

MINUTES

Devens Jurisdiction Framework Committee

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

Video Conference via Zoom

Members Present: Jannice Livingston, Alan Manoian, Robert Pontbriand (Ayer); Tim Bragan, Victor Normand, Lucy Wallace (Harvard); Enrico Capucci, 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: Jim DeZutter (DEC); Paul Sellew, Devens Representative-Little Leaf Farms, Odile Smith, Devens Representative-BMS (Devens Stakeholder)

Others Present: Maureen Babcock (Devens); John Osborn (Harvard Press); Jonathan Cozzens; and Paul Green (HDJC Member); Karen Davis, Victoria Stratton, Shelly Testa (MassDevelopment)

Call to Order: The meeting was called to order at 3:00 p.m. by Victor Normand, co-chair.

Meeting Minutes Approval: The minutes of the February 9, 2022 meeting of the Devens Jurisdiction Framework Committee (“DJFC”) were reviewed. Noting no questions or comments and upon motion duly made and seconded, Mr. Normand asked for a voice vote to approve the minutes and, by a unanimous roll call of the members of the DJFC present via videoconference, it was

VOTED: that the members of the DJFC approve the minutes of the Devens Jurisdiction Framework Committee meeting of February 9, 2022, as written.

Stakeholder Updates:

Town of Ayer: Mr. Pontbriand was pleased to report that the DJFC website is up and running (<https://devensjfc.weebly.com/>) and he is working with Karen Davis to upload updated materials. He reported that efforts on the local level continue to move forward, and Mr. Manoian continues to work with local residents.

Town of Harvard: On behalf of Ms. Wallace (whose microphone was not working at the moment), Mr. Normand advised of a meeting last month of Harvard's Devens Jurisdiction Committee, which is developing a vision plan for the resumption by Harvard of its land within Devens. Mr. Normand said he expects the report to be ready by the May DJFC meeting. He advised that Harvard's DJC is planning a review of Devens' budget – to better understand revenues and expenses, as well as to inform and corroborate the need for expert services in connection with these matters.

Town of Shirley: Mr. McGovern advised that a call for volunteers has been issued in connection with making a presentation to Shirley's Board of Selectmen at its next meeting, including an ask for interest in developing a concrete plan.

Devens Representatives: Mr. Katter reported on a good walking tour in Devens on a recent, pleasant Saturday morning, after which he sat down with numerous residents. He opined that getting neighbors together over coffee and talking is the best way to communicate, and there continues to be the need for residents to be better connected. Mr. Katter thanked Mr. Manoian for coordinating the walking tour and said he hopes there will be more.

Devens Enterprise Commission: Mr. Lowitt reported nothing new.

MassDevelopment: Ms. Strunkin noted that she continues to keep the MassDevelopment Board of Directors advised of this Committee's discussions. She recently met with Mr. Katter and continues outreach efforts. Mr. Carley then informed everyone that the Emergency Order allowing remote meetings to take place has been extended through July 15, 2022. Following a brief discussion regarding in person versus remote participation in upcoming meetings, including mask requirements, the decision was made to meet via videoconference in April and discuss then the possibility of meeting in person in May.

New Committee Updates:

Devens Stakeholder (f/k/a Sixth Stakeholder): Mr. Katter reported that a meeting of the group took place to discuss outreach, among other things. One result of the meeting was a renaming of the group to the “Devens Stakeholder” group. Multiple meetings regarding governance and local issues are being planned. Outreach continues. Ms. Strunkin added that she and Mr. Katter met earlier this week and discussed ways to get businesses more and better involved in what happens locally.

RFI/RFQ Committee: Ms. Wallace reported that people have had a chance to review the documents circulated recently and, to her knowledge, all comments have been incorporated. She wondered if that means the solicitation is ready for approval by the group and release. Mr. Starzec made clear that comments provided had been incorporated into the draft documents for informational and/or discussion purposes and that an additional working session is needed, but cited scheduling conflicts. Ms. Wallace proposed that the DJFC members read the RFI/Q document and its attached Memorandum of Agreement and be ready to discuss them both at the April meeting. Reminding everyone of how critical it is to get feedback from Devens residents, Mr. Katter said his people will want to review the documents, as well; he suggested extending the review period through one or two more meetings. When Mr. Normand asked if there were any additional comments, Ms. Strunkin advised that anyone having comments should get them to the RFI/RFQ Committee before the April meeting. Ms. Wallace suggested a shorter deadline; she asked for comments by Wednesday, March 16.

Referring to “Task 4. Scenario Development,” Mr. Pontbriand suggested the addition of a “Financial Component” bullet as pertains to municipal services. He stated that a look at the bookkeeping aspect needs to be included to provide a better understanding of taxes, financials and administrative issues. He said he would be happy to provide thoughts on this component. Mr. Normand commented that the Task Section is not a complete task list at this point; agreeing, Mr. Starzec said he is hopeful that ideas will come from the respondents/consultants.

A discussion regarding process then ensued. Once the documents are finalized (and additional attachments, if any are determined necessary, are included) and approved for release, then the RFI/Q will be posted on the MassDevelopment, Devens, and DJFC website(s) and as otherwise required. Mr. Carley advised that the posting would occur on the *Goods and Services Bulletin* and on various social media outlets, as well as sent to Diverse Business Enterprise candidates. Postings in CoMBUYS and with Massachusetts Municipal Services were also suggested. Mr. Starzec noted, too, that anyone can send out a Notice of Funding Availability. Following a month of posting(s), then there would be a review and vetting period, followed by meetings with respondents and, finally, selection of a finalist.

Mr. Pontbriand wanted to know if consideration had been given to including anything about the criteria for evaluation of responses and selection of finalists, and/or the inclusion of a disclaimer that responses can be rejected if determined to not be in the best interests of the project. Mr. Starzec agreed that items such as those will need to be included in the final RFI/Q, but this is a pre-RFI/Q, if you will, and the Committee had discussed a more informal process, along the lines of an online response form. Mr. Normand agreed, reminding everyone that this is really a call for Expressions of Interest.

Admin Support / Frequency of Ongoing Meetings: Reminding everyone that currently all of the administrative burden – including all drafting work, minutes, agenda preparation, and so forth – is falling on one stakeholder, MassDevelopment (adding that today’s discussion is indicative of the amount of work involved), Ms. Strunkin recommended that the DJFC meetings be rescheduled to occur every other month. A discussion ensued. Ms. Wallace expressed concerns about delays. Ms. Livingston said the residents would prefer that this group be methodical and thorough. She remarked that if Devens residents are also to be given the opportunity to weigh in on matters of importance like these, then she agreed with holding meetings every other month. Mr. Sawyer concurred, acknowledging the workload burden on MassDevelopment. He said he was not opposed to extending the time between meetings. Mr. McGovern offered the

following compromise: agreeing that the RFI/Q is the most pressing matter before this Committee right now (and expected to take 4-6 more weeks to complete), he suggested meeting every month until the RFI/Q is finalized and issued, then switching to an every other month schedule. Hopefully, the RFI/Q will be ready for sign-off at the April meeting.

There ensued a brief discussion regarding timeline matters. Mr. Carley advised that the statute is clear: on or by July 1, 2033, a “joint report ... recommending a permanent government structure for the ongoing operation and administration of Devens” is due. Ms. Wallace noted that the residents of the surrounding communities agreed to turn Devens over to MassDevelopment for forty years; she felt it is important to consider the history. Mr. Normand suggested that a form of government can be contemplated before 2033. In addition, he wondered how tasks would get completed in between meetings if such meetings were moved to every other month. Mr. Carley suggested tabling this discussion for now, but keeping it on the Agenda for the next meeting.

Quorum Discussion: Mr. Normand called attention to the prior vote of this Committee (dated January 12, 2022) regarding quorum, calling it a “hasty decision.” He referred to the Memorandum he circulated and opined that requiring people to attend meetings places the burden upon the DJFC as a whole where it should more properly be placed upon the individual stakeholder groups. In the spirit of maintaining a consensus approach, Mr. Carley stated it is unfair to the stakeholder(s) not represented if/when decisions are made on behalf of the entire group. Mr. McGovern agreed, stating the work of this group is important everyone should be at the table to vote. Mr. Normand commented that this approach assumes that important decisions are made at every DJFC meeting, and Ms. Wallace declared this is just another way to hamstring the efforts to move forward. Mr. Lowitt suggested a compromise: that meetings and discussions be allowed to proceed without at least one members from each Stakeholder present, but that no official votes can be taken. A brief discussion followed about whether this should include votes on meeting minutes, and it was noted that the minutes are an effective communication tool (when posted to the DJFC website, for example). Noting no further comments or questions and

upon motion duly made and seconded, Mr. Normand asked for a voice vote to redefine what constitutes a quorum of the DJFC and, by a unanimous roll call of the members of the DJFC present via videoconference, it was

VOTED: that the members of the DJFC redefine a quorum of the Committee as requiring that a numerical majority of the 18-member Committee (9, plus 1) is required in attendance for meetings and discussions to take place, including the approval of prior meeting minutes, but that no official votes may be taken and/or recorded unless at least one member from each of the six Stakeholder groups is also present.

New Business: Ms. Strunkin asked if there was any new business and there was none. Mr. Pontbriand encouraged the development of a strategy going forward, including timetables. He emphasized the importance of scheduling timelines related to future events.

Items for the Next Meeting Agenda: It was agreed 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)
- RFI/Q Progress Update
- Meeting Frequency

Public Comment(s): None

Adjourn: With no objections and upon motion duly made and seconded, the Committee meeting was adjourned at 4:05 p.m.