

TOWN OF LAKEVILLE
Joint Board of Selectmen and Lakeville Casino Advisory Committee
Meeting Minutes
May 14, 2012 - 7:00 PM
Apponequet High School-IMC

On May 14, 2012, the Board of Selectmen and the Lakeville Casino Advisory Committee held a joint meeting at 7:00 PM at the Apponequet High School IMC Lakeville. The Meeting was called to order by Chairman Maksy at 7:10 PM. Selectmen present: Chairman Maksy, Selectman Belliveau and Selectman Powderly. Casino Advisory Committee Members present: Joseph Chamberlain, Linda Grubb, Donna Winters, Maureen Candito, Mark Downing, Matti Goulart, Nelson Pratt, Robert Dunn. Member Robert Iafrate entered the meeting at 8:00 PM. Members absent: Brian Hoeg and Frank Kuzia. Also present were: Rita Garbitt, Town Administrator, and Christine Weston, Recording Secretary. No one present was recording the meeting.

New Business

Discuss Open Meeting Law Complaint (May 8, 2012 meeting)

Selectman Maksy stated that an Open Meeting Law Complaint had been filed with the Attorney General's Office by Carl Peirce regarding the Committee's May 8, 2012 Meeting that was moved from the Town Offices to the Lakeville Eagles so that the Committee Members could attend the Meet and Greet put on by the Aquinnah Tribe regarding the proposed Casino. In the complaint, Mr. Peirce requested the following action be taken by the Lakeville Board of Selectmen: to nullify the BOS/Casino Advisory Committee meetings scheduled and conducted on May 8th, 2012 at the Lakeville Eagles and rule all votes taken during such meeting within as null and void and, if the BOS so chooses, establish new meetings specifically to address the voted item(s) or to have the voted items(s) added to a future meeting's agenda.

After a brief discussion, upon a motion made by Selectman Belliveau; seconded by Selectman Powderly it was:

VOTED: To nullify the May 8, 2012 Board of Selectmen/Lakeville Casino Advisory Committee Meeting.
Unanimous in favor

The Town Administrator will communicate a response back to the Attorney General that the recommended action has been taken.

Appointment of Chairman

Upon a motion made by Chairman Maksy; seconded by Selectman Belliveau it was:

VOTED: To appoint Donna Winters as Chair to the Casino Advisory Committee.
Unanimous in favor

Review Charge of Committee

Discussion took place on the Charge of the Committee.

1. Identify all of the relative impacts, benefits and mitigation that a destination resort casino at the property Lakeville/Freetown location would have on the entire region.

Ms. Grubb explained that she had a problem with the first goal since the Committee is concerned with Lakeville, not the region, and the impact it would have on Lakeville. Selectman Belliveau pointed out that the Committee is looking at two (2) different phases of the Charge of the group though, since after June 2nd's decision, they may need to expand from there. After that date, it could be Lakeville, it could be Lakeville and Freetown, it could be Taunton. There are the short term effects, and then there is the broader scope of a Casino in Southeastern Massachusetts. Ms. Grubb stated that there is less than 5 miles difference from the Taunton site and the Rocky Woods site, therefore, she feels that the Committee should be focusing on both locations, if not all three (3) locations. It has also been brought up that there could be a Commercial Casino that comes in. Mr. Pratt stated that if the Committee is talking about how it relates to the referendum question for the Town on June 2nd, and also if there is a commercial developer down the road, then there are two (2) issues. What would be the Committee's ability to do that with the June 2nd referendum? That is an incredible list of items to do by June 2nd. Chairman Winters noted that the Tribe has said that even if they do not go forward with the Casino in Lakeville, they were still going to pursue the land as part of their trust.

Selectman Powderly stated that he had called Cheryl Maltais, and she asked how the Town was doing with its numbers. One set of numbers that has been provided to her by Ed Samson is that any mitigation over 10% could hurt the deal. 10% of \$500 million is \$50 million over five (5) years. Also, Lakeville has no water and no sewer, and that needs to be made clear to them. The Town cannot give them a mitigation number, since they have not provided the Town with any figures such as the building size, scope of the project, etc. The Town is, therefore, not sure what they are looking for. Mr. Bond indicated that the Town will see a moving target on the numbers a long way through the process, and it will be hard to know what the numbers are, since the Town will not know any actual effects until it is too late. The Town needs to find out about the sovereignty issue also, since there is a lot more since jurisdiction of where even the police officers can go, if they become sovereign. If this aspect is not known or taken into consideration, the Town will be missing a whole element of what the impacts can truly be. Also, there is still the fact that no one is absolutely clear if the question on the referendum for June 2nd is binding or not binding. Is that significant one way or another with the vote? Is it true that they will not go into a community that does not want them if the question is not binding, or does the Town want to hold their feet to the fire if the vote is positive? Mr. Chamberlain stated that he had a concern with the word permit vs. allow. Town Administrator Garbitt stated that the Department of Elections had to approve the referendum question for the ballot.

It was noted with respect to any Southeastern Massachusetts Casino, the Town will be invited into the process for mitigation since it is an abutting Town. Thus, it is important to keep the City of Taunton on there. Mr. Zienkiewicz stated that as far as the mitigation on the water and sewer, there are plans registered with the State for that, since any piping would come through the Town, therefore, that aspect should not be given away so quickly. Selectman Belliveau stated that he had had that conversation with Ms. Maltais three (3) weeks ago and had asked her point

questions. He had said that the Town would encourage the Tribe to build the water system for their water. Mr. Pratt went back to the question that the Tribe had asked about how the Town was doing with the numbers. What was their inference, that the Town should have something? Selectman Powderly stated that the point needs to be that the Town is waiting on the scope of the project, otherwise, how can the Town develop numbers. There will be no numbers for the June 2nd vote. Mr. Chamberlain stated that the Police and Fire and all the rest of the Town Departments cannot come up with a decent figure or range of figures, since they do not know the scope of the project. Town Administrator Garbitt stated that she did respond to Ms. Maltais that the Police, Fire and Highway were asked to respond to the list, however, they cannot, since they do not know size and scope of the project. Chairman Maksy suggested to say that it would be a minimum of 10%. Selectman Belliveau stated that he did not think the Committee should be discussing any mitigation numbers yet. Wait until there is a yes or no vote to find out if they are really coming. Mr. Pratt agreed. He further indicated that the Governor will not even speak with them at this time about the topic. So the charge, mitigation, impact and benefits maybe should be phase 1, then phase 2. Chairman Winters stated that it is not simply the charge, but how does the Committee determine a charge that investigates what the community may or may not want? Selectman Belliveau suggested that it can be "how can we co-exist with a casino". Mr. Downing stated that even if it is non-binding and they pursue the land, will they put in parking lots, housing, golf courses. Will there be another vote, if they continue to pursue the town? Mr. Pratt stated that it was his understanding that if it is a no vote that the legal entities like the Department of the Interior and the State, when they see that the Town does not support it, it will get thrown out as not a viable project, since it is not supported. So, my understanding is that if we do not vote for it, it will go away. They will not pursue it. If we approve it, then they can move to the next step.

Ms. Grubb stated that she has worked for the last decade to protect Rocky Woods and keep it as a resource. I have had numerous groups there, and the site is culturally significant. I believe that they (Tribe) would still pursue the land since there is the cultural potential there. They would not put parking lots there. I believe that they would not have the money to protect it, if they did not have the Casino, so I believe that is why they are doing this. The State of Massachusetts does not recognize it though as their land. I wish we had the money to protect it. It is owned by two (2) gravel quarries. People should be concerned about blasting. That will happen there anyway. I do not think anyone should expect it to remain as pristine as it is, even if it falls through. Mr. Chamberlain stated that he would like to change the words, a casino in the Region and then in the Town of Lakeville. Identify all of the relative impacts in the region either tribal or commercial that a casino would have in Lakeville. The potential spots are Bridgewater, Taunton, Lakeville, and Freetown.

Upon a motion made by Ms. Grubb; seconded by Mr. Chamberlain it was:

VOTED: To modify the first goal of the Charge to include that of a destination Casino (Tribal or Commercial), a Sovereign Casino or what another significant development's impact would be.
Unanimous in favor.

Selectman Belliveau noted that the Tribe cannot give monies for taxes. Mr. Bond mentioned that they can do an atmospheric extrapolation of numbers, call it something else, rather than taxes or in-lieu-or taxes. Ms. Grubb stated that she would recommend that the Committee set a specific

meeting day since most of the members are also on other boards. Chairman Winters stated that it had been discussed that it will be every other Monday, opposite of the Selectmen's schedule. Mr. Orrall asked what the Committee was looking at for mitigation. Cars are not known, nothing is known. What have they provided to base any figuring on? So how does the Town respond? What questions does everyone spend time asking of what? Chairman Maksy stated that the Town needs to be prepared one way or the other; no one can just sit back and wait for it. Mr. Bond pointed out that the Town of Middleborough went through this and pulled information and got numbers inserted, and since they did that, the Tribe stuck with those figures and would not move from them. The Town might want to consider to include that the Tribe will not take other pieces of land off the tax rolls and put them into trust. They also are seeming to pit two towns against each other. They may put housing somewhere, and the Town will bid against itself without any information. If the Town starts focusing on numbers, even \$50 million, that may end up being the figure that is held onto by them and until the Town gets consultants in. Since they will need water studies, traffic studies, etc. and the scope of the project, no figures can be settled upon. Also, it needs to be determined who will work there. That is not in there.

Mr. Zienkiewicz stated that he feels that the people from Lakeville expect an opinion from the Casino Advisory Committee. The people need a leader and to know what your feelings are. Let everything come out that affects you, and then come out with a rousing statement. Selectman Powderly stated that the Town will only get paid for what its expenses are at best. Lady from the audience stated that many people did not know about this meeting, people do not understand sovereignty. There are a lot of unanswered questions and unknowns out in the community right now. Selectman Belliveau stated that the Tribe was told that the Town wants them to buy local, support local, etc. There are positives that can come out of this as well as negatives. They can use local growers, buy local products, train local people, hire local people. Mr. Chamberlain stated that the people in Town would greatly benefit from some opinion from us. Or is this a Local Unacceptable Land Use (LULU)? Does the Committee want to take the position one way or the other that a sovereign casino is a LULU? Selectman Powderly stated that he would not say that. Ms. Candito, pointed out that there is a link on the Towns website, and it certainly looks like an endorsement for the casino, since there is that link to them. And there is nothing opposing that opinion anywhere. Mr. Peirce stated that he has a facebook page. Lady in the audience stated right now people believe that there will be a casino and that the Town will get money from having one. If this is not true, then that needs to get out there to the community. Selectman Belliveau stated that the Town will do due diligence, if the Casino does come, that the Town will get all the mitigation that there could be had. Chairman Maksy stated that if it costs \$30 million for the Tribe to tie into the water and install that piping and infrastructure, then that would benefit the community, but still there are costs on the other hand to be taken into consideration.

Mr. Bond noted that the link on the Town's website may be a violation, and it may have to come off, if it is appearing as an endorsement. The Town Administrator may have to look into that. Lakeville needs to have a meeting with them and ask if they would agree to hire local, to buy local, to not take any further land into trusts and to have them commit to this and get it in writing. The meet and greets were controlled and staged. This needs to be in writing or on video. Lakeville needs to have them agree to the concepts. Town Administrator Garbitt noted that the third part of the Committee's Charge came from the first Casino Advisory Group for the Middleborough casino. The Towns were in the process of putting together all its numbers from different town departments. Selectman Belliveau stated that the website has to be addressed.

Ms. Candito stated that from a poll she had taken, 61 residents are against the Casino, however, her concern is that the Freetown vote is prior to the Lakeville vote. If Freetown votes yes, then Lakeville people may also vote yes, since they feel that otherwise Freetown will get all the money. I am concerned that that is why they may vote a certain way. Selectman Belliveau stated that, if Freetown votes no and Lakeville votes yes, Freetown has already been told that Lakeville would bring them to the table. If they vote yes, it would behoove us to vote yes, but I still do not think it is coming. It would give us a seat at the table. Ms. Candito pointed out that there is a paragraph from a Police Chief stating what has taken place with a Casino in his Town and the effects with alcohol related issues. So why can't the Committee come forward and say that it does not advise? The Committee, Town, residents, etc., need to be advised, to be given a hard line to tell the community. Mr. Dunn stated that the Committee needs some sort of information to give out. If the Committee cannot get the information that is needed, the Committee should tell that to the Town, that the Committee does not have the time to get the information that is needed. Otherwise, the Committee is doing a disservice to the Town.

Ms. Grubb stated that she would like to know who is speaking for the Committee. Who will be responding to questions, and in what fashion? Who will be responding to the Letters to the Editor? Town Administrator Garbitt noted that the Committee is an Advisory Committee to the Board of Selectmen. Chairman Maksy stated that Lakeville will have the same traffic impact, if it goes in Lakeville or in Taunton. Mr. Bond stated that the Town has three (3) answers, yes, no, or I don't know. This is someone asking you to risk your lifestyle, roads, capital, etc. So the answer is no, since you do not have money to put into it. You need to get them in the room and come up with potential problems and ask them for potential help. You can get political and say that you do not believe it should be here or there since....and let them know the reasons. Mr. Chamberlain stated that he has put 80,000 miles on a motor home since casinos love rv's. The traffic issue is grossly over exaggerated, since he has not been in any kind of traffic going to and from a casino, no matter what time of the day or night ever. The traffic is dispersed. Over the past 15-20 years he has not been in a traffic jam. Other members of the Committee did provide instances where they have been in a traffic back-up due to casino traffic. Mr. Peirce stated that the problem is not traffic jams, it is dispersed volume. There is an increase of volume on any roadway. There are infrastructure costs for maintaining the roads. Mr. Bond mentioned that there is another factor, the traffic lights. Who will be imported to do the work? Traffic is a consideration in the scheme of the impacts.

Mr. Pratt stated that the Town has not seen a stick figure drawing of their plans yet. In theory, next Tuesday night the Committee will get a glimpse of something, and then that leaves the Committee ten (10) days to do something and have an educated comment. I am confused with the discussion, since I am confused with the process. Ms. Grubb asked if maybe Ms. Maltais can attend a meeting of the Committee to be asked some of these questions that Mr. Bond has raised. The night sky is important with the features in Rocky Woods. I think we could ask them to protect it, since we have a night sky bylaw. Chairman Maksy suggested that the Committee needs to come out with some sort of fact statement prior to Freetown's vote so that the Community knows how the Committee feels. Chairman Winters asked if that should be one of the Committee's goals, to make a statement. There is still some time to get some facts such as it will over burden streets, schools, etc. Ms. Candito asked about the pros and cons. Selectman Belliveau stated that the Committee needs to get all the information, both positive and negative, so that people will have it to make an educated decision. Other information about DUI's needs to be gathered, so that just some particular facts are not brought forward which skew the reality.

There needs to be references to something. Mr. Bond stated that if someone dies from a DUI with a commercial casino, then they have someone to go after. If this happens with a sovereign Tribe, then there is no one to go after. They will have the incentive to not allow something in, if they become Sovereign. Town Administrator Garbitt noted that it appears that the Tribe is looking for the Town to use industry standards, and that is not appropriate to use. Selectman Belliveau stated that he did not think that the Committee should come out with a recommendation. Mr. Zienkiewicz stated that the Committee is allowed to be disgusted by the basic concept and vote that way. Mr. Pratt suggested to take a vote of where the Committee stands right now collectively, not anything binding. Mr. Bond stated that if the Committee takes a vote now, that will come through the prism of how they will vote. Town Administrator Garbitt mentioned that she had received the Spectrum Gaming Report from the Freetown Town Administrator which she will forward to the Committee Members.

Chairman Maksy stated that for the May 22nd meeting, the Committee should have a list of questions compiled for the Chairman of the Committee to ask them (Tribe). The questions can be e-mailed to Town Administrator Garbitt. It was noted that Casinos attract single, divorced people, and they move into houses with others and then the families sell and leave the area, realtors buy up the houses and then rent them out at a high cost, since then it is 3 “families” or more living in the same house coming and going at different times with different work schedules. Then the Town appears to be a rich community and gets less from the State. Selectman Belliveau stated that that would be part of the mitigation. Mr. Zienkiewicz asked if at the May 22nd Meeting, will the Committee have any say during it, or be chairing it. Chairman Maksy responded that the Committee would not, since it is the Tribe’s meeting. Mr. Zienkiewicz stated that the people that will go to the meeting will ask questions depending on what side they are on, since they will be advocating one way or another. I think the plan of attack should be in place then. Town Administrator Garbitt stated that she did not know how the Committee wanted to respond to the Tribe’s request for numbers. Selectman Powderly stated that the Committee cannot respond since it does not know the scope of the project, and it would take the Committee months to get those answers, if the information was even provided. Selectman Belliveau stated that he will call Ms. Maltais and state that the Committee cannot provide any impact studies and does not have the financial means to do impact studies.

Review and approve Meeting Minutes – May 8, 2012

The Meeting Minutes of May 8, 2012 were not considered to be a valid set of minutes, since the Meeting of the Committee was nullified.

Discuss Request from Chawner Hurd to be appointed to the Casino Advisory Committee

It was noted that the request from Chawner Hurd to be appointed to the Casino Advisory Committee will placed on the Selectmen’s Agenda for Monday, May 21, 2012 for discussion.

Old Business

Discuss Appointment of Adam Bond as Ex Officio Member

Town Administrator Garbitt stated that the Committee did vote on May 8th to appoint Mr. Bond as an Ex-Officio Member, however, the Selectmen have not met to discuss this appointment.

Upon a motion made by Mr. Dunn; seconded by Ms.Candito it was:

VOTED: To recommend to the Board of Selectmen to appoint Mr. Adam Bond as Ex Officio Member of the Lakeville Casino Advisory Committee.
Unanimous in favor.

Discuss attendance at SRPEDD Annual Meeting – May 23, 2012

Town Administrator Garbitt then discussed the 2012 Annual Meeting of SRPEDD (Southeastern Regional Planning and Economic Development District). There will be a dinner at Wheaton College, Norton, MA on Wednesday, May 23, 2012 at 6:00 PM and the Guest Speaker is Justice James F. McHugh. He is one of the new Massachusetts Gaming Commissioners. The topic that he will be speaking on is “Expanded Gaming in Massachusetts: The Process Begins”. It was noted that the Town Administrator and the Board of Selectmen will be attending the meeting. The cost is \$35 per person, and if anyone else is interested in attending, they can notify the Town Administrator.

Next Meeting

The next meeting of the Committee is scheduled for Tuesday, May 22, 2012 at 6:00 PM at Apponequet High School. The presentation by the Tribe will start at 7:00 PM, and the Advisory Committee will meet at 6:00 PM. The Town Administrator will post the meeting and notify the Committee where they will meet prior to the 7:00 PM presentation by the Tribe.

Upon a motion made by Selectman Maksy; seconded by Mr. Chamberlain it was:

VOTED: To adjourn the Casino Advisory Committee Meeting at 9:04 PM.
Unanimous in favor

Upon a motion made by Selectman Belliveau; seconded by Selectman Powderly it was:

VOTED: To adjourn the Board of Selectmen Meeting at 9:04 PM.
Unanimous in favor