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## Meeting Minutes

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**Date/Time:** August 6, 2015 – 10:30 a.m.

**Place:** Hynes Convention Center  
900 Boylston Street – Room 207  
Boston, Massachusetts

**Present:** Chairman Stephen P. Crosby  
Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

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

### **Call to Order**

See transcript page 2

[10:31 a.m.](#) Chairman Crosby called to order the 160th Commission meeting.

### **Approval of the Minutes**

See transcript pages 2-3

[10:31 a.m.](#) *Commissioner McHugh moved for the approval of the July 23, 2015 minutes with reservation of rights to change mechanical and typographical errors. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

*Commissioner McHugh moved for the approval of the July 29, 2015 minutes with reservation of rights to change mechanical and typographical errors. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

## **Ombudsman**

See transcript pages 3-205

- [10:33 a.m.](#) Robert DeSalvio, President of Wynn MA LLC, provided an overview on the SSFEIR (Second Supplemental Final Environmental Impact Report) filing, a history of filings, comment letters received, scope of Secretary's Certificate, and the MBTA.
- [10:36 a.m.](#) Jacqui Krum, Senior Vice President of Wynn MA LLC, provided a report on the MBTA land acquisition which included the bidding process and escrow agreement.
- [10:40 a.m.](#) Chris Gordon, Project Manager for Wynn Everett/Dirigo Group, provided a report on the Orange Line operating subsidies which included transit station improvements, additional train sets, and shuttle buses to the resort for staff and patrons.
- [10:53 a.m.](#) Jacqui Krum reported on Section 61 Findings and commitment to approximately \$850 million in mitigation payments over a 15 year license term.
- [10:55 a.m.](#) Chris Gordon reported on design refinements which included building elevation, soil excavation, and parking reduction.
- [11:00 a.m.](#) Ombudsman John Ziemba provided an overview on the draft Memorandum of Agreement (MOA) between MGM, the Massachusetts Historical Commission, and the Massachusetts Gaming Commission regarding the MGM Springfield Project.
- [11:02 a.m.](#) Jed Nosal, from Brown Rudnick and representing MGM Springfield, and Brian Packer, Vice President of Development and Construction, provided a status report on the MOA which included property highlights.
- [11:16 a.m.](#) Seth Stratton, Vice President and General Counsel representing MGM Springfield, presented on the Historic Preservation Trust Fund which included fund purpose, designees, covenant and project changes, signatories, and concurring parties.
- [11:29 a.m.](#) Jed Nosal requested that the Commission approve the MOA and delegate authority to staff to approve any changes.
- [11:38 a.m.](#) *Commissioner McHugh moved that the Commission approve the MOA between all parties with respect to the historic preservation and delegate to staff the power to approve any changes that are necessary before the agreement is executed with the proviso that if all of the changes are not agreed-upon before the next Commission meeting that the matter be brought before the Commission again with all the necessary parties in attendance. Motion seconded by Commission Stebbins. Motion passed unanimously.*

- [11:40 a.m.](#) The Commission took a short recess.
- [11:50 a.m.](#) The meeting resumed.
- [11:50 a.m.](#) Ombudsman Ziemba provided an overview on the MGM Springfield construction schedule, traffic and construction consultant review, the I-91 viaduct schedule and its impact on the casino opening.
- [12:00 p.m.](#) Brian Packer, Director of Design and Construction for MGM Resorts, presented on the construction schedule which included programmatic design changes. He also reported on historic preservation initiatives, outdoor market and entertainment plaza, State Street coffee shop, improved pool deck space, outdoor employee dining area, and residential roof top garden.
- [12:05 p.m.](#) Michael Mathis, President of MGM Springfield, presented on the final project schedule, highlighted milestones tied to new opening date, and provided examples of troubled casino openings due to traffic impacts. He noted that their position is that the casino should not open until the viaduct is completed.
- [12:26 p.m.](#) Kevin Dandrade, from TEC, and Michael Mathis presented on the impact of the I-91 viaduct project, the risks to construction process without a known opening date, and the date selection process.
- [1:04 p.m.](#) Jeff Ciuffreda, President of Affiliated Chambers of Commerce of Greater Springfield, presented on letter of support for a later opening date of MGM Springfield.
- [1:23 p.m.](#) *Commissioner McHugh moved that the Commission approve the request of MGM Springfield to set a date for opening of September 5, 2018 or 30 days following full beneficial use of the I-91 viaduct whichever is later. Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- [1:26 p.m.](#) The Commission took a short recess.
- [1:33 p.m.](#) The meeting resumed.
- [1:33 p.m.](#) Ombudsman Ziemba provided a brief summary on the Region C licensing process memorandum and discussions with applicant Massachusetts Gaming & Entertainment.
- [1:36 p.m.](#) Neil Bluhm, Chairman of Rush Street Gaming, provided an overview on his background, company, real estate interests, and projects in Boston.
- [1:43 p.m.](#) David Patent provided an overview on Rush Street Gaming (RSG) casino projects. He noted that RSG has a proven financing track record. He also noted awards received and community partnerships.

- [1:49 p.m.](#) Neil Bluhm stated that the Brockton casino project is shovel ready, it will be a successful project, jobs will go to people who need it most, and the tribe matter is not a factor.
- [2:08 p.m.](#) Mayor Bill Carpenter of Brockton shared his perspective on the benefits of a casino in Brockton which included the following: 12 million per year in revenue, restored public safety positions, public school investments, infrastructure improvements, jobs, and transformation of the perception of the city – from a city to drive through to a city to drive to.
- [2:17 p.m.](#) Ombudsman Ziemba noted his and General Counsel Catherine Blue’s recommendation to the Commission for continuation of the Region C licensing process.
- [2:20 p.m.](#) Commissioners concur to proceed with the Region C licensing process.

### **Legal Division**

See transcript pages 206-212

- [2:24 p.m.](#) Loretta Lillios, Chief Enforcement Counsel/IEB Assistant Director, requested that the Commission delegate to the Director of the IEB the authority to issue gaming vendor secondary licenses and that the Director of the IEB will make regular reports to the Commission on licenses granted.
- [2:31 p.m.](#) *Commissioner Stebbins moved that the Commission delegate to the Director of the IEB the authority to issue gaming vendor secondary licenses under 205 CMR 134.09(1)(c). Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- [2:32 p.m.](#) Loretta Lillios provided a report on temporary key gaming employee licenses issued to a Security Shift Manager and Security Shift Supervisor.
- [2:33 p.m.](#) The Commissioners recessed for lunch.
- [2:59 p.m.](#) The meeting resumed.

### **Racing Division**

See transcript pages 213-249

- [3:00 p.m.](#) Interim Director of Racing Dr. Alexandra Lightbown and Commissioner Cameron reported on their conversation with the Stronach Group.
- [3:05 p.m.](#) Commissioner Zuniga raised subsidy (Race Horse Development Fund) matter and the need to engage with the Legislature regarding intent.
- [3:15 p.m.](#) Commissioner Stebbins noted that the Commission needs to set out expectations with respect to applications for next year.

- [3:15 p.m.](#) Live stream audio and video malfunction.
- [3:16 p.m.](#) The Commission took a short recess for A/V repair.
- [3:22 p.m.](#) The meeting resumed.
- [3:32 p.m.](#) *Commissioner Cameron moved that the Commission approve the request from Suffolk to have a three-day race meet, and those dates are September 5, October 3, and October 31<sup>st</sup>. Motion seconded by Commissioner Stebbins. Commissioner Zuniga voted no. The motion passed four to one.*
- [3:34 p.m.](#) General Counsel Blue provided clarification on the Race Horse Development Fund intentions and uses.
- [3:40 p.m.](#) *Commissioner McHugh moved that the Commission authorize an expenditure from the purse account of \$225,000 for NEHBPA (New England Horsemen's Benevolent and Protective Association) administrative expenses and not more than \$1.2 million for purses for the three-day meet the Commission had just authorized. Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- [3:42 p.m.](#) Dr. Alexandra Lightbown stated that she would like to see what is going on in other parts of the country so that we can have a meaningful meet and see some great proposals come in for the next racing season.

### **Legal Division**

See transcript pages 250-275

- [3:50 p.m.](#) General Counsel Blue called for the Commission to ratify 205 CMR 139: which addresses Licensee Disclosure and Reporting and was approved before the Commission at the last meeting. A comment was received from the public that this regulation was listed on the agenda with an abbreviation that was not specified. General Counsel Blue noted that going forward we will not use acronyms in the regulations section.
- [3:53 p.m.](#) *Commissioner McHugh moved that the Commission ratify the action that it took two weeks ago in approving for promulgation 205 CMR 139, which addresses licensee disclosure and reporting and that the Commission also ratify the approval we gave two weeks ago to sending the small business impact statement for that regulation to the Secretary of State. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*
- [3:54 p.m.](#) Deputy General Counsel Todd Grossman presented on 205 CMR 129: Transfer of Interest. He highlighted provisions, laid out four options for payment of the Commonwealth's share, and recommended posting for public comment.
- [4:05 p.m.](#) Chairman Crosby raised question pertaining to intent of assessing a transfer fee. Discussion followed.

[4:17 p.m.](#) General Counsel Blue provided an update on the Section 61 Findings process for MGM.

### **Workforce, Supplier and Diversity Development**

See transcript pages 275-285

[4:20 p.m.](#) Commissioner Stebbins presented on work done to arrive at definition of a veteran for purposes of expanded gaming statute and recommendation to post veteran definition for public comment.

[4:25 p.m.](#) Director Jill Griffin presented an update on the Access and Opportunity Committee which is comprised of unions, licensees, and community groups. The Committee meets monthly and is charged with monitoring workforce diversity.

### **Other Business Not Reasonably Anticipated**

See transcript pages 285-286

[4:32 p.m.](#) *Having no further business, a motion to adjourn was made by Commission Cameron. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission - Notice of Meeting and Agenda dated August 6, 2015
2. Massachusetts Gaming Commission - Draft Meeting Minutes dated July 23, 2015
3. Massachusetts Gaming Commission - Draft Meeting Minutes dated July 29, 2015
4. Wynn Everett Presentation dated August 2015
5. MGM Springfield Presentation dated August 6, 2015
6. Memorandum of Agreement among the Massachusetts Gaming Commission, Blue Tarp reDevelopment, and the Massachusetts Historical Commission regarding the MGM Springfield Project – Presentation with attachments dated August 6, 2015
7. MGM Springfield Request for Approval of Construction Schedule Presentation dated August 6, 2015
8. Massachusetts Gaming & Entertainment (Rush Street Gaming) Presentation dated August 6, 2015
9. 205 CMR 129.00: Transfer of Interests - Amended Small Business Impact Statement
10. 205 CMR 129.00: Transfer of Interests – Draft
11. Determining of Commonwealth’s Share for Transfer of Interest – 205 CMR 129.02(10) (four options)
12. 205 CMR 139.00: Continuing Disclosure and Reporting Obligations of Gaming Licensees
13. 205 CMR 139.00: Continuing Disclosure and Reporting Obligations of Gaming Licensees – Amended Small Business Impact Statement

14. Massachusetts Gaming Commission - Memorandum dated August 6, 2015 regarding Delegation of Authority to the Director of the IEB
15. Massachusetts Gaming Commission - Memorandum dated August 5, 2015 regarding Temporary Key Gaming Employee Licenses Issued
16. Massachusetts Gaming Commission - Memorandum dated July 21, 2015 regarding Suffolk Downs with attachments
17. Massachusetts Gaming Commission - Memorandum dated August 4, 2015 regarding Definition of "Veteran" for purposes of Expanded Gaming Statute
18. HLT Advisory - Memorandum dated August 5, 2015 regarding Impact of the Interstate-91 Viaduct Rehabilitation Project on the Springfield/MGM Casino – Draft
19. Massachusetts Gaming Commission - Memorandum dated August 5, 2015 regarding Region C Licensing Process

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary