



## BOARD OF SELECTMEN

TOWN OF TEWKSBURY

TOWN HALL

1009 MAIN ST

TEWKSBURY, MASSACHUSETTS 01876

SCOTT WILSON, CHAIRMAN  
DOUGLAS W. SEARS, VICE CHAIRMAN  
JAMES D. WENTWORTH, CLERK  
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### MEETING MINUTES AUGUST 13, 2013

Chairperson Scott Wilson called the meeting to order at 6:38 p.m. Present for the Board of Selectmen meeting were Doug Sears, Vice Chair; James Wentworth, Clerk and Board Members, David Gay and Todd Johnson. Richard Montuori, Town Manager and Attorney Charles Zaroulis were present.

#### **Executive Session—Collective Bargaining**

**MOTION:** Mr. Gay made the motion for the Board to enter into Executive Session at 6:39 p.m. Mr. Sears seconded the motion, and on a roll call vote Mr. Gay, Mr. Wilson, Mr. Wentworth, Mr. Sears and Mr. Johnson vote in favor; the motion carried with a vote of 5-0 to enter into Executive Session

**MOTION:** Mr. Johnson made the motion for the Board to exit Executive Session and enter into Regular Session at 6:59 p.m. Mr. Gay seconded the motion, and on a roll call vote Mr. Wentworth, Mr. Sears, Mr. Gay, Mr. Johnson and Mr. Wilson vote in favor and the motion carried 5 to 0 to enter into Regular Session.

At 7:07 p.m. the Chair called the public meeting to order. All Board members were present along with the Town Manager and Town Counsel.

#### **9/11 Committee—Citation Presentation**

Robert Fowler came forward on behalf of the committee and introduced the committee some of whom were present. Members are Fred Simon, Jim Carter, Jean Walsh, Anne Duncan, Christina Merrill, Bob Duncan and Tony Ippolito. Mr. Simon along with John Ryan, Richard Cuoco, and Jim Carter began one evening brainstorming the idea of the 911 Memorial. The group started with zero money and was front people to put the project together, but there were so many in the background that helped the project along. Mr. Simon noted that he has been involved in many projects over the years in Tewksbury and never had he been involved with a project where all participants were so passionate about their mission. This is the reason why New York selected Tewksbury to this honor. The committee thanked everyone who pitched in to make the project a success.

#### **Elks Change of Manager—Robert Dugan**

Mr. Robert Dugan was present for the Change in Manager. He was asked if he had any experience in terms of managing alcohol. He stated he previously worked at the Haverhill Elks to improve safety and policies and procedures. He is well versed in Elks procedures, and is TIPS certified. Mr. Dugan also noted to the Board there are no changes in hours of operation.

**MOTION: Mr. Sears made the motion to accept the change in manager application for the Tewksbury Wilmington Elks as presented, seconded by Mr. Johnson and the motion carried 5-0.**

**Merrimack Valley Pavilion—Wine & Malt Liquor License Hearing**

Mr. Wilson read the notice into the record and stated the Board will conduct a public hearing on the application of G. Brown & Company, LLC, d/b/a Merrimack Valley Pavilion by Gary Brown, owner, for permission to sell wine and malt beverage as common victualler on premises located at 2087 Main Street and described as 9,000 sq. ft. family entertainment center and sports café with two entrances and four exits with 500 sq. ft. outdoor patio area with seating and tables.

Mr. Gary Brown owner of MVP was present for this hearing. Mr. Gay recused himself from the hearing as he is an abutter of the property.

Mr. Brown gave the Board background on the application and explained his is applying for beer and wine license. Although this is a venue for family activities, there is also a small sports bar for patrons visiting and would like to accommodate those who come in and watch televised sports teams. Mr. Brown has had many requests for and would like to accommodate corporate functions.

Mr. Wilson opened the hearing up for the public to speak.

Mr. Steve Komenchuk of 68 Decarolis Drive came forward. He opposes the application as he feels this changes the dynamic of the original proposal. It was his understanding this was supposed to be family entertainment and adding beer and wine license would mean the facility is for other entertainment than just families. There are other bars in area that patrons can go to and he felt the Merrimack Valley Pavilion did not need this license.

Ms. Marguerite Macdonald of 65 Decarolis Drive agreed with Mr. Komenchuk as she too feels the purpose of Merrimack Valley Pavilion is for family entertainment, and it is not appropriate to have beer and wine sales. She stated the owners did a wonderful job on the facility, it is beautiful, but because it is family orientated and the word family was why a beer and wine license is inappropriate. The Board acknowledged that Ms. Macdonald did send a letter to Board by August 9, 2013.

Ms. Linda Johnson of 68 Decarolis Drive noted it is a great family place and agree with Mr. Komenchuk's comments.

Mr. Brian Sheridan noted if patrons are responsible he did not see a problem with it. He is not opposed to the application and feels it will bring in more business.

Mr. Brown was asked by the Board to explain the dimensions of the facility and how beer and wine would be served. Mr. Brown explained the how the complex was set up and that beverages would be contained in the sports café area only. He did not believe groups would come and stay a long while. He wants to stay focused on the family entertainment just looking to offer more options for patrons when they visit. Consumptions would be limited as he would like to avoid someone coming in, having 5 to 6 drinks and then playing laser tag.

Mr. Wentworth stated he had fielded concerns from residents on the issue of parents driving kids to the Merrimack Valley Pavilion, having a few drinks then leaving. Mr. Wentworth asked what processes ownership will put in place to insure safe serving. Mr. Brown again noted that MVP is not

asking to have a bar-type atmosphere, but would like to offer customers the option to purchase beer or wine during televised sporting events. He also noted that Chucky Cheese has served beer and wine license for at least 10 years and people don't go there to consume.

When asked if MVP would like outdoor service, Mr. Brown responded that they do have 24 seats overlooking the mini golf course and if permitted would like to have that option as the service would be in cans and cups and no bottles.

In closing, Mr. Johnson stated the facility has been a tremendous positive investment in the building and land which the community appreciates tremendously. He has no doubt and the license would be carried out in an appropriate fashion; however the mission of the proposal to build around family entertainment and now institute serving alcohol does cause concern.

It was noted there is only one more license available in Tewksbury to grant for beer and wine. After this the town will need to forego any other applications. Public safety does have concerns with the application and children in the facility.

Mr. Wentworth made the motion to approve the application for a beer and wine license for Merrimack Valley Pavilion; there was no second to the motion, and the motion failed.

Mr. Zaroulis suggested continuing the hearing will not affect the application process as it is his opinion the applicant has not completed the application with the storage and service area of alcohol consumption. It was requested for the applicant to complete this information and determine if the application will include outside service.

**MOTION: Mr. Sears made the motion to continue the hearing until September 10 at 7:00 p.m.; seconded by Mr. Johnson and the motion carried 3-1 with Mr. Wentworth opposed.**

#### **Julie A. Palaccio, Esq. Deed Release of 0 Florida Road**

Julie M. Palaccio Esq representing Jim Piazza was present to speak on Mr. Piazza's behalf. The family has owned the land since the 1900's and is the current owner. During the time the Mr. Piazza's sister owned the property, she did not pay the taxes and a collector's deed was placed on the property. Mr. Piazza's family has paid taxes on the property annually since they have owned the property. Ms. Odams discussed redemption on the property, but the Title Company will need release not redemption. The Town Collector has reviewed the agreement and is supportive of a release. Mr. Zaroulis has reviewed the release documents and has spoken with legal counsel. He would like to check on two items 1) to make sure description is accurate; and 2) it is town policy not to have quitclaim covenants and would like this changed if possible.

**MOTION: Mr. Johnson made the motion to transfer the property located 0 Florida Road subject to Town Counsel's review and approval; seconded by Mr. Sears and the motion carried 5-0.**

#### **John Ziamba, Ombudsman, Mass Gaming Presentation**

Mr. John Ziamba, Ombudsman of the Massachusetts Gaming Commission presented to the Board of Selectmen on the development of expanded gaming in the Commonwealth.

Expanded gaming acts were established on November 22, 2011. When legislature expanded gaming its goal was to increase job creation, economic development and revenue generation. The Gaming Act created an independent body responsible for overseeing and implementing the licensing process. More information on the Commission can be found at <http://massgaming.com/>. Residents can watch recorded and live deliberations. The Gaming Commission only talks in public forum.

The legislation allows for three (3) destination resort casinos in three (3) geographically diverse locations. There can be no more than one (1) resort casino in each region. The legislation also allows for one (1) slots parlor Statewide and is not restricted by region. The regions are Region A: Suffolk, Middlesex, Essex, Norfolk, and Worcester; Region B: Hampshire, Hampden, Franklin, and Berkshire; and Region C: Bristol, Plymouth, Nantucket, Dukes and Barnstable.

A Type 1 License (Resort Casinos) has an initial license period of 15 years; an \$85M initial license fee; a \$500M minimum investment (structure, etc.) and is taxed at 25% of the gross gaming revenue. A Type 2 License (Slots Parlor) has an initial license period of 5 years; an \$25M initial license fee; a \$125M minimum investment (structure, etc.) and is taxed at 40% of the gross gaming revenue along with another 9% of gross gaming revenue is credited to the racehorse development fund. Additional fees include 1) a fee of no less than \$400M which is an initial down payment on the investigation; 2) not less than \$50,000 for the host and surrounding communities impact studies; 3) community impact fees for host and surrounding communities within the host agreement; 4) annual slot machine license fee of \$600 per machine to fund Commission's ongoing operations; and 5) an annual fee of no less than \$5M to provide programs to deal with compulsive gambling, etc.

The goals of the legislations are to:

- Maximize economic development
- Promote local small businesses and the tourism industry
- Maximize job creation with protecting the existing jobs
- Maximize capital investment
- Promote diversity in the workforce and among suppliers
- Coordination with regional and economic development plans
- Mitigate compulsive gambling and other negative consequences in host and surrounding communities

Currently there are four (4) applicants for the slots parlor Type 2 License. The Commonwealth will award this license first and then seek to approve the Type 1 licenses. The applicants for the slots license are currently Raynham Park, Raynham; Mass Gaming & Entertainment LLC, Millbury; PPE Casino Resorts, Leominster; and Penn National Gaming, Inc., Tewksbury. There are four different companies in four different locations who have put in applications.

The application process details are as follows:

1. The Gaming Commission issues request for applications
2. Applications are filed and should include
  - a. Host agreement defining all responsibilities between the community and applicant
  - b. Certification that the applicant will comply with state and local building codes/bylaws
  - c. Certification that the agreement has received a binding vote in the host community
  - d. Studies showing the regional impact and economic effect of the project

3. Commission investigation
  - a. Phase 1 inquiry: applicant's financial and ethical suitability
    - i. Once approved at local level can move to Phase 2
  - b. Phase 2 inquiry: remaining application components
    - i. Numerous requirements such as building rendering, scope of project, traffic studies, etc.
4. Public hearing in the host community
5. Commission decision on awarding of license

The schedule of this process began on January 15, 2013 when the applicants completed their RFA. In June, 2013 the Commission reviewed the completed RFA-1's and released the RFA-2's to the qualified applicants. When asked by the Board of Selectmen why there was such a long timeframe for the application submission and review of applications; Mr. Ziamba responded the need to establish host community agreements as communities were drafting these for the first time. Host community agreements were to be executed between June 2013 and August 2013, with surrounding host community agreements to be signed at the latest by October 2013. Applicant submissions of completed RFA-2 need to be submitted by October 4, 2013. The anticipated selection date of licensee is between December 2013 and February 2014.

The criteria of the evaluation consists of 1) Is the applicant's project unique in the industry and does it make the destination unique to reinforce the Massachusetts brand and positively impact the Commonwealth; 2) Will the project meet the estimated revenue projections and does the proponent have suitable financing to complete the project and spend the required minimum investment; 3) How does the project maximize a positive impact on area visitor attractions, support small business in the region and create viable employment; 4) Does the building meet requirements for energy efficiency and have a design that integrates into the community while meeting permitting requirements; 5) How does the proponent solve traffic problems, address problem gambling, minimize its impact on the Lottery and mitigate issues with host and surrounding communities. These five criteria are a high concern of the Gaming Commission. The Gaming Act defines the impact in 184 pages in the application with extensive materials to be completed. While beginning meetings with all Type 2 applicants the Commission will do a refinement of the application process.

The required studies anticipated by applicants to conduct will define economic benefits to the region and Commonwealth; define impacts on social issues, environmental issues, and traffic and infrastructure impacts. Studies will also include cost to the host community and surrounding communities and the Commonwealth along with estimated municipal and state tax revenues. All applicants are required to go through the MEPA process as well. Further traffic studies will be done for refinement.

A public hearing will be held on all applications with invitations given to surrounding communities. A 30-day notice will be given in advance of the hearing. The hearing is designed to receive input from the members of the public in the impacted community. The Commission will not take action on an application sooner than 30 days after the hearing.

The applicant can designate the surrounding communities or the applicant and the surrounding community can execute an agreement that is submitted with Phase 2 of the application process. The

community can also petition the Commission for a designation as a surrounding community no later than 10 days after the Phase 2 application is submitted. The Commission will provide that surrounding community an agreement of the designation and must be executed within 30 days of submission. The applicant can be very successful in answering questions for neighbors. If the surrounding community and the applicant are unable to reach an agreement, the Gaming Act states that the Commission has the authority to determine the surrounding community status.

The Gaming Commission is in the process of drafting the Phase 2 regulations. These are regulations that govern operational concerns such as gaming equipment, vendor licensing, casino internal and account contracts, taxes, problem gaming and equal employment. At this time, the Commission is reviewing the rights of the host and surrounding community. In general the Commission has tremendous authority and in the end holds the license—it will also be responsible for a tremendous amount of regulations.

Mr. Ziamba went on to discuss law enforcement jurisdiction and noted there will be operational coordination between all law enforcement agencies from the Attorney General's office to local authorities. Primarily the State Police will have full authority inside the facility and significant presence on site. The Commission is still working out how to officially work state and local authorities together. The Gaming Commission will mandate the applicant to follow through with the plan and mandates.

All alcohol enforcement will be governed by the Mass Gaming Commission under directions from the ABCC. These regulations are currently being investigated; but local regulations will not apply. Mr. Ziamba answered the question of serving hours, and it was confirmed there will be no serving between the hours of 2 a.m. and 8 a.m.

The Town of Tewksbury will see a \$1M per year in revenue with \$120,000 to be spent discretionally by The Selectmen from property taxes on building, personal property tax and meals tax. This money is not tied to gross gaming revenues. The Commission has a vested interest in making sure that the applicant is abiding by the host contract signed.

Mr. Wentworth confirmed that the Gaming Commission is conducting a full vetting of Penn National and are looking at financials as to whether they would be a viable slots parlor for the area. It was confirmed the commission will look at all the proposed costs and financial structure of Penn National if they will be able to produce their revenues proposed.

He also asked about Penn National's application for a slots only license and is there any position on it changing from a Category 2 to a Category 1 license. Mr. Ziamba could not predict the future but he reminded the Selectmen that a Category 1 license is for a term of 15 years, there are 3 licenses in the Commonwealth and only 1 for each region

### **Residents**

#### **Patricia Meuse, 551 South Street**

Mrs. Meuse has been a resident for 35 years, here children grew up in town and continue to live and work in Tewksbury. She stated she was completely disappointed in the Selectmen giving the town a gaming district. Mrs. Meuse attended the Planning Board meeting and realized there are many issues with businesses, traffic etc. She is concerned the soul of the town will be affected and

business like gambling preys on the weak in our town. Mrs. Meuse urged the Selectmen not to sell the town short as we deserve better than this.

Mr. Wilson responded that the Selectmen have not taken a position on this proposal. They have only agreed and voted to accept the host agreement. If residents read the agreement and compare with the others across the state, the Tewksbury agreement is the best in the state. The vote on the slots parlor is the decision is for the entire town to vote on.

**Richard Wild, 84 Juniper Lane**

Mr. Wild supports the slots. He feels the town needs the additional stream of revenue as currently the town does not have the resources to get the job done.

**Jae Gray, 7 Dirlam Circle**

Ms. Gray stated this past weekend she visited Bangor as her son lives in the area. She visited the Bangor casino. Ms. Gray specifically wanted to find a disgruntled employee, but all were happy with their jobs as employees were making better money than they had before. She spoke to customers and went to police headquarters to ask questions. The crime rate went up by less than 1%. The only time police are called to the casino is when a patron has had too much to drink and wants to drive home. While speaking to an employee about her work experience a bouncer came over and asked if everything was okay; as he thought Ms. Gray may have a complaint. The casino's policy is if customer has a complaint about an employee that employee is gone that night. The casino is built in a less visited part of town and now is extremely lively. Residents like it. One resident said it is the best thing that happened in Bangor. There were no rowdy patrons until band came on stage. Most noise came from machines. Ms. Gray's experience in her visit changed her mind on how she would vote.

**Rob Dugan, 571 Kendall Road**

Mr. Dugan noted a previous speaker's comment about the Town of Tewksbury is not for sale; he feels the town has been for sale for years. Mr. Dugan noted that part of the master plan was to rezone certain areas of town; and this proposal is to install an overlay district. The proposal will not defeat the master plan or make a tax shift. He also noted the zoning doesn't change until the building is signed off. If the property is not developed for the purpose it is intended for, in eight years it goes back to its original zoning. Mr. Dugan thanked the Selectmen for finally getting a good proposal on the table. The proposal does not remove any buildings that currently exist. He also reminded residents about the protests when Ocean State was applying to move in to the vacant grocery store property that had been vacant for many years. The arguments on that proposal were traffic and this has seemed to work out. Mr. Dugan was surprised to hear Tewksbury was not for sale as a commercial tax base is needed in Tewksbury. He is in full support of the project and hopes it is approved.

**Town Clerk—appointment of Election Workers**

Mrs. Laura Kaplan had sent an email to the Selectmen regarding voting locations. The Selectmen had not had the opportunity to discuss this with the Town Clerk, but took her concerns about voting at the Lowell Assembly of God under advisement.

**MOTION: Mr. Johnson made the motion acknowledging the Town Clerk's cover letter of August 1, 2013 with the attached list and to approve the roster as cited through August 2014; seconded by Mr. Gay and the motion carried 5-0.**

**Municipal Employee Disclosure—Joanne Foley**

**MOTION:** Mr. Johnson made the motion to approve the Municipal employee disclosure for Joanne Foley as she is currently employed by the Town Assessor's office and will also be contracted by the Town Clerk's office as an election teller; seconded by Mr. Gay and the motion carried 5-0.

**Municipal Employee Disclosure—Linda Rekkbie**

**MOTION:** Mr. Johnson made the motion to approve the Municipal employee disclosure for Linda Rekkbie as she is currently employed by the School Department as an ISET Aide and will also be contracted by the Town Clerk's office as an election teller; seconded by Mr. Sears and the motion carried 5-0.

**Common Victualler License Transfer—Lisa's Family Pizzeria**

**MOTION:** Mr. Johnson made the motion to approve the transfer of license, subject to the approval of the Board of Health; seconded by Mr. Gay and the motion carried 5-0.

**Robert Hunter—Application for Historic Commission**

**Michael Hurton—Application for Historic Commission**

These items were taken up by the Board of Selectmen together.

**MOTION:** Mr. Gay made the motion to approve both applications for the Historic Commission for Mr. Robert Hunter of Mt. Joy Drive and Mr. Michael Hurton of Lancaster Drive; seconded by Mr. Sears and the motion carried 5-0.

**Elaine G Krauss—Application for Public Events and Celebrations Committee**

**MOTION:** Mr. Gay made the motion to approve the application for the Tewksbury Events Committee for Elaine Krauss; seconded by Mr. Wentworth and the motion carried 5-0.

**Town Manager**

**Western Mass Gaming—Penn National Update**

Mr. Montuori updated the board on the public hearing with the Finance Committee. There was a lot of good questions and good discussion from the hearing. Mr. Montuori had prepared the projected range revenues based on value of building, personal property tax, food and beverage tax and the host fee. One constant is the \$1M host fee and the capital improvement money in the amount of \$120,000. The host fee will increase after fourth year. The variables will be the building real estate taxes, the personal property tax and the food and beverage tax. The following projections were based upon the FY13 tax rate of \$25.60:

<b>Penn Projections</b>	<b>Penn Projected Assessed Value</b>	<b>Annual Taxes/Revenue</b>
Building Value and Revenue Taxed @ \$25.60/1000	100,000,000.00	2,560,000.00
Personal Property Value Taxed @ \$25.60/1000	50,000,000.00	1,280,000.00
Food and Beverage Revenue Taxed at .75%	20,000,000.00	150,000.00
Host Fee		1,000,000.00
Capital Cost Community Enhancement Fee		<u>120,000.00</u>
Total		5,110,000.00

<b>25% Reduction in Penn Projection</b>	<b>Assessed @ 25% Projected Value</b>	<b>Annual Taxes/Revenue</b>
Building Value and Revenue Taxed @ \$25.60/1000	75,000,000.00	1,920,000.00
Personal Property Value Taxed @ \$25.60/1000	37,500,000.00	960,000.00
Food and Beverage Revenue Taxed at .75%	15,000,000.00	112,500.00
Host Fee		1,000,000.00
Capital Cost Community Enhancement Fee		<u>120,000.00</u>
Total		4,112,500.00

<b>50% Reduction in Penn Projection</b>	<b>Assessed @ 50% Projected Value</b>	<b>Annual Taxes/Revenue</b>
Building Value and Revenue Taxed @ \$25.60/1000	50,000,000.00	1,280,000.00
Personal Property Value Taxed @ \$25.60/1000	25,000,000.00	640,000.00
Food and Beverage Revenue Taxed at .75%	10,000,000.00	75,000.00
Host Fee		1,000,000.00
Capital Cost Community Enhancement Fee		<u>120,000.00</u>
Total		3,115,000.00

<b>Hybrid Projection</b>	<b>Assessed Projected Value</b>	<b>Annual Taxes/Revenue</b>
Building Value and Revenue Taxed @ \$25.60/1000	75,000,000.00	1,920,000.00
Personal Property Value Taxed @ \$25.60/1000	25,000,000.00	640,000.00
Food and Beverage Revenue Taxed at .75%	5,000,000.00	37,500.00
Host Fee		1,000,000.00
Capital Cost Community Enhancement Fee		<u>120,000.00</u>
Total		3,717,500.00

There has been allot of discussion around revenue of the slots parlor depending upon what Tewksbury will receive, but this is not true. The money is dependent on taxes, the host fee and the capital improvement money which is pretty straightforward. Comparing to the Bangor casino building, it is valued at an \$88M property value. These taxes will also provide for additional revenue for the Community Preservation fund in the range of \$19,000 to \$38,000 per year.

Mr. Montuori also explained how this revenue will be used. While this is a wish list two years ahead of time, it could fund the following ideas. These ideas would also be factored at the lower end of the revenue projections. His recommendations were to take \$1M per year to put towards the unfunded pension liability, as Tewksbury's debt is \$160M and needs to begin to address. He would also recommend \$1M for capital improvements around buildings, streets, etc. The remainders would go towards police traffic enforcement, an operational deputy for the fire department and will open all

fire stations much easier, a project manager for the DPW, a program manager/coordinator for the Council on Aging and a lunch meals program for the senior residents; the public library will have restored hours and will add a teen librarian, the school department could add three librarians and academic coaches, a social worker for the high school, a high school math teacher and a science teacher. The recommendations are not additions due to the increased revenue; these are items we did not implement as financial resources were not available in the budget. Additional projects that have not been able to be funded and could use the additional revenue for would be upgrades to school grounds, the DPW and Center Fire Station, and Annex need building upgrades, drainage upgrades, road repair, and new equipment for the DPW and equipment for Fire.

Mr. Montuori and members of the Board of Selectmen met with the senior residents in town and had an attentive audience. Mr. Montuori presented the information regarding the project proposed. He was asked if the additional revenue would go to taxes. Mr. Montuori was honest and told them it will not and the reason is that there are so many town resources that are in need of this money, and if we use this money in smart way we can improve the town. Water and sewer rates will not be reduces but will be impacted in a positive way as the usage from the slots parlor would be equivalent to 180 houses. Residents will instead see an increase of 2% to 3% instead of a 5% increase.

If Penn was here when we set our FY2013 Tax rate instead of the residential rate being 15.44 and Commercial/Industrial being 25.60 they would have been:

- Value of 25 Million for Real Estate and 15 million for personal property the rate would have been 15.17 and 25.33.
- Value of 50 Million for Real Estate and 25 million for personal property the rate would have been 14.94 and 25.11.
- Value of 75 Million for Real Estate and 37.5 million for personal property the rate would have been 14.70 and 24.86.

The shift of the residential burden would drop 1%

On the issue of jobs, much of the information being distributed is not true. Mr. Montuori personally met with the head of Human Resources from Penn National This complex will crease 400 to 500 jobs with 75% full time, 25% part time and the average pay would be \$45,000. An amount of \$45,000 is not a low paying job to someone who doesn't have a job. Penn also pays 80% of the employee's health insurance for those that work 30 hours a week or more. He asked for the Chief Sheehan and Chief Hazel to confirm a starting salary for new officers, and they confirmed \$39,000 to \$40,000. New teachers start in this range as well.

Mr. Montuori and members of the Board of Selectmen along with Chief Hazel and Chief Sheehan took the opportunity to other cities or towns that are now working with Penn National. They were Joliet, Illinois; Toledo, Ohio; Kansas City, Kansas; and Bangor, Maine. All cases have had a positive experience working with Penn National.

### **Toledo, OH**

The Toledo, Ohio call took place with the Mayor, Two Deputy Mayors, the Deputy Police Chief, Utilities Chief and PIO, and the General Manager for Penn National.

The city population is 286,038. The operation is 2,000 Slots, 4 restaurants and 2,500 person concert venue which was a former Brownfield site.

The Process with Penn was good. Penn worked hard to address concerns in an open way and involved many people.

Opponents were concerned about prostitution, gangs, and an increase in theft. None of that happened. Many of the problems people thought would happen did not. Crime actually went down 17%. There rarely have been any complaints. Neighboring towns said crime is down.

Property Values have not been affected, if anything they went up. People wanted to invest nearby.

Penn has helped the Boys and Girls Clubs, Big Brothers and Sisters and helped Toledo through the recession.

The Mayor said the operation has been smooth and has put a lot of people to work. Penn committed to 90% local hiring and did it. He had no negatives to add about this.

The impact on local hotels has been positive. Surrounding communities have seen business growth.

Traffic there has been at peak times during the mid-week and weekends after commutes between 7 P.M. and 9 P.M. Backups are on property not on the interstate. The largest traffic impact was during the grand opening.

The Mayor was also Fire Chief for 17 years. In the time the casino has been opened there has been one car fire. No extra staff has been needed to public safety and there have not been many ambulance calls.

The police calls have been a bare minimum, only a couple of disturbances and thefts. Most have been alcohol related domestics and assaults. Police staff levels were adjusted for the first 30 days since it was not known what to expect; however, since there were no issues, staffing has been reduced back to normal. The casino has been budget neutral to public safety. Not many accidents; some fender benders but nothing major. Penn hires paid details on Thursday, Friday and Saturday nights. No crime has impacted the nearby neighborhoods and residential area.

There is a High School and Junior High School one mile from the Casino and there have been no problems with the proximity of these locations.

Businesses and restaurants are showing interest on a monthly basis, and business has increased in the area of the casino. The casino is located five minutes to downtown and new businesses have opened and reopened. Twelve new restaurants have opened over the past year.

Penn invited businesses to see if they wanted to partner and if they did they would be placed on a list. Penn would use that list when making recommendations to patrons and Penn would place a link to that hotel or restaurant on their website.

The employees for the casino in Toledo are union.

## **Joliet, IL**

The Joliet, Illinois call took place with the City Manager. Joliet has a population of 150,000 which has doubled in 20 years. The City is located 45 miles from downtown Chicago. According to the City Manager its image has been enhanced, there is no stigma for having a casino. Joliet has two casinos. Harrah's is located downtown and Hollywood is located outside of downtown. They are full casinos with 110 Slots, some tables, and four restaurants.

There was mild opposition when they started in 1990. Since implementation residential and commercial values were not impacted since the casino coincided with the largest building boom. The city grew faster than it normally would have without gaming. Due to this the City built fire stations, a wastewater treatment plant and installed water lines.

According to the City Manager Penn is a great corporate citizen and has exceeded expectations. They hired local and use local vendors. There was no impact to other local restaurants.

Traffic is a consistent flow, in and out of the casino all day long, with no major traffic impact. On occasion special events/promotions bring in more people but the casino hires details to assist. They did have one problem with a DJ who was hired for a special event and the city spoke to Penn and there were no further issues.

No staff was added for police or fire due to the casino. The casino is a fairly quiet business. There are not a lot of car accidents and it is a private campus. Ambulance calls are not anything that gets attention from management. The Penn facility had a fire and the facility needed to be rebuilt. The fire was caused by a contractor doing work on the HVAC and this was the only fire call.

There was no increase in criminal activity and very few calls for service. Crimes are no different than a local bar or night club. There is no prostitution due to the casino, and there have been more issues such as cheating at black jack.

There was no additional city staff because of the casino. They did add to city staff but not because of the casinos it was because of growth. No additional equipment or resources were added or needed to be added because of the casino.

There are residential areas near the casinos. The nearest is five minutes away and there has been no impact. Harrah's is downtown which six blocks from a high school and there are no issues with crime near the school. There has been a positive impact on jobs and job creation.

## **Kansas City, KS**

The call with Kansas City, Kansas took place with the County Administrator, the Mayor, the Assistant Chief of Police, Community Development Director and Penn General Manager.

The Kansas population is 45,000 people in the city and approximately 165,000 in the county.

Kansas City had a similar process as Tewksbury. The city had a Penn National development agreement not a Host Community Agreement. The agreement had some issues of interpretations but they were worked out with no problems.

The casino is a full casino. The State approved gaming in three counties in 2007. These were for 2000 slots, 50 tables, and 700 to 800 employees in each location. Penn National was selected during a competitive process. Penn was selected because of their sophisticated development team

There was no impact and no strain on City. They heard all the same issues and concerns and none came true. The casino is safe and has only been a positive impact.

Property values have not been impacted by the casino. There is not a residential neighborhood nearby but there are high end apartments being developed near the casino.

Traffic was worst during grand opening. Now there is a normal ebb and flow on a daily basis and traffic has not been bad. Penn National implemented all the improvements required. The casino is near a raceway and soccer stadium, and draws 10 million people per year.

Fire and Police have had no major issues. In 2012 there were 326 public safety calls; 3 Fire, 71 EMS, and 252 police calls. No additional staff was added because of the casino.

Employment Goals were met and exceeded for employment numbers. Penn National addressed all the city's issues, listened to the city and worked with them.

### **Bangor, ME**

The Bangor, Maine call took place with Dan Myers from Penn National, Kathy Carlin City Manager, Bangor Community Development Director, Bangor Public Safety Officials, Bangor DPW and the City Attorney.

Bangor has a population of 32,000 people. It is a full casino with 900 slots, 11 tables and 5 live poker tables. The process started 10 years ago. The agreement was painless. The town leased the land to Penn National, and has exceeded Bangor's expectations.

Property Values went down because of economy not casino. A 25% value drop was because of the recession. Revenues have helped develop the waterfront area, build an arena and helped clean the river.

There has been an increase in business growth. A new hotel is being built. There has been no impact on other areas such as businesses or restaurants because of casino. Three new hotels were built outside area and a lot of existing business grew.

There is a residential neighborhood next to the casino which was established at the time the casino was built and they had no problems with the development of the area. There was no change character.

City population grew in the 2010 census. There has been no stigma left on the city because of casino. Penn National is a good corporate citizen that allowed the city to do things they normally could not. There has been no budget impact or additional resources needed because of the casino.

The labor force is 90% from the Bangor area with 400 employees: 60% full time and 40% part time.

There has been on ambulance call per month and no significant fire calls

Penn National implemented all the needed traffic mitigation and there has been not traffic impact.

None of the crime associated with the casino has come to light. The police calls are twice a week, which are less than the Mall calls. Majority of calls are for fender benders and disorderly conduct. No significance in crime increased due to the casino. The crime in Bangor is no different than other cities and towns.

In closing the Mayor stated Penn National is a first class operation. They have not always agreed but find common ground and their relationship has become stronger because of this.

Police Chief Tim Sheehan and Fire Chief Michael Hazel come forward to speak about these calls as they were present for all of them. Chief Sheehan recognized alot of resident want to hear from us. On top of these calls Chief Sheehan has spent time with law enforcement executives and he personally sent a questionnaire out to his classmates from the FBI academy on this topic. His investigation proved that in the beginning most had envisioned the worst with a casino being developed in their community and the crime never materialized. Most whom he interviewed stated they maybe get calls to the casino a couple times a week. Surveillance is a huge deterrent. It was anticipated that traffic would be a large influx and never materialized. Alternate employee shift hours have helped to minimize the traffic impact. It doesn't appear from his perspective any of the above will be impacted. All in all Chief Sheehan feels his department can provide a similar or stronger level of service with this establishment being implemented in Tewksbury.

The Board asked about comments from the gaming commission about the involvement of state police with local police and wanted the Chief's perspective, confidence and comfort level with a cross-agency partnership. Chief Sheehan is very confident in the relationship with state police as even today he personally has good connections within the ranks, administratively and within NEMLC. The intention would likely be to have a memorandum of understanding the agencies will share in the jurisdiction with certain crimes for each agency. Currently the town's police share jurisdiction with state police at the Tewksbury State Hospital. State polices does the intake, but the Tewksbury officers take care of enforcement.

Chief Michael Hazel felt the ability of fire department staff to handle the slots establishment in Tewksbury was very good, considering none of the communities had to add staff. He verified the statements and information and spoke to several different levels of employees within the fire ranks. Chief Hazel spoke to line officers, dispatchers, chief officers and all gave information that would not impact the fire department as currently staffed. The impact of a dining theater can't see as a negative impact on the department. The size and scope of the project is smaller than 480,000 square feet of the Demoulas warehouse. The slots parlor's total facility is 125,000 square feet and 60,000 square feet is open public space. The other 65,000 square feet is parking and offices. The North Fire Station is one mile off of Radcliff Road—which the engines usually don't take but if take Route 133 would only be 1.7 miles. Not really used to having businesses coming in and wanting to give the departments want is needed to insure the job is done. It ultimately will be up to residents to decide what they want.

The police department's major concern is with drunk driving with school down road. They are aware they state will regulate this, but this does not alleviate the concern.

## **HUD 202 Invoice**

**MOTION: Mr. Sears made the motion to approve the remaining funds for the HUD 202 project as requested by town manager; seconded by Mr. Gay and the motion carried 5-0.**

## **Special Town Meeting Warrant Article**

**MOTION: Mr. Sears motion to support the article for Special Town Meeting; seconded by Mr. Gay and the motion carried 5-0.**

The Board discussed there may be a call for a secret ballot at the Special Town Meeting and Town Meeting will need to vote for support on this. Residents need to be aware they cannot do an absentee ballot at Town Meeting. Typically at town meeting, residents will take a standing vote and a secret ballot would be on a piece of paper and is a yes or no in the ballot box. The Board all discussed a meeting prior to Town Meeting and the board could discuss the vote at the onset of town meeting. It was agreed to post for a meeting at 6:00 p.m. at TMHS for the Board of Selectmen.

**Outstanding Minutes: June 7, 2013 (regular & executive session); July 16, 2013 (regular session); July 22, 2013 (regular session); August 1, 2013 (regular session)**

**MOTION: Mr. Sears motion to approve the minutes of July 16, 2013; seconded by Mr. Gay and the motion carried 5-0.**

**MOTION: Mr. Sears motion to approve the minutes of July 22, 2013; seconded by Mr. Gay and the motion carried 5-0.**

## **Board Member Reports**

### **David Gay:**

Town public events had first meeting on August 8 and chose their officers. They also started work on Christmas event. A special guest from the Patriotic Activities Committee also came to speak. The next scheduled meeting will be on August 26.

Mr. Gay has spoken to a number of communities and this Saturday he will take a ride to Bangor ME; and speak to the Lowell Sun about his experience. He was surprised by Jae Gray's comments and wants to do this himself. He would be willing to do a brief commentary before town meeting if the moderator will allow it.

### **Douglas Sears:**

The Board approved Bob Hunter into the historical commission, and Mr. Sears had pleasure of presenting him and his wife with a 67th wedding anniversary certificate this past week.

Mr. Sears participated in Kyle Puleo's Eagle Scout service, which was a pleasure.

He noted that legal gambling has been going on in town for quite awhile such as bingo, beano, Keno, scratch cards, and fundraiser raffles; so it has been in our town for some time.

**James Wentworth:**

Mr. Wentworth was prepared to talk about the business case for the slots parlor, but felt the Town Manager provided all of data and facts and the Chief of Police and Chief of Fire provided the safety facts. If residents are searching for accurate information or accurate data, they should contact the Selectmen's office or the Town Manager's office.

It was a good Events Committee meeting. They not only discussed holiday events, but also a Farmer's Markets and a potential Town Carnival. The committee would also like to implement an upgrade to the message board in the center of town. A mock up will be done by Scott Garland and Brian Sheridan who are donating their time to provide this.

**Todd Johnson:**

Mr. Johnson gave no report this evening.

**Scott Wilson:**

The Bicycle Advisory Committee met on the committee's bylaws and how to work together. Another meeting will be held this month and then the committee will report out to the Selectmen in September.

He thanked everyone around the table and all who came to the meeting tonight for their time and dedication through the process of the proposal by Western Mass Gaming.

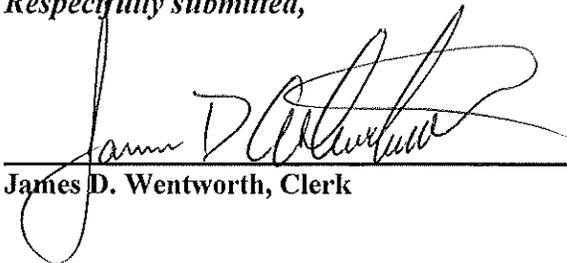
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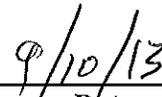
The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Tuesday, September 10, 2013 at 7:00 p.m.

*Adjournment*

**MOTION:** Mr. Gay made the motion for the Board to adjourn at 10:38 p.m.; Mr. Sears seconded, and the motion carried 5 to 0.

*Respectfully submitted,*

  
\_\_\_\_\_  
James D. Wentworth, Clerk

  
\_\_\_\_\_  
Date