

COMMONWEALTH OF PENNSYLVANIA

GAMING CONTROL BOARD

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IN RE: STADIUM CASINO WESTMORELAND RE, LLC -
CATEGORY 4 LICENSE AWARD AND PETITION FOR APPROVAL
TO CONDUCT TABLE GAMES AND ISSUANCE OF A TABLE GAMES
OPERATION CERTIFICATE

* * * * *

BEFORE: MEMBERS OF THE BOARD:

DAVID M. BARASCH, CHAIRMAN

Obra S. Kernodle, IV

Sean Logan

Kathy M. Manderino

T. Mark Mustio

Merritt C. Reitzel

Dante Santoni, Jr.

EX-OFFICIO MEMBERS/DESIGNEES IN ATTENDANCE:

Jennifer Langan, Esquire, Designee,

Department of Treasury

Radee Skipworth, Designee, Department of

Revenue

Reporter: Lindsey Deann Richardson

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1 EX-OFFICIO MEMBERS/DESIGNEES IN ATTENDANCE (cont.):

2 Jorge M. Augusto, Esquire, Designee,
3 Department of Agriculture

4 HEARING: Wednesday, August 14, 2019

5 LOCATION: Pennsylvania Gaming Control Board

6 Strawberry Square

7 2nd Floor

8 Harrisburg, PA 17101

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A P P E A R A N C E S

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2

3 CYRUS PITRE, ESQUIRE

4 Chief Enforcement Counsel

5 JOHN CROHE, ESQUIRE

6 Assistant Enforcement Counsel

7 Counsel for Office of Enforcement Counsel

8

9 MARK S. STEWART, ESQUIRE

10 Eckert Seamans

11 213 Market Street

12 8th Floor

13 Harrisburg, PA 17101

14 Counsel for Stadium Casino RE, LLC

15

16 ALSO PRESENT:

17 Joseph Weinberg - CEO Cordish Gaming Group

18 Michael Haberman - Gateway Engineers

19 Joe Billhimer, Executive Vice President and General

20 Manager for project

21 Travis Lamb - CFO Cordish Gaming Group

22 Robert Norton - President, Cordish Gaming Group

23 Christopher K. Bauer, PE, PTOE - McMahon

24 Transportation Engineers & Planners

25

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P R O C E E D I N G S

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2 -----
3 CHAIRMAN: The first is just a
4 consolidated hearing to consider Stadium Casino's
5 Westmoreland Application for a Cat 4 License, as
6 well as a Petition for Approval to Conduct Table
7 Games.

8 Will the representatives please come
9 forward?

10 Before we begin, I was going to ask
11 everyone who's going to speak today, please state
12 and spell your name for the court reporter prior to
13 giving presentation. Additionally, I'd ask that all
14 nonattorney potential witnesses please stand at this
15 time to be sworn.

16 ---

17 WITNESSES SWORN EN MASSE

18 ---

19 CHAIRMAN: Please proceed.

20 ATTORNEY STEWART: Thank you, Mr.
21 Chairman. If it'd please the Board, my name is Mark
22 Stewart, with the Law Firm Eckert Seamans. And
23 that's Stewart, S-T-E-W-A-R-T.

24 We have a large group before us.
25 We're here today, Stadium Casino Westmoreland RE,

1 LLC, the Applicant for the Category 4 Application.
2 And with us - you have a full agenda, so we'll move
3 quickly through the presentation. And then I will
4 turn it over to Joseph Weinberg, the CEO of Cordish
5 Gaming Group and Global Entertainment. And each of
6 the speakers can introduce themselves as they speak,
7 to expedite things.

8 Thank you.

9 MR. WEINBERG: Good morning. I'm
10 happy to be here this morning to talk about our Cat
11 4 project in Westmoreland County. My name is Joseph
12 Weinberg, W-E-I-N-B-E-R-G.

13 As most of you know this group, has
14 had several presentations on this in the past. Just
15 as a quick background on our company. Cordish
16 Companies, as you know, we have a diverse background
17 in real estate development and operating areas,
18 gaming entertainment, hospitality, that's
19 residential, sports entertainment districts.

20 And we try to bring this diversity and
21 experience into our gaming entertainment projects to
22 create - to create one of a kind world-class
23 destinations. We were doing that in Philadelphia,
24 and like to - intend to do that here in Westmoreland
25 County as well.

1 Our projects have over 50 million -
2 around the country over 50 million guests a year.
3 So, we're very focused on the customer experience
4 within our projects.

5 Just a quick background on how we got
6 here. So, in January of 2018, we were the winning
7 bidder for the Cat 4 License. We selected a site in
8 Hempfield Township at the Westmoreland Mall. We
9 submitted our Gaming Application for the Cat 4 to
10 the Commission on July 25th of 2018. We had a
11 Public Hearing in Hempfield Township that everybody
12 was - was at in December of 2018. And then we
13 finalized our Table Games Petition and paid the fee
14 for the table games publication for the Cat 4 in
15 February of 2019.

16 As a quick overview of the project, we
17 selected the Westmoreland Mall, which is directly
18 off of I-30 in Westmoreland County. It's a 1.3
19 million square foot existing regional mall. We are
20 taking one of the anchors that had gone bankrupt and
21 had vacated the mall. It was the former Bon-Ton
22 store. The store's approximately 100,000 square
23 feet.

24 We've applied for 750 slots and 30
25 table games. And we see the elevation of those

1 table games. As you'll see later in our
2 presentation, while it is a smaller facility, we're
3 still approaching it to create a first-class gaming
4 and entertainment destination at this - at this
5 site.

6 You know, one of the reasons we
7 selected this site is that all the infrastructure is
8 in place, in terms of roads and access, utilities.
9 You know, this is really an application of smart
10 growth of areas in terms of siting this type of
11 facility and the existing commercial area where the
12 infrastructure is in place.

13 At the request of the Commission, we
14 performed a Traffic Impact Study on this site. And
15 you know, Michael Haberman from Gateway Engineers,
16 who's our Traffic Engineer, is going to take you
17 through his study and findings.

18 But the bottom line, and not
19 surprising, is that because the infrastructure is in
20 place, because this mall has vacancies that are
21 being used by siting this Cat 4 Facility, that there
22 is no further mitigation required in order to make
23 this project work.

24 So, with that I'll have Michael take
25 you through the TIS.

1 MR. HABERMAN: Thank you. Again, my
2 name is Michael Haberman, H-A-B-E-R-M-A-N. I'm with
3 Gateway Engineers out of Pittsburgh.

4 As Joe mentioned, we were commissioned
5 to prepare a Traffic Impact Study for the site. We
6 did prepare the original TIS in early to mid-July.
7 The scope of that study was developed by PennDOT's
8 Traffic Engineering Developer, McMahon Associates.

9 The TIS included data collection
10 modeling analysis of eight intersections in and
11 around the Westmoreland Mall. We also included an
12 evaluation of three separate peak hours at the
13 request of the Department's consultant. Those
14 included the Friday evening commuter peak hour,
15 which is the highest hour between 4:00 and 6:00 p.m.
16 That's your adjacent street commuter peak.

17 And also the Friday p.m. casino peak
18 hour, which is between 7:00 and 10:00 p.m. on a
19 Friday, generally the higher volume of traffic
20 generated by a casino. And then the Saturday p.m.
21 casino peak hour, which, again, was 7:00 to 10:00
22 p.m.

23 Those peak studies were established
24 essentially based on other studies that have been
25 done of other casinos in Pennsylvania and across the

1 nation. Data has been collected and compiled and it
2 shows that this is the peak time for casinos.

3 In the analysis, our models are
4 showing - S&Ss are showing that the peak impacts as
5 a result of adding this casino into the biggest
6 space in the mall is relatively minor. Less than
7 two seconds per vehicle increase in delays, worst
8 case by comparison, PennDOT's criteria says that you
9 can back the intersection up to ten seconds before
10 you're required to do some form of mitigation or
11 improvement or around two seconds worst-case
12 scenario.

13 All of the study intersections along
14 with those peak times projected currently operate
15 and projected to continue to operate to an
16 acceptable level of service. I would point out that
17 we did get comments last week from McMahon
18 Associates. We revised the study. A revised study
19 was submitted yesterday.

20 As a result of some of the changes and
21 some of the requirements that they asked for, one
22 intersection, the design here, is showing a varied
23 level of service, E overall. Our impact of that,
24 again, is still one second or so, nothing
25 significantly different. I just wanted to point

1 that out, because there is one level of peak that
2 they are showing with a level of service E, with a
3 minor impact, so less than two seconds.

4 The Queue Analyses also reveal that
5 all of the turn lanes and approaches out there can
6 accommodate the traffic associated with the casino.

7 So, based on these results of the
8 original study and again, the revised study, no
9 mitigation - actually improvements are required for
10 PennDOT criteria. However, at the request of the
11 Department's consultants and because there could be
12 some potential different patterns out here with the
13 traffic, they have agreed - the casinos agree to
14 perform a Traffic Study a couple months after the
15 casino opened to do some counts and then modify and
16 authorize traffic signal times, just to make sure
17 there aren't any issues caused by the site times.

18 That essentially concludes the
19 analysis we performed.

20 And I'd also like to point out that we
21 - the Traffic Impact Study was submitted to the
22 township and they concurred that no mitigation would
23 be required.

24 So, with that I'd like to introduce
25 Joe Billhimer, who's our Executive Vice President

1 and General Manager for the Westmoreland project.
2 He'll take you through the project.

3 MR. BILLHIMER: My name is Joe
4 Billhimer, B-I-L-L-H-I-M-E-R. So, I get to do the
5 fun stuff and take you through some nice renderings
6 of the project that we've been working on for some
7 months. And I think you'll appreciate the level of
8 detail that we're - we're going into here.

9 The first shot is an exterior
10 rendering. You can see we're taking the Bon-Ton
11 exterior and completely changing it with the
12 addition of a port cochere entry. Go on to the next
13 slide.

14 I'll just walk you through the floor
15 plan. As you can see, the full - the full floor
16 plan here that shows you all the slots and table
17 games. The areas around the casino are fairly
18 well-defined in terms of the offering that you would
19 have in any large-scale casino.

20 As Joe mentioned earlier, we're taking
21 the approach that this is - this is a small casino,
22 but a full-service casino. If you look at the entry
23 as you come in to the right there, we have a
24 restaurant, 65 seats inside, 40 seats outside.

25 Going around to the right you'll see

1 high limits. All of our - all of our cage function
2 up through there to the north side of this drawing,
3 you'll see we have an entry from the mall as well.
4 And then coming down around the left side, you'll
5 see we have a fairly impressive sports bar that will
6 feature some level of entertainment, holidays and
7 whatnot.

8 The experience of Cordish in the
9 entertainment arena will lend itself very well here.
10 And to the left of that you'll see we have a sports
11 bar.

12 Going on to the back of the house, we
13 just really want to show this, so you can get the
14 level of detail that we're going into, that also
15 shows that that's protruding into the mall from the
16 Bon-Ton space. And I won't really walk through that
17 unless you have any specific questions.

18 If you look at the second floor, this
19 is a rather large restaurant and entertainment space
20 that we have got programmed, along with the bar in
21 the center. And we also have an event center
22 sketched out that we'll do sometime in the future.

23 On the right side of the drawing,
24 you'll see there's an entry at that point, too, from
25 the parking garage adjacent to the Bon-Ton site.

1 And then also - this is also where the PGCB offices
2 are located, which we worked with your staff to
3 properly design.

4 Some of the renderings, I'll just walk
5 you through the entry lobby that you can see the
6 level of finish here. Again, a first-class design.
7 This is obviously looking out the front door, people
8 walking through. This is a shot of people walking
9 into the property.

10 Again, to the right, you'll - you'll
11 have a restaurant, to the left you'll have some
12 stairs going to the second level. It's a pretty
13 grand entrance.

14 The casino floor, just to give you an
15 idea of the level of finish. Another shot of the
16 casino floor, more from a slot perspective. And
17 then a shot of our high limit table game action,
18 table game slots will be combined in there.

19 A shot of the upstairs bar, some of
20 the design that we plan on going with. And this is
21 a shot of looking back through the casino from where
22 we planned on having a Sportsbook in the sports bar.

23 The next shot will give you an idea of
24 really just how - you know, the massive screen. We
25 think this will be a real exciting entertainment

1 area. And as you saw from the previous slide, you
2 can actually see down into this from the second
3 level.

4 Just to touch on our employment. We
5 plan on over 500 full-time, part-time jobs, average
6 earnings around \$43,000. Cordish has always been
7 known for great benefits and will have all of these
8 great benefits that we currently offer in Maryland
9 and for Philadelphia. The second half of the slide
10 kind of just shows the perspective of our Gaming and
11 Non-Gaming areas.

12 One point I just want to stress here
13 is that we're focused very much on the Non-Gaming
14 aspects on this project. In part we think, you
15 know, the area, has shown a demand for this. And
16 it's also the style of Live! Casino that we - we
17 intend to put forward. So, you'll see a strong
18 presence on the food and beverage side, which you
19 know, again, relates to the overall experience and
20 excitement we plan to deliver.

21 With that, I'll turn it over to
22 Travis.

23 MR. LAMB: Good morning. Travis Lamb,
24 L-A-M-B.

25 Looking at our economic impact from

1 the project during the development and ongoing
2 operations phases, this slide hasn't really changed
3 since last December. We're looking at 450 direct
4 jobs during the development stage right in Hempfield
5 Township. And when you look at the induced and
6 indirect opportunities arising from that, it
7 increases over 800 positions across the State of
8 Pennsylvania.

9 Moving to the ongoing operations,
10 we're looking at right around 500 jobs at the
11 facility. And then when we extrapolate that out
12 through the study that was performed it expands to
13 960 jobs throughout the state, so -.

14 Moving on to our gaming tax on the
15 projects. You can see this hasn't changed from last
16 year as well. With our slots at the top and tables
17 at the bottom, you know, total gaming tax revenue of
18 close to \$50 - \$50 million through slots and tables
19 operations.

20 On our next slide, we talk a little
21 bit about diversity. And it's part of our culture
22 with the Cordish Companies to really officially
23 recognize our vendors, our team members as well as
24 our customers and the different diverse groups that
25 we work with.

1 You know, in fact, diversity was
2 always one of our core values at our properties. We
3 do a lot of minority outreach fairs. Two of these
4 large events are actually at our facility in
5 Maryland, with over 400 companies. And even the
6 sister casino properties take part in that in the
7 State of Maryland right at our facilities. A very
8 popular event.

9 We also list several of the awards
10 that Live! Maryland has won over the years relative
11 to Cordish Companies, when it comes to working with
12 minority business groups.

13 Next we have our responsible gaming.
14 Obviously that's very important to us. We have
15 played an active role in that in educating all of
16 our team members and taking part in counseling
17 reinforcement and communicating it to our team
18 members in our operation in Maryland and ongoing the
19 same in the State of Pennsylvania.

20 With that, I'll turn it over to our
21 President of Cordish Gaming, Robert Norton.

22 MR. NORTON: Good morning. I'm Robert
23 Norton, N-O-R-T-O-N. I'm excited to be here to
24 present to you about the Westmoreland project to the
25 Live! in Pittsburgh. Carrying the Live! name means

1 a lot. And I think, as Joe, Travis and the other
2 Joe said, you know, it comes with overall
3 entertainment, culture and approach to how we do
4 things that really is born and held throughout the
5 organization.

6 That carries forward into how we
7 approach the communities, as part of our culture and
8 as the charter of our organization to be a creative
9 member of the community, to be active participants,
10 not just, you know, a business there, but to be an
11 active member of the community. And that shows, in
12 our experience in Maryland, in which we have
13 continuously been recognized for numerous rewards,
14 including being one of the top philanthropic
15 organizations in Maryland year in and year out.

16 We look forward to developing and
17 building on that history as we move into the
18 Westmoreland area and the Hempfield Township area
19 and becoming active members of the community. With
20 that I want to bring our presentation to a close.

21 Thank you for your time and
22 consideration. And we look forward to getting this
23 project started.

24 CHAIRMAN: Enforcement Counsel?

25 ATTORNEY CROHE: We do have questions.

1 John Crohe, C-R-O-H-E, Assistant Enforcement Counsel
2 for the Office of Enforcement Counsel (OEC).

3 Is the entire facility 21 and over or
4 are minors permitted for Non-Gaming entities?

5 MR. WEINBERG: Our intention is to
6 have the first floor gaming area identified as 21
7 and over. And the second floor would be considered
8 an entertainment restaurant zones that would be
9 Non-Gaming, and therefore, allow any age.

10 ATTORNEY CROHE: Is there any gaming
11 on the second floor?

12 MR. WEINBERG: No.

13 ATTORNEY CROHE: And how many public
14 access points are there to the facility?

15 MR. WEINBERG: To the Gaming Floor,
16 there are two. To the facility there is four.

17 ATTORNEY CROHE: And how many of those
18 are to the first floor?

19 MR. WEINBERG: Two.

20 ATTORNEY CROHE: Two? Okay.

21 Will there be security posted at all
22 four of the public access points? And will those
23 Security Officers be equipped with identification
24 scanners?

25 MR. WEINBERG: The casino entrances,

1 the two on the first floor will have a security post
2 that will be equipped with the proper technology for
3 identification scanning. The entrances on the upper
4 level are more like restaurant entrances. It will
5 have a host or some sort of receptionist that will
6 greet them as they come in.

7 ATTORNEY CROHE: Okay.

8 Are there any access points to the
9 first floor gaming area from the second floor?

10 MR. WEINBERG: There is. There's a
11 stairwell. That will also be manned by security
12 when it's opened. It's also equipped, though, with
13 a fully lockable posable gate that will allow us to
14 shut down that entrance when we deem it appropriate.

15 ATTORNEY CROHE: Okay.

16 Would that also - would that access
17 point also have an ID scanner?

18 MR. WEINBERG: Yes.

19 ATTORNEY CROHE: Will there be any
20 security posted outside the facility in the parking
21 lot?

22 MR. WEINBERG: We will have a security
23 program that covers our area of responsibility of
24 the parking area.

25 ATTORNEY CROHE: And do you have

1 any -?

2 CHAIRMAN: Excuse me. Excuse me. I'm
3 not sure I heard an answer.

4 Is there going to be security posted
5 outside in the parking lot?

6 MR. WEINBERG: There will be a rover,
7 sir. We'll have a roving officer that will be
8 outside in our area of patrol.

9 CHAIRMAN: Thank you.

10 ATTORNEY CROHE: Do you have any
11 roving security for the outside of the mall? And if
12 so, for the access points of the facility to the
13 mall?

14 MR. WEINBERG: Well, our intention is
15 to manage the adjacent lots. That - the mall, in
16 complete circumference, is beyond the realistic area
17 of parking and utilization of the casino customers.
18 And we'll work with the PGCB in identifying the
19 appropriate lots that would be considered in the
20 casino's control.

21 ATTORNEY CROHE: And is there an
22 access point to the Gaming Floor from the inside of
23 the mall itself, one of the two entrances?

24 MR. WEINBERG: There is.

25 ATTORNEY CROHE: And will there be

1 security posted at that entrance?

2 MR. WEINBERG: Yes. That's one of the
3 two we discussed earlier.

4 ATTORNEY CROHE: Okay.

5 Is there going to be surveillance on
6 the second floor, the Non-Gaming section of the
7 facility?

8 MR. WEINBERG: Yes.

9 ATTORNEY CROHE: And is there going to
10 be surveillance in the parking area for the
11 facility?

12 MR. WEINBERG: Yes.

13 ATTORNEY CROHE: And what about inside
14 of the mall but outside of the facility itself,
15 where that entrance would be?

16 MR. WEINBERG: We'll have very limited
17 coverage outside. If you - if you consider the mall
18 is not actually our property and we don't have any
19 legal rights to - into the mall space itself.

20 To the extent that we're able to mount
21 cameras on the exterior of our space, able to get
22 some shots of the mall, that is the intended plan.

23 ATTORNEY CROHE: What are your plans
24 for working with law enforcement to address
25 potential security issues that arise within the

1 facility?

2 MR. WEINBERG: So, we have actually
3 engaged conversations and reached out to law
4 enforcement to engage in those conversations. At
5 this point we're still working through details on
6 that. Those conversations have begun.

7 I don't have any specifics,
8 unfortunately, for you at this time.

9 ATTORNEY CROHE: Okay.

10 So, there's future plans that put some
11 sort of Standard Operating Procedure in place for
12 contacting law enforcement?

13 MR. WEINBERG: Correct.

14 ATTORNEY CROHE: What training
15 programs will you be providing to service staff for
16 the prevention of serving alcohol to overly-
17 intoxicated guests?

18 MR. WEINBERG: Those plans are also in
19 final development, but I can share with you that our
20 current operating model, we retrain all gaming staff
21 and restaurant staff through responsible gaming and
22 through TIPS Training.

23 And we'll be doing something very
24 comparable here in Pennsylvania to both of our
25 facilities.

1 ATTORNEY CROHE: And what training is
2 provided to casino staff to stop false
3 identification being provided by underage
4 individuals or underage individuals using the
5 legitimate identification of an of-age individual?

6 MR. WEINBERG: That's a detailed
7 portion of the existing training that we give our
8 staff under the TIPS Program. We also do
9 supplemental training with our security staff on -
10 on the exact topic.

11 ATTORNEY CROHE: And which employees
12 receive that training?

13 MR. WEINBERG: All security, all
14 gaming and all food and beverage employees.

15 ATTORNEY CROHE: In your presentation,
16 I noted that you plan to have approximately 500
17 employees. How many of those employees are going to
18 be full time versus part-time employees?

19 MR. BILLHIMER: Somewhere in the range
20 of 70 to 80 percent will be full time. And 20 to 30
21 percent part time.

22 ATTORNEY CROHE: Okay.

23 And you stated that the full-time
24 employees will receive a benefits package?

25 MR. BILLHIMER: Correct. Yes.

1 ATTORNEY CROHE: And are there any
2 benefits at all provided to the part-time employees?

3 MR. BILLHIMER: Typically they get to
4 take part in our group rates for medical benefits at
5 their cost, but benefit from the group rates.

6 MR. WEINBERG: There are a number of
7 benefits that are provided to all employees that are
8 not necessarily medical as well. There will be a
9 discounted meal program, DER. And there's a whole
10 bunch of benefits of those nature that go to all
11 employees.

12 ATTORNEY CROHE: So, to follow up on
13 the meal program, are you going to have an employee
14 dining room or café?

15 MR. WEINBERG: Yes.

16 ATTORNEY CROHE: Okay.

17 When do you anticipate the
18 construction on the facility itself will begin?

19 MR. WEINBERG: We are currently in the
20 process of final stages of selecting the general
21 contractor. And then once that general contractor -
22 selected Permits will be applied for. And we're
23 ready to begin the process as soon as the Permits
24 are in hand.

25 ATTORNEY CROHE: And when do you

1 anticipate that the facility will open?

2 MR. WEINBERG: We are looking - we are
3 working hard to deliver this facility at the early
4 fall - end of summer, early fall. Our hope is to
5 open this facility. And with enough advanced time
6 prior to our Philadelphia facility is to not overly
7 tax the operating team.

8 So, that's our goal and our hope.

9 ATTORNEY CROHE: And can you tell me
10 what the term of the lease between CE and
11 Westmoreland is? How long is the lease for,
12 initially?

13 MR. WEINBERG: It goes on for - I'd
14 have to recheck the lease, but it goes on, I think,
15 for approximately 75 years with options. And OEC
16 does have a copy of the lease.

17 ATTORNEY CROHE: Okay.

18 We have no further questions.

19 CHAIRMAN: Thank you.

20 Questions or comments from the Board?
21 Questions?

22 Any other part of the presentation
23 this morning?

24 ATTORNEY CROHE: Yes. OEC wishes to
25 call Christopher Bauer, to discuss the Traffic

1 Impact Study with him.

2 ATTORNEY PITRE: He's been sworn.

3 ATTORNEY CROHE: Okay.

4 If you could, just please state your
5 name for the record, occupation, place of employment
6 and your job duties.

7 MR. BAUER: Christopher K. Bauer,
8 B-A-U-E-R, I'm a Professional Traffic and
9 Transportation Engineer. I'm also a Licensed
10 Professional Traffic Operations Engineer. I'm an
11 Associate with McMahon Associates and General
12 Manager of the Camp Hill office.

13 ATTORNEY CROHE: And how long have you
14 been employed by McMahon Transportation?

15 MR. BAUER: About three years.

16 ATTORNEY CROHE: And how many years of
17 experience do you have as a Traffic Engineer and
18 Planner?

19 MR. BAUER: Over 25 years experience.

20 ATTORNEY CROHE: Have you ever created
21 a Traffic Impact Study? And if so, approximately,
22 how many?

23 MR. BAUER: I don't have an exact
24 number, but over 25 years I've completed or reviewed
25 in excess of a hundred studies.

1 ATTORNEY CROHE: And have you ever
2 provided testimony before a Court or governmental
3 body in a professional capacity?

4 MR. BAUER: Yes.

5 ATTORNEY CROHE: And approximately how
6 many times?

7 MR. BAUER: Over a dozen times.

8 ATTORNEY CROHE: What types of
9 governmental entities have you provided testimony
10 before?

11 MR. BAUER: First class, second class
12 townships and boroughs. I've testified in
13 Conditional Use Hearings, Special Exception
14 Hearings, and I've been qualified as an expert
15 witness.

16 I've also testified in front of this
17 Board in the past.

18 ATTORNEY CROHE: Okay.

19 I request that the Board accept
20 Christopher Bauer as an expert for the purpose of
21 review of the Traffic Impact Study.

22 CHAIRMAN: Very well.

23 ATTORNEY CROHE: Mr. Bauer, was
24 McMahon Transportation hired on behalf of PennDOT to
25 review and assess the Traffic Impact Study submitted

1 for the proposed Cat 4 Casinos in the Commonwealth?

2 MR. BAUER: Yes.

3 ATTORNEY CROHE: And as part of your
4 employment duties, were you tasked with the review
5 and assessment of these Traffic Impact Study - of
6 the Traffic Impact Study for the proposed Category 4
7 Casino at the Westmoreland Mall?

8 MR. BAUER: Yes.

9 ATTORNEY CROHE: And did McMahon
10 Transportation review a traffic trip generation
11 letter, dated May 8, 2019, provided by Gateway
12 Engineers?

13 MR. BAUER: Yes.

14 ATTORNEY CROHE: And can you briefly
15 tell me what information was contained in that
16 letter?

17 MR. BAUER: The May traffic trip
18 generation letter included a forecast of the
19 expected trips that would be associated with the
20 casino and the remaining retail at the Westmoreland
21 Mall.

22 ATTORNEY CROHE: And did McMahon
23 Transportation respond to that letter in June?

24 MR. BAUER: Yes.

25 ATTORNEY CROHE: I'm going to ask to

1 have a copy of that letter marked as OEC Exhibit 1.

2 ---

3 (Whereupon, OEC Exhibit 1, Letter, was marked for
4 identification.)

5 ---

6 CHAIRMAN: Very well.

7 ATTORNEY CROHE: And what was McMahon
8 Transportation's response to that letter?

9 MR. BAUER: The letter - the May
10 traffic trip generation letter included information
11 that indicated that the traffic generation from the
12 casino, along with the remaining retail to be higher
13 than the estimated trip generation for the
14 Westmoreland Mall at full retail occupancy.

15 Based on PennDOT's TIS guidelines, a
16 full Transportation Impact Study for the development
17 was required.

18 ATTORNEY CROHE: Okay.

19 And was a Traffic Impact Study then
20 provided to McMahon Transportation in July of this
21 year?

22 MR. BAUER: Yes.

23 ATTORNEY CROHE: And was that July
24 Traffic Impact Study reviewed by McMahon?

25 MR. BAUER: Yes, it was.

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CHAIRMAN: Very well.

ATTORNEY CROHE: At any time during your review and assessment of that information, did anyone attempt to influence or coerce you into providing a favorable or unfavorable review?

MR. BAUER: No.

ATTORNEY CROHE: And were you notified of anyone attempting to influence or coerce McMahon Transportation during your review?

MR. BAUER: No.

ATTORNEY CROHE: Can you tell us who prepared the Traffic Impact Study?

MR. BAUER: It was prepared for Kyle Brown of Gateway Engineers, and the revised report was completed by Mr. Abraham.

ATTORNEY CROHE: Okay.

And when was that?

MR. BAUER: The original was in July and it's dated in August.

ATTORNEY CROHE: Okay.

And can you tell us the purpose of that full Traffic Impact Study?

MR. BAUER: The study was prepared to determine the effects of the transportation network,

1 for the development of the Category 4 Casino to be
2 located within the existing Westmoreland Mall in
3 Hempfield Township, Westmoreland County,
4 Pennsylvania.

5 ATTORNEY CROHE: And if you could,
6 please, provide a summary of your review that has
7 been marked as OEC Exhibit 2.

8 MR. BAUER: Based on the information
9 and the Traffic Impact Study, the proposed Category
10 4 Casino would replace 100,000 square foot of
11 currently vacant space, the former Bon-Ton
12 department store, within the existing Westmoreland
13 Mall. That includes 750 slot machines and 30 gaming
14 tables.

15 The Westmoreland Mall lies south - on
16 the south side of Route 30 east of the City of
17 Greensburg and includes two directional right in and
18 right out accesses to Route 30. One access for
19 westbound U.S. Route 30 via an overhead - overpass
20 and ramp system and a full-movement access to Route
21 30 via I don't know what road.

22 ATTORNEY CROHE: And did the Traffic
23 Impact Study recommend any transportation
24 improvements to the access point of the site?

25 MR. BAUER: The review of the capacity

1 analysis shows that the existing site of the
2 intersection is currently operated at acceptable
3 levels of service during the peak hours analyzed.
4 The intersections are projected to continue to
5 operate at levels of service under the opening year
6 2020, accessible levels of service of the opening
7 20-year - opening year 2020 and projected 2025
8 future year conditions.

9 The inclusion of the projected trips
10 associated with the proposed casino are anticipated
11 to have negligible impact to the overall delay at
12 the intersections during peak hours. As such, the
13 Traffic Impact Study did not offer any improvements.

14 ATTORNEY CROHE: Okay.

15 And based upon its review, did McMahon
16 Transportation recommend any transportation
17 improvements?

18 MR. BAUER: Yes. The engineer used
19 typical PennDOT TIS methodology and optimized the
20 traffic signal timing within the traffic signal
21 software to evaluate the traffic impacts. This is
22 acceptable practice, one that is industry standard.

23

24 While the optimization of the traffic
25 signal's timing for future without development

1 conditions of standard, we note that the projected
2 optimization of the traffic signal at Route 30 and
3 Sheridan Drive are required to bring the existing
4 movements within the capacity and avoid adding delay
5 to the movements.

6 So, considering that, we have an
7 opening year at 2020, the signal timings were
8 optimized in the software but not out in the field,
9 we suggested that retiming should be part of the TIS
10 communication recommendations.

11 We also recommended that a
12 post-opening Traffic Study be - study existing
13 traffic signals after the opening of the casino,
14 about two months after traffic normalizes at the
15 casino development.

16 The Applicant should collect traffic
17 counts. And these counts should be conducted on a
18 typical Friday or Saturday, and optimized the
19 traffic signal timing adjustments placed out in the
20 field.

21 ATTORNEY CROHE: And was McMahon
22 Transportation provided with a copy of the revised
23 TIS, as described by the CEO?

24 MR. BAUER: Yes, it was. The
25 Applicant submitted a comment response letter and a

1 revised TIS last night. The submission was
2 reviewed. The Applicant has testified that there
3 will be - they're willing to complete a Post-Opening
4 Study. This coupled with the revised Traffic Impact
5 Study - this coupled with the Traffic Impact Study
6 revisions and a comment response letter, the
7 outstanding comments have been addressed
8 satisfactorily.

9 ATTORNEY CROHE: Okay.

10 So, based upon your review of the
11 revised Traffic Impact Study, McMahon Transportation
12 is, therefore, satisfied that all of their initial
13 concerns were adequately addressed?

14 MR. BAUER: Yes. That coupled with
15 the Post-Development Study.

16 ATTORNEY CROHE: That they discussed,
17 which will include the review of the traffic signal
18 timing?

19 MR. BAUER: Correct.

20 ATTORNEY CROHE: Okay.

21 So, based upon the testimony that you
22 were able to listen to today, was that consistent
23 with McMahon Transportation's findings in review of
24 the Traffic Impact Study and the revised Traffic
25 Impact Study?

1 MR. BAUER: Yes.

2 ATTORNEY CROHE: Okay.

3 And was anything presented in that
4 testimony that seemed contrary to any of your
5 findings?

6 MR. BAUER: No.

7 ATTORNEY CROHE: Okay.

8 I have no further questions.

9 CHAIRMAN: Are there questions from
10 Stadium to the witness or OEC?

11 ATTORNEY STEWART: No questions.

12 CHAIRMAN: Thank you.

13 Any additional questions or comments
14 from the Board?

15 Thank you.

16 We will consider both the award of
17 this license and the Table Games Petition later this
18 morning. Now, we're going to move on to our next
19 hearing. Thank you.

20 ATTORNEY CROHE: Just one final
21 matter.

22 CHAIRMAN: Both of you. Yes?

23 ATTORNEY CROHE: I'd just ask to move
24 the two exhibits into the record.

25 CHAIRMAN: So moved.

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(Whereupon, OEC Exhibit 1, Letter, was admitted.)
(Whereupon, OEC Exhibit 2, Traffic Impact Study
Results, was admitted.)

CHAIRMAN: Mr. Stewart?

ATTORNEY STEWART: Mr. Chairman, we
would like to mark our presentation as Stadium
Casino Westmoreland Exhibit 1 and admit it into
evidence.

(Whereupon, Stadium Exhibit 1, Presentation, was
marked for identification.)

CHAIRMAN: So moved.

(Whereupon, Stadium Exhibit 1, Presentation, was
admitted.)

CHAIRMAN: Thank you.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Chairman David M. Barasch, was reported by me on 08/14/19 and that I, Lindsey Deann Richardson, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 16th day of September, 2019



Lindsey Deann Richardson,
Court Reporter