



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #196**

August 1, 2016
10:00 a.m.

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



Massachusetts Gaming Commission



NOTICE OF MEETING and AGENDA

August 1, 2016

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:

Monday, August 1, 2016

10:00 a.m.

Massachusetts Gaming Commission

101 Federal Street, 12th Floor

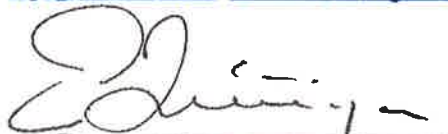
Boston, MA

PUBLIC MEETING - #196

1. Call to order
2. Racing Division -- Alex Lightbown, Director of Racing/Chief Veterinarian
 - a. Brockton Fairgrounds - Request for Race Horse Development Funds - VOTE
3. Ombudsman Report -- John Ziemba
 - a. Community Mitigation Fund Awards -- Joe Delaney - Construction Project Oversight Manager, Catherine Blue - General Counsel, Derek Lennon - Chief Financial and Accounting Officer, Mary Thurlow - Paralegal
 - b. Gaming Policy Advisory Committee Update
4. Administrative Update -- Ed Bedrosian, Executive Director
5. Commissioner's Updates
6. 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 "Massachusetts Gaming Commission Meeting" at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

7/27/16
DATE


Enrique Zuniga, Commissioner

Date Posted to Website: July 28, 2016 at 10:00 a.m.



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Division of Racing

TO: Steve Crosby, Chairman
Gayle Cameron, Commissioner
Lloyd Macdonald, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Edward Bedrosian, Executive Director
Catherine Blue, General Counsel

DATE: July 19, 2016, 2016

RE: Middleboro Agricultural Society Request for Race Horse Development Funds

Dear Commissioners:

Middleboro Agricultural Society President Robert Kelly has submitted a request for \$2.5 million from the Race Horse Development Fund to use for purses for their planned 15 days of racing. He has also requested \$262,000 from the Race Horse Development Fund for the Massachusetts Thoroughbred Horsemen's Association, Inc. administrative costs. The Massachusetts Gaming Commission recently approved the Suffolk Downs request of \$225,000 for the New England Horsemen's Benevolent and Protective Association administrative costs for the 6 day Suffolk meet, so the requests are similar.

Mr. Kelly has also requested \$1,473,947 from the Race Horse Development Fund for administrative and operational expenses for the racing. They are not going to simulcast, so they will not have income from simulcasting to cover their administrative and operational expenses.

Massachusetts General Law Chapter 23K (c) (i) states that 80 percent of the Race Horse Development Funds shall be used to fund purses:

- (i) 80 per cent of the funds approved by the commission shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen; provided, however, that the earned interest on the account shall be credited to the purse account; and provided further, that licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen;



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Chapter 10 of the Acts of 2015 amended Massachusetts General Laws 128A and 128C to allow purse money generated by the live and simulcast racing pari-mutuel handle that goes into the purse account to be used not only for purses but also for administrative and horseracing operations, with the approval of the appropriate horsemen's association representing the horse owners racing at that meeting. However, this does not apply to the money from the Race Horse Development Fund.

Recommendation: That the Commission approve the request of Middleboro Agricultural Society for \$2.5 million from the Race Horse Development Fund for the Middleboro purses. This money will be distributed monthly, as they race.

Recommendation: That the Commission approve the request of Middleboro Agricultural Society for \$262, 000 from the Race Horse Development Fund for the Massachusetts Thoroughbred Horsemen's Association's administrative costs.

Recommendation: That the Commission deny the request of Middleboro Agricultural Society for \$1,473,947 from the Race Horse Development Fund for administrative and operational expenses.



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Middleboro Agricultural Society

1958 Broadway

Raynham, Massachusetts 02767

1508-824-4071

July 18, 2016

Dr. Lightbown, Director of Racing
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Dear Dr. Lightbown,

Enclosed please find our *First Amendment To Recognition And Purse Agreement* together with our budget (dated July 18, 2016) to conduct a live thoroughbred racing meeting at the Brockton Fairgrounds during this calendar year.

We have revised and lowered our purse request from \$3M to \$2.5M for 15 days of live racing, and request that purse amount be approved together with our budget amount of \$1,473,947 for administrative and operational expenses.

Thank you again for your continued support of the thoroughbred industry and our efforts to revive live racing in Brockton.

Sincerely,



Robert J. Kelly
President

cc: William Lagorio, President, MassTHA
Enclosures

2016 JUL 18 PM 3:04

MAS97000115011000

FIRST AMENDMENT TO
RECOGNITION AND PURSE AGREEMENT
Between
MASSACHUSETTS THOROUGHBRED HORSMEN'S ASSOCIATION, INC.
And
MIDDLEBOROUGH AGRICULTURAL SOCIETY

This First Amendment To Recognition And Purse Agreement is entered into, with an effective date of July 15, 2016, by the Massachusetts Thoroughbred Horsemen's Association, Inc., a Massachusetts corporation having its principal office at 36 Witherbee Avenue, Revere, MA 02151 ("MassTHA"), and the Middleborough Agricultural Society, a Massachusetts corporation having its principal office at 1958 Broadway, Raynham, MA 02767 ("MAS"), and amends that certain Recognition And Purse Agreement between the parties and dated April 19, 2016 (as amended hereby, the "Agreement").

For good and valuable consideration hereby acknowledged as received and sufficient, MassTHA and MAS amend the Agreement as follows:

1. Section 3.3 of the Agreement is deleted in its entirety and the following is substituted therefor:

“ 3.3 Purse Account Payments. MAS shall make payments to the Horsemen from the Purse Account consistent with this Agreement, the Initial Condition Book, the regulations prescribed by the Commission and available funds in the Purse Account.”

2. The following provision is added to Section 5 of the Agreement:

5.7 MAS reserves the right to unilaterally suspend or cancel race days and/or the length and scope of stalling and training services should MAS' costs exceed the amount of reimbursement that has been allowed by the Commission.

(Signature page follows.)

This First Amendment To Recognition And Purse Agreement is hereby executed in Massachusetts and dated as of the above stated date.

Massachusetts Thoroughbred Horsemen's Association, Inc.

By  _____
Name: William Lagorio
Title: President

Middleborough Agricultural Society

By  _____
Name: Timothy Carney
Title: Treasurer

Racing Budget For Mass. Gaming Commission
Middleborough Agricultural Society
15 Race Days with 4 months of Training & Stalling Expenses

| <u>Account</u> | <u>Total Budgeted Amount</u> | |
|--|--------------------------------------|---|
| Advertising & Promotion | \$ 30,000.00 | |
| Insurance | | |
| General Liability | \$ 9,933.00 | |
| Jockey | \$ 4,250.00 | |
| Crime | \$ 2,500.00 | |
| Property | \$ 10,000.00 | |
| MA Gaming Comm - License | \$ 4,500.00 | |
| MA Gaming Comm - Assessment | \$ 3,750.00 | |
| Professional Fees: | | |
| Auditor/Accounting | \$ 5,000.00 | |
| Legal | \$ 35,000.00 | |
| Real Estate Taxes on Track (4 months) | \$ 64,000.00 | |
| General & Administrative Expense (16 weeks) | \$ 30,000.00 | |
| Training & Stalling Rent (16 weeks) | \$ 400,000.00 | |
| Sub Contractor Services | | |
| Amtote - Tote Service | \$ 30,000.00 | |
| Brewster - Ambulance (16 weeks) | \$ 70,800.00 | |
| Horse - Ambulance (16 weeks) | \$ 70,800.00 | |
| City of Brockton - Police (15 days) | \$ 12,069.00 | |
| City of Brockton - Fire (15 days) | \$ 11,263.05 | |
| MGA - Equipment Rental & Fuel (16 weeks) | \$ 114,840.00 | A |
| MGA - Repair Rail, Racetrack Surface, Refurbished Starting Gate, etc. | \$ 150,000.00 | |
| MGA - Racing Department Labor (16 weeks) | \$ 311,040.00 | B |
| MGA - Operating Labor (15 days) | \$ 72,701.96 | A |
| Postime Productions - Television, Timing, Photo Finish, Sound (15 days) | \$ 31,500.00 | |
| Totals | <u>\$ 1,473,947.01</u> | |

Massasoit Greyhound Association Inc.
Fair Racing Budget

| PAYROLL | Pay Rate | Daily Hours | Daily | Daily | Daily |
|----------------------------------|-----------|-------------|-------|--------------------|-----------------------------|
| <u>Employee</u> | | | | | |
| Announcer | \$ 20.00 | 4.5 | 1 | \$ 90.00 | \$ 1,350.00 |
| Horsemens Bookkeeper | \$ 23.00 | 4.5 | 1 | \$ 103.50 | \$ 1,552.50 |
| Accounting | \$ 100.00 | 1 | 1 | \$ 100.00 | \$ 1,500.00 |
| Programs | \$ 10.00 | 5.5 | 2 | \$ 110.00 | \$ 1,650.00 |
| Programs Manager | \$ 12.00 | 5.5 | 1 | \$ 66.00 | \$ 990.00 |
| Parkers | \$ 10.00 | 3 | 2 | \$ 60.00 | \$ 900.00 |
| Mutuels | \$ 12.50 | 4 | 8 | \$ 400.00 | \$ 6,000.00 |
| Mutuel Head | \$ 18.75 | 5 | 1 | \$ 93.75 | \$ 1,406.25 |
| Money Room(Cage) | \$ 17.00 | 5 | 1 | \$ 85.00 | \$ 1,275.00 |
| Money Room(Table) | \$ 12.50 | 5 | 1 | \$ 62.50 | \$ 937.50 |
| Lottery(Office) | \$ 18.75 | 4 | 1 | \$ 75.00 | \$ 1,125.00 |
| Change & Info | \$ 10.66 | 4 | 1 | \$ 42.64 | \$ 639.60 |
| Secretary | \$ 13.00 | 5 | 1 | \$ 65.00 | \$ 975.00 |
| Electrician | \$ 75.00 | 5 | 1 | \$ 375.00 | \$ 5,625.00 |
| Management | \$ 100.00 | 5 | 1 | \$ 500.00 | \$ 7,500.00 |
| Maintenance | \$ 14.00 | 4.5 | 3 | \$ 189.00 | \$ 2,835.00 |
| Cleaning Crew-Daily | \$ 10.00 | 5 | 2 | \$ 100.00 | \$ 1,500.00 |
| Cleaning Crew Mgr-Daily | \$ 11.50 | 5 | 1 | \$ 57.50 | \$ 862.50 |
| Print Shop | \$ 26.06 | 8 | 2 | \$ 416.96 | \$ 6,254.40 |
| | | | | <u>\$ 2,991.85</u> | <u>\$ 44,877.75</u> |
| Benefits & Employer Tax | 35% | | | <u>\$ 4,039.00</u> | <u>\$ 60,584.96</u> |
| Overhead | 10% | | | \$ 403.90 | \$ 6,058.50 |
| Profit | 10% | | | \$ 403.90 | \$ 6,058.50 |
| Daily Total | | | | <u>\$ 4,846.80</u> | <u>\$ 72,701.96</u> 15 Days |
| Equipment Rental | | | | | |
| Farm Tractor | \$ 50.00 | 5 | 2 | \$ 500.00 | \$ 7,500.00 |
| ID Tractor 5055E - Starting Gate | \$ 100.00 | 5 | 1 | \$ 500.00 | \$ 7,500.00 |
| Volvo L90 Front End Loader | \$ 100.00 | 5 | 1 | \$ 500.00 | \$ 7,500.00 |
| Rubbish Packer | \$ 100.00 | 5 | 1 | \$ 500.00 | \$ 7,500.00 |
| Konica Minolta Copier | \$ 50.00 | 5 | 1 | \$ 250.00 | \$ 3,750.00 |
| | | | | <u>\$ 2,250.00</u> | <u>\$ 33,750.00</u> |
| Overhead | 10% | | | \$ 225.00 | \$ 3,375.00 |
| Profit | 10% | | | \$ 225.00 | \$ 3,375.00 |
| Daily Total | | | | <u>\$ 2,700.00</u> | <u>\$ 40,500.00</u> 15 Days |
| Water Truck | \$ 240.00 | 1 | 108 | \$ 25,920.00 | \$ 25,920.00 108 Days |
| Tractor to seal track | \$ 240.00 | 1 | 108 | \$ 25,920.00 | \$ 25,920.00 108 Days |
| Fuel | | | | | \$ 22,500.00 |
| Total Equipment Rental | | | | | <u>\$ 114,840.00</u> |



MGA – Racing Department Labor

| | |
|---|------------|
| Steward – 3 days per week x 17 weeks @ 350.00 per day | = \$17,850 |
| Racing Secretary – 19 weeks @\$ 1500.00 per week | = \$28,500 |
| Veterinarians – 2 per race day @ 525.00 each per day | = \$15,750 |
| Veterinarian - (1) - 2 days a week 2 weeks prior to opening | = \$2,200 |
| Placing Judges/ Racing office staff (3) at \$200.00 per day | = \$18,000 |
| Assistant Racing Secretary x 750.00 per week | = \$14,250 |
| Stall Man – x \$650.00 per week x 19 weeks | = \$12,350 |
| Identifier @ \$300.00 per day x 19 weeks | = \$5,700 |
| Clerk of Scales @ \$300.00 per day x 15 weeks = | = \$4,500 |
| Paddock Judge @ \$300.00 per day x 15 weeks = | = \$4,500 |
| Program Director @ \$550.00 per week x 15 weeks | = \$8,250 |
| Outrider AM Training 7 days a week = 126- days x 125.00 per | = \$15,750 |
| Outrider Race Days @ 300.00 per day x (2) | \$9,000 |
| Starter \$1,200 per week x18 weeks | = \$21,600 |
| Assistant Starters (8) at 300.00 per Race day | = \$36,000 |
| Assistant Starters (4) Am Gate Work @ \$125.00 per day | = \$27,000 |
| Valets (jocks room) (8) @ 150.00 per day = | = \$18,000 |

SubTotal \$259,200

Taxes 51,840

Total \$311,040



**Massachusetts Thoroughbred Horsemen's
Association, Inc.
2016 Operating Budget**

| | |
|-----------------------------------|----------|
| Rent - | \$12,000 |
| Utilities - | \$6,120 |
| Office Staffing - | \$29,000 |
| Executive Director - | \$45,000 |
| Bookkeeper - | \$15,600 |
| Office Supplies - | \$7,900 |
| Lobbyist- | \$45,000 |
| * Legal - | \$60,000 |
| Auditor - | \$6,000 |
| National THA Dues - | \$16,000 |
| Election Expense - | \$8,000 |
| Meetings and events - | \$7,000 |
| Travel - | \$2,680 |
| Website - set-up & Maintenance | \$1,800 |

Total Budget = \$262,000

* Includes additional legal monies based on the federal lawsuit filed by the New England HBPA.

From: McCarthy, Kevin [mailto:KMccarthy@NewPennFinancial.com]
Sent: Thursday, July 21, 2016 10:29 AM
To: MGCcomments (MGC)
Subject: Regarding RHDF

Good morning, I am wondering how you can let a self-appointed individual sign a purse agreement w/ the Carney's to race in Brockton? Wouldn't it be prudent to have the horseman's group that has experience signing purse agreements and who were elected in the most recent election to represent the horseman? Allowing "sour grapes"....individual/s who ran for election and were not selected by the horseman to represent the horseman and negotiate a purse agreement to me seems wrong. This splinter group has waged a propaganda "war" against the 70 year old NEHBPA because 1) they weren't chosen and 2) because Suffolk Downs has chosen not to race any longer. Neither the fault of the NEHBPA. They all knew that Suffolk stated if they didn't win the Casino...they were not going to race any longer.

Please *don't* jump in now and decide at this critical time to harm the organization that has and is trying hard to restore racing to Massachusetts..the NEHBPA.

Thank you,

Kevin McCarthy
Owner and Trainer

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Maclachlan, Amy (MGC)

From: Marvin Jewell <marvinjewell@sbcglobal.net>
Sent: Thursday, July 21, 2016 8:35 PM
To: MGCcomments (MGC)
Subject: Support Brockton ,Fund The Horsemen

Maclachlan, Amy (MGC)

From: Chris Davis <CLDavis@myactv.net>
Sent: Wednesday, July 20, 2016 8:55 PM
To: MGCcomments (MGC)
Subject: Support Brockton, Fund the Horsemen

Hello,

Please do everything possible to fund the horsemen immediately so that the planned for meet at the Brockton Fairgrounds can begin as quickly as possible.

So many people of depending on this meet!

Thanks,

Chris

Maclachlan, Amy (MGC)

From: Larry Mason <lmason2121@aol.com>
Sent: Wednesday, July 20, 2016 5:01PM
To: MGCcomments (MGC)
Subject: Fwd: Support Brockton and the Mass THA

Sent from my iPhone

Begin forwarded message:

From: Larry Mason <Lmason2121@aol.com>
Date: July 20, 2016 at 4:59:31 PM EDT
To: "Gayle.cameron@massmail.state.ma.us" <Gayle.cameron@massmail.state.ma.us>
Subject: **Support Brockton and the Mass THA**

Please support Brockton and the Mass THA. Our lives and our horses lives matter also. The NEHBPA is more concerned with the RHDF and withholding the money for its purpose! In the past our contract and purses had been funded from the Simulcast Revenue and Live Day Race Handle long before the RHDF. Now it's a issue not talked about. The Mass THA is also eligible for that money. However, if that money was made available Brockton and the Mass THA could use that money to offset less of the RHDF. But they will not share for all horseman to race at Brockton. This is not right and the Gaming Commission should act on the location of the Simulcast Revenue Location. That's about 7-8 million dollars a year. Please help us get back on our feet.

Lawrence Mason

Sent from my iPhone

Maclachlan, Amy (MGC)

From: Tim Widdison <wddsntm@yahoo.com>
Sent: Wednesday, July 20, 2016 8:37 PM
To: MGCcomments (MGC)
Subject: Racing @ Brockton

I live in western mass & have a farm, I'm planning on selling hay @ the meet, please allow racing in Brockton.

Thanks
Tim Widdison

Maclachlan, Amy (MGC)

From: Paul.Noun@ricoh-usa.com
Sent: Wednesday, July 20, 2016 3:34 PM
To: MGCcomments (MGC)
Subject: "SUPPORT BROCKTON FUND THE HORSEMEN"



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR MICHAEL D. BRADY
Second Plymouth and Bristol District

MICHAEL.BRADY@MASENATE.GOV
WWW.MASENATE.GOV

STATE HOUSE, ROOM 109E
BOSTON, MA 02133

TEL. (617) 722-1200
FAX (617) 722-1116

July 20, 2016

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

Dear Chairman Crosby and fellow Commissioners,

As you deliberate Local Aid payments and the request from the Brockton Fairgrounds seeking Race Horse Development Funds on Thursday, July 21, 2016, we respectfully urge you to consider the economic benefits and the employment opportunities that your positive vote will bring to the city of Brockton and to the local horsemen looking to provide live racing events at the Brockton Fairgrounds.

The Massachusetts Thoroughbred Horsemen's Association, Inc. has revised their request for purse monies from \$3 Million to \$2.5 Million for 15 days of racing and their administrative and operational budget request is \$1,473,947.

The breakdown of this budget includes \$311,040 for racing department labor which is required to directly operate the daily racetrack day to day operations. Many of those who were left unemployed as a result of the loss of full-time racing at Suffolk Downs will be brought back to work for the duration of horse racing. The remainder of the operational and administrative monies will be used to support the upgrade of the facility as well as the expenses involved in full-time training and stall support for 4 ½ to 5 months. This funding will benefit the horsemen and the return of live racing will also support the local economy and many local jobs.

Once again, we urge you to approve the request of funding for the Brockton Fairgrounds.

Thank you for your attention to this matter and please contact us with any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Brady".

Michael D. Brady
State Senator
2nd Plymouth & Bristol District



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

GERRY CASSIDY
STATE REPRESENTATIVE
NINTH PLYMOUTH DISTRICT

Joint Committee on Higher Education
House Committee on Post Audit and Oversight

STATE HOUSE, ROOM 134
TEL. (617) 722-2400
Gerard.Cassidy@MAhouse.gov

July 19, 2016

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

Dear Chairman Crosby and fellow Commissioners,

Thank you for the chance to submit written testimony in support of the horse racing track in Brockton. Horse racing in Brockton will bring much needed revenue and jobs to the city. Currently, the city's unemployment rate is lower than that of the Commonwealth. Much of the requested financing will provide payroll to employees, who are otherwise unemployed.

I respectfully request that you approve the financing for the horseracing track in Brockton. I wholeheartedly support this project, as I believe it will greatly benefit the city and my constituents.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Gerry Cassidy". The signature is written in a cursive, flowing style.

Gerard Cassidy
State Representative
Ninth Plymouth District

MASSACHUSETTS
2016 JUL 20 PM 12:54
JERRY CASSIDY



MASSACHUSETTS GAMING
2016 JUL 15 AM 11:23

cc John Z
Cattaneo, George
Alex
Janet

MASSACHUSETTS THOROUGHBRED BREEDERS ASSOCIATION

4 Thomas Street, Burlington, MA 01803
508-252-3690, Voice and Fax, massbreds.com, MTBA@comcast.net

Dear Commissioner Crosby,

I respectfully request and strongly urge the Gaming Commission to REJECT the recommendation of the Horse Racing Committee to RETROACTIVELY apply a new "split" between the thoroughbred and Standardbred breeds on disbursements from the Race Horse Development Fund.

While the Horse Racing committee is charged with determining a "split", it is blatantly unfair to apply a revision of the split retroactively.

The thoroughbred breeders received their legal allocation from the Race Horse Development Fund to run their program. Permission was granted by the Gaming Commission to run the breeders program and races. Now, halfway through the season the Committee wants to change the rules?

I want to remind the Commission that the Massachusetts Thoroughbred Breeders Association is very actively and successfully conducting stakes races, restricted and unrestricted races for Massachusetts bred horses. This activity is finally beginning to see an increased interest in breeding thoroughbred horses in Massachusetts.

If you proceed with accepting this recommendation it will mean another step backward for thoroughbred breeding. I am available to answer any questions you may have or you may contact Andy Hunt at 617-901-1714.

Sincerely,

George F. Brown

Porche, Cecelia (MGC)

From: Jay Budrewicz <jaybudrewicz@yahoo.com>
Sent: Wednesday, July 20, 2016 1:49 PM
To: MGCcomments (MGC)
Subject: Vote YES for the Brockton Fair

Dear Commissioners,

I am writing to you in hopes that you will approve the Brockton Fair's request for funds from the RHDF. I have lived in Greenfield MA my whole life and have been a thoroughbred owner and trainer for the past 15 years. I buy my hay and grain locally at the Greenfield Farmers Coop. I currently have two thoroughbred horses that will race at the Brockton Fair if it is allowed funds. If not, I have no reason to keep these horses in the state considering I purchased them to race. I am very excited about this meet happening. I have been training these horses at a local farm for the past two months and they are ready. This would be the first time RHDF money would be used to help the residents of the state. All the money from the Suffolk race days went out of state and to steeple chase trainers, which is ridiculous.

Sincerely,

Jay Budrewicz
392 Country Club Rd.
Greenfield MA, 01301
413-522-4019

Porche, Cecelia (MGC)

From: Betsy <betsybud7@yahoo.com>
Sent: Wednesday, July 20, 2016 1:31 PM
To: MGCcomments (MGC)
Subject: Western MA local horse racing

I've been racing and training horses my entire life. I need to reach out today because all of the local horse race tracks and fairs in western Massachusetts are being shut down. There is nowhere to train our horses and it's going to affect the entire horse community, from the owners, trainers, farmers who sell the hay and grain, and so on. It is imperative that we open Brockton up for racing this year and get racing up and running again. Please take this into consideration.

Sincerely,

Betsy Budrewicz

Sent from my iPhone

Porche, Cecelia (MGC)

From: Budrewicz, Jay <jay_budrewicz@brown.edu>
Sent: Wednesday, July 20, 2016 1:17 PM
To: MGCcomments (MGC)
Subject: Allow Brockton to Run

Dear Commissioners,

I am writing to you in hopes that you will approve the Brockton Fair's request for funds from the RHDF. I have lived in Greenfield MA my whole life and have been a thoroughbred owner and trainer for the past 15 years. I buy my hay and grain locally at the Greenfield Farmers Coop. I currently have two thoroughbred horses that will race at the Brockton Fair if it is allowed funds. If not, I have no reason to keep these horses in the state considering I purchased them to race. I am very excited about this meet happening. I have been training these horses at a local farm for the past two months and they are ready. This would be the first time RHDF money would be used to help the residents of the state. All the money from the Suffolk race days went out of state and to steeple chase trainers, which is ridiculous.

Sincerely,

Jay Budrewicz
392 Country Club Rd.
Greenfield MA, 01301
413-522-4019

Porche, Cecelia (MGC)

From: Darwin Villanueva <darwinvillanueva8@gmail.com>
Sent: Wednesday, July 20, 2016 10:25 AM
To: MGCcomments (MGC)
Subject: come on

Follow Up Flag: Follow up
Flag Status: Flagged

we want 100 days of live racing in brockton

Porche, Cecelia (MGC)

From: Juan <jcvilla21@gmail.com>
Sent: Wednesday, July 20, 2016 9:50 AM
To: MGCcomments (MGC)
Subject: Hi

Follow Up Flag: Follow up
Flag Status: Flagged

We want 100 day of livi racing in brockton

Sent from my iPhone

Porche, Cecelia (MGC)

From: paddy reardon <bodababie@gmail.com>
Sent: Wednesday, July 20, 2016 9:24 AM
To: MGCcomments (MGC)
Subject: Racing in Brockton

Follow Up Flag: Follow up
Flag Status: Flagged

We have many thousand of people in the state that need to have racing back in the commonwealth and Brockton is the place we can keep our horsemen ,farms and horses alive and well . There are over 350 horses ready to come to Brockton. That fact alone is why Brockton should move forward for it is in the best interest in the industry to race on the safe newly resurfaced track done by experts. There is also the Carney family wanting to develop Raynham with a top state of the art thoroughbred race track at no expense to Massachusetts tax payers. We all know now that the plans by the hbpa will not move forward because there is no support by the financial community or the other horsemen's groups.This is our option now and it is a good one. Please fund our meet in Brockton for that is in the best interest in the thoroughbred industry. Thank You Paddy Reardon

Porche, Cecelia (MGC)

From: MGCcomments (MGC)
Sent: Wednesday, July 20, 2016 3:37 PM
To: Lightbown, Alexandra (MGC)
Cc: Blue, Catherine (MGC); Porche, Cecelia (MGC)
Subject: FW: TB Racing

Hi Alex,

FYI.

Thank you,

Colette Bresilla
Receptionist

Massachusetts Gaming Commission

101 Federal Street, 23rd Floor
Boston, Massachusetts 02110
TEL 617.979.8493 | FAX 617.725.0258

www.massgaming.com

[FB](#) | [TWITTER](#) | [YOUTUBE](#) | [LINKEDIN](#) | [TUMBLR](#)

From: Melanie Kovalski [<mailto:kmelmak@aol.com>]

Sent: Wednesday, July 20, 2016 3:29 PM

To: MGCcomments (MGC)

Subject: TB Racing

Please fund the MassTHA and Brockton Fairgrounds for a significant racing meet this year.

Thank You

Porche, Cecelia (MGC)

From: MGCcomments (MGC)
Sent: Wednesday, July 20, 2016 3:37 PM
To: Lightbown, Alexandra (MGC)
Cc: Blue, Catherine (MGC); Porche, Cecelia (MGC)
Subject: FW: TB Racing

Hi Alex,

FYI.

Thank you,

Colette Bresilla
Receptionist

Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, Massachusetts 02110
TEL 617.979.8493 | FAX 617.725.0258
www.massgaming.com
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From: Melanie Kovalski [<mailto:kmelmak@aol.com>]
Sent: Wednesday, July 20, 2016 3:29 PM
To: MGCcomments (MGC)
Subject: TB Racing

Please fund the MassTHA and Brockton Fairgrounds for a significant racing meet this year.

Thank You

Porche, Cecelia (MGC)

From: paddy reardon <bodababie@gmail.com>
Sent: Wednesday, July 20, 2016 9:24 AM
To: MGCcomments (MGC)
Subject: Racing in Brockton

Follow Up Flag: Follow up
Flag Status: Flagged

We have many thousand of people in the state that need to have racing back in the commonwealth and Brockton is the place we can keep our horsemen ,farms and horses alive and well . There are over 350 horses ready to come to Brockton. That fact alone is why Brockton should move forward for it is in the best interest in the industry to race on the safe newly resurfaced track done by experts. There is also the Carney family wanting to develop Raynham with a top state of the art thoroughbred race track at no expense to Massachusetts tax payers. We all know now that the plans by the hbpa will not move forward because there is no support by the financial community or the other horsemen's groups. This is our option now and it is a good one. Please fund our meet in Brockton for that is in the best interest in the thoroughbred industry. Thank You Paddy Reardon

Porche, Cecelia (MGC)

From: Juan <jcvilla21@gmail.com>
Sent: Wednesday, July 20, 2016 9:50 AM
To: MGCcomments (MGC)
Subject: Hi

Follow Up Flag: Follow up
Flag Status: Flagged

We want 100 day of livi racing in brockton

Sent from my iPhone

Porche, Cecelia (MGC)

From: Darwin Villanueva <darwinvillanueva8@gmail.com>
Sent: Wednesday, July 20, 2016 10:25 AM
To: MGCcomments (MGC)
Subject: come on

Follow Up Flag: Follow up
Flag Status: Flagged

we want 100 days of live racing in brockton



TO: Commissioners

FROM: John Ziemba, Derek Lennon, Catherine Blue, Joe Delaney and Mary Thurlow
Members of the 2016 Community Mitigation Fund Review Team

DATE: July 28, 2016

RE: 2016 Community Mitigation Fund Application Review

This memorandum provides an analysis of the applications for funding under the three different components of the 2016 Community Mitigation Fund (“CMF”): Use of 2015/2016 Reserves; Transportation Planning Grants; and Specific Impact Grants. We, the community mitigation Review Team (“Review Team”) reviewed the applications to determine the suitability of the applications and to ensure the applications were in compliance with the 2016 Guidelines. We also received input from Rick Moore of City Point Partners, who advises the Commission on environmental, transportation and mitigation matters. As part of this review process, copies of the applications were sent to the licensees for their review and comment. Telephone conferences or in-person meetings were held between the applicants and the Review Team. Additional information requests were submitted to the applicants (attached) and numerous meetings were held by the Review Team to ensure a thorough review process. The Review Team also considered comments that the Commission received after it issued a request for public comments on such applications.

For a brief background, in December 2015, the Commission established the Guidelines for the 2016 Community Mitigation Fund (“CMF”). In order to access funding from the 2016 CMF, communities and any other eligible entities were required to submit an application documenting the community’s anticipated mitigation need.

On March 3, 2016, the Commission initially reviewed the 2016 applications, approved funding of the Springfield Historic Preservation Trust application, and created \$100,000 reserves for a number of new communities, including the three host communities (Everett, Plainville, and Springfield), Revere, Attleboro, Hampden, Melrose, and North Attleboro. Four towns, Attleboro, Hampden, Melrose and North Attleboro the Commission preserved their right to apply for a reserve in 2016 as they had either not filed or did not file in time for the 2015 Reserve.

Since the Commission meeting on March 3, 2016, several events have occurred that may impact the projected annual allocation of funding in this and future years. The 2016 Application process anticipated that there would be approximately \$4.9 million dollars available per year until the two Category 1 casinos are operational. That annual amount was based on projections of Wynn Boston Harbor opening sometime in 2018 and MGM



Massachusetts Gaming Commission

Springfield opening in September 2018. The CMF will not receive new funding until full casino facilities are operational and generate gaming taxes which partially go to the CMF. However, it is now apparent that the Wynn casino will not open until sometime in 2019 and thus will not contribute further funding to the CMF until that time.

Another factor to be considered in disbursing the CMF funds is that the Wampanoag Tribe began construction of a gaming facility in Taunton and stated the intention to open a facility in in 2017. Consequently, there may be some communities in Region C that soon may experience construction or operational impacts. According to the Compact between the Commonwealth and the Tribe, the Tribe will not begin to contribute to the CMF until after it has commenced operations.

Summary of the Community Mitigation Funds

| | |
|---|----------------------------|
| Initial Balance from License Fees | \$17,500,000 |
| 2015 Reserve and Preserved | (\$2,400,000) |
| 2016 Reserve Funding | (\$400,000) |
| | |
| 2016 Previously Awarded | |
| Springfield Preservation Trust | (\$350,000) |
| | |
| Balance of Community Mitigation Fund Not Reserved or Awarded | <u>\$14,350,000</u> |

~~~

Below is a chart of the recommendations of the Review Team for consideration by the Commission. These recommendations are explained in detail below.

| <b>Requests to Use 2015/2016 Reserve Funds</b> |                                                             |                                  |                         |
|------------------------------------------------|-------------------------------------------------------------|----------------------------------|-------------------------|
| Community                                      | Identified Mitigation                                       | Requested Amount                 | Review Team Proposal    |
| East Longmeadow                                | Transportation planning <b>Withdrawn</b>                    | \$100,000                        | -                       |
| Chelsea                                        | Transportation/Roadway Planning                             | \$100,000                        | \$100,000               |
| Lynn                                           | Transportation Studies                                      | \$100,000                        | \$100,000               |
| Malden                                         | Planning and marketing                                      | \$100,000                        | \$100,000               |
| Saugus                                         | Analysis of impacts and opportunities for Saugus businesses | \$100,000<br>(\$65,000 deferred) | \$35,000                |
| Wrentham                                       | Study of Corridor - Route 1                                 | \$50,000                         | \$50,000                |
|                                                | <b>Total</b>                                                | <b><u>\$550,000</u></b>          | <b><u>\$385,000</u></b> |

| <b>2016 Transportation Planning Applications</b> |                                                              |                               |                              |
|--------------------------------------------------|--------------------------------------------------------------|-------------------------------|------------------------------|
| Community                                        | Identified Mitigation                                        | Requested Amount              | Review Team Proposal         |
| Chelsea                                          | Planning Study                                               | \$167,150                     | \$167,150                    |
| Everett                                          | Planning Study                                               | \$150,000                     | \$150,000                    |
| Malden                                           | Planning Study                                               | \$100,000                     | \$100,000                    |
| Medford                                          | Transportation Planner and Consultants, water transportation | \$600,000(multi-year request) | \$267,000 (one year funding) |
| West Springfield                                 | Cover shortfall of SCA amount of Planning Study              | \$247,500                     | \$247,500                    |
|                                                  | <b>Total:</b>                                                | <b><u>\$1,264,650</u></b>     | <b><u>\$931,650</u></b>      |

| <b>Specific Use</b>                 |                        |                                  |                                                                 |
|-------------------------------------|------------------------|----------------------------------|-----------------------------------------------------------------|
| Community                           | Identified Mitigation  | Requested Amount                 | Review Team Proposal                                            |
| Hampden County Sheriff's Department | Rental disparity       | \$2,000,000 (multi-year request) | \$280,000 (one year funding)                                    |
| Springfield/Caring Health           | Parking, lost business | \$275,000                        | \$150,000<br><b>Pending further review</b>                      |
|                                     | <b>Total:</b>          | <b><u>\$2,275,000</u></b>        | <b><u>\$430,000</u></b><br><b><u>Pending further review</u></b> |

### **2016 APPLICATIONS FOR USE OF RESERVE FUNDS**

In accordance with the 2016 Guidelines, communities can use reserves to cover impacts that may arise in 2016 or thereafter. They may also use funds for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts. Communities that received reserves in 2015 or 2016 must first expend those funds before accessing any Transportation Planning Grant funds. Communities may submit applications for the use of reserves on a rolling basis throughout the year. Up for consideration by the Commission at this time are reserve applications from Chelsea, Lynn,

Malden, Saugus, and Wrentham. East Longmeadow has withdrawn an application and has been informed that it can submit a proposal at a later time.

**Chelsea – Use of Reserve \$100,000:** Discussed in analysis of Transportation Planning Grant Requests.

**Lynn - Use of Reserve \$100,000:**

Lynn is concerned with potential additional traffic and transportation issues that may arise from the construction and operation of the Wynn Boston Harbor gaming facility. In this regard, Lynn plans to utilize its reserve to fund transportation studies to further Lynn’s goals of reducing and and/or minimizing vehicular related congestion including a commuter rail study, a Route 107 connection study, Lynn ferry analysis, and studies related to Route 1A/Lynnway.

Lynn’s impact description detailed how many of the “[c]onstruction workers employed by the Licensee will reside in Lynn. These individuals will be traveling on Lynn’s congested roadways during rush hour further congesting Lynn roads. It is likely the majority of these individuals will utilize Route 1A and Route 107 to travel back and forth to the construction site in Everett. Concrete/cement contractors from Lynn and the immediate surrounding areas will likely be utilized during the construction phase. These construction vehicles and trucks would be utilizing Routes 1A and 107 to and from the Everett facility.”

“Lynn would utilize these funds to alleviate the significant traffic issues...The City is also actively seeking funding to continue to operate the ferry...the ferry shuttle from Lynn to Boston has been operational.... with the assistance of state funds. At this time, no such funding has been allotted to the City of Lynn.”

“The city is also seeking funding to add additional stops of the Rockport/Newburyport Commuter Rail Line.”

The applicant included a Conceptual Improvement Plan for Lynnway (Route 1A at Blossom Street in Lynn by VHB dated September 9, 2015; construction cost estimates by Vanasse Hangen Brustlin, Inc.; traffic counts by Precision Data Industries, LLC and a Long-Range Transportation Plan Needs Assessment by Boston Region Metropolitan Planning Organization dated April 17, 2015.

**Wynn Commentary on Lynn Application**

Upon review of this request, the licensee, Wynn Boston Harbor stated that: “Wynn supports the Lynn Mitigation Fund Application for improvements and alternatives aimed at streamlining vehicular traffic into and out of the city. We also support Lynn’s efforts to operate ferry service during the busy summer season. These requests support the intent of our Neighboring Community Agreement.”



## **Relevant Sections of Neighboring Community Agreement**

The City of Lynn entered into a Neighboring Community Agreement in which there was no specific funding made available for impacts. However, Wynn “agrees to meet with the City to consider, in good faith, the mitigation of such impacts.”

**Recommendation:** We believe that Lynn’s request for assistance is consistent with the 2016 Community Mitigation Fund Guidelines. Lynn’s proposed use of its CMF reserve for transportation studies fits within the allowed following uses of reserves in such Guidelines - “either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.”

In support of its application, Lynn referenced a study that opined that all efforts should be made by governmental actors to not add a single vehicle to Lynn’s roadways.” The city notes that it “is seeking to be ahead of the curve in avoiding and /or minimizing the effects of the Wynn Resort on its roadways.”

As transportation planning studies and Lynn’s goal of reducing and/or minimizing vehicular traffic related congestion are reasonable, the Review Team believes that these studies are an acceptable use of its reserve. We recommend that the Commission authorize the City of Lynn to utilize its \$100,000 reserve for transportation studies, which may include a commuter rail study, a Route 107 connection study, Lynn ferry analysis, and studies related to Route 1A/Lynnway. Staff will continue to work with Lynn on the scope of its studies in the grant contract process.

**Malden: Use of Reserve \$100,000:** Malden is requesting \$25,000 a year for three years (2016-2019) to hire and subsidize the annual salary to be paid to a senior planner. The Malden Redevelopment Authority would pay the balance of the planner’s salary (\$65,000-\$70,000 per year). Malden is also requesting \$15,000 for the City to launch a comprehensive marketing campaign in partnership with the Malden Redevelopment Authority and the Malden Chamber of Commerce to promote opportunities and growth for Malden businesses as a result of the Wynn Everett project in Everett. Finally, Malden plans to utilize \$10,000 of its reserve to launch a comprehensive Citizens Engagement Program for Malden residents promoting employment opportunities that will become available with this project.

**Wynn Commentary on Malden Application.** Upon review of the requests, Wynn Boston Harbor stated that “Wynn also supports Malden’s request for planning and marketing efforts to reinvigorate the Malden commercial district abutting Everett in support of the Wynn Boston Harbor Project.”

**Relevant Sections of Surrounding Community Agreement:** “...Malden believes that the Project will bring economic development to Malden, create new jobs for Malden residents and new sources of revenue for the Malden business community, and as such, Malden desires to enter into this Agreement with Wynn to address the anticipated impact on

Malden businesses, residents, infrastructure, public safety, transportation and roadway needs;”

**“5.1.** The Parties acknowledge that Malden desires to help its community members and residents who are interested in attaining employment at the Project. The Parties agree that Malden’s demographic is an appropriate, suitable, desirable and employable work force for the Project, and therefore it is mutually beneficial to provide a structured program to educate Malden’s residents about available employment opportunities.

**5.2.B.** Prior to beginning the process of hiring employees (other than internally) for the Project. Wynn shall advertise and hold at least one event for Malden residents at venues to be approved by Malden at which it will publicize its hiring needs and explain to attendees the process by which they may seek to be hired in connection with the Project. In seeking to fill vacancies at the Project, Wynn will give preference to properly qualified residents of Malden, to the extent that such a practice and its implementation is consistent with Federal, State or Municipal law or regulation.

**5.2.D.** Wynn agrees to work with Malden on an annual basis to identify prospective, qualified Malden employees to effectuate the terms and conditions herein.”

**Recommendation:** We believe that Malden’s request for assistance is consistent with the 2016 Community Mitigation Fund Guidelines. Malden’s proposal to use its CMF Reserve fits within the purpose of reserve funds for planning: - “either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.”

Malden notes that the advertisement for the position has been written and that the hiring process can begin immediately. It also notes that its proposed citizen engagement program and marketing campaign may begin as soon as possible. Malden is providing significant matching funding for the grant of \$40,000 to \$45,000 for the planner position request of \$25,000.

The City of Malden has also requested funding under the Transportation Planning Grant, discussed below. There is a potential timing issue involving the two requests. Pursuant to the 2016 CMF Guidelines “communities that requested and received reserves in 2015 or 2016 must first expend those funds before accessing any Transportation Planning Grant Funds.”

Malden has indicated that it would like to utilize such planning funds in the near term. The City could potentially meet this requirement of the Guidelines by expending more grant funds in the first year for the planner (more than the \$25,000 planned) and then utilize the dollars allocated for local match in future years. Malden would still need to demonstrate that all of the Malden planner’s year one activities paid under the grant are gaming related. In the event that this does not remedy the timing issue, Malden could request relief from this timing guideline.

We recommend that the Commission authorize up to \$100,000 for Malden for the Senior Planner, marketing campaign and a citizens engagement program. Malden will need to demonstrate that the activities of the Senior Planner through the Community Mitigation Fund are related to the Wynn Gaming facility.

### **Saugus - Use of Reserve \$35,000**

Saugus is requesting \$35,000 to assess potential opportunities for Saugus businesses relative to the operation of the Wynn Boston Harbor facility. Saugus plans to connect with the Metropolitan Area Planning Council (MAPC) and the North Shore Economic Development Council in its efforts. Once specific steps are identified, Saugus would seek to utilize the balance of its reserve for implementation of steps identified in the assessment. The application is for an initial \$35,000 for the procurement of a Phase one consultant. The balance "to be utilized for implementation of specific steps once they are identified and plotted" in the Phase one study.

### **Wynn Commentary on Saugus Application**

Upon review of this request, Wynn Boston Harbor stated that: "Wynn supports the Saugus request for the 2015 Mitigation Reserve Fund. We understand the money will be used to assess potential opportunities for Saugus businesses to connect with the Wynn Boston Harbor Project through areas such as goods and services procurement".

**Recommendation:** The Review Team found this application to be well reasoned and in compliance with the 2016 Guidelines. We believe that Saugus's request for assistance is consistent with the 2016 Community Mitigation Fund Guidelines in that it is being used "either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts."

We recommend that the Commission authorize Saugus to utilize \$35,000 of the 2015 Reserve for this purpose. Funding for implementation would require a subsequent approval by the Commission once those implementation steps are identified.

**Wrentham - Use of Reserve \$50,000:** Wrentham applied for funding to be used to hire a consultant to conduct a study of the Route 1 corridor in Wrentham. The focus of the study would be "to determine constraints to development such as zoning, environmental factors and traffic" as well as "identify the type of development that would succeed along the corridor."

**Plainridge Park Commentary on Wrentham Application:** Upon review of this request, the licensee, Plainridge Park Casino stated that: "As you are aware, the Surrounding Community Agreement entered into between the Town and Plainville Gaming and Redevelopment, LLC ("PGR") requires PGR to conduct a series of baseline studies (the "Impact Studies") to address "traffic, public safety, emergency response, and problem gaming." Our understanding, based on the information contained in the Application, is that the studies being proposed by the Town will be focused on mitigating future development,

as opposed to determining the impact of the Casino. We therefore have no reason to believe that the studies contemplated by the Application will be duplicative with the Impact Studies and, accordingly, support the Town's request as set forth in the Application.”

**Recommendation:** The Review Team found this application to be well reasoned and consistent with the 2016 Community Mitigation Fund Guidelines. Wrentham’s proposal to use its CMF Reserve fits within the purpose of reserve funds for planning: - “either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.” The town anticipates submitting further applications after the study is done.

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2016 APPLICATIONS FOR USE OF TRANSPORTATION PLANNING GRANTS

Chelsea – Use of Reserve \$100,000 / Transportation Planning Grant \$167,150

Although Chelsea’s request to use its \$100,000 reserve and its \$167,150 Transportation Planning Grant application could be reviewed separately, we believe it advisable to view them together as they relate to the same use (transportation planning) and the same corridor (Beacham Street / Williams Street). The assessment of existing and future traffic conditions under the \$100,000 reserve study would be utilized to develop a conceptual plan for this section of corridor between Pearl Street and the Everett City Line. Chelsea applied for the conceptual plan as part of its Transportation Planning Grant Request.

As noted by Chelsea in its July 7th response to the Review Team: “[i]mportantly, the Reserve study provides a necessary foundation through the collection and analysis of data that will directly inform the study carried out under the Transportation Planning Grant, specifically the collection and analysis of vehicular, pedestrian, and bicyclist volume and directional statistics.”

Reserve Application: Chelsea applied to use its 2015 Mitigation Reserve Fund (\$100,000) for a Transportation Corridor Study. The Scope of Work provided to Chelsea by Stantec Consulting detailed the use of funds “to prepare a comprehensive Transportation Corridor Study...The Corridor Study will assess existing and future traffic conditions at these key intersections...” The intersections listed in the scope of work are not specifically listed on the Surrounding Community Agreement (“SCA”) or environmental filings.

Transportation Planning Grant Application: The City of Chelsea applied for \$167,150 in its Transportation Planning Grant application to “further assess existing conditions and develop a conceptual plan for the section of corridor between Marginal Street/Pearl Street and the Everett City line.” “The proposed Scope of Work includes a field survey, condition assessment, environmental screening, Road Safety Audit, and conceptual plan development with illustrative renderings. ... A final report will be prepared to summarize the major findings of the planning effort. The information contained in the report will form the basis for future funding applications prepared by the City.”

Wynn Commentary on Chelsea Application

Upon review of the requests, the licensee, Wynn Boston Harbor stated that “Wynn supports ... the Chelsea Beacham Street/Williams Street Conceptual Planning Study... these requests fit with the cooperation envisioned in our Surrounding Community Agreements.”

Relevant Sections of Chelsea Surrounding Community Agreement

In accordance with the Surrounding Community Agreement, Chelsea will receive additional funding by Wynn for Transportation related impacts as follows:

| | | |
|--------------------------|-------------------------------------|--|
| \$275,000 (estimated) | Transportation Impacts | “Contingent upon ...an unconditional, non-appealable License”; Wynn agreed to complete all necessary improvements as determined in accordance with MEPA process” |
| \$300,000 | Transitional Roads Payments: (a) | One-time, upfront, non-refundable payment; to “make certain roadway improvements on all transitional roads in preparation for the Project” |
| \$225,000 | (b) | On or before 90th day following opening (aesthetic quality, signage and safety needs) |
| \$250,0000 | (c) | On or before 90th day following opening (pedestrian and vehicular traffic) |

Recommendation: We believe that Chelsea’s request for assistance meets the purposes of the 2016 Community Mitigation Fund Guidelines. As noted in Chelsea’s application.

“Beacham Street/Williams Street conceptual Planning Study”: “The Beacham Street/Williams Street corridor is a key connector route between East Boston, Chelsea and Everett. The corridor serves an important role for commerce, connecting to commercial and industrial areas in Chelsea and the Lower Broadway District in Everett. Once the Wynn Everett facility is operational, it is anticipated that this corridor will see increased use from casino patrons, employees, and deliveries and effectively function as one of the gateways to the casino.

...

This effort will also include additional public outreach with abutters and key stakeholders. A final report will be prepared to summarize the major findings of the planning effort. The information contained in the report will form the basis for future funding applications prepared by the City.”

Chelsea also noted in its application that “Given the existing conditions of the corridor, which are poor with particularly damaged pavement conditions, a plan for the route is warranted in order to bring the roadway up to a standard with which it can accommodate casino traffic.”

In this regard we believe that the project is “clearly related to addressing transportation issues or impacts directly related to the gaming facility,” as required under the 2016 CMF Guidelines. Chelsea also noted significant public benefits that could be obtained from the improvement of road conditions including:

- “Enhanced bicycle and pedestrian amenities, including designated bike lanes, sidewalks, and crosswalks; none of which are currently present in the corridor;
- Access to Island End Park, a public park and boardwalk situated adjacent to the corridor, overlooking the Island End River;
- Economic development and job retention related to the New England Produce Terminal and associated food distribution facilities, large local employers that depend on the corridor for their logistics network. A reconstructed corridor would increasingly facilitate commerce while inducing economic development and reuse of underutilized facilities;
- Improved public safety, with a reconstructed, fully-marked, and signalized corridor reducing vehicular crashes and protecting the well-being of pedestrians and bicyclists. The addition of lighting along the corridor would also increase visibility and, subsequently, the safety of its users;
- A diminished urban heat island effect, as corridor reconstruction would include the installation of street trees, improving local air quality;
- Pollution control and environmental benefits related to the capturing and diversion of surface run-off, currently infiltrating and damaging the Island End River’s salt marsh. A reconstructed corridor would include the strategic placement of green infrastructure to prevent polluted freshwater runoff from entering the salt marsh;
- Redevelopment of underutilized sites. We have found that public investment often results in private investment, and we see no reason why that will not be the case on Beacham Street. With the casino development less than a mile away, we expect that uses servicing or desiring close proximity to the facility will seek to locate in the area and that some of the underdeveloped parcels will undergo redevelopment.”

The Review Team requested further information regarding how the City of Chelsea could coordinate the two studies for potential efficiencies and cost savings. The City of Chelsea’s response emphasizes “a balanced analysis of preexisting conditions, traffic volume and directional data, and crash statistics” in its Reserve Study which would take place while school is in session. The City is planning on using the same consultant (Stantec) for both studies and anticipates that there would be cost savings (\$15,000 - \$20,000) if the two studies were approved at the same time. Chelsea is also working on its Complete Streets requirements to enable the City to obtain federal/state funding for the corridor reconstruction.

Therefore we recommend that the Commission approve \$247,500 for these combined studies. \$100,000 for the City of Chelsea’s Reserve and \$147,500 for the Transportation Planning Grant Funds.

Commission staff will monitor the achievement of the City’s estimated cost efficiencies (\$15,000-\$20,000) from the coordination of the two grants through the grant contract process.

Everett: Transportation Planning \$150,000

The City of Everett is requesting funding to study the expansion of the Everett portion of the Northern Strand Community Trail bike path. The scope of this study will include survey, environmental impact assessment, design development, public outreach and cost estimation up to the level required for a 25% design submission to appropriate state agencies. Completion of the bike path from its current terminus to the Wynn site will provide safe, convenient access for workers and patrons of the gaming facility, thereby reducing traffic on adjacent roadways.

This application included letters of support from: MyRWA; MassBike, Bike to the Sea, Inc., MAPC, Livable Streets Alliance Board, the Commissioner of DCR, the Lawrence & Lillian Solomon Foundation, and East Coast Greenway Alliance. The application also included a scope of work estimated by Nelson Nygaard for a Preliminary Design cost of \$150,000.

Wynn Commentary on Everett Application

Upon review of the request, the licensee, Wynn Boston Harbor stated that “Wynn supports Everett’s efforts to study the extension of the Northern Strand Community Trail to improve bicycle facilities from its current terminus to the Mystic River. This effort was envisioned as part of our Host Community Agreement with Everett.”

Relevant Sections of Everett Host Community Agreement

In the Host Community Agreement: “A below grade connection beneath the MBTA Commuter Rail tracks will be developed and will include pedestrian and bicycle connections to the Project site, allowing for an extension of access to the linear park system along the Mystic River and as may be expanded as a riverwalk along the Project waterfront.” In Section 6.C.5, “The City/DCR park and pathway system to the Project site to allow pedestrian and bicycle access to and from Wellington Station on the MBTA Orange line.”

The following are payments Everett will receive as part of its Host Community Agreement between Wynn, MA LLC and the City of Everett:

| Host Community Agreement: | | |
|----------------------------------|---------------------------|---|
| \$30,000,000 | Community Enhancement Fee | \$5,000,000 after Wynn commences construction; \$12,500,000 on or before 1 st anniversary of initial payment; 12,500,000 on or before the 2 nd anniversary of initial payment |

| | | |
|---|---|---|
| \$5,000,000 | Annual Community Impact Fee | 30 days after commencement of operations with increase of 2.5% per annum |
| \$20,000,000 | PILOT | 30 days after commencement of operations with increase of 2.5% per annum |
| Second Amendment to the Host Community Agreement February __, 2016 | | |
| \$1,000,000 | Additional paragraph to Exhibit A – Community Impact Payment. | “new and innovative additional methods to deploy public safety resources in the general area...may include...expenses for enhanced police technology, infrastructure, supportive equipment, and personnel services, as well as ... dissemination of information to the public.” |

Recommendation:

We believe that the City of Everett request for \$150,000 to study the expansion of the Everett portion of the Northern Strand community Trail Bike Path is consistent with the 2016 Community Mitigation Fund Guidelines. We believe that the project is “clearly related to addressing transportation issues or impacts directly related to the gaming facility”. Specifically, the study of the bike path extension could help promote greater options for pedestrians and bicyclists that may visit or work at the Wynn Boston Harbor facility. As noted by Everett, “Section 4.4.4 in the Final Environmental Impact Report issued on June 30, 2014 details the commitment by Wynn Everett to improving bicycle accommodations along Lower Broadway and the Mystic River. These commitments were re-iterated in section 2.2.3.2 of the Supplemental Final Environmental Impact Report issued on February 17, 2015. Subsequently, several cycling advocacy groups raised the issue that the proposed alterations to Sweetser Circle, which connects Lower Broadway to Everett Square and Malden, did not address a serious gap in the bicycle network as there were no safe provisions for bicycles in the traffic circle. A meeting was held at MassDOT on March 18, 2015 which included Wynn Everett, the City of Everett, and MassDOT staff. It was determined that right-of-way constraints would make formal bicycle accommodations impossible in the traffic circle.”

The City has and will provide in-kind matching funds if it receives this assistance. As noted in its response letter from Tony Sousa, “[t]he City has provided and will continue to provide substantial in-kind services and staff time towards planning the extension and completion of the Northern Strand Trail. To date, the City has committed staff time for preliminary planning work, coordination with Wynn Boston Harbor, Gateway Mall, DCR and the MBTA. Going forward, the City will continue to provide staff time for the management of the planning study and coordination efforts between all parties. The City will also provide meeting space for any public outreach efforts necessary for the study.”

Therefore we recommend that the Commission approve \$150,000 for the study. As a community requesting a Transportation Planning Grant, Everett must first utilize its 2016 Reserve before receiving any Transportation Planning Grant funds. The review committee

requests that the Commission allow the use of the Reserve for this project and grant an additional \$50,000 to cover the planning study as requested.

Malden: Transportation Planning \$100,000: The City of Malden is requesting \$100,000 to assess parking capabilities and pedestrian safety around public transportation and parking. In particular these funds will be used to study the expanding demand by the Casino for the City’s parking resources and determine an appropriate course of action to ensure that there are sufficient parking options for the current needs and City’s expected growth. The study could and would encompass the feasibility of converting existing lots into additional parking structures. Additionally, the study will assess current facilities’ physical conditions so as to understand the need and costs for upkeep over the life of increased casino use. The impacts requiring studies and planning and are anticipated at the following locations: 1. Jackson Street Garage, 2. Central Business District Garage, 3. Malden Center MBTA parking lot, 4. Main Street parking lot, 5. Dartmouth Street parking lot.” The cost of this first part of the study is \$60,000.

A second component of the study will be to oversee a full redesign of the Malden Center area and its environs to provide both pedestrian and bike rider safety improvements. The cost of this study is \$40,000.

Relevant Sections of the Surrounding Community Agreement

In Section 1 of the Surrounding Community Agreement, Malden is recognized as a ““transportation hub” for the project”. Wynn will be providing shuttle services from Malden Center for both employees and patrons by buses, trains, water services or commuter rail services. As a result of this, public safety upgrades, improved lighting, coordination of transit bodies as well as additional staffing by the City would be necessary.

The following are payments Malden will receive as part of its Surrounding Community Agreement between Wynn, MA LLC and the City of Malden:

| | | |
|-----------|----------------------------------|---|
| \$500,000 | Transportation Hub Payment “THP” | One-time upfront date that the License is awarded |
| \$325,000 | Annual “THP” | On or before 90 th day following opening with increase of 2.5% per annum |
| \$100,000 | Annual “THP” | On or before 90 th day following opening (assist business in aesthetic updates) with increase of 2.5% per annum |
| \$325,000 | Transitional Roads Payment “TRP” | One-time upfront date that the License is awarded |
| \$225,000 | Annual “TRP” | On or before 90 th day following opening (aesthetic quality, signage and safety needs) with increase of 2.5% per annum |

| | | |
|-----------|--------------------------------|--|
| \$200,000 | Public Safety Payment "PSP" | One-time upfront on the date that the License is awarded |
| \$250,000 | Annual PSP | On or before 90th day following opening (assist business in aesthetic updates) with increase of 2.5% per annum |

Recommendation:

We believe that Malden’s request for assistance is consistent with the 2016 Community Mitigation Fund Guidelines. The City of Malden in its response letter noted that it “needs to have a solid understanding of the new gaming facility related demands being placed on its parking facilities, in particular those new demands reviewed within the context of other developments. The City of Malden has viewed the potential for casino visitors to the City as a positive, and has embraced the potential that these visitors to the region will bring about additional business for their local restaurants. However, to fully understand the potential and the impacts, the additional demands on parking resources needs to be looked at in conjunction with:

- The redevelopment of 200 Exchange Street, which will bring on line up to 320,000 SF of office space and bring with it the potential for 2,000 additional professionals working in Malden.
- Ongoing construction of nearly 1,000 apartment homes in the downtown area.
- The addition of over 40,000 SF of new retail space coming on line over the next several years.

With the additional dynamic added from a gaming facility, it’s critical that the city take a holistic approach in reviewing how to be positioned to not only meet the new demands but capitalize on them. Each of these uses have unique demands on parking facilities in terms of nights, weekends, weekdays, short term, long term. The City needs to take a proactive approach to being best positioned to deal with the additional gaming facility related demands in the context of the additional variables outlined above.”

Malden further noted that “[i]n particular, these pedestrian and bicycle connections are related to the casino impacts because of the casino’s role in that increase in congestion. Clearly, the largest transportation hub nearest to the Wynn Boston Harbor site will be a draw for patrons looking to visit the casino via bicycle trips or public transportation. Malden’s bike path near Malden Center Station is a short, lovely ride to the casino, and will provide another mode for them of getting to the casino – without driving. Therefore, as stated in 2013, the connections used by pedestrians and bicyclists at a multi-modal transportation hub are imperative to be improved upon.

It further notes that “[t]he redesign of connecting from Malden Station to the Pleasant Street bike path will eliminate the constant crossing of the street at mid-block, walking between the cars that are stacked up because of the succession of lights ahead of them as they navigate around the Malden Center Station. There are five intersections adjoin the

Malden Center Station and cause backups through the intersections as traffic backs up due to the intermingling of pedestrians, bicyclists, and automobile traffic.”

Given this background and the importance of the Malden Center as a transportation Hub, we believe that Malden’s application for funding the study of a redesign of the Malden Center is in keeping with the Community Mitigation Fund Transportation Planning Grants program.

We recommend that the Commission authorize up to \$100,000 for Malden’s Transportation Planning Grant Program. Staff will work with Malden on the scope of such studies. Malden will need to address the timing issue regarding expenditures of funding identified in the discussion of Malden’s Reserve Request.

Medford – Transportation Planning \$600,000:

The City of Medford is requesting a total of \$600,000 in transportation planning grants. The City of Medford’s application stated that “[t]he City proposes to utilize \$450,000 to hire a Transportation Planner and consultants to work with Wynn, private property owners and State transportation officials to identify a financing and implementation transportation plan within the City of Medford. Activities will also include creation of a city-wide parking permit program to prevent employees and other long term parking on neighborhood streets, as well as identification of essential roadway, bicycle, pedestrian and water transportation improvements to offset impacts, review financing and construction alternatives and conduct a participation process for input by the public and interested parties.”

Medford also stated that: “... \$150,000 of funds would be utilized to provide a match of a \$750,000 federal earmark for studying the feasibility, design and construction of facilities for a water shuttle to key areas in Medford on the Malden and Mystic River including River’s Edge, Wellington Circle Area and Medford Square.”

| | | |
|-------------------------------------|------------------|----------------------|
| Transportation Planner | \$240,000 | (\$80,000 x 3 years) |
| Consultant Services | \$210,000 | |
| Water Transportation Matching Funds | <u>\$150,000</u> | |
| Total | <u>\$600,000</u> | |

As a community requesting Transportation Planning Grant funds, Medford must first utilize its 2015 Reserve before receiving any Transportation Planning Grant funds.

Wynn Commentary on Medford’s Application. Upon review of this request, the licensee, Wynn Boston Harbor stated that: “We support the City of Medford’s request for Transportation Planning Funding as they are a Surrounding Community to the Wynn Boston Harbor project.”

Relevant Sections of the Medford Surrounding Community Agreement

In Section 1 of the Surrounding Community Agreement, Medford is recognized as a “transportation hub” for the project”. Wynn will be providing shuttle service for guests, invitees, employees and/or vendors of the Project arriving to the area via public transportation. Additionally it is anticipated that Medford and Wynn will be entering into a separate agreements related to parking facilities. As a result of this, public safety upgrades, improved lighting, coordination of transit bodies as well as additional staffing by the City could be necessary.

The following are some of the payments Medford will receive as part of its Surrounding Community Agreement between Wynn, MA LLC and the City of Medford:

| | | |
|--|---------------------------------|--|
| \$325,000 | Transportation Hub Payment “THP | On or before 90 th day following opening to promote Wellington MBTA Station and its surrounding areas |
| \$100,000 | Annual “THP” | On or before 90 th day following opening (assist business in aesthetic updates) |
| \$250,000 | Annual Public Safety | On or before 90 th day following opening to fund staffing and other public safety initiatives related to increased pedestrian and vehicular traffic |
| All annual payments will increase by 5% after the 15 th year. | | |

In the SCA, Wynn agreed to complete all necessary improvements (as determined in accordance with the MEPA process) to the intersections listed on the Transportation Application at an estimated cost of \$1,000,000. Additionally, Wynn will fund up to 25% of the concept design up to \$1,500,000 for Wellington Circle improvements.

In the SCA, Wynn agreed to pay an annual \$100,000 to facilitate a water transportation connection between Medford and the casino project.

Recommendation:

We believe that Medford’s requests for assistance are consistent with the 2016 Community Mitigation Fund Guidelines. A significant percentage of Wynn Boston Harbor’s traffic will go through the City of Medford, particularly through Wellington Circle. As part of the City of Medford’s surrounding community agreement and as required by Wynn Boston Harbor’s Section 61 Findings, Wynn is required to provide \$1.5 million dollar to MassDOT toward a transportation study to develop alternatives for long-term fix for Wellington Circle. In addition to potential traffic impacts, Medford’s Station Landing is proposed as a site for employee and construction parking. The City’s request for finances for planning would enable Medford to continue to evaluate any additional potential needs related to the Wynn facility that were not anticipated during Wynn Boston Harbor’s Section 61 process. In establishing the Transportation Planning Grants, the Commission determined that planning now is wise given the long lead time associated with transportation projects. By focusing on planning now, the Commission can significantly reduce any delays in responding to currently unanticipated impacts.

In this regard, Medford's request for a transportation planner is a reasonable request. The City currently does not have such a planner. We questioned whether the planner would be engaged in just casino related duties or would focus as well on non-casino related general municipal planning activities. Central to this question was the fact that the Community Mitigation Fund is not a general municipal funding program but instead is designed to address potential impacts from a gaming facility.

In Medford's application, during our conference call and in its follow-up response, Medford referenced a number of planning activities that relate to the casino, including further reviews of numerous intersections that could be impacted by gaming related traffic, parking impacts, the study of potential expansion of water ferry services, and coordination of the Wellington Circle Study. In our judgement, for the near term, these activities could reasonably take up the efforts of a full-time or part-time planner. Sometime after a planner is on board, the planner may need to utilize some technical consultants to assist the planner's work.

While such work may require the full-time efforts in the short-term, a planner may be needed to cover general municipal activities over time. We believe that the costs of such general municipal activity should more appropriately be borne by the City of Medford. In its response letter, Medford indicated that "[t]he City will not contribute planning funds unless planning funds can be received by a grant source." Although this lack of ability to provide funding may present an obstacle in future years, we believe that given the levels of activities in the short term, the CMF could reimburse the City for 100% of the cost of a planner in the first year. Similar to the conditions that the Commission placed on a Mansfield Community Mitigation Fund Grant, we would require the City to certify that all expenses to be reimbursed are gaming related. Medford indicated that it is unrealistic to expect a planner to work in an isolated fashion on one subject. We agree with that prognosis of the likelihood that the planner would likely be called upon to work on non-gaming matters at some point. However, we believe that given the projects listed, the planner's scope could be carefully monitored in the short term to ensure that the portion of the planner's salary paid with CMF funds is focused on gaming facility related activities. We do note that Medford will provide office space and oversight by the planner as in-kind services and will coordinate with the Metropolitan Area Planning Council.

Recommendation on Planner and Consultants:

Given this, we recommend that the Commission agree to pay for 100% of the planner's costs through FY17, subject to the requirements that Medford certifies that the planner's activities are gaming related. Medford would need to reapply for future years. In such applications, Medford could specify and the Commission would evaluate what percentage of the planner's time would be on gaming related activities. Medford could use the first year to seek out additional fiscal funds or other grants to cover non-gaming related matters in future years.

Medford notes that it will hire a planner within 3 months of the grant award and that it plans to pay \$80,000 for the planner. Thus we recommend the award of \$60,000 for the planner, which represents 100% of the first year cost of the planner prorated.

Medford asked for \$210,000 of consultants for the request grant period. We also recommend a one year allocation for the consultants. Medford does not anticipate to provide consultants until 2 months after the hire of a planner, or 5 months. Although a 7/12 proration of a year with worth of consultant service represents approximately \$40K, we recommend that we authorize \$50K for first year consultant services. Medford may apply in future years for additional assistance, assuming this future year's program will include planning.

Staff would work with the City of Medford to determine the scopes for the planner and consultant services. We recommend that such scopes could include work related to a parking permit program providing that it is related to potential gaming related parking. We would need to carefully evaluate what could be reimbursed for a city wide parking permit program that would have less of a connection to potential casino impacts.

Water Study

Medford has also requested funding for match funding for a water transportation study. The study could be useful in expanding the community options for Wynn's patrons and employees especially if it serves Station Landing. The current scope of the study does not include the Wynn Casino as a departure point.

Recommendation on Water Study:

We recommend that the Commission require that the study include an analysis of Wynn Boston Harbor as a docking facility and that the scope continues to include Station Landing. Staff would work with Medford on the final scope. We recommend that the Commission funding would only be made available upon approval of a revised scope by state and federal funding sources. Pursuant to the Commission 2016 Community Mitigation Fund Guidelines, \$100,000 of the \$150,000 would come from the City of Medford's 2015 CMF Fund Reserve. We finally recommend that this grant be up to \$150,000 in the event that the overall scope of the study and cost is reduced.

West Springfield - Transportation Planning \$247,500: West Springfield is requesting funding for the design and permitting of a project to reconstruct Memorial Avenue, which it notes will be impacted due to its close proximity and access to the MGM Springfield project.

West Springfield received \$665,000 in its surrounding community agreement for design and permitting of Memorial Avenue Reconstruction project. When the Town issued a Request for Proposals for the design work, the bids came in substantially higher than the initial estimate (\$665,000) by \$147,500. There are also costs related to the Memorial Avenue Complete Streets project of \$75,000 - \$100,000. West Springfield included in its application a fully executed contract between the Town and GPI and a copy of the estimate for additional costs. The Funds would be expended solely to pay invoices from Greenman-Pedersen, Inc. ("GPI") related to the design and permitting of the Memorial Avenue reconstruction project.

MGM Springfield Commentary on West Springfield Request

Upon review of this request MGM stated that: “The Town of West Springfield has applied for a 2016 Transportation Planning Grant from the Community Mitigation Fund in the amount of \$247,500 in addition to the substantial funding MGM has already provided for such design and permitting. MGM supports a disbursement in that amount from the Community Mitigation Fund to help further fund the design and permitting of the project to reconstruct Memorial Avenue, as that reconstruction project will likely be mutually beneficial to residents of West Springfield, residents of the Greater Springfield area and MGM's patrons and employees.”

Relevant Sections of the West Springfield Surrounding Community Agreement

The West Springfield Surrounding Community Agreement, which was entered into after an arbitration between MGM Springfield and West Springfield, states that “MGM shall pay to the Community Six Hundred and Sixty-Five Thousand Dollars (\$665,000.00), representing the design and permitting costs (but not the construction costs) for reconstruction of Memorial Avenue in West Springfield.”

The following are payments West Springfield either has or will receive as part of its the Surrounding Community Agreement between Blue Tarp LLC and the City of West Springfield’s:

| | | |
|-----------|--|---|
| \$665,000 | Upfront Payment | Within 30 days of award of Gaming License - Design and permitting costs for reconstruction of Memorial Avenue. (not construction costs) |
| \$375,000 | Annual | Annual Mitigation Payment |
| \$750,000 | \$50,000 year 1; \$100,000 year 2; \$50,000 years 3-5; \$100,000 year 6; \$50,000 years 7 - 13 | <u>Annual Study Cost Reimbursement:</u> Reimbursement of expenses for participation on Look Back Studies |

West Springfield “shall look exclusively to the Annual Mitigation Payment for satisfaction of the first \$375,000.00 of the Net Adverse Impact Amounts.”

Recommendation:

The Review Team believes that West Springfield's request for assistance meets the purposes of the 2016 CMF Guidelines. In referencing MGM Springfield's MEPA approvals, West Springfield application states that "the MEPA office determined that the funding under the SCA for the Memorial Avenue redesign (believed at the time to be adequate to fully fund design and permitting of that project) was an appropriate mitigation measure by MGM. However, what was clearly not anticipated by any party was that the cost of designing the Memorial Avenue reconstruction would exceed the estimate by \$247,500."

A panel of three arbitrators operating under the Commission's Surrounding Community Arbitration Regulations, 205 CMR 125.00, recognized the impact to the town of the MGM Springfield facility to this corridor stating the "'MGM shall pay to the Community Six Hundred and Sixty-Five Thousand Dollars (\$665,000.000), representing the design and permitting costs (but not the construction costs) for reconstruction of Memorial Avenue in West Springfield."

The town is requesting \$247,500 because the estimated cost of the design work will exceed the amount ordered in the arbitration. West Springfield has provided sufficient detail to justify the additional costs [see response to question 1 in West Springfield's July 8, 2016 response to the Review Team].

Specifically the increase in costs is attributable to the passage of the time between the arbitration estimate and the bidding of work and changes in transportation design criteria. As noted in West Springfield's response, "Since this project is following the MassDOT Design process and is pursuing state and federal funds, the above-referenced state and local engineering directives and design guidelines must now be followed." In addition to demonstrating that the project is "clearly related to addressing transportation issues or impacts directly related to the gaming facility" as required in the 2016 CMF Guidelines, the town of West Springfield detailed that it will "commit to a minimum of 10% in-kind service match (\$24,750) of staff time for design support, development meetings, reviews, and coordination. This translates into 395 hours of municipal staff time. The Town has already committed substantial staff time to the project planning and development as well as \$147,500 in funds as noted in the application."

Therefore, we recommend that the Commission approve \$246,000 in Transportation Planning Grant Funds to assist the Town of West Springfield with the design costs of the Memorial Avenue Complete Streets Design. The town of West Springfield will be required to utilize the remaining \$1,500 of its Reserve for the design program.

2016 SPECIFIC MITIGATION APPLICATIONS

Hampden County Sheriff's Department - Springfield - \$2,000,000 Western Massachusetts Correctional Alcohol Center (WMCAC) Springfield was forced to move after 29 years due to the MGM-Springfield Casino. This regional correctional treatment facility's budget cannot afford the increase in rent. The annual rent at the former location in

Springfield was \$666,276.17 including utilities and the rent at the new site is \$1,025,000 which does not include utilities. The Sheriff's office is requesting to use the Community Mitigation Fund to offset the increased rent at the new location. The amount of the 2016 Specific Application is \$2,000,000 and would enable the applicant to reduce its annual rent by over \$400,000 per year.

MGM Commentary on Hampden County Sheriff Application

Upon review of this request the licensee, MGM Springfield, stated that:

"MGM fully supports the Hampden County Sheriff's application for a grant in the amount of \$2 million to reduce the rent obligation in connection with the Sheriff's relocation of the Western Massachusetts Correctional Alcohol Center (WMCAC). As the Sheriff has indicated, the WMCAC is a very important program which has been widely recognized as a model correctional substance abuse treatment center over nearly three decades of operations. Sheriff Ashe rightly deserves praise for his efforts and success with this program.

It is our understanding that because (i) the Sheriff's rent for the W MCAC facility at 26 Howard Street has been well below market for years based on longstanding support of the prior landlord and (ii) any new location will require costly improvements associated with the modern security and surveillance requirements of a correctional facility, the Sheriff will likely face an annual rent increase (inclusive of utilities cost) in excess of \$650,000 annually. MGM understands that this presents a challenge for the Sheriff and the Commonwealth. The Sheriff is effectively requesting a subsidy of \$400,000 per year to offset this increase. His request is reasonable and understandable. MGM supports this request.

MGM's full support of the Sheriff's Application notwithstanding, I must address the repeated statement made in the Sheriff's Application that it would be "grossly unfair and unacceptable" for the WMCAC "to be put out of existence to make room for a casino, without appropriate mitigation." Of course, no one is suggesting that the WMCAC should be put out of existence. MGM has long recognized the importance of the WMCAC and the need to relocate this state facility to allow MGM's state-licensed casino development to timely open and accomplish the legislative objective of generating thousands of jobs, spin-off economic development and millions in tax revenues for the citizens of the Commonwealth. The Commonwealth, through the Legislature and the voters, has overwhelmingly endorsed and supported casino gaming as an economic development engine and form of entertainment appropriate and desirable in Massachusetts. We believe that any implication that the analysis surrounding the relocation of the WMCAC and the need for mitigation funding should be any different because MGM's project involves casino gaming is misplaced."

Relevant Sections of Springfield Host Community Agreement The Hampden County Sheriff's Department is a separate governmental entity from the City of Springfield. However, it is noted that Springfield's Host Community Agreement states that "[t]he

Developer will pay displaced tenants at the project site that agree to relocate within the City \$3/square foot towards their new security deposit and moving costs, increasing to \$4/square foot if such tenants relocate within the City's business improvement districts."

We received a comment from Michael Albano of the Governor's Council regarding the Hampden County Sheriff's Department's application. He noted his intention, if elected, to not locate the Western Massachusetts Correctional Alcohol Center at its currently planned location. He also noted litigation that had been filed in regarding to the planned location.

Recommendation:

We believe that the application by the Hampden County Sheriff's Department meets the purposes of the 2016 Community Mitigation Fund Guidelines. The Western Massachusetts Correctional Addiction Center (WMCAC) was impacted by the construction of the MGM Springfield facility as it was evicted from its location of over 29 years. Although the Hampden County Sheriff's Department is not a community, it is eligible for funding as a regional governmental entity. As noted in the 2016 CMF Guidelines, "[t]he 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." Through the WMCAC, the Sheriff's office has provided a vital rehabilitative service for approximately 17,000 Berkshire, Franklin, Hampden, Hampshire and Worcester county offenders since 1985. Without the funding made available through the Community Mitigation Fund, this highly successful governmental program would be in jeopardy. We recommend that the Commission approve funding to assist the Hampden County Sheriff's Office with its currently unfunded lease costs through FY17. The Sheriff's office request of \$400,000 per year prorated due to the November 1, 2016 lease start date would be equivalent to \$280,000.

$$\begin{array}{rcl} \frac{\$856,000}{\$1,225,000} & \text{FY17 cost assuming November start} & = \text{approx. 70\%} \\ & & 70\% \times \$400,000 = \$280,000 \end{array}$$

Under the recommendation, the Sheriff's Office would be required to annually request funding for lease expenses. We further recommend that the Commission state that the total amount of assistance shall be no greater than \$2 million spread over a period of 5 calendar years. As a condition to the grant, the Sheriff's office would be required to annually report to the Commission steps it is taking to allow it to pay for the costs of its lease. Further, given current litigation, we recommend that the Commission include language in its grant contract that provides the Commission with appropriate remedies in the event the facility does not move forward as planned.

City of Springfield on behalf of Caring Health Center, Springfield's Dept. of Health & Human Services \$275,000.

The City of Springfield submitted an application for \$275,000 on behalf of Caring Health Center.

The City of Springfield is requesting mitigation funds to address the additional costs incurred by Caring Health Center as a result of prior construction impacts and for mitigation funds to address the continuing impacts of construction which are present today and are expected to continue throughout the period of construction.

The City of Springfield's \$275,000 application includes \$143,042 for a valet parking pilot initiative for patient parking at Caring Health Center's complex; \$66,050 for the net increased cost of replacement of off-street parking; \$47,983 for additional staffing and contractor costs due to time expended on utility disruptions, securing new parking sources and managing problems related to parking, delays in patient arrival due to traffic congestion and not parking; and \$17, 925 for administrative costs for the City of Springfield to administer a MA Gaming Commission Award.

MGM Springfield Commentary on Springfield Application

Upon review of this request the licensee, MGM Springfield, stated that:

"MGM Springfield is in support of the City of Springfield's request for 2016 Community Mitigation Funds for Specific Impacts related to the Caring Health Center Richard E. Neal Community Health Center at 1049 Main Street. MGM Springfield has been working with Caring Health Center to address the construction impacts upon their operations, particularly the needy patients served by Caring Health. MGM Springfield is providing a small off-street parking lot with twelve spaces for patient parking on a temporary basis until summer 2016. MGM believes the request for the Valet Parking Initiative pilot for patient parking is an excellent solution for patient parking given the extensive construction activity in the immediate area.

"The City is applying for \$275,000 for various costs to Caring Health Center in connection with more limited parking and business interruptions due to construction within the MGM Springfield project vicinity, as well as to fund a valet parking program to address patient parking constraints moving forward. As set forth in my letter of support included with the application and for the reasons set forth therein, MGM fully supports this application.

MGM Springfield's strong support of the application and understanding that the City's need to make a compelling case for the requested funds notwithstanding, I feel it is important to make a few clarifications:

(i) as a good neighbor and in recognition of Caring Health Center's important mission, MGM has continued to work closely with Caring Health Center to mitigate impact stemming from the construction of our Project, including as referenced in the application, by donating

temporary use of a lot for interim patient parking and as further evident from the enclosed letter of support of MGM from Caring Health Center's President/CEO, Tania Barber;

(ii) the application explains that increased real estate development pressures in the immediate vicinity of the project have caused the cost of parking to rise, and it is important to highlight that such "spin off" economic development is precisely one of the underlying goals of the Gaming Act;

(iii) the references to telecommunications and internet outages relative to local utility work do not acknowledge that there is ongoing utility work downtown and related inconveniences that are not directly part of nor necessarily related to the MGM's project; and (iv) the critical references to jersey barriers and construction fencing fail to acknowledge that those were erected as required by and pursuant to the Construction Management Plan and Temporary Traffic Control Plan requested and approved by the City."

Relevant Sections of Springfield Host Community Agreement

Springfield's Summary of Original Host Community Agreement

MGM is required to make substantial payments to the City. Upfront and advance payments total over \$15 Million and annual payments to be made upon opening of the facility total over \$25 Million.

This agreement has been recently modified.

The Review Team received several comment letters in support of Caring Health's application from the following parties: Representative Michael J. Finn; James W. Hunt, President and CEO of Massachusetts League of Community Health Centers; Mayor Domenic Sarno, Senator James T. Welch, Representative Jose F. Tosado, Jacqueline M. Johnson, C.O.O. of Caring Health Center; Jeffrey S. Ciuffreda, President, Springfield Regional Chamber of Commerce; Representative Benjamin Swan; a signed petition with signatures of employees of Caring Health and by the Board of Directors of Caring Health Center and Senator Eric P. Lesser.

Recommendation: The Review Team believes that it is unclear if portions of Springfield's application for funding are consistent with the 2016 Community Mitigation Fund Guidelines.

The 2016 Community Mitigation Fund Guidelines provided further guidance on funding for non-governmental entities. The Guidelines state that:

"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. Communities may ask the Commission to waive these match or partial match requirements. Communities seeking a waiver should include a statement in its application specifying the reason for its waiver request. 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 "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."

Springfield did not pledge significant funding for assisting the non-governmental entity that was the subject of its application but did note in its answer that MGM has "assisted Springfield's Caring Health Center by providing off-street temporary parking on Union Street for Caring Health's patients at no cost to CHC. The value of these fourteen parking spaces at the Union Street lot as an MGM contribution for twelve months in 2015-2016 (based on market parking rates established by the Springfield Parking Authority) is \$14,280. In addition, MGM has assisted Springfield's Caring Health Center as a facilitator to arrange parking through MGM partners and vendors in the area."

Springfield requests a waiver of this matching requirement and noted that it "is willing to waive its administrative cost portion of the grant even though it is [their] practice to recover them as part of the sound municipal fiscal practices."

Before analyzing the specific requests in the application, we note that it is clear that even with the provision of the assistance requested that Caring Health would still face parking issues during the construction period. In Springfield's Response letter, Springfield noted that the Caring parking arrangement is due to expire six months before the availability of the garage. Pursuant to MGM Springfield's Section 61 requirements ordered by the Commission, "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."

Although we have not sufficiently determined whether this application meets the 2016 CMF Guidelines and passes Constitutional muster, we do recommend that staff be requested to work with MGM Springfield and the City of Springfield to discuss short term and long term parking needs, taking into account concerns issued by Caring Health.

There remains a question whether Springfield's application sufficiently demonstrates that the request for assistance is in conformity with Article 46 of the Massachusetts Constitution.

The Commission is subject to state requirements relating to the expenditure of grant funds. Specifically, MMARS Policy: Procurements/ Contracts on State Grants, Federal Sub-Grants and Subsidies, states the following:

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.

In regard to this Policy, the Commission does not have specific legislative authorization to provide funding to reimburse non-profits for parking expenses, utility outages, staff and consultant time associated with parking expenses and utilities outages, and a valet parking program. Therefore, in order to be able to provide funding for a non-profit (or for profit), the Commission would need to determine how such provision of funding would meet the above requirements under the Comptroller's guidance.

Specifically, will the grant funds be 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? In addition, will the grant funds not provide a direct benefit or be used for maintenance of the non-public entity not associated with the fulfillment of the grant?

Springfield argues that the necessary public purpose of the grant is "to assure that CHC can perform its obligations under existing grant agreements with the City to provide necessary care." The City further notes that "[t]he available public funds in the City's grant, like the funds sought from the Commission, must be used for the designated public purpose, and, will allow the CHC to continue to further public purposes as set forth in its grant with the City."

It should be noted that the City in its award of a grant to CHC and the Commission in considering a grant to assist CHC are not in the same position. The City awarded a grant to CHC so that CHC would provide services to Springfield residents. If Springfield was required to abide by 815 CMR 2.00, then Springfield would need to demonstrate that the grant funds were used "to cover the actual costs of fulfilling a public purpose." There is a concern that the City is requesting funds not to cover the actual costs of fulfilling a public purpose but instead to provide general financial assistance so that CHC can continue its operations and, as stated by Springfield, enable CHC to fulfill its grant with Springfield.

In this regard, consistent with the Comptroller's Guidance, the Commission may need to evaluate if the funding requested is meant to cover the actual costs of fulfilling a public purpose or instead is being used for a direct benefit or maintenance of the not public entity not associated with the fulfillment of the grant.

Valet Parking Program

The provision of valet services for persons with disabilities and others to help such persons access a section of the City of Springfield experiencing significant construction is perhaps the most clear public purpose identified in Springfield's application.

The Community Mitigation Fund Review Team asked Springfield if it would consider a broader or alternative program to serve a wider section of the public that may be experiencing difficulties in the area. This request partially sprang from the need to demonstrate that the grant must be for a public purpose and the greater difficulty in showing such public purpose since the valet program was designed to serve only one entity. In its response, Springfield noted that it would expand the valet program to include its H&HS Department, which is located in the same vicinity as CHC.

To the degree that the Commission determines that the valet program meets this requirement under the Comptroller's guidance, the Commission would need to determine that the non-public grantee has been selected through an open public award process. In its response to the Review Team's questions, the City stated that during the Casino Overlay Site Plan Review process, "the City publically stated that it would consider any reasonable applications submitted to it which met the statutory and Constitutional limitations for mitigation funds. During that process, only one entity submitted a request for mitigation funds in accordance with the Community Mitigation Fund." It is unclear how aware other non-public entities were of the potential valet program or the City's grant application at the time of the application to the Commission.

In the summary of this memorandum, we included a placeholder amount for the funding of this program of \$150,000. This figure, which is in excess of the amount requested for this sub-item, may need to be adjusted based on the number of participants in the valet program, if one is determined to be fundable. In any regard, further conversations with the City about the program would be necessary.

In comparison to the valet program, it is less clear that the provision of grant funds for increased CHC employee and patron parking costs is consistent with the Comptroller's guidance and the Anti-Aid provision in the Constitution. It is unclear if such assistance could be characterized as primarily for the direct benefit or maintenance of CHC. It is also unclear if this is a construction period impact or if the increased cost of parking will continue past the construction period.

Administrative Costs

The Commission's 2016 CMF Guidelines do not make provision for the costs of administering the local grant. Instead, they include provisions for communities to demonstrate that they provide in-kind matching funds. The Guidelines specifically request significant local or licensee contributions if assistance for non-public entities is being requested. In its response to the Review Team, Springfield offered to waive its administrative costs. In this regard, no reimbursement of administrative costs is recommended.

Compensation for Increased Parking Costs

It is quite unclear if compensating Caring Health center for increased parking costs would not be for the direct benefit or maintenance of this non-public entity. Further, it is unclear whether this is a construction period impact or may be reflective of ongoing or new increases in the cost of parking in the area. MGM Springfield noted that "the application explains that increased real estate development pressures in the immediate vicinity of the project have caused the cost of parking to rise, and it is important to highlight that such 'spin off' economic development is precisely one of the underlying goals of the Gaming Act." Given the above and the further need to evaluate MGM's required parking plan in conjunction with the City, we cannot recommend reimbursement for parking at this time.

Compensation for Additional Staffing and Contractor Costs. It is quite unclear if compensating Caring Health center for additional staffing and contractor costs would also not be for the direct benefit or maintenance of this non-public entity. Out of the \$47,983 requested for such costs, the City of Springfield included \$10,851 to address utility disruptions. MGM Springfield in its response noted that "the references to telecommunications and internet outages relative to local utility work do not acknowledge that there is ongoing utility work downtown and related inconveniences that are not directly part of or necessarily related to MGM's project." Springfield was not able to determine the cause of several of the utility outages. It is also noted that Caring Health Center noted that it could not get reimbursed from any outages because it is the policy of the Springfield Water & Sewer Commission not to compensate businesses and nonprofits for the impacts of water and sewer disruption. Given the above and the need for further conversation between the Commission, the City, and MGM Springfield to determine the cause and responsible party for such disruptions, we cannot recommend reimbursement for such outages at this time.

Copies of the Community Mitigation Fund Grant Applications can be found at the Massgaming.com website:

<http://massgaming.com/blog-post/a-request-for-public-comment-2016-community-mitigation-fund-grant-applications/>

The Community Mitigation Fund Grant Applications can also be found in the March 3, 2016 Commission Packet

<http://massgaming.com/news-events/article/mgc-open-meeting-march-3-2016-2/>



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; 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 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:

Attleboro
Hampden
Melrose
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.¹ 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."

¹ 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:

"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. Communities may ask the Commission to waive these match or partial match requirements. Communities seeking a waiver should include a statement in its application specifying the reason for its waiver request. 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.² 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.

²These 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.

Once the MGM Springfield and Wynn Everett facilities are operational, approximately \$18 million generated by these two facilities will be annually deposited into the 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, 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 limited funding available. 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. The Commission's address is 101 Federal Street, 12th Floor, Boston, MA 02110.

Where Should the Applications Be Sent?

Applications **must be sent to** www.commbuys.com. The COMMBUYS bid number is BD-16-1068-1068C-1068L-00000006606. If applicants have any trouble locating this in COMMBUYS under the bid number, applicants should search by the agency name, Massachusetts Gaming Commission.

An application received by COMMBUYS by February 1, 2016 will meet the application deadline. Applicants that are not part of the COMMBUYS system should contact Mary Thurlow of the Commission's Ombudsman's Office well in advance of the February 1, 2016 deadline to make arrangements for submission of the application by the deadline. Mary Thurlow can be contacted at 617-979-8420 or at mary.thurlow@state.ma.us.

If you have any questions or concerns contact the COMMBUYS Help Desk at COMMBUYS@state.ma.us or during normal business hours (8am - 5pm ET Monday - Friday) at 1-888-627-8283 or 617-720-3197.

CITY OF MALDEN 2nd ADDENDUM TO THE 2016 TRANSPORTATION PLANNING GRANT APPLICATION

The section of the Surrounding Community Agreement between the City of Malden and the Wynn Boston Harbor project entitled “Malden as a Transportation Hub” has \$500,000 dedicated to a variety of expenditures which are unrelated to our request of \$60,000 from the Transportation Planning Grant application submitted to the Massachusetts Gaming Commission in July of 2016.

The purposes of the funds discussed in the SCA are related to items such as; the actual physical improvements needed to the garages *once identified*; promotional efforts to inform the general public and Wynn employees about these shuttle options; and engagement with the Malden business community to explore ways this could benefit them as well. The request of the MGC through the Transportation Planning Grant is to identify what structural improvements/repairs are needed to the garage.

Furthermore, the section of the SCA entitled “Transitional Roads in Malden” is to be used exclusively to offset impacts on the myriad roads that lead directly from Malden into Everett. The intention of this section was to focus exclusively on the area where Malden directly abuts Everett and is not part of the downtown where the Malden Center Station is located. As Everett was once part of Malden, the number of ‘cut-through’ streets is very high. Where commuters looking to avoid traffic on usual routes (e.g., Route 99, Main and Ferry Streets, etc.) would take smaller and residential-lined streets, our concern was on the impact commuters will have on these intimate neighborhoods. These impacts may require more frequent patrolling of Malden police, regular repaving due to increased wear and tear, as well as traffic studies to understand possible closures to two-way traffic.

In short, the monies provided in the SCA are for different reasons and different areas than the request made in the Transportation Planning Grant application.



Malden Redevelopment Authority

Government Center

200 Pleasant Street • Malden, MA 02148 • (781) 324-5720 • Fax (781) 322-3734

Lead Abatement/Rehab Office

176 Pearl Street • Malden, MA 02148 • (781) 397-1940 • Fax (781) 397-0273

Amanda M. Linehan
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Robert D. Rotondi
Albert N. Spadafora
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Robert K. Foley

Deborah A. Burke
Executive Director

July 7, 2016

Mr. John S. Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

SUBJ: City of Malden/Malden Redevelopment Authority Reserve Application

Dear Mr. Ziemba:

I am in receipt of your correspondence dated June 23, 2016 requesting additional information pertaining to the City of Malden/ Malden Redevelopment Authority's reserve application to the Massachusetts Gaming Commission. Below please find the answers to your questions:

Q: Please provide further detail regarding how the scope of work for the proposed Senior Planner relates to impacts involving the gaming facility.

A: The City of Malden believes that the Gaming Commission's decision to allow communities to use reserve funds to proactively prepare to benefit from the economic activity generated by a resort casino was a wise one. In this vein, the city is looking to position itself for the significant spin off benefits that will occur as a result of the opening of the Wynn Everett casino. The Senior Planner in this regard would focus extensive efforts on land use planning primarily along the lower Commercial Street and Broadway (Route 99) corridors. While both these corridors have experienced some signs of revitalization (most noteworthy the River's Edge redevelopment effort), it is expected that the Wynn Everett project would be the catalyst for transforming these corridors into higher and more productive land uses. Both of these corridors are proximate to the Wynn Everett project. Malden is no stranger to taking advantage of regional efforts to retool and refocus its redevelopment efforts. The Senior Planner would be looking at uses that would be compatible in nature to the casino. It is envisioned that the Senior Planner would also have a seat at the table in regional discussions about the expanded use of the Mystic and Malden Rivers and be involved in discussions about transportation management initiatives aimed at improving vehicular and pedestrian access in the area. The Senior Planner would also work collaboratively with others in the region on grant applications that would provide funding for enhanced economic development activities in Malden and surrounding areas.

Mr. John S. Ziemba
July 7, 2016
Page Two

Q: What controls will be in place to ensure the funds are being utilized for gaming related activities? How do you propose to delineate tasks of the Senior Planner from general municipal work?

A: The Malden Redevelopment Authority which will oversee the senior planning activities on behalf of the City of Malden has been using an electronic time sheet system for several years. Through this system, all MRA employees, including the yet-to-be-hired Senior Planner would have to keep track of his/her time spent on various projects throughout the day/week. In other words, there will be an electronic record of hours worked by the Senior Planner on casino-related tasks.

Q: What is the anticipated timing of the marketing campaign and how is it related to the planned opening of the casino?

A: It is envisioned that a marketing campaign should get underway as soon as possible. The goal is to promote and better acquaint Malden businesses, small and large, with the economic opportunities associated with the Wynn Everett casino. Wynn Everett, per its surrounding community agreement with Malden, is committed to spending \$10 million annually on goods and services in Malden. The goal is to get Malden businesses a prominent seat at the table. The MRA and City would partner with the Malden Chamber of Commerce on this marketing effort. Elements of a marketing campaign would include outreach through social and print media and in-person meetings and forums with Wynn Everett representatives.

Q: What is the anticipating timing of the Citizens Engagement Program? How is it related to the planned opening of the casino?

A: As stated in its reserve application, Malden wants its residents to be well-positioned for the more than 4,000 construction jobs and more than 4,000 permanent jobs that Wynn Everett intends to create. This program should get underway well in advance of the opening of Wynn Everett. Efforts will be made to pair residents of diverse backgrounds, varying income ranges and skill sets with jobs at the casino. The City has been a leader and innovator in the area of citizen engagement through electronic communication with one of the largest social media presences in the state of Massachusetts, incorporating Facebook, twitter, blogs, podcasts, SeeClickFix, 311 call centers and mass email and phone calling platforms, all of which are used to keep citizens engaged and the municipality accountable and transparent. It would use these communication tools as well as its longstanding partnerships and relationships with the local public and private school systems and nonprofit agencies such as the Immigrant Learning Center, Tailored for Success, and the local YMCA and YWCA to create greater awareness of the opportunities at Wynn Everett. The City/MRA would also enlist the support of the Malden Chamber of Commerce and the Small Business Administration to assist with job fairs, resume writing assistance and networking sessions.


Mr. John S. Ziemba
July 7, 2016
Page Three

Guideline Compliance

- a. **Hiring of a Senior Planner:** The advertisement for the position has been written (see attached) and the MRA stands ready to commence the hiring process immediately upon receipt of a favorable response to the City/MRA's reserve application. As stated in the application, the annual salary for this position will be in the \$65,000 to \$70,000 range. Of that amount, we are seeking a \$25,000 per year subsidy for three years from the Gaming Commission through this reserve fund. The balance of the salary and the additional costs of the senior planner's fringe benefits will be borne by the MRA.
- b. **Regional Planning Agency:** I serve as the Malden representative to the Metropolitan Area Planning Council. In this capacity I have had ongoing dialogue with MAPC about the need for the City/MRA to have a senior level planner on staff. MAPC staff provided input and assistance in writing the attached advertisement for the position.

If you have any additional questions about Malden's reserve application, please do not hesitate to contact me at 781-324-5720 ext. 5725 or by email at dburke@maldenredevelopment.com

Sincerely,


Deborah A. Burke
Executive Director

cc: Gary Christenson, Mayor

Enclosure

Senior Planner & Policy Manager

The Malden Redevelopment Authority (MRA) seeks a full-time Senior Planner & Policy Manager. This individual will work on projects in a variety of disciplines, including, but not limited to: land use, housing, economic development and open space planning; development application review; staff assistance to the Mystic Valley Development Commission; project management services for park and infrastructure projects; and grant research, writing and administration. Candidates should be self-directed and be able to manage multiple projects and tasks. Candidates should be knowledgeable with principles and current best practices in the planning profession; applicable federal and state statutes and regulations, particularly those relating to zoning and subdivisions; state Housing and Economic Development programs, Expedited Permitting, Smart Growth Zoning; federal and state grant regulations/procedures and state procurement laws/contract management; and economic development and business assistance resources. Candidates should exhibit strong verbal and written communication, organizational, and interpersonal skills; and possess strong computer skills, including GIS. Position reports to the Executive Director of the MRA. Candidates should possess either a Bachelor's Degree in urban/regional planning, public policy/management, urban design/architecture or related field and have a minimum of four years relevant professional experience or possess a Master's Degree in a relevant field and have at least two years relevant professional experience. AICP preferred. Salary up to \$65,000 will be commensurate with experience. Excellent benefits package. Position open until filled; review of applications to begin immediately. Qualified candidates may send resume and cover letter to: Deborah A. Burke, Executive Director, Malden Redevelopment Authority, 200 Pleasant Street, Room 621, Malden, MA 02148 or email to: [Sherrill Hachey, Executive Administrative Assistant at SHachey@maldenredevelopment.com](mailto:Sherrill.Hachey@maldenredevelopment.com). The MRA provides equal employment opportunities (EEO) in accordance with federal laws which prohibit discrimination or harassment on the basis of race, color, religion, sex, gender identity or expression, national origin, age, genetics, disability, or veteran status. The MRA is a drug-free workplace.

CITY OF MALDEN ADDENDUM TO THE 2016 TRANSPORTATION PLANNING GRANT APPLICATION

A.

Please provide further detail regarding how the scope of the work to be undertaken for the parking assessment study relates to gaming facility related impacts. How did you estimate the \$60,000 request?

The City of Malden needs to have a solid understanding of the new gaming facility related demands being placed on its parking facilities, in particular these new demands viewed within the context of other developments in the City that will impact our parking inventory. The City of Malden has viewed the potential for casino visitors to the City as a positive, and has embraced the potential that these visitors to the region will bring about additional business for our local restaurants. However, to fully understand the potential and the impacts, the additional demands on our parking resources needs to be looked at in conjunction with:

- The redevelopment of 200 Exchange Street, which will bring on line up to 320,000 SF of office space and bring with it the potential for 2,000 additional professionals working in Malden.
- Ongoing construction of nearly 1,000 apartment homes in the downtown area.
- The addition of over 40,000 SF of new retail space coming on line over the next several years.

With the additional dynamic added from a gaming facility, it's critical that the city take a holistic approach in reviewing how to be positioned to not only meet the new demands but capitalize on them. Each of these uses have unique demands on parking facilities in terms of nights, weekends, weekdays, short term, long term. The City needs to take a proactive approach to being best positioned to deal with the additional gaming facility related demands in the context of the additional variables outlined above.

In terms of our estimate, our collective years of experience have given us a solid foundation to predict these expenses. As you can imagine, an urban-edge city like Malden has been constantly dealing with parking issues and has conducted past studies, either parking related or similar, that give us context to estimate with some confidence the scope of such an effort

B.

How is the redesign of Malden Center related to the casino impacts? What other supplemental studies have already been undertaken and may be used to further enhance the study? On what did you base the study costs for the redesign study?

The redesign of the Malden Center Station has been called for numerous supplemental studies of the station and the entire downtown: however, it was stated most convincingly by the Metropolitan Area Planning Council's own Orange Line Corridor Report from 2013 that stated, "improvements to pedestrian and bicycle connections are needed, especially at the northern end of the corridor," and that "Advocacy is needed to increase connections between bike and pedestrian paths..."

CITY OF MALDEN ADDENDUM TO THE 2016 TRANSPORTATION PLANNING GRANT APPLICATION

In particular, these pedestrian and bicycle connections are related to the casino impacts because of the casino's role in that increase in congestion. Clearly, the largest transportation hub nearest to the Wynn Boston Harbor site will be a draw for patrons looking to visit the casino via bicycle trips or public transportation. Malden's bike path near Malden Center Station is a short, lovely ride to the casino, and will provide another mode for them of getting to the casino – without driving. Therefore, as stated in 2013, the connections used by pedestrians and bicyclists at a multi-modal transportation hub are imperative to be improved upon.

Similar to our previous estimate, we are confident that our experience with other studies has given us the understanding to accurately assess the costs of a study like this. Furthermore, having 'lived' with the myriad issues around the connections to the Malden Center Station for years, we truly understand the complexity of the problem and we are planning a broad scope of issues to address with this study.

C.

What is the status of discussion with Wynn Boston Harbor on parking?

During our negotiations with Wynn for our surrounding community agreement, we had very preliminary discussions about the potential for matching up those times when we had unused capacity in our parking facilities with their needs for parking during those times. Whether or not there ultimate is a fit there or an agreement to be made has yet to be further explored.

D.

Have you identified any dangerous impacts that the study would be designed to address?

The redesign of connecting from Malden Station to the Pleasant Street bike path will eliminate the constant crossing of the street at mid-block, walking between the cars that are stacked up because of the succession of lights ahead of them as they navigate around the Malden Center Station. There are five intersections adjoin the Malden Center Station and cause backups through the intersections as traffic backs up due to the intermingling of pedestrians, bicyclists, and automobile traffic.



June 23, 2016

Deborah Burke, Ex. Director
Malden Redevelopment Authority
200 Pleasant Street
Malden, MA 02148

Kevin Duffy, Strategy and Business
Development Officer
200 Pleasant Street
Malden, MA 02148

Re: Reserve and Transportation Planning Mitigation Grant Applications

Dear Ms. Burke and Mr. Duffy:

Thank you for meeting with the community mitigation review team recently. It was a pleasure discussing Malden's application for community mitigation funds. The community mitigation review team found the meeting to be very informative. As we discussed, the following are questions on which the community mitigation review team would appreciate further clarification regarding your submission.

1. 2015 Reserve Application

- a. Please provide further detail regarding how the scope of work for the proposed Senior Planner relates to impacts involving the gaming facility.
- b. As the funding must be related to the impacts from the casino, how do you propose to delineate tasks of the Senior Planner from general municipal work?
- c. What controls will be in place to ensure the funds are being utilized for gaming related activities?
- d. What is the anticipated timing of the marketing campaign and how is it related to the planned opening of the casino?
- e. What is the anticipated timing of the Citizens Engagement Program how is it related to the planned opening of the casino?

2. 2016 Transportation Planning Application – Parking Demand Study

- a. Please provide further detail regarding how the scope of work to be undertaken for the parking assessment study relates to gaming facility related impacts. How did you estimate the \$60,000 request?



Massachusetts Gaming Commission



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. | <u>City of Malden</u> NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT |
| 2. | <u>City Treasurer</u> DEPARTMENT RECEIVING FUNDS |
| 3. | <u>Mark Good, Treasurer</u> NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS |
| 4. | <u>200 Pleasant Street, Room 317</u> ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS |
| 5. | <u>781-397-7000 ext. 2090 MGOOD@cityofmalden.org</u> PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS |
| 6. | <u>Gary Christenson, Mayor</u> NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY |
| 7. | <u>200 Pleasant Street Room 629</u> ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY |
| 8. | <u>781-397-7000 ext. 2001 MAYOR@cityofmalden.org</u> PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY |
| 9. | <u>Wynn MA LLC</u> 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.

The City of Malden has a Surrounding Community Agreement with Wynn MA LLC that embraces the use of Malden Center as a transportation hub for the Wynn Casino, including the running of shuttles to and from this central location for Wynn employees. It also allows for a designated shuttle area to be utilized by potential Wynn Casino customers arriving via bus, train, water, or commuter rail; The spirit of the transportation grant being requested is for the City to engage in work designed to prepare for this additional pedestrian and vehicle traffic.

The increased use of the Malden Center MBTA station area as a designated shuttle area for both customers and employees will increase the amount of pedestrian trips to and from the station as well as cause a significant increase in the amount of car traffic to the garages as well as increased utilization of these facilities

As a result, the City of Malden is most concerned with developing safer connections for all users coming to Wynn MA through Malden. We are looking to receive funding to conduct a study to develop a better pedestrian management plan to provide safer bicycle and pedestrian linkage to the station as well as the garages.

Furthermore, given the expected influx of customers and employees from the proposed gaming facility, the city is in need of assessing it's parking facilities and putting together a plan to address the additional demands on the system and the ability of the current facilities to handle the demand. This would include but not be limited to a comprehensive assessment around the need and feasibility of possible construction of new parking garages to meet this and future demand.

We are submitting separately an application for the use of our previously designated reserve funds for uses separate and distinct from those needing to be addressed by the transportation planning grant request.

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.

The City of Malden is requesting \$100,000 dollars to assess parking capabilities and pedestrian

2016 TRANSPORTATION PLANNING GRANT APPLICATION

Page 3 of 8

safety around public transportation and parking.

In particular, these funds will be used to study the expanding demand by the Casino for the City's parking resources and determine an appropriate course of action to ensure that there are sufficient parking options for the current needs and City's expected growth. The study could and would encompass the feasibility of converting existing lots into additional parking structures. Additionally, the study will assess the current facilities' physical conditions so as to understand the need and costs for upkeep over the life of increased casino use. Cost of this study is estimated to be \$60,000.

The impacts requiring studies and planning and are anticipated at the following locations:

1. Jackson Street Garage.
2. Central Business District Garage.
3. Malden Center MBTA parking lot.
4. Main Street parking lot
5. Dartmouth Street parking lot.

A second and equally important component of the study will be to oversee a full redesign of the Malden Center area and its environs to provide both pedestrian and bike rider safety improvements. Given the expected increase in both users of the garage and the Malden Center Station, along with the high travel speeds, heavy traffic volumes, and busy intersections, these expose both pedestrians and bike riders to great risks and enhanced safety improvements should be implemented. Cost of this study is estimated to be \$40,000.

6. 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.

The City of Malden will ensure that all services will be procured in a competitive bid process with contracts and will document all mitigation funds received to ensure that these dollars are being spent for the above stated purposes.

7. 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.

2016 TRANSPORTATION PLANNING GRANT APPLICATION

Page 5 of 8

As you can see from the language from the Surrounding Community Agreement between the City of Malden and Wynn Everett below, these impacts were not addressed as part of the agreement to serve potentially for as a transportation hub for the Wynn Casino.

Both parties recognize and agree that the City of Malden is uniquely situated to play an important role as a 'transportation hub' for the Wynn Casino development. Both parties agree it is mutually beneficial to work together to capitalize on this infrastructure unique to the City of Malden.

This shall include but not be limited to:

- *The utilization of the Malden Center MBTA station area as a designated shuttle area to be utilized by potential Wynn Casino customers arriving via bus, train, water, or commuter rail.*
- *The desire by the Parties to utilize the City of Malden covered parking facilities to provide off-site parking for Wynn Casino employees, including the running of shuttles to and from this central location for Wynn employees. The specifics of such an agreement, if one can be reached, shall be contained in a separate document outlining the terms of such agreement in its entirety.*

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.



2-1-16

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

2016 TRANSPORTATION PLANNING GRANT APPLICATION

Page 6 of 8

| | |
|------------------|-------------|
| | |
| Ombudsman | Date |



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

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

8. 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.

9. 2016 Mitigation Reserve Fund Only

If a Community is filing for a **mitigation reserve fund only**, please use the application entitled "**2016 COMMUNITY MITIGATION FUND RESERVE / 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.

10. 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 RESERVE / SPECIFIC IMPACT APPLICATION**" and **fill out entire application form.**

11. 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 RESERVE / SPECIFIC IMPACT APPLICATION**".

12. 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

2016 TRANSPORTATION PLANNING GRANT APPLICATION

Page 2 of 8

(617) 979-8423 or john.s.ziemba@state.ma.us

An application must be received by February 1, 2016 to meet the application deadline.

Applications should be sent to: www.commbuys.com

If you have any questions regarding COMMBUYS, please contact COMMBUYS Help Desk assistance at 1-888-627-8283 or COMMBUYS@state.ma.us.



THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPDEN COUNTY
627 RANDALL ROAD
LUDLOW, MA 01056

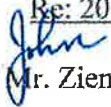
MICHAEL J. ASHE, JR.
SHERIFF

July 6, 2016

TEL: (413) 547-8000
FAX: (413) 569-1851

Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Re: 2016 Community Mitigation Fund Application - MGC letter of June 23, 2016

Dear  Mr. Ziemba:

I want to thank you again for the opportunity to submit our application for mitigation funds for the Western Massachusetts Correctional Addiction Center. The following is our response to the questions you submitted in your June 23rd letter to my department.

Since each question was numbered, we numbered our answers accordingly.

1. November 1, 2016

2. The election of a new Hampden County Sheriff should have no impact on the current signed lease. The termination language taken from the lease is noted below:

Termination of Lease for Lack of Appropriations and Authorizations:

If, for any fiscal year during the Term, sufficient funds for the discharge of Tenant's obligations under this Lease are not appropriated and authorized, or if, during any fiscal year during the Term, funds for the discharge of Tenant's obligations under this Lease are reduced pursuant to G. L. c. 29, 9C, then Tenant has the right to terminate this Lease by written notice to Landlord without any liability whatsoever for damages, penalties, or other charges arising from early termination, and without further recourse to either party; provided, however, that Tenant must pay all Rent and any other charges due to Landlord for the period before Tenant's surrender of the Premises, and that Tenant must comply with the provisions of 6.7 of this Lease.

Per DCAMM signed lease.

3. Our old lease at 26 Howard Street in Springfield was \$666,000 per year; this amount also included utilities, this rate was extremely low due to our presence in the building for 28 years. Our new lease at 155 Mill Street in Springfield is \$1,025,000; this does not include an estimated \$260,000 for utilities.

The difference between the old lease and the new lease is \$619,000. Our request for \$400,000 represents 31% of the total expense. We tried to come up with a reasonable request to the gaming commission. In the winter of 2015 the Sheriff's Department was presented an eviction notice to vacate by May, we vacated the premises on May 8, 2016.

4. Our FY15 request was for ten years at \$400,000 per year; our FY16 request is for five years at \$400,000. The location is the same, 155 Mill Street Springfield. We did reduce the programmatic space of the request which reduced the lease by \$416,838 and the utilities by an estimated \$76,000.

5. For the FY16 proposal, if we receive \$400,000 from the mitigation fund, the Hampden County Sheriff's Department would be responsible for \$885,000. Under this proposal the mitigation fund would not be responsible for the lease for years six through ten.

For the FY15 proposal, if we received \$400,000 from the mitigation fund, the Hampden County Sheriff's Department would be responsible for \$1,377,838.

6. In FY16 we will expend approximately \$420,000. The source of funds is from our jail's main appropriation 8910-0102, object class GG.

7. Our FY17 request for 8910-0102 to the House and Senate Ways and Means was **\$75,560,219.**

We did request \$1,025,000 for the Addiction Treatment Center lease.

Our request did not assume funding of \$400,000 from the mitigation fund.

No there were no other sources of funding.

| | |
|--|---------------------|
| 8. House Ways and Means appropriated: | \$73,516,926 |
| Senate Ways and Means appropriated: | \$73,878,560 |
| (Conference Committee reported out) | \$71,726,757 |

Our difference between our requested and proposed is \$3.8 million.

We cannot specifically answer what the attributable difference is.

9. We would go back to the Executive Office of Administration and Finance to start the process of requesting a supplemental for specific funds for the Mill Street lease.

- o Last option; we would not open this deeply rooted treatment facility, thus eliminating a program that has been successfully providing services for thirty years in a community in great need of comprehensive addiction services. Our mission statement is as follows:

The Western Massachusetts Correctional Addiction Center, a component of the Hampden Sheriff's Department, is a minimum security, community based, and residential treatment center. We strive to enhance public safety by providing care, custody, education, and treatment, on a continuum of service, to addicted offenders from four Western Massachusetts counties and Worcester County. Clients are offered opportunities to access support, knowledge and intervention strategies to assist them in reintegrating into the community as socially responsible, law-abiding citizens.

10. If we were to open the facility on November 1, 2016, the FY17 prorated expense would be \$856,000; this represents a little over \$107,000 per month for both the lease and the utilities.

11. In a very strongly worded legal opinion, Judge Carey of the Hampden County Superior Court sided with the City of Springfield and the owner of the Mill Street property when he recently denied the Plaintiff's Motion for Temporary Restraining Order requesting, among other things, that construction be halted on the Mill Street property. The Judge's opinion leaves very little to no chance of success on appeal should the Plaintiff's attorney pursue that. The Hampden County Sheriff's Department/Sheriff Michael J. Ashe Jr. were not named as defendants in that litigation. However, the Hampden County Sheriff's Department, through Sheriff Michael J. Ashe Jr., has filed a Motion to Intervene in the litigation and we are awaiting a decision from the Judge on that Motion. The parties will be filing a Motion to Dismiss in the near future and feel that it is highly likely that the case will be dismissed.

12. Legal counsel has informed us that the claims raised in the most recent litigation are wholly without merit. With respect to your specific inquiry regarding M.G.L. c. 268A, legal counsel has advised us that Hampden County Sheriff's Department /Sheriff Michael J. Ashe Jr. worked with DCAMM in the procurement process for the property that DCAMM eventually chose after bidding, and complied with all applicable laws during that process. Accordingly, the plaintiff's claims against the Hampden County Sheriff's Department/Sheriff Ashe will not be substantiated, and the claims against the other

defendants currently pending in the Superior Court are likely to fail as well. Please see the attached Exhibits A and B outlining the procurement process as it is required by law, and the steps taken during the process by the Hampden County Sheriff's Department and DCAMM relative to the leasing and procurement of the property at issue. (See one page attachment; if needed we can provide the 130 plus page DCAMM RFP).

Again, thank you for the opportunity to answer questions raised by the Mass. Gaming Commission community mitigation review team. Please feel free to contact me if you or the members of your team have any additional questions.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Ashe, Jr." The signature is written in a cursive style with a large, stylized initial 'M'.

Michael J. Ashe, Jr.
Sheriff

MJA/sro



The Commonwealth of Massachusetts
Executive Office for Administration and Finance
Division of Capital Asset Management and Maintenance
One Ashburton Place
Boston, Massachusetts 02108

CHARLES D. BAKER
GOVERNOR

Tel: (617) 727-4050
Fax: (617) 727-5363

KRISTEN LEPORE
SECRETARY
ADMINISTRATION & FINANCE

KARYN E. POLITO
LIEUTENANT GOVERNOR

CAROL W. GLADSTONE
COMMISSIONER

MEMORANDUM

TO: Interested Parties

FROM: Martha Goldsmith, Director
Office of Leasing and State Office Planning

RE: Request for Proposals to Lease Space

We are pleased to send you this Request for Proposals (RFP). The Division of Capital Asset Management and Maintenance (DCAMM) has designed this RFP to assist proposers in understanding the Commonwealth's needs for leased space and to insure fair and open competition in leasing space. The RFP contains the following information and attachments.

Section A contains:

- Summary of the Commonwealth's needs;
- Procedures used by DCAMM to evaluate proposals, notify proposers of a selection decision, and execute a lease;
- Requirements that proposals must meet to be considered and criteria used to evaluate qualifying proposals.

Section B contains:

- Description of the Landlord's Services sought;
- Description of Landlord's Improvements sought, including the Space Allocation and Finish Schedule and any applicable technical exhibits.

Section C contains the following attachments:

- Commonwealth Office Lease, Commonwealth Tenant Estoppel Certificate, and Commonwealth Subordination, Non-Disturbance and Attornment Agreement;
- Lease Proposal and Instructions for completing the proposal and submitting it to DCAMM by the submission deadline.

Senior Project Manager Peter Woodford is the sole point of contact for all matters relating to this RFP and can be reached by telephone at 617-727-8000 extension 31347 or 857-204-1347.

Thank you for your interest in leasing space to the Commonwealth.



June 23, 2016

William Christofori, Chief Financial Officer
Steve O'Neil, Grant Coordinator
Hampden County Sheriff's Department
627 Randall Road
Ludlow, MA 01056

Re: 2016 Community Mitigation Fund Application

Dear Messrs. Christofori and O'Neil:

Thank you for participating in the recent conference call with the community mitigation review team. The community mitigation review team found the conference call to be very informative. As we discussed, the following are questions on which the community mitigation review team would appreciate further clarification regarding your submission.

1. When do you anticipate moving into the proposed premises?
2. What impact could the upcoming election of a new Hampden County Sheriff have on the current lease?
3. You applied for \$2M over four (4) years. What were the assumptions that led you to ask for that amount, and have those assumptions changed? If they have changed how have they changed?
4. The Hampden County Sheriff's Department applied in 2015 for the Community Mitigation Fund. Please describe the differences in your funding request for assistance this year. Please also describe any changes in the proposed facility between last year's request and this request.
5. Please provide detail regarding what funding would be contributed by the Sheriff's office to the lease in dollars under the two requests.
6. How much funding was included in your FY16 agency budget for the Center, and what was the source of those funds?
7. What was your FY17 Ways and Means budget request, and how much funding was included in that request for the Alcohol Center? Did your FY17 Ways and Means



Massachusetts Gaming Commission



THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPDEN COUNTY
627 RANDALL ROAD
LUDLOW, MA 01056

MICHAEL J ASHE JR
SHERIFF

TEL (413) 547-8000
FAX (413) 589-1851

January 21, 2016

Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

A handwritten signature in blue ink that reads "John".

Dear Mr. Ziemba,

Enclosed please find my application for 2016 Community Mitigation Funds.

The Western Massachusetts Correctional Addiction Center (WMCAC), the only regional correctional treatment facility in the commonwealth, was forced to move after 29 years, due to the looming MGM-Springfield Casino. Working with DCAM, we went out to bid, and received a bid that met the approval of DCAM. Once again, funding is the issue.

Our annual rent in Springfield was \$666,276.17, which included utilities. The relatively low rent is due to longevity at the location (29 years).

The rent at the new site is \$1,025,000, and does not include utilities. The difference in rent is primarily due to the fact that the landlord would have to do a build-out of approximately \$4 million to retrofit the building for operations and programs, as was done over a period of years at the former site. The additional estimated cost of our utilities would be \$336,600 per year. This overwhelming upswing in rent is not affordable within our current budget.

No other forced move due to the looming MGM-Springfield Casino threatens the existence of such a vital public service. It is grossly unfair and unacceptable that this commonwealth's model correctional substance abuse treatment center should be put out of existence to make room for a casino, without appropriate mitigation.



THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPDEN COUNTY
627 RANDALL ROAD
LUDLOW, MA 01056

MICHAEL J ASHE, JR
SHERIFF

TEL: (413) 547-8000
FAX: (413) 589-1851

January 21, 2016

Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

A handwritten signature in blue ink that reads "John".

Dear Mr. Ziemba,

I am writing to withdraw my 2015 application for mitigation funds.

I want to emphasize that the need is still there, and assure you that I will submit an application for 2016 mitigation funds.

Thank you for your continued assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Ashe, Jr.".

Michael J. Ashe, Jr.
Sheriff

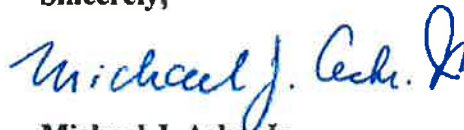
MJA/gjm

this commonwealth's model correctional substance abuse treatment center should be put out of existence to make room for a casino, without appropriate mitigation.

We strongly believe it is vitally necessary that the Gaming Commission appropriate the sum of \$2 million, enabling us to reduce our annual rent by over \$400,000 per year, making the continued existence of the Center affordable.

Please do not hesitate to call me if you have any questions or need more information. I look forward to working with you, shoulder-to-shoulder, to win the best future for our citizens.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Ashe, Jr." with a stylized flourish at the end.

**Michael J. Ashe, Jr.
Sheriff**

MJA/gjm



THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPDEN COUNTY
627 RANDALL ROAD
LUDLOW, MA 01056

MICHAEL J ASHE, JR
SHERIFF

TEL: (413) 547-8000
FAX: (413) 589-1851

January 21, 2016

Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110


Dear Mr. Ziemba,

The Western Massachusetts Correctional Addiction Center (WMCAC), the only regional correctional treatment facility in the commonwealth, was forced to move after 29 years, due to the looming MGM-Springfield Casino. Working with DCAM, we went out to bid, and received a bid that met the approval of DCAM. Once again, funding is the issue.

Our annual rent was \$666,276.17, which included utilities. The relatively low rent is due to longevity at the location (29 years).

The rent at the new site is \$1,025,000, and does not include utilities. The difference in rent is primarily due to the fact that the landlord would have to do a build-out of approximately \$4 million to retrofit the building for operations and programs, as was done over a period of years at the former site. The additional estimated cost of utilities would be \$336,600 per year. This overwhelming upswing in rent is not affordable within our current budget.

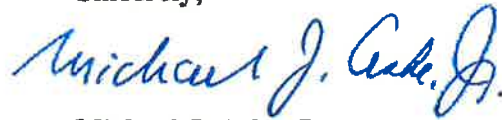
Chapter 23K, section 61B of the Massachusetts General Laws established a Community Mitigation Fund to assist in offsetting costs due to the operation of gaming establishments. There can be no more compelling utilization of this Mitigation Fund than to enable the survival of one of the commonwealth's, and indeed the nation's, most effective correctional substance abuse treatment programs. At this point, in light of your concern for the commonwealth's opiate epidemic, it should be noted that although WMCAC continues to serve the multiple DUI offender that it was founded to incarcerate, a good percentage of its residents now are substance abusers sentenced for offenses other than DUI.

No other forced move due to the looming MGM-Springfield Casino threatens the existence of such a vital public service. It is grossly unfair and unacceptable that

I respectfully request that the Commission conduct an expedited review of my application.

Please do not hesitate to contact me at 413-858-0101 should you have questions or concerns. In addition, I am available to meet with you and/or the Commission in person regarding this application. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Ashe, Jr." in a cursive style.

**Michael J. Ashe, Jr.
Sheriff**

MJA/gjm



**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.

Hampden County Sheriff's Department

1. **NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT**

Hampden County Sheriff's Department

2. **DEPARTMENT RECEIVING FUNDS**

William Christofori, CFO

3. **NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS**

627 Randall Road, Ludlow, MA 01056

4. **ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS**

413-858-0114, Bill.Christofori@sdh.state.ma.us

5. **PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS**

Michael J. Ashe, Jr., Sheriff

6. **NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY**

627 Randall Road, Ludlow, MA 01056

7. **ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY**

413-858-0101, Michael.Ashe@sdh.state.ma.us

8. **PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY**

MGM Springfield

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 Western Massachusetts Correctional Addiction Center (WMCAC), the only Regional correctional treatment center in the commonwealth, was forced to move after 29 years of operation at 26 Howard Street in Springfield due to the looming MGM-Springfield Casino.

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.

The Sheriff's Department worked with the Division of Capital Asset Management to develop an RFP, went out to bid and received an approved bid to move to a new location in Springfield. Our annual rent was \$666,276.17 which included utilities. The relatively low rent was due to longevity at the location (29 years). The annual rent at the new site is \$1,025,000 and does not include utilities (estimate \$336,000). The primary difference in rent is due to the fact that the landlord would have to do a build out of approximately \$4 million to retrofit the building for operations and programs, as was done over a period of years at the present site. This overwhelming upswing in rent is not affordable within our current budget. There can be no more compelling utilization of this Mitigation Fund than to enable the survival of one of the commonwealth's, and indeed the nation's, most effective correctional substance abuse treatment programs. At this point, it should be noted, that although WMCAC continues to serve the multiple DUI offender that it was founded to incarcerate, a good percentage of its residents now are substance abusers sentenced for offenses other than DUI. No other forced move due to the looming MGM-Springfield Casino threatens the existence of such a vital public safety program. Approximately 17,000 Berkshire, Franklin, Hampden, Hampshire and Worcester county offenders have completed the program since 1985 with many returning as mentors. It is grossly unfair and unacceptable that this commonwealth's model correctional substance abuse treatment center should be put out of existence to make room for a casino, without appropriate mitigation. We respectfully request that the Gaming Commission commit \$2 million, to enable us to reduce our annual rent by over \$400,000 per year, making the continued existence of the center affordable.

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.

We will submit monthly reports that detail all expenditures to the Gaming Commission.

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 Host Agreement signed on April 30, 2013, between the City of Springfield and Blue Tarp Development, LLC states, "(J) Displaced Tenant Payments. The Developer will pay displaced tenants at the project site that agree to relocate within the City \$3/square foot towards their new security deposit and moving costs, increasing to \$4/square foot if such tenants relocate with the City's business improvement district."

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

January 21, 2016

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

**THIS OFFICIAL FORM MUST NOT BE ALTERED.
ALL MODIFICATIONS MUST BE MADE BY SEPARATE RIDER.**

**COMMONWEALTH OF MASSACHUSETTS
OFFICE LEASE**

I. SUBJECT MATTER AND TABLE OF CONTENTS

1.1 Subject Matter

Each of the references in this Lease to any of the following subjects incorporates the data stated for that subject in this § 1.1 and, unless defined elsewhere in this Lease, constitutes the definition of the listed subject.

DATE OF LEASE:

LANDLORD: Mill Street Iconic, LLC

ADDRESS OF LANDLORD: 118-35 Queens Blvd, suite 400
Forest Hills, New York 11375

LANDLORD'S REPRESENTATIVE: Name: Jeremie Lederer
Address: Mill Street Iconic, LLC
118-35 Queens Blvd, suite 400
Forest Hills, New York 11375
and/or such other persons as Landlord
designates from time-to-time

TENANT: The Commonwealth of Massachusetts acting by
and through the Commissioner of its Division of
Capital Asset Management and Maintenance
(DCAMM) of the Executive Office for
Administration and Finance on behalf of the
User Agency, Hampden County Sheriff's
Department

ADDRESS OF TENANT: Division of Capital Asset Management and
Maintenance
One Ashburton Place, 15th Floor
Boston, Massachusetts 02108-1518

TENANT'S REPRESENTATIVE:

Name: Martha Goldsmith, Director
DCAMM, Office of Leasing
Address: One Ashburton Place, Room 1411
Boston, Massachusetts 02108
and/or such other persons as Tenant
designates from time-to-time, as set
forth in § 4.4

USER AGENCY:

Hampden County Sheriff's Department

ADDRESS OF USER AGENCY:

627 Randall Road
Ludlow, Massachusetts, 01056

USER AGENCY'S REPRESENTATIVE:

Name: William Christofori
Address: 627 Randall Road
Ludlow, Massachusetts, 01056
and/or such other persons as User Agency
designates from time-to-time, as set forth in §
4.4

BUILDING (ADDRESS):

155 Mill Street
Springfield, Massachusetts 01108

PREMISES:

Floor(s): Entire Building
within the Building as shown in Exhibit A,
together with all of the Landlord's
Improvements (as defined in § 4.1) made within
the Premises pursuant to the provisions of this
Lease.

USABLE AREA OF PREMISES:

Program Space: 49,005 square feet

RESERVED PARKING SPACES:

Number: 38
Location: On premises

PERMITTED USES:

Subject to the provisions of § 6.1, Tenant must
use the Premises for the following purposes:
Residential Correctional Facility, Classrooms
and Associated Administrative Offices

TERM:

The Term begins on the Date of Occupancy, as
defined in § 3.2, at 12:01 a.m., and continues
until 11:59 p.m. of the date immediately
preceding the tenth anniversary of the Date of
Occupancy.

"Term" includes the Term, unless otherwise expressly stated. "Expiration Date" means the last day of the Term, and includes any effective date of termination of this Lease, unless otherwise indicated.

BUSINESS DAY:

Unless otherwise provided by this Lease, "business day" means any day other than Saturday, Sunday, or a designated holiday of the Commonwealth of Massachusetts on which the offices of the Commonwealth of Massachusetts are closed, whether throughout the Commonwealth of Massachusetts or only in Suffolk County.

BASE RENT FOR TERM:

Year One: \$1,025,000.00 per year in monthly installments of \$ 85,416.67
\$ 20.92 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Two: \$1,045,000.00 per year in monthly installments of \$ 87,083.33
\$ 21.32 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Three: \$1,066,410.00 per year in monthly installments of \$ 88,867.50
\$ 21.76 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Four: \$1,087,738.00 per year in monthly installments of \$ 90,644.83
\$ 22.20 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Five: \$1,109,493.00 per year in monthly installments of \$ 92,457.75
\$ 22.64 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Six: \$1,131,683.00 per year in monthly installments of \$ 94,306.92
\$ 23.09 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Seven: \$1,154,316.00 per year in monthly installments of \$ 96,193.00
\$ 23.56 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Eight: \$1,154,316.00 per year in monthly installments of \$ 96,193.00
\$ 23.56 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Nine: \$1,154,316.00 per year in monthly installments of \$ 96,193.00
\$ 23.56 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

Year Ten: \$1,154,316.00 per year in monthly installments of \$ 96,193.00
\$ 23.56 per square foot for office space
\$ N/A per square foot for storage space
\$ 0.00 per parking space per year

1.2 Table of Contents

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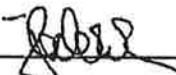
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Landlord and Tenant have executed multiple counterparts of this document, under seal in accordance with the laws of the Commonwealth of Massachusetts, Tenant having done so by the Commissioner of the Division of Capital Asset Management and Maintenance, who was joined by an authorized representative of the User Agency as an adjunctive signatory, neither of whom incurs any personal liability as a result of such signature.

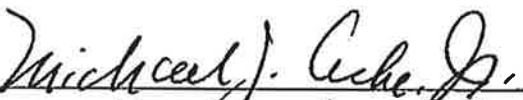
LANDLORD: MILL STREET ICONIC, LLC

By: 
Printed Name: JEREMIE LEDERER
Title: MANAGER

TENANT: COMMONWEALTH OF MASSACHUSETTS ACTING BY AND THROUGH THE COMMISSIONER OF ITS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE

By: _____
Carol W. Gladstone, Commissioner, who certifies, under penalties of perjury, that she has fully complied with the advertising requirements of G. L. c. 7C, § 36, in connection with the property described in this document.

USER AGENCY: HAMPDEN COUNTY SHERIFF'S DEPARTMENT

By: 
Printed Name: MICHAEL J. ASHE, JR.
Title: Sheriff, Hampden Co

Approved as to Matters of Form:

Peter A. Wilson, Deputy General Counsel
Division of Capital Asset Management and Maintenance

RIDER TO LEASE

DATE OF LEASE:

LANDLORD: Mill Street Iconic, LLC

TENANT: The Commonwealth of Massachusetts acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance (DCAMM) of the Executive Office for Administration and Finance on behalf of the User Agency, HAMPDEN COUNTY SHERIFF'S DEPARTMENT.

BUILDING (ADDRESS): 155 Mill Street, Springfield, Massachusetts 01108

PREMISES: 155 Mill Street, Springfield, Grade level plus three floors within the Building as shown in Exhibits A , together with all of the Landlord's Improvements (as defined in § 4.1) made within the Premises pursuant to the provisions of this Lease.


Modify this Lease as follows:

1. Any references in this Lease to Exhibit A-1 Landlord's Measured Drawings of the Premises and Exhibit B Schematic Space Plan are inapplicable.
2. Substitute the following for §§ 2.2 (a) and 2.2 (b): "For the purpose of this Lease "Usable Area" means The Entire Building."
3. In § 4.1, substitute "Exhibit A: "for "the Schematic Space Plan attached as Exhibit B."
4. In § 4.2 (e), substitute "Exhibit A" for each reference to Exhibit B.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Landlord and Tenant have executed multiple counterparts of this document, under seal in accordance with the laws of the Commonwealth of Massachusetts, Tenant having done so by the Commissioner of the Division of Capital Asset Management and Maintenance, who was joined by an authorized representative of the User Agency as an adjunctive signatory, neither of whom incurs any personal liability as a result of such signature.

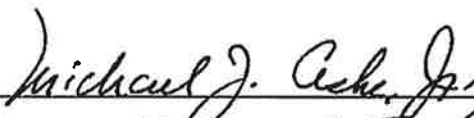
LANDLORD: MILL STREET ICONIC, LLC

By: 
Printed Name: JEREMIE LEDERER
Title: MANAGER

TENANT: COMMONWEALTH OF MASSACHUSETTS ACTING BY AND THROUGH THE COMMISSIONER OF ITS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE

By: _____
Carol W. Gladstone, Commissioner, who certifies, under penalties of perjury, that she has fully complied with the advertising requirements of G. L. c. 7C, § 36, in connection with the property described in this document.

USER AGENCY: HAMPDEN COUNTY SHERIFF'S DEPARTMENT

By: 
Printed Name: MICHAEL J. ASHE, JR.
Title: Sheriff, Hampden Co.

Approved as to Matters of Form:

Peter A. Wilson, Deputy General Counsel
Division of Capital Asset Management and Maintenance

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE
OFFICE OF LEASING AND STATE OFFICE PLANNING

CERTIFICATE OF COMPLIANCE WITH EXECUTIVE ORDER NO. 481

Pursuant to Executive Order No. 481, JEREMIE LEDERER
(name(s) of person(s) who signed the document to which this Certificate is
attached for Landlord, Licensor, Mortgagee, or Prospective Lender)
MANAGER of MILL STREET ICONIC LLC (Contractor),
(title(s) of person(s) who signed the document
to which this Certificate is attached for Landlord,
Licensor, Mortgagee, or Prospective Lender) (name of Landlord, Licensor, Mortgagee, or Prospective Lender
named in the document to which this Certificate is attached)

whose principal place of business is located at 118-35 Queens Blvd, suite 400

Forest Hills, New York, 11375

(address of principal place of business of Landlord, Licensor, Mortgagee or
Prospective Lender named in the document to which this Certificate is attached)

certifies, as a condition of receiving Commonwealth funds under (a) the lease or (b) the short-term
tenancy agreement or (c) the license or (d) the amendment or (e) the subordination, non-disturbance, and
attornment agreement or (f) the change-of-ownership documents to which this Certificate is attached (this
Contract) for the premises located at 155 Mill Street, Springfield, Massachusetts, 01108

(address of the premises as stated in

10 Year Lease

that:

the document to which this Certificate is attached)

1. The following provisions of this certification are ancillary to this Contract and will be and are binding upon Contractor as if literally included among the provisions of this Contract, as it may be amended from time-to-time.
2. Contractor must not and will not knowingly use undocumented workers in connection with Contractor's performance under this Contract.
3. Pursuant to federal requirements, Contractor must and will verify the immigration status of all workers assigned to Contractor's performance under this Contract without engaging in unlawful discrimination, and Contractor must not and will not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker.
4. Contractor is aware that any breach of item 2, item 3, or both item 2 and item 3 during the term of this Contract may be regarded as a material breach of this Contract, subjecting Contractor to sanctions, including by way of example only and not limitation, monetary penalties, withholding of Commonwealth funds and other payments, suspension or termination of this Contract or both, and any other remedy available to Tenant or Licensee under this Contract, at law, or in equity.

Signed under the penalties of perjury on Jan 22, 2016.


(signature(s) of person(s) whose name(s) and
title(s) appear at the beginning of this Certificate)

Edward M. Pikula, Esq.
City Solicitor

Law Department
36 Court Street, Room 210
Springfield, MA 01103
Office: (413) 787-6085
Direct Dial: (413) 787-6088
Fax: (413) 787-6173
Email: epikula@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

July 7, 2016

Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street 12th floor
Boston, MA 02110

Re: Response to Questions Raised in June 23, 2016 Letter on the
City of Springfield's Community Mitigation Fund Application

Dear Mr. Ziemba:

This letter is in response to your letter of June 23, 2016 addressed to Helen Caulton, Commissioner, Department of Health and Human Services, (H&HS) and Jasmine Naylor, Executive Vice President Caring Health Center, ("CHC") regarding the City of Springfield's request to the Massachusetts Gaming Commission ("Commission") for mitigation funds as to the impacts of the MGM casino construction activities upon City of Springfield's grantee CHC. My understanding is that the questions in your letter resulted in follow up from a telephone conference where additional information about the application was provided by the City and CHC to the Commission.

Since receipt of your letter more information has been gathered by the City and CHC and is provided in this response to the questions. The information includes: 1) a narrative containing a response to each question; 2) Appendix A – Details on request for reimbursement; 3) Appendix B – Eversource Webpage re: property damage claims; 4) Appendix C – Water & Sewer Commission Policy as to utility disruptions, Appendix D – portions of CHC Grant Agreement with the City.

As you know, the Expanded Gaming Act, M.G.L. c. 23K, created the Community Mitigation Fund to help entities offset costs related to the construction and operation of a gaming establishment. M.G.L. 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 has determined that the funding of unanticipated impacts will be a priority under the Annual Mitigation Fund. Towards this end, the impacts experienced by CHC were not anticipated at the time Springfield was negotiating its Host Community Agreement with MGM Springfield, but are impacts which negatively affect the City's underlying grant with CHC to provide Health Care Services to one of Springfield's most impoverished neighborhoods.

While, private non-governmental parties may not directly apply for Community Mitigation Funds, 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; 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.

In conjunction with those requirements, the application here seeks to ensure that the City's existing grant to provide health care services to those least able to afford them is successful and that the negative impacts to the City's grantee are mitigated.

As noted by the case precedent set forth below, payment of public funds to the CHC in order to meet expenses in relation to impacts of casino construction does not violate the anti-aid amendment.

In *Commonwealth v. School Comm. of Springfield*, 382 Mass. 665, 675 (1981) the S.J.C. held that the disbursement of public funds to educate school-age children in state-approved private schools and institutions, when no public school programs were available to meet such children's special educational needs, did not violate the anti-aid amendment of the state constitution prohibiting use of public money for the purpose of founding, maintaining or aiding private schools. Like that case, the payment of public funds here to a private no-profit is to aid children. The S.J.C. listed three guidelines to analysis in deciding whether a particular expenditure of public funds would violate art. 46. Those guidelines are: (1) whether the purpose of the challenged payment is to aid [a private charity]; (2) whether the payment does in fact substantially aid [a private charity]; and (3) whether the payment avoids the political and economic abuses which prompted the passage of art. 46. *Id.* Each criterion is considered in the discussion below.

The public purpose of the expenditures is in furtherance of the same public interests where public funds flow from the State receipts of Federal grants to provide necessary medical assistance to the poor as evidenced by Medicaid and Medicare programs. The funds sought from the Commission here are to assure that CHC can perform its obligations under existing grant agreements with the City to provide necessary care. The City's existing grant agreement is not designed to purchase services for use by the City.

Rather, the City's existing grant to CHC is to serve the public, particularly persons living in poverty, who are unable to provide for themselves. Such payments are not evidence of a purpose to aid the non-profit itself. The available public funds in the City's grant, like the funds sought from the Commission, must be used for the designated public purpose, and, will allow the CHC to continue to further public purposes as set forth in its grant with the City. A copy of a portion of the grant agreement with the City is attached as Appendix D.

As to the second criteria, without these funds, the ability of CHC to meet its obligations under the existing City grant is in jeopardy. The overall negative publicity about construction and traffic problems combined with the actual on-the-ground adverse impacts of construction has caused a reduced patient patronage. As one CHC patient put it when surveyed: "Need to improve parking; the way it is don't even want to bother coming." Anticipated, as well as the existing, parking problems and construction impacts create disincentives for patients to come to Caring Health. As a consequence, CHC has noticed that some of its patients are postponing or not scheduling regular monitoring, wellness and preventative health visits, due to the challenges of getting to the CHC Health Center complex's 1049 Main Street clinic. The hassle factor attributable to construction-related traffic is suppressing patient visits, thereby negatively impacting the health of Springfield residents and undermining the success of the existing grant.

As to the third criteria, the abuses that prompted the passage of the anti-aid amendment will be avoided, so as to conform with the Massachusetts Gaming Commission's requirements, upon award of community mitigation funds, by the City entering into a Memorandum of Agreement with CHC, so that the City can ensure that funding will be made only to remedy impacts and that the all applicable state and municipal laws including but not limited to Article 46, Section 2, as amended by Article 103 of the Amendments to the Massachusetts Constitution are met. Community Mitigation Funds received by the City of Springfield on behalf of Caring Health Center will be managed in accordance with all applicable state and local statutes and regulations, and in accordance with the City's financial and grant management practices through established fiscal management plans and practices.

The fundamental purpose of Springfield's financial management plan is to ensure the appropriate, effective, timely and honest use of funds. Specifically, Springfield ensures that:

- Internal controls for monitoring, reporting and management are in place and adequate. Documentation is available to support accounting record entries;
- Financial reports and statements are complete, current, reviewed periodically; and
- Audits are conducted in a timely manner and in accordance with applicable standards.

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The City's H&HS Department will be responsible for the day-to-day management of the mitigation fund award, including fiscal oversight, and receipt and dispersal of funds. The Commissioner, Ms. Helen R. Caulton-Harris has extensive experience managing multi-million dollar state and federal grants, and municipal resources. The Commissioner of H&HS, will oversee and approve information for program reporting and fiscal expenditures.

Springfield uses the MUNIS Financial Management System to track all grant awards, obligations, unobligated balances, assets, liabilities, expenditures, and program income. Funds used by a non-governmental entity, such as CHC, a public serving nonprofit community health center established in accord with state and federal laws, will require a written sub-recipient agreement with regular reporting to support and document expenditures and work addressing specific impacts as outlined in the application. CHC's Chief Financial Officer, Frank Kostek, will oversee fiscal compliance and reporting for CHC. Mr. Kostek has over ten years of experience working with state and federal grant accounting, including submittal of timely financial reporting.

The City has policies and administrative procedures to prevent fraud and abuse of funds, and duplication of benefits. In addition, the City's Office of Internal Audit has established a 24-hour fraud hotline, and maintains fiscal watchdog authority.

In consideration of the application and supplemental information provided, it is the City's hope that the Commission will vote to support the application. Should you have any questions or need any further clarification, do not hesitate to contact me.

Very truly yours,



Edward M. Pikula, City Solicitor

cc: Mayor
H&HS Commissioner
CHC Executive VP

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- 1. Please provide a breakdown of staff and contractor's time as described on page 4 of your Exhibit A: "In addition, CHC has expended \$47,983 on staff and contractor's time to address parking and construction-related issues stemming from the MGM-casino issue."**

The City of Springfield included a request for Mitigation Funds in the amount of \$47,983.00 for additional expenses as to staff and contractor's time expended addressing parking and construction-related issues, namely utility disruptions, stemming from the siting and construction of the MGM Casino. These were unanticipated additional costs incurred by Caring Health. Construction impacts on CHC prompted Caring Health to expend 794 hours addressing construction impacts in 2015. This represents \$ 37,132 expended to address parking issues, and \$10, 851 addressing utility disruptions for a total of \$47,983. Additional detail can be found in Appendix A to this letter response. In addition to these costs, Caring Health experienced significant revenue short falls stemming from patients' inability to easily access Caring Health Center.

- 2. Are there other potential remedies / insurance / opportunity for reimbursement related to disruptions in utility services? In accordance with the guidelines: "2016 Community Mitigation Fund may not be used for the mitigation of..."**
 - 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."**

The short answer is no. Springfield's Caring Health Center carries a business disruption insurance policy to cover economic losses, such as lost revenue, and additional personnel staffing costs. This policy has a business income deductible of 72 hours for each incident. The Business Income and Extra Expense Cover rider does not cover the additional expenses incurred by Caring Health as a result of casino-related construction, since the 72 hour period was not expended for each individual incident.

Caring Health's insurance agent, Mr. Bob Stewart of Chase Insurance in an email stated that the business disruption insurance rider is for losses stemming from a "direct physical loss, such as lightning strike, or a vehicle hitting our building. But if the power goes out somewhere else and it affects us, that's not covered." Mr. Stewart also stated: "Our policies provide business interruption coverage when there is a loss that is covered under our policy. As an example, if we suffer a covered fire loss, water loss, storm damage, and are shut down for a period of time, then the business interruption comes into play. If the loss that occurs is not something that our policy covers then business interruption does not come into play."

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The utilities do not reimburse for disruptions causing economic losses, such as the losses experienced by Caring Health as described in the request for Mitigation Funds. In fact, the MA Public Utility Commission's rate tariffs' preclude utilities from paying-out funds for economic losses. Furthermore, Massachusetts case law at *FMR v. Boston Edison*, 613 NE 2D, 902, 903, 1993, (which has been subsequently affirmed and upheld several times), ruled that utilities are not responsible for covering economic loss claims.

Caring Health Center has contacted the utilities to determine if a claim for losses and service disruption can be addressed. The findings follow:

- A. Eversource. Eversource's policy is to only consider claims stemming from at least twelve continuous hours of service disruption, as noted in their policy which can be found in Appendix B. Please note that most of the specific individual disruptions have been less than twelve continuous hours. Thus, Caring Health cannot file a claim, since the minimum of the 12 hour continuous disruption has not been met. In addition, Eversource is precluded from economic loss claims by their MA Public Utility Commission's approved rate tariffs and Massachusetts case law (as noted earlier). Nonetheless, the electric service disruptions experienced by CHC have resulted in: elevators for handicapped and less mobile patients not working; the integrity of refrigerated medicines being compromised when a constant temperature is not assured; patients unable to contact the health center (a violation of federal HRSA rules and the City of Springfield's contract with CHC); and the inability to access patient electronic records by physicians and medical personnel during patient visits, to name a few of the adversities experienced by Caring Health.
- B. City of Springfield Public Works. Absent evidence of wrongdoing, the City of Springfield does not pay damages for disruptions to residents, nonprofits, or businesses stemming from construction work on municipal streets.
- C. Springfield Water & Sewer Commission. It is the policy of Springfield Water & Sewer Commission not to compensate businesses and nonprofits for the impacts of water and sewer services disruption. See Appendix C with attached letter

A claim on insurance claim or to the utilities is not a viable source for funding to offset the losses experienced by Caring Health as a result of casino-related construction. The appropriate source is the MA Gaming Commission's Community Mitigation Fund.

3. *Have the causes/ responsible party or parties of the disruptions been determined? If you have determined that such reimbursement is impossible, please provide further detail?*

The exact cause of many of the utility disruptions experienced by Springfield's Caring Health Center have not been precisely determined. Caring Health Center has its own telecommunications provider, Normandeau Technologies Incorporated (NTI), which addresses and remedies any internal telecommunications problems occurring within the Health Center's building (on the internal side of the "D-box" or demarcation-box). External issues related to

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telecommunication trunk lines are handled by Verizon, which is the carrier with the majority of telecommunication lines in the MGM Casino/Caring Health area along Main Street in Springfield. The extensive construction and demolition activity in the area has jostled and jarred utility lines affecting telecommunication. Field technicians focus on fixing the problem, in lieu of a forensic approach as to what or who caused a problem. Thus, there no clear causal attribution for each disruption. As discussed in the response to Question 2, the economic losses suffered by Springfield's Caring Health are not covered by the utilities or business disruption insurance. Nonetheless, Caring Health incurred costs, lost revenue and experienced real negative impacts from casino-construction activities in 2015, and most of these same problems persist today, including utility disruptions.

| Service Disruption Date | Problem | Cause | MGM-Springfield Related Construction Work Schedule |
|--------------------------------|--|---|--|
| Tuesday, July 14, 2015 | <ul style="list-style-type: none"> All phone lines down at 1049 Main St. | Undetermined | Phone lines were down on Main Street due to construction. |
| Wednesday, July 15, 2015 | <ul style="list-style-type: none"> Phone lines down at 1049 Main St. TTY line was confirmed to be operational. | Undetermined | Phone lines were down on Main Street due to construction |
| Friday, July 17, 2015 | <ul style="list-style-type: none"> All phone lines down at 1049 Main Street. Alarms and elevators inoperable. | CHC's telco vender: NTI on site and indicated the problem is beyond CHC property and it is a carrier issue. Diagnosis: issue stemmed from a problem on cable pair that circuit travels on, causing intermittent errors on circuit. Verizon tech completed circuit repairs, saw no incrementing errors, closed case. | Phone lines were down on Main Street due to construction. |
| Monday, July 20, 2015 | <ul style="list-style-type: none"> All phone lines down at 1049 Main Street. | CHC's telco vender – NTI escalates the case, but problem is beyond the CHC work place, and is a Verizon issue. Verizon tech on site. | General utility construction on streets preparing for casino construction. |
| Tuesday, July 21, 2015 | <ul style="list-style-type: none"> All phone lines down at 1049 Main St. | Verizon sent an additional technician to complete case. No cause for | General utility construction on streets preparing for casino |

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| Service Disruption Date | Problem | Cause | MGM-Springfield Related Construction Work Schedule |
|------------------------------------|--|---|--|
| | | disruption was provided. | construction. |
| Wednesday-Friday, July 22-24, 2015 | <ul style="list-style-type: none">Incoming and outgoing phone lines were down at Caring Health Center. | Verizon dried and re-sealed one of the splices that was filled with water resulting from water-line work, per NHC repair. | Water line improvements for MGM Springfield casino underway. |
| Wednesday, July 31, 2015 | <ul style="list-style-type: none">Internet service down. | Undetermined | Remnant disruptions from utility construction. |

4. What parking is currently being provided for staff, patients and visitors in coordination with MGM? Are changes regarding this parking anticipated in the near term?

Yes, parking changes are expected in the near term dependent on the progress of construction on the MGM parking garage. MGM organized an arrangement for Caring Health Center with a lot owned by Davenport on Hubbard Street, two blocks from the Health Center. Caring Health currently has an annual contract for the Hubbard Street lot at a cost of \$60 per parking spot with a total of 51 spaces. Monthly cost is \$3,060. Caring Health was informed the lot would be available until 6 months prior to the opening of the new MGM parking garage. Expected completion of the garage is late 2017. As of March 2017, Caring Health could potentially be out of parking.

As of June 24th, complimentary parking provided by MGM at 99 Union St was no longer available due to increased casino construction activity. This parking was the closest and most accessible for patients.

5. How did you choose the proposed vendor for the Valet services?

Companies providing valet services in the Springfield area were identified. Valet Park of America was contacted to secure a cost estimate for budgetary purposes and for inclusion in the MA Gaming Commission application for mitigation funds. Other firms, including VPNE Parking Solutions, were also contacted. Since Valet Park of America was the only locally based valet service company, they were able to quickly make a site visit to the impacted project area

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and provide a cost estimate. Valet Park of America has a service history of providing valet services for medical providers, including Bay State Hospital and other health care systems.

It is the intent of the City of Springfield that a formal procurement process for valet services will be undertaken, in accordance with Mass General Laws and the City's procurement policies for sub-recipients.

6. What matching funding, if any, is anticipated if community mitigation funding is provided?

- a. From the City of Springfield;**
- b. From MGM.**

With this response, the City of Springfield is formally requesting a waiver of the matching funds requirement.

The City of Springfield is committed to expediting all related permits for operating a valet service with mitigation funds, inclusive of adapting the parking regulation on the corner of Main and Park Street to facilitate and efficient operation of valet service to address improved handicap access and valet service provided easy, needed access to health care services for Springfield residents. Moreover, City agencies such as the Fire Department, have assisted Caring Health in addressing utility service disruptions, when alarms and elevators have been rendered inoperable.

MGM is very supportive of this request for mitigation funds. MGM has assisted Springfield's Caring Health Center by providing off-street temporary parking on Union Street for Caring Health's patients at no cost to CHC. The value of these fourteen parking spaces at the Union Street lot as an MGM contribution for twelve months in 2015-2016 (based on market parking rates established by the Springfield Parking Authority) is \$14,280. In addition, MGM has assisted Springfield's Caring Health Center as a facilitator to arrange parking through MGM partners and vendors in the area.

- 7. The 2016 Community Mitigation Fund Guidelines specify that:**
“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; 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.”

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- a. Could you please provide further detail how the planned uses in the application are in conformity with the Massachusetts Constitution and with Municipal Finance Law? We have provided further background materials on the Anti-Aid provisions for your review.**
- b. Would the City consider providing an alternative or expanded valet parking program to ensure that it is for a public purpose and not for the direct benefit or maintenance of a non-public entity? If yes, please provide further detail on such program.**

The payment of public funds to the Caring Health Center to meet the Caring Health Center's expenses in related to impacts of casino construction does not violate the anti-aid amendment.

In *Commonwealth v. School Comm. of Springfield*, 382 Mass. 665, 675, 417 N.E.2d 408 (1981) the SJC held that the disbursement of public funds to educate school-age children in state-approved private schools and institutions, when no public school programs were available to meet such children's special educational needs, did not violate the anti-aid amendment of the state constitution prohibiting use of public money for the purpose of founding, maintaining or aiding private schools. Like that case, the payment of public funds here to a private no-profit is to aid children. The SJC listed three guidelines to analysis in deciding whether a particular expenditure of public funds would violate art. 46. Those guidelines are: (1) whether the purpose of the challenged payment is to aid [a private charity]; (2) whether the payment does in fact substantially aid [a private charity]; and (3) whether the payment avoids the political and economic abuses which prompted the passage of art. 46." *Id.*

Each criterion is considered. The public purpose of the expenditures is in furtherance of the public funds that flow from the State receipts of Federal grants to provide necessary medical assistance to the poor as evidenced by Medicaid and Medicare programs. These funds sought from the Commission are to assure that Caring Health Center can perform its obligations under it's existing grant agreements with the city to provide necessary care. The City's existing grant agreement is not designed to purchase services for use by the City. Rather, the City's grant to Caring Health Center is to serve the public, particularly persons living in poverty, who are unable to provide for themselves. Such payments are not evidence of a purpose to aid the non-profit itself. The available public funds in the City's grant, like the funds sought from the Commission, must be used for the designated public purpose, and, will allow the Caring Health Center to continue to further public purposes as set forth in its grant with the City. A copy of a portion of the grant agreement with the City is attached as Appendix D.

As to the second criteria, without these funds, the ability of Caring Health Center to meet its obligations under the existing City grant is in jeopardy. The overall negative publicity about construction and traffic problems combined with the actual on-the-ground adverse impacts of construction have caused a reduced patient patronage. As one Caring Health patient put it, "Need to improve parking; the way it is don't even want to bother coming." The anticipated as well as the real parking problems and construction impacts are creating disincentives for

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patients to come to Caring Health. As a consequence, Caring Health has noticed that some of its patients are postponing or not scheduling regular monitoring, wellness and preventative health visits, due to the challenges of getting to the Caring Health Center Richard E. Neal Community Health Center complex's 1049 Main Street clinic. The hassle factor attributable to construction-related traffic is suppressing patient visits.

As to the third criteria, the abuses that prompted the passage of the anti-aid amendment will be avoided, so as to conform with the Massachusetts Gaming Commission's requirements, upon award of community mitigation funds, by the City of Springfield entering into a Memorandum of Agreement with Caring Health Center, so that the City can ensure that funding will be made only to remedy impacts and that the all applicable state and municipal laws including but not limited to Article 46, Section 2, as amended by Article 103 of the Amendments to the Massachusetts Constitution. Community Mitigation Funds received by the City of Springfield on behalf of Caring Health Center will be managed in accordance with all applicable state and local statutes and regulations, and in accordance with the City's financial and grant management practices.

The fundamental purpose of Springfield's financial management plan is to ensure the appropriate, effective, timely and honest use of funds. Specifically, Springfield ensures that:

- Internal controls for monitoring, reporting and management are in place and adequate. Documentation is available to support accounting record entries;
- Financial reports and statements are complete, current, reviewed periodically; and
- Audits are conducted in a timely manner and in accordance with applicable standards.

The City of Springfield's Department of Health & Human Services will be responsible for the day-to-day management of the mitigation fund award, including fiscal oversight, and receipt and dispersal of funds. The Commissioner, Ms. Helen R. Caulton-Harris has extensive experience managing multi-million dollar state and federal grants, and municipal resources. The Commissioner of HHS, will oversee and approve information for program reporting and fiscal expenditures.

Springfield uses the MUNIS Financial Management System to track all grant awards, obligations, unobligated balances, assets, liabilities, expenditures, and program income.

Funds used by a non-governmental entity, such as Caring Health Center, a public-serving nonprofit community health center, will require a written sub-recipient agreement with regular reporting to support and document expenditures and work addressing specific impacts as outlined in the application. Caring Health Center's Chief Financial Officer Frank Kostek will oversee fiscal compliance and reporting for Caring Health Center. Mr. Kostek has over ten years of experience working with state and federal grant accounting, including submittal of timely financial reporting.

The City of Springfield has policies and administrative procedures to prevent fraud and abuse of funds, and duplication of benefits. In addition, the City of Springfield's Office of Internal Audit has established a 24-hour fraud hotline.

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In addition to this grant application, it should be noted that Springfield has addressed impacts to the legal extent possible during the Casino Overlay Site Plan Review process in order to facilitate the location of a the MGM licensed casino and casino complex. The City Council voted to approve the plans, subject to the findings and conditions, that complied with all applicable provisions and requirements of the Ordinance, avoided significant detrimental environmental impacts, ensured adequate light and air quality for adjacent properties and minimize detrimental visual impacts on adjacent uses and public public places, did not impair pedestrian safety or overload existing roads, considering their current width, surfacing, and condition, provided adequate access for fire, police, and emergency vehicles, minimized noise, dust, odors, solid waste, glare, or any other nuisances in accordance with the City Ordinance, and minimizes impacts on historic resources. These public interests are protected under the Casino Overlay Regulations (Article 8, Section 8.5 of the Springfield Zoning Ordinance) .

During that process, draft conditions were publically circulated and proposed revisions were accepted from all sources, including owners of property in close proximity to the Casino Sit boundaries. Revisions were prepared in light of comments presented to the City Council. The redraft recommended the imposition of conditions designed to ensure that the Casino Complex Development will meet the criteria addressing impacts contained in applicable sections of the Springfield Zoning Ordinance relating to adjacent properties. These conditions included impacts related to changes in on-street parking.

During that process, the City publically stated that it would consider any reasonable applications submitted to it which met the statutory and Constitutional limitations for mitigation funds. During that process, only one entity submitted a request for mitigation funds in accordance with the Community Mitigation Fund; Caring Health.

Caring Health, an entity claiming an impact as a result of construction which has an existing grantor/grantee relationship with the City which meets a public purpose, was the only entity who submitted a request to the City outlining a need for mitigation that fit into the parameters of the Commission's mitigation grant requirements.

In addition, the City plans to expand the valet parking program to ensure that it is for a public purpose and not for the direct benefit or maintenance of a non-public entity, by including its use by patrons of te H&HS Department which is located in the same vicinity as CHC.

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- 8. *The Guidelines for the 2016 program do not cover administrative costs of the community. In contrast, in regard to applications involving mitigation of financial impacts to private parties, the Guidelines call for significant matching dollars or a request for a waiver. Please provide further information in this regard.***

The City of Springfield is requesting a waiver for matching dollars. Springfield's Caring Health Center is a non-profit, federally-and state-funded community health center providing essential health and dental care services to the poor and working poor of the City of Springfield that is being adversely impacted by the construction activity of the new MGM casino facility now underway.

As an alternative, The City is willing to waive its administrative cost portion of the grant even though it is our practice to recover them as part of the sound municipal fiscal practices.

Appendix A:

Question 1: Detail on Request for Reimbursement for Additional Staffing & Contractor Costs.

| | HOURS | RATE | AMOUNT |
|---|------------|-------|------------------|
| EXTRA COSTS ON PARKING ISSUES | | | |
| Facilities Manager | 80 | 25.63 | \$ 2,050 |
| Chief Operations Officer | 120 | 40.87 | \$ 4,904 |
| HR Clerk | 126 | 21.39 | \$ 2,695 |
| Vice president | 40 | 47.12 | \$ 1,885 |
| Translator(s) | 24.5 | 15.00 | \$ 368 |
| Sub-Total | | | \$ 11,902 |
| P/R TAXES & FRINGE @ 19.50% | | | \$ 2,321 |
| Contractor Expenditures re: Parking | 190 | | \$ 22,910 |
| Total Additional Staff & Contractor Expenses Re: Parking | 556 | | \$ 37,132 |
| EXTRA COSTS RE: UTILITY DISRUPTIONS | | | |
| Chief Operations Officer | 34 | 40.87 | \$ 1,390 |
| Vice president | 12.5 | 47.12 | \$ 589 |
| IT Director | 46 | 28.85 | \$ 1,327 |
| IT Staff | 29 | 23.08 | \$ 669 |
| Facilities Manager | 59 | 25.63 | \$ 1,512 |
| Front Desk Staff (Calls to Patients) | 33 | 14.00 | \$ 455 |
| TOTAL STAFF TIME ON SURVEY | | | \$ 5,942 |
| P/R TAXES & FRINGE @ 19.50% | | | \$ 1,159 |
| Contractor Expense RE: Utility Disruptions | 25 | | \$ 3,750 |
| Total Additional Staff & Contractor Expenses Re: Utility Disruptions | 238 | | \$ 10,851 |
| Request for Reimbursement for Additional Staffing & Contractor Costs | | | \$ 47,983 |

Appendix B.

Property Damage Claims

<https://www.eversource.com/Content/wma/business/programs-services/p...>

EVERSOURCE

((content))

[Change location \(. / . / . / User Controls / GlobalNav/#\)](#)

[log in \(. / . / . / User Controls / GlobalNav/#\)](#)

[Contact Us \(/Content/wma/about /contact\)](#)

[Your location: Western Massachusetts](#)

[RESIDENTIAL \(/CONTENT /WMA/RESIDENTIAL\)](#) [BUSINESS \(/CONTENT /WMA/BUSINESS\)](#) [ABOUT \(/CONTENT /WMA/ABOUT\)](#)

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[Save Money & Energy \(/Content/wma/business/save-money-energy\)](#)

[Programs & Services \(/Content/wma/business/programs-services\)](#) [Safety \(/Content/wma/business/safety\)](#)

[Western Massachusetts \(/Content/wma\)](#) / [Business \(/Content/wma/business\)](#) / [Programs & Services \(/Content/wma/business/programs-services\)](#) / [Property Damage Claims](#)

[STREET LIGHT REPAIR REQUEST \(/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/STREET-LIGHT-REPAIR-REQUEST\)](#)

[PROPERTY DAMAGE CLAIMS \(/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/PROPERTY-DAMAGE-CLAIMS\)](#)

[GREEN BUTTON \(/CONTENT /WMA/BUSINESS/PROGRAMS-SERVICES/GREEN-BUTTON\)](#)

[REPORT ENERGY THEFT \(/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/REPORT-ENERGY-THEFT\)](#)

[CUSTOMER GENERATION \(/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/CUSTOMER-GENERATION\)](#)

[SERVICE REQUESTS \(/CONTENT /WMA/BUSINESS/PROGRAMS-SERVICES/SERVICE-REQUESTS\)](#)

[WEBINARS \(/CONTENT /WMA/BUSINESS/PROGRAMS-SERVICES/WEBINARS\)](#)



PROPERTY DAMAGE CLAIMS

Eversource evaluates claims promptly based upon an internal investigation and the information you provide. Once the investigation is complete we will contact you with the results - usually within 30 days.

If you have suffered a loss and believe Eversource may be responsible, please fill out our online application ([property-damage-claims/property-damage-claims-form](#)) or contact the Eversource Claims Department at 844-685-4475.

Claims will be considered for property damage, as well as losses resulting from a service interruption of 12 consecutive hours within a 24 hour period.

Please note, claims for losses resulting from service interruptions caused by conditions beyond Eversource's control (accidents external to our operations, storms, wildlife, vandalism, etc.) cannot be honored. In addition, Eversource does not reimburse commercial customers for lost business.

If you have any questions, or would like to report your claim via phone, please contact Eversource's Claims Department at 844-685-4475.

[Pay My Bill \(/wma/customer/Pay/OneTimeDirectDebit.asp\)](#) [Report/Check Outages \(/Content /wma/business /outages /report-on-outage\)](#) [Outage Map \(/Content /wma/business /outages /outage-map\)](#) [Energy Savings Plan \(/energy/m/plan\)](#)

Appendix C.



Established

1996

SPRINGFIELD WATER AND SEWER COMMISSION

POST OFFICE BOX 995
SPRINGFIELD, MASSACHUSETTS 01101-0995
413-452-1300

June 30, 2016

Kathleen McCabe, AICP, EDP
McCabe Enterprises
12 Primrose Street
Boston, MA 02131

Tania Barber, CEO
Caring Health Center
1049 Main Street
Springfield, MA 01103

Ms. McCabe and Ms. Barber,

I am writing in response to Ms. McCabe's June 30, 2016 telephone and email inquiry.

The Springfield Water and Sewer Commission does not reimburse any customer due to service disruption resulting from utility work.

In emergency situations, the Commission provides bottled water to homes and businesses that have experienced service disruptions.

Sincerely,

The Springfield Water and Sewer Commission

By: Joyce Mulvaney
Public Communications Manager
413-452-1302

Appendix D.

COMPTROLLER CONTRACT NO. 2016 0108

AGREEMENT FOR HEALTH AND HUMAN SERVICES

AGREEMENT made this ____ the day of July, 2015 between the CITY OF SPRINGFIELD HEALTH AND HUMAN SERVICES DEPARTMENT, a department of the City of Springfield having its usual place of business at 95 State Street, Springfield, MA 01103, by and through its Commissioner of the Department of Health and Human Services, with the approval of its Mayor, (hereinafter referred to as the "City"), and Caring Health Center of 1049 Main Street, Springfield, MA 01103, (hereinafter referred to as the "Provider").

WHEREAS, the City has entered into an Agreement with the Commonwealth of Massachusetts, and is entitled to receive grant funds for CDC Grant 1422 to prevent obesity, diabetes, and stroke and reduce health disparities among adults.

WHEREAS, the Caring Health Center (CHC) clinical care teams and community partners/resources will connect patients with diabetes and hypertension to safe, culturally appropriate, and health promotion services including opportunities to increased physical activity access to fresh produce, and disease management support resources.

NOW THEREFORE, the parties hereto mutually agree as follows:

I. SCOPE OF SERVICES

A. The Provider shall, in a professional and proper manner, perform in accordance with the terms and conditions of this Agreement the services outlined in Exhibit 1, Scope of Service attached hereto and incorporated by reference herein.

B. Confidentiality: The Provider agrees that any and all reports prepared and conclusions reached hereunder are for the confidential information of the City and that the Provider shall not disclose any of the same in whole or in part to any person whatsoever or discuss the same with any person whatsoever, other than the City or its authorized representatives, except when called upon to do so and when authorized by the City.

II. TIME

A. The services to be performed by the Provider under this Agreement shall commence on July 1, 2015 and shall be completed by September 30, 2015.

III. COMPENSATION, PAYMENT AND BILLING PROCEDURE

A. City's Maximum Liability: It is expressly agreed and understood that in no event shall the liability of the City under this Agreement exceed the maximum sum of One Hundred Seventy-Five Thousand Six-Hundred and 00/100 Dollars (\$175,600.00).

B The Provider shall be compensated by charging all costs incurred as a result of performing tasks as outlined and described in Exhibit 1, Scope of Services and Exhibit 2, directly to the appropriation account number as assigned by the Springfield Health and Human Services Department. This amount is subject to the maximum liability set forth in paragraph A above.

C. The City shall compensate the Provider for its services on a cost reimbursement basis outlined in the Contract Service Amount, attached hereto as Exhibit 2, and incorporated by

reference herein, after submission of proper invoices, both in form and execution, along with appropriate documentation and approval of the same by the City. Payment will be made within 30 days of receipt of proper invoices and documentation, subject to processing by the City Comptroller and City Treasurer. The Provider may request expedited processing of payments if possible.

D. The Provider is an independent contractor as such any taxes and other requirements of federal, state and local governmental bodies including workmen's compensation and disability insurance if and to the extent required by law, shall be its sole responsibility.

E. Provider's Compensation: The City shall compensate the Provider for its services as follows:

1. Upon monthly invoices to be submitted to the Springfield Health and Human Services Department which shall clearly state the date, time and nature of the services rendered and all expenditures incurred.
2. The Provider agrees to maintain verification of all In-Kind Expenses.

F. Expense Requests: the Provider shall submit monthly expense requests in anticipation of expenses to be incurred in the performance of this Agreement to the Springfield Health and Human Services Department for prior approval.

IV. RECORDS

A. The records of the provider insofar as they relate to this agreement shall be kept on a generally recognized accounting basis. The City or any of its duly authorized representatives or agents shall have immediate access to any books, documents, papers, records, and reports of the provider which are pertinent to this Agreement for the purpose of making audit, examinations, excerpts, copies and transcriptions.

B. All original documents, data, papers, studies and reports prepared by the Provider of its agents, associates, consultants, employees, partners, or servants insofar as they relate to this Agreement shall become property of the City.

V. TERMINATION

A. If through any cause the Provider fails to timely and properly observe and comply with any of its obligations under this Agreement, the City shall have the right to terminate this Agreement or suspend or terminate payment by giving thirty (30) days written notice of termination to the Provider signed by the Mayor or his delegate.

B. The Provider shall have the right upon at least fourteen (14) days written notice to City to terminate Agreement for cause, which shall include, without limitation, failure of the City to abide by the terms of this Agreement.

C. In the event of termination of this Agreement all originals of documents, data, papers, studies and reports prepared by the Provider or its agents, associates, consultants, employees, partners or servants shall become City property, except not in this subsection shall apply to medical records.

VI. REMEDIES OF THE CITY

If the Provider shall fail to provide services to the City in accordance with this Agreement, the City may suspend or terminate payment to the Provider, in whole or in part, until the services of Section I are complete.

VII. LIABILITY AND INSURANCE

A. Indemnification: The Provider shall assume the defense of (with counsel acceptable to the City) and indemnify and hold harmless the City, its officers, agents and employees from any and all suits and claims against it or any of them arising from any act or omission of the Provider, its agents, associates, employees, partners or servants, in any way connected with the performance of this Agreement.

B. Insurance: at all times during the term of this Agreement, the Provider shall at its own expense obtain and maintain the following types of insurance:

1. General Liability Insurance in the amount of One Million Dollars (\$1,000,000.00) per occurrence, and Two Million Dollars (\$2,000,000.00) in the aggregate, covering the Provider and any person or business entity for whose performance the Provider is legally liable, naming the City of Springfield as an "additional insured";
2. All required automobile liability insurance coverage for vehicles used in the performance of this Agreement.
3. All required worker's compensation insurance and unemployment insurance.
4. The Provider shall require its subcontractors, if any, to provide and maintain the same levels of insurance as are required for the Provider. The Provider is an independent contractor and is not an employee or agent of the City.

The Provider shall file with the City a certificate evidencing such coverage and outlining policy limits and information relative to coverage and the persons covered thereby, which Certificate must be attached to this Agreement as Exhibit 3.

VIII. SUCCESSORS AND ASSIGNS

A. The City and the Provider each binds itself, its associates, consultants, partners, successors, assigns and legal representatives to such other party with respect to all covenants of this Agreement.

B. Neither the City nor the Provider shall assign any interest in this Agreement or transfer any interest in the same (whether by assignment or novation) without prior written approval of the other party thereto.

IX. EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION

Reference is made to Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375; and to the City of Springfield's Supplemental Equal Employment Opportunity, Anti-Discrimination and Affirmative Action Program; These documents are incorporated herein by reference.

X. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the Provider agrees as follows:

A. **Affirmative Action:** The Provider will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation or national origin. The Provider will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation or national origin. Such action shall include, but is not limited to the following: Employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Provider agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

B. **Employment Advertisements:** The Provider will, in all solicitations, or advertisements for employees placed by or on behalf of the Provider, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation or national origin.

C. **Notice to Labor Unions:** The Provider will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Department's contracting officer, advising the labor union or workers, representative of the Provider's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. **Executive Orders Compliance:** The Provider will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

E. **Reporting Requirements:** The Provider will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

F. **Compliance Sanctions:** In the event of the Provider's non-compliance with the non-discrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Provider may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

G. **Contract Requirements:** The Provider will include the provisions of paragraphs (A) through (F) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Provider will take action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions including sanctions for non-compliance;

provided, however, that in the event the Provider becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department, the Provider may request the United States to enter into such litigation to protect the interests of the United States.

XI. CONFLICT OF INTEREST

A. **Provider and its Employees:** The Provider covenants that neither the Provider nor any employee has any interest, nor shall they acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of the services hereunder.

B. The Provider further covenants that in the performance of this contract, no person having such interest shall be employed by the Provider. No member, officer or employee of the City, or its designees or agents, no member of the governing body of the City, and no other public official of the City or of any designated public agencies or subcontractor's which are receiving funds herein, who exercises any functions or responsibilities with respect to the Project during their tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement.

C. **Compliance With Ethics Laws Requirements:** The Provider agrees to comply with all applicable provisions of the amendments to Mass. Gen. Laws ch. 268A, as amended by Chapter 20 of the Acts of 2009 ("Act"), which took effect on September 29, 2009. To the extent that certain of its key employees providing services to the City may be considered "municipal employees" or "special municipal employees" under Mass. Gen. Laws ch. 268A, sec. 1(g) or 1(n), such employees of the Provider may be required to complete and provide certification of compliance with the State Ethics Commission online training requirements. Information concerning these requirements is available on the State Ethics Commission website (www.mass.gov/ethics), or by calling the Commission's Legal Division at 617-371-9500.

XII. APPLICABLE LAW AND EXCLUSIVE FORUM

This Agreement shall be governed by the law of the Commonwealth of Massachusetts unless otherwise specified. Any action, whether at law or equity, shall be brought only in the Superior Court of Hampden County, or the Federal District Court sitting in Springfield, Massachusetts.

XIII. COMPLIANCE WITH LAWS

The Provider shall comply with all applicable rules and regulations promulgated by all local, state and national boards, bureaus and agencies.

XIV. EXTENT OF AGREEMENT

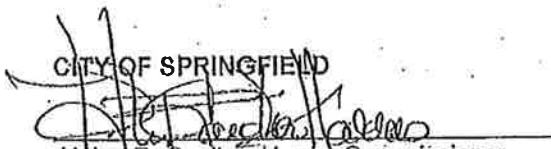
This Agreement represents the entire and integrated Agreement between the City and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and the Provider.

IN WITNESS WHEREOF, the City of Springfield Health and Human Services Department, acting by and through its Commissioner of the Department of Health and Human Services, with the approval of its Mayor, and the Provider have executed this Agreement on the day and year first above written.

PROVIDER

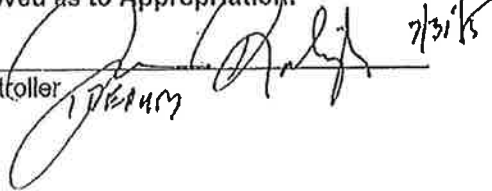

Tania Barber, President/CEO

CITY OF SPRINGFIELD


Helen R. Caulton-Harris, Commissioner
Department of Health and Human Services

LL # 28975200-530165-89726 0175,600.00
Approved as to Appropriation:

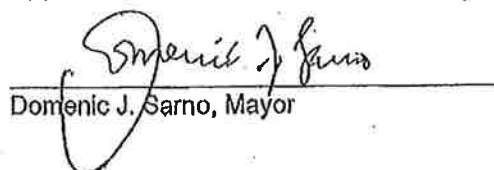
Comptroller

 7/31/15

Approved as to Form:

Associate City Solicitor

Approved:


Domenic J. Sarno, Mayor

Signed this 13th day of Aug, 2015

SCOPE OF SERVICES

- Convene weekly QI Steering Committee and monthly QI team meeting utilize electronic medical record audits of chronic disease management measures to identify areas needing improvement. "Plan, Do, Study, Act".
- CHWs will be hired and trained to work as members of primary care teams to identify clinical supports and provide care coordination for patients with hypertension and diabetes.
- CHWs to serve as liaison between CHC clinical care teams and community partners/resources to connect patients with diabetes and hypertension to safe, culturally appropriate, and health promotion services including opportunities for increased physical activity access to fresh produce, and disease management support resources. CHWs to work with CHC reports team to track/audit diabetes and hypertension measures through EMR registries.
- CHC will collaborate with its retail, 340B pharmacy located at the 1049 Main Street site. Toward a goal of developing culturally appropriate medication therapy management programming.
- CHC will work with DPH to build out an electronic medical records system to refer patients to community-based opportunities for physical activity and nutrition.

Exhibit 2

| Caring Health Center Budget- Year One 7/1/15 - 9/30/15 | Amount |
|---|---------------------|
| <i>Direct Care/Support Staff</i> | |
| Program Director | \$5,766.00 |
| Clinical Director | \$2,274.00 |
| 3 Community Health Workers | \$26,250.00 |
| CDSM Leader/DPP Leader | \$1,730.00 |
| Total for Staff | \$36,020.00 |
| Fringe for Community Health Wkrs | \$7,924.00 |
| Total Direct Care | \$43,944.00 |
| <i>Other Direct Care/Program</i> | |
| Computers | \$5,325.00 |
| Office Supplies | \$6,700.00 |
| Cell Phone/data | \$1,740.00 |
| Trainings | \$10,500.00 |
| Travel | \$984.00 |
| Coordination of EMR bulldout | \$89,100.00 |
| Facillties/rent | \$1,343.00 |
| Total Program Costs | \$115,892.00 |
| Agency Admin Support | \$15,964.00 |
| Total Contract Amount | \$175,600.00 |

TAX CERTIFICATION AFFIDAVIT FOR CONTRACTS

04-262-0040

Individual Social Security Number

State Identification Number

Federal Identification Number

Company: Caring Health Center, Inc.

P.O. Box (if any): N/A Street Address Only: 1049 Main Street

City/State/Zip Code: 1049 Main Street, Springfield, MA, 01103

Telephone Number: 413-793-1100 Fax Number: 413-693-1012

List address(es) of all other property owned by company in Springfield: 860 Boston Road

State whether the Bidder/Proposer/Contracting entity is a:

Corporation XX

Individual _____ Name of Individual: _____

Partnership _____ Names of all Partners: _____

Limited Liability Company _____ Names of all Managers: _____

Limited Liability Partnership _____ Names of Partners: _____

Limited Partnership _____ Names of all General Partners: _____

You must complete the following certifications and have the signature(s) notarized on the lines below. Any certification that does not apply to you, write N/A in the blanks provided. Each section must be signed by an authorized agent of the entity and the FORM MUST BE NOTARIZED B SEE NEXT PAGE.

FEDERAL TAX CERTIFICATION

I, Tania M. Barber - CEO certify under the pains and penalties of perjury that Caring Health Center, Inc., to my best knowledge and belief, has/have complied with all United States Federal taxes required by law. (authorized agent) (Bidder/Proposer/Contracting Entity)

Caring Health Center, Inc. Tania M. Barber Date: 7.13.15
Bidder/Proposer/Contracting Entity Authorized Person=s Signature

CITY OF SPRINGFIELD TAX CERTIFICATION

I, Tania M. Barber - CEO certify under the pains and penalties of perjury that Caring Health Center, Inc., to my best knowledge and belief, has/have complied with all City of Springfield taxes required by law (or has/have entered into a Payment Agreement with the City). (authorized agent) (Bidder/Proposer/Contracting Entity)

Caring Health Center, Inc. Tania M. Barber Date: 7.13.15
Bidder/Proposer/Contracting Entity Authorized Person=s Signature

COMMONWEALTH OF MASSACHUSETTS TAX CERTIFICATION

Pursuant to M.G.L. c. 62C § 49A, I, Tania M. Barber certify under the pains and penalties of perjury that Caring Health Center, Inc., to my best knowledge and belief, has/have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support. (authorized agent) (Bidder/Proposer/Contracting Entity)

Caring Health Center, Inc. Tania M. Barber Date: 7.13.15
Bidder/Proposer/Contracting Entity Authorized Person=s Signature

Notary Public

COMMONWEALTH OF MASSACHUSETTS

1049 Main Street, Springfield, MA, ss.

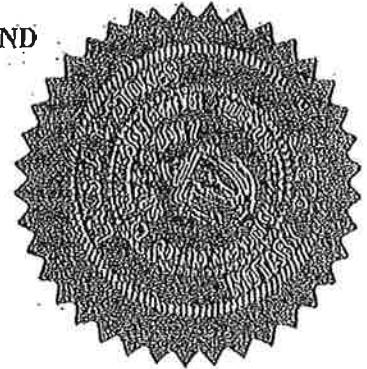
July 13, 2015

Then personally appeared before me Tamin M. Barber, President/CEO
of Caring Health Center, Inc., being duly sworn, and made oath that she has read the foregoing document; and knows
the contents thereof; and that the facts stated therein are true of her own knowledge, and stated the foregoing to be her free act and deed and the free
act and deed of Caring Health Center, Inc..

L. M. Stokas
Notary Public

My commission expires: September 8, 2017

**YOU MUST FILL THIS FORM OUT COMPLETELY AND
YOU MUST FILE THIS FORM WITH YOUR BID.**



DEBARMENT CERTIFICATE

Caring Health Center
1049 Main Street
Springfield, MA 01103

DEBARMENT CERTIFICATE

In accordance with 24CFR 24.100 through 24.174, Tanja M. Barber,
President/CEO, hereby certifies neither the Caring Health Center, nor any of its
principal employees have been debarred, suspended, or voluntarily excluded by any
Governmental agency from receiving Federal financial assistance and non-financial
assistance and benefits.

By signing this Certificate, the organization expressly understands and acknowledges
that any person or entity that has been debarred or suspended is not eligible to receive
Federal financial and non-financial assistance and benefits under Federal programs and
activities.


Title of Certifier

Dated: July 13, 2015

CORPORATE CERTIFICATE

I, Cedrian Monique Cross a resident of Springfield in the State of Massachusetts, DO HEREBY CERTIFY; that I am the CLERK/SECRETARY of Caring Health Center, Inc., a Corporation duly organized and existing under and by virtue of the laws of the State of Massachusetts and that I have custody of the records of such Corporation; and that as of the date herein below recited,

Tania M. Barber* is the President/CEO

(Officer)

(Title)

of such Corporation and is duly authorized to execute and deliver in the name and behalf of the Corporation the following: all contracts and agreements.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of such Corporation this _____ day of _____ 200_____

(Affix)
(Seal)
(Here)

** Cedrian M. Cross

Clerk/Secretary

* THIS MUST BE THE NAME OF THE PERSON AUTHORIZED IN YOUR BY-LAWS TO SIGN CONTRACTS.

** SINCE AN OFFICER CANNOT CERTIFY TO HIMSELF, THIS MUST BE SIGNED BY SOMEONE OTHER THAN THE ONE SIGNING THE CONTRACT.

CORCBR/01

1422 Roles and Responsibilities Community Expectations

Community agrees to... ..which includes:

DPH will help by...

Notes/Other

| Develop local partnerships to support implementation of grant deliverables | | | |
|---|--|--|---|
| <ul style="list-style-type: none"> Identify key partners Engage stakeholders and organizational leaders | <ul style="list-style-type: none"> Convene working of different stakeholders to implement and assess the work | <ul style="list-style-type: none"> Helping to identify key stakeholders, individuals, community based organizations, and agencies in the community Supporting the creation of a vision and pathways to success | <ul style="list-style-type: none"> Project Manager will work closely to DPH Liaisons |
| <ul style="list-style-type: none"> Identify Assets and challenges | <ul style="list-style-type: none"> Foster ongoing collaboration and coordination | <ul style="list-style-type: none"> Supporting the examination of community assets, gaps, current resources, strengths and challenges Acting as a liaison between the Department of Public Health Staff and Technical Assistant providers | <ul style="list-style-type: none"> Providing support in capacity building |

1422 Roles and Responsibilities Community Expectations

| | | | |
|--|--|---|--|
| <p>Collaborate with one hospital in their community to support the implementation of the MA nutrition standards in vending machines and cafeteria.</p> | <ul style="list-style-type: none"> Identify a community/hospital willing to make changes in foods served in vending machines and cafeteria Establish an official workgroup from the hospital staff (to include but not limited to) food service manager, Registered Dietitian (RD), wellness coordinator, HR / hospital food contract manager, community relations and MIM Enhanced Grant lead Set up schedule of meetings to work with Health Care Without Harm (HCWH) to ID the following: 1). current vending and cafeteria standards and tools in use at the hospital; 2). feedback from an employee satisfaction survey/re: foods served in vending & cafeteria; 3). data on food purchasing records Use HCWH baseline assessment survey to identify the information in 1-3 above which is not available or complete Develop a work plan to address 1-2 areas which need improvement to not meet the nutrition standards for vending and/or cafeteria which were | <ul style="list-style-type: none"> Contracting with Health Care Without Harm (HCWH) to develop a plan to provide technical assistance on the food standards and data collection Participating in quarterly meetings to discuss data status reports in each hospital to successfully implement the nutrition standards in the cafeteria and vending machines. Reviewing each hospital yearly work plan to support actions to improve implementation of the nutrition standards. Working with hospital and HCWC to review baseline data, work plans and progress reports on a quarterly basis Contracting with Framingham State Univ. to provide both the Food for Health (F4H) on line course and the F4H Train the Trainer on-site training to 1 hospital in each funded community. Collaborating with workgroup to write up success stories to share with their communities and other MIM programs | |
|--|--|---|--|

1422 Roles and Responsibilities Community Expectations

| | | | |
|--|---|---|--|
| <p>Participate in the larger regional HGWH Healthy Hospital Initiative (HHI) to align the Enhanced MIM community/hospital</p> | <ul style="list-style-type: none"> • identified in baseline (ex: reduce SSB, Trans fat free snacks; non-fat dairy) • Market the Food for Health on line course to the workgroup and food service employees. • Set up process for course registration; communicate with FSU on completions. • Set up 1-2 face to face trainings for Food for Health. ID and enroll hospital trainers who will participate. • In collaboration with HGWH identify and track a specific number of food items (ex: SSB, snack foods) in food order form to identify changes. • Input food purchase data into the HGWH web based system monthly. • Share purchasing reports with staff; evaluate how this meets the yearly work plan and address improvements and continued challenges. | | |
| <ul style="list-style-type: none"> • Appoint a liaison from the work group to participate in the monthly MA Healthy Food in Healthcare meetings/webinars. Liaison will report back to the | | <ul style="list-style-type: none"> • Collaborating with HGWC to share best practices with the sub awardee and the 4 hospitals. | |

1422 Roles and Responsibilities Community Expectations

| | | | |
|---|--|--|---|
| <p>work to the MA nutrition standards (healthy vending and cafeteria) and share best practices.</p> | <p>workgroup on tools and resources which can be used in their setting.</p> | | <p>Grant funds cannot be used to purchase equipment or monetary incentives for retailers.</p> |
| <p>Work with large grocers, small markets and food pantries to increase access to and to promote healthier foods.</p> | <ul style="list-style-type: none"> • Assess/map and recruit large grocers, small markets and food pantries to increase healthy food options. • Assist small markets to convert to healthy market status by implementing nutrition, tobacco and alcohol guidelines. • Work with large grocery stores to improve pricing, placement and promotion of items to incentivize selection of healthier options. • Work with food pantries to increase healthy options through procurement and soliciting healthier donations. • Connect DPH to local healthy retailers who would be willing to have a 'success story' written about them. | <ul style="list-style-type: none"> • Providing programmatic guidelines and best practices, and offering technical assistance and training opportunities to build local capacity. | |
| <p>Work with local Councils on Aging and CBOs to implement Keep Moving walking clubs.</p> | <ul style="list-style-type: none"> • Support MA Council on Aging in training local chapters and CBOs in Keep Moving walking club curriculum. • Assist with training/MCOA walking club members as "Senior-Design Champions" so that walking club | <ul style="list-style-type: none"> • Providing technical assistance via subcontracts with MA Councils on Aging, WalkBoston and the Center for Health Law & Policy/Innovation of Harvard Law School. | |

1422 Roles and Responsibilities Community Expectations

| | | | |
|---|--|---|---|
| <p>Work with local schools and GBOs to draft and implement joint use agreements.</p> | <ul style="list-style-type: none"> Identify local facilities that would benefit from a joint use agreement and convene local partners to develop and implement an agreement. | <ul style="list-style-type: none"> Providing technical assistance and training via subcontract with the Center for Health Law & Policy/Innovation of Harvard Law School. | <ul style="list-style-type: none"> Grant funds cannot be used to implement recreational programming resulting from joint use agreements. |
| <p>Identify and develop maps of current walking trails in combination with additional data such as Census data on neighborhood poverty and crime data.</p> | <ul style="list-style-type: none"> Convening community walking advisory group to catalogue all existing walking trails/maps that may exist in the community. Collecting census data on neighborhoods where existing walking trails exist. | <ul style="list-style-type: none"> Convening a 1422 walking best practices working group to share resources across funded communities. Providing TA support through Walk Boston. | <ul style="list-style-type: none"> Need to coordinate funds for Walk Boston and RPAs that were included in community budget to ensure coordination with state identified funds for the same contractors. |
| <p>Sign and publicize additional walking routes with emphasis on connectivity between housing, goods and services, and natural resources and coordinate walking path efforts that cross jurisdictional lines.</p> | <ul style="list-style-type: none"> Convening relevant community partners (that can assist with thinking through connectivity issues) to develop process for defining priorities for walking routes. Creating and posting signs. Creating plans to publicize walking routes. Developing targets for number of miles of walking trails and tracking system and working with DPH to develop baselines and targets based on small area estimation of adults receiving the recommended amount of physical activity in the | <ul style="list-style-type: none"> Convening a 1422 walking best practices working group to share resources across funded communities. Coordinating DPH epi staff with TA providers (Walk Boston and regional planning agency) to assist the community with developing walking trail targets (number of miles of trails and physical activity/targets). | <ul style="list-style-type: none"> Need to coordinate funds for Walk Boston and RPAs that were included in community budget to ensure coordination with state identified funds for the same contractors. |

1422 Roles and Responsibilities Community Expectations

| | community(s) | | |
|---|--|--|--|
| <p>Develop and/or implement transportation and community plans that promote walking</p> | <ul style="list-style-type: none"> Working towards the development of complete streets policies and community/walking plans that include mode shift goals. | <ul style="list-style-type: none"> Working with funded communities to develop data collection methods, baselines, and targets to track changes in mode shift by tracking the percent of trips made via active transportation. Develop baselines and targets for physical activity based on small area estimation of adults receiving the recommended amount of physical activity. Providing best practice information on complete streets policy development | <ul style="list-style-type: none"> Need to coordinate funds for Walk Boston and RPAs that were included in community budget to ensure coordination with state identified funds for the same contractors Mode shift goal planning will be accomplished by contracting with the appropriate regional planning agency/serving the funded communities. Physical activity targets will be led by DPH/epi staff which will coordinate with the community and its contractors (e.g. RPAs) |
| <p>Coordinate Keep Moving Walking Clubs with walking route efforts</p> | <ul style="list-style-type: none"> Working with MCOA and other CBOs as needed to ensure walking club efforts are consistent with walking route/map activities. | <ul style="list-style-type: none"> Ensuring MCOA (as a contractor) is coordinating efforts with community walking advisory group | <ul style="list-style-type: none"> These type change programs defined as DPP. Communities cannot pay staff for DPP but can (through October 2016) cover or subsidize participation. DPH will provide course materials as long as we are able (many in stock). Funds cannot be used to support salary for RD to provide nutrition counseling, nor is nutrition |
| <p>Offer at least two DPP sessions per year in the community.</p> | <ul style="list-style-type: none"> Network with community partners to identify existing DPP within the community. QR individuals willing to be trained to offer DPP. Provide aggregate, de-identified data to DPH on DPP participation and outcomes. | <ul style="list-style-type: none"> Connecting communities to DPPs they may know of in the community. Coordinating and fund training for new coaches if necessary. Supporting coaches in connecting with each other and across the state to understand successes and barriers. | |

1422 Roles and Responsibilities Community Expectations

| | | | |
|--|---|---|--|
| <p>Send all diabetes practice to DPH's statewide network promoting insurance coverage of DPP.</p> | <ul style="list-style-type: none"> 4-6 meetings per year strategic planning and advocacy for coverage of DPP. | <ul style="list-style-type: none"> Converting and facilitating networks | <p>counseling considered lifestyle change</p> |
| <p>Recruit work sites to participate in DPH's PWTFF Worksite Wellness Program</p> | <ul style="list-style-type: none"> Help make the connection between the business and DPH so the PWTFF WWP program vendor can enter the work sites Goals 20 work sites per community over the next 2 years | <ul style="list-style-type: none"> Enrolling businesses Providing training and technical assistance to businesses on developing an infrastructure for wellness | |
| <p>NOTE: All GRAY refers to community's health systems</p> <ul style="list-style-type: none"> Identify a quality improvement team Team will attend QI training Will identify QI initiatives to improve identification and management of hypertension and diabetes Implementation of QI strategies to address gaps Provide aggregate data for QI work and grant reporting purposes Assess gaps in clinical support | <ul style="list-style-type: none"> Multi-disciplinary team 4-5 in-person regional QI training Data of Blood Pressure Control (Hypertension) NQF #18 and A1C Control (Diabetes) NQF#59 | <ul style="list-style-type: none"> Will work with sites to utilize EMR data for population health management Provide QI tools and on site coaching Will work with practices on creating, interpreting and utilizing feedback reports | <ul style="list-style-type: none"> Webinar will be available on Population Health Management On-line QI sessions available |

1422 Roles and Responsibilities Community Expectations

| | | | |
|--|---|---|--|
| <ul style="list-style-type: none"> • Assess and identify community resources that will assist with population health management. • Assess role of community health worker for patient education and community linkages in practice • Will initiate and implement a bi-directional e-referral systems to community resources | <ul style="list-style-type: none"> • Partners with and utilization of CHW, VNA, CBOs, Ys and others in the community | <ul style="list-style-type: none"> • Identifying resources, best practices and materials • Provide community linkage training | <ul style="list-style-type: none"> • Webinars on community resources and partners will be available |
| <ul style="list-style-type: none"> • Team must attend/participate in a monthly meeting/call • Team must participate in learning sessions • Team will identify hypertension and/or diabetes lead for grant • Team must participate in BP train the trainer | <ul style="list-style-type: none"> • 10-12 meetings per year, assess the grant process and timeline • 3-4 learning sessions a year including subject matter leads in hypertension and diabetes • Heart 360 training will be provided | <ul style="list-style-type: none"> • Converging and facilitating process • Converging learning sessions | <ul style="list-style-type: none"> • Subject matter webinars will be available • Cannot pay for Blood pressure monitors • Cannot pay for gym membership • Refer patients to Weight Watchers and TOPS |

League 17

1422 Roles and Responsibilities Community Expectations

| | | | |
|---|---|--|---|
| <ul style="list-style-type: none"> • Team must participate in Hypertension GME | <ul style="list-style-type: none"> • Hire CHWs to support patients with HTN, who are at risk for Diabetes and who have Diabetes to improve and manage their health | <ul style="list-style-type: none"> • Enroll CHWs in appropriate CHW Core training and CHW supervision training in one of the CHW training centers • Identify and manage patient's barriers to care • Assess systematic gaps in service provision between the clinical sites and the community and develop improvements to diminish those service gaps • Develop formal relationships with culturally appropriate and accessible community-based organizations and resources and link patient successfully to these resources • Make appropriate community and clinical linkages and referrals • For people with HTN, CHWs educate on blood pressure self-monitoring activities | <ul style="list-style-type: none"> • CHW can be paid for linkages related efforts for both HTN, pre-diabetes and diabetes. |
| <ul style="list-style-type: none"> • Engage CHWs to provide self-management support to patients with HTN | <ul style="list-style-type: none"> • Provide health education and support self-management | <ul style="list-style-type: none"> • Providing TA in the recruitment, hiring, training, and supervising CHWs • Providing TA in the integration of CHWs into care teams • Disseminating the CHW Program Toolbox and provide related TA on the programmatic areas of need • Supporting CHWs and their supervisors in connecting with each other and across the state to understand successes and barriers • Providing TA in developing and maintaining the e-Referral systems • Providing training on self-monitoring of blood pressure | <ul style="list-style-type: none"> • Communities cannot pay for CHWs to do Diabetes or pre-Diabetes related self-management or health education related activities |
| <ul style="list-style-type: none"> • Engage in appropriate training for CHWs and their supervisors | <ul style="list-style-type: none"> • Assess training needs of new and already hired CHWs • Assess training needs of CHW supervisors • Assess TA needs of care teams in the integration of CHWs | <ul style="list-style-type: none"> • Providing guidance around Core Competency trainings for CHWs and their supervisors • Coordinating and funding motivational interviewing training of trainers and training to CHWs • Coordinating and funding training for new CHWs | |

1422 Roles and Responsibilities Community Expectations

| | | | |
|---|--|--|---|
| Engage in quality improvement activities developed by clinical teams | <ul style="list-style-type: none"> • Identify measures to improve • Integrate QI activities and provide aggregate data • Work with DPH to develop data measures for CHW activities including but not limited to: retention, engagement in health care services, referrals and patients reached • Work with DPH in tracking health outcomes | <p style="text-align: center;">if necessary</p> <ul style="list-style-type: none"> • Providing training or access to trainings for CHWs on HITN self-management • Providing Heart 360 training • Providing TA on QI to all team members • Providing support in identifying data measures to collect | |
| Promote the sustainability of CHWs | <ul style="list-style-type: none"> • Encourage and assist CHWs in applying for certification • Promote DPH's White Paper that emphasizes the evidence and cost effectiveness of CHWs | <ul style="list-style-type: none"> • Working with clinical sites to identify major payers and collaborate on promoting coverage of CHWs to those payers | |
| Conduct a pilot around community pharmacist intervention for HITN and diabetes. | <ul style="list-style-type: none"> • Coordination with DPH to identify community pharmacist to deliver the intervention. • Assist with coordination and communication between pharmacist and primary care or prescribing provider to meet pilot deliverables. | <ul style="list-style-type: none"> • Assisting with identification of appropriate community pharmacists. • Working with pharmacy stakeholders to develop the pilot, which will likely include medication therapy management. • Providing TA to local community pharmacists who are delivering the intervention • TA will include data collection and communications systems with primary care or prescribing providers, among other things. • DPH will provide training in disease management as necessary. | <ul style="list-style-type: none"> • Communities cannot pay pharmacists to deliver the intervention. • Community pharmacist is defined as one working in an independent or chain pharmacy. This does not include pharmacists working within a CHC, even if it is a retail 340b pharmacy within a CHC. |

1422 Roles and Responsibilities Community Expectations

| Role | Responsibilities | Community Expectations |
|---------------------------------|--|---|
| Police Officer | Enforce laws, maintain order, respond to emergencies, investigate crimes, provide community services. | Expectations: Fairness, integrity, respect, transparency, accountability, community engagement. |
| Firefighter | Respond to fires, provide fire prevention education, rescue, emergency medical services, disaster relief. | Expectations: Bravery, reliability, safety, community service, professionalism. |
| Teacher | Deliver instruction, assess student learning, manage classroom, collaborate with colleagues and parents. | Expectations: High quality education, safety, communication, respect for all students. |
| Healthcare Worker | Provide medical care, prevent disease, promote health, respond to emergencies, manage chronic conditions. | Expectations: Compassion, expertise, safety, confidentiality, patient-centered care. |
| Public Safety Officer | Enforce traffic laws, respond to accidents, provide emergency assistance, maintain public order. | Expectations: Fairness, safety, respect, communication, community service. |
| Public Works Employee | Maintain infrastructure, manage waste, provide utility services, ensure public safety. | Expectations: Efficiency, reliability, safety, transparency, community service. |
| Public Defender | Provide legal representation for indigent defendants, ensure fair trial, uphold constitutional rights. | Expectations: Fairness, integrity, respect, transparency, accountability. |
| Public Health Officer | Monitor and control communicable diseases, promote health, prevent injury, manage environmental health issues. | Expectations: Transparency, communication, community engagement, evidence-based practice. |
| Public Safety Officer (Traffic) | Enforce traffic laws, respond to accidents, provide emergency assistance, maintain public order. | Expectations: Fairness, safety, respect, communication, community service. |
| Public Safety Officer (General) | Enforce laws, maintain order, respond to emergencies, investigate crimes, provide community services. | Expectations: Fairness, integrity, respect, transparency, accountability. |



Springfield 1422 Grant Program

Preventing obesity, diabetes, heart disease, and stroke and reducing health disparities through community and health system interventions

Programmatic Focus

Clinical component

1. Clinical screening for pre-diabetes patients
2. Diabetes Prevention Programs- Caring Health Center and YMCA
3. Use of e-referrals for pre-diabetic patients between Caring Health Center and community partner

Community/Systems/Policy component

1. Built Environment/Complete Streets for better health
 - Increase walk-ability of Springfield
2. Increase community access to exercise spaces through Joint Use Agreements
3. Increase access to healthy food
 - Healthy markets/corner stores
 - Healthy hospital food

Local Program Participants

- City of Springfield – Department of Health and Human Services – lead department
- City of Springfield – Planning Department
- City of Springfield – Elder Affairs
- Caring Health Center
- Pioneer Valley Planning Commission
- YMCA of Greater Springfield

Statewide Program Partners

- Massachusetts Department of Public Health
- WalkBoston
- Mass. Council on Aging
- Health Care Without Harm

Funding Source

Massachusetts Department of Public Health (Federal grant from Centers for Disease Control)

Grant Name

State and Local Public Health Actions to Prevent Obesity, Diabetes, and Heart Disease and Stroke

Contact Information

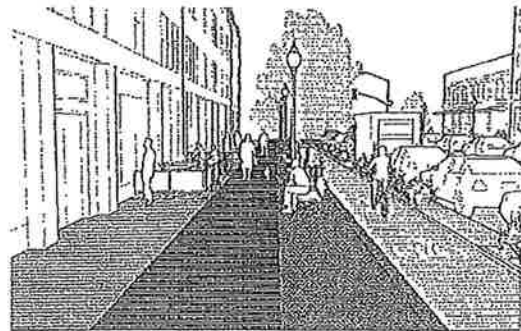
Nicole Bourdon/
1422 Director
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413-750-2065

Michael DeChiara
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Kiah McAndrew-Davis
Mass In Motion Program Director
Kmcandrew-davis@springfieldcityhall.com
413-784-4822

1422: A Dual, Complementary Approach to Promoting Healthy Lifestyles

Individual Health & Community Systems



- **Develop Diabetes Prevention Program (DPP)** in community health center setting
- Referrals to **community-based Diabetes Prevention Program**
- Integrated use of **Community Health Workers (CHWs)** to provide greater patient supports (multiple languages/ethnicities)
- Development of **e-referral system** between health center and community-based organization

Downtown walkability

- A more walkable downtown
- Planning for more consistent wayfinding for downtown walking

Walking audits

- Identify key areas hindering seniors' walk-ability
- Training of seniors to conduct their own walk audits

RFP's for re-design to promote walk-ability

- Better connections between biking/pedestrian recreation and commuting routes
- Address longstanding pedestrian safety areas – congested intersections/rail crossings

Increase community access to walking/exercise spaces

- Explore formal Joint Use Agreements with public schools and higher education
- Open up public/private spaces for community use including walking groups

Increase access to healthy markets

Work with corner stores/markets to expand access to fresh produce and healthy food

Purpose

- Funding from the Centers for Disease Control and Prevention to intensify work being conducted under separate funding (1305) in state and large city health departments. 1422 funds support work to prevent obesity, diabetes, heart disease and stroke, and reduce health disparities among adults through a combination of community, clinical and health system interventions
- Massachusetts is one of 21 recipients

Timeline and Funding

- \$3.52 million per year from September 2014 – September 2018, pending reauthorization of the funds
 - We are currently in Year 2 of 1422 funding (began October 1, 2015)
- Fifty percent of the funds are required to be distributed to local communities
 - The Massachusetts communities are Fall River, Springfield, Franklin County, and Hampshire County, who are implementing the activities outlined below
 - MA Department of Public Health provides oversight and technical assistance to the communities

What is Massachusetts doing with 1422 funds?

1422 is broken into two Components:

Component 1 supports environmental and system approaches to promote health, support and reinforce healthful behaviors, and build support for lifestyle improvements for the general population and particularly for those with uncontrolled high blood pressure and those at high risk for developing type 2 diabetes (this includes adults with prediabetes and those who have a number of risk factors). Activities taking place in the four communities include:

| Component 1 Activities | |
|--------------------------------|---|
| Healthy Food Access | Increase healthy retail outlets through improved healthy food availability, pricing, placement and promotion. Additionally, these efforts to improve healthy retail will also work to decrease access to tobacco and alcohol. |
| Healthy Food Access | Increase healthy food offerings in hospitals |
| Healthy Food Access | Increase healthy food options in food pantries |
| Built Environment Improvements | Make environments walkable and safe, including the implementation and promotion of walking routes |

State and Local Public Health Actions to Prevent Obesity, Diabetes and Heart Disease

| | |
|---|---|
| Built Environment Improvements | Implement Joint Use Agreements to increase space available for physical activity |
| Built Environment Improvements | Refine and pass relevant policy changes to ensure consistency with MassDOT's Complete Streets Certification Program |
| Lifestyle change programs (the Diabetes Prevention Program) | Building the capacity within the four communities for community based organizations to support and implement Diabetes Prevention Programs |
| Lifestyle change programs (the Diabetes Prevention Program) | Funding covers the cost of the DPP for eligible patients within the four communities |
| Worksite Wellness | Worksite Wellness/Diabetes pilot project which will provide funds to launch a DPP with one employer in a 1422 community. This pilot project will help to identify employees (at the selected worksite) with prediabetes or at high risk for type 2 diabetes and allow them to attend a local DPP free of charge |

Component 2 supports interventions within the health care system and encourages thoughtful, culturally appropriate, linkages between the clinic and community based resources that serve the specific needs of the patients. This work focuses on the general population and priority populations (adults who are at risk for and/or have uncontrolled high blood pressure or who are at high risk for type 2 diabetes and/or have prediabetes, and those who experience racial/ethnic or socioeconomic disparities, including inadequate access to care, poor quality of care, or low income)

| Component 2 Activities | |
|-------------------------------|--|
| Clinical Setting | Create and implement e-referral system between the clinical setting and community-based programs |
| Clinical Setting | Quality Improvement efforts to support the Identification, management and follow up for patients with hypertension and prediabetes |
| Clinical Setting | Provide Blood Pressure Measurement and Management Training and Quality Improvement Training |

State and Local Public Health Actions to Prevent Obesity, Diabetes and Heart Disease



| | |
|-----------------------------|--|
| Clinical Setting | Allow increased capacity to raise provider and consumer awareness on hypertension and prediabetes |
| Clinical Setting | Raise awareness of undiagnosed high blood pressure and promote risk reduction |
| Community-Clinical Linkages | Utilize Community Health Workers (CHW) to increase the effectiveness of the clinical-community linkage by incorporating them as part of the primary care team within the clinical setting to assist patients with behavior change, health education, and connecting to community based resources |
| Community-Clinical Linkages | Raise awareness of prediabetes and promote risk reduction |
| Community-Clinical Linkages | Increase awareness of the Diabetes Prevention Program as an evidence-based risk reduction tool, and work on reimbursement for the program |

BHC/MIS ID: 010840 - CARING HEALTH CENTER, Springfield, MA

Date Requested: 02/15/2016 12:39 PM EST
 Date of Last Report Refreshed: 02/15/2016 12:39 PM EST

Program Name: Health Center 330

Submission Status: Data Entry In Progress

UDS Report - 2015

Table 3B - Patients By Hispanic Or Latino Ethnicity / Race / Linguistic Barriers to Care - Universal

| S.No | Patients by Race | Patients by Hispanic or Latino Ethnicity | | | Total (d) |
|------|---|--|-------------------------|--|-----------|
| | | Hispanic/Latino (a) | Non-Hispanic/Latino (b) | Unreported/Refused to Report Ethnicity (c) | |
| 1. | Asian | 30 | 2,230 | | 2,260 |
| 2a. | Native Hawaiian | 2 | 2 | | 4 |
| 2b. | Other Pacific Islander | 9 | 2 | | 11 |
| 2. | Total Hawaiian/Other Pacific Islander (Sum lines 2a+2b) | 11 | 4 | | 15 |
| 3. | Black/African American | 1,582 | 2,988 | | 4,570 |
| 4. | American Indian/Alaska native | 11 | 9 | | 20 |
| 5. | White | 5,421 | 4,513 | | 9,934 |
| 6. | More than one race | 128 | 38 | | 167 |
| 7. | Unreported/Refused to report race | 275 | 112 | 217 | 804 |
| 8. | Total Patients (Sum lines 1+2+3 through 7) | 7,459 | 9,894 | 217 | 17,570 |

| S.No | Patients by Language | Number (a) |
|------|---|------------|
| 12. | Patients Best Served In a Language other than English | 8,415 |

OMB Control Number: 0195-0193

BHCMS ID: 010840 - CARING HEALTH CENTER, Springfield, MA

Date Requested: 02/15/2016 12:39 PM EST
 Date of Last Report Refreshed: 02/15/2016 12:39 PM EST

Program Name: Health Center 330

Submission Status: Data Entry In Progress

UDS Report - 2015

Table 4 - Selected Patient Characteristics - Universal

| S.No | Characteristic | Number of Patients (e) | | | | |
|---|---|---------------------------|-------------------------|--|-------------|-----------|
| Income as Percent of Poverty Level | | | | | | |
| 1. | 100% and below | 12,853 | | | | |
| 2. | 101 - 150% | 1,117 | | | | |
| 3. | 151 - 200% | 435 | | | | |
| 4. | Over 200% | 2,587 | | | | |
| 5. | Unknown | 578 | | | | |
| 6. | Total (Sum lines 1-5) | 17,570 | | | | |
| Principal Third Party Medical Insurance Source | | | | | | |
| | | 0-17 Years Old (a) | 18 and Older (b) | | | |
| 7. | None/Uninsured | 124 | 847 | | | |
| 8a. | Regular Medicaid (Title XIX) | 3,675 | 9,269 | | | |
| 8b. | CHIP Medicaid | 0 | 0 | | | |
| 8. | Total Medicaid (Sum lines 8a+8b) | 3,675 | 9,269 | | | |
| 9a. | Dually eligible (Medicare and Medicaid) | 0 | 184 | | | |
| 9. | Medicare (Inclusive of dually eligible and other Title XVIII beneficiaries) | 0 | 2,534 | | | |
| 10a. | Other Public Insurance Non-CHIP (Specify: -) | 0 | 0 | | | |
| 10b. | Other Public Insurance CHIP | 0 | 0 | | | |
| 10. | Total Public Insurance (Sum lines 10a+10b) | 0 | 0 | | | |
| 11. | Private Insurance | 168 | 953 | | | |
| 12. | Total (Sum lines 7+8+9+10+11) | 3,867 | 13,603 | | | |
| Managed Care Utilization | | | | | | |
| S.No | Payer Category | Medicaid (a) | Medicare (b) | Other Public Including Non-Medicaid CHIP (c) | Private (d) | Total (e) |
| 13a. | Capitated Member months | | | | | |
| 13b. | Fee-for-service Member months | 117,337 | | 317 | 878 | 118,532 |
| 13c. | Total Member Months (Sum lines 13a+13b) | 117,337 | | 317 | 878 | 118,532 |

OMB Control Number: 0195-0193



June 23, 2016

Helen R. Caulton-Harris, Commissioner
Department of Health & Human Services
1145 Main Street, Suite 208
Springfield, MA 01103

Jasmine Naylor Executive Vice President
Caring Health Center
1049 Main Street
Springfield, MA 01103

Re: 2016 Community Mitigation Fund – Reserve and Specific Application

Dear Commissioner Caulton-Harris and Ms. Naylor:

Thank you for participating in the conference call with the community mitigation review team. The community mitigation review team found the conference call to be very informative. As we discussed during the telephone conference, could you please provide us with answers to the following questions:

1. Please provide a breakdown of staff and contractor's time as described on page 4 of your Exhibit A: "In addition, CHC has expended \$47,983 on staff and contractor's time to address parking and construction-related issues stemming from the MGM Casino issue."
2. Are there other potential remedies/insurance/opportunity for reimbursement related to disruptions in utility service? In accordance with the Guidelines: "2016 Community Mitigation Fund may not be used for the mitigation of...:
 - 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"
3. Have the causes/responsible party or parties of the disruptions been determined? If you have determined that such reimbursement is impossible, please provide further detail.
4. What parking is currently being provided for staff, patients and visitors in coordination with MGM? Are changes regarding this parking anticipated in the near term?
5. How did you choose the proposed vendor for the Valet services?



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL. 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

6. What matching funding, if any, is anticipated if community mitigation funding is provided?
 - a. From the City of Springfield
 - b. From MGM

As written in the Guidelines, ...

“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.”

7. The 2016 Community Mitigation Fund Guidelines (attached) specify that:

“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; 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.”

- a. Could you please provide further detail how the planned uses in the application are in conformity with the Massachusetts Constitution and with Municipal Finance Law? We have provided further background materials on the Anti-Aid provisions for your review.
- b. Would the City consider providing an alternative or expanded valet parking program to ensure that it is for a public purpose and not for the direct benefit or maintenance of a non-public entity? If yes, please provide further detail on such program.

8. The Guidelines for the 2016 program do not cover administrative costs of the community. In contrast, in regard to applications involving mitigation of impacts to private parties, the Guidelines call for significant matching dollars or a request for a waiver. Please provide further information in this regard.

The review committee would like to present to the Commission their recommendation in July. In order to meet this timetable, the community mitigation review team would greatly appreciate receiving your response by July 8th.

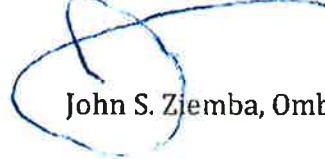


Massachusetts Gaming Commission

Helen R. Caulton-Harris, Commissioner
Jasmine Naylor Executive Vice President
Page 3
June 23, 2016

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziemba, Ombudsman

cc: Mayor Domenic J. Sarno
Tania Barber, CEO Caring Health Center
Catherine Blue, General Counsel
Derek Lennon, CFO
Joseph Delaney, Construction Oversight Manager
Mary Thurlow, Paralegal



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



March 10, 2006

Barbara A. Durand
City Auditor
140 Main St.
Marlborough, MA 01752

Re: Grants to Non-profit Organizations
Our File No. 2006-75

Dear Ms. Durand:

This is in reply to your letter asking about the legality of grants to non-profit organizations.

Such grants are hard to justify under the state constitution's Anti-aid amendment (Art.18, 46 & 103, <http://www.mass.gov/legis/const.htm#art103.htm>), which prohibits public funds or property from being given to charitable, educational, religious or other private organizations, no matter how worthy. The amendment provides in relevant part as follows:

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. (Emphasis added)

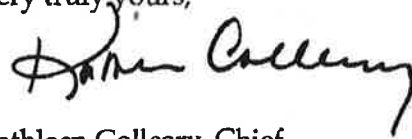
The kinds of expenditures barred by the amendment are those that substantially benefit or aid private organizations in a way that is unfair, economically or politically. Even indirect benefit to a non-profit organization may fall afoul of the amendment. In *Bloom v School Committee of Springfield*, 376 Mass. 35, the Supreme Judicial Court struck down a statute providing for the loan of textbooks to students attending private schools. For an exception to the prohibition involving the provision of special education services, see *Commonwealth v. School Committee of Springfield*, 382 Mass. 665 (1981); see also *Fifty-one Hispanic Residents of Chelsea v. School Committee of Chelsea*, 421 Mass. 598 (1996) for a case in which a private organization (Boston University) was held to be a public agent under special legislation. "Aid" would include any grants, contributions or donations by the city to the various non-profit organizations you cite for the specific purpose of directly supporting or assisting their operations.

Barbara A. Durand
Page 2

This does not mean that the city is precluded from purchasing services from non-profit organizations in the same way it purchases services from for-profit entities. As a party to a contract, the city would be compensating the organization for services rendered to the city, instead of giving it a gift or grant. Any such contract should be in writing, identify the services to be provided and set forth the payment schedule. Payment for any particular service could only be made after the service was provided. G.L. Ch. 41 §56.

We hope this information proves helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen Colleary". The signature is written in a cursive style with a large initial "K".

Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC/CH



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

MARTIN J. BENISON
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www.mass.gov/osc

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 stem (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

Edward M. Pikula, Esq.
City Solicitor

Law Department
36 Court Street, Room 210
Springfield, MA 01103
Office: (413) 787-6085
Direct Dial: (413) 787-6088
Fax: (413) 787-6173
Email: epikula@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

July 7, 2016

Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street 12th floor
Boston, MA 02110

*Re: Response to Questions Raised in June 23, 2016 Letter on the
City of Springfield's Community Mitigation Fund Application*

Dear Mr. Ziemba:

This letter is in response to your letter of June 23, 2016 addressed to Helen Caulton, Commissioner, Department of Health and Human Services, (H&HS) and Jasmine Naylor, Executive Vice President Caring Health Center, ("CHC") regarding the City of Springfield's request to the Massachusetts Gaming Commission ("Commission") for mitigation funds as to the impacts of the MGM casino construction activities upon City of Springfield's grantee CHC. My understanding is that the questions in your letter resulted in follow up from a telephone conference where additional information about the application was provided by the City and CHC to the Commission.

Since receipt of your letter more information has been gathered by the City and CHC and is provided in this response to the questions. The information includes: 1) a narrative containing a response to each question; 2) Appendix A – Details on request for reimbursement; 3) Appendix B – Eversource Webpage re: property damage claims; 4) Appendix C – Water & Sewer Commission Policy as to utility disruptions, Appendix D – portions of CHC Grant Agreement with the City.

As you know, the Expanded Gaming Act, M.G.L. c. 23K, created the Community Mitigation Fund to help entities offset costs related to the construction and operation of a gaming establishment. M.G.L. 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."



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

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**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 City of Springfield, Massachusetts |
| 2. | DEPARTMENT RECEIVING FUNDS Dept. of Health & Human Services, City of Springfield on behalf of Caring Health Center |
| 3. | NAME AND TITLE OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS Alma Stelzer, Administrative Assistant to the Commissioner, Department of Health & Human Services, City of Springfield Tania Barber, CEO and Frank Kostek, CFO for Caring Health Center (sub-recipient) |
| 4. | ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS Alma Stelzer, Department. of Health & Human Services, 1145 Main Street, Suite 208, Springfield, MA 01103 – for the City, the applicant; Caring Health Center, 1049 Main Street, Springfield, MA 01103 (for sub-recipient) |
| 5. | PHONE # AND EMAIL ADDRESS OF INDIVIDUAL RESPONSIBLE FOR HANDLING OF FUNDS City of Springfield: Alma Stelzer: 413 787-6736; astelzer@springfieldcityhall.com Caring Health Center: Frank Kostek: 413 693-1022; fkostek@caringhealth.org (sub-recipient) |
| 6. | NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY The Honorable Domenic J. Sarno, Mayor, City of Springfield for the applicant Tania Barber, Chief Executive Officer, Caring Health Center for the sub-recipient |
| 7. | ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY Mayor Sarno, City Hall, 36 Court St., Springfield, MA 01103. Helen R. Caulton-Harris, Commissioner, Department of Health & Human Services, 1145 Main Street., Suite 208, Springfield, MA 01103 Tania Barber, CEO, Caring Health Center, 1049 Main St., Springfield, MA 01103 (for sub-recipient) |

2016 RESERVE / SPECIFIC COMMUNITY MITIGATION IMPACT APPLICATION

Page 2 of 4

| | |
|----|---|
| 8. | PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY Helen R. Caulton-Harris: Ph: 413 787-6736; hcaulton@springfieldcityhall.com (applicant) Tania Barber: Phone 413 739-1100, ext. 1007; tbarber@caringhealth.org (sub-recipient) |
| 9. | NAME OF GAMING LICENSEE MGM Springfield |

| |
|--|
| 1. <u>IMPACT DESCRIPTION</u> |
| 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. |
| See Exhibit A. |

| |
|---|
| 2. <u>PROPOSED MITIGATION</u> |
| 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. |
| See Exhibit A. |

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|---|
| 3. <u>IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS</u> |
| 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. |
| See Exhibit A. |

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.

See Exhibit A.

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.

Signed/ Helen R. Caulton-Harris

January 28, 2016

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

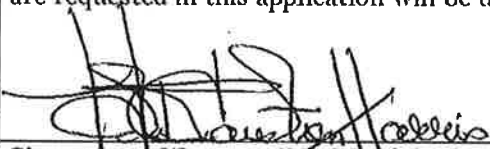
4. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS

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.

See Exhibit A.

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

4/28/2016
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**

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**INSTRUCTIONS FOR FILING FOR THE
2016 COMMUNITY MITIGATION FUND RESERVE / 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 Only

If a Community is filing for a **mitigation reserve fund only**, please use the application entitled “**2016 COMMUNITY MITIGATION FUND RESERVE / 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 RESERVE / 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 RESERVE / SPECIFIC IMPACT APPLICATION**”.

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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**

...

An application must be received by February 1, 2016 to meet the application deadline.

Applications should be sent to: www.commbuys.com. Applicants that are not part of the COMMBUYS system should contact Mary Thurlow of the Commission’s Ombudsman’s Office well in advance of the February 1, 2016 deadline to make arrangements for submission of the application by the deadline. Mary Thurlow can be contacted at 617-979-8420 or at mary.thurlow@state.ma.us.

If you have any questions regarding COMMBUYS, please contact COMMBUYS Help Desk assistance at 1-888-627-8283 or COMMBUYS@state.ma.us.

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Members of the Springfield City Council hereby strongly support the request for \$257,075.00 to the 2016 Massachusetts Gaming Commission's Community Mitigation Fund related to Caring Health Center / Richard E. Neal Community Health Center complex at 1049 Main Street to counter the adverse impacts stemming from construction-related activities as to the MGM Springfield casino project, particularly traffic and parking; and support the Mayor's submittal of the application and execution of all necessary documents related to this request and its award.

**MEMBERS OF THE SPRINGFIELD CITY COUNCIL
CITY OF SPRINGFIELD, COMMONWEALTH OF MASSACHUSETTS**

Karen B. Walsh

W. A. J.

Mary J. Win

M. J.

B. Nancy Lovejoy

John Chubb

Timothy C. Allen

John J.

Gregory J. Miller

J. J.

D. J.

Henry J.

Timothy Neelan

January 25, 2015

Mr. Stephen Crosby, Chair
Massachusetts Gaming Commission
101 Federal Street, 12th floor
Boston, MA 02110

Dear Mr. Crosby:

MGM Springfield is in support of the City of Springfield's request for 2016 Community Mitigation Funds for Specific Impacts related to the Caring Health Center Richard E. Neal Community Health Center at 1049 Main Street. MGM Springfield has been working with Caring Health Center to address the construction impacts upon their operations, particularly the needy patients served by Caring Health. MGM Springfield is providing a small off-street parking lot with twelve spaces for patient parking on a temporary basis until summer 2016. MGM believes the request for the Valet Parking Initiative pilot for patient parking is an excellent solution for patient parking given the extensive construction activity in the immediate area.

I urge your full support and funding of this 2016 mitigation fund request.

Sincerely yours,



Michael Mathis
President

cc: Mayor Domenic Sarno
John Ziemba, Ombudsman
Tania Barber, CEO, Caring Health Center

City of Springfield
2016 Community Mitigation Fund Specific Impact
Application on behalf of
Caring Health Center Richard E. Neal Community Health
Center Complex
at 1049 Main Street, Springfield, MA

EXHIBIT A

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.

Caring Health Center Richard E. Neal Community Health Center complex (CHC) is a public-serving, federally-designated, nonprofit community health center serving the poor, low-and-moderate income residents and the medically-underserved in Springfield, based in the South End. Caring Health Center¹ is the largest employer in the South End and was one of the first entities to rebuild following the devastating tornado of 2010.

Caring Health Center works closely with the City of Springfield. CHC is presently working with the City of Springfield's school system and the school nurses on medical and dental issues facing students. The City's Department of Health & Human Services through the "1422" grant is funding three community health workers, computers and the build-out of the electronic medical records system at Caring Health Center. The City and Caring Health are working together with Pioneer Valley Planning Commission on the Live Well Springfield initiative.

The City currently provides grant funds to Caring Health Center through contracts with the City's Health Department and a collaboration with the School Department to address the health needs of the City's low income residents. 2016 Community Mitigation funds are needed to enable Caring Health to properly implement the existing grants from the City of Springfield and successfully meet the grant terms and conditions.

The City of Springfield has granted CDBG funds to Caring Health when the Caring Health Center Richard E. Neal Community Health Center complex was constructed. Mayor Sarno supported CHC's successful application to the US Economic Development Administration for dental equipment funding to establish the dental clinic at 1049 Main Street, which now serves City of Springfield students and their families. Caring Health Center works closely with the City of Springfield to serve the City's neediest residents with health, dental, behavioral health, wellness and WIC (Women, Infant and Children) services.

The initial pre-development construction is negatively impacting Caring Health Center Richard E. Neal Community Health Center complex's operations at 1049 Main Street, which is directly across the street from the MGM Springfield Casino project site. Caring Health Center (CHC) is located within 1000 feet from the center of MGM's proposed gaming floor. (See Figure 1 on the following page.)

At the outset of construction activity in 2015, Caring Health Center Richard E. Neal Community Health Center complex began experiencing construction-related impacts attributable to the MGM Springfield Casino redevelopment of 14.5 acre site directly across from Caring Health Center on Main Street. These impacts which have occurred over the past seven months (July 2015 through January 2016) and are continuing include:

1. Loss of on-street parking for patients and visitors to CHC;
2. Increased cost of off-street parking;
3. Disrupted phone and communication services; and
4. Blocked sidewalks impeding safe pedestrian access.

The City of Springfield is requesting mitigation funds to address the additional costs incurred by Caring Health as a result of these impacts and for mitigation funds to address the continuing impacts of construction which are present today and are expected to continue throughout the period of construction. Additional detail on the construction impacts to adversely affecting Caring Health follow.

1. **Loss of on-street parking** due to construction and erection of jersey barriers along Main Street related to the MGM Casino project is impeding Caring Health Center's patients from easily and safely accessing the Richard E. Neal Community Health Center complex at 1049 Main Street. At least 28 parking

Figure 1. Caring Health Center Richard E. Neal Community Health Center complex at 1049 Main Street in relationship to the MGM Springfield casino project area.

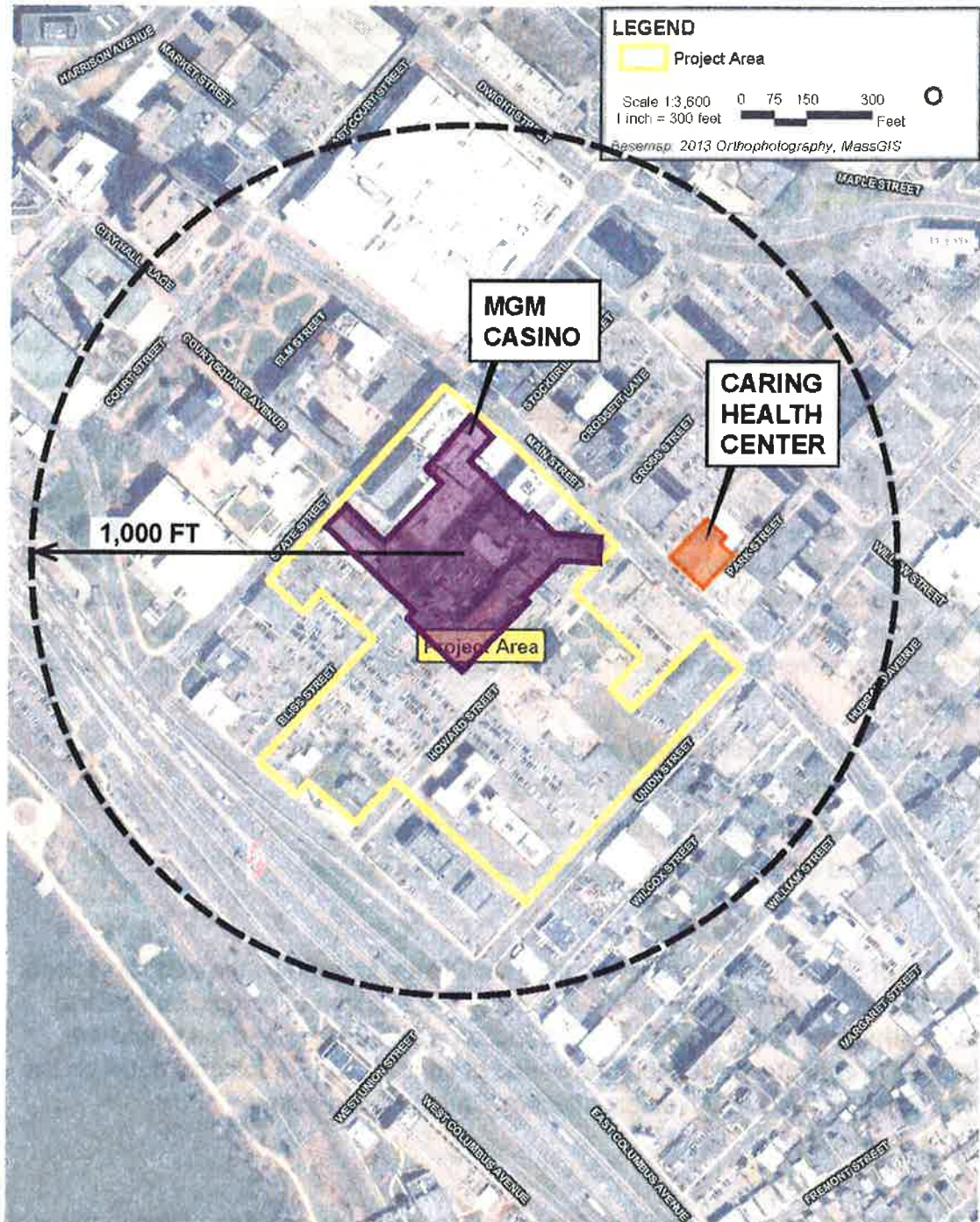


Image adapted from FEIR filing as filed by MGM Springfield.

spaces on Main Street have been removed due to fencing resulting from MGM Springfield's demolition and construction activities in the project area. Our patients relied on many of these public on-street parking spaces, which are directly visible from the entrance to Caring Health and within a safe one to one-and-one-half block walk. Moreover, these parking spaces were adjacent to sidewalks along Main Street which have historically been in better condition with smoother surfaces, ADA-accessible handicap ramps, and sidewalks where the businesses clear the sidewalk from ice and snow. The sidewalks on the side streets are often narrower; have major cracks or utility patches making wheelchair access more challenging; and frequently have ice, snow and overgrowth since few businesses directly face onto the side streets. Moreover, there is better lighting along the sidewalks on Main Street where the parking has been blocked, which makes a difference in winter months when patients are coming to the health center in late afternoon/ early evening.

Caring Health patients are now frustrated with parking and traffic congestion delays attributable to difficulty with parking. This has caused an increased no-show rate and patients' arriving late for appointments. Moreover, patients with children (36% of our patients) and patients with mobility issues face particular hardships with the loss of parking, especially the on-street parking along Main Street.

- 2. Increased cost of off-street parking**, attributable to speculative development and land pressures in the immediate area resulting from MGM's Springfield's development and presence in the South End, have significantly increased Caring Health Center's costs for providing off-street parking. CHC lost access to three nearby off-street parking lots, namely the Dudley Realty lot (Dave's Lot); the Union Car Wash lot; and the Pro-Park lot. Property owners will no longer enter into long-term (one year or more) leases for off-street parking. CHC staff, as result, have spent extensive time this year looking for additional parking resources and managing overall parking issues (another unexpected cost). Land costs have also risen, making acquisition of land for parking a formidable obstacle for a nonprofit, such as Caring Health. Caring Health Center is now paying \$105,430 on an annualized basis for off-street parking, a 150% increase over FY2015 expenditures amounting to \$66,050.00, for staff parking for the Caring Health Center Richard E. Neal Community Health Center complex's operations on Main Street. In addition, CHC has expended \$47,983 on staff and contractor's time to address parking and construction-related issues stemming from the MGM Casino issue. The increased direct cost of annualized parking is detailed in Table 1 on the next page.

Table 1. Increased Cost of Off-Street Parking for Staff Parking at Caring Health Center's Richard E. Neal Community Health Center Complex, 1049 Main Street.

| PARKING LOTS | FY 2015 Costs | Annualized Current Cost |
|--|------------------|-------------------------|
| NEC Family Enterprises | \$ 35,800 | \$ 44,640 |
| Dudley Realty - Dave's Lot | \$ 3,780 | |
| Union Car Wash | \$ 1,450 | |
| Pro Park | \$ 1,820 | |
| Springfield Parking Authority | \$ 980 | \$ 19,920 |
| MGM William Street Lot | | \$ 36,720 |
| Frazier Lot (Lease + Snow Removal, Lighting & Maintenance) | | \$ 8,600 |
| | | |
| TOTAL | \$ 43,830 | \$ 109,880 |
| NET INCREASED DIRECT COST IN PARKING | | \$ 66,050 |

Figure 2. Closed off-street parking lot as a result of MGM Springfield casino development depicted below (Image taken October 6, 2015).



3. **Utility Service Disruptions** from severed lines stemming from casino-related construction negatively impacted Caring Health. Without electricity, telecommunications and internet, CHC cannot safely serve patients, and productively operate with the ability to make appointments, do follow-up calls and referrals,

Exhibit A

City of Springfield 2016 Community Mitigation Fund Specific Impact Application on behalf of Caring Health Center Richard E. Neal Community Health Center Complex at 1049 Main Street, Springfield, MA.

maintain electronic health records and reporting systems, and fully comply with federal regulations governing community health center operations. The 4 unplanned telecommunication disruptions and internet outages occurred during the time when utility crews were digging in the street and Verizon was undertaking work in the area to prepare for MGM construction. One of the telecom disruptions included cutting the TTY line which is the only means of communication between Caring Health and its deaf patients. Due to construction inadvertently cutting lines reduced productivity, and forced early closures of Caring Health's Main Street clinic and offices. Loss of electric and telecommunications results in lost productivity, loss of clients, and the need to re-schedule appointments.

The timing of the four unplanned telecommunication disruptions are detailed in the following table, that were the result of construction activities by utility companies (Verizon, Water and Sewer services, etc.) for the MGM Springfield casino project. Shortly after Caring Health's Richard E. Neal Community Health Center complex experiences many days of no or minimal telephone service resulting from severed lines due to the utilities preparing for MGM Springfield's overall construction and demolition in the project area, MGM began issuing biweekly construction alerts on August 5, 2015. The first construction advisory, albeit after the impacts suffered by Caring Health, reported that refeeding of telephone/cable lines by Verizon was continuing; Comcast service disruptions were substantially complete; Columbia Gas' installation of a new gas service at Red Rose was underway (directly across and adjacent to Caring Health) and a new gas main is being installed on Main Street; and the exploratory pits by Water & Sewer were substantially complete. This construction activity coincided with the utility disruptions experienced by CHC's Main Street clinic and services.

Table 2: Utility Disruptions Experienced by Caring Health Center.

| Date of Utility Disruption at Caring Health Center Richard E. Neal Community Health Center Complex | MGM-Springfield Related Construction Work Schedule |
|--|--|
| July 14, 2015 -- TTY line down at CHC July 17, 2015 – phone lines down | Phone lines were down on Main Street due to construction. |
| July 22-24, 2015 – Incoming and Outgoing phone lines were down at CHC. | Verizon dried and re-sealed one of the splices that was filled with water resulting water-line related work for MGM Springfield Casino 7/25/2015 per NHC repair. |
| July 31, 2015 – internet service down | Remnant disruptions from utility construction. |

4. **Blocked sidewalks** impede patients' ability to safely walk to Caring Health, whether from a parked car, their home, or from the bus stop. The blocked sidewalks are the result of recently erected jersey barriers and MGM Casino-construction fencing. Safe ADA-accessible sidewalks have been scarred with utility cuts and temporary repairs making smooth access challenging for both people walking to Caring Health as well as people traveling from their parked cars with children, strollers, walkers and wheelchairs. In addition, the construction barriers often force pedestrians to walk in the street amongst moving cars.



Figure 3.

Main Street sidewalk is closed. The pedestrian detour sign directs people to walk in the street. This illustrates a street corner blocked by construction, snow and ice, with **no** handicap access.



Figure 4. (Left)

Pedestrian forced to walk in traffic on Main Street, since sidewalk is blocked.

Figure 5. (Below)

Pedestrian walking in street due to construction, blocked sidewalk and sidewalk irregularities.



The overall negative publicity about construction and traffic problems combined with the actual on-the-ground adverse impacts of construction have caused a reduced patient patronage. As one Caring Health patient put it, "Need to improve parking; the way it is don't even want to bother coming." The anticipated as well as the real parking problems and construction impacts are creating disincentives for patients to come to Caring Health. As a consequence, Caring Health has noticed that some of its patients are postponing or not scheduling regular monitoring, wellness and preventative health visits, due to the challenges of getting to the Caring Health Center Richard E. Neal Community Health Center complex's 1049 Main Street clinic. The hassle factor attributable to construction-related traffic is suppressing patient visits, client growth and revenues.

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.

Caring Health Center is seeking mitigation funds from the Massachusetts Gaming Commission through the City of Springfield for the following costs incurred and to address the continuing and ongoing impacts of construction on the Caring Health Center Richard E. Neal Community Health Center complex at 1049 Main Street.

Table 3. Requested Mitigation Funds.

| Amount | Purpose | Impact Addressed |
|------------|--|---|
| \$ 47,983. | Additional CHC staffing and contractor costs due to time expended on utility disruptions, securing new parking sources and managing problems related to parking, delays in patient arrival due to traffic congestion and no parking. CHC is requesting reimbursement for increased costs incurred. | <ul style="list-style-type: none"> • Utility disruptions. • Loss of on-street parking. • Loss of off-street parking and need to lease new parking options. |

| Amount | Purpose | Impact Addressed |
|-------------------|---|--|
| \$ 66,050. | Compensation for the net increased cost of replacement off-street parking. See detail in Table 1 under Impact Description. | <ul style="list-style-type: none"> • Loss of off-street parking spaces for staff resulting from parking lot closures. |
| \$ 143,042. | Valet parking pilot initiative for patient parking at Caring Health Center's Richard E. Neal Community Health Center complex at 1049 Main Street. | <ul style="list-style-type: none"> • Loss of on-street parking. • Loss of off-street parking lots. • Blocked sidewalks, and the resulting lack of ADA accessibility and pedestrian safety. • Counteract real and perceptual image problems regarding lack of parking and traffic congestion. |
| \$ 17,925. | Administrative costs for the City of Springfield to administer a MA Gaming Commission award. | |
| \$275,000. | TOTAL Request for 2016 Community Mitigation Fund Specific Impacts | |

Reimbursement for Additional Staffing & Contractor Costs. Caring Health Center is requesting \$47,983 for additional staffing time and contractor costs incurred as a result of disruptions in phone (regular and TTY service) and internet and parking management issues. This includes time expended addressing these issues as well as overtime related to delayed patient arrivals due to parking and congestion problems resulting from construction.

Compensation for Increased Costs of Off-Street Parking. In FY15, Caring Health Center spent \$43,830 on leasing off-street parking for staff. At present, the annualized cost for leasing additional off-street parking for staff is \$109,880, a 150% increase. CHC is requesting mitigation funds for the net increased cost in the amount of \$66,050. See Table 1 for additional detail.

Valet Parking Initiative. Providing visible, safe and easy parking for patients is currently not possible during the MGM Springfield Casino construction. Moreover, parking availability is unlikely to improve during the construction of the casino, with the advent of additional construction workers and delivery vehicles to the

construction site. Based on the past seven months of construction activity, the availability and sidewalk-access to off-street parking is variable. The additional off-street parking lots that Caring Health has leased are at least two-blocks away, and not directly visible from the clinic's Main Street entrance. MGM Springfield has also graciously provided a pro-bono temporary patient off-street parking lot on Union Street which is consistently full. This lot will not be available, unfortunately, come mid-summer 2016. Caring Health's patients need a consistent, reliable parking solution is needed for patient parking. 400+ patients daily visit Caring Health Center's Richard E. Neal Community Health Center complex at 1049 Main Street. Sixty percent of patients today are driving to Caring Health.

Leading parking consultants recommend that valet parking operations are best used in situations when an enhanced level of service is required, such as with medical patients who are ill or often unable to walk any distance, or in situations where a limited amount of less-than-desirable parking must be optimized. This is the situation facing Caring Health Center patients during the casino construction activities. Hence, the need for valet parking pilot initiative to mitigate construction impacts.

The cost of the valet parking initiative is based on a proposal received by Caring Health Center from Valet Parking of America (VPA), a Springfield-based firm specializing in valet parking with over 25 years of experience in the industry. They have preliminarily estimated the cost of valet parking to be \$24.40/ hour each for two valet on-site valet personnel, for five-days a week, year-round. This mitigation fund request budget is based on valet service for the duration of Caring Health's service hours 8:30 am to 7:00 pm. (The preliminary VPA quote was for services ending at 5 pm, but the budget request was adjusted to account for the longer hours at Caring Health.) The projected cost of valet parking by VPA for the Caring Health Center Richard E. Neal Community Health Center complex at 1049 Main Street is \$137,280. The VPA proposal follows this narrative (Exhibit A) as Appendix A.

The availability of new pilot valet service at Caring Health will need to be publicized to CHC patients, to counteract the current confusion about parking and negative information being generated about traffic congestion and parking hassles in the project area. Thus, this proposal includes the cost of mailing an informational post card about the valet service and how to get to Caring Health during the casino construction (\$2,098 for printing services (inclusive of shipping) based on a quote from 48 Hour Print and \$3,664 for US Postal Service business mailing of 20,000 + pieces). The total cost of patient communication regarding parking, transportation

and valet services to Caring Health is \$5,762 with CHC providing graphic services to design the post card mailer. The printing estimate follows as Appendix B.

Administrative Costs: The City of Springfield is requesting reimbursement for related administrative costs incurred relative to the administration of a 2016 MA Gaming Commission Award for Community Mitigation Funds for specific impacts. Administrative costs may include audit, processing of reimbursement requests, reporting, and legal. The administrative cost line item is 6.5 percent of the overall request for mitigation funds.

MGM Springfield is donating the temporary use of a parking lot on Union Street for interim patient parking. The valet initiative includes the City's cooperation with the provision and use of two spaces on Main Street in front of 1049 Main Street, as well.

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.

So as to conform with the Massachusetts Gaming Commission's requirements, upon award of community mitigation funds, the City of Springfield will enter into a Memorandum of Agreement with Caring Health Center, so that the City can ensure that funding will be made only to remedy impacts and that the all applicable state and municipal laws including but not limited to Article 46, Section 2, as amended by Article 103 of the Amendments to the Massachusetts Constitution. Community Mitigation Funds received by the City of Springfield on behalf of Caring Health Center will be managed in accordance with all applicable state and local statutes and regulations, and in accordance with the City's financial and grant management practices.

The fundamental purpose of Springfield's financial management plan is to ensure the appropriate, effective, timely and honest use of funds. Specifically, Springfield ensures that:

- Internal controls for monitoring, reporting and management are in place and adequate. Documentation is available to support accounting record entries;

- Financial reports and statements are complete, current, reviewed periodically; and
- Audits are conducted in a timely manner and in accordance with applicable standards.

The City of Springfield's Department of Health & Human Services will be responsible for the day-to-day management of the mitigation fund award, including fiscal oversight, and receipt and dispersal of funds. The Commissioner, Ms. Helen R. Caulton-Harris has extensive experience managing multi-million dollar state and federal grants, and municipal resources. Ms. Alma Stelzer, Assistant to the Commissioner of HHS, will oversee and approve information for program reporting and fiscal expenditures. Springfield uses the MUNIS Financial Management System to track all grant awards, obligations, unobligated balances, assets, liabilities, expenditures, and program income.

Funds used by a non-governmental entity, such as Caring Health Center, a public-serving nonprofit community health center, will require a written sub-recipient agreement with regular reporting to support and document expenditures and work addressing specific impacts as outlined in this application. Caring Health Center's Chief Financial Officer Frank Kostek will oversee fiscal compliance and reporting for Caring Health Center. Mr. Kostek has over ten years of experience working with state and federal grant accounting, including submittal of timely financial reporting.

The City of Springfield has policies and administrative procedures to prevent fraud and abuse of funds, and duplication of benefits. In addition, the City of Springfield's Office of Internal Audit has established a 24-hour fraud hotline.

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.

There is no explicit mention in either the Host Community or the Surrounding Community Agreements that address construction impacts, loss of patient parking, and utility disruptions pertaining to Caring Health. The Host Agreement does form a Springfield Casino Liaison Office to facilitate communication. While this is an overall

positive improvement, it does not directly address the impacts borne by Caring Health Center since construction has begun.

The FEIR discusses construction mitigation, and outlines parking alternatives for the displaced on-street and off-street parking in the project area. However, all alternatives enumerated in the FEIR are for north and/or west of the project area. This does not help Caring Health Center Richard E. Neal Community Health Center complex at 1049 Main Street directly across the street from the southeast corner of the project area. This would require patients to walk at least a quarter-mile or more to park when they may be ill, with children, or possess mobility issues. Although MGM intends to operate a shuttle as part of its replacement parking strategy during construction, this has not been operational during the site-preparation stage of the construction period (which is currently underway). Moreover, the shuttle is a more appropriate strategy for employee, and long-term parking. The most acute impacts of construction experienced by Caring Health is the impact of construction upon patients, particularly patient access to CHC – trying circumvent the blocked sidewalks and finding nearby parking.

MGM Springfield and the City are committed and supportive of working with Caring Health Center to address the construction-related impacts of casino development and are supportive of this 2016 request for community mitigation specific impacts.

¹ The name of community health center facility complex at the corner of Main Street and Park Street is Caring Health Center Richard E. Neal Community Health Center complex. This facility at 1049 Main Street is the primary clinic and medical/ dental facility and administrative offices. WIC, wellness and preventative health, and behavioral health services are provided at this facility. The acronym, CHC, for Caring Health Center and Caring Health all refer to the same organization. In addition to its primary facility at 1049 Main Street, Caring Health Center operates a facilities at 532 Sumner Avenue and 860 Boston Road in Springfield, MA.



Proposal to Provide Valet Parking for Caring Health Center

January 22, 2015



Prepared by:
Nick Schloesser, Regional Manager
Valet Park of America
185 Spring Street
Springfield, MA 01105
(800) 599-8916
nschloesser@valetparkofamerica.com

Valet Parking Features

The procedures developed by Valet Park of America will result in an efficient and convenient system of valet parking, which will greatly enhance the professional atmosphere and environment of Caring Health Center.

- Valet Park of America (VPA) was organized in June of 1990 and is based in Springfield, MA. VPA is a family-owned and operated business providing Valet Parking, Parking Management, and Shuttle Transportation Services. Our company goal is, and always has been, to provide the best possible service to our customers and clients.
- A valet station will be established beside the building in a convenient location for customers. This station will be equipped with a podium, umbrella, tickets, and signs as needed.
- Employees, customers, and patients are greeted professionally by valets who will open doors, offer assistance, and hand the customer a ticket for retrieving their vehicle.
- Attendants are instructed to lock all doors, roll up windows, label the keys, and store them in a secured box at the valet area.
- Valets will serve as ambassadors to your customers. All attendants will offer additional services, such as: helping with directions, loading and unloading strollers, way finding, and any other assistance that they can provide. Our employees are thoroughly trained to be proactive in this area.
- Valets will be allowed to accept gratuities.
- Valets will be fully uniformed with a clean, crisp appearance. Uniforms will consist of red VPA polo shirt, black dress shorts or pants, black sneakers and a name badge.



Summary

- **Employees** — Our employees will make a difference in a customer’s first and last impression of your facility. We are extremely thorough in our selection process. This process includes: an application screening, reference checks, driving road test, driving record check, CORI checks, and an interview.
- **Claims management** — Vehicles are surveyed for existing damage which is recorded on the back of the ticket. Tickets are stored for 90 days. VPA handles all claims professionally and with an open mind to treat all customers fairly.



- **Driving** — All attendants will be required to participate in a driver safety training with specific emphasis on pedestrians, crosswalks, speed limits, etc. VPA has a quality control team that goes out randomly and secretly monitors valet driving.
- **Experience** — Valet Park of America has over 25 years of valet parking, transportation, and parking management experience. We have a proven track record of success with many medical facilities, restaurants and local businesses.
- **Quality** — Anonymous shop audits, driving safety surveillance, drive cams, closed circuit video systems, and a bonus coupon program for employee performance are just a few of our highly effective quality control programs.
- **Retrieving Vehicles** — Valets are required to run to and from vehicles when they are needed to be retrieved. We realize our customers’ time is valuable and should be treated as such. Valets are then required to assist with wheelchairs, strollers, directions, etc. Attendants must open and close all doors for guests and wish them a “Good day/night.”
- **Superior Customer Service** — VPA is committed to providing your facility with the highest level of customer service. We believe our employees are our greatest assets, which is a reflection of our exceptional hiring procedures, training, pay rates and benefits. On average, VPA receives at least one letter per week from various customers and clients complimenting our services.

Protection From Liability

While accidents involving patrons' vehicles are rare, Valet Park of America adheres to a highly positive and responsible approach. VPA maintains the most extensive liability insurance coverage in the parking industry. The facility will therefore be fully protected from any and all claims arising from the provision of valet parking services on the premises.

The standard insurance coverage maintained by Valet Park of America includes general liability of \$1,000,000, which provides coverage for any personal injuries that may be sustained through the valet parking service. VPA carries an additional coverage of \$10,000,000. In addition, garage-keepers' insurance, which covers collision, theft, and other damage or loss to vehicles is maintained with an aggregate limit per incident of \$1,000,000 and with no individual limit per vehicle. Therefore, loss or damage to any vehicle, no matter how expensive, will be covered. Valet Park of America will handle and pay all claims and deductibles resulting from the valet parking service. Valet Park of America maintains the legally required workers' compensation insurance coverage for all its employees (sample certificate of insurance is enclosed on the next page).





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/12/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|--|--|---|--|
| PRODUCER Amity Insurance Agency, Inc. 500 Victory Rd. Marina Bay North Quincy MA 02171 | | CONTACT NAME: Frank Griffin PHONE (AC, Ho, Est): (617) 471-1220 E-MAIL ADDRESS: fggriffin@amityins.com FAX (AC, No): (617) 479-5147 | |
| INSURED Mass Park, Inc. d/b/a Valet Park of America 185 Springfield Street Springfield MA 01105 | | INSURER(S) AFFORDING COVERAGE INSURER A: Lexington Insurance Company INSURER B: Philadelphia Indemnity Company INSURER C: Wesco Insurance Company INSURER D: Federal Insurance Company INSURER E: INSURER F: | |

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSTR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR VWD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|-----------|--|---|----------|---------------|-------------------------|-------------------------------------|--|
| A | GENERAL LIABILITY | | | 015375046 | 6/28/2015 | 6/28/2016 | EACH OCCURRENCE \$ 1,000,000 |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | | DAMAGE TO RENTED PREMISES (Excludes auto) \$ 100,000 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | | MED EXP (Any one person) \$ Excluded |
| | GENL AGGREGATE LIMIT APPLIED PER | | | | | | |
| | <input type="checkbox"/> POLICY <input type="checkbox"/> PROTECT <input checked="" type="checkbox"/> LOC | | | | | GENERAL AGGREGATE \$ 2,000,000 | |
| | | | | | | PRODUCTS - COMP/OP AGG \$ 2,000,000 | |
| B | AUTOMOBILE LIABILITY | | | PHPC1358230 | 6/28/2015 | 6/28/2016 | COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 |
| | <input checked="" type="checkbox"/> ANY AUTO | | | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | <input type="checkbox"/> SCHEDULED AUTOS | | | | | BODILY INJURY (Per accident) \$ |
| | <input type="checkbox"/> HIRED AUTOS | <input type="checkbox"/> NON-OWNED AUTOS | | | | | PROPERTY DAMAGE (Per accident) \$ |
| A | UMBRELLA LIAB | <input checked="" type="checkbox"/> OCCUR | | 015374864 | 6/28/2015 | 6/28/2016 | EACH OCCURRENCE \$ 10,000,000 |
| | <input checked="" type="checkbox"/> EXCESS LIAB | <input type="checkbox"/> CLAIMS-MADE | | | | | AGGREGATE \$ 10,000,000 |
| | DED | RETENTION \$ | | | | | \$ |
| C | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | RWC3106259 | 10/12/2014 | 10/12/2015 | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | Y/N | N/A | | | | E.L. EACH ACCIDENT \$ 1,000,000 |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 |
| | | | | | | | E.L. DISEASE - POLICY LIMIT \$ 1,000,000 |
| A | GARAGEKEEPERS LIABILITY | | | 015375046 | 6/28/2015 | 6/28/2016 | LIMIT \$1,000,000 |
| D | EMPLOYEE DISHONESTY | | | 02103514 | 6/28/2015 | 6/28/2016 | LIMIT \$1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 If agreed upon in a written contract or agreement, the certificate holder is included as an additional insured for general liability, but only with respect to the operations of the named insured.

| | |
|--|--|
| CERTIFICATE HOLDER SAMPLE CERTIFICATE | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Frank Griffin/FG |
|--|--|

Cost for Service & Hours of Operation

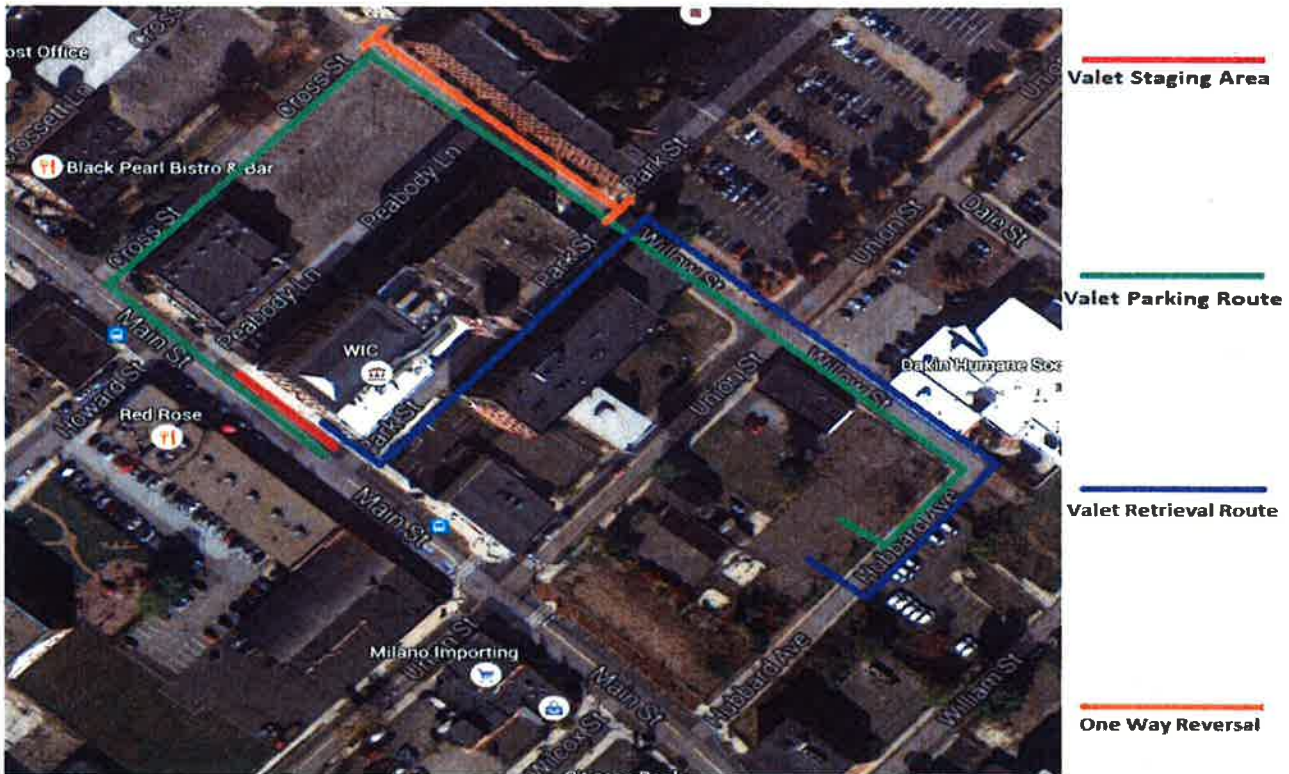
VPA will provide (2) valet attendants for this service. The days of service and hours of operation are as follows:

Monday - Friday: 8:30am—5:00pm

Caring Health Center will provide a permit for VPA to operate on Main Street and utilize the on street parking spaces in front of Caring Health Center and the pharmacy. The above staffing level is also dependent of the reversal of the one-way section on Willow Street between Cross Street and Park Street. This will allow the valets to park cars much more efficiently. The valets will utilize the parking area Caring Health Center currently rents on Hubbard Street. A lot attendant is not currently proposed but may be needed if there are issues with vandalism or theft.

Scheduled hours and number of valet attendants listed above are tentative, and are subject to change based upon the demand trends of Caring Health Center. Once VPA has had the opportunity to realize volume trends, etc. we will make further recommendation as to scheduling needs. All invoicing will be based on an hourly pricing structure. Therefore, any reductions in staffing levels, hours, etc. will result in direct savings to Caring Health Center. Conversely, any additions to staffing will result in additional hourly billing.

The all-inclusive cost for valet service will be \$24.40 per hour, per attendant. VPA will invoice on a weekly basis and payments will be due and payable within fourteen (14) calendar days from date received.



This is an all-inclusive cost; there are no hidden management, start-up or any other fees. Permanent specialty equipment requested by Caring Health Center is not included. Any additional costs associated with this service will be discussed and agreed upon by Caring Health Center and Valet Park of America.

References

| | | |
|---|-------------------------------------|----------------|
| Baystate Health Systems 759 Chestnut Street Springfield, MA 01101 | Tom Lynch Director of Security | (413) 794-4463 |
| Cooley Dickenson Hospital 30 Locust Street Northampton, MA 01061 | Brian Rust Director of Security | (413) 582-2000 |
| Holyoke Medical Center 575 Beech Street Holyoke, MA 01040 | Ron Riethle Director of Security | (413) 534-2755 |
| The Log Cabin Banquet and Meeting House 500 Easthampton Road Holyoke, MA 01040 | Peter Rosskothén Proprietor | (413) 535-5077 |
| The Fort 8 Fort Street Springfield, MA 01103 | Andy Yee Owner | (413) 734-7475 |
| The Federal 135 Cooper Street Agawam, MA 01101 | Ralph Santaniello Proprietor | (413) 575-2391 |
| Lattitude 1338 Memorial Avenue West Springfield, MA 01089 | Jeff Daigneau Owner/Chef | (413) 241-8888 |
| Slainte Restaurant 80 Jarvis Avenue Holyoke, MA 01040 | Deb Flynn Owner | (413) 534-4000 |
| Hotel Northampton 36 King Street Northampton, MA 01060 | Mansour Ghalibas Proprietor | (413) 584-3100 |

APPENDIX B: City of Springfield 2016 Community Mitigation Fund Specific Impact Application

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MICHAEL J ASHE, JR
SHERIFF

THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPDEN COUNTY
627 RANDALL ROAD
LUDLOW, MA 01056

TEL (413) 547-8000
FAX (413) 589-1851

January 21, 2016

**Mr. John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110**

John
Dear Mr. Ziemba,

I am writing to withdraw my 2015 application for mitigation funds.

I want to emphasize that the need is still there, and assure you that I will submit an application for 2016 mitigation funds.

Thank you for your continued assistance.

Sincerely,

Michael J. Ashe, Jr.

**Michael J. Ashe, Jr.
Sheriff**

MJA/gjm

Thurlow, Mary (MGC)

From: Pikula, Edward <epikula@springfieldcityhall.com>
Sent: Monday, August 01, 2016 9:04 AM
To: 'Jasmine Naylor'; Ziemba, John S (MGC)
Cc: djmartilli77@comcast.net; Caulton, Helen; Tania Barber; Jacqueline Johnson; Thurlow, Mary (MGC)
Subject: RE: 2016 Community Mitigation Fund

Sorry to chime in so late on this. I am not sure of what the total amount of grants that the CHC receives from the City/School Department. When the supplement was submitted it was not to document the total value of all grants provided by the City to CHC but to show that an MGC mitigation grant is not a violation of the Anti-Aid Amendment to the Mass. Constitution. A review and breakdown from all sources is not information that the Law Department can provide, and I would expect it would require an audit of all sources and uses of revenue received by CHC from the City or school department in order to reply with such information.

As indicated by the description submitted by Ms. Naylor, the public purpose of CHC goes well beyond the sample grant portions submitted. Under the circumstances MGM has paid into the mitigation fund as part of its obligations under its license and the MGC is obligated to provide funds for mitigation of impacts related to the development by MGM and the submitted documents show the public purpose of providing a mitigation grant.



Attorney Edward M. Pikula
City Solicitor
City of Springfield Law Department
36 Court Street – Room 210
Springfield, Massachusetts 01103
Phone: (413) 787- 6085
Fax: (413) 787- 6173
epikula@springfieldcityhall.com

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From: Jasmine Naylor [mailto:jnaylor@caringshealth.org]
Sent: Friday, July 29, 2016 1:29 PM
To: Ziemba, John S (MGC)
Cc: djmartilli77@comcast.net; Pikula, Edward; Caulton, Helen; Tania Barber; Jacqueline Johnson; Thurlow, Mary (MGC)
Subject: Re: 2016 Community Mitigation Fund

Good Afternoon John,

Thurlow, Mary (MGC)

From: Jasmine Naylor <jnaylor@caringhealth.org>
Sent: Friday, July 29, 2016 1:29 PM
To: Ziemba, John S (MGC)
Cc: djmartilli77@comcast.net; Pikula, Edward; hcaulton@springfieldcityhall.com; Tania Barber; Jacqueline Johnson; Thurlow, Mary (MGC)
Subject: Re: 2016 Community Mitigation Fund

Good Afternoon John,

I look forward to attending the meeting on Monday with Tania M. Barber, President/CEO of Caring Health Center. In response to your inquiry, CHC has a number of alternative partnerships/relationships with the City in various capacities that may not fall under the term "grant". Although referrals/affiliations and the like are not "grants" they are intrinsically linked in our operations as well as the other city and state agencies and nonprofits, who many times are grant recipients on the city and state level. For instance, Department of Youth Services refers emergency dental patients to our office on a continuous basis with an average visit cost of \$525. Not to mention, other dental agencies are not willing to accommodate students from the Juvenile Detention Center as the students arrive in shackles, however, Caring Health Center is willing and as a result is the provider of choice for emergency procedures. We work with the Springfield Public School system in handling all student dental emergencies and act as a dental home for students and their families with an average visit cost of \$146. We support the Department of Children and Families (DCF) in meeting their regulations by accommodating children who require a medical evaluation in a very short window of time accompanied by the completion of tedious and lengthy forms. Health and Human Services continually refers patients to Caring Health Center who require primary care, insurance, WIC, or other services we specialize in. For various Springfield Public Schools we have an established arrangement by providing Pediatric oversight in case of emergencies per school regulations. On a continuous basis our Community Health Workers are referring patients in need to the Springfield Housing Authority, Department of Transitional Assistance and a multitude of fellow non-profits and vice versa. The Department of Transitional Assistance and Social Security Administration and others have embedded primary healthcare into their approval processes by requiring the completion of thousands of forms a year by Caring Health Center. We remain in compliance, mostly uncompensated for the administrative burden, but because the healthcare of our patients is dependent on them securing TFADC and income, which directly impacts our patients health, we do it. We even refer to the Springfield Public Libraries for free English classes to assist Refugees who are new to the country and don't speak the language. We have a built in relationship with the Refugee Resettlement Agencies and are proud to be the largest Refugee Health Assessment facility in Western Mass. Our response is complex because our relationship with City of Springfield and State of Massachusetts is multifaceted. To answer the question, CHC did have a separate CDBG grant from the City that termed a month ago on June 30, 2016. We continually pursue direct grant opportunities with the City and at any given time can increase the number of grants, partnerships, and affiliations.

Please let me know if there is anything else I can assist with. See you on Monday

Jasmine Naylor - Executive Vice President - **Caring Health Center**

1049 Main Street, Springfield, MA 01103 U.S.A.

Tel: +1.413.693.1044 **Fax:** +1.413.731.9919 **Email:** jnaylor@caringhealth.org

www.caringhealth.org

On Wed, Jul 27, 2016 at 2:59 PM, Ziemba, John S (MGC) <John.S.Ziemba@massmail.state.ma.us> wrote:

Dean, while we have you on the line, I will forward a further question we had in regard to the follow-up materials submitted to us. I am sending this as well to Commissioner Caulton-Harris and City Solicitor Pikula.

The follow-up materials included excerpts from the City's agreement with Caring Health in Appendix D of the materials. This grant in the Appendix is for \$176,600. It that just one of the grants with the City?

Thank you for any information on this.

From: Ziemba, John S (MGC)

Sent: Wednesday, July 27, 2016 2:46 PM

To: 'djmartilli77@comcast.net'

Cc: Tania Barber; Jasmine Naylor; Jacqueline Johnson; Thurlow, Mary (MGC)

Subject: RE: 2016 Community Mitigation Fund

Dean, in response to your questions, all of our meetings are posted at least 48 hours in advance. Every one of the Commission's meetings is streamed live on www.massgaming.com. The meetings are also available later in our archives. The meeting will be at the Commission.

I will include your e-mail in the Commissioners' packet for consideration.

Thank you Dean.

From: Ziemba, John S (MGC)
Sent: Wednesday, July 27, 2016 2:46 PM
To: 'djmartilli77@comcast.net'
Cc: Tania Barber; Jasmine Naylor; Jacqueline Johnson; Thurlow, Mary (MGC)
Subject: RE: 2016 Community Mitigation Fund

Dean, in response to your questions, all of our meetings are posted at least 48 hours in advance. Every one of the Commission's meetings is streamed live on www.massgaming.com. The meetings are also available later in our archives. The meeting will be at the Commission.

I will include your e-mail in the Commissioners' packet for consideration.

Thank you Dean.

From: djmartilli77@comcast.net [<mailto:djmartilli77@comcast.net>]
Sent: Wednesday, July 27, 2016 2:33 PM
To: Ziemba, John S (MGC)
Cc: Tania Barber; Jasmine Naylor; Jacqueline Johnson
Subject: 2016 Community Mitigation Fund

John,

That's great. Will the meeting be at the Gaming Commission HQ's? Will the meeting be open to the public?

Will the meeting and agenda be posted on the MGC website when official? Thank you for the heads up.

This is a picture of the front of the health center today at 12:45 PM. With an 180 employees working out of the medical facility and an average of 400 patient visits per day I believe that the Springfield / CHC facility deserves 2016 Community Mitigation Funds. Thank you.

Best,
Dean



On Jul 27, 2016, at 11:01 AM, Ziemba, John S (MGC) wrote:

Dean, we anticipate reviewing the remaining CMF applications Monday.

From: djmartilli77@comcast.net [mailto:djmartilli77@comcast.net]

Sent: Tuesday, July 26, 2016 5:37 PM

To: Ziemba, John S (MGC)

Cc: Tania Barber; Jasmine Naylor

Subject: 2016 Community Mitigation Fund

Good Afternoon John,

Any update on the meeting date for the Commission to finish the 2016 Community Mitigation Fund awards?

Thank you very much.

Best,

Dean

Dean J. Martilli

MARTILLI & ASSOCIATES

(404) 964-1876 m

djmartilli77@comcast.net

Dear Commissioner Crosby,

I write in support of the City of Springfield's application to the Massachusetts Gaming Commission 2016 Community Mitigation Fund through the Springfield Department of Health and Human Services in the amount of \$257,075 for the Richard E. Neal Caring Health Center Complex.

The Caring Health Center has 195 employees at the 1049 Main Street location with an average of 400 patient visits every day. Caring Health Center provides medical care, dental care, women/infant care, wellness, and pharmacy services to its patients and is currently the largest employer in Springfield's South End.

As the Commission is no doubt aware, the construction of the new MGM Springfield has caused disruptions to area businesses, especially those located adjacent to the construction site. The Caring Health Center at 1049 Main Street in Springfield has experienced financial losses as a result of this construction.

The ongoing construction has disrupted parking for both employees and patients. Many parking lots in Springfield's South End have been closed and the remaining lots have increased their prices by over 150% and the availability of on-street parking has been drastically reduced, making the accessibility of the facility difficult for patients, many of whom are non-native English speakers.

In addition to the ongoing parking constraints, the construction adjacent to the Center has resulted in interruptions to business operations including the loss of telephone lines and down computer systems.

Patient surveys by Caring Health Center have indicated that traffic and parking issues have directly impacted late and no-show appointments as well as increased frustration by patients who are traveling to Springfield's South End. The Caring Health Center plans to use this mitigation award to provide full valet service at no cost to patients, helping to eliminate stress and confusion for patients.

Given the important mission of the Caring Health Center at 1049 Main Street in Springfield, it is imperative that the Center continue to be able to provide the residents of the City of Springfield access to high quality medical services. I strongly support the City of Springfield's request for a 2016 Massachusetts Gaming Commission Mitigation Fund award and I hope that it is approved.

Sincerely,

Thurlow, Mary (MGC)

From: MGCcomments (MGC)
Sent: Friday, April 22, 2016 9:19 AM
To: Crosby, Steve (MGC)
Cc: Ziemba, John S (MGC); Thurlow, Mary (MGC)
Subject: FW: 2016 Mitigation Fund Applications/CHC Springfield

Good morning Steve,

Please see the comment below from Eric Lesser regarding the "2016 Mitigation Fund Application".

Thank you,

Colette Bresilla
Receptionist

Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, Massachusetts 02110
TEL 617.979.8493 | FAX 617.725.0258
www.massgaming.com
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From: Lesser, Eric (SEN) [<mailto:eric.lesser@masenate.gov>]
Sent: Thursday, April 21, 2016 5:01 PM
To: MGCcomments (MGC)
Cc: djmartilli77@comcast.net
Subject: 2016 Mitigation Fund Applications/CHC Springfield

Commissioner Stephen Crosby

Chairman, Massachusetts Gaming Commission

101 Federal St., 12th Floor

Boston, MA 02110

Subject: 2016 Mitigation Fund Application/CHC Springfield

Thurlow, Mary (MGC)

From: Tania Barber <tbarber@caringhealth.org>
Sent: Wednesday, April 20, 2016 2:58 PM
To: MGCcomments (MGC)
Cc: Dean Martilli
Subject: 2016 Mitigation Fund Application/CHC Springfield
Attachments: BOD mitigation signatures.pdf

My name is Tania Barber, President & CEO of Caring Health Center in Springfield, Massachusetts. Please find attached Caring Health Center Board of Director's signatures in support of the City of Springfield Caring Health Center 2016 request for Mitigation Funding.

Should you have any additional questions, please do not hesitate to ask.

Regards,

Tania M. Barber

President/CEO
Caring Health Center
1049 Main Street
Springfield, MA 01103
Telephone: 413-693-1026 Fax: 413-731-9919
caringhealth.org

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<http://valleygives.razoo.com/story/Caring-Health-Center>

For more information about Valley Gives, visit www.valleygivesday.org.
To learn more about Caring Health Center, <http://caringhealth.org>.



CARING HEALTH CENTER
RICHARD E. NEAL COMPLEX

I support the City of Springfield's application of \$257,075 to the Massachusetts Gaming Commission Mitigation Fund for Carling Health Center's Richard E. Neal Complex to improve patient services at the 1049 Main St health center location as a Board Member of Carling Health Center.

- | | |
|-------------------------|-----|
| 1. <i>Leri Sobca</i> | 21. |
| 2. <i>Kathi Jones</i> | 22. |
| 3. <i>Greg C. ...</i> | 23. |
| 4. <i>...</i> | 24. |
| 5. <i>...</i> | 25. |
| 6. <i>...</i> | 26. |
| 7. <i>...</i> | 27. |
| 8. <i>Monique Cross</i> | 28. |
| 9. | 29. |
| 10. | 30. |
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| 17. | 37. |
| 18. | 38. |
| 19. | 39. |
| 20. | 40. |

Thurlow, Mary (MGC)

From: Swan, Benjamin (HOU) <benjamin.swan@mahouse.gov>
Sent: Tuesday, April 19, 2016 4:47 PM
To: MGCcomments (MGC)
Cc: djmartilli77@comcast.net; Shubrick, Marvenia (HOU)
Subject: 2016 Mitigation Fund Application/CHC Springfield

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

Dear Chairman Crosby:

I have been informed that the City of Springfield has submitted to the Massachusetts Gaming Commission 2016 Community Mitigation Fund through its Department of Health and Human Services for the amount of \$257,075.00 for the Caring Health Center/Richard E. Neal Complex community health center. Caring Health Center (CHC) as a community health center, is a federally funded facility overseen by HRSA a department of Health and Human Services. Here, I write in support of the city of Springfield's application for the Mitigation Funds.

I am sure that I can properly state the full importance of the need which this application attempts to address, since the MGM casino construction in Springfield's South End has resulted in such a major impact on the operations of the health center and the convenience of the patients getting to and from the 1049 Main Street facility for medical/dental appointments. Oh, I know this, in-part, because I am one of those patients.

For a general overview, please refer (click on) to mass live article by Peter Goonan below that provides a copy of the application by CHC. I am informed that Mr. Michael Mathis, President of MGM supports the application, as well as all 13 Springfield City Councilors signed on to support it.

The Caring Health Center has 195 employees who work at the Main Street location and an average of 400 patient visits every day. CHC provides Medical, Dental, Women/Infants Care, Wellness and a Pharmacy; and is the largest employer in the south end of Springfield.

Clearly, parking is an issue. Parking lots in the south end have closed resulting in the loss of thousands of pay to park situations. Those lots that are still available have increased the cost of off street parking by approximately 150%. On street parking /meters have been dramatically reduced making it very difficult for patient commuting very complicated and adds to confusion with the constantly changing landscape.

Construction on roads and infrastructure improvements related to the reshaping of the south end of the city have caused loss of telephone lines and down computer systems at CHC on various occasions causing confusion for patients and employees.

Patient surveys by CHC have indicated that traffic and parking issues have directly impacted late and no show appointments and patients getting frustrated with travel in the south end of Main Street.

Solution is to provide full service valet no cost parking to eliminate stress and confusion for patients while allowing on time patient visits.

[http://www.masslive.com/mqm Springfield/Index.ssf/2016/03/caring health center seeks 257](http://www.masslive.com/mqm_Springfield/Index.ssf/2016/03/caring_health_center_seeks_257)

[.html#incart_email](#)

It's due to all the fore mentioned the I write to support the City of Springfield's application on behalf of needs CHC. The needs are clear and present, therefore, I respectfully urge a favorable response to Springfield's application. I thank you and your colleagues now in advance forasmuch a response.

Sincerely,

Benjamin Swan

State Representative



1441 Main Street
Springfield, MA 01103-1449
(413) 787-1555
Fax (413) 755-1322

www.springfieldregionalchamber.com

April 18, 2016

Mr. Stephen Crosby, Chairman
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts 02110

Dear Chairman Crosby;

This letter is in support of the Caring Health Center / Richard E. Neal Complex's application for funding under the Massachusetts Gaming Commission 2016 Community Mitigation Fund, submitted through the City of Springfield.

The need for these funds has been succinctly laid out in that application. Clearly this health center, so vital to a large population of mostly low income people and serving over 30 different cultures and language speakers, has suffered from non-intentional consequences in and around their facility in Springfield's south end. Past practices by the health centers patients showed that they enjoyed a reasonable amount of on street parking as well as several choices of off street parking in a one block area from the center.

With the MGM / Springfield project underway, those off street lots became a construction zone and for the safety of workers and the general public, some of the on street parking was also lost. I have personally met with MGM and the health center as both are good active members with this chamber and know firsthand that they have tried to work together to address this loss of parking as well as some other issues dealing with telephone and computer service, but there is no one fix to these disturbances foreseen in the near future and perhaps not until the construction is complete.

I can also tell you that I have personally been in touch with other chamber members in and around the area, notably the Dakin Animal Shelter that do have off street parking but again have found no viable solution for the health center despite everyone's best efforts.

Therefore, given the health centers importance to the quality of life for a large population of Springfield and Greater Springfield residents, the ongoing search for solutions to the problems not resulting in any real solutions, and the view that this situation will extend well into the next year, the Springfield Regional Chamber of Commerce would like to strongly support the request for mitigation funds filed by the city of Springfield on behalf of the Caring Health Center.

If I can provide you any additional information or answer any questions you might have, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Ciuffreda".

Jeffrey S. Ciuffreda, President
Springfield Regional Chamber of Commerce

Thurlow, Mary (MGC)

From: Dean Martilli <djmartilli77@comcast.net>
Sent: Monday, April 18, 2016 3:25 PM
To: Jacqueline Johnson
Cc: MGCcomments (MGC); Tania Barber; Jasmine Naylor
Subject: Re: 2016 Comments Mitigation Fund Applications

Follow Up Flag: Follow up
Flag Status: Flagged

I love that. Great deal Jacqueline!
Thank you very much.....

Sent from my iPhone

On Apr 18, 2016, at 3:00 PM, Jacqueline Johnson <jjohnson@caringhealth.org> wrote:

Dear Gaming Commission Members,

Please find attached 164 employee signatures of the Caring Health Center in support of the City of Springfield Caring Health Center 2016 request for Mitigation Funding.

Best,
Jacqueline Johnson

Jacqueline M. Johnson, M.Ed
Chief Operations Officer
Caring Health Center
1049 Main Street, 3rd Floor
T: (413)693-1016
F: (413)731-9919
jjohnson@caringhealth.org

"Leadership is a little bit of science and a lot of art" -Unknown



Our mission is to provide health care for the ill, to comfort the sick, and to bring the highest level of health care to all. Your donation has given us the ability to remain good stewards of that mission. Thank you for believing in us! - to continue giving -

<http://valleygives.razoo.com/story/Caring-Health-Center>

For more information about Valley Gives, visit www.valleygivesday.org.
To learn more about Caring Health Center, <http://caringhealth.org>.

I am an employee of The Caring Health Center / Richard M. Neal Complex located at 1049 Main Street, Springfield, directly across the street of the MGM casino site. I support the City of Springfield's 2016 Mitigation Fund request of the Mass Gaming Commission in the amount of \$257,075.00 to help our patients.

| Signature | Name (print) | Address |
|-----------|---------------------|-----------------------------------|
| | Jay Castro | 1049 Main St Springfield MA |
| | Molly Tolman | 1049 Main St Springfield MA |
| | Heather Eardley | 1049 Main St Springfield MA |
| | Eddy Carrea | 1049 Main St Springfield MA |
| | Yvel Pacheco | 1049 Main St Springfield MA |
| | Jessica Barber | 1049 Main St Springfield MA |
| | Lisa Tompino | 1049 Main St Springfield MA |
| | Yvonne Harrison | 1049 Main St Springfield MA |
| | Arnette Espinal | 1049 Main St Springfield MA |
| | Trina Steed | 1049 Main St Springfield MA |
| | Katherine Langlois | 1049 Main Street Springfield MA |
| | Jose Rivera | 1049 Main Street Springfield MA |
| | Mirabeli Roquero | 355 Newbury St Springfield MA |
| | Taji-Kamau Robinson | 12 Park St Springfield MA |
| | Tracy Benerakis | 39 Rowan Pl. Hampton MA. |
| | Jasmine Taylor | 1049 Main St Springfield MA 01103 |
| | Tania M. Barber | 1049 Main St Springfield MA 01103 |
| | Laura Gandy | 1049 Main St Springfield MA 01103 |
| | LaKisha Stokes | 1049 Main St. |

I am an employee of The Caring Health Center / Richard M. Neal Complex located at 1049 Main Street, Springfield, directly across the street of the MGM casino site. I support the City of Springfield's 2016 Mitigation Fund request of the Mass Gaming Commission in the amount of \$257,075.00 to help our patients.

| Signature | Name (print) | Address |
|---------------------------|--------------------|------------------------------------|
| | Nasia Alexander | 32 Summer Terr. |
| | Serena Chenaille | 44 High Street |
| | Jo Ann Lawson | 27 Shillingford St. |
| | Charmaine Rowe | 29 Pearson DR |
| | Nancy Santiago | 1049 Main Street |
| | Jacqueline Johnson | 21 Rupert St. |
| | GAIL R. BOYER | 532 Summer Avenue |
| | Margaret Nguyen | 532 Summer Ave. |
| | Lilian Aluwetchi | 532 Summer Ave |
| | Isidalia SERRANO | 532 Summer Ave |
| | Yolanda Quala | 1049 Main St |
| | | 532 Summer Ave. |
| | Fernando Molina | 532 Summer Ave. ^{Student} |
| | Vijay Patel | 532 Penna N Sp |
| | RACHUVEER KARANJ | 532 Summer Ave. |
| | Evelyn Matute | 532 Summer Ave |
| 532 | Lisbeth Aponte | 532 Summer Ave |
| Van Lam \leftrightarrow | | u |

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| Signature | Name (print) | Address |
|-----------|----------------------|-----------------------------------|
| | Zachira Pabon Soto | 12 Noel St. Spfld MA 01108 |
| | Noor K. Neji | 1023 Allen St. Spfld MA 01118 |
| | Luz M. Palermo | 23 Quiny St., Spfld MA 01109 |
| | MARIINA SLOBODANIVUK | 174 Meadow St Westfield MA 01085 |
| | Patricia Cormier | 41 Kinsley St Spfld, MA 01104 |
| | Kenia Gonzalez | 17 Alice St Spfld, MA 01109 |
| | Denise Aponte | 73 Lawndale St ma 01108 |
| | Jennifer Bissonette | 272 Aynt St. Palmer MA 01069 |
| | Jessica Scott | 25 Plum St. Spfld 01109 |
| | Analis Soto | 47 Norne St Spfld 01105 |
| | Jacqueline Ponce | 447 Page Blvd Spfld, MA 01104 |
| | Eileen Lopez | 935 Liberty St., Spfld. MA 01104 |
| | Keila Delacruz | 122 Cunningham St, Spfld MA 01107 |
| | Frank J. Kostecki | 16 East St. Hadley, MA 01035 |
| | MILAGROS RIVERA | 65 Gresham St. Spfld. 01119 |
| | JOAN C. STRYMER | 1124 Northampton St. Holyoke MA |
| | Adriana Rivera | 126 Union st |
| | Bedel Ahmed | 483 Union Street W. S. F. |
| | Tharna Mishra | 333 Surrey Rd |
| | Andrea Malcolm | 538 Summer Ave. |

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| Signature | Name (print) | Address |
|-----------|-------------------|--|
| | Janira Rios | 22 Walnut St. Chicago, IL 60620 |
| | Hala Al Hallaq | 413 Russell St W Springfield 01099 |
| | Annerys Figueroa | 11 Beacon Terrace Springfield, MA 01119 |
| | Yanira Rivera | 91 Federal St Springfield MA 01105 |
| | Kalyan Katta | 48 Holy Family Road Holyoke, MA 01021 |
| | Samina Butt | |
| | Edward Canble | 35 Warrington Ct Springfield MA 01109 |
| | Adriana Rivera | 126 Union St Westfield MA |
| | YVETTE, CARTAGENA | 1233 PAGE BLVD, SPFLD, MA |
| | Jackson Goodfield | 12 Grant St South Hadley |
| | Matthew Coughlin | 151 Allen St Apt C Suff MA |
| | Briana Ferrer | 371 Central Street SPFLD MA 01105 |
| | Teneshia Goushy | 217 Beacon Cir SPFLD MA 01109 |
| | Pamela Kronick | 395 Frank Smith Rd Longmeadow MA 01106 |
| | Yamilia Bones | 59 Pundam St Springfield, MA 01108 |
| | Victoria Raynal | 5125 High Blvd Springfield MA 01109 |
| | Luz M. Cotto | 134 Carver St SPFLD MA 01108 |
| | Arielle Mills | 722 Beacon Cir Springfield MA 01119 |
| | Anyah Tran Sater | 73 Springfield St. Northampton MA 01160 |
| | Viktoriya Kirik | 416 Adams St Agawam MA 01001 |

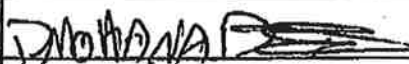
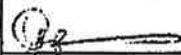

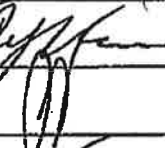
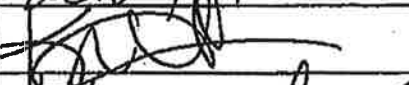
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| Signature | Name (print) | Address |
|-----------------------------|----------------------------|--|
| <i>Kristin Boyle</i> | Kristin Boyle | 11 Sunrise Ter Springfield MA 01119 |
| <i>Killian Alvarado</i> | Killian Alvarado | Summer Ave |
| <i>Andrea Makalini</i> | Andrea Makalini | 532 Summer Ave. |
| <i>E. Neil</i> | Elaine Neil | 532 Summer Ave. Springfield, MA. |
| <i>Kennan Wallace</i> | Kennan Wallace | 532 Summer Ave |
| <i>Rachelle Campbell</i> | Rachelle Campbell | 532 Summer Ave |
| <i>Jacqueline Martinez</i> | Jacqueline Martinez | 532 Summer Ave |
| <i>Kimberly Allard</i> | Kimberly Allard | 532 Summer Ave |
| Tatiana Oakes | Tatiana Oakes | 860 Boston Rd, Spfld |
| <i>Xuan Nguyen Gonzalez</i> | Xuan Nguyen Gonzalez | 532 Summer Ave |
| <i>Paul Brandoli</i> | Paul Brandoli | 532 Summer Ave |
| <i>Lizbeth Martinez</i> | Lizbeth Martinez | 1049 Main St |
| <i>Diana Chuevas</i> | Diana Chuevas | 1049 Main St |
| <i>Francis Villanueva</i> | Francis Villanueva | 1049 Main St |
| <i>Diana Chuevas</i> | Diana Chuevas | 1049 Main St |
| <i>Pelestia Martinez</i> | Pelestia Martinez | 1049 Main St |
| <i>Linda Nardi</i> | Linda Nardi | 31 Andmore St |
| <i>Yana Melnara</i> | Yana Melnara | 1049 Main St |

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| Signature | Name (print) | Address |
|------------------------------|-----------------------|-----------------------------|
| <i>Shakira Valentin</i> | Shakira Valentin | |
| <i>Deonica Hornet</i> | Deonica Hornet | 47 Hanover St, W. Spring |
| <i>Anabel Rodriguez</i> | Anabel Rodriguez | 38 Van Buren Ave Spfld Mass |
| <i>Nhan Pham</i> | Nhan Pham | 86 Audley Rd Spfld 01118 |
| <i>Yakaya Clawsell</i> | Yakaya Clawsell | 200 Pearl St Spfld MA 01105 |
| <i>INNA GARTSBYER</i> | INNA GARTSBYER | 59 FRANCONIA CIR 01104 |
| <i>Linda Andrews</i> | Linda Andrews | 1049 MAIN Street |
| <i>Denise Wilson</i> | DENISE WILSON | 43 Fredette St |
| <i>Pedro Rosendo</i> | Pedro Rosendo | 54 Brown Ave. |
| <i>Verenia Gonzalez</i> | Verenia Gonzalez | 227 Montgomerly St |
| <i>Bonnie Paddleton</i> | Bonnie Paddleton | 1049 main ST |
| <i>VEA NERRO</i> | VEA NERRO | 1049 main St. |
| <i>Robert J. D. Silva Jr</i> | Robert J. D. Silva Jr | 1049 Main St |
| <i>Tyra Varner</i> | Tyra Varner | 1049. main St. |
| <i>Leticia Thomas</i> | Leticia Thomas | 1049 main St |
| <i>Carmen Nia</i> | Carmen Nia | 1049 main St. |
| <i>Alaa Baghdad</i> | Alaa Baghdad | 1049 main St |
| <i>Eric M. Sanchez</i> | Eric M. Sanchez | 1049 Main St. |
| <i>Shana Duke</i> | Shana Duke | 1049 Main St |
| <i>Alexandria Austin</i> | Alexandria Austin | 1049 main St |

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| Signature | Name (print) | Address |
|---|---|--------------------------------|
|  | MODANAD ALMAMMAD | 1049 Main St |
|  | Elizabeth Bazon | 1049 Main St |
| Jane Desmarais | JANE DESMARAIS | 1049 MAIN ST. 1049 MAIN ST. |
| Kathleen Nelson | Kathleen Nelson | 1049 MAIN ST. |
| Stacy Dwight | Stacy Dwight | 1049 MAIN ST |
| Etha Mendez | Etha Mendez | 1049 MAIN ST - SPRINGFIELD MA |
| Laura Reda |  | 1049 Main St |
| Svetlana Rykoe | S. Rykoe | 1049 Main St |
| Tatiana Zendianova |  | 1049 Main St |
| Jesse Ferguson | Jesse Ferguson | 1049 Main St |
| Evelyn Cruz | Evelyn Cruz | 1049 Main St |
| Olga E. Cappas | Olga E. Cappas | 1049 Main St |
| Techia Francis | Techia Francis | 1049 Main St. |
|  | KUM MURAK | 1049 Main St. |
| Johanna Lopez | Johanna Lopez | 1049 Main St. Springfield, MA. |
| Bhuvan Gantam | Bhuvan Gantam | 1049 main st, Springfield, MA. |
| Russell Sanon | Russell Sanon | 1049 Main St. Springfield MA |
| Tiffany Wilcox | Tiffany Wilcox | 1049 Main St. Springfield MA |
| Chanel Keys | Chanel Keys | 1049 main st. Springfield MA |
| Candy Young | Candy Young | 1049 main St Springfield, MA |
| FARINE MENDOZA | FARINE MENDOZA | 1049 Main St Springfield, MA |

Leisyayeva Yuliya Rusyayeva 21 Carriage House
Enfield, CT 06082.

Gelyshw Nadezhda 49 Kanuda st Indian Orch MA 01157

Emilia Bruno Lucia Bruno 35 Willow St #11412

Nadia Bidzuri 91 Maple st Chicopee

Thurlow, Mary (MGC)

From: MGCcomments (MGC)
Sent: Tuesday, April 19, 2016 11:52 AM
To: Crosby, Steve (MGC)
Cc: Thurlow, Mary (MGC); Ziemba, John S (MGC); Blue, Catherine (MGC)
Subject: FW: 2016 Mitigation Fund Applications / CHC Springfield
Attachments: 2016 Mitigation Fund Support Letter.pdf

Hi Steve,

Please the attached document from State Representative Jose F. Tosado.

Thank you,

Colette Bresilla
Receptionist

Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, Massachusetts 02110
TEL 617.979.8493 | FAX 617.725.0258
www.massgaming.com
FB | TWITTER | YOUTUBE | LINKEDIN | TUMBLR

From: Cruz, Ernesto E (HOU) [<mailto:ernesto.cruz@mahouse.gov>]
Sent: Tuesday, April 19, 2016 10:19 AM
To: MGCcomments (MGC)
Cc: Tosado, Jose - Rep. (HOU)
Subject: 2016 Mitigation Fund Applications / CHC Springfield

Dear Chairman Crosby and members of the Massachusetts Gaming Commission;

Representative Tosado wishes to submit his comments on the 2016 Mitigation Fund Application in support of the City of Springfield's application submission to The Massachusetts Gaming Commission through the Department of Health and Human Services. The application was submitted by Helen Caulton-Harris for \$257,075.00 for The Caring Health Center / Richard E. Neal Complex community health center. Caring Health Center as a community health center is a federally funded facility, overseen by HRSA, a department of Health and Human Services.

Please feel free to contact our office if you have any further questions. Thank you.

Best Regards,

Ernesto Cruz

Ernesto Cruz

Legislative Aide
Office of State Representative Jose F. Tosado
9th Hampden District
State House, Room 34
Boston, MA 02133
State House: (617)722-2320

640 Page Blvd

Suite 108
Springfield, MA 01104
District: (413)788-0683



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

JOSE F. TOSADO

STATE REPRESENTATIVE
NINTH HAMPDEN DISTRICT

STATE HOUSE, ROOM 34
TEL: (617) 722-2320

Committees:
Redistricting
Financial Services
Mental Health and Substance Abuse
Consumer Protection and Professional Licensure

DISTRICT OFFICE
640 Page Boulevard, Suite 108
Springfield, MA 01104
TEL: (413) 788-0883
Jose.Tosado@MAhouse.gov

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110
ATTN: Stephen Crosby, Chairman Massachusetts Gaming Commission

April 18, 2016

RE: 2016 Mitigation Fund Application for CHC Springfield

Dear Chairman Crosby,

I am writing in support of the City of Springfield's 2016 Mitigation Fund application. The Caring Health Center of Springfield has been adversely impacted by the construction related to the MGM project. The patients of the Caring Health Center have faced many obstacles due to parking and traffic in making their appointments, resulting in the loss of revenue, among other impacts, for the organization.

The Caring Health Center has 195 employees who work at the 1049 Main Street location and have an average of 400 patient visits every day. Caring Health provides Medical, Dental, Women/Infants Care, Wellness and a Pharmacy. Furthermore, CHC is the largest employer in the south end of Springfield.

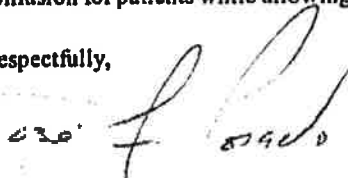
Parking lots in the south end have closed resulting in the loss of thousands of pay to park situations. The remaining lots that are still available have increased the cost of off street parking by approximately 150%. The number of spaces for on street parking and metered parking have been dramatically been reduced, making it very difficult for patients to find adequate parking during their visits. Caring Health serves 31 different cultures and languages that make patient communication very complicated, adding confusion when navigating patients through the constantly changing landscape.

Construction on nearby roads and infrastructure improvements related to the reshaping of the south end of the city have caused the loss of telephone lines and downed computer systems at CHC on various occasions, causing confusion for patients and employees.

Patient surveys by CHC have indicated that traffic and parking issues have directly impacted late and "no-show" appointments. Surveys have shown that patients are getting frustrated with travel in the south end of Main Street.

The best solution to this issue would be to provide full service valet and no cost parking to eliminate the stress and confusion for patients while allowing them to be on time and present for their appointments.

Respectfully,

A handwritten signature in black ink, appearing to read "Jose F. Tosado". The signature is written in a cursive style with a large initial "J".

Jose F. Tosado
State Representative
Ninth Hampden District



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR JAMES T. WELCH
Hampden District

STATE HOUSE, ROOM 416A
BOSTON, MA 02133-1053
TEL. (617) 722-1660

JAMES.WELCH@MASENATE.GOV
WWW.MASENATE.GOV

Chairman
JOINT COMMITTEE ON
HEALTH CARE FINANCING

District Office
32-34 HAMPDEN STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-7756

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

Dear Mr. Crosby:

I write today in support of the City of Springfield's application for assistance from the Gaming Commission's 2016 Community Mitigation Fund, to be directed to The Caring Health Center/Richard E. Neal Complex. Thank you in advance for your consideration of the application.

Construction of MGM Springfield has presented many challenges to The Caring Health Center, specifically as regards parking for its employees and patients. Parking lots have been closed, metered spots have been reduced, and prices to park at the remaining lots have increased dramatically. Patients have reported that this, along with traffic congestion in the neighborhood due to the construction, is a major reason that they are either late for medical and dental appointments, or miss them entirely.

It goes without saying that this has a negative impact on the health of area residents who depend on the Center's care for all of their medical needs. As a community health center, Caring Health has many challenges in providing care to an underserved, diverse population. These challenges are made even greater when the patients face difficulties accessing the site, and may even forego seeking treatment due to logistical complications. Providing a valet service, as the Center proposes in its application, would be an important step toward ensuring continuity of care even in light of the major construction project underway across the street.

I offer my full support of Springfield's request for \$257,075 from the Community Mitigation Fund for The Caring Health Center to provide complimentary valet service. I appreciate your attention to this important matter. Please do not hesitate to contact me should you have any questions or require more information.

Sincerely,

A handwritten signature in blue ink that reads "James T. Welch".

James T. Welch
State Senator
Hampden District

Thurlow, Mary (MGC)

From: djmartilli77@comcast.net
Sent: Friday, April 15, 2016 11:12 AM
To: MGCcomments (MGC)
Cc: djmartilli77@comcast.net Martilli
Subject: 2016 Mitigation Fund Applications / CHC Springfield
Attachments: 20160415094749243.pdf; ATT00001.htm

Forwarded to Steve and copied Mary T./John Z.
Please see attached letter from Mayor Sarno, Springfield, MA.
Thank you.



THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

HOME OF THE BASKETBALL HALL OF FAME

February 1, 2016

Mr. Stephen Crosby, Chair
Massachusetts Gaming Commission
101 Federal Street, 12th - Floor
Boston, MA 02110

Attention: John Ziemba, Ombudsman

Re: 2016 Community Mitigation Fund Application

Dear Mr. Crosby:

Enclosed find an application submitted on behalf of the **Caring Health Center**, Richard E. Neal Community Health Center complex (CHC) located at 1049 Main Street, Springfield, Massachusetts. The application is for Community Mitigation Funds, submitted to the Massachusetts Gaming Commission pursuant to the provisions of Chapter 23K, Section 61 and the guidelines issued thereunder.

The City currently provides grant funds to Caring Health Center through contracts with the City's Health Department and in collaboration with the Springfield Public School Department to address the health needs of the City's low income residents. The construction impacts are negatively impacted the success of those grants and the purpose of this grant request is to obtain Community Mitigation funds needed to enable CHC to properly implement the existing grants from the City of Springfield and successfully meet the grant terms by helping to offset costs related to the construction and operation of the MGM Springfield gaming establishment being constructed in close proximity to CHC.

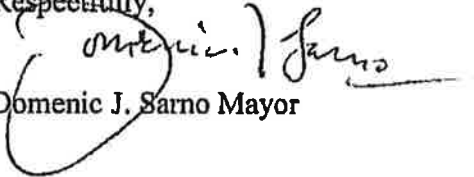
The funds will be used to address the conditions related to construction impacts occurring around CHC, namely utility disruption, elimination of on-street parking during construction and blocked sidewalks, and rising costs of off-street parking.

As a public-serving, federally-designated, nonprofit community health center serving the poor, low-and-moderate income residents and the medically-underserved in Springfield, based in the South End in close proximity to the MGM Springfield construction site, the funds, in accordance with the Massachusetts Gaming Commission Guidelines, will not be used for the direct benefit or maintenance of any private party, but to mitigate impacts for a public purpose.

The CHC is requesting \$257,075 plus \$17,925 for indirect administrative costs based on the City's commitment to help implement a mitigation solution as outlined in the application. The City's Health and Human Services Department will be responsible for overseeing grant administration and compliance 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, in accordance with the terms and conditions of a grant agreement to be executed by the parties.

Thank you in advance for your review and funding of this request.

Respectfully,


Domenic J. Sarno Mayor

cc: Mike Mathis, MGM Springfield
Tania Barber, Caring Health Center
Helen Caulton-Harris, Springfield Health and Human Services

Thurlow, Mary (MGC)

From: Ellen Hafer <ehafer@massleague.org>
Sent: Friday, April 15, 2016 12:37 PM
To: MGCcomments (MGC)
Cc: tbarber@caringhealth.org; Jim Hunt; Kathryn Magnoli; Mary Leary
Subject: Support letter for Caring Community Health Center from MA league of Community Health Centers
Attachments: LOS for Caring Health Center from MLCHC 4-15-16.pdf

Please find attached a support letter for the City of Springfield's Application to the Gaming Commission for mitigation funds.

This is being provided by the Massachusetts League of Community Health Centers, Inc.

Thank you for your consideration.

Ellen

Ellen Hafer
Executive Vice President and COO
Massachusetts League of Community Health Centers, Inc.
40 Court Street 10th Floor
Boston, MA 02108
617-988-2252
Cell 617-980-1922
Fax 617-426-0097
ehafer@massleague.org

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Massachusetts League
of Community Health Centers

April 15, 2016

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

Dear Chairman Crosby:

As the state's primary care association, the Massachusetts League of Community Health Centers (League) is pleased to write a letter of support for the city of Springfield's application to the Gaming Commission for mitigation funds. Specifically the League strongly encourages funding for the Caring Health Center (CHC), a federally qualified community health center, located at 1049 Main Street in the South End, directly across from the casino site.

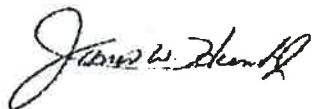
Caring Health Center employs 195 people and averages 400 patient visits daily. Many patients are low-income and speak a primary language other than English. Their ability to access and navigate the health care system is limited to start and the problems resulting from the construction of the casino further exacerbates the situation. CHC is a culturally competent, comprehensive health center providing primary care, oral health care, Women, Infant and Children's Nutritional Services, pharmacy, prevention and wellness and other support services to help individuals and families achieve optimal health.

Caring Health Center patient and employee parking costs have increased 100% while the availability of on and off street parking has diminished. Additionally metered parking and free parking has been dramatically reduced making it very difficult for patients to access CHC. Patient surveys conducted by CHC have documented traffic, road closures and parking issues directly impacted late and no-show appointment rates because of patients' frustration with this situation.

Constructions on roads and infrastructure improvements related to the reshaping of Springfield's South End have caused a disruption in telephone and internet services on multiple occasions as well. This has confused patients when trying to contact CHC for their health needs and contributes to patients' stress.

Caring Health Center has proposed a well-constructed solution to provide valet parking at no cost for patients and off-site parking for employees. This is essential in order to continue to provide care for the most vulnerable residents of Springfield and surrounding communities. We support the city's application and strongly encourage a favorable review.

Sincerely,



James W. Hunt, Jr.
President and CEO

Cc: Tania M. Barber
President/CEO Caring Health Center

Good health. Right around the corner.

40 Court Street, 10th Floor
Boston, MA 02108
phone 617-426-2223
fax 617-426-0097
www.massleague.org

Thurlow, Mary (MGC)

From: Finn, Michael (HOU) <michael.finn@mahouse.gov>
Sent: Friday, April 15, 2016 2:36 PM
To: MGCcomments (MGC)
Cc: djmartilli77@comcast.net
Subject: 2016 Mitigation Fund Applications / CHC Springfield
Attachments: CHC Support Letter.jpg

Forwarded to Steve and copied John Z. and Mary T.

Dear Mr. Crosby,

The City of Springfield submitted an application to The Massachusetts Gaming Commission 2016 Community Mitigation Fund through the Department of Health and Human Services, Helen Caulton-Harris for \$257,075.00 for The Caring Health Center / Richard E. Neal Complex community health center. CHC as a community health center is a federally funded facility overseen by HRSA, a department of Health and Human Services.

Reason for the request to Mass. Gaming is the current losses and impacts arising from the construction of MGM's casino construction in Springfield's south end resulting in adverse impacts encountered by patients getting to the 1049 Main Street facility for medical / dental appointments. Parking lots in the south end have closed, resulting in the loss of thousands of pay to park situations.

Those lots that are still available have increased the cost of off street parking by approximately 150%. On street parking / meters have been dramatically been reduced making it very difficult for patient parking. CHC serves 31 different cultures and languages that make patient communication very complicated and adds to confusion with the constantly changing landscape.

Patient surveys by CHC have indicated that traffic and parking issues have directly impacted late and no show appointments and patients getting frustrated with travel in the south end of Main Street. The solution is to provide full service valet no cost parking to eliminate stress and confusion for patients while allowing on time patient visits. The Caring Health Center generates an average of 400 patient visits every day. CHC provides Medical, Dental, Women/Infants Care, Wellness and a Pharmacy. The CHC is an integral part of the Springfield area and making sure that all of its citizens are able to have their healthcare needs met.

The Caring Health Center does tremendous work for our community and is being negatively impacted by the construction of the casino. This funding would be helpful to the facility and allow them to continue to provide their essential services to their patients.

Respectfully,

Mike

Michael J. Finn
State Representative
6th Hampden District
71 Park Avenue
West Springfield, MA. 01089
(413)363-1965



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

MICHAEL J. FINN
STATE REPRESENTATIVE
67th HAMPDEN DISTRICT

STATE HOUSE, ROOM 134
BOSTON, MA 02133 1054

TEL (617) 722 2400

Michael.Finn@MAhouse.gov

DISTRICT OFFICE
(617) 363-1965

Dear Mr. Crosby,

Vice Chair
Transportation

Ways and Means
Health Care Financing
Tourism, Arts and
Cultural Development

The City of Springfield submitted an application to The Massachusetts Gaming Commission 2016 Community Mitigation Fund through the Department of Health and Human Services, Helen Caulton-Harris for \$257,075.00 for The Caring Health Center / Richard E. Neal Complex community health center. CHC as a community health center is a federally funded facility overseen by HRSA, a department of Health and Human Services.

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The Caring Health Center does tremendous work for our community and is being negatively impacted by the construction of the casino. This funding would be helpful to the facility and allow them to continue to provide their essential services to their patients.

Respectfully,

Michael J. Finn





THE COMMONWEALTH OF MASSACHUSETTS
GOVERNOR'S COUNCIL
ROOM 184 • STATE HOUSE • BOSTON, MA 02133
(617) 725-4015

MICHAEL J. ALBANO
GOVERNOR'S COUNCILLOR
EIGHTH DISTRICT

March 31, 2016

2016 MAR 31 AM 10:33

John Ziemba, Ombudsman
Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

Dear Mr. Ziemba,

I write regarding the January 21, 2016 request by the Hampden County Sheriff's Department seeking Community Mitigation Funds for the proposed relocation of the Western Mass Correctional Alcohol Center.

Allow me to state my opposition to this request.

The Commission should be aware of pending litigation regarding the process and procedures used by DECAMM to award a contract to Mill Street Iconic, LLC. Specifically, and without detailing the complaints:

- There is a pending action before the Springfield Zoning Board of Appeals by abutters to the proposed Mill Street location for WMCAC. Should the petition by the Plaintiffs fail, a Motion for a Temporary Restraining Order has been prepared for Hampden County Superior Court.
- The Plaintiffs have also filed complaints with the Massachusetts Commission Against Discrimination; and
- The US Department of Housing and Urban Development; and
- The State Ethics Commission; and
- The original WMCAC bid site and complaint by residents of Springfield's North End for Wason Avenue remains active and under review in Hampden County Superior Court.

It should be further noted as a candidate for Sheriff of Hampden County, I have notified DECAMM that Mill Street will not be used as a correctional center, or for any program purpose should my campaign be successful, beginning in January, 2017, thus voiding the lease.

Under my administration as Sheriff, the WMCAC will be housed on the campus of the Ludlow correctional complex, thereby negating any lease payments.

The Commission should also be aware, according to published reports, MGM has made relocation dollars available to the Sheriff's Department; and the WMCAC has been relocated to Holyoke and is fully operational.

Finally, an offset of revenues from one state entity to another appears inconsistent with mitigation guidelines.

Based on these actions, I urge the Commission to hold the request by Sheriff Michael Ashe in abeyance until all litigation and related matters are resolved.

Sincerely,



Michael J. Albano
Councillor

Thurlow, Mary (MGC)

From: Ziemba, John S (MGC)
Sent: Tuesday, July 19, 2016 4:34 PM
To: Thurlow, Mary (MGC)
Subject: FW: 3 Photos Today

From: djmartilli77@comcast.net [<mailto:djmartilli77@comcast.net>]
Sent: Friday, July 15, 2016 9:40 AM
To: Ziemba, John S (MGC)
Cc: Tania Barber
Subject: 3 Photos Today

John,
Good Morning.

Attached please find 3 photos taken this morning on Park Street, Springfield MA on the side of the Caring Health Center / Community Health Center facility. The existing condition just happen this morning, the front of the 1049 Main Street or the main CHC entrance is also barricaded / blocked on the health care side of Main Street. WIC is the Women and Infants area, this is where pregnant women and mothers with young children come for medical help. The health center WIC program usually has around 75 appointments of the 400 patient visits per day at the center.

This is why we need the Mass Gaming Commission to come to the aid of the medically underserved and fund the request by the City of Springfield and CHC for valet service from the Mitigation Fund.

Thank you.
Best,
Dean Martilli





Thurlow, Mary (MGC)

From: Ziemba, John S (MGC)
Sent: Tuesday, July 19, 2016 4:35 PM
To: Thurlow, Mary (MGC); Blue, Catherine (MGC); Delaney, Joseph E. (MGC); Lennon, Derek (MGC)
Subject: FW: MGM Springfield: Parking Along Main Street: Construction Activity Update

From: djmartilli77@comcast.net [<mailto:djmartilli77@comcast.net>]
Sent: Friday, June 17, 2016 11:02 AM
To: Ziemba, John S (MGC)
Cc: Helen Caulton; Tania Barber; Blue, Catherine (MGC); Lennon, Derek (MGC); Delaney, Joseph E. (MGC); Jasmine Naylor; mccabe plan-do.com; mmathis@mgmspringfield.com; Joy Martin; Frank Kostek; Thurlow, Mary (MGC)
Subject: Fwd: MGM Springfield: Parking Along Main Street: Construction Activity Update

John,

Good Morning.

Thank you for yesterdays conference call in order to clarify the request from the City of Springfield for "Community Mitigation Funds" to help patients receive medical and dental care in addition to assist approximately 200 staff have daily parking.

I received the email below late yesterday from Joy Martin, Davenport regarding water main construction on Main Street. The Community Health Center is at 1049 Main Street smack in the middle of the construction zone. We have approximately 400 patient visits each weekday and open on Saturday's, this construction creates a major disruption of health care in the community. As we spoke of disruptions and the ability to deliver health care yesterday I believe this is a perfect example to substantiate our claims.

The Caring Health Center embraces the MGM Casino project understanding that construction issues will happen however, MGM Springfield provided funding to help offset construction issues in the community and we are deserving of "Community Mitigation Funds" that the Mass Gaming Commission holds the purse strings.

Additionally please remember that the City of Springfield submittal provided support documentation from Mayor Sarno, MGM Springfield President Michael Mathis, All 13 Springfield City Councilors, State Senator's Welch and Lesser, State Representative's Swan, Finn, Tosado, and Gonzalez, Chamber of Commerce President Jeff Cuiffreda, President / CEO Massachusetts Health Centers James Hunt, Eight Board Members of Caring Health Center, 164 employees of Caring Health Center and 1,113 current patients of the Caring Health Center.

John, Thank you once again, I look forward to receiving your follow up questions on the integrity of the request for 2016 Community Mitigation Funds for the greater Springfield Community.

Have fun this weekend.

Best,
Dean

Dean J. Martilli
MARTILLI & ASSOCIATES

(404) 964-1876 m
djmartilli77@comcast.net



Begin forwarded message:

From: Joy Martin <jmartin@dnvpt.net>
Subject: **MGM Springfield: Parking Along Main Street: Construction Activity Update**
Date: June 16, 2016 4:22:45 PM EDT
To: jmartin@dnvpt.net
Bcc: djmartilli77@comcast.net

Below is an immediate construction activity update. As always please contact me with any questions or concerns.

Thanks

Installation of water main bypass is scheduled to begin the week of June 20th. Parking along the easterly side of Main Street between State Street and Union Street will be discontinued while this work is being performed in order to maintain two-way traffic on Main Street. A police detail will be present. This work is anticipated to proceed throughout the summer.

Joy Martin
Davenport
100 Franklin Street
Suite 901
Boston, MA 02110
617-986-0000 (main)
617-986-0013 (direct)
617-548-8410 (cell)
jmartin@dnvpt.net

Thurlow, Mary (MGC)

From: Ziemba, John S (MGC)
Sent: Tuesday, July 19, 2016 4:35 PM
To: Thurlow, Mary (MGC); Blue, Catherine (MGC); Delaney, Joseph E. (MGC); Lennon, Derek (MGC)
Subject: FW: 1049 Main St. MGM & Springfield Construction Photos

From: djmartilli77@comcast.net [<mailto:djmartilli77@comcast.net>]
Sent: Tuesday, July 05, 2016 3:34 PM
To: Ziemba, John S (MGC)
Cc: Tania Barber
Subject: Fwd: 1049 Main St. MGM & Springfield Construction Photos

John,

Good Afternoon, hope you had a fantastic Holiday.

I received the photos as seen below that show the conditions today on Main Street, Springfield that the Caring Health Center / Community Health Center is currently serving it's patient caseload. Point of information only.

Thank you.
Best,
Dean

Dean J. Martilli
MARTILLI & ASSOCIATES
(404) 964-1876 m
djmartilli77@comcast.net



Begin forwarded message:

From: Jose Rivera <jrivera@caringhealth.org>
Subject: 1049 Main St. MGM & Springfield Construction Photos
Date: July 5, 2016 1:45:53 PM EDT
To: djmartilli77@comcast.net, Jacqueline Johnson <jjohnson@caringhealth.org>, Cassidy Hayes <chayes@caringhealth.org>, Jasmine Naylor <jnaylor@caringhealth.org>

These photos were taken at 1049 Main Street, Springfield, MA 01103 at 9 am

The road construction obstructs parking and easy access for patients to reach Caring Health Center on a daily basis. All future photos will be referred to Jacqueline Johnson (COO) Chief Operations Officer in regards to this concern.



Thank you











Our mission is to provide health care for the ill, to comfort the sick, and to bring the highest level of health care to all. Your donation has given us the ability to remain good stewards of that mission. Thank you for believing in us! - to continue giving -

<http://valleygives.razoo.com/story/Caring-Health-Center>

For more information about Valley Gives, visit www.valleygivesday.org.
To learn more about Caring Health Center, <http://caringhealth.org>.

MEMBERSHIP OF GAMING POLICY ADVISORY COMMITTEES



GAMING POLICY ADVISORY COMMITTEE

The Gaming Policy Advisory Committee is comprised of the Commission chair, Governor's designee as chair, 2 members of the Senate, 2 members of the House, the Commissioner of the Dept. of Public Health or designee, and 8 persons appointed by the Governor (3 gaming licensees, a federally recognized Indian tribe, organized labor, and 3 from the vicinity of each gaming establishment (**host and surrounding communities**)).

COMMUNITY MITIGATION ADVISORY SUBCOMMITTEE

The Community Mitigation Advisory Subcommittee is comprised of members from **each host community**, a Commission representative, a Department of Revenue representative, a Massachusetts Municipal Association, **one member from each local community mitigation advisory committee** and three appointed by the Governor: (i) a community mitigation professional; (ii) a host community small business owner; and (iii) a chamber of commerce member.

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION A - EVERETT

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION B - SPRINGFIELD

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION C -

Each local committee is comprised of a representative from each **host and surrounding community**, each RPA region, and four Commission appointees from the region (a representative from a Chamber of Commerce, an economic development organization and 2 human service providers). Each local committee shall annually elect 1 committee member from those members appointed by surrounding community to represent the local committee in the subcommittee on community mitigation.



Massachusetts Gaming Commission

ROLES AND MEMBERSHIP OF GAMING POLICY ADVISORY SUBCOMMITTEES ON ADDICTION SERVICES AND PUBLIC SAFETY



GAMING POLICY ADVISORY COMMITTEE

The Gaming Policy Advisory Committee is comprised of the chair of the Commission, Governor's designee as chair, 2 members of the Senate, 2 members of the House, the Commissioner of the Dept. of Public Health or designee, and 8 persons appointed by the Governor (3 gaming licensees, a federally recognized Indian tribe, organized labor, and 3 from the vicinity of each gaming establishment (**host and surrounding communities**)).

MEMBERS OF SUBCOMMITTEE ON ADDICTION SERVICES

The Subcommittee on Addiction Services is comprised of 5 members: a representative from the Department of Public Health's Bureau of Substance Abuse Services; a representative from the Massachusetts Council on Compulsive Gambling, Inc.; a representative of the Commission; and 2 members appointed by the Governor with professional experience in the area of gambling addictions.

ROLE OF SUBCOMMITTEE ON ADDICTION SERVICES

The Subcommittee shall develop recommendations for regulations to be considered by the Commission in addressing issues related to addiction services as a result of the development of gaming establishments in the Commonwealth including, by not limited to, prevention and intervention strategies.

MEMBERS OF SUBCOMMITTEE ON PUBLIC SAFETY

The Subcommittee on Public Safety is comprised of 7 members: a Commission member, the Secretary of Public Safety or designee, the Attorney General or designee, a representative from the Massachusetts District Attorney Association, the Colonel of the State Police or a designee, a representative from the Massachusetts Chiefs of Police Association, and a representative of a public safety labor union.

ROLE OF SUBCOMMITTEE ON PUBLIC SAFETY

The Subcommittee shall develop recommendations for regulations to be considered by the Commission to address public safety issues as a result of the development of gaming establishments in the Commonwealth including, but not limited to, ways to mitigate the impact of gaming establishments on crimes committed in the Commonwealth. The Subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the Commonwealth.



Massachusetts Gaming Commission

ROLES OF GAMING POLICY ADVISORY COMMITTEES



GAMING POLICY ADVISORY COMMITTEE

The Committee shall designate subcommittees to examine community mitigation, compulsive gambling, and gaming impacts on cultural facilities and tourism. The Committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The Committee shall advise the Commission on the development of its annual gaming research agenda.

COMMUNITY MITIGATION ADVISORY SUBCOMMITTEE

The Subcommittee shall develop recommendations to address community mitigation issues including but not limited to how funds may be expended from the Community Mitigation Fund and the impact of gaming establishments on the host and surrounding communities. The Subcommittee will receive input from Local Community Mitigation Advisory Committees; review annually the expenditures of Community Mitigation Funds and propose regulations to the Commission upon which the Subcommittee shall review prior to promulgation.

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION A - EVERETT

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION B - SPRINGFIELD

LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE REGION C -

Each Local Community Mitigation Advisory Committee may provide information and develop recommendations for the Community Mitigation Advisory Subcommittee on any issues related to the gaming establishment located in its region including, but not limited to: (i) issues of community mitigation; (ii) ways in which funds may be expended from the Community Mitigation Fund; and (iii) the impact of the gaming establishments on the host and surrounding communities. Additionally, each Local Community Mitigation Advisory Committee may present information to the Commission consistent with the rules of the Commission on any issues related to the gaming establishment located in its region.



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



M.G.L. Chapter 23K, Section 68

Section 68. (a) There shall be a gaming policy advisory committee to consist of the governor or the governor's designee, who shall serve as chair, the commission chair, 2 members of the senate of whom 1 shall be appointed by minority leader, 2 members of the house of representatives of whom 1 shall be appointed by the minority leader, the commissioner of public health or the commissioner's designee and 8 persons to be appointed by the governor, of whom 3 shall be representatives of gaming licensees, 1 shall be a representative of a federally recognized Indian tribe in the commonwealth, 1 shall be a representative of organized labor and 3 shall be appointed from the vicinity of each gaming establishment, as defined by the host community and surrounding communities, upon determination of the licensee and site location by the commission. The committee shall designate subcommittees to examine community mitigation, compulsive gambling and gaming impacts on cultural facilities and tourism. Members of the committee shall serve for 2-year terms. The committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The recommendations of the committee concerning gaming policy made under this section shall be advisory and shall not be binding on the commission.

(b) There shall be a subcommittee on community mitigation under the gaming policy advisory committee consisting of 12 members, 1 of whom shall be appointed from the host community in region A, 1 of whom shall be appointed from the host community in region B; 1 of whom shall be appointed from the host community in region C, 1 of whom shall be a representative from the department of revenue's division of local services, 1 of whom shall be a representative of the commission, 3 of whom shall be appointed by the governor, of whom 1 shall have professional experience in community mitigation related to gaming, 1 shall be a small business owner in a host community and 1 shall be a representative from a chamber of commerce serving a host community who shall be chosen from a list of 3 candidates selected by the chambers of commerce in the surrounding communities, 1 of whom shall represent the local community mitigation advisory committee in region A, 1 of whom shall represent the local mitigation advisory committee in region B, 1 of whom shall represent the local mitigation advisory committee in region C and 1 of whom shall be a representative from the Massachusetts Municipal Association. The subcommittee shall develop recommendations to be considered by the commission to address issues of community mitigation as a result of the development of gaming establishments in the commonwealth including, but not limited to, how funds may be expended from the Community Mitigation Fund, the impact of gaming establishments on the host community and surrounding communities including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and ways to address that impact. The subcommittee shall receive input from local community mitigation advisory committees. The subcommittee shall review annually the expenditure of funds from the Community Mitigation Fund and make recommendations to the commission relative to appropriate and necessary use of community mitigation funds. The commission may promulgate such



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regulations as advised by the subcommittee; provided, however, that the commission shall submit proposed final regulations to the subcommittee for comment 30 days before promulgation.

(c) There shall be a subcommittee on addiction services under the gaming policy advisory committee consisting of 5 members, 1 of whom shall be a representative from the department of public health's bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts Council on Compulsive Gambling, Inc., 1 of whom shall be a representative of the commission and 2 of whom shall be appointed by the governor with professional experience in the area of gambling addictions. The subcommittee shall develop recommendations for regulations to be considered by the commission in addressing issues related to addiction services as a result of the development of gaming establishments in the commonwealth including, by not limited to, prevention and intervention strategies.

(d) There shall be a subcommittee on public safety under the gaming policy advisory committee consisting of 7 members, 1 of whom shall be a member of the commission, 1 of whom shall be the secretary of public safety or the secretary's designee, 1 of whom shall be the attorney general or the attorney general's designee, 1 of whom shall be a representative from the Massachusetts District Attorneys Association, 1 of whom shall be the colonel of state police or the colonel's designee, 1 of whom shall be a representative from the Massachusetts Chiefs of Police Association and 1 of whom shall be a representative of a public safety labor union. The subcommittee shall develop recommendations for regulations to be considered by the commission to address public safety issues as a result of the development of gaming establishments in the commonwealth including, but not limited to, ways to mitigate the impact of gaming establishments on crimes committed in the commonwealth. The subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the commonwealth.

(e) Each region, as defined in section 19, may establish a local community mitigation advisory committee, which shall include not fewer than 6 members, 1 of whom shall be appointed by each of the host and surrounding communities, 1 of whom shall be appointed by each regional planning agency to which at least 1 of the host or surrounding communities belongs and 4 of whom shall be appointed by the commission, of whom at least 1 shall represent a chamber of commerce in the region, 1 shall represent a regional economic development organization in the region and 2 shall represent human service providers in the region. Each local committee shall annually elect a chair and such other officers as it deems necessary to carry out its duties. Each local committee shall annually elect 1 committee member from those members appointed by surrounding communities to represent the local committee in the subcommittee on community mitigation under subsection (b).

Each local community mitigation advisory committee may provide information and develop recommendations for the subcommittee on community mitigation on any issues related to the gaming establishment located in its region including, but not limited to: (i) issues of community mitigation; (ii) ways in which funds may be expended from the Community Mitigation Fund; and (iii) the impact of the gaming establishments on the host and surrounding communities. Additionally, each local community mitigation advisory committee may present information to the commission consistent with the rules of the commission on any issues related to the gaming establishment located in its region.



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Gaming Policy Advisory Committee - technical fix

FY17 Budget – Section 40 of Senate 2305, held in Conference Committee.

Section 40. Section 68 of chapter 23K of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end the following paragraph:

(f) A municipal employee serving as a member of an advisory committee or subcommittee created by this section shall not violate section 4 of Chapter 268A by expressing the views of his employing municipality or regional planning agency during committee or subcommittee meetings or by receiving his usual compensation as a municipal employee or by performing the usual duties of his municipal employment, including acting as an agent or attorney for the municipality or regional planning agency, in relation to particular matters in which he participated or which are, or in the prior year have been a subject of his official responsibility as a member of the advisory committee or subcommittee or which are pending before the advisory committee or subcommittee.

No Documents

E-Sports Gambling Site Took \$13.2 Million in Bets Post-Crackdown

Eben Novy-Williams
novy_williams

Joshua Brustein
joshuabrustein

July 29, 2016 — 9:06 AM EDT

Two weeks after game-maker Valve tried to stop a rapidly growing form of unregulated gambling on professional video gaming, the most popular gambling sites are still taking millions of dollars worth of bets.

On the biggest betting hub, CSGOLounge, gamblers have wagered more than \$13.2 million worth of virtual goods since July 13, when Valve said it would stop websites from allowing its products to be used as currency. The average amount of money bet on each game is down about 25 percent, according to gambling monitor Genius Sports.

Valve's cease-and-desist letter said the sites are violating the company's terms of service by using its software to facilitate betting and must stop by Friday, July 29.

The announcement sent ripples through this dark corner of the e-sports world. Bettors, many of whom are teenagers, were on pace to wager \$7.4 billion on these sites this year -- 12 times as much as estimated e-sports betting at regulated sports books, according to Eilers & Krejcik Gaming and Narus Advisors.

CSGOLounge isn't the only such site still operating, though bettors' options are shrinking. A number of sites have shut down, including CSGOCasino and CSGOFast, while others, like CSGOBig and CSGOCrash said they intended remain in business with a new model that meets Valve's demands.



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Gamblers bet with what are called skins -- virtual items, like decorative weapons, that can be acquired by playing Valve's games or bought through a marketplace called Steam, which is run by Valve. Players can take their skins to other sites to bet them, or trade them for cash, and the two biggest exchanges said they'd remain open. "In-game digital items is

Sign Up

..... a \$20 billion global business. That is not going away," said Artur Minacov, co-founder of OPSkins, one of those marketplaces.

Long silent on the topic, Valve on July 13 announced that it would crack down on the gambling websites. Six days later, a Valve lawyer sent a cease-and-desist letter to 23 sites, telling them they violated the terms of Valve's software. Neither a Valve spokesman or the lawyer responded to requests for comment.

Valve is facing two potential class action lawsuits brought by people who say they've lost money gambling with skins. Valve this week responded to the first, asking for the case to be moved from Connecticut to Washington state. Valve also said it has no business relationship with the sites and that they misuse the company's software.

Amazon's Twitch.tv, one of the largest online streaming websites, is also separating itself from the third-party gambling sites. The network **announced** that it would no longer allow people to promote or play on the skins sites using its service, cutting off a valuable marketing stream for these sites, and a source of income for many e-sports personalities.

Meanwhile, the most mainstream corner of professional CS:GO play appears to be unfazed. Twitter announced Thursday that professional CS:GO would be its first ever live e-sports broadcast, part of a deal to show the semifinals and finals of ELeague. In its first year of operation, ELeague is a joint venture between WME-IMG and Turner Broadcasting.



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Does eSports need regulation?



by Alex Calvin

Friday, July 29th 2016 at 11:57AM BST



More people are watching eSports, and for longer periods of time.

Triple-A publishers are investing heavily in the space. And the prize pools are growing in size, with players competing for massive piles of cash.

As these sums grow, so does the pressure and desire to win. To this end, we've seen reports of players using drugs such as ADHD medication Ritalin to aid focus, or utilising software to hamper their opponents.

Thus the question of whether pro-gaming requires regulation has arisen. Various bodies have been founded in order to keep an eye on the eSports scene, including World eSports Council, the World eSports Association and, recently, eSports Integrity Coalition.

Meanwhile, government organisations like the UK Gambling Commission as well as DCMS are looking into the sector in the UK. In Korea, where pro-gaming is almost the country's national sport, the sector is looked after by KeSPA – an organisation with strong ties to the region's government and police.

"eSports needs regulation in a very specific way," says eSports Integrity Coalition's (ESIC) integrity commissioner Ian Smith. "I don't believe that eSports needs governance in the broad sense of a FIFA-type organisation. eSports doesn't work that way. It's more akin to an Olympics because it involves 20 different sports. There's no crossover between Counter-Strike and League of Legends, yet they fall under the same banner.

"What eSports does need is regulation in certain, specific areas. For example, it should try to address things like child protection and issues around that because we have a lot of young participants. But what ESIC is focused on is integrity. In particular, we're very focused on cheating. There's 'cheating to win', using software or hampering your opponent with DDOS attacks and online attacks, or doping – ways of trying to win unfairly. There's also 'cheating to lose', match fixing and betting fraud, which is the danger that eSports has not properly confronted and is not adequately geared up to deal with. That's a problem for everybody, this isn't a problem that's unique to one game or one organiser or one publisher or one book maker. This is a common problem."



Gambling and drugs are the two areas that Andrew Nixon, partner at law firm Sheridans, identifies as big potential issues.

"Integrity is a key part of any industry, in particular one in which betting markets exist," he says. "That's true of both traditional sports and eSports. By next year it is anticipated that all major bookmakers will offer markets on pro-gaming events – that creates commercial opportunities, but it opens the industry up to the risk of match manipulation.

"Another area is doping: it is different in eSports compared with traditional sports, with the issues revolving around psycho stimulants and relaxants rather than physical enhancers, but it is an issue that needs to be regulated. I don't see it being as big an issue as match manipulation, but it must not be forgotten."

However, Peter Lewin, an associate at law firm Purewal and Partners, believes some of these problems have been overblown: "In some form, on certain issues, eSports probably does require regulation. While anti-doping and match-fixing are often flagged by the media as two of the key areas requiring regulation in eSports, there's little evidence that either of these are actually systemic problems within the industry. Other areas that are actually more at the forefront of recent eSports problems include player protections, tournament organisation and visa issues.

"Does regulation mean 'legal' regulation or involvement by government? Not necessarily. What's important is that the right parties are being involved in the right discussions on the right issues, since at the moment no single body within eSports is in a position to address all of these alone."



Spike Laurie, the boss of pro-gaming league ESL, agrees that eSports needs to be monitored, but not by an outside force. He believes that the industry is already doing a good job of keeping its house clean.

"Regulation is not required," he says. "The industry itself is setting best practice and that's really important because in this instance, a hands-off approach is working in terms of regulation. The industry is self-regulating and doing what's best for eSports and what's best for the players."

This is a view shared by Gfinity CEO Neville Upton: "We have our own rule set for each game. We have our Gfinity Code of Conduct. We have very high standards and rigorous checks with our online anti-cheat systems. We have over 100 admins and they are very well trained so they can properly adjudicate on games. At the moment we're just building our own standards. We'd like to share those with other tournament operators."

"We probably need a UK body and an international body where we can all put in our ideas, that way you have someone independently taking all those pooled ideas and making decisions. Let's hope we can get to a commonality over time."

Much like their 'traditional' sporting counterparts, eSports firms want to attract big sponsors, such as the Cokes and Visas of the world, and Smith insists that some form of regulation in the space will make pro-gaming more attractive to these bigger corporations.

"I don't believe that eSports needs governance in the broad sense of a FIFA-type organisation. eSports doesn't work that way. It's more akin to an Olympics because it involves 20 different sports."

Ian Smith, ESIC

"eSports' demographic and numbers indicate that it should have 30 and 40 per cent non-endemic sponsors, the likes of Emirates, Coke, Toyota, Visa, Mastercard, AMEX and so on," Smith says.

"But eSports has less than five per cent. The biggest reason for this is a complete lack of regulation, in particular, around integrity issues. Major sponsors have been stung by scandals, like FIFA, in the past.

"They want to promote their brand, but also want to protect it. They are fearful of eSports because it has none of these protections in place. So when salesmen say: 'Look at our brilliant numbers', the reply is: 'I like those numbers but I don't understand your broadcast method as you're not on TV and I don't understand how you reach your market'. The other is: 'Where is my protection?'. It was blindingly obvious to me when I started this exercise that putting something like this in place should give potential sponsors more confidence in what eSports is doing."

The fact that the industry is growing up and approaching things with a greater deal of professionalism is something that Purewal's Lewin is keen to highlight.

"While eSports regulation is a worthwhile topic of discussions it's important not to forget the massive leaps that the industry has made in terms of professionalisation," he says. "We now have eSports appearing on places like ESPN, we have larger tournaments, prize pools and player salaries, there has been an influx of non-endemic investment both in terms of sponsors and team owners, and an increase in the involvement of traditional business advisers."

"Although there is room for improvement, there's certainly already a lot to celebrate."

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Game-Maker Valve Moves to Choke Off \$7.4 Billion Gambling Market

Joshua Brustein Eben Novy-Williams
joshuabrustein novy_williams

July 13, 2016 — 6:18 PM EDT

Facing a wave of criticism and legal action, video game maker Valve is walking away from the rapidly expanding gambling ecosystem that has evolved around its games, potentially destroying an industry that was expected to take \$7.4 billion in bets this year.

The Bellevue, Wash.-based company says it will crack down on websites that use Steam, Valve's gaming software, to facilitate gambling, a reversal from its previous support of those sites.

"We'd like to clarify that we have no business relationships with any of these sites," said Erik Johnson, a company spokesman, in a statement. "We are going to start sending notices to these sites requesting they cease operations through Steam."

In April, a Bloomberg investigation **raised questions about Valve's relationship** with the sites, which are particularly popular among underage gamers. "This is long overdue," said video game attorney Ryan Morrison of Morrison & Lee LLP. "I'm very tired of getting e-mails saying, 'I'm 15 and lost a thousand dollars on a Counter-Strike gambling website.'"

For about five years, Valve has encouraged players of games like Dota 2 and Counter-Strike: Global Offensive to collect virtual items like decorative weapons. These weapons can be acquired through game-play or purchased through Steam. Users can also trade the items (known as skins), or sell them for cash or use them to place bets on other websites, all of which rely on Valve's software to operate.

Valve now says using its software in this way violates its terms and services. "From what I can see this appears to be the beginning of the end of widespread skins gambling," said Chris Grove, an author of a recent report on skins gambling.

Writing for Eilers & Krejcik Gaming and Narus Advisors, Grove and his colleagues estimated that the \$7.4 billion in skins gambling this year would measure 12 times the amount gambled in cash through established books like Ladbrokes or Bet365. Left unchecked, skins gambling could grow as high as \$22.6 billion in 2020, the report says.

Valve's move to shut this market down could have strong repercussions for the company and the

legions of mostly young men who play its games. An open secret in the gaming world, skins gambling was widely credited for turning Counter-Strike into one of the world's most popular titles for competitive video gaming. When Turner Broadcasting and WME/IMG created an e-sports league for prime-time television this spring, the game it chose was CS:GO.

As for the players who have amassed caches of skins worth real money, Valve's Johnson said, "Users should probably consider this information as they manage their in-game item inventory and trade activity."

Last month, a Connecticut man **sued Valve in a potential class-action suit** that drew heavily from Bloomberg's investigation. A second suit quickly followed in Florida. The company must respond to the first complaint in the next several days.

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In addition to legal action, the world of skins gambling drew new fire in the past few weeks with two separate, high-profile revelations. CS:GO Diamonds, a site where gamers use skins to bet on virtual dice rolls, admitted to tipping a sponsored player to make the site look more exciting to his half-million followers. Mohamad 'm0E' Assad, a player, broadcaster and online personality, admitted that he used the advance knowledge to win on the site.

At the beginning of this month, a pair of popular esports YouTube personalities, Trevor 'TmarTn' Martin and Tom 'ProSyndicate' Cassell, were revealed to be part-owners of a skins gambling site that they promoted in their videos. Both had posted videos of them winning large amounts in skins on the site CSGO Lotto, without disclosing that they were involved in creating the site.

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calvinayre.com

eSports and Skin Gambling: The Elephant in the Room

Mark McGuinness

July 11, 2016



This is a guest contribution by Mark McGuinness, co-founder of [esportsbet](http://esportsbet.com). If you would like to submit a contribution please contact [Bill Beatty](mailto:bill@esportsbet.com) for submission details. Thank you.

Over the last few months, the intersection between competitive video gaming and [eSports](http://esportsbet.com) with gambling has gone into proverbial overkill. More and more mainstream gambling operators are adding eSports betting services to their 24-hour betting options menu.

However, the evitable has happened. The murky world of Skin Gambling on popular eSports game franchises has blown up just like one of the characters in Counter-Strike: Global Offensive (CS: GO). Are we witnessing another Daily Fantasy Sports styled backlash from conservative regulators looking to quash a flourishing albeit yet unregulated activity? Industry eSports and digital betting consultant [Mark McGuinness](#) explains.

Yes, folks, the elephant in the room, has well and truly stampeded into the world of eSports, and it's the evil twin in some quarters referred to as skin gambling or skin trading.



Firstly let's recap on what skin gambling or trading is? Skin Trading is an economy built around the buying and selling of decorative virtual in-game items or more commonly referred to as 'skins' that can be acquired in the video game and sold for real money.

Skins are central to the actual player and game experience for the titles by American video game developer and digital distribution company, Valve, who introduced them a few years ago via their digital marketplace platform called Steam.

The company which is located in Washington and is the maker of the immensely popular video game franchises such as Dota 2 and Team Fortress. The jewel in their crown CS: GO (Counter-Strike Global Offensive) has sold 21 million copies of the game and made \$567 million in total revenue for Valve, provides an idea as to how popular and lucrative these games are.

Skin gambling or skin trading has given rise very quickly to prodigious eBay style community marketplaces which are connected indirectly to Valve's Steam platform via API technology. These platforms of which there are many like CSGO Lounge, CSGO Diamonds and OPSkins provide the ability to buy and sell 'skins', such as knives, guns related to the video games Counter-Strike, Dota 2 and Team Fortress 2. The players use or transfer their skins from Valve's Steam platform and can then bet these in-game skins in tote pools, either on the outcome of eSports matches or in casino style jackpots on the likes of CSGO Lounge, CSGO Diamonds or OPSkins. They generate millions of dollars in betting trades per day.

The actual market size is difficult to determine as most of the skin trading platforms are unregulated, but some industry observers including Bloomberg suggested that the skins market in 2015 was worth \$2.3billion with some 3million plus active players. The stats are significant and growing. If we take OPSkins, of which their website publishes user data, they had 1,845,384 players total to date and 8,482 players active in the last 48 hour period. You can visit the site to see the real-time stats yourself, the skins listed, of which over 881,447 skins sold each week. Skins can go for a couple

of dollars to thousands of dollars, with thousands of transactions a day and OPSkins is just one of hundreds of similar sites.

Regarding the money flow and economics, its supply and demand. The majority of these skin platforms accept and cash-out daily using Bitcoin as the digital currency of choice to facilitate the trading activities taking place on the platform.

The elephant in the room

In somewhat striking similarity to how insider trading brought about the implosion of Daily Fantasy Sports in the USA, a similar series of unfortunate events has arisen in eSports and Skin Gambling. A games player named Michael John McLeod recently filed a lawsuit in June of this year against Valve Software, the owners of the Steam platform and the game maker of Counter-Strike: Global Offensive (CS: GO).

The lawsuit centres on the accusation that Valve is indirectly profiting from illegal gambling surrounding its game Counter-Strike: Global Offensive and therefore aiding and abetting illegal online wagering as it pertains to the various Federal Acts in the USA.

Furthermore, while details are still sketchy according to the lodged papers, McLeod hasn't indicated how much he is seeking in punitive damages and compensation. He did state that the company (Valve) did and was aware of the interdependencies between its game, its platform and skin gambling.

The implications

It's been well-known from within the burgeoning eSports fixed odds betting vertical that skin gambling which is virtually an offshore and unregulated activity could have a 'first kill' on the growing regulated eSports betting market by association.

It's clear with this lawsuit that district attorneys shall be looking to shut down the industry, not just because it's grey and unregulated, but one of the highly controversial natures of skin gambling is that, players can set-up accounts with little to zero age verification or the acceptable legal age of eighteen. This has huge societal issues if a thirteen-year-old can register an account for a skin platform and start gambling his game skins.

Only time will tell as at the date of writing Valve have yet to respond to the allegations as to what the ramifications could be. My personal take is that because the skin gambling websites which are connected to Valve's Steam platform via the API's which are readily available, is that this access is bound to be rescinded or restricted thus cutting off the supply of skins. This, in turn, is then obliged to affect the popularity of the actual games such as CS: GO of which skin trading is intrinsically linked. It is likely to result in millions upon millions in lost revenue within the skin gambling ecosystem which has to by the laws of economics flow elsewhere.

Therefore perhaps using the idiom of; one man's loss is another man's gain, could result in regulated operators both pure play

eSports and sportsbooks that are offering eSports betting products could gain some short-term customers. Let the games begin.

Mark McGuinness has more than 15 years' experience in digital marketing director roles within the iGaming industry. He is the co-founder of [esportsbet](#) a resource for gamers and sports bettors who wish to start betting on eSports.

From: Burt Peretsky [<mailto:peretsky@verizon.net>]
Sent: Friday, July 29, 2016 2:45 PM
To: Crosby, Steve (MGC)
Subject: The Taunton Decision

Chairman Crosby:

I hope you're having a good summer and that you're well.

I'm writing to strongly suggest that the MGC re-consider as soon as feasible the Brockton casino resort proposal your commission had rejected. In light of yesterday's federal court ruling upholding the Carcieri vs. Salazar decision as it applies to the Mashpee Wampanoag Tribal Nation and its proposed Taunton casino resort, your re-consideration of the Brockton proposal is vital to the nascent gaming industry in Massachusetts (not to mention the horse racing industry) and extremely important to the citizens of the Southeast Region of the Commonwealth, Region C.

We've already seen lengthy delays in developing both the Springfield and Everett projects, and now the Southeastern Region is back to square 1. The Taunton casino resort might never be built, and the deference the MGC had exhibited to the tribal community seems only to deny Region 3, of any licensed casino, to the jobs and taxes benefit of Rhode Island and Connecticut, but not to the Commonwealth you serve.

The Brockton proposal was and is nearly shovel-ready, and the economic benefit to Brockton and its environs would be extremely helpful to that struggling community. Reconsidering it would be the right thing to do.

I write to you only as a citizen and resident of Region C – I do not have any financial or other interest in any casino or casino proposal – but I do have senior-level experience in the gaming industry (in Las Vegas), and I follow the industry closely.

Thanks for your consideration,

Burt Peretsky <peretsky@verizon.net>

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