

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

April 19, 2012 Meeting Minutes
33 Andrews Parkway, Devens, MA

Chairman Tom Kinch ~ Vice Chairman Frank Maxant

* This meeting was not recorded by APAC.

JBOS members in attendance: Mr Cappucci (Shirley), Frank Maxant (Ayer), Tom Kinch (Devens), Tim Clark (Harvard) and George Ramirez (MassDevelopment)

Call to Order. Chairman Kinch called the meeting to order at 7:32 PM.

Agenda of April 19, 2012. Chairman Kinch suggested that the Division of Local Technical Services (DLTA) grant discussion should be deferred until April 26, when MRPC is scheduled to attend. All in favor. Chairman Kinch noted that the 3 JBOS grant applications were approved. Agenda was **approved**, with amendment to defer discussion of DLTA.

Minutes of March 05, 2012. Motion to approve as presented by Mr Cappucci. Second by Selectman Maxant. All in favor. Minutes of March 05, **approved** as presented.

Minutes of March 22, 2012. Motion to approve as presented by Mr Cappucci. Second by Selectman Maxant. All in favor. Minutes of March 05, **approved** as presented.

Proposed Shirley Village Growth (SVG). Mr Cappucci reported that Shirley partnered with the Chamber of Commerce to host a business development meeting that attracted 31 attendees. Chairman Kinch asked what the timetable is for the SVG project. Mr Cappucci said that the SVG project is in the hands of MassDevelopment. The Town of Shirley does not have the authority to set the timetable. It is, however, essential to the economic well-being of Shirley for the project phases be completed by 2033.

Chairman Kinch asked what kinds of business development Shirley hopes to attract. Mr Cappucci said that any kind of business would be welcome. Small business brings jobs and revenue. The tax rate in Shirley is favorable to business. Chairman Kinch asked how the SVG project would benefit Shirley. Mr Cappucci said that it would spruce up and extend Main Street, making the town more attractive to business. In terms of long-term planning, the town needs more tax revenue. Shirley needs for the business tax-base to be 25%.

Chairman Kinch asked if the SVG district is under the jurisdiction of MassDevelopment until Disposition. Mr Cappucci said that yes, 2033 is the goal. Mr Kinch asked if Shirley would be interested in taking

jurisdiction sooner. Mr Cappucci said that it would depend on MassDevelopment's interest. For now, Shirley has three development projects on the table: 1) SVG. 2) Lancaster Industrial Park. This project is more feasible for the near-term. 3) Barkis property. This project is ready to go.

Selectman Clark said that, aside from improving Main Street and driving the tax-base, in order for the SVG project to work for Shirley, the receipts would have to go Shirley, not MassDevelopment. Mr Cappucci iterated that the long-term benefit of creating a business tax-base is essential to the survival of Shirley. Back taxes have been collected, so there is money now in Free Cash and Stabilization. However, this was a one-shot deal; it won't happen again. There has to be a long-term revenue plan. Selectman Clark asked: If MassDevelopment were to give the SVG District to Shirley right now, would Shirley be interested? Mr Cappucci answered in the affirmative.

Chapter 498. Chairman Kinch said that this item is on the agenda to see if there is interest in amending MA Chapter 498 to allow Towns to vote on issues by a popular vote instead of Super Town Meeting votes.

Selectman Clark noted that he was not the Harvard representative to the JBOS; the Harvard representative sends his apologies and Selectman Clark will take back whatever is needed. Selectman Clark rephrased the question as Ballot Question vs. Tri-Town Meeting, meaning a net vote or a big basket vote. Chairman Kinch clarified that a ballot question brought to vote by the three towns would be passed or not, based on the total count of votes. Would there be interest in petitioning the legislators to so change the voting strategy?

Selectman Maxant drew the distinction between changing Ch. 498 (which is done through legislation) and changing the Reuse Plan (which is done through Super Town meeting). To change the voting process would require a change to the Reuse Plan. Selectman Clark further clarified Ch. 498 would have to be changed in order to modify the Reuse Plan. Vicksburg Square was a proposed change to both Chapter 498 and to the Reuse Plan. To keep a proposed amendment from dying in Committee, all three towns would need to be in agreement and be able to show evidence that the voters would support the change.

Chairman Kinch asked if the towns would be interested. Selectman Clark answered no, not unless the change was for a specific purpose that would be of benefit to the three towns and would require a change to Ch. 498. Mr Cappucci said that changing the voting process in order to get something done might be of interest to the three towns.

Selectman Clark posited that the "something" would have to be more specific, eg. an aquifer, well head or something like the Shirley Village Growth project. The past three Super Town Meetings were from the top-down. In 1994, the Super Town Meeting effort was from the bottom-up.

In Harvard, the Master Plan proposal identifies the five most troublesome (hot button) issues and Devens was one of them. Ten years ago, Devens was the 800 pound gorilla in the room and the idea was to name it and put it aside, not deal with it. Harvard has not yet taken the time to make a detailed plan like the Shirley Village Growth District.

Selectman Clark said that he is personally committed to define what we are going to do with Devens because all of the other pieces are tangled in. In Harvard, after the May election, there will be support for the Master Plan Project, which will address the Devens question. Regarding Devens, which direction do you want to face? The landscape of Devens has changed, due to remediation and the linkages of school-aged children. Devens must be dismantled and reused one thread at a time. MassDevelopment has done a great job changing the landscape. Their job is to improve, create jobs, sell and move out.

Selectman Clark said that when there is too much information or too little information, people are afraid to make a decision. Clear actions, clear issues and clear consequences will get a vote up or down. It will take a number of votes to dismantle and reuse Devens. What are the priorities for the three towns? What can we agree on?

Home Rule Petition (HRP). Selectman Maxant distributed a single-page handout: Proposed Home Rule Petition. The petition is on the May 14 Ayer Spring Town Meeting Warrant. In Ayer, it took 10 signatures to get the petition on the Warrant. If approved at Town Meeting, the petition could then be submitted to the legislature.

The first version on the petition would apply if all three Towns adopted it. This multi-town version would terminate the Devens Regional Enterprise Zone (DREZ) and the Devens Enterprise Commission (DEC). MassDevelopment would have a developer's relationship with the Towns. The Towns would carry the municipal management. The second version would allow one Town to opt out of DREZ/DEC and restores municipal jurisdiction to that town within its boundaries.

Selectman Maxant said that if we take back jurisdiction, then we determine what is happening next. On the front page of the handout, Ayer is stepping into the breach to see if Harvard and Shirley will follow. On the back page of the handout, Ayer will see if the Legislature will annex a section of Ayer.

Chairman Kinch asked what Selectman Maxant is asking from the JBOS. Selectman Maxant said that he is advising the JBOS of his intentions and activities, as related to the JBOS. Chairman Kinch asked for comments. Mr Cappucci said that is too early to comment. Selectman Clark said that Shirley should establish their section for the purpose of seeing how it works. Mr Ramirez had no comment.

Mr Ramirez asked to be excused from the meeting, due to the early start of a very long day. Mr Ramirez did say that he would attend the April 26 JBOS meeting. The Chairman excused Mr Ramirez and thanked him for coming. As Mr Ramirez was leaving, Selectman Clark asked him about a public records question regarding the State Police contract. Mr Ramirez said that public policy is exempt from public records requests until a policy decision is actually rendered. When the contract is signed, it will be immediately available. Mr Ramirez left at 8:35 PM. Chairman Kinch advised Selectman Clark to stick to the agenda. Selectman Clark said that he was acting under the Agenda section of Selectman's Questions.

JBOS Treasury. Chairman Kinch said that Ayer Treasury is handling the funds for JBOS. Asked for a report, the Ayer Treasurer delivered a packet of raw data, which Liz compiled into a General Ledger

spreadsheet that encompasses the years 2004 – 2012. Questions are being pursued. Supporting schedules and back-up information will be provided over the next month.

Mr Cappucci said that all he sees is numbers, details on the revenue sources and the expenditures are needed. Mr Cappucci asked why the funds are being administered by Ayer. Selectman Clark said that Pam Resor's office would have answers regarding how the account was set up and why. A few years ago, it came to the JBOS attention that either the remaining funds had to be expended or they would be lost. JBOS contracted the remaining funds to Montachusett Regional Planning Agency.

Chairman Kinch asked why the funds are not gaining interest. Selectman Clark said that the interest would be tiny. Selectman Clark added that JBOS cannot have its own bank account because it is a non-profit. Chairman Kinch iterated that this is the first step.

Selectman's Questions. Selectman Clark said that he had already asked his question.

Public Comment. The JBOS was asked to think of the people who live here, in Devens, and who are deeply invested in Devens. Mary Arata asked what would be discussed at the April 26 JBOS meeting. Chairman Kinch said that focus of the meeting would be the DLTA Scope of Services.

Adjourn. Mr Cappucci moved to adjourn. Second by Selectman Maxant. All in favor. The JBOS meeting of April 19, 2012 **adjourned at 8:50 PM.**

Next meeting: April 26, 2012

April 19, 2012 Meeting Documents

04/19/12 JBOS Agenda

03/05/12 JBOS Minutes

03/22/12 JBOS Minutes

04/17/12 JBOS General Ledger v.1

04/19/12 Maxant Proposed Home Rule Petition

MA Chapter 498

Devens Reuse plan

Minutes taken by Liz Garner

Website: www.jbos.info **E-mail:** jbos.info@gmail.com