

BOARD OF SELECTMEN
TOWN OF TEWKSBURY
TOWN HALL
1009 MAIN ST
TEWKSBURY, MASSACHUSETTS 01876

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MEETING MINUTES
JULY 16, 2013

Chairperson Scott Wilson called the meeting to order at 7:02 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.

1. Café Sicilia All Alcohol Liquor License Application Hearing

Mr. Sears did not attend this hearing.

Attorney Ellen White of Wright and Associates, P.C. was present on behalf of Café Silica and the applicant Joseph Mazzola. Attorney White explained her client would prefer at this time to have a Wine & Malt liquor license at this time as the restaurant owner would like to offer to his client's beer and wine while dining due to the increased competition. Ultimately the owner would like to have a cordials license, but this will need to be approved at the October Special Town Meeting. Attorney White plans to present this article to the residents for a vote on behalf of her client.

Mr. Wilson read the notice into the record and opened the hearing up to the public.

Ms. Jane Blatz of 67 Quail Run, came forward and stated she is a patron of Café Silica and noted not getting this license would be shame as it is one of the better spots in town.

A thorough package was received from the applicant. A concern was raised by the chief of Police.

Mr. Wentworth asked why not applying for wine and malt with cordials. Ms. White noted the town certain acts within its bylaws in order to approve a cordials license. Town Counsel also confirmed the board could approve such a license.

Mr. Johnson asked that how outside serving would be handled, and Mr. Mazzola responded that the restaurant would close by 9:00 p.m. and ultimately is not attracting an abundance of alcohol consumption; just enough to entertain his customers during dinner hours. Mr. Mazzola also confirmed it was his intent to ultimately serve cordials. With this response Mr. Johnson felt it would be best to wait to see if town meeting approves the acts as discussed.

Mr. Zaroulis explained to the board that the applicant would need to come back in front of the board to add the cordial license if it is approved at town meeting. It was also noted if there is currently a beer and wine license available for Café Silica to obtain as the town only has a certain number. This needs to be confirmed by the Selectman's office staff before given—it was believed there were two licenses available at the time of this meeting.

MOTION: Mr. Gay mad the motion to approve a wine and malt license for Café Silica as presented; seconded by Mr. Wentworth and the motion carried 3-1 with Mr. Johnson opposed.

2. Penn National

Mr. Wilson announced that the Board of Selectmen was contacted by Penn National in May, 2013 regarding the potential interest in a Tewksbury site for its business. There were over 300 sites in Massachusetts considered and Tewksbury has been selected as one option. There are many benefits for the residents of Tewksbury. The Board plans to be upfront and transparent. The final say is on the residents.

The Selectmen took a recess at 7:25 p.m.

The Chair called the meeting back to order at 7:35 p.m.

Present for this presentation from Penn National Gaming, Inc was Eric Schippers, Senior Vice President of Public Affairs; Jay Snowden, Senior Vice President of Regional Operations; Steven Snyder, Senior Vice President of Corporate Development; and Jeff Morris, Director of Public Affairs. Mr. Schippers began the presentation for Penn National gaming. He hopes this is the beginning of an ongoing dialog with the residents who will have the ultimate decision on the slots parlor, which is a new industry in the Commonwealth. Penn National is currently in the process of opening an office close in Tewksbury in an effort to partner with the community to not only to expand their business but also to join with Tewksbury in civic opportunities, job creation and community development opportunities.

Mr. Snyder continued the presentation to show the residents the Penn National is committed to build a facility that fits into the fabric of the community. The company wishes to create a tasteful, fitting building. Penn National not only seeks approval from the host community, but for the surrounding communities as well. There will also be a final approval by the Commonwealth of Massachusetts as Tewksbury is in the running with four other communities, including Plainville, Raynham, Leominster, and Millbury. One goal is to keep this form of entertainment in the Massachusetts instead of losing it to surrounding states, such as New Hampshire, as they are now considering this form of entertainment. Penn National realizes property values are of great concern; however it has been shown that values have risen along Main Street. Hours of operation can also be of concern, however what is most attractive is the fact the site will boarder Route 495 and will minimize affecting residential areas. At the time of the meeting the design and concept plans had not begun. A website is going on-line as of tonight's meeting to continue to give residents information they will need to make a decision. It can be located at www.hollywoodcasino.tewksbury.com. Going forward the process will be transparent from all parities.

Mr. Snowden then showed the audience examples of properties currently in operation under the Hollywood Casino Concept. The project is more than \$200 million and will consist of 1,250 slot machines. The building will sit on 30-acres, contain multiple dining options, with a bar and lounge offering. There will be free parking and private security on site. The project will bring 1,000 direct and indirect construction jobs with opportunities for union and non-union work. It will also create 500 permanent casino related jobs with an average salary of \$40,000 per year with benefits.

Tax revenue for the Town of Tewksbury would consist of \$4M annually, which includes \$1M in mitigation payments and \$120,000 in contribution to fund Tewksbury's capital expenditure costs and other initiatives. Penn National will fully fund the planning costs, and will fully reimburse the town for any expenses related to a town election. Penn National will be vigilant in implementing a responsible gaming plan in Tewksbury, including participation in Mass Partnership for Responsible Gambling and support of public awareness on responsible gaming.

A question on crime was raised, and recommended that residents research this. Crime had actually gone down in some communities Hollywood Casinos were built in. Typically the company has found that unemployment is the root cause of crime and by offsetting this with training and job opportunities as an alternative this helps to correct the problem. The intention is to try and hire locally. The company also is working on a list of law enforcement representatives so that chief to chief can converse and know the results.

With a 500-person staff, personnel will include first responders and security. Penn National Gaming considers itself a retail business and if patrons do not feel safe they will not visit their establishment. The Bangor Police Capitan did quote after 5 years that crime had not increased.

A question was raise that if legislation changed would Penn National transfer to a full casino with table games. Representatives of Penn National agreed the slot parlor is the right design for the communities in this area, and would like to focus on it as such. Table games are not in the design plan at this time.

On the issue of increased traffic, Penn National responded there will not be 1,200 cars in the parking lot at one time and given the nature of the gaming business there is no start or end times; nor rush hour times. Most of this will be due to shift changes for employees. There is likely to be a few hundred cars of house of operations, the traffic will be very small. Penn National is committed to working with civil engineers to mitigate any issues with existing businesses or traffic concerns.

Local businesses will reinvest in themselves as there will be more people coming to town. There is no formulated exact approach but business owners should see increases.

When asked about examples of residential property abutting their locations, Penn National did note most of their properties are along river boat communities, but several abut parks or residential neighborhoods. The designers are sensitive to lighting in parking lot and noise. This project can be comparable to Bangor with 33,000 residents as opposed to Tewksbury at 29,000. All concerns are locally driven.

Penn National offers strong corporate citizen partnerships that will open doors to civic events such as blood drives; etc. When there a fire at one of their casinos, Penn National continued to pay employees and asked those employees to serve in a volunteer capacity while they were not working.

The Selectmen asked once up and running what is biggest problem faced by the company. The response was rules of the game changing, i.e. raising taxes or changing road systems can skew projections.

In closing recognition was given that the burden is on Penn to do public outreach

The Selectmen asked the Town Manager what he envisioned the money being spent on. He responded public safety top priority; a large part will go to infrastructure in order to show the benefits of having Penn in our town, such as drainage, parks, sidewalks, and building facilities. This income provides Tewksbury with the opportunity to work on these types of projects that are currently outlined in the five-year capital improvement plan, which may not have the opportunity to complete in a five-year timeframe.

Mr. Montuori explained the time frame for agreement execution and the special election. The agreement needs to be completed within 24 hours. Currently, the town is in discussions with Penn National on the host community agreement. At a minimum, a special town election has to be held no sooner than 60 days from the host agreement being executed by the parties, but not more than 90 days. The final agreement needs to be approved by the Selectmen by next Thursday, July 18th. Penn will ask for a special election date to be at the end of September. A zoning change will also be needed for the site. Every community is under the same timeframe.

3. Residents

Mr. Wilson opened the hearing up to the public. The following residents came forward to speak:

Kevin Hanson, 312 Kendall Road, his opinion is this is not a good fit for Tewksbury. He travels Route 133 everyday and traffic is a nightmare. Route 495 is a nightmare with traffic. If the construction is anything like the Ames Hill project, then the noise and dust will be awful. Businesses may be impacted in a positive way but he doesn't believe it. The area proposed is way over developed as it is. He has heard numerous times what a windfall the site would be from malls to car dealerships, etc. but none of it ever works out that way.

Kenneth Alley, 100 Cardigan Road; his back porch will look at Hollywood Casino. All examples of locations where Hollywood Casinos were built were in urban renewal areas that warrant having this kind of business, but not in our community. He commented on the cozy feel between board members and representatives at the table. Penn National is here because they want to do something. Mr. Alley's property line is 100 feet from the proposed casino property line.

Mark Johnson, 191 Bligh Street, stated the pictures of the buildings were ugly and if that is what proposed to put in Tewksbury it does not belong. Mr. Johnson felt the crime is coming from the highway and will bring more traffic from the highway which will mean more crime. He also disagreed that traffic will not be impacted by this proposal. Seems the estimates for cars coming and going are still very high. Mr. Johnson's opinion to have the agreement in a 24-hour turnaround time was not necessary. His opinion is if you have to complete a task quickly, it's better to walk away. In his travels he has spoken to many people and has listened to his customer talk about how they were happy for big projects comparable to this one. He'd like to know what guarantees the town has if the casino business fails.

Deborah Ship, 2335 Rear Main Street, Tewksbury Methodist Church; she came before the selectmen as a resident of Tewksbury. She is concerned about people and surrounding communities. Slots parlor may seem like a good deal. Gambling guarantees big business, but will the business give social awareness about how this would affect the community. People

living within 50 miles are likely to be obsessive gamblers, and thought of the impact it will have on people obsessive behavior with it. Reverend Ship noted most of the jobs are minimum wage jobs, and wondered the reality in how many of the 500 person staff will be making \$40,000.

Michael Cunningham, 90 Prospect Hill, is concerned about the location. He asked about the population density in other communities Penn National has built in. He is also very concerned about it being a mile away from the elementary school. Casino revenue is decreasing in surrounding states, and he wondered where Penn sees additional revenue.

Rich Menard, 55 Brown Street; asked about the impact the economic development as the town has just gone through a significant process to be a bio-ready town, and will this scare away some of the bio-tech industries from settling here. When Steve Winn builds his casino in Everett, how will this impact Hollywood in Tewksbury.

Anne Buskey, spoke on behalf of the children and elementary schools needing to be protected in this process. She noted the traffic impact as significant and traffic jams from Routes 495 and 93 will continue congestion in this area. She thinks about not only the security inside the building but outside the building. How will this affect kids playing in the yards of their homes? She loves the wild life in the area and a complex would impact the wildlife. She always thinks of her home in Tewksbury as a quiet corner. Ms. Buskey also mentioned the the small business owner who came before the board earlier tonight that is trying to fill his four tables outside and what impact this will have on his business.

Ethan Scarl, 67 Quail Run, would like to see a data analysis chart on an inwards and outward stream of revenue as the proposal seems like it would be a loss to the communities. He would like to see actual numbers

Bob Wald, 97 Cardigan Road, only found out about this as of yesterday. He is appalled being new to this and timeframes put forth. This is the fourth place Penn National will be turned down. He hopes the selectmen will give close attention to this information as he wondered what happened in those communities.

Jon Morrison, 400 Pinnacle Street, stated this is a horrible decision for our town. He fishes in pond all the time. Mr. Morrison felt the economics of improving the retail in town will not impact the businesses on Route 38 Main Street, if the casino is on the corner of Route 133.

Mathew Dean, 821 North Street, asked the selectmen to please not do this project; it is not the right fit for Tewksbury. He doesn't fault Penn National for trying or the Selectmen for listening to the opportunity; however the leaders of the town have done a good job with high school and he believes this can continue without the revenue stream from Penn National.

Richard Smith, 183 Mount Joy Drive surprised by this; could have done the resident a better service by asking tough real hard questions. The windfall being promised to Tewksbury is just like all the other times; nothing has happened in years. The silence speaks volumes.

Representative Miceli was permitted to speak. He noted to put this in the Tewksbury community wasn't meant to be; and once the Town authorizes this they are stuck with it and can't go back.

What is a small community will be made into Mecca. Plainville and Raynham are competing and there is a good chance they will get it due to race tracks. He never thought this could happen here. Representative Miceli did acknowledge the State did cut local aid and the Governor just did it again, but sometimes you have to bite the bullet and not go with easiest solution. The bottom line is he thinks this is a mistake.

New Business

4. Annual Appointments

Bicycle and Pedestrian Advisory Committee

The Board received applications from Peter Miller, Brian Ristuccia Edmund Araya, Jonathan McHatton and Anne Buskey. The Board invited Peter Miller to speak. He is open to holding interviews for the remaining candidates who have applied.

MOTION: Mr. Sears made the motion to approve Peter Miller, Anne Buskey and Scott Wilson as the Board of Selectmen representative to become as members of the Bicycle and Pedestrian Advisory Committee for one-year terms; seconded by Mr. Gay and the motion carried 5-0.

MOTION: Mr. Wentworth made the motion to consider other applicants to the Bicycle and Pedestrian Advisory Committee once committee has met and considered the composition of the committee and possibly an expansion of membership; seconded by Mr. Sears and the motion carried 5-0.

Green Committee

MOTION: Mr. Johnson made the motion to table Anne Marie Stronach to the Green Committee as they are currently seeking a member who has building or construction experience; seconded by Mr. Sears and the motion carried 5-0.

It was noted Mrs. Stronach's application will be reconsidered if such an individual cannot be recruited.

Appeals Board

Andrew Assee application was tabled.

MOTION: Mr. Johnson made the motion to approve Leonard Dunn as a member of the Zoning Board of Appeals for a one-year term; seconded by Mr. Gay and the motion carried 5-0.

Historic Commission

Thomas Churchill has confirmed interested in reappointment. No other applications have been received. The board tabled any appointments for the Historic Commission.

Trust Fund Commission

MOTION: Mr. Wilson made the motion to approve Kelly Odams as a member of the Trust Fund Commission for a three-year term; seconded by Mr. Sears and the motion carried 5-0.

MOTION: Mr. Wilson made the motion to approve Janice Metivier as a member of the Trust Fund Commission for a three-year term; seconded by Mr. Sears and the motion carried 5-0.

MOTION: Mr. Wilson made the motion to approve Todd Johnson as a member of the Trust Fund Commission for a one-year term; seconded by Mr. Sears and the motion carried 5-0.

Town Manager

5. Special Town Meeting Warrant

MOTION: Mr. Sears made the motion to call for a Special Town Meeting on October 1, 2013 at 7 p.m. to be held at Tewksbury Memorial High School; seconded by Mr. Gay and the motion carried 5-0.

MOTION: Mr. Gay made the motion to open immediately the warrant for the Special Town Meeting on October 1, 2013 and close it on August 16, 2013 at 4:30 p.m.; seconded by Mr. Sears and the motion carried 5-0.

6. Melmark

Melmark Sewer agreement had some minor changes from the Town of Andover which have been reviewed and approved by Town Counsel.

MOTION: Mr. Sears made the motion to approve the Melmark sewer agreement as presented and recommended by the Town Manager and Town Counsel; seconded by Mr. Johnson and the motion carried 5-0.

7. Approval of Minutes June 4, 2013 (regular session); June 7, 2013 (regular & executive session); June 18, 2013 (regular & executive session); June 24, 2013 (regular session)

MOTION: Mr. Wentworth made the motion to approve the minutes of June 4, 2013 (regular session); seconded by Mr. Sears and the motion carried 5-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of June 7, 2013 (regular & executive session); there was no second to the motion and it was withdrawn.

MOTION: Mr. Johnson made the motion to table the minutes of June 7, 2013 (regular & executive session) until formatting errors were resolved; seconded by Mr. Sears and the motion carried 5-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of June 18, 2013 (regular & executive session); seconded by Mr. Sears and the motion carried 5-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of June 24, 2013 (regular session); seconded by Mr. Johnson and the motion carried 5-0.

8. Reports

a) **Board Members**

Mr. Wentworth

- Police finished rape aggression defense classes and feedback from participants was well received; he thanked the great work the police have done. Another course will run and already have 30 people signed up.
- Emily Cashell did a benefit on Sunday, June 23rd at Merrimack Valley Pavilion; and thanked MVP for offering their facility. A total of \$2,085 was raised for the Jimmy Fund

Mr. Sears

- Looking forward to continued discussions on slots parlor

Mr. Gay

- Town events committee will meet on August 5

Mr. Johnson

No report given this evening.

Mr. Wilson

- The potential opportunity with Penn National is worth exploring and hopes for residents to do their research and become educated on the topics discussed. Allot of hours have been put into this proposal already, and would like to give an open mind to it.

b) **Town Counsel**

No report given this evening.

c) **Secretary**

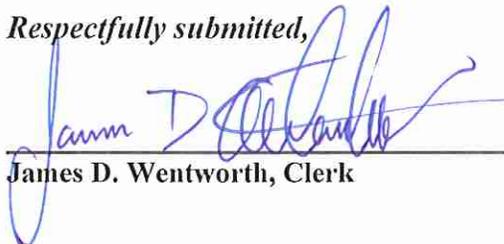
No report given this evening.

The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Tuesday, August 13, 2013 at 7:00 p.m.

Adjournment

MOTION: Mr. Sears made the motion for the Board to adjourn at 10:15 p.m.; Mr. Gay seconded, and the motion carried 5 to 0.

Respectfully submitted,



James D. Wentworth, Clerk

8/13/13

Date