

## MINUTES

### Devens Jurisdiction Framework Committee

Wednesday, February 9, 2022 @ 3:00 p.m.

Video Conference via Zoom

**Members Present:** Alan Manoian, Robert Pontbriand (Ayer); Tim Bragan, Victor Normand, Lucy Wallace (Harvard); Enrico Cappucci, Mike McGovern, Bryan Sawyer (Shirley); Peter Lowitt, Bill Marshall (Devens Enterprise Commission (the “DEC”)); Robert Carley, Edmund Starzec, Jessica Strunkin (MassDevelopment); John Katter, Devens Representative-Resident (Sixth Stakeholder).

**Members Absent:** Jannice Livingston (Ayer); Jim DeZutter (DEC); Paul Sellev, Devens Representative-Little Leaf Farms, Odile Smith, Devens Representative-BMS (Sixth Stakeholder)

**Others Present:** John Osborn (Harvard Press); Ron Croibu (sp?); Jonathan Cousins; and Paul Green (HDJC Member).

**Call to Order:** The meeting was called to order at 3:04 p.m. by Jessica Strunkin, co-chair.

**Meeting Minutes Approval:** The minutes of the January 12, 2022 meeting of the Devens Jurisdiction Framework Committee (“DJFC”) were reviewed. Noting no questions or comments and upon motion duly made and seconded, Ms. Strunkin asked for a voice vote to approve the minutes and, by a roll call of the members of the DJFC present via videoconference, it was VOICE VOTED: that the members of the DJFC approve the minutes of the Devens Jurisdiction Framework Committee meeting of January 12, 2022, as provided.

### **Stakeholder Updates:**

*Town of Ayer:* Mr. Manoian reported that the first citizens meeting took place on February 23, with 5 people participating remotely. The group is

beginning its work immediately: a full tour of Devens and Vicksburg Square is being planned. When asked if there were any Devens residents on the Committee, Mr. Manoian said no, but that he has asked the others to please conduct outreach of this nature; he said he is following Mr. Katter's lead. Ms. Strunkin emphasized that, for this and other related purposes, the DJFC website needs to get up and running and she encouraged Mr. Manoian to follow up on this with Mr. Pontbriand, who joined the meeting at 3:37.

*Town of Harvard:* Mr. Normand advised of a meeting last week of Harvard's Devens Jurisdiction Committee, which was joined by Sen. James Eldridge and Rep. Danillo Sena (D – 37<sup>th</sup> Middlesex). He said a good conversation took place, wherein common interests – such as affordable housing, funding, Harvard's position that a permanent government must be agreed upon – were discussed. He stated that the group is developing a plan for the resumption of jurisdiction over Harvard's portion of Devens.

*Town of Shirley:* Mr. Sawyer reported that Shirley's Board of Selectmen met on January 23 where a discussion related to next steps in forming a Jurisdiction Committee took place. He said he also talked with Mike McGovern about the Committee's charge and timing, etc.

*Devens Representatives:* Mr. Katter reiterated the sentiments already expressed of good recent discussions with Sen. Eldridge and Rep. Sena and he looks forward to continuing the conversation. He said his efforts in going door to door to speak with neighbors are ongoing. He opined that there is a real need to communicate "who we are" and to make clear the mission of this group, as well as its willingness to connect all stakeholders.

*Devens Enterprise Commission:* Mr. Lowitt reminded everyone of Harvard's position memo regarding Vicksburg Square and the DEC's response thereto and the resulting back and forth discussions. Noting

points of agreement, Mr. Marshall stated there must be a mechanism for coordination of efforts.

*MassDevelopment:* Ms. Strunkin thanked Mr. Starzec for preparing an initial draft of a consultant scope of services and compiling a revised version of the DJFC's Memorandum of Agreement (MOA).

### **New Committee Updates:**

*Sixth Stakeholder:* It was noted that the Sixth Stakeholder group has not met since the January DJFC meeting, and a brief discussion ensued regarding coordination. Ms. Strunkin said she will ask Karen Davis to schedule a meeting of the group.

*RFI/RFQ Committee:* Ms. Wallace reported that the Committee has provided comments and edits to the first draft RFI (she noted very little tweaking), but has not met again. She wondered if the document should include language about the context of the Ft. Devens closure, disposition, and other background information, and she asked for feedback. Mr. Lowitt advised that the document is on its way to being complete. Mr. Normand was pleased that the scope includes explicit language that the work is not a rewrite of the Reuse Plan.

A discussion then ensued regarding the use of the term "structure" versus permanent government and the requirement, of course, to conform to existing law and the Massachusetts Constitution. Mr. Normand said there may be confusion in keeping the status quo, whereby MassDevelopment, a quasi-public authority, retains its governance over Devens. Mr. Carley stated that any documents drafted by this group or otherwise should mirror the governing statute (Section 23) and legislation governs this process. Mr. Normand suggested that the argument could be made that Section 23 is inconsistent with the Constitution.

Ms. Wallace commented, then, that this working group is not looking to change the Devens Regional Enterprise Zone. Rather, the group is trying

to find a way to give the residents of the DREZ the same rights that all other communities enjoy. She reminded everyone that the DREZ suspended local government to allow MassDevelopment to take the lead back in 1998. She felt that what needs to be solved is the question, “What is the form of government at the local level?” Mr. Katter noted there is no harm in studying the various governance options with particular attention to levels of service, as there is lots of interest in exploring all available options among Devens residents.

Mr. Normand requested that the phrase “to conform to law and the Massachusetts Constitution” be added to the RFI and that the term “quasi-municipality” be stricken from the first paragraph. He noted that the intent of the document is so that someone looking at this project knows they’re not dealing with “whole cloth.” He requested that the following item be added to p. 3 – to review ongoing administrative and capital costs related to the redevelopment of Vicksburg Square as separate and apart from other Devens jurisdiction costs. In addition, he requested that on p. 5 the reference to commercial tax be amended to read “... commercial and property tax ....” Finally, a request was made to add annual budgeting to the taxation and representation item on p. 6. When asked about process, Ms. Wallace suggested it would be helpful for the RFI/RFQ Committee to meet again to incorporate these changes and to prepare and recirculate a third version of the RFI for discussion at the March DJFC meeting.

**Vicksburg Square:** Mr. Lowitt said he has spoken with the Town of Harvard and there is no agreement on timelines to bring forward a vote on rezoning, adding there is resistance around “rental” units. He pointed out that the rezoning process will take 2-3 years to complete and noting that the structures at Vicksburg Square will not wait, he urged bringing forward something soon. He commented that one group is holding the rest hostage. Ms. Wallace expressed concerns regarding the uncertainty of what such an undertaking will mean to the towns involved. There needs to be a deeper understanding of what’s involved, including costs.

Mr. Normand commented that “the ball is in MassDevelopment’s court” and he suggested that further discussion of this matter be tabled unless and until the Agency brings some clarity to the Committee. Mr. Manoian then suggested then that a demolition of the portion of Vicksburg Square within the historic boundaries of Harvard would eliminate any uncertainty for Harvard.

**Meeting Frequency:** Ms. Strunkin observed that currently all of the administrative burden – including all drafting work, minutes, agenda preparation, and so forth – is falling on one stakeholder, MassDevelopment, and she advised it can be difficult to timely meet tasks on a monthly basis. She proposed holding these DJFC meetings every other month, noting that perhaps the other working groups could meet on the “off” months, and a discussion ensued. Mr. Marshall agreed, noting this option would provide the opportunity for groups to meet, make revisions, reviews, etc.; it would allow more time to address issues. Ms. Wallace countered that there is nothing like a deadline to get things done. While she appreciates the administrative support, she felt that if the group wants to be successful, it must keep at it. Acknowledging that the luxury of time does not exist, she worried that the extended time between meetings may negatively affect momentum. Mr. Normand agreed, noting the extra time between meetings does not add efficiency. He suggested that perhaps the DEC could assist MassDevelopment. Ms. Strunkin requested that this item remain on the Agenda for discussion again in March.

**Next Meeting(s):** Ms. Strunkin confirmed that the next meeting of this Committee is scheduled for Wednesday, March 9, at 3 p.m., via videoconference. Mr. Carley stated that he will review the Open Meeting Law to find out when the suspension thereof expires, at which time, the videoconference option will be eliminated and in person attendance will be required. Mr. McGovern stated he would prefer and looks forward to in-person meetings.

**New Business:** Ms. Strunkin asked if there was any new business and there was none.

**Items for the Next Meeting Agenda:** It was agreed that next month's Agenda should look similar to today's and to keep or add the following items for discussion at the next meeting of the group:

- Town Administrator Update(s) and/or Stakeholder Update(s)
- Quorum reconsideration (requested by Mr. Normand, who said he will prepare and circulate a proposal)
- *No* Vicksburg Square

**Public Comment(s):** None

**Adjourn:** With no objections and upon motion duly made and seconded, the Committee meeting was adjourned at 4:02 p.m.