

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

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**January 24, 2013 Meeting Minutes**  
33 Andrews Parkway, Devens, MA

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**Chairman Thomas Kinch ~ Vice Chairman Frank Maxant**

**Chairman Gary Luca – Vice Chairman Tom Kinch**

Note: This meeting was taped by APAC, distributed to the cable channels and [posted](#) on the Ayer website.

**JBOS Members in Attendance:** Tom Kinch (D), Enrico Cappucci (S), Gary Luca, Phil Crosby (D-alt.) Lucy Wallace (H) , George Ramirez (MD)

**Also present:** MassDevelopment Real Estate Project Manager Edmund Starzec. Harvard's Devens Economic Advisory Team Chairman Victor Normand and DEAT members Paul Green, Steve Finnegan and Duncan Chapman.

**Call to Order:** 6:05 PM. Chairman Kinch noted that representatives of the Towns of Ayer and Shirley, the Community of Devens and MassDevelopment were present. Chairman Kinch said that he was not sure if Harvard was being represented. Selectman Wallace responded that she was attending because DEAT was presenting, but that she would not vote.

Chairman Kinch remembered Bob Eisengrein and the JBOS joined him in a moment of silence.

**Agenda of January 24, 2013.** Motion to approve by Rico Cappucci. Second by Gary Luca. All in favor. Selectman Wallace abstained. The agenda was approved.

**Minutes of November 29, 2012.** (There was no meeting in December.) Motion to approve by Mr Cappucci. Second by Selectman Luca. No discussion. All in favor. Selectman Wallace abstained. The Minutes were approved.

**MassDevelopment Report.** Mr Ramirez reported that the E-911 building is almost finished. Nathan Kenney will be the executive director. Mr Kenney will attend the next JBOS meeting.

Mr Ramirez said that the Devens Police RFP is moving forward. There has already been one public meeting and there is another one scheduled for January 30.

Mr Starzec reported that a Request for Interest (RFI) for Grant Road housing is in process and will be ready for internal review by the end of January. The purpose of the RFI will be to test the

market. The majority of units will be single-family. Some will be affordable. 25 % affordability is required in Devens. There are 156 units left to build. MassDevelopment will hold community hearings in the springtime, regarding the RFI. MassDevelopment may create a short list of developers. MassDevelopment may select one or more developers. One developer may develop all 156 units or MassDevelopment may select two strong developers.

Chairman Kinch asked when building might begin. Mr Starzec replied that it would be soon and it would be undertaken in phases. It is possible that building could start in a year.

Mr Crosby asked when the communities will have the option to speak and ask questions about the affordability aspect and various scenarios. Mr Starzec said that community meetings will begin in mid-late February/March. Meanwhile, emails and phonecalls are welcome. Mr Starzec is typically in Devens on Tuesdays.

Mr Cappucci noted that one of the things that the JBOS has been talking about over the past few weeks, especially as we have taken another look at the MOU, is that the JBOS has no authority to tell MassDevelopment what to do, but JBOS does have the authority to advise MassDevelopment. Mr Cappucci would like to start establishing this as part of the record tonight.

**Motion:** JBOS will support MassDevelopment in its quest to pursue the Grant Road development project, at this time. Motion by Mr Cappucci. Second by Selectman Luca.

**Discussion:** Chairman Kinch asked if the intent of the motion is that JBOS will get behind the stay abreast of proposal and give advice as it continues. Mr Cappucci said yes, and iterated that he wants MassDevelopment to understand that JBOS will take its advisory role very seriously. Mr Cappucci added that, from what he heard tonight, the proposal sounds good, but also, JBOS needs to hear from the people of Devens.

Selectman Wallace said that the idea of having smaller developers doing sections would look more organic. Selectman Wallace questioned the purpose of the vote, saying that there really isn't anything to vote on. Chairman Kinch said that the spirit of the vote was to welcome the initiative and to establish that the JBOS would like to be kept informed. The proposal is one that would have major impact on the communities. It would more than double the size of Devens, but it does fit in with the Reuse Plan.

**Vote:** All in favor. Selectman Wallace abstained. The motion **passed: JBOS will support MassDevelopment in its quest to pursue the Grant Road development project, at this time.**

**Harvard's Devens Economic Advisory Committee (DEAT) Presentation.** Copies of the DEAT 2012 Annual Report (October 15, 2012) were made available. Mr Chapman narrated the slideshow presentation. The presentation will also be shown to Devens, stakeholders, Secretary of Housing and Economic Development Greg Bialecki, legislators, regional planning groups and the Fort Devens Commander.

The DEAT charter is to project a current municipal operating budget for Devens, as if it were a part of Harvard. Mr Crosby asked if the analysis covered the whole DREZ or just the historic boundaries. Mr Chapman stated that it only covered the Harvard historic boundaries.

At this point, there is a projected deficit of \$850,000. However, this year, Harvard's FY12 portion of the Devens Assessment increased by \$100,000. Mr Cappucci asked if the \$850,000 budget deficit includes the present school budget. Mr Chapman said that it does.

Mr Cappucci asked why neither Shirley nor Ayer were used as comparables. Mr Normand said that they were looking at 18% commercial/industrial tax base.

Chairman Kinch asked if Tax Increment Financing (TIFS) were included. Mr Normand said that they were not included because DEAT only used taxable portions and they tried to avoid making projections in this report. Selectman Wallace said that by avoiding projections, the numbers were more reliable. Mr Green added that this method can be used by any town and the DEAT would be happy to work with any of the Ayer or Shirley boards or committees.

It was also noted that infrastructure, accessibility and unified permitting are more important to industry than TIFS. Devens utilities are an important draw for business and industry. The electricity in surrounding areas costs 16 cents/kwh, compared to the Devens electricity which costs 12 cents/kwh. This difference adds up in industry.

Mr Green added that the Devens utilities are owned by MassDevelopment and MassDevelopment has the sole authority to decide the future of Devens utilities. At Disposition, the utilities could be sold or turned into a municipal utility. Most of the excess revenue comes from the electric and the gas operations. The \$850,000 deficit does not include revenue from the Devens utilities.

The nightmare situation would be if the profitable pieces were sold to investor-owned utilities and the less profitable capital investment parts were turned over to the Towns. Investors might not keep the rates below market rate and this would likely impact Devens' ability to attract and keep business and industry, which would affect jobs and everything else. Mr Green noted that one of the DEAT recommendations is that the Devens utilities should be turned into a municipal utility.

Mr Cappucci asked about green energy savings. Selectman Wallace said that the Harvard Energy Committee is looking at net-metering. Mr Normand added that 1:20 houses in Harvard has solar power. Mr Cappucci said that Shirley has a solar farm that will power the municipal buildings, saving the Town about \$100,000. Mr Green said that there is also a solar farm on Devens.

Mr Normand said that it will be important for anything that happens with the utilities to be a transparent process. Mr Chapman added that if the Town got consensus in favor of a Super Utility, it would be a strong argument with the legislature. Mr Kinch asked if the assumption is that it would cost nothing for the Towns to get the utilities. Mr Green said, yes.

Selectman Luca asked what would be the advantage for Ayer [to create a super municipal utility]. Mr Green said that if Ayer took back their historic lands and wanted to develop that land, Ayer would need the range of utilities. The utility infrastructure and excess capacity is in Devens.

Mr Cappucci noted that the recent 10 year airfield contract happened without transparency. Mr Chapman added that the exact same situation just happened in Harvard with the Devens Police contract. Mr Cappucci said that this is the very reason that [MassDevelopment] contracts need to come to the JBOS table.

Mr Chapman said that there are good examples of business parks similar to Devens successfully managed by two or three people, eg., Myles Standish Industrial Park and the New Bedford Business Park.

Mr Cappucci noted that the presentation was outstanding and added that young people need to get involved with their Towns and bring new ideas. Mr Kinch agreed that the presentation was excellent and added that what it is yelling for is audience. Mr Cappucci suggested that JBOS bring the legislators into the room so that the DEAT can pitch ideas once, with representatives of Ayer, Harvard, Shirley, Devens and MassDevelopment also in the room.

Steve Finnegan said that this is a planning function and the planning boards should be involved. Mr Cappucci said that maybe the MRPC DLTA shared planner could be addressed again. Mr Kinch asked why MassDevelopment should not be involved in the planning. Selectman Wallace said that maybe the three Town Planning Boards could work together with underwriting from MassDevelopment.

**2011 Memorandum of Understanding proposed amendment.** Liz reported that Ayer and Shirley have returned signed MOUs and that Devens has most of their signatures. At this point, there has been no action from Harvard. Selectman Wallace said that she did not recall getting a copy of the proposed MOU amendment, but there will be two meetings in February and she will get it on the Harvard Agenda

**Set date for JBOS/MassDevelopment Annual Joint Meeting.** Chairman Kinch said that the required JBOS and MassDevelopment Board of Directors meeting will be a working meeting. It was agreed that the meeting will be in May, with details to be worked out with George Ramirez.

**Review draft of the 2012 JBOS report.** Liz read an overview and some of the 2012 achievements. Chairman Kinch said that it will be his report to the Board as he exits as Chairman.

**Election of Chairman and Vice Chairman.** Chairman Kinch read from the 2011 MOU, regarding the process. Chairman Kinch asked for a motion to be made for the Town of Harvard to take the chairmanship of the JBOS. There was no motion.

Chairman Kinch said that the MOU requires a decision tonight. Mr Cappucci said that the MOU clearly states that the Town of Harvard is required to attend the meetings; they have not, for whatever reason, and, therefore, they are not prepared to assume the Chair. Hopefully, over

the next year, Harvard will take the responsibility to attend the meeting and be prepared to take the Chair next year.

**Motion.** Mr Cappucci made a motion to nominate Selectman Gary Luca of the Town of Ayer to serve as Chairman. Second by Selectman Luca.

**Discussion:** Selectman Luca said that all of us do have an obligation to see this through and he will serve his year. Mr Crosby suggested that the order be maintained, but, in this case, the order should be interrupted, and Harvard should have another chance next year. Chairman Kinch said that Harvard adds a lot to the meetings and he hopes that Harvard will decide to attend the meetings, but if Harvard does not, the JBOS will continue. Mr Cappucci agreed.

**Vote.** All in favor. Selectman Wallace abstained. The motion **passed. Selectman Gary Luca of the Town of Ayer will serve as Chairman.**

**Motion.** In accordance with the MOU, the vice chairman will be the outgoing chair, Mr Thomas Kinch of Devens. Motion by Mr Cappucci. Second by Chairman Luca. No discussion.

**Vote.** All in favor. Selectman Wallace abstained. The motion **passed. In accordance with the MOU, the vice chairman will be the outgoing chair, Mr Thomas Kinch of Devens.**

**New Business.** Mr Cappucci said that there have been some questions about the duties and responsibilities of the administrator. This will be on the agenda at the next meeting.

Chairman Luca distributed letters from the Ayer Board of Selectmen regarding Vicksburg Square. This should be on the agenda for the next meeting.

**Financial Report.** Liz reported that the Treasury balance is \$47,173.77

**Public Communications.** Mr Crosby reported that the JBOS has an account with GoDaddy that offers the [www.jbos.info](http://www.jbos.info) domain name. This needs to be renewed or we will lose it. Additionally, the JBOS has two web hosting platforms. The GoDaddy hosting platform costs \$70 a year, but is only being used as a pass-through, so there is no reason to keep it. The [www.jbos.info](http://www.jbos.info) website is hosted on a free site (google sites).

Liz added that JBOS has the option of renewing our current domain name, and additionally securing jbos.org and jbos.com for less than \$25/year. We have two weeks to make a decision on whether or not to secure the extra domain names.

**Motion.** JBOS approves spending of up to \$25 to secure JBOS domain names. Motion by Mr Cappucci. Second by Vice Chairman Kinch.

**Vote.** All in favor. Selectman Wallace abstained. The motion **passed. JBOS approves spending of up to \$25 to secure JBOS domain names.**

**Next Meeting.** February 28, 2013, at 6PM.

**Motion to adjourn** by Vice Chairman Kinch. Second by Mr Cappucci. All in favor. The JBOS meeting adjourned at 8:04 PM.

## List of Documents Referenced.

- Agenda of January 24, 2013
- Minutes of November 29, 2012
- Harvard's Devens Economic Advisory Team 2012 Annual Report (October 15, 2012)
- 2011 Memorandum of Understanding: Makeup of the JBOS. As amended in 2012 (pending signatures)

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Minutes taken by Liz Garner

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