



LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE (LCMAC") MEETING MINUTES

REGION A - MEETING #1

Date/Time: May 7, 2015

Place: Metropolitan Area Planning Council
60 Temple Place
Boston, MA
3:04 p.m. – 4:16 p.m.

Present:	<u>MGC:</u> John Ziembra, Ombudsman Todd Grossman, Deputy General Counsel Gordon Carr Mary Thurlow	<u>LCMAC Members:</u> Fred Berman Richard Caraviello Louis DePasquale John DePriest Ronald Hogan Tony Sousa Charles Ticotsky
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Absent:

Call to Order

Mr. Ziembra called the meeting to order. He discussed the future of the Committee from the community mitigation perspective and noted that the LCMAC will work on other policies that it determines to address. He then gave an overview of the meeting format.

Mr. Ziembra reviewed the specific statutory role of the Committee under M.G.L. c. 23K §68. He discussed the milestone of a completed mitigation fund application by December 1st to enable communities time to prepare the applications by the February 1, 2016 deadline. The 2016 program would be based on regulations that would govern how the mitigation fund works in place of the current guideline process. He then briefly discussed the Community Mitigation Subcommittee and the Gaming Policy Advisory Committee which is chaired by Dennis DiZoglio.

Mr. Carr then informed the LCMAC members the importance that Chair DiZoglio places on input from these committees. He also mentioned how unique this structure was in terms of gaming nationwide for policy making; how helpful and important the knowledge that the representatives have about their communities will be in forming these policies.

Mr. Ziembra then brought up the issue of how the mitigation fund is applied in terms of anticipatory impacts; impacts of the different regions; and the balance between the regions. He also outlined the funding structure and noted that the slots facility does not pay into the fund on an ongoing basis although it does have the right to access funds.

Mr. Hogan asked a question about the Community Mitigation Advisory Subcommittee and if it were trailing the LCMAC.



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Mr. Ziemba acknowledged that it will trail the LCMAC as it includes a representative from the local committees from both the east and west in addition to needing appointees from the Governor.

Mr. Ticotsky mentioned that there are additional members of the LCMAC appointed by the Commission.

Mr. Ziemba outlined those additional required members and mentioned that this process was underway, however, not complete.

Mr. Ziemba then moved the Committee to the next agenda item, that of operations of the committee. He discussed having open meetings; the reason behind having a stenographer present at the meetings; and where on the Commission's Website these committees will be highlighted. Mr. Ziemba mentioned to the members that their names would be posted on the MGC website.

Mr. Ziemba suggested to the members that each town have an alternate to attend meetings when the appointed member is unavailable. The alternate member is for the continuity of knowledge, scheduling of meetings and to help enable the Committee's work to move forward.

Mr. Carr emphasized the continuity perspective of having a designated alternate member to the Committee for that consistent representation from as many communities as possible. He also mentioned that there are certain restrictions and potential conflicts that go along with serving on this type of committee. He requested each member to think about a possible alternate and that the Commission would assist in getting that person familiar with the Committee and its purpose by meeting with them.

Mr. Ziemba then addressed the frequency, time and place of the meetings. It was decided by general discussion to keep the location and time consistent, and that monthly meetings were necessary until the 2016 fund was established. MAPC agreed to host upcoming meetings if the room is available.

Mr. Ziemba then discussed the elections of the Chair and Community Mitigation representative and the timeframe for those meetings. Mr. Ziemba requested members seeking to be one of these officers contact Mary Thurlow by Friday, May 29th and be prepared at the next meeting to present themselves in a five minute presentation as to why they are interested and why they would be a good candidate. Mr. Ziemba clarified for Mr. Carr that these positions are annual appointments.

Mr. Grossman then presented ethics training to the members focusing on the conflict of interest law Chapter 268A. He also highlighted 930 CMR 6.23 .

Mr. Ziemba reminded the members that it is the Commission that makes all determinations relating to community mitigation fund applications and that this Committee will give advice to the Commission on how guidelines for future programs are established.

Mr. Grossman then covered ethic issues relating to financial interest as found in Section 6A of Chapter 268A covering conflicts of public and private interests. As part of this section, unwarranted privileges and maintaining confidentiality were explained.

Mr. Berman raised the question about a non-employee of a municipality who is designated to represent the municipality at this Committee and how do they share these proceedings with the mayor or other parties; where does the confidentiality line get drawn.



Mr. Ziemba mentioned that these meetings are open meetings so that nothing said in the meeting is deemed confidential. If confidential information distributed, the confidentiality restriction would have to be more closely reviewed.

Mr. Grossman then reviewed the restriction on lobbying. Mr. Berman confirmed that the restriction is solely for the members, not for the community itself, and that there is a year cooling off period on lobbying.

Mr. Hogan brought up that many communities may be applying for mitigation funding and that members of this Committee in their role may be part of that dialogue. Where does that line get drawn relative to involvement in the process?

Mr. Grossman responded that a community may need to find someone else. He explained the potential for the city or town can apply for funds, however, individuals who are members of this Committee applying for funds may not participate in discussion regarding the funding request. Mr. Grossman said he would have to look into this issue further.

Mr. Depriest questioned, if he is the one putting together the application, but not necessarily advocating for it, is that allowed?

Mr. Grossman said he would look into further if one is an agent by putting together an application.

Mr. Depriest explained his role in two communities and how ethics law would apply.

Mr. Grossman said that Mr. Depriest is a special state employee by sitting on this board, thus even if he does things in his personal capacity, he is restricted from doing some activities because he is a state employee. Mr. Grossman suggested that Mr. Depriest get advice individually on this topic.

Mr. Sousa requested an answer by the next meeting.

Mr. Grossman agreed to get an answer.

Mr. Ziemba discussed the next steps for the Committee to have the elections and have a general discussion of some of the topic areas this Committee should explore. John noted that a brief presentation by Mark Vander Linden, Director of Responsible Gaming and Research would be beneficial to the LCMAC.

Mr. Hogan asked if there was a separate fund for problem gambling.

Mr. Ziemba mentioned the public health trust fund that has another \$15 million a year allocated to it. Determining whether issues are funded through the community mitigation fund or through the public health trust fund could be a long-term issue needing a determination.

Mr. Berman asked if substance abuse was part of that fund and whether there was a separate advisory committee.

Mr. Ziemba explained that there are numerous advisory committees such as the Gaming Research Advisory Committee, GPAC, and within GPAC three subcommittees.



Mr. Ziemba said it would be useful to see how the Gaming Research Advisory Committee manage their outreach to gather input regarding what their activities will be.

Mr. Hogan asked if there was a similar application process for the public health fund.

Mr. Ziemba responded that the researchers are primarily concerned with getting the baseline studies in place because they need to be in place prior to the opening.

Mr. Berman asked if there was a public safety committee, if there a public safety fund?

Mr. Ziemba explained that a certain percentage of each licensing fees go into a number of different funds.

Mr. Berman asked if the mitigation fund and the public health fund where the only two at the discretion of the Gaming Commission.

Mr. Ziemba clarified that the public health trust fund is not solely at the discretion of the Gaming Commission, it is the Gaming Commission in tandem with the Department of Public Health. The Commission has a memorandum of agreement on how those funds will be allocated.

Meeting was then adjourned.

/s/ Mary S. Thurlow
Mary S. Thurlow, Secretary

Materials distributed at meeting:

1. Agenda and Notice of Meeting
2. Charts of the Gaming Policy Advisory Committees
3. M.G.L. Chapter 23K, Section 68
4. M.G.L. Chapter 23K, Section 61
5. Massachusetts Gaming Commission 2015 Community Mitigation Fund Guidelines
6. Open Meeting Law Guide, Office of Attorney General Maura Healy, March 18, 2015
7. List of Members
8. 930 CMR 6.23
9. State Ethics Commission publication EC-COI-06-3, June 12, 2006



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