



Region A - Local Community Mitigation Advisory Committee

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the **Local Community Mitigation Advisory Committee** established pursuant to M.G.L. c. 23K § 68.

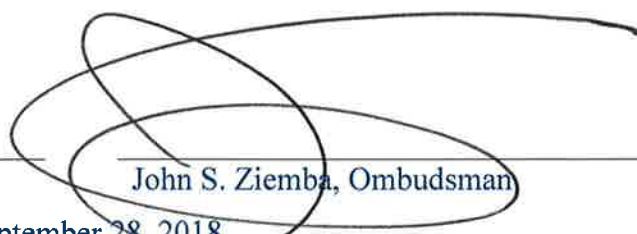
The meeting will take place: **Tuesday, October 2, 2018 @ 2:00 p.m.**
Metropolitan Area Planning Council
60 Temple Place, 3rd Floor
Boston, MA 02111

Public Meeting:

1. Welcome/Opening Comments
2. Minutes from the November 15, 2017 – **Vote**
3. Discussion of 2018 Community Mitigation Fund Guidelines to be Considered
4. Next steps
5. Other Business – reserved for matters not reasonably anticipated at the time of posting.

I certify that on this date, this Notice was posted as “Local Community Mitigation Advisory Committee” at www.massgaming.com and emailed to: regs@sec.state.ma.us, and melissa.andrade@state.ma.us.

9/26/18
(date)


John S. Ziemba, Ombudsman

Date Posted to Website: Friday, September 28, 2018



Massachusetts Gaming Commission



Region A - Local Community Mitigation Advisory Committee Minutes

Date/Time: November 15, 2017 – 2:00 p.m.

Place: MAPC, 60 Temple Place, 3rd Floor, Boston, Massachusetts

Members Present: Eric Bourassa
John DePriest
Marzie Galazica
Ron Hogan
Adam Knight
Brad Rawson
Mayra Negron-Rivera
Paul Sheehan
Alexis Tkachuk

Attendees:
Lloyd Macdonald
Bruce Stebbins
Jacquie Krum
John Tocco
Catherin Rollins Denisi
John Ziemba
Joseph Delaney
Shara Bedard

Call to Order

The Chair Richard Carviello was not available. Ron Hogan of Malden called the meeting to order and welcomed the members. He then asked members to introduce themselves for the benefit of any new member.

The Chair then asked members to approve the minutes from the October meeting. By motion made by Mr. DePriest and duly seconded by Ms. Galazica, the members unanimously approved the minutes.

Mr. DePriest moved to keep the same Chairman. Mr. Bourassa seconded. Motion passed.

Mr. Ziemba discussed draft of policy recommendations for inclusion in the Community Mitigation fund. He noted that the 2018 Guidelines are not a tremendous departure from last year. Neither region is facing operational impacts as of yet. The Community Mitigation Fund is in a similar situation to where we were last year. The Lower Mystic Regional Working Group is looking at transportation issues. Those recommendations will not be ready until January or February 2018.

Recommendations made to Commission for inclusion in discussion draft:

1. Limit for award granting in 2017 round as a guideline. Presents to community what we anticipate awarding to the fund. Commission did not discuss amount at that time.
 - a. By 2/1/2019 MGM will be up and operational and we will begin to have deposits into the fund in the 3rd quarter of next year. There is \$10 million remaining now, and MGM will add to that. The estimate increase in funds available is \$1 to \$2 million more from MGM for 2019 and \$6-\$7 million dollars for 2020.
 - b. \$1.5 million is anticipated from Wynn in 2020. We are using conservative revenues on this.

- c. Roughly \$10 to \$12 million is anticipated yearly that can be awarded to the fund on a yearly basis.
2. Grant types to be set, as there is a limit for grant types. Mr. Ziemba asked for feedback on the following:
 - a. Recommending \$300,000 per region for the Workforce Development Pilot Programs. And takes into account carryover of grant funds and apply it to the next year.
 - b. Planning grants (transportation) increased to \$200,000
 - c. Tribal impact grant should be kept at \$200,000
 - d. New category of grant: Non-Transportation Planning Grant at \$50,000. Communities who don't have planning dollars, who have spent their full reserves, may apply for this grant. Approximately 11 or 12 out of 28 have used all of their reserves.

No comments from members/attendees on the above at this time.

3. At Commission meeting, Mr. Ziemba was asked to get public comment and discuss:
 - a. Possibility of bonus grant: MGC would like to encourage further regional cooperation to keep a lid on expenses while waiting for bigger dollars to come in. Regions will be more cooperative if we offer a bonus for joint application. For example, a bonus on limit to transportation project, let's say if two regions combine their efforts and need a bonus. Mr. Bourassa asked if three communities could apply for a joint \$600,000 proposal. Mr. Ziemba replies that yes, there could be a bonus attached to that. Mr. Bourassa suggests that the cost is estimated by number of communities applying. Mr. Ziemba asserts that yes they can if they understand that there would be only one bonus. Mr. Hogan suggests a higher limit (in lieu of calling it a bonus) for more communities as long as it is justified. Mr. Ziemba notes that it could get confusing to determine who used their reserve first, etc. and asks for feedback on that.
 - b. Public safety training expenses were not allowable under the language in the Guidelines last year.

Police training needs. Licensees are responsible for paying for policing costs at the facilities. MGC charges licensee or Massachusetts State Police (MSP) once they are at the facility. What about the training cost of MSP? This year, MSP were experiencing requests for personnel and determined that they need to move forward with a class and asked for financial assistance from the agencies (MGC, Massport, etc.). How should we accommodate the need now for MSP training, as public safety is part of the fund? Mr. Sheehan asks if it is a specialized training. Mr. Ziemba replied no. Statute identifies pockets of funding for a lot of specific needs. Mr. Bourassa is asking if this is supplemental training, and Mr. Ziemba said no, it is part of their regular training class 24 week training class, take a test. Mr. DePriest is asking if this fund will pay for casino related training? Mr. Ziemba says no. It is just MSP training. Ms. Negron-Rivera asked if this is part of workforce development training. Mr. Ziemba is unsure at this time. Mr. Ziemba explains that we would be draining the MSP if we do not pay for them. This is to financially replace officers who we take from the barracks. Mr. Sheehan asks if this is like a detail. Mr. Delaney explains that the officers are fully employed by the casino and this is not a detail. Ms. Tkachuk asks if officers' rate of pay will depend on their rank. Mr. Ziemba noted that this funding focuses on training costs, which is different from salary. Mr. Hogan asks about retirement. The state has to pay for their retirement after

they work as an employee in the casino. Mr. Ziemba redirects conversation back to training costs. Mr. Ziemba specifies the cadet training program costs, floor training, etc. determines the cost to us. Bourassa asks if we can invoice casinos now, as we need it now. Mr. Ziemba confirms that this is the item on the table for consideration. Mr. Bourassa doesn't believe this is a mitigation cost. He feels that MSP should bear the cost of creating more officers, as this is not an "impact" that should be mitigated. Mr. Ziemba reminds Mr. Bourassa that the mitigation fund can be used for public safety costs.

4. Referring to item #12: Should we set a regional allocation of funding for the mitigation fund. Mr. Ziemba suggests that the Commission develop a system for when the casinos are up and running and generating tax dollars. One could base a system on what MGM and Wynn will put into the fund, but it will differ for tribal properties and slot facilities. Allocations will need to be made differently for those. If there are dollars not being utilized by a region, we can put it back into the kitty for other regions to use? The Commission should express its intent to do this.

Discussion amongst members/attendees on this topic.

5. Referring to Question 3: Let's keep same packets as last year.
6. Referring to Question 5: Report will not be done. We will not base awards on the report from last year. Mr. Berman commented that Somerville has been working with more communities than Boston, Everett, and Somerville regarding transportation projects.

Ms. Tkachuk asked about Chelsea's ban on trucks in a certain capacity. Mr. Ziemba mentions that this is not the right forum for that question.

The members then addressed Questions 7, 8, 9, 10 - No change recommended by members.

Question 13: Mr. Ziemba states that one community should be assigned for the administration of the grant.

Question 3: Mr. Ziemba addresses that there is a whole host of issues we have not been addressed regarding public safety, hiring, education, and business issues. We do have some time to address them before the casinos open.

Question 7: If you are a community applying, it should be the community and their administration making these determinations only. There are limited funds and we need to make sure these funds are coordinated accordingly.

Mr. DePriest made a motion to adjourn the meeting at 3:29 p.m., upon motion duly seconded, it was unanimously voted to adjourn.

/s/ Shara Bedard
Shara Bedard, Paralegal

List of Documents and Other Items Used

1. Notice of Meeting and Agenda
2. Minutes from the October 18, 2017 meeting
3. Membership of Gaming Policy Advisory Committees
4. Review of Policy Questions discussed by the Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation Relative to the 2018 Community Mitigation Fund Guidelines
5. 2018 Community Mitigation Guidelines



Review of Policy Questions to be discussed by the Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation Relative to The 2019 Community Mitigation Fund (“CMF”) Guidelines

Policy Questions That Remain From Prior Years

1. Should the Commission place an overall limit on grants for the 2019 CMF?

Background: Given that MGM Springfield opened on August 24, 2018 and that Encore Boston Harbor is expected to open in mid-2019, the CMF will not see a full year’s worth of new revenues for a significant period of time. Approximately \$5.2 million in funding remains unallocated, assuming continuation of previously authorized reserves and further funding of prior awards.

2018 Results: The Commission anticipated authorizing no more than \$6M out of the 2018 CMF. The Commission awarded a total of \$5,403,642.32 of new grant funding. It also authorized \$240,000 in grants from the previously awarded reserves for an expended total of \$12,266,578.35.

2. Should the Commission place a per grant limit for 2019 CMF awards?

Background: As noted, given that MGM Springfield just recently opened on August 24, 2018 and that Encore Boston Harbor is expected to open in mid-2019, the CMF will not see new revenues for a significant period of time.

2018 Results: The Guidelines set specific limits for grant requests \$500,000 for Specific Impact Grants; \$200,000 for Transportation Planning Grants; \$300,000 for each Region A and B for Workforce Development; \$50,000 Non-Transportation Planning and \$200,000 for Tribal Technical Assistance. However, the Commission reserved their ability to authorize funding beyond the amounts.

3. If an overall limit is included, how should the Commission and staff evaluate competitive grants?

Background: It is difficult to make determinations between applications that may not be easily compared, given the wide range of potential mitigation requests.

2018 Results: The review team based their recommendations on specific criteria required of all applications and additional criteria depending upon the type of grant required.



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4. Should the Commission revisit its determination to authorize planning grants, which require an in-kind match?

Background: In recognition that transportation projects may take many years to plan, the Commission authorized transportation planning grants in its 2016 CMF Guidelines and funded several projects. In addition, pursuant to its 2015 and 2016 CMF Guidelines, communities may utilize up to \$50,000 of their CMF reserves for planning purposes. In the 2018 Guidelines, the Commission authorized new funding for Non-Transportation Planning purposes for an amount up to \$50,000.

2018 Results: The Guidelines required in-kind services of planning funds.

5. How and when should the CMF guidelines reflect the work of the Lower Mystic Regional Working Group?

Background: As a result of the Encore MEPA review, the Massachusetts Department of Transportation established a working group to study the regional transportation needs of the Sullivan Square area and I-93 area near Sullivan Square.

2018 Results: The Lower Mystic Regional Workforce Group results were not reflected; because the report was not anticipated to be made by the February 1, 2018 deadline.

6. Should the Commission revisit its guideline regarding grants involving private parties?

Background: The 2016 Community Mitigation Fund (“CMF”) Guidelines specified that “[p]rivate non-governmental parties may not directly apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a ‘public purpose’ and not for the direct benefit or maintenance of the private party.” The 2016 CMF Guidelines also specified that the Commission did not anticipate awarding any grants involving private non-governmental parties unless the applicant governmental entity, licensee, or both provided significant funds. Questions about this guideline involve the difficulty of ensuring that funding requests are for a public purpose and that any awards would be consistent with the Commonwealth’s Constitution. Further, the funding matching requirement also is potentially difficult.

2018 Results: The 2018 Guidelines stated that “[t]he Commission will not fund any applications for assistance to non-governmental entities unless the applicant governmental entity or the licensee or both provide significant funding to match or partially match the assistance required from the 2018 Community Mitigation Fund. Any such application for assistance to non-governmental entities by a host community must demonstrate that the host community, the licensee, or both will match the assistance required from the 2018 Community Mitigation Fund.”

There was one application submitted on behalf of a private entity. However, no action has yet been taken on that application as of this date.

7. How should the 2019 CMF Guidelines treat multi-year grant requests?

Background: Some 2016 and 2018 awards anticipate future grant requests. Some grants may not be able to be completed in a given fiscal year.

2018 Results: Not specifically addressed. Currently communities are required to apply each year. Each Grant has a 4-year contract limit; some Grants were limited to one year, subject to a request for an extension that would be subject to Commission approval.

8. How should the status of Region C and current litigation involving the potential tribal casino impact the 2019 CMF Guidelines?

Background: It may be unlikely that communities in Region C will experience significant construction or operational impacts by February 1, 2019, the statutory CMF deadline. Communities have expressed the need for technical assistance funding to help evaluate potential impacts.

2018 Results: \$200,000 of funding was set aside for use in Fiscal Year 2019 if there is a more clear determination on Region C / Tribal Casino status.

9. Should the Commission require a dollar for dollar match for its CMF grants?

Background: In recognition of local funding constraints and relative differences between host and surrounding community agreements, the 2016 CMF Guidelines only required an in-kind match for all communities.

2018 Results: In-kind services or funds were required for Transportation Grants; Workforce Development Projects need to provide detail on in-kind services or workforce funds; and applications involving non-governmental entities require the applicant governmental entity or the licensee or both to provide significant funding to match or partially match.

10. Should communities be reimbursed for the cost of administering CMF grants?

Background: Payment of such costs was not allowed under the 2016 CMF Guidelines, which instead required an in-kind match by communities.

2018 Results: In the 2018 Guidelines, Communities were not able to seek reimbursement, administrative costs were allowed for Workforce Pilot Program applications.

11. Should the 2019 CMF be used to support and leverage resources to help residents of the Springfield or Everett areas obtain their high school or work readiness credentials to be eligible for employment? If so, at what level?

Background: The Expanded Gaming Act places a priority on the hiring of the unemployed, underemployed, minority individuals, women and veterans at the gaming facilities. It had been estimated that 21,000 individuals were on wait lists in MA seeking admission into Adult Basic Education Classes and English Learning language programs, with significant needs for resources in MA Gateway Cities like Springfield and Everett. Both the union construction and the casino operational jobs require a high school diploma or equivalency. The 2018 CMF Guidelines did include a specific allocation for funding work readiness programs related to the gaming facilities. Workforce training, economic development, and other job promotion activities are eligible activities under the state appropriated Gaming Economic Development Fund, which is funded through gaming taxes from Category 1 facilities when they are operational.

2018 Results: The Guidelines allowed these applications. Two educational programs in Region A (totaling \$600,000) and one in Region B (totaling \$300,000) are being initiated. The Commission approved more funding than specified in the Guidelines, given the pressing need for such funding.

12. Should the Commission place a limit on grants in each gaming region based on the projected tax revenues generated for the CMF by the gaming facility in that region? If so, should such limit be instituted during the construction period or when both the Category 1 facilities are operational?

Background: The 2016 CMF Guidelines placed no regional limitation on grants for Category 1 facilities but did state that “no more than \$500,000 may be expended for operational impacts related to the Category 2 gaming facility, unless otherwise determined by the Commission.” The CMF is currently funded through a percentage of the license fees paid by both Category 1 facilities (\$7.5 million each from MGM Springfield and Encore Boston Harbor) and the Category 2 facility (\$2.5 million from Plainridge Park). Once operational, 6.5% of the revenues from the tax on the gross gaming revenues from each Category 1 facility will be placed into the CMF. Plainridge Park, now operational, is not required to pay into the CMF, instead paying into the Gaming Local Aid Fund and the Race Horse Development Fund. Any operational Tribal Facility in Taunton would also be required to pay 6.5% of the revenues from the tax on its gross gaming revenues into the CMF; it is not required to pay a license fee).

2018 Results: Although MGM Springfield is now operational and will generate new funds into the CMF by the February 1, 2019 deadline, Encore Boston Harbor will not. If a limit on grants is established now based on revenue generated, \$0 dollars would be allocated in new funding for Region A awards. Further, only approximately 6 months’ worth of contributions into the fund would be available for Region A by the February 1, 2020 application deadline.

13. Should the Commission allow the Hampden County Sheriff’s Department to apply for its FY20 lease assistance?

Background: The Commission awarded \$280,000 to HCSD in lease assistance from the Community Mitigation Fund in 2016 “for Fiscal Year 2017” which was further extended by the Commission into July 2017. Pursuant to the grant letter, “the Commission authorized up to \$280,000 in funding for the cost of the first year of lease assistance for the Western Massachusetts Correctional Addiction Center (“WMCAC”).... In order to access lease assistance funding in future years, HCSD would need to reapply for such future year's funding.... the Sheriff’s Office will be eligible for no more than five years of lease assistance totaling no more than \$2,000,00.”

2018 Results: The Sheriff’s Department received \$765,000 in lease assistance in 2018 including assistance for both FY 18 and FY 19.

2019 POLICIES TO BE ADDRESSED

1. Should the Commission expressly authorize joint applications by communities?

Background: In 2018 the Commission authorized Joint Transportation and Non-Transportation Planning applications.

2. Should the Commission allow funding to pay for a portion of the construction costs of transportation projects?

Background: To date, the Commission has only authorized funding for the planning or design of transportation projects.

3. How should the Commission approach issues that may arise in late 2018 and 2019 resulting from the operations of the first Category 1 casino (public safety, hiring, education, business issues)? M.G.L. c. 23K §68 states that the Subcommittee on Community Mitigation shall make recommendations on “...how funds may be expended from the Community Mitigation Fund, ...including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and ways to address that impact.” In regard to impacts on businesses, should the Commission now or in future years consider funding requests from communities to assist (e.g. through promotion activities) all businesses / large groups of businesses in close proximity to the gaming facility? Will operational impacts from MGM Springfield become readily apparent and quantifiable by the application deadline?

Background: The Commission has not witnessed large scale potential impacts resulting from the Plainridge facility. However, planning is necessary now to be able to evaluate mitigation applications involving any operational impacts at the full casino

facilities. It is unclear if some impacts from the MGM Springfield facility will be fully understood by the February 1, 2019 application deadline.

4. Should communities be limited to only one (1) Specific Impact Grant?

Background: The 2018 Guidelines specified that Specific Impact Grants were limited to \$500,000 and specified that only one application was allowed, subject to a waiver. There was no prohibition against requesting funding for multiple areas within the \$500,000 limit.

5. Are the grant limitations (\$500K for a specific impact grant, \$200K for a transportation grant) sufficient for the 2019 program?

Background: While there is a limit on the amount of funds until the full casinos are operational, communities have expressed an interest in more funding for some grants. In 2018, certain applications involving multiple communities were allowed to request additional funding beyond the base funding limits.

6. Should the Commission extend the previously authorized reserves for the 2019 Community Mitigation Fund program and allow communities to continue to access whatever portion of the original \$100,000 that remains unexpended.

Background: Some communities have expended some or all of their reserves. In Region A, 9 communities have allocated their entire reserve and one has allocated a portion; in Region B, currently 4 have allocated its entire reserve and 1 has used a portion; and for Category 2 communities, 4 have allocated their reserve and 1 has used a portion of their reserve.

7. Are the same general analysis factors used in 2018 going to be used for 2019 evaluation?

“The Commission will evaluate any funding requests in the context of any host or surrounding community agreements. Factors used by the Commission to evaluate grant applications may include but not be limited to:

- 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 feasibility and reasonableness of the proposed mitigation measure;
- A demonstration that any program to assist non-governmental entities is for a demonstrated public purpose and not for the benefit or maintenance of a private party;
- The significance of any matching funds for workforce development pilot program activities or planning efforts, including but not limited to the ability to compete for state or federal workforce, transportation or other funds;
- Any demonstration of regional benefits from a mitigation award;

- A demonstration that other funds from host or surrounding community agreements are not available to fund the proposed mitigation measure;
- A demonstration that such mitigation measure is not already required to be completed by the licensee pursuant to any regulatory requirements or pursuant to any agreements between such licensee and applicant; and
- The inclusion of a detailed scope, budget, and timetable for each mitigation request.”

Background: The factors used in 2018 may need further refinement.

8. Should the Commission authorize more funding for non-transportation related planning for those communities that have expended their reserves?

Background: In 2017, communities could apply for transportation planning. However, no general planning application (except for uses of reserve funds for planning) was authorized under the Guidelines. In 2018, the Commission authorized funding for non-transportation planning. Some communities have fully utilized their reserves and thus cannot use reserve for additional planning.

9. Should the Commission specifically authorize funding to assist in the construction of a new connection from the Assembly Square MBTA Station to Encore Boston Harbor (i.e. the bridge connection from the DCR Draw 7 Park to the Assembly Square headhouse (“Connector”))? Should any such funding cover only a portion of the overall cost of the Connector, funded in other part with federal or state funds.

Background: This important connection has widespread support, would provide an improved alternative method to commute to the Encore Boston Harbor. It would vastly improve regional bike and pedestrian networks.



2018 COMMUNITY MITIGATION FUND
BD-18-1068-1068C-1068L-22137

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2018 COMMUNITY MITIGATION FUND GUIDELINES

BD-18-1068-1068C-1068L-22137

What is the Community Mitigation Fund?

The Expanded Gaming Act, M.G.L. c. 23K, created the Community Mitigation Fund (“CMF”) to help entities offset costs related to the construction and operation of a gaming establishment.

When Is the Application Deadline?

February 1, 2018. M.G.L. c. 23K, § 61 states that “parties requesting appropriations from the fund shall submit a written request for funding to the Commission by February 1.”

Who Can Apply?

M.G.L. c. 23K, § 61 states the Commission shall expend monies in the fund to assist the host and surrounding communities ... “including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire, and emergency services.” The Commission may also distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than one community.

Applications involving a mitigation measure impacting only one community shall only be submitted by the authorized representatives of the community itself. Governmental entities within communities such as redevelopment authorities or non-regional school districts shall submit applications through such community rather than submitting applications independent of the community.

Private non-governmental parties may not apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a “public purpose” and not the direct benefit or maintenance of the private party; the governmental entity provides a program that ensures that funding will be made only to remedy impacts; and provided that the governmental entity will be responsible for overseeing such funding and complying with all applicable state



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and municipal laws including but not limited to Art. 46, §2, as amended by Article 103 of the Amendments to the Massachusetts Constitution.

The Community Mitigation Fund may be used to offset costs related to both Category 1 full casino facilities (MGM Springfield and Wynn Everett), the state's Category 2 slots-only facility (Plainridge Park), and may be utilized, pursuant to these Guidelines, for a program of technical assistance for communities that may be impacted by the potential Tribal gaming facility in Taunton.

Does a Community Need to Be a Designated Host or Surrounding Community to Apply?

No. The Commission's regulations and M.G.L. c. 23K, § 61 do not limit use of Community Mitigation Funds to only host or surrounding communities. The Commission's regulation, 205 CMR 125.01(4), states that "[a]ny finding by the commission that a community is not a surrounding community for purposes of the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by M.G.L. c. 23K, § 61...."

What Cannot Be Funded?

2018 Community Mitigation Fund may not be used for the mitigation of:

Category 1 Gaming Facilities:

- any operational related impacts;**
- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2018;**
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- the cost of the preparation of a grant application;
- requests related to utility outages, such as the mitigation of business interruptions; and
- other impacts determined by the Commission.

Category 2 Gaming Facilities:

- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2018;**
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- the cost of the preparation of a grant application; and
- requests related to utility outages, such as the mitigation of business interruptions.

**These limitations do not apply to transportation planning grants, non-transportation planning grants, workforce development pilot program grants, tribal gaming technical assistance grants, and grants for police training costs.

Please note that the Commission may determine to expand the eligible uses of funds for the 2019 program or other future programs when impacts are more clearly identifiable. The Commission will also consult with mitigation advisory committees established in M.G.L. c. 23K in determining such uses.

Guidance on Funding for Non-Governmental Entities

As noted, communities and other parties may apply for funds to mitigate the impact to non-governmental entities. However, the Commission strongly encourages applicants to ensure the impacts are directly related to the gaming facility. For example, an applicant could limit a request for assistance for impacts to all businesses within 1000 feet of a gaming facility. Further, applicants should demonstrate that the governmental entity, the licensee, or both will also financially contribute to any program of assistance. The Commission will not fund any applications for assistance for non-governmental entities unless the applicant governmental entity or the licensee or both provide funding to match, in the case of host communities, or significantly match the assistance required from the 2018 Community Mitigation Fund. Any such application for assistance to non-governmental entities by a host community must demonstrate that the host

community, the licensee, or a combination of the host community and licensee will match the assistance required from the 2018 Community Mitigation Fund.

Communities may ask the Commission to waive this match requirement or dollar for dollar match requirement in the case of host communities. Any community seeking a waiver should include a statement in its application specifying the reason for its waiver request in accordance with the waiver guidance included in these Guidelines. Please note that as stated by the Commonwealth's Comptroller's Office: "The Anti-Aid Amendment of the Massachusetts Constitution prohibits 'public money or property' from aiding non-public institutions.... Article 46 has been interpreted to allow the expenditure of public funds to non-public recipients solely for the provision of a 'public purposes' [sic] and not for the direct benefit or maintenance of the non-public entity."

Any community seeking funding for mitigation involving non-public entities should provide detail on how its planned use is in conformity with this provision of the Massachusetts Constitution and with Municipal Finance Law.

How Much Funding Is and Will Be Available?

In sum, a total of \$17.5 million from the current licensees was deposited in the Community Mitigation Fund for use until Category 1 gross gaming revenues are generated, or thereafter (if all such funds are not used prior to that date). After the deduction of purposes approved in 2015, 2016, and 2017, the fund has approximately \$10 million available after accounting for potential future awards of previously authorized grants.

No further contributions will be made to the Community Mitigation Fund until either MGM Springfield or Wynn Boston Harbor become operational and generate revenues.¹ MGM Springfield is currently projected to be operational by early September 2018. Wynn Boston Harbor is currently projected to be operational in June 2019. Once operational, M.G.L. c. 23K, § 59 specifies that 6.5% of the revenues from the tax on gross gaming revenues from Category 1 (full casino) licensees shall be deposited in the Community Mitigation Fund.

Once the MGM Springfield and Wynn Boston Harbor facilities are operational,

¹These guidelines do not describe revenue estimates from the potential Tribal facility in Taunton or the participation of a Region C facility, as no Region C license or Tribal facility has yet been fully authorized. Further, after the initial deposit, no further contributions from the Slots licensee will be made to the fund.

approximately \$18 million generated by these two facilities will be annually deposited into the Community Mitigation Fund using a conservative estimate provided by the Commission's financial consultants.

In future guidelines, the Commission intends to develop a method to allocate funding based on need in the regions that reflects the proportion of funds paid into the Community Mitigation Fund from the taxes generated by the MGM Springfield or Wynn Boston Harbor facilities once they are operational. Any such method would need to take into account mitigation needs outside Region A and Region B, and a method to utilize unspent allocations.

Joint Applications

The Commission continues to support regional approaches to mitigation needs and recognizes that some mitigation requires the commitment of more than one community. The 2018 Guidelines for the Community Mitigation Fund allow multiple communities to submit a joint application. In the event that any of the applicant communities has not expended its One-Time 2015/2016 Reserve ("reserve" or "reserves"), the application must detail how the reserves will be allocated between the applicant communities to meet any reserve expenditure requirement. For example, transportation planning grants require that reserves be used prior to the receipt of new planning funds. In the event of a joint application for a \$200,000 planning grant, the joint application shall specify how the applicant communities will allocate/use a total of \$100,000 in reserves between the communities. The application must specify which community will be the fiscal agent for the grant funds. All communities will be held responsible for compliance with the terms contained in the grant.

In order to further regional cooperation the applications for transportation planning grants and non-transportation planning grants that involve more than one community for the same planning projects may request grant assistance that exceeds the limits specified in these guidelines (\$200,000 for transportation planning grants and \$50,000 for non-transportation planning grants). The additional funding may be requested only for the costs of a joint project being proposed by more than one community, not similar projects. Eligible communities may request additional funding for joint projects based on the below table.

	Base Funding	Regional Planning Incentive Award	Total Allowable Request
Non-Transportation Planning Projects Involving Two (2) Communities	\$50,000 for each community	\$5,000	\$50,000 X <u>2 communities</u> \$100,000 <u>+\$5,000</u> <u>\$105,000</u>
Non-Transportation Program Involving Three (3) or More	\$50,000 for each community	\$10,000	\$50,000 X* <u>3 communities</u> \$150,000 <u>+\$10,000</u> <u>\$160,000</u>
Transportation Planning Projects Two (2) Communities	\$200,000 for each community	\$25,000	\$200,000 X <u>2 communities</u> \$400,000 <u>+\$25,000</u> <u>\$425,000</u>
Transportation Planning Projects Three (3) or more	\$200,000 for each community	\$50,000	\$200,000 X * <u>3 communities</u> \$600,000 <u>+\$50,000</u> <u>\$650,000</u>

*Although the base amount for such grants would increase with applications involving four or more communities (e.g. \$200,000 Transportation Planning Grant per community X 4 communities = \$800,000) the amount of the Regional Planning Incentive Award will not exceed \$50,000 (e.g. 4 community transportation planning grants would not exceed \$850,000 = 4 x \$200,000 base award plus \$50,000 Regional Planning Incentive Award).

Please note that communities can apply for a portion of the planning grants for single community applications while allocating a portion for joint projects. For example, a community could apply for one \$100,000 base Transportation Planning Grant leaving \$100,000 for a joint application involving another community. In this example the community could be eligible for \$100,000 for the single community project, \$100,000 for a joint project, and a \$25,000 Regional Planning Incentive Award amount shared with a second community.

Applications seeking a Regional Planning Incentive Award amount shall allocate at least fifty percent (50%) of the base funding level towards a joint project. For

example, at least \$100,000 of a \$200,000 Transportation Planning Grant seeking an additional Regional Planning Incentive Award amount shall be for the joint project with another community. No community is eligible for more than one Transportation Regional Planning Incentive Award. No community is eligible for more than one Non-Transportation Regional Planning Incentive Award.

Limitations

Because the Community Mitigation Fund needs to be available until the facilities are operational, the Commission anticipates authorizing no more than \$6 million in awards out of the 2018 Community Mitigation Fund, including potential future awards of previously authorized grants. No application for a Specific Impact Grant shall exceed \$500,000, unless a waiver has been granted by the Commission. No community is eligible for more than one Specific Impact Grant, unless a waiver has been granted by the Commission.

Of that amount, for 2018, no more than \$500,000 may be expended for operational impacts related to the Category 2 gaming facility, unless otherwise determined by the Commission.

One-Time 2015/2016 Reserves

In 2015 and 2016, a Reserve Fund was established for communities that may not have been able to demonstrate significant impacts by the submittal deadline date. The Commission reserved \$100,000 for the following communities which were either a host community, designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that petitioned to be a surrounding community to a gaming licensee, or a community that is geographically adjacent to a host community:

Category 1 - Casino		Category 2 - Slots
<u>Region A</u>	<u>Region B</u>	Attleboro
Boston	Agawam	Foxboro
Cambridge	Chicopee	Mansfield
Chelsea	E. Longmeadow	North Attleboro
Everett	Hampden	Plainridge
Lynn	Holyoke	Wrentham
Malden	Longmeadow	

Medford	Ludlow
Melrose	Northampton
Revere	Springfield
Saugus	West Springfield
Somerville	Wilbraham

In many cases, communities may not be in a position to access their 2015 or 2016 reserves by the February 1, 2018 deadline. Therefore, the Commission has extended such reserves for the 2018 Community Mitigation Fund Program. Communities may continue to access whatever portion of the original \$100,000 that remains unexpended. **The above communities do not need to submit any new application to keep their reserves. These reserves have automatically been extended by action of the Commission.**

The criteria for the use of the reserve remain the same. This reserve can be used to cover impacts that may arise in 2018 or thereafter. It may also be used for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.

Funds will be distributed as the needs are identified. Communities that utilize the reserve are not prohibited from applying for funding for any specific mitigation request.

What are the Reserve Amounts?

Can a community apply for mitigation of a specific impact even though it has not fully utilized its One-Time 2015/2016 Reserve?

Yes. However, if a Specific Impact Grant application is successful, a portion of the One-Time Reserve will be used as an offset against the amount requested for the specific impact. The reserve amount will be reduced by fifty thousand dollars (\$50,000.00) assuming the specific impact request is at least that amount.

Specific Impact Grants - What Specific Impacts Can Be Funded?

The 2018 Community Mitigation Fund for mitigation of specific impacts may be used only to mitigate impacts that either have occurred or are occurring as of the February 1, 2018 application date and police training costs that occur prior to the opening of both Category 1 facilities. Although the definition in the Commission's

regulations (for the purpose of determining which communities are surrounding communities) references predicted projected impacts, the 2018 program is limited to only those impacts that are being experienced or were experienced by the time of the February 1, 2018 application date and police training costs that occur prior to the opening of both Category 1 facilities.

The Commission has determined that the funding of unanticipated impacts will be a priority under the annual Community Mitigation Fund. Thus the Commission will review funding requests in the context of any host or surrounding community agreement to help determine funding eligibility.² The Community Mitigation Fund is not intended to fund the mitigation of specific impacts already being funded in a Host or Surrounding Community Agreement.

No application for the mitigation of a specific impact shall exceed \$500,000. However, communities and governmental entities may ask the Commission to waive this funding cap. Any community and governmental entity seeking a waiver should include a statement in its application specifying the reason for its waiver request, in accordance with the waiver guidance included in these Guidelines. The Commission recognizes that applications for police training costs may exceed \$500,000 and may take this into consideration in evaluating any waiver requests.

Allowable impacts for funding are as follows:

Category 1 Gaming Facility: In recognition that no Category 1 gaming facility will be operational by February 1, 2018, the Commission has determined that the 2018 Community Mitigation Fund is available only to mitigate impacts related to the construction of Category 1 gaming facilities. This limitation does not apply to planning activities funded under the 2015/2016 One-Time Reserve Grant, 2018 Non-Transportation Planning Grant, 2018 Transportation Planning Grant, or the 2018 Workforce Development Pilot Program Grant, or police training costs.

The Commission's regulation 205 CMR 125.07 defines construction period impacts as:

“The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking

² The Commission is aware of the difference in bargaining power between host and surrounding communities in negotiating agreements and will take this into account when evaluating funding applications.

into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.”

Category 2 Gaming Facility: In recognition that the Category 2 gaming facility in Plainville opened during calendar year 2015, the Commission will make available funding to mitigate operational related impacts that are being experienced or were experienced from that facility by the February 1, 2018 date. The Commission will make available up to \$500,000 in total for applications for the mitigation of operational impacts relating to the Plainridge facility.

The Commission’s regulation 205 CMR 125.01 2(b)4 defines operational impacts as:

“The community will be significantly and adversely affected by the operation of the gaming establishment after its opening taking into account such factors as potential public safety impacts on the community; increased demand on community and regional water and sewer systems; impacts on the community from storm water run-off, associated pollutants, and changes in drainage patterns; stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment; any negative impact on local, retail, entertainment, and service establishments in the community; increased social service needs including, but not limited to, those related to problem gambling; and demonstrated impact on public education in the community.”

Although these definitions include the types of operational impacts that may be funded, it is not limited to those. The determination will be made by the Commission after its review.

Hampden County Sheriff’s Department – Specific Impact Grant

In 2016 the Commission awarded the Hampden County Sheriff’s Department (“HCSD”) funds to offset increased rent for the Western Massachusetts Correctional Alcohol Center (“WMCAC”). In providing assistance, the Commission stated that the amount of assistance shall not exceed \$2,000,000 in total for five years or \$400,000 per fiscal year. A provision in the grant required HCSD to

reapply each year. As the HCSD missed the deadline due to administrative changes for 2017, HCSD may apply for fiscal year 2018 and 2019 lease assistance during this 2018 Community Mitigation Fund application period. Each grant application may not exceed \$400,000 per year.

2018 Non-Transportation Planning Grant

The Commission will make available funding for certain planning activities for all communities that previously qualified to receive funding from the One-Time 2015/2016 Reserve Fund, and have already allocated and received Commission approval of the use of its reserve. No application for this 2018 Non-Transportation Planning Grant shall exceed Fifty Thousand Dollars (\$50,000). Applications involving transportation planning or design are not eligible for the 2018 Non-Transportation Planning Grant. Communities requesting transportation planning should instead apply for Transportation Planning Grant funds.

Eligible planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. The planning project must be clearly related to addressing issues or impacts directly related to the gaming facility. Applicants will be required to submit a detailed scope, budget, and timetable for the planning effort prior to funding being awarded. Each community applying for a 2018 Non-Transportation Planning Grant will also need to provide detail on what it will contribute to the project such as in-kind services or planning funds.

Communities that utilize this 2018 Non-Transportation Planning Grant are not prohibited from applying for funding for any specific mitigation request.

Transportation Planning Grants

The Commission will make available funding for certain transportation planning activities for all communities eligible to receive funding from the Community Mitigation Fund in Regions A & B and for the Category 2 facility, including each Category 1 and Category 2 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, and any community that petitioned to be a surrounding community to a gaming licensee, each community that is geographically adjacent to a host community.

The total funding available for Transportation Planning Grants will likely not exceed \$1,000,000. No application for a Transportation Planning Grant shall exceed \$200,000.

Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. Transportation Planning Grant funds may be sought to expand a planning project begun with reserve funds or to fund an additional project once the reserves have been exhausted.

Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results.

Eligible expenses to be covered by the Transportation Planning Grant include, but not necessarily limited to:

- Planning consultants/staff
- Data gathering/surveys
- Data analysis
- Design
- Engineering review/surveys
- Public meetings/hearings
- Final report preparation

The transportation planning projects must be clearly related to addressing transportation issues or impacts directly related to the gaming facility. Applicants will be required to submit a detailed scope, budget, and timetable for the transportation planning effort prior to funding being awarded.

Communities that requested and received the One-Time 2015/2016 Reserve Grant must first expend those funds before accessing any Transportation Planning Grant funds. Transportation Planning Grant funds may be sought to expand a planning project begun with reserve funds or to fund an additional project once the reserves have been exhausted.

In addition to the specific impact grant factors further defined in section "[How Will the Commission Decide on Applications?](#)", the Commission will also consider whether the applicant demonstrates the potential for such transportation project that is the subject of a CMF application to compete for state or federal transportation funds.

Applicants may, but are not required, to include a description of how the project meets the evaluation standards for the Fiscal Year 2018 TIP criteria for the Boston

MPO Region or the Pioneer Valley Planning Commission's transportation evaluation criteria, or other regional transportation project evaluation standard, whichever may be most applicable.

Limitations/Specific Requirements on Planning Applications

The Commission will fund no application for more than two years for any municipal employee. The CMF will not pay the full cost of any municipal employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related. For non-personnel costs, each community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds.

Pursuant to the Guidelines, the Commission will evaluate requests for planning funds (including the use of One-Time 2015-2016 Reserve, Non-Transportation Planning Grant, and Transportation Planning Grant Funds) after taking into consideration input the applicant has received from the local Regional Planning Agency ("RPA") or any such interested parties. Although there is no prerequisite for using RPA's for planning projects, consultation with RPA's is required to enable the Commission to better understand how planning funds are being used efficiently across the region of the facility. Please provide details about the applicant's consultation with the RPA or any such interested parties. Applicants should provide detail regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding planning activities.

Tribal Gaming Technical Assistance Grant

The Commission may make available no more than \$200,000 in technical assistance funding to assist in the determination of potential impacts that may be experienced by communities in geographic proximity to the potential Tribal Gaming facility in Taunton. Said technical assistance funding may be made through Southeastern Regional Planning and Economic Development District ("SRPEDD"), the regional planning agency that services such communities or a comparable regional entity. Such funding will only be made available, after approval of any application by SRPEDD or a comparable regional entity, if it is determined by the Commission that construction of such gaming facility will likely

commence prior to or during Fiscal Year 2019. Any such application by SRPEDD or a comparable regional entity must demonstrate that any studies of impacts will address the technical assistance needs of the region which may include but not be limited to the communities that are geographically adjacent to Taunton. Such funding shall not be used to study impacts on or provide technical assistance to Taunton, as funding has been provided in the Intergovernmental Agreement By and Between the Mashpee Wampanoag Tribe and the City of Taunton. Any such program of technical assistance may be provided by SRPEDD itself or through a contract with SRPEDD.

Workforce Development Pilot Program Grant

For fiscal year 2019, the Commission will make available funding for certain career pathways workforce development pilot programs in Regions A and B for service to residents of communities of such Regions, including each Category 1 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, any community that petitioned to be a surrounding community to a gaming licensee, and each community that is geographically adjacent to a host community.

The total funding available for grants will likely not exceed \$600,000. No application for a grant in each Region shall exceed \$300,000 unless otherwise determined by the Commission. One grant will be considered for each Region. Each governmental entity applying for workforce development funds will also need to provide detail on what it will contribute to the workforce development project such as in-kind services or workforce development funds.

Eligible career pathways workforce development proposals must include a regional consortium approach to improve the skills, knowledge, and credential attainment of each Region A and Region B residents interested in a casino career, focusing on increasing industry-recognized and academic credentials needed to work in the most in-demand occupations related to the expanded gaming industry or a focus on occupations that could be in high demand from the casino, potentially negatively impacting the regional business community. This could include a focus on hospitality, culinary, cash handling, or customer service, etc.

Goals include:

- To help low-skilled adults earn occupational credentials, obtain well-paying jobs, and sustain rewarding careers in sectors related to hospitality and casino careers.
- To get students with low basic skills into for-credit career and technical education courses to improve their educational and employment outcomes.
- To deliver education and career training programs that can be completed in two years or less and prepare program participants for employment in high-wage, high-skill occupations related to the casino.
- To align and accelerate ABE, GED, and developmental programs and provide nontraditional students the supports they need to complete postsecondary credentials of value in the regional labor market.
- To mitigate a strain in existing resources and a potential impact to the regional labor market.

Eligible activities include: a program in Region A or Region B that structures intentional connections among adult basic education, occupational training, and post-secondary education programs designed to meet the needs of both adult learners and employers, post-secondary vocational programs, registered apprenticeships, courses leading to college credits or industry-recognized certificates, Adult Basic Education (“ABE”) and vocationally based English for Speakers of Other Languages (“ESOL”) training programs, Contextualized Learning, Integrated Education & Training, and Industry-recognized Credentials.

- **A consortium application is required.** However, governmental entities eligible to receive funds would include but not be limited to: host communities, communities which were each either a designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that is geographically adjacent to the host community of a gaming licensee, a community that petitioned to be a surrounding community to a gaming licensee state agencies, state agencies, and Regional Employment Boards. The Commission shall evaluate the use of host community agreement funds in evaluating funding requests for workforce development pilot program grant funds. Applicants should consider leveraging other funding resources.

What Should Be Included in the Applications?

- ★ Applicants are required to complete the 2018 Specific Impact Grant Application, the 2018 Transportation Planning Grant Application, the 2018 Workforce Development Pilot Program Grant Application or the 2018 Non-Transportation Planning Grant Application, 2018 Reserve Planning Application/Tribal Gaming Technical Assistance Application, and may also submit additional supporting materials of a reasonable length.
- ★ Applicants will need to describe how the specific mitigation, planning, or workforce development pilot program request will address any claimed impacts and provide justification of any funds requested. Unlike existing surrounding community agreements which were based on anticipated impacts, any Specific Impact Grant will be based on impacts that have occurred or are occurring, as described previously.
- ★ Applicants will need to describe if and how such impacts were addressed or not addressed in any host or surrounding community agreements. Applicants may include a letter of support from the applicable gaming licensee. However, this is not necessary, as the Commission will request the licensee's opinion regarding each application.

How Will the Commission Decide on Applications?

Similar to the Commission's surrounding community review process, the Commission will ask each licensee to review and comment on any requests for funding.

The Commission will evaluate the submittal by the community, any input received from the community and interested parties (such as Regional Planning Agencies), the responses of the licensee, Commission consultant reviews, and any other sources determined by the Commission.

The Commission will evaluate any funding requests in the context of any host or surrounding community agreements. Factors used by the Commission to evaluate grant applications may include but not be limited to:

- 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 feasibility and reasonableness of the proposed mitigation measure;
- A demonstration that any program to assist non-governmental entities is for a demonstrated public purpose and not for the benefit or maintenance of a private party;
- The significance of any matching funds for workforce development pilot program activities or planning efforts, including but not limited to the ability to compete for state or federal workforce, transportation or other funds;
- Any demonstration of regional benefits from a mitigation award;
- A demonstration that other funds from host or surrounding community agreements are not available to fund the proposed mitigation measure;
- A demonstration that such mitigation measure is not already required to be completed by the licensee pursuant to any regulatory requirements or pursuant to any agreements between such licensee and applicant; and
- The inclusion of a detailed scope, budget, and timetable for each mitigation request.

The Commission may ask applicants for supplementary materials, may request a meeting with applicants, and reserves the ability to host a hearing or hearings on any application.

The Commission's deliberations on Community Mitigation Fund policies will also be aided through input from the Gaming Policy Advisory Committee, the Community Mitigation Subcommittee, and any Local Community Mitigation Advisory Committees, as established pursuant to M.G.L. c. 23K.

The Commission reserves the ability to determine a funding limit below what is detailed in these Guidelines, as additional contributions to the Community Mitigation Fund will not be made until Category 1 gaming facilities are operational. The Commission also reserves the ability to determine a funding limit above what is detailed in these Guidelines.

The Commission reserves the ability to fund only portions of requested projects and to fund only a percentage of amounts requested. The Commission also reserves the ability to place conditions on any award.

- **There is limited funding available. The Commission therefore reserves the right to determine which requests to fund based on its assessment of a broad range of factors including the extent of public benefit each grant is likely to produce.**

When Will the Commission Make Decisions?

The Commission anticipates making funding decisions on any requests for grant assistance before July 2018, after a comprehensive review and any additional information requests.

Is There a Deadline for the Use of the One-Time 2015/2016 Reserve?

There is no deadline. Funds may be used on a rolling basis when specific impacts are determined or the specific planning activity is determined. Once known, communities should contact the Ombudsman's Office, which will assist the community in providing the needed information. Communities with specific impacts will, at the time the impacts are known, complete the Specific Impact Grant Application or the Planning Project Grant Application in its entirety. Communities with requests for planning funds will provide similar information to the Commission: a description of the planning activity, how the planning activity relates to the development or operation of the gaming facility, how the planning funds are proposed to be used, consultation with the Regional Planning Agency, other funds being used, and how planning will help the community determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts. The Commission will fund no application for more than two years for any municipal employee. The CMF will not pay the full cost of any municipal employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related. Each Community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds. Please note that such details do not need to be determined by the February 1, 2018 application date. Commission approvals of the use of the One-Time

2015/2016 Reserve will also be on a rolling basis corresponding to the rolling determinations of use by communities.

Waivers and Variances

(a) General. The Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines, not specifically required by law, where the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K;
2. Granting the waiver or variance will not interfere with the ability of the Commission to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the community, governmental entity, or person requesting the waiver or variance.

(b) Filings. All requests for waivers or variances shall be in writing, shall set forth the specific provision of the Guidelines to which a waiver or variance is sought, and shall state the basis for the proposed waiver or variance.

(c) Determination. The Commission may grant a waiver or variance, deny a waiver or variance, or grant a waiver or variance subject to such terms, conditions and limitations as the commission may determine.

Who Should Be Contacted for Any Questions?

As the 2018 Community Mitigation Fund program is just in the fourth year of the program for the Commission, communities and other parties may have a number of questions. They are encouraged to contact the Commission's Ombudsman with any questions or concerns. The Commission's Ombudsman will regularly brief the Commission regarding the development of Community Mitigation Fund policies.

The Commission's Ombudsman, John Ziemba, can be reached at (617) 979-8423 or via e-mail at john.s.ziemba@state.ma.us. The Commission's address is 101 Federal Street, 12th Floor, Boston, MA 02110.

Where Should the Applications Be Sent?

Applications **must be sent to www.commbuys.com**. An application received by COMMBUYS by February 1, 2018 will meet the application deadline. Applicants that are not part of the COMMBUYS system should contact Mary Thurlow of the Commission's Ombudsman's Office well in advance of the February 1, 2018 deadline to make arrangements for submission of the application by the deadline. Mary Thurlow can be contacted at (617) 979-8420 or at mary.thurlow@state.ma.us.

If you have any questions or concerns contact the COMMBUYS Help Desk at COMMBUYS@state.ma.us or during normal business hours (8am - 5pm ET Monday - Friday) at 1-888-627-8283 or 617-720-3197.