

**TOWN OF CONCORD
SELECT BOARD
AGENDA
September 24, 2018**

7 PM – Public Hearing Room – Town House

1.	Call to Order																																			
2.	Consent Agenda: <ul style="list-style-type: none"> • Town Accountant Warrants • Minutes – 6/18, 7/2, 7/16 • Sunday Entertainment Licenses • One Day Special Licenses <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">· Concord Chamber of Commerce</td> <td style="padding-left: 20px;">10/11</td> <td style="padding-left: 20px;">6pm-10pm</td> <td style="padding-left: 20px;">100 Newbury Court</td> <td style="padding-left: 20px;">Wine & Malt</td> </tr> <tr> <td style="padding-left: 20px;">· Daniel Pierce</td> <td style="padding-left: 20px;">9/29</td> <td style="padding-left: 20px;">4pm-7pm</td> <td style="padding-left: 20px;">40 Westford Road</td> <td style="padding-left: 20px;">Wine & Malt</td> </tr> <tr> <td style="padding-left: 20px;">· Provisors</td> <td style="padding-left: 20px;">10/1</td> <td style="padding-left: 20px;">11am-7pm</td> <td style="padding-left: 20px;">246 ORNAC</td> <td style="padding-left: 20px;">Wine & Malt</td> </tr> <tr> <td style="padding-left: 20px;">· Verill Farm</td> <td style="padding-left: 20px;">10/19</td> <td style="padding-left: 20px;">6pm-8pm</td> <td style="padding-left: 20px;">11 Wheeler Road</td> <td style="padding-left: 20px;">Wine & Malt</td> </tr> <tr> <td style="padding-left: 20px;">· Household Goods</td> <td style="padding-left: 20px;">10/20</td> <td style="padding-left: 20px;">7pm-10pm</td> <td style="padding-left: 20px;">11 Wheeler Road</td> <td style="padding-left: 20px;">Wine & Malt</td> </tr> <tr> <td style="padding-left: 20px;">· Concord Prison Outreach</td> <td style="padding-left: 20px;">10/27</td> <td style="padding-left: 20px;">4pm-7pm</td> <td style="padding-left: 20px;">81 Elm Street</td> <td style="padding-left: 20px;">Wine Only</td> </tr> <tr> <td style="padding-left: 20px;">· Commonwealth Financial</td> <td style="padding-left: 20px;">10/16</td> <td style="padding-left: 20px;">11am-3pm</td> <td style="padding-left: 20px;">40 Westford Road</td> <td style="padding-left: 20px;">Wine & Malt</td> </tr> </table> • Proclamations <ul style="list-style-type: none"> · Concord-Carlisle Community Chest Month – October 2018 	· Concord Chamber of Commerce	10/11	6pm-10pm	100 Newbury Court	Wine & Malt	· Daniel Pierce	9/29	4pm-7pm	40 Westford Road	Wine & Malt	· Provisors	10/1	11am-7pm	246 ORNAC	Wine & Malt	· Verill Farm	10/19	6pm-8pm	11 Wheeler Road	Wine & Malt	· Household Goods	10/20	7pm-10pm	11 Wheeler Road	Wine & Malt	· Concord Prison Outreach	10/27	4pm-7pm	81 Elm Street	Wine Only	· Commonwealth Financial	10/16	11am-3pm	40 Westford Road	Wine & Malt
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3.	Town Manager's Report																																			
4.	Chair's Report																																			
5.	Discuss Affordable Housing Fund Options – Liz Rust, RHSO																																			
6.	7:10pm Public Hearing: Alteration of Premises for Alcohol Service – Nashawtuc Country Club, Inc., 1861 Sudbury Road																																			
7.	Wireless Communication Facility and Public Safety Discussion																																			
8.	Punkatasset Parking Update																																			
9.	Public Private Partnership Discussion																																			
10.	Discuss next steps for 2030 Long Range Plan																																			
11.	Take positions on Warrant Articles and discuss Special Town Meeting process																																			
12.	Public Comments																																			
13.	Committee Liaison Reports																																			
14.	Miscellaneous/Correspondence																																			
15.	Committee Nominations:																																			
16.	Committee Appointments: Betsy Levinson of 124 Nashoba Road to Concord Local Cultural Council for a term to expire May 31, 2021																																			
17.	Adjourn																																			

PENDING

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 <i>(If Necessary)</i>	CCHS – Room 242
Tuesday	October 2	7pm	Special Town Meeting <i>(Adjourned Session If Necessary)</i>	CCHS – Auditorium
Monday	October 8	All Day	Columbus Day	Town Offices Closed
Monday	October 15	7pm	Select Board Meeting	Town House
Monday	October 29	7pm	Select Board Meeting	Town House

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

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

**CONCORD-CARLISLE COMMUNITY CHEST MONTH
OCTOBER 2018**

WHEREAS The Concord-Carlisle Community Chest was founded in 1947 to provide support for community human service agencies; and

WHEREAS Agencies and programs funded by the Concord-Carlisle Community Chest serve the needs of our neighbors from our youngest to our oldest; and

WHEREAS The Concord-Carlisle Community Chest has participated in partnerships with the Town of Concord including Domestic Violence Services, Concord Recreation Scholarships, Communities for Restorative Justice, Council on Aging, the Community Services Coordinator and Youth Coordinator, Concord Public Schools, CCHS and Concord Cares; and

WHEREAS The Concord-Carlisle Community Chest, carefully evaluates each funding request to ensure that donations are spent efficiently and effectively; and

WHEREAS The Concord-Carlisle Community Chest assists member agencies and the Town at large respond to needs identified by human service professionals and concerned citizens; and

WHEREAS The Concord-Carlisle Community Chest and its member agencies depend upon the generous contributions by thousands of individuals and businesses; and

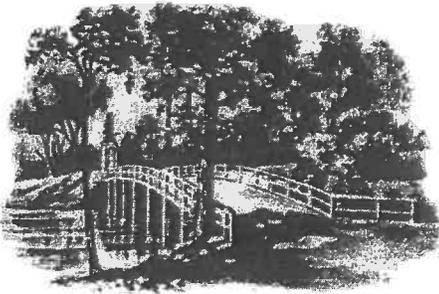
WHEREAS The Concord-Carlisle Community Chest's Annual Campaign begins October 1, 2018 with a fund raising goal of \$_____;

NOW THEREFORE, We, the Select Board of the Town of Concord, Massachusetts, do hereby proclaim the month of October 2018 as **CONCORD-CARLISLE COMMUNITY CHEST MONTH** in the Town of Concord to recognize the vital role the Community Chest plays in the life of our town and to wish members of the Community Chest success in reaching their Annual Campaign fund raising goal.

CONCORD SELECT BOARD

Weekly One Day License Log – September 24, 2018

Applicant Name & License Number	Phone Number	Date	Location	Type of Alcohol	Event Details
18-140 Concord Chamber of Commerce	978 369-3120	10/11	100 Newbury Court	Wine & Malt	Event Coordinator: Jane Obaggy Bartenders: Bob Herman Under 21: No First License in Concord: Yes
18-141 Daniel Pierce	617 930-6862	9/29	40 Westford Road	Wine & Malt	Event Coordinator: Daniel Pierce Bartenders: Ben Elliott Under 21: No First License in Concord: No
18-142 Provisors	617 571-6305	10/1	246 ORNAC	Wine & Malt	Event Coordinator: Richard Briggs Bartenders: Liza Leach, Sara Killelea, Taryn O'Neill Under 21: No First License in Concord: No
18-143 Verrill Farm	978 369-4494	10/19	11 Wheeler Road	Wine & Malt	Event Coordinator: Jennifer Verrill Bartenders: Eileen Stanowicz Under 21: No First License in Concord: No
18-144 Household Goods	617 480-4637	10/20	11 Wheeler Road	Wine & Malt	Event Coordinator: Sharon Martens Bartenders: Eileen Stanowicz Under 21: No First License in Concord: No
18-145 Concord Prison Outreach	978 369-1430	10/27	81 Elm Street	Wine Only	Event Coordinator: Anne Karin Shaver Bartenders: Amanda Thomas Under 21: Yes First License in Concord: Yes
18-146 Commonwealth Financial	800 251-0080 x9854	10/16	40 Westford Road	Wine & Malt	Event Coordinator: Kelly Lopez Bartenders: Ben Elliott Under 21: No First License in Concord: Yes



OLD NORTH BRIDGE

TOWN OF CONCORD

SELECT BOARD'S OFFICE
22 MONUMENT SQUARE -- P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TELEPHONE (978) 318-3001
FAX (978) 318-3002

TOWN OF CONCORD SELECT BOARD

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Town House, 22 Monument Square, Concord, MA in the Public Hearing Room on September 24, at 7:10 PM from upon the application from Nashawtuc Country Club, Inc., located at 1861 Sudbury Road, to alter licensed premises associated with alcohol service.

By order of the SELECT BOARD

Michael Lawson, Clerk

ADDITIONAL SPACE

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.

Nashawtuc Country Club would like to amend its current Club License to include the pool snack bar and its 2 adjacent patio areas (Alteration of premises). The reason for this is that Nashawtuc Country Club will no longer have a Clubhouse due to the renovation that is scheduled to start in October of 2018 and which is not due to reopen until January of 2020. The pool snack bar is the only viable option to serve alcoholic beverages to our members.

Please see attachment of Pool Snack Bar floor plan which describes all 5 areas:

- A) Front of Pool Snack Bar seating area (inside) 17' by 23' (391sf)
- B) Terrace in front of Pool Snack Bar 20' by 20' (400sf)
- C) Pool Snack Bar Kitchen 13' by 18' (234sf)
- D) Back seating area of Pool Snack Bar 23' by 28' (644sf)
- E) Tent outside next to pool 20' by 40' (800sf)



CONCORD PUBLIC WORKS

133 KEYES ROAD
CONCORD, MASSACHUSETTS 01742-1601
www.concordma.gov

ENGINEERING DIVISION

Tel: 978-318-3210

Fax: 978-318-3240

August 17, 2018

Ms. Nora Murphy and Concerned Parties
873 Monument Street
Concord, Massachusetts 01742

Ms. Nora Murphy and Concerned Parties,

Please allow this letter to serve as written response to the technical letter your consultant, DeCelle-Burke-Sala & Associates, Inc (DecCelle). wrote dated July 30, 2018 and clarify the Town's position in the matter now that we had a chance to review the plan and letter. As the letter from DeCelle states a critical resource manual is the AASHTO "Green Book" and was the basis of analysis along with other industry standard publications such as the MUTCD and Roadside Design Guide.

The Green Book in Section 4.20 On-Street Parking states in part "...on most rural arterials, collectors and local streets, stopping or parking should be permitted only in emergencies". It further states however "...on street parking should be considered in order to accommodate existing and developing land uses. Often, adequate off street parking facilities are not available.". CPW offers the following comments on the letter and plan provided.

Lane Width

CPW takes no exception with the conclusion that under existing circumstances a width of 11 feet may be acceptable on an Urban Collector or Rural Minor Collector under certain circumstances; however this becomes less appropriate around a curve such as we have in this application.

According to Table 5-5 in the Green Book a "Minimum Width of Traveled Way and Shoulders" page 5-6, design speeds between 30-40 mph and a vehicle demand exceeding 2,000 veh/day recommends that the road width for a two lane travel way be 24 feet wide. Existing lane widths on Monument Street are 13'+ wide, thus satisfying this recommended width.

Further, Table 3-29 in the Green Book "Design Widths of Pavements for Turning Roadways", page 3-103, states that roadways with a radius of 300 feet on a two-lane highway with traffic conditions including WB-40 vehicles should be a width of 29 feet. This takes into account the off-tracking that is expected by WB-40 and similar vehicles. Currently, the existing roadway at this portion of Monument Street has a paved width of 27 feet is appropriate due to the stabilized shoulder allowance and deductions. Parking vehicles would reduce the stabilized shoulder allowance completely.

Parking Stall Dimensions

CPW does not take exception to the stall dimensions; however, we believe the location of some of the stalls to be problematic as they relate to sight distance and the existing wall. As explained in a previous CPW technical memorandum entitled "Punkatasset Parking Analysis", dated

August 8, 2017, the issue of an obstructed view scenario is discussed where eastbound traffic can obscure the sight distance for westbound traffic, thus significantly delaying Brake Reaction Time. Proposed parking stall #1 on your consultant's Proposed Parking Plan would be impacted by this situation.

While your consultant's proposal does provide an additional two feet of shoulder width by narrowing the travel lanes, we still believe the shoulder width is problematic. A current issue that is observed is parked vehicles encroaching on the roadway (and potentially out of the marked stalls) to allow a passenger to ability to open their door without striking the stone wall. Even with an additional two foot width added, we don't anticipate this problem to be corrected without the wall's relocation/removal.

Bicycle Safety

It is the opinion of CPW that the presumed reduction of speed (1.9 MPH) by a narrowing of lane width is not substantial enough to offset the potential conflict points that exist between cyclists and vehicle doors. No benefit to cyclists can be surmised by this parking design.

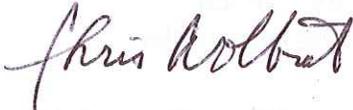
Recommendations

Concord Public Works would recommend the following improvements to occur before the acceptance and formalization of a dedicated parallel parking shoulder on Monument Street to service the Punkatasset Woods recreational area:

1. The existing dry-stacked stone wall would need to be relocated to the edge of the Right of way to allow for the shoulder width to be maximized. This would require the removal of some small trees (under 3" caliper) and brush.
2. The existing gravel shoulder would need to be re-graded, widened, and armored with dense graded crushed stone or acceptable backfill material to create a hard-compacting subgrade that resists rutting or wash-out for a formalized parking area
3. The proposed number of parking stalls would need to be reduced to 6 or 7 to reduce impacts to existing trees, driveways and obstructions.
4. Proposed parking stall one would need to be eliminated due to reduced stopping sight distance concerns, especially in an obstructed view scenario as explained above.
5. Lane widths and pavement parking would then be installed to maintain the current pavement widths to the maximum extent possible

If you have any questions or need additional information, please contact CPW-Engineering Division.

Regards,



Chris A. Olbrot, PE
Town Engineer

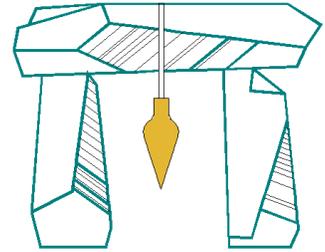
cc: Chris Whelan, Town Manager
Richard Reine, PWLF, Director, Concord Public Works
Select Board
Public Works Commission
File

July 30, 2018

Punkatasset Study Group
22 Monument Square
Concord, MA 01742

**Re: Proposed Parallel Parking Spaces
Monument Street Concord, MA**

DeCelle-Burke-Sala



& Associates, Inc.

Dear Ms. Murphy and Interested Parties:

DeCelle-Burke-Sala & Associates, Inc. (DBS) in cooperation with Mr. Daniel Dulaski, PhD., P.E., has provided twelve parallel parking spaces on the north side of Monument Street between houses 851 to 907. There are nine - 8 foot wide by 20 foot long spaces and three - 8' wide by 22' long spaces. The parking is to be created without the removal of trees, stone walls and with a limited amount of site preparation as possible. An old wooden bollard and two "No Parking" signs need to be removed to allow for the proposed parking. It is our belief that the spaces mentioned above and shown on the attached site plan meets these conditions.

At the request of Concord Mass. Department of Public Works (DPW), technical support has been prepared to provide support for the recommended design shown on the site plans. The technical statements are prepared from long term traffic design manuals and references. Travel lane width and parking stall dimensions are discussed and substantiated.

The plan has been prepared in accordance with industry accepted approaches. More importantly, a critical resource that is often used for roadway design, namely the American Association of State Highway Transportation Officials (AASHTO) A Policy on the Geometric Design of Highways and Streets (The Green Book) was referenced, in which it states:

"The intent of this policy is to provide guidance to the designer by referencing a recommended range of values for critical dimensions. ...Sufficient flexibility is permitted to encourage independent designs tailored to particular situations."

Based on the above, there is flexibility that can be used in design.

Lane Width

Roadways are typically designed to serve a purpose or function. The Massachusetts Department of Transportation recognizes this approach, and classifies each road based on its function. According to MASSDOT, Monument Street in Concord Massachusetts is classified as:

An Urban Collector or rural minor collector

DeCelle-Burke-Sala & Associates, Inc.
1266 Furnace Brook Pkwy., #401 Quincy, MA 02169
PH: 617-405-5100 FX: 617-405-5101

According to the American Association of State Highway Transportation Officials (AASHTO) A Policy on the Geometric Design of Highways and Streets, a recommended lane width of 10 to 12 feet may be used on this type of roadway. The recommended lane width of 11 feet is acceptable.

An 11-foot travel lane has the potential to reduce the free-flow travel speed by 1.9 mph. The lane width, in combination with the shoulder width, has the potential to reduce the free flow speed by 4.7 mph (Highway Capacity Manual).

Parking Stall Dimensions

On the national level, the Manual on Uniform Control Devices (MUTCD) offers guidance on parallel parking dimensions (Section 3.19B). The Manual provides support for 8-foot-wide spaces, varying in length from 20 – 26 feet, depending on the application. The width is also supported by the Massachusetts Architectural Access Board (23.4.1).

As noted, dimensions used on the plan for on-street parking as well as lane widths, follow recommendations.

It is required that new traffic lane striping be placed along the parking area to provide for the recommended travel lane widths and shoulders. Traffic signage is also recommended for approaching vehicles to identify the proposed parking area coming up in their travels.

Bicycle Safety

Bicycle safety for this project can be surmised that it has improved due to the reduced speeds generated from the proposed lane widths. The proximity of parking along the roadway increases door conflicts but this exists for any bicyclist in the Commonwealth with similar paths. Experience bicyclists will continue to use the road with no significant impact to safety generated by this project.

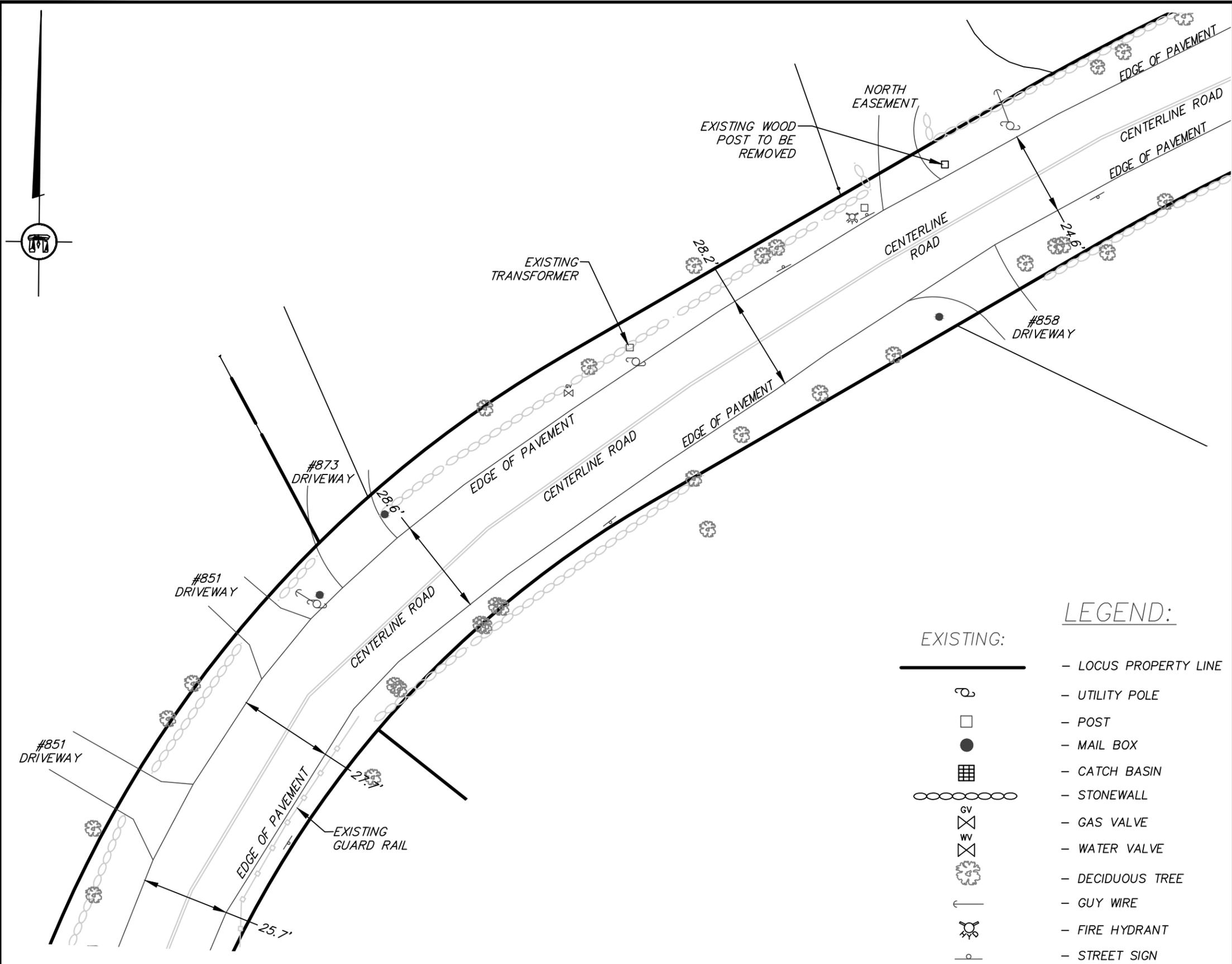
If you have any questions regarding this letter please do not hesitate to contact me at your convenience.

Sincerely,

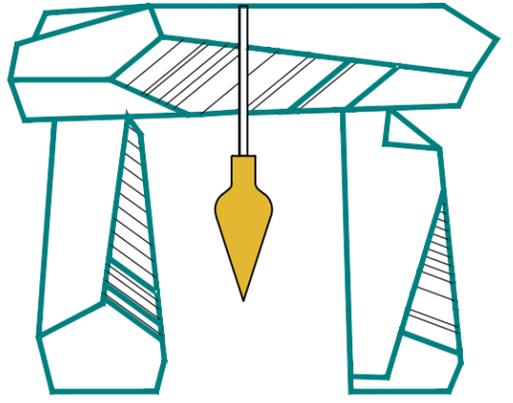
DeCelle-Burke-Sala & Associates, Inc.



James W. Burke, PE
President



DeCelle-Burke-Sala



1266 Furnace Brook Parkway #401
 Quincy, MA 02169
 617-405-5100(o) 617-405-5101(f)
 www.decelle-burke-sala.com

- GENERAL NOTES:
1. AN ON THE GROUND SURVEY HAS NOT BEEN CONDUCTED BY THIS OFFICE. CAD FILE OF AREA PROVIDED BY THE TOWN OF CONCORD DEPARTMENT OF PUBLIC WORKS.
 2. CONTRACTOR WILL VERIFY ALL DIMENSIONS PRIOR TO WORK.

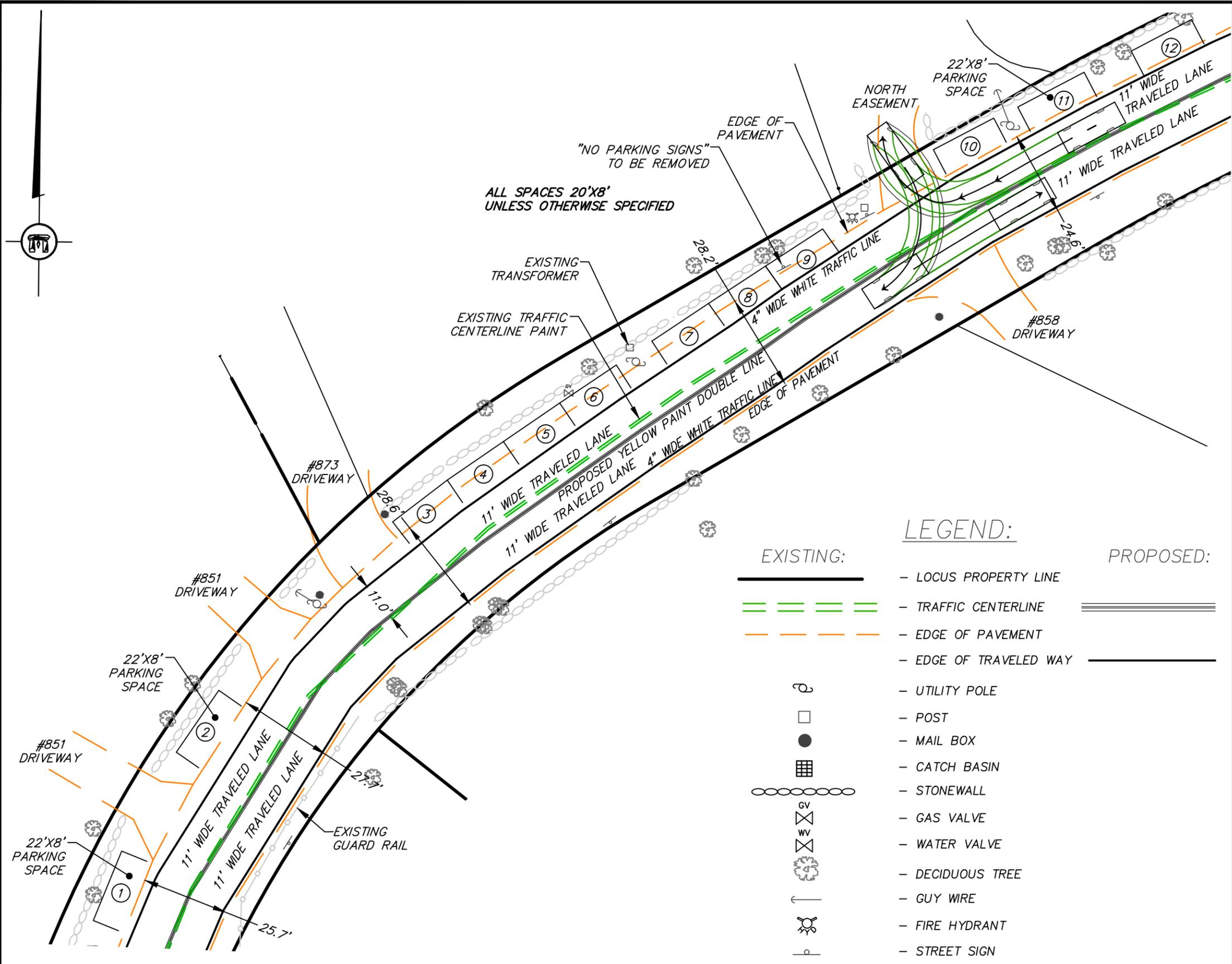
PROJECT TITLE:
**PROPOSED PARKING PLAN
 MONUMENT STREET
 CONCORD, MA 01742**

PLAN TITLE:
EXISTING CONDITIONS

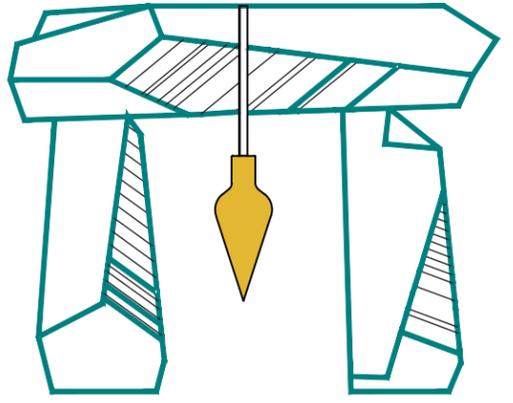
PREPARED FOR:
 PUNKATASSET STUDY GROUP
 22 MONUMENT SQUARE
 CONCORD, MA 01742

DATE: JULY 25, 2018





DeCelle-Burke-Sala



1266 Furnace Brook Parkway #401
 Quincy, MA 02169
 617-405-5100(o) 617-405-5101(f)
 www.decelle-burke-sala.com

- GENERAL NOTES:
1. AN ON THE GROUND SURVEY HAS NOT BEEN CONDUCTED BY THIS OFFICE. CAD FILE PROVIDED BY THE TOWN OF CONCORD DEPARTMENT OF PUBLIC WORKS.
 2. CONTRACTOR WILL VERIFY ALL DIMENSIONS PRIOR TO WORK.
 3. (9) 20'X8' PROPOSED PARKING SPACES
 (3) 22'X8' PROPOSED PARKING SPACES
 4. ROADWAY TRAVEL LANES TO BE 11' WIDE, WITH A 1' WIDE SHOULDER ON BOTH SIDES OF THE ROADWAY. EDGE OF TRAVELED WAY TO BE MARKED WITH 4" WIDE SOLID WHITE LINE PAINT.

PROJECT TITLE:
**PROPOSED PARKING PLAN
 MONUMENT STREET
 CONCORD, MA 01742**

PLAN TITLE:
PROPOSED CONDITIONS

PREPARED FOR:
 PUNKATASSET STUDY GROUP
 22 MONUMENT SQUARE
 CONCORD, MA 01742

DATE: JULY 25, 2018



LEGEND:

- | | | |
|------------------|------------------------|------------------|
| EXISTING: | | PROPOSED: |
| — | — LOCUS PROPERTY LINE | ==== |
| --- | — TRAFFIC CENTERLINE | ===== |
| - - - | — EDGE OF PAVEMENT | ===== |
| - - - | — EDGE OF TRAVELED WAY | ===== |
| ⊕ | — UTILITY POLE | |
| □ | — POST | |
| ● | — MAIL BOX | |
| ⊠ | — CATCH BASIN | |
| ⊞ | — STONEWALL | |
| GV | — GAS VALVE | |
| WV | — WATER VALVE | |
| 🌳 | — DECIDUOUS TREE | |
| ↖ | — GUY WIRE | |
| ⊕ | — FIRE HYDRANT | |
| ⊕ | — STREET SIGN | |



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

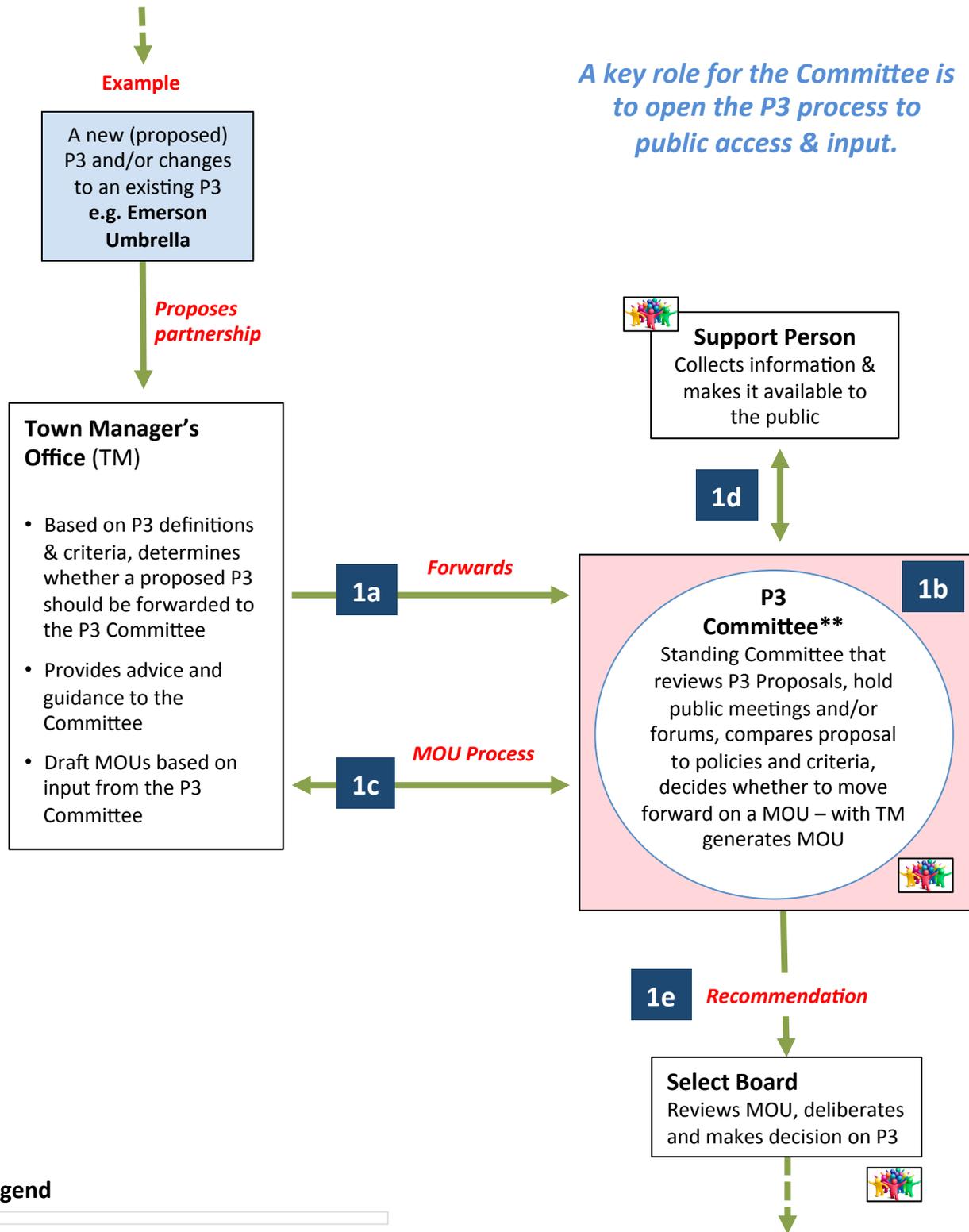
The P3 Study Committee has discussed and deliberated on the benefits of including Concord Schools—both K-8 Concord schools and the Concord-Carlisle Regional High School—in its recommended procedures. The Study Committee agreed that the Town of Concord and the Concord schools would benefit by having a 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

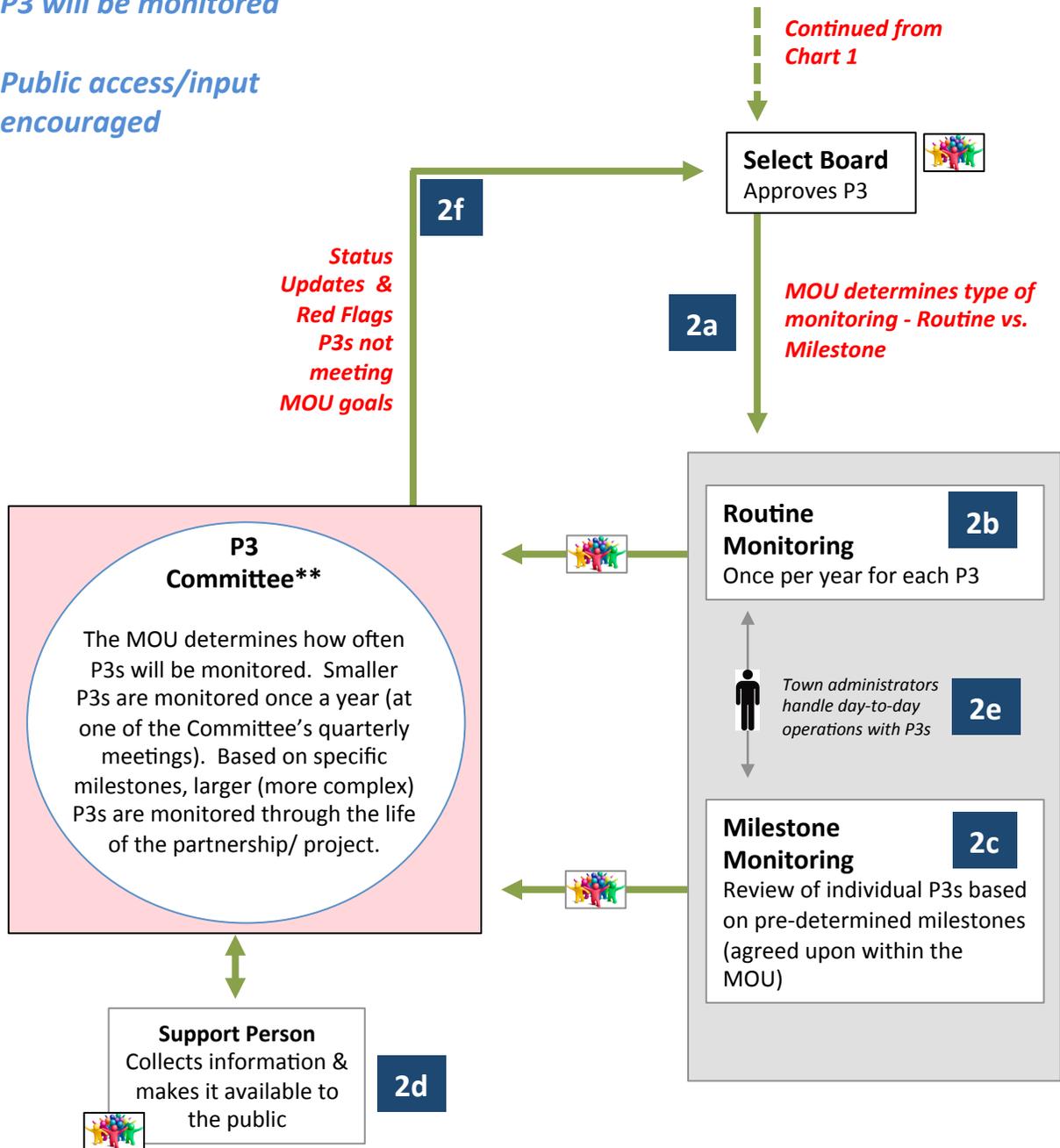
** Members Include 1 Long Term Strategic Plan member, 1 School Committee member, 3 residents, and 1 FinCom Liaison

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

**TOWN OF CONCORD
TOWN HOUSE
CONCORD, MA 01742**

**BULK RATE
U.S. POSTAGE PAID
PERMIT No. 51**

**RESIDENTIAL CUSTOMER
LOCAL 01742**

**WARRANT FOR SPECIAL TOWN MEETING
MONDAY, OCTOBER 1, 2018**

7:00 PM

CONCORD-CARLISLE REGIONAL HIGH SCHOOL AUDITORIUM
500 WALDEN STREET

**ADJOURNED SESSION (IF NECESSARY)
TUESDAY, OCTOBER 2, 2018**

IN CASE OF INCLEMENT WEATHER VISIT THE TOWN'S WEBSITE
AT WWW.CONCORDMA.GOV OR CALL 978 318-3006

**JOINT PUBLIC HEARING
WEDNESDAY, SEPTEMBER 12, 2018**

7:00 PM

TOWN HOUSE – HEARING ROOM

**FINANCE COMMITTEE, PLANNING BOARD
& SELECT BOARD**

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4	White Pond Associates, Inc. – Gift of Real Estate	Select Board	FC	3
5	White Pond – Appropriation of Funds for Beach Operations	Select Board	FC	3
6	Concord Carlisle Regional High School – Capital Improvements	Concord Carlisle Regional School District	FC	4
7	Concord Carlisle Regional High School – Capital Feasibility Study	Concord Carlisle Regional School District	FC	4
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11	Legal Services – Appropriation of Funds	Town Manager	FC	5
12	Amendment of Phase II Black Birch Site Development & Use Proposal	Select Board	PB	5
13	Bruce Freeman Rail Trail – Grant of Easement	Select Board	SB	6

PARKING – On-site parking, via the Walden Street entrance, is limited and carpooling is encouraged. Additional parking for those who need to be close will be marked. Overflow parking will be at Alcott School first and, if necessary, at the Concord District Court. Shuttle buses will be available to bring residents to and from the satellite parking.

CHILDCARE – Will be provided by Concord Recreation at the high school for children ages 2½ and older at a cost of \$5 per child per hour or \$25 for two or more children for the evening. Please call 978/369-6460 to reserve your child’s place.

SENIOR TRANSPORTATION – Seniors may arrange transportation with the Council on Aging office at 978/318-3020. Advance reservations are necessary. Rides will be available on a first come first served basis.

CHECK-IN – All voters who are registered to vote by Sept. 21, 2018 are eligible to participate at Town Meeting. Voters should check-in at the tables in the High School Cafeteria and pick up a Town Meeting ballot on each night of attendance. Only one ballot per voter per evening of attendance. Ballots are not transferrable. **Assisted Listening Devices** will be available at check in.

SEATING – Meeting will be held primarily in the auditorium with the Gymnasium reserved for overflow only if necessary. Accommodations for addressing the audience and voting will be provided by the deputy moderator. Viewing of the meeting is available in the Cafeteria but no voting will take place.

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR SPECIAL TOWN MEETING
Monday, October 1, 2018**

Middlesex, ss.

To any of the Constables of the Town of Concord, in said County,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Monday, the first day of October, 2018, at 7:00 o'clock in the evening, by posting a printed copy of this Warrant by you attested, at the Town House and in at least one public location in each precinct in Concord. Further a copy thereof shall be mailed to every household at least fourteen days before the Town Meeting, then and there to act upon the following Articles:

EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET) – ADDITIONAL COMPENSATION

ARTICLE 1 To determine whether the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, or any other authority, the sum of \$300,000, or any other sum, to be paid to W.R. Grace & Co. – Conn., as a settlement payment in compensation for the property at 214Y Main Street taken by eminent domain by the Town in August of 2015, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with the Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

Town Meeting voted under Article 36 of the 2012 Annual Town Meeting to authorize the Select Board to purchase the property at 214Y Main Street from the W.R. Grace Corporation, for solar power generation, wastewater treatment and other municipal purposes, for the sum of \$1,200,000, to be funded through a borrowing to be repaid equally by the Sewer Fund and the Electric Fund. The parties were unable to negotiate mutually-agreeable terms for sale of the property, and as a result, Town Meeting voted under Article 1 of the April 2015 Special Town Meeting to authorize the Select Board to take the property by eminent domain for the fair market value price of \$1,200,000, or any other fair market value of the appraisal. State law allows town government to take private property by eminent domain, provided doing so serves a municipal purpose. The property was taken in August of 2015 and the appraised value of \$800,000 was paid at that time. In the fall of 2017, W.R. Grace notified the Town that the company believed this appraisal did not account for the full value of the property and that the company was owed substantially more than had been paid by the Town. A settlement of this matter has been reached whereby the Town will pay an additional \$700,000 for the property, for a total compensation amount of \$1,500,000. For the purposes of funding the additional compensation, this article proposes that \$300,000 be authorized above the \$1,200,000 appropriation previously authorized by Town Meeting in 2012. The additional compensation to the company is one piece of a three-part settlement between the Town and W.R. Grace.



EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET, CONCORD & 37 KNOX TRAIL, ACTON) – GRANT OF EASEMENT

ARTICLE 2 To determine whether the Town will vote to authorize the Select Board to grant or deed an easement, on terms and conditions acceptable to the Select Board, over a parcel of land owned by the Town at 214Y Main Street, Concord and 37 Knox Trail, Acton, MA for the purposes of providing and maintaining emergency access to W.R. Grace & Co. – Conn., and its successors and assigns (collectively “Grace”), to and from Grace’s property in Acton; or take any other action relative thereto.

This Article authorizes the Select Board to deed an easement over land the Town took by eminent domain from W.R. Grace in 2015, to be used for emergency access only, to connect property the company owns in Acton to Knox Trail in Acton. This article is one piece of a three-part eminent domain settlement between the Town and W.R. Grace.

EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET) – ZONING BYLAW AMENDMENT

ARTICLE 3 To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.4.1 Concord Municipal Use** to (i) add “(1)” before the words “the general use and welfare of the Town”; (ii) replace the period after the words “within the Town” with a semicolon (;); and (iii) add at the end of the section “or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.” so that the section reads as follows (changes are shown below in bold for reference only) - or take any other action relative thereto.

4.4.1 *Town of Concord Municipal Use:* use of any building, facility and/or area owned or leased by the Town of Concord for **(1)** the general use and welfare of the Town, its inhabitants or businesses located within the Town; **or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.**

This Article makes a zoning change to allow the use of the easement proposed under Article 2. It would permit access over Town-owned land to an adjacent parcel with the Town’s permission. This article is one piece of a three-part eminent domain settlement between the Town and W.R. Grace.

WHITE POND ASSOCIATES, INC. – GIFT OF REAL ESTATE

ARTICLE 4 To determine whether the Town will vote to authorize the Select Board to accept from White Pond Associates Inc. the gift of the fee, easement or other property interests in, on, over, across, under and along all or any portion of Lot A-1, Lot B-1, Lot C-1 and Parcel X all as shown on a plan entitled “Plan of Land in Concord, Massachusetts,” prepared for White Pond Associates Inc. dated August 2, 2018 by Perley Engineering LLC, containing a total of 18.14 acres, more or less, with improvements thereon (herein the “White Pond Property”) subject to a perpetual restriction limiting the use of the White Pond Property to recreation, open space and/or conservation purposes under such terms and conditions as the Select Board and White Pond Associates Inc. mutually determine; or take any other action relative thereto.



White Pond Associates, Inc. owns 18.14± acres located off Plainfield Road, Power Mill Road and Seymour Street. The existing principal use of this property is community recreational swimming. White Pond Associates Inc. seeks to work with the Select Board to ensure that the White Pond Property will continue to be used for recreational swimming and other uses compatible with preserving White Pond.

WHITE POND – APPROPRIATION OF FUNDS FOR BEACH OPERATIONS

ARTICLE 5 To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000, or any other sum, to be expended under the direction of the Town Manager, for the costs of operating a public bathing beach at White Pond, including staffing, equipment, materials, and consulting services related to operating a public bathing beach facility, and other costs necessary or incidental thereto; or take any other action relative thereto.

In order to begin operating a public bathing beach at White Pond in the spring of 2019, it will be necessary to provide a preliminary budget for the hiring of staff, training, purchasing of supplies and other expenses related to operating the bathing beach beginning on Memorial Day weekend of 2019. An annual budget request will be submitted for consideration at the April 2019 Annual Town Meeting. This preliminary funding will help get the bathing beach up and running before the beginning of Fiscal Year 2020.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL – CAPITAL IMPROVEMENTS

ARTICLE 6 To determine whether the Town will vote to approve \$100,000 of debt, or any other sum, authorized by the Concord-Carlisle Regional School Committee, for the purpose of making capital improvements at Concord-Carlisle Regional High School, including (i) drainage improvements at Lower Field, (ii) spray booth duct work, (iii) emergency shower repairs, and (iv) an ambulance cut to improve access to the nurse's office, and for the payment of all costs incidental and related thereto, which amount shall be expended at the direction of the Concord-Carlisle Regional School Committee; or take any other action relative thereto.

This Article provides Concord's share of the cost for various capital improvements to the Concord-Carlisle Regional High School. The costs to be assessed annually over a period of years consistent with the term of bonds to be issued by the district with debt service expected to commence in Fiscal Year 2020. The debt issued under this article has not been excluded under the provisions of Massachusetts General Law c.52 §21(C), Proposition 2 ½.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL – CAPITAL FEASIBILITY STUDY

ARTICLE 7 To determine whether the Town will vote to approve \$200,000 of debt, or any other sum, authorized by the Concord-Carlisle Regional School Committee, for the purposes of conducting a design and engineering study of the Concord-Carlisle High School building and campus, including cost analysis and feasibility of potential capital improvements, said study to be undertaken at the direction of the Concord-Carlisle Regional School Committee; or take any other action relative thereto.

This Article provides Concord's share of the cost for a design and engineering study of the Concord-Carlisle Regional High School. The study will assess various capital improvements, including cost analysis and feasibility of (i) additional parking, (ii) potential uses for landfill area, (iii) roadway and lighting improvements, (iv) field improvements including concessions and restrooms, and other items as recommended by the School Committee and Superintendent. The costs will be assessed annually over a period of years consistent with the term of bonds to be issued by the district with debt service expected to commence in Fiscal Year 2020. The debt issued under his article has not been excluded under the provisions of Massachusetts General Law c.52 §21(C), Proposition 2 ½.

TOWN MANAGER SEARCH – APPROPRIATION OF FUNDS

ARTICLE 8 To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$20,000, or any other sum, to be expended under the direction of the Town Manager, for the cost of hiring a professional recruiting firm, and advertising and other costs associated with recruiting a new Town Manager; or take any other action relative thereto.

This article would provide funding to allow the Town to hire a professional search firm to help recruit a qualified candidate to replace the current Town Manager, who plans to retire on or before July 1, 2019.

POLICE DEPARTMENT – FISCAL YEAR 2019 SUPPLEMENTAL APPROPRIATION

ARTICLE 9 To determine whether the Town will vote to transfer the sum of \$48,000, or any other sum, from the Emergency Response Stabilization Fund to be added to the amounts previously appropriated under Item No. 11, Police Department, of Article 7 of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager; or take any other action relative thereto.

This Article would amend the Fiscal Year 2019 budget by transferring \$48,000 to the Police Department from the Emergency Response Stabilization Fund to be combined with gift funds to pay the salary of one additional School Resource Officer within the Concord Public School System.

STATE GRANT FOR TRANSIT SERVICES – APPROPRIATION OF FUNDS

ARTICLE 10 To determine whether the Town will vote to appropriate from Transportation Network Surcharge Fees, the sum of \$3,210, or any other sum, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the town, including but not limited to, the complete streets program established pursuant to Massachusetts General Laws c. 90I, § 1, and other programs that support alternative modes of transportation; or take any other action relative thereto.

Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. As required, each Transportation Network Company submits to the Department of Public Utilities the number of rides from the previous calendar year that originated within each city or town and a per-ride assessment of \$0.20, which is credited to the Fund. The Town received an allocation from the Commonwealth of Massachusetts in the amount of \$3,210, based on the estimated number of commuters believed to have passed through Concord while commuting to work during Fiscal Year 2018. These funds may only be used to provide transportation services in the community and must be appropriated by Town Meeting in order to be expended.

LEGAL SERVICES – APPROPRIATION OF FUNDS

ARTICLE 11 To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000, or any other sum, to be added to the funds appropriated under Article 7, Item 2 Legal Services of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager; or take any other action relative thereto.

The Town is currently involved in several litigation and collective bargaining matters that require expenditures for legal services above the \$250,000 annual allocation of funds for Legal Services. This supplemental appropriation will cover these higher costs without the need to fully utilize the Reserve Fund of the annual budget (Article 7, Item 32 of the 2018 Annual Town Meeting).

AMENDMENT OF PHASE II BLACK BIRCH SITE DEVELOPMENT AND USE PROPOSAL

ARTICLE 12 To determine whether the Town will vote to approve an amendment of the Phase II Black Birch Alternative Planned Residential Development (PRD) Preliminary Site Development and Use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016, as further amended through March 14, 2017 (herein the "Phase II Black Birch Site Development and Use Proposal"), which Phase II Black Birch Site Development and Use Proposal was approved under Article 42 of the 2017 Annual Town Meeting pursuant to Section 10.3.4 of the Zoning Bylaw, by adding the following standard to the Phase II Black Birch Site Development and Use Proposal - or take any other action relative thereto.

"4. As an alternative to the provision of two (2) affordable units as set forth in Paragraph 3 and in exchange for approval from the Town to complete the sixteen (16) units in Black Birch Phase II as market-rate units, ABODE agrees to donate one million dollars (\$1,000,000.00) to the Town, or any other entity designated and approved by the Select Board, to be placed in a fund restricted to affordable housing purposes subject to terms and conditions to be established by the Board of Appeals and approved by the Select Board based upon a determination by both Boards that such funds will enhance affordable housing opportunities in the Town of Concord."

The 2017 Annual Town Meeting approved (Article 42) the Preliminary Site Development and Use Proposal for Black Birch II Alternative PRD that included a provision that two of the sixteen units would be sold as affordable units to persons earning not more than 80% of area median income. The intent was that the units would be included in the Town's Subsidized Housing Inventory (SHI) which measures the Town's compliance with the Massachusetts General Laws c. 40B goal of 10% affordable housing. A recent State decision regarding age restricted units, however, means that the proposed Black Birch units may not count in the SHI. The Select Board and Black Birch II have agreed to put before the voters and the Planning Board an amendment to the Site Development and Use Proposal which adds the option for the Town to receive a \$1,000,000 contribution from the Black Birch II in lieu of providing the units on site. Receipt of the funds would allow the Town to "buy down" existing units that would count in the SHI as well as provide additional options toward the expansion of the Town's affordable housing inventory.

BRUCE FREEMAN RAIL TRAIL – GRANT OF EASEMENT

ARTICLE 13 To determine whether the Town will vote to authorize the Select Board, for purposes of establishing, constructing, operating and maintaining an improved multi-use rail trail for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and/or other rights in Concord comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts, (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28, and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, pages 302-317 and Book 14836, pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out an improved multi-use rail trail in that right-of-way and within associated easement, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Select Board may determine, and further to see if the Town will raise and appropriate or transfer from available funds the sum of \$25,000, or any other sum, or accept gifts for these purposes, or take any other action relative thereto.

This Article authorizes the Select Board to acquire the former railroad right-of-way to allow design and construction of the Bruce Freeman Rail Trail between the Acton town line and Commonwealth Avenue (the bridge over Route 2 connecting Phase 2A in Acton to the parking area located off Commonwealth Avenue at the end of Phase 2C).

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.

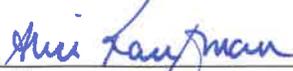
Given under our hands this 13th day of August in the year two thousand-eighteen.



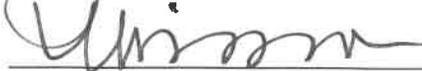
Thomas McKean



Jane Hotchkiss



Alice Kaufman



Michael Lawson



Linda Escobedo

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord _____
Date

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed:

Constable of Concord

SPECIAL TOWN MEETING VOTER REGISTRATION INFORMATION

The deadline for unregistered residents to register to vote at the Special Town Meeting is:

Friday, September 21, 2018

In addition to regular office hours, a special evening registration session will be held on Friday, September 21, 2018 until 8:00 PM at the Town Clerk's Office, 22 Monument Square for residents who are currently not registered voters in Concord.

Voter registration may be done online, by mail or in person.

Download a mail-in registration form by visiting the Town's Election & Voting web page
concordma.gov/elections-voting

Call the Town Clerk's Office at 978/318-3080 to have the form mailed to you.

Visit the Town Clerk's office at the Town House to register in person
22 Monument Square
Mondays-Fridays, 8:30 am-4:30 pm