



# HOST COMMUNITY ADVISORY COMMITTEE

City Hall, Room 615 Boston MA 02201

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November 27, 2012

## VIA ELECTRONIC SUBMISSION

Chairman Stephen Crosby  
Massachusetts Gaming Commissioners  
Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, MA 02109

RE: *Response of the City of Boston to MGC's Request for Comments on Proposed Policy Questions for the Gaming License Application Process*

Dear Chairman Crosby and Massachusetts Gaming Commissioners:

Thank you for this opportunity to submit comments in response to the Commission's proposed policy questions. Writing on behalf of the City of Boston and Mayor Menino's Host Community Advisory Committee, we focus here on questions of highest priority, and would also like to update the Commission on the City's own course.<sup>i</sup> Our feedback is concentrated on two overarching points: (1) local authority and (2) timing.<sup>ii</sup> We believe that the Commission and the City share the common goal of an inclusive, transparent and participatory process that will provide economic opportunity to the Commonwealth, to localities, and to their residents.

### Local Control

The City urges the Commission to follow the path of the state legislature and recognize the importance of local control of the host community agreements. The Expanded Gaming Law empowers cities and towns to undertake meaningful planning efforts, impose impact fees and to make a range of decisions regarding a locally proposed resort casino development in their communities. These powers, granted by the state legislature and signed into law by the Governor, should not be unduly burdened by policy or regulation.

The City's primary objective, both during the General Court's debates on this legislation and now during implementation of the Expanded Gaming Law, is to ensure that host communities and their residents are able to make decisions based on their own judgments after weighing the specific needs of their unique communities. Accordingly, the City is conducting analyses, assessing impacts and making judgments based on highly local considerations. The City of Boston, like all municipalities within the Commonwealth, is unique - with distinctive geography, population and history. Just as each city's circumstances are unique, so is Boston

uniquely situated to analyze and respond to any proposed resort casino within its borders. Therefore, the City does not support or agree with any policy that would impact the City's control of its own host community agreement. This question of local control implicates Questions 16, 17 and 18, among others.

The formulation of a host community agreement should remain with the host city and its local voters. In Question 17, the Commission contemplates requiring certain content in host community agreements; but who better than the host city to determine the content of host community agreements? In Boston we look forward to tailoring our agreement to our residents and our businesses. We have engaged in months of community outreach, specifically in East Boston. The Expanded Gaming Law does not dictate host community agreement content, nor should the Commission. Responsibility for the timing, wording, summary and content of the host community agreement should remain where it is most impactful, relevant and trusted - in the hands of the host city.

The Expanded Gaming Law's deference to local authority also implicates questions of construction, permitting and design. Policy Questions 11, 12, 15, and 39 contemplate the Commission's role on these issues, but planning and zoning decisions should rest with host communities. Boston is uniquely situated with a highly capable planning authority. Under existing statutes and regulations, the Boston Redevelopment Authority will review the proposed development, as it would any other major private development proposal within the City. Therefore, the City opposes any policy that impedes the BRA's and the City's ability to do what they are explicitly tasked to do: review development proposals in the City of Boston. Being mindful that not every city and town shares Boston's capacity to have a qualified planning agency evaluate such a significant project, the City encourages the Commission to allow cities and towns to rely upon the state's expertise if needed. However, the City reiterates that it does not need to, nor should it be required to, rely upon state expertise with respect to any proposal in Boston.

In summary, we encourage the Commission to allow cities and towns the autonomy that the legislature envisioned in the Expanded Gaming Law: the flexibility to set forth the conditions to have a gaming establishment located within the host community, the ability to negotiate a community impact fee, and the independence to stipulate responsibilities and known impacts of the development in an agreement that can be as unique as the community from which it originates.<sup>iii</sup>

### **Timing**

Finally, in order to maximize the economic benefits of the various casino development proposals, we urge the Commission to consider its licensure decisions promptly. The job creation potential of proposed developments comes at a crucial time. To the extent that the Commission's policy response to Question 8 may delay economic growth in Region A, we strongly object. The Commission should not delay in one ready region even if other regions are not yet prepared, nor should it force one ready region to wait while the Commission proceeds in

another region. Cities and towns that will be strengthened by transformational community benefits and infrastructure improvements found in host community agreements should not be forced to wait once they are ready for licensure. We ask that any license application presented to you from a developer in Region A be considered at the earliest possible time and certainly no later than proposals that may come before you from other regions.

We believe it is entirely possible to complete careful due diligence at the local level and to proceed expeditiously at the same time. Indeed, that is what Mayor Menino tasked the City and the Host Community Advisory Committee to do early in 2012. And that is how we have been moving forward for many months: securing expert advice and assessments on environmental, transportation, social and financial issues, among others; hosting frequent public meetings in multiple venues and languages; providing office hours for neighborhood based interactions; and reacting to feedback from hundreds of residents in person and online.

Thank you for your consideration and we look forward to working with the Commission on these matters. Please do not hesitate to contact me with any questions you may have.

Very truly yours,



Elizabeth Dello Russo  
Executive Director of the HCAC  
Assistant Corporation Counsel

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<sup>i</sup> The City is writing as a “host community” as defined in G.L. c. 23K (the “Expanded Gaming Law”). See G.L. c. 23K, § 2.

<sup>ii</sup> Specifically, the City is concerned with and writes in response to Policy Questions # 16, 17, 18, 11, 12, 15, 39 and 8. However, the City reserves the right to make comments on any and all policy questions in additional and amended responses.

<sup>iii</sup> See G.L. c. 23K, § 15(8).