

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

February 02, 2012 Meeting Minutes
33 Andrews Parkway, Devens, MA

Chairman Tom Kinch ~ Vice Chairman Frank Maxant

* This meeting was not recorded. The APAC videographer could not attend and there was a glitch in the audio recording with the new equipment.

JBOS Members in Attendance. Tom Kinch (D), Phil Crosby (D), Jim Fay (A), Ron Ricci (H) and Gary Luca (A), Frank Maxant (A), Marie Sobalvarro (H), Ed Starzec (MD)

Called to Order: 7:33 PM

Approve Agenda of February 02, 2012. Unanimously approved.

Confirmation of Vice-Chairman. Chairman Kinch said that he would entertain a motion to confirm Selectman Fay, in accordance with the December nomination. Selectman Fay indicated that he would accept. Selectman Maxant noted that the nomination was out of order, given the terms of the 2011 Memorandum of Understanding (MOU) that everyone just signed. Selectman Ricci agreed; according to the MOU, the designee from Ayer is, de facto, the vice-chairman. The MOU eliminates the need for voting. If the nomination goes forward, there will need to be a change in Ayer's representation or the MOU will need to be changed.

Selectman Fay made a motion to suspend the rule and accept Selectman Fay as the vice-chairman for this iteration. Second by Mr Cappucci. Selectman Ricci said that he, as a Harvard representative, could not take an exception to the MOU that his colleagues have agreed to. Selectman Fay withdrew the motion. Selectman Maxant made a motion to reconsider the motion of the last meeting to nominate Selectman Fay as vice-chair. Second by Selectman Ricci. Second withdrawn by Selectman Ricci.

Chairman Kinch noted that the JBOS has gone back to the MOU and established that no motion is necessary. Therefore, Selectman Maxant is **approved** as Vice-Chairman.

Review 1994 and 1996 Memorandums of Agreement. Chairman Kinch said that he has reviewed the 1994 and 1996 MOUs, searching for answers to: "What are we supposed to be doing?" and "How are we supposed to be doing it?"

Chairman Kinch said, "The JBOS is meant to serve as the communication point between the Towns and MassDevelopment," and asked if all were in agreement. Vice-Chairman Maxant agreed, but would add an item from the 2010 Mission Statement stating that JBOS would provide advice and communication to elected officials regarding the operations of Devens. Mr Cappucci agreed that it seems reasonable for the JBOS to communicate with elected officials through the Chair or the Chair's designee. Selectman Fay also agreed. Selectman Sobalvarro also agreed, saying that if a Town is going through the JBOS to speak with MassDevelopment, it is a two-step process. When the Chairman speaks as the JBOS, it is has already been vetted by the Towns in their Boards of Selectman. Chairman Kinch concluded that everyone agrees that the JBOS can reach out to MassDevelopment and to elected officials. There were no objections.

Chairman Kinch asked if the 1994 MOU that was signed by the Towns and MassDevelopment means that any discussion by Towns to MassDevelopment should go through the JBOS. Mr Starzec said that the JBOS should speak for all regarding general DREZ issues. However, some issues should be between a Town and MassDevelopment only. Selectman Fay noted that development is limited by Chapter 498 and the Reuse Plan, so many things should be discussed through the JBOS. Chairman Kinch stated that the proposed Shirley development may- or may not- be in alignment with the Reuse Plan. Mr Cappucci answered that MassDevelopment develops all of the time without a Super

Town Meeting and, in this case, Shirley would not benefit until 2033, if at all. Chairman Kinch iterated that the proposed Shirley Town Center development should go through the JBOS because it does affect the DREZ. Mr Cappucci agreed that it would have been appropriate for the Shirley Village Growth project to have been introduced to the JBOS and updates provided.

Chairman Kinch said that he is looking for a reason for the JBOS to exist. If a town wants to go directly to the MassDevelopment to develop their town and they don't go through the JBOS, why are we here? Mr Cappucci said that the JBOS should help the Towns. In order for Shirley to change Bylaws, it must pass Super Town Meeting. JBOS can then become intimately involved in the process and help us. Mr Starzec said that in the interest of time, he goes directly to the Town Administrators. If he has to go through the JBOS, then the idea or issue has to go through the Board of Selectmen and then back to the JBOS. The turn-around of time is about a month.

Chairman Kinch said that he is still looking for a reason for the JBOS to be in existence. If the JBOS is not to be an information source between the Towns and MassDevelopment, then what? Mr Starzec suggested Vicksburg Square and Disposition. Selectman Fay added Shirley Village Growth and noted that the JBOS exists because of Chapter 498 and Vicksburg Square and Disposition. Mr Crosby said that JBOS needs a 2012 Reuse Plan. If the JBOS remains consistent with the Reuse Plan, it is simple and short. Keywords in the Plan are "dynamic, process-driven." What is relevant is 2012 growth needs, not 1993 growth needs. Mr Crosby posed the question: How can JBOS remain flexible, market-driven, realistic and future-oriented" as we plan?

Selectman Sobalvarro said that a shared planner could help the JBOS on our collective course. Mr Cappucci said that Montachusett Regional Planning Commission (MRPC) helped get a grant for Shirley and maybe they could do the same for the JBOS. Mr Starzec added that the Towns should have some fiscal responsibility for a planner. If the shared planner is through MassDevelopment, then perhaps a matching arrangement would be workable. Vice Chairman Maxant said that a shared planner for JBOS sounds reasonable. Mr Crosby agreed. Chairman Kinch concluded that the JBOS will approach MRPC for a grant for a shared planner.

Mr Cappucci added that the good thing about a shared planner is that the planner would work with the Towns and keep the JBOS appraised. Selectman Maxant asked if MRPC assessment from the Towns could go towards a shared planner. Selectman Fay asked what Peter Lowitt does. Mr Starzec said that he is the DEC Land Use Director, but he is a planner by trade.

Vicksburg Square Update. Selectman Fay gave Powerpoint presentation from his tour of the Trinity Redevelopment projects in Boston. The slide show included Trinity's Before and After pictures.

Vice-Chairman Maxant said that he cannot agree to an experiment of urban-style development in a rural setting. Mr Starzec said that Devens is not rural: There are no septic tanks, private wells and 5-acre lots. Mr Crosby added that rural has cows and such, but Devens has industrial/research base; it is not rural. Selectman Fay said that Ayer has a T-stop to Metropolitan Boston; Ayer is not rural.

Super Town Meeting Legal Approach. Mr Starzec said that there will be two more public hearings (Harvard and Ayer), with proper legal notice. Only two are required; it will be as though the four public meetings did not happen. MassDevelopment will ask the three Town Administrators to sign a Cover Letter that will also be signed by George Ramirez. March 28 is the tentative date for the Super Town Meeting. After the Boards of Selectmen sign the Warrant Article, they have 90 days in which to hold the Super Town Meeting. Selectman Sobalvarro said that Harvard will vote, sign and then print.

Approve Minutes of December 15, 2012. Motion to approve by Vice-Chairman Maxant. Second by Selectman Ron Ricci. All in favor, with one abstention. Selectman Fay abstained because he was not at the meeting.

Chairman Kinch asked if the Devens Disposition funds are being held in an interest-bearing account. Liz will report. Will also get tax ID Form. MRPC holds the funds and Ayer does the accounting.

Video Equipment Status. Chairman Kinch asked if MassDevelopment had anyone to do their taping with the new equipment. Mr Starzec said no, but that he will probably do it. Chairman Kinch asked if it was the JBOS responsibility to staff irregular meetings that are interest to the Towns and not covered by the regular DEC/JBOS recording schedule. Selectman Ricci suggested that it be handled on a case-by-case basis, to be decided by the Chair. Mr Crosby suggested

a Call for Volunteers. Kate handles DEC scheduling and Liz handles JBOS scheduling. Maybe SPACO Director Lou Carreras can run training seminars.

JBOS Assistant Activity Review. Chairman Kinch stated that the administrative duties have not become smaller because the JBOS has condensed into a smaller group. Mr Cappucci noted that the workload is expanding with the audiovisual recording responsibilities. Selectman Fay said that the administrative assistant should record her activities and the time invested. Report to - and take direction from - the Chairman. Mary Arata asked who determines the website content. Liz answered that public information is posted in accordance with the expressed needs of the JBOS (eg. meeting dates and documents).

Selectman's Questions. Selectman Fay asked what the JBOS position on Vicksburg Square will be. Should the JBOS endorse the Vicksburg Square? Does the JBOS represent itself or the Towns? Vice Chairman Maxant said that the MOU says that the voting members vote according to the wishes of their Board of Selectmen. Mr Cappucci said that the JBOS has to stand up and say something. The JBOS has power and impact. If the JBOS is for - or against - a question, then it should go back to the Town's Boards of Selectmen and inform them why it is - or is not - a good idea. Selectman Ricci said that he would only vote in accordance with his Town's Board of Selectmen. Selectman Fay said that the Selectmen must go back to their Boards and ask for votes to bring back to the JBOS. Mr Crosby said that when things happen, they are supposed to go through channels; this is why I have a problem with the Towns informing the JBOS.

Next Meeting: February 23, 2012 (Admin note: Subsequently rescheduled for March 05, 2012)

Motion to adjourn. Motion by Selectman Fay. Second by Selectman Ricci. All in favor. **Meeting adjourned: 9:15 PM.**

Documents.

02/02/12 JBOS Agenda

12/15/12 JBOS Minutes

Chapter 498/Reuse Plan

1994 Memorandum of Understanding

2010 JBOS Mission Statement

2011 JBOS Memorandum of Understanding

02/02/12 Trinity "Before and After" Powerpoint

Minutes taken by Liz Garner_____

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