

## MINUTES

### Devens Jurisdiction Framework Committee

Wednesday, April 13, 2022 @ 3:00 p.m.

Video Conference via Zoom

**Members Present:** Jannice Livingston, Alan Manoian, Robert Pontbriand (Ayer); Victor Normand, Lucy Wallace (Harvard); Michael McGovern, Bryan Sawyer (Shirley); Peter Lowitt, Bill Marshall, Jim DeZutter (Devens Enterprise Commission (the “DEC”)).

**Members Absent:** Tim Bragan (Harvard); Enrico Capucci (Shirley); John Katter, Devens Representative-Resident, Paul Sellew, Devens Representative-Little Leaf Farms, Odile Smith, Devens Representative-BMS (Devens Stakeholder); Robert Carley, Edmund Starzec, Jessica Strunkin (MassDevelopment).

**Others Present:** Neil Angus (DEC), Paul Green (HDJC Member), Tim Hatch (Shirley resident), John Osborn (Harvard Press), Chris Ryan (Town of Harvard).

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

**Meeting Minutes Approval:** Minutes of the March 9, 2022 minutes were not distributed prior to this meeting so no action was taken regarding them. Paul Green volunteered to take minutes for today’s meeting.

#### **Stakeholder Updates:**

*Town of Ayer:* Robert Pontbriand reported that Ayer continues to work on its local effort related to Devens. Alan Manoian reported that on a recent Saturday he organized and conducted a walking tour of the portions of Auman Street and Bates Street which are within the historical portion of Ayer. He said they had a “fantastic, really impressive” turnout of the neighbors. He shared the historical background of the neighborhood with the residents, and explained the reason for the tour, and was looking for people to serve on the Ayer-Devens committee. Several residents expressed interest in serving on the committee. He felt the day was a good first step towards building up the relations with the residents and filling out the Ayer citizens committee. He plans to conduct more tours in the future, and appreciates the help from MassDevelopment in organizing this tour.

*Town of Harvard:* Lucy Wallace reported that at its most recent meeting, the Harvard Committee approved, a document known as the Harvard-Devens Jurisdiction Committee (HDJC) Plan Summary. It gives some history, explains why Harvard believes that a consultant will be necessary, and lists the HDJC thoughts on various aspects of the task of returning Devens to local government control, and how the work will be funded. We will take it to the Harvard Select Board at its next meeting, and we will make copies of it available to members of this committee. Our next step will be to organize public workshops to discuss it with residents. Lucy noted that Harvard has been working at this since 2017, and that a substantial percentage of its population has changed in that time, and so the HDJC does not want to assume that everyone is fluent with this topic. The HDJC is looking for feedback from everyone; residents, businesses and members of the DJFC.

Victor added that the memo was approved by the HDJC last week, and he will distribute it to the members of the DJFC and put it on the agenda for discussion at a future meeting. He encouraged each DJFC party to draft their own similar document. He said he feels it will be very informative for each party to know where everyone is coming from.

*Town of Shirley:* Mike McGovern reported that they have been attempting to recruit residents for their Devens committee, and that they are having a difficult time getting people to volunteer. He will keep trying to recruit members.

*DEC:* Neil Angus reported that almost 30 people participated in the Ayer walking tour. He felt it was a good event. He reported that the members of the DEC are extremely disappointed in the withdrawal of MassDevelopment from the disposition process. It was unexpected. They are planning to craft a letter to MassDevelopment leadership expressing their disappointment. He said that it is essential to the disposition process to have all parties at the table. MassDevelopment is a major player so without them it will be difficult to move forward, and the DEC wants to move forward.

*Devens Representatives:* No representative present.

*MassDevelopment:* No representative present. On April 6, 2022, Jessica Strunkin sent an email to members of the DJFC saying that MassDevelopment was discontinuing participation in discussions related to the permanent governance of Devens until a time closer to July 1, 2030. [Ed: See Appendix to these minutes for this letter.]

#### **Current Business:**

RFEI: Victor and Lucy discussed the draft Request for Expression of Interest memo. Lucy said that she is not aware of any objections to the current (third) draft and that the DJFC had yet to vote to approve it. The point of this memo is to get some consultants to respond indicating how much they will charge to perform the studies. Once we have the cost, we can incorporate it into the RFP and distribute that document. She proposed that the DJFC formally accept the third draft at a future meeting. She also said that the Harvard procurement officer could post the document for public distribution. The working group (Alan, Lucy, Ed Starzec) has not met since the previous DJFC meeting. Alan concurred with Lucy. He said that the most recent version is strong and that one more revision was planned but not undertaken. He concurred with Lucy that it is ready to be placed before the entire DJFC for their review. Victor asked whether members agreed with this idea. Robert forcefully responded that the withdrawal of MassDevelopment needed to be addressed before any other pending committee activities. He stated that he doesn't see how we can move forward with the planning for Devens when the state agency responsible for operating Devens is not at the table. Victor agreed and opened the discussion on the MassDevelopment topic.

#### **New Business:**

#### **Discussion of MassDevelopment Withdrawal:**

Jannice noted that the 6<sup>th</sup> stakeholder (Devens representatives) are not present today, and it is not fair to them for the DJFC to continue work. She noted that the individual Harvard, Ayer, and Shirley committees can continue their work.

Victor noted that John Katter had alerted Victor that he was ill and unable to attend today. But neither of the other two Devens representatives were present, either.

Mike said that he felt that the DJFC should try to get MassDevelopment back to the table. Otherwise, the operating procedures for this committee will have to change. It is not appropriate to discuss the RFEI at this time.

Robert listed 3 questions. Why did MassDevelopment withdraw? What reasons can Dan Rivera and the MassDevelopment Board of Directors provide for their withdrawal? That's the minimum they owe this group.

Lucy noted that the Harvard Select Board has reached out at least twice to Dan Rivera asking for a meeting with him about Devens. He responded to the first offer that he would speak with everybody at some point. Harvard sent one, perhaps two, follow-up letters to which he has never responded. She suggested that we work with our legislators to encourage him to respond. The Harvard experience shows that Dan Rivera is unresponsive to its invitation to meet. She noted that the DJFC has people who are eager to work together now, that MassDevelopment has thrown a monkey wrench into the gears, and that she hopes that we can continue to meet and discuss our common interests. She hopes that we can make progress without MassDevelopment and bring them back into the process in the future.

Bryan said that MassDevelopment should be at the table and that we should resolve this disruption before we proceed further. If they really are not willing to participate at any level, then perhaps we can discuss how to move forward without them.

Bill said that we should get a response from MassDevelopment as to their reasons. Their letter says we have plenty of time. He said that we know this is an excuse. Once they acknowledge that they are officially out, we can take up our own process to move forward. He suggests we send a letter to the MassDevelopment Board of Directors. If they do not respond, we should acknowledge it and move forward.

Victor said that (Senator) Jamie Eldridge has publicly indicated his displeasure at the decision to withdraw. He reported that the Harvard Select Board plans to send a strong letter to the chairman of the MassDevelopment Board, and perhaps also Governor Baker. He encourages all of the stakeholders to send letters, copying their Senator Eldridge and Representatives Sena and Harrington. He believes that the MassDevelopment Board may not be fully engaged in the activities at Devens.

Mike recommended that the members of the DJFC write a joint letter, as it would be a more powerful statement. Shirley has Senator Eldridge today, and in January will get Senator Cronin [due to redistricting].

Neil felt that it could still be useful to have individual stakeholders send letters.

The committee discussed how to proceed. Members agreed that time is of the essence. Robert proposed that the letter ask why MassDevelopment withdrew; say that members have invested considerable time and effort in this process; and demonstrate that we are united in requesting that MassDevelopment return to the table. Mike asked that the letter be kept short and direct, and recommended that it be addressed to the chair of the MassDevelopment Board of Directors and to our legislators, both current and as of January, 2023.

After much discussion, the consensus of the committee was to have Victor, as the co-chair of the DJFC, draft a letter, circulate it for review, and ask members to respond only to him. He will compile comments and present the revised letter at the next DJFC meeting. Victor explained that this process is necessary to abide by the open meeting law.

Neil recommended that the DJFC hold a meeting for the express purpose of approving the draft.

Victor reported that Sen. Eldridge received notice from MassDevelopment that it would not fund future planning efforts by the DJFC. He said that the Harvard-Devens Jurisdiction Committee has received a copy of the Devens balance sheet and income statement, and that the balance sheet shows net assets of over \$100M, over half of which is in cash. Victor emphasized that the strong cash position of the Devens operating of MassDevelopment means that he can't ask either the Harvard Select Board or Town Meeting to allocate any money for Devens studies. He believes that the Massachusetts legislators will almost certainly take a similar position. He personally believes is that this struggle is about control, not about money or timing.

**Public Comment:**

Paul recommended that the DJFC meeting a week from today, same time, to vote on the letter. Neil concurred. The committee agreed by consensus.

Victor noted that in our next meeting, we will need to take two votes; a first vote to amend the voting procedure to allow for 5 instead of 6 members to vote, and then a second vote to approve the letter.

**Items for Next Meeting Agenda:**

Review and Approve Letter to MassDevelopment Board of Directors and Legislators and Governor

**Adjourn:**

Janice moved and Lucy seconded to adjourn the meeting. The vote to adjourn was unanimous. The meeting adjourned at 3:56 pm.

**From:** Strunkin, Jessica <[JStrunkin@Massdevelopment.com](mailto:JStrunkin@Massdevelopment.com)>

**Sent:** Wednesday, April 6, 2022 9:16 AM

**To:** Alan Manoian <[amanoian@ayer.ma.us](mailto:amanoian@ayer.ma.us)>; Bill Marshall <[wmarshall1967@gmail.com](mailto:wmarshall1967@gmail.com)>; Bryan Sawyer <[bsawyer@shirley-ma.gov](mailto:bsawyer@shirley-ma.gov)>; Carley, Robert <[rcarley@Massdevelopment.com](mailto:rcarley@Massdevelopment.com)>; Enrico Cappucci <[ecappucci12@comcast.net](mailto:ecappucci12@comcast.net)>; Jannice Livingston <[jlivingston@ayer.ma.us](mailto:jlivingston@ayer.ma.us)>; Jim DeZutter <[jdezutter@earthlink.net](mailto:jdezutter@earthlink.net)>; John Katter <[major1303@aol.com](mailto:major1303@aol.com)>; Lucy Wallace <[lbwallace34@aol.com](mailto:lbwallace34@aol.com)>; Melissa Tisdale (Odile's EA) <[Melissa.tisdale@bms.com](mailto:Melissa.tisdale@bms.com)>; Michael McGovern ([mmcgovern@shirley-ma.gov](mailto:mmcgovern@shirley-ma.gov)) <[mmcgovern@shirley-ma.gov](mailto:mmcgovern@shirley-ma.gov)>; Odile Smith <[odile.smith@bms.com](mailto:odile.smith@bms.com)>; [paul.sellew@littleleaffarms.com](mailto:paul.sellew@littleleaffarms.com) <[paul.sellew@littleleaffarms.com](mailto:paul.sellew@littleleaffarms.com)>; Lowitt, Peter <[peterlowitt@devensec.com](mailto:peterlowitt@devensec.com)>; Robert Pontbriand <[rpontbriand@ayer.ma.us](mailto:rpontbriand@ayer.ma.us)>; Starzec, Edmund <[EStarzec@Massdevelopment.com](mailto:EStarzec@Massdevelopment.com)>; Strunkin, Jessica <[JStrunkin@Massdevelopment.com](mailto:JStrunkin@Massdevelopment.com)>; Tim Bragan <[tbragan@harvard-ma.gov](mailto:tbragan@harvard-ma.gov)>; Victor Normand <[vnormand@aol.com](mailto:vnormand@aol.com)>

**Cc:** Davis, Karen <[KDavis@Massdevelopment.com](mailto:KDavis@Massdevelopment.com)>

**Subject:** DJFC Update

Good Morning Members of the DJFC,

I want to thank all of you for your time and efforts on the Devens Jurisdiction Framework Committee. Given the many matters facing Devens in regards to our primary mission around commercial redevelopment, running day-to-day operations, and maintaining a safe and healthy community, effective immediately we will discontinue participation in discussions related to the permanent governance of Devens. The law does not require real progress on the matter of final disposition until July 1, 2030; we expect to reengage in these discussions with all parties closer to that timeframe.

*Sincerely,*

*Jessica Strunkin  
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