

**TOWN OF CONCORD
SELECT BOARD
AGENDA
August 27, 2018**

| 7 PM – Select Board Meeting Room – Town House | |
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| 1. | Call to Order |
| 2. | Consent Agenda: <ul style="list-style-type: none"> • Town Accountant Warrants • Minutes • Gift Acceptance <ul style="list-style-type: none"> · White Pond Associates, Inc. \$2,000 White Pond Management Plan Gift Account • Sunday Entertainment Licenses <ul style="list-style-type: none"> · Concord Players 11/11, 2/17/19, 4/28/19, 5/5/19 51 Walden Street Theater |
| 3. | Executive Session Minutes – August 13, 2018 |
| 4. | Town Manager’s Report |
| 5. | Chair’s Report |
| 6. | 7:05pm Continued Public Hearing – Change Alternate Manager: Papa Razzi Trattoria of Concord, Inc. d/b/a Papa Razzi, located at 768 Elm Street |
| 7. | Potential Main Street Historic District Expansion – Historic Districts Commission |
| 8. | Public-Private Partnership Discussion |
| 9. | Finalize Special Town Meeting Warrant |
| 10. | PEG Access Television Update |
| 11. | Finalize Town Manager Job Description |
| 12. | Town Manager Evaluation and Goals |
| 13. | Public Comments |
| 14. | Committee Liaison Reports |
| 15. | Miscellaneous/Correspondence |
| 16. | Committee Nominations: Lucy Rosborough of 56 Elm Street to the Hugh Cargill Trust Committee; Ruth Lauer of 100 Keyes Road #323 to the PEG Access Advisory Committee |
| 17. | Committee Appointments |
| 18. | Appoint Election Officials |
| 19. | Adjourn to Executive Session for the purpose of discussing Collective Bargaining (Police Union) |

PENDING

| Monday | September 3 | All Day | Labor Day | Town Offices Closed |
|-----------|--------------|---------|---|---------------------|
| Tuesday | September 4 | | State Primary | All Precincts |
| Sunday | September 9 | | Rosh Hashanah | No evening meetings |
| Monday | September 10 | 7pm | Select Board Meeting | Town House |
| Wednesday | September 12 | 7pm | Joint Public Hearing (for Oct. 1 STM) <i>Select Board, Finance Committee, Planning Board</i> | Town House |
| Tuesday | September 18 | | Yom Kippur | No evening meetings |
| Thursday | September 20 | 7pm | Joint Meeting (for 2019 ATM) <i>Select Board, Finance Committee, School Committee</i> | Town House |
| Monday | September 24 | 7pm | Select Board Meeting | Town House |
| Monday | October 1 | 6:30pm | Select Board Meeting | CCHS – Room 242 |
| Monday | October 1 | 7pm | Special Town Meeting | CCHS – Auditorium |
| Tuesday | October 2 | 6:30pm | Select Board Meeting (If Necessary) | CCHS – Room 242 |
| Tuesday | October 2 | 7pm | Special Town Meeting <i>(Adjourned Session If Necessary)</i> | CCHS – Auditorium |

Supporting materials for agenda items are available online at www.concordma.gov/sbmtgdocs. Materials are uploaded on the Friday before a Select Board meeting

Gift Acceptance Log – August 27, 2018

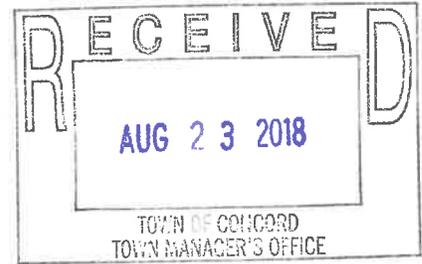
| Gift Received From: | For Gift Account: | Total Amount: |
|-----------------------------|---|----------------------|
| White Pond Associates, Inc. | White Pond Management Plan Gift Account | \$2,000 |

Sunday Entertainment Log – August 27, 2018

| Applicant Name | Phone Number | Date of Event | Location of Event | Type of Entertainment |
|-----------------------|---------------------|----------------------|--------------------------|------------------------------|
| Concord Players, Inc. | 978 369-2990 | 11/11/18 | 51 Walden Street | Theater |
| Concord Players, Inc. | 978 369-2990 | 2/17/19 | 51 Walden Street | Theater |
| Concord Players, Inc. | 978 369-2990 | 4/28/19 | 51 Walden Street | Theater |
| Concord Players, Inc. | 978 369-2990 | 5/5/19 | 51 Walden Street | Theater |

Andrew Mara

From: Heather Gill
Sent: Thursday, August 23, 2018 11:15 AM
To: Andrew Mara
Cc: Jane Hotchkiss
Subject: Expanding the Main Street Historic District
Attachments: Potential LHD Expansion Mailing.pdf



Andrew,

The Historic Districts Commission is exploring the idea of expanding the Main Street Historic District. The Commission is looking to gather preliminary feedback from these property owners by mailing out the attached packet of information. Property owners would receive a letter, a list of the addresses identified, a Frequently Asked Questions document, a short survey and a map of the potential expansion. The Commission would then, depending on the initial feedback from the property owners; hold a public neighborhood meeting to further explain the potential expansion, what the HDC does and what the Certificate of Appropriateness process entails, as well as answer questions and compile further feedback. I have also created a webpage for this <http://www.concordma.gov/2206/Expanding-Historic-Districts> so members of the public, outside of the proposed expansion area, can access all of the information as well.

The Commission would like to make sure that the Select Board supports this endeavor, and the mailing of this letter to gather feedback from property owners.

Is it possible to put this on the Select Board's agenda for their meeting on Monday? The HDC meets again on 9/6, and they would like to have the Select Board's support prior to voting to send this mailing to property owners.

Thanks!

Heather Gill
Senior Planner

Town of Concord
Department of Planning and Land Management
141 Keyes Road, Concord, MA 01742
(978)318-3290 - hgill@concordma.gov



Town of Concord Select Board Policies Regarding Public Private Partnerships

For all new proposed partnerships:

- All P3s involving the Town, Town property and/or other Town assets must originate with the Town Manager.
- The Select Board will hold a public meeting for any new Public Private Partnership over \$150,000 to help ensure that the public is aware of the proposed partnership.
- The Town will develop and maintain a website where information about all public private partnerships within the jurisdiction of the Town will be made available to the public.
- Before the Select Board or the Town Manager will take any action to approve a partnership the following must take place:
 - Material associated with the proposed partnership as well as a project description shall be posted on the Town's website.
 - The Select Board will determine what other methods will be used to help ensure that the public is aware of the proposed partnership.
 - There will be a ten-day comment period associated with every proposed public private partnership.
 - A memorandum on understanding between the Town and the private organization to which it would partner shall be drafted. It shall be kept as a draft throughout the process of deliberation about the partnership. A more detailed description of the content of said MOU is contained in Appendix A.
 - If the partnership is approved by the Select Board, the Town Manager or by Town Meeting, the signed MOU shall become a permanent part of the record.
 - In approving a partnership, the Select Board, Town Manager or Town Meeting shall also determine a specific timetable for the future review of the partnership.

For existing partnerships:

- The Town Manager or his designated representative shall develop a schedule to review all public private partnerships.
- Partnerships deemed by the Town Manager to be have been significant – involving \$150,000 or that have lasted for over a year – shall be reviewed by the Select Board according to the schedule developed by the Town Manager.

- A designated representative of the Town Manager shall review all other partnerships, according to the above-mentioned schedule.
- On an annual basis the Town Manager will provide a summary of the review of all existing partnerships at a public meeting held by the Select Board.

Partnerships within the Town but not under the jurisdiction of the Town Manager and Select Board

- The Select Board and Town Manager will undertake to be aware of any proposed partnerships within the Town that may not be under their jurisdiction.
- The Select Board and Town Manager will endeavor, when aware of such a proposed partnerships, to ensure that they are brought to the attention of the citizens through the Town's website and by other means that may be useful.
- The Select Board will work with other jurisdictions in Town to encourage the adoption of similar policies regarding public private partnerships within these jurisdictions.

Appendix A: Select Board Policies Regarding
Public Private Partnerships
P3 Partnership MOU
Proposed content

P3 Partnership MOU and Contract should include the following subjects.

- Cost to town
 - Both project costs and long term maintenance costs
 - Taxpayer vs private funds
- Does it meet State, Local and Federal Statutes
 - Review zoning issues
- Town Benefit
 - Does proposal align with town goals and needs?
 - Clearly defined revenue stream
 - Town character enhancement
 - Impact on other town activities
- Town character affected and # of residents affected: before/during/after project
 - Long Range Plan – support or conflict?
 - e.g. Open land/Fitness center/Resource (library)/low income housing
- Long term maintenance requirements and ownership
 - Should there be an endowment to cover future maintenance/operation costs?
 - Insurable interest?
- Outline of project schedule and deliverables:
 - Timeframe
 - Milestones
 - Contingency if milestones not met
- Funding sources
 - Schedule of fundraising
 - Consequence if funding objectives not met
- Project review
 - Commit to quarterly meetings with the P3 committee

Appendix A

Report of the Public-Private Partnership Study Committee

Jean Goldsberry, Chair
Abraham Fisher, Clerk
Carol Aronson
Ingrid Detweiler
Miguel Echavarri
Bob Grom
Dorrie Kehoe
Peter Mahler
Tom Rarich

December 28, 2016

Report to the Select Board

Executive Summary

In the Spring of 2016, the Select Board created the Public-Private Partnership Study Committee, charging it to:

- Become knowledgeable about public-private partnerships in Concord and elsewhere.
- Solicit public input.
- Consider whether the town should make the process transparent by providing ways for the public to participate in reviewing short and long-term public-private partnerships.

The committee met frequently for approximately seven months. This report documents the recommendations of the committee, as follows:

1. There should be a standing “P3 Committee,” charged with evaluating proposed Public-Private Partnerships (P3s) and monitoring ongoing P3s.
2. That committee should have dedicated staff support, especially with respect to keeping the records of all P3s in a consistent place for public review.
3. The Town Manager or his/her designee should act as the “gatekeeper” to the P3 processes documented herein.
4. Every new and existing P3 should be governed, in addition to any lease or contract, by a Memorandum of Understanding (MOU) which clearly sets out the requirements for that particular P3.
5. The standing P3 Committee should review all Town of Concord P3s on (at least) an annual basis.
6. Efforts should be made to expand this process to include partnerships between the schools (including the Regional School District) and private entities.

Introduction

In April 2016, the Select Board, recognizing that the Town of Concord's reliance on the use of tax-based funds is limited and therefore public-private partnerships will continue to be used to fund Town and school-related projects, appointed a Public Private Partnership Study Committee—P3 Study Committee. The Committee was charged "...to explore issues surrounding public private partnerships, including the benefits and the drawbacks of such arrangements." At the first meeting, Select Board chair Michael Lawson said the goal is to help the town develop a process to review and monitor future P3s in a responsible manner.

The Study Committee was asked to:

- Become knowledgeable about public-private partnerships in Concord and elsewhere.
- Solicit public input.
- Consider whether the town should make the process transparent by providing ways for the public to participate in reviewing short and long-term public-private partnerships.

Committee Members: Carol Aronson, Ingrid Detweiler, (representing the League of Women Voters of Concord-Carlisle), Miguel Echavarri, Abraham Fisher (Clerk), Jean Goldsberry (Chair), Robert Grom (School Committee Liaison), Dorrie Kehoe, Peter Mahler (representing the Rotary Club of Concord), Tom McKean (Select Board Liaison), and Tom Rarich. The charge included a representative from CC@Play, but the designated member was unable to participate.

Goals of a P3 Process

Public-Private Partnerships have existed in Concord for many years and are a substantial benefit to the Town. Historically these relationships have been managed by public officials (e.g. Town Manager and Boards, School Superintendent and School Committees) on an *ad hoc* basis.

The purpose of this report is to propose a consistent process for managing existing and new partnerships and the projects they create going forward. Much as town ordinances define what can and cannot be done on private property, all citizens and organizations who envision a partnership with the town will be able to reference, and use, a standard P3 process as they plan and manage their project.

The Study Committee proposes a common, standardized P3 process. This would accomplish several goals. It would include multiple opportunities for public involvement in planning and carrying out a project that may affect them and the community. It would provide up-front enumeration of all the costs, revenues, and benefits that may accrue, and provide a standard review process to assist with the management of contingencies that might arise during a project. The proposed P3 committee and its documentation would also provide an institutional memory to aid future project planning and supervision.

Recommendations

This document recommends methods to the Select Board for evaluating and approving new P3s as well as monitoring ongoing P3s to ensure they are fulfilling their original mission.

The Study Committee adopted a working definition of a P3 to guide the process.

A public-private partnership (P3) is a relationship between a public body and a private body, in which the resulting product is a governmental asset or a public benefit (not always physical). This relationship involves monetary or physical assets of the town. A service contract, grant, and/or gift do not necessarily create a public-private partnership. A P3 may receive grants and/or gifts.

The Study Committee's research and deliberation about what makes a successful public-private partnership confirmed the need for a clear explanation of the purpose and process for each proposed partnership. Sources of funding to pay for the project as well as what will be accomplished, the time frame, and any contingency plans should also be made clear. No partnership should be undertaken without clear public education and involvement. The Study Committee is convinced that if the public is aware of proposals and has an opportunity to follow a project through to fruition, there is less likelihood of misunderstandings.

The Study Committee recommends:

1. The establishment of a P3 Committee to study proposals forwarded from the Town Manager's office or passed at town meeting. This committee shall serve as the liaison with the public, ensuring an open process.
2. The creation of an open process with opportunity for public input to evaluate all P3 projects.
3. As part of this process, private organizations wishing to undertake a project on Town property or affecting Town interests or finances must notify the Concord Town Manager's office where the project will be reviewed and a determination made whether to consider the proposed P3.
4. Each new and existing P3 should be governed by a Memorandum of Understanding approved by all parties.
5. Any 'stakeholders' acting as a town decision maker should recuse themselves from votes on whether the project should go forward.

Process

The Study Committee met 2-3 times per month throughout the spring, summer, and fall. Two public hearings were held—one in September to solicit public input and one in December to receive public comment on a draft report.

The Study Committee reviewed P3 information from the League of Women Voters, the National Council for Public Private Partnerships, as well as from other towns and groups. Committee members researched former or existing P3s in Concord to glean information about how they were started, the relationship between the town and the private entity, what each P3 had in common, and what worked well.

One example of an ongoing P3 is the Doug White Fields located behind the high school. In 2007, Friends of Concord-Carlisle Playing Fields (FCCPF) served as the private partner in proposing and overseeing construction of two artificial turf fields at the regional high school campus. Through its fundraising efforts, FCCPF provided a large share of the money to pay for the project, while the Town of Concord oversaw the work. FCCPF has continued the P3 partnership with the town by providing \$50,000 a year towards field maintenance. In addition to these funds, FCCPF is obligated to raise funds to cover future costs of replacing the artificial turf. The use of the fields is co-operatively managed by the high school athletic director and town youth sports programs.

Another example of an ongoing P3 is the Concord Visitor Center. The facility is owned by the town and run by the Chamber of Commerce. The Chamber pays \$1.00 per year plus utilities for the building, and it provides the staffing. The committee identified many P3s ranging from small partnerships such as the Center for Restorative Justice, to large projects initiated by the Concord Free Public Library Corporation, Emerson Umbrella and CC@Play.

The Study Committee worked to devise a process that would allow greater transparency for the citizens of Concord and yet not be onerous for P3s. The objective was to involve citizens early in the process so they could be informed and participate. The Study Committee charge states in part that the Committee should “consider whether the Town should make a special effort to guarantee transparency, access to information, and public participation in either short-term public-private partnerships focused on a specific project or in long-term partnerships providing an ongoing service or creating an enduring relationship.”

The Study Committee strongly recommends that such an effort be made. While there are many legitimate reasons a private entity might choose to operate privately when reasonable, in accordance with its mission, ultimately a P3 is performing a governmental function and thus should provide the same kind of public access that a purely public enterprise would be legally obligated to provide. “Transparency” has perhaps become a cliché, but it represents a desire for openness to public input and public scrutiny without which public trust will inevitably be lost.

Key Participants

There are five key participants in the P3 process.

Town Manager's Office

The Town Manager's office (TM) is the gatekeeper for most P3 partnerships. A partnership can be initiated by a citizen, a private entity, a town meeting article, or the Town Manager's office. Typically, a P3 is initiated by a private entity, although there have been examples, such as the Ball's Hill land acquisition, where the Town Manager initiated the conversation with a private entity.

The Town Manager or his designee will determine if the proposed relationship meets the definition and criteria of a P3 and will decide if the proposal should be forwarded to the P3 Committee. The P3 Committee will evaluate the proposal and suggest guidelines and conditions which the Town Manager will then incorporate into a Memorandum of Understanding (MOU). Once the draft MOU is completed, the Committee will review the MOU prior to forwarding it, together with its recommendations, to the Select Board for a determination whether the proposal should move forward.

The Study Committee suggests that the Town Manager should forward a P3 proposal to the committee if the total cost of the proposed project exceeds \$150,000 or the duration of the project is expected to exceed one year.

Town Staff Person

The staff person designated by the Town Manager will provide administrative support to the P3 Committee and will coordinate with town departments to provide input to the Committee. This person will be knowledgeable about P3 policies and criteria. The staff person will maintain a document file for all P3 projects, adding relevant documents to the Town website.

The Study Committee recognized that there is a cost to the town in staffing the P3 Committee. It is important that the community understand that P3's are not free – there is a cost to insuring that the outcome is a benefit to both the public and the private entity.

P3 Committee

The Committee will be responsible for evaluating the potential P3 and making a recommendation to the Select Board to approve or deny the public private partnership and monitoring ongoing P3s .

The P3 Committee is composed of five members who will serve three-year staggered terms.

- 1 representative from the most recent Comprehensive Long Range Plan Committee
- 1 representative from the Schools—K-8 or Regional School Committee
- 3 members-at-large appointed by the Select Board
- A liaison from the Finance Committee

All P3 Committee meetings are open to the public and minutes are taken in conformance with the state Open Meeting Law. The Committee reviews all new P3 proposals and may hold a public hearing to explain

the project and receive public comment. Information gathered from the review process is forwarded to the Town Manager for inclusion in a Memorandum of Understanding (MOU) and is the basis for making a recommendation to the Select Board. The Committee may also review a list of gifts made to the Town and may also elect to review the impact expired P3s have had on current Town operations and finances.

The P3 Committee is also responsible for monitoring each active P3 project, making sure the project meets the milestones outlined in the MOU. The Committee also conducts an annual review of each ongoing P3 to ensure it conforms to the MOU and to consider any changes to the scope of work. Additional meetings could be scheduled as needed to consider questions or issues about existing P3 projects.

P3s in existence at the time of this report should be scheduled into the annual monitoring process. As part of this process, if no conforming MOU exists, one should be created.

The P3 Committee would report to the Select Board on the status of existing P3s and alert the Board to any problems that could require future action.

Private Partner

The Private Partner is typically an organization that can be a non-profit or a for-profit entity. The private partner can have its own board of directors and is not bound by public meeting requirements. The private partner may have a lease or some other type of legal agreement with the town.

Select Board

The Select Board is responsible for determining if a specific Public-Private Partnership should be created. They will receive a report and a copy of the Memorandum of Understanding developed by the Town Manager and the P3 Committee for each new partnership. They will then vote to approve or deny the partnership. The Select Board will also assist with transitioning of existing P3s into this new process.

Memorandum of Understanding

In its research, the Study Committee found that in many cases the details of the agreement between the public and private entities can be difficult to determine. It became clear that good practice requires that such agreements be made explicit and recorded carefully, to the benefit of all parties.

The Study Committee recommends strongly that in addition to any contract or lease with the Town, each P3 should be governed by a Memorandum of Understanding (MOU). MOUs should outline specific requirements that must be met by the private organization. To the greatest extent possible, MOUs should be written in language that is clear and understandable to a layman. MOUs should describe the nature of the project/partnership with regard to a number of key elements.

1. The MOU should clearly describe all costs and revenues to both the Town and the private entity. This should include: costs of the initial project, ongoing operating expense (including labor), any projected long term maintenance expenses, any required town services, any capital replacement costs, and any other burdens on Town resources. The MOU should further describe the anticipated sources of revenue—pri-

vate donations and taxpayer funds, including any Community Preservation Act grants. If taxpayer funds are needed, it may be appropriate for the MOU to require explicit Town Meeting approval of those funds.

2. The MOU should clearly set out the impact on the Town. This should include a statement of how the proposal aligns with town goals and needs, how it will affect other town activities, and how it will benefit the town character. This statement should include estimates of the number of residents, households, and businesses affected both by the project work and by the completed project. Any connection with the Town's Comprehensive Long Range Plan should be identified, and any conflict with that plan should be explicitly justified.
3. The project schedule should be described in the MOU. For larger (more expensive) projects and projects of longer duration, the MOU should set out measurable milestones and a timeframe for completion. Milestones should exist for both project goals (i.e. construction targets) and fundraising. The MOU should clearly describe contingency plans in case milestones are not met. These contingencies may include minor extensions (subject to continued oversight), renegotiation of the agreement, and termination of the partnership.
4. The MOU should commit the P3 to regular public review by the P3 committee. For an ongoing partnership, such review should be at least annual. Reviews of specific projects may be conducted on a cyclical basis (i.e. quarterly), at specific milestones, or as desired by the Committee. For example, the MOU might commit the P3 to quarterly review, to review at specified milestones (i.e. 25% and 75% design points), AND to review when such review seems necessary to the committee.
5. The items on this list are a minimum suggestion. Other requirements may be imposed by the P3 committee as it sees fit.

The Study Committee recognizes that P3s already in existence at the time of the adoption of this report may or may not already be governed by an MOU. It is envisioned that the above recommendations will eventually apply to all existing, as well as new P3s. Where P3 lease agreements and MOUs are already in place, the provisions therein would be included in a P3 MOU, which may – or may not – require enhancements to cover all the topics recommended above. It is not envisioned that every minor change to a lease or rental agreement will require a review by the P3 committee prior to approval.

School Connection

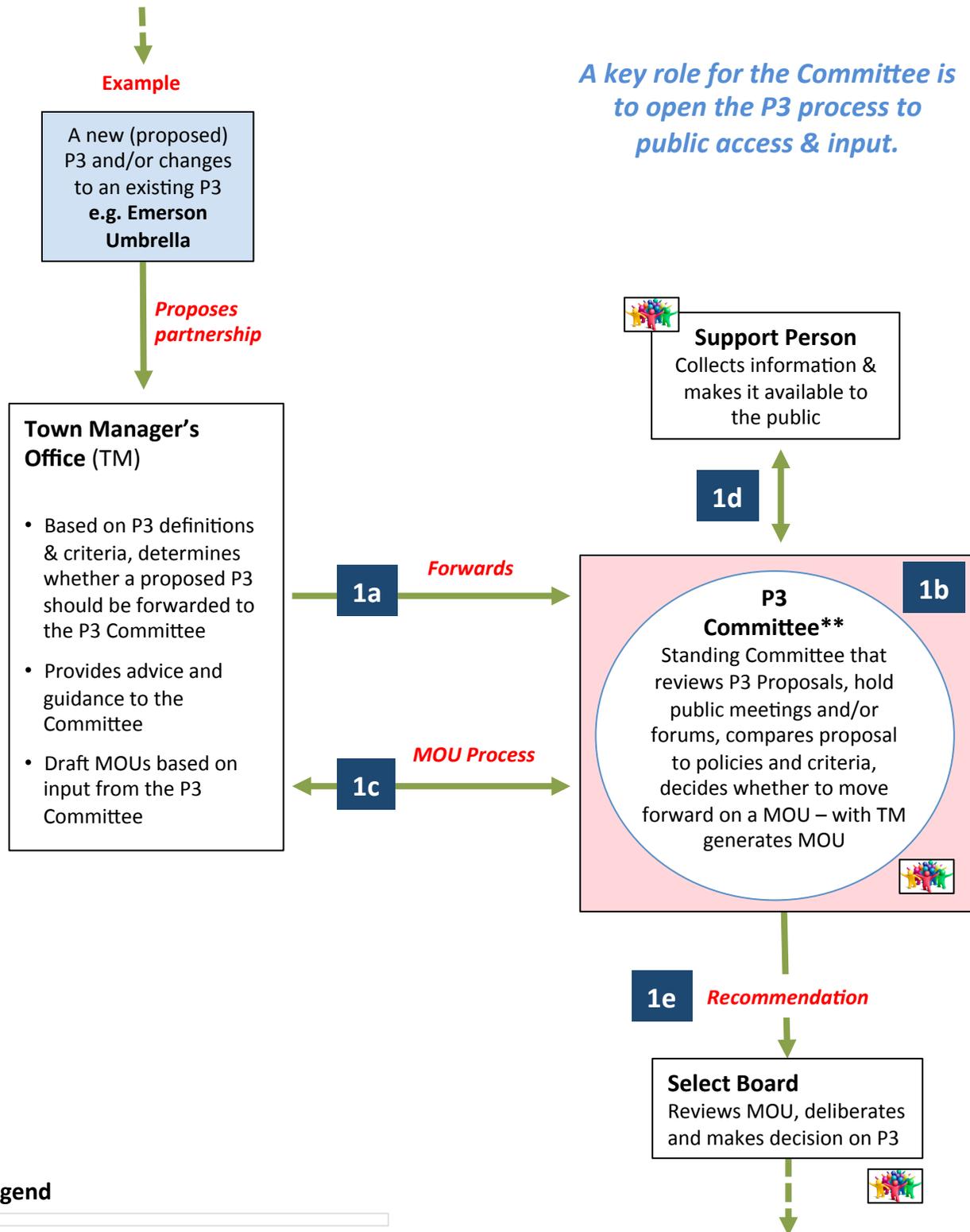
The P3 Study Committee has discussed and deliberated on the benefits of including Concord Schools—both K-8 Concord schools and the Concord-Carlisle Regional High School—in its recommended procedures. The Study Committee agreed that the Town of Concord and the Concord schools would benefit by having a common process for approval of new projects as well as monitoring of current and ongoing projects.

It is the consensus of the P3 Study Committee that the Concord Public Schools—K-8—and Concord-Carlisle Regional School District participate in a common process involving the Town P3 Committee for approval and monitoring of public-private partnerships.

Conclusion

The Study Committee devoted many hours considering a wide range of questions. Ultimately the committee determined that P3s in Concord should be addressed in a more consistent fashion, designed to increase the opportunities for public participation without becoming too burdensome on the generosity of the private partner. The Study Committee believes that the process and structures outlined in this report have the greatest likelihood of achieving the goals of consistency and openness while remaining cognizant that the operation of a private entity is not normally subject to public scrutiny. Just as the Town Governance Study Committee recommended creation of an Audit Committee, which includes town and school representatives, we hope this proposal will be adopted whenever a partnership is created between private organizations and the Town.

Chart 1 -- Evaluating P3s



A key role for the Committee is to open the P3 process to public access & input.

Legend

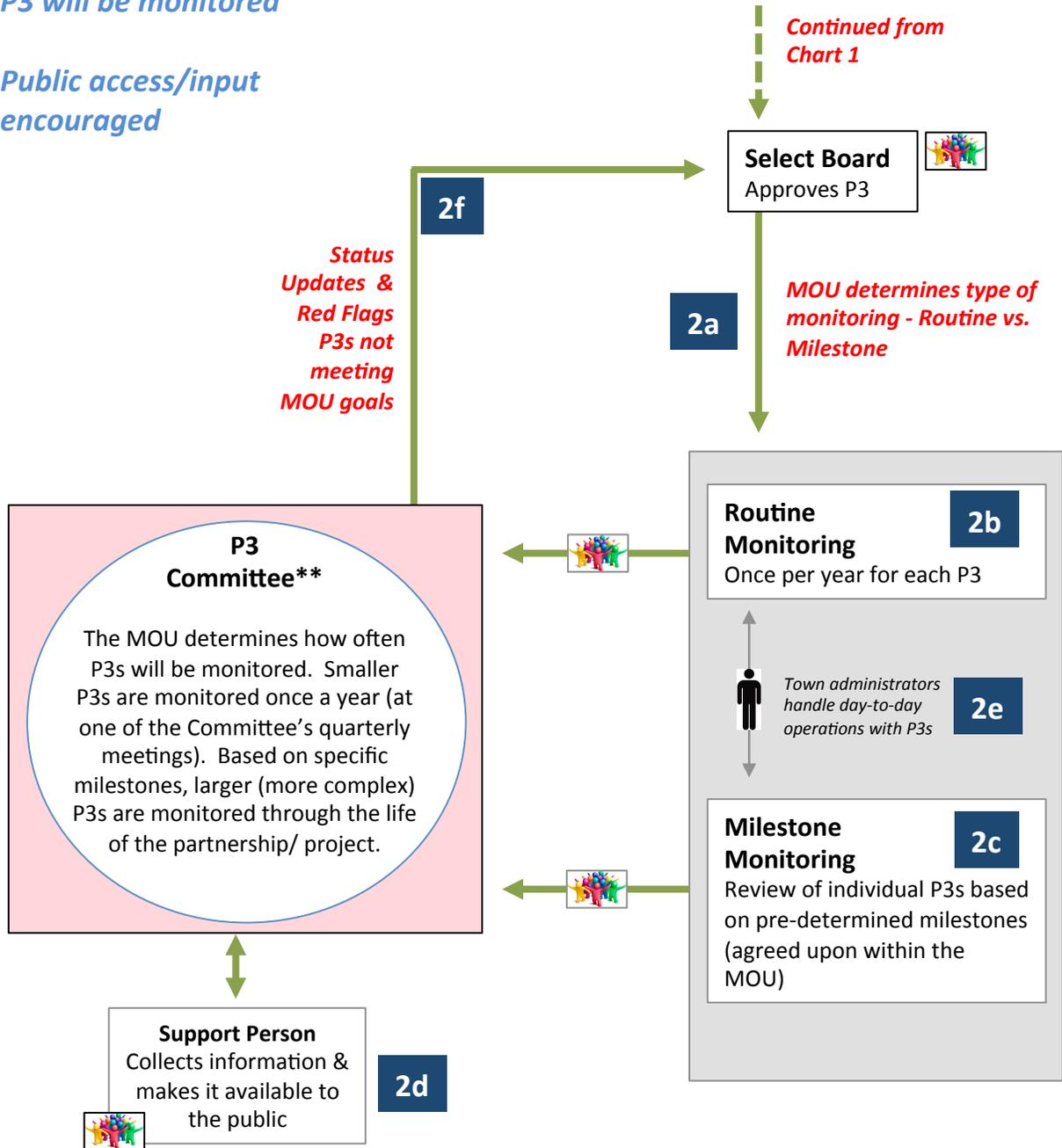
** Members Include 1 Long Term Strategic Plan member, 1 School Committee member, 3 residents, and 1 FinCom Liaison

Meetings open to the public and subject to Open Meeting Laws and/or information made available to the public

Chart 2 -- Monitoring P3s

The MOU determines when a P3 will be monitored

Public access/input encouraged



Legend

** Members Include 1 Long Term Strategic Plan member, 1 School Committee member, 3 residents, and 1 FinCom Liaison

Meetings open to the public and subject to Open Meeting Laws and/or information made available to the public

Narrative for the Diagrams

Note that:

- Chart 1 shows the evaluation process for new and existing P3s.
- Chart 2 shows the process by which the Committee monitors existing P3s.

P3 Process – Evaluating P3s (Chart 1)

The following icon in **Chart 1** shows where the public has access to Committee meetings and P3 related documents.



As shown by **Chart 1 – 1a**, the Town Manager’s office starts the evaluation process by determining which proposals should be forwarded to the Committee. Smaller proposals that don’t meet P3 criteria, will remain within the purview of the Town Manager’s office.

If the Town Manager refers the proposal to the P3 Committee, the Committee will then review the proposal to determine whether it meets P3 policies and criteria and whether it is a good fit for the Town (Refer to **Chart 1 – 1b**). With the approval of the Committee to move the proposal forward, the Town Manager’s office drafts an MOU in collaboration with the Committee and negotiation with the private entity.

Chart 1-1c The MOU is drafted, based on the recommendations in the MOU section of the report

Chart 1-1d shows the role of the Support Person during the Evaluation process. For more information, please refer to the section detailing the Support Person’s responsibilities.

The Committee makes a recommendation to the Select Board on whether to accept or reject a P3 proposal. The decision to accept or reject a P3 resides with the Select Board. If the Committee recommends that the Select Board accept the P3 proposal, then it provides the MOU agreement between the Town and the private entity. (**Refer to Chart 1-1e**).

P3 Process – Monitoring P3s (Chart 2)

Please note that the following icon in **Chart 2** shows where the public has access to Committee meetings and P3 related documents.



With the Select Board's approval of a P3, the Committee assumes the role of overseeing the project. The MOU determines the frequency with which the P3 will be reviewed by the Committee. Note that in all cases it is anticipated that ongoing P3s will be reviewed at least annually (**Refer to Chart 2-2a**).

It should be noted that the day-to-day relationship with the partnership would remain with Town staff (Refer to **Chart 2-2e**). While not shown on Chart 2, the Town Manager's Office will alert the Committee of any P3 seeking to change its MOU. Such an action would trigger a new evaluation process, as outlined in **Chart 1**.

The Committee will review smaller (simpler) P3s annually during one of its quarterly review meetings (Refer to **Chart 2-2b, Routine Monitoring**).

For larger (more complex) P3s, the Committee is likely to review them several times over the life of the partnership (**Refer to Chart 2-2c, Milestone Monitoring**). Reviews are based on milestones identified by the MOU. For example, a construction related P3 might have several open meeting reviews when 25 % is completed and 50% is completed.

Chart 2-2d shows the role of the Support Person in the Monitoring process. For more information, please refer to the section detailing the Support Person's responsibilities.

During the monitoring process, the P3 Committee will provide the Select Board with a status update on the partnerships and will red flag any P3s that are not meeting the requirements outlined by the MOU and would thus require further action by the Board (Refer to **Chart 2-2f**).

Appendix 2 - Useful links

League of Women Voters "Best Practices" position paper:

<http://lww.org/content/strategies-best-practice>

League of Women Voters "Privatization Policy Debate"

<http://lww.org/content/privatization-public-policy-debate>

National Council for Public-Private Partnerships "7 Keys to Success"

<http://www.ncppp.org/ppp-basics/7-keys/>

To the Concord Select Board
February 6, 2017

Thank you for giving the P3 Study Committee the opportunity to clarify some sections of the Committee's report surrounding public participation and dialogue, the process for new and existing P3 relationships, creation of a standing committee, MOUs, and the responsibilities of the Select Board and Town Manager relating to P3s.

The P3 Study Committee's charge stated:

"It has been noted in recent times, however, that the interests of private donors and issue specific advocates may sometimes not be in complete alignment with the public interest, particularly in the areas of openness and transparency in decision-making, access to documents and information and public involvement in decision-making. When a private entity is making decisions for itself, the public has no right of access to information and no right to observe its decision-making process. But when private parties are making decisions concerning the construction of a new public facility or the use and management of public property, there is a disconnect between the public's rights and the rights of private parties to make decisions. The result can be less openness and reduced public participation and therefore a loss of public trust in the decisions that have been made."

The P3 Study committee responded to the Select Board's concerns and shaped its proposals so that, going forward, there will be appropriate public participation and trust in the decisions that affect new and ongoing public-private partnerships related to construction of a new public facility and the use or management of public property.

One area of concern expressed by the Select Board at the January 23 meeting was the P3 Committee's recommendation that there be a new P3 Standing Committee.

As our committee deliberated our charge and held two well-attended Public Hearings, the idea of a Standing Committee began to emerge as the proper vehicle for achieving the goals of public participation and monitoring P3 relationships. (Incidentally, we have learned that other communities, for example, Cambridge, have created similar committees to work with partnerships). At first this seemed like a lot of overhead for not very much return. But then we realized that *without* a standing committee, it's very difficult to build true openness into the process. The goal of our committee—and, we believe the goal of the Select Board in charging us with this task of finding a way for "public participation"—requires that there be a process for such participation. Our P3 Study Committee makes such a recommendation in order to assist the Select Board and not in any way limit or reduce its power or judgment. Such a Standing Committee would work with the Select Board to provide opportunities for public education and dialogue, thus fulfilling one of the goals of our charge.

1. The Standing Committee would work with the Select Board to facilitate public participation in the initial stages of a new Public Private Partnership.

2. The Committee would be responsible for providing a forum for public participation in existing partnerships, including drafting a project agreement.
3. The Committee would also ensure the Town website provides the public with current information about all P3s.

Such a committee would be appointed by the Select Board or the Select Board and the Town Manager and would serve for a length of time agreed upon by the Select Board. This is how we see this early stage of a potential P3 working:

1. The Town Manager is the gate keeper where the process begins.
2. The P3 Committee considers new P3 proposals and reviews existing P3s and organizes public participation. It is an advisory committee only.
3. The Select Board is the ultimate authority in deciding whether to move ahead with a new P3 relationship or not.

A second area of concern to the Select Board was the issue of Memoranda of Understanding (MOUs). For that reason and in the interest of clarity, we suggest that the term MOU be replaced with the term "Project Agreement" which would describe the scope of the project (including its financing), a timeline, and the expectations of both Public as well as the Private partners. Our committee leaves it to the judgment of the Select Board and the Town Manager as to the details of such a Project Agreement. But we urge that the agreement be reviewed by the Standing Committee on a regular basis and a new agreement be drawn up by the Town Manager and/or the Select Board when any of the conditions change.

Finally, at our January 23 meeting with the Select Board there was very little discussion of existing Public Private Partnerships making decisions concerning the construction of a new public facility or the use and management of public property. It is of equal, and perhaps even more importance in terms of openness and public dialogue and education, that a Standing Public Private Partnership Committee provides a place for the public to participate. It is also critical to have a committee that can keep track of project changes by asking for annual reviews.

Our committee made a distinction between partnerships dealing with projects of \$150,000 and/or over a year or more in length and smaller, more specific projects which do not fit those criteria. For your assistance, we have included a list of known, current Public/Private Partnerships which seem to fit these definitions.

Again, we thank you for the opportunity to assist in finding ways to help educate and involve Concord citizens, and to assist in continuing Concord's record of successful Public Private Partnerships.

Respectfully,

Public Private Partnership Study Committee

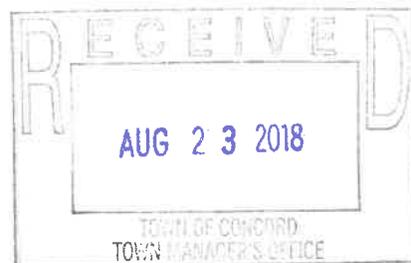
Current Concord Public Private Partnerships

| PPT Title | Public Entity | Private Entity | Public Benefit |
|----------------------------------|--------------------------|--|--|
| Beede Center | - | Beede Center | Swimming & Other Activities |
| Center for Restorative Justice | Police | C4RJ - Center for Restorative Justice | Restorative Justice |
| CC Youth Baseball | | CC Youth Baseball | Donates funds annually in exch for use of fields |
| Visitors Center | | Chamber of Commerce | Visitors Information Center |
| Sidewalk Renovation | | Concord Academy | Donated funds for sidewalk in front of school |
| CCHS fields renovations Phase I | Regional School District | Concord Carlisle at Play | CC Athletic Fields & Facilities |
| CCHS fields renovations Phase II | Regional School District | Concord Carlisle at Play | CC Athletic Fields & Facilities |
| CC Athletic Fields & Facilities | Regional School District | Concord Carlisle at Play | High School Athletic Facilities |
| Concord Children's Center | | Concord Children's Center (Harvey Wheeler) | Pre-school, child care services |
| Concord Children's Center | | Concord Children's Center (Ripley) | Pre-school services |
| Concord Library | | Concord Free Public Library Corporation | Library Services |
| Concord Housing Development Corp | | Concord Housing Development Corp | Affordable Housing Promotion |
| Concord Land Conservation Trust | | Concord Land Conservation Trust | Open Space Preservation |
| Concord Friends of the Aging | Council on Aging | Concord Friends of the Aging | |
| Domestic Violence Prevention | Police | DVAP -??? | Domestic Violence Prevention |

| | | | |
|--|----------------------|---|---|
| Emerson Umbrella | | Emerson Umbrella | Historic Preservation |
| FOPAC (51 Walden) | | FOPAC (51 Walden) | Historic Preservation |
| Friends of Bruce Freeman Rail Trail | | Friends of Bruce Freeman Rail Trail | |
| CCHS Playing Fields - Doug White - Lease | | Friends of CC Fields (Doug White Fields) | Athletic facilities |
| CCHS Playing Fields - Doug White - Replacement | | Friends of CC Fields (Doug White Fields) | |
| CCHS Playing Fields - Doug White - Maintenance | | Friends of CC Fields (Doug White Fields) | Donate funds annually for fields maintenance in exchange for use of fields |
| CCHS Playing Fields - Doug White - Installation | | Friends of CC Fields (Doug White Fields) | |
| Harrington House tenant | | Harrington House tenant | Historic Preservation |
| Holy Family Church | | Holy Family Church | Shared parking in Villages |
| Lions Club | | Lions Club | Donated funds to support police & fire depts |
| Marshall Farm / Barrett Farm tenants | | Marshall Farm / Barrett Farm tenants | Promotion of Agriculture |
| Middlesex School | | Middlesex School | Donated funds to resurface track in exchange for use |
| Open Table | | Open Table | Food for the needy |
| Regional Housing Services Office (141 Keys) | | Regional Housing Services Office (141 Keys) | Affordable Housing Promotion |
| Rotary Club of Concord -- Various | | Rotary Club of Concord | Donated funds for War Memorial, Monument Sq beautification, equipment for police/fire |
| Various farmers | | Various farmers | Promotion of Agriculture |
| Town House and West Concord Center Gardens | Concord Public Works | Garden Club of Concord | Public Gardens |
| Hanging Baskets and Five Public Gardens in West Concord Center | Concord Public Works | West Concord Green Thumbs | Public Gardens and Beautification |



Memo



TO: Chris Whelan, Town Manager
FROM: Kate Hodges, Assistant Town Manager
DATE: August 23, 2018
RE: PEG Access Division Update

Please allow is memo to serve as an update regarding the steps we have taken over the past month to prepare for the acquisition and operation of PEG services from CCTV, Inc. effective September 30th upon their current contract expiration.

MINUTEMAN MEDIA NETWORK (MMN)

A major initiative which was undertaken almost immediately surrounded a re-branding campaign. The goal is to help citizens instantly recognize the operation once it changes from CCTV, Inc. to the Town. As the *face* of the division, the logo design was critical; we plan to have the simple graphic on every piece of correspondence and shown regularly around Town.



We also spent time working on uniform design and other pieces of equipment branding which would help create a more professional appearance for our staff and operation. This professionalism will work to build credibility and public trust. Our hope is that people will be more likely to volunteer and/or participate in Division-led activities and initiatives if they truly appreciate the fact that Minuteman Media Network is a professional and legitimate resource for the community.

The above logo serves as our chosen design. This was created through a crowd-sourcing online contest where graphic designers from around the globe are able to sign up and virtually communicate with us in order to compete for their chance to have their work published. It is an inexpensive way to have multiple artists and professionals think about how best to brand.

STAFFING

I have met with three members of the current CCTV, Inc. staff to discuss their interest in working for the Town. We have offered positions to two employees who have accepted and we are currently negotiating with another. I have attached a copy of the tentative job description for your reference. The staff member's positions are contingent on their passing a series of pre-employment checks; once those have been completed to the Town's satisfaction, we will be able to announce the new staff members' names publically.

I will serve as Division Manager for, at least, the first six to twelve months. Public Information Officer Erin Stevens, will serve as the direct supervisor to the staff. Erin will provide functional oversight and scheduling assistance for the staff in order to ensure meetings and events are

covered properly. We are currently advertising for several part-time, per-diem videographers who we can call upon to film governmental night meetings and other 'off-hours' work which may not be a requirement of the regular, full-time staff. We plan to pay between \$15-\$20 per hour and hope to have a group of six to eight people who would like to work on an on-call basis.

STORAGE & ARCHIVES

The Select Board has received several inquiries regarding storage of archival materials and miscellaneous meeting tapes which the community is worried may be *lost* in transition. Rest assured, we have taken steps to assure this will not happen. Last month, the Town purchased an additional 2 terabytes of cloud storage with TelVue Corporation who currently handles the media file storage for CCTV, Inc. Additionally, as an added precaution, we also purchased two additional external hard drives each possessing 8 terabytes. At this time, all video archives have been uploaded to one, or both, forms of digital storage and can be accessed easily. More recent videos are available via CCTV's website and older media has been archived and stored digitally.

As stated, the CCTV, Inc. website has a fairly robust archival system which houses the most recent governmental meetings, public broadcasts and school events. It is not be feasible to have all the years of meeting recordings available via the website – the storage capacity needed for that would be tremendous; however, the addition of the two external hard drives allow citizens to request copies of any media files they may wish to view. The staff are able to search the drives and produce the files in very little time. This action is similar to any Public Records Request which may be asked of the Town. As the media files are the property of the Town of Concord, requests for copies or viewings, we imagine, will be handled similar to any FOI request.

TECHNOLOGICAL UPGRADES

As you likely have noticed, the audiovisual systems in the Select Board Room and Hearing Room have been replaced. The cameras in place now are fully HD-capable and the editing and technological panel which controls what is broadcast through Comcast has been upgraded and reworked with the highest technological capabilities available in PEG-programming.

Erin and I will be meeting with TelVue Corporation representatives next week to discuss terms for a continued relationship for media storage and archiving. We also plan to discuss several other programming-related offerings which TelVue has capabilities for. Some of these include:

- Digital signage for on-air programming and informational displays that can be provided in between or before certain programming;
- OTT¹ services for digital media players such as Roku, Xbox and AppleTV;
- Live streaming services for YouTube, Facebook-Live;
- Web-site streaming and Podcast creations; and
- Closed Caption creation for Video on Demand and other archived broadcast files.

¹ OTT stands for "over-the-top," the term used for the delivery of film and TV content via the internet, without requiring users to subscribe to a traditional cable or satellite pay-television service like Comcast.

PEG Access Producer and Production Coordinator

Department: Town of Concord
Reports To: Public Information Officer
Date: August 2018

Salary Grade: **Under Review**
FLSA Status: Exempt
Appointed By: Town Manager

GENERAL SUMMARY:

Under the direction of the Public Information Officer and as a member of the Town Manager's Office Staff, works on PEG-related cable programming and production efforts related to Concord's PEG Access Cable Stations. Regularly called upon to provide information to the general public by working with members of the community, schools, and local government to produce content for cable television or website related-viewing. Creates programs which work to educate and inform the citizenry regarding Town Government and community happenings; coordination with various community stakeholders is a key element in this role. Films, edits, problem solves, provides technical support, educates patrons regarding equipment use, and creates content.

ESSENTIAL JOB FUNCTIONS:

External and internal applicants, as well as position incumbents who become disabled as defined under the Americans With Disabilities Act, must be able to perform the essential job functions (as-listed) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case by case basis.

- Performs moderately complex and responsible duties requiring significant knowledge of PEG-Access programming and regulations; films, edits, and airs media-related television programs for general public viewing in accordance with FCC and Cable Company Franchise Agreements.
- Maintains strong relationships with members of the PAAC as well as local media and news resources.
- Assists in managing the routine operations of the cable studio including administrative, programming and scheduling efforts.
- Teaches community members about PEG-related programs including how to use and master equipment; answers questions of community members relative to PEG equipment and facilities.
- Aids in the maintenance and repair of equipment.
- Develops and coordinates active volunteer bases.
- Trains and assists community producers in all aspects of studio use, field production and editing to highest production standards.
- Manages class schedules including scheduling instructors and booking locations.
- Implements, organizes and maintains PEG-related inventory and equipment databases; Maintains editing equipment including software, external media storage and other IT systems.
- Acts as technician for live and/or recorded productions including school/educational and governmental meetings.
- Manages daily use of equipment; takes equipment reservations, performs equipment check-out and check-in, and provides technical assistance as required.
- Produces Outreach Programs (PSAs, Holiday Greetings, and Community Notices); creates, produces and edits community and staff generated programming.

SUPERVISORY RESPONSIBILITY:

Works with PEG Access Team to produce content; may work with and/or supervise students, community members, and citizen groups. Works with stakeholders and volunteers to create content and instruct members of the community regarding use of the PEG-related software and equipment.

EDUCATION & EXPERIENCE:

- Bachelors' Degree in communication, video production or related field. Three years video work experience, preference given to those with PEG-related experience.
- Outstanding verbal and written communication skills; experience with windows and Mac/IOS operating systems.

WORKING CONDITIONS & PHYSICAL DEMANDS:

Employee is regularly required to walk, stoop, sit, talk and hear; uses hands to finger, handles, feels or operates objects, tools or controls, and reaches with hands and arms as in picking up paper, books and other common office objects. Vision and hearing at or correctable to normal ranges.

Administrative work is performed in a normal office environment, not subject to extreme variations of temperature, noise, odors, etc. Video production and content creation may be conducted outdoors or in areas subject to variations in temperature, weather, and accessibility.

Ability to climb ladders, change light fixtures and/or mounted equipment; must be able to lift and carry up to fifty (50) pounds. Ability to operate video production and electronic equipment.

The above statements are intended to describe the general nature and level of work being performed by people assigned to do this job. The above is not intended to be an exhaustive list of all responsibilities and duties required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

TOWN OF CONCORD

TOWN MANAGER

JOB DESCRIPTION

1. The Town Manager (the “Manager”) is the Chief Executive Officer of the Town, responsible for its resources, its operations, and the general conduct of its affairs. The Manager has the powers and duties set forth in the Town Charter which include: the appointment of the members of various committee and all town employees; supervising and training town employees, serving as Chief Procurement Officer and contract-awarding authority; preparing the annual town budget and annual town report; and proposing policies for consideration by the Select Board (the “Board”). The Manager is expected to comply with the requirements of the Town Charter, applicable laws of the Commonwealth, and the established policies and traditions of the Town. The Manager is appointed by and responsible to the Select Board (the “Board”).
2. The Town is a complicated organization comprised of citizen boards and committees, town officers, and employees organized by departments. Many town committees and officials exercise authority granted under state law or local bylaw. The goals of town committees and departments can at times be in conflict, and it is the role of the Manager to encourage constructive dialogue and the respectful exchange of views.
3. Within the above context, the Manager shall perform the roles of leader, manager and administrator.

As Leader:

- (a) The Manager shall continually work with the Senior Management Team and other staff to hire, train, motivate, review, promote, discipline and dismiss employees. One of the Manager’s highest priorities shall be to develop an enthusiastic, motivated and well-trained staff committed to serving the Town’s citizens and its policy-making boards and committees with respect and without personal bias or preference. The Manager shall be committed to the free exchange of information, ideas and opinions and will foster transparency in the decision-making and openness in helping employees and citizens understand how decisions are made.
- (b) The Manager shall be a planner, with long-term vision, continually seeking improvements the in organization and opportunities to improve Town government and its efficiency, effectiveness and responsiveness; the Manager shall encourage a philosophy of continuous improvement across all departments and anticipating the community’s needs.
- (c) The Manager shall formulate policies to assist the Board in identifying and addressing issues before they become critical and in developing policy options for the Board’s consideration.

As Manager:

The Manager shall, with appropriate staff, prepare annually a Town budget consistent with the guidelines of the Finance Committee and present it to the Board and the Town Meeting. The Manager shall consider the community's financial well-being to be of paramount importance. The Manager shall manage the Town's activities within the budget as approved by Town Meeting. The Manager shall stay informed about both external and internal events and trends which could impact the Town's fiscal situation in both the short term and longer term and shall keep the Board informed of such events.

As Administrator:

The Manager shall work to ensure that the activities of the Town are smoothly administered and that administrative policies and procedures are clear, up-to-date, and revised as conditions change. The Manager shall coordinate actions among town department, and between boards and committees to provide a smooth, seamless Town government.

4. The Manager should be an excellent communicator, with strong verbal and writing skills.
5. The Manager will serve as a spokesperson for the Town with entities such as local, state and federal agencies, business and community groups and citizens.
6. The Manager shall demonstrate the highest ethical standards and shall require ethical conduct for all Town employees.

Qualifications:

1. Personal Qualifications

- Integrity.
- Dedication the position and to the long-term welfare of the community.
- Ability to respect and appreciate differing opinions and perspectives.
- A collegial approach to solving complex problems and sharing information.
- Physical health necessary to perform the duties of the job.

2. Managerial Knowledge and Skills

- Comprehensive knowledge of local government structures, services, financing and administration.
- Ability to develop and implement long and short-term planning processes.
- Innovative problem-solving ability.
- Ability to empower and strengthen the skills of subordinates, to organize and to delegate effectively, to motivate subordinates and to foster teamwork.
- Acceptance of responsibility for acts and decisions of subordinates.
- Ability to develop, explain, and adhere to complex budgets.
- Strong analytical and decision-making skills.
- Ability to prepare well-written persuasive letters, memoranda and formal reports.
- Ability to make effective oral presentations, both prepared and extemporaneous.
- Competence in public relations techniques.
- Effective negotiation skills.

- Ability to develop consensus among a wide range of individuals with diverse backgrounds, interests and concerns.

3. Training and Experience

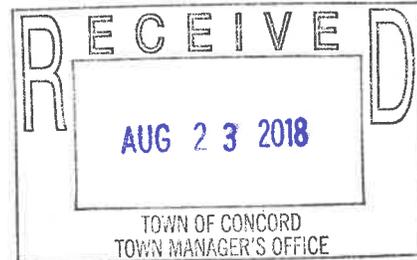
- Any combination of education and experience that provides the knowledge and abilities referred to above. Typical will be: a Master's Degree in Public Administration and at least seven (7) years of experience in positions of broad responsibility in municipal administration.
- Experience in budget analysis and preparation.
- Experience with open town meeting form of government is desirable.



Town Clerk's Office
22 Monument Square
Concord, MA 01742

Memo

To: Select Board
Cc: Chris Whelan, Town Manager
Kerry Lafleur, Finance Director
From: Kaari Mai Tari, Town Clerk
Date: August 23, 2018
Re: Election Officer Appointments



Pursuant to MGL Chapter 54: Section 12, I would like to request, on behalf of the Board of Registrars, reappointment of the following 3 voters as Election Officers for terms to expire July 31, 2019.

Reappointments: 0
New appointment: 3

Party Affiliation among Election Workers:
Democratic: 28 (43%)
Republican: 12 (17%)
Unenrolled: 26 (40%)

Thank you for your consideration.

Kaari

Election Officers 2018-2019 Appointment List

| Party | Name | Address | Precinct |
|-------|-----------------|---------------------|----------|
| R | Michael J. Benn | 747 Old Marlboro Rd | 3 |
| D | Nancy Haynes | 47 Staffordshire Ln | 3 |
| U | Suzanne Knight | 64 Bayberry Rd | 2 |
| | 3 | | |