



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING# 337**

February 25, 2021
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 102 8083**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
February 25, 2021**

PLEASE NOTE: Given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings. In keeping with the guidance provided, the Commission will conduct a public meeting utilizing remote collaboration technology. If there is any technical problem with our remote connection, an alternative conference line will be noticed immediately on our website: MassGaming.com.

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, February 25, 2021
10:00 a.m.**

**Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 102 8083**

All documents and presentations related to this agenda will be available for your review on the morning of February 25, 2021 by [clicking here](#).

PUBLIC MEETING - #337

1. Call to order.
2. Approval of Minutes
 - a. November 3, 2020
 - b. November 5, 2020
3. Administrative Update – Karen Wells, Executive Director
 - a. On-site Casino Updates – Loretta Lillios, Deputy Director, Investigations and Enforcement Bureau Director; Bruce Band, Assistant Director, Gaming Agents Division Chief
4. Community Affairs Division – Joe Delaney, Community Affairs Division Chief
 - a. MGM Springfield Quarterly Report – Seth Stratton, Vice President & General Counsel MGM Springfield; Arlen Carballo, Director of Finance MGM Springfield; Jason Randall, Director of Human Resources MGM Springfield.



Massachusetts Gaming Commission

5. Racing Division – Dr. Alex Lightbown, Director of Racing
 - a. Harness Horsemen Association of New England Pension Plan Update – Dr. Alex Lightbown, Director of Racing; Alice Tisbert, Managing Director, Harness Horsemen’s Association of New England
 - b. Para-mutuel Taxes for Benefits to Jockeys – Dr. Alex Lightbown; Todd Grossman, General Counsel MGC **VOTE**

6. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Problem Gambling Awareness Month Kick-off & Problem Gambling Helpline Transition – Teresa Fiore, Program Manager of Research and Responsible Gaming; Mark Vander Linden, Director of Research and Responsible Gaming; Victor Ortiz, Director of Problem Gambling Services, MA Dept. of Public Health

7. Executive Director Evaluation – Commissioner Eileen O’Brien
 - a. Executive Director Evaluation Discussion – Chair Cathy Judd-Stein; Commissioner Gayle Cameron; Commissioner Enrique Zuniga

8. Legal Division – Todd Grossman, General Counsel
 - a. **205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections; 205 CMR 146:49: Cards: Receipt. Storage. Inspections, and Removal From Use; 205 CMR 146.51: Dealing Shoes: Automated Shuffling Devices.** This is an administrative change that will remove all references to the 6-to-5 blackjack variation from the regulation – and Small Business Impact Statement, for approval to begin the promulgation process - Carrie Torrisi, Associate General Counsel **VOTE**

9. Community Mitigation Fund – Joe Delaney, Community Affairs Division Chief
 - a. Community Mitigation Application Update Review – Joe Delaney, Community Affairs Division Chief; Mary Thurlow, Project Manager; Jill Griffin, Director of Workforce, Supplier and Diversity Development; Crystal Howard, Program Manager
 - b. Community Mitigation Fund City of Medford Grant Review – Joe Delaney, Mary Thurlow **VOTE**

10. Commissioner Updates



Massachusetts Gaming Commission

11. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

February 23, 2021

Cathy Judd-Stein, Chair

Date Posted to Website: February 23, 2021 at 10:00 a.m.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Hearing/Meeting Minutes

Date/Time: November 3, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 557 4101

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order a public hearing and meeting #325 of the Massachusetts Gaming Commission (Commission). Plainville Gaming and Redevelopment, LLC submitted an Application for a License to Hold or Conduct a Race Meeting for 2021 at Plainridge Park Casino. This hearing was intended to provide an opportunity for input and comment on the application to any interested entity or member of the public.

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present
Commissioner Cameron
Commissioner O'Brien
Commissioner Zuniga
Commissioner Stebbins
Chair Judd-Stein

Public Input

10:01 a.m. Dr. Alexandra Lightbown provided an overview and discussed the 2021 Plainridge Park Casino (PPC) Application for Racing. PPC Director of Racing Steve O'Toole, Vice President of Racing for Penn National Gaming Chris McErlean, and PPC Compliance Officer Lisa McKenney were present on the call.

Mr. O'Toole also discussed PPC's application including a review of the purse awards for 2020, some the challenges faced by the staff during the course of the pandemic, some points in Exhibit 25 as to why this racing license will be beneficial to the public, and the point that the application envisions 110 racing days over the course of a 33-week schedule.

10:13 a.m. Chief of the Plainville Police Department James Alfred joined the meeting and advised as to the positive relationship he that he maintains with the licensee as well as his opinion that PPC is a well-run facility that experienced only a few minor incidents in the past year.

Jennifer Thompson, the Town Administrator for the Town of Plainville, joined the meeting and advised that Chief Justin Alexander of the Plainville Fire Department was unable to join the meeting, but that she would be able to offer comments. She remarked about the successful collaboration of Penn National with Plainville's town and stated that Chief Alexander would share her sentiment if he could attend today. She endorsed the license application.

10:21 a.m. Raymond Campbell, Jr., President of the Standardbred Owners of Massachusetts, joined the meeting and described the breeding program's status to the Commission and commented on the program's success. He described some increased opportunities for Massachusetts bred horses that will lead to more interest in the breeding program.

10:25 a.m. Mr. O'Toole provided a high-level economic forecast for the track for the coming year. He described the difficulties presented by the pandemic, but also noted that purses averaged \$95,000 per racing day, which was very good, field sizes were very good, and competition overall was very good. Mr. O'Toole confirmed that he would be available for the Commission meeting on Thursday to address any further questions.

10:37 a.m. *Commissioner Stebbins moved to adjourn. Commissioner Cameron seconded the motion.*

Roll Call Vote:

Commissioner Stebbins: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

*Chair Judd-Stein: Aye.
The motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated November 3, 2020
2. 2021 Racing Application of Plainridge Park Casino

DRAFT



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 5, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 216 6879

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to Order public meeting #325 of the Massachusetts Gaming Commission (Commission).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

*Commissioner Cameron
Commissioner O'Brien
Commissioner Zuniga
Commissioner Stebbins
Chair Judd-Stein*

Approval of Meeting Minutes

10:01 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of August 13, 2020, subject to correction for typographical errors and*

other nonmaterial matters. Commissioner O'Brien and the Chair recommended edits. Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Abstained.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed 4-0 with the edits.

Administrative Update

10:04 a.m. **Job Listing Update**

Executive Director Karen Wells advised of three critical positions that were necessary to fill: Licensing Division Chief, IEB Director, and Associate General Counsel.

10:09 a.m. **Racing Overview**

Director of Racing Dr. Alexandra Lightbown updated the Commission on the Sire Stakes program, which successfully allocated funds to owners and breeders in Massachusetts. The Sire Stakes had eight races with \$90,000 purses. She also reported on the functions carried out by the racing staff and current testing and programs. These are on par with a typical year. Dr. Lightbown discussed the interest in racing at Plainridge Racecourse during COVID-19 in light of the significant amount of leftover purse money from 2018 and 2019.

COVID-19 Developments and Related Minimum Standards, Protocols, and Plans

10:19 a.m. **On-Site Casino Updates**

Investigations and Enforcement Bureau (IEB) Interim Director/Chief Enforcement Counsel Loretta Lillios, with IEB Assistant Director/Gaming Agents Division Chief Bruce Band, reported current casino operations to the Commission. Ms. Lillios stated that all properties have been operating under the enhanced health and safety measures, and they have all performed well. Guests that have been visiting the properties have had few incidents of noncompliance. There have been 20 active employees diagnosed with COVID-19 to date. Boards of health were notified in each incident. Each employee indicated a belief that their exposure occurred off-property. Ms. Lillios also confirmed that all employees that report to work wear masks and practice all health and safety measures.

Ms. Lillios indicated that the IEB had been meeting with licensees regarding Governor Baker's COVID-19 Order No. 53. Mr. Band concurred with Ms. Lillios' statements. Mr. Band confirmed that the gaming agents participated in a

survey conducted by Human Resources relative to observing health and safety measures.

Update Regarding COVID-19 Order No. 53

Ms. Wells stated that she has worked with the licensees to develop a plan to adhere to the Governor’s Order. Ms. Lillios reviewed the Order with the Commission where relevant to casinos and racing, and the plans submitted by each licensee in response. She then directed the Commissioners attention to the “Requirements to Ensure Compliance” document in the Commissioners’ packet which outlines a proposal that the gaming licensees submit a plan supplementing their existing plans by adding provisions to:

1. Identify operational steps and measures that the licensee will take to achieve compliance with the mandatory closing period required by Order No. 53 in an orderly and safe manner,
2. Supplement its communications plan and website information to inform the public of closing times and expectations,
3. Identify measures to ensure compliance with restrictions related to the service of alcoholic beverages, and
4. Describe the training and communication the licensee will undertake with its employees, restaurants, vendors, lessees, amenities, and other partners to ensure compliance.

10:34 a.m. **Review and Discussion Regarding Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments (the “Gaming Guidelines”)**

The licensees were thanked for putting their plans together so quickly. State Police Captain Brian Connors will report on operations and make suggestions as needed while working with the licensees and the Commission to execute plans in an orderly fashion. He will report back to the Commission with a status report.

10:43 a.m. *Commissioner Stebbins moved that the Commission supplement the Gaming Guidelines previously approved on June 23, 2020, by requiring each gaming licensee to comply with the “Requirements to Ensure Compliance with COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours at the Commonwealth’s Gaming Establishments” in the manner discussed at the meeting. Commissioner Cameron seconded the motion.*

Roll Call Vote:

*Commissioner Cameron: Aye.
Commissioner O’Brien: Aye.
Commissioner Stebbins: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.*

- 10:44 a.m. **Review and Discussion Regarding Protocols for Conduct of Live Racing Under COVID-19 (the “Horse Racing Guidelines”)**
 Ms. Lillios stated that the Plainridge racing operation is in compliance with the Governor’s Order, as the hours of live racing fall within the required hours and timeline in the Order.
- 10:56 a.m. *Commissioner Cameron moved that the Protocols for the Conduct of Live Racing Under Covid-19 be updated to incorporate the requirements set forth in COVID-19 Order No. 53 in the manner discussed at the meeting. Commissioner Stebbins seconded the motion.*
- Roll Call Vote:*
Commissioner Cameron: Aye.
Commissioner O’Brien: Aye.
Commissioner Stebbins: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.
- 10:46 a.m. **Review and Discussion Regarding Plans for Reopening of Simulcast Facilities (PPC, Raynham, Suffolk Downs) (the “Simulcast Guidelines”)**
 Ms. Lillios advised that Raynham will close before 9:30 p.m. and are already informing patrons of the new closing time. Suffolk Downs indicated that they are not open after 8:00 p.m. regardless, and PPC has implemented limited hours. Each licensee was present at the meeting.
- 10:48 a.m. *Commissioner Stebbins moved that the Commission direct the simulcasting licensees to supplement their respective Plans for Reopening of Simulcast Facilities as discussed at the meeting to ensure compliance with Covid-19 Order No. 53, and to submit the updated plan to the Commission for approval. Commissioner Cameron seconded the motion.*
- Roll Call Vote:*
Commissioner Cameron: Aye.
Commissioner O’Brien: Aye.
Commissioner Stebbins: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.

Licensing Division

- 10:49 a.m. **MGM-Springfield Gaming Beverage License Amendment Request – the addition of newly licensed area (“Smart Bar service bar”)**
 Ms. Lillios outlined MGM-Springfield’s request for a smart bar area. Daniel Miller, MGM Director of Compliance, and Abdallah Berry, MGM Vice President

of Hospitality, were also present. Ms. Lillios explained that MGM requested the amendment because servers are required to bring patrons' beverages to them during the pandemic, and it would enhance service times and social distancing. Supervising Gaming Agent Andrew Steffen described the proposed Smart Bar operation system for MGM. Ms. Lillios confirmed that these units are already in place at Encore Boston Harbor. Mr. Steffen confirmed that there is ample space to maintain social distancing, as typically only one server accesses the unit at a time.

10:55 a.m. *Commissioner Zuniga moved that the Commission approve MGM Springfield's request to amend the gaming beverage license, to add a newly licensed area for a "Smart Bar" service bar, as discussed here at the meeting. Commissioner Stebbins seconded the motion.*

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

10:56 a.m. **Gaming Service Employee Exemption Requests**

Chief Financial and Accounting Officer Derek Lennon, Licensing Specialist Mary Pulgarin, and Licensing Intake Officer Lisa Brookner, discussed specific gaming service employees' exemptions at Encore Boston Harbor and MGM-Springfield. Mr. Lennon summarized the proposal and stated that the licensing team supports the licensees' requests. It was noted that Encore Boston Harbor security ambassadors will be not be on the gaming floor or throughout the facility, mainly in the hotel entrance. It was further noted that the job description states that they will not be on the gaming floor. These are new positions created in response to the pandemic, so roles are limited to COVID-19 guideline compliance. There was also discussion relative to the requested exemptions for several positions at Wahlburgers at MGM-Springfield.

11:02 a.m. *Commissioner Zuniga moved that the Commission exempt the following positions from the registration requirements for the reasons described at the meeting:*

- 1. Wahlburgers Line and Prep Cook*
 - 2. Wahlburgers Dishwasher*
 - 3. Wahlburgers Hostess*
 - 4. Wahlburgers Dining Room Attendant*
 - 5. Wahlburgers Cashier*
 - 6. Encore Temporary Security Ambassador*
- Commissioner Stebbins seconded the motion.*

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.
Commissioner Stebbins: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.

Investigations and Enforcement Bureau

11:04 a.m. Plainridge Park Casino Suitability Individual Qualifiers

Katherine Hartigan, Senior Enforcement Counsel, presented two individual qualifiers for consideration for Commission's approval.

She described the IEB's investigations relative to Christopher Soriano, Vice President and Chief Compliance Officer for Penn National Gaming, Inc., and David Williams, Executive Vice President and Chief Financial Officer for Penn National Gaming, Inc. The investigations were conducted by Massachusetts State Police Trooper Thomas Rodger, Director of Financial Investigations Monica Chang, and Financial Investigator Fei Zou. It was noted that Mr. Williams is approved in Ohio, Texas and West Virginia and Mr. Soriano has been approved in New Mexico.

11:30 a.m. Commissioner Cameron moved that the Commission issue positive determinations of suitability to the following two Individual Qualifiers for Plainridge Park Casino:

- 1. Christopher Soriano, Vice President and Chief Compliance Officer for Penn National Gaming, Inc.*
- 2. David Williams, Executive Vice President and Chief Financial Officer for Penn National Gaming, Inc.*

Commissioner Stebbins seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.
Commissioner O'Brien: Aye.
Commissioner Stebbins: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.

12:00 p.m. Five Encore Boston Harbor Suitability Entity Qualifiers

Ms. Hartigan reviewed and described five entity qualifiers for consideration by the Commission. She noted that all qualifiers were in good standing.

12:15 p.m. Commissioner Stebbins moved that the Commission issue positive determinations of suitability to the following five Entity Qualifiers for Encore Boston Harbor:

- 1. EBH MA Property, LLC*
- 2. EBH Holdings, LLC*

3. Wynn America Group, LLC
 4. Wynn Resorts Finance, LLC
 5. Wynn Resorts Holdings, LLC
- Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Community Affairs Division

12:00 p.m. **Community Mitigation Fund – Foxborough/Plainville/Wrentham Grant Amendment**

Community Affairs Division Chief Joseph Delaney described the request contained in the packet as well as the analysis done by the team for the Commission. Program Manager Mary Thurlow joined. He compared the proposal to the Northampton proposal to develop a new website, and recommended that the Commission approve this proposal. A vote was required as the proposal was for more than 10% of the reserve grant's value.

12:00 p.m. *Commissioner Stebbins moved that the Commission allow for the amendment of the joint 2019 Non-Transportation grant instrument to reflect that the balance of \$27,200 can be used for the development of website/brand design services highlighting the connection of the casino with the towns of Foxborough, Plainville, and Wrentham.*

Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Racing Division

11:28 a.m. **2021 Racing Application**

Director of Racing, Dr. Alexandra Lightbown, presented the application for the re-licensure of Plainridge Racecourse. She noted the hearing that took place on November 3, 2020. She discussed the protocols and plans and implementation in response to the pandemic and described efforts to facilitate the opening of racing.

Next, she reviewed the criteria that the Commission must consider for the re-licensure of Plainridge Racecourse and noted that Plainridge Racecourse meets all these criteria and requirements therein. Dr. Lightbown recommended re-licensure with the stipulation that the track be subject to inspection prior to the commencement of racing. It was noted that there were no negative comments at the public hearing regarding this application.

11:36 p.m. Commissioner O'Brien moved that *having conducted a public hearing on November 3, 2020 to review the Application to Hold or Conduct a Live Racing Meeting in 2021, that the Commission find that the factors described in section 3(i) of chapter 128A have been satisfied. Accordingly, the Commission award a Racing Meeting license to Plainville Gaming and Redevelopment, LLC, for a racing meeting located at Plainridge Park Casino for 110 days during the 2021 racing season. Commissioner Zuniga seconded the motion.*

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

MGC Administration

11:36 a.m. **Internal Compliance and Audit Discussion**

Ms. Wells presented a PowerPoint presentation relative to the Commission's compliance and audit functions and specifically discussed how the IEB ensures on-site casino compliance, the roles of the gaming agents, I.T., finance, and the annual audit pursuant to G.L. c. 23K, §65. She also discussed compliance with Commission requirements, the host and surrounding community agreements, G.L. c. 23K, § 61 findings, license conditions, RFA-2 application commitments, licensee capital expenditure requirements, ILEV agreements, and quarterly and annual reports. Commission staff contributed to this discussion and offered perspectives as well.

The discussion included a recognition of the internal control questionnaire and the important role it plays in ensuring compliance with statutory requirements. There was also discussion as to what the Commission's internal compliance structure should look like. There was an ultimate recognition that reviewing and discussing this topic in this forum periodically is a helpful way to ensure that an adequate compliance program is in place under the direction of the Executive Director.

Legal Division

12:55 p.m. **Licensee Non-Disclosure Agreement Discussion**

General Counsel Todd Grossman presented an issue regarding the Non-Disclosure Agreement (NDA) executed between a licensee and the Commission, as it pertains to the public disclosure of non-gaming revenue figures provided by MGM as contained in a research report. He reviewed the relevant sections of the statute and the regulations. There was specific discussion as to how financial statements and disclosures are described in the NDA provision that MGM has pointed to. There was extensive discussion as to how this information may or may not be protected by the NDA in the context of the use of the information by Commission in contrast to the actual publication of the material. The discussion included the interpretation of the term 'use' in the NDA.

There was discussion as to the general understanding as to whether this type of financial information is generally covered by the NDA. The question as to whether there was a way in which the data could be described and/or estimated without disclosing the actual number provided by MGM was also discussed.

The consensus as to whether the use would be considered necessary (versus whether there may be public interest in the information) was that use of the non-gaming revenue figure provided by MGM via publication was not necessary. It was agreed that the report could be published without the specific number in it. The further consensus was that there should be a future discussion as to the NDA provision describing the appropriate use of such financial information.

1:52 p.m. *Commissioner Zuniga moved to adjourn the meeting. Commissioner Cameron seconded the motion.*

Roll Call Vote:

Commissioner Stebbins: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated November 5, 2020
2. Draft Commission Meeting Minutes of August 13, 2020
3. Gaming Supplemental Requirements dated November 5, 2020
4. Encore Boston Harbor Compliance Plan for COVID-19 Order No. 53
5. Live Racing Supplemental Requirements dated November 5, 2020
6. Live Racing Track Plan dated November 4, 2020

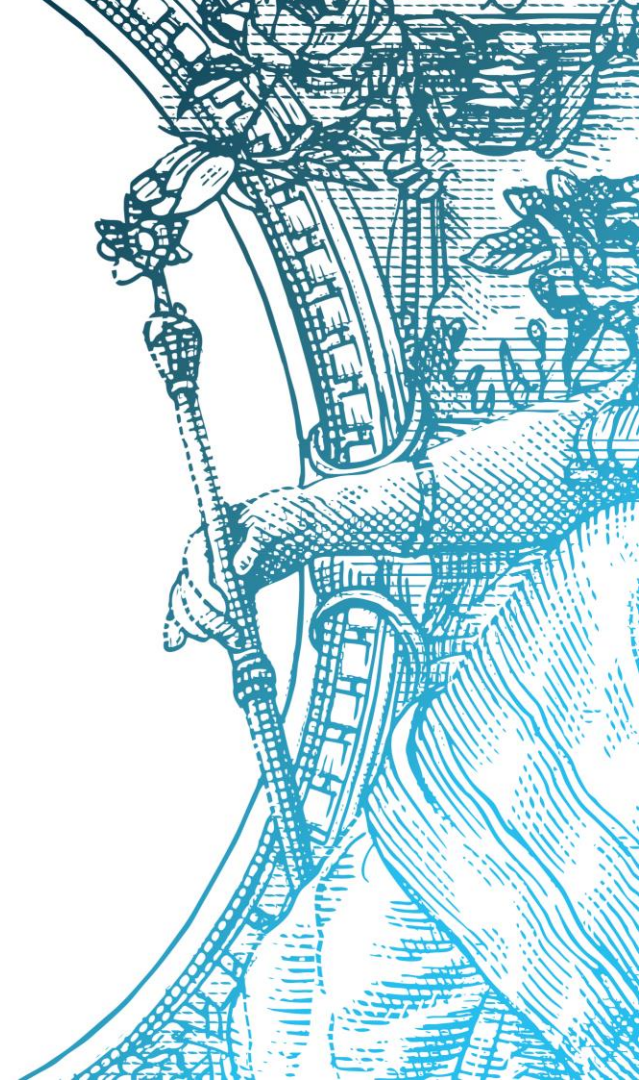
7. Simulcast Guidelines Supplemental Requirements dated November 5, 2020
8. Memorandum Re: Addendum to Raynham Park Reopening Plan dated November 3, 2020
9. Memorandum Re: MGM Springfield Application for Gaming Beverage License Amendment dated October 30, 2020
10. Blue Tarp redevelopment, LLC dba MGM Springfield Gaming Beverage License Amendment Application dated October 22, 2020
11. Smart Bar Floor Plan
12. Smart Bar Photos
13. Encore Boston Harbor Registration Exemption Request dated November 5, 2020
14. Wahlburgers Registration Exemption Request dated November 5, 2020
15. Memorandum Re: Foxborough 2019 Non-Transportation Grant dated November 2, 2020
16. Memorandum Re: Application to conduct live horse racing in 2021 dated November 5, 2020
17. PowerPoint Presentation: Compliance Overview dated November 5, 2020

DRAFT

Q4 2020 Report

Massachusetts Gaming Commission

February 25, 2021



REVENUE, TAXES, LOTTERY & COMPLIANCE



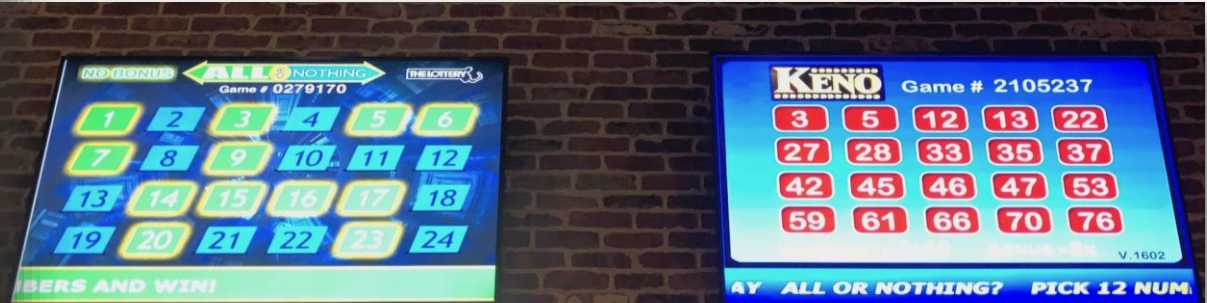
Q4 2020 Gaming Revenue & Taxes

Month	Gaming Revenue	MA Taxes
October	\$17,506,082	\$4,376,520
November	\$10,501,735	\$2,625,434
December	\$11,835,366	\$2,846,342
TOTAL	\$39,843,183	\$9,848,296

Lottery



Month	Lottery Sales at MGM Springfield
October	\$101,267
November	\$49,840
December	\$56,605

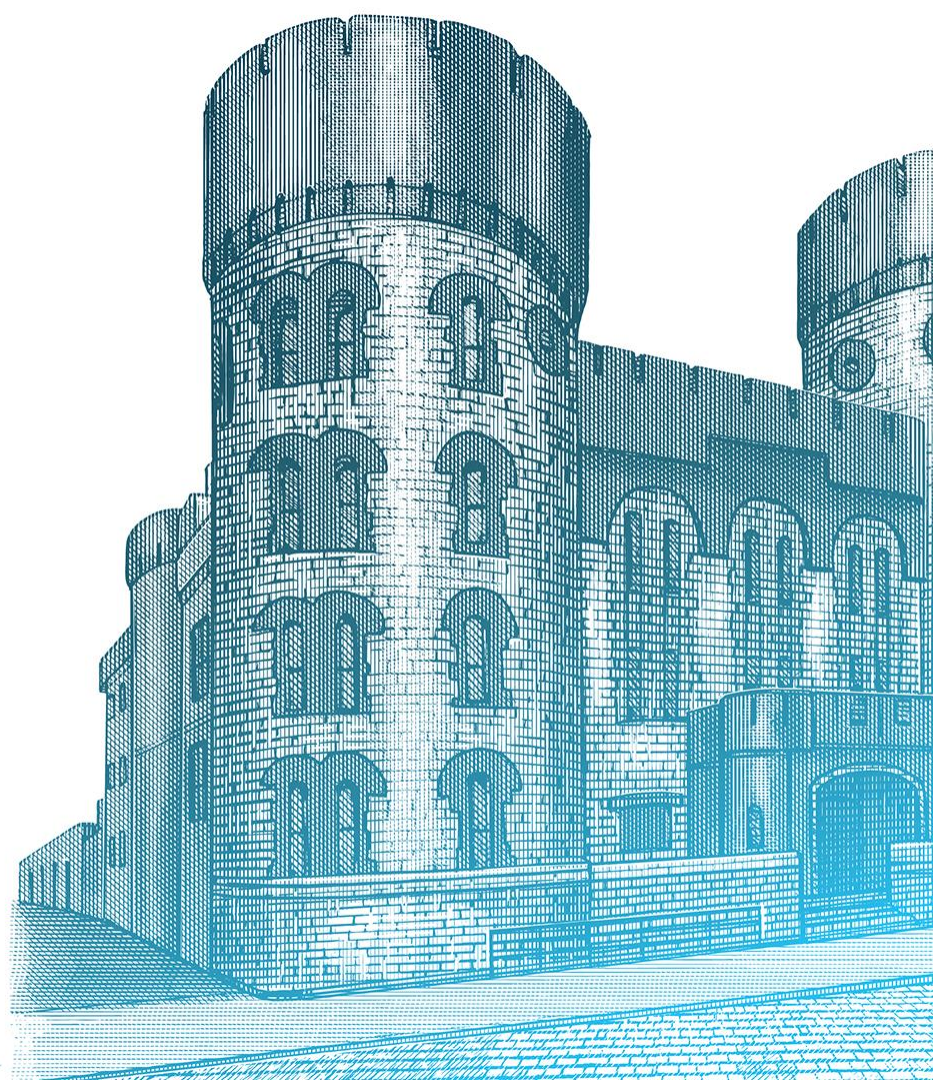


Compliance

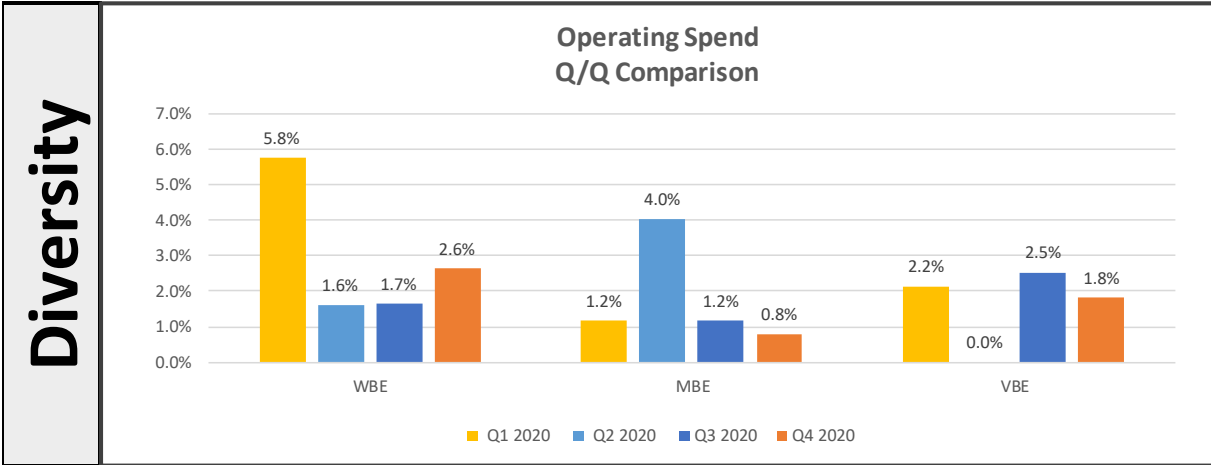


Month	Minors intercepted in Gaming Area and prevented from Gaming	Minors intercepted gaming	Minors intercepted consuming alcohol
October	2	0	0
November	0	0	0
December	2	2	1

SPEND UPDATE



Q4 2020 Operating Spend



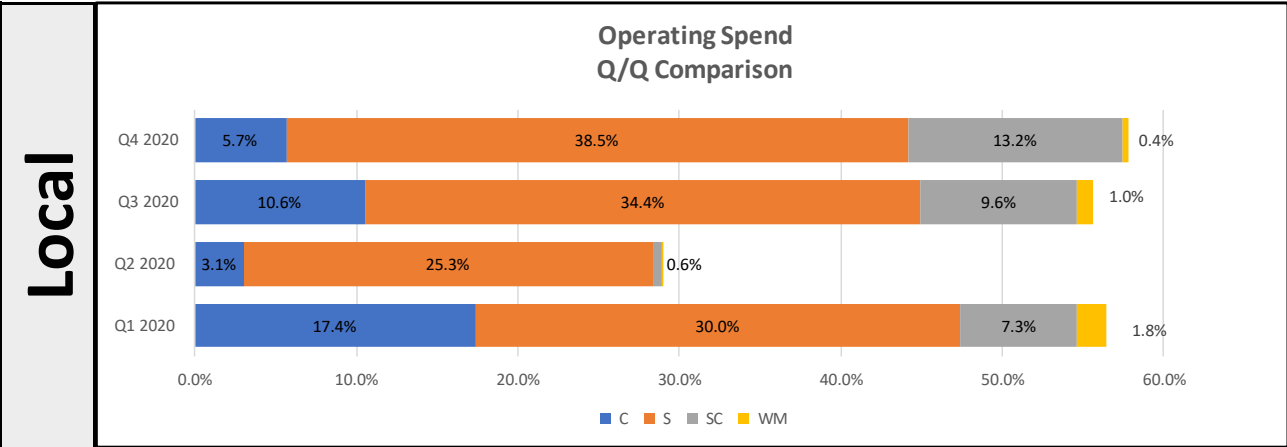
Diversity

Notes:

- Total Biddable Spend for Q3 2020 was \$5.7M
- Diversity categories defined as:
 - WBE – Women-Owned Business Enterprise
 - MBE – Minority-Owned Business Enterprise
 - VBE – Veteran Owned Business Enterprise
- Diversity spend goals defined as:
 - WBE – 15% of Biddable Spend
 - MBE – 10% of Biddable Spend
 - VBE – 2% of Biddable Spend

\$5.7M identified in Biddable Spend
\$0.3M in payments to Diversity Suppliers (5%)

Q4 2020 Operating Spend



Local

- Notes:
- Total Spend for Q4 2020 was \$6.2M
 - Spend segments defined as:
 - Commonwealth (C)
 - Springfield (S)
 - Surrounding Communities (SC)
 - Western Massachusetts (WM)

\$3.8M in payments to Mass. Suppliers (61%)
\$3.5M in payments to Western Mass (56%)



EMPLOYMENT



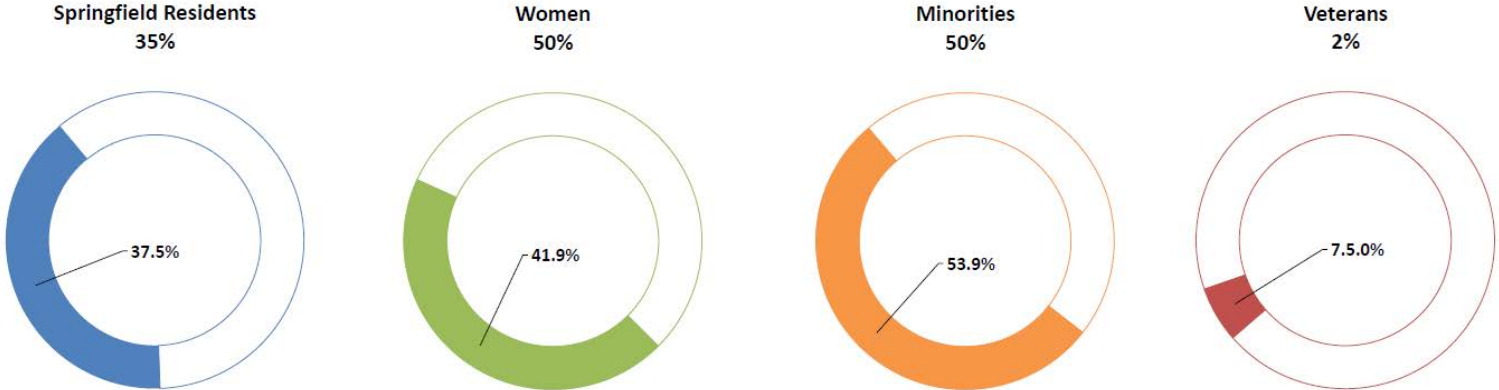
Employment Numbers

	Employees	Full-Time	Part-Time
Totals	891	771	120
% of Total	100%	86.5%	13.5%

2020/Q4	Goals	Q1 %	Q1 Total # of Employees	Q2 %	Q2 Total # of Employees	Q3 %	Q3 Total # of Employees	Q4 %	Q4 Total # of Employees
Minority	50%	53%	1,076	53%	1,074	56%	507	53.9%	480
Veteran	2%	6%	118	6%	116	7%	64	7.5%	67
Women	50%	44%	896	44%	892	42%	379	41.9%	373
<hr/>									
Springfield Residents	35%	40%	807	40%	806	40%	361	37.5%	335
Western MA Residents	-	-	1,553	-	1,546	-	679	-	661
MA Residents	-	-	1,584	-	1,577	-	692	-	677
<hr/>									
Total # Of Gaming Establishment Employees			2,022		2,012		911		891
Full Time			1,489		1,480		839		771
Part Time			394		393		70		91
On Call			139		139		2		29

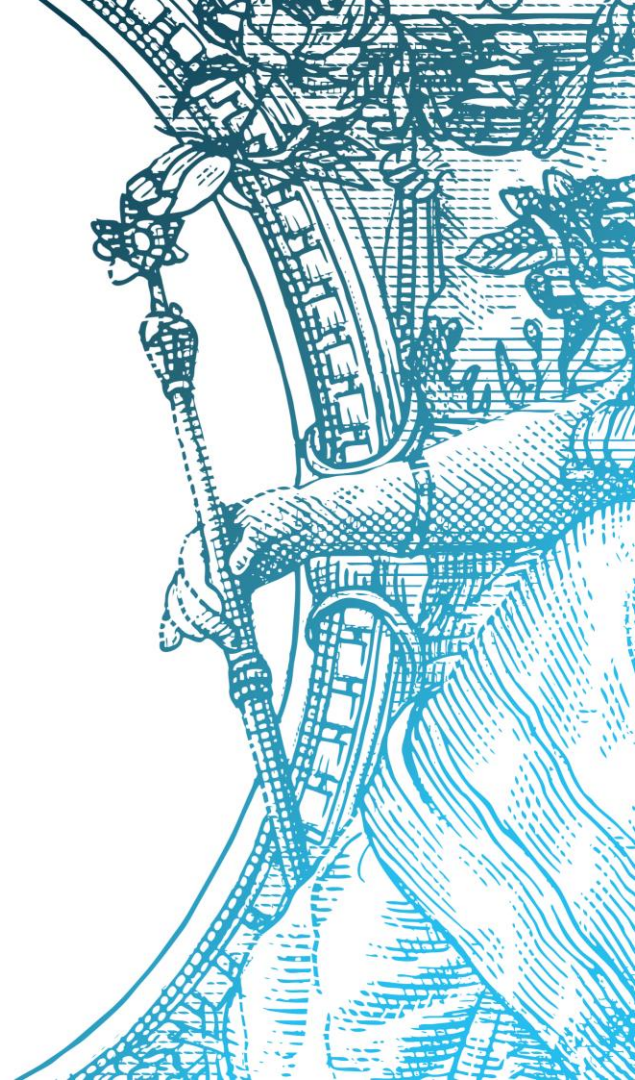


Progress on Hiring Goals



Represents 891 active employees as of 12/31/2020 (Does not include Campus Tenants, Vendors)

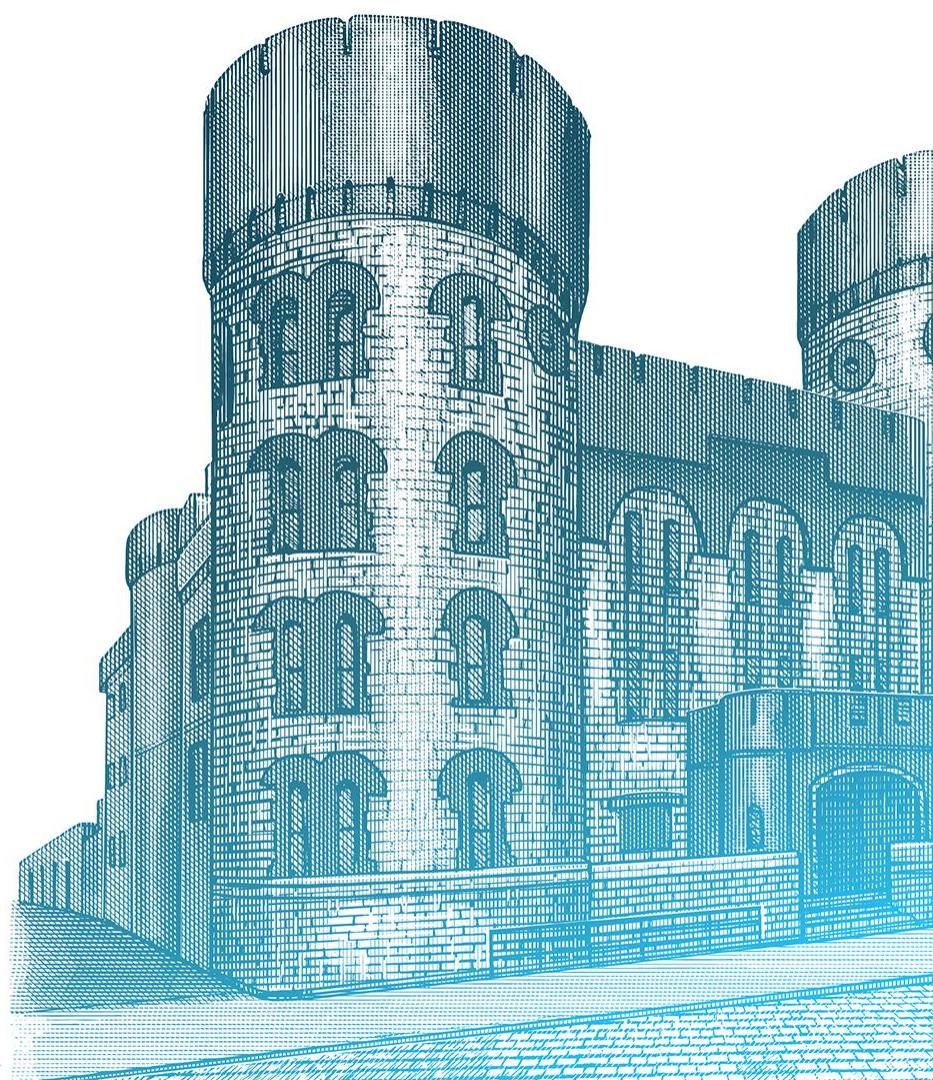
COMMUNITY ENGAGEMENT



Community Engagement



FUTURE IMPACT

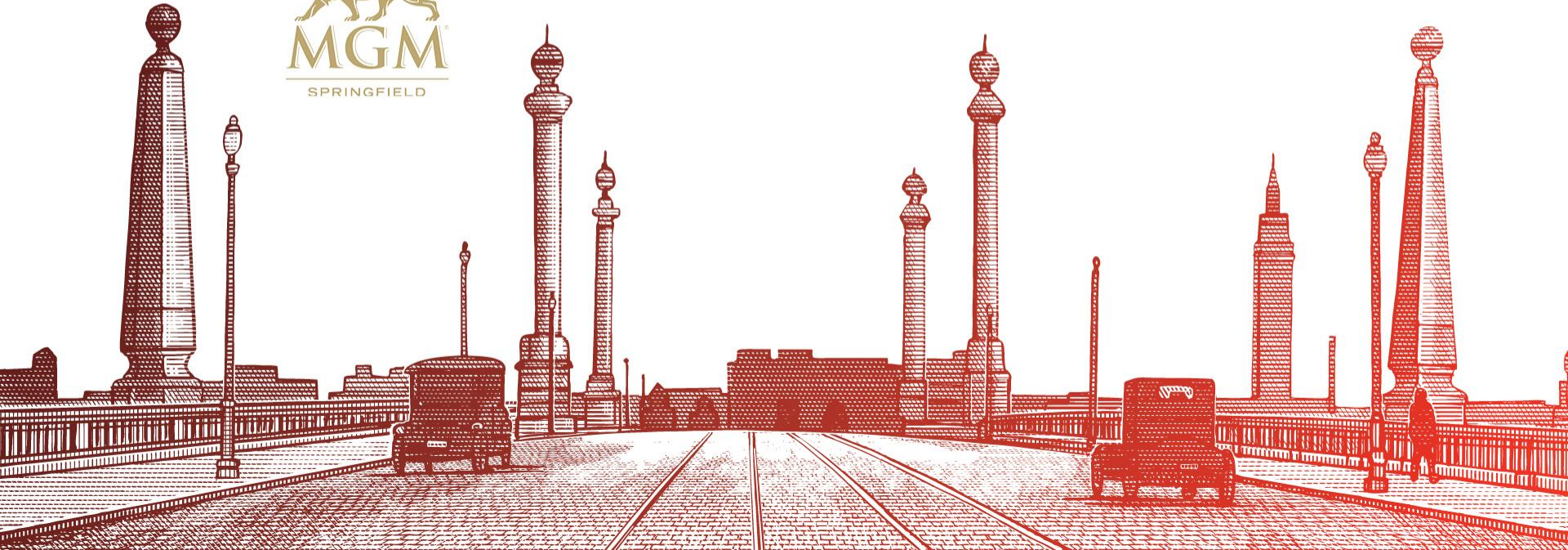


Development Update



- City contractor completed \$4M demo and remediation
- Developer moving forward on construction drawings, pricing and bidding
- Financial close expected in Spring/Summer 2021
- Wahlburgers completed construction – on track for Spring 2021 opening
- Armory Plans – none until Covid restrictions are lifted.

THANK YOU



RSP Requirements

REVISED FOR THE 2020 RACING SEASON ONLY

MEMBERSHIP

- You must be a HHANE member by May 31* each year and maintain your Good Standing at all times.
- Failure to renew your membership will result in forfeiture of any unvested contributions to your RSP account. Forfeited amounts are reallocated among the remaining active RSP Participants.

TRAINER & DRIVER REQUIREMENTS & POINTS

TRAINERS

- Points are determined by the number of Qualified Starts and trainer's residency as follows:

<u>Mass Res.</u>	<u>Points</u>	<u>Non-Mass</u>	<u>Points</u>
Min 12-24	.25	Min. 22-44	.25
25-36	.50	45-66	.50
37-49	.75	67- 89	.75
50 or more	1.00	90 or more	1.00

DRIVERS

- Points are determined by the number of Qualified Starts and driver's residency as follows:

<u>Mass Res.</u>	<u>Points</u>	<u>Non-Mass</u>	<u>Points</u>
Min 24-49	.25	Min. 45 - 89	.25
50-74	.50	90-134	.50
75-99	.75	135- 179	.75
100 or more	1.00	180 or more	1.00

PLEASE NOTE:

For the 2020 Racing Season, RSP eligible participants who did not have the minimum number of starts to earn one-quarter of one point in the 2020 racing season will not receive credit for a vesting year of service, however, he or she will not forfeit any unvested contributions to his or her RSP account. Please see any Director should you have any questions or concerns.

RSP Requirements

MEMBERSHIP

- You must be a HHANE member by May 31st each year and maintain your Good Standing at all times.
- Failure to renew your membership will result in forfeiture of any unvested contributions to your RSP account. Forfeited amounts are reallocated among the remaining active RSP Participants.

TRAINER & DRIVER REQUIREMENTS & POINTS

Trainers

- Minimum 2 starts/month during 6 separate months if Racing Season has less than 115 Race Days
- Points are determined by the number of Qualified Starts and trainer's residency as follows:

<u>Mass Res.</u>	<u>Points</u>	<u>Non-Mass</u>	<u>Points</u>
Min 20-39	.25	Min 30-59	.25
40-59	.50	60-89	.50
60-79	.75	90-119	.75
80 or more	1.00	120 or more	1.00

Drivers

- Minimum 4 starts/month during 6 separate months if Racing Season has less than 115 Race Days
- Points are determined by the number of Qualified Starts and driver's residency as follows:

<u>Mass Res.</u>	<u>Points</u>	<u>Non-Mass</u>	<u>Points</u>
Min 40-79	.25	Min 60-119	.25
80-119	.50	120-179	.50
120-159	.75	180-239	.75
160 or more	1.00	240 or more	1.00

PLEASE NOTE:

Any Trainer or Driver who does not complete the minimum number of Qualified Starts per month will forfeit any unvested contributions to his or her RSP account.

Forfeited amounts are reallocated among the remaining active Participants.

TO: Chair Judd-Stein, Commissioners Cameron, O'Brien and Zuniga

FROM: Mark Vander Linden, Director of Research and Responsible Gaming
Teresa Fiore, Program Manager of Research and Responsible Gaming

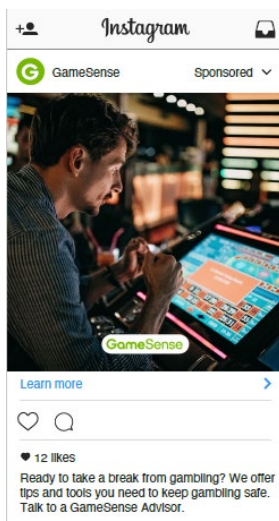
DATE: February 25, 2021

RE: 2021 Problem Gambling Awareness Month

The Massachusetts Gaming Commission (MGC) is happy to announce our support and recognition of March 2021 as Problem Gambling Awareness Month (PGAM). PGAM is a national public awareness and outreach campaign established by the National Council on Problem Gambling to bring awareness to issues associated with problem gambling and to highlight the resources available for those who may be struggling.

As in previous years, the MGC will carry out most PGAM awareness initiatives through the GameSense program. As the in-casino resource dedicated to ensuring that gambling remains fun and safe, GameSense is uniquely positioned to connect with players and casino staff alike. Specific initiatives include:

- Weekly digitized educational quizzes and raffles designed for casino staff and guests
- Casino staff outreach via GameSense branded items and brochures
- In-casino digital signage
- Overhead announcements at Plainridge Park Casino
- Promotional event partnership with MGM Springfield and Encore Boston Harbor
- GameSense Digital Advertising Campaign including retargeting strategy and geo-fencing
- PGAM posts for GameSense and licensee social media platforms
- Enhanced training on Asian and Pacific Islander community gambling risk factors and resources for Encore Boston Harbor staff
- Launch of live chat feature on Gamesensema.com
- Participation in Cambridge Health Alliance Gambling Disorder Screening Day
- March 2021 Problem Gambling Awareness Month proclamation issued by Governor Baker, Lieutenant Governor Polito and Secretary Galvin



Special thanks to Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino for their contributions to PGAM which helps to underscore the importance of collaboration in mitigating gambling-related harms within the commonwealth.

To close out the month, on March 31st we plan to release preliminary results from five waves of the Massachusetts Gaming Impact Cohort (MAGIC). Led by a team UMASS Amherst School of Public Health and Health Sciences, MAGIC is the first major longitudinal cohort study of gambling behavior in the US. This study provides information on how problem gambling develops, progresses and remits. Valuable etiological information from this study can be used to inform the development of programs and services.

Finally, increased attention and awareness of gambling-related harms during PGAM presents an ideal time to highlight an important initiative led by our partner at the Department of Public Health. Victor Ortiz, Director of Problem Gambling Services will present information about the new state-wide problem gambling helpline.

The Commonwealth of Massachusetts



A Proclamation

Whereas, To maximize the benefits of casino gaming in Massachusetts, we must tirelessly seek to minimize any potential harm, including problem gambling; and

Whereas, Research has proven that problem gambling affects over 110,000 Massachusetts residents and another 440,000 residents are at-risk of developing a problem; and

Whereas, Problem gambling disproportionately impacts some groups, but any Massachusetts resident, regardless of age, race, or ethnic background, can be affected; and

Whereas, Promoting an awareness month provides individuals in the problem gambling community with an opportunity to educate the public and policymakers about the social and financial effectiveness of services available for problem gambling; and

Whereas, Problem gambling is preventable and should include community-based prevention along with responsible gaming strategies that combine casino-based with public outreach and education strategies; and

Whereas, Problem gambling is treatable, and therefore treatment and other intervention strategies should be widely accessible for Massachusetts residents; and

Whereas, Research on gambling behaviors and problem gambling is necessary and informs effective prevention and treatment programs; and

Whereas, Numerous individuals, professionals, and organizations have dedicated themselves to educating the public about problem gambling and the availability and success of treatment,

Now, Therefore, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, do hereby proclaim March 1st to March 31st, 2021, to be,

PROBLEM GAMBLING AWARENESS MONTH

And urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

Given at the Executive Chamber in Boston, this tenth day of February, in the year two thousand and twenty-one, and of the Independence of the United States of America, the two hundred and forty-fourth.

BY HIS EXCELLENCY

Handwritten signature of Charles D. Baker in blue ink.

CHARLES D. BAKER
GOVERNOR OF THE COMMONWEALTH

Handwritten signature of Karyn E. Polito in blue ink.

KARYN E. POLITO
LT. GOVERNOR OF THE COMMONWEALTH

Handwritten signature of William Francis Galvin in blue ink.

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

God Save the Commonwealth of Massachusetts



150 YEARS
OF ADVANCING
PUBLIC
HEALTH

Massachusetts Department of Public Health

MASSACHUSETTS PROBLEM GAMBLING HELPLINE

MASSACHUSETTS GAMING COMMISSION

Victor Ortiz, Director – Office of Problem Gambling Services

February 25th, 2021

VISION

Optimal health and well-being for all people in Massachusetts, supported by a strong public health infrastructure and healthcare delivery.

MISSION

Prevent illness, injury, and premature death; ensure access to high quality public health and health care services; and promote wellness and health equity for *all* people in the Commonwealth.

DATA

We provide relevant, timely access to data for DPH, researchers, press, and the general public in an effective manner in order to target disparities and impact outcomes.

DETERMINANTS

We focus on the social determinants of health: the conditions in which people are born, grow, live, work, and age, which contribute to health inequities.

DISPARITIES

We consistently recognize and strive to eliminate health disparities amongst populations in Massachusetts, wherever they may exist.

EVERYDAY EXCELLENCE

PASSION AND INNOVATION

INCLUSIVENESS AND COLLABORATION

PG Helpline: Introduction

Key Points:

- Problem gambling has a high level of co-morbidity with substance addiction disorder and mental health (Alegría, Petry, Hasin, Liu, Grant, & Blanco, 2009).
- Disproportionately impacts individuals with mental health disorders, substance addiction disorders, and communities of color (Alegría, Petry, Hasin, Liu, Grant, & Blanco, 2009).

Background: Massachusetts

Previously, DPH funded two separate helplines – one for problem gambling and one for substance use. Based on evidence, data, and the results of a 2019 helpline evaluation, the integration of helplines would **improve alignment, efficiency, caller experience, and cost effectiveness.**

PG Helpline: Advantages of Integration

The integrated Helpline will enhance **caller experience**, **maximize cost effectiveness**, and **expand reach**.

- Providing **24/7 bi-lingual services** (Spanish) and capacity for additional languages
- Screening an estimated **15,000-20,000** annual Substance Use Helpline callers for problem gambling
- Conducting **direct transfers to referral treatment sources** that will improve access and engagement of treatment
- Providing follow-up services from **Helpline clinicians to callers**
- Robust **quality assurance** protocols to ensure efficiency and effectiveness.



PG Helpline: Transitional Plan - Highlights

Phase 1- Planning and Coordination (May 2020)

- Engaged in the planning with both MGC and Mass Lottery
 - Mass Lottery updated materials including its **website, lottery tickets, and kiosks.**
 - MGC provided **RG training for helpline staff.**
- Informed over 2,000 treatment providers and community-based programs

Phase 2- Implementation of Services (July 2020)

- Began providing ongoing services at new number 24/7
- Developed website: www.mahelpline.org/problemgambling
- Developed data dashboard

Phase 3 – Promotion (November 2020 - Present)

- Updated DPH website
- Develop Mass PG Helpline **logo**
- Planning promotional activities in partnership with MGC and Mass Lottery for **PGAM**





Massachusetts Department of Public Health

150 YEARS
OF ADVANCING
PUBLIC
HEALTH

Thank You!



TO: Commission
FROM: Trupti Banda, Human Resources Manager
DATE: February 23, 2021
RE: Executive Director Compensation

Below is the salary history for the Executive Director position at the Massachusetts Gaming Commission, as well as a sampling of Executive Director salaries at other jurisdictions. Our salary structure has this position in a pay band with a minimum of \$129,600 and a maximum of \$207,400, with a midpoint of \$168,500.

Past MGC Executive Director Salaries:

Executive Director #1:

Hired – 3/17/2013: \$185,000
Merit Increase – 4/19/2015: \$190,550
Salary at Departure on 9/12/2015: \$190,550

Executive Director #2:

Hired – 1/3/2016 \$185,000
One Time Bonus –
 12/11/2016: \$2,683
 4/1/2018: \$3,700
 11/25/2018: \$5,550
Salary at Departure on 1/10/2020: \$185,000

Executive Director Salaries in sampling of other Gaming Jurisdictions:

PA - \$213,165 (2018, and they started in the position in 2009)
MI - \$151,528 (2019, and they started in the position in 2007)
OH - \$173,910 (2020)
MD - \$184,000 (2019)
IN - \$166,251 (2020)
MS - \$120,539 (2019)
NV – \$274,000+ (2020 – ED left in November NEW ED started on 11/18/20)



Massachusetts Gaming Commission

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Overview		
CMR Number	205 CMR 146.13, 146.49, 146.51	
Regulation Title	Blackjack Table; Card Reader Device; Physical Characteristics; Inspections Cards: Receipt. Storage. Inspections, and Removal From Use Dealing Shoes: Automated Shuffling Devices	
& Draft Regulation		& Final Regulation
Type of Proposed Action		
☐ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised):		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
This change removes references to the “6 to 5 blackjack variation” from three locations in Chapter 146 as that variation does not exist under the rules of blackjack.
Nature of and Reason for the Proposed Action
This is an administrative change to align the regulations with the rules of the game.

Additional Comments or Issues Not Earlier Addressed by this Review
--

Regulation Review Checklist

Required Attachments	
ü Please check all that apply	
& Redlined version of proposed amendment to regulation, including repeals	& Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
& Text of statute or other legal basis for regulation	
& Small Business Impact Statement (SBIS)	& Amended SBIS



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 amendment to 205 CMR 146.00: Gaming Equipment, in its sections 13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections; 49: Cards: Receipt. Storage. Inspections, and Removal From Use; and 51: Dealing Shoes: Automated Shuffling Devices.

This regulation was developed as part of promulgating regulations governing the operation of gaming establishments in the Commonwealth and is primarily governed by G.L. c.23K, §§2, 4(37) 5. The proposed amendments to 205 CMR 146.13, 146.49, and 146.51 remove references to the 6-to-5 blackjack variation as that variation does not exist under the rules of blackjack.

This is a technical correction and as such will not impact small businesses. Under G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed amendments to this regulation:

No small business will be subject to any impact.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed amendments to this regulation:

There are no further projected reporting, recordkeeping, or administrative costs created by these amendments that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

This amendment does not impose any new standards as it is a technical correction to be consistent with the Commission’s approved rules of the game of blackjack.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed amendments to this regulation:



Massachusetts Gaming Commission

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed amendments to this regulation are likely to deter or encourage the formation of new businesses in the Commonwealth:

As the proposed amendment is a technical correction to be consistent with the rules of the game of blackjack, it will not be any consequence to the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

Carrie Torrisi
Associate General Counsel

Dated: _____



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 146.00: GAMING EQUIPMENT

146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections

- (1) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer. A true-to-scale rendering and a color photograph of the layout(s) shall be submitted to the Bureau prior to utilizing the layout design.
- (2) The layout for a blackjack table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee offering the game; and
 - (b) Specific areas designated for the placement of wagers, which betting areas shall not exceed seven in number, ~~with the exception of the 6 to 5 blackjack variation, which shall contain no more than six betting areas.~~
- (3) The following inscriptions shall appear on the blackjack layout:
 - (a) Blackjack pays 3 to 2 or 6 to 5;
 - (b) The draw rules of one of the following options:
 1. Dealer must draw to 16 and stand on all 17s;
 2. Dealer must hit on soft 17s; or
 - (c) Insurance pays 2 to 1.
- (4) If a gaming licensee offers blackjack rule variations, the blackjack layout shall have imprinted on it the appropriate rules or payout odds observed for the particular version of blackjack being offered, which may include:
 - (a) Blackjack pays 1 to 1;
 - (b) Dealer must draw to 16 and stand on all 17s or Dealer must hit on soft 17s;
 - (c) Dealer's hole card dealt face up; or
 - (d) Other similar language approved by the Assistant Director of the IEB.
- (5) Each blackjack table shall have a drop box and a tip box attached to it with the location of said boxes on the same side of the gaming table, but on opposite sides of the dealer, or an area approved by the Assistant Director of the IEB.
- (6) If a gaming licensee offers one of the permissible additional wagers pursuant to the authorized Rules of the Game of blackjack, the blackjack layout shall have designated areas for the placement of the additional wager and shall have the payout odds for the additional wager imprinted on the layout or a separate sign located at the table containing the payout odds for the additional wager.
- (7) A blackjack table may have attached to it an approved card reader device which permits the dealer to read their hole card in order to determine if the dealer has a blackjack in accordance with the authorized Rules of the Game of blackjack. If a blackjack table has an approved card reader device attached to it, the floorperson

assigned to the table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order. A card reader device may not be used on a blackjack table offering a progressive blackjack wager pursuant to the authorized Rules of the Game of blackjack.

(8) Notwithstanding the requirements of 205 CMR 146.13(2), if a gaming licensee offers multiple action blackjack in accordance with the authorized Rules of the Game of blackjack, the blackjack layout shall contain, at a minimum:

- (a) Three separate designated betting areas for each player position at the table with each separate betting area being numbered one through three, provided, however, that the number of player positions at each table shall not exceed six;
- (b) A separate designated area on the layout for each player position for the placement of insurance wagers;
- (c) A separate designated area on the layout for each player position for the placement of double down wagers;
- (d) A separate designated area on the layout for each player position for the placement of split pair wagers; and
- (e) Three separate areas designated for the placement of the dealer's original face up card with each separate area being numbered one through three.

(9) In order to collect the cards at the conclusion of a round of play as required by the authorized Rules of the Game of blackjack and at such other times as provided in 205 CMR 146.49, each blackjack table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used to play the game at that table; provided, however, that a taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used to play the game at that table. Whenever a double shoe is used at a blackjack table, the same number of decks shall be used in each side of the double shoe, and the height and marking requirements for that table's discard rack shall be determined from the number of decks used in one side of the shoe.

(10) If a gaming licensee offers a progressive blackjack wager pursuant to the authorized Rules of the Game of blackjack, the blackjack layout shall have designated areas for the placement of the progressive blackjack wager and shall contain the following equipment:

- (a) A separate acceptor device for the placement of a progressive wager. Each acceptor device shall have a light which shall illuminate upon placement and acceptance of a gaming chip;
- (b) A method to ensure that only one progressive blackjack wager is made per spot, per round of play;
- (c) A device or method to indicate that a progressive blackjack wager has been won;
- (d) A sign describing the winning wagers and the payouts to be awarded on winning progressive blackjack wagers at a location near or on the table;

- (e) A table controller panel which shall be equipped with a "lock-out" button which, once activated by the dealer, will prevent any player's gaming chip from being recognized in the acceptor device; and
- (f) A mechanical, electrical or electronic table inventory return device which shall permit all gaming chips deposited into the acceptor devices to be collected and immediately returned to a designated area within the table inventory container prior to the dealing of a hand. The table inventory return device shall be designed and constructed to contain any feature the Bureau may require to maintain the security and integrity of the game. The procedures for the operation of all functions of the table inventory return device shall be submitted to the Bureau.

(11) If a gaming licensee offers a blackjack bonus wager pursuant to the authorized Rules of the Game of blackjack, the blackjack layout shall have designated areas for the placement of the blackjack bonus wager, and shall contain the following equipment:

- (a) A table controller located in an area of the table or the pit which area shall be secured by dual locking mechanisms, which are unique from one another. One locking mechanism shall be maintained and controlled by a gaming establishment security supervisor, and the second locking mechanism shall be maintained and controlled by a table games supervisor;
 - 1. One table controller shall control no more than four blackjack tables. Procedures for the operation, security and control of the table controller shall be submitted to the Bureau prior to implementation;
 - 2. Whenever it is required that a table controller or any device connected thereto which may affect the operation of the blackjack bonus system be accessed or opened, certain information shall be recorded on a form entitled "Controller Access Authorization Log," which shall include, at a minimum, the date, time, purpose of accessing or opening the controller or device, and the signature of the authorized employee accessing or opening the machine or device. The Controller Access Authorization Log shall be maintained in the same secured location as the table controller, and shall have recorded thereon a sequential number and the manufacturer's serial number or the asset number of the controller;
- (b) A blackjack bonus button, which shall be located at the table by the dealer, and used by each player with a winning blackjack bonus wager to generate a bonus amount to be won by that player. The blackjack bonus button shall be attached to the table in a manner that will enable the dealer to place the blackjack bonus button directly in front of each winning player;
- (c) A blackjack bonus display, which shall be located at the table and shall display the amount of the winning blackjack bonus on both sides of the device, so that the amount is visible to all players, the dealer and supervisory personnel; and
- (d) A sign containing the amount of the blackjack bonus wager, as well as the minimum and maximum possible blackjack bonus amounts to be awarded, pursuant to 205 CMR 147.03.

(12) If a gaming licensee offers a streak wager pursuant to the authorized Rules of the Game of blackjack, the blackjack table shall also contain:

- (a) A layout which shall include, at a minimum:
 - 1. Four additional separate designated betting areas for each of the player positions at the table, which areas shall be numbered “2” through “5”; and
 - 2. The inscriptions “Two consecutive wins pays 3 to 1,” “Three consecutive wins pays 7 to 1,” “Four consecutive wins pays 17 to 1,” and “Five consecutive wins pays 37 to 1”; and
- (b) The following equipment:
 - 1. Marker buttons (“lammers”) with the gaming licensee’s name or logo, to indicate how many consecutive blackjack hands a patron has won or another device or method approved by the Bureau; and
 - 2. A sign containing the permissible amount of the streak wager, posted pursuant to 205 CMR 147.03.

(13) If a gaming licensee offers a Match-the-Dealer wager pursuant to the authorized Rules of the Game of blackjack, the blackjack table shall contain:

- (a) A layout which shall include, at a minimum, an additional designated betting area bearing the inscription “Match-the-Dealer” at each of the player positions at the table; and
- (b) A layout inscription or sign posted at the blackjack table indicating the payout odds for the Match-the-Dealer wager.

(14) If a gaming licensee offers the twenty point bonus wager pursuant to the authorized Rules of the Game of blackjack, the layout otherwise required by this section shall also include, at a minimum, an additional designated betting area for the twenty point bonus wager at each of the player positions at the table. The blackjack table shall also contain a sign setting forth the payout odds for the twenty point bonus wager.

(15) If a gaming licensee offers the option set forth in the authorized Rules of the Game of blackjack that requires the dealer to draw additional cards on a soft 17, the blackjack layout shall have imprinted on it, at a minimum, the following inscription instead of the inscription set forth in 205 CMR 146.13(3)(b):

“Dealer must draw to 16 and soft 17 and stand on hard 17’s and all 18’s.”

(16) If a gaming licensee offers the optional bonus wager pursuant to the authorized Rules of the Game of blackjack, the layout otherwise required by this section shall include, at a minimum, an additional designated betting area for such wager at each of the player positions at the table. In addition, payout odds for the optional bonus wager shall be inscribed on the layout or posted on a sign at each such blackjack table.

(17) If a gaming licensee requires a hand fee, the approved layout otherwise required by this section shall include, at a minimum, an additional designated area at each player position for the placement of the hand fee.

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 146.00: GAMING EQUIPMENT

146.49: Cards: Receipt. Storage. Inspections, and Removal From Use

(1) When decks of cards are received for use in the gaming establishment from the manufacturer or distributor thereof, at least two individuals, one of whom shall be from the casino games department and the other from the security department or accounting department, shall record on an inventory log required in 205 CMR 146.46(2), the number of decks received. The individuals shall place the decks of cards in a locked cabinet in the cashiers' cage or within a primary or secondary storage area located in the cashiers' cage or in another secure place approved by the Bureau. Secondary storage areas shall be used for the storage of surplus decks of cards. Decks of cards maintained in secondary storage areas shall not be distributed to gaming pits or tables for use in gaming until the decks have been moved to a primary storage area. A gaming licensee may have a separate storage area approved by the Bureau for decks of cards to be used at the game of poker.

(2) The gaming licensee shall maintain an inventory log (manual or electronic) for each approved storage area, to separately account for decks of cards packaged individually and in sets of multiple decks in accordance with the gaming licensee's card inventory system, which shall include the recordation of the following:

- (a) The decks of cards received from the vendor,
- (b) The decks of cards removed from storage;
- (c) The decks of cards returned to storage;
- (d) The date of receipt of, removal from, return to, or physical inventory;
- (e) The signatures of the games, security and/or accounting department personnel participating in the procedure;
- (f) A reconciliation on a daily basis of the decks of cards distributed, destroyed and cancelled, returned to the storage area, in use on an open gaming table for more than 24 hours and, if any, in card reserve; and
- (g) A physical inventory of the decks of cards at least once every three months. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of decks of cards on hand as required in accordance with 205 CMR 146.49(1).
- (h) Any discrepancies shall immediately be reported to the Bureau.

(3) All primary, secondary, poker storage areas, and pit stands used to store cards for more than one gaming day, other than the cashiers' cage, shall have two separate locks. The security department shall maintain one key and the games department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the games department below the table games shift manager in the organizational hierarchy shall have access to the games department key for the primary and secondary storage areas and no person below the poker shift supervisor in the organizational hierarchy shall have access to the games department key to the poker storage area. Decks of cards stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by a table games shift manager or supervisor thereof.

(4) When removing cards from the primary storage area, a representative of the games department, in the presence of a security officer, shall remove the appropriate number of decks of cards. The representative of the games department may be the table games shift manager or a supervisor thereof, or an employee of the games department who reports directly to the shift manager, and shall be licensed as a gaming key employee and shall have no direct supervisory responsibilities over the operation and conduct of the table games in a pit during that gaming day. This individual shall distribute sufficient decks to the table games supervisor and, if applicable, to the poker shift supervisor. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the table games supervisor or the poker shift supervisor or supervisor thereof. If decks of cards are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department.

(a) If the decks are to be inspected at open gaming tables pursuant to 205 CMR 146.49(6), the table games supervisor shall distribute the decks to the dealer at each table or the poker shift supervisor shall transport the decks to the poker pit stand for subsequent distribution to the dealer at each poker table either directly or through the floorperson assigned to supervise the dealer.

1. Prior to distributing decks to each poker table, the poker shift supervisor or floorperson shall examine each deck to determine if any replacement cards are necessary pursuant to 205 CMR 146.49(6). If needed, the poker shift supervisor or floorperson shall place the appropriate replacement cards into the deck from the cards held in reserve at the pit stand. Upon insertion of the replacement cards into the deck, the poker shift supervisor or floorperson shall re-examine the front of each card and the back of each card to ensure a consistent shading pattern and to ensure that the condition of the deck with the inclusion of the replacement cards has sufficient quality in order to maintain the integrity of gaming at poker.

2. If the integrity of gaming at poker would in any way be compromised by the use of the deck with the replacement cards, the entire deck of cards shall be placed in a sealed envelope or container, identified with the date and time and shall be signed by the poker shift supervisor. The poker shift supervisor shall maintain the envelope or container in a secure place within the pit stand until collection by a security officer.

(5) When removing cards from the poker storage area, the poker shift supervisor or supervisor thereof and a casino security officer shall, prior to the commencement of each gaming day and at such other times as may be necessary, remove the appropriate number of decks from the poker storage area and distribute the decks in accordance with the provisions of 205 CMR

146.49(4)(a). The number of decks distributed shall include extra decks that shall be placed in the pit stand for card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the poker shift supervisor or supervisor thereof. If decks of cards are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department.

(6) With the exception of cards which are pre-inspected and pre-shuffled, each deck of cards shall be inspected by a dealer and the inspection verified by a table games supervisor prior to the use of the cards on a gaming table.

(a) Card inspection at an open gaming table shall require each deck of cards to be sorted into sequence and into suit and a visual inspection of the back of each card. If, after inspecting the cards, the dealer finds that a card is unsuitable for use or an extra card is found, the following procedures shall be observed:

1. If a card is unsuitable for use:

a. A poker shift supervisor or games supervisor shall bring a substitute card from the card reserve in the pit stand;

b. The unsuitable card shall be placed in a sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and floorperson assigned to that table; and

c. The poker shift supervisor or games supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer;

or

2. If an extra card is found:

a. The poker shift supervisor or games supervisor shall place the extra card in a sealed envelope or container, identified by table number, date and time and signed by the dealer and floorperson assigned to that table; and

b. The poker shift supervisor or games supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

(b) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(7) Any cards which have been opened and placed on a gaming table shall be changed at least every 24 hours. Notwithstanding the foregoing:

(a) Except as otherwise provided in 205 CMR 146.49(7)(e) for baccarat and in 205 CMR 146.18(c) for mini-baccarat, cards opened for use on a baccarat, mini-baccarat, or fast action Hold'em table shall be changed at least once during the gaming day;

(b) Cards opened for use on a pai gow poker, Caribbean stud poker, let it ride poker, Colorado Hold'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, two-card joker poker, flop poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker table and dealt from a dealing shoe and cards opened for use on a double down stud table and dealt from the hand shall be changed at least every eight hours;

(c) Cards opened for use on a pai gow poker, Caribbean stud poker, let it ride poker, Colorado Hold'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker table and dealt from the dealer's hand shall be changed at least every four hours;

~~(d) Cards opened for use on a blackjack table offering the 6 to 5 blackjack variation shall be changed at least every four hours; [This section has been deleted.]~~

(e) Cards opened for use on a baccarat table using the alternative dealing procedure shall be changed after each shoe;

(f) Cards opened for use on a poker table shall be changed at least every six hours; and

(g) Cards opened for use on a blackjack, Spanish 21 or double attack blackjack table, or on a mini-baccarat table using the alternative dealing procedures of a continuous shuffling shoe or device as set forth in the authorized Rules of the Game of Mini-baccarat, may be used for no more than 48 hours if the following requirements are satisfied:

1. The gaming table shall remain open for gaming during the entire period of card usage;
2. At least six decks of cards shall be used to play the game; and
3. A table games shift manager shall identify for the surveillance department those gaming tables at which cards are in use for the extended period.

(8) Cards damaged during course of play shall be replaced by the dealer who shall request a floorperson or supervisor thereof for the game of poker or casino supervisor for all other games to bring cards in substitution from the pit stand.

(a) The damaged cards shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the individual who brought the replacement card to the table.

(b) The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, or at the end of the extended period pursuant to 205 CMR 146.49(7)(g), and at such other times as may be necessary, the floorperson or supervisor thereof for the game of poker or casino supervisor for all other games shall collect all used cards required to be removed from play.

(a) These cards shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and floorperson assigned to the table.

(b) The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(10) The gaming licensee shall remove any cards at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the Bureau.

(11) Except for decks that have been pre-shuffled and pre-inspected in accordance with 205 CMR 146.50, all extra decks or packaged sets of multiple decks in card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container that contains the number of decks or packaged sets of multiple decks, as applicable, included therein, the date and time and the signature of the floorperson or supervisor thereof for poker and the pit boss for all other games.

(12) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a security officer shall collect and sign all envelopes or containers with damaged cards, cards required to be removed that gaming day, and all extra decks in card reserve with broken seals, except those that have been pre-shuffled and pre-inspected in accordance with 205 CMR 146.50, and shall return the envelopes or containers to the security department.

(13) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a table games shift manager or games supervisor thereof may collect all extra decks in card reserve. If the gaming licensee maintains a separate storage area for poker cards, a poker

shift supervisor or supervisor thereof may collect all extra decks in card reserve for the game of poker. If collected, all sealed decks shall either be cancelled or destroyed or returned to the storage area.

(14) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(a) For cards used in blackjack, Spanish 21, double attack blackjack, double cross poker, red dog, casino war, fast action hold'em, or mini-baccarat using the dealing procedures in the authorized Rules of the Game, the gaming licensee shall cause to be inspected either:

1. All decks used during the day; or
2. A sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the Bureau. This sample shall be collected, stored and inspected separately from the sample required by 205 CMR 146.49(14)(b), and shall not be commingled with any cards from that sample.

(b) For cards used in baccarat, or cards used in mini-baccarat using the dealing procedures in the authorized Rules of the Game, the gaming licensee shall cause to be inspected all decks used during the day. Notwithstanding the foregoing, for any decks that are opened for a single use in a shoe (the cards are not reshuffled for a subsequent use and are removed from the table), a gaming licensee may cause to be inspected a sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the Bureau.

(c) The gaming licensee shall also inspect:

1. Any cards which the Bureau requests the gaming licensee to remove for the purpose of inspection;
2. Any cards the gaming licensee removed for indication of tampering;
3. All cards used for pai gow poker, Caribbean stud poker, let it ride poker, Colorado Hold'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker; and
4. All cards used for poker.

(d) The procedures for inspecting all decks required to be inspected under 205 CMR 146.49(14)(d) shall, at a minimum, include:

1. The sorting of cards sequentially by suit or utilizing a machine approved by the Bureau capable of reading the cards to determine whether any deck contains missing or additional cards;
2. The inspection of the backs with an ultra-violet light;
3. The inspection of the sides of the cards for crimps, bends, cuts and shaving; and
4. The inspection of the front and back of all plastic cards for consistent shading and coloring.

(e) If, during the inspection procedures required in 205 CMR 146.49 one or more plastic cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a two-part Card Discrepancy Report shall be completed in accordance with 205 CMR 146.49(14)(j).

(f) Upon completion of the inspection procedures required by 205 CMR 146.49, each deck of plastic cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker storage area for subsequent use. If a deck has any missing cards, the individual who repackages the cards shall indicate the need for the appropriate replacement card(s) in a manner documented in the gaming licensee's internal control procedures.

(g) The gaming licensee shall develop internal control procedures for returning the repackaged cards to the storage area.

(h) The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(i) The gaming licensee shall submit the training procedures for those employees performing the inspection to the Bureau.

(j) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the Bureau by the completion and delivery of a two-part Card Discrepancy Report.

(k) At the end of each gaming day or at such other times as may be necessary, the gaming supervisor identified in 205 CMR 146.49(13) shall visually inspect each card for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the security department and the Bureau. A security department

member shall complete a two-part Discrepancy Report, which Report along with the evidence shall be retrieved by an agent of the Bureau. The original and duplicate Report shall contain, at a minimum:

1. The date and shift of inspection;
2. The name of the supervisor conducting the inspection. The inspection required by 205 CMR 146.49(14)(k) shall be performed by a games supervisor other than the one who originally inspected the cards;
3. The pit number, table number, and type of game;
4. A description (for example, cut corners);
5. The signature of the supervisor conducting the inspection;
6. The signature of the security representative taking custody of the card; and
7. The signature of the agent of the Bureau inspecting or accepting the card, who shall retain the original and return the duplicate to security. A receipt shall be issued to the agent of the Bureau for any card retained by the Bureau. The receipt shall be signed the by the security representative releasing the card to the Bureau and the agent of the Bureau accepting the card. The receipt shall be retained with the Security copy of the Discrepancy Report. Any card not retained by the Bureau shall be destroyed in accordance with the licensee's destruction procedures. The report shall accompany the cards.

(l) Notwithstanding any provision in 205 CMR 146.49(14)(1) to the contrary, for cards used:

1. In any authorized game or variation thereof which permits a player to touch them, the gaming licensee shall cause to be inspected all decks used during the day; and
2. At any gaming table for more than 24 hours pursuant to 205 CMR 146.49(7)(g), the gaming licensee shall cause to be inspected a sample of decks that is separate from the sample of decks selected pursuant to 205 CMR 146.49(14)(a) 2., provided that the procedures for selecting the sample size and for assuring a proper stratification of the sample shall be submitted to and approved by the Bureau.

(15) If a deck of plastic cards has been reused 12 or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required by 205 CMR 146.49(14)(c), before that deck may be reused at a poker table, the deck must be inspected by a poker shift supervisor or floorperson. A satisfactory inspection shall be documented by the poker shift supervisor or floorperson. If the poker shift supervisor or

floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time and shall be signed by the poker shift supervisor or floorperson. At the end of the gaming day or at such other times as may be necessary, said envelope or container shall be collected by a casino security officer and be returned to the casino security department for destruction or cancellation pursuant to 205 CMR 146.49(16).

(16) Where cards in an envelope or container are inspected and found to be without any indication of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards with the exception of plastic cards used at poker that are of sufficient quality for reuse, shall within 72 hours of collection be destroyed or cancelled. In addition, once cards retained as evidence by the Bureau are released to the security department, the cards shall immediately be destroyed or cancelled.

(a) Destruction and cancellation of cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the Bureau. The adequacy of the destruction and cancellation process shall be approved by the Bureau.

(b) Destruction of cards shall be by shredding by the security department or a vendor approved by the Bureau.

(c) Cancellation of cards shall be by drilling a circular hole of at least 1/4 of an inch in diameter through the center of each card in the deck.

(d) Documentation supporting the actual destruction and/or cancellation of the cards shall be prepared by the casino security department or vendor performing the process. At a minimum, such documentation shall include:

1. The date and time that the cards were destroyed;
2. The name and signature of the individual(s) who performed the destruction/cancellation process;
3. The amount of cards that were destroyed or cancelled; and
4. The signature of the representative of the games department attesting to the number of cards (decks of cards) destroyed when the procedure is performed at the casino.

~~(b) The 6 to 5 blackjack variation shall be dealt from the dealer's hand in accordance with the authorized Rules of the Game of Blackjack; and~~

(e) Blackjack may be dealt from the dealer's hand in accordance with the authorized Rules of the Game of Blackjack.

(4) A device which automatically shuffles cards may be utilized at the game of blackjack, Spanish 21, double attack blackjack, pai gow poker, mini-baccarat, red dog, poker, Caribbean stud poker, let it ride poker, three-card poker, fast action hold'em, Colorado Hold'em poker, casino war, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud and double down stud in addition to a manual or automated dealing shoe, provided that:

(a) The automated card shuffling device approved by the Bureau and the procedures for shuffling and dealing the cards through the use of the device are documented in the internal controls; and

(b) The security of an automated card shuffling device conforms to the security of any dealing shoe used at the gaming table pursuant 205 CMR 146.51.

(5) Each manual or automated dealing shoe shall be designed and constructed with such features as the Bureau may require maintaining the integrity of the game at which such shoe is used. Such features shall include, at a minimum, the following:

(a) At least the first four inches of the base plate shall be white;

(b) The sides of the shoe below the base plate shall be transparent or have a transparent sealed cutout unless the dealing shoe is otherwise constructed to prevent any object from being placed into or removed from the portion of the dealing shoe below the base plate and to permit the inspection of this portion of the shoe; and

(c) A stop underneath the top of the face plate shall preclude the next card to be dealt from being moved upwards for more than 1/8 inch distance.

(6) A baccarat dealing shoe, in addition to meeting the requirements of 205 CMR 146.51, shall also adhere to the following specifications:

(a) A removable lid shall be opaque from the point where it meets the face plate to a point at least four inches from the face plate;

(b) The sides and back above the base plate shall be opaque; and

(c) A device within the shoe shall, when engaged, prevent the cards from moving backward in the shoe.

(d) A Harrigan plate be used in all baccarat shoes so the backs of the cards cannot be seen until drawn.

(7) A pai gow poker dealing shoe, in addition to meeting the requirements of 205 CMR 146.51, may, in the discretion of the gaming licensee, also contain a device on the front of the face plate so as to preclude the players from viewing the next card to be dealt.

(8) All dealing shoes and shuffling devices in the casino shall be inspected at the beginning of each gaming day by a floorperson assigned to the table prior to cards being placed in them. The purpose of this inspection shall be to assure that there has been no tampering with the shoe or shuffling device.

(9) For gaming tables at which a manual dealing shoe is utilized, the shoe shall be located on the side of the gaming table to the left of the dealer, and the discard rack shall be located on the side of the gaming table to the right of the dealer. For gaming tables at which either an automated card shuffling device or an automated dealing shoe is utilized, the discard rack shall be on the side of the gaming table opposite such device or shoe.



21 | COMMUNITY MITIGATION FUND

TO: Chair Judd-Stein and Commissioners Cameron, O'Brien and Zuniga

FROM: Joe Delaney, Mary Thurlow

CC: Karen Wells, Executive Director

DATE: February 19, 2021

RE: **2021 Community Mitigation Fund Grant Applications**

In November 2020, the Commission issued the 2021 Community Mitigation Fund (CMF) Guidelines. To access funding from the CMF, communities and governmental entities were required to submit grant applications by February 1, 2021.

This memorandum summarizes the CMF applications received by the deadline. All CMF applications have been posted on the MGC website. The applications were also sent to the licensees and MassDOT as appropriate for review and comment. It is our goal to complete the review and award process by June 30, 2021.

Summary of the Community Mitigation Funds:

The applications are summarized by Category: Specific Impact, Transportation Planning, Transportation Construction, Workforce Development, Community Planning, Tribal Gaming Technical Assistance, and Emergency Mitigation Grant.

2021 Target Spending Amounts

The CMF Guidelines established an overall 2021 spending target of \$12.5 million with \$6 million for Region A, \$6 million for Region B and \$500,000 for the Category 2 facility. \$200,000 has been set aside for the Tribal Gaming Technical assistance and \$200,000 for Emergency Mitigation Grants, which do not count against the \$12.5 million target. The Tribal Assistance Grant was funded under a previous grant round and the Emergency Mitigation Grant will be funded out of surplus funds should an application be received.

2021 Grant Applications Received

The Commission received 28 grant applications totaling approximately \$5.6 million. Both the number of grants and the dollar figure are down significantly from the 2020 requests. There could be a number of reasons for this reduction including Covid-19 impacts, spending down previous grants and potential difficulty with identifying the nexus to casino related costs. The following are summaries of the various types of grants with brief project descriptions.

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	Guidelines Targeted Spending	Applications			Total
		Region A	Region B	Cat 2	
Specific Impact	No Target Set	\$401,973.00	\$1,202,445	\$378,471	\$1,982,889
Transportation Planning (\$200,000 per application plus any regional planning incentive)	\$1,000,000	\$800,000	\$347,600		\$1,147,600
Transportation Construction Project(s)	\$4,000,000	\$1,173,726	\$200,000		\$1,373,726
Workforce Development (2 Regional programs of \$300,000 plus any regional cooperation incentive)	\$800,000	\$350,000	\$300,000		\$650,000
Community Planning (\$100,000 per application plus any regional planning incentive)	No Target Set	\$397,500	\$75,000		\$472,500
Tribal Gaming Technical Assistance	\$200,000				0
Emergency Mitigation Grant	\$200,000				0
Totals:		<u>\$3,123,199</u>	<u>\$2,125,045</u>	<u>\$378,471</u>	<u>\$5,626,715</u>

2021 SPECIFIC IMPACT GRANT APPLICATIONS

The limit on specific impact grants is \$500,000 per community unless a waiver has been granted by the Commission. Below are descriptions of the applications for a Specific Impact Grant.

Region	Applicant	Description	Amount Requested
A	Everett-Lighting	Install of Ubicquia lighting controls and Surveillance Lower Broadway and surrounding areas	\$30,000
A	Everett - Fire	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.	\$156,753
A	Everett - Police	The City of Everett Police Department seeks funding through the Specific Impact Grant to supplement the equipment, specifically police vehicles and personnel costs incurred as a result of the dedicated fulltime staffing to the Gaming Enforcement Unit and the late-night services calls in response to the Encore's operations.	\$215,220
Cat. 2	Foxborough	To secure funds to pursue additional specialized training for personnel in a variety of high liability	\$283,130

2021 Community Mitigation Fund Applications

Region	Applicant	Description	Amount Requested
		areas. Additionally, to obtain equipment that will enhance our capabilities over an ever-expanding mission, as well as pedestrian safety.	
B	Hampden DA	This application is for continued funding for the purpose of mitigating the impact of the casino and casino related matters on the District Attorney’s Office. The funding, which has been in place for two years will continue to be for personnel to handle casino-related prosecutions.	\$75,000
B	Hampden Sheriff	HCSD in its sixth year of a ten-year lease due to the relocation of Western Massachusetts Recovery and Wellness Center {WMRWC} from 26 Howard Street to 155 Mill Street Springfield, MA. HCSD has experienced a significant lease offset due to this forced move to make way for the MGM Casino.	\$400,000
Cat 2	Plainville	Acquire transport van to transport prisoners, traffic mitigation equipment and informational data collection sign board. Acquire an informational data collection sign board and enclosed traffic trailer, to house and transport traffic mitigation equipment.	\$95,341
B	Springfield - Police	Identify and procure equipment and technology in support of on-going Metro Unit/MGM policing strategies.	105,500
B	Springfield - Fire	Funding will allow us to purchase defibrillators for the apparatus that primarily respond to the Casino Area. These defibrillators will be compatible with those used by American Medical Response (AMR), the primary ambulance response to the City of Springfield.	\$21,945
B	Springfield - Blueprint	From the 2020 efforts which established the Main Street/Convention District Master Development Plan, the City will advance the “implementation” of the strategic opportunities, priority recommendations, and related due diligence to launch specific enhancement efforts, acquisition/control of properties, and potential solicitation processes within the district.	\$400,000
B	West Springfield- EMS	Funding for additional Police and Fire/EMS personnel hired to increase staffing for the impact to municipal services resulting from the opening of the MGM Casino in Springfield, MA.	\$200,000
Total:			<u>\$1,982,889</u>

2021 TRANSPORTATION PLANNING GRANT APPLICATIONS

Transportation Planning Grants remain eligible for 2021 with a target spending of \$1,000,000. The maximum amount of an individual Transportation Planning Grant is \$200,000, with a Regional Incentive Award of up to \$50,000 for joint applications.

Region	Applicant	Description	Amount Requested
A	Boston	Reconfiguration of Sullivan Square/Rutherford Avenue in Charlestown.	\$200,000
B	Chicopee	The proposed project includes advancing visioning and design efforts with an engineering and landscape architecture team directed towards Chicopee Center's streetscapes. Chicopee Center's streetscapes are auto-centric, confusing, and unsafe. By rethinking the streetscapes, it will provide MGM Springfield employees, future employees and patrons safer and more equitable access to the Casino.	\$200,000
A	Everett – Mystic Riverwalk	To complete a missing section of the Mystic Riverwalk between Mystic View Park and the Route 16/Woods Memorial Bridge. This proposed section of trail would utilize a boardwalk to cross a wetland between the park and the bridge.	\$200,000
A	Lynn	The project will include engineering design services and preparation of contract bid documents for improvements at the Boston Street at Hamilton Street and Northern Strand Community Trail (NSCT) intersection. The project will improve safety for vehicles, pedestrians, and cyclists at a MassDOT Top 200 High Crash intersection.	\$200,000
A	Malden	The City of Malden is requesting \$200,000 to retain a consultant to provide surveying, pavement and subsurface investigation, traffic analysis, landscape, urban and transportation design services for the Broadway corridor from Everett to Melrose and to prepare bid ready documents for a portion of the corridor closer to Everett.	\$200,000
B	West Springfield	Design alterations and connectivity expansion to the approved Elm Street project. A small expansion in the project area to accommodate connection to a school under construction and other designed bicycle infrastructure. Design changes in concert with MassDOT's Shared Streets and Spaces initiative that started in 2020.	\$147,600

Region	Applicant	Description	Amount Requested
Total:			\$1,147,600

2021 TRANSPORTATION CONSTRUCTION GRANT APPLICATIONS

The Commission established a target of \$4 million for transportation construction grants. The maximum individual award is expected to be no more than \$1 million. Applicants must demonstrate that any transportation construction project will begin construction no later than June 30, 2021.

Region	Applicant	Description	Amount Requested
A	Boston-Lost Village	Geometric changes to the intersection of Brighton Street and Cambridge Street in Charlestown, to create safer crossings and better line of sight for turning vehicles, as well as a fiber connection from Sullivan Square to the Parker Street intersection.	\$238,900
A	Everett-Northern Strand	Addition of lighting on the Northern Strand Community Trail.	\$134,826
A	Revere & Saugus	The two communities seek MGC construction funds for limited improvements to the Route 1 North right of way beyond the planned relocation of exit-entrance ramps to the Overlook Ridge development. The project stems from MGC planning grants which enabled analysis of conditions and proposed new solutions to casino generated congestion.	\$800,000
B	Springfield-Dwight Street	Project plans specify for the revitalization of Dwight Street from its intersection with Carew Street southerly to Worthington Street. Major elements will include roadway resurfacing, sidewalk and median improvements, bicycle accommodations, guardrails, and safety upgrades. In the heart of downtown, Hamden Street will be improved by a similar approach.	\$200,000
Total:			\$1,373,726

2021 WORKFORCE DEVELOPMENT GRANT APPLICATIONS

The funding target for the 2021 Workforce Development Grants is \$800,000. The Commission anticipates a base award of \$300,000 in each Region (not including an additional \$50,000 for regional cooperation or an additional \$100,000 award for significant regional needs). To promote administrative efficiencies and greater regional cooperation, applicants that demonstrate cooperation of a significant number of workforce agencies in

2021 Community Mitigation Fund Applications

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each region may be eligible for \$50,000 in additional funding. One grant is anticipated to be considered for each Region. Each governmental entity applying for workforce development funds will also need to provide detail on what it will contribute to the workforce development project such as in-kind services or workforce development funds.

Region	Applicant	Description	Amount Requested
B	Holyoke CC	<i>Work Ready 2021</i> is an enhancement of the collaborative effort of HCC, STCC, and SPS to provide a continuum of adult education, career readiness, and occupational training to connect un- and underemployed residents to education, training, and employment opportunities to meet the workforce needs of MGM Springfield and the region.	\$300,000
A	Masshire	MBRGHC is a regional project aimed at addressing the workforce needs of the hospitality sector impacted by the Encore Boston Harbor gaming facility. A consortium of partners will provide career and employment services, ESOL, and digital literacy trainings targeted at hospitality industry workers who have been impacted by the COVID-19 induced economic downturn.	\$350,000
Total:			\$650,000

2021 COMMUNITY PLANNING GRANT APPLICATION

The Commission made funding available for certain non-transportation planning activities. No application for a Non-Transportation Planning Grant shall exceed \$100,000 per community. The Commission received the following applications:

Region	Applicant	Description	Amount Requested
A	Chelsea/Revere	Our municipalities, in partnership with local community led organizations, are seeking funding to develop tailored curricula for Contextualized ESOL Programs & Adult Digital Literacy classes. Curricula will be geared towards industries at the casino's nexus, including hospitality, logistics, IT, healthcare and complemented by adult digital literacy programs for non-English speakers.	\$97,500
A	Lynn	The City of Lynn is seeking funds through this application to initiate a marketing campaign designed to mitigate the adverse effects on the City of Lynn, its businesses and our newly instituted cultural district as a result of the operation of the Encore, Boston casino.	\$100,000

2021 Community Mitigation Fund Applications

Region	Applicant	Description	Amount Requested
A	Malden-Broadway Zoning	Complete a zoning and land use review and propose amendments that reduces the number of zoning districts within the Corridor from five (5) to three (3) subdistricts. This will help to remove barriers to development within the Corridor and allow it to attract specific industry clusters.	\$100,000
A	Malden Center for the Arts	The City of Malden seeks to redevelop the old Malden District Court building at 89 Summer St. into a vibrant Arts Center serving the community and the region. This study will determine the program of the building through stakeholder conversations and community engagement and develop concept designs for the interior renovations needed to accommodate those users.	\$100,000
B	Northampton	Northampton Marketing Program for FY2022 leveraging the northampton.live platform.	\$75,000
Total:			\$472,500

TRIBAL GAMING TECHNICAL ASSISTANCE - \$200,000 Reserved from Previous Grant

NEW FUNDING REQUESTED	
Region A	\$3,523,199
Region B	\$1,725,045
Cat. 2	\$378,471
	<u>\$5,626,715</u>

	Total	Region A	Region B	Category 2
Community Planning	\$472,500	\$397,500	\$75,000	
Specific	\$1,982,889	\$401,973	\$1,202,445	\$378,471
Transportation	\$1,147,600	\$800,000	\$347,600	
Transportation Construction	\$1,373,726	\$1,173,726	200.000	
Workforce	\$650,000	\$350,000	\$300,000	
	<u>\$5,626,715</u>			



TO: Chair Judd Stein, Commissioners Cameron, O'Brien and Zuniga

FROM: Joe Delaney and Mary Thurlow

CC: Karen Wells

DATE: February 19, 2021

RE: City of Medford Reallocation of grant funds.

The City of Medford received Transportation Planning Grants in 2016 and 2017. These grants have remaining balances that Medford would like to reallocate to their 2019 grant for the planning and design of a multi-use boardwalk under Route 28 along the Mystic River.

Background

On July 21, 2016, the Commission authorized an award of up to \$260,000 to Medford for the hiring of a transportation planner (\$60,000), costs of a transportation consultant (\$50,000) and as matching funds for a federal earmark to investigate water transportation options on the Mystic and Malden Rivers (\$150,000).

To date, Medford has only spent \$19,103.20 of this grant on transportation consultant expenses. Medford chose not to move ahead with the transportation planner because of the certification requirement that the work be solely related to casino matters. The Commission allowed Medford to hire a contract employee in place of a municipal employee, but they were unable to fill the position. In order to fund the water transportation study, the Commission required that evaluating a stop at the Encore facility be considered as part of the study. This change in scope was not looked on favorably by the federal agency reviewing the application and the project languished. In the intervening time, there has been an administration change in Medford and the water transportation study has moved down on their priority list (see attached e-mail from Medford). This leaves a balance of \$240,806.80.

In June 2017, Medford was awarded an \$80,000 grant to conduct a study of the South Medford Connector (\$60,000) and to hire a contract planner (\$20,000). Medford completed the study, but the contract planner was never hired, which resulted in \$20,000 remaining in the grant.



Massachusetts Gaming Commission

Wellington/Route 28 Underpass

Medford was awarded a \$200,000 grant in 2019 to initiate the planning and design of a boardwalk that would pass under Route 28 along the Mystic River, thereby creating a protected passage for bicycles and pedestrians. If constructed, this connection would create a much more desirable route to the casino than the current need to either traverse Wellington Circle or cross Route 28 on the surface. These grant funds have largely been spent leaving the project at the pre-25% design level.

The proposed reallocation of CMF funds, with an additional Mass Trails Grant, will provide enough funds to bring this project to 100% design (see attached budget).

Medford has been working with MassDOT and other stakeholders throughout this process to identify funding for construction. While there are never any guarantees, it appears that funding for this project is very likely through the Transportation Improvement Program (TIP).

Staff Recommendation

Commission staff recommends that the \$260,806.80 be reallocated for the Wellington/Route 28 Underpass project. The provision of these funds will allow the project to proceed to 100% design, thereby allowing the project to better take advantage of funds available through the TIP. One of the things that we have always envisioned with the CMF was to allow projects to use Commission funds to leverage larger construction projects, which is exactly what this project is attempting to do.



City of Medford

Office of Community Development

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January 28, 2021

Mary Thurlow & Joe Delaney
Massachusetts Gaming Commission

Subject: City of Medford's request to transfer unused grant funding to the Wellington/Route 28 Underpass project

Dear Gaming Commission Committee,

The City of Medford respectfully requests a transfer of unused Gaming Commission funding from the 2016 Reserve/Transportation Planning Grant and the remaining 2017 Transportation Planning Grant to the Wellington/Route 28 Underpass project that is currently funded by the 2019 Transportation Planning Grant (BD19 1068-1068C-1068L-33629).

The original 2016 Gaming Commission Grant was for \$260,000 for a transportation planner, transportation consultants and a water transportation study. Of that total amount, only \$19,193.20 has been drawn down to date for Transportation Consultants. Additionally, there is \$20,000 remaining from a 2017 Transportation Planning Grant for a transportation planner.

The City of Medford is **requesting that the \$240,806.80 remaining from the 2016 grant and the remaining \$20,000 from the 2017 grant be allocated to the Wellington/Route 28 Underpass project for a total of \$260,806.80.** See supporting application with details on the project and how these funds will be used.

Thank you for the opportunity to submit this request to transfer funding from unused Gaming Commission grants. Please let me know if you have any questions.

Sincerely,

Alicia Hunt
Director of Community Development
City of Medford

CC: Breanna Lungo-Keohn, Mayor

**GAMING COMMISSION TRANSPORTATION PLANNING GRANT
WELLINGTON/ROUTE 28 UNDERPASS**

1) *Impact Description:*

The proposed construction of Encore Boston Harbor has transportation impacts that have been well-documented in the Environmental Review process. The Secretary of EEA has determined that mitigation is required to offset impacts of this project. Transportation impacts are anticipated to be the most negative impacts of this project on surrounding communities, especially in Medford. Identified impacts include the deterioration of roadway level of service and road capacity. Pedestrian, bicycle, water and public transportation improvements are needed to meet Encore's goals to reduce reliance on vehicular travel and encourage alternative modes of transportation. With the opening of the casino it has been found that a large number of employees are bicycling to work. Some directions, such as across Rt 28, are more difficult and challenging for bicyclists to traverse. This underpass will facilitate a safer, more appealing route from Medford and Arlington neighborhoods which will encourage more employees who live in these areas to bicycle, rather than drive, to work.

2) Proposed use of Transportation planning fund.

Funding will be used to continue design and engineering for a new boardwalk underpass along the Mystic River in Medford, MA. This underpass will provide an alternative to the dangerous Wellington Circle (a four-phase crossing through nine lanes of traffic) and connect Torbert MacDonald Park to Station Landing under Route 28. Similar to the connection on the other side of the river, this boardwalk will close a gap in the area's multimodal network by providing a safe, off-road connection for people on foot or bicycle. This project will help mitigate the traffic impacts of the Encore casino, in particular, from Medford and Arlington residents who feel they must drive, rather than bicycle, because of the dangerous connections across Route 28. This improvement will make the bicycle route more pleasant and attractive, thereby creating another direction from which employees may travel to the Casino. Additionally, it will increase the safety for those traveling to the increasing number of jobs and homes across the river in Assembly Row in Somerville.

The City of Medford is requesting that \$260,806.80 remaining from a 2016 and a 2017 grant to be allocated to the Wellington/Route 28 Underpass project for design and engineering services. This project is currently funded through a 2019 Gaming Commission Transportation Planning Grant for \$200,000. Work began in spring 2020, is approximately 70% spent, and will be complete the funded scope by spring 2021. Further, a PNF was submitted to MassDOT in December 2020; we are hopeful that this project will get on the TIP and will be funded and built in the next 3-5 years. To proceed with TIP funding for construction, other funding will need to be provided to complete the 25% and 100% construction documents. If this grant funding transfer request is granted, we will have a majority of the funding needed to get to a shovel-ready project.

In support of this request, we are attaching an overall project budget and quote for design and engineering services, prepared by the current consultants, Nitsch Engineering. The remaining design will take place in two phases:

- **Phase I:** boring and geotechnical report, completion of 25% design, permitting and the MassDOT review process (\$262,020)
- **Phase II:** Completion of 100% design and construction documents (\$191,1900)

The City plans to execute a contract with the consultants for the first phase, planned to be spent in calendar year 2021.

Stakeholders include: City of Medford, DCR, MassDOT, the Gaming Commission and the Mystic River Watershed Association (MyRWA).

3) *Proposed mitigation (attach additional sheets if necessary)*

a) *Identify the amount of funding requested.*

\$260,806.80

b) *Please identify below the manner in which the funds are proposed to be used.*

The funds will be used for design and engineering services for the Rt 28 shared-use underpass. Please see the attachments for the detailed quote.

c) *Please provide documenting (eg invoices, proposals, estimates) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction of a proposed gaming establishment.*

See attached cost estimate from Nitsch Engineering to bring the design for a bicycle and pedestrian underpass for Rt 28 to 25% construction documents.

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

These funds will be used to design a multi-use boardwalk under the Route 28 bridge, abutting land and bridge owned by MassDOT and DCR. This will provide a safe and accessible connection across Route 28 for bikes and pedestrians. A large number of casino employees have been found to bicycle to work. This connection will make it easier and safer for more employees to bicycle from Medford and other neighborhoods north and west of the area.

4) *Connection to Gaming Facility. Please provide specificity/evidence that the requested funds will be used to address issues or impacts directly related to the gaming facility.*

We anticipate that this off-road walking/biking/transit connection will serve two purposes: (1) provide a safe, non-motorized way for patrons and employees to get to Encore Boston Harbor and (2) reduce the overall amount of vehicles in the vicinity of the resort.

- (1) A large part of the transportation access to/from Encore has been to direct (or encourage) patrons and employees to utilize public transportation and/or the private shuttle buses provided by Encore at Wellington Circle. Another goal is to increase the number of people that walk or bicycle to the resort. Therefore, any patrons or employees that live west or northwest of Wellington Circle will benefit from the proposed connection enabling them a safe and more attractive to/from Wellington Station and to the Encore resort. This underpass connects people to the Wellington Greenway and to the new bicycle/pedestrian routes under the Woods Memorial Bridge and to the last phase of the Wellington Greenway (anticipated to be built in 2020) that will connect to the underpasses.
- (2) In general, this underpass will allow residents that live within a half-mile vicinity to access destinations like Macdonald Park and Wellington T Station on foot/bicycle which helps to alleviate traffic congestion by getting cars off the road.

Below are several ways – based on origin of travel – that this proposed project will increase walking/bicycle/transit use.

- The current connection directly from the west (MacDonald Park) across Route 28 is the crosswalk at Presidents Landing. This two-phase crossing is ~ 200 feet long (from edge of curb to edge of curb), spans 2 roads and 8 lanes of vehicular traffic. The proposed connection would not require crossing any traffic or waiting for any pedestrian traffic signal phase to commence.
- The current connection from the southwest corner of Wellington Circle may use the existing crosswalk network crossing the south side of Wellington Circle. This crossing is ~ 420 feet long (from edge of curb to edge of curb), crosses 2 roads, and 9+ lanes of vehicular traffic. The proposed connection would add distance along an existing sidewalk or path system but would not require crossing any traffic or waiting for any pedestrian traffic signal phase to commence.
- The current connection from the northwest corner of Wellington Circle may use the existing crosswalk network along the west side and south side of Wellington Circle or the north side and east side of the circle. However, these crossings are ~580 or 600 feet long respectively (from edge of curb to edge of curb), crossing 2 roads, 6 directions of travel, 17-23 lanes of vehicular traffic (yes, that many!). The proposed connection would add distance along an existing sidewalk or path system and would reduce crossing any traffic or waiting for any pedestrian traffic signal phase to commence. It reduces it from 2 roads to 1, 6 directions of travel to 4, and from 17 to 10 lanes of traffic.

5) *Impact Controls/Adm of Impact Funds*

All funds will be dispersed in compliance with public procurement requirements, following the same process used with the current Gaming Commission grant and contract with Nitsch Engineering. The engineering firm invoices the city monthly and is in regular contact with the project manager. The City will utilize proper financial controls to prevent misuse.

6) *Consultation with Regional Planning Agency*

This project is part of the 2009 Mystic River Master Plan (Massachusetts Department of Conservation and Recreation, DCR), the regional greenway network, "LandLine," (Metropolitan Area Planning Council, MAPC) and the Mystic Greenways Initiative (Mystic River Watershed Association) that is working collaboratively with the cities of Arlington, Medford, Somerville, Malden, Everett and Boston. DCR and MassDOT have expressed their support of this project throughout three stakeholder meetings that took place over the course of 2020.

7) *Matching funds from Gov or other agency. (can include in-kind)*

The City is also applying to MassTrails to fund the next stage of the design process, to take the project to 100% engineering documents and for construction administration. The City has started the process to put the construction of this underpass on the MassDOT TIP with the hope that it will fund the construction.

8) *Relevant excerpts from host or surrounding community agreements and MEPA Decision.*

a) *Please describe and include excerpts regarding the transportation impact and potential mitigation from any relevant sections of any host or surrounding community agreement.*

This transportation planning grant will allow Medford to address issues related to the city's capacity to serve as a "transportation hub" (in Surrounding Host Agreement). "The foregoing will be accomplished through mutually agreed upon promotional materials and improvements (including, without limitation, safety upgrades, improved lighting, fixtures, signage and beautification efforts).

b) *Please provide a demonstration that such mitigation measure is not already required to be completed by the licensee pursuant to any regulatory requirement or pursuant to any agreements b/n such licensee and applicant.*

There is no documentation regarding the licensee with respect to this underpass.

c) *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.*

The Section 61 Findings for Wynn-Everett states

"Wynn will fund and undertake improvements to Wellington Circle in accordance with the SSFEIR Certificate and these Section 61 Findings."

d) *Please explain how this transportation impact was either anticipated or not anticipated in that Agreement or such MEPA decision.*

This is in addition to specific improvements to the Wellington intersection that are designed to make the intersection safer for pedestrians and bicyclists. This underpass takes these improvements a step further, allowing pedestrians and bicyclists to avoid the intersection altogether. Additionally, the Findings require a study to develop alternatives for a long term fix to Wellington Circle.

e) If transportation planning funds are sought for mitigation not required under MEPA, please provide justification why funding should be utilized to plan for such mitigation. For example, a community could provide information on the significance of potential impacts if trip generation totals exceed projected estimates.

N/A

Hi Joe,

As a follow-up to the request to re-purpose the 2016 and 2017 funds I am submitting the following additional information.

Since the original 2016 request to use the funds for a ferry study, the City has had a change in administration, which has different priorities. The current administration is prioritizing shared use paths, increasing access for walking and biking, and Complete Streets Policies, over creating a ferry boat service in the City of Medford.

Additionally, we understand that the \$150,000 for a ferry boat feasibility study was intended to be a match to a \$750,000 federal earmark for a ferry boat study. While working this through the federal funding process it was determined that it was necessary to adjust the scope of the federal study to meet the needs of the Gaming Commission and the city was not successful in getting this scope adjustment made.

The 2017 funds that remain unspent were to supplement 2016 funds for a transportation planner, to provide enough funding for one year of a staff transportation planner. However, it was determined that the restrictions from the Gaming Commission on what this planner could work on was too limiting for the city. The City still recognizes the need for an additional Transportation planner/engineer on staff, as our current Traffic Engineer is invaluable. As such, the City has identified other funds that provide more flexibility to use to fund this position.

Thank you very much for your assistance with this request. Please let me know if you have any questions or need any additional information.

Alicia

Alicia L Hunt
Acting Director of Community Development
Director of Energy & Environment
Environmental Agent

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SOURCES

Gaming Commission Transportation Planning Grant	\$	448,307	
MassTrails Grant	\$	151,332	to be submitted February 1
	\$	599,638	

USES

COMPLETED DESIGN	\$	187,500	Survey, Permit Initiation, Draft 25% Design
PHASE I DESIGN	\$	262,040	See below
PHASE II DESIGN	\$	150,099	See below
	\$	599,638	

PHASE I: 25% DESIGN SUBMISSION

BORINGS + GEOTECHNICAL REPORT	\$	138,556	
ENVIRONMENTAL	\$	14,234	
DESIGN JUSTIFICATION WORKBOOK	\$	2,844	
25% HIGHWAY DESIGN SUBMISSION	\$	28,097	
DESIGN PUBLIC HEARING	\$	6,448	
GEOTECHNICAL DESIGN	\$	5,950	
BRIDGE SKETCH PLANS	\$	16,357	
PROJECT DEVELOPMENT - STRUCTURAL	\$	6,764	
RIGHT OF WAY DESIGN	\$	8,449	
LANDSCAPE DESIGN	\$	34,342	
	\$	262,040	

PHASE II: FINAL DESIGN

75% HIGHWAY DESIGN SUBMISSION	\$	30,145	
100% HIGHWAY DESIGN SUBMISSION	\$	11,237	
FINAL BRIDGE DESIGN	\$	86,312	
PS&E SUBMISSION	\$	9,505	
LIGHTING DESIGN	\$	11,400	
DIRECT EXPENSES	\$	1,500	
	\$	150,099	

PHASE II: CONSTRUCTION ADMINISTRATION

ENGINEERING CONSTRUCTION	\$	28,368	
LANDSCAPE CONSTRUCTION	\$	8,723	
LIGHTING CONSTRUCTION	\$	4,000	
	\$	41,091	