

The Boston Herald

New complaint seeks injunction on sale of MBTA land to Wynn

Tuesday, July 7, 2015

By: [Jack Encarnacao](#)

An explosive new injunction request from 24 Bay State residents seeks to stop the state Department of Transportation from transferring a piece of MBTA land in Everett to the Wynn casino, which needs the land for an entrance that skirts land in Boston — as the Hub sues to stop the casino.

The complaint, filed in Suffolk Superior Court, argues the \$6 million MBTA land sale violated state bidding law, and that the price was less than the T and Wynn had previously said it was worth.

“Over a two-year period, the MBTA, Wynn and the City of Everett conducted numerous discussions, all outside of any public process, to ensure that the MBTA Parcel be conveyed to one and only one entity – Wynn,” reads the complaint, filed by Attorney Thomas Bean, who represented the group that placed a question on the November 2014 state ballot to overturn casinos.

The complaint also says that on Aug. 2, 2013, Wynn reps sent a letter to the T suggesting it would be interested in purchasing the parcel directly for an “eight-figure” number. The T ultimately agreed to sell the land to Wynn in August 2014 for \$6 million, with \$1.5 million up-front as a deposit. In September, the T published a notice requesting bids to match or exceed Wynn’s \$6 million purchase offer.

The complaint says the state Department of Transportation pegged the value of the parcel around \$30 million in October 2013. The T and state sought to have Wynn build a new \$25 million T facility on the land in exchange for the transaction.

The 28-page complaint says the T “does not have any discretion in deciding whether or how to comply” with state bidding requirements, and “has failed to do so.”

The land is currently sitting in escrow pending a required state environmental review of the transaction, which state Secretary of Energy and Environmental Affairs Matthew Beaton determined earlier this year should have take place before the conveyance. The parcel on Broadway in Everett, according to the complaint, contains T repair and maintenance facilities.

The complaint — which seeks to halt the land coming out of escrow until a new bidding process occurs — framed the premature conveyance as a move by Wynn to avoid running afoul of a requirement that a casino developer control its site within 60 days of licensure. Wynn was formally awarded the Greater Boston casino license on Nov. 18, 2014, and told the commission during its deliberations it had an agreement to buy the land from the T.

The complaint faults the MBTA for not posting public notice that the property was for sale before meeting with the city of Everett and Wynn to discuss a conveyance. The complaint says the conveyance was originally envisioned from the T to Everett, not Wynn, as a way to skirt public bidding requirements.

The complaint also reveals reservations from MBTA Chief Mechanical Officer Jeffrey Gonneville, who stated in emails that, “[o]perations does not support giving up any property on the Everett campus ... The Authority gets no real benefit from this proposal, cash does not benefit us in Operations. ... I am sure we will be overruled, but that is our opinion.”

Among the 24 complainants are former members of the anti-casino ballot committee, including former chairman John Ribeiro and sister Celeste Myers, both of Winthrop, and Les Bernal of Lawrence, director of the group Stop Predatory Gambling. The complaint is also put forth by two Charlestown residents — Ann Kelleher and Kathleen Meeley — and three Everett residents: Dennis Gianatassio, Evmorphia Stratis, and Olympia Stratis.