



Massachusetts Gaming Commission

RFA-2 Application Review

Category 1 License for Casino: Region C—MG&E Brockton

**Report to the Commissioners for: Category # 5—Mitigation**

**Commissioner Gayle Cameron**

**April 26, 2016**

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# 1. Introduction

## Criteria

- Criterion 1 (Questions 5-3 to 5-21):
- Criterion 2 (Questions 5-1, 5-2 and 5-29 to 5-33):
- Criterion 3 (Questions 5-23 to 5-28):
- Criterion 4 (Questions 5-22):

**Community Support**  
**Traffic and Offsite Impacts**  
**Implement Measures to Promote Responsible Gaming and Address Problem Gaming**  
**Protect and Enhance Lottery**

## Rating System

Color coding and rating explanation

<b>INSUFFICIENT</b>	Failed to present a clear plan to address the topic, or failed to meet the minimum acceptable criteria of the Commission.
<b>SUFFICIENT</b>	Comprehensible and met the minimum acceptable criteria of the Commission; and/or provided the required or requested information.
<b>VERY GOOD</b>	Comprehensive, demonstrates credible experience and plans, and /or excels in some areas.
<b>OUTSTANDING</b>	Uniformly high quality, and demonstrates convincing experience, creative thinking, innovative plans and a substantially unique approach.

## 2. Overall Rating: Sufficient

### MG&E Brockton

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 casino project, albeit by a small majority; 50.5% in favor and 49.5% opposed. The Applicant will provide the City 18.5 million dollars before the casino 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 has executed Surrounding Community Agreements with all nine designated communities (Abington, Avon, Easton, East Bridgewater, Holbrook, Pembroke, Stoughton, West Bridgewater and Whitman).

There is an executed 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 casino 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 casino. The first two Phases of the DOT work on Belmont Street should be completed before the casino opens.

The following further traffic mitigation should be evaluated as part of the ongoing MEPA process:

1. Safety mitigation at the Route 27/West Street intersection.
2. Mitigation for the Belmont Street/Kenelworth Avenue intersection.
3. Reevaluate the proposed realignment of West Street in front of the casino with respect to the Belmont Street intersection.

In terms of transit, the Applicant is considering shuttle bus service, including connections to the Brockton Area Transit Authority (BAT) downtown station and integrating a casino bus stop with existing bus routes. These discussions with the BAT should continue, with minimum mitigation including a local bus stop at the casino and an evaluation of the viability of a shuttle service from the Brockton MBTA Station to the casino.

The payments by the Applicant to the City itemized in the Host Community Agreement and the Mitigation Agreement is 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).

The Applicant understands the need to reach an agreement with the State Lottery and has identified strategies from other states to incorporate into such an agreement.

### 3. Criteria Rating Summary

MG&E Brockton		
1.Community Support	S	<p>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 casino project, albeit by a small majority; 50.5% in favor and 49.5% opposed. The Applicant will provide the City 18.5 million dollars before the casino 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.</p> <p>The Applicant has executed Surrounding Community Agreements with all nine designated communities (Abington, Avon, Easton, East Bridgewater, Holbrook, Pembroke, Stoughton, West Bridgewater and Whitman).</p> <p>There is an executed Impacted Live Entertainment Agreements (ILEA) with Brockton 21<sup>st</sup> Century, which owns Campanelli Stadium and Shaw’s Center.</p>
2.Traffic and Off-Site Impacts	S	<p>The site plan provides for adequate access and egress to the casino and hotel for cars, buses and taxis. There is also an appropriate distinction between patron and employee access/egress.</p> <p>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 casino. The first two Phases of the DOT work on Belmont Street should be completed before the casino opens.</p> <p>The following further traffic mitigation should be evaluated as part of the ongoing MEPA process:</p> <ol style="list-style-type: none"> <li>4. Safety mitigation at the Route 27/West Street intersection.</li> <li>5. Mitigation for the Belmont Street/Kenelworth Avenue intersection.</li> <li>6. Reevaluate the proposed realignment of West Street in front of the casino with respect to the Belmont Street intersection.</li> </ol> <p>In terms of transit, the Applicant is considering shuttle bus service, including connections to the Brockton Area Transit Authority (BAT) downtown station and integrating a casino bus stop with existing bus routes. These discussions with the BAT should continue, with minimum mitigation including a local bus stop at the casino and an evaluation of the viability of a shuttle service from the Brockton MBTA Station to the casino.</p> <p>The payments by the Applicant to the City itemized in the Host Community Agreement and the Mitigation Agreement is sufficient to</p>

		mitigate potential impacts to housing, schools and public safety (police and fire).
3. Responsibility Gaming	S	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). Unfortunately, responses to subsection "a" from the series of questions (describe 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 stated compliance to Pennsylvania Gaming Commission 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 MGC expectations but lacking detail, inventiveness, and initiative to flesh out RG practices in their application.
4. Lottery	S	The Applicant understands the need to reach an agreement with the State Lottery and has identified strategies from other states to incorporate into such an agreement.

## 4. Review Detail

### Criterion 1: Community Support

The evaluation of this criterion focused on the overall local and regional support the Applicant's proposed project has received during the application and review process. There are going to be new facilities and a new industry in the Host community and the region, and how these developments are perceived by residents, elected officials, and local businesses must be closely considered. The evaluation of community support included an assessment of the process and outcomes resulting from both negotiating and securing agreements with the Host Community as well as the Applicant's outreach, negotiation and agreements with surrounding communities and regional entertainment venues. This evaluation recognizes that the Host Community Agreement and Surrounding Community Agreements requirements of the Mass. Gaming law are the first of their kind in the country and thus each was a new process for the Applicant to undertake. In addition to the information submitted in the original Application and subsequent community negotiations, this evaluation also included an assessment of the community support and opposition to the proposed project which was displayed in the public hearings of both the host and surrounding communities.

#### Criterion 1 Rating: 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 casino project, albeit by a small majority; 50.5% in favor and 49.5% opposed. The Applicant provided appropriate documentation with respect to Agreements with the City, the election process and public outreach/support.

The Applicant has executed Surrounding Community Agreements with all 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 Casino opens and an Annual Community Impact Fee. The two communities (Easton and East Bridgewater) required mediation to reach an Agreement.

The Agreement has been executed between MG&E and Brockton 21<sup>st</sup> Century, which owns Campanelli Stadium and Shaw's Center, to discuss joint marketing opportunities. The Applicant has given examples of similar agreements at their other casino locations and is aware 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).

**GROUPING OF QUESTIONS BY SIMILARITY**

<p><b>Group 1 – Content of Agreements (Host Community)</b></p>	<p>5-3 Community Impact Fee 5-4 Host Community Agreements* 5-6 Mitigation (Host Community) *</p>	<p>All questions relate to the Applicant’s negotiated Host Community Agreements and their commitments to address impacts. Questions specifically called out in G.L.C. 23K, Gaming Regulations are noted with a *.</p>
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<p>Group 1 Rating</p>	<p style="text-align: center;"><b>Brockton   MGE</b></p> <p style="text-align: center;"><b>S</b></p>	
	<ul style="list-style-type: none"> <li>• The Host Community Agreement (HCA) was executed on February 19, 2015. A copy is included as Appendix A.</li> <li>• The HCA calls for MG&amp;E, an affiliate of Rush Street Gaming LLC, to develop a \$650,000,000 Category 1 Gaming facility with at least 250 hotel rooms, restaurants, entertainment space, parking and support facilities consistent in quality with other casinos overseen by Rush Street.</li> <li>• The HCA also covers project planning, payments to the city, workforce development, vendor relations, responsible gaming and city obligations.</li> <li>• A copy of the HCA was attached to the Application</li> <li>• A schedule of payments to the city is attached as Appendix A and summarized below:</li> </ul> <p>Before Opening:</p> <ul style="list-style-type: none"> <li>• \$3,000,000 Community Enhancement Fee paid over two years.</li> <li>• \$2,200,000 reasonable up-front project planning, peer review and legal costs.</li> <li>• \$25,000 for an impact study on the Shaw Center.</li> <li>• \$100,000 for a master plan study of an entertainment district</li> <li>• \$2,000,000 for public safety, schools, housing and general impact before opening</li> <li>• During construction property taxes will be paid based on the acquisition price of the land.</li> </ul> <p>Annually, After Opening:</p> <ul style="list-style-type: none"> <li>• \$10,000,000 or 2.5% of gaming revenues, whichever is greater, paid annually in four installments. This amount is divided into three categories: 80% in lieu of taxes, 15% Community Impact Fee and 5% Brockton Community Foundation. If a tribal casino opens in Region C, the \$10,000,000 minimum payment will be reduced to \$6,750,000.</li> <li>• \$250,000 to \$1,500,000 annually based on gross revenue for public safety and general impact</li> <li>• \$50,000 spent annually on gift cards/vouchers to be redeemed at Brockton Businesses.</li> <li>• Hotel, meal and excise taxes</li> </ul>	

<b>Group 2 – Host Community Agreement Election-related Information</b>	5-5 Host Community Agreements – Election Materials 5-7 Election Related Advertising 5-8 Negative Advertising 5-9 Contributions 5-10 Request for Contribution	These questions requested submission of factual information related to the election.
Group 2 Rating	<p style="text-align: center;"><b>Brockton   MGE</b></p> <p style="text-align: center;"><b>S</b></p> <ul style="list-style-type: none"> <li>• The requested election materials were provided in the Application (question, election date, polling procedures).</li> <li>• The Applicant spent \$1,467,000 on advertising or organizing to yield a favorable election result.</li> <li>• No monetary or in kind contribution has been made by the Applicant directly or through an intermediary to any entity, group or person who urged voters to cast a negative vote in any election governed by G.L. c. 23K, §15(13).</li> <li>• Two requests for contributions were made: one to sponsor a black tie gala and one to sponsor Brockton Summerfest 2015. No contributions were made by MG&amp;E.</li> <li>• A copy of the election results certified by the City of Brockton was provided. The results of the May 12, 2015 Special Election for the Casino was YES = 7,173 (51.5%), NO = 7,025 (49.5%), Blank = 1, TOTAL = 14,199.</li> </ul>	
<b>Group 3 – Public Support and Outreach</b>	5-11 Public Outreach 5-12 Public Support*	These questions relate to the Applicant’s connection to and support from both their host community and surrounding communities. Evaluation of these questions incorporate the public input from the public hearings held in the surrounding and host communities. Questions specifically called out in G.L.C. 23K, Gaming Regulations are noted with a *.
Group 3 Rating	<p style="text-align: center;"><b>Brockton   MGE</b></p> <p style="text-align: center;"><b>S</b></p> <ul style="list-style-type: none"> <li>• A total of 14 public outreach events were listed in the Application.</li> <li>• The outreach emphasized direct, individual contact which resulted in positive feedback, meaningful questions and dialogue, and clarity on a topic that was very susceptible to confusion and misinformation.</li> <li>• The Applicant led a grassroots outreach program targeting a diverse constituent base yielding a range of positions supporting the project and reflecting the city’s diversity</li> <li>• Project support spanned from younger residents excited about the prospect of new jobs and economic opportunity to senior citizens who consider this project a significant development which could lead Brockton’s resurgence.</li> </ul>	

<p><b>Group 4 –Surrounding Communities</b></p>	<p>5-14 Executed Surrounding Community Agreements*  5-15 Designation of Surrounding Community w/o Executed Agreement  5-16 Declined Communities  5-17 Mitigation (Surrounding Towns) *</p>	<p>All questions relate to the Applicant’s approach to identifying and negotiating with surrounding communities, a key element of the gaming legislation and the application process.</p>			
<p>Group 4 Rating</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; background-color: #cccccc;"><b>Brockton   MGE</b></td> </tr> <tr> <td style="text-align: center; background-color: #ffff00;"><b>S</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• Agreements were reached in early January 2015 with seven surrounding communities and copies of the Surrounding Community Agreements have been provided to the Commission for the following towns:</li> <li>• Abington</li> <li>• Avon</li> <li>• East Bridgewater</li> <li>• Holbrook</li> <li>• Pembroke</li> <li>• Stoughton</li> <li>• Whitman</li> <li>• Two designated surrounding communities, West Bridgewater and Easton, requested arbitration.</li> <li>• West Bridgewater went to arbitration and the results were found in favor of the Applicant. An agreement has been signed.</li> <li>• Easton went to arbitration where the results were also found in favor of the Applicant.</li> <li>• Easton requested that the Commission hear Easton’s arguments to re-open negotiations. The commission did not judge Easton’s arguments significant enough to re-open negotiations, because based on ground rules previously set the arbitration award was not ‘on its face or in any of its aspects egregiously outside the pale of reason decision-making’.</li> <li>• As part of the Commission’s decision to deny Easton’s request, it noted that the Community Mitigation Fund will be available to address issues as they may arise once the casino is in operation, as requested by the Town and approved by the Commission.</li> <li>• The Surrounding Community Agreements are similar in format for each community. They each consist of three payments by the Applicant to the Town. Pembroke is an exception to this rule as noted below.</li> <li>• The first payment is a reimbursement of consulting and legal fees up to \$10,000 based on third party invoices provided by the Town.</li> <li>• The second payment is a one-time Community Impact Fee of \$60,000 paid on or before one year after the Applicant pays the Project License Fee.</li> <li>• The third payment is an Annual Community Impact Fee paid in quarterly installments. The fees are different for each town, but in all cases they increase by 5% at each 5-year anniversary from the opening date.</li> <li>• The initial Annual Impact Fee for Abington, Avon, Easton, Stoughton and West Bridgewater is \$130,000 and for East Bridgewater, Holbrook and Whitman it is \$110,000.</li> <li>• Pembroke will receive up to \$5,000 for consulting and legal fees and an annual payment of \$5,000.</li> <li>• Easton and West Bridgewater also received \$25,000 for a joint traffic study that was done and used as an exhibit in the mediation for each town.</li> </ul> </td> </tr> </table>		<b>Brockton   MGE</b>	<b>S</b>	<ul style="list-style-type: none"> <li>• Agreements were reached in early January 2015 with seven surrounding communities and copies of the Surrounding Community Agreements have been provided to the Commission for the following towns:</li> <li>• Abington</li> <li>• Avon</li> <li>• East Bridgewater</li> <li>• Holbrook</li> <li>• Pembroke</li> <li>• Stoughton</li> <li>• Whitman</li> <li>• Two designated surrounding communities, West Bridgewater and Easton, requested arbitration.</li> <li>• West Bridgewater went to arbitration and the results were found in favor of the Applicant. An agreement has been signed.</li> <li>• Easton went to arbitration where the results were also found in favor of the Applicant.</li> <li>• Easton requested that the Commission hear Easton’s arguments to re-open negotiations. The commission did not judge Easton’s arguments significant enough to re-open negotiations, because based on ground rules previously set the arbitration award was not ‘on its face or in any of its aspects egregiously outside the pale of reason decision-making’.</li> <li>• As part of the Commission’s decision to deny Easton’s request, it noted that the Community Mitigation Fund will be available to address issues as they may arise once the casino is in operation, as requested by the Town and approved by the Commission.</li> <li>• The Surrounding Community Agreements are similar in format for each community. They each consist of three payments by the Applicant to the Town. 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<b>Group 5 – Regional Venues</b>	5-13 Non Profit and Community Partnerships 5-18 Executed Live Entertainment Venue Agreements* 5-19 Declined ILEV Agreements 5-20 Cross Marketing Agreements* 5-21 Exclusivity with Entertainers*	All questions relate to the Applicant’s addressing concerns of nearby entertainment venues or other regional attractions.			
Group 5 Rating	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr style="background-color: #cccccc;"> <td style="text-align: center;"><b>Brockton   MGE</b></td> </tr> <tr style="background-color: #ffff00;"> <td style="text-align: center;"><b>S</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• In general, the Applicant understands the importance of having good relationships with the host community and going forward will seek to build partnerships with non-profits and community groups in the Brockton area.</li> <li>• The Applicant’s parent company Rush Street Gaming has formed these partnerships in the past in other communities with much success.</li> <li>• There is an executed Impacted Live Entertainment Agreements (ILEA) which includes cross marketing with Brockton 21<sup>st</sup> Century.</li> <li>• The Agreement was executed between MG&amp;E and Brockton 21<sup>st</sup> Century on November 9, 2015. Brockton 21<sup>st</sup> Century is a quasi-public, non-profit economic development corporation that serves and supports the City of Brockton and owns Campanelli Stadium and the Shaw’s Center.</li> <li>• The Agreement calls for quarterly meetings to discuss joint marketing opportunities and provides up to 20 hours of MG&amp;E pro bono marketing assistance to Brockton 21<sup>st</sup> Century each quarter.</li> <li>• The Applicant had discussions with Massachusetts Performing Arts Coalition (MPAC) with the intent of reaching a cooperative agreement. However, of the venues represented by MPAC, the closest is the South Shore Playhouse in Cohasset, approximately 20 miles from the proposed casino. An agreement was not reached.</li> <li>• It is not the Applicant’s intention to incorporate a geographic exclusivity clause into MG&amp;E agreements with entertainers that would impact venues in the MPAC. However, they may ask entertainers not to perform within a reasonable timeframe at other area casino resorts.</li> </ul> </td> </tr> </table>		<b>Brockton   MGE</b>	<b>S</b>	<ul style="list-style-type: none"> <li>• In general, the Applicant understands the importance of having good relationships with the host community and going forward will seek to build partnerships with non-profits and community groups in the Brockton area.</li> <li>• The Applicant’s parent company Rush Street Gaming has formed these partnerships in the past in other communities with much success.</li> <li>• There is an executed Impacted Live Entertainment Agreements (ILEA) which includes cross marketing with Brockton 21<sup>st</sup> Century.</li> <li>• The Agreement was executed between MG&amp;E and Brockton 21<sup>st</sup> Century on November 9, 2015. Brockton 21<sup>st</sup> Century is a quasi-public, non-profit economic development corporation that serves and supports the City of Brockton and owns Campanelli Stadium and the Shaw’s Center.</li> <li>• The Agreement calls for quarterly meetings to discuss joint marketing opportunities and provides up to 20 hours of MG&amp;E pro bono marketing assistance to Brockton 21<sup>st</sup> Century each quarter.</li> <li>• The Applicant had discussions with Massachusetts Performing Arts Coalition (MPAC) with the intent of reaching a cooperative agreement. However, of the venues represented by MPAC, the closest is the South Shore Playhouse in Cohasset, approximately 20 miles from the proposed casino. An agreement was not reached.</li> <li>• It is not the Applicant’s intention to incorporate a geographic exclusivity clause into MG&amp;E agreements with entertainers that would impact venues in the MPAC. However, they may ask entertainers not to perform within a reasonable timeframe at other area casino resorts.</li> </ul>
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## Criterion 2: Traffic & Offsite Impacts

The evaluation of this criterion focused on the Applicant's response to questions grouped below regarding the adequacy of the existing infrastructure, traffic management and impacts related to housing, school population and emergency services. Of particular importance is the Group 2 - Traffic Management questions. Traffic is an issue of importance to the general public and comments on development activities often focus on the traffic impacts on the community. The Massachusetts Environmental Protection Agency (MEPA) process provides a forum for the public to comment on existing traffic conditions and concerns related to impacts due to the proposed development. Although the Category 1 Casino Applicant studied a limited geographical area, the MEPA process has resulted in an expanded study area as outlined in the Scope of Work in the MEPA Certificate on the Applicant's Environmental Notification Form (ENF) issued on July 10, 2015. If degradation of traffic operational condition will result from the proposed development, the Applicant must mitigate those affected operational deficiencies. Agreements to mitigate traffic impacts are also incorporated into host community agreement as well as surrounding community agreements. It is also in the interest of the Applicant to ensure convenient and safe access and egress for its customers.

### Criterion 2 Rating: Insufficient/Sufficient

The site plan provides for adequate access and egress to the casino 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. The original study area was expanded based on comments from the City and will be expanded again as part of the MEPA Process. 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 casino. The first two phases of the DOT project, from Route 24 to Angus Beaton Drive, should be completed before the casino opens.

The following further traffic mitigation should be evaluated as part of the ongoing MEPA process:

1. Evaluate the safety issues at the Route 27/West Street intersection and consider mitigation that may improve conditions.
2. Mitigation for the Belmont Street/Kenelworth Avenue intersection where 15% of the traffic will pass.
3. West Street in front of the casino is planned to be reconstructed in a slightly new curved alignment. This new alignment will complicate the alignment further north on West Street through the Belmont Street intersection. The Applicant should reevaluate the proposed realignment of West Street in front of the casino with respect to the Belmont Street intersection.

Also refer to the Transportation Memo in the Commissioners Report on Category #4 Building and Site Design, Appendix E.

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

GROUPING OF QUESTIONS BY SIMILIARITY		
<b>Group 1 – Impact Assessments and Costs</b>	5- 1 Infrastructure Costs 5-2 Impacts and Associated Costs	These questions relate to the Applicant adequately identifying the potential impacts and required infrastructure improvements and then the associated costs for off-site mitigation items.
Group 1 Rating	<b>Brockton   MGE</b>	
	<b>S</b>	
	<p>Infrastructure improvements proposed by the Applicant are summarized below:</p> <ul style="list-style-type: none"> <li>• \$10.2M for off-site traffic, pedestrian and bicycle improvements mostly along Forest Avenue and West Street.</li> <li>• \$1M for off-site sewer improvements along West Street</li> </ul> <p>Payments by the Applicant to the City are summarized below:</p> <ul style="list-style-type: none"> <li>• \$3M Community Enhancement Fee paid over two years before the casino opens.</li> <li>• \$10M or 2.5% of gaming revenues, whichever is greater, paid annually in four installments. This amount is divided into three categories: 80% in lieu of taxes, 15% Community Impact Fee and 5% Brockton Community Foundation. The City has designated that the Brockton Education Foundation receive these funds from the Brockton Community Foundation (minimum of \$500,000 annually).</li> <li>• During construction, property taxes will be paid based on the acquisition price of the land.</li> <li>• If a tribal casino opens in Region C, the \$10M minimum payment will be reduced to \$6.75M.</li> <li>• Hotel, meal and excise taxes</li> <li>• \$2.2M for reasonable up-front project planning and peer review and legal costs.</li> <li>• \$25,000 for an impact study on the Shaw Center before opening.</li> <li>• \$100,000 for a master plan study for an entertainment district before opening.</li> <li>• \$2M for public safety, schools, housing and general impact before opening</li> <li>• \$250,000 to \$1.5M annually based on gross revenue for public safety and general impact</li> <li>• \$50,000 spent annually on gift cards/vouchers to be redeemed at Brockton Businesses.</li> </ul>	

<b>Group 2 – Traffic Management Plan</b>	5-29 Traffic Control Measures 5-290 Traffic for Special Events 5-301 Snow Removal	These questions relate to mitigating the off-site traffic impacts and managing the site's traffic access and parking supply. As requested, the mitigation actions address public transportation, special events, construction period impacts and snow removal plans.				
Group 2 Rating	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="background-color: #cccccc; text-align: center;">Brockton   MGE</th> </tr> <tr> <td style="background-color: #ffcccc; text-align: center; width: 50%;">I</td> <td style="background-color: #ffff00; text-align: center; width: 50%;">S</td> </tr> </table> <ul style="list-style-type: none"> <li>• The adequacy of the existing off-site transportation network was evaluated using acceptable procedures including baseline and projected traffic volumes, trip generation rates and modeling.</li> <li>• Project site generated trips are as follows: <ul style="list-style-type: none"> <li>○ Average weekday daily = 15,484 volume per day (vpd)</li> <li>○ Average Friday evening peak hour = 1,107 volume per hour (vph)</li> <li>○ Average weekend daily = 18,500 vpd</li> <li>○ Average Saturday evening peak hour = 1,411 vph</li> </ul> </li> <li>• Applicant proposes to encourage pedestrian and bicycle travel to the site by redesigning Forest Avenue and West Street following MassDOT "Complete Streets" design standards including the addition of shoulders to accommodate bicycles and ADA-compliant sidewalks and crossings.</li> <li>• Proposed installation of traffic signals at the Forest Avenue/Primary Site Drive and Forest Avenue/Memorial Drive intersections will include pedestrian control equipment.</li> <li>• Applicant proposes to mitigate traffic via proposed improvements. Major improvements are proposed at: <ul style="list-style-type: none"> <li>○ Forest Avenue</li> <li>○ Forest Avenue/West Street Intersection</li> <li>○ West Street</li> <li>○ Belmont Street</li> </ul> </li> <li>• The proposed mitigation is estimated at approximately \$10.2M for traffic infrastructure improvements.</li> <li>• The Proponent's Transportation Demand Management (TDM) program includes: <ul style="list-style-type: none"> <li>○ A shuttle bus loop serving the local community.</li> <li>○ Integration of the site as a stop on current BAT bus routes.</li> <li>○ Posting of service and schedule information for employees and patrons.</li> <li>○ On-site sale of transit passes.</li> <li>○ Subsidizing commuter rail and local bus passes for employees.</li> <li>○ Promotion of commuter assistance programs available through MassDOT's MassRides program as part of the employee orientation program.</li> </ul> </li> <li>• During construction, the Applicant will work closely with the City of Brockton and MassDOT during the design review and approval process to identify and implement a Traffic Management Plan (TMP) to ensure proper traffic controls are in place to facilitate vehicular and pedestrian travel during the construction phase.</li> <li>• The proposed \$10.2M traffic and pedestrian improvement package is designed to accommodate the maximum anticipated traffic demands for the resort casino inclusive of special event programming.</li> <li>• Applicant will develop a coordinated traffic and parking management plan that includes the use of police traffic details as needed to accommodate peak traffic operations in the event that other area special events are scheduled at the</li> </ul>		Brockton   MGE		I	S
Brockton   MGE						
I	S					

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adjacent Campanelli Stadium/The Shaw's Center or Brockton High School.

- The Applicant will manage its own snow removal.
  - Snow will be removed to remote sections of the surface parking lots to allow the snow to melt and infiltrate through the existing stormwater collection and disposal systems.
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<b>Group 3 – Other Potential Impacts</b>	5-312 Housing 5-32 School Population 5-334 Emergency Services Available	The intent of these questions was to assess the impact of increased population in the community.			
Group 3 Rating	<table border="1"> <tr> <td data-bbox="535 310 1866 350" style="text-align: center;"><b>Brockton   MGE</b></td> </tr> <tr> <td data-bbox="535 350 1866 391" style="text-align: center;"><b>S</b></td> </tr> <tr> <td data-bbox="535 391 1866 1177"> <ul style="list-style-type: none"> <li>• With regards to housing, the Commission’s analysis (Appendix B) projects that the casino will create 90 additional households (235 people) which can be absorbed by the existing housing stock in Brockton because there are more housing units by 7% than there are households in Brockton. Filling some of these vacant housing units is considered a positive impact for the City. In addition, planning data projects that almost 600 additional housing units will be constructed in Brockton by 2020.</li> <li>• With regards to schools, the Commission’s analysis (Appendix B) projects that the casino employees moving to Brockton will bring along 48 new school age children. Adding these 48 students to a school system of over 17,000 students should not be a significant impact, but will add costs to a school system that is already underfunded.</li> <li>• Based on a cost per student for the City of Brockton of approximately \$2,000, the total annual cost would be approximately \$100,000. As noted in the Group 1 analysis, there will be annual funding in excess of this amount for the Brockton schools.</li> <li>• With regards to public safety, the Applicant’s analysis notes that despite operating with limited resources and personnel, the Brockton police and fire departments will see negligible added pressure from the Resort Casino and may actually see a decrease in crime in the area. This conclusion is based in part on studies of the impact of casinos in Illinois, Indiana, Pennsylvania and Maine.</li> <li>• The Commission’s analysis (Appendix B) agrees that there will be minimal impact of police, but does estimate an impact on fire service related to support of approximately 340 new ambulance calls per year to the casino, representing a citywide increase of 2%.</li> <li>• The increase in fire support would most directly impact the Headquarters Station, which will be closest to the casino.</li> <li>• According to the Brockton Fire Chief, this increase together with a city-wide trend of increasing ambulance calls can be mitigated by increasing each shift at the Headquarters Station from 3 to 4 firemen.</li> <li>• The increased staffing would cost approximately \$360,000 annually which can be covered by a combination of initial and annual funding described in the Mitigation Agreement (see Group 1 analysis)</li> <li>• An Impact report addressing housing, schools and public safety is attached as Appendix B.</li> </ul> </td> </tr> </table>		<b>Brockton   MGE</b>	<b>S</b>	<ul style="list-style-type: none"> <li>• With regards to housing, the Commission’s analysis (Appendix B) projects that the casino will create 90 additional households (235 people) which can be absorbed by the existing housing stock in Brockton because there are more housing units by 7% than there are households in Brockton. 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### Criterion 3: Implement Measures to Promote Responsible Gaming and Address Problem Gambling

Criterion 3 included measures taken by the Applicant to mitigate problem gambling and promote responsible gaming. Questions in this criterion focused on activities proposed in Massachusetts but also on initiatives the applicant has undertaken at other operations. Mitigating problems by addressing problem gambling and promoting responsible gaming is a guiding value expressed in the mission statement of the Massachusetts Gaming Commission. The series of ten questions in criterion 3 are intended to capture the direct and indirect activities that an applicant will employ to mitigate problem gambling. The MGC believes that the successful applicant has the duty of seeing responsible gaming practices carried out in all aspects of their operations as they comply with MGC regulations

#### Criterion 3 Rating: Sufficient

The applicant’s response to the Mitigation questions concerning responsible gaming practices and policies generally expressed a willingness to conform to the tactics described in the MGC Responsible Gaming Framework (RGF). Unfortunately, responses to subsection “a” from the series of questions (describe 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 stated compliance to Pennsylvania Gaming Commission 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 MGC expectations but lacking detail, inventiveness, and initiative to flesh out RG practices in their application.

GROUPING OF QUESTIONS BY SIMILARITY					
<b>Group 1 – Direct efforts to mitigate problem gambling/promote responsible gaming</b>	5- 23 Commit to Corporate Social Responsibility 5-24 Support Informed Player Choice 5- 25 Provide Protection Within the Physical Environment 5- 26 Ensure Responsible Marketing 5- 27 Managing High Risk Financial Transactions	Represents activities the applicant will do on-site and in coordination with community providers. Represents passive ways in which the applicant will work to promote responsible gaming and educate about problem gambling.			
Group 1 Rating	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="background-color: #cccccc;"><b>Brockton   MGE</b></td> </tr> <tr> <td style="background-color: #ffff00;"><b>S</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>The applicant agrees to align their practices to support informed player choice with the MGC Responsible Gaming Framework (RGF).</li> <li>The majority of the specifics provided within the RGF were mirrored within the applicant’s response. In some cases, the applicant’s response restates verbatim the approaches and specifics described in the RGF. For example, the applicant used “should” qualifiers stated in the RGF rather than affirming the applicant “will” adopt the recommended practices described within the strategy.</li> <li>Does not mention whether responsible gaming policies are included in their code of ethics, if such a code exists.</li> <li>There was also no mention of how responsible gambling practices will be systematically measured and revised.</li> <li>Employee training is a single hour of education.</li> <li>The provided exhibits, including the Responsible Gaming Plan from Sugar House Casino, appeared to focus on</li> </ul> </td> </tr> </table>		<b>Brockton   MGE</b>	<b>S</b>	<ul style="list-style-type: none"> <li>The applicant agrees to align their practices to support informed player choice with the MGC Responsible Gaming Framework (RGF).</li> <li>The majority of the specifics provided within the RGF were mirrored within the applicant’s response. In some cases, the applicant’s response restates verbatim the approaches and specifics described in the RGF. For example, the applicant used “should” qualifiers stated in the RGF rather than affirming the applicant “will” adopt the recommended practices described within the strategy.</li> <li>Does not mention whether responsible gaming policies are included in their code of ethics, if such a code exists.</li> <li>There was also no mention of how responsible gambling practices will be systematically measured and revised.</li> <li>Employee training is a single hour of education.</li> <li>The provided exhibits, including the Responsible Gaming Plan from Sugar House Casino, appeared to focus on</li> </ul>
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	<p>meeting regulatory requirements rather than reflecting an approach ensuring the patron obtains the assistance needed at various contact points.</p> <ul style="list-style-type: none"> <li>Marketing practices referenced the RGF yet fell short as they were consistent with AGA Code of Conduct regarding responsible marketing practices without additional protections identified in the RGF.</li> <li>The response regarding house credit affirmed compliance with RGF measures, however, bank card transactions and check cashing were not addressed in response to part one of the question; “describe how the strategy will be implemented”.</li> </ul>	
<b>Group 2 – Processes and measures</b>	5- 28 Engage the Community	Represent activities the applicant will do to engage the community in responsible gaming
Group 2 Rating	<p style="text-align: center;"><b>Brockton   MGE</b></p> <p style="text-align: center;"><b>S</b></p> <ul style="list-style-type: none"> <li>The response affirmed compliance with the Strategy 6 of the RGF through paraphrasing the language within the RGF.</li> <li>Demonstrated initiative to engage the community; “We have already met with local groups in the area to begin this partnership and consult on best practices for our local area”.</li> <li>However, the response would have been stronger with an elaboration of these actions to engage the community along with specifics regarding practices the applicant will take to continue community engagement.</li> </ul>	

## Criterion 4: Protect and Enhance Lottery

In reviewing this criterion, it was noted that the Applicant must agree to be MA State Lottery sales agents and, as such, will have an executed agreement with the MA State Lottery. The Applicant was asked to present plans, measures and steps they intend to take to avoid negative impact on revenues currently generated by the MA Lottery. The Applicant was also asked to give examples of joint marketing opportunities and strategies to increase lottery ticket sales.

### Criterion 4 Rating: Sufficient

The Applicant understands the need to reach an agreement with the State Lottery and has identified strategies from other states to incorporate into such an agreement.

GROUPING OF QUESTIONS BY SIMILARITY		
Group 1 – State Lottery	5-22 State Lottery*	Only one question in this category.
Group 1 Rating	<b>Brockton   MGE</b>	
	<b>S</b>	
	<ul style="list-style-type: none"> <li>• No agreement has been reached between the applicant and the Lottery.</li> <li>• The Applicant has suggested several strategies to promote the lottery including point of purchase, direct mailing, promotional giveaways and social media marketing.</li> <li>• The Applicant included information from other venues in Pennsylvania and Maryland supporting the position that casinos do not negatively impact lottery sales.</li> </ul>	

\*These questions derive from the gaming regulations, G.L. c. 23K are specifically called out in §18 (8) as objectives each Applicant proposes to advance, and that the Commission shall evaluate and issue a statement of findings.