

JBOS Joint Boards of Selectmen of the Towns of Ayer, Harvard, Shirley and the Community of Devens

October 27, 2011 Meeting Minutes
33 Andrews Parkway, Devens, MA

* This meeting was not recorded by APAC, due to unforeseen circumstances

JBOS Members in Attendance: Phil Crosby (D), Jim Geller (D), Ron Ricci (H), Jim Fay (A), Tim Clark(H) and Frank Maxant (A)

Also attended: Montachusett Regional Planning Commission Executive Director Glenn Eaton

Call to Order. Chairman Fay called the October 27 JBOS Meeting to order at 7:36 PM.

Chairman's Comments. Chairman Fay announced that the MassDevelopment Board of Directors Meeting will be Thursday, November 10. MassDevelopment Board of Directors Meeting will be open to the Public from 1 – 2 PM. A letter was sent to the Town Halls.

Chairman Fay commented that the meeting was not being recorded. Liz reported that Don Swope of APAC had committed to continue recording the JBOS meetings. Liz is training on the new equipment. **Consensus** that Liz will serve as emergency backup to APAC for JBOS. Liz will duplicate and distribute discs to the towns.

Chairman Fay updated the JBOS on **S.1025 An act incorporating the town of Devens**. According to Chief of Staff to Sen. Eldridge, Neel Chaudhury, the bill is in review by the Joint Committee on Municipalities and Regional Government. The bill has not yet been scheduled for a hearing and will most likely be open to public comment in January. Mr Chaudhury will keep the JBOS apprised. Liz will send the link to the Bill Tracker to the JBOS.

Selectman Maxant noted that it is of utmost importance that the bill be followed by selectmen because Citizen's Petitions are vulnerable to revision by the legislature.

Approve the October 27 JBOS Agenda. Motion to approve by Selectman Clark. Second by Mr Crosby. All in favor. **The Agenda was approved.**

Discussion as to why the JBOS votes to approve the Agenda. Vice-Chairman Ricci said that Open Meeting Law requires that the Agenda must be posted 48 hours in advance of the meeting and items on that the Chair reasonably expects to be discussed at the meeting must be on that Agenda. Chairman Fay said that, although it isn't done often, the Agenda sometimes must be amended at the table and, therefore, it should be voted on before the meeting.

Election of Chairman and Vice-Chairman. Chairman Fay noted that he had expressed interest in providing continuity through the expected Super Town Meeting to consider a change in zoning for Devens. However, it looks like the STM will not happen until January. Chairmanship rotation is typically done in alphabetical order. It is Deven's turn to consider taking the helm. The question was **tabled** until the November 17 meeting.

Representatives to the JBOS: Ayer did not appoint a representative, pending confirmation from the JBOS that it is acceptable to appoint a non-selectman. Selectman Ricci quoted the September 22, 2011 Minutes in confirmation.

Vice-Chairman Ricci noted that the Harvard has picked a selectman representative (Selectman Ricci) and a selectman backup (Selectman Warren). Vice-Chairman said that the Devens Committee doesn't have a selectman, but it is hoped that they will choose their representative from the Devens Committee. It is important to offer reasonable accommodation to the Shirley Selectmen, in case they choose to send a non-selectman to the table. It is hoped that Ayer will choose a selectman. Mr Crosby suggested that the discussion be **tabled** until the November 17 meeting.

Selectman Maxant expressed appreciation to Mr Crosby and to Harvard's Devens Economic Advisory Committee Chairman Victor Normand for attending the Ayer BOS meeting and putting numbers on the table for consideration.

Selectman Clark noted that MassDevelopment was not present and indicated that, as always, there are questions that only MassDevelopment can answer. Selectman Clark requested that MassDevelopment send a representative to all of the monthly JBOS meetings. Selectman Clark also requested that the JBOS re-read **Chapter 498, Section 10: Reuse Planning, Zoning and Regulations**. Section 10, especially subsection iii, spells out the prescribed process for making amendments or modifications to the Bylaws and Re-use plan.

Selectman Clark further advised that MassDevelopment should be requested to attend the November 10 and November 21 Trinity Public Hearings in order to answer question from that arise. The impact to property owned and managed by MassDevelopment adjacent to the Vicksburg Square site are not identified in the Trinity proposal and MassDevelopment needs to be around to answer those questions.

Questions may come up about MassDevelopment's roles and responsibilities. As one specific example: How will it impact Devens residents if Roger's Field users park on the streets for recreational events? Mr Crosby suggested that Trinity and MassDevelopment are separate entities and should, therefore, be kept separate. There should be a different meeting for asking questions of MassDevelopment.

Selectman Ricci said that, somehow, MassDevelopment is going to have provide funding for lost parking, police services, etc. The Towns all have an interest in knowing what is going on and this is why it is important for MassDevelopment to get engaged

Vice-Chairman Ricci stated that Harvard cannot call for a Town Meeting at the request of a developer. There are only three conditions in which Harvard can call for a Super Town Meeting: 1) Annual Town Meeting, 2) Citizen's Petition, and 3) Request from MassDevelopment. MassDevelopment must be the one to request a Super Town Meeting. Selectman Clark agreed and added: we sign agreements with MassDevelopment.

Selectman Maxant also agreed and stated that in the port-mortem over the last attempt to redevelop Vicksburg Square, it was apparent that the developer must provide a comprehensive plan to show how this this all fits in. Mr Crosby suggested that the chairman put together a few questions that are specific to MassDevelopment and ask them to come to the JBOS meeting on November 17. One question might be: What happens if MassDevelopment leaves?

Mr Crosby stated that it is ludicrous to set a date for a Super Town Meeting until JBOS has a sense that it will pass. Mr Crosby added that it is clear that more people need to have exposure to the information. 8,000 -10,000 people need to hear the plan; it is not simple like being for or against Mom's apple pie.

Mr Crosby advised that MassDevelopment President and CEO Marty Joes wants to make the redevelopment of Vicksburg Square a top priority, so it may be helpful to give her a list of questions that must be addressed by MassDevelopment before Harvard will call for a Town Meeting.

Vice-Chairman Ricci said that he would ask the Harvard Board of Selectmen to consider inviting Marty Jones to the Trinity Public Meeting in Harvard on November 21. Chairman Jim Fay agreed to ask the Ayer BOS to invite Ms Jones to the Trinity Public Meeting in Ayer on November 10.

Selectmen's Questions. Selectman Clark addressed Montachusett Regional Planning Commission Executive Director Glenn Eaton, inquiring about the Shirley Growth District, noting that the district is not on Shirley's land. Mr Eaton said that the discussion centered around potential for land use, with emphasis on more business uses. Mr Eaton said that he would be happy to provide the JBOS with a copy of the District Local technical Assistance Report.

Selectman Clark asked if anyone at the JBOS had heard of this project, which was very independent of the JBOS and yet seemed very similar to the Vicksburg Square project. Vice-Chairman Ricci observed that it would be very helpful if someone from Shirley were to be at the meeting to talk about it.

Chairman Fay noted that Selectman Warren had asked for a JBOS Financial Report, noting that there is currently \$56,210.28 in the Devens fund. Reports were passed out and Chairman Fay said that if there were any questions, either the Ayer Treasurer or Liz could answer.

Mr Crosby addressed Mr Eaton, asking if he could give any information on rail plans. Mr Eaton responded that there are plans to improve the existing line from South Acton to Fitchburg. This will involve some double-track along the 8 mile line. The goal is to shorten commuter time between Porter Square and Fitchburg.

Approve September 22 Minutes. Motion to approve, as written, by Vice-Chairman Ricci. Vice-Chairman Ricci asked Liz to send the Minutes to the JBOS for review within a week. Corrections should be received with a week from that date and the Minutes should then be resent, hopefully, for quick approval and no pen/ink revisions at the table. Second by Mr Crosby. All in favor. **September 22 Minutes were approved, as written.**

Next meeting. Chairman Fay noted that the next meeting will be a meeting of the whole JBOS and it will be **November 17.**

Motion to adjourn. Motion by Vice-Chairman Ricci. Second by Mr Crosby. All in favor. **Meeting adjourned: 8:40 PM.**

Documents:

JBOS Agenda for October 27, 2011

JBOS Minutes of September 22, 2011

MassDevelopment Letter of Invitation to the November 10 BOD meeting

MA Chapter 498, Section 10: Reuse Planning, Zoning and Regulations

Ayer Treasury Report on the Devens Disposition funding balance as of October 25, 2011

**Next two JBOS Meetings will be on Holiday Schedule:
November 17 and December 15, 2011**

Minutes taken by Liz Garner_____

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