



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
DAVID H. GAY
TODD R. JOHNSON

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MEETING MINUTES
AUGUST 23, 2013

Chairman Wilson called the meeting to order at 10:35 a.m. Present for the meeting were James D. Wentworth, David H. Gay. By remote participation Douglas W. Sears and Todd R. Johnson participated in the meeting by telephone. Richard Montuori, Town Manager and Town Counsel Charles Zaroulis present.

1. Mr. Montuori explained that he has requested the Board to meet after the Special Town Meeting regarding the Special Town Election scheduled for September 21, 2013.

Selectman Sears and Selectman Johnson are remotely participating as they are at a geographic distance and unable to attend the meeting in person.

Chairman Wilson explained that Town Counsel has prepared a motion for the Board to cancel the election and a letter has also been received from Penn National requesting the election be cancelled and withdrawn. Mass Gaming Commission and the Secretary of State's offices were contacted and there are no statutory laws governing cancellation of a Special Election.

Mr. Johnson asked Town Counsel what the risks are to the Town in regard to cancelling the election. Town Counsel explained that if someone files litigation against the Board he believes that there would be no significant consequences and that the Court would probably find that the Board acted in a reasonable manner in this instance. There could also be a situation where someone files a complaint with the Secretary of State that what the Board did was improper.

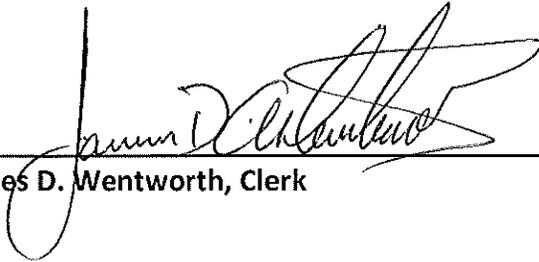
Mr. Sears said the risk seems minimal.

Mr. Gay would like to put this behind us at this point and move forward.

Mr. Wentworth feels the Board did the right thing in presenting this to the residents and have received the message loud and clear that the residents don't want it.

MOTION: Motion by Mr. Gay second Mr. Wentworth unanimously voted where the Special Town Meeting of August 20, 2013, did not approve the amendment to the Zoning Bylaw which would have permitted, pursuant to Massachusetts General Laws, c. 23K, a Category 2 gaming facility at 300 Ames Pond Drive, and where Western Mass Gaming Ventures, LLC, (a subsidiary of Penn National; Gaming, Inc.) requested a special election ballot question but now requests to withdraw such request and also requests that the Board of Selectmen cancel the special election, and where the Board finds that conducting such special election would be a waste of the Town's monies and resources and an inconvenience to the public and that the cancellation of the special election scheduled for September 21, 2013, is in the public's interest, the special election be cancelled. Voted on roll call, 5-0, Mr. Wilson, Mr. Wentworth and Mr. Gay all in favor, by remote participation, Mr. Johnson and Mr. Sears in favor.

MOTION: Motion by Mr. Sears second Mr. Gay unanimously voted to adjourn to adjourn the meeting at 10:47 a.m.


James D. Wentworth, Clerk

9/10/13
Date