



Randolph Town Council

Meeting Minutes

Meeting Date: Monday, October 3, 2022 at 6:00 p.m., Remote Meeting via Zoom

Call to Order: Council President W. Alexopoulos called the meeting to order.

Roll Call – Council Members Present: Christos Alexopoulos, William Alexopoulos, Richard Brewer, James Burgess, Natacha Clerger, Jesse Gordon, Katrina Huff-Larmond, Kevin O’Connell (Councillor Egan Absent)

Pledge of Allegiance: Pledge of Allegiance led by Councillor Chris Alexopoulos

Moment of Silent Prayer: Moment of Silent Prayer held in remembrance of two former town employees: Bill Repoff who worked for DPW, and Mike Lane who was a member of Personnel Board and Personnel Director.

Announcements from the President:

1. Election of Town Council Vice President

Council President Alexopoulos stated the Vice President will serve until the end of the current calendar year.

Councillor Huff-Larmond nominated Councillor Clerger, seconded by Councilor Gordon.

Councillor Burgess nominated Councillor Brewer. Councillor Brewer respectfully declined.

Councillor Burgess nominated Councillor O’Connell. Councillor O’Connell respectfully declined.

Vote on the Nomination of Natacha Clerger to serve as Vice President.

Roll Call Vote:6-2-0 (Nays: Councillor Burgess and O’Connell, Councillor Egan Absent)

Motion Passes.

Councillor Clerger will serve as Vice President for the remainder of the year.

2. A special Town Council meeting will be held this Thursday, October 6, 2022 at 6:00 PM for one item: Council Order 2022-043 for the Appropriation and Approval of Borrowing for the Tri-Town Water Treatment Plant.

Correspondence:

1. The Town Council received correspondence from the Massachusetts Department of Public Utilities. It is a Notice of Filing and Public Hearing regarding the Petition of Massachusetts Electric Company and Nantucket Electric Company for approval of its 2019-2021 Three -Year energy Efficiency Plan Term

Report. The public hearing will be conducted via Zoom on Thursday, October 27, 2022 at 2:00 PM. Public comments can be submitted by Tuesday, October 26, 2022 by calling 617-305-3653.

Councillor Burgess stated that National Grid needs to be more forthright with us on what costs they are looking to incur and cannot continue to pass on the rates to the ratepayer.

2. The Randolph Runners are hosting a 5k marathon on November 5, 2022 at 10 AM to raise money for the benefit of the Friendly Food Pantry of Randolph. To register and obtain additional information, go to RandolphRunners.com.

Presentation:

1. Recognition of Randolph Resident Jailen Branch

Councillor Huff-Laarmond introduced Resolution 2022-005. It is an honor to reward his hard work in Randolph and every environment he is a part of. We would like to recognize Jailen Branch, through this Resolution, in honor of him being a Randolph resident and representing Randolph wherever he goes. He participated in Pop-Warner and his first job was in Randolph working for the Town. Councillor Huff-Laarmond read the Resolution into the record and presented the Resolution to Mr. Branch's mother, who accepted the award on behalf of his son. Mr. Branch participated by Zoom and thanked the Council for the honor.

Town Manager Howard mentioned a recent article that was published in the Patriot Ledger about Jailen Branch. It was a dynamite story and it gave great pride as the Town Manager and the entire community to see such a great representation. Congratulations to Mr. Branch and his entire family.

Public Hearings:

1. 6:15 PM: Special Permit Application for a Drive-Through at 106 Mazzeo Drive - Proposed New Burger King Drive Through

Council President Alexopoulos opened the Public Hearing. The Applicant, JSC Management, submitted a letter of withdrawal from the last meeting. The Town also received a letter from the property owner wishing to be named as the new applicant and asking for a continuation this evening to the next available hearing date.

Town Attorney Griffin explained that we received an application from the Burger King representatives which was the original applicant. At the last meeting, the representative of Burger King said they would change their plans and would prepare to present the new plans during the Town Council Meeting on October 3, 2022. Next, the applicant decided they were not proceeding and they wished to withdraw their application. Since that time, it seems as though they had some discussions with the property owner, Susie Freiday, who has asked Applicant JCS Management for their permission to step into their shoes and continue with the application. JSC Management provided us with a letter stating that they are willing to consent to that. Ms. Freiday has asked that the Town Council continue this matter to the next available meeting date so that she can have time to get her application ready, and JSC Management has also consented to that. The current understanding is that the current intention is for the property owner to step into the shoes of the applicant, however, she does not have her presentation ready, so she is asking for more time.

Town Council President welcomed Ms. Susie Freiday into the meeting.

Ms. Susie Freiday introduced herself and presented her intentions of obtaining a permit so that she can advertise it to the Burger King Corporate Headquarters as having been permitted for this use with the understanding that if there are any changes then they would have to come back before the board for an amendment.

Town Council President explained that there has been a variance that was given for this project and any changes to the plans will also have to go before the Zoning Board of Appeals to obtain approval. Ms. Friday stated she was not aware of the variance and she is hoping that any future leasee's will accept it as permitted and will not have any major changes to make.

Councillor Burgess stated he would be cautious to grant a permit for a drive through not knowing what the drive through business was. Ms. Friday stated that she has been in partnership with the trustee who owns the site in Stoughton which would rapidly increase the frontage. Her intention is to buy the property from her but she is waiting for the lease to be firm.

Councillor Clerger suggested that Ms. Friday should get ready so that the Town Council can review something concrete because right now she is presenting something that doesn't exist.

Ms. Freiday stated she doesn't necessarily understand the ramifications between requesting an extension or starting anew. She stated that the Applicant, Mr. Camelleri, has generously given her permission to work with Tod and ADP's team, their attorney, and to use his plans. She intends to use those plans to market the property as having been permitted based on the plans that were already submitted, to hopefully find a tenant and they would come back before the Council if they propose any changes or amendments.

Councillor Burgess stated that the legal ad specifically states the special permit is for a two-lane drive through window for a proposed Burger King at 106 Mazzeo Drive. If you are using the same plans, same paperwork and you have the permission to do so then you don't have to reinvent the wheel but you will have to have a new public hearing notice with you as the applicant.

Town Attorney Griffin reiterated that the Town cannot give Ms. Freiday any legal advice because we are not her lawyers. However, Town staff had suggested to Ms. Freiday that she work with the existing applicant to figure out the best plan going forward. One option is to have them withdraw the application and then she can submit a new application in her name. Or she can request that the Council agree to amend the application to substitute her name as the applicant. It's up to the applicant what relief to request from the Council and then for the Council to decide if they want to grant that relief.

Councillor Huff-Larmond asked that if we go forward with requesting a new application so that it's cleaner, how long will that process take before Ms. Freiday comes back before the Council and if she can come back for the next meeting. Town Attorney Griffin said that it would probably go on the next agenda after that because we have to put a legal notice in the newspaper, and also send out letters to abutters which needs to be done at least 14 days in advance of the Council Meeting.

Council President Alexopoulos and Town Attorney Griffin explained that this application could realistically come back before the Council at the November 7, 2022 meeting.

Councillor Clerger asked Ms. Freiday what time issues she currently has regarding the application. Ms. Freiday explained one year ago, when she received this offer from JSC Management, she also received three other offers at the same time. She accepted this one, and may have lost the other three. She is desperately trying to hang on to one of them if she can get this permit because they have another site they are considering. She stated that, if she can let them know that this site is permitted with the drive through then it might be enough to bring them back.

President Alexopoulos stated the Town Council will not issue a special permit without knowing what is going on at a specific location. Town Attorney Griffin further explained that the permit stays with the location but it would need to be amended to match what the specific use is at the location.

Planning Director Michelle Tyler further explained that there is a deadline for opening the Public Hearing for a Special Permit Application, and the public hearing can be continued to a date and time certain. The next deadline kicks in once the public hearing is closed, which requires the Town Council to act on the Special Permit Application within 90 days. Attorney Griffin agreed with this statement.

Council President Alexopoulos and Councillor Huff-Larmond requested that the Town Attorney send a letter to Ms. Freiday regarding the substance of this hearing, and what options she has going forward with her application. Town Attorney Griffin confirmed that a letter would be sent by Town staff.

Motion made by Councillor O'Connell to continue the public hearing on this matter to the Council Meeting to be held on November 7, 2022, with the public hearing to take place at 6:15pm, seconded by Councilor Clerger.

Roll Call Vote: 8-0-0 (Councillor Egan Absent)

Motion Passes.

2. 6:15 PM: Council Order 2022-038-Request for the Town Council to Initiate An Amendment to the Randolph Zoning Ordinance - Chapter 200 of the General Code of the Town of Randolph - Concerning Density Requirements in the Union Crossing Transit District Pursuant to M.G.L. ch. 40A, sec. 5

Council President Alexopoulos opened the Public Hearing.

Town Council Clerk read the legal notice which was published in the Patriot Ledger on July 26, 2022, August 2, 2022, in the Suburban Shopper on August 31, 2022, and again in the Patriot Ledger on September 7, 2022.

Planning Director Michelle Tyler gave a brief summary of Council Order 2022-038. The Order was suggested by the Planning Board Chair, and discussed at length by the Planning Board before it was referred to the Town Council. It aligns with the requirements the State is putting in place, for instance, MBTA communities related to multi-family zoning. It takes a land's parcel size, reduces the parcel size by any areas that are not buildable because of wetlands, and then modifies the amount of units available. So it doesn't increase the density but it does increase how compact the development could be. The Union Crossing Transit District currently says that a parcel owner can construct 15 units per acre of that parcel. The question then becomes, what if half of that parcel is wetlands and therefore not buildable? The Town's current law states that a developer can still build the 15 units on that limited size parcel. Instead the zoning amendment would say: you can still build 15 units per acre on land that's buildable but a wet body is not buildable so it would be deducted from the total acreage.

Councilor Brewer stated that the Ordinance Subcommittee met on August 31, 2022 and voted 3-0 to recommend to the Council to approve the Zoning Ordinance Amendment.

Council President Alexopoulos opened the Public Comments portion of the Public Hearing. Council President opened the floor for public comments. Sheila, Truelson Drive stated that many of the abutters are not very happy about it. Every time it rains, they are flooded. We're going to be flooded out of our yards, and basements if they keep building things. Doesn't the Town have a say in how many buildings can be built? It seems like they keep building on every corner of this Town. It's going to increase the population, increase pollution. Don't our tax payers have any say in what's going on here? Per Council

President's request, Planning Director Michelle Tyler responded to these comments by explaining what the Union Cross Transit District is zoned for, and what is permissible.

Joe Burke, of High Street asked what they're planning to do on the property in the Union Crossing Transit District.

Council President Alexopoulos closed the Public Comments portion of the Public Hearing.

Councillor Clerger asked Town Attorney Griffin if we can do something for one developer and do differently for another one without getting in trouble. Town Attorney Griffin explained that when you're passing an ordinance you have to treat everyone within that affected district the same. So when the UTCD affected a certain portion of the town, and every property within that portion of town is treated the same by that ordinance. That ordinance then creates a special permit process, the purpose of that special permit process is that each individual project comes before the Town and stands on its own two feet before the Town Council. You have to legislate in a uniform manner, but then the special permit process allows the Town Council to approach each special permit application in a more tailored manner.

Councillor Huff-Larmond explained that what may be happening is that the building near McDonalds is scaring many of our Residents and that is not what we're talking about here. The zoning over there is totally different from what's going to happen in this area. She stated that she thinks this Transit District will open up opportunities for individuals to come into Randolph, and because it's mixed use, we're also talking about small businesses. There are many Towns and Cities that have been investing in a Transit District and it's bringing younger individuals into the Town and promoting small businesses. Again, this is Zoned differently than the project across from McDonalds.

Councillor Clerger asked if it would be appropriate to request to continue this meeting because she feels she needs to speak to more entities.

Councillor Gordon would like to know what areas this would apply to and if we are setting a precedent for other areas outside of this district, is it only for this district, or is it only for Fencourt. He stated that he is questioning the concept in the application that it defeats the intent of a village style development, and he supports village style developments. My vision for a village style development is that you have a bunch of houses on one side of the parcel and then you have some open space or walking trails on the other side. It seems the wetlands are ideal for a village style development.

Ms. Tyler responded by explaining that this Zoning Amendment only affects the Union Crossing Transit Overlay District- an established district in our regulations. It is not applicable to any other zoning districts in the community. A village style development is subjective and up to the Town Council as this is a special permit application. As the Town Attorney previously stated, you're legislating the same way but each parcel has unique properties that may not allow for a development to work with open space on one side and buildings on another.

Motion made by Councillor Brewer to approve this Council Order as written, seconded by Councilor Huff-Larmond. Discussion about possible continuance of this matter was held.

Roll Call Vote: 5-1-2 (Nay: Gordon; Abstentions: Burgess and Clerger; Absent: Councillor Egan)
Motion Fails. Motion failed to achieve the required supermajority.

Public Comments:

Council President Alexopoulos opened the Public Comments portion of the Meeting. There were no public comments. Council President Alexopoulos closed the Public Comments portion of the Meeting.

Town Manager's Report:

1. Recommendation for the appointment of Elizabeth Perez-Baczkowski for the position of Treasurer/Collector. After several interviews of various candidates, this was a unanimous decision by the Town Manager and Finance Director.

Motion to ratify the appointment made by Councillor C. Alexopoulos, seconded by Councillor Gordon.
Roll Call Vote: 8-0-0 (Absent: Councillor Egan)

Motion Passes.

2. The Randolph Fire Department is having their Open House at North Randolph Station on Saturday, October 8, 2022 from 1-3 PM.
3. The Randolph Garden Club will conduct a plant sale and soil testing on Saturday, October 15, 2022 on the front lawn of Town Hall.
4. The Paul K. Fernandes Family Foundation will be doing a celebration: Sip, Savor and Support on Thursday, November 3, 2022 from 6-9 PM at the RICC.
5. The Town's annual Harvest Hoopla will be on Saturday, October 22, 2022 from 12-4 PM.
6. There will also be a Trunk-or-Treat on Saturday, October 29, 2022 from 5-8 PM at the RICC. They are also doing a candy drive so if you would like to, you can drop off candy at the RICC for the event.
7. The high school team is going to the Barrett's Haunted Mansion, from the RICC. To register, go to the RICC website, and register by October 7, 2022.

Questions for the Town Manager:

Councillor Burgess mentioned a recent bond rating confirmation and thinks it's important to note the good things, such as why our rates are so good. Council President Alexopoulos stated the Finance Director can join a meeting and present the bond rating report. Secondly, Councillor Burgess mentioned a new finance software that is being changed. Town Manager Howard stated that Munis is upgrading and Munis will be hosting the finance software going forward. Lastly, Councillor Burgess requested an update on office renovations. The Town Manager explained measurements will be done shortly in order to add two windows in the Treasurer/Collector's Office and we'll be able to move forward.

Councillor Clerger asked the Town Manager if the budget includes a certain percentage for affordable housing, and how long the waitlist is for affordable housing specific to senior living. Town Manager Howard explained that currently there is no requirement in the Town's Zoning Ordinances to require us to build a certain percentage for affordable housing. Further, the elderly housing buildings in town often have over a year of a waitlist.

Councillor Huff-Larmond asked the Town Manager for an update on the Assistant Town Manager/Director of Human Resources position. Town Manager Howard stated that the deadline for accepting applications has closed, and he will work with the Council President to put together a committee and start the interview process. There were approximately over 20 applications.

New Business:

1. Council Order 2022-043: Appropriation and Approval of Borrowing for Tri-Town Water Treatment Plant

The Council Clerk read Council Order 2022-043 into the record. Town Manager Howard gave a brief presentation displaying a summary of the additional funds required for this project. Helen Gordon was also available to answer any questions from the Council. Braintree's portion is approximately \$19.3M, Randolph's portion is approximately \$14.2M, and Holbrook's portion is approximately \$6.5M for a total of approximately \$40.1M. After this vote, shovels will be in the ground in November to start constructing the Water Treatment Plant.

Councillor Gordon asked Ms. Helen Gordon if there would be public access at the new Water-Treatment Plant. Ms. Helen Gordon stated that is not a decision she can make. MASS DEP has specific guidelines around what can and cannot be done at a Water Treatment Plant so it depends on what the State says in relation to public access.

Council Order 2022-043 will be voted on during the public hearing at the Special Council Meeting on Thursday, October 6, 2022.

2. Council Order 2022-044: Authorizing the Randolph Town Council to Petition The General Court to Enact Special Legislation Regarding the Disability Retirement of Officer Casey L'Italien

Town Manager Howard introduced Council Order 2022-044 into the record and briefly described the purpose and intention of this Council Order. Police Chief Morag was also present and spoke to his support for this Council Order that would help a dedicated Police Officer who sustained severe injuries while responding to a domestic violence call and respectfully requests a favorable action on this Order.

Councillor Burgess and Councillor Gordon inquired as to the process of this Council Order after it is voted on by the Council. Town Manager Howard explained that since this is Home Rule Petition, the Council Order will get certified by the Town Clerk, then forwarded to our legislative delegation. Then it will get filed with the support of our legislators. This process can take anywhere from six months to a year depending on where they are in their cycle.

Councillor Burgess moved to amend the Council Order to be introduced by the Town Manager and the nine Councillors, instead of just the Town Manager. Council President Alexopoulos agreed to this edit on the Council Order, which was made without objection.

This Council Order 2022-043 will be voted on during the public hearing at the Council Meeting on Monday, October 17, 2022.

Committee Reports:

Economic Development/Small Business/Real Estate Subcommittee: Councillor Gordon stated that the Small Business Subcommittee will meet on Wednesday, October 5, 2022 at 6:30 PM at Chapin Hall.

Public Safety Subcommittee: Councillor Brewer stated that the Public Safety Subcommittee will meet this Wednesday, October 5, 2022 at 5:30 by Zoom.

Council Comments:

Councilor O'Connell: On behalf of his wife, Maria, she wanted to thank the Woman's Club for their game night event at the Belcher House, and looks forward to becoming a member of the Woman's Club.

Councillor Gordon: The Recreation Committee will be meeting soon to discuss signage in the Town of Randolph. Councillor Gordon has done a tour of the town to decide where signage should go and will welcome others' ideas during that meeting. Secondly, a shuttle van petition will come before the Council's attention in a few weeks. The idea is that there will be a shuttle van service, paid by the Town through a State grant, going from various apartment complexes in Randolph to various transit stations of neighboring towns, like the Braintree MBTA station. Councillor Huff-Larmond asked Councillor Gordon about this service also serving the elderly. Councillor Gordon stated that this service would also go to the senior center in Randolph.

Councillor Huff-Larmond: Thanked the Council President for publicly inviting everyone to the Greek Festival in Brockton. Appreciated the biblical history lesson, and the food was so good. Secondly, thanked all those who attended the tribute for the Late Councillor Ken Clifton to say their farewells. Lastly, there have been a few coyote sightings and just wanted to remind everyone to be aware and alert.

Councilor Clerger: Had the opportunity to go to the Greek Festival and thanked the Council President for the invitation for the public to come. Had the opportunity to attend the tribute to honor the Late Councillor Ken Clifton. Lastly, we were able to do a Nigerian Flag Raising in remembrance of Nigerian Independence Day. Urged others to reach out if they would like to celebrate their culture, and she would be more than happy to coordinate with the Town Manager for a Flag Raising event.

Councilor Brewer: Please keep the victims of Hurricane Ian, the first responders and flood victims in your prayers.

Adjournment:

Motion to adjourn was made by Councillor Huff-Larmond, seconded by Councilor C. Alexopoulos.
Roll Call Vote: 8-0 (Egan Absent). Motion passes.
The meeting was adjourned at 8:47 PM.