

MINUTES

3rd Meeting of the Devens Disposition Framework Committee

3:00 PM, Wednesday, November 13

Jackson Conference Room, MassDevelopment Offices, 33 Andrews Parkway, Devens

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

Others Present: Chris Ryan (Harvard), Tim Hatch (Shirley), Heather Knowles (Devens) and Ruth Rhonemous (Ayer).

Members Absent: Alan Manoian (Ayer) and Mike McGovern (Shirley).

The meeting was called to order at 3:00 PM by Victor Normand, the Co-Chair of the Devens Disposition Framework Committee.

Mr. Normand asked for a motion to approve the minutes of the October 16, 2019 meeting. Lucy Wallace made the motion and Jannice Livingston seconded it. The committee unanimously approved the minutes with no edits.

“Sixth Stakeholder” Discussion

Co-Chair Jessica Strunkin introduced the discussion of the “sixth stakeholder” (i.e., Devens residents and businesses), noting that it is important to offer all stakeholders a chance to participate in the discussion and to have a vote. She also added that it is important that the Framework Committee resolve this matter as part of its charge.

Lucy Wallace noted that all of the residents of the three towns and Devens are equally concerned about disposition and that it was the \$200 million state investment in Devens that created the success seen to date. Ms. Wallace stated that she does not want to isolate Devens residents—who have integrated into Harvard through the school system—and would prefer a consensus-based process involving outreach to everyone. Ms. Wallace suggested that the appropriate venue for Devens residents to vote was at Super Town Meeting in their respective underlying town.

Co-Chair Jessica Strunkin inquired about the way Devens voters participated in the 2006 vote, noting that since there are now more residents and businesses, wouldn't there be a similar level of participation afforded to them.

There followed some discussion of the voting process employed during the 2006 “Scenario 2b” disposition process. Ms. Wallace noted that the Harvard Devens Jurisdiction Committee includes Devens residents but that when Devens residents were added to the JBOS in 2006, caused an imbalance.

Tim Bragan asked if it isn't MassDevelopment's job to represent the Devens residents. Bill Marshall asked if Devens residents have a representative body. Ms. Strunkin briefly described the role of the Devens Committee.

Brian Sawyer said he is leaning towards giving Devens residents a vote and asked how the Devens Enterprise Commission (DEC) votes. Mr. Marshall explained that the commissioners take a yes/no vote. There followed some additional discussion of the 2006 voting process.

Ms. Wallace stated that we need to engage residents through the process and that no one should be excluded. She added that disposition will have an impact on all residents and businesses in the three town area not just Devens residents and businesses.

Peter Lowitt argued that there is more of an impact on Devens stakeholders and that they need to be at the table. As an example, he cited the potential impact on Devens businesses in the instance that the towns took jurisdiction and enacted a personal property tax. Ms. Wallace responded that any major changes like that would be phased in and that it is important to set a level playing field for businesses inside and outside Devens.

Enrico Cappucci noted that Devens residents have historically done a good job advocating for themselves with the Joint Board of Selectmen (JBOS) and that they deserve a seat at the table.

Ms. Livingston stated that any residents of the Ayer portion of Devens who want to get involved should contact her about joining Ayer's disposition committee.

Jim DeZutter raised that possibility that a lack of inclusion in the process may cause the legislature to discount the recommendations of the disposition process, potentially resulting in an unexpected decision.

Mr. Normand asked if an effort should be made to involve Devens residents and businesses now.

Robert Ruzzo noted that common sense would seem to indicate that it would be a political "non-starter" to not re-extend the vote to the Devens residents granted to them in the 2006 process. He suggested that Devens residents and businesses should be involved as soon as possible.

Mr. Capucci suggested bringing the question to a vote. Mr. Marshall suggested that Devens representation on the Framework Committee should consist of three additional members (including business and residential representatives) and that they should get a vote on the Framework Committee. Mr. Marshall made the motion and Mr. Cappucci seconded it.

Ms. Wallace stated that she was uncomfortable with the vote and that MassDevelopment and the DEC could have included a Devens resident or business in their three-person delegations to the Framework Committee.

Mr. DeZutter called the question. Mr. Marshall seconded calling the question. The Framework Committee voted 6-5 to call the question.

Mr. Normand asked for a vote on the actual question which passed 8-4 with Ms. Wallace abstaining.

Mr. Capucci suggested that the Co-Chairs reach out to Devens residents and businesses to get involved with the process. Mr. Ruzzo noted that an ideal candidate would be someone who is both a Devens resident and a Devens businessperson. Mr. Starzec suggested that there are Devens residents who are not involved with the Devens Committee who may want to be involved with this process and that we should ask broadly for volunteers and then bring a list before the Framework Committee.

Ms. Wallace asked if perhaps the Devens representation should be two businesses and one resident, consistent with Devens' development pattern. Mr. DeZutter asked if the Nashoba Chamber is the natural forum for reaching the Devens Business Community. Ms. Strunkin responded that the Chamber is just

one approach and that she would recommend broad outreach through multiple channels. Ms. Strunkin suggested that she and Co-Chair Victor Normand meet with Karen Davis to form a 6th Stakeholder outreach strategy and message prior to Thanksgiving.

Request for Qualifications (RFQ) Discussion

Mr. Normand introduced the Request for Qualifications (RFQ) document prepared in 2017 by the Harvard Devens Jurisdiction Committee. He noted that it follows the general form of a municipal master plan. Ms. Wallace added that many of the issues identified in the RFQ document stemmed from the work of their 2016 master planning consultant.

Ms. Strunkin noted that the RFQ assumes one outcome for Devens jurisdiction (i.e., the resumption of jurisdiction by the towns along historic town lines) and referenced Chapter 498 calling for a review of several potential outcomes. Ms. Wallace agreed and added that each stakeholder would need to modify the RFQ to ensure that it addresses their own questions. Ms. Wallace further added that one task for the consultant may be to consider the viability of Devens as a new municipality in light of its small size and population. Mr. Normand noted that there is lots of common information that will need to be collected in order to assess the viability of any scenario.

Mr. Pontbriand stated that Section 23 of Chapter 498 directs this group to consider alternative forms of governance. He then suggested considering the following scenarios: 1. Status quo (Devens continues as enterprise zone), 2. New municipality, 3. Reversion to local jurisdiction and 4. “other” (meaning hybrid scenarios and other possibilities). Mr. Ruzzo noted that multiple scenarios were considered in 2006.

Mr. Starzec noted that the RFP did not seem to focus on expertise in municipal finance and municipal operations, which will be key to finding a consensus. There followed some discussion of the timing of bringing on a consultant, and whether it would be done through the Framework Committee or its successor body. Mr. Normand stated that it would be good to have a consultant early in the process to help vet the various scenarios. Ms. Wallace noted that this screening phase would be helpful.

Mr. Pontbriand revisited his four scenarios and further posed questions for each: what are the impacts of each scenario on the towns and what outstanding infrastructure or cleanup work needs to be done?

Mr. Ruzzo asked why businesses come to Devens and suggested that the primary factors are speed/reliability of permitting, availability of high-quality infrastructure, and responsive staff. He suggested that evaluating a scenario that would maintain the Devens Regional Enterprise Zone (DREZ) would be useful. Mr. Ruzzo also noted the language in Section 23 regarding repayment and suggested we all work to try to understand what this means.

Going back to the notion of a two-phase planning process, Mr. Marshall suggested that perhaps a charrette would be a useful way to identify scenario options. Ms. Wallace noted that charrettes require a lot of background information be provided beforehand and asked if the Framework Committee could help identify potential issues associated with each scenario.

Mr. Starzec noted that a charrette was helpful in developing the original Devens master plan because Devens was a blank slate at that point. Today Devens’ direction is much more established. Mr. Normand agreed, noting that charrettes may help at some point in the process.

Website Update

Mr. Pontbriand expects that he will be able to bring a draft outline for the website to next month's meeting.

New Business

Mr. Starzec presented a draft Devens map for use by the Framework Committee and will bring a more refined version to the December meeting.

Agenda Items for Next Meeting

The Framework Committee identified the following agenda items for the December meeting: 1. Website update, 2. Continued RFQ discussion, 3. Update on outreach plan for 6th stakeholder discussion, 4. Map update, 5. List of potential scenarios and questions.

Public Comment

Devens resident Heather Knowles stated that the purpose of the Framework Committee is to create a process and part of that is knowing how a plan will be approved. She noted that a mutually agreed-to process will help ensure a successful plan. She added that it is odd as a Devens resident to feel excluded from a decision making process that directly affects her. She also shared her appreciation for the addition of the 6th stakeholder to the DJFC.

Mr. Normand adjourned the meeting at 4:30 PM.