

**TOWN OF CONCORD
SELECT BOARD
AGENDA
March 13, 2017**

7PM – Select Board Room – Town House

1.	Call to Order
2.	Consent Agenda: <ul style="list-style-type: none"> • Town Accountant's Warrants • Minutes • Gift Acceptance <ul style="list-style-type: none"> · Rebecca Sheehan \$1000 to Emerson Field Flagpole Gift Account · Picnic in the Park, Inc. \$1000 to Emerson Field Landscaping Improvements Gift Account • One Day Special Licenses <ul style="list-style-type: none"> · True West, 4/29/17, 6PM-9:30PM, 275 Forest Ridge Road (Wine & Malt)
3.	Town Manager's Report
4.	7:05 PM Public Hearing: Change of Manager/Alternate Manager – Papa Razzi, 768 Elm Street
5.	Black Birch I – Conveyance of Conservation Land off Forest Ridge Road
6.	Public Private Partnership Discussion
7.	Discuss Possible Special Town Meeting
8.	Take Positions on Warrant Articles
9.	Public Comments
10.	Committee Liaison Reports
11.	Miscellaneous/Correspondence
12.	Adjournment

PENDING

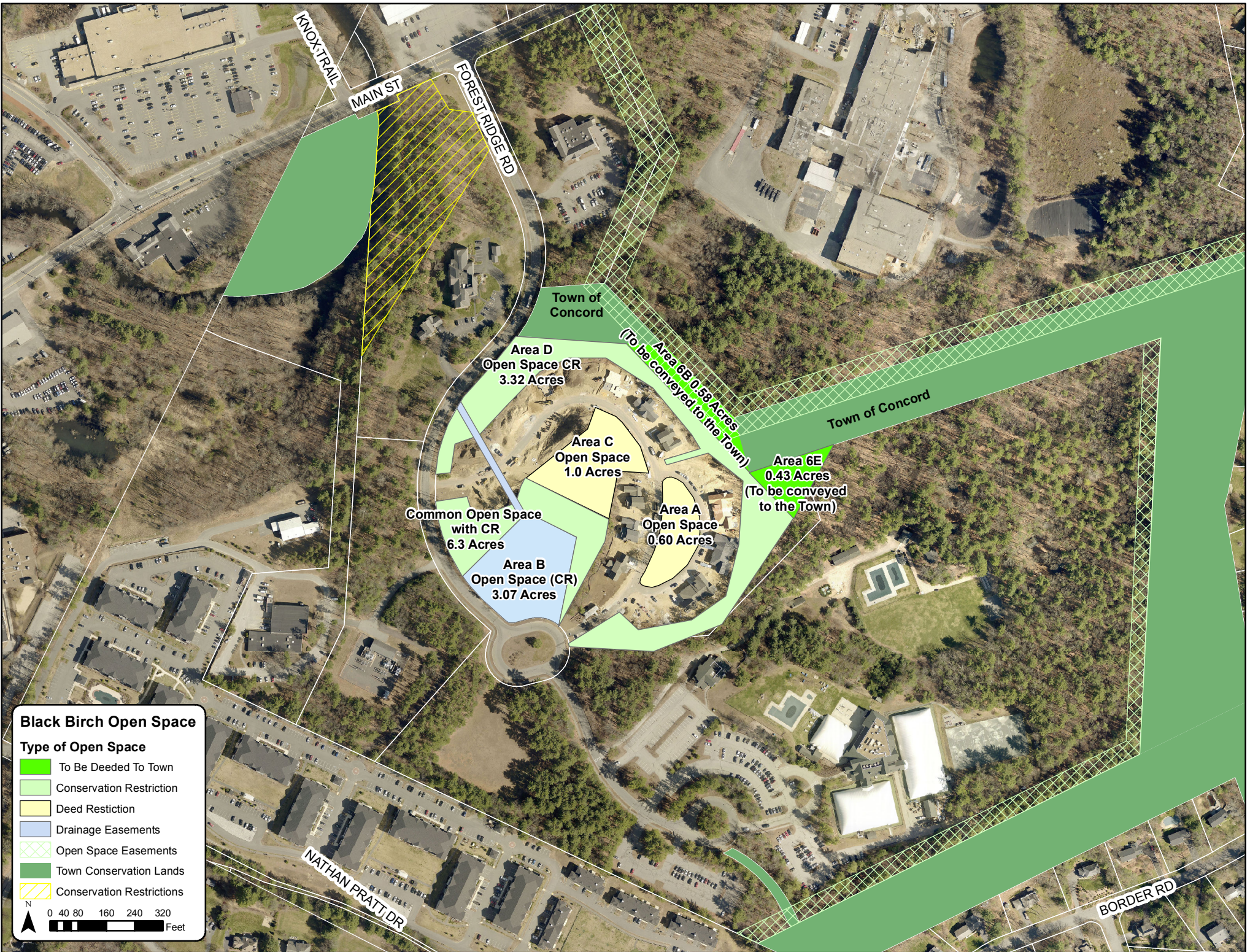
Monday	March 27	7PM	Select Board Meeting	Town House
Monday	April 3	7PM	Select Board Meeting	Town House
Monday	April 17	All Day	Patriots Day	Town Offices Closed
April 24, 25, 26, 27		6:30PM	Select Board Pre-Meeting if necessary	CCHS
April 24, 25, 26, 27		7PM	Annual Town Meeting	CCHS

Gift Acceptance Log – March 13, 2017

Gift Received From:	Date of Meeting:	For Gift Account:	Total Amount:
Rebecca Sheehan	March 13, 2017	Emerson Field Flagpole Gift Account	\$1000.00
Picnic in the Park, Inc.	March 13, 2017	Emerson Field Landscaping Improvements Gift Account	\$1000.00

Weekly One Day License Log – March 13, 2017

Applicant Name & Number	Phone Number	Date of Event	Location	Type of Alcohol	
17-65 True West	978-509-8527	April 29, 2017	275 Forest Ridge Road	Wine & Malt	Event Coordinator: Peter Henry Bartenders: Meghan Majors Under 21: No First license in Concord: No



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

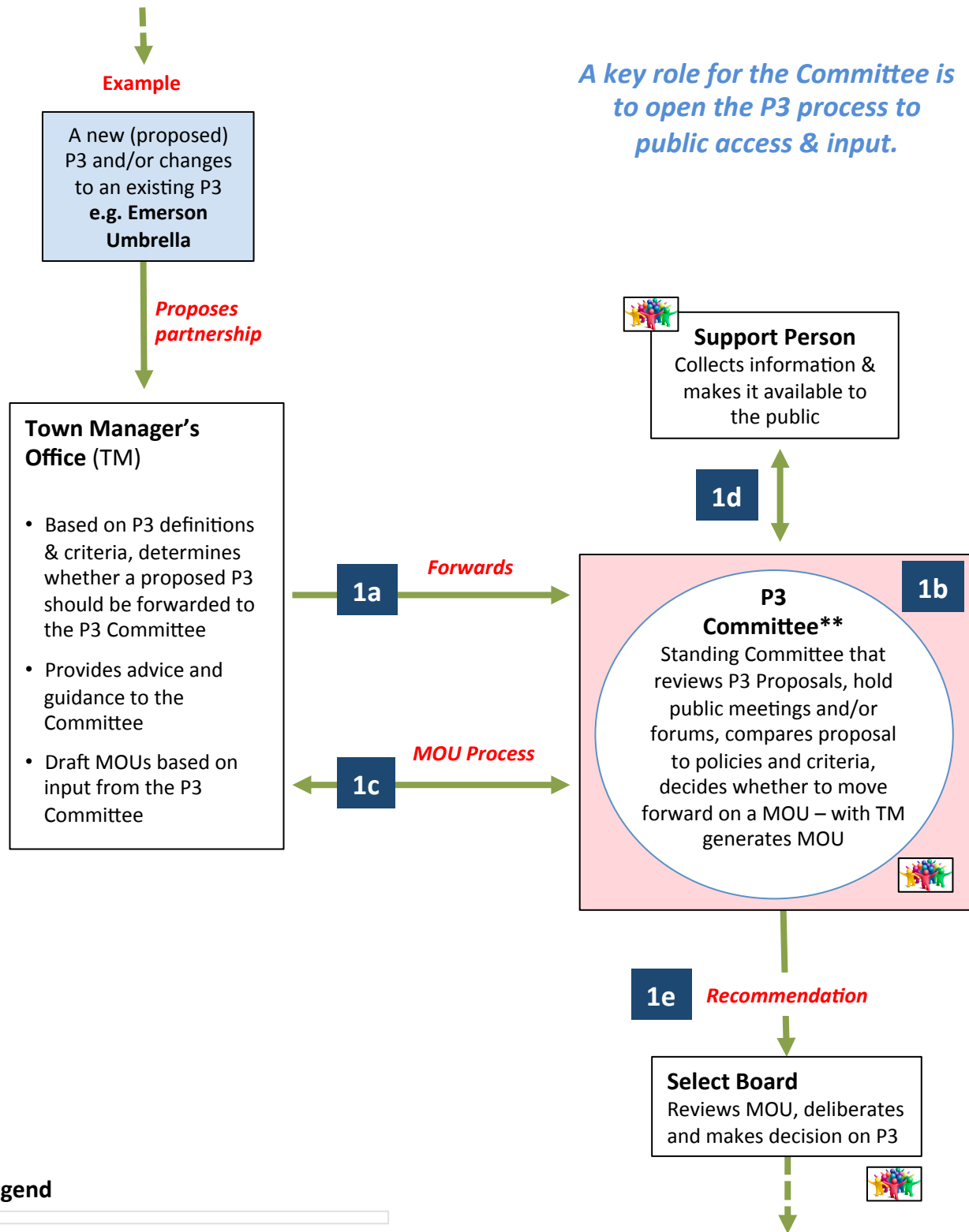
The P3 Study Committee has discussed and deliberated on the benefits of including Concord Schools—both K-8 Concord schools and the Concord-Carlisle Regional High School—in its recommended procedures. The Study Committee agreed that the Town of Concord and the Concord schools would benefit by having a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

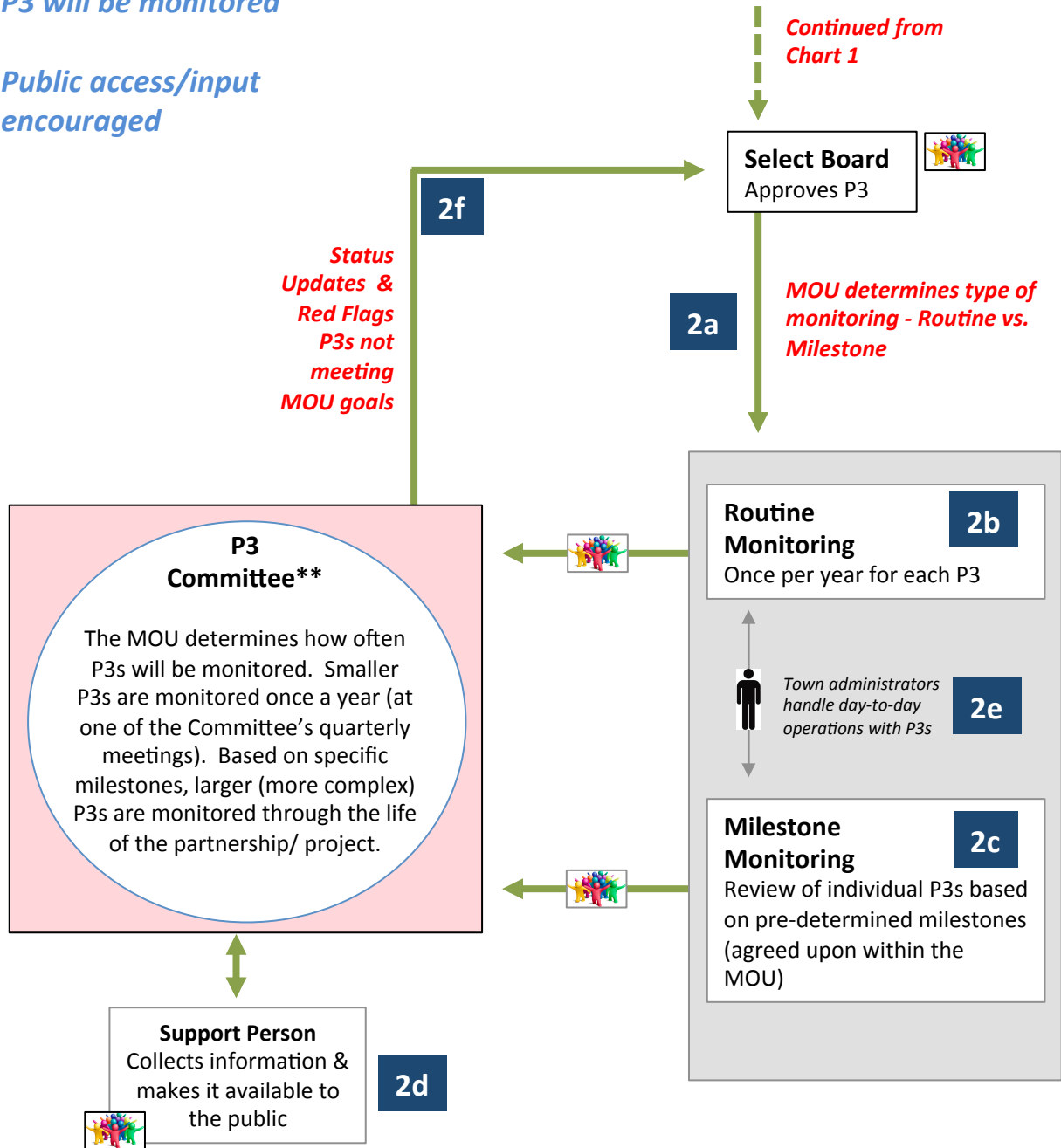
** Members Include 1 Long Term Strategic Plan member, 1 School Committee member, 3 residents, and 1 FinCom Liaison

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/>

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

To: Select Board
From: Christopher Whelan, Town Manager
Date: January 20, 2017
Re: Public-Private Partnership Study Committee Report Recommendations

The chair has requested my thoughts concerning the various findings and recommendations of the Public-Private Partnership (P3) Study Committee issued on December 28, 2016. To start, I would like to commend the committee for thoroughly examining the issue of public-private partnerships and how they work in Concord. The Committee's report is concise and includes clear recommendations for the Select Board to consider. The report is an excellent work product from a group of citizen volunteers.

As is pointed out in the charge-of-duties created for the P3 Study Committee by the Select Board, I believe Concord is extremely fortunate to have such a large number of community-spirited organizations willing to raise funds and undertake community projects for the benefit of Concord's residents. Concord's library service, open space preservation and cultural environment have been enormously enhanced by the Town's partnership with groups such as the Concord Free Public Library Corporation, the Concord Land Conservation Trust, the Emerson Umbrella, and the Friends of the Performing Arts. And there are many smaller organizations whose work with the Town has impacted the community in diverse and positive ways.

I share the Study Committee's interest in making more transparent and open to public inspection the work of Concord's many P3's as it relates to the Town. The public should be able to easily access information concerning leases of town land or buildings and other agreements between town and third parties. And in situations, where a third party organization has proposed to make improvements on Town land or to Town buildings, there should be a permitting process or other forum where the public may pose questions about the project and request additional information. Normally, this can happen through an application for a ZBA special permit, Planning Board site plan approval, Historic Districts certificate of appropriateness or other committee-issued permit. The Town Manager's office can be

identified as the place where the public can obtain information concerning how town property is being used by a third party.

It is appropriate to designate the Town Manager's office as the gate-keeper or central clearinghouse for information concerning P3's working with the Town. And the School Committee or school administration should maintain records for P3's working on school-related activities and projects. The Town's website could be organized to give the public freer access to P3 records in a user-friendly manner.

Maintaining a master list of all P3's with active relationships with the Town is a good idea , and that list should be up-dated on an annual basis. This will help make the public aware of any major project that is being planned which involves town property or which might involve significant public expenditure.

I do not share the committee's view that we need a standing committee to manage the Town's many P3 relationships, some of which are quite active, while others may remain dormant for extended periods. I recommend that the board adopt a broad policy which codifies some of the Study Committee's recommendations on transparency and public access to records concerning P3's. But I think much of the work can be handled effectively through the Town Manager's office using the existing staff and a greater website presence.

The proposal to establish a Memorandum of Understanding (MOU) with all P3 entities which meet the Committee's definition of a P3 would be, in my opinion, cumbersome and bureaucratic. The idea of creating an MOU before a major project is undertaken on Town property makes sense, and I would like to give that concept some further thought. But crafting MOU's between the Town and a P3 that is only sporadically involved with the Town does not strike me as a good use of resources and time.

I don't think the use of P3's is a major problem in Concord. I believe there is an enormous amount of good work done by P3's with the community's knowledge and support. We have seen a few recent examples of major construction activity on public land which was upsetting to some neighbors and members of the public. Residents with concerns about major projects should have a place to go to get information about the project and to have their concerns heard. I recommend that board adopt a policy to ensure that that people can be heard when they have concerns. But not to set up a system that all must comply with even when there are no concerns. I recommend that the Select Board address the limited problems that we have had with P3's with a measured approach, rather than risk ending some relationships that have added in diverse and wonderful ways to the fabric of the community.

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

Special Town Meeting (STM) Calendar – April 25 or 26, 2017
Within 2nd or 3rd Night of Annual Town Meeting

ACTION	REFERENCE	TIMETABLE	Tuesday, April 25	Wednesday, April 26
Open Warrant	MGL Ch. 39, §10	---	Monday, March 13, 2017	Monday, March 13 2017
Close Warrant	Art 3, 1974 STM	Open 10 days	Thursday, March 23, 2017	Thursday, March 23, 2017
Post Warrant	M.G.L. Ch. 39, §10	14 days prior to STM	Tuesday, April 11, 2017	Wednesday, April 12, 2017
Mail Warrant to All Households	Art. 16, 1905; Art. 49, 1981; Art. 30, 2004	14 days prior to STM	Tuesday, April 11, 2017	Wednesday, April 12, 2017
Last Day to Register to Vote	M.G.L. Ch. 51, §§26 & 28	10 days prior to STM	Friday, April 14—Town Clerk's Office open to 8:00 pm (Good Friday)	Friday, April 14—Town Clerk's Office open to 8:00 pm (Good Friday)
Notice of <u>Planning Board Hearing</u> (if any zoning articles are <u>submitted</u>).	M.G.L. Ch. 40A, §5	Publish at least twice in 2 successive wks--1st notice at least 14 days prior to hearing	1 st no later than Wednesday, March 29 (will have to be Lowell Sun to meet deadline, w/ ad placed by early Monday, March 27) 2 nd Thursday, April 6 th (Concord Journal)	1 st no later than Wednesday, March 29 (will have to be Lowell Sun to meet deadline, w/ ad placed by early Monday, March 27) 2 nd Thursday, April 6 th (Concord Journal)
<u>Planning Board Public Hearing</u>	M.G.L. Ch. 40A, §5	Held within 65 days after submittal of article to PB by BOS	Wednesday, April 12, 2017 (in conjunction w/ PB & Fin Com hearings, if necessary)	Wednesday, April 12, 2017 (in conjunction w/ PB & Fin Com hearings, if necessary)
<u>Report of Planning Board</u>	M.G.L. Ch. 40A, §5	Must be given w/in 21 days of the public hearing, after receipt of which STM may act; may be done orally or in writing at STM	At Town Meeting (either verbal or preferably in writing)	At Town Meeting (either verbal or preferably in writing)
Board of Selectmen Public Hearing—required if any non-financial, non-zoning articles are on Warrant	Not Legally Required, but customary in Concord—could be held in conjunction with Finance Committee Hearing		Wednesday, April 12, 2017 (in conjunction w/ PB & Fin Com hearings, if necessary)	Wednesday, April 12, 2017 (in conjunction w/ PB & Fin Com hearings, if necessary)
<u>Finance Committee Public Hearing--required if any articles propose an expenditure or appropriation of money</u>	Finance Committee Bylaw	Prior to Town Meeting and in ample time to prepare a written report	Wednesday, April 12, 2017 (in conjunction w/ PB & Fin Com hearings, if necessary)	Wednesday, April 12, 2017 (in conjunction w/ PB & Fin Com hearings, if necessary)

Notes:

- I've avoided holding the public hearings during school vacation week (April 17-21) or during the first night of Passover (April 11), or on Holy Thursday (April 13). Not a lot of flexibility due to the holiday/vacation calendar.
- The Finance Committee is required to have a public hearing on any articles where the expenditure or appropriation of money is being considered. The recommendations of the Finance Committee shall be reported in print to the Special Town Meeting, but there is no obligation to mail the report to households prior to the meeting.
- The Planning Board must place its first advertisement for the public hearing at least 14 days prior to the hearing. The Planning Board hearing must be held in ample time to allow the PB to make a recommendation either prior to or at Town Meeting.

**SELECTMEN'S KEY
VOTING ON POSITIONS ON WARRANT ARTICLES**

AFFIRMATIVE ACTION RECOMMENDED

AGREE WITH ARTICLE

AFFIRMATIVE ACTION RECOMMENDED IN
THE AMOUNT OF \$_____

AGREE WITH THE ARTICLE IN AN AMOUNT TO
BE SPECIFIED

AFFIRMATIVE ACTION RECOMMENDED ON
AN AMENDED MOTION

AGREE WITH THE SUBSTANCE OF THE ARTICLE
BUT AN AMENDED MOTION WILL BE VOTED ON

NO ACTION

DISAGREE WITH THE ARTICLE

NO MOTION IS EXPECTED

THE ARTICLE IS NOT EXPECTED TO BE
MOVED

RECOMMENDATION WILL BE MADE AT
TOWN MEETING

AT THE TIME OF TAKING POSITIONS THERE
ISN'T ENOUGH INFORMATION TO REACH A
DECISION

Selectmen's Recommendations/Positions/Comments
 Recommendations for inclusion in the FinCom Report
Positions need to be completed by March , 2017 BOS Meeting

	TITLE	RECOMMENDATION
1	Choose Town Officers	-----
2	Hear Reports	-----
3	Meeting Procedure	
4	Ratify Personnel Board Classification Actions	
5	Classification & Compensation Plan for Regular-Status Positions	
6	Personnel Bylaw Amendment	
7	Town Budget	
8	Municipal Building Renovations	
9	Public Safety Communications Equipment	
10	Fire Engine #8 Replacement	
11	Ambulance #1 Replacement	
12	Bylaw Regarding Leasing of Town Land by Select Board and Town Manager	
13	Concord Public School Budget	
14	FY2017 Concord Public Schools Supplemental Appropriation	
15	Concord Public Schools Renovations	
16	Concord-Carlisle Regional High School Budget	
17	Concord-Carlisle Regional School District – Landfill Flexible Cap Remediation	
18	Minuteman Regional Technical High School District Budget	
19	Free Cash Use	
20	BY PETITION Resolution – Reducing the Influence of Money in Politics	
21	Establish Revolving Fund – Rental Income from Marshall & Barrett's Mill Farms	
22	PEG Access and Cable-Related Fund	
23	Authorize Acquisition of 55 Church Street	
24	Funding for Telecommunications Services	
25	Funding for Technology Improvements	

26	Smart Grid Improvements	
27	Comprehensive Municipal Facility Needs Study	
28	BY PETITION Guideline for Preservation of Public Access to Open Space	
29	Community Preservation Committee Appropriation Recommendations	
30	Community Preservation Committee Appropriation Recommendation for Junction Village Affordable Assisted Living Development	
31	Bruce Freeman Rail Trail – Grant of Easement to MBTA	
32	Accept Easements – Brookside Square Development	
33	Grant of Easement to W.R. Grace	
34	Grant of Easement over 26A Balls Hill Road	
35	Zoning Bylaw Amendment – Site Plan Review for Religious uses, Educational uses and Child Care Facilities	
36	Zoning Bylaw Amendment – Professional Office	
37	Zoning Bylaw Amendment – Nonconforming Single and Two Family Residential Structures	
38	Zoning Bylaw Amendment – Residential Uses	
39	Zoning Bylaw Amendment – Marijuana Establishment Temporary Moratorium	
40	General Bylaw - Tree Preservation Bylaw	
41	Tree Preservation Revolving Fund	
42	BY PETITION Alternative PRD Preliminary Site Development and use Proposal for Lot 4A and Parcel A Forest Ridge Road	
43	BY PETITION Release of Residential Restriction Applicable to Lot 4A and Parcel A Forest Ridge Road	
44	Regional Housing Services Revolving Fund Expenditures	
45	Road Repair Revolving Fund Expenditures	
46	Cemetery Roads and Infrastructure Improvements	
47	2017 Roads and Parking Lots Program	
48	Senior Means-Tested Property Tax Exemption	

49	BY PETITION Request for Home Rule Legislation Allowing Concord to Adopt Fees to Finance Affordable Housing	
50	BY PETITION Request to Fund Limited Testing of Honey Bee Hives for Neonicotinoid Levels	
51	Concord's Energy Goals	
52	Unpaid Bills	
53	Light Plant Expenditures & Payment in Lieu of Taxes	
54	Solid Waste Disposal Fund Expenditures	
55	Sewer System Expenditures	
56	Sewer Improvement Fund Expenditures	
57	Water System Expenditures	
58	Beede Swim & Fitness Center Enterprise Fund Expenditures	