

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION

PUBLIC MEETING

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

RE: HOST COMMUNITY HEARING PLAINVILLE, MASSACHUSETTS

January 27, 2014, 4:30 p.m.

BEATRICE H. WOOD ELEMENTARY SCHOOL

72 Messenger Street

Plainville, Massachusetts

1 P R O C E E D I N G S:

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3 COMMISSIONER MCHUGH: I would like

4 to have the meeting come to order, please.

5 Good afternoon to you all. Welcome to a

6 continuation of the meeting pursuant to General

7 Laws Chapter 23K section 17 that we began on

8 December 4 of last year and continued at the

9 end of that period to today.

10 Today we want to finish up that

11 meeting and close the hearing so that we can

12 move on to the next phase, which will be the

13 award of licenses.

14 Today's meeting is limited in topic

15 to discussion of issues surrounding the

16 agreement between the applicant, Springfield

17 Gaming and Redevelopment, LLC, and the town of

18 Foxboro. That agreement was not in place at

19 the that time we had the last hearing. So, we

20 welcome comments about that today, but our

21 agenda is limited to that.

22 Before we begin the commentary on

23 that, I would ask Mr. Joseph Fernandes who is

24 here, I think, to come forward and say a few

1 words of greeting.

2 MR. FERNANDES: Once again since we
3 last saw one another, I'd like welcome you to
4 Plainville. I want to do that on behalf of my
5 immediate boss, Andrea Soucy, who is a member
6 of the Board of Selectmen who is here. I'd
7 also like to recognize a colleague of mine,
8 Mark Fisher from North Attleboro. He spoke at
9 the last meeting on December 4.

10 I would also like to recognize my
11 temporary colleague Bob Butler from Foxboro,
12 along with Selectman DeVellis from Foxboro.
13 And if I could be so bold to request that any
14 comments I have would be later on in the
15 afternoon after other folks have spoken.

16 COMMISSIONER MCHUGH: Certainly, Mr.
17 Fernandes. Thank you, very much. And welcome
18 to the Select people from both Plainville and
19 Foxboro.

20 I would call next on the agenda for
21 the meeting this afternoon really is to hear
22 from the applicant, get an update on the nature
23 and the content of the agreement that brings us
24 here this afternoon, then to hear from others

1 who wish to be heard on the content of the
2 agreement. Then come back to Mr. Fernandes for
3 any closing comments, and then close the
4 hearing and move to the next stage, the next
5 exciting stage in this process.

6 So, let me begin by asking from
7 commentary from the applicant.

8 MR. SNOWDEN: Thank you,
9 Commissioner McHugh, Commissioner Cameron,
10 Commissioner Stebbins. The update with regards
11 to the surrounding community agreement with
12 Foxboro since the last time we were here, we
13 had a unanimous vote in favor, five to zero, of
14 the Selectmen in the town of Foxboro for the
15 surrounding community agreement.

16 The terms of that agreement were
17 very similar to the surrounding community
18 agreements with the three other surrounding
19 communities that had been established
20 previously.

21 We're happy to answer any questions.
22 We have supplied that surrounding community
23 agreement to Mass. Gaming Commission staff and
24 are happy to answer any questions that you may

1 have about that agreement.

2 COMMISSIONER MCHUGH: Do we have any
3 questions for Mr. Snowden? We've looked at the
4 agreement. I think it's worthwhile to pause
5 for a minute and congratulate both the
6 applicant and the town for coming to an
7 agreement here.

8 I know there were difficult issues
9 there that both sides worked very, very hard to
10 come to this agreement. And the agreement that
11 the two sides can reach on their own is far
12 better than any agreement that could be
13 determined through arbitration or any other end
14 of the line process like that.

15 So, I recognize the hard work and
16 the thoughtful work that went into this. We've
17 looked at the agreement and it reflects that
18 hard work and careful thinking. And I think
19 everybody in both Foxboro and others connected
20 with this process should be very happy that you
21 were able to do that.

22 MR. SNOWDEN: Thank you.

23 COMMISSIONER MCHUGH: So, thank you,
24 Mr. Snowden. Is there anything further?

1 MR. SNOWDEN: If I could, we have
2 one other project update since the last time we
3 were together. I'll keep this brief. We did
4 late last week sign project labor agreements
5 with the Brockton Builders and Carpenters
6 Council as well as the New England Regional
7 Council of Carpenters who are here this
8 evening in the front row over there.

9 COMMISSIONER MCHUGH: Welcome.

10 MR. SNOWDEN: So, we are the only of
11 the Category 2 applicants to get to that stage
12 with a fully executed project labor agreement.
13 So, we wanted to at least provide you with that
14 update. We have supplied John Ziemba and staff
15 with copies of those project labor agreements.

16 This is our last formal face-time
17 together. So, we wanted to thank you for what
18 has been a very open, fair, transparent and
19 completely professional process throughout.
20 Your staff has been fantastic. I've mentioned
21 this to you on numerous occasions.

22 Mr. Ziemba, Catherine Blue and the
23 rest of the staff responsive, professional,
24 always getting us responses when we need them

1 to keep the process moving along. And that's
2 not always the case in all of these
3 jurisdictions. So, you should be very proud of
4 the stuff that you have. They've done a
5 fantastic job.

6 COMMISSIONER MCHUGH: It's nice to
7 hear that. Thank you, Mr. Snowden.

8 COMMISSIONER CAMERON: Thank you.

9 MR. SNOWDEN: Thank you.

10 COMMISSIONER MCHUGH: Now we're at
11 the stage where we are prepared to hear those
12 who would like to speak either in favor of or
13 in opposition to the agreement. That's the
14 limitation on the topic. And we've asked that
15 each speaker's presentation be limited to five
16 minutes. The first, I must say I'm having a
17 little trouble reading the handwriting, Mr.
18 Shipmarker. I'm sure I didn't get that right.

19 COMMISSIONER MCHUGH: Would you just
20 introduce yourself so we get it for the record.

21 MR. SHEPARDSON: It's Glen
22 Shepardson. I am here to support the racino.
23 I know there's been a lot of issues with
24 Foxboro in the past with their history of

1 trying to get a casino. Not everybody agreed
2 with the town's decision. I am here to say
3 welcome to the casino.

4 COMMISSIONER MCHUGH: Good, thank
5 you very much. That's well under the five
6 minutes. Thank you.

7 COMMISSIONER MCHUGH: Mr. Scott
8 Maloney from Plainville.

9 MR. MALONEY: How is everybody
10 doing? By a round of applause, how are you all
11 doing? I just came by to say that I am
12 wholeheartedly in favor of the racino in
13 Plainridge. I've been in this town for a long,
14 long time. And I've seen it grow. I've seen
15 it start from when there were cornstalks, just
16 acres and acres of cornstalks right across the
17 street in the neighborhood I grew up in to a
18 place that I can be proud of, a place I can
19 hope to one day raise a family. First, I need
20 to find a wife. Any single ladies?

21 I had just stopped by to say I am in
22 support of this racino. Thank you for your
23 time.

24 COMMISSIONER MCHUGH: Thank you very

1 much, Mr. Maloney. That is all the names that
2 I have on the sign-up sheet. Mr. Fernandes,
3 let me bring it back to you.

4 MR. FERNANDES: First, let me
5 apologize to my colleague. I quickly in haste
6 to identify everyone called Bob Cutler Bob
7 Butler. Let me apologize for that.

8 I have read all four surrounding
9 community agreements. And they are pretty much
10 the same. Foxboro has a slight wrinkle in that
11 it requires an escrow agreement. I understand
12 the motivation that one would have. I think in
13 any endeavor such as there is always some
14 skepticism. And they sought to ensure that
15 there would be funds. So, they unlike the
16 other three committees sought an escrow
17 agreement.

18 I think one thing that can be said
19 throughout this entire process, there's
20 skepticism on everyone's part. Clearly, the
21 Commission has gone to great lengths to vet
22 analyze and examine all applicants, not only
23 here in Plainville but elsewhere.

24 So, as a result of that process, I

1 don't know that there's anything I can say you
2 haven't heard. I thought what might be helpful
3 if I share with you a couple of anecdotes that
4 I've gone through over the course of these last
5 two years.

6 When the law was passed and we knew
7 that Plainridge was going to apply, we too
8 hired our consultants. We too did our due
9 diligence. But I thought it might be useful to
10 reach out to a community that may be in the
11 same situation as Plainville.

12 I reached out to Bangor, Maine. I
13 didn't know anyone there, but knew that the
14 horse track had gotten a slot casino license in
15 Maine, a small community. I spoke to -- At the
16 time they did not have a city manager. I spoke
17 to the finance director who spoke glowingly of
18 the impacts that this new facility had had on
19 their community.

20 They may or may not have mentioned
21 it was Penn. In those days, as you recall,
22 Ourway was the applicant. Penn meant very
23 little to me, if anything. But I was struck by
24 the fact that their experience to date had been

1 very positive. She talked about the added
2 revenue, the impact on the downtown and some
3 property that the city actually owned that was
4 now being utilized by the facility.

5 When Penn did come to light in
6 Plainville, as you know, it was a result of
7 Tewksbury not voting to rezone the parcel that
8 Penn was interested in.

9 So here again, I reached out to the
10 town manager in Tewksbury, Richard Montuori,
11 and spoke to him not of Penn, but what was the
12 process? What was it that you thought was the
13 reason folks chose not to rezone.

14 He told me of some the thoughts the
15 he had as to why it didn't go forward. But
16 when I asked about Penn, because at this point
17 we were hoping that someone like Penn would now
18 step in for Plainridge or Ourway rather, I
19 still remember the words that he said, you're
20 going to enjoy working with Penn. I asked why.
21 And he said everything they said they would do,
22 they've done. And when you talk to them, you
23 know there's sincerity behind what they say.

24 There again, I adhere to the

1 proposition that a pessimist is never
2 disappointed. And I thought perhaps this is
3 just one more company looking for a location.
4 I came to learn just recently that the good
5 folks in Bangor apparently have had a great
6 relationship with Penn.

7 As you probably know, Penn just last
8 week were awarded the Bangor Chamber of
9 Commerce business of the year award. I thought
10 I would revisit my conversation with Bangor and
11 I spoke to the city manager this morning. The
12 person who was not in place when I last spoke
13 to them, but she again told me of the impact
14 that the folks from Penn have had on the
15 community, the revenue that has been generated,
16 the way that the community, specifically the
17 downtown property has benefited from the
18 presence of Penn and the facility.

19 Interestingly, she told me that one
20 of their, I think her words were nemesis
21 neighbors, community neighbors have now wanted
22 to join with Bangor in a facility investment
23 that is being promulgated by the presence of
24 Penn. It's called Cross Insurance Center.

1 It's an arena and meeting facility.

2 When I asked her specifically about
3 the impact of Penn in terms of their
4 cannibalization of existing businesses or
5 impact on existing businesses, particularly in
6 light of the Chamber of Commerce award, she
7 told me of one case where there was a family
8 restaurant across the street from the facility
9 that has, her words, business is booming.

10 They are actually looking to buy
11 additional property from the city to expand.
12 That nemesis community, as I said, has seen
13 positive impacts, and she didn't mention the
14 community, but in their community as well. By
15 and large businesses across the region have
16 benefited by the presence of Penn.

17 And then my last parting comment,
18 I'll be candid. When I first met the folks
19 from Penn, they said all of the right things.
20 They appeared to have obviously, an extensive
21 background. But I said to her, they appeared a
22 little too good to be true. And she laughed.
23 And she said that was the exact comment our
24 attorney who had negotiated with Penn from the

1 outset shared with her at a meeting just last
2 week. That they to me appeared to be too good
3 to be true.

4 Ten years later, that's no longer a
5 concern for them, it's a reality. So, my hope
6 is that what I thought was too good to be true
7 is in fact the real article. That if in fact
8 the next 30 to 40 days when you'll award the
9 license, if it's Penn, I hope they get the
10 opportunity to make all of their words become a
11 reality.

12 Thank you for your presence. Thank
13 you for your consideration. And hopefully when
14 we meet again, there will be smiles on my face
15 anyway.

16 COMMISSIONER MCHUGH: Thank you very
17 much, Mr. Fernandes. And thank all of your
18 staff and those who have helped make these
19 meetings run so smoothly, for the
20 accommodations you've provided to us and the
21 cooperation you and other town officials have
22 shown throughout the process. It's made it
23 quite easy.

24 MR. FERNANDES: You are more than

1 welcome.

2 COMMISSIONER MCHUGH: Thank you very
3 much.

4 COMMISSIONER CAMERON: Thank you.

5 COMMISSIONER MCHUGH: I know that
6 Chairman Crosby and Commissioner Zuniga,
7 neither of whom could be here tonight join me
8 in those expressions of thanks.

9 This is now the end of a long
10 process, one more important step to go, but the
11 end of a long hearing process. The Commission
12 now has the opportunity to take under
13 advisement and consider as it has been and
14 articulate in public the fruits of our
15 consideration of the applications that are
16 pending.

17 Our goal is to issue the license by
18 the end of next month. We are very grateful
19 for everybody's help, assistance and the
20 thought, care and energy that's gone into the
21 applications.

22 This hearing now and finally is
23 closed. And the next step will be, as I say,
24 the Commissioners' deliberations after we close

1 two more hearings, one in Raynham and the other
2 in Leominster tomorrow night.

3 Thank you all very much. The
4 meeting is now adjourned.

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6 (Hearing adjourned at 4:51 p.m.)

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1 SPEAKERS:

2 Penn National Gaming

3 Jay Snowden, Chief Operating Officer

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5 Members of Host Community Town Governments

6 Joseph Fernandes, Plainville

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8 Members of the Public

9 Scott Maloney

10 Glen Shepardson

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C E R T I F I C A T E

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I, Laurie J. Jordan, an Approved Court Reporter, do hereby certify that the foregoing is a true and accurate transcript from the record of the proceedings.

I, Laurie J. Jordan, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

I, Laurie J. Jordan, further certify I neither am counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken and further that I am not financially nor otherwise interested in the outcome of this action.

Proceedings recorded by Verbatim means, and transcript produced from computer.

WITNESS MY HAND this 28th day of January, 2014.

LAURIE J. JORDAN My Commission expires:
Notary Public May 11, 2018