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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** October 22, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 111 332 2046

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

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

### Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order public meeting #324 of the Massachusetts Gaming Commission (Commission).

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

*Commissioner Cameron*

*Commissioner O'Brien*

*Commissioner Zuniga*

*Commissioner Stebbins*

*Chair Judd-Stein*

### Approval of Meeting Minutes

10:01 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of July 30, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## **Administrative Update**

### **10:04 a.m. Update on Casino COVID-19 Compliance**

Interim IEB Director Loretta Lillios stated that overall operations at the gaming establishments are going smoothly. Casinos are demonstrating compliance with COVID-19 measures. Patron compliance is sound, and casino employees are highly engaged and overall compliant. There are no significant issues to report.

The Encore Boston Harbor spa and other outlets have been open for a couple of weeks. Encore is considering opening its oyster bar next month under state guidelines. MGM has its Chandler's Steakhouse open on weekends, and is continuing with one hotel floor available to guests. Plainridge Park Casino (PPC) full-service restaurant Slacks is set to reopen this weekend. Restaurant service is for adults 21 plus. Local public health officials have been onsite at each of the properties.

10:08 a.m. Commissioner Stebbins asked about occupancy levels. Ms. Lillios replied that they have remained stable, even with the introduction of roulette. Occupancy has remained well below the modified levels authorized by the Commission.

10:08 a.m. Ms. Lillios, with Assistant IEB Director and Gaming Agents Division Chief Bruce Band, and Division of Community Affairs Chief Joe Delaney listed the open restaurants at the three casinos. The Chair noted that each opening will afford more jobs.

10:11 a.m. Mr. Band reported on the number of open roulette tables on Encore and MGM's casino floors. He added that compliance has been excellent.

### **10:09 a.m. Host Community Update**

Mr. Delaney reported on the status of local payments by PPC, EBH and MGM to the Commission.

## **Legal Division**

### **10:15 a.m. 205 CMR 153.00: Community Mitigation Fund (CMF)**

Associate General Counsel Carrie Torrisi reviewed the draft of a new regulation that was developed to codify administration of the CMF and provide express

authority and a process for assessing costs for the administration of the CMF by the Commission.

10:23 a.m. Commissioner Stebbins stated that monies for administrative costs were discussed with the Local Community Mitigation Advisory Committees and the Community Mitigation subcommittee. There was support for this type of use of funds as it is common practice, but the committee members would like to make sure that administrative costs are built into the budget process.

10:24 a.m. Ms. Torrisi confirmed for the Chair that the use of the CMF for emergency needs is new this year. Mr. Delaney stated that this allocation is in place in response to the effects of the pandemic. The emergency fund provision provides flexibility in addressing emergency issues. Details as to how the process is executed will be set forth in the guidelines.

10:27 a.m. *Commissioner Stebbins moved that the Commission approve the Small Business Impact Statement for 205 CMR 153.00: Community Mitigation Fund as included in the Commissioners' Packet. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Stebbins further moved that the Commission approve the draft version of 205 CMR 153.00: Community Mitigation Fund as included in the Commissioners' Packet and authorize the staff to begin the formal regulation promulgation process. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

10:36 a.m. **205 CMR 133.00: Voluntary Self-Exclusion**

The Commission reviewed draft amendments to this regulation that are designed to ensure uniformity in the process of managing and maintaining the Voluntary Self-Exclusion list, specify who is deemed a "designated agent" and has access to such list, clarify the application's contents, and to refine the qualification requirements for providers of services offered by the Voluntary Self-Exclusion program.

Mr. Vander Linden described each of the proposed amendments throughout the regulation.

10:35 a.m. Commissioner Zuniga stated that these amendments reflect the needs that have arisen for the program. Commissioner Cameron noted that the peer support piece is critical and that it serves to strengthen an already successful program.

10:37 a.m. *Commissioner Cameron moved that the Commission approve the Small Business Impact Statement for 205 CMR 133.00: Voluntary Self-Exclusion as included in the Commissioners' Packet. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Cameron further moved that the Commission approve the draft version of 205 CMR 133.00: Voluntary Self-Exclusion as included in the Commissioners' Packet and authorize the staff to begin the formal regulation promulgation process. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## **Racing Division**

### **11:50 a.m. Quarterly Aid Payments**

Dr. Lightbown gave a brief racing update and stated that the Standardbred Mass. Bred races are starting on Monday and will award over \$700,000.00 that day.

Financial Analyst Chad Bourque reviewed the quarterly local aid payment of \$167,562.59 for Q3 of 2020. He provided a breakdown of allocations for the Commission and stated that payments will be made to the appropriate cities and towns with the Commission's authorization.

10:42 a.m. Commissioner Cameron asked for a comparison with pre-pandemic numbers. Mr. Bourque replied that because of how the local aid payment is calculated six months prior, there is little difference for this period, but in the next quarter, the Commission will see a significant drop in the local aid due to the shutdowns. The Chair asked for comparison for next quarter to illustrate this for the Commission.

10:46 a.m. *Commissioner O'Brien moved that the Commission approve the Local Aid Quarterly Distribution for Q3 of 2020 in the amount of \$167,562.59 as described in the memorandum dated October 13, 2020, in the Commissioners' Packet. Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

10:47 a.m. **Plainridge Park Casino (PPC) Request for Fill-in-Judge**

PPC Director of Racing Steve O'Toole submitted a request for the approval of Paul Verrette for the position of back up judge. He has already been licensed this year as the Racing Secretary for Plainridge.

Dr. Lightbown recommended that the Commission approve the request of PPC to approve Paul Verrette as alternate Judge, pending satisfactory completion of licensure by the Massachusetts Gaming Commission Division of Racing and satisfactory completion of his background check by the Massachusetts State Police.

11:13 p.m. *Commissioner Cameron moved that the Commission approve Plainridge Park Casino's request to approve Paul Verrette as alternate judge, pending satisfactory completion of licensure by the Massachusetts Gaming Commission Division of Racing and satisfactory completion of his background check by the Massachusetts State Police. Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## **Division of Community Affairs**

10:55 a.m. **Community Mitigation Fund (CMF) Policy and Initial Draft Guidelines 2021 Discussion**

Mr. Delaney presented draft 2021 Community Mitigation Fund Guidelines via PowerPoint presentation. There are a series of policy questions that were discussed with the Commissioners and with the Local Community Mitigation Advisory Committees and the Gaming Policy Advisory Community Mitigation subcommittee, resulting in this draft document that was reviewed. This proposal did not include any significant changes for 2021, given the challenges of 2020.

10:56 a.m. Mr. Delaney stated that the application deadline is January 31, 2021. He then noted that the funding target is \$12.5M for FY2021 and described how Region A will be allocated \$6M, Region B \$6M, and the Category 2 casino region \$0.5M. Mr. Delaney then reviewed the grant categories for the Fund.

The Reserve allocations provided for back in 2015 and 2016 contain some unspent funds by some communities, and he suggested that the Commission allow communities until the end of next year (2021) to commit these funds. He will reach out to all the communities to let them know that they have existing funds there. He asked the Commissioners for feedback.

11:01 a.m. Commissioner Stebbins stated that he supports the recommendation, but he would like to have a "best practices" session (suggested by the Chair) to assist communities with their applications. The Commission could invite communities in and have those who have used their reserves creatively advise these communities on how to use their reserve funds effectively. Commissioner Cameron was encouraged by the opportunity to support communities and assess all impacts.

11:07 a.m. Commissioner Zuniga noted that the Commission needs to identify the mechanism to do something with the unused monies as this an ongoing initiative. Commissioner Zuniga said that the Commission needs to consider the potential for any rollover and revert funds that are unallocated. This topic will be reserved for a later discussion. Mr. Delaney agreed that the issue should be reviewed with the expectation that most unallocated rollover funds will be used.

11:10 a.m. Next, Mr. Delaney reviewed Specific Impact Grants and public safety operational costs with the Commission. There was discussion around funding relevant training that would enhance any public safety issues at a casino. The Chair was interested in use of mitigation funds for appropriate training. Commissioner Cameron stated that it is relevant and appropriate to support training, as it is always an issue with the Massachusetts State Police to find the money for training, so this would be welcome.

11:14 a.m. Mr. Delaney then stated that the Hampden County Sheriff's Department's agreement has expired. Any grant awards issued in 2021 should not be considered to provide any guarantee or indication of future funding. He said the notion of earmarking money over the long term is not favorable. By eliminating this section, they need to apply and compete for available funds, like all the other applicants. If the Commission agrees with eliminating this section, the team will send a letter to the Sheriff to let him know this status.

11:17 a.m. Commissioner Zuniga stated that he favors eliminating the aforementioned section and considering them as any other applicant. This would not preclude them from reapplying. Commissioner O'Brien stated her concerns about previous

terms but said that we should eliminate this section and treat them like any other applicant if that is not the case. Commissioner Cameron concurred. Commissioner Stebbins added that when this was discussed with region B LCMAC, this was agreed upon as well.

- 11:20 a.m. Next, Mr. Delaney highlighted a name change from Non-Transportation Planning Grants to Community Planning Grants. He then moved on to describe the Transportation Construction Grants proposed guideline. He stated that there was no cap on the amount of money that the Commission would spend on a project. The Review Team would like to try to make the amount commensurate with the impact of a casino. He suggests a maximum of 25% of the project cost and a waiver requirement if the applicant can demonstrate the cost of the impact exceeding that limit. He asked if the Commission is comfortable with the 25% proposal. Advisory committees did not reach a consensus.
- 11:26 a.m. Commissioner Stebbins noted that there are many opinions on this with the LCMAC and subcommittee feedback. He stated the West Springfield and Chelsea awards were strong applications and demonstrated that their projects were sound and wants to use them as models.
- 11:27 a.m. After some discussion, the Chair stated that she is inclined to stay with 33%. O'Brien noted that she is comfortable with either 25% or 33%. Stebbins indicated that he is satisfied with moving the number to 33%.
- There was a discussion around raising the cap from \$3M to \$4M in grants for transportation construction to afford more flexibility. There was also discussion around raising the \$1M limit for each award, but the Chair and Commissioners ultimately agreed to keep it the same.
- 11:40 a.m. Next, Mr. Delaney reviewed the Workforce Development Grant's proposed guideline. He stated that there needs to be a demonstration of the need for funds due to an impact from the casino. Commissioner Stebbins noted that we want applicants to reflect the condition of the local licensee. Applicants for these grants need to demonstrate that they have had communication with the licensee to identify their needs. For instance, culinary training was identified as a need due to the impact of a casino.
- 11:44 a.m. The Commission then reviewed the proposed guideline for Emergency Mitigation Grants. It was suggested that 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 expeditiously. This proposal was not intended to circumvent the normal Fund processes. All LCMAC and subcommittees are highly in favor of this idea.
- 11:48 a.m. Commissioner Zuniga stated that local communities may be facing layoffs of staff and could come to the Commission to request relief from that. He said that he is

not sure if that is part of the intention of this section. The language is not explicit about that, but he anticipates that the Commission might see these applications in the future rounds. In short, he opined that the Commission could inadvertently be creating an incentive to apply for the emergency grant to avoid layoffs due to lockdowns. The Chair noted that this is a significant observation and should be a topic for future discussion. Commissioner Stebbins pointed out, "unanticipated casino-related impacts" – there is some expectation in planning around how these elements will impact someone's budget, and these items are strictly for completely unanticipated situations by the community.

11:55 a.m. Lastly, Mr. Delaney reviewed the proposed guideline for Rescission of Grants. Before any grant is rescinded, the Commission will notify the grantee and establish a grantee's timeline to either expend that funds or have the grant rescinded. In short, if Grantees do not spend this money, the Commission can take it back.

12:00 p.m. Mr. Delaney will now make edits to the document and post it for public comment for two weeks. He will return to the Commission for final approval of the guidelines on November 19.

### **Commissioner Updates**

#### **11:16 p.m. Annual Report Review Questions for Discussion**

Commissioner Zuniga updated the Commission on the draft of the Annual report and asked for feedback for any edits or corrections. He described that it covers the fiscal year that ends on June 30 but wanted to make mention of efforts like the PPC re-licensing which took place after this date.

Next, he noted the usual inclusion of the licensee's operations and statistics. He discussed the closure and reopening of operations and the imposed guidelines' effect on employment.

12:13 p.m. *Commissioner Stebbins moved to adjourn. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*



### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated October 22, 2020
2. Draft Commission Meeting Minutes of July 30, 2020
3. 205 CMR 153.00 Community Mitigation Fund Draft Regulation
4. 205 CMR 153.00 Community Mitigation Fund Memorandum
5. 205 CMR 153.00 Community Mitigation Fund Regulation Cover Sheet
6. 205 CMR 153.00 Community Mitigation Fund Small Business Impact Statement
7. 205 CMR 133.00 Voluntary Self-Exclusion Small Business Impact Statement
8. 205 CMR 133.00 Voluntary Self-Exclusion Regulation Cover Sheet
9. 205 CMR 133.00 Voluntary Self-Exclusion Draft Regulation
10. Memorandum: Q3 2020 Local Aid Payments dated October 22, 2020
11. Memorandum: Plainridge Racing Officials request update 2020 dated October 22, 2020
12. MGC Request for Alternate Judge Paul Verrette
13. Memorandum: Community Mitigation Fund Guidelines
14. 2021 Policy Questions
15. Community Mitigation Draft Guidelines