

SELECT BOARD
MINUTES
JANUARY 23, 2017

Pursuant to notice duly filed with the Town Clerk, a meeting of the Select Board was held at 7PM in the Select Board Meeting Room.

Present were Michael Lawson, Chair; Jane Hotchkiss, Clerk; Steven Ng, Alice Kaufman and Tom McKean. Also present were Christopher Whelan, Town Manager; and Kate Hodges, Assistant Town Manager.

Mr. Lawson called the meeting to order at 7:01PM and announced that it is being recorded and broadcasted on CCTV.

Call to Order

CONSENT AGENDA

Consent Agenda

- Town Accountant's Warrants
- Minutes: 1/12/17
- One Day Special License
-

Household Goods	7/10/17	11:30AM-6:30PM	246 ORNAC (all alcohol) Concord Country Club
Friends for Tomorrow	5/6/17	5PM-11PM	246 ORNAC (wine/malt) Concord Country Club

- Extension of Hours
Saltbox Kitchen 2/1/17 10PM, last call 9:30PM 84 Commonwealth Avenue

Upon a Motion duly made and seconded, the Board UNANIMOUSLY
VOTED: To approve the Consent Agenda as read.

EXECUTIVE SESSION MINUTES

None

ES Minutes

TOWN MANAGER'S REPORT

Town Manager's Report

1. The Warrant for the 2017 Annual Town Meeting has been sent to the printer and is expected to be mailed to residents in the near future.
2. The Town Manager reminded those in attendance that on February 4, 2017, the Comprehensive Sustainable Energy Committee will host their Cooler Concord Fair at Concord-Carlisle Regional High School.
3. Fire Station #2 in West Concord has been gutted and cleaned from the recent fire. The MBTA and CMLP have assisted the Town by providing temporary locations for parking and operations associated with CFD. The loss assessment is still under way.
4. There was a trash truck roll over at Concord Academy recently that required substantial assistance from wreckers. The Town Manager noted that there were no injuries sustained.
5. The Acton Board of Selectman closed the Public Hearing for Concord's request to build a water treatment facility at Nagog Pond. A decision will be issued within 90 days.

DISCUSS REQUEST FOR WAIVER OF FEES FOR JUNCTION VILLAGE PROJECT

Junction Village Waiver Request

Town Manager Whelan reviewed the typical fees associated with projects of a scale similar to the proposed Junction Village project. The building permit for this project alone was estimated at \$90,000 with an additional \$40,000-\$50,000 in additional permitting fees as well. He noted that the Town has previously waived fees for non-profit organizations but the organization responsible for Junction Village, The Grantham Group, is a for-profit company. The Town Manager reviewed his recommendation which suggested that the Board waive half of the building permit fee only. Mr. Lawson noted that he spoke with developer prior the meeting and Grantham Group has withdrawn their request for a waiver of all fees.

SELECT BOARD
MINUTES
JANUARY 23, 2017

Public Hearing

The developer now sought a waiver of the comprehensive permit filing fee which was approximately \$8,900. The Town Manager explained that historically requests for waivers over \$25,000 were considered by the Town Manager after consulting with the Board. Mr. Lawson noted that the current request was under the \$25,000 threshold and referred all further action to the Town Manager.

7:10PM PUBLIC HEARING: TRANSFER OF WINE & MALT LICENSE – DINO’S KOUZINA & PIZZERIA

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

MOVED: to Open the Public Hearing.

Angelique Elipoulos, Esq. and Maria Kakoutsis appeared before the Board and presented the application seeking approval for the transfer of the wine and malt license from Ntinios, Phase II, Inc. d/b/a Dino’s Kouzina & Pizzeria to Dino’s GMAA, LLC, d/b/a Dino’s Kouzina & Pizzeria. Also in attendance was Perse Tatas, current owner of Dino’s Kouzina & Pizzeria. Ms. Elipoulos reviewed the details of the request. Ms. Kakoutsis explained her background in the restaurant industry. She advised the Board that she has family roots in the pizza industry. At the request of the Board, she confirmed that no interior or exterior changes were to be proposed. The current capacity of 24 seats would remain the same.

Mr. Lawson asked for public comments.

Steve Irza, 39 Cottage Street, advised the Board that he had a few minor concerns about the site. He noted that he did have any issues with the proposed transfer of the wine and malt license. He expressed concern that trash and other waste products were not adequately contained at the location. He opined that the trash dumpster often overflows and the debris get blown into the nearby Assabet River. He mentioned that the parking lot was somewhat small and employees routinely park in non-paved areas. He also mentioned that delivery trucks often park on the sidewalk along Main Street and obstruct vehicular and foot traffic.

Perse Tatas, owner of Dino’s Kouzina & Pizzeria, told the Board that trash is collected three times a week. She said that the only time that trash is an issue is during windy days in the winter. She confirmed that the blue plastic trays are from Pepsi deliveries. She opined that customers not employees have parked on non-paved areas and there is no intentional negligence in regards to waste disposal. Mr. Lawson asked Ms. Tatas if there have been any issues with delivery trucks. She confirmed that it could be an issue but she was at the will of the delivery service.

Steve Irza, 39 Cottage Street, stated that deliveries should occur in the early morning so they do not interfere with traffic. He reiterated his concerns about waste management. Ms. Kakoutsis advised the Board that she will strive to ensure that waste products are properly contained going forward. Mr. Lawson asked if she would make a pledge to do so and Ms. Kakoutsis pledged to maintain the waste products properly.

Mr. Ng asked when the new ownership would take official possession of the restaurant. Ms. Tatas noted that she would remain at the restaurant for a short period to assist with the transition.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

MOVED: to Close the Public Hearing.

Mr. Lawson asked if Board members had any issues with the application. Mr. Ng stated that he saw no significant issue and requested that the new owners maintain the high standard of cuisine. Mr. Lawson agreed that there were no issues with alcohol license transfer but reiterated that Ms. Kakoutsis has pledged to properly maintain the site. Town staff advised the Board that the proposed Alternate Manager of Record provided proof of TIPS certification.

SELECT BOARD
MINUTES
JANUARY 23, 2017

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

VOTED: to Approve the transfer of a Wine & Malt Beverages License from Ntinios, Phase II, Inc. d/b/a Dino's Kouzina & Pizzeria to Dino's GMAA, LLC, d/b/a Dino's Kouzina & Pizzeria, located at 1135 Main Street. The hours to sell wine and malt beverages will remain as follows: Saturday & Sunday 11AM–9PM, Monday thru Thursday 11AM–9:30PM, and Friday 11AM–10PM.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

VOTED: to Approve the transfer of the Common Victualler's License from Ntinios, Phase II, Inc. d/b/a Dino's Kouzina & Pizzeria to Dino's GMAA, LLC, d/b/a Dino's Kouzina & Pizzeria, located at 1135 Main Street. Seating will remain at 24 seats.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

VOTED: to Approve the Change of Manager from Perse Tatas to Maria Kakoutsis for Dino's GMAA, LLC, d/b/a Dino's Kouzina & Pizzeria, located at 1135 Main Street. The Manager must be engaged in the actual Management of the Licensed Premises as her main occupation and must be present on the Licensed Premises not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

VOTED: to Approve the Change of Alternate Manager from Patricia Thome to Barbara Kakoutsis for Dino's GMAA, LLC, d/b/a Dino's Kouzina & Pizzeria, located at 1135 Main Street.

REVIEW 100% DESIGN PLANS FOR RIDEOUT PARK – RECREATION DEPARTMENT

100% Design
Plans for Rideout

Assistant Town Manager Kate Hodges appeared before the Board and presented the design plans for Rideout Park. Assistant Town Manager Hodges advised the Board that the plans incorporated the property at 51 Laws Brook Road into Rideout Field. She reviewed the design plans. The incorporation of the former 51 Laws Brook Road property into the field would allow for the existing parking layout to be revamped. The existing parking lot would be converted into an open space area with walking paths and new plantings. She noted that the design plans called for ADA access to the center pavilion. Assistant Town Manager Hodges noted that the majority of the field was not changing in the design plans. At the request of Ms. Hotchkiss, the Assistant Town Manager confirmed that the parking lot on Conant Street would remain in place. She reviewed the cost estimate and noted that the bulk of the costs were associated with paving and planting costs. She advised the Board that the project was expected to go out to bid hopefully with the next month. Ms. Kaufman asked if any crumb rubber surfaces were included in the proposed plans and the Assistant Town Manager stated that there was a pour and play surface for an area of the playground but she understood the moratorium did not include ADA areas. Ms. Hotchkiss asked if solar panels had been considered for the bathroom building. Assistant Town Manager Hodges noted that solar panels were not viewed as feasible because the area was quite shady due to vegetation. Mr. McKean inquired about lighting. The Assistant Town Manager advised that no additional lighting was currently proposed besides the required safety lighting. Mr. Ng opined that the design plans were very thoughtfully planned. He applauded the contoured landscape in the plans and noted the list of plantings would have a significant long-term impact on the field.

SELECT BOARD
MINUTES
JANUARY 23, 2017

Visitors Center

DISCUSSION OF VISITORS CENTER

Town Manager Whelan advised the Board that the Concord Chamber of Commerce sought to no longer operate the Visitor's Center on Main Street in Concord Center. The Town Manager reviewed the current lease between the Town and the Chamber. The cost of its operation and the significant time commitment to operate the Visitor's Center, has become a burden for the Chamber. Town Manager Whelan reviewed his memo to Board dated January 20, 2017. He noted that his memo was meant to provide the Board with a historical background of the Visitor's Center. The Town Manager advised the Board that he would like to see the Town assume control of the Visitor's Center so it can remain a resource for Concord's popular tourism industry. He stated that Assistant Town Manager Kate Hodges and her staff would be responsible for the operation and referred the Board to Assistant Town Manager Hodges' memo dated January 19, 2017 which outlined potential strategies of managing the Visitors Center. Assistant Town Manager Hodges advised the Board that she was pleased with the way the Visitor's Center has operated over the past few years and she looked forward to the Town expanding the role of the Visitors Center in the community. Town Manager Whelan mentioned that the Town of Lexington had recently assumed control of their Visitor's Center and achieved positive results. It was noted that the Town would carefully work with the Chamber to ensure that there is a smooth transition. Mr. Lawson opined that the Visitor's Center has been a nice addition to community and expressed support for the proposal. The Town Manager advised the Board that the Chamber has requested the Town make their intentions clear so they can begin preparations and also notify their employees in advance. Mr. Ng opined that the Public Ceremonies and Celebrations Committee could play a role in the future of the Visitor's Center and he encouraged Town staff to keep that committee in the loop. Ms. Kaufman expressed confidence in the future of the Visitor's Center under Assistant Town Manager Hodges direction. Board members agreed.

CONCORD PARK CONSERVATION RESTRICTION

Concord Park CR

Delia Kaye, Natural Resources Director, appeared before the Board and presented request for a conservation restriction at Concord Park located at 68 Commonwealth Avenue. The Conservation Restriction encompasses almost 6 acres of land nestled at the confluence of Nashoba Brook and the Assabet River. Director Kaye reviewed her memo dated December 21, 2016. Board members expressed their support for the conservation restriction.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY

VOTED: to Approve a Conservation Restriction over 5.81 acres of land at 68 Commonwealth Avenue (Assessor's Parcel 2198), shown on the plan entitled Conservation Restriction Plan of Land Located in Concord Massachusetts (Middlesex County), prepared for VOA Concord Assisted Living Inc., by Meridian Associates, last revised November 10, 2014, granted by VOA Assisted Living Inc. on December 7, 2016, and accepted by the Natural Resources Commission acting as a Conservation Commission on December 7, 2016, pursuant to Massachusetts General Laws, Sections 31 through 33 of Chapter 184.

**PRESENTATION OF FINANCIAL STATEMENTS FOR YEAR ENDING JUNE 30, 2016 –
MELANSON HEATH**

Financial Statements for FY16

Sara Corduck, Audit Engagement Manager of Melanson Heath & Company appeared before the Board and reviewed the Management Letter and the Comprehensive Annual Financial Report. She advised the Board that in general the audit was very clean and that the Town's financial books and records were in good working order. She opined that the overall results of the audit were very positive. Ms. Corduck discussed a few sections of the lengthy financial statements for the Board. Before she started, Mr. Lawson advised those in attendance that the next agenda item, the Financial Advisory Audit Study Committee Report, was fundamentally intertwined with the findings that Ms. Corduck was about to discuss.

SELECT BOARD
MINUTES
JANUARY 23, 2017

She discussed the statement of net position as detailed on page 26, which resents the long term perspective financial statements. Last year was the first year that GASB 68 was implemented and the net pension liability came on to the books for the first time. In FY16, the net pension liability increased by approximately \$11 million, which she stated was not unusual for municipalities. The reasons for this increase were that the Town's investment earnings came in less than projected and the discount rate was lowered. She and Mr. Lawson agreed that this would evolve over the next few years and they reiterated that Concord was not the only municipality dealing with this. Ms. Corduck discussed what unrestricted net position meant as fundamentally being funds that are left over. Currently it was in a deficit. She reviewed the fund basic financial statements on page 29, which more actually reflected the current books as presently existed. She noted that the current pension reserve fund was fiscally healthy. Ms. Corduck discussed the free cash fund. She noted that due to the lack of snow last year, there were additional funds remaining. Mr. Lawson inquired about the definition of taxes. Ms. Corduck reviewed the Statement of Fiduciary Position as detailed on page 37. Mr. Lawson noted that the Town is aware of the GASB 74 and 75 and will be working on how to best address the upcoming changes to the accounting standards. Ms. Corduck also recommended that the Town prepare for the implementation of Municipal Modernization changes and its financial implications. The Board agreed and mentioned that the Town was aware of this. Mr. Lawson thanked Ms. Corduck and the entire team at Melanson Heath for their comprehensive review.

FINANCIAL AUDIT ADVISORY COMMITTEE REPORT

FAAC Report

Mr. Lawson reviewed the Financial Audit Advisory Committee's (FAAC) recent work and its report to the Select Board dated January 23, 2017. He noted that the FAAC met five times in 2016 and once in 2017. He advised that a the recommendation of the Committee, Concord Public School system participated in the same audit process that the Town and Concord Municipal Light Plant participate in. Mr. Lawson stated that the CPS audit was similar to the Town's as it was found to be in clean working order. He noted that the FAAC report was distributed earlier to the Board and its findings were very similar to the auditor's report. He commended the hard work of Jon Harris, Budget & Purchasing Administrator, and the entire Finance Department. Mr. McKean inquired if it would be difficult for the Finance Department to address the areas of concern raised in the report. Kerry Lafleur, Finance Director, opined that the Town was well prepared for the Municipal Modernization Act, GASB 75, and GASB 75. She did not expect any issues at the current moment. Mr. Lawson acknowledged the members of FAAC and commended the Committee for their work.

REVIEW PUBLIC PRIVATE PARTNERSHIP STUDY COMMITTEE REPORT

P3 Report

Mr. Lawson thanked all those involved with Public Private Partnership Study Committee (henceforth known the "Committee") and noted the extensive work that went into their report. The report focused on taking responsible accountability for Public-Private Partnerships (henceforth known as "P3"). Mr. Lawson reviewed various general recommendations of the report. The first item was that CPS also participates in the review of P3s. Mr. McKean noted that Robert Grom, Concord School Committee, was also a member of the P3 Committee. Mr. Lawson opined that another general recommendation of the report was the implementation of a process that would be driven by a memorandum of understanding (MOU) between the Town and the private entity. The Committee recommended that every new and existing P3 should be governed, in addition to any lease or contract, by a MOU which clearly sets out the requirements for that particular P3. Mr. Lawson opined that the third general recommendation of the Committee was that there should be a standing P3 committee, charged with evaluating proposed P3s and monitoring ongoing P3s. The standing committee should have dedicated staff support, especially with respect to keeping the records of all P3s in a consistent place for public review all Town of Concord P3s on at least an annual basis.

Mr. Lawson advised Board members that he felt the recommendation of implementing a standard process was germane to all the recommendations put forth by the Committee.

SELECT BOARD
MINUTES
JANUARY 23, 2017

Mr. McKean noted that he was the Board's liaison to the Committee and briefly reviewed existing partnerships. He opined that as a result of the Committee's research, it was found that public involvement/input should be considered during the early stages of P3s. The Committee found that the public's input could be incorporated in potential MOU's. Mr. Lawson said that approximately 30 P3's currently exist.

Ms. Kaufman mentioned that the Committee's recommendation for a MOU with all P3 entities was intriguing idea but would require further review by Town Council. Mr. Lawson opined that it was very difficult to define a P3 and commended the Committee for attempting to tackle such a complex issue that was not easy to define. He mentioned that certain business relationships between the Town and private entities, such as leases and service contracts would not necessarily be classified as P3 despite the fact that the relationship would be between the public and a private entity. Mr. McKean mentioned that earlier discussion regarding the Visitor's Center could have been framed by a MOU. Mr. Ng stated that MOUs would allow residents, the Town, and the private sector to outline the agreed upon controls and intentions of agreements. Mr. McKean agreed and pointed out that the Town's website could serve as a data repository for this information. Ms. Kaufman said that MOUs would codify the long-term financial responsibilities of all those involved.

Ms. Kaufman wondered that if a P3 is relationship as described in the Committee's report, how a relationship goes about receiving gifts or grants. She questioned who between the public and private was responsible for handling the fiscal accounts. Mr. Lawson and Ms. Kaufman agreed that this relationship was largely based on semantics and that further blurred the picture. Mr. McKean noted that many P3s were not identical and that presented a difficult challenge for the Committee. He felt that any future committee tasked to address this matter would need to develop standards and to a degree flexibility to handle the different aspects. Mr. McKean noted that the Committee did not intend to create another bureaucratic hurdle, but rather create an outlet for public involvement in the process.

At the request of Mr. Lawson, the Town Manger reviewed general financial relationships between current P3s. The Town Manager reviewed his memo dated January 20, 2017. He agreed that transparency was a common goal for public-private relationships. However, he expressed concerned about bureaucratizing relationships with private entities. He opined that it was not feasible to incorporate every possible scenario in every single MOU. The Town Manager felt that pursuing an MOU with every P3 would create a legalistic relationship and thus not allow any flexibility for either side. He recommended that the Board cautiously address this issue. He stated that public education was a priority. He recommended that the Board not create a committee at the current time. He expressed the sensitivity of some of the P3s and mentioned the recent Balls Hill Road land acquisition purchase. He opined that an oversight committee would be a likely solution for the several of the P3s. He noted that any time a project surpassed a \$150,000 in cost; there should be an outlet for public outreach and support. Mr. McKean opined that the recent playing fields project at CCHS would have greatly benefited from such a resource.

Board members discussed the possible creation of an ad-hoc committee with a charge designed to address this issue. Mr. Lawson wondered if it was feasible to create a committee under the assumption that they would review P3s when deemed necessary. Board member discussed the difficulties of assigning certain P3s to different Town Departments. It was noted that regardless of the intent, most P3s should be under the purview of the Board and not any particular Department or Division. Mr. Lawson stated that the Board and Town Manager's Office is responsible for a lot of these relationships so it would not be wise to delegate ownership to other Town departments/committees. Ms. Hotchkiss pointed out that there could be an annual review similar to the FAAC discussion held earlier. Town Manager Whelan opined that he viewed the Town's relationship with the Open Table Inc. as example of a current P3. However, he stated that he did not want to have a MOA with the Open Table because it allowed informal flexibility in the partnership.

SELECT BOARD
MINUTES
JANUARY 23, 2017

Ms. Kaufman acknowledged the extensive work that went into the report and questioned whether the Board should make a final decision tonight. Mr. Lawson agreed with her and stated that he would like to have Town Counsel's advice on this subject and also speak with residents to get their thoughts before any decision could be made. He advised that comments about the P3 report can be sent to Town Staff.

Jean Goldsberry, Chair of the P3 Committee, advised the Board that the Committee invested a great amount of time and energy into their report and asked the Board to temporarily extend the Committee's timeframe so they could discuss and formulate responses to the Board's comments. Mr. Lawson agreed to extend the timeframe for another two weeks. Board members thanked the P3 committee members for all their hard work.

Upon a Motion duly made and seconded, the Board UNANIMOUSLY
VOTED: to Extend the term of the Public Private Partnership Study Committee to February 6, 2017.

PUBLIC COMMENTS

None

Public Comments

COMMITTEE LIAISON REPORTS

Mr. McKean noted that he recently attended the Massachusetts Municipal Association Annual Trade Show and Awards Ceremony. He mentioned that the trade show was very informative and a great resource for those involved in municipal government. Mr. McKean reminded the Board that the Town of Concord had received awards for its website in 2016 (1st Place, Category 2) and its 2015 Annual Town Report (2nd Place, Category 1). Board members expressed gratitude towards Town staff responsible for the website and annual report.

Committee Liaison Reports

Ms. Hotchkiss mentioned that the Planning Board was still reviewing the proposed Junction Village project. She reviewed the Comprehensive Long Range Plan Committee's recent meeting.

Mr. Ng stated that he and Mr. Lawson will be attending a Site Walk at the 2229 Main Street site.

Ms. Kaufman advised the Board that the Energy Future Task Force continued to meet regularly as they worked on finalizing their final report for the Board. She reviewed the Polystyrene Education and Outreach Committee's recent work and also the recent Board of Health meeting.

Mr. Lawson pointed out that Board just reviewed the Financial Audit Advisory Committee's report. He discussed the recent Chair's Breakfast. He mentioned that he had met with the Trustees of Reservations regarding the Apthorp land.

MISCELLANEOUS / CORRESPONDENCE

Mr. Lawson advised the Board that the Board of Health was considering the creation of a subcommittee to address the opioid epidemic facing the Town and Commonwealth. Mr. McKean mentioned that the opioid epidemic was topic of discussion at the Massachusetts Municipal Association Trade Show.

Miscellaneous & Correspondence

EXECUTIVE SESSION FOR THE PURPOSES OF DISCUSSING COLLECTIVE BARGAINING AND LAND ACQUISITION

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and enter into Executive Session for the purposes of discussing Collective Bargaining and Land Acquisition.

Executive Session

Michael Lawson, Chair

Aye

SELECT BOARD
MINUTES
JANUARY 23, 2017

Jane Hotchkiss, Clerk	Aye
Alice Kaufman	Aye
Steve Ng	Aye
Tom McKean	Aye

The meeting adjourned at 9:09 PM.

Respectfully submitted,

Jane Hotchkiss, Clerk