



Subcommittee on Community Mitigation

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the *Subcommittee on Community Mitigation* 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: November 17 @ 10:00a.m. – 11:30a.m.

**Via Conference Call Number: 1-646-741-5293
Participant Code: 111 461 5472; Password: 018901**

Public Meeting:

1. Welcome/Opening Comments - Joe Delaney, Chief of Community Affairs
2. Minutes from October 20, 2021 meeting – **Vote**
3. Ethics Training by MGC Legal Department.
4. Discussion of 2022 Community Mitigation Fund Guidelines - Joe Delaney
5. Community Mitigation Fund Financials - Joe Delaney
6. Operational Aspects of Casinos - Bruce Band, Gaming Agents Division Chief
7. Next Steps
8. Other Business – reserved for matters not reasonably anticipated at the time of posting.

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

November 5, 2021

(date)

A handwritten signature in blue ink that reads "Joseph E. Delaney".

Joseph E. Delaney
Chief of Community Affairs

Date Posted to Website: Thursday, November 10, 2021



Massachusetts Gaming Commission



Subcommittee on Community Mitigation Meeting Minutes

Date/Time: October 20, 2021 at 10:00 a.m.

Place: VIA CONFERENCE CALL NUMBER: 1 646 741 5292
PARTICIPANT CODE: 111 134 7285

Present: Eric Demas, Everett
Haskell Kennedy Jr., Springfield
Sean Cronin, Department of Revenue
Jackie Lavender Bird, Mass Municipal Association
Ron Hogan, LCMAC Region A representative
Marc Strange, LCMAC Region B representative
Brad Hill, MGC Commissioner
Joseph Delaney, MGC
Nicholas Napolitan, MGM
Juliana Catanzariti, Encore Boston Harbor
Mary Thurlow, MGC

Call to Order

Joe Delaney called the Subcommittee ("Subcommittee") meeting to order. Mary Thurlow read the public disclosure.

Mr. Delaney introduced and welcomed Commissioner Hill. Commissioner Hill provide some background information on his career.

Approval of Minutes

Due to lack of quorum based on current membership, the minutes from the November 2020 minutes will remain in draft form when posted on the website.

Vote for Chair of the Subcommittee

Mr. Delaney opened the floor for nomination for the Chair of this Subcommittee. Commissioner Hill noted his interest. Motion to nominate Commissioner Hill provided by Mr. Demas and seconded by Ms. Lavendar. By rollcall vote Commissioner Hill was unanimously elected. Mr. Delaney turned the meeting over to Commissioner Hill.

Budget Presentation by Derek Lennon, CFO

The meeting was then turned over to Mr. Lennon who summarized the budget for the Community Mitigation Fund FY21. He reminded members that up to 10% may be used for the program administration and that most of the funding was for salaries and the database. He mentioned that the current budget was nowhere near the 10% allowed by the regulations. Mr. Lennon noted that the unspent money previously allocated last year to pay for the database would be carried forward as the database is now undergoing development.

Discussion of 2022 Community Mitigation Fund Draft Guidelines

Mr. Delaney thanked those members who had put comment in writing for this Subcommittee. He reminded members of the review of policy items from the last meeting and mentioned how those conversations assisted in the development of the new Guidelines. Mr. Bourassa supported Mr. Hogan's comments provided to the Subcommittee.

A review of the various types of grants available was presented noting changes in amounts from the previous year and the removal of caps in spending. The reserves grants are no longer available after this year. For the Specific Impact Grants several applications are allowed but the limit is \$500,000 per community.

The first major change in the Guidelines was the addition of the Public Safety Grants as a new grant category. The description of Public Safety Grants highlighted Implicit Bias Training and De-escalation training as a few types of available training that would support the Police Reform law. Other training opportunities would also be available, but Commission wanted to highlight these types of training to encourage communities to submit those types of applications.

Mr. Delaney then discussed the Community Planning Grants which are now structured to reduce the level of effort communities need to perform to quantify the casino impact. He explained how the SEIGMA research agenda carried out by UMass attempted to quantify the amount of reallocated spending that a casino could cause. Mr. Delaney explained that reallocated spending is spending that would have occurred but did not occur because of the casino. The SEIGMA study determined that there is a reallocation of funds, therefore it is reasonable to conclude that this is an impact associated with a casino. Gaming establishments also provide significant benefits and communities can take advantage of casino related benefits. There are lost opportunity costs that communities may not have available municipal funds to remedy but may be able to leverage Community Mitigation Funds to take advantage of those benefits.

Under Transportation Planning Grants, the dollar cap on the category was removed while the maximum grant amount remained the same.

The Transportation Construction Grant remains a maximum of 33% of total project cost but the cap on the category has been eliminated. The maximum grant award had been increased to \$1.5M.

Mr. Delaney then discussed the Workforce Development Grants. He noted that there was an increase in the maximum grant value to \$500,000 per region. He also noted the removal of bonus funds as they only complicated and confused applicants and was already in the basic Guidelines as a requirement.

The Tribal Assistance Grant has been carried over to assist the communities surrounding Taunton should the Tribal casino move ahead. He also noted that the Emergency Mitigation Grants were carried forward for impacts of an emergency nature that occur outside of the normal grant cycle.

Mr. Delaney then discussed the proposed new category of Projects of Regional Significance. MGC would like to receive input regarding large regional projects that are coming up in the near future. Mr. Delaney proposed that this category be removed from the Guidelines and

have a separate solicitation so as not to confuse the basic Community Mitigation Fund process. The Committee agreed with this approach. MGC staff will report back to this committee and make a recommendation about a new category for next year after a review of the solicitations received.

Mr. Delaney asked for comments. None being heard he moved forward.

Mr. Delaney noted that in a review of the Comm-Buys requirements, certain projects require a commitment to using minority, women and veteran firms. While not directly applicable to the CMF, he would like to add a new evaluation criterion that would allow the CMF Review Team to consider diversity in its' decision process. This evaluation criteria would have no set goals but would enable MGC to find out what communities are doing with respect to diversity.

Discussion of Next Steps:

Mr. Delaney noted that the Guidelines will be for public comment for a couple of weeks.

The Commission is anticipated to vote on the Guidelines November 18th with the project solicitation posted before Thanksgiving. He also noted the workshop currently scheduled for December 14th from 1-3.

Other business: At the November 1 Gaming Policy Advisory Committee meeting Mr. Delaney and Commissioner Hill will be presenting on the activity of the Subcommittee.

Ms. Thurlow reminded member of the next meeting on November 17th 10:00-11:30.

Chair Hill asked if there was any member who wanted to discuss something that was not on the agenda

With no further business, Commissioner Hill asked for a motion to adjourn. Motion was made by Mr. Hogan and seconded by Mr. Kennedy seconded the motion. It was unanimously voted to adjourn.

The Chair adjourned the meeting.

List of Documents and Other Items Used

1. Agenda and Notice of Meeting
2. 2022 Community Mitigation Fund Guidelines

/s/ Mary Thurlow
Secretary



22

COMMUNITY
MITIGATION
FUND

2022 COMMUNITY MITIGATION FUND GUIDELINES
BD-22-1068-1068C-1068L-68403
Appendix A - Table of Contents

1.0 Community Mitigation Fund Grant Program 1

1.1 When Is the Application Deadline? January 31, 2022 1

1.2 Who Can Apply?..... 1

1.3 What Cannot Be Funded? 2

1.4 How Much Funding Will Be Available?..... 2

1.5 Joint Applications..... 3

2.0 Grant Categories 5

2.1 2015/2016 Reserve Grants 5

2.2 Specific Impact Grants..... 5

2.3 Public Safety Grants 6

2.4 Community Planning Grants..... 6

2.5 Transportation Planning Grants..... 8

2.6 Transportation Construction Grants 9

2.7 Workforce Development Grants 9

2.8 Tribal Gaming Technical Assistance Grants 11

2.9 Emergency Mitigation Grants 12

3.0 Application Requirements 12

3.1 What Should Be Included in the Applications? 12

3.2 How Will the Commission Decide on Applications?..... 12

3.3 When Will the Commission Make Decisions?..... 14

3.4 Authorization to Approve Requests for Changes to Components of Grant Awards 14

3.5 Waivers and Variances 14

3.6 Rescission of Grants 15

3.7 Who Should be Contacted for Questions?..... 15

3.8 Where Should the Application be Sent?..... 15



Massachusetts Gaming Commission



22

COMMUNITY
MITIGATION
FUND

2022 COMMUNITY MITIGATION FUND GUIDELINES BD-22-1068-1068C-1068L-68403

1.0 Community Mitigation Fund Grant Program

The Expanded Gaming Act created the Community Mitigation Fund (“CMF”) to help communities and other entities offset costs related to the construction and operation of a gaming establishment. For 2022, the following grant categories are available for communities:

- Specific Impact Grant;
- Public Safety Grant;
- Community Planning Grant;
- Transportation Planning Grant;
- Transportation Construction Grant;
- Workforce Development Grant;
- Tribal Gaming Technical Assistance Grant; and
- Emergency Mitigation Grant.

Each of these categories is further described in Section 2.0 of these Guidelines.

1.1 When Is the Application Deadline? January 31, 2022

1.2 Who Can Apply?

M.G.L. c. 23K, § 61 and the Massachusetts Gaming Commission’s (Commission) regulations identify a range of eligible entities including, but not limited to:

- communities in the vicinity of the gaming establishment including: host and surrounding communities; each community that entered into a nearby community agreement; any community that petitioned to be a surrounding community; and each community that is geographically adjacent to a host community;
- water and sewer districts in the vicinity of a gaming establishment;
- local and regional agencies involved in education, transportation, infrastructure, housing and environmental issues; and
- public safety agencies, including the office of the county district attorney, police, fire, and emergency services.

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



Massachusetts Gaming Commission

submit applications through such community rather than submitting applications independent of the community.

Private non-governmental parties may not apply for Community Mitigation Funds. Governmental entities may apply to the Commission for funds to mitigate impacts provided that the funding is used for a “public purpose” and not the direct benefit or maintenance of a private party or private parties. The Commission strongly encourages applicants to ensure that the impacts are directly related to the gaming facility and that the public purpose of such mitigation is readily apparent. The Commission will not fund any applications for assistance for non-governmental entities.

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 governmental entity seeking funding for mitigation is required to ensure that any planned use of funding is in conformity with the provisions of the Massachusetts Constitution and with all applicable laws and regulations, including but not limited to, Municipal Finance Law and public procurement requirements.

1.3 What Cannot Be Funded?

2022 Community Mitigation Fund may not be used for the mitigation of:

- impacts that are projected or predicted but that are not occurring or have not occurred by January 31, 2022;
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction and operation of gaming establishments;
- 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.

Please note that the Commission may determine to expand the eligible uses of funds for the 2022 program or other future programs. The Commission will also consult with mitigation advisory committees established in M.G.L. c. 23K in determining such uses.

1.4 How Much Funding Will Be Available?

The Commission has determined a target spending amount of \$21.0 million for fiscal year 2022. If the 2022 target is met, the CMF would still have an estimated unallocated balance of \$2.1 million from funds generated by December 31, 2021.

Allocation by Region

The Commission intends to allocate 2022 CMF funding based on the proportion of funds paid into the CMF from the taxes and fines generated by the MGM Springfield and Encore Boston Harbor facilities.¹ These include revenues generated during calendar year 2021 as well as unspent monies from previous years.

For CY 2022, the Commission plans to allocate \$21.0 million between the two regions and the Category 2 facility as follows:

- Region A \$12.55 million
- Region B \$7.95 million
- Category 2 \$0.5 million

Category 2 grants will be split equally between Region A and Region B. If the \$0.5 million is not necessary for Category 2 grants, more spending would be available for Region A and Region B.

The Commission determined in grant year 2020, 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 fund for all regions and for Category 2 impacts. It is the intention of the Commission to count any allocated regional balances first toward 2022 spending targets. The following is the status of the unused funds by calendar year:

	Region A	Region B
2018		\$ 0
2019	\$0	\$ 2,681,172
2020	\$4,235,999	\$2,411,158
Total	\$4,235,999	\$5,092,330

1.5 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 2022 Guidelines allow multiple communities to submit a joint application. 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.

To further regional cooperation, the applications for Transportation Planning Grants and Community Planning Grants that involve more than one community for the same planning

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.

2022 COMMUNITY MITIGATION FUND GUIDELINES

projects may request grant assistance that exceeds the limits specified in these Guidelines. 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
Community Planning Projects Involving Two (2) Communities	\$100,000 for each community	\$10,000	$\$100,000 \times 2 \text{ communities}$ <u>$\\$200,000 + \\$10,000 = \\$210,000$</u>
Community Planning Project Involving Three (3) or More Communities	\$100,000 for each community	\$15,000*	$\$100,000 \times 3 \text{ communities}$ <u>$\\$300,000 + \\$15,000 = \\$315,000$</u>
Transportation Planning Projects Two (2) Communities	\$200,000 for each community	\$25,000	$\$200,000 \times 2 \text{ communities}$ <u>$\\$400,000 + \\$25,000 = \\$425,000$</u>
Transportation Planning Projects Three (3) or more Communities	\$200,000 for each community	\$50,000*	$\$200,000 \times 3 \text{ communities}$ <u>$\\$600,000 + \\$50,000 = \\$650,000$</u>

*The maximum Community Planning Regional Incentive is \$15,000 and the maximum Transportation Planning Regional Incentive is \$50,000 regardless of the number of communities participating.

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 Community Regional Planning Incentive Award.

2.0 Grant Categories

The following are the grant categories for the 2022 CMF. Applicants may apply for grants in more than one category; however, any individual project may only be included under one grant category.

2.1 2015/2016 Reserve Grants

In 2015 and 2016, a \$100,000 Reserve was established for communities near the gaming establishments. These grants are no longer available for use. These reserve awards expired December 31, 2021.

2.2 Specific Impact Grants

Specific Impact Grants may be used only to mitigate impacts that either have occurred or are occurring as of the January 31, 2022 application deadline.

No application for a Specific Impact Grant shall exceed \$500,000 unless a waiver has been granted by the Commission as outlined in Section 3 of these Guidelines. Communities may apply for more than one Specific Impact Grant, but the total of all Specific Impact Grants may not exceed \$500,000.

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

Allowable impacts for funding are as follows:

- **Operational Impacts of Gaming Facilities:** The Commission will make funding available to mitigate gaming facility operational impacts that are being experienced or were experienced by the January 31, 2022 application deadline.

Operational impacts include: 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.

2.3 Public Safety Grants

Public Safety Operational Costs: Grants for public safety operational costs shall not exceed \$200,000 per community, unless a waiver is granted by the Commission in accordance with the waiver requirements outlined in Section 3. All applications for Public Safety Grants must identify an operational impact of the gaming facility that the grant is designed to address. For 2022, the Commission is highlighting the availability of CMF assistance for police training including Implicit Bias Training and De-escalation Training that will support the Police Reform Law. All applications for public safety personnel or other public safety operational costs, including relevant training, must demonstrate that CMF funds will supplement and not supplant historical operations funding. Grant funds shall not be used to pay for Gaming Enforcement Unit personnel or operations costs specified or anticipated in the memoranda of understanding between the Massachusetts State Police and host communities' police departments. Applicants must include detailed hourly estimates for the costs of any public safety personnel costs. Applicants should include the most relevant information describing historical service or staffing levels ("baseline information") to demonstrate that all funds will be used to supplement existing efforts. For example, if a community requests funding for additional staffing for a specific time period, the application should include information about the staffing levels that have been used for that same time period during the license term of the gaming facility. In describing any historical service levels, applicants should identify any time limited or "pilot" type operations which may have a bearing upon any determination of how the baseline service levels should be calculated. Applicants are requested to provide as much detailed baseline information as practicable to help the Commission in its review.

Please note that any 2022 Public Safety Grants shall have a duration of only one year from the date of execution ("Effective Date"), unless otherwise determined by the Commission. Any grant awards issued in **2022 SHOULD NOT** be considered to provide any guarantee or indication of future funding.

2.4 Community Planning Grants

Community Planning Grants are available for all communities that were eligible to receive Reserve Grants. No application for a Community Planning Grant shall exceed \$100,000. Applications involving transportation planning or design are **not** eligible for the 2022 Community Planning Grant. Communities requesting transportation planning should instead apply for Transportation Planning Grant funds.

Community Planning Grants may include: programs to provide technical assistance and promotion for groups of area businesses; marketing and outreach efforts to identify local opportunities for casino patrons; tourism plans to attract casino patrons to nearby attractions; and other community planning efforts designed to either take advantage of the proximity to the casino and the large influx of patrons to the area or allow a community to better compete with gaming establishments for customers.

For the purposes of the Community Planning Grant, the Commission has determined that the presence of a gaming establishment likely has some negative impact on local businesses. The

SEIGMA Patron and License Plate Survey Report for MGM Springfield issued on October 15, 2019 tabulated the percentage of reallocated spending associated with MGM Springfield. Reallocated spending is spending on goods and services which would have occurred had the casinos never opened, but which did not occur because an individual chose to spend their money at the casino instead. The main areas where monies were reallocated were transportation, housing, retail items, hotels and travel, restaurants and bars, recreation and non-live entertainment and live entertainment. Attempting to quantify these impacts on any given business or community is exceptionally challenging, but given the survey responses, it is reasonable to conclude that reallocation of funds is likely to have an impact on local businesses in those communities that are eligible to apply for a Community Planning Grant.

The Commission also realizes that the gaming establishments can provide significant benefits to local communities and certain businesses. Casinos provide thousands of jobs with their attendant salaries and benefits; they spend millions of dollars each year purchasing supplies, equipment, and services; and they bring thousands of visitors each day to the facilities that otherwise would not be present in the area. These benefits present opportunities for communities to leverage the presence of casinos and their employees and patrons to: increase business opportunities to provide goods and services; attract casino patrons to increase tourism; attract casino employees to live in local communities; provide economic development opportunities; and other ancillary benefits. The Commission understands that the lack of local funds to pursue these types of efforts hampers communities' abilities to take advantage of casino related benefits. These Community Planning Grants are designed, in part, to address these "lost opportunity costs."

The Community Planning Grant application must identify the impact associated with the casino. Since the Commission has determined that there are both positive and negative impacts associated with the casinos as identified above, applicants for Community Planning Grants do not need to go to extraordinary lengths to **quantify** the impacts of the casino. The planning project, however, must still be designed to mitigate the identified impact.

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 will also need to provide detail on what it will contribute to the project such as in-kind services or local funds.

Communities that utilize this 2022 Community Planning Grant are not prohibited from applying for funding for any specific mitigation request.

Limitations/Specific Requirements on Community Planning Applications

The Commission will fund no application for any municipal employee for more than two years. 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 must also

provide detail on what it will contribute to the planning project such as in-kind services or planning funds.

The Commission will evaluate requests for community planning 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.

2.5 Transportation Planning Grants

The Commission will make funding available for certain transportation planning activities for all communities eligible to receive funding from the CMF.

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.

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. 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 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 2023 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.

2.6 Transportation Construction Grants

The Commission will make funding available for certain transportation construction costs in the 2022 CMF. Since most of these projects will have an ancillary benefit to the community that likely outweighs the mitigation of a casino impact, the Commission anticipates that any CMF assistance provided will only be for a maximum of 33% of the total project cost, and that significant other federal, state, local, private or other funding will be available to pay for the remaining costs of any such project. The Commission will consider waiving this cap if the applicant can affirmatively demonstrate that the cost associated with mitigating the impact exceeds the cap.

Applicants are not prohibited from applying for transportation construction funds in future years for a project included in a 2022 application. However, any 2022 transportation construction project may not rely upon contributions from the CMF in future rounds. Applicants should demonstrate that the financing for the project does not depend upon any future year awards by the Commission. Given the likely complexity of any such transportation construction applications, applicants may consult with Commission staff before and during the CMF review on such projects.

The Commission does not anticipate authorizing more than \$1,500,000 for any one award. The Commission may adjust all target spending amounts, including the amount in this section. There is no minimum application amount.

Applicants must demonstrate that the project will begin construction no later than June 30, 2023. In addition to the criteria for determining grants stated later in these Guidelines, the Commission will evaluate a project's readiness to proceed, the significance of additional funds from other sources, and the potential transportation benefits associated with such projects.

Applicants may, but are not required, to include a description of how the project meets the evaluation standards for the Fiscal Year 2023 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.

Applicants are strongly encouraged to include a letter of support from the MassDOT with any application.

Transportation Construction Grants are not available for transportation operations costs.

2.7 Workforce Development Grants

Given the uncertainties entering 2022, we encourage applicants to be creative in their grant applications, keeping in mind that training programs must have a direct correlation to impacts from the casino. Applicants must be able to demonstrate that the education and skills training programs proposed are in response to an identified need at the casinos or as a means to provide a sufficient supply of workers to backfill jobs being lost to the casinos. In reviewing these applications, the Commission will need to consider the state of affairs at the time of the review including the condition of the labor market and the general state of the economy.

For 2023, the Commission will make available funding for workforce development programs in Regions A and B for service to residents of communities of such Regions. CMF Workforce grant applicants should focus on areas highly impacted by casino operations, while taking into consideration the impacts of the pandemic.

Goals include:

- To mitigate a strain in existing resources and a potential impact to the regional labor market.
- To identify and alleviate gaps and/or challenges regarding equitable access to casino or industry-related jobs.
- 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 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 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.
 - The total funding available for workforce grants will likely not exceed \$1,000,000. The Commission anticipates an award of no more than \$500,000 in each Region. Each governmental entity applying for workforce development funds will also need to provide details on what it will contribute to the workforce development project such as in-kind services or workforce development funds.

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.

Proposals may include programming elements such as gaming school scholarships, culinary, hospitality skills, banking, or general customer service training or vocational programs focused on English language/adult basic education, while taking into consideration the impacts of the pandemic.

A consortium application is required. Eligible workforce development proposals must include a regional consortium approach to improve the skills, knowledge, and credential attainment for Region A and Region B residents interested in a casino or casino-related 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 needed by the regional business community impacted as a result of casino hiring. The proposal must also include regional labor market information and evidence of employer partnerships.

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, and regional employment boards. The Commission will evaluate the use of host community agreement funds in evaluating funding requests for workforce development program grant funds. Applicants should consider leveraging other funding resources.

The Commission has determined that administrative costs (including but not limited to all indirect and other administrative funding) shall not exceed 7.5% of the total grant allocation. Administrative costs include activities related to management, oversight, reporting, and record keeping, and monitoring of the grant program.

2.8 Tribal Gaming Technical Assistance Grants

The Commission may make available up to \$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"), 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 2022. Any such application 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.

2.9 Emergency Mitigation Grants

The Commission may make available no more than \$200,000 in grant funds to mitigate unanticipated casino related impacts that arise after the January 31, 2022 application date. Any impact must be newly identified and be of an emergency nature that would cause significant harm to the community if it were not remedied in an expeditious fashion. The intent of this grant is to allow the Commission to be more responsive in addressing significant casino related issues that do not fall within the normal CMF timelines. This grant is not intended to circumvent the normal CMF processes. Any applicant for this grant should contact the Community Affairs Division to discuss the impact and the proper way to proceed.

3.0 Application Requirements

3.1 What Should Be Included in the Applications?

Applicants are required to complete the appropriate grant application:

- 2022 Specific Impact Grant Application;
- 2022 Public Safety Grant Application
- 2022 Community Planning Grant Application;
- 2022 Transportation Construction Grant Application;
- 2022 Transportation Planning Grant Application;
- 2022 Tribal Gaming Technical Assistance Grant Application; or
- 2022 Workforce Development Grant Application.

Applicants may also submit additional supporting materials of a reasonable length.

Applicants will need to fully identify the impact being caused by the casino and describe how the project request will address any claimed impacts and provide justification of any funds requested. Applicants will need to round-up dollar values to the nearest hundred dollars.

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.

3.2 How Will the Commission Decide on Applications?

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. Commission Staff may consider information from the report issued by the Lower Mystic Regional Workforce Group in its evaluation of transportation planning grants.

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 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 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 grant 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 inclusion of information detailing diversity in vendor/supplier spending practices relative to Minority Business Enterprises (“MBE”), Veteran’s Business Enterprises (“VBE”) and Women’s Business Enterprises (“WBE”).

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 9, 10, and 11 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?

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 reserves the ability to determine a funding limit above or below what is detailed in these Guidelines. The Commission notes that it plans to target its funding decisions based on the regional allocations described earlier. However, the Commission reserves the right to make determinations that do not strictly adhere to such targets. In the event the Commission awards are not in such adherence, the Commission may make appropriate adjustments in future guidelines to bring regional allocations into more congruity with such targets.

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.

3.3 When Will the Commission Make Decisions?

The Commission anticipates making funding decisions on any requests for grant assistance before July 2022.

3.4 Authorization to Approve Requests for Changes to Components of Grant Awards

The Commission authorized MGC staff to approve requests for changes to components of grant awards provided that staff provides notice of such changes to all Commission members and provided further that such changes shall not exceed 10% of the grant award or \$10,000, whichever is smaller.

3.5 Waivers and Variances

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:

- a) Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K;

- b) Granting the waiver or variance will not interfere with the ability of the Commission to fulfill its duties;
- c) Granting the waiver or variance will not adversely affect the public interest; and
- d) Not granting the waiver or variance would cause a substantial hardship to the community, governmental entity, or person requesting the waiver or variance.

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.

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.

3.6 Rescission of Grants

If a Grantee does not expend the funds in a timely manner, the Commission may rescind the grant and make those funds available in the next grant round for the Region in which the grant originated. Before any grant is rescinded, Commission staff will notify the Grantee that the expenditures on the grant are not timely and establish a timeline for the Grantee to either expend the funds or have the grant rescinded.

3.7 Who Should be Contacted for Questions?

CMF applicants are encouraged to contact the Commission's staff with any questions or concerns. The Commission's Chief of the Division of Community Affairs, Joseph Delaney, can be reached at (617) 721-9198 or via e-mail at joseph.delaney@massgaming.gov. The Commission's address is 101 Federal Street, 12th Floor, Boston, MA 02110.

3.8 Where Should the Application be Sent?

Applications **must be sent to www.commbuys.com**. An application received by COMMBUYS by January 31, 2022 will meet the application deadline. Applicants that are not part of the COMMBUYS system should contact Mary Thurlow, Program Manager of the Community Mitigation Fund well in advance of the January 31, 2022 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@massgaming.gov.

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.