



Meeting Minutes

Date/Time: December 17, 2015 – 10:30 a.m.

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

Present: Chairman Stephen P. Crosby
Commissioner Gayle Cameron
Commissioner Lloyd Macdonald
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 173rd Commission Meeting.

Approval of Minutes

See transcript page 2

[10:31 a.m.](#) *Commissioner Macdonald moved for the approval of the December 3, 2015, minutes subject to any correction of mechanical and typographical errors. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

Administration

See transcript pages 3-17

[10:32 a.m.](#) Interim Executive Director Karen Wells provided an update on Mr. Edward Bedrosian, the new executive director, and noted that his paperwork has been filed, a background check is in process, and an anticipated start date for Mr. Bedrosian is the first week in January. Commissioner Stebbins thanked Ms. Wells for her work in the interim period.

[10:33 a.m.](#) Ombudsman John Ziemba provided an update on Region C which included the following: review teams are conducting an ongoing review of the Mass Gaming & Entertainment application, the Town of Pembroke approved its Surrounding Community Agreement, a summary of the host and surrounding community hearing

process, and a tentative date of January 28, 2016 has been selected for the Surrounding Community Hearing.

- [10:37 a.m.](#) Chairman Crosby reported that a letter was received from Tracy Marzelli pertaining to the Taunton Tribal casino and litigation.
- [10:41 a.m.](#) Chairman Crosby provided an update on the Tribal Compact and stated that meetings have been held with the Commission staff and the Tribe to build a regulatory partnership and the Tribe is working quickly to put together a tribal gaming commission.
- [10:43 a.m.](#) Commissioner Zuniga reported that the Commission's annual report is expected to be completed by the end of the year.
- [10:44 a.m.](#) Chairman Crosby reported that the Daily Fantasy Sports forum panel outcomes will be incorporated in a white paper. He noted that the white paper draft is in process and a final paper will be shared with the Legislature.

Research and Responsible Gaming

See transcript pages 17-126

- [10:49 a.m.](#) Dr. Rachel Volberg, SEIGMA Principal Investigator at UMass Amherst, presented an overview of the Social and Economic Impacts of Gambling in Massachusetts ("SEIGMA") study which included the primary goal, study structure in three research areas (social & health impacts, economic & fiscal analysis, and problem gambling services evaluation), and data collection timeline.
- [10:54 a.m.](#) Dr. Mark Melnik, Director of Economic and Public Policy Research at the UMass Donahue Institute, presented on the SEIGMA economic and fiscal research agenda which included the following: goal and objective, phases of economic analysis (baseline, development/construction, and operations), economic and fiscal measurements, data collection, secondary data recent work, and host community profiles (industry trends, employment, socioeconomic indicators, educational attainment, unemployment, labor force participation, and fiscal indicators.)
- [11:21 a.m.](#) Rod Motamedi, Research Manager of Economic and Public Policy Research at the UMass Donahue Institute, presented on the SEIGMA primary data collection which included a new employee survey, data collection relationships with operators, construction spending data (vendors, workers, wages), employment impacts, and economic activity. He also reported on next steps which included data deliveries and data collection.
- [11:44 a.m.](#) Mr. Motamedi presented on the Plainridge Park Casino new employee survey and provided a summary of the survey tools, protocols and results. He noted that about 720 people were surveyed and the survey results showed hiring frequency, work status prior to hire, reasons for seeking employment, previous gaming work experience, origins of new employees, training and next steps (refine and review survey instrument.)
- [12:02 p.m.](#) Dr. Melnik reported on SEIGMA next steps which included a patron survey, real estate analysis, and community comparison analysis.

- [12:04 p.m.](#) The Commission took a short recess.
- [12:11 p.m.](#) The meeting resumed.
- [12:12 p.m.](#) Marlene Warner, Executive Director of the Massachusetts Council on Compulsive Gambling, presented an update on the GameSense program which included the following: hiring of a new GameSense Advisor, ongoing promotion of GameSense, meetings with legislators, drafting of an operations manual, delivery of materials, development of new games for patrons, presentation and engagement techniques for advisors, purchase of swag products, increased presence in racing area, pre shift meetings with casino staff, updated training with employees, installation of clock, evaluation projects and partnerships, survey tools, Voluntary Self-Exclusion protocol, and Play Management training.
- [12:27 p.m.](#) Amy Gabrila, GameSense Advisor at the GameSense Information Center in Plainridge Park Casino, provided a summary of her professional background in the casino industry and her current role as an advisor. Ms. Gabrila stated that it has been easy for her to engage with the patrons because many are known to her from her previous employment in the casino industry. She stated her experience in the industry has also taught her how to read a patron's body language – when it's safe to engage and when it's not, when a person is down and when they are up. She stated that she left the industry to work for GameSense because she wanted to help patrons recognize their limits. She also stated that working as a GameSense advisor is rewarding because she can talk to patrons about how games work, how to utilize a budget to have a good time, and provide resources to those with a problem.
- [12:32 p.m.](#) Terence Murphy, GameSense Advisor at the GameSense Information Center in Plainridge Park Casino, provided a summary of his professional background in the casino industry and his current role as an advisor. Mr. Murphy stated that he left the industry to work for GameSense because he was discouraged seeing young people gambling. He stated that he watches body language and looks for signs like fidgeting hands and lack of eye contact as cues for engagement.

Mr. Murphy and Ms. Gabrila stated that the Voluntary Self Exclusion program process has been a positive experience for the patrons, unlike a punitive approach they reported experiencing at other casinos. Mr. Murphy estimated that ten percent of the people in the casino are problem gamblers. Ms. Gabrila stated that each GameSense advisor has a unique engagement style that works with reaching different demographics and personalities.

Ombudsman

See transcript pages 127-215

- [12:45 p.m.](#) Ombudsman John Ziemba provided introductory remarks pertaining to the request by the Town of Mansfield to use community mitigation reserve funds.
- [12:46 p.m.](#) Town Manager William Ross, from the Town of Mansfield, provided a summary of his background and noted there are some good points in the (Commission's) memorandum from staff.

- [12:47 p.m.](#) Police Chief Ronald Sellon, from the Town of Mansfield, noted some negative aspects of gambling and stated that data from Crime Analyst Christopher Bruce is slightly flawed and lacking narrative information. He stated that the Mansfield Police Department hired a crime analyst. He also proposed that his department will use mitigation money to offset the impact of collecting data.
- [12:52 p.m.](#) Town Manager Ross stated that they want to change the law enforcement paradigm and look at prevention rather than reaction. He stated that an onsite analyst will be able to provide more accurate data. He also stated that they find the proposal by the Commission staff acceptable. He noted that they are working on a regional dispatch system.
- [1:05 p.m.](#) Chairman Crosby noted that a letter dated September 9, 2015, was received from Heath Hobson, a Mansfield Veterans Service Officer, that made reference to a claim that Plainridge Park Casino cashed a Veteran's benefit check. General Counsel Blue reported that the claim was investigated and it did not happen.
- [1:08 p.m.](#) *Commissioner Cameron moved that the Commission approve the Community Mitigation Reserve request by the Town of Mansfield as outlined in the staff recommendation - which is a portion of the crime analyst's salary, 25 percent of the overall expense which is \$10,500, and other reasonably incurred expenses with the certifications from the Town Manager and the Police Chief to those reasonable expenses. Motion seconded by Commissioner Zuniga. Commissioner Stebbins amended the motion to include continual updates from the Town Manager and the Police Chief on their work and regional efforts. Commissioner Macdonald noted for clarification that the motion is being advanced by reference to the third paragraph on page four of Ombudsman Ziemba's memorandum to the Commissioners. Motion passed unanimously.*
- [1:10 p.m.](#) The Commission recessed for lunch.
- [2:02 p.m.](#) The meeting resumed.
- [2:02 p.m.](#) Ombudsman Ziemba presented on the draft Section 61 Findings for MGM Springfield which included a summary of the process and introduction of the Massachusetts Gaming Commission ("MGC") consultant groups. Ombudsman Ziemba also thanked the consultant groups for their reviews.
- [2:08 p.m.](#) Project Manager Mike Fitzgerald, representing Pinck & Co. and a consultant to the MGC, provided an update on the City of Springfield which included an upcoming City Council hearing for the approval of the casino overlay district and site plan reviews scheduled for January. Mr. Fitzgerald also introduced members of the consultant team.
- [2:10 p.m.](#) Rob Scarpelli, representing HLT Advisory and a consultant to the MGC, presented on the MGM design change and its impact on facility appeal, retail, food and beverage, operational changes, and reduction in parking spaces. Mr. Scarpelli stated that HLT does not anticipate that the changes will have a material impact on the appeal of the casino to the customer or gaming revenue potential. He also stated that based on the budget increase, they do not see MGM failing to meet the \$500

million capital requirement. He also noted that the design changes will impact economic development with a decrease in employees and payroll due to replacement of the buffet with a food market concept.

- [2:19 p.m.](#) Rich Maher, representing Perry Associates and a consultant to the MGC, presented on the MGM schedule for design and construction and stated that they believe the MGM schedule is reasonable and achievable.
- [2:22 p.m.](#) Commissioner Zuniga inquired about short term challenges. Mr. Maher responded that they need a final sign off from the Massachusetts Historical Commission, final approval for the casino overlay, and construction permits. He also noted that mainly demolition and site preparation will occur in 2016.
- [2:24 p.m.](#) Wing Wong, representing Green International Affiliates and a consultant to the MGC, presented on traffic and transportation recommendations. He stated that based upon their review, they recommend the following three actions: speed control measures at Bliss Street and East Columbia Avenue; implement off-site mitigations as early as possible for construction on I-91; develop a plan for construction employee parking.
- [2:47 p.m.](#) General Counsel Catherine Blue presented on two motions in the packet for the Commissioners consideration – (1) a motion to adopt the Section 61 Findings, and (2) a motion to issue a final license. General Counsel Blue noted that Commissioner Macdonald will abstain from voting on the motions because he was not present for the review process.
- [2:52 p.m.](#) *Commissioner Zuniga moved that the Commission adopt the MGM Springfield Section 61 Findings Pursuant to M.G.L. c. 30, § 61 and M.G.L. c. 23k as provided in the commission packet, with authority for staff to make any scrivener's change. Motion seconded by Commissioner Cameron. Commissioner Macdonald abstained from the vote because he did not participate during the initial licensing period. Motion passed unanimously. SEE ATTACHED MOTION*
- [2:54 p.m.](#) *Commissioner Zuniga moved that the Commission take final agency action on the Region B Category 1 Gaming License as provided in the commission packet, with authority for staff to make any scrivener's changes. Motion seconded by Commissioner Cameron. Commissioner Macdonald abstained from the vote because he did not participate during the initial licensing period. Motion passed unanimously. SEE ATTACHED MOTION*
- [2:56 p.m.](#) Ombudsman Ziemba presented on the draft 2016 Community Mitigation Reserve Fund Guidelines and noted the comments that were received. Ombudsman Ziemba recommended that communities be allowed to request a matching grant waiver, subject to the Commission's approval. He also noted that the Guidelines are evolving and will be refined.
- [3:10 p.m.](#) *Commissioner Stebbins moved that the Commission approve the 2016 Community Mitigation Reserve Fund Guidelines as presented in the packet, with authority for staff to make any scrivener's changes. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

[3:11 p.m.](#) Ombudsman Ziembra provided an update on the Sullivan Square working group and stated that one meeting was held, which included a number of agencies, to discuss long term transportation improvements and funding options. He also noted that more meetings are planned for the new year. Chairman Crosby stated, and the Commissioners concurred, that the Commission is committed to traffic improvement at Sullivan Square.

Racing Division

See transcript pages 216-258

[3:18 p.m.](#) Director Alexandra Lightbown reported on a request from a new organization, the Massachusetts Thoroughbred Horsemen's Association, for recognition by the Commission as a group representing the horsemen in Massachusetts.

[3:18 p.m.](#) General Counsel Blue presented on the memorandum in the Commissioner's packet pertaining to recognition of thoroughbred horsemen's group. She noted that there are two thoroughbred horse racing groups that want recognition. She also provided a jurisdictional survey pertaining to the matter of recognition and stated that the purpose of recognition is to govern the payment of purse money and the payment of health and welfare benefits to the horsemen. She stated that the Commission is under no obligation to recognize the horsemen's groups but she recommended that the Commission make changes to regulations.

[3:28 p.m.](#) Commissioners discussed racetrack determination of purse agreements and horsemen group recognition.

[4:02 p.m.](#) Chairman Crosby instructed General Counsel Blue to begin drafting regulations.

[4:02 p.m.](#) The Commission took a short recess.

[4:05 p.m.](#) The meeting resumed.

Legal Division

See transcript pages 259-262

[4:05 p.m.](#) General Counsel Blue presented on the Small Business Impact Statements for the following regulations: 205 CMR 129: Review of a Proposed Transfer of Interests; 205 CMR 116: Persons Required to be Licensed or Qualified; 205 CMR 102: Construction and Application (Transfer of interests); 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Temporary Licenses); 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Term of Licenses); and 205 CMR 116: Persons Required to be Licensed or Qualified (Assumption of duties by new qualifiers).

[4:08 p.m.](#) *Commissioner Stebbins moved that the Commission approve the Small Business Impact Statements, as included in the packet, for 205 CMR 129: Review of a Proposed Transfer of Interests; 205 CMR 116: Persons Required to be Licensed or Qualified; 205 CMR 102: Construction and Application (Transfer of interests); 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket*

Enterprises and Representatives, and Labor Organizations (Temporary Licenses); 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Term of Licenses); and 205 CMR 116: Persons Required to be Licensed or Qualified (Assumption of duties by new qualifiers). Motion seconded by Commissioner Cameron. Motion passed unanimously.

Other Business

See transcript page 263

4:09 p.m. Chairman Crosby noted that the agenda item pertaining to Voluntary Self-Exclusion will be postponed and taken up at a later meeting.

4:10 p.m. *Having no further business, a motion to adjourn was made by Commission Zuniga. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated December 17, 2015
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated December 3, 2015
3. Letter from Tracy Marzelli to the Massachusetts Gaming Commission, dated December 9, 2015 regarding Region C Casino Licensing
4. SEIGMA (Social and Economic Impacts of Gambling in Massachusetts) Project Overview – PowerPoint Presentation, dated December 17, 2015
5. Massachusetts Gaming Commission, Memorandum dated December 15, 2015 regarding Mansfield 2015 Community Mitigation Reserve Fund
6. Report by Ronald Sellon, Chief of Police, Mansfield Police Department
7. Town of Mansfield Council on Aging Memorandum from Gale Farrugia to Mansfield Town Manager Bill Ross, dated August 31, 2015 regarding Gambling – seniors/community clients
8. Letter from Heath Hobson, Town of Mansfield Veteran Service Officer, to the Massachusetts Gaming Commission, dated September 9, 2015 regarding Veterans
9. Letter from the Massachusetts Gaming Commission to Mansfield Town Manager William Ross, dated October 16, 2015 regarding 2015 Mitigation Fund Application
10. Report from Christopher Bruce regarding Assessing the Impact of Gaming Facilities in Massachusetts Cities and Towns
11. Town of Mansfield Police Department Memorandum from Erika Baburins to Chief Sellon, dated November 10, 2015 regarding Gaming Commission
12. Town of Mansfield 2015 Community Mitigation Fund Application
13. Massachusetts Gaming Commission Form - Vote to Adopt Section 61 Findings Pursuant to M.G.L. c. 30, § 61 and M.G.L. c. 23K
14. Massachusetts Gaming Commission Form - Vote to Take Final Agency Action on Region B Category 1 Gaming License
15. Massachusetts Gaming Commission – Draft Findings to be Issued Pursuant to M.G.L. c. 23K and M.G.L. c. 30, § 61
16. Memorandum from Green International Affiliates, Inc. to the Massachusetts Gaming Commission, dated December 16, 2015 regarding Section 61 Reviews – Traffic and Transportation
17. Letter from HLT Advisory to the Massachusetts Gaming Commission, dated December 15, 2015 regarding MGM Springfield Project Revisions Review

18. Memorandum from City Point Partners to the Massachusetts Gaming Commission, dated December 10, 2015 regarding MGM Springfield Changes and Section 61 Findings, Water, Wastewater and Drainage
19. Massachusetts Gaming Commission, Memorandum dated December 15, 2015 regarding 2016 Community Mitigation Fund Guidelines
20. Massachusetts Gaming Commission, Draft 2016 Community Mitigation Fund Guidelines
21. Massachusetts Gaming Commission, Draft 2016 Community Mitigation Fund Reserve Specific Impact Application and Instructions
22. Massachusetts Gaming Commission, Draft 2016 Community Mitigation Fund Transportation Planning Grant Application and Instructions
23. Commonwealth of Massachusetts Procurement/Contracts Policy dated July 1, 2004
24. Massachusetts Gaming Commission, Memorandum dated December 17, 2015 regarding Recognition of Thoroughbred Horsemen's Group
25. Letter from the New England Horsemen's Benevolent and Protective Association to the Massachusetts Gaming Commission, dated December 15, 2015 regarding Horsemen Group Recognition
26. Letter from the Massachusetts Thoroughbred Horsemen's Association to the Massachusetts Gaming Commission, dated September 28, 2015 regarding Horsemen Group Recognition
27. Small Business Impact Statement for 205 CMR 102.00: Construction and Application; 205 CMR 116.00: Persons Required to be Licensed or Qualified; and 205 CMR 129.00: Review of a Proposed Transfer of Interests
28. Small Business Impact Statement for 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Temporary Licenses)
29. Small Business Impact Statement for 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Term of Licenses)
30. Small Business Impact Statement for 205 CMR 116.00: Persons Required to be Licensed or Qualified (Assumption of duties by new qualifiers)
31. 205 CMR 133: Voluntary Self-Exclusion

/s/ Catherine Blue

Catherine Blue, Assistant Secretary

Massachusetts Gaming Commission

Vote to Adopt Section 61 Findings Pursuant to M.G.L. c. 30, § 61 and M.G.L. c. 23K

PROJECT NAME: MGM Springfield (the "Project")
PROJECT LOCATION: Springfield, Massachusetts
PROJECT PROPONENT: Blue Tarp reDevelopment LLC ("MGM")
EOEEA NUMBER: 15033
AGENCY ACTION: Category 1 Gaming License

I move that the Massachusetts Gaming Commission:

1. Find, pursuant to G.L. c. 30, § 61 and 301 CMR 11.12(5), that all feasible measures have been taken to avoid or minimize impacts to the environment of Blue Tarp reDevelopment LLC's MGM Springfield Project for the reasons stated in the proposed Findings attached hereto;
2. Adopt the proposed Findings regarding the Project 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 in the form attached hereto;
3. Authorize the Commission's Chair to execute the Findings in the form attached hereto; and
4. Authorize the Commission's General Counsel to take all necessary procedural actions to effectuate the Findings in accordance with the Environmental Policy Act, the Gaming Act, and the regulations implementing each statute.

DATED: December 17, 2015
MOVED BY: Commissioner Enrique Zuniga
SECONDED BY: Commissioner Gayle Cameron

RECORD OF VOTE:

Commissioner	In Favor	Opposed	Abstained	Recused
Stephen Crosby	X			
Gayle Cameron	X			
Enrique Zuniga	X			
Bruce Stebbins	X			
Lloyd Macdonald			X	

Attest:


Catherine Blue, Assistant Secretary

Massachusetts Gaming Commission

Vote to Take Final Agency Action on Region B Category 1 Gaming License

PROJECT NAME: MGM Springfield (the "Project")
PROJECT LOCATION: Springfield, Massachusetts
PROJECT PROPONENT: Blue Tarp reDevelopment LLC ("MGM")
EOEEA NUMBER: 15033
FINAL AGENCY ACTION: Category 1 Gaming License

WHEREAS the Massachusetts Gaming Commission has found pursuant to G.L. c. 30, § 61 and 301 CMR 11.12(5) that all feasible measures have been taken to avoid or minimize impacts to the environment of Blue Tarp reDevelopment LLC's MGM Springfield Project for the reasons stated in the approved Section 61 Findings regarding the Project attached hereto

NOW THEREFORE I move that the Massachusetts Gaming Commission take the following final agency action regarding the Category 1 Gaming License for Region B:

1. Grant to Blue Tarp reDevelopment LLC the Region B Category 1 Gaming License for the Project pursuant to G.L. c. 23K and the Commission's regulations including 205 CMR 120.02(1), subject to all of the terms and conditions stated in the Commission's conditional award of said license dated November 6, 2014, as modified and amended by the terms and conditions, mitigation measures and other requirements identified in the Section 61 Findings for the Project;
2. Incorporate by reference, pursuant to 301 CMR 11.12(5)(b) and 205 CMR 120(1), the Section 61 Findings into Blue Tarp reDevelopment LLC's License for the Project and require, as a condition of the License, compliance with the terms, conditions, mitigation measures and other requirements identified in the Section 61 Findings;
3. Incorporate by reference as a condition of Blue Tarp reDevelopment LLC's Category 1 Gaming License for the Project any mitigation measures identified by the City of Springfield as part of its review and permitting process and any amendments to the Host Community Agreement required by the City of Springfield; and
4. Require as a condition of the License a regular quarterly review by the Commission of compliance with the Section 61 Findings and the terms and conditions of the License.

DATED: December 17, 2015

MOVED BY: Commissioner Enrique Zuniga
SECONDED BY: Commissioner Gayle Cameron
RECORD OF VOTE:

Commissioner	In Favor	Opposed	Abstained	Recused
Stephen Crosby	X			
Gayle Cameron	X			
Enrique Zuniga	X			
Bruce Stebbins	X			
Lloyd Macdonald			X	

Attest:


Catherine Blue, Assistant Secretary