's the prior --

>> MR. GROSSMAN: That's the original map there, and there aren't too many substantial changes to the original boundary.

>> MS. KRUM: I believe it's the next slide.

>> MR. GROSSMAN: There it is there. If you look on the far east side of that, you'll see there are two cut-outs at the far end of the property that appear to be loading docks or something of that nature. And we would suggest that those would be proper for inclusion here. It's important to remember, some of the types of things that are important to ensure that the Commission and the IEB and Mr. Band and his team have control over. And they include things like not just the service of alcoholic beverages but also surveillance and security and employee licensing and registration. With all of those considerations in mind, we would submit that those two areas would be beneficial to have within the boundary of the gaming establishment. I understand that the armored car drop-offs and pick-ups may take place in that area as well, and that's certainly an area that we want to ensure is part of the gaming establishment. So that's the first area we wanted to bring to your attention.

The second part is on the far west side. You'll see that that's the outdoor area, and there's, like, a narrow -- the narrow pathway that's included that leads all the way to -- I guess it's a gazebo area. And we certainly don't have any objection to including that. But it may be beneficial to actually consider including that whole area out to the walkway. Not including the walkway but out to the walkway. Though as we understand it, all that area will be heavily landscaped and not easily traversable for future consideration in case they decide to ever amend the setup or what have you. It may be easier just to include it instead of having this, you know, line that's difficult to navigate and certainly Mr. Band and his team may have a difficult time on the ground really determining where the line is and whether someone has an alcoholic beverage over the line or next to the line or whatever. There is a natural boundary there. There

will be a fence at the northern side and to the west and the south, there is the walkway area. So I'd suggest that might just be an easier way to draw the line instead of having that squiggly line run around the area.

>> COMMISSIONER ZUNIGA: Do they -- do you know or do you intend to do any kind of regular programming in that area?

>> MS. KRUM: On the event lawn?

>> COMMISSIONER ZUNIGA: On the event lawn.

>> MS. KRUM: Certainly.

>> COMMISSIONER ZUNIGA: And is that the big ellipsis at the very front?

>> MR. DeSALVIO: Yes. Yes, Commissioner. And the reason that we drew the line the way we did was to really encompass the areas where guests would go. It would actually be our preference to kind of leave it because the rest of those areas are really landscaped. And if we have a function that has alcohol, we will have that area segregated. But we were trying to keep it so that it was really just the areas that fall under the criteria and not just include the other areas. I do agree, though, the area back by the loading dock and all of that should be included. It looks like a part of it -- and Todd, I think a part of it, it looks like, was cut off at the back end.

>> MR. GROSSMAN: Right.

>> MR. DeSALVIO: I totally agree with Todd on that. You want to make sure you get the full loading dock and the area where -- yeah, that should be included. And that looks like a miss on our part. But I think out by the event lawn, our preference would be to keep it to the areas that are going to be under regulation and where guests would go and not just the larger landscape areas.

And that's why they're delineated with those -- the event lawns. Those are the sort of the build-outs.

>> MR. BEDROSIAN: And Commissioners, if you get an opportunity to see this, I was just over at the property last week, it's not just landscaped, it's heavily landscaped. So delineation between what is a pathway and what is landscaping is dramatic. But it may be something that would be helpful for the Commission to see personally before making a decision.

>> COMMISSIONER ZUNIGA: All right.

>> MR. GROSSMAN: The same, actually, argument applies wall the way down -- I guess that convention area, the same arguments, whether you want to keep the boundary just out to the walkway or whether you want to -- I think it's all landscaped in there. It's the same exact discussion.

>> MR. DeSALVIO: Right. There are event lawns that are on the east side of the convention space that sort of follow that same pattern. And that's why we included them.

>> MS. KRUM: And really spill out from the convention spaces, so we can anticipate having an indoor/outdoor event where they may have a gathering at first on the event lawn outside and then move into the room for further meetings.

>> COMMISSIONER ZUNIGA: You've also included all of the harbor walk piece, right? So that's the other --

>> MS. KRUM: The harbor walk is not included in the proposed gaming establishment boundaries.

>> MR. DeSALVIO: That's open public space, and there's no alcohol allowed on the

harbor walk. So that -- we can't include that, and nor that would set off all kinds of other bells and whistles.

>> MR. GROSSMAN: And just to clarify, Commissioners --

>> COMMISSIONER ZUNIGA: The red line is --

>> MR. GROSSMAN: The red line.

>> COMMISSIONER ZUNIGA: I was thinking it was the gray.

>> MR. GROSSMAN: No, it's the red line.

>> MS. KRUM: Anything within the red line is what we're proposing.

>> MR. GROSSMAN: The Commission, in its last decision, explicitly determined that the harbor walk, the internal roadways, surface parking lots are explicitly excluded from the gaming establishment in that we don't have a specific regulatory interest in overseeing those areas, and the dock area, I should add, in that they're governed under other laws of the Commonwealth, and there are other entities that oversee those areas. So those areas were out. The ones we're talking about now were never specifically adjudicated. And the only other areas that I would add in that is included here that was never discussed in the past was the port Kashay area which makes sense to include and probably should have been in the first map but wasn't. So that's included here.

>> COMMISSIONER ZUNIGA: It is contiguous. I guess when I was first looking at only the gray, it made no sense to me as to why we were including the ellipsis and only the walkway. But looking at the red, all of that area is contiguous and included.

>> MR. DeSALVIO: Correct. That was why we suggested that.

>> COMMISSIONER ZUNIGA: Okay.

>> MS. KRUM: And would allow guests to traverse from one area to another, all within the boundaries.

>> COMMISSIONER ZUNIGA: Yes. Okay.

>> MR. DeSALVIO: Great. Thank you.

>> MR. BEDROSIAN: And again, I think this is one of the items we would additionally put out for public comment.

>> COMMISSIONER ZUNIGA: And all the floors above, right? In MGM, we have some exceptions because of the nature of the property. There is no exceptions when it comes to second floor?

>> MR. BEDROSIAN: We may work on that at a later date. There may be something in terms of delineation of the gaming floor?

>> COMMISSIONER ZUNIGA: Okay.

>> MR. BEDROSIAN: Yeah. I think we might take that up at a later date. There is one item. Related to that.

>> COMMISSIONER ZUNIGA: Okay. But for gaming establishment, it's all the floors.

>> MR. BEDROSIAN: Correct.

>> COMMISSIONER ZUNIGA: Okay.

>> CHAIR JUDD-STEIN: So no further questions on boundary? With respect to item 4b, draft Encore Boston Harbor alcohol permit. Is there Curtis here? Oh, there he is. Thank you. Thank you, Mr. Grossman. Good morning again, Mr. Curtis. How are you?

>> MR. CURTIS: Good afternoon, Madam Chair and Commissioners.

>> CHAIR JUDD-STEIN: Oh, it is afternoon. Thank you.

>> MR. CURTIS: Today I'm joined with Bruce Band to present you with a draft of the gaming licensing application for consideration and comment.

>> COMMISSIONER ZUNIGA: Bill, is your mic on?

>> MR. CURTIS: It is.

>> MR. BEDROSIAN: Get up a little closer.

>> MR. CURTIS: People always tell me I talk too loud. The division of licensing and the investigations and enforcement bureau specifically the gaming agents division is not forwarding the application to the Commission with the recommendation but rather wanted to provide the Commission with ample opportunity to consider the application. Given the unique nature of the 4:00 a.m. request. The application is substantially complete and contains requests for 23 alcohol license outlets. Of the 23 requests of gaming beverage outlets, three of these outlets will be leased to an outside party. The 23 outlets will be situated as follows. There will be 15 on the ground floor. There will be 5 outlets on the second floor. And there will be 3 on the third floor.

For the gaming floor, Encore Boston Harbor has requested alcohol service until 4:00 a.m. I would like to go through the slide deck right now, and I would appreciate it, like, Jacqui Krum could lead the way.

>> MS. KRUM: Sure. Okay. So what we tried to do on the table of contents was items 6 through 41 are areas -- and they correspond with the pages -- are items where beverages would be served. So we'll start with the draft beer, liquor dispensing system and point of sales controls. What we tried to do was give a general outline of the process. So for draft beer in any outlet with draft beers, the taps would be deployed no later than 2:00 a.m. We are actually going to have a last call at 1:30 a.m. And then with respect to the gaming floor, if approved, we would have a last call at 3:30 a.m. with the taps turned off at 4:00 a.m.

For the servicing of alcohol in the gaming -- on the gaming floor, if it's approved, that would be for actively gaming guests only. And those would be not guests that are sitting next to someone who's actively gaming but guests that are actively engaged and not just putting a dollar into a slot machine in order to get a drink. So that would be how servers would be trained with respect to that as well as our security team.

On liquor dispensing systems, all buttons with alcohol functionality would likewise be automatically disabled no later than 2:00 a.m. or 4:00 a.m. with respect to the casino floor. And this is configured by IT and the system administrators only and there's no override function on these outlets. Same with the point of sale system. All buttons would be associated with alcoholic beverage distribution would be disabled at that 2:00 and 4:00 a.m. periods.

On liquor bottle service, these -- for certain of the venues, as we go through the deck, I can point these out, but would only occur during private events. And with respect to any liquor bottle service, the bottle will remain in the possession of the server and will never -- the server will never leave the table unattended so that the bottle is available to guests. Obviously, this doesn't apply to a bottle of wine, but this is for spirits.

In different locations, the bottle is either physically removed, but we do have someone who is standing there looking at the bottle the entire time. The guest will never be permitted to touch the bottle and serve themselves. In the lounges and nightclubs, the same setup in terms of the service. The only difference is we do intend

to offer this not only for private events but for general consumption.

In-room bottle service, just to be clear, a guest will not be entitled to order a bottle of spirits through in-room dining. However, if there's a private event within the room, what we call sort of a hospitality event within the room, we would have a server follow the same protocols that I've outlined above where they are the ones touching the bottle at all times.

Just to go through the ground level licensed areas. This indicates the gaming floor, the venues on the gaming floor. So we have the buffet Fratelli and going further along, outside the casino floor, we obviously have the meeting and convention space. And then we have just going from directionwise west, then south, we have Mystique which is another leased outlet. This is one of the venues that we would -- that's a leased outlet. Then we have Sinatra, which is our formal Italian outlet. We have Rare, which is a steakhouse, Bru, which is --

>> MR. DeSALVIO: Grab and go.

>> MS. KRUM: -- grab and go food. We have the oyster bar across from Sinatra's, and we have Red 8 which leads directly onto the gaming floor. There's access from Red 8 to the gaming floor. And then finally we have Waterfront. So on Sinatra, this is a sort of modern and classic Italian cuisine. It's a very elegant restaurant and a bar neighboring the garden lobby. So there is outside patio seating available. But there's no access from the patio itself. The guests will have to go through the main entrance. On all of these, you'll see we proposed what we anticipate the hours of operation to be, but we are asking for extended service periods in case there are private events or in case those hours are modified to meet the demand of the facility. So for this venue with respect to bottle service, we would like to make it available but only for private events. And all liquor and beer and wine will be locked in the venue which has enclosed walls and a locked door. There's no draft beer in this venue.

Turning to Mystique. This is a casual Asian fusion dining. It's Asian-inspired cuisine and sushi restaurant and bar adjoining the Esplanade. This is going to be run by big night entertainment group. Again, we have proposed normal hours of operation but do ask for permissiveness in terms of serving alcohol with respect to private events or a change in the times. All alcohol is distributed at the bar by the bartenders for guests sitting at the bar and from the bar to service in the dining room. Again, only bottle service for private events only.

Likewise, this venue is completely enclosed and has locked doors, and we will also post a security office in the Esplanade 24 hours a day. Waterfront restaurant concept is shareable plates, snacks and spirits. It's a casual dining experience adjoining the west Esplanade. This would be for bottle service, it would be for private events only and for alcohol dispensing, it's distributed at the bar by bartenders and from the bar by service to guests in the dining room. Again, all liquor, beer and wine will be locked in the venue which has enclosed walls and a locked front door.

Our oyster bar is our Raw bar which is casual dining adjoining the west Esplanade. And again, alcohol is distributed by bartenders and served by servers to guests in the dining room. Bottle service for private events only. And this will also -- wine and beer will be locked behind the bar. The venue does not have a locked front door. So it will be stanchioned off when it's closed and we will have a security officer in the Esplanade 24 hours a day.

Red 8 is our Chinese casual dining concept adjacent to the casino floor. This does have extended hours where you'll see we're asking for this to be open until 3:00 -- we intend for this to be open until 3:00 a.m., obviously realizing that alcohol service would stop prior to -- at 2:00 a.m., prior to the closing of the restaurant. The alcohol will be distributed by bartenders and to those at the bar or by service to guests in the private dining room and bottle service, again, only for private events. There is no guest-facing bar in this venue, so everything will be served from back of the house. And the point of sale system, as I explained before, will be disabled at 2:00 a.m.

The buffet is all-you-can-eat casual dining located right off the casino floor. Alcohol dispensing will be done by bartenders or to guests by servers in the dining room. There's no guest-facing bar in this venue, so it's all locked back of house and point of sale distribution systems are disabled at 2:00 a.m.

On Fratelli, it's Italian cuisine, casual dining restaurant and a bar adjacent to the casino floor. For the alcohol, it will be distributed at the bar by bartenders and, again, by the servers to guests who are in the dining room. Bottle service will be for private events only. The -- all the taps will be deployed for draft towers and the point of sale system will be disabled at 2:00 a.m.

Bru is our fast casual dining. It's adjacent adjoining the east Esplanade. This will be open 24 hours a day but obviously alcohol service will be limited to what is -- to the 8:00 a.m. to 2:00 a.m. time range. The alcohol is dispensed by fountain workers at the counter. And everything will be deployed -- it will be removed at 2:00 a.m. We also intend to remove all alcoholic beverages from guest view at that 2:00 a.m. mark.

Sorry, if we didn't have so many venues, this wouldn't be quite so long. The Rare Steakhouse, this is a classic steakhouse and bar. Very elegant restaurant and bar. There is also outside patio seating available. No entrance from the outside. The guests must enter through the main entrance. We intend for this to be open -- the bar would open at 4:00 and then it would go from 5:00 to 10:00. Again, we'd like to have flexibility on those hours for private events or if schedule demands. So the alcohol is dispensed by bartenders for guests at the bar and, again, service to guests in the dining room or on the patio. Bottle service for private events only. This restaurant also has enclosed walls and a locked front door.

Our Center Bar is right in the middle of the gaming floor. And this would also serve to provide complimentary beverages for actively gaming guests from the 2:00 to 4:00 a.m. time period. So we would propose operating this 24 hours a day subject to the limitations of the alcohol license with respect to alcohol service. For actively gaming guests, they would be served at their gaming location, and those will be delivered by servers. If cash-paying guests come up, they will not be entitled to purchase alcoholic beverages after the 4:00 a.m. cutoff. However, they would be able to purchase nonalcoholic beverages at that time. Given that this will be serviced 24 hours a day, the alcohol would still be -- the alcohol would still be available, but the ability to order it would be cut off at the 4:00 a.m. mark or at the 2:00 a.m. mark.

So this just goes into our complimentary policy. I think I've touched on a lot of these. But complimentary beverages would not exceed \$25 in value. If they do, they would have to be approved by a slot supervisor prior to serving them. And then also guests may receive one complimentary beverage for every 20 minutes of active gaming. And the way we have thought about how this works is our shifts -- well, the way that the

servers -- the areas that they have to cover, they physically would not have the capacity to go back to a guest more than once every 20 minutes.

So our VIP registration desk and lounge, that would be open 24 hours a day, again, subject to the limitations of the alcohol service. There would be no bottle service there. And everything will be in back-of-house storage. Just to be clear, I know this goes without saying. Obviously everything is subject to 24-hour-a-day, 7 days a week surveillance.

Our retail stores. This wine and champagne only, and we would intend for this to be distributed by supervisors and managers all from back-of-house locked storage. Meeting and convention space. Also distributed by bartenders and served by servers to guests in the dining room. Bottle service for private events only. So the service is through portable bars which would never be unattended, and they're broken down at the conclusion of an event. And all liquor, beer and wine would be locked up back of the house when not in use.

So on the Harborwalk. This is the area that we were just looking at. So it's really the event lawn. We're calling it the Harborwalk, but it's really the event lawn and the gazebo that extends out there. This would be for private events only. And we would, again, serve through portable carts that are never left unattended. These carts will have camera coverage and all liquor and beer would be returned to the back of house when they were not in service. We'll also have security stationed around on all these events to make sure that the alcohol is not leaving and going onto the Harborwalk.

So I think we touched on this next slide, which is the casino beverage service. What the next slides do is they point out essentially where our back-of-house bars are that would be used for servicing the casino floor. The next two. There's a whole bunch of those. We have a lot of back-of-house facilities.

So this just goes into a little bit more of the process. So as I said before, when the cocktail servers makes its round on the casino floor, they would take nonalcoholic and alcoholic beverage orders. They go to a designated service bar. They swipe their assigned system card and verbalize the drink order to the bartender. The bartender rings in the orders and produces the alcoholic beverages, but the server provides the nonalcoholic beverages. So the cocktail server then retrieves the alcoholic beverage from the bartender and delivers it to the guest who is actively gaming. If the guest is no longer actively gaming by the time the server comes back, the guest would not be -- the server would not be permitted to provide that alcoholic beverage to the guest.

>> COMMISSIONER ZUNIGA: Jacqui, can I ask a question? And maybe Bruce or Bill or Ed can remind me. I remember from MGM, there's a 3:30 a.m. milestone, if you will.

>> MS. KRUM: Last call.

>> COMMISSIONER ZUNIGA: Last call in which also, to give you enough time for people to finish their last drink, I suppose. But that also enables or disables, rather, the machines at that time. Is that what happens at MGM?

>> MR. BAND: Yeah. Usually, yes.

>> COMMISSIONER ZUNIGA: Okay. Because some of the verbiage here --

>> MS. KRUM: Yeah.

>> COMMISSIONER ZUNIGA: Are you suggesting that it's --

>> MS. KRUM: Our thought on that is to do a last call and let people know this is your last chance to order. So we would propose delivering the drink in that 3:30 to 4:00 a.m. range. But that would be the final drink that they can have. So if they order, you know, if it's a 3:35, that drink would still be delivered to the patron.

>> COMMISSIONER ZUNIGA: Okay. There's also --

>> MS. KRUM: The final drink, I should say.

>> COMMISSIONER ZUNIGA: There was also some kind of control around cup -- there are different cups to differentiate. Is that something --

>> MS. KRUM: Yeah, we had a discussion about this. And the idea is once a person stops gaming and starts wandering around the casino floor, we would ask them to, you know, to finish their drink if they're no longer actively gaming or remove the drink. We didn't really see the need for distinguishing with the cups because everyone at 2:00 a.m. is either done -- they're not going to get refilled. They're either done and they're getting a new drink because they're actively gaming or I guess we just didn't see the purpose of changing out the glassware at that point.

>> COMMISSIONER ZUNIGA: Well, at least some of it -- my recollection at least in MGM had to do at times with the plaza, but there was also the notion of the closing of -- the expiration of the time. Is that -- am I getting that recollection mixed up?

>> MR. BEDROSIAN: I'm trying to remember a whole eight months back. I think initially there was some designation. They had anticipated using glassware until 2:00 a.m. and then shifting to a frosted plastic cup. It turn out I think they ended up, after a week or so, going right to plastic. I think it was a different type of plastic. I think the only delineation was it was a distinction to the servers who was supposed to be actively gaming because they are now drinking between 2:00 to 4:00 with this special frosty glass.

>> MS. KRUM: I think our concern was if at, let's say, 3:00 a.m., someone has an actively gaming glass, when that server comes around again, if that person's no longer actively gaming, they don't get another drink no matter what. So just because you were actively gaming 30 minutes ago does not mean that you are still actively gaming 30 minutes later. So --

>> MR. DeSALVIO: We're worried that the glassware is actually going to impede the proper oversight of this. And we think it's better to either you are gaming or you are not gaming. And again, the whole issue about last call and then ultimately turn the taps off. But the glassware, we couldn't think of a scenario where the glassware makes it any safer. And as a matter of fact, it seemed more confusing to all our beverage folks. And so -- and again, I think MGM abandoned it after -- I think.

>> MR. BAND: They still utilize it and stuff but I think their purpose is people don't leave with the glassware.

>> MS. KRUM: I think the other distinction may be, frankly, MGM has self-serving systems where people can get nonalcoholic beverages. And we don't have those.

>> MR. DeSALVIO: There's no self-service on our floor, so we just couldn't find a reason why this would be helpful in the argument.

>> COMMISSIONER ZUNIGA: Okay. Okay.

>> MS. KRUM: So I'm going to skip ahead to the second-level licensed areas. So we have our garden cafe which is seasonally driven and locally inspired casual dining. It's on the mezzanine of the garden lobby. This, again, is only distributed by bartenders

or servers. Bottle service would be for private events only. There's no guest-facing bar in this facility. So everything is behind the service bar and would be locked up.

In-room dining. Again, distributed by bartenders who then deliver to a server who delivers it to the guests in the room. As discussed before, only bottle service for private or hospitality events held in those rooms where there would be a server constantly in the room. No guest-facing bars in the rooms. So everything would be brought to the room and then taken back of house and locked up.

Garden Lounge is an upscale craft cocktail lounge. Drinks would be distributed by bartenders or by servers to guests in the seating area. We do -- we would like to be able to do bottle service in this facility. Again, only in the manner that I previously described. And this facility -- the only access to the bar is through back of house, and so this would be locked off -- sorry, this would be **stanchioned** off when it's closed, but the alcohol would be locked up back of house.

So Memoire is our leased outlet which is in Ultra Lounge. It's an elevated boutique nightclub which is located in the mezzanine. This one we would like to serve bottle service as part of regular course. And it's a completely enclosed venue that would be locked when it's not in use. The on-deck burger bar is an American sports bar. It's casual dining on the upper east mezzanine. Alcohol would be served by bartenders or to servers if they are dining. And bottle service -- I don't know why we have two yeses. Maybe we feel emphatic about bottle service for private events here. Bottle service would be for private events only. And this is the only access to the bar is through back of house. This venue does not have locked doors, so we would have to remove all the alcohol and put it back of house.

And then on the third floor, we have our salon, which we would just like to be able to serve wine and champagne by managers and supervisors. No bottle service. And everything would be locked up back of house. Same with the spa. Area.

And then I think we talked about the boardrooms.

>> MR. DeSALVIO: It's up on the third floor where the spa is.

>> MS. KRUM: But same process for -- same as the other meeting banquets and convention events that we discussed. And the last few slides just show you where the product would be stored. And as well as our pump room. And these are back of house, obviously. Open for questions.

>> COMMISSIONER STEBBINS: You obviously have a couple of leased operators, and they'll chime in. How are they guided in the provision of an alcohol license? Is that on Encore, or is that on you working independently with the individual leased space operators?

>> MR. CURTIS: We work with Encore in conjunction with the lessees.

>> MR. BEDROSIAN: And Commissioner, if you see in those particular slides, there's -- some were called a jointly responsible person which is from the lessee.

>> COMMISSIONER STEBBINS: Okay.

>> MS. KRUM: And they understand that they're subject to the same regulations and controls that apply to us.

>> COMMISSIONER STEBBINS: Okay.

>> MR. CURTIS: Their employees have been instructed that they need to register. Certain individuals will need to register, the bartenders, the managers, the lounge servers. So these folks, they know they have to go through our process.

>> COMMISSIONER O'BRIEN: The public comment period for the 2:00 to 4:00 for MGM, how long did we put that request out for public comment?

>> MR. BEDROSIAN: Two weeks. We did.

>> COMMISSIONER O'BRIEN: Okay.

>> MS. KRUM: And we also have our chief here from the City of Everett if there's any questions for him.

>> MR. DeSALVIO: And Lieutenant Strawman.

>> MR. BEDROSIAN: I would propose we have the two items for a two-week comment period and then we'll figure out how the meeting coincides with that two-week comment period.

>> COMMISSIONER ZUNIGA: Sounds good.

>> COMMISSIONER CAMERON: Great. Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: Thank you very much. Moving to item 5. Fellow Commissioners, do you have any updates? I do have two updates. And this relates to the decision that the Commission issued on April 30th regarding the Wynn suitability -- we issued both fines and conditions, and we just want to clarify the date certain that we have determined for the fine date to be due. Legal has advised that under our statute and regulations, it would be May 31st. Of course, we welcome any discussion on that if you view it differently, but that's based on our regulation. So that would be the date certain. I also want to note that pursuant to another condition, we have convened a procurement management team to begin the selection process for the independent monitor. The work that we anticipate pursuant to our decision. That's it.

>> COMMISSIONER ZUNIGA: Well, and just on that note, we've not heard from the company on this -- on these other matters, and they have until the date certain that the Chair mentioned to either comply or appeal our prior decision, is that correct?

>> MR. BEDROSIAN: So, yeah, in fairness, we've heard from the company that they have an internal process to go through, and they anticipate going through that relatively quickly.

>> COMMISSIONER ZUNIGA: Okay.

>> CHAIR JUDD-STEIN: Is there any further discussion? Do I have a motion?

>> COMMISSIONER CAMERON: So moved.

>> COMMISSIONER ZUNIGA: I second.

>> CHAIR JUDD-STEIN: And that would be a motion for adjournment?

>> COMMISSIONER CAMERON: It would be.

>> CHAIR JUDD-STEIN: Thank you. All those in favor. And those opposed. 5-0. Thank you very much.

(The meeting concluded at 12:56 P.M.)