



Region B - 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.

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.

The meeting will take place: Tuesday, October 13, 2020 @ 1:30 p.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 751 3450**

All documents and presentations related to this agenda will be available for your review by [clicking here](#).

Public Meeting:

1. Welcome/Opening Comments
2. Minutes from the November 19, 2019 meeting – **Vote**
3. Election of Chair and Representative to the Subcommittee- **Vote**
4. Discussion of Policy Questions
5. Discussion of 2021 Community Mitigation Fund Guidelines
6. Next Steps
7. 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.

October 8, 2020

(date)

A handwritten signature in black ink, appearing to read "Joseph E. Delaney".

Joseph E. Delaney

Date Posted to Website: Thursday, October 8, 2020



9/21/20

DRAFT FOR DISCUSSION PURPOSES ONLY

Review of Policy Questions to be discussed by the Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation Relative to the 2021 Community Mitigation Fund ("CMF") Guidelines

1. Should the Commission place an overall limit on grants for the 2021 CMF?

Background: Each year the Commission has placed an overall limit on grants based on the amount of money estimated to be available in the fund at the end of each calendar year.

2020 Results: The Commission authorized no more than \$11.5 million out of the 2020 CMF. The Commission awarded a total of \$6.7 million of new grant funding.

2. Should the Commission continue to place a per grant limit for 2021 CMF awards?

Background: Each year, the Commission has placed a per grant limit on CMF awards, with any of the limits being waivable by the Commission.

2020 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 with incentive payment of up to \$100,000; \$100,000 Non-Transportation Planning and \$200,000 for Tribal Technical Assistance and \$1,000,000 for Transportation Construction Projects. However, the Commission reserved its ability to authorize funding beyond the amounts.

3. Should the Commission continue to 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?

Background: For the last two years, the Commission has placed a limit on grants in each region based on the CMF funds generated by each casino. Based on the regional amounts rolled over from 2020, and a preliminary estimate of revenue through December 31, 2020, approximately \$8 million will be available for Region A and \$5 million will be available for Region B. For the Category 2 facility, which does not generate mitigation funds, a cap of \$500,000 has been placed for impacts associated with that facility. This number will be refined before finalizing the guidelines.

2020 Results: The 2020 CMF Guidelines stated that: "[t]he Commission intends to allocate 2020 CMF 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



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Springfield or Encore Boston Harbor facilities. This allocation takes into account mitigation needs outside Region A and Region B and includes a method to utilize unspent allocations.

The Commission intends to allocate 2020 CMF funding based on needs in the regions that reflect the proportion of funds paid into the Community Mitigation Fund from the taxes and fine revenue generated by the MGM Springfield and Encore Boston Harbor facilities.¹

For the 2020 year, the Commission plans to allocate the \$11.5 million target spending amount almost equally between the two regions, \$6 million for Region A and \$5 million for Region B, after accounting for grants that will be made for Category 2 impacts. Targeted spending is \$1 million higher in Region A than Region B reflecting the higher amount of funds expected to be generated by Region A in 2019. If the Commission awards \$500,000 for Category 2 impacts in 2020, \$11 million would be available to be split between Region A and Region B (i.e. \$6 million for Region A and \$5 million for Region B). Please note that these Guidelines establish a maximum target of \$500K for Category 2 impacts. In the event that \$500K is not necessary for Category 2 impacts, more target spending would be available for Region A and Region B.

It is the Commission's further intention that any unused funds allocated to each Category 1 Region will be set aside for that Region for a period of three years. After the three-year period, the funds shall be allocated back into a combined general fund for all regions and for Category 2 impacts. Because Encore Boston Harbor opened in 2019, Encore Boston Harbor did not generate any 2018 funds for use in the 2019 program. Therefore, no funds are rolled over into 2020. Approximately \$1.65 million of funds generated by MGM Springfield in 2018 are rolled over into 2020. If these funds are not utilized by 2022, they would be allocated back into the combined general fund for all regions and Category 2 impacts during the 2023 CMF program. It is the intention of the Commission to count any allocated regional balances first toward 2020 spending targets."

4. Should the 2020 CMF continue to 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. Should the scope of these grants be limited due to the effects of Covid-19 on the hospitality industry?

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 Massachusetts 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. All casino operational jobs require a high school diploma or equivalency. The 2020 CMF Guidelines did

¹ These 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.

include a specific allocation for funding work readiness programs related to the gaming facilities.

For the past couple of years, the focus of these grants has been on adult basic education in addition to culinary and other hospitality related training programs. Covid-19 has had a dramatic effect on the food and beverage and hotel businesses resulting in a glut of unemployed personnel in these areas. Because these workforce grants must target an impact of the casinos, careful consideration needs to be made regarding the scope of the grants.

2020 Results: Workforce grant applications were received for both Region A and Region B. Both of these applications included adult basic education as well as hospitality related training. Once the pandemic hit and the casinos were closed, the Commission decided to only fund the adult basic education portions of these grants, which resulted in a significant lowering of the value of the grants. One workforce program in Region A (totaling \$172,000.00) and one in Region B (totaling \$199,000.00) were awarded.

5. Should the Commission continue to allow funding to pay for a portion of the construction costs of transportation projects? Should the Guidelines require collaboration with MassDOT in transportation planning grants or any construction? Should the statewide target and per project cost be increased?

Background: The 2020 Guidelines for the first time allowed funding for transportation construction projects. The guidelines established a \$3,000,000 statewide target with no project receiving more than \$1,000,000.

2020 Results: MGC received seven applications for transportation construction funds totaling over \$6.25 million. The Commission funded all or a portion of five of these totaling \$3.2 million. MassDOT assisted in the review of these projects.

6. Should the Commission cap the percentage of construction costs that the CMF will fund?

Background: The 2020 Guidelines state that “(t)he Commission anticipates that any CMF assistance provided will only be for a percentage of the costs of any such project and that significant other federal, state, local, private or other funding will be available to pay for the costs of any such project. The 2020 guidelines did not place a hard cap on the percentage of project costs that the CMF would fund.

2020 Results: In the 2020 Grant round, MGC received seven applications for transportation construction projects with the proposed local match ranging from about 90% to 0%. There were two projects that proposed no local match (100% CMF funding). All the projects appeared to have benefits to the community in excess of the mitigation of impacts caused by the casino. Therefore, the CMF review team had a difficult time justifying the expense of some of these projects compared to the casino related impact. The Commission funded five projects and in two of these cases reduced the funding on

the project to better align with the mitigation of casino impacts. The maximum funding provided by CMF funds was about 1/3 of the project cost.

7. Should the Commission authorize the use of funds for large transportation projects or economic development projects? If so, what would be the limit per application and per region? Should such grants require a dollar for dollar match (waivable by the Commission)? There are several funding streams for gaming related needs of communities including, but not limited to, the Community Mitigation Fund and the Gaming Economic Development Fund.

Background: See the language for these two funds attached.

8. Should the Commission consider the creation of an emergency reserve within the Community Mitigation Fund for unknown impacts that arise after February 1, 2021?

Background: The Commission has discussed the possibility of an emergency reserve in the past but has not moved forward with it. Given what has transpired in the last year with respect to Covid-19, this idea has been raised again. If this reserve were to be established it would only be for unexpected impacts that arise after the CMF application deadline of February 1, 2021. If it were to be implemented, we expect that it would be a relatively small amount of money (\$200,000?) that expires each year if not used.

9. Should the Commission continue to authorize partial reimbursement or reimbursement for public safety operational costs as part of the 2021 Guidelines?

Background: The 2020 Guidelines allowed public safety operational costs to be considered under the specific impact category up to a maximum of \$200,000. These funds can only be used to supplement, not supplant, historic funding, and cannot be used to pay for Gaming Enforcement Unit costs.

2020 Results: MGC received four applications for public safety operational funding. Two of these applications were approved, one was approved with a reduced level of funding and one was denied.

10. How should the Commission use the information received from the annual look back studies, traffic studies, housing studies and research studies that have not been conducted by the Commission in any determination of mitigation requests?

Background: Many studies and reports relative to Plainridge Park, MGM Springfield, and Encore Boston Harbor will be completed by the Commission's research team in the near term. More information on the status of the Commission's research can be found at <https://massgaming.com/about/research-agenda/>. In addition to the Commission's research, other research mandated under surrounding community agreements will also soon be completed. Further research mandated under applicable MEPA reviews will also be completed in the near term. Individual communities and entities have also commissioned their own gaming related research.

11. How should the status of Region C and current litigation involving the potential tribal casino impact the 2021 CMF Guidelines?

Background: It may be unlikely that communities in Region C will experience significant construction or operational impacts by February 1, 2021, the statutory CMF deadline. Communities have expressed the need for technical assistance funding to help evaluate potential impacts.

2020 Results: \$200,000 of funding was set aside for use in Fiscal Year 2020 if there is a more clear determination on Region C / Tribal Casino status.

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

Background: The following are the match requirements for the various CMF categories:

- Specific Impact Grant – No match required
- Non-Transportation Planning – Application must include detail on what the applicant will contribute to the project such as in-kind services etc.
- Transportation Planning Grant – No match required. The CMF will not pay the full cost of any municipal employee. For non-personnel costs, application must include detail on what the applicant will contribute to the project such as in-kind services, etc.
- Transportation Construction Grants – Discussed under No. 6 above.
- Workforce Development Grant – Each governmental entity applying for workforce development funds needs to provide detail on what it will contribute to the project such as in-kind services or workforce development funds.

2020 Results: During the 2020 CMF review process, a number of applications were identified where the benefit to the community seemed to significantly outweigh addressing a casino impact.

13. Should the Commission place a time limit for the use of previously authorized reserves for the 2021 Community Mitigation Fund program?

Background: Some communities have expended some or all of their reserves. In Region A, 9 communities have allocated their entire reserve and 2 have not requested funding. In Region B, currently 6 have allocated their entire reserve, 1 has used a portion and 4 have not requested funding. For Category 2 communities, 3 have allocated their reserve, 2 have used a portion of their reserve and 1 has not requested any funding.

The intent of these reserves was to allow the communities to have funds available to plan for the casino's openings. Considering that the all of the casinos are open, the Commission expected that these funds would have been utilized by this point.

2020 Results: No communities have applied to use their reserves in the 2020 grant round.

14. Should the Commission continue to authorize 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 and 2019, the Commission authorized funding for non-transportation planning. Some communities have fully utilized their reserves and thus cannot use reserves for additional planning.

2020 Results: The Commission awarded three communities Non-transportation Planning Grants totaling \$250,000.00.

15. The Commission determined that communities are not eligible for reimbursement of administrative costs related to the preparation of Community Mitigation Fund applications. Workforce Program applications, due to the nature of the programs, are eligible for such costs.

Background: Administrative costs for all of the grant categories except workforce development are not eligible for reimbursement.

2020 Results: In the 2020 Guidelines, administrative costs were allowed for Workforce Development Programs applications only and were capped at 7.5% of total grant allocation.

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

Background: The 2020 Guidelines stated that “[p]rivate non-governmental parties may not apply for Community Mitigation Funds.” Any governmental entity seeking funding for mitigation is required to ensure that any planned use of funding is in conformance with the provisions of the Massachusetts Constitution.

17. Should the Commission continue to expressly authorize joint applications by communities?

Background: In 2020 the Commission authorized Joint Transportation Planning and Joint Non-Transportation Planning applications.

2020 Results: During the CMF Review of applications by the Commission, it was requested that a similar incentive program be evaluated for Joint Workforce Development Applications. The Commission mentioned the benefit of one integrated whole workforce development program for each region and creating joint applications may ensure that there is no duplicity in the use of resources. In the 2020 round the transportation, non-transportation planning, and workforce grants could be joint application and receive an incentive payment.

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

Background: The 2020 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.

19. Should the Commission consider additional funding for the Hampden County Sheriff’s Office for lease assistance.

Background: In 2016 the Commission awarded the Hampden County Sheriff's Department ("HCSO") 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 HCSO to reapply each year. Each grant application may not exceed \$400,000 per year. Any such lease assistance shall be included in the Region B allocation of funds.

The Hampden County Sheriff's Department has requested that the Commission consider extending this lease assistance.

2020 Results: 2020 was the last of the \$400,000 grants that was established in 2016.

20. Should the Commission look to rescind older grants that have not expended money yet?

Background: Several grants have been awarded since the beginning of the program in which no funds have been expended. These grants tie up some of the capacity of the program.

21. Should communities be allowed to apply to more than one category of grant for the same project?

Background: The Guidelines did not envision applying for a single project under two different categories, but that did happen in 2020. Each of the grant categories has limits placed on the maximum value of the grant, however, all of those limits are waivable by the Commission.

22. Are the same general analysis factors used in 2020 going to be used for 2021 evaluation?

Background: 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.

Supplemental Guidelines Used To Evaluate Workforce Development Applications

- ❖ Does the application develop a workforce development program that seeks to address any claimed impacts?
- ❖ Does the proposal include a program in Region A or Region B that structures intentional connections among adult basic education, occupational training, and post-secondary education programs?
- ❖ Does the proposal seek to assist low-skilled adults in obtaining education and career training to enable them to join the regional labor market?
- ❖ Does the proposal seek to address the anticipated goals of the program (see pages ____ and ____ of these Guidelines)?
- ❖ Will the participants receive industry-recognized or academic credentials needed to work in the most in-demand casino –related occupations within the region?
- ❖ A 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.
- ❖ Is the Applicant collaborating with others to provide a regional approach?
- ❖ Does the Applicant address issues related to a gaming facility?

Background: The factors used in 2021 may need further refinement.

Section 59: Gaming Economic Development Fund

Section 2DDDD. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Gaming Economic Development Fund. The fund shall be credited with revenues transferred to it from the Gaming Revenue Fund established in section 59 of chapter 23K. Amounts credited to the fund shall be expended, subject to appropriation, to support economic development and job growth including, but not limited to: (1) workforce training, including transfers to the Workforce Competitiveness Trust Fund established in section 2WWW of chapter 29; (2) tourism promotion, including regional tourism promotion agencies and cultural and recreational attraction promotion; (3) summer jobs; (4) the Massachusetts marketing partnership established in section 13A of chapter 23A; (5) higher education scholarships; (6) regional economic development initiatives; (7) support for small businesses, including small business lending; (8) green jobs promotion; (9) science, technology, engineering and mathematics career pipeline initiatives; and (10) agricultural development programs, including youth agricultural education.

Section 61: Community Mitigation Fund

Section 61. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Community Mitigation Fund. The fund shall consist of monies transferred under section 59 and all other monies credited or transferred to the fund from any other fund or source.

(b) The commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment 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, at its discretion, distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than 1 municipality; provided, however, that such entity or district shall submit a written request for funding in the same manner as a municipality would be required to submit such a request under subsection (c).

(c) Parties requesting appropriations from the fund shall submit a written request for funding to the commission before February 1 of each year. The commission may hold a public hearing in the region of a gaming establishment to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on demonstrated need.

Committee Comments

Ron Hogan: “I don’t believe we need limits any longer, on individual grants or grants in total. First, I’ve always felt that if there was a \$20 million unmitigated impact that was clear as day, well, then we have to deal with it. At this point, I think the problem is the opposite. As time has gone on, I believe that most if not all of the more legitimate ‘impacts’ have been funded through either surrounding community agreements or approved requests from this fund. What I see

when looking at the applications are more and more ‘reaches’ to make a case that may resonate with the commission, even without the direct relationship to the casino that the act language contemplates, because it’s a ‘good cause’. The public safety funding requests I believe are evidence of that. So if that’s the case now, I see that only getting ‘worse’ if you will unless we take a step back and think about how to evolve as we have access to more information and experience than we did several years ago.

I have never felt as though a community match should matter at all. It’s either an impact from the casino that should be mitigated....or not. A communities ability to partially fund that impact should not make it more attractive and may have the opposite effect as intended by the act. I guess I’m advocating that the Commission needs to reevaluate this process going forward or it’s going to simply turn into a grant writing competition.”