

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

November 29, 2012 Meeting Minutes 33 Andrews Parkway, Devens, MA

Chairman Thomas Kinch ~ Vice Chairman Frank Maxant

Note: This meeting was not taped by APAC.

JBOS Members in Attendance: Tom Kinch (D), Frank Maxant (A), Enrico Cappucci (S), Andy Deveau (S), David Swain (S), George Ramirez (MD, non-voting)

Also present: Joyce Reischultz, Chairman of the Ayer-Shirley Regional School Committee

Call to Order: 6:10 PM. Chairman Kinch noted that representatives of the Towns of Ayer and Shirley, the Community of Devens and MassDevelopment were present.

Mr Cappucci introduced Joyce Reischultz, Chairman of Ayer-Shirley Regional School Committee. Ms. Reischultz indicated that anytime the Devens school contracts are open for bidding, Ayer-Shirley will be very interested.

Ms Reishultz noted that the Ayer-Shirley school programs fit with the community and the new high school will be beneficial to students. The Commonwealth and the Towns of Ayer and Shirley have invested \$56 million to renovate the Ayer- Shirley Regional High School, with the Towns paying about \$19 million. In 2015, the newly renovated high school will be ready for new students. The education of Devens students in Ayer is consistent with recent history, in which Devens' K-8 children were educated in Shirley and high school students were educated in Ayer. Ms Reischultz noted that the Commonwealth encourages regional education. Chairman Kinch said that the JBOS advice to MassDevelopment will be along these lines. Chairman Kinch added that if Disposition were to take place, the school contract would likely be passed on to whatever new party governed.

Mr Cappucci made a **motion that the MassDevelopment education contract with the Town of Harvard is a public document and the JBOS would like to have copies of it.** Second by Vice Chairman Maxant. All in favor; the motion **passed**.

Approve Agenda of November 29, 2012. Selectman Luca asked for discussion of the MOU to be added to New Business. Mr Cappucci motioned to approve the agenda, as amended. Second by Vice Chairman Maxant. The November 29, 2012 JBOS Agenda, as amended to include MOU discussion under New Business was **APPROVED**.

Approve Minutes of October 25, 2012. Mr Cappucci motioned to approve the Minutes of October 25, as presented. Second by Vice Chairman Maxant. Mr Maxant abstained from voting. None opposed. The October 25, 2012 JBOS Minutes were **APPROVED** by majority vote.

MassDevelopment Update: Mr Ramirez reported that New England Studios is progressing at a quick pace and the regional E911 dispatch center is expected to open in July. There are no new real estate projects on the horizon.

Chairman Kinch asked for an overview of the Devens education contract. Mr Ramirez said that the current contract ends June 30, 2015. Renewal is automatic, unless someone requests termination. In the case of termination, there would be a two-year transition period. The current contract provides for the education and transportation of students. Mr Ramirez said that there were some recent amendments to the contract.

Mr Cappucci asked if Ayer-Shirley would be able to bid on the contract. Mr Ramirez answered: "I don't know." Mr Cappucci noted that, in his opinion, the current contract is invalid because Ayer and Shirley were not given their rightful opportunity to bid on it. Mr Cappucci added that Ayer and Shirley have recently invested \$56 million on schools; they now have a lot to offer Devens' students. Mr Cappucci also questioned the automatic renewal clause, which Mr Ramirez stated was typical language.

Chairman Kinch summarized that June 30, 2015 is the earliest contract end date, but then two years for Transition must be added. Therefore, June 30, 2017 would be the soonest that a new contract could begin. Mr Ramirez agreed, iterating that MassDevelopment could decide, in 2015, to not automatically renew. MassDevelopment would then open the contract to public bidding. A two-year Transition period would follow. Ms Reischultz noted that children already in the Harvard schools could choose to be grandfathered-in until graduation or they could go to the new school.

Ms Reischultz asked Mr Ramirez if there is any intent to RFP for others to participate. Mr Ramirez answered that he has not heard of such. Mr Cappucci said that the JBOS should have been able to have advised the JBOS members about the school contract renewal and the JBOS members should have been able to advise their committees and Boards that it was upcoming. Liz will obtain the copies of the current and immediately prior education contracts and have them sent to the School Superintendents and to the Ayer-Shirley School Committee.

Selectman Swain asked who makes the ultimate decision. Mr Ramirez answered that the MassDevelopment Board of Directors decides. Mr Swain noted that Ayer-Shirley now has a brand-new building with modern equipment and the latest and greatest of educational advantages---versus a fifty year old building. There is a nice population of kids in Ayer-Shirley. The building is designed for 500 kids and they are now running at 412.

Chairman Kinch noted that there is a seat on Devens Educational Advisory Committee (DEAC) for the Ayer-Shirley School Committee. Ms Reischultz said that Michelle Granger is appointed to fill this post.

Selectman Luca asked Mr Ramirez, for his own edification, what the cost would be if Ayer were interested in joining the E911 regional dispatch. Mr Ramirez responded that Lancaster, Lunenburg, Harvard and Devens signed an agreement for the regional dispatch. Before doing so, they cast the net far and wide for towns to join. In the process, the committee decided that, since they were getting involved in a sophisticated process, no other towns would be admitted until the E911 dispatch center opens. The center is expected to open in July, 2013. If Ayer is interested in joining, Mr Ramirez will bring it to the table.

Regarding cost to join, the center was funded by grants. MassDevelopment lent expertise in engineering, project management and legal. Mr Ramirez does not know what the cost would be to join—if there is any cost. It is a big process. Each member community can expect to save approximately \$80 -100,000 annually. The build-out of the buildings is that there is room for plenty more. Selectman Luca agreed that Ayer had the opportunity to join at the time, but voted against it, as did Shirley. Selectman Luca also noted that cost to the member communities would be lower if there were more members. Mr Cappucci said that there are costs to consider if the new communities do not have the same radio and software systems. Also, more communities mean more dispatchers. Mr Ramirez agreed and said that Ayer could reach out to Chief Garrity and Chief LeBlanc.

Chairman Kinch asked Mr Ramirez to discuss the Police contract. Mr Ramirez said that the State Police contract runs out in June, 2014. There will be a one-year rollover if there are no other Towns interested in providing police services. MassDevelopment will put together an RFP process. The process will extend from January 1, 2013 – December 31, 2013. The entire process will be completed during that year so that MassDevelopment and the

State Police will know who the recipient is by January 15, 2014. Mr Ramirez said that as soon as the RFP is completely finished and ready to be made public, the JBOS will get a copy.

Selectman Luca asked Mr Ramirez to discuss the Fire contract. Mr Rairez said that the Fire Department is in the employ of MassDevelopment; they are not contractors. Chairman Kinch said that this will present an interesting question for Disposition.

Chairman Kinch asked who owns the Devens utilities. Mr Ramirez said that the utilities are owned by MassDevelopment and the employees are employees of MassDevelopment. Chairman Kinch asked if the service provisions appear on the Devens balance sheets as assets. Mr Ramirez said that Investments may have been made by communities in order to receive services. Services are provided on a user-fee basis.

Utilities include natural gas, electricity, water and sewer. There are number of electricity sub-stations and there is a natural gas pipeline. Chairman Kinch asked if the major load on the utilities is industrial, versus residential. Mr Ramirez said yes. Chairman Kinch asked if a Town could acquire the Devens utility assets at Disposition. Mr Ramirez said yes; in that case, MassDevelopment would need to have a value assigned. Chairman Kinch asked if a Town could acquire a utility at Disposition and then sell it. Mr Ramirez said that he didn't know what would be required in such a scenario. There would be a variety of questions to consider. For example: Would MassDevelopment sell? Would MassDevelopment contract to an operator?

Mr Ramirez noted that the Elemental Power Group (EPG) solar project creates capacity for green energy in Devens. Currently, 6% of the Devens megawatts load is provided by solar and some of this is sold by Shirley.

Vice Chairman Maxant referred to the October 25 JBOS Minutes and asked for follow-up regarding Vicksburg Square maintenance questions, eg., broken windows. Also, windows that were removed for window air conditioners were boarded up when the air conditioners were removed, instead of having their original glass re-installed. Mr Ramirez said that he will look into it. Vice Chairman Maxant said that the Vicksburg Square marketing does not comply with the Reuse Plan. Mr Ramirez said that he will ask the real estate department about compliance. Chairman Kinch noted that it might be productive to invite Mika Brewer to the next JBOS meeting. Selectman Luca said that tonight was good; he heard a lot from George.

New Business. 2011 Memorandum of Understanding. Selectman Luca said that, in his opinion, the JBOS going from a full Board to a single representative from each Town has not been successful. Communication issues have caused misunderstandings. Selectman Luca said that he misses being involved in the JBOS and that the onus is on each Town to make the JBOS successful. Selectman Luca would like to see the 2011 MOU changed to have wording that requires a *minimum* of one member.

Selectman Luca read aloud his suggested wording: "The Boards of Selectmen of the Town of Ayer, the Town of Harvard and the Town of Shirley shall each appoint a minimum of one member, one of whom is a voting member, plus an alternate member who could exercise the vote in the absence of the voting member." Vice Chairman Maxant said that it is a step in the right direction to invite more participation without upsetting the voting structure of one vote per Town or community.

Mr Cappucci noted that he is the voting alternate for Shirley. If a BOS member comes in, then he or she should be the voting member. Vice Chairman Maxant said that perhaps the JBOS should go back to the practice of routinely posting that each of the Town Boards will be in session, just in case a quorum of a Town's Selectmen should show up at a meeting.

MOTION: Selectman Maxant motioned that the 2011 JBOS MOU should be amended to replace the second sentence of the MOU with the suggested wording.

The change to the second sentence would be:

Original: ~~The Boards of Selectmen of the Town of Ayer, the Town of Harvard and the Town of Shirley shall each appoint one voting member and one alternate.~~

New: *"The Boards of Selectmen of the Town of Ayer, the Town of Harvard and the Town of Shirley shall each appoint a minimum of one member, one of whom is a voting member, plus an alternate member who could exercise the vote in the absence of the voting member."*

Second by Mr Cappucci. All in favor. The motion **PASSED** unanimously. **The proposed amendment to the second sentence of the 2011 MOU: "The Boards of Selectmen of the Town of Ayer, the Town of Harvard and the Town of Shirley shall each appoint a minimum of one member, one of whom is a voting member, plus an alternate member who could exercise the vote in the absence of the voting member" will be sent to the Town Boards of Selectmen for approval and signatures.**

Public Communications: People want to know when the JBOS meets and they want to know what is going on. Meeting highlights could be sent out, in addition to Minutes. Meeting announcements could be sent to the cable coordinators for posting on the cable channels. In Ayer, Cindy Knox can post meetings to the Announcements section of the website. Kathy Rocco can do the same in Shirley. Agendas and Minutes can be posted on all of the Town websites. Email blasts can get the words out to Planning Boards, School Committees, Finance Committees and any other relevant committees and Boards. Maybe JBOS could put a link on the Chamber of Commerce website. Look into using Vimeo PRO to put JBOS meeting tapes on www.jbos.info.

JBOS needs to prepare for the Annual Meeting with MassDevelopment. Print blasts can get the word out for the Annual Meeting. The Chamber of Commerce might be helpful in getting the word out to the Devens business community (contact Melissa Fetterhoff). Can the meeting be scheduled for March or does it need to be in October?

Administrative Report. The Devens Economic Analysis Team is continuing to add new information to their October Report. DEAT will have a public information meeting at 7 PM on Tuesday, December 11. Liz will invite the Devens Economic Analysis Team to the next meeting.

The JBOS will not meet in December. The next meeting will be January 24 at 6 PM.

Adjournment. Mr Cappucci made a motioned to adjourn. Seconded by Vice Chairman Maxant. All in Favor. The November 29, 2012 JBOS meeting ADJOURNED at 7:45 PM.

Documents Referenced:

Agenda of November 29, 2012

Minutes of October 25, 2012

2011 JBOS Memorandum of Understanding

Minutes taken by Liz Garner

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12/17/12