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Harvard vote raises question

Special meeting on scenario 2B vote denied

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AYER -- The Board of Selectmen approved a motion on Feb. 7 that supported creating a new town at Devens, but they also included a caveat that's created controversy over the past week.

The dispute rests on how a 2-2 vote that took place in another town on the same night is interpreted.

The votes were both on a disposition proposal from the Devens Disposition Executive Board (DDEB) that called for scenario 2B. The scenario would create a town of Devens and revert the jurisdiction of certain outlying parcels back to the host towns of Ayer, Harvard and Shirley.

The motion to endorse that proposal stated that Ayer would prefer to take its land at Devens back, and "votes no on this scenario 2B proposal if any other stakeholder votes no. In the absence of any other support for scenario one (no new town) we hereby support the 2B scenario..."

That same night, the Harvard Board of Selectmen made several motions to endorse scenario 2B, all of which ended in a 2-2 tie.

In the end, the Harvard selectmen voted to continue developing a memorandum of understanding to flesh out scenario 2B, but stopped short of delivering an endorsement on it.

Instead, they planned to revisit the question after a town meeting and ballot vote in March, explained Harvard town administrator Paul Cohen.

"They wanted a way the process could proceed without a formal endorsement," said Cohen.

Over the past week, there's been some difference of opinion over how, or if, Harvard's action effects the vote Ayer took last week.

Ayer selectmen Pauline Conley and Frank Maxant are convinced it did, and tried unsuccessfully to call a special board meeting to revisit the matter before Ayer's response was officially conveyed to the DDEB on Feb. 16.

Maxant was the sole dissenting vote against the proposal on Feb. 7. He is convinced the board should have reviewed its position.

Conley voted in favor of the proposal on Feb. 7, but stressed that the motion she supported implied that Ayer would vote no if any other stakeholder did so.

"My understanding is that it was a 2-2 vote in Harvard and a 2-2 vote in my understanding is a no-vote," said Conley. "The Ayer Board of Selectmen has consistently considered a 2-2 vote a no vote, no matter what the issue."

Other board members felt otherwise. The twosome was not able to enlist a third member to call a quorum before the disposition board's Feb. 16 deadline for an answer.

It was Selectman Paul Bresnahan who crafted the wording of Ayer's caveat on Feb. 7. He billed the stipulation as making their acceptance of scenario 2B contingent on that of others.

However, at the DDEB Coordinating Committee meeting on Monday, Bresnahan said the key phrase was the "absence of any other support for scenario one," which he used to justify the Feb. 7 vote as a valid endorsement of the 2B proposal.

However, Conley disagreed.

"My interpretation of Mr. Bresnahan's motion was that if any other stakeholder did not support the 2B proposal then the Ayer selectmen vote no ... it's one of the reasons I supported it," she said.

Conley and Maxant maintained that Bresnahan initially agreed to hold a special meeting prior to Feb. 16, only to later add the stipulation that he would only do so if the entire board attended.

Board Chairman Faye Morrison and Vice Chairman Cornelius "Connie" Sullivan were both reportedly unavailable for a meeting that week.

Those statements are corroborated by an e-mail from town administrator Shaun Suhoski to the selectmen that was dated Feb. 10.

Calls to Morrison and Bresnahan were not returned by press time.

Suhoski would only confirm that no special meeting was called.

Morrison and Bresnahan had independently approached him to schedule further discussion of the topic at the board's regular meeting on Feb. 21, he said.

In his opinion, Suhoski thought Harvard's actions did not affect the vote from the Ayer selectmen.

"Their vote speaks for itself, and I think they will address those issues Tuesday night," he said.

The timing of the Feb. 21 meeting worked well for Ayer to re-evaluate where the other stakeholders stand, said Suhoski.

Conley disagreed.

"I supported the effort to have the selectmen reconvene before Feb. 16 because it was clear to me from Mr. Montuori (MassDevelopment Senior Vice President of Devens Operations Richard Montuori) that after Feb. 16 all bets were off," she said.

On Feb. 7, Conley asked Montuori how closely the agreement within the proposal would mirror the memorandum and eventual legislation.

Finally, both Conley and Maxant expressed regret that it was Harvard, not Ayer, that was putting the question to voters at the ballot.

Maxant, who has been critical of MassDevelopment and its demands during disposition negotiations, rejected that agreement as not being in Ayer's best interests.

"What we should do is educate the town as to what the consequence are, and so far we haven't done that," said Maxant. "Instead, we say we need to be onboard with MassDevelopment, which has given us nothing but broken promises."

Conley offered a different perspective.

"I will do whatever I can to make sure Ayer residents have a chance to vote on this," she said.