

TOWN OF LAKEVILLE
Joint Board of Selectmen and Lakeville Casino Advisory
Committee Meeting
May 30, 2012 – 7:00 PM

On May 30, 2012, the Board of Selectmen and the Lakeville Casino Advisory Committee held a joint meeting at 7:00 PM at the Town Office Building at 346 Bedford Street, Lakeville, MA. Chairman Maksy called the Selectmen's Meeting to order at 7:07 PM. The Casino Advisory Committee was called to order at 7:05 PM by Chair Winters. Selectmen present were: Selectman Maksy and Selectman Powderly. Selectman Belliveau entered the meeting at 7:15 PM. Members of the Lakeville Casino Advisory Committee present were: Joseph Chamberlain, Jr., Linda Grubb, Brian Hoeg, Donna Winters, Maureen Candito, Frank Kuzia, Mark Downing, Matti Goulart, and Nelson Pratt. Also present was Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Adam Bond, Middleborough resident. No one present was recording the meeting.

Chairman Maksy asked if the Selectmen could have a few minutes to discuss the following item.

Meet with Police Chief Frank Alvilhiera to discuss appointment of Daniel Vareika as Police Officer

Chairman Maksy read the request from Police Chief Alvilhiera to appoint Daniel Vareika as a Police Officer for the Town of Lakeville.

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

VOTED: To appoint Daniel Vareika as a Police Officer for the Town of Lakeville for a term to expire May 30, 2013. This appointment will be a one (1) year probationary appointment from the date that Mr. Vareika finishes the Police Academy.
Unanimous in favor.

Approved Modified Lakeville Casino Advisory Committee Charge

Chair Winters spoke about the need for the Committee to approve the modified charge. Selectman Maksy said if there is anything that the Committee would like to change to notify the Board of Selectmen.

Upon a motion made Selectman Maksy, seconded by Mr. Pratt, it was:

VOTED: To approve the modified Charge of the Lakeville Casino Advisory Committee.
Unanimous in favor.

Review and approved Meeting Minutes: May 14, 2012 and May 22, 2012

Chair Winters noted that the Committee needed to approve the minutes of May 14, 2012. The May 22, 2012 minutes were not finished, so they will be placed on the next meeting agenda.

Upon a motion made by Selectman Maksy, seconded by Mr. Hoeg, it was:

VOTED: To approve the May 14, 2012 minutes.
Unanimous in favor.

Discuss May 22, 2012 Meeting

Chair Winters asked for comments from the Committee members regarding the May 22, 2012 meeting. Ms. Grubb said that at 10:00 AM she put vote yes signs on her property and by 4:00 PM, they were gone. There were four (4) vote yes signs in Lakeville, and now there is one (1). Mr. Hoeg asked Ms. Grubb why she changed her mind about the casino. Ms. Grubb stated that she is interested in protecting Rocky Woods, and decided to become more vocal in her support for the casino once others did. The Tribe understands the significance of the land and will protect it. Selectman Maksy said disappearing signs happen quite often during an election.

Ms. Garbitt received an email from Chairwoman Maltais listing the Tribe's pledges. She also has received a letter from the Town of Berkley and a letter that Representative Keiko Orrall sent to the Tribe on behalf of Berkley. Representative Orrall has been advocating for Lakeville as well. Ms. Garbitt said she has spoken to Richard Brown, Freetown Town Administrator. The Tribe has asked Freetown for an invoice for the election costs. He sent me the pledge that the Tribe gave to Freetown. Ms. Grubb said since we have letters from Berkley and Representative Orrall, she would recommend that this Committee send letters requesting that Lakeville be placed in line for mitigation, because we will be one of many communities trying to get a piece of Taunton's pie.

Mr. Bond said it appears that if you look at the way the agreement is structured, there is special revenue bonding by the City to fund the initial monies going to Taunton. The Tribe is saying the investors will not issue \$33 million in bonds. That is why they had the City issue the special revenue bonds to finance it. Either they are having money problems or second thoughts on investing. Lakeville wants a seat at the table for mitigation. Are you asking for that from the Governor and his compact or that Taunton share something in a Gaming Agreement that is already written and going to the City Council? Taunton doesn't work, because that deal is already tapped out as far as money. The only option is through a compact with the State.

Ms. Candito said in the Spectrum Report, it laid out where the State puts the money. It is not the closest abutting communities; it is the largest ones. Lakeville needs mitigation if the casino goes to Taunton. Mr. Chamberlain said until the casino is built, we won't really know the impact. Very often the Towns that are really close, you have to back up 17 miles from where the highway exit is; that is where the problems are. Ms. Grubb said we have to work all angles, because the Spectrum Report was not about Massachusetts. We don't know if they will be doing it the same way. We need to knock on everyone's door and ask what about Lakeville.

Chairman Maksy said if this Committee wants, a letter could be drafted that the Selectmen will endorse. We could use Berkley's letter and add in Representative Orrall's information. Mr. Bond said the thing that is missing from the letters is that this Committee is clearly informed of the problems that are inherent in the Taunton agreement that will impact Lakeville. It is less than four (4) miles from the existing site and the Lakeville site. In the Taunton agreement, there is no limitation for expansion. It could expand into Lakeville, unabated. There is no control over buying land in another Town and then attaching those parcels into Trust land. Some of those things should probably go into a letter to indicate that there are very specific and important impacts. Also, Route 140 and Route 24 will be impassable, causing local issues as well. The Governor is your best shot. Chairman Maksy said we want to encourage the Governor that they stay confined to the site. Mitigation money must trickle down locally. Mr. Pratt said in the Taunton agreement, wouldn't that be germane to the city limits. Mr. Bond said Taunton does not get anything if they expand into another town. In Taunton, if they can get land into trust and begin to buy additional land, they can work their way out to Lakeville. How can you stop them from expanding into Lakeville? The Middleborough agreement had a barrier in it; Taunton's does not. Mr. Pratt said since the Taunton property is so close to Lakeville and Berkley, that is a good point. Mr. Bond said the Connecticut casinos were models. The Tribes were buying up a lot of land and properties, and the Towns were losing their tax base. Taunton doesn't seem to be worried about it.

Ms. Garbitt said the Superintendent of Streets looked at the Taunton traffic studies and it points out the Route 79 impact. Mr. Pratt said you are suggesting that the letter that we send to the Governor address the issue of expanding into Lakeville, rather than just in the City of Taunton. You should read the IGA for Taunton. They are arguing that the Tribe should not have to pay for the historic traffic issues on Route 24; just what they add to it. If the State buys this, we will all pay for this. We are not going to get mitigation money out of Taunton, and the Mashpee Tribe does not have the investors to do it. Selectman Powderly agreed that the Selectmen should write a letter to the Governor. Taunton has clearly gone on record stating that their agreement is done. They have said they don't have to mitigate with bordering communities, so we need to get mitigation from the State. We want a seat at the table, and the way it is written, there is no seat, just between State, Tribe and Host Community. Selectman Powderly said with a commercial casino, you have to take neighboring communities into consideration, not with a tribe. Selectman Belliveau said the State is going to take money from the commercial casinos to help. Are they only helping the host community? Selectman Powderly said the \$5 million is from the commercial venture. Mr. Bond said he was unsure if there is any requirement that they give you any money to do anything other than assess the problems. You need the ear of the Governor. Selectman Powderly said they have talked all along about the \$5 million to write compacts with the tribes. Only the host community gets mitigation from the tribe.

Mr. Hoeg said even if Lakeville votes no, they can still buy the property and move forward. Mr. Bond said according to the law, it's a non binding vote. Mr. Hoeg said if the Tribe is able to get the property under agreement and get recognized by the Federal Government, all bets are off. Maybe that is why Taunton did what they did. They have an IGA to have something in place, just in case. Mr. Chamberlain said the Governor states that the Aquinnahs are not even

recognized. Ms. Grubb said they are a recognized tribe; the question is whether they gave up their gaming rights. Mr. Chamberlain said until that is resolved, this is a moot point. Selectman Belliveau said the Governor has said he does not want to deal with them. If they go to court, and they win, then the Indian Gaming Commission is going to say that Massachusetts didn't treat them fairly. Then we might have a problem. Mr. Bond said that the people he has spoken to think that the Aquinnah have less of a shot than the Mashpee, which is slim.

Chairman Maksy reviewed the pledge from the Aquinnahs on what they would offer the Town. Chair Winters noted that this says "may", not "will". Mr. Chamberlain said the first sentence is non-committal and doesn't mean much. Selectman Belliveau said these are mitigation points to go off of. Chairman Maksy noted they are not giving a dollar amount. Ms. Candito said Freetown didn't even have the pledge before the election. Mr. Bond said they are giving you a pledge. It's the first shot. When you look at this, this is all normal mitigation. It's what he didn't see, limits on expansion, limits of the Town's liability (breach of contract), personal injury insurance and agreement to mitigate, such as the Tribe pays for all studies, agree to real concepts of local training, local hiring, and local buying. You should read Taunton's and Middleborough's agreements; this is skeletal. Mitigation is not only covering for your impact, it is covering you for unexpected events, like expansion. Mr. Bond said they won't put it all on the table. You have to negotiate.

Selectman Powderly said even if we vote it down, we want to stay on the friendly side of the Tribe. If they can get it through Congress, they will be back. Mr. Pratt said if the Town votes to defeat this, aren't the Selectmen obligated to go with the vote of the people. Why would you engage in a conversation with the Tribe? You are sending the Tribe a mixed signal. Selectman Powderly said that is a point well taken. Chairman Maksy said if the Tribe goes with the Federal route, at least we wouldn't burn the bridge. Mr. Pratt said if there is a casino wherever, there won't be another one in this region. Selectman Powderly said they have them three (3) miles apart in California. He doesn't want to burn bridges forever. Mr. Pratt said it would be a mistake to go against the voters. Ms. Candito said you would have a public relations nightmare, if the Selectmen went ahead and appeared to negotiate with the Tribe. You would have to make sure that residents understood that any agreement would be in the future.

Mr. Hoeg said he wondered if the people of Lakeville and Freetown think that if they give a no vote that there will be no casino. This is a fallacy. Mr. Chamberlain stated that an explanation on the ballot should have been allowed. Mr. Hoeg said if the Selectmen per chance, make an agreement with the Aquinnah to protect the rights of the citizens of Lakeville, they should preface this by saying the vote was non binding, and the Tribe can still go to the Federal government to get approval to build whatever they want. So, we still find it necessary to protect the rights of citizen of Lakeville by negotiating an IGA with the Aquinnah. Chairman Maksy noted that Ledyard received nothing since they fought to the end.

Selectman Powderly said this should be a simple letter, stating that we want to be part of future negotiation to protect Lakeville residents. Ms. Grubb stated that we don't have zoning that allows a casino, so that means it is prohibited. Do we need a zoning change? Mr. Hoeg said for a commercial one yes, but not for a tribal casino. Ms. Garbitt said that Town Counsel has been working on this question. There was a decision that they are researching on Martha's

Vineyard that requires a zoning change, but Town Counsel felt that they could develop without zoning. Mr. Bond said once they have Federal approval, all bets are off.

Schedule Next Meeting

The next meeting of the CAC was scheduled for June 14, 2012 at 6:00 PM at the Lakeville Library.

Adjournment

Upon a motion made by Mr. Chamberlain, seconded by Mr. Hoeg, it was:

VOTED: To adjourn the CAC meeting at 8:30 PM.
Unanimous in favor.

Upon a motion made by Selectman Belliveau, seconded by Selectman Powderly, the Board of Selectmen:

VOTED: To enter into Executive Session at 8:37 PM to discuss strategy with respect to the Collective Bargaining Agreement with the Fire Union because an open meeting may have a detrimental effect on the negotiating position of the Board and then return to Open Session.
Roll call vote: Selectman Belliveau – aye, Selectman Maksy – aye and Selectman Powderly - aye.

At 8:57 PM, the Board of Selectmen returned to Open Session. Selectmen present were: Selectman Maksy, Selectman Belliveau and Selectman Powderly. Also present: Rita Garbitt, Town Administrator.

Upon a motion made by Selectman Belliveau and seconded by Selectman Powderly, the Board:

VOTED: To sign the Contractual Agreement between the Town of Lakeville and the Lakeville Permanent Firefighters Association, retroactive to July 1, 2011 through June 30, 2014.
Unanimous in favor.

Selectman Maksy updated the Board on the Water Advisory Committee Meeting he attended at 6:00 PM prior to the Selectmen's Meeting at 7:00 PM. The Committee discussed items they thought the Board of Selectmen should include in the Intermunicipal Water Agreement Amendment with the City of Taunton. Ms. Garbitt will forward a proposal on behalf of the Board of Selectmen to Town Counsel Mark Reich for him to review.

Selectman Belliveau updated the Board on the Regional School Committee Meeting regarding the FY13 Budget. He told the Committee the maximum amount Lakeville would be contributing above Net School Spending would be \$125,500.

Upon a motion made by Selectman Belliveau and seconded by Selectman Powderly, the Board:

VOTED: To adjourn the Selectman's Meeting at 9:40 PM.
Unanimous in favor.