



Meeting Minutes

Date/Time: May 2, 2014 – 10:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street, Room 102
Boston, Massachusetts

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

Absent: None

Clicking on the time posted in the margin will link directly to the appropriate section of the video.

Call to Order

See transcript pages 2-4.

10:37 a.m. Chairman Crosby opened the 119th public meeting.

10:38 a.m. The Commission discussed scheduling of the following public meeting to determine the premises of Mohegan Sun's and Wynn's proposals.

Ombudsman Report

See transcript pages 4-108.

10:40 a.m. Ombudsman Ziemba and General Counsel Blue presented the arbitrator decisions on the Blue Tarp Redevelopment surrounding community agreements with Longmeadow and West Springfield.

11:09 a.m. Brandon Moss, on behalf of the Town of Longmeadow, presented the Town's position on provisions in the agreement that are fundamentally inconsistent with G.L. c. 23K.

- 11:14 a.m. Steth Stratton and Michael Mathis, on behalf of MGM, presented the applicant's position on provisions in the agreement that are fundamentally inconsistent with G.L. c. 23K.
- 11:23 a.m. The Commission discussed whether any of the provisions of the Longmeadow surrounding community agreement are fundamentally inconsistent with G.L. c. 23K.
- 11:35 a.m. *Motion made by Commissioner McHugh that the Commission deny the objections on grounds of fundamental inconsistency filed by MGM to the award of the arbitrators in the case of the Town of Longmeadow with the exception of the objection in so far as invoices for legal and consulting fees are concerned; and that in so far as that provision of the agreement is concerned that the Commission modify the language currently existing in the best and final offer with the word "reasonable" so that the provision reads, ". . . the community may provide MGM with invoices evidencing reasonable legal and consulting fees and expenses that the community has incurred . . .". Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 11:37 a.m. Jonathan Silverstein, on behalf of the City of West Springfield, presented the City's position on provisions in the agreement that are fundamentally inconsistent with G.L. c. 23K.
- 11:50 a.m. Steth Stratton, on behalf of MGM, presented the applicant's position on provisions in the agreement that are fundamentally inconsistent with G.L. c. 23K.
- 11:54 a.m. The Commission discussed whether any of the provisions of the West Springfield surrounding community agreement are fundamentally inconsistent with G.L. c. 23K.
- 12:03 p.m. *Motion made by Commissioner McHugh that the Commission deny the objections on grounds of fundamental inconsistency filed by MGM to the award of the arbitrators in the case of the City of West Springfield with the exception of adding the word "reasonable" to the sentence in Section 1 that discusses payments of legal fees and other expenses and with the exception of striking from Section 2 the phrase, "The parties acknowledge that the community shall be free to direct the Annual Mitigation Payment and Annual Study Costs Reimbursement (together, the 'Annual Payments') to any uses it deems appropriate and shall not be restricted to use the funds for any purpose set forth herein." Motion seconded by Commissioner Stebbins. The motion passed unanimously.*
- 12:05 p.m. The Commission took a brief recess.
- 12:21 p.m. Ombudsman Ziembra presented a staff request relative to increasing flexibility in the scheduling of future fundamentally inconsistent provision hearings.

- 12:24 p.m. *Motion made by Commissioner Zuniga that the Commission waive the requirement contained in 205 CMR 125.01(6) relative to the hearings on fundamentally inconsistent petitions and allow flexibility to schedule any petitions as they may come on the next available Commission meeting date. Motion seconded by Commissioner Stebbins. The motion passed unanimously.*
- 12:24 p.m. Ombudsman Ziembra recommended procedure for addressing issues that parties may have with selecting arbitrators. The Commission discussed the procedure.
- 12:40 p.m. Ombudsman Ziembra presented the new licensing schedule for Region A.

Legal Report

See transcript pages 108-121.

- 12:42 p.m. General Counsel Blue presented an update on the Caesars divestiture trust.
- 12:43 p.m. Chairman Crosby exited the meeting.
- 12:44 p.m. General Counsel Blue and Director Wells presented an update on the Wynn and FBT Realty land deal.
- 12:54 p.m. Meeting adjourned.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission May 2, 2014 Notice of Meeting and Agenda
2. Blue Tarp Redevelopment LLC's Petition Objecting to The Town of Longmeadow's Best and Final Offer
3. Summary of MGM Objections to Longmeadow BAFO
4. Report and Final Arbitral Award – MGM and Longmeadow
5. Blue Tarp Redevelopment LLC's Petition Objecting to The Town of West Springfield's Best and Final Offer
6. Comments of West Springfield in Opposition to MGM's Petition to Invalidate Provisions of its Best and Final Offer
7. Summary of MGM Objections to West Springfield BAFO
8. Report and Final Arbitral Award – MGM and West Springfield

/s/ Catherine Blue
Catherine Blue
Assistant Secretary