



**NOTICE OF MEETING and AGENDA
January 28, 2014 Meeting**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Tuesday, January 28, 2014
9:00 a.m.

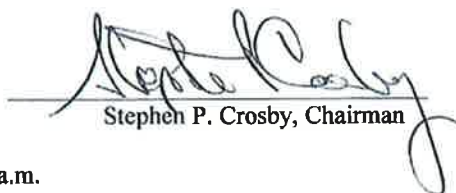
Hynes Convention Center
900 Boylston Street, Room 202
Boston, MA

PUBLIC MEETING - #104

1. Call to order
2. Category 1 Surrounding Community and Impacted Live Entertainment Venue Petitions
3. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

1/23/13
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: January 24, 2014 at 9:00 a.m.



Massachusetts Gaming Commission

Reilly, Janice (MGC)

From: Thurlow, Mary (MGC)
Sent: Friday, January 24, 2014 11:51 AM
Cc: Ziembra, John S (MGC); Reilly, Janice (MGC); Day, Rick (MGC); Blue, Catherine (MGC); Grossman, Todd (MGC); Griffin, Jill (MGC); Cameron, Gayle (MGC); Crosby, Steve (MGC); McHugh, James (MGC); Stebbins, Bruce (MGC); Zuniga, Enrique (MGC)
Subject: Schedule of Category 1 Surrounding Community Petition Presentations
Attachments: image011.jpg; image012.jpg; image013.jpg; image014.jpg; image015.jpg

During the upcoming Massachusetts Gaming Commission meetings on January 28, 2014 at 9:00 a.m. and January 29, 2014 at 9:00 a.m. at the Hynes Convention Center, 900 Boylston Street, Room 202, Boston, MA, the Commission will reserve time to hear from a municipal representative or municipal representatives from communities that have filed a surrounding community petition pursuant to 205 CMR 125.01(2) and a representative or representatives from venues seeking to be designated as Impacted Live Entertainment Venues ("ILEV") pursuant to 205 CMR 126.01(2). The Commission will also reserve time to hear from any applicants that choose to provide further testimony regarding any such surrounding community and ILEV applications. **Applicants, venues and communities are not required to provide additional testimony.** As the Commissioners will review the materials submitted by applicants and petitioners, applicants, venues and communities do not need to read or otherwise orally present the information contained in such materials. We ask communities, venues and applicants to focus on likely impacts or lack of likely impacts instead of a listing of the communications between the parties to date. Applicants, venues and communities will be given approximately 15 minutes to give their presentations. Due to an evening Commission hearing, presentations on the 28th will need to stop no later than 3 p.m. Presentations not heard on the 28th will be heard on the 29th. This schedule may change by the date of the hearing depending on which communities and venues choose to present and the status of agreements reached. Please check with Mary Thurlow at the Ombudsman's office (mthurlow@state.ma.us or (617) 979 8420) for the most up-to-date schedule. Further, it is impossible to predict how closely actual testimony will match the schedule.

Tuesday, January 28, 2014

MGM Presentations (Estimate)	
Hampden	9:00 a.m.
MGM	9:15a.m.
Longmeadow	9:30 a.m.
MGM	9:45 a.m.
Northampton	10:00 a.m.
Northampton Involuntary Disbursement	10:15 a.m.
MGM	10:20 a.m.
BREAK	10:40 a.m.
Eastern States Exposition	10:55 a.m.
MGM	11:00a.m.
Majestic Theatre	11:15 a.m.
MGM	11:40 a.m.

Mohegan Sun & Wynn Presentations (Estimate)	
LUNCH	11:55 p.m.– 1:00 p.m.
Lynn Auditorium	1:00 p.m.
Mohegan Sun	1:15 p.m.
Lynn Auditorium	1:30 p.m.
Wynn	1:45 p.m.
Somerville	2:00 p.m.
Mohegan Sun	2:15 p.m.
Lynn	2:30 p.m.
Mohegan Sun	2:45 p.m.
STOP	3:00

Wednesday, January 29, 2014

<u>Mohegan Sun Presentations</u> <u>Continued (Estimate)</u>	
Melrose	9:00 a.m.
Mohegan Sun	9:15 a.m.
Everett	9:30 a.m.
Everett Involuntary Disbursement	9:45 a.m.
Mohegan Sun	9:50 a.m.
BREAK	10:10 a.m.

<u>Wynn Presentations (Estimate)</u>	
Cambridge	10:30 p.m.
Wynn	10:45 p.m.
Lynn	11:00 p.m.
Wynn	11:15 p.m.
Melrose	11:30 p.m.
Wynn	11:45 p.m.
Saugus	12:00 p.m.
Wynn	12:15 p.m.
LUNCH	12:30 p.m.

It is anticipated that the Commission will make determinations regarding any outstanding Region B surrounding community and ILEV petitions at its meeting scheduled for February 6, 2014, and later (potentially February 18, 2014) for Region A communities and venues. Communities and applicants will be notified after such decisions are made. Communities that are designated as surrounding communities and venues designated as Impacted Live Entertainment Venues will be able to participate as surrounding communities in the host community hearings tentatively scheduled for April. Further, communities designated as surrounding communities and venues designated at ILEVs will have 30 days to negotiate a surrounding community agreement with applicants and then participate in arbitration if necessary, as specified in 205 CMR 125.01(6) and 205 CMR 126.01(4). Communities, venues and applicants are asked to familiarize themselves with the deadlines for negotiation and arbitration specified in 205 CMR 125.01(6) and 205 CMR 126.01(4) and to begin determining an arbitrator or arbitrators as soon as possible within the 30 day negotiation period, if applicable.

Enclosed please find an excerpt from a memorandum that was released during the Category 2 review that describes the Commission's surrounding community petition review process. The Category 1 review process is not anticipated to be significantly different (except in schedule) from the Category 2 reviews. Please notify the Commission **by 2:00 p.m. Monday, January 27**, via e-mail to MGC Ombudsman John Ziembra (jsziembra@state.ma.us or (617) 979-8423) and Director of Workforce, Supplier and Diversity Development Jill Griffin (jgriffin@state.ma.us or (617) 979-8446), of the name or names of any municipal representative or representatives of the venues that will testify.

Further, please notify the Commission as soon as possible if the community or venue has reached an agreement with an applicant or has otherwise determined that it will withdraw its surrounding community or ILEV petition.

Please contact John Ziembra if you have any surrounding community questions or Jill Griffin if you have any ILEV question. Please acknowledge receipt of this e-mail. Thank you.

**Excerpt from November 7, 2013 Category 2
Surrounding Community Petitions and Determinations Memorandum**

Standard for Determining Surrounding Community Status. The Commission's regulations specify that the Commission shall consider a number of factors in determining surrounding community status, including proximity to the host community and the gaming establishment, whether the transportation infrastructure in the community will be significantly and adversely affected by the gaming establishment, whether the community will be significantly and adversely affected by the development of the gaming establishment prior to its opening, and whether the community will be significantly and adversely affected by the operation of the gaming establishment after its opening.

The Commission's regulations state that the Commission shall make a decision based on a review of the RFA-2 application, the RFA-2 applicant's detailed plan of construction, any independent evaluations, pertinent information received from the community, the RFA-2 applicant, and the public in making its determination.

In making such determinations, the Commission [will]... utilize the assistance of its RFA-2 review consultants to analyze the surrounding community petitions and utilize internal staff resources. McFarland Johnson is currently reviewing the

surrounding community petitions to analyze traffic impacts and will help with other infrastructure impacts including water impacts. Pinck & Co. will help the Commission analyze other impacts including housing related impacts. Further, Mark Vander Linden will help analyze potential problem gaming related social impacts that have been highlighted in petitions. It is anticipated that Mark Vander Linden will be able to utilize some of the research resources available through the University of Massachusetts. The RFA-2 consultant teams and internal reviews will also evaluate any Regional Planning Agency (RPA) Reviews that have been completed regarding these facilities. If further information is necessary, the consultant and internal teams will seek to interview RPAs regarding impacts, particularly if those RPAs have been involved in a regional review.

[It should be noted] that ... pursuant to the Commission's regulations, 205 CMR 125.01(4), "[a]ny finding by the Commission that a community is not a surrounding community for purposes of the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by M.G.L. c. 23K, §61...."

Mary Thurlow

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