

EWindsor town attorney urges no-vote on casino ordinance

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EAST WINDSOR — Ahead of Thursday night's special town meeting in which residents will have the opportunity to vote on whether to send to a referendum a proposed ordinance regulating the licensing of gambling facilities in town, the town attorney has issued a legal opinion urging voters to reject the ordinance.

The proposed ordinance would prevent a casino from being built within 2,500 feet of a residential treatment facility, effectively killing the development of the proposed casino.

According to an agreement between the town and the casino's developer, MMCT Venture, the casino is to be built at the site of the abandoned Showcase Cinemas and Wal-Mart buildings at 171 Bridge St., which is within 2,500 feet of the Albert J. Solnit Children's Center, a psychiatric treatment facility for minors.

MMCT Venture is a partnership between the Mashantucket Pequot and Mohegan Tribes, the respective owners of the Foxwoods Resort Casino and Mohegan Sun, that was formed in order to develop a \$200 million to \$300 million casino in northern Connecticut to compete with the \$950 million gambling facility being developed in Springfield by MGM Resorts International.

While the development agreement between East Windsor and MMCT would bring in \$8.5 million in annual revenue for the town, prompting universal support from the Board of Selectmen, some residents who are opposed to the facility have organized against the proposal with the backing of United Church of Christ-funded Coalition Against Casino Expansion in Connecticut.

Opponents, who say the facility would damage the local community through crime and gambling addiction while sapping money from relatively poor residents, prompted this public vote with a petition to the town; the ordinance itself was written by an anonymous local businessman, according to leading opponent Brianna Stronk.

The Board of Selectmen last week reluctantly voted to send the ordinance to a town meeting, with Selectmen Richard P. Pippin, Jason Bowsza, and Dale Nelson citing a legal obligation to do so under the town charter.

However, the town charter also states the town attorney must provide a legal opinion on any such proposal before a town meeting is held, and Town Attorney Joshua Hawks-Ladds on Tuesday issued a 15-page opinion recommending voters reject moving forward with a referendum on the ordinance.

Hawks-Ladds cited four primary legal issues with the ordinance, the first stating gambling is illegal under state law outside of the tribal land. While a number of bills are being floated in the General Assembly that would further legalize gambling facilities throughout the state, Hawks-Ladds said the proposed ordinance “is not in conformity with existing law.”

Hawks-Ladds further stated that one of the bills in the General Assembly, S.B. 957, would preempt the regulations in the ordinance if passed. The regulatory scheme proposed in that bill “would be in direct conflict” with the one set up by the ordinance, Hawks-Ladds said, and would render the ordinance invalid because state law supercedes local ordinances.

Citing state case law, Hawks-Ladds also contended that the language in the ordinance is unconstitutionally vague.

Finally, Hawks-Ladds pointed out MMCT has already made a non-refundable payment of \$250,000 to the Bridge Street property’s owner and therefore stated the ordinance “fails to address vested interests created” by the development agreement.

He said those vested interests ought to be protected based on the Connecticut Supreme Court decision in Windham Taxpayers Association v. Board of Selectmen of the Town of Windham, which affirmed a lower court’s ruling that towns can reject proposals that could hurt parties with whom they have already entered into contracts by retroactively invalidating those contracts.

First Selectman Robert Maynard said this morning that he is in agreement with the attorney's opinion, which echoes his own concerns over formatting and legality.

Selectman Jason Bowsza concurred, saying, "The town attorney very thoroughly researched the questions before the town meeting and the only proper course is to reject the petition and ordinance."

Stronk, however, said in a statement she was "mystified" by Hawks-Ladds' opinion.

"If gambling's illegal as he says," she wrote, "then I'm trying to understand how he allowed the town to enter into a development agreement with MMCT that specifically commits the town to allow building of a 'casino facility.'"

The special town meeting will be held Thursday at 7:30 p.m. at Town Hall. All legal voters in town are eligible to vote.