



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING# 344**

May 20, 2021
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 111 917 7743**



Massachusetts Gaming Commission

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



AMENDED

NOTICE OF MEETING and AGENDA May 20, 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, May 20, 2021

10:00 a.m.

Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5293

PARTICIPANT CODE: 111 917 7743

All documents and presentations related to this agenda will be available for your review on the morning of May 20, 2021 by [clicking here](#).

PUBLIC MEETING - #344

1. Call to order
2. Approval of Minutes:
 - a. February 11, 2021
3. Administrative Update – Karen Wells, Executive Director
 - a. On-site Casino Updates – Loretta Lillios, Director of Investigations and Enforcement Bureau; Bruce Band, Assistant Director, Gaming Agents Division Chief; Dr. Alex Lightbown, Director of Racing
4. Licensing Division – Nakisha Skinner, Licensing Division Chief
 - a. MGM (Wahlburgers) Service Employee Exemption Request (205 CMR 134.0(1)(b))

VOTE



Massachusetts Gaming Commission

5. Racing Division – Dr. Alex Lightbown, Director of Racing
 - a. Update on Horse Racing Testing Process
 - b. Update on Horse Racing Integrity and Safety Act
 - c. Standard Owners of Massachusetts (SOM) Recognition Request as Breeders’ Representative Group – Raymond “Chip” Campbell Jr., President SOM; Nancy Longobardi, Secretary/Treasurer, SOM **VOTE**
 - d. 2021 Harness Meet Update – Steve O’Toole, Director of Racing, Plainridge Park Casino
 - e. Massachusetts Thoroughbred Breeders Association Request for Consultation **VOTE**
6. Executive Administration – Karen Wells, Executive Director
 - a. Regulation Review Update
7. Community Affairs Division – Joseph Delaney, Community Affairs Division Chief
 - a. Community Mitigation Fund Application Reviews – Joseph Delaney, Community Affairs Division Chief, Mary Thurlow, Senior Program Manager **VOTE**
 - b. Encore Boston Harbor Quarterly Report — Jacqui Krum, Senior Vice President & General Counsel; Juliana Catanzariti, Executive Director - Legal
 - c. Plainridge Park Casino Quarterly Report – North Grounsell, General Manager; Kathy Lucas, Vice President of Human Resources; Lisa McKenney, Compliance Manager
8. Executive Session -
 - a. The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan [described in 205 CMR 139.09], and any corresponding materials, submitted relative to Plainridge Park Casino, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter is further governed by 205 CMR 139.02 as the information at issue is covered by a non-disclosure agreement. The public session of the Commission meeting will not reconvene at the conclusion of the executive session. **VOTE**
9. Commissioner Updates
10. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.



Massachusetts Gaming Commission

11. 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.

May 18, 2021

Cathy Judd-Stein, Chair

Date Posted to Website: May 18, 2021 at 10:00 a.m.

Amendment Posted to Website: May 19, 2021



Massachusetts Gaming Commission

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



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 11, 2021 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 998 7348

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.

00:00:00: [Call to Order](#)

Chair Cathy Judd-Stein called to order public meeting #335 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
Chair Judd-Stein*

00:01:14: [Approval of Minutes](#)

Commissioner O’Brien moved to approve the minutes from the Commission meeting of October 8, 2020, subject to correction for typographical errors and other nonmaterial matters.

Commissioner Cameron seconded the motion.

Roll Call Vote:

*Commissioner Cameron: Aye
Commissioner O’Brien: Aye
Commissioner Zuniga: Aye
Chair Judd-Stein: Aye*

The motion passed unanimously.

Commissioner O'Brien moved to approve the minutes from the Commission meeting of October 22, 2020, subject to correction for typographical errors and other nonmaterial matters.

Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye

Commissioner Zuniga: Aye

Chair Judd-Stein: Aye

The motion passed unanimously.

00:03:01: Administrative Update

Executive Director Karen Wells informed the Commissioners of changes recommended by Licensing Division Chief Nakisha Skinner. Pursuant to authority granted to the Executive Director in January 2019 to approve administrative and ministerial changes to positions exempt from registration requirements. Director Wells approved two exempt positions at Encore Boston Harbor. Specifically, Encore requested, and was granted, exemptions for the positions of Resort Support Ambassador and Uniform Control Supervisor.

00:06:49: On-site Casino Updates

IEB Director Loretta Lillios explained that the 25% capacity level restriction for all gaming establishments had expired and the establishments are able to return to the capacity limits set out in the formula the Commission adopted in June 2020 regarding maximum reduced capacity. The formula is based in part on the number of gaming positions and takes into account the number of employees on-site. The IEB has been working with each gaming establishment to update their respective capacity numbers, although each establishment has agreed to a 40% capacity limit. All COVID-19 measures remain in effect, including but not limited to, mask requirements, distancing requirements, and heightened sanitization.

Commissioner Zuniga asked for an update regarding the closing time of the casinos. Director Lillios explained that the 9:30 pm closing time previously put in place had been lifted and the casinos are now operating 24 hours a day, 7 days a week. The hotel at Encore re-opened with the return of normal hours.

Commissioner O'Brien asked whether the capacity at any of the casinos had approached 40% prior to the 25% capacity limit being put in place. Director Lillios answered that the casinos were well under 40% capacity, and in fact, below 25% capacity.

Commissioner Zuniga asked if it was fair to say that there is now less risk of critical congregations with the removal of the 9:30 pm closing time. Assistant Director, Gaming Agents Division Chief Bruce Band answered that any issues with the 9:00 or 9:30 hour have been eliminated.

Chair Judd-Stein asked Director Lillios to update the Commission regarding the status of the Governor's orders with regard to gathering limits. Director Lillios answered that gatherings remained limited to 10 individuals indoors and 25 individuals outdoors. Hotel requirements have remained the same.

00:16:08: MGC-Human Resource Division Presentation

HR Manager Trupti Banda provided an update on the Human Resource Division's initiatives for the last ten months of remote operations. In particular, the HR Division's efforts have been focused on virtual workplace culture, professional development, and diversity. As part of this work, HR conducted an employee survey concerning how it could better support staff during remote operations. Some of the initiatives the HR Division has been working on include:

- Social Distraction emails intended to create a conversation and build community with staff
- MGC office hours and smaller focus group meetings regarding targeted topics
- Working with Executive Director Wells to plan town hall meetings
- Ensuring employee safety, including the development of detailed COVID-19 guidelines for on-site staff in line with CDC and DPH protocols
- Supervisor training
- Updating the employee handbook for all staff

Commissioner Cameron asked how Ms. Banda would assess whether members of the MGC community remain engaged and whether there are any challenges of which the Commission should be aware. Ms. Banda responded that the Commission always needs to keep an eye out for individuals who may be having a difficult time and one way to do that is through HR's office hours and small group meetings. HR is also considering one-on-one check-in meetings.

Commissioner Zuniga encouraged MGC staff to utilize the many resources that are available through the HR Division, especially in light of the extended pandemic.

After the conclusion of the HR Division update, Commissioner Judd-Stein returned to the topic of the on-site casino update and asked Director Lillios for an update regarding a restaurant closure at Encore. Director Lillios explained that after an incident at the Mystique restaurant, Encore took a robust response and closed the restaurant. Opening was subject to approval by the IEB. The restaurant is now open, after a complete inspection by the IEB. Encore was cooperative and the restaurant continues to maintain proper distancing.

Commissioner O'Brien asked if the restaurant still has high-top seating, which had been a concern to IEB staff. Director Banda responded that there is still high-top seating, but it is distanced. Director Lillios noted that she is happy with the current layout and she feels comfortable with the adjustments made by Encore.

00:32:56: Independent Monitor Update

Alejandra Montenegro Almonte of Miller & Chevalier made a presentation on behalf of the Independent Compliance Monitor regarding Wynn MA, LLC. The presentation included a summary of the Monitor's Phase II Assessment Report, including a general overview of the goals of Phase II, the general impact of the COVID-19 pandemic, a summary of review and testing activities, and overall observations. The presentation also included the Monitor's findings by compliance hallmark and concluding observations. The PowerPoint presentation used by Ms. Almonte is included in the Commissioners' packet.

Commissioner Cameron stated this was a very thorough report on the work the monitoring team has done. The Commissioner also noted the number of upcoming policy deadlines and asked if there had been any conversation about the company's capabilities for updating the policies in the next couple of months. Ms. Almonte responded that the monitor team had reviewed the deadlines with the company. Concern was raised about one deadline related to the code of conduct, after which the deadline was modified.

Commissioner Zuniga also noted that the Monitor made a very thorough report and presentation. Commissioner Zuniga asked Ms. Almonte to explain the company's top priorities. Ms. Almonte answered that interaction with patrons and engagement with employees themselves are top priorities. Another priority is continuing to enhance internal reporting and investigation procedures. Those two priorities go hand in hand and the Monitor will continue to evaluate the company's investigations.

Commissioner Zuniga also asked whether there were differences between employment laws across states that are particularly relevant. Ms. Almonte explained that there are some nuanced differences and that the Monitor has noted differences that are worth highlighting for the bodies tasked with oversight.

Commissioner O'Brien thanked Ms. Almonte and her team for the report. She noted that the company is capable of doing tremendous things when it puts its mind to it and hopes it listens to the Monitor regarding areas for improvement. In particular, Commissioner O'Brien expressed concern with the company's repeated disregard for differences in Massachusetts law. She is also concerned about conflict of interest issues and hopes such issues are emphasized with the company going forward.

Chair Judd-Stein reiterated her thanks for the Monitor's work and recognized the company's leadership as it addressed the COVID-19 pandemic. With regard to communications strategy, the Chair emphasized that it should be an easy issue for the company to address. Chair Judd-Stein also appreciated how the Monitor encouraged compliance with priorities regarding HR issues and sexual harassment.

Chair Judd-Stein highlighted the fact that the company had the opportunity to respond to the Monitor's report. She emphasized the company's pride in its efforts during the COVID-19 period and one line that stood out to her: "Even though we remain operating in a challenging

environment, we know that the recommendations are made with the view of assisting us in enhancing what we believe is an enviable work environment.”

01:50:52: Financial Division

Quarterly Budget Update

Chief Financial and Accounting Officer Derek Lennon presented the second budget update for fiscal year 2021. Mr. Lennon noted that the Commission had approved an FY21 budget for the Gaming Control Fund of \$32.42 million. The budget is composed of \$26.9 million in regulatory costs and \$5.52 million in statutorily required costs. After balance forwards from FY20, the assessment was reduced to \$27.61 million. In addition, the Commission approved an additional \$5 million assessment for the Public Health Trust Fund. Mr. Lennon reminded the Commission that the \$5 million was split, with \$3.75 million being billed starting in September and \$1.25 million at the end of June 2021. For this quarterly update, the finance office recommended an increase of \$172,750 to the Gaming Control Fund.

Mr. Lennon recommended an administrative budget for the Community Mitigation Fund and adjustments to the licensees’ shares. Mr. Lennon also requested an additional \$300,000 in the litigation budget on top of the minimum required by the Commission’s insurance policy. Mr. Lennon is not requesting an increase in the budget for State Police overtime.

Mr. Lennon is projecting an additional \$50,000 in turnover savings. He recommends shifting \$227,000 in salaries from the Gaming Control Fund to the Community Mitigation Fund. There is an increase in spending for the independent Monitor, but those amounts are ultimately covered by the licensee, resulting in a wash.

A memorandum regarding the FY21 Second Budget Update is included in the Commissioners’ packet.

01:58:09: Community Mitigation Fund

Mr. Lennon began by explaining that on December 27, 2020, the Commission approved regulations for the Community Mitigation Fund. Paragraph 5 of 205 CMR 153 allows the Commission to expend funds for the administration of the program. The general requirements are that administration costs do not exceed 10% of the amount available that fiscal year, the precise amount is set at a public meeting, and the cost is relatively related to the program. Finance is requesting a budget of \$337,000 to fund Community Affairs staff, a database for the program, and travel and reimbursement costs.

Commissioner Zuniga noted that he believes the recommendation is appropriate and was calculated correctly. He was glad to see an amount carved out for a database.

Commissioner Cameron commended Capt. Connors regarding his work related to State Police overtime, and in particular the transparency of the process.

Commissioner Zuniga moved to approve the budget adjustments and assessments recommended by Chief Financial and Accounting Officer Lennon as discussed in his memorandum and at the meeting.

Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

The Commission took a lunch break.

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

Commissioner Cameron

Commissioner O'Brien

Commissioner Zuniga

Chair Judd-Stein

02:10:19: Community Affairs Division

Community Affairs Division Chief Joseph Delaney introduced Jacqui Krum, Senior Vice President and General Counsel of Encore Boston Harbor, and North Grounsell, General Manager of Plainridge Park Casino, to present their respective quarterly reports.

Encore Boston Harbor Quarterly Report – Q4 2020

Pursuant to Governor Baker's Order No. 53, Encore ceased operations at 9 pm on November 6, 2020, after which Encore began operating from 9 a.m. to 9 p.m. Encore's hotel was closed for the remainder of the fourth quarter. A decline in gaming total revenue and taxes is reflected accordingly. Lottery sales continued to be strong, without much of a decline. With regard to workforce, Encore exceeded its goals for minority and veteran employees and fell below its goals for women employees.

Q4 2020 operating spend for diversity was then presented. In particular, 30% of Encore's Q4 discretionary spend went toward diverse enterprises. Information was also presented regarding Encore's local spending in Q4 2020.

There were not any minors intercepted consuming alcohol in Q4. There was 1 minor intercepted on the gaming floor and prevented from gaming, 2 minors intercepted gaming, 2 minors intercepted at slot machines, and 1 minor intercepted at table games.

Special Events at Encore included the introduction of Wynn Sports, which sells sports apparel. Encore also created a Massachusetts Gold Star Family Tree, where people place messages to

loved ones during the holiday season. An employee bake sale was also organized to benefit the Pine Street Inn and raised nearly \$6,000, including a Wynn Foundation match.

Commissioner Cameron asked why the Q4 diversity spend was so strong. Ms. Krum responded that there has been a consistent effort made by Encore which has paid off. Commissioner Cameron also asked how Encore worked with the local business highlighted in the presentation. Ms. Krum answered that they worked with the business to develop the kind of quality Encore desires. Finally, Commissioner Cameron asked how lottery sales stayed so strong. Ms. Krum said that there are strong lottery sales during the holiday season. Additionally, 60% of their regular players have returned.

Commissioner Zuniga asked Ms. Krum to identify the quarter in which Encore was really ramping up its operation. Ms. Krum confirmed that it was Q3 2019. Commissioner Zuniga then asked if Ms. Krum had any additional insights regarding the play in 2019 versus in 2020. Ms. Krum explained that Encore was continuing to ramp up its customer base and customers were deciding whether they wanted to continue play with Encore's competitors. During COVID, Encore worked to maximize its slot games, but now there is an increase in table games.

Chair Judd-Stein noted that she is looking forward to women returning to the workforce. Ms. Krum responded that because Encore offers shifts, they have seen women requesting changes in shifts to accommodate childcare schedule. They hope to continue to work with women to make sure they can get back into the workplace.

The PowerPoint presentation used by Ms. Krum in her quarterly report is included in the Commissioners' packet.

02:29:31 Plainridge Park Casino Quarterly Report – Q4 2020

Mr. Grounsell explained that in Q4 2020, 25% of Plainridge Park Casino's ("PPC") qualified spend was with diverse suppliers, exceeding its goal. PPC reported zero instances of underage or minor guests on the gaming floor, zero instances of minors gaming, and zero instances of underage/ minors consuming alcohol. PPC also exceeded its workplace goals with regard to diverse and veteran representation.

Mr. Grounsell then introduced Ms. Dana Fortney, who reported on gaming revenue and taxes. PPC generated just under \$27 million in net slot revenue, with total taxes of over \$13 million paid to the Commonwealth. PPC also sold over \$350,000 in lottery tickets, which is down 55% from the prior year. Ms. Fortney then addressed PPC's in-state and local spend as well as vendor diversity.

Commissioner Zuniga asked PPC to speak to the differences between revenue in 2019 and 2020. Ms. Fortney explained that PPC shifted its promotions to earlier hours in the day during the period when it had to close early. They are also continuously looking at reinvestment on the floor.

Ms. Cathy Lucas then discussed fourth quarter compliance, explaining that PPC prevented 643 individuals from entering the gaming establishment, of which 620 has no ID or an expired ID, 14 were underage, and 9 were minors. Ms. Lucas also outlined PPC's employment numbers in Q4.

Commissioner Cameron noted that women make up the bulk of PPC's hospitality staff and asked if that is the reason why the number of women employees was so low. Ms. Lucas responded that the departments PPC did not bring back, including bartenders and servers, included many women. They hope to be able to recall most of those employees.

Chair Judd-Stein inquired into the percent of diverse employees by category. Ms. Lucas explained that there are 72 team members in the supervisor or above role that are in one of the diverse categories, out of 335.

The PowerPoint presentation used by PPC in his quarterly report is included in the Commissioners' packet.

With no further business, Commissioner Zuniga moved to adjourn.

Commissioner Cameron seconded the motion.

Roll-Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated February 9, 2021.
2. Draft Commission Meeting Minutes of October 8, 2020
3. Draft Commission Meeting Minutes of October 22, 2020
4. Miller & Chevalier Independent Compliance Monitor Summary of Phase II Assessment Report PowerPoint Presentation
5. Wynn Resorts, Limited and Wynn MA, LLC Independent Compliance Monitor Phase II Report
6. Wynn Resorts, Limited and Wynn MA, LLC's Preliminary Response to Wynn Resorts, Limited and Wynn MA, LLC Independent Compliance Monitor Phase II Report
7. Memorandum of Fiscal Year 2021 (FY21) Second Budget Update
8. Encore Boston Harbor Quarterly Report Q4 2020 PowerPoint Presentation
9. Quarterly Report as of December 31, 2020
10. Quarterly Report Attestation Required under 205 CMR 139.06 (1)
11. Quarterly Report Attestation Required under 205 CMR 139.06 (2)
12. Plainridge Park Q4 Report PowerPoint Presentation
13. Plainridge Park Casino Q4/2020, 205 CMR 139.06 (1) Attestation
14. Plainridge Park Casino Q4/2020, 205 CMR 139.06 (2) Attestation



MEMORANDUM

TO: Chair Judd-Stein and Commissioners Cameron, O'Brien, and Zuniga
FROM: Nakisha Skinner, Licensing Division Chief
DATE: May 13, 2021
RE: Gaming Service Employee (SER) Exemption Request: MGM Springfield/Wahlburgers

SUMMARY

This request for exemption of three (3) positions at Wahlburgers, a standalone restaurant located on MGM Springfield property, from service employee registration is presented to the Commission for consideration and approval. The positions will be employed by Wahlburgers, a registered non-gaming vendor. They are:

VENDOR EMPLOYEE POSITION			
Job Profile Number	Position	Department	Property Access Level
11721-W	Fry Cook	Wahlburgers	N ¹
11765-W	Expeditor	Wahlburgers	N ¹
11735-W	Board and Window	Wahlburgers	N ¹

The Licensing Division worked with Wahlburgers in developing this recommendation and supports the exemption.

BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service Employee" level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: _____

JOB POSITON (AND UNIQUE JOB CODE): _____

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): _____

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	
Managerial responsibilities in any department	
Supervisory responsibilities in Human Resources or Sales and Marketing	
Responsibilities for alcohol sales, distribution, service, and/or storage	
Access to secure casino back-of-the house areas (including executive offices) without security escort	
Responsibilities for accounting and/or finance relating to the gaming establishment	
"Write" access to gaming-related casino databases	
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	
Other (please set forth other relevant information for exemption consideration)	

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): _____

The undersigned states that the information herein is true and accurate.

Rachel A. Ostermyer / _____
Signature / Printed Name Date



Job Description

Position: FRY Cook
Reports to: Manager on Duty
FLSA: Full-Time or Part-Time Non-Exempt

Wahlburgers mission is to welcome our guests like they are family and give them an exceptional, star-worthy dining experience. We embrace loyalty, gratitude, excellence, and community, sharing these values in our restaurants every day.

Key Performance Elements/Essential Functions

The Fry Cook “FRY” position is responsible for the piping hot sides, salads, and several starters. The Fry position builds out the menu items that generate consistency of our daily product. The Fry position is the last quality checkpoint for sides, salads, and starters before they leave the inside kitchen line.

Position Responsibilities

The position is responsible for ensuring and understanding the specifications of each side, salad, and starter as well as executing any deviations to our offerings a guest may request.

Job Requirements

Perform basic math functions.
Read, follow, memorize, and replicate food production procedures.
Follow direction from others.
Work in a high-volume, fast-paced work environment
Ability to hear, understand, and respond to employees' and guests' requests in a loud environment.
Ability to tolerate exposure to hot and cold temperatures.

Qualifications

High school or equivalent (Preferred)
Restaurant Experience: 1 year (Preferred)
Night Shift (Preferred)
Day Shift (Preferred)
ServeSafe (Preferred)

Physical Demands

Must be able to move objects, and use abdominal and lower back muscles to provide support to maneuver of restaurant equipment/food over time without fatigue. Constant movement and use of limbs; this position requires good manual dexterity, coordination and stamina. Ability to bend at the waist and lift items up to 50 lbs. to waist level. Ability to move items up to 50 lbs. for distances of up to 25 feet. Skill and coordination in using kitchen utensils and equipment.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers

JOB POSITON (AND UNIQUE JOB CODE): Expeditor (11765-W)

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: 04/21

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position: Expeditor (Expo) **Reports to:** Manager on Duty **FLSA:** Full-Time or Part-Time Non-Exempt

Wahlburgers mission is to welcome our guests like they are family and give them an exceptional, star-worthy dining experience. We embrace loyalty, gratitude, excellence, and community, sharing these values in our restaurants every day.

Key Performance Elements/Essential Functions The Expeditor (Expo) is responsible food leaving the kitchen. The Expo is responsible for the quality of the food, accuracy of the ticket, and ensuring the food presentation meets the recipe standards.

Position Responsibilities The Expo is responsible for being the sole communicator between the front and back of the house for guest orders. The Expo is responsible for ensuring the food prepared for the guest matches exactly how the ticket reads. The Expo be responsible for ensuring the specifications of each burger, sandwich, starter, and side.

Job Requirements Perform basic math functions .Read, follow, memorize, and replicate food production procedures. Follow direction from others. Work in a high-volume, fast-paced work environment Ability to hear, understand, and respond to employees' and guests' requests in a loud environment. Ability to tolerate exposure to hot and cold temperatures.

Qualifications High school or equivalent (Preferred) Restaurant Experience: 1 year (Preferred) Night Shift (Preferred) Day Shift (Preferred) ServeSafe (Preferred)

Physical Demands Must be able to move objects, and use abdominal and lower back muscles to provide support to maneuver of restaurant equipment/food over time without fatigue. Constant movement and use of limbs; this position requires good manual dexterity, coordination and stamina. Ability to bend at the waist and lift items up to 50 lbs. to waist level. Ability to move items up to 50 lbs. for distances of up to 25 feet. Skill and coordination in using kitchen utensils and equipment.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Expeditor (11765-W)

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	No
Managerial responsibilities in any department	No
Supervisory responsibilities in Human Resources or Sales and Marketing	No
Responsibilities for alcohol sales, distribution, service, and/or storage	No
Access to secure casino back-of-the house areas (including executive offices) without security escort	No
Responsibilities for accounting and/or finance relating to the gaming establishment	No
"Write" access to gaming-related casino databases	No
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	No
Other (please set forth other relevant information for exemption consideration)	No

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Expeditor (11765-W)

The undersigned states that the information herein is true and accurate.

Rachel A. Estermyer / Rachel A. Estermyer
Signature / Printed Name

05/13/2021
Date



Job Description

Position: Expeditor
Reports to: Manager on Duty
FLSA: Full-Time or Part-Time Non-Exempt

Wahlburgers mission is to welcome our guests like they are family and give them an exceptional, star-worthy dining experience. We embrace loyalty, gratitude, excellence, and community, sharing these values in our restaurants every day.

Key Performance Elements/Essential Functions

The Expeditor (Expo) is responsible food leaving the kitchen. The Expo is responsible for the quality of the food, accuracy of the ticket, and ensuring the food presentation meets the recipe standards.

Position Responsibilities

The Expo is responsible for being the sole communicator between the front and back of the house for guest orders. The Expo is responsible for ensuring the food prepared for the guest matches exactly how the ticket reads. The Expo be responsible for ensuring the specifications of each burger, sandwich, starter, and side.

Job Requirements

Perform basic math functions.
Read, follow, memorize, and replicate food production procedures.
Follow direction from others.
Work in a high-volume, fast-paced work environment
Ability to hear, understand, and respond to employees' and guests' requests in a loud environment.
Ability to tolerate exposure to hot and cold temperatures.

Qualifications

High school or equivalent (Preferred)
Restaurant Experience: 1 year (Preferred)
Night Shift (Preferred)
Day Shift (Preferred)
ServeSafe (Preferred)

Physical Demands

Must be able to move objects, and use abdominal and lower back muscles to provide support to maneuver of restaurant equipment/food over time without fatigue. Constant movement and use of limbs; this position requires good manual dexterity, coordination and stamina. Ability to bend at the waist and lift items up to 50 lbs. to waist level. Ability to move items up to 50 lbs. for distances of up to 25 feet. Skill and coordination in using kitchen utensils and equipment.



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers

JOB POSITON (AND UNIQUE JOB CODE): Board and Window (11735-W)

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: 04/21

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

Position: Board and Window (B&W) **Reports to:** Manager on Duty **FLSA:** Full-Time or Part-Time Non-Exempt

Wahlburgers mission is to welcome our guests like they are family and give them an exceptional, star-worthy dining experience. We embrace loyalty, gratitude, excellence, and community, sharing these values in our restaurants every day.

Key Performance Elements/Essential Functions The Board and Window (B&W) position is responsible for the assembly, or “laying the foundation” for the burgers and sandwiches. The B&W position builds off the menu items we offer to ensure consistency of our food products. The B&W position is the last quality checkpoint for guests burgers and sandwiches before they leave the inside kitchen line.

Position Responsibilities the B&W position will entail understanding the specifications of each burger and sandwich as well as executing any deviations to our offerings that our guests may request.

Job Requirements Perform basic math functions. Read, follow, memorize, and replicate food production procedures. Follow direction from others. Work in a high-volume, fast-paced work environment. Ability to hear, understand, and respond to employees' and guests' requests in a loud environment. Ability to tolerate exposure to hot and cold temperatures.

Qualifications High school or equivalent (Preferred) Restaurant Experience: 1 year (Preferred) Night Shift (Preferred) Day Shift (Preferred) Serve Safe (Preferred)

Physical Demands Must be able to move objects, and use abdominal and lower back muscles to provide support to maneuver of restaurant equipment/food over time without fatigue. Constant movement and use of limbs; this position requires good manual dexterity, coordination and stamina. Ability to bend at the waist and lift items up to 50 lbs. to waist level. Ability to move items up to 50 lbs. for distances of up to 25 feet. Skill and coordination in using kitchen utensils and equipment.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Board and Window (11735-W)

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	No
Managerial responsibilities in any department	No
Supervisory responsibilities in Human Resources or Sales and Marketing	No
Responsibilities for alcohol sales, distribution, service, and/or storage	No
Access to secure casino back-of-the house areas (including executive offices) without security escort	No
Responsibilities for accounting and/or finance relating to the gaming establishment	No
"Write" access to gaming-related casino databases	No
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	No
Other (please set forth other relevant information for exemption consideration)	No

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Board and Window (11735-W)

The undersigned states that the information herein is true and accurate.

Rachel A. Estermyer

Rachel A. Estermyer

Signature

/ Printed Name

05/13/2021

Date



Job Description

Position: Board and Window (B&W)
Reports to: Manager on Duty
FLSA: Full-Time or Part-Time Non-Exempt

Wahlburgers mission is to welcome our guests like they are family and give them an exceptional, star-worthy dining experience. We embrace loyalty, gratitude, excellence, and community, sharing these values in our restaurants every day.

Key Performance Elements/Essential Functions

The Board and Window (B&W) position is responsible for the assembly, or “laying the foundation” for the burgers and sandwiches. The B&W position builds off the menu items we offer to ensure consistency of our food products. The B&W position is the last quality checkpoint for guests burgers and sandwiches before they leave the inside kitchen line.

Position Responsibilities

The B&W position will entail understanding the specifications of each burger and sandwich as well as executing any deviations to our offerings that our guests may request.

Job Requirements

Perform basic math functions.
Read, follow, memorize, and replicate food production procedures.
Follow direction from others.
Work in a high-volume, fast-paced work environment
Ability to hear, understand, and respond to employees' and guests' requests in a loud environment.
Ability to tolerate exposure to hot and cold temperatures.

Qualifications

High school or equivalent (Preferred)
Restaurant Experience: 1 year (Preferred)
Night Shift (Preferred)
Day Shift (Preferred)
ServeSafe (Preferred)

Physical Demands

Must be able to move objects, and use abdominal and lower back muscles to provide support to maneuver of restaurant equipment/food over time without fatigue. Constant movement and use of limbs; this position requires good manual dexterity, coordination and stamina. Ability to bend at the waist and lift items up to 50 lbs. to waist level. Ability to move items up to 50 lbs. for distances of up to 25 feet. Skill and coordination in using kitchen utensils and equipment.



Division of Racing

TO: Cathy Judd-Stein, Chair
Gayle Cameron, Commissioner
Eileen O'Brien, Commissioner
Enrique Zuniga, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director
Todd Grossman, General Counsel

DATE: May 20, 2021

RE: Horseracing Integrity and Safety Act

Dear Commissioners:

On December 27, 2020, the Horseracing Integrity and Safety Act was signed into law. This Act recognizes the Horseracing Integrity and Safety Authority (HISA), a private entity, for the purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program for Thoroughbred racing. Other racing breeds of horses may be included if the individual state Commission or breed governing organization opts in. The Authority is authorized to propose rules for these programs that the Federal Trade Commission may approve, reject, or modify. The deadline for implementation of these programs is July 1, 2022.

The Authority will contract with the U.S. Anti-Doping Agency (USADA) for doping/medication control. USADA will implement testing, investigating, adjudicating and accrediting laboratories. They may enter into agreements with state Commissions for services such as sample collection.

The Authority will determine their annual budget, project the amount of racing starts for the year in each State and determine any other sources of revenue. Then they will provide each State Commission the estimated amount required from the State to cover the costs of the programs. If an individual state elects not to pay the fees, then the fees are collected from "covered" people (licensees).

The Authority recently announced the members of its board of directors and standing committees. I will update the Massachusetts Gaming Commission as HISA moves forward.



Massachusetts Gaming Commission

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Raymond “Chip” Campbell Jr. - President
Paul Vacca – Vice President
Nancy Longobardi – Secretary/Treasurer
Chris Antonacci – Director
George Ducharme – Director
Paul Fontaine – Director
Bonnie Rush - Director

Massachusetts Breeding Program



Broodmares Registered

2019 - 122

2020 - 120

Sire Stake Races

2019 - 35

2020 - 35

Purses

2019 - \$1,755,100

2020 - \$1,400,750

Starters

2019 - 210

2020 - 239

Massachusetts Sire Stake Records

Pacers

Three-Year-Old Pacing Colt
2020 **WYATT J** 1:51.3

Three-Year-Old Pacing Filly
2020 **SHE'S A FIREBALL** 1:54.1

Two-Year-Old Pacing Colt
2020 **MULLINAX** 1:53.4

Two-Year-Old Pacing Filly
2020 **PURAMERI** 1:52/4

Trotters

Three-Year-Old Trotting Colt
2017 **BIG MAN EV** 1:53.3

Three-Year-Old Trotting Filly
2020 **WITHOUT A WARNING** 1:54.2

Two-Year-Old Trotting Colt
2019 **LIFE IS A FEAST** 1:55.4

Two-Year-Old Trotting Filly
2017 **BAG O CHIPS** 1:57.3
2019 **WITHOUT A WARNING** 1:57.3



5 Stake Records Broken in 2020



Division of Racing

TO: Cathy Judd-Stein, Chair
Gayle Cameron, Commissioner
Eileen O'Brien, Commissioner
Enrique Zuniga, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director
Todd Grossman, General Counsel

DATE: May 20, 2021

RE: Standardbred Owners of Massachusetts Recognition

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128, Section 2 (j), the Standardbred Owners of Massachusetts, Inc. (SOM) has requested they be approved as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2021.

Recommendation: That the Commission approves the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2021.



Massachusetts Gaming Commission

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STANDARD BRED OWNERS OF
MASSACHUSETTS, INC.
PO Box 1862
PLAINVILLE, MA 02762

May 13, 2021

Massachusetts Gaming Commission
Racing Division
Alexandra Lightbown
Director of Racing
101 Federal St., 12th Floor
Boston, MA 02109

Dear Director Lightbown,

Standardbred Owners of Massachusetts, Inc. respectfully requests approval to be recognized as the duly organized representative group of standardbred breeders to administer the Massachusetts Standardbred Breeding program and Sire Stake races in accordance with Massachusetts General Law Chapter 128, sec. 2(j) for the upcoming 2021 season.

SOM, Inc. is a non-profit Massachusetts Corporation in good standing and has continuously administered the Massachusetts Breeding and Sire Stakes program since 1992.

Sincerely,

Nancy Longobardi

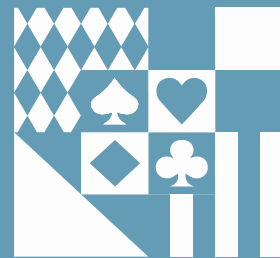
Nancy Longobardi
Secretary / Treasurer

cc: Massachusetts Department of Agricultural Resources / Standardbred Breeding Program
Plainridge Park Casino / Steve O'Toole – Director of Racing

WWW.SOMINC.NET
508-528-1877
INFO@SOMINC.NET

Plainridge Park

Steve O'Toole
Director of Racing



BARSTOOL
SPORTSBOOK



Live Racing



2019	
Days	108
Overnight Races	1,094
Early Closers (Spirit & Barton)	2
Mass Sire Stakes Races	37
Total Races	1,133
Overnight Purses	\$9,030,300
Clara Barton	\$100,000
Spirit of Mass	\$250,000
Mass Sire Stakes Purses	\$1,755,100
Total Purses	\$11,135,400

2020	
Days	68
Overnight Races	671
Early Closers (Spirit & Barton)	2
Mass Sire Stakes Races	35
Total Races	708
Overnight Purses	\$6,528,750
Clara Barton	\$100,000
Spirit of Mass	\$250,000
Mass Sire Stakes Purses	\$1,400,750
Total Purses	\$8,279,500



Spirit of Massachusetts

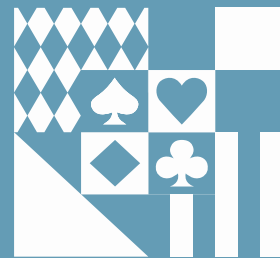
MANCHEGO

2020 Spirit of Massachusetts Trot Winner
World Record 1:49.3 on a 5/8ths Track



Plainridge Park

Thank You



BARSTOOL
SPORTSBOOK





May 20, 2021

Ms. Arlene Brown
Secretary
Massachusetts Thoroughbred Breeders Association, Inc.
(VIA EMAIL- arlbrown@comcast.net, mtba@comcast.net)

Dear Ms. Brown:

This letter will acknowledge receipt and thank you for the information you have provided me relative to the Massachusetts Thoroughbred Breeders Association, Inc.'s ("MTBA") plans for racing and breeding incentives for 2021. Pursuant to G.L. c.128, §2(g) the MTBA may set the percentages for certain bonuses in consultation with the chair of the Gaming Commission. I have been asked to share my thoughts and concerns on behalf of the chair and the Commission as part of that statutory consultation. Given this, I offer the following:

- The Racing Incentives Distribution plan provides for the payment of purse money through 6th place. G.L. c. 128 specifies paying purse money only through 3rd place as follows: "the percentage for a cash prize for the purse monies won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race held within or outside of the commonwealth to the owner of a Massachusetts bred horse if said horse **finishes first, second, or third**" Since this year, the MTBA is not planning on any races designated just for Massbreds, I understand your desire to pay through 6th place to help disperse more of the money; however, I suggest you seek a legal opinion as to whether that is allowed under the statute.
- The Racing Incentives Awards plan proposes a change to the percentage for breeder's bonuses from 25% to 30%, subject to" consultation with the chairman of the racing commission and the program manager for the equine division in the department of agriculture set the percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred horse, of the purse monies". G.L. c. 128. The MTBA has presumably determined they have the financial means to absorb this increase. This may help to encourage more breeding and makes the breeder and owner bonuses equal. I agree this is worth trying.
- The Breeding Incentives for foals of 2021 are not listed in Chapter 128 as one of the permissible ways to promote, develop, and encourage breeding in Massachusetts. I appreciate that your intention is to use breeder incentives as a measure to encourage



Massachusetts Gaming Commission

and support breeding (and its ancillary business benefits) in the Commonwealth, particularly given the current absence of Thoroughbred racing in Massachusetts. As I understand your plan, the subject breeder would receive a payment at certain breeding-related mileposts and not have to wait the 3-4 years before the horse is old enough to race and win purse monies. We have discussed balancing the incentives to ensure responsible breeding. The MTBA has presumably determined they have the financial means to provide these incentives. While I support the principle behind this new program, I suggest you seek a legal opinion as to whether payments of this sort are permissible under the applicable statutory provision.

I understand that not having a full-time Thoroughbred racetrack in Massachusetts is still having a profound effect on your program. There continues to be several entities that have expressed interest in opening a new track, with the hope that one day Thoroughbred racing will return to the Commonwealth. However, that still does not appear to be imminent. In the meantime, I remain concerned that the Race Horse Development Fund money the MTBA receives does not appear to be leading to the breeding of more Thoroughbreds, which of course itself leads to preserving open space, promoting agriculture, providing jobs in ancillary services, etc. I appreciate your continued efforts to develop new incentives to help advance this important initiative.

Lastly, it is also important to recognize that G.L. c.128, §2(g) also requires that the MTBA consult with the program manager for the equine division in the Department of Agriculture in setting these bonus percentages.

Thank you for your continued cooperation.

Very truly yours,

Dr. Alexandra Lightbown
Director of Racing and
Chief Veterinarian



TO: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Enrique Zuniga

FROM: Karen Wells, Executive Director

Date: May 20, 2021

RE: 2021 Regulatory Review

The Commission has directed the agency to conduct a review and assessment of all its regulations. Identification of clear goals and a defined process is instrumental to the success of the project. I am requesting Commission feedback on the proposed goals and process as we move forward with implementation. The review is anticipated to be conducted on a “rolling basis” with different sets of regulations reviewed at different times and with the input of key stakeholders as needed. All revisions to regulations will be promulgated in the manner prescribed by statute and filed with the Secretary of State as required. This broad-based look at our processes is a quality assurance tool that will ensure that the agency is utilizing best practices across our operations.

Proposed 2021 Regulatory Review Goals

The proposed goals are below:

- Ensure regulations are clear, well written and understandable
- Eliminate duplicative or contradictory requirements
- Eliminate unnecessary and minimize overly burdensome requirements
- Ensure reporting requirements are necessary and provided information is used by regulatory agency
- Eliminate barriers to equity and inclusion

These goals were identified because they will help to make our business practices easier to navigate, ensure fairness in our processes, and reduce unnecessary regulatory burdens.

Ease of Navigation

The technical exercise of reviewing MGC regulations for ease of navigation is expected to assist in the customer experience. The process should reduce duplication and consolidate related



Massachusetts Gaming Commission

regulations into a format that makes them more accessible to stakeholders. Where applicable, the process should evaluate the potential reduction of the steps needed for public facing processes (licensing, grant applications, VSE applications, etc.) as well as processes specifically required of licensees (internal controls, inspections, reporting, etc.). This may include examining the requirements of the forms and practices not specifically included in the regulation (incorporated by reference but not prescribed in regulation) that may be confusing or burdensome to applicants.

Fairness

Fairness to all stakeholders is critical to the integrity of our operations. For example, the proposed review is expected to ensure that the identified regulatory process is not creating barriers for disadvantaged groups and does not include culturally insensitive requirements.

Reduction of Unnecessary Regulatory Burdens

The reduction of unnecessary regulatory burdens is expected to improve the MGC's business environment and increase stakeholder professional opportunities. Examples of potential actions in the review process include: 1) removal of obsolete requirements; 2) relocation of certain requirements from a formal regulation promulgated within 205 CMR to a rule by reference that may be amended without going through a formal regulation promulgation process, especially if it is expected that there may be variations or changes of such rules in the future; and 3) elimination of requests for information that are not ultimately utilized by the regulator.

Proposed Review Process:

A Commissioner, the Executive Director and Legal Staff have formed the current core working group.

The proposed next steps for the review process include the following:

1. Commission feedback on proposed goals
2. Completion of form for review process
3. Identification of set of regulations and associated documents to commence process
4. Identify review team/working group for proposed regulations under review
5. Develop timeline
6. Conduct preliminary assessment of regulation in question
7. Develop and implement process for stakeholder input
8. Finalize any proposed regulatory revisions
9. Present regulatory revisions to Commission for approval process

The working group will identify key stakeholders (internal and external) to engage in the process and help identify areas of opportunity and priority. This process may include a roundtable of licensees as well as the appropriate staff members (depending on the set of regulations in question). Where applicable, the review team for a particular regulation could include a member of the staff with no direct involvement in the regulation to focus on aspects of clarity articulated earlier in this document. Any feedback on the proposed goals and process are most welcome as are any other ideas to ensure the success of the project.



TO: Chair Cathy Judd-Stein, Commissioners Gayle Cameron, Eileen O'Brien, and Enrique Zuniga

FROM: 2021 Community Mitigation Fund Review Team

CC: Karen Wells, Executive Director

DATE: May 20, 2021

RE: Continuation of 2021 Community Mitigation Fund Application Review

This memorandum is a continuation of the 2021 Community Mitigation Fund application review. In this analysis are the following 2021 CMF Applications:

Applicant	Type	Region A	Region B
Lynn - Marketing	Community Planning	\$100,000	
Malden – Broadway Zoning	Community Planning	\$50,000	
Malden – Center for the Arts	Community Planning	\$100,000	
Boston – Sullivan Square	Transportation Planning	\$200,000	
Malden – Broadway Improvement	Transportation Planning	\$200,000	
West Springfield	Transportation Planning		\$147,600
Boston – Lost Village	Transportation Construction	\$238,900	
Revere/Saugus – Route 1	Transportation Construction	\$800,000	

Copies of the applications can be found at <https://massgaming.com/about/community-mitigation-fund/>.

The Community Mitigation Fund Review Team (“Review Team”) reviewed the applications to ensure that they follow the 2021 Guidelines. As part of this review process, copies of the applications were sent to the licensees for their review and comment. Transportation Planning and Transportation Construction applications were also forwarded to the Massachusetts Department of Transportation (MassDOT) for their review and comment. Requests for supplemental information were submitted to the applicants so they could provide further clarification on their application. If necessary, follow up meetings were held with the applicants. Numerous meetings were held by the Review Team to ensure a thorough review of every application.

Recommendations of the Review Team

To effectuate a consistent and efficient system to analyze the applications, the Review Team utilized the review criteria specified in the 2021 Guidelines. This summary will mention some significant factors for these applications. Among the criteria are:

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact;
- The potential for the proposal to maximize the economic impact of the gaming facility; and
- The feasibility and reasonableness of the proposed mitigation measure.

The following chart shows the anticipated spending targets in the 2021 Guidelines compared to the funding requests received by the deadline.

TRANSPORTATION PLANNING GRANT APPLICATIONS

Guidelines Targeted Spending		Applications Received
Transportation Planning (\$200,000 per application plus any regional planning incentive)	\$1,000,000	\$1,147,600

BOSTON – Sullivan Square/Rutherford Avenue

Summary: The City of Boston is requesting \$200,000 for a portion of the design cost of improvements to Sullivan Square and Rutherford Avenue.

Analysis: The Review Team recommends awarding the full amount of \$200,000 to the City of Boston for the design of Sullivan Square and Rutherford Avenue.

The Review Team agrees that the design for the Sullivan Square/Rutherford Avenue improvements is clearly related to impacts of the gaming facility as approximately 70% of the project generated traffic will pass through Sullivan Square. Boston's long-term designs for the area have been significant considerations in the Commission's ongoing review of the Encore Boston Harbor project and the license conditions. These conditions include a requirement for Encore Boston Harbor to contribute \$25 million to this project.

Between 2017 and 2020, the Commission has awarded grants to the City of Boston in the amount of \$850,000 towards the project design. The City has estimated that the total design cost for this project will be approximately \$11 million. The City is responsible for 20% of this amount with the Federal Highway Administration funding 80%, resulting in a local cost of \$2.2 million. With the award of an additional grant of \$200,000, this would bring the Commission's total contribution to the design of \$1.05 million or about 9.5% of the total design cost and about 48% of the local design cost. In the end, these funds will

leverage over \$150 million in construction costs associated with the full reconstruction of Sullivan Square and Rutherford Avenue.

At the Review Team's request, the City provided an update on the project status. The 25% design plans were submitted in the fall of 2020 with a design hearing expected to be held in June 2021. 75% design plans are expected to be submitted in January 2022 with 100% design plans to be submitted by the fall of 2022. The City indicated to the Review Team that this should be the last request for design funding for this project.

The Review Team agreed that this level of investment is appropriate given the amount of casino traffic travelling through this area and ultimately the federal and state construction dollars that this project will leverage, and therefore recommends this project for funding.

Licensee Response: "Encore Boston Harbor supports the City of Boston's continued planning of the reconfiguration of Sullivan Square and Rutherford Avenue in Charlestown. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, has the opportunity to make substantial and lasting improvements to our area. This project is one that could lead to significant regional improvement in the future."

MassDOT Response: MassDOT recommends approval of the City of Boston's request for \$200,000 to contribute to the design costs for the Sullivan Square/Rutherford Avenue reconstruction project. Our approval is consistent with state and City efforts to support economic development, manage congestion, support multimodal travel, and improve safety for travel in this area. As established in the MEPA filings, 70% of the traffic generated by the Encore Casino is estimated to use Sullivan Square. The application states that the City is leading a 25% design with MassDOT to address existing deficiencies and the impacts of the Encore Casino. The full design cost for this project is \$11,000,000, with the city of Boston contributing \$2,200,000. As with our comments on similar requests in previous years, MassDOT notes that the application does not discuss any progress that has been made with previous grant funding including whether the project has advanced since that funding was awarded.

MALDEN – Broadway Improvements

Summary. The City 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.

Analysis: The Review Team recommends awarding \$200,000 to the City of Malden for Broadway improvement planning and design.

The City of Malden serves as a transportation hub for the Encore facility with patron and employee shuttles running to and from the Malden Center MBTA Station. The original traffic studies done as part of the Encore Environmental Impact Report estimated that about one percent of the traffic associated with the casino would use the Broadway

corridor through Everett and into Malden. In addition, a substantial number of Encore employees live in Malden. The Review Team agreed that these factors constitute an impact of the casino on the Broadway corridor.

The City of Malden is proposing to reconstruct the entire length of Broadway from the Everett City line to the Melrose City line with an estimated cost of \$8 million. The City anticipates that the construction project will be funded through State's Transportation Improvement Program. A project of this magnitude would expect to have a total design cost in the \$800,000-\$1,000,000 range.

Through this grant Malden proposes to start the early work on the design, which includes the development of base plans and performing the necessary analyses to further the design. This grant application also includes advancing the design of a portion of the project near the Everett City line and the intersection with the Northern Strand Community Trail to a construction ready status. This design would include complete streets elements and address ADA accessibility issues.

The magnitude of Encore's impact on the Broadway corridor is relatively minor. Based on the first post opening traffic study done by Encore, one percent of casino related traffic would be about 240 vehicles per day. Therefore, the Review Team needed to evaluate how proportional the CMF contribution would be to the overall project. Assuming an all-in cost of \$9 million (\$8 million construction and \$1 million design), the \$200,000 request would amount to about 2.2% of the total project cost. The Review Team felt that this was an appropriate level of investment given the relative impact of Encore Boston Harbor. This project is consistent with other projects funded by the Commission where seed money was provided to start project planning.

Licensee Response: "Encore Boston Harbor supports the City of Malden's planning and redesign work related to its Route 99 corridor investigation and improvement project. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. We continue to encourage regional collaboration to ensure that the resources available in the Community Mitigation Fund are put towards impactful initiatives that will benefit the region for decades to come."

MassDOT Response: MassDOT supports the request of the City of Malden for \$200,000 to retain a consultant to provide surveying, pavement and subsurface investigation, traffic analysis, landscape design, urban design, and transportation design services to reconstruct the Broadway (Route 99) corridor. The reconstruction project is intended to include the entire length of Broadway within Malden, from the Everett boundary to the Melrose boundary. This segment of Broadway is largely under local jurisdiction, apart from the northern most segment between Bayrd Street/Trueman Drive and the Melrose City boundary, which is under MassDOT jurisdiction. In December 2020 the City completed the "Broadway (Route 99) Corridor Framework Plan" that focused on land use and economic development using a non-transportation grant from the MGC. That plan recommended transportation improvements as part of a strategy to enhance the corridor.

The grant funds would support design efforts and prepare bid-ready documents for an early action project that is part of the larger Broadway reconstruction project. This project may include new sidewalk and lighting along the segment adjacent to the Holy Cross Cemetery, accessibility upgrades and signal timing adjustments at the intersection of Broadway at Route 60, and a new pedestrian operated beacon at the STRAND trail crossing. MassDOT notes that the application stated that the funds will be used for one “and/or” another of these projects, rather than specifying a specific scope. The anticipated construction cost of this project is \$400,000 and the City plans to apply for Complete Streets funding for construction. The application includes a proposed scope of services from a consultant for surveying, engineering, and design services, indicating that the City is ready to move forward with the project if it is funded. This project mitigates the impact of the Encore Casino by improving multimodal access and safety on a corridor that provides direct access to the Encore Casino. Although the project may be minimally related to direct impacts of the Encore Casino, because the project is oriented toward pedestrians and a substantial distance from the Casino, MGC funds will only be used for a small portion of the Route 99 reconstruction project which will broadly address existing deficiencies along with impacts of the Encore Casino. This project is consistent with MassDOT’s goals for improved safety and accessibility and increased non-auto mode share.

WEST SPRINGFIELD – Elm Street Improvements

Summary: The Town of West Springfield is requesting \$147,600 in funds to design Complete Streets improvements to Elm Street and Southworth Street and purchase traffic counting equipment.

Analysis: The Review Team does not recommend CMF funding for this project.

In 2017, the Commission awarded a grant to West Springfield to develop design plans for a portion of Elm Street (Route 20). The Commission agreed that there was a casino related impact on this corridor as the Environmental Impact Report for MGM estimated that about 5% of the casino traffic would be using Route 20 to and from points west of the facility. That project was designed to improve the flow of traffic while incorporating complete streets elements to promote the use of alternative modes of transportation while also improving safety for pedestrians and bicyclists.

West Springfield advanced that design which would have eliminated some on-street parking to accommodate bike lanes. A meeting was held with local businesses in April 2019 at which point, it was determined that the loss of on-street parking would not be acceptable and that the improvements should be redesigned.

The West Springfield application is a four-part request. This first part is to redesign the work that was done with the 2017 Grant and move the bike lanes from the roadway to a green space between the eastbound and westbound lanes of Elm Street. The second part is to extend the limit of work on Elm Street to extend the bike lanes to match in with existing bike lanes further up Elm Street. The third part is to extent the limit of work onto Southworth Street to connect to a new school that is being constructed. And the fourth part is to purchase traffic counting equipment.

The Review Team does not recommend funding this application for several reasons. The team does not believe that it is the role of the CMF to provide additional funding towards a project whose design was not acceptable to stakeholders in the area. The issue regarding the location of bike lanes and the loss of parking should have been discussed and resolved long before a final design had been prepared. This grant was issued in 2017 and the meeting with business owners did not take place until April of 2019.

The Review Team could not identify an impact of the casino associated with the proposed expansion of the project limits. The expansion of the project on Elm Street appears to be due only to the proposed reconfiguration of the bike lane and does not have any particular relation to a casino impact. The proposed expansion of the project on Southworth Street is associated with the construction of a new school. As part of the school project, the Town is considering making changes to the traffic flow, which would result in additional traffic using Southworth Street and Elm Street. The supplemental information request provided by the Town stated, "The potential increase of traffic from Southworth St onto Elm St would conflict with traffic destined for the Casino originating from Route 20." While traffic congestion at that intersection may be of concern, this additional impact is being driven by the school, not the casino. In addition, one would expect that school related traffic peaks would not coincide with casino related peak traffic.

The Review Team also does not recommend funding for the traffic counting equipment. The team felt that this was a general municipal expense rather than in response to a casino related impact.

Licensee Response: "Similar to the above-referenced application, MGM does not support the Town's application for the Elm Street design and connectivity expansion project as currently framed. Such application referenced the Civic Economics report and suggests a finding of reduction in meals taxes and a restaurant closure with a causal connection to MGM, which the Elm Street project would help to mitigate. Such report simply calculates a minor reduction in meals tax (approx. \$36,000) from 2018 to 2019 without any detailed or supportable causal connection to MGM beyond an inclination to attribute to MGM based on proximity. The Town has also used the prior issuance of Community Mitigation grants by the MGC as evidencing an impact and need for funding. That rationale is clearly circular. MGM supports any return of its tax dollars to local communities for infrastructure and service enhancements, including in West Springfield. It, therefore, offers qualified support for such request, while disputing that there is any evidence of a causal connection between traffic and transportation improvements and any purported negative impact from MGM Springfield."

MassDOT Response: MassDOT has some reservations regarding the request of the City of West Springfield for \$147,600 to alter and expand the improvements designed for Elm Street and purchase count equipment for monitoring. The improvements to Elm Street were designed using a previous MGC grant. Meetings with local businesses revealed opposition to the loss of on-street parking and space for outdoor dining that was part of the initial design, prompting the need to redesign the project. The application also proposes expanding the Elm Street project to connect to a new school that recently began construction. MassDOT finds it inconsistent to use MGC funds to provide a connection to a

school, as students are not intended as MGM Casino customers. Finally, the application proposes expanding the project to connect to new bicycle infrastructure, designed to be implemented with the Town's annual line painting program. The application describes that the Town has already committed \$49,996 of municipal funds to the project as a local match. The application includes a Scope and Fee from one of the Town's On-Call Consultants indicating that the project is ready to proceed if funded. The application states that the Town intends to apply to MGC in 2022 for a Transportation Construction grant to fund the construction of this project. The project aligns with MassDOT's multimodal goals and MassDOT agrees that multimodal improvements along this corridor would mitigate the impacts of the MGM Casino, indicated by our support of the initial Elm Street project. However, MassDOT questions funding the redesign of a project that was already designed using funds from a MGC grant.

TRANSPORTATION CONSTRUCTION GRANT APPLICATIONS

Guidelines Targeted Spending		Applications Received
Transportation Construction Project(s)	\$4,000,000	\$1,373,726

BOSTON – Connecting the Lost Village

Summary: The City of Boston is requesting \$239,000 for 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.

Analysis: The 2021 CMF Guidelines for Transportation Construction Grants state that “any CMF assistance provided will only be for a maximum of 1/3 of the total cost, and that significant other federal, state, local, private or other funding will be available to pay for the remaining costs of any such project. The Commission will consider waiving this requirement if the applicant can affirmatively demonstrate that the cost associated with mitigating the impact exceeds the limit.”

The total cost of this project is \$534,000. In 2020, the Commission awarded a grant in the amount of \$295,000 toward this project, leaving the current request of \$239,000. The 2020 Guidelines were less restrictive than the 2021 Guidelines, only stating that the CMF would pay a percentage of the cost with significant other sources being available to pay the remainder of the costs. In 2020 the City asked for 100% of the funds, with no local match. They later modified that request to provide \$90,000 in local match for the design of the improvements. The Commission decided on the \$295,000 amount because of constraints in the availability of Transportation Construction funds and because some of the work proposed on cross streets between Cambridge Street and Maffa Way were not considered directly related to the casino. The grant for 2020 funded approximately 55% of the total project cost, which already exceeds the maximum 1/3 funding identified in the 2021 Guidelines.

The City has requested a waiver from the 1/3 requirement for this project. The main argument for the waiver is that 70% of the casino related traffic goes through Sullivan Square and that this traffic has an impact on both the main roads through the square as well as the residents living on the side streets. While no new data was presented, the Review Team does understand that the residents in the Lost Village must use the streets leading to and from Sullivan Square to access their homes, and that increases in traffic on the main streets can have a negative impact on the side streets as well. The question is whether this argument is compelling enough to warrant the granting of a waiver.

The Review Team did not have a recommendation on this project as it is a policy decision as to the waiver request. The Review Team was certainly in favor of this project as evidenced by our recommendation for approval last year. Absent detailed traffic studies that can demonstrate pre- and post-development traffic volumes, it is very difficult for an applicant to affirmatively demonstrate a casino related impact on the lesser used roads, although it is reasonable to expect there to be some impact due to the proximity of the casino. In addition, there are no fiscal constraints on the Transportation Construction Grant category this year, which was part of the reason for reducing the 2020 request.

Using a strict interpretation of the waiver language, it could be argued that the City did not “affirmatively demonstrate” that the costs of improvements on the side streets are directly related to the casino. However, it is also reasonable to conclude that there will be some impact to these streets due to the proximity of the casino and the amount of casino traffic using the are streets.

Licensee Response “Encore Boston Harbor supports the City of Boston’s planned geometric changes to the intersection of Brighton Street and Cambridge Street in Charlestown and its planned installation of a fiber connection from Sullivan Square to the Parker Street intersection. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, has the opportunity to make substantial and lasting improvements to our area. This project is one that could lead to significant regional improvement in the future.”

MassDOT Response: MassDOT is supportive of the City of Boston’s request for \$238,900 to construct geometric and safety improvements at the intersection of Brighton Street at Cambridge Street and installation of a fiber connection from Sullivan Square to Parker Street at Cambridge Street. The project will improve the safety of pedestrian crossings and improve the lines of sight for turning vehicles in the Charlestown neighborhood, which is consistent with MassDOT’s goals for improved multimodal safety. As established in the MEPA filings, 70% of the traffic generated by the Encore Casino is estimated to use Sullivan Square. In the 2020 grant cycle the City of Boston was awarded \$295,000 for this project and their request this year is the balance of the total cost to complete the project. MassDOT notes that the grant application guidelines state that construction grants cannot be used to fund more than one third of a project’s total cost. However, with the award of this grant the project would be completely funded with MGC grants issued in both 2020 and 2021. The City of Boston would be required to successfully pursue a waiver from the MGC to be awarded this funding and MassDOT notes that this may be appropriate given the

substantial share of trips to and from the Encore Casino that are projected to use these roadways.

REVERE AND SAUGUS – Route 1

Summary: 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.

Analysis: The Review Team recommends awarding \$800,000 to the Cities of Revere and Saugus for Route 1 improvements with the stipulation that none of these funds can be expended until MassDOT awards a construction contract for the proposed Route 1 North Phase II project. It further recommends that the Commission extend the deadline for the start of construction to June 30, 2023.

The Commission has provided transportation planning funds to Saugus and Revere in the past to study Route 1 and identify short term cost effective improvements. The Review Team agrees that there is a nexus to the casino in that the Environmental Impact Report for Encore projected that about 9 percent of the employees and patrons would use Route 1 to access the project.

Revere and Saugus have been working with MassDOT on two Route 1 related projects, which have been submitted to MassDOT and determined to be eligible for federal and state funding. For this project, known as the Route 1 North Phase II project, Revere and Saugus propose some selective widening and other related improvements to remove a bottleneck on Route 1 and improve access to and egress from local businesses. This project extends from the Overlook Ridge development to Route 99.

The application states that \$800,000 of CMF funds would be used to match \$1.8 million from MassDOT (although elsewhere it indicates \$1.6 million). This project was determined by MassDOT to be eligible for \$2.4 million in federal and state funds. The communities contend that having matching funds from the Commission will make this project more likely to be programmed in the Transportation Improvement Program. The requested grant makes up 1/3 of the \$2.4 million approved for the project, which meets the 2021 CMF Guidelines.

The 2021 Guidelines require that Transportation Construction projects must start construction by June 30, 2022. Given the preliminary nature of the current design, it is unlikely that this project could be ready to proceed by then. Therefore, Revere and Saugus have requested a waiver from this particular requirement. They have also identified some early action items that they believe could proceed before June 30, 2022. These include some sidewalk and curbing work, installing supports for overhead guide signs and possibly relocating a transformer. The total identified cost of this work is \$600,000. The Review Team appreciates the Cities thinking outside of the box but was not comfortable with this approach. These items would need to be removed from the larger project and go through their own approval process. Without guarantees of funding for the overall project, we could end up with a piecemeal approach that never gets fully funded.

The Review Team believes that this project should follow the normal MassDOT processes (25%, 75% and 100% design reviews) and proceed to construction as soon as reasonably possible. The Review Team recommends granting a one-year extension of the start of construction date to June 30, 2023 and authorize awarding a grant in the amount of \$800,000.

Licensee Response: “Encore Boston Harbor supports the City of Revere and the Town of Saugus’ improvements to the Route 1 North right-of-way at the exit/entrance ramps to the Overlook Ridge development. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. We continue to encourage regional collaboration to ensure that the resources available in the Community Mitigation Fund are put towards impactful initiatives that will benefit the region for decades to come.”

MassDOT Response: MassDOT is supportive of the request of the City of Revere and the Town of Saugus for \$800,000 for minor roadway widening to accommodate a third northbound travel lane on Route 1 northbound from approximately the Revere/Malden boundary to just north of the Route 99 on-ramp to Route 1 northbound. The project in the grant application will also complement the proposed ramps from the Overlook Ridge development in Malden, to be funded by the development. The application states that the project is an interim improvement pending a larger MassDOT Add-a-Lane project, which would add a third travel lane on Route 1 northbound from Copeland Circle in Revere to north of the Route 99 on-ramp. The application lists \$1,800,000 as match funding from the MPO/MassDOT in the Transportation Improvement Program (TIP); however, we were not able to find in the TIP any proposed match funding for this project. The project that the grant would fund has been initiated by the communities with MassDOT. MassDOT was made aware that the communities would be seeking this funding for the design. A meeting to discuss potential programming of the construction funding is currently being arranged with the Project Manager. As established in the MEPA filings, 15% of the traffic generated by the Encore Casino is estimated to use the segment of Route 1 targeted by this project. The project addresses the impact of the Encore Casino by addressing congestion and safety along a primary route used to access the Casino.

COMMUNITY PLANNING GRANT APPLICATIONS

Guidelines Targeted Spending		Applications Received
Community Planning	No Target Set	\$422,500

LYNN – Marketing

Summary: The City of Lynn is requesting \$100,000 to initiate a marketing campaign designed to mitigate the adverse effects on the City of Lynn, its businesses and the newly instituted cultural district as a result of the operation of the Encore Boston Harbor casino.

Analysis: The Review Team recommends awarding \$100,000 to the City of Lynn for the development of a marketing campaign.

The City of Lynn stated in their application that “the host of high end attractions at and around Encore are drawing would be visitors and their discretionary income from Lynn to the casino. The resulting impact on both business viability and revenue generation for the City of Lynn is adversely affecting our ability to maintain the gains we have recently made.” The City referenced the loss of shows at the Lynn Auditorium to Encore as evidence of this business loss. The specific instances were the loss of one show to Encore and the inability to bid on shows that they would normally pursue. This loss of shows also affects other local businesses such as restaurants. The Review Team agreed that this information documents a sufficient nexus to the casino.

Lynn intends to use this award to hire a marketing professional to create a marketing campaign and to then implement that plan for one year. They are planning on using a diverse, multi-media approach to marketing that would reach people via billboards on key casino routes, social media, visitor outreach, and website optimization, among other means. The city has provided a detailed budget, scope, and timeline estimate which indicate feasible and thoughtful marketing ideas with great potential to attract visitors and casino patrons to the area. The City of Lynn and the MA Office of Travel and Tourism will provide \$25,000 each towards this project.

The Review Team agreed that this approach will help the City of Lynn showcase its offerings to casino patrons and the general public and help offset the marketing advantages of Encore in attracting patrons to the area.

Licensee Response: “Encore Boston Harbor supports the City of Lynn’s initiation of a marketing campaign to promote businesses within the City of Lynn. We wish the City of Lynn well with its business development activities and are happy to assist where appropriate.”

MALDEN - Broadway Zoning

Summary: Malden seeks \$50,000 in funding for a zoning improvement analysis which will further economic development by coordinating zoning use and land use policy and ordinance. It will also “ensure that the Broadway Corridor is able to realize its full potential as the gateway to the EBH”.

Analysis: The Review Team recommends awarding \$50,000 to the City of Malden to fund a zoning improvement analysis.

This request for assistance in amending zoning in the City of Malden along the Broadway Corridor follows the recommendations presented in the *Broadway (Route 99) Corridor Framework Plan*, which was funded through an earlier CMF Grant. Uses along the Broadway Corridor currently include automotive/machine shop uses, light manufacturing, strip commercial uses and some residential. The intent of this project is to allow land uses to evolve over time to become more mixed-use and complementary in nature.

The underlying zoning does not support uses that might be more complementary to the casino and capitalize on the increased use of the corridor by both patrons and employees.

The Review Team agreed that improving zoning in the area will help drive higher and better uses of the corridor and help offset any lost opportunity costs.

The City of Malden has been focusing on the Broadway Corridor for some time. The original Framework Plan took a high level view of land use, transportation, economic development and the public realm. Malden has just started its planning for the reconstruction of Broadway, which will incorporate complete streets elements to encourage multi-modal uses of the road. Zoning changes would enable Malden to improve the aesthetic quality of Broadway, make safety improvements for pedestrians and bicyclists while attracting casino traffic to the local businesses. The Review Team looks at this zoning analysis as a complementary part of this overall planning for the future of the corridor.

For these reasons, the Review Team supports the award of this Grant to the City of Malden.

Licensee Response: “Encore Boston Harbor supports the City of Malden’s study related to the zoning of its Broadway corridor and the impact of the same on development in the area. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. We continue to encourage regional collaboration to ensure that the resources available in the Community Mitigation Fund are put towards impact initiatives that will benefit the region for decades to come.”

MALDEN – Arts Center

Summary: The City of Malden is requesting \$100,000 to complete a feasibility analysis and concept design to redevelop the old Malden District Court building at 89 Summer St. into an Arts Center serving the community and the region.

Analysis: The Review Team does not recommend awarding this grant.

The City of Malden’s grant application states that “Encore Boston Harbor is a regional entertainment destination and its success has had a negative impact on Malden’s efforts to support its own ‘Gaming District’ in Malden Center. Recently opened ‘gaming’ facilities include escape rooms, e-sport gaming, table-top gaming, billiards, and questing.” In our request for supplemental information, we asked if there was any documentation of an impact on these businesses. The City was unable to provide any documentation but contended that providing a strong anchor institution would help support these businesses.

At present, the City of Malden does not own the former Malden District Court building. DCAMM has listed the property as available surplus, which would enable the property to be acquired by the City. One of the major issues is how the City could finance the conveyance of the property from DCAMM. That issue requires further legislative filings and a search for alternate sources of funding; at present it does not appear that there is a definitive financing plan. The City indicated in their supplemental information that they expect to take possession of the building within six months.

The Review Team agrees that the development of an Arts Center in downtown Malden would be a great benefit to the City and surrounding businesses. However, due to the

uncertainties related to the acquisition of the property and legislative filings, and the lack of a nexus to the casino, the Review Team does not support this grant for funding.

Licensee Response: “Encore Boston Harbor supports the City of Malden conducting a study related to the redevelopment of the old Malden District Court building as a potential arts center. We wish the City of Malden well with its redevelopment efforts and are happy to assist where appropriate.”

QUARTERLY REPORT Q1 2021



May 20, 2021
ENCORE BOSTON HARBOR



Gaming Revenue, Taxes & Lottery Sales

GAMING REVENUE & TAXES: Q1 2021



Year	Month	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2021	January	\$13,688,324.11	\$19,627,206.52	\$33,315,530.63	\$8,328,882.66
	February	\$17,059,506.91	\$23,933,939.14	\$40,993,446.05	\$10,248,361.51
	March	\$20,399,421.28	\$29,267,318.33	\$49,666,739.61	\$12,416,684.90
	Total	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07

GAMING REVENUE & TAXES: YEAR-OVER-YEAR



Year	Quarter	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2020	Q1 (through March 15)	\$63,346,567.80	\$58,267,912.37	\$121,614,480.17	\$30,403,620.05
	Q2	\$0.00	\$0.00	\$0.00	\$0.00
	Q3 (from July 10)	\$49,310,059.97	\$63,032,899.39	\$112,342,959.36	\$28,085,739.84
	Q4	\$42,507,448.88	\$55,251,981.49	\$97,759,430.37	\$24,439,857.59
	Total	\$155,164,076.65	\$176,552,793.25	\$331,716,869.90	\$82,929,217.48
2021	Q1	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07
	Q2	-	-	-	-
	Q3	-	-	-	-
	Q4	-	-	-	-
	Total (to date)	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07

LOTTERY SALES:¹ Q1 2021

Year	Month	Lottery Sales
2021	January	\$230,487.50
	February	\$186,552.50
	March	\$196,538.00
	Total	\$613,578.00

- 1 The periods for which relevant sales are reported are based upon week-end totals, and may not correspond precisely to calendar month periods.

LOTTERY SALES: YEAR-OVER-YEAR

Year ¹	Quarter	Lottery Sales	% Change from 2020
2020	Q1 (through March 15)	\$707,443.25	-
	Q2	\$6,349.45	-
	Q3 (from July 10)	\$421,804.00	-
	Q4	\$632,811.50	-
	Total	\$1,135,596.70	-
2021	Q1	\$613,578.00	-13.3%
	Q2	-	-
	Q3	-	-
	Q4	-	-
	Total (to date)	\$613,578.00	-13.3%

- 1 Please note that lottery sales for 2020 and 2021 are reflective of state mandated closures, reduced occupancies and limited operating hours related to the COVID-19 pandemic.



Workforce



EMPLOYMENT¹: ALL EMPLOYEES

Sector ²	Goal	Q1%	Q1 Total # of Employees in Sector
Minority	40%	55%	1,816
Veteran	3%	3%	93
Women	50%	42%	1,402
Local/Host/Surrounding Community Residents ³	75%	86%	2,848
MA Residents	N/A	89%	2,949
Total Number of Employees	3,311		
Full-time	2,500		
Part-time	811		
On-call	0		

- 1 All employee figures were current as of March 23, 2021.
- 2 An employee may fall into more than one sector (e.g.: minority and local) and, as such, totals may not be reflective of the sum of previous columns.
- 3 “Local/Host/Surrounding Community Residents” includes residents from communities within thirty (30) miles of Encore Boston Harbor.



Operating Spend



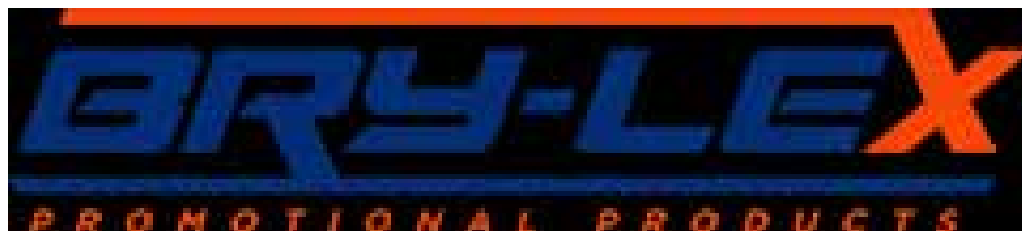
OPERATING SPEND¹: DIVERSITY

Diversity Category	Annual Goal	Q1%	Q1 Spend
Minority Business Enterprise	8%	15%	\$2,109,054.19
Veteran's Business Enterprise	3%	2%	\$272,319.72
Women's Business Enterprise	14%	8%	\$1,201,961.11
Total Diverse Spend	25%	25%	\$3,583,335.02

- 1 All spend figures referenced herein are based upon Encore Boston Harbor's Q1 discretionary spend amount of **\$14,237,699.11**.

OPERATING SPEND: LOCAL

Locality	Annual Goal	Q1%	Q1 Spend
Boston	\$20,000,000.00	12%	\$2,433,740.76
Chelsea	\$2,500,000.00	9%	\$220,832.63
Everett	\$10,000,000.00	23%	\$2,266,137.65
Malden	\$10,000,000.00	1%	\$121,902.65
Medford	\$10,000,000.00	1%	\$102,746.28
Somerville	\$10,000,000.00	2%	\$189,574.04
State of MA	-	50%	\$7,166,273.50
Total Discretionary Spend	N/A	\$14,237,699.11	



During Q1, Encore Boston Harbor placed an order of approximately \$378,162 in promotional merchandise from WBE vendor, BRY-LEX, LLC.



Compliance



COMPLIANCE: MINORS PREVENTED FROM GAMING

Month	Minors Intercepted on Gaming Floor and Prevented from Gaming	Minors Intercepted Gaming	Minors Intercepted at Slot Machines	Minors Intercepted at Table Games	Minors Intercepted Consuming Alcohol	Number of IDs NOT Checked that Resulted in Minor on Gaming Floor	Number of Fake IDs Provided by Minors that Resulted in Minor on Gaming Floor
January	1	2	1	1	1	1	2
February	3	0	0	0	0	2	0
March	5	0	0	0	0	4	1
Total	9	2	1	1	1	7	3

1 For purposes of this Quarterly Report, “minor” shall mean a person under 21 years of age.

- Average length of time spent on casino floor by minors was 30 minutes.
- Longest length of time spent on casino floor by a minor was 1 hour, 56 minutes.
- Shortest length of time spent on casino floor by a minor was 1 minute.



Promotions and Marketing Update



TRAVEL+ LEISURE



Credit: Courtesy of Encore Boston Harbor

Best Hotels

Boston MAGAZINE

The Best Steakhouses in Boston Right Now

Rare Steakhouse

Shortly after it opened in the summer of 2019, this top-dollar steakhouse at the Encore Boston Harbor casino earned a middling review from **one of our dining critics**. But one of the great things about dining out again is rediscovering how restaurants have reinvented themselves in recent months: Over at Encore, chef John Ross took the helm in February, giving us good reason to return. After all, under Ross, Neptune Oyster in the North End saw itself regularly crowned a **Best of Boston winner**. Now Ross, who left Neptune to open Encore's Oyster Bar and Waterfront restaurant, will have his chance to show what he can do at a steakhouse set apart by its **selection of unique, hard-to-find cuts**.

*1 Broadway, Everett (Encore Boston Harbor), 857-770-3300,
encorebostonharbor.com.*



Special Events Update



SPECIAL EVENTS: SOCIALLY DISTANCED LUNAR NEW YEAR CELEBRATION

Encore
BOSTON HARBOR



SPECIAL EVENTS: OPENING OF CHEESE MEET WINE FEBRUARY 12, 2021

Encore
BOSTON HARBOR



SPECIAL EVENTS: REOPENING OF CRAPS MARCH 11, 2021

Encore
BOSTON HARBOR



SPECIAL EVENTS: VACCINATION SITE AND EMPLOYEE CAMPAIGN



SPECIAL EVENTS: VACCINATION SITE AND EMPLOYEE CAMPAIGN, CONT'D

Encore
BOSTON HARBOR



TONY WILSON
Casino Porter



Don't roll the dice on *your health*.

CARRIE TRAN
Table Games Dealer

A faster, stronger comeback depends on you.
Schedule your Covid-19 vaccination today.



Better times are within arm's reach.

A faster, stronger comeback depends on you.
Schedule your Covid-19 vaccination today.



Scan QR to
pre-register.

SPECIAL EVENTS: OPENING OF NIGHT SHIFT BREWING KITCHEN AND TAP - APRIL 15, 2021

Encore
BOSTON HARBOR



QUESTIONS?



Encore Boston Harbor



**Quarterly Report as of March 31, 2021
Massachusetts Gaming Commission**

Presented May 20, 2021

Quarterly Report as of March 31, 2021**I. Operations at a Glance****A. *The Resort***

Encore Boston Harbor is an approximately \$2.6 billion luxury resort located in Everett, Massachusetts. The resort, which opened for business on June 23, 2019, is comprised of a luxury hotel with 671 guest rooms, a gaming area, retail space, food and beverage outlets, event and meeting space, a spa and gym, a parking garage, and other complimentary amenities. Additionally, Encore Boston Harbor includes extensive landscape and open-space amenities including a public gathering area with an outdoor park-like open space, a pavilion, waterfront features, a public harborwalk and water transportation docking facilities.

B. *Reopening Requirements and Continued Regulation*

The Massachusetts Gaming Commission (the “MGC”) promulgated “Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments (the “Reopening Requirements”),” which set forth the minimum requirements for the reopening of the licensed gaming establishments in the Commonwealth after the mandated shutdown of the licensed gaming establishments issued by the MGC effective March 15, 2020. In addition to the Reopening Requirements, Encore Boston Harbor is subject to the applicable sector-specific reopening requirements set forth by the Commonwealth of Massachusetts. Sector-specific reopening requirements for restaurants, operators of lodgings, fitness centers, office space, retail facilities, private gatherings and close contact personal services are all applicable to Encore Boston Harbor’s operations. As a result of the continued pandemic, the Reopening Requirements and other sector-specific reopening requirements, the number of available gaming positions decreased substantially, restaurant operations were severely curtailed, and the event and meeting business was almost completely shuttered. The sector-specific reopening requirements remain fluid.

C. *Early Closure of Businesses and Activities and Stay-At-Home Advisory*

Due to the COVID-19 pandemic, and in response to an increase in new COVID-19 cases and hospitalizations, Governor Baker issued an executive order effective November 6, 2020 (“Covid-19 Order No. 53”), that required the early closure of certain businesses and activities each night at 9:30 p.m., including the Commonwealth’s three licensed gaming establishments (the “Early Closure Order”). In response to the Early Closure Order, Encore Boston Harbor submitted its Compliance Plan for COVID-19 Order No. 53 (the “Compliance Plan”) to the MGC, which the MGC approved on November 5, 2020. Pursuant to the Compliance Plan, casino operations at Encore Boston Harbor ceased at 9:00 p.m. on November 6, 2020, and reopened the following morning at 9:00 a.m. Thereafter, Encore Boston Harbor operated on a 9:00 a.m. to 9:00 p.m. schedule. Governor Baker rescinded the Early Closure Order effective January 25, 2021. In response to the Early Closure Order being rescinded, on January 27, 2021, Encore Boston Harbor opened at 9:00 a.m., and thereafter transitioned back to 24 hours per day, 7 days per week operations. Casino operations remained 24 hours per day, 7 days per week for the remainder of the first quarter of 2021 (“Q1”).

In addition to the Early Closure Order, a subsequent executive order effective December 26, 2020 ("Covid-19 Order No. 59") further reduced occupancy in the casino, dining outlets, hotel common areas, and back-of-house office and other spaces to twenty-five percent (25%). Covid-19 Order No. 59 remained in place for the majority of Q1, until March 1, 2021, at which time occupancy limits in most spaces were increased to fifty-percent (50%) or, in the case of dining outlets, were lifted entirely provided that tables were appropriately distanced.

II. Revenue

A. Quarterly Operating Results

Table 1 below details the gross gaming revenue ("GGR") for table games, the GGR for slot machines, the total GGR for table games and slot machines combined, and the taxes collected by the Commonwealth of Massachusetts for each month during Q1. Comparative figures for the same quarter of 2020 are also provided. Q1 results are highlighted in yellow.

Table 1: Quarterly Revenue

Year	Month	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2020	January	\$24,402,683.08	\$24,168,305.49	\$48,570,988.57	\$12,142,747.14
	February	\$27,841,694.26	\$24,676,621.92	\$52,518,316.18	\$13,129,579.05
	March (1-15)	\$11,102,190.46	\$9,422,984.96	\$20,525,175.42	\$5,131,293.86
	Total	\$63,346,567.80	\$58,267,912.37	\$121,614,480.17	\$30,403,620.05
2021	January	\$13,688,324.11	\$19,627,206.52	\$33,315,530.63	\$8,328,882.66
	February	\$17,059,506.91	\$23,933,939.14	\$40,993,446.05	\$10,248,361.51
	March	\$20,399,421.28	\$29,267,318.33	\$49,666,739.61	\$12,416,684.90
	Total	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07

Table 2 below details the GGR for table games, the GGR for slot machines, the total GGR for table games and slot machines combined, and taxes collected by the Commonwealth of Massachusetts for each quarter during 2020 and 2021 (to date). Q1 results are highlighted in yellow.

Table 2: Annual Revenue

Year	Quarter	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2020	Q1 (through March 15)	\$63,346,567.80	\$58,267,912.37	\$121,614,480.17	\$30,403,620.05
	Q2	\$0.00	\$0.00	\$0.00	\$0.00
	Q3 (from July 10)	\$49,310,059.97	\$63,032,899.39	\$112,342,959.36	\$28,085,739.84
	Q4	\$42,507,448.88	\$55,251,981.49	\$97,759,430.37	\$24,439,857.59
	Total	\$155,164,076.65	\$176,552,793.25	\$331,716,869.90	\$82,929,217.48
2021	Q1	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07
	Q2	-	-	-	-
	Q3	-	-	-	-
	Q4	-	-	-	-
	Total (to date)	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07

B. Lottery

Table 3 below details lottery sales at Encore Boston Harbor for each month during Q1. Comparative figures for the same quarter of 2020 are also provided. Q1 results are highlighted in yellow.

Table 4 below details lottery sales at Encore Boston Harbor for each quarter during 2020 and 2021 (to date). Q1 results are highlighted in yellow.

Table 3: Quarterly Lottery Sales

Year	Month	Lottery Sales	% Change from 2020
2020	January	\$263,348.00	-
	February	\$320,364.00	-
	March	\$123,731.25	-
	Total	\$707,443.25	-
2021	January	\$230,487.50	-12.5%
	February	\$186,552.50	-41.8%
	March	\$196,538.00	58.8%
	Total	\$613,578.00	-13.3%

Table 4: Annual Lottery Sales

Year	Quarter	Lottery Sales	% Change from 2020
2020	Q1	\$707,443.25	-
	Q2	\$6,349.45	-
	Q3	\$421,804.00	-
	Q4	\$632,811.50	-
	Total	\$1,135,596.70	-
2021	Q1	\$613,578.00	-13.3%
	Q2	-	-
	Q3	-	-
	Q4	-	-
	Total (to date)	\$613,578.00	-13.3%

III. Workforce

Table 5 below details Encore Boston Harbor's workforce composition as of the dates indicated by the footnotes following Table 5. Please note that the COVID-19 pandemic and COVID-19 regulations imposed by the MGC and the Commonwealth of Massachusetts have impacted and continue to impact workforce levels and recruiting efforts. Encore Boston Harbor continues to assess its workforce and make adjustments to accommodate shifting demands.

Table 5: Workforce Composition by Minority Group and Locality

Sector	Goal	Q1 % ¹	Q1 Total # of Employees	Q2 %	Q2 Total # of Employees	Q3 %	Q3 Total # of Employees	Q4 %	Q4 Total # of Employees
Minority	40%	55%	1,816	-	-	-	-	-	-
Veteran	3%	3%	93	-	-	-	-	-	-
Women	50%	42%	1,402	-	-	-	--	-	-
Local/Host/Surrounding Community Resident²	75%	86%	2,848	-	-	-	-	-	-
MA Residents	-	89%	2,949	-	-	-	-	-	-
Total Number of Employees³			3,311		-		-		-
Full-time			2,500		-		-		-
Part-time			811		-		-		-
On-call			0		-		-		-

1 All Q1 figures are as of March 23, 2021.

- 2 “Local/Host/Surrounding Community Residents” include residents from communities within thirty (30) miles of Encore Boston Harbor.
- 3 Please note that an employee may fall into more than one sector (e.g.: minority and local) and, as such, totals may not be reflective of the sum of previous columns.

IV. Goods and Services

Encore Boston Harbor had a total discretionary spend amount of \$14,237,699.11 during Q1. The Q1 discretionary spend figure includes discretionary purchases made between January 1, 2021 and March 31, 2021. Table 6 below details the amount of such discretionary spend allocated toward Minority Business Enterprises (“MBE”), Veteran’s Business Enterprises (“VBE”) and Women’s Business Enterprises (“WBE”). Q1 figures are highlighted in yellow.

Table 6: Discretionary Operating Spend by Diversity Category

Diversity Category	Annual Goal	Q1 %	Q1 Spend	Q2 %	Q2 Spend	Q3 %	Q3 Spend	Q4 %	Q4 Spend
MBE Vendor Spend	8%	15%	\$2,109,054.19	-	-	-	-	-	-
VBE Vendor Spend	3%	2%	\$272,319.72	-	-	-	-	-	-
WBE Vendor Spend	14%	8%	\$1,201,961.11	-	-	-	-	-	-
Total Diverse Spend	25%	25%	\$3,583,335.02	-	-	-	-	-	-

Table 7 below details the amount of the Q1 discretionary spend allocated towards vendors located in Boston, Chelsea, Everett, Malden, Medford, Somerville, and the Commonwealth of Massachusetts as a whole. Q1 figures are highlighted in yellow.

During Q1, Encore Boston Harbor continued to grow its business relationship with BRY-LEX, LLC, a WBE from which \$378,161.56 in giveaway products were purchased.

Table 7: Discretionary Operating Spend by Locality

Locality	Annual Goal	Q1 %	Q1 Spend	Q2 %	Q2 Spend	Q3 %	Q3 Spend	Q4 %	Q4 Spend
Boston	\$20,000,000.00	12%	\$2,433,740.76	-	-	-	-	-	-
Chelsea	\$2,500,000.00	9%	\$220,832.63	-	-	-	-	-	-
Everett	\$10,000,000.00	23%	\$2,266,137.65	-	-	-	-	-	-
Malden	\$10,000,000.00	1%	\$121,902.65	-	-	-	-	-	-
Medford	\$10,000,000.00	1%	\$102,746.28	-	-	-	-	-	-
Somerville	\$10,000,000.00	2%	\$189,574.04	-	-	-	-	-	-
MA (Statewide)	-	50%	\$7,166,273.50	-	-	-	-	-	-
Additional Spend Commitments	Gift vouchers/ certificates ¹	-	-	-	-	-	-	-	-
TOTAL SPEND	N/A		\$14,237,699.11	-	-	-	-	-	-

- 1 Pursuant to its Surrounding Community Agreements with the Cities of Malden, Medford and Somerville, Encore Boston Harbor is required to purchase and issue \$25,000 per year in gift vouchers and/or certificates from local businesses in each City to use in its employee and customer loyalty programs. Additionally, pursuant to its Host Community Agreement with the City of Everett, Encore Boston Harbor is required to purchase and issue \$50,000 per year in gift vouchers and/or certificates from local businesses in Everett to use in its customer loyalty programs. To date, Encore Boston Harbor is processing orders in excess of the \$25,000.00 requirement to Wegman's in Medford. Encore Boston Harbor continues to work to fulfill its requirements to the Cities of Malden, Somerville and Everett and all such requirements shall be met by year end.

V. Gaming Floor Compliance

Table 8 below provides details on minors intercepted gaming or consuming alcohol. For purposes of this Quarterly Report, a "minor" is defined as a person under 21 years of age. The average length of time spent by a minor on the casino floor was 30 minutes. The longest length of time spent by a minor on the casino floor was 1 hour, 56 minutes. The shortest length of time spent by a minor on the casino floor was 1 minute.

Please note that during the month of January, a minor was intercepted consuming alcohol while gaming. As a result, such minor is represented in multiple categories in Table 8 below. Additionally, during the month of February, a minor that had their valid ID checked was admitted to the gaming floor and later intercepted on the gaming floor and prevented from gaming. As a

result, for the month of February, the total of the numbers from the last 2 columns of Table 8 below do not correspond with the total number of minors gaming.

Table 8: Minor Gaming Report

Month	Minors Intercepted on Gaming Floor and Prevented from Gaming	Minors Intercepted Gaming	Minors Intercepted at Slot Machines	Minors Intercepted at Table Games	Minors Intercepted Consuming Alcohol	Number of IDs NOT Checked that Resulted in Minor on Gaming Floor	Number of Fake IDs Provided by Minors that Resulted in Minor on Gaming Floor
January	1	2	1	1	1	1	2
February	3	0	0	0	0	2	0
March	5	0	0	0	0	4	1
Total	9	2	1	1	1	7	3

VI. Site-specific Reporting

A. ABCD Mystic Valley Head Start Update

The opening of Action for Boston Community Development, Inc.'s ("ABCD") Head Start and Early Head Start center at 75 Station Landing, Medford, MA (the "Station Landing Center") was delayed due to the COVID-19 pandemic. Encore Boston Harbor funded the development and construction of the Station Landing Center, which strives to create an environment rich in natural features. The Station Landing Center boasts columns reimagined as tree trunks, tree-limb like ceiling enhancements and light fixtures, sky blue ceilings, and cloud-like lighting meant to create a natural and welcoming atmosphere for all. Encore Boston Harbor completed construction at the Station Landing Center during the fourth quarter of 2019 and due to COVID-19 related delays, the Station Landing Center opened to the public on February 22, 2021. The Station Landing Center provides comprehensive services to enrolled children and their families, which include health, nutrition, social, and other services determined to be necessary by family needs assessments, in addition to education and cognitive development services.

VII. Promotions and Marketing

A. Rare Steakhouse and Encore Boston Harbor Hotel Included in "Best of Boston" Lists

Encore Boston Harbor was honored that it's Rare Steakhouse was featured in *Boston Magazine's* "Best Steakhouse in Boston Right Now" list during March 2021. Additionally, Encore Boston Harbor's hotel was included in *Travel and Leisure's* March 1, 2021, "Best Hotel" List as part of its Boston Travel Guide.

VIII. Special Events**A. *Socially Distanced Lunar New Year Celebration***

To celebrate the Lunar New Year and in keeping tradition of blessing the property, on February 13, 2021, Encore Boston Harbor conducted a private awakening ceremony and brief socially distant lion walk-through of the gaming floor.

B. *Opening of Cheese Meet Wine*

On Friday, February 12, 2021, Cheese Meet Wine opened to the public. Located in the West Esplanade next to Wynn Sports, Cheese Meet Wine features a variety of charcuterie boards, meats, tinned fish from Spain, and other small bites to create unique charcuterie pairings. Served along-side a perfectly curated wine list, Cheese Meet Wine allows guests to experience international flavors before heading to the casino floor or dinner at one of Encore Boston Harbor's other spectacular dining destinations.

C. *Reopening of Craps and Addition of Fourth Seat at Blackjack-Style Tables*

Following the MGC's March 11, 2021 vote to approve the Minimum Requirements for Craps and the Minimum Requirements for Expanding Blackjack-Style Tables to Include a 4th Player Position, and in accordance with the requirements of the same, Encore Boston Harbor reintroduced craps and added a fourth seat to its blackjack-style gaming tables on March 11, 2021.

D. *Opening of Vaccination Clinic at Encore Boston Harbor and Internal Vaccination Campaign*

Continuing its commitment to the health and safety of its employees and guests, during April 2021, Encore Boston Harbor was proud to announce its partnership with Cambridge Health Alliance ("CHA") to host a COVID-19 vaccination clinic in its Picasso Ballroom (the "Clinic"). The Clinic opened to the public on April 27, 2021. Initially by appointment only, and currently, on a walk-in basis, eligible patients can schedule an appointment or preregister at vaxfinder.mass.gov. The Clinic offers vaccinations Monday through Friday from 8:00 a.m. to 4:00 p.m.

Simultaneously with the opening of the Clinic, Encore Boston Harbor released an internal back-of-house vaccination campaign encouraging employees to get vaccinated. As part of that campaign, a vaccination sign-up station staffed by volunteer employees was set up outside of the employee dining room. Interested employees are able to quickly and painlessly sign-up to receive a same-day vaccination at the Clinic or schedule an appointment for a later date. On May 5, 2021, Encore Boston Harbor was happy to be able to welcome Governor Baker, Lieutenant Governor Polito, Secretary Sudders and CHA executives for Governor Baker's COVID-19 update to the public.

IX. Certifications

A. *Attestation of President and Chief Financial Officer*

Pursuant to 205 CMR 139.06(1), please see the attestation by Encore Boston Harbor's President, Brian Gullbrants and Chief Financial Officer, Allison Rankin, attached hereto as Appendix 1.

B. *CFO's Attestation*

Pursuant to 205 CMR 139.06(2), please see the certification by Encore Boston Harbor's Chief Financial Officer, Allison Rankin, attached hereto as Appendix 2.

Appendix 1

Attestation of President and Chief Financial Officer

Please see attached.

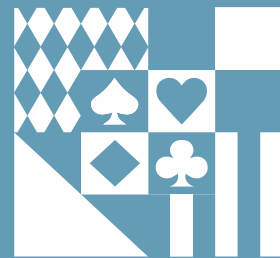
Appendix 2

Certification of Chief Financial Officer

Please see attached.

Plainridge Park

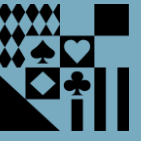
Q1 2021 Report



BARSTOOL
SPORTSBOOK

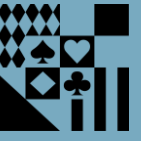


Gaming Revenue and Taxes



Year	Quarter	Net Slot Revenue	State Taxes	Race Horse Taxes	Total Taxes
2020	Q1	\$27,540,704	\$11,016,281	\$2,478,663	\$13,494,944
	Q2	\$0	\$0	\$0	\$0
	Q3	\$27,857,923	\$11,143,169	\$2,507,213	\$13,650,382
	Q4	\$26,855,516	\$10,742,206	\$2,416,996	\$13,159,202
	Total	\$82,254,143	\$32,901,656	\$7,402,872	\$40,304,528
2021	Q1	\$31,572,862	\$12,629,145	\$2,841,558	\$15,470,703
	Q2				
	Q3				
	Q4				
	Total	\$31,572,862	\$12,629,145	\$2,841,558	\$15,470,703

Lottery Sales



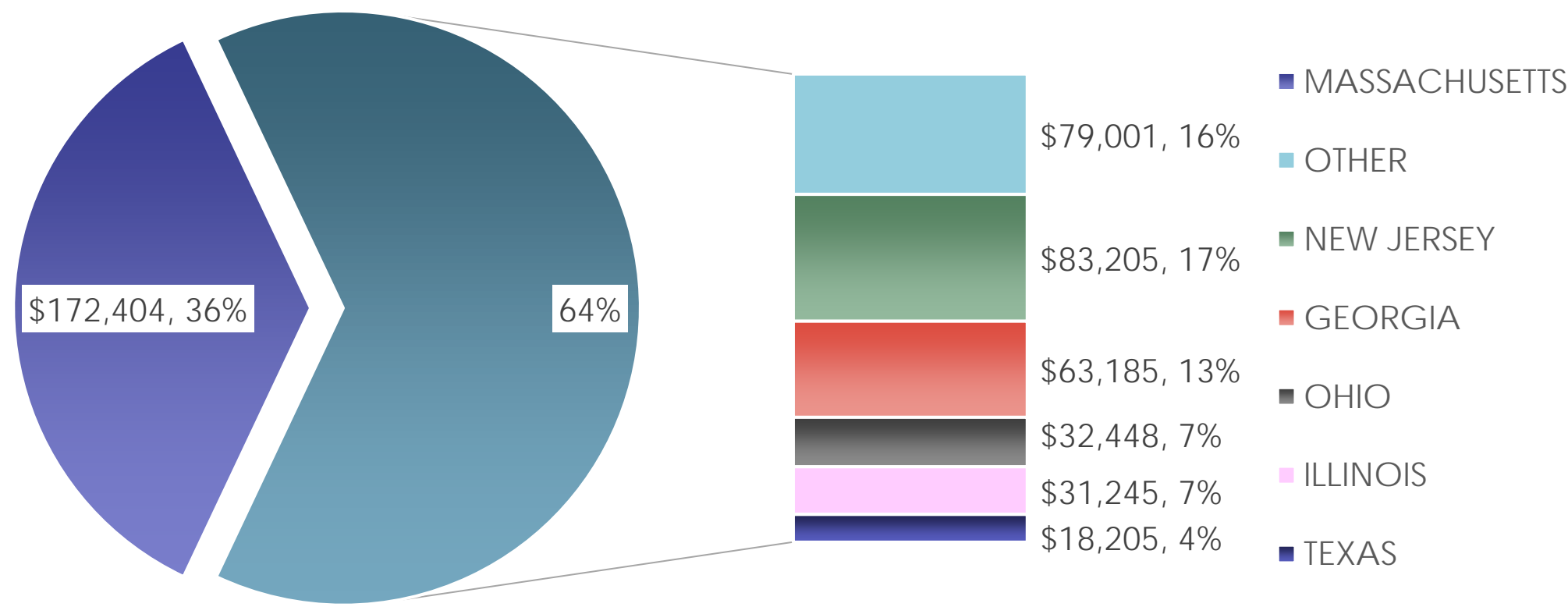
Quarter	2021	2020	\$ Difference	% Difference
Q1	\$458,540	\$715,250	(\$256,710)	-35.9%
Q2		\$0		
Q3		\$259,890		
Q4		\$354,201		
Total	\$458,540	\$1,329,341	(\$256,710)	-35.9%

- PPC currently has five instant ticket machines and four online terminals
- Prior to the casino opening the property had one instant ticket machine and two online machines

Spend by State



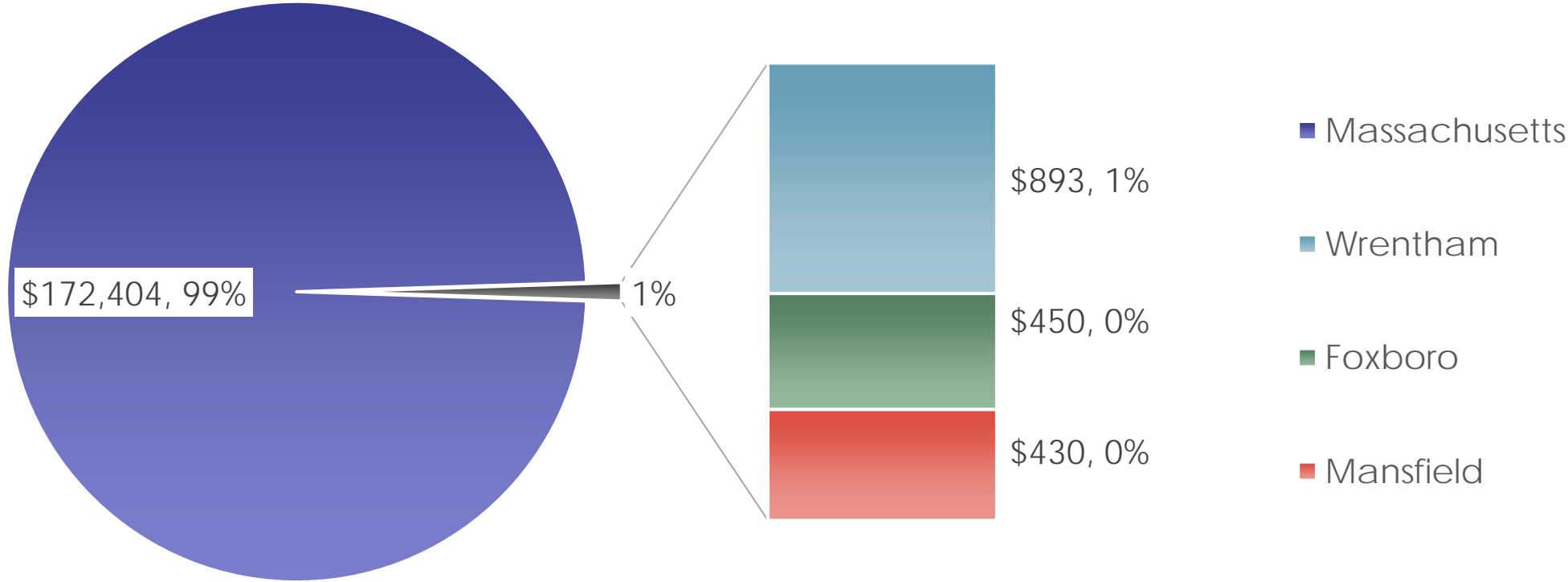
Q1 2021 Total Qualified Spend By State



Local Spend



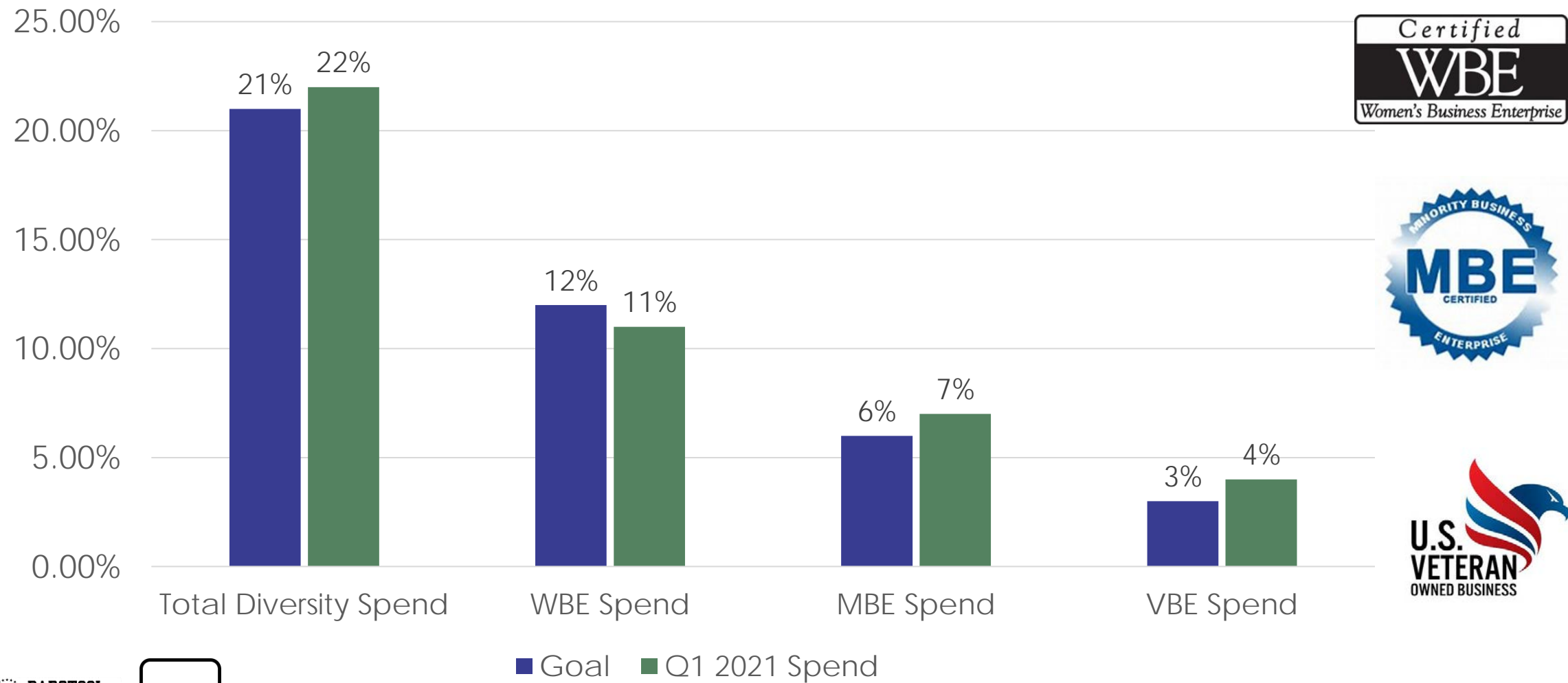
Q1 2021 Massachusetts vs
Host & Surrounding Community Qualified Spend



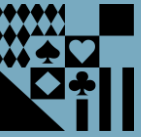
Vendor Diversity



Q1 2021 vs. Goal



Diverse Spend



Category ¹	Q1 2021	Q4 2020	\$ Difference	% Difference
WBE	\$39,572	\$87,298	(\$47,726)	-54.7%
MBE	\$24,758	\$90,711	(\$65,953)	-72.7%
VBE	\$12,451	\$23,417	(\$10,966)	-46.8%
Total Diverse Spend	\$76,781	\$201,426	(\$124,645)	-61.9%
Qualified Spend	\$348,517	\$1,108,618	(\$760,101)	-68.6%

¹ Includes vendors that are certified in multiple diversity categories. Spend is reported in all qualified categories.

Compliance

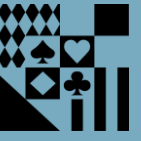


Month	Prevented from Entering Gaming Establishment			Expired, Invalid, No ID	Fake ID	Minors and Underage Escorted from the Gaming Area	Minors and Underage Gambling at Slot Machines	Minors and Underage Consuming Alcoholic Beverages
	Total	Minors ¹	Underage ²					
January	163	1	6	156	0	0	0	0
February	160	1	3	156	0	0	0	0
March	208	3	15	190	0	1	0	0
Total	531	5	24	502	0	1	0	0

¹ Person under 18 years of age

² Person 18-21 years of age

Employment¹: All Employees²



Employee Category	Percentage Goal	Total # of Employees in Category	Q1-21 Actual Percentage of Total Employees	Q4-20 Actual Percentage of Total Employees
Diversity	15%	62	24%	27%
Veterans	2%	16	6%	5%
Women	50%	102	39%	42%
Local ³	35%	93	36%	32%
MA Employees		159	65%	62%

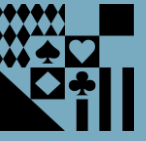
¹ All employees referenced in this slide were current as of Q1 2021

² Total number of employees Q1 2021: 261

³ Local includes Attleboro, Foxboro, Mansfield, North Attleboro, Plainville & Wrentham

	Employees	Full-Time	Part-Time	Seasonal
Total	261	200	59	2
% of Total	100%	76.6%	22.6%	.07%

Employment¹: Supervisor and Above²

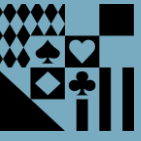


Employee Category	Total # of Employees in Category	Actual Percentage of Total Employees
Diversity	18	27.6%
Veterans	3	4.6%
Women	25	38.4%

¹ All employees referenced in this slide were current as of Q1 2021

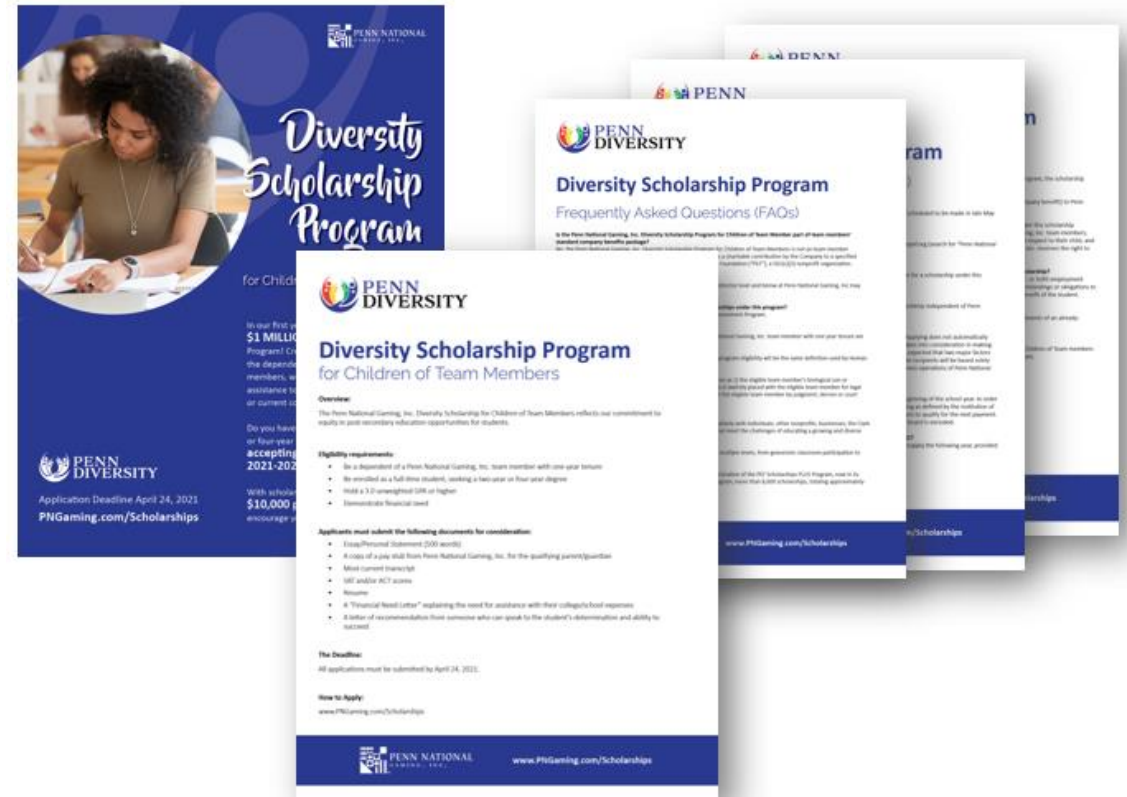
² Total number of Supervisor and Above Q1 2021: 65

PPC Cares: Community and Team



- Diversity Scholarship Program
- Children of Team Members exclusively
- Commitment to equity in post-secondary education opportunities for students
- Committed **\$1 MILLION** to the program

- \$5000 Boston Pearl Foundation
- Financial assistance provided to attend college
- Further the education of young Black women who enroll as freshmen in a four-year college or university



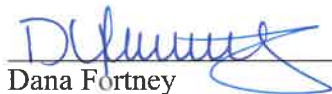


PLAINRIDGE PARK
CASINO

PLAINRIDGE PARK CASINO
Q1/2021
205 CMR 139.06(1) Attestation

205 CMR 139.06(1) requires a gaming licensee to create a quarterly report that provides a continuing view of the gaming licensee's financial position including key performance measures, narrative commentary on operating results, and where applicable, the capital reserve account contributions made in accordance with the plan submitted pursuant to 205 CMR 139.09. The required quarterly report shall be attested to by any two of the following: the Chief Executive Officer, Chief Gaming Executive, Chief Financial Officer, Treasurer, Financial Director, Controller, or their functional equivalent.

PPC Management has submitted the quarterly report containing the information required by 205 CMR 139.06(1) to the Gaming Commission. PPC Management has reviewed the quarterly report and confirms that the information provided in the quarterly report is true and correct and complies with the requirements set for in 205 CMR 139.06(1).


Dana Fortney

VP of Finance


5/14/21

Date:


Walter N. Grounsell

North Grounsell

General Manager


5/21 05/14/2021
Date:



PLAINRIDGE PARK
CASINO

PLAINRIDGE PARK CASINO
Q1/2021
205 CMR 139.06(2) Attestation

205 CMR 139.06(2) requires the licensee's quarterly report required in accordance with 205 CMR 139.06(1) to be accompanied by a statement attested to by the gaming licensee's Chief Financial Officer, or their functional equivalent, that the gaming licensee satisfies the following:

- (a) It has maintained for the previous quarter, and has the ability to maintain for the upcoming quarter, a gaming bankroll or equivalent provisions adequate to pay winning wagers to gaming patrons when due.
- (b) It has paid in the previous quarter and has the ability to pay when due all local, state and federal taxes, including the tax on gross gaming revenues imposed by M.G.L. c. 23K, § 55 and any fees imposed under M.G.L. c. 23K or 205 CMR.
- (c) It has the ability to make annual capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5% of the net gaming revenues derived from the establishment or in accordance with a multi-year capital expenditure plan approved by the commission pursuant to M.G.L. c. 23K, § 21(a)(4) and 205 CMR 139.09.
- (d) It has the ability to pay, exchange, refinance or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the license term, or to otherwise manage such debts and any default with respect to such debts.

PPC Management has reviewed our financial statements and capital expenditure plan and notes the following:

Penn National Gaming, Inc. reports financial information regionally. PPC's financial performance information is provided to the MGC on an annual basis in the form of third-party audited financial statements.

- a) PPC maintained an adequate gaming bankroll to pay winning wagers.
- b) PPC is current with local, state, federal and gross gaming revenue tax payments.
- c) PPC has complied with the agreed upon capital expenditure requirements for 2016, 2017, 2018 and 2019. However, due to the COVID-19 state ordered shut down of our operations during Q2 2020, PPC is reviewing our 2020 capital expenditure plan with the MGC.
- d) PPC has the ability to pay, exchange, refinance or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the license term, or to otherwise manage such debts and any default with respect to such debts.

I do hereby confirm that the information above is true and correct and that, except for the above cited 2020 capital expenditure exception.


Dana Fortney
VP of Finance

Date: 5/14/21