



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

- 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 this study? On what did you base the study cost for the redesign study?
- c. What is the status of discussions with Wynn Boston Harbor on parking?
- d. Have you identified any dangerous impacts that the study would be designed to address?

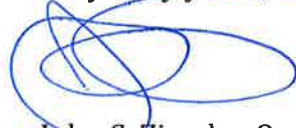
3. 2016 Guideline Compliance

- a. Please provide further detail regarding the timetable for your transportation planning project including the likely date for the hiring of a Senior Planner.
- b. Additionally, please provide details on what Malden will contribute to the transportation planning project such as in-kind services or planning funds, as outlined in the 2016 Guidelines (attached). We note that Malden anticipates paying for a significant percentage of the costs of a Senior Planner.
- c. Our 2016 Guidelines require planning projects to contact the Regional Planning Agency. Have you done so on these projects?

The community mitigation review team 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 8, 2016.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziemba, Ombudsman

cc: Gary Christenson, Mayor  
Mark Good, Treasurer  
Karen Bushee, Comptroller  
Catherine Blue, General Counsel  
Derek Lennon, C.F.O.  
Joseph E. Delaney, Construction Project Oversight Manager  
Mary S. Thurlow, Paralegal

Enclosure



Massachusetts Gaming Commission



# 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  
*Chairman*

Robert D. Rotondi  
Albert N. Spadafora  
Michael Williams  
Robert K. Foley

Deborah A. Burke  
*Executive Director*

July 7, 2016

Mr. John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> 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. Ziembra  
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.



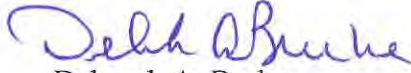
Mr. John S. Ziemba  
July 7, 2016  
Page Three

**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](mailto: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:SHachey@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

Scott Crabtree, Town Manager  
Saugus Town Hall  
298 Central Street  
Saugus, MA 01906

Paul Rupp; Grant Consultant  
Community Reinvestment Associates, Inc.  
32 Humphrey Street  
Swampscott, MA 01907

Re: Use of 2015 Community Mitigation Fund Application

Dear Mr. Crabtree and Mr. Rupp:

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, the following are questions which the community mitigation review team would appreciate further clarification regarding your submission.

1. How did you reach the cost of the Scope of Services for this planning study?
2. As we discussed, requests to utilize reserve funds may be accepted on a rolling basis. Your application states that the town of Saugus will request the balance of the reserve to use for the implementation of specific steps once they are identified. Do you anticipate that the phase one scope of services will inform what will be needed in the future?

The community mitigation review team 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 8, 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: Catherine Blue, General Counsel  
Derek Lennon, C.F.O.  
Joseph E. Delaney, Construction Project Oversight Manager  
Mary S. Thurlow, Paralegal



Massachusetts Gaming Commission

July 1, 2016

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziemba,

At the request of Saugus Town Manager, Scott Crabtree, I am responding to your June 23, 2016 letter to him and me.

With respect to the first question, the Town's former Economic Development Coordinator, Robert Luongo and I collaborated on the scope of consultant services drawing upon our respective decades of experience administering Community Development and Economic Development programs in municipalities and public agencies in Massachusetts. In those capacities we have solicited and overseen consultant service contracts that examined local economies. We reviewed some recent studies of a similar scope performed in other communities and business districts. Lastly, we consulted with some consultants we have both worked with over the years to ascertain the appropriateness of our proposed scope and an estimation of costs for those services. Given that, we prepared the scope of services we have presented you which we think fits the needs of Saugus as it seeks to capitalize on development opportunities within the Town that are an outgrowth of some recent creative zoning initiatives; opportunities that can be enhanced by linkages and business to business connections with the Wynn Casino. Of course the Town will issue an RFP for these economic development/business analysis services and should the \$35,000 not need to be fully utilized for those professional services, we would ask that the balance be rolled over into implementation strategies that the study will recommend.

With respect to the second question, the Town absolutely expects the economic development study/local business analysis to identify specific steps to achieve business to business marketing and connectivity related to the Wynn Caslno. The first phase study will require the engaged consultant to chart a logical implementation strategy and assign specific costs to each element of that strategy. We expect these marketing and positioning implementation steps will follow immediately upon completion and acceptance of the study.

I hope the above has helped to clarify our thought processes and our funding request.

I and the Town Manager are certainly available should you have any further questions.  
The Town thanks MGC for its consideration of this request.

Very truly yours,

A handwritten signature in blue ink that reads "Paul Rupp". The signature is written in a cursive style with a large initial "P".

Paul Rupp

Cc: Scott Crabtree, Town Manager



June 23, 2016

John M. Charbonneau  
Director of Planning & Development  
79 South Street  
Wrentham, MA 02093

Re: 2016 Community Mitigation Fund

Dear Mr. Charbonneau:

Thank you for participating in the conference call with the community mitigation review team. The community mitigation review team found the conference call very useful. As we discussed during the call the following are questions the community mitigation review team would like clarification on regarding your submission:

1. Wrentham proposes to conduct a comprehensive study of the Route 1 corridor, including traffic analyses. Can you please explain how this study would be different from and not duplicative of the studies anticipated in Wrentham's surrounding community agreement which "shall be conducted by qualified contractors to be jointly selected by the parties"?
2. If Community Mitigation Fund funding is approved by the Commission, how do you propose to ensure that the funded studies will not be duplicative of such surrounding community studies?
3. Can you please further explain why a study of this comparatively less developed section of Route 1 may be used by the Town to prevent or avoid potentially negative effects that could otherwise result from the Plainridge Park facility?

The community mitigation review team 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 8, 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: Catherine Blue, General Counsel  
Derek Lennon, CFO  
Joseph E. Delaney, Construction Project Oversight Manager  
Mary S. Thurlow, Paralegal



Massachusetts Gaming Commission



Email response from Wrentham re: Community Mitigation Fund

The following are the Town of Wrentham's responses to the questions posed in your letter dated June 23, 2016:

1. The proposed study will differ from any impact studies conducted by the Plainridge Casino as part of its Surrounding Community Agreement in that it will be much more wide-ranging and comprehensive. For example, the Surrounding Community Agreement contains a section entitled, "Impact Studies and Contingent Obligations", in which it details the timeframe and scope for various studies for which the developer is responsible to conduct. These studies are limited to "tangible and verifiable conditions identified in the baseline studies". The baseline studies were to be conducted 60 days prior to the opening of the casino. The study proposed in the application submitted would analyze conditions and impacts that have arisen since the opening of the casino as well as projected impacts in the future. In other words, impacts that are RELATED to the casino opening in addition to DIRECT impacts of the casino. Secondly, the categories listed in the Agreement are limited to traffic, public safety, emergency response and problem gaming. The study that would be conducted utilizing the Community Mitigation Fund would be more wide ranging to study not only traffic impacts, but other related development that has occurred and may occur as a result of the location of the casino as it impacts land use and other public infrastructure such as water and sewer in a positive and negative manner. It will also offer comments on current zoning and land use restrictions and suggestions for changes to the Zoning By-Laws and other Town regulations in order to facilitate appropriate development along the Wrentham portion of Route 1. Therefore, although the studies to be conducted by the casino are helpful in helping to determine impacts and necessary mitigation in the short-term and for certain aspects of the casino operation, they won't consider longer-term impacts and other aspects that the casino may impact outside of traffic and emergency response.
2. The Town of Wrentham will, ensure that the study will not duplicate other efforts by surrounding communities by providing the consultant chosen to conduct the study with studies that have been conducted by surrounding communities. For example, the Town of Foxborough conducted a corridor study of their portion of Route 1 in 2015; however, it did not include a traffic portion. Therefore, the proposed study would differ in that regard, as traffic analyses would be part of the proposed study. Apart from that, having coordination and some consistency between differing studies is also beneficial because planning for traffic and land use does not occur in a vacuum. Traffic is shared across Town borders, for example. Therefore some measure of coordination is helpful and necessary.
3. Like the vast majority of communities in Massachusetts, the Town of Wrentham is supportive of development that is consistent with the character of the community and will not overburden public infrastructure. As such, the Town wants to be prepared for subsequent development resulting from the location of the casino with proper traffic accommodations, zoning regulations and other public infrastructure.

In conclusion, the Town of Wrentham certainly does not view the location of the casino in a negative manner. The Town is looking to analyze and consider both AND negative impacts of the casino equally and simply prepare for ALL impacts currently and in the future.

Please contact me with any further questions.

John

*John M. Charbonneau*

Director of Planning & Development

79 South Street

Wrentham, MA 02093

(508) 384-5486 (p)

(508) 384-3174 (f)

[jcharbonneau@wrentham.ma.us](mailto:jcharbonneau@wrentham.ma.us)



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

***USE OF COMMUNITY MITIGATION RESERVE FUND***  
**RESERVE APPLICATION - BD-15-1068-1068C-1068L-00000002749**

*Please complete the entire application.*

Town of Wrentham

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

Planning Department

2. **DEPARTMENT RECEIVING FUNDS**

John Charbonneau, Director of Planning & Development

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

79 South Street, Wrentham, MA 02093

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

(508) 384-5486 jcharbonneau@wrentham.ma.us

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

John Charbonneau, Director of Planning & Development

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

79 South Street, Wrentham, MA 02093

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

(508) 384-5486 jcharbonneau@wrentham.ma.us

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

Plainridge Park Casino

9. **NAME OF GAMING LICENSEE**



**IMPACT DESCRIPTION**

**Please describe in detail the 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.**

As a result of the construction of the Plainridge Park Casino at the southeast quadrant of the I-495/Route 1 interchange, the Town of Wrentham believes that there has and will continue to be increased interest in development along Wrentham's portion of Route 1. For example, the Town is in the process of permitting two (2) large projects at the intersection of Route 1 @ Madison Street at the northwest quadrant of the interchange. One (1) project is a 220-unit apartment Chapter 40B affordable housing development named Rosegate. The project was recently approved and submitted to DHCD form inclusion on the Town's subsidized housing inventory. The second project on the same site is a mixed-use subdivision named Ledgeview at Wrentham that will contain two (2) 80-room hotels, a 140-unit Senior Living Center, a 12,300 square-foot office building, a 58-unit Assisted Health Care Facility, three (3) restaurants, a bank and approximately 22,000 square feet of retail space. The attached letter (Exhibit A) from the developer of the above projects, Ryan Development, confirms that the proximity of the casino development was a factor in their decision to develop on the Madison Street site. There is also rumored development to take place on the eastern side of Route 1, directly across from the Rosegate/Ledgeview site, in Plainville.

**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 impact from the construction or operation of a proposed gaming establishment. Please describe how the planning request will address the specific impact indicated. Please attach additional sheets/supplemental materials if necessary.**

The funding would be used to hire a consultant to conduct a study of the Route 1 corridor in Wrentham. The purpose of the study would be to analyze various aspects of the corridor to determine constraints to development such as zoning, environmental factors and traffic to see what measures could be taken to alleviate said constraints. The study would also identify the type of development that would succeed along the corridor considering the constraints as well as other development in other areas along the corridor in Foxborough and Plainville.

A copy of the scope of work used by MAPC to conduct a similar corridor study in Foxborough in 2015 is attached. The cost for that study was \$33,000. Since the consultant hired will have to also conduct traffic analyses, it is anticipated that the cost of the corridor study could approach \$50,000.



**IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**Please provide detail regarding the controls that will be used to ensure that funds will only be used in planning 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 funds will be used to retain a consultant for the purpose of preparing a study of the Route 1 corridor in Wrentham. As such, the Planning Department, in coordination with the Town Administrator, Board of Selectmen and the Economic Development Committee, will be responsible for administering the funds and working with the consultant to ensure that the funds are allocated appropriately and that the Town secures the agreed-upon product. The consultant will be responsible for coordinating with these Town officials/boards in the development of the study and for presenting the results upon completion.

**CONSULTATION WITH REGIONAL PLANNING AGENCY (RPA)**

**Please provide details about the Applicant's consultation with the Regional Planning Agency serving the community.**

The Metropolitan Area Planning Council (MAPC) has been consulted on the project and provided the scope of work (Exhibit B) that they used in conducting a similar corridor study for the Town of Foxborough in 2015 as well as a copy of the study. The study focused on market analysis, build-out, zoning recommendations and strategies for attracting private sector investment. Wrentham is also interested in incorporating traffic/transportation into its corridor study and was told by MAPC that they would not be able to provide that element of the study. Therefore, it may be in the best interest of the Town to hire a consultant that can incorporate ALL elements it is seeking in the corridor study.

**MATCHING FUNDS FROM GOVERNMENTAL OR OTHER ENTITY**

**Please demonstrate that the governmental or other entity will provide significant funding to match or partially match the assistance required from the Community Mitigation Fund. Please provide detail on what your community will contribute to the planning projects such as in-kind services or planning funds.**

The Town of Wrentham will provide in-kind services towards the proposed project in the form of staff and local board/committee time. The Director of Planning & Development will provide guidance and technical support to the consultant and will coordinate communication between the consultant preparing the study and local boards/committees. The Board of Selectmen and the Economic Development Committee will provide in-kind services by offering guidance to the consultant as well. This will be in the form of in-person meetings, emails and phone conversations, as needed.



**A PORTION OF THE RESERVE WILL BE USED AS AN OFFSET  
AGAINST A SPECIFIC IMPACT APPLICATION**

**If these funds are to be used to supplement a Specific Impact Mitigation Application, please describe.**

Due to the current and anticipated increase in development interest along the Route 1 corridor in Wrentham that is a result of the development of the Plainridge Park Casino, the proposed study will examine current conditions, restraints on development and the future build-out. In addition and most importantly, the study will offer recommendations as to how the Town can take measures to prepare for and mitigate potential development. The study will act as a valuable planning tool for the Town.

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

**Please describe and include excerpts regarding the impact and potential mitigation from any relevant sections of the community's Host or Surrounding Community Agreement. Where applicable, 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 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 the impact exceeds projected estimates.**

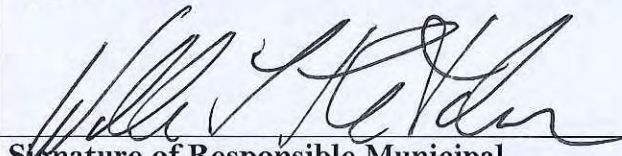
According to the "Market Analysis and Projections for Plainridge Racecourse - Traffic Generation Report" dated May 28, 2013, Wrentham was identified as a town of high interest and it was expected that approximately 27,105 visitors per year would come from Wrentham. By 2018, the number is expected to increase to approximately 29,132. In addition, in 2014 the I-495/MetroWest Partnership listed the I-495, Route 1 and Route 1A corridors in Foxborough, Plainville and Wrentham as one of its Top 10 transportation nightmares. See that attached report Exhibit C).

In addition, the 495/MetroWest Partnership provided a letter of support of this application and the resulting corridor study. (Exhibit D)



**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

*June 15, 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**

## **INSTRUCTIONS FOR FILING**

### **USE OF COMMUNITY MITIGATION RESERVE FUND APPLICATION**

If a Community is filing a **Use of Community Mitigation Reserve Fund Application**, please use this application form only. Please fill out the **entire application form**. Please submit the application to:

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

If you have any questions please do not hesitate to contact John Ziemba at (617) 979-8423 or [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us).

# **Exhibit A**



# RYAN DEVELOPMENT LLC

February 17, 2016

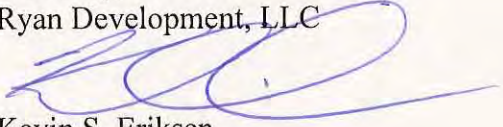
John Charbonneau  
Town Planner  
Town Hall  
79 South Street  
Wrentham, MA 02093

**Re: Ledgeview at Wrentham**

Dear Mr. Charbonneau,

I hope that this letter finds you well. As you are aware, Ryan Development LLC (“RDLLC”) is currently in the process of pursuing the permitting of an exciting, large scale mixed use development that will include approximately 658,000 s.f. of new hotel, retail, restaurant, healthcare, housing and office space on land located on Rte. 1 in Wrentham and Plainville, Massachusetts. During the process, RDLLC has discussed a number of economic factors with your office as well as with various other Town departments detailing what has led RDLLC to determine that Wrentham was a suitable location for such a dynamic project. As we discussed, some of the major driving factors for this project’s viability are the recent improvements and developments in and around Wrentham and Plainville, including the recent Plainridge Park Casino located at 301 Washington Street, Plainville MA. If we can be of any further assistance, please do not hesitate to contact us directly. Thank you again.

Sincerely,  
Ryan Development, LLC



Kevin S. Eriksen  
General Counsel

# **Exhibit B**

## **Foxborough Route 1 Corridor Research and Market Analysis**

### **Scope of Work – March 2015**

This scope of work defines the tasks and deliverables associated with the analysis of the current development potential for retail, office, and residential uses along the Route 1 Corridor in Foxborough. The report will include zoning recommendations and marketing strategies for the corridor.

### **Deliverables**

- Office, Retail, and Housing Market Analysis (building on what's been done through the Foxborough Master Plan process)
- Build Out Analysis
- Zoning Recommendations
- Strategies for attracting private sector investment/commercial development.

### **Project Area Context**

As the town of Foxborough prepares for new development associated with increased sewer capacity, regional growth spun off from the South Coast Rail project, as well as the potential resulting from proposed daily commuter rail service to the Foxborough Route 1 Corridor, the existing Route 1 zoning, last comprehensively reviewed and updated 25 years ago, should be re-evaluated. Through the ongoing Master Plan effort in the Town, the town has determined that it is likely over-zoned for retail development, and is interested in determining the market and development potential. Through the Master Planning process, it was also determined that many Foxborough residents view Route 1 as an opportunity to strengthen the Town's tax base.

The Master Planning Process hosted a Route 1 workshop as an introduction to more detailed work along the Route 1 Corridor. At this workshop, held in late January, property owners, business owners, residents, and local officials discussed challenges to development including water resource areas that merit protection, the need for expanded sewer, transportation, traffic and parking, buffering Foxborough's residential areas from development along Route 1 and greening the corridor to create a more appealing environment. The MAPC scope of work will build off of what has already been learned through the Master Planning process in order to take a more detailed look at the development and market potential of the corridor.

Also, the Town of Foxborough's long-standing sewer capacity issues are being addressed by the creation of the joint Foxborough-Mansfield Sewer District. The town needs to determine how best to establish land uses within the Route 1 Corridor, and elsewhere in town, to take advantage of this new capacity.

### **Partners and Responsibilities**

MAPC staff with expertise in land use, zoning, environmental and economic development planning will produce the project deliverables. MAPC staff will organize monthly check-ins with Foxborough planning staff to maintain regular communication about project process. MAPC will also meet with the Foxborough Planning Board 3 times within the course of the project.

- Meeting with town planner/planning board to present market analysis preliminary findings

and preliminary mapping analysis and ID priority parcels. We will also discuss and gather feedback on potential zoning changes (June)

- Meeting with town planner/planning board to debrief from Route 1 public meeting and discuss preliminary recommendations. (October)
- Final Presentation to Planning Board (November/December)

MAPC and the town of Foxborough will also host a Route 1 meeting in September to invite feedback from citizens, business owners and other interested stakeholders.

Town of Foxborough staff and Planning Board members will provide feedback and commentary through email communications and in person meetings. They will assist with outreach for the Route 1 meeting in September and help MAPC staff to get in touch with appropriate stakeholders throughout the project process. They will also help to secure a venue for the meeting and collaborate with MAPC staff on the logistics of this meeting.

Outreach will be targeted to securing the participation of members of local boards, committees, and commissions; residents; property owners; business owners; developers; and staff from nonprofit and voluntary organizations including business and neighborhood associations.

**Project Work Plan:**

Task	Hours	Subtotal Funding Sources	Timeframe
<b>General management and coordination.</b> Project management and communication with Foxborough staff: monthly check-in calls or meetings after Executive Committee, and 3 planning board meetings during the project.	50	\$4,000	Ongoing
<b>Existing Conditions Analysis.</b> Review of current planning documents and work done on Route 1 to date. Identify current uses, ownership, and constraints and opportunities to development along Route 1.	60	\$4,800	March-April
<b>Market Analysis.</b> Identify regional and submarket regional office trends (current tenants, vacancy, lease terms and pricing), regional and local housing trends (current rents, capture rate analysis) as well as retail potential along the corridor. Review ongoing market analysis done through Foxborough Master Plan. Interview retailers, property owners, and brokers along Route 1 for local contextual information.	94	\$7,460	April-May
<b>Build Out Analysis.</b> Conduct build out analysis examining the development potential along the corridor under existing zoning with septic versus development potential along the corridor with sewer. Identify opportunity sites through mapping analysis (land values, improvement values, ownership, environmental constraints) and discussion with planning board. Determine desired and supportable uses by site.	49	\$4,020	May-June
<b>Zoning Analysis.</b> Review of existing zoning, results of build out analysis, and feedback from planning board to create recommendations for zoning changes to help facilitate desired development along Route 1.	60	\$5,400	June-July
<b>Route 1 Workshop</b> Public meeting to present analysis to date and gather input from stakeholders on appropriate development, opportunity sites, and preliminary zoning changes. Task includes outreach to stakeholders as well as press and publicity for the event.	49	\$4,020	September
<b>Final Deliverables.</b> Final Report identifying desired development/opportunities, zoning recommendations, and zoning recommendations.	37.5	\$3,000	November/ December
<b>Non-labor costs</b> (transportation, refreshments)		\$300	
<b>Totals</b>	<b>400</b>	<b>\$33,000</b>	

# **Exhibit C**





## 495/MetroWest Region's Top Ten Transportation Nightmares: The Next Decade

The first "Top 10 Transportation Nightmares" list was compiled in the spring of 2004 when the 495/MetroWest Partnership asked residents and travelers into, within and through the 495/MetroWest region to identify what transportation nightmares they faced on a daily basis. This effort was prompted in part by the significant growth that occurred in the region over the previous decade and the transportation challenges that this growth was creating.

Transportation "nightmares" were submitted by the general public through an open nomination process coordinated by the Partnership and *MetroWest Daily News*, which ran a series of articles over an eight-week period, focused on various transportation issues. At the close of the nomination period, a committee of diverse transportation professionals including planners and engineers from both the public and private sectors came together to establish a Top Ten List representing the critical issues facing the Partnership's service area. The goal of this initiative, both in 2004 and today, is to identify the transportation challenges in our region. The Partnership's objective is to ultimately bring resources to these challenges and as such, our next phase of work will be advocating for solutions on behalf of our public and private sector stakeholders.

Given the merger of transportation agencies into MassDOT and additional transportation resources (Transportation Reform in 2009 and Transportation Financing Act in 2013), and considering the significant advances made on the region's 2004 Transportation Nightmare List, the Partnership believes that now is the time to take a fresh look at the transportation environment and compile a new list of transportation priorities to highlight the 495/MetroWest region's needs across modes, town lines, planning jurisdictions, and legislative districts. Recognizing that transportation infrastructure is inexorably linked to the region's economic success and quality of life, the Partnership is focused on advancing the conversation and advocating for solutions to our transportation and transit challenges. As part of the Partnership's mission we will continue our focus on strengthening the region's transportation networks over the next ten years - and well into the future.

### 2014 Top Ten Transportation Nightmares

#### **#10: Routes 135 and 126 in Framingham (previously #4 on the 2004 nightmares list)**

The Route 135/126 Intersection and Grade Crossing in the heart of Downtown Framingham continues to be recognized by the public as a major traffic bottleneck for the region, incorporating a rotary, several traffic lights and two active railroad tracks used by both commuter and freight trains. While the increased commuter rail service is a welcome solution to addressing transit needs in the region, it also exacerbates the congestion already experienced at this intersection. These well-known traffic challenges stifle both economic and revitalization efforts for Framingham's Downtown, and limit the regional north-south connectivity for many of the communities in this area during the critical morning and evening peak commuting hours.

Between the release of the previous nightmares list and now, a project has been filed, #606109, for intersection improvements to address the concerns highlighted above. At the time of this report, the project

is in the early environmental review stages and its full construction cost has been estimated at \$110,000,000. Additionally, the Metropolitan Area Planning Council is conducting a study looking at opportunities and challenges to new development in the downtown area, a portion of which is focused on transportation planning and engineering services in Downtown Framingham.

**#9: Route 16 Corridor, particularly in Milford and Wellesley**

Route 16 is a secondary arterial roadway that crisscrosses east to west, providing an alternative means of traversing the region instead of relying on one of the few major roadways (such as Route 1, Route 9 and/or the interstate highway system). The 495/MetroWest region includes three interstate highways and many arterial/feeder roads like Route 16, which are increasingly burdened as highway congestion increases. However, Route 16 was never envisioned to withstand the number of vehicles that travel on it today. While the communities of Milford and Wellesley are separated by three towns, Route 16 functions, or in this case does not function, similarly in both towns. Route 16 provides local access for residents and acts as their "Main Street" corridor, providing many of the commercial services that these community's residents rely on for their day-to-day lives. There are numerous concerns about this corridor, including in the communities of Sherborn and Natick, but a few intersections in Milford and Wellesley stand out as considerably problematic from a capacity and safety perspective.

In Milford, Route 16 is intersected by Route 109 (near Hannaford supermarket) and Route 140 (at Milford Regional Medical Center); both intersections have experienced increased congestion during the evening commute which puts a strain on not just commuters but residents trying to access both sites. Meanwhile in Wellesley, Route 9 intersects Route 16 at a very disorganized ramp and bridge exchange. The intersection is constantly congested during peak hours and the MetroWest Regional Transit Authority (MWRTA) has expressed concerns about this intersection in relation to its fixed routes that traverse the intersection. It should be noted that while Wellesley is outside of the 495/MetroWest Partnership's service area, the impact of congestion on Route 16 in Wellesley affects the town of Natick and other Partnership communities along the Corridor.

Similar to the concerns raised later in this document on Route 9, Route 16 should be treated as a corridor rather than as a town by town nightmare.

**#8: I-495 and the 1's**

Routes 1 and 1A are two major thoroughfares in the southern portion of the 495/MetroWest region, providing access to several large developments including Gillette Stadium and Patriot Place, the Wrentham Outlets, and Plainridge Racecourse, which is slated to host the state's only slots parlor.

*I-495 & Rt. 1 (Foxborough/Plainville):*

The congestion challenges along Route 1 from the I-495 Interchange to the I-95 Interchange are well known, particularly during special events in Foxborough at Gillette Stadium. Given the nature of the Route 1 corridor, there are a number of potential economic development opportunities that are limited due to the safety and capacity constraints along the corridor. With the Plainridge Park Casino slated to open in April 2015, traffic challenges at I-495 and Route 1 will only increase.

*I-495 & 1A (Wrentham):*

Over 13 million people visit the Wrentham Premium Outlet Mall each year and as a result, the interchange of I-495 and Route 1A is well beyond its intended capacity. A 130,000 square foot shopping center is about to open across from the outlets. There are also 200 acres of prime commercial property adjacent to the Outlet Mall, but economic development opportunities in this region have stalled due to these traffic constraints. Additionally, at the time of this report, there is no public transit to the Outlet Mall or to this area in general. Given planned and desired growth in Wrentham and the surrounding communities and the additional traffic expected at the nearby Plainridge Park Casino, the existing constraints will worsen and development opportunities will be limited.



**#7: I-495 and Route 9 in Westborough (previously #10 on the 2004 nightmares list)**

Ten years later and this interchange has moved from the #10 Nightmare in the region to the #7 Nightmare. However, significant progress has been made towards addressing the long-term needs of the interchange. In 2009, Congressman James McGovern secured federal funding to carry out an analysis of needed improvements to Route 9, the I-495/Route 9 interchange, and the I-495/I-90 interchange. The funds were then used by MassDOT to commission the *I-495/Route 9 Interchange Improvement Study*, which resulted in a comprehensive report of potential improvements that was released in November 2013. Given its centralized location in 495/MetroWest, the area surrounding the intersection within the communities of Southborough and Westborough continues to be an attractive location for commercial and residential development. Unfortunately, the interchange cannot support the capacity demands being placed upon it today and with expected continued development, into the future. Acceleration and deceleration lanes on both roads are indeed a nightmare, the sight lines are regarded as a hazard and the interchange is heavily congested during rush hours.

The study recommended several improvements to address both safety and capacity at the I-495/Route 9 and I-495/I-90 interchanges. One of those recommendations, Project #60770, is in the preliminary stage of design and will make improvements along Route 9 surrounding the interchange with I-495. The current cost estimate for those improvements is \$12,500,000.

**#6: I-495 /I-90 Interchange (previously #3 on the 2004 nightmares list)**

The interchange where I-495 and the Turnpike meet was included in the previous Nightmares list where it was regarded as a congestion choke point, forcing commuters to search out other routes resulting in traffic flow concerns on local roadways. As a result, in 2006, the Partnership was asked by the Executive Office of Transportation (precursor to MassDOT) to convene a series of meetings with state agencies to discuss potential improvements to the interchange, which resulted in the widening of the ramps to double lanes from the tollbooth to I-90.

Despite this improvement, the inability for traffic to smoothly move through this interchange continues to represent a serious transportation challenge for the 495/MetroWest region. As described by numerous public nominations, traffic has only worsened at this interchange as it is not uncommon for traffic backups to extend from this interchange all the way to the Route 9 interchange to the north, almost 2 miles away.

There has been progress addressing the deteriorating traffic flow problem at the intersection of these two major thoroughfares. In November 2013, MassDOT released a final report on the I-495/Rt. 9 Interchange Improvement Study, the scope of which included the I-495/I-90 Interchange. The study includes a proposed project for the I-495/I-90 interchange to address sub-standard ramps and geometry. Additionally, MassDOT is undertaking a replacement of the existing Turnpike tollbooths with an All-Electronic Tolling (AET) system. This work will start in 2014 and continue through 2016.

**#5: I-495/I-290 Interchange (previously #2 on the 2004 nightmares list)**

The interchange at I-495 and I-290 is a critical access point to the region as commuters use this exchange to travel between Worcester and 495/MetroWest communities, while leisure travelers and employees use this intersection to travel to or from New Hampshire, Maine, Cape Cod, and southern New England. The exchange is congested and has a high level of vehicular collisions and truck turnovers, prompting concerns of safety and traffic flow. During weekend periods, it is not uncommon for southbound and eastbound traffic approaching this interchange to be backed up for miles during the peak commuting periods as commuter and recreational traffic mingle.

In 2006, following the original nightmares list, then-Secretary of Transportation John Cogliano announced at the Partnership's annual conference that the state would proceed with permitting the planned improvements to the interchange. Since that initial state permitting review, a project has been filed, #603345, for reconstruction and a bridge replacement at the intersection. At the time of this report, this project is in the environmental notification form (ENF) stage. The current construction cost estimate is \$100,000,000.

#### **#4: Commuter Rail**

The 495/MetroWest region is home to three commuter rail lines: Fitchburg Line, Franklin Line and the Framingham/Worcester Line. These three lines account for approximately one third of the average daily ridership of the entire commuter rail network. Major employers within the 495/MetroWest region have cited on numerous occasions how the lack of a reliable and convenient reverse commute limits their ability to hire qualified employees. While there have been numerous investments in improving the network over the past 10 years, such as the Fitchburg Line Improvement Project, the increased service on the Framingham/Worcester Line, and the selection of a new commuter rail operator, there are still common regional concerns that need attention. These include matters of performance, parking supply/availability, and the ability for individuals to reverse commute from the metropolitan Boston area to the many employers in the 495/MetroWest region. If addressed, ridership will continue to increase on each of these lines. It is again worth noting that we recognize the unintended consequences of increased commuter rail service relative to congestion at the at-grade crossings in our region. However, this does not diminish the demand for increased service. Commuter Rail is also greatly dependent upon the next "Nightmare", as riders need reliable options for getting to and from the stations.

#### **#3: Suburban Mobility Challenges: First Mile, Last Mile & a Few in Between**

Data shows that the majority of employees who work in the 495/MetroWest region, commute to jobs within the region rather than from suburban communities to the urban core. Given the proportion of residents who live and work in the region, combined with existing transit gaps, it has come as no surprise that suburban mobility challenges have made the top three on our Transportation Nightmares List.

On the 2004 List, the number one Nightmare was the lack of public transportation in the region. As a result, the Partnership formed the 495/MetroWest Alliance for Transit Services, which was a collaborative effort to provide technical assistance to municipalities considering potential transit initiatives and in 2006, our legislative delegation secured statutory changes to allow communities to join or establish a new Regional Transit Authority. With this reform, and thanks to the support of legislators, businesses, and communities within the region, the need for public transportation was partially addressed with the formation of the MetroWest Regional Transit Authority (MWRTA) in 2006. However, the need for additional service hours in the evening and on weekends, as well as the decrease in headways is crucial to the growth of the system.

The MWRTA has established a transit network for several member communities in the region and is constantly growing new routes and services. They operate several fixed route bus services as well as shuttle services to area train stations and local hospitals. The Worcester RTA (WRTA) has also provided new services in the region, most recently in the form of a Westborough Shuttle from the train station to area businesses and employers.

The region also hosts two Transportation Management Associations (TMA); the MetroWest/495 TMA serves businesses in Framingham, Marlborough, Natick, Southborough, and Westborough, and the CrossTown Connect TMA, currently serving the towns of Acton, Boxborough, Littleton & Maynard as well as businesses in Littleton, Maynard, and Westford. CrossTown Connect is a newer model of TMA as a public private partnership open to both business and community membership.

Given these developments, the area now has a working foundation of regional public and private transit services, but additional challenges still remain. These include connections between different RTAs, last mile access from commuter rail to employers in the region as well as first mile access for residents to access commuter rail stations, the need for more Public/Private Partnerships like Crosstown Connect, and the promotion of other multi-modal means of transport. Several nominations included pedestrian needs in the region, particularly as they link to transit services. And for many employers in the region, until a reverse commute is in place, the last mile challenge is more like the last 20 miles, with some businesses currently shuttling workers from distant stations for timing and other reasons.

Suburban mobility challenges are being considered and addressed in a more consistent manner with initiatives like GreenDOT and Complete Streets, but there is clearly a long road, bike path, and sidewalk ahead to meet the demands of the 495/MetroWest region.

## **#2: Turnpike: Why Do We Need to Pay for this Nightmare?**

Congestion continues to plague the Turnpike in our region, exacerbating existing problems at various interchanges, particularly at I-495 and with Route 9. The congestion impacts employers in the region as well as employees who commute to and from the 495/MetroWest region. While MassDOT has invested in message boards and is moving to an All Electronic Tolling (AET) option that is expected to improve the efficiency of toll collection efforts, the congestion concerns remain. One of the resounding themes for nominating the Turnpike, was the fact that users pay for this "Nightmare" on a daily basis. Users often sited on and off-ramps as a major bottleneck due to current designs and constraints. In referencing tolling equity, users are demanding a greater return on investment for their daily travels on the Turnpike.

## **#1: Route 9 Corridor: Main Street MetroWest or Thruway to Boston?**

The Route 9 Corridor, a 27-mile segment crossing through six 495/MetroWest communities, namely Shrewsbury, Northborough, Westborough, Southborough, Framingham, and Natick, is the thoroughfare for the entire region. Route 9 connects with several major roadways and arteries, providing drivers access to major retail centers, commercial office spaces, industrial facilities, housing, higher education, tourist attractions, and employment. This route has experienced rush hour congestion on both the eastbound and westbound lanes for as long as there has been a cohesive 495/MetroWest region. While in years past, congestion was mostly confined to rush hours, problems now persist at all hours of the day. The challenges along Route 9 range in their scope, magnitude and location but no doubt several interchanges are affected daily:

- 9 and Route 20 (Shrewsbury/Northborough)
- 9 and Lyman St. (Westborough)
- 9 and Crystal Pond (Southborough)
- 9 and Oak Hill (Southborough)
- *Tech Park/9-90/9-30* (Framingham)
- 9 and Temple (Framingham)
- 9 and Edgell-Main St. (Framingham)
- 9/126 (Framingham)
- Golden Triangle (Framingham/Natick)
- 9/27 (Natick)
- 9/Oak (Natick)
- 9/128 (extends the Route 9 Corridor into Wellesley which is outside of the 495/MetroWest region but is a significant enough challenge to warrant mention on this list)

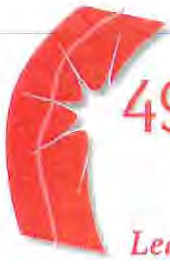
Route 9 has risen to the top of the Nightmares List because of its complexity as a Corridor, with the current challenges and congestion points all being interconnected. While no one solution will solve this nightmare, all solutions should be mindful of the corridor as a whole to allow Route 9 to continue to serve the region.

The 495/MetroWest Partnership, along with the *MetroWest Daily News*, would like to thank readers, employers, residents, and employees for submitting their regional transportation nightmares. This public nomination process plays a critical role in the Partnership's transportation advocacy. We have heard your concerns and are ready to work with both public and private stakeholders at the local, state, and federal level towards addressing these challenges and ensuring a prosperous future for the 495/MetroWest region.

**2004 List**  
**495/METROWEST REGION'S**  
**TOP TEN TRANSPORTATION NIGHTMARES**

1. Lack of Public Transportation
2. I-290 and I-495
3. I-495 and Rt. 90 / Massachusetts Turnpike
4. Rt. 135 and Rt. 126 in Framingham
5. Rt. 9 and Lyman Street in Westborough
6. Rt. 9 at Central St. and Oakhill Rd. in Southborough
7. Rt. 20 Corridor
8. System-wide maintenance / Improved signal systems and roadways
9. 'The Bookends'-  
    Littleton's I-495 & Rt. 119  
    Franklin's I-495 & Rt. 140
10. I-495 and Rt. 9

# **Exhibit D**



# 495/METROWEST

## PARTNERSHIP

*Leaders for Regional Prosperity*

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal St., 12<sup>th</sup> Floor  
Boston, MA 02110

June 3, 2016

Re: Town of Wrentham's Application for Use of Community Mitigation Reserve Fund

Dear Mr. Ziemba:

On behalf of the 495/MetroWest Partnership, we are writing in support of Wrentham's application to the Community Mitigation Reserve Fund to study the Route 1 Corridor to analyze zoning and traffic conditions in consideration of further developments along the corridor as a result of the development of the Plainridge park Casino. The Partnership is pleased by the Town of Wrentham's increased interest in developing along Route 1 following the successful construction of the Plainridge Park Casino, as the corridor has proven itself as a viable center of commerce and industry with its variety of shopping centers and outlets and planned housing developments

The 495/MetroWest Partnership is a non-profit advocacy organization now serving thirty-five communities, over half a million residents, and an employment base of over \$22 billion per year. The Partnership seeks to address regional needs through public-private collaboration by working to enhance economic vitality, improve quality of life and sustain natural resources. The Partnership focuses on helping to alleviate regional constraints and limitations, and conducts numerous initiatives on transportation, workforce housing, and water resources.

The revitalization of the Route 1 corridor is not only important to the economic stability of the Town of Wrentham but also to the continued success and growth of the 495/MetroWest region. The two proposed developments at the intersection of Route 1 and Madison Street, the Rosegate housing development and the Ledgeview mixed-use development, would serve to attract visitors, businesses, and residents to the region, while also complementing the Plainridge Park Casino through the construction of hotels and retail space.

The Partnership notes the importance and potential of the Route 1 Corridor as noted in our 2014 Top Ten Transportation Nightmares report. Transportation "nightmares" were submitted by the general public through an open nomination process coordinated by the Partnership and the *MetroWest Daily News*, which ran a series of articles over an eight-week period, focused on various transportation issues. At the close of the nomination period, a committee of diverse transportation professionals including planners and engineers from both the public and private sectors came together to establish a Top Ten List representing the critical issues facing the Partnership's service area. The Partnership, along with our stakeholders from both the public and private sectors, recognizes that transportation infrastructure is inexorably

495/METROWEST PARTNERSHIP

200 FRIBERG PARKWAY, SUITE 1003, WESTBOROUGH, MA 01581  
PHONE: 774-760-0495 FAX: 774-760-0017  
WWW.495PARTNERSHIP.ORG



linked to the region's economic success and quality of life. As such, we are focused on advancing the conversation and advocating for solutions to our transportation challenges and we feel this Route 1 Corridor Analysis offers an excellent opportunity to address Nightmare #8 on our list (excerpts below). Route 1 is already subject to heavy traffic congestion due to the success of the Wrentham Premium Outlet Mall. The Partnership hopes that the proposed study of the corridor will offer solutions for the needed roadway improvements in this area of continued growth.

**#8: I-495 and the 1's**

*Routes 1 and 1A are two major thoroughfares in the southern portion of the 495/MetroWest region, providing access to several large developments including Gillette Stadium and Patriot Place, the Wrentham Outlets, and Plainridge Racecourse (the Report came out in 2014 prior to the transition to Plainridge Park Casino), which is slated to host the state's only slots parlor.*

**I-495 & 1A (Wrentham):**

*Over 13 million people visit the Wrentham Premium Outlet Mall each year and as a result, the interchange of I-495 and Route 1A is well beyond its intended capacity. A 130,000 square foot shopping center is about to open across from the outlets. There are also 200 acres of prime commercial property adjacent to the Outlet Mall, but economic development opportunities in this region have stalled due to these traffic constraints. Additionally, at this time, there is no public transit to the Outlet Mall or to this area in general. Given planned and desired growth in Wrentham and the surrounding communities and the additional traffic expected at the nearby Plainridge Park Casino, the existing constraints will worsen and development opportunities will be limited.*

In addition to the traffic concerns, the Partnership is pleased to see the Town's interest in analyzing zoning and environmental conditions along the Corridor to achieve comprehensive results. Accordingly, the Town's application directly addresses the statutory authorization for the Community Mitigation Reserve Fund, which references assisting the host and surrounding communities with "transportation, infrastructure" and "environmental issues and public safety", as noted in MGL Chapter 23K, section 61.

The Partnership urges approval of Wrentham's Community Mitigation Reserve Fund Application and we look forward to learning the results of this application. Please do not hesitate to contact us with any questions on the Partnership's position relative to supporting Wrentham's application at (774)760-0495 or [Jessica@495partnership.org](mailto:Jessica@495partnership.org).

Sincerely,



Paul F. Matthews  
Executive Director



Jessica Strunkin  
Deputy Director



June 23, 2016

Toni Sousa, Ex. Director of Planning and Development  
Everett City Hall  
484 Broadway, Room 25  
Everett, MA 02149

Re: 2016 Transportation Mitigation Application

Dear Mr. Sousa:

Thank you and your colleagues for meeting with the community mitigation review team on Monday. It was a pleasure discussing Everett'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 which the community mitigation review team would appreciate further clarification regarding your submission.

1. Pursuant to the 2016 Community Mitigation Fund Guidelines, communities receiving transportation planning grants must expend their awarded reserve first before accessing the transportation planning grant funds. Does the City anticipate any future use of the reserve for planning?
2. Recognizing that further detail regarding the use of the proposed Northern Strand Community Path may be part of the proposed study, can you provide further quantification regarding how the project would relate to the gaming facility?
3. What is the timetable for this planning study?
4. Can you please provide a rough estimate of the cost of building the proposed extension to the Northern Strand Community Path?
5. Can you provide further detail regarding any existing requirements involving the City, Wynn Boston Harbor, and any nearby project owners to assist in the expansion of the Path?
6. Please provide details on what Everett will contribute to the planning project such as in-kind services or planning funds, as outlined in the 2016 Guidelines.



Massachusetts Gaming Commission



Tony Sousa, Director of Planning and Development

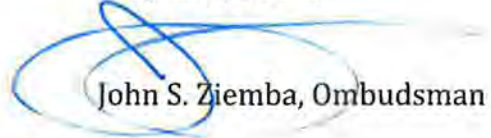
Page 2

June 23, 2016

The community mitigation review team 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 8, 2016.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziemba, Ombudsman

cc: Mayor Carlo DeMaria  
Jay Monty, Transportation Planner  
Catherine Rollins, Policy Director  
Catherine Blue, General Counsel  
Derek Lennon, C.F.O.  
Joseph E. Delaney, Construction Project Oversight Manager  
Mary S. Thurlow, Paralegal



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



City of Everett  
Department of Planning and Development  
484 Broadway, Room 25  
Everett, Massachusetts 02149  
(P) 617-394-2245 (F) 617-394-5002

**Tony M. Sousa, Executive Director**

Mr John S. Ziembra  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziembra,

Thank you again for meeting with the City regarding the City's application for Community Mitigation Funds to advance the completion of the Norther Strand Bike Path. Hopefully the responses below sufficiently answer the questions you submitted to us on July 23<sup>rd</sup>. Please feel free to contact myself, Jay Monty, or Catherine Rollins if you need any further clarifications.

1. *Does the City anticipate any future use of the reserve for planning?*

**The City of Everett does not have an identified use for the 2016 community mitigation reserve fund. The City understands that pursuant to the Massachusetts Gaming Commission's 2016 Community Mitigation Guidelines, the reserve fund must be expended before the City may access a transportation planning grant. Therefore, the City accepts that the award of a transportation planning grant would take away any further access to the 2016 reserve fund.**

2. *Can [the City] provide further quantification regarding how the project would relate to the gaming facility.*

**The extension of the Northern Strand Trail would provide a direct, alternate route to Lower Broadway (Route 99) by providing an exclusive route for bicycles and pedestrians from Everett and other communities north of Boston to the gaming facility and the associated riverfront park lands being constructed by Wynn Boston. While the mitigation committed to by Wynn account for the additional vehicular traffic produced on Lower Broadway, other transportation aspects such as the loss of on-street parking and the removal of some sidewalk space to accommodate the widened roadway were not fully considered during the MEPA process. In addition, other pedestrian and bicycle access issues at Sweetser Circle and Santilli Circle were never fully resolved during the MEPA process. This extension of the North Strand Trail would provide an off-road alternative for pedestrians and cyclists to Lower Broadway and the Sweester/Santilli traffic circles, as well as provide a connection**

from the existing Northern Strand Trail to the future Mystic River pedestrian bridge to Assembly Square in Somerville. An engineering study for the latter has already been committed to by Wynn through the MEPA process. The completion of the Northern Strand Path and the Mystic River pedestrian bridge together would provide direct, pedestrian and bicycle access to MBTA rapid transit from both the Wynn facility and the communities of Everett, Malden, Saugus and Revere. Similar projects in the Boston region such as the Minuteman Bikeway in Arlington and Lexington, which terminates at the Alewife MBTA station, have shown that exclusive bicycle and pedestrian facilities can dramatically increase pedestrian and bicycle mode shares in an otherwise congested corridor and remove hundreds of vehicles from the roadway each day.

3. *What is the timetable for this planning study?*

The study is expected to take 6-9 months from the time of the grant award.

4. *Can you provide a rough cost estimate for building the proposed extension to the Northern Strand Community Path.*

Although no engineering or conceptual cost estimate has been performed, and this would be one of the goals of the study, a ballpark cost estimate based on other similar projects would be \$2-4M. This is based on known environmental and engineering challenges that exist in the corridor such as MBTA commuter rail tracks and wetlands.

5. *Can you provide further detail regarding any existing requirements involving the City, Wynn Boston Harbor, and any nearby project owners to assist in the expansion of the Path.*

The Gateway Mall, located opposite the MBTA Commuter Rail tracks from the Wynn site committed to in their 1997 MEPA Section 61 findings to construct a segment of multi-use trail along the southeast portion of their property to connect the Northern Strand Trail and the Mystic River within 2 years of the completion of the latter. In 2012, the City constructed the Northern Strand trail to a southern terminus at West and Wellington Street leaving an approximately ½ mile gap between West and Wellington Streets and the Gateway Mall property. This ½ mile gap is the focus of the study as it involves constructing the path around and/or moving existing MBTA railroad tracks and crossing a substantial wetland area. Wynn Boston Harbor has also committed \$250,000 towards a study of a new Mystic River bridge to Assembly Square for pedestrians and cyclists. The City has been coordinating with the owners of Gateway Mall, Wynn Boston Harbor, DCR and the MBTA to ensure that the various commitments and future planning efforts are coordinated in an effective manner.

6. *Please provide details on what the City will contribute to the planning project.*

The 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.**

I hope that the above narratives provide sufficient clarification for the community mitigation review team. If any further information is needed, please don't hesitate to contact me at your earliest convenience.

We look forward to hearing from you soon.

Sincerely,



Tony Sousa, Executive Director

Cc: Mary S. Thurlow, Paralegal  
Joseph E Delaney, Construction Project Oversight Manager  
Derek Lennon, CFO  
Catherine Blue, General Counsel  
Catherine Rollins, Policy Director  
Mayor Carlo DeMaria



June 23, 2016

The Honorable Stephanie Muccini Burke  
Mayor of Medford  
85 George P. Hassett Drive  
Medford, MA 02155

Re: 2016 Transportation Mitigation Application

Dear Mayor Burke:

Thank you, Director DiLorenzo, and City Solicitor Rumley for speaking with the community mitigation review team recently. It was a pleasure discussing with you Medford's application for community mitigation funds. The community mitigation review team found the conference to be very useful. As we discussed, the following are questions which the community mitigation review team would appreciate further clarification regarding your submission.

1. Transportation Planner and Consultants

- a. Please provide further detail regarding the scope of work for the proposed Transportation Planner and likely study areas for potential consultants that may be required by the Transportation Planner.
- b. As the funding must be related to the impacts from the casino, how do you propose to delineate tasks of the Transportation Planner and consultants from non-casino related municipal work? During the meeting, we described a Mansfield example whereby the chief executive and responsible agency head certify to the Commission that all involved work of a funded position is gaming related. Do you have any objections to this structure for the Transportation Planner? If the Commission determines to award a grant for the Transportation Planning position, could this be an acceptable model? Is it likely that a Planner would be fully utilized for just gaming related activities or would that likely instead represent a significant percentage of the Planner's work, particularly after the start-up year?
- c. How did Medford estimate the amount of consultant service fees?
- d. Please provide further detail regarding the need to develop a citywide parking permit and whether the City could consider an option more closely related to areas likely to be impacted by casino parking.



Massachusetts Gaming Commission

2. 2016 Guideline Compliance

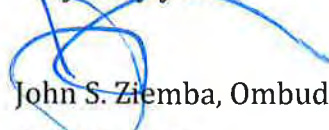
- a. Please provide further detail regarding the timetable for your transportation planning project including the likely date for the hiring of a Transportation Planner and, following that, the use of consultants.
- b. Additionally, please provide details on what Medford will contribute to the planning project such as in-kind services or planning funds, as outlined in the 2016 Guidelines (attached).
- c. Our Guidelines require applicants to contact the Regional Planning Agency. Have you done so in regard to this project? This coordination will become even more important as the Lower Mystic Regional Working Group develops plans to review transportation issues in the region.

3. 2008 Federal Earmark for a Water Shuttle to Key Areas in Medford

- a. Please provide the approved scope for the water shuttle study.
- b. Acknowledging that most details of the potential shuttle service will be reviewed in the study, please provide information about the future use of the potential shuttle, how it may be connected to the casino, and whether it is anticipated to be subsidized.
- c. Can you please list/detail the approvals Medford has received for the study and what other approvals would be necessary if funding is approved by the Commission?

The community mitigation review team 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 8, 2016. We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,

  
John S. Ziemba, Ombudsman

cc: Lauren DiLorenzo, Director of Community Development  
Mark Rumley, City Solicitor  
Catherine Blue, General Counsel  
Derek Lennon, CFO  
Joseph Delaney, Construction Oversight Manager  
Mary S. Thurlow, Paralegal

Enclosure



Massachusetts Gaming Commission





# City of Medford

Office of the Mayor

Room 202, City Hall

Medford, Massachusetts 02155

Telephone (781) 393-2408

STEPHANIE MUCCINI BURKE  
MAYOR

FAX (781) 393-2514

TDD (781) 393-2516

July 11, 2016

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziemba:

Please accept this in response to your letter dated June 23, 2016 regarding additional information relative to the City's request for Transportation Planning funds.

## **1. Transportation Planner and Consultants**

The goal of transportation planning including the hiring of a Transportation Planner and any required consultants, is to provide essential planning, design and implementation related transportation improvements to ensure the most significant construction project to be built in the area, does not create adverse impacts within the City of Medford.

The Transportation Planner would work in conjunction with the Office of the Mayor, Office of Community Development and Engineering Division as well as other entities to identify planning processes, potential impacts and work to secure grants and funding to implement multi-modal improvements. A job description has not been defined. The consultant scope of work will be defined once a Transportation Planner is on board and priorities have been developed.

In regard to the delineation of tasks, the Casino operates in the context of a region, Medford being part of that region. It is not the City's intention to engage a Planner to work on the Casino Project. The position will report to the Mayor and their work will benefit the region in which the Casino is located. Planning requires an integrated, comprehensive approach. It is unrealistic to expect a public planner to work in an isolated fashion on one subject, in one area distinct from its relationship to other areas. The Planner will report to the Mayor. His or her daily tasks will focus on transportation issues the Mayor deems either directly or indirectly related to this large scale development. The focus will be to identify and implement a transportation plan working with Wynn, private owners, State transportation agencies and officials.



The consultant fee is only an estimate based on the magnitude of traffic improvements in the area and prior estimates of construction work at Wellington Circle.

The Transportation Planner could be hired within three (3) months of the acceptance of a grant and the consultant within two (2) months of engaging the Planner.

The City of Medford may provide office space and oversight of a Planner if the position is a public position and serves a public purpose. The intention of the Transportation Planner, separate from the Gaming Commission or Wynn, is to have a position that serves the public interest. The City will not contribute planning funds unless planning funds can be received by a grant source.

MAPC has coordinated with the City throughout the environmental review process. They will be contacted regarding this request. The City has a very good working relationship with the Metropolitan Area Planning Council.

## **2. 2016 Guidelines Compliance**

The City has requested funding to implement a citywide parking permit program. Parking management, including the development of policies and programs, is necessary to effectively manage parking resources especially in urban areas.

The proposed casino has identified parking needs which includes demand for employee parking. The City of Medford currently entertains street by street resident parking upon petition by residents. This is not suitable with the increasing number of cars and higher density development. Parking facilities are costly and parking conflicts deteriorate the sense of community and present safety issues.

The City does not recommend implementing a program in one or two areas only. This shifts the parking impact to the closest unregulated neighborhood. The idea is to develop a citywide plan. Implementation can be prioritized in the areas most impacted by travel routes to the Casino.

## **3. 2008 Federal Earmark for Water Shuttle**

The State and Federal funding source approved a request for qualification for a feasibility study which includes a scope of work. This should be considered preliminary because the State has now informed the City it should engage one of its prequalified consultants. Expect the final scope to be modified during negotiations. Attached is a copy of the RFQ and scope.

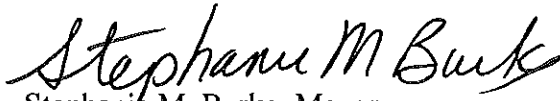
As acknowledged in your letter, details will be in the study. Casino connections would have to be discussed and incorporated into the revised scope. A landing is envisioned in the Station Landing area. It is possible the Casino shuttle may access the location with its own boats or the transportation operator the City engages extends service to the Casino. These are details to be discussed and studied.

In regard to subsidy, it is clear the City/State are not in a position to subsidize operation. Again the costs and financing alternatives must be studied.

The current scope was approved for moving forward. If the Gaming Commission requests a different scope this would have to be agreed upon by the City and receive State and Federal approval.

Thank you for considering the City's application. If you require additional information please contact Ms. Lauren DiLorenzo, Director of the Office of Community Development at 781-393-2480.

Yours truly,

  
Stephanie M. Burke, Mayor

Attachment

cc: Mark E. Rumley, City Solicitor



## **CITY OF MEDFORD**

# **REQUEST FOR QUALIFICATIONS WATERBORNE TRANSPORTATION ENGINEERING SERVICES AND FEASIBILITY STUDY**

### **Overview**

Consistent with the purpose of the Ferry Boat Discretionary Grant program, the Medford Square water shuttle project's primary goals are to foster alternative modes of transportation, promote economic development and enhance the central business district. The Lower Mystic River Corridor Study, a joint effort of the Metropolitan Area Planning Council and the Cities of Medford, Chelsea, Everett, Malden and Somerville, identifies as one of six major strategies: "to improve access to and along the river through the development of water transportation, public transit, roadway improvement, bicycle and pedestrian accommodations." The Medford Square water shuttle project was identified as a priority transportation project with the Metropolitan Area Planning Council (MAPC) and six cities supporting the efforts of the City of Medford to secure funding to complete the construction of the dock location in Medford Square. The City seeks to utilize its earmark of approximately \$800,00.00 for the feasibility analysis and the design and

construction of a first dock in Medford Square. The first phase is for the Feasibility Study.

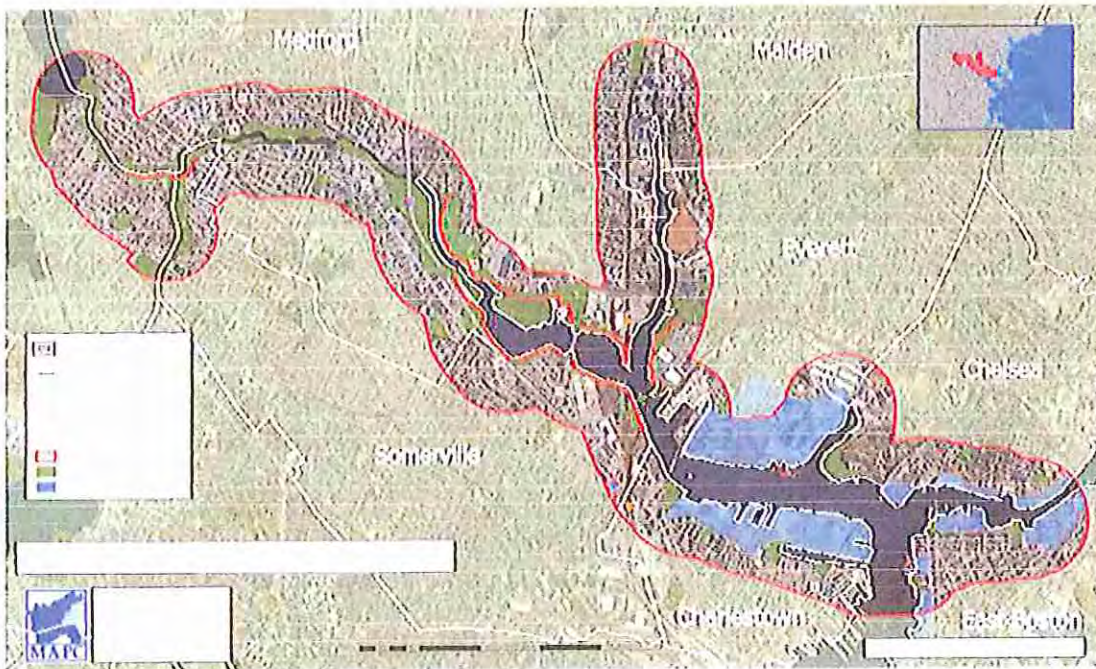
Throughout its history, the Mystic River has been a primary route of travel and commerce supporting the land use development and local economies of the region. Current concerns with congestion and air quality impacts as a result of automobile use and the need to support economic development activities during a time of struggling economies, has resulted in the desire to determine the feasibility of water-based transportation in the lower mystic river. The purpose of the study is to identify the opportunities, costs and structure for creating a viable public/private partnership to build and operate a water transportation service beginning in Medford Square. The study's primary purpose is to guide decision-making on the investment of funds on the project, the location of up to three stops within Medford and the design and construction of the first location in Medford Square.

Working with two federal appropriations amounting to \$1,900,000.00 the City worked with MassDOT on the realignment of Clippership Drive, creating an attractive safe and accessible tree lined boulevard, while also adding convenient parking to the square.

This project facilitated the creation of a ½ acre parcel of land on the previously inaccessible riverbank, which allowed for the creation of the Clippership Linear Park. Using a \$250,000.00 earmark from the Executive Office of Energy and Environmental Affairs, supplemented with approximately \$60,000.00 in Federal EDI funds, the City opened views to the river, created a park with attractive landscaped seating areas, historic lighting to coordinate with that on the new Clippership Drive, an accessible pathway, tree planting and interpretive signage. The expanded open space area is envisioned to be the location of the first water taxi dock. The proposed feasibility study will provide the necessary information to determine ridership levels, feasibility of location of up to three docks within the City of Medford, site-specific feasibility of a dock in Medford Square, determination of type of vessel determined by demand, costs and physical characteristics and the proposed method of operation. It is the City's intent to own the docks and to contract for private operation of the water borne shuttle. The City's intent is to conduct the feasibility study and then engage the appropriate consultants to design, permit and assist with the bidding of the construction of the Medford Square dock. It is the City's desire to move expeditiously on this project. The proposed feasibility study should be completed within a six month time period. The City is prepared to provide its matching share of funds and will oversee the consultant and construction of the dock with MassDOT concurrence. Due to the earmark of federal funds, the consultant should expect coordination with State and Federal agencies as well as local citizens and officials.

## **A. 1. SCOPE OF SERVICES**

The City of Medford is seeking a consultant team to perform the propose scope of work. The proposed team should include an experienced marine engineering, environmental permitting, and waterborne transportation planning and architectural/urban design consultants. The proposed water taxi service area includes the Lower Mystic River with focus on up to three locations in Medford including Medford Square, Mystic Riverbend Park and Station Landing. The location sinclude Medford Square, Mystic Riverbend Park and Sttion Landing. The boundaries o the study include Medford Square to Station Landing. However it is expected that regional coordination with the Cities of Somerville and Everett is expected to determine ridership levels and to coordinate project approaches.



## **Task 1- Identify Service Opportunities and Constraints**

The consultant shall review background information and studies, determine environmental factors, potential other area shuttle services that will affect operation and construction, review the area transportation system, and current and projected land uses to determine potential demand and to project ridership levels.

A conceptual program shall be developed including identification of terminal locations, public road connections, projected users, size and type of vessels, potential schedule, and supporting facilities necessary for operation. Options shall be outlined and a financial feasibility study detailing the cost/ benefit analysis shall be prepared. Identify any public safety issues including access to facilities and users shall be outlined. Map(s) of the water based transportation features, existing facilities, conceptual service areas and markets shall be prepared. Opportunities and constraints for the design and construction of the proposed Medford Square Dock shall be highlighted.

A draft technical memorandum the first task activities, which shall be submitted for review and revised, based on input. A minimum of two public meetings will be conducted.

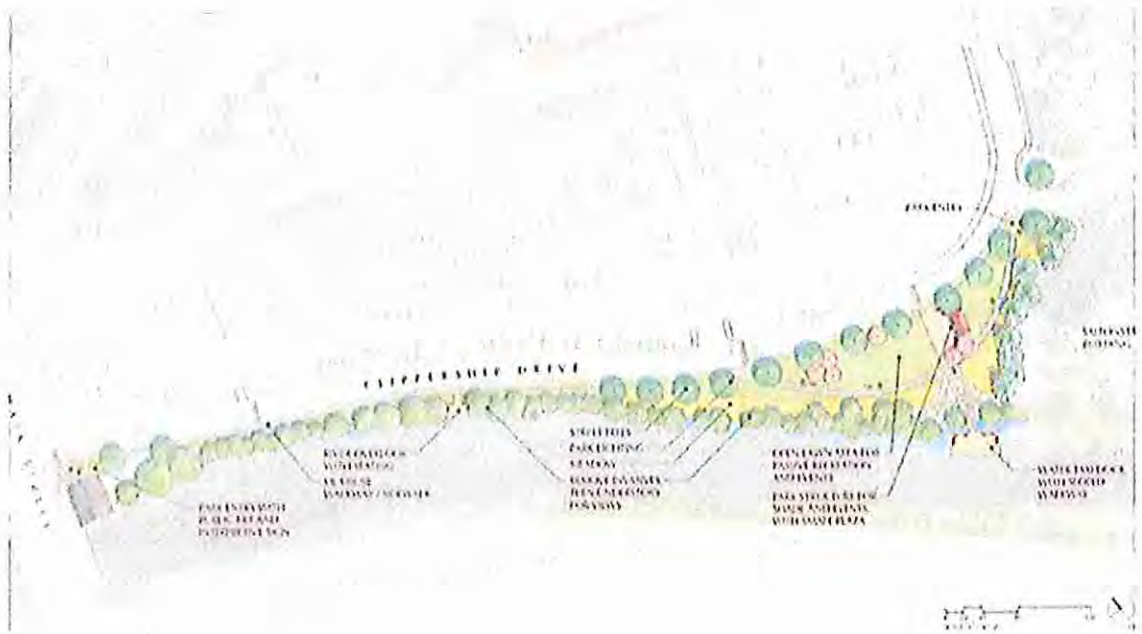
## **Task 2- Alternatives Evaluation and Feasibility Assessment**

Based on the conceptual phase, provide a evaluation of potential locations to assess the suitability of different locations, identify physical improvements, accessibility improvements, and environmental and other permitting issues; conduct a public participation process; prepare the feasibility analysis identifying function and market of potential service area, service characteristics including days and hours of operation, frequency, vessel type, necessary landside amenities and other operating characteristics; recommend a way finding signage system, identify design guidelines for docks, develop cost estimates for capital and operations, anticipated benefits, potential funding , etc.

Provide a general feasibility of up to three locations within Medford with an evaluation of the proposed Medford Square site which shall identify, water depth and riverway width, design objectives including size and type of dock size of vehicles and cost estimate for the construction of dock and supporting



infrastructure and amenities; provide a written draft technical memorandum and supporting graphics for review and input, revise and provide a final written memorandum with supporting graphics. The other locations include Riverbend Park and Station Landing. The consultant shall also review other landing opportunities being explored in Somerville and Everett. Ridership volumes should be projected under various operation and location scenarios. A public process to receive input from citizens, shall be identified and implemented



### **Task 3- Development of Recommendations and Presentations**

Following the completion of Task 2, the consultant will draft recommendations that can be presented to local, state and federal officials that detail the findings of the feasibility analysis. The recommendations shall identify specific public and private funding requirements for consideration of state funds and the Ferry Discretionary Grant program. The analysis shall address the extent to which the private sector can support the operation of the system and whether public funding will be necessary. The study shall identify environmental and permitting requirements and a timeframe for receipt of those permits. Vessel type, potential schedules, ridership forecasts, capital and operating costs should be presented. A concept design and cost estimates for the first phase of capital improvements from the Medford Square landing shall be prepared. An outline of next steps and cost estimates for design, permitting, bid and construction supervision shall be provided. The consultant shall



produce a final report, which shall be submitted in draft form for review and revised based on input.

The consultant shall present the final study in at least two (2) public meetings, presented to the MassDOT, Metropolitan Planning Organization, and at least two meetings with local and federal officials. The consultant will be responsible for all presentations.

#### **Task 4- Additional Services**

The contract may be expanded to provide additional service including but not limited to additional meetings, coordination of grant applications , coordination of review of the project with State and Federal approval and funding agencies, design, regulatory approvals, final design and construction documents and construction phase services are considered additional services and may be provided upon approval.

### **2. SCHEDULE AND PROJECT MANAGEMENT**

The estimated time from the Notice to Proceed to the submission of the final feasibility analysis report is six months.

### **3. STATEMENT OF QUALIFICATIONS**

The Statement of Qualifications shall conform to the following outline. Each section described below must be included in order to be considered responsive.

- Letter of Interest/Executive Summary (1 page maximum) including
  - The firm name, address and telephone number
  - The name, telephone number and email address of the contact person
  - Signature of someone authorized to enter into a contract with the City of Medford
- Section 1 – Qualifications and Experience of the Firm
- Section 2 – Staff Qualifications and Experience
- Section 3 – Project Management approach (3 page maximum)
- Section 4- Time Schedule for Completion
- Section 5- Anticipated Public Participation and Meeting Approach
- Section 4 – Insurance and Affirmative Action Requirements
- Section 5 – References

## **QUALIFICATIONS AND EXPERIENCE OF FIRM**

Prospective firms must demonstrate their ability and capacity to perform the services that may be required under the contract and have the following qualifications:

1. The firm/team must have recognized qualifications in water transportation planning and engineering and provide examples of successfully completed waterborne passenger transportation landside dock facilities within the Boston area.
2. The City prefers a minimum of ten (10) years of experience in water transportation planning, design and construction. The firm must provide the total number of years of experience.
3. The firm/team must demonstrate experience in all phases of design, construction cost estimating, bidding, and construction management (including cost and time control) and environmental permitting.
4. The firm must provide at least one experienced team member with a minimum of eight (8) years of experience in environmental permitting.
5. The firm must have experience in public presentation and working in a governmental public process including the use of Ferry Boat Discretionary Grants and the State and Federal transportation approval process.
6. The firm must have demonstrated ability to complete projects within limited time frames.

## **QUALIFICATIONS AND EXPERIENCE OF STAFF**

Prospective firms shall provide a proposed consultant team with resumes of the principals, key staff, and any sub-consultants who would be directly involved with the City projects. The firm shall include in its statement of qualifications an organizational chart together with a discussion of the role of each individual. The firm, by naming Project Principals, (Project Officer, Project Director/Manager, etc.), indicates a commitment of these individuals to this contract. The Project Principals must have a minimum of ten (10) years experience in providing similar services to municipal clients as the services stated for this contract. The firm shall provide two separate municipal client references for each proposed Project Principals. The firm shall provide sample projects completed by the members of the proposed consultant team.

## **PROJECT MANAGEMENT APPROACH**

The consultant firm must indicate how it plans to approach the contract in terms of project management, staffing and responsiveness (3 page maximum), including use of sub-consultants. The firm shall also describe its Quality Assurance/Quality Control process.

## **INSURANCE AND AFFIRMATIVE ACTION REQUIREMENTS**

### **Insurance**

Prospective firms must give evidence of its ability to provide a minimum of the following insurance, if selected:

1. The consultant firm shall at its own expense, obtain and maintain a professional liability policy for errors, omission, or negligent acts arising out the performance of this agreement with limits of at least \$1,000,000 per claim and \$2,000,000 aggregate, with the consultant responsible for payment of any deductible.
2. The consultant firm shall, at its own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the CITY in connection with any operations included in this Contract. General liability coverage shall be in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury liability and \$1,000,000 per occurrence and \$2,000,000 aggregate for property damage liability. Motor vehicle coverage shall include coverage for owned, hired an non-owned vehicles and shall be in the amount of at least \$1,000,000 per person and \$2,000,000 per person for bodily injury liability and \$1,000,000 per occurrence for property damage.
3. The consultant firm shall carry insurance in a sufficient amount to assure the restoration of any plans, drawings, computations, filed notes or other similar data relating to the work covered by this contract in the event of loss or destruction until the final fee payment is made or all data is turned over to the city.
4. The consulting firm shall, before commencing performance of this contract, provide by insurance for the payment of compensation and the furnishing of other benefits in accordance with the Massachusetts General Laws, as amended, to all employed under the contract and shall continue such insurance in full force and effect during the term of the contract.
5. All insurance coverage shall be in force from the time of the Agreement to the date when all work designed under this contract is completed and accepted by the City. Since this insurance is normally written on a year – to-year basis, the consultant firm shall notify the City should coverage become unavailable or if its policy should change.
6. Certificates and any and all renewals substantiating that required insurance coverage be in effect shall be delivered at the time of the execution of the Agreement and filed with the contract. Any cancellation of insurance whether by the insurers or by the insured shall not be valid unless written notice thereof is given by the party proposing the

cancellation to the other party and to the city at least fifteen days prior to the intended effective date thereof, which date should be expressed in said notice.

7. All insurance certificates shall be provided by the consultant to the City prior to the award of the contract, or at any other time requested by the City.

### **Affirmative Action**

The City promotes affirmative action and equal opportunity programs. Consultant firms are required to provide their Equal Opportunity Statement.

### **PROJECT REFERENCES**

Prospective firms must provide at least three (3) project references, including the name and current phone number for the references. The references should be from recent work (previous five (5) years) similar to the services described in this Request for Statement of Qualifications. Prospective firms may use the City as a reference.

## **4. SELECTION PROCESS**

### **General Information**

The City does not desire firms to include in their submittal any discussions or solutions specific to the request, therefore City employees should not be contacted for information, and no tour sites will be provided.

### **Selection Criteria**

The City desires technical excellence for this contract and will evaluate all qualifications. The selection of firms will be based on the experience of the firms and personnel specifically identified in the statement of qualifications. The consulting firms deemed most qualified to provide the required services, based on an evaluation and rating by the City of the Statement of Qualifications received, will be invited to meet with the City to negotiate future contracts. Final scope and fees will be negotiated for specific tasks and made part of the contract as required. The City reserves the right to conduct interviews with firms that submit statements of qualifications if deemed necessary.

Qualifications Statements shall be evaluated for the following categories:

- Completeness and clarity of documents provided to the City

- Experience and capabilities of the firm with waterborne transportation projects in Massachusetts
- Experience of the identified consultant team
- Experience of key staff individuals
- Prior Experience with the Ferry Boa Discretionary Grant Program
- Management approach, capacity to perform the work, and QA/QC process
- Successful completion of comparable projects
- Proven experience with providing comprehensive and reliable construction cost estimates and construction supervision
- References

The evaluation will be based on the following numerical scoring:

- |                                 |           |
|---------------------------------|-----------|
| • Excellent/Highly Advantageous | 10 points |
| • Very Good/Very Advantageous   | 8 points  |
| • Good/Advantageous             | 6 points  |
| • Fair/Acceptable               | 3 points  |
| • Poor/unacceptable             | 0 points  |

Subject to applicable Procurement and Conflict of Interest requirements, the chosen team will not be prohibited from bidding on future phases of this project.

## **5. SUBMITTAL REQUIREMENTS**

Five copies of proposal including the Statement of Qualifications, together with the Statement of Non-Collusion and Certificate of Corporate Authority (if applicable) must be submitted. The Proposer shall identify each of the tasks and may modify the project approach as deemed necessary to complete the scope of work in an efficient and timely manner.

Louise Miller  
 Chief Procurement Officer  
 City Hall Room 105  
 85 George P. Hassett Drive  
 Medford, MA 02155

The deadline for submitting proposals is \_\_\_\_\_ .The City reserves the right to reject any and all submissions and to accept the submission or submissions deemed to be in the best interest of the City.

## **QUESTIONS AND ADDENDA**

Questions must be submitted in writing to Louise Miller by mail at the above address, by email to [lmiller@medford.org](mailto:lmiller@medford.org) or by fax to 781 393-2479. Questions

must be clearly marked in the RE: line "Questions - Request for Qualifications - Water Transportation Planning And Engineering Services" Oral communications are not binding on the City.

Addenda will be issued to all firms that request the RFQ and provide contact information to the Chief Procurement Officer. Any addenda issued will be emailed, or faxed if no email is provided, or mailed USPS if no email or fax is provided. Firms must provide contact information to be notified of any addenda.



STATEMENT OF CORPORATE AUTHORITY

1. I hereby certify that I am the Clerk/Secretary of \_\_\_\_\_  
(insert full name of corporation)
2. Corporation, and that \_\_\_\_\_  
(insert the name of officer who signed the contract and  
bonds.)
3. is the duly elected \_\_\_\_\_  
(insert the title of the officer in line 2)
4. of said corporation, and that on \_\_\_\_\_  
(the date must be **ON OR BEFORE** the  
date the  
officer signed the **contract or bonds.** )

at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that

5. \_\_\_\_\_ the \_\_\_\_\_  
(insert name from line 2) (insert title from line 3)

of this corporation be and hereby is authorized to execute contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

6. ATTEST: \_\_\_\_\_  
(Signature of Clerk or Secretary)\*

AFFIX CORPORATE  
SEAL HERE

7. Name: \_\_\_\_\_  
(Please print or type name in line 6)\*

8. Date: \_\_\_\_\_  
(insert a date that is **ON OR AFTER** the date the

Officer signed the contract and bonds.)

The name and signature inserted in lines 6 & 7 must be that of the Clerk or Secretary of the corporation.

**CERTIFICATE OF NON-COLLUSION**

**The undersigned certifies under penalties of perjury that this Statement of Qualifications is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.**

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

\_\_\_\_\_  
**Name of Company or Corporation**

\_\_\_\_\_  
**Authorized Official's Signature**

---

**ATTESTATION STATEMENT**

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that the Company named below, to the best of my knowledge and belief, has filed all state tax returns and have complied with reporting of employees and contractors, and withholding and remitting of child support and paid all state taxes required by law.

**Federal ID or Social Security Number:** \_\_\_\_\_.

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

\_\_\_\_\_  
**Name of Company or Corporation**

\_\_\_\_\_  
**Authorized Official's Signature**

### **3. Statement of Qualifications**

The Statement of Qualifications shall conform to the following outline. Each section described below must be included in order to be considered responsive.

- Letter of Interest/Executive summary (1 page maximum), including:
  - The firm name, address and telephone number,
  - The name, telephone number and email address of the contact person and,
  - The signature of someone authorized to enter into a contract with the City of Medford.
  
- Section 1- Qualifications and Experience of the Firm
- Section 2- Staff Qualifications and Experience
- Section 3- Project Management Approach
- Section 4- Insurance and Affirmative Action Requirements
- Section 5- References

#### **3.1 Qualifications and Experience of Firm**

The consultant shall provide the following information at a minimum, which describes the relevant experience of the firm.

3.11 Provide a description of the firms organization including:

- Number of employees and professional disciplines in 1) total; 2) Massachusetts; and 3) New England or Northeastern state offices.
  
- Number of years providing requested services to cities, towns and other governmental clients in: 1) Medford; 2) Massachusetts; 3) other New England or Northeastern states.
  
- Resources of the firm relevant to requested experience.



June 23, 2016

The Honorable Mayor William Reichelt  
West Springfield Town Hall  
26 Central Street  
West Springfield, MA 01089

Re: 2016 Transportation Planning Grant Application

Dear Mayor Reichelt:

Thank you and your colleagues for discussing West Springfield's application with the community mitigation review team recently. The community mitigation review team found the meeting very informative. As we discussed, the following are questions which the community mitigation review team would appreciate further clarification regarding your submission.

1. Why were the costs not foreseen as part of the initial project design? Is the completion date specified by Greenman-Petersen, Inc. realistic or will likely go beyond that date?
2. Please provide details on what West Springfield will contribute to the transportation planning project such as in-kind services or planning funds, as outlined in the 2016 Guidelines.
3. Please provide additional detail concerning the MassDOT requirements for complete streets project elements and other changing state standards that impacted the design budget.

The community mitigation review team 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 8, 2016.



Massachusetts Gaming Commission



We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,

  
John S. Ziemba, Ombudsman

cc: Sharon Wilcox, C.F.O.  
James Czach, Town Engineer  
Jonathan Silverstein, Esquire  
Catherine Blue, General Counsel  
Derek Lennon, C.F.O.  
Joseph E. Delaney, Construction Project Oversight Manager  
Mary S. Thurlow, Paralegal



Massachusetts Gaming Commission

# Town of West Springfield

26 Central Street, Suite 23  
West Springfield, MA 01089-2785



(413) 263-3041  
wreichelt@West-Springfield.ma.us

**William C. Reichelt**  
*Mayor*

July 8, 2016

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziemba,

Thank you for your letter of June 23, 2016 regarding the Town of West Springfield's 2016 Transportation Planning Grant application for community mitigation funds. You asked for clarification on a few topics that were discussed during a community mitigation review team meeting related to the application. I have addressed each of the questions below and have attached supporting documentation as referenced in the responses.

## **QUESTION 1**

**Why were the costs not foreseen as part of the initial project design? Is the completion date specified by Greenman Petersen, Inc. realistic or will likely go beyond that date?**

## ***RESPONSE***

*Negotiations between West Springfield and MGM regarding a Surrounding Community Agreement began in July of 2013 and culminated in an arbitration in April of 2014. The resulting Surrounding Community Agreement was executed on May 8, 2014. At the time of the arbitration, the Town had received an estimate from Tighe & Bond for the cost of designing and permitting the project. However, when the Town solicited competitive bids for the work in 2015, the low bid was from Greenman Peterson, Inc. and was higher than the estimate received from Tighe & Bond prior to the arbitration. The Town believes that this cost differential results primarily from two factors: (1) the passage of time; and (2) more significantly, the need to incorporate design elements to satisfy state transportation design criteria that have been established over the past several years.*

*In September of 2013 the Massachusetts Department of Transportation issued a Healthy Transportation Policy Directive (P-13-0001) (see **Attachment 1**). The intent of this Directive was to ensure healthy transportation modes are considered equally as potential solutions within project*

*design. This was included as an important component in the initial stages of the Memorial Avenue Reconstruction concept.*

*In 2014 the Commonwealth passed a Transportation Bond Bill that included a provision for the Department of Transportation to establish a Complete Streets Certification Program and to encourage municipalities to regularly and routinely include complete streets design elements and infrastructure on locally funded roadways. Specific details of this program weren't available until the end of 2015—approximately a year and a half after the arbitration that resulted in West Springfield's Surrounding Community Agreement with MGM.*

*In December of 2014 (8 months after the arbitration) MassDOT issued Engineering Directive (E-14-006) (see **Attachment 2**). This established controlling criteria for pedestrian and bicycle accommodations for roadways and bridges.*

*In August of 2015 the Town was proactive and entered into a Community Compact with the Governor's Office. This committed the Town to develop a Complete Streets Policy for the community. The Complete Streets Ordinance was adopted by the Town in March of 2016 and approved by MassDOT (see **Attachment 3**). This requires the Town to accommodate transportation users of all ages and abilities as well as all modes.*

*MassDOT released engineering directive E-15-002 in November of 2015 (see **Attachment 4**). This is MassDOT's Separated Bike Lane Planning and Design Guide for immediate use on all MassDOT Highway Division projects.*

*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.*

*Specific project details on what could be accomplished to meet the policy and goals could not be determined until conceptual design alternatives were first developed for the corridor or at the time of the arbitration. The development phase for these alternatives had taken longer than anticipated but has been very worthwhile. There were two public meetings held during this phase to solicit input from the public in 2015 on what would be the most appropriate improvement alternatives to meet the safety and transportation needs of the area and to encourage MassDOT's mode shift goals. The immediate area has a mix of commercial, industrial and residential land uses as well as an environmental justice area (i.e., an area with a high minority, non-English speaking, and/or low income population). Therefore, alternatives had to be context sensitive to the area. Options of a road diet (reduction of the four lane section to three lanes), maintaining the existing cross section and a five lane section were reviewed, as well as how pedestrians and bicyclists can be better served along the roadway. This extra development stage and early public involvement process was extremely beneficial to determine design elements that would be most beneficial for the corridor and the region, including the MGM project's host community of Springfield.*

*The current contract between the Town and Greenman Pedersen, Inc. for the design will expire on March 17, 2018. Based on past experience with projects proceeding through the MassDOT design*

*procedures, the contract will need to be extended. It is estimated an additional two to three years could be needed before the project is advertised for construction. This is dependent upon many factors that include time for design reviews and the availability of future construction funds including a programming year on the Pioneer Valley Transportation Improvement Program. The project design must be kept current until advertised for construction.*

*See also the Town's Response to Question 3 (below).*

## **QUESTION 2**

**Please provide details on what West Springfield will contribute to the transportation planning project such as in-kind services or planning funds, as outlined in the 2016 Guidelines.**

### **RESPONSE**

*The Town has already and will continue to commit significant staff time to project development and oversight. We will commit a minimum of a 10% in-kind services 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.*

## **QUESTION 3**

**Please provide additional details concerning the MassDOT requirements for complete streets project elements and other changing state standards that impacted the design budget.**

### **RESPONSE**

*The Memorial Avenue corridor is part of the National Highway System (NHS). As noted above, since the Town is pursuing State and Federal funds for construction of the project, the Town must adhere to design standards for NHS roadways. Based upon some of the alternatives being considered for the project there are exceptions to some of these standards that are anticipated. To accomplish this, design waiver(s) will need to be documented and justified to MassDOT for deviations to standards such as shoulder and possible lane width requirements.*

*Buffered bicycle facilities and transition to and from them have been reviewed extensively for incorporation into the project to support MassDOT's Separated Bike Lane Planning and Design Guide to bicycle users of all ages and abilities and encourage mode shift.*

*Achieving the goals and directives of MassDOT in the project design are critical for positioning the project for obtaining federal and state funds through the Transportation Improvement Program (TIP) as well as any other state or federal funding programs. The project is currently identified as a High Priority project in the 2016 Pioneer Valley Regional Transportation Plan Update.*



*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 be followed until the project is advertised for construction.*

*This precipitated some non-traditional design alternatives for the area that were reviewed as part of the preliminary design including a two-way center left turning lane, a road diet by reducing the four lane roadway to three lanes and providing a two-way separated buffered bicycle facility. The original roadway reconstruction project concept evolved into a Complete Streets project to meet the goals of the Municipality and Commonwealth. There were costs incurred to support the feasibility of incorporating these elements into the project design.*

I hope that these responses provide the further clarification you requested in your June 23, 2016 letter. If you have any further questions regarding the application or these responses, please contact me at your convenience.

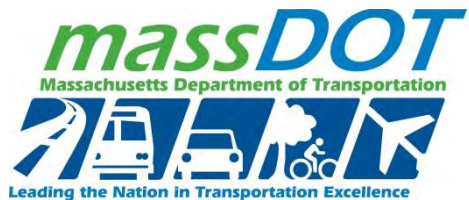
Sincerely,

A handwritten signature in black ink, appearing to read 'William Reichelt', with a horizontal line extending from the end of the signature.

William Reichelt  
Mayor, West Springfield

CC: Sharon Wilcox, Chief Financial Officer  
Jonathan Silverstein, Esq.  
James Czach, P.E., Town Engineer  
File

# ATTACHMENT #1



Policy: P-13-0001

Date: September 9, 2013

## **HEALTHY TRANSPORTATION POLICY DIRECTIVE**

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**Secretary of Transportation and Chief Executive Officer**

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**Highway Division Administrator**

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**MBTA General Manager and Rail and Transit Administrator**

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**Aeronautics Division Administrator**

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**Executive Director, Office of Transportation Planning**

### **I. Healthy Transportation Policy Directive:**

This directive formalizes MassDOT's commitment to the implementation and maintenance of transportation networks that serve all mode choices for our customers and that was memorialized in our Mode Shift Goal announced October 2012.

### **II. Goal:**

To further MassDOT's GreenDOT Implementation Plan, the Commonwealth's Healthy Transportation Compact and statewide Mode Shift Goal, this *Healthy Transportation Policy Directive* is issued to ensure all MassDOT projects are designed and implemented in a way that all our customers have access to safe and comfortable healthy transportation options at all MassDOT facilities and in all the services we provide. This directive builds on other existing directives and guidance that addresses such issues. Healthy Transportation modes as defined by GreenDOT are walking, bicycling and taking transit.

### III. Implementation:

#### 1) *Project Reviews*

In order to ensure that healthy transportation modes are considered equally as potential solutions within project design, this *Healthy Transportation Policy Directive* requires the following:

- 1A. All MassDOT funded and or designed projects shall seek to increase and encourage more pedestrian, bicycle and transit trips. MassDOT has established a statewide mode shift goal that seeks to triple the distance traveled by walking, bicycling and transit by 2030, promoting intermodal access to the maximum extent feasible will help the agency meet this goal.
  
- 1B. The MassDOT Highway, Rail & Transit, and Aeronautics Divisions shall undertake a review process to evaluate all projects currently under MassDOT design oversight for conformance with the specifications and spirit of this *Healthy Transportation Policy Directive*. This process must be completed by January 1, 2014 and submitted to the Secretary and CEO for review. Projects programmed for federal and state funding within the next four fiscal years should be reviewed as a priority. For projects under the Highway Division, the emphasis should be on those projects that entered the design review process before the adoption of the *2006 Project Development and Design Guide*. Projects should not advance in the design process until they have undertaken this review.
  
- 1C. MassDOT funded and or designed projects that fail to provide facilities for healthy transportation modes, as identified by the aforementioned reviews, shall require signoff by the Secretary and CEO of Transportation prior advancing additional design work. For the Highway Division, this shall not apply to roadway facilities that already prohibit bicyclists and pedestrians, such as limited access highways, or Interstates.
  
- 1D. Projects under contract for construction, currently under bid review, or advertised for construction on the date of this policy adoption, do not need to undergo major modifications. However, each MassDOT Division shall submit a list of these projects to the Secretary and CEO of Transportation by October 1, 2013 highlighting healthy transportation design opportunities.
  
- 1E. MassDOT construction projects shall include provisions of off-road accommodations (shared use path, or bridge side path) or clearly designate safe travel routes for pedestrians, bicyclists, and transit users along existing facilities, including customers that fall under the protection of the Americans with Disabilities Act.

#### 2) *Project Design Process*

- 2A. All design notices and public communications for projects shall clearly state the following: 1) existing walking, bicycling and transit facilities/routes that are within the project site area to educate the community on their options for attending public meetings or hearings, and 2) walking, bicycling and transit facilities/routes that are within the project site area that are proposed in the project.

- 2B. All proposed project scopes of work and associated budgets being prepared by the Highway Division shall clearly detail walking (along with identified deficiencies in ADA compliance), bicycling and transit facilities/routes that are within the project site area at the time of project number issuance. In addition, existing or proposed networks within a 2-mile radius of the proposed project, critical connections to downtowns or transit facilities, and all Bay State Greenway routes shall be clearly identified.
- 2C. All MassDOT facilities shall be responsive to adjacent land uses and site context. Wherever adjacent land uses include commercial development or residential development of greater than five units per acre, a sidewalk should be provided along the roadway adjacent to the use. The potential for walking, bicycling and transit activity increases due to existing or planned land uses such as: schools, public parks and playgrounds, hospitals, retail centers, senior centers or housing, multi-family housing, or community centers. Design features to consider shall include, but not limited to: wider sidewalks, street trees, landscaped buffers, benches, lighting, frequent crossing opportunities and strong intermodal connectivity to transit. All project proposals being reviewed or designed by MassDOT shall provide a project site context map with basic information about the site location, and land use (commercial, office, institutional, educational, etc.).
- 2D. MassDOT shall initiate road safety audits of known clustered incident sites where healthy transportation users are involved, to improve customer safety for more vulnerable users. This effort shall have an initial emphasis on healthy transportation users in Environmental Justice communities. By December 31, 2014 the Highway Division shall identify and conduct road safety audits for all high crash location clusters for healthy transportation users along MassDOT owned facilities where that cluster falls in areas where two of three, or all Environmental Justice community thresholds are exceeded (low-income, minority or limited English proficiency). By June 30, 2015 the Highway Division shall have developed a process to implement safety projects to address the locations identified. This process shall include the development of metrics for success and identify a reasonable completion date.
- 2E. For projects along non-limited access rights-of-way in urbanized areas, sidewalks shall be provided on both sides of roadway rights-of-way with added attention to ADA compliance. Every bridge, overpass or underpass shall provide sidewalks on both sides of the road, even if comparable facilities do not yet exist on the abutting road segments, unless pedestrian travel is already prohibited along the roadway.
- 2F. All project proposals being reviewed or designed by MassDOT including new design, retrofits and maintenance shall not remove existing pedestrian or bicycle facilities unless those are replaced by facilities providing equal or better Level of Service. They shall also seek to add facilities that increase and encourage healthy transportation for pavement restoration and resurfacing projects including opportunities to meet ADA compliance. These plans shall be signed off on by the District Highway Engineer and electronic copies provided to the Office of Transportation Planning.
- 2G. The MassDOT Highway and Rail & Transit Divisions shall establish a guide for use by communities that propose Shared Use Paths on or along rail beds. The guide shall be written to assist communities in understanding the design standards (including ADA compliance) for such paths, especially along active rail lines, and acquiring rights of way with the intention of accelerating the design of Shared Use Paths, especially those facilities that are an element of the Bay State Greenway and/or provide critical connections to downtowns or transit facilities. The MassDOT Highway and Rail & Transit Divisions shall permit Shared-Use Paths to be installed along active or future railroad rights-of-way (Rails with Trails) provided appropriate fencing separates the two uses.



- 2H. For the design of bicycle facilities MassDOT shall consider, but not be limited to, the *AASHTO Guide for the Development of Bicycle Facilities* (2012) and the *NACTO Urban Bikeway Design Guide* (2012) as supplements to the *Project Development and Design Guide* (2006), except for pavement markings not approved by MUTCD. MassDOT should utilize other guides as they emerge and evolve from NACTO, AASHTO, and/or the US Department of Transportation.
- 2I. For the design of bus stop facilities MassDOT shall consider, but not be limited to, guidelines of the MBTA Bus Stop Planning and Design Guide (2013) and guidance on ADA compliance. MassDOT should utilize other guides as they emerge and evolve from NACTO, AASHTO, and/or the US Department of Transportation.
- 2J. Upon completion of all healthy transportation facilities, the location, description, and length must be submitted to the appropriate MassDOT offices to facilitate asset management activities.

---

**Please Post** \_\_\_\_\_

**Do Not Post** \_\_\_\_\_



# ATTACHMENT #2

Number: E-14-006

Date: 12/19/14

## **ENGINEERING DIRECTIVE**

Patricia A. Leavenworth, P.E. (signature on original)

\_\_\_\_\_  
CHIEF ENGINEER

### **Design Criteria for MassDOT Highway Division Projects**

The purpose of this Engineering Directive is to clarify the design criteria that shall be applied to MassDOT Highway Division projects, as listed below. This Directive introduces new controlling criteria for pedestrian and bicycle accommodation that will be used together with FHWA's 13 controlling criteria for roadways and bridges. This Directive updates and supersedes Engineering Directive E-14-001, dated 2/4/14, and supports MassDOT Healthy Transportation Policy Directive P-13-0001, dated 9/9/13.

This Directive applies to all projects not yet advertised for construction. Projects that have received 25% Project Approval as of 2/4/14 are exempt from meeting the pedestrian and bicycle accommodation requirements of this Directive, unless directed otherwise by MassDOT on a case-by-case basis. However, designers are encouraged to apply all elements of this Directive, where practical, to every project regardless of design status.

As stated in the *MassHighway Project Development and Design Guide* (Guide), the design criteria and processes contained herein apply when:

1. MassDOT Highway Division is the project proponent, or
2. MassDOT Highway Division is responsible for project funding (state or federal aid), or
3. MassDOT Highway Division controls the affected infrastructure (State Highway).

### **Design Criteria for Roadways and Bridges (FHWA's 13 Controlling Criteria)**

1. For projects not on the NHS, the design criteria shall be in accordance with the Guide.
2. For projects on the NHS, the design criteria shall be as follows:
  - a. For projects on NHS Interstate Highways:
    - i. For Interstate non-3R\* projects, the design criteria shall be in accordance with the latest edition of the *AASHTO, A Policy on Design Standards, Interstate System* (AASHTO Interstate).
    - ii. For Interstate 3R\* projects, the minimum design criteria for horizontal alignment, vertical alignment and widths of median, traveled way and shoulders remain the standards that were in effect at the time of original construction or inclusion into the Interstate System.

- b. For projects on other NHS freeways (other than Interstate) the design criteria shall be in accordance with the latest edition of the *AASHTO, A Policy on Geometric Design of Highways and Streets* (Green Book). 3R\* allowances for NHS freeways are included in the Green Book.
- c. For projects on non-freeway NHS roadways:
  - i. For non-freeway non-3R\* projects, the design criteria shall be in accordance with the Green Book.
  - ii. For non-freeway 3R\* projects, the design criteria shall be in accordance with the Guide.

*\* 3R projects are projects that are primarily resurfacing, restoration or rehabilitation projects that extend the service life of highways, bridges and related appurtenances; and/or restore safe, efficient travel on an existing facility. Normally, 3R projects include most of MassDOT's resurfacing projects and most bridge preservation and rehabilitation projects. They also include roadway projects where box widening is proposed to widen shoulders for improved bicycle accommodation and safety. 3R projects generally have no significant geometric changes to horizontal or vertical alignment and generally have no significant widening such as widening for additional capacity. Projects that include minor lane and/or shoulder widening may be considered to be 3R projects. Projects that are beyond the 3R definition are normally defined as reconstruction projects and new construction projects which are subject to the respective standards identified above and their established design exception approval process.*

<b>DESIGN CRITERIA for ARTERIAL TRAVEL LANES AND SHOULDERS</b>						
<b>ROADWAY TYPE</b>	<b>PROJECT TYPE</b>	<b>BOOK</b>	<b>EXHIBIT NUMBER</b>	<b>ARTERIAL MINIMUM WIDTHS<sup>1,3</sup></b>		
				<b>TRAVEL LANE</b>	<b>LEFT SHOULDER</b>	<b>RIGHT SHOULDER<sup>2</sup></b>
Interstate	Non 3R <sup>4</sup>	Interstate	2005 Page 3	12'	4' (to 12') <sup>2</sup>	10' (to 12')
Interstate	3R <sup>4</sup>	Interstate	1956 or later	12'	3.5' offset	10' (to 12')
NHS Freeway	All	Green	7-3	12'	4' <sup>2</sup>	10'
NHS Non- Freeway	Non 3R <sup>4</sup>	Green	7-3	12'	2' offset	8'
NHS Non- Freeway	3R <sup>4</sup> Only	Guide	5-12 5-14	11'	2' offset	4'
Non NHS	All	Guide	5-12 5-14	11'	2' offset	4'

1. These are the minimum widths below which a Design Exception is normally required.
2. These dimensions are for usable shoulder. Add a 2' offset for objects over 6" high, such as guardrail.
3. These criteria apply regardless of project funding.
4. "3R" stands for resurfacing, restoration or rehabilitation.

## **Design Criteria for Pedestrian and Bicycle Accommodation**

### **Pedestrian Accommodation**

- Pedestrian accommodation shall be in accordance with Chapter 5 of the Guide and the *AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities*.
- Wherever adjacent land uses include commercial or residential development greater than 5 units per acre, a sidewalk shall be provided along the roadway adjacent to the use. (See P-13-0001, Section 2C.)
- For projects in urbanized areas on roadways where pedestrians are legally allowed, sidewalks shall be provided on both sides of the roadway. (See P-13-0001, Section 2E. Refer to MassDOT's Road Inventory Maps for urbanized area boundaries.)
- For bridge projects, sidewalks shall be provided on both sides of the roadway if pedestrians are legally allowed. (See P-13-0001, Section 2E.)
- For projects on roadways that pass under bridges and where pedestrians are legally allowed, sidewalks shall be provided on both sides of the roadway beneath each bridge. (See P-13-0001, Section 2E.)
- The minimum sidewalk width below which a design exception is required is 5', exclusive of curb.

### **Bicycle Accommodation**

- Bicycle accommodation shall be in accordance with Chapter 5 of the Guide and the *AASHTO Guide for the Development of Bicycle Facilities*.
- For all freeways, arterials and collectors where bicycles are legally allowed, a paved outside shoulder or designated bicycle lane shall be provided on both sides of the roadway.
- The minimum paved outside shoulder or designated bicycle lane width below which a design exception is required is 5', exclusive of any parking lane.
- In lieu of paved outside shoulders or designated bicycle lanes, protected bicycle facilities (i.e. cycle tracks, side paths, shared-use paths, bicycle paths, etc.) may provide accommodation for bicycles. However, the presence of such facilities does not relieve the designer of the need to properly consider applicable design criteria for outside (right) shoulder width.
- Refer to the *AASHTO Guide for the Development of Bicycle Facilities* and other current guidance documents for design criteria for off-road paths and cycle tracks.

### **Design Exceptions**

- Criteria proposed below minimum values may be considered after providing sufficient justification and documentation while following the Design Exception process outlined in Chapter 2 of the Guide.
- In determining the standards for horizontal alignment, the minimum length of curve criteria need not be met on 3R projects.
- Refer to the guidance in the previous sections of this Directive to determine design criteria for lane and shoulder widths. When using the Guide, the values in Exhibits 5-12 and 5-14 shall apply. When using the Green Book, the values in Exhibit 7-3 shall apply. Additional language in the Green Book, particularly for constraints associated with Urban Arterials, may be used to support justification for a Design Exception.
- In using the AASHTO Interstate standards, the shoulder width criteria, regardless of the terminology used, such as "shall", "should be considered", etc., by virtue of their adoption by



FHWA, are the minimum values for each condition described. Design Exceptions are therefore required for projects that do not provide applicable widths.

- In some cases, the minimum shoulder width criterion for bicycle accommodation exceeds the minimum right shoulder width criterion for roadways. Regardless, the designer must consider each element independently, and must document any necessary design exceptions accordingly. In cases where design exceptions are required for both elements, the discussion and justification of these exceptions may be combined in the Design Exception Report.
- The designer shall prepare and submit any necessary Design Exception Reports as part of the 25% design submission, or for permit projects, as part of the permit application.
- Upon receipt of a Design Exception Report, the Project Manager shall provide by email a copy of the Report to the Chair of the Design Exception Review Committee. The Committee shall discuss project elements and offer advice or endorsements to the Project Manager and the project reviewers for each issue. The Committee is responsible for tracking and reporting on all Design Exception issues, and for ensuring consistency in the application of design standards and in the documentation of Design Exceptions.
- The primary project reviewer, typically the District office, shall review the Design Exception Report. In addition, the Complete Streets Engineer shall review the 25% design submission, including the Design Exception Report, for all projects on roadways where pedestrians and bicyclists are allowed, including projects to be completed under a permit.
- If all reviewers recommend approval of the Design Exception Report, the Project Manager shall forward the signed Design Exception Report to the Chief Engineer for approval. If the Design Exception Report includes exceptions to the design criteria for Pedestrian and Bicycle Accommodation, the Project Manager shall subsequently request project sign off by the Secretary and CEO of Transportation, or their designee, in accordance with P-13-0001. The approved Design Exception Report shall be used as justification for the Secretary's sign off. If the project is subject to FHWA oversight, the Project Manager shall subsequently forward the approved Design Exception Report to FHWA for final approval.
- Projects should not be advanced beyond the 25% design stage until all necessary Design Exception approvals and project sign offs are secured. Highway Access Permits should not be approved by District Highway Directors until all necessary Design Exception approvals and project sign offs are secured.
- For maintenance projects that are not categorically exempt from design criteria for pedestrian and bicycle accommodation and for which design plans and normal design review submissions are not applicable, the project proponent shall ensure that the proposed typical section(s) are reviewed by appropriate District Projects staff and the Complete Streets Engineer, improvements to pedestrian and bicycle accommodation are considered, and reasons for not making pedestrian and bicycle accommodation improvements are documented and retained in the project file.

### **Exemptions from Controlling Criteria**

#### **Design Criteria for Roadways and Bridges (FHWA's 13 Controlling Criteria)**

The following types of projects are exempt from the need to comply with FHWA's 13 controlling criteria. When design criteria for these types of projects are not in compliance, a formal Design Exception Report is not required; however, geometric deficiencies should be identified in a Functional Design Report or other documentation:

- 3R projects within the existing roadway footprint where the project Purpose and Need is solely to maintain the roadway surface or bridge structure and the crash history does not indicate any apparent geometric deficiency.
- Interstate 3R projects (if the roadway meets the standards used for horizontal alignment, vertical alignment and widths of median, traveled way and shoulders that were in effect at the time of original construction or inclusion into the Interstate System, and the crash history does not indicate any apparent geometric deficiency).
- Non-NHS Footprint Bridge projects in accordance with the Footprint Bridge Policy.
- Isolated single intersection safety improvement projects (with minimal work on approach roadways).
- Routine roadway maintenance projects such as crack sealing, joint repair, micro surfacing, chip seals, etc.
- Non-roadway maintenance projects such as catch basin cleaning, street sweeping, grass mowing, etc.
- Bridge maintenance projects such as joint repair, deck repair, superstructure repair, substructure repair, etc.
- Sidewalk and curb ramp only projects.
- Drainage only projects.
- Noise barrier only projects (provided sight distance and horizontal clearance met).
- Guardrail only projects (provided sight distance and horizontal clearance met).
- Landscape only projects (provided sight distance, vertical clearance and horizontal clearance met).
- Highway lighting only projects (provided sight distance, vertical clearance and horizontal clearance met).
- Signing only projects (provided sight distance, vertical clearance and horizontal clearance met).
- Pavement marking only projects.
- Traffic signal equipment only projects (provided horizontal and vertical clearance met).
- Vertical construction and other non-roadway/bridge projects.
- Projects done under Minor Vehicle Access Permits or Non-Vehicular Access Permits.

#### Design Criteria for Pedestrian and Bicycle Accommodation

The following types of projects are exempt from the need to comply with Pedestrian and Bicycle Accommodation design criteria:

- All projects on facilities where bicyclists and pedestrians are prohibited, such as Interstates and freeways.
- Routine roadway maintenance projects that don't involve application of new pavement markings, such as crack sealing, pothole patching and joint repair.
- Bridge maintenance projects such as joint repair, deck repair, superstructure repair, substructure repair, etc. In addition, any bridge deck resurfacing work to be done as part of a roadway resurfacing project shall have the same design criteria and exemptions as the full roadway resurfacing project.
- "Footprint" Bridge projects on Rural Collector Roads and Rural Local Roads where no sidewalks currently exist on the approach roadways, and that are also exempt from the 13 Controlling Criteria in accordance with the "Footprint" Bridge Policy.
- Drainage only projects.

- Noise barrier only projects.
- Guardrail only projects.
- Lighting only projects.
- Traffic Signal Equipment only projects.
- Signing only projects.
- Landscape only projects.
- Vertical construction and other non-roadway/bridge projects.
- Projects done under Minor Vehicle Access Permits or Non-Vehicular Access Permits.

<b>EXEMPTIONS FROM CONTROLLING CRITERIA SUMMARY TABLE</b>		
<b>Project Type<sup>1</sup></b>	<b>Exemption Type</b>	
	<b>FHWA's 13 Controlling Criteria</b>	<b>Pedestrian and Bicycle Accommodation Criteria</b>
3R Roadway (Non-Interstate) <sup>1</sup>	✓	
3R Interstate <sup>1</sup>	✓	✓
Non-NHS Footprint Bridge <sup>1</sup>	✓	
“Footprint” Bridge on Rural Collector Road or Rural Local Road <sup>1</sup>	✓	✓
Isolated Intersection <sup>1</sup>	✓	
Routine Roadway Maintenance <sup>1</sup>	✓	
Routine Roadway Maintenance – No New Pavement Markings <sup>1</sup>	✓	✓
Non-Roadway Maintenance <sup>1</sup>	✓	✓
Bridge Maintenance <sup>1</sup>	✓	✓
Sidewalk and/or Curb Ramp Only <sup>2</sup>	✓	
Pavement Marking Only <sup>3</sup>	✓	
Drainage Only	✓	✓
Noise Barrier Only <sup>1</sup>	✓	✓
Guardrail Only <sup>1</sup>	✓	✓
Lighting Only <sup>1</sup>	✓	✓
Traffic Signal Equipment Only <sup>1</sup>	✓	✓
Signing Only <sup>1</sup>	✓	✓
Landscape Only <sup>1</sup>	✓	✓
Non-Vehicular or Minor Vehicle Access Permit	✓	✓
Vertical Construction and other Non-Roadway/Bridge	✓	✓
On Facilities where Bicycles and Pedestrians are Prohibited		✓

**Notes**

<sup>1</sup> See expanded Project Type descriptions above.

<sup>2</sup> These projects are also exempt from Bicycle Accommodation Criteria.

<sup>3</sup> These projects are also exempt from Pedestrian Accommodation Criteria.

# ATTACHMENT #3

## TOWN OF WEST SPRINGFIELD

### AN ORDINANCE ADOPTING A COMPLETE STREETS POLICY

Move that the West Springfield Town Council waive the formal reading and hereby resolve, ordain, amend and enact the following ordinance entitled: *Complete Streets*

**Whereas**, “Complete Streets” are defined as streets that provide safe and accessible options for all travel modes - walking, biking, transit, freight, commercial, emergency and passenger vehicles – for people of all ages and abilities;

**Whereas**, the Town has signed on to a Community Compact with the Governor’s Office to adopt a Complete Streets policy and become a Complete Streets community to further pursue the design and construction of Complete Streets throughout our borders;

**Whereas**, Complete Streets principals shall guide future roadway and transportation plans for both new and reconstruction projects in the Town of West Springfield, and any exception to this shall be appropriately justified;

**Whereas**, the Complete Streets Program begins with the adoption of a binding policy outlining how a community will pursue inclusive initiatives that recognize the various modes of transportation that their constituents utilize;

**Whereas**, acceptance of this Complete Streets policy allows for the Town to pursue additional funding opportunities to advance and implement Complete Streets initiatives.

**Whereas**, it is in the best interests of the community to implement this Ordinance to enhance safe transportation options and improve the quality of life for the residents, businesses and visitors of West Springfield:

**Now Therefore**, the West Springfield Town Council hereby resolves, ordains, amends and enacts the following additions to the Ordinances of the Town of West Springfield:

#### COMPLETE STREETS

##### 1. Vision

Complete Streets are designed and operated to provide safety and accessibility for all the users of our roadways, trails and transit systems, including pedestrians, bicyclists, transit riders, motorists, freight, commercial; and emergency vehicles and for people of all ages and of all abilities. Furthermore, Complete Streets principles contribute toward



the safety, health, economic viability, and quality of life in a community by providing accessible and efficient connections between home, school, work, recreation and retail destinations by improving the pedestrian, bicycle and vehicular environments throughout communities. They also assist in improving air quality and reducing energy consumption for a more sustainable environment.

## **2. Purpose**

The purpose of West Springfield's Complete Streets ordinance, therefore, is to accommodate all road users by creating a transportation network that meets the needs of individuals utilizing a variety of transportation modes. The Town of West Springfield will ensure any plans, designs, operations and maintenance of streets that accommodate and are safe for all users of all ages and abilities as a matter of routine to the best extent practicable.

## **3. Goals**

This ordinance directs decision-makers to consistently plan, design, construct and maintain streets for the accommodation of all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, and freight and commercial vehicles in a context sensitive manner. This ordinance shall apply to all municipal roadway repairs, upgrades or expansion projects within the public right-of-way and private developments requiring approval from the Town. Procedures will be developed to ensure Complete Streets elements are incorporated into these activities.

## **4. Core Commitment**

- a. The Town of West Springfield recognizes that users of various modes of transportation, including, but not limited to, pedestrians, bicyclists, runners, hikers, transit and school bus drivers/riders, motorists, commercial vehicles, delivery and service personnel, freight haulers, and emergency responders, are legitimate users of streets and deserve safe facilities. "All Users" includes users of all ages and abilities.
- b. The Town of West Springfield recognizes that all projects, new, maintenance, or reconstruction, are potential opportunities to apply Complete Streets design principles.
- c. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities.
- d. Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects, as appropriate. All transportation infrastructure and street design projects requiring funding or approval by the

Town of West Springfield, as well as projects funded by the state and federal government, such as the Chapter 90 funds, Town improvement grants, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Funding and other state and federal funds for street and infrastructure design shall adhere to (comply with) the Town of West Springfield Complete Streets Ordinance. Private developments and related street design components or corresponding street-related components shall adhere to (comply with) the Complete Streets principles. New subdivisions, shall be required to comply with this ordinance. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets resolution, including the design, construction, and maintenance of such roadways within Town boundaries.

- e. The Mayor shall designate a staff person from one of the Town's municipal Departments that will be responsible for oversight of the ordinance.

## **5. Exceptions**

Exceptions to the ordinance are only allowed upon approval by the Mayor based upon recommendation from his/her designee overseeing the ordinance, with documentation and data that indicate:

- a. Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases for accommodations elsewhere.
- b. Where cost or impacts of accommodation is excessively disproportionate to the need or probable use or probable future use.
- c. The existing right-of-way or adjacent land is constrained in a manner that inhibits addition of transit, bicycle, or pedestrian improvements. In this case, the Town shall consider alternatives such as lane reduction, lane narrowing, on-street parking relocation, shoulders, signage, traffic calming, or enforcement.
- d. Where such facilities would constitute a threat to public safety or health.
- e. Where construction and future maintenance will create significant adverse environmental impacts to streams, flood plains, wetlands, historical resources.

## **6. Best Practices**

- a. The Town of West Springfield Complete Streets ordinance will focus on developing and maintaining a connected, integrated network that serves all road users. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation

facilities on streets and redevelopment projects.

- b. Implementation of the Town of West Springfield Complete Streets Ordinance will be carried out cooperatively within all departments in the Town of West Springfield with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, and state, regional, and federal agencies.
- c. Complete Streets principles include the development and implementation of projects in a context sensitive manner in which project implementation is sensitive to the community's physical, economic, and social setting. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions. The context-sensitive approach to process, decisions making and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. It includes goals related to livability with greater participation of those affected in order to gain project consensus.
- d. The Town of West Springfield recognizes that "Complete Streets" may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

## 7. Design Criteria

In the fulfillment of the goals of this Complete Streets Ordinance, the Town will follow the latest design manuals, standards and guidelines. This includes documents that are listed below but should not be precluded from considering innovative and non-traditional design options where a comparable level of safety for users is present or provided:

- The Massachusetts Department of Transportation *Project Design and Development Guidebook*
- Massachusetts Department of Transportation Engineering Directives
- Massachusetts Department of Transportation Separated Bike Lane Planning & Design Guide
- The latest edition of American Association of State Highway Transportation Officials (AASHTO) *A Policy on Geometric Design of Highway and Streets*
- ITE *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach*
- National Association of City Transportation Officials *Urban Bikeway Design Guide*

- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls (2009).
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- Documents and plans created for the Town of West Springfield, such as bicycle and pedestrian network plans.

## 8. Performance Standards

Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The Town will develop performance measures to gauge implementation and effectiveness of the policies. These performance measures may include but are limited to:

- Total miles of marked bike lanes
- Total miles of roadway with shoulder 4 feet wide or greater
- Linear feet of sidewalk including new and reconstructed
- Closure of network gaps and removal of impediments in the transportation infrastructure
- Number of new curb ramps constructed and existing ramps reconstructed
- Number of existing curb ramps in need of reconstruction
- Crosswalk and intersection improvements
- Crash and Personal Injury Data
- Citations for Traffic Violations
- Number of new street trees planted
- Transit Ridership
- Public Participation
- Annual estimate of yearly Town investments in Complete Streets design and construction activities



## 9. Implementation

- a. The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.
- b. The Town shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all Street Projects. A committee of relevant stakeholders designated by the Mayor will be created as an advisory body to assist in overseeing the implementation of this initiative.
- c. The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will be used in identifying and prioritizing projects to eliminate gaps in the sidewalk and bikeway network.
- d. The Town shall promote inter-department project coordination among city departments with an interest in the public right-of-way in order to better use of fiscal resources.
- e. The Town shall seek methods to educate all transportation users to better understand and utilize complete streets. This shall include but not be limited to Town website updates, social media posts, community access cable channel, public outreach meetings and informational pamphlets for the general public and students.
- f. The Town will reevaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets implementation.
- g. The Town will train pertinent Town staff and decision-makers on the content of Complete Streets principles and best practices for implementing the ordinance through dissemination of current information/concepts, attendance at workshops, project meetings and other appropriate means.
- h. The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.
- i. The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.
- j. The Town will investigate new and continue with existing programs such as Mass in Motion and Safe Routes to Schools which compliment Complete Streets initiatives.

- k. Complete Streets infrastructure shall be maintained by the jurisdiction that owns the right-of-way it resides on unless binding agreements are made with other maintaining enteritis.
- l. The Town will seek input from residents, developers and businesses as well as work with neighboring municipalities and the Department of Transportation to coordinate and optimize connectivity of improvements on both local and regional level.

*[Signatures on the Following Page]*

Per order of the West Springfield Town Council, approved on the 21<sup>st</sup> day of March 2016  
by a vote of 8 in favor and 0 opposed.


  
George D. Condon, Council President

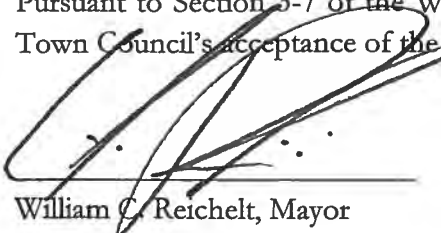
3/23/2016  
Date

Approved as to Form:

  
Kate R. O'Brien, Town Attorney

3/24/2016  
Date

Pursuant to Section 3-7 of the West Springfield Home Rule Charter, I hereby  approve the  
Town Council's acceptance of the above.

  
William C. Reichelt, Mayor

3/24/16  
Date

Pursuant to Section 3-7 of the West Springfield Home Rule Charter, I hereby disapprove the  
Town Council's acceptance of the above.

\_\_\_\_\_  
William C. Reichelt, Mayor

\_\_\_\_\_  
Date

# ATTACHMENT #4



Number: E-15-002

Date: 11/04/15

## ***ENGINEERING DIRECTIVE***

Patricia A. Leavenworth, P.E. (signature on original)

\_\_\_\_\_  
CHIEF ENGINEER

### **2015 MassDOT Separated Bike Lane Planning and Design Guide**

The purpose of this Engineering Directive is to formally issue the *2015 MassDOT Separated Bike Lane Planning and Design Guide* for use on MassDOT Highway Division projects.

This guide shall be used by project planners and designers as a resource for considering, evaluating and designing separated bike lanes as part of a complete streets approach for providing safe and comfortable accommodations for all roadway users.

This guide supplements and is consistent with the *MassDOT Project Development and Design Guide* and other relevant MassDOT, FHWA and AASHTO design guidance. This guide also conforms to the *Manual on Uniform Traffic Control Devices*, the Massachusetts Architectural Access Board Rules and Regulations (521 CMR), the *United States Access Board 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* (PROWAG), the *MBTA Bus Stop Design Guidelines*, and the *FHWA Separated Bike Lane Planning and Design Guide (May 2015)*.



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



William Christofori, Chief Financial Officer  
Steve O'Neil, Grant Coordinator  
June 23, 2016  
Page 2

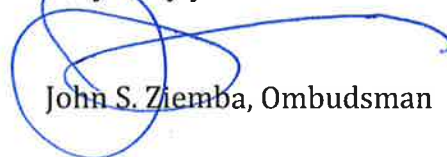
request assume funding from the community mitigation fund for the center and if so how much? Were there any other sources of funding contemplated to pay for the center beyond the community mitigation fund and your ways and means budget request? If so, what were the sources and their respective amounts?

8. What are the current funding levels proposed for your office in the house and senate versions of the FY17 budget? If there is a difference between your FY17 Ways and Means ask and the current proposed funding, how much of the difference is attributable to the Alcohol Center?
9. What would happen if you are not funded from the Community Mitigation Fund?
10. How much funding is required to fund the FY17 portion of the Alcohol Center lease?
11. Please provide a status update regarding litigation against the Hampden County Sheriff's Department involving the proposed site of the Western Massachusetts Correctional Alcohol Center?
12. Please provide further detail regarding whether any claims made in such litigation, including any claims of potential lack of adherence to M.G.L. c. 268A, may, if substantiated, have an impact on the lease.

The community mitigation review team 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 8, 2016.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziemba, Ombudsman

cc: Sheriff Michael J. Ashe, Jr.  
Catherine Blue, General Counsel  
Derek Lennon, CFO  
Joseph Delaney, Construction Oversight Manager  
Mary S. Thurlow, Paralegal



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

July 6, 2016

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

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

*John*  
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 23<sup>rd</sup> 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
<b>(Conference Committee reported out)</b>	<b>\$71,726,757</b>

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.

- 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 and any additional questions.

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/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

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

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.”

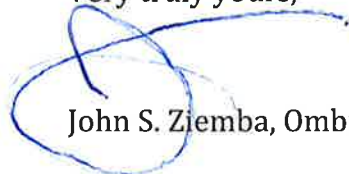
- a. Could you please provide further detail how the planned uses in the application are in conformity with the Massachusetts Constitution and with Municipal Finance Law? We have provided further background materials on the Anti-Aid provisions for your review.
  - b. Would the City consider providing 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.



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





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#cart103.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)

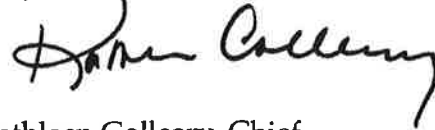
The kinds of expenditures barred by the amendment are those that substantially benefit or aid private organizations in a way that is unfair, economically or politically. Even indirect benefit to a non-profit organization may fall afoul of the amendment. In *Bloom v School Committee of Springfield*, 376 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.



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' and a long, sweeping tail.

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  
COMPTROLLER

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**MMARS Policy: Procurement/Contracts**

**Issue Date: July 1, 2004**

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

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

### **Executive Summary**

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

### **Considerations**

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

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

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

### **Policy**

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

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

**What departments can provide a grant?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**Edward M. Pikula, Esq.**  
**City Solicitor**

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**THE CITY OF SPRINGFIELD, MASSACHUSETTS**

July 7, 2016

Mr. John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street 12<sup>th</sup> 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.

MGC Grant Application - CHC

July 7, 2013

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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

## Narrative Response to MGC Questions

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July 7, 2016

- 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."



## Narrative Response to MGC Questions

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July 7, 2016

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

## Narrative Response to MGC Questions

July 7, 2016

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.

<b>Service Disruption Date</b>	<b>Problem</b>	<b>Cause</b>	<b>MGM-Springfield Related Construction Work Schedule</b>
Tuesday, July 14, 2015	<ul style="list-style-type: none"> <li>All phone lines down at 1049 Main St.</li> </ul>	Undetermined	Phone lines were down on Main Street due to construction.
Wednesday, July 15, 2015	<ul style="list-style-type: none"> <li>Phone lines down at 1049 Main St.</li> <li>TTY line was confirmed to be operational.</li> </ul>	Undetermined	Phone lines were down on Main Street due to construction
Friday, July 17, 2015	<ul style="list-style-type: none"> <li>All phone lines down at 1049 Main Street.</li> <li>Alarms and elevators inoperable.</li> </ul>	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"> <li>All phone lines down at 1049 Main Street.</li> </ul>	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"> <li>All phone lines down at 1049 Main St.</li> </ul>	Verizon sent an additional technician to complete case. No MGC for	General utility construction on streets preparing for casino

## Narrative Response to MGC Questions

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July 7, 2016

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"><li>Incoming and outgoing phone lines were down at Caring Health Center.</li></ul>	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"><li>Internet service down.</li></ul>	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 24<sup>th</sup>, 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

## Narrative Response to MGC Questions

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July 7, 2016

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.”***

## Narrative Response to MGC Questions

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July 7, 2016

- 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

## Narrative Response to MGC Questions

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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.



## Narrative Response to MGC Questions

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July 7, 2016

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.

## Narrative Response to MGC Questions

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July 7, 2016

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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
<b>EXTRA COSTS ON PARKING ISSUES</b>			
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
<b>Total Additional Staff &amp; Contractor Expenses Re: Parking</b>	<b>556</b>		<b>\$ 37,132</b>
<b>EXTRA COSTS RE: UTILITY DISRUPTIONS</b>			
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
<b>Total Additional Staff &amp; Contractor Expenses Re: Utility Disruptions</b>	<b>238</b>		<b>\$ 10,851</b>
<b>Request for Reimbursement for Additional Staffing &amp; Contractor Costs</b>			<b>\$ 47,983</b>

# Appendix B.

Property Damage Claims

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



((content))

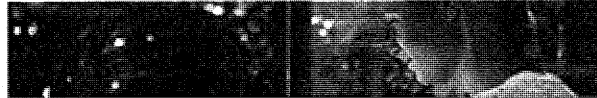
Change Location (/Content/GlobalNav/ #)  
 Log In (/Content/GlobalNav/ #)  
 Contact Us (/Content/wma/about/contact)  
 Your location: Western Massachusetts

RESIDENTIAL (/CONTENT/WMA/RESIDENTIAL)  
 BUSINESS (/CONTENT/WMA/BUSINESS)  
 ABOUT (/CONTENT/WMA/ABOUT)

Search

My Account (/Content/wma/business/my-account) Outages (/Content/wma/business/outages)  
 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)

## 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.

GREEN BUTTON (/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/GREEN-BUTTON)

REPORT ENERGY THEFT (/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/REPORT-ENERGY-THEFT)

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.

CUSTOMER GENERATION (/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/CUSTOMER-GENERATION)

SERVICE REQUESTS (/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/SERVICE-REQUESTS)

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.

WEBINARS (/CONTENT/WMA/BUSINESS/PROGRAMS-SERVICES/WEBINARS)

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.aspx)

Report/Check Outages (/Content/wma/business/outages/Reports-an-outage)

Outage Map (/Content/wma/business/outages/outage-map)

Energy Savings Plan (/energy-savingplan)

**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.

**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 subcontractee'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](http://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.

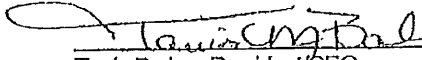
#### XIV. EXTENT OF AGREEMENT

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.

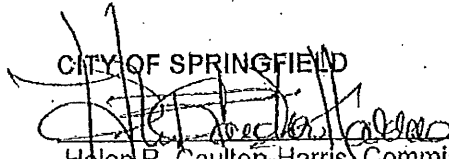


IN WITNESS WHEREOF, the City of Springfield Health and Human Services Department, acting by and through its Commissioner of the Department of Health and Human Services, with the approval of its Mayor, and the Provider have executed this Agreement on the day and year first above written.

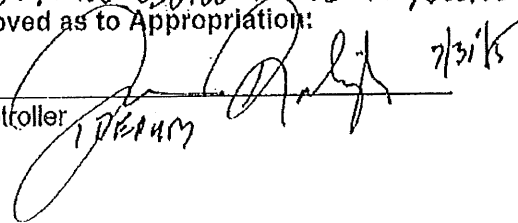
PROVIDER

  
Tania Barber, President/CEO

CITY OF SPRINGFIELD

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

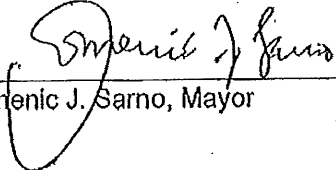
LM # 28975200-530165-89726 \$175,600.00  
Approved as to Appropriation:

  
Comptroller

Approved as to Form:

  
Associate City Solicitor

Approved:

  
Domenic J. Sarno, Mayor

Signed this 13<sup>th</sup> 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

<b>Caring Health Center Budget- Year One 7/1/15 - 9/30/15</b>	<b>Amount</b>
<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
<b>Total for Staff</b>	<b>\$36,020.00</b>
Fringe for Community Health Wkrs	\$7,924.00
<b>Total Direct Care</b>	<b>\$43,944.00</b>
<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 buildout	\$89,100.00
Facilities/rent	\$1,343.00
<b>Total Program Costs</b>	<b>\$115,692.00</b>
Agency Admin Support	\$15,964.00
<b>Total Contract Amount</b>	<b>\$175,600.00</b>

TAX CERTIFICATION AFFIDAVIT FOR CONTRACTS

04-262-0040

Individual Social Security Number

State Identification Number

Federal Identification Number

Company: Carling 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 Carling Health Center, Inc., to my best knowledge and (authorized agent) (Bidder/Proposer/Contracting Entity) belief, has/have complied with all United States Federal taxes required by law.

Carling 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 Carling Health Center, Inc., to my best knowledge and (authorized agent) (Bidder/Proposer/Contracting Entity) belief, has/have complied with all City of Springfield taxes required by law ( or has/have entered into a Payment Agreement with the City).

Carling 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 Carling Health Center, Inc., (authorized agent) (Bidder/Proposer/Contracting Entity) 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.

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

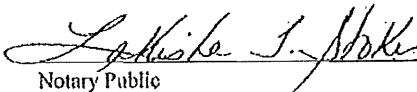
Notary Public

COMMONWEALTH OF MASSACHUSETTS

1049 Main Street, Springfield, MA, ss.

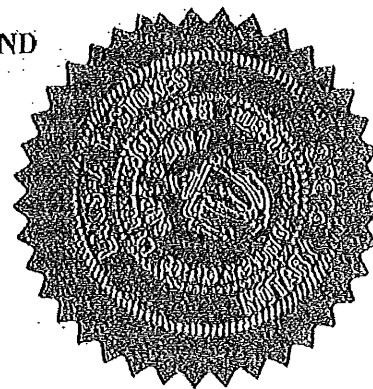
July 13, 2015

Then personally appeared before me Tania 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.

  
Notary Public

My commission expires: September 8, 2017

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



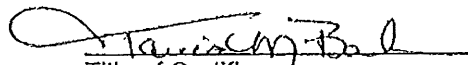
DEBARMENT CERTIFICATE

Caring Health Center  
1049 Main Street  
Springfield, MA 01103

DEBARMENT CERTIFICATE

In accordance with 24CFR 24.100 through 24.174, Tania 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/04

## 1422 Roles and Responsibilities Community Expectations

Community agrees to... ..which includes:

DPH will help by...

Notes/Other

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



## 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 cafetera.</p>	<ul style="list-style-type: none"> <li>Identify a community hospital willing to make changes in foods served in vending machines and cafetera</li> <li>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</li> <li>Set up schedule of meetings to work with Health Care Without Harm (HCWH) to ID the following: 1) current vending and cafetera standards and tools in use at the hospital; 2) feedback from an employee satisfaction survey re: foods served in vending &amp; cafetera; 3) data on food purchasing records</li> <li>Use HCWH baseline assessment survey to identify the information in 1-3 above which is not available or complete.</li> <li>Develop a work plan to address 1-2 areas which need improvement to not meet the nutrition standards for vending and/or cafetera which were</li> </ul>	<ul style="list-style-type: none"> <li>Contracting with Health Care Without Harm (HCWH) to develop a plan to provide technical assistance on the food standards and data collection</li> <li>Participating in quarterly meetings to discuss data status reports in each hospital to successfully implement the nutrition standards in the cafeteria and vending machines.</li> <li>Reviewing each hospital yearly work plan to support actions to improve implementation of the nutrition standards.</li> <li>Working with hospital and HCWH to review baseline data, work plans and progress reports on a quarterly basis.</li> <li>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.</li> <li>Collaborating with workgroup to write up success stories to share with their communities and other MIM programs</li> </ul>	
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## 1422 Roles and Responsibilities Community Expectations

<p>Participate in the larger regional HCWH Healthy Hospital Initiative (HHI) to align the Enhanced MIM community hospital</p>	<ul style="list-style-type: none"> <li>Identified in baseline (ex: reduce SSB, Trans fat free snacks; non-fat dairy)</li> <li>Market the Food for Health on line course to the workgroup and food service employees.</li> <li>Set up process for course registration; communicate with FSU on completions.</li> <li>Set up 1-2 face to face trainings for Food for Health ID and enroll hospital trainers who will participate.</li> <li>In collaboration with HCWH identify and track a specific number of food items (ex: SSB, snack foods) in food order form to identify changes.</li> <li>Input food purchase data into the HCWH web based system monthly.</li> <li>Share purchasing reports with staff; evaluate how this meets the yearly work plan and address improvements and continued challenges.</li> </ul>	<ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>Collaborating with HCWC to share best practices with the sub awardee and the 4 hospitals.</li> </ul>
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## 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>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"> <li>• Assess/map and recruit large grocers, small markets and food pantries to increase healthy food options.</li> <li>• Assist small markets to convert to healthy market status by implementing nutrition, tobacco and alcohol guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>• Providing programmatic guidelines and best practices, and offering technical assistance and training opportunities to build local capacity.</li> </ul>	<p>Grant funds cannot be used to purchase equipment or monetary incentives for retailers.</p>
	<ul style="list-style-type: none"> <li>• Work with large grocery stores to improve pricing, placement and promotion of items to incentivize selection of healthier options.</li> <li>• Work with food pantries to increase healthy options through procurement and soliciting healthier donations.</li> <li>• Connect DPH to local healthy retailers who would be willing to have a success story written about them.</li> </ul>	<ul style="list-style-type: none"> <li>• Providing technical assistance via subcontracts with MA Councils on Aging, WalkBoston and the Center for Health Law &amp; Policy Innovation of Harvard Law School.</li> </ul>	
<p>Work with local Councils on Aging and CBOs to implement Keep Moving walking clubs.</p>	<ul style="list-style-type: none"> <li>• Support MA Council on Aging in training local chapters and CBOs in Keep Moving walking club curriculum.</li> <li>• Assist with training MGOA walking club members as "Senior Design Champions" so that walking club</li> </ul>		



## 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"> <li>• members are skilled in evaluating built environment barriers and opportunities.</li> <li>• Assess and incorporate needs of walking club members into development and implementation of joint use agreements where indoor walking is a possibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify local facilities that would benefit from a joint use agreement and convene local partners to develop and implement an agreement.</li> <li>• Providing technical assistance and training via subcontract with the Center for Health Law &amp; Policy/Innovation of Harvard Law School.</li> </ul>	<ul style="list-style-type: none"> <li>• Grant funds cannot be used to implement recreational programming resulting from joint use agreements.</li> </ul>
<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"> <li>• Convening community walking advisor group to catalogue all existing walking trails/maps that may exist in the community.</li> <li>• Collecting census data on neighborhoods where existing walking trails exist</li> </ul>	<ul style="list-style-type: none"> <li>• Convening a 1422 walking best practices working group to share resources across funded communities.</li> <li>• Providing TA support through Walk Boston</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> </ul>
<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"> <li>• Convening relevant community partners (that can assist with thinking through connectivity issues) to develop process for defining priorities for walking routes</li> <li>• Creating and posting signs</li> <li>• Creating plans to publicize walking routes</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Convening a 1422 walking best practices working group to share resources across funded communities.</li> <li>• 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)</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> </ul>



## 1422 Roles and Responsibilities Community Expectations

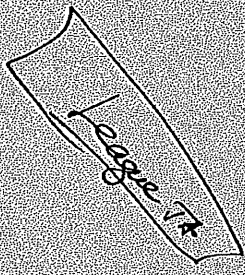
<p>Develop and/or implement transportation and community plans that promote walking</p>	<p>community(s).</p> <ul style="list-style-type: none"> <li>Working towards the development of complete streets policies and community walking plans that include mode shift goals.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Providing best practice information on complete streets policy development.</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>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)</li> </ul>
<p>Coordinate Keep Moving Walking Clubs with walking route efforts</p>	<ul style="list-style-type: none"> <li>Working with MCOA and other CBOs as needed to ensure walking club efforts are consistent with walking route/map activities.</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring MCOA (as a contractor) is coordinating efforts with community walking advisory group</li> </ul>	<ul style="list-style-type: none"> <li>City/e change program is defined as DPP</li> <li>Communities cannot pay staff to run DPP but can (through October 2016) cover or subsidize participant cost</li> </ul>
<p>Offer at least two DPP sessions per year in the community.</p>	<ul style="list-style-type: none"> <li>Network with community partners to identify existing DPP within the community. Individuals willing to be trained to offer DPP.</li> <li>Provide aggregate, de-identified data to DPH on DPP participation and outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>Connecting communities to DPPs they may know of in the community.</li> <li>Coordinating and fund training for new coaches if necessary</li> <li>Supporting coaches in connecting with each other and across the state to understand successes and barriers.</li> </ul>	<ul style="list-style-type: none"> <li>DPH will provide course materials as long as we are able (many in stock)</li> <li>Funds cannot be used to support salary for RD to provide nutrition counseling, nor is nutrition</li> </ul>



## 1422 Roles and Responsibilities Community Expectations

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

## 1422 Roles and Responsibilities Community Expectations

<ul style="list-style-type: none"> <li>and identify roles for non-physician team member</li> </ul>			<ul style="list-style-type: none"> <li>Webinars on community resources and partners will be available</li> </ul>
<ul style="list-style-type: none"> <li>Assess and identify community resources that will assist with population health management</li> <li>Assess role of community health worker for patient education and community linkages in practice</li> <li>Will initiate and implement a bi-directional e-referral systems to community resources</li> </ul>	<ul style="list-style-type: none"> <li>Partners with and utilization of CHW, VNA, GBOs, Ys and others in the community</li> </ul>	<ul style="list-style-type: none"> <li>Identifying resources, best practices and materials</li> <li>Provide community linkage training</li> </ul> <div style="text-align: center; margin-top: 20px;">  </div>	<ul style="list-style-type: none"> <li>Subject matter webinars will be available</li> <li>Cannot pay for Blood pressure monitors</li> <li>Cannot pay for gym membership</li> <li>Refer patients to Weight Watchers and TOPS</li> </ul>
<ul style="list-style-type: none"> <li>Team must attend/participate in a monthly meeting/call</li> <li>Team must participate in learning sessions</li> <li>Team will identify hypertension and/or diabetes lead for grant</li> <li>Team must participate in BP train the trainer</li> </ul>	<ul style="list-style-type: none"> <li>10-12 meetings per year, assess the grant process and timeline</li> <li>3-4 learning sessions a year including subject matter leads in hypertension and diabetes</li> <li>Heart 360 training will be provided</li> </ul>	<ul style="list-style-type: none"> <li>Convening and facilitating process</li> <li>Convening learning sessions</li> </ul>	



## 1422 Roles and Responsibilities Community Expectations

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

## 1422 Roles and Responsibilities Community Expectations

<p>Engage in quality improvement activities developed by clinical teams</p>	<ul style="list-style-type: none"> <li>Identify measures to improve</li> <li>Integrate QI activities and provide aggregate data</li> <li>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</li> <li>Work with DPH in tracking health outcomes</li> </ul>	<p>if necessary</p> <ul style="list-style-type: none"> <li>Providing training or access to trainings for CHWs on HTN self-management</li> <li>Providing Heart 360 training</li> </ul>	
<p>Promote the sustainability of CHWs</p>	<ul style="list-style-type: none"> <li>Encourage and assist CHWs in applying for certification</li> <li>Promote DPH's White Paper that emphasizes the evidence and cost effectiveness of CHWs</li> </ul>	<ul style="list-style-type: none"> <li>Working with clinical sites to identify major payers and collaborate on promoting coverage of CHWs to those payers</li> </ul>	
<p>Conduct a pilot around community pharmacist intervention for HTN and diabetes.</p>	<ul style="list-style-type: none"> <li>Coordination with DPH to identify community pharmacist to deliver the intervention.</li> <li>Assist with coordination and communication between pharmacist and primary care or prescribing provider to meet pilot deliverables.</li> </ul>	<ul style="list-style-type: none"> <li>Assisting with identification of appropriate community pharmacists.</li> <li>Working with pharmacy stakeholders to develop the pilot, which will likely include medication therapy management.</li> <li>Providing TA to local community pharmacists who are delivering the intervention</li> <li>TA will include data collection and communications systems with primary care or prescribing providers, among other things.</li> <li>DPH will provide training in disease management as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>Communities cannot pay pharmacists to deliver the intervention.</li> <li>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.</li> </ul>



## 1422 Roles and Responsibilities Community Expectations

<p>for evaluation needs</p> <p>Provide de-identified clinical data (EHR) to track QI outcomes/progress</p> <p>Work with clinical partner to establish an electronic system for physician referrals to lifestyle change programs in the community</p>	<ul style="list-style-type: none"> <li>Quarterly meetings/updates with MDPH evaluation personnel</li> <li>Work with their clinical partners to provide de-identified clinical data from participating sites</li> <li>Work with MDPH and clinical and community-based partners to establish a system for physician referrals to lifestyle change programs in the community, to track referrals via electronic medical record or e-referral system, and to build capacity within community-based organizations to track and report on referrals</li> </ul>	<p>standardized data collection processes to track their progress</p> <ul style="list-style-type: none"> <li>Work with the grantee to set targets for each year</li> <li>Providing a QI specialist to help with the data transfer</li> <li>Analyzing all the provided data to identify progress and areas for improvement</li> <li>MDPH will provide comprehensive technical assistance.</li> </ul>	
<p>Report on the number of public institutions, work sites, &amp; hospitals with formal nutrition and beverage standards</p>	<p>Provide the following counts/data on an annual basis:</p> <ul style="list-style-type: none"> <li>A count of all public institutions, work sites, hospitals, etc. has a written policy, agreement or formal communication in place that makes healthier food and beverage choices available in cafeterias, snack bars or vending at the start of the grant and annually thereafter</li> </ul>	<ul style="list-style-type: none"> <li>If provided with a list of the public institutions, work sites, &amp; hospitals in your community, MDPH can assist with the creation of data collection processes to identify how many entities have such policies already, and how many adopt such policies over the course of the grant</li> </ul>	<ul style="list-style-type: none"> <li>Grantees will work with MDPH to incorporate the collection of this information into their workplans. Data will be reported annually.</li> </ul>
<p>Report the number of retail venues in the community that promote healthier food access through increased availability, and improved pricing, placement and promotion</p>	<ul style="list-style-type: none"> <li>An annually updated count of all current participants in the MIM Healthy Markets Initiative and a running count of any new retail participants who join over the course of the grant.</li> </ul>	<ul style="list-style-type: none"> <li>MDPH will work with the 1422 and MIM coordinators to develop standardized data collection processes for this information.</li> </ul>	<ul style="list-style-type: none"> <li>Grantees will work with MDPH to incorporate the collection of this information into their workplans. Data will be reported annually.</li> </ul>



# 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

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## Contact Information

Nicole Bourdon/  
1422 Director  
nbourdon@springfieldcityhall.com  
413-750-2065

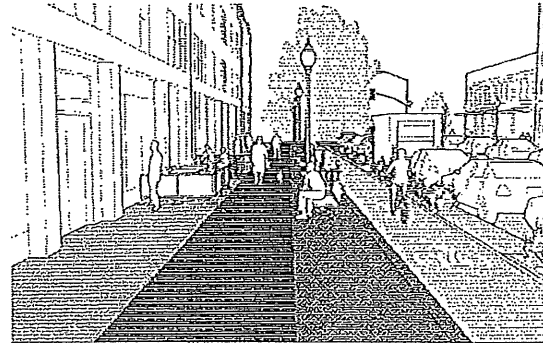
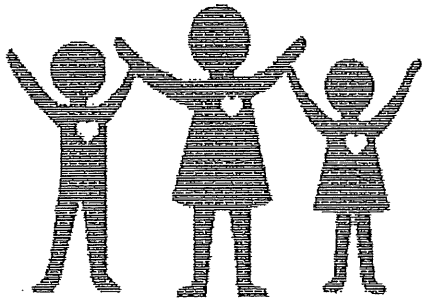
Michael DeChiara  
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mdechiera@springfieldcityhall.com

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**

1457

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

BHCNIS 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
8.	More than one race	129	38		167
7.	Unreported/Refused to report race	275	112	217	604
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

BHCMIS 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 (a)				
<b>Income as Percent of Poverty Level</b>						
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				
<b>Principal Third Party Medical Insurance Source</b>						
		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)	3,967	13,603			
<b>Managed Care Utilization</b>						
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



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](http://www.massgaming.com)  
[FB](#) | [TWITTER](#) | [YOUTUBE](#) | [LINKEDIN](#) | [TUMBLR](#)

---

**From:** Lesser, Eric (SEN) [<mailto:eric.lesser@masenate.gov>]  
**Sent:** Thursday, April 21, 2016 5:01 PM  
**To:** MGCcomments (MGC)  
**Cc:** [djmartilli77@comcast.net](mailto: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](http://caringhealth.org)

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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](http://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 Caring Health Center's Richard E. Neal Complex to improve patient services at the 1049 Main St health center location as a Board Member of Caring Health Center.

- |                        |     |
|------------------------|-----|
| 1. <i>Lara Saba</i>    | 21. |
| 2. <i>Kathi Jones</i>  | 22. |
| 3. <i>Greg C. ...</i>  | 23. |
| 4. <i>...</i>          | 24. |
| 5. <i>...</i>          | 25. |
| 6. <i>Ayesha Ali</i>   | 26. |
| 7. <i>William ...</i>  | 27. |
| 8. <i>Margie Cross</i> | 28. |
| 9.                     | 29. |
| 10.                    | 30. |
| 11.                    | 31. |
| 12.                    | 32. |
| 13.                    | 33. |
| 14.                    | 34. |
| 15.                    | 35. |
| 16.                    | 36. |
| 17.                    | 37. |
| 18.                    | 38. |
| 19.                    | 39. |
| 20.                    | 40. |

**Thurlow, Mary (MGC)**

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**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/mgm Springfield/index.ssf/2016/03/caring health center seeks 257](http://www.masslive.com/mgm_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](http://www.springfieldregionalchamber.com)

April 18, 2016

Mr. Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> 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. Cluffreda".

Jeffrey S Cluffreda, 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](mailto: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](mailto: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](http://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 Totman	1049 Main St Springfield MA
	Heather Eedha	1049 Main St Springfield MA
	Eddy Carrea	1049 Main St Springfield MA
	Yael Pacheco	1049 Main St Springfield MA
	Jessica Barber	1049 Main St Springfield MA
	Lisa Tompina	1049 Main St Springfield MA
	Yentza Harrison	1049 Main St Springfield MA
	Aracelis 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
	Mindali Figueroa	355 Newbury St Springfield MA
	Taj-Kamau Robinson	12 Park St Springfield MA
	Tracy Benerakis	39 Pelham Dr. Hampton MA
	Jasmine Naylor	1049 Main St Springfield MA 01108
	Tania M. Barber	1049 Main St Springfield MA 01103
	Laura Landry	1049 Main St Springfield MA 01103
	LaLisa Stiles	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.
Charmaigne Rowe	Charmaigne 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.
	Liliana Alvarez	532 Summer Ave
	Isidalia SERRANO	532 Summer Ave
	Yolanda Ayala	1049 Main St
	<del>MA</del>	532 Summer Ave.
	Fernando Molina	532 Summer Ave. <sup>Student</sup>
	Vijay Patel	532 Summer Ave
	RAGHUVIR RAMESH	532 Summer Ave.
	Evelyn Matute	532 Summer Ave
532	Lisbeth Aponte	532 Summer Ave
Van Lam $\leftrightarrow$		u



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
	Zachira Pabon Soto	12 Noel St. Spfld MA 01108
	Noor K. Neji	1023 Allen St, Spfld MA 01118
	Luz M. Palermo	23 Quincy St., Spfld MA 01109
	MALINA SLOBODANOVIC	174 Meadow St Westfield MA 01085
	Patricia Cormier	41 Kingsley St Spfld, MA 01104
	Kenia Gonzalez	17 Alice St Spfld, MA 01109
	Denise Aponte	73 Lawndale St ma 01108
	Jennifer Bissonnette	272 Ayrnt St. Palmer MA 01069
	Jessica Scott	25 Plum St. Spfld 01109
	Analis Soto	47 Norne St Spfld 01105 Apt #3
	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 RIVAS	65 Gresham St, Spfld 01119
	JOAN C. STRYMER	1124 NORTHAMPTON ST. HOLYSKE MA
	Adriana Rivera	126 Union St
	Bedel Ahmed	483 UNION Street W. St.
	Jharna Mishra	333 Surrey Rd
	Andrea Malcolm	530 Summer Ave

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
	Janira Rios	72 Walnut St. Chicago, Ill 01020
	Hala Al Hallaq	43 Russell St West Springfield 01099
	Amneys Figueroa	17 Beacon Terrace Springfield, MA 01119
	Yanira Rivera	91 Federal St Springfield MA 01105
	Kalyan Katta	48 Holy Family Road Holyoke, MA 01040
	Samina Butt	
	Edward Canale	35 Worcester St 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 Cabington	151 Allen St Apt C Springfield MA
	Briana Ferrer	371 Central Street Spfld MA 01105
	Teneshia Gousshy	217 Beacon Cir Springfield MA 01119
	Pamela Kronick	395 Frank Smith Rd Longmeadow MA 01106
	Yamilia Bones	59 Pundam St. Springfield, MA 01108
	Victoria Riquelme	5105 Page Blvd Springfield MA 01111
	Luz M. Cotto	134 Carver St Spfld MA 01108
	Ariene Mills	722 Beacon Cir Springfield Ma 01119
	Amy Tran	73 Springfield St. Northampton MA 01060
	Viktoriya Kirik	416 Adams St Agawam MA 01001

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
<i>Kristin Boyle</i>	Kristin Boyle	111 Sunrise Ter Springfield MA 01119
<i>Killian Alvarado</i>	Killian Alvarado	Summer Ave
<i>Andrea Malcolm</i>	<del>Andrea Malcolm</del>	532 Summer Ave.
<i>E. Neil</i>	Elaine Neil	532 Summer Ave. Springfield, MA.
<i>K. Wallace</i>	Kemar Wallace	532 Summer Ave Springfield
<i>Rachelle Campbell - wife</i>	Rachelle Campbell - wife	532 Summer Ave
<i>Jacqueline Martinez</i>	Jacqueline Martinez	532 Summer Ave
<i>Kimberly Allard</i>	Kimberly Allard	532 Summer Ave
<del>Tatiana Oakes</del>	Tatiana Oakes	860 Boston Rd, Spfld
<i>Xuan Nguyen Gonzalez</i>	Xuan Nguyen Gonzalez	532 Summer Ave
<i>532 Summer Ave</i>	532 Summer Ave	532 Summer Ave
<b>PAUL BRANDOLI</b>	<i>Paul Brandoli</i>	532 Summer Ave
<i>Lizmin Glover</i>	Lizmin Glover	1049 Main St
<i>Adriana D...</i>	Adriana D...	1049 Main St
<i>Anna Silva Chuevas</i>	Anna Silva Chuevas	1049 Main St
<i>Diana Chuevas</i>	Diana Chuevas	1049 Main St
<i>Celestia Martinez</i>	Celestia Martinez	1049 Main St
<i>Linda Nardi</i>	Linda Nardi	31 Andmore St
<i>Yana Melnikova</i>	Yana Melnikova	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
	Shakira Valentin	
	Deronica Hornet	47 Hanover St, W. Spring
	Anabel Rodriguez	38 Van Buren Ave Spfld 01104
	Nham Pham	86 Audley Rd Spfld 01118
	Yahaya Clawsell	200 Pearl St Spfld 01105
	INNA GARTSBEYA	59 FRANCONIA CIR 01104
	Linda Andrews	1049 MAIN Street
	DENISE WILSON	43 Fredette St
	Pedro Rosendo	34 Brown Ave.
	Ylenia Gonzalez	227 Montgomery St
	Bonnie Paddleton	1049 Main St
	VERA NERVO	1049 Main St
	Robert J. DiSera Jr	1049 Main St
	Tyra Varner	1049 Main St
	Leticia Thomas	1049 Main St
	Carmen Nia	1049 Main St
	Alaa Alughdadi	1049 Main St
	Iris M. Sanchez	1049 Main St
	Jhana Dyke	1049 Main St
	Alexandria Austin	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
	ELIZABETH BAZON	1049 Main St 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
Elba Mendez	Elba Mendez	1049 MAIN ST - SPFLD MA
Laura Reda		1049 Main St
Svetlana Ryhal	S. Ryhal	1049 main
Tatiana Bendianova		1049 main
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 MURROK	Kum MURROK	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 Wilson	Tiffany Wilson	1049 main St SPFLD MA
Sharon Keys	Sharon Keys	1049 main St. SPFLD MA
Candy Young	Candy Young	1049 main St SPFLD, MA
FARINE MELINDRE	FARINE MELINDRE	1049 Main St Springfield, MA







Leisyayeva Yuliya Rusyayeva 21 Carriage House  
Enfield, CT 06082.

Gelyshw Naderhda 49 Kanuda st Indian Orch MA 01151

Amanda Bruno Lucila Bruno 35 Willow St #1412

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](http://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  
9<sup>th</sup> 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) 788-0683  
Jose.Tosada@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.

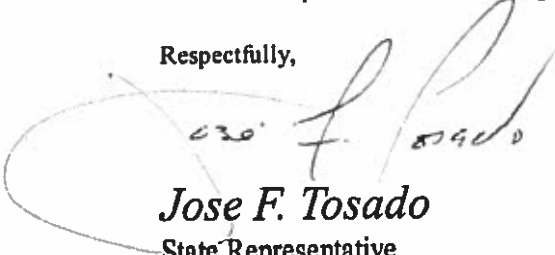
Construction on nearby roads and infrastructure improvements related to the reshaping of the south end of the city have caused the loss of telephone lines and downed computer systems at CHC on various occasions, causing confusion for patients and employees.

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,



*Jose F. Tosado*

**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, 12<sup>th</sup> 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, 12<sup>th</sup> - 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.

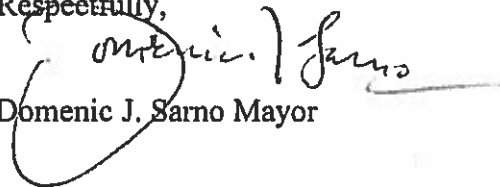
The funds will be used to address the conditions related to construction impacts occurring around CHC, namely utility disruption, elimination of on-street parking during construction and blocked sidewalks, and rising costs of off-street parking.

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@caringshealth.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 10<sup>th</sup> Floor  
Boston, MA 02108  
617-988-2252  
Cell 617-980-1922  
Fax 617-426-0097  
[ehafer@massleague.org](mailto: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, 12<sup>th</sup> 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.

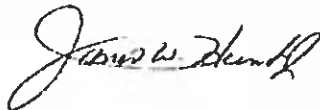
Caring Health Center employs 195 people and averages 400 patient visits daily. Many patients are low-income and speak a primary language other than English. Their ability to access and navigate the health care system is limited to start and the problems resulting from the construction of the casino further 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 617-426-2225  
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  
6<sup>TH</sup> HAMPDEN DISTRICT

STATE HOUSE, ROOM 134  
BOSTON, MA 02133-1054

TEL (617) 722-2400

Michael.Finn@MAhouse.gov

DISTRICT OFFICE

(413) 383-1966

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.

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.

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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



March 28, 2016

Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Re: 2016 Community Mitigation Fund, Transportation Planning Grant Application  
Letter of Support

**Board of Trustees**

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Vice Chair: Robert Russo, NJ  
Secretary: Brandon Douglass,  
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Keith Laughlin, DC  
Ed McBrayer, GA  
Dan McCrady, MD  
Jeff Miller, DC  
Ellen Moyer, MD  
Jeff Olson, NY  
Bill O'Neill, CT  
Michael Oppenheimer, NY  
Shaunak Patel, NC  
Jean-François Pronovost,  
Canada  
John Pucher, NC  
Diane Robertson, NC  
Boaz Shattan, NY  
Pablo Torres, VA  
Karen Votava, RI  
Judy Walton, OR  
Kenneth Withrow, NC

**Executive Director**  
Dennis Markatos-Soriano

Dear Chairman Crosby and Commission Members:

The East Coast Greenway Alliance (ECGA) writes in support of the City of Everett's application for the 2016 Transportation Planning Grant. This grant would provide critical resources necessary to complete the study and preliminary design work for the extension of the Northern Strand Community Bike Path to the existing paths along the Mystic River.

The Northern Strand Community Bike path - an envisioned 10 mile shared-use path connecting the communities of Everett, Malden, Revere, Saugus and Lynn - is an integral part of the nationally significant East Coast Greenway (ECG), a 2,900 mile developing bicycling and walking path connecting communities from the Canadian border to Key West Florida.

Currently the path ends in Everett at Air Force Road where East Coast Greenway users are directed onto busy Route 16, through the Wellington MBTA commuter parking lot and along a narrow sidewalk stretching the Fellsway Bridge/Route 28. The funding sought by the City of Everett is a critical step to making a continuous and safe connection to Downtown Boston, as well as several mass transit connections. Closing this critical gap makes the area more appealing to tourists and encourages more residents to choose bicycling, walking and transit over personal motorized vehicles.

The ECGA is working closely with the City of Everett and several key advocacy organizations who share the same vision including Bike to the Sea, the LandLine Coalition and the Emerald Network. We are committed to making active transportation more accessible to residents and visitors and strongly believe that closing this gap will have a significant impact on the network. We believe that the 2016 Transportation Planning Grant from the Massachusetts Gaming Commission is an important step towards realizing the full potential of active transportation network in this region and for the entire Eastern Seaboard.

Thank you for your consideration of this grant application.

Sincerely,

Dave Read, Chair, ECGA Massachusetts State Committee

Molly Henry, ECGA New England Greenway Coordinator

2016 MAR 31 AM 10:27  
TASCA  
MASSACHUSETTS GAMING COMMISSION

## **Thurlow, Mary (MGC)**

---

**From:** Robert Peirent <robert.peirent@eastlongmeadowma.gov>  
**Sent:** Sunday, March 27, 2016 11:21 AM  
**To:** MGCcomments (MGC)  
**Cc:** Maybury, John; Robert Peirent  
**Subject:** 2016 Community Mitigation fund applications - public comment

I am submitting this comment as a representative of the East Longmeadow Board of Public Works, which through the Town's adoption of MGL c 41 s 69D serve as the Town's Road Commissioners and I serve as the Town's Superintendent of Streets.

Based on a recent newspaper article, it is my understanding that Greg Neffinger, Interim Town Administrator, has submitted a request for use of Mitigation Reserve Funds for an update of previous studies of the Town's Center Square rotary including Complete Streets concepts.

Pleased be advised that the Board of Public Works only just received a copy of the Mitigation Reserve Fund request through an online link provided with the newspaper article and has not discussed this application in detail and has not taken any action to support this request.

If possible, could the Gaming Commission respond to the following questions:

1. If these mitigation funds are not awarded to the Town during this application cycle, will they be available to the Town in future Mitigation Grant rounds?
2. MGL c 41 s 64 states "If road commissioners be chosen, they shall exclusively have the powers, perform the duties and be subject to the liabilities and penalties of selectmen and surveyors of highways relative to public ways, monuments at the termini and angles thereof, guide post, sidewalks and shade trees . . ." Based on this statute, will the Gaming Commission require the Board of Public Works, not the Board of Selectmen, to endorse the funding application referenced above?

Thank you for your consideration.

**Bob Peirent, P.E.**  
**Superintendent**  
**East Longmeadow Department of Public Works**  
**(413) 525-5400 extension 1200**  
**(413) 525-5413 fax**



**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) [<mailto:djmartilli77@comcast.net>]  
**Sent:** Friday, July 15, 2016 9:40 AM  
**To:** Ziemba, John S (MGC)  
**Cc:** Tania Barber  
**Subject:** 3 Photos Today

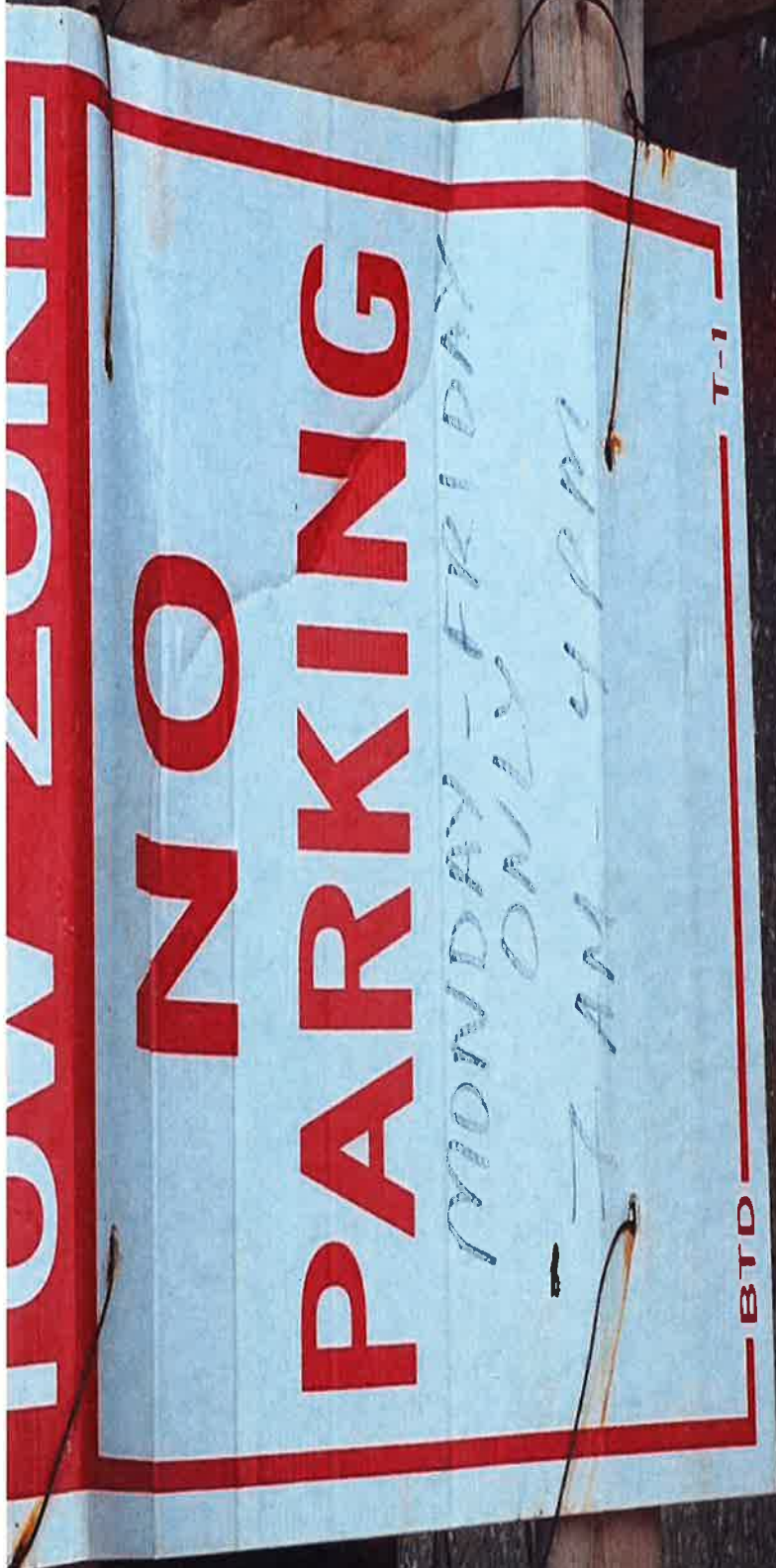
John,  
Good Morning.

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





**NO  
PARKING**

*MONDAY - FRIDAY  
7 AM - 4 PM*

BTD

T-1



## Thurlow, Mary (MGC)

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**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

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**From:** [djmartilli77@comcast.net](mailto:djmartilli77@comcast.net) [mailto:[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](mailto: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 yesterday's 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](mailto:djmartilli77@comcast.net)



Begin forwarded message:

**From:** Joy Martin <[jmartin@dnvpt.net](mailto: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](mailto:jmartin@dnvpt.net)  
**Bcc:** [djmartilli77@comcast.net](mailto: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](mailto: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) [<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](mailto:djmartilli77@comcast.net)



Begin forwarded message:

**From:** Jose Rivera <[jrivera@caringhealth.org](mailto:jrivera@caringhealth.org)>  
**Subject:** 1049 Main St. MGM & Springfield Construction Photos  
**Date:** July 5, 2016 1:45:53 PM EDT  
**To:** [djmartilli77@comcast.net](mailto:djmartilli77@comcast.net), Jacqueline Johnson <[jjohnson@caringhealth.org](mailto:jjohnson@caringhealth.org)>, Cassidy Hayes <[chayes@caringhealth.org](mailto:chayes@caringhealth.org)>, Jasmine Naylor <[jnaylor@caringhealth.org](mailto: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













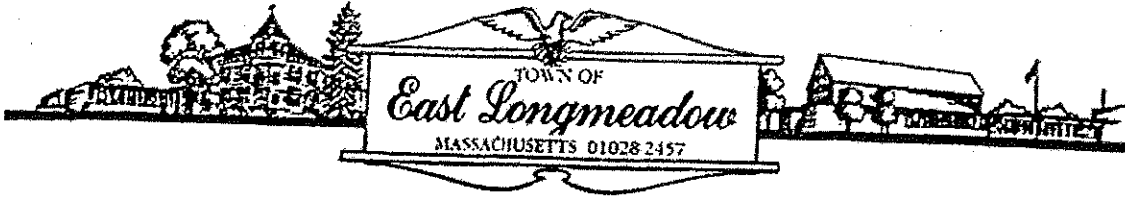


Our mission is to provide health care for the ill, to comfort the sick, and to bring the highest level of health care to all. Your donation has given us the ability to remain good stewards of that mission. Thank you for believing in us! - to continue giving -

<http://valleygives.razoo.com/story/Caring-Health-Center>

For more information about Valley Gives, visit [www.valleygivesday.org](http://www.valleygivesday.org).  
To learn more about Caring Health Center, <http://caringhealth.org>.





*Board of Selectmen*  
Paul L. Federici, Chairman  
William R. Gorman  
Kevin M. Manley

Telephone: (413) 525-5400 ext. 1100  
Fax: (413) 525-1025

June 9, 2016

Mr. John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts 01220

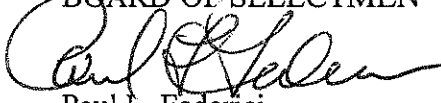
Dear Mr. Ziemba:

The Board of Selectmen for the Town of East Longmeadow, Massachusetts would like to formally withdraw the 2016 Community Mitigation Fund Reserve/Specific Impact Application that was submitted in February 2016 by Greg Neffinger, Interim Town Administrator.

The Town would like to reserve the rights to submit this application in the near future. We would appreciate your response to our request at your earliest convenience.

Thank you for your attention in this matter.

Very truly yours,  
BOARD OF SELECTMEN

  
Paul L. Federici  
Chairman

**No Documents**



*Division of Racing*

## **MEMORANDUM**

<b>TO:</b>	Massachusetts Gaming Commission / State Racing Division
<b>FROM:</b>	Doug O'Donnell, Senior Financial Analyst
<b>SUBJECT:</b>	Local Aid Distribution
<b>DATE:</b>	July 21, 2016

In accordance with Section 18D of Chapter 58, local aid is payable to each city and town within which racing activities are conducted. Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

- Local Aid Quarterly Payment - June 30, 2016 \$180,970.07

With the Commission's authorization payments will be made to the appropriate cities and towns.



Massachusetts Gaming Commission

**Massachusetts Gaming Commission / State Racing Division**

Computation of Local Aid Distributions

Qtr ending 06/30/2016

	Total handles			Local Aid @ .0035	Pay to
	Oct	Nov	Dec 15'		
<b>Suffolk Downs -</b>					
Suffolk on track			10,989,811		
Exports			1,249,516		
TVG			10,077,334		
Xpress Bets			3,118,023		
Twin Spires			6,084,378		
<b>Total</b>			<u>31,519,062</u>	<u>110,316.72</u>	Boston (2/3) & Revere (1/3)
<b>Plainridge -</b>					
Planridge on track			8,330,703		
Exports			3,153,341		
<b>Total</b>			<u>11,484,044</u>	<u>40,194.15</u>	Plainville
<b>Raynham-Taunton</b>					
On track			7,551,223		
Exports			-		
<b>Total</b>			<u>7,551,223</u>	<u>26,429.28</u>	Raynham
<b>Wonderland - @ Suffolk Location</b>					
On track			1,151,404		
Exports			-		
<b>Total</b>			<u>1,151,404</u>	<u>4,029.91</u>	Boston (2/3) & Revere (1/3)
<b>Grand total</b>			<u>51,705,733</u>	<u>180,970.07</u>	

<b>Distributions -</b>		
City of Boston (line 1)	73,544.85	On Suffolk
City of Revere (line 1)	36,771.87	On Suffolk
City of Boston (line 2)	2,686.62	On Wonderland @ Suffolk Location
City of Revere (line 2)	1,343.29	On Wonderland @ Suffolk Location
Town of Plainville	40,194.15	On Plainridge
Town of Raynham	26,429.28	On Raynham-Taunton
<b>Total</b>	<u>180,970.07</u>	

Payments should be made to the above communities for the amounts indicated.

Appropriation =  
 Object =  
 Reference            Racing local aid q/e 06/16  
 Description

dao

In accordance with Section 18D of Chapter 58, local aid is payable to each city and town within which racing activities are conducted. Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

*Pl/2/2/10/15*

October 2015

10/1/2015  
10/31/2015  
31  
31

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
	\$2,346,372.50	\$374,571.50	\$454,424.60	\$17,952.80	\$0.00	\$0.00	\$155,586.00	\$3,348,907.40
	\$11,865.64	\$1,664.75	\$730.77	\$100.51	\$0.00	\$0.00	\$761.74	\$15,123.41
	\$840,094.00	\$97,652.00	\$33,855.00	\$7,110.00	\$0.00	\$0.00	\$36,550.00	\$1,015,261.00
	\$1,506,278.50	\$276,919.50	\$420,569.60	\$10,842.80	\$0.00	\$0.00	\$119,036.00	\$2,333,646.40
	<b>Distribution to Different Funds</b>							
\$9,300.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,300.00
\$10,707.40		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,707.40
	\$8,798.90	\$1,404.64	\$11,360.62	\$67.32	\$0.00	\$0.00	\$1,166.90	\$22,798.37
	\$11,865.64	\$0.00	\$0.00	\$100.51	\$0.00	\$0.00	\$0.00	\$11,966.15
	\$2,932.97	\$0.00	\$0.00	\$22.44	\$0.00	\$0.00	\$0.00	\$2,955.41
	\$0.00	\$3,049.35	\$0.00	\$0.00	\$0.00	\$0.00	\$1,952.10	\$5,001.45
	\$0.00	\$1,384.60	\$0.00	\$0.00	\$0.00	\$0.00	\$1,190.36	\$2,574.96
	\$0.00	\$0.00	\$2,272.12	\$0.00	\$0.00	\$0.00	\$0.00	\$2,272.12
\$20,007.40	\$23,597.50	\$5,838.59	\$13,632.74	\$190.27	\$0.00	\$0.00	\$4,309.36	\$67,575.86

*10/17/15*

*[Signature]*

*Plainridge*  
*Pill Nov 2015*

11/1/2015  
 11/30/2015  
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 30

November 2015

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
	\$1,617,053.90	\$398,846.50	\$430,058.20	\$0.00	\$0.00	\$0.00	\$145,876.00	\$2,591,834.60
	\$7,321.29	\$1,602.94	\$722.38	\$0.00	\$0.00	\$0.00	\$703.92	\$10,350.53
	\$562,469.00	\$90,485.00	\$32,425.00	\$0.00	\$0.00	\$0.00	\$35,004.00	\$720,383.00
	\$1,054,584.90	\$308,361.50	\$397,633.20	\$0.00	\$0.00	\$0.00	\$110,872.00	\$1,871,451.60
<b>Distribution to Different Funds</b>								
\$9,000.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,000.00
\$10,362.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,362.00
	\$6,063.95	\$1,495.67	\$10,751.46	\$0.00	\$0.00	\$0.00	\$1,094.07	\$19,405.15
	\$7,321.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,321.29
	\$2,021.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,021.32
	\$0.00	\$3,144.75	\$0.00	\$0.00	\$0.00	\$0.00	\$1,812.64	\$4,957.39
	\$0.00	\$1,541.81	\$0.00	\$0.00	\$0.00	\$0.00	\$1,108.72	\$2,650.53
	\$0.00	\$0.00	<u>\$2,150.29</u>	\$0.00	\$0.00	\$0.00	\$0.00	\$2,150.29
\$19,362.00	\$15,406.56	\$6,182.23	\$12,901.75	\$0.00	\$0.00	\$0.00	\$4,015.43	\$57,867.96

71'  
 377

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Plainridge

12/1/2015

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December

2015

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	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
	\$1,501,856.20	\$435,114.20	\$452,991.10	\$0.00	\$0.00	\$0.00	\$0.00	\$2,389,961.50
	\$6,773.72	\$1,931.22	\$873.51	\$0.00	\$0.00	\$0.00	\$0.00	\$9,578.45
	\$534,712.00	\$114,632.00	\$42,351.00	\$0.00	\$0.00	\$0.00	\$0.00	\$691,695.00
	\$967,144.20	\$320,482.20	\$410,640.10	\$0.00	\$0.00	\$0.00	\$0.00	\$1,698,266.50
	<b>Distribution to Different Funds</b>							
\$9,000.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,000.00
\$10,707.40		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,707.40
	\$5,631.96	\$1,631.68	\$11,324.78	\$0.00	\$0.00	\$0.00	\$0.00	\$18,588.42
	\$6,773.72	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,773.72
	\$1,877.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,877.32
	\$0.00	\$3,533.63	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,533.63
	\$0.00	\$1,602.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,602.41
	\$0.00	\$0.00	\$2,264.96	\$0.00	\$0.00	\$0.00	\$0.00	\$2,264.96
\$19,707.40	\$14,283.00	\$6,767.72	\$13,589.73	\$0.00	\$0.00	\$0.00	\$0.00	\$54,347.85

Suffolk Bill

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Suffolk  
 October 2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	State Greyhound Signal	Import of State Greyhound Signal	Out of Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Monthly Total
\$4,204,077.90	\$53,793.20	\$0.00	\$0.00	\$0.00	\$8,428.00	\$498,116.70	\$0.00	\$4,764,415.80
\$19,910.15	\$281.09	\$0.00	\$0.00	\$0.00	\$28.35	\$4,114.06	\$0.00	\$24,333.65
\$1,494,351.00	\$11,854.00	\$0.00	\$0.00	\$0.00	\$1,275.00	\$253,622.00	\$0.00	\$1,761,102.00
\$2,709,726.90	\$41,939.20	\$0.00	\$0.00	\$0.00	\$7,153.00	\$244,494.70	\$0.00	\$3,003,313.80
<b>Distribution to Different Funds</b>								
\$7,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,200.00
\$41,710.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$41,710.19
\$15,765.29	\$201.72	\$0.00	\$0.00	\$0.00	\$31.61	\$3,735.88	\$0.00	\$19,734.50
\$19,910.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,114.06	\$0.00	\$24,024.21
\$5,255.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,245.29	\$0.00	\$6,500.39
\$0.00	\$490.79	\$0.00	\$0.00	\$0.00	\$64.12	\$0.00	\$0.00	\$554.90
\$0.00	\$209.70	\$0.00	\$0.00	\$0.00	\$35.77	\$0.00	\$0.00	\$245.46
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$48,910.19	\$40,930.54	\$902.21	\$0.00	\$0.00	\$131.49	\$9,095.23	\$0.00	\$99,969.65

10/27/15

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Suffolk

11/1/2015  
11/30/2015  
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November 2015

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of State Greyhound Signal	Out of State Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Monthly Total
	\$3,146,663.20	\$55,434.00	\$0.00	\$0.00	\$10,675.00	\$0.00	\$0.00	\$3,212,772.20
	\$14,073.22	\$242.03	\$0.00	\$0.00	\$40.70	\$0.00	\$0.00	\$14,355.95
	\$1,057,913.00	\$11,017.00	\$0.00	\$0.00	\$1,878.00	\$0.00	\$0.00	\$1,070,808.00
	\$2,088,750.20	\$44,417.00	\$0.00	\$0.00	\$8,797.00	\$0.00	\$0.00	\$2,141,964.20
<b>Distribution to Different Funds</b>								
\$6,600.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,600.00
\$40,364.70		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,364.70
	\$11,799.99	\$207.88	\$0.00	\$0.00	\$40.03	\$0.00	\$0.00	\$12,047.90
	\$14,073.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,073.22
	\$3,933.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,933.33
	\$0.00	\$464.12	\$0.00	\$0.00	\$84.69	\$0.00	\$0.00	\$548.80
	\$0.00	\$222.09	\$0.00	\$0.00	\$43.99	\$0.00	\$0.00	\$266.07
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$46,964.70	\$29,806.54	\$894.08	\$0.00	\$0.00	\$168.70	\$0.00	\$0.00	\$77,834.01

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Wonderland

Bill

Wonderland

10/1/2015

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October

2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$0.00	\$0.00	\$414,658.10	\$0.00	\$0.00	\$0.00	\$0.00	\$414,658.10
\$0.00	\$0.00	\$915.64	\$0.00	\$0.00	\$0.00	\$0.00	\$915.64
\$0.00	\$0.00	\$40,519.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,519.00
\$0.00	\$0.00	\$374,139.10	\$0.00	\$0.00	\$0.00	\$0.00	\$374,139.10
<b>Distribution to Different Funds</b>							
\$7,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,200.00
\$1,712.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,712.75
\$0.00	\$0.00	\$10,366.45	\$0.00	\$0.00	\$0.00	\$0.00	\$10,366.45
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$2,988.93	\$0.00	\$0.00	\$0.00	\$0.00	\$2,988.93
\$8,912.75	\$0.00	\$13,355.38	\$0.00	\$0.00	\$0.00	\$0.00	\$22,268.13

11/2/15

Bill

Wonderland  
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November 2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$0.00	\$0.00	\$363,801.20	\$0.00	\$0.00	\$0.00	\$0.00	\$363,801.20
\$0.00	\$0.00	\$824.18	\$0.00	\$0.00	\$0.00	\$0.00	\$824.18
\$0.00	\$0.00	\$38,447.00	\$0.00	\$0.00	\$0.00	\$0.00	\$38,447.00
\$0.00	\$0.00	\$325,354.20	\$0.00	\$0.00	\$0.00	\$0.00	\$325,354.20
<b>Distribution to Different Funds</b>							
\$6,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,300.00
\$1,657.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,657.50
\$0.00	\$0.00	\$9,095.03	\$0.00	\$0.00	\$0.00	\$0.00	\$9,095.03
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$2,643.19	\$0.00	\$0.00	\$0.00	\$0.00	\$2,643.19
\$7,957.50	\$0.00	\$11,738.22	\$0.00	\$0.00	\$0.00	\$0.00	\$19,695.72

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Wonderland

12/1/2015

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December

2015

	<b>Out of State Running Horse Signal</b>	<b>Out of State Harness Horse Signal</b>	<b>Import of Out of State Greyhound Signal</b>	<b>Intra-State Simulcast of Suffolk (NA Suffolk)</b>	<b>Intra-State Simulcast of Plainridge</b>	<b>Live Racing Suffolk</b>	<b>Live Racing Plainridge</b>	<b>Weekly Total</b>
	\$0.00	\$0.00	\$372,945.50	\$0.00	\$0.00	\$0.00	\$0.00	\$372,945.50
	\$0.00	\$0.00	\$885.84	\$0.00	\$0.00	\$0.00	\$0.00	\$885.84
	\$0.00	\$0.00	\$37,778.00	\$0.00	\$0.00	\$0.00	\$0.00	\$37,778.00
	\$0.00	\$0.00	\$335,167.50	\$0.00	\$0.00	\$0.00	\$0.00	\$335,167.50
	<b>Distribution to Different Funds</b>							
\$5,700.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,700.00
\$1,712.75		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,712.75
	\$0.00	\$0.00	\$9,323.64	\$0.00	\$0.00	\$0.00	\$0.00	\$9,323.64
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$2,750.57	\$0.00	\$0.00	\$0.00	\$0.00	\$2,750.57
\$7,412.75	\$0.00	\$0.00	\$12,074.21	\$0.00	\$0.00	\$0.00	\$0.00	\$19,486.96

Rayburn.

Bill

10/1/2015  
10/31/2015  
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October 2015

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
	\$1,372,991.70	\$68,970.10	\$1,380,707.30	\$0.00	\$12,470.00	\$0.00	\$0.00	\$2,835,139.10
	\$5,873.08	\$160.26	\$2,503.66	\$0.00	\$37.22	\$0.00	\$0.00	\$8,574.22
	\$409,474.00	\$8,678.00	\$111,786.00	\$0.00	\$1,741.00	\$0.00	\$0.00	\$531,679.00
	\$963,517.70	\$60,292.10	\$1,268,921.30	\$0.00	\$10,729.00	\$0.00	\$0.00	\$2,303,460.10
<b>Distribution to Different Funds</b>								
\$9,300.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,300.00
\$9,568.46		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,568.46
\$5,148.72	\$258.64	\$34,517.68	\$0.00	\$46.76	\$0.00	\$0.00	\$0.00	\$39,971.80
\$5,873.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,873.08
\$1,716.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,716.24
\$0.00	\$461.72	\$0.00	\$0.00	\$90.87	\$0.00	\$0.00	\$0.00	\$552.59
\$0.00	\$301.46	\$0.00	\$0.00	\$53.65	\$0.00	\$0.00	\$0.00	\$355.11
\$0.00	\$0.00	\$9,407.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,407.20
\$18,868.46	\$12,738.04	\$1,021.82	\$43,924.88	\$0.00	\$191.27	\$0.00	\$0.00	\$76,744.47

11/2/15

*[Handwritten Signature]*

*Rayham Bill Nov 2015*

11/1/2015  
11/30/2015  
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November 2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$1,057,261.50	\$83,253.90	\$1,296,386.40	\$0.00	\$17,060.00	\$0.00	\$0.00	\$2,453,961.80
\$4,771.79	\$262.49	\$2,165.86	\$0.00	\$46.36	\$0.00	\$0.00	\$7,246.50
\$370,949.00	\$11,577.00	\$100,177.00	\$0.00	\$1,862.00	\$0.00	\$0.00	\$484,565.00
\$686,312.50	\$71,676.90	\$1,196,209.40	\$0.00	\$15,198.00	\$0.00	\$0.00	\$1,969,396.80
<b>Distribution to Different Funds</b>							
\$8,700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,700.00 ✓
\$9,259.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,259.80 ✓
\$3,964.73	\$312.20	\$32,409.66	\$0.00	\$63.98	\$0.00	\$0.00	\$36,750.57 ✓
\$4,771.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,771.79 ✓
\$1,321.58	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,321.58 ✓
\$0.00	\$620.87	\$0.00	\$0.00	\$122.35	\$0.00	\$0.00	\$743.22 ✓
\$0.00	\$358.38	\$0.00	\$0.00	\$75.99	\$0.00	\$0.00	\$434.37 ✓
\$0.00	\$0.00	\$8,647.79	\$0.00	\$0.00	\$0.00	\$0.00	\$8,647.79
\$17,959.80	\$10,058.10	\$1,291.46	\$41,057.45	\$0.00	\$262.32	\$0.00	\$70,629.13

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Rayburn  
Dec 2015 ✓

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December 2015

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
	\$875,000.10	\$75,091.10	\$1,312,031.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,262,122.20
	\$3,167.70	\$256.82	\$2,248.69	\$0.00	\$0.00	\$0.00	\$0.00	\$5,673.21
	\$241,341.00	\$15,185.00	\$100,777.00	\$0.00	\$0.00	\$0.00	\$0.00	\$357,303.00
	\$633,659.10	\$59,906.10	\$1,211,254.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,904,819.20
<b>Distribution to Different Funds</b>								
\$9,000.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,000.00
\$9,568.46		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,568.46
\$0.00	\$3,281.25	\$281.59	\$32,800.78	\$0.00	\$0.00	\$0.00	\$0.00	\$36,363.62
\$0.00	\$3,167.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,167.70
\$0.00	\$1,093.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,093.75
\$0.00	\$0.00	\$556.35	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$556.35
\$0.00	\$0.00	\$299.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$299.53
\$0.00	\$0.00	\$0.00	\$8,808.85	\$0.00	\$0.00	\$0.00	\$0.00	\$8,808.85
\$18,568.46	\$7,542.70	\$1,137.47	\$41,609.62	\$0.00	\$0.00	\$0.00	\$0.00	\$68,858.25

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Xpress Bets

11/1/2015

11/30/2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$826,264.00	\$61,305.00			\$7,630.00	\$0.00		\$895,199.00
\$3,251.95	\$275.00			\$15.86			\$3,542.81
\$298,201.00	\$25,290.00			\$2,693.00			\$326,184.00
\$528,063.00	\$36,015.00			\$4,937.00			\$569,015.00

ution to Different Funds

Distrib

\$0.00							\$0.00
\$0.00							\$0.00
\$3,098.49	\$229.89			\$28.61	\$0.00		\$3,357.00
\$3,251.95					\$0.00		\$3,251.95
\$1,032.83					\$0.00		\$1,032.83
	\$455.08			\$40.55			\$495.62
	\$180.08			\$24.69			\$204.76
							\$0.00
\$0.00	\$7,383.27	\$865.04	\$0.00	\$0.00	\$93.84	\$0.00	\$0.00
							\$8,342.16

\$8,342.16













TWIN SPIRES

11/1/2015

11/30/2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$1,467,725.00	\$245,489.00			\$13,521.00	\$0.00		\$1,726,735.00
\$5,983.04	\$900.00			\$61.49			\$6,944.53
\$587,090.00	\$98,195.00			\$3,394.00			\$688,679.00
\$880,635.00	\$147,294.00			\$10,127.00			\$1,038,056.00
Contribution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$5,503.97	\$920.58			\$50.70	\$0.00		\$6,475.26
\$5,983.04					\$0.00		\$5,983.04
\$1,834.66					\$0.00		\$1,834.66
	\$1,636.47			\$112.13			\$1,748.60
	\$736.47			\$50.64			\$787.11
							\$0.00
\$0.00	\$13,321.67	\$0.00	\$0.00	\$213.46	\$0.00	\$0.00	\$16,828.65
	\$3,293.52						\$16,828.66



TWIN SPIRES

12/1/2015  
12/31/2015

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$1,453,053.00	\$256,422.00				\$0.00	\$0.00	\$1,709,475.00
\$7,500.00	\$1,235.00						\$8,735.00
\$595,751.00	\$105,133.00						\$700,884.00
\$857,302.00	\$151,289.00						\$1,008,591.00
Distribution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$5,448.95	\$961.58				\$0.00	\$0.00	\$6,410.53
\$7,500.00						\$0.00	\$7,500.00
\$1,816.32						\$0.00	\$1,816.32
	\$1,991.45				\$0.00		\$1,991.45
	\$756.45				\$0.00		\$756.45
							\$0.00
\$0.00	\$14,765.27	\$3,709.47	\$0.00	\$0.00	\$0.00	\$0.00	\$18,474.74
							\$18,474.74



*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;



Massachusetts Gaming Commission

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.**



Massachusetts Gaming Commission



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)

*Middleboro Agricultural Society*

*1958 Broadway*

*Raynham, Massachusetts 02767*

*1-508-824-4071*

2016 JUL 18 PM 3:04

MASSACHUSETTS GAMING  
COMMISSION

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

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>	Total Budgeted Amount	
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	\$ 1,473,947.01	

Massasoit Greyhound Association Inc.  
Fair Racing Budget

PAYROLL	Pay Rate	Hours	Daily	Daily	Daily
Employee					
Announcer	\$ 20.00	4.5	1	\$ 90.00	\$ 1,350.00
Horsemen's 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
				\$ 2,991.85	\$ 44,877.75
Benefits & Employer Tax	35%			\$ 4,039.00	\$ 60,584.96
Overhead	10%			\$ 403.90	\$ 6,058.50
Profit	10%			\$ 403.90	\$ 6,058.50
Daily Total				\$ 4,846.80	\$ 72,701.96 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
				\$ 2,250.00	\$ 33,750.00
Overhead	10%			\$ 225.00	\$ 3,375.00
Profit	10%			\$ 225.00	\$ 3,375.00
Daily Total				\$ 2,700.00	\$ 40,500.00 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					\$ 114,840.00



## MGA – Racing Department Labor

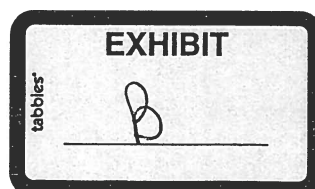
Steward – 3 days per week x 17 weeks @ 350.00 per day	= \$17,850
Racing Secretary – 19 weeks @\$ 1500.00 per week	=\$28,500
Veterinarians – 2 per race day @ 525.00 each per day	= \$15,750
Veterinarian - (1) - 2 days a week 2 weeks prior to opening	= \$2,200
Placing Judges/ Racing office staff (3) at \$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

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SubTotal    \$259,200

Taxes            51,840

Total            \$311,040



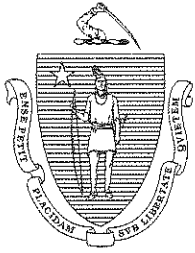
**Massachusetts Thoroughbred Horsemen's  
Association, Inc.  
2016 Operating Budget**

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.



*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

**CLAIRE D. CRONIN**  
STATE REPRESENTATIVE  
ELEVENTH PLYMOUTH DISTRICT

VICE CHAIR  
Joint Committee on the Judiciary  
Committees:  
Ways and Means  
Telecommunications, Utilities and Energy  
Post Audit and Oversight

STATE HOUSE, ROOM 136  
TEL. (617) 722-2396  
Claire.Cronin@MAhouse.gov

July 20, 2016

Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

**RE: Brockton Fairgrounds Request for Race Horse Development Funds**  
**Hearing Date: Thursday July 21, 2016**

Dear Chairman Crosby and Commissioners:

Please accept this letter in support of the request of the Brockton Fairgrounds for Race Horse Development Funds. Although I am unable to attend the hearing, I wanted to convey my strong support for this request.

This funding will support the upgrade of the racing facility as well as associated expenses for training and stall support. Live racing will support our local economy in the City of Brockton, while providing employment for jobs lost due to the loss of racing at Suffolk Downs.

I sincerely appreciate your thoughtful consideration of this request.

With Warm Regards,

A handwritten signature in black ink, appearing to read "Claire D. Cronin".

Claire D. Cronin  
State Representative  
Eleventh Plymouth District





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, 23<sup>rd</sup> 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". The signature is written in a cursive, flowing style.

Michael D. Brady  
State Senator  
2<sup>nd</sup> 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, 12<sup>th</sup> 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

2016 JUL 20 PM 12:54  
MASSACHUSETTS GAMING  
COMMISSION



ASSACHUSETTS GAMING  
2016 JUL 15 AM 11:23

cc John Z  
Catherine, 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](http://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

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR  
ORGANIZATIONS

\*\*\*\*\*

134.13: Fingerprinting

Each applicant for a key gaming employee license, gaming employee license, gaming service employee registration, **and each qualifier for a gaming vendor applicant or licensee, or non-gaming vendor registration** shall be fingerprinted under the supervision of the Commission. **The Bureau in its discretion may require one or more officers or employees of any non-gaming vendor registrant to be fingerprinted under the supervision of the Commission.** The Commission may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Commission.

REGULATORY AUTHORITY

205 CMR 134.00: M.G.L. c. 23K, §§3, 12, 16, 30 and 31

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

MASSACHUSETTS GAMING COMMISSION

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*In the Matter of:*

Application of Mass Gaming & Entertainment, LLC for a  
License to Operate a Category 1 Gaming Establishment  
In Region C

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**DECISION DENYING A LICENSE TO OPERATE A  
CATEGORY 1 GAMING ESTABLISHMENT IN REGION C**

**I. Introduction**

Mass Gaming & Entertainment, LLC (hereinafter “MG&E” or “Applicant”) submitted to the Massachusetts Gaming Commission (hereinafter “Commission” or “MGC”) an RFA-2 application for a Category 1 Gaming License to operate a Gaming Establishment in Region C. The Commission has the authority to award a single Category 1 Gaming License (“License”) in Region C pursuant to G.L. c.23K, §19(a). For the following reasons, the application submitted by MG&E is hereby **DENIED**.

**II. Background**

In 2013, the Applicant submitted an RFA-1 application to the Commission in anticipation of pursuing the Category 2 (slots) gaming license. The Applicant paid the application fee and underwent a thorough investigation by the Investigation and Enforcement Bureau (“IEB”). See G.L. c.23K, §15(11).<sup>1</sup> On July 11, 2013, the Commission issued a positive determination of suitability to the Applicant in connection with that application. See 205 CMR 115.05(3). On September 19, 2013, the Applicant discontinued its pursuit of the Category 2 gaming license.

In January 2015, the Applicant applied for a Category 1 License in Region C. The IEB conducted a supplemental investigation of the Applicant so as to update its previous investigation into the Applicant’s suitability. On May 6, 2015, a hearing was conducted by the Commission at the conclusion of the investigation to again review the Applicant’s suitability. See 205 CMR 115.04(3). By vote of the Commission after presentations by the IEB and the Applicant, the Commission issued a positive determination of suitability for MG&E and its qualifiers deeming each suitable to hold a gaming license and, accordingly, rendering MG&E eligible to file an RFA-2 application for a Category 1 gaming license. See 205 CMR 115.05(3).

<sup>1</sup> Applicant paid all required investigatory costs and monies due relative to the host and surrounding community process. See G.L. c.23K, §15(4) and (11), and 205 CMR 114.00.



The Applicant signed an agreement with the host community of Brockton, MA<sup>2</sup>, setting out the conditions under which a gaming establishment may be located within the host community, and submitted the executed Host Community Agreement to the Commission in accordance with 205 CMR 123.02(3). See G.L. c.23K, §15(8)<sup>3</sup>. A vote pursuant to G.L. c.23K, §15(13) was held in the Host Community on May 12, 2015, relative to the Applicant's proposal. 7173 'yes' votes and 7025 'no' votes were recorded. As a result, the Applicant "received a certified and binding vote on a ballot question at an election in the host community in favor of such license." See G.L. c.23K, §15(13).

The Applicant submitted an RFA-2 Application, dated September 29, 2015, in accordance with 205 CMR 118.01(2), to the Commission, ("RFA-2 Application"). The Commission heard an informal presentation from the Applicant explaining its RFA-2 Application on November 5, 2015. See 205 CMR 118.04(1) (e). The Commission held a surrounding community public hearing in Holbrook, MA, on January 28, 2016, to afford interested individuals from potentially affected communities an opportunity to offer comment relative to the proposal. See 205 CMR 118.04(1)(a). The Commission also accepted written comments from members of the public relative to the proposal. Further, the Commission held Host Community public hearings in Brockton, MA, on March 1, 2016, and March 28, 2016. See G.L. c.23K, §17(c) and (d), and 205 CMR 118.05.

The Applicant executed agreements with all designated Surrounding Communities and Impacted Live Entertainment Venues and submitted those agreements to the Commission. See G.L. c.23K §§15(9) and (10).

The RFA-2 Application was divided into five categories: overview, finance, economic development, building and site design, and mitigation. See 205 CMR 119.03(2). Each of the five sections of the Applicant's RFA-2 Application was assigned to an individual Commissioner to conduct an evaluation. Each Commissioner was advised by professional consultants and independent evaluators. See 205 CMR 118.04(1)(b) and (c) and 205 CMR 119.03(1). Each Commissioner then presented a report and recommendation on their assigned section to the full Commission. The Commissioners reviewed all of the reports and discussed the recommendations made by each Commissioner at public meetings of the Commission on April 26, 2016, and April 27, 2016. The Commission took a final vote as to whether to award the license on April 28, 2016. See 205 CMR 118.06. The Commission now files this decision. See G.L. c.23K, §17(f) and 205 CMR 118.06(4).

### **III. Findings and Evaluation**

In evaluating whether to issue the Category 1 license in Region C to the Applicant, the Commission considered all information in the RFA-1 and RFA-2 Applications submitted by the Applicant and developed as part of the IEB investigation, including that information presented to

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<sup>2</sup> The City of Brockton is located in Plymouth County and accordingly is located in Region C. See G.L. c.23K, §19(a).

<sup>3</sup> The agreement provides for payment of a community impact fee. The contents of Applicant's application, including the applicable attestation provided in Section B of the RFA-2 application (Commitment to Community Mitigation), demonstrate that G.L. c.23K, §15(14) has been satisfied.

the Commission on April 26, 2016, and April 28, 2016, the presentations made by the Applicant to the Commission, the comments received by the Commission in writing and at the surrounding and host community hearings, and the observations made by Commissioners during their individual visits to both the proposed site of the project and a number of the Applicant's casinos in other jurisdictions. The RFA-1 and RFA-2 Applications, the Phase 1 Suitability Decision dated July 3, 2013, the Applicant's presentation, and the evaluation reports created by the Commission, as referenced above, are incorporated into this Decision by reference.

In accordance with G.L. c.23K, §18, in determining whether to issue the license to the Applicant, the Commission also evaluated how the Applicant proposed to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;
- (3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;
- (4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;
- (5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;
- (6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;
- (7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;
- (8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and

environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

- (9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;
- (10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;
- (11) maximizing revenues received by the commonwealth;
- (12) providing a high number of quality jobs in the gaming establishment;
- (13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;
- (14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;
- (15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;
- (16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment;

- (17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;
- (18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and
- (19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.

In order to evaluate the above factors, the Commission considered the Applicant's overall response in accordance with 205 C MR 119.03 in each of the following general categories: Overview of the Project; Finance; Economic Development; Building and Site Design; and Mitigation. To those ends, the Commission generally adopts the following findings of fact and conclusions of law for the Applicant as they are set forth in each of the reports prepared by the individual commissioners as part of the deliberations that have been incorporated into this decision by reference. Ultimately, the Commission is convinced that the project set out by the Applicant in its RFA-2 Application and included in the other referenced sources meets the eligibility requirements set forth in G.L. c.23K, §15. However, by vote of a majority of the Commission, it was determined that the Applicant has not presented convincing evidence as part of the RFA-2 process that the Applicant's proposed gaming establishment will provide value to Region C and to the Commonwealth. G.L. c.23K, §19(a).

A majority of the Commission determined that the Applicant failed to demonstrate that its proposed project would maximize revenue to the Commonwealth, see G.L. c.23K, §18(11), or that it would offer the highest and best value to create a secure and robust gaming market in Region C and the Commonwealth. See G.L. c.23K, §18(13). With respect to economic development, the Commission determined that the Application lacked specific plans to promote local businesses in the host and surrounding communities, to coordinate with other cultural and tourism venues, or to otherwise enhance and develop the Brockton area. See G.L. c.23K, §18(2). Furthermore, while the Applicant's investment plan acknowledged potential competition from a

tribal casino in Taunton, its market assessment did not fully appreciate the potential magnitude of that competition.

Accordingly, the Commission declines to award a License to MG&E.

We set out our findings in each of the five aforementioned categories below.

**A. Overview of the Project**

Overall, a majority of the Commission deemed the Applicant’s proposal in the Overview category to be sufficient. For the reasons below, though not unanimous in the finding, the Commission essentially determined that the proposed project met the minimum standards required, but that the Application did not demonstrate that the Applicant:

thought broadly and creatively about creating an innovative and unique gaming establishment that will create a synergy with, and provide a significant and lasting benefit to, the residents of the host community, the surrounding communities, the region, and the Commonwealth of Massachusetts, and will deliver an overall experience that draws both residents and tourists to the gaming establishment and the Commonwealth of Massachusetts.

205 CMR 119.01. The Applicant put together a commendable effort given the limitations imposed by the landscape. Ultimately, though, the Applicant, while very successful with its gaming establishments in other states, did not present a dynamic proposal with an economic development strategy of the sort that the law envisioned and that the Commission received in the other RFA 2 applications submitted in Regions A and B.

This category was evaluated in a number of criteria as follows:

<b>SUMMARY OF EVALUATION BY CRITERIA</b>	
<b>Criterion</b>	<b>Findings</b>
Looking Outward, Enhancing the Context	The Application sufficiently addressed plans for promoting local and regional businesses, but lacked specific detailed plans to promote local businesses in the host and surrounding communities, to coordinate with other cultural and tourism venues, or to otherwise enhance and develop the Brockton area. The applicant pledged \$100,000 to study the development of an entertainment district and referred to a Rush Rewards program to partner with and promote local businesses, but failed to offer any specific details with respect to this proposed program. The Applicant’s marketing initiatives reflect an entirely local/regional gaming establishment. Aside from agreements with neighboring facilities (i.e., Campanelli Stadium, Shaw’s Center), few other formal arrangements had been put in place. The Application lacked specifics regarding formal partnerships with local hotels and dining, retail, and entertainment facilities that would allow patrons to experience the diversified regional tourism industry, and relied instead

	<p>on Boston and area tourism marketing entities and products. <u>See</u> G.L. c.23K, §18(5).</p> <p>Furthermore, the facility itself would be isolated from the community and essentially be inward facing rather than outward looking, as evidenced by the fact that most proposed restaurants could not be accessed from outside of the gaming establishment.</p>
<p>Marketing the Massachusetts Brand</p>	<p>The Applicant highlighted its affiliated properties’ previous marketing strategies and expressed its intent to replicate those efforts in its proposal, but did not provide local specifics and demonstrated little knowledge of the City of Brockton or Plymouth County. The Applicant stated that it would host entertainment and athletic events, but the Applicant did not appear sensitive or to have done much due diligence regarding the local market (e.g., lack of emphasis on Brockton’s rich boxing history). <u>See</u> G.L. c.23K, §18(5). Furthermore, the Applicant missed a distinct opportunity to create an iconic centerpiece of the project with an old exhibition building, and instead carved the building out of the facility property. The Applicant did, however, make a gesture to Massachusetts history with the adoption of a brick style reminiscent of the city and region’s manufacturing past.</p>
<p>Destination Resort in a Competitive Environment</p>	<p>The Applicant failed to demonstrate distinctiveness in its business model or marketing that would differentiate it in a highly competitive market. The Application referenced a program of non-gaming options, but provided no specifics with respect to that program or its partners. The Application detailed amenities from sister properties, including a bike path, river walk, running path, outdoor amphitheater, and green wall. However, no such amenities were included in the Applicant’s proposal. Furthermore, the proposal referenced the hotel and convention space, but failed to demonstrate strategies for these spaces which could make the property a “destination resort.”</p>
<p>Diverse Workforce and Supplier Base</p>	<p>The Applicant outlined a general approach regarding workforce development with little in terms of formal commitments. The Applicant did not clearly demonstrate its commitment to “establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities . . . .” G.L. c. 23K, §18(9). The Applicant pledged to establish a formal diversity plan and stated its intention to collaborate with local groups to identify and inform diverse populations on jobs, necessary skills, and training resources, but formal diversity plans were not fully developed in the Application. It was the Applicant’s intent to replicate strategies used in its other properties and execute a similar diversity plan in Brockton. The Applicant’s affiliates’ history of diverse hiring practices includes 53% minority hiring in Philadelphia, 28% in Pittsburgh, 56% in Des Plaines.</p>



**B. Finance**

Overall, the Applicant’s proposal in the Finance category is rated as sufficient with very good elements, namely the financial strength (ability to obtain project capital) and the operations plan (alignment with the market opportunity).

The Applicant demonstrated that it possesses the financial capabilities and necessary capital required to develop and operate the proposed project. The Applicant’s view of the market opportunity demonstrates a solid understanding of the existing awarded gaming licenses in Massachusetts (specifically market differentiation from Wynn Boston Harbor). The operations plan submitted aligns with this view of the market opportunity.

While the Applicant’s investment plan (e.g., spending of contingency amounts is to meet the \$500 million eligible capital investment threshold) acknowledges future Region C competition (i.e., a tribal casino in Taunton, MA), their market assessment does not fully appreciate the potential magnitude of this competition. The Applicant essentially relies upon their experience in other competitive markets to exhibit how it will effectively compete for a share of the Massachusetts gaming market with a tribal casino in Taunton. This experience, however, may not be fully comparable to the Massachusetts market, as they will not be the closest gaming establishment to the core population base in the Boston market.

This category was evaluated in a number of criteria as follows:

<b>SUMMARY OF EVALUATION BY CRITERIA</b>	
<b>Criterion</b>	<b>Findings</b>
Financial Capability	<p>The Applicant demonstrated that it possesses the financial stability and strength to develop and operate the proposed gaming establishment.</p> <p>The Applicant demonstrated the availability of adequate financing for the project. The total capital required for the proposed project would be \$677.5 million. The net worth of the entities and related entities of Brockton Gaming, LLC demonstrated the ability to fund the \$172.5 million equity component of the project. The Applicant provided a bank letter indicating that the owners of Brockton Gaming, LLC have access to a credit facility with undrawn funds available. The Applicant also provided highly confident letters from Credit Suisse, Wells Fargo, and Goldman Sachs indicating confidence in arranging financing in scenarios with and without a tribal casino located in Taunton.</p> <p>The financial strength of the Applicant is based upon the provider of equity to the project, Brockton Gaming, LLC. The net worth of entities and related entities of Brockton Gaming, LLC demonstrated sufficient net worth to fund the project. While the Applicant’s affiliated entities have significant (i.e., controlling) ownership interests in Rivers Casino Pittsburgh, Rivers Casino Des Plaines, and Sugarhouse Casino Philadelphia, these casinos were not used by the Applicant to</p>

	<p>demonstrate the financial strength of the Applicant. That said, a financial ratio analysis was completed for these three casino projects, and the resulting ratios demonstrated financial strength.</p> <p>The Applicant's proposed plan would produce a commercially reasonable return on investment in both competition scenarios, with a 21% return on investment without a tribal casino in Taunton, and a 15% return on investment with a tribal casino in Taunton. If revenue projections did not materialize (for example, due to the impact of a second gaming establishment in Region C), projected returns, while positive, could be below what would be considered reasonable.</p> <p>The contents of the Application, including the applicable attestation provided in Section B of the RFA-2 Application, demonstrated that G.L. c.23K, §15(5) has been satisfied.</p>
Investment Plan	<p>Eligible capital costs provided by the Applicant met the minimum capital investment requirements (in terms of eligible capital costs) provided that the budgeted contingency costs were actually spent on eligible capital items. See G.L. c.23K, §10(a), G.L. c. 23K, §18(3), and 205 CMR 122.00 (governing the manner in which the capital investment is calculated.). The total eligible costs are \$478.3 million; the total eligible costs if the contingency were to be spent are \$500.4 million (contingency hard costs are \$17.9 million; contingency soft costs are \$4.2 million). The contents of the Application, including the applicable attestation provided in Section B of the RFA-2 Application, demonstrate that G.L. c.23K, §15(2) has been satisfied.</p> <p>The facility proposed by the Applicant (investment and facility program) differentiates itself from the Wynn Boston Harbor (i.e., attempts to be complementary as opposed to directly competitive) which is financially prudent strategy.</p> <p>The Applicant proposed a construction timeline of 38 to 41 months with a prospective opening date in May 2019. This was considered a reasonable timeline for opening a facility of the nature proposed given the size and scope of the development and the site location. The proposed size and scope of the facility is consistent with business and financial plans submitted, and the proposed gaming establishment would be positioned to penetrate the local market. The project was comprised of the following proposed elements:</p> <ul style="list-style-type: none"> <li>• <i>Site Location</i> situated on the Brockton Fairgrounds</li> <li>• <i>Gaming Floor</i> of 91,900 square feet containing 2,100 slot machines and 124 table games</li> <li>• 250 room <i>hotel</i></li> <li>• 6 <i>food and beverage</i> outlets containing 770 total seats</li> </ul>

	<ul style="list-style-type: none"> <li>• 3,003 <i>parking</i> spaces</li> <li>• 15,600 square feet of <i>exhibition and meeting space</i>; and</li> <li>• 1,000 square feet of <i>retail</i> space.</li> </ul> <p>The Commission finds that the proposal met the statutory requirements regarding the purchase of domestically manufactured slot machines. <u>See G.L. c.23K, §18(15).</u></p>
Market Assessment	<p>It is important to note that no projections come with any guarantees. As such, we do not look at numbers in a vacuum, but instead we consider them for purposes of thinking about what effect an additional gaming establishment may have on the gaming landscape. Despite conflicting numbers presented by a variety of consultants, the one thing that remained constant is that an additional gaming establishment would likely have an impact on the existing gaming licensees. It is the scope of this impact that was subject to dispute. To that end, the Commission considered all of the information submitted to determine whether there was convincing evidence that the Applicant’s proposal would provide value to both Region C and the Commonwealth. We were unable to find such evidence.</p> <p>Gaming revenue projections with no tribal casino in Taunton (i.e., with the Applicant being the only gaming establishment in Region C) provided by the Applicant were determined to be within the range of expected market results. The Commission’s consultant, HLT Advisory (“HLT”), provided a market analysis to test the information presented by the Applicant. It found as follows:</p> <p><u>Projected Gross Gaming Revenue for Year 2 (net of free play) with no tribal casino in Taunton:</u></p> <ul style="list-style-type: none"> <li>• HLT market area: \$375.6 million</li> <li>• Outside the defined market area (Inflow): \$28.7 million</li> <li>• Total: \$404.3 million</li> </ul> <p>For the purposes of the Region C market assessment, HLT developed two additional market scenarios:</p> <ul style="list-style-type: none"> <li>• Scenario 1 - Brockton and Taunton casinos are the same size and quality (no competitive advantage due to either tax rate or marketing/facility investment).</li> <li>• Scenario 2 – Taunton casino has a competitive advantage over the Brockton casino due to no gaming revenue payments being assessed under the compact allowing for greater marketing and/or facility investment.</li> </ul> <p>In HLT’s original analysis, gaming revenue from the HLT defined market area generated by a Region C gaming establishment ranged from \$346.7 million to \$404.5 million.</p>

	<p>In Scenario 1, Region C casinos would generate between \$446.2 million (Taunton-\$219 million and Brockton-\$227 million) and \$520.6 million (Taunton-\$256 million and Brockton-\$265 million).</p> <p>In Scenario 2, Region C casinos would generate between \$466.9 million (Taunton-\$281 million and Brockton-\$186 million) and \$544.7 million (Taunton-\$328 million and Brockton-\$217 million).</p> <p>The Applicant’s gaming revenue projections with a tribal casino in Taunton were aggressive. The Applicant believed it could effectively compete with a tribal casino in Taunton, which would not be paying any share of its gaming revenue to the Commonwealth, for a share of the Greater Boston gaming market. This belief was based on their location relative to the Greater Boston area population base and their experience operating in competitive markets (i.e., Philadelphia, Chicago, and Pittsburgh). HLT’s Scenario 1 aligns with this belief (no competitive advantage for the tribal casino in Taunton). The Applicant’s market assessment estimated that the Applicant’s gaming establishment in Brockton would generate \$327 million if there were a tribal casino in Taunton. This estimate is aggressive compared to HLT’s estimated range of \$252 to \$294 million with a tribal casino in Taunton. <u>See</u> G.L. c.23K, §18(11) and (13). The Applicant did not provide a detailed breakdown of revenue by market area nor did they define the size and scope of the tribal casino.</p> <p>The Applicant did not contemplate a scenario in which the tribal casino in Taunton would have a competitive advantage (e.g., through increased marketing spend and/or greater size and scope of facility). HLT’s Scenario 2 considers the potential impact of such a competitive advantage though such impact was difficult to project given the lack of concrete details relative to the tribal casino proposal. Under Scenario 2, however, the potential impact is projected to be approximately \$50 million which represents the difference between Scenario 1 and Scenario 2.</p> <p>The Applicant did, however, satisfy its obligation to provide “a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments . . .” <u>See</u> G.L. c. 23K, §18(7).</p>
Operations Plan	<p>The Applicant recognized the importance of internal controls, and its proposed gaming establishment management company, Rush Street Gaming, LLC, has experience developing and adhering to internal control requirements in Mississippi, Pennsylvania, and Illinois. Further, the Applicant acknowledged that it would abide by</p>

	<p>Massachusetts internal control regulations and provided a draft internal control manual.</p> <p>All operational and marketing plans submitted by the Applicant were clearly articulated and represented a cohesive strategy that aligned with Brockton/Applicant’s proposed gaming establishment and view of the market opportunity (market differentiation from Everett/Wynn). The Applicant’s projected marketing expenditures are aligned with what would be expected for a North American regional gaming establishment. The submissions included plans for slot machine products, table game products, food and beverage, hotel, retail, parking, and marketing.</p> <p>The Applicant’s financial projections are in alignment with their business plan and view of the market opportunity. The Applicant’s total payroll as a percentage of total revenue is lower than expected. Overall, the proposed financial projections are reasonable.</p>
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**C. Economic Development**

Overall, the Applicant’s proposal in the economic development category is rated as sufficient.

The Applicant provided reasonable detail on achievements at its existing casinos in other jurisdictions—across all three economic development focus areas—but failed to sufficiently elaborate on specific plans and targets for the Brockton project.

Within the Job Creation area, the Applicant quantified employment from both construction and ongoing operations. The Applicant’s anticipated salaries and wages per full time employee were lower than that for the other Category 1 gaming licensees approved in Regions A and B. Depending on market conditions and the availability of a qualified workforce, challenges may have followed in filling all positions at those pay scales. The projected benefits presented by the Applicant are consistent with projected compensation.

The discussion of job opportunities for the unemployed and underemployed provided by the Applicant lacked any targets or clear delineation of plans and activities. Similarly, the section on workforce training was inadequate in that it failed to identify the community college located in Brockton or other vehicles for delivery of training. However, it is notable that the Applicant demonstrated success in both these areas at their Pittsburgh, Philadelphia and Des Plaines casinos.

Employee retention rates at its existing casinos, and expected rates projected by the Applicant for the Brockton project, are low (i.e., high turnover) but comparable to industry averages as well as rates projected by other Category 1 applicants. Of concern, it was noted that the Applicant projected retention to be the same for the entire 15 year term of the license with limited and insufficient detail relative to improved retention strategies.

The Applicant provided a description of the vendor outreach process for operational goods and services. The Applicant also sufficiently addressed plans for promoting local and regional businesses, although more could have been done to identify specific businesses and how these businesses might be better involved. No detail was provided in the Application relative to vendor outreach for construction.

With respect to vendor diversity targets, the Applicant failed to identify targets for Minority/Women/Veteran Business Enterprise (“MBE/WBE/VBE”) participation and provided insufficient information relative to building awareness, strategies for involvement and development, joint ventures and mentorships, monitoring process, and project operations training with respect to MBE/WBE/VBE businesses.

The Applicant viewed the Brockton gaming establishment’s primary market as the greater Boston area as evidenced by the tourism-oriented marketing initiatives described in the Application. Aside from agreements with neighboring facilities (i.e., Campanelli Stadium, Shaw’s Center), no other formal arrangements have been put in place; for the most part, the Application failed to identify local or regional tourism marketing entities or tourism operators. These marketing initiatives, or lack thereof, are reflective of a local/regional gaming establishment marketing to the Greater Boston market.

Similarly, as it pertains to job creation and small business collaboration, the Applicant’s description of achievements at its other casinos is far more thorough than the plans for its Brockton proposal. The Applicant demonstrated a reasonable linkage to the regional economic plans (e.g. Brockton 2025) and a commitment to non-competition with local entertainment venues.

This category was evaluated in a number of criteria as follows:

<b>SUMMARY OF EVALUATION BY CRITERIA</b>											
<b>Criterion</b>	<b>Findings</b>										
Job Creation	<p>Overall, the Applicant achieved a sufficient rating for the Job Creation category.</p> <p>The Applicant demonstrated limited effort in tailoring HR practices and workforce development plans to the local market. <u>See</u> G.L. c. 23K, §18(17). As depicted in the chart below, the Applicant projected modest job creation from construction (2,033 FYEs), and ongoing operations (1,477 FTEs –Year 1) with full-time employees representing approximately 80% of employees. <u>See</u> G.L. c.23K, §18(12).</p> <table border="1" data-bbox="467 1669 1409 1883"> <thead> <tr> <th colspan="2"><b>Construction Period:</b></th> </tr> </thead> <tbody> <tr> <td>FYEs</td> <td>2,033</td> </tr> <tr> <td>Annual \$/FYE</td> <td>\$46,905</td> </tr> <tr> <th colspan="2"><b>Operations (Year 1):</b></th> </tr> <tr> <td>FTEs</td> <td>1,477</td> </tr> </tbody> </table>	<b>Construction Period:</b>		FYEs	2,033	Annual \$/FYE	\$46,905	<b>Operations (Year 1):</b>		FTEs	1,477
<b>Construction Period:</b>											
FYEs	2,033										
Annual \$/FYE	\$46,905										
<b>Operations (Year 1):</b>											
FTEs	1,477										



Annual\$-(without benefits)/FTE	\$28,935
Mean Household Income	Brockton: \$61,096 (Source: US Census Bureau–2010-2014 ACS)
<b>Benefits (Year 1):</b>	
Salary-to-benefit ratio	46.5%
FTE benefits/employee	\$13,457
FT benefits/employee	\$13,631
PT benefits/employee	\$2,574
Benefits breakdown as a % payroll	Average of per FT/PT: Medical/Dental/Vision/Life/Disability (29.4%), Bonuses (6%), 401k (4%), paid-time-off (6.9%)
Forecasted retention rate	Year 1-15: 72%-82%
Retention rate since Day 1 of operations (opening date)	Rivers, Pittsburgh=12% (2009 – hired for table games 2010); SugarHouse, Philadelphia=23% (2010); Rivers, Des Plaines=35% (2011)

However, the Applicant demonstrated its affiliated properties’ track record of executing local market engagement, hiring underemployed/unemployed, community college partnerships, and providing the means for workforce development – providing a sense of confidence that the Applicant has the ability to execute similar efforts at a Brockton gaming establishment. Within other jurisdictions, the Applicant’s affiliates have engaged the local community in hiring and training processes and there is evidence of workforce development (advancement) at these casinos. The Applicant did not commit to specific employment figures for Brockton, but stated that they would implement and work off of what has been done in other jurisdictions. Rivers Casinos in Des Plaines and Pittsburgh, and SugarHouse Casino in Philadelphia have promoted approximately 1,400 employees since the casinos have opened, with 300 individuals being promoted in the past year. Collectively, the three casinos employ approximately 4,000 people.

Further, the Host Community Agreement stipulates that the Applicant work in good faith and provide reasonable preference to qualified Brockton residents for both construction and permanent jobs (though no quantifiable targets or commitments were made). The Applicant committed to hosting construction and operation job fairs (citing the Massasoit Community College Conference Center or the Shaw’s Center as potential event sites) to inform local residents about job opportunities and assist them in becoming qualified for those jobs. The Applicant has earmarked \$11.9 million for a pre-opening budget. This figure includes pre-opening salary/wages, recruiting and training. See G.L. c.23K, §18(4).

Payroll (without benefits) for ongoing operating FTEs is \$28,935/FTE – Year 1. Projected FTE salary was below that pledged by the two Category 1 gaming licensees. Credit, however, was given to the Applicant for an aggressive benefits package. Further, there are comparatively weak

	<p>retention rates at the Applicant’s affiliated properties with similar rates projected for the Brockton facility. The forecasted retention rate for years 1-15 of operation was 72%-82%. The Applicant’s affiliated facilities have limited union representation in mostly support areas, such as facilities. There is controversy over union certification/labor practices in Pittsburgh. The Applicant did not execute a contract with organized labor or have the support of organized labor for its application. <u>See</u> G.L. c.23K, §18(18).</p> <p>The Applicant outlined a general approach regarding workforce development with little detail or formal commitments. The Applicant did not clearly demonstrate its commitment to “establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities . . . .” G.L. c. 23K, §18(9). Formal diversity plans were not fully developed in the Application. However, affiliated Applicant properties do have a track record of establishing and executing diversity plans. It was Applicant’s intent to replicate strategies and execute a similar diversity plan in Brockton. The Applicant’s affiliates’ history of diverse hiring practices includes 53% minority hiring in Philadelphia, 28% in Pittsburgh, 56% in Des Plaines.</p> <p>Notable human resource and training practices that the Applicant did reference include: a commitment to establish job opportunities and employee assistance programs at the gaming establishment; preference given to internal promotions over external hires and that historically many promotions have occurred as a result of employment growth; “Rush Street Gaming Leadership Excellence” training (business and leadership skills such as situational leadership, financial aptitude) provided to all supervisory employees; responsible gaming training as a preventative measure; EAP programs consisting of professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress, provided to all staff to target prevention and identification of signs of problems and how to remedy them; on-site child daycare was not to be provided, but employees would have been given the option to allocate health care benefits towards child care services.</p> <p>The applicant did have a working draft of MOU completed with Brockton Area Building Construction Trades Council. It did not, however, have any other labor agreements in place at the time the Application was reviewed. <u>See</u> G.L. c. 23K, §18(9) and (18).</p>
Support for External Business Components	Overall, the Applicant achieved a sufficient rating for the Supporting External Business and Job Growth category. Applicant has expressed an intention to integrate and engage the surrounding businesses and create job growth. The Application, however, lacked specific, detailed plans for the Brockton market and largely described the track record at other

affiliated properties as proof of intent.

The Application lacked specifics and detailed plans to promote local businesses in the host and surrounding communities, however, it did state intentions to partner with local organizations and committed capital (\$50,000 per year) to purchase local business gift cards for rewards program. The Applicant committed to “strategically source goods and services and create a fair bid process” to assist and favor local businesses in providing goods/services for the gaming establishments operations.” Little further detail on local vendor hiring intentions was provided, though. The Applicant did outline modest committed funds for local enterprises and provided modest projections for spin off spending with plans to link local businesses with rewards program. Further, the Applicant identified opportunities for local businesses to be integrated into the gaming establishment and its ability to bring traffic to the region. It is also clear that the Applicant’s affiliated properties have a proven track record of purchasing goods and services from local businesses. To that end, the Applicant expressed an intent to replicate a strategy of hosting local vendor fairs and creating a database of local suppliers which can be referenced when looking for goods and services vendors. The Applicant committed to hosting vendor fairs prior to opening of the gaming establishment and during operations to advertise and inform local vendors relative to job opportunities and how to become qualified for said jobs. Additionally, these fairs would provide a means to educate local vendors on volumes and quantities needed to support operations of the gaming establishment. Additionally, the Applicant earmarked \$11.9 million for a pre-opening budget, of which recruiting and training activities are a part. See G.L. c.23K, §18(2) and (10).

A cooperation agreement was signed with Brockton 21<sup>st</sup> Century (owner of The Shaw’s Center and Campanelli Stadium).

The Applicant delegated local supplier integration into the construction phase to general contractors and construction management firms.

The Applicant outlined plans to replicate strategies at affiliated properties to engage local vendors through vendor fairs and maintain local vendor database. However, the Applicant failed to identify specific goals to engage minority, women, and veteran-owned businesses. The Applicant’s affiliated properties have track record of modest MBE/WBE/VBE spending.

The Applicant’s plans were aligned with the City of Brockton’s economic development plans and financial commitments from Applicant would likely bolster municipal efforts.

	The Applicant demonstrated sufficient evidence of fulfilling domestic gaming equipment suppliers.
Regional Tourism and Attractions	<p>Overall, the Applicant achieved a sufficient rating in the Regional Tourism and Attractions category, although the Applicant clearly positioned the Brockton project as a “local resident” gaming establishment targeting the Greater Boston market. The Applicant demonstrated relative strength in identifying potential local/regional business partnership opportunities and expressed intentions to collaborate and engage the appropriate tourism/economic agencies, however, the Application lacked robust formal displays of communication and agreements with potential partners. The Applicant committed impactful levels of funding and identified alignment with the city and region’s goals of development and overall advancement.</p> <p>The Applicant demonstrated intentions to partner with local venues and tourism/economic organizations (i.e., cooperation agreement with Brockton 21<sup>st</sup> Century). However, the Application lacked specifics and initiative for formal partnerships with local hotels and dining, retail and entertainment facilities so that patrons would experience the diversified regional tourism industry, and relied on Boston and area tourism marketing entities and products. Further, the Applicant demonstrated little knowledge of the City of Brockton or Plymouth County tourism market. However, the Applicant did highlight its affiliated properties’ previous marketing strategies with intentions to replicate efforts, but again lacked local specifics and uniqueness.</p> <p>The Applicant demonstrated a commitment to aiding the local economy through the community enhancement fee (\$3 million/annum - 5% of which would go to the Brockton Community Foundation), and committed capital towards economic development and planning in Brockton. Further, the Applicant expressed an intention to host entertainment and athletic events, however lacked demonstrated understanding and due diligence towards the local market (e.g., lack of emphasis on Brockton’s rich boxing history). <u>See</u> G.L. c.23K, §18(5).</p>

**D. Building & Site Design**

Overall, the Applicant’s proposal in the Building & Suite Design category is rated as sufficient.

Taken as a whole, the Application submitted by the Applicant is solidly sufficient. There is nothing especially exciting about the proposed gaming establishment/hotel, although the exterior design creatively seeks to evoke the look and feel of a New England manufacturing city like Brockton. There are no significant design deficiencies.

The Applicant intends the gaming establishment to be a regional destination, offering first class gaming, hotel and dining options. In conjunction with the Shaw’s Center and Campanelli

Stadium, the gaming establishment was intended to anchor an entertainment district. The proposed masonry exterior recalls mill buildings and historic properties.

The gaming establishment would consist of three main elements:

- Casino floor and associated food and beverage (F&B) venues
- Multi-purpose ballroom and associated conference/meeting rooms
- Hotel and spa.

These elements were well arranged to support the different uses, but the overall design is inward focused from the surrounding community. A potential opportunity was considered lost or delayed by the Applicant's failure to incorporate the adjacent historic Brockton Fairgrounds Exhibition Hall in the gaming establishment.

The size of the proposed gaming establishment is approximately 466,000 square feet, at an estimated construction cost of approximately \$295,000,000. This cost does not include furnishings, fixtures, gaming equipment or land costs. A cost comparison between the Applicant's and MGM Springfield gaming establishments indicates that the proposed quality of amenities would be similar.

The proposed site plan would provide adequate access/egress for patrons and employees arriving by car and adequate parking in a three level garage and at grade. Pedestrian circulation on the site would require further development. The Applicant proposed evaluating the viability of a shuttle bus between the MBTA downtown station and the gaming establishment and pledged to work with the local transit agency to integrate the site into local bus routes.

The existing off-site transportation network was evaluated using accepted procedures, but would have needed to be expanded through the Massachusetts Environmental Policy Act ("MEPA") process. The primary access to the proposed site is from Route 24 along Route 123 (Belmont Street) to West Street and Forest Avenue. MassDOT has preexisting plans in place to reconstruct Belmont Street. The Applicant would upgrade West Street and Forest Avenue. The roadway and signal improvements proposed by Applicant are estimated to cost \$10.2 million.

Where specific information on sustainability and security was lacking in the Application there is normally a performance standard that would need to be met as the initial design concepts were further developed. For example, information in the Application on specific sustainability measures is limited, but the Applicant committed to having the gaming establishment certified as LEED Gold. Further, in terms of security, the Applicant provided protocols used at their other casinos (e.g., surveillance, communication and security plans) that could be used in Applicant's gaming establishment, tailored to MGC regulations.

The Applicant provided adequate information on water, wastewater and stormwater infrastructure. The City could provide water and the Applicant proposed approximately \$1 million of off-site sewer improvements to connect to the City's system. The proposed stormwater management system would retain runoff to provide 50% of irrigation needs and meet DEP stormwater standards.

Permitting for the proposed project is straight forward, primarily because the 46-acre site was previously developed as the Brockton Racetrack and Fairgrounds. It is relatively open with few structures of any size. The MEPA process needs to be completed, followed by a MassDOT permit for off-site roadway construction and local permits from the Brockton Planning Board

and DPW. There are no tidelands, wetlands or other sensitive environmental features that would require extensive permitting.

In terms of schedule, the critical path would run through completion of the MEPA process, the MassDOT permit and the time needed to complete off-site roadway construction. The proposed schedule called for an opening in June 2019, with the possibility of an earlier opening at the end of 2018, if the permitting process could be accelerated.

The most positive aspects of the Application are listed below:

1. The Applicant’s parent company, Rush Street Gaming, has a track record in the type of casino proposed in Brockton and appears to understand the market.
2. The assembled development team has experience designing casinos and has strong local technical support.
3. Based on construction costs per square foot, the Applicant’s proposed gaming establishment is similar to the MGM Springfield gaming establishment.
4. The Applicant committed to a certified LEED Gold facility, which would require a significant commissioning effort. Further, Rush Street Gaming has built a LEED Gold casino in Pennsylvania.
5. Despite a close vote in Brockton approving the gaming establishment, the City administration—significantly including the Superintendent of Schools—is unqualifiedly supportive.
6. The City Administration created a zoning overlay district that would allow the gaming establishment to be constructed ‘by right.’

This category was evaluated in a number of criteria as follows:

<b>SUMMARY OF EVALUATION BY CRITERIA</b>	
<b>Criterion</b>	<b>Findings</b>
Creativity in design and overall concept excellence	<p>The Applicant intended the gaming establishment to be a regional destination offering first class gaming, hotel and dining options and, in conjunction with the Shaw Center and Campanelli Stadium, anchor an entertainment district. The masonry exterior would recall mill buildings and historic properties.</p> <p>The proposed Gaming Establishment would consist of three main elements:</p> <ul style="list-style-type: none"> <li>• Casino floor and associated food and beverage (F&amp;B) venues</li> <li>• Multi-purpose ballroom and associated conference/meeting rooms</li> <li>• Hotel and spa.</li> </ul> <p>These were well arranged to support the different uses, but inward focused. A potential opportunity was lost or delayed by not incorporating the historic Brockton Fairgrounds Exhibition Hall in the gaming establishment.</p>
Gaming	The Applicant proposed an inward-focused gaming floor including 2,990



<p>establishment of high caliber with quality amenities in partnership with local facilities</p>	<p>gaming positions (2,100 slot machines, 100 live table games, and a 24-table poker area) in a 91,000 square foot casino floor. Non-gaming amenities include a full complement of food and beverage offerings, convenience retail, and a 250-room hotel with an additional restaurant and a spa, health club and pool. A multi-function ballroom with meeting space was to be located between the hotel and casino floor. The multi-function space of 12,200 square feet could accommodate up to 1,000 patrons for certain programming, including live entertainment.</p> <p>The size of the proposed gaming establishment and hotel facility is approximately 466,000 square feet, at an estimated construction cost of approximately \$295,000,000. This cost does not include furnishings, fixtures, gaming equipment or land costs.</p> <p>A comparison of the program and the costs was made between the Applicant's proposed gaming establishment and MGM Springfield and suggests that the quality of amenities in the Applicant's gaming establishment will be similar to MGM Springfield. See G.L. c. 23K, §18(5).</p>
<p>Compatibility with surroundings</p>	<p>The site plan provides for adequate access and egress to the gaming establishment for cars, buses and taxis. Adequate circulation and parking is also provided. Pedestrian circulation was not adequately described on the site plan and would need to be further developed as the design progresses.</p> <p>The existing off-site transportation network was evaluated using acceptable procedures. For the area intersections studied to date a reasonable package of mitigation measures has been proposed for a total cost of \$10.2 million dollars. In addition, MassDOT is planning to upgrade Route 123 (Belmont Street) from Route 24 to West Street, the main access to the gaming establishment. Further traffic mitigation should be considered at several locations through the on-going MEPA process.</p> <p>In terms of transit, the Applicant had shuttle bus service under consideration, including connections to the BAT downtown station and integration of existing bus routes with a stop at the gaming establishment.</p> <p>The site plan was generally positive on the neighborhood side by pulling the buildings away from the property edge to allow for a landscaped buffer. However, on the commercial side a large parking area separates it from potentially compatible uses. The Applicant pledged to fund a \$100,000 study of an entertainment district in the vicinity of the gaming establishment, which should address this issue. However, the plan as presented did not incorporate the neighboring institutions.</p> <p>Among the most commonly articulated complaints received during the public comment process with regard to the Application related to the proximity of the site to the Brockton High School. Brockton High School is less than a quarter mile from the site. The proximity is made</p>

	<p>more concerning because the proposed gaming establishment lies along the routes that the students from the residential neighborhoods to the north and the east of the gaming establishment employ to walk to and from school.</p> <p>Brockton’s water and wastewater utilities should be able to support the gaming establishment development with the mitigation measures proposed in the Application along with additional water conservation measures. <u>See</u> G.L. c.23K, §18(8).</p>
Sustainable development	<p>The responses to Sustainability questions are consistent with the conceptual nature of the plan development at the time of the RFA-2 Application. On the positive side, the Applicant has committed to achieve LEED Gold certification through the US Green Building Council. In support of this commitment, the Applicant has included a LEED checklist identifying 62 credit points at this time; has assembled a team of well-qualified design professionals in this area; and has previously achieved LEED Gold on another casino facility. The commitment to 3<sup>rd</sup> party commissioning for both the envelope and the HVAC system is also seen as a positive. Importantly, the proposed gaming establishment would comply with the Massachusetts Stretch Energy Code.</p> <p>The Applicant made the following further commitments: making use of Energy Star equipment “as applicable”; proposed use of energy recovery systems for “ventilation systems with high outdoor air percentages” and co-generation systems will be considered, with specific locations and quantities to be developed in subsequent phases; a commitment to envelope commissioning during construction of the gaming establishment, with a 3rd party commissioning agent, including thermal performance (insulation) and air infiltration, and to HVAC commissioning in accordance with LEED; plans for on-going building commissioning post-occupancy; plans for on-going monitoring via Building Management Systems (“BMS”) or Building Automation Systems (“BAS”); metering that would provide data to the BMS/BAS so that data could be applied to on-going energy saving measures; a Measurement and Verification (“M&amp;V”) system for short-interval data collection and monitoring to inform energy model; a digital lighting control system to interface with the BMS/BAS and help manage lighting loads; a Central Utility Plant (“CUP”) for facility-wide chilled and hot water and considered cogeneration or Combined Heat and Power (CHP) (no specific plans were presented); The Applicant identified strategies for on-going sustainability, but there was no mention of operational waste management, a recycling plan or on-site hazardous materials management. The gaming establishment would include emergency generators for the critical loads of the facility with uninterrupted power supply (UPS) intended to protect data and security equipment. <u>See</u> G.L. c.23K, §18(8).</p> <p>On the less positive side, there were limited details in support of the</p>

	<p>sustainability commitments (likely due to the early stage of design) and the Applicant has not committed to on-site energy generation and has committed only to purchase the minimum required amount of renewable green power after the first two years. <u>See</u> G.L. c.23K, §18(8)(vi).</p> <p>The Applicant has provided a concept plan for the proposed stormwater utilities, but no supporting calculations. The plan must comply with State Stormwater Standards and is reasonable at this early stage of design. Water conservation measures are also reasonable to achieve a 35/50% reduction in potable water for normal uses and irrigation respectively. Further reductions should be evaluated in the MEPA process to avoid additional stress on the Silver Lake reservoir system. <u>See</u> G.L. c.23K, §18(8).</p>
<p>Security, monitoring, surveillance and emergency procedures</p>	<p>In responding to the Security, Monitoring, Surveillance and Emergency Procedures questions, the Applicant did not typically provide information specifically tailored to the proposed gaming establishment. This is consistent with the approach taken by other applicants in other regions and is in part based on the early stage of design and programming. The Applicant did respond to questions by stating that the applicable local and state codes and regulations would be followed (e.g. building and fire codes, surveillance regulations). Further, the Applicant provided the following examples from their other facilities, specifically in Pennsylvania, that addresses these questions:</p> <ul style="list-style-type: none"> <li>• Surveillance Plan</li> <li>• Crisis Management and Communication Plan</li> <li>• Security Department Standard Operating Plan</li> </ul> <p>The Applicant provided a designated area for MGC operations and shows the area on the floor plans. Also included was a discussion about controlling minors at access points to the gaming establishment and training of security staff on identifying minors. There were no metrics provided on the history/success of security at other gaming establishment operated by the Applicant’s affiliates. There is a central monitoring system (CMS) that the Applicant’s affiliate uses in Pennsylvania to design, purchase and install equipment and infrastructure and the Applicant proposes to use the same system at the gaming establishment. They have also provided a standard organization chart for their IT Department that includes 11 positions.</p> <p>Given the Applicant’s experience in developing security plans at other gaming establishments and the ongoing review of these plans by Commission staff to insure compliance with state and local codes and regulations, the responses are sufficient.</p>
<p>Permitting including ENF, EIR, Local Permits, and Zoning</p>	<p>The permitting process for the gaming establishment is straightforward. Once the MEPA process is complete, the only significant state permit is from Mass DOT for the roadway improvements. As noted, the MassDOT is already committed to a significant upgrade of much of</p>

	<p>Belmont Street between the Route 24 interchange and the gaming establishment site. The local process includes site plan review by the Planning Board and a stormwater permit from the DPW. The project is permitted by-right under the Brockton Zoning By-Laws.</p> <p>In terms of schedule, the critical path runs through completion of the MEPA process, the MassDOT permit and the time needed to complete off-site roadway construction. The schedule called for an opening in June 2019, with the possibility of an earlier opening at the end of 2018, if the permitting process were accelerated.</p>
Other	The Applicant had a limited, general response to the potential alternative use of the facility and has provided adequate documentation regarding ownership of the proposed gaming facility land.

**E. Mitigation**

Overall, Applicant’s proposal in the mitigation category is rated as sufficient.

The Applicant has executed a Host Community Agreement and associated mitigation documents with the City of Brockton. A certified election in Brockton was held in May 2015 that approved the gaming establishment project, albeit by a small majority; 50.5% in favor and 49.5% opposed (7173 yes, 7025 no, 1 blank). The Applicant will provide the City 18.5 million dollars before the gaming establishment opens for infrastructure improvements and other city costs. After opening, annual payments will be at least 10.3 million dollars, or more depending on the gaming revenues. This will be reduced to a minimum of 7 million dollars if a tribal casino is built in the region.

The Applicant executed Surrounding Community Agreements with all nine designated communities (Abington, Avon, Easton, East Bridgewater, Holbrook, Pembroke, Stoughton, West Bridgewater and Whitman) as well as Impacted Live Entertainment Agreements (ILEA) with Brockton 21<sup>st</sup> Century, which owns Campanelli Stadium and Shaw’s Center.

The site plan provides for adequate access and egress to the proposed gaming establishment and hotel for cars, buses and taxis. There is also an appropriate distinction between patron and employee access/egress.

The adequacy of the existing transportation network was evaluated using acceptable procedures including baseline and projected traffic volumes, trip generation rates and modeling. For the area intersections studied, a reasonable package of mitigation measures was proposed. This primarily includes roadway and traffic signal improvements to Forest Avenue and West Street for an estimated total cost of \$10.2M. In addition, MassDOT is planning on upgrading Route 123 (Belmont Street) from Route 24 to West Street, the main access to the gaming establishment. The first two Phases of the DOT work on Belmont Street would be completed before the proposed gaming establishment would have opened.

The following further traffic mitigation would have required evaluation as part of the MEPA process:

1. Safety mitigation at the Route 27/West Street intersection.

2. Mitigation for the Belmont Street/Kenelworth Avenue intersection.
3. Reevaluation of the proposed realignment of West Street in front of the gaming establishment with respect to the Belmont Street intersection.

In terms of transit, the Applicant was considering shuttle bus service, including connections to the Brockton Area Transit Authority (BAT) downtown station and integrating a gaming establishment bus stop with existing bus routes. Minimum mitigation would have likely required inclusion of a local bus stop at the gaming establishment and an evaluation of the viability of a shuttle service from the Brockton MBTA Station to the gaming establishment.

The payments by the Applicant to the City as itemized in the Host Community Agreement and the Mitigation Agreement were deemed sufficient to mitigate potential impacts to housing, schools and public safety (police and fire).

The Applicant’s response to the Mitigation questions concerning responsible gambling practices and policies generally expressed a willingness to conform to the tactics described in the MGC Responsible Gaming Framework (RGF).

Though no a greement had been reached between the Applicant and the Massachusetts State Lottery (“Lottery”), the Applicant demonstrated that it understood the need to reach an agreement with the Lottery and identified strategies from other states to incorporate into such an agreement. For example, the Applicant suggested several strategies to promote the lottery including point of purchase, direct mailing, promotional giveaways and social media marking. See G.L. c.23K, §18(1).

This category was evaluated in a number of criteria as follows:

<b>SUMMARY OF EVALUATION BY CRITERIA</b>	
<b>Criterion</b>	<b>Findings</b>
Community Support	<p>The Applicant executed a Host Community Agreement and associated mitigation documents with the City of Brockton. A certified election in Brockton was held in May 2015 in which a vote in favor of the gaming establishment project was tallied, albeit by a small majority; 50.5% in favor and 49.5% opposed. By this measure, then, the public support for this proposal was not overwhelming and the opposition was significant. However, most area public officials spoke and commented in favor of the proposed project; in the case of Mayor Bill Carpenter, support for the proposal was strong, and accordingly noteworthy. <u>See</u> G.L. c. 23K, §18(19).</p> <p>The Applicant agreed to provide the City \$18.5 million before the gaming establishment opened for infrastructure improvements and other city costs. After opening, the Applicant agreed to make annual payments of at least \$10.3 million or more depending on the gaming revenues. This amount was to be reduced to a minimum of \$7 million if a tribal casino was built in the region.</p> <p>The Applicant executed Surrounding Community Agreements with all</p>

	<p>nine designated communities (Abington, Avon, Easton, East Bridgewater, Holbrook, Pembroke, Stoughton, West Bridgewater and Whitman). These Agreements are similar in format and include payments for consultant and legal costs, a one-time Community Impact Fee paid before the gaming establishment opens and an Annual Community Impact Fee. Two communities (Easton and East Bridgewater) required arbitration to reach an Agreement. Accordingly, the contents of Application, including the applicable attestations provided in Section B of the RFA-2 Application, demonstrate that G.L. c.23K, §§15 (7) and (8) have been satisfied, and that measures have been put in place to “mitigat[e] potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment . . . .” G.L. c. 23K, §18(14).</p> <p>An agreement was executed between the Applicant and Brockton 21<sup>st</sup> Century, which owns Campanelli Stadium and Shaw’s Center, pledging to discuss joint marketing opportunities. The Applicant provided examples of similar agreements at their other casino locations and demonstrated an awareness of the importance of having good relations with local venues. The Applicant was not able to reach an agreement with the Massachusetts Performing Arts Coalition (MPAC).</p>
Mitigate traffic and Offsite Impacts	<p>The site plan provides for adequate access and egress to the gaming establishment and hotel for cars, buses and taxis. There is also an appropriate distinction between patron and employee access/egress. The adequacy of the existing transportation network was evaluated using acceptable procedures including baseline and projected traffic volumes, trip generation rates and modeling. For the area intersections studied to date, a reasonable package of mitigation measures has been proposed. This primarily includes roadway and traffic signal improvements to Forest Avenue and West Street for an estimated total cost of \$10.2M. In addition, MassDOT is planning on upgrading Route 123 (Belmont Street) from Route 24 to West Street, the main access to the proposed gaming establishment. The first two Phases of the MassDOT work on Belmont Street would likely be completed before the gaming establishment opened.</p> <p>In terms of transit, the Applicant had shuttle bus service under consideration, including connections to the BAT downtown station and integrating a gaming establishment bus stop with existing bus routes. <u>See</u> G.L. c. 23K, §18(8).</p> <p>The payments by the Applicant to the City itemized in the Host Community Agreement and the Mitigation Agreement were deemed to be sufficient to mitigate potential impacts to housing, schools and public safety (police and fire).</p>

<p>Measures to Promote Responsible Gaming and Address Problem Gambling</p>	<p>The Applicant’s response to the Mitigation questions concerning responsible gambling practices and policies generally expressed a willingness to conform to the tactics described in the Commission’s Responsible Gaming Framework (“RGF”). Unfortunately, responses to subsection “a” from the series of questions (describing how the strategy will be implemented) often lacked detail and rather restated, sometimes verbatim, language within the RGF. Responses to subsection “b” of these questions (historical application of strategy) generally discussed compliance with Pennsylvania Gaming Control Board regulations. Those regulations have some overlap with Massachusetts, though are less comprehensive than measures described in the RGF. The responses in total are viewed as sufficient, expressing willingness to conform with Commission expectations, but lacking detail, inventiveness, and initiative to flesh out responsible gaming practices in the Application. See G.L. c. 23K, §18(6).</p>
<p>Protect and Enhance the Lottery</p>	<p>No formal agreement with the Massachusetts State Lottery had been executed. However, the Applicant demonstrated an understanding of the need to reach such an agreement, and identified strategies from other states to consider for incorporation. Further, the Applicant formally agreed to be a licensed state lottery sales agent under G.L. c.10 to sell or operate lottery, multi-jurisdictional and keno games; agreed to ensure that the lottery and keno games be readily accessible to the guests of the proposed gaming establishment, and agreed that, as a condition of a gaming license, it would not create, promote, operate or sell games that are similar to or in direct competition with games offered by the state lottery commission, including the lottery instant games or its lotto style games such as keno or its multi-jurisdictional games. See G.L. c.23K, §§ 15(1) and 18(1).</p>

#### IV. Conclusion

Having carefully reviewed and evaluated all of the materials submitted to the Commission as part of the RFA-1 and RFA-2 Application processes along with materials gathered by the Commission as part of the review process including information and comments submitted by the public, all as outlined above, the Commission finds that MG&E has met the standards of suitability required under G.L. c.23K, has “met the eligibility criteria” outlined in G.L. c.23K and 205 C MR, see G.L. c.23K, §19(a), necessary to be awarded a gaming license, and has demonstrated “the business practices and the business ability [] to establish and maintain a successful gaming establishment . . . .” G.L. c. 23K, §12(a)(3). As such, the Commission finds that the Applicant is a suitable and qualified applicant for a Category 1 gaming license. The Commission further acknowledges that the Applicant, through its affiliates, designed, constructed and operates high quality gaming establishments in Illinois and Pennsylvania. The Commission also recognizes the challenges faced by the City of Brockton, and the benefits this



proposed project may have prospectively contributed towards alleviating some of those challenges and encouraging further economic development in Brockton.

However, the Commission’s evaluation includes a multitude of factors in addition to the potential benefits that may be conferred on the host community. It must look at the entire region and Commonwealth as a whole. To that end, the Commission finds that the Applicant has not “provided convincing evidence that the applicant will provide value to [] region [C] and to the commonwealth . . . .” G.L. c.23K, §19(a). That is, the Applicant has failed to demonstrate that its proposed project would maximize revenue to the Commonwealth, see G.L. c.23K, §18(11), or that it would offer the highest and best value to create a secure and robust gaming market in Region C and the Commonwealth. See G.L. c.23K, §18(13). Ultimately, the Applicant did not articulate a clear vision nor provide any well-developed plans as to how it would achieve the same quality of results in Brockton as it has at its properties in other jurisdictions. However, while the Commission has determined not to grant a License to the Applicant, this determination should not be viewed, as described above, as a reflection upon the Applicant’s suitability or the Applicant’s ability to design, construct, or operate a quality gaming establishment. Accordingly, for all of the aforementioned reasons, the RFA-2 Application submitted by Mass Gaming & Entertainment, LLC, by a vote of four (4) in favor of denial and one (1) opposed, is hereby **DENIED**.

**SO ORDERED.**

**MASSACHUSETTS GAMING COMMISSION**

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Stephen P. Crosby, Chairman

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Enrique A. Zuniga, Commissioner

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Gayle Cameron, Commissioner

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Bruce Stebbins, Commissioner

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Lloyd Macdonald, Commissioner (opposed)

DATED: June xx, 2016

DRAFT

**JOHN M. DONNELLY**  
jdonnelly@donnellyclark.com  
609-347-1199

July 19, 2016

**VIA EMAIL And REGULAR U.S. MAIL**

Catherine Blue  
Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

**RE: Decision Denying a License to Operate a Category 1 Gaming  
Establishment in Region C**

Dear Ms. Blue:

Noting that the agenda for July 21, 2016 provides for a vote on the Mass Gaming & Entertainment, LLC matter, we again ask the Commission to withhold this action until the Court rules in the pending litigation brought by the Taunton Citizen's Group.

The Court heard oral argument on July 11, 2016. It noted at that time that it understood the urgency of the matter and was hoping to issue an Order by the end of the month with a detailed Opinion in support to come later.

We therefore urge again that it is in the best interest of all parties to await the Court's Order.

Respectfully Submitted,

  
John Donnelly

JMD/lat

Cc: John Ziemba (via email)

**JOHN M. DONNELLY**  
jdonnelly@donnellyclark.com  
609-347-1199

July 8, 2016

**VIA EMAIL And REGULAR U.S. MAIL**

Catherine Blue  
Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

RE: Decision Denying a License to Operate a Category 1 Gaming  
Establishment in Region C

Dear Ms. Blue:

As we have advised, the United States District Court addressing the Taunton Citizen's Group's lawsuit questioning the Department of Interior's decision to take land in trust has set July 11, 2016 for a hearing on the *Carcieri* issue to determine if the Secretary of the Interior had legal authority to take land into trust. The early "trial on the merits" has significantly accelerated the judicial process. The Citizens Group and all interested parties anticipate a prompt resolution of the key legal issues raised concerning the possibility that a tribal casino will never operate in Region C.

Because of this new development, we believe that all interested parties and the Commonwealth are best served if the Commission's Decision and Order in the above not be finalized at least until the District Court has ruled. Regardless of the outcome of the District Court's decision, the Commission and all interested parties will be much better informed when that ruling is issued. The Commission's Decision could then reflect the added information and be tailored to reflect the best interests of the Commonwealth.

Respectfully Submitted,

  
John Donnelly  
JMD/lat

Cc: John Ziemba (via email)

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 138.00: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND  
INTERNAL CONTROLS

138.63: Slot Machines and ~~Bill Changers~~ other Electronic Gaming Devices; Authorized  
Locations; Movements

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing the movement and placement of ~~slot machines and bill changers~~ **electronic gaming devices** that, at a minimum, comport with 205 CMR

145.00: *Possession of Slot Machines and Electronic Gaming Devices*. Such provisions shall at a minimum ensure that:

- (1) All drop boxes, bill validator stackers, ticket vouchers, printer paper, tokens and revenue are removed from an electronic gaming device prior to removal from the gaming area; and
- (2) All security locks and slot seals affixed pursuant to 205 CMR 144.03(2)(b) are removed from an electronic gaming device in a secure location within the gaming establishment prior to shipment from the gaming establishment.

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 144.00: APPROVAL OF SLOT MACHINES AND OTHER ELECTRONIC  
GAMING EQUIPMENT DEVICES AND TESTING LABORATORIES

144.01: Required Permits and Registration Delivery and Installation of Slot Machines, Electronic Gaming Devices, and Software

(1) No new or modified **electronic** gaming device listed in 205 CMR 144.01(2) shall be:

- (a) ~~sold~~ **delivered to a gaming licensee** by a gaming vendor unless a prototype of the gaming device has ~~received a permit from the commission~~ **been certified** in accordance with 205 CMR 144.02**04 and notice provided in accordance with 205 CMR 144.02**; or
- (b) **installed, modified, operated, or moved** by a gaming licensee in a gaming establishment unless ~~the gaming device is registered with the commission in accordance with 205 CMR 144.03~~ **notice has been provided and approval received in accordance with 205 CMR 144.03.**

(2) The following **shall be considered electronic** gaming devices ~~require permitting and registration by the commission~~ **for purposes of 205 CMR 144.00:**

- (a) Slot machines;
- (b) Electronic table games;
- (c) Kiosks;
- (d) Wireless wagering devices;
- (e) Slot machine games;
- (f) Multiplayer systems;
- (g) Server supported slot systems;
- (h) Slot machine bonus systems;
- (i) Table game bonus systems;
- (j) Progressive systems;
- (k) Account based wagering systems;
- (l) Slot monitoring systems and casino management systems;
- (m) Gaming voucher systems;
- (n) Devices used in conjunction with a slot monitoring system or casino management system, unless the devices provide read-only functionality;
- (o) Devices used in conjunction with **electronic** gaming devices such as bill ~~acceptors~~ **validators**, printers, ~~and~~ coin acceptors that are not integrated into and tested as part of another gaming device; **and**
- (p) **Software required to be tested in accordance with the GLI standards as adopted and modified by 205 CMR 143.00.**

(3) For purposes of 205 CMR 144.00, a ‘prototype’ shall mean an electronic gaming device which consists of an individual component or collection of components assembled together to comprise a single electronic gaming device (e.g.- a unique model of a slot machine cabinet, electronic table game, or casino management system).

144.02: Permitting Delivery of Electronic Gaming Devices to a Gaming Licensee Prototypes

- (1) In order to receive a permit for an electronic gaming device to be approved for use in a gaming establishment, a gaming vendor, at its own expense, must submit the electronic gaming device for scientific testing and technical evaluation in accordance with 205 CMR 144.04 by a commission certified independent testing laboratory certified pursuant to 205 CMR 144.06 to determine compliance with M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*. The gaming vendor must provide the certified independent testing laboratory with all documentation and other materials necessary to conduct testing and evaluate compliance. The gaming vendor shall provide notice of submission of a new prototype for testing to the commission's gaming technology laboratory contemporaneously with submission to the independent testing laboratory.
- (2) Upon completion of testing certification of a prototype of an electronic gaming device by a certified independent testing laboratory, a gaming vendor may submit an application for permitting of deliver the electronic gaming device to the commission's gaming technology laboratory gaming licensee after providing notice to the commission, as directed, in accordance with 205 CMR 145.02(2). Upon receipt of the notice, the commission may deny entry of any electronic gaming device it determines may not be compatible with the commission's central monitoring system or for any reason necessary to protect the integrity of gaming in the Commonwealth. The commission may reject any gaming device permit application that is deemed administratively incomplete. The application for a gaming device permit shall be in the form prescribed by the commission and contain:
  - (a) the gaming vendor's name;
  - (b) the gaming vendor's license number pursuant to 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*;
  - (c) a unique name and version number for the gaming device for which the registration is sought;
  - (d) a copy of the commission certified independent testing laboratory report for the gaming device in accordance with 205 CMR 144.04;
  - (e) a list of all jurisdictions, at the time of gaming device permit submission, in which the gaming device has been granted or denied licensure registration or similar approval; and
  - (f) the application fee in accordance with 205 CMR 144.05.Provided, prior to delivery of any such electronic gaming device into the Commonwealth the gaming vendor and electronic gaming device shall be in compliance with 15 U.S.C. 1173.
- (3) Upon receipt submission of the electronic gaming device permit application prototype for testing to a certified independent testing laboratory in accordance with 205 CMR 144.02(1) and 144.04, the commission's gaming technology lab may require that the gaming vendor provide to the commission's gaming technology lab, at the gaming vendor's expense, a functioning prototype of the electronic gaming device as well as all software, documentation and other materials necessary to conduct testing and evaluate compliance. The commission's gaming technology lab may conduct any testing of the electronic gaming device it desires and require any further subsequent action.



- (4) The gaming vendor shall promptly notify the commission of any negative action taken in another jurisdiction or if it becomes aware of an issue that may negatively impact the reporting of revenue, game outcome, or the integrity of a device that has been submitted to the commission for permitting or has been permitted **delivered to a gaming licensee**.
- (5) Prior to issuing a permit and after completing a review of a proposed gaming device that has not been available for public use in other jurisdictions for at least 45 days, the commission may require a trial period of up to 45 days to test the gaming device in a gaming establishment. During the trial period, minor changes in the operation or design of the gaming device may be made with prior approval of the commission.
- (6) Upon reviewing a gaming device permit application and conducting any additional testing or trials that the commission requires, the commission shall issue a gaming device permit if the device meets the requirements of 205 CMR 144.02(7). If a gaming device does not meet the requirements of 205 CMR 144.02(7), the commission may deny the permit or issue the permit subject to conditions necessary for the gaming device to meet the requirements of 205 CMR 144.02(7). If the commission denies or conditions the gaming device permit, the commission shall provide a written notification containing the reason for the denial or condition. The gaming device permit shall not expire, but shall be subject to any future conditions imposed in accordance with 205 CMR 144.02(8).
- (7) Prior to permitting, a gaming device must:
  - (a) meet the applicable requirements of M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*; and
  - (b) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth.
- (8) The commission, or its designee, may add, modify or remove conditions following the initial permitting of a gaming device as necessary to ensure the integrity of the gaming device or the effective administration of 205 CMR.
- (9) A gaming vendor may appeal a permit denial, permit revocation, or imposition of any condition on a permit by filing a petition on a form prescribed by the commission. Upon receipt of a petition, the gaming technology lab shall schedule a hearing to be conducted in accordance with 205 CMR 144.02(10) and provide the gaming vendor with reasonable notice containing the date, time, and location of the hearing.
- (10) Hearings convened pursuant to 205 CMR 144.02(9) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearings officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.

144.03: Registration Installation and approval for use of an Electronic Gaming Device Inventory

(1) ~~(a) In order to register a~~ **No electronic gaming device for use in a gaming establishment, shall be installed or operated in a gaming establishment, nor shall a previously approved electronic gaming device be modified or moved from a previously approved location, unless a gaming licensee must first submit a request for approval gaming device registration application with to the commission's gaming technology laboratory, as directed, at least 5 days prior to the anticipated installation, operation, modification, or movement date and such request is approved. The commission may reject any gaming device registration application that is deemed administratively incomplete. The commission, or its designee, may approve such request on shorter notice in exceptional circumstances. The application for request for approval a gaming device registration shall be in the form prescribed by the commission. and contain, at a minimum:**

- ~~(a) the gaming licensee's name;~~
- ~~(b) the gaming device number issued by the commission for the permitted prototype on which the gaming device is based;~~
- ~~(c) in the case of a physical gaming device, the unique serial number and the date of manufacture for each copy of the gaming device that the gaming licensee intends to use in the gaming establishment;~~
- ~~(d) in the case of a software gaming device, the maximum number of instances of the software that the gaming licensee intends to use at any one time in the gaming establishment;~~

**(b) For purposes of 205 CMR 144.03, *modified* or *modification* means a change or alteration to a prototype of an electronic gaming device's software and/or hardware previously approved by the commission for installation or operation in Massachusetts (e.g.- change to control programs, change to the theoretical payout percentage, change of denomination, or a change to the hash signature). *Modified* or *modification* does not include replacement of one previously approved component with another previously approved component.**

(2)

**(a) Upon reviewing receipt of a request for approval for installation, operation, or modification of an electronic gaming device registration application, the commission shall register the gaming device if the gaming device registration application is in compliance with the requirements and conditions of the gaming device permit on which the device is based validate and process the information provided in accordance with 205 CMR 144.03(1) relative to each electronic gaming device. Validation shall be conducted in accordance with 205 CMR 144.03(3). Upon validation, the commission's network operations center shall notify the gaming licensee of its assent to approval and shall assign the device a unique identification number. The gaming device registration approval shall not expire, but shall be subject to revocation and any future conditions imposed in accordance with 205 CMR 144.03(4). An electronic gaming device that does not comport with 205 CMR 144.03(3)(a) through (d) and cannot be validated shall be denied approval. Such a denial may be appealed in accordance with 205 CMR 144.03(5).**

**(b) Upon receipt of the assent to approval in accordance with 205 CMR 144.03(2)(a) the gaming licensee shall notify the IEB and coordinate a final inspection of the device in its**

intended location within the gaming area prior to operation. The inspection of a device shall be performed by a gaming agent and shall at a minimum include, as applicable, verification of the software configuration settings, confirmation of proper surveillance coverage, and any necessary connectivity and operability testing. Upon satisfactory inspection of a new slot machine by the IEB, a gaming agent shall place a seal on the slot machine indicating approval.

- (c) Upon satisfactory completion of its inspection, the IEB shall indicate in the commission's records that the device is 'Approved for Use', and the device may be placed into operation by the gaming licensee. Operation of an electronic gaming device by a gaming licensee prior to being "Approved for Use" in accordance with 205 CMR 144.03(2)(c), or after revocation of such approval in accordance with 205 CMR 144.03(4), may result in the device being ordered out of operation and disciplinary measures, including a fine, being assessed upon the gaming licensee and any responsible party.
- (3) ~~A registered~~ In order for an electronic gaming device to be validated as required in accordance with 205 CMR 144.03(2)(a), all information provided in accordance with 205 CMR 144.03(1) must be provided, and each individual electronic gaming device, including the game critical content, must:
- (a) be identical in all ~~material~~ mechanical, electrical, electronic or other material aspects to the prototype ~~permitted~~ **certified** in accordance with 205 CMR 144.0204 on which the **electronic** gaming device is based;
  - (b) comply with any conditions **placed upon** of the ~~permitted~~ prototype on which the **certification of the electronic** gaming device is based; ~~and~~
  - (c) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth; ~~and~~
  - (d) where applicable, be interoperable with the commission's central monitoring system. Where an electronic gaming device is not interoperable with the commission's central monitoring system, the commission reserves the right to inspect/validate the device prior to operation.

An electronic gaming device that the commission determines does not comport with 205 CMR 144.03(3)(a) through (d) may be deemed a new gaming device requiring completion of a full certification procedure in accordance with 205 CMR 144.02.

- (4) The gaming licensee must ensure that the ~~registered~~ **approved electronic** gaming device is and remains in compliance with 205 CMR 144.03(3) at all times. The commission may at any time inspect any ~~registered~~ **approved electronic** gaming device and revoke or condition the ~~registration approval~~ if that device fails to comply with 205 CMR 144.03(3), **205 CMR 143.00: Gaming Devices and Electronic Gaming Equipment**, or in any way fails to operate in the manner for which it was **approved**. Prior to revoking or conditioning the ~~registration approval~~ of an **electronic** gaming device currently in use in a gaming establishment the commission shall, **when possible**, allow the gaming licensee a reasonable amount of time to bring the device into compliance.
- (5) A gaming licensee may appeal a ~~registration denial, registration~~ revocation, or imposition of any condition on ~~registration~~ **an approval or 'Approval for Use'** by filing a petition on a form prescribed by the commission. Upon receipt of a petition, the gaming technology lab shall

schedule a hearing to be conducted in accordance with 205 CMR 144.03(6) and provide the gaming licensee with reasonable notice containing the date, time, and location of the hearing.

- (6) Hearings convened pursuant to 205 CMR 144.03(5) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of **electronic** gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearings officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.
- (7) A gaming licensee shall inform the commission's gaming technology laboratory **and the IEB** of any ~~registered~~ **approved electronic** gaming device that the gaming licensee no longer possesses ~~no later than the second Monday of the month following termination of possession by indicating such on the Slot Machine Master List provided in accordance with 205 CMR 145.01(2).~~
- (8) **Prior to issuing an approval or "Approval for Use" of an electronic gaming device the commission may require a trial period of a length to be established on a case by case basis to test the gaming device in a gaming establishment to determine whether it complies with 205 CMR 144.03(3). During the trial period, minor changes in the operation or design of the electronic gaming device may be made with prior approval of the commission.**
- (9) **Subsequent to an electronic gaming device being deemed 'Approved for Use' in the gaming area pursuant to 205 CMR 144.03(2)(c), an electronic gaming device may only be moved or modified in accordance with the gaming licensee's approved system of internal controls submitted in accordance with 205 CMR 138.63 which shall incorporate the notice and approval provisions contained in 205 CMR 144.03.**

#### 144.04: Required Testing by Independent Testing Laboratories

- (1) Any testing by a commission certified independent testing laboratory for the purposes of ~~permitting~~ **certifying an electronic** gaming device shall be conducted in compliance with M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment* and 144.00.
- (2) The independent testing laboratory shall issue a report of the testing results to the gaming vendor **and to the commission pursuant to 205 CMR 145.02(2)**. Such report shall contain:
  - (a) the part and version numbers of the **electronic** gaming device tested;
  - (b) attachments containing documents sufficient to describe the functionality and operation of all material components of the **electronic** gaming device;
  - (c) a description of all tests conducted and the results of such tests;
  - (d) a statement as to whether each of the components within the **electronic** gaming device, each interaction between components, and the device as a whole is compliant with the latest version of M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment* as of the start date of testing;
  - (e) the date the **electronic** gaming device was submitted for testing;
  - (f) the start and end dates of the **electronic** gaming device testing;

- (g) the location of the facility used to perform the testing; and
  - (h) a statement, signed under penalty of perjury, that all information provided in the report is accurate and complete.
- (3) The independent testing laboratory's report shall not contain any information in its body that if publically released may harm the integrity of the **electronic** gaming device, but such information may be disclosed in an attachment.
  - (4) The independent testing laboratory may communicate with the ~~applicant~~ **gaming vendor** to request additional documentation or to discuss potentially non-compliant components. The independent testing laboratory shall log any communication between itself and the applicant and be able to provide to the commission copies of all documents transmitted to or from the applicant for at least seven years following the issuance of the report.
  - (5) The independent testing laboratory may rely on testing conducted and data collected from testing conducted for another jurisdiction, whether by the independent testing laboratory or by another entity, if the testing was performed by an independent party with no apparent interest in the result. An independent testing laboratory relying on such external testing or data must clearly identify in its report all such reliance and independently verify the validity of such data or testing by making a finding that the methods described in the earlier test are reliable and there is no indication that the data are incorrect.
  - (6) An independent testing laboratory may rely on any data or results of testing conducted by a commission certified independent testing laboratory when such testing was conducted for purposes of permitting an **electronic** gaming device in the Commonwealth. Any reliance pursuant to 205 CMR 144.04(5) or (6) must be clearly identified in the report.

#### 144.05: Fees for Testing, Permitting, and Registration of Gaming Devices

- (1) ~~A gaming vendor seeking a gaming device permit shall remit appropriate fees to the commission along with or prior to the gaming device permit application. The application fee for submitting a new gaming device for permitting or for modification of a currently permitted gaming device is \$500. If the Commission's costs for testing, in accordance with the fee schedule posted by the Commission to its website, exceed the initial application fee, the gaming vendor shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.~~ **The commission may assess a fee to a gaming vendor representing the cost associated with the testing of any electronic gaming device by the commission's gaming technology lab in accordance with 205 CMR 144.02(3).**
- (2) A gaming vendor requesting that a commission certified independent testing laboratory conduct testing shall pay all costs of the testing directly to the independent testing laboratory.
- (3) ~~There is no fee for registering a gaming device based on a permitted prototype of the same device.~~

#### 144.06: Independent Testing Laboratory Certification and Auditing

- (1) Certification Process. In order to provide testing services of **electronic** gaming devices in Massachusetts, a person must be certified as an independent testing laboratory in accordance with 205 CMR 144.06. The certification process will take place as follows:
  - (a) The commission may issue yearly a request for applications from applicants interested in being certified as independent testing laboratories.
  - (b) Upon receipt of an application in the form prescribed in 205 CMR 144.06(5) the gaming technology laboratory and the bureau shall conduct any investigation they deem



reasonable, including any visit, review or inspection of each independent testing laboratory seeking certification to evaluate the laboratory's qualifications and capabilities pursuant to 205 CMR 144.06(3).

- (c) The applicant is required to submit a \$5,000 application fee with its application for certification. If the Commission's costs associated with the investigation, including site visits, inspections, and background investigations, of the applicant during the certification evaluation period, in accordance with the fee schedule posted by the Commission to its website, exceed the application fee, the applicant shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.
  - (d) Upon the conclusion of evaluation and upon full payment of any costs associated with the certification process, the gaming technology laboratory, with the input of the bureau, shall issue a written report to the commission and to the applicant. The commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. However, the commission may only utilize the public hearing process with the applicant's consent.
  - (e) If the commission determines that an adjudicatory proceeding will be held, the commission shall conduct an adjudicatory proceeding in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A on the gaming technology laboratory's report under 205 CMR 144.06(1)(d) concerning the applicant. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The commission will issue a public notice in advance of the adjudicatory proceeding stating the date, time and place of the hearing. The commission shall issue a final decision granting or denying the certification within 30 days of the hearing.
  - (f) If the commission determines that a public hearing should be held, the commission shall review the gaming technology laboratory's report and make a final decision granting or denying the certification at a public hearing. The commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing.
  - (g) Certification as an independent testing lab shall be valid for one year and shall automatically renew annually thereafter upon payment of a renewal and audit fee of \$2,000. The commission may audit the compliance of the certified independent testing laboratory with commission requirements annually or more often if needed. The commission may revoke the registration of a certified independent testing laboratory if the testing laboratory no longer meets the requirements of M.G.L. c. 23K and 205 CMR.
  - (h) The commission shall maintain a list of certified independent testing laboratories along with the categories of **electronic** gaming device that each independent testing laboratory may test.
- (2) Categories of Certification. Each independent testing laboratory must be certified for each category of testing for which the laboratory seeks to provide results. The categories of testing include:
- (a) **Electronic g**Games and game variations;
  - (b) **Electronic g**Gaming devices and gaming device modifications;
  - (c) Gaming associated equipment and gaming associated equipment modifications;
  - (d) Cashless wagering systems and cashless wagering system modifications;

- (e) Inter-casino linked systems and inter-casino linked system modifications;
  - (f) Mobile gaming systems and mobile gaming system modifications;
  - (g) Interactive gaming systems and interactive gaming system modifications; and
  - (h) Any other category of testing that the commission may deem appropriate.
- (3) Standards for Certification. To qualify for certification, the independent testing laboratory, must:
- (a) Be independent pursuant to 205 CMR 144.06(4);
  - (b) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement;
  - (c) Demonstrate suitability in accordance with M.G.L. c. 23K, §§ 12 and 16 by clear and convincing evidence after considering reciprocity from other jurisdictions;
  - (d) Demonstrate that it is technically competent in testing the category of game, device, or system in which it is seeking certification; and
  - (e) Demonstrate that it is technically competent to test compliance with the applicable Massachusetts statutes, regulations, standards and policies.
- (4) Independence. An independent testing laboratory must be independent at all times while certified by the commission.
- (a) To be considered independent from a manufacturer, distributor, or operator pursuant to 205 CMR 144.06(3)(a), the independent testing laboratory, including its employees, management, directors, owners, compliance committee members and gaming regulatory advisors, with the exception of the independent testing laboratory's external accountants and attorneys:
    - (1) Must not have a financial or other interest, direct or otherwise, in a manufacturer, distributor, or operator of any game, **electronic** gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, regardless of whether or not the person or entity is licensed, registered, or otherwise does business in Massachusetts;
    - (2) Must not participate, consult, or otherwise be involved in the design, development, programming, or manufacture of any game, **electronic** gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto;
    - (3) Must not have any other interest in or involvement with a manufacturer, distributor, or operator that could cause the independent testing laboratory to act in a manner that is not impartial; and
    - (4) Such individuals shall not serve in any capacity with a manufacturer, distributor, or operator beyond the scope of the independent testing laboratory's engagement pursuant to these regulations.
  - (b) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit an independent testing laboratory, or the above listed individuals, from providing consulting services to a manufacturer, distributor, or operator, provided that such services do not directly or indirectly indicate, suggest, or imply how to design, develop, program or manufacture a game, **electronic** gaming device, associated equipment,



cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any components thereof or modification thereto.

- (c) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit its ability to accept fees from a gaming device vendor in accordance with 205 CMR 144.05.

(5) Form of Application. An application for certification as an independent testing laboratory shall be in the form prescribed by the commission and contain:

- (a) The required application fee pursuant to 205 CMR 144.06(1)(c);
- (b) A completed business entity disclosure form as set forth in 205 CMR 134.07(6): *Business Entity Disclosure Form - Gaming Vendor - Primary* for the applicant entity;
- (c) Completed multi-jurisdictional personal history disclosure forms as set forth in 205 CMR 134.07(1): *Multijurisdictional Personal History Disclosure Form for Key Gaming Employees- Executive and Gaming Vendor Qualifiers* for each person who would be a gaming vendor qualifier pursuant to 205 CMR 134.04(4): *Gaming Vendor Qualifier* if the applicant were a gaming vendor;
- (d) Copies of all ISO/IEC 17025 certification and accreditation materials except if the independent testing laboratory is only seeking registration for the testing of games and game variations;
- (e) All ISO required internal controls, policies and procedures, except if the independent laboratory is only seeking registration for the testing of games and game variations;
- (f) Detailed description of the testing facilities;
- (g) Detailed description of available testing staff and staff qualifications, including education, training, experience and skill levels;
- (h) Detailed description of available testing equipment;
- (i) Copies of documented policies, systems, programs, procedures and instructions to assure the quality of test results;
- (j) Copies of all test scripts to be used for testing against the applicable Massachusetts statutes, regulations, standards, and policies.
- (k) A statement subscribed by the applicant that:
  - (1) The information being provided to the commission is accurate and complete;
  - (2) The applicant agrees to cooperate with all requests, inquiries, or investigations of the commission;
  - (3) The applicant acknowledges that the commission shall retain jurisdiction over the independent testing laboratory in any matter involving an **electronic** gaming device;
  - (4) The applicant acknowledges that it will comply with M.G.L. c. 23K, § 13(b) and (c) and update the commission in accordance with 205 CMR 144.06(6);
  - (5) The applicant agrees to indemnify and hold harmless the Commonwealth of Massachusetts and the commission, and each of their members, agents, and employees in their individual and representative capacities against any and all claims, suits and actions, brought against the persons named in 205 CMR 144.06(5)(k)5: by reason of any inspections or certifications performed by the applicant as a certified independent testing laboratory, and all other matters relating thereto, and against any and all expenses, damages, charges and costs, including court costs and attorney fees, which may be sustained by the persons and entities named in this subsection as a result of said claims, suits and actions; and

- (l) any additional information that the commission may require.
- (6) Notification Requirements. Certified independent testing laboratories shall:
- (a) notify the commission of any change in ownership of the certified independent testing laboratory if it is privately held or any change in ownership resulting in shareholding of 5% or more of the independent testing laboratory or any of its holding or intermediary companies; any change in directors, executives, or key management or employees of the independent testing laboratory, and any other material changes to the information included in its application for registration or the information submitted in conjunction with or subsequent to its application within 30 days of such change;
  - (b) no later than by the 15th day of each January, inform the commission in writing of any changes to the information that was contained on the ~~registered~~ **certified** independent testing laboratory's application for ~~registration~~ **certification** or submitted in conjunction with or subsequent to its application or that no changes have occurred since the last reporting date;
  - (c) maintain copies of the results of any ISO/IEC 17025 audits or reviews and notify the commission in writing of the of the availability of the results within 15 days of when they become available to the ~~registered~~ **certified** independent testing laboratory and provide copies to the commission upon request.
  - (d) notify the commission immediately of any material issues concerning any **electronic** gaming device that it tested for use in Massachusetts;
  - (e) notify the commission immediately of any attempts by a manufacturer, distributor, or operator to improperly influence the certified independent testing laboratory, or any of its employees, managers, or owners, in or in connection with any testing of **electronic** gaming devices for use in Massachusetts; and
  - (f) timely provide the commission with such other information as the commission may request or require.
- (7) Continued Obligations. Certified independent testing laboratories shall abide by the following requirements while certified:
- (a) In the interest of preserving a competitive gaming industry, a certified independent testing laboratory shall not implement or maintain any procedure or policy or take any action that would inhibit or prevent a manufacturer, distributor or operator that has otherwise been deemed suitable for doing business in Massachusetts by the commission from submitting a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, for testing for use in Massachusetts, or that would call into question or tend to erode the independence of the certified independent laboratory from any clients that utilize its services.
  - (b) All testing shall be performed by a person directly employed by the certified independent testing laboratory. The certified independent testing laboratory shall not assign, delegate, subcontract, or otherwise engage any person not directly employed by the certified independent testing laboratory for any testing for which the laboratory has been certified. The certified independent testing laboratory shall provide the commission every six months, or upon request as the commission requires, with a list and description of all amounts paid by or invoiced to licensed gaming vendors for costs of **electronic** gaming device testing or otherwise.

- (c) A certified independent testing laboratory shall implement and maintain a hiring and background check process, which shall be submitted to the commission and subject to the commission's approval, that ensures, at a minimum, that no person is hired in a position involving testing relating to Massachusetts, or in a position overseeing or managing an employee in such a position, who has:
- (1) been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; or
  - (2) Had any gaming license, registration or other like credential revoked or committed any act which is a ground for the revocation of a gaming license, registration or other professional credential held by the person or would have been a ground for the revocation of a gaming license, registration or other professional credential had the person held such license, registration, or credential.
- (d) A certified independent testing laboratory shall handle all information and data prepared or obtained as part of the testing process as confidential.
- (e) A certified independent testing laboratory shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software, and other information entrusted to it as part of the testing process.
- (f) The commission may, as appropriate, periodically provide further guidance as to what is required of a certified independent testing laboratory through industry notices or other written communications.
- (g) If a certified independent testing laboratory hires an individual who was previously employed by, or performed any work for, a manufacturer, distributor or operator within one year prior to the individual's date of employment with the independent testing laboratory, the certified independent testing laboratory shall not permit that person to test any **electronic** gaming device for use in Massachusetts, for which the person had any involvement with, whatsoever, while he or she was employed by the manufacturer, distributor or operator for a period of one year from the individual's date of employment with the independent testing laboratory.

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 145.00: POSSESSION OF SLOT MACHINES AND OTHER  
ELECTRONIC GAMING DEVICES

145.01: Possession of Slot Machines and Other Electronic Gaming Devices

\*\*\*

(2) Each gaming licensee shall file, prior to the commencement of gaming and every thirty days thereafter with the commission a comprehensive lists of:

- (a) The slot machines ~~and bill validators and/or bill changers not integrated into a slot machine~~ in the gaming area (the “Slot Machine Master List”);
- (b) The slot machines possessed by the licensee in restricted areas outside the gaming area but on the premises of its gaming establishment; **and**
- (c) The slot machines possessed by the licensee at locations in the commonwealth but off the premises of its gaming establishment.

(3) At a minimum, each list of slot machines required by 205 CMR 145.01(2) shall contain the following information, as applicable, for each slot machine and any accompanying bill validator and/or bill changer on the “Slot Machine Master List” in consecutive order by location number:

- (a) The date on which the list was prepared;
- (b) A description of each slot machine by:
  - 1. Slot machine model and serial number and ~~registration~~ **unique identification** number issued in accordance with 205 CMR ~~144.00: Approval of Slot Machines and Electronic Gaming Equipment and Testing Laboratories~~ **144.03(2)(a)**;
  - 2. Computer program number;
  - 3. Denomination;
  - 4. Manufacturer and machine type; and
  - 5. ~~Whether the slot machine has an electronic funds transfer (EFT) feature~~ **Any other information directed by the Commission.**

145.02: Transportation of Slot Machines and Other Electronic Gaming Devices

\*\*\*

(2) Any person moving a slot machine **or other electronic gaming device**:

- (a) into the Commonwealth;
- (b) from one authorized location to another authorized location within the Commonwealth unless both locations are operated and controlled by the same gaming licensee; **or**
- (c) ~~out of the Commonwealth~~ **;**[insert space]

shall first notify the commission **at least 5 days in advance of the movement** in writing that provides the following information:

1. The full name and address of the person shipping or moving the machine **or device**;
2. The full name and address of the person who owns the machine **or device**, including the name of any new owner in the event ownership is being changed in conjunction with the shipment or movement;
3. The method of shipment or movement and the name of the carrier or carriers;
4. The full name and address of the person to whom the machine **or device** is being sent and the destination of the machine **or device** if different from such address;
5. The quantity of machines **or devices** being shipped or moved and the manufacturer's serial number of each machine;
6. The expected date and time of delivery to or removal from any authorized location in the Commonwealth;
7. ~~The port of entry, or exit, if any, of the machine if the origin or destination of the machine is outside the continental United States~~ **a copy of the certification report issued by the independent testing laboratory in accordance with 205 CMR 144.04(2); and**
8. The reason for transporting the machine **or device**.

(3) The person shipping or moving any slot machine **or other electronic gaming device** in accordance with 205 CMR 145.02 shall provide to the shipper a document, at least one copy of which shall be kept with the slot machine **or other electronic gaming device** at all times during the shipping process, that contains the following information, at a minimum:

- (a) The manufacturer's serial number of the slot machine **or other electronic gaming device** being transported;
- (b) The full name and address of the person from whom the machine **or device** was obtained;
- (c) The full name and address of the person to whom the machine **or device** is being sent; and
- (d) The dates of shipment.

~~(4) Any person, company, or school receiving a slot machine shipment from outside of the Commonwealth shall, within three business days of receipt, provide the commission with the information enumerated in 205 CMR 145.02(2).~~

(5) Any person moving a slot machine **or other electronic gaming device**:

- (a) within a gaming establishment; or
- (b) between two authorized locations within the Commonwealth if both locations are operated and controlled by the same gaming licensee; **[insert space]** shall **file a request for approval pursuant to 205 CMR 144.03** and record such movement in a log maintained in accordance with the record retention requirements contained in 205 CMR ~~135.00: Monitoring of Project Construction and Licensee Requirements~~ **138.09** and include the following:

1. The manufacturer's serial number
2. The casino operator's equipment number, if applicable;
3. An indication as to whether the equipment is equipped for tokenization, and if so, the denomination;
4. The date and time of movement of the equipment;
5. The location from which the equipment was moved;

6. The location to which the equipment was moved; and
7. The printed name(s) and signature(s) of the person(s) involved in moving the equipment

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# **Executive Summary of Changes for “GLI-11 V3.0, Gaming Devices” Public Comment Draft, Issued May 25, 2016**

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Below is an Executive Summary of the proposed changes in “GLI-11 V3.0, Gaming Devices” public comment draft:

- Re-titled document. Reorganized and restructured document into more consumable chapters and sections, providing better distinction among the major technical areas of Machine, RNG, Game, and Accounting/Metering.
- Added Glossary of Key Terms.
- Incorporated requirements based upon industry best practices.
- Added various content to Game Requirements based on alignment with other GLI Standards and current best practices.
- Incorporated limited alignment with widely-accepted jurisdictional and international standards.
- Added content for Double Up / Gamble feature per alignment with other accepted industry standards.
- Revised RNG requirements to reflect ITL evaluation procedures and to add optional cryptographic RNG requirements.
- Revised odds requirement for slot/chance games to reflect any explicitly advertised award, with revised odds of 1:100 million, similar to existing Nevada odds rule.
- Revised 4% rule for coin-in metering to align with Nevada regulations.
- Added content for Game Tokenization and Residual Credit Removal feature.
- Revised Control Program layout to improve clarity and applicability of certain requirements.
- Revised Error Condition layout and improved consistency of these requirements.
- Delineated Significant Events more clearly based on industry norms.
- Revised Game History Recall requirements to better reflect current industry norms.
- Added content reflective of industry technology trends including:
  - Games with Skill
  - Modern Player Interaction Devices
  - Gaming Device Connections to the Internet
  - Persistence Games
  - Community Bonus Games
  - Player Identification Components
  - Charging Mechanisms for Gaming Devices
  - Alternate Game Modes
  - Virtual Event Wagering
- Revised content for Tournament game play.
- Added various notes to improve clarity of requirements, and to better document known conditions or restrictions.
- Made various grammatical changes throughout the document to improve clarity and readability.





## **STANDARD SERIES**

**GLI-11:**

## **Gaming Devices**

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**Public Comment Version: 3.0**

**Public Comment Release Date: May 25, 2016**



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PUBLIC COMMENT DRAFT

## **ABOUT THIS STANDARD**

This technical standard has been produced by **Gaming Laboratories International, LLC (GLI)** for the purpose of providing independent certifications to suppliers under this standard and complies with the requirements set forth herein.

A supplier is expected to submit equipment with a request that it be certified in accordance with this technical standard. Upon completion of testing, GLI provides a certificate of compliance evidencing the certification of the gaming device to this standard.

PUBLIC COMMENT DRAFT

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PUBLIC COMMENT DRAFT

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# ***CHAPTER 1: INTRODUCTION TO GAMING DEVICES***

## **1.1 Introduction**

***1.1.1 General Statement.*** Gaming Laboratories International, LLC (GLI) has been testing gaming devices since 1989. Over the years, GLI has developed numerous technical standards utilized by jurisdictions all over the world. This document, GLI-11, sets forth the technical standards for gaming devices. A “gaming device” does NOT include, for purposes of this standard, electronic equipment used in the conduct of table games. For detailed standards applicable to electronic table games, please reference standards GLI-24 (Electronic Table Game Systems) and GLI-25 (Dealer Controlled Electronic Table Games).

***1.1.2 Document History.*** This document is a compilation based upon many standards documents from around the world. Some GLI has written; some, such as the Australian and New Zealand National Standard, were written by industry regulators with input from Independent Test Laboratories and gaming device manufacturers. GLI has taken each of the standards documents, merged each set of the unique rules together, eliminating some rules and updating others, in order to reflect both the change in technology and the purpose of maintaining an objective, factual standard. GLI lists below, and gives credit to, agencies whose documents were reviewed prior to writing this standard. It is the policy of GLI to update this document as often as possible to reflect changes in technology and/or testing methods. This document will be distributed without charge and may be obtained by downloading it from the GLI website at [www.gaminglabs.com](http://www.gaminglabs.com) or by contacting GLI at:

**Gaming Laboratories International, LLC**

600 Airport Road  
Lakewood, NJ 08701  
(732) 942-3999 Tel  
(732) 942-0043 Fax



## 1.2 Acknowledgment of Other Standards Reviewed

**1.2.1 General Statement.** This technical standard has been developed by reviewing and using portions of the documents from the organizations listed below. GLI acknowledges the regulators and other industry participants who have assembled these documents and thank them:

- a) The Australian Capital Territory Gambling and Racing Commission;
- b) The New South Wales Independent Liquor and Gaming Authority;
- c) The New Zealand Department of Internal Affairs;
- d) The Northern Territory Department of Business;
- e) The Queensland Office of Liquor and Gambling Regulation;
- f) The South Australian Consumer and Business Services (CBS);
- g) The Tasmanian Liquor and Gaming Commission;
- h) The Victorian Commission for Gambling and Liquor Regulation;
- i) The Western Australian Department of Racing Gaming and Liquor;
- j) US Tribal Compacts from Tribal Governments and State Governments including:
  - i. Arizona;
  - ii. Connecticut;
  - iii. Iowa;
  - iv. Kansas;
  - v. Louisiana;
  - vi. Michigan;
  - vii. Minnesota;
  - viii. Mississippi;
  - ix. North Carolina;
  - x. North Dakota;
  - xi. Oregon; and
  - xii. Wisconsin.
- k) Colorado Division on Gaming – Limited Gaming Regulations;
- l) Illinois Gaming Board – Adopted Rules;
- m) Indiana Gaming Commission;

- n) Iowa Racing and Gaming Commission;
- o) Louisiana State Police – Riverboat Gaming Division – Gaming Device;
- p) Missouri Gaming Commission – Department of Public Safety;
- q) Nevada Gaming Commission and Gaming Control Board and Nevada Regulations and Technical Standards Related to Gaming Devices;
- r) New Jersey – Regulations on Accounting and Internal Controls;
- s) South Dakota Commission on Gaming – Rules and Regulations for Limited Gaming;
- t) GSA SAS, G2S, and S2S protocol standards.

### 1.3 Purpose of Technical Standard

**1.3.1 Purpose.** The purpose of this technical standard is as follows:

- a) To eliminate subjective criteria in analyzing and certifying gaming device operation.
- b) To only test those criteria that impact the credibility and integrity of a gaming device from both the revenue collection and player’s perspective.
- c) To create a standard that will insure that gaming devices are fair, secure, and able to be audited and operated correctly.
- d) To distinguish between local public policy and Independent Test Laboratory criteria. It is up to each local jurisdiction to set public policy with respect to gaming.
- e) To recognize that non-gaming testing (such as electrical testing) should not be incorporated into this Standard, but left to appropriate test laboratories that specialize in that type of testing. Except where specifically identified in this Standard, testing is not directed at health or safety matters. These matters are the responsibility of the manufacturer, purchaser, and operator of the equipment.
- f) To construct a standard that can be easily changed or modified to allow for new technology.
- g) To construct a standard that does not specify any particular design, method, or algorithm. The intent is to allow a wide range of methods to be used to conform to the standard, while at the same time, to encourage new methods to be developed.

**1.3.2 No Limitation of Technology.** One should be cautioned that this document must not be read in such a way that limits the use of future technology. This document should not be interpreted that if the technology is not mentioned, then it is not allowed. To the contrary, as new technology is developed, GLI will review this standard and make changes and incorporate new minimum standards for any new and related technology.

**1.3.3 Adoption and Observance.** This GLI technical standard can be adopted in whole or in part by any regulatory body that wishes to implement a comprehensive set of requirements for gaming devices.

## **1.4 Other Documents That May Apply**

**1.4.1 Other Standards.** This standard covers the requirements for gaming devices. The following other GLI technical standards may also apply:

- a) GLI-12 Progressive Gaming Devices in Casinos;
- b) GLI-13 On-Line Monitoring and Control Systems (MCS) and Validation Systems in Casinos;
- c) GLI-16 Cashless Systems in Casinos;
- d) GLI-17 Bonusing Systems in Casinos;
- e) GLI-18 Promotional Systems in Casinos;
- f) GLI-20 Redemption Kiosks;
- g) GLI-21 Client-Server Systems;
- h) GLI-26 Wireless System Standard; and
- i) GLI-28 Player User Interface Systems.

*NOTE: The entire family of GLI Standards is available free of charge at [www.gaminglabs.com](http://www.gaminglabs.com).*

## 1.5 Definition of a Gaming Device

**1.5.1 General Statement.** At a minimum, a gaming device utilizes an element of chance and/or skill in the determination of prizes, contains some form of activation to initiate the wagering process, and makes use of a suitable methodology for delivery of the determined outcome. The functions of a gaming device may be logically separated into multiple parts or distributed among several physical and/or server components. The terms “gaming device” and “machine” are used interchangeably throughout this document.

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## ***CHAPTER 2: MACHINE REQUIREMENTS***

### **2.1 Introduction to Machine Requirements**

**2.1.1 Introduction.** This chapter sets forth the technical requirements for the key attributes of a gaming device or machine.

### **2.2 Machine and Player Safety**

**2.2.1 General Statement.** Electrical and mechanical parts and design principals of the gaming device shall not subject a player to any physical hazards. The independent test laboratory does not make any findings with regard to any aspect related to Electro-Magnetic Compatibility (EMC) or Radio Frequency Interference (RFI), as that is the responsibility of the manufacturer of the device, or those that purchase the device. Such EMC and RFI testing may be required under separate statute, regulation, law, or act and should be researched accordingly by those parties who manufacture or purchase said device. The independent test laboratory does not test for, is not liable for, nor makes any findings related to these matters. However, during the course of testing, the independent test laboratory may inspect for marks or symbols indicating that a gaming device has undergone product safety or other compliance testing by some other party and that is outside the scope of the requirements defined by this technical standard.

### **2.3 Environmental Effects on Machine and Gaming Device Integrity**

**2.3.1 Gaming Device Integrity.** The independent test laboratory shall perform certain tests to determine whether or not an Electro-Static Discharge (ESD) impacts the integrity of a gaming device. ESD testing is intended only to simulate techniques observed in the field that may be used in an attempt to disrupt the integrity of electronic gaming devices.

**2.3.2 ESD Effects.** A gaming device shall comply with the following requirements related to ESD testing:

- a) The Random Number Generator (RNG) and random selection process shall be impervious to influences from ESD; and
- b) Protection against ESD requires that the gaming device's conductive cabinet be earthed in such a way that static discharge energy shall not permanently damage or permanently impact the normal operation of the electronics or other components within the gaming device. Gaming devices may exhibit temporary disruption when subjected to a significant external ESD greater than human body discharge, but they shall exhibit a capacity to recover and complete any interrupted play without loss or corruption of any control information or critical data. ESD testing shall be conducted with a severity level of a maximum of 27 kV air discharge.

## **2.4 Machine Identification**

**2.4.1 Identification Badge.** A gaming device shall have an identification badge affixed to the exterior of the device by the manufacturer. The identification badge shall not be removable without leaving evidence of tampering. This badge shall include the following minimum information:

- a) The complete name of the manufacturer or some appropriate abbreviation for same;
- b) A unique serial number;
- c) The gaming device model number; and
- d) The date of manufacture.

## **2.5 Basic Machine Hardware Requirements**

**2.5.1 Microprocessor Control.** A gaming device shall be controlled by one (1) or more microprocessors or the equivalent in such a manner that the game program is completely

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controlled by the microprocessor(s), or a mechanical device as detailed under the “Random Number Generator (RNG) Requirements” chapter of this standard.

**2.5.2 Printed Circuit Board (PCB) Identification Requirements.** The requirements for PCB identification shall include the following:

- a) Each PCB shall be identifiable by some sort of alphanumeric identifier and revision number. It is recommended that this identification be readily viewable without removal of the PCB from the gaming device; and
- b) If track cuts, patch wires, or other circuit alterations are introduced to the PCB, then a new revision number shall be assigned.

**2.5.3 Switches and Jumpers.** If the gaming device contains switches and/or jumpers, the following rules shall be met:

- a) All hardware switches or jumpers shall be fully documented for evaluation by the independent test laboratory; and
- b) Hardware switches and/or jumpers which may alter the jurisdiction-specific configuration settings, paytables, game denomination, or payout percentages shall meet the applicable sections of this document and must be housed within the logic compartment of the gaming device. This includes award changes (with or without progressives), selectable settings, or any other option that would affect the payout percentage.

**2.5.4 Machine Wiring.** The gaming device shall be designed so that power and data cables into and out of the device can be routed so that they are not accessible to the general public. Security-related wires and cables that are routed into a logic area shall be securely fastened within the interior of the device using appropriate mechanical fasteners, plugs, sockets, connectors, etc.



*NOTE: The independent test laboratory will make no determination as to whether the gaming device installation conforms to local electrical codes, or to any other electrical testing standards, and practices.*

**2.5.5 Charging Mechanisms.** A gaming device may support the use of a charging mechanism, such as a Universal Serial Bus (USB) charging port, or some other analogous technology (e.g., cables, inductive chargers, etc.), and that is accessible to a player. The mechanism may be used to provide charging access for a player-owned electronic device (e.g., a smartphone, tablet, etc.). If so equipped, the charging mechanism shall:

- a) Not provide any means to receive or transmit data with the CPU and supporting electronics executing any critical control program of the game;
- b) Be appropriately fused and/or electrically-protected; and
- c) Not impact the integrity and proper operation of the gaming device.

**2.5.6 Displays and Monitors.** If a machine is equipped with a display/monitor, the following rules apply:

- a) The display/monitor shall fit properly into the machine and surrounding bezel in a manner that eliminates gaps or voids and which resists the entry of objects; and
- b) The resolution of the display/monitor shall be compatible with the native resolution supported by the gaming device.

*NOTE: Please reference section entitled “Touch Screen Displays” for requirements applicable to display devices that support touch screen functionality.*

## **2.6 Machine Electrical Power**

**2.6.1 Power Surges.** The gaming device shall not be adversely affected, other than resets, by surges or dips of  $\pm 20\%$  of the supply voltage. It is acceptable for the gaming device to reset provided no damage to the equipment or loss or corruption of data is experienced in the field. Upon reset, the game must return to its previous state. It is acceptable for the game to return to a game completion state provided the game history and all credit and accounting meters reflect a

completed game.

**2.6.2 Fuses.** The power supply used in a gaming device must be appropriately fused or protected by circuit breakers. The amperage rating of all fuses and circuit breakers must be clearly stated on or near the fuse or the breaker.

**2.6.3 On/Off Switch.** An on/off switch that controls the electrical current supplied to the machine shall be located in a place which is readily accessible within the interior of the gaming device so that power cannot be disconnected from outside of the device using the on/off switch. The on/off positions of the switch shall be clearly labeled.

## **2.7 Machine Doors**

**2.7.1 Physical Security.** A gaming device shall be robust enough to resist forced entry into any secured doors, areas, or compartments. In the event that extreme force is applied to the cabinet materials causing a potential breach in machine security, evidence of tampering must be conspicuous. “Secured areas” or “secured compartments” shall include the logic area(s), external doors such as the main door or belly door, cash compartment doors such as a drop box door, peripheral device access area(s), and/or other sensitive access areas of the gaming device that can potentially impact game integrity such as top boxes, controllers, etc.

**2.7.2 External Doors.** The following requirements apply towards the gaming device’s external doors (e.g., main, belly, top box, etc.):

- a) External doors shall be manufactured of materials that are suitable for allowing only legitimate access to the inside of the gaming device cabinet. Locks, doors, and their associated hinges shall be capable of withstanding determined and unauthorized efforts to gain access to the interior of the gaming device and shall leave evidence of tampering if such an attempt is made;
- b) The seal between the gaming device cabinet and the door of a locked area shall be designed to resist the entry of objects. It shall not be possible to insert an object into the

gaming device that will disable a door open sensor when the gaming device's door is fully closed, without leaving evidence of tampering; and

- c) All external doors shall be locked and monitored by door access sensors. The sensor system shall register an external door as being open when the door is moved from its fully closed and locked position, provided power is supplied to the device.

**2.7.3 Door Monitoring.** The gaming device shall be equipped with a mechanism to detect access to the following areas while power is supplied to the machine:

- a) All machine external doors (e.g., main, belly, top box, etc.);
- b) Logic door(s);
- c) Drop box door;
- d) Stacker door; and
- e) Any other currency storage areas that have a door.

**2.7.4 Door Open/Close Interruptions.** When any one of the above-listed gaming device doors are opened, the game shall cease play, enter an error condition, display an appropriate error message, disable credit acceptance, and either sound an alarm or illuminate the tower light, or both. This error condition shall be communicated to the on-line system when such a compatible system and protocol is supported. When all of the gaming device's external doors are closed, the game shall return to its original state and display an appropriate error message, until the next game has ended.

## **2.8 Machine Logic Area**

**2.8.1 General Statement.** The logic area is a separately locked area of the gaming device which houses electronic components that have the potential to influence the outcome or integrity of the device. There may be more than one (1) such logic area in a gaming device.

**2.8.2 Electronic Components.** Electronic components that are required to be housed in one (1) or more logic areas include\*:

- a) A Central Processing Unit (CPU) or machine microprocessor(s);
- b) Any Program Storage Device (PSD) that contains software that may affect the integrity of gaming including, but not limited to, game accounting, system communication, execution of game play, game display, game result determination, security, etc.;
- c) Any switches or jumpers that can be used to alter the configuration of the gaming device;
- d) Any electronics associated with door monitoring and/or access detection;
- e) Any components that handle critical control program signature computation or verification;
- f) Any components that manage encryption/decryption of critical data;
- g) Any communication controller electronics and components housing the PSD responsible for communications. This includes ports that allow read or write access to the electronics executing the game and/or any critical PSD; and
- h) Machine critical NV memory backup devices.

*\*NOTE: Any exceptions to the above logic area requirements and components will be evaluated on a case-by-case basis.*

**2.8.3 Logic Area Access.** Logic area(s) shall contain an access detection mechanism to detect a logic door open condition, as defined elsewhere in this standard under the sections entitled “Door Monitoring” and “Door Open/Close Interruptions”.

## **2.9 Machine Program Storage Devices**

**2.9.1 General Statement.** The term Program Storage Device (PSD) is defined to be the physical storage media or electronic device that contains critical control programs or software that affects the integrity of the gaming device. Types of PSDs include, but are not limited to, EPROMs, Compact Flash and CFast cards, optical disks, hard drives, solid state drives, and USB drives. For the purpose of this technical standard, logical partitions defined on a disk drive shall be viewed as separate PSDs. This partial list of PSD types may change as storage technology evolves.

**2.9.2 PSD Location and Validation.** All Program Storage Devices shall:

- a) Be housed within a fully enclosed and locked logic compartment;
- b) Perform a comprehensive validation prior to becoming available for use/play, as described further in the “PSD Program Verification” section of this standard; and
- c) Validate themselves during each processor reset.

**2.9.3 PSD Identification.** A PSD shall be clearly labeled with sufficient information to identify the software and revision level of the information stored on the device. It is acceptable for the gaming device to additionally display this information via an attendant menu. Each PSD shall be uniquely identified by the following information:

- a) Manufacturer identification, as appropriate;
- b) Program ID number;
- c) Version number, if applicable; and
- d) Location of installation in the gaming device, if there are multiple locations possible.

**2.9.4 PSD Program Verification.** The gaming device shall perform an integrity check to verify all designated critical control programs contained on the PSD(s). In addition, the following requirements shall apply to this verification mechanism:

- a) Gaming devices which have critical control programs residing in one or more EPROMs shall employ a mechanism to verify critical control programs and data. The mechanism shall use, at a minimum, a checksum; however, it is recommended that a Cyclic Redundancy Check (CRC) be used that is at least 16-bit.
- b) For non-EPROM PSDs, the gaming device shall provide a mechanism for the detection of unauthorized or corrupt software elements, upon any access, and subsequently prevent the execution or usage of those elements by the gaming device. The mechanism shall employ a hashing algorithm which produces a message digest output of at least 128 bits.
- c) Alterable media shall meet the following rules in addition to the requirements stated in item (b) immediately above:

- i. Employ a mechanism which tests unused or unallocated areas of the alterable media for unintended programs or data and tests the structure of the media for integrity. The mechanism shall prevent further play of the gaming device if unexpected data or structural inconsistencies are found.
  - ii. Employ a mechanism for keeping a record any time a critical control program component is added, removed, or altered on any alterable media. The record shall contain a minimum of the last ten (10) modifications to the media. Each record shall contain the date and time of the action, identification of the component affected, the reason for the modification, and any pertinent validation information such as the corresponding signatures of the changed components. If such a mechanism is not maintained by the gaming device, then internal controls are recommended to manually record any such changes.
- d) For all media types, in the event of a failed authentication (i.e., program mismatch or authentication failure), the gaming device shall immediately enter an error/tilt condition, cease operation, display an appropriate error message, disable credit acceptance, and either sound an alarm or illuminate the tower light, or both. This error condition shall be communicated to the on-line system when such a compatible system and protocol is supported. Additionally, the error condition shall require operator intervention to clear, and shall not clear until the program data authenticates properly following the operator intervention, or the media is replaced or repaired, and the gaming device's memory is cleared.

*NOTE: Critical control program verification mechanisms will be evaluated on a case-by-case basis and approved by the regulatory body and the independent test laboratory based on industry-standard security practices.*

**2.9.5 Independent Critical Control Program Verification.** The gaming device shall have the ability to allow for an independent integrity check of the device's critical control program software from an outside source. This verification is required for all critical control programs that affect the integrity or outcome of the game. This shall be accomplished by being authenticated by a third-party application, which may be embedded within the game software, by

having an interface port for a third-party device to authenticate the media, or by allowing for removal of the media such that it can be verified externally. This integrity check must support a means for field verification of the software. The independent test laboratory, prior to device approval, shall evaluate the integrity check method.

## 2.10 Machine Critical Memory

**2.10.1 Contents of Critical Memory.** Critical Non-Volatile (NV) memory is used to store all data that is considered vital to the continued operation of the gaming device. This includes, but is not limited to:

- a) All electronic meters defined in the “Accounting and Metering Requirements” chapter of this standard;
- b) Current credits;
- c) Machine configuration data (e.g., button panel/top box configuration, etc.);
- d) Game configuration data (e.g., payable, denomination, etc.);
- e) Game history/recall data;
- f) Machine state (e.g., machine error conditions, etc.);
- g) Game state (e.g., current game play status, progress, etc.); and
- h) A log of the last 100 significant events (as defined immediately below under “Machine Significant Event Log”).

**2.10.2 Machine Significant Event Log.** Significant events for gaming devices shall be stored in a secure machine log that is not accessible to the player and which includes the following conditions, as applicable:

- a) Critical program or memory corruption errors;
- b) Changes made to game parameters (e.g., alterations to paytables, hold percentages, etc.)
- c) Power resets;
- d) Handpay conditions;
- e) Door opens;



- f) Logic area access events;
- g) Coin, token, and hopper errors;
- h) Bill validator errors;
- i) Player identification hardware component errors;
- j) Low NV battery errors;
- k) Reel spin, mechanical device, or player interaction device errors; and
- l) Printer errors.

**2.10.3 Non-Volatile (NV) Memory Requirements.** The following are the NV memory requirements for gaming devices:

- a) The gaming device shall have the ability to retain data for all critical NV memory as defined herein and shall be capable of maintaining the accuracy of all information required for thirty (30) days after power is disconnected from the gaming device;
- b) For rechargeable battery types only, if the battery back-up is used as an ‘off chip’ battery source, it shall re-charge itself within twenty-four (24) hours. The shelf life shall be at least five (5) years;
- c) NV memory that uses an off-chip back-up power source to retain its contents when the main power is switched off shall have a detection system which will provide a method for software to interpret and act upon a low battery condition before the battery reaches a level where it is no longer capable of maintaining the memory in question. If a low battery condition is identified, the gaming device shall display an appropriate error message, and either sound an alarm or illuminate the tower light, or both. This error condition shall be communicated to the on-line system, when such a compatible system and protocol is supported; and
- d) Clearing NV memory shall require access to the locked logic area or other secure method, provided that the method can be controlled by the regulatory body.

**2.10.4 Function of NV Memory Reset.** Following the initiation of an NV memory reset procedure utilizing a certified NV memory clear method, the critical control program shall execute a routine which initializes all bits in critical NV memory to the default state. All

memory locations intended to be cleared as per the NV memory clear process shall be fully reset in all cases.

**2.10.5 Configuration Settings.** It shall not be possible to change a configuration setting that causes any obstruction or alteration to the electronic accounting meters without performing an NV memory clear. Any change to the denomination or payable configuration shall be performed by a secure means which includes access to the locked logic area, or other secure method inaccessible to a player.

## **2.11 Monitoring of Critical NV Memory**

**2.11.1 Critical NV Memory Errors.** Critical NV memory storage shall be maintained by a methodology that enables errors to be identified. This methodology may involve signatures, checksums, partial checksums, multiple copies, timestamps, and/or the use of validity codes.

**2.11.2 Comprehensive Checks.** Comprehensive checks of critical NV memory shall be made following game initiation, but prior to display of game outcome to the player, to detect unauthorized changes or corruption. It is recommended that critical NV memory be continuously monitored for corruption. NV memory that is not critical to gaming device integrity is not required to be validated.

**2.11.3 Unrecoverable Corruption of Critical NV Memory.** An unrecoverable corruption of critical NV memory shall result in an error and the gaming device shall immediately cease play and tilt, display an appropriate error message, disable credit acceptance, and either sound an alarm or illuminate the tower light, or both. The memory error shall not be cleared automatically. Additionally, the critical NV memory error shall cause any communication external to the gaming device to cease. An unrecoverable critical NV memory error shall require a full NV memory clear performed by an authorized person.

*NOTE: This section is not intended to preclude the use of alternate storage media types, such as hard disk drives, for the retention of critical data. Such alternate storage media is still expected*

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*to maintain critical data integrity in a manner consistent with the requirements in this section, as applicable to the specific storage technology implemented.*

## **2.12 Player Interaction Devices**

**2.12.1 Touch Screen Displays.** All touch screen displays shall meet the following rules:

- a) Touch screen displays shall be accurate and shall support a calibration method to maintain that accuracy;
- b) A touch screen display shall be able to be re-calibrated without access to the gaming device cabinet other than opening the main door; alternatively, the display hardware may support automatic self-calibration; and
- c) There shall be no hidden or undocumented buttons/touch points anywhere on the touch screen display that affect game play and/or that impact the outcome or integrity of the game, except as provided for by the game rules.

**2.12.2 Maintenance of Player Interaction Devices.** A gaming device that incorporates player interaction devices or technology (e.g., joysticks, game controllers, smart devices, camera systems, or other types of tactile input devices) shall:

- a) Be capable of calibrating the player interaction devices to effect and maintain appropriate function and accuracy;
- b) Monitor the player interaction technology for proper operation before the initiation of each gaming session. Upon detection of any malfunction or impairment, the gaming device must display a suitable tilt condition that ceases game play; and
- c) Upon initialization, must automatically verify that it meets the minimum hardware requirements necessary to function as per design intent. The gaming device must prevent initialization if the player interaction hardware is found to be deficient.

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**2.12.3 Wireless Player Interaction Devices.** Communication between a gaming device, and any wireless player interaction device, conducted using transmission technologies such as Near Field Communications (NFC), Bluetooth (BT), Wi-Fi, optical, etc., shall:

- a) Be secured to prevent the ability of unintended recipients to access sensitive data;
- b) Employ a method to detect data corruption; upon detection of corruption, either correct the error, or terminate the communication while providing a suitable error message on the gaming device;
- c) Employ a method to prevent modification of sensitive data that impacts game outcome or that represents player information; and
- d) Only be possible between approved player interaction devices that have been registered and authenticated as valid.

## **2.13 Bill Validators and Stackers**

**2.13.1 Bill Validators.** All bill validators shall be able to detect the entry of valid bills, coupons, vouchers, or other approved notes as applicable, and provide a method to enable the gaming device software to interpret and act appropriately upon a valid or invalid input. The bill validator shall be electronically based and be configured to ensure that it only accepts valid bills of legal tender, coupons, vouchers, or other approved notes, and must reject all other items. Rejected bills, vouchers, coupons or other approved notes shall be returned to the player.

Vouchers are bearer instruments that are treated as a unit of currency, and which may be redeemed for cash or exchanged for credits on the gaming device. Coupons are slips primarily used for promotional purposes, which may be of a cashable or non-cashable value. The bill input system shall be constructed in a manner that protects against vandalism, abuse, or fraudulent activity. In addition, bill validators shall meet the following rules for all acceptable types of medium:

- a) Each valid bill, coupon, voucher or other approved note shall register the actual monetary value, or the appropriate number of credits received for the denomination being used, on

- the player's credit meter. If registered directly as credits, the conversion rate shall be clearly stated, or be easily ascertainable from the gaming device;
- b) Credits shall only be registered when:
- i. The bill, coupon, voucher or other approved note has passed the point where it is accepted and stacked; and
  - ii. The bill validator has sent the "irrevocably stacked" message to the gaming device.
- c) Each bill validator shall be designed to prevent the use of cheating methods such as stringing, the insertion of foreign objects, and any other manipulation that may be deemed as a cheating technique. A method for detection of counterfeit bills must be implemented. Appropriate correlating error conditions shall be generated and the bill validator shall be disabled;
- d) Acceptance of any bills, vouchers, coupons or other approved notes for crediting to the credit meter shall only be possible when the gaming device is enabled for play. Other states, such as error conditions including door opens, shall cause the disabling of the bill validator system; and
- e) Each gaming device and/or bill validator shall have the capability of detecting and displaying the error conditions listed below. The bill validator shall disable itself and provide a suitable error message which shall be communicated to the on-line system, when such a compatible system and protocol is supported. The error(s) shall be cleared by an attendant, or upon initiation of a new play sequence subsequent to the error being cleared.
- i. Stacker full; it is recommended that an explicit "stacker full" error message not be utilized since this may promote a security issue; rather, a message such as "Bill Validator Malfunction" or similar is suggested; it is acceptable to disable or flash lights with respect to the bill validator itself, for example, flash the LED lights located on the bezel of the bill validator;
  - ii. Bill jams; it is acceptable to disable or flash lights with respect to the bill validator itself, for example, flash the LED lights located on the bezel of the bill validator;

- iii. Bill validator communication failure; the bill validator shall disable itself; it is acceptable to disable or flash lights with respect to the bill validator itself, for example, flash the LED lights located on the bezel of the bill validator;
- iv. Stacker door open; the stacker door is the door immediately prior to accessing the cashbox/stacker assembly; the game shall cease play and either sound an alarm or illuminate the tower light or both, provided power is supplied to the device; and
- v. Stacker removed; the game shall cease play and either sound an alarm or illuminate the tower light or both, provided power is supplied to the device.

**2.13.2 Bill Validator Self-Test.** The bill validator shall perform a self-test at each power up. In the event of a self-test failure, the bill validator shall automatically disable itself until the error state has been cleared.

**2.13.3 Bill Validator Communications.** All bill validators shall communicate to the gaming device using a bi-directional protocol.

**2.13.4 Bill Validator Settings.** It shall only be possible to conduct preventive maintenance, or perform the following changes or adjustments to bill validators in the field:

- a) The selection of desired acceptance for bills, coupons, vouchers, or other approved notes and their limits;
- b) Changing of certified critical control program media or downloading of certified software;
- c) Adjustment of the bill validator for the tolerance level for accepting bills or notes of varying quality shall not be allowed externally to the gaming device. Adjustments of the tolerance level must only be allowed with adequate levels of security in place. This can be accomplished through lock and key, physical switch settings, or other accepted methods approved on a case-by-case basis;
- d) Maintenance, adjustment, and repair per approved factory procedures; and
- e) Options that set the direction or orientation of acceptance.

**2.13.5 Bill Validator Location.** If a gaming device is equipped with a bill validator, it shall be located in a locked area of the device (i.e., require the opening of the main door for access), but not in the logic area. Only the bill or voucher insertion area shall be accessible to the player.

**2.13.6 Power Failures During Bill Validator Acceptance.** If a power failure occurs during acceptance of a bill/voucher, the bill validator shall give proper credits or return the bill/voucher. There may be a small window of time where power may fail and credit may not be given due to the timing of validating the bill/voucher. However, in this case, the timing window shall be less than one (1) second.

**2.13.7 Bill Validator Recall.** A gaming device that uses a bill validator shall retain in its memory and display the denomination/value for each of the last five (5) items accepted by the bill validator (e.g., currency, vouchers, coupons, etc.). The bill validator recall log may be combined or maintained separately by item type. If combined, the type of item accepted shall be recorded with its respective timestamp.

**2.13.8 Bill Validator Stacker.** Each bill validator shall have a secure stacker and all accepted items shall be deposited into the secure stacker receptacle. The secure stacker and its receptacle are to be attached to the gaming device in such a manner so that they cannot be easily removed by physical force and shall meet the following rules:

- a) The bill validator device shall have the ability to detect a stacker full condition; and
- b) There shall be a separate keyed lock to access the stacker area. This keyed lock shall be separate from the main door. In addition, a separate keyed lock shall be required to remove the bills from the stacker.

## **2.14 Coin Acceptors, Diverters, and Drop Boxes**

**2.14.1 Coin/Token Acceptors.** If the gaming device uses a coin/token acceptor, the acceptor shall accept or reject the coin/token on the basis of metal composition, mass, composite makeup,



or an equivalent method to securely identify a valid coin/token. In addition, a coin acceptor shall meet the following rules:

- a) Each valid coin/token inserted shall register the actual monetary value, or the appropriate number of credits received for the denomination being used, on the player's credit meter for the current game or bet meter. If registered directly as credits, the conversion rate shall be clearly stated, or be easily ascertainable from the gaming device;
- b) The coin acceptor shall be designed to prevent the use of cheating methods including; but not limited to, slugging (counterfeit coins), stringing (coin pullback), the insertion of foreign objects, and any other manipulation that may be deemed as a cheating technique. Appropriate correlating error conditions shall be generated and the coin acceptor shall be disabled;
- c) Acceptance of any coins or tokens for crediting to the credit meter shall only be possible when the gaming device is enabled for play. Other states, such as error conditions including door opens, shall cause the disabling of the coin acceptor system;
- d) The gaming device shall be capable of handling rapidly-fed coins/tokens or piggy-backed coins/tokens such that occurrences of cheating are eliminated. Coins traveling too fast that do not register on the player's credit meter shall be returned to the player;
- e) The gaming device shall have suitable detectors for determining the direction and the speed of coin/token travel in the acceptor. If a coin/token traveling at too slow of a speed, or improper direction is detected, the gaming device shall display a suitable error condition for at least thirty (30) seconds or be cleared by an attendant;
- f) Coins/tokens deemed invalid by the acceptor shall be rejected to the coin tray and shall not be counted as credits; and
- g) If a coin acceptor error condition as listed below is identified, the gaming device shall display an appropriate error message, disable the coin acceptor, and either sound an alarm or illuminate the tower light, or both. This error condition shall be communicated to the on-line system, when such a compatible system and protocol is supported.
  - i. Coin-in jam;
  - ii. Coin return jam;
  - iii. Reverse coin-in (coin traveling wrong direction through acceptor); and

- iv. Coin too slow / too fast.

*NOTE: It is acceptable to report coin-in jam, reverse coin-in, and coin too slow/too fast error as a generic coin-in error.*

**2.14.2 Diverter.** For gaming devices that accept coins or tokens, the software shall ensure that the diverter directs coins to the hopper, or to the drop box when the hopper is full. The hopper full detector shall be monitored to determine whether a change in diverter status is required. If the state of the detector changes, the diverter shall operate within ten (10) games, after the state change, without causing a disruption of coin flow, or creating a coin jam. Hopper-less gaming devices shall always divert coins to the drop box.

**2.14.3 Drop Box.** If the gaming device is equipped to accept coins or tokens, then the following rules shall be met with respect to a drop box:

- a) Each gaming device shall contain a separate box to collect and retain all such coins or tokens that are diverted into the drop box;
- b) A drop box shall be housed in a locked compartment, separate from any other compartment of the gaming device; and
- c) There must be a method to monitor the drop box door to detect access, as defined elsewhere in this standard under the sections entitled “Door Monitoring” and “Door Open/Close Interruptions”.

## **2.15 Player Identification Components**

**2.15.1 General Statement.** A player identification component is an electronic device installed in a machine that allows for the secure identification of a player’s identity. Examples include a card reader, a barcode reader, or a biometric scanner. Once a player is identified, the gaming device typically allows connectivity to an external system such as a player tracking system or other account-based system.

**2.15.2 Card Readers.** Card readers shall be able to detect the use of a valid player tracking card, as applicable, and provide a method to enable the software to interpret and act appropriately upon a valid or invalid input. The card reader shall be electronically-based and be configured to ensure that it only reads valid cards, and shall reject all other items.

**2.15.3 Barcode Readers.** Barcode readers shall be able to associate the barcode visible on a card, coupon, voucher, or an allowed electronic device such as a smartphone, as applicable, with data stored in an external database as a means to identify an account association, or for the purpose of redemption. A barcode reader shall provide a method to enable the software to interpret and act appropriately upon a valid or invalid input.

**2.15.4 Biometric Scanners.** Biometric scanners shall be able to associate a person's physical characteristics with those recorded within an external database as means to authenticate the identity of a player and for the purpose of account association. A biometric scanner shall provide a method to enable the software to interpret and act appropriately upon a valid or invalid input.

**2.15.5 Player Identification Component Requirements.** Player identification components shall meet the following rules:

- a) The player identification component hardware shall be located within a locked area of the gaming device (i.e., an area that requires opening of the main door for access), but shall not be housed in the logic area. Only the area which reads/accepts the card or biometric authentication (e.g., card slot, optical reader, etc.) shall be accessible to the player;
- b) Each player identification component shall be designed to prevent the use of manipulation such as the insertion of foreign objects and any other techniques that may impact game integrity. A method for detection of counterfeiting shall be implemented;
- c) Processing any transactions via the player identification component shall only be possible when the machine is enabled for play and communicating with a player tracking and/or cashless system. Other states, such as error conditions, including door opens, shall cause the disabling of the player identification component; and

- d) Each gaming device shall have the capability of detecting and displaying an error condition related to a malfunction of any player identification component. If a malfunction is identified, the gaming device shall display an appropriate error message, disable the player identification component, and either sound an alarm or illuminate the tower light, or both. For player identification components, it is acceptable to disable or flash lights with respect to the player identification component itself. This error condition shall be communicated to the on-line system, when such a compatible system and protocol is supported.

## **2.16 Machine Tower Light**

**2.16.1 Tower Light.** The gaming device shall have a light located prominently on its top that automatically illuminates when a player has won an amount or is collecting credits that the device cannot automatically pay, an error condition has occurred, or a ‘Call Attendant’ request has been initiated by the player. For bar-top style devices, it is permissible for the tower light to be shared among a group of gaming devices, or to be substituted by an audible alarm.

*NOTE: The independent test laboratory will make no determination as to tower light color or flash sequence. Furthermore, alternative means such as displayed messages, audible tones, special animation effects, game-to-system communications etc., that may be used to alert appropriate personnel will be considered on a case-by-case basis.*

## **2.17 Machine Payment and Payment Devices**

**2.17.1 Payments by the Gaming Device.** Available credits may be collected from the gaming device by the player pressing a collect or cash out button at any time other than during:

- a) A game being played;
- b) Any door open condition;

- c) A credit meter or win meter increment, unless the entire amount is placed on the meters when the collect button is pressed; or
- d) An error condition, provided the error condition prevents a valid cashout which is not supported through some other means.

**2.17.2 Cashout Limit Exceeded.** If credits are collected, and the total credit value is greater than or equal to a specific limit (e.g., hopper limit for hopper games, printer limit for printer games, configured machine limit, etc.), the game shall lock up until the credits have been paid, and the handpay is cleared by an attendant or via a system-based command.

*NOTE: In certain situations, the printing of multiple independent vouchers, each below the voucher limit, is an acceptable alternative, if approved by the regulatory body.*

**2.17.3 Coin Hoppers.** If coin hoppers are used, they are to be monitored for proper operation in all game states by the gaming device critical control program (as per requirements defined under “Hopper Error Conditions”). In addition, coin hoppers shall prohibit manipulation by the insertion of a light source or any foreign object, and there shall not be an abnormal payout when exposed to higher levels of electro-static discharge, or if power is lost at any time during a payout.

*NOTE: Activities that result in the payout of a single extra coin (e.g., the removal and re-insertion of the hopper) are not considered an abnormal payout as long as it is accounted for as an extra coin paid.*

**2.17.4 Hopper Location.** If a gaming device is equipped with a hopper, it shall be located in a locked area of the gaming device, but not in the logic area or the drop box. Access to the hopper shall require at a minimum the opening of a secure external door of the gaming device cabinet.

**2.17.5 Hopper Error Conditions.** A gaming device that is equipped with a hopper shall have mechanisms to allow critical control program software to interpret and act upon the conditions listed immediately below. If a hopper error condition as listed below is identified, the gaming

device shall display an appropriate error message, disable the hopper, and either sound an alarm or illuminate the tower light, or both. This error condition shall be communicated to the on-line system, when such a compatible system and protocol is supported.

- a) Hopper empty or timed out;
- b) Hopper jam; and
- c) Hopper runaway or extra coin paid out.

**2.17.6 Printer Location.** If a gaming device is equipped with a printer, it shall be located within a locked area of the gaming device (i.e., require the opening of a locked external door), but not be housed within the logic area or the drop box.

**2.17.7 Printer Error Conditions.** A gaming device that is equipped with a printer shall have mechanisms to allow critical control program software to interpret and act upon the conditions listed below. If a printer error condition is identified, the gaming device shall display an appropriate error message and either sound an alarm or illuminate the tower light, or both. The error condition shall be communicated to the on-line system, when such a compatible system and protocol is supported. Additionally, for the conditions stated immediately below in (b), the printer shall be disabled. Printer error conditions shall include:

- a) Out of paper/paper low; it is permissible for the gaming device to not lock up for these conditions, however, there shall be a means for the attendant to be alerted;
- b) Printer jam/failure;
- c) Printer disconnected; it is permissible for the gaming device to detect this error condition when the game tries to print; and
- d) Once a printer error condition has been cleared, any unprinted voucher shall be generated or a suitable handpay shall be processed.

## 2.18 Machine Vouchers

**2.18.1 Payment by Voucher.** Payment by voucher as a method of credit redemption is only permissible when:

- a) The gaming device is linked to a computerized validation system, which allows for the validation of the voucher. Provisions must be made if communication is lost and validation information cannot be sent to the validation system, thereby requiring the manufacturer to support some alternate method of payment; or
- b) Utilizing an approved alternative method that includes the ability to identify duplicate vouchers to prevent fraud by redeeming a voucher that was previously issued by the gaming device.

**2.18.2 Voucher Information.** A voucher shall contain the following information at a minimum:

- a) Casino name / site identifier (for a printed paper voucher, it is permissible for this information to be contained on the ticket stock itself);
- b) Machine number;
- c) Date and time (24hr format which is understood by the local date/time format);
- d) Alpha value of the voucher;
- e) Numeric value of the voucher;
- f) Voucher sequence number;
- g) Validation number (and which for a printed paper voucher, must appear on the leading edge of the ticket);
- h) Bar code or any machine readable code representing the validation number;
- i) Type of transaction or other method of differentiating voucher types (assuming multiple voucher types are available). Additionally, it is strongly recommended that whenever the voucher type is itself a non-cashable item and/or just a receipt, that the voucher explicitly states that it has “no cash value”; and
- j) Indication of an expiration period from date of issue, or date and time the voucher will expire (24hr format which is understood by the local date/time format). For a printed paper voucher, it is permissible for this information to be contained on the ticket stock itself. (e.g., “Expires in One Year”).



*NOTE: Some of the above-listed information may also be part of the validation number or barcode. Multiple barcodes are allowed and may represent more than just the validation number.*

**2.18.3 Voucher-Out Log.** The gaming device shall have the ability to retain information on the last twenty-five (25) issued vouchers in a voucher-out log. The gaming device shall mask all but the last 4 digits of the validation number as displayed in the twenty-five (25) voucher-out log or in any other supported method of voucher display. The voucher-out log shall contain the following information for each recorded voucher:

- a) Value of credits in local monetary units in numerical form;
- b) Time of day the voucher was issued, in twenty-four (24) hour format showing hours and minutes;
- c) Date, in any recognized format, indicating the day, month, and year; and
- d) Unique validation number.

**2.18.4 Online Voucher Issuance.** The gaming device may pay the player by issuing a printed or virtual voucher that contains the information as indicated in the section entitled “Voucher Information” above. Additionally, the gaming device shall support the transmission of the following information to the ticketing system regarding each voucher issued, as required by the communications protocol supported:

- a) Value of credits in local monetary units in numerical form;
- b) Time of day the voucher was printed in twenty-four (24) hour format showing hours and minutes;
- c) Date, in any recognized format, indicating the day, month, and year;
- d) Gaming device number or machine number; and
- e) Unique validation number.

**2.18.5 Offline Voucher Issuance.** The gaming device shall meet the following minimum set of requirements to support the issuance of offline vouchers after a loss of communication with the validation system has been identified:

- a) The gaming device shall not issue more offline vouchers than it has the ability to retain and display in the voucher out log;
- b) The gaming device shall not request validation numbers and seed, key, etc. values used in the issuance of vouchers until all outstanding offline voucher information has been fully communicated to the voucher validation system;
- c) The gaming device shall request a new set of validation numbers and seed, key, etc. values used in the issuance of online/offline voucher if the current list of validation numbers and seed, key, etc. values have the possibility of being compromised. This is recommended in the following cases:
  - i. After power has been recycled, and/or
  - ii. Upon exit of a main door open condition.
- d) The values for the seed, key, etc. shall never be viewable through any display supported by the gaming device; and
- e) An offline authentication identifier shall be included on the voucher. For printed paper vouchers, this identifier must appear on the next line immediately following the leading edge validation number that in no way overwrites, or otherwise compromises, the printing of the validation number on the voucher (not required for vouchers that are non-redeemable at a gaming device). The offline authentication identifier must be derived by a hash, or other secure encryption method of at least 128 bits, that will uniquely identify the voucher, verify that the redeeming system was also the issuing system, and validate the amount of the voucher. For cases where a suitable authentication identifier is not included on the voucher, the gaming device must issue at most one wagering instrument after the communications between the gaming device and the system have been lost.

**2.18.6 Online Voucher Redemption.** Vouchers may be accepted by a gaming device connected to a ticket validation system provided that no credits are issued to the gaming device prior to confirmation of voucher validity.

**2.18.7 Offline Voucher Redemption.** The offline voucher redemption may be validated as an internal control process at the specific gaming device that issued the voucher. A manual handpay may be conducted for the offline voucher value.

## 2.19 Machine Communication Protocol

**2.19.1 Integrity of Protocol Communications.** For gaming devices that are designed to support communications with an on-line system, the device shall accurately function as indicated by the communications protocol that is implemented, and as required by the regulatory body, including, but not limited to, protocol-based metering and remote verification of the critical control program, where supported. In addition, the following rules shall be met:

- a) Communications shall not negatively impact player interaction on the gaming device, including a player's access to all screen displays; and
- b) After a program interruption, any communications to an external device shall not begin until the program resumption routine, including any self-test, is completed successfully.

**2.19.2 Protection of Sensitive Information.** The gaming device shall not allow any information contained in communication to or from the online monitoring system that is intended by the communication protocol to be protected, or which is of a sensitive nature, to be viewable through any display mechanism supported by the device. This includes, but is not limited to, validation information, secure PINs, player credentials, or secure seeds and keys.

**2.19.3 Gaming Device Communication.** Any gaming device which is capable of bidirectional communication with internal or external associated equipment, or other equipment, shall utilize a secure communication protocol which insures that erroneous data or signals do not adversely affect the operation of the device.

## 2.20 Machine Connections to the Internet

**2.20.1 General Statement.** Gaming devices may be designed to connect to, or otherwise communicate over, servers or networks via the internet.

**2.20.2 Internet Connections.** The following requirements shall apply to gaming devices supporting an internet connection:

- a) The gaming device shall not be directly connected to the internet; and
- b) A gaming device may be connected externally only by utilizing a method that securely isolates the gaming device from the internet, for example, through an approved firewall mechanism.

*NOTE: It is recommended that routine field audits be conducted to ensure that production network configurations satisfy these requirements.*

## **2.21 Multi-Player Machine**

**2.21.1 General Statement.** A multi-player machine is a gaming device consisting of multiple player interfaces linked to a shared master console. The requirements defined within this section do not apply to “centrally determined” type games, nor do they apply to “community bonus” features.

**2.21.2 Master Console.** The master console shall coordinate game play in a manner that is consistent across all player interfaces. The master console shall also support a consistent game display which is shared among the player interfaces. The master console shall meet any applicable machine and game requirements contained within this document.

**2.21.3 Player Interfaces.** The player interfaces support player interaction devices as well as credit acceptance and issuance functions. Each individual player interface shall be capable of being independently monitored by an online system, when such a compatible system and protocol is supported. Each player interface shall meet the applicable standards outlined throughout this document, including gaming device identification and metering. The following rules shall apply to each player interface comprising a multi-player machine:

- a) Each player interface shall be designed such that the actions of, or results obtained by any one player, do not affect the outcome(s) of any other player, unless otherwise denoted by the game rules;
- b) In the event of a malfunction of any player interface, which could include, but is not limited to, a loss of communication with the master console, each malfunctioning or non-communicating player interface shall immediately enter into an unplayable mode and must display a suitable tilt message;
- c) In the event of a master console malfunction, all player interfaces shall enter into an unplayable mode and must display a suitable tilt message;
- d) There shall be a method provided by a multi-player machine for each player to know when the next game will begin; and
- e) All player interfaces shall utilize a compatible version of software and must employ consistent configurations of that software.

## **2.22 Mechanical Devices Used for Display of Game Outcomes in Machines**

**2.22.1 Mechanical Display Devices.** If the machine has mechanical or electro-mechanical devices which are used for displaying game outcomes, the following rules shall be observed:

- a) Electro-mechanically controlled display devices (e.g., reels or wheels) shall have a sufficiently closed loop of control so as to enable the software to detect malfunctions such as a reel which is jammed, or is not spinning freely, or any attempt to manipulate their final resting position. This requirement is designed to ensure that if a reel or wheel is not in the position it is supposed to be in, an error condition will be generated. This shall be detected under the following conditions:
  - i. A mis-index condition for rotating reels/wheels, that affects the outcome of the game;
  - ii. In the final positioning of the reel/wheel, if the position error exceeds one-half of the width of the smallest symbol excluding blanks on the reel/wheel artwork;

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- b) If the gaming device detects a malfunction related to the operation of any related electro-mechanical display device, it shall tilt and cease game play, provide an appropriate error message (including the specific reel number), disable credit acceptance, and either sound an alarm or illuminate the tower light, or both. This error condition shall be communicated to the on-line system, when such a compatible system and protocol is supported, and shall not be cleared automatically;
  - c) Microprocessor-controlled mechanical reels or wheels shall have a mechanism that ensures the correct mounting of the assembly's artwork, if applicable;
  - d) Displays shall be constructed in such a way that winning symbol combinations align properly with paylines or other applicable pay indicators;
  - e) A mechanical assembly shall be so designed that it is not obstructed by any other components; and
  - f) Microprocessor-controlled reels shall re-spin automatically to the last valid reel position when game play mode is re-entered, and the reel positions have been altered (e.g., the main door is closed, power is restored, test/diagnostic mode is exited, or an error condition is cleared).

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## ***CHAPTER 3: RANDOM NUMBER GENERATOR (RNG) REQUIREMENTS***

### **3.1 Introduction to RNG Requirements**

**3.1.1 Introduction.** This chapter sets forth the technical requirements for a Random Number Generator (RNG). See also related requirements found in “Game Outcome Using a Random Number Generator” section as contained in the “Game Requirements” chapter of this standard.

### **3.2 General RNG Requirements**

**3.2.1 Source Code Review.** The independent test laboratory shall review the source code pertaining to any and all core randomness algorithms, scaling algorithms, shuffling algorithms, and other algorithms or functions that play a critical role in the final random outcome selected for use by a game. This review shall include comparison to published references, where applicable, and an examination for sources of bias, errors in implementation, malicious code, or undisclosed switches or parameters having a possible influence on randomness and fair play.

**3.2.2 Statistical Analysis.** The independent test laboratory shall employ statistical tests to assess the outcomes produced by the RNG, after scaling, shuffling, or other mapping (hereafter referred to as “final outcome output”). The independent test laboratory shall choose appropriate tests on a case-by-case basis, depending on the RNG under review and its usage within the game. The tests shall be selected to assure conformance to intended distribution of values, statistical independence between draws, and, if applicable, statistical independence between multiple values within a single draw. The applied tests shall be evaluated, collectively, at a 99% confidence level. The amount of data tested shall be such that significant deviations from applicable RNG testing criteria can be detected with high frequency. In the case of an RNG intended for variable usage, it is the responsibility of the independent test laboratory to select and



test a representative set of usages as test cases. Statistical tests may include any one or more of the following:

- a) Total Distribution or Chi-square test;
- b) Overlaps test;
- c) Coupon Collector's test;
- d) Runs test;
- e) Interplay Correlation test;
- f) Serial Correlation test; and
- g) Duplicates test;

**3.2.3 Distribution.** Each possible RNG selection shall be equally likely to be chosen. Where the game design specifies a non-uniform distribution, the final outcome shall conform to the intended distribution.

- a) All scaling, mapping, and shuffling algorithms used shall be entirely free of bias, as verified by source code review. The discard of RNG values is permissible in this context and may be necessary to eliminate bias; and
- b) The final outcome output shall be tested against intended distribution using appropriate statistical tests (e.g., Total Distribution test).

**3.2.4 Independence.** Knowledge of the numbers chosen in one draw shall not provide information on the numbers that may be chosen in a future draw. If the RNG selects multiple values within the context of a single draw, knowing one or more values shall not provide information on the other values within the draw, unless provided for by the game design.

- a) As verified by source code review, the RNG shall not discard or modify selections based on previous selections, except where intended by game design (e.g., without-replacement functionality); and

- b) The final outcome output shall be tested for independence between draws and, as applicable, independence within a draw, using appropriate statistical tests (e.g., Serial or Interplay Correlation tests, and Runs test).

**3.2.5 Available Outcomes.** As verified by source code review, the set of possible outcomes produced by the RNG solution, taken as a whole, shall be sufficiently large to ensure that all prizes shall be available on every draw with the appropriate likelihood, independent of previously produced outcomes, except where specified by the game design.

**3.2.6 Seeding.** The initial state, or seed, of the RNG shall be randomly determined by an uncontrolled and unpredictable event. The manufacturer must ensure that games will not synchronize, even when powered-on or booted simultaneously. The set of available seeds shall be sufficiently large to ensure independence of outcomes.

**3.2.7 Unpredictability.** The RNG state must be modified between every game unless a “cryptographic RNG” is implemented, as defined elsewhere in this chapter. If necessary to ensure unpredictability, such modification may also be required within a game. Possible modifications of RNG state that may satisfy this requirement include, but are not limited to:

- a) The discard of an unpredictable number of RNG values (background cycling). If the number of discarded values is determined by an RNG, it may not be determined by the primary RNG itself, but must be determined by a secondary RNG, independent and asynchronous to the primary RNG; and
- b) The overwriting (re-seeding) or mixing (entropy injection) of all or a portion of the RNG state by an external event or entropy source. The re-seeding or mixing shall be done in such a way that does not compromise the intended distribution, independence, or availability of prizes. The external event or entropy source shall not be able to be predicted or estimated by a player.

### **3.3 Hardware-Based RNG**

**3.3.1 General Statement.** Hardware-based RNGs employ hardware devices that utilize entropy from electromagnetic phenomena, thermal noise, nuclear decay, or other environmental sources.

**3.3.2 Hardware RNG Exceptions.** Due to the nature of hardware-based RNGs, the following RNG requirements may not apply:

- a) Seeding; and
- b) Unpredictability.

**3.3.3 Dynamic Output Monitoring.** Due to their physical nature, the performance of hardware-based RNGs may deteriorate over time or otherwise malfunction, independent of the gaming device. The failure of a hardware-based RNG could have serious consequences for the intended usage of the RNG. For this reason, if a hardware-based RNG is used, there shall be dynamic monitoring of the output by statistical testing. This monitoring process shall disable game play when malfunction or degradation is detected.

## **3.4 Cryptographic RNG**

**3.4.1 General Statement.** The following RNG requirements defined within this section apply to a cryptographic RNG which are being introduced to this technical standard as optional requirements, available for adoption or implementation. At its discretion, the regulatory body may elect to require that RNGs used in the determination of game outcomes be cryptographically strong.

**3.4.2 Cryptographic RNG Exceptions.** If cryptographic RNGs are supported, the requirements defined within this section nullify and replace the foregoing RNG requirements:

- a) Seeding; and
- b) Unpredictability.

**3.4.3 RNG Attacks.** A cryptographic RNG is one that cannot be feasibly compromised by a skilled attacker with knowledge of the source code. At a minimum, cryptographic RNGs shall be resistant to the following types of attack:

- a) **Direct Cryptanalytic Attack:** Given a sequence of past values produced by the RNG, it shall be computationally infeasible to predict or estimate future RNG values. This must be ensured through the appropriate use of a recognized cryptographic algorithm (RNG algorithm, hash, cipher, etc.);

*NOTE: Because of continuous computational improvements and advances in cryptographic research, compliance to this criterion shall be re-evaluated as required by the regulatory body.*

- b) **Known Input Attack (Seeding):** It shall be infeasible to computationally determine or reasonably estimate the state of the RNG after initial seeding. In particular, the RNG must not be seeded from a time value alone. The manufacturer must ensure that games will not have the same initial seed, even when powered-on or booted simultaneously. Seeding methods shall not compromise the cryptographic strength of the RNG; and
- c) **State Compromise Extension Attack:** The RNG shall periodically modify its state, through the use of external entropy, limiting the effective duration of any potential exploit by a successful attacker.

## **3.5 Mechanical RNG (Physical Randomness Device)**

**3.5.1 General Statement.** Mechanical RNGs or “physical randomness devices” generate game outcomes mechanically, employing the laws of physics (e.g., wheels, tumblers, blowers, shufflers). The requirements defined within this section apply to mechanical RNGs / physical randomness devices.

*NOTE: Devices which faithfully and mechanically create or display a game outcome selected by a computer RNG are not considered physical randomness devices and shall be tested as RNGs, once the faithful reproduction of RNG selected outcome has been assured. Physical randomness devices may incorporate RNGs in secondary roles (e.g., rotation speed). Such secondary RNGs*

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*need not be evaluated against the RNG requirements contained herein, as they do not directly select the game outcome. Rather, the physical system shall be tested as a whole as described in this section.*

*NOTE: The approved components of a mechanical RNG cannot be swapped out or replaced with unapproved components, as they are integral to the behavior and performance of the mechanical RNG. The “approved components” in this context include those physical items that produce the random behavior – e.g., balls in a mixer, cards in a shuffler, etc. As one example, a shuffler certified by the independent test laboratory to utilize plastic cards cannot be viewed as an approved equivalent to the same mechanical shuffler using paper cards.*

**3.5.2 Data Collection Amount.** To provide best assurance of random behavior, the independent test laboratory shall collect game outcome data for at least 10,000 game outcomes.

*NOTE: Due to feasibility concerns associated with reasonable data collection on some devices, the regulatory body may elect to accept testing results from a smaller collection amount on a case-by-case basis. Equally possible, a larger data collection sample may be required. Regardless, the independent test laboratory shall clearly state in the applicable certification, the amount of data used for testing. When less than 10,000 games are used, a statement on the statistical limitations of reduced testing shall be clearly denoted within the certification report.*

**3.5.3 Data Collection Procedures.** The data collection shall be accomplished in a fashion reasonably similar to the intended use of the device in the field. In particular, the recommended setup and calibration shall be executed initially, and the device and components (cards, balls, etc.) shall be replaced or serviced during the collection period as recommended by the manufacturer.

**3.5.4 Durability.** All mechanical pieces shall be constructed of materials to prevent degradation of any component over their intended lifespan.

*NOTE: The independent test laboratory may recommend a stricter replacement schedule than that suggested by the manufacturer of the device to comply with the 'Durability' requirement stated above. In addition, the independent test laboratory may recommend periodic inspection of the device to ensure its integrity.*

**3.5.5 Tampering.** The player / game operator shall not have the ability to manipulate or influence the machine physically with respect to the production of game outcomes, except as intended by game design.

PUBLIC COMMENT DRAFT

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## ***CHAPTER 4: GAME REQUIREMENTS***

### **4.1 Introduction to Game Requirements**

**4.1.1 Introduction.** This chapter sets forth technical requirements for the player interface, rules of play, game fairness, game selection, game outcome, related player displays and artwork, payout percentages and odds, bonus games, game history recall, and other game requirements.

*NOTE: Please reference the “Games with Skill” section of this technical standard for specific requirements for games containing one or more skill elements.*

### **4.2 Player Interface**

**4.2.1 General Statement.** The player interface is defined as the interface in which the player interacts with the game, including the touch screen(s), button panel(s), or other forms of player interaction devices.

**4.2.2 Player Interface Rules.** The player interface shall meet the following requirements:

- a) Any resizing or overlay of the player interface screen shall be mapped accurately to reflect the revised display and touch points;
- b) The functions of all player-selectable touch points or buttons represented on the player interface shall be clearly indicated within the boundary of each respective touch point or button and within the game rules;
- c) There shall be no hidden or undocumented touch points or buttons anywhere on the player interface that affect game play and/or that impact the integrity or outcome of the game, except as provided for by the game rules; and
- d) All touch points or button inputs shall perform their intended function.



**4.2.3 Simultaneous Inputs.** The game outcome shall not be adversely affected by the simultaneous or sequential activation of the various player inputs.

### **4.3 General Game Requirements**

**4.3.1 General Statement.** A game cycle consists of all player actions and game activity that occur from wager to wager. Where multiple games are accessible, players may play more than one game cycle at a time in separate instances of the gaming window.

**4.3.2 Game Cycle.** The following requirements apply to a game cycle:

- a) Game cycle initiation shall be defined to be:
  - i) After the player places a wager or commits a bet, and
  - ii) After the player presses a "play" button or performs a similar action.
- b) The following game elements shall be considered to be part of a single game cycle:
  - i) Games that trigger a free game feature and any subsequent free games;
  - ii) "Second screen" bonus feature(s);
  - iii) Games with player choice (e.g., draw poker or blackjack);
  - iv) Games where the rules permit wagering of additional credits (e.g., blackjack insurance, or the second part of a two-part keno game); and
  - v) Secondary game features (e.g., double-up/gamble).
- c) A game cycle shall be considered complete when the final transfer to the player's credit meter takes place or when all credits wagered are lost.

**4.3.3 Game Information and Rules of Play.** The following requirements apply to the game information, artwork, paytables, and help screens including any written, graphical, and auditory information provided to the player by the gaming device:

- a) Player interface and player interaction device usage instructions, payable information, and rules of play shall be complete and unambiguous and shall not be misleading or unfair to the player. If there are multiple player interaction devices able to effect the same player

- action, then all such options shall be clearly explained to the player.
- b) Help screen information shall be accessible by a player without the need for credits on the game or commitment of a wager. This information shall include descriptions of unique game features, extended play, free spins, double-up, autoplay, countdown timers, symbol transformations, community style bonus awards, etc.
  - c) Minimum, maximum, and other available wagers shall be stated within, or be able to be deduced from, the artwork, with adequate instruction for any available wager options.
  - d) Paytable information shall include all possible winning outcomes, rankings, combinations, and achievements, along with their corresponding payouts, for any available wager options.
  - e) The artwork shall clearly indicate whether awards are designated in credits, currency, or some other unit.
  - f) For artwork that contains game instructions explicitly advertising a credit award or merchandise prize, it shall be possible to win the advertised award/prize from a single game when including features, bonuses, or other game options, or the artwork shall clearly specify the criteria necessary to win the award/prize.
  - g) The game shall reflect any change in award value, which may occur during the course of play. This may be accomplished with a digital display in a conspicuous location of the player interface. The game shall clearly state the criteria for which any prize value is modified.
  - h) Game instructions that are presented aurally shall also be presented in written form within the artwork.
  - i) Game instructions shall be rendered in a color that contrasts with the background color to ensure that all instructions are clearly visible/readable.
  - j) The artwork shall clearly state the rules for payments of prizes where multiple wins are possible.
    - i. The artwork shall clearly communicate the treatment of coinciding game outcomes. For example, whether or not a straight flush is construed as both a flush and a straight, or if 3/4/5 of a kind can be construed as paying all of kind or just the highest. Where a payline may be interpreted to have more than one

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- winning combination, there must be a statement as to whether or not only the highest winning combination is paid per line;
- ii. Where the game supports scatters, the artwork shall display a message indicating that scattered wins are added to payline wins, or equivalent, if this is the rule of the game; and
  - iii. The artwork shall clearly communicate the treatment of coinciding scattered wins with respect to other possible scattered wins. For example, the artwork must state whether combinations of scattered symbols pay all possible prizes or only the highest prize.
- k) Where multiplier instructions are displayed on artwork, it shall be clear what the multiplier does and does not apply to.
- l) All game symbols/objects shall be clearly displayed to the player and must not be misleading.
- i. Game instructions that specifically correspond to one or more symbols/prizes, shall be clearly associated with those symbols/prizes. For example, this may be achieved with appropriate framing or boxing. Additional wording such as “these symbols” may also be used.
  - ii. If game instructions refer to a particular symbol, and the written name for the symbol may be mistaken for another symbol, or may imply other characteristics (e.g., “Pair of Sunglasses” might imply two sunglass symbols), then the visual display of the instructions shall clearly indicate to which symbol the instruction refers. For example, this may be via the display of the actual symbol, or a more clearly written description, or both.
  - iii. Game symbols and objects shall retain their shape throughout all artwork, except while animation is in progress. Any symbol that changes shape or color during an animation process shall not appear in a way that can be misinterpreted to be some other symbol defined in the paytable.
  - iv. If the function of a symbol changes (e.g., a non-substitute symbol becomes a substitute symbol during a feature), or the symbol’s appearance changes, (e.g., a red ball changes to a blue ball in a feature) the artwork shall clearly describe this change of function or appearance and any special conditions that apply to it.

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- v. If limitations exist with respect to the location and/or appearance of any symbol, the limitation shall be disclosed in the artwork. For example, if a symbol is only available in a bonus game, or on a specific reel strip, then the artwork must disclose this.
  - m) The artwork shall clearly state which symbols/objects may act as a substitute or wild and in which winning combinations the substitute or wild may be applied.
    - i. If there is a feature such as an “expanding wild”, where a symbol may substitute in a winning combination when the symbol is not on a payline, this shall be clearly specified in the artwork.
    - ii. The artwork shall clearly state if the game provides for a change of substitutes. For example, if a different wild applies to free games, then the artwork must disclose this difference as well as any conditions specific to its use.
  - n) The artwork shall clearly state which symbols/objects may act as a scatter and in which winning combinations the scatter may be applied.
  - o) The artwork shall contain written explanations of the order in which symbols are to appear, in order for a prize to be awarded or a feature to be triggered, including numbers to indicate how many correct symbols/objects each pattern corresponds to.
  - p) The artwork shall indicate any rules and/or limitations which pertain to how pays are evaluated, including an indication of:
    - i. How line wins are evaluated (i.e., left to right, right to left, or both ways);
    - ii. How individual symbols are evaluated (i.e., whether pays are awarded on adjacent reels only, or as scatter pays);
  - q) For games that permit multiple credits to be wagered on selected lines, the artwork shall:
    - i. For linear pays, clearly state that the win(s) for each selected line will be multiplied by the number of credits wagered on that line, or
    - ii. For non-linear pays, convey all possible wagers and their awards;
  - r) The game shall not advertise ‘upcoming wins,’ for example, “three (3) times pay coming soon”, unless the advertisement is accurate and mathematically demonstrable, or unless the player has a direct advertisement of the current progress to that win (e.g., they have 2 of 4 tokens collected that are required to win a prize).
  - s) The game artwork shall clearly explain to the player any non-wager purchase options and

their costs.

- t) Restrictions on game play, such as any play duration limits, maximum win values, etc.
- u) It is recommended that a disclaimer stating “Malfunction Voids all Pays” or some equivalent verbiage be clearly displayed on the gaming device.

**4.3.4 Information to be Displayed.** A player interface shall display the following information at all time credits are available for play, with the exception of when the player is viewing an informational screen such as a menu or help screen:

- a) Current credit balance;
- b) Denomination being played;
- c) Current bet amount and placement of all active wagers;
- d) Any player wager options that occur prior to game initiation, or during the course of game play;
- e) Accurate representation of the last completed game outcome;
- f) Amount won for the last completed game until the next game starts, wager options are modified, or the player cashes out; and
- g) Any player wager options in effect at the completion of a game until the next game starts, wager options are modified, or the player cashes out.

**4.3.5 Display for Multi-Wager Games.** The following requirements shall apply to games where multiple, independent wagers can simultaneously be applied towards advertised awards:

- a) Each individual wager placed shall be clearly indicated so that the player is in no doubt as to which wagers have been made and the credits bet per wager;
- b) The winning amount for each separate wager, and total winning amount, shall be displayed on the game screen; and
- c) Each winning prize obtained shall be displayed to the player in a way that clearly associates the prize to the appropriate wager. Where there are wins associated with multiple wagers, each winning wager may be indicated in turn. In cases where there is a

multitude of wager information to convey, a summary screen may suffice. Any exceptions will be reviewed by the independent test laboratory on a case-by-case basis.

**4.3.6 Display for Line Games.** The following requirements shall apply to display for line games:

- a) For multi-line games, the game shall provide a summary display of the paylines that are available to form winning combinations;
- b) Each individual line to be played shall be clearly indicated by the game so that the player is in no doubt as to which lines are being wagered upon. Displaying the number of wagered lines shall be sufficient to meet this requirement;
- c) The credits bet per line shall be shown. It is acceptable if the bet per line can be calculated from the number of lines bet and the total bet;
- d) Where the game supports multiple paylines, the artwork shall display a message indicating wins on different paylines are added, or the equivalent;
- e) Winning paylines shall be clearly discernible to the player; and
- f) Where there are wins on multiple lines, each winning payline shall be indicated in turn. This requirement would not apply to electro-mechanical reel games unless technology is used which implements paylines similar to those found on video reel games.

## **4.4 Game Fairness**

**4.4.1 Game Fairness.** The following requirements apply towards the fairness of the game:

- a) A game shall not be designed to give the player a false expectation of better odds by misrepresenting any occurrence or event;
- b) Games that are designed to give a player the perception that they have control over the outcome of the game due to skill or dexterity, when they actually do not (i.e., the game outcome is random and the illusion of skill is for entertainment value only), shall fully disclose this fact within the game help screens;

- c) Games shall not include any hidden code that can be leveraged by a player to circumvent the rules of play;
- d) For chance-based reel games, the game software shall not determine the final outcome of a wager until after all player options pertaining to the wager have been made; and
- e) The final outcome of each game shall be displayed for a sufficient length of time that permits a player a reasonable opportunity to verify the outcome of the game.

**4.4.2 Simulation of Physical Objects.** Where a game incorporates a graphical representation or simulation of a physical object, the behaviors portrayed by the simulation must be consistent with the real-world object, unless otherwise denoted by the game rules. The following rules shall apply:

- a) The probability of any event occurring in the simulation that affects the outcome of the game shall be analogous to the properties of the physical object;
- b) Where the game simulates multiple physical objects that would normally be expected to be independent of one another, each simulation must be independent of any other simulations; and
- c) Where the game simulates physical objects that have no memory of previous events, the behavior of the simulations must be independent of their previous behavior, so as to be non-adaptive and non-predictable.

**4.4.3 Physics Engine.** Games may utilize a “physics engine” which is specialized software that approximates or simulates a physical environment, including behaviors such as motion, gravity, speed, acceleration, inertia, etc. A physics engine shall be designed to maintain consistent play behaviors and environment, unless an indication is otherwise provided to the player. A physics engine may utilize the random properties of an RNG, in which case, the requirements found elsewhere in this standard under “Random Number Generator (RNG) Requirements” chapter shall apply.

*NOTE: Implementations of a physics engine in a gaming device will be evaluated on a case-by-case basis by the independent test laboratory.*



**4.4.4 Live Game Correlation.** Unless otherwise denoted in the game artwork, where the gaming device plays a game that is recognizable to be a simulation of a live casino game such as poker, blackjack, roulette, etc., the same probabilities associated with the live game shall be evident in the simulated game. For example, the odds of getting any particular number in Roulette where there is a single zero (0) and a double zero (00) on the wheel, shall be 1 in 38; the odds of drawing a specific card or cards in poker shall be the same as in the live game.

**4.4.5 Random Event Probability.** For games that incorporate a random event or an element of chance that affects the outcome, the mathematical probability of any chance event occurring for a paid game shall be constant, unless otherwise denoted by the game artwork.

## 4.5 Game Types

**4.5.1 Card Game Requirements.** The requirements for games depicting cards being drawn from a deck are the following:

- a) At the start of each game and/or hand, the cards shall be drawn from a randomly-shuffled deck(s). It is acceptable to draw random numbers for replacement cards at the time of the first hand's random number draw, provided the replacement cards are sequentially used as needed;
- b) Cards once removed from the deck(s) shall not be returned to the deck(s) except as provided by the rules of the game;
- c) The deck(s) shall not be reshuffled except as provided by the rules of the game;
- d) Any games, which utilize multiple decks of cards, shall alert the player as to the number of cards and card decks in play;
- e) Card faces shall clearly display the card value and the suit; and
- f) Jokers and wild cards shall be distinguishable from all other cards.

**4.5.2 Poker Game Requirements.** The following requirements apply only to simulations of poker games:

- a) The artwork shall provide clear indication of what variant of poker is being played and the rules that apply;
- b) Wild card rules shall be clearly explained in the help screens; and
- c) Held and non-held cards, including recommended holds where allowed, shall be clearly marked on the screen, and the method for changing a selected card state shall be clearly displayed to the player.

**4.5.3 Blackjack Game Requirements.** The following requirements apply only to simulations of blackjack games:

- a) Insurance rules shall be clearly explained if insurance is available;
- b) Pair split rules shall be explained to include:
  - i. Split aces have only one card dealt to each ace, if this is the game rule;
  - ii. Further splits, if available;
  - iii. Double-down after splits, if available;
- c) Double-down rules shall be clearly explained, including limitations of which totals may allow a double down to be selected;
- d) Any limits on the number of cards that may be drawn by player and / or dealer shall be explained, including winners declared (if any) when the limit is reached (e.g., five under wins);
- e) Surrender rules shall be explained, if any exist;
- f) If pair splits have occurred, the results for each hand shall be shown (e.g., total points, resultant win or loss category, amount won, amount wagered);
- g) Special rules, if any, shall be clearly explained; and
- h) All player options that are available at any point in time shall be shown on the artwork.

**4.5.4 Ball Drawing Games.** The requirements for games depicting balls being drawn from a pool are as follows:

- a) Simulated balls shall be drawn from a randomly mixed pool consisting of the full set of

- balls applicable to the game rules;
- b) At the start of each game, only the balls applicable to the game are to be depicted. For games with bonus features and additional balls that are selected, they shall be chosen from the original selection unless otherwise allowed for by the game rules;
  - c) The pool shall not be re-mixed except as provided by the rules of the game depicted; and
  - d) All balls drawn shall be clearly displayed to the player.

**4.5.5 Keno / Bingo / Lottery Game Requirements.** The following requirements apply only to simulations of keno / bingo / lottery games, where balls are drawn from a simulated cage (or equivalent) and a player tries to pick in advance which of these balls will be selected:

- a) All of the player's selections shall be clearly identified directly on the game screen. Where the game uses multiple player cards, it is acceptable for the player's selections to be accessible by flipping or switching through the cards;
- b) The drawn numbers shall be clearly identified on the screen;
- c) The game shall highlight numbers drawn which match the player's selections;
- d) Special hits, if any, shall be clearly identified;
- e) The screen must provide clear indication of how many spots were selected and how many hits were achieved; and
- f) Rules for purchase of additional features of the game, if any, must be explained.

**4.5.6 Roulette Game Requirements.** The following requirements apply only to simulations of roulette games:

- a) The method of selecting individual wagers shall be explained by the rules;
- b) The wager(s) already selected by the player shall be displayed on the screen; and
- c) The result of each spin of the roulette wheel shall be clearly shown to the player.

**4.5.7 Dice Game Requirements.** The following requirements apply only to simulations of dice games:

- a) Each face shall clearly show the number of spots or other indication of the face value;
- b) It must be obvious which is the up face on each die, after the dice are thrown; and
- c) The result of each die shall be clearly visible or displayed.

**4.5.8 Racing Game Requirements.** The following requirements apply to simulations of racing games:

- a) Each participant in a race shall be unique in appearance;
- b) The result of a race shall be clear and not open to misinterpretation by the player;
- c) If prizes are to be paid for combinations involving participants other than solely the first place finisher, the order of the place getters that can be involved with these prizes shall be clearly shown on the screen (e.g., result 8-4-7); and
- d) The rules for any exotic wagering options (e.g.; perfecta, trifecta, quinella, etc.), and the expected payouts, shall be clearly explained on the artwork.

## **4.6 Game Outcome Using a Random Number Generator (RNG)**

**4.6.1 RNG and Evaluation of Game Outcome.** The evaluation of game outcome using an RNG shall comply with the following rules:

- a) Where more than one RNG is used to determine different game outcomes, each RNG shall be separately evaluated; and
- b) Where each instance of an RNG is identical, but involves a different implementation within the game, each implementation shall be separately evaluated.

**4.6.2 Game Selection Process.** Determination of events of chance that result in a monetary award shall not be influenced, affected, or controlled by anything other than the values selected by an approved RNG, in accordance with the following requirements:

- a) When making calls to the RNG, the game shall not limit the outcomes available for selection, except as provided for by game design;

- b) The game shall not modify or discard game outcomes selected by the RNG, but the outcomes shall be immediately used as directed by the rules of the game (i.e., they are not to be discarded due to adaptive behavior by the game);
- c) After selection of the game outcome, the game shall not display a “near miss” where it makes a variable secondary decision which affects the result shown to the player. For example, if the RNG chooses a losing outcome, the game shall not substitute a different losing outcome to show to the player than that originally selected. In particular, the displays shown to the player shall not mislead the player in terms of the frequency of symbols or winning game outcomes;
- d) Except as provided for by the rules of the game, events of chance shall be independent and shall not correlate with any other events within the same game, or events within previous games;
  - i. a game shall not adjust the likelihood of a bonus occurring, based on the history of prizes obtained in previous games; and
  - ii. a game shall not adapt its theoretical return to the player based on past payouts;
- e) Any associated equipment used in conjunction with a gaming device shall not influence or modify the behaviors of the game’s RNG and random selection process, except as authorized, or intended by design.

## 4.7 Game Payout Percentages, Odds, and Non-Cash Awards

**4.7.1 Software Requirements for Percentage Payout.** Each game shall theoretically payout a minimum of seventy-five percent (75%) during the expected lifetime of the game. Progressives, bonus systems, merchandise, etc. shall not be included in the percentage payout if they are external to the game.

- a) Gaming devices that may be affected by player skill shall meet the requirements of this section when using an optimal method of play that will provide the greatest return to the player over a period of continuous play.

*NOTE: At the discretion of the regulatory agency, the independent test laboratory can apply a more conservative approach to return percentage calculations by utilizing an*

*alternate skill consideration, such as an assumed average strategy (i.e., simulated player with assumed skill restraints), or counter-optimal strategy (i.e., worst player).*

- b) The minimum percentage requirement of 75% shall be met for all wagering configurations. If a game is continuously played at any single bet level, line configuration, etc. for the life of the game, the 75% requirement must be satisfied.

**4.7.2 Odds.** The odds of achieving any explicitly advertised award that is based solely upon chance shall occur at least once in every 100 million games. This rule shall apply to all wager categories that can win the advertised award. In the context of odds, an award shall be defined to be a credit prize, a multiplier, entry into a bonus game or feature, etc.

*NOTE: Example - given an advertisement for a 100X multiplier, the evaluation shall assess the probability for a player to achieve the 100X multiplier and not an independent review identifying each of the potential values derived by combining the multiplier with every specifically advertised value with which it can multiply.*

**4.7.3 Cash Awards in Lieu of Merchandise Prizes.** Limitations on the prize amounts in lieu of merchandise, annuities, lump sum payments, or payment plans shall be clearly explained to the player on the game that is offering such a prize.

## **4.8 Bonus Games**

**4.8.1 Bonus Game Requirements.** Bonus games shall meet the following requirements:

- a) A game which offers a bonus game, other than those that occur randomly, shall display to the player sufficient information to indicate the current status towards the triggering of the next bonus game;
- b) If a bonus game requires obtaining several achievements towards the activation of a feature, or the awarding of a prize, the number of achievements needed to trigger the feature, or win the prize, shall be indicated, along with the number collected at any point;

- c) If a bonus game allows the player to hold one or more reels/cards/symbols for the purpose of a respin or draw, then the held reels/cards/symbols must be clearly indicated and the method for changing holds shall be clearly explained to the player;
- d) If a game's bonus is triggered after accruing a certain number of events/symbols or combination of events/symbols of a different kind over multiple games, the probability of obtaining like events/symbols shall not deteriorate as the game progresses, unless otherwise disclosed to the player;
- e) The bonus game shall make it clear to the player that they are in a bonus mode to avoid the possibility of the player walking away from the gaming device not knowing the game is in a bonus mode; and
- f) If a bonus consists of multiple games, then a counter shall be maintained and displayed to the player to indicate the number of games initially awarded and the number of games remaining during bonus play, or alternatively, the number of games that have been played.

**4.8.2 Player Selection or Interaction in Bonus Games.** All gaming devices which offer a bonus game or extended feature which requires player selection or interaction are prohibited from automatically making selections or initiating games or features unless the gaming device meets one of the requirements listed below and explains the mechanism for automatic initiation or selection in the artwork:

- a) The player is presented with a choice and specifically acknowledges their intent to have the gaming device auto-initiate the bonus or extended play feature by means of a button press or other player interaction;
- b) The bonus or extended feature provides only one choice to the player, i.e., press button to spin wheel. In this case, the device may auto-initiate the bonus or extended feature after a time out period of at least two (2) minutes; or
- c) The bonus or extended feature is offered as part of community play that involves two or more players and where the delay of an offered selection or game initiation will directly impact the ability for other players to continue their bonus or extended feature. Prior to automatically making selections or initiating a community bonus or feature the player



must be made aware of the time remaining in which they must make their selection or initiate play.

**4.8.3 Extra Credits Wagered During a Bonus Game.** If a bonus or feature game requires extra credits to be wagered, and all winnings are accumulated from the base game and the bonus or feature game to a temporary “win” meter, rather than directly to the credit meter, the game shall:

- a) Provide a means where winnings on the temporary meter can be wagered (i.e., add credits to the credit meter) to allow for instances where the player has an insufficient credit meter balance to complete the feature, or allow the player to add money to the credit meter;
- b) Transfer all credits on the temporary win meter to the credit meter upon completion of the bonus or feature game; and
- c) Provide the player an opportunity not to participate by cashing out.

## **4.9 External Device Bonus Games**

**4.9.1 External Device Bonus Game Requirements.** Gaming device software that is supported by an external device utilizing an independent RNG shall meet the following rules:

- a) If the external device is used to display a bonus feature to the player, then the game or device shall display all relevant details of the bonus game including, when applicable, individual line wins, remaining free spins, multiplier values, bonus eligibility, bonus rules, bonus meters, and any other bonus detail not listed;
- b) In the case that a bonus feature is offered with a timed eligibility period, changes to configuration settings shall not be made while there is time remaining for bonus eligibility, or while a gaming device is within a bonus feature;
- c) If communications are lost between the gaming device and the external bonus device, or if the external device malfunctions, the game shall tilt, enter an unplayable state and display a suitable error condition which shall require operator intervention to clear;

- d) If an eligible gaming device goes into an unplayable state once a bonus feature has been triggered, the player shall be given an opportunity to complete the bonus feature once the game returns to a playable state, or be awarded a calculated prize equivalent to their participation in the bonus. Any tilt related to this error condition shall be cleared automatically or by an attendant, as appropriate. All instances of this behavior will be reviewed by the independent test laboratory to determine whether or not current technology is able to accommodate this requirement; and
- e) The entire bonus game sequence including all bonus feature information, shall be recallable in game history and/or available through a maintained log for at least the last ten (10) bonus games. The necessary recall information shall be stored in the gaming device and/or in the external bonus device. See also related requirements under “Game History Recall” section within this technical standard.

#### **4.10 Double-Up / Gamble Features**

**4.10.1 Double-Up / Gamble Requirements.** The following requirements apply to games which offer some form of a double-up or gamble feature. Such games may use alternative terminology such as “Triple-Up” or “Take-or-Risk” to describe a double-up or gamble feature.

- a) All double-up / gamble feature instructions shall be fully disclosed in the game's artwork and must be accessible without committing to the feature;
- b) Entry to a double-up / gamble feature shall only occur upon completion of a base game;
- c) The player shall have a choice as to whether or not they want to participate in the double-up / gamble feature;
- d) The double-up or gamble features shall have a theoretical return to the player of one hundred percent (100%);
- e) The double-up / gamble prize limit (if applicable) for a particular game, and the maximum number of double-ups / gambles available, shall be clearly stated;
- f) Only credits won on the previous wager shall be available for wagering on a double-up / gamble feature, (i.e., it is not possible to wager any credits from the credit meter on double-up / gamble);

- g) When the double-up / gamble feature is discontinued automatically before reaching the maximum number of double-ups / gambles available, the reason shall be clearly stated;
- h) Any game conditions during which the double-up / gamble feature is not available shall be specified;
- i) If a double-up / gamble feature offers a choice of multipliers, it must be clear to the player what the range of choices and payouts are; and
- j) If the player selects a multiplier for double-up / gamble, it must be clearly stated on the screen which multiplier has been selected.

## 4.11 Mystery Awards

**4.11.1 General Statement.** A mystery award is a prize paid by a gaming device that is not associated with a specific symbol combination.

**4.11.2 Requirements for Mystery Awards.** It is acceptable for games to offer a mystery award, however, the game must indicate the minimum and maximum amounts that the player could potentially win. If the minimum amount that could potentially be awarded is zero, then it is not required to be explicitly displayed. If the value of the mystery prize depends on credits wagered, or any other factors, the conditions shall be clearly stated.

## 4.12 Multiple Games on the Gaming Device

**4.12.1 General Statement.** A multi-game is defined as a game which can simultaneously be configured for use with multiple themes and/or multiple paytables.

**4.12.2 Selection of Game for Display.** The following rules apply to the selection of a specific game within a multi-game:

- a) The methodology employed by a player to select a particular game for play on a multi-game gaming device shall be clearly explained to the player on the device;
- b) The gaming device shall clearly inform the player of all games available for play;

- c) The player shall at all times be made aware of which game theme has been selected for play and is being played;
- d) When multiple game themes are offered for play, the player shall not be forced to play a game just by selecting a game title, unless the game screen clearly indicates the game selection is unchangeable. If not disclosed, the player shall be able to return to the main menu or game chooser screen prior to committing a wager;
- e) It shall not be possible to select or start a new game before the current game cycle is completed and all relevant meters and game history have been updated, including features, double-up / gamble, and other options of the game, unless the action to start a new game terminates the current play in an orderly manner. This requirement is not intended to preclude or prohibit game designs that involve the simultaneous play of multiple games on a single gaming device. However, in such a case, metering and applicable limits and lockups shall be enforced against each available game, as it is played, and all other requirements within this chapter shall continue to apply to these multiple game-in-play designs;
- f) The set of games or the payable(s) offered to the player for selection can be changed only by a secure, certified method. The rules outlined in “Configuration Settings” section of this document shall govern the NV memory clear control requirements related to these types of changes. However, for games that keep the previous payable’s data in memory, an NV memory clear is not required; and
- g) No changes to the set of games, or to the payable(s) offered to the player for selection, are permitted while there are credits on the player’s credit meter, or while a game is in progress. However, specific protocol features are permitted which allow such changes to be made in a controlled fashion.

### **4.13 Game Tokenization and Residual Credits**

**4.13.1 Tokenization.** For gaming devices that support tokenization, the device shall receive monetary value from the credit acceptance device, and post to the credit meter, the entire amount inserted, and shall display any fractional credits, when applicable. However, it is alternately permissible for the gaming device to automatically issue a voucher that reflects any partial

credits, rather than posting them to the credit meter. It is acceptable for the device to store the fractional credits if one of the following conditions is met:

- a) The machine displays the current credit meter in local currency; or
- b) The machine informs the player that there are fractional credits stored on the device at an opportune time to avoid the possibility of the player walking away from the gaming device without such knowledge.

**4.13.2 Credit Meter Display of Residual Credits.** If the current local currency amount is not an even multiple of the tokenization factor for a game, or the credit amount has a fractional value, the credits displayed for that game may be displayed and played as a truncated amount, (i.e., fractional part removed). However, the fractional credit amount shall be made available to the player when the truncated credit balance is zero. The fractional amount is also known as ‘residual credit’.

**4.13.3 Residual Credit Removal.** A residual credit removal feature is a player-selectable option that allows for the removal of credits left on the machine when there is a credit balance less than the amount necessary to play a game. If residual credits exist, the manufacturer may provide a residual credit removal feature, or support any allowable cashout method to remove the residual credits, or return the gaming device to normal game play (i.e., leave the residual credits on the player’s credit meter). The following rules shall apply to a residual credit removal feature when implemented:

- a) Residual credits wagered by the residual credit removal play shall be added to the Coin-In meter;
- b) If the residual credit removal play is won, the value of the win shall either:
  - i. Increment the player’s credit meter; or
  - ii. Be automatically dispensed, and the value of the credits added to the Coin-Out meter;
- c) If the residual credit removal play is lost, all residual credits are to be removed from the credit meter;

- d) If the residual credits are cashed out rather than wagered, the gaming device shall update the relevant meters;
- e) The residual credit removal play feature shall return at least seventy-five percent (75%) to the player over the life of the game;
- f) The player's current options and/or choices for residual credit removal shall be clearly displayed;
- g) If the residual credit removal play offers the player a choice to complete the game, the player shall also be given the option of exiting the residual credit removal feature and returning to the previous game mode; and
- h) The last game recall shall either display the residual credit removal play result or contain sufficient information, including metering, to derive the result.

#### **4.14 Game Program Interruption and Resumption**

**4.14.1 Requirements for Game Interruption and Resumption.** After a program interruption, the game software shall recover to the state it was in immediately prior to the interruption occurring. Where no player input is required to complete the game, it is acceptable for the game to return to a game completion state, provided the game history and all credit and accounting meters reflect a completed game.

**4.14.2 Default Game Display.** The default game display immediately following an NV memory reset shall not correspond to the highest advertised award. The default game display upon entering game play mode from a chooser menu, shall also not correspond to the highest advertised award. This applies to the base game only and not to any secondary bonus features.

#### **4.15 Taxation Reporting Limits for Games**

**4.15.1 Game Taxation Lockup Requirements.** If the award(s) from a single game cycle is in excess of any jurisdictional limit, including a taxation limit, that is defined/configured on the gaming device, the device shall cease play, display an appropriate message, and require attendant

intervention to resolve player payment. It is permissible to provide a mechanism to accrue taxable winnings to a separate meter, however, this meter must not support any direct wagers. When the amount on the meter is collected by the player, the gaming device must still lock up as per the defined/configured limit required by the jurisdiction.

## 4.16 Alternate Game Modes

**4.16.1 Test/Diagnostic Mode.** Test/diagnostic mode (sometimes called demonstration or audit mode) allows an attendant to view game play mechanics, perform payable tests, or execute other auditing and/or diagnostic functions supported by the machine. If test/diagnostic mode is supported, the following rules shall apply:

- a) Entry to test/diagnostic mode shall only be possible using a secure means that is not accessible to the player.
- b) If the gaming device is in a test/diagnostic mode, any test or diagnostic that incorporates credits entering or leaving the gaming device shall be completed prior to the resumption of normal game play operation.
- c) If the device is in a test/diagnostic mode, the gaming device shall clearly indicate that it is in this mode, not normal game play.
- d) When exiting from test/diagnostic mode, the game shall return to the original state it was in when the test/diagnostic mode was entered.
- e) Any credits on the gaming device that were accrued during the test/diagnostic mode shall be automatically cleared when the mode is exited.

**4.16.2 Game Attract Mode.** This mode enables the gaming device to advertise game play to a potential player. If the gaming device supports an attract mode, the following rules apply:

- a) A gaming device shall only enter attract mode when in an idle state and with no credits on the device;
- b) Attract mode shall only advertise awards and prizes that are able to be won based upon the configured or available game(s) and wager selections; and



- c) Attract mode shall terminate automatically when any door is opened, or when any player input or credit acceptance device is activated.

**4.16.3 Free Play Mode.** Free play mode allows a player to participate in a game without placing a wager. If the gaming device supports a free play mode of operation, the following requirements apply:

- a) Free play games shall accurately represent the normal operation of a paid game. Games played in free play mode shall not mislead the player about the likelihood of winning any prizes available in the wagered version of the game;
- b) Free play shall not be available for player selection when there are credits on the gaming device;
- c) Free play mode shall be prominently displayed as such on the gaming device so a player knows at all times if/when this mode is active;
- d) Free play mode shall not increment or decrement the credit meter;
- e) Free play mode shall not increment any accounting meters. Specific meters are permissible for this mode provided the meters clearly indicate as such;
- f) Free play mode shall exit automatically when credits are added to the gaming device, or shall be terminated whenever the player opts to exit this mode, or when the free play game(s) are concluded; and
- g) When free play mode is exited, the game shall return to its previous state.

**4.16.4 Autoplay Mode.** Autoplay mode allows a gaming device to place wagers automatically without player interaction, once a denomination, wager, and other play attributes have been selected by the player. If the gaming device supports an autoplay mode, the following rules apply:

- a) Autoplay shall be a configurable option on the gaming device that is enabled or disabled for use by a secure means that is inaccessible to a player;
- b) Autoplay mode may allow the player to choose the individual game wager, the number of autoplays, and/or the total amount to be wagered;

- i) All player-defined thresholds shall remain in effect for the duration of autoplay;
  - ii) The gaming device shall display the number of autoplays remaining or the number used, reflective of a player-defined threshold;
  - iii) Autoplay mode must end automatically and return to manual game play when player-defined thresholds are reached;
- c) Autoplay mode must offer the player an option to terminate the mode at any time, regardless of how many autoplay wagers they initially chose or how many remain; and
- d) Autoplay mode must not disregard or override any game information display requirements as compared to the manual mode of game play, including speed of play.

## 4.17 Game History Recall

**4.17.1 Number of Last Games Required.** Information on at least the last ten (10) games played on the gaming device shall be retrievable using an external key-switch or other secure method that is not available to the player.

**4.17.2 Last Play Information Required.** Game recall shall consist of graphical, textual, or video content, or some combination of these options, so long as the full and accurate reconstruction of game outcome is possible. Game recall shall display the following information:

- a) Date and time stamp;
- b) The denomination played for the game, if a multi-denomination game type;
- c) The display associated with the final outcome of the game, either graphically or via a clear text description;
- d) The credit meter value at the start of play and/or at the end of play;
- e) Any non-wager purchase;
- f) Paytable identification;
- g) Total amount wagered;
- h) Total amount won;
- i) Total amount collected after the end of a game;

- j) The results of any player choices involved in the game outcome;
- k) The results of any intermediate game phases, such as double up / gamble, residual credit removal, or bonus games; and
- l) If a progressive was awarded, an indication that the progressive was awarded.

*NOTE: For “Last Play Information” stated above, it is allowable to display values in currency in place of credits.*

**4.17.3 Bonus Game Recall.** The ten (10) game recall shall reflect at least the last 50 events of completed bonus games. If a bonus game consists of 'x number of events', each with separate outcomes, each of the 'x events', up to 50, shall be displayed with its corresponding outcome, regardless if the result is a win or loss. The recall information shall also reflect position-dependent events, if the outcome results in an award.

## **4.18 Tournament Games**

**4.18.1 General Statement.** A tournament is an organized, measured event that permits a player to engage in competitive play against other players. Tournament play may be in-revenue or out-of-revenue.

**4.18.2 Tournament Hardware.** Tournament hardware shall comply with the “Machine Requirements” as set forth in this technical standard. All gaming devices used in a single tournament shall utilize similar hardware and electronics to ensure each player has the same chance of winning, unless otherwise disclosed.

**4.18.3 Tournament Software.** Each gaming device may be equipped with a certified program, which allows for tournament mode play. All gaming devices used in a single tournament shall utilize similar software and game configuration settings to ensure each player has the same chance of winning, unless otherwise disclosed. If tournament is a configurable option, it shall be enabled by a regulator-approved and controlled method requiring operator intervention. The tournament option shall default to disabled.

**4.18.4 – Tournament Displays.** The following requirements apply to information displays for tournament play which shall be supported on the gaming device, or provided to players via external signage, forms, or brochures available at the gaming venue:

- a) All conditions players must meet to qualify for entry into the tournament, and advancement through it, shall be disclosed;
- b) A message shall be prominently displayed on the gaming device informing the player that it is operating in a tournament mode;
- c) For time-based tournaments, a timer shall be displayed to players to indicate the remaining period of play; if a tournament is based on some extended duration of play, or is initiated or concluded based upon the occurrence of a specific event, then this information shall be disclosed to the players;
- d) Specific information pertaining to any single tournament shall be displayed to the players, including the available prizes or awards;
- e) For tournaments with multiple awards, the distribution of funds based on specific outcomes shall be disclosed; and
- f) At the conclusion of the tournament, the player rankings shall be displayed and the winner(s) notified.

**4.18.4 Out-of-Revenue Tournament.** The following requirements apply to out-of-revenue tournament game play:

- a) While enabled for out-of-revenue tournament play, the gaming device shall not accept cash or currency from any source, nor shall the device issue payment; all credit acceptance devices shall be disabled. The gaming device shall utilize tournament-specific credits, points, or chips which shall have no cash value.

*NOTE: Vouchers may be generated by the device while in the out-of-revenue tournament mode to serve as evidence of a player's achieved score or rank.*

- b) Out-of-revenue tournament games shall not increment any gaming device meters unless they are meters designed exclusively for use with tournament software. Additionally, the gaming device shall not communicate any tournament-related

- accounting information to the on-line system, if applicable, unless the tournament data is stored in separate records in the system.
- c) If game history recall is utilized to record the outcome of tournament game play, this shall be clearly indicated within recall and any tournament recall data shall not overwrite any non-tournament game play recorded in game history.
  - d) The percentage requirements as addressed in the “Game Payout Percentages” section of this standard are waived for out-of-revenue tournament games.

**4.18.5 In-Revenue Tournaments.** The following requirements apply to in-revenue tournament game play:

- a) While enabled for in-revenue tournament play, the gaming device shall allow for cash or currency from any source to be present on the gaming device, subject to the rules and related internal controls for conducting the tournament.
- b) In-revenue tournament games shall increment the appropriate gaming device electronic meters. Additionally, the gaming device shall communicate this accounting information to the on-line system, when such a compatible system and protocol is supported.
- c) Game history recall shall be utilized to record the outcome of in-revenue tournament game play, and this shall be clearly indicated within recall; any tournament recall data shall not overwrite any non-tournament game play recorded in game history.

**4.18.5 Remotely-Initiated Tournaments.** The following requirements apply to tournaments that are controlled remotely:

- a) The player shall be provided with an option on whether or not to participate. If/when opting in, the player must be able to complete their non-tournament game prior to entering the tournament mode of play.
- b) If the gaming device is in an error condition or handpay condition, that condition must be cleared prior to entering tournament mode.
- c) When exiting tournament mode, the game shall return to the original state it was in prior to entering the tournament mode.

- d) Any tournament-specific game meters displayed to the player shall be automatically cleared when the mode is exited.

## 4.19 Games with Skill

**4.19.1 General Statement.** A game with skill contains one or more elements in its design which can be leveraged by a player to impact the return percentage. Skill means the human attributes of a player such as knowledge, dexterity, visual recognition, logic, memory, reaction, strength, agility, athleticism, hand-to-eye coordination, numerical and/or lexical ability, or any other ability or expertise relevant to game play.

*NOTE: This technical standard is not intended to classify a game as a “skill game” or to serve as a legal basis for game classification within the context of skill. Such classifications will be subject to interpretation by the regulatory body.*

**4.19.2 Display for Games with Skill.** A game with skill shall conform to applicable display requirements found in related sections of this standard for “Game Information and Rules of Play”, “Information to be Displayed”, and “Game Fairness”. In addition, the supplemental requirements defined within this section shall apply to games with skill to ensure player fairness and clarity with respect to player notification.

**4.19.3 Disclosure for Games with Skill.** Any game with skill where there is a potential for the style or method of play to result in the game falling below the minimum theoretical return of 75%, shall prominently disclose that the outcome is affected by player skill. This disclosure must be prominently displayed on the gaming device prior to committing a wager. This requirement shall not apply to traditional casino games (e.g., poker, blackjack, etc.).

**4.19.4 Player Versus Player (PVP) Advantage Feature.** A game with skill may contain a feature that allows a player or players to gain an advantage over other players, provided that the gaming device:

- a) Clearly describes to all players that the feature is available and the advantage it offers;
- b) Discloses the method for obtaining the feature, including any required wager; and
- c) Provides players with sufficient information to make an informed decision, prior to game play, as to whether or not to compete against another player(s) who may possess such a feature.

**4.19.5 Virtual Opponent.** Games with skill may offer a player the opportunity to compete against a virtual opponent provided that the gaming device:

- a) Clearly and prominently discloses when a virtual opponent is participating; and
- b) Prevents the virtual opponent from utilizing privileged information of the live player upon which a decision is made.

**4.19.6 Outcome for Games with Skill.** Except as otherwise disclosed to the player, once a game with skill is initiated, no function of the gaming device related to game outcome shall be altered during play based on the demonstrated skill of the player. Additionally, in the event that game configurations, available paytables, or rules of play change between games, notice of the change shall be prominently displayed to the player. An example of the latter case might be the use of an identifier to change the games made available to the player.

**4.19.7 Actual Return Percentage for Games with Skill.** A game with skill shall support the ability for the regulatory body or operator to securely examine the actual return percentage on-demand, via a direct interface with the metering/accounting of the gaming device, and/or via secure communications with an external system.

**4.19.8 Odds for Skill-Based Awards.** Each advertised skill-based award shall be available to be achieved by a player. For skill-based awards that incorporate an element of chance, the opportunity to achieve the advertised skill-based award shall occur at least once in every 100 million games.



**4.19.9 Player Advice Features.** A game containing a skill element may support a feature that offers advice, hints, or suggestions to a player. An illustrative example might be a trivia game that provides hints, clues, or other player assistance in making a selection. A game with skill may support player advice features provided that it conforms to the following requirements:

- a) The player advice feature shall clearly describe to the player that it is available and what options exist for selection;
- b) Any player advice that is offered to the player for purchase shall clearly disclose the cost and benefit;
- c) The player advice shall not be misleading or inaccurate, and must reflect the rules of play for the game;
- d) The game design shall prevent access to any “information store” such that data related to the skill element is not readily available through software tampering (for example, a trivia game shall prevent access to an answers database);
- e) The player advice feature shall allow the player the option of accepting the advice, and must not force the player to accept the assistance; and
- f) The availability and content of player advice shall remain consistent and must not adapt based upon prior game play or game events.

*NOTE: It is recommended that the gaming device support a secure option to enable or disable player advice to accommodate regulatory bodies that may either allow or prohibit this feature.*

**4.19.10 Peripheral Devices Used with Games Containing Skill.** If unique peripherals (e.g., joysticks, game controllers, camera systems, sound systems, motion sensors, image sensors, accelerometers, etc.) are employed by the gaming device to support skill, then the game must provide adequate and clear instruction on their purpose, usage, and effect.

**4.19.11 Game Recall for Games with Skill.** Games with skill shall maintain all information necessary to fully and accurately reconstruct the last ten (10) gaming sessions consistent with recall requirements stated within the section entitled “Last Play Information Required”. A “gaming session” is defined as the period of time commencing when a player initiates a game or

series of games on a gaming device by committing a wager, and ending at the time of a final game outcome for that game or series of games and coincident with the opportunity for the player to retrieve their credit balance. Some combination of text, video, graphics, or other means (e.g., “flight recorder” mechanism) shall be used to reconstruct the game outcome and/or player actions, provided that game history recall is complete and accurate.

## 4.20 Persistence Games

**4.20.1 General Statement.** A persistence game is associated with a unique player and offers awards, or reveals bonuses or enhanced features, for achieving multiple pre-designated outcomes. These additional bonus features become available when the player has achieved specific game play thresholds. Each pre-designated outcome advances the state of the persistence game, with the final outcome awarding the persistence award. Multiple plays of a game are usually necessary to trigger the persistence award. The persistence feature is typically associated with a single gaming device, or a bank of devices through a persistence game controller.

**4.20.2 Persistence Game Thresholds.** A persistence game shall recognize a particular player for the purpose of restoring previously-earned thresholds on each subsequent visit to a gaming device that utilizes the same persistence game controller. A gaming device participating in a persistence game shall contain, in its help screens, a clear description of each persistence game-related bonus feature, including the requirements for achieving game play thresholds, as well as information regarding how the player restores previously-earned thresholds (using a login/password, ticket, etc.). Additionally, players shall be notified each time a game play threshold has been achieved.

**4.20.3 Play from Save.** Play from save is a feature utilized in some persistence game designs where complexity increases, or additional elements are added to the game, as play continues. Additionally, play from save allows the player to save a persistence game at critical points (i.e., save points), typically after some accomplishment or goal has been achieved. The player can

resume game play from that point at a later date, and continue on to the next goal. The following requirements apply to play from save:

- a) Prizes awarded or made available for reaching a save point shall be clearly defined and displayed to the player prior to placing any wager. If a random type award may be won, the details and all possible payouts shall be displayed to the player;
- b) The game shall provide a suitable notification to the player whenever a designated save point is reached during play;
- c) If game rules or awards change as different levels are reached during play from save activity, these changes must be clearly displayed to the player; and
- d) The game shall provide an indication to the player of how long any data specific to play from save is to be stored for use in supporting game play at a later period in time.

**4.20.4 Loss of Communications or Malfunction.** The gaming device shall adhere to the following requirements for a loss of communication or critical controller malfunction during persistence game play:

- a) A gaming device connected to a persistence game controller shall tilt and become unplayable when there is a loss of communication between the gaming device and the persistence game controller, or if there is a critical controller malfunction; the gaming device must inform the player if persistence game play is disabled; and
- b) A gaming device shall resume the persistence game play from the point of interruption when the communication is restored, or the controller malfunction is cleared; or
- c) A gaming device shall allow persistence game play to continue if the controller communicates the award thresholds to the device prior to the communication loss or controller malfunction; the gaming device may continue operating if it is capable of determining the trigger for the persistence award while operating independently; the gaming device shall clearly notify the player when it is operating independently.

## **4.21 Community Bonus Games**

**4.21.1 General Statement.** Gaming devices may support community bonus games where a bank of machines are connected to a controller that allows players to collaborate and/or compete for a shared prize.

**4.21.2 Community Gaming Controller Error.** When an error occurs that impacts the integrity of play on the community bonus game controller, all participating gaming devices shall be disabled, or alternatively, the gaming device shall provide the players the option of waiting for the error to be cleared, or to forego the community bonus by providing another non-community bonus game for play that affords a comparable return percentage. A clear and unambiguous error or tilt message that explains the stoppage of game play shall be displayed on each of the interconnected gaming devices and any overhead or shared display, as applicable to the implementation.

**4.21.3 Loss of Communications.** The gaming device shall adhere to the following requirements for a loss of communications during community bonus game play:

- a) A gaming device connected to a community bonus game controller shall tilt and become unplayable when there is a loss of communication between the gaming device and the controller; the gaming device must inform the player if community bonus game play is disabled; and
- b) A gaming device shall resume the community bonus game play from the point of interruption when the communications have been restored; or
- c) A gaming device shall allow community bonus game play to continue if the controller communicates the award to the gaming device prior to the communication loss; the gaming device may continue operating if it is capable of functioning independently; the gaming device shall clearly notify the player when it is operating independently.

**4.21.4 Community Bonus Event Recall.** Outcomes for at least the last ten (10) community bonus events shall be recallable in game history and/or available through a maintained log. The necessary recall information shall be stored in the gaming device and/or in the community bonus

controller. See also related requirements found under the “Game History Recall” section within this technical standard.

## **4.22 Virtual Event Wagering**

**4.22.1 General Statement.** Virtual event wagering allows for the placement of wagers on simulations of sporting events, contests, and races whose results are based solely on the output of an approved Random Number Generator (RNG). Nothing in this section should be interpreted as being applicable to live event wagering.

**4.22.2 Randomization and Virtual Events.** The RNG utilized in virtual event wagering shall comply with applicable requirements as found within the “Random Number Generator (RNG) Requirements” chapter and “Game Outcome Using a Random Number Generator” section of this technical standard. Additionally, the following rules apply specific to virtual event wagering:

- a) It shall not be possible to ascertain the outcome of the virtual event prior to its commencement; and
- b) Subsequent to the commencement of a virtual event, no subsequent actions or decisions shall be made that change the behavior of any of the elements of chance within the virtual event, other than player decisions.

**4.22.3 Virtual Event Display.** A virtual event game shall conform to applicable display requirements of this standard as found in the sections entitled “Game Information and Rules of Play”, “Information to be Displayed”, and “Game Fairness”. In addition, the following display requirements apply:

- a) The player shall be able to view information on all available events and wager types prior to placing a wager. Wagering types may include parlay bets. The description of each wager type shall include all available betting options for that wager type.
- b) Statistical data that is made available to the player pertaining to the virtual event shall not misrepresent the capabilities of any virtual participant. This does not prevent the use of

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- an element of chance or randomness from impacting performance of the virtual participant during the virtual event game.
- c) For scheduled virtual events, a countdown of the time remaining to place a wager in that event shall be displayed to the player. It shall not be possible to place wagers on the event once this time has passed, however, this requirement does not prohibit the implementation of in-play wagers.
  - d) If a wager involves combining events (i.e., parlay bets), such combinations shall be clearly explained to the player.
  - e) There shall be a clear indication provided to the player that a wager has been accepted by the gaming device.
  - f) A confirmation containing details of the actual wager accepted shall be provided to the player.
  - g) The artwork shall clearly explain whether the odds/payouts are locked-in at the time of the wager, or if the odds/payouts may change dynamically prior to the commencement of the virtual event.
  - h) The rules available to the player must clearly state the means by which a winning wager is determined and shall clearly state the handling of an award in any case where a tie is possible.
- PUBLIC COMMENT DRAFT

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## ***CHAPTER 5: ACCOUNTING AND METERING REQUIREMENTS***

### **5.1 Accounting and Metering**

**5.1.1 Introduction.** This chapter sets forth the various metering and accounting requirements for gaming devices.

### **5.2 Credit Meter**

**5.2.1 Credit Meter Units and Display.** The credit meter shall conform to the following requirements:

- a) The credit meter shall be displayed in credits or local currency format, and shall at all times indicate all credits or local currency value available for the player to wager or cashout, with the exception of when the player is viewing an informational screen such as a menu or help screen item;
- b) If the game's credit meter allows for toggling between credits and currency, this shall be clearly indicated by the meter; and
- c) The credit meter shall be displayed to the player unless a tilt condition or malfunction exists that impacts its proper display.

**5.2.2 Credit Meter Incrementation.** The value of every prize at the end of a game shall be added to the player's credit meter, except for handpays or merchandise. .

**5.2.3 Credit Meter Decrementation.** Credits wagered or committed at any point at the start of, or within the course of, play shall be immediately subtracted from the player's credit meter.

**5.2.4 Credit Meter for Progressives.** Progressive awards may be added to the credit meter if either:



- a) The credit meter is maintained in the local currency amount format; or
- b) The progressive meter is incremented in whole credit amounts; or
- c) The progressive prize in local currency amount format is converted properly to credits upon transfer to the player's credit meter in a manner that does not mislead the player.

### **5.3 Collect Meter**

**5.3.1 Collect Meter.** There shall be a collect meter which will show the number of credits or cash collected by the player upon a cashout. This meter may include handpays. The collect meter must adhere to the following requirements:

- a) The collect meter shall be displayed to the player unless a tilt condition or malfunction exists; and
- b) The number of credits or cash collected shall be subtracted from the player's credit meter and added to the collect meter.

### **5.4 Electronic Accounting and Occurrence Meters**

**5.4.1 Electronic Accounting Meters.** Electronic accounting meters shall be at least ten (10) digits in length. These meters shall be maintained in credit units equal to the denomination, or in local currency. If the meter is being used in dollars and cents format, eight (8) digits must be used for the dollar amount and two (2) digits used for the cents amount. Devices configured for multi-denomination play shall display the units in local currency. The meter must roll over to zero upon the next occurrence, any time the meter exceeds ten (10) digits and after 9,999,999,999 has been reached or any gaming device metering implementation that is 32 bits or higher in length. Meters shall be labeled so they can be clearly understood in accordance with their function. The required electronic accounting meters are as follows:

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- a) Credits Bet (Coin In). The gaming device must have a meter that accumulates the total value of all wagers, whether the wagered amount results from the insertion of coins, tokens, currency, deduction from a credit meter or any other means. This meter shall:
- i. Not include subsequent wagers of intermediate winnings accumulated during game play such as those acquired from “double up” games;
  - ii. For all games, provide the coin in information on a per payable basis; and
  - iii. For paytables with a difference in theoretical payback percentage which exceeds 4 percent between wager categories, the gaming device shall maintain and display coin in meters and the associated theoretical payback percentage, for each wager category with a different theoretical payback percentage, and calculate a weighted average theoretical payback percentage for that payable.
- b) Credits Won (Coin Out). The gaming device must have a meter that accumulates the total value of all amounts directly paid by the device as a result of winning wagers, whether the payout is made from the hopper, to a credit meter or by any other means. This meter will not record amounts awarded as the result of an external bonusing system or a progressive payout;
- c) Coin Drop. The gaming device must have a meter that accumulates the total value of coins or tokens diverted to the drop;
- d) Attendant Paid Jackpots. The gaming device must have a meter that accumulates the total value of credits paid by an attendant resulting from a single game cycle, the amount of which is not capable of being paid by the gaming device itself. This does not include progressive amounts or amounts awarded as a result of an external bonusing system. This meter is only to include awards resulting from specifically identified amounts listed in the manufacturer’s par sheet. Jackpots which are keyed to the credit meter shall NOT increment this meter;
- e) Attendant Paid Cancelled Credits. The gaming device must have a meter that accumulates the total value paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the device to make the proper payout amount;
- f) Physical Coin In. The gaming device must have a meter that accumulates the total value of coins or tokens inserted into the device;

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- g) Physical Coin Out. The gaming device must have a meter that accumulates the value of all coins or tokens physically paid by the device;
- h) Bill In. The gaming device must have a meter that accumulates the total value of currency accepted;
- i) Ticket-In or Voucher In. The gaming device must have a meter that accumulates the total value of all wagering vouchers accepted by the device;
- j) Ticket-Out or Voucher Out. The gaming device must have a meter that accumulates the total value of all wagering vouchers and payout receipts issued by the device;
- k) Electronic Funds Transfer In (EFT In). The machine must have a meter “EFT In” that accumulates the total value of cashable credits electronically transferred from a financial institution to the gaming device through a cashless wagering system;
- l) Cashless Account Transfer In (Wagering Account Transfer In or WAT In). The gaming device must have a meter that accumulates the total value of cashable credits electronically transferred to the gaming device from a wagering account by means of an external connection between the device and a cashless wagering system;
- m) Cashless Account Transfer Out (Wagering Account Transfer Out or WAT Out). The gaming device must have a meter that accumulates the total value of cashable credits electronically transferred from the gaming device to a wagering account by means of an external connection between the device and a cashless wagering system;
- n) Non-Cashable Electronic Promotion In (NCEP In). The gaming device must have a meter that accumulates the total value of non-cashable credits electronically transferred to the gaming device from a promotional account by means of an external connection between the device and a cashless wagering system;
- o) Cashable Electronic Promotion In (CEP In). The gaming device must have a meter that accumulates the total value of cashable credits electronically transferred to the gaming device from a promotional account by means of an external connection between the device and a cashless wagering system;
- p) Non-Cashable Electronic Promotion Out (NCEP Out). The gaming device must have a meter that accumulates the total value of non-cashable credits electronically transferred from the gaming device to a promotional account by means of an external connection between the device and a cashless wagering system;

- q) Cashable Electronic Promotion Out (CEP Out). The gaming device must have a meter that accumulates the total value of cashable credits electronically transferred from the gaming device to a promotional account by means of an external connection between the device and a cashless wagering system;
- r) Cashable Promotional Credit Wagered. If supported by function, the gaming device must have a meter that accumulates the total value of promotional cashable credits which are wagered. This includes credits that are transferred to the machine electronically or through the acceptance of coupon or voucher;
- s) Coupon Promotion In. The gaming device must have a meter that accumulates the total value of all gaming device promotional coupons accepted by the device;
- t) Coupon Promotion Out. The gaming device must have a meter that accumulates the total value of all gaming device promotional coupons issued by the device;
- u) Machine Paid External Bonus Payout. The gaming device must have a meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by the device;
- v) Attendant Paid External Bonus Payout. The gaming device must have a meter that accumulates the total value of amounts awarded as a result of an external bonusing system paid by an attendant. Bonus payouts which are keyed to the credit meter, shall not increment this meter;
- w) Attendant Paid Progressive Payout. The gaming device must have a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the device itself. Progressive payouts which are keyed to the credit meter shall not increment this meter. This meter shall not include awards paid as a result of an external bonusing system
- x) Machine Paid Progressive Payout. The gaming device must have a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the device. This meter does not include awards paid as a result of an external bonusing system; and
- y) Non-Wager Purchase. The gaming device that makes use of a non-wager purchase must have a meter that accumulates all credits deducted from the credit meter paid for such purchase. A non-wager purchase is a purchase made by the player that debits the credit

meter and which is used for entertainment purposes only. A non-wager purchase does not influence the outcome of the game.

*NOTE: A gaming device that allows for additions to, or deductions from, the credit meter, that would not otherwise be metered under the above electronic accounting meter requirements, must maintain sufficient meters to properly reconcile all such transactions.*

**5.4.2 Electronic Occurrence Meters.** Occurrence meters shall be at least eight (8) digits in length however, are not required to automatically roll over. Meters shall be labeled so they can be clearly understood in accordance with their function. The required electronic occurrence meters are as follows:

- a) Games Played. The gaming device must have meters that accumulates the number of games played:
  - i. Since power reset;
  - ii. Since external door close; and
  - iii. Since game initialization (NV memory clear);
- b) External Doors. The machine must have meters that accumulates the number of times the any external door that allows access to the locked logic area or currency compartment (e.g., main or belly door, drop box door, currency area with an external door, etc.) which was opened since the last NV memory clear, provided power is supplied to the device.
- c) Stacker Door. The gaming device must have a meter that accumulates the number of times the stacker door has been opened since the last NV memory clear provided power is supplied to the device;
- d) Progressive Occurrence. The gaming device must have a meter that accumulates the number of times each progressive meter is activated. This rule shall be interpreted as requiring that the controller, whether that is the gaming device itself, or an external progressive controller, when configured for progressive functionality, shall provide for this occurrence meter for each progressive level offered;
- e) Bill Denomination. The gaming device must have a specific occurrence meter for each denomination of currency accepted; and

- f) Vouchers/Coupons Accepted. The gaming device must have a specific occurrence meter that records the number of all other notes not including bills, such as wagering vouchers and coupons, accepted by the bill validator.

## 5.5 Paytable-Specific Meters

**5.5.1 Paytable-Specific Meters**. In addition to the electronic accounting meters required above, each individual game available for play shall have the payable meters Credits Bet (Coin In) and Credits Won (Coin Out) in either credits or local currency. Even if a double-up or gamble game is lost, the initial win amount, and not the initial credits bet amount, for the primary game shall be recorded in the game-specific meters. Additionally, the game shall support payable-specific meters for “Number of Games Played”.

*NOTE: Primary game is defined to be the base game and includes amounts won from free spins, bonus games, etc. before the double up game or gamble game is played.*

## 5.6 Double Up or Gamble Meters

**5.6.1 Double-Up / Gamble Meters**. For each type of double-up or gamble feature offered, there shall be sufficient meters to determine the feature’s actual return percentage, which shall increment accurately every time a double-up or gamble play concludes, including:

- a) Double-up / gamble amount wagered;
- b) Double-up / gamble amount won;
- c) Double-up / gamble games played; and
- d) Double-up / gamble games won.

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## ***GLOSSARY OF KEY TERMS***

**Advertised Award** – A term describing a prize that can be awarded by a gaming device and which is explicitly advertised to the player in the game artwork.

**Alternate Game Mode** – Any mode of a gaming device other than the normal mode of game play. This includes modes such as attract, test/diagnostic, autoplay, idle, and free play.

**Artwork** – The graphics, thematic art, and textual information that is shown to a player by way of a game’s payglass and/or video display.

**Attendant Paid Jackpot** - Credit value paid by an attendant resulting from a single game cycle, the amount of which is not capable of being paid automatically by the gaming device itself.

**Attendant Paid Cancelled Credits** - Credit value paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the device.

**Attract Mode** - Visual and/or audible options intended to attract players when the machine is in the idle mode (i.e., no active credits or gameplay).

**Audit Mode (aka “Test/Diagnostic” or “Demo” mode)** – A secure mode of a gaming device that allows an attendant or operator to view game play mechanics, perform payable tests, or execute other auditing and/or diagnostic functions supported by the machine, or that permits secure access to various audit menus that display information related to configuration settings, performance, recall, logs, or accounting and metering information.

**Autoplay Mode** – A player-selectable mode of a gaming device that allows a player to place wagers automatically without any manual interaction, once a denomination, wager, and other play attributes have been selected for game play.

**Barcode** – An optical machine-readable representation of data. A good example is a barcode found on printed vouchers.

**Barcode Reader** – A device that is capable of reading or interpreting a barcode. This may extend to some smartphones or other electronic devices that can execute an application to read the barcode.

**Bill In** - The total value of all currency accepted by a gaming device bill.

**Bill Validator** – A peripheral component used on a gaming device that is capable of accepting paper currency, tickets, and other approved notes in exchange for credits on the credit meter.

**Bluetooth** - A wireless technology standard for transmitting fixed and mobile electronic device data over short distances.



**Card Reader** –A gaming device peripheral that reads data embedded on a magnetic strip, or stored in an integrated circuit chip, for the purpose of player identification and related access to an external system.

**Cashless Account Transfer In/Out** - Cashable credits electronically transferred to/from the gaming device from a wagering account by means of an external connection between the device and a cashless wagering system.

**Cashable Promotional Credit Wagered** - The total value of promotional cashable credits which are wagered.

**Cashable Electronic Promotion** - Cashable credits electronically transferred to/from a gaming device from/to a promotional account.

**CFast, CompactFast** - A variant of a Compact Flash based on a Serial ATA interface rather than the parallel ATA used by CF Cards.

**CF Card, Compact Flash** - A small removable mass storage device that relies on flash memory technology. It is a storage technology that does not require a battery to retain data indefinitely.

**Coin Acceptor** – A gaming device peripheral that accepts coins or tokens in exchange for credits. The coin-in assembly receives, verifies, counts and appropriately routes coins deposited in the machine.

**Coin Drop** - Total coins or tokens diverted to the drop box.

**Coin-In** - Coins wagered. The coin-in meter accumulates total coin-in numbers.

**Coin-Out** - Coins or credits won and paid, or credits won and wagered. The coin-out meter accumulates total coin-out numbers.

**Collect Meter** - A meter which shows the number or credits or cash collected by a player upon cashout.

**Community Bonus** – A type of bonus play where a bank of machines is connected to a controller that allows players to collaborate and/or compete for a shared prize.

**CPU, Central Processing Unit** - The computing part of a computer commonly called the processor. It's made up of the control unit and the ALU. The ALU (Arithmetic Logic Unit) performs arithmetic and logic calculations. The control unit decodes and executes instructions taken from memory calling on the ALU when needed.

**CRC, Cyclic Redundancy Check** - An algorithm used to verify the accuracy of data contained in a data frame. It is used for detecting data transmission errors. Transmitted messages are divided into predetermined lengths that are divided by a fixed divisor.

**Credit Meter** - A meter which maintains the credits or cash available to the player for the commitment of a wager.

**Critical Control Program** – Any software program that controls gaming device behaviors relative to the integrity and outcome of the game. These programs are physically stored on a Program Storage Device (PSD).

**Critical Memory** – Memory used to store all data that is considered vital to continued operation of the gaming device including: electronic accounting and metering, current credits, configuration data, game recall, significant events, last normal game and machine state, payable information, etc.

**Cryptographic RNG** - An RNG that generates a random number sequence that remains unpredictable despite significant analysis or hacking attempts, such that it becomes computationally infeasible to predict what a future bit of the random output will be, even given complete specification of the RNG.

**Direct Cryptanalytic Attack** - A RNG attack where the attacker obtains part of the stream of random bits and can use this to distinguish the RNG output from a truly random stream.

**Direction Detector** - A device which can determine the direction and speed of coin/token travel in a coin acceptor.

**Diverter** - The portion of the coin-in assembly that channels coins to either the hopper or the drop box.

**Double-Up** (aka “Gamble”) – An extended game play feature available to a player to double or risk current winnings.

**Drop Box** – A secure container housed within a gaming device cabinet that collects coins when the hopper is full or when the diverter directs coins to it.

**EFT, *Electronic Funds Transfer*; ECT, *Electronic Credits Transfer*** - EFT (or ECT) is a system by which currency can be electronically transferred to or from a gaming device in the form of credits. EFT requires some form of communication between the gaming device and a host system.

**Electronic Accounting Meter** (aka “Software Meter” / “Soft Meter”) – An accounting meter that is implemented in the main program software of a gaming device.

**EMC, *Electromagnetic Compatibility*** - The principal in which any electronic or electrical appliance should be able to operate without causing, or being affected by, electromagnetic interference.

**EMI, *Electromagnetic Interference*** - Any electromagnetic disturbance that interrupts, obstructs, or otherwise degrades or limits the effective performance of electronics and electrical equipment.

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**EPROM, Erasable Programmable Read-Only Memory** - A memory chip that holds its content without power and can be erased either within the computer or externally.

**ESD, Electro-Static Discharge** - The release of static electricity when two objects come into contact. It is the sudden flow of electricity between two electrically charged objects caused by contact, an electrical short, or dielectric breakdown.

**Firewall** – A part of a computer system or network that is designed to block unauthorized access or traffic while still permitting outward communication.

**Firmware** - Programs stored permanently in read-only memory (ROM).

**Flight Recorder** – A term used to describe game recall functionality that records various player physical actions and correlates them in time to other game inputs such as touch screen activations, button presses, etc. in order to more fully reconstruct the outcome of game play. When used in conjunction with a game containing a physical skill element, such functionality may be especially useful for recording/documenting aspects of game history specific to a player’s physicality, dexterity, motions, or gestures.

**Free Play Mode** – A gaming device mode that allows a player to participate in a game without placing any wager, principally for the purpose of learning or understanding game play.

**Gamble Feature** - see “Double-Up”.

**Game Cycle** - A game cycle is defined as “wager to wager”. The cycle is the period from an initial wager to the point of the final transfer to the player’s credit meter, or when all credits wagered are lost.

**Game with Skill** - A wagered game in which the skill of the player, rather than pure chance, is a factor in affecting the outcome of the game as determined over a period of continuous play. A game with skill contains one or more elements of skill in its design which can be leveraged by a player to impact the return percentage.

**Gaming Device (aka, machine, terminal)** – An electronic or electro-mechanical device that at a minimum will utilize an element of chance, skill, or strategy, or some combination of these elements in the determination of prizes, contain some form of activation to initiate the selection process, and makes use of a suitable methodology for delivery of the determined outcome.

**Gaming Session** – The period of time commencing when a player initiates a game or series of games on a gaming device by committing a wager and ending at the time of a final game outcome for that game or series of games and coincident with the opportunity for the player to retrieve their credit balance.

**Hash Algorithm** - A function that converts a data string into a numeric string output of fixed length.

**Hopper** - An electromechanical assembly inside the machine that receives, holds and dispenses coins. When the hopper is full, coins are diverted to the drop box.

**Identifier** - Any specific and verifiable fact concerning a player or group of players which is based upon objective criteria relating to the player or group of players.

**Idle Mode** – A gaming device mode that exists when the machine is not being played and no credits exist on the credit meter.

**In-Play Wager** – A wager that is placed while a virtual event is in-progress or actually taking place.

**Jumper** – A removable connector (plug, wire, etc.) that electrically joins together or short-circuits two separate physical connections.

**Known Input Attack** - An attacker is able to use knowledge or control of RNG inputs to cryptanalyze the RNG. In a known-input attack, the attacker can easily predict some or all of the elements used to create a seed value.

**Logic Area / Logic Box** - The part of the gaming device that contains the main processor board and other critical components. It is a sealed, secured box or enclosure within the machine that houses the critical control program(s) for the device.

**Mapping** - The process by which a scaled number is given a symbol or value that is usable and applicable to the current game (e.g.: the scaled number 51 might be mapped to an ACE OF SPADES).

**MI, Magnetic Interference** - Any magnetic disturbance that interrupts, obstructs, or otherwise degrades or limits the effective performance of electronics and electrical equipment.

**Microprocessor** - A computer processor that incorporates the functions of a computer's central processing unit (CPU) on a single integrated circuit (IC), or at most a few integrated circuits.

**Multi-Game** - A game which can simultaneously be configured for use with multiple themes and/or multiple paytables.

**Multi-Player Machine** – A multi-player machine is a gaming device consisting of multiple player interfaces linked to a shared master console. The master console coordinates game play and supports game display which is shared among the player interfaces. The player interfaces contain player interaction devices and payment devices.

**Multi-Wager Game** – A game where multiple, independent wagers can simultaneously be applied towards advertised awards.

**Mystery Award** - A mystery award is a prize paid by a gaming device that is not associated with a specific symbol combination.

**Non-Cashable Electronic Promotion In** - Non-cashable credits electronically transferred to the gaming device from a promotional account.

**Near Miss** - Showing a top award winning combination above or below an active payline.

**NFC, *Near Field Communication*** - A short-range wireless connectivity standard that uses magnetic field induction to enable communication between devices when they are touched together, or brought within a few centimeters of each other.

**Non-Wager Purchase** – A purchase made by the player that debits the credit meter and which is used for entertainment purposes only. A non-wager purchase does not influence the outcome of the game. An example might be the purchase of an artistic attribute of a game.

**NV Memory, *Non-Volatile Memory*** - A form of static random access memory whose contents are retained when power is removed.

**Parlay Bet** – A single bet that links together two or more individual wagers and which is dependent on all of those wagers winning together. The benefit of the parlay is that there are much higher payoffs than placing each individual bet separately since the difficulty of hitting it is much higher.

**Player Identification Component** – An electronic device installed in a machine that allows for the secure identification of a player's identity. Examples include a card reader, a barcode reader, or a biometric scanner. Once a player is identified, the gaming device typically allows connectivity to an external system such as a player tracking system or other account-based system.

**Player Interaction Device** – An internal or external device that connects to a machine and that registers various types of player inputs allowing the player to interact with the machine. Several examples include touch screens, button panels, joysticks, handheld controllers, camera systems, etc. The player interaction device may be hard-wired or wireless.

**Paytable** - A chart of pay amounts as a function of each winning combination and number of coins or credits bet.

**PCB, *Printed Circuit Board*** - A hardware component of a computer or other electronic device, consisting of a flat, rectangular piece of rigid material to which integrated circuits and other electronic components are mounted or connected.

**Perfecta – aka Exacta** – a bet in which the bettor picks the first and second place finishers in a race in the correct order.

**Peripheral** – An internal or external device connected to a machine that supports credit acceptance, credit issuance, player interaction, or other specialized function(s).

**Persistence Game** - A persistence game is a game that offers awards or reveals bonuses or enhanced features for achieving multiple pre-designated outcomes.

**Physical Coin In / Out**- The total value of coins or tokens inserted into or paid out by the gaming device.

**Physics Engine** - Specialized software that approximates the laws of physics, including behaviors such as motion, gravity, speed, acceleration, mass, etc. and which ensures consistent play behaviors.

**PIN, *Personal Identification Number*** - A numerical code assigned to an individual to establish identity that is used in many electronic transactions.

**Play from Save** - A feature utilized in some persistence game designs where complexity increases, or additional elements are added to the game, as play continues. A player is able to save their progress and resume from the saved point of game play.

**Printer** – A gaming device peripheral that prints tickets, coupons, vouchers, or receipts.

**Program Storage Device (PSD)** - Any media on which a critical control program is stored such as a CD, EPROM, hard drive, etc.

**Progressive** - A system that takes contributions from one or more gaming devices and applies it to an incrementing award. When the proper condition or trigger occurs, the award is paid to a player. The three kinds of progressives are Wide Area, Local Area and Stand Alone.

**Protocol** - A set of rules and conventions that specifies information exchange between devices, through a network or other media.

**Quinella** – A bet in which the first two places in a race must be predicted, but not necessarily in the finishing order.

**Residual Credit Removal** - A method used to remove credits left on a gaming device when there is a credit balance less than the amount necessary to play a game.

**RFI, *Radio Frequency Interference*** - Electromagnetic radiation which is emitted by electrical circuits carrying rapidly changing signals, as a by-product of their normal operation, and which causes unwanted signals (interference or noise) to be induced in other circuits.

**RNG, *Random Number Generator*** - A Random Number Generator (RNG) is a computational or physical device designed to generate a sequence of numbers or symbols that cannot be reasonably predicted better than by a random chance.

**RTP, *Return to Player*** - The expected percentage of wagers that a specific game will return to the player in the long run. The percent RTP can be calculated via either a theoretical or simulated approach. The method used for calculation depends on the game type.



**SAS, Slot Accounting System** - A data collection and accounting package developed by IGT. Data on machine activity is transmitted to a controller which, in turn, transmits the collected data to a computer.

**Scaling Algorithms** - An algorithm which converts a raw RNG outcome of a greater range into a scaled RNG of a lesser range.

**Scaling Bias** - When a scaling, mapping or shuffling algorithm produces results which are not statistically random.

**Seed** - A number or vector used to initialize a pseudorandom number generator.

**Significant Events** - Conditions such as power resets, hand pays, door openings/closings, coin/token errors, bill validator errors, card reader errors, hopper errors, critical program or memory error, mechanical device errors, and any of the “error conditions” documented within this standard.

**Skill** - The human attributes of a player such as knowledge, dexterity, visual recognition, logic, memory, reaction, strength, agility, athleticism, hand-to-eye coordination, numerical and/or lexical ability, or any other ability or expertise relevant to game play.

**Source Code** – A text listing of commands to be compiled or assembled into an executable computer program.

**Stacker** – An electromechanical bill validator component that loads bill, notes, coupons, or tickets into a locked container for secure storage within the gaming device.

**State Compromise Extension Attack** - A category of attacks in which an attacker compromises a single state of the RNG and penetrates past or future outputs of the RNG using this information. Usually this attack is executed using the seed state or a vulnerable state in which insufficient entropy is available.

**Surrender** – An option available in some card games where the player can forfeit half of their wager rather than play out their active hand of cards. There are two types of surrender: early and late. These terms refer to whether or not a dealer checks to see if she/he has a blackjack (when an Ace or 10 is showing) before the player makes the surrender decision.

**Ticket and/or Voucher In/Out** - The total value of all gaming device vouchers accepted or paid out by the device.

**Tilt** – An error in gaming device operation that halts or suspends play and/or that generates some intelligent fault message.

**Tokenization** - When the unit of wager is equal to the denomination of the game, then the tokenization ratio is 1:1. With tokenization, a game with a denomination of 0.25 cents and a tokenization ratio of 1:5 would provide a player with five individual wagering units per coin.



Example; A player inserts a quarter, and the game registers five units wagered. This also applies to progressive systems.

**Touch Screen** – A video display device that also acts as a player input device by using electrical touch point locations on the display screen.

**Tournament** - A tournament is an organized, measured event that permits a player to engage in competitive play against other players. A non-out-of-revenue tournament involves only non-wagered play using tournament credits or points that have no cash value. In contrast, an in-revenue tournament allows for wagered play in conjunction with the operation of the tournament.

**Tower Light** – A light located on the top of a gaming device that illuminates automatically in response to various machine error conditions, or which may be illuminated by a player for summoning an attendant or other service personnel.

**Trifecta** – A racing bet in which a bettor wins by selecting the first three finishers of a race in the correct order of finish.

**USB, Universal Serial Bus** - An industry standard interface that defines the cables, connectors and communications protocols used for connection, communication, and power supply between computers and electronic devices. Often used to reference the type of port or a flash type storage device using this interface technology.

**Virtual Event Wagering** – A form of betting that allows for the placement of wagers on sports, contests, and matches whose results are determined solely by an approved Random Number Generator.

**Virtual Opponent** – Term used to describe a computer-based player that participates in a game with skill and effectively mimics the actions of a live player.

**Virtual Participant** – The athlete or other entity that competes in a virtual event.

**Voucher** - A printed or virtual ticket issued by a gaming device which can be redeemed for cash or used to subsequently establish credits on a device. A virtual voucher is an electronic token exchanged between a player's mobile device and the gaming device which is used for credit insertion and redemption.

**Wager** - Any commitment of credits or money by the player which has an impact on game outcome.

**Wager Category** – A term used to describe different bet options/levels available to the player in regards to the commitment of credits or money which could have an impact on game outcome.

**WAT, Wagering Account Transfer** - See Cashless Account Transfer In/Out.

**Wi-Fi** - The standard wireless local area network (WLAN) technology for connecting computers and electronic devices to each other and to the internet.



*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c. 30A, § 2 relative to the proposed amendments in 205 CMR 138.00: Uniform Standards of Accounting Procedures and Internal Controls; notice of which was filed this day with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments create a requirement for gaming licensees to use reasonable measures to inhibit patrons from using credit to obtain cash for use at a gaming establishment. Three such measures are explicitly required by the amendments. Additionally, these amendments clarify the language of the regulation to address the uncertainty as to the meaning of “cash advance.”

These amendments will apply exclusively to gaming licensees and patrons. Accordingly, the amendments are unlikely to have any effect on small businesses. These regulations are largely governed by G.L. c. 23K §§ 4(28), 5, 25(d), and 27. In accordance with G.L. c. 30A, § 2, the Commission offers the following responses:

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

There are no small businesses that the Commission anticipates will be impacted by these regulations. The regulations will only impact gaming licensees and patrons.

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

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

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

It is necessary to use a performance standard for gaming licenses to ensure that patrons do not use credit at gaming establishments. There are certain technological limitations on ATMs and credit cards which make it impossible to create a design standard to effectuate the same purpose.



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

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

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

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

Massachusetts Gaming Commission  
By:

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Cecelia Porchè and Alexander Conley  
Legal Division

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



Massachusetts Gaming Commission