



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #268**

May 22, 2019
9:30 a.m.

Massachusetts Gaming Commission
101 Federal Street
Boston, MA



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
May 22, 2019**

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:

**Wednesday, May 22, 2019
9:30 a.m.
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA**

PUBLIC MEETING - #268

1. Call to order
2. Approval of Minutes – Commissioner Stebbins
 - a. May 1, 2019 – **VOTE**
 - b. May 6, 2019 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
 - a. General Update
4. Ombudsman – John Ziemba and Joe Delaney, Construction Project Oversight Manager
 - a. Encore Boston Harbor - Summary of Material Changes Since Design Approval - **VOTE**
 - b. Encore Boston Harbor - Detailed Construction Timeline - **VOTE**
 - c. Second Amended Encore Boston Harbor Section 61 Findings - **VOTE**
5. Investigations and Enforcement Bureau – Bruce Band, Assistant Director – Gaming Agents Division Chief
 - a. Encore Boston Harbor Revision to Gaming Establishment Boundary – T. Grossman, Deputy General Counsel – **VOTE**
 - b. Encore Boston Harbor Service Employee Exemption Requests – B. Curtis, Licensing Manager – **VOTE**
 - c. Encore Boston Harbor Alcohol Permit – B. Curtis, Licensing Manager – **VOTE**



Massachusetts Gaming Commission

6. Commissioners' Updates

7. 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 “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

05.20.19
Date

Cathy M. Judd-Stein
Cathy Judd-Stein, Chair

Date Posted to Website: May 20, 2019 at 9:30 a.m.



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Massachusetts Gaming Commission Meeting Minutes

Date/Time: May 1, 2019 – 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

**Time entries are linked to the
corresponding section in the
Commission meeting video.**



Call to Order

See transcript page 1

[10:00 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #266 of the Massachusetts Gaming Commission.

Approval of Minutes

See transcript pages

[10:01 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of March 28, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The motion passed unanimously.*

Commission Update

See transcript pages 1 – 4

[10:02 a.m.](#) **Wynn Resorts Suitability Review**
The Chair addressed the Commission's report issued the previous evening regarding the suitability of Wynn Resorts and Wynn MA LLC.

She stated that she first wanted to thank the Commissioners and team for their diligent efforts during the entire investigation. She went on to thank the Investigations and Enforcement Bureau (IEB), specifically Karen Wells, IEB Director, Loretta Lillios, IEB Chief Enforcement Counsel, and Det. Lt. Brian Connors of the Massachusetts State Police. She also thanked Ed Bedrosian, Executive Director, as well as the Legal Division, specifically Catherine Blue, General Counsel, Todd Grossman, Deputy General Counsel, Justin Stempeck, Associate General Counsel, Carrie Torrisi, Associate General Counsel, and Shara Bedard, Paralegal.

The Chair stated that the Commissioners made their decision with great care as they methodically weighed the evidence in the matter, conforming to the standards of review that the law requires and expects of the Commission. She stated that she is confident that the Commission has met its legal and ethical burdens. Further, after lengthy deliberations and for the reasons detailed in the written decision, Commissioners conclude that Wynn Resorts, Wynn MA, LLC, and its qualifiers remain and are suitable to maintain the Region A Category 1 gaming license, subject to the fines and conditions set forth in the decision.

Each Commissioner offered their thoughts on the deliberation process and operations of the agency during this time and thanked the staff for their professionalism and hard work.

[10:12 a.m.](#) The Chair asked Ms. Blue to define the payment schedule for the fines imposed by the decision on Wynn Resorts, as a statutory matter. Ms. Blue stated that this is addressed in the Commission's Enabling Act [M.G.L. c. 23K § 36\(f-g\)](#). She then briefly summarized the terms therein, stating that any fine assessed would be paid within 30 days of the assessment of the fine unless there is a request for judicial review.

[10:14 a.m.](#) The Chair announced a break to take questions from the media. She then gave a statement and Commissioners took questions (see video and transcript pages 4 - 7)

Administrative Update

See transcript pages 4 - 11

[10:35 a.m.](#) **General Update**

Executive Director Ed Bedrosian also thanked the Commissioners and staff for all of their work over the last year during the investigation.

Director Bedrosian reviewed pre-opening matters for Encore and asked for permission to hold a public meeting to address these items. He anticipates

the need for more frequent Commission meetings taking place between now and the opening date of June 21st for Encore Boston Harbor.

[10:39 a.m.](#) **Massachusetts Gaming Commission Quarterly Budget and Diversity Spend Reports**

Derek Lennon, Chief Financial and Accounting Officer reviewed a memo summarizing the FY19 Third Quarterly Budget Update. He summarized it stating that as of the last update, the Commission's budget increased by \$3.1M. For this third quarter, staff is seeking to increase the budget again by \$1.3M, all in legal costs.

In conclusion, staff is seeking a vote to increase the Gaming Control Fund budget by \$1.3M to amount to \$37.8M, based on the information in the [Commissioners' packet](#).

As this matter was not in the public meeting notice as requiring a vote for approval, the Chair preferred that the Commission vote at the next Commission meeting.

| [10:45 a.m.](#) Agnes Beaulieu, Finance and Budget Office Manager, reviewed the Supplier Diversity Program benchmarks in the Commission's total spending and encumbrances to date, through the third quarter for FY19 with the Commission.

The Finance and Budget Office has engaged a vendor named VeriCloud that staff would like to bring to a Commission meeting later in the year to provide an overview of their operation. Currently, the company reviews Commission spending on contracts and strategy for visibility to potential vendors. They also advise how to reach out to vendors who are on the Massachusetts Operational Services Division list but haven't received contracts in the past with the Commonwealth. So far they have been extremely helpful in procuring vendors, thus enabling the Finance Division to surpass its benchmark goals for acquiring small businesses and minority-owned businesses as vendors.

Women-owned businesses and service disabled veteran-owned businesses have been a challenge in the last few years. However, VeriCloud has also been helping in these categories.

Mr. Lennon outlined efforts made to ensure streamlining of the process for minority-owned businesses to register as vendors with the Commission.

Investigations and Enforcement Bureau (IEB)

See transcript pages 11 – 13

[11:00 a.m.](#) **MGM Qualifier**

Karen Wells, IEB Director recommended that the Commission approve Patrick Martin, Vice President of Regional Compliance for MGM Resorts International as a qualifier for MGM Resorts International. She summarized the investigation report of Mr. Martin and explained that he demonstrated by clear and convincing evidence he is suitable for licensure in Massachusetts. Therefore, the IEB is recommending that the Commission find him suitable.

11:05 a.m. *Commissioner Cameron moved that the Commission approve Patrick Daniel Martin, Vice President of Regional Compliance for MGM Resorts International, finding him suitable as a qualifier. Commissioner Stebbins seconded the motion.*
The motion passed unanimously.

Racing Division

See transcript pages 13 – 17

11:05 a.m. **Reimbursement of 2017 Unclaimed Tickets**

Dr. Alex Lightbown, Racing Division Director, summarized the Racing Division's Request for reimbursement of unclaimed winnings to the Commission.

Chad Bourque, Racing Division Financial Analyst, stated that the unclaimed tickets for horse tracks go back to the purse accounts while the unclaimed tickets from the greyhound tracks will go into the racing stabilization fund.

For 2017, Sterling Suffolk Downs will reimburse \$224,045.33, and Plainridge Racecourse will reimburse \$186,705.64. He added that the amount Wonderland will reimburse is \$7,981.23, and Raynham Park will reimburse is \$150,144.70.

Mr. Bourque stated that he has reviewed Sterling Suffolk Racecourse, Plainridge Racecourse, Wonderland, and Raynham Park's outstanding ticket accounts for the calendar year 2017 and determined that the aforementioned amounts are payable before April 1, 2019. The funds have been submitted to the Commission and cleared, and with the Commissioners' authorization, the distribution will occur.

11:09 a.m. *Commissioner Stebbins moved that the Commission approve the deposit of unclaimed wage in the purse accounts of the racing meeting licensees as prescribed in the Commissioner's packet to Sterling Suffolk Downs and Plainridge Racecourse. Commissioner Zuniga seconded the motion.*
The motion passed unanimously.

Commissioner Stebbins further moved that the Commission approve the amounts from unclaimed tickets by greyhound meeting licensees and be dedicated to the racing stabilization fund as prescribed in the Commissioner's

packet to Wonderland Greyhound Park and Raynham Park. Commissioner Cameron seconded the motion.
The motion passed unanimously.

Suffolk Downs' Request for Reduced Take Out

Dr. Lightbown stated that Suffolk Downs' Chief Operating Official Chip Tuttle has submitted a request to reduce the takeout to 16% on Win Place Show and 19% on Exotics. This action will not impact the statutory amounts owed to the Massachusetts Gaming Commission or Massachusetts Thoroughbred Breeders. The Commission first approved a reduction in 2015, then again in 2016, 2017 and 2018.

Dr. Lightbown recommends that the Commission approve the request of Suffolk Downs to reduce the take out to 16% on Win Place Show and 19% on exotics.

[11:12 a.m.](#) *Commissioner Cameron moved that the Commission approve the request of Suffolk Downs to reduce the take out to 16% on win, place and show and 19% on exotics, as recommended by the racing division. Commissioner O'Brien seconded the motion.
The motion passed unanimously.*

Suffolk Downs Request for Approval of Racing Officials

Dr. Lightbown then reviewed Suffolk Downs request for approval of their key operating personnel and racing officials. She stated that this is similar to what was approved previously with Plainridge for their key operating and officials.

Dr. Lightbown stated that similarly, many are not local and they may not be licensed with the Commission currently. Thus, the Racing Division asks that the Commission approve them pending satisfactory completion of their background checks by the state police and pending approval by the stewards.

[11:13 a.m.](#) *Commissioner Stebbins moved that the Commission approve the request of Suffolk Downs to approve their April 24th, 2019, list of key operating personnel and racing officials, pending approval by the stewards and satisfactory completion of the background checks by the Massachusetts State Police.
Commissioner Cameron seconded the motion.
The motion passed unanimously.*

Commissioner Updates

See transcript page 17

[11:15 a.m.](#) Commissioner Cameron stated that the Commission has been selected by the International Gaming Regulators to host the 2020 Gaming Regulators Conference. She thanked Janice Reilly, Chief of Administration, for taking the

lead on much of the prep work for coordination in this event. Commissioner Cameron noted that the location for the conference has not been determined yet.

11:16 a.m. *With no further business, Commissioner Zuniga moved to adjourn the meeting. Commissioner Cameron seconded the motion. The motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated May 1, 2019
2. Draft Commission Meeting Minutes dated March 28, 2019
3. Memo re Fiscal Year 2019 (FY19) Third Quarter Budget Review dated May 1, 2019
4. Attachment A – FY19 Actuals Spending and Revenue dated April 1, 2019
5. Budget and Diversity Spend Report
6. Memo re 2017 Reimbursement of Unclaimed Winnings – Horse Tracks dated April 11, 2019
7. Memo re 2017 Reimbursement of Unclaimed Winnings – Greyhound Tracks dated April 11, 2019
8. Memo re Suffolk Downs Takeout Reduction Request dated April 25, 2019
9. Letter from Chip Tuttle, Chief Operating Officer of Suffolk Downs re Takeout Reduction dated April 16, 2019
10. Memo re Suffolk Downs Key Operating Personnel and Racing Officials dated April 26, 2019
11. Letter from Chip Tuttle, Chief Operating Officer of Suffolk Downs re Key Operating Personnel dated April 24, 2019

/s/ Catherine Blue
Assistant Secretary



Massachusetts Gaming Commission Meeting Minutes

Date/Time: May 6, 2019 – 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

**Time entries are linked to the
corresponding section in the
Commission meeting video.**



Call to Order

See transcript page 1

[10:00 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #267 of the Massachusetts Gaming Commission.

Administrative Update

See transcript pages 1 – 2

[10:01 a.m.](#) **General Update**

Executive Director Ed Bedrosian thanked the Commission for their flexibility in taking up some new agenda items so quickly in preparation for the opening of Encore Boston Harbor. He reminded the Commission that during May and June, we may be required to have “out of cycle,” shorter meetings to address some critical agenda items relevant to the casino’s opening.

[10:30 a.m.](#) **Massachusetts Gaming Commission Quarterly Budget and Diversity Spend Reports**

Derek Lennon, Chief Financial and Accounting Officer resumed the Finance Division’s request for approval to increase the Gaming Control Fund budget

by \$1.3M to a total of \$37.8M that was raised at the May 1st Commission meeting. As this matter was not listed in the public meeting notice as requiring a vote for approval for the May 1st meeting, the Chair had preferred that the Commission vote at the next meeting. Mr. Lennon again summarized the request, stating that the Commission's budget increased by \$3.1M since the last update, and for this third quarter, staff is seeking to increase the budget again by \$1.3M, all in legal costs.

Mr. Lennon clarified that he is 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. He noted that any amounts that are not reimbursable will be offset by the licensing fees that continue to outpace estimates.

[10:04 a.m.](#) *Commissioner Zuniga moved that the Commission approve the adjustment to the budget as outlined in the [Commissioner's packet](#) and discussed here today as well as at the [May 1, 2019](#) Commission meeting. Commissioner Cameron seconded the motion. The motion passed unanimously.*

Ombudsman

See transcript pages 2 – 31

[10:05 a.m.](#) **Encore Boston Harbor - 2018 Fourth Quarter Report and 2019 First Quarter Report**

Ombudsman John Ziembra described in detail the items that would be presented to the Commission for consideration in this report and recommended that the Commission request public comment on them.

Jacqui Krum, Vice President and General Counsel of Encore, presented Encore Boston Harbor's Quarterly Report covering the last quarter of 2018 and the first quarter of 2019 to the Commission. Peter Campot, Director of Construction for Wynn Design and Development, reviewed PowerPoint slides that illustrated the construction update. Mr. Campot reported that they expect to receive a temporary Certificate of Occupancy no later than June 10th and that they are on schedule with construction. He stated that they are in the final stages of finishing spaces throughout the facility, and reviewed the major milestones and progress of the construction via the PowerPoint presentation.

Ms. Krum reviewed offsite infrastructure improvements, and cited dates of completion for landscaping, new traffic lights, paving, curbing, and other relevant projects.

Ms. Krum reported that they exceeded their goal of 18.9%, achieving 22.6% in total Minority, Women, and Veteran-owned Business Enterprise (MWVBE)

contracts. She referred to slides that showed the one category where they fell slightly short, which is the women-owned enterprises. She stated that they worked hard to achieve their goal, but didn't obtain that number.

Ms. Krum updated the Commission that the end of May should complete the installation of gaming equipment. She also reported that Encore has hired 5,200 of 5,800 employees, and they are bringing people in very quickly at this point. She stated that her staff is preparing a breakdown of the demographics of their new employees for the Commission.

Ms. Krum then reported community outreach efforts made throughout the quarter, projects called Keeping Everett Warm, Packing Summer Experience, One Boston Day, Walk for Change, Community Show at Wang Theater, and Partnership with the Museum of Fine Arts in Boston.

[10:31 a.m.](#)

Encore Boston Harbor - Independent Traffic Monitoring Approval

Joe Delaney, Construction Project Oversight Manager, presented this item for the Commission's consideration. Joining him was Jim Folk, Executive Director of Transportation as well as Paul Tyrell and Dustin Kerksieck of STV Incorporated.

The Commission's Encore Boston Harbor Section 61 Findings include numerous references to transportation monitoring and traffic monitoring which shall be conducted by an independent organization. These findings require approval of the independent organization by the Massachusetts Department of Transportation and the Commission.

Staff recommends that the Commission approve STV, Inc. for such monitoring. The team also recommends that STV, Inc. be requested to consult with Encore Boston Harbor's surrounding communities regarding monitoring that will occur in such communities. Lastly, the team recommends that the Commission state that such approval may be rescinded at any time, requiring Encore to suggest a new independent monitor acceptable to both MassDOT and the Commission.

[10:39 a.m.](#)

Commissioner Zuniga moved that the Commission approve the selection and engagement of STV, Inc. as the independent transportation monitor as is fully described in the memorandum from Ombudsman Ziemba and Oversight Manager Delaney, included in the Commissioner's packet. He further moved that the Commission may rescind its approval of STV, Inc. as the independent transportation monitor at any time in the Commission's discretion and require the selection and engagement of a different independent monitor, should the Commission determine it is necessary. Commissioner Cameron seconded the motion.

The motion passed unanimously.

[10:40 a.m.](#) **Encore Boston Harbor - Summary of Material Changes Since Design Approval**

Mr. Delaney reviewed the request for approval of some material changes to Encore Boston Harbor's final design since the Commission's original design approval on October 26, 2016. With him was Ms. Krum as well as Peter Campot, Director of Construction for Wynn Design and Development.

This request comes as final preparations relative to the opening of Encore Boston Harbor commence. In the Commission's prior design approval, it noted that a future Massachusetts Environmental Policy Act ("MEPA") Notice of Project Change ("NPC") would be anticipated and stated that material changes should be brought back to the Commission for its approval.

Mr. Delaney briefly summarized the design changes that were to food and beverage outlets, gaming positions, square footage and other Section 61 changes, sediment remediation, employee parking, offsite park and ride locations, a back-up battery system, a daycare facility, and a lighting plan. Other changes made but not part of the project that have been implemented since the original approval are construction of the Rivergreen community parking lot, and construction of an additional temporary community parking lot.

[10:45 a.m.](#) Ms. Krum explained that Encore is refining the number of gaming positions as the project approaches opening. Ms. Krum stated that there are currently an additional 127 gaming positions. There was detailed discussion around obtaining clarification from the Massachusetts Environmental Policy Act Office (MEPA) and MassDOT on the formula used to calculate gaming positions.

Mr. Delaney recommends that these changes be voted on at a later date, along with requests for approval to current Section 61 findings.

[11:05 a.m.](#) **Encore Boston Harbor - Draft Detailed Construction Timeline**

The Commission reviewed Encore Boston Harbor's draft construction schedule. Mr. Delaney noted that the Commission's approval of this schedule is required by 205 CMR 135.00. He stated that 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 Certificate of Occupancy in place on June 10th.

The Commission reviewed a schedule that includes deadlines for significant stages of Encore Boston Harbor's project that remain. Commission staff continues to coordinate with MassDOT, MBTA, City of Boston, City of Everett, City of Medford, and surrounding communities to ensure that all relevant portions of the project are satisfactorily completed before the project opens.

Mr. Delaney recommended that at the next Commission meeting, the Commission vote on the final stage of construction, which allows the construction bond to be returned to Encore, ensuring that the final stage of construction will coincide with the issuance of the Certificate of Operations.

[10:28 a.m.](#) At the Chair's request, Ms. Krum provided an update on some temporary center-based and family-based day-care arrangements being considered for employees until the ABCD day-care facility is operational. She added that the ABCD center will accommodate 62 children, and they have a toddler program as well as an infant program.

Ms. Krum stated that there will be about a six-month interim period before the ABCD center's construction process is complete. Encore will provide the Commission with an internal timeline that illustrates when they will have the arrangements solidified for this temporary six-month coverage, by the end of May.

[10:31 a.m.](#) **Draft Second Amended Encore Boston Harbor Section 61 Findings**
Mr. Delaney gave a brief overview of a proposed update to the Commission's current Section 61 findings which memorializes the measures required by the Commission to avoid or minimize the project's impacts on the environment. It was recommended that the Commission request comments on the proposed amendment to the findings before taking action.

Ombudsman Ziembra discussed the potential timing of the Commission's request for comments with the Commission. Mr. Ziembra summarized the schedule for public comment needed for publication in the Environmental Monitor on June 10th. There was discussion around the length of time given for a public comment period, whether one or two weeks is appropriate, given the tight schedule. Commissioners ultimately arrived at two weeks for a comment period.

[11:32 a.m.](#) After a short break, Mr. Bedrosian outlined a plan to the Commission to issue the Draft Second Amended Encore Boston Harbor Section 61 Findings, the Draft Encore Boston Harbor Alcohol Permit, and the Draft Revision to Gaming Establishment Boundary items out for comment today, for a two-week period, and potentially have a Commission meeting on May 20th.

[11:35 a.m.](#) **Encore Boston Harbor - Opening Period Traffic & Public Safety Planning**
Bob DiSalvio of Encore thanked his colleagues Jim Folk, Executive Director of Transportation and Rich Prior, Executive Director of Security and Investigations, for their work on this project. He reviewed Encore Boston Harbor's opening transportation options and services, highlighting the Encore Premium Harbor Shuttle, Encore neighborhood Runner, MBTA Encore Shuttle, And the Encore Premium Motor Coach.

He then addressed Encore Opening Traffic Management with the Commission to include police details of state and local police, the MBTA Transit police, and the Coast Guard. There will also be Encore regional highway signs that are in the final stages of approval via MassDOT and local communities.

He stated that they are currently working with a local public relations agency, hired by Encore Boston Harbor that will support pre- and post-opening transportation communication strategy through traditional and digital media. The purpose of this is to build awareness of mass and public transit to Encore Boston Harbor, including available MBTA parking locations and provide real-time traffic information. Encore Boston Harbor will implement an extensive media campaign for this.

Investigations and Enforcement Bureau (IEB)

See transcript pages 31 – 41

12:14 p.m.

Draft Revision to Gaming Establishment Boundary

Bruce Band, Assistant Director, and Gaming Agents Division Chief proposed an adjustment to the boundaries of the area by licensee. He then introduced Todd Grossman, Deputy General Counsel to provide the Commission with an overview of the proposal.

Mr. Grossman directed the Commission to the decision regarding the determination of premises of the gaming establishment for Mohegan Sun, MA, LLC and Wynn MA, LLC where the initial boundaries to the gaming area were set. He stated to the Commission that the boundary was first established in 2014 and that the project has changed in scope over time. The Commission had determined the proper mechanism and analysis for deciding where the boundary of the gaming establishment and the gaming area should be per M.G.L. c. 23K. Mr. Grossman outlined this language for the commission.

He noted that the Commission has extended the line to structures that are adjacent to the facility to include those that are part of the property as well, such as the plaza. He reviewed with the Commission a map of the boundaries, with certain exceptions for them to consider in anticipation of their upcoming vote.

Mr. Bedrosian recommended that the Commissioners go to the property and view the areas being discussed before making decision. Mr. Bedrosian also recapped that this is one of the items that the Commission would be posting for public comment.

[12:29 p.m.](#)

Draft Encore Boston Harbor Alcohol Permit

Bill Curtis, Licensing Manager along with Mr. Band, presented Encore Boston Harbor's application for a Gaming Beverage License to the Commission for consideration and comment. The Division of Licensing and the Investigations and Enforcement Bureau – Gaming Agents Division is not forwarding this application to the Commission with a recommendation per 205 CMR 136.03(3), but rather, wants to provide the Commission with ample opportunity to consider the application, given the unique nature of the 4:00 AM liquor license request.

Ms. Krum reviewed Encore Boston Harbor's appendix to the gaming beverage license application via PowerPoint presentation with the Commission. She described the locations where alcohol is dispensed in the casino and explained the protocols for such action. Ms. Krum reviewed every venue that served alcohol, and everywhere, alcohol is allowed and reported the protocol for each venue.

Commissioner's Updates

See transcript page 41

[12:45 p.m.](#)

The Chair updated the Commission about the due date of the fines imposed by the Commission in its decision issued on April 30th regarding the Wynn suitability investigation. She stated that the legal division has advised that under Gaming Commission statute and regulations, the due date would be May 31st. The Chair then announced that the Commission has convened a procurement management team to begin the selection process for the independent monitor in this matter.

[12:56 p.m.](#)

With no further business, Commissioner Zuniga moved to adjourn the meeting. Commissioner Cameron seconded the motion. The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated May 6, 2019
2. Memo re: Fiscal Year 2019 (FY19) Third Quarter Budget Review dated May 1, 2019
3. PowerPoint - Encore Boston Harbor 1st Quarter Report dated May 6, 2019
4. Encore Boston Harbor Project Construction and Licensee Requirements Report dated December 31, 2018
5. Encore Boston Harbor Project Construction and Licensee Requirements Report dated March 31, 2019
6. Letter from Encore Boston Harbor to the Commission of estimated cost of construction as of March 31, 2019, dated May 3, 2019

7. Memo re: Commission Approval of Encore Boston Harbor Independent Traffic Monitoring dated May 2, 2019
8. Memo re: Encore Boston Harbor – Approval of Changes to Encore Boston Harbor Design dated May 3, 2019
9. Memo re: Encore Boston Harbor Detailed Construction Schedule dated May 3, 2019
10. Encore Boston Harbor Second Amended Section 61 Findings Issued (Draft) dated April 30, 2019
11. Redline of Encore Boston Harbor Second Amended Section 61 Findings Issued (Draft) dated April 30, 2019
12. Environmental Monitor 2019 Publication Schedule of Comment Deadlines and Decision Dates
13. Memo re Encore Water Shuttle Evaluation Update dated May 3, 2019
14. Encore’s Opening Transportation Plan Presentation
15. Letter re: Revision to Wynn MA, LLC Gaming Establishment dated May 1, 2019
16. PowerPoint - Encore’s General Info re Gaming Beverage License
17. Memo re: Gaming Beverage License Application Encore Boston Harbor dated May 2, 2019
18. Wynn MA, LLC Gaming Beverage License Application dated May 1, 2019

/s/ Catherine Blue
Assistant Secretary



TO: MGC Commissioners

FROM: John Ziemba
Joseph Delaney

CC: Edward R. Bedrosian

DATE: May 3, 2019

RE: Encore Boston Harbor – Approval of Changes to Encore Boston Harbor Design

As the Commission and Commission staff have begun final preparations relative to the planned opening of Encore Boston Harbor, we recommend that the Commission memorialize an approval of changes to the design of the Encore Boston Harbor facility since the Commission approved the design of the facility on October 26, 2016. In such prior approval, the Commission noted that a future Massachusetts Environmental Policy Act (“MEPA”) Notice of Project Change (“NPC”) would be anticipated and stated that material changes should be brought back to the Commission for its approval.

On October 26, 2016, the Commission approved the design of the then Wynn Boston Harbor facility pursuant to 205 CMR 135.00. This Commission’s regulation sets out procedures that the Commission may use to review project designs. It states that the Commission may participate in the development of key milestones of the design review process. Pursuant to 205 CMR 135.03(4), “[t]he commission or its representative may request for review and approval the final site plan and architectural design package” for each gaming establishment. The Commission issued a similar approval for MGM Springfield on July 19, 2018.

Encore Boston Harbor made a presentation to the Commission regarding material changes to the Project on March 2, 2017, following the February 28, 2017 submission of a MEPA Notice of Project Change.¹ The NPC filing detailed a number of program refinements, changes to square footage of project elements, and detailed Encore Boston Harbor’s sediment remediation plan. Encore Boston Harbor received a Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change on April 7, 2017. The most significant changes identified in the NPC were an increase in the number of hotel rooms, a reduction to the retail space, an increase to food and beverage space and an increase to conference/meeting space.

¹ The Commission has also reviewed major stages of Encore Boston Harbor’s design including but not limited to Commission reviews on March 19 and October 29, 2015, as well as March 22 and October 26, 2016 and February 16, 2017. For a detailed history of the Commission’s design review process please see the minutes of both the October 26, 2016 and March 2, 2017 meetings, (which involved a number public presentations and opportunities for public comments).



Massachusetts Gaming Commission

In an effort to assist in the Commission’s review of material changes to Encore Boston Harbor’s final design, we briefly describe below some of the material (or perhaps immaterial) design changes that were either not yet available or fully described to the Commission at the time of the October 26, 2016 design approval or during the Commission’s review of Encore Boston Harbor’s NPC.²

Material Changes to the Final Design of the Encore Boston Harbor Project

1. **Definition of Types and Number of Food and Beverage Outlets.** Although the expansion of restaurant space was included in the NPC presentation, further details on the 15 anticipated food and beverage outlets are now available. The current planned food and beverage offerings include:

<u>Name</u>	<u>Type</u>
Rare	Steakhouse
Sinatra	Italian
Mystique	Asian/Fusion
Waterfront	Craft Beer
Oyster Bar	Raw Bar
Blu	Café
Red 8	Asian
Fratelli	Italian
The Buffet	Buffet
Dunkin Donuts	Coffee/Donuts
Garden Café	Café
Garden Lounge	Lounge
On Deck	Sports Bar
Memoire	Nightclub
Center Bar	Bar

2. **Gaming Positions.** Encore Boston Harbor identified 4,421 gaming positions in its 2017 Notice of Project Change filing. Further detail regarding Encore Boston Harbor’s gaming

² Although the approval of the final design of the Encore Boston Harbor project does not relieve Encore Boston Harbor from the responsibility specified in M.G.L. c. 23K, § 21 to abide by statements made in its application, this approval does demonstrate the Commission’s recognition that changes to the project have been necessary since the date of the RFA-2. It also demonstrates that the Commission should take a final design approval into consideration in determining whether Encore Boston Harbor has abided by the RFA-2 application and the evaluation reports that were part of the Commission’s RFA-2 evaluation process.

positions and gaming mix will be detailed by Encore Boston Harbor at the May 6th Commission meeting.

3. Square Footage and Other Section 61 Changes. Attached to this memorandum are proposed revisions to Encore Boston Harbor's Section 61 Findings that reflect the current square footage totals for the project and that provide further updates to the April 2016 Section 61 Findings. The proposed Section 61 Findings describe regulatory approvals and other reviews that have occurred since that date, including items such as the August 3, 2016 Chapter 91 approvals and other local reviews.
4. Sediment Remediation. Encore Boston Harbor's NPC identified four alternatives for the proposed remediation. The preferred alternative included partial dredging and capping of the entire 7 acre area with at least an 18-inch clean sediment cap. This alternative was designed to achieve a level of No Significant Risk under the Massachusetts Contingency Plan ("MCP"). The preferred alternative was reviewed and approved through the MCP process. All of the sediment remediation work has been completed.
5. Employee Parking. As explained in the Encore Boston Harbor's MEPA certificates and the Commission's Section 61 Findings, the Project will continue to include 800 off-site spaces for employee parking. Encore Boston Harbor's initial plans focused on securing parking at two locations – Wellington Station and Malden Center. As the project has progressed, it was determined that there was not sufficient availability of parking in Malden Center, so Encore Boston Harbor focused its efforts on securing parking near the Wellington MBTA Station. Encore has secured 400 parking spaces in the parking garage at Station Landing, and is negotiating with the owner for additional spaces. This garage has direct pedestrian access to the Wellington MBTA station. Employees will ride a shuttle bus from Wellington Station to the employee drop-off at Encore Boston Harbor.
6. Offsite Park and Ride Locations. Encore Boston Harbor has secured three locations for its park and ride operations. Pursuant to the Commission's Section 61 Findings, Encore Boston Harbor is required to provide premium Park & Ride shuttle buses at 3 locations with 90 minute headways for 12 hours a day. They will be located in Londonderry, NH; Milford, MA; and Rockland, MA. These will be serviced by Encore Boston Harbor branded motor coaches. A reservation system will be put in place to ensure that there are adequate buses for all patrons.
7. Battery Backup System. Encore Boston Harbor has obtained a grant from the Massachusetts Clean Energy Center ("MassCEC") to help finance the installation of a battery backup system at the facility. This system will work in conjunction with the Solar Photovoltaic System and allows Encore to purchase power for storage at off-peak periods to help reduce overall power costs and to provide additional backup power in the event of a power outage. This backup system was not included in the original design. It is currently under construction but may not be complete for the project opening. This will not have any effect on the ability of the project to open on time.

8. Daycare Facility. Encore Boston Harbor has secured a location for its daycare facility at Station Landing in Medford. The property will be operated by Action for Boston Community Development (ABCD). The facility is currently under construction but will not be ready by opening day. Encore is currently seeking daycare options for its employees to use until the Station Landing facility is ready. Encore Boston Harbor plans to provide subsidies and alternate locations for the provision of daycare.
9. Lighting Plan. The Section 61 Findings require Encore Boston Harbor to provide a lighting plan to the Commission for review. Pursuant to the Section 61 Findings this plan must be approved by the City of Everett and be reasonably consistent with the proposed LEED certification. The City of Everett approved the lighting plan on March 27, 2017. MGC has a copy of the lighting plan and approval for the project. The most recent LEED scorecard shows the project tracking well within the Gold range.

Other Project Related Changes

Several other changes related to the project have been implemented since the Commission's last design approval. These are summarized below:

- Rivergreen Community Parking Lot – Encore Boston Harbor purchased the Rivergreen site (former GE property on Airforce Road in Everett) as a site to relocate tenants that were displaced from properties purchased across Broadway from the Encore Boston Harbor site. Only the Freightliner Truck Repair facility moved to this location. As space remained available at the site, Encore Boston Harbor proposed to the City of Everett that a temporary (up to three years) parking facility be built at this location for commuter and resident parking and any Encore Boston Harbor overflow parking that might occur during the early years of the Encore Boston Harbor operation. The City of Everett approved this proposal and the site is currently under construction. Patrons parking at this location will take the patron shuttle bus that will also serve the Malden Center and Wellington MBTA Stations.
- Community Parking Lot – Encore Boston Harbor is constructing a temporary (up to three years) community parking lot across Lower Broadway from the Encore Boston Harbor facility. Recently, this lot has been used for construction parking. Prior to the parcel's use for construction parking, it was used for approximately 500 spaces of parking for previous users, including but not limited to LTI Limo. The plan for this lot includes 100 parking spaces for ride sharing services (Uber, Lyft, etc.), which will be operated by Encore Boston Harbor, and approximately 700 parking spaces that will be operated by the City of Everett. The City of Everett approved the design of the lots and filed a Notice of Project Change with MEPA to incorporate the parking lots into the Lower Broadway Urban Renewal Plan. This change was approved by MEPA. The City of Everett has issued a Request for Proposals for the operation of the 700 space lot.

Recommendation:

We recommend that the Commission approve of the described Material Changes to the Final Design of the Encore Boston Harbor Project, as shown in the attached site plan provided that such approval shall not be constrained:

- to supersede any obligations pursuant to M.G.L. c. 23K to the Commission's Section 61 Findings, as they may be amended from time to time, or to the conditions of Encore Boston Harbor's license, including but not limited to, Condition #14 relative to compliance with the information included in the application filed by the Designated Licensee and the evaluation reports filed by the Commission;
- to relieve Encore Boston Harbor from providing prior notice to the Commission of any future changes to the design for the Commission's review and approval; and,
- be construed to demonstrate that the Commission has made any determinations specified in 205 CMR 135.06(2) and 205 CMR 151.00.



TO: The MGC Commissioners

FROM: John Ziemba
Joe Delaney

CC: Ed Bedrosian

DATE: May 3, 2019

RE: Encore Boston Harbor Detailed Construction Schedule

The Commission is required to approve a detailed project schedule for the Encore Boston Harbor project. The Commission approved a June 3, 2019 opening date (“Opening Date”) for the Project in October 26, 2016.¹ Although the Commission approved the Opening Date, the approval of the detailed schedule of the major stages of construction, as contemplated in the Commission’s regulations, remains to be finalized. Pursuant to 205 CMR 135.02 (2)(a), “[t]he commission shall, in accordance with M.G.L. c. 23K, §§ 10 and 11 approve for each gaming licensee, a project schedule for the gaming licensee’s capital investment in its gaming establishment and related infrastructure which includes: (a) all major stages of design and construction; including all permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long lead items, insulation, interior finish and furnishings and landscaping, building commissioning and commissioning of gaming equipment and information technology systems.” Encore Boston Harbor now plans to open the facility on June 23, 2019.

The attached schedule includes deadlines for major stages of Encore Boston Harbor’s project that remain. During the construction of the Project, Encore Boston Harbor has regularly provided updates to the Commission and Commission staff regarding the status of all major stages of the Project’s design and construction, including detail on permitting, design deliverables, and other items identified in 205 CMR 135.02 (2)(a).² However, Commission staff recommends that a final schedule should be approved in short order now that the final construction schedule details are much clearer.

¹The approval of the opening date pursuant to 205 CMR 135.02(2)(b) is important, among other reasons, to any determination under M.G.L. c. 23K 10(b) which states that:

“(b) A licensee who fails to begin gaming operations within 1 year after the date specified in its construction timeline, as approved by the commission, shall be subject to suspension or revocation of the gaming license by the commission and may, after being found by the commission after a hearing to have acted in bad faith in its application, be assessed a fine of up to \$50,000,000.”

² The Commission has also reviewed major stages of Encore Boston Harbor’s design including but not limited to Commission reviews on March 19 and October 29, 2015, as well as March 22 and October 26, 2016 and February 16, 2017.



Massachusetts Gaming Commission

The below schedule shows completion of major stages of the construction before the planned June 23, 2019 Opening Date.

Project Schedule

Encore anticipates receiving a Certificate of Occupancy (“CO”) from the City of Everett on June 10, 2019, which will mark the substantial completion of on-site construction. Additional work beyond that date could include addressing final punch list items as well as final furnishing, fixtures and equipment (FF&E). It is Encore’s intention to receive a final CO on the June 10 date, but it is possible that the project may receive a Temporary Certificate of Occupancy (“TCO”) on that date, with a final CO issued at a later date. This would be similar to the MGM Springfield project which opened on a TCO with the final CO issued approximately one month after opening. All project amenities are expected to be in operation at project opening. Additional off-site infrastructure work is expected to continue up to June 17 at which point all work is planned to be available for full beneficial use. MGC staff will coordinate with all of the appropriate entities (MassDOT, MBTA, City of Boston, City of Everett, City of Medford, etc.) to ensure that the work is satisfactorily completed before the project opens. The completion of the infrastructure is important to the Opening Date because, pursuant to 205 CMR 135.06(2)(b), prior to approving the opening of the Project the Commission must determine “that the gaming licensee has completed all infrastructure improvements on and off site and around the vicinity of the gaming establishment, including projects to account for traffic mitigation required by the gaming license or any other approval obtained by the gaming licensee in connection with the gaming establishment.” It is expected that minor punch list items and work such as the development of as-built drawings may extend up to or beyond the project opening.

The below schedule identifies numerous interim dates for the project construction. In many locations, the term “Turnover” is used. This generally indicates that the space is being turned over from Suffolk Construction to Encore for the installation of FF&E. These dates are provided to give the Commission a general idea where the various stages of the construction stand between now and the project opening.



<u>Resort Project Schedule</u>	
<u>Project Component</u>	<u>Construction Completion</u>
Central Plant Turnover with FF&E	11/26/2018
Security and Surveillance/IT Data Center Turnover	03/18/2019
Fire Command Center Turnover	03/18/2019
High Rise Levels 5-26 Turnover	04/15/2019
Executive Offices Turnover	04/15/2019
Back of House Turnover	04/15/2019
Atrium/Hotel Registration Turnover	04/29/2019
Casino Turnover	04/29/2019
Spa/Salon/Fitness Center Turnover	04/29/2019
Commissioning of IT Systems	12/14/2018
Commissioning of Gaming Equipment	01/01/2019
Public Restrooms Turnover	05/13/2019
Ultra-Lounge Turnover	12/01/2018
Retail/Food and Beverage Turnover (Owner)	12/01/2018
Retail/Food and Beverage (Tenant)	06/01/2019
Convention and Meeting Rooms Turnover	05/27/2019
Porte Cochere	06/03/2019
Parking Garage	06/01/2019
Site Work	06/10/2019

<u>Offsite Work Schedule</u>	
<u>Project Component</u>	<u>Construction Completion</u>
Service Road	06/10/2019
Gateway Connector	06/10/2019
Malden and Wellington MBTA Stations (Package 3)	03/01/2019
Adaptive Signals Interconnect to BTB	05/31/2019
Broadway, Robin and Dexter (Package 1)	06/01/2019
Route 16 (Package 2)	06/10/2019
Sullivan Square Roadway and MBTA Station (Package 4)	06/17/2019
Day Care Facility	09/15/2019

Final Stage of Construction

(Commission Approval will be Requested at a Later Date)

Under M.G.L. c. 23K, § 10(a), the licensee has the option of providing a cash deposit of 10% of the total investment in the project to be held in escrow or a bond for the same amount to ensure that the project is completed. Encore chose to provide a bond, which is in place until December 10, 2019. Under 205 CMR 135.05, the licensee must certify to the Commission that the project has reached the final stage of construction in accordance with the approved schedule in order to have the deposit returned or the bond released. Since Encore provided a



Massachusetts Gaming Commission

bond, releasing the bond would not actually provide any funds back to Encore Boston Harbor for the completion of the project. Therefore, in consultation with Encore Boston Harbor, it is recommended that for the purposes of compliance with 205 CMR 135.05, the final stage of construction should coincide with the issuance of the Operations Certificate for the project. This is expected to take place on or about June 22, 2019. At that point, subject to a future Commission vote on the final stage of construction, Encore may be released from the bond.

Priority of Section 61 Deadlines - Staff recommends that the Commission specify that nothing in the approval of this Encore Boston Harbor schedule shall be construed to otherwise impact or impair the Commission's Section 61 Findings issued in relation to the Encore Boston Harbor project. Via separate memo, we detail proposed updates to Encore Boston Harbor Section 61 Findings.

Recommendation

For the foregoing reasons, we recommend that, pursuant to 205 CMR 135.02 (2)(a) the Commission approve the above construction schedule.



Massachusetts Gaming Commission

A&K DRAFT: 4/30/19

MASSACHUSETTS GAMING COMMISSION
SECOND AMENDED SECTION 61 FINDINGS ISSUED
PURSUANT TO M.G.L. c. 23K AND M.G.L. c. 30, § 61

PROJECT NAME: ~~Wynn~~Encore Boston Harbor (f/k/a Wynn Everett and Wynn Boston Harbor)
PROJECT LOCATION: 1 ~~Horizon Way~~Broadway in Everett, Massachusetts
PROJECT PROPONENT: Wynn MA, LLC
EOEEA NUMBER: 15060
APPROVAL SOUGHT: Category 1 Gaming License

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MASSACHUSETTS GAMING COMMISSION
SECOND AMENDED SECTION 61 FINDINGS ISSUED
PURSUANT TO M.G.L. c. 23K AND M.G.L. c. 30, § 61

PROJECT NAME: WynnEncore Boston Harbor (f/k/a Wynn Everett and Wynn Boston Harbor)
PROJECT LOCATION: 1 ~~Horizon Way~~Broadway in Everett, Massachusetts
PROJECT PROPONENT: Wynn MA, LLC
EOEEA NUMBER: 15060
APPROVAL SOUGHT: Category 1 Gaming License

I. INTRODUCTION

~~Pursuant to the Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61-62I, G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02, the Massachusetts Gaming Commission (the “Commission”) finds~~On April 25, 2016, the Massachusetts Gaming Commission (the “Commission”) issued Section 61 Findings for the Project (the “2016 Section 61 Findings”) pursuant to the Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61-62I, G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02. The Commission found that, with the implementation of the measures identified in the Project Proponent Wynn, MA, LLC’s (“Wynn’s”) Final Environmental Impact Report (“FEIR”) submitted to the Executive Office of Energy and Environmental Affairs (“EOEEA”) on June 30, 2014, the Secretary of EOEEA’s (the “Secretary’s”) Certificate regarding the FEIR dated August 15, 2014 (the “FEIR Certificate”), the Supplemental Final Environmental Impact Report submitted February 17, 2015 (“SFEIR”), the Secretary’s Certificate regarding the SFEIR dated April 3, 2015 (the “SFEIR Certificate”), the Second Supplemental Final Environmental Impact Report (“SSFEIR”) dated July 15, 2015 (the “SSFEIR”), the Secretary’s Certificate dated August 28, 2015 regarding the SSFEIR (the “SSFEIR Certificate”), and including, without limitation those measures summarized ~~below~~in the 2016 Section 61 Findings, that all practicable and feasible means and measures will have been taken to avoid or minimize potential damage to the environment from Wynn’s proposed category 1 gaming establishment as defined in G.L. c. 23K, § 2 (the “Project” or the “Gaming Establishment”). The 2016 Section 61 Findings were published in the Environmental Monitor on May 11, 2016.

On February 28, 2017, Wynn filed a Notice of Project Change (the “NPC”) regarding a sediment remediation plan for a portion of the Project site and an adjacent area of the Mystic River, and proposed modifications and refinements to the Project’s building program. The NPC also identified the acquisition of properties within the vicinity of the Project by affiliates of the Proponent. Notice of the NPC was published in the Environmental Monitor on March 8, 2017. During the public comment period which ended on March 28, 2017, public comments on the NPC were submitted by the Massachusetts Department of Environmental Protection (“MassDEP” or “DEP”), the Massachusetts Water Resources Authority (“MWRA”), the Massachusetts Office of Coastal Zone Management (“CZM”), the Massachusetts Department of Conservation and Recreation (“DCR”), the City of Everett, Everett United, the Mystic River Watershed Association, and Boston Harbor Now.

On April 7, 2017, the Secretary issued a Certificate on the NPC (the “NPC Certificate”) in which the Secretary determined that “the project change **does not require** the submission of a supplemental Environmental Impact Report (EIR)” and that “[o]utstanding issues associated with this project change can be addressed during State permitting” (emphasis in original). The NPC Certificate was published in the Environmental Monitor on April 19, 2017.

Shortly thereafter, Wynn requested that the Commission approve a minor modification to one condition in the 2016 Section 61 Findings with respect to the Mystic River Pedestrian-Bicycle Bridge Feasibility Study (the “Feasibility Study”). Under the 2016 Section 61 Findings (at page 42), Wynn was required to “provide \$250,000 to DCR [the Department of Conservation and Recreation] for planning and engineering services for a possible pedestrian bridge crossing of the Mystic River linking Somerville and Everett.” Wynn requested that it be permitted to either make this payment or “retain and pay for a qualified design, planning and engineering firm to conduct and complete the [Feasibility Study] with a scope of work reasonably acceptable to DCR.” The Commission approved a minor modification of the 2016 Section 61 Findings to this effect on July 13, 2017 (the “First Amended Section 61 Findings”).

Since that time, Wynn has continued to revise and refine the design of the Project and the methods by which it would implement the mitigation measures identified in the 2016 Section 61 Findings and the First Amended Section 61 Findings. Accordingly, Wynn has requested that the Commission revise and restate the 2016 Section 61 Findings and the First Amended Section 61 Findings to reflect the NPC, NPC Certificate, and the refinements in the Project’s design and the mitigation measures associated with the Project. Wynn also consulted with the MEPA Office of the EOEEA regarding the revisions made since the NPC Certificate was issued and has been advised by EOEEA that no further filings are required under MEPA.

The Commission has reviewed the NPC, NPC Certificate, and Wynn’s refinements to the Project on a regular basis since issuing the 2016 Section 61 Findings. It has also reviewed the proposed revisions to Wynn’s mitigation commitments (as described below). Based on this review, the Commission now issues these Seconded Amended Section 61 Findings (the “Second Amended Section 61 Findings”) pursuant to G.L. c. 30, §§ 61-62I, G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02, to continue to ensure that all practicable and feasible means and measures have been and will be taken to avoid or minimize potential damage to the environment from the Project. These Second Amended Section 61 Findings restate and replace, but do not abrogate, the 2016 Section 61 Findings and the First Amended Section 61 Findings.

II. PROJECT SITE

According to the ~~SSFEIR~~NPC Certificate, the project site known as 1 Horizon Way in Everett, Massachusetts (“Project Site”) is a waterfront parcel totaling approximately 33.9 acres located in Everett adjacent to the Mystic River. Approximately 25.6 acres are upland, surrounded by shoreline and the remnants of marine structures, and approximately 8.3 acres are below the mean high water mark on the Mystic River. The Project Site includes approximately 1,600 linear feet (“lf”) of shoreline along flowed tidelands. ~~A small area of the Project Site is used as a materials storage yard and includes a 5,200 square feet (“sf”) construction trailer/office.~~

Historic uses of the Project Site include a Monsanto chemical manufacturing facility. The Project Site ~~is~~was previously contaminated and contained high levels of arsenic and lead in soils and groundwater, and was classified as a disposal site subject to G.L. c. 21E and the Massachusetts Contingency Plan (“MCP”). ~~The Project Site is contaminated and contains high levels of arsenic and lead in soils and groundwater.~~ Contaminated sediments ~~have~~were also ~~been~~ identified in the area of the Project Site within the Mystic River.

The Project Site is bordered to the west by the tracks of the Massachusetts Bay Transportation Authority (“MBTA”) Newburyport commuter rail line. The upland portions of the Project Site are bounded by Horizon Way (which intersects with Route 99), and commercial and institutional properties. Most of the soils on the Project Site ~~are~~have been disturbed and comprised of fill material. Along the shoreline of the Mystic River is a mix of deteriorated stone seawalls, loose gravel and boulders, and rotted timber piers and pilings. The shallower portions of the shoreline also contain debris and remnants of timber structures.

Access to the Project Site ~~is~~was formerly via Horizon Way, which ~~forms~~formed an unsignalized intersection with Broadway (Route 99) in Everett. The Project Site is located in an urban, commercial/industrial area that has suffered from economic disinvestment during the latter part of the twentieth century when manufacturing, import, and fishery activities declined. Surrounding land uses ~~are~~were primarily commercial/retail, with local businesses (e.g., an auto dealership, chain restaurants, and an auto repair shop) and infill residential structures nearby. Proximate uses include Boston Water and Sewer Commission (“BWSC”) and ~~Massachusetts Water Resources Authority (“MWRA”)~~MWRA properties, the MBTA’s Everett Shops maintenance facility (“Everett Shops”) to the north, and the Gateway Center and Gateway Park to the west. The ~~Department of Conservation and Recreation (“DCR”)~~DCR owns and operates parkways in the vicinity of the Project Site, including Revere Beach Parkway, the Fellsway, and Mystic Valley Parkway. In addition, DCR owns and operates the Mystic River Reservation and the Amelia Earhart dam, a flood control structure located on the Mystic River in the vicinity of the Project Site.

The Project Site is bordered by the Mystic River to the south and an embayment to the east. The embayment is approximately 350 to 500 feet wide from shoreline to shoreline (from the Project Site to the upland east of the embayment containing operations of the MWRA and BWSC). The embayment contains a former channel, reportedly constructed in the mid-1800s. Records indicate the channel to be about 1,000 feet long with a width of 100 feet, and an original draft of 20 feet below the mean low water mark. The channel flares out at the northern end to about 250 feet wide. The channel has since shoaled and the present depth does not exceed 13 feet below the mean low water mark. Waters adjacent to the channel banks are shallower than the central portion of the channel. The eastern side of the embayment is a mud flat with surface grades from the mean low water mark to about three above it. The mud flat ~~contains~~previously contained a variety of debris, including several abandoned timber barges. Much of that debris was removed as part of the Project.

III. PROJECT DESCRIPTION

A. The Building Program

The Project consists of the redevelopment of the 33.9 acre Project Site as a destination resort casino. ~~As~~The NPC identifies modifications and refinements to the building program from the program described in the SSFEIR ~~Certificate, the Project will include a total of approximately 3,096,700 sf,[†] including, without limitation, the following amenities:~~ but within the footprint of the original proposal. NPC page 6-7.

Amenity	Gaming Positions	Rooms	Square Feet
Gaming area	4,580		190,461
Hotel		629	621,774
Retail			52,632
Food and beverage			54,680
Lobbies, lounge, atrium garden and other “front of house” areas			58,548
Back of house facilities			411,058
Spa and gym			15,405
Convention/meeting rooms			37,068

~~Included within the Project’s total square footage, Wynn proposes to construct a parking structure below the Gaming Establishment (including under the retail portion of the Project). There will be approximately 2,930 on-site self-serve and valet parking spaces for patrons. Employee parking will be accommodated at off-site locations, with 800 off-site parking spaces for employees. Wynn will provide shuttle service for employees to and from the Project Site.~~

[†] ~~In the SSFEIR itself, the total square footage of the Project has been reduced to 2,933,839± sf primarily because the number of parking spaces has been reduced in the SSFEIR from 3,400 to 2,930. The latter number of parking spaces is reflected in the SSFEIR Certificate.~~

As described in the NPC, the building program now includes a total of 3,112,153 square feet (sf), an increase of 178,215 sf compared to the Project as previously reviewed and approved during the MEPA process.

As set forth in the NPC (Table 1-1) and in the Secretary’s NPC Certificate (at page 2), the modifications and refinements to the program include the following, some of which involve increases and others of which involve decreases to the building program:

Changes in the Project Program since the SSFEIR

<u>Feature</u>	<u>SSFEIR Program</u>	<u>NPC Program</u>	<u>Change (Quantity)</u>	<u>Change (Square Feet)</u>
<u>Program Increases</u>				
Hotel Rooms	629	671	+42	
Hotel Tower	621,774	663,200		41,426 ¹
Gaming	190,461	206,474		16,013
Food/Beverage	54,680	105,288		50,608
Event/Meeting	37,068	60,166		23,098
Spa/Gym	15,405	26,368		10,963
Back-of-House (includes MEP)	411,058	630,447		219,389
Front-of-House Support (restrooms, lobbies, etc.)	58,548	83,889		25,341
<u>Sub-Total</u>	<u>1,388,994</u>	<u>1,775,832</u>	<u>+ 42 Rooms</u>	<u>+386,838 sf</u>
<u>Program Decreases</u>				
Total Gaming Positions (GP)	4,580	4,421	-159	
Retail (includes hotel and gaming areas)	52,632	9,177		-43,455
Lobby Lounge	841	0		-841
Indoor Pool Deck	10,485	0		-10,485
Indoor Garden	4,525	4,121		-404
Parking Garage	1,476,461	1,323,023		-153,438
<u>Sub-Total</u>	<u>1,544,944</u>	<u>1,336,321</u>	<u>- 159 GP</u>	<u>-208,623 sf</u>
<u>Overall Gross Floor Area</u>	<u>2,933,938</u>	<u>3,112,153</u>		<u>+178,215 sf</u>
<u>Parking Spaces</u>				
Parking Spaces on-site	2,936	2,914	-22	
Parking Spaces off-site	800	800	0	

¹ The NPC makes no change to the maximum height of the tower. NPC at page 5.

<u>Feature</u>	<u>SSFEIR Program</u>	<u>NPC Program</u>	<u>Change (Quantity)</u>	<u>Change (Square Feet)</u>
Total Parking Spaces	3,736	3,714	-22 Spaces	

In public comments dated March 27, 2017 and submitted to the Secretary of EOEEA on the NPC, the Mayor of the City of Everett (the Host Community) expressed support for these changes, stating that these “[d]esign refinements have been made to best serve the needs of the region. Refinements include increased hotel rooms, less retail, more food and beverage, and expanded convention and meeting space. These design modifications will bring more visitors and associated tax revenue to Everett, and will create even more job opportunities for our residents.”

These refinements to the building program associated with the project change will increase wastewater generation by 31,167 gallons per day (“gpd”) and increase water use by 34,284 gpd. See NPC at page 5. At the same time, when adjusted for mode share, the project change will result in 2,580 fewer vehicle trips per day (“vpd”) on Friday (a reduction of 12.8%) and 3,416 fewer vpd on a Saturday (a reduction of 14.2%) than previously reviewed. NPC at page 5 and page 1-11. In turn, the Friday PM Peak Hour traffic is reduced by 156 vehicle trips per hour (“vph”) (a reduction of 11.5%), and the Saturday PM Peak Hour traffic is reduced by 336 vph (a reduction of 18.6%). Id. at page 1-11. While parking has been decreased by 22 spaces to 2,914 on-site spaces, the Project will continue to include 800 off-site spaces for employee parking. Significantly, despite the reduced traffic resulting from the NPC, the “Proponent is not proposing any changes to its previously committed mitigation.” NPC at page 1-10.

~~The Project includes remediation and restoration of the Project Site. The proposed shoreline work includes the installation of a vertical steel pile bulkhead, the placement of stone revetments and the installation of pile-supported walkways, the removal of abandoned and deteriorated structures and remnants, salt marsh restoration and re-vegetation of the shoreline. Waterside work includes dredging of approximately 15,000 cubic yards (“cy”) of sediment over approximately 41,480 sf to provide an adequate water depth of six feet below the mean low water mark to accommodate water transportation vessels. Coastal bank and salt marsh restoration is proposed within 69,000 sf area landward of high tide at the southwestern edge of the Project Site. NPC (at § 1.3.3) also identifies an additional level of below-grade parking,² changes to the living shoreline design resulting from the permitting process, and changes to docks, piles, and floats to improve access and meet the Americans with Disabilities Act (“ADA”) requirements for ferry docking.~~

Access to the Project Site is ~~proposed~~ via a new boulevard-type driveway located approximately 150 feet north of Horizon Way. It will intersect the west side of Lower Broadway (Route 99) just north of Horizon Way opposite Mystic Street. This access ~~requires~~required the acquisition of land (approximately 1.758 acres) from the MBTA consisting of three non-contiguous parcels that ~~are currently~~were part of the Everett Shops as shown on SSFEIR Figure 1-8. Wynn ~~proposes to relocate~~relocated the current unsignalized entrance driveway to the MBTA maintenance facility to

² The NPC added an additional below-grade level and reduced footprint of parking garage, to reduce volume of material to be removed from the Project Site, with no material reduction of parking spaces. NPC § 1.3.3.

the north on Lower Broadway to the signalized intersection at Beacham Street. A secondary access for deliveries and employees ~~will be~~is provided via a service road that ~~would follow~~follows the periphery of the Everett Shops property and ~~connect~~connects with Route 99 across from Beacham Street in Everett.

The proposed Project ~~will include~~includes extensive outdoor landscape and open space amenities including a 20 foot wide harborwalk with connections to the extensive public open space network along the Mystic River; overlooks to view restored coastal bank vegetation and salt marsh; a public gathering area with an outdoor park; a pavilion, waterfront features, water transportation and transient vessel docking facilities. Off-site improvements include the construction of a pedestrian connection to the DCR Gateway Park, as well as transportation, pedestrian, and bicycle accommodations.

B. Site and Sediment Remediation

As noted above, the site was classified as a disposal site subject to G.L. c. 21E and the MCP. It was, at the time Wynn began the Project, contaminated and contained very high levels of arsenic and lead, both in soil and groundwater. Contaminated sediments associated with the site had also been identified within the Mystic River.

Accordingly, the Project included remediation and restoration of the Project Site. The proposed shoreline work included the installation of a vertical steel pile bulkhead, the placement of stone revetments and the installation of pile-supported walkways, the removal of abandoned and deteriorated structures and remnants, salt marsh restoration and re-vegetation of the shoreline. Waterside work included sediment dredging to provide an adequate water depth of six feet below the mean low water mark to accommodate water transportation vessels. Coastal bank and salt marsh restoration were proposed within the area landward of high tide at the southwestern edge of the Project Site.

1. Remediation Area

The MEPA review leading up to the SSFEIR Certificate addressed sediment remediation conceptually; however, sediments in the Mystic River had not yet been characterized as necessary to develop and analyze remediation alternatives under the MCP. The NPC identified proposed remediation to include mechanical dredging and capping of a 7-acre area (“the “Remediation Area”). Dredging depths are anticipated to be up to two feet below the existing mudline or the previously reviewed elevation in the area of navigational dredging, with an anticipated over-dredge allowance of up to one foot.

The Remediation Area identified in the NPC was located in the lower reaches of the Mystic River, 1,000 feet downgradient of the Amelia Earhart Dam and approximately 8,400 feet upstream of where the Mystic River empties into Inner Boston Harbor. The Remediation Area is located primarily within the embayment of the Mystic River and a small area extends into a shallow portion of the channel. The Remediation Area included a portion of Mystic River below mean high water.

The tidal flats on the easterly side of the Project site are bounded by Coastal Bank to the east and southeast.

2. Alternatives Analysis

The purpose of the remediation was to eliminate or mitigate risks so that a condition of No Significant Risk is reached and a Permanent Solution, as defined by the MCP, is achieved. The NPC analyzed four alternatives for the waterside remediation using criteria including effectiveness, short and long-term reliability, implementability, cost, risks, benefits, timeliness, non-pecuniary interests and greener cleanups. NPC Certificate at pages 7-8.

These alternatives also included the use of turbidity barriers around the dredge area established by MassDEP during the Section 401 Water Quality Certification (“WQC”); monitoring and mitigation of dust and odor; dewatering within the site boundaries (or at an off-site facility) via decanting and/or Geotubes, followed by the addition of stabilizing agents if necessary; transportation of dewatered dredged material via barge to an offloading facility; disposal of the dredged material at a suitable licensed/permitted facility; backfilling of the dredge area with clean material; and, monitoring of the thickness of the cap to ensure that changes in site conditions which could result in a risk to benthic organisms do not go undetected.

The NPC assumed that the cap would be constructed without a physical barrier because the cap thickness would be sufficient to minimize burrowing through the cap to the sediment below. According to the Secretary’s NPC Certificate (at page 8), a study by the U.S. Army Corps of Engineers’ (“ACOE”) Dredging Operations and Environmental Research Program provides guidance for cap thickness below subaqueous caps. For sand caps in coastal marine waters, the ACOE recommended total cap thicknesses of 0.65 to 1.5 feet. According to the Secretary’s NPC Certificate (at page 8), MassDEP concurred with the ACOE’s findings and recommended that a clean sediment cap at least 1.5 feet (18 inches) thick should be used.

In public comments dated March 27, 2017 (at page 1) to the Secretary of EOEEA on the NPC, CZM confirmed that it “supports the remediation of marine sediments as proposed in the NPC.” In public comments dated March 27, 2017, submitted to the Secretary of EOEEA on the NPC, the Mayor of the City of Everett (the Host Community) stated that “[a]pproval of the NPC will allow for the continuation of cleanup on the resort site. Land based remediation is nearly complete and with the approval of the Notice of Project Change, cleanup of contaminated sediments in the Mystic River will move forward.” In addition, the Mayor commented, “Upon approval of the Notice of Project Change, Wynn will be able to complete the connection between the Wynn Harborwalk and the nearby waterfront Gateway Park, creating contiguous open space and walking paths for the Everett community. Once again, we believe that the creation of this type of waterfront access will be a game changer for our community and eagerly anticipate its completion.”

3. The Preferred Alternative and the Remediation Work

According to the Secretary's NPC Certificate (at page 8), the Project Proponent consulted with MassDEP during review of the NPC, and, as a result, identified the Preferred Alternative. The Preferred Alternative included partial dredging and capping of the entire area with at least an 18-inch clean sediment cap. MassDEP comments indicate that the Preferred Alternative would be designed to achieve a level of No Significant Risk under the MCP. The alternatives were reviewed in more detail through the MCP process.

On June 21, 2017, Wynn filed a combined Phase III Remedial Action Plan/Phase IV Remedial Implementation Plan under the MCP that addressed the construction and implementation of the Comprehensive Remedial Action for the Project Site. A public meeting was held on June 29, 2017 and the public comment period ended July 11, 2017 in accordance with the Public Involvement Plan ("PIP") process regarding that submittal. Work proceeded on the Project Site remedy thereafter. On December 6, 2018, Wynn filed a Phase IV As-Built Construction and Final Inspection Report, Partial Permanent Solution Statement and two Activity Use Limitations ("AULs") as part of the sediment remediation closure documents. A public meeting was held on December 17, 2018 and the public comment period ended on January 9, 2019 regarding the remediation work under the Project.

IV. MEPA HISTORY

Wynn filed an Expanded Environmental Notification Form (~~"EENF"~~) for the Project on May 31, 2013 and a Draft Environmental Impact Report ("DEIR") on December 16, 2013. The Secretary issued a certificate approving the DEIR on February 21, 2014. Wynn submitted the FEIR on June 30, 2014. On August 15, 2014, the Secretary issued the FEIR Certificate requiring Wynn to submit an SFEIR limited to traffic and transportation issues and a Response to Comments, but otherwise approving the description of environmental impacts and mitigation measures in the FEIR. Wynn submitted the SFEIR on February 17, 2015.

On April, 3, 2015, the Secretary issued the SFEIR Certificate requiring Wynn to submit the SSFEIR limited to the following scope:

1. An explanation of and remedy for the premature conveyance of land from MassDOT/MBTA and its acceptance by Wynn prior to the completion of MEPA review.
2. Wynn's commitment to a specific dollar amount for an annual operating subsidy to the MBTA to support service and capacity improvements on the MBTA Orange Line.
3. Clarification of the SFEIR's Traffic Impact Assessment and supplemental data and analysis.

4. Revised ~~Draft~~draft Section 61 Findings that incorporate commitments associated with the three requirements listed above.
5. Responses to Comments that provide clear specific responses to the issues raised.

The SFEIR Certificate otherwise approved of the description of environmental impacts and mitigation measures in the SFEIR. It also noted that the Commission ~~has~~had issued a Category 1 gaming license to Wynn, effective November 18, 2014 (the “License”) pursuant to Chapter 194 of the Acts of 2011 and G.L. c. 23K (the “Gaming Act”) and that this License was conditional on completion of the MEPA review process. This conditional License did not constitute Agency Action under MEPA or its implementing regulation (301 CMR 11.02, Agency Action (c)). *See* SSFEIR Certificate, ~~pp~~at pages.7-8.

According to the SSFEIR (§ 1.3.6 and Appendix B), on April 15, 2015, Wynn and its affiliate, Everett Property, LLC (collectively, the “Wynn Parties”), entered into an escrow agreement with the MBTA (the “Escrow Agreement”) pursuant to which Wynn executed a quitclaim deed to return the portions of the Everett Shops the Secretary had deemed were prematurely conveyed by MassDOT/MBTA. The Wynn Parties and MBTA also executed an agreement terminating an Easement Agreement conveyed by MassDOT/MBTA at that time. The MBTA placed the purchase price paid by the Wynn Parties for the portion of Everett Shops in question (\$6,000,000) in escrow. Specifically, the SSFEIR (§ 1.3.6) provided as follows:

The escrow agreement provides, in pertinent part, that the conveyance of the property shall be deemed to have not taken place unless and until the Secretary of Energy and Environmental Affairs has determined that, for the Project located on the Proponent’s adjacent land that includes work or activities on the MBTA Everett Shops property: (1) no Environmental Impact Report is required; or (2) a single or final Environmental Impact Report is adequate and sixty (60) days have elapsed following publication of notice of the availability of the single or final Environmental Impact Report in the Environmental Monitor in accordance with 301 CMR 11.15(2), provided that the MBTA shall reconsider and confirm or modify the conveyance of the property pursuant to the Deed and any conditions following MEPA review.

Pursuant to the terms of the Escrow Agreement, in the event the MBTA determines that the transaction requires no modifications or conditions or other mitigation, the escrow agent will return the Quitclaim Deed and Termination of Easement Agreement to the Proponent and the money to the MBTA. In the event the MBTA determines that the transaction requires modifications or conditions or other mitigation, the parties are obligated to work in good faith to document such required modifications, conditions or mitigation commitments after which the escrow agreement will return the Quitclaim Deed and Termination of Easement Agreement to Proponent and the money to the MBTA and record any such modifications. In the event that the parties cannot agree to any required modifications, conditions or other mitigation, the escrow agreement will file the Quitclaim Deed and Termination of Easement Agreement and return the money to Proponent.

Pursuant to the terms of the Escrow Agreement, the Proponent has agreed that it shall not commence any pre-construction or construction activities on the MBTA Everett Shops property until such time as the escrow is dissolved.

On June 1, 2015, Wynn met with representatives from MassDOT, the MEPA Office, EOEEA, the Commission, the City of Everett and the City of Somerville regarding long-term improvements to the Rutherford Avenue corridor. The City of Boston declined to attend this meeting. However, representatives from Wynn and the City of Boston later met on June 10 and June 18, 2015 to discuss improvements to the Rutherford Avenue corridor.

On July 15, 2015, Wynn submitted its SSFEIR for the Project addressing the issues required by the SFEIR Certificate. The SSFEIR included an updated Project description and associated plans, an updated Transportation Impact Analysis, revised mitigation based on additional analysis and comment letters, and provided conceptual plans for proposed improvements. The SSFEIR included a separate chapter summarizing proposed mitigation measures and included draft Section 61 Findings for each State Agency that will issue permits for the Project.

On August 28, 2015, the Secretary issued the SSFEIR Certificate which concluded that the SSFEIR “submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).” SSFEIR Certificate, p.1, emphasis in original. The Secretary determined that Wynn adequately addressed the issues required by the SFEIR Certificate and that “[o]utstanding aspects of the Project that require additional analysis can be addressed during local, State and federal permitting, review and approval processes.” *Id.*

In the SSFEIR Certificate, the Secretary noted the measures taken by Wynn and MassDOT/MBTA to “remedy the premature conveyance of the land” under MEPA and that, “[a]s directed [by the Secretary in the SFEIR Certificate], the Proponent has provided separate draft Section 61 Findings for MassDOT (i.e. Vehicular Access Permit) and the MBTA (i.e. Land Transfer).” *Id.*, pp. 12-13. The SSFEIR Certificate concluded that the MassDOT and MBTA Section 61 Findings “will be finalized during permitting, any associated modifications to the sale will be recorded, and copies of the Section 61 Findings will be filed with the MEPA Office.” *Id.* p. 13.

The SSFEIR Certificate also noted that Wynn had “made significant commitments to minimize and mitigate traffic impacts,” including “an unprecedented commitment” to mitigate impacts on the MBTA’s Orange Line operations in the form of an approximately \$7.4 million subsidy over a 15-year period. As also noted in the SSFEIR Certificate, both MassDOT and the Metropolitan Area Planning Council (“MAPC”) reviewed Wynn’s traffic analysis and mitigation plans and determined, consistent with their review protocols, that those plans would be effective to mitigate the Project’s impacts on existing transportation infrastructure. The Secretary also found the methodology for the transportation analysis in Wynn’s EIR submittals was “consistent with that which was required of each of the Casino proposals [in the Commonwealth], including MGM Springfield (EEA #15033); Project First Light (EEA #15159), and the proposed Mohegan Sun project in Revere (EEA #15006).” SSFEIR Certificate, p. 7.

On February 28, 2017, Wynn filed an NPC identifying changes to programming and design of the Project and a remediation plan for a portion of the Project Site and an adjacent area of the Mystic River. It also identified the acquisition of properties within the Project area by affiliates of Wynn. On April 7, 2017, the Secretary issued the NPC Certificate which concluded that the “project change **does not require** the submission of a supplemental Environment Impact Report (EIR)” and that “[o]utstanding issues associated with this project change can be addressed during State permitting.” NPC Certificate, p. 1, emphasis in original.

In addition, as noted above, Wynn requested a minor modification to the 2016 Section Findings to clarify Wynn’s obligations with respect to the Feasibility Study. The Commission issued the First Amended Section 61 Findings on July 13, 2017 to address the Feasibility Study.

V. PROJECT IMPACTS

The Project’s potential environmental impacts are associated with the creation of 19.42 acres of impervious surfaces, alteration of wetland resource areas, ~~311,830 gallons per day (“GPD”)~~346,114 gpd of water use, generation of ~~283,482 GPD~~316,649 gpd of wastewater, and dredging of ~~15,000~~53,365 cy of sediments ~~over an area of approximately 41,480 sf. The Project will generate approximately 31,844 new (unadjusted) average daily vehicle trips (“adt”) and 37,916 new (unadjusted) adt on a Saturday.~~ When adjusted for mode share, the Project is estimated to generate approximately ~~20,130 adt~~17,550 average daily trips (“adt”) on a Friday and ~~23,982~~20,566 adt on a Saturday.

Wynn’s ~~proposed~~ acquisition of portions of the Everett Shops property from the MBTA for the Project and the construction of the Project’s access ~~are expected to require~~required the relocation of the Everett Shops’ main gatehouse to the north opposite Beacham Street. As shown on SSFEIR Figure 1-15, Wynn ~~proposes that~~constructed a 10-foot wide, 60-foot long layover area ~~be added to~~ the Everett Shops driveway’s eastbound approach to allow a larger vehicle to wait while another enters Everett Shops as part of this relocation. Wynn also ~~proposes~~constructed new loading docks ~~be added to the~~ Everett Shops as part of the relocation. As explained in the SSFEIR, the ~~proposed~~ relocation of ~~this~~the main access ~~is~~did not ~~expected to~~ negatively affect maneuverability for MBTA vehicles at Everett Shops.

According to the SSFEIR, the MBTA ~~has~~ obtained an independent appraisal of the impact of Wynn’s proposed purchase on the value of the three Everett Shops parcels. That appraisal concluded that “the sale of these parcels will not have a negative impact on the use of the larger property by the MBTA. In fact, the sale of the parcels will facilitate construction of a new traffic light controlled intersection with Broadway which will facilitate better access to the remaining MBTA property.” SSFEIR, pp. 1-7.

According to the SSFEIR, the amount of additional ridership the Project is expected to add to the MBTA’s Orange Line would not, on its own, cause the Orange Line to operate beyond the MBTA’s Service Delivery Policy capacity standards for most time periods and locations. Assuming no further improvements to Orange Line service and operations prior to 2023, if the Project is built and becomes operational, Orange Line service is expected to be beyond the

MBTA's Service Delivery Policy capacity standards for four hours a week, including three weekday non-peak hours in which the Orange Line service is currently not in compliance with the Service Delivery Policy and a fourth hour on Saturday (12-1 p.m.) in which service would be in non-compliance with the Service Delivery Policy by less than one additional passenger per train.

The Project ~~is~~ was subject to MEPA review and required the preparation of a Mandatory EIR pursuant to 301 CMR 11.03(1)(a)(2), 11.03(3)(a)(5), 11.03(6)(a)(6) and 11.03(6)(a)(7) because it requires State Agency Actions and it will create 10 or more acres of impervious area, create a new non-water dependent use occupying one or more acres of waterways or tidelands, generate 3,000 or more new adt on roadways providing access to a single location, and provide 1,000 or more new parking spaces at a single location. The Project is also subject to the EOEEA Greenhouse Gas ("GHG") Emissions Policy and Protocol dated May 5, 2010.

As described in the FEIR Certificate, Wynn analyzed potential historic and archaeological resources as part of the FEIR and determined that the Project will not adversely impact any historic resources on or in the vicinity of the Project Site. There are also no archaeological resources that will be impacted by the Project due to the fact that the majority of the land portion of the Project Site is fill and has been substantially disturbed. In its comment letter on the DEIR, the Massachusetts Historical Commission (~~"MHC"~~) determined that the Project would have "no adverse effect" on historic resources in the vicinity of the project.

The Project is not subject to the enhanced analysis provisions of the EOEEA Environmental Justice Policy, as amended in 2017 (the "EJ Policy"). Although the Project is located in and adjacent to communities with designated environmental justice populations, it does not exceed the MEPA thresholds for air quality, solid waste or ~~air quality~~ hazardous waste that trigger a requirement for enhanced analysis under the EJ Policy. The EOEEA has also not required Wynn to conduct any further analysis under Executive Order No. 552 on Environmental Justice (November 20, 2014). Nonetheless, the Commission finds that the proposed Project will make significant positive environmental justice contributions to the host community of Everett and the surrounding area: that are consistent with EOEEA's goals of increasing investments in economically disadvantaged areas. See EJ Policy at 12-13. These positive contributions include without limitation the rehabilitation and revitalization of a contaminated former chemical manufacturing site and its abutting riverfront, the creation of open space amenities including a 20 foot wide harborwalk with connections to the extensive public open space network along the Mystic River, the use of environmentally-sensitive design in all aspects of the Project as described below, and the creation of significant numbers of new jobs arising out of and related to the construction and operation of the proposed facility. The Commission finds that these jobs will directly and substantially benefit disadvantaged persons in the local community.

VI. REQUIRED GOVERNMENTAL PERMITS AND APPROVALS

According to the SSFEIR Certificate, and as updated by the NPC and the NPC Certificate (Page 5), the Project ~~is expected to require~~ has received or requires the following permits and approvals from, or review by the following federal, state, and local agencies, ~~in addition to the License from the Gaming Commission:~~³

Agency	Permit(s) <u>Issued or Completed</u> <u>Required or Pending</u>
<u>Gaming Commission</u>	<u>Category 1 Gaming License</u> ⁴
MassDOT	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; color: red;"> <p>Vehicular Access Permit (Category III);</p> <p>Non-vehicular Access Permit;</p> <p>Traffic Signal Regulation</p> </div> <div style="width: 45%; color: blue;"> <p><u>Vehicular Access Permit (Category III);</u></p> <p><u>Non-vehicular Access Permit;</u></p> <p><u>Traffic Signal Regulation</u></p> </div> </div>
MassDOT, Rail and Transit Division/MBTA	<p>Land Disposition and Easement Agreements;</p> <p>Agreements and approvals necessary to: construct</p> <ul style="list-style-type: none"> • <u>Construct</u> improvements and to operate within MBTA transit stations and agreements and approvals necessary to relocate; • <u>Relocate</u> bus stops; funding to • <u>Fund</u> support of Orange Line capacity; and • <u>Make</u> improvements to MBTA stations.
MassDCR <u>DCR</u>	Construction and Access Permit
MWRA	8 <u>Sewer Use Discharge Permit (or waiver) and an 8(M) Permit</u>
MassDEP	<p>Chapter 91 Waterways License;</p> <p><u>Section 401 Water Quality Certification (“WQC”);</u> Chapter 91 Dredging Permit; Notification of Construction/Demolition;</p> <p>Air Plan Approval or Environmental Results Program Certification; Section 401 Water Quality Certification; and Asbestos Removal Permit (if required).</p>

³ The 2016 Section 61 Findings noted that the Project may have also required approval for modification to I-93 and other portions of the National Highway System from the Federal Highway Administration. However, modifications to I-93 were not ultimately required. The Project also requires review by the Massachusetts Port Authority (“Massport”) for certain mitigation measures proposed on Massport property. Finally, the Project may require additional local licenses to operate, such as review of plans by the Everett Fire Department and licensing for food establishments within the Gaming Establishment by various City of Everett departments. See NPC at pp. 1-20.

⁴ After completion of the MEPA review, issuance of the Secretary’s SSFEIR Certificate, and issuance of the Commission’s 2016 Section 61 Findings, the Commission voted to issue the final Category 1 Gaming License to Wynn on April 25, 2016, and notice of the Commission’s vote on the final License was published in the Environmental Monitor on May 11, 2016.

Agency	Permit(s) <u>Issued or Completed</u> <u>Required or Pending</u>
<u>EOEEA</u>	<u>Municipal Harbor Plan Approval</u>
<u>CZM</u>	<u>Federal Consistency Review</u>
<u>Department of Housing and Community Development</u>	<u>Approval of urban renewal plan</u>
City of Everett Conservation Commission (or a Superseding Order of Conditions (SOC) from MassDEP if the local Order is appealed)²	Order of Conditions <u>for on-site work</u>
City of Boston Transportation Department & Public Improvements Commission	Approval for Off-Site Roadway Improvements
U.S. Army Corps of Engineers (“ACOE”)	Section 404 Clean Water Act Permit and Section 10 Permit
Federal Aviation Administration	Determination of No Hazard to Air Navigation ³
<u>Massachusetts Aeronautics Commission</u>	<u>Airspace Review</u>
U.S. Environmental Protection Agency	National Pollutant Discharge Elimination System (“NPDES”) Construction General Permit <u>and Remediation General Permit</u>

~~The Project may also require approval for modification to I-93 and other portions of the National Highway System from the Federal Highway Administration. If so, the Project may be subject to~~

~~² Depending on the extent of dredging or remediation work, an Order of Conditions from the Boston Conservation Commission may be required as well.~~

~~³ The SSFEIR Certificate also references air space review by the Massachusetts Aeronautics Commission which may take place as part of the FAA’s review.~~

~~review pursuant to the National Environmental Policy Act) and the National Historic Preservation Act. The Project may also require Federal Consistency Review by Coastal Zone Management. It also requires review by the Massachusetts Port Authority (“Massport”) for certain mitigation measures proposed on Massport property.~~

VII. EXECUTED MITIGATION AGREEMENTS

Pursuant to G.L. c. 23K §§ 15(8) - (10), Wynn entered into the following mitigation agreements (each individually a “Mitigation Agreement” and collectively the “Mitigation Agreements”):

1. The Host Community Agreement with the City of Everett dated April 19, 2013 (approved by local referendum pursuant to G.L. c. 23K, § 15(13), on June 22, 2013);
2. Surrounding Community Agreements with the following municipalities:
 - a. The City of Boston (“Boston”), dated January 27, 2016;⁴⁵
 - b. The City of Cambridge (“Cambridge”), dated April 22, 2014;
 - c. The City of Chelsea (“Chelsea”), dated June 9, ~~2014~~⁵2014.⁶
 - d. The City of Malden (“Malden”), dated November 12, 2013;
 - e. The City of Medford (Medford”), dated April 11, 2014; and
 - f. The City of Somerville (“Somerville”), dated June 12, ~~2014~~.⁶2014.⁷

⁴⁵ By written decision dated May 15, 2014, the Commission determined that the “Wynn gaming establishment is located solely in Everett. Accordingly, by definition, the City of Boston is not a host community to that project.” On May 15, 2014, the Commission voted to formally deem the City of Boston a surrounding community to the Wynn Project (May 15, 2014 Tr. pp. 123-124). After Boston declined to participate in the Commission’s binding arbitration process under 205 CMR 125.01, the Commission voted on August 7, 2014, to “deem the city of Boston to have waived its surrounding community status with respect to the application for a Category 1 casino license filed by Wynn MA, LLC.” (August 7, 2014 Tr. pp. 195-96). Subsequently, Boston and Wynn executed and submitted to the Commission the Surrounding Community Agreement dated as of January 27, 2016. On February 4, 2016, the Commission voted to accept the Surrounding Community Agreement, to reinstate Boston as a surrounding community to Wynn’s proposed Category 1 Gaming Establishment in Everett, and to determine that the terms of the Surrounding Community Agreement will replace Sections 3 and 4 of the conditions in Wynn’s conditional License related to Boston. *See* Vote Regarding Litigation Release and Surrounding Community Agreement dated February 4, 2016.

⁵⁶ Pursuant to 205 CMR 125.01(6)(c), Wynn participated in binding arbitration with Chelsea. The Arbitrator issued a Report and Final Arbitration Award dated June 9, 2014, selecting Wynn’s Best and Final Offer (“BAFO”) to Chelsea and thereby specifying its terms as the surrounding community agreement between Wynn and Chelsea. The provisions of Wynn’s BAFO to Chelsea attached to the Report and Final Arbitration Award dated June 9, 2014, were incorporated by reference as conditions in the conditional License.

⁶⁷ Pursuant to 205 CMR 125.01(6)(c), Wynn also participated in binding arbitration with Somerville. An Arbitration panel issued a Report and Final Arbitration Award dated June 9, 2014, selecting Wynn’s BAFO and thereby

3. Neighboring Communities Agreements with the following municipalities:
 - a. The City of Lynn (“Lynn”), dated January 28, 2014; and
 - b. The City of Melrose (“Melrose”), dated January 28, 2014;
4. The Impacted Live Entertainment Venues Agreement including with the Massachusetts Performing Arts Coalition, dated January 20, 2014; and
5. The Massachusetts State Lottery effective as of September 5, 2014.

Subject to the caveats listed below regarding the MEPA Section 61 Conditions, the Commission incorporates by reference the provisions of each of the above Mitigation Agreements into these Second Amended Section 61 Findings as conditions to be included in the License for the Gaming Establishment issued pursuant to 205 CMR 120.02. Nothing in these Second Amended Section 61 Findings shall prevent the reopening of any Mitigation Agreement pursuant to its terms or pursuant to 205 CMR 127.00; provided, however, that in the event any Mitigation Agreement is reopened, the Commission in its discretion expressly reserves the right to modify or amend these Second Amended Section 61 Findings and the conditions set forth in the License to continue to ensure that all feasible measures are taken to avoid or minimize impacts of the Project and damage to the environment.

VIII. MEPA SECTION 61 FINDINGS AND CONDITIONS

A. Scope of Commission Section 61 Findings

In the ~~Secretary’s SSFEIR~~ Certificate ~~on the SSFEIR~~, the Secretary noted that “the subject matter of the [the Commission’s] Agency Action is sufficiently broad ... such that it is functionally equivalent to broad scope jurisdiction” because “the Gaming License ... addresses a broad range of environmental issues - sustainability, energy efficiency, renewable energy, and traffic- and extends to mitigation of environmental impacts on host and surrounding communities.” The Secretary also concluded that while MEPA jurisdiction is limited to the subject matter of required or potentially required permits “the subject matter of the Gaming License confers broad scope jurisdiction and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.”

As a result, ~~the Commission’s~~ these Second Amended Section 61 Findings include detailed conditions to mitigate this broad range of environmental issues, incorporate the Mitigation Agreements to further mitigate environmental impacts on host and surrounding communities, and incorporate Section 61 Findings of other State Agencies to comprehensively address these issues as set forth below.

B. Enhanced Public Participation in Commission Section 61 Findings

specifying its terms as the surrounding community agreement between Wynn and Somerville. Wynn and Somerville subsequently executed the Surrounding Community Agreement referenced in the text.

In the SSFEIR Certificate (pp. 3-4), the Secretary required “enhanced public review during ... development of [the Commission] 61 Findings.” The Commission has complied and will comply with these enhanced requirements as follows:

1. In these Second Amended Section 61 Findings, the Commission has considered and revised as appropriate, the draft Section 61 Findings included in the SSFEIR and NPC.
2. In these Second Amended Section 61 Findings, the Commission has included and ~~included~~incorporated by reference the Section 61 Findings from all other State Agencies including, but not limited to, MassDOT’s Section 61 Findings. See below.
3. In preparing ~~these~~the 2016 Section 61 Findings, the Commission engaged Green International and City Point Partners as consultants, whose representative made a public presentation at the Commission’s open meeting on March 22, 2016 at 1:00 PM and who have provided recommendations regarding additional conditions that should be added to the Commission’s draft and ~~Final~~final 2016 Section 61 Findings (as restated in these Second Amended Section 61 Findings).
4. The Commission posted a March 17, 2016 preview draft of the 2016 Section 61 Findings and the consultants’ report on the MGC website on March 18, 2016; posted the Commission’s draft of the 2016 Section 61 Findings on the MGC website after the meeting on March 22, 2016; and solicited written comments on the draft 2016 Section 61 Findings on or before April 11, 2016 at 4:00 PM.
5. On March 29, 2016, at 5:00 PM ~~MGC~~the Commission held a public hearing on the draft 2016 Section 61 Findings at the Boston Convention and Exhibition Center, 415 Summer Street, Boston.
6. ~~These~~The 2016 Section 61 Findings ~~incorporate~~incorporated consideration of public comments received at the Commission’s public hearing on March 29, 2016, and prior to the close of public comments on April 11, ~~2016,~~2016.
7. Upon the completion of the above process, the Commission ~~will incorporate~~incorporated its ~~Final~~final 2016 Section 61 Findings into the Gaming License and ~~the Commission will file the Final~~filed the final 2016 Section 61 Findings with the MEPA Office.
8. The Commission ~~will conduct a~~has since then conducted regular quarterly review concerning compliance with the Commission’s ~~Final~~final 2016 Section 61 Findings and the conditions of the Gaming License.

C. Mitigation Measures in Section 61 Findings of Other State Agencies

In the ~~Secretary’s~~SSFEIR Certificate ~~on the SSFEIR~~, the Secretary instructed that the Commission’s “Section 61 Findings shall include or include by reference the Section 61 Findings from all other State Agencies including, but not limited to, MassDOT’s Section 61 Findings.” To date, the following State Agencies have issued draft or final Section 61 Findings for the Project:

Agency	Date	Env. Monitor
MWRA	1/12/16	1/20/16
Massport	1/21/16	2/10 24/16
MassDEP	1/22/16	<u>2/10/16</u>
MassDOT, MBTA and DCR ⁷	4/ 65 / 16 16 ⁸	4/ 76 /16

Subject to the limitations listed below regarding the MEPA Section 61 Conditions, the Commission incorporates these Section 61 Findings by other State Agencies (and any final Section 61 Findings by these other State Agencies pursuant thereto) into the Commission’s Second Amended Section 61 Findings. Wynn shall comply with the detailed mitigation measures provided by the final Section 61 Findings issued by each other State Agency with jurisdiction to take Agency Action with respect to the Project including, without limitation, MassDEP, MassDOT, MBTA, MassDCR, Massport and MWRA. Wynn shall also comply with all applicable and lawful terms and conditions of any final federal, state, or local permit or approval required for the Project.⁸⁹

D. Limitations Regarding MEPA Section 61 Conditions

The Commission in its discretion expressly reserves the right to take, and nothing herein shall prevent the Commission from taking, further action with respect to these Second Amended Section 61 Findings, the License for the Gaming Establishment, and/or any conditions contained in these Second Amended Section 61 Findings or the License for the Gaming Establishment, pursuant to 205 CMR 127 or otherwise. Without limitation, to continue to ensure that all feasible measures are taken to avoid or minimize impacts of the Project and damage to the environment, the Commission, in its discretion, expressly reserves the right to modify or amend its Second Amended Section 61 Findings as a result of any Section 61 Findings or final Agency Action issued or finalized by other Agencies after the Commission’s 2016 Section 61 Findings. If the terms of (a) any other Agency’s Section 61 Findings or final Agency Action, (b) any other governmental permit or approval, (c) any denial of any other governmental permit or approval, (d) any process

⁷ ~~These combined Section 61 Findings are referred to herein as the “MassDOT/MBTA/DCR Section 61 Findings.”~~

⁸ The combined MassDOT/MBTA/DCR Section 61 Findings were dated March 31, 2016, and executed by DCR on March 31, by MBTA on April 4, and by MassDOT on April 5, 2016.

⁸⁹ By complying with the Secretary’s SSFEIR Certificate and NPC Certificate and by incorporating and requiring compliance with the final Section 61 Findings by other State Agencies (and their resulting final permits and approvals), the Commission neither assumes control over nor takes responsibility for matters that, by statute and regulations, are committed to the jurisdiction, control and expertise of other State Agencies. However, the Commission does exercise its own discretion and authority under the Gaming Act and MEPA and their respective regulations to issue its own Section 61 Findings and to incorporate its final Second Amended Section 61 Findings into the Gaming License.

required to obtain such permit or approval, or (e) any provision of any of the Mitigation Agreements listed above, conflict with the Commission's Second Amended Section 61 Findings or the mitigation measures set forth below, or render such mitigation measures infeasible or impossible, Wynn shall notify the Commission of that conflict for resolution by the Commission pursuant to G.L. c. 23K and 205 CMR 120.01 and 120.02. Pursuant to G.L. c. 23K, § 10(c), the Commission reserves its rights to determine which infrastructure improvements onsite and around the vicinity of the Gaming Establishment, including projects to account for traffic mitigation as determined by the Commission, shall be completed before the Gaming Establishment shall be approved for opening.

E. Mitigation Measures for the Project under the FEIR, SFEIR, ~~and SSFEIR~~, and NPC

Wynn shall comply with the following detailed measures to mitigate the Project's impacts specified in (a) the FEIR and the FEIR Certificate, (b) the SFEIR and the SFEIR Certificate, ~~and~~ (c) the SSFEIR and the SSFEIR Certificate, and (d) the NPC and the NPC Certificate including, without limitation, the mitigation measures described in the following sections of the FEIR, SFEIR, ~~and SSFEIR~~, and NPC:

- (1) Measures described in SFEIR Chapter 3, and SFEIR Tables 3-2: Proposed DEP Mitigation Measures by Wynn MA, LLC, 3-3: Proposed DCR Mitigation Measures by Wynn MA, LLC, and 3-4: Summary of Proposed Mitigation Measures by Wynn MA, LLC;
- (2) Measures to mitigate impacts on wetlands, waterways and water quality set forth in FEIR Chapter 3, FEIR Section 13.4.1, and FEIR Tables 13-1 and 13-3, Proposed Wetlands, Waterways and Water Quality Mitigation Measures;
- (3) Measures to mitigate air quality impacts set forth in FEIR Chapter 5, FEIR Section 13.4.5, and FEIR Tables 13-1 and 13-3;
- (4) The transportation demand management ("TDM") program strategies for patrons and employees as noted in FEIR Chapter 4;
- (5) Measures to mitigate greenhouse gas impacts and promote sustainable development set forth in FEIR Chapter 6, FEIR Section 13.4.6, and FEIR Tables 13-1 and 13-3, Greenhouse Gas Emission Mitigation Measures;
- (6) Measures to mitigate storm water impacts set forth in FEIR Chapter 7, FEIR Section 13.4.4, and FEIR Tables 13-1 and 13-3, Stormwater Mitigation Measures;

- (7) Measures to mitigate impacts on water supply set forth in FEIR Chapter 8, FEIR Section 13.4.2, and FEIR Table 13-1, Proposed Water Use Mitigation Measures;
- (8) Measures to mitigate wastewater impacts set forth in FEIR Chapter 9, FEIR Section 13.4.3, and FEIR Tables 13-1 and 13-3, Proposed Wastewater and Sewer Mitigation Measures;
- (9) Measures to mitigate solid and hazardous wastes impacts set forth in FEIR Chapter 10 and FEIR Section 13.4.7 (Brownfields Remediation);
- (10) Measures to mitigate impacts on historic and archaeological resources set forth in FEIR Chapter 11;
- (11) Measures to mitigate construction-related impacts set forth in FEIR Chapters 12 and 13;
- (12) Measures to mitigate impacts on open space set forth in FEIR Chapter 2.3.8 and FEIR Section Table 13-4; ~~and~~
- (13) Measures identified in SSFEIR Chapter ~~4-4~~;
- (14) Measures to mitigate impacts identified in NPC Chapter 4.6; and
- (15) Measures to mitigate impacts identified in NPC Chapter 5.

In addition, Wynn shall comply with all measures to mitigate transportation impacts set forth in FEIR Chapter 4, FEIR Section 13.3, FEIR Tables 13-2 and 13-4, Table of Proposed Transportation Mitigation Measures, SFEIR Chapter 3 and SFEIR Table 3-1: Proposed Transportation Mitigation Measures by Wynn MA, LLC, and SSFEIR Chapter 4 as supplemented and amended in the SFEIR, SSFEIR and FEIR, SFEIR ~~and~~, SSFEIR, and NPC Certificates, and shall comply with any additional conditions that the Commission imposes in the License pursuant to 205 CMR 120.02(1)(a).

With respect to the foregoing requirements, in the event of a conflict regarding a particular mitigation measure described in the FEIR, the Secretary's FEIR Certificate, the SFEIR, the Secretary's SFEIR Certificate, the SSFEIR, the Secretary's SSFEIR Certificate, the NPC, and/or the Secretary's ~~SSFEIR~~NPC Certificate, the mitigation measure described in the later document in the MEPA process shall control.

F. Project-Specific Mitigation Measures and Off-Site Improvements

The environmental review process culminating in the ~~SSFEIR~~NPC and the ~~SSFEIR~~NPC Certificate, and the Section 61 Findings issued by the other State Agencies listed above require detailed and specific mitigation measures and off-site improvements to avoid or minimize the impacts of the Project and damage to the environment within the scope of MEPA and its

implementing regulations.⁹¹⁰ The Commission incorporates by reference the mitigation measures specified by the Section 61 Findings of these State Agencies having expertise in their respective areas of subject matter jurisdiction. The Commission also incorporates by reference Mitigation Agreements listed above which mitigate other impacts on the host and surrounding communities from the development and operation of a gaming establishment within the scope of the Gaming Act and its implementing regulations. Without limitation, the Commission incorporates by reference the acknowledgement and agreement of the City of Boston in § 1.2 of the Boston SCA Surrounding Community Agreement (“Boston SCA”) regarding mitigation of the transportation impacts of the Project.¹⁰¹¹ The Commission finds pursuant to G.L. c. 30, § 61 and 301 CMR 11.12(5), and based on the results of the MEPA process that, subject to the mitigation measures imposed as conditions by the Commission’s Second Amended Section 61 Findings herein, all feasible measures have been taken to avoid or minimize impacts of the Project and damage to the environment.

Specifically and without limitation, as conditions of the Commission’s Second Amended Section 61 Findings, the Commission hereby requires that Wynn shall implement, and shall be fully responsible for the costs of implementing, the following mitigation measures according to the following schedule:

⁹¹⁰ See, e.g., MassDOT/MBTA/DCR Section 61 Findings (§§ V and VII), MWRA Section 61 Findings (at page 5), Massport Section 61 Findings (¶ B), and DEP Section 61 Findings (DEP’s Written Determination and Draft Special Conditions on Waterways Application, page 7, and Combined 401 Water Quality Certification, page 5).

¹⁰¹¹ Section 1.2 of the Boston SCA stipulates that, while the Project will result in additional vehicular traffic that may burden the transportation infrastructure in Boston, particularly in the Sullivan Square area in the neighborhood of Charlestown, Boston acknowledges and agrees that “Wynn’s mitigation under the Massachusetts Environmental Policy Act (‘MEPA’) and its payments to Boston under this [Surrounding Community] Agreement will mitigate any transportation impacts of the Project” and that “such mitigation will adequately mitigate all such impacts.”

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
1. EVERETT MITIGATION		
<i>In accordance with the SSFEIR Certificate Secretary's applicable Certificates as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</i>		
<p><i>Revere Beach Parkway (Route 16)/Mystic View Road/Santilli Highway/Route 99 Connector Improvements</i></p> <p><i>(Santilli Circle)</i></p>	<ul style="list-style-type: none"> • <i>Modify the approach from Frontage Road into the rotary to allow for two formal lanes.</i> • <i>Widen circle at Santilli Highway approach to allow for three travel lanes.</i> • <i>Provide improved pedestrian and bicycle connection from Frontage Road to Mystic View Road.</i> • <i>Reconfigure channelizing island on south side of rotary near Mystic View Road.</i> • <i>Provide traffic signal improvements at the signalized locations around the traffic circle.</i> • <i>Provide landscaping improvements to the center of the circle.</i> • <i>Provide new guide signage and pavement markings.⁺⁺¹²</i> <p><i>These geometric and traffic signal improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled "Santilli Circle Conceptual Improvement Plan (Figure 2-24A, B, C, and D)" included in the SFEIR, as revised in accordance with the revised conceptual plans entitled, "Proposed Modifications to SSFEIR 2023 Build Condition at Santilli Circle & Santilli Highway (Figure 1 & 2)" included in a Technical Memorandum dated March 3, 2016 to be reviewed and approved by MassDOT, with such refinements thereto as are approved by MassDOT through the 100 percent design submission.</i></p> <p><i>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent (Wynn) has conducted a Road Safety Audit ("RSA") at Santilli Circle due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to</i></p>	<p><i>Prior to opening.</i></p>

⁺⁺¹² The SSFEIR Certificate indicated that Wynn will perform a Road Safety Audit ("RSA") during 25% design to identify safety improvements to be implemented as mitigation where feasible, incorporate RSA recommendations into final design where feasible, and coordinate with MassDOT to identify funding source for implementation of RSA recommendations. Since that time, as set forth below, Wynn has conducted the RSA and recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of Wynn. These [Second Amended](#) Section 61 Findings require that Wynn fund the approved road safety improvements resulting from the RSA recommendations as and to the extent set forth in MassDOT/MBTA/DCR Section 61 Findings. See below.

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<p>address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project's impacts at Santilli Circle, the Proponent shall incorporate in the conceptual design plans for Santilli Circle all the potential safety enhancements with "low" and/or "medium" costs and with "short-term" and/or "mid-term" timeframes as listed in the RSA Report in Table 3: Potential Safety Enhancement Summary--Santilli Circle.</p>	
<p>Revere Beach Parkway (Route 16)/Broadway/Main Street (Sweetser Circle)</p>	<ul style="list-style-type: none"> • Reconstruct circle and approaches to function as a two-lane modern roundabout. • Reconfigure the existing Broadway (Route 99) northbound approach to allow for three travel lanes providing free flow access to Route 16 eastbound. • Provide shared use path on northwest side of rotary to improve bicycle access. • Install new signage to provide direction to bicyclists on how to navigate the rotary safely. • Provide landscaping and improvements on the north side of the circle. • Maintain pedestrian signal across Route 16 eastbound exit from rotary. <p>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled "Sweetser Circle Conceptual Improvement Plan (Figure 2-25A, B, and C)" included in the SFEIR, with such refinements thereto as are approved by MassDOT through the 100 percent design submission.</p> <p>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent (Wynn) has conducted a Road Safety Audit (RSA) at Sweetser Circle due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project's impacts at Sweetser Circle, the Proponent shall incorporate in the conceptual design plans for Sweetser Circle all the potential safety enhancements with "low" and/or "medium" costs and with "short-term" and/or "mid-term" timeframes as listed in the RSA Report in Table 4: Potential Safety Enhancement Summary--Sweetser Circle.</p>	<p>Prior to opening.</p>
<ul style="list-style-type: none"> • Route 99 	<ul style="list-style-type: none"> • Construction of the site driveway and signalization of the Route 99 (Broadway)/Horizon Way intersection. 	<p>Prior to</p>

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<ul style="list-style-type: none"> (Broadway)/ Horizon Way (Site Driveway) • Route 99 (Broadway)/ Lynde Street • Route 99 (Broadway)/ Thorndike Street • Bow Street/Mystic Street • Bow Street/Lynde Street • Bow Street/Thorndike Street • Beacham Street/Robin Street • Route 99 (Broadway)/ Bowdoin Street • Route 99 	<ul style="list-style-type: none"> • Reconstruct Lower Broadway as a 4-lane boulevard with turn lanes at major intersections. • Upgrade/replace/install traffic control signals. • Reconstruct or construct sidewalks and bicycle lanes where required. • Install street trees and lighting. • Improve and provide access MBTA bus stops along Lower Broadway. • Installation of technology along Broadway/Alford Street (Route 99), near project entrance, to allow for signal prioritization for buses. <p>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Lower Broadway/ Alford Street (Route 99) Improvement Plan (Figures 2-12A, B, and C)” and refinements thereto through the 100 percent design. ¹²¹³</p> <p>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent (Wynn) has conducted a Road Safety Audit (“RSA”) along this corridor due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project’s impacts at the intersections along this corridor, the Proponent shall incorporate in the conceptual design plans for the corridor all the potential safety enhancements with <u>“low”</u> and/or <u>“medium”</u> costs and with “short-term” and/or “mid-term” timeframes as listed in the RSA Report in Table 3: Potential Safety Enhancement Summary- Lower Broadway.</p>	<p>opening.</p>

¹²¹³ As these various intersections are not under MassDOT jurisdiction, the determination of appropriate mitigation measures (if necessary) and the determination appropriate design and construction details will be made between Wynn and Everett as stated in the MassDOT/MBTA/DCR Section 61 Findings.

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<i>(Broadway)/ Beacham Street intersection (service driveway)</i>		
<i>Broadway/Norwood Street/Chelsea Street⁺³¹⁴</i>	<i>Optimize traffic signal timing, phasing and coordination. This intersection is not under MassDOT jurisdiction. The determination of appropriate design and construction details at this intersection should be made between Wynn and the City of Everett.</i>	<i>Prior to opening.</i>
<i>Lower Broadway Truck Route</i>	<ul style="list-style-type: none"> • Upgrade Robin Street and Dexter Street to serve as a truck route. • Provide full depth reconstruction of the existing roadway to accommodate heavy vehicles. • Reconstruct Robin Street and Dexter Street to include heavy-duty pavement, corner radii improvements, sidewalk reconstruction (where present), drainage system modifications (minor), signs and pavement markings. 	<i>Prior to opening.</i>
<i>Ferry Street/Broadway (Route 99)⁺⁴¹⁵</i>	<i>Retime and optimize traffic signal.</i>	<i>Prior to opening.</i>
<i>Intersections not under MassDOT jurisdiction</i>	<i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the following intersections are not under MassDOT jurisdiction. If necessary, the determination of any appropriate mitigation measures and/or design and construction details at these intersections should be made between Wynn and Everett.</i>	<i>Prior to opening.</i>

⁺³ See prior footnote.

¹⁴ See prior footnote.

⁺⁴ See prior footnote.

¹⁵ See prior footnote.

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	<ul style="list-style-type: none"> • Route 99 (Broadway)/2nd Street/Corey Street Intersection • Route 99 (Broadway)/Mansfield Street/Church Street Intersection • Route 99 (Broadway)/High Street/Hancock Street Intersection • Route 99 (Broadway)/McKinley Street/Cameron Street/Lynn Street Intersection • Tileston Street/Oakes Street/Main Street Intersection • Waters Avenue/Linden Street/Main Street Intersection • Peirce Avenue/Bellingham Avenue/Main Street Intersection 	
<p><i>Other Intersections</i></p>	<p><i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at the following locations that Wynn could be required to implement:</i></p> <ul style="list-style-type: none"> • Route 16 (Revere Beach Parkway)/Garvey Street/2nd Street Intersection • Route 16 (Revere Beach Parkway)/Spring Street Intersection • Route 16 (Revere Beach Parkway)/South Ferry Street Intersection • Route 16 (Revere Beach Parkway) /Vine Street Intersection • Route 16 (Revere Beach Parkway) /Vale Street Intersection • Route 16 (Revere Beach Parkway)/Everett Avenue Intersection 	<p>N/A</p>
<p>2. MEDFORD MITIGATION</p>		
	<p><i>In accordance with the SSFEIR Certificate Secretary's applicable Certificates as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</i></p>	
<p><i>Mystic Valley Parkway (Route 16)/Fellsway (Route 28)/Middlesex Avenue (Wellington)</i></p>	<ul style="list-style-type: none"> • Upgrade/replace traffic signal equipment/signs/pavement markings. • Optimize traffic signal timing, phasing and coordination. • Widen Route 28 northbound to provide an additional left turn lane. • Widen Route 16 westbound to provide an additional through lane in the middle of the intersection. • Reconstruct non-compliant sidewalks and accessible ramps around the intersection to improve pedestrian access. • Provide landscape improvements. 	<p><i>Prior to opening.</i></p>

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<p>Circle)</p>	<p><i>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Wellington Circle Conceptual Improvement Plan (Figure 2-67A, B, and C)” included in the SFEIR, with such refinements thereto as are approved by MassDOT through the 100 percent design submission.</i></p> <p><i>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent (Wynn) has conducted a Road Safety Audit (RSA) at this intersection due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project’s impacts at this intersection) the Proponent shall incorporate in the conceptual design plans for this intersection all the potential safety enhancements with “low” and/or “medium” costs and with “short-term” and/or “mid-term” timeframes as listed in Table 4: Potential Safety Enhancement Summary-Wellington Circle.</i></p>	
<p>Mystic Valley Parkway (Route 16)/Mystic Avenue (Route 38)</p>	<ul style="list-style-type: none"> • Implement traffic Signal retiming and optimization. • Implement ADA Improvements. <p><i>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, prior to any site occupancy, the Proponent (Wynn) will implement these improvements at this intersection in accordance to conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</i></p> <p><i>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent has conducted a Road Safety Audit (RSA) at this intersection due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project’s impacts at this intersection, the Proponent shall incorporate in the conceptual design plans for this intersection all the potential safety enhancements as listed in the RSA Report in Table 4: Potential Safety Enhancement Summary-Mystic Valley Parkway/Route 16/Connector Road and Mystic Valley Parkway/Route</i></p>	<p>Prior to opening.</p>

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
	38/Harvard Street. ¹⁵¹⁶	
Mystic Valley Parkway (Route 16)/Route 16 Southbound Connector	<ul style="list-style-type: none"> • Implement traffic Signal retiming and optimization. • Implement ADA Improvements. <p><i>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, prior to any site occupancy, the Proponent (Wynn) will implement these improvements at this intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</i></p> <p><i>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent has conducted a Road Safety Audit (RSA) at this intersection due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project's impacts at this intersection, the Proponent shall incorporate in the conceptual design plans for this intersection all the potential safety enhancements as listed in the RSA Report in Table 4: Potential Safety Enhancement Summary – Mystic Valley Parkway/Route 38/Harvard Street.¹⁶¹⁷</i></p>	Prior to opening.

~~¹⁵The Commission's Section 61 Findings incorporate MassDOT/MBTA/DCR Section 61 Findings with respect to the RSA recommendations for this intersection. If the intent of the MassDOT/MBTA/DCR Section 61 Findings is to describe the safety enhancements for this intersection as those with "low" and/or "medium" costs and with "short term" and/or "mid term" timeframes, the Commission's Section 61 Findings would similarly track that requirement.~~

¹⁶[The Commission's Second Amended Section 61 Findings incorporate MassDOT/MBTA/DCR Section 61 Findings with respect to the RSA recommendations for this intersection. If the intent of the MassDOT/MBTA/DCR Section 61 Findings is to describe the safety enhancements for this intersection as those with "low" and/or "medium" costs and with "short-term" and/or "mid-term" timeframes, the Commission's Second Amended Section 61 Findings would similarly track that requirement.](#)

~~¹⁶See prior footnote.~~

¹⁷ [See prior footnote.](#)

SUBJECT MATTER	MITIGATION OR IMPROVEMENT MEASURE	SCHEDULE
<i>Wellington Circle Study</i>	<i>Provide \$1.5 million to MassDOT toward a transportation study to develop alternatives for a long-term fix of Wellington Circle.¹⁸</i>	<i>Prior to opening.</i>
<i>Intersections not under MassDOT jurisdiction</i>	<p><i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no additional feasible means to avoid or minimize the project's traffic impacts at the following locations that the Proponent (Wynn) could be required to implement:</i></p> <ul style="list-style-type: none"> • <i>Route 28 (Fellsway West)/Fulton Street Intersection</i> • <i>Route 28 (Fellsway West)/Route 60 (Salem Street) Intersection</i> • <i>Route 28 (Fellsway)/Central Avenue/Medford Street Intersection</i> • <i>Route 28 (Fellsway)/Riverside Avenue Intersection</i> 	<i>Prior to opening.</i>
<i>Other Intersections</i>	<p><i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at this location that Wynn could be required to implement:</i></p> <ul style="list-style-type: none"> • <i>Route 16 (Mystic Valley Parkway)/Locust Street Intersection</i> • <i>Route 16 (Mystic Valley Parkway)/Commercial Street Intersection</i> 	<i>N/A</i>
<i>Other Mitigation under Surrounding Community Agreement</i>	<p><i>In addition to the MEPA mitigation measures described above, Wynn shall comply with the requirements of the Medford Surrounding Community Agreement ("Medford SCA"). Without limitation, subject to the terms and conditions thereof, Wynn shall pay to Medford the Transportation Hub Payment under Section 1.2 and the annual Public Safety Payment under Section 2.2 thereof.</i></p>	<i>Ongoing pursuant to schedule set forth in the Medford SCA.</i>
<u>3. MALDEN MITIGATION</u>	3. MALDEN MITIGATION	
	<u>In accordance with the Secretary's applicable Certificates as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</u>	
<i>Other Mitigation</i>	<i>In addition to the multimodal improvements to MBTA's Malden Center Station and other MBTA property</i>	<i>Ongoing</i>

¹⁸ [This measure is the same as the study referred to in § 5.3 of the Somerville SCA as described below.](#)

<i>SUBJECT MATTER</i>	<i>MITIGATION OR IMPROVEMENT MEASURE</i>	<i>SCHEDUL E</i>
<i>under Surrounding Community Agreement</i>	<i>described below pursuant to MEPA, Wynn shall comply with the requirements of the Malden Surrounding Community Agreement (“Malden SCA”). Without limitation, subject to the terms and conditions thereof, Wynn shall pay to Malden the Transportation Hub Payment under Section 1.2, the Transitional Roads Payment under Section 2.2, and the Public Safety Payment under Section 3.2 thereof.</i>	<i>pursuant to schedule set forth in the Malden SCA</i>

A&K DRAFT: 4/30/19

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
4. BOSTON MITIGATION		
	<p><i>In accordance with the SSFEIR Certificate <u>Secretary's applicable Certificates</u> as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings and in the Boston SCA, Wynn shall:</i></p>	
<p><i>Sullivan Square Mitigation Program</i></p> <p><i>Main Street/Maffa Way/Cambridge Street/Alford Street Intersection (Sullivan Square)</i></p>	<ul style="list-style-type: none"> • <i>Optimize signal timing for Maffa Way/Cambridge Street; interconnect and coordinate traffic signals, modify the Main Street approach.</i>¹⁷¹⁹ • <i>Install a traffic signal interconnection conduit system and associated equipment (pull boxes and wiring) from Sullivan Square to Austin Street.</i> • <i>Reconstruct busway between Cambridge Street and Maffa Way.</i> • <i>Reconstruct the southbound approach of Alford Street at Cambridge Street.</i> • <i>Install new traffic signals at Cambridge Street/Spice Street/MBTA Busway and Maffa Way/Busway.</i>¹⁸²⁰ • <i>Upgrade/replace traffic signal equipment/signs/pavement markings.</i>¹⁹²¹ • <i>Optimize traffic signal timing, phasing and coordination.</i> • <i>Reconstruct Spice Street.</i> • <i>Reconstruct D Street.</i>²⁰²² 	<p><i>Prior to opening, except for Regional Working Group which shall be ongoing.</i></p>

¹⁷¹⁹ The SSFEIR Certificate indicates and NPC Certificate indicate that Wynn will “widen the Main Street approach to provide two lanes.” The Boston SCA indicates that Wynn will “modify the Main Street approach.” These Second Amended Section 61 Findings anticipate that Wynn and Boston will finalize the modification of the Main Street approach during review by the Boston Transportation Department & Public Improvements Commission.

¹⁸²⁰ The Boston SCA further specifies that this mitigation measure also includes “new traffic signals at ... Maffa Way/Beacham Street Extension, and Main Street (west)/Beacham Street.”

¹⁹²¹ The Boston SCA further specifies that this mitigation measure also includes “new signal controllers with adaptive signal control capabilities and new Pan-Tilt-Zoom (PTZ) cameras,” and requires that Wynn “[i]nstall necessary additional loop detection to ensure adaptive signal control capabilities.” For the Cambridge Street/I-93 northbound off-ramp, the Boston SCA specifically requires Wynn to “[u]pgrade traffic signals, including new controller with adaptive signal control capabilities and new PTZ camera.”

²⁰²² According to the SSFEIR Certificate, “The railroad right-of-way (ROW) referred to in the SSFEIR as D Street is owned by Massport. Comments from Massport indicate that this ROW is not a public way and proposed improvements would require approval by Massport.” The MassDOT/MBTA/DCR Section 61

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
<p><i>Alford Street/Main Street/Sever Street/Cambridge Street (Sullivan Square)</i></p> <p><i>Cambridge Street/Spice Street/Sullivan Square Drive Intersection</i></p> <p><i>Maffa Way/Beacham Street Extension Intersection</i></p> <p><i>Cambridge Street/I-93 northbound off-ramp</i></p>	<ul style="list-style-type: none"> • <i>Reconstruct sidewalks on west side of rotary between Sullivan Square station and Alford Street Bridge.</i> • <i>Reconstruct sidewalks and upgrade lighting and streetscape in rotary between Cambridge Street and Main Street (east).</i> • <i>Provide bicycle lanes on Cambridge Street.</i> • <i>Reconstruct MBTA lower busway and parking area at Sullivan Square station, including new traffic signal at Maffa Way/station entrance.</i> • <i>Construct BUS ONLY left-turn lane from Main Street into Sullivan Square Station.</i> <p><i>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Sullivan Square Conceptual Improvement Plan (Figure 2-91)” included in the SFEIR and approved by MassDOT. This plan will be refined as the design progresses to the 100 percent level.</i></p> <p><i>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Sullivan Square, the Maffa Way/Beacham Street Extension Intersection, the Maffa Way/MBTA Bus Lane Intersection, the D Street/Rutherford Avenue Intersection, and the Spice Street/D Street Intersection are not under MassDOT jurisdiction. However, because traffic operations at these locations may affect traffic operations at the I-93 Northbound off- Ramp and/or the MBTA bus operations or Sullivan Square Station driveways, Wynn will prepare and submit conceptual and 100 percent plans to MassDOT and MBTA for review and approval (as specified in the MassDOT/MBTA/DCR Section 61 Findings), in consultation with the City of Boston, prior to the construction of these intersections or improvements.</i></p> <p><i>Moreover, enhanced transportation planning for long-term transportation improvements that can support</i></p>	

Findings state that, “Prior to the issuance of the Vehicular Access Permit for the project, the Proponent will submit to the MassDOT District 4, and District 6 Offices satisfactory documentation to demonstrate that all necessary ROW along D Street has been acquired from the Massachusetts Port Authority (Massport) for the implementation of the mitigation measures detailed in this finding....” In Massport’s Section 61 Findings, Massport has concluded that, subject to its review and approval of detailed plans and specifications to support the request for a license for the construction of the transportation mitigation improvements on Massport’s D Street property, “the Project’s proposed transportation improvements on Massport’s D Street Property are expected to result in no adverse environmental impacts.”

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
<i>And Related Intersections</i>	<i>sustainable redevelopment and economic growth in and around Sullivan Square will occur through the Regional Working Group required by the SSFEIR Certificate and discussed separately below.</i>	
<i>Dexter Street/Alford Street (Route 99)</i>	<ul style="list-style-type: none"> • Upgrade/replace traffic signal equipment/signs/pavement markings.^{24,23} • Optimize traffic signal timing, phasing, and coordination. <p><i>Without limitation, these improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Lower Broadway/ Alford Street (Route 99) Improvement Plan (Figure 2-12)” and refinements thereto as the design progresses to the 100 percent level.</i></p>	<i>Prior to opening.</i>
<i>Rutherford Avenue (Route 99)/Route 1 Ramps</i>	<p><i>Optimize traffic signal timing and phasing.</i></p> <p><i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the traffic signal plans are to be submitted to and approved by MassDOT. This plan will be refined as the design progresses to the 100 percent level.</i></p>	<i>Prior to opening.</i>
<i>Other Intersection not under MassDOT jurisdiction</i>	<p><i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the following intersection is not under MassDOT jurisdiction:</i></p> <ul style="list-style-type: none"> • <i>Main Street/Beacham Street Intersection.</i> <p><i>The determination of appropriate design and construction details of this intersection should be made between the proponent and the City of Boston.</i></p>	<i>Prior to opening.</i>
<i>Other Intersections</i>	<p><i>As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project’s traffic impacts at the following locations that Wynn could be required to implement at this time:</i></p> <ul style="list-style-type: none"> • <i>Rutherford Avenue/ Austin Street Intersection.</i> 	<i>Per results of Regional Working Group.</i>

^{24,23} The Boston SCA further specifies that this mitigation measures includes “PTZ camera.”

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
	<ul style="list-style-type: none"> I-93 ramps/Rutherford Avenue/Chelsea Street Intersection (City Square). <p>Rather, enhanced transportation planning will occur through the Regional Working Group required by the SSFEIR Certificate and discussed separately below.</p>	
Sullivan Square Landscaping	<p>Improve landscaping within the rotary at Sullivan Square and immediately north of the rotary adjacent to Rutherford Avenue <u>in Sullivan Square in accordance with the 100% design plans as approved by MassDOT and the City of Boston.</u></p>	Prior to opening.
Cooperation and Outreach	<ul style="list-style-type: none"> Continue to work with MassDOT and Boston to refine geometric improvements and optimize traffic operations. Continue discussions with affected property owners impacted by improvements regarding necessary grants of right of way. 	Prior to opening and ongoing.
	<p><i>In accordance with the SSFEIR Certificate²² <u>Secretary's applicable Certificates</u>²⁴ as more particularly specified and conditioned in the Boston SCA, Wynn shall comply with the following conditions:</i></p>	
Long-term Financial Commitment to Transportation Mitigation for Sullivan Square	<p>Pursuant to and subject to §§ 7.3, 7.4 and 7.5 of the Boston SCA, Wynn shall provide payments of \$2.5 million per year for 10 years into the SSIP Fund toward the Sullivan Square Infrastructure Project, as defined therein.</p> <p>Prior to the Opening Date, pursuant to and subject to § 7.5 of the Boston SCA, Wynn shall negotiate with Boston in good faith an escrow agreement pertaining to the SSIP Fund. If Wynn and Boston do not reach an escrow agreement prior to the Opening Date, Wynn shall report to the Commission on or within 30 days after the Opening Date for action by the Commission as may be necessary with respect thereto.</p>	Annually for 10 years beginning on the first anniversary of the Opening Date.

²²²⁴ In the SSFEIR Certificate, the Secretary noted that under the Reopener Provision of the conditional Gaming License (Section 2 condition 32), “the City of Boston can reopen negotiations for Surrounding Community Status any time prior to opening of the gaming establishment and the MGC has the authority to amend and modify mitigation as appropriate.” Wynn and the City have done so. See Commission’s Vote Regarding Litigation Release and Surrounding Community Agreement dated February 4, 2016.

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
<p>Long-term Commitment Transportation Demand Management relative to Sullivan Square and Boston</p>	<p>Pursuant to and subject to § 7.1.B of the Boston SCA, Wynn shall monitor traffic and, if there are operational deficiencies at the monitored locations and either (1) the measured traffic volumes for the Project exceed 110% of the projected values; or (2) the distribution of Project-related traffic from the Project Site entrance to the roadway network varies by more than 10% of the trip assignment assumed for the Project, then Wynn shall be responsible for the costs of implementing additional mitigation measures including but not limited to those measures listed in § 7.1.B of the Boston SCA.²³²⁵</p> <p>Pursuant to and subject to § 7.1.B of the Boston SCA, Wynn shall engage and pay for an independent organization approved by the Commission to complete the monitoring program.</p> <p>Consistent with the MassDOT/MBTA/DCR Section 61 Findings, at least annually on the anniversary of the Opening Date, or on such other schedule as Wynn and Boston may agree, Wynn shall report to the Commission and Boston the results of the monitoring program, any operational deficiencies at the monitored locations related to metrics (1) and (2) above, and the plan for, schedule for and status of implementing any additional mitigation measures with respect thereto.</p> <p>See also Transportation Monitoring Program, in § VIII.F.11 below.</p>	<p>Commences prior to the initial occupancy of the Project and continues for a period of 10 years.</p>
<p>Community Outreach</p>	<p>Pursuant to and subject to § 8.8 of the Boston SCA, Wynn shall engage in community outreach to the Charlestown neighborhood and consult with the neighborhood regarding the progress of the Project including any transportation mitigation or changes in transportation mitigation plans.</p>	<p>Ongoing.</p>

²³²⁵ The terms “projected values” and “measured traffic values” in the first condition should be measured based on Friday and Saturday peak hour trip volumes; and the phrase “more than 10% of the trip assignment assumed for the Project” in the second condition should be understood to mean more than 80.3% of Gaming Establishment traffic travels through Sullivan Square (which represents a variation of 10% from the projected traffic through Sullivan Square).

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
Community Impact Fee ²⁴²⁶	<p>Pursuant to and subject to § 2.1 of the Boston SCA, following the Opening Date and throughout the term of the License for as long as Wynn, or any parent, subsidiary or related entity, owns, controls, or operates a commercial gaming facility at the Project Site, Wynn shall make an annual payment of \$2 million to Boston (the “Community Impact Fee”), subject to escalation pursuant to § 10.16 of the Boston SCA, for the purposes set forth therein.</p> <p>Pursuant to and subject to § 2.2 of the Boston SCA, the Commission has released to Boston at Wynn’s request Wynn’s check in the amount of \$1 million. If that check does not clear because of the passage of time since it was cut, Wynn shall promptly provide a replacement check in that amount to Boston.</p> <p>Pursuant to and subject to § 2.3 of the Boston SCA, the Community Impact Fee shall remain in the exclusive custody and control of Boston, and shall be used and applied at Boston’s sole discretion and determination toward any impact, infrastructure, improvement and/or mitigation measures related to the Project that Boston deems necessary and suitable.</p>	<p>Annually on or before the ninetieth (90th) day following the Opening Date.</p> <p>Completed.</p>
5. REVERE MITIGATION		
	<p><i>In accordance with the SSFEIR Certificate Secretary’s applicable Certificates as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</i></p>	
Beach Street/Everett Street/Route 1A/Route 16/Route 60 Intersection (Bell	<ul style="list-style-type: none"> • Upgrade/replace traffic signal equipment/signs/pavement markings. • Optimize traffic signal timing, phasing and coordination. <p>As and to the extent set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will implement the improvements at this intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</p>	Prior to opening.

²⁴²⁶ Pursuant to and subject to §§ 2.1-2.3 of the Boston SCA, the Community Impact Fee may be used by the City for transportation mitigation or other purposes. Reference to this Community Impact Fee is included in this section because its potential uses include without limitation funding relative to transportation infrastructure impacts and the Sullivan Square Infrastructure Project (as defined in Section 7.4 of the Boston SCA) related to the Project.

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
Circle)		
6. CHELSEA MITIGATION		
	<i>In accordance with the SSFEIR Certificate Secretary's applicable Certificates as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</i>	
Route 16 (Revere Beach Parkway)/Washington Avenue	<ul style="list-style-type: none"> • Replace traffic signal equipment. • Furnish new signs/pavement markings. • Optimize traffic signal timing, phasing and coordination. <p><i>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will implement the improvements at this intersection in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</i></p>	Prior to opening.
Route 16 (Revere Beach Parkway)/Everett Avenue ^{25,27}	Optimize traffic signal timing, phasing and coordination.	Prior to opening.

²⁵ The SSFEIR Certificate refers to this intersection in Chelsea and indicates that Wynn has committed to optimize traffic signal timing, phasing and coordination at this intersection. The MassDOT/MBTA/DCR Section 61 Findings (at pages 5-6) refer to this intersection in Chelsea and that Wynn will apply to MassDOT for a Vehicular Access Permit to implement improvements for modifications at this location; however, those Findings (at pages 4 and 16) list this intersection in Everett and indicate that “there are no feasible means to avoid or minimize the project’s traffic impacts at this location that the Proponent could be required to implement.” In public comments dated March 22, 2016, on the Commission’s draft Section 61 Findings, the Chelsea City Manager asked “that Wynn be required, as part of its traffic mitigation, to improve the Route 16/Everett Avenue intersection by means of replacing traffic signal equipment, installing new signage and pavement markings and optimizing traffic signal timing phasing and coordination.” These Final Section 61 Findings require that Wynn optimize traffic signal timing, phasing and coordination at this intersection as and to the extent authorized or required by MassDOT.

²⁷ The SSFEIR Certificate refers to this intersection in Chelsea and indicates that Wynn has committed to optimize traffic signal timing, phasing and coordination at this intersection. The MassDOT/MBTA/DCR Section 61 Findings (at pages 5-6) refer to this intersection in Chelsea and that Wynn will apply to MassDOT for a Vehicular Access Permit to implement improvements for modifications at this location; however, those Findings (at pages 4 and 16) list this intersection in Everett

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
Route 16 (Revere Beach Parkway)/Webster Avenue /Garfield Avenue	<p>Optimize traffic signal timing, phasing and coordination.</p> <p>As set forth in the MassDOT/MBTA/DCR Section 61 Findings, Wynn will implement the improvements at this intersection as applicable in accordance with conceptual and 100 percent plans to be submitted to and approved by MassDOT and DCR. This plan will be refined as the design progresses to the 100 percent level.</p>	<u>Prior to opening.</u>
Intersections not under MassDOT jurisdiction	<p>As stated in the MassDOT/MBTA/DCR Section 61 Findings, the following intersection is not under MassDOT jurisdiction:</p> <ul style="list-style-type: none"> ▪ Williams Street/Chestnut Street Intersection. <p>If necessary, the determination of appropriate mitigation measures at this intersection should be made between the Proponent and the City of Chelsea.</p> <p>As an adjunct to the ongoing monitoring required under these <u>Second Amended</u> Section 61 Findings, the Commission requests that Wynn investigate whether this location becomes the subject of significant additional cut-through traffic between Logan Airport and the gaming establishment. If it does, the Commission reserves the right to impose additional mitigation requirements on Wynn to address such significant additional cut-through traffic, including, without limitation, replacing traffic signal equipment; installing new signage and pavement markings; and/or optimizing traffic signal timing, phasing and coordination. The implementation of any such measures at this intersection should be coordinated between Wynn and the City of Chelsea.</p>	Ongoing.
Other	As stated in the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize	N/A

and indicate that “there are no feasible means to avoid or minimize the project’s traffic impacts at this location that the Proponent could be required to implement.” In public comments dated March 22, 2016, on the Commission’s draft Section 61 Findings, the Chelsea City Manager asked “that Wynn be required, as part of its traffic mitigation, to improve the Route 16/Everett Avenue intersection by means of replacing traffic signal equipment, installing new signage and pavement markings and optimizing traffic signal timing phasing and coordination.” These Second Amended Section 61 Findings require that Wynn optimize traffic signal timing, phasing and coordination at this intersection as and to the extent authorized or required by MassDOT.

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
Intersections	<p>the project's traffic impacts at this location that Wynn could be required to implement:</p> <ul style="list-style-type: none"> Route 16 (Revere Beach Parkway)/Union Street Intersection. 	
Other Mitigation under Surrounding Community Agreement Arbitration Award	<p>In addition to the MEPA mitigation measures described above, Wynn shall comply with the conditions in Chelsea Surrounding Community Agreement Arbitration Award in the form of Wynn's BAFO to Chelsea attached to the Report and Final Arbitration Award dated June 9, 2014 (the "BAFO"), including, without limitation the requirements of Section 5 regarding Transportation Impacts. Without limitation, subject to the terms and conditions thereof, Wynn shall make to Chelsea the Transitional Roads Payment pursuant to Section 5.2 thereof and the additional annual mitigation payment under Section 5.3 thereof.</p>	Ongoing pursuant to schedule set forth in the BAFO.
<u>7. SOMERVILLE MITIGATION</u>	7. SOMERVILLE MITIGATION	
	<p>In accordance with the SSFEIR Certificate <u>Secretary's applicable Certificates</u> and (as applicable) as more particularly specified and conditioned in the Somerville Surrounding Community Agreement ("Somerville SCA"), Wynn shall comply without limitation with the following conditions.²⁶²⁸</p>	
Orange Line Subsidy	<p>Wynn will provide an annual Orange Line operating subsidy to the MBTA to support additional passenger capacity on the Orange Line, discussed below, which will directly benefit (without limitation) the residents, commuters and visitors to and from Assembly Station in Somerville.^{27 29}</p>	See below.
Roadways	<p>In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the Project's</p>	N/A.

²⁶²⁸ In Section 1.2 of the Somerville SCA, "The Parties acknowledge and agree that the proximity of the Project to the Assembly Row and Assembly Square developments may result in additional pedestrian and vehicular traffic in Somerville. The projects identified in the provisions in this Agreement regarding infrastructure improvements are intended to mitigate such impacts."

~~²⁷ The Orange Line Subsidy also mitigates impacts relating to other Orange Line stations, such as Sullivan Square, in addition to Assembly Square.~~

²⁹ The Orange Line Subsidy also mitigates impacts relating to other Orange Line stations, such as Sullivan Square, in addition to Assembly Square.

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
	<p>traffic impacts that the Project Proponent (Wynn) could be required to implement at the following locations:</p> <ul style="list-style-type: none"> • I-93 Ramps/Route 38 (Mystic Avenue) Intersection. • I-93 NB Off-ramp/Route 28 (McGrath Highway) Intersection. • Route 38 (Mystic Avenue)/ Route 28 (McGrath Highway) Intersection. • Broadway/ Route 28 (McGrath Highway) Intersection.^{28,30} 	
<p>Sullivan Square^{29,31}</p>	<p>Wynn will fund and undertake improvements to Sullivan Square in accordance with the SSFEIR Certificate and these <u>Second Amended</u> Section 61 Findings.</p> <p>Wynn will comply § 5.2 of the Somerville SCA and these <u>Second Amended</u> Section 61 Findings relative to developing a comprehensive traffic solution for Sullivan Square. See provisions regarding the Regional Working Group required by the SSFEIR Certificate and discussed below in these <u>Second Amended</u> Section 61 Findings.</p> <p>As an adjunct to the ongoing monitoring required under § 7.1.B of the Boston SCA, the independent</p>	<p>Prior to opening.</p> <p>Ongoing.</p>

²⁸ ~~In § 1.2 of the Somerville SCA, Wynn agreed to complete any necessary improvements as determined in accordance with the MEPA process with respect to these intersections. However, as stated in Wynn’s Response in the SSFEIR (at page 5-46) to Somerville’s Comment 4 on the SFEIR, “[b]ased on the trip generation of the SFEIR, which was developed in consultation with and approved by MassDOT as outlined in their comment letter on the SFEIR, the impacts of the Project at Somerville intersections will be minimal. As determined in the FEIR, mitigation was not required at those intersections.”~~

³⁰ ~~In § 1.2 of the Somerville SCA, Wynn agreed to complete any necessary improvements as determined in accordance with the MEPA process with respect to these intersections. However, as stated in Wynn’s Response in the SSFEIR (at page 5-46) to Somerville’s Comment 4 on the SFEIR, “[b]ased on the trip generation of the SFEIR, which was developed in consultation with and approved by MassDOT as outlined in their comment letter on the SFEIR, the impacts of the Project at Somerville intersections will be minimal. As determined in the FEIR, mitigation was not required at those intersections.”~~

²⁹ ~~Sullivan Square is located in Boston, not in Somerville. However, the Somerville SCA discusses mitigation with respect to Sullivan Square. As a result, this table briefly summarizes such mitigation, without in any way suggesting that Somerville has any jurisdiction over or standing with respect to such mitigation.~~

³¹ ~~Sullivan Square is located in Boston, not in Somerville. However, the Somerville SCA discusses mitigation with respect to Sullivan Square. As a result, this table briefly summarizes such mitigation, without in any way suggesting that Somerville has any jurisdiction over or standing with respect to such mitigation.~~

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
	<i>organization approved by the Commission should monitor traffic at the following intersection and, if there are material operational deficiencies at the monitored location caused by the two new signalized intersections associated with the Project’s mitigation measures, should recommend feasible mitigation measures, if any, to mitigate those deficiencies: Intersection of Broadway / Mt. Vernon Street / Alfred A. Lombardi Way.</i>	Ongoing.
<i>Wellington Circle^{30,32}</i>	<p><i>Wynn will fund and undertake improvements to Wellington Circle in accordance with the SSFEIR Certificate and these <u>Second Amended</u> Section 61 Findings.</i></p> <p><i>Wynn will comply § 5.3 of the Somerville SCA and these <u>Second Amended</u> Section 61 Findings relative to funding a study concerning permanent improvements to Wellington Circle, funding up to 25% or \$1.5 million of the concept design following the study, and cooperating with efforts by the relevant community or communities to seek future funding from the Transportation Infrastructure and Development Fund relative to Wellington Circle.</i></p>	<p>Prior to opening.</p> <p>Ongoing.</p>
<i>Public Safety Mitigation Payment</i>	<p><i>Pursuant to § 5.4 of the Somerville SCA, and contingent upon the receipt of a non-appealable License, Wynn will pay to Somerville an annual payment of \$250,000 (plus escalation per Exhibit B of the Somerville SCA) “to enable Somerville to fund staffing and other public safety initiatives related to increased pedestrian and vehicular traffic in Somerville and additional costs, if any, incurred in mutual aid responses to the Project.”</i></p> <p><i>Pursuant to § 5.4 of the Somerville SCA and with the specific conditions of these <u>Second Amended</u> Section 61 Findings, Wynn will take steps to facilitate pedestrian and bicycle access along the Mystic River and Broadway.</i></p> <p><i>Pursuant to § 5.4 of the Somerville SCA and with the specific conditions of these <u>Second Amended</u> Section 61</i></p>	<i>Annually per the requirements of the Somerville SCA.</i>

~~³⁰ Wellington Circle is located in Medford, not in Somerville. However, the Somerville SCA discusses mitigation with respect to Wellington Circle. As a result, this table briefly summarizes such mitigation, without in any way suggesting that Somerville has any jurisdiction over or standing with respect to such mitigation.~~

³² Wellington Circle is located in Medford, not in Somerville. However, the Somerville SCA discusses mitigation with respect to Wellington Circle. As a result, this table briefly summarizes such mitigation, without in any way suggesting that Somerville has any jurisdiction over or standing with respect to such mitigation.

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
	<i>Findings, Wynn will coordinate signage on the Project to create continuity for pedestrian and bicycle use of such pathways and will participate in regional efforts to enhance and develop such path ways.</i>	<i>Ongoing.</i> <i>Ongoing.</i>
<i>Water Transportation and Related Measures</i>	<p><i>Pursuant to § 5.5 of the Somerville SCA and the specific conditions of these Second Amended Section 61 Findings, and contingent upon the receipt of a non-appealable License, Wynn will pay Somerville an annual payment of \$150,000 (plus escalation per Exhibit B of the Somerville SCA) “to make certain improvements to facilitate water transportation and to fund staffing and other public safety initiatives related to increased use of water transportation.”</i></p> <p><i>Pursuant to § 5.5 of the Somerville SCA, Wynn will participate in regional discussions regarding a walk/bike connection across the Mystic River to be built on or in the direct vicinity of the dam structure and will consider, in good faith, contributing, with other neighboring communities and businesses, to the design and construction of a connection.</i></p>	<i>Annually per the requirements of the Somerville SCA.</i> <i>Ongoing.</i>
<i>Limitation on Satellite Pickup/Drop-off Sites</i>	<i>Pursuant to § 5.6 of the Somerville SCA, except with Somerville’s express permission, Wynn will not use any location in Somerville as a satellite pickup/drop-off site to and from the Project for its employees generally; provided, however, Wynn, in coordination with Somerville, may provide transportation for employees who are residents of Somerville. In addition, Wynn will not have stops for so-called “line-runs,” or regularly scheduled bus or shuttle routes, in Somerville, provided that, subject to meeting legal requirements, Wynn will be able to provide transportation to patrons which whom it has established a relationship and will be able to provide transportation home to any patron residing in Somerville.</i>	<i>Ongoing.</i>
<i>Remote Parking</i>	<i>Pursuant to § 5.7 of the Somerville SCA, except with Somerville’s express permission, neither Wynn nor any of its affiliates, successors or assigns shall construct a satellite parking or other facility associated with the Project within Somerville.</i>	<i>Ongoing.</i>
<i>TIPS Program</i>	<i>Pursuant to § 5.8 of the Somerville SCA, Wynn will incorporate a training program (e.g., TIPS (Training</i>	<i>Ongoing.</i>

<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDUL E</u>
	<i>Intervention Procedures and Services Program)) for alcohol servers and other employees.</i>	

<u>SUBJECT MATTER</u>	8. CAMBRIDGE <u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
<u>8. CAMBRIDGE MITIGATION</u>		
Intersections	<p>In accordance with the SSFEIR Certificate as more particularly specified and conditioned in Section V of the MassDOT/MBTA/DCR Section 61 Findings, there are no feasible means to avoid or minimize the project's traffic impacts at this location that the Project Proponent (Wynn) could be required to implement:</p> <ul style="list-style-type: none"> • Route 28 (Monsignor O'Brien Highway)/Edwin H. Land Boulevard/Charlestown Avenue Intersection. <p>Notwithstanding this finding, Wynn shall comply with the conditions in the Cambridge Surrounding Community Agreement ("Cambridge SCA"), including, without limitation the requirements of § 4 regarding Transportation Impacts. Specifically, to address any adverse impacts with respect to this intersection and contingent upon the acceptance by Wynn of a non-appealable License, Wynn has agreed to pay to Cambridge a onetime payment of \$200,000 to enable Cambridge to study and/or make certain improvements to the identified intersection to address any adverse impacts resulting from the development or operation of the Project.</p>	One time, due (per the requirements of the Cambridge SCA) on or before the ninetieth (90th) day following the acceptance by Wynn of a non-appealable License for the Project.
9. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES		
	<p>In accordance with the SSFEIR Certificate <u>Secretary's applicable Certificates</u> as more particularly specified and conditioned in Section VIII of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall:</p>	
Transportation Demand Management Program	<p>In addition to the Long-term Commitment for Transportation Demand Management relative to Sullivan Square and Boston referenced above, Wynn shall implement the following Transportation Demand Management Program:</p> <ul style="list-style-type: none"> • Pay Membership Fee with a Transportation Management Association. • Employ a designated Transportation Coordinator for the Project to coordinate efforts, monitor success rates, and manage strategic implementation of traffic 	At opening and ongoing.

	<p><i>reduction programs.</i></p> <ul style="list-style-type: none">• <i>Provide on-site sale of MBTA passes for employees and for guests of the Project, including on-site Full Service MBTA Fare Vending Machine <u>when such machines are available.</u></i>• <i>Schedule employee shift beginnings and endings outside specified peak traffic periods.</i>• <i>Implement carpool/vanpool matching programs.</i>• <i>Disseminate promotional materials, including newsletters about TDM program in print at the Project's on-site Transportation Resource Center, and online.</i>• <i>Provide patron Orange Line Shuttle Service to Wellington and Malden Center stations, 2 locations, 20 Minute Headways, 20 Hrs./day, 30-60 passenger vehicles.</i>• <i>Provide Employee Shuttle Buses 2 Locations, 20 Minute Headways, 24 Hrs./day.</i>• <i>Improve and provide access to MBTA bus stops along Lower Broadway.</i>• <i>Implement improvements to Wellington and Malden Center Stations to accommodate Wynn patron shuttle service at curbside.</i>• <i>Premium Park & Ride Shuttle buses 3 Locations, 90 Minute Headways, 12 Hrs./day.</i>• <i>Provide Neighborhood Shuttle Continuous Loop, 20 Minute Headways, 24 Hrs./day.</i>• <i>Provide for potential future expansion of shuttle service to include service to Logan International Airport, North Station, and South Station and other major transportation hubs through coordination with Everett and the MBTA.</i>• <i>Provide water shuttle service to the Project Site, including associated docks and facilities and the use of customized ferry vessels to support passenger transport between the Project Site and key Boston Harbor sites.</i>• <i>Participate in the MBTA Corporate Pass Program to the extent practical and as allowable pursuant to commercial tenant lease requirements.</i>• <i>Furnish electric vehicle charging stations within the proposed parking garage.</i>• <i>Furnish car sharing services in the garage at the Project Site.</i>• <i>Provide preferential parking for car/vanpools and alternatively fueled vehicles.</i>• <i>Provide a "Guaranteed-Ride-Home" in case of emergency to employees that</i>	
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	<i>commute to the Project by means other than private automobile.</i>	
10. MBTA FACILITY IMPROVEMENTS & LAND TRANSFER MITIGATION		
	<i>In accordance with the SSFEIR Certificate <u>Secretary's applicable Certificates</u> as more particularly specified and conditioned in Section VII of the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall comply with the following conditions:</i>	
<i>Wellington Station Improvements</i>	<p><i>Wynn shall make multimodal improvements to MBTA's Wellington Station including dedicated curb space for the patron shuttles, reconfiguration of the existing parking lot to support the construction of a fourth curb cut north of the existing/taxi/auto pick-up/drop-off area, and reconfiguration of the existing MBTA parking lot to create additional parking spaces.</i></p> <p><i>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled "Wellington Station Curbside Reconfiguration (Figure 2-13)" included in the SSFEIR, with such refinements thereto as are approved by the MBTA through the 100 percent design submission.</i></p>	<i>Prior to opening.</i>
<i>Malden Center Station Improvements</i>	<p><i>Wynn shall make multimodal improvements to MBTA's Malden Center Station to accommodate shuttle bus service at curbside, associated bus layover space, and construction of a passenger shelter on MBTA property near the corner of the busway and Centre Street.</i></p> <p><i>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled "Malden Center Station Curbside Reconfiguration (Figure 2-14)" included in the SSFEIR, with such refinements thereto as are approved by the MBTA through the 100 percent design submission.</i></p>	<i>Prior to opening.</i>
<i>Sullivan Square Bus Station Improvements</i>	<i>Wynn shall make multimodal improvements to at and adjacent to MBTA's Sullivan Square Station. These improvements include creation of a new circulation pattern including the alteration and reconstruction of the existing busways and the</i>	<i>Prior to opening.</i>

	<p><i>reconfiguration of the parking field in front of the bus station; provision of a new signalized busway exit to accommodate right-turn movements, opposite the I-93 northbound off-ramp on Cambridge Street; construction of a new signalized entrance to allow buses to circulate into the station from Beacham Street Extension and Main Street; and provision of new bus shelters at the bus berths on the lower busway.</i></p> <p><i>These improvements shall be substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Sullivan Square Bus Station and Parking Reconfiguration (Figure 2-15)” included in the SSFEIR, with such refinements thereto as are approved by the MBTA through the 100 percent design submission.</i></p>	
<p><i>Route 99 (Broadway) Transit Corridor Upgrades</i></p>	<p><i>Wynn shall make multimodal circulation and accessibility upgrades to the Route 99 Corridor, substantially as described in the MassDOT/MBTA/DCR Section 61 Findings and as set forth in the conceptual plan entitled “Lower Broadway/ Alford Street (Route 99) Improvement Plan (Figure 2-12A, B, and C)” included the SFEIR, with such refinements thereto as are approved by the MBTA in consultation with the City of Everett through the 100 percent design submission.</i></p> <p><i>In connection with these upgrades, Wynn shall provide all necessary equipment for the traffic signals and the MBTA buses that travel this route to support a bus priority system along the Route 99 corridor.</i></p> <p><i>In addition, as set forth in the MassDOT/MBTA/DCR Section 61 Findings, the Proponent (Wynn) has conducted a Road Safety Audit (“RSA”) along this corridor due to its inclusion in a Highway Safety Improvement Plan (HSIP) cluster. The RSA has identified a list of recommended safety improvements to address both existing and future conditions. These recommendations were summarized in the RSA Report dated March 10, 2016 submitted to MassDOT by AECOM on behalf of the Proponent. To improve safety conditions and mitigate the Project’s impacts along this corridor, the Proponent shall incorporate in the conceptual design plans for the corridor all the potential safety enhancements with <u>“low”</u> and/or <u>“medium”</u> costs and with “short-term” and/or “mid-term” timeframes as listed in the RSA</i></p>	<p><i>Prior to opening.</i></p>

	<i>Report in Table 3: Potential Safety Enhancement Summary- Lower Broadway.</i>	
<i>MBTA Everett Shops Improvements</i>	<i>Subject to the mitigation regarding the conveyance stated below, and subject to review and approval by the MBTA, Wynn shall make improvements to access, construct a new gatehouse, grant an access easement to MBTA for 365 days a year/24 hours a day access, and construct new loading docks at MBTA's Everett Shops.</i>	<i>Prior to opening.</i>
<i>Mitigation regarding Conveyance of certain of MBTA Everett Shops Land</i>	<i>In accordance with the SSFEIR Certificate, and as stated in the MassDOT/MBTA/DCR Section 61 Findings, Wynn has worked with the MBTA to place into escrow a quitclaim deed to Wynn and payment for 1.758 acres of the MBTA Shops property as shown on an ANR Plan prepared by Feldman Land Surveyors dated January 7, 2014; and, upon issuance of the MassDOT/MBTA/DCR Section 61 Findings, the escrow agent will return the original Quitclaim Deed and Termination of Easement agreement to Wynn, the money to the MBTA; and any modifications will be subsequently recorded.</i>	<i>Escrow to remain in place until issuance of the final MassDOT/MBTA/DCR Section 61 Findings.</i>
<i>Orange Line Subsidy</i>	<i>Wynn shall provide to the MBTA an annual Orange Line operating subsidy to support additional passenger capacity on the Orange Line. The annual operating subsidy shall be calculated and paid in accordance with the MassDOT/MBTA/DCR Section 61 Findings regarding the MBTA Orange Line. The total subsidy is currently estimated at \$7.4 million, including escalation, over the 15 year term of the License.</i>	<i>Annually beginning after opening.</i>
<u>SUBJECT MATTER</u>	<u>MITIGATION OR IMPROVEMENT MEASURE</u>	<u>SCHEDULE</u>
11. OTHER TRANSPORTATION MEASURES		
	<i>In accordance with the SSFEIR Certificate <u>Secretary's applicable Certificates</u> as more particularly specified and conditioned in the MassDOT/MBTA/DCR Section 61 Findings, Wynn shall comply with the following conditions:</i>	

<p><i>Transportation Monitoring Program</i></p>	<p><i>Wynn shall engage and pay for an independent organization approved by MassDOT to undertake a comprehensive transportation monitoring program. Monitoring shall commence prior to the initial occupancy of either hotel or gaming components of the Project, whichever occurs first, to establish a baseline, and will continue for a period of 10 years. At least annually, Wynn shall provide a report on the Transportation Monitoring Program to the Commission (with a copy to MassDOT), which will include without limitation a report on the implementation of the TDM program described herein. Wynn shall provide more frequent reports as may be required from time to time by the Commission or MassDOT.</i></p> <p><i>The scope, locations, methodology, timing and frequency of the transportation monitoring program shall comply with the requirements of the MassDOT/MBTA/DCR Section 61 Findings, and may be adjusted by MassDOT as necessary to ensure that the geographic extent of the data collected is sufficient to measure the impact of the Project and to reflect changes in the transportation system that may occur after the completion of the Project. The transportation monitoring program shall include Roadway Data Collection, Capacity Analyses, Parking Data Collection, Public Transportation Data Collection, and a Travel Mode Analysis, all as specified by the MassDOT/MBTA/DCR Section 61 Findings and adjusted from time to time by MassDOT as necessary.</i></p> <p><i>Without limitation, this monitoring shall be done at the locations, for the time periods and in accordance with the requirements and methodology specified by MassDOT and the MassDOT/MBTA/DCR Section 61 Findings, and will include the following additional intersections:</i></p> <ul style="list-style-type: none"> • <i>Broadway / Mt. Vernon Street / Alfred A. Lombardi Way (Somerville)</i> • <i>Williams Street / Chestnut Street (Chelsea)</i> <p><i>At these additional intersection<u>intersections</u>, Wynn shall conduct peak period manual turning movement counts, vehicle classification, and pedestrian/bicycle counts on a Thursday and Friday between 4:00 PM-6:00 PM and on a Saturday between 2:00 PM-5:00 PM. The Commission may require additional data to be</i></p>	<p><i>Prior to the initial occupancy (to establish a baseline), and continuing for a period of 10 years.</i></p>
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	<p><i>collected if the Commission determines that the submitted data are insufficient.</i></p> <p><i>Wynn shall comply with the requirements for both the transportation monitoring program required by the MassDOT/MBTA/DCR Section 61 Findings and with the transportation monitoring program required by § 7.1.B of the Boston SCA as incorporated above in the Commission’s <u>Second Amended</u> Section 61 Findings and in the License; provided, however, that Wynn shall work cooperatively with MassDOT, DCR, the City of Boston and the Commission to avoid unnecessary duplication of effort or any conflicting requirements.</i></p> <p><i>The Commission will review the monitoring results to determine whether the mitigation triggers listed in § 7.1.B of the Boston SCA have been exceeded and whether additional data should be collected; and the Commission reserves the right to determine the appropriate mitigation in the event there are any such operational deficiencies or imminent traffic problems associated with traffic to and from the Gaming Establishment, including but not limited to those additional mitigation measures listed in § 7.1.B of the Boston SCA. If the additional mitigation measures involve changes to roadways, intersections, or traffic signals under the jurisdiction of the City of Boston, Wynn shall cooperate with Boston concerning the permitting and implementation of the additional mitigation measures, pursuant to the Boston SCA.</i></p> <p><i>See also Long-term Commitment Transportation Demand Management relative to Sullivan Square and Boston, in § VIII.F.4 above.</i></p>	
<p><i>Mystic River Pedestrian-Bicycle Bridge Feasibility Study</i></p>	<p><i>Wynn shall <u>either (a) provide \$250,000 to DCR for planning and engineering services for a possible pedestrian bridge crossing of the Mystic River linking Somerville and Everett, or (b) retain and pay for a qualified design, planning and engineering firm to conduct and complete the Mystic River Pedestrian-Bicycle Bridge Feasibility Study with a scope of work reasonably acceptable to DCR.</u></i></p>	<p><i>Prior to opening.</i></p>
<p><i>Water Transportation Vessels</i></p>	<p><i>Wynn shall:</i></p> <ul style="list-style-type: none"> <i>• Provide dock facilities and customized ferry vessels to support passenger water transportation service between the Project Site and key Boston Harbor landing</i> 	<p><i>At opening.</i></p>

	<p>sites;</p> <ul style="list-style-type: none"> • Provide a touch and go dock for transient boat access to the Project Site; • Consistent with Section 4.5.1.1 of the FEIR, provide water transportation level of service consisting of at least three custom-built, 49-passenger vessels, operating at different frequencies, as listed in the FEIR (that provides sufficient seating and headways to accommodate the expected passenger levels identified in the FEIR (2,908 passengers on Friday, 3,634 passengers on Saturday and 2,713 passengers average day, except when impracticable due to weather conditions). Current plans call for three custom-built 35 passenger vessels to be available at the project opening with a fourth 35 passenger vessel to be available within 90 days of the project opening. These requirements are subject to adjustment based on customer demand to support Wynn’s overall mode share, and except when impracticable due to weather conditions); • Ensure that customized passenger vessels supporting water transportation service to and from the Gaming Establishment are designed and built to be able to pass safely under the Alford Street (Rt-99) Draw Bridge across the Mystic River, mile 1.4, between Boston and Everett, at high tide in the closed position; • Implement reasonable restrictions to prohibit or discourage patrons arriving to or departing from the Gaming Establishment in private vessels that would cause the Alford Street (Rt-99) Draw Bridge to open during or affecting peak vehicular transportation hours on Alford Street and in Sullivan Square. 	<p>At opening and Ongoing.</p>
<p>Annual Monitoring and Reporting Program</p>	<p>Without limiting the transportation monitoring programs required by the MassDOT/MBTA/DCR Section 61 Findings and by § 7.1.B of the Boston SCA Wynn shall also conduct a post-development traffic monitoring and employee survey program (including without limitation vehicular, public transit, and ferry service) in order to evaluate the adequacy of transportation mitigation measures including the TDM program for \$30,000 annually.</p>	<p>At opening and Ongoing.</p>
<p>12. WASTEWATER, WATER USE, AND WETLANDS AND WATERWAYS MEASURES</p>		
	<p>In accordance with the Secretary’s applicable Certificates and MWRA’s, DEP’s and MassDOT/MBTA/DCR’s respective Section 61 Findings, Wynn shall comply with all of the following mitigation measures and conditions:</p>	

<p><i>Wastewater</i></p>	<ul style="list-style-type: none"> • <i>Implement or fund sewer system improvements that remove Infiltration and Inflow (“I/I”) equivalent to 4 gallons removed for every gallon of new wastewater generated (currently estimated at 283,489^{314,649} GPD);</i> • <i>Assist in modifications to regional wastewater infrastructure modifications that will reduce the incidence of combined sewer overflows (“CSOs”) into the Mystic River associated with the Cambridge Sewer Branch, including the installation of grease traps and gas/oil separators.</i> 	<p><i>Prior to opening as to I/I and ongoing as to CSOs.</i></p>
<p><i>Water use</i></p>	<ul style="list-style-type: none"> • <i>Follow Leadership in Energy and Environmental Design (“LEED”) standards of Gold or higher, and incorporate water conservation measures that are intended to reduce the potable water demand on the MWRA water supply system;</i> • <i>Utilize water-efficient plumbing fixtures, low-flow lavatory faucets and shower heads;</i> • <i>Through rainwater harvesting, grey water reuse and the installation of alternatives to natural turf landscaping, the Project will further reduce water demand and use;</i> • <i>Include extensive indoor and outdoor landscaping;</i> • <i>Utilize timers, soil moisture indicators and rainfall sensors to reduce potable water use on landscaping.</i> 	<p><i>During construction.</i></p>
<p><i>Wetlands, waterways, and water quality certification</i></p>	<ul style="list-style-type: none"> • <i>Remediate, revegetate and enhance 550 linear feet of existing shoreline with enhanced “living shoreline;”</i> • <i>Remove invasive vegetation and planting of native herbaceous and shrub vegetation along part of existing Coastal Bank and Riverfront Area,³³</i> • <i>Consult with MassDEP to develop specifications for the living shoreline and bank restoration;</i> • <i>Transform 10,900 +/- SF of disturbed Coastal Beach/Tidal Flats, Coastal Bank, and Riverfront Area to Salt Marsh;</i> • <i>Clean up debris within the Land Under the Ocean, Coastal Beach and Coastal</i> 	<p><i>During construction and prior to opening.</i></p>

³³ The terms “Land Under the Ocean,” “Coastal Beach and Tidal Flats,” “Coastal Bank,” “Land Containing Shellfish,” Salt Marsh,” “Riverfront Area,” and “Land Subject to Coastal Storm Flowage” have the meaning given to them in the Massachusetts Wetlands Protection Act and its regulations, 310 CMR 10.21-10.37. See FEIR § 3.1.1.

	<p><i>Bank resource areas;</i></p> <ul style="list-style-type: none">• <i>Dredge to remove contaminated sediments from the harbor bottom to provide ample draft for water transportation, recreational vessels and a proposed floating dock;</i>• <i>Replace existing bulkhead and construction of new bulkheads within areas of existing degraded Coastal Beach and Coastal Bank areas;</i>• <i>Ensure that <u>100% of</u> the ground floor of the Gaming Establishment will be a facility for public accommodation;</i>• <i>Construct high quality landscaped open space along the edge of the Mystic River and the existing degraded Coastal Bank, Buffer Zone and Riverfront Area, including a harborwalk with high-quality amenities along the edge of the Mystic opening this site to public access and connecting it to Lower Broadway to the east;</i>• <i>Create a Gateway Park Connector multi-use path with benches, lighting, signage, plantings, and other amenities, linking the harborwalk on the Project Site under the MBTA rail line through to the DCR's Gateway Park to the west along the Mystic River, including bicycle and pedestrian connections;</i>³²³⁴• <i>Provide a pile-supported pier/walkway, a gangway, and Americans with Disabilities Act-compliant floating water transportation dock designed to support future water transportation service to Downtown Boston and other regional water transportation destinations, as well as transient vessels;</i>• <i>Develop an attractive public destination for water dependent uses along the waterfront, including significant open space, outdoor seating, viewing areas, a gazebo and public docks;</i>• <i>Further consider opportunities to improve shellfish resources at appropriate locations in consultation with the Division of Marine Fisheries ("DMF").</i>³³³⁵	
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³²³⁴ According to the MassDOT/MBTA/DCR Section 61 Findings, "DCR understands the value of the improvements to DCR's Gateway Park will total \$2,000,000 and will be provided prior to site occupancy."

~~³³ The Commission notes that this measure is encouraged, but not required by SFEIR Certificate.~~

³⁵ The Commission notes that this measure is encouraged, but not required by SFEIR Certificate.

<p>Public Access</p>	<ul style="list-style-type: none"> • As stated above regarding Other Transportation Measures, <u>either (a) provide \$250,000 to DCR for planning and engineering services related to an investigation of a potential for a possible pedestrian bridge crossing of the Mystic River linking Somerville and Everett; or (b) retain and pay for a qualified design, planning and engineering firm to conduct and complete the Mystic River Pedestrian-Bicycle Bridge Feasibility Study with a scope of work reasonably acceptable to DCR.</u> • Participate in a process to study the feasibility of extending the Northern Strand Community Trail to Everett. • Provide over 190,000 sq. ft. of facilities for public accommodation to provide destinations and activation of the Project Site. • Provide 2 acres more open space than required by G.L. c. 91. 	<p>Prior to opening.</p> <p>During construction/prior to opening, and ongoing.</p>
<p>Re-purpose Adjacent Waterfront Real Property</p>	<p>Pursuant to and subject to § 8.6 of the Boston SCA, Wynn shall pay to Boston \$250,000 for the purpose of covering Boston's legal, engineering and other professional services to be incurred by Boston under said § 8.6 in an effort to re-purpose the waterfront real property adjacent to and within the vicinity of the Project Site [i.e. the Boston Water and Sewer Commission's Material Handling Facility] and to return such waterfront real property to public access.</p>	<p>One-time payment prior to opening.</p>
<p>Stormwater</p>	<ul style="list-style-type: none"> • Implement a stormwater management system that will improve the quality of runoff on-site. These measures include: <ul style="list-style-type: none"> ○ On-site mitigation measures: <ul style="list-style-type: none"> ▪ Two new outfalls will discharge treated stormwater into the Mystic River; ▪ Green Roof installation; ▪ Best Management Practices (“BMPs”) such as pavement sweeping, deep sump catch basins, tree box filters, filtering bioretention areas, four (4) proprietary stormwater separators, and stormwater media filters. These BMPs will be designed to remove at least 80% of the average annual load of Total Suspended Solids; and ▪ Catch basins, silt fences, hay bales and crushed stone will be used during 	<p>Prior to opening.</p>

	<p><i>construction to prevent sediment removal from entering runoff;</i></p> <ul style="list-style-type: none"> ○ <i>Offsite mitigation measure associated with transportation improvements will include bioretention or subsurface infiltration chambers, deep sump catch basins or proprietary stormwater separators.</i> • <i>Prepare a Stormwater Pollution Prevention Plan (SWPPP) in support of a Notice of Intent (NOI) filing with the EPA for coverage under NPDES Construction General Permit (CGP);</i> • <i>Incorporate new stormwater management systems in compliance with applicable requirements of State and City of Everett Stormwater Management Standards. The SWPPP and long-term stormwater improvements will provide stormwater mitigation measures to be implemented both during and after construction to improve water quality; and</i> • <i>Portions of the Project Site which currently drain into the MBTA 36-inch storm drain under existing conditions will be re-directed to the Project's stormwater management system.</i> 	
<p>13. GREENHOUSE GAS AND AIR QUALITY IMPACTS</p>		
<p><i>MassDEP Air Plan Approval or Environmental Results Program/Greenhouse Gas Reductions</i></p>	<ul style="list-style-type: none"> • <i>Design the Project buildings to be certifiable under a LEED rating of Gold or higher;</i> • <i>Operate utilizing a series of best operating practices consistent with LEED principles to maintain the energy use, water efficiency, atmospheric, materials and resources use, and indoor air quality goals;</i> 	<p><i>During construction and post occupancy.</i></p>

	<ul style="list-style-type: none">• Comply with the Energy Stretch Code adopted by the City of Everett pursuant to the Green Communities Act of 2008;• Provide a self-certification to the MEPA Office regarding compliance with GHG reductions upon completion of construction;³⁴³⁶• Provide a lighting plan, approved by the City of Everett, for the Commission's review, and demonstrate to the Commission that the plan is reasonably consistent with the proposed LEED certification;• Commit to a comprehensive list of Energy Efficiency Measures (EEM) that are predicted to reduce CO2 emissions 27.4%.³⁵³⁷ These proposed EE measures <u>EEM</u> include:<ul style="list-style-type: none">○ Installing street trees and lighting;○ Cool roofs;○ Central chiller plant with better efficiency than Code;○ Demand Control Ventilation (DCV) for the casino, public entertainment, and retail areas;○ Energy Recovery Ventilation (ERV) to reduce chiller energy use;○ Building envelopes with roof and window insulation better than Code;○ Skylights over the entry atrium and along the retail promenade (daylighting controls will be tied to this extensive system of skylights);○ Lower light power density 20% better than Code;○ Low-energy Electronic Gaming Machines <u>(where feasible)</u>³⁸;	
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³⁴³⁶ The MassDOT/MBTA/DCR Section 61 Findings, incorporated herein by reference, provide that the Self Certification shall be (a) signed by an appropriate professional (e.g. engineer, architect, general contractor); (b) attest that Wynn has incorporated into the project all the GHG mitigation measures, or their equivalent, that were committed to in the EIRs to achieve the proposed stationary GHG emission reduction; (c) supported by as-built plans and shall include an update with respect to those measures that are operational in nature (i.e. TDM program, recycling, Energy Star-rated equipment, etc.); and (d) include any changes to these measures from those identified in the EIRs, the schedule for implementation of all measures, and how progress toward achieving these measures will be advanced, if not currently implemented. The Self Certification and all supporting plans and documents shall be provided to the MEPA office (with a copy to the Commission) within three (3) months of the completion of the Project.

³⁵³⁷ The SSFEIR lists two different reduction goals depending on which ASHRAE standards are used. The higher standard is listed here.

³⁸ Provided that this commitment will not limit gaming machine selection based primarily on customer preference.

	<ul style="list-style-type: none"> o Metal halideLED lighting for all parking structures; o High efficiency elevators with regenerative VVVF drives and LED lights; o Demand Control Exhaust Ventilation (DCEV) with variable frequency drive (VFD) fans for enclosed parking structures; o Kitchen and restaurant refrigeration energy efficiency design to reduce energy use; o Energy-STAR appliances; o Enhanced building commissioning; and o Occupancy controls for non-occupied or infrequently occupied spaces. • Install a photo-voltaic system on the podium building roof or other location, and/or purchase from local service providers of green power of annual electric consumption equaling 10% or more of the Project's annual electric consumption; • Improve intersections to reduce vehicle idling and TDM measures to reduce trips will reduce Project-related motor vehicle CO2 emissions by 13.0%. When combined, (stationary source plus transportation), the Project's total CO2 emissions reductions are 25.7% percent compared to the Base Case; • Install cogeneration plantplant using a nominal 1-MW microturbine, providing approximately 20% of the Project's annual electrical consumption and significant amounts of absorption cooling, heat and hot water. Wynn will consult with MassDEP regarding the system prior to filing a permitting application. • Consider additional improvements in energy efficient design and expansion of commitment to renewable energy; ³⁶39 • Consider electronic gaming machine energy use and provide information to EOEEA and the Commission regarding same; ³⁷40 • Plan for and account for the effects of Sea Level Rise by elevating the proposed structures non-service and garage floor elevations to 15 to 16 feet above the 100-year flood level. The Project will also incorporate the following design 	
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³⁶[39](#) The Commission notes that this measure is encouraged, but not required by SFEIR Certificate.

³⁷[40](#) The Commission notes that this measure is encouraged, but not required by SFEIR Certificate.

	<p><i>criteria:</i></p> <ul style="list-style-type: none"> • <i>☞ Parking garages entrances and other openings into below grade spaces will be elevated a minimum of 3.35 feet above the 100-year flood level, or will be sufficiently flood proofed to avoid damage from coastal storms;</i> • <i>☞ Critical infrastructure and HVAC equipment will be elevated above projected flood levels;</i> <ul style="list-style-type: none"> • <i>Consider additional measures during subsequent design phases, including, but not limited to: rain gardens and swales; protection for service equipment (HVAC, electrical, fuel, water, sewage), installation of back-water flow valves and sump pumps; protection of entrances from snow and ice; enhanced building insulation; cool/green roofing; resilient back-up power and systems; backup power sources for elevators; insulation of refrigeration equipment and elevation of utility hook-ups, mechanical devices, electrical service panel, water heaters, and IT services above potential flood levels.</i> 	
<p>14. HAZARDOUS WASTE</p>		
<p><i>Hazardous Waste Remediation</i></p>	<ul style="list-style-type: none"> • <i>Remediation of areas of significant soil contamination, including soil removal and soil stabilization, will be initiated by Wynn at the commencement of Project construction and will be substantially completed in the first phase of Site construction (approximately 6 months);</i> • <i>During subsequent construction of the Project elements (casino, hotel, and retail buildings, site roadways and utilities, and waterfront improvements), additional contaminated soil will be removed, and Wynn will manage additional soil excavation and groundwater dewatering in accordance with the MCP;</i> • <i>All Project facilities, including the public harbor walk and other waterfront open space amenities, will be fully suitable for planned recreational and visitor uses;</i> • <i>Any hazardous materials excavated during construction will be managed in accordance with MassDEP guidelines, addressed, and disposed of accordingly, including treatment where applicable;</i> • <i>The parking garage will be waterproofed and designed to resist hydrostatic uplift pressures so that permanent, long term dewatering is not required. Dewatering will be required during construction and will be conducted pursuant to a</i> 	<p><i>Prior to opening/as permitted under MCP.</i></p>

	<p><i>Remediation General Discharge Permit under the NPDES program; and</i></p> <ul style="list-style-type: none"> • <i>Comply with G.L. c. 21E and the MCP in all areas of the Project including construction of the service road and shared entrances.</i> 	
<p><u>Sediment Remediation</u></p>	<p><u>In accordance with the Secretary’s applicable Certificates and DEP’s Section 61 Findings, Wynn shall comply with all of the following mitigation measures and conditions, as well as all requirements set forth in the Chapter 91 Dredge Permit and 401 Dredge Water Quality Certificate from DEP, the additional Federal Consistency Review by CZM triggered by the NPC; all conditions and mitigation measures set forth in any additional Orders of Conditions from the Boston Conservation Commission and from the Everett Conservation Commission (or a Superseding Order of Conditions (SOC) from DEP if a local Order is appealed), the specific requirements of Chapter 21E and the MCP.</u></p> <p><u>In addition, Wynn shall:</u></p> <ul style="list-style-type: none"> • <u>Perform all dredging activities under the supervision of a Licensed Site Professional and meet the performance standards of the MCP.</u> • <u>Avoid impacts to the two remnant patches of salt marsh within Boston.</u> • <u>If salt marsh is inadvertently impacted during the dredging/capping operations, plant <i>Spartina</i> species in the same general location as the existing patches, and in an area encompassing a larger area than was impacted, to enhance the intertidal habitat value of the area.</u> • <u>Install turbidity barriers and floating oil booms during dredging and capping to protect water quality.</u> • <u>Conduct water quality monitoring during remediation to identify impacts and support early intervention and mitigation.</u> • <u>Perform all dredging activities under the supervision of a Licensed Site Professional and meet the performance standards of the MCP.</u> • <u>Observe Time of Year (TOY) restrictions for in-water work recommended by the DMF. Without limitation, silt-generating in-water activities must only be conducted between September 30 and February 15.</u> 	<p><u>Prior to Opening</u></p>

	<ul style="list-style-type: none"> • <u>Coordinate post-remediation monitoring with the DMF and the National Marine Fisheries Service to ensure that the sub-tidal and intertidal habitat is adequately restored.</u> • <u>Develop a management plan for the living shoreline and other areas of the Harborwalk which will ensure public access and engagement as the living shoreline habitats grow and mature over time.</u> 	
<p>15. CONSTRUCTION MITIGATION</p>		
<p><i>Traffic and Transportation</i></p>	<ul style="list-style-type: none"> • <i>Implement phased starting of trades to off-peak hours, 7:00 a.m. and earlier starts;</i> • <i>Utilize lean building practices to maximize off-site prefabrication;</i> • <i>Develop separate construction staging and traffic management plans for these improvements as part of their respective construction bid documents;</i> • <i>The relocation of utilities to Gateway Center, which include water, electrical and communications, will be coordinated with the foundations of the Project garage;</i> • <i>On-site parking by construction workers will be minimized. Most personal vehicles will be restricted from parking at or around the construction site so as to reduce the impact to traffic;</i> • <i>Worker parking shall not be allowed on site except for company vehicles required to perform the work;</i> • <i>Off-site locations at which construction workers can park will be provided with shuttle bus services for worker transportation to and from the Project Site;</i> • <i>Due to the proximity of public transit systems, employees will be encouraged to use the MBTA. In addition, Wynn will offer carpooling incentives;</i> • <i>The Project will provide an off-site area at which trucks may be staged. Truck</i> 	<p><i>During construction.</i></p>

	<p><i>routes will be coordinated before the start of construction, and the Construction Manager will routinely check truck routes to ensure compliance with the approved plan;</i></p> <ul style="list-style-type: none"> • <i>The Construction Manager will establish and maintain designated material staging and delivery areas;</i> • <i>Given the existing traffic patterns, right-turns onto and off of the Project Site through the main site entrance are anticipated;</i> • <i>Wheel wash stations will be installed and maintained at construction site exits by the Construction Manager as needed. Street sweeping/vacuuming of all impacted City streets and sidewalks shall be performed by the Construction Manager on an as needed basis;</i> • <i>As set forth in FEIR § 12.2.12, and subject to the reasonable direction of the Police Chief, there will be full-time police detail at the site entrance to facilitate the safe delivery of materials to and from the site with as little disruption to the traffic on Lower Broadway as possible. As needed, police details will control the traffic signals along Lower Broadway to facilitate traffic movements near the Project Site;</i> • <i>Secured fencing and barricades will be used to isolate construction areas on the Project Site from pedestrian and vehicle traffic.</i> 	
<p><i>Utilities</i></p>	<ul style="list-style-type: none"> • <i>Existing utility tunnels under the MBTA Commuter Rail are anticipated to be reused to minimize disruption to rail service and operation. The construction of utilities servicing the Project primarily will take place on-site;</i> • <i>Connections to the water main and sanitary sewer in Broadway will occur during off peak hours; and</i> • <i>The stormwater management system will be functional prior to installing binder course in the service area or entry drive.</i> 	<p><i>During construction.</i></p>
<p><i>Air quality</i></p>	<ul style="list-style-type: none"> • <i>The contractors will implement dust control measures during active construction. The selection of specific dust control measures will be activity dependent, but the following types of control measures will be implemented:</i> <ul style="list-style-type: none"> ○ <i>Road and construction area watering;</i> ○ <i>Chemical stabilization;</i> 	<p><i>During construction.</i></p>

	<ul style="list-style-type: none"> o Sand fencing <u>;</u> o Wind speed control; o Perimeter sprinklers; o Tire washing stations; o On-site speed controls; o Covered stockpiles; and o Street sweeping. <ul style="list-style-type: none"> • Additional air quality measures to reduce air emissions will include low-sulfur diesel in construction equipment, retrofit equipment as needed, and prohibiting excessive idling (per 310 CMR 7.11); and • If on-site material crushing activities will take place, appropriate notifications will be made at least 30 days prior to the commencement of such activities to local officials and to MassDEP in accordance with 310 CMR 16.05(3)(e)(6). 	
<p>Noise and vibration</p>	<ul style="list-style-type: none"> • Instituting a program that includes allowable construction timeframes to ensure compliance with the local requirements; • Locating stationary noise sources, including staging areas, as far a possible from noise-sensitive receptors; • Constructing artificial or using natural barriers to shield construction noise; • Combining noisy operations to occur in the same time period (the total noise level produced will not be substantially greater than the level produced if the operations were performed separately); • Using properly maintained equipment mufflers and providing enclosures on equipment operating continuously; • Turning off idling equipment; • Using quieter alternatives for equipment where feasible; • Selecting a quieter construction operation and technique where feasible; • Monitoring noise levels during the construction period to demonstrate compliance; • Conducting baseline noise level monitoring prior to construction and periodic monitoring of noise levels during construction. Noise monitoring shall be conducted at the site perimeter locations and locations near adjacent buildings; 	<p>During construction.</p>

	<ul style="list-style-type: none"> • <i>Work activities that generate unavoidable excessive noise will be included in the two-week look-ahead schedule submitted by the construction managers;</i> • <i>Project specifications will include vibration limits to avoid potential damage to nearby utilities, buildings, and the adjacent rail line; and</i> • <i>If necessary to reduce vibration levels, pile locations proximate to sensitive structures will be pre-augured.</i> 	
<p><i>Stormwater and Erosion and Sediment Control</i></p>	<ul style="list-style-type: none"> • <i>Storm water pollution prevention measures will include good housekeeping such as properly storing materials, spill prevention and response plans, and proper storage and disposal of solid wastes;</i> • <i>The Construction Manager will be responsible for preventing the tracking of sediments beyond the construction site and for controlling dust by using stabilized construction exits, street sweeping, and watering if necessary;</i> • <i>Temporary construction dewatering discharges will be appropriately controlled and discharged in accordance with the NPDES, state, and local dewatering standards;</i> • <i>Erosion and sediment risks will be reduced by avoiding prolonged exposure of bare soil, providing temporary and permanent stabilization as soon as practical, controlling storm water runoff, installing sediment and erosion controls, and providing frequent inspections and maintenance;</i> • <i>Erosion and sediment controls will be installed prior to any earth disturbing activities;</i> • <i>BMPs must be employed to control storm water flows through the Project Site and avoid the transport of sediments off site and towards surface waters or onto local roads. These may include silt fencing, hay bales, compost filter berms, sediment traps, check dams, diversion swales, sediment basins and/or settling tanks, and drain inlet protections;</i> • <i>Stockpile area(s) will be designated on-site. Stockpiles of off-site fill will be stabilized with temporary seeding and mulching, or provided with a tarp to prevent blowing dust, if the soil will not be used within a 14-day period;</i> • <i>Stockpiles of on-site fill will be covered with polyethylene sheeting to prevent dust migration, and hay bales or silt fence may be placed around the perimeter of the stockpiles to prevent the migration of soils during rain events;</i> 	<p><i>Prior to and during construction.</i></p>

	<ul style="list-style-type: none"> • <i>Soil stabilization will be initiated immediately after earth-disturbing activities have permanently or temporarily ceased. Temporary stabilization will be provided as soon as possible, but no later than 14 days after construction activity ceases on any particular area;</i> • <i>Areas at final grade will be provided with permanent plantings or seeding prior to the opening of the Project;</i> • <i>These control measures will be specific to the contractor's equipment, construction activity, and seasonal variability; and</i> • <i>Inspections will be performed in accordance with the SWPPP to be prepared for the Project. This includes inspection by a qualified individual of storm water controls, stabilization measures, disturbed areas, storage areas, and points of discharge at least every 7 days and within 24 hours of a storm event of ½ inches or greater.</i> 	
<p><i>Infrastructure Protection</i></p>	<ul style="list-style-type: none"> • <i>Existing public and private infrastructure located within the public right-of-way will be protected during construction;</i> • <i>Existing infrastructure within easements on the Project Site will be protected or relocated with the coordination of the utility companies prior to the start of construction;</i> • <i>The Construction Manager will notify utility companies and call “Dig Safe” prior to excavation;</i> • <i>The Construction Manager will be required to coordinate all protection measures, temporary supports, and temporary shutdowns of all utilities with the appropriate utility owners and/or agencies;</i> • <i>The Construction Manager will be required to provide adequate notification to the utility owner prior to any work commencing on their utility;</i> • <i>Wynn shall prepare and submit for review by MWRA a construction plan, calculations and an analysis of the MWRA's pipeline (prepared by a professional engineer licensed in the State of Massachusetts), which shall take into consideration the contractor's equipment, including vibration machines that would be used over MWRA's pipeline in instances where the existing roadway surface will be completely excavated away removing the protection of the HS-20 surface loading barrier; and Wynn will be required to upgrade existing water or sewer</i> 	<p><i>Prior to, during and after construction.</i></p>

	<p><i>infrastructure to protect these facilities during and after construction. See MWRA Section 61 Findings (pp. 4-5);</i></p> <ul style="list-style-type: none"> <i>• Wynn will conduct additional survey work, test pits and vacuum excavation to precisely identify the locations of utilities and construction monitoring and post construction surveys to ensure the integrity of MWRA infrastructure. See MWRA Section 61 Findings (p. 6);</i> <i>• In the event a utility cannot be maintained in service during switch over to a temporary or permanent system, the Construction Manager will be required to coordinate the shutdown with the utility owners and project abutters to minimize impacts and inconveniences;</i> <i>• Measures for proposed dredging and waterfront infrastructure installations will include providing floating debris barriers and turbidity curtains for water work; and</i> <i>• Measures for dredging would include the use of an environmental style bucket to minimize turbidity, and monitoring turbidity in accordance with federal, state, and local permit approvals.</i> 	
<p><i>Recycling program</i></p>	<ul style="list-style-type: none"> <i>• Construction waste material from demolition and new construction will be recycled when possible;</i> <i>• The disposal contract will include specific requirements that will ensure that construction procedures allow for the sufficient space for the necessary segregation, reprocessing, reuse, and recycling of materials; and</i> <i>• For those materials that cannot be recycled, solid waste will be transported in covered trucks to an approved solid waste facility, per MassDEP's Regulations for Solid Waste Facilities, 310 CMR 16.00. This requirement will be specified in the disposal contract.</i> 	<p><i>During construction.</i></p>
<p><i>Pest Control and Wildlife</i></p>	<ul style="list-style-type: none"> <i>• The extermination of rodents will be required prior to demolition, excavation, and foundation installation;</i> <i>• Proposed work within the tidal zone and below MLW will be subject to time of year restrictions from the Massachusetts Division of Marine Fisheries, which are intended to protect migratory fish as they travel up and down river and to protect</i> 	<p><i>Prior to and during construction.</i></p>

	<p>winter flounder spawning and nursery habitat; and</p> <ul style="list-style-type: none"> • Channel dredging operations will be conducted only during those times of the year permitted by state and federal agencies, so as to reduce possible adverse impacts to ecological populations within the dredged area. 	
<p>Laundry Effluent</p>	<ul style="list-style-type: none"> • Obtain<u>If required, obtain</u> and comply with the conditions of a sewer discharge permit prior to and while discharging laundry wastewater into the MWRA sewer system. See MWRA Section 61 Findings (pp. 6-7). 	<p>Prior to discharging laundry wastewater into the MWRA sewer system.</p>

IX. SEGMENTATION

The NPC Certificate notes that the MEPA regulations contain anti-segmentation provisions to ensure that projects are not segmented to evade, curtail or defer MEPA review. In addition to having acquired the Site of the Gaming Establishment, the Proponent and/or its subsidiaries or affiliates have reportedly acquired additional properties in Everett including, without limitation: (a) the 37.5 acre Rivergreen Technology Park located approximately one mile from the Site of the Gaming Establishment; (b) the 3.5 acre Lynde Playground located on Route 99; and (c) the 1.5-acre site Boston Freightliner facility located on Bow and Mystic Streets. See the Secretary's Certificate dated January 20, 2017, concerning the Rivergreen Notice of Project Change (EEA # 14478) (the "Rivergreen NPC Certificate").⁴¹

The NPC Certificate (at page 7) concludes that Wynn "should consult with the MEPA Office regarding additional acquisition and development in the project area and potential MEPA review to ensure that projects are not improperly segmented." The Rivergreen NPC Certificate (at page 6) "strongly encourage[s] the Proponents to consult with the MEPA Office regarding the applicability of MEPA review if and when long-term uses are developed for the Lynde Playground and the Boston Freightliner site, and if additional property is acquired and/or new development is proposed."

Wynn shall keep the Commission timely and fully informed with respect to all such matters, including without limitation the results of any such consultations with the MEPA Office, any such notice(s) of project change, and any such MEPA review. The Commission fully reserves its rights to evaluate, regulate, condition, and/or require mitigation with respect to any such matters as they relate to the Commission's jurisdiction and/or the Gaming Establishment, and to further amend the Commission's Section 61 Findings, and all amendments thereto, and/or the License for the Gaming Establishment as appropriate with respect thereto.

X. ~~IX.~~ REGIONAL WORKING GROUP

The SSFEIR Certificate ~~requires~~required Wynn to participate in and provide a proportionate share of funding for a Regional Working Group³⁸⁴² with MassDOT to assess and develop long-term

⁴¹ Lynde Playground and the Boston Freightliner facility are located within the area included in the Everett Redevelopment Authority's ("ERA") Lower Broadway District Urban Renewal Plan ("URP"), which has been subject to MEPA review (EEA# 15414). See the Secretary's Rivergreen NPC Certificate (at page 4). On November 15, 2018, the ERA submitted a notice of project change proposing a temporary change in use of a site within the URP that included part of the Lynde Playground for a municipal parking facility, including parking for the Gaming Establishment. The Commission and MassDOT submitted comments to the Secretary that urged the ERA to consider the transportation mitigation measures developed in connection with the Project as the ERA considered the temporary use of this parcel. On December 21, 2018, the Secretary issued a certificate on the ERA's notice of project change finding that the ERA's project did not require preparation of an Environmental Impact Report, but noting that the ERA should work with the Regional Working Group (described below) to make sure the ERA's parcel is developed consistent with the Regional Working Group's proposal.

³⁸⁴² As the Attorney General notes in her public comments dated April 11, 2016, the Regional Working Group was originally named the Sullivan Square Working Group. It changed its name to the Lower Mystic Valley Working

transportation improvements to support sustainable redevelopment and economic growth in and around Sullivan Square.³⁹⁴³ The Regional Working Group ~~will be~~was led by MassDOT and ~~include~~included, among others, the Executive Office of Housing and Economic Development, MAPC, DCR, Wynn, and the cities of Boston, Everett, and Somerville. See Section VIII of the MassDOT/MBTA/DCR Section 61 Findings entitled “Sullivan Square and Rutherford Avenue Planning Process.” The Commission ~~requires~~required Wynn to participate in the Regional Working Group process as a condition of ~~these~~its 2016 Section 61 Findings and of the License. However, as the Secretary ~~has~~ concluded in the SSFEIR Certificate, “the practical, rational and effective approach to addressing broader regional transportation impacts for this project is through enhanced transportation planning processes, not through the prism of this single project.” As a result, the Commission ~~will~~did not require completion of long-term infrastructure improvements implemented as a result of the Regional Working Group process prior to opening of the Gaming Establishment pursuant to G.L. c. 23K. ~~In accordance with these~~

The Regional Working Group released a report of its findings on March 11, 2019 (the “Regional Working Group Report”). The Regional Working Group Report (at p. 5) notes that “[w]hile the gaming facility will generate substantial new traffic in the area, there are numerous other developments that have been recently built, permitted, or planned, all of which will add more travel demand in the area.” The Regional Working Group Report recommends a “a systematic and holistic approach to transportation” in the area in and around Sullivan Square, including transit service improvements such as increased investment in the Orange line and local bus service, enacting new transportation demand management policies to limit single occupant vehicle trips in the area, additional roadway improvements such as bicycle lanes and pedestrian paths and bridges, and continued regional coordination. *Id.* at p. 8. Further, the Regional Working Group Report recognized that the MEPA process that led to the creation of the Working Group “required only study of issues and did not require or mandate implementation actions or funding mechanisms.” *Id.* at p. 13.

As noted in the Regional Working Group Report (at p. 18), “[w]hile the Working Group was in the early stages of its process, the City of Boston, after a thorough public engagement process separate from the Working Group, selected a preferred design for the Rutherford Avenue/Sullivan Square Project. This design seeks to accommodate both local and regional interests; improve access and safety for bicyclists and pedestrians; creates dedicated bus lanes; and allow for the redevelopment of Sullivan Square.” These infrastructure improvements remain at an early stage in design. In

Group; however, its primary focus largely remains on Sullivan Square. These Second Amended Section 61 Findings refer to the group as the Regional Working Group.

³⁹⁴³ Pursuant to § 7.3 of the Boston SCA, Wynn has committed to provide \$250,000 in funding to support the Regional Working Group. As the SSFEIR Certificate requires Wynn to provide a proportionate share of funding for the Regional Working Group, this \$250,000 contribution shall not be deemed to be a cap on Wynn’s contribution if its proportionate share is determined to exceed this amount. Rather, as a condition of these Second Amended Section 61 Findings, to be incorporated as a condition of the License, Wynn shall contribute \$250,000 or (if larger) its overall proportionate share consistent with the SSFEIR Certificate to the Regional Working Group regardless of whether that overall proportionate share exceeds \$250,000. Any amount due in excess of \$250,000 will be calculated and paid annually unless otherwise specified by the Commission in a reopener pursuant to 205 CMR 120.

addition to the infrastructure improvements, as referenced earlier in these Second Amended Section 61 Findings, the Regional Working Group also made a number of recommendations for transit service improvements and new transportation demand management measures.⁴⁴

These Second Amended Section 61 Findings and the License will continue to require that the License include a reopener pursuant to 205 CMR 120 if it is necessary for the Commission to adjust Wynn's contribution to either the proportionate share of funding for a Regional Working Group, or the long-term infrastructure improvements to be implemented as a result of the Regional Working Group process, or both.⁴⁰

Finally, Wynn shall use its best efforts to work with the MBTA, MassDOT, and DCR on any future plans to create mass transit opportunities that serve the Gaming Establishment, including without limitation working with the MBTA, MassDOT and DCR on right of way issues. Wynn shall consider making a reasonable contribution as may be determined by the Commission to the cost of implementation of such mass transit opportunities.

XI. ~~X.~~ FINDINGS

Pursuant to G.L. c. 30, § 61, and 301 CMR 11.12(5), the Commission finds that all feasible measures have been taken to avoid or minimize impacts of the Project and damage to the environment. Specifically, the Commission finds that:

1. Environmental impacts resulting from the proposed Project within the scope of MEPA are those impacts described in the FEIR, SFEIR, ~~and SSFEIR,~~ and NPC and the corresponding Secretary's Certificates regarding each.

⁴⁴ Pursuant to §§ 7.1A of the Boston SCA, Wynn shall be fully responsible for the costs of implementing the Mitigation Improvements, defined therein, which are currently estimated to cost Fifteen Million, Eight Hundred and Fifty Thousand, Two Hundred and Twenty Nine Dollars (\$15,850,229). In addition, pursuant to and subject to Section VIII.F.4 of these Second Amended Section 61 Findings and §§ 7.3, 7.4 and 7.5 of the Boston SCA, Wynn is required to make substantial payments toward the Sullivan Square Infrastructure Project and toward the Boston Community Impact Fee. To the extent those payments toward the Mitigation Improvements, Sullivan Square Infrastructure Project and Boston Community Impact Fee are made and used toward long-term transportation mitigation and infrastructure improvements in and around Sullivan Square, those payments shall be counted toward Wynn's fair proportionate share of the capital costs of the long-term infrastructure improvements to be implemented as a result of the Regional Working Group process.

~~⁴⁰ Pursuant to §§ 7.1A of the Boston SCA, Wynn shall be fully responsible for the costs of implementing the Mitigation Improvements, defined therein, which are currently estimated to cost Eleven Million Dollars (\$11,000,000). In addition, pursuant to and subject to Section VIII.F.4 of these Final Section 61 Findings and §§ 7.3, 7.4 and 7.5 of the Boston SCA, Wynn is required to make substantial payments toward the Sullivan Square Infrastructure Project and toward the Boston Community Impact Fee. To the extent those payments toward the Mitigation Improvements, Sullivan Square Infrastructure Project and Boston Community Impact Fee are made and used toward long-term transportation mitigation and infrastructure improvements in and around Sullivan Square, those payments shall be counted toward Wynn's fair proportionate share of the capital costs of the long-term infrastructure improvements to be implemented as a result of the Regional Working Group process.~~

2. Wynn shall comply with and implement (a) all conditions in the Commission’s conditional License for the Project (except those conditions that have been expressly modified and amended by the Commission’s action on the Boston SCA), (b) the terms and conditions of the Mitigation Agreements, (c) the mitigation measures described in these Second Amended Section 61 Findings, and the applicable provisions of the FEIR, the SFEIR, the SSFEIR, the NPC and the Secretary’s corresponding Certificates regarding the same, (d) the final Second Amended Section 61 Findings and conditions issued by other State Agencies in their respective final Agency Action on the Project, and (e) all conditions imposed by the Commission in its final Agency Action and final License for the Project pursuant to 205 CMR 120.02(1)(a).

3. Appropriate conditions will be included in any final License issued for the Project pursuant to 301 CMR 11.12(5)(b) and 205 CMR 120 to ensure implementation of the conditions and mitigation measures identified herein.

4. The Commission will establish a schedule for and conduct a regular quarterly review of compliance with the Second Amended Section 61 Findings and the conditions of the Gaming License.

Gayle Cameron, Massachusetts Gaming Commission

Date

Bruce Stebbins, Massachusetts Gaming Commission

Date

Enrique Zuniga, Massachusetts Gaming Commission

Date

Document comparison by Workshare 9.5 on Wednesday, May 1, 2019 3:30:17 PM

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Deletions	341
Moved from	11
Moved to	11

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Total changes	944

Environmental Monitor
2019 Publication Schedule, Comment Deadlines and Decision Dates

Comment and decision dates are subject to change if extensions are granted

Submittal Dates	Environmental Monitor Publication Date	ENF Comments Due	ENF Decisions EIR Comments	EIR Decisions
12-1-18 to 12-17-18*	12-26-18	1-15-19	Fri. 1-25-19	Fri. 2-1-19
12-18-18 to 12-31-18*	1-9-19	1-29-19	Fri. 2-8-19	Fri. 2-15-19
1-1-19 to 1-15-19	1-23-19	2-12-19	Fri. 2-22-19	Fri. 3-1-19
1-16-19 to 1-31-19	2-6-19	2-26-19	Fri. 3-8-19	Fri. 3-15-19
2-1-19 to 2-15-19	2-20-19	3-12-19	Fri. 3-22-19	Fri. 3-29-19
2-16-19 to 2-28-19	3-6-19	3-26-19	Fri. 4-5-19	Fri. 4-12-19
3-1-19 to 3-15-19	3-20-19	4-9-19	Fri. 4-19-19	Fri. 4-26-19
3-16-19 to 4-1-19*	4-10-19	4-30-19	Fri. 5-10-19	Fri. 5-17-19
4-2-19 to 4-15-19	4-24-19	5-14-19	Fri. 5-24-19	Fri. 5-31-19
4-16-19 to 4-30-19	5-8-19	5-28-19	Fri. 6-7-19	Fri. 6-14-19
5-1-19 to 5-15-19	5-22-19	6-11-19	Fri. 6-21-19	Fri. 6-28-19
5-16-19 to 5-31-19	6-10-19	7-1-19*	Thurs. 7-11-19	Thurs. 7-18-19
6-1-19 to 6-17-19*	6-26-19	7-16-19	Fri. 7-26-19	Fri. 8-2-19
6-18-19 to 7-1-19*	7-10-19	7-30-19	Fri. 8-9-19	Fri. 8-16-19
7-2-19 to 7-15-19	7-24-19	8-13-19	Fri. 8-23-19	Fri. 8-30-19
7-16-19 to 7-30-19	8-7-19	8-27-19	Fri. 9-6-19	Fri. 9-13-19
7-31-19 to 8-15-19	8-21-19	9-10-19	Fri. 9-20-19	Fri. 9-27-19
8-16-19 to 9-3-19*	9-11-19	10-1-19	Fri. 10-11-19	Fri. 10-18-19
9-3-19 to 9-16-19*	9-25-19	10-15-19	Fri. 10-25-19	Fri. 11-1-19
9-14-19 to 9-30-19	10-9-19	10-29-19	Fri. 11-8-19	Fri. 11-15-19
10-1-19 to 10-15-19	10-18-19	11-7-19	Mon. 11-18-19*	Mon. 11-25-19*
10-16-19 to 10-31-19	11-6-19	11-26-19	Fri. 12-6-19	Fri. 12-13-19
11-1-19 to 11-15-19	11-22-19	12-12-19	Mon. 12-23-19*	Mon. 12-30-19*
11-16-19 to 12-2-19*	12-11-19	12-31-19	Fri. 1-10-20	Fri. 1-17-20
12-3-19 to 12-16-19*	12-23-19	1-13-20*	Thurs. 1-23-20	Thurs. 1-30-20
12-17-19 to 1-2-20*	1-8-20	1-28-20	Fri. 2-7-20	Fri. 2-14-20

(* = rollover from a weekend or holiday)

Technical Memorandum

To: **Robert DeSalvio, James Holt, Lauren Coughlin, Encore Boston Harbor**

From: **Dirk Grotenhuis, PE, Dave Derrig, AICP, Mike Wulforst, PE, AECOM**

Subject: **Encore Water Shuttle Evaluation Update**

Date: **May 3, 2019**

AECOM has reviewed the latest information regarding the proposed Encore Boston Harbor water shuttle service, and offers the following analysis.

At this time, Encore Boston Harbor has acquired three (3) water shuttles specially designed to travel beneath the Alford Street Bridge without the need for bridge openings. These shuttles have a capacity of 35 passengers and will provide service between the Encore Boston Harbor Resort and multiple Boston Harbor locations. In order to satisfy anticipated demand, Encore Boston Harbor has engaged the services of Bay State Cruise Company to provide a fourth vessel (90-passenger capacity) to supplement the Encore Boston Harbor shuttles until a fourth Encore Boston Harbor water shuttle is procured. In certain instances this shuttle will be affected by tidal clearance but will not require a bridge opening.

Based on this information and the proposed water shuttle schedule, the following table summarizes the anticipated ability to satisfy projected demand as identified in the final MEPA documents (FEIR) for the project.

ENCORE WATER SHUTTLE SERVICE	
Number of Encore Vessels	3
Capacity of each vessel	35
Total one way trips/day/Encore vessel	60 (30 round trips)
Max. carrying capacity of Encore vessels/day	2,100
Number of Contract Vessels	1
Capacity of each Contract vessel	90
Total one way trips/day/Contract vessel	18 (9 round trips)

Technical Memorandum

Max. carrying capacity of Contract vessel/day	1,620
Max. daily patron carrying capacity, Encore and Contract Vessels	3,720
Friday Daily Assigned Demand in FEIR (% of overall capacity)	2,908 (78%)
Saturday Daily Assigned Demand in FEIR (% of overall capacity)	3,634 (98%)

The water shuttle schedule has been designed to reflect time-of-day variation in demand. Water shuttle service will begin at 7:00 AM and end at 11:20 PM. During peak periods, the water shuttles will operate under 20-minute headways (rather than the 30-minute headways analyzed in the FEIR) to accommodate anticipated demand.

Given the calculations provided above, it is expected that the proposed water shuttle service will satisfy projected demand for peak weekday and weekend conditions, and that the water shuttle service will contribute to lessening traffic congestion on the roadways leading to Encore Boston Harbor Resort.

COMMENTS

SECTION 61

FINDINGS

From: Bruce Scott <bruce.scott@protonmail.com>
Sent: Monday, May 20, 2019 12:48 PM
To: MGCcomments (MGC)
Subject: Request for Extension to Submit Encore Public Comment

Regarding Draft Second Amended Section 61 Findings for Encore Boston Harbor

Catherine Blue, General Counsel
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Re: Request for Extension to File Public Comments Related to Second Amended Section 61 Findings and 4am Liquor License Extension for Wynn-Encore Boston Harbor

Dear General Counsel Blue:

Due to complexity of newly discovered relevant facts and my workload, I am requesting a one day extension from Monday, May 20, 2019 until Tuesday, May 21, 2019 to file Public Commentary in the above-mentioned matters, both as an interested party and stakeholder. I left you a voicemail message prior to 12:00PM today requesting same.

In support of this request, I want to make it clear to the Commission that my Public Comments are well-grounded based upon extensive collateral events, investigations, and multi-jurisdictional litigation. Moreover, I believe said commentary is in the public's interest and will aid the Commission in it's anticipated May 22, 2019 Open Meeting deliberation process.

Thank you for the Commission's consideration of this request. Should you have any questions, please advise me.

Sincerely,

Bruce Scott Ziskind
E: bruce.scott@sir-research.com
M: +1.516.340.1123

P.O. Box 380007
Cambridge, MA 02238

----- Original Message -----

On Monday, May 20, 2019 11:59 AM, Massachusetts Gaming Commission <mgccomments@state.ma.us> wrote:





MEETING NOTICE



The Massachusetts Gaming Commission will hold **Open Meeting #268** on Wednesday, May 22, 2019, at 9:30 a.m.

The meeting will take place at the MGC office at 101 Federal Street, 12th Floor, Boston.



Topics include: Votes related to Encore Boston Harbor's Summary of Material Changes Since Design Approval, Detailed Construction Timeline, Second Amended Section 61 Findings, Revision to Gaming Establishment Boundary, Service Employee Exemption Requests and Alcohol Permit.

[VIEW THE FULL AGENDA](#)



mgccomments@state.ma.us | MASSGAMING.COM

Massachusetts Gaming Commission | 101 Federal Street, 12th Floor, Boston, MA 02110

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Sent by mgccomments@state.ma.us in collaboration with



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Blue, Catherine (MGC)

From: Blue, Catherine (MGC)
Sent: Monday, May 20, 2019 2:24 PM
To: 'Bruce Scott'
Subject: RE: Request for Extension to File Public Commentary

Dear Mr. Ziskind: The comment period was set by the Commission in a public meeting. I cannot extend or change the time for receipt of comments. If you submit your comments before the close of business today I will do my best to see that they are included with the other comments:

Best regards,
Catherine Blue

Catherine Blue
General Counsel

Massachusetts Gaming Commission

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
TEL 617.979.8434 | FAX 617.725.0258

www.massgaming.com

[FB](#) | [TWITTER](#) | [YOUTUBE](#) | [LINKEDIN](#) | [TUMBLR](#)

From: Bruce Scott [<mailto:bruce.scott@sir-research.com>]
Sent: Monday, May 20, 2019 2:01 PM
To: Blue, Catherine (MGC); MGCcomments (MGC)
Subject: Request for Extension to File Public Commentary

Dear General Counsel Blue,

Attached hereto is my request for a one day extension from Monday, May 20, 2019 to Tuesday, May 21, 2019, to file Public Comments Related to the Second Amended Section 61 Findings and 4AM Liquor License.

Thank you for your consideration of this request. Kindly advise me of any questions that the Commission may have.

Sincerely,

Bruce S, Ziskind
E: bruce.scott@sir-research.com
M: +1.516.340.1123

Enclosure

COMMENTS

ENCORE GAMING ESTABLISHMENT REVISION OF BOUNDARIES

From: Larry Tokson <litokson@comcast.net>
Sent: Monday, May 6, 2019 4:31 PM
To: MGCcomments (MGC)
Subject: "Encore Boston Harbor Gaming Establishment Revision"

Good Afternoon,

As an Everett resident I have no issues with revising the boundaries of the Boston Harbor Encore Hotel as it seems to me it's only going to enhance the customer experience and will not affect any other properties around the hotel.

Thank You,

Larry Tokson

Forwarded to Catherine B. on May 7, 2019

From: George Paoletti <tempalummitedu2001@yahoo.com>
Sent: Monday, May 6, 2019 4:30 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Gaming Establishment Revision

These are clearly not part of "gaming" : outdoor terrace areas along the west and south side of the ballroom portion of the property, and other outdoor event space and structures.

There will be people staying at & otherwise using the property for events who will NOT benefit from this change. This change is mission creep.

Forwarded to Catherine B on May 7, 2019



TO: Cathy Judd Stein, Chair
 Gayle Cameron, Commissioner
 Eileen O'Brien, Commissioner
 Bruce Stebbins, Commissioner
 Enrique Zuniga, Commissioner

FROM: Bill Curtis, Licensing Manager

DATE: May 17th, 2019

RE: Gaming Service Employee (SER) Exemptions: Big Night Entertainment Group

SUMMARY

The following request for sixteen (16) registration exemptions at Encore Boston Harbor are being presented to the Commission for consideration and approval. Each position will be employed by Big Night Entertainment Group, a licensed vendor, who will operate Mystique and Memoire.

Service Employee Positions Requesting Exemption (Recommended)	
Total # SER Positions	Total SER Headcount
16	192

Remaining Service Employee Positions to be Registered	
Total # SER Positions	Total SER Headcount
25	172

Exempt Position List (Recommended)

Job Profile Number	Position	Venue	Property Access Level
6010	Chef de Cuisine	Mystique	N ¹
6011	Executive Chef	Mystique	N ¹
6012	Executive Sushi Chef	Mystique	N ¹
6013	Assistant Chef (Sous Chef)	Mystique	N ¹

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



Job Profile Number	Position	Venue	Property Access Level
6014	Lead Kitchen Worker	Mystique	N ¹
6100	Cook I	Mystique	N ¹
6111	Kitchen Worker/Porter	Mystique	N ¹
6112	Assistant Chef – Pastry	Mystique	N ¹
6200	Food Server	Mystique	N ¹
6210	Host Person	Mystique	N ¹
6220	Bus Person/Food Runner	Mystique	N ¹
6560	Receiver	Mystique	N ¹
7111	Kitchen Worker/Porter	Memoire	N ¹
7200	Food Server	Memoire	N ¹
7210	Host Person	Memoire	N ¹
7560	Receiver	Memoire	N ¹

The Licensing Staff worked with Big Night Entertainment Group in developing this recommendation and is in agreement with the positions in this packet.

BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain “Gaming Service Employee” level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- “Write” access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITION (AND UNIQUE JOB CODE): Chef de Cuisine I 6010

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Chef de Cuisine is responsible for supporting the Executive Chef with overseeing performance and strategy of the restaurant and being accountable for meeting BNEG food quality standards and financial goals. This includes, but is not limited to; implementing the department strategy and ensuring alignment with overall BNEG strategy; maximizing opportunities for departmental and company success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Implements short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Held accountable for departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Oversees the performance of team members under his/her area of responsibility.
- Monitors all activities of the department to ensure that all applicable internal policies, federal and state laws, rules, regulations and controls companywide are enforced.
- Ensures department delivers and maintains a maximum level of companywide service and satisfaction.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Chef de Cuisine I 6010

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	-Assistant Chef -Lead Kitchen Worker -Cook I -Kitchen Worker/Porter -Assistant Chef- Pastry
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Chef de Cuisine I 6010

The undersigned states that the information herein is true and accurate.


Signature

Christine Roane
/ Printed Name

05.01.19
Date



Chef de Cuisine

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Chef de Cuisine is responsible for supporting the Executive Chef with overseeing performance and strategy of the restaurant and being accountable for meeting BNEG food quality standards and financial goals. This includes, but is not limited to; implementing the department strategy and ensuring alignment with overall BNEG strategy; maximizing opportunities for departmental and company success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Implements short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Held accountable for departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Oversees the performance of team members under his/her area of responsibility.
- Monitors all activities of the department to ensure that all applicable internal policies, federal and state laws, rules, regulations and controls companywide are enforced.
- Ensures department delivers and maintains a maximum level of companywide service and satisfaction.
- Facilitates communication throughout the venue by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as appropriate to ensure companywide communication.
- Oversees all hiring, performance management, and employee engagement within the department. Provides training opportunities, constructive and positive feedback to team members within area of responsibility. Creates a motivating environment.
- Keeps informed of all new developments within the department and makes recommendations designed to maximize department and company success.
- Effectively manages internal and external guest relations, which may require levels of patience, tact and diplomacy. Responsible for addressing guest and team member issues as appropriate.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all BNEG contractors, and in all interactions within the Host and Surrounding communities.

- Demonstrates creative and artistic approaches to plate presentations and research new products and menu items on a regular basis.
- Facilitates daily pre-shifts with back of house staff.
- Requisitions food and equipment from respective purchasing agents, giving specifications, quantities, and quality.
- Initiates, promotes and enforces safety procedures, primarily the cooking and holding processes of hot and cold foods.
- Ensures safe handling of all equipment within the "back of the house", (mixers, dicers, vegetable cutters, etc.).
- Establishes and maintains department objectives, standards, guidelines, and budget to ensure proper management of department; monitors and evaluates staffing levels and food purchasing, production, and inventory in order to control costs and waste.
- Develops strategic buying practice and works to ensure best price and quality for foods purchased.
- Assists the Executive Chef with analyzing food costs and forecasting business trends in order to make recommendations for revision of menu prices that will most appropriately meet company goals.
- Works with safety as a priority, and follows department and company safety standards.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Culinary arts or a related field education or experience preferred. Sanitation knowledge, culinary knowledge, and demonstrated knife skills and safe food handling required.

Minimum 7 years of full service kitchen experience, 4 years in a leadership role required.

Requires strong computer skills and proficiency in Microsoft Office.

Candidate must have experience with planning and project management.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to write detailed instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.

- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITON (AND UNIQUE JOB CODE): Executive Chef I 6011

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Executive Chef is responsible for directing the preparation and ordering of all foods in the restaurant, dining room, and kitchen, ensuring that all foods are of the highest quality and that all operations are efficient, effective, and profitable. The Executive Chef is responsible for working with the Executive Sushi Chef and Chef de Cuisine to ensure that their menu is properly executed and managed.

The Executive Chef is responsible for overseeing performance and strategy of their restaurant and is fully accountable for meeting BNEG food quality standards and financial goals. The primary responsibilities include assigning tasks and priorities, coordinating resources, developing budgets, and controlling operating expenses. The Executive Chef is responsible for working with the Executive Sushi Chef and Chef de Cuisine to ensure that the venue menu is properly implemented. The Executive Chef is also responsible for the overall management, development, and training of staff, and ensures that all government health regulations, industrial safety standards, development and execution of menu, and corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Implements short-and long-term restaurant goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.

~~• Identifies best practices and determines quality and efficiency measures as benchmarks for individual performance.~~

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Executive Chef I 6011

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	-Executive Sushi Chef -Chef de Cuisine -Assistant Chef -Lead Kitchen Worker -Cook I -Kitchen Worker/Porter -Assistant Chef- Pastry
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Executive Chef | 6011

The undersigned states that the information herein is true and accurate.

Christine Roane

Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Executive Chef

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Executive Chef is responsible for directing the preparation and ordering of all foods in the restaurant, dining room, and kitchen, ensuring that all foods are of the highest quality and that all operations are efficient, effective, and profitable. The Executive Chef is responsible for working with the Executive Sushi Chef and Chef de Cuisine to ensure that their menu is properly executed and managed.

The Executive Chef is responsible for overseeing performance and strategy of their restaurant and is fully accountable for meeting BNEG food quality standards and financial goals. The primary responsibilities include assigning tasks and priorities, coordinating resources, developing budgets, and controlling operating expenses. The Executive Chef is responsible for working with the Executive Sushi Chef and Chef de Cuisine to ensure that the venue menu is properly implemented. The Executive Chef is also responsible for the overall management, development, and training of staff, and ensures that all government health regulations, industrial safety standards, development and execution of menu, and corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Implements short-and long-term restaurant goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Identifies best practices and determines quality and efficiency measures as benchmarks for individual performance.
- Accountable for departmental performance, and the accuracy, confidentiality, and thoroughness of restaurant policies and procedures; records and reports.
- Oversees the performance of team members under his/her area of responsibility.
- Monitors all activities of the department to ensure that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced.
- Administers departmental operating budget, financial controls, marketing, capital expenditures, and overall venue initiatives through annual detailed business plan. Responsible for financial planning, forecast, labor, and payroll for areas of responsibility.
- Ensures department delivers and maintains a maximum level of venue-wide service and satisfaction.
- Facilitates communication throughout the company by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as appropriate.

- Partner with Front of House management team to facilitate daily pre-shift meetings with service staff.
- Oversees all hiring, performance management, and employee engagement within the department. Provides training opportunities, mentorship, constructive and positive feedback at all levels. Creates a motivating environment.
- Innovates menu(s) while adhering to venue concept.
- Monitors and improves consistency of food quality to enhance overall customer experience.
- Organizes and regularly conducts food tastings and educational meetings.
- Actively encourages and supports team members to participate in decision-making processes to assume responsibility and authority.
- Ensures adequate staffing levels are maintained by proactive (vs. reactive) approach.
- Involves all management team members in decision-making process to provide broader team with understanding of bigger picture outlet strategy and objectives.
- Keeps informed of all new industry developments relevant to restaurant venue makes recommendations designed to maximize outlet and company success.
- Effectively manages internal and external guest relations, some of which will require levels of patience, tact and diplomacy. Responsible for addressing guest and team member issues as appropriate.
- Partner with executive management team and marketing department to develop marketing plans as applicable.
- Promote venue through dining room presence and regular table touches.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Develops strategic buying practices and works to ensure best price and quality for food.
- Effectively manages projects assigned by executive management and delegate projects to reports appropriately.
- Evaluates current needs, past experiences, and forecasted business conditions in order to make decisions and recommendations for best allocation of resources among restaurant outlets to achieve maximum financial returns and guest service levels.
- Works with BNEG Executive Chef and CFO to analyze and manage food and labor costs and forecast business trends in order to make recommendations for revision of menu prices that will most appropriately meet company and venue financial goals.
- Promptly and decisively identifies, rectifies, and reports actual and potential problems to ensure workplace and environmental safety.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all BNEG contractors, and in all interactions within the Host and Surrounding Communities, as an ambassador of the BNEG brand.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Works with safety as a priority, and follows department and company safety standards.

- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to maintain any licensing or active work cards required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Culinary arts degree preferred.

Minimum 8 years of experience as a chef of a full-service restaurant, 5 years in a leadership role required. Hospitality experience preferred. Extensive sanitation and culinary knowledge, and demonstrated knife skills required.

Requires basic computer skills and knowledge of Microsoft Office.

Compeat experience a plus.

Candidate must have experience with planning and project management.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to write detailed instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITION (AND UNIQUE JOB CODE): Executive Sushi Chef I 6012

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>POSITION SUMMARY</p> <p>The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Executive Sushi Chef is responsible for directing the preparation and ordering of all foods in Sushi department, ensuring that all foods are of the highest quality and that all operations are efficient, effective, and profitable. The Executive Sushi Chef is responsible for working with the Chef de Cuisine or Assistant Chef to ensure that their menu is properly executed and managed.</p> <p>The Executive Sushi Chef is responsible for overseeing performance and strategy of their restaurant and is fully accountable for meeting BNEG food quality standards and financial goals. The primary responsibilities include assigning tasks and priorities, coordinating resources, developing budgets, and controlling operating expenses. The Executive Sushi Chef is responsible for working with the Chef de Cuisine to ensure that the venue menu is properly implemented. The Executive Sushi Chef is also responsible for the overall management, development, and training of staff, and ensures that all government health regulations, industrial safety standards, and corporate and departmental policies are followed.</p> <p>JOB RESPONSIBILITIES:</p> <ul style="list-style-type: none">• Ensures all BNEG core values and company and department standards are implemented and applied.• Implements short-and long-term restaurant goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.• Identifies best practices and determines quality and efficiency measures as benchmarks for individual performance.	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITION (AND UNIQUE JOB CODE): Executive Sushi Chef | 6012

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	-Chef de Cuisine -Assistant Chef -Lead Kitchen Worker -Cook I -Kitchen Worker/Porter -Assistant Chef- Pastry
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Executive Sushi Chef I 6012

The undersigned states that the information herein is true and accurate.



Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Executive Sushi Chef

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Executive Sushi Chef is responsible for directing the preparation and ordering of all foods in Sushi department, ensuring that all foods are of the highest quality and that all operations are efficient, effective, and profitable. The Executive Sushi Chef is responsible for working with the Chef de Cuisine or Assistant Chef to ensure that their menu is properly executed and managed.

The Executive Sushi Chef is responsible for overseeing performance and strategy of their restaurant and is fully accountable for meeting BNEG food quality standards and financial goals. The primary responsibilities include assigning tasks and priorities, coordinating resources, developing budgets, and controlling operating expenses. The Executive Sushi Chef is responsible for working with the Chef de Cuisine to ensure that the venue menu is properly implemented. The Executive Sushi Chef is also responsible for the overall management, development, and training of staff, and ensures that all government health regulations, industrial safety standards, and corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Implements short-and long-term restaurant goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Identifies best practices and determines quality and efficiency measures as benchmarks for individual performance.
- Accountable for departmental performance, and the accuracy, confidentiality, and thoroughness of restaurant policies and procedures; records and reports.
- Oversees the performance of team members under his/her area of responsibility.
- Monitors all activities of the department to ensure that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced.
- Administers departmental operating budget, financial controls, marketing, capital expenditures, and overall venue initiatives through annual detailed business plan. Responsible for financial planning, forecast, labor, and payroll for areas of responsibility.
- Ensures department delivers and maintains a maximum level of venue-wide service and satisfaction.
- Facilitates communication throughout the company by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as appropriate.

- Partner with Front of House management team to facilitate daily pre-shift meetings with service staff.
- Oversees all hiring, performance management, and employee engagement within the department. Provides training opportunities, mentorship, constructive and positive feedback at all levels. Creates a motivating environment.
- Innovates menu(s) while adhering to outlet concept.
- Monitors and improves consistency of food quality to enhance overall customer experience.
- Organizes and regularly conducts food tastings.
- Actively encourages and supports team members to participate in decision-making processes to assume responsibility and authority.
- Ensures adequate staffing levels are maintained by proactive (vs. reactive) approach.
- Involves all management team members in decision-making process to provide broader team with understanding of bigger picture outlet strategy and objectives.
- Keeps informed of all new industry developments relevant to restaurant venue makes recommendations designed to maximize outlet and company success.
- Effectively manages internal and external guest relations, some of which will require levels of patience, tact and diplomacy. Responsible for addressing guest and team member issues as appropriate.
- Partner with executive management team and marketing department to develop marketing plans as applicable.
- Promote venue through dining room presence and regular table touches.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Develops strategic buying practices and works to ensure best price and quality for food.
- Effectively manages projects assigned by executive management and delegate projects to reports appropriately.
- Evaluates current needs, past experiences, and forecasted business conditions in order to make decisions and recommendations for best allocation of resources among restaurant outlets to achieve maximum financial returns and guest service levels.
- Works with BNEG Executive Chef to analyze and manage food and labor costs and forecast business trends in order to make recommendations for revision of menu prices that will most appropriately meet company and venue financial goals.
- Promptly and decisively identifies, rectifies, and reports actual and potential problems to ensure workplace and environmental safety.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all BNEG contractors, and in all interactions within the Host and Surrounding Communities, as an ambassador of the BNEG brand.
- Works with safety as a priority, and follows department and company safety standards.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.

- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Culinary arts degree preferred.

Minimum 8 years of experience as a Sushi Chef of a full-service restaurant, 5 years in a leadership role required. Hospitality experience preferred. Extensive sanitation and culinary knowledge, and demonstrated knife skills required.

Requires basic computer skills and knowledge of Microsoft Office.

Candidate must have experience with planning and project management.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to write detailed instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITION (AND UNIQUE JOB CODE): Assistant Chef (Sous Chef) | 6013

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Assistant Chef is responsible for supporting culinary management in all aspects of cost control, completing inventories and food requisitions, managing and training kitchen staff, supporting the chef de cuisine and cooks as necessary, supervising the production of food at all stations while ensuring food quality is according to venue standards. This positions ensures that all government health regulations, industrial safety standards, corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Assists in the management of daily kitchen activities to maintain restaurant performance.
- Assists in the management and performance of team members under his/her area of responsibility.
- Monitors all activities of the kitchen to ensure that all applicable internal policies, federal and state laws, rules, regulations and controls companywide are enforced.
- Assists management to ensure department delivers and maintains a maximum level of companywide service and satisfaction.
- Facilitates communication throughout the kitchen by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as needed.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITION (AND UNIQUE JOB CODE): Assistant Chef (Sous Chef) I 6013

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	-Lead Kitchen Worker -Cook I -Kitchen Worker/Porter -Pastry
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITION (AND UNIQUE JOB CODE): Assistant Chef (Sous Chef) I 6013

The undersigned states that the information herein is true and accurate.


Signature

Christine Roane
/ Printed Name

05.01.19

Date



Assistant Chef (Sous Chef)

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Assistant Chef is responsible for supporting culinary management in all aspects of cost control, completing inventories and food requisitions, managing and training kitchen staff, supporting the chef de cuisine and cooks as necessary, supervising the production of food at all stations while ensuring food quality is according to venue standards. This positions ensures that all government health regulations, industrial safety standards, corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Assists in the management of daily kitchen activities to maintain restaurant performance.
- Assists in the management and performance of team members under his/her area of responsibility.
- Monitors all activities of the kitchen to ensure that all applicable internal policies, federal and state laws, rules, regulations and controls companywide are enforced.
- Assists management to ensure department delivers and maintains a maximum level of companywide service and satisfaction.
- Facilitates communication throughout the kitchen by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as needed.
- Assists in the hiring, performance management, and employee engagement within the department. Provides training opportunities, constructive and positive feedback to team members within area of responsibility. Creates a motivating environment.
- Keeps informed of all new developments within the department and makes recommendations designed to maximize department and company success.
- Effectively manages internal and external guest relations, which may require levels of patience, tact and diplomacy. Responsible for addressing guest and team member issues as appropriate.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Assists in the planning of the menu and in the preparation of the meals for varying sized groups.
- Cleans and/or insures the sanitary conditions and operating order of kitchen appliances, equipment, food storage areas and the kitchen itself.
- Purchases and verifies quality and quantity of food and kitchen supplies required for daily activities and various functions.
- Estimates the amount and kind of food to be purchased, taking into account the nature of the function and the number of guests.

- Plans, budgets, provisions and maintains inventory.
- Mixes, chops and cooks as needed to assist cooks and chefs.
- Ensures meal quality and guest satisfaction.
- Works with safety as a priority, and follows department and company safety standards.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Culinary arts degree or equivalent experience preferred.

Minimum 3 years of experience as a chef in a full-service restaurant required, 1 year in a leadership role preferred. Hospitality experience preferred. Extensive sanitation and culinary knowledge, and demonstrated knife skills required.

General computer skills and basic knowledge of Microsoft Office preferred.

Knowledge with Compeat a plus.

Candidate must have experience with planning and project management.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to write detailed instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.

- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITION (AND UNIQUE JOB CODE): Lead Kitchen Worker I 6014

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Lead Kitchen Worker will be responsible for monitoring and maintaining cleanliness, sanitation and organization of assigned kitchen work areas to ensure they are properly cleaned and maintained.

JOB RESPONSIBILITIES:

- Adheres to all BNEG core values and property and department standards.
- Assists in the management of daily kitchen activities to maintain restaurant performance.
- Assists in the management and performance of team members under his/her area of responsibility.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and property-wide controls within the department.
- Delivers and maintains a maximum level of property-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Assists in providing training opportunities for team members.
- Keeps informed of all new developments within the department.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and hotel requirements.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Lead Kitchen Worker I 6014

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	-Cook I -Kitchen Worker/Porter -Assistant Chef- Pastry
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Lead Kitchen Worker I 6014

The undersigned states that the information herein is true and accurate.

Christine Roane

Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Lead Kitchen Worker

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Lead Kitchen Worker will be responsible for monitoring and maintaining cleanliness, sanitation and organization of assigned kitchen work areas to ensure they are properly cleaned and maintained.

JOB RESPONSIBILITIES:

- Adheres to all BNEG core values and property and department standards.
- Assists in the management of daily kitchen activities to maintain restaurant performance.
- Assists in the management and performance of team members under his/her area of responsibility.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and property-wide controls within the department.
- Delivers and maintains a maximum level of property-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Assists in providing training opportunities for team members.
- Keeps informed of all new developments within the department.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and hotel requirements.
- Operate and maintain various machines such as dish washing machines, garbage disposals, sinks, grills, broilers, pots, pans, utensils and all other kitchen equipment and surfaces including the breakdown of machines.
- Cooks food of high quality according to standard recipes.
- Balances multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Assists with the execution of preventative maintenance procedures and ensures they are properly conducted on the assigned shift.
- Transports garbage containers and all other debris from the kitchen area to designated dumpsters.
- Provides outstanding customer service in a timely manner to both guests and fellow employees.
- Maintains a hygienic kitchen, cleaning and sanitizing all work and food stations.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability

required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Age, Gaming and Certifications:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

Education and/or Experience:

High school degree or equivalent preferred.

Minimum 3 years in food & beverage sanitation experience in a stewarding department preferred.

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

Mathematical Skills & Reasoning Ability:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITION (AND UNIQUE JOB CODE): Cook I | 6100

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
Position Summary	
The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Cook I is responsible for cooking meals based on established recipes set by the Executive Chef, cooking on multiple hot and cold stations in the kitchen.	
JOB RESPONSIBILITIES:	
<ul style="list-style-type: none">• Ensures all BNEG core values and company and department standards are implemented and applied.• Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.• Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls within the department.• Delivers and maintains a maximum level of companywide service and satisfaction.• Assists in providing training opportunities for team new members.• Keeps informed of all new developments within the department.• Balances multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.• Cooks food of high quality according to standard recipes.	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Cook I | 6100

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Cook I | 6100

The undersigned states that the information herein is true and accurate.

Christine Roane
Signature

/ Christine Roane
Printed Name

05.01.19

Date



Cook I

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Cook I is responsible for cooking meals based on established recipes set by the Executive Chef, cooking on multiple hot and cold stations in the kitchen.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls within the department.
- Delivers and maintains a maximum level of companywide service and satisfaction.
- Assists in providing training opportunities for team new members.
- Keeps informed of all new developments within the department.
- Balances multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Cooks food of high quality according to standard recipes.
- Manages multiple cold and hot stations
- Assists with the preparation, presentation, decoration and storage of all food items.
- Communicates to his/her superior any difficulties, guest or internal customer comment and other relevant information.
- Notifies chef on duty prior to end of shift if unable to complete assigned task(s) within allotted time.
- Attends and participates in daily briefings and other meetings as scheduled.
- Cleans and re-sets his/her working area.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cars required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent preferred. Culinary arts or a related field education or experience preferred. Sanitation and culinary knowledge, and demonstrated knife skills and safe food handling practices preferred.

Minimum of 3 years of cooking experience preferred.

Outstanding organizational and interpersonal skills as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITON (AND UNIQUE JOB CODE): Kitchen Worker/Porter I 6111

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Kitchen Worker/Porter will be responsible for monitoring and maintaining cleanliness, sanitation and organization of assigned kitchen work areas to ensure they are properly cleaned and maintained.

JOB RESPONSIBILITIES:

- Adheres to all BNEG core values and company and department standards.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls within the department.
- Delivers and maintains a maximum level of venue-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Provides professional service.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Cleans and maintains public area equipment and the assigned premises.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Kitchen Worker/Porter I 6111

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Kitchen Worker/Porter I 6111

The undersigned states that the information herein is true and accurate.

Christine Roane

Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Kitchen Worker/Porter

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Kitchen Worker/Porter will be responsible for monitoring and maintaining cleanliness, sanitation and organization of assigned kitchen work areas to ensure they are properly cleaned and maintained.

JOB RESPONSIBILITIES:

- Adheres to all BNEG core values and company and department standards.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls within the department.
- Delivers and maintains a maximum level of venue-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Provides professional service.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Cleans and maintains public area equipment and the assigned premises.
- Operate and maintain various machines such as dish washing machines, garbage disposals, sinks, grills, broilers, pots, pans, utensils and all other kitchen equipment and surfaces including the breakdown of machines.
- Ensures dish machine is running at temperature throughout shift.
- Routinely performs deep cleaning processes to ensure overall cleanliness of the company.
- Assists with the execution of preventative maintenance procedures and ensures they are properly conducted on the assigned shift.
- Transports garbage containers and all other debris from the kitchen area to designated dumpsters.
- Provides outstanding customer service in a timely manner to both guests and fellow employees.
- Maintains a hygienic kitchen, cleaning and sanitizing all work and food stations.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability

required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Age, Gaming and Certifications:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

Education and/or Experience:

High school degree or equivalent preferred.

Minimum 1 year in food & beverage sanitation experience preferred.

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to present information.

Mathematical Skills & Reasoning Ability:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITON (AND UNIQUE JOB CODE): Assistant Chef- Pastry | 6112

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Assistant Chef- Pastry is responsible for supporting culinary management in all aspects of cost control, completing inventories and food requisitions, managing and training kitchen staff, supporting the chef de cuisine and cooks as necessary, supervising the production of food at all stations while ensuring food quality is according to outlet standards. This positions ensures that all government health regulations, industrial safety standards, corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Assists in the management of daily kitchen activities to maintain restaurant performance.
- Assists in the management and performance of team members under his/her area of responsibility.
- Monitors all activities of the kitchen to ensure that all applicable internal policies, federal and state laws, rules, regulations and controls companywide are enforced.
- Assists management to ensure department delivers and maintains a maximum level of companywide service and satisfaction.
- Facilitates communication throughout the kitchen by organizing and presiding over regularly scheduled meetings

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Assistant Chef- Pastry I 6112

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Assistant Chef- Pastry I 6112

The undersigned states that the information herein is true and accurate.

Christine Roane / Christine Roane
Signature / Printed Name

05.01.19
Date



Assistant Chef- Pastry

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Assistant Chef- Pastry is responsible for supporting culinary management in all aspects of cost control, completing inventories and food requisitions, managing and training kitchen staff, supporting the chef de cuisine and cooks as necessary, supervising the production of food at all stations while ensuring food quality is according to outlet standards. This positions ensures that all government health regulations, industrial safety standards, corporate and departmental policies are followed.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Assists in the management of daily kitchen activities to maintain restaurant performance.
- Assists in the management and performance of team members under his/her area of responsibility.
- Monitors all activities of the kitchen to ensure that all applicable internal policies, federal and state laws, rules, regulations and controls companywide are enforced.
- Assists management to ensure department delivers and maintains a maximum level of companywide service and satisfaction.
- Facilitates communication throughout the kitchen by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as appropriate to ensure companywide communication.
- Assists in the hiring, performance management, and employee engagement within the department. Provides training opportunities, constructive and positive feedback to team members within area of responsibility. Creates a motivating environment.
- Keeps informed of all new developments within the department and makes recommendations designed to maximize department and company success.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Assists in the planning of the pastry/dessert menu.
- Cleans and/or insures the sanitary conditions and operating order of kitchen appliances, equipment, food storage areas and the kitchen itself.
- Purchases and verifies quality and quantity of food and kitchen supplies required for daily activities and various functions.
- Estimates the amount and kind of food to be purchased, taking into account the nature of the function and the number of guests.
- Plans, budgets, provisions and maintains inventory.
- Mixes, chops and cooks as needed to assist cooks and chefs.

- Ensures meal quality and guest satisfaction.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to food protection management certification.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Culinary arts degree or equivalent experience preferred.

Minimum 3 years of experience as a chef in a full-service restaurant required, 1 year in a leadership role preferred. Hospitality experience preferred. Extensive sanitation and culinary knowledge, and demonstrated knife skills required.

General computer skills and basic knowledge of Microsoft Office preferred.

Candidate must have experience with planning and project management.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus. Ability to write detailed

instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITON (AND UNIQUE JOB CODE): Food Server I 6200

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Food Server will be responsible for curating the overall guest experience, taking food/beverage orders, carrying out wine/beverage service, performing table maintenance, completing side work, maintaining health code standards, and providing excellent customer service for guests. This includes, but is not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of venue wide service and satisfaction.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Food Server I 6200

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	Responsible for the service of guests and alcohol sales when ordered in dining room.
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Food Server I 6200

The undersigned states that the information herein is true and accurate.



Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Food Server

POSITION SUMMARY

The **Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Food Server** will be responsible for curating the overall guest experience, taking food/beverage orders, carrying out wine/beverage service, performing table maintenance, completing side work, maintaining health code standards, and providing excellent customer service for guests. This includes, but is not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of venue wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations. Prepares mise en place before, during and after service.
- Assists with the preparation and movement of tables based on business levels.
- Prepares service stations and service equipment
- Polishes glassware, silverware and china.
- Has the ability to speak knowledgeably at length with guests about the food and beverage selections, aiding their decision-making process.
- When working in a team format, assumes a leadership role, delegating tasks always with the guest experience in mind.
- Attends and participates in daily briefings and other meetings as scheduled.
- Professionally handle inquiries billing and payment of bills in compliance with BNEG's established policies and procedures.
- Professionally handle POS system, ringing and properly recording meals and drinks as requested by guest.
- Strictly adhere to BNEG's established policies and procedures with regard to the handling of payments.

- Adheres to BNEG service standards.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to an alcohol awareness card.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent preferred.

Minimum 3 years of food server experience and sanitation knowledge preferred.

Outstanding organizational and interpersonal skills as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintains reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects,

tools or controls. The employee is regularly required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen or restaurant floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITON (AND UNIQUE JOB CODE): Host Person | 6210

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Host Person will be responsible for assisting management by maintaining the reservation book and the flow of service. The Host will greet all guests show them to their tables and accommodate their needs and requests. The host will act as an ambassador for the restaurant that they represent, and be able to speak in detail about the food and beverage selections, event spaces and any special arrangements that can be furnished. Responsibilities include, but are not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Host Person I 6210

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Host Person I 6210

The undersigned states that the information herein is true and accurate.

Christine Roane

/ Christine Roane

Signature

/ Printed Name

05.01.19

Date



Host Person

POSITION SUMMARY

The **Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Host Person** will be responsible for assisting management by maintaining the reservation book and the flow of service. The Host will greet all guests show them to their tables and accommodate their needs and requests. The host will act as an ambassador for the restaurant that they represent, and be able to speak in detail about the food and beverage selections, event spaces and any special arrangements that can be furnished. Responsibilities include, but are not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of companywide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Balances multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Provides information on all aspects of available services and facilities for guests.
- Greets guests and arranges seating; monitors room atmosphere.
- Quotes accurate waiting times and handles guest waiting lists or reservations in accordance with established procedures.
- Assists guests with reservations via phone and in person; makes confirmation calls when appropriate.
- Assists guests with special requests and connects them with other departments that can fulfil their needs.
- Oversees quality check and rotation of menus.
- Communicates with co-workers and supervisor to ensure quality service.
- Assists with special projects as assigned by restaurant management.

- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Becomes proficient and maintains table management system.
- Relays VIPs special needs, occasions to servers and management.
- Engages and reads guest when leaving to access if any issues or concerns.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent preferred.

Minimum 1 year of hosting experience preferred.

Basic computer skills and knowledge of Microsoft Office a plus.

Outstanding organizational and interpersonal skills as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintains reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is regularly required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least thirty (30) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the restaurant floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITON (AND UNIQUE JOB CODE): Bus Person/Food Runner I 6220

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019
<i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>	
Position Summary	
<p>The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Bus Person/Food Runner will be responsible for supporting guest service in a Food and Beverage environment, transporting food from the kitchen to the guest(s), and supporting the food server by explaining dishes and responding to guest needs. When appropriate, the Bus Person/Food Runner works in accordance with Servers in a supplemental role. Primary functions include setting, maintaining and clearing guest tables. The Bus Person/Food Runner also takes an active role in the guest experience through tasks such as water and non-alcoholic drink service, coffee and tea service, replacement of silverware between courses among other things. This includes, but is not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.</p>	
JOB RESPONSIBILITIES:	
<ul style="list-style-type: none">• Ensures all BNEG core values and company and department standards are implemented and applied.• Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.• Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.• Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Bus Person/Food Runner I 6220

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Bus Person/Food Runner I 6220

The undersigned states that the information herein is true and accurate.



Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Bus Person/Food Runner

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Bus Person/Food Runner will be responsible for supporting guest service in a Food and Beverage environment, transporting food from the kitchen to the guest(s), and supporting the food server by explaining dishes and responding to guest needs. When appropriate, the Bus Person/Food Runner works in accordance with Servers in a supplemental role. Primary functions include setting, maintaining and clearing guest tables. The Bus Person/Food Runner also takes an active role in the guest experience through tasks such as water and non-alcoholic drink service, coffee and tea service, replacement of silverware between courses among other things. This includes, but is not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of companywide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Familiarizes with service standards for the restaurant, especially table setups, beverage service and pre-busing of tables.
- Cleans and resets tables in accordance with established procedures and sanitation guidelines.
- Polishes glassware, silverware and china.
- Stocks before, during and after service to ensure that the service team has all the tools necessary to fulfill their roles.
- Performs immediate cleaning function of restaurant, floors, carpet and service stations during business hours and when in the interest of preserving the guest experience.
- Monitors and ensures cleanliness of all place settings, tabletops, seats and floor.

- Leaves money or guest checks on tables.
- Performs customer service duties as assigned such as bread service, water and non-alcoholic drink service, coffee and tea service, replacement of silverware between courses amongst other things.
- Communicates with host/hostess for seating needs and any guest service issues.
- Performs various stock supply duties to maintain par levels of all equipment and dining supplies.
- Works closely with the chef to prepare all garnish, underliners and special plating setups.
- Must have intimate familiarity with all menu items to ensure items that leave the kitchen are prepared accordingly and presented as planned.
- Transports all food items from the kitchen to the guest both through hand-carried technique or with trays when appropriate.
- Organizes and polishes plates and serving utensils in the expeditor station. Explains in detail all food items to the guest.
- Assists the Food Server with a number of supportive tasks.
- Maintains health code standards.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to an alcohol awareness card.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent preferred.

Minimum 1 year of food runner experience and sanitation knowledge preferred.

Outstanding organizational and interpersonal skills as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other

employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintains reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is regularly required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Mystique)

JOB POSITION (AND UNIQUE JOB CODE): Receiver I 6560

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019
<i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>	
Position Summary	
<p>The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Receiver will conduct the daily operations of BNEG receiving operations, maintaining security, receipt and disbursement of goods, and accurate tracking of receipts. Responsibilities include, but are not limited to: maintaining all BNEG Standards; and ensuring excellent guest and team member experience.</p>	
JOB RESPONSIBILITIES:	
<ul style="list-style-type: none">• Ensures all BNEG core values and property and department standards are implemented and applied.• Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.• Completes daily activities to maintain departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.• Contributes to venue communication and best practices.• Provides professional internal and external guest service, which may require levels of patience, tact and diplomacy.• Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.• Must have the ability to promote positive fair and ethical relations with all team members with all BNEG	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITION (AND UNIQUE JOB CODE): Receiver I 6560

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	Responsible for receipt of alcohol upon arrival to loading dock, transportation to venue and then storage.
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Receiver I 6560

The undersigned states that the information herein is true and accurate.

Christine Roane

/ Christine Roane

Signature

/ Printed Name

05.01.19

Date



Receiver

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Receiver will conduct the daily operations of BNEG receiving operations, maintaining security, receipt and disbursement of goods, and accurate tracking of receipts. Responsibilities include, but are not limited to: maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and property and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Completes daily activities to maintain departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Contributes to venue communication and best practices.
- Provides professional internal and external guest service, which may require levels of patience, tact and diplomacy.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all BNEG contractors, and in all interactions as an ambassador of the BNEG brand.
- Handles all inbound receipts, following all company processes.
- Ensures all receipts are processed in the system timely and in order.
- Notifies all necessary management with inbound problems.
- Responsible for the receipt of all returns, following correct processes.
- Assists in researching/resolving problem receipts and on hand inventory variances.
- Conducts the flow of inbound product to designated areas.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability

required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Pallet jack operator certification preferred.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Bachelor's Degree in a related field or equivalent experience preferred.

Minimum 2 years of receiving experience required, with a prior leadership role preferred.

Requires general computer skills and basic knowledge of Microsoft Office.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus.

Ability to write detailed instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least eighty (80) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the warehouse floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Memoire)

JOB POSITON (AND UNIQUE JOB CODE): Kitchen Worker/Porter I 7111

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Kitchen Worker/Porter will be responsible for monitoring and maintaining cleanliness, sanitation and organization of assigned kitchen work areas to ensure they are properly cleaned and maintained.

JOB RESPONSIBILITIES:

- Adheres to all BNEG core values and company and department standards.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls within the department.
- Delivers and maintains a maximum level of venue-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Provides professional service.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Cleans and maintains public area equipment and the assigned premises.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Kitchen Worker/Porter | 7111

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (Including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Kitchen Worker/Porter I 7111

The undersigned states that the information herein is true and accurate.

Christine Roane

Signature

/ Christine Roane
/ Printed Name

05.01.19

Date



Kitchen Worker/Porter

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Kitchen Worker/Porter will be responsible for monitoring and maintaining cleanliness, sanitation and organization of assigned kitchen work areas to ensure they are properly cleaned and maintained.

JOB RESPONSIBILITIES:

- Adheres to all BNEG core values and company and department standards.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls within the department.
- Delivers and maintains a maximum level of venue-wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Provides professional service.
- Uses correct chemicals for designated items for cleaning and sanitizing various surfaces according to OSHA regulations and company requirements.
- Cleans and maintains public area equipment and the assigned premises.
- Operate and maintain various machines such as dish washing machines, garbage disposals, sinks, grills, broilers, pots, pans, utensils and all other kitchen equipment and surfaces including the breakdown of machines.
- Ensures dish machine is running at temperature throughout shift.
- Routinely performs deep cleaning processes to ensure overall cleanliness of the company.
- Assists with the execution of preventative maintenance procedures and ensures they are properly conducted on the assigned shift.
- Transports garbage containers and all other debris from the kitchen area to designated dumpsters.
- Provides outstanding customer service in a timely manner to both guests and fellow employees.
- Maintains a hygienic kitchen, cleaning and sanitizing all work and food stations.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability

required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Age, Gaming and Certifications:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required.

ServSafe or equivalent certification required and provided by employer. Must be able to pass ServSafe or equivalent requirements and testing.

Education and/or Experience:

High school degree or equivalent preferred.

Minimum 1 year in food & beverage sanitation experience preferred.

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to present information.

Mathematical Skills & Reasoning Ability:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Memoire)

JOB POSITON (AND UNIQUE JOB CODE): Food Server I 7200

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Food Server will be responsible for curating the overall guest experience, taking food/beverage orders, carrying out wine/beverage service, performing table maintenance, completing side work, maintaining health code standards, and providing excellent customer service for guests. This includes, but is not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of venue wide service and satisfaction.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Food Server I 7200

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	Responsible for the service of guests and alcohol sales when ordered in dining room.
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield and Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Food Server I 7200

The undersigned states that the information herein is true and accurate.

Christine Roane

Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Food Server

POSITION SUMMARY

The Big Night Venues Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Food Server will be responsible for curating the overall guest experience, taking food/beverage orders, carrying out wine/beverage service, performing table maintenance, completing side work, maintaining health code standards, and providing excellent customer service for guests. This includes, but is not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of venue wide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations. Prepares mise en place before, during and after service.
- Assists with the preparation and movement of tables based on business levels.
- Prepares service stations and service equipment
- Polishes glassware, silverware and china.
- Has the ability to speak knowledgably at length with guests about the food and beverage selections, aiding their decision-making process.
- When working in a team format, assumes a leadership role, delegating tasks always with the guest experience in mind.
- Attends and participates in daily briefings and other meetings as scheduled.
- Professionally handle inquiries billing and payment of bills in compliance with BNEG's established policies and procedures.
- Professionally handle POS system, ringing and properly recording meals and drinks as requested by guest.
- Strictly adhere to BNEG's established policies and procedures with regard to the handling of payments.

- Adheres to BNEG service standards.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required, including but not limited to an alcohol awareness card.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent preferred.

Minimum 3 years of food server experience and sanitation knowledge preferred.

Outstanding organizational and interpersonal skills as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintains reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects,

tools or controls. The employee is regularly required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least fifty (50) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the kitchen or restaurant floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Memoire)

JOB POSITON (AND UNIQUE JOB CODE): Host Person I 7210

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The **Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Host Person** will be responsible for assisting management by maintaining the reservation book and the flow of service. The Host will greet all guests show them to their tables and accommodate their needs and requests. The host will act as an ambassador for the restaurant that they represent, and be able to speak in detail about the food and beverage selections, event spaces and any special arrangements that can be furnished. Responsibilities include, but are not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Host Person | 7210

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield Encore Boston Harbor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Host Person I 7210

The undersigned states that the information herein is true and accurate.



Christine Roane

Signature

/ Printed Name

05.01.19

Date



Host Person

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Host Person will be responsible for assisting management by maintaining the reservation book and the flow of service. The Host will greet all guests show them to their tables and accommodate their needs and requests. The host will act as an ambassador for the restaurant that they represent, and be able to speak in detail about the food and beverage selections, event spaces and any special arrangements that can be furnished. Responsibilities include, but are not limited to: fulfilling job responsibilities to support the department and maximizing opportunities for success; maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and company and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Actively contributes to departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Follows that all applicable internal policies, federal and state laws, rules, regulations and companywide controls are enforced within the department.
- Delivers and maintains a maximum level of companywide service and satisfaction.
- Contributes to company-wide communication and best practices.
- Keeps informed of all new developments within the department.
- Balances multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Provides information on all aspects of available services and facilities for guests.
- Greets guests and arranges seating; monitors room atmosphere.
- Quotes accurate waiting times and handles guest waiting lists or reservations in accordance with established procedures.
- Assists guests with reservations via phone and in person; makes confirmation calls when appropriate.
- Assists guests with special requests and connects them with other departments that can fulfil their needs.
- Oversees quality check and rotation of menus.
- Communicates with co-workers and supervisor to ensure quality service.
- Assists with special projects as assigned by restaurant management.

- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Becomes proficient and maintains table management system.
- Relays VIPs special needs, occasions to servers and management.
- Engages and reads guest when leaving to access if any issues or concerns.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Must be able to obtain and maintain any licensing or active work cards required.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent preferred.

Minimum 1 year of hosting experience preferred.

Basic computer skills and knowledge of Microsoft Office a plus.

Outstanding organizational and interpersonal skills as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Conversational English required, second language a plus. Ability to write instructions. Ability to present information.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintains reports upon request.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is regularly required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least thirty (30) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the restaurant floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the company.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Big Night Venues Boston Harbor LLC (d/b/a Memoire)

JOB POSITON (AND UNIQUE JOB CODE): Receiver I 7560

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: January 1, 2019

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position Summary

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Receiver will conduct the daily operations of BNEG receiving operations, maintaining security, receipt and disbursement of goods, and accurate tracking of receipts. Responsibilities include, but are not limited to: maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and property and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Completes daily activities to maintain departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Contributes to venue communication and best practices.
- Provides professional internal and external guest service, which may require levels of patience, tact and diplomacy.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- ~~Must have the ability to promote positive, fair, and ethical relations with all team members, with all BNEG~~

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Receiver I 7560

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	Position is held with vendor restaurant. No work performed on the gaming floor or gaming machines.
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	Responsible for receipt of alcohol upon arrival to loading dock, transportation to venue and then storage.
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	This position is held within a tenant leased space with no direct access to gaming floor nor any secure BOH casino areas. We are asking consideration for exemption based on these facts and previous exemption precedence set for similar position at MGM Springfield.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Receiver I 7560

The undersigned states that the information herein is true and accurate.

Christine Roane

Signature

/ Christine Roane

/ Printed Name

05.01.19

Date



Receiver

POSITION SUMMARY

The Big Night Boston Harbor LLC (d/b/a Mystique; d/b/a Memoire) Receiver will conduct the daily operations of BNEG receiving operations, maintaining security, receipt and disbursement of goods, and accurate tracking of receipts. Responsibilities include, but are not limited to: maintaining all BNEG Standards; and ensuring excellent guest and team member experience.

JOB RESPONSIBILITIES:

- Ensures all BNEG core values and property and department standards are implemented and applied.
- Participates in short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Completes daily activities to maintain departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures; records and reports.
- Contributes to venue communication and best practices.
- Provides professional internal and external guest service, which may require levels of patience, tact and diplomacy.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all BNEG contractors, and in all interactions as an ambassador of the BNEG brand.
- Handles all inbound receipts, following all company processes.
- Ensures all receipts are processed in the system timely and in order.
- Notifies all necessary management with inbound problems.
- Responsible for the receipt of all returns, following correct processes.
- Assists in researching/resolving problem receipts and on hand inventory variances.
- Conducts the flow of inbound product to designated areas.
- Works with safety as a priority, and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each job responsibility satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability

required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

AGE AND CERTIFICATIONS:

18 years of age or above.

Pallet jack operator certification preferred.

EDUCATION AND/OR EXPERIENCE:

High school degree or equivalent required. Bachelor's Degree in a related field or equivalent experience preferred.

Minimum 2 years of receiving experience required, with a prior leadership role preferred.

Requires general computer skills and basic knowledge of Microsoft Office.

Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

LANGUAGE SKILLS:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents. Ability to respond to common inquiries from other employees or guests. Fluency in English required, second language a plus.

Ability to write detailed instructions and correspondence. Ability to effectively present information in one-on-one and group situations.

MATHEMATICAL SKILLS & REASONING ABILITY:

Ability to compute basic mathematical calculations. Ability to decipher various reports and maintain reports upon request.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to talk and hear. The employee is also regularly required to stand, walk, sit, and use hands to finger, handle, or feel objects, tools or controls. The employee is occasionally required to reach with hands and arms, and to sit, climb or balance, and stoop, stretch, bend, kneel, crouch, or crawl.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Essential responsibilities include moderate physical ability such as lift or maneuver at least eighty (80) pounds, and varied instances of standing/walking.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those that exists while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The noise level in the work environment is typically moderate. When on the warehouse floor or some back of house areas, the noise level increases to loud. Must be able to interact with internal and external guests in a professional manner.
- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.



TO: Cathy Judd Stein, Chair
Gayle Cameron, Commissioner
Eileen O'Brien, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

FROM: Bill Curtis, Licensing Manager

DATE: May 17th, 2019

RE: Gaming Service Employee (SER) Exemptions: Dunkin Donuts

SUMMARY

The following request for two (2) registration exemptions at Encore Boston Harbor are being presented to the Commission for consideration and approval. Each position will be employed by Dunkin Donuts, a licensed vendor.

VENDOR EMPLOYEE POSITIONS			
Job Profile Number	Position	Department	Property Access Level
N/A	Xpert Centralized Crew Trainer	Dunkin' Donuts	N ¹
N/A	Crew Member	Dunkin' Donuts	N ¹

The Licensing staff worked with Dunkin' Donuts in developing this recommendation and is in agreement with the two positions contained in this packet.

BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service Employee" level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wynn MA LLC (dba Encore Boston Harbor)

JOB POSITION (AND UNIQUE JOB CODE): Crew Person

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>Primary Purpose: Provide customers with prompt and superior guest service at the Encore location. Help maximize store sales by proper use of selling techniques. Responsible for stocking of front-end supplies, cleaning and maintenance of equipment and surfaces in the service area. Will also contribute to the maintenance of the overall facility (restrooms, customer sales area, outside) as assigned. Accountable for any cash over or shortages while operating a POS (Point of Sale) terminal. Must be capable of counting money and making change.</p> <p>Superior Guest Service: Use the 'Six Steps' of customer service' to deliver exemplary customer service; Provide an extraordinary experience to each customer in a professional courteous manner; Adheres to all policy and procedure defined in the 'Rules of the shop' and employee handbook.</p> <p>Superiority Quality: Understands and adheres to all quality standards; Achieves 100% accuracy in guest orders</p> <p>Elite Standards: Proper uniform worn; neat, clean, wrinkle-free and in good repair at all times; Good personal hygiene is required at all times; Hair must be neat, clean, and maintained. No extreme styles, colors, designs; Visible tattoos are not permitted. Small visible tattoos must be covered; Jewelry must be tasteful and not excessive in style or size</p> <p>NGP Management, LLC is an equal opportunity employer. We celebrate diversity and are committed to creating an inclusive environment for all employees</p>	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Crew Person

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort OR Access Level: N Does have access to secure casino BOH areas; is continuously monitored and supervise and/or observed by others; no security escort.
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Crew Person

The undersigned states that the information herein is true and accurate.

Patricia Lincoln
Signature

Patricia Lincoln
/ Printed Name

2-22-2019
Date



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wynn MA LLC (dba Encore Boston Harbor)

JOB POSITION (AND UNIQUE JOB CODE): Xpert Centralized Crew Trainer

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>Primary Purpose: The Xpert Centralized Crew Trainer will provide onboarding, orientation and thorough positional training within the parameters of the exclusive Encore crew training program, utilizing mandatory tools (flipbook, job aids, training booklets) and communicating progress and evaluation to relevant parties to develop an elite caliber of employees at the Encore location.</p> <p>Essential Duties and Responsibilities: Conducting of all Orientations for new hires within the prescribed district, to include:</p> <ul style="list-style-type: none">o Usage of Orientation flipbook, to apprise new hires of Employee Handbook standards (i.e. appearance, attendance, evaluation)o Introduction to e-learning, training program, expectations and store organizationo Completion of electronic New Hire Paperwork, submitted online for payroll processing and E-Verify. Rectification of any paperwork errors or follow-up forms such as WOTC or Tentative Non-Confirmation, as applicable. New Hire Paperwork, for which extensive training and support is provided, includes: I-9, W-4, state and federal as applicable, Auxiliary forms, may vary by state (asset protection notification, job description, safety program), Insurance forms, Handbook Acknowledgement and Sexual Harassment, Work Opportunity Tax Credit (WOTC) and HIRE Act call completion, New Hire Paperwork DOES NOT include access to confidential payrate information <p>Ambassador for Superior Guest Service, Elite Standards and superior quality: Ensuring Superior Guest Service standards are executed by all employees; Conveying Elite Standards Importance and implementation; Certifying that Superior quality standards are developed and maintained; Attract and develop future high performing employees</p> <p>NGP Management, LLC is an equal opportunity employer. We celebrate diversity and are committed to creating an inclusive environment for all employees</p>	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Xpert Centralized Crew Trainer

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort OR Access Level: N Does have access to secure casino BOH areas, is continuously monitored and supervise and/or observed by others; no security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	None

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Xpert Centralized Crew Trainer

The undersigned states that the information herein is true and accurate.



Signature

Patricia Lincoln

/ Printed Name

2-22-2019

Date

Encore Boston Harbor

Appendix to Gaming Beverage License Application





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DRAFT BEER, LIQUOR DISPENSING SYSTEM and POINT-OF-SALE CONTROLS (Process)

- **DRAFT BEER:**

- In any outlet with draft beer towers, tap locks will be deployed no later than 2:00 a.m. in all cash bars and 4:00 a.m. in all Casino Service (Comp) Bars servicing actively gaming guests only.

- **LIQUOR DISPENSING SYSTEMS:**

- In any outlet with Liquor Dispensing Systems, all buttons with Alcoholic Beverage functionality will be automatically disabled no later than 2:00 a.m. in all cash bars and 4:00 a.m. in all Casino Service (Comp) Bars servicing actively gaming guests only. This is configured by IT and System Administrators only and will not have an override function in outlets.

- **POINT-OF-SALE :**

- All Point-of-Sale systems will be configured to disable all buttons associated with Alcoholic Beverage no later than 2:00 a.m. in all cash bars and 4:00 a.m. in all Casino Service (Comp) Bars servicing actively gaming guests only. This is configured by IT and System Administrators only and will not have an override function in outlets.



LIQUOR BOTTLE SERVICE (Process)

- **RESTAURANTS:**

- Liquor Bottle Service will only occur during private events in the venue.
- Bottles are in possession or under the control of the Server at all times. The bottle is never left unattended with a guest.
- Bottles are removed from the table in-between service and placed in a designated area in a Side Service Station.
- Guests are at no time allowed to pour their own drinks. Guests are only permitted to be served one drink at a time.
- Additional service is performed as needed by the Server who retrieves the bottle and then removes after drinks have been poured.

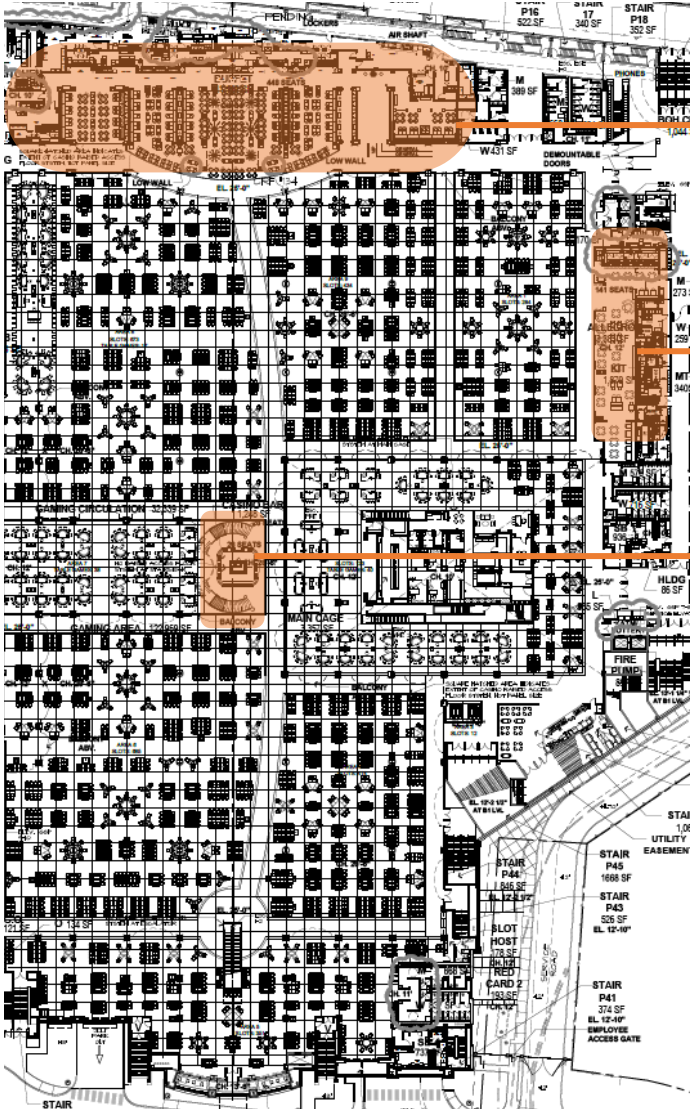
- **LOUNGES & NIGHTCLUBS:**

- Bottles are in possession or under the control of the Server at all times. The bottle is never left unattended with a guest.
- When appropriate, a dedicated Server will hold the bottle tableside in-between service. When a dedicated Server is not available, Bottles are removed from the table in-between service and placed in a designated areas in a Side Service Station.
- Guests are at no time allowed to pour their own drinks. Guests are only permitted to be served one drink at a time.
- Additional service is performed as needed by the Server who either retrieves the bottle from the Side Service Station, or if stationed tableside, as needed. Bottles are always removed after drinks have been poured.

- **IN-ROOM BOTTLE SERVICE (HOSPITALITY EVENTS):**

- For private hospitality events held in guest rooms, bottles are in possession or under the control of the Server at all times. The bottle is never left unattended with a guest.
- Bottles are removed from the table in-between service and placed in a designated area attended by the Server.
- Guests are at no time allowed to pour their own drinks. Guests are only permitted to be served one drink at a time.
- Additional service is performed as needed by the Server who retrieves the bottle and then removes after drinks have been poured.
- Guests will not be permitted to order bottles of alcohol (other than wine) from in-room dining services.

GROUND LEVEL LICENSED AREAS (1 of 2)

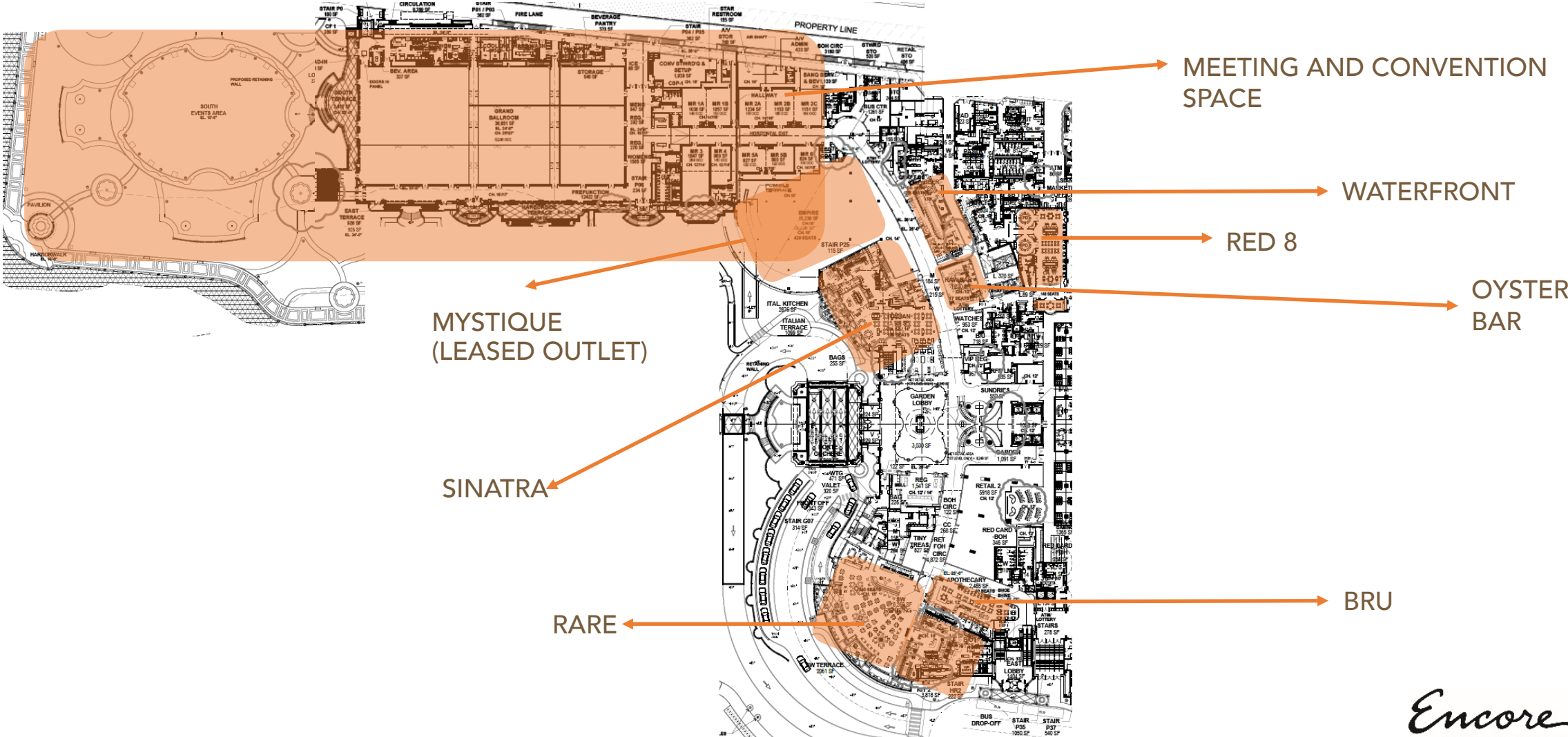


THE BUFFET

FRATELLI (LEASED OUTLET)

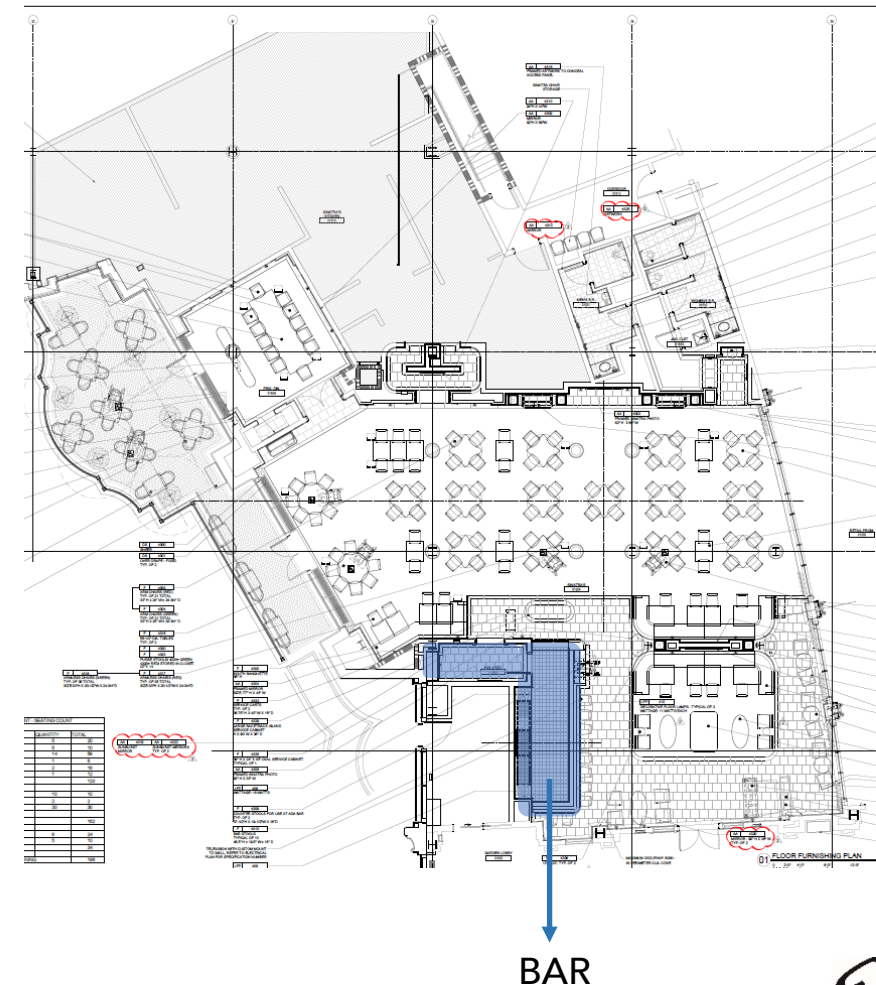
CENTER BAR

GROUND LEVEL LICENSED AREAS (2 of 2)



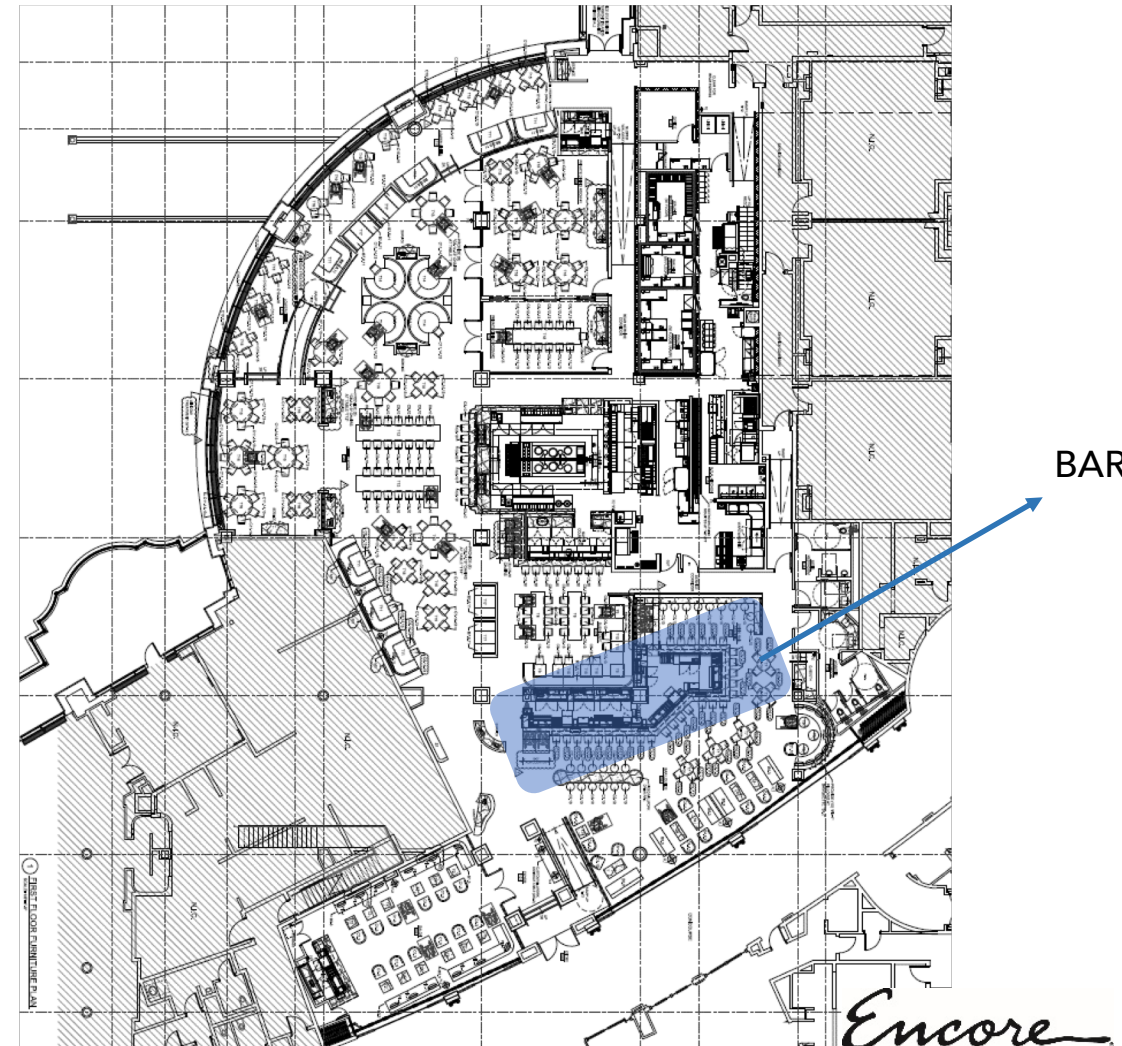
SINATRA

- **BUSINESS CONCEPT:** Assorted modern and classic Italian cuisine.
- **DESCRIPTION:** Elegant restaurant and bar neighboring the Garden Lobby. Outside patio seating available (no exterior access available – guests must enter through the main entrance).
- **NORMAL HOURS OF OPERATION:** Dinner nightly 5:00 p.m. -10:00 p.m.; Bar opens at 4:00 p.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (196); Bar Seats (12); Dining Area (138); Private Dining (12); Patio Seating (34).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and distributed from the bar by servers to guests in the dining room or on the patio.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in the venue which has enclosed walls and a locked front door. There is no draft beer in this venue. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).



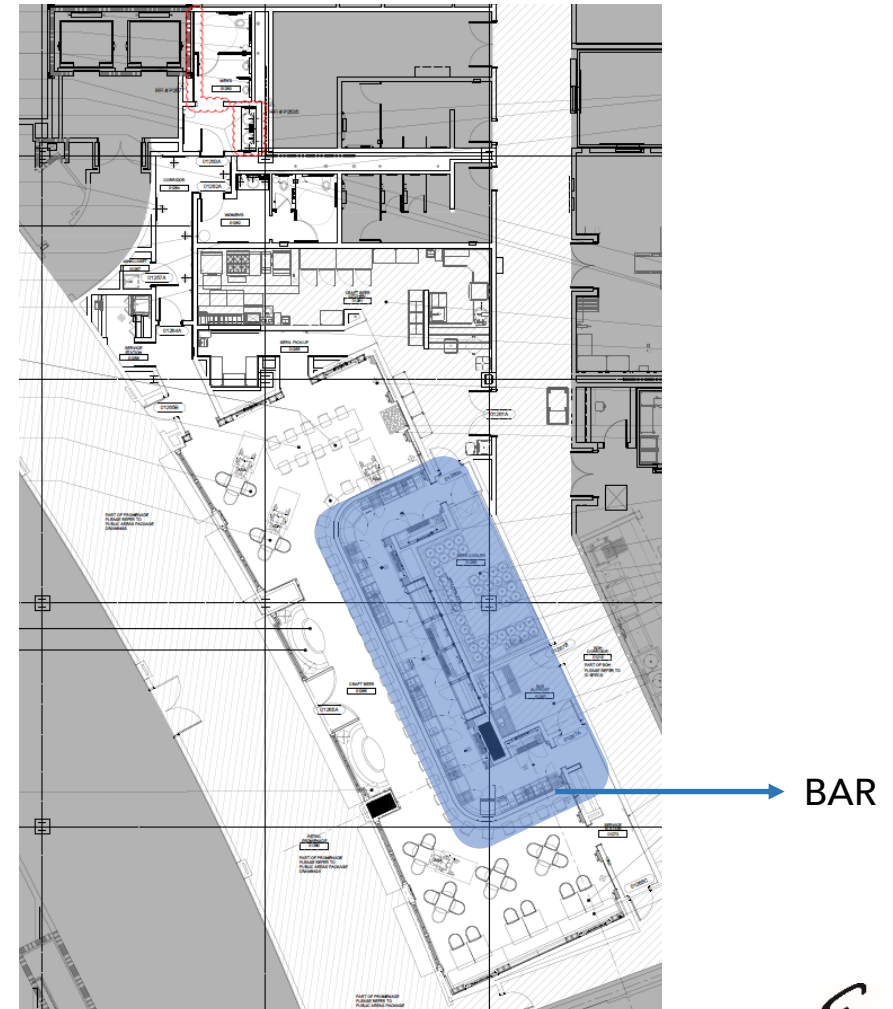
MYSTIQUE – LEASED OUTLET

- **BUSINESS CONCEPT:** Casual Asian fusion dining.
- **DESCRIPTION:** Asian inspired cuisine and sushi restaurant and bar adjoining the West Esplanade.
- **NORMAL HOURS OF OPERATION:** Dinner Sunday through Thursday 5:00 p.m. - 10:00 p.m.; Friday and Saturday 5:00 p.m. - 2:00 a.m.; Bar opens at 3:30 p.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (531); Bar Seats (103); Dining Area (302); Private Dining (86); Patio Seating (40).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and distributed from the bar by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in the venue which has enclosed walls and a locked front door. Tap locks will be deployed for draft towers. Security officer will be posted in this Esplanade 24 hours daily. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Jason Nichols.



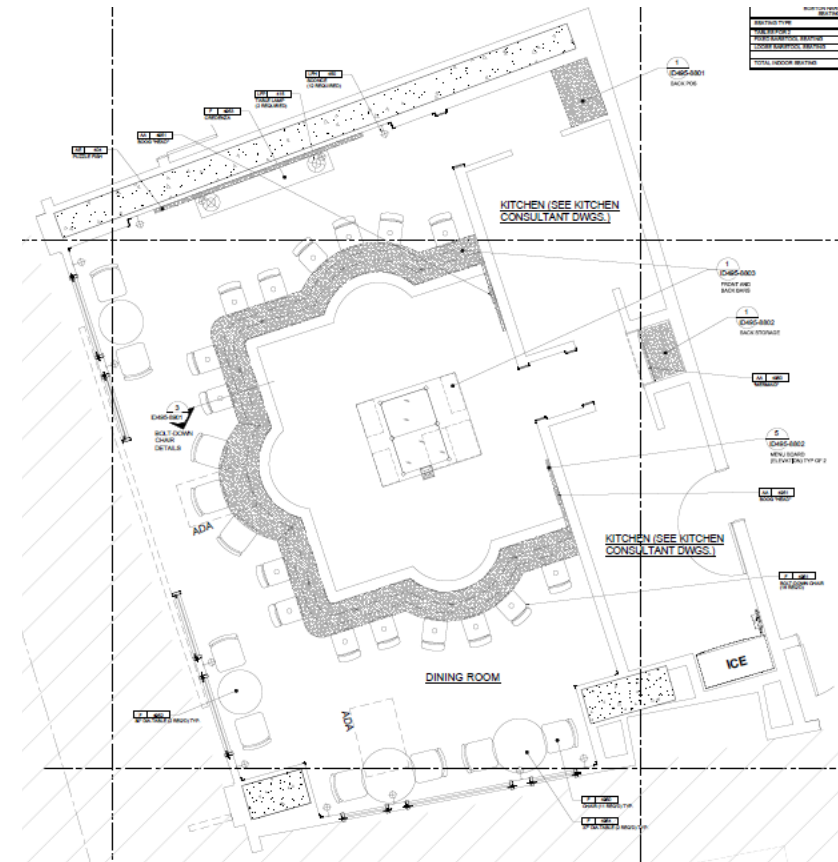
WATERFRONT

- **BUSINESS CONCEPT:** Shareable plates and snacks, craft beer and spirits.
- **DESCRIPTION:** Casual dining restaurant adjoining the West Esplanade.
- **NORMAL HOURS OF OPERATION:** Dinner Monday through Thursday 4:00 p.m. - 11:00 p.m.; All day menu Friday and Saturday 11:00 a.m. - 2 :00 a.m.; Sunday 11:00 a.m. - 10:00 p.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (80); Bar Seats (27); Dining Area (27); Private Dining (0).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and from the bar by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in the venue which has enclosed walls and a locked front door. Tap Locks will be deployed for draft towers. Security officer posted in this Esplanade 24 hours daily. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



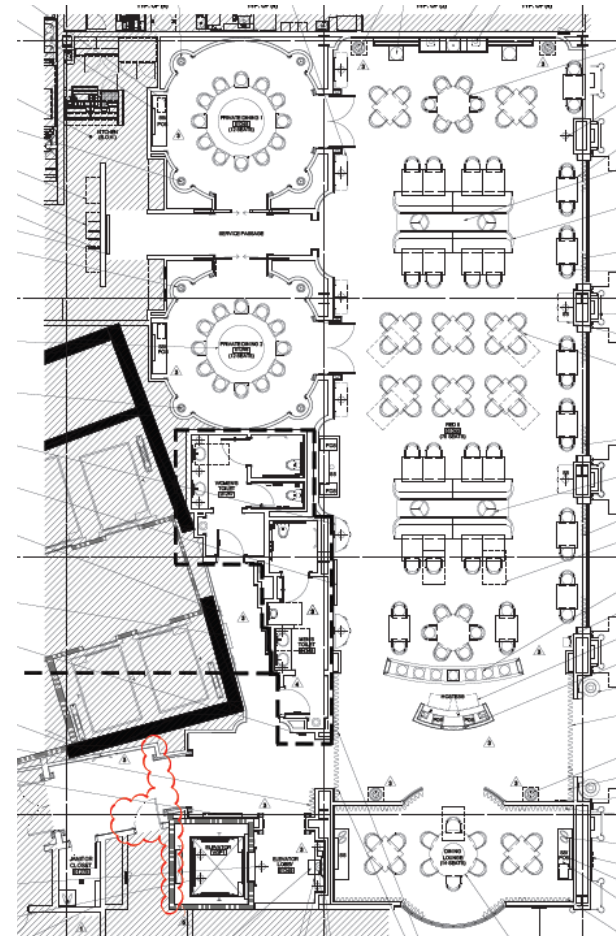
OYSTER BAR

- **BUSINESS CONCEPT:** Raw Bar.
- **DESCRIPTION:** Casual Dining Restaurant adjoining the West Esplanade.
- **NORMAL HOURS OF OPERATION:** All day menu Sun thru Thurs 11:00am-10:00pm; Fri and Sat 11:00am-11:00pm.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (27); Bar Seats (19); Dining Area (8); Private Dining (0).
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All beer and wine will be locked behind the bar. No liquor bottles are displayed when closed. Tap Locks will be deployed for Draft Towers. This venue does not have a locked front door so will be stanchioned off when closed. Security officer posted in this Esplanade 24 hours daily. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



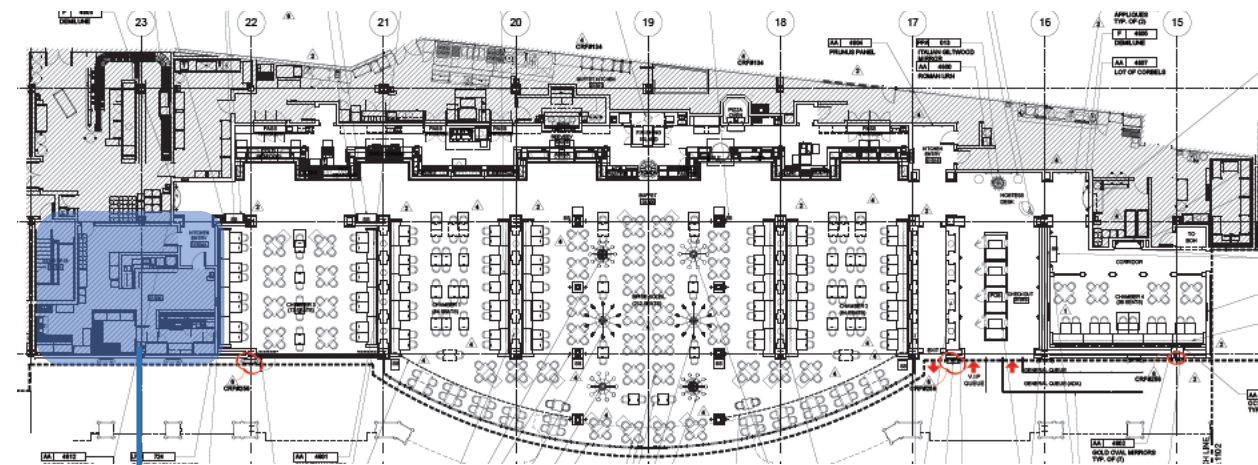
RED 8

- **BUSINESS CONCEPT:** Chinese casual dining.
- **DESCRIPTION:** Casual dining restaurant adjacent to the casino floor.
- **NORMAL HOURS OF OPERATION:** All day menu Sunday thru Thursday 11:30 a.m. - 10:00 p.m.; Friday and Saturday 11:30 a.m. - 3:00 a.m. (Non-alcoholic beverage service only from 2:00 a.m. – 3:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (132); Dining Area (108); Private Dining (24).
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** There is no guest facing bar in this venue. All liquor, beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



THE BUFFET

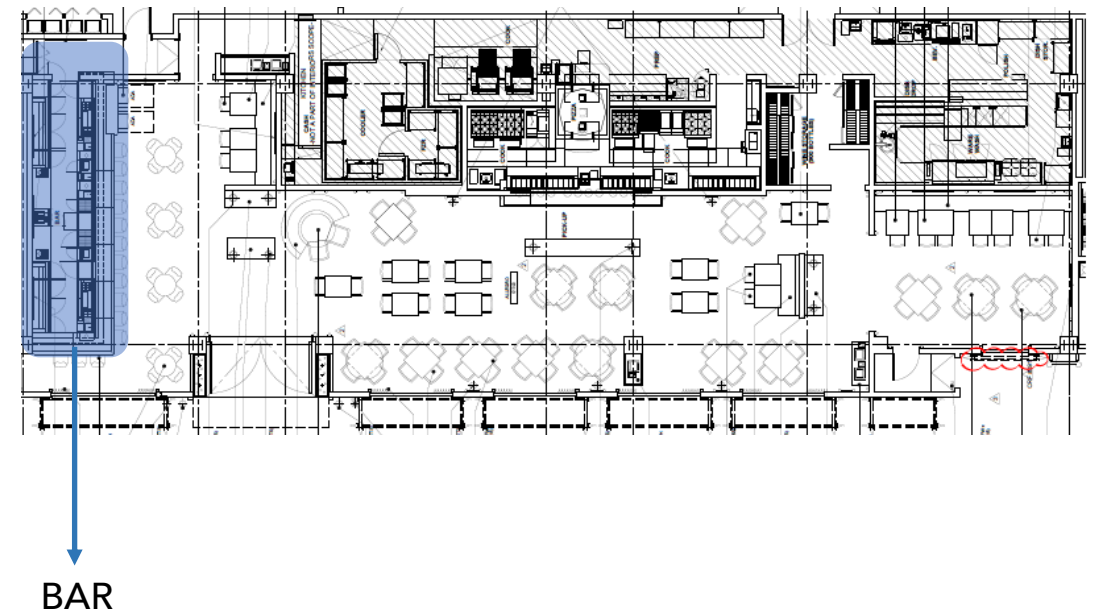
- **BUSINESS CONCEPT:** All-you-can-eat casual dining.
- **DESCRIPTION:** Casual dining restaurant adjacent to the casino floor.
- **NORMAL HOURS OF OPERATION:** Lunch Monday thru Friday 11:00 a.m. - 3:30 p.m.; Brunch Saturday and Sunday 9:00 a.m. - 3:30 p.m.; Dinner daily 4:00 p.m. - 10:00 p.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (448); Dining Area (412); Private Dining (36).
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** There is no guest facing bar in this venue. All liquor, beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



SERVICE BAR

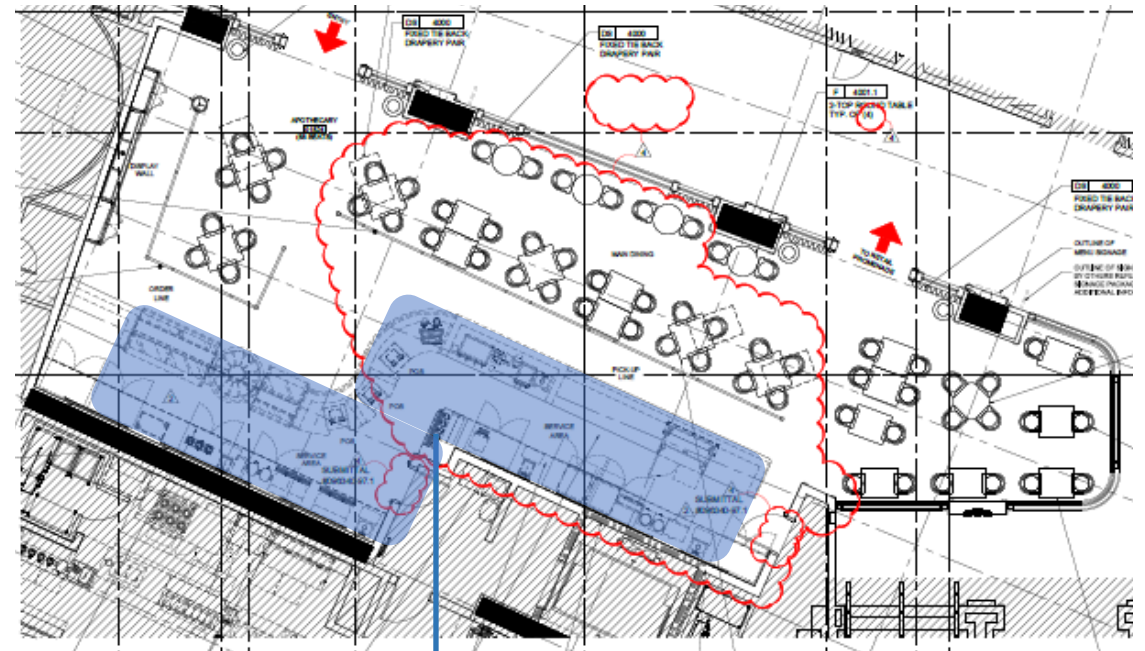
FRATELLI – LEASED OUTLET

- **BUSINESS CONCEPT:** Italian Cuisine.
- **DESCRIPTION:** Casual dining restaurant and bar adjacent to the casino floor.
- **NORMAL HOURS OF OPERATION:** 10:00 a.m. - 4:00 a.m. daily. (Non-alcoholic beverage service only from 2:00 a.m. – 4:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (134); Bar Seats (16); Dining Area (118); Private Dining (26).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and distributed from the bar by servers to guests in the dining room .
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Frank DePasquale.



BRU

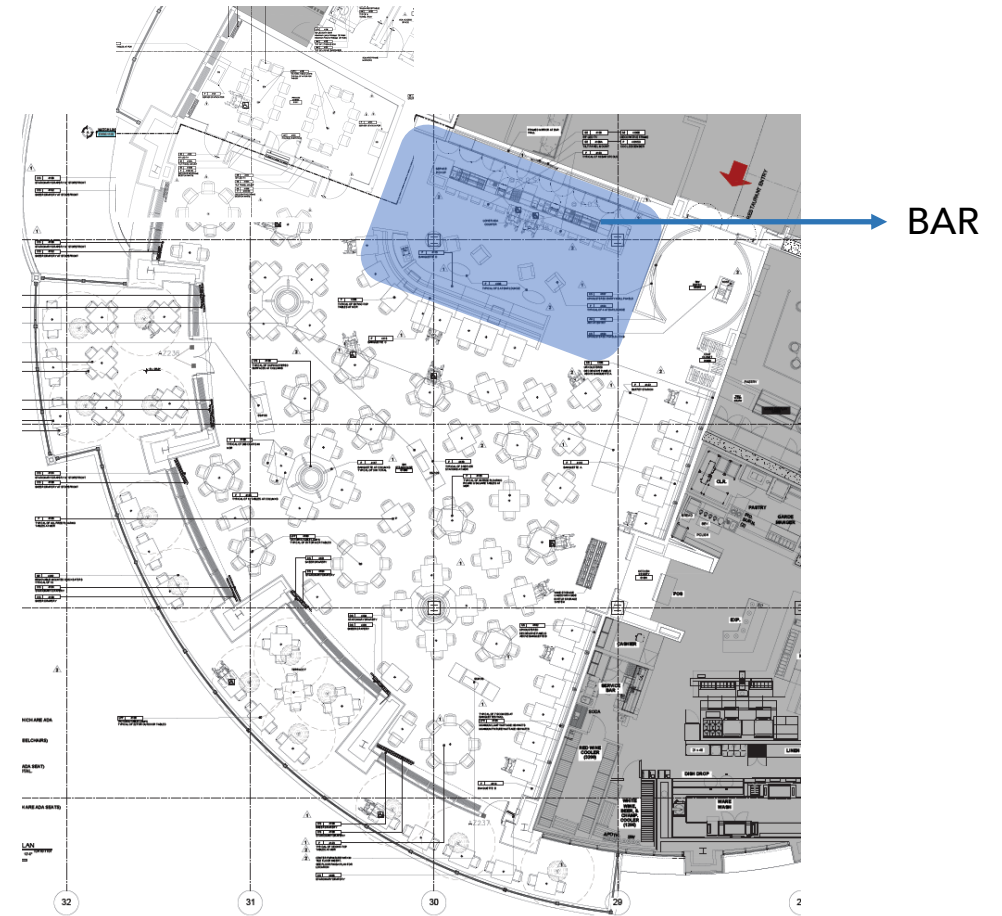
- **BUSINESS CONCEPT:** Fast casual dining.
- **DESCRIPTION:** Casual dining restaurant adjoining the East Esplanade.
- **NORMAL HOURS OF OPERATION:** 24 hours daily. (Non-alcoholic beverage service only from 2:00 a.m. – 8:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (68); Bar Seats (0); Dining Area (68).
- **ALCOHOL DISPENSING AREA:** Distributed by fountain workers at the counter.
- **BOTTLE SERVICE:** No.
- **STORAGE and SECURITY:** All alcoholic beverages are removed from guest view and locked behind the bar or in back-of-house storage from 2:00 a.m. – 8:00 a.m. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



BAR

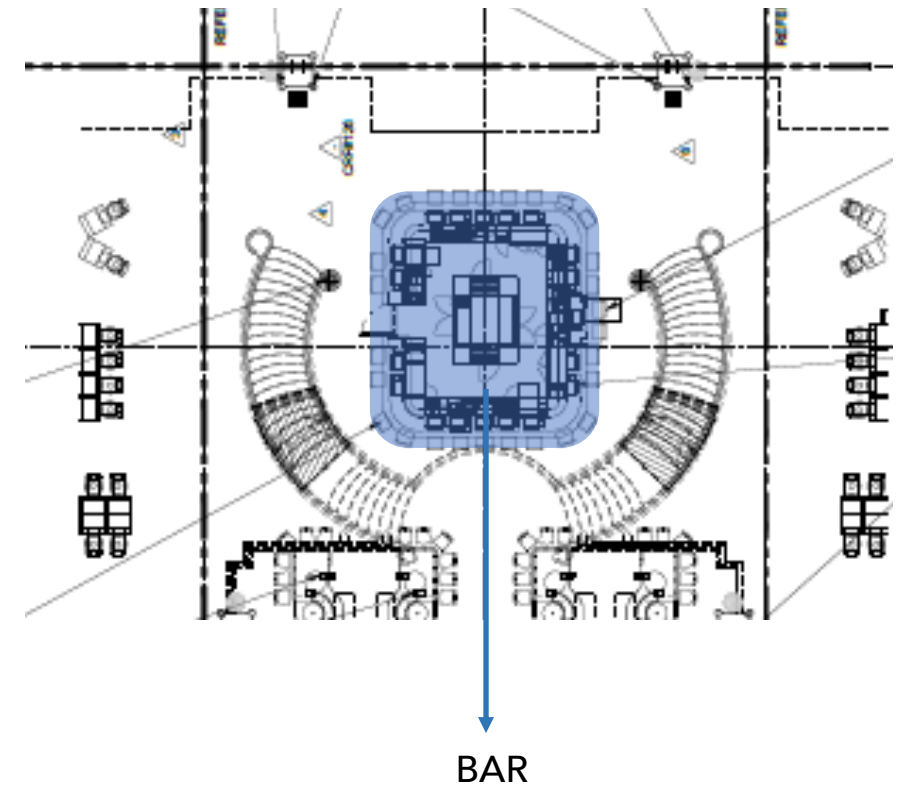
RARE STEAKHOUSE

- **BUSINESS CONCEPT:** Classic Steakhouse and Bar.
- **DESCRIPTION:** Elegant restaurant and bar adjoining the East Esplanade. Outside patio seating available. (No exterior access available – guests must enter through the main entrance)
- **NORMAL HOURS OF OPERATION:** Dinner nightly 5:00 p.m. -10:00 p.m.; Bar opens 4:00 p.m. daily
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (328); Bar Seats (10); Dining Area (218); Private Dining (20); Patio Seating (60).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and from the bar by servers to guests in the dining room or on the patio.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in the venue which has enclosed walls and a locked front door. All liquor, beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



CENTER BAR

- **BUSINESS CONCEPT:** Cash Bar for non gaming guests. Comp beverage service for actively gaming guests.
- **DESCRIPTION:** Cocktail bar in the center of the casino floor.
- **NORMAL HOURS OF OPERATION:** 24 hours daily. (Non-alcoholic beverage service only from 4:00 a.m. – 8:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 4:00 a.m.
- **CAPACITY:** Total (28).
- **ALCOHOL DISPENSING AREA:** Beverages will be distributed by bartenders at the counter for cash paying guests or actively gaming guests at their gaming position.
- **BOTTLE SERVICE:** No.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked behind the bar. There is no draft beer in this venue. The point-of-sale system disables alcoholic beverage buttons at 4:00 a.m. This venue is open 24 hours daily which allows for employee presence at all times. A security officer will be posted on the Mezzanine at top of staircase 24 hours daily. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



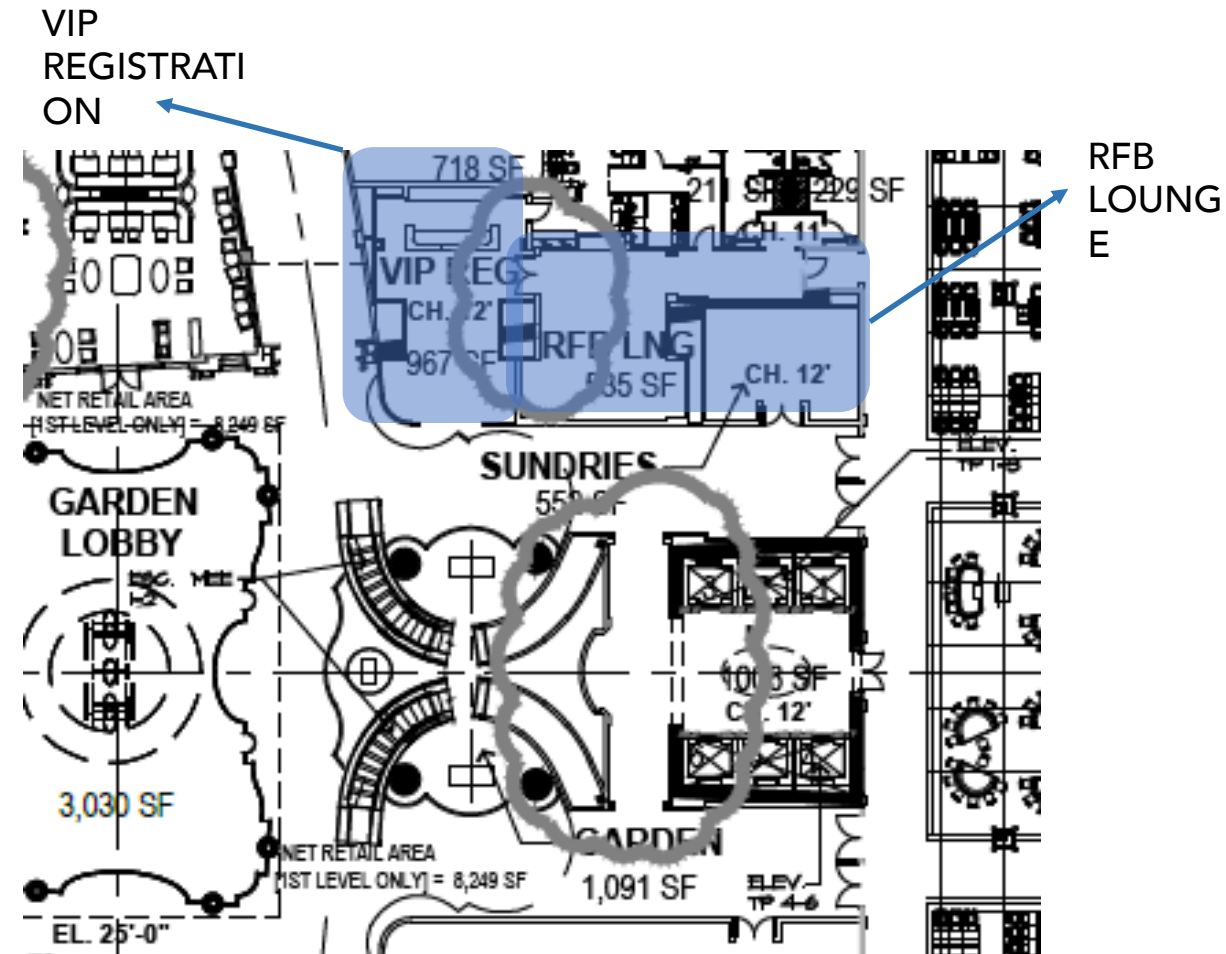
CENTER BAR SLOT COMPLIMENTARY POLICY

Guests that are actively gaming at the bar top electronic gaming terminals will be provided with complimentary beverages. Below are the guidelines for serving complimentary beverages:

- Guests that are actively gaming will be provided complimentary beverage service.
- Complimentary beverages may not exceed \$25.00 in value.
- Beverages exceeding \$25.00 in value must be approved by a Slot Supervisor or above prior to serving and require a hard comp for redemption.
- Guests may only receive one complimentary beverage for every twenty minutes of active gaming.
- Comped beverages less than or equal to \$25.00 in value must be tendered separately to SLOT COMP.
- Actively gaming guests who are dining at the bar will be required to purchase their food items. Their beverage items may be split from the original check and tendered to SLOT COMP. The total number of beverages comped may not exceed three per hour.
- Exceptions to the above policies must be approved by Slot Management
- Between 2:00 a.m. and 4:00 a.m., actively gaming guests will be provided complimentary beverage service from the cocktail service staff through the Casino Service Bar. The Center Bar will not provide alcoholic beverages between 2:00 a.m. and 8:00 a.m.

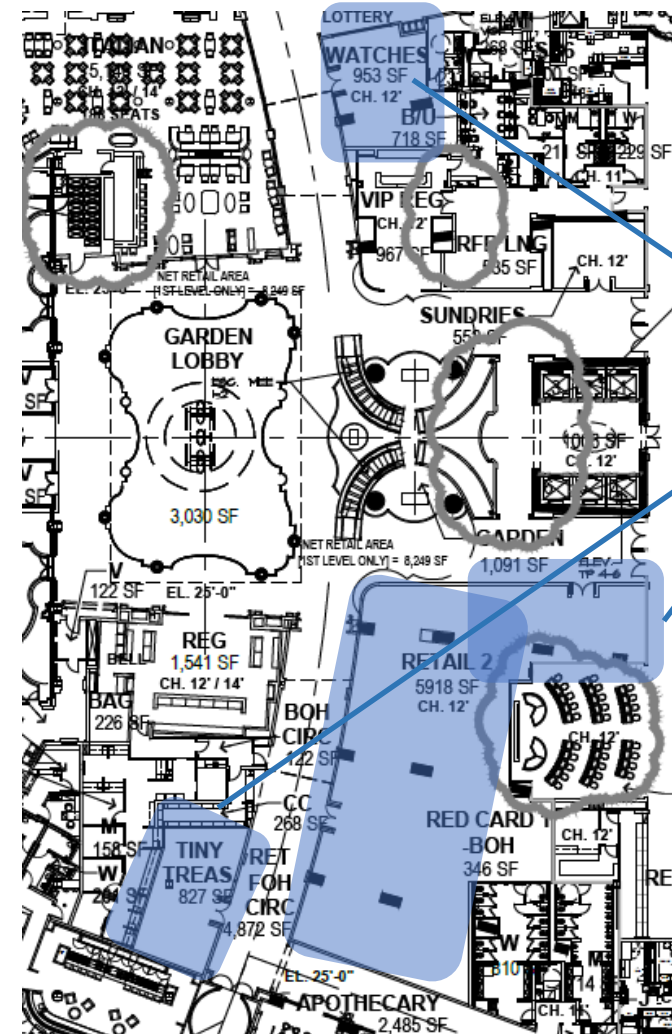
VIP REGISTRATION DESK and RFB LOUNGE

- **DESCRIPTION:** VIP Hotel Check-In.
- **NORMAL HOURS OF OPERATION:** 24 hours daily. (Non-alcoholic beverage service only from 2:00 a.m. – 8:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Not applicable.
- **ALCOHOL DISPENSING AREA:** Distributed by supervisors.
- **BOTTLE SERVICE:** No.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in back-of-house storage. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).



RETAIL STORES

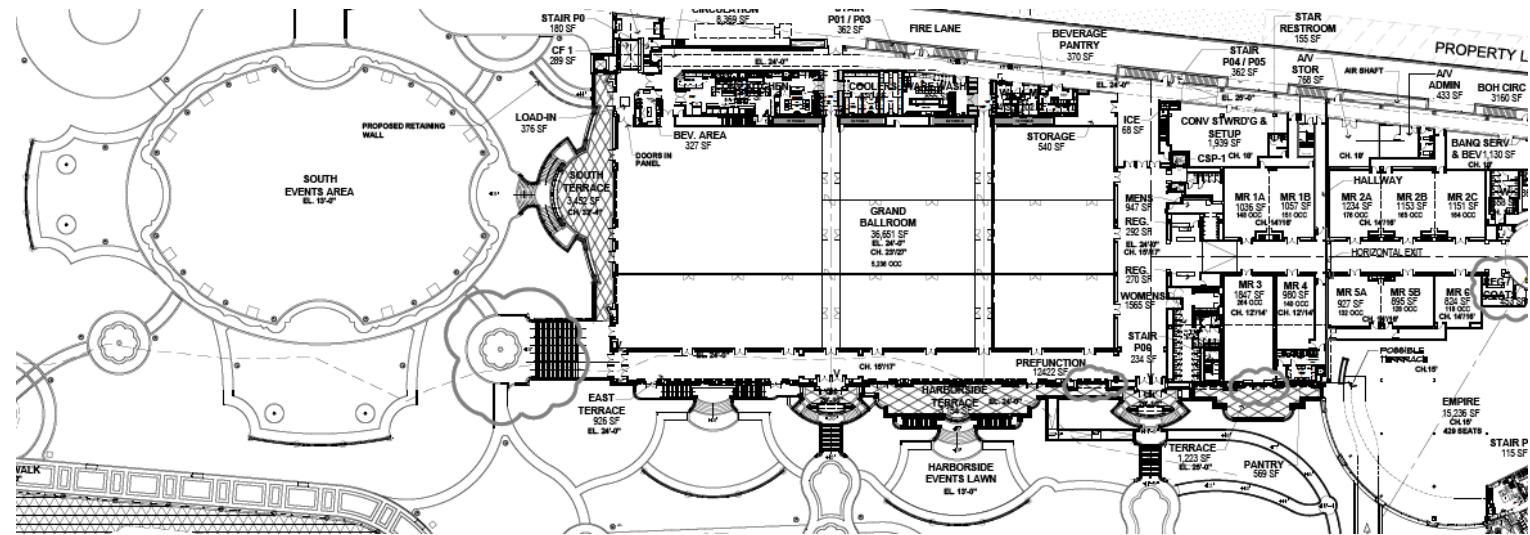
- **DESCRIPTION:** Premium retail collection.
- **NORMAL HOURS OF OPERATION:** 10:00 a.m. - 10:00 p.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Not applicable.
- **ALCOHOL DISPENSING AREA:** Wine and champagne only distributed by supervisors.
- **BOTTLE SERVICE:** No.
- **STORAGE and SECURITY:** All wine and champagne will be locked in back-of-house storage. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).



RETAIL STORES

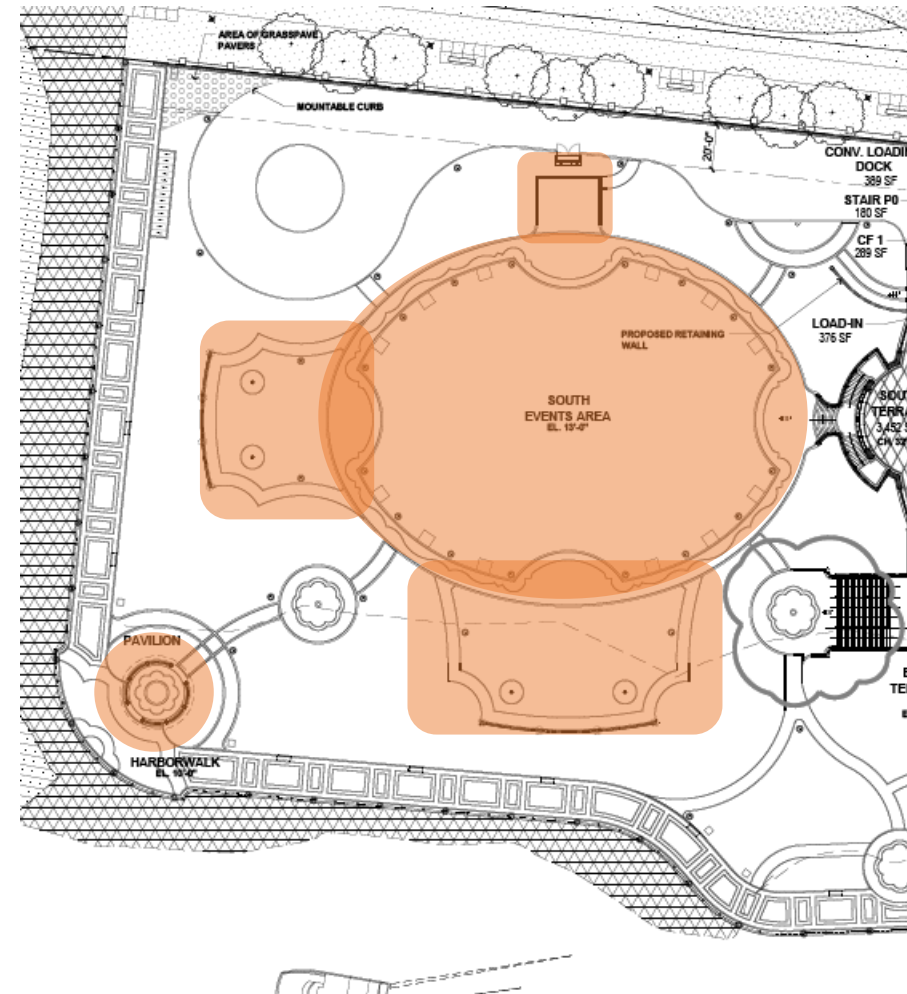
MEETING AND CONVENTION SPACE

- **DESCRIPTION:** Meetings, Banquets and Convention Events.
- **NORMAL HOURS OF OPERATION:** 8:00 a.m. - 12:00 a.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** 6,797.
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** Service occurs only through portable bars which are never unattended. These bars are broken down at an events conclusion and all liquor, beer and wine are locked in back-of-house storage areas. All areas are under 24 hour daily camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



HARBORWALK CONCESSIONS

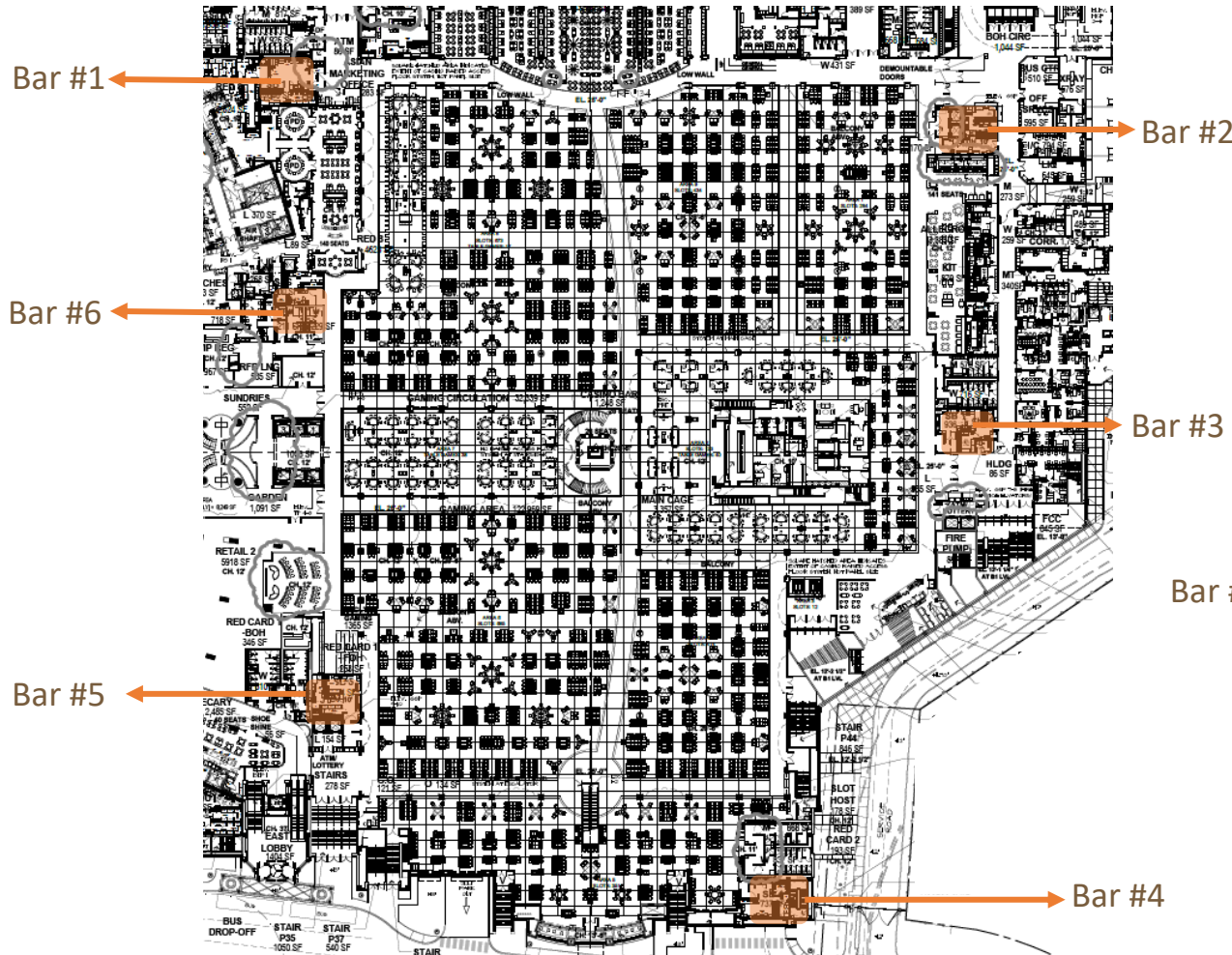
- **DESCRIPTION:** The Harborwalk is serviced by decorative carts that serve food, non-alcoholic and alcoholic beverages when appropriate.
- **NORMAL HOURS OF OPERATION:** 10:00 a.m. - 2:00 a.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Not Applicable
- **ALCOHOL DISPENSING AREA:** Distributed by fountain workers, bartenders, supervisors and managers at the counter and by cocktail servers to seating areas.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** Service occurs through portable carts that are never unattended. These carts have camera coverage and all liquor, beer and wine is returned to back-of-house storage areas when not in use. All areas are under 24 hour daily camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



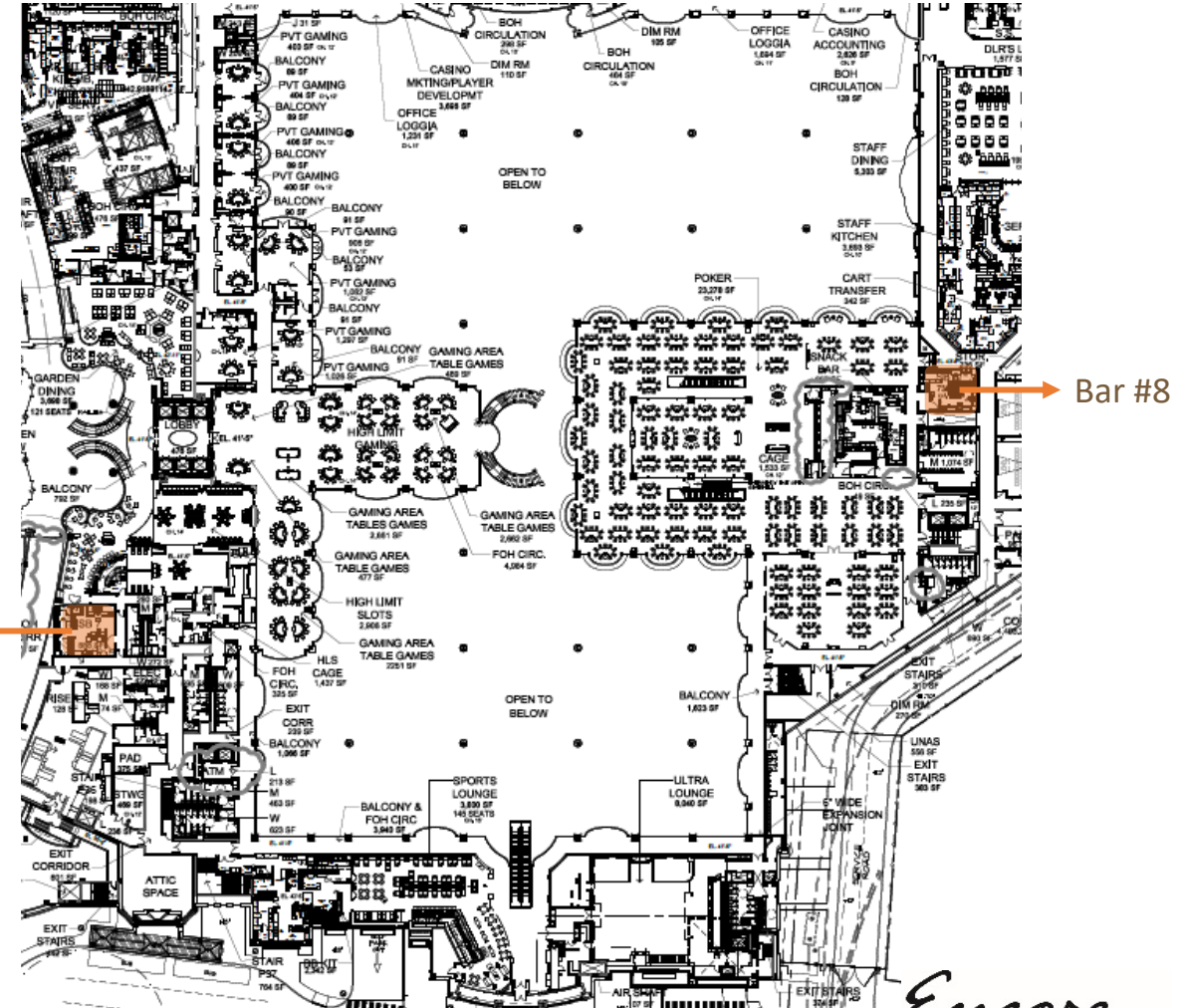
CASINO BEVERAGE SERVICE OVERVIEW

- **BUSINESS CONCEPT:** Beverage service for actively gaming guests.
- **DESCRIPTION:** Cocktail service by designated waitstaff.
- **NORMAL HOURS OF OPERATION:** 24 hours daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 4:00 a.m.
- **CAPACITY:** 4,804.
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by cocktail servers to actively gaming guests only. There are 8 Casino Service Bars, 6 on the Ground Level and 2 on the Mezzanine Level.
- **BOTTLE SERVICE:** Not applicable.
- **STORAGE and SECURITY:** There are no guest facing bars in casino service. All liquor, beer and wine will be locked in back-of-house behind the service bars. Tap locks will be deployed for draft towers. The point-of-sale system and liquor dispensing system automatically disables alcoholic beverage buttons at 4:00 a.m. This venue is open 24 hours daily which allows for employee presence at all times. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).

CASINO BEVERAGE SERVICE (1 of 5)



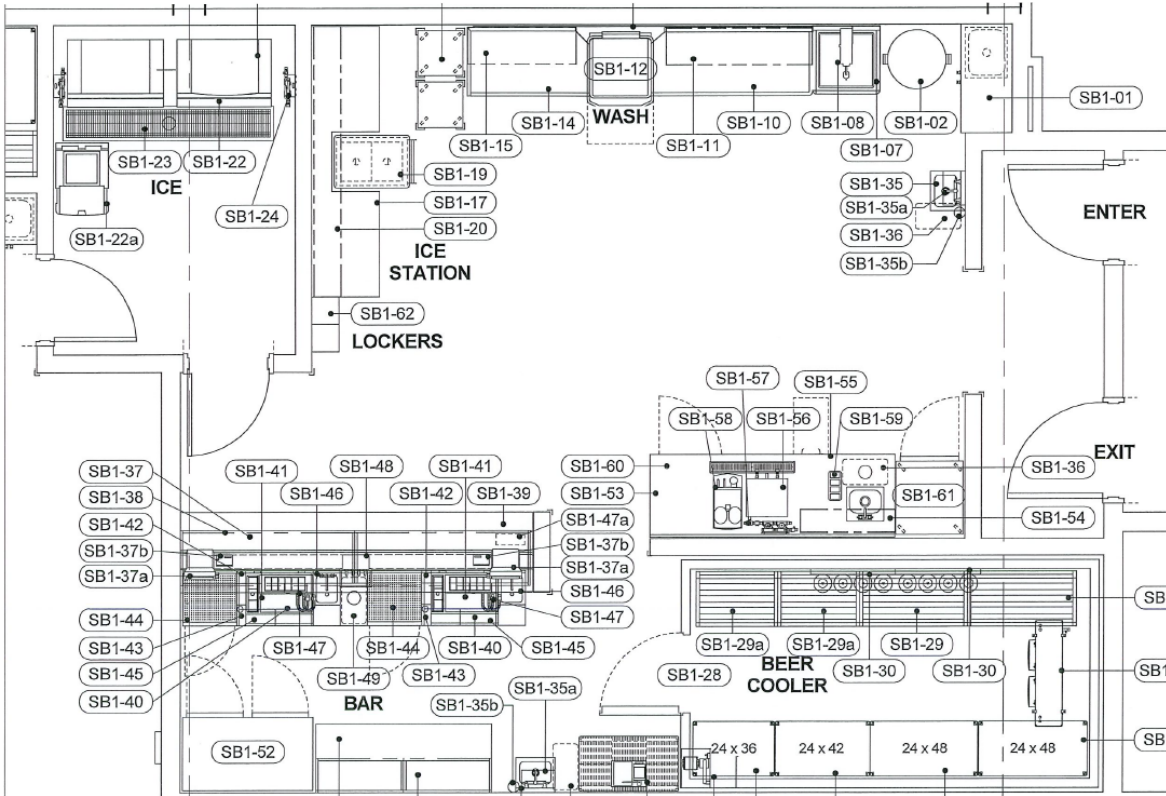
Ground Level



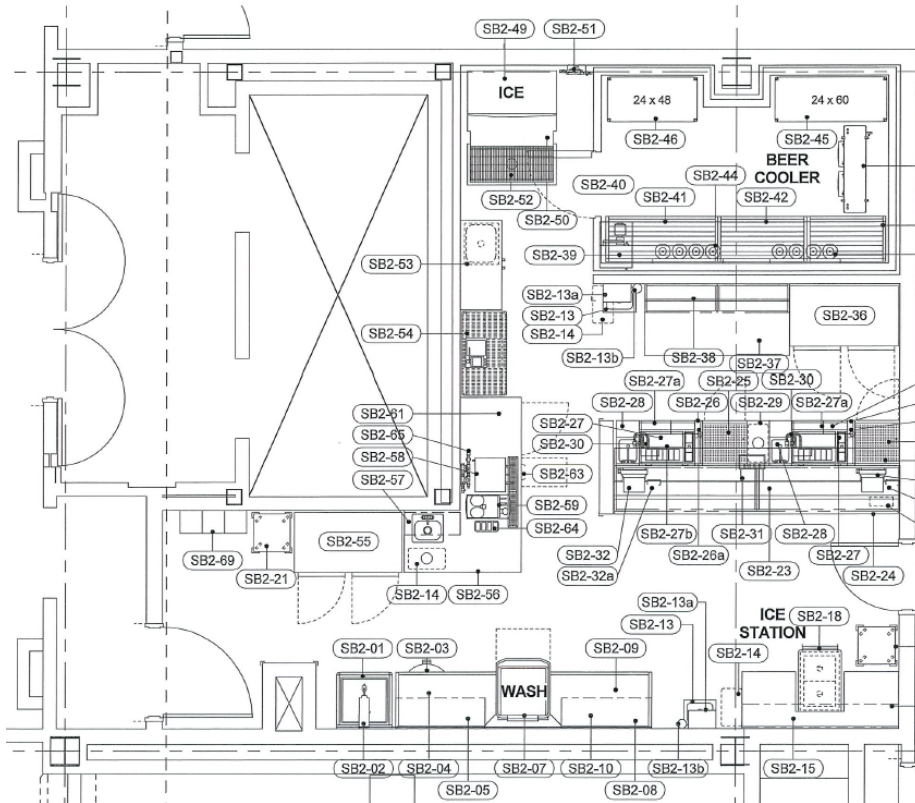
Mezzanine Level

CASINO BEVERAGE SERVICE (2 of 5)

Service Bar #1

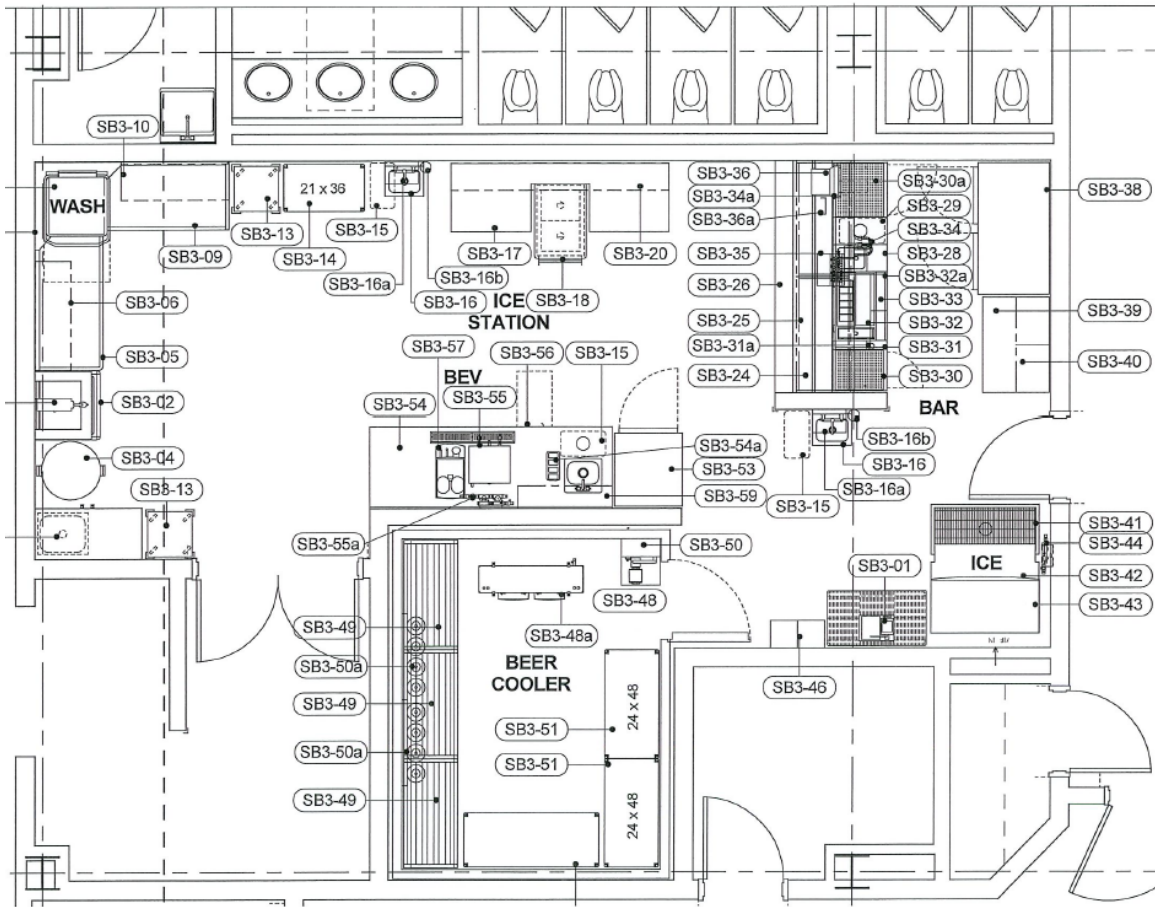


Service Bar #2

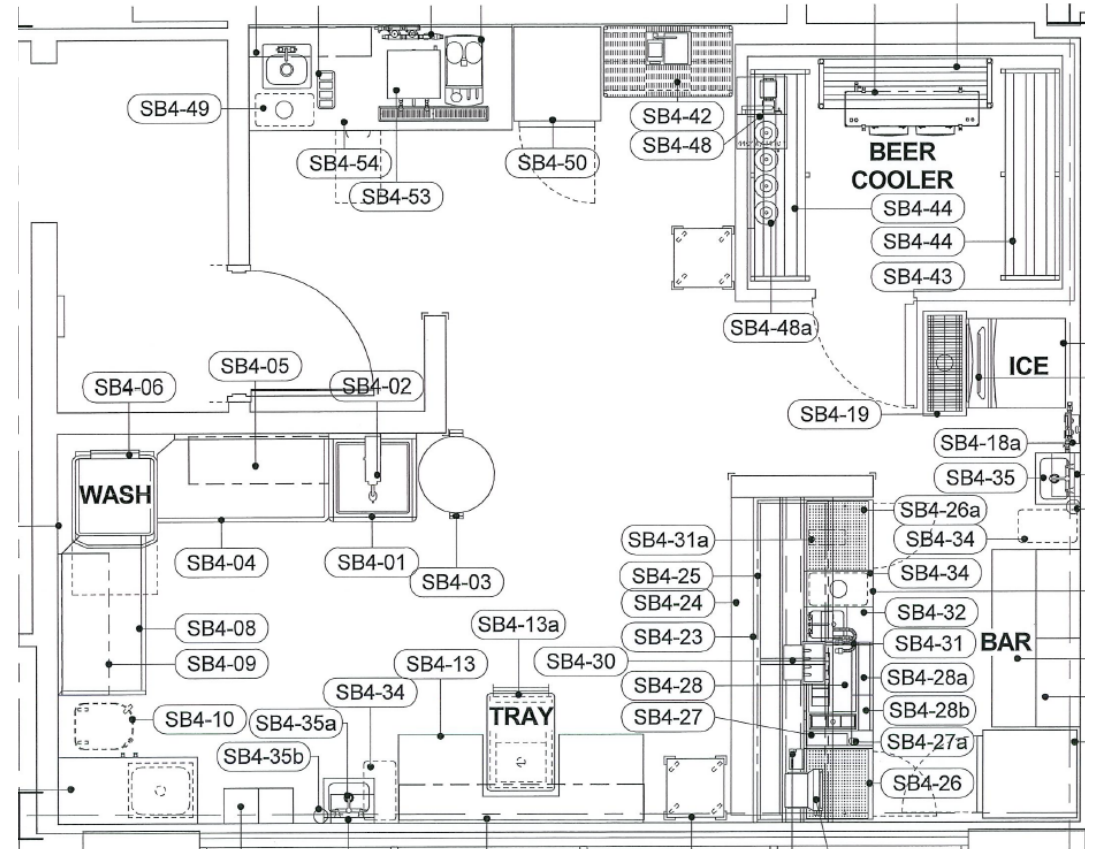


CASINO BEVERAGE SERVICE (3 of 5)

Service Bar #3

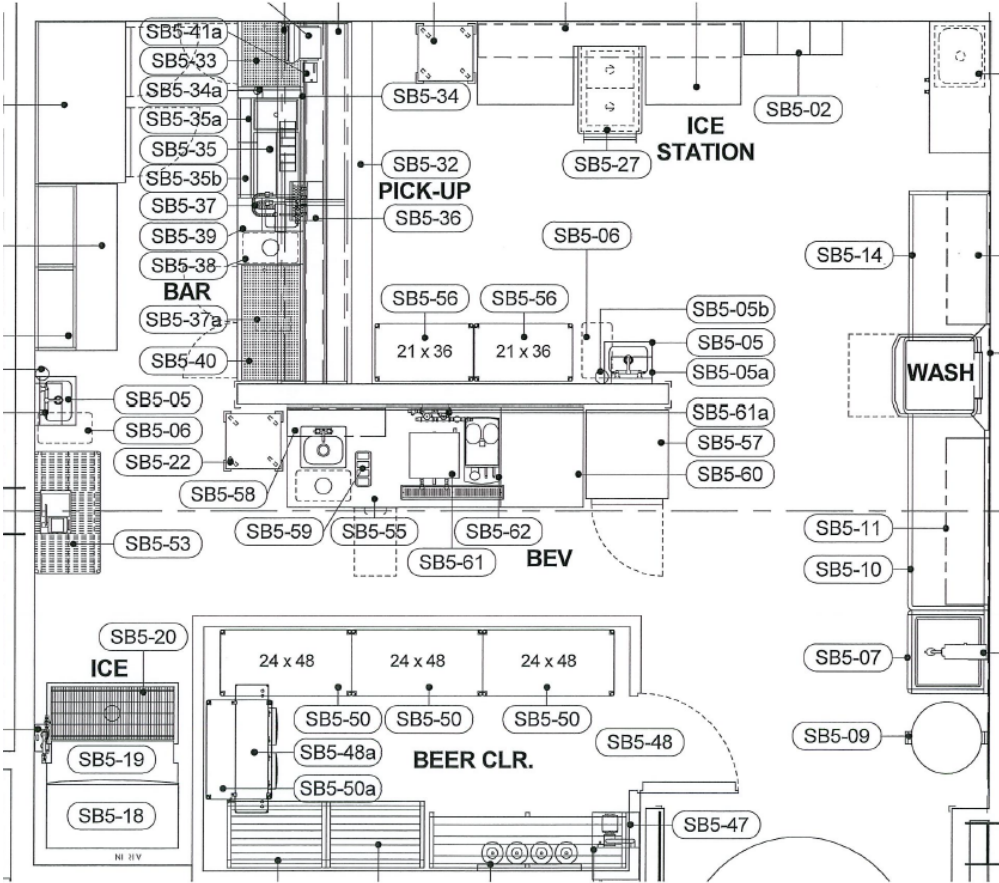


Service Bar #4

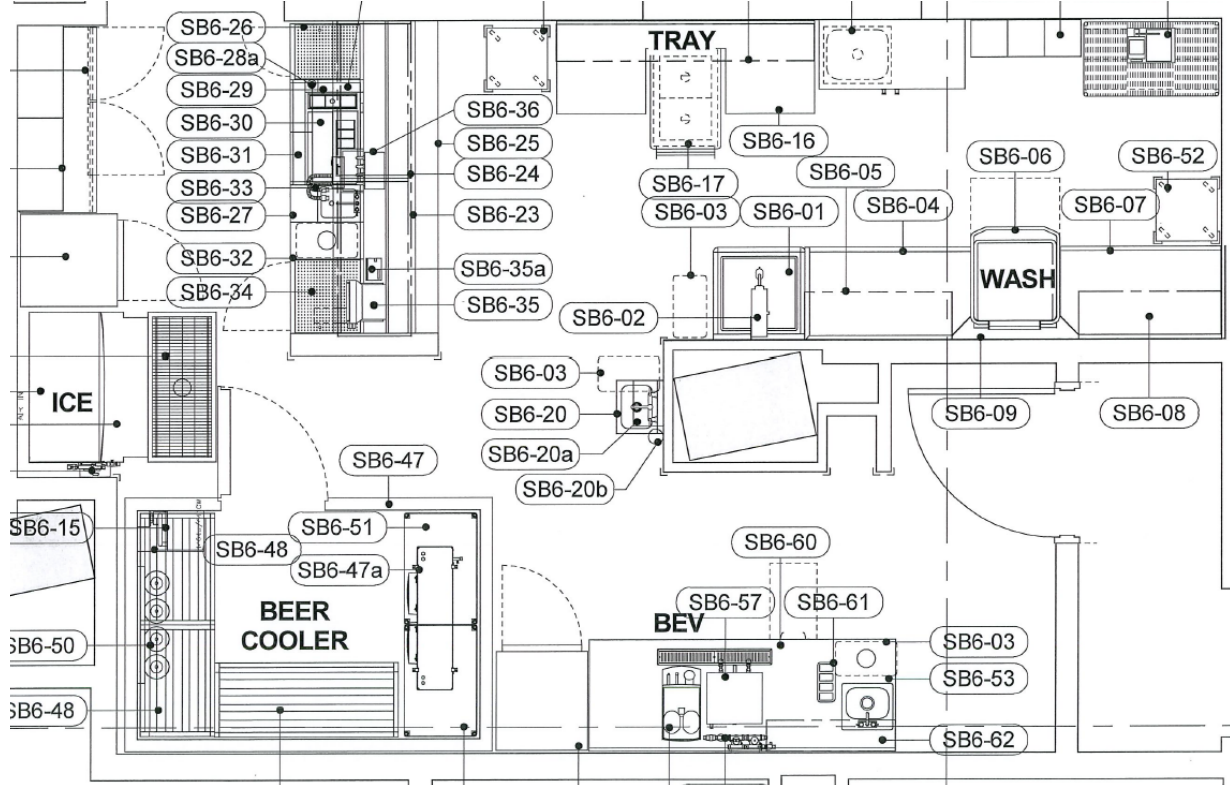


CASINO BEVERAGE SERVICE (4 of 5)

Service Bar #5

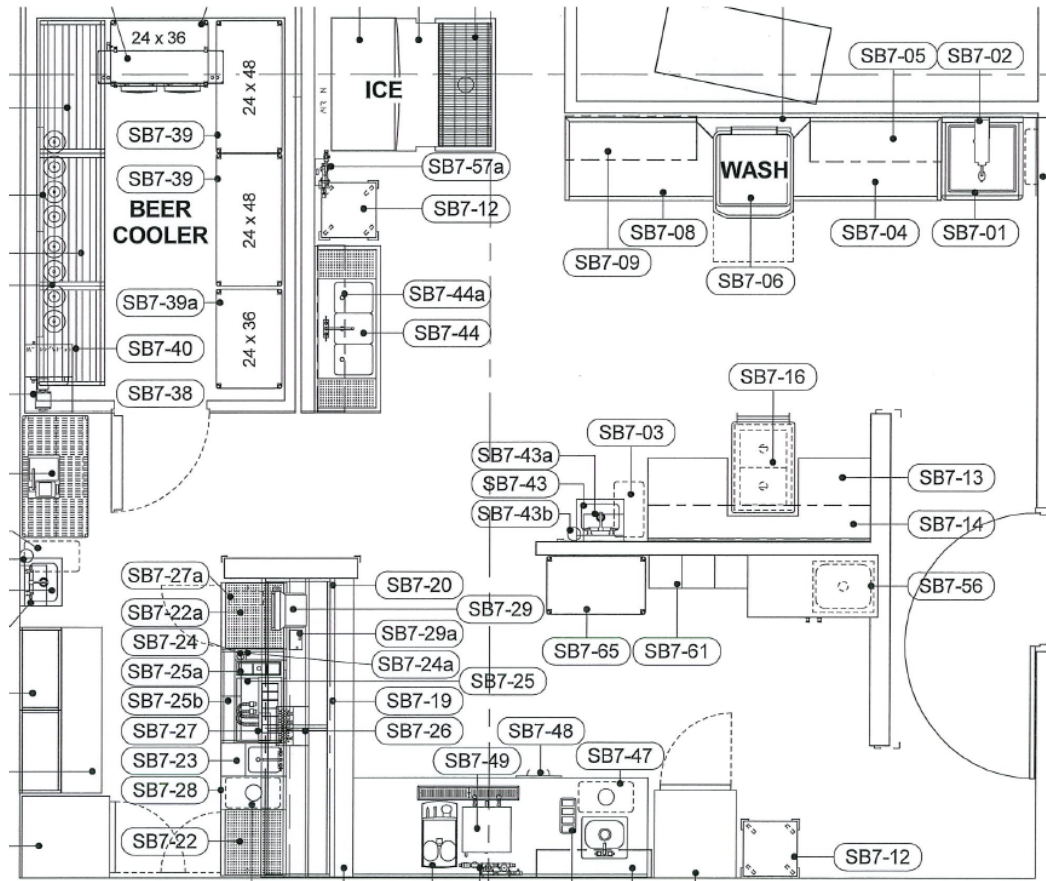


Service Bar #6

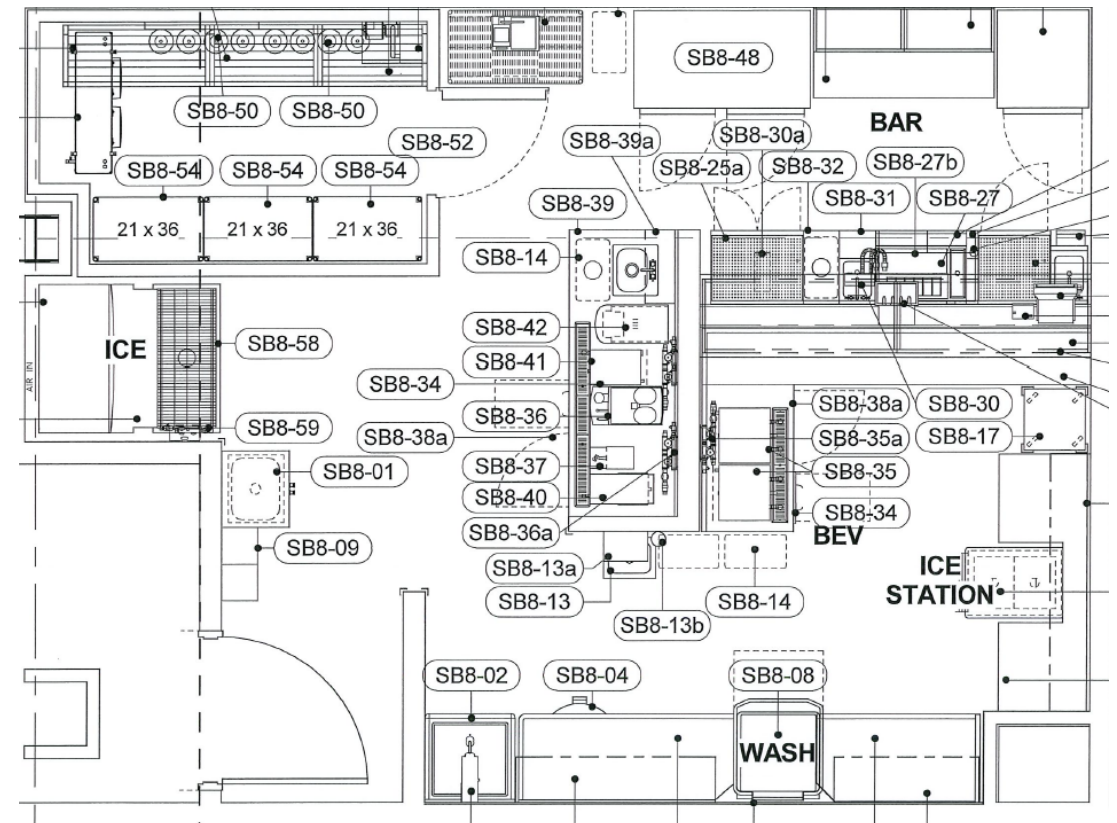


CASINO BEVERAGE SERVICE (5 of 5)

Service Bar #7



Service Bar #8



CASINO BEVERAGE SERVICE PROCESS (1 of 2)

(8:00 a.m. - 4:00 a.m.)

Complimentary alcoholic beverage service will be provided to any actively gaming guest in the gaming area between the hours of 8:00 a.m. - 4:00 a.m. Service of complimentary non-alcoholic beverage service to actively gaming guests is also available 24 hours daily.

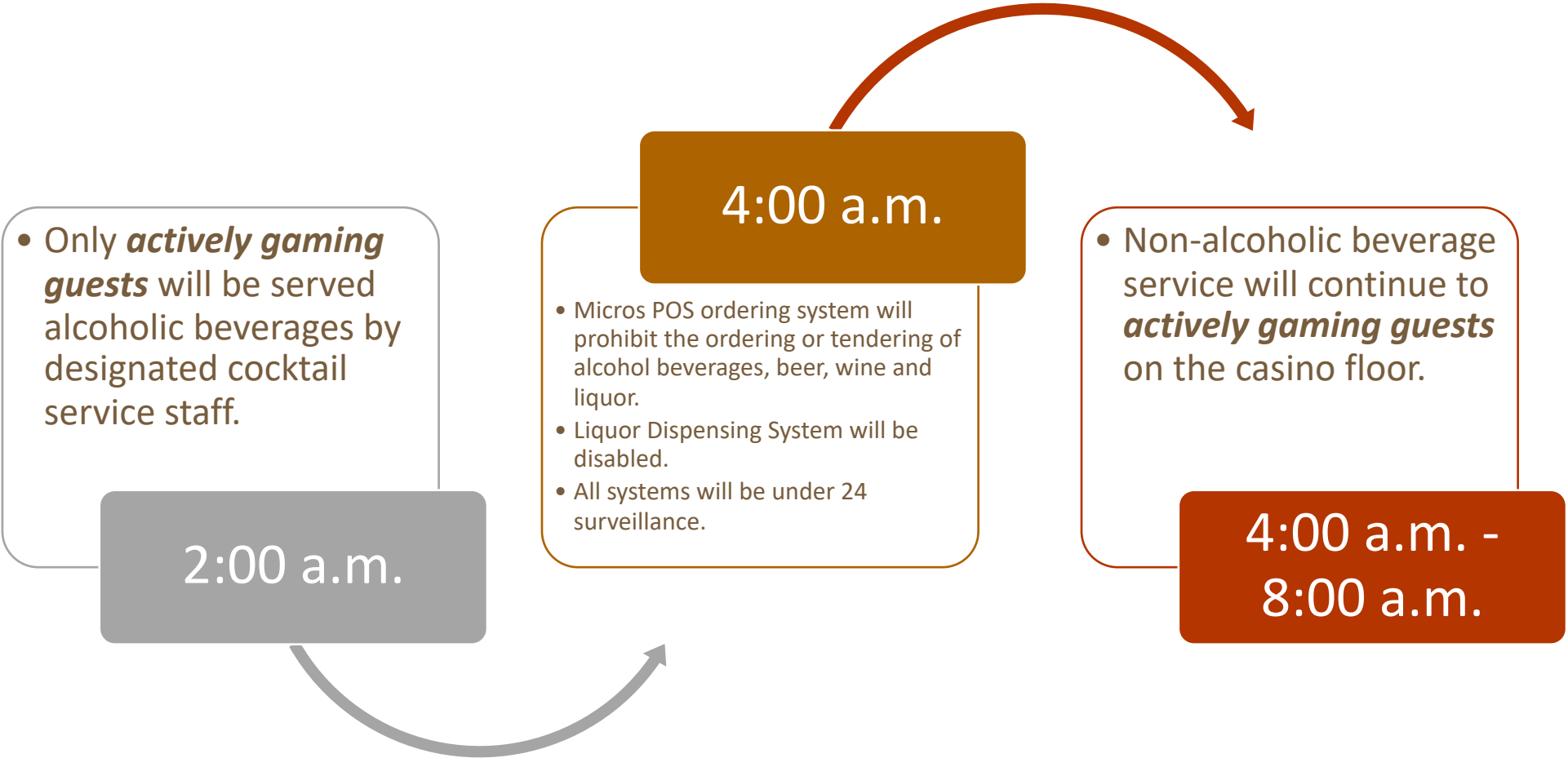
We do not offer self-serve non-alcoholic beverage stations on the casino floor.

Guests are served one beverage at a time (no shots or doubles) and no more than one beverage in a 20 minute period (maximum 3 drinks within 1 hour). This is timed by size of section and station rotation. Pour size is also limited to ensure pacing of consumption.

Steps of Casino Beverage Service are outlined below:

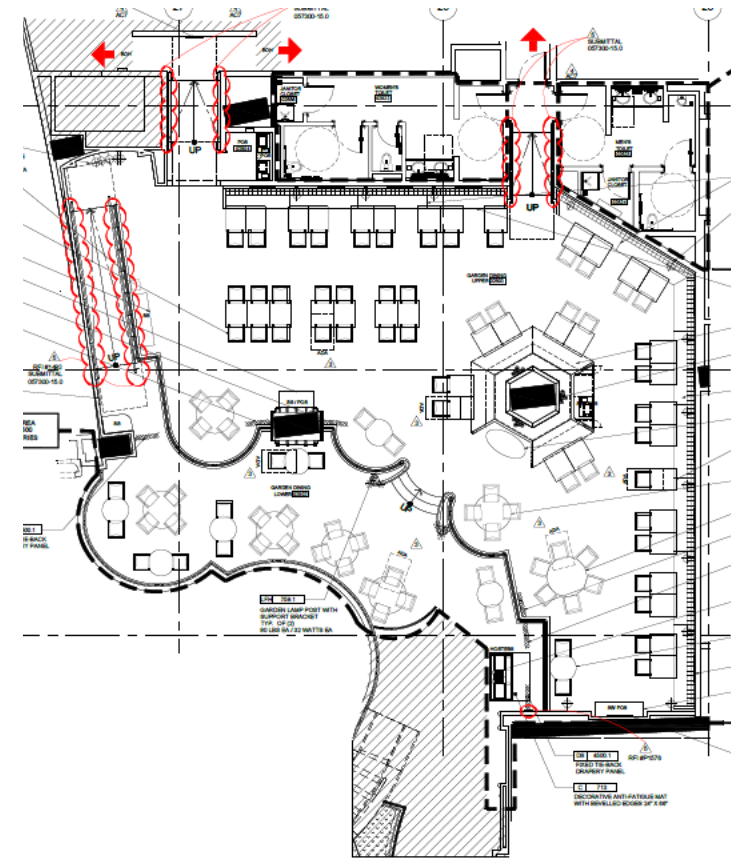
- **Step 1:** Cocktail Server makes rounds throughout their station on the casino floor taking non-alcoholic and alcoholic beverage orders from actively gaming guests at gaming stations.
- **Step 2:** Cocktail Server advances to designated service bar (#1 - #8) .
- **Step 3:** Cocktail Server swipes their assigned Micros system card and verbalizes the drink order to the Bartender.
- **Step 4:** The Bartender rings in the order and produces the alcoholic beverage. The Cocktail Server produces non-alcoholic beverages.
- **Step 5:** The Cocktail Server retrieves the alcoholic beverage order from the Bartender and delivers the non-alcoholic or alcoholic beverage to the guest that is actively gaming.
- **Step 6:** Guest is served.

CASINO BEVERAGE SERVICE PROCESS (2 of 2)



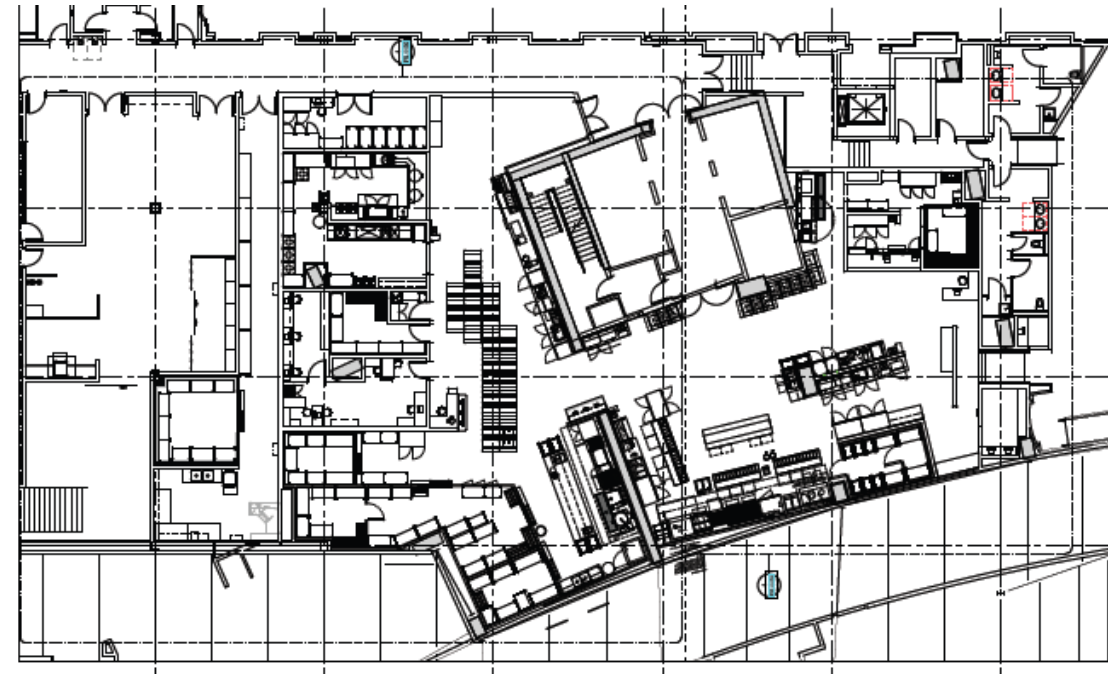
GARDEN CAFÉ

- **BUSINESS CONCEPT:** Seasonally driven and locally inspired casual dining.
- **DESCRIPTION:** Casual dining restaurant on the mezzanine of Garden Lobby.
- **NORMAL HOURS OF OPERATION:** 7:00 a.m. - 10:00 p.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (122); Dining Area (122).
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** There is no guest facing bar in this venue. All liquor, beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft Towers. The point-of-sale system disables alcoholic beverage buttons at 2:00 a.m. All areas are under 24 hour daily camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



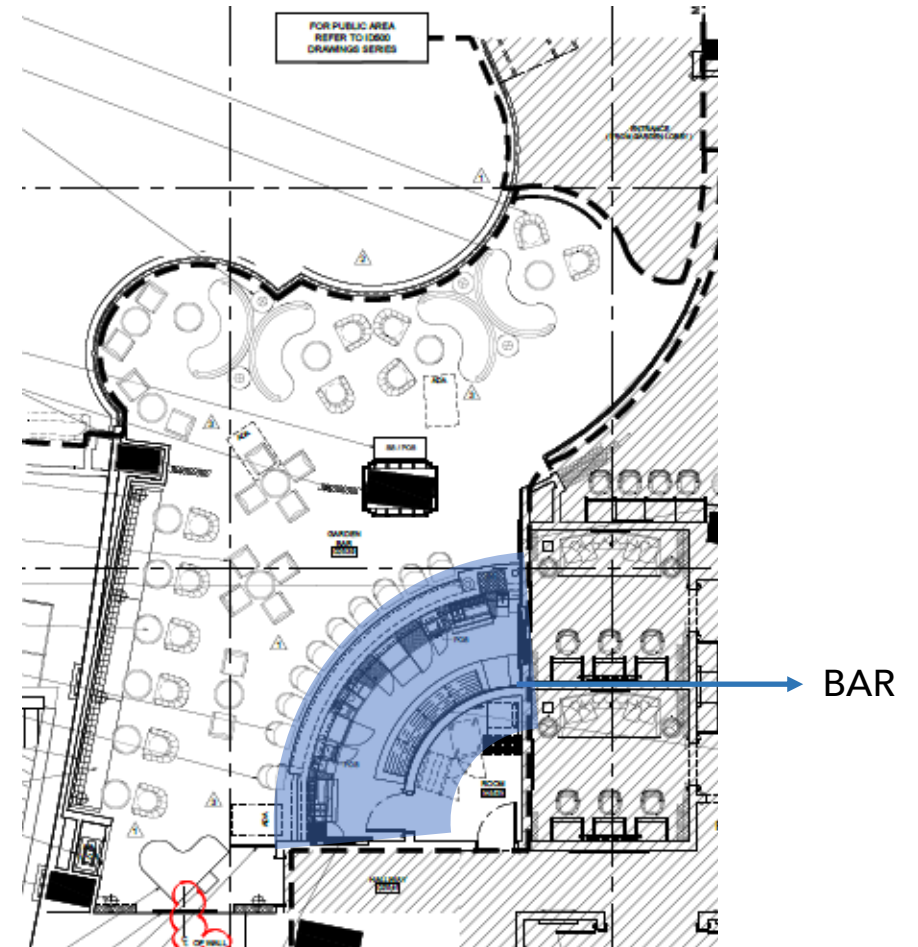
IN-ROOM DINING

- **BUSINESS CONCEPT:** Guest Room Dining.
- **DESCRIPTION:** Dining in the comfort and privacy of a guest room.
- **NORMAL HOURS OF OPERATION:** 24 hours daily. (Non-alcoholic beverage service only from 2:00 a.m. – 8:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Not applicable.
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in their room.
- **BOTTLE SERVICE:** Yes – Private/Hospitality Events Only.
- **STORAGE and SECURITY:** There is no guest facing bar in this venue. All liquor, beer and wine will be locked in back-of-house behind the service bar. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. This venue is 24 hours so employee presence is required at all times. All areas are under 24 hour daily camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).



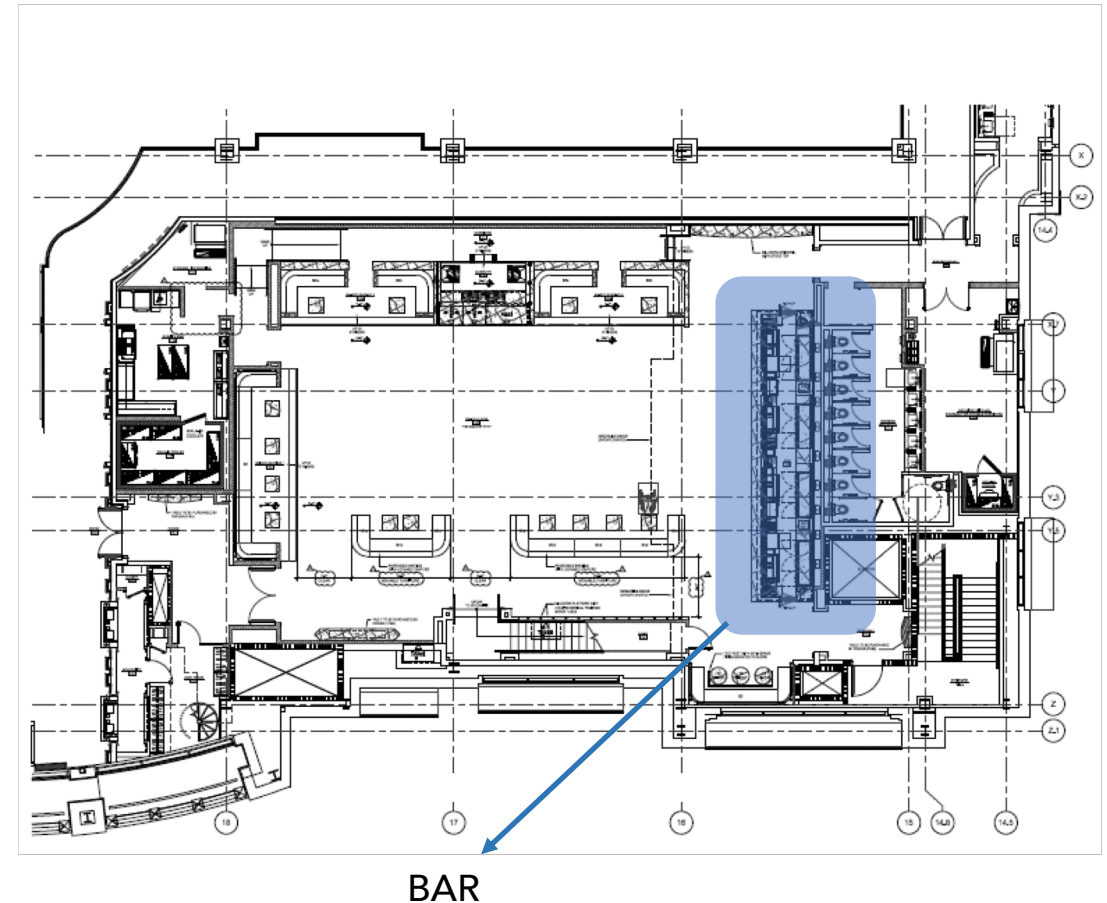
GARDEN LOUNGE

- **BUSINESS CONCEPT:** Upscale craft cocktail lounge.
- **DESCRIPTION:** Cocktail lounge on the mezzanine of Garden Lobby.
- **NORMAL HOURS OF OPERATION:** Sunday through Thursday 11:30 a.m. - 10:00 p.m.; Friday and Saturday 11:30 a.m. - 12:00 a.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (54); Bar Seats (11); Lounge (43).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and from the bar by servers to guests in the seating area.
- **BOTTLE SERVICE:** Yes; Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked behind the bar. The only access to the bar is through back-of-house. There is no draft beer in this venue. This venue does not have a locked front door so will be stanchioned off when closed. A security officer will be stationed in the neighboring High Limit Slot Area, 24 hours daily. Another officer will be stationed at the neighboring Elevator Lobby, 24 hours daily. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).



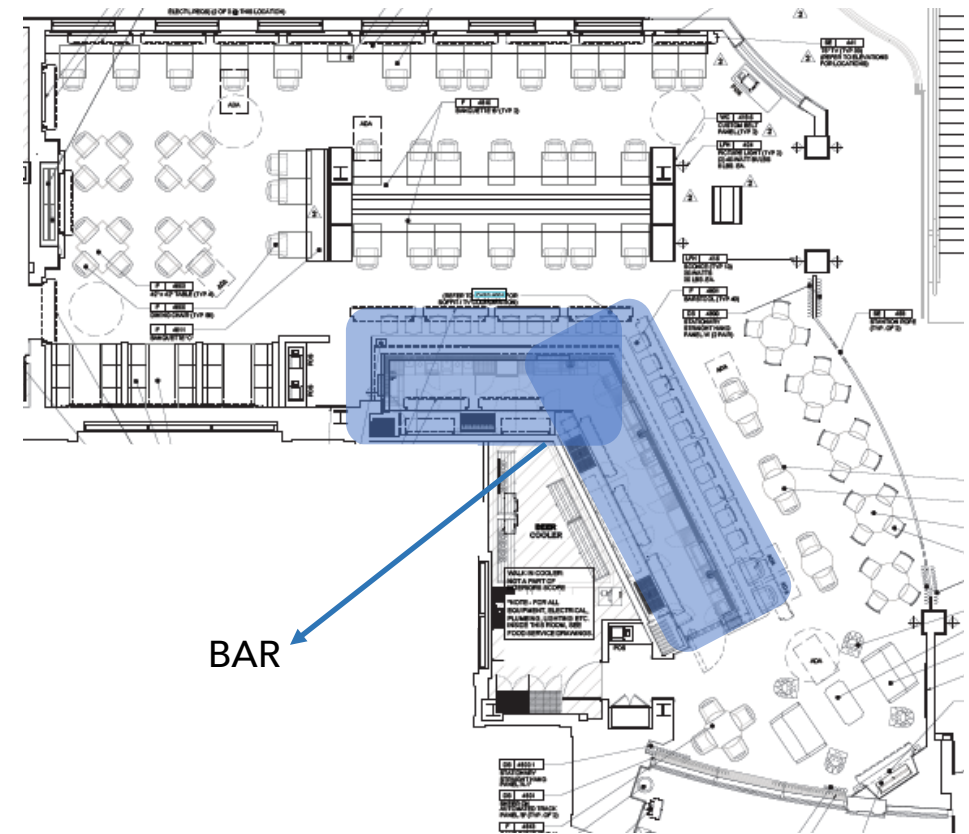
MEMOIRE – LEASED OUTLET

- **BUSINESS CONCEPT:** Ultra Lounge.
- **DESCRIPTION:** Elevated Boutique Night Club on the Upper East Mezzanine.
- **NORMAL HOURS OF OPERATION:** 10:00 p.m. - 2:00 a.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (600).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and distributed from the bar by servers to guests in the seating area.
- **BOTTLE SERVICE:** Yes.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked in the venue which has enclosed walls and a locked front door. Tap locks will be deployed for draft towers. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Jason Nichols.



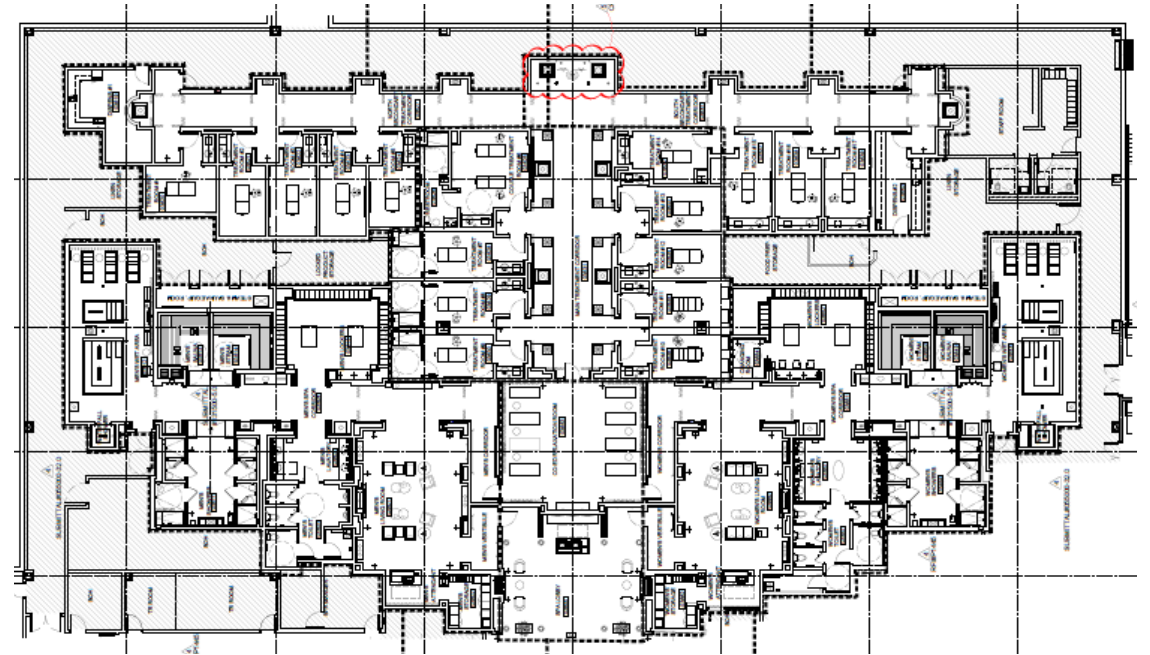
ON DECK BURGER BAR

- **BUSINESS CONCEPT:** American Sports Bar.
- **DESCRIPTION:** Casual Dining Restaurant on the Upper East Mezzanine.
- **NORMAL HOURS OF OPERATION:** All day menu Sunday through Thursday 11:30 a.m. - 10:00 p.m.; Friday and Saturday 11:30 a.m. - 3:00 a.m. (Non-alcoholic beverage service only from 2:00 a.m. – 3:00 a.m.).
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (154); Bar Seats (22); Dining Area (110).
- **ALCOHOL DISPENSING AREA:** Distributed at the bar by bartenders for guests sitting at the bar; and from the bar by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** All liquor, beer and wine will be locked behind the bar. The only access to the bar is through back-of-house. This venue does not have a locked front door so will be stanchioned off when closed. Tap locks will be deployed for draft towers. The point-of-sale system automatically disables alcoholic beverage buttons at 2:00 a.m. A security officer will be stationed in this areas 24 hours daily to oversee the casino smoking terrace. All areas are under 24 hour daily camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



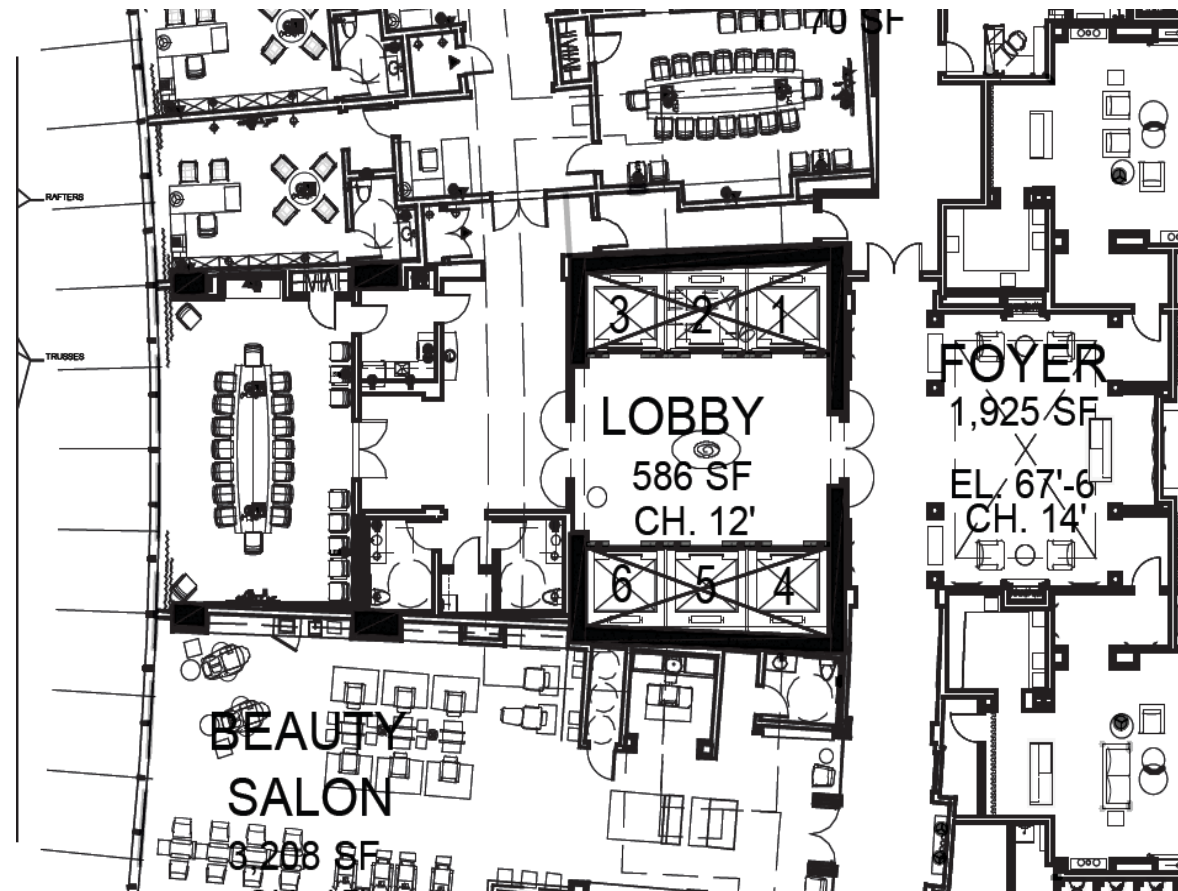
THE SPA

- **DESCRIPTION:** Resort Spa
- **NORMAL HOURS OF OPERATION:** Daily 8:00 a.m. -8:00 p.m.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (23).
- **ALCOHOL DISPENSING AREA:** Wine and champagne only distributed by supervisors.
- **BOTTLE SERVICE:** No.
- **STORAGE and SECURITY:** All wine and champagne will be locked in back-of-house storage. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383).
- **JOINTLY RESPONSIBLE PERSON:** Virginia Lara (Director of Spa and Salon) MGC Lic # RSER18-0623).



GAUGIN BOARDROOM

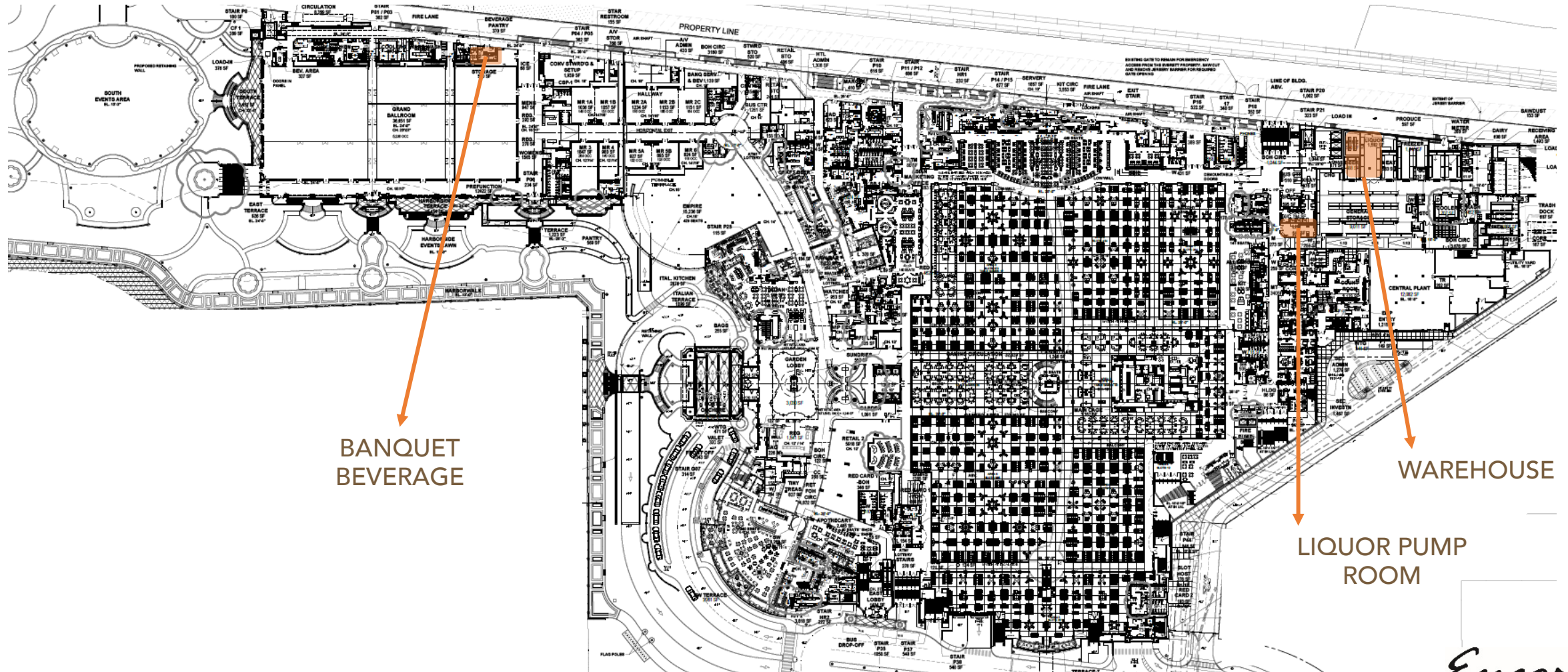
- **DESCRIPTION:** Meetings, Banquets and Convention Events.
- **NORMAL HOURS OF OPERATION:** 8:00 a.m. -12:00 a.m. daily.
- **HOURS OF PERMITTED ALCOHOL SERVICE:** 8:00 a.m. - 2:00 a.m.
- **CAPACITY:** Total (26)
- **ALCOHOL DISPENSING AREA:** Distributed by bartenders, served by servers to guests in the dining room.
- **BOTTLE SERVICE:** Yes – Private Events Only.
- **STORAGE and SECURITY:** Service occurs only through portable bars which are never unattended. These bars are broken down at an events conclusion and all liquor, beer and wine are locked in back-of-house storage areas. All areas are under 24 hour camera surveillance.
- **MANAGER OF LICENSED AREA:** Ashley Wells (MGC Lic # RSER18-0383)



SECURE ALCOHOL PRODUCT STORAGE (1 of 2)

GROUND LEVEL

Locked and accessible with RFID key only. Under 24 hour camera surveillance



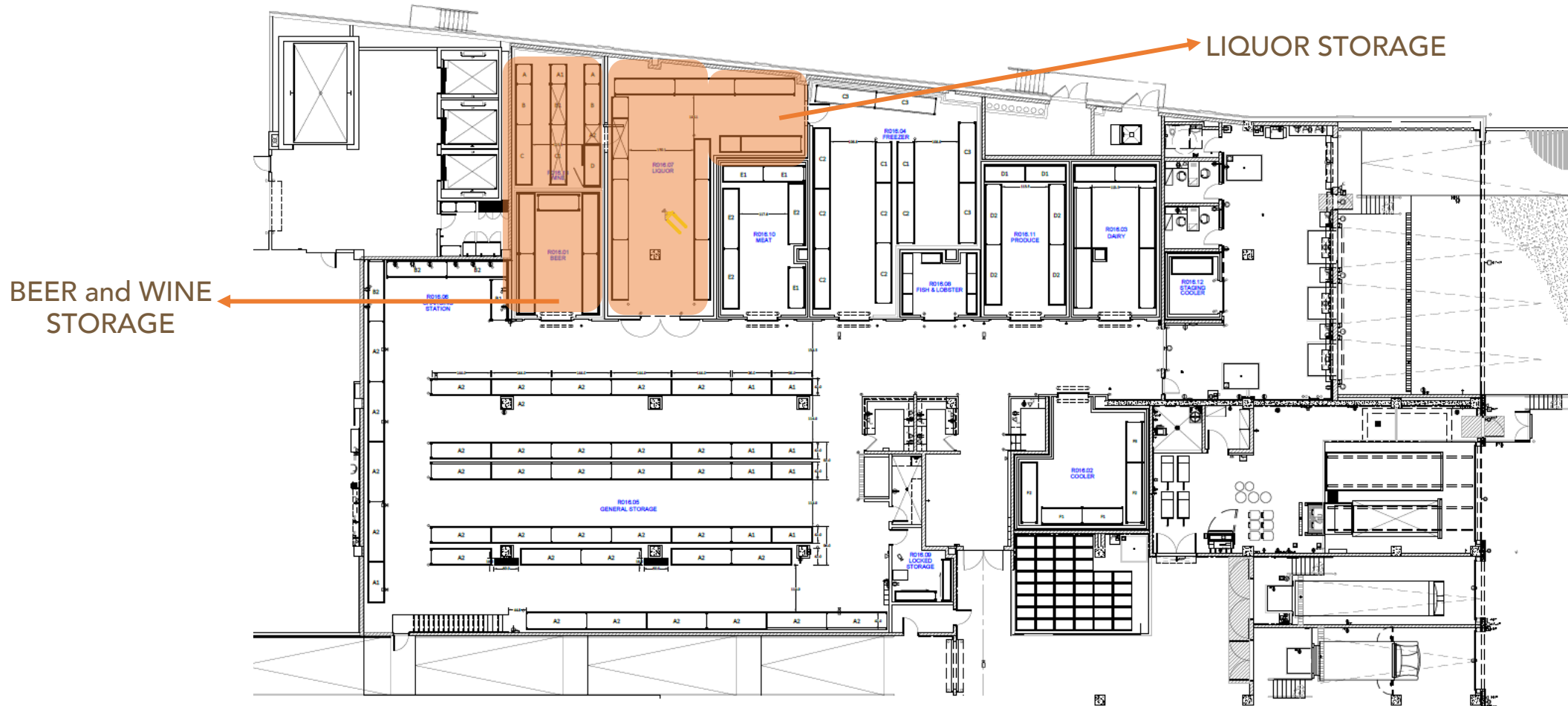
BANQUET
BEVERAGE

LIQUOR PUMP
ROOM

WAREHOUSE

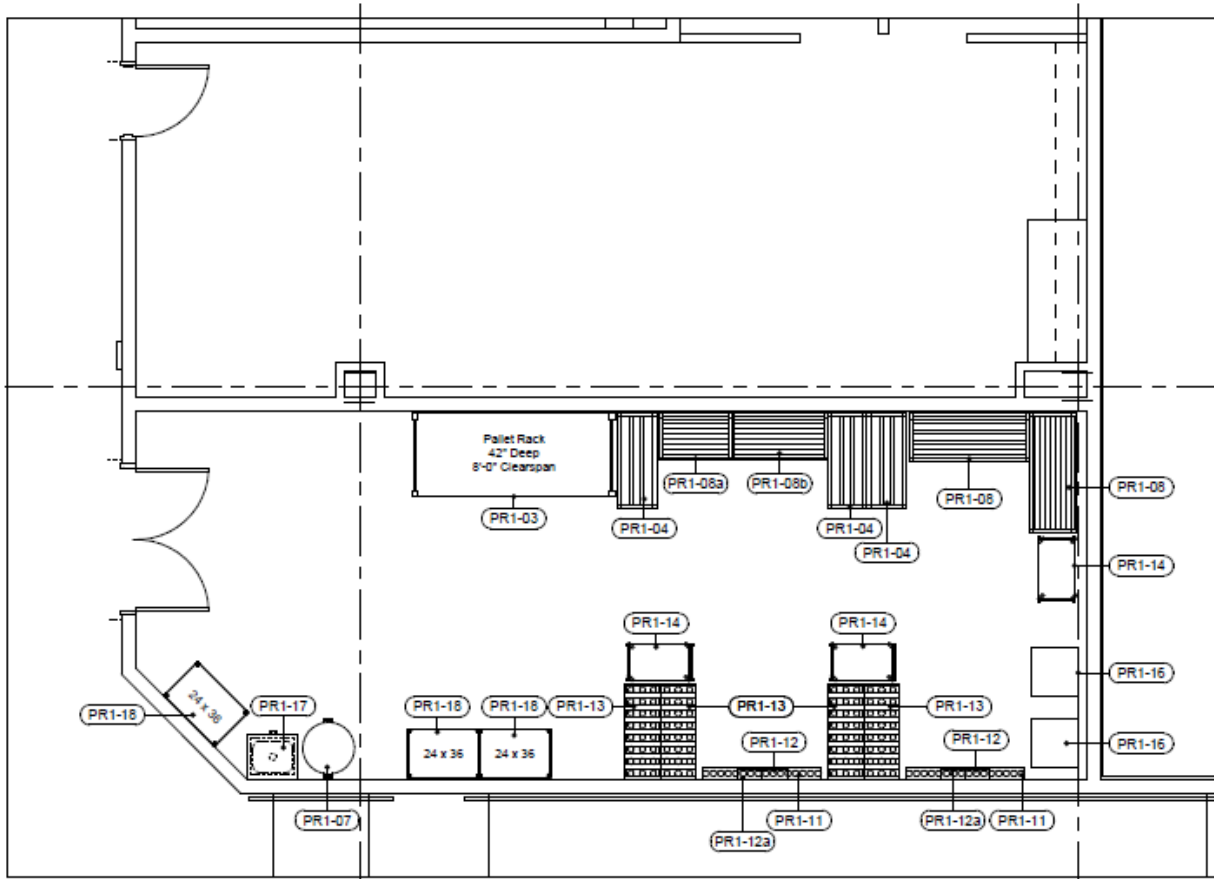
SECURE ALCOHOL PRODUCT WAREHOUSE

Locked and accessible with RFID key only. Under 24 hour camera surveillance

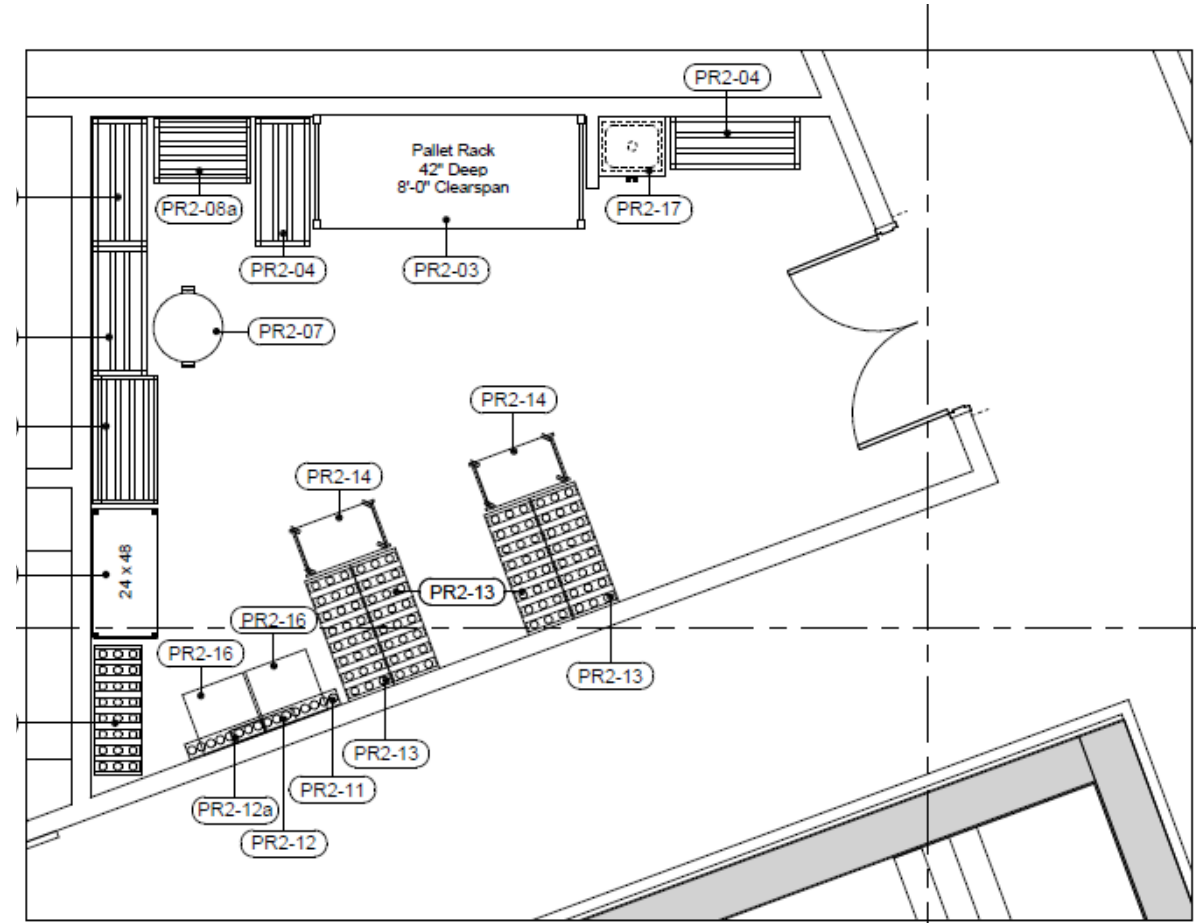


SECURE LIQUOR PUMP ROOMS

Locked and accessible with RFID key only. Under 24 hour camera surveillance



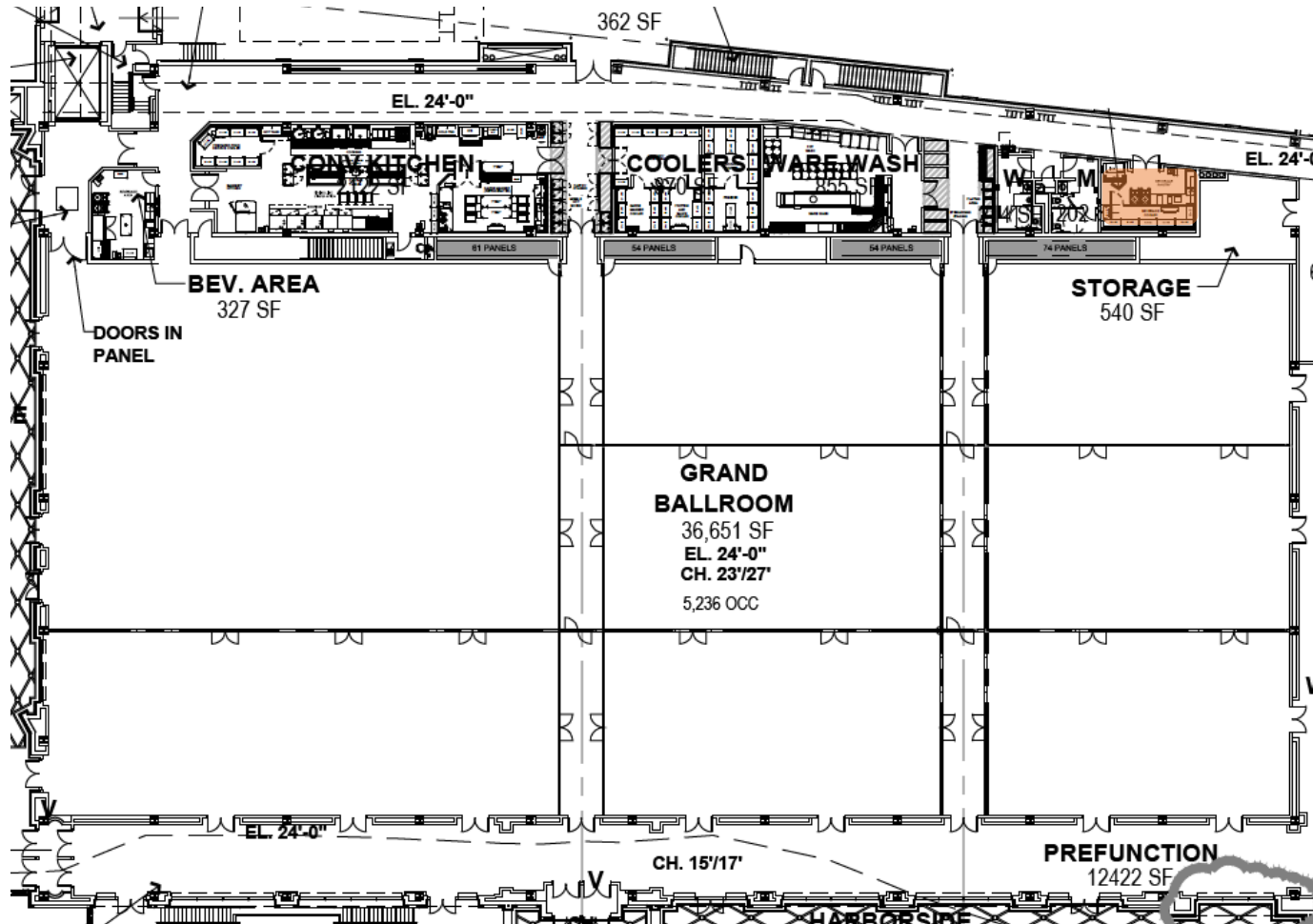
1 LEVEL 1 - PUMP ROOM
FS.1118 SCALE: 1/4" = 1'-0"



1 LEVEL 3 - PUMP ROOM
FS.1141 SCALE: 1/4" = 1'-0"

SECURE BANQUET PANTRY

Locked and accessible with RFID key only. Under 24 hour camera surveillance





TO: Cathy Judd-Stein, Chair
Gayle Cameron, Commissioner
Eileen O'Brien, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

FROM: Bill Curtis, Licensing Manager
Bruce Band, Assistant IEB Director – Gaming Agents Division Chief

DATE: May 17th, 2019

RE: Gaming Beverage License Application: Encore Boston Harbor

SUMMARY

The attached Gaming Beverage License Application from Wynn MA, LLC dba Encore Boston Harbor is being presented to the Commission for consideration and approval. A version of this application was presented to the Commission at the May 6th, 2019 public meeting. Since that time it has been determined that the application contains all the elements required in accordance with 205 CMR 136.04(1)(2) with the exception of the registration applications from jointly responsible parties. In addition, the Commission has received public comments regarding Encore Boston Harbor's request to serve alcoholic beverages until 4:00 AM on the gaming floor.

BACKGROUND

The application contains requests for twenty-three (23) licensed alcoholic beverage outlets:

- Fifteen (15) on the ground floor – including the Harborwalk Concessions
- Five (5) on the second floor – including In-Room Dining
- Three (3) on the third floor

Of the twenty-three (23) gaming beverage licenses, three (3) outlets will be leased by Fratelli, Memoire, and Mystique and operated by two jointly responsible parties. In general, each of these areas contains a request for alcohol service between the hours of 8:00 AM – 2:00 AM. However, for the Gaming Floor, Encore Boston Harbor has requested alcohol service between the hours of 8:00 AM – 4:00 AM, which is allowed under Section 116 of HB3800 – An Act making appropriations for fiscal year 2018, signed by Governor Baker in July of 2017. This section reads as follows:



Massachusetts Gaming Commission

SECTION 116. Notwithstanding any general or special law or regulation to the contrary, in issuing a gaming beverage license pursuant to section 26 of chapter 23K of the General Laws, the Massachusetts gaming commission shall describe the scope of the particular license and any restrictions and limitations, provided, however, that a gaming beverage license may permit the sale or distribution of alcoholic beverages beyond the hour of 2 a.m. only to patrons who are actively engaged in gambling as defined in section 2 of said chapter 23K; and provided, further, that a gaming beverage license shall not permit the sale or distribution of alcoholic beverages between the hours of 4 a.m. and 8 a.m.

If it is determined that the application may compromise the integrity of gaming and/or public health, welfare, or safety, the Commission may condition any part of the gaming beverage license. Please note that Section 116 already conditions the sale or distribution of alcohol only to those patrons actively engaged in gambling.



Massachusetts Gaming Commission



GAMING BEVERAGE LICENSE APPLICATION FORM

REASON FOR FILING APPLICATION

NAME OF GAMING LICENSEE

ADDRESS OF GAMING ESTABLISHMENT

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

FEE

The fee for a gaming beverage license is **\$15,000**.

LICENSED AREAS

A licensed area is a specific, limited and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area application on page 2 must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

PROOF OF INSURANCE

Please attach proof of insurance to this application demonstrating liquor liability insurance for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. The policy shall have no annual aggregate limit.

IMPORTANT INFORMATION

The Massachusetts Public Records Law (Law), <http://www.sec.state.ma.us/pre/preidx.htm> found in Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. A list of exemptions may be found in Chapter 4, Section 7(26) of the Massachusetts General Laws.

LICENSED AREA APPLICATION

Please use a separate LICENSED AREA APPLICATION form for each licensed area and attach each sheet, along with a floor plan and licensed area diagrams to this application.

NAME OF LICENSED AREA (e.g. – function hall, XYZ Restaurant, gaming area, etc.)

DESCRIPTION OF LICENSED AREA

DESCRIPTION OF THE LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN:

HOURS OF OPERATION

CAPACITY OF LICENSE AREA

WILL YOU PROVIDE BOTTLE SERVICE? YES NO IF YES, PLEASE ELABORATE

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

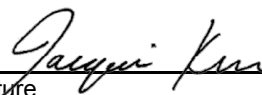
NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

ATTESTATION

I _____, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.



Signature

Print Name

Title

Date

COMMENTS

EXTENDED LIQUOR HOURS

ENCORE

CITY OF EVERETT
Office of the Mayor

Carlo DeMaria, Jr.
Mayor



Everett City Hall
484 Broadway
Everett, MA 02149-3694
Phone: (617) 394-2270
Fax: (617)381-1150

May 20, 2019

Commissioner Cathy Judd-Stein, Chair
Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

Re: Encore Boston Harbor Liquor License Application

Dear Chairwoman Judd-Stein and Honorable Commissioners:

I am writing in response to the commission's request for comment on Encore Boston Harbor's draft beverage license application, specifically including its request for expanded service hours on the gaming floor. Under an amendment to the Gaming Act, the Commission may grant the applicant permission to serve alcohol on the gaming floor to patrons actively engaged in gaming and subject to other restrictions, until the hour of 4:00AM. Absent the granting of this request, all liquor service must cease by 2:00AM. I appreciate your thoughtful consideration of this matter, and the opportunity to explain why I am supportive of the request made by the applicant.

Encore Boston Harbor was selected for the Region A license over five years ago in a highly competitive process in part because of its capacity to attract international patrons. We have all worked closely to ensure that every detail is in place to maximize its success as a world-class facility from the day that it opens. Customer experience matters, and in a global hospitality market, the facility must compete favorably to earn return visitors. The availability of alcoholic beverage service is an amenity that many international visitors will expect.

As outlined in Encore's May 6th presentation to the Commission, as proposed, liquor service to customers on the gaming floor actively engaged in gaming during the hours of 2:00AM and 4:00AM would be capped by internal controls around total value of alcoholic beverages that may be served, and by the logistics of Encore's gaming floor beverage service. All other bars in the facility would be closed during these hours, and

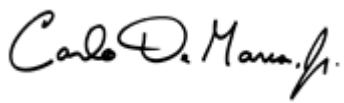
patrons would not be able to purchase drinks. I believe that this is a reasonable proposal that will enhance customer experience.

In addition, I know that the members of the Gaming Enforcement Unit and Encore security services on-site, and members of the City of Everett Police Department off-site, will support an environment both inside and outside the facility that will deter inappropriate behavior; they will actively intervene if needed to ensure public safety.

Please note- my support for expanded service hours on the gaming floor is specific to this applicant. Should there be any change in ownership of the facility, I would request a separate review and a renewed opportunity to offer comment.

For the reasons outlined, I support the proponent's liquor license application. Once again, thank you very much for the opportunity to offer comment, and for the work that you do every day. I look forward to continuing to work closely with the Commission. If you have any questions, please do not hesitate to contact me at (617) 394-2270.

Sincerely,

A handwritten signature in black ink that reads "Carlo DeMaria". The signature is written in a cursive style and is enclosed within a thin black rectangular border.

Carlo DeMaria
Mayor



CITY OF BOSTON • MASSACHUSETTS

MAYOR'S OFFICE OF ECONOMIC DEVELOPMENT

Martin J. Walsh
Mayor

John Barros
Chief

May 20, 2019

Massachusetts Gaming Commission
Attn: Catherine Blue, General Counsel
101 Federal Street, 12th Floor
Boston, MA 02110

Encore Boston Harbor Liquor License Application

Dear Attorney Blue:

Thank you for accepting and reviewing commentary regarding the above-referenced application for a Gaming Beverage License extension pursuant to 205 CMR 136. As a Region A municipality seeking responsible implementation of resort casino operations, the City of Boston wishes to engage in a cooperative dialogue with your agency relative to the policies and procedures for this new industry.

The Massachusetts Legislature spent significant time and effort crafting the many components of establishing a professional, safe and viable gaming environment. After vigorous public debate, the measure was passed and signed into law by the Governor. It was with these regulations in place that a competitive number of established gaming operators applied for a license to operate in Massachusetts with full knowledge of the conditions under which this industry would be governed.

With an expected opening slated for this June, Encore Boston Harbor calls home and is neighbor to several densely packed urban communities that will need to monitor how this new industry impacts residents, small businesses and entrepreneurs, public safety, transportation and infrastructure, and overall quality of life. Extending the hours of alcohol service prior to a casino even opening, and without any demonstration of need for an extension, is premature.

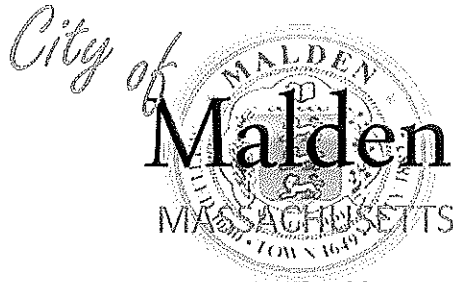
The City of Boston has filed legislation twice seeking to extend late night hours in the city after receiving recommendations from our Late Night Task Force, however the measure failed to pass in previous legislative sessions at the State House. While we are generally supportive of allowing bars and restaurants to stay open past 2 a.m., we respectfully request that this application be denied until any negative impacts to area businesses that have not been afforded the same late night option are reviewed.

Thank you for your time and consideration on this very important matter.

Sincerely,

ALEXIS TKACHUK

Director of Emerging Industries
City of Boston



www.cityofmalden.org

Gary Christenson, Mayor

May 20, 2019

Mrs. Catherine Blue
Mass Gaming Commission
General Council
84 State Street, Suite 720
Boston, MA 02109

Dear Mrs. Blue:

I am writing in support of the request by Encore Boston Harbor to obtain a liquor license allowing them to serve their patrons until 4:00 AM. I support this request considering the unique nature of the circumstances and the positive experience I've had with the local leadership at Encore Boston Harbor.

As a neighboring community, of course the concern on the surface would be the potential of the later availability of alcohol to be a draw for consumers to make a last dash for a final drink. Were this an easy access traditional drinking establishment, that would be a concern. However, it is my feeling that built-in protection exists in multiple forms:

- Location of the establishment
- Cost of parking
- Requirement to be actively gaming to be served
- Heavy presence of policy and security

The collective impact of these facts leaves it highly unlikely in my opinion that this later availability of alcohol will become a draw that impacts neighboring communities. I would add that part of my confidence comes from my first-hand experience with the current local leadership and were ownership to change in a way that impacts that, my opinion could possibly change.

Thank you for your time.

Sincerely,

GARY CHRISTENSON

Mayor

From: Ronda Ford <r.ford43@yahoo.com>
Sent: Sunday, May 12, 2019 6:47 PM
To: MGCcomments (MGC)
Subject: Encore casino

Sent from Yahoo Mail on Android I believe extended hours will be a horrible idea due to the many children in the area traveling to school and also all that are going to work it is too dangerous to have we all know it doesn't stop at a drink and even when you're to the point of being shut off you find a way to continue please don't allow anything after 12 .am as being a casino isn't fri to Sunday it's a 7 day issue which will cause many dangerous problems throughout the entire week roadways alcohol drug vandalize mugging issues You've brought a Big Issue TO MANY SMALL COMMUNITIES

Forwarded to Catherine B. on May 13, 2019

From: david londono <davidlondono@live.com>
Sent: Friday, May 10, 2019 11:56 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Hello,

Encore should be allowed to have the license extended until 4am. It is time that Boston extends their hours for last call. Compared to other cities, Boston nightlife is one of the most dull ones in the country.

If you want to attract more people and money you should extend last call. Not only for Encore but for all bars in the city.

Best,
David

Sent from my iPhone

Forwarded to Catherine B. on May 13, 2019

From: Norron Lee <n.william.lee@gmail.com>
Sent: Friday, May 10, 2019 4:07 AM
To: MGCcomments (MGC)
Subject: Liquor serving until 4AM

Hello, why not? Casino gamblers are accustomed to playing non-stop around the clock.

Problem is if you allow passage, the bars, etc. are going to seek the same.

Approval leads to more drunk drivers, accidents, more police details and EMT's.

It's tough enough to exit the casino with a pocket of cash (checks do not answer the need for a wad of cash in one's pocket), this leads to robbers having access to drunk gamblers. If one has a room, they should have access to drinks served in their room.

Big winners become losers in more ways with access to drinks on the floor, extending the hours makes sense ONLY to the casino.

I say vote NO...

Forwarded to Catherine B. on May 10, 2019

From: MGC Website <massgamingcomm@gmail.com>
Sent: Thursday, May 9, 2019 12:30 PM
To: MGCcomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Melissa McWhinney

Email

mmcwhinney@comcast.net

Phone

(617) 605-9971

Subject

Please do not allow Encore to serve alcohol until 4:00 am

Questions or Comments

Good morning. Please do not grant permission to the Encore casino in Everett to serve alcohol until nearly dawn, i.e. 4:00 am. You do not need to give the casino an additional two hours to suck money out of people's pockets because they're too impaired by alcohol to exercise good sense. Please limit them to serving up until 2:00 am. That's plenty of time for people to get drunk and lose money.

Thank you,

Melissa McWhinney

Somerville, MA

Forwarded to Catherine B. on May 9, 2019

From: MGC Website <massgamingcomm@gmail.com>
Sent: Thursday, May 9, 2019 10:24 AM
To: MGCcomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Justin Moeling

Email

jmoeling@gmail.com

Phone

(617) 894-3677

Subject

Opposing expanded drinking in the Encore casino

Questions or Comments

I sent the following concerns to my State legislative delegation related to the Boston casino:
I am very concerned about Encore/Wynn seeking longer hours for serving alcohol. Its not intended for their bars but for those on the gambling floor.

We already know how substances impair judgement. Who is going to be gambling at 3-4am?

As an expert in the field of addictions and mental health this is predatory behavior that seems to be geared toward some of our more vulnerable neighbors.

I ask that you dont just vote against it but that you advocate with your peers to push back on this. Christine Barber - State Representative
Representative Denise Provost
Mike Connolly

Forwarded to Catherine B. on May 9, 2019

From: Mike Jones <villeside6171@gmail.com>
Sent: Thursday, May 9, 2019 8:27 AM
To: MGCcomments (MGC)

Not only should it be extended to 4 a.m. on the Casino Floor it should also be extended to 4 a.m. in the Casinos Night Clubs.

Forwarded to Catherine B. on May 9, 2019

From: James Donahue <Truckguy1959@hotmail.com>
Sent: Wednesday, May 8, 2019 5:51 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Please allow alcohol service till 4 am of the few people who would be having a drink after the regular 2am are people on vacation and just aren't ready to call it a night yet, and nor should they have to were all adults why are we not able to be treated as such. It will have no bearing on weather or not disturbances will rise because all the problem drinkers would have just as able to drink to much by 2am

Thank you
Massachusetts registered voter
James Donahue

Get [Outlook for Android](#)

Forwarded to Catherine B. on May 9, 2019

From: Laura Poulin <laura_poulin@yahoo.com>
Sent: Wednesday, May 8, 2019 3:20 PM
To: MGCcomments (MGC)
Subject: Encore 4am liquor sales disagreement

To Whom it May Concern,

I am emailing regarding my disagreement with the request for Encore to serve alcohol until 4am. Not all people who are at the casino will be staying at the casino, and should be drinking until 4am. The risk of people getting behind the wheel drunk or even mildly "drunk" will increase, as they will have had a longer time to imbibe. As a resident of Charlestown, many of these people will be driving through Charlestown in order to get home or wherever they are going. This is a risk the all residents of Everett and surrounding towns.

Why do they get special privileges to keep serving when the rest of the state has to stop serving at 2am or earlier? I wouldn't want the state the push last call times, and they shouldn't be allowed to either...just because they want to, again, make more money.

Please do not allow this for the sake of the safety of the surrounding community.

Sincerely,
Laura Poulin

Forwarded to Catherine B. on May 9, 2019

From: Mike Ikasalo <mike@ikasalo.com>
Sent: Wednesday, May 8, 2019 2:01 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

To whom it may concern,

I wanted to express my support for the Encore casino getting an extended serving license. I believe that Boston is a world class city and should not be held back by old laws that do not reflect our current culture. I think the current restrictions on happy hours and serving times do not reflect our culture but that is a conversation for another day. I foresee you hearing some opposition from people who are concerned about drinking and driving, but with public transportation and the fact that this casino has a hotel, I don't see it being a factor.

Truth be told, I don't see myself gambling much at all, never mind later than 11pm, but there's no reason responsible adults shouldn't be able to have a drink while playing cards at any hour.

Sincerely

Michael Ikasalo

Forwarded to Catherine B. on May 8, 2019

From: Bobby Chapman <rwchapman1@me.com>
Sent: Wednesday, May 8, 2019 1:01 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

I approve extending service to 4am

Bobby
Sent from my iPhone

Forwarded to Catherine B. on May 8, 2019

From: John Zawislak <johnzawislak@me.com>
Sent: Tuesday, May 7, 2019 7:16 PM
To: MGCcomments (MGC)
Subject: Encore request for extension of serving alcohol past 2am

I am vehemently opposed to granting an unfair exemption to the current alcohol service statutes. DO NO ALLOW ENCORE TO SERVE ALCOHOL PAST 2AM.

Sent from John Zawislak's iPad Air

From: Steven Lahousse <sclahousse@verizon.net>
Sent: Tuesday, May 7, 2019 6:18 PM
To: MGCcomments (MGC); MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

I encourage you to say no to Encore's request to serve alcohol until 4am. Serving alcohol will only lead to further gambling by intoxicated patrons, and is the only reason they want it in the first place. No other Mass, RI, or CT casino has alcohol after 1 or 2am, Encore should be no different.

Thank you,
Steve Lahousse

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Forwarded to Catherine B. on May 8, 2019

From: John Semerjian <john.semerjian@gmail.com>
Sent: Tuesday, May 7, 2019 6:05 PM
To: MGCComments (MGC)
Subject: Encore Boston Harbor Liquor License Application

To whom it may concern,

Allowing Encore to serve gambling patrons until 4 AM is the right thing to do, especially at a destination casino. A 2 AM cutoff, which is late, can be early to those visiting from other parts of the country, or globe. To contend and offer the service others expect at a casino, it's only right to grant them the extension until 4 AM.

John

Forwarded to Catherine B. on May 8, 2019

From: Scott Birnbaum <birnbaum@birnbaumgodkin.com>
Sent: Tuesday, May 7, 2019 4:34 PM
To: MGCcomments (MGC)
Cc: Kay.Khan@mahouse.gov; Cynthia Creem
Subject: Encore Boston Harbor Liquor License Application

To the Massachusetts Gaming Commission,

I am a mere citizen, with no stake in this issue. I write in my personal capacity only.

I strongly oppose the application to permit Encore f/k/a Wynn Casino the right to serve alcohol until 4 a.m. There is no reason to privilege this one liquor license holder to the exclusion of every other one in the region. There is no compelling rationale for the request, other than to induce inebriation and therefore reckless betting among gamblers, which is what is most likely to happen during the hours of 1 to 4 a.m. While this may be more profitable for Wynn, it is certainly not in the best interest of the residents of the Commonwealth or other dining and entertainment venues in the area who lack Wynn's lobbying prowess. Whatever additional tax revenue Wynn may claim the State will reap by granting its request will very likely be exceeded by the losses of tax revenue from other establishments and the social cost to the Commonwealth, which all taxpayers will pay.

Sincerely,
Scott Birnbaum
3 Alban Road
Waban MA 02468

Forwarded to Catherine B. on May 8, 2019

From: Tyler Kowalski <tylerkowalski25@gmail.com>
Sent: Tuesday, May 7, 2019 2:31 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

As a resident of Massachusetts and The City of Boston, I fully support Encore Boston Harbor serving alcohol until 4 am.

Kind regards,
Tyler Kowalski
181 Essex Street
Apt. E804
Boston, MA 02111

Sent from my iPhone

From: Michael Hickey <mhickey617@gmail.com>
Sent: Tuesday, May 7, 2019 11:41 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

I am against this petition. We don't need all night drinking in our community. This encourages long periods of drinking that could result in safety issues, noise issues and other issues in the community around the casino. Will this become the after hours destination for greater Boston? Will we have drivers leaving the casino intoxicated at all hours? Please do not change the rules. Thank you

Forwarded to Catherine B. on May 7, 2019

From: Oran <Oran@ectgboston.com>
Sent: Tuesday, May 7, 2019 10:13 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Hi

I absolutely support the extension of hours for the Casino. I run a group of bars and restaurants in Boston myself and feel that it's time for MA to ease up on the tough Liquor laws we work by. We are a vibrant and youthful city full of visitors and students from all over the world who are used to living in cities and countries where people can be served alcohol with less stringent timelines. Give them a chance and see how it goes.

--
Oran McGonagle
Operations Manager
East Coast Tavern Group
www.ectgboston.com
[6177423800](tel:6177423800)

Forwarded to Catherine B. on May 7, 2019

From: Joshua Johnson <jjj1@grad.bryant.edu>
Sent: Tuesday, May 7, 2019 10:06 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

To whom it may concern:

I am a current Boston resident of 12 years. I currently live in the Seaport above the Grand and Scorpion Bar nightclubs (run by BNEG). It seems that Boston Police are dispatched to the Grand and Scorpion Bar at least once a month for illegal/criminal activity (including patrons assaulting police officers). It is my understanding that BNEG is planning to open two venues within the Encore Casino (Mystique and Memoir) which would be part of the proposed liquor license application. I am very concerned that the opening of these two venues would divert BNEG security resources away from the Grand and Scorpion Bar and lead to further issues at the Grand and Scorpion Bar.

I encourage the commission to reach out to Boston Police and the Boston Licensing Commission to get a better understanding of the number and nature of violations at BNEG's current venues and there will probably be similar number occurring at Encore.

Also, will all venues at Encore have 2am closing hour? From my personal experience living above the Grand and Scorpion Bar, patrons will stay up until 2am and then all 1,012 patrons flood out at 2am, creating traffic chaos in the Seaport. TNCs triple park and block all lanes of Seaport Boulevard to pickup and drop-off patrons. The traffic has become so bad at 2am, Boston Police sometimes closes both lanes of Seaport Boulevard. I foresee a similar issue occurring at Encore. I would strongly encourage the commission to have rolling cut-off times to prevent the need to move thousands of patrons within a very short time (Based on news reports, Memoir plans to have capacity of 600 and Mystique plans to have capacity of 400, this is already 1,000 patrons for only 2 of the 20-something venues)

I am also strongly opposed to a 4am cut-off for alcohol sales on the gaming floor. I am especially concerned about drunken driving of patrons going to Encore after 2am in order to get in 2 more hours of drinking. What community benefit does a 4am cut-off provide? Do Boston Police and Everett Police have necessary resources to monitor the area for drunk drivers? What does Encore consider active gaming patrons to be? This seems like a very slippery slope.

Forwarded to Catherine B. on May 7, 2019

From: Victoria M <munroev123@gmail.com>
Sent: Tuesday, May 7, 2019 9:49 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Allowing Encore to serve alcohol after 2 AM is an extremely bad idea. Their assurance that they will only serve active gamblers makes little difference said gamblers will leave the casino floor eventually (likely around 4 when the booze dries up) and you can still be overserved while gambling. Furthermore, let's not kid ourselves the moment they are allowed to serve past 2 every bar in the state will be up in arms insisting it's unfair preferential treatment and they too need to serve until 4.

Sent from my iPhone

Forwarded to Catherine B. on May 7, 2019

From: Brian Gannon <briangannon.j@gmail.com>
Sent: Tuesday, May 7, 2019 9:17 AM
To: MGCcomments (MGC)
Subject: RE: Liquor License Extension

Dear MGC,

As the license holder at Encore was only just found "fit" to run a casino after demonstrably covering up dozens of sexual assaults committed *by their CEO against his employees* just by paying \$35 million to the Commonwealth of Massachusetts. I have a serious problem with this request. The casino licensing process strictly stated that organizations that behave with such criminality would be denied a license although this was still approved. Extending Encore's privileges makes no sense at all. Additionally, current establishments in MA would be at a huge disadvantage if this exception were being given to an entity who already is expected to take millions out of local business owners pockets. Please do not allow this exception.

--

Brian Gannon
198 Everett Street East Boston MA 02128
briangannon.j@gmail.com

Forwarded to Catherine B. on May 7, 2019

From: Joshua Maloney <josh.m.maloney@gmail.com>
Sent: Tuesday, May 7, 2019 9:08 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

I would allow them to extend their liquor license until 4am, however, I would create the stipulation that they can only serve guests who are staying in the resort with a room for that night. That information can easily be tracked by the casino through their loyalty card program and guests of the resort can be given a lanyard/badge allowing them access to such a privilege.

Sent from my iPhone

Forwarded to Catherine B. on May 7, 2019

From: Daniel Arinello <darinello@gmail.com>
Sent: Tuesday, May 7, 2019 8:43 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Let them serve alcohol all night. It's a casino.

Also, laws like these adversely affect people who work off-shifts. At 2am, some people have just gotten out of work.

--
Daniel C. Arinello
DArinello@gmail.com
617-650-8374

Forwarded to Catherine B. on May 7, 2019

From: Matthew Soleyn <soleynm@gmail.com>
Sent: Monday, May 6, 2019 5:29 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Dear Massachusetts Gaming Commission,

I support the request from Encore Boston Harbor related to alcohol service at the facility. The extended service to people engaged in gaming from 2-4 AM will allow Encore Boston Harbor to be competitive with other casino resorts across America, some of which actually can serve alcohol 24 hours a day. Additionally, it will help give value to players in that timeframe.

Matthew D. Soleyn

LinkedIn: <http://www.linkedin.com/in/matthewsoleyn>

Twitter: <http://www.twitter.com/MattSoleyn>

Forwarded to Catherine B. on May 7, 2019

From: Cathryn F. Brower <cfbrower@comcast.net>
Sent: Monday, May 6, 2019 5:00 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor - Liquor License Extension *****ABSOLUTELY NOT*****

TO THE COMMISSIONERS:

WORKERS IN METRO BOSTON DESERVE THE RIGHT TO DRIVE TO WORK WITHOUT DRUNK DRIVERS ON THE ROAD. MANY OF US LEAVE AT 2, 3, 4 AM IN THE MORNING TO GET INTO BOSTON BEFORE RUSH HOUR TRAFFIC, DETOURS FROM ACCIDENTS, AND ROAD CLOSURES.

THE POLICE CANNOT CATCH EVERY OUI PERSON THAT WOULD LEAVE ENCORE AT 4AM AND COULD POSE A REAL HAZZARD TO EARLY MORNING COMMUTING.

WYNN ENCORE IS IN THE MIDDLE OF A VERY CONGESTIVE TRAFFIC HEAVY AREA. ABUTTORS DO NOT NEED MORE ALCOHOLICALLY CHALLENGED INDIVIDUALS.

PLEASE DO NOT EXTEND ALCOHOL SERVICE. FURTHER, THIS WOULD PUT PRESSURE ON REGULAR BARS TO EXTEND THEIR ALCOHOL SERVICE TO 4AM. AND NOW WITH LEGAL CANNABIS PERMITTED, MASSACHUSETTS DOES NOT NEED MORE IMPAIRED DRIVERS ON THE ROAD INTO THE EARLY MORNING HOURS. HEALTH CARE COSTS AND CAR INSURANCE ARE ALREADY THROUGH THE ROOF IN MASSACHUSETTS AND WILL CONTINUE TO INCREASE WITH LONGER ALCHOL SERVICE HOURS

FULL DISCLOSURE: MY CONDO HAS BEEN WATER DAMAGED 20 TIMES , 16 TIMES IN 7 YEARS BY AN ALCOHOLIC CHALLENGED NURSE WHO HAS 2 OUIs AND LIVES OVER MY UNIT !!!

AS AN RN, MSN, WHO TRAINED EMTS, IN BOSTON BACK IN THE 1970'S I IMPLORE YOU NOT TO EXTEND ALCOHOL CONSUMPTION HOURS TO 4AM.

Signed:

RN MSN

Forwarded to Catherine B on May 7, 2019

From: patsy <pbindi@verizon.net>
Sent: Monday, May 6, 2019 4:11 PM
To: MGCcomments (MGC)
Subject: Encore alcohol license

This is a yes. All casino's should sell alcohol whenever they feel they can. They know what the customers want.

Pat

Sent with AquaMail for Android

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mobisystems.com_aqua-2Dmail&d=DwIDAg&c=iDF7oMaPKXpkYvev9V-fVahWLOQWnGCCAfCDz1Bns_w&r=kNiBpksvyVM0iIlN3igrWR6hdEh13dSApiVcT1acaWw&m=vu0V_UILWtwnhLfvI9Mvtc_b7sc55VIOqbXNqyaGhZtQ&s=PgPumwA9HUVSKnCDLlaVD8HK6j2zen2IV-M0zUiwUaQ&e=

Forwarded to Catherine B. on May 7, 2019

From: Sander Straus <straus.s@husky.neu.edu>
Sent: Monday, May 6, 2019 3:02 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Hello,

My name is Sander Straus and I am an of-age student at Northeastern University from Las Vegas, Nevada. I am writing concerning Encore's request for a liquor sales time extension on the gaming floor from 2am-4am for active players.

The decision to approve this extension should be a no-brainer for the MassGaming commissioners. **There are 2 main reasons for this:**

1. MGM Springfield set a precedent in the state that should be followed. The decision to extend sales hours to active players on the gaming floor has created a new standard that should be followed for a gaming establishment with a Category 1 license.

2. Use basic logic to understand the benefits of tax revenue generation during those hours. When enjoying gaming entertainment, the later it gets the more revenue that is generated for a casino by its patrons. With the combination of alcohol adding to the entertainment, players are more likely to stay later and further generate revenue, and thus tax revenue, for the Commonwealth of Massachusetts.

Considering the aforementioned points, the MassGaming commission should approve this request in a timely manner before the opening of Encore Boston Harbor.

Regards,

Sander Straus
702-622-1699
straus.s@husky.neu.edu

Forwarded to Catherine B. on May 7, 2019

From: Robert BEHENNA <eligies@comcast.net>
Sent: Monday, May 13, 2019 11:30 AM
To: MGCcomments (MGC)
Subject: Issuance of Liquor License

Commissioners,

I have recently seen a comment in the media relative to the delay in issuance of the extended hour liquor license to Wynn Resorts for the Boston Harbor Encore Casino. The delay in my opinion is unwarranted. Although the concerns expressed are thoughtful for area business the oversight expressed by the Wynn Resorts & Encore Management would make them unfounded.

I am not a table drinker. The Casino guidelines, as expressed at your last meeting (& shown in their application) show that the timeframes for serving in restaurants & bars on the property would be the same as all like establishments in the neighboring areas, serving shut down at 2:00AM. An additional 2 hours is requested for the gaming area, while seated & gambling, until 4:00AM.

I do not believe that patrons of neighboring establishments will flock to the casino just to obtain additional drinking time. This is for the following reasons:

1. Only VIP casino players will be receiving complimentary drinks all others would be charged a fee. The local \$5 beer, would cost \$8-\$10 a pop, hard liquor \$12-\$15.
2. A maximum of 6 drinks would be served in the 2 hr. timeframe (complimentary or fee based on the 20 minute spacing).
3. Table minimums would be \$15/bet on peak nights, (Thursday - Sunday) with a play of \$45/hand the norm.
4. I do not think the boston drinker will reconcile the drink & wager over his /her next nights buzz.
5. Appearance of drinking would give pause to servers to allow additional drinks
6. NO tabs at the Casino tables (unlike eating or drinking establishments which run a tab on a credit card)

As far as hurting the eateries, I think that the normal Boston crowd will visit the Casino for the occasional meal experience, but once they are handed the bill, will realize that their local eateries offer the same quality of eating experience but for a less \$\$s.

I would say that the guests of the hotel would more often then not find their way into the local Boston neighborhoods to experience the Boston scene, food, sports, entertainment, and the overall Boston experience, rather than spend the day at the tables, (problem gamblers excluded).

If there was any downturn in the Boston restaurants financials it would be undetected, in fact it may benefit as more non-regulars would find these establishments more accessible due to shorter seating times. Unless the overall discretionary income reduces, because of some national economic downswing, I do believe that any local downturn would be significantly short lived.

Discretionary income has not yet come back to its pre-2000-2010 status. People are slowly venturing out as their discretionary funds slowly increase. The higher prices which will be readily apparent at the Casino venue may bring locals for a one time experience. Those initial adventurers will, by word of mouth or social media, remark on their overall experience and that tale (especially the financial portion) will determine whether friends or neighbors will also take in the experience.

The Casino will benefit only at the gambling tables or machines by 6-drinks maximum after 2:00AM (until 4:00AM).

As I have said, I do not drink at the table, I also do not play until the wee hours. Players after 2:00AM would be few in all areas. The concerns expressed for unfair competition are without merit and really unfounded.

Approve the extended hours, noting the stated oversight as proposed by the Casino management.

Resprctfully,

Robert Behenna

66 Thurman Street

Everett MA 02149

From: Alex Tischenko <alex@revointeractive.com>
Sent: Wednesday, May 15, 2019 12:26 AM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

Good Day,

As a resident of Revere, business owner and someone who immigrated to the US, I would like to state that I am 100% FOR the late-night hours for serving alcohol.

Why should we fall behind destinations like Las Vegas or other hot spots across the USA that are doing just fine with late night hours? What about countries Outside of the US with comparable or lower crime rates and late night alcohol serving hours?

There are ways to mitigate risks without completely shutting off service after 2am.

2am is actually Not a good idea because people have a very limited time to enjoy their drinks, so they end up Binge Drinking to get more alcohol down before the 2am cut off. They get to their venue at 11pm to 12am and 'down' whatever they can for 2-3 hours. There is very little time to process alcohol. They cannot 'relax' because the venues or service is closing shortly. What is this going to lead people to do?

Most people that enjoy Boston's night life would benefit from winding-down after 2am for 2 more hours as they get home to bed. This is just smart policy. People are not 'turning up' at 4am.

The 2am cut-off only pushes people into Binge Drinking territory.

We should give the 4am hours a try and see how the public likes it.

Thank you,
Alex Tischenko

--
Best Regards,
Alex Tischenko
REVOInteractive.com - Displays & Electronics
Tel: 1-866-738-6797

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From: Edward Orde <edwardorde6@gmail.com>
Sent: Monday, May 13, 2019 10:53 PM
To: MGCcomments (MGC)
Subject: Encore Boston Harbor Liquor License Application

I support the proposed beverage license from Encore including the proposal to continue to serve drinks until 4am in specific locations. I believe the Boston area needs these enhanced nightlife options as it is currently seriously lacking any.

From: Anacristina Fragoso <anafrag1@gmail.com>
Sent: Monday, May 20, 2019 10:11 AM
To: MGCcomments (MGC)
Subject: Extending Liquor Hours

Why are no studies provided? There is no public transit services offered at these hours, never mind the more drunk drivers on the road risk - Boston is NOT Vegas.

I am opposed to this. The infrastructure does not support it

From: Stephen Greene <stephenpaulgreene@yahoo.com>
Sent: Monday, May 20, 2019 11:46 AM
To: MGCcomments (MGC)
Subject: "Encore Boston Harbor Gaming Establishment Revision"

To: Massachusetts Gaming Commission mgcccomments@state.ma.us

Subject: "Encore Boston Harbor Gaming Establishment Revision"

From: Stephen Greene, 41 North Mead St., Charlestown MA, 617-233-2101

Comments:

What difference does it make if Wynn can only serve "actively gaming guests only." What difference? Really?!

The absurdity of extending alcohol service is almost as great as locating a Casino on Rt. 99 in Everett.

Why would Wynn make such a request? a. alcohol is profitable b. drunks lose more money.

Why approve the request? There are no reasons to approve the request.

More rational responses to Wynn's request include requirements to: a. hold AAA meetings after midnight daily, b. hold gamblers anonymous meetings daily after midnight, c. serve free caffeinated herbal tea after midnight. At least the drunks can sober up as they lose money and prepare to navigate their way home.

The suggestion that only actively gaming guests can drink after hours is ridiculous suggesting one cannot just hang out and drink. How is that controlled? Poorly.

Most importantly what happens at 4 AM? The drunken gamblers have lost money, many are depressed, some are suicidal, and they get in their cars and drive endangering public safety.

Unfortunately, traffic enforcement is notoriously weak. Regularly pedestrians, cyclists, and other motorists are killed by those driving dangerously. The streets of Boston continue to be dangerous for children, women, men, pedestrians, cyclists and other motorists. A few examples.

A child was in a stroller being pushed by her grandmother when they were both hit in a school zone cross walk; An MBTA bus recently murdered a 60 year old woman in Chelsea; Recently yet another hit and run murdering a 57 year old woman Mattapan.

An example of weak sentencing for vehicular homicide is a recent sentence for a man who admittedly was texting while driving resulting in his murdering a 20 year old woman in Worcester. Sentence? NO JAIL TIME! 4 years probation! A travesty!

A few weeks ago a couple of miles from Everett a 22 year old Dylan Etheridge at 1:15 AM hit multiple cars then flip his car over killing a young female passenger. The driver fled the scene. (Why? DRUNK!) Images of the mangled car are shocking! Post-accident once the perp sobered up, listening to Dylan Etheridge's lawyer spinning the deadly event it makes you sick.

What good are traffic mitigation strategies when drivers text while driving, drive drunk, drive aggressively, speed, road rage, ignore cross walks and kill the innocent...given weak enforcement the laws there is nothing to deter deadly behavior.

Ghost bikes are all too common throughout Boston, Sullivan Square, Back Bay at Dartmouth, Mass Ave and Beacon, at Museum Way, these many memorials to cyclists murdered by a motorists. In most of these cases there is little or no punishment. Why?

According to the NHTSA given the USA's love affair with the cars, drivers almost always receive the benefit of the doubt! A disgrace! Incidents are spun, victims are blamed, and enforcement & penalties are weak. Weak enforcement results in deadly accidents due to dangerous driver behavior. Anyone that listens to Red Sox games on the radio regularly hears advertisements wherein lawyers specializing in drunk driver cases pitch their experience in court achieving positive outcomes for their client perps despite the victims.

I recommend the Gaming Commission deny Wynn's request to serve alcohol until 4 AM! Public Safety for a change over drunken gamblers and Wynn profits.

Sincerely,

Stephen Greene, 41 North Mead St., Charlestown MA, 617-233-2101

From: Darnell Williams [<mailto:darnellw52@gmail.com>]
Sent: Tuesday, May 21, 2019 7:16 AM
To: MGCcomments (MGC)
Subject: Hours for extended opening

As a Boston city resident, I submit these thoughts to express my support for the proposed extended hours of operation for Encore. I further add that this distinction should also be extended to other cities and towns within the Commonwealth. I travel to many other cities and countries and late hours are the norm not the exception. The time has come to lift these old traditions and meet the needs of our current taste and demands. Thank you for your consideration.