



20

COMMUNITY MITIGATION FUND

APPENDIX C

Specific Impact Grant Application
BD-20-1068-1068C-1068L-46130

Please complete entire Application

	City of Everett
1. NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT	City of Everett Fire Department Supplemental Personnel and Operational Funds
2. PROJECT NAME (LIMIT 10 WORDS)	
3. BRIEF PROJECT DESCRIPTION (LIMIT 50 WORDS)	The City of Everett Fire Department seeks funding through the Specific Impact Grant to supplement the additional personnel and operational costs incurred as a result of the increased staffing levels and service calls in response to the Encore's operations.
4. NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY	Carlo DeMaria, Mayor
5. ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY	484 Broadway, Everett, MA 02149
6. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY	617.394.2270 mayorcarlo.demaria@ci.everett.ma.us
7. NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY	Tony Carli, Chief of the Fire Department
8. ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY	Fire Department Headquarters, 484 Broadway, Everett, MA 02149
9. PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY	617-892-5053 / Tony.Carli@cityofeverett.org
10. NAME OF GAMING LICENSEE	Encore Boston Harbor

1. IMPACT DESCRIPTION

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

This is an application under the “public safety personnel or other public safety operation costs” provision of the Specific Impacts Grant. The request detailed below demonstrates how the requested funds will supplement and not supplant historical operations funding. Understanding that the amount may not otherwise exceed \$200,000.00, a waiver is being requested pursuant to the waiver standard established in the Guidelines. Granting the waiver is consistent with the purposes of M.G.L. c. 23K, will not interfere with the ability of the Commission to fulfill its duties, will not adversely affect the public interest, and not granting the waiver would cause a substantial hardship to the community, and governmental entity requesting the waiver. The waiver request is attached to this application, as [Exhibit 1](#).

Grant funds are requested for one-time expenses that were not anticipated. Specifically, the funds requested are as follows:

This grant application is meant to recoup monies expended from fire department details provided by the Everett Fire Department (“EFD”) to the Encore Casino during the initial several months of operation to address unanticipated public safety needs in the facility.

The fire details in question were carried out around the clock by teams of fire fighters for the first several months of operations, due to the number of public safety calls, transports, and responses as the business operations commenced. The EFD, not knowing what to expect when a large transient population converged on the City, used diligent caution in assuring public safety while observing and assessing, and responding to, the public safety needs within the facility.

Commencing November 21, 2019, Encore agreed to pay for the first two week of details (during and immediately following the grand opening of the facility) and to pay for an agreed upon schedule of EFD details on a going forward basis. As such, there are about nineteen weeks of details (July 7, 2020 through November 21, 2020) that remain unpaid. The agreement with Encore moving forward demonstrates the need for details, and also speaks to the validity of the study of the EFD as a one-time measure that was necessary and warranted.

The Host Community Agreement provides for an impact payment that was generally intended to include public safety costs. The City has, in fact, added fire personnel in anticipation of these general ongoing impacts, and the City is not seeking mitigation grant funds for the ongoing operational costs of these new staff. However, the public safety needs of the first two weeks following the grand opening and for the several months thereafter, coupled with the extended hours of liquor service at the facility, necessitated higher levels of public safety staffing for a limited period of time.

The funds for the extra details were not anticipated by the City, and therefore not budgeted. These impacts could not have been anticipated by the Host Community Agreement.

The EFD is requesting grant funds for a one time (19-week) impact that was unanticipated, and has been actualized (see the detail billing ledger attached as [Exhibit 2](#)). After the impact was evaluated, and the operation of Encore and the responses to public safety were fully known and adjusted, the schedule of fire details was reduced by agreement, and Encore has agreed to payment for said details going forward. There will be no re-application in the future for these unanticipated costs, as through this process, policy has been established and the need is now anticipated.

The Grant guidance will support this application. This impact is directly related to the gaming facility, and the public purpose is readily apparent. The costs have already accrued and are actualized.

205 CMR 125.01 refers to the potential effects of a gaming establishment not being known until after commencement of operations. In crafting the Host Agreement, the need for EFD details on such an intensive basis during the ramp-up period of the facility clearly was not and could not have been known anticipated. There have been increased alarm

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and call responses on top of the inside details proving the volume and impact. (Please see the call for service data attached as Exhibit 3).

2. PROPOSED USE OF SPECIFIC IMPACT MITIGATION FUNDS. (Please attach additional sheets/supplemental materials if necessary.)

a) Please identify the amount of funding requested.

\$629,455.75. Please note the amount of funding requested is less than the total listed on Exhibit 2 due to Encore's reimbursement for fire details for special events.
Please see attached waiver request, Exhibit 1, for the amount exceeding \$200,000.

b) Please identify below the manner in which the funds are proposed to be used. Please provide detailed scope, budget and timetable for the use of funds.

\$629,455.75 - These funds will be used to reimburse the EFD for the money that has been expended to pay the details as outlined above.

c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the operation of a proposed gaming establishment.

Please see the enclosed billing spreadsheet and call data as described above and attached as Exhibits 2 and 3.

d) Please describe how the mitigation request will address the impact indicated.

Please see the above description.

3. CONNECTION TO GAMING FACILITY

Please provide specificity/evidence that the requested funds will be used to address issue or impacts directly related to the gaming facility.

The EFD details for which grant funds are requested were all stationed within the gaming facility in order to respond to public safety calls for service within the gaming facility. Please see the above description.

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4. INTERNAL CONTROLS/ADMINISTRATION OF FUNDS

Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the 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.

These funds will be used to reimburse the EFD for the money that has been expended to pay the details as outlined above. This is a one-time cost as the need and impact has been studied as described above.

5. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS

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

The HCA was executed in 2013, and the City could not anticipate what the impact of the around-the-clock nature of the business with the longer alcohol service would eventually be. After a reasonable learning curve, the need and impact became better defined through experience. We could not have anticipated that there would be an opportunity to change the hours until which alcohol could be served on the gaming floor from 2:00AM to 4:00AM as well. As such, it is reasonable that the extra resources may be pulled away, affecting the regular course of business unanticipated ways.

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.

Cal D. Maria

January 30, 2020

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

Date



APPENDIX C

Specific Impact Grant Application – Waiver Request

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The City of Everett Fire Department, (“EFD”) hereby submits the following waiver request from the \$200,000 maximum for community mitigation funds awarded for public safety operational costs under the specific impact grant (page 8 of the 2020 Community Mitigation Fund Guidelines).

As discussed within its application, the EFD seeks funding through the Commission’s Specific Impacts Grant to reimburse it for unanticipated personnel and operational costs incurred by the EFD as a result of the Encore’s operations since its opening in June 2019. Due to Encore’s extended operations, particularly during the late night service hours, between 12 a.m. through 8 a.m., the EFD posted details in response to an influx of public safety calls and transports at the facility. These details were effective in addressing and evaluating public safety needs at the facility during the first five months of the facility’s operations. The details issued by the EFD were unanticipated by the City, the EFD and the Encore during the execution of the Host Community Agreement and could not have been anticipated because there was no regional context for comparison of this type of operation, nor as a basis for the hours of operation or alcohol service. The need for the additional EFD details was necessary in order to protect the public safety.

If awarded to the Department, the funds will be utilized by the EFD to recoup the \$629,455.75 of operational costs from the unanticipated fire details that were dispatched to the facility through its beginning months of operation. There are about twenty (20) weeks of details (July 1, 2020 through November 21, 2020) that remain unpaid. As a result, the grant funds will be utilized by the Department to pay for the unanticipated fire details present at the Encore, particularly during the late night service hours, between 12 a.m. through 8 a.m.

The granting of this waiver is consistent with the purposes of G.L. c. 23K because the additional funds applied for under the specific impacts grant will mitigate the public safety costs already expended by the EFD on necessary fire details dispatched as a result of Encore’s higher than expected public safety call demands and late night service hours during its initial months of operation and therefore, promotes the public safety at the Encore as well as within the surrounding communities. The granting of this waiver will not interfere with the Commission’s ability to fulfill its duties under G.L. c. 23K, but instead is consistent with the Commission’s authority under G.L. c. 23K to ensure the highest of standards in order to promote the public safety at the gaming facility. The granting of this waiver will not adversely affect the public interest; to the contrary, the granting of the additional funds beyond \$200,000 allotted under the specific impacts grant allows the EFD to recover public safety operational costs already

expended from additional fire details dispatched during Encore's initial months of operations. Lastly, not granting this waiver will place the EFD in substantial financial hardship, by straining the EFD's current budget and jeopardizing the ability of the EFD to dispatch necessary fire details in the future. It should be noted that the EFD is not seeking grant reimbursement for general increases in staffing levels that have taken place in anticipation of the gaming facility's operation. These staffing costs are being paid by the City. Rather, grant funds are requested only on a one-time basis for extraordinary costs incurred during a limited period of time following commencement of operations at the facility.

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EX 1



APPENDIX C

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EX 2

Jul-19		Aug-19	
7/1/2019	9 Details	8/1/2019	9 Details
7/2/2019	9 Details	8/2/2019	9 Details
7/3/2019	9 Details	8/3/2019	9 Details
7/4/2019	9 Details	8/4/2019	9 Details
7/5/2019	10 Details	8/5/2019	9 Details
7/6/2019	10 Details (1) Ballroom	8/6/2019	9 Details
7/7/2019	10 Details	8/7/2019	9 Details
7/8/2019	9 Details	8/8/2019	10 Details
7/9/2019	9 Details	8/9/2019	9 Details
7/10/2019	9 Details	8/10/2019	10 Details
7/11/2019	9 Details	8/11/2019	9 Details
7/12/2019	10 Details (1) Ballroom	8/12/2019	9 Details
7/13/2019	10 Details	8/13/2019	9 Details
7/14/2019	10 Details (1) Ballroom	8/14/2019	9 Details
7/15/2019	9 Details	8/15/2019	9 Details
7/16/2019	9 Details	8/16/2019	10 Details (1) Ballroom
7/17/2019	9 Details	8/17/2019	9 Details
7/18/2019	9 Details	8/18/2019	9 Details
7/19/2019	10 Details (1) Memoire	8/19/2019	9 Details
7/20/2019	10 Details (1) Memoire	8/20/2019	9 Details
7/21/2019	10 Details (1) Memoire	8/21/2019	9 Details
7/22/2019	9 Details	8/22/2019	9 Details
7/23/2019	9 Details	8/23/2019	11 Details (2) Boxing
7/24/2019	9 Details	8/24/2019	9 Details (1) Big Night
7/25/2019	9 Details	8/25/2019	9 Details
7/26/2019	10 Details (1) Memoire	8/26/2019	9 Details
7/27/2019	10 Details (1) Memoire	8/27/2019	9 Details
7/28/2019	10 Details (1) Memoire	8/28/2019	11 Details (2) Boxing
7/29/2019	10 Details	8/29/2019	9 Details
7/30/2019	9 Details	8/30/2019	8 Details
7/31/2019	9 Details	8/31/2019	9 Details
292 TOTAL MEN/DETAIL JULY 2019		285 TOTAL MEN/DETAIL AUG 2019	

7/6/2019 = \$440
7/12/2019= \$385
7/14/2019= \$522.50
7/19/2019= \$522.50

8/8/2019 = \$495
8/16/2019 = \$440
8/23/2019= \$935
8/24/2019= \$522.50

7/20/2019= \$ 412.50

7/21/2019= \$522.50

7/26/2019= \$ 522.50

7/27/2019= \$522.50

7/28/2019= \$509.85

TOTAL FOR JULY = \$ 4359.85

8/28/2019= \$935

TOTAL FOR AUGUST = \$3,327.50

Sep-19		Oct-19	
9/1/2019	9 Details	10/1/2019	9 Details
9/2/2019	11 Details	10/2/2019	8 Details
9/3/2019	9 Details	10/3/2019	9 Details
9/4/2019	9 Details	10/4/2019	9 Details
9/5/2019	9 Details	10/5/2019	10 Details (1) Picasso Room
9/6/2019	9 Details	10/6/2019	9 Details
9/7/2019	9 Details	10/7/2019	9 Details
9/8/2019	9 Details	10/8/2019	9 Details
9/9/2019	9 Details	10/9/2019	9 Details
9/10/2019	9 Details	10/10/2019	9 Details
9/11/2019	9 Details	10/11/2019	9 Details
9/12/2019	9 Details	10/12/2019	7 Details
9/13/2019	9 Details	10/13/2019	6 Details
9/14/2019	9 Details	10/14/2019	6 Details
9/15/2019	9 Details	10/15/2019	6 Details
9/16/2019	9 Details	10/16/2019	6 Details
9/17/2019	9 Details	10/17/2019	6 Details
9/18/2019	9 Details	10/18/2019	6 Details
9/19/2019	9 Details	10/19/2019	6 Details
9/20/2019	9 Details	10/20/2019	6 Details
9/21/2019	11 Details	10/21/2019	6 Details
9/22/2019	10 Details	10/22/2019	6 Details
9/23/2019	9 Details	10/23/2019	6 Details
9/24/2019	9 Details	10/24/2019	6 Details
9/25/2019	9 Details	10/25/2019	9 Details (3) c/o Pete Battery
9/26/2019	9 Details	10/26/2019	9 Details (3) c/o Pete Battery
9/27/2019	9 Details	10/27/2019	9 Details (3) c/o Pete Battery
9/28/2019	9 Details	10/28/2019	7 Details (2) c/o Pete Battery
9/29/2019	9 Details	10/29/2019	9 Details (3) c/o Pete Battery
9/30/2019	9 Details	10/30/2019	9 Details (3) c/o Pete Battery
		10/31/2019	7 Details (2) Ballroom Event
275 TOTAL MEN/DETAIL SEPT 2019		318 TOTAL MEN/DETAIL OCTOBER 2019	

TOTAL FOR SPECIAL DETAILS AT ENCORE

10/5/2019 = \$233.75
10/25/2019 = \$1320
10/26/2019 = \$1540
10/27/2019 = \$1540

Nov-19	
11/1/2019	6 Details
11/2/2019	6 Details
11/3/2019	6 Details
11/4/2019	6 Details
11/5/2019	6 Details
11/6/2019	6 Details
11/7/2019	6 Details
11/8/2019	6 Details
11/9/2019	6 Details
11/10/2019	6 Details
11/11/2019	6 Details
11/12/2019	6 Details
11/13/2019	6 Details
11/14/2019	6 Details
11/15/2019	6 Details
11/16/2019	6 Details
11/17/2019	6 Details
11/18/2019	6 Details
11/19/2019	6 Details
11/20/2019	6 Details
120 TOTAL MEN/DETAIL NOVEMBER 2019	

1,290 MEN TOTAL JULY-NOV 2019

Total Excluding Special Details = \$629,455.75



10/28/2019 = \$1540

10/29/2019 = \$1540

10/30/2019 = \$1540

10/31/2019 = \$440

TOTAL FOR OCTOBER = \$9693.75

\$

629,455.75

\$

17,381.10

GRAND TOTAL = \$17,381.10

\$

646,836.85

TOTAL BETWEEN BOTH SPECIAL AND ENCORE

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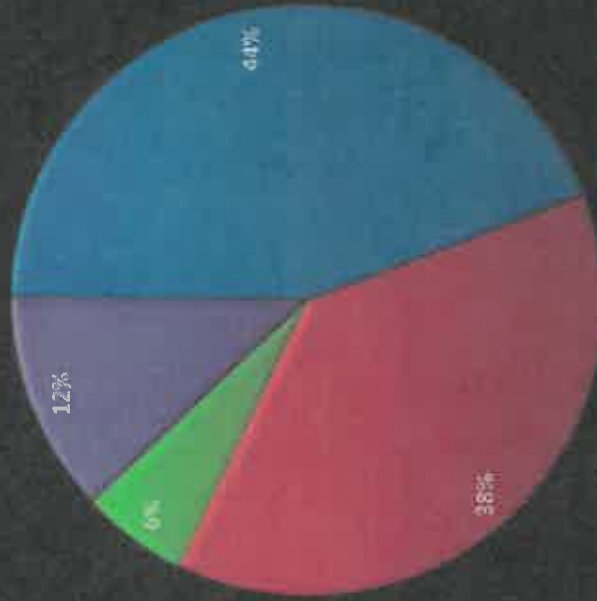
EX 3

Encore Boston Harbor Incidents 06/23/2019- 11/21/2019



Encore Boston Harbor Call Types June 23, 2019- November 21, 2019

■ Transports ■ Treated on Scene ■ Unknown ■ Fire-Related



Total Calls: 529
Total Medical Calls: 465
Transports: 233
Treated on Scene: 201
Unknown Status: 31
Fire Related: 64

Encore Boston Harbor Incidents by Shift June 23, 2019- November 21, 2019

