

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**March 29, 2012 – 7:00 PM**

On March 29, 2012, the Board of Selectmen held a meeting at 7:00 PM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Olivier at 7:00 PM. Selectmen present were: Selectman Olivier, Selectman Maksy and Selectman Belliveau. Also present were: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant. No one was recording the meeting. Chairman Olivier explained that Comcast was going to broadcast the meeting, but at the request of Chairwoman Andrews Maltais, it was cancelled.

**7:00 PM Meet with Chairwoman Cheryl Andrews Maltais to discuss the letter the Selectmen received from the Wampanoag Tribe of Gay Head (Aquinnah) regarding a Proposed Gaming Establishment in Lakeville**

Chairman Olivier said that a letter had been received from the Wampanoag Tribe of Gay Head (Aquinnah) regarding the proposed casino. He set the ground rules for the audience, including stating name and address prior to asking a question. Chairman Olivier read the letter of March 27, 2012 into the record. Bullets to be discussed at this meeting included: identification of the physical location of the lands currently under option; initial discussion regarding timetables for informational forums and public interactions; identification of ways in which the Tribe can assist the Town in completing the referendum vote; and initial discussion of impacts that the Town Leadership believes our project may have, and the potential ways in which we can address and mitigate those impacts together.

Chairwoman Cheryl Maltais Andrews said the Tribe is in a preliminary stage of outreach. We did promise to reveal the location of the properties we are looking at. The land in Lakeville is on the west side of Route 140, on the Lakeville/Freetown line, known as Rocky Woods. The Tribe is hopeful that the location is something that the Town is interested in having them pursue for a casino. She said the Tribe wants to be in an area remote enough that we were not impacting housing and the community. If the Town is interested and would like to be the host community, we could work together for an off ramp right off of Route 140. This could be looked into in the future. Knowing the property location, we are hopeful that the Town has had the opportunity to think about things, like areas of impact, such as schools, public safety, roadway conditions, etc. Tribes are held to a high standard to ensure that host communities are comfortable with the project. We are totally committed to working with the Town. Chairwoman Maltais Andrews said she would want to begin scheduling public meetings and forums to get feedback from residents.

Chairman Olivier spoke about the timetable. We have been in touch with Town Counsel, who had informed us that the clock begins from the date that you sent the letter to us. The Town Clerk has suggested a referendum vote on June 2, 2012, which is within the 60-90 day window. Janet Tracy, Town Clerk, said that under MGL c54, s42C, the question must be given to her prior to April 27, 2012, which is 35 days prior to the election. This must be posted and published like other elections.

Chairman Olivier said we need as much information as possible. He noted under “An Act Establishing Expanded Gaming in the Commonwealth”, Section 91 notes that a compact must be negotiated and agreed to by the Governor and the Tribe and submitted to the Legislature for approval. Normally there is a MEPA review. Does the Tribe plan on doing that? Chairwoman Maltais Andrews said as far as a MEPA review, because they are Federally recognized, they would have to do that. It is a requirement for Tribal gaming. Traffic studies and different preliminary studies must be done to try to determine local impact, however, they do not have to be as in depth as a MEPA review. Adam Bond of Middleborough asked if the Tribe is going to try to dovetail the Tribal aspects under the State Gaming Guidelines and the Indian Gaming Regulatory Act (IGRA). Do these work together or do they not? Chairwoman Maltais Andrews said this is one of the areas that the Governor has secured two (2) top notch firms to figure this out. The Tribe is going under the IGRA, which the State Act references. The commercial license would just be commercial. The State has identified and recognized that the Tribe has sovereign rights. The State has an ability to work with the Tribes on this. That is why the compact is in there. Under Class 3, the Tribes must work with the State, and the State must work with the Tribes. Mr. Bond said when a compact is being negotiated at the State level, the ultimate goal of the negotiation is looking at a sovereign casino. When the Board of Selectmen is looking at this, they need to be thinking Tribal casino under IGRA.

Selectman Maksy said the Tribe has spoken to both Freetown and Fall River. Is the Lakeville site the only site or do you have three (3) sites that you are working with? Chairwoman Maltais Andrews said that the Freetown property is located on the south side of the Lakeville property. Whichever Town feels that they would like to be the host community is what we are looking for. We want to ensure that wherever we go, the community is welcoming. Wherever we have an option to purchase land, we want to put that out to the community. That is why we have taken this approach. Selectman Maksy said he thinks perhaps Freetown and Lakeville should work together to decide where we want the casino, if at all. We are both going to get the traffic and various impacts. Chairwoman Maltais Andrews said a venture of this size is going to impact and benefit southeastern Massachusetts, no matter where it lands. Job opportunities will first be offered to the Tribe’s members, but there aren’t a lot of Tribe members in this area available to work at the casino. It would then be opened up to communities surrounding the casino. Selectman Maksy noted that the Freetown/Lakeville Regional School District is located right nearby. Chairwoman Maltais Andrews said they would ensure the safety of the students.

Chairman Olivier asked how many acres the site is. Chairwoman Maltais Andrews said approximately 200 acres are in Lakeville. She noted that this property does have significant cultural resources on it. She comes from a historical preservation background, and this is important to us. We have a dual responsibility to the ancestors, as well as, the current Tribal population. To build a casino, we don’t need that much land, but we also have to take into consideration housing needs and alternative economic development, health clinics, and open space for people to enjoy. Mr. Bond said when you enter into an agreement, it is usually with the Tribe and their financial backers. The backers are just as important to get to know as the Tribe itself. He asked Chairwoman Maltais Andrews who the backers are that Lakeville will be dealing with. Chairwoman Maltais Andrews said it was too premature to reveal at this point. That will be revealed in later forums. A lot of Tribes have had backers that take the front seat and drive. That is not our position. This is our Tribe and our community. First we need to

introduce our backers to the Tribal Council and Tribal Community. Once they have met us, then we will bring the show on the road so that everyone can know who the players are to get a sense of what we are looking for in a project. Chairman Olivier asked about the other communities. Chairwoman Maltais Andrews said they will be meeting with Fall River for the second time tomorrow. They met with Freetown today. Richard Scott of Rush Pond Road said to Chairwoman Maltais Andrews, you mentioned cultural aspects, museum, health care, housing and economic development. You have a track record on the Vineyard as business people. Have you given any consideration to any other property in Lakeville? While you are thinking about your master plan for the casino, there are economic opportunities elsewhere in Lakeville, specifically 55 acres for development right at the Route 495 interchange, if you have the investors and it meets the objectives. Norman Orrall from Crooked Lane asked since this site is located in both Freetown and Lakeville, if one (1) Town does not approve, what happens to the site. Chairwoman Maltais Andrews said they are separate Towns, and the parcels could stand alone. They have separate owners, but the parcels were purchased together. As far as the referendum vote, as she reads the law, it does not bind anyone. This just means that we can move forward, and have satisfied the State's requirement that the Tribe is not forcing its will on a community that does not want it. If all three (3) communities say yes we want to be the host community, that puts us in a good dilemma. We would look at what is the best fit for the Tribe.

Selectman Belliveau asked if there was a no vote, would you still be looking at Lakeville; would we have a choice. Chairwoman Maltais Andrews said under the State auspices, it's a no if the community doesn't want it. She could not see the Tribe forcing it on Lakeville. We are buying the parcel, so it might be used for some other economic development. Chairman Olivier said so if Lakeville says no, but Freetown says yes, you could put it in Freetown. Chairwoman Maltais Andrews said we are looking for a host community. We have the property under agreement and want to build a world class destination casino. We will do our best not to impact negatively. We would try to be as respectful as possible of the distance so that it would not negatively impact a community that did not want it. Selectman Belliveau asked what if Freetown and Lakeville say yes, now you have this nice big piece of property. Will you want both parcels? Chairwoman Maltais Andrews said the Purchase and Sale Agreement is for both parcels. We just looked at a tract of land that was combined. This land was offered to us in the mid 90's when the Tribe was looking in New Bedford. At the time, the leadership did not recognize that property. It was offered in 2006, 2008, and again in 2010. In 2004, she walked the property and feared that the land would be sold to someone not concerned about the cultural resources. We need to identify the areas that cannot be impacted. Avoiding those areas is the first option, and mitigation is the last option. In Massachusetts, there are very few areas that will not have surface archeological resources that are important to the Tribe. Selectman Belliveau said so you want the whole parcel, but it's basically one (1) Town versus the other. One will get the casino, and the other Town will get whatever else you want to develop on the property. Chairwoman Maltais Andrews said what we will discuss is how do we help spread the development around. Chairman Olivier asked would there be a dual host community for mitigation. Chairwoman Maltais Andrews said that depends on the impact studies. Clearly if it is something like not enough fire resources or police, we will try to enhance those, as they are important priorities. She noted that they can be self contained. They can service their entire end of the Vineyard with their water treatment system. We are used to being self contained for the infrastructure for the community. We will help, if it doesn't make sense for us to be self

contained. Frank Sterrett of Crest Drive said he agrees with the Selectmen that this is a joint venture with Freetown. People from the north will be getting off at Lakeville on County Street and from the south in Freetown on Chace Road. He was not clear on the referendum vote. The proposed location has nothing to do with it? Chairwoman Maltais Andrews said the location is required for them to negotiate the compact with the Governor. She did not know if it was required for the referendum vote. Chairman Olivier said we will need to know where the location is to have the vote. Chairwoman Maltais Andrews said it could be anywhere within that acreage between Lakeville and Freetown. We can only move forward on a parcel of property that is under a Purchase and Sale Agreement. Chairman Olivier asked the Town Clerk if the location must be in the referendum question. Ms. Tracy said she had spoken with Michelle Tassinari at the Secretary of State's Office. She advised that we have Town Counsel right away begin working on the question right away.

Chairwoman Maltais Andrews said your assessment on the ambiguities is correct. She can't answer all the questions, because the law leaves it wide open. If she were a resident, she would want to know where the property is and what the project is. They will be setting up the public forums and plan to launch a website to give people more information. Discussion took place on the public forums. Chairwoman Maltais Andrews said they are looking for smaller and larger venues for these forums. Now that we have a vote date, we can work backwards on setting up the dates for the forums. She asked the Board to suggest places to hold the forums. Also, to identify the Town's needs under possible mitigation. There will be an impact on the schools, since both Towns share a school system. Ms. Tracy said she was concerned about the election cost. Does the Tribe have to reimburse us for the cost of the election, which is approximately \$6,000? Chairwoman Maltais Andrews said they would like to see what we could do for the election costs.

Mr. Scott said that a cost of \$200 million or more was mentioned. This is clearly the largest investment any one has ever proposed for Lakeville. You must reserve a certain dollar amount for mitigation. Lakeville or Freetown cannot afford to build a ramp off of Route 140. You said you will address the mitigation that comes out of the studies. Is there a line item for mitigation? If not, there should be. We won't have an issue telling you what our needs are. Where is the money going to come from, since as a Town, we have limited funds? Chairwoman Maltais Andrews said they would not commit to a figure of \$200 million. This would be a significant investment for the Tribe, and we need to do it right and do it well. That is something that we work with the development partners on. It's a process that they identify. It's done as early on as possible, so you will know what to expect to put towards your infrastructure. When the mitigation funds get delivered to the host community, it's up to you where you spend it. Chairman Olivier said your development partners must have a certain guideline to follow. Chairwoman Maltais Andrews said there is a formula that they use. Chairman Olivier said the best way to possibly get a yes vote in Lakeville is to provide as much information as possible. Otherwise people will come up with their own ideas. We don't have a lot of time. As a resident, he would want to know what the Tribe's commitment is, and does it fit with what we need. Mr. Scott said a previous developer funded a police officer, but when the development did not go forward, the Town got used to having that officer and now must fund it. You must put something out to the public as soon as possible.

Mr. Sterrett said you are a recognized Federal Tribe. You buy land and then does it becomes Federal Tribal land? Chairwoman Maltais Andrews said they buy the land, then send it to the Department of the Interior to place that land in trust. Mr. Sterrett asked do local by-laws apply to you once that is done. Chairwoman Maltais Andrews said they are exempt to the local bylaws, but must adopt laws as tight as or tighter than local communities. We would want to try to work with the Local Government. We try to build to suit the community. Selectman Maksy asked about the Commercial License Requirement versus the Tribal License Requirements. The Commercial side shows that they must comply with local by-laws; the Tribal side says not applicable. Chairwoman Maltais Andrews said for the Tribe to be able to negotiate with the Governor, the community must say yes to being the host community. Lyle Strode of 32 Montgomery Street asked if they were considering the Freetown and Lakeville land as a whole. Chairwoman Maltais Andrews said the way we purchased it was as Rocky Woods. It was how the land was packaged, and we had to take the entire land package. We have another use for it besides gaming. Selectman Maksy said that puts us in a tough position. Chairwoman Maltais Andrews said the law did that to the Tribes and the communities in the Commonwealth. It set the Tribes that we are working against each other. Mashpee and Aquinnah support each other's right to game. Both Towns have the right to be host communities. There is a lot more to this than they originally thought, and the State may try to untie some knots. The Tribe is prepared to meet the timelines.

Allin Frawley, a member of the Middleborough Selectmen, asked if this was a simple majority vote. Chairwoman Maltais Andrews said yes it was. Mr. Frawley said that the Governor's Office has said that tribal gaming must take place on land that is in a Federal Trust. How does the tribe plan on handling the Carcieri. Chairwoman Maltais Andrews said they are confident that we can overcome the Carcieri issue. There might be a legal challenge. Even tribes that don't have a Carcieri issue are being challenged. It is up to the Federal Government and the State to recognize that. Only the Department of the Interior can determine if the Tribe can take land into trust. We feel confident that we can. We also have land in trust already. Mr. Scott said this is very technical and will require legal support. The Town is under strict budget constraints and will need legal advice. There needs to be some commitment to help us with legal questions and funding to help the cost of the legal expense. Selectmen Maksy said one of the problems is that Freetown and Lakeville have the same Town Counsel. We can't wait to know if they can fund us. Chairman Olivier said this is all new to the State, and Town Counsel will be learning as they go. Chairwoman Maltais Andrews spoke about part of the \$5 million budget Gaming Commission budget was set aside to hire legal firms. That may be available to tap into as a resource. This is a very specific set of laws, not general law. Chairman Olivier said that the Gaming Commission is so new they don't really know what they are doing. He believed that the response we would get from them would be go see your own counsel. Mr. Bond said he has been through this before in Middleborough and it will be a six (6) figure bill for legal help. There is a lot to think about, like how to deal with the extra taxation money, putting the land into trust, the sovereignty issues. You need the right attorneys. If the Tribe puts the money up for attorney fees, you need to be careful of the appearance of a conflict of interest. Mr. Bond offered to supply the Selectmen with a list of attorneys that he has compiled that are experts in this type of matter.

Chris Nichols of the Taunton Gazette asked if the Tribe would be willing to pay for the election. Chairwoman Maltais Andrews said they would assist, but not pay all of it. Mark Burridge of the Middleboro Gazette asked how big the Fall River site was. Chairwoman Maltais Andrews replied 230 acres. Mr. Burridge asked if all three (3) communities agreed to be a host community, which site would be preferable. Chairwoman Maltais Andrews said they have the ability to do everything they want in each location. We have more of a general purpose need besides gaming. Selectman Maksy asked if there would be multiple casinos if all three (3) communities said yes or just one (1). Chairwoman Maltais Andrews said they build to suit, so whatever the market will hold. Selectman Maksy said so if the Mashpee Wampanoags decide to build in Taunton, we could potentially be looking at four (4) casinos? Chairwoman Maltais Andrews said they weren't looking at building a second casino anytime soon. Selectman Maksy said the Governor wanted three (3) casinos, two (2) commercial and one (1) tribal. Mr. Bond said the State Law cannot supersede the IGRA. The Governor cannot limit Indian casinos. Sylvester Zienkiewicz of Anaconda Drive said earlier when you were talking about building the casino, that you are ready to handle your own water and wastewater. This hurts the Town's efforts to expand its water system. We don't want you off the grid. Chairwoman Maltais Andrews said some communities don't want the development to affect their infrastructure. This is the information that we are looking for. Joan Moran of Central Avenue asked about a website. Chairwoman Maltais Andrews said they are working on getting it up and running. She will give the address to Ms. Garbitt to be placed on the Lakeville website. Ms. Moran asked what message would the Tribe like her to bring to her neighbors. Chairwoman Maltais Andrews said this is an opportunity for Lakeville to get jobs, ancillary work, help to alleviate taxes, and boost the economy for the region. Ms. Moran asked how this will affect the local businesses. Naomi Carney said the Tribe would partner with and develop a business development board for small businesses. When people come to a gaming facility, they don't necessarily stay on the casino site. People do leave and see the local communities. Mom and pop stores are quaint. We want to show this off. We aren't here to hurt the local businesses; we want to help. We want to bring tourists into the area. Chairwoman Maltais Andrews said the casino is an anchor and a draw.

Chairman Olivier asked about the schedule of informational quorums. Chairwoman Maltais Andrews said we need to work together with that. She will need a few weeks to schedule the meeting with their developers. We would like to have that be the largest forum. We will also need your information as well. Selectman Maksy suggested holding a joint forum with Freetown. Chairwoman Maltais Andrews asked if the Town had established a Gaming Subcommittee yet. Chairman Olivier said not yet. Chairwoman Maltais Andrews asked what the number of voters in Town were. Ms. Tracy responded 6,841.

The Board decided to schedule a meeting with the Freetown Board of Selectmen as soon as possible after both Town's elections.

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

VOTED: To hold a Referendum Vote on June 2, 2012 between 7:00 AM to 4:00 PM on the casino issue.  
Unanimous in favor.

## **Revisit Renewal of Earth Removal Permits**

Ms. Craig updated the Selectmen on the status of the renewal of the Earth Removal Permits currently active in Town. Of the seven (7) permits up for renewal, four (4) are automatically renewed under the “Act Relative to Economic Development Reorganization”. There are only three (3) permits that the Board must vote on to renew. Robert Iafrate, Building Commissioner, had inspected each site and reported no issues. Christopher Peck, Superintendent of Streets had requested that the Earth Removal Permit for 2 Commercial Drive be amended to include a route of travel on Commercial Drive and 150’ onto Riverside Drive. Ms. Craig also updated the Board on the projects that have been completed, noting that she has requested, but not yet received, as built plans for the two (2) Gene Bartlett projects.

Upon a motion made by Selectman Maksy, with Chairman Olivier stepping down to second, and stepping back up to vote, it was:

VOTED: To approve the renewal of the following Earth Removal Permits, having the same conditions, expiring on March 31, 2013: Israel England-1 Andrea Avenue; T.L. Edwards – 28 Precinct Street and Kurt Radke – 5 Main Street.  
Two (2) in favor, one (1) abstention (Scott Belliveau).

Upon a motion made by Selectmen Maksy, seconded by Selectman Belliveau, it was:

VOTED: To amend the route of travel for the KCLS Earth Removal Permit for 2 Commercial Drive to read: Trucks to use Commercial Drive out to Main Street and 150’ of Riverside Drive only.  
Unanimous in favor.

Upon a motion made by Selectmen Maksy, seconded by Selectman Belliveau, it was:

VOTED: To send letters to Gene Bartlett requesting as built plans for his Earth Removal Projects at 118 South Pickens Street and 150 Rhode Island Road.  
Unanimous in favor.

## **Adjournment**

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

VOTED: To adjourn the Selectmen’s Meeting at 8:55 PM.  
Unanimous in favor.