

Harvard-Devens Jurisdiction Committee
Meeting Held using the Zoom Videoconferencing Facility
Minutes of the May 5, 2022 Meeting
Paul Green, Clerk

Attendance

Members Present: George Glazier, Paul Green, Heather Knowles, Rich Maiore, Victor Normand, SusanMary Redinger.

Members Absent: Richard Cabelus, Kara Minar, Tim Myllykangas.

Guests: Neil Angus (DEC staff member), Jane Biering (Harvard resident), Jim DeZutter (Harvard resident and DEC board member), Chris Ryan (Harvard Director of Economic Development), Lucy Wallace (Harvard resident), John Osborn (Harvard Press).

Victor Normand called the meeting to order at 10:01 am.

Approval of Minutes

The committee approved the minutes of the April 7, 2022 meeting. SusanMary offered a correction, which was accepted. SusanMary moved and Rich seconded. The vote was unanimous.

DJFC Update

Victor reminded members that MassDevelopment has withdrawn from the Framework Committee. At their previous meeting, the DJFC approved a letter to be sent to the MassDevelopment Board of Directors. It was signed by all 11 DJFC members who were present at the meeting. There are a total of 15 members on the DJFC, not counting MassDevelopment. Victor sent the approved letter to MassDevelopment and obtained confirmation that it had been received.

Jim DeZutter reported that the DEC sent a letter to MassDevelopment. The letter is posted on the DEC web site (www.devensec.com).

Heather stated that the Devens residents have discussed the withdrawal of MassDevelopment at Devens Educational Advisory Committee meeting, and plan to approve a final version at their next meeting. People are very frustrated and the actions of MassDevelopment play into the general mistrust of its activities by the residents.

George suggested that MassDevelopment may be trying to draw less attention to its activities so that they don't have to deal with the parties who monitor them.

Victor drew a parallel between the operation of MassDevelopment at Devens (a self-governing institution) and the news coming from Florida about the recent revocation of the self-governing status of Disney World. However, to the best of his knowledge, no one lives at Disney World.

Victor reported that Kara has drafted a letter for the Harvard Select Board to send to MassDevelopment. Discussion of it will be a future Select Board agenda item.

In response to a question from Heather, Victor said that the consensus of the DJFC is that it doesn't seem appropriate to send out the Request for Information until MassDevelopment returns to the table. He will recommend that the towns work on their vision statements, similar to the one that this committee has prepared. Lucy said that the committee agreed to work on the items that don't need input or agreement from MassDevelopment.

Devens Budgets

Victor reported that he received the MassDevelopment operating budget and balance sheet, but he, Tim, and Richard have not had a chance to review it as yet. They plan to compile a list of questions for MassDevelopment. He noted that the financial statements show that MassDevelopment has \$100 million in assets in the Devens account, \$50 million of which is in cash. Half of this cash is booked against the Devens utilities account, and half against the municipal operations account. Victor confirmed with Robert Carly, attorney for MassDevelopment, that all of the cash is restricted to the Devens project. Victor believes the utility funds can be reallocated to other Devens activities if so desired by MassDevelopment, as the Devens Utility operations are unregulated. He is concerned that MassDevelopment could take actions with the cash reserves that would make transitioning to permanent government much more difficult.

Victor stated that the Devens redevelopment project was originally funded by an \$80 million appropriation from the state budget and authorization to borrow \$120M; this debt is an obligation of the Commonwealth, not of the Devens project itself. There is no expectation that this debt will be repaid by Devens operations; the intent was that the general tax revenues generated at Devens would be sufficient to repay the debt. The financial statements show the presence of \$20M in debt on the balance sheet which is an obligation of Devens Utilities and paid out of the income to Devens Utilities. The operating side pays \$600K servicing debt, paid out of tax revenues.

Victor said that these are details that the stakeholders need to understand now, not in 2030. Lucy would like to see the legal documents that set up Devens Utilities, to see which entity is responsible for securing its debt. The statements do not show whether any new debt is planned in the future. Rich agreed that these issues are thorny and complicated and need to be understood now, not in 2030. Victor promised to ask for a copy of the terms and conditions that accompany the debt.

Other Business

Victor intends to appear before the Harvard Select Board after the town election to brief them on the status of the committee and to ask for feedback on the vision statement.

SusanMary asked what our plan would be if MassDevelopment does not return to the table, despite the entreaties of the other stakeholders. Victor said he believes that the combined power of the 3 towns, Devens residents, and Devens businesses can bring MassDevelopment back into the process. Also, the legislature has power that they can apply. Jamie is a strong supporter of the towns in this process.

Neil noted that the DEC also sent a letter, and is cautiously optimistic that it will get a response. A lot of time and effort has gone into this process and it is unthinkable why MassDevelopment would walk away. The businesses, residents, and communities are all active and involved.

Public Comment

No public comment.

Victor adjourned the meeting at 10:36 am.

Next Meeting

Our next meeting is scheduled for June 2, 2022, at 10 AM, on Zoom.

Attachments

1. Draft of Devens Enterprise Commission letter to MassDevelopment Board of Directors, downloaded from devensec.com on June 1, 2022.

Mike Kennealy, Chair
Dan Rivera, President and CEO
MassDevelopment Board of Directors
99 High Street
Boston, MA 02110

Re: Devens Jurisdiction Framework Committee

Dear Chairman Kennealy and Mr. Rivera,

I am writing on behalf of the Devens Enterprise Commission to express our shock and disappointment at MassDevelopment's abrupt withdrawal from the Devens Jurisdiction Framework Committee process. As you know, Section 23 of Chapter 498 of the Acts of 1993 states that "On or before 2030, the commission, the boards of selectmen of the towns with the advice of the planning boards, and the bank (MassDevelopment) shall initiate a study concerning permanent government structure for the ongoing operation and administration of Devens". After almost two and a half years into this process, the committee has made progress and engaged a diverse array of stakeholders from the surrounding towns, including residents and business representatives from Devens, who have committed time to this process to help ensure its success. For MassDevelopment to walk away from discussions so abruptly and without any clear reasoning is a blow to this entire process and all of the work of the committee and its members to date.

This move is not consistent with past actions by MassDevelopment concerning the disposition process. As a major stakeholder, MassDevelopment has always been at the table and played a strong and necessary role in this process. Prior moves by MassDevelopment have shown a more principled approach to engagement by:

- Insisting that Devens residents and businesses be stakeholders in the jurisdiction process.
- Broadening the discussion to move beyond Harvard's goals and to include the input and participation of Ayer and Shirley.
- Staying the course during COVID as the communities and other stakeholders slowly stood up their committees.

That patience is paying off as businesses are engaged, Ayer just held a walking tour of their historic boundaries within Devens attended by thirty participants, and the Devens resident on the jurisdiction committee has been holding listening sessions with local residents to assess their concerns.

This abrupt withdrawal is squandering the trust built up over time between the communities and MassDevelopment. This trust is an essential component to the collaborative and regional redevelopment process in Devens. By stepping away from this process, the likelihood of future support and cooperation on any new development initiatives above and beyond the existing zoning and current bylaws, could be diminished.

We sincerely hope that MassDevelopment reconsiders their withdrawal from this process. The disengagement with the jurisdiction process can be remedied by returning to the table, a course of action we encourage you to consider. 2030 is quickly approaching. The Devens Enterprise Commission looks forward to re-engaging with MassDevelopment and continuing to work with the Devens Jurisdiction Framework Committee on this effort, supporting the existing and future residents, businesses, and institutions within this region to fulfil this requirement of Chapter 498 of the Acts of 1993 within the prescribed time limit.

Sincerely,

Peter Lowitt, FAICP Director
Devens Enterprise Commission

Cc: MassDevelopment Board of Directors

Mr. Brian Kavogian

Mr. Mark Atta

Mr. Gary Campbell

Ms. Joan C. Corey

Ms. Francesca Maltese

Ms. Kristina Spillane

Mr. James Chisholm

Mr. Juan Carlos Morales

Ms. Julieann Thurlow

Ms. Ellen Zane