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July 19, 2013

Ms. Elizabeth S. Dello Russo
Executive Director
Assistant Corporation Counsel
Host Community Advisory Committee
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201

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2013 JUL 22 PM 1:39
CITY OF BOSTON
LAW DEPARTMENT

Re: Proposed Wynn Resort in Everett, Massachusetts

Dear Ms. Dello Russo:

I am writing in response to your letter of July 11, 2013 and in particular to the suggestion that either the Wynn Expanded ENF ("EENF") or conversations between you, Brian Leary and me lead to the conclusion that the City of Boston "would appear to be a host community to the proposed Wynn resort." To be clear, the City of Everett and only the City of Everett is the host community for the proposed Wynn resort. Any other conclusion would be inconsistent with the Massachusetts Gaming Act, nothing in the EENF states anything to the contrary and certainly at no time did I or any representative of Wynn state or suggest anything to the contrary.

The proposed site of the Wynn resort is an approximately 32.4 acre parcel of land located entirely within the City of Everett (the "Project Site"). Approximately 24.1 acres of the Project Site are upland and the remaining approximately 8.3 acres are below mean high water of the Mystic River; all is in Everett, none is in Boston.

The Project Site is accessible from Broadway (Route 99) via a private way known as Horizon Way (f/k/a Chemical Lane) that abuts the Project Site. The private way provides access to the Project Site via easement rights by grant and inherent to all abutters to a private way. The proposed access to the Project Site, as described in the EENF, is a curved driveway from Broadway located entirely in Everett.

For your information and reference, the Massachusetts Gaming Act (Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth) includes the following relevant definitions:

“Gaming establishment”, the premises approved under a gaming license which includes a gaming area and any other nongaming structure related to the gaming area and may include, but shall not be limited to, hotels, restaurants or other amenities.

“Host community”, a municipality in which a gaming establishment is located or in which an applicant has proposed locating a gaming establishment.

“Surrounding communities”, municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.

It is clear from these facts that no part of the Project Site – the premises comprising the gaming establishment for which Wynn will apply for a gaming license – is located in Boston and, therefore, Boston cannot, by definition, be a “host community.” Based on the Gaming Act definitions, the neighborhood of Charlestown may be a “surrounding community” given that the definition includes municipalities “in proximity to a host community” and “from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.” But whether Charlestown is in fact a “surrounding community” will depend on a number of factors, including “impacts from the development or operation of [the proposed] gaming establishment.” Wynn is currently assessing the potential impacts to Charlestown and has already begun outreach to community leaders and residents, a process that we intend to continue in an open, transparent and positive manner.

In addition to the defined terms distinguishing host and surrounding communities, it is worth noting that the Legislature clearly contemplated situations in which multiple municipalities could potentially host a gaming facility. However, the Gaming Act provides for this situation only “if a proposed gaming establishment is situated in 2 or more cities or towns...” For all the reasons stated above, this is not the case with the Wynn proposal.

Wynn has provided a significant volume of information concerning its project and possible impacts in the EENF. Further studies are ongoing, including more detailed traffic studies that will take account of Sullivan Square, the Alford Street Bridge and current Boston plans for Rutherford Avenue. These studies will be incorporated into the Draft Environmental Impact Report filed as part of the MEPA process.

The City of Everett has been pursuing a robust, public Municipal Harbor Plan (“MHP”) process for many months and I understand a number of municipalities and interest groups have been participating actively, including the Charlestown Waterfront Coalition, The Boston Harbor

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Association, and Mystic River Watershed Association. It is my understanding that the City of Everett specifically informed the Boston Redevelopment Authority ("BRA") about the MHP process at its inception, and invited its participation, but the BRA has not been an active participant to date. I do not believe a draft MHP is currently available but you can confirm that with Everett's Department of Planning and Development directly.

The purpose of our meeting was to proactively initiate an open dialogue about potential impacts and surrounding community status, which has not been formally determined by the Massachusetts Gaming Commission. We intend to continue that dialogue with the appropriate parties and remain amenable to discussions with your office.

Please contact me should you have any questions regarding this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Stephen P. Tocco". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen P. Tocco
President & CEO

SPT/mew

cc: Mayor Carlo DeMaria
John Ziemba, Ombudsman, MA Gaming Commission
Kim Sinatra, Sr. VP & General Counsel
Daniel Gaquin, Esquire