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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** July 18, 2019 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

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

**Time entries are linked to the  
corresponding section in the  
Commission meeting video.**



### **Call to Order**

See transcript page 1

[10:05 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #274 of the Massachusetts Gaming Commission.

### **Approval of Minutes**

See transcript pages 1 – 2

[10:05 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of June 12, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion. The motion passed 4 – 0 with Commissioner Cameron abstaining.*

*Commissioner Stebbins moved to approve the minutes from the Commission meeting of June 27, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The Chair noted that she would like the record to reflect that she confirmed with Dr. Lightbown that notwithstanding the concerns that Commissioner Cameron had*

*raised, Dr. Lightbown was still prepared to make the recommendation outlined in the Commission packet.  
The motion passed unanimously.*

### **Administrative Update**

See transcript pages 2 – 5

#### 10:07 a.m.    **General Update**

Executive Director Bedrosian stated that there is an update to the agenda to add the item of the lawsuit that was filed against Encore regarding Blackjack slot compliance, in terms of a particular type of Blackjack game. He stated that the substance of the lawsuit will be addressed by the Investigations and Enforcement Bureau (IEB) in their presentation today.

Next, Director Bedrosian updated the Commission on the Gaming Policy Advisory Commission (GPAC) meeting that had recently taken place. He stated that General Counsel Catherine Blue, Racing Director Dr. Alexandra Lightbown, Research and Responsible Gaming Director Mark Vander Linden, and himself updated the GPAC on several items.

Lastly, Director Bedrosian updated the Commission on pending litigations, specifically, *Abrams, et al. v. Massachusetts Gaming Commission, et al.* He thanked the legal staff and legal counsel who helped with the preparation, depositions, and work behind the decision that was made by Judge Sanders who dismissed the case.

He made note that the Commission now has upgraded to a new telephone system and that the IT department will provide instruction to the staff on it.

#### 10:12 a.m.    **Racing Update**

Director Bedrosian noted again that Dr. Lightbown had spoken to the GPAC members regarding racing. She had explained to the members that the deadline of July 31<sup>st</sup> is approaching for the Legislature to extend the legal authority for racing and simulcasting. If the extension is not granted, racing and simulcasting will become illegal in Massachusetts until the Legislature can again authorize the activities for another year.

#### 10:15 a.m.    **Legislative Update**

General Counsel Blue stated that there was a hearing on July 15<sup>th</sup>, 2019, where the Committee on Economic Development and Emerging Technologies took testimony on nine bills related to the Commission. The Commission made a submission in support of the bill proposing a change to the state ethics statute to allow municipal employees to sit on an advisory committee without violating [MGL c. 268\(a\) § 4](#) that addresses the conduct of public officials and employees

Commissioner Zuniga suggested that as he has provided successful testimony on behalf of the Commission on one bill in particular in the past that the Commission should continue to testify at these hearings, or come back and discuss them at the next Commission meeting where it's feasible if needed.

### **Investigations and Enforcement Bureau**

See transcript pages 5 – 18

#### 10:20 a.m. **Schuster v. Encore Boston Harbor – Blackjack/Slot Pay-out Compliance**

Bob DeSalvio, President of Encore Boston Harbor, greeted the Commission. With him was Jacqui Krum, Senior Vice President and General Counsel, and Doug Williams, Vice President of Table Games.

Bruce Band, IEB Assistant Director and Gaming Agents Chief, with Sterl Carpenter, Regulatory Compliance Manager, addressed the Commission regarding a lawsuit alleging that Encore Boston Harbor was not following the rules of the game of Blackjack approved by the Commission. The lawsuit further alleged that Encore failed to refund slot credits in full at its ticket redemption machines on its casino floor.

Mr. Band clarified for the Commission that the terms for Blackjack listed in the regulation are used in two different contexts, one to describe two different types of Blackjack games that use different dealing procedures and to describe two different sets of odds for the standard type of blackjack game.

He also explained that Encore currently does not use coin in its redemption machines on the casino floor, and patrons must collect their coin change at the cashier's cage with the redemption ticket provided by the redemption machine. Encore has now placed signage on its redemption machines with instructions.

Mr. DeSalvio clarified for the Commission and the public that Encore has never engaged in rounding any patron's payout and that every customer receives all money due to them. He also stated that there is currently a policy in place for unclaimed tickets, where the money goes back to the Commonwealth. Unclaimed ticket money never goes to the licensee (Encore). Mr. DeSalvio then stated that patrons can collect their change at the cashier's cage or they can collect the tickets and use them in a slot machine at a later date. He explained that the reason for this is because it is difficult to keep the machines full of coin during busy times and that this is common practice in the gaming industry.

The Chair suggested that Encore explore options to give people their change back instead of redemption tickets, in the interest of the customer over the Commonwealth receiving unclaimed ticket money due to inconvenience for patrons, or because a visiting patron may not be able to return to Encore.

Commissioner O'Brien suggested implementing coin machines that staff can attend to more regularly.

10:43 a.m. **Plainridge Park Casino (PPC) – Gaming and Leisure Properties, Inc. (GLPI) Real Estate Investment Transaction (REIT)**

Loretta Lillios, IEB Deputy Director/Chief Enforcement Counsel, requested final approval for the REIT which includes suitability determinations on the qualifiers associated with this transaction. She stated that Monica Chang, Financial Investigations Supervisor, is the lead financial investigator, and Trooper Tom Rodger of the Massachusetts State Police is the lead investigator. Fay Zhu, Financial Investigator, and David McKay, Financial Investigator, also participated in the investigation. Counsel Lillios also noted that representatives from both GLPI and Penn National were with her. Brandon Moore, General Counsel, is representing GLPI, and Carl Sottosanti, General Counsel and Frank Donaghue, Compliance Officer are representing Penn National.

Counsel Lillios described the arrangement that transpired from the REIT as GLPI is a passive landlord of the real estate. PPC continues to hold the license, continues to be the operator of the property, and continues to be the indirect but wholly-owned subsidiary of Penn National Gaming.

Counsel Lillios reviewed the six qualifiers with the Commission that were investigated and found suitable in the ongoing suitability process by IEB financial investigators. The six qualifiers are Peter Carlino, Chairman, President & CEO of GLPI; Brandon Moore, Sr. Vice President, General Counsel & Secretary of GLPI; Timothy Wilmott, Trustee, Plainridge Nominee Trust and President of Massachusetts Gaming Ventures, LLC & Delvest, LLC; John Finamore, Vice President of Massachusetts Gaming Ventures, LLC; William Fair, Treasurer of Massachusetts Gaming Ventures, LLC & Delvest, LLC; and Carl Sottosanti, Secretary of Massachusetts Gaming Ventures, LLC & Delvest, LLC.

11:12 a.m. *Commissioner Stebbins moved that the Commission grant final approval pursuant to [205 CMR 116.09](#) that the transfer of the real estate located at Plainridge Park Casino and racecourse located at 301 Washington Street in Plainville, Mass, to a subsidiary of Gaming and Leisure Properties Inc., a Real Estate Investment Trust. This approval is conditioned on GLPI remaining a passive landlord with no change in control over the Massachusetts licensee. And further issue positive determinations of suitability for each of the six entities associated with this transaction, and each of the six individuals associated with this transaction is named on pages two and three of the IEB's report dated July 8, 2019. Commissioner Cameron seconded the motion. The motion passed unanimously.*

## **Ombudsman**

See transcript pages 18 – 62

### 11:28 a.m. **FY2019 Mitigation Fund Applications**

Ombudsman John Ziemba stated that the Commission would be reviewing 23 applications for the 2019 Community Mitigation Fund, under the categories of Transportation Planning, Transit Projects of Regional Significance, Specific Impacts, Workforce Development, Non-Transportation Planning, Reserve Grant Applications, and Tribal Gaming Technical Assistance.

The Ombudsman thanked his team for all of the work performed on these 23 applications, specifically Commissioner Stebbins, General Counsel Blue, Jill Griffin, Director of Workforce, Supplier and Diversity Development; Crystal Howard, Workforce Program Manager; Kate Hartigan, IEB Enforcement Counsel; Carrie Torrisi, Associate General Counsel; Joe Delaney, Construction Project Oversight Manager; and Mary Thurlow, Program Manager. He also thanked the administrative team for all of their assistance in the process.

The Review Team recommends approximately \$3.9M in new grant funding, and approximately \$275,000 in the use of reserves, and tribal fund technical assistance for a total of \$4,157,946.50 for all grants. The \$3.9M in new spending is within the overall projected targeting spending level of \$6.7M in 2019.

### 11:36 a.m. **Transportation Grant Applications**

Ombudsman Ziemba presented the first category, Transportation Grants. Pursuant to the guidelines, the Commission has authorized planning grants for planning activities. The Review Team ensures that the planning project is related to addressing transportation issues or impacts that relate to the gaming facility. The Commission anticipated spending of approximately \$1M on these grants in the guidelines, and the Review Team recommends spending of approximately 1.45M in this grant category.

#### **City of Boston**

The City of Boston is requesting \$200,000 for a portion of the design cost of improvement to Sullivan Square and Rutherford Avenue. The City's application states that as approximately 70% of the traffic generated is projected to go through Sullivan Square funding for the "Reconstruction of Rutherford Avenue, from City Square to Sullivan Square" is warranted. The City further notes that the grant would cover a portion of the estimated \$11 million design cost for this project.

### **Lynn**

Lynn is seeking a Transportation Planning Grant for \$200,000 to perform traffic analysis, functional design report, and preliminary design for the Route 107 (Western Ave) corridor. Lynn also submitted a \$200,000 grant application under the Specific Impact Grant category, which has been withdrawn.

### **Medford**

The City of Medford is seeking \$200,000 in funding to design a multi-use boardwalk under the Route 28 Bridge. The City also noted that the underpass would connect multiuse paths in Medford to Station Landing and the Wellington T Station. Encore will be running employee shuttles from Station Landing to the facility, and this would allow employees to safely access shuttles without having to navigate Wellington Circle or cross Route 28 either on foot or by bicycle.

### **West Springfield**

The Town of West Springfield is requesting a planning grant of \$83,400 to plan design/build three bicycle station pads and install electrical service to them to support the ValleyBike Share system. Stations one and three will be the municipal contribution to the Bikeshare Expansion proposal for the use of CMAQ funding. Station two will be done independently of the CMAQ proposal. The budget accompanying the application states that Location 1 – Concrete Pad and Electrical = \$4,900; Location 2 – Concrete Pad and Electric Charging Station, Kiosk, Bicycles and Misc. = \$73,000; and Location 3 - Concrete Pad, Electrical = \$5,500.

The Review Team does not recommend that the Commission approve the grant request. Instead, the Review Team recommends that West Springfield provide comment during the development of the 2020 CMF Guidelines, which potentially may cover transportation construction activities or which could otherwise expand the list of eligible planning activities.

### **Everett/Somerville**

Everett and Somerville are jointly requesting \$425,000 to advance the planning and design of the MBTA Silver Line bus rapid transit service from its current terminus in Chelsea through Everett along the MBTA Commuter Rail right-of-way to Sullivan Square and then to Somerville, and terminating at appropriate Red Line and/or Green Line intermodal facilities.

### **Revere/Saugus**

Revere and Saugus jointly seek a grant of \$425,000 to advance further the planning and design of transportation road network improvements along the Route 1 project corridor as identified in previous studies funded by the Community Mitigation Fund. The main focus of this project is to create a preliminary design for improvements to the Route 1 and Route 99

interchange and to work towards its inclusion in the state Transportation Improvement Plan. The project will also evaluate smaller standalone projects that were identified as part of the traffic model developed for the Route 1 corridor concerning project benefits and constraints.

[11:45 a.m.](#)

### **Transit Project(s) of Regional Significance**

In 2019, the Commission will consider funding no more than one project that offers significant transit benefits in each Category 1 region and one project related to the Category 2 facility. Applicants should demonstrate how the funds will be used to expand regional transit connections. The Commission anticipates authorizing no more than \$500,000 in grants for Transit Project(s) of Regional Significance.

### **Everett/Somerville Transit Project Application**

Everett and Somerville are jointly seeking a grant of \$500,000 to fully design a connection from Draw 7 Park in Somerville across the MBTA tracks to the Assembly Station head house (Connector). They also wish to prepare an application for a federal Better Utilizing Investments to Leverage Development (BUILD) grant to help finance the construction of the Connector and/or a proposed pedestrian bridge to allow pedestrians and bicyclists to travel across the Mystic River between Somerville and Everett.

Although the Review Team recommends the authorization of funding to complete the design of the Connector, the Review Team does not recommend the \$100,000 for assistance in filing a federal BUILD grant, as some conflicts of interest between the cities and MassDOT may occur for various reasons (see [Commission Packet, Part 1](#)). Thus, the Review Team determined that the request for the \$100,000 should not be approved. Instead, the Review Team recommends that the Commission, the joint applicants, Encore Boston Harbor, and other impacts agencies (e.g., the Department of Conservation and Recreation, and MassDOT) utilize the design period to determine how all aspects of the projects will be funded.

### **Pioneer Valley Transit Authority Project (PVTA) Application**

PVTA is requesting \$244,673.44 to expand its downtown circulator service, The Loop, to seven days per week. PVTA also proposes to add an extension to its current service into West Springfield. This service would provide a connection to MGM and Union Station from the hotels located along Route 5 in West Springfield.

[11:59 a.m.](#)

The Chair asked if there is anything further that the Commission can do to meet the community's needs regarding the Loop service. The Ombudsman replied that MGM Springfield and PVTA have an ongoing dialogue regarding this, and they have met numerous times to try to improve the service. He stated that one of the recommendations from PVTA was to add days to the service to provide more of an understandable transit environment.

[12:07 p.m.](#) *Commissioner O'Brien moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Boston in the amount of \$200,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Stebbins seconded the motion. The motion passed unanimously.*

*Commissioner Stebbins moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Lynn in the amount of \$200,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Commissioner Cameron moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Medford in the amount of \$200,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

*Commissioner Zuniga moved to accept the recommendation of the Mitigation Fund Review Team to deny the Community Mitigation Fund Grant Request from the City of West Springfield as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019, and included in the July 18, 2019 Commission packet. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Commissioner O'Brien moved that the Commission approve the joint Community Mitigation Fund Grant Request from the Cities of Everett and Somerville in the amount of \$425,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement*

*between the Commission and the applicant. Commissioner Zuniga seconded the motion.*

*The motion passed unanimously.*

*Commissioner O'Brien moved that the Commission approve the joint Community Mitigation Fund Grant Request from the Cities of Revere and Saugus in the amount of \$425,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Zuniga seconded the motion.*

*The motion passed unanimously.*

*Commissioner Cameron moved that the Commission approve the joint Community Mitigation Fund Grant Request from the Cities of Everett and Somerville in the amount of \$400,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner O'Brien seconded the motion.*

*The motion passed unanimously.*

*Commissioner Zuniga moved that the Commission approve the Community Mitigation Fund Grant Request from the Pioneer Valley Transit Authority in the amount of \$25,000 to be used to promote the ridership of the Loop, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner O'Brien seconded the motion.*

*The motion passed unanimously.*

[12:16 p.m.](#)

### **Workforce Development Applications**

Ms. Howard presented the Workforce Development category applications. She summarized that there are three applicants for these workforce grants for a total of \$900,000. The Review Team is recommending the Commission's approval for \$813,000.

#### **Boston**

Boston is seeking \$300,000 for Greater Boston Casino Pipeline Initiative to create a pipeline of job seekers to resolve the backfill needs of local hospitality employers as talent migrates to Encore as well as to support

Encore's hiring needs. The program plans on serving residents of Boston, Somerville, Chelsea, and Everett.

Ms. Howard summarized the concerns of the team during the review process, and the Review Team recommends declining to fund La Comunidad and Chelsea Collaborative in this proposal (\$8,500 each) to ensure there is no duplication of billing for the same services. The Review Team recommends funding the two organizations instead through the MNWB applicant and reducing funds to the City of Boston. The Committee also recommends as a grant requirement that the City of Boston and the MNWB continue to collaborate. Requirements are outlined in the memo submitted in the Commission Meeting Packet.

### **Holyoke Community College**

Holyoke Community College requested \$300,000 to continue the Work Ready program to expand upon existing services, including adding courses such as contextualized ESOL, several essential certifications, and additional support services to create a stronger pathway across the partnering organizations. This year's grant proposes to enroll up to 200 individuals in the gaming school through scholarships, up to 70 individuals in certificate training, 180 in English literacy for the workplace, and 100 individuals in Adult Basic Education classes to get them into the pipeline for skills training and job placement. This is a collaborative partnership between Holyoke Community College (HCC), Springfield Technical Community College (STCC), Springfield Public Schools (SPS), MGM Springfield, Community Based Organizations and the region's workforce development partners.

[12:32 p.m.](#)

*Commissioner Cameron moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Boston in the amount of \$213,400 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

*Commissioner Stebbins moved that the Commission approve the Community Mitigation Fund Grant Request from Holyoke Community College in the amount of \$300,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

*Commissioner Stebbins moved that the Commission approve the Community Mitigation Fund Grant Request from MassHire Metro North Workforce Board in the amount of \$300,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Zuniga seconded the motion.*

*The Chair noted that the Commission understands that the partnerships extend with the licensee.*

*The motion passed unanimously.*

[12:36 p.m.](#)

### **Non-Transportation Planning Grant Applications**

For this category, the Commission will make available funding for certain planning activities. The planning project must be related to addressing issues or impacts directly related to the gaming facility, and no application for this 2019 Non-Transportation Planning Grant shall exceed Fifty Thousand Dollars (\$50,000).

### **Chelsea/Everett**

The Cities of Chelsea and Everett have submitted a joint request of \$105,000 to lay the foundation for the creation of a tri-lingual Enterprise Center at the Chelsea Campus of Bunker Hill Community College (BHCC). The center will provide skills training and services to entrepreneurs, existing businesses, and workers, initially focusing on the hospitality sector. The Review Team is recommending full funding for this grant.

[12:37 p.m.](#)

Commissioner Stebbins suggested that if the Commission approves this grant, that Bunker Hill Community College becomes part of the Commission's regional workforce applicant conversations, as it might serve as another reason to consider more inclusive or a broader application from the region, and can be worked out with the execution of the grant.

[12:39 p.m.](#)

*Commissioner Stebbins moved that the Commission approve the joint Community Mitigation Fund Grant Request from Chelsea/Everett in the amount of \$105,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Cameron seconded the motion. The motion passed unanimously.*

[1:15 p.m.](#)

### **Springfield Focus**

Ombudsman Ziemba stated that the City of Springfield is seeking \$555,925 to provide funds to the Springfield Technical Community College Assistance Corporation, or other eligible public entity, to construct permanent improvements for the relocation of the Focus Springfield Community Television (Focus) public access studio, or other community public access television studio. Focus currently has a lease with Blue Tarp Redevelopment, LLC (MGM Springfield).

General Counsel Blue reviewed a memorandum from Carrie Torrisi, Associate General Counsel. She summarized that the Massachusetts Constitution has an anti-aid amendment that prohibits using taxpayer-funded dollars for a private entity. She stated that the legal department has looked at the cases under that anti-aid amendment and was able to ascertain more facts about what Focus does and what services they provide. The legal department's analysis determined that awarding this grant the City of Springfield, with the primary benefit going to Focus, being a nonprofit entity and not a governmental entity, would violate the anti-aid amendment.

[1:23 p.m.](#)

The Chair asked for clarification as to what kind of an entity Focus Springfield is, as they do broadcast public meetings, and because of how it became designated by Springfield to be this provider of public educational and government broadcasting. She asked if, given that Focus is a 501(c)(3) private entity if it shifts somehow because its purposes are, in fact, somewhat public.

Commissioner O'Brien added that she is concerned, as this is not Focus' first application for this. They have withdrawn their application previously with the understanding that there is an issue. She noted that this application, in her view, is not much different than the previous one that was withdrawn, and this indicates that Focus has had ample opportunities to provide more substantial answers to the questions that would move the analysis.

Commissioner Zuniga asked that if the grant is not awarded, and Focus is forced to cease operations, and the public purpose is eliminated, does that change the equation in any way.

General Counsel Blue stated that the analysis is about the primary use of the money that the Commission would be providing. If Focus went out of business and were going to try to come back into business, their primary use of the money would still be to lease and renovate space and potentially purchase equipment for their use, with a secondary benefit to the City.

After a robust discussion around the issues and concerns of the Commissioners surrounding this application, the Chair noted that unlike her fellow Commissioners, she is singularly situated as she was not present for

the prior presentations of this application, and would have invited further advice, as this is a very difficult analysis. She stated that she is not likely to support this motion.

[2:05 p.m.](#)

*Commissioner Cameron moved that the Commission deny the Community Mitigation Fund Grant Request from Springfield Focus. Commissioner O'Brien seconded the motion.*

*The motion passed 3 – 2 with the Chair and Commissioner Stebbins voting no.*

[2:06 p.m.](#)

### **Specific Impact Grant Applications**

IEB Enforcement Counsel Muxie-Hartigan reviewed with the Commission the applications from the Everett Police Department, the Hampden County District Attorney's office, the Hampden County Sheriff's Department, and the Springfield Police Department. She noted that of the four, two are being recommended for full funding, and two are recommended for partial funding.

#### **Everett Police Department**

Everett Police Department is seeking \$182,088.90 as reimbursement for the money that has been expended to pay the salary of each of the officers at the police academy at Northern Essex Community College. Everett noted that six current Everett Police Officers were transferred to the Gaming Enforcement Unit. Because they transferred six current officers, they are requesting salary reimbursement for six new officers throughout the academy. In addition to the academy related expenses, Everett is seeking \$50,000 for patrols in the Lower Broadway area in 4-hour blocks, from late night to early morning.

The Review Team recommends that the Commission provide \$182,088.90 in funding for the Everett Police Department academy related expenses but does not recommend the grant of \$50,000 for these patrols, because such patrols are an ineligible expense under the 2019 CMF Guidelines.

#### **Hampden County District Attorney's Office**

The Hampden County District Attorney's Office is requesting \$100,000 in funding for personnel to mitigate the additional burdens in caseloads that are created directly and indirectly due to the casino. The Office noted that as of January 31, 2019, 255 cases have come into the court system that are directly attributable to the casino.

Review Team recommends that the District Attorney's Office be authorized to submit a request for the time and expenses of additional staff. After paying approved expenses, staff would close out last year's grant and credit any balance back to the Community Mitigation Fund. The Review Team recommends that this portion of the 2018 grant remains active and that the Commission devote staff resources this year to help develop this system in tandem with the District Attorney's Office.

### **Hampden County Sherriff's Office**

The Hampden County Sheriff's Office is seeking a grant for \$400,000 in lease assistance for the Western Massachusetts Correctional Alcohol Center for Fiscal Year 2020, as it was forced to move after 29 years of operation at 26 Howard Street in Springfield due to the facility being within the physical footprint of the casino.

The Review Team recommends that the Commission approve \$400,000 in funding to assist the Hampden County Sheriff's office with its lease costs through FY2020.

### **Springfield Police Department**

The City of Springfield for the Springfield Police Department is requesting \$360,129.42 for specific equipment essential for its department to continue to provide safety precautions to the changing community surrounding the casino. The equipment needed is listed in the memo in the Commission Meeting Packet.

Eliminating the few items whose justification was not determined by the Review Team, the Review Team recommends that the Commission approve the remainder of the City's request for funding for equipment for \$228,457.68.

[2:26 p.m.](#)

*Commissioner O'Brien moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Everett in the amount of \$182,088.90 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Commissioner Cameron moved that the Commission approve the Community Mitigation Fund Grant Request from the Hampden County District Attorney's Office in the amount of \$100,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Stebbins seconded the motion. The motion passed unanimously.*

*Commissioner Stebbins moved that the Commission approve the Community Mitigation Fund Grant Request from the Hampden County Sherriff's*

*Department in the amount of \$400,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Zuniga seconded the motion.*

*The motion passed unanimously.*

*Commissioner O'Brien moved that the Commission approve the Community Mitigation Fund Grant Request from the Springfield Police Department in the amount of \$228,457.68 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Cameron seconded the motion. The motion passed unanimously.*

[2:30 p.m.](#)

### **Non-Transportation Planning Grant Applications**

Ombudsman Ziemba introduced the Non-Transportation category of grant applications. He described them as reasonably-sized applications. No application for this 2019 Non-Transportation Planning Grant shall exceed Fifty Thousand Dollars (\$50,000).

### **Chicopee/Springfield**

The Ombudsman stated that the Cities of Chicopee and Springfield are jointly requesting \$50,000 to begin implementing potential projects as outlined in reinvesting in the gaming economic development fund implementation blueprint and economic development strategy for the renaissance of a Great American Downtown, Springfield. The purpose articulated in the application and further found in the response letter to the Review Team is consistent with those articulated in the guidelines for non-transportation planning grants.

### **Foxborough/Plainville/Wrentham**

The joint applicants have requested \$75,000 to hire a professional marketing consultant/firm to prepare a marketing, strategic, and creative plan for the destination marketing of the Towns of Foxborough, Plainville, and Wrentham. The joint applicants envision this regional approach benefitting Plainridge Park Casino by attracting more tourists, business travelers, and visitors to the region and establishing this area as a viable destination for overnight stays.

The Review Team strongly supports this initiative, which could provide substantial benefits to the region and to Plainridge Park, which will continue to face growing regional gaming competition.

### **Northampton**

The City of Northampton is requesting \$29,000 for continued marketing activities and building upon the activities already funded by the Commission. The planning grant would pay for monitoring and measuring the resources and feedback posted on the “Northampton Live” web site. This data will measure consumer preferences and visitor volume as well as forecast the course of future marketing in 2020.

The Review Team supports this request from the City of Northampton to continue its marketing efforts.

### **Revere**

The City of Revere has requested \$50,000 for the development and distribution of a tourism video that will promote the City of Revere as a destination and also will feature Encore Boston Harbor Casino as a nearby major attraction.

The Review Team recommends that the Commission approve of Revere’s grant request as it has a clear plan for implementation of the results and is distinctly related to addressing issues or impacts directly related to the gaming facility.

The Ombudsman noted to the Commission that both the cities of Revere and Saugus filed matching applications because they wanted to promote their communities separately, but they are working together on a lot of similar ideas to promote both of those communities. He commended them for working together.

### **Saugus**

The Town of Saugus has requested \$50,000 for the development and distribution of a tourism video that will promote the Town of Saugus as a destination and also will feature Encore Boston Harbor Casino as a nearby major attraction.

The Review Team recommends that the Commission approve of Saugus’ grant request as it has a clear plan for implementation of the results and is distinctly related to addressing issues or impacts directly related to the gaming facility.

[2:40 p.m.](#)

*Commissioner Stebbins moved that the Commission approve the joint Community Mitigation Fund Grant Request from Chicopee/Springfield in the amount of \$50,000 as described in the memorandum from the Community*

*Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Commissioner Stebbins moved that the Commission approve the Community Mitigation Fund Grant Request from Northampton in the amount of \$29,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

*Commissioner Cameron moved that the Commission approve the joint Community Mitigation Fund Grant Request from Foxboro/Plainville/Wrentham in the amount of \$75,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

*Commissioner O'Brien moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Revere in the amount of \$50,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Commissioner Zuniga moved that the Commission approve the Community Mitigation Fund Grant Request from the City of Saugus in the amount of \$50,000 as described in the memorandum from the Community Mitigation Fund Review Team dated July 12, 2019 and included in the July 18, 2019 Commission packet, subject to the submission to the Commission by the applicant of a detailed scope of work, a timeline for the work to be completed under the grant and the execution of a grant agreement between the Commission and the applicant. Commissioner O'Brien seconded the motion.*

*The motion passed unanimously.*

[2:44 p.m.](#)

### **Tribal Gaming Technical Assistance**

Ombudsman Ziemba described this last category of grants as a carryover from last year's grant and does not represent new funding. The Commission makes available no more than \$200,000 in technical assistance funding to assist in the determination of potential impacts that may be experienced by communities in geographic proximity to the potential Tribal Gaming facility in Taunton.

The Commission previously determined that any such funding would only be made available after approving of any application by the Southeast Regional Planning and Economic Development District if it is determined by the Commission that construction of such gaming facility will likely commence before or during the fiscal year 2020. Therefore, a separate vote would be necessary to move on any such technical assistance.

### **Southeastern Regional Planning & Economic Development District (SRPEDD)**

SRPEDD anticipates planning requests for studies to assist communities in geographic proximity to the potential Tribal Gaming facility in Taunton about traffic capacity and operational impacts should the construction of the Tribal Gaming facility move forward.

The 2019 funding request for the SRPEDD is a carryover from 2018. This is not new funding. The Review Team recommends the approval of this Grant.

[2:46 p.m.](#)

*Commissioner Zuniga moved that the Commission approve the continuation of the reserve for traveling and technical assistance from the Southeastern Regional Planning and Economic Development agency in the amount of \$200,000 subject to a further finding by this Commission that the proposed casino in Taunton recommends construction before the end of the fiscal year 2020. Commissioner Stebbins seconded the motion.*

*The motion passed unanimously.*

### **Administrative Update, Cont'd**

See transcript pages 62 - 64

[2:48 p.m.](#)

Director Bedrosian reminded the Commission that July 28<sup>th</sup> is the Spirit of Massachusetts event at PPC. He described it as a joint race hosted by PPC and the Harness Horsemen's Association of New England and is a \$250,000 race. He added that the horses are spectacular and encouraged everyone to watch it.

He then paid a special thanks to Joan Matsumoto, Chief Project Manager, who is leaving the agency. He commended her on the great work that she has

done for the Commission and described some of the tasks she has performed that have made a significant impact on the agency. The Chair and Commissioners each thanked Ms. Matsumoto as well.

### **Commissioner's Updates**

See transcript pages 64 – 65

[2:57 p.m.](#) Commissioner Cameron commented on the enthusiasm of the participants in a meeting on public safety yesterday with local police and other community members.

The Chair and Commissioner O'Brien updated the Commission on the RFR that was issued in connection with the retention of an independent monitor pursuant to the Commission's April decision, reported publicly in the RFR. The Chair stated that the Commission has convened a team that has been meeting at length to work on the selection process.

Commissioner Zuniga noted that a letter was received by Commissioner Stebbins regarding MGM Springfield, stating that the casino was doing little in terms of entertainment, compared to other casinos in Connecticut. He stated that the response issued by the Commission was adequate to note that MGM Springfield is doing quite a bit. He described the offerings of MGM Springfield, as well as the challenges they face that are unique to Massachusetts.

[3:02 p.m.](#) *With no further business, the Chair moved to adjourn the meeting. Commissioner Zimiga seconded the motion. The motion passed unanimously.*

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

1. Notice of Meeting and Agenda, dated July 18, 2019
2. Draft Commission Meeting Minutes dated June 12, 2019
3. Draft Commission Meeting Minutes dated June 27, 2019
4. Memo re: Schuster v. Encore Boston Harbor – Blackjack/Slot Payout Compliance dated July 19, 2019
5. Investigative Report regarding Final Approval for PPC-GLPI REIT Transaction dated July 2019
6. 2019 Community Mitigation Fund Analysis and Recommendations dated July 12, 2019
7. Memo re: City of Springfield Community Mitigation Fund Application re Focus Springfield; Anti-aid Amendment dated July 12, 2019
8. Correspondence between the City of Everett and the CMF Review Team

9. Correspondence re: City of Boston 2019 CMF Transportation Planning Application
10. Correspondence re: Everett/Somerville Transportation Project(s) of Regional Significance Application
11. Correspondence re: 2019 Community Mitigation Fund Workforce Development Requests and Responses
12. 2019 Community Mitigation Fund Specific Impact Grant Applications
13. Correspondence re: 2019 Community Mitigation Fund Joint Non-Transportation Planning Applications
14. Letter re: 2019 Tribal Gaming Technical Assistance Application dated May 24, 2019
15. Comment Letters re Community Mitigation Grant Application for Focus Springfield
16. Comment Letters re MGM, Encore, and Plainridge Community Mitigation Grant Applications
17. 2019 Transportation Planning Grant Applications
18. Transit Project(s) of Regional Significance Grant Applications
19. MassDOT comments on Transportation Planning Grant Applications
20. 2019 Non-Transportation Planning Applications
21. 2019 Workforce Development Pilot Program Grant Applications
22. Southeastern Regional Planning and Economic Development District (SRPEDD) 2019 Reserve Planning Grant / Tribal Gaming Technical Assistance Application

/s/ Catherine Blue  
Assistant Secretary