



# Town of Randolph

Town Hall  
41 South Main Street  
Randolph, MA 02368

## Meeting Minutes Town Council

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Monday, July 13, 2015

7:00 PM

Chapin Hall  
Town Hall, 2nd Floor

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### **SYS14-0102** Upcoming Agendas

#### **Call to Order - Roll Call - Pledge of Allegiance**

Councilor Fernandes called the meeting to order and led the Pledge of Allegiance.

**Present:** 8 - Council Member Paul J. Meoni, Council Member Jason R. Adams, Council Member William Alexopoulos, Council Vice President James F. Burgess Jr., Council President Paul K. Fernandes, Council Member Kenrick W. Clifton, Council Member Arthur G. Goldstein and Council Member Edward Gilbert

**Absent:** 1 - Council Member Andrew Azer

#### **Moment of Silent Prayer**

#### **Motions, Orders, and Resolutions**

##### **SYS14-0243** Minutes from the 5/4/15 Meeting

**A motion was made by Council Member Gilbert, seconded by Council Member Goldstein, that the minutes from the 5/4/15 meeting be approved. The motion passed by the following vote:**

**Aye:** 8 - Meoni, Adams, Alexopoulos, Burgess, Fernandes, Clifton, Goldstein and Gilbert

##### **SYS14-0253** Minutes from the 5/18/15 Meeting

**A motion was made by Council Member Gilbert, seconded by Council Member Goldstein, that the minutes from the 5/18/15 meeting be approved. The motion passed by the following vote:**

**Aye:** 7 - Meoni, Adams, Burgess, Fernandes, Clifton, Goldstein and Gilbert

**Abstain:** 1 - Alexopoulos

##### **SYS14-0266** Minutes from the 6/22/15 Meeting

**A motion was made by Council Member Gilbert, seconded by Council Member Goldstein, that the minutes from the 6/22/15 meeting be approved. The motion passed by the following vote:**

**Aye:** 7 - Adams, Alexopoulos, Burgess, Fernandes, Clifton, Goldstein and Gilbert

**Abstain:** 1 - Meoni

**Public Comments**

Mr. Joseph Burke - few weeks ago, Councilor Goldstein mentioned a debt exclusion for the Community Center, believe that's a good way to go. Hope the members will support.

**7:15 PM - Public Hearing**

None.

**Old Business****SYS14-0226** Home Rule Petition Updates

Petition relative to changing the Charter has been sent to House Counsel for a review, likely to be a quick process as Senate Counsel has already reviewed and updated as necessary. Once reviewed by House Counsel, will go to the House floor for vote, and if approved, to the Governor to be signed.

The tax check-off bill has not had any changes since the last update.

**SYS14-0256** Council Order 2015-015 Property Line Adjustment - 14 Thompson Drive

Attorney Griffin - applicant requested continuance. Mrs. Keane read letter into the record asking for continuance to 9/28/15. Councilor Burgess moved to continue to 9/28/15, seconded by Councilor Gilbert. Vote 8-0.

**Announcement from Council President**

Representative Walter Timilty was in attendance, wanted to address the Trash Transfer Station issue. Representative Timilty sponsored a Bill currently pending, HB 768, there will have a public hearing next week, A Bill Relative to Waste Removal Plans for Transfer Stations. No permit shall be approved by EOE until applicant has prepared and submitted an environmental impact report and a waste removal plan, and the Secretary of Environmental Affairs and Energy has reviewed and approved said report and plan. Hearing is next week, 7/21/15, in front of Environmental Affairs Committee, anyone can come and testify, contact Representative Timilty's office and he can help coordinate. Another effort to deal with unjust plan and something we don't need.

**SYS14-0261** Council Order 2015-018 FY'16 53E ½ Revolving Fund Authorization

Councilor Adams asked that we move the matter to agenda for next meeting.

Councilor Goldstein - reason Council is continuing to address this Order is

because only approved \$175,000 for Recreation Department fund pending looking further into the account? Yes.

Councilor Clifton - how time sensitive is it to address this account? Mr. Murphy - can get through summer with amount already approved by Council, would like to see approved before rink is up and running.

Councilor Fernandes - put on agenda for next meeting.

### **Town Manager's Report**

A) Regarding TLA - not a permitted facility yet, if public doesn't want to see this happen, get involved, public comment period still open until 7/21, website has contact info, template letters, and paper letters are available at Senior Center and Turner Free Library. Tomorrow afternoon 3:30 - 6:30, librarian available specifically to help people write letters. Encourage those that don't want to write letter to sign petition in Board of Health office by this Wednesday, July 15. Strongly encourage those throughout community to get involved. This has been ongoing for a long time, thank you to Attorney Griffin and Attorney Deutsche and Councilors Clifton and Azer for their efforts to keep the public informed and involved.

B) Thanks to MEMA who came and certified Randolph as LEPC (Local Emergency Planning Committee) community. Recognize Fire Chief Donovan, public health nurse Cheryl Cates, Police Chief Pace and many others for their efforts in making this happen. Public safety is awesome responsibility, residents rely heavily on those in charge in case of emergency, thanks to all who made possible.

C) Welcome two new hires in Treasurer/Collector's office - Christina Pierre-Louis and John Burbidge, both Randolph residents, fantastic hires.

D) Thank you to Tri-Town Water Board and Mr. Rich Brewer, voted on 6/21/15 to proceed with three town, regional water plant option. Much more affordable resource, local control. Commend Mr. Brewer and other reps. Now working with Secretary Beady to be sure DEP signs off on final permits and with Governor Baker to release funds from Environmental Bond Bill. Councilor Meoni - read the Herald where Mayor of Braintree mentioned something about conversation with MWRA, do they have vote in process? No. What was he referring to? Not sure. MWRA has been given ample opportunity to make case.

E) Paving update - McAuliffe and Devine being addressed right now, list given to Council will go straight through to November. Will be working to tackle some school properties this year as well. Thanks to Mike Cleary and folks implementing CIP support for tennis courts down there.

Councilor Clifton - slight correction, Councilor Gilbert did attend TLA meeting as well. Thank you to heads of Town Departments, led by Attorney Griffin, critical role explaining process and critical role to residents, thank you to residents who showed up and are active and expressed concerns. Residents have taken it upon themselves to gather signatures, over 200 already, community has really mobilized. Commend chair of the School Committee, she has gotten schools involved as well.

Councilor Fernandes - this can and should serve as a great example of community action for future projects.

## New Business

### **SYS14-0265** ABCC Decision on City Limits Appeal

Attorney Griffin - hearing on violations at City Limits earlier in the year, Council found that several violations had occurred, and revoked City Limit's license as a punishment. City Limits appealed the revocation to the ABCC. ABCC had hearing, agreed that City Limits had committed the vast majority of the alleged violations, but felt that the punishment of revocation was not appropriate for the level of offenses that occurred and felt that it was too severe, and they have remanded it back to the Council to reconsider the punishment. Three options for moving forward: can appeal ABCC's decision to the Superior Court, can schedule a night in the future to redeliberate the punishment in light of the ABCC's recommendation, or authorize Attorney Griffin to make some sort of settlement offer to them.

Councilor Burgess - surprised ABCC agrees the violations are serious, but don't feel they rise to level of revocation, seems to open up door for other establishments to violate policies without fearing harsh punishments. Would like the Council to send a copy of the minutes to Tennessee to let maker and distributor of some of these products know what is being allowed to happen in Massachusetts.

Councilor Adams - is this a matter best discussed in Executive Session?  
Attorney Griffin - involves possibility of future litigation, executive session would be allowed, up to preference of Council.

Councilor Meoni - maybe read letter wrong, is ABCC saying that it's duplicative to charge with both moving alcohol from large container to smaller container of same brand, and moving inexpensive alcohol into bottle labeled as more expensive alcohol and charging higher prices? Attorney Griffin - no, but on both of those charges, Town charged City Limits under both State and Federal statutes, should have been charged with both, but only under State statutes. Looking at our policy, there are

other levels of punishment, Council can impose other penalty on establishment to convey unhappiness with their business practices. Preference is to bring back and re-deliberate punishment.

Councilor Gilbert - agree with Councilor Adams, should discuss in Executive Session. Read ABCC decision a few times, owner agreed to everything, ABCC agreed with everything, not sure why they remanded back, decision is horrendous.

Councilor Goldstein- no problem being public. Second time in recent memory ABCC has overturned decision of Town Council after public hearings. They are impinging on integrity of Board, no problem recommending appeal to Superior Court.

Councilor Alexopoulos - not only did we find these offenses occurred, ABCC also found they had occurred, and ABCC investigators were at the investigation at the location. City Limits is not following rules, cheating the public. The ABCC has overstepped their bounds. Agree to go into Executive Session to discuss.

Councilor Fernandes- Executive Session can't be done tonight? Attorney Griffin - not on the agenda, best practice would be to do next meeting.

Councilor Burgess - would appeal to Superior Court go before a judge or jury? Attorney Griffin - would go to judge as an administrative appeal, and in those cases, they tend to be very deferential to agencies.

Councilor Alexopoulos - in my business, if caught selling one fuel product different than what is being advertised, lose franchise license, out of business. ABCC way off base.

Councilor Meoni - recommend consider meeting on 7/20, just for Executive Session, would be a single item agenda. Councilor Meoni moved to call a Council meeting on 7/20/15, 7:00pm, single item agenda to discuss ABCC letter, seconded by Councilor Goldstein.

Councilor Adams - if did decide to appeal, how long would you need to get letter out? Attorney Griffin - could prepare letter of appeal ahead of time and edit as appropriate.

Councilor Meoni - feel that 27th is so close to deadline, would prefer to meet 20th. Don't know what will come up in discussion, good to have cushion of time.

Councilor Burgess - understand Counsel's concern, appreciate advice, but

if agenda item requires going to Executive Session as action, feel appropriate.

Councilor Adams - disagree, if went to appeal, could see unscheduled Executive Session being a point of appeal.

Councilor Alexopoulos - agree with Councilor Burgess, could probably do tonight, but to be safe, 20th might be best bet.

Councilor Goldstein - to Attorney Griffin, if appeal to Superior Court, City Limits would still have licenses and privileges while appeal is pending? Yes. If bring back in, decide on punishment, they could appeal that to ABCC as well. Would a punishment of a roll-back of hours be appealable? Yes.

Vote on Executive Session scheduled for 7/20/15 at 7:00pm - Roll Call resulted in Councilors Adams, Meoni, Alexopoulos, and Fernandes voting in the affirmative, and Councilors Clifton, Burgess, Goldstein and Gilbert voting in the negative, resulting in a 4-4 vote, motion failed.

Councilor Adams moved Executive Session on 7/27/27 following the public meeting. Motion died for lack of second.

Councilor Gilbert moved to meet this evening in Executive Session for matters of litigation, seconded by Councilor Burgess.

Councilor Adams - possible negative repercussions of meeting tonight in Executive Session? Attorney Griffin - gray area how specific have to be on agenda on possibility of Executive Session. If Attorney General found that the Council had violated Open Meeting Law, variety of punishments, likely including revoking decisions made in that Executive Session, and making those minutes public. Could we reaffirm vote at 7/27 meeting? Yes, but could still get in trouble.

Councilor Fernandes - as Chair, opposed to this motion.

Councilor Meoni - was hoping to not go into Executive Session tonight on this matter, however, concur with Councilor Burgess's first point. Going to support because want ample time to respond in way that can make collective decision known.

Roll call resulted in Councilors Clifton, Meoni, Burgess, Goldstein, and Gilbert voting in the affirmative, and Councilors Adams, Alexopoulos, and Fernandes voting in the negative. Motion passed 5-3. Will be meeting in Executive Session tonight following the public session for the purposes of

discussing matters in anticipation of litigation. Will not come back out into public session.

**SYS14-0267** Council Order 2015-019 FY'15 Year End Transfers

Mr. Murphy - annual year end transfers, efforts to clean up accounts with deficits. Represents 0.4% of FY'15 budget. Transfer into Town Manager's office salary line to cover interns and YouthWorks program. Treasurer expense came in higher than anticipated, but the revenues coming into the office far outweigh increase. Attorney increase necessary because a number of cases occurred this year necessitating outside counsel. Conservation Commission salary necessary, were going to pay out of Notice of Intent fund but decided don't want to deplete in case needed. FICA (medicare tax) was due to an error, have corrected for next year. Police expenses due to unanticipated vehicle repairs, gas increase. Police salary represents only 2% of total salary. Street lights slightly over based on delay in transition to LED. Veterans salary - Al Williams came on board when Agent was out due to illness, well worth expense. Transfers coming from health insurance (1.3%), unemployment, Treasurer salary and Town Accountant salary which both had positions open for periods of time.

Councilor Gilbert moved to approve the recommendations of the Town Manager as presented in Order 2015-019, seconded by Councilor Meoni.

Councilor Goldstein - two items conspicuous by absence from list - glad to not see the Fire Department on here, and that they were able to manage accounts without transfers. Disappointed don't see transfer to cover overage on snow and ice. How much will Town need to cover? Mrs. Mehta - \$2.1 million. Anticipate some relief from MEMA, about \$200,000. Any additional funds to transfer to reduce deficit? At this point in budget, would like to close out for the year, get good Free Cash number, and then transfer.

Mr. Murphy - spent a lot of time on this matter, after long discussion, decided to address this way. Have shown to bond rating folks a decent pattern relative to Free Cash certification. This would hurt that, with same result. Impact same to overall financial picture, but affects how bond ratings see Free Cash figures. Councilor Goldstein - what happens if not enough to satisfy deficit from Free Cash? Can use monies from Stabilization Fund - don't recommend, but can if have to. Councilor Goldstein - can carry to next year, and pull from Cherry Sheet? Yes. Or can amortize over two years, but don't know what next Winter will be like, recommend addressing ASAP. Mr. Murphy - one of preliminary good news issues have is that we do analysis of revenues based on employee shareholder options, and next fiscal year's budget is reviewed by outside actuary at beginning of June. Shows that even if Free Cash option is not

quite enough to cover, will have some options with recap sheet come Fall. Stabilization Fund will not be part of plan.

Councilor Burgess - where are we on streetlight changeover? Approximately 2/3 way through. Moving North to South? Started close to North Street and moved this way. Started in some neighborhoods where there had been some incidents. Slight delay with contractor. Anticipate being done by end of August.

Vote 8-0.

## Correspondence

FYI, this Wednesday, July 15, 2-6pm at Farmers Market at Powers Farm, Randolph Engineering hosting sunglasses sale and sponsoring an appearance from the #11 FedEx Nascar car.

Request for one-day liquor license for Stetson Hall, Inaugural Ball for the Ambassadors Club USA, Inc. September 6, 2015, 7pm - 12am, all appropriate paperwork has been received. Councilor Goldstein moved to grant the request, seconded by Councilor Clifton. Vote 8-0.

Request for one-day liquor license for Stetson Hall, wedding reception on September 12, 2015. Councilor Burgess moved the request, pending receipt of appropriate insurance certificate, seconded by Councilor Alexopoulos. Councilor Alexopoulos asked for the hours - 5pm - 10pm. Vote 8-0.

## **SYS14-0268** One Day Liquor License Request

## Committee Reports

Schools - met June 18 and 25. Presentation from Department of Elementary and Secondary Education. Presented that the Town has ended Department of Education oversight from the State. District is currently Level 4, being reviewed as we speak, hope for good news come August or September. Received \$1,000 gift from Walmart to support Golf program at RHS - spearheaded by Judy Gangel, thank you to her for her efforts. Ratified contract with clerical union, still working on contract with maintenance union. Reviewed Superintendent's evaluation, received a 4.59 out of 5.0. New principal at RCMS, Ms. Thea Stovell, she was AIM Academy Principal at RHS.

Councilor Adams - seems as though there's a lot of turnover in that position, hope this principal will stay for awhile.

Councilor Clifton - assuming performance is adequate. Don't believe

people should be kept in a position for sake of longevity, based on performance. Councilor Fernandes concurred, that is a given.

Councilor Gilbert - Library Trustees meeting tomorrow night.

Councilor Fernandes - thank you to Councilors for earlier reminder on upcoming evaluation of Town Manager, have requested a self-evaluation which is in process, will be reviewing process soon.

### **Council Comments**

Councilor Fernandes request to bypass comments to go to Executive Session, Council did not oppose.

### **Adjournment**

Council adjourned to Executive Session, will not reconvene in open meeting tonight.