

Harvard Devens Jurisdiction Committee Meeting  
September 6, 2023: 11AM  
Meeting Conducted Via Zoom

Members attending: Victor Normand, Paul Green, Heather Knowles, Don Ludwig, John McCormack

Members absent: Kara Minar, Tim Myllykangas, George Glazier, SusanMary Redinger

Others Present: Carl Sciple (Harvard appointed DEC nominee), Charles Oliver (SB member)

Victor Normand called the meeting to order at 11:03 AM

The minutes from August 2, 2023 were approved unanimously.

### **Devens Finances**

The list of questions compiled by Victor from the input from all members was shared along with the responses from Mass Development (MD) (see below). Meg Delorier from MD who coordinated the responses indicated to Don that information would be posted on line at some point in November. The responses lack the detail that HDJC members would like to have seen, however having the information on record is a good first step.

Members discussed the desire to separate expenses related to redevelopment from those pertaining to municipal/operating expenses that would be incurred by the entity (ies) resuming permanent governance. For example, the line item for legal expenses, which was conjectured to be part of lease negotiation, etc.

Members reviewed the line items:

- A large portion of the expenses are the salaries for staff
- \$45k for marketing materials
- \$30k for Devens' video
- \$20k for the website
- 667 acres are available for sale (maybe includes Salerno Circle which has yet to be remediated). Perhaps parties could agree to set aside some land for a future school building to be built.
- Mention of the Massachusetts Water Abatement Trust was unfamiliar to members
- Devens makes only a small profit on the provision of electricity but the profit on waste water is higher. Electricity is regulated but waste water isn't.
- Devens reserves the right to extend TIFs beyond 2033 (in discussing this item, members conjectured that MD should involve the three towns in any future deals that involve TIF's so that the responsible party after 2033 would have some say in the binding decision)

- If you take out Vicksburg Square land and Salerno Circle from the 667 acres mentioned above, the remaining land is approximately 110 acres consisting of only one lot more than 20 acres and smaller parcels. The redevelopment work by MD is limited to those parcels. Setting aside municipal land is time sensitive.
- The exact status of the remediation of Salerno Circle is unknown, but the army is on the hook for it and it is thought that they are remediating it in small batches at a time to a commercial (not residential) standard.

### **Jurisdiction Timeline:**

At the August meeting, members discussed using a Super Town Meeting, as well as amending Chapter 498 has ways of moving up the date of jurisdiction. Victor pointed out that any legislative change to 498 would also need to be approved by the Governor. Would it make sense to meet with the Secretary of Housing to discuss the complexities and the opportunity involved in renovating Vicksburg Square (VS)?

The Devens Jurisdiction Framework Committee could be the best body to accomplish this. Would it make sense to also involve Jamie Eldridge and Dan Sena? Are we losing focus on the the main goal of working out ultimate disposition? Can we effectively move forward without getting MD engaged and if not, how do we do that? If we resolve VS without tackling the whole issue of jurisdiction do we lose leverage?

Members reviewed a document prepared by Victor, Paul and SusanMary, "Thoughts on the Future of Vicksburg Square (below)."

The main takeaway was members agreed that tackling VS outside of and ahead of determining the question of permanent governance and jurisdiction is not in our best interest.

Meg Delorier from MD intimated at a recent meeting that the 2033 date might not be a hard stop. Members expressed concern and frustration and also pointed to the potential reality that if consensus isn't reached by 2033 then MD might have to remain in control. MD's willingness to work with local businesses and residents seems to have waned (as evidenced by their repurposing of the community center). Taxation without representation could be problematic. MD has made good decisions in the past for the most part, but that could change. Would it potentially become an issue for the ACLU? Can the towns come to some sort of agreement and secure some funding from MD for a consultant to work on the issues of jurisdiction?

### **Changing the meeting/day and time**

Moving forward, the HDJC meetings will take place on the first Monday of the month at 10am. In the event of a holiday, the meeting would move to the second Monday.

### **Public Comment:**

Carl Sciple commented that we should do everything we can to move forward quickly.

Victor agreed to take the following to the DJFC:

- Moving the timeline up
- A meeting with the Secretary of Housing attended by the chairs of the three select boards and Devens representation

Victor will dive deeper into the land analysis at our next meeting scheduled for October 2<sup>nd</sup>.

The meeting was adjourned by unanimous vote at 12:06pm.

Respectfully submitted,

SusanMary Redinger, recording secretary

## FY 2023 Devens Funds Budget – General Questions

10-Office of the President - \$318,407

Does this account end when redevelopment work ends?

**Expenses attributable to the Office of the President will likely continue for as long as MassDevelopment is responsible for the redevelopment, reuse, or operation of the Devens Regional Enterprise Zone.**

30-Legal Expense - \$548,329

Seems very high. I assume this too is associated with redevelopment.

What exactly are they used for?

**\$349,229-Salary and fringe for our in-house Legal Team**

**\$199,100-costs for outside counsel**

**These costs include all legal costs attributable to Devens, including but not limited to redevelopment activities (e.g., land transactions and leasing, environmental remediation), municipal operations, labor and employment matters, matters concerning taxation, and legal matters related to all four public utilities in Devens.**

40-External Affairs - \$200,498

What is this?

**\$94,273-Salary and fringe for the External Affairs Department**

**\$11,225-Collateral materials, events, mileage**

**\$95K-Digital marketing materials \$45K, Devens Video, \$30K and website \$20K**

72-Asset Management - \$10,199,560

Land sale revenue accounts for most of the \$5.5 increase in revenues. Are there any projections for land sale revenue going forward? In the aggregate, how much land is available for sale and at what price per acre?

**There is no fixed price per acre for land sales in Devens. Every transaction is individually negotiated and takes many factors into account and the particular characteristics (e.g., environmental condition, topography, zoning) of a given parcel. Approximately 667 acres of land currently zoned for industrial, open space (which allows for some kinds of development) or commercial-type uses are available for sale by MassDevelopment, but as in any community, the actual developable acreage is assumed to be lower than that.**

74-Engineering - \$1,218,839

Are most of these expenses non-recurring? What is \$535,907 interest expense for?

**\$543,907-is included in the \$1,218,839 for Salary and fringe for the Engineering Department.**

**The \$535,907 of interest expense relates to the proposed new public safety building.**

82-Finance and Accounting \$2,959,311

Can you explain Salaries and fringe at \$511,966? I assume Depreciation and amortization at \$2,371,609 flow through to a balance sheet. Is that correct?

**The \$511,966 is the salary and fringe for the Accounting Department.**

**Yes, the Depreciation is also included on the balance sheet as an offset to the fixed assets.**

84-Information Technology - \$547,634

Explain the \$164,163 for administrative expenses.

**Includes training and development, network infrastructure, computer supplies, subscription, data communications, records management, telephone, hardware and software licenses.**

96-Risk Management \$924,346

Is this property insurance? **This includes property, general liability, excess liability, auto, directors and officers, workers compensation, etc.**

FY 2023 Devens Utilities Budget – General Questions

82-Finance and Accounting Revenues

Contract Assistance \$351,418 What is this? **This relates to a loan we received from the Massachusetts Water Abatement Trust for improvements to our wastewater treatment plant. The \$351,418 is a contribution from the Water Abatement Trust towards our debt service payments.**

82-Finance and Accounting Expenses

Depreciation and amortization expense \$3,932,731 What is the breakdown of this expense?

**This relates to the depreciation on the assets of the utility systems, electric, gas, water and wastewater.**

92-Devens Utilities Revenues \$34,795,834

What is the breakdown by utility?

**Electric -\$22,515,854**  
**Gas- \$7,346,939**  
**Water- \$1,476,713**  
**Wastewater-\$3,456,328**

92-Devens Utilities Expenses \$30,650,911

What is the breakdown by utility?

**Electric-\$21,204,935**  
**Gas-\$6,573,108**  
**Water-\$1,030,580**  
**Wastewater-\$1,842,288**

Devens and Devens Utilities – Balance Sheet

#### Assets

Accounts Receivable and Other Assets

What are other Assets as distinct from fixed assets? **This includes utilities receivable, Devens fees, real estate taxes, grant receivables, bond fee receivable, interest receivable.**

Other Loans receivable \$8,428,731 What is this? **This is an interfund loan between the Devens Fund and the Gas utility.**

#### Liabilities

Bonds, Notes, and Interest Payable – Devens Utilities \$32,256,928

What is the term of existing debt? **Electric Bond-12/1/2030, Water Loan-7/15/2043, Wastewater Loans, 2/1/2031 and 8/2024.**

What are Eliminations (\$8,428,761)-**this is the interfund loan between the Devens fund and the Gas Utility.**

Deferred Income

Devens Fund \$8,064,322- **This mainly relates to land sales that we have to defer until contingencies in the purchase and sale agreements are met or otherwise extinguished.**

Devens Utilities \$210,723- **We bill water/wastewater on a quarterly basis so we have to defer a portion of the bill until the revenue is earned.**

What are these? **See above**

Other Questions

Conform the TIF agreements will not be scheduled beyond 2033. **We cannot confirm that there will not be any TIF agreements that extend past 2033.**

Explain how the Devens tax rates are calculated, both residential and Commercial/Industrial.

**Devens calculates the tax for residential and commercial/industrial properties based on an ad valorem approach in accordance with the Devens Tax Plan and state law. There are 10 properties that are charged a municipal service fee (MSF). These taxpayers purchased their properties in Devens before the current tax plan approved by the Department of Revenue was in place. Those municipal service fees are based on a price per square foot of building space and a price per acre for land. Once real estate currently subject to a MSF is sold, the real estate will be assessed real estate**



**taxes based on the ad valorem approach in accordance with the Devens tax plan.**

## **Thoughts on the Future of Vicksburg Square**

**Victor Normand**

**SusanMary Redinger**

**Paul Green**

**August 29, 2023**

### **Introduction**

The purpose of this memo is to discuss whether the people of Devens, Ayer, Harvard, and Shirley should settle the question of the future governance of the portion of Devens known as Vicksburg Square separately from, and ahead of, all other questions about the future governance of the Devens Redevelopment Enterprise Zone. By “governance”, we refer to which local government(s) will administer Vicksburg Square or Devens. Vicksburg Square straddles historical areas of both Ayer and Harvard.<sup>1</sup> Please see the map later in this memo.

This memo reviews the discussions on this topic that both the Devens Jurisdiction Framework Committee (DJFC) and Harvard-Devens Jurisdiction Committee (HDJC) have held thus far.

The impetus for opening a discussion about Vicksburg Square stems from the failed attempt by State Senator John D. Cronin (D; Worcester and Middlesex District, which includes the Town of Shirley) to amend Chapter 498 of the Acts of 1993 (the legislation governing Devens) to eliminate the housing cap at Devens.<sup>2</sup> See the end of this memo for the text of his proposed amendment. He had proposed an amendment to the Fiscal 2024 Massachusetts State Budget.

While Senator Cronin’s proposed amendment was not adopted by the Massachusetts Senate, nonetheless his proposal has led to a discussion among the parties engaged in determining the future of Devens as to its merits. We do not doubt that Massachusetts currently faces a shortage of housing, nor do we doubt that actions by federal, state, and local governments can have a positive influence on the production of additional units of housing.

To the best of our knowledge, Senator Cronin did not seek prior approval from the people who would be the most affected by removing the housing cap, nor did he seek the prior approval of their local elected officials. Senator Jamie Eldridge has confirmed that he was aware of Senator Cronin’s proposal. Members of the Harvard-Devens Jurisdiction Committee became aware of Senator Cronin’s proposed amendment only a few days before it was considered by the Senate.

Senator Cronin’s amendment would have overridden the Devens Act (Chapter 498), the Devens reuse plan, and the Devens zoning, as well as bypassed the requirement that any changes to Devens zoning be approved by a Super Town Meeting for the residents of Ayer, Harvard, and Shirley. His amendment would have added housing to the pre-existing allowed uses in the Innovation and Technology Center zone. It also would have eliminated the housing cap and

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<sup>1</sup> Should Devens become a separate town, this distinction would not matter.

<sup>2</sup> See proposed Amendment 282 on <https://malegislature.gov/Budget/SenateDebate>