

**Devens Enterprise Commission (DEC)
Public Hearing and Regular Meeting
Minutes July 25, 2023**

Members Present in person: Duncan Chapman, Robert Gardner, Christopher Lilly, William Marshall, Jim Pinard, Martin Poutry, Debra Rivera, Deb Seeley

Staff (in person): Neil Angus, Beth Suedmeyer, Dawn Babcock

Guests: Carl Sciple (Harvard Resident), Hillary Clark (MassDevelopment – Recreation - remote) Meg Delorier (VP MassDevelopment - remote), Lt Reed Bagley (State Police - remote)

Members Absent: Dix Davis, Melissa Fetterhoff, Paul Routhier

(6:45 PM) Chairman William Marshall called the meeting to order and did a roll call.

Mr. Marshall read that the Devens Enterprise Commission (DEC) Regular Meeting and Public Hearing is being held both remotely AND in-person in accordance with the supplemental budget bill signed into law by Governor Healey, further suspending certain open meeting law requirements to March 31, 2025. Interested individuals may attend in-person at this address or listen in and participate by phone and/or on-line by following the link and/or phone # at the top of the agenda. Persons with disabilities or requiring interpretation wishing to listen or participate should contact 978.772.8831 x3334. In accordance with the State's Open Meeting Law, the Chairman informed all attendees that this meeting is being recorded by the Devens Enterprise Commission. Persons with disabilities or requiring interpretation wishing to listen or participate should contact 978.772.8831 x3334.

(6:48 PM) Chairman Marshall noted, we will need to nominate Ms. Rivera as a voting Regional Representative for this meeting. The motion was made by Mr. Poutry and seconded by Mr. Gardner. The nomination was approved unanimously by a roll call vote.

(6:51 PM) Mr. Marshall reviewed the Agenda of this evening's meeting.

(6:53 PM) Review Minutes:

- **June 8th Minutes** were discussed. There were no questions or concerns noted so Mr. Marshall asked for a motion to accept the minutes as submitted. **The motion was made by Ms. Seeley and seconded by Mr. Gardner. The minutes were approved by a roll call vote. Mr. Chapman, Mr. Pinard & Ms. Rivera all abstained as they were not present on the 8th.**
- **July 13th Minutes** Mr. Marshall asked if there were any questions or concerns, and Mr. Lilly noticed an error on the 2nd page the minutes had Extortionary, but it should have been extraordinary. That was the only comment noted. Mr. Marshall then asked for a motion to approve the amended minutes of the July 13th meeting. **The motion was made by Mr. Lilly and seconded by Mr. Gardner. The amended minutes were approved by a roll call vote. Mr. Pinard & Ms. Rivera abstained as they were not present on the 13th.**
- **(6:54 PM) Public Hearings: Event Permit and One-Day Wine and/or Malt Beverage License** request by MassDevelopment (Devens Recreation) for the **Nashoba Valley Celebration of Service** to take place on Rogers Field at 100 Sherman Ave and within portions of the Sherman Avenue Road Right-Of-Way on Saturday, August 19, 2023, from 4PM to 9PM (rain date Sunday, August 20, 2023, 4-9PM). Mr. Marshall read the public notice that was published in the papers and then handed the meeting over to Neil Angus who noted that last year this event was hosted by Devens Recreation as well as the Army and was spread out between multiple locations here at Devens. This year the event will be hosted by Devens Recreation and will be in one location. Mr. Angus introduced Hillary Clark with Devens Recreation and she went over the event and the activities they will be offering. Ms. Clark went over the layout of the location for the event. They are going for a Neighborhood feel for the event and are planning activities like: Touch a Truck, Food Trucks, Bands, Inflatables, and an Alcohol area.

There may be a slight change in the map as they are working with the Fireworks company as well as the Fire Marshall to ensure they are set up in the best location for viewing as well as safety. A portion of Buena Vista Rd and Sherman Ave will be closed to traffic so they can move things closer together, so the attendees don't have to walk all over to see everything. As at the last two events they are looking to allow children 12 and under into the fenced off alcohol area, this being such a large event area this will help to prevent parents and children getting separated. The TIPS certified staff member will be checking IDs at the entrance as well as at the counter of the alcohol area and bracelets will be issued to people 21 and over, there will also be a state police officer in the alcohol area. There will be shuttle service from 3 exterior parking locations as well. Mr. Marshall asked the commissioners if they had any questions, and Ms. Seeley was wondering where the 3 parking locations would be for the shuttle service. Ms. Clark stated that the 3 locations will be 1) Shirley Meadows, 2) Shirley Town Hall/Library and 3) Ayer Rail Trail Parking Garage. Beth Suedmeyer went over the staff report and noted that Ms. Clark covered the majority of the items. The event hours will be 4:00 – 10:00PM and Alcohol will be sold 4:00 – 9:00PM allowing the last drink to be served prior to the beginning of the fireworks. The recommended action is approval of the Event Permit as well as the issuance of the one-day license to sell wine and malt beverages. Mr. Marshall asked if there were any questions. Martin Poutry asked about the Permits from the Fire Department, is that for the fireworks? Mr. Angus said that the fire department permits are for the food vendors who have propane tanks and for the fireworks they will be working with the state fire marshal's office for those permits. Mr. Angus just had 2 additional items he wanted to note. The under 21 people being allowed into the fenced off area, we have allowed this at 2 prior events hosted by MassDevelopment and have had no issues reported so we are willing to try it again. Ms. Clark and her team have done a great job coordinating with Devens Fire, Public Safety Officer and Lt Bagley as well as Ayer Fire and Police to ensure safety for everyone at the event. Christopher Lilly noted that the age limitation should be more specific than a Minor with and Adult. Ms. Clark noted that she is hoping to get it approved that minors 12 and under be allowed into the fenced area with a 21 or older guardian. Mr. Marshall suggested amending the staff report to note this. Mr. Marshall asked if there were any more questions. Lt. Bagley would like to suggest, while the 9:00PM end time for serving alcohol is set, that the vender be flexible to a possible change to avoid weather that may occur. Mr. Angus noted that he would suggest the Commission issue the license for the time frame that MassDevelopment has requested and MassDevelopment, as the license holder, has full authority to put that type of restriction in place. The License doesn't require them to serve up to 9:00PM - if they choose to close earlier than 9:00PM, that is their call. This license does have the end time of 9:00PM so they cannot serve after 9:00PM. Mr. Marshall asked the public for any questions or comments? None were asked. Mr. Marshall then asked for a motion to close the public hearing. **The motion was made by Ms. Seeley and seconded by Mr. Chapman. The motion to close the hearing was unanimously approved by a roll call vote.** Mr. Marshall then asked for a motion to approve the Event Permit and the one-day license for sale of wine and malt beverages at the event with the amendment of the children 12 and under being allowed into the fenced area with an over 21 guardian. **The motion was made by Mr. Poutry and seconded by Mr. Gardner The motion to issue the license and event permit was unanimously approved by a roll call vote.**

New Business:

- **(7:14 PM) Executive Committee recommendations for new Executive Committee members and Employee and Director bonus recommendations.** Mr. Marshall stated that with both Mr. DeZutter and Mr. Davis' resignations and they both being members of the Executive Committee, there are two seats to fill on the committee. Mr. Marshall stated that Deborah Seeley should have been recommended for the Executive Committee when she was being recommended for the Vice Chair position. Along with Ms. Seeley the Executive Committee would like to recommend Paul Routhier to fill the other open chair. Mr. Routhier has been a member of the Commission basically since the start. Mr. Marshall asked if there were any questions. None were asked. Mr. Marshall then asked for a motion to approve the nomination of Ms. Seeley and Mr. Routhier to the Executive Committee. **The motion was made by Mr. Gardner and seconded by Mr. Pinard. The motion was approved by a unanimous roll call vote.** Mr. Marshall then covered the 2nd item the Executive Committee discussed at their meeting - bonuses for the staff. This year they are recommending \$2,500 bonus to both Ms. Suedmeyer and Dawn Babcock, \$10,000 bonus to Mr. Angus and a \$15,000 bonus to Peter Lowitt for all the work they did in FY23. Mr. Angus noted that

the DEC's bonus policy states that bonuses should be given in recognition of exemplary work and that the projects and successes of the Commission in 2022 certainly qualify and the Commission is in a solid financial position to do so. Mr. Marshall asked for a motion to approve the bonuses that were brought forward by the executive committee. **The motion was made by Mr. Gardner and seconded by Mr. Pinard. The motion to approve the bonuses was approved unanimously by a roll call vote.** Mr. Marshall noted that there is one other item to bring forward from the Executive Committee Meeting, since Ms. Babcock was brought on board her job description has expanded. Mr. Angus did some research based on her job description. Her current salary is under the minimum of the range Mr. Angus found. So, he would like to recommend a one-time salary adjustment of \$6,000 for Ms. Babcock. Mr. Marshall asked for any questions. None were asked. Mr. Marshall asked for a motion to approve the increase. **The motion was made by Mr. Pinard and seconded by Ms. Seeley. The motion to approve Ms. Babcock's increase was approved unanimously by a roll call vote.**

- **(7:20 PM) Draft Request For Expression of Interest Scope Review (RFEI)** Mr. Angus informed the commissioners that the Devens Jurisdictional Framework Committee will be meeting on October 8th, and they are looking to finalize the Request for Expression of Interest so he would like the commissioners to review the Draft Request for Expression of Interest and submit any edits they may have so he can compile them prior to the October 8th meeting. What Mr. Lowitt has said in the past and Mr. Angus wants to ensure we continue to stress is ensuring the current level of service for the residents and businesses is maintained no matter what happens with disposition. Duncan Chapman asked about Devens Utilities being included as one of the services to be maintained. Mr. Angus confirmed that Utilities would need to be included in any disposition scenario. The RFEI will be used to hire a consultant to do the heavy lift in regard to creating a Request For Proposals (RFP) that will aid in coming up with the path towards the final disposition process. Mr. Lilly asked who the stakeholders are? Mr. Marshall noted there are 6 stakeholders, originally there were 5 named in the legislation: 3 towns, MassDevelopment, Devens Enterprise Commission. The Framework Committee voted to include Devens Residents/Businesses as the 6th stakeholder. Jim Pinard asked Mr. Marshall if the businesses currently spending billions of dollars in Devens and already have expansion plans in the works, know that in ten years they may be dealing with one of the towns rather than Devens? Mr. Angus noted that this is a consensus building exercise so when this topic does go to the Super Town Meeting everyone has the same information. Ms. Seeley noted that the businesses represented on the Jurisdiction Committee and the residents could be the group that spearhead the method of the vote for the general Devens population. Mr. Marshall's hope is that once the RFEI has gone out, it brings in one or more consulting firms interested in helping and they will have a dollar amount of what it is going to cost. This will require funds from the three towns, the DEC as well. But it is more than likely the amount from these 4 parties will not cover the cost so it will require going to MassDevelopment and the legislators to acquire the remainder of the funding. Mr. Angus responded to Mr. Pinard's concern about the businesses not knowing about disposition. There is a communication and outreach piece within this process, and it is important that it carries through both the RFEI as well as the RFP process. As this being a big process, we need to ensure we engage as many stakeholders as possible to ensure success. Mr. Pinard brought up the Recreational events that take place on Devens and it not just a benefit for Devens but the surrounding towns as well as they bring in families from all of New England for events which increases business for Hotels, Restaurants, etc. He also noted that a number of businesses here on Devens deal with some major chemicals that the fire department has been trained to handle and will the other towns be able to handle a chemical spill or fire like they are? Mr. Angus requested that the commissioners send him these types of comments as well as review the Draft of the RFEI and submit any comments or edits they may have so he can consolidate them and we can review at the August 29th 6:45 PM meeting, which will give us time for final review at a September meeting which will allow us to submit prior to the Jurisdiction meeting on October 8th. Mr. Chapman asked about housing - can we move forward on this issue before final disposition. Mr. Angus noted that this was brought up at the Jurisdictional Framework Committee meeting and that the housing concerns should be worked on concurrently while disposition is being addressed. Mr. Marshall noted that Harvard-Devens Jurisdiction Committee has been stalling on Vicksburg square but with Senator Cronin's recent failed legislative amendment attempt for housing at Vicksburg Square to help address the state's housing crisis, the Harvard-Devens Jurisdiction Committee now appears to be open to considering addressing Vicksburg Square zoning for housing if the disposition process can be accelerated. Mr.

Marshall also asked that everyone get their comments in before the August 29th meeting and we can discuss further then and if needed create a subcommittee to review and consolidate the comments.

- **(7:41 PM) Read File:** Ms. Suedmeyer and Mr. Angus went over the articles within the read file.
 - CNBC June 8th article on CFS with some great photos of the facility,
 - Worcester Business Journal July 18th article on Little Leaf Farm who named a new CFO and are expanding into PA from NC
 - Thank you note from Peter and Marilyn Lowitt for the retirement party.
 - Farmers Market
- **(7:43 PM) Old Business:** Mr. Marshall asked if there was any old business. Mr. Angus noted that there has been a request from Montachusett Regional Planning Commission (MRPC) that the DEC appoint a representative to replace Mr. Lowitt as the DEC representative. Mr. Angus is requesting that he be appointed for the position. Mr. Marshall asked if there were any questions, and none were asked. Mr. Marshall then asked for a Motion to appoint Mr. Angus as the DEC representative to the MRPC. **The Motion was made by Mr. Gardner and seconded by Mr. Poutry and was approved by a unanimous roll call vote.**

(7:45 PM) Public Comment Mr. Marshall asked if there were any questions from the public. None were asked.

(7:46 PM) Mr. Marshall then noted the upcoming meetings. August 3rd 7:30 AM Monthly Meeting, and August 25th 6:45 PM Public Hearing.

(7:47 PM) Mr. Marshall asked for a **motion to adjourn the meeting. The motion was made by Mr. Lilly and seconded by Mr. Gardner. Adjournment was concluded unanimously by roll call.**

List of Exhibits

Agenda

Minutes

- June 8th
- July 13th

Public Hearing – 100 Sherman Ave MassDevelopment Parks and Recreation

- Event Permit & One-Day Wine and/or Malt Beverage License staff report

New Business:

- Draft Request For Expression of Interest Scope
- Read File