



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #274**

July 18, 2019  
10:00 a.m.

**Massachusetts Gaming Commission**  
101 Federal Street  
Boston, MA



Massachusetts Gaming Commission



**UPDATED**

**NOTICE OF MEETING and AGENDA  
July 18, 2019**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, July 18, 2019  
10:00 a.m.  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA**

**PUBLIC MEETING - #274**

1. Call to order
2. Approval of Minutes
  - a. June 12, 2019 – **VOTE**
  - b. June 27, 2019 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
  - a. General Update
  - b. Racing Update
  - c. Legislative Update
4. Investigations and Enforcement Bureau – Karen Wells, Director
  - a. Schuster v. Encore Boston Harbor – Blackjack/Slot Pay-out Compliance
  - b. Plainridge Park Casino – GLPI REIT Transaction – **VOTE**
5. Ombudsman – John Ziembra
  - a. FY2019 Mitigation Fund Applications – **VOTES**
6. Commissioner's Updates
7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

7.17.19  
Date

Cathy Judd-Stew  
Cathy Judd-Stew, Chair

**Date Posted to Website:** July 17, 2019 at 10:00 a.m.



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** June 12, 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

**Absent:** 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 #272 of the Massachusetts Gaming Commission.

### Approval of Minutes

See transcript page 1

[10:05 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of May 23, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion. The motion passed 4 – 0.*

## **Ombudsman**

See transcript pages 1 - 12

### 10:06 a.m. **Encore Boston Harbor Opening Traffic Plan Presentation**

Ombudsman Ziemba first reviewed and summarized what the Commission will be approving for the final stages for opening. Ombudsman Ziemba gave a brief overview of the plan.

Bob DeSalvio, President of Encore Boston Harbor, introduced Jacqui Krum, Senior Vice President and General Counsel, Jason Stump, Vice President and CIO, Bill Pangoras, Director of Casino Finance, Ed Collins, Director of Casino Credit, Susie McDaniel, Vice President of Human Resources, Rich Prior, Executive Director of Security and Investigations, and Peter Campot, Director of Construction.

The Commission then reviewed a slide presentation that illustrated all of the services Encore is offering to the public. Mr. DeSalvio reported that the shuttle services are all up and running.

Mr. DeSalvio then reported new information on the Maritime Traffic Plan. They have set up a schedule so that on opening day, there will be a limit to the number of openings of the Alford Street Bridge to accommodate traffic.

Commissioner Stebbins asked what the best way was to get to Encore on opening day. Mr. DeSalvio showed the presentation slide of a pedestrian path to the property that begins at the Gateway Connector. He stated that this path is the safest route.

Mr. DeSalvio then reported on Encore's coordination with law enforcement. He presented a slide that illustrates how many state troopers and local Everett officers will be on details in the area. State and local law enforcement have all committed to work with Encore for as long as needed.

Ombudsman Ziemba requested that Mr. DeSalvio explain to the Commission in more detail the additional measures that were put in place to manage traffic. Mr. DeSalvio explained that they re-created the employee scheduling model to coordinate shifts so that they were opposite of peak traffic hours. There are no nine to five shifts, for example. He also mentioned the interconnect agreement that Encore has with Boston and Everett, noting how the Boston Transportation Department has coordinated both cities' transportation technology assets together in a centralized command center.

Commissioner Zuniga asked how Encore would handle it if, say, the demand for water transport to the casino was more than anticipated. Mr. DeSalvio stated that the state police will have their mobile operations unit there, and



will have additional motor coaches as a backup. Encore has procured services for a fourth boat as well.

Commissioner Zuniga asked about large crowd management. Mr. DeSalvio stated that there will be six locations that run the perimeter of the harbor walk where free water and snacks will be offered. Restroom facilities will be accessible.

Encore will keep this opening plan for the first week, with all the additional resources in place, and then they will re-assess needs.

Mr. DeSalvio then reviewed the outreach objectives of the traffic plan. They are broken down into three groups: the general public, potential guests, and guests. Encore's message is ultimately encouraging patrons not to drive.

The Commission reviewed Encore's mass marketing campaign presentation. Mr. DeSalvio described Encore's investment in media and communications and the strategy of the campaign.

### **Administrative Update**

See transcript pages 12 – 53

[10:49 a.m.](#)

### **Racing Update**

Executive Director Ed Bedrosian provided an update on thoroughbred racing in Massachusetts. The last scheduled day of racing for Suffolk Downs is scheduled for June 29, 2019. He also noted the legislative efforts that will be happening before the end of July that will affect racing and simulcasting into the next calendar year.

Commissioner Zuniga suggested that the Commission go back and review statistics for breeders and funding that has been distributed to see how some of that funding has translated into the racehorse fund.

### **Encore Boston Harbor Operations Certificate Status Presentations**

Director Bedrosian stated that Encore is in substantial compliance with all agreements and is ready to open subject to approved test nights. He asked that the Commission delegate a Commissioner to oversee for a Conditional Operations Certificate.

Director Bedrosian thanked Janice Reilly, Chief of Staff, and Maryann Dooley, Executive Assistant, for timely presentation materials under strict time constraints. He also thanked Joan Matsumoto, Chief Project Manager, who was instrumental in working with directors and her commitment tracking software for months to keep all directors up to date on commitments. He also thanked Ombudsman John Ziemba and Joe Delaney, Construction Project

Oversight Manager, supported by Mary Thurlow, Program Manager, who have all done a substantial amount of work in the preparations.

10:55 a.m.     **Presentation i. – Construction and Commitments**

Ombudsman Ziemba reviewed Appendix A from a memorandum with the Commission to illustrate how Encore has exceeded commitment requirements in all areas. He then stated that the completed requirements so far are only a small portion of the requirements, and he will continue to monitor progress.

He went on to thank his staff and gave a special thanks to Ms. Thurlow, Mr. Delaney, and Catherine Blue, General Counsel, who he stated continue to demonstrate such a high degree of dedication and professionalism in their work and in overcoming all challenges that arise.

11:04 a.m.     Joe Delaney reviewed compliance under [205 CMR 135.00: Monitoring of Project Construction and Licensee Requirements](#) with the Commission. He reported that Encore is in compliance with each of the eight items in that regulation. He determined on June 5, 2019, with Director Bedrosian and Ombudsman Ziemba that everything is complete and of superior quality. Mr. Delaney noted that they still need to check the retail spaces and a couple of the food and beverage outlets. All off-site construction is substantially complete. He has received approval letters from all required entities.

Joe described the system for the construction project and how it was utilized to the Commission. The Commission reviewed a memorandum that detailed the requirements of the regulations 205 CMR 135.00, 205 CMR 151.00 and M.G.L. c. 23K §10(c). The memorandum also included appendices providing further information about specific requirements.

11:21 a.m.     **Presentation ii. – Workforce and Economic Development Commitments**

Jill Griffin, Director of Workforce, Supplier and Diversity Development, reviewed a memorandum with the Commission that includes recommendations to the Executive Director regarding diversity, economic development, workforce, and other related commitments. With her was Mr. DeSalvio, Attorney Krum, and Susie McDaniel, Vice President of Human Resources. Also included in the memorandum is a highlight of the work performed and a summary to the Commission relative to the approval of related pre-opening license conditions before the opening of the facility.

Ms. Griffin reported on the status of Encore's operational components. Specifically, she focused on operational hiring commitments; Encore's Impacted Live Entertainment Venue Agreement, and the Regional Tourism and Marketing Plan/ Food, Beverage, and Retail Plan.

Ms. Griffin stated that based on the completion of these operational components discussed, staff believes that Encore Boston Harbor demonstrates compliance with the pre-opening requirements related to Workforce and Supplier Diversity and other items listed in her memorandum.

The Commission then reviewed Encore's slide presentation, illustrating the Workforce Development Commitments Update, presented by Ms. McDaniel. She reviewed primary commitments about workforce diversity to the host and local/surrounding communities, as well as company-wide.

[11:44 a.m.](#) Commissioner O'Brien asked what will be provided to employees who need a parental leave in their first year of employment with Encore, as they will not be qualified for paid leave in their first year. Ms. McDaniel stated that Encore offers personal leaves (for example, 30 days), depending on time with the company, as well as utilization of the Family Medical Leave Act (FMLA) for up to one year.

[11:44 a.m.](#) Commissioner Zuniga asked Ms. McDaniel if she had received feedback from employees relative to the earlier/later start times in their shifts, in connection to the traffic mitigation effort. Ms. McDaniel stated that as Encore is in an urban setting, public transportation has made it easier for employees than expected. Attorney Krum responded that initial feedback received on the shifts is that people appreciate the flexibility.

[11:51 a.m.](#) Commissioner Stebbins asked what kind of interest is being expressed by employees regarding the childcare program. Ms. McDaniel stated that they had not marketed this internally to the employees yet, but anticipates a great amount of interest once they start doing so. She has only had three people reach out regarding this to date.

[11:53 a.m.](#) Commissioner O'Brien asked if Encore is struggling to hire women because of a lack of interest, or a lack of qualifications in certain areas (such as security). Ms. McDaniel stated that they are working on training and developing women, but they need experienced applicants for high-risk areas in the facility. So she believes it is a combination of both scenarios. Commissioner Zuniga suggested that women are good at diffusing situations in security situations and wants her to promote that moving forward?

[11:55 a.m.](#) The Chair asked if part-time employees receive a benefits package and how that works. Ms. McDaniel and Mr. DeSalvio stated that part-time employees receive abbreviated benefits. Encore reviews employee status annually to eventually have all staff eligible for full-time benefits, as they will be working around 30 hours per week.

[12:13 p.m.](#)

**Presentation iii. – Technology**

Katrina Jagroop-Gomes, CIO, and Scott Helwig, Gaming Technical Compliance Manager, were with Jason Stump, CIO of Encore to review with the Commission a memorandum that highlights work performed and contains recommendations to the Executive Director. These recommendations are relative to the Information/Network Security Plan and summary to the Commission relative to the approval of the Electronic Gaming Devices and Slot Management System before the opening of the facility.

Ms. Gomes reported the results of the staff's review of Certification and Verification of Slot Software, Permitting for Platforms and Advantage tests, CMS Testing, and MGC's Information/Network Security Plan.

Ms. Gomes stated that the Commission's Gaming Technical Compliance Team will plan to conduct a security audit sometime during the first year of operations.

Ms. Gomes then thanked her team members Priya Gandotra, Gaming Technical Compliance Manager, Tim Drain, Senior Systems Engineer, Kevin Gauvreau, Senior Converged Engineer, and Bijay Lama, Desktop Support Specialist for all their hard work and due diligence.

She then recommended that the Commission approve the Information/Network Security plan be approved as presented.

[12:24 p.m.](#)

Commissioner Stebbins noted that there is a preference in the statute for domestically manufactured machines, and asked Ms. Gomes to comment. Ms. Gomes responded that out of the ten manufacturers on the casino floor, six are U.S.-based and manufactured in the U.S. As for the other four, she stated, they are internationally based, but they have headquarters in the U.S., and they manufacture in the U.S.

[12:25 p.m.](#)

**Presentation iv. – Responsible Gaming**

Mark Vander Linden, Director of Research and Responsible Gaming, and Teresa Fiore, Program Manager, presented the Responsible Gaming Plan that was submitted and accepted by Encore, and the GameSense communication campaign that supports the opening of Encore. The Commission reviewed a memorandum that highlighted several key responsible gaming initiatives that must be operational and policies that must be approved by the MGC for Encore to open.

Director Vander Linden reviewed the training of Encore employees in compliance with strategies employed by the Responsible Gaming Division. He highlighted the Voluntary Self-Exclusion (VSE) program, the GameSense Information Center, and Encore Boston Harbor's Responsible Gaming Program.

[12:35 p.m.](#) Commissioner Stebbins asked how the Voluntary Self-Exclusion program will be implemented at Encore. Director Vander Linden explained that there are three lines to be able to respond to an individual who would like to enroll in the voluntary self-exclusion program. The first line is the GameSense advisers. Second, gaming agents will be trained in the absence of GameSense advisers being present. Finally, the operator, in the context of security and supervisors who can assure 24/7 coverage.

Commissioner Stebbins asked where security could inconspicuously have a sensitive conversation with an individual. Attorney Krum responded that security could take the individual into a different space to do this.

In conclusion, Director Vander Linden stated that key Responsible Gaming initiatives and policies outlined in his memorandum meet the Commission's high expectations and statutory and regulatory requirements.

He went on to thank Ms. Fiore for managing the details of this program and Marlene Warner, the Exec Director of the Council on Compulsive Gambling, who has operated the GameSense Information Centers since Plainridge Park Casino's opening. He commented that the training that she and Julie Heinz, their director of Responsible Gaming, have provided to a new cohort of GameSense advisers is nothing short of extraordinary.

Commissioner Zuniga commented that the training and placement of security personnel are critical, as GameSense advisors cannot be there 24/7.

[12:45 p.m.](#) Elaine Driscoll, Director of Communications, updated the Commission on the launch of the awareness campaign into eastern Massachusetts. The digital campaign starts June 17<sup>th</sup>, and marketing initiatives include casino signage, the announcement of the availability of the voluntary self-exclusion program, and a social media campaign.

Ms. Fiore presented slides that illustrated the GameSense program expansion. The Commission viewed brochures that target gaming, and responsible as well as problem gambling. She described on-property signage, reviewed the Encore Boston Harbor website and advertising, and the social media plan. She stated that there are 12 GameSense advisers, and added that this breadth of experience is supplemented by advisors, who have bachelor's degrees in applied psychology and mass media communication, as well as a decade of service in medical translation service and time spent in the U.S. Armed Forces. Lastly, she stated that certain members of this team are fluent in Spanish, Mandarin, Cantonese, Vietnamese, Dutch, and Papiamentu.

Ms. Fiore stated that there have been a few additional designated agents, as well as herself and Director Vander Linden, who are available to conduct VSEs. If a VSE needs to meet somewhere that is closer to their office or their home, she, Director Vander Linden, and the designated agents are available to do so.

Commissioner Zuniga asked if it would be worthwhile to remind people on the VSE list that they are excluded from all three casinos before Encore's opening. Director Vander Linden stated that they discussed discretionary direct outreach to VSE's like a reminder.

[2:02 p.m.](#)

**Presentation v. – Gaming Regulatory Compliance**

Bruce Band, Assistant Director of the Investigations and Enforcement Bureau (IEB)/ Gaming Agents Division Chief, and Burke Cain, Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief, presented slides to the Commission that illustrated Encore's floor plan and status of inspections (including slots and table games) for final approval from the Commission.

Mr. Band detailed each slide, describing their findings after review of the surveillance plan, Emergency & Critical Incident Response plan placed on file with the City of Everett, credit procedures and suspension of credit, liquor license compliance review and status of final walkthrough, slot operations plan, and the final inspection plan for test nights.

Mr. Band gave special thanks to Mr. Cain and Luis Lozano, Senior Supervising Gaming Agent, for all of the hard work they have done in this process.

[2:13 p.m.](#)

**Presentation vi. – Employee and Vendor Licensing**

Karen Wells, IEB Director, reviewed a memorandum with the Commission written by Bill Curtis, Licensing Manager. The memorandum contained information ensuring compliance with the Commission's employee, vendor, and gaming beverage regulations associated with the opening of Encore Boston Harbor.

She stated that Mr. Curtis asked her to specifically thank Marianne Bratton, Licensing Specialist, Mary Pulgarin, Licensing Specialist, Lisa Brookner, Licensing Intake Officer, Tara DeMoe, Licensing Technician, and Connor McCurt, Licensing Specialist, on his behalf, as he is unable to attend today.

[2:24 p.m.](#)

**Presentation vii. – Finance**

Derek Lennon, Chief Financial Officer and Doug O'Donnell, Revenue Manager, provided the Commission with a recommendation on the procedures for verifying taxes on Gross Gaming Revenue (GGR). Mr. Lennon advised the Commission that there is nothing in their packet on this because the relevant documents are highly sensitive, and have been covered under nondisclosure agreements.



Mr. Lennon thanked Mr. O'Donnell and his team of Sarah Gangi, Revenue Accountant, and Noelle Low, Senior Revenue Accountant, who have all been instrumental in the Gross Gaming Revenue component of opening Encore. He also thanked Agnes Beaulieu, Finance Budget Office Manager, and Jay Lee, Fiscal Specialist, AP, who have worked tirelessly to make sure that the supplies and technology are ordered on time.

Mr. O'Donnell discussed the timeline and details of the activity that has taken place to the present status. He described how Encore will be calculating the GGR. He detailed several meetings that he attended between the MGC and Encore to review internal controls and procedures for the slot and table game GGR calculations, slot audit observations and detail, table game audits, gaming audit, and accounting compliance.

Mr. O'Donnell recommended that the Commission approve the daily GGR package, controls, and tax package the Encore team has submitted to the finance office for usage during test nights.

[2:35 p.m.](#)

**Presentation viii. – Legal**

Catherine Blue, General Counsel, reported on the status of the MOU between the Department of Revenue, Encore Boston Harbor and the Commission, and the status of the lottery agreement between the lottery and Encore Boston Harbor.

Counsel Blue stated that the MOU between the Department of Revenue, the Commission and Encore Boston Harbor is required under MGL c. 23K, §§ [51](#) and [52](#) to set the process for sharing information between the Department of Revenue and the licensee regarding winnings, and that agreement is complete. She then stated that Encore is also in compliance with the requirement for an agreement with the lottery pursuant to [MGL c. 23K § 15](#).

**Ombudsman**

See transcript pages 53 – 54

[2:38 p.m.](#)

**Determination of Final Stage of Construction**

Joe Delaney explained to the Commission that under [205 CMR 135.05: Certification of Final Stage of Construction: Category 1 Gaming Establishments](#) before a bond is released, a determination needs to be made that the project has reached the final stage of construction.

Staff recommends that the Commission determine that the Encore Boston Harbor project has reached the final stage of construction as of the proposed Opening Day, June 23, 2019, subject to the receipt of the Encore Boston Harbor certification that the project has reached the final stage of



construction. After such receipt of such certification, staff would then take the necessary steps so that the bond may be released.

[2:41 p.m.](#) *Commissioner Stebbins moved that the Commission determine that the Encore Boston Harbor project has reached the final stage of construction as of the proposed opening day, June 23rd, 2019, subject to the receipt of the Encore Boston Harbor certification that the project has reached the final stage of construction. And after such receipt of such certification, staff would then take the necessary steps so that the bond may be released. Commissioner Zuniga seconded the motion.*  
*The motion passed 4 – 0.*

### **Legal Division**

See transcript pages 54 – 63

[2:42 p.m.](#) **Encore Boston Harbor Regional Marketing and Tourism Plan**  
Director Griffin recommended that the Commission approve the Encore Boston Harbor Regional Marketing and Tourism Plan as required by license condition 15.

She summarized that Encore submitted a revised version of the plan on May 24, 2019, based on feedback from the Commission, the Massachusetts Office of Travel & Tourism (MOTT) and the Regional Tourism Council. Both representatives of the MOTT and the Regional Tourism Council recommend approval of the final plan.

[2:43 p.m.](#) *Commissioner Stebbins moved, to fulfill pre-opening requirements of license condition 15, that the Commission approve Encore Boston Harbor's regional tourism and marketing plan presented at the June 6th, 2019, Commission meeting and as shown in the attached documents, provided that such approval shall not be construed to supersede any obligations pursuant to MGL c. 23K or to the conditions in Encore Boston Harbor's license, including but not limited to condition number nine, which is relative to compliance with the information included in the application filed by the designated licensee in the evaluation reports filed by the Commission. Commissioner O'Brien seconded the motion.*  
*The motion passed 4 – 0.*

### **Encore Boston Harbor Design and Construction Diversity Commitments**

Director Griffin recommended that the Commission approve the Encore Boston Harbor Design and Construction Diversity Commitments. She confirmed to the Commission that Encore has satisfied all of the requirements related to construction diversity and pre-opening relative to MGL c. 23K, the Affirmative Marketing Program, the Affirmative Action Program for Equal Opportunity, setting the diversity goals, and regular reporting.

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

*Commissioner Stebbins moved that the Commission determine that Encore Boston Harbor has reasonably met their construction diversity pre-opening compliance requirements and commitments. Commissioner Zuniga seconded the motion.*

*The motion passed 4 – 0.*

### **Approval of Encore Boston Harbor Gaming Floor**

Mr. Band described the floor plans of the casino, reviewing slides with the Commission that illustrated the boundaries of gaming and non-gaming areas.

[2:54 p.m.](#)

*Commissioner Stebbins moved that the Commission approve the designated first and second-floor casino floor plans as well as the first-floor walking plan as provided in the packet. Commissioner Zuniga seconded the motion.*

*The motion passed 4 – 0.*

### **Approval of Encore Boston Harbor to Open for Test and Evaluation**

Counsel Blue requested that the Commission approve Encore Boston Harbor's test and evaluation process.

Commissioner Stebbins asked about the status of the first-floor walking plan. He noted that this was a topic with MGM in the past and acknowledged that people may bring their families to go to the dining establishments. Mr. Band stated that he feels comfortable with the locations of security posts and the number of security staff they have. Mr. DeSalvio stated that Encore has eliminated allowing any underage people to cut through the casino floor, and stated that they must go around on the designated pathway.

Mr. Band stated that the first test night is slated for June 17<sup>th</sup>, from noon to 8:00 p.m., then there are two more test nights, the 19<sup>th</sup> and 20<sup>th</sup>, from 4:00 to midnight.

[2:57 p.m.](#)

*Commissioner O'Brien moved pursuant to 205 CMR 151.03 that the Commission authorize Wynn MA LLC d/b/a Encore Boston Harbor, referred to as the licensee, to open for test play on June 17, for an evaluation and test period on June 17, June 19 and June 20, 2019, provided the following:*

- 1. that prior to before June 17 Wynn MA LLC d/b/a Encore Boston Harbor has received a certificate of occupancy from the City of Everett;*
- 2. the licensee may accept currency in exchange for chips and other items of gaming value at the cage and gaming tables;*
- 3. the licensee may process currency and other items of value in the count room;*
- 4. the licensee may operate slot machines and other electronic gaming devices previously approved and certified in accordance with 205 CMR 144;*

5. *the licensee shall determine how the gross gaming revenues from the evaluation and test period are utilized and advise the Commission at the next public Commission meeting of such utilization; and*
6. *the licensee may serve alcoholic beverages pursuant to the terms and conditions of its gaming beverage license.*

*Commissioner Zuniga seconded the motion.  
The motion passed 4 – 0.*

### **Delegation of Authority to a Single Commissioner to Observe and Review the Results of Test Nights and to Issue a Conditional Operations Certificate on Behalf of the Commission**

Counsel Blue recommended that the Commission delegate authority to a single Commissioner to observe the test nights. And then to ultimately, if that Commissioner is comfortable, issue the conditional operations certificate subject to any conditions that that Commissioner wishes to add to that. The Commissioner would observe and meet with staff periodically during that period to determine how things are working, and if improvements or changes are needed, there can be conditions on the license to reflect that.

[3:06 p.m.](#)

*Commissioner Stebbins moved, pursuant to [205 CMR 151.01: Issuance and Posting of Operations Certificate\(1\)](#) that the Commission grant to Commissioner Eileen O'Brien the authority to observe and review the results of the test and evaluation nights to be held by Wynn Mass LLC, DBA Encore Boston Harbor; and based upon that observation and review and any prior approvals granted by the full Commission the authority if she is satisfied that the licensee has met the legal requirements described in Chapter 23K § 10, and 205 CMR § 135 and 151.01; and subject to any conditions necessary and her discretion to issue a conditional operations certificate effective 12:01 a.m. June 21st, 2019, through 12:01 a.m. June 28th, 2019, which shall be subject to ratification by the full Commission at its June 27th, 2019, public meeting or at such earlier meeting as the Commission determines appropriate.*

*Commissioner Stebbins further moved that Commissioner O'Brien will report on the results of the test nights to the full Commission at the next regularly scheduled Commission meeting. Commissioner Zuniga seconded the motion.  
The motion passed 3 – 0 with Commissioner O'Brien abstaining.*

### **Approval of the Form of the Conditional and Permanent Certificate of Operations**

Counsel Blue recommended that the Commission approve the forms of the temporary and the permanent certificates of operation.

[3:09 p.m.](#)

*Commissioner Zuniga moved that the Commission approve the form of both the temporary and permanent operating certificates as those documents appear in the Commission packet. Commissioner Stebbins seconded the motion.*

*The motion passed 4 – 0.*

**Approval of Compliance with the Terms of MGL c. 23K, 205 CMR and Category 1 Gaming Establishment License Conditions**

Counsel Blue recommended that the Commission move that Encore Boston Harbor has met all of the requirements needed to be met up to this point and be allowed to open and allow them 90 days after opening to supply the remainder of paperwork they owe to the Commission.

[3:13 p.m.](#) *Commissioner Zuniga moved that the Commission find and determine that based upon the reports provided to the Commission at the June 6 and June 12, 2019 Commission meetings and the project updates provided to the Commission at previous meetings, subject to any terms and conditions expressed by the Commission at those meetings and any terms and conditions determined by the single Commissioner in their discretion after the test and evaluation period, that Wynn MA LLC d/b/a Encore Boston Harbor has demonstrated material compliance with M.G.L. chapter 23K, 205 CMR, the terms and conditions of the Agreement to Award a license and the license issued to Wynn MA LLC on September 17, 2014 and effective November 7, 2014, subject to any further terms or conditions deemed appropriate or necessary by the Commission and subject to the Commission's right to review or revisit such material compliance in the Commission's discretion.*

*Commissioner Zuniga further moved that as a condition of the Wynn MA LLC d/b/a Encore Boston Harbor permanent operations certificate, Wynn MA LLC d/b/a Encore Boston Harbor shall provide to the Commission any further documentation needed to confirm its compliance with the commitments described in the Commitment Closeout Update included in the Commission packet or any other commitments described at the June 12, 2019 Commission meeting, not later than 90 days after the opening of Encore Boston Harbor subject to any further extensions of time granted by the Commission in the Commission's sole discretion. Commissioner O'Brien seconded the motion. The motion passed 4 – 0.*

**Commissioner's Updates**

See transcript page 63

[3:17 p.m.](#) There are no Commissioner updates.

[3:17 p.m.](#) *With no further business, Commissioner Zuniga moved to adjourn the meeting. Commissioner Stebbins seconded the motion. The motion passed 4 – 0.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda, dated June 12, 2019

2. Draft Commission Meeting Minutes dated May 23, 2019
3. Presentation: Encore Boston Harbor Grand Opening Transportation Plan
4. Presentation: Encore Boston Harbor Transportation Public Outreach Campaign dated June 12, 2019
5. Memorandum re: Encore Boston Harbor Compliance with 205 CMR 135 & 151; Determination that Gaming Establishment May Open for Business, dated June 12, 2019
6. Memorandum re: Determination that Gaming Establishment may Open for Business, dated June 11, 2019
7. Memorandum re: Encore Boston Harbor Diversity Pre-Opening Compliance Regarding Operations, dated June 10, 2019
8. Presentation: Encore Boston Harbor Commitments Update, dated June 12, 2019
9. Encore Boston Harbor Workforce Development & Diversity Plan, dated June 14, 2018

/s/ Catherine Blue  
Assistant Secretary



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** June 27, 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

[10:00 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #273 of the Massachusetts Gaming Commission.

### **Approval of Minutes**

See transcript page

[10:01 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of May 29, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Commissioner Stebbins moved to approve the minutes from the Commission meeting of June 6, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The Chair noted that Commissioner Zuniga is referenced by his first name on page one, and requested that be changed. The motion passed unanimously.*

## **Administrative Update**

See transcript pages 1 – 16

### 10:03 a.m.     **General Update**

Director Ed Bedrosian updated the Commission regarding a historic weekend in racing, as it will be the last and final racing event at Suffolk Downs.

### **Encore Boston Harbor Certificate of Operations**

Director Bedrosian reviewed the opening of Encore Boston Harbor and described the test nights. He thanked all of the staff and law enforcement involved in all opening preparations.

Bob DeSalvio, President of Encore Boston Harbor, with Jacqui Krum, Senior Vice President and General Counsel and Peter Campot, Director of Construction, thanked everyone for the excellent job they did, from construction to commitment fulfillment. He also thanked the 5,000 team members at Encore Boston Harbor for ensuring smooth operations on opening day.

10:19 a.m.     Commissioner O'Brien described her experience at Encore Boston Harbor and how the decision was made to grant Encore their temporary certificate of operations. She recommended issuance of the permanent operations certificate.

Bruce Band, IEB Assistant Director/Gaming Agents Division Chief, stated that the casino has been operating smoothly. Teams are working efficiently. Burke Cain, Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief added that any wrinkles would be ironed out and agreed with Mr. Band that everything is running well.

10:24 a.m.     Commissioner O'Brien reviewed with the Commission the specific terms and conditions required for the issuance of an operations certificate. She recommended that the Commission approve the issuance of a permanent operations certificate subject to these conditions.

Attorney Krum confirmed that Encore can meet all of the conditions laid out by the Commission within 90 days, except for the last condition that requires the credit department to be either relocated or sealed off from the cashier's cage, as that that would take a bit more time.

Director Bedrosian stated that the Commission will be monitoring Section 61 commitments as well as the required conditions, as outlined in the memo from the ombudsman.



[10:33 a.m.](#) Joe Delaney, Construction Project Oversight Manager, reviewed and commented on the memo regarding the Section 61 update.

[10:35 a.m.](#) *Commissioner Cameron moved, pursuant to 205 CMR 151.01(3), that Wynn MA LLC d/b/a Encore Boston Harbor is in material compliance with all of the prerequisites for the issuance of a permanent operations certificate, subject to any conditions determined by the Commission to be included in the permanent operations certificate and that the Commission issue a permanent operations certificate, subject to any conditions included by the Commission, to Wynn MA LLC d/b/a Encore Boston Harbor.*

*Commissioner Cameron further moved that the issuance of the permanent operations certificate is subject to Wynn MA LLC d/b/a Encore Boston Harbor's continued compliance with all of its project commitments and conditions that are a part of its application, license, and permits and that such permanent operations certificate is subject to compliance with the conditions and agreements previously imposed by the Commission on Wynn MA LLC d/b/a Encore Boston Harbor. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

[10:38 a.m.](#) **Region C Status Update**

Director Bedrosian stated that the unsuccessful Region C applicant sent the Commission a Motion to Reconsider in 2018, and the Commission authorized staff to post questions and request public comment.

The Chair described the motion to reconsider the Region C license. She requested that the legal team bring the Commission up to speed by first providing a legal analysis regarding the status of the motion for reconsideration. The Chair stated that she is specifically interested in learning whether the Commission has the discretion to move ahead on it or whether all administrative remedies have been exhausted, requiring a timely appeal instead. She invited Mass Gaming and Entertainment's counsel to present on that issue as well.

The Chair then asked to be briefed on public comments and responses to the questions that the Commission issued last year.

Lastly, the Chair asked for an update on the status of the Mashpee Wampanoag litigation and related legislation and legal matters.

Commissioner Zuniga asked about the potential need for an updated market assessment. He stated that the applicants all projected that with the introduction of Category 1 casinos there would be a dip in revenues for PPC. Commissioner Zuniga expressed that the Commission needs to start thinking about the possibility of doing a marketing assessment refresh, to ascertain

how the market has changed from the first time that the Commission looked at the Region C license application in 2016.

[10:47 a.m.](#) State Senator Michael D. Brady addressed the Commission. He is in strong support of a casino in Region C and explained how a casino would help the Brockton area and its local businesses. He asked the Commission to reconsider that application.

### **Ombudsman**

See transcript pages 16 – 20

[10:59 a.m.](#) **MGM Solar System Installation Schedule**  
Ombudsman John Ziembra reported that MGM Springfield submitted a request to extend the deadline to install on-site solar photovoltaic (PV) systems to December 31, 2019. He explained that the installation process for a PV system on the top level of the MGM Springfield garage is underway, and expect project completion and commissioning of the system by November.

[11:00 a.m.](#) *Commissioner O'Brien moved that the Commission approve the schedule for the installation of the solar power system at MGM Springfield as more fully described in the Commission packet and discussed today, specifically extending the deadline to December 31, 2019. Commissioner Cameron seconded the motion.  
The motion passed unanimously.*

[11:01 a.m.](#) **Dave's Furniture/Wahlburgers Construction Schedule**  
The Ombudsman reviewed a second a request from MGM Springfield to extend the deadline for the development of the Corner Retail (Dave's Furniture site) to July 8, 2020. He explained that the original date was driven by finding a suitable tenant, and the process took longer than anticipated, so the project was delayed. He reported that they now have a lease with the owners of Wahlburgers, and will provide the Commission with a construction schedule when it becomes available.

Mike Mathis, President of MGM Springfield, explained MGM's corporate initiative regarding tenants and diversity. MGM has conversations with the tenants themselves to make sure they share the same core beliefs, as well as incorporate language into the lease that encourages tenants to maintain diversity.

[11:04 a.m.](#) *Commissioner Stebbins moved that the Commission approve the construction schedule for Wahlburgers at MGM Springfield as more fully described in the Commission packet and discussed today, with a specific focus on the new deadline of July 8, 2019. Commissioner Zuniga seconded the motion.  
The motion passed unanimously.*

The Ombudsman reported that he continues to have good conversations with principals involved in the potential 31Elm Street development. He added that while there is no announcement today, he does believe that he can have a more substantive update by MGM Springfield at the next quarterly report which will likely be in August.

Mr. Mathis concluded the segment by describing the entertainment program and events at MGM Springfield thus far.

## **Workforce, Supplier and Diversity Development**

See transcript pages 20 – 22

### **11:11 a.m. Holyoke Community College Mitigation Fund Grant Amendment Request**

Jill Griffin, Director of Director of Workforce, Supplier and Diversity Development, introduced Crystal Howard, Program Manager who stated that Holyoke Community College (“HCC”) for the Springfield Public Schools (“SPS”) is requesting approval for the appropriation of \$10,000 to support the Achieve 3000 platform within the “Ahead of the Game” program. She noted to the Commission that approval of this request will provide adult English language learners with an online platform to achieve literacy gains at an individual pace, engaging students at their individual reading level.

Director Griffin explained that the request seeks to allocate \$10,000 toward covering costs of the Achieve 3000 platform being used in the curriculum, which is an online platform that accelerates literacy gains for English language learners. The request comes as there is a new line item in the application for Springfield Public Schools Scholarships, as discussed in the [June 7, 2018 Commission meeting](#).

Commissioner Stebbins asked what the full budget was, and Ms. Howard responded that she was informed that \$10,000 is under half of it. However, she was not provided the full platform costs. She noted that all of the students in the program for English literacy are using this platform. Director Griffin clarified to the Commission that these students are all adults.

**11:18 a.m.** *Commissioner Stebbins moved that the Commission approve the amendment to the Holyoke Community College Mitigation Fund Grant as requested by Holyoke Community College and described in the Commission packet. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

## Finance Division

See transcript pages 22 – 26

### 11:19 a.m. **Massachusetts Gaming Commission Fiscal Year 2020 Budget**

Derek Lennon, CFO, thanked his staff for all the time they spent on location for the test nights at Encore Boston Harbor.

Mr. Lennon reviewed the MGC's initial Fiscal Year 2020 budget and assessment projections with the Commission. There was discussion around the \$3/4M loss of simulcasting revenue from Suffolk Downs projected for the year, as the track is closing.

Commissioner Zuniga commented that to simulcast, there needs to be live race days. Therefore, it would not be possible to simulcast after January 1, 2020, without a legislative amendment.

Mr. Lennon noted that this will be the first year that the Commission assesses \$5M per [205 CMR 121.00: Licensing Fee](#) to be contributed to the Public Health Trust Fund (PHTF). The combination of the assessment for the Gaming Control Fund and the PHTF will result in a \$34.8M assessment on licensees.

Mr. Lennon then reported that total Gaming Fund costs of \$28.42M, plus Total Racing costs of \$2.75 M, plus Research and Responsible Gaming costs from the Public Health Trust Fund for \$6.54M yields a total of \$43.5M that will fund 107 full-time employees and six contract job positions.

The statutorily required costs in FY20 are projected to be \$12.32M. This figure includes \$3.67M for the costs of the Attorney General's Office, \$75K for the Alcoholic Beverage Control Commission, \$2.04M for Commonwealth of Massachusetts Assessed Indirect Costs, and \$6.54M for the Research and Responsible Gaming office which will be funded from the Public Health Trust Fund for the first time.

Commissioner Zuniga pointed out that \$5M in statutory costs is missing from the memo but is included in the packet.

11:30 a.m. *Commissioner Zuniga moved that the Commission approve the Commission's fiscal year 2020 budget as presented by staff and more fully described in the Commission packet. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

## Racing Division

See transcript pages 26 – 35

### 11:31 p.m. **Massachusetts Thoroughbred Breeders Association Request to Race at Finger Lakes**

Dr. Alexandra Lightbown, Director of the Racing Division, introduced a request submitted by Donna Pereira, Chairwoman of the Massachusetts Thoroughbred Breeders Association (MTBA), to run races at Finger Lakes August thru November 2019. Dr. Lightbown recapped that in 2015, [MGL.c. 128.00: Agriculture](#) was changed to allow Mass-Bred races to be run outside of Massachusetts. The Massachusetts Gaming Commission has approved these races each year since then.

The Commission reviewed the public comments received regarding the MTBA. Commissioner Cameron reviewed the schedule and stated that the Racing Division conducted an investigation regarding the comments received regarding changes to the races written for the Finger Lakes races.

Commissioner Cameron then asked that no last minute changes be made that may appear to exclude certain horses. Arlene Brown, Secretary for the MTBA, explained that they do not make any changes to Finger Lakes' racing schedule. Specifically, she stated that John Morrissey, Racing Secretary, creates a racing schedule based on the horses' racing performance history, which is then provided to Finger Lakes. After that, any changes to that schedule are not under the control of the MTBA.

Commissioner Cameron responded by stating that the racing secretary has to be able to keep racing fair. She stated that for Finger Lakes races to be approved by the Commission moving forward, the board must not alter the schedule issued by the racing secretary.

11:41 a.m. Commissioner Zuniga expressed a larger concern, which is around the supply of horses for racing, as the breeding program does not seem to be coming to fruition. He stated that there is money going toward purses from the Racehorse Development Fund. This will be difficult due to no ability to race because they will not have a racetrack that is currently running a full race meet.

Commissioner Zuniga noted that the Commission has funded this program for three or four years, and asked if racing elsewhere in Finger Lakes has yielded any increase to the Mass-Breeding or if it is just marginal breeding.

11:36 a.m. The Chair requested that the Racing Division provide the Commission with a brief update at the next Commission meeting on what triggers an investigation by the Racing Division. She would like to know the procedures and processes that are in place to ensure that both sides are heard clearly

and asked what they will do going forward to apprise the Commission of a pending investigation.

Dr. Lightbown recommended that the Commission approve the request of the Massachusetts Thoroughbred Breeders Association to run their suggested races from August through November 2019.

[11:58 a.m.](#) *Commissioner Cameron moved that the Commission approve the request by the Massachusetts Thoroughbred Breeders Association to race at the Finger Lakes race track as described in the Commission packet with the assurance that the race conditions will not be altered by the board. Commissioner Zuniga seconded the motion.  
The motion passed unanimously.*

[11:59 a.m.](#) **Suffolk Downs' Request for Approval of Additional Racing Official**  
Dr. Lightbown stated that Chip Tuttle, Suffolk Downs Chief Operating Official, has submitted a request for approval of additional Racing Official Robert McKinney, DVM (Veterinarian) dated June 20, 2019. She noted that he had been licensed by the Massachusetts Gaming Commission previously.

Dr. Lightbown recommended that the Commission approve the request of Suffolk Downs to approve Robert McKinney, Veterinarian, as a Racing Official, pending approval by the Stewards and satisfactory completion of his background check by the Massachusetts State Police.

[12:00 p.m.](#) *Commissioner Stebbins moved move that the Commission approve the request by Suffolk Downs to add an additional racing official as more fully described in the Commission packet Commissioner Cameron seconded the motion.  
The motion passed unanimously.*

### **Commissioner's Updates**

See transcript pages 35 – 36

[12:04 p.m.](#) Commissioner Stebbins stated that he was able to speak with Encore employees during the opening and there was a lot of excitement about the opportunity there.

He also stated that Kevin Kennedy, Chief Development Officer of the City of Springfield, is retiring. He is offering a certificate of appreciation to Mr. Kennedy.

[The Chair signed the certificate]

The Chair stated that she wishes Mr. Kennedy well and thanked him for his service.

Tim Sheehan, long time Springfield city resident who has worked in Springfield city government, will be replacing Mr. Kennedy. Commissioner Stebbins stated that for the past several years, Mr. Sheehan has been leading the revitalization of Naugatuck, Connecticut, so he's essentially moving back home to take over that position.

12:08 p.m. *With no further business, Commissioner Cameron moved to adjourn the meeting. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

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

1. Notice of Meeting and Agenda, dated June 27, 2019
2. Draft Commission Meeting Minutes dated 29, 2019
3. Draft Commission Meeting Minutes dated June 6, 2019
4. Encore Boston Harbor's Permanent Operation Certificate
5. Letter re: Request to Extend Deadlines, dated June 21, 2019
6. Memo re: Holyoke Community College - 2018 Community Mitigation Workforce Development Grant Amendment Request for Springfield Public Schools, dated June 26, 2019
7. Memo re: Fiscal Year 2020 (FY20) Budget Recommendations, dated June 27, 2019
8. Attachment A: FY20 Spending and Revenue, revised for June 27, 2019
9. Attachment B: Next Year Budget All Departments for Commission, dated May 31, 2019
10. Attachment C: Next Year Budget by Object Class for Commission, dated May 31, 2019
11. Memo re: Massachusetts Thoroughbred Breeders Association Request to Race at Finger Lakes August-November, dated June 24, 2019
12. Letter from the Massachusetts Thoroughbred Breeders Association (MTBA) dated June 3, 2019
13. Public Comments re MA Thoroughbred Breeders Finger Lakes Races
14. Memo re: Suffolk Downs Racing Official Addition, dated June 21, 2019
15. Letter from Suffolk Downs, dated June 20, 2019

/s/ Catherine Blue  
Assistant Secretary





*Investigations and  
Enforcement Bureau*

TO: Commissioners

FROM: Bruce Band, Assistant Director of IEB, Gaming Agents Division Chief  
Sterl Carpenter, Compliance Manager

DATE: July 18, 2019

RE: Schuster v. Encore Boston Harbor –  
Blackjack/Slot Payout Compliance

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On Monday, July 15, 2019, The Investigations and Enforcement Bureau (“IEB”) was made aware of a lawsuit alleging that Encore Boston Harbor (“Encore”) was not following the rules of the game of blackjack as approved by the Massachusetts Gaming Commission (“Commission”) through its regulations. Specifically, the lawsuit alleged that Encore was paying out blackjack at odds of 6 to 5 (as opposed to odds of 3 to 2) without following the procedures outlined in section 6a of the rules of the game related to the 6 to 5 blackjack variation. The IEB’s gaming agents reviewed the claims and have preliminarily found Encore to be in compliance with the Commission’s rules and regulations for paying out blackjack wins.

The rules of the game of blackjack, which are posted on the Commission’s website, use the term “6 to 5” in two different contexts. There exists a “6 to 5 blackjack variation,” which is a particular type of blackjack game that is separate and distinct from standard blackjack and utilizes different dealing procedures from standard blackjack. Section 6a of the rules of the game relates to procedures for dealing cards when the 6 to 5 blackjack variation game is used. The 6 to 5 blackjack variation is not currently offered at Encore. Section 7 of the rules of the game, by contrast, relates to the payout provided to a person who is playing standard blackjack and is dealt a blackjack, and includes options for the gaming licensee to pay out such wins at odds of 3 to 2 *or* 6 to 5. Section 7(d) of the rules of blackjack requires that notice be provided as to which payout option is being used for blackjack at each table.

With respect to the payout odds discussed in section 7 of the rules of the game, Encore currently offers blackjack tables with both 3 to 2 payout odds (64.5% of blackjack tables at the facility) and 6 to 5 payout odds (35.5% of blackjack tables at the facility). The payout odds at a particular table are displayed on each table’s felt layout, as seen in the attached photographs, providing notice to all players wagering at that table that all blackjacks dealt will be paid at 3 to 2 or 6 to 5 odds, respectively. The 6 to 5 payout odds option provided in section 7 is also authorized in other jurisdictions, including Nevada, Connecticut, Maryland, Colorado, Iowa, Kansas, Michigan, Missouri, Mississippi, New Mexico, and Ohio.



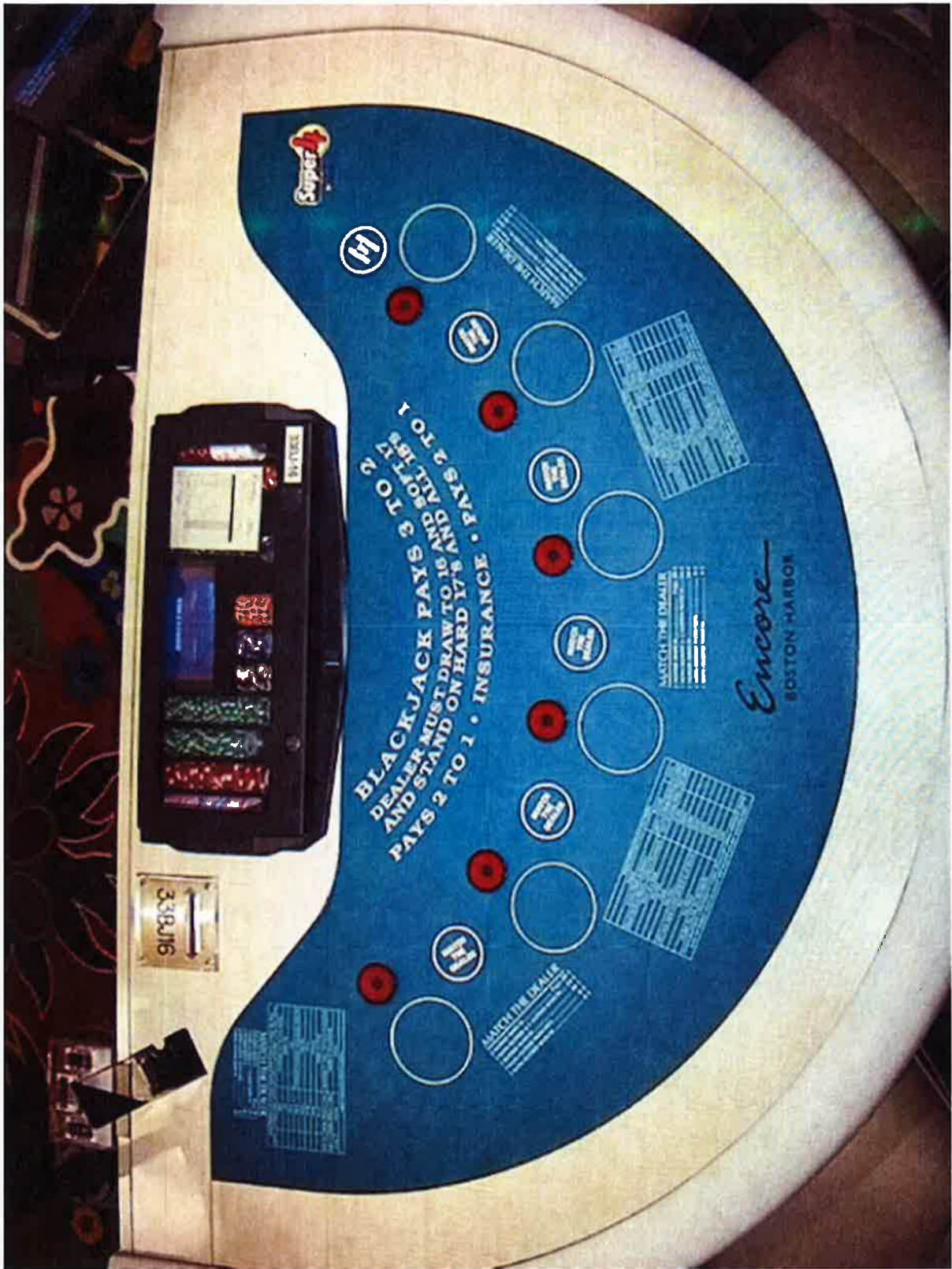
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The lawsuit further alleged that Encore failed to refund slot credits in full at its ticket redemption machines on its casino floor. Encore currently does not use coin in its redemption machines on the casino floor. A patron possessing a ticket for a dollar amount and change who redeems their ticket at a redemption machine will receive the dollar amount in cash and will receive a redemption ticket for the value of the coin. In order to retrieve the coin, the patron must redeem their ticket at the cashier's cage, where the establishment handles cash as well as coin. To eliminate confusion surrounding this issue, Encore has placed signage on its redemption machines explaining that the machines will only dispense cash and not coin (see attached photo).

Furthermore, any slot tickets not redeemed within one year constitute unclaimed cash and prizes pursuant to G.L. c. 23K, § 50, and the value of the unclaimed cash or prize is deposited into the Commonwealth's Gaming Revenue Fund.



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Super 8

14

BLACKJACK PAYS 3 TO 2  
DEALER MUST DRAW TO 16 AND SOFT 17  
PAYS 2 TO 1 • INSURANCE • PAYS 2 TO 1

MATCH THE DEALER

MATCH THE DEALER

MATCH THE DEALER

MATCH THE DEALER

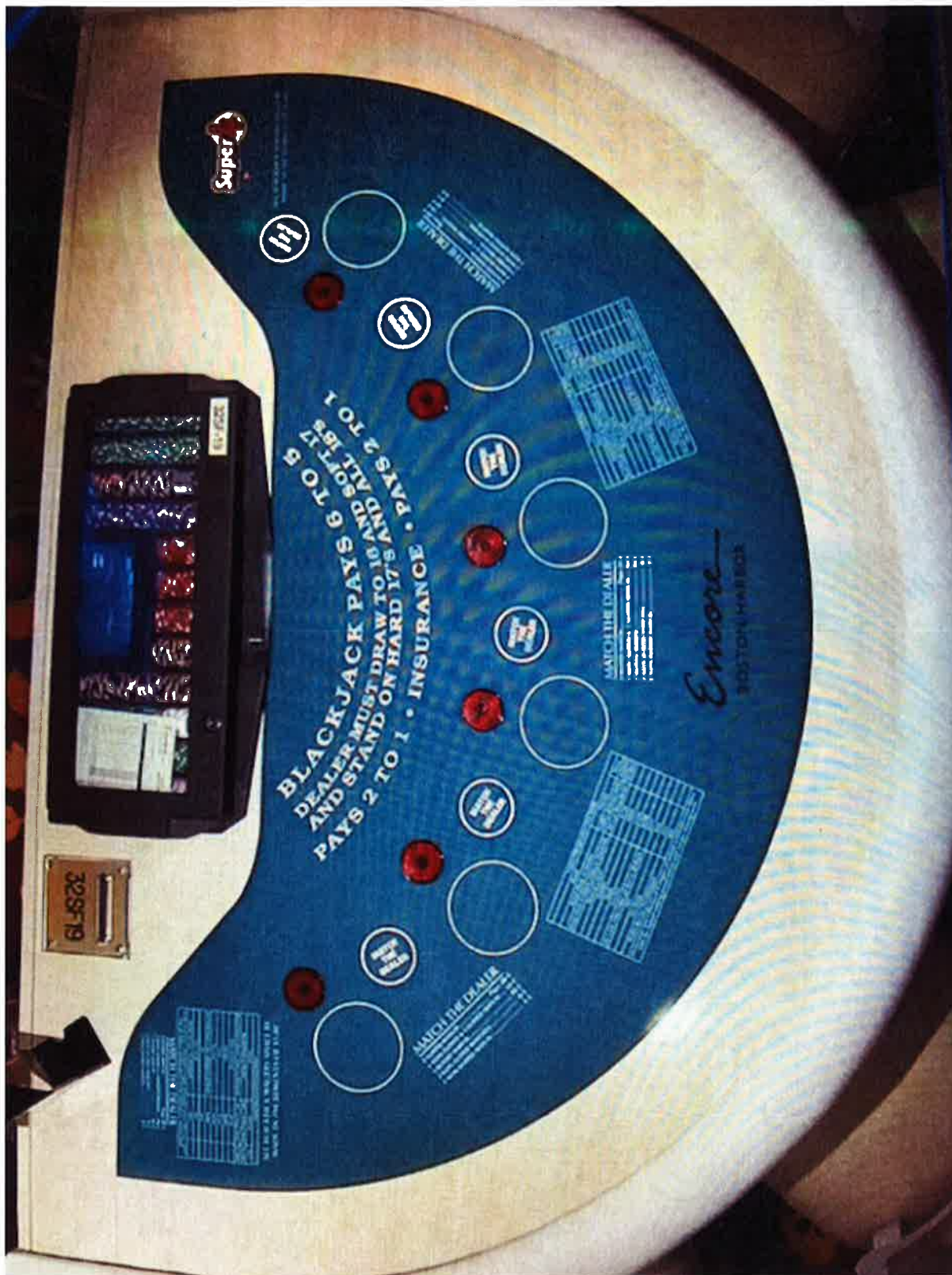
MATCH THE DEALER

Encore  
BOSTON HARBOR

Chip tray containing stacks of red, green, and blue chips, along with a small display screen and a 'BETTER' label.

338216





Super

HIT

HIT

HIT

HIT

HIT

HIT

BLACKJACK PAYS 6 TO 5  
DEALER MUST DRAW TO 16 AND SOFT 17  
PAYS 2 TO 1  
INSURANCE

MATCH THE DEALER

Encore  
BOSTON MARLBOROUGH



329719



RETRIEVE  
COINS

Machine only dispenses cash, ticket will print for  
change. Please take ticket to the cashier to redeem

**INVESTIGATIVE REPORT  
REGARDING FINAL APPROVAL FOR  
PPC-GLPI REIT TRANSACTION**



**July 8, 2019**



## I. Introduction

At its public meeting on August 14, 2018, the Massachusetts Gaming Commission (the “Commission”) voted unanimously to grant Interim Authorization allowing Penn National Gaming, Inc. (“PNGI” or “Penn”) to sell the real property (real estate and premises) located at the Plainridge Park Casino and Racecourse (“PPC”) to a subsidiary of Gaming and Leisure Properties, Inc. (“GLPI”) in a real estate investment trust (“REIT”) transaction.

The Commission granted Interim Authorization for the REIT transaction following the investigation conducted by the Investigations and Enforcement Bureau (“IEB”) pursuant to G.L. c. 23K, §§ 21(b), 23(c), and 205 CMR 116.10(5). The findings of the IEB’s initial investigation were summarized in the IEB’s “Investigative Report Regarding Interim Authorization for PPC REIT Transaction,” which previously was submitted to the Commission in advance of its August 14, 2018 vote. See Addendum A (Investigative Report Regarding Interim Authorization for PPC REIT Transaction, dated August 2, 2018, with accompanying Exhibits and Charts), and Addendum B (transcript of Commission’s August 14, 2018 public meeting, pages 68-100), attached and incorporated herein.

The Commission’s grant of Interim Authorization permitted the transfer via sale of the real property assets of PPC to GLPI to occur. The sale closed on October 15, 2018. Since that time, Plainville Gaming and Redevelopment (“PGR”), the operating entity for PPC and the holder of the category 2 license, has subleased the property at PPC from Pinnacle MLS, LLC, a subsidiary of Penn which serves as the tenant under the Pinnacle Master Lease with GLPI. See Chart A. Also, the additional, associated transactions that were described in Section V of the IEB’s August 2, 2018 Investigative Report have all been completed. See Chart B.

During the past approximately eleven month period since the grant of Interim Authorization, the IEB has continued its suitability investigation into GLPI and the associated qualifiers related to the REIT transaction. The IEB submits this Investigative Report to the Commission to present its most recent findings and to assist the Commission in its final determination on this matter. The matter is now before the Commission for final approval.



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## II. Standards for Final Approval

Under our regulations, the sale of the real estate associated with PPC to GLPI is considered a transfer of an interest in a gaming establishment, and the transaction requires prior notice to and approval by the Commission. See G.L. c. 23K, § 21(b); 205 CMR 116.08(1) and 116.09(1). There are two stages to the Commission’s approval process: *Interim Authorization*, see 205 CMR 116.10, and *Final Approval*, see 205 CMR 116.09. As stated, the Commission granted Interim Authorization on August 14, 2018.

With respect to Final Approval, under our gaming law and regulations, each individual and entity designated as a qualifier for the GLPI-PPC REIT transaction is required to establish suitability under the governing criteria by clear and convincing evidence. See G.L. c. 23K, §§ 12, 13, 16; 205 CMR 115.01(3). In addition, “[t]he commission may reject any transfer requiring approval pursuant to 205 CMR 116.09(1) that it finds would be disadvantageous to the interests of the Commonwealth of Massachusetts. A transfer may be considered disadvantageous to the interests of the Commonwealth if the commission determines that the proposed transferee does not satisfy the applicable considerations set forth in M.G.L. c. 23K, §§ 12, 15, 16, and/or 18, as applicable, 205 CMR 115.00: *Phase I and New Qualifier Suitability Determinations, Standards, and Procedures*, or any other applicable provisions of M.G.L. c. 23K or 205 CMR, and/or the transferee does not satisfy the provisions of 205 CMR 129.01: *Review of a Proposed Transfer of Interests*.” Title 205 Code of Mass. Regs. § 129.01 provides that if the transfer will result in a change of control over the licensee, the transferee must assume all obligations of the licensee. Here, there is no evidence of a change of control.

## III. Scope of the Investigation for Final Approval

The IEB designated six entities and six individuals as qualifiers for the PPC REIT transaction. See 205 CMR 116.02, 116.09(2). The qualifiers are listed below.

### *Entity Qualifiers*

- Gaming and Leisure Properties, Inc. (“GLPI”)



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- GLP Capital L.P. (a subsidiary of GLPI)
- Gold Merger Sub, LLC (a subsidiary of GLPI)
- Penn Tenant, LLC (an indirect subsidiary of Penn National Gaming, Inc.)
- Delvest, LLC<sup>1</sup> (an indirect subsidiary of Penn National Gaming, Inc.)
- Massachusetts Gaming Ventures, LLC<sup>2</sup> (a subsidiary of Penn National Gaming, Inc.)

### *Individual Qualifiers*

- Peter Carlino<sup>3</sup> (Chairman, President & CEO – GLPI)
- Brandon Moore (Sr. VP, General Counsel & Sec. - GLPI)
- Timothy Wilmott<sup>4</sup> (Trustee, Plainridge Nominee Trust; President – Massachusetts Gaming Ventures, LLC & Delvest, LLC)
- John Finamore<sup>5</sup> (Vice President – Massachusetts Gaming Ventures, LLC)
- William Fair<sup>6</sup> (Treasurer - Massachusetts Gaming Ventures, LLC & Delvest, LLC)
- Carl Sottosanti<sup>7</sup> (Secretary – Massachusetts Gaming Ventures, LLC & Delvest, LLC)

<sup>1</sup> Delvest, LLC was previously designated a qualifier in connection with PGR's phase 1 application under its previous name, Delvest Corp. The Commission previously determined the company to be suitable in 2013.

<sup>2</sup> Massachusetts Gaming Ventures, LLC was previously designated a qualifier in connection with PGR's phase 1 application under its previous name, Western Mass. Gaming Ventures, LLC. The Commission previously determined the company to be suitable in 2013.

<sup>3</sup> Mr. Carlino also has been a qualifier for PGR by virtue of his prior position as Chairman of the Board of Penn National Gaming, Inc. He resigned from his position as Chairman of the PNGI Board, effective June 12, 2019, in light of restrictions of Section 8 of the Clayton Antitrust Act, which prohibits any person from simultaneously serving on the board of directors of corporations that operate in the same competitive markets (in this case, Baton Rouge, LA.). He now has a non-voting role at PNGI as chairman emeritus. Mr. Carlino will continue to serve as Chairman, President, and CEO of GLPI. Mr. David Handler was elected as PNGI's new Chairman, effective June 12, 2019. Mr. Handler has served on PNGI's Board since 1994, and the Commission previously determined him to be suitable in 2013.

<sup>4</sup> Mr. Wilmott is also a qualifier by virtue of his position as Chief Executive Officer and Director for Penn National Gaming, Inc. The Commission previously determined Mr. Wilmott to be suitable in 2013.

<sup>5</sup> Mr. Finamore is also a qualifier by virtue of his position as Senior Vice President of Regional Operations for Penn National Gaming, Inc. The Commission previously determined Mr. Finamore to be suitable in 2014.

<sup>6</sup> Mr. Fair is also a qualifier by virtue of his position as Executive Vice President and Chief Financial Officer of Penn National Gaming, Inc. The Commission previously determined Mr. Fair to be suitable in 2017.

<sup>7</sup> Mr. Sottosanti is also a qualifier by virtue of his position as Executive Vice President, General Counsel, and Secretary of Penn National Gaming, Inc. The Commission previously determined Mr. Sottosanti to be suitable in 2014.



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Following the IEB's initial review, which is described in the IEB's August 2, 2018 Investigative Report and accompanying Exhibits (Addendum A), the IEB conducted in-person interviews of Mr. Carlino, Mr. Moore, Mr. Finamore, and Mr. Sottosanti.<sup>8</sup> Investigators also completed the IEB's investigative protocol for individual qualifiers and verified information provided in the qualifiers' application forms. Investigators also reviewed supplemental materials and information provided by the qualifiers and performed a review for financial stability, integrity, and background. A financial review of GLPI, including a review of its debt financing related to the Pinnacle transaction, was performed, as summarized in Sections IV and V below.

Investigators continued to communicate primarily with Brandon Moore and Melissa Furillo (Director of Licensing and Legal Affairs for GLPI), and Frank Donaghue Vice President of Regulatory Affairs for PNGI), Justin Sebastiano (Senior Vice President, Finance and Treasurer for PNGI), and Tina Hable (Licensing Manager for PNGI). Investigators also spoke with Carolyn Preis, GLPI's Vice President and Controller, on the subject of debt covenant calculations. In all respects, representatives from GLPI and Penn fully cooperated and provided information in a timely manner on their own initiative and upon request.

### ***Conclusions on Final Approval***

The Investigators uncovered no information in the course of the investigation that would serve to disqualify any of the entity or individual qualifiers. Nor did the investigation reveal any information that would preclude a finding that each of the entity and individual qualifiers possesses the requisite integrity, honesty, and good character, as well as the financial stability, integrity, and background that are mandated for qualification by Massachusetts law. The investigation indicates that the transaction has resulted only in the transfer of the real property associated with PPC, and no evidence has surfaced that the transaction will result in any change of control over the category 2 licensee.

This report summarizes the key aspects of the investigation.

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<sup>8</sup> IEB Investigators conducted in-person interviews with Mr. Wilmott and Mr. Fair prior to the Commission's grant of Interim authorization.



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## IV. Financial Overview of GLPI

### A. Scope of Financial Review & Conclusion on Financial Suitability

The IEB conducted a financial evaluation of GLPI, the ultimate parent company of Gold Merger Sub, LLC and parent company of GLP Capital L.P. The evaluation encompassed a financial review of the consolidated audited financial statements, consolidated tax returns, and credit report obtained from a national credit bureau. Corporate governance<sup>9</sup> of the ultimate parent company also was reviewed. Additionally, on March 12, 2019, the IEB conducted in-person interviews of Brandon Moore (Senior Vice President, General Counsel, and Secretary) and Peter Carlino (Chairman, President, and CEO). As a result of the investigation, the IEB was able to assess that the financial statements, as presented, were reflective of the business, as described.

### B. Gold Merger Sub, LLC and GLP Capital L.P. – Financial Overview and Analysis

Golder Merger Sub, LLC was formed in Delaware on July 15, 2015 for the purpose of acquiring real property assets from Pinnacle Entertainment, Inc. (“Pinnacle”) in connection with a series of transactions which closed in April 2016. Gold Merger Sub LLC’s ultimate parent company, Gaming and Leisure Properties, Inc., is a Pennsylvania REIT that was previously a wholly-owned subsidiary of Penn National Gaming, Inc. GLPI was spun-off from Penn on November 2013. Gold Merger Sub, LLC is managed by its sole member, GLP Capital, L.P., which is in turn wholly-owned by GLPI. There are no shares of Gold Merger Sub, LLC stock authorized, issued, or outstanding.

<sup>9</sup> Corporate governance refers to the framework of rules and practices by which a Board of Directors oversees strategy setting and the management of the organization. Effective governance ensures accountability, fairness and transparency in the organization’s relationships with its various stakeholders, e.g., shareholders, lenders, customers, suppliers, employees, governments, regulators, and the communities in which it operates. Since corporate governance also provides the framework for attaining a company’s objectives, it encompasses practically every sphere of management, from action plans and internal controls to performance measurement and corporate disclosure. – *The Committee of Sponsoring Organizations of the Treadway Commission (COSO), Improving Organizational Performance and Governance, February 2014; Investopedia.com, Corporate Governance Definition.*



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On October 15, 2018, after the Penn-Pinnacle merger and related transactions were completed, Gold Merger Sub, LLC became the owner of the real property (real estate and premises) at Plainridge Park Casino & Racecourse in Plainville, MA. Gold Merger Sub, LLC leases the PPC real property back to a subsidiary of PNGI through a triple-net lease, with Gold Merger Sub, LLC as the landlord in the lease agreement.

GLP Capital L.P. was formed in Pennsylvania on March 13, 2013, for the purpose of acting as the “operating partnership” of GLPI. GLP Capital L.P. is the entity that owns (directly or indirectly) all real estate properties of the REIT, and through which the REIT, or GLPI, operates and collects rental income. GLP Capital L.P.’s parent company and general partner is GLPI. GLP Capital L.P. is the sole member and owner of Gold Merger Sub, LLC. GLP Capital, L.P. is a limited partnership with all interest held indirectly (through GLP Capital Partners, LLC) or directly by GLPI, also the general partner. There are no shares of GLP Capital L.P. stock authorized, issued, or outstanding.

As explained by Mr. Moore, when GLPI was first spun off from PNGI, its employees and main operating activities occurred through GLPI. In 2015, these were moved to GLP Capital, L.P., with GLPI retaining a few of the original contracts. Since this change, most operating activity is conducted through GLP Capital L.P.

Neither Gold Merger Sub, LLC nor GLP Capital L.P. prepare audited financial statements or file their own tax returns. Rather, their results are consolidated into the financial statements and tax filings of the ultimate publicly traded parent company, GLPI. Gold Merger Sub, LLC and GLP Capital, L.P. do, however, each maintain their own set of accounting books with material balances on the asset and income sides. These subsidiary companies own real estate properties under their master lease agreements and, as such, account for these assets in their own set of accounting books. The values of these assets are quite significant, including, on the income side, rental income from the leased properties. Through consolidation, the assets and income are rolled up in GLPI’s consolidated set of books to become the consolidated trial balances and ultimately, GLPI’s audited financial statements.

Gold Merger Sub, LLC and GLP Capital, L.P. are classified as a “disregarded entities” for tax purposes. Per the Internal Revenue Service, depending on elections made by the LLC and the number of owners, the IRS will treat an LLC either as a corporation, partnership, or as



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part of the owner's tax return (a "disregarded entity"). An LLC with only one member (as in the case of Gold Merger Sub, LLC) is treated as an entity disregarded as separate from its owner (in this case, GLPI) for income tax purposes. Similarly, per the IRS, an L.P. may be treated either as a partnership or as an entity part of the owner's tax return (a "disregarded entity"), depending on the number of owners. If the L.P. has two owners under local state law, but one owner is a disregarded entity for federal tax purposes, then the L.P. cannot be classified as a partnership. In this case, GLP Capital L.P. has two owners under local state law (i.e., GLP Capital Partners, LLC and GLPI), but one owner under federal tax purposes (i.e., GLPI). As such, GLP Capital L.P. is treated as an entity disregarded as separate from GLPI for income tax purposes. These treatments explain why Gold Merger Sub, LLC and GLP Capital, L.P. file consolidated tax returns with and into GLPI.

Based on the financial reporting structure and tax treatments, the IEB conducted the financial statement and tax return reviews of Gold Merger Sub, LLC and GLP Capital L.P. concurrently with those for the parent company, GLPI. Refer to the *Financial Statement Analysis* and *Tax Return Analysis* sections below for the detailed analysis performed and conclusions reached.

## **C. Gaming and Leisure Properties, Inc.**

### **1. Financial Statements Analysis**

During the IEB's investigation for Interim Authorization, the IEB performed a financial review of the consolidated audited financial statements of Gaming and Leisure Properties, Inc. and its subsidiaries (including Gold Merger Sub, LLC and GLP Capital L.P.), together referred to as "GLPI and Subsidiaries," for the years ended December 31, 2013, through December 31, 2017. Following the Commission's grant of Interim Authorization in August of 2018, GLPI and Subsidiaries' 2018 annual report was released. Accordingly, the IEB has updated its review to include the new calendar year results.

For all years December 31, 2013, through December 31, 2018, the financial statements, including consolidated balance sheets and their related consolidated statements of income, shareholders' equity, cash flows, and notes to the financial statements, were deemed to be representative of the financial position of GLPI and Subsidiaries. The accounting firms of Ernst & Young LLP ("E&Y") issued an unqualified audit opinion for each of GLPI and Subsidiaries'



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integrated audit<sup>10</sup> engagements for the years ended December 31, 2013, and December 31, 2015, and Deloitte & Touche LLP (“D&T”) issued the same for the years ended December 31, 2016, through December 31, 2018. For the 2014 integrated audit engagement, E&Y issued an unqualified opinion for the audit of the financial statements, but an adverse opinion<sup>11</sup> for the audit of internal control over financial reporting, which is further discussed below in Sections IV.C.1.a., c.

Below are breakouts of the income statements and balance sheets, as disclosed on the consolidated audited financial statements for the years 2013 through 2018. All significant intercompany balances and transactions have been eliminated as part of the consolidated financial statements, and all financial statement balances in the chart below are presented in thousands.<sup>12</sup>

#### **a. Income Statements**

GLPI and its subsidiaries’ operating results with respect to profits appear reasonable for the six years ended December 31, 2013, through December 31, 2018, based on the IEB’s review of the consolidated income statements and the related notes to the financial statements provided. Overall, the consolidated group continued with positive earnings since 2013. The income statements are summarized as follows:

<sup>10</sup> An integrated audit combines an audit of financial statements with an audit of internal control over financial reporting. Specifically, the external auditor is engaged to perform an audit of management's assessment of the effectiveness of internal control over financial reporting that is integrated with an audit of the financial statements. Effective internal control over financial reporting provides reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes. – *PCAOB Auditing Standards No. 5, An Audit of Internal Control over Financial Reporting That is Integrated with An Audit of Financial Statements.*

<sup>11</sup> An unqualified opinion states that the financial statements present fairly, in all material respects the financial position, results of operations, and cash flows of the company in conformity with generally accepted accounting principles (GAAP). An adverse opinion states that the financial statements do not present fairly the financial position, results of operations, or cash flows of the entity in conformity with GAAP. – *Public Company Accounting Oversight Board (PCAOB) Auditing Standards AU Section 508.10.*

<sup>12</sup> The numbers in the financial statements are written in the thousands. A company will denote that the numbers are in the thousands on the top of each financial statement to make the statements more readable. It eliminates the zeros at the end of numbers, so the numbers appear smaller. For example, \$5,000,000 become \$5,000 when written in thousands. – *IEB.*



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<b>Income Statement</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
	<i>(in thousands)</i>	<i>(in thousands)</i>	<i>(in thousands)</i>	<i>(in thousands)</i>	<i>(in thousands)</i>	<i>(in thousands)</i>
					<i>Restated</i>	<i>Restated</i>
<b>Revenues</b>						
Rental income	\$ 747,654	\$ 671,190	\$ 567,444	\$ 392,075	\$ 386,403	\$ 62,278
Income from direct financing lease	81,119	74,333	48,917	-	-	-
Interest income from mortgaged real estate	6,943					
Real estate taxes paid by tenants	87,466	83,698	67,843	35,050	50,534	7,602
<b>Total rental revenue and income</b>	<b>923,182</b>	<b>829,221</b>	<b>684,204</b>	<b>427,125</b>	<b>436,937</b>	<b>69,880</b>
Gaming, food, beverage and other	132,545	146,866	149,661	153,523	-	-
Gaming	-	-	-	-	148,283	159,352
Food, beverage and other	-	-	-	-	11,621	12,357
<b>Total revenues</b>	<b>1,055,727</b>	<b>976,087</b>	<b>833,865</b>	<b>580,648</b>	<b>596,841</b>	<b>241,589</b>
Less promotional allowances		(4,780)	(5,610)	(5,595)	(5,773)	(6,137)
<b>Net Revenues</b>	<b>1,055,727</b>	<b>971,307</b>	<b>828,255</b>	<b>575,053</b>	<b>591,068</b>	<b>235,452</b>
<b>Operating Expenses</b>						
Gaming, food, beverage and other	77,127	80,487	82,463	85,774	-	-
Gaming		-	-	-	82,995	89,367
Food, beverage and other		-	-	-	9,734	10,775
Real estate taxes	88,757	84,666	69,448	36,412	52,154	9,220
Land rights and ground lease expense	28,358	24,005	14,799	2,812	-	-
General and administrative	71,128	63,151	71,368	82,857	80,836	43,262
Depreciation	137,093	113,480	109,554	109,783	106,843	28,923
Goodwill impairment charges	59,454					
<b>Total Operating Expenses</b>	<b>461,917</b>	<b>365,789</b>	<b>347,632</b>	<b>317,638</b>	<b>332,562</b>	<b>181,547</b>
Income from operations	593,810	605,518	480,623	257,415	258,506	53,905
<b>Other Income (Expenses)</b>						
Interest expense	(247,684)	(217,068)	(185,896)	(124,183)	(117,030)	(19,254)
Interest income	1,827	1,935	2,123	2,332	2,444	1
Management fees		-	-	-	-	(4,203)
Losses on debt extinguishment	(3,473)					
<b>Total Other Expenses</b>	<b>(249,330)</b>	<b>(215,133)</b>	<b>(183,773)</b>	<b>(121,851)</b>	<b>(114,586)</b>	<b>(23,456)</b>
Income before income taxes	344,480	390,385	296,850	135,564	143,920	30,449
Income tax expense	4,964	9,787	7,545	7,442	5,113	15,596
<b>Net Income</b>	<b>\$ 339,516</b>	<b>\$ 380,598</b>	<b>\$ 289,305</b>	<b>\$ 128,122</b>	<b>\$ 138,807</b>	<b>\$ 14,853</b>

*Net Income* of GLPI and Subsidiaries increased each year since 2013. The lower revenue and expense balances in 2013 were a result of when the consolidated group first began operations on November 1, with only two months of rental income accounted for before the close of the calendar year. After a full year of operation, 2014 produced net income of \$138.8 million. However, the 2014 consolidated financial statements (along with comparative 2013 results) were restated, after E&Y issued an adverse opinion over internal control over financial reporting. Prior to the restatement, the net income reported for the year ended December 31, 2014, was \$185.4 million. The restatement corrected an accounting error in the timing of recognizing rental revenue from lease agreements, and certain other identified errors (income taxes and deferred rental revenue). The adjustment to reduce total rental revenue and income in 2014 and 2013 by \$44.9 million and \$6.7 million, respectively, stemmed from the timing of when rental revenue



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should be recognized: previously GLPI management concluded that certain rents classified as percentage rent should be recognized as received during the first five years of the master lease, when in fact such rent should be recognized in a straight-line basis over the lease term plus any reasonably assured renewal terms. In other words, GLPI recognized rental income too soon and now will reduce rental income during the first five years of the lease and increase the rental revenues over the remaining thirty years of the life of the lease. Both GLPI management and E&Y concluded that this misstatement was a material weakness. This finding prompted the financial statements to be restated, led to an amendment of GLPI's annual 10K report. It should be noted that E&Y issued an adverse opinion on GLPI and Subsidiaries' internal controls over financial reporting. The consolidated group's financial results as presented on the financial statements were deemed to reflect the financial results of GLPI and Subsidiaries. In the subsequent year, the material weakness was remediated, and an unqualified opinion was issued by E&Y over the financial statements and internal control over financial reporting.

In 2016, net income increased 125.8%, largely as a result of rental income received from the properties added after the Pinnacle acquisition, as well as impact from the Penn rent escalator and increased real estate taxes connected with the Pinnacle properties. On April 28, 2016, GLPI acquired substantially all of the real estate assets of Pinnacle Entertainment, Inc. for approximately \$4.8 billion. GLPI then leased these assets back to Pinnacle under a triple-net lease, or the Pinnacle Master Lease. The initial term of the lease is 10 years, with five 5-year renewal options after the first term expires on April 30, 2026. This acquisition added fifteen properties to GLPI's real estate portfolio. As it is GLPI's business to acquire, finance, and own gaming real estate properties to be leased back to gaming operators, the acquisition affirmed that business model.

In September of 2016, GLPI acquired the real estate assets of the Meadows Racetrack and Casino for \$323.3 million, and leased back operations to Pinnacle under a triple-net lease separate from the Pinnacle Master Lease. Similarly, in May of 2017, GLPI acquired the real estate assets of two Tunica, MS properties (Bally's Casino Tunica and Resorts Casino Tunica) for \$82.9 million, and leased back operations of the properties under the Penn Master Lease. Both acquisitions, along with full year operation of the fifteen properties from the Pinnacle acquisition, increased rental income for the 2017 year.



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Finally, in 2018, between October 1 and October 15, 2018, GLPI acquired the real estate assets of the Plainridge Park Casino and Racecourse for \$250 million as part of the Penn-Pinnacle merger (leased back to PNGI under an Amended Pinnacle Master Lease), and five casino properties from Tropicana Entertainment, Inc. for \$992.5 million (leased to Eldorado Resorts, Inc. under a triple-net master lease). The 11.39% increase in rental income from 2017 was attributed largely to these acquisitions.

Overall, GLPI and Subsidiaries produced net income each year stemming from *Rental Income* from real estate investments. Operating expenses were comprised of a combination of costs related to gaming, food, and beverage,<sup>13</sup> depreciation, and general and administrative expenses. The consolidated group's single largest operating expense was *Interest Expense*, resulting from the credit facility and senior unsecured notes issued for the financing of various acquisitions made through the years. For 2018, interest expense was approximately \$247.7 million.

#### **b. Balance Sheet**

GLPI and Subsidiaries' composition of assets, liabilities, and equities appear reasonable for the six years ended December 31, 2013 through December 31, 2018, based on the IEB's review of the balance sheets and the related notes to the consolidated audited financial statements provided. The balance sheets are summarized as follows:

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<sup>13</sup> Costs related to gaming, food, and beverage are relevant to the properties in Baton Rouge, LA and Perryville, MD, which GLPI both owns and operates.



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<b>Balance Sheet</b>						
	2018	2017	2016	2015	2014	2013
	(in thousands)	(in thousands)	(in thousands)	(in thousands)	(in thousands) Restated	(in thousands) Restated
<b>Assets</b>						
<b>Assets</b>						
Real estate investments, net	\$ 7,331,460	\$ 3,662,045	\$ 3,739,091	\$ 2,090,059	\$ 2,180,124	\$ 2,010,303
Land rights, net	673,207	640,148	590,758	-	-	-
Property and equipment, net	100,884	108,293	119,427	129,747	134,028	139,121
Mortgage loans receivable	303,684					
Investments in direct financing lease, net	-	2,637,639	2,710,711	-	-	-
Cash and cash equivalents	25,783	29,054	36,556	41,875	35,973	285,221
Pre-paid expenses	30,967	8,452	7,477	7,908	7,900	5,983
Deferred tax assets, current	-	-	-	-	2,015	2,228
Other current assets	-	-	-	-	45,254	30,052
Goodwill	16,067	75,521	75,521	75,521	75,521	75,521
Other intangible assets	9,577	9,577	9,577	9,577	9,577	9,577
Debt issuance costs, net	-	-	-	3,563	39,126	46,877
Loan receivable	13,000	13,000	26,200	29,350	34,000	-
Deferred tax assets, non-current	5,178	4,478	3,922	2,447	679	-
Other assets	67,486	58,675	50,090	58,108	383	4,356
<b>Total Assets</b>	<b>\$ 8,577,293</b>	<b>\$ 7,246,882</b>	<b>\$ 7,369,330</b>	<b>\$ 2,448,155</b>	<b>\$ 2,564,580</b>	<b>\$ 2,609,239</b>
<b>Liabilities and Shareholders' Equity</b>						
<b>Liabilities</b>						
Accounts payable	\$ 2,511	\$ 715	\$ 1,079	\$ 406	\$ 4,409	\$ 21,397
Accrued expenses	30,297	7,913	6,590	9,580	5,339	13,783
Accrued interest	45,261	33,241	33,743	17,623	17,528	18,055
Accrued salaries and wages	17,010	10,809	10,619	13,719	12,581	10,337
Gaming, property, and other taxes	42,879	35,399	32,584	24,702	22,741	18,789
Income taxes	-	-	-	-	-	15,556
Current maturities of long-term debt	-	-	-	-	81	-
Other current liabilities	-	-	-	-	15,788	12,911
Long-term debt	5,853,497	4,442,880	4,664,965	2,510,341	2,609,406	2,350,000
Deferred rental revenue	293,911	232,023	166,052	107,379	51,554	6,677
Deferred tax liabilities	261	244	265	232	1,443	4,282
Other liabilities	26,059	25,411	19,564	17,687	-	-
<b>Total Liabilities</b>	<b>6,311,686</b>	<b>4,788,635</b>	<b>4,935,461</b>	<b>2,701,669</b>	<b>2,740,870</b>	<b>2,471,787</b>
<b>Shareholders' Equity (Deficit)</b>						
Preferred stock	-	-	-	-	-	-
Common stock	2,142	2,127	2,077	1,156	1,130	887
Additional paid in capital	3,952,503	3,933,829	3,760,729	935,220	888,860	3,651
Retained accumulated deficit	(1,689,038)	(1,477,709)	(1,328,937)	(1,189,890)	(1,066,280)	132,914
<b>Total Shareholders' Equity (Deficit)</b>	<b>2,265,607</b>	<b>2,458,247</b>	<b>2,433,869</b>	<b>(253,514)</b>	<b>(176,290)</b>	<b>137,452</b>
<b>Total Liabilities and Shareholders' Equity</b>	<b>\$ 8,577,293</b>	<b>\$ 7,246,882</b>	<b>\$ 7,369,330</b>	<b>\$ 2,448,155</b>	<b>\$ 2,564,580</b>	<b>\$ 2,609,239</b>

GLPI and Subsidiaries' largest assets are *Real Estate Investments* and *Investments in Direct Financing Lease*. These assets, on average, make up 84.56% of total assets each year. *Real Estate Investments* primarily represent the land and buildings leased to GLPI and Subsidiaries' tenants. In 2018, after the PPC REIT transaction was completed, the PPC real estate became a component of the *Real Estate Investment* asset on GLPI and Subsidiaries' books, with the tenant being PNGI (through PNK MLS LLC). *Investments in Direct Financing Leases* primarily represent the building portion of the real estate assets acquired in the 2016 Pinnacle



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acquisition. This account was eliminated in 2018 after an accounting evaluation determined that the values in the account be classified in *Real Estate Investments*.

In 2016, the Pinnacle acquisition transaction impacted the consolidated group's balance sheet in that the assets, liabilities, and equity accounts all increased. More specifically, the \$4.8 billion acquisition increased balances in *Real Estate Investments*, *Investments in Direct Financing Leases*, *Long-Term Debt*, and *Additional Paid in Capital* accounts. The financing of the acquisition was split between debts issued and GLPI common stocks issued.

GLPI and Subsidiaries' largest liability is *Long-Term Debt*. The debt, on average, makes up 93.87% of total liabilities each year. *Long-Term Debt* primarily represents a senior unsecured credit facility, senior unsecured notes, and a capital lease obligation. As of December 31, 2018, 84.28% of total long-term debt derives from senior unsecured notes, 15.7% from the credit facility in the form of term loans, and 0.02% from capital lease. At each of the years ended December 31, GLPI and Subsidiaries were in compliance with all financial covenants under the credit facility and senior notes. The increases noted in 2016 and 2018 were the results of acquisitions that took place in those years, as explained above.

Total shareholders' equity balance was highest in 2016 and 2017 as a result of the Pinnacle acquisition, where 56 million shares of GLPI common stock were issued. During the year ended December 31, 2016, GLPI also issued approximately 28.8 million shares in a primary equity offering and then approximately 1.3 million shares under its at-the-market (ATM) offering program.<sup>14</sup> Shareholders' equity became a negative equity balance in 2014 when special dividends were distributed to shareholders on February 18, 2014, as a result of the "Purging Distribution." The Purging Distribution, which totaled \$1.05 billion, was necessary to distribute any accumulated earnings and profits relating to the real property assets and attributable to any pre-REIT years to comply with certain REIT qualification requirements when the consolidated group elected to be taxed as a REIT for U.S. federal income tax purposes on January 1, 2014.

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<sup>14</sup> There are various ways in which companies can attempt to raise capital in the face of liquidity and capital resource constraints. One such method is an "at-the-market" offering (ATM), which provides certain publicly traded companies an efficient means of raising measured amounts of capital over time. ATMs are a type of shelf-based registered offering under which an exchange-listed issuer incrementally sells shares of its listed securities directly into the market at prevailing market prices. Sales of the issuer's shares, which can be newly issued "primary" shares and/or "secondary" shares held by existing security holders, are made through one or more registered broker-dealers who act as agents on the issuer's behalf. – *Lexis Nexis, Understanding At-the-Market Offerings*



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Lastly, the *Retained Accumulated Deficit* account balance increased each year since the Purging Distribution. As the REIT is required to distribute income to its shareholders via dividends each year, the deficit account will continue to grow. However, because of GLPI stocks issued between 2016 and 2018, the overall shareholder equity balance remained a net positive balance.

### c. Corporate Governance

Gaming and Leisure Properties, Inc. is a public company listed on the NASDAQ Global Select Market<sup>15</sup> and it is subject to the exchange's listing requirements as they relate to corporate governance, set forth in the Listing Rule 5600 Series. These requirements include board of directors being independent, existence of the Audit, Compensating, and Nominating committees, and the establishment of a code of conduct, among others. The IEB's review of GLPI's corporate governance guidelines, committee charters (Audit and Compliance Committee, Compensation Committee, Nominating and Corporate Governance Committee), and code of business conduct confirmed the consolidated group's compliance with the NASDAQ requirements. Additionally, the IEB also reviewed audit committee minutes, performance assessments from credit rating agencies, credit history surfaced through a national credit bureau, and the consolidated group's guidelines on overlapping board members serving on both GLPI and Penn boards.

The Investigators point out that until June 12, 2019, two members of the GLPI Board – Mr. Carlino and Mr. David Handler – also served on Penn's Board, with Mr. Carlino serving as Chairman and Mr. Handler serving as a Director. Both Penn's and GLPI's *Corporate Governance Guidelines* addressed recusal of these overlapping board members in instances where a perceived or actual conflict of interest arose with respect to matters at GLPI involving Penn, and vice versa. Investigators reviewed minutes of Board meetings of both GLPI and Penn, which indicated that instances of perceived or actual conflicts were identified and recusals followed in appropriate instances. The resignations of Mr. Carlino and Mr. Handler from Penn's

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<sup>15</sup> The Nasdaq Stock Market has three distinctive tiers: Nasdaq Global Select Market, Nasdaq Global Market and Nasdaq Capital Market. Applicants must satisfy certain financial, liquidity and corporate governance requirements to be approved for listing on any of these market tiers. The initial financial and liquidity requirements for the Nasdaq Global Select Market are more stringent than those for the Nasdaq Global Market and likewise, the initial listing requirements for the Nasdaq Global Market are more stringent than those for the Nasdaq Capital Market. Corporate governance requirements are the same across all Nasdaq market tiers. – *Nasdaq Initial Listing Guide, December 2017.*



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Board and GLPI's Board, respectively, serve to ensure that no such conflicts will arise in the future.

With respect to the adverse opinion issued for the internal control over financial reporting of the 2014 financial statements, the IEB reviewed the audit committee minutes for meetings held between October 20, 2015 and November 9, 2015. Per review of these minutes, the committee members had discussions with Ms. Desiree Burke (Senior Vice President and Chief Accounting Officer of GLPI) and E&Y regarding the restatement of the financial statements, as well as the circumstance that led to the change in accounting treatment, and remediation of the material weakness. The minutes show that E&Y recognized that the accounting treatment made by GLPI was inconsistent with its work performed as the accounting firm for Pinnacle and potential REIT conversions in the gaming industry. Ernst & Young reconsidered the accounting position taken and ultimately determined that a change in accounting treatment was required for GLPI. This led to the issuance of the finding of material weakness in the internal control of financial reporting and the need to restate the 2014 financial statements. The audit committee members had discussions with E&Y and GLPI management on the topic, including the remediation of the deficiency. Ultimately, the 2014 Form 10-K/A, first quarter 2015 Form 10-Q/A, second quarter 2015 Form 10-Q/A, and third quarter 2015 Form 10-Q/A were approved unanimously by the board to be restated.

In terms of debt ratings, on July 22, 2015, Moody's credit rating agency affirmed the previously issued "Stable" outlook and a Corporate Family rating of "Ba1"<sup>16</sup> for GLPI. Based on Moody's rating definitions, a "Stable" outlook indicates a low likelihood of a rating change, and a "Ba1" corporate family rating indicates that GLPI's debt obligations are subject to substantial credit risk. On October 27, 2017, Standard and Poor's credit rating agency issued a "Stable"<sup>17</sup> outlook and "BB+"<sup>18</sup> for GLPI. Most recently on August 14, 2018, Fitch Ratings

<sup>16</sup> Moody's Corporate Family ratings (CFRs) are long-term ratings that reflect the relative likelihood of a default on a corporate family's debt and debt-like obligations and the expected financial loss suffered in the event of default. A CFR is assigned to a corporate family as if it had a single class of debt and a single consolidated legal entity structure. – *Moody's Rating Symbols and Definitions*.

<sup>17</sup> A Standard & Poor's rating outlook assesses the potential direction of a long-term credit rating over the intermediate term (typically six months to two years). In determining a rating outlook, consideration is given to any changes in the economic and/or fundamental business conditions. "Stable" outlook means that a rating is not likely to change for the foreseeable future. – *Standard & Poor's Rating Definitions*.



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issued a “Stable” rating outlook and “BBB-” Issuer Default Rating,<sup>19</sup> which reflect GLPI’s stable cash flow from fixed rental income through master leases, conservative financial policy in maintaining certain leverage levels, and strong liquidity through debt repayment (from income growth, equity sales, and additional debt financing as needed). As of April 19, 2019, no changes in ratings were issued by these credit rating agencies.

Through a national credit bureau, the IEB surfaced a credit report dated July 9, 2018, in the name of Gaming & Leisure Properties, Inc. No bankruptcies or civil judgments were surfaced; however, two state tax liens were noted. The first lien in the amount of \$22,663 was filed in January 2015, and the second lien in the amount of \$200,145 was filed in February 2015. Both liens were satisfied and released in March 2015. Overall, no material legal claims that reflect negatively on GLPI’s business practices were surfaced.

#### **d. Services Provided by External Accounting Firms**

The IEB confirmed that three accounting firms provided services to GLPI and its wholly-owned subsidiaries, based on review of the tax returns and financial statements: Ernst & Young, LLP and Deloitte & Touche LLP provided audit services, and KPMG LLP provided tax preparation services (prepared and filed tax returns). In addition to these accounting firms, RSM US LLP was engaged to perform corporate Sarbanes-Oxley (“SOX”) compliance audits, and FTI Consulting was engaged to provide compensation consultation services to the Compensation Committee.

The change in external accounting firms from E&Y to D&T was announced on September 19, 2016, after the Audit and Compliance Committee of GLPI approved the engagement of Deloitte & Touche LLP as the company’s accounting firm for the fiscal year

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<sup>18</sup> An obligation rated “B” is more vulnerable to nonpayment than obligations rated “BB”, but the obligor currently has the capacity to meet its financial commitment on the obligation. Adverse business, financial, or economic conditions will likely impair the obligor’s capacity or willingness to meet its financial commitment on the obligation. An obligation rated “BB” is less vulnerable to nonpayment than other speculative issues. However, it faces major ongoing uncertainties or exposure to adverse business, financial, or economic conditions which could lead to the obligor’s inadequate capacity to meet its financial commitment on the obligation. – *Standard & Poor’s Rating Definitions*.

<sup>19</sup> Issuer Default Ratings (IDRs) opine on an entity’s relative vulnerability to default (including by way of a distressed debt exchange) on financial obligations. IDRs also address relative vulnerability to bankruptcy, administrative receivership or similar concepts. “AAA” ratings denote the lowest expectation of default risk. “BBB” ratings indicate that expectations of default risk are currently low. And “CCC” ratings indicate that default is a real possibility. – *Fitch Ratings, Rating Definitions*.



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ending December 31, 2016. This public announcement detailed that the decision to change accounting firms was a result of a proposal process whereby the committee members selected D&T after a comprehensive review. Based on discussion with Mr. Moore, the decision to change firms was also attributable to lost confidence in E&Y regarding the restatement needed for the 2014 financial statements. In essence, E&Y had taken a position that ultimately led to the need for the restatement and also their issuance of an adverse opinion on GLPI's internal control over financial reporting. The material weakness associated with the adverse action has since been remediated and E&Y issued an unqualified opinion the following year (2015).

Since then, D&T has been the public accounting firm that executed the audits for the consolidated group from 2016 to 2018. The IEB's review of the provided 2016 and 2017 Management Representation Letters revealed that no material weaknesses or significant deficiencies were discovered by D&T with respect to the consolidated audited financial statements. The IEB was also provided the report by RSM US LLP regarding its assessment of GLPI's compliance with the Sarbanes-Oxley Act of 2002. The report concluded that GLPI was in compliance for the year ended December 31, 2018.

## **2. Tax Returns Analysis**

A review of GLPI and Subsidiaries' federal tax returns for the years 2013 through 2017 was performed. For the 2013 tax year, GLPI filed Form 1120, U.S. Corporation Income Tax Return under the Internal Revenue Code. For the 2014 through 2017 tax years reviewed, GLPI and subsidiaries filed Forms 1120-REIT, U.S. Income Tax Return for Real Estate Investment Trusts. GLPI was formed in 2013 and elected to be taxed as a REIT in 2014.

The IEB performed the requisite checks with the IRS through receipt of federal tax transcripts via the IRS Form 4506-T for the years 2013 through 2017. The IEB verified via these tax transcripts that GLPI and Subsidiaries filed their consolidated federal tax returns for each of the years ended December 31, 2013, through December 31, 2017. This verification also confirmed that the amounts (total income, total deductions, and total tax) reported and submitted to the IEB were consistent with what was reported to the IRS.

Through review of these tax transcripts, the IEB discovered that for the years 2013 and 2016, federal examinations were performed by the IRS. The examination closing code was observed for the 2013 tax return, but not for the 2016 return. The absence of the examination



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closing code suggests that the examination is still underway. This is reasonable as the 2016 transcript shows the IRS transaction code “420-Examination of Tax Return” with a date stamp for March 2, 2018. It is the understanding of the IEB that federal examinations conducted by the IRS could span multiple years and little to no information is supplied by the IRS during the examination period.

### 3. Ratio Analysis

To further assess financial stability, the IEB performed ratio analyses of GLPI and its subsidiaries’ operating results for the years 2013 through 2018. The analysis consisted of an evaluation of GLPI and its subsidiaries’ liquidity, solvency, and profitability for the six years under review.

Ratio analysis involves dividing financial statements into their component parts, which are then analyzed in relationship to each other. The table below shows the calculated ratios for the period under review. In addition to the ratio analyses performed by the IEB, compliance with the financial covenants established in GLPI’s debt agreements was also reviewed.

FINANCIAL RATIO ANALYSIS						
	2018	2017	2016	2015	2014	2013
Asset Coverage Ratio	1.33	1.48	1.46	0.85	0.88	0.98
Debt to Equity Ratio	2.79	1.95	2.03	(10.66)	(15.55)	17.98
Net Profit Margin Ratio	32.16%	39.18%	34.93%	22.28%	23.48%	6.31%
Sr. Secured Debt to Total Asset Value Ratio	-	-	-	-	-	NA
Total Debt to Total Asset Value Ratio	0.50	0.44	0.44	0.46	0.49	NA
Fixed Charge Coverage Ratio	3.59	4.28	4.12	3.91	3.83	NA
Unsecured Debt to Unencumbered Asset Value Ratio	0.51	0.44	0.45	0.47	0.50	NA

#### a. Asset Coverage Ratio

The asset coverage ratio is a risk measurement that calculates a company’s ability to repay its debt obligations by selling its assets. It provides a sense to investors of how much assets are required by a firm to pay down its debt obligation. The ratio is calculated as total assets (excluding intangible assets) less current liabilities (excluding short term debt) divided by total debt. In theory, the higher the ratio the more liquidity is available.

The asset coverage ratio of GLPI and its subsidiaries in 2018 is 1.33, which slightly increased from 0.98 in 2013. This improvement is largely the result of increases in real estate investments, or properties acquired through the years. The debt secured for the financing of these acquisitions increased total debt balance for the consolidated group; however, GLPI also financed the acquisitions through equity issuances. This financing policy allowed GLPI and



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Subsidiaries to maintain leverage levels: not relying solely on debt to finance growth. The group's asset coverage ratios were above 1 for the most recent three years. As the assets were greater than the liabilities, GLPI and Subsidiaries was able to cover its debt obligations as they came due.

#### **b. Debt to Equity Ratio**

The total debt to equity ratio is a leverage ratio that compares the company's third party debt to shareholders' equity. This is a measurement of how much third party lenders have loaned the company compared to what the shareholders have invested. Generally, the lower the ratio means the company is less dependent upon borrowings from and owed to others.

The total debt to equity ratio of GLPI and its subsidiaries for 2018 is 2.79, an increase from the (15.33)<sup>20</sup> in 2014. As a result of the \$1.05 billion Purging Distribution in 2014, an accumulated deficit was created. This affected the ratio in that total debt of the consolidated group exceeded its equity by over 100%. The deficit was later recovered in 2016 when GLPI issued stock for the purchase of Pinnacle Entertainment. Since then, the ratio showed improvement, as positive income was earned by GLPI each year, in addition to additional shares issued, negated by required dividend distributions. In 2018, the ratio deteriorated as a result of additional debt secured for acquisitions completed. Taking this analysis into account, GLPI and its subsidiaries' ability to meet its financial obligations is adequate.

#### **c. Net Profit Margin Ratio**

The net profit margin ratio is a ratio of profitability calculated as net income divided by net sales. Net profit margin ratios are expressed as a percentage and, in effect, measure how much out of every dollar of sales a company actually keeps in earnings.

The net profit margin ratio of GLPI and its subsidiaries for the last six years presented ranged from the lowest of 6.31% in 2013 (two months operation) to its highest of 39.18% in 2017. As a result of higher operating expenses made in 2018, the ratio decreased to 32.16% by the end of 2018. Excluding the initial year of operations result, the more prominent fluctuation is observed between 2015 and 2016, the result of the Pinnacle acquisition. Since its spin-off from PNGI, GLPI and Subsidiaries' net profit margin has been on an incline as overall performance continues to improve through strategic mergers and acquisitions.

<sup>20</sup> The parentheses indicate a negative amount.



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#### **d. Financial Covenants Required**

As of December 31, 2018, GLPI and Subsidiaries' total long-term debt totaled \$5.9 billion. Such indebtedness dictates financial covenants that the borrower must comply with in accordance with ratio levels set forth within the debt agreements. For GLPI, these contain the following: 1) a maximum Senior Secured Debt to Total Asset Value ratio of 40%, 2) a maximum Total Debt to Total Asset Value ratio of 60%, 3) a minimum Fixed Charge Coverage ratio of 1.5 to 1, 4) and a maximum Unsecured Debt to Unencumbered Asset Value ratio of 60%.

GLPI and Subsidiaries provided the calculations of the ratios for each of the quarters ended December 31, 2014, 2015, 2016, 2017, and 2018. The IEB reviewed the calculations and confirmed that each of the ratios complied with set requirements. Note that the Senior Secured Debt to Total Asset Value ratios were zero for each year reviewed because GLPI and Subsidiaries did not issue any secured debt, only unsecured. As such, this ratio is automatically met each year. The remaining three covenants were also met each quarter-end. During the IEB's review of the 2014 calculations, it was noted that the calculations were based on numbers from the financial statements prior to the restatement. When the calculations were reperformed by the IEB using the restated balances, all three covenants still met their requirements and, as such, were compliant.

#### **e. Conclusion on the Ratio Analysis**

The ratios underwent fluctuations due, in large part, to the acquisition of Pinnacle Entertainment in 2016, as well as the Penn-Pinnacle merger in 2018. Taking into consideration the explanations for the fluctuations, the ratios raise no concerns in terms of financial stability or going concern.<sup>21</sup>

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<sup>21</sup> The term "going concern" describes an entity's ability to continue its operations for a reasonable period of time (the period of time required by the applicable financial reporting framework or, if no such requirement exists, within one year after the date that the financial statements are issued). Continuation of an entity as a going concern is assumed in financial reporting in the absence of significant information to the contrary. Ordinarily, information that significantly contradicts the going concern assumption relates to the entity's inability to continue to meet its obligations as they become due without substantial disposition of assets outside the ordinary course of business, restructuring of debt, externally forced revisions of its operations, or similar actions. – *American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards (SAS) No. 132, The Auditor's Consideration of an Entity's Ability to Continue as a Going Concern, AU-C Section 570.*



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### ***Conclusion on Financial Review on Gaming and Leisure Properties, Inc.***

In summary, the financial review did not reveal any issues or concerns with Gaming and Leisure Properties, Inc.'s financial stability, integrity, and background.

## **V. Financial Overview of the Penn-Pinnacle Acquisition**

### **A. Final Price of Penn-Pinnacle Acquisition**

During the Interim Authorization, and since the merger agreement between Penn and Pinnacle was entered into on December 17, 2017, PNGI intended to finance the \$2.8 billion acquisition through a combination of debt financing, newly issued PNGI shares, proceeds from divested operations, after-tax proceeds from the sale of real estate (including the sale of PPC), and cash on the balance sheets of PNGI and Pinnacle as of the closing date. The expected sources and uses of the financing are depicted below (in millions):

Financing		Estimated	
		Uses	
Amended Credit Facility	\$ 1,250	Purchase of Pinnacle Equity	\$ 1,972
Equity Issuance (assume Penn stock price of \$26.60/sh)	707	Pinnacle Revolver	169
Asset Sale Proceeds (after-tax)	850	Pinnacle Term Loan A	153
Cash Flow from Operations (from Penn and Pinnacle at closing date)	168	Pinnacle Sr. Notes Due 2024	500
<b>Total</b>	<b>\$ 2,975</b>	Purchase Price of Pinnacle	\$ 2,794 *
		Transaction Costs	181
		<b>Total</b>	<b>\$ 2,975</b>

\* Estimated Pinnacle acquisition \$2.8 billion

The IEB expected the total balance of the source and use of funds to change at the close of the transaction, taking into consideration the likely change in price of PNGI's stock,<sup>22</sup> the change in cash flow from both PNGI and Pinnacle, and Pinnacle debt levels at the closing date. On October 15, 2018, this transaction was completed and, based on the IEB's review of SEC public filings and press releases, as well as detailed insights provided by Mr. Justin Sebastiano (Senior Vice President of Finance & Treasurer of PNGI), the following chart depicts the

<sup>22</sup> Penn stock price at the close of April 13, 2018, was \$26.60 per share, and at the close of July 25, 2018, the price was \$34.16 per share. When the Penn-Pinnacle merger was completed on October 15, 2018, the price was at \$28.51 per share.



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financing that was ultimately secured, and the final purchase price of the Penn-Pinnacle acquisition (in millions):

		Actual	
Financing		Uses	
Amended Credit Facility	\$ 1,559	Purchase of Pinnacle Equity	\$ 2,036
Equity Issuance <i>(Penn stock price of \$29.80/sh)</i>	784	Pinnacle Debt Retired	814
Asset Sale Proceeds	913	Purchase Price of Pinnacle	\$ 2,850
<b>Total</b>	<b>\$ 3,255</b>	Transaction Costs	90
		<b>Total</b>	<b>\$ 2,940</b>

The final purchase price of the merger was \$2.85 billion, which is comprised of 62,612,972 Pinnacle diluted shares outstanding converted into the right to received \$20 in cash per share plus 0.42 of fully paid and non-assessable PNGI common stock. Pinnacle's debt (senior notes, term loans, and revolvers) was settled for \$814 million, which includes interest accrued as well as fees for early extinguishment of debt. Finally, transaction cost of \$90 million was incurred as of the closing date, which was lower than the \$181 million previously estimated.

After proposed amendments to PNGI's senior secured credit facility, the final amendment was to include an incremental joinder that provided an additional \$430.2 million in an incremental loan to Term Loan A, and an additional \$1,128.8 million in a new tranche of the Term Loan B facility (now Term Loan B-1 facility), with new terms and maturity date. Newly issued PNGI shares resulted in equity raised of approximately \$784 million, comprised of 26,295,439 shares issued at the volume-weighted average price of \$29.80 per share. Finally, the sale of the divested properties, PPC, and Belterra Park, resulted in total proceed of \$913 million (PPC - \$250 million, divested properties - \$605 million, and Belterra Park - \$58 million). The difference between the final balance and that of the estimated balance was driven by cash on hand at the properties as well as working capital adjustments. Overall, PNGI was able to secure financing well above the amount needed to complete the merger.

#### **B. Sale Price of Plainridge Park Casino & Racecourse Real Property**

During the investigation, the IEB inquired as to the origination of the PPC real property \$250 million sale price. Mr. Carl Sottosanti (Executive Vice President, General Counsel, and Secretary of Penn) answered during his interview that a formal valuation was not performed and no outside specialist was engaged to perform the valuation. He then explained that approximately half of a casino property's earnings go to rental payments. Ultimately, the PPC



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sale price was based on half the EBITDA balance of the property, times a capitalization rate (“cap rate”)<sup>23</sup> of 10%.

Mr. Sebastiano clarified that the EBITDA balance was based on PPC’s 2018 budget of \$49.9 million. After the close of the year and the close of the PPC REIT transaction, PPC generated EBITDA of over \$51.4 million for the 2018 year. A review of PPC’s income statement<sup>24</sup> for the year ended December 31, 2018 revealed that the property earned a net revenue balance of \$183.5 million, operating expenses (inclusive of general & administrative expenses) of \$132.6 million, and thus, a net operating income of \$50.9 million. The primary difference between the \$50.9 million calculated by the IEB and the \$51.4 million calculated by PNGI stems from differences in internal metrics considered by PNGI’s management. Further, the final sale price was announced, considered, and finally agreed to, based on a 2018 budgeted number. The budgeted value includes metrics utilized by PNGI to project future earnings, and the \$49.9 million was determined months before the final closing of the transaction.

The capitalization rate of 10% was also examined by the IEB. Based on public information surfaced, the cap rate averaged 7-9% between the hotel, real estate, and gaming industries. One analyst report, issued by Credit Suisse on August 13, 2018,<sup>25</sup> concluded that, based on 14 transactions announced since Q4 2013, the cap rate averaged to 8.15% (lowest – 6.9%, highest – 10.9%). In the Credit Suisse report, the cap rate calculated for the PPC and Belterra Park transaction was combined, at 10.2%. Based on this analysis, along with other market information, the 10% cap rate utilized by PNGI appears to be on the higher end of the spectrum, but still considered to be reasonable. It should be noted again that the annual rental payment of \$25 million, as stipulated in the Fourth Amendment to the Pinnacle Master Lease, is not paid directly to GLPI from PPC, but by PNGI in lump sum balances to include rent from other leased properties.

<sup>23</sup> Capitalization rate is the estimated percentage rate of return that a property will produce on the owner’s investment. Capitalization rate can be determined by dividing the annual net operating income by the cost of a piece of property. – *Bankrate.com, Capitalization Rate.*

<sup>24</sup> Stand-alone results of operations for PPC were audited by Deloitte & Touch LLP in conjunction with the audit of the consolidated financial statements for Penn National Gaming, Inc. and Subsidiaries. The results were part of the Supplemental Schedules to the financial statements. – *Penn National Gaming, Inc. and Subsidiaries Consolidated Financial Statements and Supplemental Schedules for the years ended December 31, 2018, 2017, and 2016.*

<sup>25</sup> Source Credit Suisse Equity Research, *Gaming and Leisure Properties, Inc. (GLPI)*, August 13, 2018.



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## **VI. Licensure and Regulatory Updates**

Since the date of the IEB's initial report, GLPI has received interim authorization for its transaction in New Jersey. Investigators have confirmed that as of the date of this Report, GLPI has received authorizations or waivers from other jurisdictions as required in each, and that no negative suitability findings or adverse actions have arisen with respect to the series of transactions involving GLPI and PNGI.

## **VII. Criminal History**

The investigation updated the criminal history and confirmed that Gaming and Leisure Properties, Inc. and all of its entity qualifiers have no criminal history. There is no known information indicating any past or present involved association by GLPI or any of the qualifying entities or individuals with any person or entity with known involvement in organized criminal activities, or of disreputable character. The investigation confirmed that GLPI has no known affiliates or close associates that would not be found suitable or whose relationship with GLPI may pose an injurious threat to the interests of the Commonwealth.

## **VIII. Civil Litigation**

Gaming and Leisure Properties, Inc. provided updated information with respect to litigation in which damages are expected to exceed \$100,000. The updated information was reviewed and the Investigators did not identify any civil litigation matters that threaten the economic viability of the company, involve allegations of fraudulent conduct, or reflect any concerning pattern involving GLPI's business practices.



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## **IX. Media Coverage**

Research of available online and print media surfaced media coverage related to GLPI. The vast majority of media involved business transactions, financial information, and acquisition deals. Substantial media surfaced regarding GLPI's involvement with the acquisition of Pinnacle Entertainment, Inc. by Penn National Gaming, Inc. No derogatory media was identified which would adversely impact GLPI's suitability.

## **X. Significant Investigative Issues of Concerns**

No significant issues or concerns were identified during the investigation.

## **XI. Individual Qualifiers**

The IEB has performed suitability investigations into six individuals who were designated as qualifiers for this transaction. See Exhibits 1-6. As mentioned above, five of those individuals (Peter Carlino, Timothy Wilmott, John Finamore, William Fair, and Carl Sottosanti) were previously deemed to be suitable by the Commission. Mr. Brandon Moore, Senior Vice President, General Counsel, and Secretary of GLPI, is the sole new qualifier.

### ***Conclusion on Individual Qualifiers' Suitability***

After performing the inquiries and database checks as represented in Exhibits 1-6, the investigation revealed no evidence of anything that would serve to disqualify any of the individuals. Nor did the investigation reveal any information that would indicate that any of these individuals lacks the requisite integrity, honesty and good character to be deemed suitable under Massachusetts law.



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## **XII. Conclusion**

In conclusion, taking into consideration the entirety of this investigation, the investigation has revealed no evidence of anything that would serve to disqualify any of the individual or entity qualifiers; nor did the investigation reveal any information that would indicate that any qualifier lacks the requisite integrity, honesty and good character to be deemed suitable under Massachusetts law. Further, the investigation has surfaced no information that final approval of the GLPI-PPC REIT transaction would be disadvantageous to the interests of the Commonwealth, nor and evidence that the transaction jeopardizes the applicable considerations set forth in G.L. c. 23K, §§ 12, 15, 16, 18, or 205 CMR 115.00. Finally, the investigation has revealed no evidence that the transaction has resulted in a change of control within the meaning of 205 CMR 129.00

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Trooper, Massachusetts State Police  
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Loretta M. Lillios  
Chief Enforcement Counsel  
Investigations & Enforcement Bureau

**Financial Investigator:**

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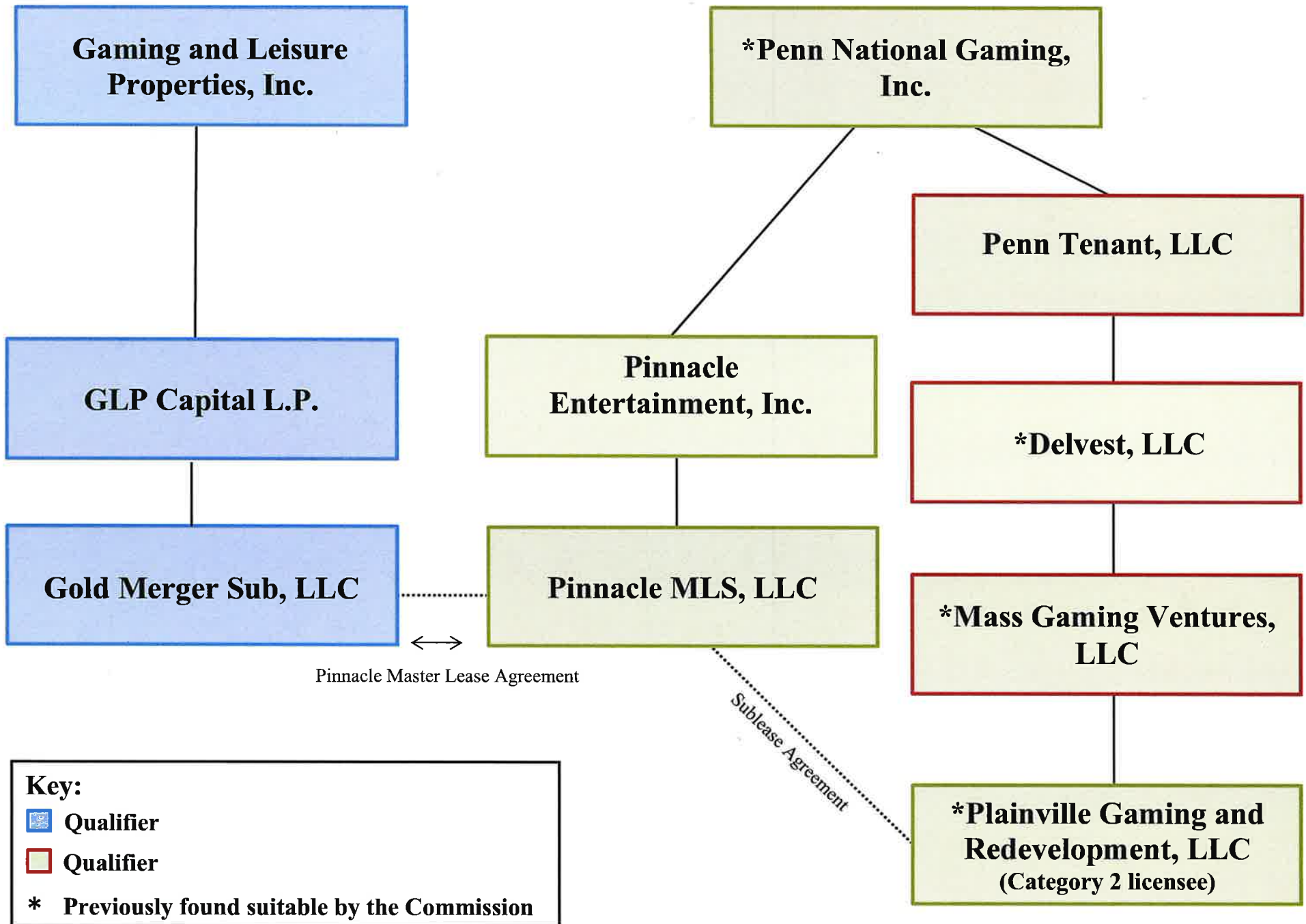
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# Chart A



# CHART A



# Chart B

# CHART B

STATE	FACILITY	CASINO OPERATOR	REAL ESTATE OWNER/LANDLORD	FACILITY TYPE
Colorado	Ameristar Casino Resort Spa, Black Hawk	PENN	GLPI	Casino
Florida	Sanford Orlando Kennel Club, Longwood	PENN	PENN	Racetrack
Illinois	Casino Queen	CASINO QUEEN	GLPI	Casino
Illinois	Argosy Casino, Alton	PENN	GLPI	Casino
Illinois	Hollywood Casino Aurora, Aurora	PENN	GLPI	Casino
Illinois	Hollywood Casino Joliet, Joliet	PENN	GLPI	Casino
Illinois	Prairie State Gaming (IL Gaming Investors, LLC), Hinsdale	PENN	PENN	VGT Operator
Indiana	Hollywood Casino Lawrenceburg, Lawrenceburg	PENN	GLPI	Casino
Indiana	Tropicana Evansville	ELDORADO	GLPI	Casino
Indiana	Belterra Casino Resort, Florence	BOYD	GLPI	Casino
Indiana	Ameristar Casino Hotel, East Chicago	PENN	GLPI	Casino
Iowa	Ameristar Casino Hotel, Council Bluffs	PENN	GLPI	Casino
Kansas	Hollywood Casino at Kansas Speedway, Kansas City	PENN	PENN (50%)	Casino
Louisiana	L'Auberge Casino Resort, Lake Charles	PENN	GLPI	Casino
Louisiana	L'Auberge Casino & Hotel, Baton Rouge	PENN	GLPI	Casino
Louisiana	Boomtown, Bossier City	PENN	GLPI	Casino
Louisiana	Boomtown Casino & Hotel-New Orleans, Harvey	PENN	GLPI	Casino
Louisiana	Hollywood Casino, Baton Rouge	GLPI	GLPI	Casino
Louisiana	Belle of Baton Rouge	ELDORADO	GLPI	Casino
Maine	Hollywood Casino Hotel & Raceway Bangor, Bangor	PENN	GLPI	Casino
Maryland	Hollywood Casino, Perryville	GLPI	GLPI	Casino
Massachusetts	Plainridge Park Casino, Plainville	PENN	GLPI	Casino
Mississippi	1st Jackpot Casino Tunica, Robinsonville	PENN	GLPI	Casino
Mississippi	Boomtown Biloxi, Biloxi	PENN	GLPI	Casino
Mississippi	Hollywood Casino Gulf Coast, Bay St. Louis	PENN	GLPI	Casino
Mississippi	Hollywood Casino Tunica, Robinsonville	PENN	GLPI	Casino
Mississippi	Tropicana Casino Greenville	ELDORADO	GLPI	Casino

# CHART B

STATE	FACILITY	CASINO OPERATOR	REAL ESTATE OWNER/LANDLORD	FACILITY TYPE
Mississippi	Ameristar Casino Hotel, Vicksburg	PENN	GLPI	Casino
Missouri	Argosy Riverside, Riverside	PENN	GLPI	Casino
Missouri	Hollywood Casino St. Louis, Maryland Heights	PENN	GLPI	Casino
Missouri	Ameristar Casino Resort Spa, St. Charles	BOYD	GLPI	Casino
Missouri	River City Casino & Hotel, St. Louis, St. Louis	PENN	GLPI	Casino
Missouri	Ameristar Casino Hotel, Kansas City	BOYD	GLPI	Casino
Missouri	Lumiere Place	ELDORADO	GLPI*	Casino
Nevada	The M Resort Spa Casino, Henderson	PENN	GLPI	Casino
Nevada	Tropicana Laughlin	ELDORADO	GLPI	Casino
Nevada	Tropicana Las Vegas, Las Vegas	PENN	PENN	Casino
Nevada	Cactus Petes Casino Resort and Horshu, Jackpot	PENN	GLPI	Casino
New Jersey	Favorites at Gloucester Township (Racing), Clementon	PENN	PENN	OTW
New Jersey	Favorites at Toms River (Racing), Toms River	PENN	PENN	OTW
New Jersey	Freehold Raceway (Racing), Freehold	PENN	PENN	Racetrack
New Jersey	Tropicana Atlantic City	ELDORADO	GLPI	Casino
New Mexico	Zia Park Casino, Hotel & Racetrack, Hobbs	PENN	GLPI	Casino
Ohio	Hollywood Gaming at Dayton Raceway, Dayton	PENN	GLPI	Casino
Ohio	Hollywood Gaming at Mahoning Valley Race Course, Youngstown	PENN	GLPI	Casino
Ohio	Hollywood Casino Columbus, Columbus	PENN	GLPI	Casino
Ohio	Hollywood Casino Toledo, Toledo	PENN	GLPI	Casino
Ohio	Belterra Park Gaming & Entertainment	BOYD	GLPI*	Casino
Pennsylvania	Hollywood Casino at Penn National Race Course, Grantville	PENN	GLPI	Casino
Pennsylvania	Off-Track Wagering-Lancaster, Lancaster	PENN	PENN	OTW
Pennsylvania	Off-Track Wagering-York, York	PENN	PENN	OTW
Pennsylvania	The Meadows Racetrack and Casino	PENN	GLPI	Casino
Texas	Sam Houston Race Park (Racing), Houston, TX	PENN	PENN (50%)	Racetrack
Texas	Valley Race Park (Racing), Harlingen, TX	PENN	PENN	Racetrack

# CHART B

STATE	FACILITY	CASINO OPERATOR	REAL ESTATE OWNER/LANDLORD	FACILITY TYPE
Texas	Retama Park Racetrack, Selma	PENN	Retama Development Corporation (not part of a lease)	Racetrack
West Virginia	Hollywood Casino at Charles Town Races, Charles Town, WV	PENN	GLPI	Casino
Michigan	Greektown Casino Hotel; Detroit, MI	PENN	VICI	
Louisiana	Margaritaville Resort Casino; Bossier City, LA	PENN	VICI	

\* Indicates mortgage held by GLPI





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TO: Chair Cathy Judd-Stein, Commissioners Gayle Cameron, Eileen O'Brien,  
Bruce Stebbins and Enrique Zuniga

FROM: Community Mitigation Fund Review Team

CC: Edward Bedrosian

DATE: July 12, 2019

RE: 2019 Community Mitigation Fund

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This memorandum provides an analysis of the applications for funding under the different components of the 2019 Community Mitigation Fund ("2019 CMF"): Specific Impact Grants, Transportation Planning Grants, Transit Project(s) of Regional Significance, Non-Transportation Planning Grants, Workforce Development, Tribal Gaming Technical Assistance Grant, and Reserves. Copies of the applications can be found at <https://massgaming.com/about/community-mitigation-fund/>.

The Community Mitigation Review Team ("Review Team") reviewed the applications to ensure the applications are in compliance with the 2019 Guidelines. As part of this review process, copies of the applications were sent to the licensees and MassDOT for their review and comment. Conference calls and meetings were held between the applicants and the Review Team. Requests for supplemental information were submitted to the applicants and their responses are attached to this memorandum as Exhibit A. Numerous meetings were held by the Review Team to ensure a thorough review process of every application.

The below chart shows the overall recommendations of the Review Team as compared to the overall anticipated spending targets in the 2019 Guidelines.

### **Recommendations of the Review Team**

To effectuate a consistent and efficient system to analyze the applications, the Review Team utilized the review criteria specified in the 2019 Guidelines. This summary will mention some significant factors for these applications. The Review Team also compiled charts demonstrating how each of the criteria is reflected in the applications. Among the criteria are:

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact; and
- The feasibility and reasonableness of the proposed mitigation measure.

In setting the budget for the upcoming year, the Commission has based its estimates on those revenues received by December 31 of the prior year (here December 31, 2018).

Pursuant to the 2019 Guidelines, the Commission plans to allocate the \$5.2 million remaining CMF funds equally between the two regions, Region A and Region B, after accounting for grants that will be made for Category 2 impacts. Because the Plainville/Foxboro/Wrentham proposed award would come from Foxboro's Reserve, this award will not need to be accounted for against 2019 CMF funding. Therefore, \$2.6 million (\$5.2 million / 2) is available for Region A awards. \$4.1 million is available for Region B awards because MGM Springfield generated additional funding into the CMF in 2018. The Guidelines stated that "it is expected that MGM Springfield will generate an additional \$1.5 million by December 31, 2018. It is the Commission's intention to allocate these MGM Springfield generated funds to Region B."<sup>1</sup> The below recommended awards for both Region A and Region B fall within these projected regional budgets or are slightly in excess of the projected regional budgets. Total recommended awards in Region A are \$2,750,088.90. Total recommended awards in Region B are \$1,132,457.60 (not including any funding that may relate to the Springfield Focus application which is pending a legal review).

The following chart shows the anticipated spending targets in the 2019 Guidelines compared to the funding requests received by the deadline and the potential recommended awards. A more detailed chart follows for individual applications.

Guidelines Targeted Spending		Applications Received	Awards
Specific Impact	No Target Set	\$1,548,143.32	\$910,546.50
Transportation Planning (\$200,000 per application plus any regional planning incentive)	\$1,000,000.00	\$1,533,400.00	\$1,450,000.00
Transit Project(s) of Regional Significance	\$500,000.00	\$724,673.64	\$425,000.00
Workforce Development (2 regional programs of \$300,000)	\$600,000.00	\$900,000.00	\$813,400.00
Non-Transportation Planning (\$50,000 per application plus any regional planning incentive)	No Target Set	\$359,000.00	\$359,000.00 <sup>2</sup>
Total:		<u>\$5,065,216.96</u>	<u>\$3,957,946.50</u>

<sup>1</sup> The actual amount placed in the CMF from MGM Springfield revenues by December 31, 2019 was \$1,649,098.02.

<sup>2</sup> Includes \$75,000 Foxboro/Plainville/Wrentham application which will be funded out of Reserves. New authorized spending is therefore \$3,882,946.50.

<b>Anticipated Spending</b>		<b>Applications</b>	<b>Awards</b>
Hampden County Sheriff Lease Assistance	\$400,000.00	\$400,000.00	\$400,000.00
Tribal Technical Assistance Grant (carryover)	\$200,000.00	\$200,000.00	\$200,000.00

\*While the Commission established a \$6.7 million target for overall awards in the 2019 Fund, there is no specified target for specific impact applications or non-transportation planning in the 2019 Guidelines. The Guidelines do specify that no more than \$500,000 Category 2 operational impacts may be funded unless otherwise determined by the Commission.

## 2019 Community Mitigation Fund Memorandum

	<b>Guidelines Targeted Spending</b>	<b>Applications</b>	<b>Recommendation of Review Team</b>
Specific Impact	No Target Set	\$1,548,143.32	\$910,546.50
Everett		\$232,088.90	\$182,088.90
Hampden County DA		\$100,00.000	\$100,000.00
Hampden County Sheriff		\$400,000.00	\$400,000.00
Springfield - Focus		\$555,925.00	-0-
Springfield - Police		\$360,129.42	\$228,457.60
Transportation Planning (\$200,000 per application plus any regional planning incentive)	\$1,000,000.00	\$1,533,400.00	\$1,450,000.00
Boston		\$200,000.00	\$200,000.00
Lynn		\$200,000.00	\$200,000.00
Medford		\$200,000.00	\$200,000.00
West Springfield		\$83,400.00	--0-
Everett/Somerville		\$425,000.00	\$425,000.00
Revere/Saugus		\$425,000.00	\$425,000.00
Transit Project(s) of Regional Significance	\$500,000.00	\$724,673.64	\$425,000.00
Everett/Somerville		\$500,000.00	\$400,000.00
Pioneer Valley Transit Authority		\$224,673.64	\$25,000.00
Workforce Development (2 Regional pilots programs of \$300,000)	\$600,000.00	\$900,000.00	\$813,400.00
Boston		\$300,000.00	\$213,400.00
Holyoke CC		\$300,000.00	\$300,000.00
MassHire MetroNorth REB		\$300,000.00	\$300,000.00
Non-Transportation Planning (\$50,000 per application plus any regional planning incentive)	No Target Set	\$284,000.00	\$284,000.00
Chelsea/Everett		\$105,000.00	\$105,000.00
Chicopee/Springfield		\$50,000.00	\$50,000.00
Northampton		\$29,000.00	\$29,000.00
Revere		\$50,000.00	\$50,000.00
Saugus		\$50,000.00	\$50,000.00
Tribal Gaming Technical Assistance	\$200,000.00	\$200,000.00	\$200,000.00
Southeastern Regional Planning & Economic Development		\$200,000.00	\$200,000.00
Reserve			\$75,000.00
Foxboro/Plainville/Wrentham		\$75,000.00	\$75,000.00
<b>Totals:</b>		\$5,265,216.96	\$4,157,946.50



As noted in the 2019 CMF Guidelines, the Commission plans to allocate the \$5.2 million remaining CMF funds equally between the two regions, Region A and Region B, after accounting for grants that will be made for Category 2 impacts. Because the Plainville/ Foxboro/ Wrentham proposed award would come from Foxboro's Reserve, this award will not need to be accounted for against 2019 CMF funding. Therefore, \$2.6 million (\$5.2 million/2) is available for Region A awards. \$4.1 million is available for Region B awards because MGM Springfield generated additional funding into the CMF in 2019. The Guidelines stated that "it is expected that MGM Springfield will generate an additional \$1.5 million by December 31, 2018. It is the Commission's intention to allocate these MGM Springfield generated funds to Region B. The recommended awards for both Region A and Region B fall within these projected regional budgets. Total recommended awards in Region A are \$2,750,488.90. Total recommended awards in Region B are \$1,132,457.60 (not including any funding that may relate to the Springfield Focus application which is pending a legal review).

### Specific Impact

The 2019 Community Mitigation Fund for mitigation of specific impacts may be used only to mitigate impacts that either have occurred or are occurring as of the February 1, 2019 application date and police training costs in Region A that occur prior to the opening of Region A Category 1 facility.

#### **EVERETT**

**Summary:** Everett Police Department is seeking \$182,088.90 "to reimburse the [Everett Police Department] 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 Department officers [were] transferred to the Gaming Enforcement Unit.... To plan for the impact on the EPD of the loss of these officers, we have sent new officers to the academy ... for training and will use these officers, upon successful completion of the academy, to backfill the manpower shortage in the department caused by the transfer of our six current officers to the GEU. Because we [transferred] six current officers, we are requesting salary reimbursement for six new officers over the course of 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." Everett cited the "increase[d] ... volume of traffic during" the hours of 2:00 AM- 4:00 AM associated with Encore Boston Harbor's ability to serve alcohol during these hours [for patrons while they are actively gaming].

**Analysis:** In regard to the request for \$182,088.90 for academy related expenses, the Review Team recommends a grant to offset this expenditure. Indeed, the request is for the same category of spending that was authorized last year for the Springfield Police Department during the establishment of the MGM Springfield Gaming Enforcement Unit. The Commission specifically authorized such "police training costs in Region A" in its 2019 Community Mitigation Fund Guidelines.

In response to a question from the Review Team regarding the utilization of its Host Community Agreement funds for the additional \$50,000 for late night patrols, Everett

responded that “[w]hen the City of Everett negotiated its Host Community Agreement with Wynn Resorts in 2013, the need for the police services mitigation that we have requested through this application was not knowable at the time....[W]e had no way of anticipating that the legislature would enable the possibility of the casino obtaining a 4:00 AM liquor license. We believe that our request is consistent with the intent of the mitigation fund - to address issues that have arisen and were not merely not articulated in the Host Community Agreement, but not knowable at the time that the agreement was executed.”

The Review Team believes that Everett’s Response to the Review Team provided significant information regarding how the funding for both the police training costs and the additional patrols were not specifically considered when Everett executed its Host Community Agreement. The Review Team does note that the line between what was an anticipated expense versus an unanticipated expense in a host community agreement can often times be quite murky.

Although such patrols may not have been anticipated in Everett’s HCA, the Review Team believes that the request for patrols is an ineligible activity under the 2019 Guidelines. The 2019 Guidelines state that “the 2019 program is limited to only those impacts that are being experienced or were experienced by the time of the February 1, 2019 application date and police training costs in Region A that occur prior to the opening of both Category 1 facilities.” Because the Encore Boston Harbor facility was still in construction as of the February 1, 2019 application date, the Guidelines, which were crafted after receiving input from numerous communities as part of the Gaming Policy Advisory Committee review process, did not include funding for operational related impacts in Region A. In contrast, because the MGM Springfield facility opened in 2018, the 2019 Guidelines do authorize operational related funding in Region B. Although such patrols would involve new issues before the Everett Police Department, it is unclear if such patrols could be categorized as “police training costs.”

The Review Team understands the important purpose of the additional \$50,000 for late night patrols and believes that the Commission should review whether partial reimbursement or reimbursement for such patrols could be a part of a future Community Mitigation Fund. Thus, the Review Team recommends that the Commission revisit the issue of reimbursement for specific patrols in its 2020 Community Mitigation Fund Guidelines. The Review Team is cognizant of the benefit such patrols could potentially provide here and potentially outside of the borders of Everett. Although such expenses were not anticipated in the HCA, perhaps the City of Everett could prioritize such funding in its current year budget in advance of any changes in the Guidelines for future years.

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.

**Licensee’s Response:** “Encore Boston Harbor supports the City of Everett’s effort to train additional police officers in advance of our opening. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. We would like to encourage

greater regional collaboration in the future to ensure that the resources available are put toward highly impactful initiatives that will benefit the region for decades to come.”

### **HAMPDEN COUNTY DISTRICT ATTORNEY'S OFFICE**

**Summary:** The Hampden County District Attorney's Office is requesting \$100,000 in funding “for personnel to mitigate the increase in caseloads as a result of the Casino. These funds “will be used for personnel to mitigate the additional burdens in caseloads that are created directly and indirectly...due to the casino.” The District Attorney's Office noted additional burdens placed on the Office such as the necessary support staff in maintaining the court files. The Office also notes that “a victim witness advocate handles initial victim outreach on all victim related cases and follows through with transferring documentation to the subsequent advocate who will handle the matter to its conclusion.” Further, the District Attorney's Office notes that “[p]er agreement with the Attorney General's Office, more serious matters are screened by this office and likely be prosecuted by this Office as well. This places an additional burden on our Superior Court Assistant District Attorney, advocates and staff.” The Office noted that as of January 31, 2019, 255 cases have come into the court system that are directly attributable to the casino.

**Analysis:** Given the additional burdens on the District Attorney's Office and the provisions in MGL c. 23K that call for offsetting District Attorney Costs, the Review Team felt that this application was warranted.<sup>3</sup>

The Commission also awarded \$100,000 to the District Attorney's Office in 2018 for the expenses of an assistant district attorney and/or a victim witness advocate. Because the District Attorney's office reached an agreement with the Attorney General's Office for such Office to handle many casino related cases, the District Attorney's Office did not fully utilize the \$100,000 grant for the requested purposes this past year. Instead, the District Attorney's Office has requested that the Commission authorize the use of the grant to reimburse the Office for time and resources expended by other staff this past year. Now that the books are closing for last fiscal year, this request may no longer be applicable. However, in the event it is still necessary, the Review Team recommends that the District Attorney's Office be authorized to submit a request for the time and expenses of such other staff. After paying approved expenses, staff would close out last year's grant and credit any balance back to the Community Mitigation Fund. The District Attorney's Office very responsibly recommended that its 2020 request could be offset by any remaining balance of the 2019 grant award. However, the Review Team believes that a new grant of \$100,000 and a close out of the unexpended 2019 award is more manageable. In 2018, the Commission also authorized \$25,000 for the development of a method tool to more effectively determine casino related caseloads. That portion of the grant has not yet been utilized. However, the District Attorney's Office expressed its willingness to assist in the creation of such a system. The Review Team recommends that this portion of the 2018 grant remain active and that the Commission devote staff resources this year to help develop this system in tandem with the District Attorney's Office.

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<sup>3</sup> MGL c. 23K, sec. 61 states, in part, that “[t]he commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire and emergency services.” (Underlining added).

**Licensee Response:** “The Hampden County District Attorney (DA) is applying for \$100,000 in mitigation funds. The Hampden County District Court has consistently been the busiest in the state. We support any funding that will ensure the DA's office is more than adequately equipped to continue keeping the residents of Hampden County safe. We believe the more resources our public safety partners have, the better off the region is. A safe region will continue to allow businesses to thrive with increased visitation to Greater Springfield.”

### **HAMPDEN COUNTY SHERIFF**

**Summary:** 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. The application notes that “the Western Massachusetts Correctional Alcohol Center, now known as the Western Massachusetts Recovery & Wellness Center, a regional correctional treatment center in the Commonwealth, operated by the Hampden County Sheriff's Department (HCSD) was forced to move after 29 years of operation at 26 Howard Street in Springfield due to this facility being within the physical footprint of the casino.”

**Analysis:** The 2019 Community Mitigation Fund Guidelines state that “[i]n 2016 the Commission awarded the Hampden County Sheriff's Department (“HCSD”) funds to offset increased rent for the Western Massachusetts Correctional Alcohol Center (“WMCAC”). In providing assistance, the Commission stated that the amount of assistance shall not exceed \$2,000,000 in total for five years or \$400,000 per fiscal year. A provision in the grant required HCSD to reapply each year. Each grant application may not exceed \$400,000 per year.” If awarded, this would be the fourth year of lease assistance provided by the Community Mitigation Fund. To date, the Commission has provided \$1,045,000 in lease assistance. As in previous years, the Review Team acknowledges the vital role of this facility to the Springfield region. Upon review of the application and the response provided by the HCSD, the Review Team believes that the HCSD has demonstrated its continued need for this funding. The HCSD's office will need to annually demonstrate efforts to obtain legislative or other funding sources to enable the Sheriff's office to afford the lease without Community Mitigation Fund assistance. Therefore, 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.

**Licensee Response:** As in previous years, MGM continues to support the Hampden County Sheriff Department's (HCSD) application for a grant of \$400,000 to help reduce the rent obligation for the Western Mass Correctional Alcohol Center (WMCAC) at their 155 Mill Street facility in Springfield. As you are aware, this is the result of the WMNCAC having to deal with a significant increase in rent after relocating from the MGM Springfield project site. MGM continues to be consistent in its support of the WMCAC over the last few of years and is pleased to support this request again in 2019.

### **SPRINGFIELD – FOCUS**

**Summary:** 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”). Unless a lease extension with MGM Springfield is executed or another arrangement occurs, according to the Springfield application, “likely no later than September 30, 2019, Focus will be obligated to move from its current studio location” at 101 State Street in Springfield. “As a result of the lease expiration..., the City will lose its current community public access studio currently operated by Focus.” The City of Springfield notes in its application that “[t]he impact brought about by this eviction presents a significant hardship for viewers in the 40,000 cable TV households and businesses of Springfield, who rely on Focus to stay informed about what is happening in their local community.” The City of Springfield also provided details about numerous City departments “that rely on Focus to provide timely, and often critical information to City residents.”

**Analysis:** An application relating to Focus was filed by the City of Springfield in 2018. The 2018 Review Team noted that it “continues to remain unconvinced that the proposed mitigation measure is the best method to avoid Massachusetts Constitutional difficulties.” The 2018 Review Team also recommended “that any award should be contingent upon a determination that the assistance can be provided under Massachusetts Constitutional restrictions.” After deliberation, the Commission placed the 2018 application on hold and requested further information relating to the Massachusetts Constitutional issues. The City of Springfield withdrew its 2018 application and submitted this new application that would, if awarded, provide funds to the Springfield Technical Community College Assistance Corporation for the construction of a studio instead of providing relocation assistance to Focus (as in the 2018 application). During the Review Team deliberations of the 2019 application, the applicability of the Massachusetts Constitutional restrictions remained an issue. The Review Team asked Springfield to provide “a legal opinion explaining how this application meets the applicable Massachusetts standards.” The Review Team also requested that “[s]uch legal opinion should include an analysis, citing statutes and/or case law, as to how the use of funds to provide space and equipment for the benefit of a private entity (here, Focus Springfield) does not violate the anti-aid provisions of the Massachusetts Constitution.” The City of Springfield provided a response and a letter from Costello & Leiter, P.C., regarding the qualifications of Springfield Technical Community College Assistance Corporation as a public entity. Because these responses did not answer all the questions of the Review Team, the Review Team determined that the Commission would also need to hear from the Commission’s legal office on the matter. Attached please find this opinion. The Review Team suspended further review of the application until the Commission review of the opinion.

**Licensee Response:** The City of Springfield on behalf of Focus Springfield is applying for \$555,925 in mitigation funds to cover the shortfall cost of replicating their studio at another location above and beyond the lease termination/relocation payment Focus Springfield expects to receive from MGM Springfield. Focus Springfield currently occupies the ground level space at 101 State Street and is expected to have the ability to remain there at least through the end of the year. MGM supports providing additional relocation assistance to Focus from the Community Mitigation Fund as Focus provides important community television programming and remains an important contributor to the local community.

We note that Springfield requested a waiver of the Commission’s Guideline of a \$500,000 Specific Impact Grant target spending amount. However, as the Review Team suspended



review of the Springfield Focus application pending further legal review, this grant (in tandem with any other grant) does not exceed \$500,000.

### SPRINGFIELD – POLICE

**Summary:** The City of Springfield for the Springfield Police Department is requesting \$360,129.42 for specific equipment “that will address public safety needs as it relates to the opening of the new casino. Specifically for the purposes of this request, [the City] identified equipment essential for [its] department to continue to provide safety precautions to the ever-changing community surrounding the casino.” The requested funds would be utilized for the following equipment.

EQUIPMENT	UNIT COST	UNITS	TOTAL COST
WANCO MINI MESSAGE BOARD SIGN AND TRAILER, SOLAR AND BATTERY POWERED WVT3, THREE LINE	\$ 17,594.00	3	\$ 52,782.00
POLARIS RANGER XPS1000 NORTHSTAR EDITION W/ PACKAGE PATROL	\$ 40,135.91	2	\$ 80,271.82
MOTOROLA APX 800 DUAL BAND PORTABLE RADIOS	\$ 6,494.30	6	\$ 38,965.80
WACKER NEUSON LTV6K LIGHT TOWER WITH KUBOTA DIESEL ENGINE	\$ 7,998.00	4	\$ 31,992.00
48" TRAFFIC CONES WITH 2 REFLECTIVE STRIPES AND "SPD" LETTERING	\$ 34.50	200	\$ 6,900.00
SMITH AND WESSON M&P PATROL RIFLE WITH SLINGS/OPTICS	\$ 900.00	4	\$ 3,600.00
PORTABLE BARRICADES - 16 PANEL, 13'	\$ 381.10	8	\$ 3,048.80
TUFFYS TRUNK VAULT	\$ 485.00	5	\$ 2,425.00
VORTEX VIPER 12 x 50 BINOCULARS	\$ 559.00	4	\$ 2,236.00
UTILITY TRAILER, WIRE MESH WITH RAMP	\$ 400.00	1	\$ 400.00
WATER RESCUE KIT	\$ 127.00	4	\$ 508.00
GAUZE AND TOURNIQUETS	\$ 100.00	250	\$ 25,000.00
SUZUKI DR-Z400S DUAL SPORT MOTORCYCLE, HELMET AND EQUIPMENT	\$ 8,500.00	2	\$ 17,000.00
INVARION RAPID PLAN TRAFFIC SOFTWARE LICENSES	\$ 1,400.00	4	\$ 5,600.00
TREK BIKES, HELMETS BACKRACKS	\$ 800.00	8	\$ 6,400.00
AED DEVICES	\$ 1,500.00	10	\$ 15,000.00
LICENSE PLATE READERS	\$ 17,000.00	4	\$ 68,000.00
<b>TOTAL:</b>			<b>\$ 360,129.42</b>

**Analysis:** The Review Team’s process included a review of how this equipment request relates to Springfield’s Host Community Agreement (HCA) and a review of the justification for each individual item of equipment.

In Springfield’s application and response to the Review Team, Springfield explained the process it utilized to negotiate its HCA and why some current public safety expenditures were not anticipated in such negotiations. Springfield explained that “[t]he Police Department’s budget includes funding for an additional 20+ officers added since the announcement of MGM Springfield’s opening, the newly developed E3 Metro Unit –

including officers, vehicles and equipment, and additional equipment staff added to service and monitor the increasing visitor population to MGM and the surrounding areas.” Springfield further noted that “[d]uring the negotiations of the HCA, the City had retained the services of a consultant experienced with the impacts associated with casino development and the consultant’s recommendations included advice as to public safety impacts. Despite efforts to address the issue with the use of experts, the need for an additional 20+ officers was not anticipated at the time of negotiations of the HCA, but has been the reality the City has been faced with as a result of the MGM development.” The City further explained that approximately \$50.9 million of the City’s \$691.7 million budget is allocated to the Springfield Police Department. The Review Team did not attempt to determine with specificity what percentage of the work of the additional 20+ officers is directly related to the public safety needs of the MGM Springfield casino. However, the Review Team was cognizant of the benefit of the City’s increased public safety expenditures to both the casino and to the City in general. Further, especially relative to the amount of resources required for such increased public safety presence, the Review Team found that a request for a subset of such expenditures for necessary equipment is reasonable and is a justifiable Community Mitigation Fund expense.

The Review Team looked at each specific equipment item and determined whether it is a justified expenditure from the Community Mitigation Fund in relation to the casino. We do not repeat here the specific questions raised regarding each item of equipment but point the Commission to the letter to Springfield from the Review Team and the City of Springfield’s responses. In general, the Review Team worked to determine the connection of each requested piece of equipment to the casino, whether such equipment is otherwise available, and the reasonableness of the request. The Review Team found that the majority of the requests are reasonable, would provide a benefit to enhance the public safety of the casino, and may provide additional public safety benefits to the City of Springfield. For example, Springfield requested funding for new radios that would enable the Springfield Police Department and the Gaming Enforcement Unit to more easily communicate with each other. The Review Team found that such expenditure is an easily justified expenditure that relates to casino operations. Similarly, the City asked for equipment to assist with traffic and crowd control such as cones and message boards. MGM Springfield hosts a number of well attended entertainment events on site and promotes many other marquee events at the MassMutual Center. Such equipment will provide a benefit for those events. For some Review Team members, MGM Springfield’s role at the MassMutual Center was an additional consideration in evaluating the need for some mitigation requests. As another example, the Review Team believes that the water rescue kit for the Riverfront can also be justified because of the likelihood of MGM Springfield sponsored events on the River front. MGM Springfield provided \$1.5 million to the City to improve the Riverfront. The Review Team was not convinced on the justification for only a few items in the request. Springfield requested funds for two units of a Suzuki dual sport motorcycle, helmet, and equipment, two units of a Polaris ranger with package control, and a utility trailer that would be an attachment to the Polaris ranger. In response to a question from the Review Team, Springfield stated that “[p]olice motorcycles offer a unique opportunity to provide rapid deployment in critical situations to areas not easily accessible by cruisers... and have proven to be effective in public relations with community members.” In regard to the Polaris request, the City highlighted the benefit of “ease of access to areas not accessible by

motor vehicle cruisers... and rough terrain.” The Review Team understands the benefit of such equipment to help with needs throughout Springfield but was less convinced that such expenditure is reasonable in the environment surrounding the casino. Some members of the Review Team also questioned how four license plate readers could be justified within the context of casino related needs. The City of Springfield provided significant justification how such license plate readers could enhance the safety of the casino. However, some Review Team members questioned why four would be necessary, suggesting that two readers would be sufficient for the footprint of the casino.

Eliminating the few items (motorcycles, Polaris, trailer, 2 license plate readers) whose justification was not determined by the Review Team, the Review Team recommends that the Commission approved the remainder of the City’s request for funding for equipment and the recommended funding level of \$228,457.68.

### **Transportation**

The Commission will make available funding for certain transportation planning activities.... Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results.... The total funding available for Transportation Planning Grants will likely not exceed \$1,000,000. No application for a Transportation Planning Grant shall exceed \$200,000....In order to further regional cooperation the applications for transportation planning grants and non-transportation planning grants that involve more than one community for the same planning projects may request grant assistance that exceeds the limits specified in these Guidelines (\$200,000 for transportation planning grants and \$50,000 for non-transportation planning grants).

### **BOSTON**

**Summary:** 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”. The City notes that it currently has a contract with Tetra Tech for \$3,949,524 that covers 25% of the design.

**Analysis:** The Commission approved \$250,000 in funding for the Sullivan Square / Rutherford Avenue redesign in 2017 and \$200,000 in 2018. At the time of the 2018 review, the Review Team noted that the “Review Team strongly agrees that Boston’s review of the design for the Sullivan Square / Rutherford Avenue improvements is clearly related to transportation issues or impacts directly related to the gaming facility. The Commission provided funding for design in last year’s program. Both the Encore Boston Harbor improvements to Sullivan Square required under the applicable MEPA Section 61 Findings and a review of Boston’s longer term designs for the area have been significant considerations in the Commission’s ongoing review of the Encore Boston Harbor project and the license conditions. These conditions include, but are not limited to, a requirement for Encore Boston Harbor to contribute \$25 million to this project.” The Review Team continues to support the requested funding for this important project. Although the

Commission has provided significant funds toward the design, the grants continue to represent only a fraction of the overall design costs. The Review Team does note that Boston has indicated that the new start date for the project has been adjusted to federal fiscal year 2022. However, Boston anticipates a late fall (or early winter) submission of the 25% design to MassDOT.

**Licensee Response:** “Encore Boston Harbor supports the City of Boston's effort to redesign and construct Rutherford Avenue and Sullivan Square. We have been working very closely with the City of Boston and the Boston Transportation Department on this important project. We are encouraged by the speed and attention the City has given to this long forgotten transportation network. The number one concern of the residents of Charlestown, Everett, Somerville and others from the north shore is that the long-term improvements to Sullivan Square will not be pursued or completed. The City's efforts should be commended and their participation and engagement with the Lower Mystic Regional Working Group applauded and replicated for other projects.

The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. This is one such project that can lead dramatic regional improvement in the future.”

**MassDOT Response:** MassDOT recommends approval of the City of Boston’s request for \$200,000 to contribute to the design costs for the Sullivan Square/Rutherford Avenue reconstruction project. Our approval is consistent with the state and the City efforts to support economic development in this area, manage congestion, support for multimodal travel, and improve safety for travel in the area. We note that insufficient information was provided regarding the status of project design, breakdown of project costs, and goals of the reconstruction project to support the goals defined above. We also note that an “underpass” option for Sullivan Square, while modeled as part of the Lower Mystic Regional Working Group, was not explicitly recommended as part of the study. As with our comments on a similar request last year, the application does not discuss any progress that has been made with previous grant funding.

## LYNN

**Summary:** Lynn is seeking a Transportation Planning Grant in the amount of \$200,000 to perform a 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.

**Analysis:** Route 107 is an arterial roadway that connects Revere, Everett and Boston to the south and Salem and Peabody to the north. Lynn was recently notified by MassDOT that the Route 107 corridor rehabilitation project is eligible for \$36 million in federal and state highway funding. The City of Lynn is responsible for the design, permitting and right-of-way associated with this project. Design costs for this project are anticipated to be about 10% of the construction cost, or \$3.6 million. The proposed grant of \$200,000 would provide only a small down payment on the total cost of design.

The main north south routes through Lynn are Route 107 and Route 1A. Therefore, it is expected that patrons and employees of the casino from Lynn and points north will use Route 107 to some degree to access the casino. The environmental studies associated with the casino did not anticipate significant traffic impacts on the City of Lynn. However, any

increases in traffic to this already congested corridor could potentially degrade levels of service. The Review Team found that the requested grant was reasonable. Considering the amount of the grant compared to the total cost of the project's design and construction, the Review Team felt this was an appropriate expenditure relative to the casino's impact.

Six months after the Encore project opening, the first of the semi-annual look back traffic studies will be performed. At that point, we will have a better idea of the actual traffic impacts associated with the casino. If the expectations of the traffic studies performed as part of the environmental permitting come to fruition, we would need to carefully evaluate whether further Community Mitigation Funds towards this regionally beneficial project would be justified. Even with that caveat, the Review Team believes that the City has demonstrated the appropriate nexus to the Encore Boston Harbor casino for the purposes of these planning funds. When the Commission first established transportation planning grants, it recognized that transportation projects often require significant time to plan and that effective planning is important to help avoid delays in remedying impacts that may be identified in the future.

**Licensee Response:** Encore stated that “Encore Boston Harbor supports the City of Lynn's effort to develop a plan and apply for additional federal funding that could have a long-term and lasting impact in the region. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. This is one such project that can lead to dramatic regional improvement in the future.

**MassDOT Response:** MassDOT stated that “MassDOT supports the request of the City of Lynn for the amount of \$200,000 towards the traffic analysis and the development of conceptual design of infrastructure improvements along Western Avenue (Route 107) in Lynn. MassDOT recently completed a corridor study to address congestion and operation issues along Route 107 and MassDOT's jurisdiction of Western Avenue in Lynn ends at approximately Ida Street to the south and resumes at Linton Road (just before the Buchanan Bridge) to the north. The area under consideration for the MGC grant is under Lynn jurisdiction, and the scope of the Route 107 Corridor Study extended to Chestnut Street, the northern end of this application project's scope. The grant application is consistent with the corridor study findings and would complement any future DOT project – work on the Lynn-owned sections would benefit any work on the DOT-owned sections.



## MEDFORD

**Summary:** The City of Medford is seeking \$200,000 in funding to “design a multi-use boardwalk under the Route 28 bridge.” The funding breakdown is listed as: “\$12,750 will be used for MyRWA for project management, community/ stakeholder engagement and reporting. The remaining \$187,250 will be used for a design and engineering consultant to produce design and construction documents and carry out permitting.” Medford also noted that “[t]his underpass will 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.”

**Analysis:** The Review Team recommends that the Commission approve of this planning grant. Station Landing and the Wellington MBTA Station are important connection points to the Encore Boston Harbor casino. Their importance has recently been evidenced in the opening weeks of the casino. The Review Team believes that Medford provided significant information in response to a question on why patrons or employees northwest and west of the proposed project would not utilize existing pathways to Station Landing or the Wellington MBTA Station. Medford noted that the potential multi-use boardwalk would be a better option for employees or patrons than crossing Route 28 at grade or traversing through nine lanes of traffic through Wellington Circle. As a condition of receiving this grant, the Review Team recommends that Medford should be required to explore other sources of funding for the potential construction of the multi-use path from other stakeholders that would benefit from the path and from other agencies.

**Licensee Response:** “Encore Boston Harbor supports the City of Medford's effort to increase pedestrian and bicycle connections in the area. A pedestrian underpass beneath Rt. 28 would be a tremendous asset to the residents and businesses at Station Landing and increase accessibility to a wonderfully large but underutilized park across the street. The crossing in Somerville works very well and should be replicated in Medford. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. This is one such project that can lead to impactful regional improvement in the future.”

**MassDOT Response:** MassDOT supports the City of Medford Energy & Environmental Office’s request for \$200,000 to support the design, permitting, and construction plans for a pedestrian and bicycle underpass underneath Route 28, which will provide a missing gap in the Mystic River Greenway Plan and connect pedestrians and bicyclists from the Mystic River State Reservation to Orange Line services at Wellington Station. This underpass would divert users from crossing at-grade at Wellington Circle, improving safety for all users and encouraging increased pedestrian and bicycle activity. Employee shuttles to Encore Boston Harbor are proposed to be provided from Wellington Station; this proposal would facilitate improved employee access to these shuttles. This proposal is supported by the Metropolitan Area Planning Council, particularly in achievement of their LandLine Trail and Greenway Plan, and the Department of Conservation & Recreation.

## WEST SPRINGFIELD

**Summary:** 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 1 and 3 will be the municipal contribution to the Bikeshare Expansion proposal for the use of CMAQ funding. Station 2 will be done independent of the CMAQ proposal.” The budget accompanying the application states that “[t]he breakdown ... is as follows: Location 1 – Concrete Pad and Electrical \$4,900 Location 2 – Concrete Pad and Electric Charging Station, Kiosk, Bicycles And. Misc. \$73,000 Location 3 - Concrete Pad, Electrical, \$5,500.”

**Analysis:** Although West Springfield’s application stated important considerations shared by the Commission regarding improving access to the casino by pedestrians and bicyclists, the Review Team believes that the requested activities are ineligible activities under the 2019 Transportation Planning Guidelines. Those Guidelines state that “[a]lthough the Commission intends to continue authorizing grants for transportation planning and design through its transportation planning grants, the Commission does not intend to expand these grants to include the cost of the construction of transportation projects in the 2019 CMF.” The Review Team believes that the building of concrete pads and electrical charging stations and the purchase of bicycles are not the type of activities eligible under the Commission’s transportation planning grants. In response to a question regarding this potential ineligibility, West Springfield noted that “[t]he majority of the funding requested with this application is the procurement of goods rather than construction. This includes the bicycles and associated materials (i.e. docking station and kiosk) rather than actual construction. It can almost be compared to a design/build process.” Even with this response, the Review Team does not believe that these activities fit within the range of activities anticipated under transportation planning grants. The 2019 CMF Guidelines list the following types of activities: planning consultants/staff; data gathering/surveys; data analysis; design; engineering review/surveys; public meetings/hearings; and final report preparation. As such, 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.

**Licensee Response:** “The Town of West Springfield has applied for a 2019 Transportation Planning Grant from the Community Mitigation Fund in the amount of \$83,400 to support the expansion of the Valley Bike Share network which already has stations in downtown Springfield, including at MGM Springfield. MGM supports this project as it will build on the investments already made in bike lanes as well continue to promote and encourage bicycling as a mode of transportation.”

**MassDOT Response:** “MassDOT supports the request of the City of West Springfield in the amount of \$83,400 to further their participation into the ValleyBike Share Program. The funds will be used to plan, design/build three bicycle station pads, install electrical service, and purchase an additional bicycle to support the ValleyBike Share system. As indicated in the application, West Springfield is expected to see a fair amount of casino traffic traveling through its center and the funds would provide for expanding the implementation of alternative modes of travel between West Springfield and the casino site. As part of the ValleyBike Share system project and as a requirement of the MassDOT Section 61 Finding for the project, a bike share station must be installed at the MGM Springfield casino site. Once operational, this would provide an efficient and environmentally friendly mode of

travel between these two locations. The application has provided engineering estimates or the proposed project and we believe that the quotes are reasonable.”

### **EVERETT/SOMERVILLE**

**Summary:** Everett and Somerville are 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.” The joint applicants note that the “designs will use, to the extent possible, any previous work by Encore, CTPS, MassDOT etc. as part of the Lower Mystic Working Group.” They further note that they “anticipate being able to complete at 10% level of engineering design on the Everett corridor, and concept level design on the Somerville corridor where some further analysis of route alternatives may still be necessary.”

**Analysis:** The Review Team strongly supports the requested funding. As noted, in the application, “[d]uring the past two years, the cities of Boston, Somerville and Everett have been engaged in the Lower Mystic Working Group along with MassDOT, the MBTA, MAPC, the Massachusetts Gaming Commission, the Attorney General’s Office and Encore Boston Harbor. This collaborative working group has spent considerable time and energy identifying and analyzing solutions to solving access and mobility issues around Sullivan Square and the lower basin of the Mystic River. The extension of the MBTA Silver Line to Everett and Somerville is a key recommendation of the working group.” An extension of the Silver Line with a stop at Encore Boston Harbor would provide significant regional transportation benefits and could also significantly help reduce traffic related to Encore Boston Harbor. For example, the application states that “[e]mployees and patrons coming to the casino resort from Logan Airport, South Boston and points east would benefit from a seamless Silver Line transfer to MBTA commuter rail service as Chelsea, MBTA Blue Line service at Airport Station, and MBTA Red Line and Commuter Rail as well as Amtrak northeast regional service at South Station. The extended Silver line would provide reliable inter-modal transfers at Sullivan Station, connection patrons and employees of the Gaming Facility to MBTA Orange Line service, as well as to ten MBTA bus lines.”

In the application, both the joint applicants referenced significant matching funds for the grant, including staff time that would be required for a project of this magnitude. In addition, the City of Everett has pledged \$100,000 from its Capital Improvement Plan to the study and design a portion of the proposed project. In addition, the application notes that “the City of Somerville has programmed \$200,000 of capital funds to install new traffic signal equipment on Washington Street that uses MBTA standard Transit Signal Priority.”

MassDOT expressed its support for the grant, stating that “[t]his proposal was studied and recommended as part of the Lower Mystic Regional Working Group, of which the two communities, MassDOT, and the MGC served on. Bus improvements along the proposed corridor could have a transformative effect on reducing single-occupancy vehicle travel from Everett and points north, allowing for more desirable access to existing MBTA rapid transit operations.” Indeed, as noted in the joint applicants’ response to the Review Team, “[t]he MBTA has recently committed its own funding [\$1 million] as part of its most recent Capital Investment Plan (CIP) to advance design of the Silver Line to Everett.” MassDOT’s response to the Review Team indicated that providing design funding to the cities could

compliment the efforts that will occur as a result of the MBTA CIP funding. MassDOT noted that “the MBTA recently received \$1 million in funding in the 2020-2024 Capital Investment Plan (CIP) to plan for a Silver Line expansion through Everett. Supplemental information provided by the cities of Everett and Somerville acknowledge that this may change the scope of work, particularly with regards to the ratio of funds spent in Everett versus Somerville. Direction on how the CIP funding is utilized is not yet known; as the Lower Mystic Regional Working Group detailed expansion of a Silver Line Route through Everett and Sullivan Square towards Somerville, an opportunity exists for an MGC grant to prioritize analysis of potential corridors in Somerville. In any case, if awarded, the MGC should ensure there would no duplicative efforts between the MBTA study and the study by the cities.”

Given the important benefits that could result from an extension of Silver Line service to Encore Boston Harbor, the Review Team recommends that the Commission approve the requested funding, provided that the joint applicants be required to consult with MassDOT and Encore Boston Harbor on the proposed design procurement documents. The Review Team also notes that Commission staff needs to approve of a more detailed scope, budget and timetable for the planning effort. This is a typical provision in CMF grant contract documents but is even more important here given the coordination that would be necessary to ensure a successful planning effort.

**Licensee Response:** “Encore Boston Harbor supports the joint effort between the Cities of Everett and Somerville to extend the Silver Line through Everett and Somerville. This project has the potential to lead to the realization of the regional urban ring concept-connecting the Silver Line to the Orange and/or Green Lines. We would like to applaud the collaborative effort on this project. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. This is one such project that can lead to dramatic regional improvement in the future.”

**MassDOT Response:** “MassDOT supports the request from the cities of Everett and Somerville for \$425,000 to support conceptual engineering design of a bus rapid transit corridor from Chelsea Station (the current terminus of the Silver Line) to Sullivan Square and onwards through Somerville, proposed to follow the MBTA Commuter Rail right-of-way to a point near the Lechmere MBTA Green Line Station. This proposal was studied and recommended as part of the Lower Mystic Regional Working Group, of which the two communities, MassDOT, and the MGC served on. Bus improvements along the proposed corridor could have a transformative effect on reducing single-occupancy vehicle travel from Everett and points north, allowing for more desirable access to existing MBTA rapid transit operations. If not already completed, we encourage the applicants to examine the implications of different route variants (including the extent to which Broadway in Everett will be utilized and potential corridors to the south and west of Washington Street in Somerville) with this funding.” ... “Regarding the Everett/Somerville grant application, the MBTA recently received \$1 million in funding in the 2020-2024 Capital Investment Plan (CIP) to plan for a Silver Line expansion through Everett. Supplemental information provided by the cities of Everett and Somerville acknowledge that this may change the scope of work, particularly with regards to the ratio of funds spent in Everett versus Somerville. Direction on how the CIP funding is utilized is not yet known; as the Lower Mystic Regional Working Group detailed expansion of a Silver Line Route through Everett

and Sullivan Square towards Somerville, an opportunity exists for an MGC grant to prioritize analysis of potential corridors in Somerville. In any case, if awarded, the MGC should ensure there would no duplicative efforts between the MBTA study and the study by the cities.”<sup>4</sup>

## REVERE/SAUGUS

**Summary:** Revere and Saugus seek a grant of \$425,000 to further advance 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 with respect to project benefits and constraints.

**Analysis:** In 2017, the Commission awarded a grant to Revere/Saugus of \$150,000 to initiate a study of the Route 99, Route 1, Route 1A, Route 107 and Route 16 corridors. A second grant of \$275,000 was awarded to Saugus/Revere in 2018 to build on the work of the first grant and to develop a traffic model of the corridors current year and 2040 traffic. The work also identified potential improvements along the Route 99 and Route 1 corridors, and developed conceptual options to improve traffic on Route 1. These studies are ongoing and still have a few items to complete. The 2019 grant would allow Revere/Saugus to evaluate the proposed alternatives and develop preliminary design concepts for short range and long range alternatives to increase the capacity and safety of the Route 1/Route 99 corridor.

The Review Team agrees that these projects and the new application have a nexus to the Encore Casino as the Environmental Impact Reports prepared for the casino envisioned approximately 9% of the traffic using the Route 1 corridor to get to/from the project. The Review Team is supportive of the use of the Community Mitigation Funds to perform transportation planning activities in anticipation of the effects of the casino opening. The proposed grant, if approved, would allow Revere and Saugus to hone in on some specific short term and long term improvements that could help alleviate traffic congestion and improve safety along this very busy corridor. The grant would also allow them to prepare design plans at a suitable level of development to start the process of getting the project on the Transportation Improvement Program.

The Review Team is mindful of comments raised by MassDOT. MassDOT stated its support for “the City of Revere and Town of Saugus efforts to identify short and medium term multimodal transportation improvements along Route 1 that would benefit regional travel, including access to the EBH site.” However, it noted some concerns regarding the scope of the work for the planning effort, including proposals to conduct traffic monitoring of the EBH or to do modeling and/or VISSIM analysis for the Route 1 Corridor. Therefore, the Review Team recommends that the Commission require Revere and Saugus to consult with MassDOT regarding the scope and budget for the planning effort prior to submission and review of the scope, budget, and timetable to Commission staff. In the event that the

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<sup>4</sup> Updated response dated 7/9/2019 from MassDOT.



parties cannot reach a consensus on these items, Commission staff would report back to the Commission about any area of disagreement.

**Licensee Response:** Encore stated that “Encore Boston Harbor supports the joint effort between the cities of Revere and Saugus to plan for and implement improvements throughout the Rt. 1/Rt. 99 corridor. We encourage them to continue their outreach to surrounding cities, including Malden, Chelsea and Everett to develop large-scale regional improvement plans. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. We would like to encourage greater regional collaboration in the future to ensure that the resources available are put toward initiatives that will benefit the region for decades to come.”

**MassDOT Response:** MassDOT stated that “MassDOT continues to have reservations regarding the scope of the work associated with the grant application by the City of Revere and the Town of Saugus for improvements along the Route 1 Corridor.” MassDOT also noted that “we could not establish a significant impact of the Encore Boston Harbor casino project on current and future conditions on Route 1; therefore, the requested budget and proposals to conduct traffic monitoring of the EBH or to do modeling and/or VISSIM analysis for the Route 1 Corridor are not fully justified. However, given that Route 1 is a MassDOT roadway with known safety and operational issues, we support the City of Revere and Town of Saugus efforts to identify short and medium term multimodal transportation improvements along Route 1 that would benefit regional travel, including access to the EBH site. These improvements could be implemented in the future by MassDOT or as mitigation by future development proposals along the corridor. We would therefore support the request subject to the municipalities’ willingness to work with MassDOT to refine the scope of work and budget to achieve the goals of identifying specific projects for future implementation. MassDOT would also collaborate closely with the municipalities to oversee the study.”<sup>5</sup>

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

“The 2019 Community Mitigation Fund Guidelines state that “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.”

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<sup>5</sup> Updated response from MassDOT dated 7/9/2019. Earlier response also included in packet.

## EVERETT/SOMERVILLE

**Summary:** The application seeks 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 (hereinafter called the “Connector”) and to prepare an application for a federal BUILD grant to help finance the construction of the Connector and/or a proposed pedestrian bridge (“Pedestrian Bridge”) to allow pedestrians and bicyclists to travel across the Mystic River between Somerville and Everett.

\$400,000 of the grant request would be utilized to advance design of Connector from 60%-100% design. \$100,000 is requested to help prepare an application for a federal BUILD grant including: benefit cost analysis, narrative and application, ridership projection, and coordination. The total \$500,000 mitigation request would provide the funding necessary to apply for matching federal funds as well as complete design of the project.

**Analysis:** In 2018, the Commission provided a grant of \$425,000 to Everett / Somerville to fund the design of a connection to the Assembly Station head house to 60% design. At the time of the review, the Review Team noted that “[t]his is exactly the type of project envisioned for the use of Transportation Planning Funds. There is a clear nexus to the gaming facility and, if implemented, the Connector will help mitigate both traffic congestion and improve mode share through the corridor. Given the importance of mode share for the Encore Boston Harbor project, this planning effort should be strongly supported.” The Review Team continues to strongly support the effort to design a connection to Assembly Station, which would provide a strong regional transportation benefit and provide transit access to Everett. This grant, if approved, would allow the cities to fully design the Connector (100% design). Everett and Somerville have developed a Request for Proposals for the 60% design work but have not yet issued the RFP. Because of the near term determination by the Commission on this grant application, the joint applicants have indicated a preference to issue one RFP for 100% of the design, if approved, rather than one RFP for 60% design and one RFP to complete the design.

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. In the response letter from Everett and Somerville, the joint applicants note that “[s]ince this application was submitted, we have been informed that MassDOT would likely not be supportive of applying for the federal BUILD grant due to their sense that the project would be an unlikely recipient of a BUILD grant and may conflict with other MassDOT priorities which have a better likelihood of receiving BUILD funds.” In that letter, the joint applicants noted a desire to continue to use the \$100,000 to pursue other funding / grant opportunities that may be available. However, the response letter did not address what other funding opportunities may exist or why the Connector would be a state priority for such other funding opportunities. Thus, the Review Team determined that the request for the \$100,000 should not be approved. Instead, the Review Team recommends that 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 including the Connector, the Pedestrian Bridge, the Lower Strand bicycle and pedestrian path, and the improvements to Draw 7 Park. Indeed, these conversations have been ongoing for many months.

The Review Team also recommends that the Commission require that the Joint Applicants submit a proposal on how they will procure and manage the design work. Under the 2018 grant, the City of Somerville is responsible for such tasks. Under the 2019 proposal, the City of Everett would be responsible for administration. This split of responsibility under different stages of the design does not seem warranted given the recommendation to authorize 100% of the design. The Review Team also recommends that the Joint Applicants submit a more detailed timetable for the design. Finally, the Review Team recommends that Commission require staff approval of the revised RFP prior to its release. Staff would be instructed to consult with Encore Boston Harbor to determine how the plans for the design of the Connector work with plans for a pedestrian and bicycle crossing of the Mystic River.

**Licensee Response:** “Encore Boston Harbor fully supports the MBTA head house expansion that is part of a broader regional effort to connect pedestrians and bicyclists over a dedicated bridge to the Assembly Square Orange Line Station opening new transportation options to thousands of people. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, has the opportunity to make substantial improvements to our area. This joint initiative between the Cities of Everett and Somerville is exactly the type of regional collaboration and big thinking we hope will continue as the Community Mitigation Fund matures post opening.”

**MassDOT Response:** MassDOT supports the request from the cities of Everett and Somerville for \$500,000 in support of a pedestrian footbridge concept across the Mystic River between Encore Boston Harbor and the MBTA Assembly Orange Line Station. The funding would be used to both advance the design of the headhouse at Assembly Station from 60% to 100% (\$400,000) and to develop and submit a BUILD grant application (\$100,000) to provide matching funds to the pedestrian bridge and/or headhouse. This application builds upon earlier work to advance the pedestrian bridge concept through the 75% design phase, as summarized in the Mystic River Pedestrian Bridge Concept Design Report released by the Department of Conservation & Recreation in February 2018. Encore Boston Harbor has made a verbal commitment to provide significant funding towards the projected \$35 million cost of the footbridge on the condition that access to Assembly Station is provided. The proposed pedestrian bridge was studied and recommended as a solution to improve bicycle and pedestrian access in the Lower Mystic Regional Working Group study, and would provide an additional “last mile” solution to patrons of Encore Boston Harbor as well as provide a significant link for pedestrians and bicyclists from Everett to access the MBTA Orange Line at Assembly Station. Note that the funding request may exceed Massachusetts Gaming Commission guidelines for the amount of funding available per application.

## **PIONEER VALLEY TRANSIT AUTHORITY**

**Summary:** “PVTA proposes to expand its downtown circulator service... The Loop, to 7 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 that are located along Route 5 in West Springfield.” The \$224,673.64 budget included in PVTA’s application states that \$69,668.45 would be necessary to add Monday

and Tuesday service, that \$155,005.19 would be necessary to extend the Loop to West Springfield, and \$33,701.05 would be necessary for administrative costs.

**Analysis:** The Review Team was cognizant of the significant support by the Commission and the City of Springfield of the Loop service but does not recommend that the Commission approve of the application. Instead, the Review Team recommends that the PVTA should continue its ongoing efforts to explore other ways to enhance the utilization of the current Loop service before expanding such service. In the PVTA's response to the Review Team, the PVTA notes that it "intends to enhance its route marketing for this service, encourage greater community participation and include downtown businesses, restaurants and destinations in its marketing efforts. Advertising the Loop in this way should increase ridership and increase traffic to MGM as well as to downtown restaurants and other destinations." The Review Team lauds the PVTA for its focus on improving utilization of the Loop service and hopes for more positive outcomes in the near future. PVTA's response indicated that the "[p]revailing industry best-practice for new transit services is typically 24 month to reach a reasonable level of market maturation."

The Review Team asked PVTA if it would be beneficial to expand night time service to the Loop instead of adding Mondays and Tuesdays (days of lower casino attendance compared to weekends). In its Response, the PVTA noted that "the limited span of evening service" is one of several "key limitations that constrain ridership growth." However, the PVTA did not determine that additional evening hours would be its preferred approach.

In regard to a proposed expansion of the service to West Springfield, the PVTA indicated that the current PVTA forecast for the utilization of such service would exceed the current usage of the Loop service. However, it remains unclear whether stakeholders would prioritize an expansion of the Loop service into the new area. For example, all of the support letters included in the original application mention the expansion of service to Monday and Tuesday but do not mention the expansion into the new area.

Overall, the Review Team believes and agrees with the PVTA that further efforts would be beneficial to improve the utilization of the current service. In an effort to improve the utilization of the current Loop service, the Review Team recommends that the Commission consider authorizing some funding (perhaps up to \$25,000) to assist in the PVTA's marketing and advertising effort for the existing Loop service. As noted, the PVTA should be lauded for its planned marketing and advertising efforts. Perhaps additional funding could help alleviate some of the resource burdens on the PVTA. To effectuate this recommendation, we recommend that the Commission authorize staff to speak with the PVTA, the City of Springfield, and MGM Springfield to determine if / how such funding could be utilized to improve the utilization of the Loop service and to improve visitation to the intended destinations and attractions in the City. If such funding is determined to be beneficial, a proposal would be brought back to the Commission for its review and approval.

**Licensee Response:** "The PVTA has applied for a Transit Project of Regional Significance Grant in the amount of \$224,673.64 to fund the expansion of The Loop service. As previously mentioned in a support letter to the MGC, MGM Springfield fully supports this grant. This funding would supplement the funding that MGM is already providing to run the

service that connects visitors to the Naismith Memorial Basketball Hall of Fame, the Springfield Museums, the historic Springfield Armory, MassMutual Center and other great attractions. “

**MassDOT Response:** “MassDOT supports the request of the Pioneer Valley Transit Authority for the amount of \$224,673.64 towards the expansion of the existing Loop service. PVTA proposes to expand this service from 5 to 7 days and to add an extension to its current Loop service into West Springfield. This would enhance access to both the MGM Springfield Casino, downtown Springfield, and Union Station for visitors staying in hotels along the Route 5 corridor. The proposal is consistent with MassDOT’s goals to provide travel options other than single occupancy vehicles. The application includes preliminary estimates for the expansion; however, it is not clear from the application for how the requested funds would be able to support the expansion or whether the expansion would be self-sufficient at some point in time.”

### Workforce Development

“For fiscal year 2020, the Commission will make available funding for certain career pathways workforce development pilot programs in Regions A and B for service to residents of communities of such Regions.....The total funding available for grants will likely not exceed \$600,000. No application for a grant in each Region shall exceed \$300,000 unless otherwise determined by the Commission.”

#### **BOSTON**

**Summary:** 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 in Boston, Somerville, Chelsea and Everett and includes: 1) four week Bridge to Hospitality pre-training program (job readiness, math, conflict resolution, financial coaching) for 50-60 students throughout the year; 2) Culinary Skills training for 18-20 Bridge to Hospitality graduates; 3) Contextualized English education for employment/ESOL for 30 individuals; 4) Community outreach, engagement and application assistance to 800 residents of Greater Boston; and 5) Convening’s of employers including non-casino hospitality and restaurant businesses.

**Analysis:** The Review Team supports this proposal’s intention to create opportunities for under-employed and individuals who may not be actively engaged in the labor market to access employment in the hospitality sector. Given the low unemployment rate in the state and region this proposal proposes focusing on individuals with multiple employment barriers and limited English proficiency to gain access to new career opportunities.

The proposed skills training programs have existing relationships with Encore and other employers, a deep understanding of hospitality sector’s hiring needs, and dedicated staff who work with graduates to ensure placement. The community organizations reported successful results in reaching community members and connecting them to opportunities at Encore in FY19. This year they propose serving a minimum of 800 greater Boston residents through connection to information, application assistance and referrals to career centers.



Most of the proposed measures address the goals of the CMF Workforce Grant including Bridge to Hospitality pre-training program, culinary and hospitality skills training, English for employment and the grassroots strategy to reach underemployed and unemployed residents of Greater Boston.

Some members of the Review Team questioned whether the hospitality employer convening was the right fit for this grant program. There are no matching funds proposed; some Review Team members thought that the CMF should not be the sole supporter of the industry convening.

The Review Team expressed concern about the overlap in the City of Boston(COB) and the Metro North Workforce Board proposals as they both included funding to two community organizations, La Comunidad (Everett) and Chelsea Collaborative to work closely with minorities, immigrants, non-native English speakers, and low-income residents of these communities. Both applicants describe community outreach activities and providing information on career opportunities, application and hiring process, hiring events, and basic career services such as assisting with filling out an application, completing a resume, and succeeding through the interview process. Both organizations have also assisted in referring job seekers to various available training programs to prepare for a career at Encore.

In order to be fiscally responsible, 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, including: 1) coordinating project activities such as the Career Advisor Network including designating a City of Boston representative to participate in these quarterly regional workforce meetings that include MNWB and Encore into FY 20; and 2) meet at least once or twice during the year to discuss a potential future collaborative joint application to the Community Mitigation Fund.

**Recommendation:**

The Review Team recommends the following:

- \$30,000 for English for hospitality classes (as requested)
- \$40,000 for Bridge to Hospitality classes (as requested)
- \$34,000 to support Casino Action Network organizations (\$51,000 requested)
- \$15,000 to support contextualized ESOL at Viet Aid (as requested)
- \$75,000 to support culinary skills training (\$104,000 requested)
- \$19,400 financial management of grant funds (10%)

**TOTAL: \$213,400.00**

**Not funded:**

- \$30,000 for series of hospitality industry employer convening.
- \$17,000 for funding for La Comunidad and Chelsea Collaborative

**Licensee Comment:** “Encore Boston Harbor supports the City of Boston's workforce development effort. Even though unemployment is at a record low, there are still many people who do not have the proper training to fill available positions. We have a significant hiring challenge to recruit fully employed and unemployed individuals. It is important to know that anyone who is currently hired and employed by us will create job openings at their respective company. We applaud the City of Boston's efforts to address this specific challenge.”

### **HOLYOKE COMMUNITY COLLEGE**

**Summary:** HCC 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 in order to get them into the pipeline for skills training and job placement. This is 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.

**Analysis:** The supplemental information provided by the applicant demonstrates a well inter-connected program that provides adult basic education, culinary and hospitality training and even proposes an ESOL course that is offered directly inside the casino (MGM Springfield.) The application states that the goal of this program will be to fill MGM Springfield’s anticipated 750 job vacancies in FY20, as well as the vacancies at other hospitality establishments across the region impacted by the 2018 opening of the casino.” The inclusion of the English in the Workplace program for the new grant year helps to achieve those goals.

The application states that “The demand for Adult Basic Education classes for level 1 (grade 2 - 3.9) and level 2 (grade 4 - 5.9) students is high,” which supports the proposals for through Springfield Public Schools “Ahead of the Game” (ability to earn high school credentials and be referred to post-secondary education or job training) as well as Springfield Technical Community College’s “Hampden Prep” which now focuses on English literacy for the workplace.

The workforce development project proposes providing a combination of work readiness preparation and occupational skills training to help the unemployed and underemployed take advantage of the employment opportunities currently available in the marketplace. The applicant also demonstrates the significance of low literacy impacts across Hampden County. The training program proposed develops “reading, listening, speaking, and writing skills for adults in entry-level jobs in the hospitality industry, customer service, the MGM Casino or in other similar hospitality establishments in Springfield, to meet the needs of employers who have lost employees.”

The new application proposes an 80 hour class in English in the Workplace, focused on hotels, including 20 hours each of career readiness and computer literacy. Additionally, the applicant identified in the supplemental response that, “Springfield Public Schools and MGM Springfield have partnered. Together, beginning in July, we will be offering an ESOL

class located directly inside the MGM Casino. This will be a summer course to start that we will be servicing both MGM's current employees as well as the Springfield Public Schools adult students looking to become employed at MGM." Further, "HCC & STCC Foundations are also funding the development and pilot of a contextualized ESOL Blackjack class" to further reach the un- and under-employed in the region.

**Licensee Comment:** "Holyoke Community College is applying for \$300,000 in mitigation funds to help with workforce development efforts in the region. The community colleges and the City of Springfield have been great partners in our preopening efforts which led to partnerships like the Massachusetts Casino Career Training Institute. This grant will continue to support the collaborative effort in helping to elevate the skill sets of the unemployed and underemployed in the region. In addition, the opportunities can lead students to fulfilling careers with not just MGM Springfield but other hospitality companies. These efforts can lead to a tremendous pool of applicants that may entice potential employers to consider Springfield as their future home. As a result, MGM supports this request."

### **MASSHIRE METRO NORTH WORKFORCE BOARD (MNWB)**

**Summary:** MNWB requests \$300,000 for sequence of services aimed at moving local residents into job preparation/work-readiness training and/or job placement in the hospitality and gaming sector through a Career Advisor Network: Community engagement, outreach, recruitment, and basic career services through a network of community-based organizations and municipal partners throughout the region. In FY 20 the applicant proposes to engage and serve at least 1,000 residents across the region; including 30 individuals in NECAT culinary arts training.

**Analysis:** The proposed FY 20 grant activities are intended to address labor market and workforce impacts directly at Encore as well as those at non casino hospitality employers in the region. The MassHire Metro North Workforce Board (MNWB) and MassHire Boston Workforce Board (BWB) conducted a series of employer focus groups in November of 2018 to gather feedback and information regarding workforce challenges in the hospitality and culinary sector. "Many of the employers, chambers of commerce, and municipal economic development departments who participated in these focus groups spoke of their challenges finding enough workers and the impact Encore is projected to have on the regional labor market," the grant application stated. Labor market information and direct conversations with the region's employers demonstrate that the Encore Boston Harbor gaming facility will continue to have a major impact on the region's labor market and workforce development system in "a region that is already experiencing a shortage of workers in these industries."

In FY 20 MNWB has proposed a focus on less intensive workforce readiness activities rather than additional skills training, explaining in the response to supplemental information, that many local residents needed fewer intensive services, and could benefit from lighter touch sessions (career information, resume writing, interviewing support) rather than more intensive skills training. The MNWB explained further, "with an interest in serving a higher volume of participants, the consortium made the decision to focus the funds that were available on less intensive services on a higher volume of participants. Overall, the consortium's goal is to have a broader impact under the 2019 project." The

committee is interested in evaluating the effectiveness of this new strategy given the strong labor market, low unemployment rate and unfilled hospitality jobs that the applicant outlines. Review Team members were interested in the intent to engage a broader audience in career advancement activities.

The applicant specifies a sequence of services aimed at connecting local residents to hospitality jobs starting with community engagement and outreach regarding career advising services or into job preparation/work-readiness training and/or job placement. The MNWB proposes that a career advisor assist individuals in navigating the available job training, work readiness and additional opportunities via referrals. The MNWB does NOT intend to offer additional ESOL/ABE or job readiness programming. However, they will continue to fund NECAT to offer culinary training to at least 30 local residents given that it is “one of the sector’s highest demand needs.”

Partners include Everett’s La Comunidad, Chelsea Collaborative, The Neighborhood Developers/CONNECT in Chelsea & Revere, Somerville Community Corporation, the Metro North Career Centers, Cambridge Office of Workforce Development, North Shore Career Centers, and City of Medford.

The committee members did note that there was potential overlap in the City of Boston and the MNWB proposals as they both included funding to the same two community organizations, La Comunidad (Everett) and Chelsea Collaborative to work closely with minorities, immigrants, non-native English speakers, and low-income residents of these communities. Both applicants describe community outreach activities and providing information on career opportunities, the application and hiring process, hiring events, and basic career services such as assisting with filling out an application, completing a resume, and succeeding through the interview process. Both organizations have also assisted in referring job seekers to various available training programs to prepare for a career at Encore.

In order to ensure funding is not duplicative in MNWB/City of Boston’s proposals, the Review Team requests authority from the Commission to work with both applicants to ensure the scopes to these organizations do not overlap. The Review Team will meet with MNWB and Boston to discuss the specific roles and responsibilities of La Comunidad and Chelsea to ensure that there is no duplication of services. In the event that there is some overlap of services, the Review Team will report back to the Commission with a recommendation on how to reduce or re-allocate funds, to other organizations in Everett and Chelsea or re-allocating funds to other project components.

- Create one scope of services that one lead organization (MNWB or Boston) is responsible for overseeing. The other lead organization could then re-allocate the freed-up funds to other organizations or project components.
- Create two distinct scopes of services that each lead organization (MNWB and Boston) is responsible for overseeing.
- Have each of the two partner organizations contract with one of the lead organizations, i.e. La Comunidad with Metro North and Chelsea Collaborative with Boston.

The Committee recommends continued collaboration between the MNWB and the City of Boston including coordinating project activities such as the career advisor network and outreach to local communities into FY20. Also, as a requirement of this grant the committee recommends that both applicants from Region A meet at least once or twice during the grant period to coordinate a potential joint future proposal to the CMF.

**Licensee Comment:** “Encore Boston Harbor supports MassHire's application to continue recruiting and training qualified individuals for positions at our facility. We have enjoyed wonderful partnerships with MassHire and New England Center for Arts and Technology over the last few years. We look forward to continuing this collaboration in the future. I hope you will look kindly on this application to allow for continued collaboration.

### Non-Transportation Planning

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

#### **CHELSEA/EVERETT**

**Summary:** 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 objective is to create a pipeline of workers and businesses to 1) support and provide services to the casino and its guests and 2) provide a skilled workforce to backfill jobs within the communities that become vacant as workers are hired by the casino.” The joint applicants state that \$41,800 would be needed to conduct a needs assessment in order to assist in the development of the curriculum for the center. \$63,200 would be necessary to develop the curriculum itself.

The application states that both Chelsea and Everett are “home to large immigrant populations, with a high concentration of Latinos....Curricula will be developed in English, Spanish, and Portuguese and will be determined based the outcome of an independent needs assessment that will be conducted under the grant.” Bunker Hill Community College “will work collaboratively to develop training that is customized to the community needs as defined by the needs assessment to be conducted by the Metropolitan Area Planning Council as part of this project.” The application mentions options for training including social marketing for hospitality and work readiness classes to prepare workers for the casino or a related hospitality business. In addition, the training is designed to help “existing businesses in Everett and Chelsea [that] are small minority-owned businesses which may struggle in acquiring the business skills necessary to successfully compete for [Encore Boston Harbor] business.”

**Analysis:** The Review Team supports the request to provide funding to help establish a tri-lingual Enterprise Center at the Chelsea Campus of Bunker Hill Community College (BHCC). The funding could provide significant training to local businesses to compete for Encore Boston Harbor related opportunities. The joint applicants provided significant responses to questions from the Review Team. The Review Team asked if Bunker Hill Community

College would be able to take over this program and provide funding for subsequent years. In response, the joint applicants responded that “BHCC WFED has provided Entrepreneurship services to the community before and in prior years maintained two part-time staff and a budget of \$85,000 to assist with those needs. In the last two years organizational changes have shifted the division’s priorities but the funding has remained in the division and can be reallocated to support center staff should the Enterprise Center be established.” The applicant also indicated that the college may be able to leverage other grants and partnerships to sustain the program. As regional benefits are one of the criteria for Commission grants, the Review Team asked if the Enterprise Center, if established, would serve the region. Although the original application focused primarily on benefits to businesses and residents of the two cities, the response letter confirmed that the Enterprise Center would serve the broader regional community. Further, the joint applicants confirmed that they are committed to avoid any duplication of already underway Commission efforts to conduct community assessments. The assessment proposed under this grant is for the purpose of developing the curriculum for the Enterprise Center versus the more broad based research related purpose of the Commission’s community assessments. The response letter from the joint applicants confirmed that they “propose to meet with members of the Donahue staff prior to finalizing the scope of work for the needs assessment” and to meet with them “during the needs assessment to leverage, rather than repeat, work that has already been done.” Further, in the effort to choose small business stakeholders during the assessment, the joint applicants stated that “[s]takeholder selection and engagement will be facilitated through coordination with local partners and with Encore Boston Harbor.”

Given the important opportunities that may result from the creation of the tri-lingual Enterprise Center and the favorable responses to the questions from the Review Team, the Review Team recommends that the Commission approve the funding requested. The Commission could state that funding of the planning grant does not imply that the Commission would provide future funding for the operation of the Enterprise Center, once established. Each year, the Commission develops its annual guidelines for the Community Mitigation Fund and may (or may not) include eligibility for similar non-transportation planning grants in future years. The Review Team also notes that the advancement of this grant would necessitate coordination efforts with Bunker Hill Community College by the Commission’s workforce and vendor team.

**Licensee Comment:** “Encore Boston Harbor supports the collaboration between the Cities of Chelsea and Everett and the focus on supporting small and local businesses within the communities. We have a number of programs to support small businesses including our “We Save” program and by strategic outreach events by our procurement team. We have already identified many local business partners and hope to find more in the future.”

### **CHICOPEE/SPRINGFIELD**

**Summary:** The Cities of Chicopee and Springfield are requesting \$50,000 to begin implementing potential projects as outlined in “Reinvesting the Gaming Economic Development Fund ”Implementation Blueprint, An Economic Development Strategy for the Renaissance of a Great American Downtown: Springfield, MA.” Among the activities outlined in the application are meeting with “various community leaders, developers, investors, and property owners to discuss economic development” and market rate housing initiatives for Springfield and its downtown; and working with the City of Chicopee



and Westover Airport to initiate a development program for 24-hour operations to effectively compete with other airports in the region and attract commercial air service.” In response to a question from the Review Team, the Western Mass Economic Development Council noted that a consultant hired for the effort would work to connect private landowners with potential tenants and/or developers in order to redevelop sites identified in the Blueprint.

**Analysis:** The Review Team recommends that the Commission approve of the request from the Cities of Chicopee and Springfield. The purposes articulated in the application and further refined in the response letter to the Review Team are consistent with those articulated in the 2019 CMF Guidelines for non-transportation planning grants. Further, the Cities favorably responded to the Review Team’s concerns about the appropriateness of using grant funds for lobbying activities by stating that it would “propose language in both the request for proposal (RFP) and any subsequent contract” that “prohibits any and all consultants from any lobbying.” Staff would ensure that language codifying such a requirement would be placed in the grant contract, if the grant is approved by the Commission.

**License Comment:** The Economic Development Council of Western Massachusetts (EDC) is applying for \$50,000 in mitigation funds on behalf of the Cities of Springfield, Chicopee and the region. We support the EDC's effort in proactively planning to meet the long-term goals of the region. With MGM's investment of over \$960 million in Springfield and the additional economic spillover into the region, it is imperative to leverage our investment with other funds to help elevate the region as a place for people to "live, work and play". MGM has been supportive of the City of Springfield's Implementation Blueprint and we hope to see that plan be the impetus to secure additional state funds that can make the plan a reality in the region.

### **FOXBOROUGH/PLAINVILLE/WRENTHAM**

**Summary:** 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 (meetings and conventions) and visitor to the region and establishing this area as a viable destination for overnight stays.” The joint applicants further note that each of the communities has a major “regional destination located within their borders. Plainville has Plainridge Park Casino, Wrentham has Wrentham Village Premium Outlets, and Foxborough has Patriot Place/Gillette Stadium, all of which are located within seven miles of each other.” Among the deliverables anticipated from the consultant team are an analysis of current visitors to the region, an evaluation of the current marketing strategies, a strength/weakness/opportunities/threats analysis for the region, and the development of a strategic marketing and advertising plan.

**Analysis:** 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. The joint applicants response to the Review Team stated that “[t]he three communities hope to offset negative impacts from competition and to support the Plainridge Park casino, by leveraging the power of all three destinations

through a coordinated approach to economic development, marketing, transportation and tourism.” The Review Team further notes that because the effort would be funded from the Town of Foxborough’s current reserve, the effort would not count against the Commission’s 2019 Community Mitigation Fund budget. The use of the reserve is in keeping with the purposes of such reserves to “be used for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.” The Review Team recommends that the Commission require the consultant hired by the communities to work with the existing regional tourism councils that cover the area as part of their steps to develop a strategic plan.

**Licensee Comment:** “Please be advised that PPC agrees with the Towns of Foxborough, Plainville and Wrentham’s Mitigation fund request. As noted in the application, PPC supports the project to develop a strategic and creative plan for the destination marketing of the three towns.”

### **NORTHAMPTON**

**Summary:** The City of Northampton is requesting \$29,000 for continued marketing activities building upon the activities already funding by the Commission. Such activities included an evaluation of the marketing campaign performance from 2019 and planning for 2020, campaign planning activities, conduct focus groups with businesses, and strategizing on how to expand the campaign to include business segments. The planning grant “will pay for monitoring and measuring the resources and feedback posted on the “Northampton Live” web site. This data will indicate what visitors ‘like’ about Northampton’s offerings.... These measures of consumer preferences and visitor volume can help determine the course of future marketing in 2020.”

**Analysis:** The Review Team supports this very reasonable request from the City of Northampton to continue its marketing efforts. The City continues to work to avoid potential impacts from the MGM Springfield casino such as any potential decline in the employment of hundreds of local residents in its hotels and restaurants and the millions in annual meals and hotel tax revenues for the City and the Commonwealth.

**Licensee Comment:** The City of Northampton is requesting \$29,000 in mitigation funds towards the City's 2020 Marketing Plan. While MGM supports this request, MGM Springfield is complimentary to, not competitive with, Northampton's offerings which help to make the region a destination. MGM Springfield receives approximately 15,000 visitors a day- many of whom are new to the region. This increase in tourism positively impacts many local hospitality establishments as people are choosing to stay longer in the region. Many of those visitors explore all that the Pioneer Valley has to offer. In addition, MGM has thousands of new employees, many of whom are local and some who have relocated, who are choosing to patronize establishments outside of work, including Downtown Northampton. For this reason, we are supportive of the City's 2020 Marketing Plan, which will benefit Northampton as well as the region.

### **REVERE**

**Summary:** 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. As noted in the City’s response to the Review Team, “[t]he City intends to showcase the Encore Boston Harbor casino’s

relationship to Revere and its tourist attractions such as Revere Beach, the oldest public beach in the United States and a National Historic Landmark, utilizing video photography from a drone.” Revere notes that “[f]or casino patrons Revere is a logical and likely more affordable alternative hotel base.”

**Analysis:** 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 “clearly related to addressing issues or impacts directly related to the gaming facility.” Although the focus of the video will specifically target the unique attractions in the City of Revere, the Review Team commends Revere and Saugus for working together on the proposal to help enhance their individual community’s marketing efforts.

**Licensee Comment:** “Encore Boston Harbor supports the City of Revere's efforts to connect and enhance the regional tourism and marketing activity. We are particularly interested in, and excited about, the additional hotel rooms in the region. We wish the City of Revere well with its promotional activities and are happy to assist if appropriate.”

### SAUGUS

**Summary:** 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. Saugus notes that the video would highlight hospitality offerings, Saugus places and attractions and marketing coordination/outreach to business groups. Saugus hopes to use a drone to obtain footage showing Encore Boston Harbor on the near horizon before sweeping around 360 degrees to show the hotel and restaurant offerings along the Route 1 and Route 99 corridor and to underline the proximity to the Town.

**Analysis:** As with the recommendation for a similar Revere proposal, 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 “clearly related to addressing issues or impacts directly related to the gaming facility.” Although the focus of the video will specifically target the unique attractions in the Town of Saugus, the Review Team commends Revere and Saugus for working together on the proposal to help enhance their individual community’s marketing efforts.

**Licensee Comment:** “Encore Boston Harbor supports the Town of Saugus's efforts to connect and enhance regional tourism and marketing activities. We wish the Town of Saugus well with its promotional activities and are happy to assist if appropriate.”

### Tribal Gaming Technical Assistance

The Commission may make 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.

### SOUTHEASTERN REGIONAL PLANNING & ECONOMIC DEVELOPMENT

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

**Analysis:** 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.

**EXHIBIT A**

**Supplemental Information Requests and Responses**



*Legal Division*

TO: Commissioners  
FROM: Carrie Torrisi, Associate General Counsel  
DATE: July 12, 2019  
RE: City of Springfield Community Mitigation Fund  
Application re Focus Springfield; Anti-aid Amendment

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## **I. Question Presented**

Would approval of the City of Springfield’s Community Mitigation Fund application for funding to help with the construction costs of a replacement for the current Focus Springfield facility run afoul of the Massachusetts Constitution’s Anti-aid Amendment?

## **II. Background**

On February 1, 2019, the City of Springfield submitted a \$555,925 application to the 2019 Community Mitigation Fund (“CMF”) for funding to help with the construction costs of a replacement for the current Focus Springfield (“Focus”) facility, located at the corner of Main Street and State Street in Springfield.<sup>1</sup> The building occupied by Focus Springfield was purchased by MGM in 2015 and, in late 2016, Focus received notice that its lease would be terminated. The City of Springfield now requests \$555,925 in mitigation funds to assist in mitigating the casino impact by building a suitable replacement of Focus’ current facility, estimated to cost \$1,155,925. The City of Springfield indicates that the application is “to provide funds to the Springfield Technical Community College Assistance Corporation, or other eligible public entity, to construct permanent improvements for the relocation of [Focus], or other community public access television studio.”<sup>2</sup>

Focus operates a public access television and performing arts studio, training facility, and business office located at 1200 Main Street in Springfield. The television studio is a federally-designated nonprofit, and is designated by the City of Springfield as being for the benefit of the

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<sup>1</sup> The City of Springfield first applied for this grant related to Focus in 2017 and this memorandum was first prepared for Ombudsman John Ziemia in early 2018. The CMF review team has had ongoing conversations with the applicant since its initial application and this memorandum has been updated accordingly.

<sup>2</sup> The previous two applications did not identify the Springfield Technical Community Assistance Corporation (“STCC”) as a recipient of the funds; each stated that the purpose of the application was to receive funds to relocate the Focus facility. Although the language of the application has been changed to state that the funds will be provided to STCC, the ultimate beneficiary remains Focus and all estimates related to cost have been prepared by Focus.



city residents as well as those working or attending school within the city. According to the CMF application, Focus Springfield was created by the city to stimulate economic development by putting the focus on the positive aspects of living, learning, and working in Springfield through performance, education, and government programming.

According to the CMF application, the MGM Springfield casino and Focus' resulting eviction presents a significant hardship for viewers in the 40,000 cable TV households and businesses of Springfield who rely on Focus to stay informed about what is happening in their local community.

The City of Springfield and Focus have identified a location to which it could relocate the studio in the technology park operated by STCC and the City, through Focus, is currently negotiating lease terms. Such an effort would require relocation of the offices, equipment, and all other property, along with substantial construction and build out of the new facility. Focus has also identified specific needs for such new site, including, high ceilings, free parking, a loading area, accessibility to bus routes, and proximity to schools to attract student volunteers.<sup>3</sup>

Focus has procured estimates that design, construction, moving costs, legal fees, and acquisition of permits will cost approximately \$1,155,925. The budget includes \$300,000 provided by MGM by virtue of a termination fee. The 2019 application states that "following support from any other applicable funding source," this will result in a budget shortfall of \$555,925. The City of Springfield therefore requests mitigation funds in the amount of \$555,925 to cover the budget shortfall.

### **III. Anti-aid Amendment and Case Law**

The Massachusetts Constitution's Anti-aid Amendment<sup>4</sup> ("anti-aid amendment") provides that

No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents.

The Supreme Judicial Court has typically held that the anti-aid amendment prohibits expenditures of public funds to private recipients where those expenditures substantially benefit the private entity. Generally, the anti-aid amendment forbids "the use of public money for the purpose of 'maintaining or aiding any...institution...or charitable or religious undertaking which

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<sup>3</sup> Letter to John Ziemba dated May 25, 2018.

<sup>4</sup> M.G.L.A. Const. Amend. Art. 18.

is not publicly owned.” Helmes v. Commonwealth, 406 Mass. 873, 874-75 (1990) (*citing Opinion of the Justices*, 357 Mass. 836 (1970)).

The bulk of the case law on this subject involves aid provided to schools. In an Opinion of the Justices, tax deductions for certain educational expenses incurred in attending public or private primary and secondary schools was found to contravene the anti-aid amendment. 401 Mass. 1201 (1987). There, the tax deduction would have been available to taxpayers whose dependents attended public as well as private schools and included particular deductions for tuition and textbooks. The Justices noted that where deductions for tuition and textbooks would be of little or no benefit to public school students because such benefits are received by public school students free of charge, the deduction clearly disclosed intent to aid and maintain private schools. Because the benefits of the deductions would flow exclusively to those taxpayers whose dependents attended private schools and, as a result, the private schools themselves, the deductions essentially were a form of financial assistance to private schools. Furthermore, the aid at issue would “be neither minimal or insignificant” and was not “limited to benefits that are remote from the essential function of the schools, benefits such as transportation, police and fire protection, and the provision of sewers and public ways.” Id. at 1208-09.

In Bloom v. School Committee of Springfield, the SJC held that a statute requiring school committees to loan textbooks to pupils attending private schools violated the anti-aid amendment. 376 Mass. 35 (1978). There, Springfield residents sued the local school committee seeking to prevent the school committee from using funds to purchase textbooks for private elementary and secondary school students in Springfield. The Court concluded that a program permitting a city or town to loan textbooks to private schools would be “a use of public property for the purpose of aiding such schools in carrying out their essential function.” Id. at 41-42. In reaching its conclusion, the Court noted that the fact that the books were ultimately in the possession of the students rather than the schools was immaterial. Ultimately, “the textbook loan scheme...makes a ‘use’ of public property, and the effect is to ‘aid’ the schools, and in their very teaching function.” Id. at 42.

Although the anti-aid amendment prohibits expenditures of public funds to private recipients where those expenditures substantially benefit the private entity, it has been interpreted to allow the expenditure of public funds to private recipients primarily for the provision of a public purpose rather than for the direct benefit or maintenance of the private entity.

In Commonwealth v. School Committee of Springfield, the SJC held that the disbursement of public funds to private schools under the special education law, St. 1972, c. 766, did not violate the anti-aid amendment. 382 Mass. 665 (1981). There, the Commonwealth filed a complaint to require the Springfield school committee, in accordance with the special education statute, to enter into agreements with private schools and institutions to provide a special education program for children whose special needs could not be met by the programs available in public schools. The Court determined that the purpose of the statute was not for

“founding, maintaining, or aiding” private schools, but rather was to help the children by providing necessary special education opportunities when public education was insufficient. Furthermore, the Court found no hidden legislative purpose to aid or maintain private schools. The Court noted, “[t]he statute’s purpose is, primarily, to help specified children with special needs obtain the education which is theirs by right.” 382 Mass. at 678.

In making its determination, the Court compared Springfield to Bloom v. School Committee of Springfield, where the court struck down a statute requiring school committees to loan textbooks to students attending private schools. 376 Mass. 35 (1978). There, the program was found to involve the use of public property for the purpose of aiding private schools in carrying out their essential functions. The Court could “infer no purpose to the scheme other than to aid private schools, and the children who chose to attend such schools.” Springfield, 382 Mass. at 678. In contrast, the Court found that the primary purpose of the statute at issue in Springfield was “to benefit public schools and individual children, by ensuring individualized plans to the children in need thereof, and by allowing public schools the right to enter into contracts for delivery of the required services which the public system did not find economically feasible to provide within the system.” Id.

In Attorney General v. School Committee of Essex, the SJC held that a statute requiring school committees to provide transportation to students attending private schools did not contravene the anti-aid amendment. 387 Mass. 326 (1982). There, the Attorney General brought an action to enforce a statute requiring the school committee to provide residents attending private school the same transportation rights and privileges as those provided to residents attending public school. Because the town of Essex did not have a public high school, students either attended public school in Gloucester, to which they were provided transportation, or attended private school elsewhere, to which they were not provided transportation. The Court ultimately determined that the purpose of the statute was to protect children from traffic hazards and to promote safety, and that the school committee did not demonstrate any hidden purpose to maintain private schools through transportation of students. In reaching its conclusion, the Court noted that “the ‘aid’ involved is quite remote: the pupil individually ‘consumes’ the bus ride entirely; busing has no role in the teaching function, the school’s essential enterprise; no technique of circumvention is involved; and there is no ‘entanglement’ risk comparable to that involved in the selection of textbooks.” Essex, 387 Mass. at 333, *quoting* Bloom, 376 Mass. at 47. The Court noted, as well, that “police and fire protection, much as the building and improving of public sidewalks and streets, are provided to the public generally and no question need be asked regarding whether the recipient is a private or public institution.” Essex, 387 Mass. at 333.

The issue of public benefit was also discussed in Opinion of the Justices, in which the question presented was whether the general court could authorize cities and towns to appropriate funds for snow and ice removal from all private ways open to public use. 313 Mass. 779 (1943). The Justices noted that aid may often confer a benefit on both the public and private, and that a distinction must be drawn between the primary and secondary benefit. Ultimately, the Justices

determined that such expenditures for snow and ice removal served a public purpose as they “provide for the accommodation of the public as to means of travel and transportation.” *Id.* at 785. The Justices noted that the fact that a property owner might benefit from such snow and ice removal did not invalidate the expenditure where the primary purpose was the benefit of the public.

The most relevant case for our purposes was decided most recently when the Supreme Judicial Court visited this issue in Caplan v. Town of Acton, 479 Mass. 69 (2018). There, the question was whether grants of public funds to renovate a church that had been identified as an historic resource were barred by the anti-aid amendment. The court concluded that the constitutionality of the grants “must be evaluated under our three-factor test:... whether a motivating purpose of each grant is to aid the church, whether the grant will have the effect of substantially aiding the church, and whether the grant avoids the risk of the political and economic abuses that prompted the passage of the anti-aid amendment.” 479 Mass. at 71. In its analysis, the court emphasized that the essential question is whether the primary purpose of the grant is to aid a private entity rather than serving a public purpose. In this instance, “the grants would help defray planning and restoration costs that the church would otherwise have to shoulder on its own, allowing the money saved to be used to support its core religious activities,” and therefore, the effect of the grant was to substantially aid the church. 479 Mass. at 89.

One case in which the expenditure of funds to a private entity was found not to run afoul of the anti-aid amendment is Helmes v. Commonwealth, 406 Mass. 873 (1990). In Helmes, taxpayers brought suit to restrain the Commonwealth from using public funds to repair a memorial battleship, the U.S.S. Massachusetts (“battleship”), arguing that such expenditure would violate the anti-aid amendment. The ship was owned and maintained by the U.S.S. Massachusetts Memorial Committee (“committee”), a nonprofit which was established in 1964 and entered into a contract in 1965 with the United States Navy for the conveyance of the battleship to the committee. The battleship was established as a public memorial exhibit and has been open to the public as a permanent war memorial. There, the SJC found that the provision of funds to repair the battleship did not violate the anti-aid amendment where the purpose of the expenditures was to preserve the battleship as a war memorial to citizens of the Commonwealth and there was no evidence of a purpose to aid the committee; there was no benefit to the committee beyond allowing it to continue maintaining the battleship as a public memorial exhibit; and there was no indication that any private person would benefit from the expenditure.

#### **IV. Springfield Mitigation Requests**

According to the CMF application,<sup>5</sup> Focus was created by the city to operate the city’s public, education, and government (PEG) television entity and to stimulate economic development. Focus performs many of its functions pursuant to Comcast’s cable franchise agreement with the City of Springfield, which delegated operation of community access

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<sup>5</sup> Along with a supplemental letter to John Ziemba dated May 25, 2018.

television, build-out and maintenance of a fiber optic cable network, and coverage of city council and school committee meetings to Focus. In addition, Focus produces broadcasts featuring local talent, records and broadcasts local cultural events, and collaborates with local organizations. Finally, Focus has installed and maintained a ShotSpotter gunshot detection system as well as license-plate reading video surveillance cameras around the MGM facility.

The City further explains that PEG stations, which were created by the federal government, are charged with fulfilling the public purpose of covering local news, government events, and educational programming that may be overshadowed on a national television channel. Focus receives annual funding from the city to assist in the production of its access channel in the form of a percentage of the city's license agreement with Comcast. Although G.L. c. 44, § 53 requires all funds received by any city to be paid into the city treasury, G.L. c. 44, § 53F3/4 provides an exception to allow a separate account for a PEG Access and Cable Related Fund, into which funds received in connection with a franchise agreement between a cable operator and a municipality may be deposited.

As discussed above, the building occupied by Focus was purchased by MGM in 2015 and, in late 2016, Focus received notice that its lease would be terminated. The current lease is set to expire on September 30, 2019. The City of Springfield now seeks funds in the amount of \$555,925 to mitigate the impact of the casino by building a replacement of Focus' current facility within the technology park operated by STCC.

The situation presented can be distinguished from the facts in Helmes, in which the provision of funds was found not to violate the anti-aid amendment because the primary function of the expenditure was to allow a public war memorial to remain open and there was ultimately no benefit to a private entity. Although the current CMF application indicates that the funds would be received by STCC, the purpose of the funds is to relocate Focus. The aid requested would allow Focus to relocate its facility and continue to carry out its essential functions, namely broadcasting. While that broadcasting certainly serves a public purpose and the public would undoubtedly benefit from such broadcasting, that benefit is secondary to Focus' business operations. Where the primary purpose is to maintain Focus' operations, as evidenced by the fact that the nexus to the casino and the triggering event for the application was the termination of Focus' lease, the aid will ultimately have the effect of "underwriting [Focus'] essential function." Caplan, 479 Mass. at 89, *quoting* Opinion of the Justices, 401 Mass. at 1209.

The essential question as to whether a grant provided to a private entity complies with the anti-aid amendment is whether the grant serves a *primarily public purpose*. While the aid may benefit some private purpose, that purpose must be secondary. Here, it seems evident that the primary purpose of the aid would be to assist Focus where (1) the impetus for the aid is the eviction of Focus, (2) the estimates related to cost have been prepared by Focus, (3) the funds

would help to defray Focus' relocation costs, and (4) the aid would allow Focus to continue carrying out its essential functions.<sup>6</sup>

## V. Conclusion

The anti-aid amendment prohibits the use of public funds to aid private entities. Typically, the SJC has held that aid to private facilities will contravene the anti-aid amendment where such aid provides a substantial benefit to the private facility and providing such benefit to the private facility is the primary purpose of the aid. With respect to Focus' application for mitigation funds, the requested aid likely runs afoul of the anti-aid amendment because it cannot reasonably be deemed to serve a primary purpose of assisting the public where aid will confer a substantial benefit on Focus by allowing it to build entirely new facilities (for which it has procured estimates and is negotiating lease terms) and maintain operation of its essential functions. Focus suggests that its status as Springfield's PEG station is sufficient to deem it as serving a primarily public role.<sup>7</sup> However, although PEG stations undoubtedly fulfill a public purpose, the fact that Focus receives funding from the city to operate its local programming is not enough to surmount the fact that the effect of a providing a grant would be to substantially aid Focus in the execution of its primary functions and to ultimately defray the relocation costs that it would otherwise have to provide on its own. As in Caplan, a grant would ultimately have the effect of underwriting Focus' essential functions as an active television station, and would therefore run afoul of the anti-aid amendment.

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<sup>6</sup> As the court noted in Springfield, in comparing the facts of that case to the facts presented in Bloom, the provision of aid runs afoul of the anti-aid amendment when it is made for the purpose of aiding the entity in carrying out its essential functions.

<sup>7</sup> Letter to John Ziemba dated May 25, 2018.



***CITY OF EVERETT***  
***Office of the Mayor***

**Carlo DeMaria, Jr.**  
Mayor



**Everett City Hall**  
484 Broadway  
Everett, MA 02149-3694  
Phone: (617) 394-2270  
Fax: (617)381-1150

June 11, 2019

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street  
Boston, MA 02110

**Re: 2019 Community Mitigation Fund Specific Impact Application-  
Police Services**

Dear Ombudsman Ziemba:

I am writing in response to your request for further information relative to our specific impact community mitigation request concerning public safety. I appreciate the opportunity to provide you with these responses, and for your consideration.

1. The 2019 Community Mitigation Fund Guidelines specify that “the Community Mitigation Fund is not intended to fund the mitigation of specific impacts already being funded in a Host or Surrounding Community Agreement.” In the Host Community Agreement it specifies “...the Impact payments constitute Wynn’s mitigation efforts and are in full and complete satisfaction of all local governmental impacts whether or not identified in this Agreement.” Please explain how this impact is not already being funded.

When the City of Everett negotiated its Host Community Agreement with Wynn Resorts in 2013, the need for the police services mitigation that we have requested through this application was not knowable at the time. We did not know how many officers would need to be trained to backfill officers who would be assigned to the Gaming Enforcement Unit, and we had no way of anticipating that the legislature would enable the possibility of the casino obtaining a 4:00AM liquor license. We believe that our request is consistent with the intent of the mitigation fund- to address issues that have arisen and were not merely not articulated in the

Host Community Agreement, but not knowable at the time that the agreement was executed.

2. Please provide information regarding the start and end dates of the Police Academy to which officers were sent. Does this request include all equipment costs related to the new police officers, i.e. guns, radios, ballistic vests, etc.?

The Academy began on October 29 and finished on April 12. The mitigation request does not include equipment.

3. After Encore Boston Harbor becomes operational, the City of Everett is scheduled to received approximately \$5M in Community Impact Fees and \$20M in annual PILOT payments. In this regard, can you please provide a brief and general description of how Everett plans to use its HCA funds (mitigation funds, tax payments, or both, to mitigate potential impacts from the Encore Boston Harbor Facility (“EBH”)?

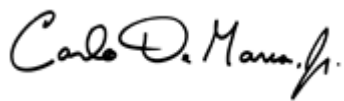
The City will spend its Community Impact Fee and PILOT payments on a number of areas that we believe will improve quality of life for Everett residents. This includes tax relief, police and fire services, and transportation improvements. While we have long anticipated impacts in these areas and have planned to use the new revenues in these ways, we would like to again highlight that we did not anticipate the police services for which we have submitted this mitigation request.

4. On May 22, 2019, Encore Boston Harbor representatives explained to the Commission that EBH is working with the Everett Police Department on resources needed for a 2 a.m. to 4 a.m. alcohol service for active gamers. The application requests \$50,000 for the EPD to patrol out in the Lower Broadway area in 4-hour blocks, from late night to early morning...” Have recent discussions impacted the request for such funds?

The City and the EPD have collaborated closely with EBH on the new liquor service to active gamers from 2:00 a.m. to 4:00am, and we understand their internal controls to prevent over-service. However, to promote public safety and further inhibit the possibility of intoxicated drivers, we believe these area patrols remain necessary.

Thank you. I look forward to continuing to work closely with the Commission and staff. If you have any questions, please do not hesitate to contact me at (617) 394-2270.

Sincerely,



Carlo DeMaria  
Mayor



ANTHONY D. GULLUNI  
DISTRICT ATTORNEY

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE DISTRICT ATTORNEY  
HAMPDEN DISTRICT

HALL OF JUSTICE  
50 STATE STREET  
SPRINGFIELD, MASSACHUSETTS 01102-0559

SUPERIOR COURT  
TEL: 413-747-1000  
FAX: 413-781-4745

SPRINGFIELD DISTRICT COURT  
TEL: 413-747-1001  
FAX: 413-747-5628

June 7, 2019

Mr. John S. Ziembra  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Re: 2019 Hampden District Attorney's Office Community Mitigation Fund Application

Dear Ombudsman Ziembra:

The time, thoughtful review, and follow up given to our application by the Community Mitigation Fund Review Team is appreciated. I look forward to the presentation of our fiscal year 2020 mitigation request to the Massachusetts Gaming Commission. The shared significance on the preservation of public safety here in Hampden County is evident by the attention given to this matter.

Below are the responses to your letter dated May 24, 2019.

**2018 Community Mitigation Fund Grant - \$125,000**

1. The Hampden District Attorney's Office is willing to assist the Gaming Commission in supplying applicable data to assist in establishing such a system.
2. When an assistant attorney general is unavailable, an assistant district attorney from the Hampden District Attorney's Office will cover hearings in court. Between September 2018 and January 2019, 255 cases came in directly related to the casino. Since the Attorney General's Office does not have an assigned victim/witness advocate in Springfield District Court, an advocate from the Hampden District Attorney's Office teams with the Attorney General's Office to ensure victim and witness services are provided, pursuant to the Victim's Bill of Rights. Once the arraignment of the defendant is conducted and requisite contact with victims and/or witnesses is established, staff for the Hampden District Attorney will forward all applicable cases to the Attorney General's Office for assignment of an advocate from Boston.
3. There is an additional burden placed on the Hampden District Attorney's support staff in assisting the Attorney General's Office in creating and maintaining all case files.
4. Yes. We request that the current grant be amended to include the time and resources expended by other staff of the Hampden District Attorney's Office.

**2019 Community Mitigation Fund Grant**

1. The 2020 request, \$100,000, could be offset by the remaining balance of 2019 grant award.

2. All cases originating from in and around the casino are flagged by local law enforcement as they come into the Springfield District Court. When possible, any other cases referencing a casino connection, such as an OUI, or domestic altercation, away from the casino footprint are tracked within the Hampden District Attorney's Office. In addition, a list of all casino related cases is sent to the district attorney's first assistant and the Springfield District Court supervising ADA for review and determination for which office will handle the cases.
3. Administrative assistants must create all casino related files, manage them in the office data management system, and continue to manage the case to its conclusion. This is difficult to quantify.
4. Presently, the casino-related case work is being administered by existing staff. However, if warranted, the office would consider hiring additional staff to address the increased workload.
5. Presently, most casino-related cases are coded by the use of addresses in the police's computer-aided dispatch system. Our office works closely on a daily basis with the officers assigned to the casino. As the one year anniversary of the casino opening approaches and a full year's worth of data can analyzed, a better understanding of the casino's impact can be reviewed. We anticipate increased criminal incidents as activity increases at the casino during the first summer months of operation.
6. Past conversations with the Attorney General's Office included the Attorney General's Office assigning an assistant attorney general to Springfield District Court to prosecute most low level offenses that remain in the district courts. The Hampden District Attorney's Office will prosecute any more serious criminal violations in Superior Court, while the Attorney General's Office will handle serious white collar criminal activity.

Should the Review Team, or members of the Gaming Commission, require any additional information please do not hesitate to contact me or my staff at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "Anthony D. Gulluni". The signature is fluid and cursive, with a period at the end.

Anthony D. Gulluni  
Hampden District Attorney



May 24, 2019

***Via Email***

District Attorney Anthony Gulluni  
Hampden District Attorney's Office  
50 State Street  
Springfield, MA 01103

Assistant District Attorney Joan O'Brien  
Hampden District Attorney's Office  
50 State Street  
Springfield, MA 01103

Re: 2019 Hampden District Attorney's Office Community Mitigation Fund Application

Dear District Attorney Gulluni and Assistant District Attorney O'Brien:

The Community Mitigation Fund Review Team ("Review Team") would like to thank you for meeting with them regarding the Hampden District Attorney's Office ("District Attorney's Office") application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask the District Attorney's Office to provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**2018 Community Mitigation Fund Grant - \$125,000**

1. In a review of an application last year from the District Attorney's Office, the Commission set aside \$25,000 to develop a tracking system to determine casino related caseloads. Please provide an update regarding how the District Attorney's Office can assist in establishing such a system.
2. How many cases did the Assistant District Attorney funded by the Community Mitigation Fund handle last year? What percentage of these cases required the services of a Victim Witness Advocate?
3. Please provide any further insights learned as a result of these efforts.
4. Does the District Attorney's Office request that the allocation of spending for the current grant should be amended to include time expended on the cases by administrative assistants, victim witness advocates and others in order to process cases?

**2019 Community Mitigation Fund Grant**

1. Understanding that mitigation fund grants are typically for the costs incurred each fiscal year and are proposed to be based on quantifiable impacts rather than predicted impacts, please provide further information regarding the development of the proposed budget for this mitigation request for fiscal year 2020, given the status of remaining funds from the 2018 grant.



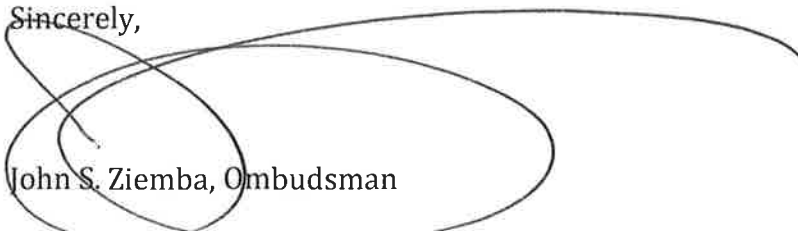
Massachusetts Gaming Commission

District Attorney Gulluni  
Assistant District Attorney O'Brien  
May 24, 2019  
Page 2

2. Please describe how the District Attorney's Office identifies actual casino related cases.
3. Is there an average amount of time required by administrative assistants, Assistant District Attorneys and the Victim Witness Advocates to structure and follow the case through to its conclusion?
4. Does the District Attorney's office consider adding employees or simply giving more work to existing employees?
5. Please describe the coordination anticipated between the State Police, Springfield Police and the District Attorney's Office in determining coding of cases related to casino related crimes.
6. Please briefly describe any past or planned conversations with the Attorney General's Office regarding the coordination of efforts necessary to prosecute gaming related offenses.

The Review Team would like to present to the Commission its recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by Friday, June 7, 2019. We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team





Property & Asset  
Management Services

June 11, 2019

City Solicitor  
City of Springfield  
Law Department  
36 Court Street, Room 210  
Springfield, MA 01103

800 Kelly Way  
Suite 200  
Holyoke, MA 01040  
(413) 536-8048  
FAX (413) 534-8344  
AppletonCorporation.com

RE: SPRINGFIELD FOCUS TV AND STCC ASSISTANCE CORPORATION

Dear Mr. Pikula:

I am attaching with this correspondence three documents:

1. Opinion from counsel regarding the Anti Aid amendment and public purpose of the STCC Assistance Corporation.
2. Copy of STCC Assistance Corporation legislation.
3. Budget for the project indicating the public purpose cost under Landlord Column and the Tenant Improvement costs Tenant Column which would be specific only to this tenant. The difference is \$1,222,988 of costs are public purpose and \$225,839 of this budget are related solely to Tenant's use.

As earlier noted the STCC Assistance Corporation has received public funding for Mass Infrastructure Grant Program, for annual operating expenses, and currently is receiving funds for capital bond bill expenditures which are strictly limited to improvements are outside the scope of this particular budget and Tenant.

Please let me know if you require additional information.

Best regards,



Paul M. Stelzer  
President



An O'Connell Company





May 24, 2019

***Via Email***

Edward Pikula, City Solicitor  
City of Springfield Law Department  
36 Court Street – Room 210  
Springfield, MA 01103

Timothy J. Plante, Chief Administrative Officer  
City of Springfield  
36 Court Street  
Springfield, MA 01103

Re: 2019 Community Mitigation Fund – Focus Springfield Community Television Specific Impact Application

Dear Attorney Pikula and Mr. Plante:

We would like to thank everyone who attended the meeting with the Community Mitigation Fund Review Team (“Review Team”). It was a pleasure discussing Springfield’s application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

1. Please provide further detail regarding possible timing issues involving the potential move of Focus Springfield. Could you please discuss the likelihood of whether Focus Springfield will be given an extension on the current lease?
2. Please describe the facility costs and the permanent improvements to the proposed STCC building and the Springfield Technology Park. Please present updated budget/cost information that is as inclusive as possible.
3. In regard to applications involving mitigation of impacts to private parties, the 2019 Guidelines state: “Private non-governmental parties may not apply for Community Mitigation Funds. Governmental entities may apply to the Commission for funds to mitigation impacts provided that the funding is used for a “public purpose” and not the direct benefit or maintenance of a private party or private parties.” Please provide further information regarding STCC Assistance Corporation, the operator of the facility and how it is qualified as a public entity.
4. After consulting with the Commission’s legal office, please provide a legal opinion explaining how this application meets the applicable Massachusetts standards (specified in 3 above). Such legal opinion should include an analysis, citing statutes and/or case law, as to how the use of funds to provide space and equipment for the



Massachusetts Gaming Commission

benefit of a private entity (here, Focus Springfield) does not violate the anti-aid provisions of the Massachusetts Constitution.

5. Please describe the potential payment of any termination payment by MGM Springfield. During a prior meeting during last year's grant reviews, it was explained that MGM Springfield became a party to the lease when it acquired the building and that the termination payment was included in the original lease. Given this, should the Commission view the termination payment as a match contributed by MGM Springfield?
6. How much funding is provided annually to Focus Springfield from the city's agreement with Comcast, the cable provider? How much of this funding is required for the operation of Springfield Media and Telecommunications Group? Would any portion of this be available to pay for relocation? Could funds from the future agreement help defray some or all of the costs of the project?
7. Please describe how the current national regulatory issues involving public, education, and government access media providers may or may not impact Springfield.

The City of Springfield requested waivers of the 2019 Mitigation Fund Guidelines relative to the number of applications submitted under the Specific Impact category, the dollar for dollar match of the host community and the dollar amount of applications under the Specific Impact Grant category. Please confirm that the City of Springfield intends for such waiver requests to also apply to this application.

The Review Team would like to present to the Commission its recommendation in June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by noon on June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

John S. Ziemba, Ombudsman

cc: The Honorable Mayor Domenic J. Sarno  
John Abbott, Executive Director Focus Springfield  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission

# THE CITY OF SPRINGFIELD

Edward M. Pikula, Esquire  
*City Solicitor*  
36 Court Street, Room 210  
Springfield, MA 01103  
Tel: (413) 787-6085  
Fax: (413) 787-6173  
Email: [epikula@springfieldcityhall.com](mailto:epikula@springfieldcityhall.com)



June 12, 2019

John S. Ziemba  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts 02110

Re: 2019 Community Mitigation Fund - Focus Springfield Community Television  
Application Specific Impact Application

Dear Mr. Ziemba and the Community Mitigation Fund Review Team:

Thank you for your letter dated May 24, 2019. This letter is in response to the questions put forth by the Community Mitigation Fund Review Team.

## Response to #1

Focus Springfield, Inc. (“Focus Springfield”) is an MGM Tenant pursuant to an original lease dated July 19, 2012 as amended by a First Amendment to Lease dated December 6, 2017. Pursuant to the terms of the First Amendment, the lease term shall expire on September 30, 2019. Upon the expiration of the lease as aforesaid, MGM shall pay to the Tenant the sum of three hundred thousand and 00/100 (\$300,000.00) dollars as a “Separation Payment.” Focus Springfield anticipates that it would likely require at least six to nine months to relocate to an alternative suitable location built-out to its specifications. At this point it is highly speculative with respect to whether Focus Springfield would be able to enter into an extension of lease with MGM as no formal discussions are currently ongoing and even informal discussions at this point are entirely inconclusive. In addition, it is unclear that even if a further extension be agreeable to the Landlord, whether the Separation Payment would remain available.

## Response to #2

See attached budget.

## Response to #3

Focus was created by the City to stimulate economic development by putting the “focus” on the positive aspects of living, learning and working in Springfield. Operating from its municipal production studio Focus produces broadcasts featuring local and regional musicians, singers, dancers, talent shows, poets and supports the arts and culture through collaborations with organizations like the Springfield Central Cultural District. Focus provides residents with a variety of government oriented programming providing information and insight on matters affecting their community. On a bi-weekly basis, Focus produces live broadcasts of City Council and School Committee meetings, maintaining an archive on the Focus website for later viewing.

A key part of the Focus mission is to support the City’s economic development efforts. Focus collaborates with the City’s Economic Development Office to live broadcast and record its Annual Updates for business and community leaders, and works with the Springfield chamber of Commerce and the region’s Economic Development Council.

In addition to economic development initiatives, Focus also supports public safety by the installation and maintenance of a ShotSpotter gunshot detection system throughout the City. Further, at the request of the Mass State Police and the Springfield Police Department (SPD), Focus installed six (6) license-plate reading video surveillance cameras in strategic locations on the MGM Casino perimeter. Focus has also connected the new Chestnut Street Police Substation one block from the casino to the I-Net fiber optic network and additionally connected the three newly constructed Police kiosks at key locations in the city.

In addition to video production services, public safety and economic development, Focus provides direct services to City agencies at no cost to the City. Focus has built, and maintains, over 12 miles of fiber optic network that transmits data and voice communications between all municipal buildings. This network supports ShotSpotter gunshot detection system and a radio transmission tower providing communications for local and regional law enforcement, fire, public transportation and ambulance services.

Lastly, Focus provides robust support to the City’s school system not only video producing countless school events and productions, but also providing monthly updates from the Springfield Superintendent of Schools and other education leaders, where they discuss the challenges and successes in the public schools.

In a pending case, *Halleck v. Manhattan Community Access Corporation*, the U.S. Supreme Court is reviewing a U.S. Court of Appeals ruling that a nonprofit access corporation set up as a ‘public forum’ is really *aquasi*-governmental body engaging in ‘state action’ despite the ‘private’ form of the corporate entity. This decision could

transform the identity and operations of **some** nonprofit access corporations that may be deemed governmental and not private, potentially subjecting the entity to certain requirements applicable to government bodies.

#### Response to #4

Springfield Technology Park, located adjacent to Springfield Technical Community College, in the Technology Park operated by the STCC Assistance Corporation (“STCC”), an eligible public entity that will be the recipient of the funds and will utilize them to improve their facilities on campus. STCC is owned by the Commonwealth of Massachusetts and operates as a community college. The grant money is being used to improve land owned by the Commonwealth.

While Focus Springfield, Inc. may end up as the new tenant at the STCC facility, there is no question that the grant funds will be expended on a legislatively created entity that serves a legitimate public purpose. Focus Springfield will be a tenant paying rent to STCC just as any other private entity. Other occupants on the STCC campus who are tenants include private corporations such as Liberty Mutual. The fact that private corporations are tenants does not disqualify them from occupying the space on the STCC campus.

Copies of correspondence from STCC Assistance Corporation are attached with their legislative creation and opinion of counsel as to the anti-aid amendment.

#### Response to #5

As described in response number one above, upon the expiration of the Focus Springfield lease, MGM shall be required to provide a three hundred thousand and 00/100 (\$300,000.00) dollars Separation Payment. It is the position of the city that this Separation Payment should indeed be considered a match contributed by MGM Springfield. When MGM assumed the obligations of the prior landlord pursuant to the original Focus Springfield lease, MGM had no further payment obligations other than what were set forth in the lease. However, upon review of the nature and circumstances, MGM nonetheless agreed in the Lease Amendment to provide the additional funds included within the Separation Payment. As a result of the aforesaid, the Separation Payment should be considered a match contributed by MGM Springfield.

#### Response to #6

##### Annual (Comcast) Funding:

Since 2013, the total Comcast PEG grants have been \$5,057,475, for an average of \$824,912 annually. The Grants are based on 2% of the revenue generated by *basic* cable subscriptions, and not from premium channels or internet subscribers. The PEG grant varies from year to year as the number of, and revenue derived from, cable subscribers varies. The aforementioned funds are utilized by Focus Springfield to perform the below



described operations required pursuant to its delegation of responsibilities under the cable television franchise agreement.

How much is required for Operation of Springfield Media and Telecommunications Group (SMTG):

By way of explanation, SMTG and Focus Springfield are the same entity- Springfield Media and Telecommunications Group, Inc. was the corporate name until the Articles of Organization were amended in 2012 to reflect the new name of Focus Springfield, Inc.

The cable television franchise agreement between Comcast and the City of Springfield delegated certain obligations to Focus Springfield relative to three major duties formerly performed by Comcast:

1. Operating a community access TV studio and training center, which required Focus to build, equip and staff a new studio to replace the one operated by Comcast. This had been in a city middle school, which the school department reclaimed for classroom and administrative space. At the direction of the Mayor, Focus built the new studio at corner of 101 State, 1200 Main Street, property that has since been acquired by MGM Springfield. The cost of building and equipping the studio was \$1.1 million, of which \$850,000 was for construction.

Studio operation costs:

1. Rent, \$100,000 per.
2. Staff salaries,
3. Insurance,
4. Utilities,

2. The Institutional Network (I-Net). Focus assumed the build-out and maintenance of the I-Net, installing fiber optic cable to connect all municipal buildings. This project continues today, under the direction the City IT department. Whenever the City rebuilds a major artery the DPW coordinates with our contractor to allow installation of conduit and fiber-optic cable.

I-Net costs:

1. Maintenance,
2. Fiber and related equipment installation,
3. Liability Insurance,

Since assuming this responsibility in 2013, Focus has spent a total of \$806,503, an average of \$136,750 annually. This cost includes such items such as the purchase and installation of fiber optic cables, connecting them to municipal buildings, installation of video cameras used by Police, Fire and the Department of Public Works, operation of a city owned radio transmission tower, and liability insurance.

3. Coverage of City Council and School Committee meetings: Since assuming this duty in 2013, Focus has replaced the old and outdated broadcasting left behind by Comcast, at a cost of \$100,000. The cost of 3 staffers to produce the live coverage of the 4 to 6 City Council and School Committee meetings per month is approximately \$1620 or per month, or \$19440 annually. Note: this cost could increase if additional special meetings or events covered in the City Council chambers. depending on the number of meetings held and their duration.

1. Broadcast servers, cameras, audio, \$100,000.
2. Salaries, \$19,440.

How much would be available for relocation:

Focus will pay the cost of moving and reinstalling the studio equipment and furnishings, including studio lighting, editing computers, specialty cables, broadcast servers, and office furnishings. This cost is estimated to be \$100,000 to \$150,000.

Could Funds from future agreement help defray Costs of project:

Naturally the specific terms of a future agreement are speculative, however the City and Focus have mutually discussed and anticipate that the new agreement will continue to provide a level of funding sufficient for Focus Springfield to continue to pay rent for the new studio facility. Naturally, as is common in many arms-length leases, the landlord (STCCAC) may provide tenant improvement allowances, which would then be passed along as an amortized expense of Focus Springfield payable through monthly rental obligations.

Response to #7

Unfortunately this question is very broad as there are at any given time a number of matters preceeding at the FCC and in congress that could have a bearing on the regulation of cable television and public, education, and government access. Accordingly, while it would be speculative to imagine how any outcome of those matters would impact Springfield, please be advised that the city relies on outside counsel with a specialized expertise in cable television regulation, to keep the city apprised of any matters that would have a definitive impact. The aforesaid notwithstanding, in September 25, 2018, the FCC issued proposed rulemaking (Docket 05-311) that could have an impact on Public, Educational and Governmental (PEG) cable access channels and community media centers around the country. The new FCC rulemaking would permit cable companies to assess the value for 'in kind' services related to providing PEG channels and deduct that amount from the Franchise Fee five (5%) percent cap passed to municipalities and nonprofits. Since the current franchise fees for the **City of Springfield are below three (3%) percent**, it is unlikely that should the FCC issue a final ruling in this regard, that there would be an adverse impact on the City of Springfield PEG program.

In addition, this is to confirm that the previously submitted waiver requests are requested to apply to this application.

Respectfully,

A handwritten signature in black ink, appearing to read "Edward M. Pikula". The signature is fluid and cursive, with a prominent initial "E" and a long, sweeping underline.

Edward M. Pikula

cc: Honorable Domenic J. Sarno, Mayor  
Timothy J. Plante, Chief Administrative & Finance Officer

**Costello & Leiter, P.C.**  
Attorneys at Law  
1500 Main Street, Suite 2000  
P.O. Box 15629  
Springfield, Massachusetts 01115-5629

Mary K. Downey Costello  
Bruce L. Leiter  
marycostello@costello-leiter.com

Tel. No.: (413) 214-6100  
Fax No.: (413) 214-6090

June 12, 2019

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA02110

Re: 2019 Community Mitigation Fund – Focus Springfield Community Television, Springfield  
Technical Community College Assistance Corporation, Specific Impact Application

Dear Mr. Ziemba:

In response to the inquiries raised in paragraphs # 3 and #4 of your May 24, 2019 correspondence to Edward Pikula, city solicitor of the City of Springfield regarding Springfield Technical Community College Assistance Corporation (“STCCAC”) and its qualifications as a public entity we offer the following information:

STCCAC was established pursuant to the terms of Chapter 273, Acts of 1994, Section 125. (see Exhibit A attached hereto) as a public nonprofit assistance corporation to help provide physical and financial resources for STCC. Subsections (4) and (5) of said legislation recite that “Creation of a nonprofit assistance corporation . . . would provide a vehicle with the necessary flexibility to prudently pursue such opportunities for the benefit of Springfield Technical Community College, its present and future students and the commonwealth.” **“It is therefore expressly declared that the provisions of this section constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested.”**

STCCAC is further authorized, pursuant to subsection 6 (J) **“To enter into agreements for other transactions with any person,, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions.”**

Based upon the above information we believe STCCAC by the terms of its enabling legislation is a public corporation created to further a “public purpose”, and thereby not estopped from applying for and utilizing mitigation impact funds. A grant of mitigation funds to STCCAC from the Massachusetts Gaming Commission will enable STCCAC to fulfill its public purpose of providing physical and financial resources and directly benefit students for STCC to fulfill its statutory mission and, as such, falls squarely within the guidelines for state grants issued by the Massachusetts Office of the Comptroller (as revised through 2014) . “Financial assistance is also appropriate when a grantee is in

the business of providing public purpose activities and partners with the Commonwealth to fulfill, continue or expand these public purpose activities.”

The mitigation funds requested from the Gaming Commission will be utilized to provide capital improvements at the STCCAC campus in order to accommodate nonprofit corporation, Focus Springfield, which was established with the mission of improving the quality of life for Springfield residents by developing, operating, managing and maintaining **“ for the benefit of the residents, taxpayers and cable television subscribers in the City of Springfield a media and telecommunications entity to provide services and/or funding . . . for . . . public-, educational- and government access cable television production . . .”**

and will have to leave its present location due to control of the site by MGM. The improvements created with said funds will permanently serve a public interest with improvements to the STCCAC campus.

STCCAC is governed by a board of eleven directors, four appointed by the college board of trustees, three by the governor, the mayor or his designee, the college President, the city planning director, and a member from the Springfield chamber of commerce, public officers and/or public agents authorized by the Commonwealth pursuant to the language of the Special Act. Provision of the requested funds to STCCAC will benefit a statutorily created quasi-public entity, help said entity to fulfill its public purpose, and should thereby not be interpreted to create any violation of the Anti-Aid Amendment of the Massachusetts Constitution.

Please feel free to contact me should you require any additional information or you wish to discuss the above.

Sincerely,



Bruce L. Leiter

cc: Paul M. Stelzer, President, Appleton Corporation  
The Honorable Mayor Domenic J. Sarno  
John Abbott, Executive Director Focus Springfield

**Focus Springfield Budget 1/29/19**

		Size	Cost Per	Total Cost	Landlord BASE BUILDING	Tenant FOCUS TV
<b>1000</b>	<b>SITWORK</b>					
1200	Excavation/backfill - excavate and backfill trenching for concrete cutting/plumbing			\$ 1,200.00	LL	
1225	Service(wire, conduit, & temporary) - relocation by Owner			\$ 210,000.00	LL	
<b>2000</b>	<b>CONCRETE</b>					
2100	Cast in place concrete - misc. repairs in walls and floors			\$ 4,500.00	LL	
	Patch floor where sewer line was installed			\$ 1,400.00	LL	
	Floor prep and skim coat	7740 s.f.	\$ 1.00	\$ 7,740.00	LL	
2110	Concrete cutting - for sewer line Witch Equip., RTU units on roof			\$ 17,500.00	LL	
2120	Concrete Pumping - wheel barrow/concrete buggy for patching concrete floor			\$ 400.00	LL	
<b>3000</b>	<b>Masonry</b>					
3200	Block masonry - misc. repair in walls as needed			\$ 2,500.00	LL	
<b>4000</b>	<b>ROUGH STRUCTURE</b>					
4040	Demolition - cleaning up abandoned pipes/wires/conduits	allowance		\$ 10,000.00	LL	
	Temp walls, dust containment, floor protection, cleaning (transition between baths/hall)			\$ 3,800.00		T
4100	Structural steel for rooftop units	allowance		\$ 6,000.00	LL	
4200	Framing materials and labor (metal studding included in 7100)			\$ 2,000.00	LL	
4225	Staging			\$ 3,500.00		T
4230	Motorized lifts - 19' x 32", 26' x 46" drop and pick-up			\$ 4,290.00		T
4235	Lead paint/Asbestos remediation - not included in scope TBD			\$ 6,000.00	LL	
4250	Rubbish Removal/cleaning during construction			\$ 6,500.00		T
4400	Roofing repair and patching for HVAC units	allowance		\$ 4,500.00	LL	
4800	Sound attenuation in Studio - additional sound attenuation	allowance		\$ 5,000.00		T
<b>5000</b>	<b>MECHANICAL</b>					
5100	Plumbing - Green Room bath only, breakroom, janitor's (all other baths not included)			\$ 23,150.00		T
5200	Heating/ventilating - 3 gas rooftop units, 2 mini-splits, distribution, thermostats, bath exhaust			\$ 138,950.00	LL	
5210	Heating/Gas Piping/modification			\$ 2,000.00	LL	
<b>6000</b>	<b>ELECTRICAL</b>					
6100	Wiring - as per plan as per code			\$ 59,200.00	LL	
6200	Electrical fixtures - 2' x 2' dimmable flat panel, decorative fixtures, utility fixtures			\$ 18,800.00	LL	
	Ceiling support piping system for studio equipment	allowance		\$ 16,000.00		T
<b>7000</b>	<b>FINISHING</b>					
7100	Drywall, insulation, metal studding, etc.			\$ 106,840.00	LL	
7200	Interior wood work - misc. interior trim and finishes			\$ 6,500.00		T
7205	Specialty			\$ 2,500.00		T
7210	Closet/Storage Shelving			\$ 4,000.00		T
7220	Acoustical Ceilings - includes R-19 insulation above grid, black ceiling tile and grid in Studios			\$ 32,400.00	LL	
7300	Interior doors, hardware, hinges, closers, etc. installed			\$ 53,575.00	LL	
7400	Cabinets/vanities - Kitchenette cabinets, vanity			\$ 7,700.00	LL	
	Reception Desk top and built-in locked storage	allowance		\$ 14,700.00		T
	Installation of cabinetry			\$ 2,500.00	LL	
7600	Countertops - Kitchenette, vanity top - Granite	allowance		\$ 2,800.00	LL	
7700	Ceramic tile - Green Room Bath	130 s.f.	\$ 13.84	\$ 1,799.20		T
7720	Vinyl Plank flooring - Reception/Lobby and Entry hall (along exterior wall)	1368 s.f.	\$ 8.25	\$ 11,286.00	LL	
	VCT tile - Large Studio, Break Area, Kitchenette, Storage, Studio B, Corridor, Vestibule, Storage, Server	3557 s.f.	\$ 3.58	\$ 12,734.06	LL	
7740	Carpet square - Green, Pod, Server, Conrol, Offices, BullPen, Classroom, Conference, Back hall	2801 s.f.	\$ 3.95	\$ 11,063.95	LL	
	Johnsonite Cove base throughout			\$ 4,893.49	LL	
7800	Painting			\$ 29,300.00	LL	
7900	Appliances by Owner			\$ -		
7910	Bath hardware			\$ 600.00		T
7930	Shower door			\$ 800.00		T
<b>8000</b>	<b>GENERAL CONDITIONS</b>					
8100	Miscellaneous/Contingencies items			\$ 12,000.00	LL	
8115	Temporary sanitation			\$ 800.00		T
8120	Electric by Owner			\$ -		
8125	Gas/fuel by Owner			\$ -		
8130	Window/Post Construction Cleaning			\$ 4,500.00		T
8135	IT Wiring - 50 rough drops included in wiring (Cat6), Tenant to handle finish and connections			\$ 5,000.00	LL	
8138	Audio Visual Systems by Owner			\$ -		T
8140	Fire/Smoke Alarm System - tie into existing system			\$ 7,200.00	LL	



8142	Fire Sprinkler - Modifications for new plan layout			\$ 15,800.00
8155	Plans/Design/Architect fee/controlled construction fee <b>by Owner</b>			\$100,000
8160	Building Permit/Fees			\$ 4,400.00
	Allowance for prevailing wage/public bidding			\$282,974
	<b>Sub total</b>			<b>\$ 1,293,595.70</b>
	<b>Overhead (including project management) and Profit</b>			<b>\$ 155,231.48</b>
	<b>Total Project Cost</b>			<b>\$ 1,448,827.18</b>

LL

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\$ 1,222,988.18

\$225,839



May 24, 2019

***Via Email***

Timothy J. Plante, Chief Admin. & Finance  
Officer  
City of Springfield  
36 Court Street  
Springfield, MA 01103

Edward M. Pikula, City Solicitor  
City of Springfield  
Law Department  
36 Court Street, Room 210  
Springfield, MA 01103

Re: 2019 Springfield Police - Community Mitigation Fund Specific Application ("CMF")

Dear and Mr. Plante and Attorney Pikula:

The Community Mitigation Fund Review Team ("Review Team") would like to thank you and your staff for participating in the meeting to discuss the Springfield Police Department's ("SPD") application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask the City to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**2018 Specific Impact Grant for Springfield Police**

1. Can you provide an update on the progress of this grant and expenditures?
2. Can you please provide a brief and general description of how Springfield plans to use its HCA funds (mitigation funds, tax payments, or both) to mitigate potential public safety impacts from the MGM Springfield facility?

**2019 Community Mitigation Fund Application**

1. Can you please provide a brief and general description of how Springfield plans to use its HCA funds (mitigation funds, tax payments, or both) to mitigate potential public safety impacts from the MGM Springfield facility?
2. Are some of the requests for equipment replacing worn out items?
3. How often are cones necessary for traffic or crowd control and what is the usual circumstance?
4. In what instances would the police use the license reader relating to casino operations?



Massachusetts Gaming Commission

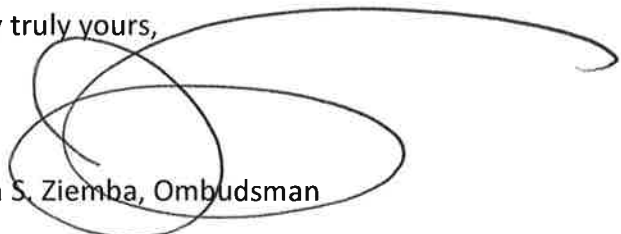
5. For prior functions the use of message boards was noted. Why are those message boards no longer being used?
6. Where in the city would you anticipate positioning the signs?
7. What is the protocol relating to the need for Springfield Police Department resources when MassMutual Center has large functions?
8. What are some of the communications issues that can be addressed by the new radios? How will this help avoid dead spots? Please provide some detail pertaining to the functionality of these radios in relation to their expense.
9. It has been noted that the City in the past has used light towers. Does the City already own light towers? How many? Why can't these continue to be used?
10. For what casino related purposes would the rifles be used? Where does the City plan on keeping them stored?
11. How would this equipment fit within the emergency response protocols for the casino?
12. Are the vaults to be used to retrofit cruisers?
13. With regard to the portable barriers, what has been the experience from functions at MassMutual Center?
14. What is the anticipated use of the utility trailers (i.e. what are they going to carry?)
15. What is the nexus to the casino for the water rescue kits? We understand that MGM Springfield provided funding to help improve the waterfront. However, are MGM Springfield events on the waterfront planned in the near term?
16. Please provide further information why motorcycles could be necessary for use in the casino area and why police cruisers would not be a comparable method of travel? In what urban settings does Springfield anticipate using the Polaris Ranger? Is it more economical to buy or rent?
17. What is the traffic planning software anticipated to do? Does the City Engineer or DPW already use the product? Does this product have connectivity to any of the other items requested in the grant, i.e. message boards? How many other persons require the use of the software? Why multiple licenses?
18. Trek bikes: Does the Springfield Police Department plan on expanding the use of bikes? How many does the Department have and how are they distributed?
19. AED's are already on site? Are the AED's going into cruisers or general use? Are these cruisers solely for the officers covering the casino? How many cruisers are assigned to the casino?

Timothy J. Plante, Chief. Admin. & Finance Officer  
Edward M. Pikula, City Solicitor  
May 24, 2019  
Page 3

20. Please provide a budget for the Metro unit and information on how the funding is determined by the City.

The Review Team would like to present to the Commission its recommendation at a Commission meeting in late June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by noon on Friday, June 7, 2019. We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziembra, Ombudsman

cc: The Honorable Mayor Sarno  
Police Commissioner John Barbieri  
Jennifer Leydon, Director of Business & Technology- Police Dept.  
Vanessa Lima, Grants Administrator  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



**SPRINGFIELD POLICE DEPARTMENT  
130 Pearl Street  
Springfield, Massachusetts 01105**

June 12, 2019

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal St. 12<sup>th</sup> Fl.  
Boston, MA 02110

RE: **2019 Springfield Police – Community Mitigation Fund Specific Application Responses**

Dear Mr. Ziemba

Please find below the City of Springfield's responses to The Community Mitigation Fund Review Team questions regarding the Springfield Police Department's recently submitted 2019 Community Mitigation – Specific Impact Grant Application.

**2018 Specific Impact Grant for Springfield Police**

**1. Can you provide an update on the progress of this grant and expenditures?**

With funding support from the Massachusetts Gaming Commission, SPD has been able to hire (6) new recruits and promote (1) Sergeant to the position of Lieutenant, responsible for the overall coordination and administration of a unit in the effort to remediate the newly established position with the GEU. The (6) new recruits attended a (6) month Police Training Academy beginning January 2019. The anticipated Police Training Academy was originally set for April 2018; however due to citywide budgetary constraints the academy started later than expected. The new recruit class is set to complete the (6) month Police Training Academy at the end of June 2019. Based on required basic training expenses, the funding support from the Massachusetts Gaming Commission has assisted SPD with the costs associated with training new recruits as replacements for the vacancies created by the development of a Gaming Enforcement Unit for the increase of safety and security related to the arrival of the MGM Casino.

As of June 11, 2019 the Springfield Police Department's 2018 Specific Impact Grant expenditures total \$106,327.76 with \$101,557.76 in GEU Replacement Training expenses and \$4,770.00 in Equipment expenses.

**2. Can you please provide a brief and general description of how Springfield plans to use its HCA funds (mitigation funds, tax payments, or both) to mitigate potential public safety impacts from the MGM Springfield facility?**

Both the HCA mitigation funds and the 121A tax payments are collected in the City's general fund, as required by MGL. General fund revenue supports all services provided by the City. Some specific costs which this funding supports includes police officers, namely twenty officers added in 2016, in order to prepare the department for MGM Springfield's opening in 2018. Since then, the department has also introduced the E3 Metro Unit – including specially trained officers, vehicles and equipment, as well as additional equipment and support staff to service and monitor the increasing visitor population to MGM and the surrounding areas.

During the negotiations of the HCA, the City had retained the services of a consultant experienced with the impacts associated with casino development and the consultant's recommendations included advice as to public safety impacts. Despite efforts to address the issue with the use of experts, the need for an additional 20+ officers was not anticipated at the time of the negotiations of the HCA, but has been the reality the City has been faced with as a result of the MGM development.

**2019 Community Mitigation Fund Application**

**1. Can you please provide a brief and general description of how Springfield plans to use its HCA funds (mitigation funds, tax payments, or both) to mitigate potential public safety impacts from the MGM Springfield facility?**

Both the HCA mitigation funds and the 121A tax payments are collected in the City's general fund, as required by MGL. General fund revenue supports all services provided by the City. The projected budget for FY20 is \$691.7M, of which \$50.9M is allocated to the Police Department. The Police Department's budget includes funding for an additional 20+ officers added since the announcement of MGM Springfield's opening, the newly developed E3 Metro Unit – including officers, vehicles and equipment, and additional equipment and support staff added to service and monitor the increasing visitor population to MGM and the surrounding areas.

During the negotiations of the HCA, the City had retained the services of a consultant experienced with the impacts associated with casino development and the consultant's recommendations included advice as to public safety impacts. Despite efforts to address the issue with the use of experts, the need for an additional 20+ officers was not anticipated at the time of the negotiations of the HCA, but has been the reality the City has been faced with as a result of the MGM development.

**2. Are some of the requests for equipment replacing worn out items?**

The items requested are not for the purpose of replacing existing equipment but rather are intended to increase the capacity of the Springfield Police Department in the Metro Area.

**3. How often are cones necessary for traffic or crowd control, and what are the usual circumstances?**

Since the grand opening of the casino there have been a multitude of events occurring on a monthly basis that require both traffic and crowd control by the Springfield Police Department. In that respect, the department originally utilized cones that were property of Springfield DPW for the opening weekend of the casino and since then the department has found the need for traffic and crowd control is more



often than anticipated. Springfield DPW cones are no longer easily accessible to the SPD with increase of events and activities occurring in and around the MGM Casino.

The funding request for the purchase of cones to be used solely by the SPD will assist in making the task of traffic and crowd control a seamless one.

**4. In what instances would the police use the license reader relating to casino operations?**

The MGM Casino is equipped with a 3,400 space parking garage that is accessible to all members of the public. To that end, it would be beneficial to have information regarding its usage specific to the development of intelligence in an investigative manner, i.e. criminal investigations, and/or public safety matters. License Plate Readers (LPRs) could be used to identify vehicles that may have been entered into the LPR recognition database that are wanted vehicles used in the commission of a previous crimes.

**5. For prior functions the use of message boards was noted. Why are those message boards no longer being used?**

The message boards used for the MGM Casino grand opening were those of our partners. Usages of the boards were contingent upon planning to mitigate any needs that might have occurred outside of the MGM opening. SPD will greatly benefit from owning and controlling departmental message boards without any contingencies looming above our ability to quickly and effectively communicate important traffic and safety messages to the public.

**6. Where in the city would you anticipate positioning the signs?**

SPD anticipates positioning the message boards at any critical intersections surrounding the casino as needed. These locations include but are not limited to East Columbus Ave., State St. and Main St.

**7. What is the protocol relating to the need for Springfield Police Department resources when MassMutual Center has large functions?**

When MassMutual Center hosts large functions, protocol is that the Springfield Police Department provides public safety to the exterior of the venue during a time period before, during and after the event. Public safety is a paramount task and as a result, the SPD Metro Unit implements strategies to assist with the flow of both pedestrian and motor vehicle traffic; ensuring they do not occupy the same footprint.

**8. What are some of the communications issues that can be addressed by the new radios? How will this help avoid dead spots? Please provide some detail pertaining to the functionality of these radios in relation to their expense.**

As it currently stands, the Springfield Police Department and the Gaming Enforcement Unit do not operate on the same radio frequency bond. As a result, internal and external policing services are unable to communicate with each other. Direct communication is critical to providing the public with comprehensive services and officer safety.

**9. It has been noted that the City in the past has used light towers. Does the City already own light towers? How many? Why can't these continue to be used?**

Previously, light towers utilized by SPD were those of the Springfield Fire Department (SFD) or the Massachusetts Emergency Management Agency (MEMA). Planning for large events requires planning and advance allocation of resources. Reliance on external entities causes gaps and delays in public safety concerns when auxiliary lighting is necessary.

**10. For what casino related purposes would the rifles be used? Where does the City plan on keeping them stored?**

The purpose of rifles related to the casino will be to expand the effectiveness of officers assigned to the casino corridor. Day-to-day casino operations require currency pick up and drop off and equipping officers with rifles will assist with the protection of lives should the need arise.

**11. How would this equipment fit within the emergency response protocols for the casino?**

The Gaming Enforcement Unit and the Metro Unit would work in together to initiate active shooter protocols should an incident occur.

**12. Are the vaults to be used to retrofit cruisers?**

Yes, the vaults are to be used to retrofit cruisers in order to provide secure/discreet storage of weapons.

**13. With regard to the portable barriers, what has been the experience from functions at MassMutual Center?**

There has been a need to develop clear lanes of traffic for pedestrians both prior to and after large events in the Court Sq. area. Migration of pedestrians to and from MGM both pre and post event, calls for more coordinated approach. Temporary barriers will provide a rapid set up and demobilization when restoring normal operations.

**14. What is the anticipated use of the utility trailers (i.e. what are they going to carry?)**

The purchase of a utility trailer is contingent on the purchase of the Polaris UTV. The anticipated use of the utility trailer will serve as a means to transport traffic equipment during events. Traffic equipment includes but is not limited to cones, barricades, etc.

**15. What is the nexus to the casino for the water rescue kits? We understand that MGM Springfield provided funding to help improve the waterfront. However, are MGM Springfield events on the waterfront planned in the near term?**

Based on discussions with MGM personnel, the casino anticipates hosting MGM events at the Riverfront are once construction is complete. An example of one such event would be the Fourth of July Fireworks in which the department would prefer to be well-equipped with life-saving tools in the case of an emergency, especially surrounding the Riverfront area.

**16. Please provide further information why motorcycles could be necessary for use in the casino area and why police cruisers would not be a comparable method of travel? In what urban settings does Springfield anticipate using the Polaris Ranger? Is it more economical to buy or rent?**

Police motorcycles offer a unique opportunity to provide rapid deployment in critical situations to areas not easily accessible by cruisers, especially in heavily populated pedestrian area. Police motorcycles have

also been proven to be effective in public relations with community members having immediate access to officers.

The Polaris can provide multi-officer patrol in high pedestrian traffic areas, ease of access to areas not accessible by motor vehicle cruisers, as well as use during inclement weather and rough terrain. Renting/leasing pose challenges in that we are unable to properly label or letter the vehicle for the purpose of identifying that we are in fact emergency personnel during public safety situations.

**17. What is the traffic planning software anticipated to do? Does the City Engineer or DPW already use the product? Does this product have connectivity to any of the other items requested in the grant, i.e. message boards? How many other persons require the use of the software? Why multiple licenses?**

Traffic planning software will be utilized in the development of event action plans to provide sustainable strategic, tactical and operational planning during large scale events which have been occurring at a much higher frequency than originally anticipated. An example of how the software will be utilized is developing a plan for pedestrian and motor vehicle patterns during an event that incorporates messaging boards and barriers/cones. (4) Licenses are necessary for the Metro and Traffic unity to work collaboratively on the Metro/MGM EAPs.

**18. Trek bikes: Does the Springfield Police Department plan on expanding the use of bikes? How many does the Department have and how are they distributed?**

The Metro Unit (previously C3 Southend) has used bikes with success for both patrolling and events. (6) Bikes are currently in the possession of the Metro Unit. Additional bikes will be used for the purpose of outfitting the Metro Unit (which currently has upwards of 10-12 officers working 4-12 shift) who will all have the ability to ride and subsequently all be able to deploy into crowds during large scale events.

**19. AED's are already on site? Are the AED's going into cruisers or general use? Are these cruisers solely for the officers covering the casino? How many cruisers are assigned to the casino?**

The AED's will be placed in the Metro Unit Substations located throughout the Metro area. (2) AED units will be placed in the (3) SPD substations and will serve as potential lifesaving equipment accessible to the public. In recent months we've experienced individuals responding to SPD substation located for emergency medical assistance.

The remaining AED units will be placed in Metro Unit cruisers in an effort to support the influx of individuals frequenting the casino and downtown area event locations. The AEDs embedded within the facility aren't as quickly accessible in terms of large outdoor events.

**20. Please provide a budget for the Metro unit and information on how the funding is determined by the City.**

FTE	Last Name	First Name	Position Description	FY20 Period Pay	Pay Weeks 52.4	FY20 Budgeted Salary	
1.0	METRO	BIBBY	RUNUEL	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	CARRASQUILLO	LINO	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	CLARK	COREY	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	DANIELE	CARLA	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	DISANTIS	ANTHONY	POLICE OFFICER	\$ 1,372.00	52.4	\$ 71,892.80
1.0	METRO	DONOHUE	JOSHUA	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	DUNN	EMILY	POLICE OFFICER	\$ 1,372.00	52.4	\$ 71,892.80
1.0	METRO	FELICIANO	JOSE	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	GARCIA	ARMENIO	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	GOGGIN	MICHAEL	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	HERVIEUX	THOMAS	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	HUFNAGEL	TROY	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	KENNISTON	RONALD	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	MCNABB	RICHARD	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	MORAN	JOSEPH	POLICE OFFICER	\$ 1,386.00	52.4	\$ 72,626.40
1.0	METRO	OBRIEN	BRENDAN	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	ORTIZ	ALEX	POLICE OFFICER	\$ 1,372.00	52.4	\$ 71,892.80
1.0	METRO	RUSSELL	CAMERON	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	SANTIAGO	DAVID	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	TORRES	JOHNATHAN	POLICE OFFICER	\$ 1,372.00	52.4	\$ 71,892.80
1.0	METRO	TRUBIA	JAMES	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	VASQUEZ	ELIZER	POLICE OFFICER	\$ 1,331.00	52.4	\$ 69,744.40
1.0	METRO	BENOIT	MATTHEW	POLICE SERGEANT	\$ 1,688.00	52.4	\$ 88,451.20
1.0	METRO	ELLIOTT	BRIAN	POLICE SERGEANT	\$ 1,706.00	52.4	\$ 89,394.40
1.0	METRO	ZOLLO	JOHN	POLICE SERGEANT	\$ 1,706.00	52.4	\$ 89,394.40
25.0	TOTAL GENERAL FUND				\$ 34,931.00		\$ 1,830,384.40
SALARIES	METRO	22 PATROLMEN	\$ 1,563,144.00				
	METRO	3 SERGEANTS	\$ 267,240.00				
			1,830,384.00				
RENTAL BUILDING	METRO	12 MONTHS	\$ 41,520.00				
TELEPHONE	METRO	SUPERVISOR CELL PHONE	\$ 1,800.00				
AMMO/WEAPONS	METRO	5 ADDL TASERS	\$ 9,000.00				
UNIFORMS	METRO	UNIFORMS	\$ 2,250.00				
			\$ 54,570.00				
PS AND OTPS	METRO	FY 2020 BUDGET REQUEST	\$ 1,884,954.00				

Funding for the Metro Unit was determined after the Springfield Police Department submitted our FY20 proposed budget to City Hall and per the Mayor of Springfield's FY20 priorities, funding for the Metro Unit was approved.



May 24, 2019

***Via Email***

Thomas Kadzis, Senior Transportation Planner  
Boston Transportation Department  
One City Hall Square, Room 721  
Boston, MA 02201

Re: 2019 Community Mitigation Fund Transportation Planning Application

Dear Mr. Kadzis:

Thank you for meeting with the Community Mitigation Review Team ("Review Team") recently. It was a pleasure discussing with you the City of Boston's application for community mitigation funds. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**2018 Transportation Planning Application**

Please provide the Commission with a brief update on current and planned expenditures of last year's grant funding. If you have provided a description in your quarterly report to the Commission, please feel free to include that information.

**2019 Transportation Planning Application**

1. Please provide further detail regarding the status of pending requests for the Rutherford Avenue/Sullivan Square project through the State's TIP process.
2. Please briefly describe how the current (Rutherford Avenue/Sullivan Square) project has been designed to reflect increased regional traffic, including but not limited to, traffic expected to be generated by the Encore Boston Harbor project.
3. Please provide further detail regarding the current plan including the current timeline, the status of project design, breakdown of project costs, and goals of the reconstruction project. Please explain any changes made since the plan was modeled for the Lower Mystic Regional Working Group.



Massachusetts Gaming Commission

4. Please provide any details on the potential for a Bus Only Lane on the redesigned Sullivan Square/Rutherford Avenue project and any barriers to the development of such lane.
5. The application noted that “[t]he next step is for the City and MassDOT to enter into an interagency agreement under which the 80% design reimbursements would continue through the end of the project.” Please provide information regarding the status of this agreement.

The Review Team would like to present to the Commission its recommendation in late June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: Coleman Flaherty, Deputy Commissioner  
William H. Conroy, IV, Senior Transportation Planner  
Inez Foster, Grant Manager  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team







BOSTON  
TRANSPORTATION  
DEPARTMENT

ONE CITY HALL SQUARE • ROOM 721  
BOSTON, MASSACHUSETTS 02201  
617-635-4680 • FAX 617-635-4295

June 7, 2019

Via Email

John S. Ziemba  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street  
12<sup>th</sup> Floor  
Boston, MA 02110

RE: **Response to May 24 Questions for 2019 Transportation Planning Application**

Dear Mr. Ziemba:

Below are the responses to the questions posed in your May 24 correspondence relevant to Boston's Community Mitigation Fund Transportation Planning Application.

**2018 Transportation Planning Application: Update on Current and Planned Expenditures**

We have an approximate balance of \$45,400 remaining of the \$200,000 Grant. To date, we have expended \$2,418,438 on the design contract. We have an obligated balance of approximately \$1,334,000 remaining to apply to the 25% design. We anticipate a late fall (or early winter) submission of 25% to Mass DOT. We expect that the 25% Public Meeting will be conducted in February.

**2019 Transportation Planning Application**

**1) Transportation Improvement Program (TIP) Programming Status of Project**

Programming for TIP Project 606226, RECONSTRUCTION OF RUTHERFORD AVENUE, FROM CITY SQUARE TO SULLIVAN SQUARE, was adjusted to reflect a revised timeline in the 2020 – 2024 TIP. Per agreement and coordination between Mass DOT and the City of Boston, the construction start date of FFY 2020 set forth in the 2019 – 2023 TIP has been adjusted. The new start date for the five year project is FFY 2022.



At the MPO meeting on April 25, 2019, the board voted to release a draft of its federal fiscal years (FFYs) 2020–24 TIP for a 21-day public review period. The MPO voted to endorse the TIP at its meeting on May 30, 2019. The TIP will be implemented October 1, 2019, following Federal Highway approval.

The funding schedule for the \$152 million project in the 2020 – 2024 TIP is:

FFY 2022	\$23,556,364
FFY 2023	\$34,268,422
<u>FFY 2024</u>	<u>\$53,860,492</u>
Subtotal	\$111,685,278

The balance of \$40,314,722 will be programmed in subsequent annual TIP years FFY 2025 and FFY 2026. Said 'subsequent' TIPs will be the *2021-2025 TIP*, and the *2022-2026 TIP*, respectively.

## **2) Project design reflection of increased regional traffic.**

The spring 2016 award of a gaming license for the Wynn Everett Casino prompted the City to revisit the earlier decision to proceed toward 25% plans with a surface design concept (no underpasses). We evaluated traffic impacts from the new casino, other expected development projects, and the well documented increase in traffic attributed to ride-hail companies (Uber, Lyft). As a result, and in combination with a robust community process, we concluded in May 2018 that the Rutherford design concept should include (retain) underpasses. Further, the traffic impacts of the Encore Casino opening this summer will require reassessment of traffic operations along the corridor.

## **3) Current Plan Detail: timeline, status, costs, goals.**

Two considerations resulted in the revised TIP timeline set forth in Response #1, above. First, there was concern about overlap of construction schedules for adjacent infrastructure projects such as the Tobin Bridge Rehabilitation and the North Washington Street Bridge Reconstruction, which start this year. Additional projects, such as the Austin St. Bridge Over the I-93 Ramps, or the Sumner Tunnel Rehabilitation, will start in the near future. Second, our 2018 summer 25% design submission did not include key elements of the bridge and underpass design due to unforeseen delays obtaining the necessary structural design reports. Therefore, a revised 25% will be submitted to Mass DOT. Our 25% Design Contract with Tetra Tech, and our attending 25% Design Agreement with Mass DOT are being amended one year through June 30, 2020. The City and Mass DOT anticipate that the 25% Design Public Hearing will be conducted in February 2020. We have sufficient funding budgeted to attain 25% status, as \$1.33 million remains allocated.

The 25% submittal will serve as a trigger point to enter into a new contract with the design firm to take the project to 100% Design / Plans, Specification and Estimates (PS&E) status. We will also enter into a new Agreement with Mass DOT at this time. This contract and agreement would be effective July 1, 2020, through the PS&E and project construction bid advertisement. There is \$8.5 million TIP funding earmarked for this design phase.

Our goals for the Project are: Improve pedestrian connections and safety to MBTA transit stations and the community; Decrease traffic congestion; Protect Main Street from cut-through traffic; Create public and open space; Provide opportunities for appropriate development, and; Provide bicycle connections.

LMRWG – Note that the plan details that were modelled for the Lower Mystic Regional Working Group contained underpasses.

#### 4) Bus Lane Potential

Based on 25% input received directly from the MBTA the design, at present, does not include a dedicated bus lane. This may well change as the design progresses. Mass DOT has recently increased collaboration with municipalities to implement bus lanes. Also, the topic has been discussed in conversations between Mass DOT and BTD, and the parties are in agreement to revisit a bus lane option following the 25% submittal. The current priority for the 25% resubmittal is to complete structural engineering elements to preserve and rebuild underpasses and bridges.

#### 5) Status of City and Mass DOT Agreement

As noted, the 25% Design Agreement with Mass DOT is being extended through June 30, 2020. A successor Agreement will be entered into effective July 1, 2020 for the 100% Design / PS&E, and may also include *Construction Management Services*. There is \$8.5 million TIP funding earmarked for this design phase.

Please call upon me if you have any questions (617-635-3084).

Sincerely,



Thomas Kadzis  
Sr. Transportation Planner

Coleman Flaherty, BTD  
William H. Conroy, IV, BTD  
Inez Foster, COB Grant Manager



**City of Everett**  
**Department of Planning and Development**  
484 Broadway, Room 25  
Everett, Massachusetts 02149  
(P) 617-394-2245 (F) 617-394-5002

**Tony M. Sousa, Executive Director**

June 12, 2019

Mr John S. Ziemba  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziemba,

Thank you again for meeting with the Cities of Everett and Somerville regarding the joint planning grant application for the proposed extension of the Silver Line. Hopefully the responses below sufficiently answer the questions you submitted to us on May 24th. Please feel free to contact myself, Jay Monty, or Catherine Rollins if you need any further clarifications.

1. *How do you envision working with all necessary departments of the MBTA to ensure that a design is acceptable to the MBTA? Have the cities contacted the MBTA's chief engineer about this project?*

The administration of the 2018 Planning Grant to advance design of the Assembly Row head-house has provided many lessons for working with the MBTA procurement and engineering departments. The Cities now have working relationships with key members of the MBTA procurement and engineering teams and would expect to continue these relationships in the same manner to successfully complete the 2019 grant specific to expansion of the Silver Line. Specifically, the Cities of Somerville and Everett have formed a close working relationship with Greg Thompson, MBTA Project Manager for Transit Oriented Development. Mr. Thompson works within the Capital Delivery unit of the MBTA under Director Peter Paravalos, and has been identified as the point person at the MBTA for assisting with the advancement of this project from a purely technical perspective.

2. *Please provide any update to the timeline, scope of work and budget for this project.*



The MBTA has recently committed its own funding as part of its most recent Capital Investment Plan (CIP) to advance design of the Silver Line to Everett. We anticipate that this may change the scope of work somewhat, particularly in regard to the ratio of funds spent in Everett vs. Somerville. If, for example, the MBTA funding were spent to study and design the bus-way on the existing MBTA ROW, grant funding that would have been used for that task, could be re-allocated to other route segments in Everett or Somerville. At this point in time, it is unclear exactly how or when the MBTA expects to use those CIP funds, however near-term discussions are being planned that involve the MAPC, MassDOT and the MBTA to develop a strategy for advancement of this project.

3. *When is it anticipated that an RFP for this work would be completed.*

We believe that an RFP for this work could be completed by the fall of 2019, however, we note the importance of not duplicating work that may have otherwise been done by the MBTA and their CIP funding discussed above. We will work diligently with all parties to develop a strategy in this regard in hopes that it does not delay the timely completion of an RFP or subsequent project development.

4. *Please provide further information regarding the management of the grant funds. It appears as though the City of Everett would be responsible for the administration of the grant.*

The City of Everett will be responsible for administration. We feel that this is reasonable given that the Everett portion of the project will likely be advanced to a further stage of design as a result of this grant and the funding commitment from the MBTA. The Cities of Somerville and Everett have worked productively together with the 2018 grant and without any major or minor difficulties. We expect the 2019 grant to be no different. Both parties enjoy a positive working relationship and open lines of communication with one another. Both parties are also committed to the same goal of improving transportation access within the Lower Mystic region and expanding Silver Line bus rapid transit beyond Chelsea towards Everett and Somerville.

5. *Are future meetings anticipated with Encore Boston Harbor to review the proposed scope of work?*

The City of Everett has worked closely with Encore Boston Harbor in developing its long-range transportation plans, particularly the aspects of which that serve the Lower Broadway corridor. Encore was also a key member of the Lower Mystic Working Group which identified the Silver Line as a priority transportation project in the region. At this point in time the exact route of the Silver Line is unknown and subject to many factors. We intend to engage any relevant party that would play a critical role, or be critically affected by the project, including Encore, as we finalize the scope of work.

6. *Is it anticipated that the cities would examine the implications of different route variants, including the extent to which Broadway in Everett will be utilized, and potential route corridors to the south and west of Washington Street in Somerville with this funding. If so, please explain*

*how this corridor examination could take place, what factors would be involved and whether additional funds would be required to cover this aspect.*

It is anticipated that different route variants could be explored as part of this project. In Everett, there are two likely routes, one utilizing Second Street, Route 16 and Broadway, and an alternate route utilizing the MBTA commuter rail corridor, Beacham Street and Broadway. At this time we do not anticipate any other major route variants, though there could be small variations of either of them. We anticipate that the scope of this grant would analyze both corridors for potential service and analyze the cost-benefit, ridership projections and travel times for both. We also anticipate some overlap with a concurrent initiative the City of Everett is taking to bring gold standard bus rapid transit to Lower Broadway that could serve not only the existing MBTA routes but also the Silver Line. Because the Lower Broadway BRT project is funded separately, we do not anticipate additional funding being necessary in order to analyze this corridor in addition to the commuter rail corridor.

For the Somerville section of the conceptual alignment, a 2013 MassDOT-funded planning study had identified the most advantageous alignment as the Inner Belt Road – North Point route; however, this route is contingent on substantial bridge work. As a result, the Alternatives Analysis would be expected to examine lower-cost phasing strategies that relied on the McGrath Highway alignment to connect the proposed transit service to Kendall Square (as called for in the MassDOT Lower Mystic Regional Working Group Final Report).

I hope that the above narratives provides sufficient clarification for the community mitigation review team. If any further information is needed, please don't hesitate to contact me at your earliest convenience.

We look forward to hearing from you soon.

Sincerely,

Jay Monty, Transportation Planner

Cc: Mary S. Thurlow, Paralegal  
Joseph E Delaney, Construction Project Oversight Manager  
Derek Lennon, CFO  
Catherine Blue, General Counsel  
Catherine Rollins, Policy Director (Everett)  
Mayor Carlo DeMaria (Everett)  
Brad Rawson, Director of Transportation and Infrastructure (Somerville)  
Mayor Joe Curatone (Somerville)





May 24, 2019

***Via Email***

Brad Rawson, Dir. of Transportation & Infrastructure  
City of Somerville  
93 Highland Avenue  
Somerville MA 02143

Jay Monty, Transportation Planner  
City of Everett  
484 Broadway  
Everett MA 02149

Re: 2019 Community Mitigation Fund Joint Transportation Application

Dear Mr. Rawson and Mr. Monty:

We would like to thank you and your colleagues for participating in the meeting with the Community Mitigation Review Team ("Review Team"). The Review Team found the meeting to be very informative. As was discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**2018 Joint Transportation Grant**

Please provide details regarding the progress and expenditures of the 2018 Joint Transportation Grant.

**2019 Joint Transportation Application**

1. How do you envision working with all necessary departments of the MBTA to ensure that a design is acceptable to the MBTA? Have the cities contacted the MBTA's chief engineer about this project?
2. Please provide any update to the timeline, scope of work and budget for this project?
3. When is it anticipated that an RFP for this work would be completed?
4. Please provide further information regarding the management of the grant funds. It appears as though the City of Everett would be responsible for the administration of the grant.
5. Are future meetings anticipated with Encore Boston Harbor to review the proposed scope of work?
6. Is it anticipated that the cities would examine the implications of different route variants including the extent to which Broadway in Everett will be utilized and



Massachusetts Gaming Commission

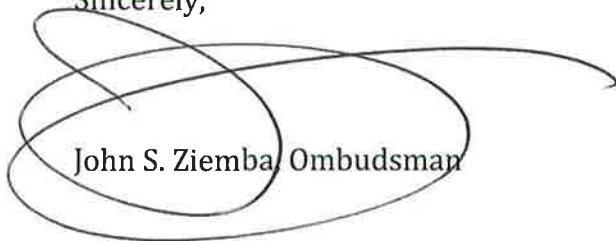
Brad Rawson, Dir. Transportation and Infrastructure  
Jay Monty, Transportation Planner  
Page 2  
May 24, 2019

potential corridors to the south and west of Washington Street in Somerville with this funding. If so, please explain how this corridor examination could take place, what factors would be involved and whether additional funds would be required to cover this aspect.

The Review Team would like to present to the Commission its recommendation in June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by noon on June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: The Honorable Mayor Carlo DeMaria  
The Honorable Mayor Joseph A. Curtatone  
Catherine Rollins Denisi, Esq.  
Tony Sousa, Dir. of Planning & Development  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission



May 24, 2019

***Via Email***

James Marsh, Director  
Department of Community Development  
Lynn City Hall  
8 City Hall Square  
Lynn, MA 01901

Richard J. Benevento, President  
WorldTech Engineering, LLC  
300 Trade Center, Suite 5580  
Woburn, MA 01801-5580

Re: 2019 Specific Impact Mitigation Fund Application

Dear Mr. Marsh and Mr. Benevento:

Thank you for participating in the conference call with the Community Mitigation Fund Review Team ("Review Team"). The Review Team found the conference call very informative. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**2016 Transportation Grant and 2017 Specific Impact Grant**

Please provide the Commission with a brief status of current activities engendered by the award of these funds? If you have provided a description in your quarterly report to the Commission, please feel free to include that information.

**2019 Specific/Transportation Impact application**

1. How much funding would the City of Lynn be expected to provide for this project?
2. Could you please provide a further description regarding how the proposed work under the grant request relates to the Western Avenue Project that was recently approved by MassDOT's Project Review Committee?
3. Please provide any update regarding the potential funding of the Western Avenue Project.
4. What discussions have taken place with the MassDOT about your application?
5. Do you have any additional information regarding the nexus of the project to the Encore Boston Harbor Casino.



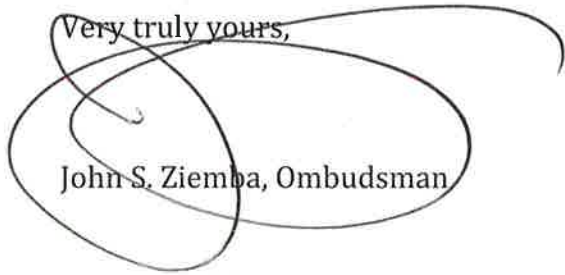
Massachusetts Gaming Commission

James Marsh, Director  
Richard J. Benevento, President  
Page 2  
May 24, 2019

The Community Mitigation Fund Review Team would like to present to the Commission its recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziemba, Ombudsman

cc: Honorable Thomas M. McGee, Mayor  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
2019 Community Mitigation Review Staff



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



# Office of Economic & Community Development City of Lynn, Massachusetts

3 City Hall Square - Room 311 - Lynn, MA 01901

James M. Marsh  
Director

Thomas M. McGee  
Mayor

June 7, 2019

John S. Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12 Floor  
Boston, MA 02110

Re: 2019 Specific Impact Mitigation Fund Application

Dear Mr. Ziemba,

In response to your request for additional information regarding the City of Lynn's application for Community Mitigation Funding we are providing the following answers to the Review Team's questions.

### **2016 Transportation Grant and 2017 Specific Impact Grant**

*Please provide the Commission with a brief status of current activities engendered by the award of these funds. If you have provided a description in your quarterly report to the Commission, please feel free to include that information.*

A physical inventory and operational review of the traffic signals throughout the City has been completed. All information has been integrated into the GIS database. Existing signal equipment, field conditions, ADA and MUTCD compliance, and operational observations have been collected at all signal locations. A review to determine the extent of the deficiencies, identify locations in need of the improvements (equipment and/or operation), develop repair strategies and recommendations, as well as establish the associated costs for engineering and construction in order to develop short- and long-term recommendations is currently underway. Throughout the City general safety observations identified 39 vehicle crash clusters, 16 pedestrian crash clusters, 5 bicycle crash clusters and six intersections on MassDOT's list of Top 200 High Crash locations. The following summary of findings will be used to aid the City in developing a capital improvement plan.

#### **Tier 1 improvements:**

- Out of 63 total signal locations, 28 were found to be in need of retiming.

#### **Tier 2 improvements:**

- 53 vehicle signal locations require repairing or replacing damaged or missing equipment. This includes the associated pedestrian signal assemblies.

- 10 pedestrian signal locations (non-vehicle intersections) require repairing or replacing damaged or missing equipment.
- A citywide study should be conducted at all intersections to evaluate both vehicle and pedestrian clearances.

**Tier 3 improvements:**

- 10 signal locations should be evaluated for complete redesign.
- 17 intersections were found to be in need of new cabinet equipment, vehicle detection or both.

It is anticipated that the final report, including capital planning strategies to implement improvements will be completed early Fall 2019.

**2019 Specific/Transportation Impact Application**

*1. How much funding would the City of Lynn be expected to provide for this project?*

MassDOT has determined that current construction value of the Western Avenue (Route 107) project is currently estimated at \$36.2 million (80% federal funds/20% state funds). As a requirement of the Federal and State Aid program the municipality is responsible for design, right-of-way and environmental permitting. The project design elements include basic engineering services as well as the required supplemental services associated with projects of this type. Basic engineering service fees for urban roadway rehabilitation projects under MassDOT and State Transportation Improvement Program (STIP) requirements generally run between 8% and 12% of the estimated construction costs. The necessary supplemental services, such as traffic studies, right of way, permitting, public meetings, etc., will increase the overall design services fee percentage for the total design effort (preliminary, 75%, 100%, PS&E) to 15% or more. It is anticipated that the City will be responsible for up to \$3.5 million or more to advance the project through final design. (See MassDOT excerpt below)



Charles D. Baker, Governor  
 Karyn E. Polito, Lieutenant Governor  
 Stephanie Pollack, Secretary & CEO  
 Jonathan L. Guliver, Highway Administrator



**DELIVERY CONFIRMATION**

December 11, 2018

Honorable Thomas M. McGee  
 City of Lynn  
 3 City Hall Square  
 Lynn, MA 01901

Subject: MassDOT Highway Division Project 609246: Lynn – Rehabilitation of Western Avenue (Route 107) – Project Eligibility Notification

Dear Mayor McGee:

On behalf of MassDOT, I am writing to inform you that the Highway Division's Project Review Committee (PRC) has evaluated the subject project and determined that it is eligible for Federal Aid highway funding. It is the PRC's understanding that the estimated Total Federal Participating Construction Cost (TFPCC) of this project is \$36,205,000. The TFPCC, which consists of the bid items, police details, construction engineering, contingencies and reimbursable utility relocation, must be fully programmed on the Transportation Improvement Program (TIP). As the project proponent, the municipality is responsible for costs associated with design, right-of-way acquisition and environmental permitting.



- 2. Could you please provide a further description regarding how the proposed work under the grant request relates to the Western Avenue Project that was recently approved by MassDOT's Project Review Committee?*

The Project Review Committee's approval was based on the significant traffic and safety deficiencies along Western Avenue (Route 107). The initial phase of this project, pre-25% design, will include the development of conceptual design alternatives and traffic analysis throughout the corridor. As required by MassDOT, the alternatives will focus on traffic, safety, complete streets design elements, including bicycle and pedestrian accommodation, transit enhancements and traffic operational improvements to accommodate future traffic and growth along the corridor. As such future improvements may include intersection reconstruction including geometric improvements, traffic signalization improvements and optimization, ADA compliance upgrades, transit accommodations, and improvements consistent with the City of Lynn's Complete Street Policy. In addition, there are five (5) intersection locations within the Western Avenue (Route 107) corridor that are Highway Safety Improvement Program (HSIP) locations. These are locations that are eligible for funding and are crash clusters that rank within the top 5% of each Regional Planning Agency (RPA). Alternatives will be specifically developed at these locations to address the deficiencies contributing to safety and operational hazards.

MassDOT encourages (requires) communities to engage the public early in the design process. The proposed work will also include a Public Outreach component which will aim to inform the public on the proposed improvement and solicit input on future design considerations. Rendered concept plans illustrating the proposed improvements will be developed and presented to the public for review and comment.

- 3. Please provide any update regarding the potential funding of the Western Avenue Project.*

Construction of the Western Avenue (Route 107) project will be funded through the State Transportation Improvement Program (STIP). For a local project to be accepted into the Federal Aid Program and be included on the STIP, a two-part approval process involving MassDOT and the Boston Metropolitan Planning Organization (MPO) is required. In the case of Western Avenue project, following MassDOT Project Review Committee (PRC) approval, the Boston MPO must then program the project for funding. All projects on the STIP are evaluated and scored based on specific criteria such as safety, system preservation, capacity management and mobility, clean air, transportation equity, and economic vitality. Given the regional significance of Western Avenue (Route 107) the Boston MPO has informed the City that the Western Avenue project will be included in the draft Long Range Transportation Plan (LRTP) that will be released for public comment next month. The project is in the FFY 2025-2029 time band, which means it could be considered for programming as early as this next upcoming TIP cycle. Inclusion on the LRTP indicates the MPO's support to program funding.

- 4. What discussions have taken place with the MassDOT about your application?*

The City has been and continues to be in contact with MassDOT's Boston and District offices regarding the Western Avenue (Route 107) project as well as other transportation infrastructure projects recently approved by the PRC. MassDOT has advised the City that it must have projects

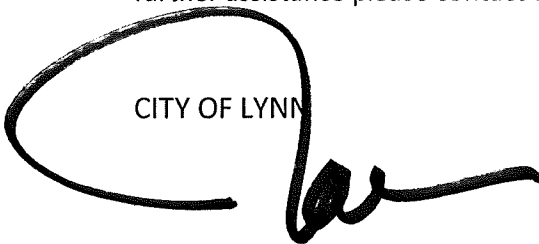
under design within two years of the PRC notification of project eligibility or the project will be deactivated. Further MassDOT requires proof that the City has identified design funds for the project.

5. *Do you have any additional information regarding the nexus of the project to the Encore Boston Harbor Casino?*

Western Avenue (Route 107) is an arterial roadway that connects Revere, Everett and Boston to the south and the cities of Salem, Swampscott and Peabody to the north. It is a major transit corridor and serves as a link to commercial activities and regional employment centers. Within the context of "Complete Streets" the goal is to balance the local and commercial traffic concerns against the regional travel patterns throughout the corridor, particularly impacts from the Encore Resort. The Western Avenue (Route 107) corridor has been the subject of several local and regional traffic studies concluding that significant traffic, safety and operational improvements are necessary. Considerable efforts have been made to develop solutions for the Western Avenue (Route 107) corridor to mitigate operational and safety issues while providing improved accommodations for additional modes of transportation besides the automobile, including bicycles and enhanced transit opportunities for MBTA bus routes 424/424W, 434, and 450/450W. MassDOT's Project Review Committee's approval of funding eligibility and the Boston MPO's inclusion of the project on the L RTP further justifies the need for improvement. The City of Lynn anticipates that improving Western Avenue has a direct benefit to casino bound employees as well as patrons who will be utilizing the Western Avenue corridor as well as MBTA buses servicing Western Avenue as a means of transportation to the Encore Boston Harbor Resort. Given the City of Lynn's current fiscal constraints access to 2019 Specific Impact Mitigation funds

On behalf of Mayor McGee and the entire City, we would like to thank the Massachusetts Gaming Commission for its continued support and assistance in addressing our transportation infrastructure needs and for considering this worthy request. If you require additional information or we can be of further assistance please contact either of us at any time.

CITY OF LYNN



James Marsh, Director  
Department of Community Development

WORLDTECH ENGINEERING, LLC



Richard J. Benevento  
President



May 24, 2019

***Via Email***

Alicia L. Hunt, Dir. of Energy & Environment  
Medford City Hall, Room 205  
85 George P. Hassett Dr.  
Medford, MA 02155

Re: 2019 Community Mitigation Fund Transportation Grant Application

Dear Ms. Hunt:

The Commission staff would like to thank you, Tim and Todd for participating in the conference call with the Community Mitigation Fund Review Team ("Review Team"). It was a pleasure discussing the Medford Application for community mitigation funds. The Review Team found the conference call to be very informative. As we discussed during the conference call, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**Transportation Grants 2016, 2017 & 2018**

Please provide a brief progress summary of previously awarded CMF grants to the City of Medford.

**2019 Transportation Application**

1. With regard to overall project cost, how does the City estimate the cost, considering some of the construction and engineering challenges of the project?
2. What patrons or employees would be expected to use the planned projects? Can you please explain why such potential patrons or employees that may come from parts northwest and west of the project would not utilize existing connections north of the potential project?
3. Please describe any roll of DCR in the development of this project? Do you have any commitments from DCR?
4. Do you expect that any funding could be available for this project from nearby property owners?



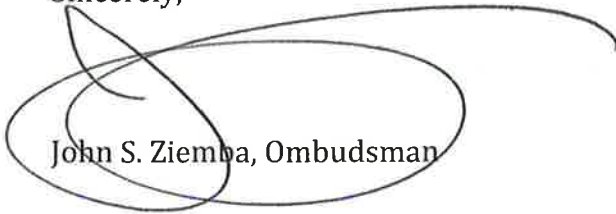
Massachusetts Gaming Commission

5. What benefit would Somerville receive from the project, if any?
6. What in-kind contributions is the community considering as part of this grant?
7. The application notes that the Project will involve land owned by MassDOT and DCR. What, if any, other state approvals would be necessary to utilize the MassDOT or DCR owned land for this anticipated purpose?
8. It is our understanding that a similar project on the Somerville side of the bridge cost approximately \$1 million. What is the anticipated cost of the construction of the multi-use boardwalk under the Route 28 bridge?

The Review Team would like to present to the Commission its recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: The Honorable Mayor Stephanie M. Burke  
Todd Blake, Traffic Engineer  
Timothy J. McGivern, PE, City Engineer  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission

## Medford Response to CMF Request for supplemental Information

*Please provide a brief progress summary of previously awarded CMF grants to the City of Medford.*

### Transportation Planning Grant 2016/17 – Office of Community Development

- Completed a residential parking permit study in August 2017
- Engaged a transportation engineer to oversee transportation related casino impacts Spring 2018. Expended \$19,000

### Transportation Planning Grant 2017 – Energy & Environment Office, South Medford Connector Feasibility Study, Completed

Under this grant, the City worked with Nitsch Engineering and Mystic River Watershed Association to do a feasibility study of the “South Medford Connector.” This is an envisioned shared-use path from Main St. where it crosses the Mystic River at Medford Square, along the river to where Route 16 crosses the Mystic River as Mystic Valley Parkway. It’s a 1 mile shared use path. The resulting study showed that the path would be technically feasible, that the property owners, MassDOT and MassDCR are amenable to a shared use path in this location, but that there was one primary obstacle. At the northern end of the path, a structure could be built to support the path, but a constructed path along this route would be more than 50% less expensive if the Route 16 exit to Main St could be closed so the path could use this route.

\$60,000 grant, fully expended

### Transportation Grant 2018 – Energy & Environment Office, South Medford Connector Design and Engineering

Given the findings of the 2017 grant, this grant was amended to begin with a traffic study on the effects of closing the Route 16 exit ramp, which is under the oversight of both MassDOT and the Federal Highway Administration. This study and the analysis has taken much longer than anticipated. The MassDOT has also asked for clear public support for this option, and building that support takes time, even though this ramp was closed recently for 2 years. The MassDOT and FWHA have given preliminary feedback on the application to close the ramp and a formal application will be submitted this summer. The next step will be to engage Nitsch on the design and engineering of the path.

\$198,600 grant, \$21,280 expended to date.

1. *With regard to the overall project cost, how does the City estimate the cost, considering some of the construction and engineering challenges?*

In 2005, an engineering firm created a concept design based on survey data. This is Figure 1 in the original application. The drawing shows feasible grading, structures and footings. There have been no significant changes to the area since this time; therefore, we have an understanding of the site challenges – and we have the precedent (both from a cost and structure perspective) of the underpass on the other side of the Route 28 bridge that was built 10 years ago. This boardwalk cost approximately \$1 million, including design and capital costs. The cost estimate for design services was created by the landscape architecture/engineering firms that were

## Medford Response to CMF Request for supplemental Information

involved with this first underpass. We therefore anticipate that construction costs will be between \$1M and \$2M.

2. *What patrons or employees would be expected to use the planned projects? Can you please explain why such potential patrons or employees that may come from parts northwest and west of the project would not utilize existing connections north of the potential project?*

We anticipate that this off-road walking/biking connection will serve two purposes: (1) provide a safe, non-motorized way for employees and visitors to get to Encore Boston Harbor and (2) reduce the overall volume of vehicles in the vicinity of the resort. For the first, we anticipate this project will serve those coming from the west along the shared-use paths in Medford, providing an alternative to Wellington Circle (a four-phase crossing through nine lanes of traffic) by continuing along Wellington Greenway and then over the Woods Memorial bridge.

The casino is strongly promoting non-motorized options and using the MBTA, so providing better non-motorized connections to the private shuttles and the MBTA service will help them achieve their goals.

Additionally, now that Encore arranged for 700 staff parking spots in the parking garage at Stations Landing, this underpass will provide a safe way for pedestrians and cyclists to access that parking garage, and the shuttle that will serve it, without having to cross Route 28 at grade. Providing safe passage to this garage will make this shuttle stop much more attractive to Medford-area employees.

There are a number of current and in-construction multi-family dwellings along Mystic Valley Parkway in Medford as well as a large residential neighborhood just north-west of this area.

Our Traffic Engineer provided these detailed comparisons:

- Current connections directly from the west (MacDonald Park), may use an existing crosswalk at Presidents Landing. However, this crossing is ~ 200 feet long (from edge of curb to edge of curb), crosses 2 roads, 4 directions of travel, and 10 lanes of vehicular traffic.
  - If travelling directly from the west (MacDonald Park), the proposed connection would not require crossing any traffic or waiting for any pedestrian traffic signal phase to commence.
- Current connections from the southwest corner of Wellington Circle may use the existing crosswalk network crossing the south side of Wellington Circle. However, this crossing is ~ 420 feet long (from edge of curb to edge of curb), crosses 2 road, 4 directions of travel, and 9+ lanes of vehicular traffic.
  - If travelling the southwest corner of Wellington Circle, the proposed connection would add distance along an existing sidewalk or path system but would not require crossing any traffic or waiting for any pedestrian traffic signal phase to commence.
- Current connections from the northwest corner of Wellington Circle may use the existing crosswalk network crossing the west side and south side of Wellington Circle or the north side and east side of the circle. However, these crossings are ~580 or 600 feet long respectively (from edge of curb to edge of curb), crossing 2 roads, 6 directions of travel, and 17-23 lanes of vehicular traffic (yes, that many).



## Medford Response to CMF Request for supplemental Information

- If travelling the northwest corner of Wellington Circle, the proposed connection would add distance along an existing sidewalk or path system and would reduce crossing any traffic or waiting for any pedestrian traffic signal phase to commence. It reduces it from 2 roads to 1, 6 directions of travel to 4, and from 17 to 10 lanes of traffic.

In general, this underpass will allow residents that live within a half-mile vicinity to access destinations like Macdonald Park and Wellington T Station without a car which helps to alleviate traffic congestion.

3. *Please describe any roll of DCR in the development of this project? Do you have any commitments from DCR?*

The original conceptual design was done in partnership with the DCR. This boardwalk is on the Mystic River Master Plan, created for the DCR in 2009, as a primary pathway. This remains their primary planning document that guides their new work. They submitted a letter of support for this grant application and referred to it as “an important project.” Medford has been collaborating with key DCR staff on other capital projects in Medford, including the South Medford Connector and they have indicated that they are very happy to see this important link in the shared-use pathway moved forward.

4. *Do you expect that any of the funding could be available for this project from nearby property owners?*

National Development completed the initial engineering study and since then, there have been more developments coming online in Station’s Landing, including two Marriott hotels that have the potential to match city and state sources. There is also the potential to apply for a Medford Community Preservation Act grant for this project. There is also a new 500+ unit development at the other end of MacDonald Park, on Locust St. that could potentially be a source of support.

5. *What benefit would Somerville receive from the project, if any?*

The proposed connection would close a gap in the existing infrastructure along the Mystic River between Route 16 and Route 99. Once fully connected, this shared-use path will provide non-vehicular connections that benefit Somerville and Medford as well as Boston, Everett, and even Malden (with connections to the Malden River area). In addition, once completed, these connections will provide benefits to the larger region as well (much like the Minuteman Shared-use Path) allowing persons in communities further north and west to connect to Boston.

6. *What in-kind contributions is the community considering as part of this grant?*

The City’s staff time would be an in-kind contribution. Additionally, the City Staff would be the ones to solicit funding from other property owners and businesses.

7. *The application notes that the Project will involve land owned by MassDOT and DCR. What, if any, other state approvals would be necessary to utilize the MassDOT or DCR owned land for this anticipated purpose?*

## Medford Response to CMF Request for supplemental Information

We anticipate that if Medford is the project manager for the construction, we will need a State Access Permit for the MassDOT land and the DCR would require a Construction Access Permit. We have done some recent projects on DCR land via a Partnership Grant, where we provide half of the funding (frequently through grants and donations that we bring to the table) and they provide the other half in addition to managing the project. When we get further along in the process we will discuss with the state staff which approach they would prefer.

For the bridge on the Somerville side, neither the Coast Guard nor the Army Corps needed to be involved, as the water depths in the work area were only about 2 feet.

We will definitely need to file an NOI with the Medford Conservation Commission.

8. *It is our understanding that a similar project on the Somerville side of the bridge cost approximately \$1 million. What is the anticipated cost of the construction of the multi-use boardwalk under the Route 28 bridge?*

It is actually the Somerville boardwalk that we are basing our design and construction estimates on, as indicated in 1. We do not see any significant differences on this side of the river, but given the elapsed time and increased construction costs, we are anticipating the potential construction cost to be \$1-\$2M.



June 5, 2019

***Via Email***

Robert O'Brien, Dir. of Strategic Planning &  
Economic Development  
City Hall  
281 Broadway  
Revere, MA 02151

Mr. Paul Rupp  
Community Reinvestment Associates, Inc.  
32 Humphrey Street  
Swampscott, MA 01907

Re: 2019 Joint Transportation Planning Application

Dear Mr. O'Brien and Mr. Rupp:

We would like to thank you for participating in the conference call with the Community Mitigation Fund Review Team ("Review Team"). It was a pleasure discussing the 2019 Joint Transportation Planning Application for community mitigation funds. The Review Team found the conference call to be very informative. As we discussed during the call, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**2017 Revere/Saugus Joint Transportation Grant**

Please provide the Commission with a brief update on current and planned expenditures of previous year's grant funding. Please provide a brief description of the activities engendered by the award of these funds. If you have provided a description in your quarterly report to the Commission, please feel free to include that information.

**2018 Revere/Saugus Joint Transportation Grant**

Please provide the Commission with a brief update on current and planned expenditures of 2018 grant funding. Please provide a brief description of the activities engendered by the award of these funds. If you have provided a description in your quarterly report to the Commission, please feel free to include that information.

**2019 Revere/Saugus Joint Transportation Grant**

1. Please provide further information regarding how the proposed use of the grant would mitigate any transportation-related impacts associated with Encore Boston Harbor.
2. Please provide an updated priority list of projects contained within this request and the primary focus of these activities.



Massachusetts Gaming Commission

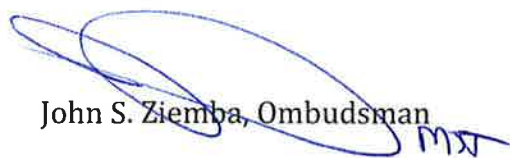
Robert O'Brien, Dir. of Strategic Planning & Econ. Develop.  
Mr. Paul Rupp  
Page 2  
June 5, 2019

3. Please provide further detail if/how the anticipated projects relate to mitigation plans being developed for the development of Suffolk Downs.
4. Please provide a concrete timetable for the coming fiscal year for the proposed funds. Please also explain when the current fiscal year's grant funds are expected to be fully utilized.
5. Please provide information regarding MassDOT's transportation goals for the corridor, the potential multi-year timeline for the proposed projects, and whether the projects anticipated by this request further MassDOT's goals.
6. Please describe communications with MassDOT regarding the communities' plans for this area over the last year and more recently. As a result of recent meetings, does MassDOT support the proposed projects?

The Review Team would like to present to the Commission its recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by noon on June 18, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

  
John S. Ziemba, Ombudsman

cc: The Honorable Mayor Brian Arrigo  
Scott C. Crabtree, Town Manager  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission

## **Response to MGC request for additional information regarding 2019 Joint Transportation Planning Grant application of Saugus and Revere**

After a public procurement process, BETA Engineering was selected by the Town of Saugus and the City of Revere to complete the scopes of work for both the 2017 and 2018 Joint Transportation Planning Grants.

### **2017 Revere/Saugus Joint Transportation Planning Grant**

#### **➤ Project work completed by BETA engineering as of May 2019:**

- Reviewed the Suffolk Downs Redevelopment Master Plan PUD Special Permit (Sept 2018) and draft EIR (October 2018); Attended eight meetings with MassDOT Suffolk Downs Transportation Working Group (Feb April May 2019)
- Attended two coordination meetings with Revere and Saugus Officials
- Coordinated with project development group to discuss concept design features and design compatibility
- Attended Road Safety Audit for Copeland Circle, Revere. Reviewed the Road Safety Audit Report and provided comments (August 2018)
- Reviewed relevant documents including Route 1 traffic studies in Saugus on Route 1 (Essex Landing, Saugus Ridge, Everett Casino EIR, Suffolk Downs Casino DEIR, previous Route 1 studies and concepts, CTPS regional transportation studies (fall 2018, winter 2019)
- Attended Revere Waterfront Traffic Study Presentation (10/10/18)
- Attended Boston MPO meeting (1/17/19)

In addition to the on-going coordination, traffic evaluation and concept design effort, a new task will begin in June 2019 which includes a comprehensive monitoring of traffic volumes on Revere's major roadway network. The monitoring will consist of capturing the before-and-after traffic impacts associated with the opening of the Encore Boston Harbor Resort. This effort will include conducting new traffic counts at one month, three month, and six month periods after the casino opening. A summary report will be developed to summarize the monitoring result.

BETA will also monitor the MPO process to select Capital Improvement Projects and Long Range Projects and will coordinate interactions between the two communities and MassDOT as to alleviation of additional traffic generated by Encore Boston Harbor through identification of individual mitigation projects.

## **2018 Revere/Saugus Joint Transportation Planning Grant**

### ➤ **Work completed by BETA as of April 2019:**

- Conducted comprehensive Route 1 traffic observations and travel time runs (December 2018)
- Conducted comprehensive traffic data collection effort of Route 1 corridor (traffic volumes, speed, travel times)
- Summarized crash data (2012-2016) along Route 1 corridor and calculated crash rates
- Developed Vissim traffic model roadway network, geometry and attributes of Route 1 corridor
- Summarized Existing conditions traffic data and input data into VISSIM traffic model
- Began calibration of VISSIM Route 1 traffic model to existing conditions based on travel times, speeds, volumes and queuing
- Developed base map of the Route 1/Route 99 study corridor
- Compiled Level of Service analysis of corridor and study intersections for Existing conditions and analyzing speed density, travel time and queuing
- Developed future year 2040 No-Build traffic volumes; based traffic generated by other planned projects in the area and general background growth rate confirmed with CTPS
- Summarized No-Build conditions traffic data and input data into VISSIM traffic model
- Coordination with Revere and Saugus to identify potential improvements along Route 1/Route 99 corridor and began modeling several options in Vissim
- Developed six concept options to improvement traffic on Route 1
- Concept Options are developed based on a construction cost increment approach
- Performed preliminary roadway bridge sections review at three locations for possible widening to accommodate proposed roadway improvement design.

### ➤ **Remaining Tasks**

- Summarize geometric conditions at key locations along the Route 1/Route 99 corridor
- Identify and summarize safety, mobility, access management, and geometric deficiencies along the study corridor
- Validate Vissim traffic model to Existing conditions and summarize in Calibration Report
- Perform Level of Service Analysis for 2040 No-Build (without Route 1/Route 99 improvements)
- Meet with Revere, Saugus, Malden, MassDOT and developers along the Route 1 corridor to discuss projects proposed by others and potential



- improvements that may be collaboratively achieved by public-private partnerships
- Identify “stand alone” projects from the overall program between Revere and Saugus. The potential improvement locations may include:
    - Route 1/Route 16 interchange
    - Intersection of Route 107/Route 60
    - New northbound lanes and bridge over the Route 99 ramp to Route 1
    - The addition of one travel lane in each direction for a consistent six-lane facility on Route 1 within the project limits
  - Continue to perform traffic simulations using the Vissim model of the future Build 2040 alternatives on the Route 1 corridor for current alternatives and additional alternatives
  - Analyze Level of Service, travel time, speeds and queueing for the Route 1 alternatives
  - Identify right of way constraints
  - Summarize measures of effectiveness and benefits for each alternative (up to 3)
  - Prioritize proposed concept options

### **2019 Revere/Saugus Joint Transportation Planning Grant**

1. Please provide further information regarding how the proposed use of the grant would mitigate any transportation-related impacts associated with Encore Boston Harbor.
  - Funds will be used to Identify and evaluate alternatives to improve mobility and safety along the Route 1-Route 99 corridor. Any traffic improvements along the Route 1 and Route 99 corridors including interchanges will provide traffic relief to local and residential streets and thereby improve access to Encore Boston Harbor.
  - The effort will include development of preliminary design concepts of short-range and long-range alternatives improvements to increase capacity and safety for the Route 1 – Route 99 corridor.
  - Alternatives will be identified to improve travel time and safety which will encourage traffic associated with Encore Boston Harbor to remain on the highways (Routes 1 and 99) and avoid using neighborhood streets in Revere and Saugus as short-cuts, as is done today.
2. Please provide an updated priority list of projects contained within the request and the primary focus of these activities.

- The requested funding will enable the communities to conduct a comprehensive traffic analysis and develop preliminary concept designs for the following alternatives:

#### A. Short-Term Improvements

- Provide a third travel lane on Route 1 northbound between Route 60 (Copeland Circle) in Revere and Route 99 in Saugus (approximately 1.8 miles); and widening of North Street/Salem Street in Revere.
- Provide a third travel lane on Route 1 northbound between Route 60 (Copeland Circle) in Revere and Route 99 in Saugus within the existing roadway infrastructure as is feasible.
- Relocate Route 1 northbound on- and off-ramps at the Lynn Street and North Salem Street interchange in Revere, in coordination with ramps relocations proposed by adjacent development projects.
- Explore Bridge work requirements for the third travel lane on the northbound Route 1 side. The following bridges are evaluated :
  - 1. Northern Strand Community Trail Bridge No. R-05-002
  - 2. Salem Street bridge No. R-05-022/M-01-008
  - 3. Town Line Brook Culvert north of Route 1 and Route 60 interchange
- Provide safety and mobility improvements for the Route 99 corridor including the Route 1/Route 99 interchange.

#### B. Mid-Term Improvements

- Reconfigure Route 1 southbound on- and off-ramps at the Salem Street interchange for a diamond interchange.

3. Please provide further detail if/how the anticipated projects relate to mitigation plans being developed for the development if Suffolk Downs

- The anticipated projects described above in #2 are not related to the mitigation being proposed for the Suffolk Downs development.
- There are on-going participation and coordination efforts between our project and the Suffolk Downs development project to ensure that any design overlap will not be overlooked. MassDOT planning and District 4

have been parties to discussions as to how to integrate mitigation efforts so as to yield the highest benefit

4. Please provide a concrete timetable for the coming fiscal year for the proposed funds. Please also explain when the current fiscal year's grant funds are expected to be fully utilized.
  - The current fiscal year's grant funds are expected to be fully utilized by August 2019. The proposed funds for the coming fiscal year starting Sept 2019 will be used to continue and further the preferred concept design and to pursue MassDOT transportation funds. This effort will be concluded by July 2020.
  
5. Please provide information regarding MassDOT's transportation goals for the corridor, the potential multi-year timeline for the proposed projects, and whether the projects anticipated by this request further MassDOT's goals.
  - The project team has had a number of meetings with MassDOT staff from both Boston headquarters and Districts 4 and 6. The safety and mobility deficiencies of Route 1 are major concerns of MassDOT. MassDOT is very supportive of the safety and mobility improvements being proposed for this segment of Route 1, but it has agreed with the communities strategy to pursue smaller actionable measures such as: maximizing travel within the available pavement widths and infrastructure; repairing existing bridge railings to regain available roadway width; and developing acceleration and deceleration lanes to alleviate queuing at the existing ramp locations.
  - MassDOT fully recognizes that land use along the Route 1 corridor is changing and that there is an opportunity to coordinate and participate in solution measures with private land-owners to improve operations for all users.
  - The Multi-year timetable for MassDOT will be discussed as part of our upcoming meeting with MassDOT; we will report to MGC when the timeline is developed
  - The identified projects clearly support the following MassDOT's goals established by the Secretary of Transportation:
    - Ensure that the transportation system is well maintained and follows best practices for maintaining, preserving, and modernizing assets.

- Maximize capital investment effectively and efficiently by delivering programs and projects that produce the greatest benefits to the Commonwealth, its residents, and its visitors.
  - Provide and support a multi-modal transportation network that is safe for our workers and all users.
  - Invest in and support a transportation system that promotes and protects the health of all users and the natural environment.
6. Please describe communications with MassDOT regarding communities' plans for this area over the last year and more recently. As a result of these meetings, does MassDOT support the proposed projects?
- Over the last several months the project team and representatives of the two communities have held many meetings with MassDOT staff from headquarters and District 4 including Highway Design, Traffic Operations, Transportation Planning, and Public/Private Development sections. Transportation operations and safety issues and the potential benefits/impacts of Route 1-Route 99 corridor improvement alternatives were discussed in depth. Mitigation measures proposed by development projects along the Route 1 corridor were also discussed. MassDOT has shown support for the proposed projects and has helped to select certain improvement elements identified. MassDOT encourages the participation of municipalities, major private property owners/developers and others who have resources which can be brought to bear on solutions for vexing traffic problems such as those on roads feeding into and out of Encore Boston Harbor.

# TOWN OF WEST SPRINGFIELD, MASSACHUSETTS

DEPARTMENT OF MUNICIPAL FINANCE

OFFICE OF CHIEF FINANCIAL OFFICER

Municipal Office Building  
26 Central Street  
West Springfield, MA 01089

*Sharon A. Wilcox*  
*Chief Financial Officer/  
Town Accountant*

*Phone: (413)263-3028*



*Sandra E. Wrona*  
*Deputy Accountant/  
Purchasing Agent*

*Fax: (413) 263-3029*

June 6, 2019

Mr. John S. Ziembra, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziembra:

Many thanks to you and the Community Mitigation Fund Review Team for your time in reviewing the Town of West Springfield's application for a 2019 Community Mitigation Fund Transportation Planning Grant. We offer the following in response to the Review Team's questions.

### **Previously Awarded Grants:**

#### ***2015 Community Mitigation Reserve Fund Grant:***

The original grant was awarded in the amount of \$98,500 and was subsequently reduced to \$97,000 via a transfer of \$1,500 to West Springfield's 2016 Transportation Planning Grant Award. The grant was awarded for the purpose of funding a baseline traffic monitoring study and legal services relative to the MGM Casino Project's impact to the Town of West Springfield. To date \$35,503.56 has been expended and a grant balance of \$61,496.44 remains. The baseline traffic monitoring study has been completed. The remaining balance is anticipated to be expended for legal services in regard to the look-back study that will be prepared as we approach the first anniversary of the Casino opening.

#### ***2016 Transportation Planning Grant:***

West Springfield received an award of \$247,500 for our 2016 Transportation Planning Grant. The grant was awarded to provide funding for additional design expenses for the Design and Permitting of the Memorial Avenue Reconstruction Project. \$147,500 is to fund a portion of the design contract with Greenman-Pedersen, Inc. ("GPI") totaling \$812,500, with the additional \$100,000 to fund additional work associated with transforming the design into a Complete Streets Project. To date \$591,353.46 of the total

project budget of \$912,500 has been expended. Grant funds are encumbered to fund the contract and will be expended as the project advances to 75% design. The current status is as follows:

The 25% Public Informational Meeting was held by the Massachusetts Department of Transportation (MassDOT) on April 30, 2019 at the West Springfield Municipal Office Building. A copy of the meeting notice is attached. Once all comments are received and reviewed the project will advance to 75% design. On May 28, 2019 the Pioneer Valley Metropolitan Planning Organization endorsed the 2020-2024 Transportation Improvement Program (TIP). The Memorial Avenue Project is currently programmed in the document split over two years. In Federal Fiscal Year (FFY) 2022 it is programmed for \$4,251,369 and for \$20,097,362 in FFY 2023 totaling \$24,348,731. The project construction will span multiple construction seasons. Attached are excerpts from the recently endorsed 2020-2024 TIP.

***2017 Transportation Planning Grant:***

West Springfield received an award of \$150,000 for our 2017 Transportation Planning Grant. The grant was awarded to provide funding for engineering design services for improvements to the Elm Street (Route 20) corridor from Westfield Street to Park Street to better accommodate gaming establishment traffic and to incorporate Complete Streets elements to improve pedestrian, bicycle and public transit access and safety. The Town entered into a contract with Howard Stein Hudson dated 11/21/2017 with a contract value of \$199,996. \$150,000 is funded by the 2017 Transportation Planning Grant and \$49,996 is funded with local funds. To date \$159,844.58 has been expended under the contract (\$112,907.43 of 2017 Transportation Grant Funds and \$46,937.15 of local funds). The grant currently has an unexpended balance of \$37,092.57 all of which is encumbered to fund the balance of the contract with Howard Stein Hudson.

***2018 Transportation Planning Grant:***

West Springfield received an award of \$200,000 for our 2018 Transportation Planning Grant. The grant was awarded to provide funding for engineering design services for improvements to the Route 20 intersection at Park Street and Park Avenue to tie together with improvements to the Route 20 Corridor already underway, addressing anticipated traffic and safety concerns of the is major travel route. The Commission approved the Town to contract with Greenman-Pederson, Inc. for the design project for a contract value of \$224,785. The contract is funded with \$200,000 from the 2018 Transportation Planning Grant and \$24,785 from local funds. To date \$12,232.45 has been expended under the contract (\$5,832.00 of 2018 Transportation Grant Funds and \$6,400.45 of local funds). The grant currently has an unexpended balance of \$194,168.00 all of which is encumbered to fund the balance of the contract with Greenman-Pedersen, Inc.

***2018 Non Transportation Planning Grant:***

West Springfield received an award of \$40,000 for our 2018 Non Transportation Planning Grant. The grant was awarded to provide funding for an architecture/engineering consultant to conduct a Police Facility Needs Assessment and Location Study. The Town has received several responses to our Request for Quotes and is currently in the process of reviewing those responses. As per our grant agreement, the Town will obtain approval of the MA Gaming Commission prior to awarding a contract.

**Surrounding Community Funding from MGM Springfield**

Per West Springfield's Surrounding Community Agreement with MGM, the Town will receive an Annual Mitigation Payment of \$375,000 from the date of the Grand Opening through expiration of MGM's initial gaming license and any extensions. Additionally, the Town is to receive an Annual Study Cost

Reimbursement which will total \$750,000 over a period of 13 years as reimbursement of expenses for participation in Look Back Studies.

West Springfield has directed the funding of the Annual Mitigation Payment to public safety. In anticipation of the opening of the MGM Casino, West Springfield included the addition of patrolmen positions in the FY 2018 budget for anticipated hiring in January of 2018, allowing for time for training and to have the police department adequately staffed for the August 2018 Grand Opening. Additional dispatch positions are also being added to handle additional dispatch call volume and ensure full staffing on all shifts (eliminating the need for patrolmen to fill in on dispatch, thus providing for more patrolmen on the streets). In total, our FY 2020 budget as compared to West Springfield's budgets pre MGM Casino, includes four additional patrolmen positions with an annual salary cost of approximately \$244,000 plus four additional dispatch positions with an annual salary cost of \$177,000 (these numbers do not include the added fringe benefit costs).

Additionally, in anticipation of increased ambulance calls, West Springfield secured a Fire SAFER Grant to increase our staffing in the Fire Department and to allow for an additional ambulance to be put into service. The SAFER Grant funds 75% of the cost of the additional firefighters in year one and year 2 and 35% in year three. Calendar year 2020 is the final year of the SAFER Grant. Subsequent to calendar year 2020, the Town will fund 100% of the costs. The annual salary cost (excluding fringe benefits and ambulance stipends) is approximately \$494,000 per year for eight firefighters. Increased ambulance revenue from putting a third ambulance in service will cover the ambulance stipends, however the Town will be funding the majority of the salary costs.

The Town anticipates hiring a consultant to assist with the required look back study, particularly for the traffic study portion of the look back. Funding has been included in West Springfield's FY 2020 Budget to hire a consultant utilizing the Annual Study Cost Reimbursement from MGM.

### **Transportation Planning:**

#### ***What is West Springfield's timetable for the project?***

The Town's timetable will coincide with the Bike Share Expansion project through the Transportation Improvement Program (TIP). The critical path for this is when a contract is fully executed with the Massachusetts Department of Transportation (MassDOT). Based on information recently provided to the Town the timetable would be the following:

If MassDOT starts the contract process October 1, 2019 (beginning of Federal Fiscal Year 2020), then the Town will need to have the infrastructure in place for May 1, 2020. The critical path is 7 months. Therefore, an actual ready date is dependent upon when MassDOT starts the process. The State typically likes to advance projects in the annual element of the TIP as quickly as possible to avoid the risk of the project not happening in the program year as well as to avoid processing a rush of projects at the end of the federal fiscal year.

Town will layout exact locations in the field and procure a vendor (s) to complete the installation of the concrete pads and electrical service. The Town may assist with portions of the install depending upon available resources. This process is anticipated to start in the Summer/Fall of 2019.



***As West Springfield anticipates using awarded dollars provided by TIP 2020-2024, what if this project does not get awarded TIP money? What is the status of the TIP request?***

If the project doesn't get awarded funding through the TIP process, the Town will still advance the third station independent of the regional project. The grant request included a complete station in addition to the two that are part of the TIP project.

The 2020-2024 TIP was endorsed by the Pioneer Valley Metropolitan Planning Organization (PVMPO) on May 28, 2019. Attached are excerpts from the recently endorsed TIP. The full document can be viewed on the Pioneer Valley Planning Commission's website <http://www.pvpc.org/projects/2020-2024-transportation-improvement-program>. The Bike Share project is identified in the annual element (Federal Fiscal Year 2020) of the TIP. Therefore, the project could begin as early as October 1<sup>st</sup> of this calendar year.

***The 2019 Community Mitigation Fund Guidelines for Transportation Planning Grants do not yet authorize funds for construction activities. What difficulties would be anticipated if the Town would need to wait until a future year to apply for construction funding?***

This is a non-traditional project. Most transportation projects typically have two phases. The first is development of design documents (Engineering Plans, Specifications and a Construction Estimate) and advertisement for a construction vendor. The second is the actual construction of the project. The design costs can typically be 15% +/- of the construction value of a project. The design typically includes field tasks such as traffic counting, ground survey and soil borings that are procured in conjunction with design services to support the Plans, Specifications and Estimate.

The details/plans and specifications for this are a pre-determined standard so that they are compatible with the existing bike share units throughout the Valley. Therefore, most of the design / layout is based on an existing standard. The majority of the funding requested with this application is the procurement of goods rather than construction. This includes the bicycles and associated materials (i.e. docking station and kiosk) rather than actual construction. It can almost be compared to a design/build process. However in this case it's more of procurement and install process. Based on the \$83,400.00 requested, \$68,000 (82%) is for the purchase (procurement) and delivery of the bicycles, dock and kiosk for a Bike Share Station, a small amount (estimated \$2,000) for installation and not construction related activities. The remaining \$15,400 (18%) of the grant request is for preparing the basic infrastructure for the bicycles and associated apparatuses.

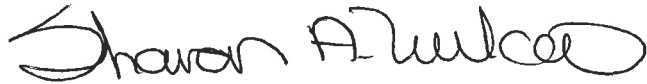
If the Town needed to wait until a future year to apply for these dollars, it may not be able to fund the municipal portion of the TIP project with mitigation funds and there would be a delay on installing the third station. Since the Valley bike share project was approved for Federal Fiscal Year 2020 (which begins October 2019), the Town may need to have the two sites that are part of the project ready to receive the bicycles and related apparatuses by May 1, 2020. In addition to that, the third location for which the grant funds were requested, would be delayed until funds are available.

***What other communities are a part of the BikeShare Expansion project?***

Amherst , Chicopee, Easthampton, Hadley, Holyoke, Northampton, Springfield, South Hadley and West Springfield.

Thank you for your time in reviewing this response. We would be happy to answer any additional questions or to provide any additional information you may require.

Sincerely,

A handwritten signature in black ink that reads "Sharon A. Wilcox". The signature is fluid and cursive, with the first name "Sharon" being the most prominent.

Sharon A. Wilcox  
Chief Financial Officer

cc: William Reichelt, Mayor  
James Czach, Town Engineer  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team

**THE COMMONWEALTH OF MASSACHUSETTS**  
**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION – HIGHWAY DIVISION**  
**NOTICE OF A PUBLIC HEARING**

**Project File No. 608374**

A Design Public Hearing will be held by MassDOT to discuss the proposed Reconstruction of Memorial Avenue project in West Springfield, MA.

**WHERE:** West Springfield Municipal Office Building, Justin Morgan Auditorium (2<sup>nd</sup> Floor)  
26 Central Street  
West Springfield, MA 01089

**WHEN:** **Tuesday, April 30, 2019 at 6:30 PM**

**PURPOSE:** The purpose of this hearing is to provide the public with the opportunity to become fully acquainted with the proposed Reconstruction of Memorial Avenue project. All views and comments made at the hearing will be reviewed and considered to the maximum extent possible.

**PROPOSAL:** The proposed project consists of the reconstruction of Memorial Avenue (Route 147) from Colony Road (west) to about 500 feet east of Main Street, where it meets the MassDOT Morgan Sullivan Bridge rehabilitation project limit. The proposed improvements will enhance vehicular and pedestrian safety, provide bicycle accommodations and compliance with Americans with Disabilities Act (ADA) standards, improve vehicular traffic operations and incorporate a boulevard character by including “Complete Streets” design principles. Bicycle accommodations consist of buffered bicycle lanes which are either a two-way, 8-foot wide lane along one side of the road or 5-foot wide lanes on both sides. Project features include roadway lane width-reduction (for traffic calming), a center turn lane, dedicated turn lanes at all signalized intersections, sidewalks with grass strip separation and landscaping. Accessible ramps will be provided at all pedestrian crossings throughout the corridor.

A secure right-of-way is necessary for this project. Acquisitions in fee and permanent or temporary easements may be required. The town is responsible for acquiring all needed rights in private or public lands. MassDOT’s policy concerning land acquisitions will be discussed at this hearing.

Written views received by MassDOT subsequent to the date of this notice and up to five (5) days prior to the date of the hearing shall be displayed for public inspection and copying at the time and date listed above. Plans will be on display one-half hour before the hearing begins, with an engineer in attendance to answer questions regarding this project. A project handout will be made available on the MassDOT website listed below.

Written statements and other exhibits in place of, or in addition to, oral statements made at the Public Hearing regarding the proposed undertaking are to be submitted to Patricia A. Leavenworth, P.E., Chief Engineer, MassDOT, 10 Park Plaza, Boston, MA 02116, Attention: Roadway Project Management, Project File No. 608374. Such submissions will also be accepted at the hearing. Mailed statements and exhibits intended for inclusion in the public hearing transcript must be postmarked within ten (10) business days of this Public Hearing. Project inquiries may be emailed to [dot.feedback.highway@state.ma.us](mailto:dot.feedback.highway@state.ma.us)

This location is accessible to people with disabilities. MassDOT provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact MassDOT’s Chief Diversity and Civil Rights Officer by phone (857-368-8580), fax (857-368-0602), TTD/TTY (857-368-0603) or by email ([MassDOT.CivilRights@dot.state.ma.us](mailto:MassDOT.CivilRights@dot.state.ma.us)). Requests should be made as soon as possible prior to the meeting, and for more difficult to arrange services including sign-language, CART or language translation or interpretation, requests should be made at least ten (10) business days before the meeting.

In case of inclement weather, hearing cancellation announcements will be posted on the internet at <http://www.massdot.state.ma.us/Highway/>

JONATHAN GULLIVER  
HIGHWAY ADMINISTRATOR

PATRICIA A. LEAVENWORTH, P.E.  
CHIEF ENGINEER

# T ransportation I mprovement P rogram



Metropolitan Planning Organization

**FY 2020-2024 METROPOLITAN PLANNING ORGANIZATION  
PIONEER VALLEY REGION, MASSACHUSETTS**

**May 28, 2019**

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This document was prepared under contract with the Massachusetts Department of Transportation. This report was funded in part through grant(s) from the Federal Highway Administration (and Federal Transit Administration), U.S. Department of Transportation. The views and opinions of the authors (or agency) expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.

# TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

2020 - 2024

FOR THE  
METROPOLITAN PLANNING ORGANIZATION  
PIONEER VALLEY REGION,  
MASSACHUSETTS

**Endorsed: May 28, 2019**



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**Table 14: Federally Funded Projects 2022**

Amendment / Adjustment Type ▼	STIP Program ▼	MassDOT Project ID ▼	Metropolitan Planning Organization ▼	Municipality Name ▼	MassDOT Project Description ▼	MassDOT District ▼	Funding Source ▼	Total Programmed Funds ▼	Federal Funds ▼	Non-Federal Funds ▼	Additional Information ▼ <i>Present information as follows, if applicable:</i> a) Planning / Design / or Construction; b) total project cost and funding sources used; c) advance construction status; d) MPO project score; e) name of entity receiving a transfer; f) name of entity paying the non-state non-federal match; g) earmark details; h) TAP project proponent; i) other information
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**► Section 1A / Regionally Prioritized Projects**

► Regionally Prioritized Projects											
Roadway Reconstruction		608374	Pioneer Valley	West Springfield	WEST SPRINGFIELD- RECONSTRUCTION OF MEMORIAL AVENUE (ROUTE 147), FROM COLONY ROAD TO THE MEMORIAL AVENUE ROTARY (1.4 MILES)	2	STBG	\$ 4,251,369	\$ 3,401,095	\$ 850,274	Construction / (YOE \$24,348,731) AC Year 1 of 2 FFY 2022 \$4,251,369 FFY2023 \$20,097,362 / 70 TEC / 25% / STBG
Roadway Improvements		608577	Pioneer Valley	Easthampton	EASTHAMPTON- IMPROVEMENTS AND RELATED WORK ON UNION STREET (ROUTE 9)	2	STBG	\$ 3,560,664	\$ 2,848,531	\$ 712,133	Construction / (YOE \$3,560,664) / 60 TEC / Pre 25% STBG
Roadway Reconstruction		605032	Pioneer Valley	Hadley	HADLEY- RECONSTRUCTION ON ROUTE 9, FROM MIDDLE STREET TO MAPLE/SOUTH MAPLE STREET	2	STBG	\$ 11,284,113	\$ 9,027,290	\$ 2,256,823	Construction / (YOE \$24,849,741) AC Year 2 of 2 FFY 2021 \$10,917,509, FFY 2022 \$13,932,231 / 61 TEC / 25% STBG, HSIP, TAP
Roadway Reconstruction		605032	Pioneer Valley	Hadley	HADLEY- RECONSTRUCTION ON ROUTE 9, FROM MIDDLE STREET TO MAPLE/SOUTH MAPLE STREET	2	HSIP	\$ 2,118,494	\$ 1,906,645	\$ 211,849	Construction / (YOE \$24,849,741) AC Year 2 of 2 FFY 2021 \$10,917,509, FFY 2022 \$13,932,231 / 61 TEC / 25% STBG, HSIP, TAP
Roadway Reconstruction		605032	Pioneer Valley	Hadley	HADLEY- RECONSTRUCTION ON ROUTE 9, FROM MIDDLE STREET TO MAPLE/SOUTH MAPLE STREET	2	TAP	\$ 529,624	\$ 423,699	\$ 105,925	Construction / (YOE \$24,849,741) AC Year 2 of 2 FFY 2021 \$10,917,509, FFY 2022 \$13,932,231 / 61 TEC / 25% STBG, HSIP, TAP
Intersection Improvements		606450	Pioneer Valley	Holyoke	HOLYOKE-TRAFFIC SIGNAL UPGRADES AT 15 INTERSECTIONS ALONG HIGH & MAPLE STREETS	2	STBG	\$ 5,095,339	\$ 4,076,271	\$ 1,019,068	Construction / (YOE \$9,884,646 (\$4,789,307 in statewide funding) = \$5,095,339) / 63 TEC / 25 / STBG
Regionally Prioritized Projects subtotal ►								<b>\$ 26,839,603</b>	<b>\$ 21,683,532</b>	<b>\$ 5,156,071</b>	◄ Funding Split Varies by Funding Source

**► Section 1A / Fiscal Constraint Analysis**

**Section 1A Instructions: MPO Template Name** Choose Regional Name from dropdown list to populate header and MPO column; **Column C** Enter ID from ProjectInfo; **Column E** Choose Municipality Name from dropdown list; **Column H** Choose the Funding Source being used for the project - if multiple funding sources are being used enter multiple lines; **Column I** Enter the total amount of funds being programmed in this fiscal year and for each funding source; **Column J** Federal funds autocalculates. Please verify the amount and only change if needed for flex. **Column K** Non-federal funds autocalculates. Please verify the split/match - if matching an FTA flex, coordinate with Rail & Transit Division before programming; **Column L** Enter Additional Information as described - please do not use any other format.

<b>Total Regional Federal Aid Funds Programmed ►</b>	<b>\$ 26,839,603</b>	<b>\$ 26,839,603</b>	<b>◄ Total</b>	<b>\$ -</b>	<b>Target Funds Available</b>
STBG programmed ►	\$ 24,191,485	\$ 19,353,188	◄ STBG		
HSIP programmed ►	\$ 2,118,494	\$ 1,906,645	◄ HSIP		
CMAQ programmed ►	\$ -	\$ -	◄ CMAQ		
TAP programmed ►	\$ 529,624	\$ 423,699	◄ TAP		

**► Section 1B / Earmark or Discretionary Grant Funded Projects**

► Other Federal Aid											
			Pioneer Valley		Other Federal Aid		HPP	\$ -	\$ -	\$ -	
Other Federal Aid subtotal ►								<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	◄ Funding Split Varies by Funding Source

**Table 15: Federally Funded Projects Year 2023**

Amendment / Adjustment Type ▼	STIP Program ▼	MassDOT Project ID ▼	Metropolitan Planning Organization ▼	Municipality Name ▼	MassDOT Project Description ▼	MassDOT District ▼	Funding Source ▼	Total Programmed Funds ▼	Federal Funds ▼	Non-Federal Funds ▼	Additional Information ▼ <i>Present information as follows, if applicable:</i> a) Planning / Design / or Construction; b) total project cost and funding sources used; c) advance construction status; d) MPO project score; e) name of entity receiving a transfer; f) name of entity paying the non-state non-federal match; g) earmark details; h) TAP project proponent; i) other information
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**► Section 1A / Regionally Prioritized Projects**

► Regionally Prioritized Projects											
Roadway Reconstruction		608374	Pioneer Valley	West Springfield	WEST SPRINGFIELD- RECONSTRUCTION OF MEMORIAL AVENUE (ROUTE 147), FROM COLONY ROAD TO THE MEMORIAL AVENUE ROTARY (1.4 MILES)	2	STBG	\$ 14,427,945	\$ 11,542,356	\$ 2,885,589	Construction / (YOE \$24,348,731) AC Year 2 of 2 FFY 2022 \$4,251,369 FFY2023 \$20,097,362 / 70 TEC / 25% / STBG, CMAQ, TAP
Roadway Reconstruction		608374	Pioneer Valley	West Springfield	WEST SPRINGFIELD- RECONSTRUCTION OF MEMORIAL AVENUE (ROUTE 147), FROM COLONY ROAD TO THE MEMORIAL AVENUE ROTARY (1.4 MILES)	2	CMAQ	\$ 3,239,667	\$ 2,591,734	\$ 647,933	Construction / (YOE \$24,348,731) AC Year 2 of 2 FFY 2022 \$4,251,369 FFY2023 \$20,097,362 / 70 TEC / 25% / STBG, CMAQ, TAP
Roadway Reconstruction		608374	Pioneer Valley	West Springfield	WEST SPRINGFIELD- RECONSTRUCTION OF MEMORIAL AVENUE (ROUTE 147), FROM COLONY ROAD TO THE MEMORIAL AVENUE ROTARY (1.4 MILES)	2	TAP	\$ 809,917	\$ 647,934	\$ 161,983	Construction / (YOE \$24,348,731) AC Year 2 of 2 FFY 2022 \$4,251,369 FFY2023 \$20,097,362 / 70 TEC / 25% / STBG, CMAQ, TAP
Roadway Reconstruction		608374	Pioneer Valley	West Springfield	WEST SPRINGFIELD- RECONSTRUCTION OF MEMORIAL AVENUE (ROUTE 147), FROM COLONY ROAD TO THE MEMORIAL AVENUE ROTARY (1.4 MILES)	2	HSIP	\$ 1,619,833	\$ 1,457,850	\$ 161,983	Construction / (YOE \$24,348,731) AC Year 2 of 2 FFY 2022 \$4,251,369 FFY2023 \$20,097,362 / 70 TEC / 25% / STBG, CMAQ, TAP
Intersection Improvements		606895	Pioneer Valley	Granby	GRANBY- IMPROVEMENTS @ 2 LOCATIONS ON ROUTE 202: SCHOOL STREET & FIVE CORNERS	2	STBG	\$ 1,866,279	\$ 1,493,023	\$ 373,256	Construction / (YOE \$2,865,964) / 42 TEC / 25% STBG, HSIP
Intersection Improvements		606895	Pioneer Valley	Granby	GRANBY- IMPROVEMENTS @ 2 LOCATIONS ON ROUTE 202: SCHOOL STREET & FIVE CORNERS	2	HSIP	\$ 999,685	\$ 899,717	\$ 99,969	Construction / (YOE \$2,865,964) / 42 TEC / 25% STBG, HSIP
Intersection Improvements		608163	Pioneer Valley	Wales	WALES- RECONSTRUCTION & IMPROVEMENTS ON MONSON ROAD, FROM THE MONSON T.L. TO REED HILL ROAD (1.5 MILES)	2	STBG	\$ 4,185,828	\$ 3,348,662	\$ 837,166	Construction / YOE \$4,158,828 / 39.5 TEC / 25% STBG
Regionally Prioritized Projects subtotal ►								\$ 27,149,154	\$ 21,981,275	\$ 5,167,879	◀ Funding Split Varies by Funding Source

**► Section 1A / Fiscal Constraint Analysis**

**Section 1A Instructions:** MPO Template Name) Choose Regional Name from dropdown list to populate header and MPO column; **Column C)** Enter ID from ProjectInfo; **Column E)** Choose Municipality Name from dropdown list; **Column H)** Choose the Funding Source being used for the project - if multiple funding sources are being used enter multiple lines; **Column I)** Enter the total amount of funds being programmed in this fiscal year and for each funding source; **Column J)** Federal funds autocalculates. Please verify the amount and only change if needed for flex. **Column K)** Non-federal funds autocalculates. Please verify the split/match - if matching an FTA flex, coordinate with Rail & Transit Division before programming; **Column L)** Enter Additional Information as described - please do not use any other format.

<b>Total Regional Federal Aid Funds Programmed ►</b>	<b>\$ 27,149,154</b>	<b>\$ 27,425,802</b>	<b>◀ Total</b>	<b>\$ 276,648</b>	<b>Target Funds Available</b>
STBG programmed ►	\$ 20,480,052	\$ 16,384,042	◀ STBG		
HSIP programmed ►	\$ 2,619,518	\$ 2,357,566	◀ HSIP		
CMAQ programmed ►	\$ 3,239,667	\$ 2,591,734	◀ CMAQ		
TAP programmed ►	\$ 809,917	\$ 647,934	◀ TAP		



# T ransportation I mprovement P rogram



Metropolitan Planning Organization

**FY 2020-2024 METROPOLITAN PLANNING ORGANIZATION  
PIONEER VALLEY REGION, MASSACHUSETTS**

**May 28, 2019**

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This document was prepared under contract with the Massachusetts Department of Transportation. This report was funded in part through grant(s) from the Federal Highway Administration (and Federal Transit Administration), U.S. Department of Transportation. The views and opinions of the authors (or agency) expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.

# TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

2020 - 2024

FOR THE  
METROPOLITAN PLANNING ORGANIZATION  
PIONEER VALLEY REGION,  
MASSACHUSETTS

Endorsed: May 28, 2019



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**Table 12 Federally Funded Projects Year 2020**

Amendment / Adjustment Type ▼	STIP Program ▼	MassDOT Project ID ▼	Metropolitan Planning Organization ▼	Municipality Name ▼	MassDOT Project Description ▼	MassDOT District ▼	Funding Source ▼	Total Programmed Funds ▼	Federal Funds ▼	Non-Federal Funds ▼	Additional Information ▼ <i>Present information as follows, if applicable: a) Planning / Design / or Construction; b) total project cost and funding sources used; c) advance construction status; d) MPO project score; e) name of entity receiving a transfer; f) name of entity paying the non-state non-federal match; g) earmark details; h) TAP project proponent; i) other information</i>
<b>► Section 1A / Regionally Prioritized Projects</b>											
<b>► Regionally Prioritized Projects</b>											
	Intersection Improvements	607502	Pioneer Valley	Northampton	NORTHAMPTON- INTERSECTION IMPROVEMENTS AT KING STREET, NORTH STREET & SUMMER STREET AND AT KING STREET & FINN STREET	2	STBG	\$ 2,460,910	\$ 1,968,728	\$ 492,182	Construction / (YOE \$3,384,309) / 65 TEC / 25% STBG, CMAQ
	Intersection Improvements	607502	Pioneer Valley	Northampton	NORTHAMPTON- INTERSECTION IMPROVEMENTS AT KING STREET, NORTH STREET & SUMMER STREET AND AT KING STREET & FINN STREET	2	CMAQ	\$ 923,399	\$ 738,719	\$ 184,680	Construction / (YOE \$3,384,309) / 65 TEC / 25% STBG, CMAQ
	Roadway Reconstruction	604434	Pioneer Valley	Chicopee	CHICOPEE- RECONSTRUCTION & RELATED WORK ON FULLER ROAD, FROM MEMORIAL DR (RTE 33) TO SHAWINIGAN DR (2.0 MILES)	2	STBG	\$ 6,025,658	\$ 4,820,526	\$ 1,205,132	Construction / (YOE \$8,034,211) / 49.5 TEC / 75% STBG, HSIP
	Roadway Reconstruction	604434	Pioneer Valley	Chicopee	CHICOPEE- RECONSTRUCTION & RELATED WORK ON FULLER ROAD, FROM MEMORIAL DR (RTE 33) TO SHAWINIGAN DR (2.0 MILES)	2	HSIP	\$ 2,008,553	\$ 1,807,698	\$ 200,855	Construction / (YOE \$8,034,211) / 49.5 TEC / 75% STBG, HSIP
	Roadway Reconstruction	608236	Pioneer Valley	Northampton	NORTHAMPTON- RECONSTRUCTION OF DAMON ROAD, FROM ROUTE 9 TO ROUTE 5, INCLUDES DRAINAGE SYSTEM REPAIRS & SLOPE STABILIZATION AT THE NORWOTTUCK	2	STBG	\$ 10,043,653	\$ 8,034,922	\$ 2,008,731	Construction / (YOE \$10,043,653) / 66.5 TEC / PS&E STBG
	Intersection Improvements	608718	Pioneer Valley	Springfield	SPRINGFIELD- INTERSECTION IMPROVEMENTS AT BERKSHIRE AVENUE, COTTAGE AND HARVEY STREETS	2	STBG	\$ 1,254,413	\$ 1,003,530	\$ 250,883	Construction / (YOE \$2,280,751) / 41.5 TEC Score 25% STBG, HSIP
	Intersection Improvements	608718	Pioneer Valley	Springfield	SPRINGFIELD- INTERSECTION IMPROVEMENTS AT BERKSHIRE AVENUE, COTTAGE AND HARVEY STREETS	2	HSIP	\$ 1,026,338	\$ 923,704	\$ 102,634	Construction / (YOE \$2,280,751) / 41.5 TEC Score 25% STBG, HSIP
	Bicycles and Pedestrians	PV0001	Pioneer Valley	Multiple	NORTHAMPTON, AMHERST, CHICOPPE, EASTHAMPTON, HADLEY, HOLYOKE, SOUTH HADLEY, SPRINGFIELD, and WEST SPRINGFIELD: ValleyBike share (phase II)	2	STBG	\$ 1,200,000	\$ 960,000	\$ 240,000	Construction / YOE \$1,200,000 / 35.5 TEC STBG
	Planning / Adjustments / Pass-throughs	PV0002	Pioneer Valley	Multiple	P 21 Express Year 3	2	CMAQ	\$ 500,000	\$ 400,000	\$ 100,000	Funding Year 3 / STBG
Regionally Prioritized Projects subtotal ►								<b>\$ 25,442,924</b>	\$ 20,657,828	\$ 4,785,096	◀ Funding Split Varies by Funding Source

<b>► Section 1A / Fiscal Constraint Analysis</b>												
								<b>Total Regional Federal Aid Funds Programmed ►</b>	<b>\$ 25,442,924</b>	<b>\$ 25,782,146</b>	<b>◀ Total</b>	<b>\$ 339,222 Target Funds Available</b>
								STBG programmed ►	\$ 20,984,634	\$ 16,787,707	◀ STBG	
								HSIP programmed ►	\$ 3,034,891	\$ 2,731,402	◀ HSIP	
								CMAQ programmed ►	\$ 1,423,399	\$ 1,138,719	◀ CMAQ	
								TAP programmed ►	\$ -	\$ -	◀ TAP	

**Section 1A Instructions:** MPO Template Name) Choose Regional Name from dropdown list to populate header and MPO column; **Column C)** Enter ID from ProjectInfo; **Column E)** Choose Municipality Name from dropdown list; **Column H)** Choose the Funding Source being used for the project - if multiple funding sources are being used enter multiple lines; **Column I)** Enter the total amount of funds being programmed in this fiscal year and for each funding source; **Column J)** Federal funds autocalculates. Please verify the amount and only change if needed for flex. **Column K)** Non-federal funds autocalculates. Please verify the split/match - if matching an FTA flex, coordinate with Rail & Transit Division before programming; **Column L)** Enter Additional Information as described - please do not use any other format.

**Table 11: Federally Funded Projects Year 2020 (Continued)**

► Section 1B / Earmark or Discretionary Grant Funded Projects														
► Other Federal Aid														
			Pioneer Valley		Other Federal Aid		HPP	\$ -	\$ -	\$ -				
								Other Federal Aid subtotal ►			\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source
► Section 2A / State Prioritized Reliability Projects														
► Bridge Program / Inspections														
	Bridge Program		Pioneer Valley		Bridge Inspection			\$ -	\$ -	\$ -				
								Bridge Program / Inspections subtotal ►			\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source
► Bridge Program / Off-System														
	Bridge Program	608631	Pioneer Valley	Westhampton	WESTHAMPTON- BRIDGE REPLACEMENT, W-27-005, KINGS HIGHWAY OVER N BRANCH MANHAN RIVER	2	STBG-BR-OFF	\$ 1,937,318	\$ 1,549,854	\$ 387,464				
								Bridge Program / Off-System subtotal ►			\$ 1,937,318	\$ 1,549,854	\$ 387,464	◀ 80% Federal + 20% Non-Federal
► Bridge Program / On-System (NHS)														
	Bridge Program	400103	Pioneer Valley	Westfield	WESTFIELD- BRIDGE REPLACEMENT, W-25-006, ROUTE 10/202 (SOUTHWICK ROAD) OVER THE LITTLE RIVER	2	NHPP-On	\$ 13,276,980	\$ 10,621,584	\$ 2,655,396				
	Bridge Program	606552	Pioneer Valley	Northampton	NORTHAMPTON- BRIDGE RECONSTRUCTION, N-19-059, I-91 OVER US 5/BMRR & N-19-060, I-91 OVER HOCKANUM ROAD	2	NHPP-On	\$ 4,671,793	\$ 3,737,434	\$ 934,359	AC Year 1 of 5, Total Cost \$56,891,767			
								Bridge Program / On-System (NHS) subtotal ►			\$ 17,948,773	\$ 14,359,018	\$ 3,589,755	◀ Funding Split Varies by Funding Source
► Bridge Program / On-System (Non-NHS)														
	Bridge Program		Pioneer Valley		Bridge Program / On-System (Non-NHS)			\$ -	\$ -	\$ -				
								Bridge Program / On-System (Non-NHS) subtotal ►			\$ -	\$ -	\$ -	◀ 80% Federal + 20% Non-Federal
► Bridge Program / Systematic Maintenance														
	Bridge Program		Pioneer Valley		Bridge Program / Systematic Maintenance			\$ -	\$ -	\$ -				
								Bridge Program / Systematic Maintenance subtotal ►			\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source
► Interstate Pavement														
	Interstate Pavement		Pioneer Valley		Interstate Pavement			\$ -	\$ -	\$ -				
								Interstate Pavement subtotal ►			\$ -	\$ -	\$ -	◀ 90% Federal + 10% Non-Federal
► Non-Interstate Pavement														
	Non-Interstate Pavement	608473	Pioneer Valley	South Hadley	SOUTH HADLEY - RESURFACING AND RELATED WORK ON ROUTE 116	2	NHPP	\$ 4,987,500	\$ 3,990,000	\$ 997,500				
								Non-Interstate Pavement subtotal ►			\$ 4,987,500	\$ 3,990,000	\$ 997,500	◀ 80% Federal + 20% Non-Federal
► Roadway Improvements														
	Roadway Improvements		Pioneer Valley		Roadway Improvements			\$ -	\$ -	\$ -				
								Roadway Improvements subtotal ►			\$ -	\$ -	\$ -	◀ 80% Federal + 20% Non-Federal
► Safety Improvements														
	Safety Improvements	608575	Pioneer Valley	Multiple	CHICOPEE TO HOLYOKE- GUIDE AND TRAFFIC SIGN REPLACEMENT ON I-391	2	HSIP	\$ 1,861,310	\$ 1,675,179	\$ 186,131				
								Safety Improvements subtotal ►			\$ 1,861,310	\$ 1,675,179	\$ 186,131	◀ Funding Split Varies by Funding Source

**Table 11: Federally Funded Projects Year 2020 (Continued)**

<b>► ADA Retrofits</b>											
	ADA Retrofits		Pioneer Valley		ADA Retrofits			\$ -	\$ -	\$ -	
ADA Retrofits subtotal ►								\$ -	\$ -	\$ -	◀ 80% Federal + 20% Non-Federal
<b>► Intersection Improvements</b>											
	Intersection Improvements		Pioneer Valley		Intersection Improvements			\$ -	\$ -	\$ -	
Intersection Improvements subtotal ►								\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source
<b>► Intelligent Transportation Systems</b>											
	Intelligent Transportation Systems		Pioneer Valley		Intelligent Transportation Systems			\$ -	\$ -	\$ -	
Intelligent Transportation System subtotal ►								\$ -	\$ -	\$ -	◀ 80% Federal + 20% Non-Federal
<b>► Roadway Reconstruction</b>											
	Roadway Reconstruction		Pioneer Valley		Roadway Reconstruction			\$ -	\$ -	\$ -	
Roadway Reconstruction subtotal ►								\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source
<b>► Section 2C / State Prioritized Expansion Projects</b>											
<b>► Bicycles and Pedestrians</b>											
	Bicycles and Pedestrians	602911	Pioneer Valley	Chicopee	CHICOPEE- CONNECTICUT RIVERWALK & BIKEWAY CONSTRUCTION, FROM BOAT RAMP NEAR I-90 TO NASH FIELD (2.5 MILES), INCLUDES NEW BRIDGE C-13-060 OVER OVERFLOW CHANNEL	2	CMAQ	\$ 3,041,445	\$ 2,433,156	\$ 608,289	
Bicycles and Pedestrians subtotal ►								\$ 3,041,445	\$ 2,433,156	\$ 608,289	◀ 80% Federal + 20% Non-Federal
<b>► Capacity</b>											
	Capacity		Pioneer Valley		Capacity			\$ -	\$ -	\$ -	
Capacity subtotal ►								\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source
<b>► Section 3 / Planning / Adjustments / Pass-throughs</b>											
<b>► Planning / Adjustments / Pass-throughs</b>											
			Pioneer Valley		ABP GANS Repayment	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		ABP GANS Repayment	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Award adjustments, change orders, etc.	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Award adjustments, change orders, etc.	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Award adjustments, change orders, etc.	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Award adjustments, change orders, etc.	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Metropolitan Planning	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Metropolitan Planning	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		State Planning and Research Work Program I, (SPR I), Planning	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		State Planning and Research Work Program II, (SPR II), Research	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Railroad Crossings	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Railroad Crossings	Multiple		\$ -	\$ -	\$ -	
			Pioneer Valley		Recreational Trails	Multiple		\$ -	\$ -	\$ -	
Other Statewide Items subtotal ►								\$ -	\$ -	\$ -	◀ Funding Split Varies by Funding Source

**Table 11: Federally Funded Projects Year 2020 (Continued)**

► Section 4 / Non-Federally Aided Projects											
► Non-Federally Aided Projects											
	Non Federal Aid		Pioneer Valley		Non-Federal Aid			\$ -		\$ -	
	Non-Federally Aided Projects		Pioneer Valley		Non-Federal Aid			\$ -		\$ -	
								Non-Federal Aid subtotal ►	\$ -	\$ -	◀ 100% Non-Federal

2020 Summary				TIP Section 1 - TIP Section 4: Total of All Projects ▼		
Total ►	\$ 55,219,269	\$ -	\$ 55,219,269	◀ Total Spending in Region		
Federal Funds ►	\$ 44,665,036		\$ 44,665,036	◀ Total Federal Spending in Region		
Non-Federal Funds ►	\$ 10,554,234	\$ -	\$ 10,554,234	◀ Total Non-Federal Spending in Region		

701 CMR 7.00 Use of Road Flaggers and Police Details on Public Works Projects / 701 CMR 7.00 (the Regulation) was promulgated and became law on October 3, 2008. Under this Regulation, the CMR is applicable to any Public works Project that is performed within the limits of, or that impact traffic on, any Public Road. The Municipal Limitation referenced in this Regulation is applicable only to projects where the Municipality is the Awarding Authority. For all projects contained in the TIP, the Commonwealth is the Awarding Authority. Therefore, all projects must be considered and implemented in accordance with 701 CMR 7.00, and the Road Flagger and Police Detail Guidelines. By placing a project on the TIP, the Municipality acknowledges that 701 CMR 7.00 is applicable to its project and design and construction will be fully compliant with this Regulation. This information, and additional information relative to guidance and implementation of the Regulation can be found at the following link on the MassDOT Highway Division website: <http://www.massdot.state.ma.us/Highway/flaggers/main.aspx>



May 24, 2019

***Via Email***

The Honorable Mayor William Reichelt  
Town of West Springfield  
26 Central Street  
West Springfield, MA 01089

Sharon Wilcox, Chief Financial Officer  
Town of West Springfield  
26 Central Street  
West Springfield, MA 01089

Re: 2019 Community Mitigation Fund Transportation Application

Dear Mayor Reichelt, Mr. Czach and Ms. Wilcox:

We would like to thank you for the conference call with the Community Mitigation Fund Review Team ("Review Team"). It was a pleasure discussing the Non-Transportation Planning and Transportation Planning Applications for community mitigation funds. The Review Team found the conference call to be very informative. As we discussed during the conference call, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**Previously Awarded Grants**

Could you provide the Commission with a brief status of current activities engendered by the award of these funds? If you have provided a description in your quarterly report to the Commission, please feel free to include that information. In your response it would be appreciated if detail could be provided regarding the Town's use of Surrounding Community funding from MGM Springfield.

**Transportation Planning**

1. What is West Springfield's timetable for the proposed work?
2. As West Springfield anticipates using awarded dollars provided by TIP 2020-2024, what if this project does not get awarded TIP money? What is the status of the TIP request?
3. The 2019 Community Mitigation Fund Guidelines for Transportation Planning Grants do not yet authorize funds for construction activities. What difficulties would be anticipated if the Town would need to wait until a future year to apply for construction funding?
4. What other communities are a part of the BikeShare Expansion project?



Massachusetts Gaming Commission

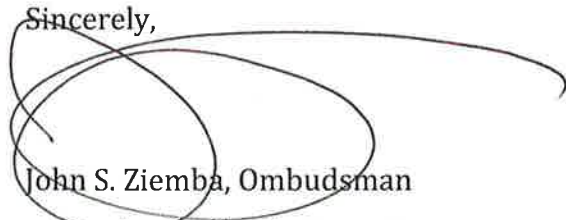


The Honorable Mayor William Reichelt  
Sharon Wilcox, Chief Financial Officer  
Page 2  
May 24, 2019

The Review Team would like to present to the Commission its recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Ziemba", is written over a circular stamp. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John S. Ziemba, Ombudsman

cc: James Czach, Town Engineer  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission



**City of Everett**  
**Department of Planning and Development**  
484 Broadway, Room 25  
Everett, Massachusetts 02149  
(P) 617-394-2245 (F) 617-394-5002

**Tony M. Sousa, Executive Director**

June 12, 2019

Mr John S. Ziemba  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziemba,

Thank you again for meeting with the Cities of Everett and Somerville regarding the joint application for the project of regional significance, the Mystic River pedestrian bridge and head house. Hopefully the responses below sufficiently answer the questions you submitted to us on May 24th. Please feel free to contact myself, Jay Monty, or Catherine Rollins if you need any further clarifications.

1. *Please provide further information regarding the management of the grant funds. It appears as though the City of Everett would be responsible for the administration of the grant. Since Somerville administers the 2018 grant, would this split of administration prove difficult? If yes, do you have any recommendations to remedy this?*

Management of the grant funds will be administered in a similar fashion to the 2018 grant, however the City of Everett will in this case be responsible for administration. We feel that this is a fair distribution of resources given Somerville's role as administrator with the 2018 grant. Purely with regard to administration of the grant funds, the Cities of Somerville and Everett have worked productively together with the 2018 grant and without any major or minor difficulties. We expect the 2019 grant to be no different. Both parties enjoy a positive working relationship and open lines of communication with one another. Both parties are also committed to the same goal of improving transportation access within the Lower Mystic region and seeing the Mystic River Bridge and Assembly Row headhouse projects completed.

2. *How do you envision working with all necessary departments of the MBTA to ensure that a design is acceptable to the MBTA? Have the Cities contacted the MBTA's chief engineer about this project?*

The administration of the 2018 grant has provided many lessons for working with the MBTA procurement and engineering departments. While establishing these relationships and understanding the legal and best practices of the MBTA has been time consuming and delayed the 2018 grant, we feel that the lessons learned will make for a much smoother administration of the 2019 grant. The Cities now have working relationships with key members of the MBTA procurement and engineering teams and would expect to continue these relationships in the same manner to successfully complete the 2019 grant. Specifically, the Cities of Somerville and Everett have formed a close working relationship with Greg Thompson, MBTA Project Manager for Transit Oriented Development. Mr. Thompson works within the Capital Delivery unit of the MBTA under Director Peter Paravalos, and has been identified as the point person at the MBTA for assisting with the advancement of this project.

3. *Please provide any update to the timeline, scope of work and budget for this project?*

The application for these grant funds was proposed in two parts:

- a. \$100,000 to prepare for the application of a federal BUILD grant
- b. \$400,000 to advance design of the Assembly head-house from 60% to 100%

Since this application was submitted, we have been informed that MassDOT would likely not be supportive of applying for the federal BUILD grant due their sense that the project would be an unlikely recipient of a BUILD grant and may conflict with other MassDOT priorities which have a better likelihood of receiving BUILD funds. While this changes the scope of the grant application slightly, it is our intent to continue to follow through with the tasks identified for the BUILD portion that include a cost-benefit analysis, and ridership projections as these components would be required for most other funding/grant opportunities necessary to construct the head-house/bridge.

The \$400,000 request for continuation of the design would remain unchanged.

4. *When is it anticipated that an RFP for this work would be completed?*

As was noted previously, the 2018 grant has been delayed somewhat due to necessary coordination with the MBTA. Because most of the procurement challenges have now been addressed from the 2018 grant, and the RFP for that grant is expected to be released shortly, we

would expect a much more timely release of an RFP for the 2019 grant. We would expect that an RFP could be released no later than fall of 2019.

5. *How do the cities propose to engage the relevant parties (including the Commonwealth) to determine how the connection to the Assembly Station Headhouse could be financed?*

The Cities of Everett and Somerville, along with Encore Resorts, have been engaged with the MBTA, the Massachusetts Gaming Commission, MassDOT and leaders of the Commonwealth including Sec. Pollack and Governor Baker for well over two years with regards to this project. This has included numerous in-person meetings and discussions regarding the best and most realistic approach to securing funding for the Assembly Station Headhouse. All parties agree that each of them would have a supporting role in the success of this project either financially, or otherwise. We will continue to foster these relationships with the goal of identifying and pursuing a realistic funding mechanism to complete the project.

I hope that the above narratives provides sufficient clarification for the community mitigation review team. If any further information is needed, please don't hesitate to contact me at your earliest convenience.

We look forward to hearing from you soon.

Sincerely,

Jay Monty, Transportation Planner

Cc: Mary S. Thurlow, Paralegal  
Joseph E Delaney, Construction Project Oversight Manager  
Derek Lennon, CFO  
Catherine Blue, General Counsel  
Catherine Rollins, Policy Director (Everett)  
Mayor Carlo DeMaria (Everett)  
Brad Rawson, Director of Transportation and Infrastructure (Somerville)  
Mayor Joe Curatone (Somerville)



May 24, 2019

***Via Email***

Brad Rawson, Dir. of Transportation &  
Infrastructure  
City of Somerville  
93 Highland Avenue  
Somerville, MA 02143

Tony Sousa, Ex. Dir. of Planning & Development  
Jay Monty, Transportation Planner  
City of Everett  
484 Broadway  
Everett, MA 02149

Re: 2019 Everett/Somerville Transportation Project(s) of Regional Significance Application

Dear Messrs. Rawson, Sousa and Monty:

We would like to thank you and your colleagues for participating in the meeting with the Community Mitigation Review Team ("Review Team"). It was a pleasure discussing the Everett/Somerville Joint Transportation Project(s) of Regional Significance Application for community mitigation funds. The Review Team found the meeting to be very informative. As was discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

1. Please provide further information regarding the management of the grant funds. It appears as though the City of Everett would be responsible for the administration of the grant. Since Somerville administers the 2018 grant, would this split of administration prove difficult? If yes, do you have any recommendations to remedy this?
2. How do you envision working with all necessary departments of the MBTA to ensure that a design is acceptable to the MBTA? Have the cities contacted the MBTA's chief engineer about this project?
3. Please provide any update to the timeline, scope of work and budget for this project?
4. When is it anticipated that an RFP for this work would be completed?
5. How do the cities propose to engage the relevant parties (including the Commonwealth) to determine how the connection to the Assembly Station Headhouse could be financed?



Massachusetts Gaming Commission

Brad Rawson, Dir. Transportation and Infrastructure  
Tony Sousa, Ex. Director of Planning and Development  
Jay Monty, Transportation Planner  
Page 2  
May 24, 2019

6. Are future meetings anticipated with Encore Boston Harbor to review the proposed scope of work?
7. It was discussed that a BUILD grant could assist in the financing. Please provide further detail regarding the status of that process and whether the cities continue to wish to pursue a BUILD Grant.
8. In the event that the BUILD grant funding is unable to go forward, what other potential sources of funding are available? Would City based funds be available?

The Review Team would like to present to the Commission its recommendation in June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: The Honorable Mayor Carlo DeMaria  
The Honorable Mayor Joseph A. Curtatone  
Catherine Rollins Denisi, Esq.  
Jonathan Silverstein, Esq.  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission



May 24, 2019

***Via Email***

Sandra Sheehan, Administrator  
Pioneer Valley Transit Authority  
2808 Main Street  
Springfield, MA 01107

Re: 2019 Pioneer Valley Transit Authority ("PVTA") Transportation Project(s) of Regional Significance Application

Dear Ms. Sheehan:

We would like to thank you and your colleagues for participating in the meeting with the Community Mitigation Fund Review Team ("Review Team"). It was a pleasure discussing the Pioneer Valley Transit Authority's Transportation Project(s) of Regional Significance Application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

1. At present the Loop service is not being as highly utilized as hoped.
  - a. Could you please provide updated ridership numbers for the Loop service?
  - b. Can you please describe any plans to try to increase ridership?
  - c. Riding the Loop service takes approximately 45 minutes. Are there any plans to shorten the time?
  - d. As an alternative to adding additional service days, could/should the funds be utilized to expand the nighttime hours of the Loop service?
  - e. If one of PVTA busses would do the loop to West Springfield, how long would that loop take? Would that run on the same schedule? Is there a back-up bus?
2. How does PVTA plan to ascertain percentage of ridership related to the MGM Springfield casino?
3. What is the status of conversations with MGM Springfield about year two of the Loop service?



Massachusetts Gaming Commission



Sandra Sheehan, Administrator

Page 2

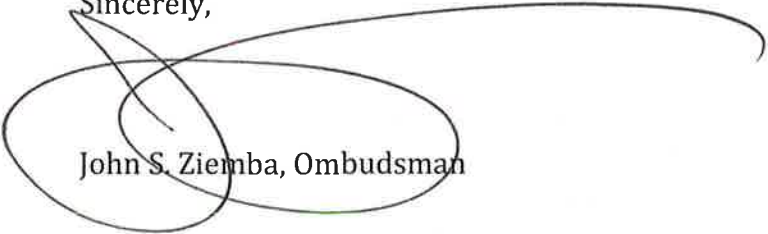
May 24, 2019

4. What percentage of the Loop service could be paid by "other visitor attractions"?
5. Could you provide any estimate regarding the potential utilization of an expansion of the Loop service to West Springfield?
6. Please describe ongoing planning activities between the PVTA and MGM Springfield and how these proposals fit under such planning.
7. Please provide detail on when it is anticipated that the expansion of the Loop service could be self-sufficient.

The Review Team would like to present to the Commission its recommendation in June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



Mr. John Ziemba  
Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street  
12<sup>th</sup> Floor  
Boston, MA 02110

RE: 2019 Pioneer Valley Transit Authority Transportation Projects of Regional Significance Application

Dear Mr. Ziemba,

The Pioneer Valley Transit Authority respectfully submits the answers to the questions you have regarding the PVTA's application.

1. At present the Loop service is not being as highly utilized as hoped.
  - a. Could you please provide updated ridership numbers for the Loop service?

Current Year-To-Date passenger boardings are 13,352, or 1,484 monthly boardings. The boarding volumes are consistent with regional travel, tourism and convention patterns, that experience significant market drops during winter periods. We believe these volumes would parallel seasonal vehicular access volumes as well.

Prevailing industry best-practice for new transit services is typically 24 months to reach a reasonable level of market maturation.

Ridership information by month is listed below. A graph depicting monthly ridership is attached.

<b>PVTA LOOP Service</b>	<b>Boardings</b>
September-18	2,015
October-18	1,746
November-18	1,392
December-18	1,215
January-19	1,148
February-19	1,160
March-19	1,467
April-19	1,410
May-19	1,799
<b>Total</b>	<b>13,352</b>

b. Can you please describe any plans to try to increase ridership?

PVTA intends to enhance its route marketing for this service, encourage greater community participation and include downtown businesses, restaurants and destinations in its marketing efforts. Advertising the Loop in this way should increase ridership and increase traffic to MGM as well as to downtown restaurants and other destinations.

We believe that each of these areas of focus directly supports the intention of §18 of the Gaming legislation in particular subsections (2) and (17) which prioritizes cross marketing with “local restaurants, small business, hotels retail outlets” etc. and supporting workforce development activities respectively.

The initial route design of the Loop Service has several key limitations that constrain ridership growth, including service access to key venues, irregular service frequency, limited span of evening service and an unusual five day service pattern (Wednesday-Sunday). Working with stakeholders to address these and other limitations will be vital to improving service performance and increase ridership.

c. Riding the Loop service takes approximately 45 minutes. Are there any plans to shorten the time?

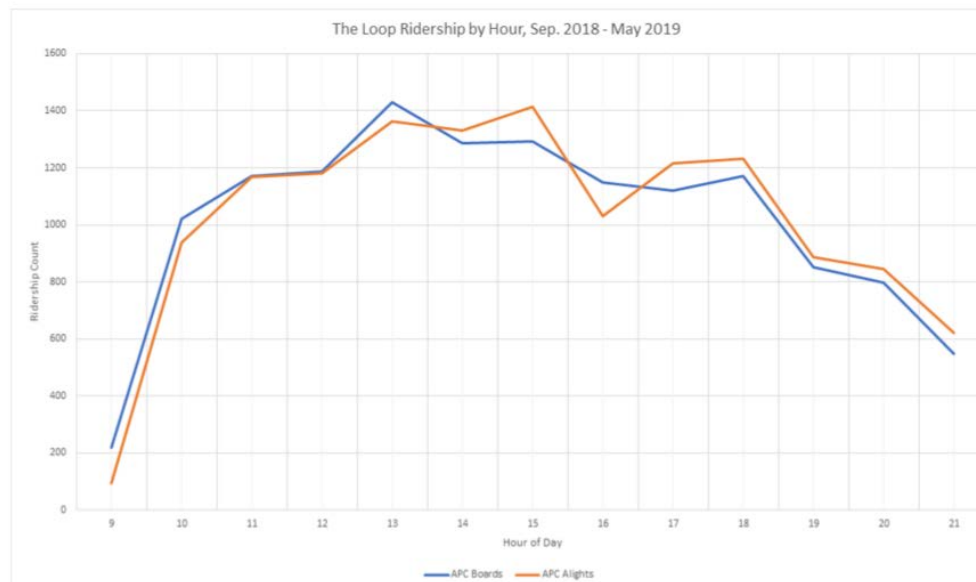
The maximum customer riding time is only ten (10) minutes from the most distant point to the MGM Springfield venue. While the vehicle may take 45 minutes to serve both north and south destinations, the typical customer riding the service would have no need to travel the full bus cycle time.

d. As an alternative to adding additional service days, could/should the funds be utilized to expand the nighttime hours of the Loop service?

Investing limited funds for late night hours would only have marginal benefit. Currently ridership is very limited after 6:00pm, as illustrated in the below table.

**PIONNER VALLEY TRANSIT AUTHORITY**

**LOOP RIDERSHIP BY TIME OF DAY**



Pioneer Valley Transit Authority

■ 2808 Main Street, Springfield, MA 01107 ■ Phone: 413-732-6248 ■ Fax: 413-737-2954

PVTA believes the most effective use of this funding is to enhance the existing schedule by providing consistent service on all days of the week and by target marketing with local businesses. These efforts would help increase Loop traffic to the venue and local establishments.

- e. If one of PVTA busses would do the loop to West Springfield, how long would that loop take? Would that run on the same schedule? Is there a back-up bus?

PVTA proposes to use a second transit vehicle to operate the service to West Springfield. PVTA has the equipment necessary to assign a vehicle to this route and provide a backup for either portions of its service. Final route planning will determine the operating and running time profiles, but it is estimated that passenger travel time would be 12-15 minutes between destinations.

2. How does PVTA plan to ascertain percentage of ridership related to the MGM Springfield casino?

PVTA transit buses are equipped with Automatic Passenger Counters (APC) that provide PVTA with boarding and alighting information by bus stop location. PVTA will be able to ascertain ridership at all the casino bus stops.

3. What is the status of conversations with MGM Springfield about year two of the Loop service?

PVTA held a meeting with MGM to discuss the extension of the contract for year two of the Loop service. MGM has indicated a willingness to extend the contract with some modifications to its routing. The City of Springfield has indicated to PVTA their expectation that MGM will continue the service as part of the Host Community Agreement.

4. What percentage of the Loop service could be paid by "other visitor attractions"? Currently only a small portion of the service cost is offset by advertising revenues from the various cultural and visitor destinations. Increasing the participation of other venues requires some leadership from MGM to actively encourage integrated marketing with Springfield attractions and perhaps coordination of events around transit access.

5. Could you provide any estimate regarding the potential utilization of an expansion of the Loop service to West Springfield?

PVTA in coordination with the Pioneer Valley Planning Commission continues to refine its operating and service plan. Current PVTA forecasts 18,000 additional boardings per year.

6. Please describe ongoing planning activities between the PVTA and MGM Springfield and how these proposals fit under such planning.

There have been several meetings between the City of Springfield, MGM and PVTA. These meetings resulted in changes to the routing and running time as well as including specific Springfield information aboard the vehicle. With the assistance of MGM, the bus operators were trained on the various point of interest along the route and to provide visitor information to users of the service.

These discussions also identified a need for additional service was desired to facilitate access to the casino during the weekdays. Additionally, ancillary hotel availability for

special events resulted in exploring the feasibility of extending the service to the abutting community of West Springfield due to its large availability of hotels and attractions along the Route 5 (Riverdale Road) corridor.

7. Please provide detail on when it is anticipated that the expansion of the Loop service could be self-sufficient.

No public transportation service, whether its road, transit, bike or pedestrian, could be considered “self sufficient”. All of these services, including the Loop, require on-going support. PVTa intends to continue its engagement with stakeholders on a long-term finance plan that is consistent with its mission and capacity to operate transit service within its public mandate. Even major transit services in major gaming destinations like Las Vegas require operating assistance and could not be considered “self sufficient.”

I hope this information addresses all of your questions. We look forward to working with you on this project.

Sincerely,

Sandra E. Sheehan  
Administrator



May 24, 2019

***Via Email***

Katy Gall, Director for Workforce and Policy  
City of Boston  
43 Hawkins Street  
Boston, MA 02114

Re: 2019 Community Mitigation Fund Workforce Development

Dear Katy:

Thank you for meeting with the Community Mitigation Review Team (“Review Team”) recently. It was a pleasure discussing with you, Constance Martin, Weezy Waldstein and Marvin Martin the City of Boston’s application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

**TRAINING**

1. Your application indicated 20 students will complete culinary skills training, and 30 residents will enter job focused English learning programs. Could you please explain how this will address the need for qualified candidates for the positions at Encore Boston Harbor and the associated needs of the hospitality industry in the region?
  - a. What is the program length for the culinary training?

**BRIDGE TO HOSPITALITY**

1. Who is eligible to take the class? Will it be open only to Boston residents?
2. Where is the class offered?
3. To date, 113 have graduated from the class. What are the results for those graduates? Annually, how many are served?
4. Please clarify if this program is to benefit 60 students (Page 6) or 50 students (page 9)?
  - a. Of the 50/60 students, please provide information on what results and outcomes you expect.



Massachusetts Gaming Commission

### **JOB PLACEMENT AND ASSISTANCE**

1. On page 5 you describe job placement and assistance to those currently in restaurant and hospitality jobs who are looking to advance. Please describe how this would happen and who would be responsible.

### **COMMUNITY OUTREACH**

1. Your budget indicated \$66,000 for "Support from Community Based Organizations."
  - a. Please tell us more about the successes and challenges from last year's grant relative to the CBOs.
  - b. Please describe what the "supports" provided from these CBOs would be. Which specific organizations would be supported? What communities would the CBO's outreach to?
  - c. What exactly would the \$66,000 be used for?
2. Your Application states on page 3, "The GBCPI will serve residents in Boston, Somerville, Chelsea and Everett." Given limited dollars and our role to be fiscally responsible we need to ensure that we are not double funding the same project.
  - a. Talk to us about the NECAT funding you request and exactly what it would support.
  - b. Please describe the difference between the funding that the MassHire Metro North is requesting in Somerville, Chelsea and Everett communities? We are concerned with the overlap of funds given their application also mentions Chelsea Collaborative, La Comunidad.
  - c. Do you have any plans to outreach to the Charlestown neighborhood given its proximity to the casino development?

### **GAMING**

1. What is your strategy to ensure that Boston residents can access the gaming related jobs such as dealers, slot attendants and technicians?
2. What is the difference in having City of Boston as convener? Describe the role of the PIC-convening CBO's, career centers, hospitality employers and training providers? How will this plan integrate?
3. What is the advantage of SkillsSmart utilization during this phase? Will other employers utilize Skillsmart?
4. In general, we need more budget information. For example, a break out of costs per teacher. A revised budget should be submitted with an itemized breakout.





Katy Gall, Director for Workforce and Policy

Page 3

May 24, 2019

The Review Team would like to present to the Commission its recommendation in June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



---

Jill Griffin, Director of Workforce Development

cc: Trin Nguyen, Director of Workforce Development  
Constance L. Martin, Deputy Director  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission

## Cost Allocation – Greater Boston Casino Pipeline Initiative

What	Amount	Calculation	Details
English for Hospitality classes	\$30,000	25 slots for one year of English; 6 hours/week	For unemployed and low-wage workers to improve their English to get jobs at Encore or backfill positions opened by people getting jobs at Encore. These slots would allow BEST to train more than 25 workers, since seats would become open on a rolling basis as students gain proficiency.
Bridge to Hospitality	\$40,000	Cost to pay contracted teaching staff for four sessions of training classes (\$10,000 per session for four sessions).	OWD's Bridge to Hospitality training program offers job-readiness and skills training to prepare residents for success in partner hospitality and culinary training programs.
Funding to support Casino Action Network partner organizations.	\$51,000	Casino Action Network	Provide connections to communities in Boston, Everett, Somerville and Chelsea. The funds will be distributed equally to the following organizations: La Comunidad, Inc/One Everett; Chelsea Collaborative; New England United for Justice (Dorchester/Mattapan), Alternatives for Community and Environment (Roxbury), Somerville Community Corporation, and Action for Equity (Dorchester). OWD will contract directly with each community based organization.
Funding to support contextualized ESOL at Viet Aid	\$15,000	Viet Aid	These funds will support contextualized ESOL for Vietnamese-speaking Boston residents who wish to improve their English speaking ability in order to qualify for jobs in the hospitality field. \$5,000 will support outreach, materials, staffing and space at Viet Aid. \$10,000 will support a contract with St. Mark's Adult Education to cover instruction.
Culinary skills training	\$104,000	These funds would allow us to serve 18-20 trainees.	Based on funding availability, we would enter into agreements with partner providers to pay a per-student rate for Bridge to Hospitality graduates who are ready to move on to full-time training. We will also seek to leverage and raise additional funds to support any student not covered by these funds. The cost per training provider varies, and different providers have different competencies that make them more suited for particular students. We would like the flexibility to place students in a variety of programs based on what best suits the individual needs, interests, and schedule of each trainee.
Boston Private Industry Council	\$30,000	Staff time to coordinate employer engagement.	PIC staff will coordinate with employers (including non-casino employers in hospitality and restaurant) and continue work to align training providers around a common set of skills/competencies that reflect the needs of employers.
Overhead	\$30,000	Calculated at 10%	Financial management of grant funds through the Mayor's Office of Workforce Development.

ATTACHMENT 2

<b>Total</b>	<b>\$300,000</b>		

**Committed Matching Funds**

<b>What</b>	<b>Amount</b>	<b>Calculation</b>	<b>Details</b>
BEST	\$10,800		Sharing BEST's English for Hospitality curriculum with 2-3 other providers for three train-the-trainer sessions. (How to use the curriculum, lesson planning around the curriculum, hospitality-specific activities, how to interview using behavioral questions, hospitality specific information.) Ongoing support from BEST teaching staff.
City of Boston	\$22,000	.15% FTE	To convene consortium partners.
City of Boston, Mayor's Office of Workforce Development	\$17,400		Supplies, staffing and space for Bridge to Hospitality Program.
Career Centers	\$6000	\$3,000 per OSCC.	OSCC will identify a staff member to be the casino advisor. The advisor will be trained on industry needs and will work with the Casino Career Navigator to host information sessions, orientations, and career fairs.
Casino Action Network/ Action for Regional Equity	\$30,000		Includes work the staff and leaders will accomplish for grant activities including outreach activities, hosting community group, facilitation, providing space, and in-kind resources.
Viet Aid	\$4500		Donated Space for Community workshops (\$2500) and staff time for translation/interpretation services (\$2000).
<b>Total</b>	<b>\$90,700</b>		

## **Training**

**1. Your application indicated 20 students will complete culinary skills training, and 30 residents will enter job focused English learning programs. Could you please explain how this will address the need for qualified candidates for the positions at Encore Boston Harbor and the associated needs of the hospitality industry in the region?**

**What is the program length for the culinary training?**

In our conversations with Encore, they expressed that their greatest needs were for individuals with culinary skills, and for ESOL classes for would-be applicants. We designed our proposed services with those needs in mind. We also recognize that the scale of individuals served will be small relative to Encore’s impact on the hospitality sector regionally, which is why we feel that a partnership with community organizations, workforce training providers, the PIC and the City of Boston is key.

The program lengths for the culinary providers vary by training provider, but generally run about 12 weeks.

## **BRIDGE TO HOSPITALITY**

**1. Who is eligible to take the class? Will it be open only to Boston residents?**

The Bridge to Hospitality program is primarily intended for but not limited to Boston residents. Most participants are from Dorchester, Roxbury, and Mattapan while those who are not residents come from the South Shore. Accordingly, we do not see much potential for overlap with organizations more closely located to Everett (with the exception of Charlestown, which is addressed elsewhere).

**2. Where is the class offered?**

The classes are held at the Roxbury Center for Financial Empowerment in Roxbury, a financial opportunity center operated by the City of Boston’s Office of Financial Empowerment, which provides free financial and employment coaching. Bridge participants are required to be coaching clients so that they receive integrated workforce development and financial education, as research indicates is more effective than workforce development alone.

**3. To date, 113 have graduated from the class. What are the results for those graduates?**

117 individuals have completed the Bridge and most moved into advanced hospitality and culinary training programs with partners such as BEST Corps, NECAT, the Kroc Center, and Community Servings before being placed in jobs. At last count, 95 individuals were working. The average salary for the most recent cohort was \$15.54/hour although the six individuals who have secured jobs at Encore have letters guaranteeing them at least \$19/hour (two more were offered jobs but could not wait until June to begin work, so accepted other opportunities).

**4. Please clarify if this program is to benefit 60 students (Page 6) or 50 students (page 9)?**

If funded, we anticipate serving between 50-60 students annually, probably four cohorts of up to 15 participants each.

**5. Of the 50/60 students, please provide information on what results and outcomes you expect.**

The Bridge to Hospitality is a pre-training program which provides basic skills (including job readiness, math, conflict resolution, etc.) in combination with long-term financial coaching. The goal is to reach individuals often left behind from living wage jobs by providing them with the skills and mindset that will enable them to perform well in and complete more focused skills training. Funding provided by this grant opportunity would be used to pay X-Cel Education, the consultant that administers the curriculum, and would not go towards staff salary.

Following four weeks of classes at the Roxbury Center for Financial Empowerment (RCFE), during which each participant is assigned to an RCFE financial coach, these individuals “graduate” to advanced culinary and hospitality training with a community partner, leading to full time employment in their new field. The Bridge program manager stays in close touch with these individuals after they leave the RCFE, checking in weekly with them at their training sites. We anticipate that these four cohorts would recruit specifically for jobs at Encore or other high end employers, and that the majority of them (75%) would apply for and be hired for opportunities there while others might opt for more casual employment. The free financial coaching would continue for 18-24 months and employment assistance is ongoing.

**JOB PLACEMENT AND ASSISTANCE**

**1. On page 5 you describe job placement and assistance to those currently in restaurant and hospitality jobs who are looking to advance. Please describe how this would happen and who would be responsible.**

Many hotel and restaurant workers are eager to parlay their experience and skills into higher-quality jobs with Encore and other employers who provide living wages, benefits and full-time schedules. The arrival of Encore has sent shock-waves through this sector, and we see a unique opportunity to connect a workforce that has often experienced low-wages and dead-end jobs, to an entirely new set of opportunities. Many of these individuals do not need additional training – they need access to information about opportunities. We will work with the MassHire career centers to provide access to application services. Working with the community-based organizations of the Casino Action Network will help us understand what additional services are needed – are the career centers providing the right services, at the right times and in the right places, to connect residents with opportunities? Our partnership will help to create constant feedback that will be used to improve services to residents and employers.

**For those who need additional training:** We propose two avenues of training: culinary skills training, and job-focused ESOL. This program design decision was based on our conversations with staff at Encore about what their hiring needs. The programs we are proposing to fund have existing strong relationships with Encore and other employers, a deep understanding of those employer’s hiring needs, and

dedicated staff who work with graduates to ensure placement. Residents will also have access to the Bridge to Hospitality program manager at the Roxbury Center for Financial Empowerment (RCFE), who has been assisting individuals with Encore applications with Tuesday evening open houses since February.

## **Community Outreach**

### **1. Your budget indicated \$66,000 for "Support from Community Based Organizations."**

#### **b. Please describe what the "supports" provided from these CBOs would be. Which specific organizations would be supported? What communities would the CBO's outreach to?**

Of the \$66,000 requested for support for community based organizations, \$51,000 would be for the Casino Action Group. The remaining \$15,000 would be for developing a new program in partnership with Viet Aid, to connect Vietnamese-speaking residents with ESOL and job placement services. Please see the budget attachment for a full breakdown of costs.

#### **Casino Action Group**

We will be expanding and strengthening the connections to residents in our pipeline in Year 2. In each of our communities, we will be continuing to reach out to individual residents who are now disconnected from opportunities for better jobs. In our second year, we will be maintaining our ties to the people already signed into the pipeline as well. We will do this through the relationships our partner community organizations and committee members have with local residents, and through resident-to-resident networking that we already see developing. All residents who came to information sessions are signed into our pipeline and will be connected to further opportunities. We are now carrying out interviews with residents to learn what was helpful to them and what else they needed, so we will have that feedback for further improvements. Interview data is telling us that the information sessions, as well as one-on-one encouragement and advice were critical to people deciding to apply and then following through on applying for new positions. In cases where they were hired, people are saying that the information they got was important to their preparation and success. People in the pipeline tell us they in turn reached out to others, who were also hired. People who were not hired are now reaching back to us for advice on how to take further steps towards better jobs.

In Year 2, the Casino Action Network anticipates continuing to work with Encore to ensure that local residents, particularly residents of color currently in restaurant and hospitality jobs, know about the expected 1500 openings. We will continue learning directly from Encore what skills, personality and other characteristics are wanted and then sharing the information about opportunities with our residents.

With the City of Boston leading in Boston, and also with other cities and others industry stakeholders, we will identify higher quality employers in the restaurant and hospitality sector who will also be looking to hire, with a focus on responding to backfill requirements to lessen the impact of Encore on other employers. We anticipate expanding our information sessions to share information about opportunities at multiple employers.

We (the Casino Action Network) will also build on our work to date developing relationships in the workforce system to identify services people need (including resume help and application assistance) and where people can get that help. Just as we are sharing information about employers with residents and helping those residents connect with employers, we will be sharing information and building connections between residents and the career centers and workforce system. An ongoing feedback loop with the workforce system in both regions and all 4 cities will lead to improvements in the workforce system, as it did this year.

Finally, while we will be primarily reaching out to residents with skills who are working full time, when we meet residents in need of training, we will also refer to the training programs funded here, as well as other available training programs.

### **Viet Aid**

Viet Aid proposes to use funding from the Mass Gaming Commission to create opportunities for members of Boston’s Vietnamese community to access quality job opportunities in the culinary and hospitality fields. Many residents are already working in restaurants and hotels, but lack opportunities for advancement into higher quality positions (those that are full-time, with benefits and opportunities for advancement). They propose using \$15,000 for a dedicated program to recruit residents into ESOL training classes provided by St. Mark’s Education.

**C. What exactly would the \$66,000 be used for?** Please see the attached budget document for a full breakdown.

**2. Your Application states on page 3, "The GBCPI will serve residents in Boston, Somerville, Chelsea and Everett." Given limited dollars and our role to be fiscally responsible we need to ensure that we are not double funding the same project.**

**a. Talk to us about the NECAT funding you request and exactly what it would support.**

The funding for NECAT would provide training slots for Bridge to Hospitality graduates at their Boston training facility.

**b. Please describe the difference between the funding that the MassHire Metro North is requesting in Somerville, Chelsea and Everett communities? We are concerned with the overlap of funds given their application also mentions Chelsea Collaborative, La Comunidad.**

While some of the organizations are the same, the requested funds will support different activities. For our proposal, the community-based partners will receive funds for direct community organizing. The same organizations may also engage in direct service – for example providing ESOL classes – that are part of the MassHire Metro North proposal.

**C. Do you have any plans to outreach to the Charlestown neighborhood given its proximity to the casino development?**

The Mayor’s Office of Financial Empowerment (OFE) has been partnering with the Charlestown Housing Development on a HUD Jobs Plus grant that has the goal of assisting with job placement and financial



coaching while preventing families from fearing the impact of the Cliff Effect. Accordingly, OFE provides funding and will continue to leverage the relationship with the Charlestown community to recruit candidates for Encore employment and for its workforce development opportunities.

## **GAMING**

### **1. What is your strategy to ensure that Boston residents can access the gaming related jobs such as dealers, slot attendants and technicians?**

Boston received \$55,000 for gaming school scholarships in the last years grant award. To date, 18 individuals received scholarships for the first game, with seven individuals accessing funds for a second game. The remaining 56 scholarships are available to fund summer programs and for the next class in September. The MassHire Boston Career Center (Roxbury) will host a summer recruitment fair to promote the gaming jobs to community residents.

The pathway to accessing gaming machine technician positions is not as clear-cut. Our understanding is that the qualifications for this position include broad-based technical skills, of the kind that can be acquired through other training pathways (for example, through several associate’s degree programs offered at post-secondary institutions locally). We would be very interested in working with Encore and the MGC to explore training pathways for these positions. OWD initiatives such as our Greater Boston American Apprenticeship Initiative, our Tuition-Free Community College Program and funding through our Neighborhood Jobs Trust could, where appropriate, be leveraged to support these efforts.

### **2. What is the difference in having City of Boston as convener? Describe the role of the PIC convening CBO's, career centers, hospitality employers and training providers? How will this plan integrate?**

The City of Boston has the ability to convene effective partners from the offices of Workforce Development, Economic Development and Diversity, along with community partners (funded) to meet business development needs. The City’s Economic Development team has a unique window into hospitality, culinary and related jobs that are on the horizon (for example, looking at planned and permitted hotel projects). This allows us to take a longer range view into understanding the needs of employers.

Our coordination with the PIC allows us to develop multiple, flexible avenues to address those needs. Funding for staff time at the PIC will also allow for continuity between the first year and second year of the program.

The PIC will focus on working with Training providers in the culinary field to promote the MPACT training model and advocate for the program graduates – about 300 per year. This consortium of training providers have agreed on standardized competencies and are collectively training to these levels. The PIC will organize employers, existing and new, to promote priority hiring of these graduates as a way to expand the pool for recruitment, reduce turnover and reduce the cost of hiring and onboarding staff. This work will improve the connections between employers and training providers, improve the employment prospects of program graduates, and allow us to respond intentionally to changes in the employment landscape.

Encore jobs have set a new standard as “good jobs” with salary and benefits (tuition reimbursement, ESL and HIRSet training). The PIC will continue to work with the Career Centers to promote jobs in hospitality as an entry to occupations that, with training, can be a career path with opportunities.

The PIC will continue to work with the Gaming school to recruit through the career centers and the older youth (19-25) programs.

**3. What is the advantage of SkillSmart utilization during this phase? Will other employers utilize Skillsmart?**

At the time of submission, it was not yet clear that Encore would discontinue use of SkillSmart after the initial round of hiring. Since it’s now clear that SkillSmart won’t be part of the hiring process going forward, we won’t provide that support to potential applicants.

**4. In general, we need more budget information. For example, a break out of costs per teacher. A revised budget should be submitted with an itemized breakout.**

See attached.



June 4, 2019

***Via Email***

Christina Royal, President  
Holyoke Community College  
303 Homestead Avenue  
Holyoke, MA 01040

Jeffrey Hayden, Vice President of Business and  
Community Services  
Holyoke Community College  
303 Homestead Avenue  
Holyoke, MA 01040

Re: 2019 Holyoke Community College Workforce Development  
Community Mitigation Fund Application

Dear President Royal and Vice President Hayden:

The Community Mitigation Fund Review Team ("Review Team") would like to thank Jeff Hayden, the members of your staff, and the representatives from the Springfield Public Schools and STCC for participating in the conference call with the Review Team regarding Holyoke Community College's ("HCC") application for community mitigation funds. The Review Team found the conference to be very informative. As we discussed during the meeting, we are writing to ask HCC to provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

- 1) The amount of your grant is \$299,066. Do you plan on using the entire \$300,000 available and if so, in what category would you use the balance?
- 2) Please provide a brief update regarding all activities funded through the current Springfield Technical Community College ("STCC") and Springfield Public Schools ("SPS") grants. In the response please note the start date for such activities, major milestones and the expected end date of activities furnished under the current grants.
- 3) Please include a summary or chart of proposed 2019 program elements that show new activities proposed under the 2019 application versus the continuation of previously approved activities. Please provide an updated timetable for new activities (including major milestones and end dates).
- 4) At the recent meeting, it was discussed that significant expenditures under the 2017 grant started in January. It was also discussed that for the SPS Program, 2017 grant funds will be used from January 2018 to January 2019. Please confirm the timing of the spending plans under the current grants. What is the updated timetable for spending under the new proposed program?



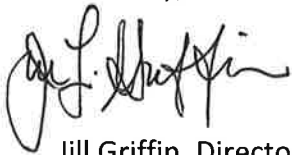
Massachusetts Gaming Commission

- 5) How strong are the current results in the gaming school? Please update us regarding recruitment and enrollment results, including Massachusetts and regional results. Please describe any hurdles that may be impacting program participation. Please describe any recommended potential resolutions to any hurdles.
- 6) Do you expect a diminished interest in the gaming school once all of the initial hiring has been completed? How might that be an issue, and how might it be addressed?
- 7) Please provide further details regarding current outreach activities, and the regional approach for both the 2017 grant and the 2018 grant.
- 8) Does the current project benefit the needs of other hospitality employees? Please describe.
- 9) For the SPS portion of the application, what are the projected outcomes? Do you have any updates regarding the projected impacts at the end of year 2?
- 10) Please provide detail on how the applicants either have worked or will work with the City of Springfield to prioritize Host Community funds for workforce related activities.

The Community Mitigation Fund Review Team would like to present to the Commission its recommendations at a Commission meeting in June. In order to meet this timetable, the community mitigation Review Team would greatly appreciate receiving your response by June 18, 2019.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



Jill Griffin, Director of Workforce, Supplier and  
Diversity Development

cc: Lydia Martinez, Assistant Superintendent  
Jennifer Buel, Grants Analyst  
April Hodgen, District Project Manager  
Michele Cabral, Interim Dean  
Gerardo Zayas, STCC  
MGC Commissioners  
Edward R. Bedrosian, Executive Director  
CMF Review Team

The Kittredge Center for Business and Workforce Development  
303 Homestead Avenue  
Holyoke, MA 01040  
P: 413.552.2500  
F: 413.552.2745



June 18, 2019

*Via Email*

Jill Griffin, Director of Workforce, Supplier and Diversity Development  
Massachusetts Gaming Commission, 101 Federal Street, 12<sup>th</sup> Floor  
Boston MA, 02110

Re: 2019 Holyoke Community College Workforce Development Community Mitigation Fund  
Application – Additional information

In response to letter dated June 4<sup>th</sup> 2019, Holyoke Community College, Springfield Technical Community College, and Springfield Public Schools provide the following additional information as requested.

1. The plan is to use the full \$300,000. The revised budget is included below as Attachment A. In addition to fixing the rounding so the total is equal to \$300,000, \$16,098 was omitted as a line item in the original budget sheet. The \$16,098 was included in the total requested and represents 25% of an FTE for a Coordinator for the STCC Hampden Prep program.

Attachment B shows STCC's Hampden Prep Program with the FY2018 rollover and the FY2019 funds.

2. Current Grant Update from STCC and SPS:

The Springfield Technical Community College Hampden Prep Program launched new initiatives and outreach efforts during the second grant year. Hampden Prep conducted focus groups and needs assessments with staff and students in order to reevaluate the program and shift funds into activities that addressed student needs.

Session	Date	Students Enrolled
2nd	July 2, 2018 - September 20, 2018	25
3rd	October 15, 2018- January 10, 2018	18
4th	January 15, 2019- April 4, 2019	32
5th	April 15, 2019- June 27, 2019	37

Twenty-three (23) Hampden Prep students completed the OSHA 10 training which covered the following topics.

- Fixed and Portable Ladder Safety
- Fire Prevention, Protection and Emergency Egress Safety
- Dangers of Electrical Hazards
- Using and Choosing PPE (Personal Protective Equipment)
- Causes and Prevention of MSD and RMD Injuries
- Workers' Rights to Know the Chemical Makeup of Materials Found in Their Workplace
- Combustible Liquids and Compressed Gases
- Dangers of Unguarded Equipment
- Slip, Trip and Fall Hazard Protection

Students received an OSHA 10 cards upon completion. The career and academic advisor facilitated a resume workshop for students to create/update their resumes and add the OSHA 10 certification.

#### Springfield Public Schools Ahead of the Game Program

Springfield Public Schools currently funds a Case Manager and Teachers on the current Mitigation grant. Our current grant runs from February 1, 2019- June 30, 2019.

Our case manager duties include the following:

- Intake process
- Class Scheduling
- Orientation
- Case Management
- SkillSmart profile training
- Collaborates with teachers
- Workforce Development
- Follow up with Students

- Data analysis

Our teacher duties include the following:

- Instruct HiSet courses
- Instruct ESOL course
- Exam preparation with students
- Monitor Achieve 3000 results
- 1-1 Tutoring

Please see response question 9 for milestones.

3. Work Ready is a collaborative effort of 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 to provide a combination of work readiness preparation and occupational skills training to help the unemployed and underemployed take advantage of the employment opportunities currently available in the marketplace and MGM Springfield's need for line cooks, dealers and hospitality workers.

Through this partnership, Work Ready provides a complete career pathway for individuals with limited skills training:

- Basic skills = Springfield Public Schools/Ahead of the Game: individuals participate in Adult Basic Education; earn high school credentials/HISET; be referred to job training, post-secondary education or employment
- Language & skills training = Springfield Technical Community College/Hampden Prep: individuals participate in English in the Workplace; Career Readiness; or technical and / or certificate trainings such as Computer/Digital Literacy or ServSafe.
- Gaming Skills = MCCTI/TWO: students can receive scholarships and become trained in blackjack, poker, carnival games, or roulette
- Industry Skills = Holyoke Community College: individuals participate in line cook or hospitality certificate trainings

Proposed New Activities:

- Ahead of the Game  
Although, not included in our original application for the Community Mitigation Fund, Springfield Public Schools and MGM Springfield have partnered. Together, beginning in July, we will be offering an ESOL class located directly inside the



MGM Casino. This will be a summer course to start that we will be servicing both MGM's current employees as well as the Springfield Public Schools adult students looking to become employed at MGM. This partnership will open doors for both types of students. We are looking forward to this being the first of many partnerships between us and them.

- Hampden Prep
  - a) Career focus on hotel employment for low/unskilled adults ages 16 and up
  - b) Literacy Skills Development in reading, listening, speaking, and writing
  - c) Designed for entry-level positions found in the hospitality industry
  - d) Eighty hour (80) Class:
  - e) English in the Workplace 40 hours
  - f) Essential skills 20 hours
  - g) Computer literacy 20 hours
  - h) ServSafe training and testing 8 hours
  - i) Hotel Tour
  - j) Interviewing Opportunities
  
- MCCTI – Gaming Schools:
  - a) Cohort classes funded which are free for the participants
  - b) ESOL Gaming Classes
  - c) Expanded outreach in collaboration with MGM Springfield
  
- Culinary and Hospitality – In addition to 2 Line Cook cohorts, HCC will provide three new activities. (Each cohort can enroll up to 15 people.)
  - a) Hotel Training for Front Desk Employees – 1 cohort to start on October 15 and complete on November 14. (Includes Guest Service Gold)
  - b) Hotel Training for Housekeeping positions – 1 cohort to start on January 14 and complete on February 13. (Includes Guest Service Gold; ESOL contextualized curriculum)
  - c) Hotel Supervisor/Manager Training – 1 cohort will start on September 16 and complete on October 10.
  - d) **Non-grant activities:** HCC will conduct a number of other programs which will support or leverage the Community Mitigation Fund programs, but are not directly connected to the CMF program:
    - i. ESOL Contextualized Culinary – 2 cohorts one in Springfield and one in Holyoke
    - ii. Additional Hospitality Training

4. Timing of spending from prior grant years:

MCCTI

Based on the May 30, 2019 approval of the amendment to fund a Blackjack / Carnival Games cohort, MCCTI is requesting an extension of the 2018 funds through August in the amount of ~\$3,045 to fund the instructors who will be teaching in July and August 2019.

The Springfield Technical Community College Hampden Prep Program

Personnel

- **Coordinator:** will work 487.5 hours (25% FTE) on this program. The Coordinator is responsible for recruiting students, hiring instructors, securing rooms for teaching, and other administrative duties for the program. The Coordinator will be paid \$28/hour.
- **Instructors:** two part-time instructors hired to teach the Workplace *English for Hotels* curriculum, digital literacy and career readiness skills. Each PT instructor will be paid \$25.00/hour for 761 hours, including 81 hours of prep time per instructor, 25 hours per class week with 11 additional hours as needed.
- **Advisors:** one to two part-time advisors hired to provide advising and student support will be paid \$25.00 for a total of 1057 hours. (If two advisors are hired, they will have 528.5 hours each)
- Fringe  
Coordinator assessed at 35.55% with a total \$5723.  
Payroll tax for all employees is 2.44% with a total \$1967.

Materials and Supplies

- *Workplace English for Hotels* book is \$21.95/ student for 22 students
- ServSafe Book and test voucher is \$75/student for 75 students 15
- Office Supplies: General Office supplies of \$200
- Recruitment Supplies: Flyers, postings, business cards, postcards, mailings of \$325

Bus Passes/Employee Travel

- Bus Passes: \$4950 (110 bus passes @\$45 in session costs per student)
- Employee Travel: \$560 (costs of \$ .585 per mile for staff travel including recruitment and conference travel)
- Conference Registration: Registration of \$165 for three staff members to attend the Massachusetts Coalition of Adult Education Conference with a total \$495.

Contract Services

- STCC will hire a ServSafe Instructor to teach five 8-hour sessions at \$45/hr.

**Indirect Costs**

- Assessed at 10%
- Based on this proposed budget, the grant will be spent by June 30, 2020.

**Springfield Public Schools Ahead of the Game Program**

2017: Fully expended by January 2019

2018: February 1, 2019-June 30, 2019; fully expended

2019: July 1, 2019-June 30, 2020

5. Enrollment in MCCTI through May 30<sup>th</sup> is shown below. Scaling up the number of trainees has been difficult. Although the number of people expressing an interest in gaming dealer positions is still steady, the conversion rate, i.e. the number of those who actually enroll in classes has dramatically decreased. Prior to the opening of MGM Springfield the conversion rate was high due to the high level of media coverage and the curiosity about employment opportunities. MCCTI and MGM continue to provide information sessions and to regularly recruit job seekers – delays or cancellation of classes has occurred. In order to continue to support local residents looking for work and support MGM’s employment expectations, MCCTI requested and MGC approved an amendment to allow funding for a low enrolled Blackjack / Carnival Games cohort that started in June 2019.

Antidotal information suggests the challenge is consistent with other training programs in the region, which results from low unemployment and / or the inability of part-time workers to overcome the short-term impact of the cliff-effect. However, working with Springfield Works and the region’s CBOs, it is apparent that there is an opportunity to serve people in the area that need it most.

- MCCTI continues to partner alongside MGM at recruitment events to ensure anyone who expresses an interest has the immediate opportunity to enroll in the necessary skills training.
- Course schedules are forwarded to Springfield Works and all area CBOs who work with residents on career readiness and job placement. Some of the partners include the New England Farm Workers, MassHire Springfield Career Center, MassHire Holyoke Career Center, the Springfield Adult Learning Center (a joint ABE and ESOL effort of HCC and STCC), the Ludlow Area Adult Learning Center (ESOL), the Juntos Collaborative in Holyoke (ABE and ESOL) area veterans groups and more.

- MCCTI, HCC and STCC continue to market programs through print media / press releases and social media.
- HCC and STCC have held info sessions for students looking for PT work and to students who complete the Hi-Set as a potential next step.

MCCTI Statistics	FY 2018	FY 2019
Individuals	202	178
From Springfield	56	43
From Hampden Cty	123	97
From MA	147	120
Classes Completed	350	281

6. As was anticipated, enrollment expectations for MCCTI have dropped since MGM Springfield's August 2018 opening. Given the regional climate described above, it is imperative that MGM, MCCTI, community partners, the MassHire system and the MGC continue to promote the employment opportunities that are available. Enrollment Expectations for FY 2020 are between 110 and 140 individuals and are defined below:

- ✓ 60 people, ***new to gaming, for Blackjack and Carnival Games classes***; the combination needed to be eligible for an audition with MGM as a Table Games Dealer. The plan calls four cohorts of 15, one per quarter, and will allow time for recruitment efforts with community partners. Budget \$35k.
  - If enrollment reaches 10 for any class, individual scholarships continue to make the most sense.
  - If enrollment is below 10 for any class, funding the cohort will allow the class to run.
- ✓ 20 people, ***new to gaming will take a Poker class***, which allows them to audition with MGM as a Poker Dealer. While there is more interest from the public in Poker Dealer Training, MGM's employment needs are less. Therefore the plan calls for one cohort of 20 for a budget of \$10k.
- ✓ ***Current dealers taking a third or fourth class*** generally pay for their own continued education. However a part-time dealer who is underemployed may request assistance to improve their skills in order to become eligible for full-time employment. The plan anticipates running two sessions of Roulette and two sessions of CRAPs, alternating each quarter. We believe some combination of 30 to 60 people will take 60 classes and have planned a budget of \$5k.

As noted in the original application, HCC & STCC Foundations are also funding the development and pilot of a contextualized ESOL Blackjack class in order to further reach

the un- and under-employed in the region. It is anticipated that enrollment for this effort will be 15.

7. MCCTI and HCC Linecook Training Programs were put in place during the FY2018 grant year.

HCC, MCCTI, MGM Springfield, SPS and STCC participate in the Springfield Works initiative helping to connect residents, including people working with area community-based organizations (CBOs) to additional workplace skills training and then ultimately to employers. "Springfield WORKS was created by city, community, education and employer leaders to develop and drive innovative strategies to transform our workforce ecosystem..." The 10-year goal is to increase the percentage of people working from 58% to 75% for Springfield and it is hoped that this initiative will also spread to surrounding communities.

Additionally, during the FY2018 grant period, HCC has developed a relationship management model where one outreach councilor is assigned to each CBO to bring updates on training programs for HCC and MCCTI. The outreach councilors help with recruitment, screening and assessment, case management, job readiness components, referrals to partner programs and job placement.

Springfield Public Schools has continued our outreach activities since the inception of the grant. Our activities through the years include: hiring 413 Productions to create a 30 second public service announcement commercial. This short clip has been used by SPS as part of our outreach and advertising of the Ahead of the Game program. In addition, we ran an ad on the side of the Pioneer Valley Transit Authority Busses (PVTA). This ad ran for 3 months detailing the Ahead of the Game Program. We held information sessions across region B in Chicopee, Holyoke and Northampton. Participants who came to the information sessions were given a brief presentation regarding the details of the Ahead of the Game program; encouraging them to attend. For the last 3 semesters, Springfield Public Schools have filled every seat with a wait list. We continue to recruit participants and get the word out about the programs we offer at our Springfield Adult Education Center.

8. All of the **Work Ready** programs (Ahead of the Game, Hampden Prep, Gaming Scholarships and Line Cook Training) have open enrollment, per individual program criteria, and seek to promote opportunities at MGM Springfield although the hospitality

employment opportunities are not just at MGM. Through TWO and through HCC's Hospitality and Culinary programs a number of initiatives have been deployed:

- ✓ Hospitality Roundtable – over 30 hospitality businesses participate in regional workforce discussions at least twice a year;
- ✓ TWO has developed contract training with a number of hospitality businesses;
- ✓ Hotel Lab and Training initiative has been launched;
- ✓ Bartender certification classes are offered three times a year;
- ✓ A stackable credential approach has been implemented (Certificate of Completion, ServSafe, TIPs, Guest Service Gold, OSHA 10, Allergen Certification, National Career Readiness Certificate);
- ✓ ESOL training in culinary is being offered twice a year;
- ✓ Professional Development series is being developed for employed hospitality professionals;
- ✓ ServSafe and TIPs training in Ware;
- ✓ A doubling of the HCC credit program capacity from 32 to 80;
- ✓ New Credit Culinary Certificate – 24 credits;
  - New Summer cohort of the Culinary Certificate – allowing for three cohorts a year;
  - New Credit Culinary Associate degree – First year was just completed
  - It is anticipated that approximately 50% of the certificate enrollees (40) will enhance their culinary education by taking the Associate degree as well.

9. Springfield Public Schools projected to service 100 students on the current application. Our year 2 grant ran from February 1, 2019-June 30, 2019. Since our year 2 timeline was compacted in order to catch up to our grant partners, our year 2 numbers are indicative of just this last semester. SPS fully enrolled all 8 classrooms to capacity to start the year. The data below reflects our year 2 time period.

AHEAD OF THE GAME		
Reporting Metrics	# of Students	Content/Level
Students who took one or more HISET exams	52	HISET state database
Students who tested in all five HISET exams and successfully obtained High School Equivalency	9	HISET state database
Students who tested in HISET Math Exam	19	HISET state database
Students who passed the HISET Math Exam	7	HISET state database
Students who tested in HISET Science Exam	14	HISET state database
Students who passed the HISET Science Exam	11	HISET state database
Students who tested in HISET Social Studies Exam	19	HISET state database

Students who passed the HISET Social Studies Exam	17	HISET state database
Students who tested in HISET Reading Exam	22	HISET state database
Students who passed the HISET Reading Exam	13	HISET state database
Students who tested in HISET Writing Exam	13	HISET state database
Students who passed the HISET Writing Exam	8	HISET state database
Students who successfully took practice test and are given assessment goals for High School Equivalency	132	TABE Locator 11 & 12
Students who successfully took practice test and are given assessment goals for English Proficiency	86	WIDA computer based screener and Achieve3000
Students enrolled in HISET classes	86	AEC enrollment data
Students enrolled in ESOL classes	75	AEC enrollment data
Students who completed Lexile test	161	Achieve3000
Students whose Lexile level increased	31	Achieve3000
Students whose Lexile meet or exceed College and Career level readiness	6	Achieve3000 (using lexile grade-specific bands from the Common Core State Standards)
Students whose Lexile is approaching College and Career level	11	Achieve3000 (using lexile grade-specific bands from the Common Core State Standards)
Students who enrolled in Post-Secondary/workforce training	1	Student contact
Students who obtained employment interviews	5	Student contact and referrals to employers
Students who successfully obtained gainful employment	5	Student/Employer confirmed job placements
Students who obtained Case Management Services	161	Individual student case management profile
Students who established a SKILLSMART profiled	161	SkillSmart Portal

10. Over the coming year, **Work Ready** will connect with the City of Springfield and will operate in concert with MassHire Hampden County Workforce Board and the MassHire Holyoke and MassHire Springfield career centers in order to prioritize Host Community funds for workforce related activities. To date we have worked with Springfield Works, a joint effort of the City, the Boston Federal Reserve Bank, businesses, the regional workforce system and various training vendors and community based organizations to provide employment training and opportunities for the unemployed and underemployed in the City.



The creation of one training and job placement mechanism will serve other industries in the region as well. Current activities for the summer of 2019 include:

- ✓ Regional Asset Map for training and workforce development programs in the region;
- ✓ Preparation of presentations to:
  - Mayor Sarno and City Councilors;
  - Area Legislators;
  - Civic Leaders – Springfield and beyond;
  - Business Leaders – seeking to fulfill workforce demand;
- ✓ Refined Model for Workforce Development in the Valley;
- ✓ Central Data Repository for workforce, including individual program outcomes;
- ✓ Continued refinement of the application of SkillSmart to the region;
- ✓ Stackable credential model; and,
- ✓ A Whole Family approach.

Mayor Sarno supports the **Work Ready** initiative and is proud that Springfield Public Schools is part of the effort. It is anticipated that this effort will be in complementary with the economic strategies of the Economic Development Council of Western MA, the Plan for Progress of the Pioneer Valley Planning Commission and the Pioneer Valley Labor Market Strategic Blueprint of the region's MassHire Workforce Boards.

Thank you for your consideration.

Sincerely,



Jeff Hayden, Vice President Business and Community Service

cc: Lydia Martinez, Assistant Superintendent  
Jennifer Buel, Grants Analyst  
April Hodgen, District Project Manager  
Michele Cabral, Interim Director  
Gerardo Zayas, Assistant Vice President  
Kitty Doolittle, Director of SALC

**2019 Workforce Development Pilot Program Application  
Work Ready - HCC/STCC/SPS - Proposed Budget**

Attachment A

**Line 1: Personnel**

Position	Description	Total Hours	Rate	Total
<b>LINE COOK TRAINING (3 COHORTS)</b>				
Educational and Career Advisor (11hrs/week x 7 weeks)	Recruitment, case management, job placement services, 77 hours per cohort x 3 cohorts	231	\$ 28.31	\$ 6,540
Math, reading instructors (12 hrs teaching, 6 hrs prep)	18 hours per cohort x 3 cohorts	54	\$ 28.31	\$ 1,529
Culinary instructors	98 hours per cohort x 3 cohorts	294	\$ 70.00	\$ 20,580
TIPS Instructor	4 hours per cohort x 3 cohorts	12	\$ 67.50	\$ 810
ServSafe Instructor	12 hours per cohort x 3 cohorts	36	\$ 60.00	\$ 2,160
Lab Technician	120 hours per cohort x 3 cohorts	360	\$ 12.00	\$ 4,320
<b>HOTEL Training: Housekeeping (1 cohort), 50 hour training</b>				
Educational and Career Advisor (11hrs/week x 7 weeks)	Recruitment, case management, job placement services, 77 hours per cohort	77	\$ 28.31	\$ 2,180
Housekeeping Instructors	Fundamentals of Hotel Operations, Room Sanitation and Safety, 20 hours	20	\$ 70.00	\$ 1,400
Guest Service Gold © Instructor	8 hours	8	\$ 70.00	\$ 560
OSHA-10	10 hours	10	\$ 67.50	\$ 675
Basic Skills Instructors (Reading, Math) (12 hrs instruction, 6 prep)	18 hours	18	\$ 28.31	\$ 510
<b>Hotel: Front Desk Receptionist (1 cohort), 50-hour training</b>				
Educational and Career Advisor (11hrs/week x 7 weeks)	Recruitment, case management, job placement services, 77 hours per cohort	77	\$ 28.31	\$ 2,180
Hotel Front Desk/Reception Instructors	20 hours per cohort, 1 cohort	20	\$ 70.00	\$ 1,400
Guest Service Gold © Instructor	8 hours	8	\$ 70.00	\$ 560

OSHA-10	10 hours	10	\$ 67.50	\$ 675
Basic Skills Instructors (Reading, Math) (12 hrs instruction, 6 prep)	18 hours	18	\$ 28.31	\$ 510
<b>Total</b>				<b>\$ 46,587</b>
<b>Line 2: Fringe Benefits</b>				
<b>Position</b>	<b>Basis for Cost Estimate</b>			<b>Amount</b>
	FY18 Full-time Rate (negotiated by State of Massachusetts) 36.5%			
	FY 18 Part-Time Rate (negotiated by State of Massachusetts) 2.02%			\$ 941
<b>Total</b>				<b>\$ 941</b>
<b>Line 3: Stipends/Scholarships</b>				
<b>Title</b>				<b>Total</b>
Scholarships for MCCTI students	Estimated at \$800 per student for 42 students			\$ 33,600
<b>Total</b>				<b>\$ 33,600</b>
<b>Line 4: Supplies</b>				
<b>Description of Supply</b>				<b>Total</b>
Supplies (culinary, instructional)				\$ 14,085
Supplies (Hotel, instructional)				\$ 1,500
<b>Total</b>				<b>\$ 15,585</b>
<b>Line 5: Contractual</b>				
Evaluation (MassHire)				\$3,000
<b>Total</b>				<b>\$3,000</b>
<b>Subcontract - Springfield Public Schools - Ahead of the Game</b>				
<b>Position</b>	<b>Description</b>	<b>%FTE</b>	<b>Base Salary</b>	<b>Total</b>
Case Manager	Guidance/Support Staff	100%	\$ 46,359	\$ 46,359
Teacher	Instruction	100%	\$ 42,841	\$ 42,841
<b>Fringe Benefits</b>				
Case Manager	Unemployment, Medicare, Health Insurance, Retirement, W/C			\$ 7,162
TeachersMedicare	Medicare			621.20
			<b>Subtotal</b>	<b>\$ 96,984</b>
			<b>Indirect 3.11%</b>	<b>\$ 3,016</b>
			<b>TOTAL - SPS</b>	<b>\$ 100,000</b>
<b>Subcontract - Springfield Technical Community College</b>				
<b>Positions</b>				
Coordinator - 25% FTE				\$ 16,098
PT Instructor/Advisor - Day				\$ 19,038
PT Instructor/Advisor - Night				\$ 19,038
<b>Fringe: @35.55%</b>				<b>\$ 5723</b>
<b>Payroll Tax: 2.44%</b>				<b>\$ 1322</b>
<b>Student Materials: English in the Workplace Books</b>				<b>\$ 483</b>
ServSafe book and exam voucher				\$ 5,400
<b>Contract Services: ServSafe Teacher</b>				<b>\$ 1,080</b>

			Subtotal	\$ 68,182
			Indirect - 8%	\$ 6,818
			TOTAL - STCC	\$ 75,000
			TOTAL - ALL SUBCONTRACTS	\$ 175,000
<b>Line 6: Other</b>				
<b>Major Type or Category</b>				<b>Total</b>
Miscellaneous expenses: meeting/office supplies, postage, printing				\$ 2086
				\$ -
Total				\$ 2086
<b>Line 7: Total Direct Costs</b>				<b>\$ 266,965</b>
<b>Line 8: Indirect Costs</b>				<b>\$ 33,035</b>
<b>Approved Indirect Cost Rate</b>				<b>Total</b>
Holyoke Community College	Federal Rate: 49.8% of salaries and fringe (49.8% x \$36,663) costs			\$ 23,200
Total				
<b>Line 9: Total Funds Requested.</b>				<b>\$ 300,000</b>

Springfield Technical Community College - Hampden Prep Program  
 Mass Mitigation Funds FY'19  
 Revised 6-11-19

Attachment B

	<u>FY 2018</u> <u>Estimated Roll</u> <u>Forward</u>	<u>FY 2019</u> <u>Funds</u>	<u>Total Funds</u>
Program Coordinator .25 FTE		16,098	16,098
Advisors	26,426		26,426
PT Instructor/Day		19,038	19,038
PT Instructor/ Night		19,038	19,038
<b>Total Personnel</b>	<b>26,426</b>	<b>54,174</b>	<b>80,600</b>
Fringe @ 35.55%		5,723	5,723
Payroll tax @ 2.44%	645	1,322	1,967
<b>Total Fringe</b>	<b>645</b>	<b>7,045</b>	<b>7,689</b>
<b>Materials and Supplies</b>			
Office Supplies	200		
Recruitment Supplies	325		
English in the Workplace books		483	483
ServeSafe book and exam voucher	225	5,400	5,625
<b>Total Supplies</b>	<b>750</b>	<b>5,883</b>	<b>6,108</b>
<b>Contract Services</b>			
ServSafe teacher	720	1,080	1,800
<b>Total Contract</b>	<b>720</b>	<b>1,080</b>	<b>1,800</b>
<b>Bus Passes/Employee Travel</b>			
Bus Passes	4950		4,950
Employee Travel	\$560		560
Conference Registration	\$495		495
<b>Total Travel</b>	<b>\$6,005</b>	<b>\$0</b>	<b>6,005</b>
<b>Total Direct</b>	<b>34,546</b>	<b>68,182</b>	<b>102,727</b>
<b>Total Indirect</b>	<b>3,455</b>	<b>6,818</b>	<b>10,273</b>
<b>Grand Total</b>	<b>38,000</b>	<b>75,000</b>	<b>113,000</b>



May 30, 2019

***Via Email***

Nicholas Cocchi, Sheriff  
Hampden County Sheriff's Department  
627 Randall Road  
Ludlow, MA 01056

Christopher Gelonese, C.F.O.  
Hampden County Sheriff's Department  
627 Randall Road  
Ludlow, MA 01056

Re: 2019 Community Mitigation Fund Specific Impact Application

Dear Sheriff Cocchi and Mr. Gelonese:

The Community Mitigation Fund Review Team ("Review Team") would like to thank you for the application and the Hampden County Sheriff's Department ("HCSD") staff for its participation in a conference call to discuss the application for community mitigation funds. The Review Team found the conference call to be very informative. As we discussed during the conference call, we are writing to ask the HCSD to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

1. If FY20 lease assistance was not available from the Commission or other sources, what funding gaps would the Sheriff's Department experience?
2. FY20 funding for item 8910-0102 is \$75,662M in the Governor's budget recommendations. What was your maintenance request?
  - a. Was the full amount of the lease included in this maintenance request?
  - b. How much of the lease is funded in the Governor's budget recommendation?
3. The Senate House Ways and Means Committee has determined a budget of \$73,841,801. What would happen if the Sheriff's Department did not get the full amount of this grant?

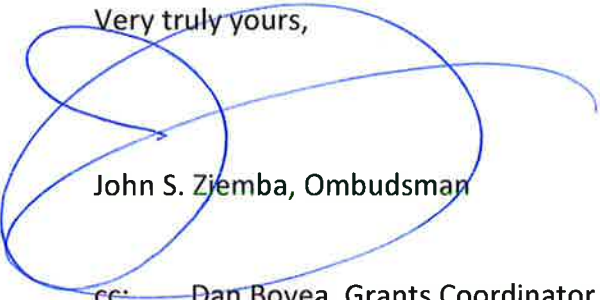


Massachusetts Gaming Commission

Nicholas Cocchi, Sheriff,  
Christopher Gelonese, C.F.O.  
Page 2

The Community Mitigation Fund Review Team would like to present to the Commission its recommendation at a June Commission meeting. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 12, 2019. We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Zjemba, Ombudsman

cc: Dan Boyea, Grants Coordinator  
Steve O'Neil, Public Information Officer  
MGC Commissioners  
Edward R. Bedrosian, Executive Director  
CMF Review Team



*The Commonwealth Of Massachusetts*  
*County Of Hampden*



NICHOLAS COCCHI  
SHERIFF

OFFICE OF THE  
SHERIFF



627 Randall Road  
Ludlow, Massachusetts  
01056-1085  
413-547-8000

June 12, 2019

RE: 2019 Community Mitigation Fund Specific Impact Application

Dear Massachusetts Gaming Commission,

I am writing to you as requested with the specific answers to the questions you sent me as part of our application. If you have any further questions please don't hesitate to contact me.

1. If the FY20 Lease Assistance was not available the immediate funding gap would be the \$400,000 that the lease assistance would provide. Because the Lease is paid from MMARS as an automatic payment I would need to reallocate funds from a different object class into GG so that we could properly set up the auto payment in MMARS for the year. I would then notify A&F of the change and outline the impact of not having the assistance.
2. My FY 2020 maintenance request was \$79,962,601.00. This request accounts for over six percent in mandated cost of living adjustments that have taken effect with the final 2% of that going into effect on July 1<sup>st</sup> 2019. Due to a delay in the bargaining process most all of the mandated cost of living adjustment did not take effect until our current fiscal year with retro-active pay being issued. In my maintenance request I only show a request of \$636,000 and outline for them the \$400,000 we are forecasting on receiving from the gaming commission. The amount of the lease that is funded by the Governor's budget recommendation is the \$636,000 that I requested.

On the next page is a snapshot from the GG Rent tab in my maintenance request.

please write the corresponding order number on each one

Lease Start	Lease End	Square Footage	FY19 Rate(s)	FY19 Total Cost	FY20 Rate(s)	FY20 Total Cost	Difference	Explanation for Difference
12/8/2016	12/7/2026	49,005	\$21.00	\$636,000.00	\$21.00	\$636,000.00	\$0.00	Annualization of Mill Street, started new 10 yr. lease. Total annual lease cost is \$1,036,000.00 per year but we are currently received \$400,000 per year from the Gaming Commission (MGM) for Mitigation Funds
							\$0.00	
							\$0.00	
							\$0.00	
							\$0.00	
							\$0.00	
							\$0.00	
							\$0.00	
							\$0.00	
			<b>G01 Total</b>	<b>\$636,000.00</b>		<b>\$636,000.00</b>	<b>\$0.00</b>	

3. As it has been the last few fiscal years when the final budget is signed into law a separate fund is established known to us as Sheriff’s Deficiency Funds. A&F will determine based on our maintenance request as well as the constant dialog I have with them what will be allocated to us from those funds to ensure we have full and proper funding for the fiscal year. If we do not receive the full amount of this grant I will immediately report this to A&F and adjust my forecasted deficiency immediately.

I would like to thank you in advance for your consideration and continued support of the Hampden County Sheriff’s Department.

Best Regards,



Christopher Gelonese  
 Chief Financial Officer  
 Hampden County Sheriff’s Department  
 627 Randall Road  
 Ludlow, Ma 01056  
 413-858-0117  
[Chris.gelonese@sdh.state.ma.us](mailto:Chris.gelonese@sdh.state.ma.us)



May 24, 2019

Sunny Schwartz, Executive Director  
Masshire Metro North Workforce Board  
186 Alewife Brook Parkway, Suite 216  
Cambridge, MA 02138

Chris Albrizio-Lee, Dir. of Strategic Programs  
Masshire Metro North Workforce Board  
186 Alewife Brook Parkway, Suite 216  
Cambridge, MA 02138

Re: 2019 Community Mitigation Fund – Workforce Development Application

Dear Ms. Schwartz and Mr. Albrizio-Lee:

Thank you for meeting with the Community Mitigation Fund Review Team (“Review Team”) recently. It was a pleasure discussing Masshire Metro North Workforce Board’s application for Community Mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask you for further information. Please provide us with answers to the questions below. In asking these questions, we are mindful of the details of your application and are requesting that you expand upon the information that was included in your application.

**2017 Workforce Development Pilot Program and 2018 Workforce Development Pilot Program:**

- 1) Please provide a brief update regarding all activities funded through the previous grants. In the response, please note the start date for such activities, major milestones and the expected end date of activities furnished under these grants. Please include a summary or chart that shows new activities and program elements proposed under the 2019 application versus the continuation of previously approved activities. Please provide an updated timetable for new activities (including major milestones and end dates). Additionally, please include any available reporting measures, including hiring data and numbers of individuals served.
- 2) Please provide any updates regarding the entities and communities that are participating in the 2017 and 2018 Workforce Development Programs, including but not limited to, the Career Casino Advisors program. In the response, please provide further information regarding challenges experienced during establishment of the Somerville culinary program and describe current and further plans for this program.

**2019 Workforce Development**

- 1) Please describe the rationale for changes in focus regarding skills training programs to less intensive workforce readiness activities.
- 2) Why were the gaming scholarships eliminated? Why do you anticipate a decrease in outputs from the NECAT program?



Massachusetts Gaming Commission

Sondra Schwartz, Executive Director  
Chris Albrizio-Lee, Director of Strategic  
May 24, 2019  
Page 2

- 3) Please provide more detail regarding the schedule of planned expenditures under the 2019 application.
  - a) Please include an estimate as to when all the funding will be expended for these programs.
  - b) Please describe the timeline for the procurement cycle for each program element in the 2019 application.
- 4) Describe your efforts to coordinate with the PIC. Please tell us how you might better leverage both efforts to result in higher impact for the region. Additionally, please provide information on the alternate entities that might be considered in place of La Comunidad and Chelsea Collaborative should both applications be funded.
- 5) Please describe exact services that would be provided by La Comunidad and Chelsea Collaborative to insure funding is not duplicative.
- 6) Please describe how you might plan to collaborate with the City of Boston.
- 7) Describe the role of the program management/fiscal administration staff and how the funding allocated for that individual will be utilized.
- 8) Are there any other matching funds that are not guaranteed? How could this impact the projected outputs?
- 9) Please provide more information regarding outcomes including the number of individuals placed with employers through MassHire's program.
- 10) Please further describe anticipated strategies to reach persons that are disconnected from the current workforce.

The Review Team would like to present to the Commission its recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by Friday, June 7, 2019.

We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns. We thank you for applying to the 2019 Community Mitigation Fund Program.

Sincerely,



Jill Griffin, Director of Workforce, Supplier  
and Diversity Development

cc: MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



Massachusetts Gaming Commission



# 19

# COMMUNITY MITIGATION FUND

## APPENDIX C

### *Specific Impact Grant Application*

**BD-19-1068-1068C-1068L-33629**

*Please complete entire Application*

1.	<b>NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT</b>
	City of Everett
2.	<b>NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
	Carlo DeMaria, Mayor
3.	<b>ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
	484 Broadway, Everett, MA 02149
4.	<b>PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
	617-394-2270 / mayorcarlo.demaria@ci.everett.ma.us
5.	<b>NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
	Steven Mazzie, Chief of Police
6.	<b>ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
	Police Headquarters, 45 Elm St., Everett, MA, 02149
7.	<b>PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
	617-394-2365 / steven.mazzie@cityofeverett.org
8.	<b>NAME OF GAMING LICENSEE</b>
	Encore Boston Harbor

**1. IMPACT DESCRIPTION**

**Please describe in detail the impact that is attributed to the construction or operation of a gaming facility. Please provide support for the determination that the construction or operation of the gaming facility caused or is causing the impact.**

The scheduled June, 2019 opening of the Encore Boston Harbor will impact the Everett Police Department in two primary ways for which we are seeking mitigation funding.

First, we anticipate that six current Everett Police Department officers will be transferred to the Gaming Enforcement Unit in the coming months. To plan for the impact on the EPD of the loss of these officers, we have sent new officers to the police academy at Northern Essex Community College for training and will use these officers, upon successful completion of the academy, to backfill the manpower shortage in the department caused by the transfer of our six current officers to the GEU. Because we anticipate transferring six current officers, we are requesting salary reimbursement for six new officers over the course of the academy.

Second, we anticipate that Encore Boston Harbor will seek an extension, from 2:00AM-4:00AM, of their liquor license for the gaming floor. If granted, this will increase the volume of traffic during these hours, and immediately after, that is exiting the casino area. To ensure that driving under the influence is not occurring, the EPD will need to increase patrols in this area.

**2. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested.**

\$232,088.90

**b) Please identify below the manner in which the funds are proposed to be used.**

\$182,088.90- These funds will be used to reimburse the EPD for the money that has been expended to pay the salary of each of the officers at the academy. The academy is 26 weeks long and is costing \$ 1,168.62 per week per officer for a total of \$ 30,384.12 per officer over the course of the 26 week training.

\$50,000- These funds would allow the EPD to put patrols out in the Lower Broadway area in 4-hour blocks, from late night to early morning. This would cost an average OT rate of \$50/hour, for \$200/patrol, on the nights that are anticipated to be the busiest-Thursday through Sunday. This would allow the EPD to do 4 patrols per week, with an additional doubled up patrol two nights per week.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction or operation of a proposed gaming establishment.**

Figures requested are based upon exact 26-week salary total for academy officers, and the EPD's current average hourly overtime rate for the late night/early morning patrols.

**d) Please describe how the mitigation request will address the specific impact indicated.**

The academy participant salary reimbursement mitigation will return funds expended due to the need to train new officers to backfill the positions of current officers who will transfer to the Gaming Enforcement Unit.

The late night/early morning peak days of week patrol mitigation will give the EPD the chance to prevent driving under the influence during the previously unanticipated hours (between 2:00AM-4:00AM, if the expanded license is approved) during which customers may leave the casino after consuming alcohol.



**3. CONNECTION TO GAMING FACILITY**

**Please provide specificity/evidence that the requested funds will be used to address issue or impacts directly related to the gaming facility.**

These funds address the need to train new officers due to the anticipated transfer of 6 officers to the GEU which will be housed at the gaming facility, and the potential change in service of alcohol on the gaming floor from until 2:00AM to until 4:00AM, which will necessitate a patrol of the area during peak days of the week near that time.

**4. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

The City's internal control structure regarding all grants have been designed to ensure compliance with the federal Office of Management and Budget circulars A-87 "Cost Principles for State, Local, and Indian Tribes", and A-102 "Grants and Cooperative Agreements with State and Local Governments" regardless if the grants are not federal. The control structure ensures all transactions are properly recorded and accounted for, and all transactions are executed in compliance with Laws, regulations, and the provisions of contracts and grant agreements. Some examples of these controls include, but are not limited to: The City's accounting system records all grants and the related grant activity in separate funds, and does not comingle grant activity between grants.

The City utilizes a requisition and purchase order system within the accounting system to ensure expenditures are sufficiently authorized for their intended purpose and adequate funding exists prior to procuring goods or services.

The City individual responsible for the management of the grant will be the only individual allowed to authorize expenditures to the grant, ensuring that only legitimate grant activity is charged to the grant. The City's accounting system automatically controls this process, which is then manually reviewed by the City Auditor's office during the payment processing.

Grant records maintained by the City individual responsible for the management of the grant will be reconciled with the City Auditor's office on a quarterly basis. Any discrepancies identified during this process will be researched and corrected within 15 days from the date identified.

**5. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS**

**Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.**

Our HCA was executed in 2013, and we did not know what the composition of the GEU would eventually be, in terms of number of EPD officers who would be transferred and create a need for new officers to be trained to backfill.

Similarly, at that time, we could not anticipate that there would be an opportunity to change the hour until which alcohol could be served on the gaming floor from 2:00AM to 4:00AM.

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

**On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.**

*Cal D. Maria*

January 30, 2019

**Signature of Responsible Municipal  
Official/Governmental Entity**

**Date**



# 19

# COMMUNITY MITIGATION FUND

## APPENDIX C

### *Specific Impact Grant Application*

**BD-19-1068-1068C-1068L-33629**

*Please complete entire Application*

1. NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT

**Hampden District Attorney's Office**

2. NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY

**District Attorney Anthony D. Gulluni**

3. ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY

**50 State Street, Springfield, MA 01103**

4. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY

**413-747-1000 a.gulluni@state.ma.us**

5. NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY

**Joan O'Brien CFO/Director of Operations**

6. ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY

**50 State Street, Springfield, MA 01103**

7. PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY

**413-505-5671 joan.obrien@state.ma.us**

8. NAME OF GAMING LICENSEE

**1. IMPACT DESCRIPTION**

Please describe in detail the impact that is attributed to the construction or operation of a gaming facility. Please provide support for the determination that the construction or operation of the gaming facility caused or is causing the impact.

Since the opening of MGM Springfield, there has been a substantial increase in activity in the downtown area. While this impact is mostly positive it does not come without some public safety issues. There has been a notable amount of arrests attributable to the gaming enforcement units which have in turn added to the workload in the District Attorney's office. We maintain that the influx of people into the area for casino-related activities also indirectly impacts our office through additional prosecutions throughout the County.

**2. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested.**

The Hampden District Attorney's Office is requesting funding in the amount of \$100,000.00.

**b) Please identify below the manner in which the funds are proposed to be used.**

The proposed funding will be used for personnel to mitigate the additional burdens in caseloads that are created directly and indirectly by the influx of people into the downtown area due to the casino. In Springfield District Court, every criminal matter associated with the casino goes through the administrative process within the District Attorney's Office. Administrative assistants must create files, manage them in the office database and continue to index the case as it progresses to its conclusion. Additionally, a victim witness advocate handles initial victim outreach on all victim related cases and follows through with transferring documentation to the subsequent advocate who will handle the matter to its conclusion. An ADA often assists in the day-to-day handling of arraignments and other matters related to casino matters. The indirect impact can be felt as a result of additional matters that are prosecuted throughout the County that add to the office caseloads.

Per agreement with the Attorney General's Office, more serious matters are screened by this office and will likely be prosecuted by this office as well. This places an additional burden on our Superior Court Assistant District Attorney, advocates and staff.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction or operation of a proposed gaming establishment.**

The statistics indicate that as of January 31, 2019, 255 cases have come into the court system that are directly attributable to the casino. The Community Mitigation funds will be used for personnel costs associated with the handling of these additional casino cases.

**d) Please describe how the mitigation request will address the specific impact indicated.**

The funding will directly ease the financial burden imposed by the increased caseload. Each case represents additional casework that must be managed through our system by administrative personnel. A victim witness advocate handles initial victim outreach on all cases involving a victim.

**3. CONNECTION TO GAMING FACILITY**

**Please provide specificity/evidence that the requested funds will be used to address issue or impacts directly related to the gaming facility.**

The funds will be used specifically to mitigate the cost of our personnel who are handling casino related cases.

**4. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

All funds are subject to current financial controls and existing personnel policy manual procedures under which this office operates.

**5. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS**

Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.

The legislature anticipated the impact on public safety of the Expanded Gaming Act by including specifically and by name the office of the local district attorney in establishing the Community Mitigation Fund. Massachusetts General Laws Chapter 23K Sec., 61(b) reads in pertinent part: "The commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to...public safety, including the office of the county district attorney, police, fire and emergency services."

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.

District Attorney Anthony Gulluni

2/1/19

Signature of Responsible Municipal  
Official/Governmental Entity

Date





# 19

## COMMUNITY MITIGATION FUND

### APPENDIX C

***Specific Impact Grant Application***  
**BD-19-1068-1068C-1068L-33629**

***Please complete entire Application***

<b>1.</b>	Hampden County Sheriff's Department (HCSD), Ludlow MA
	<b>NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT</b>
<b>2.</b>	Nicholas Cocchi, Sheriff, Hampden County MA
	<b>NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
<b>3.</b>	627 Randall Road, Ludlow MA 01056
	<b>ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
<b>4.</b>	413-858-0101, nick.cocchi@sdh.state.ma.us
	<b>PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
<b>5.</b>	Christopher Gelonese, Chief Financial Officer, HCSD
	<b>NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
<b>6.</b>	627 Randall Road, Ludlow MA 01056
	<b>ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
<b>7.</b>	413-858-0117, chris.gelonese@sdh.state.ma.us
	<b>PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
<b>8.</b>	MGM Springfield
	<b>NAME OF GAMING LICENSEE</b>

**1. IMPACT DESCRIPTION**

**Please describe in detail the impact that is attributed to the construction or operation of a gaming facility. Please provide support for the determination that the construction or operation of the gaming facility caused or is causing the impact.**

The Western Massachusetts Correctional Alcohol Center, now known as the Western Massachusetts Recovery & Wellness Center, a regional correctional treatment center in the Commonwealth, operated by the Hampden County Sheriff's Department (HCSO) was forced to move after 29 years of operation at 26 Howard Street in Springfield due to this facility being within the physical footprint of the casino.

**2. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested.**

The lease assistance is requested for fiscal year 2020 in the amount of \$400,000.

**b) Please identify below the manner in which the funds are proposed to be used.**

This application is being submitted as per the 2019 Community Mitigation Fund BD-19-1068-1068C-1068L-33629 on pages 8-9. The Specific Impact Grant states "in 2016 the Commission awarded the Hampden County Sheriff's Department (HCSO) funds to offset increased rent for the Western Massachusetts Correctional Alcohol Center". HCSO worked with the MA Division of Capital Asset Management and Maintenance to develop an RFP which was sent out to bid. The new accepted bid sited the facility to 155 Mill Street, Springfield MA. Our original rent at the Howard Street Location (now in the heart of the casino campus) was \$666,276 including utilities. The lower than market rate was due to the length of tenant stay at the original site (29 years). The current HCSO budget does not reflect this increase.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction or operation of a proposed gaming establishment.**

Attached to this application is the FY2020 lease payment schedule and the ten year lease agreement between the Division of Capital Asset Management and Maintenance (DCAMM) and Mill Street Iconic, LLC

**d) Please describe how the mitigation request will address the specific impact indicated.**

The requested \$400,000 for fiscal year 2020 will be used to offset the increase in annual lease to the Western Massachusetts Recovery & Wellness Center.

**3. CONNECTION TO GAMING FACILITY**

**Please provide specificity/evidence that the requested funds will be used to address issue or impacts directly related to the gaming facility.**

The requested \$400,000 for fiscal year 2020 will be used to supplement funding to pay for the facility lease at 155 Mill Street, Springfield, MA. This relocation occurred due to the original facility located on Howard Street, Springfield MA being located within the MGM Springfield blueprint.

**4. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

HCSD will submit quarterly expenditure reports unless earlier reporting is specified by the Massachusetts Gaming Commission. HCSD will strive to meet whatever documentation is required.

**5. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS**

**Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.**

The host agreement, signed on April 30, 2013 between the City of Springfield and Blue Tarp Development LLC, addresses displaced tenants in section J. "The developer will pay displaced tenants at the project site that agree to locate within the city"

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

**On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.**



1/28/2019

**Signature of Responsible Municipal  
Official/Governmental Entity**

**Date**



## THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

*HOME OF THE BASKETBALL HALL OF FAME*

January 28, 2019

John Ziembra, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

Dear Attorney Ziembra:

As Mayor of the host city for the MGM Springfield Casino, I am writing in full support of the application of Sheriff Nicholas Cocchi on behalf of the Hampden County Sheriff's Department (HCSD) for mitigation funding.

The Western Massachusetts Correctional Alcohol Center was in the footprint of the casino and was displaced, forcing relocation to a permanent address of 155 Mill Street in the city. With the new facility, the name was updated to become the Western Massachusetts Recovery and Wellness Center (WMRWC). The name change reflects the evolved mission of WMRWC as they treat offenders with various substance use disorder related issues. HCSD uses an integrated model of education, treatment, and recovery to address these addictions. This program is highly respected throughout the Commonwealth of Massachusetts.

As Mayor of this great city, I have personally seen the benefit we receive from the community service restitution program that the residents of WMRWC engage with as part of their rehabilitation. Furthermore, this program continues to be a tool for fighting crime in our community. No other forced move due to the casino creation threatened such a vital public service, which is performed at WMRWC.

It is my opinion that Sheriff Nick Cocchi's application requesting \$400,000 for fiscal year 2019 and \$400,000 for fiscal year 2020 for mitigation is warranted and needed. I am pleased to see the Massachusetts Gaming Commission Local Community Mitigation Advisory Committee agreed to allow HCSD to apply for both fiscal years and we fully support the endeavor to support the lease assistance of WMRWC. Thank you for your time and attention on this matter.

Respectfully,

  
Domenic Sarno  
Mayor



# MGM SPRINGFIELD

~~February 22, 2015~~

By Email (John.s.ziemba@state.ma.us)

John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

Re: 2015 Community Mitigation Fund Application of the Hampden County Sheriff

Dear Mr. Ziemba:

Please accept this letter in response to your request that Blue Tarp reDevelopment, LLC ("MGM") review and comment on the Hampden County Sheriff's application for a grant in the amount of \$4 million to reduce the rent obligation in connection with the Sheriff's relocation of the Western Massachusetts Correctional Alcohol Center (WMCAC), which is presently located on MGM's project site and must relocate (the "Sheriff's Application").

~~MGM fully supports the Sheriff's Application.~~ As the Sheriff has indicated, the WMCAC is a very important program which has been widely recognized as a model correctional substance abuse treatment center over its nearly three decades of operations. Sheriff Ashe rightly deserves praise for his efforts and success with this program.

As you are aware, MGM has been working very closely with the Sheriff's Department, DCAMM and the Commission to address the relocation of the WMCAC. Though not required under the Host Community Agreement with the City of Springfield, MGM has spent significant time, resources and money, including direct payments of nearly \$600,000, in an effort to preserve the Sheriff's preferred relocation site. It is crucial to our ability to stay on time and on budget that the Sheriff vacate the premises at 26 Howard Street to allow us to commence remediation and demolition preparation in April.

It is our understanding that because (i) the Sheriff's rent for the WMCAC facility at 26 Howard Street has been well below market for years based on longstanding support of the prior landlord and (ii) any new location will require costly improvements associated with the modern security and surveillance requirements of a correctional facility, the Sheriff will likely face an annual rent increase (inclusive of utilities cost) in excess of \$1 million annually. MGM understands that this presents a challenge for the Sheriff and the Commonwealth. The Sheriff is effectively requesting \$500,000 per year to offset this rent increase, either in the form of an upfront grant or a continuing ten year annual grant to be repaid at the end of the ten years. His request is reasonable and understandable. MGM supports this request.

MGM's full support of the Sheriff's Application notwithstanding, I must address the repeated statement made in the Sheriff's Application that it would be "grossly unfair and unacceptable" for the WMCAC "to be put out of existence to make room for a casino, without appropriate

MGM Springfield Community Office  
1441 Main Street Suite 137  
Springfield, MA 01103  
413-735-3000

mitigation." Of course, no one is suggesting that the WMCAC should be put out of existence. MGM has long recognized the importance of the WMCAC and, as a result, has worked tirelessly with the Sheriff and the Commonwealth to assist the Commonwealth in addressing its need to relocate this state facility to allow MGM's state-licensed casino development to timely open and accomplish the legislative objective of generating thousands of jobs, spin-off economic development and millions in tax revenues for the citizens of the Commonwealth. The Commonwealth, through the Legislature and the voters, has overwhelmingly endorsed and supported casino gaming as an economic development engine and form of entertainment appropriate and desirable in Massachusetts. Any implication that, because MGM's project involves casino gaming, the analysis surrounding the relocation of the WMCAC and the need for mitigation funding should be any different is misplaced.

Thank you for the opportunity to review and comment upon the above-referenced application. Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



Michael Mathis  
President

cc Rick Day, Executive Director, Massachusetts Gaming Commission (by email)  
Michael J. Ashe, Jr., Hampden County Sheriff (by mail)

department	SDH
legal_name	MILL STREET ICONIC, LLC
doc_identifier	MILLSTREETICONICLAJS

Sum of encumb_open amount				
budget_fiscal_year	service_from_date	service_to_date	Total	
2020	01-Jul-19	30-Nov-19	\$ 444,337.50	\$ 88,867.50 per month (5)
	01-Dec-19	31-Dec-19	\$ 90,243.49	\$ 90,243.49 per month (1)
	01-Jan-20	30-Jun-20	\$ 543,868.98	\$ 90,644.83 per month (6)
2020 Total			\$ 1,078,449.97	
Grand Total			\$ 1,078,449.97	



**THIS OFFICIAL FORM MUST NOT BE ALTERED.  
ALL MODIFICATIONS MUST BE MADE BY SEPARATE RIDER.**

**COMMONWEALTH OF MASSACHUSETTS  
OFFICE LEASE**

**1. SUBJECT MATTER AND TABLE OF CONTENTS**

**1.1 Subject Matter**

Each of the references in this Lease to any of the following subjects incorporates the data stated for that subject in this § 1.1 and, unless defined elsewhere in this Lease, constitutes the definition of the listed subject.

**DATE OF LEASE:**

**LANDLORD:** Mill Street Iconic, LLC

**ADDRESS OF LANDLORD:** 118-35 Queens Blvd, suite 400  
Forest Hills, New York 11375

**LANDLORD'S REPRESENTATIVE:** Name: Jeremie Lederer  
Address: Mill Street Iconic, LLC  
118-35 Queens Blvd, suite 400  
Forest Hills, New York 11375  
and/or such other persons as Landlord  
designates from time-to-time

**TENANT:** The Commonwealth of Massachusetts acting by  
and through the Commissioner of its Division of  
Capital Asset Management and Maintenance  
(DCAMM) of the Executive Office for  
Administration and Finance on behalf of the  
User Agency, Hampden County Sheriff's  
Department

**ADDRESS OF TENANT:** Division of Capital Asset Management and  
Maintenance  
One Ashburton Place, 15th Floor  
Boston, Massachusetts 02108-1518

TENANT'S REPRESENTATIVE: Name: Martha Goldsmith, Director  
DCAMM, Office of Leasing  
Address: One Ashburton Place, Room 1411  
Boston, Massachusetts 02108  
and/or such other persons as Tenant designates from time-to-time, as set forth in § 4.4

USER AGENCY: Hampden County Sheriff's Department

ADDRESS OF USER AGENCY: 627 Randall Road  
Ludlow, Massachusetts, 01056

USER AGENCY'S REPRESENTATIVE: Name: William Christofori  
Address: 627 Randall Road  
Ludlow, Massachusetts, 01056  
and/or such other persons as User Agency designates from time-to-time, as set forth in § 4.4

BUILDING (ADDRESS): 155 Mill Street  
Springfield, Massachusetts 01108

PREMISES: Floor(s): Entire Building  
within the Building as shown in Exhibit A, together with all of the Landlord's Improvements (as defined in § 4.1) made within the Premises pursuant to the provisions of this Lease.

USABLE AREA OF PREMISES: Program Space: 49,005 square feet

RESERVED PARKING SPACES: Number: 38  
Location: On premises

PERMITTED USES: Subject to the provisions of § 6.1, Tenant must use the Premises for the following purposes:  
Residential Correctional Facility, Classrooms and Associated Administrative Offices

TERM: The Term begins on the Date of Occupancy, as defined in § 3.2, at 12:01 a.m., and continues until 11:59 p.m. of the date immediately preceding the tenth anniversary of the Date of Occupancy.

---

"Term" includes the Term, unless otherwise expressly stated. "Expiration Date" means the last day of the Term, and includes any effective date of termination of this Lease, unless otherwise indicated.

**BUSINESS DAY:**

Unless otherwise provided by this Lease, "business day" means any day other than Saturday, Sunday, or a designated holiday of the Commonwealth of Massachusetts on which the offices of the Commonwealth of Massachusetts are closed, whether throughout the Commonwealth of Massachusetts or only in Suffolk County.

**BASE RENT FOR TERM:**

**Year One:**           **\$1,025,000.00** per year in monthly installments of \$ 85,416.67  
\$       **20.92** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

**Year Two:**           **\$1,045,000.00** per year in monthly installments of \$ 87,083.33  
\$       **21.32** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

**Year Three:**       **\$1,066,410.00** per year in monthly installments of \$ 88,867.50  
\$       **21.76** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

**Year Four:**       **\$1,087,738.00** per year in monthly installments of \$ 90,644.83  
\$       **22.20** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

**Year Five:**       **\$1,109,493.00** per year in monthly installments of \$ 92,457.75  
\$       **22.64** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

**Year Six:**       **\$1,131,683.00** per year in monthly installments of \$ 94,306.92  
\$       **23.09** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

**Year Seven:**      **\$1,154,316.00** per year in monthly installments of \$ 96,193.00  
\$       **23.56** per square foot for office space  
\$       **N/A** per square foot for storage space  
\$       **0.00** per parking space per year

Year Eight: \$1,154,316.00 per year in monthly installments of \$ 96,193.00  
\$ 23.56 per square foot for office space  
\$ N/A per square foot for storage space  
\$ 0.00 per parking space per year

Year Nine: \$1,154,316.00 per year in monthly installments of \$ 96,193.00  
\$ 23.56 per square foot for office space  
\$ N/A per square foot for storage space  
\$ 0.00 per parking space per year

Year Ten: \$1,154,316.00 per year in monthly installments of \$ 96,193.00  
\$ 23.56 per square foot for office space  
\$ N/A per square foot for storage space  
\$ 0.00 per parking space per year

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Landlord and Tenant have executed multiple counterparts of this document, under seal in accordance with the laws of the Commonwealth of Massachusetts, Tenant having done so by the Commissioner of the Division of Capital Asset Management and Maintenance, who was joined by an authorized representative of the User Agency as an adjunctive signatory, neither of whom incurs any personal liability as a result of such signature.

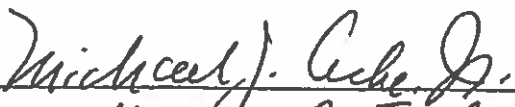
**LANDLORD: MILL STREET ICONIC, LLC**

By:   
Printed Name: JEREMIE LEDERER  
Title: MANAGER

**TENANT: COMMONWEALTH OF MASSACHUSETTS ACTING BY AND THROUGH THE COMMISSIONER OF ITS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE**

By: \_\_\_\_\_  
Carol W. Gladstone, Commissioner, who certifies, under penalties of perjury, that she has fully complied with the advertising requirements of G. L. c. 7C, § 36, in connection with the property described in this document.

**USER AGENCY: HAMPDEN COUNTY SHERIFF'S DEPARTMENT**

By:   
Printed Name: Michael J. Ashe, Jr.  
Title: Sheriff, Hampden Co

Approved as to Matters of Form:

\_\_\_\_\_  
Peter A. Wilson, Deputy General Counsel  
Division of Capital Asset Management and Maintenance

RIDER TO LEASE

DATE OF LEASE:

LANDLORD: Mill Street Iconic, LLC

TENANT: The Commonwealth of Massachusetts acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance (DCAMM) of the Executive Office for Administration and Finance on behalf of the User Agency, HAMPDEN COUNTY SHERIFF'S DEPARTMENT.

BUILDING (ADDRESS): 155 Mill Street, Springfield, Massachusetts 01108

PREMISES: 155 Mill Street, Springfield, Grade level plus three floors within the Building as shown in Exhibits A , together with all of the Landlord's Improvements (as defined in § 4.1) made within the Premises pursuant to the provisions of this Lease.

Modify this Lease as follows:

1. Any references in this Lease to Exhibit A-1 Landlord's Measured Drawings of the Premises and Exhibit B Schematic Space Plan are inapplicable.
2. Substitute the following for §§ 2.2 (a) and 2.2 (b): "For the purpose of this Lease "Usable Area" means The Entire Building."
3. In § 4.1, substitute "Exhibit A: "for "the Schematic Space Plan attached as Exhibit B."
4. In § 4.2 (e), substitute "Exhibit A" for each reference to Exhibit B.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Landlord and Tenant have executed multiple counterparts of this document, under seal in accordance with the laws of the Commonwealth of Massachusetts, Tenant having done so by the Commissioner of the Division of Capital Asset Management and Maintenance, who was joined by an authorized representative of the User Agency as an adjunctive signatory, neither of whom incurs any personal liability as a result of such signature.

**LANDLORD: MILL STREET ICONIC, LLC**

By: 

Printed Name: JEREMIE LEDERER

Title: MANAGER

**TENANT: COMMONWEALTH OF MASSACHUSETTS ACTING BY AND THROUGH THE COMMISSIONER OF ITS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE**

By: Carol W. Gladstone, Commissioner, who certifies, under penalties of perjury, that she has fully complied with the advertising requirements of G. L. c. 7C, § 36, in connection with the property described in this document.

**USER AGENCY: HAMPDEN COUNTY SHERIFF'S DEPARTMENT**

By: 

Printed Name: MICHAEL J. ASHE, JR.

Title: Sheriff, Hampden Co.

Approved as to Matters of Form:

Peter A. Wilson, Deputy General Counsel  
Division of Capital Asset Management and Maintenance

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE  
DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE  
OFFICE OF LEASING AND STATE OFFICE PLANNING

**CERTIFICATE OF COMPLIANCE WITH EXECUTIVE ORDER NO. 481**

Pursuant to Executive Order No. 481, JEREMIE LEDERER,  
(name(s) of person(s) who signed the document to which this Certificate is  
attached for Landlord, Licensor, Mortgagee, or Prospective Lender)  
MANAGER of MILL STREET ICONIC LLC (Contractor),  
(title(s) of person(s) who signed the document  
to which this Certificate is attached for Landlord,  
Licensor, Mortgagee, or Prospective Lender) (name of Landlord, Licensor, Mortgagee, or Prospective Lender  
named in the document to which this Certificate is attached)

whose principal place of business is located at 118-35 Queens Blvd, suite 400  
Forest Hills, New York, 11375

(address of principal place of business of Landlord, Licensor, Mortgagee or  
Prospective Lender named in the document to which this Certificate is attached)

certifies, as a condition of receiving Commonwealth funds under (a) the lease or (b) the short-term  
tenancy agreement or (c) the license or (d) the amendment or (e) the subordination, non-disturbance, and  
attornment agreement or (f) the change-of-ownership documents to which this Certificate is attached (this  
Contract) for the premises located at 155 Mill Street, Springfield, Massachusetts, 01108  
(address of the premises as stated in  
10 Year Lease that:  
the document to which this Certificate is attached)

1. The following provisions of this certification are ancillary to this Contract and will be and are binding upon Contractor as if literally included among the provisions of this Contract, as it may be amended from time-to-time.
2. Contractor must not and will not knowingly use undocumented workers in connection with Contractor's performance under this Contract.
3. Pursuant to federal requirements, Contractor must and will verify the immigration status of all workers assigned to Contractor's performance under this Contract without engaging in unlawful discrimination, and Contractor must not and will not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker.
4. Contractor is aware that any breach of item 2, item 3, or both item 2 and item 3 during the term of this Contract may be regarded as a material breach of this Contract, subjecting Contractor to sanctions, including by way of example only and not limitation, monetary penalties, withholding of Commonwealth funds and other payments, suspension or termination of this Contract or both, and any other remedy available to Tenant or Licensee under this Contract, at law, or in equity.

Signed under the penalties of perjury on Jan 22, 2016.

[Signature]  
(signature(s) of person(s) whose name(s) and  
title(s) appear at the beginning of this Certificate)



# 19

## COMMUNITY MITIGATION FUND

### APPENDIX C

### *Specific Impact Grant Application* BD-19-1068-1068C-1068L-33629

*Please complete entire Application*

1.	<u>City of Springfield, Massachusetts</u> <b>NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT</b>
2.	<u>Office of Administration and Finance</u> <b>NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
3.	<u>Timothy J. Plante, Chief Administrative &amp; Finance Officer</u> <b>ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
4.	<u>36 Court Street, Springfield, Massachusetts</u> <b>PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
5.	<u>413-736-3111    tplante@springfieldcityhall.com</u> <b>NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
6.	<u>36 Court Street, Springfield, Massachusetts</u> <b>ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
7.	<u>413-736-3111    msarno@springfieldcityhall.com</u> <b>PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
8.	<u>Blue Tarp Redevelopment, LLC</u> <b>NAME OF GAMING LICENSEE</b>

**1. IMPACT DESCRIPTION**

Please describe in detail the impact that is attributed to the construction or operation of a gaming facility. Please provide support for the determination that the construction or operation of the gaming facility caused or is causing the impact.

**2019 SPECIFIC IMPACT GRANT APPLICATION**

**BD-19-1068-1068C-1068L-33629**

**Page 3 of 10**

The purpose of this application is 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.

As further described below, likely no later than September 30, 2019 (the lease expiration date) Focus will be obligated to move from its current studio location, as a result of the acquisition of the property in which the studio currently resides by MGM. Focus, or another public access studio, will require at least a six (6) month lead time to commence construction in contemplation of the aforementioned date.

As a result of the aforesaid, the City of Springfield has identified another location to relocate the Studio, in the Springfield Technology Park, located adjacent to Springfield Technical Community College, in the Technology Park operated by the STCC Assistance Corporation ("STCC"), an eligible public entity. Replacing the Studio will require relocation of the offices, equipment, and all other property of the Studio. Relocation of the Studio will require substantial construction and build out of the new facility. The City, through Focus Springfield, and STCC are in the process of negotiating definitive lease terms.

As a result of the lease expiration as described above, the City will lose its current community public access studio currently operated by Focus. While Focus is the current operator of the City's community studio, that could change over time. But in any event, the City requires a replacement studio as has thus identified the STCC Location. Mitigation funds would be utilized by STCC to construct the replacement City of Springfield community public access studio to be leased to Focus, or another community public access studio designated by the City.

Further history regarding the current studio location is provided below by way of background. In addition, information regarding Focus is provided below such that the Commission can understand the breadth of community public access work that is ongoing in the City of Springfield.

Focus operates a public access television and performing arts studio, training facility, and business office located at 1200 Main Street, Springfield, Massachusetts. The television studio (the "Studio") is maintained by a non-profit, 501(c)(3) known as Focus Springfield, Inc. Even though Focus Springfield is a 501(c)(3) the



**2019 SPECIFIC IMPACT GRANT APPLICATION**

**BD-19-1068-1068C-1068L-33629**

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Studio is designated by the city for the benefit of the City residents, as well as all persons who work or attend school in the city.

The building at this location was purchased in late 2015 by Blue Tarp Redevelopment, LLC ("MGM") and now comprises the northwestern most corner of the MGM footprint. The sale was made public in 2015, but it was months later before Focus was informed of MGM's intention to utilize the space. On November 18, 2016, Focus received notice from counsel for MGM that the Lease would be terminated in accordance with the terms of the Lease such that the space could be utilized by MGM. Focus lacks sufficient funding to replicate the studio in another location, and is thus seeking a Community Mitigation Fund grant to assist in that effort.

The Direct Impact of the casino on the community is perhaps best illustrated by a brief review of the history of the studio and the role it plays in the daily life of city residents and business.

Mayor Sarno selected the studio location a few months prior to the 2011 enactment of the Expanded Gaming Act. His charge to Focus was to "Light up that corner," in the hope that bringing vitality to the area would be a catalyst for economic development. Focus signed a ten (10) year lease for the property in 2012. Construction began shortly thereafter, with one of the first steps being the installation of colorful LED lighting in the fifteen (15) foot high plate glass windows wrapping around the corner. Construction was well underway when MGM was awarded the Casino license.

On the strength of a ten (10) year lease, Focus invested over \$800,000 in construction and \$200,000 in equipment. The Focus studio opened to the public in 2014.

MISSION. Focus was created by the City to stimulate economic development by putting the "focus" on the positive aspects of living, learning and working in Springfield, thereby countering the often negative media reports about the City. It has three 'legs' to carry out this mission: Performance, Education and Government.

PERFORMANCE. Operating from their 6,500 square foot facility, Focus produces broadcasts featuring local and regional musicians, singers, dancers, talent shows, poets, etc. The Focus staff brings their equipment out of the studio to record and broadcast cultural events like the Stone Soul Festival and the Jazz Roots Festival. These two events feature regional and national artists, bringing together thousands of participants from throughout the region. These events, and others like them are available on cable TV in Springfield, but

are viewed outside of the city via the LiveStream internet service. They are also archived on the Focus YouTube channel for later viewing.

Focus supports the arts and culture through collaborations with organizations like the Springfield Central Cultural District, for whom they produced a 'video tour,' whereby visitors to the city are provided with a map and an app for their phone; when a visitor stops outside of an historic or significant building, clicking on the app provides a brief video clip on the building's history. Another collaboration is with the Community Music School, a non-profit, Springfield based organization providing musical instruction to young people from throughout the region. Focus partners with the School to broadcast concerts by students and faculty. Focus has partnered with the School, the Martin Luther King Family Center and other civic organizations to help produce the MLK Day Celebration, a family focused event featuring musical, dance, and spoken word performances by local school children, and addresses from community leaders. Yet another non-profit partner is the Maker Space in Downtown. Sponsored by state's Mass Development agency and the University of Massachusetts, the Space provides low or no-cost instruction in diverse activities, like bike repair, yoga, dance, 'green screen' video production, painting, jewelry making, and more. Focus has recorded and broadcast several events held at the Maker Space since its inception two years ago.

GOVERNMENT. Focus provides residents with a variety of government oriented programming providing information and insight on matters affecting their community. On a bi-weekly basis, Focus produces live broadcasts of City Council and School Committee meetings, maintaining an archive on the Focus website for later viewing.

The "Government Matters" program is a popular 30-minute production that gives viewers a look into the public policies and the policy makers that impact their lives. In 2017, guests included Congressman Richard Neal, State Auditor Suzanne Bump, Economic Development Secretary Jay Ashe, Mayor Domenic Sarno, and state Senators Eric Lessor and James Welch, among others.

In 2017, Focus collaborated with the Springfield Election Commission to produce "Candidate Profiles," an innovative project designed to increase voter participation in local elections. Focus brought 32 candidates for City Council into the studio to record a Candidate Profile, where each candidate was given a professionally produced 3 to 5-minute clip to present themselves to the viewers. These profiles were broadcast on cable TV, and each candidate was able to place a copy of their profile on their Facebook page.

Focus provides coverage of regional events as well. In 2017, Focus

broadcast the State of the Region conference, which brought together 4 Members of Congress from Connecticut and Massachusetts, Connecticut Governor Daniel Malloy, and transportation officials from both states to discuss the importance of rail transportation between and within the two states, with members of both states' business communities in the audience.

In November, 2017, Focus broadcast the Opioid Prevention Conference at Baystate Hospital, featuring medical experts from throughout New England exchanging views on preventing opioid addiction

One of the most widely viewed government productions was the debate among the 6 candidates running for the office of Sheriff of Hampden County. This event was broadcast locally, and LiveStreamed over the internet. Focus was the only media outlet to produce a debate for this office.

ECONOMIC DEVELOPMENT. A key part of the Focus mission is to support the City's economic development efforts. Focus routinely covers business related events in the city such as the opening of the new CRCC manufacturing plant that is building subway cars for the MBTA, and the MGM Casino, as well as smaller business like restaurants, boutiques, etc.

Focus collaborates with the City's Economic Development Office to broadcast (live) and record its Annual Updates for business and community leaders, and works with the Springfield chamber of Commerce and the region's Economic Development Council.

DIRECT CASINO SUPPORT. As part of its economic development mission, in 2018 Focus undertook 3 specific projects to assist the Springfield Police Department (SPD) in providing security of Casino operations in the city, at no cost to the Casino or the Police Department:

-At the request of the Mass State Police and the SPD, Focus installed 6 license-plate reading video surveillance cameras in strategic locations on the Casino perimeter. These cameras are connected to the city I-Net and to the State Police.

-Focus installed 4 video camera for the SPD on private buildings adjacent to the Casino prior to the Casino opening in August of 2018.

-In early 2018, Focus connected the new Chestnut Street Police Substation one block from the casino to the I-Net fiber optic network. In addition, Focus connected the three newly constructed Police kiosks at key locations in the city. These new facilities were built increase police presence in light of the influx of visitors attending the Casino.

**2019 SPECIFIC IMPACT GRANT APPLICATION**

**BD-19-1068-1068C-1068L-33629**

**Page 7 of 10**

In a non-security related matter, Focus donated the production of Public Service Announcements in Spanish and English, whereby MGM executives urged Springfield residents to apply for jobs at the Casino. Focus broadcast these messages on its television channel, over the internet and provided them to commercial televisions stations in the city.

MUNICIPAL SERVICES. In addition to video production services, Focus (and its predecessor agency, SMTG-Springfield Media and Telecommunications Group) provides direct services to City agencies at no cost to the City. Focus has built, and maintains, over 12 miles of fiber optic network that transmits data and voice communications between all municipal buildings. This network supports the Police Department's ShotSpotter gunshot detection system (purchased by SMTG) a video camera network used by Police and Public Works department, and a radio transmission tower providing communications for local and regional law enforcement, fire, public transportation and ambulance services.

EDUCATION. The Focus studio provides monthly updates from the Springfield Superintendent of Schools and other education leaders, where they discuss the challenges and successes in the public schools. Annually, Focus broadcasts the Teacher Convocation to all local schools. Prior to Focus, the City would bus its 5,000 teachers to the MassMutual Center to attend the convocation. Instead, convocation is now attended in person by two hundred teachers, while the remaining teachers travel to their schools to view the convocation over the Focus fiber network, a savings of thousands of dollars that would have been spent on buses and rental of the MassMutual Center.

Practical announcements for parents about school activities—lunch menus, school cancellations, changes to bus routes, emergency announcements, special events updates, etc., are broadcast daily throughout the school year. A variety of local and syndicated educational programming is also broadcast on a daily.

Since 2014, Focus has taught 93 community residents how to produce videos that tell their stories about life in the city. Many of these videos are broadcast on Ch. 12. Focus has also provided for-credit internships to students from nine colleges located throughout New England and five Springfield public schools. Focus collaborates with Springfield Technical Community College administrators and faculty to highlight activities at the school.

Focus is a unique and valuable resource for the City and its residents. The impact brought about by this eviction presents a

significant hardship for viewers in the 40,000 cable TV households and businesses of Springfield, who rely on Focus to stay informed about what is happening in their local community. As discussed above, on a daily basis, City agencies like the School Department, Health Department, Police Department, Economic Development Department, and others rely on Focus to provide timely, and often critical, information to City residents.

**2. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested.**

The City request funds in the total amount of \$555,925.00.

**b) Please identify below the manner in which the funds are proposed to be used.**

The City proposes to mitigate the casino impact by building a suitable replacement of the current facility. The City, through Focus Springfield's discussions with STCC estimates the studio construction costs at over \$1,155,925.00 to build and move and install studio production equipment at STCC. After exhaustion of any other available funds the City has identified a \$555,925.00 shortfall, which is the basis for the mitigation grant request.

Please see the description of the new proposed facility in the above response to Question #1 hereof. Construction of the current studio costed approximately \$1.2 million in 2014. Broadcasting and related equipment that have been purchased for the Studio are valued at approximately \$200,000.00. Cameras, furniture, and computers can be moved to a new location. However, lighting mounts, sound attenuation, and other studio specific construction will have to be rebuilt on site, which will cost over \$150,000. Notwithstanding the foregoing, mitigation funds would only be used for permanent improvements at the STCC site.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction or operation of a proposed gaming establishment.**

Focus has procured estimates that design, construction, moving costs, legal fees, and acquisition of requisite permits will cost approximately \$1,155,925.00. The budget for the aforesaid would include funds provided by MGM by virtue of a \$300,000.00 termination fee paid by MGM to Focus Springfield. The aforesaid, following support from any other applicable funding sources, will result in a budget shortfall of \$555,925.00. As a result, this application is to request mitigation funds in the amount of \$555,925.00, which funds will be utilized to alleviate and close the budget shortfall for the aforesaid purposes.

**d) Please describe how the mitigation request will address the specific impact indicated.**

The abovementioned estimates in Question #2 will result in a budget shortfall of \$555,925.00 for construction by STCC of the Community access studio. As a result, this application is to request mitigation funds in the amount of \$555,925.00, which funds will be utilized to alleviate and close the budget shortfall for the aforesaid purposes and address the specific impact.

### **3. CONNECTION TO GAMING FACILITY**

**Please provide specificity/evidence that the requested funds will be used to address issue or impacts directly related to the gaming facility.**

The requested funds will be used by STCC to for construction by STCC of the Community access studio, as a result of the necessity by MGM to relocate the current public access studio.

### **4. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.

The Office of Administration and Finance shall ensure that funds are only provided in direct reimbursement for actual expenses incurred as evidenced by invoices, work orders, and other relevant documentation.

**5. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS**

Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.

Please see the waiver request attached hereto.

**CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.



Signature of Responsible Municipal  
Official/Governmental Entity



Date





**2019 COMMUNITY MITIGATION FUND: SPECIFIC IMPACT GRANT  
APPLICATION CITY OF SPRINGFIELD, MA (RE: FOCUS SPRINGFIELD, INC.)**

**REQUEST FOR WAIVERS**

**Pursuant to M.G.L. c.23K §61**

Upon Written Petition, the Massachusetts Gaming Commission (“Commission”) may waive the following requirements of applicants for a Specific Impact Grant, upon a showing by the host community seeking the waiver that the granting of the waiver is consistent with the purposes of M.G.L. 23K; the granting of the waiver will not interfere with the ability of the Commission to fulfill its duties; granting the waiver will not adversely affect the public interest; and not granting the waiver would cause a substantial hardship to the community, governmental entity or person requesting the waiver.

Wherefore the City of Springfield, Massachusetts requests the following:

**1. Request for Waiver of Eligible Specific Impact Grants Submitted from Springfield**

The City of Springfield requests a waiver of the limitation of a host community to be eligible for only one Specific Impact Grant for the reasons set forth:

- a) The City of Springfield has a Specific Impact Grant with the Police Department that was awarded last year and is applying for funds for the Police Department for 2019
- b) The City of Springfield is requesting a waiver on the limitation, because of the need for Focus Springfield to receive funding from the Mitigation Fund, to relocate their premises, which is directly impacted by the location, construction and presence of MGM; and
- c) Focus Springfield will be unable to relocate without additional funds from the Mitigation Fund.

Therefore, the City of Springfield requests the Commission to waive the limitation on a host community’s eligibility for only one Specific Impact Grant, and allow Springfield to be awarded two Specific Impact Grants, specifically to the 2019 HCSD application and the 2019 Focus Springfield application.

**2. Request for Waiver of Funding for Non-Governmental Entities**

The City of Springfield requests a waiver for the host community’s “dollar for dollar match requirement” for the reasons set forth below:

- a) The public access studio relocation costs are estimated at \$1,155,925.00;
- b) After exhaustion of any other available funds there will be an estimated \$555,925.00 budget shortfall;
- c) The City of Springfield is not in a financial position to contribute to the community public access studio relocation.

Therefore, the City of Springfield requests the Commission to waive the “dollar for dollar match requirement” that would be imposed on them as a “host community”.

**3. Request for Waiver of Limitation of Specific Impact Grant Amount**

The City of Springfield requests a waiver for the limitation on the Specific Impact Grant Amount for the reasons set forth below:

- a) No application for the mitigation of a specific impact shall exceed \$500,000.00, without a waiver request;
- b) The public access studio relocation costs are estimated at \$1,155,925.00;
- c) After exhaustion of any other available funds there will be an estimated \$555,925.00 budget shortfall;
- d) The City of Springfield is applying for this Specific Impact Grant, because they are unable to financially contribute to the studio relocation.

Therefore, The City of Springfield is requesting the Commission to waive the limitation of a \$500,000 mitigation grant, in order to allocate an amount up to \$555,925.00 for the community public access studio relocation costs.

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**FOR MASSACHUSETTS GAMING COMMISSION USE:**

**APPROVED**

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

**DENIED**

\_\_\_\_\_  
(PRINT NAME and TITLE)



Property & Asset  
Management Services

January 23, 2019

John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

800 Kelly Way  
Suite 200  
Holyoke, MA 01040  
(413) 536-8048  
FAX (413) 534-8344  
AppletonCorporation.com

Dear Mr. Ziemba,

The STCC Assistance Corporation, as an eligible public entity, is excited that the City of Springfield has identified a location at the STCC Technology Party in which to potentially locate its public access studio currently operating by Focus Springfield.

We believe that the synergies that could exist between this tenant and other tenants of the Park would be very exciting and mutually beneficial in this regard. As importantly, there are opportunities to greatly expand the relationship with the Community College across the street as many students intern or are mentored by Focus Springfield's staff.

Locating Focus Springfield along State Street also provides enhanced collaboration opportunities for the Mason Square area, and the Hill-McKnight areas. We understand that the Mitigation Grant is an important part of the City's financial ability to relocate the studio to the Park, and are thus very supportive of the City's application accordingly.

On behalf of the STCC Assistance Corporation, thank you.

Sincerely,

A handwritten signature in blue ink that reads "Paul M. Stelzer, PRES." The signature is written in a cursive style.

Paul M. Stelzer  
President  
As Managing Agent for The STCC Assistance Corporation



An O'Connell Company







19

COMMUNITY  
MITIGATION  
FUND

APPENDIX C

***Specific Impact Grant Application***  
**BD-19-1068-1068C-1068L-33629**

***Please complete entire Application***

1.	City of Springfield, Massachusetts – Police Department <b>NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT</b>
2.	Domenic J. Sarno, Mayor <b>NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
3.	36 Court Street, Springfield, MA 01103 <b>ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
4.	413-787-6100; DSarno@springfieldcityhall.com <b>PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
5.	Timothy J. Plante, Chief Administrative & Financial Officer <b>NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
6.	36 Court Street, Room – 412, Springfield, MA 01103 <b>ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
7.	413-886-5004; TPlante@springfieldcityhall.com <b>PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY</b>
8.	Blue Tarp redevelopment, LLC-MGM Springfield <b>NAME OF GAMING LICENSEE</b>



### 1. IMPACT DESCRIPTION

**Please describe in detail the impact that is attributed to the construction or operation of a gaming facility. Please provide support for the determination that the construction or operation of the gaming facility caused or is causing the impact.**

Springfield, Massachusetts is the cultural and commercial center of the Pioneer Valley region. It is the third largest city in the Commonwealth of Massachusetts, and combined with the surrounding communities, constitutes the fourth largest metropolitan area in New England. Five of the Pioneer Valley region's twenty largest employers are located in Springfield, including the Baystate Health System, the Massachusetts Mutual Life Insurance Company, Solutia, Inc. (Division of Monsanto Chemical Co.), the CRRC Corporation Limited and the Smith & Wesson Company. Springfield now stands on the precipice of unprecedented economic growth in the form of the near one billion dollar *MGM Springfield* destination resort casino that on June 13, 2014 was officially awarded its license by the Massachusetts Gaming Commission and on August 24, 2018 *MGM Springfield* officially opened.

The *MGM Springfield* destination resort casino is a bold and auspicious one imbued with the vision and leadership of Mayor Domenic J. Sarno, Chief Development Officer Kevin Kennedy and other city officials. Unlike the two alternative casino projects formerly proposed for Springfield and most others including Connecticut tribal ones; the *MGM Springfield* site rejected an inward-focused, self-contained "own-world" design. Instead, the integrated resort casino has been designed to enhance the entire urban center of Springfield. The mixed-used development includes a two hundred and fifty-one room hotel; one hundred and twenty-five thousand square feet of gaming space; roughly ninety-six thousand square feet of retail and restaurant space; forty-six thousand square feet of convention space; and a multi-level parking garage. Additionally, the casino resort includes a public plaza, ice skating rink, cinema and bowling alley - all of which can be accessed without passing through the casino floor proper; a radical shift from classic "gaming design" and one that requires an equally innovative and comprehensive response by the Springfield Police Department.

As the Springfield Police Department embarked on a vigorous due diligence campaign to learn as much as we could relative to establishing and sustaining new policing models in support of the new entertainment venue. SPD staff traveled to a number of established casino venues to meet with key law enforcement and civilian staff to identify and co-opt proven policing models. With that in hand, we returned and made adjustments to those policing models to ensure a smooth roll out.

Extra operational burdens at every juncture have been placed on the Springfield Police Department as it relates to maintaining public safety and facilitating traffic control in the communities surrounding *MGM Springfield*. Naturally, the department expected an increase in crime and traffic with the opening of the casino; however we didn't necessarily have a clear understanding of just the type of additional operational support that would be required until the casino opened its doors in August of 2018 and became fully operational. Using data from our crime analysis unit we identified other mitigating factors that have impacted the surrounding neighborhoods that we are looking for support to address.

While the City of Springfield continues to welcome visitors and new business to the host and surrounding communities of the *MGM Springfield* Casino, the Springfield Police Department has identified the need for equipment that will improve traffic, pedestrian, neighborhood, and street safety.

**2. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested.**

The City of Springfield/Springfield Police Department respectfully requests **\$360,129.42** in **2019 Community Mitigation Fund/Specific Impact Grant** funding from the Massachusetts Gaming Commission.

**b) Please identify below the manner in which the funds are proposed to be used.**

The City of Springfield/Springfield Police Department proposes for this funding opportunity to fund specific equipment that will address public safety needs as it relates to the opening of the new casino. . Specifically for the purposes of this request, we've identified equipment essential for our department to continue to provide safety precautions to the ever-changing community surrounding the casino. As we adjust to the new businesses, new flow in traffic patterns, new demographic, new activity, and new community environment, we believe the equipment identified below will assist in the Springfield Police Department's efforts to mitigate some of the unforeseen impacts to our city as we continue to adjust to the arrival of *MGM Springfield*.



**2019 SPECIFIC IMPACT GRANT APPLICATION**

**BD-19-1068-1068C-1068L-33629**

Page 4 of 7

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the construction or operation of a proposed gaming establishment.**

EQUIPMENT	UNIT COST	UNITS	TOTAL COST
WANCO MINI MESSAGE BOARD SIGN AND TRAILER, SOLAR AND BATTERY POWERED WVT3, THREE LINE	\$ 17,594.00	3	\$ 52,782.00
POLARIS RANGER XPS1000 NORTHSTAR EDITION W/ PACKAGE PATROL	\$ 40,135.91	2	\$ 80,271.82
MOTOROLA APX 800 DUAL BAND PORTABLE RADIOS	\$ 6,494.30	6	\$ 38,965.80
WACKER NEUSON LTV6K LIGHT TOWER WITH KUBOTA DIESEL ENGINE	\$ 7,998.00	4	\$ 31,992.00
48" TRAFFIC CONES WITH 2 REFLECTIVE STRIPES AND "SPD" LETTERING	\$ 34.50	200	\$ 6,900.00
SMITH AND WESSON M&P PATROL RIFLE WITH SLINGS/OPTICS	\$ 900.00	4	\$ 3,600.00
PORTABLE BARRICADES - 16 PANEL, 13'	\$ 381.10	8	\$ 3,048.80
TUFFYS TRUNK VAULT	\$ 485.00	5	\$ 2,425.00
VORTEX VIPER 12 x 50 BINOCULARS	\$ 559.00	4	\$ 2,236.00
UTILITY TRAILER, WIRE MESH WITH RAMP	\$ 400.00	1	\$ 400.00
WATER RESCUE KIT	\$ 127.00	4	\$ 508.00
GAUZE AND TOURNIQUETS	\$ 100.00	250	\$ 25,000.00
SUZUKI DR-Z400S DUAL SPORT MOTORCYCLE, HELMET AND EQUIPMENT	\$ 8,500.00	2	\$ 17,000.00
INVARION RAPID PLAN TRAFFIC SOFTWARE LICENSES	\$ 1,400.00	4	\$ 5,600.00
TREK BIKES, HELMETS BACKRACKS	\$ 800.00	8	\$ 6,400.00
AED DEVICES	\$ 1,500.00	10	\$ 15,000.00
LICENSE PLATE READERS	\$ 17,000.00	4	\$ 68,000.00
<b>TOTAL:</b>			<b>\$ 360,129.42</b>

**d) Please describe how the mitigation request will address the specific impact indicated.**

Section D: Please refer to the **2019 Community Specific Impact Mitigation Funds – Springfield Police Department Budget Narrative (Attachment A)** documents for complete details.



**3. CONNECTION TO GAMING FACILITY**

Please provide specificity/evidence that the requested funds will be used to address issue or impacts directly related to the gaming facility.

The Springfield Police Department’s Crime Analysis Unit collected data for the 1000’ buffer surrounding *MGM Springfield*<sup>1</sup> from August 24, 2018 - January 24, 2019 compared to the same time period in the previous year (August 24, 2017 - January 24, 2018). Analysis of the data reveals 51 more Part 1 Crimes<sup>2</sup> occurred since the opening of *MGM Springfield*, a 364.29% increase for the same time period in the previous year.

While the City of Springfield, the Springfield Police Department, the Massachusetts State Police, *MGM Springfield* and the Massachusetts Gaming Commission have been proactive in preparing for the activity associated with a casino opening in any town or city, crime will not be absolved or disappear. However, the steps taken to establish security and safety in advance of the casino’s arrival, such as establishing the Gaming Enforcement Unit, increasing Metro Unit personnel, increased patrol and overtime, and establishing (3) Police Kiosks, (2) Police Substations and 41 Unit Division in the downtown district has played a role in keeping the crime rate from sky rocketing.

Offense	8/24/2017 – 1/24/2018	8/24/2018 – 1/24/2019	% Change
Robbery	1	3	200.00%
Aggravated Assault	0	7	N/C
Burglary	5	0	-100.00%
Larceny	7	49	600.00%
Auto Theft	1	6	500.00%
<b>Total:</b>	<b>14</b>	<b>65</b>	<b>364.29%</b>

Incidents	8/24/2017 – 1/24/2018	8/24/2018 – 1/24/2019
1000’ of 1 MGM Way	63	229

\*Of the 229 incidents, 83 were arrests at MGM made primarily for the Gaming Enforcement Unit.

Arrest	8/24/2018 – 1/24/2019
1 MGM Way	84
1000’ of 1 MGM Way	133

\*70% of all arrests within 1000’ of *MGM Springfield* were for disorderly type offenses or active arrest warrants.

The data presented above is a glimpse into the department’s ability to keep crime rates as low as possible considering the factors that accompany arrival of such a large entertainment venue in the middle of an already busy downtown district. With the heavy burden placed on the City of Springfield and specifically the Springfield Police Department by the advent of *MGM Springfield* to keep the city safe and traffic moving as seamlessly as possible, this data also aids in the department’s efforts to identify the specific equipment that will help to mitigate the specific impacts that affect our community.

<sup>1</sup> 1 MGM Way Springfield, MA 01103

<sup>2</sup> Criminal offenses deemed “more serious” in nature: Criminal Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Motor Vehicle Theft and Arson.



**4. IMPACT CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**Please provide detail regarding the controls that will be used to ensure that funds will only be used to address the specific impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

The City of Springfield / Springfield Police Department is the fiscal agent for this initiative. Fiscal and grant management responsibilities, including receipt and dispersal of funds, entering into and managing sub-recipient grant agreements, compliance with reporting requirements, and performance measurement tracking and reporting will be performed by the Springfield Police Department's Office of Business and Technology, Director of Finance. The Office of Business and Technology (OBT) manages a \$50 million dollar annual budget. OBT provides fiscal and sub recipient grant management for the City's \$1 million 2013 Byrne Innovation grant award, the Senator Charles E. Shannon, Jr. Community Safety Initiative and the Safe & Successful Youth Initiative with an annual budget of \$1.7 million dollars. In all, the OBT manages over 20 sub recipient agreements per year. OCD provides fiscal oversight for numerous other federal and state grants each year, including grants from the Bureau of Justice Assistance Justice Assistance Grants, and a number of Massachusetts Executive Office of Public Safety and Security grant funded programs.

The Springfield Police Department Grants and Planning Unit under the command of Captain Robert Tardiff provides for a second level of programmatic and fiscal oversight in conjunction with our Office of Business and Technology.

This project has been assigned to the Deputy Chief of Police, William C. Cochrane, as a senior project manager for the programmatic plan and the Director of Business and Technology for the fiscal support and oversight.

**5. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS**

**Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.**

The Springfield Police Department's participation through reassignment of five (5) officers and one (1) lieutenant to the state Gaming Enforcement Unit was not anticipated or addressed in its Host Community Agreement. The Host Community Agreement did not provide and could not reasonably foresee providing for Gaming Enforcement Unit staffing because the department's participation in the unit was at the earliest stages was rejected by the former Police Commissioner. With the installation of Commissioner Barbieri; the department's gaming facility public safety plan purposefully evolved in the same fashion as *MGM Springfield's* site design did. Commissioner Barbieri recognized that the gaming facility represents unprecedented levels of direct and shared policing responsibilities with The Massachusetts State Police and the necessity of having a Springfield Police Department contingent on its Gaming Enforcement Unit.

CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.

*Dominic Harris*

*FEB. 1, 2019*

Signature of Responsible Municipal  
Official/Governmental Entity

Date





## 2019 Community Specific Impact Mitigation Funds Springfield Police Department Attachment A - Budget Narrative



### *2. Proposed Mitigation: Section D*

#### **BUDGET NARRATIVE**

The following narrative is itemized description of the requested equipment detailed in section 2.B of the City of Springfield/Springfield Police Department's FY19 Massachusetts Gaming Commission Community Mitigation Fund Specific impact Grant Application. The Springfield Police Department believes that successful mitigation is dependent on the acquisition of the equipment listed below.

#### WANCO MINI MESSAGE BOARD SIGN/TRAILER – \$52,782.00 (3 UNITS @ \$17,594.00 EA.)

Since the opening of the MGM Springfield Casino, the Springfield Police Department has had to adjust to an influx of pedestrian and motor vehicle traffic in the Metro and downtown areas. Since the opening, the traffic patterns changed from that of construction to pedestrians in the course of a year. In search of identifying best practices, the SPD determined a need for message/sign boards to effectively communicate traffic pattern and public safety announcements. During the opening the SPD rented and utilized these boards with great success. The addition of three (3) message boards to the Casino area would mitigate traffic during the increase in the number of special events and venues coming to Springfield.

#### POLARIS RANGER XPS1000 NORTHSTAR EDITION W/ PACKAGE PATROL - \$80,271.82 (2 UNITS @ \$40,135.91 EA.)

With the opening of the MGM Springfield Casino in downtown Springfield, the Metro Unit has identified specific transportation that will aid in the ability to patrol, maneuver and transport personnel and traffic equipment (i.e. cones, barrels, barricades, etc.). During the opening of the Casino, five (5) UTV's were rented to navigate through the downtown area, specifically the area surrounding the casino where pedestrian traffic is particularly heavy and the terrain tends to vary between our city street and sidewalks, terraces, and our riverfront area which has become a popular tourist area since the opening of the casino. Many of these areas do not allow for the passage of police cruisers to respond and believe that the UTV will serve as a successful option during the operations stemming from the casino.

#### MOTOROLA APX 800 DUAL BAND PORTABLE RADIOS - \$38,965.80 (6 UNITS @ \$6,494.30 EA.)

Portable radios will be issued to officers to ensure their safety, increase efficiencies in the delivery of police services including bridging the communication gaps that have been identified between law enforcement agencies. With an increase in crime since the opening of the Casino, the Springfield Police Department has identified dual band radios that will increase our ability to transmit two (2) frequencies on one (1) radio which will serve to improve communications and response times.

#### WACKER NEUSON LTV6K LIGHT TOWER WITH KUBOTA DIESEL ENGINE - \$31,992.00 (4 UNITS @ \$7,998.00 EA.)

Since the construction of the 125,000 square-foot casino within the 1.3 square-mile downtown Springfield district, the department has identified a need for adequate lighting. The area surrounding the casino and downtown district contains various side streets and sidewalks that are not properly lit and prone to criminal activity and/or accidents. Therefore, the department is of the belief that the several light towers placed carefully throughout the downtown area will mitigate some of the increased criminal activity identified since the opening of the casino.

#### 48" TRAFFIC CONES WITH 2 REFLECTIVE STRIPES AND "SPD" LETTERING - \$6,900.00 (200 UNITS @ \$34.50 EA.)

Additional Springfield Police Department traffic cones will assist in the department's efforts to keep the flow of both pedestrian and vehicle traffic running smoothly. Additionally, with the purchase of 200 cones, the department will be well-equipped with enough cones to keep operations running in the case of cones being lost, stolen or damaged.



## 2019 Community Specific Impact Mitigation Funds Springfield Police Department Attachment A - Budget Narrative



### SMITH AND WESSON M&P PATROL RIFLE WITH SLINGS/OPTICS - \$3,600.00 (4 UNITS @ \$900.00 EA.)

The Springfield Police Department has identified the need for the most up-to-date and modern equipment necessary to patrol and respond effectively to the calls for emergency services. With the casino bringing new and increased criminal activity to the city, it is important that our officers are prepared to respond with the most effective and tactical gear. Patrol rifles, along with the accessories will serve to protect our officers while responding to dangerous situations that require the highest level of equipment reliability.

### PORTABLE BARRICADES - 16 PANELS, 13' - \$3,048.80 (8 UNITS @ \$381.10 EA.)

The opening of the Casino has also been accompanied with an increase in events and public venues resulting in a need as well as an increase in police presence. The Police Department has identified a need for portable barricades to help with crowd control and pedestrian safety. Large capacity or sold out events at the Mass Mutual Center provide a crowd of up to 5500 people that have in our experience migrated to and from the MGM Casino facility either before or after an event. Rigid controls that can be quickly deployed at major intersections and/or pedestrian crossings will allow for freedom of movement and allow for officers to maintain safety and security of pedestrians as movement is controlled through rigid infrastructure.

### TUFFYS TRUNK VAULT - \$2,425.00 (5 UNITS @ \$485.00 EA.)

As the Police Department has adapted to the shift in activity due to the uptick in crime since the opening of the casino, patrol operations have been addressed. With an increase in patrols, we must ensure that the firearms and equipment that accompany our officers during the deployments are kept in a safe and designated place. Tuffy's Trunk Vaults provide safe and secure storage that will keep law enforcement and civilians' safe.

### VORTEX VIPER 12 x 50 BINOCULARS - \$2,236.00 (4 UNITS @ \$559.00 EA.)

The Department has identified a need to purchase updated binoculars that will assist in officer's ability to investigate from a safe and secure distance. Vortex Viper Binoculars allows our officers to maintain a proper distance in order to surveil potential criminal activity that has been prevalent since the opening of the casino with money motivating a spectrum of offenses on a daily basis.

### UTILITY TRAILER, WIRE MESH WITH RAMP - \$400.00 (1 UNIT @ \$400.00)

While the Polaris Ranger UTV serves as an alternative patrolling option, it will also serve as a means to transport traffic equipment during special events. The utility trailer can be hitched to the UTV and help to transport equipment without making several trips back and forth, thus gearing up time for the UTV to be utilized as a patrol vehicle more often than not. The ability to transport traffic safety equipment plays an important role in the department's ability to work quickly and efficiently.

### WATER RESCUE KIT - \$508.00 (4 UNITS @ \$127.00 EA.)

Since the opening of the Casino, the city's Riverfront area has become a popular destination frequented by both visitors and residents alike. The riverfront area sits along the Connecticut River and the terrain can vary greatly. Historically, there have been accidents, even deaths attributed to the area. The department has identified the need to be properly equipped with lifesaving tools in the case of an emergency. As we see an increase in activity, we remain vigilant and proactive about how to keep our visitors and residents safe. We believe the purchase of Water Rescue Kits will prepare officers to respond to emergencies in or around the Connecticut River,





**2019 Community Specific Impact Mitigation Funds  
Springfield Police Department  
Attachment A - Budget Narrative**



**GAUZE AND TOURNIQUETS - \$25,000.00 (250 UNITS @ \$100.00 EA.)**

Springfield Police Department needs to increase its capacity to respond to Mass casualty events should they occur. While support is anticipated by assisting agencies officers in proximity need to have resources immediately available.

**SUZUKI DR-Z400S DUAL SPORT MOTORCYCLE, HELMET AND EQUIPMENT - \$17,000.00 (2 UNITS @ \$8,500.00 EA.)**

The Springfield Police Department has trained and utilized officers riding Enduro Motorcycles on deployments in the Metro Area to initiate rapid response to emergent calls including crimes in progress, traffic mitigation and or assistance to citizens. High maneuverability in heavily populated areas provides these response capabilities and proactive patrolling. An increase to existing fleet would allow for the benefits of this patrol/response method to be expanded to more officers over a longer duration due to the limitations of a single motorcycle to operate over a 24 hr. period as would be done by a patrol cruiser.

**INVARION RAPID PLAN TRAFFIC SOFTWARE LICENSES - \$5,600.00 (4 UNITS @ \$1,400.00 EA.)**

The Springfield Police Department has identified the need for the most up-to-date and modern equipment necessary to prepare for upcoming special events and activities in the Metro area. Traffic Software would allow for predetermined strategies to be published in the form of Incident Action Plans which would be customized to each event based on templates that would establish continuity between resource providers, supervisory and patrol officers. These formatted best practices could then be evaluated and replicated for events occurring on an annual basis.

**TREK BIKES, HELMETS BACKRACKS - \$6,400.00 (8 UNITS @ \$800.00)**

The Springfield Police Department has deployed Metro officers on bicycles for the purpose of high visible patrol, rapid response when in proximity to officer and community engagement through their use. With the full complement of officers now being deployed over the 24 hr. time frame, a need for supplemental bikes is requested to maximize their benefit by deploying more officers per 8 hr. shift.

**AED DEVICES - \$15,000.00 (10 UNITS @ \$1,500.00 EA.)**

With the increase in the number of patrons to the Springfield downtown area, it would be beneficial to have AED devices on hand for officers of the Metro Unit. The only effective immediate treatment for sudden cardiac arrest is an electric shock from an automated external defibrillator (AED), administered as soon as possible. Adding these devices to patrol units will shorten the time between cardiac arrest and defibrillation.

**LICENSE PLATE READERS - \$68,000.00 (4 UNITS @ \$17,000.00 EA.)**

Crucial to the safety of those in the Metro area is rapid identification of and sharing of information which may lead to the detection, disruption of or prevention of criminal activity. With the influx of thousands of new motor vehicles into the Metro corridor from a variety of destinations outside of Springfield and even the Commonwealth as a result of the MGM Casino and its associated events, it would be beneficial to support of intelligence efforts with the use of automated license plate reader systems.

**TOTAL: \$360,129.42**



May 24, 2019

***Via Email***

Alexander Train, Assistant Director  
Chelsea City Hall  
500 Broadway  
Chelsea, MA 02150

Tony Sousa, Planning & Development Director  
City of Everett  
484 Broadway  
Everett MA 02149

Re: 2019 Community Mitigation Fund Joint Non-Transportation Planning Application

Dear Mr. Train and Mr. Sousa:

We would like to thank you and your colleagues for participating in the meeting with the Community Mitigation Review Team ("Review Team"). It was a pleasure discussing the Chelsea/Everett Joint Non-transportation Application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

1. Please provide further information regarding the timeline for the needs assessment and curriculum development. What is the anticipated start-up of these programs?
2. Please provide an update (if any) on how MAPC anticipates conducting the needs assessment. Is six months enough time to get the program ready?
3. Please confirm that the Enterprise Center, once established, would service the region.
4. What are some of the partner agencies that will assist in this program?
5. How is the determination going to be made regarding the assessment of small business needs and training?
6. Will Bunker Hill College be able to take over this program and provide funding for subsequent years once the program is established?
7. What methods would MAPC use to choose small business stakeholders for interviews in an effort to get a reasonable spectrum of businesses? Would Encore Boston Harbor be among those consulted to help identify a representative core sampling of business stakeholders?



Massachusetts Gaming Commission



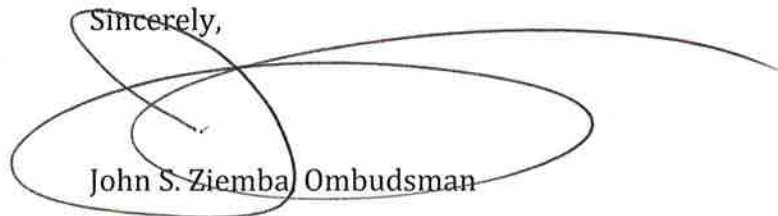
Alexander Train, Assistant Director  
Tony Sousa, Planning & Development Director  
Page 2  
May 24, 2019

8. In regard to the needs assessment, please describe how you propose to avoid any duplication of the Commission's current research activities.
9. At this stage, what measures do you anticipate would be used to evaluate the effectiveness of this grant? We understand the MAPC would be tasked with developing such measures.

The Review Team would like to present to the Commission its recommendation in late June 2019. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by on June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Sincerely,



John S. Ziemba, Ombudsman

cc: Karl Allen, Economic Development Planner  
The Honorable Mayor Carlo DeMaria  
Thomas G. Ambrosino, City Manager  
Tony Sousa, Executive Dir. Planning & Development  
Catherine Rollins Denisi, Esq.  
Jonathan Silverstein, Esq.  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team





CITY OF CHELSEA, MA  
Department of Planning and Development

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City Hall, 500 Broadway, Room 101 · Chelsea, MA 02150  
Phone: 617.466.4180 · Fax: 617.466.4195

12 June 2019

Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, Massachusetts 02110

Dear Mr. Ziembra and the CMF Review Team:

On behalf of the cities of Chelsea and Everett, Bunker Hill Community College, and the MAPC, thank you for the opportunity to provide written responses to your questions.

1. Please provide further information regarding the timeline for the needs assessment and curriculum development. What is the anticipated start-up of these programs?

The needs assessment and subsequent curricula development will occur as soon as the planning funds are made available. The Enterprise Center collaborators: MAPC, the cities of Chelsea and Everett, and BHCC are poised to hit the ground running with the needs assessment. If planning funds were awarded and made available by September 2019, MAPC will begin the assessment process as soon as contracting is completed. BHCC will prepare faculty and staff to work with the needs assessment results to develop curricula as early as February 2020. Proposed curricula translation work can occur simultaneously with and prior to the broader needs assessment as we feel it is certain that curricula around social media and financial literacy will be important for the community. The goal is to have a plan for direct service program implementation with developed curricula completed by June 30, 2020.

The MAPC team will work closely with the BHCC team to provide updated analysis as it becomes available, to assist with the curricula development.

The timeline for the needs assessment will occur over 6 elapsed months with the following tasks being executed concurrently or in sequence, as indicated:

**Analysis of existing conditions** (public and private data sets): 2 months (100 hours)

- Assessment of firm and employment trends of small businesses in Chelsea and Everett.
- Demographic review of small business workforce.
- Identification of current offerings and barriers to access.
- Interviews with key small business experts and community organizations.
- Discussions with other organizations that are operating Enterprise Centers.

**Evaluation of the Impacts of the Casino:** 2 months (50 hours) (Concurrent with Phase 1)

- Analysis of proposed service offerings of the casino (retail, food service, and other offerings) and projected employment needs of the casino.
- Discussion with Donahue Institute on existing work identifying community impacts.



- Identification of businesses that have lost workers to the casino.
- Analysis of potential future procurement opportunities.
- Review of literature on casino impacts in other geographies.
- Analysis of existing small business assistance programs designed to mitigate casino impacts.

**Stakeholder interviews: 2 months (50 hours)**

- The stakeholder interviews will focus on existing business owners as well as potential future business owners (aspiring entrepreneurs).
- Survey of small business owners.
- Stakeholder interviews with aspiring entrepreneurs (identified by the City of Chelsea, the City of Everett, and BHCC).
- Focus group in each municipality.

**Gap Analysis: (1 month): 50 hours**

- Analysis of existing local, regional, state, and federal small business assistance programs.
- Development of gap analysis based on current service offerings, small business needs, and business and resident preferences.

These tasks will be followed by a 1 month synthesis of recommendations.

**Project Timeline**

Date/ Timeline	Activity	Responsible team/staff	Outcome	Notes
July- October 2019	<b>Translation /development of existing Workforce Development materials</b> such as and Career Development and Financial Literacy	BHCC WFED- faculty and staff	Trilingual translated materials and tweaks to anticipated program needs	Consult with our Communication and Marketing Department, as well as faculty for access to translation services
July- November 2019	<b>Social Media Marketing class development</b>	WFED and Distance Learning team	Course developed and piloted	This aspect of the project is already in the works and a pilot will be offered in Sept 2019
July- February 2020	<b>Faculty and staff planning</b> of possible programs for new center to include other considerations such as space, logistics, staffing, etc.	Chelsea Campus, WFED, Professional Studies, and Distance Learning staff; form The BHCC Enterprise Center for Entrepreneurship team	Sketch of center's scope of work: physical services and online	Actual plan is dependent upon the needs assessment, but we will start to work with the information we have to set up planning directions





September -November /December 2019	<b>Gathering business development materials for workshops, preliminary conversations with faculty</b>	Divisions of WFED and Professional Studies	Current curricula and materials assessed to hit the ground running	
September -October 2019	<b>Assessment of Existing Conditions</b>	MAPC	Summary of key firm and employment trends and key unmet small business needs	Data will be provided to BHCC as it becomes available to assist with concurrent curricula development
September -October 2019	<b>Evaluation of the Impacts of the Casino</b>	MAPC	Summary of proposed casino services and community impacts, procurement opportunities, and mitigation program best practices	Data will be provided to BHCC as it becomes available to assist with concurrent curricula development
November-December 2019	<b>Stakeholder Interviews</b>	MAPC	Summary of key small business challenges and opportunities (to be combined with Existing Conditions and Casino Impacts Analysis)	Data will be provided to BHCC as it becomes available to assist with concurrent curricula development
December-January 2020	<b>Gap Analysis</b>	MAPC	Summary of key small business program content opportunities based on current service offerings, small business needs, and business and resident preferences	
February – June 30,2020	<b>New program offerings and curricula decided upon and developed</b>	Enterprise Center Team and BHCC teams	Developed plan for Programmatic Implementation July 2020	While some of this work has been initiated, the plan will be based upon the needs assessment to capture the true scope of work



2. Please provide an update (if any) on how MAPC anticipates conducting the needs assessment. Is six months enough time to get the program ready?

**Methodology:**

- Analysis of public and private datasets can occur immediately following project approval. The analysis of this data will inform the content of the stakeholder interviews.

The datasets will include:

- Assessment of Firm and Employment Trends of Small Businesses in Chelsea and Everett: Bureau of Labor and Statistics: Quarterly Census of Employment and Wages, Employment Projections; InfoGroup USA and/or NETS.
  - Demographic Review of Small Business Workforce: American Community Survey 5-Year Estimates and 1-Year Supplemental Estimates, American Community Survey Public Use Microdata.
- Stakeholder interviews will require collaboration and assistance from local partners, including community-based organizations serving non-English speaking populations. As a result, planning for the stakeholder interviews will start at the beginning of the project, although the interviews themselves will occur in months 3 and 4 of the project. The interviews will be conducted with municipal staff, small business assistance providers, and representatives of business associations (e.g. Chambers of Commerce) to complement the quantitative data analysis.

3. Please confirm that the Enterprise Center, once established, would service the region.

The creation of a multi-lingual Enterprise Center will provide the local communities, the broader region, and the commonwealth with an important new asset to spur economic and workforce development for our populations. The center will bring skills development opportunities to a broader range of residents, irrespective of place of residence. The Center will be housed within a public community college whose mission already includes serving the broader regional community.

4. What are some of the partner agencies that will assist in this program?

BHCC works with a variety of local partners in Chelsea and Everett that will support this work through intentional program collaboration, recruitment, and communication efforts.

Some partners include the Everett and Chelsea Chambers of Commerce; LARE-American Institute of Training; ROCA, a social service agency; and Triangle, serving individuals with disabilities. One of BHCC's major partners, based in Chelsea, is The Neighborhood Developers, a not-for-profit community development corporation providing programs, services, and engagement in the areas of economic mobility, neighborhood leadership, and housing to the region. TND's CONNECT program is a partner in identifying and supporting adults who need English language skills as well as wrap-around services in basic needs, financial education and career services. TND also hosts the local office of MassHire.

Additionally, BHCC currently works with The Chelsea Collaborative, which is the only Latino-led organization in Chelsea. The Collaborative identifies critical needs in the community and provides leadership to mitigate community issues. In the last year, the Collaborative identified the need for weekend ESOL services and BHCC responded by expanding access to weekend classes with funds from the Massachusetts Department of Elementary and Secondary Education. In Everett, The Division of Workforce and Economic Development (WFED) at BHCC has provided workforce classes in culinary arts to the Everett public schools as well as maintaining long standing partnerships for college dual





enrollment and other early college initiatives. We envision these partners as well as others providing input into the assessment phase of this project as well as supporting communication and recruitment for planned implementation.

The team will also be reaching out to and partnering with La Comunidad, Inc., a non-profit organization founded to provide a better future to the Latin American Community in the City of Everett and surrounding areas. For nearly 20 years, the organization has been committed to educating and serving the interests of the Latino community in immigration reform, social services, education, labor rights, community organizing, and public information outreach.

5. How is the determination going to be made regarding the assessment of small business needs and training?

The small business needs assessment and training requirements will be made using the following methodology:

**Existing Conditions and Trends:**

- Analysis of existing business types, stages, employment data, and revenue generation.
- Analysis of business trends, including business closures, expansion, employment trends and projections.
- Stakeholder interviews to corroborate and supplement the data analysis with the perspective of business owners, business technical assistance providers, business association leaders, municipal employees, customers, residents, and others.

**Evaluation of Casino Impacts**

- Stakeholder interviews to determine proposed service offerings of the casino (retail, food service, and other offerings), employment needs, and procurement opportunities; to determine the potential impacts on and the opportunities for small businesses in the target communities.
- Discussion with Donahue Institute on existing work identifying community impacts.
- Identification of businesses that have lost workers to the casino.
- Analysis of potential future procurement opportunities.
- Stakeholder interviews to determine proposed service offerings, employment needs and procurement opportunities, and potential impacts on and opportunities for small businesses in the target communities.
- Literature review to analyze casino impacts in other geographies.
- Analysis of best practices for small business assistance programs developed in response to casino mitigation needs.

**Gap Analysis**

- Review of existing local, regional, state, and federal small business programs to determine the coverage levels of the available services in relation to the small business needs identified.
- Identification of unmet business needs, based upon data gathered.



**Summary of Business Needs and Training Opportunities.** This summary could include information such as the following:

- **Marketing:** Need for marketing training for small business owners to attract customers from the casino, including visitors, employees, and contractors.
- **ESOL for Business Training:** Need for customized ESOL training for current small business owners and employees in order to expand their service offerings to a wider customer base.
- **Financial Management Training:** Given the potential increased labor costs due to increased demand for hospitality workers, small business owners may need training in financial management to improve expense control and to evaluate their pricing structure.

**Program Recommendations:** These findings will be discussed in detail with BHCC and the service providers to determine the feasibility of developing training programs to meet these needs, as well as the best delivery format (courses, workshops, 1-1 consultants).

While MAPC will provide details from the initial assessment process during the planning phase, the WFED Division at BHCC currently conducts needs assessments for all types and sizes of businesses and runs customized training in a variety of sectors that includes hospitality, healthcare, information technology, retail, and not-for-profit. This needs-assessment process includes interviewing the business leadership and employees to identify issues, reviewing documentation and data, analysis of both qualitative and quantitative information, and providing a report on the assessment with suggested training solutions. A small business assessment will follow the same process but be tailored to the businesses' culture, hours of operation, and financial concerns. For example, BHCC works with many small independent childcare providers who serve bilingual communities. Their training needs are customized to help them meet state regulations and provide bilingual instruction to care givers within the constraints of the business. Training needs to happen on site and on Saturdays or Sundays when the daycare is not open.

6. Will Bunker Hill College be able to take over this program and provide funding for subsequent years once the program is established?

BHCC WFED has provided Entrepreneurship services to the community before and in prior years maintained two part-time staff and a budget of \$85,000 to assist with those needs. In the last two years, organizational changes have shifted the divisions' priorities but the funding has remained in the division and can be reallocated to support center staff should the Enterprise Center be established. Additionally the college may be able to leverage other foundation funds, grants, or partnerships to assist in sustainability. Services can also be provided on a fee-for-service basis as some businesses have training funds and require nimble and responsive training solutions.

Both the cities of Chelsea and Everett will investigate using Casino Mitigation Business Impact annual payment funds to subsidize fees for their residents.





7. What methods would MAPC use to choose small business stakeholders for interviews in an effort to get a reasonable spectrum of businesses? Would Encore Boston Harbor be among those consulted to help identify a representative core sample of business stakeholders?

Business stakeholders will be selected to ensure a representative sample based upon: business owner demographics (gender, ethnic background, country of origin) as well as business type, location, and length of time in business.

Emphasis will be placed on those businesses that are likely to be more impacted by the casino, such as restaurants and other hospitality businesses, retailers, and businesses involved in the casino supply chain.

Stakeholder selection and engagement will be facilitated through coordination with local partners and with Encore Boston Harbor. Stakeholder engagement will be conducted via in-person interviews as well as through surveys (online and some paper surveys to ensure representation of less established businesses).

8. In regards to the needs assessment, please describe how you propose to avoid any duplication of the Commission's current research activities.

The applicants view this effort as complimentary, rather than duplicative, with the Donahue Institutes current efforts and propose to meet with members of the Donahue staff prior to finalizing the scope of work for the needs assessment. We also propose meeting with them during the needs assessment to leverage, rather than repeat, work that has already been done and to obtain any insights that they have accrued from their ongoing work.

9. At this stage, what measures do you anticipate would be used to evaluate the effectiveness of this grant? We understand that MAPC would be tasked with developing such measures.

BHCC has existing metrics such as Student Management Systems (SMS) and Learning Management Systems (LMS) that will support the collection of relevant data to evaluate demographics and populations served. Additionally, the WFED division uses program evaluation metrics to determine program outcomes and areas of success and weaknesses. Based on target goals analysis, the division establishes performance metrics for formative and summative assessment of progress. With support from the BHCC Grants Management Department and Institutional Research Department, the college and division handles a variety of grants and projects requiring outcomes accountability and is accustomed to analysis and reporting for continuous improvement. Adapting metrics to the project goals, we measure program effectiveness with outcomes such as enrollment, retention, persistence and learner gain with standardized tests and student interviews. Additionally, credential attainment and/or skill attainment is measured, along with post attainment metrics such as employment and/or transfer to other post-secondary opportunities.

The project team is committed to developing and collecting appropriate metrics in order to understand the impact of the Enterprise Center into the future. These metrics will include, at minimum, the demographic characteristics of who is using the programs, the types of services that are being used, and the benefits that are accruing from the services through future follow ups with participants. The exact metrics to be collected and the methodology for collecting them will be determined through the



CITY OF CHELSEA, MA  
Department of Planning and Development

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planning process. Participation by the Mass Gaming Commission and their consultants will be welcomed.

Though the casino is an impetus for considering how workforce and business skill development are delivered to our communities, the need for reaching out to residents in multiple languages transcends the impact of the casino. As many people have pointed out, while talent is universally distributed, opportunity is not. We greatly appreciate your thoughtful consideration of our application and look forward to working with you to create broader opportunities for the communities and populations that will be impacted by the opening of the Encore Boston Harbor casino.

Sincerely yours,

Alexander Train  
Assistant Director of Planning and Development  
City of Chelsea, Massachusetts



May 24, 2019

***Via Email***

Richard K. Sullivan, Jr., President  
Economic Development Council of Western  
Massachusetts  
1441 Main Street  
Springfield, MA 01103

Re: 2019 Chicopee/Springfield Community Mitigation Fund Non-Transportation Planning Application ("CMF")

Dear Mr. Sullivan:

The Community Mitigation Fund Review Team ("Review Team") would like to thank you for participating in the meeting to discuss the joint application for community mitigation funds. The Review Team found the meeting to be very informative. As we discussed during the meeting, we are writing to ask the cities to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of their application and are requesting any further information that is not included in your application.

1. In your application you note that you will "...present a targeted program with a funding request from the legislature for what will be the most impactful and successful initiatives to ensure benefits are felt within the City of Springfield, Chicopee and the region." If funds are not available for lobbying activities, please provide an update on how the requested funds would be prioritized to meet current needs, including, but not limited to, activities necessary to promote the Main Street area of Springfield.
2. How could you provide assurances that the consultant would not provide any lobbying activities as part of this economic development proposal (see attached advisory on "back room lobbying" (page 10))?
3. What is the direct relationship of the goals of this proposal to the casino?
4. What other resources can you leverage to complete activities that may not be funded by this grant?

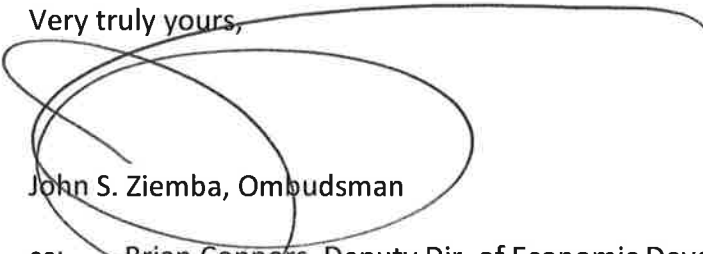


Massachusetts Gaming Commission

Richard K. Sullivan, Jr., President  
Economic Development Council of Western Massachusetts  
May 24, 2019  
Page 2

The community mitigation review team would like to present to the Commission its recommendation at a Commission meeting in June. In order to meet this timetable, the community mitigation review team would greatly appreciate receiving your response by June 7, 2019. We look forward to reviewing this application with the Commission. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziemba, Ombudsman

cc: Brian Connors, Deputy Dir. of Economic Development  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
CMF Review Team



John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Mr. Ziemba,

Thank you and the Community Mitigation Review team for the recent meeting and discussion on our joint submission for a Community Mitigation Non-Transportation Planning Grant. I thought the meeting was thoughtful and productive.

Please let this letter serve to answer the four specific questions raised in your letter of May 24, 2019.

1). There is an existing partnership between the EDC, the City of Springfield, MGM and The Chicago Consultants Studio, Inc.(CCS). CCS authored the Blueprint but has stayed engaged in the implementation phase of the plan. It is anticipated that the consultant hired by the EDC (not CCS) would commit 100% of their contracted time on implementation. The consultant would become part of the ongoing team meetings and would work to connect private landowners with potential tenants and/or developers in order to redevelop the sites identified in the Blueprint.

A specific project identified by the City of Springfield and MGM, since our grant submission, is the Red Sox Winterfest. This is a huge opportunity for the travel and hospitality sector in Western Mass. The Greater Springfield Convention and Visitors Bureau is an EDC affiliate and is prepared to help coordinate the hoteliers in the region. Some allocation of funds could go towards these coordination activities, which will be significant both in downtown Springfield and the region.

2) As we discussed at the Team meeting I would propose inserting language in both the request for proposal (RFP) and any subsequent contract that prohibits any and all consultants from any lobbying. I would remind the Team, as I did at the meeting, that I am personally registered as a lobbyist with the Commonwealth of Massachusetts.

3) MGM has been a partner with the City of Springfield in developing the "Blue Print". MGM is committed through the host community agreement and its independent actions, to partner with the City to support local development in and around the casino. Further it has supported the "White Paper" and specifically has encourage the investment at Westover, Chicopee, Ma.

MGM has provided a support letter for our request.

Finally, I believe this proposal is true to the original and underlying public policy strategy that a limited number of resort casinos would spur additional economic development and investment

in and around the host community and region. This grant and anticipated future investment will help realize the initial vision.

4) It is anticipated that additional public and private investment will be needed to effectuate the larger plan. Westover Area Development, Greater Springfield Convention and Visitors Bureau and Westmass Development are all key affiliates of the Western Mass Economic Development Council. We believe that we have the professional bandwidth to effectuate the action plan that will be developed with the grant request. We also have the private and public partnerships that will be necessary to assemble the needed capital.

Yours truly,

A handwritten signature in black ink, appearing to read 'Rick Sullivan', with a stylized flourish at the end.

Rick Sullivan, President & CEO  
Western Mass EDC





May 24, 2019

***Via Email***

Paige Duncan, Planning Director  
Foxborough Town Hall  
40 South Street  
Foxborough, MA 02035

Chris Yarworth, Dir. of Planning and Develop.  
Plainville Town Hall  
142 South Street  
P.O. Box 1717  
Plainville, MA 02762

Rachel Benson, Dir. of Planning and  
Economic Development  
Wrentham town Hall  
79 South Street  
Wrentham, MA 02093

Re: 2019 Community Mitigation Fund Non-Transportation Planning Application

Dear Ms. Duncan, Mr. Yarworth and Ms. Benson:

Thank you for participating in the conference call with the Community Mitigation Review Team ("Review Team"). The Review Team found the conference call very informative. As we discussed during the meeting, we are writing to ask you to please provide us with answers to the below questions. In asking these questions, we are mindful of the details of your application and are requesting any further information that is not included in your application.

1. Please provide further information regarding concerns over future competition and how the mitigation requested could offset any potential impacts.
2. Please provide further information on how the proposed marketing consultant study would be used to offset costs related to the construction or operation of a gaming establishment pursuant to M.G.L. c. 23K, §61.
3. How do you see this effort dovetail into a larger economic development program?
4. Will the professional marketing firm you select to prepare a marketing, strategic and creative plan for the destination marketing of your three communities plan to contact tourism resources that represent communities or are in close proximity to your region? Among these are the Massachusetts Office of Travel and Tourism, Greater Boston Convention and Visitors Bureau (CVB), Metrowest CVB, Bristol County CVB and Plymouth CVB that could help your firm understand other initiatives, potential resources and assets that could strengthen your plan.



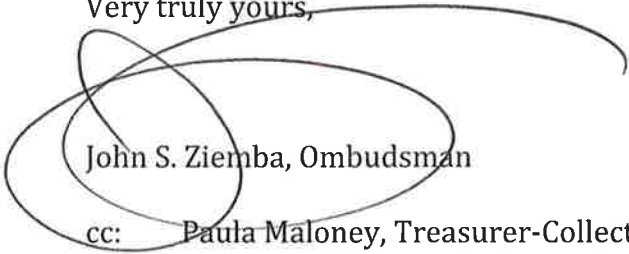
Massachusetts Gaming Commission

Paige Duncan, Planning Director  
Chris Yarworth, Director of Planning & Development  
Rachel Benson, Director of Planning & Economic Development  
Page 2  
May 24, 2019

The Community Mitigation Review Team would like to present to the Commission their recommendation in June. In order to meet this timetable, the Review Team would greatly appreciate receiving your response by June 7, 2019.

We look forward to working with you on this grant process. Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



John S. Ziembra, Ombudsman

cc: Paula Maloney, Treasurer-Collector, Foxborough  
Patrick J. McIntyre, Treasurer/Collector, Plainville  
Karen Jelloe, Finance Director, Wrentham  
MGC Commissioners  
Edward R. Bedrosian, Jr., Executive Director  
MGC Review Team



Massachusetts Gaming Commission

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**TOWN OF FOXBOROUGH**  
**Office of the Planning Director**

40 South Street  
Foxborough, Massachusetts 02035  
Phone: 508-543-1250  
Fax: 508-543-6278

June 11, 2019

**Via Email**

John Ziemba, Ombudsman  
Massachusetts Gaming Commission  
101 Federal St., 12th Floor  
Boston, MA 02110

Re: 2019 Community Mitigation Fund Non-Transportation Planning Application

Dear Mr. Ziemba,

Below please find our responses to the questions posed in your letter of May 24, 2019. This information is submitted in support of Foxborough, Plainville and Wrentham's joint application for non-transportation funds from the 2019 Community Mitigation Fund.

1. *Please provide further information regarding concerns over future competition and how the mitigation requested could offset any potential impacts.*

Our approach to mitigation is likely different from others in that we are working to mitigate and offset possible negative impacts from future competition to the gaming facility in our region. We believe that with the opening of Encore Boston Harbor within the next few weeks, Plainridge Park will experience increased competition. Our region has acclimated well to the presence of Plainridge Park and would not want to see any decline due to competition from Massachusetts or Rhode Island gaming facilities. Concerns about competition (albeit a different type of competition) are described in a recent article in the Worcester Telegram:<sup>1</sup>

“The Plainville slots parlor has been a generous employer, reliable economic development partner and good neighbor, state and local officials from the southeastern region said, but its success and the benefits that flow to the surrounding towns could be threatened if Massachusetts does not allow Plainridge Park to offer sports betting. Right now, the two Rhode Island casinos — Twin River Casino and Tiverton Casino Hotel — are the only places in New England to legally place sports bets.”

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<sup>1</sup> Telegram.com “Southeastern Mass. Officials worried about RI gaming competitors,” by Colin A. Young, dated May 31, 2019.

“Reps. Betty Poirier, Shawn Dooley and Jay Barrows, and municipal officials from Plainville and Mansfield, joined Roy on Wednesday in testifying in favor of allowing Plainridge Park to accept bets on sporting events, if the Legislature decides to legalize wagering.

“Dooley, from Norfolk, said the situation is particularly worrisome for the entire area because so many of the region’s attractions — Xfinity Center in Mansfield, the Wrentham Outlets, TPC Boston in Norton, Patriot Place in Foxboro and others — tie into and rely on each other.”

“Plainridge is actively being cannibalized now, and it doesn’t just hurt Plainridge,” he said. “As the entertainment dollars go down south, it hurts Patriot Place, it hurts our outlets, it hurts our area restaurants because we really do work as a region.”

While this article is addressing sports betting, which is unrelated to this application, the basic premise of gaming competition and regional impact should be noted. We believe our plan to create a regional destination marketing plan will help to mitigate possible negative impacts to Plainridge from competition.

With our application, the communities of Foxborough, Plainville and Wrentham have joined together seeking to strengthen our regional economy and supporting Plainridge Park Casino by working to offset any future negative impacts to the Casino. As mentioned in our initial application, our three towns are unique in that each has a major regional destination located within their borders. Plainville has Plainridge Park Casino, Wrentham has the Wrentham Village Premium Outlets and Foxborough has Patriot Place/Gillette Stadium, all of which are located within seven miles of each other. These three major destinations combined bring in an estimated twenty million plus visitors per year to our region.

The three communities hope to offset negative impacts from competition and to support the Plainridge Park Casino, by leveraging the power of all three destinations through a coordinated approach to economic development, marketing, transportation and tourism.

- 2. Please provide further information on how the proposed marketing consultant study would be used to offset costs related to the construction or operation of a gaming establishment pursuant to MGL c. 23K, S61.*

Retaining a marketing consultant to assist our region with economic development, marketing, transportation and tourism should result in the creation of an entity that will actively seek to market our region to visitors. Whether it’s a new visitor’s bureau or an expansion of an existing one, we anticipate this effort will result in our region being considered when tourists, business travelers and conference plan their trips. Attracting more visitors to our region for overnight stays should support Plainridge Park Casino as it faces increased competition from Rhode Island and from the two other full casinos in Massachusetts. It is our opinion that the cost of operation of Plainridge Park becomes more challenging with fewer visitors (lower revenue). We are trying to offset any potential decline by promoting the region for overnight stays and maintaining or increasing the number of visitors to Plainridge Park and the region.

3. *How do you see this effort dovetail into a larger economic development program?*

This effort is the first step to determine if there is a market for a larger economic development program that can be developed to promote Plainridge Park Casino, and our region. In the future, we hope to create either a new visitor's bureau, or expand upon an existing one, to represent our region at the "table" during conference, convention and travel planning. We envision shuttle buses connecting the commuter rail stations in the region with the three (and other) destinations, and our unique downtown areas. We see a benefit in doing this initial work to determine if our project vision can mitigate possible negative impacts to Plainridge Park Casino from competing interests.

4. *Will the professional marketing firm you select to prepare a marketing, strategic and creative plan for the destination marketing of your three communities plan to contact tourism resources that represent communities or are in close proximity to your region? Among these are the Massachusetts Office of Travel and Tourism, Greater Boston Convention and Visitors Bureau (CVB), Metrowest CVB, Bristol Country CVB and Plymouth County CVB that could help your firm understand other initiatives, potential resources and assets that could strengthen your plan.*

Yes, we would anticipate that the marketing consultant would contact and coordinate with tourism resources in our region. We do not want to duplicate efforts and want to enhance any programs in place. Whether it's a new visitor's bureau or an expansion of an existing one, our goal is to attract more visitors to our region to support Plainridge Park Casino and our regional destinations.

Thank you for your continued evaluation of our project. We hope these answers provide additional clarity and will assist in your decision-making. Please do not hesitate to contact us if you have any questions or require additional information.

Very truly yours,



Paige E. Duncan, AICP  
Foxborough Planning Director

Enclosure: Newspaper article from Telegram.com "Southeastern Mass. Officials worried about RI gaming competitors," by Colin A. Young, dated May 31, 2019

Copies to: Chris Yarworth, Plainville Director of Planning and Development  
Rachel Benson, Wrentham Director of Planning and Economic Development  
Jennifer Thompson, Plainville Town Administrator  
Kevin Sweet, Wrentham Town Administrator  
William Keegan, Foxborough Town Manager

## **Southeastern Mass. officials worried by RI gaming competitors**

**By Colin A. Young, State House News Service**

Posted May 31, 2019 at 12:13 PM

Updated May 31, 2019 at 12:13 PM

BOSTON — Like a battlefield general reviewing troop placement ahead of a fight with a neighboring army, Rep. Jeff Roy on Wednesday held up a map and walked other lawmakers through the details of a peaceful border skirmish — the competition between Plainridge Park Casino and two nearby Rhode Island betting facilities for southeastern Massachusetts' precious gambling dollars.

The Plainville slots parlor has been a generous employer, reliable economic development partner and good neighbor, state and local officials from the southeastern region said, but its success and the benefits that flow to the surrounding towns could be threatened if Massachusetts does not allow Plainridge Park to offer sports betting. Right now, the two Rhode Island casinos — Twin River Casino and Tiverton Casino Hotel — are the only places in New England to legally place sports bets.

“The blue line that you see here is the Massachusetts-Rhode Island border and here is Plainridge. Then, 10 miles is Twin River and 26 miles is Tiverton ... those were strategically placed to put those locations in direct competition with what's happening at Plainridge,” Roy said as he showed the Economic Development and Emerging Technologies Committee the borderland competition. “It not only affects what's going on at Plainridge but every other business in that area — restaurants, hotels. So we need to respond to what's happening.”

Reps. Betty Poirier, Shawn Dooley and Jay Barrows, and municipal officials from Plainville and Mansfield, joined Roy on Wednesday in testifying in favor of allowing Plainridge Park to accept bets on sporting events, if the Legislature



decides to legalize wagering.

“We urge you to evaluate the issue through the prism of competition by other jurisdictions that are using sports betting to take business from Massachusetts and bring it to their state. No state has been more aggressive in this regard than Rhode Island,” Plainville Selectman Brian Kelly told the committee. “We really don’t think you should do it for the new money it will bring in, but we do know that how we respond now is very important to compete with a state that is doing everything it can to interfere with our success. It’s very important for us and for you to protect that.”

Committee Co-Chair Ann-Margaret Ferrante noted that the group of officials was “one of the first groups that has come up and said primarily you’d like to see this bill passed as a defensive measure to counter the actions of the rest of the competition on the Rhode Island and Connecticut border as opposed to just simply for the potential revenue it could bring to the commonwealth.”

Dooley, from Norfolk, said the situation is particularly worrisome for the entire area because so many of the region’s attractions — Xfinity Center in Mansfield, the Wrentham Outlets, TPC Boston in Norton, Patriot Place in Foxboro and others — tie into and rely on each other.

“Plainridge is actively being cannibalized now, and it doesn’t just hurt Plainridge,” he said. “As the entertainment dollars go down south, it hurts Patriot Place, it hurts our outlets, it hurts our area restaurants because we really do work as a region.”

The legislators said they would not oppose mobile or online sports betting as long as Plainridge Park can also take bets in person. They said it is important that the slots facility be able to offer the same range of offerings as in Rhode Island.

“For one spot to have only slots and 10 minutes down the road they have slots, a sportsbook, table games and everything you can imagine, it makes that a much more desirable location,” Dooley said.

Though the situation is slightly different, MGM Springfield also has its eye on a neighboring state. Mike Mathis, president and COO of MGM Springfield, told the Economic Development Committee this week that there is a sense of

urgency to Massachusetts legalizing sports betting and allowing its licensed casinos to take bets because Connecticut is also pursuing an expansion of gambling.

“They’ve been very competitive with us all the way up to the proposed satellite site in East Windsor,” Mathis said, referring to a joint proposal from Foxwoods and Mohegan Sun to build a small casino just 12 miles away from MGM Springfield. “If they’re able to add sports betting throughout the state and at their resorts, it’s just one more amenity that makes them that much more competitive and in this case, we don’t have any kind of balance. It could be a distinguishing factor for a customer who makes a decision to go or not go to one of the resorts.”

Mathis said it is important for Massachusetts to not just match Connecticut, but to beat the Nutmeg State to the punch “because it’s difficult to pull customers out of existing operations to win that loyalty from existing operators.”

He said MGM has seen a five to ten percent increase in total visitation at its casinos when it introduces sports betting. He said that an increase in foot traffic benefits not only the gaming floor but also the restaurants and retail shops in the casinos.

“So the potential swing, if they’re able to get it and we’re not, is 10 to 20 percent, and that’s extremely meaningful,” Mathis said. “It means jobs for Springfield, it means tax revenue at 25 percent for the state ... it’s a really crucial issue.”