

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

February 28, 2013 Meeting Minutes 33 Andrews Parkway, Devens, MA

Chairman Gary Luca – Vice Chairman Tom Kinch

Note: This meeting was taped by APAC, distributed to SPACO and HCTV and will be posted on the [Ayer website](#).

JBOS Members in Attendance: Tom Kinch (D), Jim Fay (A), Frank Maxant (A), Gary Luca (A), Lucy Wallace (H), Enrico Cappucci (S), Marie Solbalvarro (H)

Also present: MassDevelopment Real Estate Project Manager Edmund Starzec. Town of Harvard's Devens Economic Advisory Team Chairman Victor Normand.

Call to Order. 6:05 PM.

Agenda of February 28, 2013. Selectman Fay requested an amendment to the agenda, adding discussion of reconsideration of the January 28, 2013 JBOS vote to support MassDevelopment in its quest to pursue the Grant Road development project, at this time. Chairman Luca agreed.

Motion. Vice Chairman Kinch motioned to approve the Agenda of February 28, 2013, as amended. Second by Selectman Fay. No discussion.

Vote. All in favor. Selectman Wallace abstained. **The Agenda of February 28, 2013, was approved, as amended, to add discussion of reconsideration of the January 24, 2013 JBOS motion to support MassDevelopment in its quest to pursue the Grant Road development project, at this time.**

Chairman/Vice Chairman. Chairman Luca noted that, in accordance with the signed 2011 MOU, each Town is required to send one person who can vote and one person as an alternate. Selectman Fay said: One Town; one vote. The Town takes the Chair, not the individual; therefore, the Chair is taken by whoever shows up. Vice Chairman Kinch noted that the JBOS has voted in accordance with the signed 2011 MOU. Selectman Maxant added that more participation is good and, therefore, it is okay with him for Chairman Luca to be Chair.

Selectman Wallace noted that she was in attendance for herself; she was not representing the Harvard Board of Selectmen. Mr Cappucci noted that Selectman Wallace was attending as a member of the audience, not as a selectman and, therefore, will not be able to vote. Selectman Wallace said that she would not vote.

Selectman Wallace added that the Town of Harvard did not sign the proposed 2012 amendment to the 2011 MOU was because it did not seem to offer substantive difference to the existing language. (For MOU discussion, please see page 3.)

Reconsideration of the vote to support MassDevelopment in its quest to pursue the Grant Road development project, at this time. Selectman Fay said that the vote taken on January 24, 2013, was out of order and should be reconsidered because the proposed vote of support was not first taken back to the Town Boards for approval. Mr Cappucci said that, having been the one who made the motion, he would be glad to reconsider.

Motion. Mr Cappucci made a motion to reconsider the January 24, 2013 JBOS motion to support MassDevelopment in its quest to pursue the Grant Road development project, at this time. Second by Selectman Fay.

Discussion: Vice Chairman Kinch said that the spirit of the motion was to give clarity that the JBOS is willing to act as an advisor on the proposed Grant Road project and that the JBOS implores MassDevelopment to keep the JBOS abreast of the situation. There was no substance to the vote; it was just a vote of support for the initiative. Selectman Maxant said that the proposed development sounds like it could be in accordance with the Reuse Plan and so he could be in favor of it. Chairman Luca said that prior development projects (Transitions, the solar homes and the four new town houses), did not come before this Board. At this time, JBOS is presented with something that the Towns have never been presented with before: JBOS is a part of the process. Selectman Fay clarified that the question of reconsideration is strictly a question of rules of order and, by no means, does he imply that the Ayer Board of Selectmen would - or should - oppose offering support to MassDevelopment. Selectman Fay will bring the proposal to support MassDevelopment in the Grant Road development project to the Ayer Board for deliberation next Tuesday.

Vote. All in favor. Selectman Wallace abstained. **The JBOS reconsidered the January 24, 2013 motion to support MassDevelopment in its quest to pursue the Grant Road development project, at this time.**

Motion. Mr Cappucci made a motion to withdraw the motion to support MassDevelopment in its quest to pursue the Grant Road development project, at this time. There was no discussion.

Vote. All in favor. Selectman Wallace abstained. **The JBOS withdrew the January 24, 2013 motion to support MassDevelopment in its quest to pursue the Grant Road development project, at this time.** The motion will be revisited in March.

MassDevelopment Update. Mr Starzec reported that on March 14 there will be a public meeting to discuss the Grant Road RFQ process. Up to 156 units of housing would be developed.

Mr Starzec reported no changes to the education contract or to the Police contract. Mr Cappucci noted that in 2012, there were changes to the education contract (eg., capital improvements) and the Ayer/Shirley District was not informed in advance of those changes. Selectman Wallace said that the contract was awarded the Harvard in 2006. Mr Cappucci agreed, but also noted that the 2008 contract was a rollover and the 2012 contract was a new contract because of the amendment. Selectman Wallace said that it was an amendment and not a change. Mr Cappucci responded that amendment is change and, therefore, the 2012 education contract should have been on the table.

Chairman Luca asked if there was any news regarding the Police contract. Mr Starzec said that he could only report what he had been told by Mr Ramirez-- that it is on schedule. Chairman Luca said that if the three Towns are to have a shot, then it needs to be put out there for bidding.

Chairman Luca said that the Ayer Board of Selectmen had sent a letter to Chancellor Marty Meehan, regarding the possibility of UMass Lowell at Vicksburg Square. Mr Cappucci said that the Shirley Board of Selectmen had also sent a letter.

Selectman Wallace said that it may also be helpful to talk with MRPC about grants for projects that would lead to job creation, assuming the necessity for community-endorsed plans. Given the current DREZ zoning, which endorses education and innovative technology, an interesting model might be MIT at Kendall Square. There may be Federal interest in investing in Vicksburg Square as a way of creating jobs in the Commonwealth. This may tie-in with a letter to Chancellor Meehan.

Selectman Fay said that the JBOS needs to know what is the current marketing plan for Vicksburg Square.

Harvard's Devens Economic Advisory Team. Selectman Fay asked if Harvard was going to send a representative to the JBOS. Selectman Wallace said that the Harvard Board of Selectmen has not voted to change the position of their earlier letter [of non-participation] and she is has not been appointed as Harvard's Representative to the JBOS. At this point, Harvard wants

to bypass the JBOS and talk directly to MassDevelopment, Ayer or Shirley. When Harvard has something to present to the JBOS, they will come to a meeting and present.

Selectman Wallace iterated that she is attending JBOS as an individual member of the Harvard Board of Selectmen. She attended the January meeting because of her interest in Harvard's DEAT presentation and the Devens Police contract. She attended tonight's meeting because of the UMass Lowell agenda item. Mr Cappucci said that he was glad that she was at the meeting and added that it takes three votes for all three Towns to do anything.

Chairman Luca referred to page 5 of the 2012 DEAT Report and asked for more detail regarding the Police Contract. Selectman Wallace said that Harvard's perspective is: 1) Demand that the RFP goes to all of the communities-- and not exclusively to the State; and 2) The Harvard Board of Selectmen should actively pursue an RFP to get the Police Contract. Chairman Luca stated that it is right that Harvard should compete for the Police Contract; the Ayer Board of Selectman also intend to bid for the contract. Mr Cappucci said that he hopes his town does not bid because there is only one town that could do it and that would be difficult.

Mr Cappucci asked if MassDevelopment could benefit from keeping the Devens utilities. Mr Normand responded that it could not happen automatically. MassDevelopment is required to sell or become a public utility at Disposition or in 2033, whichever comes first. Mr Cappucci noted that the Shirley solar farm is right across the street from the Devens solar farm. There are six megawatts of wholesale solar power coming from Shirley into Devens. Creating and selling power is the future.

MOU. Selectman Wallace said that it is her understanding that the 2011 MOU limited attendance to one designated voting representative and one alternate per Town. Selectman Wallace said that the proposed amendment language is confusing. Chairman Luca said that the proposed amendment clarifies that all Selectmen are welcome. Selectman Wallace also noted that the process of voting issues going from the JBOS back to the Towns and then back to the JBOS is cumbersome, but maybe it has to be that way in order to keep the Towns in the loop. Mr Cappucci said that he didn't think any Towns would oppose it if Selectman Wallace rewrote the amendment so that the Harvard Board of Selectmen would come back to the table. Having all three Towns here gives the JBOS much more ability to coordinate efforts.

Joint Meeting. Selectman Maxant noted that, in accordance with Chapter 498, the Annual Joint Meeting is meant to be held in October. The JBOS should officially acknowledge that the Joint Meeting in May is a supplement or a substitute. Mr Cappucci said that he will work with Liz and Melanie to put an agenda together. The goal would be to bring business people together with congressional delegates.

Minutes of January 24, 2013. Motion to accept the Minutes of January 24, 2013 by Mr Cappucci. Second by Vice Chairman Kinch.

Discussion. Selectman Maxant offered a correction on page 5: New Business. Chairman Luca distributed letters from ~~Selectman Maxant~~ the Ayer Board of Selectmen regarding Vicksburg Square.

Motion to accept the Minutes of January 24, 2013, as amended. Second by Mr Cappucci.

Vote. All in favor. Selectman Wallace abstained. **The Minutes of January 24, 2013 were accepted, as amended.**

Communications. Liz reported that the Agenda is being sent to all JBOS members and is posted at www.jbos.info, MassDevelopment and all three Town Halls. The agenda is also sent to anyone who might have interest in agenda items, including members of each school, planning and zoning committees. The meeting dvd is distributed to APAC, the Ayer JBOS [meeting video](#) webpage, SPACO and HCTV.

In January, up to \$25 was approved for the securing of JBOS domain names. Mr Crosby secured the www.jbos.info domain for one year, for a cost of \$8.57. The site will remain as it is and site hosting will remain free.

Liz asked that the draft 2012 JBOS Report be considered for adoption. If the report is adopted, it can be posted on the website and shared with interested parties. The report could also be used as a base for the 2013 Annual Report that must be submitted at the Annual Joint Meeting between JBOS and MassDevelopment. The report could also be useful if the JBOS chooses to seek additional grant funding. Chairman Luca said that this item will be on the March agenda. Mr Cappucci said that it may be a good time for Liz start seeking potential grants. Chairman Luca agreed.

Financial Report. Liz reported a balance of \$44,140.27.

New Business. Selectman Maxant said that self-governance for the Devens Regional Enterprise Zone residents may be a unifying issue for the JBOS. There must be something viable between the bookends of Selectman Maxant's 2012 proposals and the earlier idea of Devens becoming its own town. JBOS could research the middle ground, which could be Devens becoming a Township. Governance could be managed by a board created of one member from each Town and an administrator. It was noted that former JBOS Chairman Leo Blair had described an idea for an overlay district.

Public input. Nashoba Publishing Reporter Mary Arata pointed out that, despite the MOU restriction of one vote per Town, all three Ayer selectmen voted on several issues. Selectman Maxant stated that he is the appointed Ayer representative to the JBOS, so it is his vote that will entered into the records.

Motion to adjourn by Mr Cappucci. Second by Selectman Maxant. All in favor. Selectman Wallace abstained. **The February 28, 2013 Meeting of the JBOS was adjourned by Chairman Luca at ~7:35 PM.**

The next meeting will be Thursday, March 28 21 at 7 pm. The earlier meeting time will better accommodate Harvard.

Admin note: The meeting date has been changed to 7 PM March 21. This will allow members to attend the 6 – 8 PM, March 28 Open Meeting Law training with the Attorney General's Office at Ayer Town Hall.

Documents Referenced

JBOS Agenda of February 28, 2013

JBOS Minutes of January 24, 2013

2011 JBOS MOU (signed)

2012 JBOS MOU with proposed amendment

Town of Harvard's 2012 DEAT Report.

2006, 2008 and 2012 Town of Harvard Education contracts with MassDevelopment

Chapter 498

Letters from the Ayer, Harvard and Shirley BOS to UMass Lowell, regarding potential reuse of Vicksburg Square

2012 JBOS Report (draft)

Minutes taken by Liz Garner

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Approved: 03/21/13