

Town of Randolph
Monday, April 12, 2010
Meeting of the Town Council

I. CALL TO ORDER

President William Alexopoulos called the meeting to order at 7:09 p.m. at Chapin Hall, 2nd Floor, Town Hall.

II. ROLL CALL

Councillors Present: President William Alexopoulos, Vice President James F. Burgess, Jr., Andrew L. Azer, Richard A. Brewer, Jr., Kenrick W. Clifton, Paul K. Fernandes, Arthur G. Goldstein, Paul J. Meoni and Maureen Pasquantonio.

Councillors Absent:

Also Present: David C. Murphy, Town Manager and Cheryl Sass, Recording Secretary

III. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE/SILENT PRAYER

Mr. Clifton led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

Council President William Alexopoulos:

Motion to accept the Minutes of March 22 made by Mr. Goldstein, seconded by Mr. Clifton. Voted 9-0.

Massasoit Community College, Canton Campus - 2nd Annual Arts Festival. Sunday, May 23, 2010, 10:00 a.m – 6:00 p.m.

V. PUBLIC COMMENTS

Grandmother and grandson who are communicants of St. Mary's Church were present to inform the Council that they were introduced to Debbie Batson (Friendly Food Pantry) by Fr. Coyne. On Saturday April 10th, the young man went to Sudbury Farms, set up a table and collected food and donations for the Food Pantry. He thanked Sudbury Farms and all who donated. He collected 75 bags of groceries and \$175 in change. They wish to remain anonymous.

Sheila Swanwick – Randolph Garden Club Arbor Day – VFW 20 Highland Ave on Thursday April 22 at 10:00 a.m. Ms. Swanwick stated that the event will take place during April vacation and that kids and families are welcome to participate. Nelson Landscaping will be planting a tree. Free refreshments will be served and Martin E. Young students will be reciting poetry.

Cindy DePalma - Thanked Councillor Brewer for coming to see the damage to her yard and pool due to the flood. She has not heard anything from Avalon or the Town since the last meeting. She requested As-Built drainage plans, which Mr. Murphy stated he would obtain for her.

Mr. Kaplan – Could not have medical procedure done at Dana Farber as his blood pressure was too high after being followed to the hospital by fire trucks and ambulances. The noise in his apartment continues. He stated that he has complied by not coming to Town Hall and by keeping his comments brief at Town Council Meetings.

VI. OLD BUSINESS

Stetson Hall Liquor Licenses.

Henry Cooke and Ira Greene, Stetson Trustees were present. Mr. Greene stated that the Trustees were told in the past by the Board of the Selectmen that the person holding the function was to request the permit, not the facility. As soon as they have request for use of the Hall, they will forward it to the Council and hope to establish a procedure for liquor licenses in the future.

Mr. Murphy stated that Town Counsel is developing a legal opinion with regard to liquor liability.

**VII. SPECIAL PERMIT HEARING – 24 HOUR OPERATION COLBEA ENTERPRISES
86 MAZZEO DRIVE – SHELL GAS STATION**

Mr. Alexopoulos read the Legal Notice. Norman LeMay present on behalf of Colbea Enterprises. He stated that the location has been 24-hours since they purchased it.

Mr. Alexopoulos asked, three times, if anyone was present to speak in favor of or against the Special Permit. There was no response. Letters read from the Building Inspector, Fire Prevention Officer, and Board of Health. There was no opposition to the request.

Mr. Goldstein made a motion to approve the special permit, without conditions, seconded by Mr. Brewer. Voted 9-0. A roll call vote was taken and all members voted in the affirmative.

Councillor James F. Burgess, Jr. voted to approve the special permit without conditions.

Councillor Andrew Azer voted to approve the special permit without conditions.

Councillor Richard A. Brewer, Jr. voted to approve the special permit without conditions.

Councillor Kenrick W. Clifton voted to approve the special permit without conditions.

Councillor Paul K. Fernandes voted to approve the special permit without conditions.

Councillor Arthur G. Goldstein voted to approve the special permit without conditions.

Councillor Paul J. Meoni voted to approve the special permit without conditions.

Councillor Maureen Pasquantonio voted to approve the special permit without conditions.

Councillor William Alexopoulos voted to approve the special permit without conditions.

Mr. Fernandes made a motion to approve the special permit based on the fact that the use is in harmony with the intent and purpose of the zoning by-law, seconded by Mr. Burgess. Voted 9-0. A roll call vote was taken and all members voted in the affirmative.

Each member voted as follows:

Councillor James F. Burgess, Jr. voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Andrew Azer voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Richard A. Brewer, Jr. voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Kenrick W. Clifton voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Paul K. Fernandes voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Arthur G. Goldstein voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Paul J. Meoni voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor Maureen Pasquantonio voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Councillor William Alexopoulos voted to find the use is in harmony with the intent and purpose of the zoning bylaw.

Mr. Burgess made a Motion to approve the special permit based on the fact that the use does meet the other provisions of the zoning by-law. Seconded by Mr. Fernandes. Voted 9-0. A roll call vote was taken and all members voted in the affirmative.

Councillor James F. Burgess, Jr. voted to find that the proposed use does meet additional requirements of zoning for issuance of a special permit because it will serve the public good.

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VIII. SPECIAL PERMIT HEARING – 24 HOUR OPERATION COLBEA ENTERPRISES, 1370 NORTH MAIN STREET– SHELL GAS STATION

Mr. Alexopoulos read the legal notice. Mr. LeMay stated that Colbea doesn't run this location. The Manager, Ebran Rasla was also present.

Mr. Alexopoulos asked, three times, if anyone was present to speak in favor of or against the Special Permit. There was no response. Letters from the Building Inspector, Fire Department and Board of Health were read – no opposition to the request. Mr. Meoni asked about the difference in the application fee, and Mr. Murphy stated that all issues with the application had been resolved.

Mr. Goldstein made a motion to approve the special permit, without conditions, seconded by Mr. Meoni. Voted 9-0. A roll call vote was taken and all members voted in the affirmative.

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IX. NEW BUSINESS

a. Presentation of Fiscal Year 2011 Municipal Operating Budget

Mr. Murphy presented the first budget under the new form of government. He stated that in developing the budget, he tried to maintain the core services and that throughout FY 2011, continued support will be necessary.

With regard to health insurance, Mr. Murphy stated that a plan roll out is scheduled for Friday afternoon for health insurance, supplemental benefits, retirement and dental. Local health fairs will be held to educate employees about open enrollment and highlighting new plans.

Mr. Murphy stated that there will be a secondary order with regard to Revolving Funds at the next meeting.

Discussion re: date for Public Hearing and Saturday morning vs. Monday evening for Finance Committee to meet. Date to be determined. The budget presentation will be available on the website beginning tomorrow and handouts will be available at the Town Hall.

b. Presentation of Pavement Management Plan

David Zecchini and Tony Garrow, Beta. The project began in the fall of 2009. Program developed so town can be more proactive in developing its capital improvement planning re: roadways. By having a plan in place, costs will be reduced. A 5-year plan is being developed with the goal being improved roadways. Program is with Microsoft access, which will work with GIS system. There are no additional fees associated with Microsoft Access. The report will be updated on an annual basis. Mass DOT: 93.5 miles of Roadway and \$514,070.00 Chapter 90 allotment, with an additional \$20,000.00 this year. Applications to the DOT for an additional 5 miles of roads. will be done and additional funds will be pursued.

The roads were inspected, cataloged and rated on a scale from 0-100 (100 – best) Road Service Rating (RSR).

Mr. Alexopoulos asked what the difference between reconstruction and reclamation is. Mr. Zecchini stated that with reclamation, they grind the existing gravel and reuse it for the road base. With reconstruction, the street is excavated and redone. Mr. Garrow stated that the RSR is used to

determine whether a street will be reconstructed or reclaimed. Due to the rough winter, some of the street ratings given in the fall have changed today.

Right now, the summary of the roads are as follows:

26% Rehabilitation (most expensive)
48% Surface Treatments
11% Routine Maintenance (crack sealing)
14% Defer Maintenance – in very good condition with RSR of 90-100.

The program has a deterioration code built in so that streets in very good condition will eventually fall into the crack sealing category. The backlog cost is estimated to be approximately \$22M, to bring every road up to an RSR of 90-100. The goal is to address the issues over a 5 year period of time to improve the roads to a level that is acceptable through capital planning.

A list of proposed streets has been developed for the year 2010 at the cost of \$3.02M. The list is subject to change. Mr. Clifton asked what the determining factors were when selecting the streets. Mr. Zecchini stated that it depended on water main work and other DPW and utility company work that were necessary. Some streets may be on hold depending on the conditions and other work that will be done.

The plan is based on many factors, including the timing of other utility projects and through a prioritization process. The roads are classified "Arterials," "Collectors," and "Local Streets." Arterial streets have top priority, based on traffic volume, rating and importance to the community.

Mr. Clifton stated that the condition of some streets are in such bad shape that some residents find it difficult to access their driveways and asked what residents in those situations should do if streets are not on the list. Mr. Garrow suggested that residents notify Mr. Zecchini as soon as possible so that the streets can be catalogued and addressed, especially if it is something that requires more than paving.

Mr. Murphy stated that the plan is a financial planning tool. There may be some smaller side streets that are in bad shape that will not be on the list, but residents should be told that there is a plan in place and explain the rationale behind the plan.

Mr. Goldstein asked if the additional unaccepted streets would be added to the list for additional funds. Mr. Zecchini and Mr. Garrow stated that accepting the additional miles is part of their plan.

Mr. Alexopoulos asked how much notice there will be for the streets that will be redone. Mr. Zecchini stated that in the budget will be looked at during the

winter months and that by the Spring of each year, depending on the budget, a list will be created. The plan itself is still being created.

Mr. Clifton estimated that there are about 350 streets in the Town, and there are 16 on the list for 2010, which seems like a large task. Mr. Garrow stated that the crack seal list will be significant, and there are also streets that are in good condition. Mr. Clifton asked if it would make more sense to increase the number of streets for 2010 since the backlog is so large. Mr. Garrow stated that the \$3.02 M, so the project is budget driven.

c. Introduction of Hotel/Motel Tax Increase Proposal – Council Order #2010-008

Mr. Alexopoulos read a letter from Mr. Murphy submitting a proposal to increase the Town's hotel/motel tax and recommending that the Council not consider a meal tax increase. **Motion by Mr. Meoni to refer the matter to the Finance Committee, seconded by Mr. Clifton.** Mr. Goldstein stated that he is in favor of an increase in the local meals tax. Mr. Azer asked for information from other towns that have imposed the meals tax. Mr. Meoni asked that the Council direct the Town Manager to put together information as to how the meals tax is affecting other communities. Discussion re: whether the meals tax was to come before the Council. **Voted 8-1 (Burgess).**

d. Requested Increase in Ambulance Fees – Council Order #2010-009

Letter from David Murphy recommending an adjustment to the Town of Randolph ambulance rates. The Fire Chief and private consultant endorse the adoption of the increases. The increases run from \$56.00 – \$166.00 increases in base services. Mr. Goldstein asked for a breakdown as to what percentage of ambulance fees are for Medicare as opposed to private insurance. Mr. Murphy will get the ratios from the medical billing insurance. **Mr. Azer made a motion to adopt the new rates, seconded by Mr. Brewer.** Mr. Burgess stated that because it is a proposed increase in a fee, he believes a public hearing should be held. Mr. Clifton asked if the increases would cause hardship to residents and whether or not the citizens have been considered. Mr. Murphy stated that this is a cost that the town incurs, and it is a cost that would be borne by either the taxpayers as a whole or by the person who received the service. Most of the people receiving the service will have full insurance coverage. There are also hardship exceptions and abatements for ambulance services, based on need. **Voted 8-1 (Mr. Burgess).** Discussion re: procedure for Town Council to read orders and accept. Mr. Alexopoulos stated that the Rules and Regulations Subcommittee should look at the Rules and Regulations to recommend necessary clarifications.

e. Introduction of By-Law Changes to Special Permit/Design Review/Site Plan Review By-Laws/Zoning – Council Orders #2010-010, 2010-011,

2010-012, 2010-013, 2010-014, 2010-015

Letter read by Mr. Murphy with regard to permitting. **Motion by Mr. Burgess to refer to ordinance committee, seconded by Mr. Goldstein.** Mr. Murphy – significant changes are involved; significant public input will be necessary. Mr. Burgess recommended having a meeting of the ordinance committee before referring it to the Planning Board to schedule a public hearing under the Zoning Bylaws. Discussion re: public hearing and the Ordinance Committee and Planning Board's input. **Voted 9-0**

f. Unregistered Car/Junk Car By-Law Changes – Council Order #2010-016

Letter of Mr. Murphy read. **Motion Mr. Goldstein to send to Ordinance Committee, seconded by Mr. Fernandes. Voted 9-0.**

g. Town Manager Evaluation Tool Presentation and Discussion

Mr. Meoni made a motion to adopt the evaluation tool for the FY 2010 Evaluation of the Town Manager, seconded by Mr. Goldstein. Voted 9-0.

Mr. Azer requested that the goals on which Mr. Murphy will be evaluated be determined in the next few weeks. Mr. Alexopoulos stated that a meeting would be set up during the week. Mr. Meoni thanked the subcommittee for their efforts - Mr. Azer, Mr. Fernandes, Mr. Clifton, Mr. Murphy.

I. SUBCOMMITTEE REPORTS

School Committee: Mr. Azer – Superintendent/Budget. School presented a budget with an increase of approximately \$500,000.00. There will be significant cuts necessary and setbacks to the turnaround plan. Last week Dr. Oscar Santos was appointed as the Superintendent. A subcommittee is working to negotiate his contract and they hope to have his contract put in place by the beginning of May.

Economic Development Subcommittee: parcels of land behind Stetson Hall which are the subject of a possible land swap. Mr. Murphy stated that the Town has multiple options available. Mr. Burgess asked if there were any conditions on the ownership of the parcel that was gifted to the Town. Mr. Murphy stated that he would look into the matter further to provide and answer. Discussion re: whether the house lot can be used as a parking lot. Mr. Murphy will research further to see if there are restrictions on the use of the land.

Ownership and Pride Joint Subcommittee of the School Committee and Town Council – Monday April 19th at Piccadilly Pub to support the RHS students appearing on PBS "Quiz Show."

II. TOWN MANAGER REPORT

Thanked the Town Council Subcommittee work done on evaluation tool. He will be using a version of the document for department head evaluations.

Mr. Murphy is working with Town Attorney Bob Sullivan on a PILOT program for non-profit organizations in town. Revenue Enhancement Team will include Treasurer, Town

Accountant, Town Manager Town Clerk, Fire Chief, Recreation Director, Building Inspector and the Council, should they wish to participate.

Potholes – Mr. Murphy is working with Mr. Zecchini to add crew members to address pot holes. Residents can report pot holes to: 961-1394 or potholes@randolph-ma.gov. Street lights can be reported to 961-0311 or streetlights@randolph-ma.gov.

Mr. Murphy was honored to have hosted Gov. Patrick's Municipal Affairs Cabinet Meeting at Stetson Hall last week.

Standard and Poor's Bond Rating – surveillance call to have the bond rating increased later this week.

Board of Health conducted Spring Cleanup – thanks to all of the volunteers.

III. CORRESPONDENCE

- Letter from Governor Deval Patrick re: Chapter 90 apportionment of Chapter 90 local transportation aid funding for FY 2011 will be \$50,156.00
- Letter from Rita Gilbert and Vera McPartlan re: Suzanne Choumitsky Scholarship Night. Friday April 30 at Trinity Episcopal Church - Tickets \$10.00.
- Citizen's Petitions (3) re: Special Permit proposed new language. Referred to Ordinance Committee. Slight conflict as to number of signatures required. Discussion re: state law and local law. Mr. Burgess offered to sponsor the petitions on behalf of Mr. Berdos. Timeframe to begin this evening.
- Showcase Cinemas. Iron Man II midnight showing May 6, 2010. **Motion by Mr. Azer, seconded by Mr. Burgess. Voted 9-0.**
- RYSBA – Opening Day Parade scheduled for Sunday, April 25 at 11:00 a.m. **Motion by Mr. Burgess, seconded by Mr. Azer. Voted 9-0.**

IV. COUNCIL COMMENTS

Mr. Fernandes: Streetlights at T.J. Mullaney – Mr. Murphy stated that one light is up. Municipal Affairs Cabinet will be broadcast on RCTV. IRS and DOR extended the tax filing deadline for Norfolk County to May 11th due to floods. Go to IRS.gov or Mass.gov for more information.

Mr. Clifton – congratulations to Dr. Oscar Santos for his appointment to the Superintendent's position, who is a resident of District One. He encouraged the faculty and staff, parents, school committee and entire community to provide their support to Dr. Santos. He commended the School Committee Chair, her colleagues and the search committee and the community who participated. It is his view that if Dr. Santos succeeds, the entire community will succeed.

Mr. Goldstein – received a phone call from a disappointed resident active in the town for many years who had water problems in her home and contacted various Town departments and in her opinion, did not get the type of response she was looking for. She was disappointed with what she perceived as a lack of response by the Town.

April 12, 2010

Ms. Pasquantonio – letter from Firefighters Union re: budget and overtime discussed at last meeting. Mr. Murphy has always stated that Chief Foley does a great job with his budget. As a Council, we must ask the questions so proper decisions can be made.

Mr. Brewer – asked Mr. Goldstein if the issue he referred to was on Tucker Terrace. He stated that he went to Tucker Terrace during the storm and that the drainage system was working fine. Mr. Goldstein stated that after 2 – 3 weeks without the facilities, she expected more of an outreach from the town.

Mr. Alexopoulos – Best Taste of Randolph May 10th from 5:00 -7:00 at Stetson Hall. He also resigned his position as a Library Trustee and asked if any councillors were interested in an appointment. **Mr. Alexopoulos nominated Mr. Clifton. Seconded by Mr. Goldstein. Voted 8-1 (Mr. Burgess).**

At 10:00 p.m. Mr. Goldstein made a motion to adjourn seconded by Mr. Burgess. Voted 9-0.

Approved on: April 26, 2010