



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #173**

December 17, 2015  
10:30 a.m.

**Massachusetts Gaming Commission**  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA



Massachusetts Gaming Commission



## NOTICE OF MEETING and AGENDA

**December 17, 2015**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, December 17, 2015**

**10:30 a.m.**

**Massachusetts Gaming Commission**

**101 Federal Street, 12<sup>th</sup> Floor**

**Boston, MA**

### **PUBLIC MEETING - #173**

1. Call to order
2. Approval of Minutes
  - a. December 3, 2015
3. Administration – Karen Wells, Interim Executive Director
  - a. General Update
  - b. Region C Update – J. Ziemba, Ombudsman
  - c. Tribal Compact Update – Chairman Crosby
  - d. Annual Report Update – Commissioner Zuniga
  - e. Daily Fantasy Sports White Paper Update – Chairman Crosby
4. Research and Responsible Gaming – Mark Vander Linden, Director
  - a. Host Community Profiles and Economic Measures Update and Employee Survey Monkey Results – Rachel Volberg, SEIGMA Principal Investigator and Mark Melnik and Rod Motamedi, Donahue Institute
  - b. Game Sense Update – Marlene Warner, MA Council on Compulsive Gambling and Gaming Agents
  - c. Voluntary Self-Exclusion Regulation Amendment Discussion – C. Blue, General Counsel and T. Grossman, Deputy General Counsel
5. Ombudsman – John Ziemba
  - a. Community Mitigation Reserve Requests – Mansfield – **VOTE**
  - b. MGM Section 61 Decision – **VOTE**
  - c. 2016 Community Mitigation Reserve Fund Guidelines Approval – **VOTE**
  - d. Sullivan Square Long-Term Plan Update

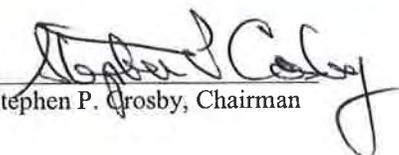


**Massachusetts Gaming Commission**

6. Racing Division – Alex Lightbown, DVM, Director
  - a. Massachusetts Thoroughbred Horsemen’s Association Inc.’s Request for Recognition
  
7. Legal Division – Catherine Blue, General Counsel
  - a. Small Business Impact Statement for 205 CMR 129: Review of a Proposed Transfer of Interests, 205 CMR 116: Persons Required to be Licensed or Qualified, and 205 CMR 102: Construction and Application (Transfer of interests) – **VOTE**
  - b. Small Business Impact Statement for 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Temporary Licenses) – **VOTE**
  - c. Small Business Impact Statement for 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations (Term of Licenses) – **VOTE**
  - d. Small Business Impact Statement for 205 CMR 116: Persons Required to be Licensed or Qualified (Assumption of duties by new qualifiers) – **VOTE**
  
8. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

12/14/15  
(Date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** December 15, 2015 at 10:30 a.m.



Massachusetts Gaming Commission



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## Meeting Minutes

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**Date/Time:** December 3, 2015 – 10:30 a.m.

**Place:** MassMutual Center  
1277 Main Street, Room 4 & 5  
Springfield, 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

[10:30 a.m.](#) Chairman Crosby called to order the 171<sup>st</sup> Commission Meeting held at the MassMutual Center in Springfield.

### Approval of Minutes

See transcript pages 2-3

[10:30 a.m.](#) *Commissioner Macdonald moved for the approval of the November 12, 2015 minutes with the reservation of power to correct mechanical and typographical errors. Commissioner Stebbins and Chairman Crosby noted typographical errors that needed correction. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

### Administration

See transcript pages 3-5

[10:31 a.m.](#) Interim Executive Director Karen Wells provided an update on the evaluation process for Region C. She noted that the evaluation teams are working with the Commissioners and the process is on target and moving forward. She also reported on the Plainridge Casino operations and noted that there is good communication and information sharing between the gaming agents, law enforcement, ABCC (Alcoholic Beverages Control Commission), and the Attorney General's Office for investigations.

## **Legal Division**

See transcript pages 5-31

[10:33 a.m.](#) General Counsel Catherine Blue presented on the regulations framework grid – phase 3. She noted that most of the regulations on the grid concern the opening of category 1 facilities. She also noted that the goal is to get the Commissioners involved in the regulation draft process before a final draft is presented for formal promulgation.

[10:47 a.m.](#) General Counsel Blue presented on the handbook of the Commission’s rights and responsibilities pursuant to the Mashpee Wampanoag Tribal and State Compact. She noted that the Commission does not regulate the tribal casino under M.G.L. c. 23A, but it does have some regulatory oversight. The purpose of the handbook is to layout areas where the Commission has regulatory oversight. The handbook was sent to the Tribe, the Attorney General’s Office, and the Governor’s Office for their review and comments.

## **Fantasy Sports Update**

See transcript pages 32-36

[11:00 a.m.](#) Chairman Crosby noted that the Commission has scheduled a daylong educational forum on December 10<sup>th</sup> at the Hynes Convention Center in Boston. The forum will cover daily fantasy sports and online gaming.

## **Research and Responsible Gaming**

See transcript pages 36-66

[11:03 a.m.](#) Director Mark Vander Linden provided an overview of the 2016 gaming research agenda which included highlights of the SEIGMA (Social and Economic Impacts of Gambling in Massachusetts) and MAGIC (Massachusetts Gambling Impact Cohort) research projects and the GRAC (Gaming Research Advisory Committee) agenda recommendations. Director Vander Linden also presented on the final agenda recommendations which included: (1) continue current research agenda and responsible gaming evaluation initiatives, (2) procure services with research entity for player tracking data systems, (3) add targeted survey to SEIGMA, and (4) identify priority population subgroups and implement data collection.

## **Investigations and Enforcement Bureau (IEB)**

See transcript pages 66-91

[11:42 a.m.](#) Director Karen Wells presented on a key gaming employee executive license for Edward Nolan which included an overview of the suitability investigation and a summary of his professional background. The IEB recommended that the Commission find Mr. Nolan suitable for a key gaming executive license.

[11:45 a.m.](#) *Commissioner Cameron moved that the Commission approve Edward Nolan for licensure as a key gaming executive. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

- [11:46 a.m.](#) Chairman Crosby noted that the public hearing at 2:30 p.m. pertaining to MGM will not be live-streamed.
- [11:47 a.m.](#) Director Wells provided an update on the License Management System and noted that the licensing department is initiating a pilot to test and improve licensing operations in anticipation of casino openings in 2018.
- [11:49 a.m.](#) Director Wells presented on proposed emergency amended regulations which included: 205 CMR 134.12 – temporary licenses for employees and vendors and removal of 12 month expiration date for temporary vendor licenses; 205 CMR 134.16 – increase initial term of licenses for key gaming and gaming employees from three years to five years; and 205 CMR 116.07 – performance of duties during the suitability process for new qualifiers.
- [12:03 p.m.](#) *Commissioner Cameron moved that the Commission adopt, on an emergency basis, the amendments to regulations 205 CMR 134.12 - temporary licensing, 205 CMR 134.16 - terms of the license, and 205 CMR 116.07 - qualifications of new qualifiers. Commissioners Stebbins amended the motion to make the emergency regulations applicable to anyone who is currently on a temporary vendor license. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*
- [12:04 p.m.](#) Director Wells presented on memorandum pertaining to delegation of authority to the Director of the Investigations and Enforcement Bureau regarding temporary licenses.
- [12:06 p.m.](#) *Commissioner Stebbins moved that the Commission adopt the two resolutions on page three of the memorandum from Chief Enforcement Counsel/Deputy Director of IEB, Loretta Lillios, with respect to authority and permission granted to the Director of the IEB. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*
- [12:07 p.m.](#) The Commission recessed for lunch.
- [12:38 p.m.](#) The meeting resumed.

### **Ombudsman**

See transcript pages 92-205

- [12:38 p.m.](#) Ombudsman John Ziemba presented an update on the MGM Springfield Section 61 Findings process and draft Memorandum of Agreement with the Massachusetts Historical Commission.
- [12:41 p.m.](#) Michael Mathis, President of MGM Springfield, acknowledged MGM officials and presented on the MGM design changes which included: design evolution, design refinement timeline, host community agreement, residential housing, hotel, loading dock, employee dining room reduction, bowling area, casino floor, hotel guestroom comparison, Boston market low rise hotels, street level involvement, retail, restaurants and food outlets, banquet area, child care center, ice skating rink, parking, cinema, and aerial view rendering.
- [1:50 p.m.](#) Brian Packer, Vice President of Construction/Development for MGM Springfield, provided a construction update which included the following: parking progress and

the addition of 51 new parking spaces, notification to abutters on activity, construction labor, construction timeline (enabling, church relocation, parking garage, hotel, and casino), recent activities (demolition and abatement, utility work, and Mission construction), and construction statistics (675 construction workers and 34 Western MA construction companies have participated in project to date).

- [2:00 p.m.](#) Seth Stratton, Vice President and General Counsel for MGM Springfield, presented on project costs and non-construction commitments. He also noted overall investment in project will be \$950 million and will include 3000 operational jobs, 2000 construction workers, improvements to the riverfront and Union Station, and entertainment venues.
- [2:08 p.m.](#) Commissioner Zuniga stated that he is looking for details in costs and numbers reported.
- [2:11 p.m.](#) Commissioner Macdonald inquired as to the increase in building, construction, and design costs. Brian Packer and Seth Stratton responded that the increase is due to material and labor as well as an unanticipated price escalation.
- [2:15 p.m.](#) Michael Mathis reported on tower elimination project costs.
- [2:17 p.m.](#) Chairman Crosby noted that the project was reduced in size by ten percent but the project has increased in cost by 25 percent. He stated that he would like more particulars. Mike Mathis reported that he will provide an analysis.
- [2:22 p.m.](#) Commissioner Stebbins stated that he would like more of a breakout of line seven on page 70 of the spreadsheet. Seth Stratton stated he will provide that detail.
- [2:24 p.m.](#) Seth Stratton presented on next steps with the City of Springfield which included: working closely with the Mayor's Office and City Council, getting approval of the casino overlay district, hearings before the City Council, site plan review, host community agreement amendments, and road closures.
- [2:27 p.m.](#) Attorney Jed Nosal, representing MGM Springfield, presented on the Massachusetts Historical Commission's Memorandum of Agreement (MOA) which he stated the Commission approved in August with some discretion to staff to address outstanding issues. Attorney Nosal requested that the Commission reaffirm approval of the MOA. General Counsel Blue responded that Commission approval would require a vote and it is not on the agenda. General Counsel Blue stated that the approval could be delegated to the Executive Director.
- [2:31 p.m.](#) *Commissioner Cameron moved that the Commission delegate to the executive director the final approval of the Memorandum of Agreement with the Massachusetts Historical Commission. Motion seconded by Commissioner Zuniga. Commissioner Macdonald abstained from the vote because he was not a party to the communications and deliberations. Motion passed four in favor and one abstention.*

## **Other Business Not Reasonably Anticipated**

See transcript pages 205-206

2:34 p.m.     *Having no further business, a motion to adjourn was made by Commissioner 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 3, 2015
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated November 12, 2015
3. Massachusetts Gaming Commission, Regulations Framework – Phase 3
4. Massachusetts Gaming Commission’s Rights and Responsibilities Pursuant to the Mashpee Wampanoag Tribal-State Compact
5. Massachusetts Gaming Commission, Memorandum dated December 3, 2015 regarding Recommendations for the Annual Gaming Research Agenda
6. Massachusetts Gaming Commission, Memorandum dated December 1, 2015 regarding Delegation of Authority to the Director of the Investigations & Enforcement Bureau (“IEB”) Regarding Temporary Licenses
7. Draft Regulations:
  - 205 CMR 134:00 Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations
    - 134.12 Temporary Licenses
    - 134.16 Term of Licenses
  - 205 CMR 116:00 Persons Required to be Licensed or Qualified
    - 116.07 Qualification of New Qualifiers
8. Letter from Jed Nosal to John Ziemba, dated November 30, 2015 regarding MGM Springfield and Memorandum of Agreement, with attachments
9. MGM Springfield Project Presentation, dated December 3, 2015 with attachments
10. Comments pertaining to proposed MGM Springfield project design change

/s/ Catherine Blue

Catherine Blue, Assistant Secretary



**No Documents**

# ▶ Fax

12/9/2015

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From: Tracy Marzelli  
Phone: 774-243-4596  
Fax: 508-947-7247

To: Stephen Crosby  
Company Name: Massachusetts Gaming Commission

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Re: MASHPEE WAMPANOAG GAMING

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**Comments:**

Please find letter attached.

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Urgent     For Review     Please Comment     Please Reply     Please Recycle

Tracy Marzelli  
108 South Main St #6  
Middleboro, MA 02346

December 9, 2015

Mr. Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

RE: Region C Casino Licensing

Dear Chairman Crosby:

On behalf of the many citizens of East Taunton and the surrounding communities who are seeking to file a complaint against the United States Department of Interior (DOI) regarding the ability of the Department to take land in trust for the Mashpee Wampanoag tribe for the purpose of building a casino to game under the Indian Gaming Regulatory Act (IGRA), I am writing to inform you that we have reviewed the Record of Decision (ROD) and we do not feel the DOI has the authority to make this decision.

As a group, the citizens feel it is worth our time and effort to mount a challenge to the ROD. Since the Administrative Procedures Act allows us six years to file in Federal Court, and understanding that litigation is costly, we expect to be taking advantage of all the time allotted to us in order to raise the funds required for a successful challenge.

The investors of the tribal casino are a privately funded organization and have the ability to fund the project in its entirety. They expect to take full advantage of our delay and have committed to breaking ground in Spring 2016. They are moving quickly and currently have auditors scheduled to arrive during the week of December 7<sup>th</sup>. If, as expected, funding efforts take most of the time allowed by law, the tribal casino will be fully operational right around the time that we are ready to file in federal court. As IGRA only allows an outside entity five years involvement and our case is expected to take 6 – 7 years (post filing) to work its way through the federal court system, it is highly likely the investors will no longer be heavily involved in the project around the time the case will be decided. The reality of the situation is, the investors aren't risking much by moving this project forward as quickly as possible.

We are confident in our ability to win a challenge to the ROD. As outlined in a memo sent to you by Nixon Peabody LLP dated November 3<sup>rd</sup>, 2015, the flaws in the ROD are grievous and apparent. With that said, it needs to be noted that by the time this has been brought to court and all legal paths have been fully exhausted, the Mashpee Wampanoag Tribe will have a tribal casino in full operation in East Taunton (Region C). **Our lawsuit only challenges the status of the land, not the Casino itself. Upon winning our challenge, the land will revert back to local and state control, at which point that casino would then become a commercial venue, under the full jurisdictional control of the Commonwealth of Massachusetts Gaming Laws**

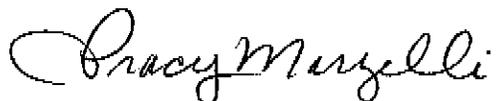
In light of this information, we are hoping the commission will seriously consider a delay in issuing any casino license in Region C. In light of our pending litigation, we feel there is to a high a risk to having not

one, but two commercial casinos in Region C. This may have an adverse effect on Southeastern Massachusetts, as well as a negative effect on the success of both commercial venues due to their proximity to each other.

We kindly ask that you please allow us the time we need to assert a challenge to the ROD issued by the Department of Interior . refrain from making a decision on any other commercial venture in Region C at this time.

Thank you for your considerations.

Regards,

A handwritten signature in black ink that reads "Tracy Marzelli". The signature is written in a cursive, flowing style with a large initial "T".

Tracy Marzelli

**No Documents**

**No Documents**

**No Documents**

# SEIGMA Project Overview

**Dr. Rachel Volberg, Principal Investigator**  
Social and Economic Impacts of Gambling in  
Massachusetts (SEIGMA) study

December 17, 2015

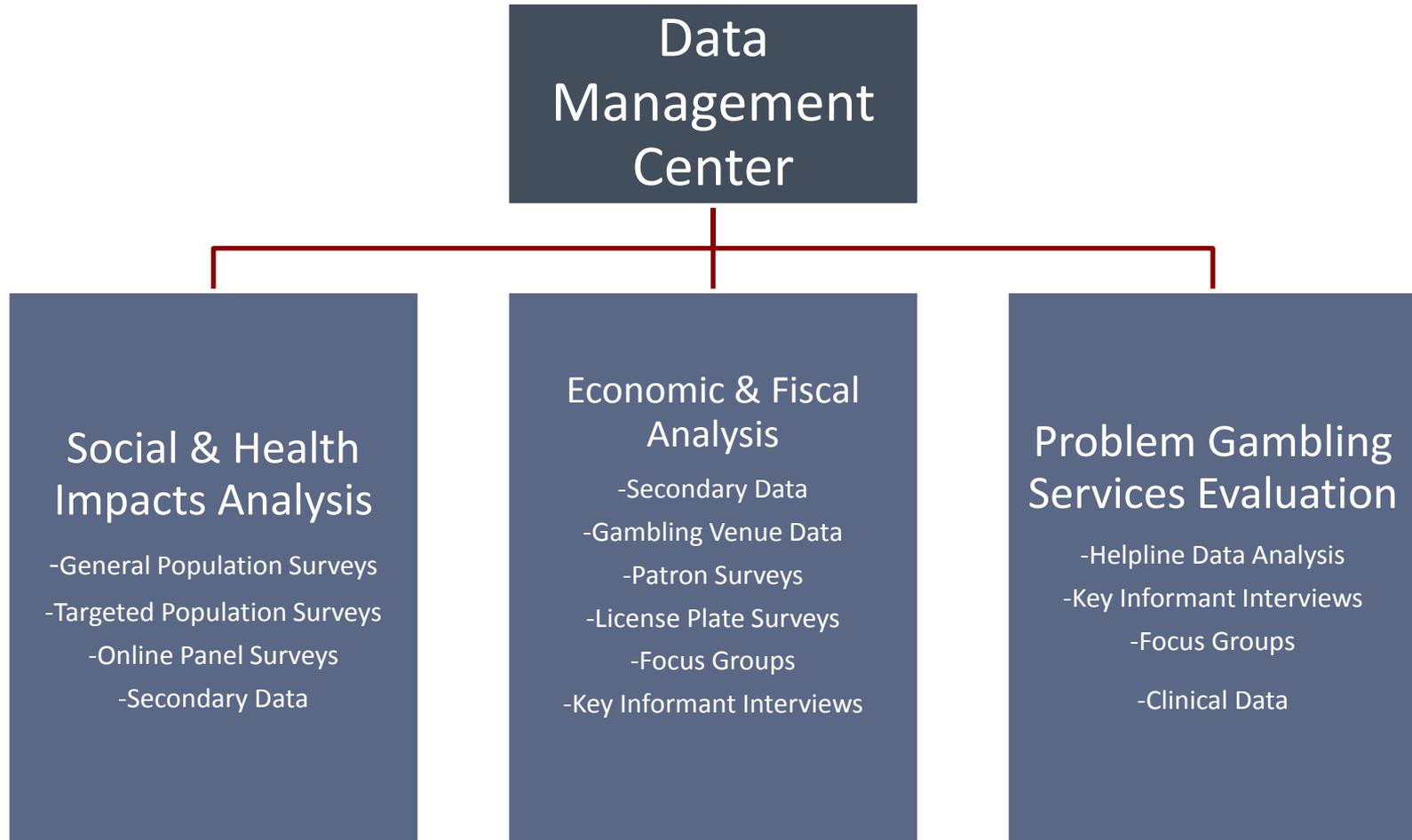
# Primary Goal of the SEIGMA Study:

- To enable the MGC and GPAC to make scientifically-based recommendations to the legislature to maximize the benefits and minimize the possible harms associated with gambling expansion

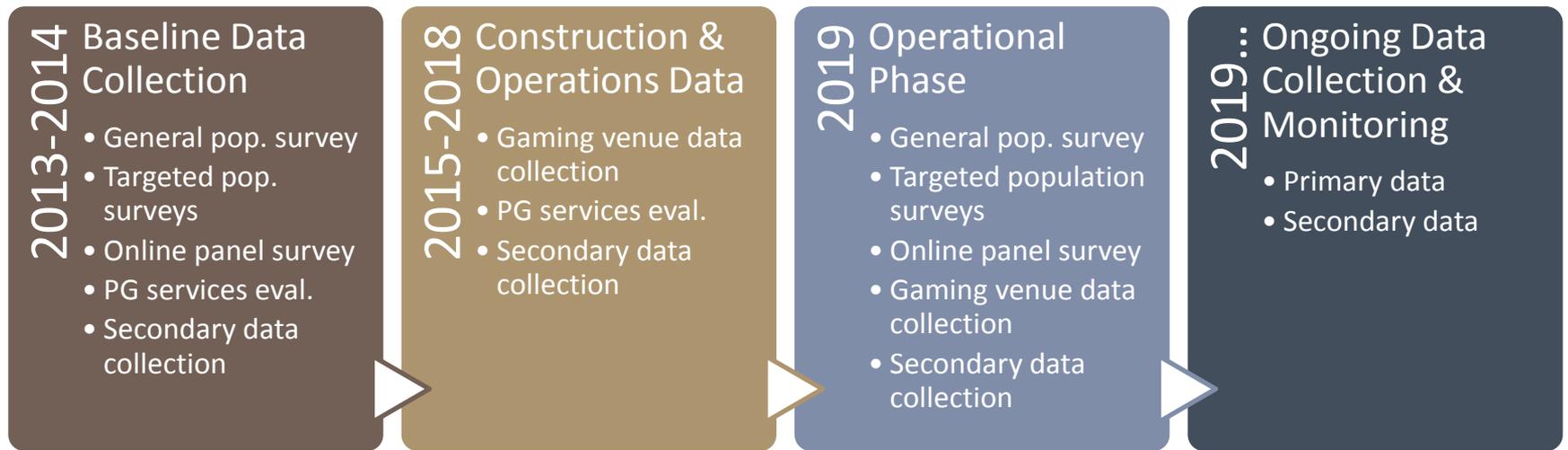
# Contribution to MGC Research Agenda

- Cornerstone of MGC research agenda
- Fulfills Section 71 (1) and (2) of Expanded Gaming Act
  - (1) Implement a baseline study of problem gambling in MA and existing programs available to prevent/treat problem gambling
  - (2) Conduct a comprehensive study of the social and economic impacts of gambling in MA

# Structure of SEIGMA Study



# Timing of Data Collection



# Economic and Fiscal Research Agenda: This Year's Activities

**Dr. Mark Melnik, Director**  
Economic and Public Policy Research  
UMass Donahue Institute

# Overview

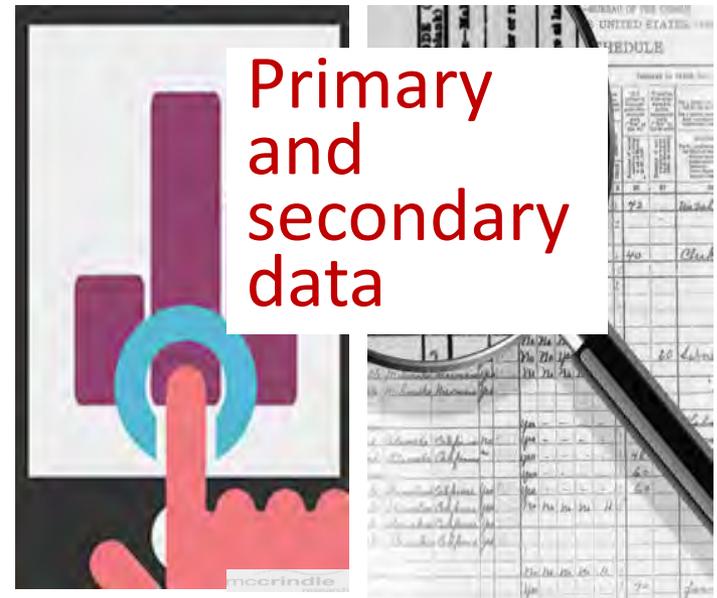
- Overview of SEIGMA economic analysis research agenda
- Recent activities
  - Springfield baseline profile
  - New employee survey
  - Plainridge Park Casino construction impacts
- Next steps - products in development

Overview

# ECONOMIC ANALYSIS RESEARCH AGENDA

# Goal/Objective of the Economic Research

- Measure and determine economic and fiscal impacts of casino facilities at the local, regional, and state level:
  - Business dynamics
  - Labor market conditions
  - Government finance
  - Real estate trends
  - Special topics



# Phases of Economic Analysis

- **Baseline analyses**
  - Tracking economic and fiscal conditions before gaming facilities
- **Development/Construction**
  - Measuring impacts as construction occurs at each gaming facility
- **Operations**
  - Measuring and monitoring impacts from operations of gaming facilities

# Examples of Economic & Fiscal Measurements

- Employment, firms and wages
- Industry mix
- Business sales
- Unemployment
- Labor force participation
- Household income
- Poverty
- Housing
- Tourism
- Gambling-related tax revenue
- Other gambling, e.g. lottery and charitable gaming
- Government expenditures & revenue
- Public services
- Regulatory costs

How they look now

How they change over time

# Two Complementary Approaches to Measure Economic and Fiscal Impacts

- Secondary data
  - Public government data and proprietary data sets
    - Includes unemployment rate, household income, and property values
    - Goal: track conditions over time
- Primary data
  - Data on direct impacts provided by the gaming facilities
    - Includes job counts, wages, construction investment, and local expenditures
  - Data collected through surveys
    - New employees (online survey)
    - Patrons (on-site survey)
  - Can be used to estimate regional and state economic impacts, as inputs to the REMI model

# SECONDARY DATA ANALYSIS

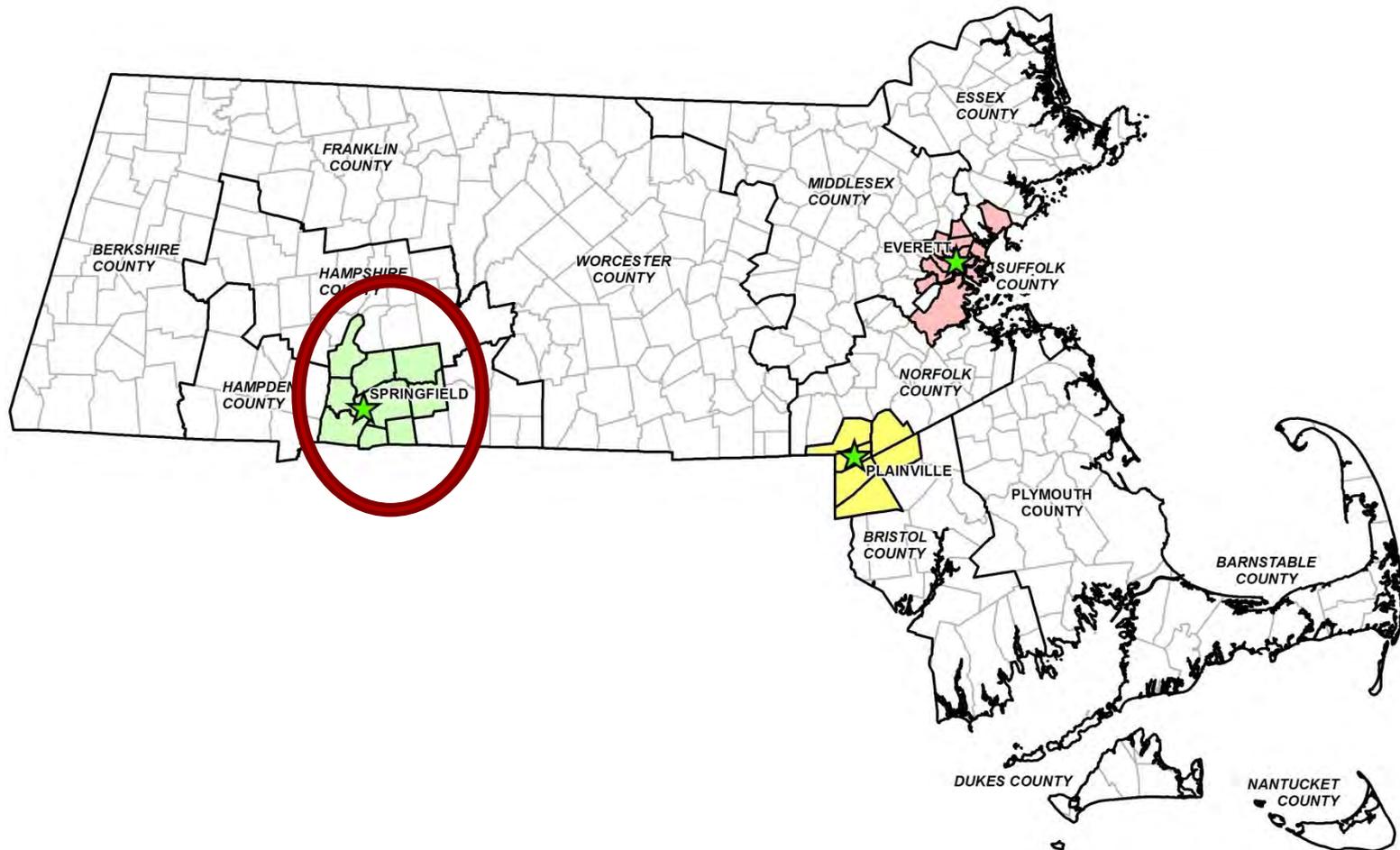
# Secondary Data Products: Recent Work

- Host community profiles and monitoring
- Regional and state economic baseline report
- Special topics:
  - Real estate analysis
  - Lottery impacts analysis
- Community comparisons method

Product Based on Secondary Data

# SPRINGFIELD BASELINE PROFILE

# Host Community Profiles



# Host Community Profiles: Economic & Fiscal Topics

- **Industrial Base and Business Indicators**

- Employment, establishments and wages
- Industry mix
- Business sales
- Leisure and hospitality

- **Resident Indicators**

- Population
- Educational attainment and English proficiency
- Unemployment and labor force participation
- Income and poverty

- **Local Area Fiscal Indicators**

- Expenditures
- Revenue
- Assessed property values by class
- Property tax revenue

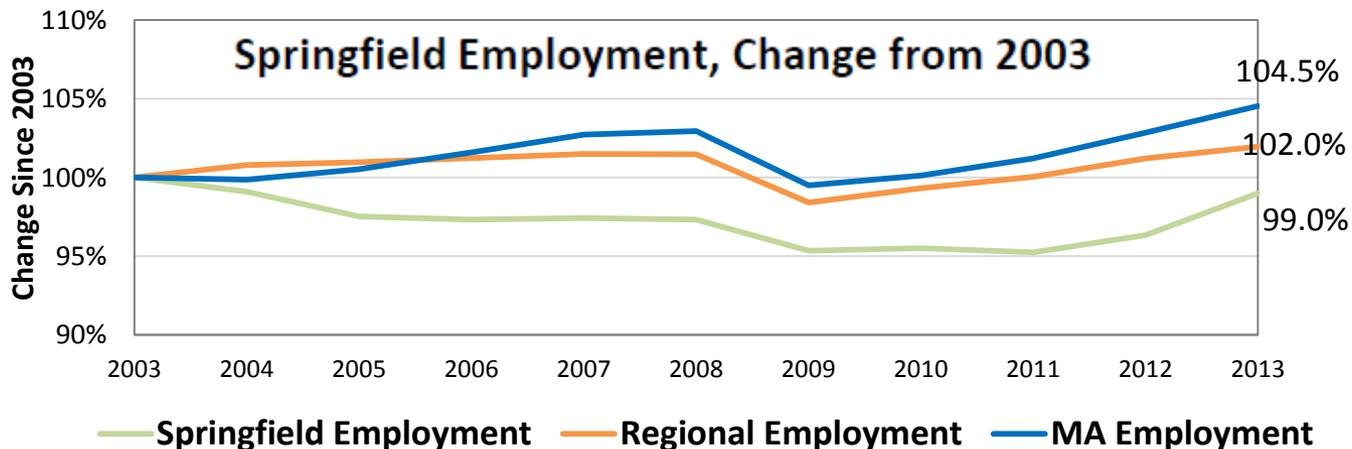
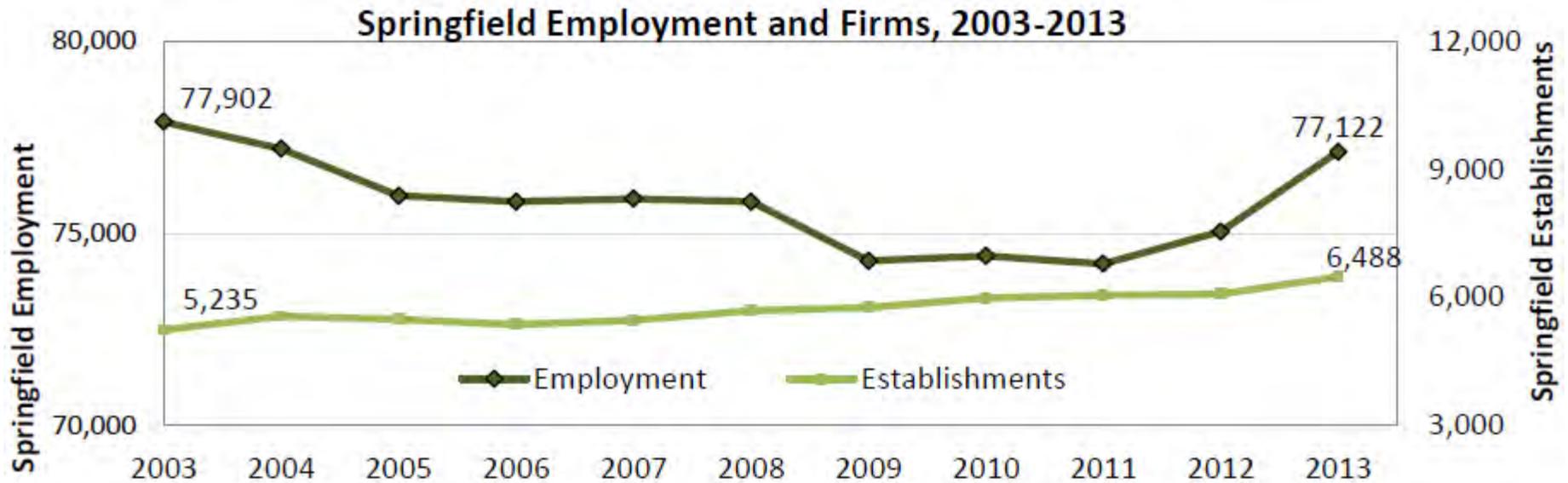
- **Real Estate Trends**

- Residential sales and prices
- Commercial/industrial inventory, vacancies, lease rates, net absorption

Findings

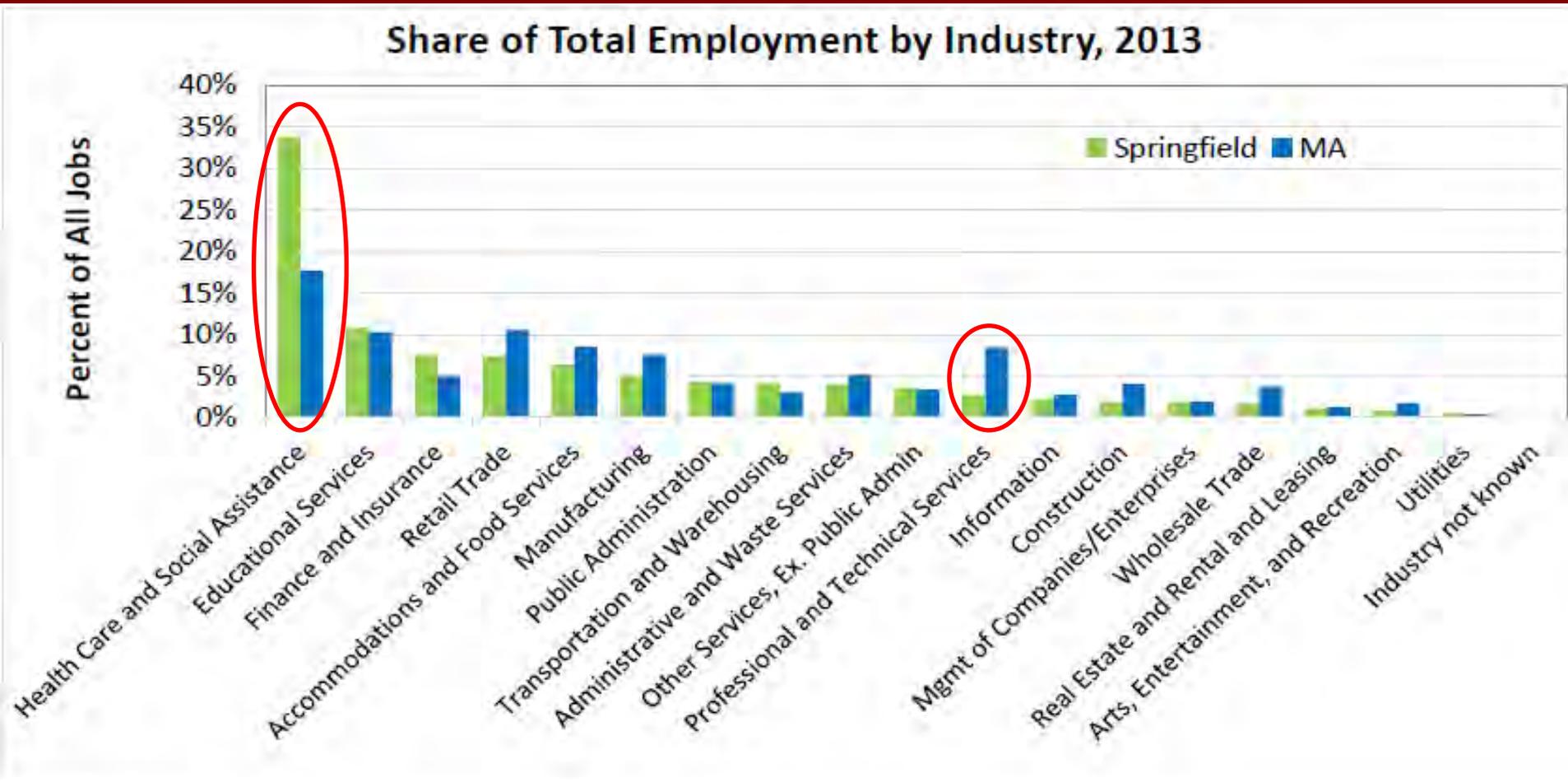
# INDUSTRIAL BASE AND BUSINESS CONDITIONS

# Employment and Establishments



Source: Massachusetts Office of Labor and Workforce Development (OLWD), Labor Market Information, ES-202

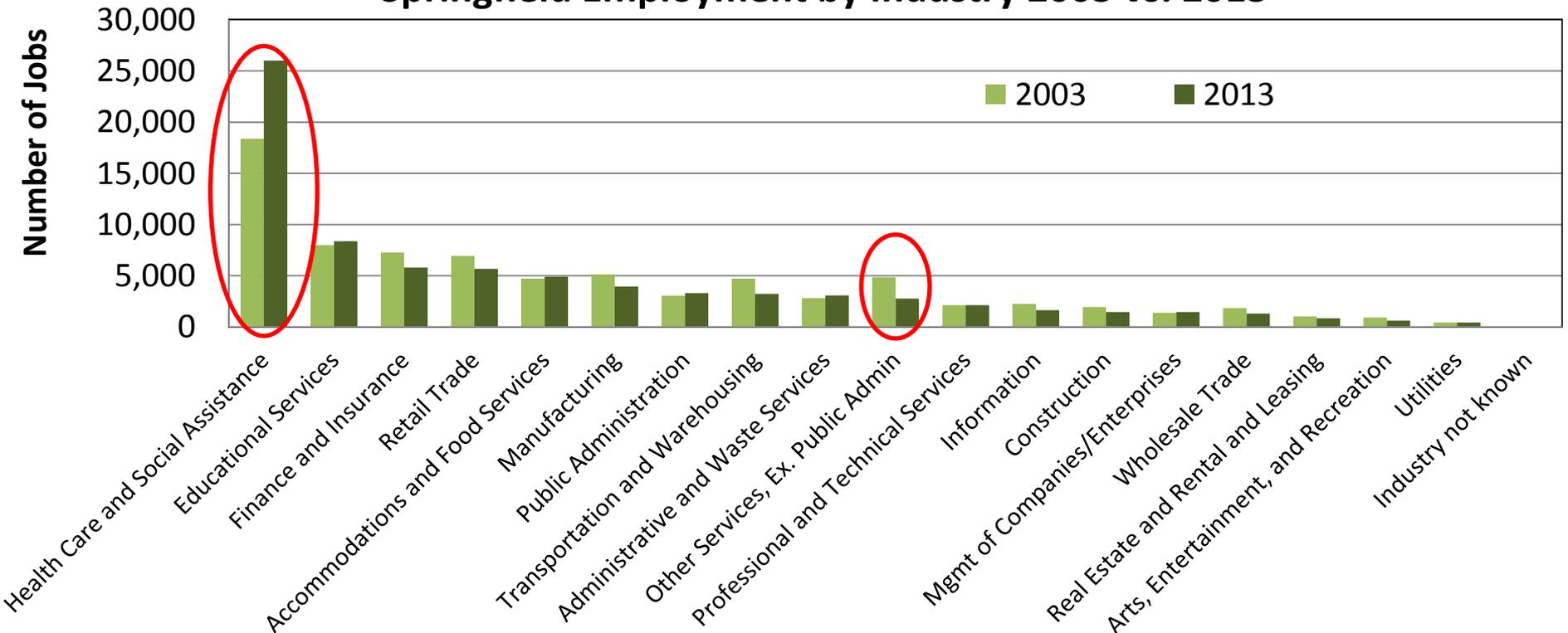
# Springfield Industry Mix – Jobs by Industry Compared to MA



Source: OLWD, ES-202

# Employment Growth by Industry

Springfield Employment by Industry 2003 vs. 2013



Source: OLWD, ES-202.

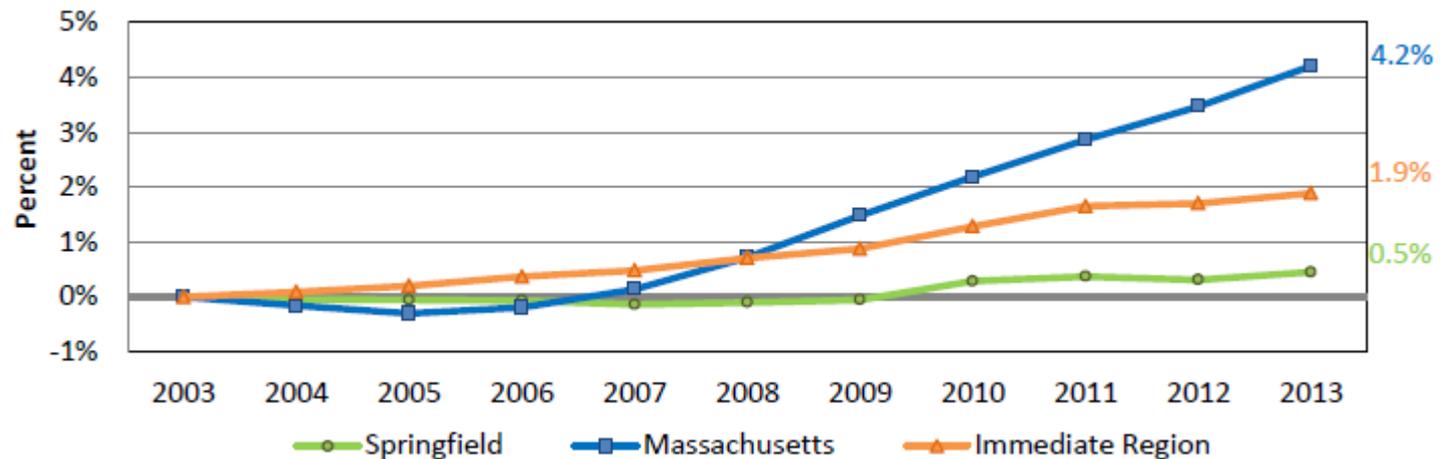
Findings

# SOCIOECONOMIC CONDITIONS

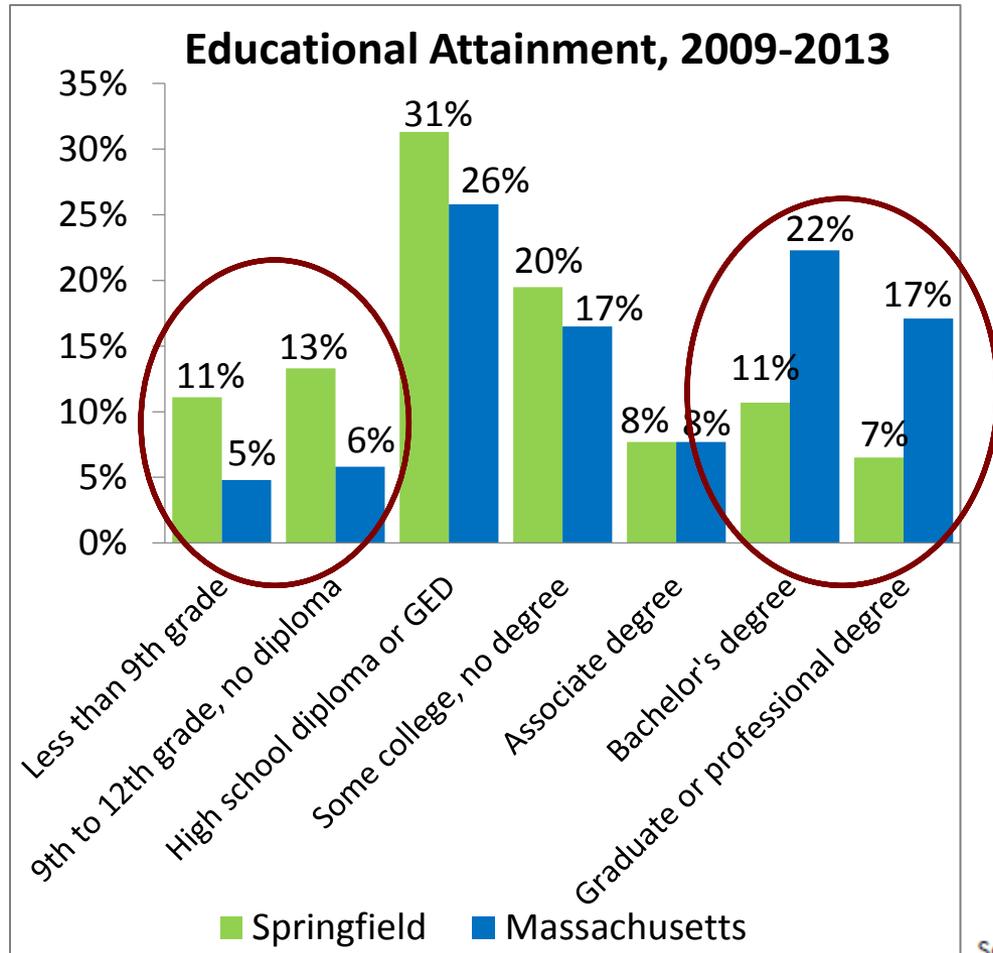
# Resident Socioeconomic Indicators

Springfield Economic Indicators	2009-2013 Poverty Rate	2009-2013 HH Income	2014 Unemployment Rate
Springfield	29.4%	\$34,311	10.8%
Hampden County	17.7%	\$49,094	7.8%
Hampshire County	13.0%	\$61,227	5.0%
Massachusetts	11.4%	\$66,866	5.8%

Springfield Population Change Since 2003



# Educational Attainment



Source: ACS, 2009-2013

# Unemployment and Labor Force Participation

Unemployment Rate					Percentage Point Change	Percentage Point Change
	2003	2008	2009	2013	2003-2013	2009-2013
Springfield	8.1%	8.0%	11.2%	11.1%	3.0%	-0.1%
Hampden	6.6%	6.5%	9.4%	8.9%	2.3%	-0.5%
Hampshire	4.2%	4.4%	6.5%	6.1%	1.9%	-0.4%
Massachusetts	5.8%	5.3%	8.2%	7.1%	1.3%	-1.1%
United States	6.0%	5.8%	9.3%	7.4%	1.4%	-1.9%
<b>Labor Force Participation Rate</b>						
Springfield	58.2%	57.0%	58.0%	55.8%	-2.4%	-2.2%
Massachusetts	67.7%	66.8%	66.3%	64.7%	-3.0%	-1.6%
United States	66.2%	66.0%	65.4%	63.2%	-3.0%	-2.2%

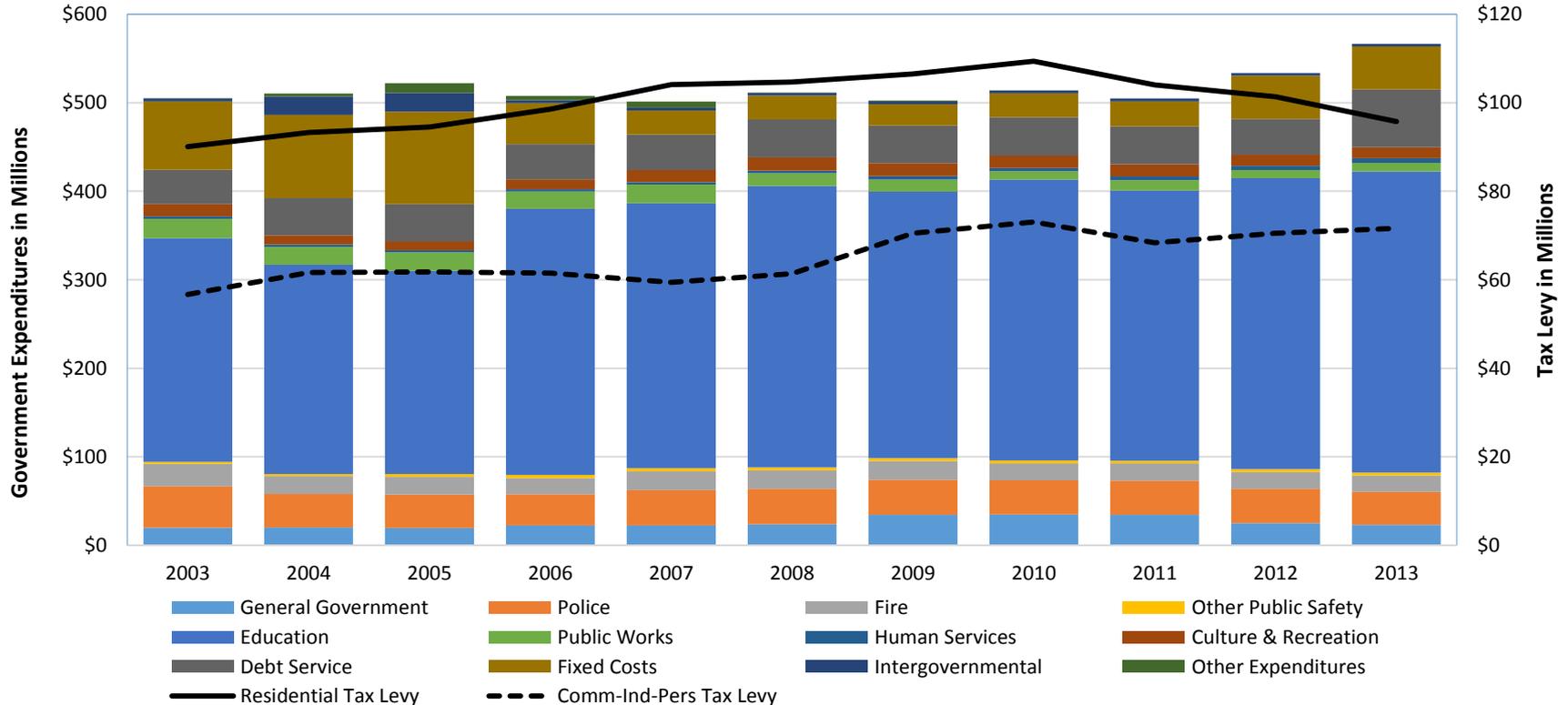
# Host and Surrounding Communities

Resident Indicators, Springfield and Surrounding Communities	Population		Limited English Proficiency, 2009-2013	Percent Bachelor's Degree or Higher, 2009-2013	Unemployment Rate, 2013	Median Household Income, 2009-2013	Poverty Rate, 2009-2013
	Levels (2013)	% Change 2009-2013					
Massachusetts	6,692,824	2.7%	5.8%	39.4%	7.1%	\$66,866	11.4%
Springfield	153,703	0.5%	12.8%	17.2%	11.1%	\$34,311	29.4%
<b>Surrounding Communities</b>							
Agawam	28,705	1.1%	1.2%	26.6%	7.2%	\$63,609	9.9%
Chicopee	55,717	0.9%	7.2%	17.6%	8.7%	\$46,708	13.6%
E. Longmeadow	16,022	2.7%	0.9%	38.0%	6.4%	\$80,469	4.4%
Holyoke	40,249	1.0%	14.7%	20.2%	10.6%	\$31,628	31.5%
Longmeadow	15,882	0.7%	1.1%	61.4%	5.4%	\$106,173	4.8%
Ludlow	21,451	1.6%	6.7%	20.8%	9.4%	\$61,073	5.1%
West Springfield	28,684	1.2%	5.8%	26.8%	7.7%	\$54,126	12.3%
Wilbraham	14,477	2.2%	0.6%	44.9%	6.3%	\$86,958	4.8%

# FISCAL AND REAL ESTATE INDICATORS

# Springfield Fiscal Indicators

## Springfield's Government Expenditures with Tax Levies by Class FY2003-FY2013 (2013 dollars, millions)



# Primary Data Collection

**Rod Motamedi, Research Manager**  
Economic and Public Policy Research  
UMass Donahue Institute

# Primary Data Products: Recent Work

- New employee survey
  - Administered at the point of fingerprinting for every licensee of the MGC
  - Draft report of results prepared
- Summary and impacts of Plainridge Park construction spending
  - Data collected by Pinck & Co. and analyzed by UMDI
  - Draft report of results prepared
- Development of ongoing data collection relationships

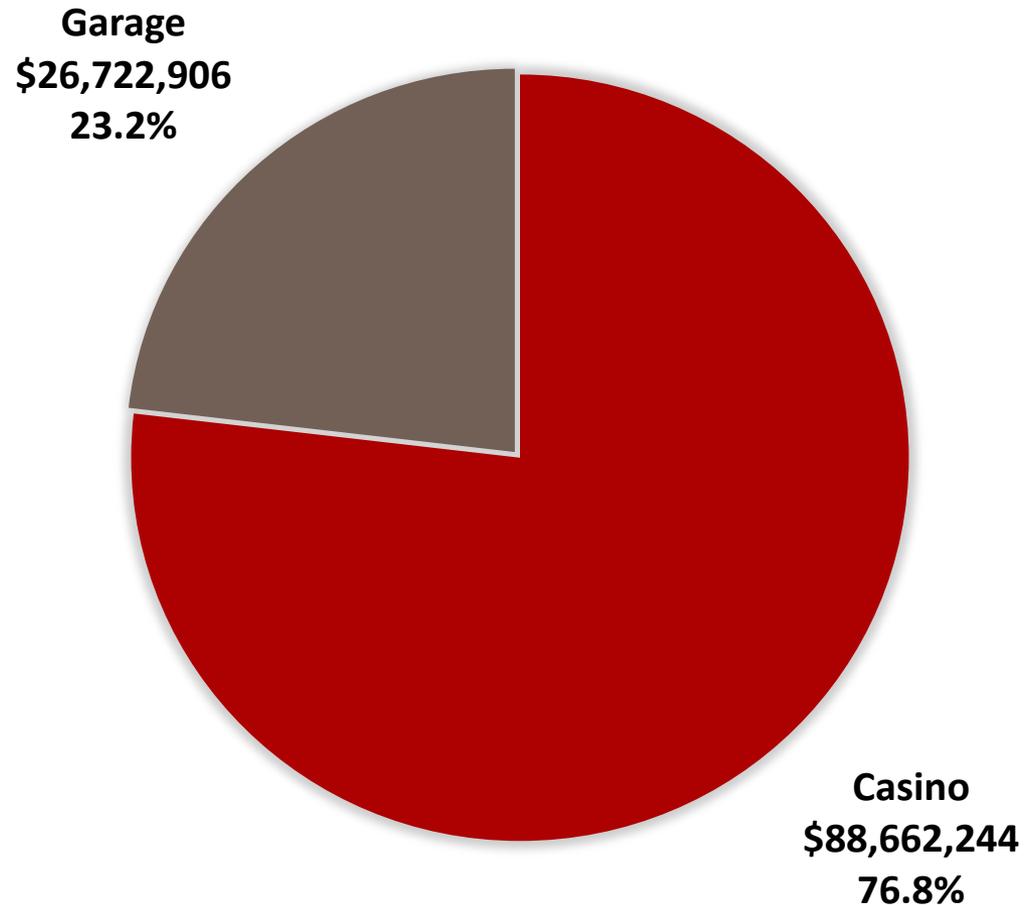
Primary Data

# CONSTRUCTION AND OTHER OPERATOR DATA

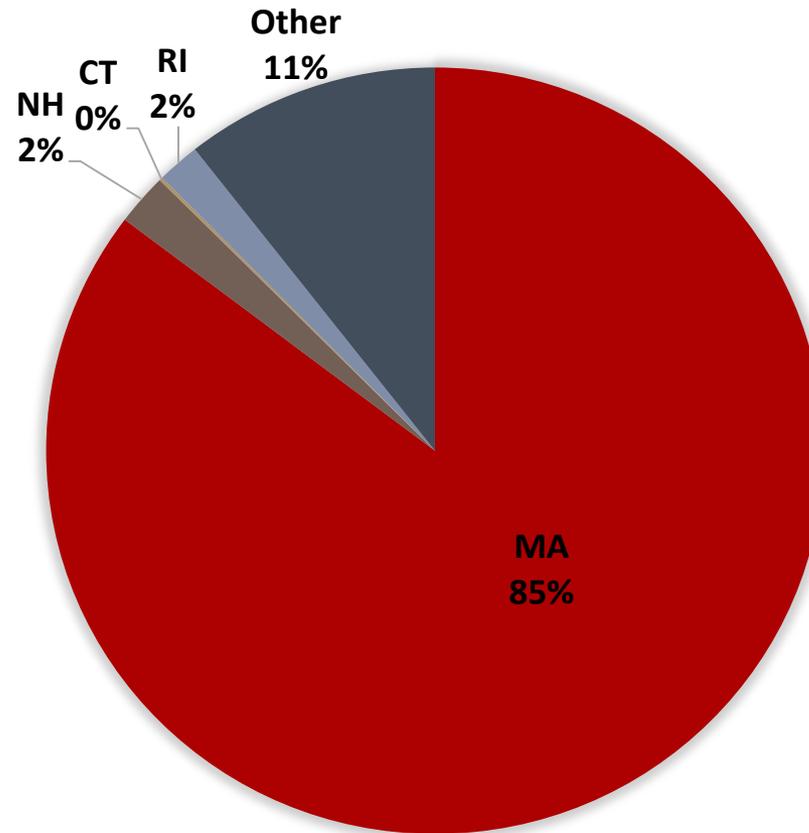
# Plainridge Park Project Background

- Property includes four main structures: racetrack, grandstand and simulcast building, casino, and parking garage.
- Construction took approximately 14 months and cost \$115 million
  - Total capital investment is approx. \$250 million.

# Share of Construction Spending by Structure



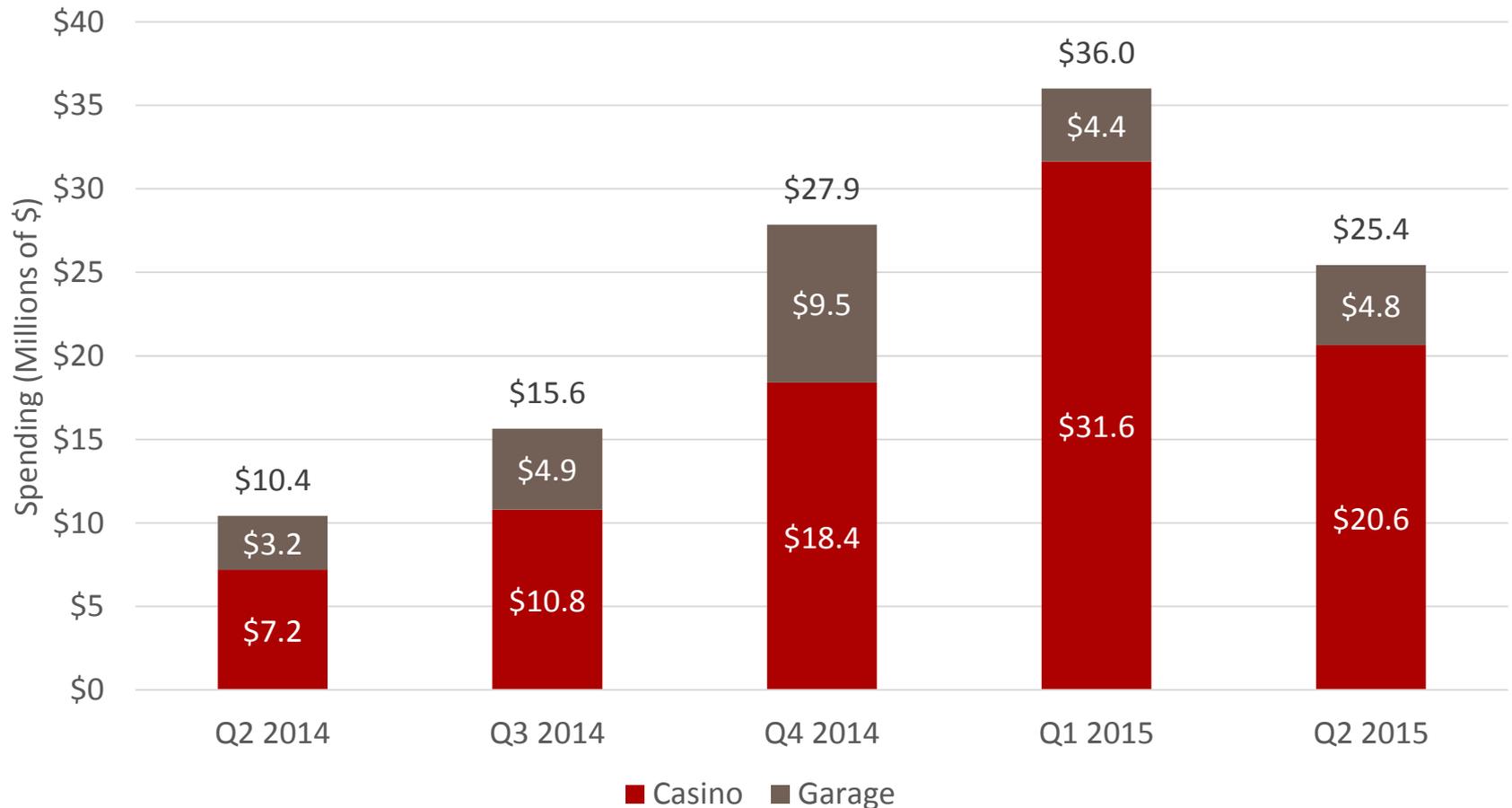
# Share of Vendor Spending by State



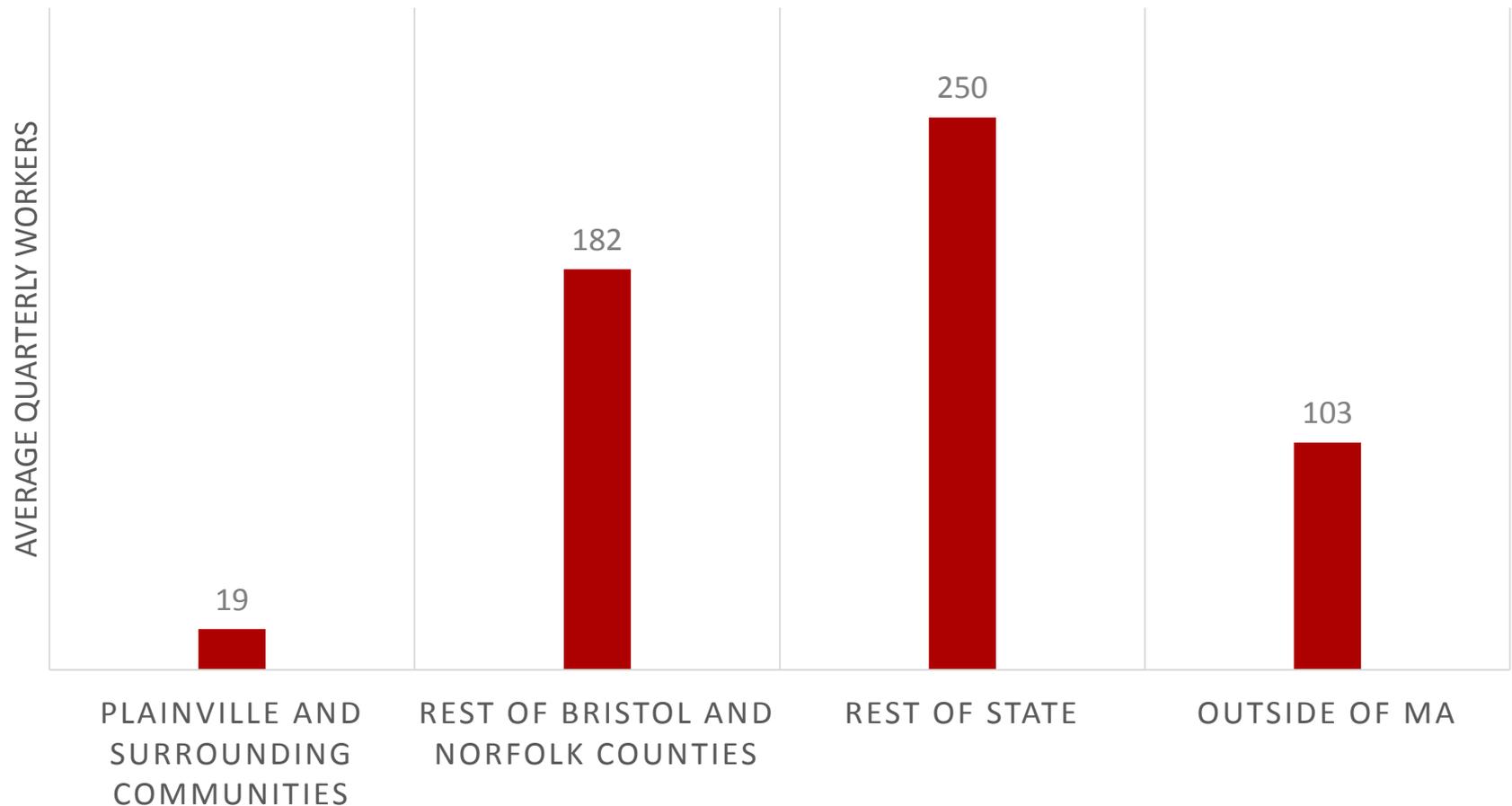
# Largest Spending Categories

Largest Spending Categories	Total (\$M)
Electrical - MA	\$17.8
General Conditions/ Insurance/ Bonds - MA	\$15.1
Hvac - MA	\$10.2
Earthwork - MA	\$7.4
Pre Fab Metal Bldg - MA	\$6.0
Glass & Glazing - MA	\$4.5
Drywall - MA	\$4.3
Plumbing - MA	\$4.0
Kitchen Equipment - FL	\$3.9
Concrete - MA	\$3.5

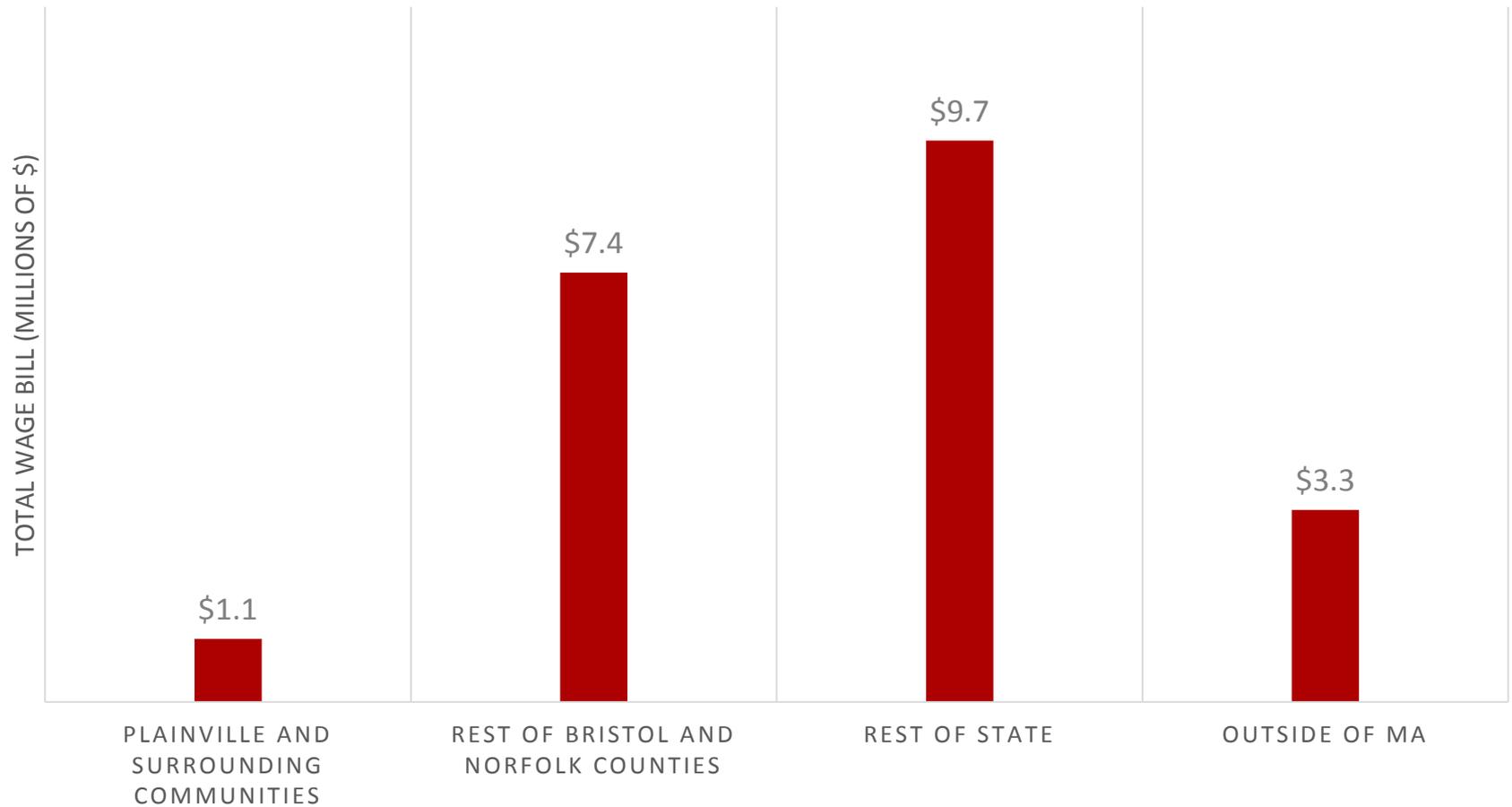
# Spending by Quarter



# Average Quarterly Workers



# Total Wages



# Regional Comparison of Average Wages

Region	Q2 & Q3 2014	Q4 2014	Q1 2015	Q2 2015	Average
Plainville and Surrounding Communities	\$15,391	\$14,673	\$14,803	\$14,191	\$14,750
Rest of Bristol and Norfolk Counties	\$9,517	\$8,752	\$12,370	\$9,791	\$10,206
Rest of State	\$10,346	\$8,682	\$10,786	\$9,030	\$9,680
Outside of MA	\$7,967	\$6,783	\$9,269	\$8,225	\$8,042
<b>Average All Regions</b>	<b>\$9,773</b>	<b>\$8,498</b>	<b>\$11,184</b>	<b>\$9,313</b>	<b>\$9,717</b>

# Preparing Model Inputs

- Annualize the jobs using wages: roughly every 4.5 workers represent one annual job
  - \$45,000 annual wage divided by \$9,717 average earnings per worker
- Adjust for trade flows
  - Use our detailed sourcing locations instead of defaults
- Adjust for commuting
  - Use our detailed place of residence data instead of defaults.

# Employment Impacts by Component

<b>Total Employment (Job-Years)</b>	<b>2014</b>	<b>2015</b>	<b>Total</b>
Direct	267	234	500
Business to Business	59	49	108
Induced	251	258	509
<i>Consumption-Based</i>	128	127	255
<i>Other Induced</i>	123	132	255
<b>Total</b>	<b>576</b>	<b>541</b>	<b>1,117</b>

# Employment Impacts by Region

<b>Total Employment (Job-Years)</b>	<b>2014</b>	<b>2015</b>	<b>Total</b>
Plainville Region	400	355	755
Rest of Southeastern MA	53	61	114
Everett Region	102	102	203
Rest of Central MA	18	20	39
Springfield Region	2	2	4
Rest of Western MA	0	0	1
<b>Total for All MA</b>	<b>576</b>	<b>540</b>	<b>1,116</b>

# Total Economic Activity

Economic Activity (Millions of Dollars)	Total (Output)		Net New (Value Added)	
	2014	2015	2014	2015
Plainville Region	\$54.4	\$48.3	\$33.2	\$32.4
Rest of Southeastern MA	\$6.2	\$7.2	\$3.9	\$4.6
Everett Region	\$22.3	\$21.6	\$14.0	\$13.7
Rest of Central MA	\$2.3	\$2.5	\$1.4	\$1.5
Springfield Region	\$0.3	\$0.3	\$0.2	\$0.2
Rest of Western MA	\$0.1	\$0.1	\$0.0	\$0.0
<b>Total for All MA</b>	<b>\$85.7</b>	<b>\$80.0</b>	<b>\$52.7</b>	<b>\$52.4</b>

# Next Steps

- Main goal: Continue to go from data promises to data deliveries
  - We have the right contacts with all the current holders of primary data. All have agreed to provide us the data though some has not yet arrived.
- Work with MGC to harmonize data collection
  - We and they are both asking for large amounts of data, much of which overlaps. How can we do this most efficiently?
- Make the right connections with MGM and Wynn.

Primary Data

# NEW EMPLOYEE SURVEY

# Purpose of Survey

- Data to inform turnover analysis
- Workforce analysis of labor supply constraints
- Insight into attitudes and work history of new casino employees
- Information about net new MA job creation

# Description of Survey Protocols

- Carefully designed short survey in collaboration with the MGC
- Key data that we are collecting:
  - Gaming license number
  - Employment status prior to hire
  - Current or new employee
  - Reasons for seeking the job
  - Moved to take the position
  - Training received
- Survey administered on tablets using SurveyMonkey
- Most new employees were asked to participate in the optional survey
- We hope to link data from survey to other datasets

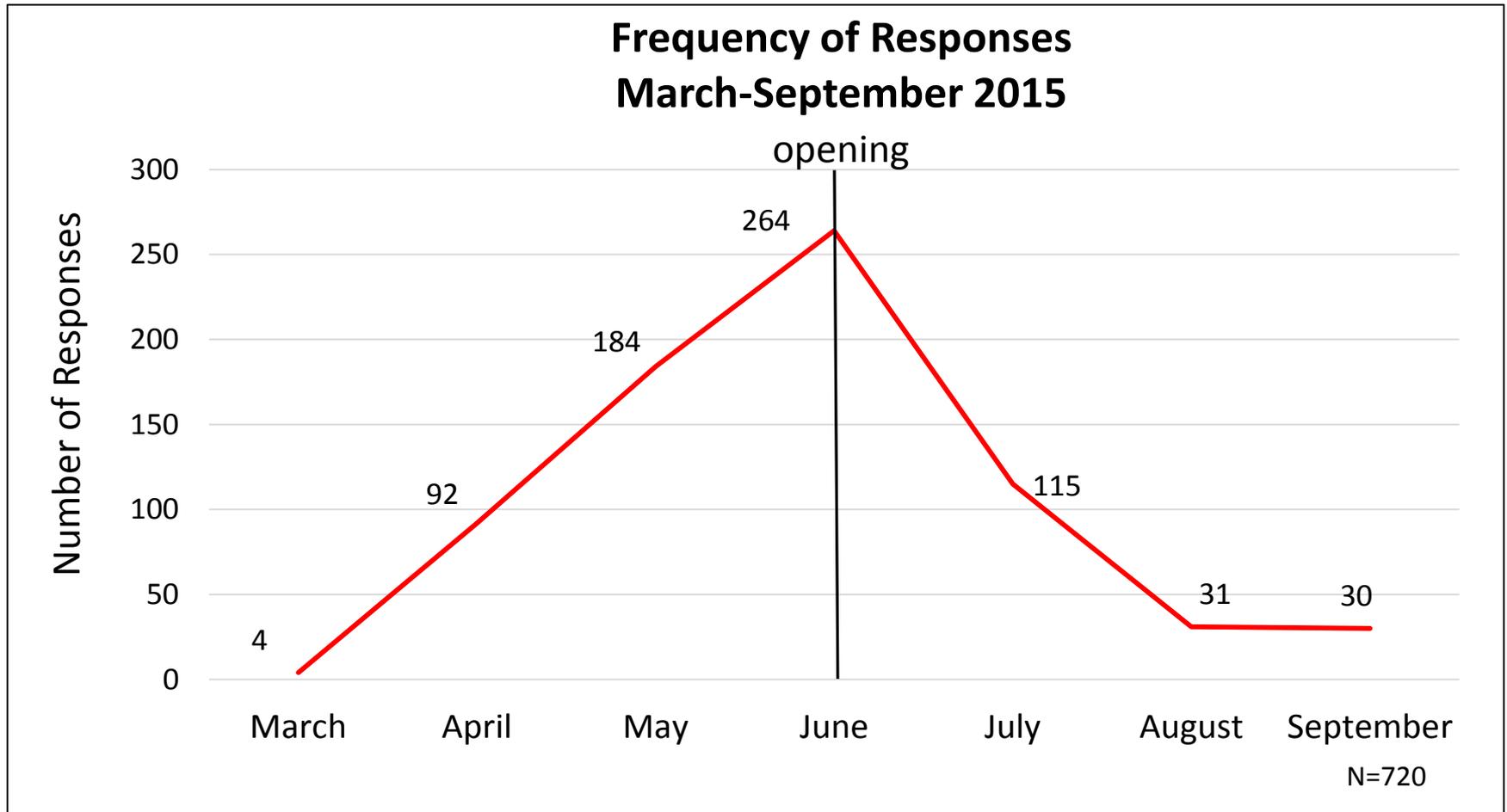
# What we have done so far

- Surveyed over 720 new employees of Plainridge Park Casino
  - Includes newly-hired employees plus employees who already worked for Plainridge Park but at a different location
  - Excludes construction workers and casino vendors
- Preliminary analysis of Plainridge Park survey results revealed some ways to strengthen the instrument before rollout of resort casinos
- We made some edits to the survey as a result of our findings

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# Survey Results as of October 1, 2015

# Frequency of Hiring



# Work Status Prior to Hire

Respondents' Work Status Prior to Being Hired



N=714

- Number of respondents who were previously
  - Unemployed: 112
  - Employed part-time: 239
  - Employed full-time: 363

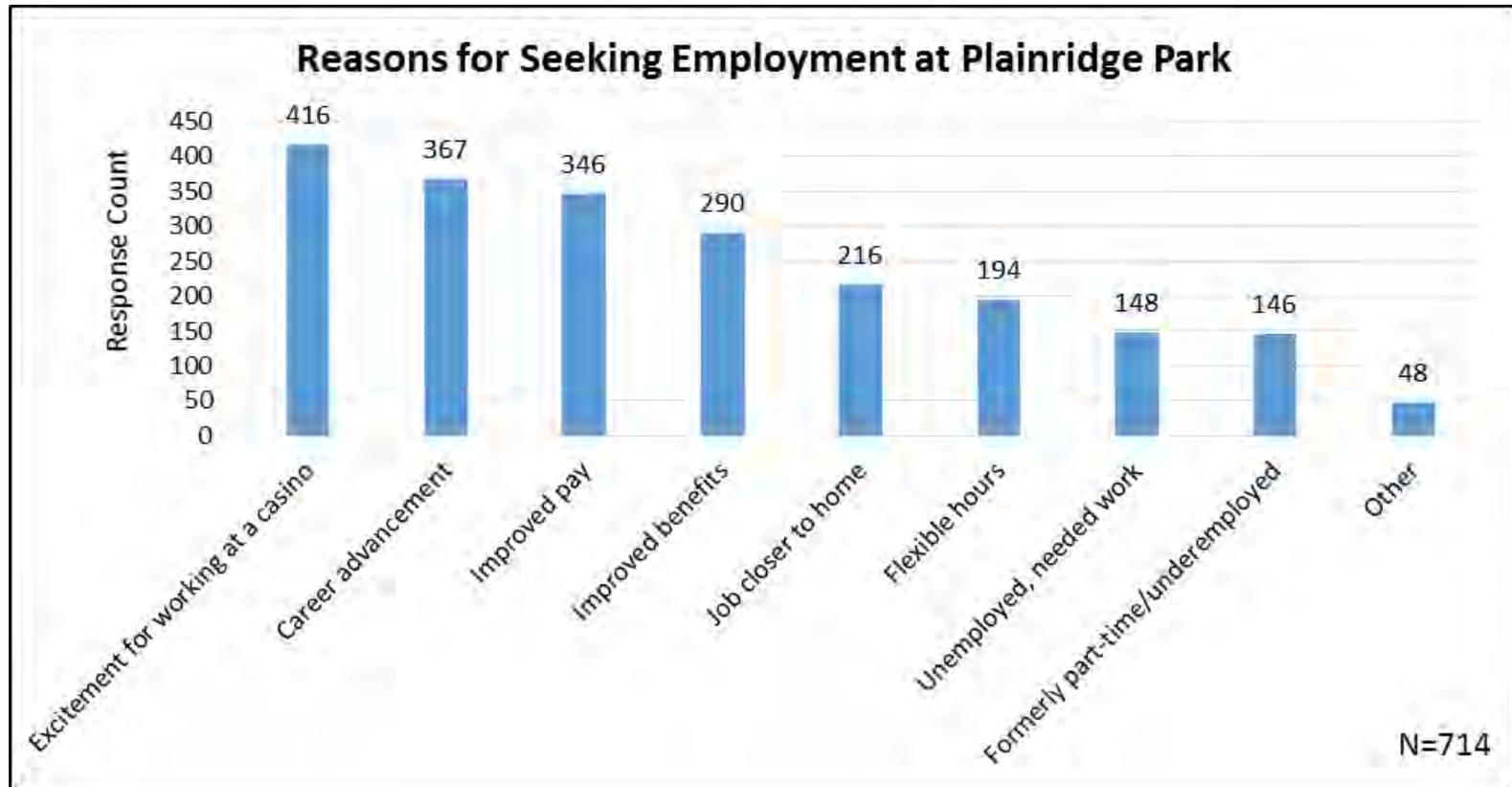
Note: The response percent is based on the number of answered questions. The total number of responses for each question varies because some respondents did not complete the survey or did not answer all of the questions.

# Work Status Prior to Hire: Profile of Previously Unemployed

Respondents Who Were Previously Unemployed	Has Previous Experience		Received Training		Moved to Take Position	
	Response Count	Response Percentage	Response Count	Response Percentage	Response Count	Response Percentage
Yes	10	8.9%	19	17.1%	5	4.5%
No	102	91.1%	92	82.9%	107	95.5%
<b>Total Answered Questions</b>	<b>112</b>	<b>100.0%</b>	<b>111</b>	<b>100.0%</b>	<b>112</b>	<b>100.0%</b>

Note: The response percent is based on the number of answered questions. The total number of responses for each question varies because some respondents did not complete the survey or did not answer all of the questions.

# Reasons for Seeking Employment



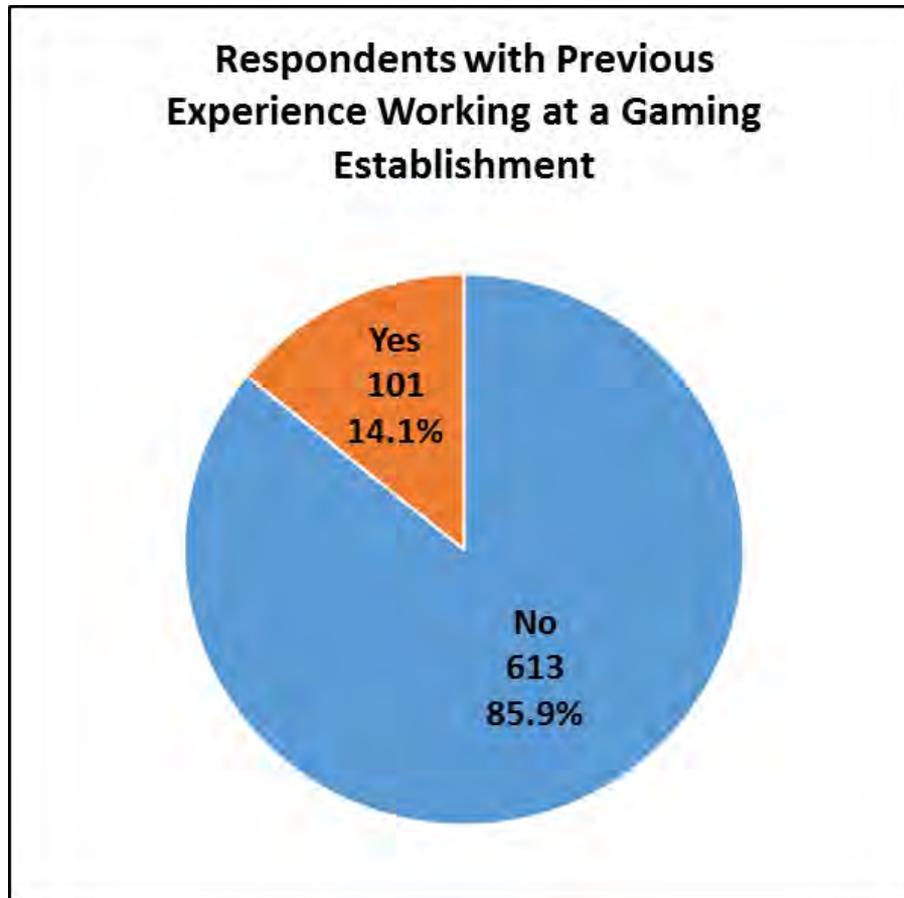
Note: Respondents were allowed to select more than one reason for seeking employment so response totals for this question will exceed the total number of survey respondents. The reasons have been ranked by the frequency of response counts and that rank is in parentheses.

# Reasons for Seeking Employment

Reasons for Seeking Employment at Plainridge Park Casino	Response Count			
	Full-time job	Part-time Job	Unemployed	Total
Excitement for working at a casino	202 (2)	150 (1)	64 (2)	416
Career advancement	213 (1)	110 (3)	44 (3)	367
Improved pay	179 (3)	135 (2)	32 (6)	346
Improved benefits	160 (4)	90 (5)	40 (5)	290
Job closer to home	112 (5)	61 (6)	43 (4)	216
Flexible hours	80 (6)	90 (5)	24 (7)	194
Unemployed, needed work	55 (7)	12 (8)	81 (1)	148
Formerly part-time/underemployed	35 (8)	98 (4)	13 (8)	146
Other	24 (9)	18 (7)	6 (9)	48

Note: Respondents were allowed to select more than one reason for seeking employment so response totals for this question will exceed the total number of survey respondents. The reasons have been ranked by the frequency of response counts and that rank is in parentheses.

# Previous Gaming Work Experience

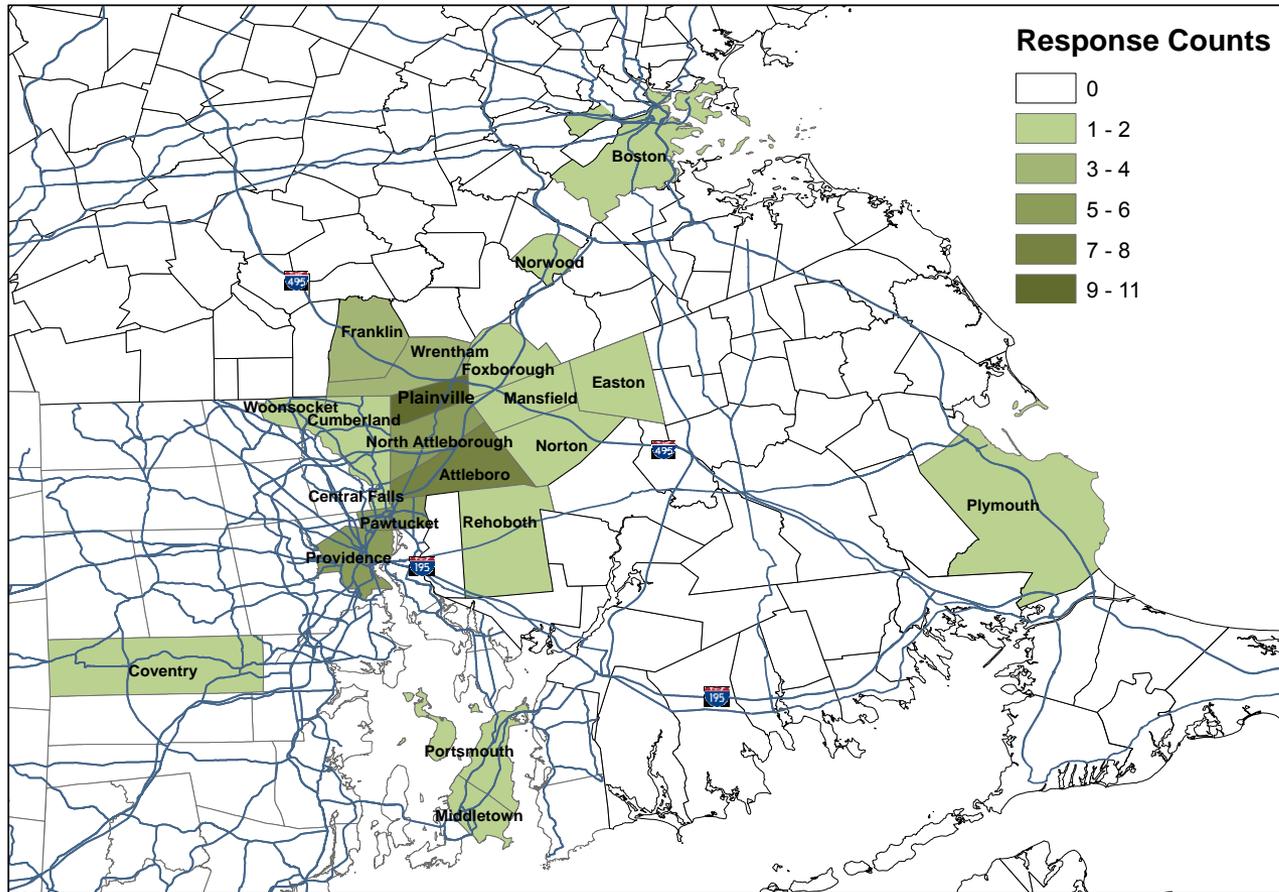


Note: The response percent is based on the number of answered questions. The total number of responses for each question varies because some respondents did not complete the survey or did not answer all of the questions.

# Origins of New Employees Who Moved

Origin	Response Count	Response Percent
Massachusetts	9	16.1%
Connecticut	8	14.3%
Ohio	8	14.3%
Rhode Island	6	10.7%
Pennsylvania	4	7.1%
Maryland	3	5.4%
Nevada	3	5.4%
New Jersey	3	5.4%
Louisiana	2	3.6%
Maine	2	3.6%
Kentucky	1	1.8%
Missouri	1	1.8%
New Hampshire	1	1.8%
Portugal	1	1.8%
Puerto Rico	1	1.8%
Virginia	1	1.8%
West Virginia	1	1.8%
Not Reported	1	1.8%
<b>Total</b>	<b>56</b>	<b>100.0%</b>

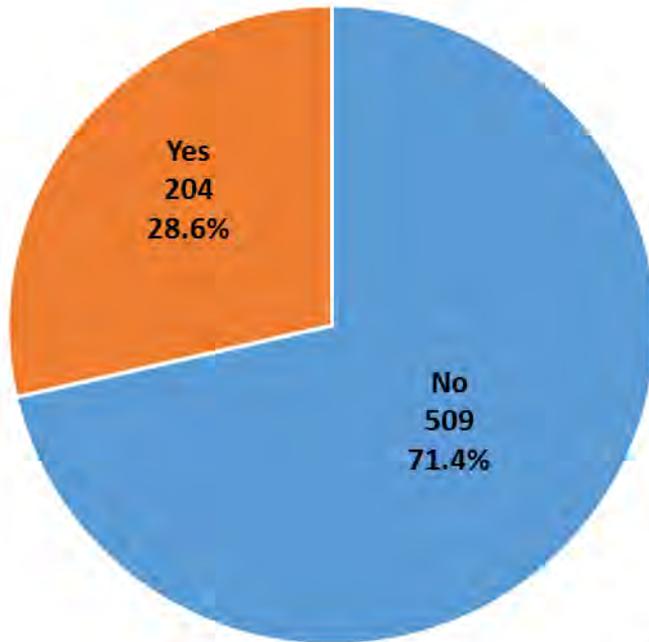
# Most Common Destinations for New Employees Who Moved



Of the employees who moved, most relocated to Plainville or the immediate region.

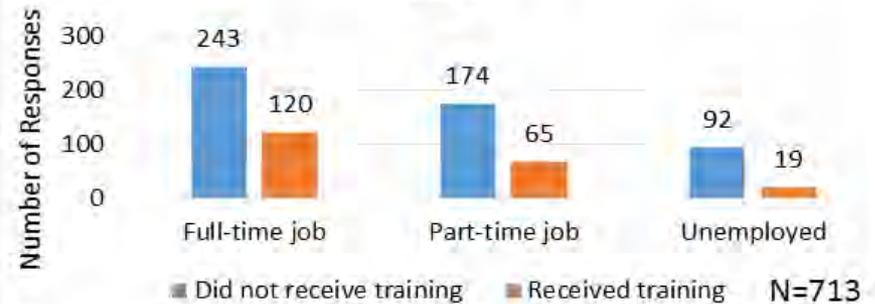
# Training

**Respondents Who Received Training to Raise Skills for Their New Position**



N=713

**Training by Respondents' Work Status Prior to Hire**



N=713

**Training by Respondents' Previous Experience**



N=713

Note: The response percent is based on the number of answered questions. The total number of responses for each question varies because some respondents did not complete the survey or did not answer all of the questions.

# Next Steps

- Minor revisions to the survey to refine questions in preparation for resort casinos
- Finishing final internal review and revisions of survey report
- Resolving technical issues with tablets and coordinating with state police or casino to ensure survey is taken
- Begin collecting data from resort casinos.

# WHAT'S NEXT?

# Products in development

## This year

- Patron survey
- Lottery analysis
- Real estate analysis

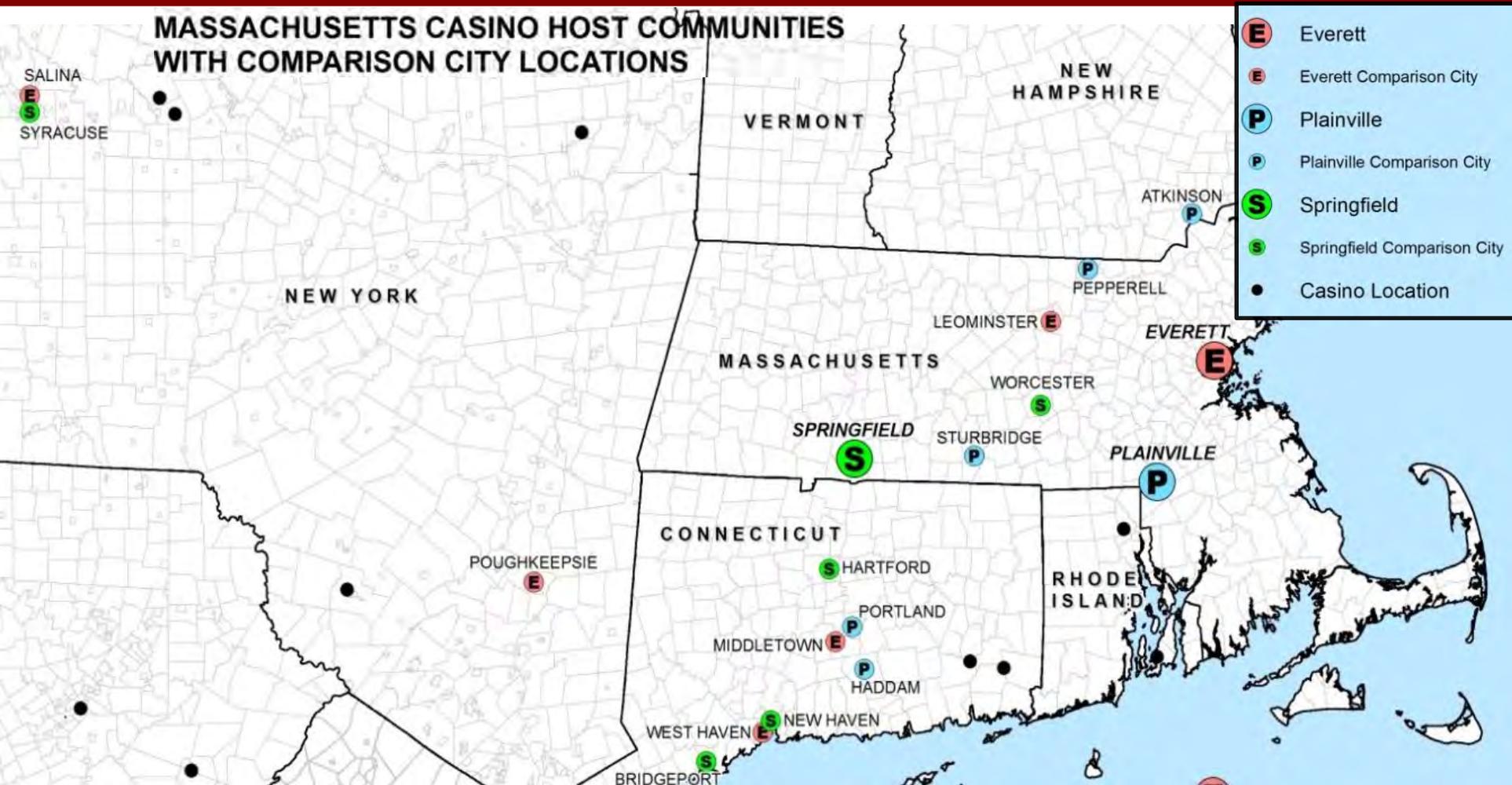
## Future years include...

- Economic impacts of operations phase (REMI)
- Community comparisons analysis

# Community Comparisons Analysis

- A method to measure local economic impacts
- Casino communities compared with matched control communities
  - Communities that are economically and demographically similar but do not have a casino and are not influenced by the casino
  - Improves estimation of economic impact
  - Full report on this method available at:
    - <http://www.umass.edu/seigma/blog/measuring-economic-effects-casinos-local-areas-applying-community-comparison-matching-method>

# Community Comparison Analysis - Host and Matched Communities



## Contact information

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**No Documents**

## 205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

## Section

- 133.01: Scope and Purpose
- 133.02: Placement on the Self-exclusion List
- 133.03: Contents of the Application
- 133.04: Duration of Exclusion and Reinstatement from the List
- 133.05: Maintenance and Custody of the List
- 133.06: Responsibilities of the Gaming Licensee
- 133.07: Sanctions Against a Gaming Licensee
- 133.08: Collection of Debts

133.01: Scope and Purpose

In accordance with M.G.L. c. 23K, § 45(f), 205 CMR 133.00 shall govern the procedures and protocols relative to the list of self-excluded persons from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. The voluntary self-exclusion list shall consist of the names and information relative to those individuals who have complied with the requirement of 205 CMR 133.00 and have been placed on the list by the commission. Placement of one's name on the voluntary self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed.

For purposes of 205 CMR 133.00, the term 'problem gambler' shall mean an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of the their family, friends, and/or co-workers.

133.02: Placement on the Self-exclusion List

(1) An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period, and shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. Provided, however, that an employee of a gaming licensee or vendor who is licensed or registered as a key gaming employee, gaming employee, or gaming service employee in accordance with 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations* and who is on the voluntary self-exclusion list may be in the gaming area of a gaming establishment or an area in which pari-mutuel or simulcasting wagers are placed solely for purposes of performing their job functions.

(2) An individual may request to have their name placed on the voluntary self-exclusion list by completing the application and procedure outlined in 205 CMR 133.02. Applications shall be submitted on a form approved by the commission and shall be available on the commission's website and at designated locations on and off the premises of the gaming establishments as determined by the commission.

(3) An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by a designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, information relative to problem gambling and available resources, and an understanding of 205 CMR 133.00. A designated agent must be a licensed, certified, or registered health or mental health professional or employee thereof, or an employee of a gaming licensee, the commission, a gaming licensee, or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 133.00.

133.02: continued

- (4) Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application, as provided by 205 CMR 133.03. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- (5) A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the self-exclusion list.
- (6) The designated agent shall forward the signed application for voluntary self-exclusion to the commission within 48 hours of completion in a manner directed by the commission.
- (7) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 133.02 the application shall be approved and the individual's name shall be added to the voluntary self-exclusion list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- (8) If the gaming licensee utilizes an internal management system to track individuals on the self-exclusion list, they shall update that system at least every 72 hours with names of individuals being added or removed from the self-exclusion list.
- (9) The commission, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a gaming jurisdiction outside of Massachusetts, with which the commission has entered into an interstate compact, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.
- (10) If the applicant has elected the services identified in 205 CMR 133.03(8) the commission, or its designee, shall contact the designated coordinating organization for the provision of requested services.

133.03: Contents of the Application

The application for voluntary self-exclusion shall require provision of, at a minimum, the following content:

- (1) Name, home address, email address, telephone number, date of birth, and social security number of the applicant;
- (2) A passport style photo of the applicant without headwear;
- (3) A statement from the applicant that one or more of the following apply:
  - (a) they identify as a problem gambler as defined in 205 CMR 133.01;
  - (b) they feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
  - (c) there is some other reason why they wish to add their name to the list.
- (4) Election of the duration of the exclusion in accordance with 205 CMR 133.04;
- (5) An acknowledgement by the applicant that the individual will not enter the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period (except as provided by 205 CMR 133.02(1)) and that it is their sole responsibility to refrain from doing so;
- (6) An acknowledgment by the applicant that the individual shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment for the duration of the exclusion period;

133.03: continued

- (7) An acknowledgement by the applicant that he or she will forfeit all rewards or points earned through a player reward card program;
- (8) An offer by the commission or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help or counseling services with a clinician approved by the Massachusetts Department of Public Health;
- (9) An acknowledgment of understanding by the applicant that by placing their name on the voluntary self-exclusion list the prohibitions identified in 205 CMR 133.02(1) apply to all gaming establishments licensed by the commission in Massachusetts, any affiliates of the gaming licensee, whether within Massachusetts or another jurisdiction, and that the commission may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists;
- (10) An acknowledgment by the applicant that he or she is submitting the application freely, knowingly, and voluntarily;
- (11) A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;
- (12) An acknowledgement by the applicant that if they violate their agreement to refrain from entering a gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed during the exclusion period, the applicant shall notify the commission of such violation within 24 hours of their presence within the gaming area of the gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed; and releasing the Commonwealth of Massachusetts, the commission, the licensee, and all affiliated employees from any claims associated with their breach of the agreement; and
- (13) An acknowledgement by the applicant that once their name is placed on the self-exclusion list they may be refused entry and/or ejected from the gaming area of a gaming establishment by the gaming licensee, an agent of the commission, or law enforcement personnel

133.04: Duration of Exclusion and Removal from the List

- (1) As part of the request for voluntary self-exclusion, the individual must select the duration for which they wish to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:
  - (a) Six months;
  - (b) One year;
  - (c) Three years;
  - (d) Five years; or
  - (e) Lifetime (An individual may only select the lifetime duration if their name has previously appeared on the voluntary self-exclusion list for at least six months.)
- (2) An individual on the voluntary self-exclusion list may not apply to decrease the duration of exclusion. An individual who is on the list may submit a request to increase the minimum length of exclusion.
- (3) Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for exclusion for a new duration. Individuals shall remain on the list after the expiration of the selected duration of exclusion until such time as they submit a petition for removal in accordance with 205 CMR 133.04(4) and it is approved by the commission or its designee.
- (4) At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the voluntary self-exclusion list by submitting a petition for removal on a form approved by the commission. The petition shall include confirmation from a designated agent that the individual completed an exit session in accordance with 205 CMR 133.04(5). Any petition for removal received by the commission prior to the expiration of the duration of the selected exclusion period shall be denied.

## 133.04: continued

The commission shall approve a completed petition for removal. An individual who has selected a lifetime duration in accordance with 205 CMR 133.04(1)(e) may not submit a petition for removal of their name from the list. An incomplete application, including one that fails to demonstrate completion of an exit session in accordance with 205 CMR 133.04(5) shall be denied until such time as the application is completed.

(5) To be eligible for removal from the voluntary self-exclusion list the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the exit session the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the exit session was conducted.

(6) Upon approval of a petition for removal from the voluntary self-exclusion list, a written notice of removal from the list shall be forwarded by the commission, or its designee, to each gaming licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first class mail to the email address or home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the voluntary self-exclusion list when the notice is sent by the commission or its designee.

(7) If a petitioner does not meet the eligibility requirements for removal from the list provided in 205 CMR 133.04(4), the petition shall be denied. The petitioner shall be notified of the denial by email or first class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the voluntary self-exclusion list until such time as the eligibility requirements have been satisfied.

(8) An individual whose name has been removed from the voluntary self-exclusion list may reapply for placement on the list at any time by submitting an application in accordance with 205 CMR 133.02;

(9) An individual whose name was added to the voluntary self-exclusion list in Massachusetts in accordance with 205 CMR 133.02(9) shall be removed from the list notwithstanding 205 CMR 133.04(4) through (6) upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.

133.05 Maintenance and Custody of the List

(1) The commission shall maintain an up-to-date database of the voluntary self-exclusion list. Gaming licensees shall be afforded access to the voluntary self-exclusion list. The voluntary self-exclusion list may only be accessed by individuals authorized in accordance with the gaming licensee's approved system of internal controls in accordance with 205 CMR 13300. All information contained in approved applications for voluntary exclusion may be disclosed to a gaming licensee.

(2) The list of voluntary self-exclusion is exempt from disclosure under M.G.L. c. 66 and shall not be publicly disclosed by a gaming licensee. However, a gaming licensee may share the list with other gaming licensees in Massachusetts or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.

(3) The commission may disclose de-identified information from the self-exclusion list to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion process.

133.06: Responsibilities of the Gaming Licensees

A gaming licensee shall have the following responsibilities relative to the administration of the voluntary self-exclusion list:

133.06: continued

- (1) A gaming licensee shall eject from or refuse entry into the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed any individual whose name appears on the voluntary self-exclusion list;
- (2) A gaming licensee shall promptly notify the commission, or its designee, if an individual on the voluntary self-exclusion list is found in the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
- (3) A gaming licensee shall not market to individuals on the voluntary self-exclusion list;
- (4) A gaming licensee shall deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list;
- (5) Individuals on the voluntary self-exclusion list shall not be permitted to participate in a cashless wagering system. A gaming licensee shall take steps to ensure that it denies entry into and terminates all access and privileges associated with its cashless wagering program to individuals on the voluntary list of self-excluded persons;
- (6) A gaming licensee shall not extend credit to an individual on the voluntary self-exclusion list;
- (7) A gaming licensee shall not pay any winnings derived from gaming to an individual who is prohibited from gaming in a gaming establishment under 205 CMR 133.00. Where reasonably possible, the gaming licensee shall confiscate from the individual in a lawful manner, notify a commission agent who shall confiscate, or refuse to pay any such winnings including jackpot winnings, chips, tokens, machine credits, ticket vouchers, or any other form of winnings whether in the individual's possession or control while on the premises of a gaming establishment or presented for payment. The monetary value of the confiscated winnings shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days;
- (8) In cooperation with the commission, and where reasonably possible, the gaming licensee shall determine the amount wagered and lost by an individual who is prohibited from gaming. The monetary value of the losses shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days.
- (9) A gaming licensee shall submit a written policy for compliance with the voluntary self-exclusion program for commission approval at least 60 days before the gaming establishment opening. The commission shall review the plan for compliance with 205 CMR 133.00. If approved, the plan shall be implemented and followed by the gaming licensee. The plan for compliance with the voluntary self-exclusion program, shall include at a minimum procedures to:
  - (a) Prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the gaming establishment;
  - (b) Identify and remove self-excluded individuals from the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
  - (c) Remove individuals on the self-exclusion list from marketing lists and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing from the gaming establishment more than 30 days after receiving notice from commission that the individual has been placed on the voluntary self-exclusion list;
  - (d) Prevent an individual on the voluntary self-exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment;
  - (e) Ensure the confidentiality of the identity and personal information of the voluntarily self-excluded individual;
  - (f) Training of employees relative to the voluntary self-exclusion program to be provided in conjunction with its problem gambling training program.

133.06: continued

(10) A gaming licensee shall notify the commission within ten days if an employee or agent fails to exclude or eject from its premises any individual on the list of self-excluded persons, or otherwise fails to perform a responsibility of the gaming establishment identified in 205 CMR 133.06 including any provision of its approved written policy for compliance with the voluntary self-exclusion program.

133.07: Sanctions Against a Gaming Licensee

The commission may revoke, limit, condition, suspend or fine a gaming licensee in accordance with 205 CMR if the establishment knowingly or recklessly fails to exclude or eject from its premises any individual placed on the list of self-excluded persons. It shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment. Further, a gaming licensee shall be deemed to have marketed to an individual on the self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.

133.08: Collection of Debts

(1) An individual who is prohibited from gaming in a gaming establishment under 205 CMR 133.00 shall not be entitled to recover losses as a result of prohibited gaming based solely on their inclusion on the list.

(2) Nothing in 205 CMR 133.00 shall be construed so as to prohibit a gaming licensee from seeking payment of a debt from an individual whose name is on the voluntary self-exclusion list if the debt was accrued by the individual before their name was placed on the list.

REGULATORY AUTHORITY

205 CMR 133.00: M.G.L. c. 12K, § 45(f).

(PAGES 437 THROUGH 450 ARE RESERVED FOR FUTURE USE.)



TO: Commissioners

FROM: John Ziembra  
Mark Vander Linden

DATE: December 15, 2015

RE: Mansfield 2015 Community Mitigation Reserve Fund

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On January 30, 2015, the town of Mansfield submitted a request for the establishment of a \$100,000 reserve in its 2015 Community Mitigation Fund Application. The Commission authorized the establishment of a \$100,000 reserve fund for the Town of Mansfield in March 2015. The purpose of this reserve is to “assist communities in offsetting costs related to construction related impacts that may arise in 2015 or thereafter and for planning purposes, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts”.

The Commission received a 2015 Community Mitigation Fund Application (“Application”) for the use of \$100,000 Reserve Fund in July 2015 from Lieutenant Francis W. Archer Jr. of Mansfield. The Town requested funding for a crime analyst position within the town. The application stated that the regional crime study undertaken by the Commission would not adequately measure the direct and indirect effects of the casino on the community. As specified in the 2015 Mitigation Fund Guidelines (“Guidelines”), the Application was sent to Plainridge Park Casino for its review and comment. In Plainridge Park’s response, Chris Rogers, Penn National’s Vice President and Senior Counsel, stated that Mansfield’s surrounding community agreement provides that Plainridge Park “will cause to be prepared and deliver to the Town a report on the impact of the Project on the Town including traffic and public safety matters”. Mr. Rogers’ response also included a proposal from Jeffrey Donohoe Associates regarding a public safety impact study with an approximate scope of services of \$11,000.

After several consultations, Mansfield requested the opportunity to speak directly to the Commission. In preparation for the Commission presentation, on October 7, 2015 a conference call was held with William Ross, Mansfield’s Town Manager, Mansfield Police Chief Sellon, Christopher Bruce, the principal researcher for the Commission’s Crime analysis, John Ziembra and Mark Vander Linden. During the call, Mansfield indicated that some of the impact concerns it planned to analyze are indirect socio-economic issues. Mr. Vander Linden mentioned the study on social and economic issues that had been conducted by the University of Massachusetts. Materials describing the study were sent to Mansfield. As a follow-up to the call, a number of questions were asked of the Town of Mansfield in a letter dated October 16, 2015 (attached).



Massachusetts Gaming Commission

Mansfield was asked:

1. How the town's analysis would be different from the Commissions crime analysis.
2. How Mansfield will certify that all monies will be used solely for gaming related activities and what is the budget for the analysis;
3. How Mansfield's crime analyst's study of social and economic issues would supplement rather than duplicate the research performed through the University of Massachusetts;
4. What is the approximate percentage of the analyst's work that would be on gaming related issues;
5. Whether Mansfield would consult with the Southeastern Regional Planning and Economic Development District; and
6. How Mansfield will contribute to the town's planning project in planning funds or in-kind services.

**Mansfield Response to #1 and #3 regarding duplication of services:**

In Mansfield's response, Mansfield noted again that it is concerned not only about public safety and crime but socio-economic factors which would necessitate public safety and municipal personnel to expend man hours in resolution.

Mansfield's response further indicated that Mr. Bruce's analytical data provides insufficient information on the indirect impacts to the community. Mansfield reiterated that the study being conducted by Mr. Bruce does not involve analysis of narrative data.

Mansfield listed human trafficking/prostitution; narcotics; economy and local business; domestic abuse; and community resources as areas needing study.

Mansfield also included a memo from the Council on Aging, a memo from Erika Baburins of the Mansfield Police Department and a letter from the Veterans Service Office of Mansfield describing impacts.

**Mansfield Response to #2:**

There was no specific answer to the question about how Mansfield would provide assurance to the Commission that funding would not be used for general municipal expenditures and regarding the budget.

For fiscal year 2016, Mansfield has a position for a crime consultant for \$42,000, according to public reports.

**Mansfield Response to #4**

A request was made to Mansfield to provide an approximate percentage of the analyst's work that was expected to be spent on Plainridge gaming related matters. Mansfield did not supply a specific response to the question.

### **Mansfield Response to #5:**

Mansfield did not respond to this question about notification of the RPA. Notification of the RPA is required to help the Commission ensure that planning funds are being used efficiently. However, it is unlikely SRPEDD is engaged in a similar study to that contemplated by Mansfield.

### **Mansfield's Response to #6:**

As communities are required by the Guidelines to provide detail on what it will contribute to the planning project such as in-kind services or planning funds, Mansfield suggested that the monies be set aside in the form of a conditional matching grant, suggesting that the Gaming Commission decide on the percentage or designated amount and that amount being contingent on hiring a certified Crime Analyst and agreeing that the grant award is contingent on measurable data.

### **Analysis and Recommendation:**

The purpose of the MGC crime study is to analyze specific changes in public safety activity following the opening of casinos, including variations by hour, month, and season, changes in patterns and hot spots, and changes in non-crime activity such as traffic collisions and calls for service.

To accomplish this, MGC hired Crime Analyst, Christopher Bruce, to; 1) extract data from the agencies likely to be affected by the opening of Plainridge Park in Plainville; 2) to prepare a baseline analysis of public safety activity in the Plainville area for the past 5 years; and 3) to design a process for assessing changes on a monthly basis after the opening of Plainridge Park.

In a regular and ongoing basis Mr. Bruce will report post-casino volume of crimes, calls for service, and collisions. Specifically he will:

- Analyze for patterns in any categories that did experience significant change
- Look for changes in hot spots and temporal patterns
- Study changes in offender and victim demographics, including journey to crime
- Flag emerging problems involving particular types of crime, properties, or offenders

Over the course of a number of conversations, representatives from the Commission indicated to Mansfield the concern that Mansfield's efforts would be duplicative of ongoing efforts and that the Town could use its \$100,000 reserve for other useful purposes. It still remains unclear how much of what is being proposed by Mansfield is not duplicative of efforts underway through the crime study being conducted by Christopher Bruce for the Commission, or the social and economic study being conducted by University of Massachusetts Amherst ("UMass") (and perhaps also duplicative to the study being conducted by Plainridge Park). However, during the course of the October 7th conference call and in the Mansfield's response, Mansfield did indicate some activities that would supplement rather than duplicate efforts. Mansfield correctly notes that in the MGC Crime study, "narrative data is not being considered or reviewed." In addition,

Mansfield indicates a plan to study quality of life issues. In studying such issues, Mansfield could do a qualitative study, in some cases conducting first person interviews. This would differ from the SEIGMA study which will use primarily secondary data and survey research (primary data) to evaluate casino impacts.

Finally, Mansfield is incurring some expenses in assisting the Commission as part of its crime study. To the degree that Mansfield can document such costs and any costs for assisting in the UMass study, Reserve Funds could be utilized to reimburse Mansfield for such expenses.

As it is unlikely that the gaming related aspects of the analyst's position would be a significant portion of the crime consultant's critical data points, it is recommended that a soft cap of approximately 25% of the overall expense of the crime analyst's office currently stated in the 2016 budget as \$42,000 be reimbursed, namely, \$10,500.00 per year. Further, reasonable expenses incurred by the town in its assistance of the Commission's efforts could also potentially be reimbursed. For all expenditures, it is recommended that the Town Manager and the Chief of Police certify that the expenditures are gaming related.

In essence, the Commission could treat Mansfield's proposal as a multi-year grant. Pursuant to its standard contract, the Commission provides forward funding of 25% of the amount of the grant. Once invoices are provided showing the expense of the amount funded, the Commission releases another 50%. Again, once Mansfield provides detailed invoice of the gaming related efforts (likely in subsequent years), the additional grant funds could be provided.

We recommend that MGC require approval of a scope of work as part of the grant contract that would include more detailed information about methods of data collection and analysis, time frames and specific outcome measures. Also MGC should request a generalizable logic model and recommendations that others communities can use in the future for similar investigations. This scope would be reviewed primarily by Mark Vander Linden.



# *Town of Mansfield*

## *Police Department*

*50 West Street, Mansfield, Massachusetts 02048*

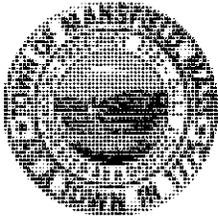
*Police Chief*  
*Ronald A. Sellon*

As articulated in the original request to the gaming commission, the analytical data obtained and culled by Mr. Bruce are insufficient in providing an accurate picture of the impact a casino truly has on neighboring communities. To obtain a complete picture, data needs to be obtained that will not only look at the direct impact of the casino on the residents, visitors, and public resources of a community, but will also consider the indirect impact that it will inevitably also have.

The obvious direct impacts that a casino has on the surrounding communities are those that result in increased: arrests, vehicle traffic, use of local hotels, and incidents that directly absorb the resources of the local community, such as public safety. Whenever there is an increase in a population (even a temporary one that is a result of visitors to the town because of the neighboring casino), there is an increase in the use of local resources.

What are less obvious, however, are the indirect ways a casino impacts a community. What is known about casinos is that they attract individuals to the area of the gaming facility, whether it is for employment or recreation. What needs to be considered, however is how those individuals behave as it relates to the casinos business. This is due to the particularities relating to their interests and how it then impacts not just public safety but other areas of service in communities. Some of the questions that need to be considered are:

- **Human Trafficking/Prostitution** – Will the hotels in each surrounding community see an increase in human trafficking and prostitution and if so, to what degree? Although individuals may not be arrested coming directly from or going to the gaming facilities, their presence will undoubtedly increase as a result of the additional available clientele at the gaming facility. Further, the crime of prostitution cannot be looked at in a vacuum and must be considered with the movement in law enforcement to address matters of Human Trafficking. Many individuals, some underage, are forced into this and must be treated as the victims they are. This inevitably results in a lower number of arrest reports in this case, as one is not generated. Instead, documentation relating to the services provided and attempts to help them are located in Narrative format.
- **Narcotics** - Will the use, sale, transportation and solicitation of illegal narcotics increase in the neighboring communities? Again, as with the human trafficking issue, it cannot be ignored that collateral segments of the "Grey Economy" will sprout up to fill the demand brought on by the increase in individuals in the area connected with the gaming facility.
- **Economy and Local Business** – Will the economies of the local communities be negatively impacted as a result of the business of the facility? There are several existing examples of the depressing of the local economy on both a business and individual level. This can be found along the waterfront of the Fort Lauderdale canals where areas of bustling shops and restaurants gave way to empty storefronts and seldom-walked sidewalks due to the increase in patronage of the Hard Rock Casino just a bit further inland. This has in effect reduced guardianship with a resulting devaluing of the property. On an individual level, casinos tend to attract individuals who have a high propensity to partake in addictive pastimes. As those individuals go to the casino more frequently, that will undoubtedly result in a loss of income for individual families.



# *Town of Mansfield Police Department*

50 West Street, Mansfield, Massachusetts 02048

*Police Chief  
Ronald A. Sellon*

- **Domestic Abuse** – Will there be an impact on the number of domestic disturbance calls? Families who suffer from less disposable income as a result of one or both of the parents' patronage of the casino may become involved in higher incidents of domestic violence. This is another example of an impact on the community that is neither "occurring on, or en route to or from" the gaming facility, but the effects can be easily drawn directly back to its existence.
- **Community resources** – Will there be an increase in the request for and obtaining of social services and community aid from individuals who frequent the casino. If so, how much will this cost the community in monetary costs as well as employee time spent. To illustrate this point please see the attached impact statements by both our Veteran Services Officer as well as our Council on Aging Director.

Each of the above incidents results in the increase in calls for service and time spent by public safety and municipal personnel to handle.

Simply looking at overall numbers of arrests and incidents does not provide a complete picture of the impact on a local community. The communities involved in the study that Mr. Bruce conducted all had different operating systems, call reasons, call identifiers, and differing ways of allocating resources and accounting for time spent. With that in mind, it is extremely difficult to correlate that data without using an exceedingly simple measurement. This measurement would be forced to not take into account issues like those discussed earlier, since each community measures them differently depending on their style of policing or management.

The data that Mr. Bruce is using is valuable and a good start, but a complete and substantive study that truly measures the impact of a gaming facility on the communities, is what is truly needed. I fear further that the review of the flawed and superficial data does not go deep enough to give true credence to the problems faced by communities. Such an analysis has the potential to do more damage than help as it has the very real risk of providing a false sense of security due to the cursory nature of the analysis. Further, by his own account he is unable to fulfill many tasks that would help illustrate the impact. Chiefly among those is that the reports narrative data is not being considered or reviewed in the report he is assembling. As anyone in policing will tell you, the bulk of data is located in the narratives of reports and the exclusion of this resource no doubt skews the results. The exclusion of critical data is very concerning.

In order to obtain accurate numbers, each community should be responsible for measuring the relative impact the gaming facility has on their own services. The \$100,000.00 set aside for community impact should therefore be used to help fund such a study. I would recommend that the money be allocated to help offset the impact of the study on the community's resources, and be used in the following fashion:

- Allocate a percentage of the money available in the form of a matching grant to help offset the time a department's analyst will spend on the project. The Gaming Commission would decide the percentage or designated amount, and a community would only be eligible for the money if they were to do both of the following:



# *Town of Mansfield Police Department*

*50 West Street, Mansfield, Massachusetts 02048*

*Police Chief*

*Ronald A. Sellon*

- Hire or have hired a Crime Analyst. I would recommend the Crime Analyst be certified or be participating actively in the certification process by the International Association of Crime Analysts to help filter and encourage communities to do so consistently.
- Agree that the grant award is contingent on measurable data and deliverables (detailed below) that the community must supply to a designee of the commission in their efforts to measure the impact on the communities.

The documented data delivered to the Gaming Commission must contain the following:

- Data that indicates the impact on quality of life issues which, rather than simply crime itself, result in a much more disparate impact on a community and therefore also on the related social services. This increases the financial liability to a given community as they wrestle with quality of life issues that drain resources. Social and related community services that will feel an impact within the community are found in (but not limited to) the following examples:
  - Seniors (Council on Aging), see attached impact statement
  - Veterans, see attached impact statement
  - At-risk citizens including addicts, those prone to addictive pastimes, domestic incidents, juveniles, etc
- Statistics obtained from the narrative portion of incident and arrest reports. Without this data, it is impossible to determine whether an incident is related to activities at the Plainridge Casino. The current data being used does not include this information and is therefore grossly inadequate. See the attached memo from Erika Baburins, the Crime Analyst for Mansfield Police for more detailed information on this.
- A review of activity relating to the Grey Economy such as drugs, human trafficking, and the like as well as community responses and proposed future responses to the issues presented, to determine if that activity has seen an increase.

The collection and dissemination of this information and data will be time consuming but necessary in order to truly assess the impact this casino has on our community.

In summary, my proposal to the Gaming Commission is that they allow each community to assist them in their goal of analyzing the impact of the Plainridge Casino on the their own town and services. I believe that the monies set aside for the eligible communities should be offered in the form of a conditional matching grant in the amount decided by the commission commensurate with their needs and available funding.

This grant will be awarded to communities who currently employ or prospectively employ a Crime Analyst to help offset the impact of the work associated with the project. To be eligible, and to ensure consistency and credibility, the Analyst in question must be certified or in the process of being certified by the International Association of Crime Analysts.

The community will agree to have the Analyst provide the data (outlined above) to the designee of the Commission's choice.



*Town of Mansfield*  
*Police Department*  
50 West Street, Mansfield, Massachusetts 02048  
*Police Chief*  
Ronald A. Sellon

Thank you for your time in this important matter

Ronald Sellon  
Chief of Police  
Mansfield Police Department  
50 West st.  
Mansfield Ma 02048



*Town of Mansfield  
Council on Aging*

255 Hope St., P.O. Box 232, Mansfield, Mass. 02048

*Director  
Gale I. Farrugia  
Asst. Director  
Debbie Surprenant*

## **Memo**

To: **Bill Ross, Town Manager**  
From: Gale I. Farrugia, Director *GF*  
Date: August 31, 2015  
Re: **Gambling – seniors/community clients**

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In reviewing with staff the numbers of elders and community clients who have called or come into ask for help due to excessive gambling, seems to be moderate so far.

Three weeks after Plainridge opened we had a call from the Housing Authority stating that they had three elder clients who had used all of their rent money gambling at Plainridge. The Housing Authority was looking for resources to help these clients with rental funds.

Pam West in Social Services is working with one family who is in the process of losing their home to foreclosure due to the husband's loss of job but also due to extensive gambling at Twin Rivers Casino. He did not tell his family he had lost his job but went to Twin Rivers during the day instead. Any extra money was used for gambling and they are six months in default of their mortgage.

I have asked Pam to keep me informed of any new clients coming into Social Services looking for rental assistance due to excessive gambling. Council on Aging will also continue to monitor elderly clients who are in the same situation.

I am concerned that we will be seeing more clients and elders who have, because of the close proximity of Plainridge, be using more of their daily living funds to supplement their gambling needs. I recently learned that GATRA will be providing a Van to take community members to Plainridge with pick-up at the MBTA Station in Mansfield via Foxboro that will go directly to the Casino. I am not sure of the schedule but this may be daily.

I also had the opportunity to go to Plainridge and was not surprised to see that 60 to 70% were elders using the slot machines consistently. I think this will become a much larger problem in the future especially for our elderly.



# *Town of Mansfield*

*Six Park Row, Mansfield, MA 02048*

*Veteran Service Officer*

*Heath D. Hobson*

September 9, 2015

Bruce Stebbins, Commissioner  
Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109

Dear Commissioner,

As the local Veteran Service Officer of Mansfield, a neighboring community to the Plainridge Casino facility, I feel it is important to address a concern I have for gambling issues among our Veteran community. A disabled Veteran or a Veteran who may currently be unemployed is, without a doubt, more vulnerable to the temptation of gambling. This problem existed before the Casino and cannot be avoided completely when there are various opportunities for folks to try their luck at winning. That being said, I believe it is my obligation to inform you that I have had a couple of situations with Veteran clients, who receive local and State financial assistance through MGL Chapter 115 funds, who have made it a habit of visiting Plainridge. One client in particular has been able to cash his monthly benefit check right there at the facility. This same Veteran is behind in his rent and has lost his phone service, which I can only attribute to his gambling habit.

I would not estimate that our Veterans are any more vulnerable than the general population unless they are in the category of needing financial assistance or if they cannot work due to a disability or age and have a Veteran Affairs monthly compensation payment for their service-connected disability. For some of these folks, this is extra money and gambling it, for them, is simply for the thrill of winning; however the vast majority relies on this money for living expenses, and without proper budgeting, they may become more dependent on other social programs in order to make ends meet. The problem there is that these benefits are normally calculated as income when applying for programs such as SNAP, or housing vouchers, and when Plainridge or Twin River or the Connecticut casinos show up on a bank statement, there is no forgiveness for monies lost. When this happens, the Veteran can only turn to the local level for support, which here, in Massachusetts, is a well-established system familiar to Veterans in need. I hope that we do not see an increase in benefits payed out due to increased gambling, but unfortunately, if we do not prepare for the worst, then it will be inevitable.

I do not have a solution or all the answers on how to minimize the impact of having a Casino right next door, but one suggestion I would propose is to not allow Veterans' benefit checks, whether they be Federal, State, or Local, to be cashed at the Casino. I also have some literature

Bruce Stebbins, Commissioner  
Massachusetts Gaming Commission  
September 9, 2015  
Page 2

on gambling addiction that I can issue to those who I believe may benefit from reading it, but if you have any updated awareness memos or brochures, I would appreciate receiving copies. I believe we can work together to minimize the dangers of gambling addictions to our local heroes and be proactive in this matter. I am available by phone or email during regular business hours at the Mansfield Town Hall. I look forward to having a successful working relationship with you and your team at Massachusetts Gaming Commission. Thank you for your time and cooperation.

Sincerely,

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

Heath D. Hobson  
Veteran Service Officer



October 16, 2015

William R. Ross, Town Manager  
Town of Mansfield  
50 West Street  
Mansfield, MA 02048

Re: 2015 Mitigation Fund Application

Dear Mr. Ross:

Pursuant to the conference call we had with you and Chief Sellon on October 7<sup>th</sup>, we are writing to request further information regarding the July 16, 2015 request from the Town of Mansfield to use \$100,000 of its \$100,000 Community Mitigation Fund Reserve for hiring an analyst that will examine data from the Mansfield Police Department to gauge the direct and indirect impacts on the Mansfield community. In order to help us further evaluate Mansfield's request and properly inform the Commission, we respectfully ask for your input on the following questions:

1. In our discussion, we asked how the Town's analysis would be different from the crime analysis being conducted for the Commission by Christopher Bruce. Could you please further describe the specific tasks/analysis anticipated of Mansfield's crime analyst and how they differentiate from the study underway by Christopher Bruce on behalf of the Gaming Commission? Additionally, please provide adequate detail how these tasks may compliment or supplement such Commission crime study.
2. As we noted, the purpose of the annual Community Mitigation Reserve Fund is to assist communities in offsetting costs resulting from gaming facility impacts and for planning purposes relating to gaming facilities. The Reserve is not intended for general municipal expenditures not related to gaming facilities. Please clarify in detail how Mansfield will ensure that such funding would not be utilized for any non-gaming related purposes. We mentioned that all uses of Reserve Funds are subject to audit and that perhaps the Town, through the Town Manager's office and the Police Department could potentially certify that all monies are used solely for gaming related activities.
3. It was mentioned during the conference call that Mansfield seeks to study socio-economic impacts related to gaming at Plainridge. We drew your attention to the current effort by the University of Massachusetts, Amherst as part of the Commission's gaming research agenda to study those impacts. We recently sent you a description of such research. Could you please explain what the town is contemplating, on socio-



Massachusetts Gaming Commission

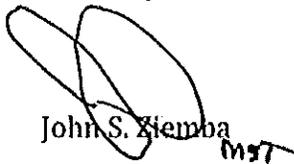
October 16, 2015

economic issues and how it would supplement rather than duplicate the current research performed through the University of Massachusetts?

4. Your application references a request for \$100,000 for the crime analyst. Based on public reports<sup>1</sup>, it appears that approximately \$42,000 is required for the crime analyst position. Could you please provide an update on the monetary request now that more is likely known about the budget for the current position this year? Please also approximate the percentage of the analyst's work that is expected to be spent on Plainridge gaming related matters.
5. Pursuant to the Guidelines, the Commission will evaluate requests for planning funds after taking into consideration input the Town of Mansfield has received from the local Regional Planning Agency ("RPA") or any such interested parties. Although there is no prerequisite for using RPA's for planning projects, consultation with RPA's is required to enable the Commission to better understand how planning funds are being used efficiently across the region of the facility. Please provide details about the City's consultation with the Southeastern Regional Planning and Economic Development District.
6. Please provide detail regarding what the Town of Mansfield will contribute towards the planning project in planning funds or in-kind services. We acknowledge that Mansfield has been a very active participant in and has expended resources on the development of the Commission's study of gaming related crime impacts.

As we discussed, it is our plan that Mansfield will have an opportunity to present its mitigation request at the Massachusetts Gaming Commission's meeting on October 29<sup>th</sup>. In this regard, we would appreciate receiving your response to these questions by Friday, October 23<sup>rd</sup>. If that timing appears difficult, we could ask the Commission to move the presentation to the following meeting on November 12<sup>th</sup>. Please let us know if this response time is too short. Thank you, once again for a very productive conference call.

Sincerely,

  
John S. Siemba  
mst

  
Mark Vander Linden

cc: Ronald Sellon, Chief of Police  
Christopher Bruce  
Karen Wells, Interim Executive Director  
Catherine Blue, General Counsel

<sup>1</sup> Town of Mansfield Expenditure Budget Report FY16 Operating Budget



Massachusetts Gaming Commission

## Assessing the Impact of Gaming Facilities in Massachusetts Cities and Towns

*List of data fields desired from individual agency records systems, extraction process,  
and associated security concerns and measures*

The following list of fields—each of which has analogs in the QED, IMC, and Pamet systems—will allow for:

- A) The establishment of a baseline level and type of activity in each jurisdiction prior to the opening of the gaming facility
- B) An assessment of changes in both volume and characteristics of crime, disorder, traffic issues, and other calls for service after the gaming facility has opened.

The list purposefully avoids data fields that directly compromise the privacy of victims and witnesses. We ask for no personal identifying information or narrative data.

### Comprehensive list of requested data fields

The following list is presented *generically*, without reference to specific named fields in the CAD and RMS systems employed by the three agencies. I will have to study the data structures of the IMC and Pamet systems to map these generic field descriptions to specific named fields.

For all datasets, the period of extraction would be from **January 1, 2010**.

#### From the main CAD table

- Incident/CAD number
- Report date and time
- Call type
- Call location (all related fields)
- Type of service (police/fire/ems)
- How call received (e.g., 911, officer-initiated)
- Once developed, any fields that indicate a “casino-related” flag.

#### From the CAD unit table

- Incident/CAD number
- UnitID
- Dispatch date and time

- Arrival date and time
- Cleared data and time

**From the main crime/incident table**

- Case/incident ID
- Related CAD number
- Reported date and time
- Earliest date and time occurred
- Latest date and time occurred
- Incident location (all related fields)

**From the crime/incident offense and weapons tables:**

- Case/incident ID
- Offense type and related IBR code
- Attempted/completed code
- Location type
- Weapon codes
- Drug type and activity codes

**From the crime/incident associated persons/suspects tables:**

- Case/incident ID
- Person role
- Person race
- Person sex
- Person DOB
- Person town of residence
- Person state of residence
- Relationship

**From the crime/incident associated property table:**

- Case/incident ID
- Property involvement (stolen, damaged, etc.)
- Property type
- Property make
- Property model
- Property value
- Property description

**From the crime/incident associated vehicles table:**

- Case/incident ID
- Vehicle role
- Vehicle make
- Vehicle model
- Vehicle model year
- Vehicle registration state

**From the master crash table:**

- Crash ID

- Related CAD number
- Reported date and time
- Crash location (all related fields)
- Crash type
- First harmful event
- Signal device codes
- Roadway type and condition codes
- Weather condition codes

**From the crash/related persons table:**

- Crash ID
- Person role (driver, passenger, etc.)
- Person race
- Person sex
- Person DOB
- Person town of residence
- Person state of residence
- Driver contributing codes

**From the crash/related vehicles table:**

- Crash ID
- Link from crash persons to vehicle
- Vehicle make
- Vehicle model
- Vehicle model year
- Vehicle registration state

## **Methods of extraction**

The data will be extracted through an ODBC link to the CAD/RMS servers using a Microsoft Access interface. The initial extraction will collect all data from January 1, 2010 through the date of extraction. I will develop a routine for a representative of the police agency to manually run on a quarterly basis and transmit new data to a central server for continued analysis. I will retain no ability to access each agency's data without the explicit and knowing assistance of a member of the agency.

## **Security, storage, and access**

After transmission, the data will be pooled into a common database, encrypted and password-protected. Until such time as the local police agencies sign a more comprehensive letter of agreement with the MGC, only I and the contributing agencies will have access to the raw data.

Any reports generated from the data will be submitted to the contributing agencies for review and comment before being submitted in final form to the MGC.



*Town of Mansfield*  
*Police Department*  
50 West Street, Mansfield, Massachusetts 02048

*Police Chief*  
Ronald A. Sellon

**To:** Chief Sellon  
**From:** Erika Baburins  
**Date:** November 10, 2015  
**Subject:** Gaming Commission

---

While reading Chris Bruce's "Assessing the Impact of Gaming Facilities in Massachusetts Cities and Towns," a few issues arose in the gathering of data. Mr. Bruce states that the data he gathers does not "compromise the privacy of victims and witnesses," and that he does not look at narrative data. My concerns are:

- The bulk of information is in the narrative, so without reading it, it is difficult to determine whether or not the particular incident is related to Plainridge Casino.
  - o Example 1: The data gathered for Crash Reports does not include *where* the individual is traveling to or from. This information, if included, is in the narrative.
  - o Example 2: The crime data that is gathered only displays the superficial layers of the report (i.e. crime type, weapon code, location type, etc.). Rarely will the crime type be a specific gambling related offense.
- In most cases, the effects of gambling are hidden under other types of crime. For example, a domestic violence case may be the result of ongoing gambling. This information is written in the narrative and may be uncovered after an investigation.
- Increased CAD calls. While an increase in CAD calls *could* be indicative of the effects of Plainridge Casino, it *could* be attributed to a number of other things. For example, a family may move into town and cause numerous problems increasing the calls for service.
- Increased Traffic Stops and Crash Reports *could* be indicative of the effects of Plainridge Casino, or it *could* be attributed to other causes, such as construction, retail stores, traffic grants, and time of year.
- The effects of Plainridge Casino may *not* be of criminal nature and therefore would not be included in Mr. Bruce's data extraction. The elderly community utilizing the Town's resources may report the inability to pay rent because of gambling. This type of event can impact Social Services, Veteran's Services, the Housing Authority and Council on Aging. Only constant communication with the respective agencies will give the police department a count of individuals receiving care from these services who have used their money for gambling.



*Town of Mansfield*  
*Police Department*  
50 West Street, Mansfield, Massachusetts 02048

*Police Chief*  
*Ronald A. Sellon*

Without looking at all of the aforementioned points and reading the narratives to every report, CAD notes, and a continued relationship with other Town Departments, it is almost impossible to accurately measure the effects of Plainridge Casino in Mansfield. Overall, while Mr. Bruce's data set is vast, it only answers *if* there was a change in activity in the respective town, and cannot definitively show the direct impact.

Respectfully,

Erika Baburins



Massachusetts Gaming Commission  
101 Federal Street, 23rd Floor  
Boston, MA 02110

2015 COMMUNITY MITIGATION FUND APPLICATION

CHECK BOX IF REQUESTING THE CREATION OF A  
MITIGATION RESERVE FUND FOR A COMMUNITY

APPLICATIONS DUE NO LATER THAN FEBRUARY 2, 2015.

*For anyone with specific impacts, please complete the gray boxes 1-4 beginning on page 2. If you are not applying for mitigation of specific impacts by February 2, 2015, you do not need to complete grayed boxes 1-4.*

1.	Town of Mansfield NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT
2.	Mansfield Police Department DEPARTMENT RECEIVING FUNDS
3.	Ronald Sellon, Chief of Police NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
4.	50 West Street Mansfield, Ma ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
5.	508.261.7300 x 61221 rsellon@mansfieldma.com PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
6.	Frank W. Archer, Jr., Lieutenant NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
7.	50 West Street Mansfield, Ma ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
8.	farcher@mansfieldma.com 508.261.7300 x 61229 PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
9.	NAME OF GAMING LICENSEE

**1. IMPACT DESCRIPTION**

Please describe in detail the impact that is attributed to the construction of a gaming facility. Please provide support for the determination that the construction of the gaming facility caused or is causing the impact.

The Town of Mansfield has within' its borders, two major hotels as well as various restaurant establishments. Plainridge Casino, located less than 5 mile from the Town of Mansfield, will see a rise in occupancy of these hotels and a rise in patronage in our many restaurants. The aforementioned will necessitate an increase in police activity both in the form of proactive patrols as well as reactive patrols (call response).

**2. PROPOSED MITIGATION**

Please identify below the manner in which the funds are proposed to be used. Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction of a proposed gaming establishment. Please describe how the mitigation request will address the specific impact indicated. Please attach additional sheets/supplemental materials if necessary.

Funds associated with the Mitigation Fund will go towards the hiring of an Analyst that will examine and digest data from the Mansfield Police Department Records Management System. This data will be used to gauge the Direct and Indirect effects Plainridge Casino will have on the Mansfield Police Department and the Mansfield community as a whole.

**3. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.

The town of Mansfield will utilize these funds, under the direction/control of the Chief of Police, to help fund the Analyst position.

**4. RELEVANT EXCERPTS FROM HOST OR  
SURROUNDING COMMUNITY AGREEMENTS**

Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.

The analytical considerations we are asking for mitigation money to study are not those that are answered easily.

Gaming facilities are unique in their effects to the communities they are located. The combination of entertainment and focal point of that entertainment are such that they lend themselves to attract those individuals who have a high propensity to addictive pastimes. This result on the surrounding communities of both transient and residential individuals being drawn to the gaming facility has collateral effects on the community both directly and indirectly.

Direct effects on the community are those that result in arrests, increased traffic, use of local hotels, and incidents that directly absorb the resources of the local community such as public safety. It stands to reason that whenever there is an increase in a population that there is an increase in the use of local resources.

Indirect effects on a community are less apparent and more problematic however. Examples of indirect effects are felt in the impact to local economies, and in those individuals who are attracted to the area as a result of the gaming facility whether it is for employment, or recreation and the interactions those individuals have with public safety. An example of questions relating this that should be answered are whether the local hotels in each impacted community will see an increase in human trafficking, and prostitution and to what degree? Although they are not arrested directly coming from or going to the gaming facilities, their presence will undoubtedly increase as a result of the increase in available clientele at the gaming facility. Will the use, sale, transportation and solicitation of illegal narcotics also result in the neighboring communities as well? Again, as with the human trafficking issue, it cannot be ignored that collateral segments of the "Grey economy" will sprout up to fill the demand brought on by the increase in personnel connected with the gaming facility. Indirect effects on the community can also be felt in a depressing of the local economy on both a business and individual level. Examples of this can be found along the water front of the Fort Lauderdale canals where areas of bustling shops and restaurants gave way to empty storefronts and seldom walked sidewalks due to the increase in patronage of the Hard Rock casino just a bit further inland. This has in effect reduced guardianship with a resulting devaluing of the property. In the area of individual economic impact, families who may suffer from less disposable income as a result of one parent's patronage of the casino may result in higher incidents of domestic violence. Again, neither is "occurring on, or enroute to or from" the gaming facility, but the effects can be easily drawn directly back to the existence of the facility. Each of the above incidents that I have described results in the increase in calls for service and time spent by public safety and municipal personnel to handle.

With the premise before us at hand, it is my understanding that Mr. Bruce's findings do not support a discernable impact on the local communities. To this point I respectfully disagree. Simply looking at blanket arrest numbers, and incidents does not answer a question. The communities involved in the study that Mr. Bruce conducted all had different operating systems, call reasons, call identifiers, and differing ways of allocating resources and accounting for time spent. To this end, it is extremely difficult to correlate those without using an exceedingly simple measurement. This measurement would be forced to not take into account issues like those I discussed earlier as each community measures them differently depending on their style of policing or management. I recommend that each community is responsible for measuring the relative impact the gaming facility has on their own community and would request that the \$100,000.00 set aside for each community be used to help fund the study of such. Such a study cannot be looked at in a vacuum and the onus to prove impact must be on each community, however I ask that you allow us the tools to do so.

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.

Signature of Responsible Municipal  
Official/Governmental Entity

Date

**APPROVAL OF THE MASSACHUSETTS GAMING COMMISSION**

On behalf of the Massachusetts Gaming Commission, the Commission hereby authorizes the payment from the Community Mitigation Fund in accordance with M.G.L. c. 23K as outlined in this Application.

Executive Director

Date

Ombudsman

Date



**Massachusetts Gaming Commission  
101 Federal Street, 23rd Floor  
Boston, MA 02110**

**INSTRUCTIONS FOR FILING FOR  
2015 COMMUNITY MITIGATION FUND APPLICATION**

If a Community is filing for a mitigation reserve fund only, **please check the box on page 1** and fill out all the boxes in blue. **Skip grayed boxes 1-4.** Detail regarding the use of the reserve fund can be provided to the Commission on a rolling basis upon consultation with the Commission (See Guidelines on page 6).

If a Community or other Applicant has a specific impact, **please fill out entire application form.**

If a Community or other Applicant is requesting both a reserve fund and has a specific impact, **please fill out the entire application form.**

**Any questions contact: John S. Ziemba, Ombudsman  
101 Federal Street, 23<sup>rd</sup> Floor, Boston, MA 02110  
(617) 979-8423  
[john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us)**

...

Applications must be sent electronically **and** via regular mail. An application received by the Commission either electronically or via regular mail by February 2, 2015 will meet the application deadline.

**Applications should be sent to the:**

**Massachusetts Gaming Commission  
2015 Community Mitigation Fund  
Attn: Ombudsman John Ziemba  
101 Federal Street, 23<sup>rd</sup> Floor, Boston, MA 02110**

**And via e-mail to:**

**[john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us)**

**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 Development 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

**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 Development 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 Development 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 Development 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 the 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

**MASSACHUSETTS GAMING COMMISSION  
DRAFT FINDINGS TO BE ISSUED  
PURSUANT TO M.G.L. c. 23K AND M.G.L. c. 30, § 61**

PROJECT NAME: MGM Springfield (the “Project”)  
PROJECT LOCATION: Springfield, Massachusetts  
PROJECT PROPONENT: Blue Tarp reDevelopment, LLC (“MGM”)  
EOEEA NUMBER: 15033  
APPROVAL SOUGHT: Category 1 Gaming License

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, the Massachusetts Gaming Commission (the “Commission”) finds that with the implementation of the measures identified in MGM’s Final Environmental Impact Report dated November 6, 2014 (“FEIR”) and the Certificate issued by the Secretary of the Executive Office of Energy and Environmental Affairs (“EOEEA”) dated December 31, 2014 (the “Secretary’s Certificate”), as amended by MGM’s Notice of Project Change dated October 15, 2015 (the “NPC”) and the Secretary of EOEEA’s Certificate regarding the NPC dated November 25, 2015 (the “NPC Certificate”) including, without limitation those measures summarized below, that all practicable and feasible means and measures will have been taken to avoid or minimize potential damage from the Project to the environment.

**PROJECT SITE**

The approximately 14-acre site is located in downtown Springfield and is comprised of several city blocks. It is bounded by Main Street to the northeast, Union Street to the southeast, East Columbus Avenue and Interstate 91 (“I-91”) to the southwest and State Street to the northwest. The site includes portions of Bliss Street and Howard Street. The Connecticut River and associated parkland is located to the west of the site and I-91. The site contains vacant lots and several commercial and retail buildings. Many of the buildings were damaged by a tornado that struck Springfield in 2011. A number of buildings within the site are listed on the State and National Registers of Historic Places, the State Register of Historic Places and/or in the Inventory of Historic and Archeological Assets of the Commonwealth. The site is located within ½ mile of Union Station and the Springfield Bus Terminal and is served by several bus routes.

**PROJECT DESCRIPTION**

The Project, as revised by the NPC<sup>1</sup>, consists of an approximate 760,000 square foot mixed-use redevelopment consisting of a Category 1 Gaming Establishment pursuant to Chapter 194 of the Acts of 2011 (the “Gaming Act”), with retail, restaurant, entertainment, hotel and office uses, as well as a complementary daycare and residential component within close proximity. According

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<sup>1</sup> The Project description contained herein incorporates the changes set forth in MGM’s October 15, 2015 NPC (“Revised Design”). The Revised Design contains the following modifications to the Project as described in the FEIR (“Original Design”) including: (i) relocation of the residential units; (ii) relocation and redesign of the Project hotel; (iii) reduction in gaming positions; an approximate 122,000 sf reduction in the Casino and Retail Blocks; a reduction in the size of the parking garage; and a revised opening date.

to the FEIR, the Project is designed to take advantage of the existing transportation infrastructure in the Project area and to integrate the proposed uses into the existing urban fabric by providing street level access and design of streetscape elements including shade trees, street furniture, planters, enhanced lighting, street banners, gathering spaces and landscaping.

The Project consists of three primary areas: the Casino Block (571,821 sf), the Retail Block (122,336 sf) and the residential component (approximately 65,000 sf). The Casino Block includes 126,262 sf of casino gaming facilities, a 251-room, 151,861 sf hotel, 43,705 sf of convention space, 15,204 sf of retail space, 34,184 sf of restaurant space, and 200,605 sf of casino-related back of house/operational space.

The Retail Block includes a retail and entertainment center (“Armory Square”), a seven story parking structure to provide 3,375 parking spaces in the garage and limited, on-site surface parking. It will also include a 9,618 sf bowling alley, 16,046 sf of retail space, 24,962 sf of food and beverage space, a 37,465 sf multi-screen cinema, an event plaza, 12,000 sf of office space, a 1,261 sf arcade and 18,495 sf of back of house operational space. The Project will also include the relocation of an existing 2,489 sf church into the Retail Block, which is assumed to be reused for restaurant space.

The Residential component will be comprised of approximately 54 residential units consisting of approximately 65,000 sf to be developed within existing buildings in the “Metro Center” of Springfield as defined in a 2007 ULI Report (*see* figure 1 of NPC).

The Project is estimated to generate approximately 18,570 average daily trips (“adt”) on a weekday (normally a Friday) and 20,824 adt on a weekend day (Saturday). It includes a combination of new construction, redevelopment of existing buildings, retention of existing infrastructure and facilities, and demolition. Among other things, construction will include access drives, extensive landscaping, construction of a new storm water management system and other associated infrastructure. Proposed demolition includes a boarding house on Bliss Street, the Howard Street Primary School and the Howard Street apartment building. On August 6, 2015, the Commission approved a revised opening date of September 2018. A detailed project schedule based on the revised opening date was filed with the Commission setting forth all major stages of construction and will be reviewed by the Commission under 205 CMR 135.02. Vehicular access to and circulation within the site is proposed via Bliss Street, State Street, Union Street, Howard Street, a proposed MGM Way, and East Columbus Avenue.

### **MEPA HISTORY**

MGM filed an Environmental Notification Form (“ENF”) with the Executive Office of Energy and Environmental Affairs (“EOEEA”) for the Project on March 15, 2013 and a Draft Environmental Impact Report (“DEIR”) on December 16, 2013. The Secretary of EOEEA issued a Certificate approving the DEIR on February 7, 2014. MGM submitted the FEIR on November 6, 2014. On December 31, 2014, the Secretary of EOEEA issued the Secretary’s Certificate approving of the description of environmental impacts and mitigation measures in the FEIR and certifying that the FEIR adequately and properly complies with MEPA.

On October 15, 2015, MGM submitted the NPC, describing changes to the Project that, according to the NPC, do not alter the Project's environmental impacts from those described in the FEIR. MGM also confirmed that it remained "wholly committed" to the mitigation measures described in the FEIR and referred to in the Secretary's Certificate. On November 25, 2015, the Secretary of EOEEA issued the NPC Certificate concluding that MGM's proposed project changes do not require the submission of a supplemental environmental impact report. However, the NPC Certificate provides that MGM should revise its Section 61 Findings "in response to the Certificate on the FEIR and the NPC and provide [those revised findings] to State Agencies to assist in the permitting process and issuance of final Section 61 Findings.

MGM did so on December 14, 2015. The Commission has reviewed MGM's revised Draft Section 61 Findings as part of its preparation of these findings.

On November 30, 2015, MGM submitted a final Memorandum of Agreement (the "MOA"), between MGM, the Commission and the Massachusetts Historical Commission (MHC) addressing the twelve (12) historic properties located on the Project Site for signature pursuant to MHC Regulations. The MOA, and all mitigation measures required thereunder, are incorporated herein by reference. MassDOT is expected to issue Section 61 Findings for the Project addressing traffic and parking impacts (the "MassDOT Finding"). When issued, the MassDOT Findings, and all mitigation measures required thereunder, will be deemed incorporated by reference. . It is expected that the City of Springfield will issue the required permits for the Project as listed in these section 61 findings and any other permits the City of Springfield deems to be required. When issued, any and all mitigation measures required by those permits will be deemed incorporated by reference. The Commission retains the right to modify its Section 61 findings as a result of the MassDOT Findings or Section 61 findings or any final Agency Action issued by other Agencies after the Commission's Section 61 findings.

### **PROJECT IMPACTS**

Potential environmental impacts are associated with land alteration, traffic, water supply and waste water generation, waste site clean-up, and generation of Greenhouse Gas ("GHG") emissions. The overall project has also been reduced from 881,691 sf in the FEIR to 759,157 according to the NPC, a reduction of 122,534 sf. When adjusted for mode share, internal shared trips on the site, and MGM's planned transportation demand management measures, the original larger proposal included vehicle trips are estimated at 18,570 adt on a weekday (normally Friday) and 20,824 adt on a weekend day (Saturday). Water demand is estimated at 225,242 gallons per day (GPD) and wastewater generation is estimated at 207,618 GPD. A total of 3,461 parking spaces are provided.

There are twelve historic properties within the Project Site:

<b>Building<sup>2</sup></b>	<b>NR</b>	<b>SR</b>	<b>Inv</b>	<b>Int</b>	<b>P/R</b>	<b>PP</b>	<b>FE</b>	<b>REL</b>	<b>DEM</b>	<b>A/E</b>
WCA Boarding House	X	X							X	X
French Congregational Church	X	X						X		X
State Armory	X	X			X	X			X	X
United Electric Company Building	X	X				X	X		X	X
YWCA		X					X		X	X
Massachusetts Mutual Life Ins.		X			X					
Edisonia Theater Block		X							X	X
Howard Street Primary School			X				X		X	X
Union House/Chandler Hotel			X			X			X	X
Howard Street apartment building				X					X	
79 State Street office building				X					X	
95 State Street office building				X	X				X	

The Howard Street apartment building was damaged in the 2011 tornado, condemned, and demolished in 2013. The Howard Street Primary School was also damaged in the 2011 tornado, has been condemned, and is slated for demolition. The remaining historic properties are subject to varying actions as set forth in the above table, the Certificate, the FEIR and ultimately governed by the Massachusetts Historical Commission MOA.

The Project was subject to MEPA review and required the preparation of a Mandatory EIR pursuant to 301 CMR 11.03(1)(b)(7), 11.03(5)(b)(4)(a), 11.03(6) (a) (6), 11.03(6) (a) (7) and 11.03(b)(2)(b), and 11.03(10)(b)(1) because it requires State Agency Action; will generate 3,000 or more new adt on roadways providing access to a single location; requires construction, widening, or maintenance of a roadway or its right of way that will cut five or more living public shade trees of 14 or more inches in diameter at breast height; involves destruction of all or parts of historic structures; creates new discharges or expansions in discharges to sewer systems of 100,000 or more GPD; and provides 1,000 or more new parking spaces at a single location. The Project is subject to the EOEEA Greenhouse Gas (“GHG”) Emissions Policy and Protocol.<sup>3</sup>

<sup>2</sup> The abbreviations in the table correspond to descriptions in the Certificate on the FEIR, as supplemented by the MOA and are as follows:

- NR = National Register of Historic Places
- SR = State Register of Historic Places
- Inv. = Inventory of Historic and Archaeological Assets of the Commonwealth
- Int. = Of historic interest
- P/R = Retained and partially renovated
- PP = Partially preserved
- FE = Preserve/reuse façade and elements
- REL = Relocate
- DEM = Partial or full demolition or Removal
- A/E = Adverse Effect per MHC Letter of 10/30/14 and MHC Regulations 950 CMR

<sup>3</sup> EOEEA’s Certificate on the ENF indicated that the project included conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose

## REQUIRED GOVERNMENTAL PERMITS AND APPROVALS

According to the Secretary’s Certificate and the MassDOT Finding, the Project is expected to require permits and approvals or review by the following federal, state, and local agencies, in addition to the Category 1 Gaming License (the “License”) and the Commission’s approval of the proposed design changes described in the NPC:

Agency	Permit(s)
Massachusetts Department of Environmental Protection (“MassDEP”)	<ul style="list-style-type: none"> <li>• Underground Injection Control Permit,</li> <li>• Construction Site Dewatering Permit,</li> <li>• Air Quality Permits (for certain Project components)</li> <li>• Sewer Connection Permit</li> </ul>
Massachusetts Department of Transportation (“MassDOT”)	<ul style="list-style-type: none"> <li>• Vehicular Access Permit: Permit to Access State Highway Category III</li> </ul>
Massachusetts Department of Housing & Community Development (“DHCD”)	<ul style="list-style-type: none"> <li>• Urban Renewal Plan approval; or</li> <li>• Urban Renewal Development Project</li> </ul>
Massachusetts Department of Public Safety	<ul style="list-style-type: none"> <li>• Storage Permit</li> </ul>
Massachusetts Historical Commission (“MHC”)	<ul style="list-style-type: none"> <li>• MOA</li> </ul>
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> <li>• National Pollutant Discharge Elimination System (“NPDES”) Construction General Permit</li> </ul>
Federal Aviation Administration	<ul style="list-style-type: none"> <li>• Determination of No Hazard to Air Navigation</li> </ul>
City of Springfield	<ul style="list-style-type: none"> <li>• Road and Curb Cut Permit</li> <li>• Public Way Discontinuance approval</li> <li>• Casino Overlay District Approval</li> <li>• HCA Amendments related to design and schedule changes</li> <li>• Casino Site Plan Approval</li> </ul>

The Project may also require approval for modification to the I-91 ramps and work on the National Highway System (NHS) from the Federal Highway Administration and/or MassDOT’s review of design exception requests for roadways that are part of the NHS. If federal review is required, the Project may be subject to review pursuant to the National Environmental Policy Act and the National Historic Preservation Act.

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not in accordance with the Article (301 CMR 11.03 (l)(b)(3)). As currently proposed, the project no longer includes conversion of land held for natural resources purposes and, therefore, does not exceed this threshold.

### **EXECUTED MITIGATION AGREEMENTS**

Pursuant to G.L. c.23K §§15(8) - (10), MGM executed mitigation agreements and shall, as a condition of the Commission's Section 61 Findings, comply with the following mitigation agreements (as the same may be duly reopened, supplemented or amended in accordance with 205 CMR 127) (collectively the "Mitigation Agreements"):

1. The Host Community, City of Springfield, dated May 4, 2013 (approved by local referendum pursuant to G.L. c. 23K, § 15(13), on July 15, 2013 and amended on July 1, 2015);
2. The following designated Surrounding Communities:
  - a. Town of Agawam, dated December 16, 2013;
  - b. City of Chicopee, dated December 13, 2013;
  - c. Town of East Longmeadow, dated December 11, 2013 (amended January 23, 2014);
  - d. City of Holyoke, dated January 10, 2014;
  - e. Town of Longmeadow, dated April 30, 2014; (entered through arbitration);
  - f. Town of Ludlow, dated December 13, 2013;
  - g. Town of West Springfield, dated May 8, 2014; (entered through arbitration); and
  - h. Town of Wilbraham, dated December 12, 2013 (amended February 3, 2013);
3. A Live Entertainment Cooperation Agreement with the Massachusetts Performing Arts Coalition, dated January 22, 2014;
4. A Sponsorship Agreement with the Majestic Theatre of West Springfield, dated March 7, 2014;
5. An Agreement with the Massachusetts State Lottery to be executed prior to commencement of gaming operations; and
6. The MOA with Massachusetts Historical Commission and the Commission.

In addition, the Commission expects that MGM will meet with each abutter to the Project to clarify potential project related impacts. These impacts may include, but are not limited to, the visual impact of the Project's garage; the constructability of the garage from entirely within MGM's property; noise, vibration and emissions associated with the central plant; access to the abutter's property both during and after construction; and maintenance of safe pedestrian access during construction. MGM will institute a communications protocol for communicating with each abutter regarding construction activity. After MGM reviews these and any other identified impacts, it will report to the Commission on the steps, if any reasonably necessary to address these impacts. MGM will include a report regarding abutter concerns as part of its regular

reporting to the Commission. The Commission reserves its rights to amend these Findings based on this communications process with abutters or to require further dialogue with abutters and reporting to the Commission.

The provisions of each of these mitigation agreements will be incorporated by reference as conditions in the final License for the Gaming Establishment issued pursuant to 205 CMR 120.02. Nothing herein shall prevent the parties to any such mitigation agreement from reopening the agreement pursuant to 205 CMR 127. In addition, nothing herein shall prevent the Commission from taking further action with respect to the License or its conditions pursuant to 205 CMR 127 or otherwise.

### **AGENCY SECTION 61 CONDITIONS**

#### **Mitigation Measures in Section 61 Findings and Permit Conditions of Other Federal State and Local Agencies**

MGM shall comply with the detailed mitigation measures provided by the Commission's Section 61 Findings and by the individual Section 61 Findings for each other State Agency with jurisdiction to issue any state permit for the Project including without limitation MassDEP, MassDOT, the Massachusetts Department of Public Safety, MHC, and the DHCD. MGM shall also comply with the terms and conditions of any federal, state, or local permit or approval required for the Project. The Commission retains the right to modify its Section 61 findings as a result of Section 61 findings or final Agency Action issued by other Agencies after the Commission's Section 61 findings. If the terms of any other Agency's Section 61 findings or final Agency Action, or any other governmental permit or approval, or process to obtain such approval, conflict with the Commission's Section 61 findings or the mitigation measures set forth below, or render such mitigation measures infeasible or impossible, MGM shall notify the Commission of that conflict for resolution by the Commission pursuant to 205 CMR 120.01 and 120.02.

Pursuant to G.L. c. 23K, § 10(c), the Commission also reserves its rights to determine and reconsider which infrastructure improvements onsite and around the vicinity of the gaming establishment, including projects to account for traffic mitigation as determined by the commission, shall be completed before the gaming establishment shall be approved for opening. However, in the event that the implementation of the transportation measures listed below conflict with the schedule for the full completion of MassDOT's work related to the I-91 Viaduct, MGM may seek an extension of certain mitigation elements as a post-opening commitment.

**Mitigation Measures for the Project under the FEIR**

MGM shall comply with the detailed measures to mitigate the Project’s impacts specified in the Certificate and the FEIR, as incorporated by reference in the NPC and NPC Certificate, including, without limitation, the mitigation measures described in the MassDOT Finding, those listed in Chapter 8 of the FEIR. and those listed in the following table, unless modified as described in the preceding paragraph:

MITIGATION MEASURES	SCHEDULE
<p><b>Transportation</b></p> <p>Locations of Signal Timing Optimization Only:</p> <ul style="list-style-type: none"> <li>• Dwight Street / I-291 WB Ramps,</li> <li>• East Columbus Avenue / West Columbus Avenue / Main Street / Longhill Street,</li> <li>• Mill Street / Locust Street / Belmont Avenue / Fort Pleasant Avenue, and</li> <li>• Belmont Avenue / Sumner Avenue / Dickinson Street /Lenox Street.</li> </ul>	<p>Prior to opening</p>
<p>Union Street Corridor (West Columbus Avenue to Main Street) Improvements:</p> <ul style="list-style-type: none"> <li>• Widen sidewalks along site frontage where feasible within the right of way,</li> <li>• Complete pavement mill and overlay on Union Street between Main Street and West Columbus Avenue,</li> <li>• Construct trolley stop adjacent to Armory Square,</li> <li>• Widen and restripe roadway along site frontage,</li> <li>• Upgrade non -compliant accessible wheelchair ramps as required,</li> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Install mid-block crosswalk, pedestrian flasher assembly, and raised median island east of MGM Bus Driveway,</li> <li>• Install bicycle “sharrows” and share-the-road signage,</li> <li>• Reconstruct Union Street under I-91 Overpass to 5-lane cross-section, depending on input from MassDOT and the City of Springfield during the final design review process</li> <li>• Modify vehicular and pedestrian signal phasing scheme at Union Street/East and West Columbus intersections,</li> <li>• Upgrade vehicular and pedestrian traffic signal equipment and infrastructure at corridor intersections where necessary, and</li> <li>• Optimize traffic signal timings, clearance intervals, signal coordination, and offset timings at corridor intersections.</li> </ul>	<p>Prior to opening</p>
<p>State Street Corridor (West Columbus Avenue to St. James Avenue) Improvements:</p> <ul style="list-style-type: none"> <li>• Widen sidewalks along site frontage where feasible within the right of way,</li> <li>• Construct trolley stop adjacent to the Project,</li> <li>• Restripe State Street along site frontage,</li> <li>• Stripe intersection tracking markings across intersection of State Street / Main Street,</li> <li>• Complete pavement mill and overlay State Street between Dwight Street</li> </ul>	<p>Prior to opening</p>

MITIGATION MEASURES	SCHEDULE
<p>and East Columbus Avenue,</p> <ul style="list-style-type: none"> <li>• Upgrade accessible wheelchair ramps at: <ul style="list-style-type: none"> <li>• State Street / Main Street</li> <li>• State Street / East Columbus Avenue</li> <li>• State Street / West Columbus Avenue</li> </ul> </li> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Install mid-block crosswalk, pedestrian flasher assembly, and raised median island west of MGM Drive,</li> <li>• Install bicycle “sharrows” and share-the-road signage,</li> <li>• Install bike boxes, shift stop lines, and recalculated clearance intervals at intersections along State Street,</li> <li>• Modify pedestrian crossing across East Columbus Avenue north of State Street intersection,</li> <li>• Construct pedestrian refuge island along St. James Avenue approach to State Street,</li> <li>• Upgrade pedestrian traffic signal equipment only at: <ul style="list-style-type: none"> <li>• State Street / Chestnut Street / Maple Street</li> <li>• State Street / Dwight Street / Maple Street</li> <li>• State Street / Main Street</li> </ul> </li> <li>• Upgrade vehicular and pedestrian traffic signal equipment and infrastructure at: <ul style="list-style-type: none"> <li>• State Street / East Columbus Avenue</li> <li>• State Street / West Columbus Avenue</li> </ul> </li> <li>• Modify traffic signal phasing at intersection of State Street /Main Street; and</li> <li>• Optimize traffic signal timings, clearance intervals, signal coordination, and offset timings at corridor intersections.</li> </ul>	
<p>Main Street Corridor (Mill Street to Frank B. Murray Street) Improvements:</p> <ul style="list-style-type: none"> <li>• Widen sidewalks along site frontage where feasible within the right of way,</li> <li>• Relocate Pioneer Valley Transit Authority (“PVTA”) bus stops along Main Street,</li> <li>• Complete a pavement mill and overlay Main Street between State Street and Union Street,</li> <li>• Restripe Main Street between State Street and Union Street,</li> <li>• Stripe intersection tracking markings across intersection of Main Street / Boland Way / Harrison Avenue,</li> <li>• Upgrade accessible wheelchair ramps at Main Street / Union Street and Main Street / State Street,</li> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Install mid-block crosswalk north of Howard Street,</li> <li>• Install bicycle “sharrows” and share-the-road signage between Mill Street and Union Street,</li> <li>• Install bike lane northbound and bicycle “sharrows” southbound with</li> </ul>	<p>Prior to opening</p>

MITIGATION MEASURES	SCHEDULE
<p>share-the-road signage along Main Street between Union Street and Lyman Street,</p> <ul style="list-style-type: none"> <li>• Install bike boxes, shift stop lines, and recalculated clearance intervals at intersections with Boland Way and State Street,</li> <li>• Install new parking regulation signs along Main Street between State Street and Union Street,</li> <li>• Upgrade pedestrian traffic signal equipment only at: <ul style="list-style-type: none"> <li>• Main Street / Falcons Way / Court Street</li> <li>• Main Street / Boland Way / Harrison Avenue</li> <li>• Main Street / Worthington Street, and</li> </ul> </li> <li>• Optimize traffic signal timings, clearance intervals, signal coordination, and offset timings at corridor intersections.</li> </ul>	
<p>Lyman Street Corridor (Main Street to Dwight Street):</p> <ul style="list-style-type: none"> <li>• Restripe Lyman Street between Main Street and Dwight Street, and</li> <li>• Install bicycle lanes and wayfinding signage</li> </ul>	Prior to opening
<p>East and West Columbus Avenues at Boland Way Improvements:</p> <ul style="list-style-type: none"> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Restripe Boland Way eastbound between East Columbus Avenue and West Columbus Avenue to include 5-foot bike lane,</li> <li>• Stripe intersection tracking markings across intersection of West Columbus Avenue / Boland Way / Memorial Bridge,</li> <li>• Install “sharrows” along Boland Way between East Columbus Avenue and Main Street and along Boland Way westbound between East Columbus Avenue and West Columbus Avenue,</li> <li>• Upgrade accessible wheelchair ramps at East Columbus Avenue / Boland Way and West Columbus Avenue / Boland Way / Memorial Bridge,</li> <li>• Upgrade for Manual on Uniform Traffic Control Devices (MUTCD)-compliant vehicular and pedestrian traffic signal equipment at East Columbus Avenue / Boland Way and West Columbus Avenue / Boland Way / Memorial Bridge, and</li> <li>• Optimize traffic signal timings, clearance intervals, signal coordination and offset timing at corridor intersections.</li> </ul>	Prior to opening
<p>East and West Columbus Avenue Corridors (Boland Way to Union Street) Improvements:</p> <ul style="list-style-type: none"> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Restripe West Columbus Avenue southbound approach and Memorial Bridge receiving lanes,</li> <li>• Complete pavement mill and overlay East Columbus Avenue between Union Street and State Street, and</li> <li>• Restripe West Columbus Avenue between Boland Way and Union Street.</li> </ul>	Prior to opening
<p><a href="#">East Columbus Avenue at Bliss Street</a>  <a href="#">Coordinate with the City of Springfield on the following:</a></p> <ul style="list-style-type: none"> <li>• <a href="#">evaluate the need for potential speed control measures to help reduce the operating speeds of vehicles turning onto Bliss Street from East Columbus Avenue, and</a></li> </ul>	

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MITIGATION MEASURES	SCHEDULE
<ul style="list-style-type: none"> <li>• <a href="#">evaluate the need for potential advance warning to vehicles on East Columbus Avenue that there may be stopped vehicles on Bliss Street.</a></li> </ul>	
<p>Memorial Bridge:</p> <ul style="list-style-type: none"> <li>• Restripe Memorial Bridge cross-section and install bike lanes,</li> <li>• Remove scored concrete median,</li> <li>• Reconstruct gaps along former scored concrete median with bituminous asphalt pavement, and</li> <li>• Complete pavement rehabilitation and microsurfacing and/or complete pavement mill and overlay on Memorial Bridge per MDOT requirements.</li> </ul>	Prior to opening
<p>Plainfield Street:</p> <ul style="list-style-type: none"> <li>• Restriping the Plainfield Street westbound approach from the existing two through lanes to provide a single through lane and a channelized right-turn lane onto the I-91 NB On-Ramp,</li> <li>• Restriping Plainfield Street westbound to provide one through travel lane between the I-91 NB On-Ramp and I-91 NB Off-Ramp,</li> <li>• Restriping the terminus of the I-91 NB Off-Ramp to enter Plainfield Street, west of the intersection, into its own travel lane,</li> <li>• Construct new sidewalk along Plainfield Street north of US Route 20,</li> <li>• Remove existing offset sidewalk between the newly constructed sidewalk connections,</li> <li>• Install new crosswalk with flashing warning assembly and Americans with Disabilities Act (“ADA”)-compliant accessible ramps immediately east of I-91 Ramps,</li> <li>• Install “No Pedestrian Crossing” signage at locations along the northerly side of Plainfield Street at the I-91 Ramps and Birnie Avenue, and</li> <li>• Construct accessible wheelchair ramps, install pedestrian countdown indications and push buttons at Plainfield Street (US Route 20) / West Street (US Route 20) /Plainfield Street /Avocado Street intersection.</li> </ul>	Prior to opening
<p><b><u>Intelligent Transportation System Enhancements:</u></b>  To improve route operations for the motoring public and MassDOT’s ability to monitor traffic and safety conditions, MGM has committed to work with MassDOT to deploy variable message signs and install cameras along Route 5 in West Springfield and along Route 57 in Agawam as further detailed in the MassDOT Section 61 Findings. This equipment would be used to inform the public of the following:</p> <ul style="list-style-type: none"> <li>• Detour routes to follow when a traffic incident, construction, or traffic congestion warrants diversion of vehicles to an alternative route,</li> <li>• Alternative routes to use during special events to avoid traffic congestion or locate appropriate and convenient parking, and</li> <li>• Location of available parking in the Downtown area and routes for access.</li> <li>• Other needs identified by MassDOT as part of their normal traffic management procedures</li> </ul>	Prior to opening
<p><b><u>Transportation Demand Management:</u></b>  MGM will fund and implement a transportation demand management (“TDM”)</p>	During site

MITIGATION MEASURES	SCHEDULE
<p>program to reduce traffic trips consisting of the following elements, to be confirmed based on those described in the final MassDOT Section 61 Finding:</p> <p><b><u>Transit Measures</u></b></p> <ul style="list-style-type: none"> <li>• Coordinate with PVT A to periodically review bus service directly serving the site and overall service,</li> <li>• Implement trolley service for no fare on scheduled service days between the Project site, Union Station, and local attractions; such as Basketball Hall of Fame and Quadrangle Museum Zone,</li> <li>• Promote the use of public transportation and coordinate with PVT A to provide information on the availability of service to employees and patrons,</li> <li>• Provide transit schedules and information about program services,</li> <li>• Provide improved bus stops with passenger amenities (weather protection, seating, real time information, customer information) immediately adjacent to the Project site,</li> <li>• Provide ongoing maintenance of bus stop facilities and amenities installed as part of the Project,</li> <li>• Provide preferential shift selection to employees using transit services, and align shifts to the extent possible with PVT A transit service, where feasible</li> <li>• Provide on-site transit pass sales and offer pre-tax pass sales for employees that enroll in the program,</li> <li>• As part of employment application process, ask prospective employees about likely use of public transportation, and</li> <li>• Provide a forum for employees to give customer feedback on transit service for Transportation Coordinator to share with PVT A to target future public or private improvements in service.</li> </ul> <p><b><u>Pedestrian and Bicycle Measures</u></b></p> <ul style="list-style-type: none"> <li>• Update and retrofit pedestrian signal equipment at study area intersections surrounding the site and along Main Street between Union Station and the site,</li> <li>• Provide striping improvements for bicycle lanes or sharrows along with corresponding bike signs,</li> <li>• Provide pedestrian and bicycle wayfinding signage throughout Downtown Springfield on roadways providing direct access to the site. This includes coordinating with retailers, employers, and property managers to distribute bicycle and pedestrian route maps to casino, hotel, and retail patrons, employees, and residents,</li> <li>• Provide ADA improvements at wheelchair ramps near the site,</li> <li>• Provide enhanced connectivity to the Connecticut River Walk and Bikeway,</li> <li>• Provide secure, weather protected, long-term bicycle parking (for employees and residents) at designated locations within the Project site,</li> </ul>	<p>operation</p>

MITIGATION MEASURES	SCHEDULE
<ul style="list-style-type: none"> <li>• Provide bicycle racks for short-term users at several locations on-site,</li> <li>• Provide bicycles and equipment for employees,</li> <li>• Implement bicycle share program,</li> <li>• Provide showers for employees who commute by walking or biking,</li> <li>• Include a repair station near the bike cages and/or advertised visits by a local mechanic,</li> <li>• Provide on-site bicycle education classes such as basic maintenance and repairs, rules of the road and winter cycling,</li> <li>• Canvas employees to identify potential "bicycle captains" and inexperienced cyclists that would be willing to participate in a Bike Buddy Program,</li> <li>• Reconstruct sidewalks along streets surrounding the site that are affected by project construction activities to improve access,</li> <li>• Construct mid-block crossing with pedestrian warning device on State Street to service the pedestrian traffic between the Project parking structure and the adjacent courthouse,</li> <li>• Construct mid-block crossing with raised median island on Union Street to service pedestrian traffic to land uses along southerly side of Union Street, and</li> <li>• Provide employee incentive programs such as "CommuterFit" and "Workout to Work" that allow participants to log miles each month walked or bicycled to work. MGM will work with programs such as NuRide to implement these as part of work wellness program with incentivized participation.</li> </ul> <p><b><u>Parking Measures</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Coordinate with the City of Springfield and expedite, to the extent feasible, MGM Springfield's construction employee parking plan.</u></a></li> <li>• Provide a reduced valet rate for vehicles with three or more patrons,</li> <li>• Provide preferential parking for rideshare, carpool, and hybrid vehicles,</li> <li>• Provide charging stations for electric vehicles, which will be located near the doorways on each floor of the parking structure,</li> <li>• Implement an intelligent parking system to direct drivers to open parking spaces or nearby facilities controlled by the Springfield Parking Authority,</li> <li>• Employee parking "buy out" program, which will provide a financial incentive for employees to use alternative modes of transportation;</li> <li>• Promote TDM programs alongside sale and delivery of parking information for employees and visitors, and</li> <li>• Study how the proposed parking fee structure may impact project related traffic, determine whether market rate pricing may reduce the number of single occupancy vehicle ("SOV") trips and report to the Commission on potential changes to the parking fee structure to encourage fewer SOV trips.</li> </ul>	

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MITIGATION MEASURES	SCHEDULE
<p><b><u>Other Measures</u></b></p> <ul style="list-style-type: none"> <li>• Appoint a Transportation Coordinator on-site to oversee, implement, monitor, and evaluate TDM measures, employed or funded by MGM. Responsibilities of the Coordinator will include: <ul style="list-style-type: none"> <li>• Posting and distributing announcements;</li> <li>• Holding promotional events to encourage ridesharing, using public transit, bicycling, and walking;</li> <li>• Monitoring the TDM program and assisting in the evaluation;</li> <li>• Providing transit schedules and information about program services;</li> <li>• Coordinating on-site sales of transit passes;</li> <li>• Managing transit subsidy or discount programs for employees;</li> <li>• Coordinating rideshare and carpool programs and preferential parking for participants;</li> <li>• Coordinating with PVRTA and MassRIDES to implement TDM programs and improve transit mode share; and</li> <li>• Collecting and reviewing transportation data and employee surveys and coordinating with transportation consultant for review of post occupancy conditions and “look back” intersection studies.</li> </ul> </li>   <li>• Partner with MassRIDES to implement and monitor TDM measures,</li> <li>• Offer preferential shifts to employees using transit to align with PVRTA service,</li> <li>• Register employees with NuRIDE to encourage ride-sharing and "green" trips,</li> <li>• Provide a car sharing program through a third party provider such as Zip Car or equivalent for resident and employee use with convenient spaces located within the parking structure,</li> <li>• Encourage vanpool and carpooling participation through marketing, events and vanpool formation meetings,</li> <li>• Offer pre-tax payment option for employee vanpool fares,</li> <li>• Offer employees a guaranteed ride home program through participation with NuRide,</li> <li>• Provide and update a monthly Commuter Bulletin,</li> <li>• Provide real-time traffic/weather information,</li> <li>• Team up with local partners and provide lunchtime tours to help employees discover local amenities and attractions,</li> <li>• Promote safe commuting by all modes through a multi-modal safety awareness campaign. Increase awareness of multi-modal user needs with printed, online or interactive information as developed,</li> <li>• Implement electronic sign-up for TDM programs to support creation of a database of participants to track program effectiveness and costs,</li> <li>• Facilitate events through coordination with MassRIDES and PVRTA, and</li> <li>• Establish a monitoring system to evaluate TDM goals.</li> </ul>	

MITIGATION MEASURES	SCHEDULE
<p>The TDM program will be modified, as necessary, contingent upon the outcome of the proposed transportation monitoring program, to ensure mode share estimates presented in the FEIR are met.</p>	
<p><b>Off-Site Roadway Improvements</b>  Construct off-site roadway improvements required by MassDOT and/or the City of Springfield as mitigation measures consistent with "Complete Streets" principles to the extent reasonable and practicable at the intersections where other physical improvements are already proposed. These improvements include:</p> <ul style="list-style-type: none"> <li>• Reconstruct existing curb cut ramps to bring them into compliance with ADA and Architectural Access Board regulations,</li> <li>• Reconstruct pedestrian traffic signals to bring them into compliance with the most recent version of the MUTCD, and</li> <li>• Bicycle and pedestrian accommodations where feasible such as, “bike boxes” at certain signalized intersections to reduce bicycle/vehicle conflicts, new or renovated PVTA bus stops and reconfiguration of on-street parking to provide additional safety measurements for pedestrians and bicyclists.</li> </ul> <p><a href="#">Coordinate with the City of Springfield and MassDOT and expedite, to the extent feasible, offsite roadway and intersection work</a></p>	<p>Prior to opening</p>
<p><b>Public Transportation:</b>  MGM must fulfill its commitment to reach an agreement with the PVTA that will capture all public transportation agreements and commitments on the Project, which are likely to include final details on:</p> <ul style="list-style-type: none"> <li>• Commitment to fund ADA paratransit trips that serve the Project,</li> <li>• Provision of trolley/circulator service, to be operated by PVTA, including final details on trolley route, stops and hours of operation,</li> <li>• Improvements to bus stops on Main Street, including passenger amenities,</li> <li>• Ongoing commitment to maintain bus stops, including snow removal,</li> <li>• Working with PVTA and other stakeholders on ways to manage/provide/serve Seniors using the current Dial-a-Ride or other alternate means for travel to the Project,</li> <li>• Targeting a transit mode share for employees,</li> <li>• Promotion of PVTA passes to MGM employees,</li> <li>• Provision of transit information in a centralized location at the Project for all users, including prominent placement of information about PVTA service,</li> <li>• Implementing onsite PVTA pass and fare sales,</li> <li>• Granting preferential shifts to employees who take public transportation, where feasible so they can utilize existing transit services,</li> <li>• Committing to continually working with PVTA to review service levels</li> </ul>	<p>At occupancy and during operation</p>

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MITIGATION MEASURES	SCHEDULE
<p>and demand for the Project, and working collaboratively to alter service as warranted,</p> <ul style="list-style-type: none"> <li>• Providing a robust Transportation Demand Management program for employee to discourage single occupancy vehicle travel, and encouraging alternate transportation, including PVTA service</li> <li>• Completing annual monitoring of transportation usage, with a goal of reaching target mode shares.</li> </ul> <p>Upon site occupancy and during operation, MGM must work with the PVTA to assess actual changes to transit demand and identify corresponding mitigation, as warranted.</p>	
<p><b><u>Road Safety Audits:</u></b>  Conduct road safety audits as part of the 25 percent design process for intersection improvements at the following locations:</p> <ul style="list-style-type: none"> <li>• Dwight Street/Interstate 291 southbound ramps,</li> <li>• Mill Street/Locust Street/Belmont Avenue/Fort Pleasant Avenue,</li> <li>• State Street between Main Street and Spring Street / School Street,</li> <li>• State Street between Federal Street and Orleans Street,</li> <li>• Union Street between West Columbus Avenue and Main Street,</li> <li>• Main Street between Liberty Street and Worthington Street</li> <li>• Main Street/West Columbus Avenue/East Columbus Avenue/Longhill Street, and</li> <li>• Plainfield Street (US Route 20) between I-91 northbound Exit 9 ramps and the North End Bridge.</li> </ul> <p>MGM is also committed to incorporating any reasonable and feasible short term improvements identified as part of the audits referenced above into the design of the off-site roadway improvements along these roadway segments.</p>	<p>During Project design</p>
<p><b><u>Traffic Monitoring Plan:</u></b>  Complete a Traffic Monitoring Plan (TMP) as described in pages 42-44 of the Secretary’s Certificate, as amended by pages 17-19 of the NPC Certificate, with an evaluation of the following:</p> <ul style="list-style-type: none"> <li>• Traffic operations at key study area intersection and roadways surrounding the project,</li> <li>• Adequacy of the constructed parking supply, and</li> <li>• Effectiveness of TDM measures.</li> </ul>	<p>Prior to and during construction and during operation</p>
<p><b><u>“Look-Back” Studies:</u></b>  Complete “look-back” studies in accordance with the Surrounding Community Agreements. The final scope of the look back approach, including the roadways for evaluation, will be developed in coordination with each respective community, Pioneer Valley Planning Commission, MGM, and each entity’s consultants.</p>	<p>During operation</p>
<p><b><u>Optimization Measures:</u></b>  Work with MassDOT during and post permitting to optimize traffic operations and manage access along some project corridors (notably Main Street and Union</p>	<p>During permitting and operation</p>

MITIGATION MEASURES	SCHEDULE
Street).	
<b>Air Quality</b>	
Implement a TDM program (described above and in the MassDOT Finding) to mitigate the projected emissions increase between the 2024 No Build and 2024 Build Conditions (7% increase in volatile organic compounds and 5% increase in nitrogen oxides).	During operation
Install on-site stationary sources of potential air pollutants, including the proposed combined heat and power (“CHP”) system in accordance with MassDEP’s Environmental Results Program or air quality permitting regulations, as applicable.	Prior to and during construction
<b>GHGs</b>	
<p>Incorporate the following elements, or measures achieving similar energy use reductions, into the final Project design:</p> <ul style="list-style-type: none"> <li>• High efficiency water cooled chillers</li> <li>• Water side economizers</li> <li>• Air side economizers</li> <li>• Variable air volume systems</li> <li>• Variable speed pumping</li> <li>• Variable speed cooling tower fans</li> <li>• Demand controlled kitchen exhaust (with tenant participation)</li> <li>• Increased air filtration</li> <li>• High performance building envelope</li> <li>• Green roof</li> <li>• High-albedo roofs</li> <li>• Premium electric motors</li> <li>• Energy recovery ventilation</li> <li>• Demand controlled ventilation (in garage, and where the occupant density exceeds 40 persons per thousand square feet)</li> <li>• Room occupancy sensors for lighting (and HVAC in hotel rooms)</li> <li>• Daylighting (where possible)</li> <li>• Reduced lighting power density below ASHRAE guidelines (except residential and guest room spaces)</li> <li>• High performance lighting</li> <li>• Low-flow fixtures</li> <li>• Energy star appliances</li> <li>• Energy management system</li> <li>• Inspections and air sealing</li> <li>• Enhanced refrigerant management and use of refrigerants with lower global warming potentials</li> <li>• Regional building materials</li> <li>• Low-volatile organic compound (“VOC”) adhesives, sealants, paints, carpets, and wood (where feasible)</li> </ul>	Prior to and during construction
Incorporate an approximately 200 kW CHP system, and review of options to	Prior to and

MITIGATION MEASURES	SCHEDULE
increase the CHP size during final design;	during construction
Roof areas not significantly shaded and not designated for other uses will be constructed “solar-ready” such that they can support the live loads and include space for conduit runs and electrical gear such as inverters and meters.	Prior to and during construction
Incorporate onsite solar photovoltaic (PV) systems, with sizes and locations to be determined during final design. Preliminary analysis identified an estimated average annual energy production from the podium PV system at 246.54 megawatt hours (MWh) per year and the parking structure PV system at 807.91 MWh per year, resulting in total carbon dioxide offsets of 379.1 tons per year. MGM reserves the right to seek revision of this condition based upon structural and economic feasibility including but not limited to potential changes in state and federal tax credits and other subsidies for PV in Massachusetts.	Prior to and during construction
Incorporate a ground source heat pump system to provide energy to the daycare facility, and review of alternatives to expand the system.	Prior to and during construction
Purchase of Renewable Energy Credits such that at least 10 percent of the facility's annual electricity consumption is from onsite or offsite renewable energy sources.	During operation
<p>Conduct a review in the final Project design of the cost and benefit of addition of the following Project elements (including funding availability):</p> <ul style="list-style-type: none"> <li>• Advanced elevators (machine room-less, permanent magnet gearless with efficient drives) and advanced escalators,</li> <li>• Improvements to the building envelope and lighting power densities,</li> <li>• Electronically commutated motors for terminal units,</li> <li>• Solar hot water to support specific end uses,</li> <li>• Chillers with improved full-load efficiency, and</li> <li>• Oversized cooling towers that can supply condenser water to the chiller condensers at a temperature less than or equal to 75 degrees for 95% of the operating hours per year</li> </ul>	Prior to and during construction
Include energy efficiency criteria in the electronic gaming machine selection and purchase process.	During operation
Conduct annual energy use surveys using information collected by energy management system and monitor all major sources of energy consumption.	During operation
Implement the traffic-related strategies to reduce emissions from vehicles as outlined in the traffic mitigation section above, including providing electric vehicle charging stations and designated parking spaces for alternatively fueled vehicles within the parking garage consistent with patron demand.	Prior to and during construction
Provide a self-certification document to the MEPA Office signed by an appropriate professional (e.g., engineer, architect, transportation planner, general contractor) and indicating that all of the required mitigation measures, or their equivalent, have been completed for each phase. The certification will be supported by plans that clearly illustrate what type of GHG mitigation measures have been incorporated into the Project. For those measures that are operational in nature, MGM will provide an updated plan identifying the measures, the schedule for implementation, and a description of how progress towards	After construction and during operation

MITIGATION MEASURES	SCHEDULE
achieving the measures will be obtained.	
Implement the traffic-related strategies to reduce motor vehicle traffic and idling times as outlined in the traffic mitigation section, including improved bicycle and pedestrian access, bicycle storage, and carpool/vanpool/car sharing parking spaces. Activities to encourage public and alternative transportation will be coordinated by a fulltime, on-site Transportation Coordinator.	Prior to and during construction
Continue to explore feasible energy efficiency measures for incorporation into the final Project to meet and exceed Commission requirements and support Commonwealth’s GHG reduction goals.	Prior to and during construction and during operation
Achieve LEED Gold certification or higher and meet Massachusetts Stretch Energy Code requirements.	Prior to and during construction
<b>Water Supply and Wastewater</b>	
<p>Replace:</p> <ul style="list-style-type: none"> <li>• The twin 12-inch water mains in Main Street with one 16-inch water main;</li> <li>• The 10-inch sewer main within Union Street with a 12-inch sewer main;</li> <li>• The 24-inch water main in Union Street; and</li> <li>• The 12-inch vitrified clay sewer main and upgrade hot water mains in Howard and Bliss Streets where the roadway ROW will remain.</li> </ul> <p>Implement the following water conservation and reuse measures (overseen by a designated Water Conservation Manager):</p> <ul style="list-style-type: none"> <li>• Rainwater reuse for landscape irrigation,</li> <li>• Weather-based irrigation controllers,</li> <li>• Installation of drip irrigation systems,</li> <li>• Drought tolerant plants,</li> <li>• Installation of low-flow urinals,</li> <li>• Installation of low-flow water closets (1.1 gallons per flush (gpf) for liquids and 1.6 gpf for solids),</li> <li>• Installation metering faucets (fitted with 0.5 gallon per minute (gpm) aerators with 15 seconds run time), and</li> <li>• Education and training programs.</li> </ul> <p>The water conservation measures identified above will minimize the Project’s wastewater generation. Low Impact Development techniques will be implemented to minimize the volume of storm water runoff, which will in turn reduce impacts on the wastewater collection and treatment systems.</p>	During construction and occupancy
Work with the Springfield Water and Sewer Commission (“SWSC”) and the City of Springfield to identify and mitigate potential impacts on abutting properties. This may include the installation of backflow preventers on service laterals to prevent a surcharge during heavy rainfall.	Prior to and during construction

MITIGATION MEASURES	SCHEDULE
Execute a Memorandum of Understanding with the SWSC to memorialize water and sewer infrastructure commitments including maintenance, inspections, monitoring, reporting, and continued communication.	Prior to and during construction
Investigate technologies to minimize water use and wastewater generation associated with food preparation and dishwashing and on-site laundry services and hotel shower fixtures to further reduce project related water and wastewater impacts.	Prior to and during construction and during operation
<b>Hazardous Materials</b>	
<p>Prior to building demolition or renovation, hazardous building materials will be abated or removed in accordance with applicable regulations.</p> <p>No major impacts to soil or groundwater quality from oil or hazardous materials that may significantly impact construction have been identified or are anticipated, based on due diligence activities performed to date.</p>	Prior to and during construction
Consistent with the requirements of the Activity and Use Limitation (AUL) (RTN 1-12379), located at 38-50 Howard Street, this portion of the project site has been designed to accommodate the development of the main floor and basement offices of the casino building.	Prior to and during construction
Construction activities within identified Massachusetts Contingency Plan (“MCP”) disposal sites will include an environmental monitoring plan to monitor potential impacts to neighboring properties. The environmental monitoring plan will set dust action levels and VOC ambient air monitoring requirements for the Project. Air monitoring with dust meters and a photoionization detector will be a key component of the environmental monitoring plan included within the Release Abatement Measure.	Prior to and during construction
Engage a Licensed Site Professional to manage the MCP-submittal process and manage potential construction-period waste, soil and groundwater remediation in accordance with the MCP.	During construction
<b>Historic Resources</b>	
<p>To mitigate adverse impacts on properties listed on the National Register, the State Register and the Inventory of Historic and Archaeological Assets of the Commonwealth, MGM will utilize a variety of techniques ranging from full preservation, to partial preservation, to relocation of historic properties within the Project, as set forth in the FEIR and the Secretary’s Certificate and as summarized above. The Commission recognizes, however, that there will be full or partial demolition of a number of those listed properties, including without limitation the Howard Street Primary School, which was damaged in the 2011 tornado and has been condemned.</p> <p>As anticipated in the FEIR, MGM has prepared a final MOA with MHC and the Commission describing mitigation measures concerning historic properties. The MOA includes, without limitation, the following preservation measures:</p> <ul style="list-style-type: none"> <li>• Renovation of certain State Register Properties and other historic properties,</li> <li>• Partial preservation of State Register Properties and other historic</li> </ul>	Prior to and during construction

MITIGATION MEASURES	SCHEDULE
<p>properties,</p> <ul style="list-style-type: none"> <li>• Relocation and renovation of State Register properties,</li> <li>• Photographic documentation of the buildings prior to demolition,</li> <li>• Design review,</li> <li>• Creation of a Historic Preservation Trust Fund funded by MGM and the Commission,</li> <li>• Recording of historic covenants,</li> <li>• Salvage and reuse of architectural elements within the Project, and</li> <li>• Interpretive signage and displays providing information about the history of the Project area.</li> </ul> <p>To mitigate adverse impacts on properties listed on the National Register, the State Register and the Inventory of Historic and Archaeological Assets of the Commonwealth, MGM shall comply with these and other mitigation measures in the MOA. The MOA is attached as Exhibit A and incorporated herein by reference.</p>	
<b>Storm water</b>	
<p>Use appropriate Best Management Practices and Low Impact Development concepts to mitigate the storm water impacts from the proposed development including any increased peak flows to Union Street if necessary. Among other things, 1.3 acres of impervious surfaces will be eliminated, MGM will install deep sump catch basins, infiltration systems, hydro-dynamic (proprietary) separators, and 2.2 acres of green roofs, perform rainwater capture, and adhere to a specific maintenance schedule.</p>	<p>During construction and occupancy</p>
<p>Design and construct the Project consistent with MassDEP Storm water Management Standards. The storm water management system will reduce peak rates of runoff at each design point and provide treatment to improve water quality of discharge, compared to existing conditions.</p>	<p>During construction and occupancy</p>
<p>Register the storm water system's infiltration system in accordance with the MassDEP Underground Injection Control program.</p>	<p>During construction and occupancy</p>
<b>Construction</b>	
<p>Within the site, activities such as excavation, pile driving, and steel erection will only be allowed during permitted hours. Every two weeks, the contractor will publish an updated schedule of upcoming work and will disseminate the schedule to affected parties in local neighborhoods. In addition, the general contractor will publish monthly schedule updates describing progress as well as projected activity for the next month. This information will be available on a Project website that will allow neighbors real-time access to the most up-to-date construction information.</p>	<p>Prior to and during construction</p>
<p>As this Project will be constructed simultaneously to the I-91 Viaduct Deck Replacement Project, MGM and its construction contractor will coordinate with MassDOT and its construction contractor on a regular basis throughout the entire construction process to minimize impacts prior to and on the surrounding transportation infrastructure. Both MGM and MassDOT are currently planning</p>	<p>Prior to and during construction</p>

MITIGATION MEASURES	SCHEDULE
to incorporate language into each respective construction contract to define a need for bi-weekly construction coordination meetings to evaluate traffic detours, parking demands, major trucking needs, and other related items.	
MGM or its general contractor shall develop a parking plan for the City of Springfield’s review and approval, which shall include the general contractor's plans and protocols for enforcing the prohibition on construction personnel parking personal vehicles on streets in the adjacent neighborhood. Terms and conditions to maximize protection of the neighborhoods related to workforce parking will be written into each subcontract and reviewed with each worker during a mandatory orientation. Terms and conditions encouraging public transportation use will be included in each subcontract. MGM shall coordinate with the Springfield Parking Authority, City of Springfield, and owners of private parking facilities throughout downtown Springfield to identify locations to accommodate construction employee parking, as well as parking for uses displaced from the site during construction.	Prior to and during construction
The general contractor will develop a construction period traffic management plan for review and approval by the city and state. Signage, traffic cones, drums, and other traffic control measures will be employed during construction to provide positive guidance for traffic near the work zone. The FEIR provides sample temporary traffic control plans for construction of improvements near the MGM Project site. These plans will be refined as the project advances to the 25% design stage and will require review and approval by the City of Springfield and MassDOT District 2 Staff.	Prior to and during construction
Effort will be made to minimize the noise impact of construction activities. Mitigation measures will include: <ul style="list-style-type: none"> <li>• Instituting a proactive program to ensure compliance with the City of Springfield noise ordinance,</li> <li>• Using appropriate mufflers on all equipment and ongoing maintenance of intake and exhaust mufflers,</li> <li>• Replacing specific construction operations and techniques by less noisy ones where feasible,</li> <li>• Selecting the quietest of alternative items of equipment where feasible.</li> <li>• Turning off idling equipment and comply with Mass DEP’s anti-idling regulations, and</li> <li>• Locating noisy equipment at locations that protect sensitive locations by shielding or distance.</li> </ul>	Prior to and during construction
Precondition surveys and vibration monitoring will be conducted prior to and during construction to document initial conditions and to monitor vibration levels during construction. Soil borings and geotechnical analysis will be undertaken in strategic areas of the project site, following MGM’s securing ownership of the property.  The Construction Management Plan will establish vibration limits and other similar performance criteria, as well as require the contractor to plan and implement mitigating measures if adverse impacts were detected during construction. Below-grade work would be conducted under the technical	Prior to and during construction

MITIGATION MEASURES	SCHEDULE
monitoring of a geotechnical engineer, to observe and document construction procedures, monitor vibrations, and to anticipate and facilitate any needed mitigation measures.	
MGM and its construction teams will evaluate the Commonwealth's Clean Air Construction Initiative, which includes incorporating Construction vehicles with emission reducing control devices.	Prior to and during construction
Establish a goal of 100 percent diversion of construction waste.	Prior to and during construction
<b>Environmental Justice</b>	
<p>The FEIR, the Secretary's FEIR Certificate, the NPC, and the NPC Certificate do not expressly discuss environmental justice issues pertinent to former Governor Patrick's Executive Order No. 552 on Environmental Justice (11/20/14) or the prior EOEEA Environmental Justice Policy (10/9/02). Nonetheless, the Commission finds that the proposed Project will make significant positive environmental justice contributions to the host community of Springfield and the surrounding area. These positive contributions include the rehabilitation and revitalization of a significant portion of downtown Springfield ravaged by the 2011 tornado and associated displacement of businesses and other enterprises, the use of environmentally-sensitive design in all aspects of the Project as described above, and the creation of significant numbers of new jobs arising out of and related to the construction and operation of the proposed facility, which jobs will directly and substantially benefit disadvantaged persons in the local community. Based on the mitigation measures discussed above, the Commission finds that these positive contributions can be achieved while damage to the environment is mitigated or avoided.</p>	

## FINDINGS

Pursuant to G.L. c. 30, § 61, and 301 CMR 11.12(5), the Massachusetts Gaming Commission finds that all feasible measures have been taken to avoid or minimize impacts of the Project and damage to the environment. Specifically, the Commission finds that:

1. Environmental impacts resulting from the proposed Project within the parameters of the Original Design and the Revised Design within the scope of MEPA are those impacts described in the Final Environmental Impact Report dated November 6, 2014, the Secretary's Certificate on the FEIR dated December 31, 2014, the Notice of Project Change dated October 15, 2015, and the Secretary's Certificate on the Notice of Project Change dated November 25, 2015;
2. MGM shall comply with and shall implement (a) the License conditions in the Commission's conditional License for the Project dated November 6, 2014 and referenced in the Secretary's Certificate, (b) the terms and conditions of the Executed Mitigation Agreements, (c) the mitigation measures described in these Section 61 Findings, the FEIR, the Secretary's Certificate, the NPC, and the NPC Certificate (d) the Section 61 Findings and conditions to be issued by other Agencies of the Commonwealth in their final Agency Action on the Project, in particular those Section 61 findings issued by MassDOT, (e) the MOA between the MHC, MGM and the Commission, (f) any mitigation measures required by the City of Springfield as part of its review and permitting of the Project and (g) additional conditions consistent herewith imposed by the Commission in the final License pursuant to 205 CMR 120.02(1)(a); and
3. Appropriate conditions will be included in any final License issued for the Project pursuant to 301 CMR 11.12(5) (b) and 205 CMR 120 to ensure implementation of the conditions and mitigation measures identified herein.
4. The Commission may conduct a regular quarterly review of compliance with the Section 61 Findings and the conditions of the Gaming License.

\_\_\_\_\_  
Chair, Massachusetts Gaming Commission

\_\_\_\_\_  
Date



## **MEMORANDUM**

**To:** Massachusetts Gaming Commission (MGC)  
**Cc:**  
**From:** Green International Affiliates, Inc. (Green)  
**Date:** December 16, 2015  
**Project:** Traffic & Parking Review; Massachusetts Gaming Commission Category 1 Casino License, Region B – MGM Springfield. (Green No. 14029)  
**Subject:** Section 61 Reviews – Traffic and Transportation

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Green has performed a review of the Draft MGC Section 61 Findings dated 12/14/15 and MGM's recommended Section 61 Findings to MassDOT dated 8/3/15. Below is a summary of our comments relating to the traffic and transportation items presented in the Draft MGC Section 61 Findings and other notable items from our review of the MGM recommended Section 61 Findings to MassDOT. This memorandum also includes our recommended additional traffic and transportation items for possible inclusion into the MGC Section 61 Findings. Our recommendations are based on the Notice of Project Change (NPC) dated 10/15/15.

### **GREEN'S COMMENTS ON THE DRAFT MGC SECTION 61 FINDINGS**

#### **Road Safety Audits**

The Draft MGC Section 61 Findings and the Massachusetts Environmental Policy Act (MEPA) Certificate on the FEIR included nearly identical language under this item. However, MGM's recommended Section 61 Findings to MassDOT identified a slightly expanded scope for the Road Safety Audits (RSA).

Draft MGC Section 61 Findings included the following location for the RSAs:

- Mill Street/Locust Street/Belmont Avenue/Fort Pleasant Avenue

MGM's recommended Section 61 Findings to MassDOT expanded the scope of the RSA slightly for the above location:

- Main Street/Belmont Avenue between Mill Street/Locust Street and York Street

It is suggested that the MGC Section 61 Findings be revised slightly to be consistent with MGM's recommended Section 61 Findings to MassDOT.

#### **OTHER ITEMS OF NOTE FROM MGM'S RECOMMENDED SECTION 61 FINDINGS TO MASSDOT**

It appears that MGM has expanded the following mitigation measures for several items when compared to the mitigations proposed in the FEIR:

- State Street and Main Street intersection – if feasible given the site constraints, the State Street eastbound approach is proposed to be reconstructed such that this approach will provide two travel lanes, consisting of a through lane and a dedicated right-turn lane. In the FEIR, MGM had proposed

a single shared through/right-turn lane for this approach which matches existing conditions. The language in MGM's recommended Section 61 Findings to MassDOT stated "Reconstruct the State Street eastbound approach to provide a through lane and, if feasible give the proximity of utilities and subsurface vaults, an exclusive right-turn lane".

- Bicycle Racks – MGM's recommended Section 61 Findings to MassDOT Findings stated that "...secure, weather protected, long-term bicycle parking (for employees and residents) will be provided at designated locations within the Project structures". In the FEIR, "MGM Springfield garage" was listed instead of "Project structures".

The above expanded requirements are minor in nature and we believe that additional coordination between MassDOT and MGM have occurred since August of 2015. Therefore, in an effort to avoid possible conflicting language with the final MassDOT Section 61 Findings, we recommend only refering the requirements stated in the MassDOT Section 61 Findings for the above items and not list the details as stated above and in the MGM's recommended Section 61 Findings to MassDOT dated 8/3/15.

### RECOMMENDED ADDITIONS TO THE MGC SECTION 61 FINDINGS

The following are additional items that may warrant inclusion into the final MGC Section 61 Findings.

- East Columbus Avenue at Bliss Street – The proposed deceleration lane on East Columbus Avenue has been removed and we believe that this change could result in potential safety concerns that warrant further evaluation during the final design process. It is recommended that MGM coordinate closely with the City of Springfield during the Site Plan Review Process and evaluate the need for the following items:
  - ❖ Potential speed control measures to help reduce the operating speeds of vehicles turning onto Bliss Street from East Columbus Avenue.
  - ❖ Potential advance warning to vehicles on East Columbus Avenue that there may be stopped vehicles on Bliss Street.
- Based on the I-91 Viaduct project traffic management approach and the potential of vehicles using local roadways as alternate routes or detours from I-91, there may be potential benefits for the region if MGM implements its proposed offsite roadway and intersection mitigation measures as early as possible. This would help improve the traffic operations along the local roadways that are likely to service the detoured traffic that could result from the I-91 Viaduct project during construction. We recommend that MGM expedite the implementation of the proposed offsite roadway and intersection improvements as much as possible with an understanding that the proposed improvements need to be coordinated with various public agencies and that a formal review process still needs to be followed.
- It is our understanding that MGM is no longer proposing to accelerate construction of the parking garage structure. As a result, it is anticipated that the MGM construction employees will need to be accommodated offsite for a longer duration than expected based on the FEIR. This change further emphasizes the importance of MGM finalizing their construction employee parking plan early and allow appropriate time for the City's review and approval of the parking plan prior to the start of construction. We recommend that MGM expedite their process of finalizing their construction employee parking plan for the City's review and approval as much as possible. This recommendation

should be added to the third paragraph/section under the Construction portion of the Draft MGC Section 61 Findings.

## OTHER ITEMS OF NOTE

Based on the updated garage layout depicted in the NPC, notable changes from the site plan presented in the FEIR included include the following:

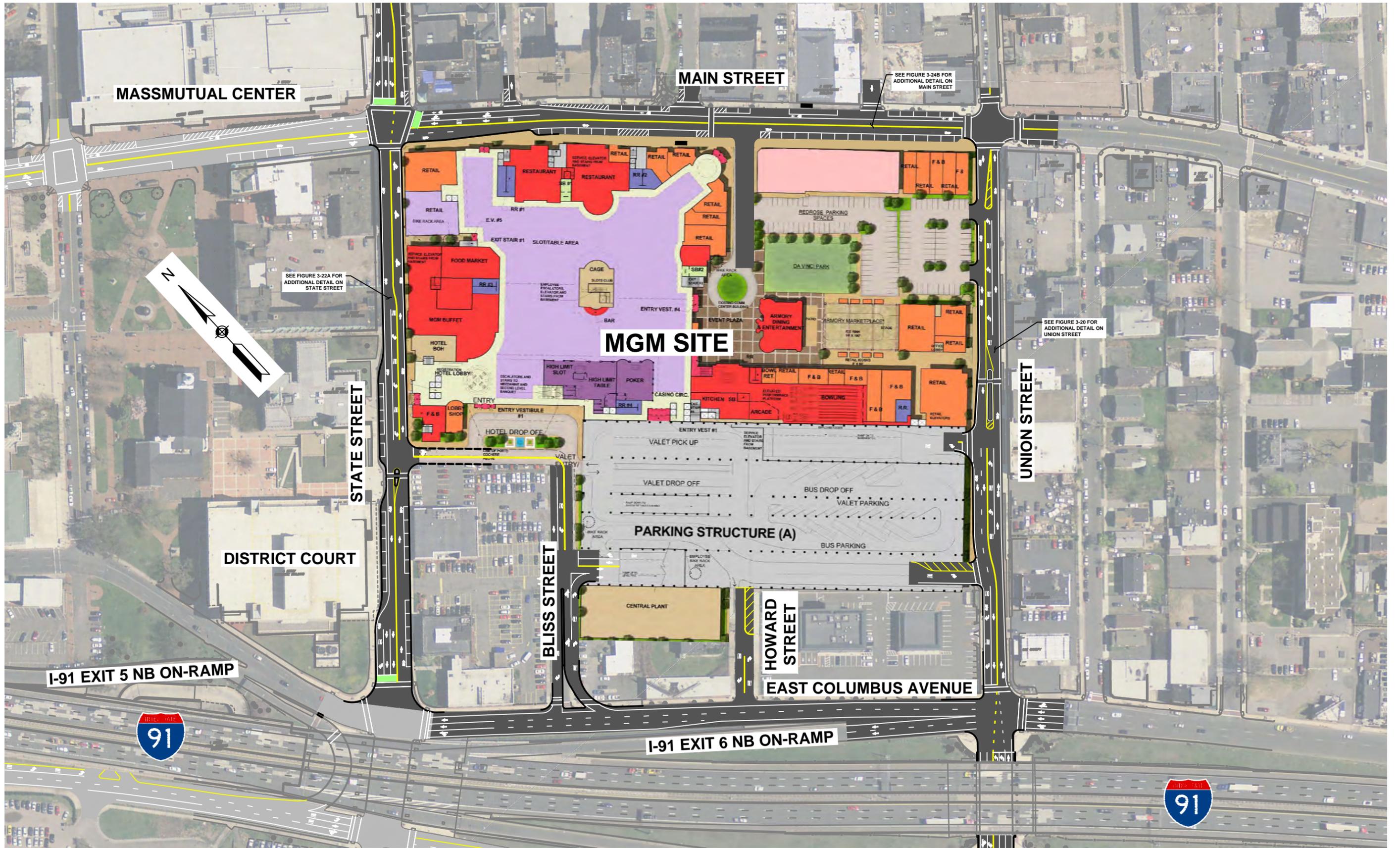
- An off-ramp is provided from the second level of the garage for direct exit to Union Street.
- Howard Street exit can only be accessed by turning left at the bottom of the ramp near the Bliss Street exit. This left turning movement will need to yield to the vehicles entering the garage from Bliss Street.

It appears that the current access/egress layout will discourage vehicles from using the Howard Street exit. The NPC has acknowledged that some of the traffic projected to use the Howard Street exit will now likely to use the Union Street or Bliss Street exits. However, in a follow up response letter from MGM's consultant, The Engineering Corp (TEC), to address the Pioneer Valley Planning Commission (PVPC) comments dated 11/6/15 on the NPC, the reduction of the exiting traffic from the Howard Street exit is redistributed entirely to the Bliss Street exit.

Based on our review of the updated garage layout, we believe that the majority of the traffic projected to use the Howard Street exit will be redistributed to use either the Union Street or the Bliss Street exits because exiting vehicles have a direct path to these exits. Although Howard Street provides access to I-91 and local roadways, it does not provide any added access/time benefits for drivers to choose this exit over the Union Street or Bliss Street exit. Additionally, the use of the Howard Street exit is further discouraged by the required left-turn movement and the need to yield at the bottom of the ramp. Therefore, in our opinion, it is likely that the Union Street exit will experience higher traffic volumes than currently projected. As a result, it may be beneficial for MGM to reconsider the traffic volume distribution within the garage as this additional traffic could have an adverse impact to the traffic performance along the Union Street approach to East Columbus Avenue.

Green and TEC have coordinated since our concerns were initially noted. TEC provided to Green, new traffic analysis data on 12/15/15 for review. In the new analysis, all of the traffic volumes projected to use the Howard Street exit have been redistributed to use either the Bliss Street exit or the Union Street exit. The new analysis projected that an additional 68 vehicles will use the Union Street exit during the Friday evening and Saturday Midday peak periods. The projected additional volume appears to be adequate. The new analysis also indicated that the additional vehicles will have a minimal impact on the traffic performance along the Union Street approach to East Columbus Avenue when compared to the traffic analysis presented in the FEIR. Furthermore, the "2024 Build with Mitigation Conditions" Level of Service for all approaches to the Union Street and East Columbus Avenue intersection remains the same with the added vehicles exiting onto Union Street. As a result, at this time, we do not have further comments regarding this item.

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MGM Springfield Springfield, Massachusetts



- RETAIN EXISTING PAVEMENT
- PROPOSED PAVEMENT OVERLAY

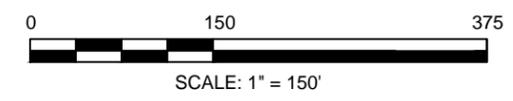


Figure 3-19  
Conceptual Off-Site Improvements



Commissioner Stebbins and Commissioner Zuniga  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110  
Phone: 617.979.8400  
Fax: 617.725.0258

December 15, 2015

### **MGM SPRINGFIELD PROJECT REVISIONS REVIEW**

Dear Commissioner Stebbins and Commissioner Zuniga:

Thank you for asking HLT Advisory Inc. ("HLT") to assist the Massachusetts Gaming Commission ("MGC") in a review of MGM's proposal for a destination casino in central Springfield, Massachusetts.

#### **BACKGROUND**

On June 13, 2014 the MGC accepted a proposal from MGM (and related companies) to develop a destination casino in downtown Springfield, MA. Since this date, MGM has proposed a series of revisions to the project that include:

- Eliminating the hotel tower (although retaining essentially the same number of rooms);
- Moving the residential component to an alternate site
- Reducing some of the entertainment elements; and
- Reconfiguring some of the restaurant/retail offerings.

Despite these changes MGM asserts that the core elements of the casino proposal, on which the MGC made its decision to award MGM a license, remain essentially unchanged. Specifically, MGM asserts that revenues to the State of Massachusetts and to the City of Springfield will be unaffected and that employment and procurement commitments will remain largely the same.

The Massachusetts Gaming Commission is seeking to determine how (or if) the proposed project revisions will affect MGM's commitments.

#### **OBJECTIVE AND SCOPE**

HLT has been asked to review the proposed changes to MGM's approved project and determine if material changes are likely with respect to:

- Market and revenue commitments—including changes to gross gaming revenue (and corresponding tax revenue), market composition (e.g., visitor sources), project budget and related commitments.
- Economic development commitments—including labor force (number, type, origin, unionization) and payroll, host and community payments (i.e., anything

... tied to revenue and/or project size), procurement commitments, economic impacts and tourism commitments.

To complete this assignment HLT has:

- Reviewed MGM's RFA-2 application together with the key elements summarized in the economic development and finance presentations to the MGC deliberations.
- Reviewed the key requirements of Section 18.
- Reviewed MGM's proposed changes (only those changes relevant to the economic development and finance sections) and compared any material changes to the original proposal.
- Considered the impact of these changes on key MGM commitments (e.g., gross gaming revenue, employment).

#### **SUMMARY OF MATERIAL REVIEWED**

As part of this review, HLT relied on various documents provided by MGM, in addition to the RFA-2 application and various materials supporting the application.

(HLT assisted the MGC in the adjudication of the Springfield RFA-2 licence process).

The additional documents reviewed included:

- Notice of Project Change on October 10, 2015 detailing project changes from the Final Environmental Impact Review ("FEIR").
- MGM Response Letter to HLT Questions #1 dated November 27, 2015
- MGM Springfield Project Updated Presentation dated December 3, 2015
- MGM Response Letter to HLT Questions #2 dated December 4, 2015

The documents and additional information requests were discussed with MGM (and MGC) representatives on several occasions over the past few months.

The above documents and discussions covered changes to:

- Project square footage (Schedule A)
- Project layout
- Project budget
- Employee jobs
- Hotel location, layout, star rating and room size
- Potential revenue

In addition to the information provided, HLT made certain information requests that were not fulfilled by MGM including revised payroll amounts (as a result of staff reductions) and a definitive number retail outlets (although MGM did provide an anticipated range of retail storefronts).

## Commentary on Revisions/Impact on Finance and Economic Impact Commitments

HLT identified a number of key issues with respect to finance and economic development commitments made during the RFA-2 application process and which, in many cases, were included in RFA-2 license conditions. These issues are set out below together with our understanding of MGM's position on our commentary with respect to the original MGM commitments.

### 1. Impact of Design Changes on Facility Appeal

Changes to major components of the projects are covered below:

- **Hotel changes:** MGM has proposed a 14% decrease in hotel square footage and a change from a 25-storey hotel to a 6-storey hotel while still maintaining ~250 rooms. MGM has indicated they will maintain the proposed "four-star" rating and that the average hotel room size will remain relatively unchanged at ~400 sf.
- **Retail Changes:** MGM has proposed a 38% decrease in retail square footage from what was provided in the FEIR. It should be noted that the Host Community Agreement proposal included 27,982 sf of retail, less than the 31,250 sf currently proposed in MGMs revised project. MGM provided a range of 17-24 possible outlets.
- **Food and Beverage Changes:** MGM has proposed a reduction in food and beverage space of ~9,000 sf. This change can be attributed primarily to the shift from a buffet to a marketplace. MGM indicated in follow up discussions that this is a corporate wide change in philosophy, and that other projects such as MGM National Harbor in Maryland have also shifted away from buffets to marketplaces.
- **Operations Changes:** MGM has proposed a reduction of 67,883 sf in back-of-house casino space, more than half of the total sf reduction of the project. This change involves removing the proposed basement level of the facility and moving the casino back-of-house a level above the gaming floor.
- **Bowling/Cinema Changes:** MGM has proposed a reduction in bowling lanes from 15 to 10, and a reduction in cinema space.
- **Reduction in Parking Spaces:** MGMs proposed changes include the removal of the basement level of the parking garage resulting in a reduction of 387 spaces. This will result in a parking space to gaming position ratio of 0.98:1, a decrease from the 1.07:1 ratio submitted in the RFA-2 Application. This ratio remains reasonable given typical industry norms of 1:1.

Further detail on changes to proposed square footage is provided in Schedule A.

HLT does not anticipate these changes will have a material impact on the appeal of the proposed casino to the gaming customer. The majority of design changes are in non-consumer facing space and should not have a negative impact on gaming operations. The ability to provide a "four-star" hotel offering is not compromised by the design modification from a tower to a low-rise structure. MGMs plans to change from a buffet to a food market concept could have a minor negative impact on the older customer

segments, but MGM has indicated that this design change is necessary to target new customers.

## 2. Impact of Design Changes on Gaming Revenue

As shown in Schedule A, MGM gaming square footage remains virtually unchanged at ~126,000 sf with the new design changes. MGM has stated that proposed gaming positions have been reduced by ~164 from the 3,600 proposed in the RFA-2 Application. MGM did not provide HLT with detail on the reduction in slot positions versus table positions but, in any event, these changes are modest.

HLT believes that gaming revenue is dictated by market factors rather than by gaming positions. Given that the total gaming square footage remains unchanged, MGM has the flexibility to add gaming positions if the market demands more supply. With that in mind, the changes to the design of the facility do not have a material impact on gaming revenue potential.

## 3. Impact of Design Changes on Proposed Budget (capital investment threshold)

As part of MGM's RFA-2 Application, MGM proposed a project budget of \$825 million of which ~\$516 million was determined to be eligible capital. As of November 2015, MGM estimates the budget for the project increased to \$950-\$970 million, of which MGM estimates \$614 million as eligible capital.

Based on MGM's budget increase, HLT believes it likely that MGM will meet the \$500 million eligible capital requirement. Had MGM provided the budget template we requested, HLT would have been in a better position to comment on this item.

## 4. Impact of Design Changes on Proposed Budget (construction jobs)

MGM's current project budget of \$950 to \$970 million, some \$500 million of which is core construction (and about \$100 million more than in the RFA-2 application) suggests construction jobs should be the same or greater than the estimate derived from the RFA-2 application.

MGM indicated on a conference call that there would be no decrease to construction period jobs. HLT accepts this assertion as reasonable.

## 5. Impact of Design Changes on Economic Development

### 5.1. Impact on Jobs/Payroll

MGM indicated a reduction in jobs associated with the replacement of the buffet with a food court/food market concept. MGM provided HLT with a projected headcount comparison showing a decrease of ~181 jobs.

MGM's proposed 181 job reduction equates to a 5% decrease from the 3,254 jobs submitted as part of the RFA-2 application. Of the 181 eliminated jobs, 141 are full-time jobs and 40 are part-time jobs. While MGM did not provide the expected decrease in payroll, using existing payroll and benefits of F&B staff provided in the RFA-2 Application HLT estimates a decrease in payroll of ~\$6 million (reducing total payroll from ~\$130 million to ~\$124 million) or a 4.8% decrease in payroll from the RFA-2 Application.

This decrease in payroll and employees is understandable given the change in design, specifically the switch from a buffet to a marketplace and the elimination of the hotel cafe space. Further, the remaining 3,073 jobs with ~\$124 million make the project a positive from an economic development perspective despite the ~5% decrease in employees and payroll.

*5.2. Impact on Retail Outlet Commitments*

MGM is proposing a 38% decrease in retail square footage from what was provided in the FEIR. Although MGM has not indicated the specific number of retail outlets their current retail plan calls for between 17 and 24 store fronts.

In attachment 3-14-01 of the RFA-2 Application MGM stated that "The creation of retail partnerships with local artisans, designer resources and merchandise companies will allow for shopping alternatives that showcase merchandise products reflective of the Springfield and Western Massachusetts experience..." The Application does not provide a fixed commitment for the number of lease (or other forms of) arrangements to be offered to local retailers (including food and beverage operators).

Although we discussed the potential role of local businesses in the retail offering within the project (including food, beverage), MGM did not quantify how the reduction in retail floor area might reduce local business involvement. MGM stated that the final layout of retail space will be driven by negotiations with retailers as they approach internal leasing and design deadlines. In our view, the scale of reduction contemplated (i.e., 38% less space) could compromise MGM's commitment to allocate space to local retailers. As a result, HLT recommends a review of retail plans once these negotiations have commenced to ensure MGM honors the intent of having local involvement as committed in the RFA-2 Application.

\* \* \* \* \*

Thank you for providing HLT the opportunity to assist you on this matter. Should you have any questions on this letter report, please do not hesitate to contact the under signed at (416) 924-7737.

Yours very truly,

**HLT Advisory Inc.**



Robert Scarpelli  
Managing Director



Lyle Hall  
Managing Director

## SCHEDULE A

<b>Summary of MGM Proposed Changes (Oct 15, 2015)</b>				
Project Element	FEIR Dimension	Updated Dimension	Change	% Change
<b>Casino Block (sf)</b>				
Hotel	177,351	151,861	-25,490	-14%
Gaming	126,701	126,262	-439	0%
Retail	7,682	15,204	7,522	98%
Food & Beverage	48,131	34,184	-13,947	-29%
Convention	45,859	43,705	-2,154	-5%
Residential	64,800	65,000	200	0%
Operations	268,488	200,605	-67,883	-25%
<b>Casino Block Total</b>	<b>739,012</b>	<b>636,821</b>	<b>-102,191</b>	<b>-14%</b>
<b>Retail Block (sf)</b>				
Retail	42,854	16,046	-26,808	-63%
Bowling	17,810	9,618	-8,192	-46%
Food & Beverage	20,115	24,962	4,847	24%
Cinema	47,900	37,465	-10,435	-22%
Office	12,000	12,000	0	0%
Operations	2,000	18,495	16,495	825%
Church Relocation	0	2,489	2,489	
Arcade	0	1,261	1,261	
<b>Retail Block Total</b>	<b>142,679</b>	<b>122,336</b>	<b>-20,343</b>	<b>-14%</b>
<b>Total Project (sf)</b>	<b>881,691</b>	<b>759,157</b>	<b>-122,534</b>	<b>-14%</b>
<b>Parking Garage (Spaces)</b>	<b>3,762</b>	<b>3,375</b>	<b>-387</b>	<b>-10%</b>
<i>Source: HLT Advisory Inc. based on MGM notice of project change.</i>				

Note: The FEIR submitted square footage (881,691 sf) does differ from the RFA-2 submitted square footage (893,961 sf). This difference is not material.

## **MEMORANDUM**

**TO: Massachusetts Gaming Commission**

**FR: City Point Partners**

**RE: MGM Springfield Changes and Section 61 Findings, Water, Wastewater and Drainage**

**DT: December 10, 2015**

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In preparation of the Commission drafting the Section 61 Findings for the MGM Springfield Casino, we reviewed the Notice of Project Change, the Drainage Report and letters from the Springfield DPW and Water and Sewer Commission (SWSC). Each is discussed separately.

### **Notice of Project Change**

Changes to the MGM Springfield casino were described in the Notice of Project Change (NPC) submitted to the MEPA Unit on October 15, 2015 (EEA # 15033). The NPC notes in Table 1 that the project's total Gross Building Area (GBA) will be reduced from approximately 881,700 square feet to approximately 759,200 square feet. This is approximately a 14% decrease in GBA. The lower revised area includes the 54 residential units, although these are now planned to be located off-site within one half mile of the project.

We looked at the impact of this change with respect to water, wastewater, water conservation and stormwater. As noted in Table 4 of the NPC, the water and wastewater demands are reduced by approximately 7% for the revised project based on State Title 5 estimates. This reduction does not include the 54 residential units to be located off site. For the 'core project', without the residential units, the water and wastewater impacts will be reduced.

Even if the water and wastewater demands from the 54 residential units, with 104 bedrooms (FEIR), were added to the 'core project', the totals would still be below the previous estimates in the FEIR. Never the less, the new off-site residential project will need to obtain a separate set of applicable local, state and federal permits, to include a permit from the Springfield Water and Sewer Commission.

There are no changes to MGM's commitment to water conservation, which should further reduce the actual water and wastewater demands.

According to the NPC the revised project will reduce the amount of impervious area, but no drainage calculations were included. Subsequently, MGM provided revised drainage calculations in a separate report to supplement the information in

the NPC as described below. MGM did note in the NPC that they are still required to meet DEP Stormwater Standards for quantity and quality and implement the previously committed mitigation (e.g. rainwater reuse, irrigation controls and drought tolerant plantings).

## **Drainage Report**

The drainage report is thorough and done according to DEP Stormwater Guidance and Standards. The current drainage plan also generally follows the one originally presented in MGM's Application. Specifically:

- Unlike existing conditions, where runoff discharges to the local combined sewers along with the wastewater, the proposed plan is to separate the runoff and the wastewater. The runoff will go to separate storm drains and the wastewater to the combined system. This will reduce combined sewer overflows to the Connecticut River and improve water quality.
- The post-development peak runoff rates will be less than pre-development conditions for the overall site. The peak runoff from the 10 year storm will be reduced from 71 to 42 cubic feet per second (cfs). For the 100 year storm the reduction will be from 117 to 62 cfs. This will be accomplished in part by constructing a detention basin with 70,000 cubic feet of storage adjacent to Union Street.
- The post-development volume of runoff will also be reduced. For the 10 year storm the reduction will be from 6.0 to 5.7 acre feet. For the 100 year storm the reduction will be from 10.1 to 9.7 acre feet. This will be accomplished in part by constructing an infiltration basin adjacent to the driveway entrance from State Street.
- The existing site has 4 locations where stormwater runoff is discharged, one on each side to the four adjacent streets. As previously noted the proposed post-development peak run off from the entire site will be less than the pre-development runoff. However, the new internal drainage system drains most of the site to Union Street. Union Street, which now receives runoff from 3.4 acres, will receive runoff from 13 acres post-development. As a result, the peak flows to Union Street will increase, while the flows to the other three streets will decrease.
- The plan will meet water quality objectives. Overall, annual Total Suspended Solids (TSS) will be reduced by over 80% using a combination of the following BMPs: deep sump catchbasins, subsurface detention and infiltration, pervious pavement and hydro-dynamic separators.

## **Letters on Water, Wastewater and Drainage Design.**

It is clear from the extensive comments in the DPW and SWSC letters that both agencies are reviewing the water, wastewater and stormwater plans in detail. There have been no significant changes to the overall plans that were originally presented in the MGM Application. The process now is to work out the details as the plans progress to construction documents. This appears to be happening with some vigor.

There was one comment in the SWSC letter that suggested that MGM had not completed their evaluation of the ability of the combined sewers to accept increased wastewater flows and the storm drains to accept increased runoff. The wastewater is entering combined sewers so there should be no capacity issues, since they are design to take both wastewater and stormwater.

As noted above the peak rates of runoff will be reduced for the entire site. This is also true for 3 of the 4 individual discharges to State Street, Main Street and East Columbus Avenue. The fourth discharge to Union Street will increase during the 10 year storm from 14 to 27 cfs and for the 100 year storm from 23 to 38 cfs. This is because the post development drainage area to Union Street will increase from 3.4 acres to 13 to avoid discharging to a combined sewer. The future storm water will discharge through a new 30 inch drain to an existing 60 x 80 inch culvert in Union Street. Given the size of the existing drain and the increases in peak flows, capacity should not be an issue. However, this should be confirmed by MGM as a result of the SWSC comments.

The Certificate on the Notice of Project Change summarizes stormwater mitigation on page 22. As part of the list of mitigation, it is noted that 'the stormwater management system will reduce peak rates of runoff at each design point...' As noted above this will only apply to 3 of the 4 design points. The Commission's Section 61 Findings should refer to the entire site and not individual design points, providing the City agrees with the drainage plan and the storm drain in Union Street can accommodate the increase in flow.

## **Summary**

Except for clarifying the drainage discharge issue noted above, the project changes do not alter the water, wastewater or drainage mitigation proposed for the original project.



TO: Commissioners

FROM: John S. Ziemba

DATE: December 15, 2015

RE: 2016 Community Mitigation Fund Guidelines

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On November 18, 2015, the Massachusetts Gaming Commission requested public comment on the “concept draft” of the 2016 Community Mitigation Fund Guidelines (“Draft Guidelines”). The purpose of the “concept draft” comment request was for the Commission to receive substantial recommendations from parties to enable the Commission to evaluate the concepts in the Draft Guidelines prior to the Commission’s full consideration of those Draft Guidelines. We very much appreciate the thoughtful responses received. However, the Commission did not receive many responses. The following is a summary of the responses:

**Everett Comments:** The City of Everett, a host community, thanked the Commission for its work on host and surrounding community issues, expressed support for the potential expansion of eligibility for the reserve to host communities and also expressed support for transportation planning grants. Everett also requested that “the commission consider establishing a discretionary process through which a host community could petition the commission to waive that \$50,000 reduction”. This request is in response to a provision in the Draft Guidelines that states that if a community applies for both a \$100,000 reserve and funding for the mitigation of a specific request, the Commission would require that one-half (\$50,000) of the reserve first be used to pay for the specific mitigation. For example, if a community applies for \$200,000 for the mitigation of a specific impact and also applies for the \$100,000 reserve, the \$200,000 of specific mitigation would be funded through the use of \$50,000 from the reserve and a new grant of \$150,000. The remaining \$50,000 in the reserve could be used during the course of the year for planning needs or other unanticipated impacts.

**Analysis:** Everett’s request anticipates a concern that a reduction of the reserve could have an impact on a community’s ability to plan. If the reserve is reduced to \$50,000 due to this provision, enough funding may not be available for planning needs. This concern is somewhat alleviated due to the potential creation of the new Transportation Planning Grants. However, the current provision would still have an impact on non-transportation planning.

The reserve spend-down requirement first appeared in the 2015 Community Mitigation Fund Guidelines. One purpose of the spend-down requirement was to help ensure that the reserve would be utilized for needs (planning and specific mitigation) when realized and would not be primarily used as insurance for a need in the distant future. If a community



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could apply for full funding of a specific impact and also receive a reserve, there could be the potential that significant Community Mitigation fund dollars allocated to reserves would not be available for needs in other communities. Although there is significant merit to this request, it is not recommended at this time.

**Pioneer Valley Planning Commission (PVPC) Comments:** PVPC stated that the Draft Guidelines do a good job of explaining the availability of funds, who is eligible for funding, and eligible uses of funds. PVPC noted that the Draft Guidelines may result in significant staff time and expenses by Regional Planning Agencies (“RPA”) that are engaged in the evaluation process of Transportation Planning Grants. The comment relates to the following provision: “Pursuant to the Guidelines, the Commission will evaluate requests for planning funds (including both the use of Reserve Planning Funds and Transportation Planning Grant Funds) after taking into consideration input the applicant has received from the local Regional Planning Agency (“RPA”) or any such interested parties.”

RPAs have been an extremely important part of the Commission’s policy development and evaluation processes. RPAs have expended very significant resources to date in assisting the Commission. The Commission has established processes to enable RPAs to be reimbursed for at least some of their costs in the past, including reimbursement for regional studies conducted during the Regions A and B Category 1 licensing period and the Category 2 licensing period. Commission staff could be directed to work with RPAs to develop a method to reimburse RPAs for at least a portion of significant expenditures of resources to assist the Commission in its evaluations. The Draft Guidelines did not anticipate the RPA resource issue because it was not expected that RPA input would be received in all cases and because the Commission could also utilize other resources to help evaluate Transportation Planning Grant requests.

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In addition to issues raised by the comments, other issues were discussed at the Commission’s review of the Draft Guidelines in its November 12th meeting.

**Expansion of the Eligibility of the Reserve Fund to Geographically Adjacent Communities:** Commissioners spoke favorably about expanding the eligibility for the 2016 Reserve Fund to the only geographically adjacent community in Region A and Region B that was not eligible for the Reserve in 2015, the City of Revere. The Draft Guidelines up for consideration have been amended to expand eligibility to both the Reserve and to Transportation Planning Grants to all Region A, Region B and Category 2 geographically adjacent communities, including Revere.

**Limitations on Direct Funding to Private Parties by Municipalities.** During the November review, staff was asked to further research limits on the provision of funding by municipalities to private groups. Since the meeting, staff has reviewed such limitations on both municipalities and the Commonwealth to provide funding to private parties. As noted in the attached Comptroller Guidance on State Grants, Federal Grants, and Subsidies “[t]he Anti-Aid Amendment of the Massachusetts Constitution prohibits ‘public money or property’ from aiding non-public institutions....Article 46 [of the Massachusetts Constitution] has been interpreted to allow the expenditure of public funds to non-public

recipients solely for the provision of ‘public purposes’ and not for the direct benefit or maintenance of the non-public entity.” The Comptroller’s guidance further notes that “[t]herefore, absent specific legislative authorization authorizing a grant of state appropriated funds to a non-public entity, 815 CMR 2.00 provides that state appropriated funds may not be granted to a non-public entity unless:

1. the grant funds are used by the non-public entity solely to cover the actual costs of fulfilling a public purpose to benefit the general public or a segment of the general public, and may not provide a direct benefit or be used for maintenance of the non-public entity not associated with the fulfillment of the grant, and
2. absent specific legislative authorization awarding grant funds to a named non-public entity, or identifiable class of non-public entities, the non-public grantee has been selected through an open public award process as determined appropriate by the granting department in accordance with an authorized exception and the department’s grant funding authority; and
3. the department has included a statement as part of the contract justifying the reasons why the award to the non-public entity supports the efficient, effective and appropriate use of state appropriated funds.”

In addition to the Comptroller’s Guidance, the Department of Revenue Division of Local Services has provided the following advice to communities:

“No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents.”

Given these restrictions, the Draft Guidelines have been revised since the November meeting. Language now reads:

“Private non-governmental parties may not directly apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that, such funding is for a “public purpose” and not the direct benefit of maintenance of the private party, provided that the governmental entity provides a program that ensures that funding will be made only to remedy impacts; and provided that the governmental entity will be responsible for overseeing such funding and complying with all applicable state and municipal laws including but not limited to Art. 46, §2, as amended by Article 103 of the Amendments to the Massachusetts Constitution.

The Guidelines also state that any community seeking funding for mitigation to non-public entities should provide detail how its planned use is in conformity with the provisions of the Massachusetts Constitution and with Municipal Finance Law.

**DRAFT**

## MASSACHUSETTS GAMING COMMISSION

### 2016 COMMUNITY MITIGATION FUND GUIDELINES

#### What is the Community Mitigation Fund?

The Expanded Gaming Act, MGL c. 23K, created the Community Mitigation Fund to help entities offset costs related to the construction and operation of a gaming establishment.

#### When Is the Application Deadline?

**February 1, 2016.** MGL c. 23K, § 61 states that “parties requesting appropriations from the fund shall submit a written request for funding to the Commission by February 1.”

#### Who Can Apply?

MGL c. 23K, § 61 states the Commission shall expend monies in the fund to assist the host and surrounding communities ... “including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire, and emergency services.” The Commission may also distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than one community.

Private non-governmental parties may not directly apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a “public purpose” and not the direct benefit or maintenance of the private party; provided that the governmental entity provides a program that ensures that funding will be made only to remedy impacts; and provided that the governmental entity will be responsible for overseeing such funding and complying with all applicable state and municipal laws including but not limited to Art. 46, §2, as amended by Article 103 of the Amendments to the Massachusetts Constitution.



Massachusetts Gaming Commission

The Community Mitigation Fund may be used to offset costs related to both Category 1 full casino facilities (MGM Springfield and Wynn Everett) and the state's Category 2 slots-only facility (Plainridge Park).

**Does a Community Need to Be a Designated Host or Surrounding Community to Apply?**

**No.** The Commission's regulations and MGL c. 23K, § 61 do not limit use of Community Mitigation Funds to only host or surrounding communities. The Commission's regulation, 205 CMR 125.01(4), states that "[a]ny finding by the commission that a community is not a surrounding community for purposes of the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by MGL c. 23K, § 61...."

**2016 One-Time Reserve**

As in 2015, the Commission will make available certain funds for Region A, Region B, and Category 2 communities that may not be able to demonstrate significant impacts by February 1, 2016 and had not previously submitted a request for a Reserve fund in 2015 or communities which failed to file their 2015 application on time. For 2016, Host Communities are eligible to submit a request for a \$100,000 reserve for 2016. In addition to the following communities which were each either a designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that is geographically adjacent to the host community of a gaming licensee, and a community that petitioned to be a surrounding community to a gaming licensee:

- Hampden
- Melrose
- Attleboro
- North Attleboro
- Revere

A second reserve is not available for any community that sought and was awarded a reserve in 2015.

This reserve can be used to cover impacts that may arise in 2016 or thereafter. It may also be used for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.

Communities that choose to utilize the reserve in 2016 and had not previously done so, should simply check the “Check Box If Requesting the Creation of a Mitigation Reserve Fund for a Community” box on the application. No other description is required by the February 1, 2016 deadline. Commission staff will follow-up with each community to get the community's description of planned uses. Funds will be distributed as the needs are identified. Communities that utilize the reserve are not prohibited from applying for funding for any specific mitigation request.

Although no specific description as to use needs to be included in an application for the 2016 reserve, communities must apply by February 1, 2016 to get the reserve.

### Status of One-Time 2015 Reserves

In 2015, a Reserve Fund was established for communities that may not have been able to demonstrate significant impacts by the submittal deadline date. The Commission reserved \$100,000 for the following communities which were either a designated surrounding community, a community which entered into a nearby community agreement with a licensee, or a community that petitioned to be a surrounding community to a gaming licensee:

#### CATEGORY 1 – CASINO/RESORT

##### Region A

Boston  
Cambridge  
Chelsea  
Lynn  
Malden  
Medford  
Saugus  
Somerville

##### Region B

Agawam  
Chicopee  
East Longmeadow  
Holyoke  
Longmeadow  
Ludlow  
Northampton  
West Springfield (used \$98,500 out of \$100,000)  
Wilbraham

**CATEGORY 2 – SLOTS**

Foxborough

Mansfield

Wrentham

In many cases, communities may not be in a position to access their 2015 reserves by the February 1, 2016. The Commission has extended such reserves for the 2016 Community Mitigation Fund Program. Communities may continue to access whatever portion of the original \$100,000 that remains unexpended. The above communities **do not** need to submit any new application to keep its reserve. The reserve has automatically been preserved by action of the Commission.

The criteria for the use of the reserve remains the same. This reserve can be used to cover impacts that may arise in 2016 or thereafter. It may also be used for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.

Funds will be distributed as the needs are identified. Communities that utilize the reserve are not prohibited from applying for funding for any specific mitigation request.

**What are the Reserve Amounts?**

Can communities apply both for the reserve and for a specific impact?

**Yes.** However, if a specific impact application is successful, a portion of the reserve will be used as an offset against the amount requested for the specific impact. The reserve amount will be reduced by fifty thousand dollars (\$50,000.00) assuming the specific impact request is at least that amount.

Can a community apply for mitigation of a specific impact even though it has not fully utilized its 2015 Reserve?

**Yes.** However, if a specific impact application is successful, a portion of the reserve will be used as an offset against the amount requested for the specific impact. The reserve amount will be reduced by fifty thousand dollars (\$50,000.00) assuming the specific impact request is at least that amount

### What Specific Impacts Can Be Funded?

The 2016 Community Mitigation Fund for mitigation of specific impacts may be used only to mitigate impacts that either have occurred or are occurring as of the February 1, 2016 application date. Although the definition in the Commission's regulations (for the purpose of determining which communities are surrounding communities) references projected impacts, the 2016 program is limited to only those impacts that are being experienced by the time of the February 1, 2016 application date.

The Commission has determined that the funding of unanticipated impacts will be a priority under the Annual Mitigation Fund. Thus the Commission will review funding requests in the context of any host or surrounding community agreement to help determine funding eligibility.<sup>1</sup> The Community Mitigation Fund is not intended to fund the mitigation of specific impacts already being funded in a host or surrounding Community Agreement. Please note that impacts determined through any look back review likely are unanticipated impacts.

Allowable impacts for funding are as follows:

**Category 1 Gaming Facility:** In recognition that no Category 1 gaming facility will be operational by February 1, 2016, the Commission has determined that the 2016 Community Mitigation Fund is available only to mitigate impacts related to the construction of Category 1 gaming facilities. This limitation does not apply to planning activities funded under the 2015/2016 one-time reserve fund or 2016 Transportation Planning Grants.

The Commission's regulation 205 CMR 125.07 defines construction period impacts as:

"The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction."

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<sup>1</sup> The Commission is aware of the difference in bargaining power between host and surrounding communities in negotiating agreements and will take this into account when evaluating funding applications.

**Category 2 Gaming Facility:** In recognition that the Category 2 gaming facility in Plainville opened during calendar year 2015, the Commission will make available funding to mitigate construction and operational related impacts that are being experienced or were experienced from that facility by the February 1, 2016 date. The Commission will make available up to \$500,000 in total for applications for the mitigation of operational or construction impacts relating to the Plainridge facility.

The Commission's regulation 205 CMR 125.01 2(b)4 defines operational impacts as:

"4. The community will be significantly and adversely affected by the operation of the gaming establishment after its opening taking into account such factors as potential public safety impacts on the community; increased demand on community and regional water and sewer systems; impacts on the community from storm water run-off, associated pollutants, and changes in drainage patterns; stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment; any negative impact on local, retail, entertainment, and service establishments in the community; increased social service needs including, but not limited to, those related to problem gambling; and demonstrated impact on public education in the community."

The Commission's regulation 205 CMR 125.07 defines construction period impacts as:

"The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction."

Although these definitions include the types of construction or operational impacts that may be funded, it is not limited to those. The determination will be made by the Commission after its review.

### What Cannot Be Funded?

2016 Community Mitigation Fund may not be used for the mitigation of:

#### **Category 1 Gaming Facilities:**

- any operational related impacts;
- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2016;
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles); and
- Other impacts determined by the Commission.

#### **Category 2 Gaming Facilities:**

- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2016;
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- Please note that the Commission may determine to expand the eligible uses of funds for the 2017 program or other future programs when impacts are more clearly identifiable. The Commission will also consult with mitigation advisory committees established in MGL c. 23K in determining such uses.

### Guidance on Funding for Non-Governmental Entities

As noted, communities and other parties may apply for funds to mitigate the impact to non-governmental entities. However, the Commission strongly encourages applicants to ensure the impacts are directly related to the gaming facility. For example, an

applicant could limit a request for assistance for impacts to businesses within 1000 feet of a gaming facility. Further, applicants should demonstrate that the governmental entity, the licensee, or both will also financially contribute to any program of assistance. The Commission does not anticipate funding any applications for assistance to non-governmental entities unless the applicant governmental entity or the licensee or both provide significant funding to match or partially match the assistance required from the 2016 Community Mitigation Fund. Please note that as stated by the Commonwealth's Comptroller's Office: The Anti-Aid Amendment of the Massachusetts Constitution prohibits "public money or property" from aiding non-public institutions.... Article 46 has been interpreted to allow the expenditure of public funds to non-public recipients solely for the provision of a "public purposes" and not for the direct benefit or maintenance of the non-public entity."

Any community seeking funding for mitigation to non-public entities should provide detail how its planned use is in conformity with this provision of the Massachusetts Constitution and with Municipal Finance Law.

#### How Much Funding Is and Will Be Available?

In sum, a total of \$17.5 million from the current licensees was deposited in the Community Mitigation Fund for use until Category 1 gross gaming revenues are generated, or thereafter (if all such funds are not used prior to that date). After the deduction of purposes approved in 2015, the fund has \$14.75 million available.

No further contributions will be made to the Community Mitigation Fund until either MGM Springfield or Wynn Everett become operational and generate revenues.<sup>2</sup> Both MGM Springfield and Wynn Everett currently project to be operational in 2018. Once operational, MGL c. 23K, § 59 specifies that 6.5% of the revenues from the tax on gross gaming revenues from Category 1 (full casino) licensees shall be deposited in the Community Mitigation Fund.

Once the MGM Springfield and Wynn Everett facilities are operational, approximately \$18 million generated by these two facilities will be annually deposited into the

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<sup>2</sup>These guidelines do not describe revenue estimates from or the participation of a Region C facility, as the Region C decision on the license has not yet been made. Further, after the initial deposit, no further contributions from the Slots licensee will be made to the fund.

Community Mitigation Fund using a conservative estimate provided by the Commission's financial consultants.

### Limitations

Because the \$14.75 million in the fund needs to be available until the facilities are operational, the Commission anticipates expending no more than one third of the fund annually for calendar year 2016, 2017, and 2018. This amount is estimated to be approximately \$4.91 million per year.

Of that amount, for 2016, no more than \$500,000 may be expended for operational impacts related to the Category 2 gaming facility, unless otherwise determined by the Commission.

### Transportation Planning Grants

For calendar year 2016, the Commission will make available funding for certain transportation planning activities for all communities eligible to receive funding from the Community Mitigation Fund in Regions A & B and for the Category 2 facility, including each Category 1 and Category 2 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, and any community that petitioned to be a surrounding community to a gaming licensee, and each community that is geographically adjacent to a host community.

Funding available for planning grants will likely not exceed \$982,000, approximately 20% of the estimated annual allotment for the fund.

Eligible planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results.

Eligible expenses to be covered by the Transportation Planning Grant include, but not necessarily limited to:

- Planning consultants/staff
- Data gathering/surveys
- Data analysis
- Engineering review/surveys
- Public meetings/hearings

- Final report preparation

The planning projects must be clearly related to addressing transportation issues or impacts directly related to the gaming facility.

Applicants will be required to submit a detailed scope, budget, and timetable for the planning effort prior to funding being awarded.

Pursuant to the Guidelines, the Commission will evaluate requests for planning funds (including both the use of Reserve Planning Funds and Transportation Planning Grant Funds) after taking into consideration input the applicant has received from the local Regional Planning Agency ("RPA") or any such interested parties. Although there is no prerequisite for using RPA's for planning projects, consultation with RPA's is required to enable the Commission to better understand how planning funds are being used efficiently across the region of the facility. Please provide details about the applicant's consultation with the RPA or any such interested parties.

Communities that requested and received reserves in 2015 or 2016 must first expend those funds before accessing any Transportation Planning Grant funds. Transportation Planning Grant funds may be sought to expand a planning project begun with reserve funds or to fund an additional project once the reserves have been exhausted.

### **Springfield Historic Preservation Trust Fund**

On August 6, 2015, as part of the consultative process pursuant to 950 CMR 71.00 – Protection of Properties Included in the State Register of Historic Places, the Commission determined that it would provide \$350,000 in Community Mitigation Funds to the Springfield Historic Preservation Trust Fund. The City of Springfield agreed to apply for such funds by February 1, 2016. The provision of the \$350,000 does not limit Springfield's ability to apply for 2016 Community Mitigation Funds for other purposes.

### **What Should Be Included in the Applications?**

- Applicants are required to complete the 2016 Community Mitigation Fund Application and may also submit additional supporting materials of a reasonable length.
- Applicants will need to describe how the specific mitigation or planning project request will address any claimed impacts and provide justification of any funds requested. Unlike existing surrounding community agreements which were based on

anticipated impacts, any community mitigation award will be based on impacts that have occurred or are occurring, as noted previously.

- Applicants will need to describe if and how such impacts were addressed or not addressed in any host or surrounding community agreements.
- Applicants may include a letter of support from the applicable gaming licensee. However, this is not necessary, as the Commission will request the licensee's opinion regarding each application.

### How Will the Commission Decide on Applications?

- Similar to the Commission's surrounding community review process, the Commission will ask each licensee to review and comment on any requests for funding.
- The Commission will evaluate the submittal by the community, any input received from the community and interested parties (such as Regional Planning Agencies), the responses of the licensee, Commission consultant reviews, and any other sources determined by the Commission.
- The Commission will evaluate any funding requests in the context of any host or surrounding community agreements.
- The Commission may ask applicants for supplementary materials, may request a meeting with applicants, and reserves the ability to host a hearing or hearings on any application.
- The Commission's deliberations on Community Mitigation Fund policies will also be aided through input from the Gaming Policy Advisory Committee, the Community Mitigation Subcommittee, and any Local Community Mitigation Advisory Committees, as established pursuant to MGL c. 23K.
- The Commission reserves the ability to determine a funding limit beyond what is detailed in these Guidelines, as additional contributions to the Community Mitigation Fund will not be made until Category 1 gaming facilities **are operational**.
- **The Commission reserves the ability to fund only portions of requested projects and to fund only a percentage of amounts requested. The Commission also reserves the ability to place conditions on any award.**

- There is only \$4.9 million available and the Commission therefore reserves the right to determine which requests to fund based on its assessment of a broad range of factors including the extent of public benefit each grant is likely to produce.

### When Will the Commission Make Decisions?

The Commission anticipates making funding decisions on any requests for mitigation of specific impacts approximately by July 2016, after a comprehensive review and any additional information requests.

### Is There a Deadline for the Use of the 2016 Reserve?

There is no deadline. Funds may be used on a rolling basis when specific impacts are determined or the specific planning activity is determined. Once known, communities should contact the Ombudsman's Office, which will assist the community in providing the needed information. Communities with specific impacts will, at the time the impacts are known, complete the grayed sections of the 2016 Community Mitigation Fund Application (the grayed boxes 1-4 beginning on page 3). Communities with requests for planning funds will provide similar information to the Commission: a description of the planning activity, how the planning activity relates to the development or operation of the gaming facility, how the planning funds are proposed to be used, consultation with the Regional Planning Agency, other funds being used, and how planning will help the community determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts. Each Community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds. Please note that such details do not need to be determined by the February 1, 2016 application date. Communities must only check the box on the first page of the application to establish the reserve. Commission approvals of the use of the 2016 reserve funds will also be on a rolling basis corresponding to the rolling determinations of use by communities.

### Who Should Be Contacted for Any Questions?

As the 2016 Community Mitigation Fund program is just the second year of the program for the Commission, communities and other parties may have a number of questions. They are encouraged to contact the Commission's Ombudsman with any questions or

concerns. The Commission's Ombudsman will regularly brief the Commission regarding the development of Community Mitigation Fund policies.

The Commission's Ombudsman, John Ziemba, can be reached at 617-979-8423 or via e-mail at [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us). The Commission's address is 101 Federal Street, 12<sup>th</sup> Floor, Boston, MA 02110.

### **Where Should the Applications Be Sent?**

Applications **must be sent electronically and via regular mail**. An application received by the Commission either electronically or via regular mail by February 1, 2016 will meet the application deadline.

Applications should be sent to the:

Massachusetts Gaming Commission  
2015 Community Mitigation Fund  
Attn: Ombudsman John S. Ziemba  
101 Federal Street, 12<sup>th</sup> Floor, Boston, MA 02110

**And via e-mail to:**

[john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us)



**DRAFT**

**Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110**

**2016 COMMUNITY MITIGATION FUND  
RESERVE / SPECIFIC IMPACT APPLICATION**

**CHECK BOX IF REQUESTING THE CREATION OF A  
MITIGATION RESERVE FUND FOR A COMMUNITY**

**APPLICATIONS DUE NO LATER THAN FEBRUARY 1, 2016.**

*For anyone with specific impacts, please complete the gray boxes 1-4 beginning on page 2. If you are not applying for mitigation of specific impacts by February 1, 2016, you do not need to complete grayed boxes 1-4.*

1. NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT
2. DEPARTMENT RECEIVING FUNDS
3. NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
4. ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
5. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
6. NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
7. ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
8. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
9. NAME OF GAMING LICENSEE

**1. IMPACT DESCRIPTION**

Please describe in detail the impact that is attributed to the construction of a gaming facility. Please provide support for the determination that the construction of the gaming facility caused or is causing the impact.

**2. PROPOSED MITIGATION**

Please identify below the manner in which the funds are proposed to be used. Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction of a proposed gaming establishment. Please describe how the mitigation request will address the specific impact indicated. Please attach additional sheets/supplemental materials if necessary.

**3. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.

**4. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS**

Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.

\_\_\_\_\_  
**Signature of Responsible Municipal  
Official/Governmental Entity**

\_\_\_\_\_  
**Date**

**APPROVAL OF THE MASSACHUSETTS GAMING COMMISSION**

On behalf of the Massachusetts Gaming Commission, the Commission hereby authorizes the payment from the Community Mitigation Fund in accordance with M.G.L. c. 23K as outlined in this Application.

\_\_\_\_\_  
**Executive Director**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Ombudsman**

\_\_\_\_\_  
**Date**



Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110

**INSTRUCTIONS FOR FILING FOR THE  
2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION OR  
2016 TRANSPORTATION PLANNING GRANT APPLICATION**

**1. 2015 Mitigation Reserve Fund - continuation**

Note: Communities that received approval of the 2015 Mitigation Reserve Fund request **do not** need to submit any application to preserve its reserve in 2016.

**2. 2016 Mitigation Reserve Fund**

If a Community is filing for a **mitigation reserve fund only**, please use the application entitled “**2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION**”, check the box on page 1 and fill out all the boxes in blue. **Skip grayed boxes 1-4.** Detail regarding the use of the reserve fund can be provided to the Commission on a rolling basis upon consultation with the Commission.

**2016 Community Mitigation Fund Specific Impact Application**

If a Community or other Applicant has a **specific impact**, please use the application entitled “**2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION**” and fill out **entire application form**.

**2016 Community Mitigation Reserve Fund and 2016 Community Mitigation Fund Specific Impact Application**

If a Community or other Applicant is requesting **both a 2016 Mitigation Reserve Fund and has a specific impact**, please fill out the **entire application form** entitled “**2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION**”.

**2016 Transportation Planning Grant Application**

If a Community is filing for a **2016 Transportation Planning Grant**, please use the application entitled “**2016 TRANSPORTATION PLANNING GRANT APPLICATION**”. Please fill out the **entire application form**.

**Any questions contact: John S. Ziemba, Ombudsman  
101 Federal Street, 12th Floor, Boston, MA 02110  
(617) 979-8423 or [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us)**

...

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2016 Community Mitigation Fund  
Attn: Ombudsman John Ziemba  
101 Federal Street, 12th Floor, Boston, MA 02110**

**And via e-mail to: [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us)**



**DRAFT**

**Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110**

**2016 COMMUNITY MITIGATION FUND  
2016 TRANSPORTATION PLANNING GRANT APPLICATION**

**APPLICATIONS DUE NO LATER THAN FEBRUARY 1, 2016.**

*Please complete the entire application.*

1. NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT
2. DEPARTMENT RECEIVING FUNDS
3. NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
4. ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
5. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS
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8. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY
9. NAME OF GAMING LICENSEE

**1. IMPACT DESCRIPTION**

Please describe in detail the transportation related impact that is attributed to the construction or operation of a gaming facility. Please provide support for the determination that the construction or operation of the gaming facility caused, is causing or may cause the impact.

**2. PROPOSED USE OF PLANNING FUND**

Please identify below the manner in which the funds are proposed to be used. Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of planning to mitigate the transportation impact from the construction or operation of a proposed gaming establishment. Please describe how the planning request will address the specific transportation impact indicated. Please attach additional sheets/supplemental materials if necessary.

**3. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

Please provide detail regarding the controls that will be used to ensure that funds will only be used to plan to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.

**4. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS AND MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA) DECISION**

Please describe and include excerpts regarding the transportation impact and potential mitigation from any relevant sections of any Host or Surrounding Community Agreement. Please also briefly summarize and/or provide page references to the most relevant language included in the most relevant MEPA certificate(s) or comment(s) submitted by the community to MEPA. Please explain how this transportation impact was either anticipated or not anticipated in that Agreement or such MEPA decision. If planning funds are sought for mitigation not required under MEPA, please provide justification why funding should be utilized to plan for such mitigation. For example, a community could provide information on the significance of potential impacts if trip generation totals exceed projected estimates.

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.

\_\_\_\_\_  
Signature of Responsible Municipal  
Official/Governmental Entity

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ombudsman

\_\_\_\_\_  
Date



**Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110**

**INSTRUCTIONS FOR FILING FOR THE  
2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION OR  
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If a Community is filing for a **mitigation reserve fund only**, please use the application entitled “**2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION**”, check the box on page 1 and fill out all the boxes in blue. **Skip grayed boxes 1-4.** Detail regarding the use of the reserve fund can be provided to the Commission on a rolling basis upon consultation with the Commission.

**3. 2016 Community Mitigation Fund Specific Impact Application**

If a Community or other Applicant has a **specific impact**, please use the application entitled “**2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION**” and fill out entire application form.

**4. 2016 Community Mitigation Reserve Fund and 2016 Community Mitigation Fund Specific Impact Application**

If a Community or other Applicant is requesting **both a 2016 Mitigation Reserve Fund and has a specific impact**, please fill out the entire application form entitled “**2016 COMMUNITY MITIGATION FUND SPECIFIC IMPACT APPLICATION**”.

**5. 2016 Transportation Planning Grant Application**

If a Community is filing for a **2016 Transportation Planning Grant**, please use the application entitled “**2016 TRANSPORTATION PLANNING GRANT APPLICATION**”. Please fill out the entire application form.

**Any questions contact: John S. Ziemba, Ombudsman  
101 Federal Street, 12th Floor, Boston, MA 02110  
(617) 979-8423 or [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us)**

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The Commonwealth of Massachusetts  
Office of the Comptroller  
One Ashburton Place, Room 901  
Boston, Massachusetts 02108

PHONE (617) 727-5000  
FAX (617) 727-2163  
[www.mass.gov/osc](http://www.mass.gov/osc)

MARTIN J. BENISON  
COMPTROLLER

**MMARS Policy: Procurement/Contracts**

**Issue Date: July 1, 2004**

**Date Last Revised: September 8, 2014. See [Revisions](#).**

## **State Grants, Federal Sub-Grants and Subsidies**

### **Executive Summary**

Unless otherwise provided by law, the following policy applies to state departments in all branches of government that disburse subsidies, state grants or federal sub-grants. A "grant" is defined under [815 CMR 2.00](#) as discretionary and non-discretionary (designated or earmarked) funds of financial assistance provided under contractual terms between a grantor department and a grantee to assist the grantee in the achievement or continuation of a specified public purpose to benefit the general public or a segment of the general public consistent with the grantor department's legislative authorization.

### **Considerations**

A department must determine the appropriate grant disbursement process in accordance with 815 CMR 2.00, the department's legislative authorization, the type of grant funding, the type of intended grant recipient, and the purpose of the grant funding. In addition, a department must comply with state finance law when making payments. Electronic signatures may not be used for grants at this time.

In addition to the policies in this Chapter, Departments are also responsible for compliance with [State Finance Law and General Requirements](#) policy, the [Amendments, Suspensions, or Terminations](#) Policy, other applicable [Contracts Policies](#), including the use of [Interdepartmental Service Agreements](#), the [Vendor/Customer File and W-9s Policy](#), [the Accounts Payable Policies](#) any other related policies issued by CTR applicable to the disbursement of state and federal funds, personnel and payroll, fringe and indirect charges, internal controls, reporting and recordkeeping.

Departments applying for Federal Grant Funds and disbursing as "Sub-grants" must comply with the terms of each Federal Grant Award and the CTR [Federal Grant Accounting and Reporting Policy](#) and any other policies related to the use of federal funds, which outline the requirements for applying for Federal Grants, receiving and setting up Federal Grant awards, accounting requirements for managing federal funds and federal funds reporting requirements.

### **Policy**

The Comptroller has broad authority to prescribe accounting rules and instructions for all state Departments and the appropriate use of the state accounting system. Pursuant to [G.L. c. 7A, § 7](#), [G.L. c. 7A, § 8](#), [G.L. c. 7A, § 9](#) and [G.L. c. 29, § 31](#), the Comptroller is required to implement a state accounting system (including a centralized payroll system) and issue instructions for the accounting practices to be used by all Departments for supplies, materials, assets, liabilities, equity, debt, encumbrances,

expenditures, revenues, expenses and obligations of all Commonwealth funds and accounts, including payroll, unless specifically exempted by general or special law. The Comptroller has full authority to prescribe, regulate and make changes in the method of keeping and rendering accounts and is authorized to direct state Departments to implement changes in their systems to meet these statewide standards.

#### **What departments can provide a grant?**

The administration of grants is governed by 815 CMR 2.00 and applies to agencies and departments in all branches of state government, unless otherwise provided by law. Departments must verify the legislative authorization, account type of proposed funding, and the organizational structure of intended recipients, to determine if expenditures may be properly made as grants under 815 CMR 2.00.

#### **What is the difference between a Subsidy, a Contract and a Grant?**

A "subsidy" includes funds designated by the Legislature to be made either as a direct payment or transfer of a specified amount to a designated recipient entity, or are designated specifically as direct payments through "Subsidies" or a "Subsidy program". Legislative or funding authority that specifies a "grant", "contract" or that funding is "for a program" does not qualify as a subsidy. Questions regarding whether or not funding authority supports a subsidy should be directed to the Comptroller's legal staff.

A "contract" is used to purchase goods and services to fulfill the operational or administrative needs of a department or to carry out programs or projects. Payments are "fee for service" or "cost reimbursement" made after completion and acceptance of performance. Contractors are seeking compensation for performance in order to generate revenue and profit, and are not in the position of seeking financial assistance to fulfill a public purpose. Contractors also do not generally provide matching funds or resources and are not in the business of providing public services.

A "grant" is defined under 815 CMR 2.00 as discretionary and non-discretionary (designated or earmarked) funds of financial assistance, from any source of funding, provided under contractual terms between a grantor department and a grantee to assist the grantee in the achievement or continuation of a specified public purpose to benefit the general public or a segment of the general public consistent with the grantor department's legislative authorization.

Absent certain circumstances, such as allowable administrative expenses to support a federal award of funds to a department, a department may not use a grant to procure or expend funds solely for department operational, administrative or programmatic needs, including consultant services, leases, equipment purchases, construction services, human or social services or other performance based contracts for or on behalf of the department. These types of contracts are not normally financial assistance for a public purpose.

The only exception to this general rule involves joint ventures with other public or "quasi -public" entities, which include entities that are established to support or fulfill a primarily public purpose or specifically to provide services to other public entities (such as state authorities established by M.G.L. c. 29, § 1). These entities may provide services traditionally considered operational or professional services, such as consultant, program management, grant administration, construction management. However, these entities exist primarily to partner with other public entities to fulfill public mandates, rather than functioning in the normal service provider environment.

Often these entities provide matching funds or joint resources to a project that would not be available under a normal contract for goods and services. Grantor departments still have the responsibility to ensure that a grant relationship provides best value as opposed to a service contract, but are encouraged to foster joint ventures with other public and quasi-public entities when fulfilling department mandates.

A "grant" by definition is "financial assistance" under contractual terms for a "public purpose" to benefit the general public or a segment of the general public. "Financial assistance" is intended to enable a grant recipient to establish, continue or increase a recipient's ability to fulfill a public purpose. Grantees are normally public, quasi-public or private non-profit entities established for a public purpose. Financial

assistance is also appropriate when a grantee is in the business of providing public purpose activities and partners with the Commonwealth to fulfill, continue or expand these public purpose activities.

Grants are available to enable departments to utilize and combine available public and quasi-public resources and expertise to achieve similar or related legislative mandates efficiently and effectively, without the added costs and profit margins sometimes associated with use of private contractors. Grants enable partnerships and joint ventures with the commonwealth to fulfill the public purpose legislative mandates of the grantees and the department. Grants may or may not include a requirement for matching funds or a commitment of resources. Sometimes, public or quasi-public entities are the only sources of certain goods or services, have specific skills or resources, or can provide the most cost effective performance. However, even though departments are encouraged to foster partnerships, grants may not be used to circumvent competitive procurements, or as an expeditious method of obtaining services without using a private contractor or complying with other contracting requirements.

Departments are responsible for disbursing grants using best value, fiscal responsibility and other common sense business practices similar to any other contract or department expenditure. In certain instances, a department is required to fulfill a public purpose mandate and is unable to perform the work internally. The department is faced with issuing either a contract or a grant to fulfill that purpose. Sometimes the distinction between a grant or a contract is less clear. In some cases, the type of grantee most qualified to fulfill the legislative mandate is a public or quasi-public entity established specifically to fulfill the type of public purpose the department seeks. In these circumstances, 815 CMR 2.00 encourages departments to take advantage of partnerships and joint ventures with public and quasi-public entities legislatively established to fulfill a public purpose.

It is common sense that the Legislature intended departments to use available public and quasi public resources, rather than automatically requiring a department to seek outside private contractors. 815 CMR 2.00 enables a department to provide grants of financial assistance to public or quasi-public entities, even if the grant performance includes contract-like services (program management, consultant services, etc.) provided the primary goal of the funding is to achieve a public purpose rather than fulfilling an administrative or operational need. There is a greater justification for the use of a grant (rather than a contract) when a grantee commits to providing matching funds, in-kind services or other resources as part of grant performance. In these circumstances the department will have to justify why a grant of financial assistance is more appropriate than a contract, the unique resources that are available under the grant (which would not be available under a contract), and the funding or other benefits that support best value under the grant.

Grants are generally not disbursed to another state department, but may be provided through an Interdepartmental Service Agreement (ISA) under 815 CMR 6.00 if the purpose of the funding is to provide financial assistance to enable another state department(s) to fulfill or continue a specified public purpose to benefit the general public or a segment of the general public consistent with the grantor department's legislative authorization and consistent with the restrictions for using ISAs specified in 815 CMR 6.00 and the ISA policies. Please see Chapter on Interdepartmental Service Agreements and State Finance Law, for these policies.

Grants are considered a "type" of contract. The Legislature may designate or earmark certain funds to be disbursed as "grants". However, funds designated to be expended as a "contract" either in statute, general, supplemental appropriation act, other legislative authority, or funds without a specific designation to be expended as a contract or grant, may be dispersed as a "grant" provided:

1. the purpose of the funding is "financial assistance" for a "public purpose" to benefit the general public or a segment of the general public, and
2. the grant is disbursed in accordance with 815 CMR 2.00 and the department's grant funding authority.

### **Who can receive a grant? Presumption that Grantees are Public Entities**

Grants to Public Entities may be made from all sources of funds. If the legislative authorization for a grant or financial assistance is silent as to the type of eligible recipients, the presumption will be that the intended recipients will be "public" entities. A "public entity" is defined as a unit of state or local government including a county, municipality, local public authority, school district, special district, district commission, regional government, any agency or instrumentality of government, and state authorities as defined in M.G.L. c. 29, § 1. Since the provision of grants to non-public entities is restricted, a department must determine the organizational structure of intended recipients prior to disbursing grants. If the legislative authorization (statute, general or special law, general or supplemental appropriation act) for a grant or financial assistance is not specific as to the "type" of eligible recipients, the presumption will be that the intended recipients will be "public entities".

Grants to non-public Entities may be made from trust and federal funds without specific legislative authorization. Non-public entities include organizational structures such as individuals, partnerships, and corporations (private, non-profit, quasi-public, corporate body politic). Non-public entities include quasi-public entities and some private, non-profit corporations, even if these entities have been established to fulfill a primarily public purpose. Although these types of entities will still be considered "non-public entities" for the purpose of 815 CMR 2.00, the fact that these entities fulfill a public purpose will be an important factor when justifying the disbursement of a grant to these types of entities absent specific legislative authorization awarding grants to these types of entities. If a department is unsure of the public or non-public status of a potential grant recipient, the department should consult with their legal staff, and if necessary the Legal Bureau of the Office of the Comptroller.

### **Constitutional Restrictions of a Grant of Public Money to a Non-Public Entity**

The Anti-Aid Amendment of the Massachusetts Constitution prohibits "public money or property" from aiding non-public institutions. The Anti-Aid Amendment (Art. 46, § 2, as amended by art. 103 of the Amendments to the Massachusetts Constitution) provides in part that:

*"No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining, or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth or federal authority or both...."*

Article 46 was drafted primarily to prohibit the use of public funds for private and parochial schools, and other types of non-public institutions that did not provide a benefit to the general public. "Public money" is interpreted to include appropriated funds (state tax revenue) which can be either operating or capital appropriations. Although the language of Article 46 specifies only "institutions", the language could be interpreted to extend the prohibition to individuals, partnerships and corporations. Article 46 has been interpreted to allow the expenditure of public funds to non-public recipients solely for the provision of a "public purposes" and not for the direct benefit or maintenance of the non-public entity.

Therefore, absent specific legislative authorization authorizing a grant of state appropriated funds to a non-public entity, 815 CMR 2.00 provides that state appropriated funds *may not* be granted to a non-public entity *unless*:

1. the grant funds are used by the non-public entity solely to cover the actual costs of fulfilling a public purpose to benefit the general public or a segment of the general public, and may not provide a direct benefit or be used for maintenance of the non-public entity not associated with the fulfillment of the grant, and
2. absent specific legislative authorization awarding grant funds to a named non-public entity, or identifiable class of non-public entities, the non-public grantee has been selected through an open

- public award process as determined appropriate by the granting department in accordance with an authorized exception and the department's grant funding authority; and
3. the department has included a statement as part of the contract justifying the reasons why the award to the non-public entity supports the efficient, effective and appropriate use of state appropriated funds.

A department's "legislative authorization" includes general and special laws including statutes, annual appropriation acts and supplemental appropriation acts identifying a department's legislative mandate, the funding authority for a grant, or both. A department's "grant funding authority" includes the department's legislative authorization, trust language or federal grant award language authorizing the funding of a grant, or the public purpose to be achieved by the department. The grant funding authority may not necessarily state the public purpose to be achieved by the funding. Legislative language is interpreted according to its plain meaning, not what the drafters may have intended, but did not draft. Past practice will not be binding as legislative authorization.

Legislative authorization that supports an award of grant of appropriated funds to a non-public entity will either identify the non-public entity specifically by name or will identify an intended "class of recipients" which includes non-public entities. The following are several examples of classes of intended recipients which include non-public entities: "community centers", "rape crisis centers", "regional tourist councils", "community health centers", "local...councils", "regional emergency services councils", "community based ...centers", etc. In addition, legislation may be interpreted to include non-public entities when the purpose of the grant is capable of being performed only by non-public entities because government entities do not perform the particular public purpose being funded.

Grants to non-public entities may be made from trust or federal funds since these funds do not constitute "public moneys" under Article 26. Even though federal funds are appropriated as part of the General Appropriation Act, and trust funds may include funds received on account of the Commonwealth, Article 26 limits its restriction on the use of public moneys to taxpayer funds (operating or capital appropriations).

### **Awarding Subgrants of Federal Grants**

A department applying for, receiving and disbursing federal grant awards are required to comply with M.G.L. c. 29, § 6B and associated policies and procedures issued by the Office of the Comptroller (CTR) in consultation with the Executive Office for Administration and Finance (ANF). Executive departments must notify ANF whenever a federal grant application has been submitted to the federal government for an award of federal funds. All departments are required to immediately notify CTR when a federal grant award has been received and comply with the federal grant award accounting procedures issued by CTR. Please see [Federal Grant Award Accounting](#) policy for compliance responsibilities.

### **Open Public Grant Award Process – Overview**

It is presumed that Commonwealth funds will be expended so that no individual(s) or entity (ies) receives an unfair advantage, opportunity or benefit not available to similarly qualified or situated individuals or entities. The Legislature presumes that when funds are not designated to be awarded, paid or otherwise made available to a specific individual or entity, that the funds will be disbursed by a department in an open public manner that supports fiscal accountability, efficient and effective government, and the achievement of the department's legislative mandate. "Open public" means that the department will not unreasonably restrict access to grant awards and will provide reasonable notice of opportunities to apply for grant funds, based upon the unique circumstances of the grant funding authority.

### **Open Public Grant Award Process Exceptions**

A department may not make a grant award, without an open public award process, as determined appropriate by the department, unless one of the following award process exceptions exist:

1. **Earmarked funding**. The grant funding is restricted or "non-discretionary", which means that the grant funding authority specifies:

- a. the name of a grant recipient(s), the specific amount(s) of a grant award(s) (or calculation for distribution) and the specific public purpose to be funded or achieved through the grant; or
  - b. the name of a grantee(s), without identifying the amount of the award(s) or the specific public purpose to be funded or achieved through the grant award, or both (meaning that the grant funding is part discretionary and part non-discretionary).
2. **Incidental Grants.** The grant will be disbursed as a one-time, non-recurring Incidental Grant(s) which will not exceed the Incidental Purchase limit established under M.G.L. c. 7, § 22 for the duration of the grant award need for that grantee under the grant funding authority. Incidental Grants are available because the disbursement of small grants through the normal grant process is neither effective or an efficient use of administrative and staff resources.

To maximize available resources, encourage best value and support funding timelines, small simple grant awards may be made as Incidental grants, without a procurement or contract. Incidental grants should not be used if the grant funding or the grant program is recurring from fiscal year to fiscal year. Incidental grants may be awarded without the open public and the contractual requirements outlined in 815 CMR 2.00, provided that the grants meet all other requirements of 815 CMR 2.00. The Incidental grant threshold will be set at the same limit established for Incidental Purchases under M.G.L. c. 7, § 22, or as determined by CTR.

Departments may not split grants in order to disburse grants as incidental grants or to otherwise circumvent procurement or other grant requirements. Departments are required to maintain grant files for all incidental grants. As with any incidental purchase, if the terms of the grant are more extensive than a simple statement of funding, departments should use a contract to memorialize the grant relationship, or in any situation in which the department wants the added protection of a contractual agreement.

3. **Interim Grants.** Interim grants serve a transition function to re-disburse remaining grant funds which can not be expended by a current grantee, or to continue a current grant until new grant procurement process is completed to prevent a lapse in grant performance. Sometimes an existing grant terminates prior to its expiration and remaining grant funds must be re-disbursed in an expedited manner. A department may re-disburse remaining funds to a grantee that responded to the original grant application or solicitation process and was not selected for an award, or the department may re-disburse the remaining funds to a current grantee(s) provided the disbursement is consistent with the original purposes of the grant funding. The department will have full discretion as to the most efficient and effective disbursement of remaining funds. The grant file should document the reason for the re-disbursement and the methodology or justification for the subsequent awards.

An interim grant may also be used to extend a grant which would otherwise terminate in order to prevent a lapse in grant performance while a grant award process is being completed. The grant award process must have been timely commenced but due to unforeseen delays is incapable of being completed by the termination date of the grant(s). The interim contract amendment to extend the dates of performance, and compensation, must be execute prior to the termination date of the original grant, and may extend performance only for the minimum period necessary to complete the grant award process. This period should not exceed three months. The grant file and the Interim Contract justification should document that the award process was started timely and that the delays were unforeseen and legitimate.

4. **Best Value Grant Award.** In certain circumstances certain grant awards do not meet any of the procurement exceptions, but still present a situation in which conducting an open public process does not support the efficient use of administrative, staff resources or effective grant disbursement. For example, grant funding may not be earmarked, but the pool of eligible grantees is known and the grant disbursement methodology is formula based or otherwise would not change if an application process was conducted. In these limited circumstances, and with solid

**No Documents**



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## MEMORANDUM

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TO: Chairman Crosby, Commissioners Cameron, MacDonald, Stebbins and Zuniga  
FROM: Catherine Blue  
CC: Alex Lightbown  
RE: Recognition of Thoroughbred Horsemen's Group  
DATE: December 17, 2015

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- Issue:** Two groups, the New England Horsemen's Benevolent and Protective Association ("NEHBPA") and the Massachusetts Thoroughbred Horsemen's Association ("MTHA") have approached the Commission requesting recognition as the organization representing thoroughbred horsemen in Massachusetts. By statute and regulation, a horsemen's organization is responsible for entering into a purse agreement with a track, receiving payments from the purse account set up at a track and for receiving certain benefits payments from the Race Horse Development Fund.
- Recommendation:** After reviewing c. 128A, c.128C and c.23K as well as the regulations regarding the Race Horse Development Fund and the statutes and regulations regarding horsemen's groups in New York, Pennsylvania, Maryland and Virginia, it is the recommendation of the legal department that the Commission amend the Race Horse Development Fund regulations, 205 CMR 149, to provide that the horsemen's group is the group representing a majority of the owners and trainers racing at a track and the group which has entered into a purse agreement with the track. If there is more than one track and more than one horsemen's organization, the purse funds from the Race Horse Development Fund shall be split between the tracks in an amount to be determined by the Commission and the benefit payment funds shall be split evenly between the horsemen's groups. Further, the legal department recommends that the Commission amend its regulations under c. 128A to provide that an owner's license shall not be issued to any person unless such person holds a 20% or greater interest in a particular horse.
- Discussion:** There are generally 2 reasons why horsemen's groups seek recognition and commissions recognize horsemen's groups. Those reasons are first, to receive payments of certain funds controlled by the commission or the track, such as purse monies and funds for breeding and benefits and second, for the purpose of granting consent where it is required for simulcasting. In all of the states reviewed, New York, Pennsylvania, Maryland and Virginia the applicable racing statutes contemplate a horsemen's organization. Each of these states has a requirement that the track enter into a purse agreement with the horsemen's organization and most of those states contemplate some type of payment going to the horsemen's



Massachusetts Gaming Commission

organization. Each of these states assumes recognition of some type for one or more horsemen's groups for thoroughbred racing.

A. **Examples from other states**

**New York:** New York, in section 228 of its Pari-mutuel wagering and breeding law for purposes of the pension plan for backstretch employees states: "any other horsemen's organization may apply to the board to be approved as the qualified organization to receive payment of the one percent of all purses by submitting to the board proof of both that it (i) represents more than fifty-one percent of all the owners and trainers utilizing the same facilities and (ii) the horsemen's organization previously approved as qualified by the board does not represent fifty-one percent of all the owners and trainers utilizing the same facility...) The New York statute contemplates that there may be a different horsemen's organization at each track and that the racing commission should approve the horsemen's organization on a track by track basis.

The regulations for section 228 address the issue of payment of certain percentages of purse money to horsemen's organizations. In section 4003.51 of the regulations, 2 thoroughbred horsemen's groups are mentioned, the New York Thoroughbred Horsemen's Association and the Finger Lakes Horsemen's Benevolent and Protective Association. The regulation refers to these organizations or "its successors", providing for the possibility that each organization can be replaced if another organization proves it represents more than 51% of the horsemen at each facility.

**Virginia:** Beginning July 1 2015, the VA racing commission was required by statute to recognize a horsemen's group for each of thoroughbred and harness racing. Code of VA c.29 section 59.1-365 defined "recognized majority horsemen's group" as "the organization recognized by the Commission as the representative of the majority of owners and trainers racing at race meetings subject to the Commission's jurisdiction". The purpose of recognition of a horsemen's group is to determine payments out of certain funds controlled by the commission. The commission solicited applications for recognition; it received 1 application for each of the thoroughbred and harness horsemen. At its July 1, 2015 meeting, the commission recognized 1 group for each type of racing; the group represents horsemen across the state of VA. A review of the commission's transcript for that meeting reveals that the commission required evidence of representation and grappled with the way each organization determined its membership, particularly in light of the fact that each group's bylaws addressing membership did not match the definition required by statute. In the case of the thoroughbred horsemen's organization, the commission required it to change its bylaws to better align with the statutory definition.

**Maryland:** Maryland makes payments to the Maryland backstretch employees' pension fund to "the organization that represents a majority of the owners and trainers who race thoroughbred horses in the State" pursuant to Maryland Statutes Business Regulation section 11-319. In the Code of Maryland section 09.10.04.21 the procedure for resolving a challenge to the recognition of a horsemen's organization by the commission is described. The regulation requires that a petition supported by at least 15% of the individuals in the applicable racing segment be filed with the commission. Once the commission determines that the petition is supported by the requisite number of signatures, the commission announces at a public meeting that it will hold an election to determine which organization is to be recognized by the commission. The ballots are mailed to each owner and trainer licensed in the state in the current year, up to and including the day that the election is announced. The ballots received are verified against the mailing list and the commission counts the ballots. The organization receiving the majority of the votes properly cast is designated as the organization representing a majority of that portion of the racing industry. The commission's recognition of an organization as the majority representative cannot be challenged within 365 days of the decision becoming final.

**Pennsylvania:** Pennsylvania issued regulations pursuant to the Pennsylvania Race Horse Development and Gaming Act, 4 Pa C.S. section 1406 defining horsemen's organization. Pa Code section 436a.1 defines horsemen's organization as "A trade association which represents the majority of horsemen at a licensed racetrack and which exists for the purpose, in whole or in part, of negotiating a horsemen's contract and resolving grievances, disputes or other matters with management of a licensed racing entity." A horsemen's organization must file a completed Horsemen's Organization Notification Form and supporting documentation within 90 days of its selection as a horsemen's organization representing horsemen. The notification form is valid for 4 years from the date on which the notification is filed with the commission's bureau of licensing.

#### B. Massachusetts

Massachusetts statutes on racing, c.128A and c.128C and c. 23K contemplate a horsemen's organization for the purpose of purse agreements, approval of simulcasting and payment of monies under the race horse development fund. There is no specific requirement for the Commission to recognize a horsemen's organization and no procedure for recognition. The Commission's regulations are also silent on the matter.

In the sections of the statutes that refer to payments to a horsemen's organization, the organization is generally referred to as "...the appropriate horsemen's association representing the horse owners at that meeting..." (M.G.L. c. 128A section 5 and c.128C section 4).

The NEHBPA is specifically mentioned in M.G.L. 23K section 60 solely for the purpose of having a seat on the Race Horse Committee established by that section. However, in that same section, for the purposes of payment of monies from the race horse development fund, payments of the funds for purses go to the purse account established by the track for the benefit of the horsemen and payment of funds for health and pension benefits are paid “for the members of the horsemen’s organizations representing the owners and trainers at a horse racing facility for the benefit of the organization’s members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the commission...”)

The NEHBPA is also specifically mentioned in M.G.L. 128A section 2 regarding approval of simulcasting in accordance with the Interstate Horse Racing Act of 1978, 15 U.S.C. section 3001. That section states: “All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. sec. 3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states that have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen’s Benevolent and Protective Association prior to being simulcast to any racing meeting licensee within the commonwealth; provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.” The Interstate Horse Racing Act of 1978 defines horsemen’s group as “horsemen’s group means, with reference to the applicable host racing association, the group which represents the majority of owners and trainers racing there, for the races subject to the interstate off-track wager on any racing day.”

Massachusetts, like the other states described above, recognize horsemen’s groups for the purposes of purse monies and purse agreements, payment of certain monies for benefits and for approval of a certain type of simulcast. The Commission should create regulations that support those purposes in the context of Massachusetts law and the purposes of the race horse development fund.

It is recommended that 205 CMR 149 be amended to add a definition of horsemen’s organization along the lines of that already found in c. 128A, i.e., the appropriate horsemen’s association representing the horse owners at that meeting. The amended regulation can provide that the determination of the appropriate horsemen’s association will be based upon the organization’s provision to the track of a list of its members representing more than 51% of the owners and trainers who race at that track. In addition to providing proof of majority representation to the track, the amended regulation should provide that the horsemen’s organization be required to enter into a purse agreement with the track prior to the start of the meet. It is recommended that the regulation provide that any payments due from the race horse development fund will be made once the commission receives proof of majority

representation and the execution of a purse agreement. It is also recommended that the regulation provide that the determination of the amount of purse monies for each meet shall be within the discretion of the Commission after receiving requests from each meet. For the payment of monies from the race horse development fund for benefits, it is recommended that the regulation provide that in the event that there is more than 1 horsemen's organization, the monies will be split evenly between the horsemen's organizations.

The regulation should be further amended to provide that in the event there is more than 1 horsemen's organization, the commission's appointee to the horse racing committee shall be tasked with taking into account the comments and concerns of the additional horsemen's organization.

In order to support the amendments to 205 CMR 149, it is recommended that the racing regulations at 205 CMR 4.23 be amended to provide that no owner's license shall be issued except to a person who owns 20% or more of a horse.

# *New England Horsemen's Benevolent and Protective Association, Inc.*

*President*  
Anthony Spadea

*A National Organization*

*Acting Executive Director*  
Bruce P. Patten

*Directors: Owners*  
Randy Andrews  
Susan Clark  
Shirley Dullea  
Manfred Roos  
Paul Umbrello



*Directors: Trainers*  
Jay Bernardini  
Matthew Clarke  
Alan Lockhart  
Kevin McCarthy  
George Saccardo

P.O. Box 388  
Revere, MA 02151  
617-568-3333 or 800-225-3460 Ext. 7258  
[WWW.NewEnglandHBPA.com](http://WWW.NewEnglandHBPA.com)

December 15, 2015

Massachusetts Gaming Commission  
101 Federal Street  
Boston, MA 02110

Members of the Commission:

The NEHBPA noted that the Agenda released today for the Massachusetts Gaming Commission ("MGC") meeting scheduled for December 17 includes addressing the request of the Massachusetts Thoroughbred Association for recognition as "*the legitimate representative of the majority of local horsemen*". Through its counsel, the New England Horsemen's Benevolent and Protective Association (NEHBPA) has previously communicated to the MGC its objection to the requested recognition.

As the NEHBPA previously advised you, the MTHA request was unsupported by any documentation identifying the individuals the MTHA purports to represent. The MTHA membership list has not been released. It appears that MTHA Constitution and Bylaws have yet to be drafted and adopted. The MTHA has not conducted an election. Its present officers and Directors are self-appointed. Other than the assertions of its President, the MGC has not been provided any documentation that the MTHA actually represents anyone that has owned or trained thoroughbreds in New England in recent years. To the extent the request of the MTHA for recognition is considered by the MGC, the NEHBPA requests that the Commission seek and carefully review documentation evidencing that the MTHA actually does represent Horsemen (rather than individuals employed by or supporting the thoroughbred racing industry). Further the MGC should seek evidence that the MTHA has the experience and competence to effectively represent horsemen. Unlike the NEHBPA, the newly formed MTHA has no affiliation with a National Horsemen's Group that will provide any needed support and advice as issues of representation arise.

Since 1940, the NEHBPA has been the recognized voice and bargaining agent of the horsemen. It has been recognized as such by the Massachusetts legislature. It has been and continues to be recognized by Sterling Suffolk Racecourse LLC as the local bargaining agent of the thoroughbred horsemen of Massachusetts. Sterling Suffolk Racecourse LLC is presently licensed to simulcast and conduct live thoroughbred racing, conducted three days of live racing in 2015 and has applied for racing dates in 2016. The NEHBPA has already contacted Mr. Carney relative to the racing he proposes to conduct in 2016, advising of NEHBPA support of the proposed meet and seeking to negotiate on behalf of the horsemen that will be racing there if the meet is conducted. I

December 15, 2015  
Massachusetts Gaming Commission  
Page 2

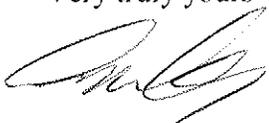
note that in past years when racing was conducted at the fairs in Brockton, Marshfield, North Hampton and Great Barrington, the NEHBPA represented the horsemen and worked with the racing facilities to ensure a safe and successful meet.

The NEHBPA continues to object to the requested recognition of the MTHA by the MGC. It is the NEHBPA that continues to represent the owners and trainers of thoroughbreds who have raced in Massachusetts in recent years. In 2014 the NEHBPA conducted an election in which ballots were distributed to more than 900 horsemen who have raced recently in Massachusetts. These horsemen voted to appoint the present officers and Board Members of the NEHBPA for a three-year term. It appears that certain individuals, such as MTHA President William Lagorio who unsuccessfully sought election to the NEHBPA Board, are now making an end run to circumvent the voting process by forming a rival organization to compete with the NEHBPA. Recognition of the MTHA by the MGC will operate to void the ballots cast by local horsemen who voted for representation by the present NEHBPA Board.

NEHBPA members have made the financial investment that permitted thoroughbred racing to continue in Massachusetts. The Massachusetts Gaming Commission should not ignore the electoral process that validated the continued representation of local horsemen by the NEHBPA. The NEHBPA continues to suggest that the MGC should rely upon the NEHBPA to assert the position of the local horsemen on thoroughbred racings issues and should accept further comment by MTHA representatives or other individuals only as the position of the entity or individual and not as the position of local horsemen. It objects to any action by the MGC that recognizes any entity other than the NEHBPA as being the spokesperson of the local thoroughbred horsemen.

To the extent that recognition of the MTHA as a representative of local horsemen is further considered by the MGC, the NEHBPA requests a public hearing on the issue.

Very truly yours



Anthony Spadea  
President, NEHBPA

Massachusetts Thoroughbred Horsemen's Association, Inc.

189 Squire Road #251

Revere, Ma. 02151

617-593-2982

[WWW.MASSTHA.COM](http://WWW.MASSTHA.COM)

September 28, 2015

2015 SEP 28 AM 11:57

MASSACHUSETTS GAMING  
COMMISSION

The Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> floor  
Boston, Ma. 02110

cc. Attorney Catherine Blue  
cc. Dr. Alex Lightbown

Dear Commissioners;

The MTHA was formed by local horsemen/women who believed they have been disenfranchised by their traditional representatives (The NEHBPA) and unintentionally by the Massachusetts Legislature.

It is important to us that the MGC understand that our core mission is to protect live thoroughbred racing in Massachusetts. We are mindful that the industry in 2013 provided direct employment for approximately 1600 workers, (position paper submitted to the MGC by the NEHBPA and the MTB in 2013) yet today provides only 25 to 50 jobs. (Testimony by Chip Tuttle and Louis Ciarlone before the MGC on June 11, 2015) We believe this is a direct result of assigning year round simulcast rights without requiring enough live racing to sustain the industries workforce.

The MTHA has embraced the basic position I presented at the MGC meeting on June 11, 2015, that position was;

1. A horse festival dispensing 1.2 million dollars of RHDF monies is a bad idea and provides next to no benefit to local horsemen. Putting up to 1550 people out of work is unacceptable.
2. There are a number of other possibilities that can be developed to restore a healthy thoroughbred industry to the Commonwealth.

As a group we are united in objecting to any approved race meet in Massachusetts of less than the statutory maximum of live racing days. Simulcast rights need to be recognized as the most important component of a healthy and vibrant thoroughbred industry and our organization should participate in any decision involving the distribution of RHDF monies.

As President of the Massachusetts Thoroughbred Horsemen's Association, I request that the Massachusetts Gaming Commission take steps to recognize our organization (registered with the secretary of state) as the legitimate representative of the majority of local horsemen. I understand this won't be a simple process for the MGC and I will await your instructions and advice as to how to proceed.

Sincerely,



William Lagorio, President, MTHA.



*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in 205 CMR 102.00: Construction and Application; 205 CMR 116.00: Persons Required to be Licensed or Qualified; and new regulation 205 CMR 129.00: Review of a Proposed Transfer of Interests, notice of which was filed this day with the Secretary of the Commonwealth. These amendments and new regulation were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments and new regulation govern the requirements and procedures for transferring any interest held in a gaming license or gaming establishment. These regulations are largely governed by G.L. c.23K, §§ 2, 4(37), 5, 12, 14, and 16.

These amendments and new regulation apply directly to the gaming licensees and/or any prospective transferees and accordingly are unlikely to have an impact on small businesses. In accordance with G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

There are no small businesses that the Commission anticipates will be impacted by these regulations.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

These regulations do not implicate a design or performance standard.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth. These regulations are designed to



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supplement the qualifiers provision of 205 CMR 116 and no conflict has been created.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

The proposed regulations were designed to ensure that investment in the industry is not in any way stifled by the regulatory process. G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of small businesses such as lodging, dining, retail, cultural and social facilities. The proposed regulations, as part of the overall process, are designed to effectuate those intentions and growth.

Massachusetts Gaming Commission  
By:

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Cecelia M. Porché  
Paralegal  
Legal Division

Dated: \_\_\_\_\_



Massachusetts Gaming Commission



*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations; notice of which was filed this day with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments allow the Commission to issue temporary licenses for gaming employees and gaming vendors upon submission of required documents, likelihood of positive suitability, and provided that no further information is required. These amendments also remove the existing 12 month expiration date for temporary vendor licenses. These regulations are largely governed by G.L. c.23K, §§ 3, 12, 16, 30 and 31.

These amendments apply directly to the gaming employees and gaming vendors. These amendments were designed to streamline the licensing process to get individuals to work and allow gaming licensees to do business with vendors quickly without compromising licensing standards at the temporary licensing stage. To the extent that a gaming vendor is a small business, small businesses may be impacted. In accordance with G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

It is difficult to project, with any precision, the number of small businesses that may be impacted by this regulation. There could be upwards of 1000 vendors but only a small percentage will be issued a temporary license. This regulation uniformly applies equally to all vendors, regardless if they are a small business.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no further projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

These regulations do not implicate a design or performance standard. As a general matter, the procedures for granting a temporary license must be prescriptive in nature in order to ensure uniform process.



Massachusetts Gaming Commission

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of small businesses such as lodging, dining, retail, cultural and social facilities. The proposed regulations, as part of the overall process, are designed to effectuate those intentions and growth.

Massachusetts Gaming Commission  
By:

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Cecelia M. Porché  
Paralegal  
Legal Division

Dated: \_\_\_\_\_



Massachusetts Gaming Commission



*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations; notice of which was filed this day with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments will increase the initial term of licenses from three years to five years for key gaming employees and gaming employees. These amendments will allow the Commission to efficiently process new license applications for two projected casino openings in 2018 and avoid conflict with current casino license renewals at the same projected period. These regulations are largely governed by G.L. c.23K, §§ 3, 12, 16, 30 and 31.

These amendments apply directly to gaming employees and accordingly are unlikely to have an impact on small businesses. In accordance with G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

There are no small businesses that the Commission anticipates will be impacted by these regulations as they apply solely to employees of the gaming establishment.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses as these regulations apply solely to employees of gaming establishments.

3. State the appropriateness of performance standards versus design standards:

These regulations do not implicate a design or performance standard.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:



Massachusetts Gaming Commission

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

These regulations apply solely to employees of the gaming establishment and therefore are not likely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission  
By:

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Cecelia M. Porché  
Paralegal  
Legal Division

Dated: \_\_\_\_\_



Massachusetts Gaming Commission



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in 205 CMR 116.00: Persons Required to be Licensed or Qualified; notice of which was filed this day with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments will allow a new qualifier to perform duties once a completed application is submitted and the Bureau approves the individual to perform duties during the suitability process. These regulations are largely governed by G.L. c.23K, §§ 4(37), 5, 12, 14, and 16.

These amendments apply directly to gaming licensees and accordingly are unlikely to have an impact on small businesses. In accordance with G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

There are no small businesses that the Commission anticipates will be impacted by these regulations as they apply solely to qualifiers to the gaming licensees.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses as these regulations apply solely to qualifiers to the gaming licensees.

3. State the appropriateness of performance standards versus design standards:

These regulations do not implicate a design or performance standard.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.



Massachusetts Gaming Commission

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

These regulations apply solely to qualifiers to gaming licensees and therefore are not likely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

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Cecelia M. Porché  
Paralegal  
Legal Division

Dated: \_\_\_\_\_



Massachusetts Gaming Commission