

MASSACHUSETTS GAMING COMMISSION  
MEETING  
MAY 29th, 2019  
10:00 A.M.

CONFIDENTIAL  
ROUGHLY EDITED REALTIME FILE

This file was created in real time by a Certified Realtime Captioner / CART Provider, for the purpose of communication access. It is not a certified legal transcript and may not be entirely verbatim. It is intended for use by the recipient only, as notes of the proceedings.

HRI CART  
Communication Access Realtime Translation  
813.404.2488 (cell/text) [www.HRICART.com](http://www.HRICART.com)

P R O C E E D I N G S

>> CHAIR JUDD-STEIN: Good morning, Austin. Thank you. We are calling to order meeting number 270 of the Massachusetts Gaming Commission on May 29th, 2019, at 10:00 a.m. at our offices at 101 Federal Street here in Boston. Commissioner Zuniga, good morning. He is traveling on business and will be participating in our meeting by phone. Commissioner Zuniga, can you hear us clearly?

>> COMMISSIONER ZUNIGA: Yes, I can hear you just fine, Madam Chair. Good morning.

>> CHAIR JUDD-STEIN: Good morning. And we can hear you clearly as well. If for any reason, Enrique, for some reason you can't hear us, please alert us immediately, and we'll make sure to properly connect you. Since Commissioner Zuniga will be -- okay. Thank you. Since Commissioner Zuniga will be participating remotely, all votes taken at this meeting will be roll call votes.

Before we begin with item number 2, I just wanted to make a statement. Yesterday the Gaming Commission did receive payments totalling \$35.5 million from Wynn Resorts, satisfying the two fines imposed by the Commission in its decision dated April 30th, 2019. Going forward, the Commission will ensure compliance with the additional conditions that we imposed, but most importantly, we look forward to the June 23rd opening of Encore Boston Harbor.

Questions, however, have been asked about how the fines will be processed. They are handled similarly to gross gaming revenue, and the allocations of funds is determined by the gaming law. The money is deposited into the gaming revenue fund and then distributed to a range of funds that benefit transportation, local aid, infrastructure, education, public health, tourism, and community mitigation. The details on these allocations are provided on the revenue page of our website. General Counsel Blue, is there anything that you'd like to add to that to further clarify?

>> MS. BLUE: No, I think that exactly covers it.

>> CHAIR JUDD-STEIN: Okay. Thank you. So now I think we can begin with our agenda, item 2, administrative update.

>> MR. BEDROSIAN: Yes. Good morning, Chair. Good morning, Commissioners.

>> COMMISSIONER STEBBINS: Good morning.

>> COMMISSIONER CAMERON: Good morning.

>> MR. BEDROSIAN: And good morning, Commissioner Zuniga. Okay.

>> COMMISSIONER ZUNIGA: Good morning.

>> MR. BEDROSIAN: So Chair, as you said, staff is also working very hard to prepare for the June 23rd opening. I don't have a general update today, but I will next week want to introduce a whole host of new staff including licensing folk, gaming agents, Gaming Enforcement Unit folks and other folks who have joined us. I haven't done this in a while. I usually would do it in a routine tempo. We've been busy, so I'd like to do it at our next meeting which I anticipate may be as early as next week and let you know what we have been doing to get ready for the opening. So that is all I have for today. Thank you. Just to remind both the Commission and the public, we also do have an agenda-setting meeting this afternoon where I anticipate we will talk about the rest of the meetings probably up to and through opening in June.

>> CHAIR JUDD-STEIN: And that's at 2:00.

>> MR. BEDROSIAN: At 2:00, correct. Thank you.

>> CHAIR JUDD-STEIN: All right. Thank you, Executive Director Bedrosian. Item number 3, Ombudsman Ziemba and Construction Oversight Manager Delaney. We have two items on our agenda today that appeared on our May 22nd agenda for Encore Boston Harbor for possible votes.

>> MR. ZIEMBA: Thank you, Chair. Good morning, Commissioners.

>> COMMISSIONER CAMERON: Good morning.

>> COMMISSIONER STEBBINS: Good morning.

>> MR. ZIEMBA: Up for consideration today are two items that the Commission discussed at its May 6th, 2019, meeting. Material changes to the Encore Boston Harbor project since design approval and the draft second amended Section 61 findings. Joining me today for the discussion are Joe Delaney, the Commission's Construction Project Oversight Manager; Mina Makarious, Outside Counsel for the Commission from the law firm of Anderson & Kreiger; Encore Boston Harbor President Robert DeSalvio; and Jacqui Krum, Encore Boston Harbor Senior Vice President and General Counsel.

In the Commission packet are updates to the materials that were included in the May 6th packet. The material changes memo in today's packet is, in essence, an excerpt of the memo the Commission saw a few weeks ago. The excerpt deletes a reference to a section on other project-related changes in the original memorandum as no vote on such nonproject-related changes is expected. Specifically included in the discussion of other project-related changes were descriptions of two off-site parking lots in Everett.

We do not believe that the Commission needs to vote on these items. Also, language regarding gaming positions from the May 6th memo has been deleted. We will discuss gaming positions during our Section 61 discussion today and during the Commission's deliberations about the issuance of the Encore Boston Harbor operations certificate in the next few weeks.

For example, the Commission will likely discuss gaming positions when it discusses the approval of the gaming floor, and when the Commission reviews the form of the operations certificate itself, which will include a reference to the number of slots

and table games. The Commission's packet also includes a red line showing the difference between the draft second amended Section 61 findings we reviewed a few weeks ago and a new version before the Commission today. The only change/substantive change to the May 6th language is four new sentences and a footnote on page 5. This footnote describes that then Wynn, now Encore's, notice of project change filing in 2017 showed reductions in the anticipated traffic impacts compared to the previous Massachusetts Environmental Policy Act, MEPA, filing, the second supplemental final environmental impact report, which incorporated standards from the supplemental final environmental impact report.

Despite such reduction in anticipated traffic, Encore Boston Harbor did not propose any changes to the previously determined mitigation measures. The footnote also discusses the potential impact of this on gaming positions. As you recall at the May 6th meeting, the Commission determined that it would put out a request for comments on the second amended Section 61 findings. By the deadline the Commission received no comments on the substance of the Section 61 findings. At the May 6th meeting, the Commission also heard some testimony from Counsel Jacqui Krum regarding the methodology for counting gaming positions for the purpose of the Section 61 findings. At the time it was explained that Encore Boston Harbor would reach out to MEPA staff to brief them about the issue. Encore Boston Harbor did reach out to both MEPA and MassDOT staff. Encore Boston Harbor also included a memo in your packet further explaining the methodology to count gaming positions. This memorandum does not reference any opinions of MEPA or MassDOT staff regarding gaming positions as we did not receive any official comment from these agencies as of the end of the day yesterday.

However, we do note that we just received comments within the last hour from MassDOT. They have also been included in your packet. Commissioner Zuniga, we emailed those to you. I just wanted to make sure that you received that email this morning.

>> COMMISSIONER ZUNIGA: I did, John, and thank you. I have what I believe are all the packet materials.

>> MR. ZIEMBA: Excellent. Thank you. Because the item of gaming positions was part of both the material changes memorandum and the Section 61 memorandum, we have asked Encore Boston Harbor General Counsel Jacqui Krum to provide further thoughts on the process for counting gaming positions. Thus, before getting into the specifics of the material changes memo or the draft Section 61 findings, let me turn it over to Jacqui to continue the conversation on gaming positions. After the discussion of gaming positions, I recommend that the Commission then consider the material changes memo which no longer references gaming positions and the draft second amended Section 61 findings which includes new language on gaming positions. And with that, let me turn it over to Jacqui.

>> MS. KRUM: Thank you, and good morning, Commissioners.

>> COMMISSIONER STEBBINS: Good morning.

>> MS. KRUM: As discussed in the May 6th hearing, since the notice of project change, we have added or proposed to add 88 slot machines and one poker table which would increase our gaming positions from 4,421 to 4,515 gaming positions. This is a 2.1% increase compared to what was presented to MEPA and MassDOT during our

last MEPA filing, which was the notice of project change. We do not feel that this will have a material impact on the traffic generation and associated mitigation in part because our traffic mitigation and -- our traffic mitigation was based on the filing that we put forth in our SFEIR -- SFEIR. That is our Supplemental Final Environmental Impact Report which we filed in February of 2015. In that filing we proposed 4,580 gaming positions. Obviously the current proposal is below that number on which our mitigation and off-site infrastructure improvements was based.

As previously discussed, the formula that we utilized for the purpose of our MEPA filings was one position per slot machine and an average of six positions per table. It was recognized that this was an average, as we didn't have the exact breakout of the gaming tables, and so some tables would take more, and others would take less. It also took into account the fact that our VIP tables will typically only have one to two players on them at most.

As you may know, our VIP tables are in separate salons, many of them, and some salons have two tables, and players will typically go back and forth between the two tables. It's highly unlikely that any of those tables will be fully occupied or utilized at their capacity. Subsequently in January of this year, the Gaming Commission adopted a separate formula for the calculation of actual gaming positions. This was primarily for use in determining the allocation of the budget between the gaming licensees. In this formula the gaming positions, for example, for a craps table is 14 -- 14 gaming positions and 10 positions for each poker table. Notably our poker tables do not have room for ten players. They only have room for nine players. In addition, our craps tables are not the large ones that would easily accommodate 14 players. They are the smaller tables. So there is that issue that we would need to determine with respect to the actual number.

Despite the use of the same term, the gaming positions terms, we feel that these are distinct. One is an average, and one is the actual. We did receive a letter, as Ombudsman Ziemba noted earlier, from Lionel Lucien at MassDOT this morning. And he concluded that the addition of a poker table and 88 slot machines would not result in a significant change to the project's trip generation and associated transportation mitigation. He also noted that the actual number of gaming positions could vary depending on the type of game. I think that was an acknowledgment that they -- that actual is different from the average that they employed during the MEPA process.

>> COMMISSIONER O'BRIEN: Can I just ask how many seats are at your craps table, if not the 14?

>> MS. KRUM: Craps tables don't actually have physical --

>> COMMISSIONER O'BRIEN: But the space, I mean.

>> MS. KRUM: What would you say?

>> MR. DeSALVIO: About nine.

>> COMMISSIONER O'BRIEN: Nine instead of 14?

>> MR. DeSALVIO: Probably about nine.

>> MS. KRUM: Yeah. So we're here to present this to you and would appreciate your consideration regarding the addition of these slot machines and the one table. I should also note that for the poker tables, we have 14 poker tables that are in our tournament room, which would only be used for tournament purposes.

>> MR. ZIEMBA: Okay.

>> COMMISSIONER CAMERON: Ombudsman Ziemba, I'm sorry, do you want to finish your presentation and then we can ask --

>> MR. ZIEMBA: If that's okay.

>> COMMISSIONER CAMERON: Please do.

>> MR. ZIEMBA: Because I'm just trying to frame, even though they are separate matters before the Commission, the material changes memorandum and the Section 61 findings, as I was noting, the issue of gaming positions had some relation of both. And so what I was hoping to do now is give you a little bit of the detail on the material changes memorandum, and then we could finalize the Section 61 findings, if that is okay.

>> COMMISSIONER CAMERON: Yep.

>> MR. ZIEMBA: Okay. So Commissioners, now to the material changes memorandum. At the Commission's May 22nd meeting, the Commission just heard from Encore Boston Harbor representatives and Joe Delaney about the status of the project. Let me just turn it over to Joe to see if he has anything to add here.

>> MR. DELANEY: Thank you. Essentially the memo that we presented back on May 6th, the changes that were outlined in there are still the changes. There's nothing further beyond that. Just as a matter of a couple of updates, one of the things that we talked about was employee parking where Encore had secured 400 parking spaces and was working to secure an additional 400. Those negotiations are still ongoing with the MBTA and the owner of the parking lot over at Station Landing.

>> MS. KRUM: Would you like an update on that?

>> MR. DELANEY: Sure.

>> MS. KRUM: Just a quick update on that. The developer who has a portion of their garage was able to find an additional 300 parking spaces to provide to us, so we are going to be able to get at least 700. They're going to continue their negotiations with the MBTA for any additional spaces as well. Sorry to interrupt.

>> MR. DELANEY: Thank you. No, great. That's great. And then the other item was the battery backup system that we talked about. We're not sure if that will be ready by opening. Maybe not. But it shouldn't affect the opening, and it wasn't an original requirement of the project. So they're pursuing it. It will get done, but it just may not happen by opening.

>> COMMISSIONER O'BRIEN: Any further update on the temporary day care?

>> MS. KRUM: Yes. So we have met with both the provider, and the provider has agreed to accept kids into their program at other locations, pending our opening. To supplement that as well, we have met with an organization called care.com, and we've been able to negotiate a discounted rate for parents seeking somebody to come in on an emergency basis, or we've also negotiated a program where it will provide parents with introductions and admission support to get into different day cares within their neighborhoods during the interim period.

>> COMMISSIONER O'BRIEN: And is there someone in HR who helps them coordinate in terms of getting into the temporary facilities?

>> MS. KRUM: We will have somebody who is doing that and working directly with care.com. It's actually a program that we sign up to, and then our employees will have direct access to care.com people as well as obviously going through our HR department.

>> COMMISSIONER O'BRIEN: But then in terms of liaisioning with the day-care provider? In terms of getting temporarily into their other location?

>> MS. KRUM: Yes. Yes, we have someone.

>> MS. O'BRIEN: Okay.

>> CHAIR JUDD-STEIN: What was the actual opening date, did you say?

>> MS. KRUM: June 20 -- Oh, the actual -- for the --

>> MR. DeSALVIO: For the day care?

>> MS. KRUM: End of the year is most likely.

>> CHAIR JUDD-STEIN: End of the year.

>> MS. KRUM: Yep. We hope before then. Part of it is their ability to -- they're federally funded as well, so part of their ability is to go through the process and make sure that they've gone through all the permitting that they need to do after we've turned the facility over. So they've asked us to make sure we include enough time for them to get all of that done.

>> MR. DeSALVIO: And one additional comment on that, we've already secured and leased the space, and the demolition of the former restaurant that was in the space is already completed. So now we're actually finishing up the design documents and going out to bid for final pricing, but this thing is already well under way. I didn't want you to think it hasn't been started yet. It's already demoed, the space.

>> MS. KRUM: One of the things we appreciate about the group that we partnered with, is not only do they provide typical day-care facilities, they also provide supports for children who have special needs for need assessment or whatever right in their facility itself. So it's a little bit more than just a plain day care. It's got that supplemental structure as well.

>> CHAIR JUDD-STEIN: (Inaudible)

>> MS. KRUM: Right.

>> COMMISSIONER CAMERON: Are your new employees asking about this and you're able to give them information?

>> MS. KRUM: We have had some inquiries, fairly limited inquiries. We really wanted to lock down the program with care.com, and then we're going to -- during mass orientation, we're going to make sure that all of our employees are aware of the benefits that are offered to them and can take advantage of it.

>> COMMISSIONER STEBBINS: How does the day care -- because you're 24/7 operation -- help parents who might be on second or third shift? I'm assuming this is not a 24-hour facility.

>> MS. KRUM: Right. Our current day care would not be -- the one that's under construction would not be 24/7. However, we are looking into extended hours for that. We're hoping to keep the care.care program in place after the opening of the day-care center because that would give parents an additional resource. One of the things that we have noticed, frankly, is that a lot of parents choose the night shift, for instance, because they do have child care during that time, so it allows them a little bit more flexibility. But we're hoping that the care.care -- care.com program would kick in and provide any supplemental help that those families may need.

>> COMMISSIONER STEBBINS: Okay. Thank you.

>> MR. ZIEMBA: So with that, if there are no questions, I recommend that the Commission approve the material changes included in your packet. As I noted earlier,

the Commission will have an opportunity to vote on gaming position-related items when it convenes to discuss the approval of the gaming floor and the issuance of the operations certificate.

>> COMMISSIONER CAMERON: Can I just ask a question about that?

>> MR. ZIEMBA: Sure.

>> COMMISSIONER CAMERON: So I know that we -- it was important for MassDOT to weigh in.

>> MR. ZIEMBA: Yes.

>> COMMISSIONER CAMERON: Which they have now.

>> MR. ZIEMBA: Yep.

>> COMMISSIONER CAMERON: And then they're suggesting that consult with MEPA, but that's already been done, correct?

>> MS. KRUM: So I met with MEPA -- Joe and I met with MEPA some weeks ago. They were not concerned about the change. Their view was not to speak for MEPA, obviously, but their view was please go speak to MassDOT. Once you hear from MassDOT, let us know if they disagree. So obviously we'll forward this memorandum to -- or this email to MEPA, notify them, and notify you if there's any issue.

>> COMMISSIONER CAMERON: So we're waiting to vote on this until those final Ts get crossed? Is that --

>> MR. ZIEMBA: Yes and no. So in the Section 61 amendments, there's a provision that authorizes the Commission to -- that permits the Commission to authorize the additional gaming positions. And that would be filed immediately this week. We need to file it by the MEPA filing deadline. So that references the additional gaming positions. But what I'm recommending is that the Commission will finalize its gaming position totals when it discusses the operations certificate and/or the gaming floor plan, and that would give the opportunity for Encore to give the benefit of the email to MEPA to close the loop on that, and we could finalize all the positions at that time.

>> COMMISSIONER CAMERON: Is that -- does that work with your opening plans, that plan?

>> MS. KRUM: That does. Thank you.

>> COMMISSIONER CAMERON: Okay.

>> CHAIR JUDD-STEIN: It's my understanding that with respect to the vote that we're taking right now, it would incorporate footnote 2 on page 5?

>> MR. ZIEMBA: Footnote 2 on page 5 is the vote on the Section 61's findings.

>> CHAIR JUDD-STEIN: So we don't -- even though -- I just want to make sure (Inaudible).

>> MR. ZIEMBA: So this is just the memorandum regarding the changes.

>> CHAIR JUDD-STEIN: Just the changes.

>> MR. ZIEMBA: Just the changes. And in a second I'm going to get into that, second amendment.

>> CHAIR JUDD-STEIN: I wanted to make sure (Inaudible).

>> COMMISSIONER CAMERON: Thank you. Yeah.

>> CHAIR JUDD-STEIN: Thank you. Further discussion and questions for Ombudsman Ziemba? Oh. My apologies. Further questions for Ombudsman Ziemba on this matter? And this is with respect to -- we want to make sure we don't overlap these issues. The material changes to the final design of the Encore Boston

Harbor project. Do we have a motion? Because I do -- you need a vote on this today. Do we have a motion at this time?

>> COMMISSIONER STEBBINS: Madam Chair, I'd move that the Commission approve the described material changes to the final design of the Encore Boston Harbor project. However, that such approval shall not be construed to supersede or otherwise impact or impair any obligations pursuant to Mass General Law Chapter 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 number 14 relative to compliance with the information included in the application filed by the designated licensee and the evaluation reports filed by the Commission or 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 to demonstrate that the Commission has made any determinations specified in 205 CMR 135.062 and 205 CMR 151.

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Before we take a roll call vote, Commissioner Zuniga, do you have any further questions? And I want to make sure you can hear us properly.

>> COMMISSIONER ZUNIGA: I have no questions or comments, Madam Chair.

>> CHAIR JUDD-STEIN: Okay, great. So no further discussion. We have to take a roll call vote. Commissioner Stebbins.

>> COMMISSIONER STEBBINS: Yes.

>> CHAIR JUDD-STEIN: Commissioner Cameron.

>> COMMISSIONER CAMERON: Aye.

>> CHAIR JUDD-STEIN: Commissioner O'Brien.

>> COMMISSIONER O'BRIEN: Aye.

>> CHAIR JUDD-STEIN: Commissioner Zuniga.

>> COMMISSIONER ZUNIGA: Aye.

>> CHAIR JUDD-STEIN: And the Chair votes aye. 5-0, please. Thank you, Catherine.

>> MR. ZIEMBA: Great. Thank you. Thank you, Commissioners. I now turn to the draft second amended Section 61 findings. As we noted, the only substantive change to the prior draft is the addition of footnote 2 on page 5 which reads as follows: Due to the reductions in traffic impacts described in the NPC and the fact that Wynn did not propose any changes to its previously committed traffic mitigation which addressed greater traffic impacts associated with a higher number of gaming positions and larger retail footage presented in the SSFEIR, Wynn may have the ability to increase somewhat the actual number of gaming positions in the gaming establishment without creating adverse traffic impacts not already mitigated by the previously committed and implemented mitigation program.

As such, the Commission may specify in the license or operations certificate for the gaming establishment such an increased number of gaming positions approved for opening. However, the Commission also expressly reserves the right to further limit the number of gaming positions, require additional study of an environmental impacts, or require additional mitigation measures if the actual impacts associated with the gaming establishment upon opening or in the future differ from those described in these second amended Section 61 findings.

Wynn's MEPA filings, secretary of certificate for each of these filings or if another agency with jurisdiction, e.g., MassDOT, or the secretary so requires. Nothing in the preceding sentence shall prevent the Commission's authority to reopen any mitigation measure pursuant to 205 CMR 127 or otherwise. Although the footnote states that the Commission may authorize the increase of gaming positions in its operations certificate, as we discussed, we have vehicles for the final approval of such increase. Thus, at the time the Commission considers the operations certificate in June, the Commission could weigh any further comments it may receive from MassDOT or MEPA, and further the language specifies the Commission reserves the ability to take actions such as limiting the gaming positions in the future if the actual impacts differ from those described in these second amended Section 61 findings.

And the Commission also has a more general ability to reopen a mitigation measure under its regulations. If the Commission approves these second amended Section 61 findings, staff and Encore Boston Harbor will both need to file them by May 31st so that they will appear in MEPA's June 10th, 2019, Environmental Monitor. And with that, I'll take any questions.

>> CHAIR JUDD-STEIN: Any questions, Commissioners? I would like to just understand this clearly. I understand that we have sought Anderson & Kreiger, and I haven't introduced myself properly, but nice to see you in the open meeting. So it's my understanding, being somewhat new to the Section 61 findings process, that we would be executing a document today approving Section 61 findings, but there is the possibility of us reverting back to the findings to make a correction if we wanted to, and that's permissible under -- I understand that there's some leeway under our regulations. Is that permissible under statute?

>> MR. MAKARIOUS: That's correct, yeah.

>> CHAIR JUDD-STEIN: Could we just have -- thank you. And please introduce yourself. I'm going a little bit out of order, but I just wanted to clarify.

>> MR. MAKARIOUS: Good morning, Madam Chair. Mina Makarios, Anderson & Kreiger. The question you asked is whether we could -- the Commission could reopen mitigation essentially under MEPA, not just under its own regs, and the answer is yes. Section 61 findings happen at the conclusion of the MEPA process which here ended with the notice of project change and notice of project change certificate, and the purpose of the Section 61 findings is for the agency to say that it has seen enough mitigation for the license it is issuing and the impacts associated with it. So what you're weighing in on are the impacts on the mitigation. The Commission's actually going a bit above and beyond to even amend the prior Section 61 findings. You have Section 61 findings on the books.

They have been amended once with a minor amendment. Given the development of the project and following a similar course to what you did in Springfield, these mostly restate the findings and update information that was in the notice of project change, the NPC. So the short answer is yes, you could certainly reopen. The longer answer is even if you didn't do this today, you could reopen.

>> CHAIR JUDD-STEIN: And so today we heard from MassDOT in a positive way, but there is a possibility that we will still hear from MEPA.

>> MR. ZIEMBA: It's possible.

>> CHAIR JUDD-STEIN: It's possible.

>> MR. DELANEY: Yes.

>> CHAIR JUDD-STEIN: But we don't have an expectation necessarily. I know that you've -- go ahead.

>> MS. KRUM: I hope it's a positive response. That's the indications we've received.

>> CHAIR JUDD-STEIN: You've been in communication with them, and that was when we last spoke in our last meeting on this matter. I think I said, you know, it was my understanding that you would be reaching out to MEPA. You've had some discussions. We've received this positive email from MassDOT to clarify. And I think I said to -- in the open meeting, there may well be no issue here because of the fact that it isn't a significant change, and that seems to be the direction MassDOT is going in. So, you know, to the extent MEPA gets back, that will be reported in open meeting. But at this juncture, we could move forward based on footnote 2, page 5, which is our -- okay.

Any further questions? It's not uncomplicated. Okay. Commissioner Zuniga, do you have any questions?

>> COMMISSIONER ZUNIGA: No, Madam Chair. I don't have any questions.

>> CHAIR JUDD-STEIN: Thank you. Ombudsman Ziemba, do you wish to add anything for further clarity? Did I say -- I said Ziemba, not Zuniga. Thank you.

>> MR. ZIEMBA: I do not.

>> CHAIR JUDD-STEIN: Okay, excellent. Thank you for your clarification. I appreciate it. And with that, I understand we need a vote, again, on this matter. Do we have a motion?

>> COMMISSIONER O'BRIEN: We do, and forgive me in advance for the length of it. This is the vote to adopt the second amended Section 61 findings and incorporate into Region A Category 1 gaming license. Project name Encore Boston Harbor formerly known as Wynn Everett Wynn Boston Harbor. Project location, 1 Broadway, Everett, Massachusetts. Project proponent Wynn Mass LLC, also known as Wynn. EOEEA number 15060, final agency action Category 1 gaming license. Whereas on April 25th, 2016, the Massachusetts Gaming Commission, the Commission, voted to adopt the Commission's Section 61 findings of the 2016 Section 61 findings with respect to the Encore Boston Harbor project known as the project to grant to Wynn the final Region A Category 1 gaming license to incorporate by reference the 2016 Section 61 findings into Wynn's license for the project and to require as a condition of the license that Wynn comply with the terms, conditions, mitigation measures and other requirements identified in the 2016 Section 61 findings.

Whereas the Commission expressly reserved the right to take further action with respect to the 2016 Section 61 findings, the license for the gaming establishment and any conditions contained in the 2016 Section 61 findings or the license for the gaming establishment. Whereas on or about February 28th, 2017, Wynn filed a notice of project change known as the NPC regarding a sediment remediation plan for a portion of the project site at an adjacent area of the Mystic River with the Executive Office of Energy and Environmental Affairs, EOEEA's Mass Environmental Policy Act, MEPA, office, whereas on April 7th, 2017, the secretary of EOEEA issued a certificate on the NPC in which the secretary determined that Wynn's proposed project changes did not require the submission of additional filings under MEPA, the NPC certificate.

Whereas on July 13th, 2017, the Commission approved an amendment to the 2016 Section 61 findings to address a minor modification of one condition in the 2016 Section 61 findings with respect to the Mystic River Pedestrian Bicycle Bridge Feasibility Study, but without otherwise addressing the findings in the NPC or the NPC certificate known as the first amended Section 61 findings. Whereas Wynn has proposed the second amended Section 61 findings attached hereto to reaffirm Wynn's commitment to avoid or minimize impacts to the environment of the project and to update the 2016 Section 61 findings in the first amended Section 61 findings.

Now, therefore, I move the Mass. Gaming Commission, one, approve the proposed modifications and refinements to the project described in the NPC, the NPC certificate, the first amended Section 61 findings and the second amended Section 61 findings attached hereto. Two, to adopt the second amended Section 61 findings regarding the project and the form attached hereto pursuant to the Mass. Environmental Policy Act, General Laws Chapter 30(61) through (621) [sic], General Laws Chapter 23K, Section 15(12), 301 CMR 11.12 and 205 CMR 120.02 to update and restate the 2016 Section 61 findings and the first amended Section 61 findings. Number 3, that we find pursuant to General Law Chapter 30, Section 61 and 301 CMR 11.12(5) that all feasible measures have been taken to avoid or minimize impacts to the environment of the project for the reasons stated in the Commission's second amended Section 61 findings attached hereto and all other documents, approvals and certifications incorporated by reference therein.

Number 4, incorporate by reference pursuant to General Law Chapter 30 Section 61 through 620 -- sorry, 61 through 62(i) General Law Chapter 23K(4)(15), Section 15(12) and 21C, 301 CMR 11.12(5)(b), 205 CMR 120 and the Commission's second amended Section 61 findings attached hereto and to Wynn's license for the project and require as a condition of the license that Wynn comply with the terms, conditions, mitigation measures and other requirements identified in the Commission's second amended Section 61 findings.

Number 5, authorize the Commission to execute the Commission's second amended Section 61 findings in the form attached hereto. Number 6, authorize the Commission's General Counsel to take all necessary procedural actions to effectuate the Commission's second amended Section 61 findings and in accordance with the Mass Environmental Policy Act, the Mass. Gaming Act, and the regulations implementing each statute. And lastly, number 7 requires a condition of the license a regular quarterly review by the Commission of Wynn's compliance with the Commission's second amended Section 61 findings and the terms and conditions of the license.

>> COMMISSIONER CAMERON: Second.

[ Laughter ]

>> CHAIR JUDD-STEIN: Would anybody need that repeated?

[ Laughter ]

>> COMMISSIONER STEBBINS: What was --

>> COMMISSIONER O'BRIEN: Bruce would have to oblige.

>> CHAIR JUDD-STEIN: Commissioner Zuniga, we're having a little fun here. Can you hear -- could you hear Commissioner O'Brien?

>> COMMISSIONER ZUNIGA: I just need a few more seconds to finish reading the

closed captions.

>> CHAIR JUDD-STEIN: They're catching up? Excellent.

>> COMMISSIONER ZUNIGA: Yes.

>> CHAIR JUDD-STEIN: Any further discussion or questions? Okay. Again, a roll call vote is needed. Commissioner Stebbins.

>> COMMISSIONER STEBBINS: Aye.

>> CHAIR JUDD-STEIN: Commissioner Cameron.

>> COMMISSIONER CAMERON: Aye.

>> CHAIR JUDD-STEIN: Commissioner O'Brien.

>> COMMISSIONER O'BRIEN: Aye.

>> CHAIR JUDD-STEIN: Commissioner Zuniga.

>> COMMISSIONER ZUNIGA: Aye.

>> CHAIR JUDD-STEIN: And the Chair votes aye. 5-0, Catherine. Thank you.

>> MS. KRUM: Thank you.

>> CHAIR JUDD-STEIN: Thank you.

>> MR. ZIEMBA: Thank you. That concludes my report.

>> CHAIR JUDD-STEIN: Excellent. We're moving on to our next item, then.

Commissioners' updates. Commissioner Cameron, do you have an update?

>> COMMISSIONER CAMERON: I do not, Madam Chair.

>> CHAIR JUDD-STEIN: Commissioner O'Brien?

>> COMMISSIONER O'BRIEN: No.

>> CHAIR JUDD-STEIN: Commissioner Stebbins?

>> COMMISSIONER STEBBINS: I have one quick update. I am honored to be speaking at the Cambridge College Gaming School graduation this coming Saturday. I think it's June 1st.

>> CHAIR JUDD-STEIN: That is excellent.

>> COMMISSIONER STEBBINS: A chance to see all the graduates. I think I precede Mr. DeSalvio on the agenda, but I'm looking forward to -- we had a chance to visit the gaming school, Director Griffin and I, and it was a pretty impressive operation. There were even using surveillance cameras over the tables to be able to go back and show students some of the things that they missed or somebody who had tried to cheat while they were dealing. Very impressed. Looking forward to it.

>> CHAIR JUDD-STEIN: Austin, do you think you can make yourself available to stream the Commissioner's speech for us?

[ Laughter ]

>> COMMISSIONER STEBBINS: Stay home, Austin.

[ Laughter ]

>> CHAIR JUDD-STEIN: It's a Saturday. Well, thank you.

That's really nice. Commissioner Zuniga, do you have any updates?

>> COMMISSIONER ZUNIGA: Not really, Madam Chair. I will provide an update on the conference that I'm currently attending once I'm back in the office and in a meeting in person.

>> CHAIR JUDD-STEIN: Excellent. Thank you. All right. Hearing no further business, do I have a motion to adjourn?

>> COMMISSIONER CAMERON: So moved.

>> COMMISSIONER STEBBINS: Second.

>> CHAIR JUDD-STEIN: A roll call. Commissioner Stebbins.  
>> COMMISSIONER STEBBINS: Aye.  
>> CHAIR JUDD-STEIN: Commissioner Cameron.  
>> COMMISSIONER CAMERON: Aye.  
>> CHAIR JUDD-STEIN: Commissioner O'Brien.  
>> COMMISSIONER O'BRIEN: Aye.  
>> CHAIR JUDD-STEIN: Commissioner Zuniga.  
>> COMMISSIONER ZUNIGA: Aye.  
>> CHAIR JUDD-STEIN: And the Chair votes aye. 5-0, Catherine. Thank you.  
[ The meeting adjourned at 10:42 a.m. ]