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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** May 20, 2021, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
PARTICIPANT CODE: 111 917 7743

### **Commissioners Present:**

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

**00:00:00**

### **Call to Order**

Chair Judd-Stein called to order the 344<sup>th</sup> public meeting of the Massachusetts Gaming Commission. She noted that given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor 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, and that in keeping with the guidance provided, the Commission would conduct this meeting utilizing remote collaboration technology.

All four commissioners were present for the meeting.

Chair Judd-Stein noted that in light of the new guidelines from the Center for Disease Control (CDC) and the Massachusetts Governor's office concerning COVID-19 provisions, the Commission will be holding a special public meeting on May 26<sup>th</sup> during which the Commission will discuss new plans for gaming licensees, racing, and simulcasting operations with representatives for each.

She also noted that the agenda was amended to reflect that the Commission will not be addressing a particular horse racing item but will do so at a later meeting.

**00:03:36**

### **Approval of Minutes**

Commissioner O'Brien moved to approve the minutes from the Commission meeting of February 11, 2021, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**00:04:20**

### **Administrative Update**

Executive Director Karen Wells and Research and Responsible Gaming Director Mark Vander Linden noted that Research and Responsible Gaming Program Manager Teresa Fiore will be leaving the organization. Director Vander Linden acknowledged and thanked her for her years of service and success with the Commission. The Commissioners thanked her for her excellent work and wished her the best of luck.

**00:12:12**

### **On-Site Casino Updates**

Director of the IEB Loretta Lillios updated the Commission on the operations at the gaming establishments. She stated that the licensees have continued to enforce the health and safety measures put into place by the Commission and the Governor. Director Lillios recounted the various measures and adaptations that the licensees' have made during the pandemic and reiterated that the licensees have complied with pandemic provisions the whole time. She commended the State Police and enforcement agents who have been on-site during the pandemic. She noted that Encore and MGM have implemented incentive programs for employees to encourage vaccination and that Plainridge Park Casino (PPC) also has encouraged employees and patrons to get vaccinated.

Gaming Agents Division Chief Bruce Band noted occupancy levels have been in compliance and corroborated Ms. Lillios' statement that licensees have been encouraging and incentivizing employees and patrons getting vaccinated.

Director of Racing Dr. Alexandra Lightbown noted that Plainridge had started live racing and simulcasting and that employees, horsemen, and spectators have been complying with pandemic measures. She noted that racing employees have been working in person since last summer.

**00:24:41**

### **Licensing Division**

Licensing Division Chief Nakisha Skinner presented three positions to be considered for exemptions from service and employee registration requirements.

Commissioner Cameron moved that the Commission exempt the fry cook, expediter, and board and window positions at Wahlburgers at MGM Springfield from the registration requirements in accordance with 205 CMR 134.03(1)(b) for the reasons discussed today and as described in the Commissioners' packet.

Commissioner Zuniga seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*  
*Commissioner O'Brien: Aye.*  
*Commissioner Zuniga: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously.*

**00:27:50**

### **Racing Division**

#### **a. Update on Horse Racing Testing Process**

Dr. Lightbown updated the Commission on the race horse testing process. She noted that the lab that is used for testing is accredited by the Racing Medication and Testing Consortium and ISO. She explained the classes of horse-related drugs that are forbidden from use and those that are permitted. She also explained that there are regulations for drugs administered by horse racing veterinarians, universal drug testing standards, test barn, and split-sample testing protocols. She noted that these best practices have been helpful.

Commissioner Cameron mentioned that RCI listed the Commission's racing program as a top model agency for the country. Commissioner Zuniga asked whether there were practices recommended by the new horse racing act that the Commission has not implemented that it should consider. Dr. Lightbown mentioned that the Horse Racing Integrity and Safety authority would be new and has not worked on promulgation of regulations yet, but much of what is written in the statute is already in effect.

**00:42:20**

#### **b. Update on Horse Racing Integrity and Safety Act**

Dr. Lightbown informed the Commission of the Horse Racing Integrity and Safety Act, which was recently signed into law and which recognizes the Horseracing Integrity and Safety Authority (HISA), a private entity, for the purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program for thoroughbred racing. She noted that other racing breeds of horses may be included in the developed program if the individual state Commission or breed governing organization opts in. She further noted that questions exist as to how this will be funded, whether the Commission should pay lab fees to the authority, and whether the standardbred racing industry should be opted in. Chair Judd-Stein asked Dr. Lightbown to confirm that the Commission will have plenty of time after the bill is enacted to discuss and gather public comment on whether the standardbred industry should opt into its regulations, to which Dr. Lightbown answered that they would have sufficient time.

**00:57:33**

#### **c. Standard Owners of Massachusetts (SOM) Recognition Request as Breeders' Representative Group**

President of Standardbred Owners of Massachusetts (SOM) Chip Campbell requested that the SOM be recognized as the organization to administer the standardbred breeding and sire stake program. He noted that the

racing secretary writes races that give preference to Massachusetts-bred and owned horses, giving more local horsemen incentive to stay in the Commonwealth and contribute to racing revenue. Commissioner Cameron noted that the breeding numbers were impressive considering last year's pandemic-related difficulties. Dr. Lightbown recommended that the SOM be appointed the representing organization for the breeding program and sire stakes races of 2021.

Commissioner O'Brien moved that the Commission approve the SOM, Inc as representative organization of Standardbred breeders and owners referenced in Chapter 128, § 2J. Commissioner Cameron seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**01:08:32**

**d. 2021 Harness Meet Update**

Dr. Lightbown presented an update of the 2021 meet and introduced Plainridge Racing Director Steve O'Toole. Director O'Toole noted that there were 68 racing days in 2020 and 108 days in 2019 and provided details on purse amounts as well as special events being held at Plainridge. The Commission thanked Director O'Toole for his report.

**01:26:26**

**e. Massachusetts Thoroughbred Breeders Association Request for Consultation**

Dr. Lightbown explained that the Massachusetts Thoroughbred Breeders' Association is in a consulting role under G.L. Chapter 128 with respect to how they are able to use their breeders money. Dr. Lightbown noted that a meeting was previously held with herself, Chair Judd-Stein, Commissioner Cameron, General Counsel Todd Grossman, Executive Director Wells, and individuals from the Association to discuss plans and how those plans might reconcile with the statute. Dr. Lightbown noted that the packet includes a letter memorializing what was discussed at that meeting and providing recommendations. Dr. Lightbown highlighted portions of the plans noted in the letter, including paying out races to the sixth place rather than the third place, providing a 5% bonus increase for various owners, and creating breeders incentives.

Commissioner O'Brien asked if there is an additional step to this consultation or if this letter will be the conclusion. General Counsel Grossman noted that it will depend on the response to the recommendations and that it may warrant an ongoing conversation. Chair Judd-Stein noted that The Breeders Association also have a statutory obligation to consult with the Department of Agriculture.

**01:37:05**

## **Executive Administration**

### **a. Regulation Review Update**

Executive Director Wells presented a summary of the proposed regulatory review process. She noted that she has been working with Commissioner Zuniga and Associate General Counsel Carrie Torrisi to develop the proposed regulatory review goals, including ensuring regulations are clear, well-written, and understandable; eliminating duplicative or contradictory requirements; eliminate unnecessary and minimize overly burdensome requirements; ensure reporting requirements are necessary and provided information is used by the agency; and eliminate barriers to equity and inclusion. Executive Director Wells explained that these goals will allow ease of navigation, will ensure that the regulations are fair, and will reduce unnecessary regulatory burdens. She noted that a proposed review process includes receiving Commission feedback on the proposed goals, developing a form for the review process, identifying a set of regulations to begin the review, developing a timeline for the review, developing a process for stakeholder input, finalizing any regulatory revisions, and presenting proposed changes to the Commission through normal regulatory approval process.

Commissioner Zuniga noted that this type of review is best practice and converges with the Equity and Inclusion Working Group's goals. He noted as well that there are certain regulations that the legal department has already identified as needing review and updates and that those changes will be addressed in conjunction with the regulatory review.

Chair Judd-Stein recommended the addition of the goal that a regulation be consistent with and not in conflict with state and federal law. Commissioner O'Brien recommended that the goals be modified to include removal of obsolete regulations.

**01:54:03**

## **Community Affairs Division**

### **a. Community Mitigation Fund Application Reviews**

Chief Joe Delaney presented the Community Mitigation Fund Transportation Planning, Transportation Construction, and Community Planning grant applications.

Chief Delaney first presented the Transportation Planning applications. The City of Boston requested \$200,000 to redesign Sullivan Square, through which much of the casino traffic travels. Chief Delaney noted that the Commission has funded this project for the last three years and that the City indicated that this should be their last request for design funds. Chief Delaney noted that both Encore and MassDOT were in support of this application. The review recommended awarding a grant in the amount of \$200,000 to the City of Boston. Commissioner Zuniga emphasized that Sullivan Square has a serious need for redesign. Chair Judd-Stein reminded the Commissioners that they had previously voted on the Specific Impact category applications.

Chief Delaney presented Malden’s request for \$200,000 for design improvements to their Broadway corridor. Chief Delaney noted that while the review team noted that there is an impact on Broadway, it is relatively minor. Chief Delaney further noted that the review team found that the requested funds were proportionate to the impact. The review team recommended awarding a grant in the amount of \$200,000 to the City of Malden.

Chief Delaney presented West Springfield’s request for \$147,600 to design complete streets improvements to Elm Street area and to purchase traffic-counting equipment. Chief Delaney advised that the review team did not support this project. Chief Delaney explained the history related to this project and noted that the review team could not identify an impact of the casino that is associated with the expansion of the project or the need for traffic-counting equipment. Chief Delaney noted, as well, that MassDOT and MGM expressed reservations with this project. Commissioner O’Brien noted that she and Chief Delaney had discussed whether the amount could have been broken down to determine if there were a segment that was the result of casino impact; Chief Delaney explained that the applicant was not able to provide a breakdown. Commissioner Cameron asked if it were the case that that traffic counting at this stage would not provide much useful data given that they had not established a traffic baseline before construction of the casino and Chief Delaney confirmed.

Chief Delaney noted that the Commission had discussed Transportation Planning applications from Chicopee, Everett, Malden, Lynn, Boston and West Springfield thus far.

Commissioner O’Brien moved that the Commission approve the award of the following grants from the Community Mitigation Fund specifically pertaining to transportation planning, namely: to Boston for \$200,000 for Sullivan Square/Rutherford Avenue, to Chicopee for \$200,000 for center streetscapes, to Everett for \$200,00 for the Mystic Riverwalk, and to Malden for \$200,000 for the Broadway improvements. These grants are for the purposes described in the memos in the Commissioners packets and submitted applications as discussed here today as well as on May 6, 2021, and that further Commission staff be authorized to execute a grant instrument commemorating the awards in accordance with 205 CMR 153.04. Commissioner Zuniga seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Commissioner O’Brien moved that the Commission deny the following applications to the Community Mitigation fund for transportation planning,

namely Lynn for design improvements and West Springfield for Elm Street improvements. Commissioner Zuniga seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Moving on to the Transportation Construction applications, Chief Delaney presented the City of Boston's request for \$239,000 for geometric changes to Brighton Street and Cambridge Street in Charlestown to create safer crossings and better lines of sight for turning vehicles. Chief Delaney explained the history of this project. Chief Delaney explained that communities may request a waiver for the Community Mitigation Fund requirement that the fund not pay more than 1/3 of the total construction costs, and that the City of Boston did request that waiver. Both MassDOT and Encore were supportive of this project. Chief Delaney explained that the review team did not make a recommendation on this application as it seems to present a policy decision for the Commission as to whether or not the applicant met the necessary threshold for a waiver. Commissioner Zuniga noted that this project is part of a larger effort to improve traffic, which compels him to support it. Commissioner Cameron expressed that she believed the waiver was warranted. Commissioner O'Brien agreed with Commissioner Cameron's statement. Chair Judd-Stein expressed her agreement with these statements. General Counsel Grossman advised that there was no need to explicitly approve the waiver request as it is tacitly approved with the approval of funding for the project.

Chief Delaney presented the Revere/Saugus joint request for funds to improve Route 1 North. Chief Delaney explained that they requested a waiver for the required June 2022 construction start deadline. The review team recommended awarding a grant of \$800,000 to Revere and Saugus for the Route 1 North improvements with the stipulation that none of these funds can be expended until MassDOT awards a construction contract for that project and further recommended granting a waiver from the June 2022 deadline and extending it until June 2023.

Chief Delaney summarized that the review team recommended approval of the Transportation Construction applications, namely applications from Everett, Revere and Saugus, Springfield, and Boston.

Commissioner O'Brien moved to approve the award of the following grants from the Community Mitigation Fund pertaining to transportation construction, namely a grant to Boston for \$239,000 for the Lost Village project, a grant of \$135,000 to Everett for the Northern Strand trail lights, a grant of \$800,000 to Revere and Saugus for Route 1 North improvements subject to both the conditions and the

waiver in the memo discussed today, and a grant of \$200,000 to Springfield for Dwight Street improvements. These grants are for the purposes described in the memos in the Commissioners packet and the submitted applications as discussed here today and on May 6, 2021, and further the Commission staff be authorized to execute grant instruments commemorating these awards in accordance with 205 CMR 153.04. Commissioner Cameron seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Chief Delaney moved on to the community planning grant applications. Chief Delaney presented Lynn's request for \$100,000 to develop a marketing campaign to promote Lynn business and to better compete with Encore's marketing capabilities. The review team recommended awarding a grant in the amount of \$100,000 to Lynn. Commissioner O'Brien pointed out that Lynn had provided information about specific incidents that point to a casino impact. Commissioner Zuniga noted that the Commission previously discussed reviewing the impact on live entertainment venues generally.

Chief Delaney presented Malden's request for \$50,000 for zoning improvement analysis of the Broadway corridor. He noted that the current zoning is not complementary to the nearby casino, so it is very plausible there's a lost opportunity cost to the city. The review team recommended awarding a grant for this project.

Chief Delaney presented Malden's request for \$100,000 to perform a feasibility study to redevelop the Malden District Court building into an art center that will be an anchor institution to help support local businesses. Chief Delaney explained that the review team was not convinced that the city made an argument for an appropriate nexus to the casino. Additionally, Chief Delaney noted that the city does not yet own the building that they intend to repurpose. The review team believed that the application was premature and did not recommend awarding a grant for this project. Commissioner Cameron expressed agreement that this application was premature. Commissioner Zuniga agreed that the fact that they did not own the building made the application premature. Commissioner O'Brien agreed that the application was premature given that they did not have access to the building.

Chief Delaney summarized that the review team recommended approval of the Community Planning applications, namely applications from Lynn, Malden (related to Broadway zoning), and Northampton; and that the review team did not



recommend approval of the Community Planning application for the Malden arts center.

Commissioner O'Brien moved to approve the award of the following grants from the Community Mitigation Fund pertaining to community planning: to the City of Lynn for \$100,000 for a marketing campaign, to Malden \$50,000 for the Broadway zoning improvement analysis, and to Northampton \$75,000 for the Northampton Live initiative. These grants are for the purposes described in the memos in the Commissioners packet and the submitted applications as discussed here today and on May 6, 2021, and further the Commission staff be authorized to execute grant instruments commemorating these awards in accordance with 205 CMR 153.04. Commissioner Cameron seconded the motion. Commissioner Zuniga seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Commissioner O'Brien moved to deny the application to the Community Mitigation Fund by Malden for the request pertaining to the study of turning the former Malden district court into the arts center. Commissioner Zuniga seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**02:59:24**

**b. Encore Boston Harbor Quarterly Report**

Encore Boston Harbor (“EBH”) Senior Vice President and General Counsel Jacqui Krum and Executive Director Juliana Catanzariti presented their latest quarterly report. Commissioner Cameron asked if there were any identifiable reason for the slight drop in the lottery. Ms. Catanzariti responded that there was no identifiable reason. Commissioner O'Brien asked for the breakdown of minors under 18 as opposed to minors 18-20 on the gaming floor, and Ms. Catanzariti said that she could provide the breakdown. Commissioner O'Brien also asked if there are initiatives to recruit more women into certain types of roles. Ms. Krum responded that gender in various types of positions is balanced. Chair Judd-Stein asked if the compliance numbers with respect to minors were higher than last quarter, and Ms. Krum responded that they were a bit higher. Chair Judd-Stein

recommend that Encore look into possible causes for that increase. The Commission thanked Ms. Krum and Ms. Catanzariti for their presentation.

**03:22:38**

**c. Plainridge Park Casino Quarterly Report**

General Manager North Groundsell, Vice President of Human Resources Kathy Lucas, and Compliance Manager Lisa McKenney presented Plainridge Park Casino's ("PPC") latest quarterly report. Commissioner Cameron commended the Plainridge team for their efforts towards hiring women, particularly in reaching out to team members to notify them of positions that are available at the property. With respect to a minor who was found on the floor, Commissioner O'Brien asked how long the minor was on the floor. General Manager Groundsell responded that it was about ten minutes. The Commission thanked the Plainridge team for their presentation.

**03:36:56**

**Commissioner Updates**

The Commissioners did not have any updates to present.

**03:37:20**

**Executive Session**

Chair Judd-Stein stated that the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan [described in 205 CMR 139.09], and any corresponding materials submitted relative to Plainridge Park Casino as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter is further governed by 205 CMR 139.02 as the information at issue is covered by a non-disclosure agreement. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

Commissioner O'Brien moved to meet in executive session. Commissioner Zuniga seconded the motion.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

a.m.

*Having no further business, Commissioner Zuniga made a motion to adjourn.*

*Commissioner Cameron seconded the motion.*

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

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

1. Notice of Meeting and Agenda dated May 20, 2021
2. Minutes from Commission meeting dated February 11, 2021
3. Memorandum from Nakisha Skinner to Commissioners dated May 13, 2021, titled Gaming Service Employee (SER) Exemption Request: MGM Springfield/Wahlburgers
4. Memorandum from Dr. Alexandra Lightbown to Commissioners dated May 20, 2021, titled Horseracing Integrity and Safety Act
5. PowerPoint Presentation: Standardbred Owners of Massachusetts
6. Memorandum from Dr. Alexandra Lightbown to Commissioners dated May 20, 2021, titled Standardbred Owners of Massachusetts Recognition
7. PowerPoint Presentation: Plainridge Park Casino
8. Draft letter from Dr. Alexandra Lightbown to Ms. Arlene Brown dated May 20, 2021
9. Memorandum from Karen Wells to Commissioners dated May 20, 2021, titled 2021 Regulatory Review
10. Memorandum from 2021 Community Mitigation Fund Review Team to Commissioners dated May 20, 2021, titled Continuation of 2021 Community Mitigation Fund Application Review
11. PowerPoint Presentation: Encore Boston Harbor Q1 2021 Quarterly Report
12. Encore Boston Harbor Quarterly Report as of March 31, 2021
13. PowerPoint Presentation: Plainridge Park Q1 2021 Report