

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

May 23, 2013 Meeting Minutes 33 Andrews Parkway, Devens, MA

Chairman Gary Luca – Vice Chairman Tom Kinch

Note: This meeting was taped by APAC and is posted on the [Ayer website](#).

JBOS Members in Attendance: Tom Kinch (D), Ron Ricci (H), Gary Luca (A), Leo Blair (H), Stu Sklar (H), Bob Prescott (S), Marie Sobalvarro (H), George Ramirez (MD)

Call to Order. 7:00 PM. Chairman Luca welcomed returning member Leo Blair (Harvard) and new members: Stu Sklar(Harvard), Bob Prescott (Shirley) and Jannice Livingston (Ayer).

Agenda of May 23, 2013: Motion to approve: Vice Chairman Kinch. Second: Selectman Blair. No discussion. All in favor. The meeting agenda was approved.

MassDevelopment Report. Executive Vice President of Devens Operations for MassDevelopment George Ramirez introduced himself to the new members and noted that he has been attending the JBOS meeting for the past year or so, offering updates on the big picture issues over the past year. Mr Ramirez reported:

Grant Road proposal: Mr Ramirez said that MassDevelopment has had the right forums and has been consistent in coming to the JBOS. The development will be 120 units. The RFQ was issued on April 9 and the RFQ responses are due May 24. The predevelopment meeting was attended by about 40 developers. Questions included: Can developments be bifurcated? Does one developer do it all? Does one developer do the individual units and does one do the multi-family? Mr Ramirez will ask Ed Starzec to update the JBOS at the next meeting.

E-911 Regional Dispatch Center. Member towns are Harvard, Lancaster, Lunenburg and the Community of Devens. The E-911 project was initiated by Mr Ramirez about two years ago. There is an MOU to share expenses and an agreement that the center would not take money from Devens or the Towns; it would be built with all grant money. The center has received about \$3.3 million in the last two years and now has a surplus in the Capital budget. The operating budget is \$700k and change. Devens Dispatch was costing about \$360k for dispatch and this number will come down to about \$180k. This is pretty much the saving outlook for each of the member towns. The legislation is still pending.

Bristol-Myers Squibb Phase II Expansion. The expansion is expected to bring 350 new jobs and 200,000 square feet. There will be one manufacturing building and one clinical research building. Completion may expected around late-2015 to early-2016.

MJM Film Studio is close to finishing their Phase 1. Mr Ramirez would be happy to make arrangements with MJM Managing Director Mike Myers to give a 30-minute walking tour to JBOS. MJM expects to be open in late-summer. Each of the four stages, when fully rented, will be about 100 - 125 people. MJM is saying that they may need even more hotel space.

MassDevelopment is in conversation with a national auto parts distribution company about a possible building purchase. If this deal closes, another 125 jobs may be added. More details may be available at the next JBOS meeting.

The Devens Police RFP has, so far, received one set of questions. The proposals are due by the end of June. Chairman Luca asked if there was going to be any more National Guard expansion. Mr Ramirez said that he hadn't heard of much expansion.

Reorganization of JBOS Representatives. Chairman Luca reported that his BOS appointed him as their JBOS representative. If Chairman Luca cannot attend a meeting another selectman will represent Ayer. The Vice Chairman will run the meeting. Selectman Prescott said that Shirley has appointed him as their JBOS representative; the appointment for his backup is pending. Selectman Sobalvarro reported that Harvard is attending to listen and will take a sense of the agenda back to their BOS.

Discuss a motion to support the MassDevelopment Grant Road development project. This item was moved to next month's agenda. Vice Chairman Kinch noted that MassDevelopment did have an public information meeting about six weeks ago and, additionally, the Grant Road project does conform to the Reuse Plan, so there isn't that much that the Towns can discuss. The only change that the communities can make is to the Reuse Plan. Selectman Blair agreed. Selectman Sobalvarro also agreed, and added that the Towns should be kept in the information loop, for example, in the timing, phasing and absorption rate of the project. Chairman Luca agreed to have Liz send a note to Mr Ramirez.

Discuss amendment to the 2011 JBOS MOU. The MOU has been discussed over the course of several meetings and it has been generally agreed that the correct interpretation of the 2011 language is: There must be a minimum of one representative from each town. Any selectman or Devens Committee member may attend the JBOS meetings and join the discussion. If the appointed representative cannot attend, whoever attends in his or her place can exercise the vote. The only limitation is that there is only one vote for each town. The proposed revision offers no changes, therefore, the 2011 JBOS MOU stands, unrevised.

Discuss advice and concerns for the 2013 JBOS/MassDevelopment Joint Meeting. Mr Kinch reported that MassDevelopment's position is that they do have an annual meeting and it is opened for question and answer. Mr Kinch noted that this is not the spirit of the joint meeting requirement. MassDevelopment concluded that they are very willing to meet with the JBOS. They would need a formal request with a background of questions to be discussed. Selectman Ricci suggested that the JBOS sit with the MassDevelopment Board of Directors for about an hour of informal discussion on the day of the MassDevelopment Board of Directors Annual Meeting. Topics and specific questions would be provided in advance, to the extent possible. Mr Kinch will communicate this suggestion to MassDevelopment. The annual meeting occurs in October.

Discuss self-determination options for the Devens Regional Enterprise Zone (DREZ). Mr Kinch reported that he testified in front of the [Joint Committee on Municipalities and Regional Government](#) in support of a bill ([S.939](#)) that had been placed, by request, in front of the Committee by Senator Eldridge to make Devens a town. The bill could be modified. It is about 6 months into the 2 year session.

There are two problems that S.939 was proposed to solve: 1) There is a static Reuse Plan from 1993 that probably needs some change, but change can only come by Super Town Meeting. The mechanism of Super Town Meeting has not been successful in the past in making changes. 2) Devens residents are not comfortable in electing people who do not represent them and in being managed by people who are not elected by them. Senator Eldridge does not support Devens being a town, but the Committee does recognize that there are issues to solve.

A compromise was sought. This brought to light another issue: Currently, there is no real opportunity for Town involvement in the Devens Regional Enterprise Zone (DREZ) process, outside of the veto. JBOS is a known entity, but has no teeth. Also, members of the JBOS have their Town interests, as they should.

It was learned that Senator Eldridge has a bill in to give regional authorities (eg., schools, enterprise zones) a form of government that has a regional nature ([S.946](#)). Mr Kinch discussed this with MassDevelopment, but they want to manage the DREZ like a developer would; they do not want to govern it.

There is State and local support for an organization that would represent the governing body of the DREZ, similar to a Board of Selectmen of the DREZ. This would not be formed by an MOU; it would be formed by a law. As said, there is now a Devens bill in front of the Committee that could be modified. The idea was floated that if JBOS could construct a governing body that had good representation of Devens residents, representation from each Town and representation from industry, then it could take on responsibilities of a typical board of selectmen (BOS) before the DREZ. The DREZ already has examples: The Devens Education Advisory Committee (DEAC) has regional representation and functions like a school committee. The DEC has regional representation and could be a planning board. The thing that is missing is a Board of Selectmen.

A DREZ BOS could give win/win to everyone: The Devens residents would be voting for people who govern them. The Towns would have involvement beyond a veto. MassDevelopment doesn't want to govern. Industry would have some say. JBOS may have an organization that has some teeth in it.

This form of governance would be formally created by a law, which would be created by the JBOS. Senator Eldridge would submit it to the Committee with his endorsement and, hopefully, endorsements of each of the entities. This ended Mr Kinch's report.

Selectman Blair noted that the power of the governing body would be that of a BOS over the planning board and other cooperative bodies. Selectman Blair distributed the *Devens Transition and Integration Matrix* that he had drafted for JBOS in 2009. With a few updates, this document may provide a start. Mr Blair read aloud the 6th paragraph: "The Stakeholder Communities of Devens, Ayer, Shirley & Harvard (DASH) shall establish a governing council comprised of members elected from the respective communities. The council shall provide financial, administrative and management oversight during the Transition Period, and shall be responsible for the duties thereafter."

Mr Blair said that the DASH concept was inspired when the JBOS recognized that none of the Towns wanted to give up jurisdiction over their traditional boundaries. Chairman Luca added that this is the overlay idea. Selectman Blair agreed and noted that things have changed now that MassDevelopment is no longer interested being in the governance business, which is good because the Towns are better at running Towns.

Selectman Prescott asked how this quasi-town would be funded. Selectman Blair said that there is plenty of money between maturing and declining TIFs, state funding, increasing industry and the kinds of operating savings that

would come from Town management and collaborations. Tie the maturing TIFs and increasing revenue to state aids that would reduce as the DREZ gains financial independence. It may be that the investment would cost Towns a certain amount each year, but it wouldn't be done if it would be detrimental to the Towns. The financial picture can be determined before commitments are made.

Mr Kinch noted that the new governance would not be immediate, as MassDevelopment still controls the money, but this does offer an evolving solution to the problem. Selectman Blair said that as the Towns demonstrate good stewardship, it will happen sooner. Selectman Ricci agreed that MassDevelopment seems to support shared governance and that representative governance is a fairness issue for Devens residents and businesses.

Attendees will take the DREZ discussion and the *Devens Transition and Integration Matrix*, (2009 draft) back to their boards and bring a general response back to the JBOS at the June 27 meeting. Selectman Blair said that the draft has not been updated since 2009, so feel free to take out the red pens. Selectman Blair will distribute the document electronically.

Review and approve the Minutes of March 21, 2013. Motion to approve, as presented: Vice Chairman Kinch. Second: Chairman Luca. No discussion. All in favor. The Minutes of March 21, 2013 were approved, as presented.

Treasurer's Report. The Ayer Treasurer's Report was distributed. Liz will address at the next meeting.

New business. None.

Public comment. None.

Next Meeting: June 27, 2013

Adjournment. Motion to adjourn by Selectman Blair. Second: Chairman Luca. All in favor. The JBOS meeting adjourned at 8 PM.

Minutes taken by Liz Garner, via APAC recording

Documents Referenced:

JBOS Agenda of May 23, 2013

Devens Grant Road RFQ

Devens Police RFP

S.939. An Act incorporating the town of Devens

S.946. An Act to promote municipal collaboration and regionalization throughout the Commonwealth.

2011 JBOS MOU

JBOS Minutes of March 21, 2013

Devens Transition and Integration Matrix (3 pages, drafted by Selectman Blair, 2009)

Ayer Treasurer's Report on the Devens Disposition Funds (June, 2013)

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