

## MINUTES

Devens Jurisdiction Framework Committee  
Wednesday, February 12, 2020 @ 3:00 PM  
Vicksburg Conference Room, MassDevelopment, 33 Andrews Parkway, Devens

**Members Present:** Robert Pontbriand, Jannice Livingston and Alan Manoian (Ayer); Jim DeZutter, Bill Marshall and Peter Lowitt (Devens Enterprise Commission); Tim Bragan, Lucy Wallace, and Victor Normand (Harvard); Enrico Cappucci, Mike McGovern and Bryan Sawyer (Shirley); Robert Ruzzo, Jessica Strunkin and Edmund Starzec (MassDevelopment).

**Others Present:** Chris Ryan (Harvard), Ruth Rhonemus (Ayer), Tim Hatch (Shirley), Jim Gellar (Devens)

**Call to Order:** Meeting was called to order at 3:00 PM by Jessica Strunkin, co-chair.

### Review of Minutes

Minutes from the January 8, 2019 meeting were reviewed. Lucy Wallace moved to approve, Robert Pontbriand seconded and the motion was unanimously approved.

### Website Discussion

Mr. Pontbriand reviewed progress on the website, which is functional but not available to the public at this point. He is seeking pdf versions of committee agendas, minutes, etc. for the documents section of the website. He also noted that content is needed for the Frequently Asked Questions (FAQ) section. He expects that the website will be ready to go live in March after committee review.

Ms. Wallace suggested that copies of the Reuse Plan, By-Laws and Chapter 498 be added to the website. Ed Starzec offered to supply the pdfs. Jannice Livingston suggested that each town website should have a link to the committee website.

### Town Administrators Finance Meeting Update

Mr. Pontbriand updated the committee on the discussions of the three Town Administrators, who met twice in the past month to consider disposition from a municipal vantage point. They identified four fundamental disposition scenarios for consideration: 1. Status quo; 2. New community; 3. Disposition among the Towns (in various forms); and 4. Shared government concept (under which, for example, the Ayer Fire Department might provide fire services for all of Devens). Mr. Pontbriand also raised the issue of transition, noting that it may be an extended period and not akin to a light switch.

Mr. Pontbriand noted that objective financial analysis will be needed to assess the disposition scenarios for all entities. This will involve reviewing existing budgets and capacity to create a baseline and identify issues. He cited other issues including parcel-specific tax revenues, tax structure, the status of environmental clean-up and how to treat undeveloped parcels. Additional issues include how to structure municipal services, costs and insurance implications. He added that once costs and expenses are known, then the Towns are in a good place to review disposition scenarios. Mr. Pontbriand highlighted a final issue: that of whether or not the Commonwealth is compensated for its investment.

Mr. Pontbriand said that as a next step, the three Town Administrators will recommend some changes to the draft Memorandum of Agreement (MOA).

Mr. Pontbriand stated that the three Town Administrators thought that one town taking jurisdiction of all of Devens was a non-starter. Mr. Starzec asked about a scenario where Harvard voters might

decide to remain rural, not wanting to resume jurisdiction of any part of Devens. Mr. Pontbriand felt resources and time should not be dedicated to the concept of one town resuming jurisdiction of all of Devens. Ms. Wallace noted that shared services could represent a savings. Mr. Pontbriand noted that some services like wastewater are already regionalized. Ms. Livingston noted that a good study/analysis could nonetheless lead to a recommendation of one town taking over all of Devens. It was determined that the language “resumption of jurisdiction by one or more towns” would remain as one of the alternative government structures to be considered in the MOA.

### **Map Update**

Ed Starzec reported that work is continuing and expects to have drafts available for review in March.

### **6<sup>th</sup> Stakeholder Outreach Plan Update**

Jessica Strunkin reported that the selection process will remain open ended at this point. She has reached out to the Chambers of Commerce to solicit interest from Devens businesses and has heard from a few new businesses. The subcommittee will meet in early March. Ms. Livingston noted that Ayer is working to fill its own disposition committee but needs participation from Devens residents.

### **Memorandum of Agreement**

Ed Starzec walked the committee through the draft MOA, noting that he pulled as much language as possible and relevant directly from Chapter 498. Mr. Starzec noted the highlighted portions as important questions for the Committee to address rather than for him to draft without committee input. One example is the definition of “Consensus”, at which point Chris Ryan, Director of Community & Economic Development for Harvard, distributed a document, *Principled Negotiation Defined*, to Committee members for their review prior to the next meeting. Other areas for discussion among Committee members includes cost sharing/funding for consultant work and whether or not Devens residents will get a separate vote outside of the Town Meeting process.

Relative to the Goals and Issues memo as outlined in the MOA, Mr. Starzec suggested its purpose was to share with Committee members to determine areas of agreement and to also share with a consultant when that phase is reached. Mr. Starzec outlined the next steps as follows:

1. Sign MOA
2. Memos (goals) by Stakeholders
3. Procurement/Selection of Consultant

Ms. Wallace asked about if further investments would be needed in Devens like road repairs or ongoing environment obligations and responsibilities under 21 E.

Mr. Cappucci asked about the history of Super Town Meeting, noting only 1 success and concern about getting stuck with past practices.

Ms. Wallace shared her concerns about Devens residents caucusing separately, whether it was legal for them to do so and then go to Town Meeting.

Mr. Normand asked about advancing the MOA.

Mr. McGovern asked how the 2006 study was funded. Ms. Wallace noted that MassDevelopment paid for it and Mr. Starzec recalled the towns getting funding through the legislature for independent studies.

Mr. Pontbriand stated that deadlines should be set for preparing the Goals & Issues memoranda, noting that each town’s own jurisdiction committees are in different phases. He also suggested that a

common template be prepared for the memoranda. Mr. Normand noted that this would help the towns remember to stay within the parameters of the Reuse Plan.

Ms. Wallace noted that the MOA should include a statement about following the reuse plan. Mr. Manoian asked if any of the reuse plan is obsolete. Ms. Wallace said it was not. Mr. Marshall observed that disposition renders the reuse plan moot. Ms. Wallace stated a desire to ensure that the reuse plan still stands post disposition. Mr. Ruzzo discussed the possibility of keeping the DEC permitting process and utilities in place post disposition. Ms. Wallace raised the concept of overlay zoning. Mr. Lowitt stated that the towns voted for the zoning in Devens so it would stand post disposition, i.e. no overlay is needed, but the process for rezoning could change.

Brian Sawyer asked how will we get to yes on the MOA without a definition of consensus first.

Tim Bragan noted that the disposition timeline is dependent on Ayer and Shirley setting up their own committees.

### **New Business**

Mr. Ruzzo circulated a memo summarizing some potentially relevant base reuse examples from around the country.

### **Items for the February 12<sup>th</sup> Meeting Agenda**

- Website
- Map
- Consensus
- Section-by-section review of draft MOA
- Update on the progress of each Town's own disposition committee
- 6<sup>th</sup> Stakeholder

### **Public Comment**

Chris Ryan asked how the goals and objectives memoranda will account for conflicting goals and suggested incorporating consensus driven process into the timeline discussion.

Heather Knowles complimented Ed Starzec's work on the MOA. She asked if a consultant would come up with just 1 scenario and what would be the process to approve the alternative scenarios.

**Adjourn:** The meeting adjourned at 4:20.