

## MINUTES

### Devens Jurisdiction Framework Committee

Wednesday, November 10, 2021 @ 3:00 p.m.

Video Conference via Zoom

**Members Present:** Jannice Livingston, Robert Pontbriand (Ayer); Victor Normand, Lucy Wallace (Harvard); Bryan Sawyer (Shirley); Peter Lowitt, Bill Marshall (Devens Enterprise Commission (the “DEC”)); Robert Carley, Edmund Starzec, Jessica Strunkin (MassDevelopment). John Katter, Devens Representative-Resident

**Others Present:** Bill Duston (Devens); John Osborn, editor, *The Harvard Press* (Harvard); Karen Davis, Victoria Stratton (MassDevelopment); Neil Angus, DEC

**Call to Order:** The meeting was called to order at 3:02 p.m. by Victor Normand, co-chair.

**Meeting Minutes Approval:** The minutes from the October 13, 2021 meeting of the Devens Jurisdiction Framework Committee (“DJFC”) were reviewed and Mr. Normand requested two changes: (i) that the paragraph regarding Harvard’s position paper be moved to below the heading “Vicksburg Square” (p. 3); and that Mr. Carley’s comment be clarified to include that revenues generated from MassDevelopment land sales and Devens-imposed taxes can generally only be used for Devens purposes (p. 4). These changes were agreed to. Mr. Normand asked for a voice vote to approve the minutes, as amended, upon motion duly made and seconded, by the Members on the videoconference, and without opposition, it was unanimously

VOICE VOTED: that the Members of the Devens Jurisdiction Framework Committee approve the minutes of the Devens Jurisdiction Framework Committee meeting of October 13, 2021, as amended.

**MOA Consensus Language:** Mr. Starzec advised that he and Mr. Green made additional edits to the MOA and both a clean and marked up version of Section D were provided to everyone prior to the meeting today. Based on discussions at the previous DJFC meeting, these edits include: crisper language defining “consensus,” in para. 1; a lessening of the facilitator’s authority in para. 3; and further clarification of stakeholder make-up in para. 4.

A discussion followed regarding the connection between the DJFC and potential Super Town Meeting process(es) and whether or not the DJFC needs to develop a mechanism to address the issue where Devens residents can also vote in the surrounding towns. Ms. Strunkin suggested that defining consensus and membership of the DJFC is the issue at hand, while the Super Town Meeting process and related concerns is a different discussion. Mr. Sawyer agreed that including the latter hinders getting to a consensus. It was agreed that para. 4 would be further edited as follows:

Parties agree that each Party will nominate 3 individuals to form a team to represent its interests in the negotiations. The Parties agree that each negotiating team may choose the method by which they come to an agreement on how their team will vote. The Parties

*Approved:  
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~~agree to empower their team of representatives to achieve consensus on a draft Study. The Parties agree to seek approval of the draft Study by their respective organizations, without further modification. The Parties agree that once the draft Study has been approved by a majority vote in each town, held concurrently in a super town meeting of the 3 towns, by majority vote of the MassDevelopment Board of Directors, by majority vote of the Devens Enterprise Commission, and by a vote of the businesses and residents of Devens, the draft Study shall be declared approved by all Parties, and be known simply as the Study.~~

The first three sentences only of the paragraph will stay; the rest comes out. Noting that the definition of “consensus” has become elaborate but important, Mr. Normand asked for a voice vote, to approve the edits identified, upon motion duly made and seconded, by the Members on the videoconference, and without opposition, it was unanimously

VOICE VOTED: that the Members of the Devens Jurisdiction Framework Committee approve the language of the MOA, Section D, as amended.

**Town Administrator Update:** Mr. Pontbriand apologized and promised to do his best to convene the appropriate people regarding Ayer’s funding. A specific request was made that he do so and report back regarding municipal funding. Mr. Pontbriand said he hopes to be able to provide additional information for the next meeting of this group.

Ms. Strunkin then suggested that another heading – Stakeholder Update – be added to the Agenda going forward and/or alternate with the Town Administrator Update, so that if one has no update to make at a particular meeting, then the other may do so, as appropriate and/or necessary.

**Funding:** Mr. Normand referred to Harvard’s previous position paper, which proposes that funding for a consultant to assist with disposition efforts should be provided by MassDevelopment and the DEC, and he was reminded that there is no funding in the Agency’s FY22 budget for that exercise. Ms. Wallace asked who paid for the prior attempt at disposition, and Mr. Starzec advised that Sen. Jamie Eldridge (D – Middlesex and Worcester) and former Sen. Pam Resor secured about \$150,000 for Scenario 2B. It was then clarified that this contribution was for a “peer review” the report. Mr. Sawyer said it would be helpful to have an idea of how much this may cost each community and for how long. He wondered if there is state funding available and/or a mechanism to help identify available state funding. He suggested reaching out to legislators and local representatives for their assistance.

Mr. Starzec noted that one way to inform and identify the proposed costs would be to issue a Request for Proposals (“RFP”). Mr. Katter agreed and said the group would need to develop a scope of work, and get RFP responses to guide the funding discussion.

It was agreed to leave the “Funding” discussion for now. It was also agreed to form two groups: one to discuss and develop a mechanism to communicate the work of the DJFC to the Devens Community and get input from Devens Stakeholders; and one to work on the RFP. Ms. Strunkin said she would be happy to organize the Devens Stakeholder group and to provide communication tools; Mr. Katter volunteered for this group. Mr. Lowitt offered that he and/or Neil Angus would participate and could

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get the word out through DEC meetings and by keeping this item on the agenda for those meetings until satisfied. Volunteers for the RFP group included Ms. Livingston and Mr. Pontbriand, Ms. Wallace, Mr. Katter and Mr. Starzec; Ms. Livingston and Mr. Pontbriand volunteered their colleague Alan Manoian (Ayer's Director of Economic Development - not present today) for this group, as well.

When asked if an actual RPF should be developed, it was suggested that it could be a less formal Request for Interest ("RFI") instead, the ultimate goal of which is to determine an anticipated range of costs. Mr. Normand recalled the inability of a prior consultant for Harvard to put a price on such an endeavor, citing that financial and economic analyses would be difficult. Accordingly, Mr. Normand emphasized that the situation must be disclosed upfront completely.

**New Business:** Mr. Normand asked if there was any New Business to discuss, and there was none.

**Items for the Next Meeting Agenda:** Ms. Strunkin reminded everyone of the approaching holidays and schedule(s) and noted the need to be realistic on timing for some items. Mr. Normand agreed; he had hoped to discuss Vicksburg Square at the next meeting of this group, but the Harvard report will not be ready until January at the earliest. He suggested putting items on the agenda that can be rolled onto the next agenda, as necessary, and/or, each group can simply report when it thinks it will be ready and provide a potential timeline and milestones. It was agreed to keep the following items on the Agenda for the next meeting of the group:

- Town Administrator Update and/or Stakeholder Update
- Funding
- Sixth Stakeholder – report on outreach to Devens Stakeholder Community
- Update from RPF Group
- Invitation for Dan Rivera to attend/speak

**Public Comment:** None.

**Adjourn:** With no objections, the meeting adjourned at 4:01 p.m.