



*City of Taunton*  
*Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA*  
*Minutes, February 2, 2016 at 7:05 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilor's Marshall, Cleary, Borges, Dermody, McCaul  
Quinn, Pottier, Carr, and Croteau*

Record of preceding meeting was read by Title and Approved. So Voted.

**Councilor Borges made a motion to go out of the regular order of business to Communications from the Mayor. So Voted.**

**Communications from the Mayor:**

**Motion was made to invite Irene Fernandes and David Gay into the enclosure. So Voted.** Mayor Hoye read a citation for the Gay Family. It thanked them for allowing the City to honor Peter A. Gay and all of the 911 victims during the John Shea Court annual 911 Memorial Service. **Motion was made to adopt. So Voted.** Mayor Hoye thanked David Gay for all of his work as we remember his brother and all of the 911 victims, including Neilie Casey, a member of the great Casey family from Taunton as well as her husband Michael. It is always a very moving ceremony and many people have been there in the past. It is a great tradition due to the great work of Irene Fernandes. Irene Fernandes stated that she has been doing this for fourteen years. She stated that the first day she heard about this she was at work at Taunton State Hospital. She spoke about how she found out that Peter was on the plane and how she had to do something because she had known the family for so long. She started this in 2002 and has been doing it ever since. She spoke about how wonderful the family is. David Gay stated that he greatly appreciates what the Mayor has done this evening. He spoke about how Irene Fernandes has done all of the work and how dedicated she is. He discussed how wonderful the event is and all of the people who have attended it. Irene Fernandes stated that she has been contacted by NBC in New York to go there and talk about the tribute she has been doing for 14 years. She has sent in the videos and is waiting to hear. She stated that she will be going on a 3 day trip to visit the Fire Stations and meet the Mayor and the Fire Chief. Mayor Hoye informed everyone that he received a communication from Governor Baker and Lt. Governor Polito stating that the City of Taunton has been selected for the intended use plan for our state revolving funds for sewer and drain separation and inflow removal. We will continue with that work in our sewer system if the Council would like more information, they can invite Fred Cornaglia and Joe Federico from the DPW to a Committee on the DPW meeting where they can go into more detail. Mayor Hoye wanted to report that the MSBA had their final vote on the 27<sup>th</sup> and as promised, Bennett

and Martin School have been selected into the Rapid Repair program. Those projects will move forward. He stated that in keeping with talking about a new Mulcahey School, a Building Committee needs to be named for the MSBA. Council President Quinn, Chairman of the Committee on Public Property Councilor Marshall and Councilor Croteau will be part of the City side representation on the Building Committee team.

**Councilor Borges made a motion to go out of the regular order of business to appointments. So Voted.**

**Appointments:**

Referred from the January 12, 2016 Municipal Council Meeting: Reappointment of Kevin Scanlon to the position of Planning and Conservation for a term of three (3) years expiring January 2019. **Councilor Borges made a motion to approve. Councilor McCaul motioned to have a one year probation period and the set-up of an Oversight Committee. Councilor Borges pressed the motion at this time to approve. So Voted.** The Oversight Committee shall oversee and advise the City Planner. The Committee should consist of one member of each of the following groups; Zoning Board, Planning Board, ADA, EOCD and the City Council. He stated that any of the members of the Oversight Committee may move to call a meeting of the Committee. Councilor Borges stated that she is not willing to amend her motion to approve. She is the original maker of the motion and the reason that she had asked for the two weeks is because it had snuck up on us and she wanted to have time to meet with Mr. Scanlon. She stated that she has already done that and is comfortable with their meeting and phone conversation. She has no reason to hold this appointment. She spoke about how last year, the performance evaluation process was implemented and that is sufficient enough for her. She is ready to move forward with this. Councilor Carr stated that she thinks that the Ordinances are pretty plain about the appointment of the City Planner. It is a three year appointment and she doesn't think that they could give a one year probationary appointment even if they wanted to. The Ordinance is plain about who the City Planner reports to which is the Mayor and the City Council so there is already people who he is supposed to report to. Council President Quinn stated that she thinks that the reviews that the Mayor has in place are based on the Councilors recommendations of a one year review. She has had several conversations with Mr. Scanlon and thinks that he is on board with what the requirements of the City are. She would press forward without the need for that additional Committee. Mayor Hoyer stated that the review was put in place for all employees. He stated that it is not a perfect process by any means, it needs to be streamlined a bit better and make some of the evaluations more job specific. This year was the start and we will move on to it next year. Councilor Marshall stated that if the motion for reappointment that is on the floor is disposed of and if the Councilor in Seat#5 wants to make that motion that he referred to and gets a second, then he would vote in opposition to that. There is an Ordinance that oversees this position. The position reports to the Municipal Council and is also a member of the Collective Bargaining Agreement. He would have to think that before he even entertain any of those thoughts he would want to know if that is even possible within the Collective Bargaining Agreement and the Law Office. He thinks that the Council is singling out one employee of a Collective Bargaining Agreement. He has a feeling that it is not permissible under the Collective Bargaining Agreement. He stated that he has met with Mr. Scanlon and is comfortable with this appointment. He thinks that is the appropriate thing to do, not to

create the Oversight Committee which wasn't even discussed. He stated that he would vote no. Councilor Dermody stated that out of all the Councilors, he has the most experience working with Kevin Scanlon for 16 years as a member of the Planning Board and Chairman for over a decade. During that time, they have had their differences and at the end of the day, they have done what is right for the City, the residents and the folks that are looking to try to do business in the City. He spoke about how far the City has come and how Kevin knows his job. He spoke about a meeting that he had with him and that he knows what he needs to. He thinks that internally handling this appropriately and directly is the way to go. He is okay with what is being done here. He stated that he will move to approve. Councilor Croteau stated that when this was first discussed with him a couple of weeks ago, a concern that was expressed to him was relative to economic development. We have proposal coming in to the City from a number of angles. There is no City master plan. We need to have a master plan. He is not here to talk about personality, just performance. His concern is the master plan and is not just particular to Mr. Scanlon. We also have a person who is titled Director of Economic Development. The situation is too complicated. He is not here to deny employment. If anyone really wants a quick look at what is happening in this City there is a document at the DOR. It is called Community at a glance. The first line is what the total value of assessed property is which is in the vicinity of \$4B. The next line breaks it down to residential and commercial/industrial. The commercial/industrial is less than 25%. He spoke about how that affects the residential tax rate. He stated that we need to bring the City Planner and the Director of Economic Development and all of these people together and address the situation. He stated that he is also concerned about ADA. He spoke about how something needs to be done about that, either that or hire someone to direct it. There was a director years ago but the position was eliminated and the responsibility was given to Mr. Scanlon with a stipend. He stated that it needs to be addressed because there is a difference of opinion as to who is responsible. There are some people present this evening who wish to be heard. He stated that as citizens they should be heard. Councilor Cleary stated that he was going to say something about the COTMA contract but another Councilor already has. His experience dealing with unions and contracts, such a Committee to oversee a particular position would never stand the test of challenge on any level of appeal. There is a process in place. He doesn't see that motion going anywhere; it would be a problem for the City and the City Solicitor. He has had the opportunity to meet with Mr. Scanlon and he echoes what Councilor Dermody has said. He stated that they tell him that Mr. Scanlon's knowledge is excellent. He spoke about the conditions on the DIRB reports and how the Council almost always recognizes them as accurate and in the best interest of the City. Any concerns that he has had with his performance he has had the opportunity to express his opinions. He will be voting in favor of the contract and he sees a lot of good coming out of the department. The City has benefitted from the individuals knowledge. He spoke about the Master Plan for the ADA. Councilor McCaul stated that he is not talking about Kevin Scanlon doing his job, he is talking about how he deals with business people. He stated that he has business people sitting behind him who are upset how they are treated with no respect. They get no direction, and when they do, the direction goes into a different direction. He discussed how the bottom line is that all of the Councilors have received complaints as much as he has. Three weeks ago, Councilor Borges mentioned that she wanted to wait for a couple of weeks so she could meet with Mr. Scanlon. He offered to open it up for three weeks because he needed to also meet with him. He also met with a lot of businesses that stated

that they are not being treated correctly. He stated that he asked why and they explained it to him. He is appalled that the Council cannot stand up to an individual that is treating the business community like that. They need to be treated business friendly and residential people need to be treated properly. If they are not going to be treated properly, economic growth in the City is not going to happen. He is asking the Council to say no to him and put him on a probationary period. He asked what is so hard about putting a three year agreement together with a one year probation period and an Oversight Committee. He stated that he is upset and we need to show the business community we care for them. Councilor Carr stated that she appreciates that Councilor McCaul is upset but this is a gentleman that is under a contract. You cannot just impose on him an Oversight Committee. We have an Ordinance that specifically states who is in charge and who he reports to. She stated that she has never received a complaint about Mr. Scanlon. She stated that there has been a time when she has had issues with him, but she has spoken to him and they have straightened it out. She has never received anything in writing and if she did, they would have the opportunity to call him in and talk to him about it. They could also call the other party in; there are two sides to every story. She stated that it isn't fair to do everything one sided. She thinks that it would be fine for all of the people who are present tonight to submit their issues; how they felt they were treated improperly, or given wrong information and have a discussion with Mr. Scanlon. Councilor Marshall stated that his concern is that all the Councilors know that they have a protocol and a way to handle issues that are brought before them regarding an employee. It is called going to Human Resources and discussing your issues and concerns with the Human Resource Agent Director, Ms. Gomes about an employee. If he receives complaints, that's what he does. He stated that is what the Collective Bargaining Agreement requires them to do. He doesn't know why we are treating this employee any different than any other City employee. He is willing to bet that there are no complaints from Mr. McCaul in Maria Gomes's office because it doesn't play as well as it does on television. If there is a problem, we have to follow the proper procedure. We cannot allow for a public display of a Human Resource issue. He stated that the employee is covered under the Collective Bargaining Agreement and he has rights. Councilor Croteau spoke about meetings that he has been to since 1969 and has seen more public displays. As far as the Collective Bargaining, it does not enter into the picture. A reappointment, according to our charter, rests in the hands of the City Council. The Executive Branch cannot negotiate away the authority of the Legislative Branch. He is willing to vote for a three year contract but he does not want to see business as usual. The requirement for re-appointment does not require just cause. He spoke about how he worked under a contract for 33 years. When that contract ends, it's over. He suggests that the Council looks at the City Charter; there is no requirement for just cause. We need the economic growth and coordinate the process. He would like to talk about that. If he has a concern about someone's personality, he will discuss that with the person in private. He is only concerned about their performance. Council President Quinn stated that most of the chatter about this has come up in the past few weeks; she would suggest that this is not the time to bring up those issues. She has heard some negative comments and has spoken to the City Planner about them over time. She has also had much positive feedback from business people in the area. She thinks that the issues are being addressed and is perfectly willing to move forward. She stated that they still have the oversight of the Mayor and his review. She suggests that if people have issues, as Councilor Marshall said, let's get them to the people that need to address them instead of behind the scenes.

She stated that she has heard as much positive as negative. Councilor McCaul asked when the right time would be to discuss this. He stated that the right time is when we are looking at appointing an individual. He stated that behind him, is the business community that would like to speak. He stated that maybe public input should be done at this time. He feels that maybe we should wait on the appointment. Mayor Hoye stated that he has heard enough and has heard how our economic development in this City has suffered. He stated that he and Kevin have had many discussions about this. If economic development in this City has suffered, he is missing something. It is growing at a rapid pace. We need some help downtown, which has been talked about. They will put some changes in place to hopefully streamline that. Our parks are at capacity. He is not sure where the issue with economic development is coming from tonight. He stated that everyone on the campaign trail said that economic development is great and all of a sudden it is not. He spoke about how everyone is criticized but we will not sit here and turn this man's job into a public display here tonight. **Councilor Borges pressed the motion. Motion was made to move approval. So Voted. Councilor McCaul voting in opposition.** Kevin Scanlon was then sworn in by the City Clerk.

Reappointment of Jan Boboruzian, 25 Beaufort Court, Taunton to the Taunton Airport Commission for a term of three (3) years expiring January 2019. Councilor Cleary stated that he just met Mr. Boboruzian the other night and although he was nice, he has no idea about his background. He stated that they should have something, such as a resume, in front of them so they know what they are voting for. Mayor Hoye stated that he is a reappointment. He stated that he is a retired longtime commercial pilot who is now into real estate. He was former president of Taunton Girls Softball League. He has done a great job and is committed to moving the airport forward. He stated that he has no problem reappointing him for another three years. Councilor Carr asked if the Airport Commissioners have different terms. Mayor Hoye stated that they are staggered. Councilor Carr asked if he is the only one up for reappointment at this time. Mayor Hoye said yes and there is a few more coming up in the next few months. **Councilor Borges made a motion to move approval. So Voted.** Jan Boboruzian was then sworn in by the City Clerk.

## **HEARING:**

**Continued Hearing,** On the petition submitted by Attorney David T. Gay, Gay & Gay P.C. 73 Washington St., PO Box 988, Taunton on behalf of his client, Sally A. Koss; Stephen Koss, Trustee, 630 Park Street, Stoughton for a Special Permit to allow: A 36 unit multi-family residential development on Dean Street (parcels 55-576 and 55-575) located in the Urban Residential District issuance of a Special Permit. Com. from Attorney David Gay stating that the enclosed site plan is a slightly revised version of the plan that was originally submitted with the Special Permit Application. The building footprint has been reduced to allow for additional room between the building and the property lines. They have reviewed this revised site plan with the City Planner and he indicated to us that this plan addresses the concerns that he raised as to the plan as originally submitted. **Motion was made to make part of the record. So Voted.** November 17, 2015 Minutes of the Committee of the Council as a Whole (Pre-Review) **Motion was made to make part of the record. So Voted.** Com. from Chairman, Taunton Planning Board advising that on November 5, 2015 the Taunton Planning Board

reviewed the Special Permit for the proposed 36 residential units on parcels 55-756 and 55-757 Dean Street submitted by Koss Realty Trust, 28 S. Main Street, Sharon, MA. The Planning Board voted (6 members in favor, 1 member opposed) to send a NEGATIVE recommendation to the Municipal Council for this proposal. **Motion was made to make part of the record. So Voted. Councilor Borges stated that the letters that were dated before November 17, 2015 were previously read into the record. Councilor Borges made a motion to open the hearing and invite the parties into the enclosure. So Voted.** Attorney Gay, Steve Koss, Attorney Matthew Costa, Philip Viveiros, McMahon Transportation Engineers & Planners and Nick Dufresne, Thompson Farland Professional Engineers/Land Surveyors were present to speak. Attorney Gay stated that the petition is for a special permit to allow a 36 unit residential apartment building on a 2+ acre site on an urban residential district at Dean Street. Both of the parcels are owned by the petitioners. This proposal resulted from a previous proposal at this site for a similar building, larger in scale that was going to be presented through the Transit-Orient Development District as an overview ordinance for this area. However, that did not get the approvals to go forward. The request was presented to the Zoning Board which was a requirement under that section of the Ordinance. The Zoning Board was only there to site building and to site the parking on the lot but the Board made a decision to not approve that as presented to them. Therefore, his client who is trying to do some economic development for the City went back to meet with the City Planner. The City Planner had suggested this petition before his client tried the first petition because this one had better merit and would go through the process in the ordinance that didn't require the Transit-Orient Development District Ordinance. He stated that Mr. Koss spoke with him regarding that and they had Mr. Dufresne draft a plan that met the Ordinance requirements. Attorney Gay spoke about the requirements of the Special Permit and the differences between the two petitions. He also discussed how the building was redesigned to make it economically feasible and compliant with Zoning as best they could. This plan complies with everything in the Zoning Ordinance. He then presented pictures to show the plan they are looking to develop. He stated that one of the first things that he tells his clients when they are going for something that needs a permit, in many cases it is a Zoning Permit. Before the City developed a very comprehensive DIRB, Planning and Site Plan Review process going to the Zoning Board was one of the only steps they had to take. You had to do a more detailed plan for the Zoning Board. With the development of the DIRB system and the Site Plan Review system a lot of that work is done at that level. He stated that you cannot expect petitioners to spend thousands of dollars to design a drainage system until they know they can build a building like that. They have no issues with the Special Permit having a condition that the drainage must comply with the state requirements and be approved by the City Engineer. They have to do that anyway, they can't build that without it. They have no issues with this going back for a Site Plan Review because it has to go back there anyway. He spoke about the two details that were brought up about the drainage system and the recreational area. The DIRB and the Site Plan Review system that the City has adopted has taken good to fair presentations and made them better. He stated that it is a substantially smaller building than what was originally thought to go there with fewer units. There is more than ample parking. He stated that under this district, they do not need the Zoning Board's approval so that is why they came directly to the Council under the special permit process. Nick Dufresne then made a presentation regarding the building and its layout. Philip Viveiros, gave a presentation regarding traffic and spoke

about the layout of the parking lot and the requirements. Councilor Borges asked what the required parking would be for that particular site. Atty. Gay stated that it is 72 spaces. She stated that they have 80 spaces now and asked if they can use the 8 extra spaces to make a more open space. She stated that it was an issue that was brought up at the pre-hearing. He stated that it could be done but the reason he encouraged his client not to do this at that level is because you do want to have the potential for guest parking. He stated that it can be reduced at Site Plan Review. It cannot be reduced to less than 72 without a variance which they don't want to get. Councilor Borges asked if after the Site Plan Review they will probably have more open space. He stated probably, but it depends on the drainage and if they want it put in. If the Council wants them to go to 72 spaces, then they will. Councilor Borges stated that she is glad that they have the traffic study people here today because she knows that it is something that the Council wanted last time. There were also some concerns with accidents in front of that area. She stated that she has pulled police reports and it showed that there were multiple years that there haven't been any accidents there. Councilor Pottier stated that the Planning Board didn't vote it down because it was a bad plan; it was that they didn't see enough on the plan. Without seeing how much space necessary for drainage facilities, pedestrian walkways, landscaping, buffers and on-site amenities it could not be determined how big of a building or how many units could be approved. He asked why they didn't bring the plans that the Planning Board was looking for their consideration and ultimate approval before coming to Council. Atty. Gay stated that it all comes down to the drainage. He can't advise Mr. Koss to spend that kind of money. He stated that if they have to get a variance, they will go get that first. If they don't get that, they can never build what they need to build so you can't spend all that money to design it. They don't know if they can get a permit to build 36 units and they have addressed the issue and made the building smaller. They started out at 61 units and have gone down to 36 units. Councilor Pottier spoke about the Planning Boards decision and how the applicant didn't seem like they were willing to come back with any more plans for the Planning Board to review. He thinks that it would be a better use of time rather than coming before the Council. He stated that the only thing that he had to go by was the negative recommendation from the Planning Board on what was presented at the time. He stated that according to Councilor Dermody, we have some better plans today. Councilor Pottier stated that his expertise is not in looking at the plans and he doesn't have the Planning Boards recommendation to suggest which way he should go on that. He wouldn't 100% vote in favor or opposition just based on the Planning Board and Zoning Board recommendations, but he doesn't have that to go on in this case. Atty. Gay understands his point and all he can say is that the Planning Board wasn't inclined for this project from the beginning; they didn't even want to change the zoning in that area. He stated that if the Council approves this, they will have to go back to the Planning Board for them to approve the Site Plan. They will get a chance to do everything that they suggested and they don't have to approve the Site Plan. Councilor Dermody stated that he had served 16 years on the Planning Board. He reviewed this with the City Planner and he was present at the November meeting. He stated that the issue was not just drainage. It was an inadequate plan for his colleagues on the Planning Board. He stated that he really likes this project and they have his endorsement. He stated that maybe the Council can make a motion that subject to the Planning Board and the DIRB. He would feel better if the Planning Board would see this plan at a hearing. Councilor Marshall asked what the width of the fire access is. Mr. Dufresne stated that he believes it is 12 feet. Councilor Marshall asked the Traffic

Engineer if when he did the traffic analysis if the vehicles queuing up on Arlington Street go past the driveway. Mr. Viveiros stated that based on observations that were done in January of 2014; there were cars that extended back to that driveway site. Given the reduction of the units and the reduction of traffic that will be generated, they feel that it would be an issue that would have to be mitigated to be looked at. They don't think it would cause any undue reductions in traffic operations. He spoke about how the Mass DOT would have an opportunity to address concerns about queuing as well. Councilor Marshall asked if without putting 36 units there, the traffic queues up past this intersection now. He asked if there has been any thought to exiting right turn only or no left turn. Mr. Viveiros stated that it has been tossed out and because it is a DOT area, they would have to deal with them. In his experience with the many years of dealing with the DOT, they generally don't do right turn only because they generally don't get followed and they cause more problems than there were. He stated that it is general; they may say something different here. He spoke about how in some respects it helps people get out of there. Councilor Marshall asked if the storm water management areas are just proposals. He confirmed. Councilor Marshall's concern is that those areas are normally fenced off and that large fire apparatus could have a problem making that turn in close proximity of the fence. He stated that it depends on what the Conservation Commission decides. Councilor Marshall asked where the house is located on the lot next door. It was then shown to him on the map. Councilor Cleary spoke about how this plan is much more reasonable with the 36 units as opposed to 61 units. He actually thought that it would be 2 buildings with 18 units in each. He asked if it would be City sewer and water. They confirmed. Councilor Cleary stated that he didn't understand the drainage under the parking lot. He knows that the river is right across the street and is not sure how that water is filtered. Atty. Gay stated that storm water management actually requires all kinds of catch basins and pretreatment facilities in those basins. Even if it is not placed under the parking lot, they will have to do that at some point because whatever lands on the parking lot has to go somewhere on their site to be treated before it goes offsite. Councilor Cleary stated that he has a difficult time going against the Planning Board. He is not sure what the correct procedure right now is, to approve it or send it back to the Planning Board. He would like a recommendation from the City Planner as to what he thinks is the right procedure. Kevin Scanlon, City Planner stated that if the Council decides to send this back to the Planning Board, they need to obtain a waiver of the time frame to act from the petitioners so it is not granted by default. He stated that if that was done, it could be heard on March 3, 2016 and come back before the Council the next Tuesday. He spoke about the parking and how it would be good to have the extra spots because there is no place for overflow and there is no on street parking. He urged the Council to be careful of that. He spoke about the drainage and how the purpose of the system is to get the water back into the ground which will eventually lead into a river or stream. He discussed the design of the parking lot. He stated that it is a lot of money to design the detention system up front and that is one of the reasons that they do not want to do that now because if they get denied for some reason they will be out a lot of money. Atty. Gay suggested that if the majority wishes to send this back to the Planning Board, now would be the right time to do it because then they can come back with a plan and a vote from the Planning Board. Council President Quinn stated that she was respectfully thinking the opposite. She would like to get as much done tonight and then if it does get moved to a Planning Board review, she would be inclined to do this as well. Council President Quinn stated that she appreciates the more detailed plan and as Councilor

Pottier mentioned, our experts are the Planning Board and the DIRB. She stated that while the Council has gone against them in the past, the Planning Board doesn't like it as well as the Council. She asked if the white line that appears on the plan represents a walkway to get to the doors. He confirmed. She asked if there is a walkway around the rear of the building as well. He stated that you can't see it but it is the same area that the fire truck would use. He stated that they will put in an area for the truck to go around which will have grass going through it. Council President Quinn stated that her next question was going to be what the surface of the fire access area would be. He stated that it is pervious pavers which will allow grass to grow through it but it is solid so the truck can go over it. Council President Quinn asked how many buildings are on the lot now that would be razed. He stated that there is a house up front and in the rear, there is one large shed. They spoke about buildings that are along the same side of the tracks that are owned by the railroad. Councilor Quinn stated that although there is a little excess parking, there is no overflow there and if you have a time where there are extras she thinks that they will park at Girl's Inc. Councilor Croteau stated that he attended the meetings of the Zoning Board of Appeals. During the meetings, a statement was made by one of the members that this individual has spent as much as 15 minutes in a que waiting because of the lights. He thought that it may be an exaggeration. Since that night, he has gone down to that section of the City and has never had to wait for more than one light. Given the heavy traffic around 5pm from the lights in Raynham to the center of the City, he doesn't think that this project will add any more traffic to what is already there. Councilor Carr asked about the buffer zone that would be along the side of the residential properties and what it would contain. Atty. Gay explained the buffer zone on the diagram. She asked if there would be a fence there, he confirmed. Councilor Carr asked if this had to go back to the Planning Board after the fact. He confirmed. She asked if they can deny it. Atty. Gay stated that they can deny it depending what the issues are. They can deny it if they can't meet storm water management or the buffer requirements. They can't deny it if they want more parking or anything like that. They can do a Site Plan based upon the size of the building that the Council approves and the number of units. Councilor Carr asked what the special permit would be giving them permission to do. Atty. Gay stated that it is to put up a building with 36 units. She asked if it would go back to the Planning Board and they will decide on the buffer, the storm water and all of that. She asked about Conservation, he stated that they will have to go to them and they will mostly be concerned about detention basins. He stated that they are not working in the wetland area; they are working in the buffer. Councilor Carr asked if Conservation is not happy with their plan, can they stop the project. He stated that they could. Councilor Carr is not feeling a big hesitation about approving this, because the Council would be saying that they have no issue about them putting a building there and there is a whole bunch of other people who will approve the other things. If they decide not to, they will stop the project right there. They confirmed. She stated that it is a much better use for that land than what is there now. She is sure that there may be a little bit of traffic there at certain times but if you go up the road to Dean Estates it is worse there because they have no traffic light. She has an issue with no recreational area because there will be children there. She asked where they are going to go. She pointed out a good amount of land in the left hand corner of the diagram. Atty. Gay spoke about trying to find a good place to put the storm water retention. He stated that there are a couple of spots in the back of the diagram that could be good for recreation, but it is close to the tracks so they may go to the other side. She asked if it is all City land behind it. She

asked if they could purchase a little of that land for recreational area. He stated that there are wetlands back there. Councilor Marshall asked how many bedrooms would be in the units. He stated that the last he knew there will be 3 studios, and the remaining will be one and two bedroom units. He stated that there may be children there but the majority of the units will be one bedroom. Mayor Hoye asked if anyone was present to speak in favor of the petition. Joshua Borden, Dean Street stated that he was one of the members of the Planning Board and one of the six who voted to send a negative recommendation to the Council. He stated that what is in front of the Council tonight is a much better proposal which has to go back to the Planning Board for a Site Plan approval. He would have liked to have seen a couple of holes for soil to see what was there so that they could prove that the drainage could work out there. He stated that what they have done by reducing the units to 36, it is now zoned as urban residential with 18 units per acre which is much better. He spoke about all of the improvements in this plan and stated that this is a much better proposal. Scott Rodrigues, 108 Williams Street stated that he is not for or against this, he just has a couple of questions. He spoke about the traffic between 7-9am and 2-4pm and how there are 3 schools in the area. He stated that there will be about 18 units with two bedrooms and obviously some of them will have kids. It is not an ideal area for a bus stop. He asked if the bus would be able to get into the unit in order to pick up the kids. Atty. Gay stated that they didn't design it technically for a bus to come in but it probably could. He thinks that two things could happen. 1. If there are a limited number of students sometimes a smaller bus can pick them up; 2. If the bus stop would be in the westerly direction, it wouldn't be so bad. He stated that he knows from experience that they can generally arrange the bus route so they stop on the same side, especially on the highway, whether they are picking up or dropping off. He spoke about a bus stop on Route 140 near Home Depot. Mayor Hoye asked if anyone was present to speak in opposition of this petition. Charles Flannery, 10 Belmont Street which is about two blocks from the development. He stated that he has two problems, location and procedure. The location itself is right at the footprint of the Historical District. He spoke about how it just doesn't fit and how there will be traffic at that intersection. He also spoke about the size of the building and how it doesn't make sense. He then spoke about the procedures and how they have gone to different boards. He stated that they if they didn't want to spend the money to complete the drainage study to present before the Planning Board then they don't have any business being a developer. He then spoke about how they should have had the study done and gone back before the Planning Board. Mayor Hoye asked if anyone else was present to speak in opposition of the project. Since nobody else was present he then closed the Public Input portion of the meeting. **Councilor Cleary made a motion that the hearing be recessed and direct the applicants to go back to the Planning Board and reopen this hearing at that time.** Mayor Hoye stated that he believes that we have to have a date certain. The City Solicitor stated that there has to be a date certain and a decision has to be made within 90 days of the final day of having a hearing. If the Council intends to continue this to another hearing date, they need to pick one and that won't start the running of the clock until the public hearing is finished. He is not sure when the Planning Board will meet on this. Mr. Scanlon spoke about how they could come in front of the Planning Board on March 3<sup>rd</sup>. He stated that there is a time frame from when the petition is submitted, not just from the hearing date. The City Solicitor stated that he thinks the rules are different for a variance than a special permit. Atty. Gay stated that he thinks that there is a time frame within which you have to act even though it is more than 90. He believes it is 110

or 135 days from when the petition was submitted. He thinks that there would be better clarity to the whole thing if they agreed, if the majority of the Council is in favor of referring it back, then obviously they would extend the time. He stated that if they got it be default, they would end up losing in court anyway. Councilor Croteau asked Mr. Koss if this goes back to the Planning Board and they again recommend that it not be approved then this is it? Mr. Koss said he does not know what he'll do at that point. The City Solicitor stated that his understanding of this particular process, the reason that this went to the Planning Board to begin with was because this was an application for a special permit. The Planning Board was going to vet the project and make a recommendation to the Council. Usually, when they give a positive recommendation, they also recommend a whole series of conditions that should be placed upon the granting of the special permit if the Council wishes to grant it. He stated that what they are missing is that there is nothing from the Planning Board that says what they think the conditions should be. He stated that it would be the main reason that it should be referred to the Planning Board. The Council usually goes along with whatever the conditions are. As a result of this new plan, he doesn't know if the Planning Board would recommend additional conditions over and above what Mr. Scanlon recommended. There is no way to know until you go through that process. Atty. Gay stated that he clarified with his client that if it does go back to the Planning Board, they would ask that the Council makes the motion to have it back here on March 8, 2016. **Councilor Dermody pressed the motion. Motion was made to refer this project back to the Planning Board on March 3, 2016 with the understanding that this hearing will be re-opened on March 8, 2016 at the Municipal Council meeting. So Voted. Motion was made to excuse the parties. So Voted.**

**Communications from City Officers:**

Com. from Director, Taunton Public Library responding on security needs inquiry. She stated that for two years, the Library has had two part time security guards on staff for a total of 36 hours. The library is opened for 64 hours per week leaving 28 hours uncovered by any security guard. Security is scheduled for what is determined to be the most difficult hours of operation but what they have found is problem activity accelerates during the times guards are not scheduled no matter how many times we rearranged their hours. A full time security guard is necessary and would go a long way in the continued effort to make this institution a safer and more welcoming library in which to work and visit, The Taunton Public Library is a treasure of immeasurable value and all our residents deserve the right to feel secure within it. Mayor Hoye stated that when the FY16 budget was formulated, he met with Ms. Duquette like he does with all department heads. This was talked about and other positions took priority over this. He specifically asked about hiring a full time security guard. The part time security guards have certainly made a difference; it is something that can be looked at should the funds be available in the FY17 budget. Councilor Croteau stated that he spoke with Ms. Duquette and it sounded to him like she was changing her mind. **Councilor Marshall made a motion to refer to the Mayor's Office for funding and to look at and explore the possibility of hiring a security firm since it may be a more reasonable way to provide more of a total coverage. He also motioned to refer to the Chief of Police to lend some technical support to the library Executive Director and the Trustees. Councilor Croteau motioned to see the report from Eric Nichols. So Voted.**

Com. from Treasurer/Collector refunding of 2002 and 2007 Municipal Bonds which will save the City a total of \$587,809 over the current and next eleven fiscal years, after all expenses. The City received six bids on the refunding bonds ranging from 1.536% to 1.664%. Janney Montgomery Scott LLC submitted the low bid with a weighted average net interest rate of 1.536073%. The coupon rates range from 2% to 4% and the bid included a premium of \$409,042.19. A summary of bid results and details of the winning bid are attached for your review. **Council President Quinn made a motion to receive and place on file and commend the Treasurer/Collector Barbara Auger for her continued efforts in refinancing these to save the City a considerable amount of money. So Voted.**

Com. from City Planner submitting a six month implementation of the ADA transition report. The previous update was provided via email to Councilor Pottier in September which was July and August was spent reworking the spreadsheets to link with the narrative report and a meeting was held in early July to discuss implementation strategies. He met with Donna Dicorpo to discuss the Commission's priorities in late July. The Mayor held a meeting on August 26<sup>th</sup> to roll out the implementation of the plan. He then listed what has occurred since September. There are a number of projects such as City Hall, Mulcahey School and the Airport Terminal building that will greatly impact the report as they are completed. **Councilor Cleary made a motion to refer this document and the attachments to the ADA Committee. So Voted.**

Com. from Fire Chief submitting the report on overtime coverage charge during Private Soares LOA. The Department does not fill vacancies on a 1 for 1 basis. Therefore, Private Soares current leave of absence may be a factor in creating overtime but is not the only factor in determining when overtime is hired on a given day. The Department roster changes daily and overtime is allotted once staffing levels fall below a minimum number required to operate the Fire Department. Items that effect daily staffing include sick leave, vacation time, personal days, training days, military leave, and line of duty injuries. He has directed the Deputy Chief's Office to look further into the individual department schedules. Due to the many variables affecting overtime creation each day this will take some additional time to review and complete. Councilor Carr stated that she had requested this two weeks ago and understands that Chief Bradshaw was away for one the weeks. She doesn't think that it should be that difficult to figure out how many times he hired overtime when Private Soares should have been at work. **Motion was made to give the Fire Chief two weeks to provide that information. So Voted.**

Com. from City Solicitor stating that pursuant to G.L. c. 30A, §21(a)(6), respectfully requesting to meet with the Mayor and the Municipal Council in executive session during the February 2, 2016 Municipal Council meeting to consider the possible purchase, exchange, lease or value of real property. It is his opinion that an open meeting on this matter may have a detrimental effect on the City's negotiating position. **Councilor Marshall made a motion to refer this to the end of the meeting as there is also another request for an Executive Session. So Voted.**

Com. from Budget Director requesting a transfer of \$118,765.00 from the Reserve Account in order to fund the COTMA and Individual Employment Contracts through June 30, 2016. He has attached a breakdown by individual account numbers per position.

He only listed the departments that needed all or a portion of the amount needed to get through June 20, 2016. **Councilor Borges made a motion to refer to the Committee on Finance and Salaries. So Voted.**

Com. from City Solicitor stating that pursuant to G.L. c. 30A, §21(a)(3), respectfully requesting to meet with the Mayor and the Municipal Council in executive session regarding Varsity Wireless, LLC v. City of Taunton, Taunton Municipal Council, et at. And Bell Atlantic Mobile of Massachusetts, Ltd. d/b/a Verizon Wireless c. City of Taunton, Taunton Municipal Council et al. **Councilor Marshall made a motion to refer to the end of the meeting. So Voted.**

**Communications from Citizens:**

Com. from Priscilla Matton, Superintendent, Bristol County Mosquito Control Project, 38R Forest St., Attleboro submitting their 2015 Annual Report. **Councilor Marshall made a motion to receive and place on file and place on the City's website. So Voted.**

Com from James Wells, 71 Howland Rd., Assonet, MA requesting a waiver of a five (5) year moratorium. He is requesting permission to open the street to connect City water and sewer at the property located at 450 Cohannet Street, Taunton, MA. The new construction home is currently under agreement and is scheduled to close in the month of February. **Councilor Borges made a motion to refer to the Committee on the DPW. So Voted.**

The City Clerk read an addendum from the City Solicitor requesting to meet in Executive Session regarding Varsity Wireless, LLC v. City of Taunton, Taunton Municipal Council, et at. and Bell Atlantic Mobile of Massachusetts, Ltd. d/b/a Verizon Wireless c. City of Taunton, Taunton Municipal Council et. Al. **Councilor Marshall made a motion to refer to the end of the meeting. So Voted.**

**Communications in the hands of Councilors:**

Councilor McCaul stated that he received a letter on his desk from American Medical Response stating that tomorrow from 10:30AM-12:00PM at the AMR garage they will be having an open house. They have invited the Mayor and the Municipal Council to attend. AMR will be providing a Narcan demonstration. There will be light refreshments.

**Petitions:**

**Hours of Operation**

Work Out World, Taunton, LLC located at 50 O'Connell Way, East Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Manuel M. Sarmiento, 101 Montaup St., Somerset, MA owner of Prestige Auto Mart, Inc. -dba- Prestige 3 located at 288 Broadway requesting an increase in lot size to also include 310 Broadway and requesting an increase of vehicles to allow 177 vehicles on their lot. **Motion was made to refer to the Committee on Police and License and Detective Smith. So Voted.**

Claim submitted by Robert Conway, 60 Cotuit Road, E. Taunton seeking reimbursement for damages to his automobile from hitting potholes in front of 636 South Precinct Street, East Taunton. **Motion was made to refer to the Law Department and the DPW. So Voted.**

Claim submitted by Brian Barros, 120-A Prospect Hill St., Taunton seeking reimbursement for damages to his mail box post due to a snowplow hitting it. **Motion was made to refer to the Law Department and the DPW. So Voted.**

**Committee Reports:**

Motion was made for Committee reports to be read by Title and Approved. So Voted.

Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted.

**Orders, Ordinances and Resolutions:**

Resolution submitted by Bristol County Savings Bank, 35 Broadway, P.O. Box 4002, Taunton, designating public depository and authorizing withdrawal of Municipal Public Moneys for the City of Taunton for Anabela D. Jones, Principal, Galligan School, 15 Sheridan St., Taunton. **Councilor Marshall made a motion to move approval. So Voted.**

**New Business:**

**Council President Quinn motioned to change the Tuesday, March 1, 2016 Municipal Council meeting to Monday, February 29, 2016 at 7:30am due to the Presidential Primary which will be held on Tuesday, March 1, 2016. So Voted.**

Councilor Pottier stated that a couple of weeks ago he referred the train tracks on Old Colony Avenue to the DPW and he has not heard anything. **Motion was made that the DPW provides a status report through the City Clerk's Office within two weeks. So Voted.** Mayor Hoyer stated that he believes that they did some work on them and thinks that they may have gotten hit by a plow again.

**Councilor McCaul made a motion to refer to the Safety Officer to look into speeding on 142 Whittenton Street and the corner of Washington and Whittenton Streets during the hours of 7am-9am and 3pm-5pm when the school van arrives at the location. Council President Quinn stated that the Council has been asked to refer those types of matters instead of to the Safety Officer to the Committee on Police and License for further referral so they know where to send them back. Mayor Hoyer stated that it should also be referred to Mr. Barrada at the School Department. So Voted.**

Councilor McCaul stated that he has received a phone call from a resident at 9 Chester Street who told him about a huge dead tree limb that is hanging over a bus stop. **Motion was made to refer to the Parks, Cemeteries and Public Grounds Department. So Voted.** *(The Assistant City Clerk spoke to Marilyn Greene on 2/3/16. She stated that she will take care of it.)*

**Councilor Borges made a motion to refer to the Mayor's Office the funding for the Master Plan that Councilor Croteau spoke about today. So Voted.** She stating that has come up many times and funding has been an issue. Mayor Hoye stated that an Urban Edge grant was looked into and they will be actively pursuing that.

Councilor Cleary asked if the Head Start lease has been taken care of. He stated that the 10 year lease is up and he thinks that it was referred to the City Solicitor's Office. He thinks that they may be running out of time on that lease. The City Solicitor stated that he is not sure that it is running out of time. The Council has already approved it; it is a matter of signing all of the paperwork. The last time he spoke with the Executive Director at Head Start she indicated she would have her legal counsel send him a proposed document to memorialize the agreement. He told her that he would review it and get back to her. He stated that he is still waiting to receive the document.

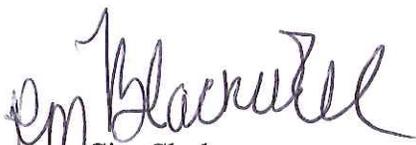
Councilor Carr asked the City Solicitor if the MOA has been finalized with the MBC over the diff. She spoke to Mike Mitchell recently and she said that the City Solicitor's Office was working with them. The City Solicitor stated that they are working on that right now. She wanted to confirm that it is not yet completed. The City Solicitor confirmed.

The Mayor stated that the Council will go into Executive Session on a roll call vote. They will not be meeting back out in the Council Chambers. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

Meeting adjourned at 8:30 P.M.

A true copy:

Attest:

  
City Clerk

RMB/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 1, 2016

RECEIVED  
CITY CLERK'S OFFICE

2016 FEB 11 P 1:35

**THE COMMITTEE ON THE NEEDS OF THE AIRPORT**

PRESENT WERE: COUNCILOR ESTELE BORGES, CHAIRMAN AND COUNCILORS POTTIER AND MCCAUL. ALSO PRESENT WERE COUNCILORS CARR, QUINN, DERMODY, CLEARY AND MARSHALL. AIRPORT COMMISSION MEMBERS FRED TERRA, BOB ADAMS, WILLIAM MANGANIELLO, JIM MADIGAN, BURTON SCHRIBER, CHARLES MALO, AND JAN BOBORUZIAN, AIRPORT MANAGER DAN RAPOSA AND TREASURER JOE LAWLER.

**MEETING CALLED TO ORDER AT 6:00 P.M.**

**1. MEET TO DISCUSS CONCERNS BROUGHT UP BY THE USERS OF THE AIRPORT**

Councilor Borges said that tonight they are here to discuss the issues that were brought to the Council by the Taunton Pilot's Association. She also said she wants to make it perfectly clear that they are not here to talk about an extension of a runway. That is something that is in every Master Plan, but she will say that the Taunton Municipal Airport could never support such a jet port. She wants to make it perfectly clear and she as a Councilor will only speak for herself, will not support a jet port. If that is the reason people are here tonight is for the extension of the runway as some comments that were made last week that will not be discussed tonight. Councilor Borges also said that the other thing she would say is that she did have a conversation with the Administration, and Mayor Hoyer is absolutely against a jet port at the Taunton Municipal Airport.

Councilor Borges will allow public input at the end, and everyone can speak for 3 minutes at a time, however, they will take all the public input under advisement and get back to the people. If the Committee does not get through everything tonight, then they will continue the meeting. The Chairman also said the plan that was submitted by MassDOT for the new terminal building had nothing to do with First Light Casino, just so that everybody is on the same page there. She wants to clear up any rumors that are out there regarding that. She knows there was an article in the newspaper today, that is not the case. This is just something that was in the Master Plan, the new Administration Building and Terminal Building. They have met with MassDOT, they will be presenting that to the Council and Mayor shortly to look at funding because that is something that needs to be funded by this Council.

Councilor Borges also wanted to clear up that there are 2 associations at the airport, the Taunton Airport Association and the Taunton Pilots Association. The letters and issues that have been brought to her attention as a Councilor have come from the Taunton Pilots Association, not the Taunton Airport Association. The Taunton Pilots Association board members include Melinda Payne Dupont who is the President, Steven Goldin who is the vice President, Francis Nowak is the Treasurer and Theodore Jula who is the Secretary/Clerk.

The Taunton Airport Association includes Lee Padelford, President, Fred Terra, Vice President, Dick Griffith, Treasurer and Peter Regas, Secretary.

Councilor Borges then read a letter dated 1/29/2016 from Jeffery DeCarlo, Administrator at MassDOT to the Mayor which said that he was writing the letter to share a recent conversation he had with the Manager of the Taunton Municipal Airport and representatives of the Airport Commission. These individuals reached out to him and the Aeronautics Division last week

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FEBRUARY 1, 2016

**THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED**

regarding what they describe as “an ever growing full rebellion and its impact at the Taunton Municipal Airport.” Although his initial reaction to this declaration and what followed was that it requires an immediate resolution among the parties involved, namely the Airport Commission, the Taunton Pilots Association and the City, he also expressed the concern he has when any local disagreement interferes, or has the potential to interfere with the autonomy and authority of the Airport Commission pursuant to the Grant Assurances which once executed and monies received, constitutes a binding legal contract and M.G.L. c. Chapter 90.

He further said that he is also aware from conversations with his predecessor, Chris Willenborg, that the apparent tension between the parties goes back years, and that his advice at the time was similar to his, i.e. that the parties should attempt to reconcile for the benefit of all involved. He further said that going forward, he is available to discuss this matter with the Mayor in light of the Divisions (as successor to the Massachusetts Aeronautics Commission) strong interest in preserving the Legislature’s allocation of regulatory authority over aeronautics matters under Chapter 90 and the obligations agreed to by the signatories to the Grant Assurances.

**MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.**

Airport Manager Dan Raposa provided a document outlining the history of the Taunton Municipal Airport. He noted that back in 1995 the airport was receiving sporadic payments, the facility was in non-compliance and the FAA was shutting off the funding to the Taunton Municipal Airport. In that year the Taunton Municipal Airport Commission took control of the daily operations of the airport. The Commission assured City Hall at that time that the airport would be self-sufficient. History has indicated such that the airport has operated under its own values since that time. The airport has received funding and got back into compliance in the late 1990’s and under the direction of the Airport Commission was not only able to open a daily dialogue with the FAA and Massachusetts Aeronautics Commission but prove their commitment to improving the airport. Only after a few years access to Federal and State grants were restored to the Taunton Municipal Airport, and the airport was on its way to becoming one of the well-established airports in the area. The Airport Commission also established during that time what is called their Standard Operating Policies and Procedures. These have been in effect since the year 2000. They were created and approved by the Airport Commission and sent to MassDOT Aeronautics for their approval in 2001. There have been a couple of instances that have been revised, as need to be, and when they contracted to do the Master Plan update in 2014 they added some language to it. But the basic SOPP’s as they are have been in effect since the year 2000.

Mr. Raposa continued stating that they have sustained growth over the last 17 years. The Taunton Municipal Airport is one of the few airports that has achieved growth in the last 10 years, currently rated 5<sup>th</sup> in the number of registered aircraft that are in the Commonwealth. Based on the successful operation of the airport they have over 10 individuals requesting/desiring to build new additional hangars at the airport.

Mr. Raposa noted that because of 9/11 2001 they received an Agency Directive that was first put on in October of 2001 and later revised on November 14, 2001. The purpose of the directive was to establish minimum airport security standards for public-use airports located in the

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**THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED**

Commonwealth of Massachusetts. This Directive also provided guidance to airport sponsors for implementing the security standards recommended in it.

The airport classification for the Taunton Municipal Airport is a Class 2 airport as such it is a municipally owned airport without scheduled airline passenger service. The security standards that were set up by the MassDOT, Mass. Aeronautics Commission at that time, set that regardless of the size or operational characteristics of a particular facility, the Commission directs that all public-use airport sponsors in Massachusetts adopt reasonable security standards to (a) monitor and protect airport users and airport property including buildings, facilities and equipment, (b) control the movement of persons and ground vehicles on airport property, especially in the AOA (which is the Aircraft Operating Area), (c) prevent unauthorized access of persons and ground vehicles into unauthorized areas on airport property, especially into the AOA, (d) detect and prevent unauthorized deadly or dangerous weapons or devices from being transferred into the AOA or onto aircraft, and (e) prevent the theft and subsequent illegal operation of aircraft.

The following guidance applies to Class 1, 2 and 3 airports except as noted below:

Exceptions: None

**Monitoring and Protecting Airport Users and Property.**

- (i) Installation of security fencing to protect against inadvertent or unauthorized access to the AOA. This was authorized and also funded by the Federal Aviation and MassDOT. They complied with that.
- (ii) Closing vehicular and pedestrian gates leading into the AOA and locking them when not in use. They have complied with that.
- (iii) Installing access control devices on gates to manage and control the movement of people into the AOA. They have complied with that. They have a badge system that was put in place in 2002 and is still in effect.
- (iv) Periodically changing access codes and locks to vehicular and pedestrian gates leading into the AOA. They have complied with that.
- (v) They have installed locks on their fuel cabinets, fill hatches and pumps and power shutoff switches on all of their fueling facilities. They have complied with that.
- (vi) Installing locks on airfield electrical vaults and other electrical systems, including (non-FAA) NAVAIDS.
- (vii) Installation of barriers to protect fueling facilities, HazMat storage areas and other areas of concern.
- (viii) Installing sufficient outside lighting fixtures to illuminate buildings, walkways, aircraft ramps and aprons. They have complied with that.
- (ix) Monitoring airport property by performing regular inspections, and by means of video surveillance if warranted. This year, in 2015 they have had video surveillance; the first installation of the cameras has been installed at the airport. They are eligible to have more installed as they warrant.
- (x) Requesting periodic inspections/patrols of the airport by local law enforcement officers. They have provided access to all local law enforcement officers. Some enforcement officers have come to him and gotten badges throughout the years because they were the local police

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that were on duty at the time. They have developed their airport security plan and updated it periodically. This was created and done shortly after 2002 and has been updated as part of their Master Plan by their consultant Engineer.

The next section was **Controlling Movement on the Airport**. Airport sponsors shall take reasonable steps to control the movement of persons, aircraft and ground vehicles on airport property by installing airport user signs, aircraft guidance signs, airfield lights and markers, and pavement markings, as appropriate. Airport sponsors shall:

(i) Manage and operate their airport facility in a safe and efficient manner pursuant to all laws, rules, regulations, directives, orders and advisories of applicable federal, state and local authorities. To this end sponsors are expected to utilize an adequate number of people to control and direct the movement of people, aircraft and ground vehicles on airport property including airside and landside.

(ii) Install signs to direct the movement of people and inform patrons of pertinent information regarding the safe and efficient use and operation of the facility.

**Preventing Unauthorized Access** was next. Airport sponsors shall take necessary steps to prevent unauthorized access of persons and ground vehicles into unauthorized areas on airport property. This includes, among other things, preventing unauthorized access into the AOA, moving between areas within the AOA, and separating/segregating persons and ground vehicles from aircraft, fueling facilities, and other areas of concern within the AOA. Airport sponsors shall:

(i) Install security fencing, and access gates where appropriate, to enclose the AOA and to protect other sensitive areas on airport property including all fuel farms and HazMat storage areas. Whenever possible, the sponsor should enclose fuel farms with sufficient fencing to include parking spaces for all fuel trucks. Mr. Raposa said they do not have fuel trucks.

(ii) Discourage unnecessary pedestrian and vehicular access to, and movement within the AOA. For example, aircraft owners should park their cars outside the AOA and walk to their planes. They have established that with their main parking lot and have designated areas for tie down users also.

(iii) Restrict pedestrian and vehicular access into the AOA to as few locations as possible, balancing the need for access by emergency, safety and maintenance personnel inside and outside the AOA.

(iv) Install access control devices (e.g. card readers, mechanical pin latch mechanism, etc.) on fence gates leading into the AOA.

(v) Install video surveillance & detection equipment. The Commission recommends installing video cameras to monitor access gates leading into the AOA, where appropriate. This is what Mr. Raposa mentioned a few minutes ago, they just got that done.

(vi) Install heavy-duty barriers to protect the fuel farm. They have yellow balls to protect this area.

(vii) Require the use of ID badges for allowing access to anyone wishing to enter the AOA and for controlling the movement of persons within the AOA. Sponsors shall implement procedures for challenging persons who are not displaying the proper identification. Any person authorized

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to enter the AOA or move within the AOA shall display a standard ID badge with sufficient information to clearly identify the individual and ascertain the level of security authorization. Mr. Raposa said they have their badges and everyone who needs a badge has a badge and there is access to the badges through the Airport Managers office. The document further says that anyone without the proper identification must be escorted at all times while in restricted areas of the AOA by another person with a proper ID badge.

The document further said Operators of transient aircraft and their guests are not expected, and thus not required, to possess the standard ID badge. Nevertheless, the requirement for escorting unidentified individuals while in the AOA still applies.

Notwithstanding the requirement to possess and display the proper ID badge to enter and move about within the AOA, the sponsor may authorize unescorted access to the following individuals: an employee of federal and state government agencies including the FAA and the Commission who, by job function, are required to work inside the AOA. Mr. Raposa said they have people come in to do their lights, badges and stuff like that.

The next section in the document is **Preventing Theft and Illegal Operation of Aircraft**, which goes on to encourage aircraft owners to do certain things to discourage the theft of aircraft that are exposed there and may not be in the hangers.

Mr. Raposa said this is the directive from Mass. Aeronautics, it was issued back then, and it is something they adhere to faithfully. They have garnered money for it, they have put in their east and west roads, they have taken the vehicle traffic off of the AOA. The gate operators, they have card in, card out, full accountability and it is the most secure method that helps identify those on the airways without authorization. There are temporary codes given to the FBO's and their vendors and constituents for use during business hours. What they have found is that these codes are spread throughout many card holders who are legitimate card holders who use the codes rather than authorized badges, so therefore this abuse of the given codes compromises the validity of the badges which if allowed 24/7 usage would break down the total security of the secured gates. They have also had situations in the past where the code access that some of the vendors have had have been published on social media and was out there for everybody to see. They received a lot of push back from some of the users of the airport and he is sure that is why the Council has the Commission here. The individuals who are pushing back on them, in Mr. Raposa's opinion, do not want the gates, they do not want access cards or accountability at all, they just want freedom to come in and out of the airport.

As part of the agencies directive for security and for the safety of all driving of motor vehicles on the airway is strictly prohibited except in certain areas. They have requested and received confirming literature from MassDOT as to how they achieve this goal. This has been met with push back also mostly from people who have been on the airport for many years. This is because it is a change, they used to be able to drive where they wanted and they are not allowed to do that now.

Mr. Raposa said that insurance requirements are another issue that has come up.

**MOTION:** THAT THE HISTORY OF THE TAUNTON MUNICIPAL AIRPORT AND THE MASSACHUSETTS AERONAUTICS COMMISSION AGENCY DIRECTIVE DOCUMENTS BE MADE PART OF THE RECORD. SO VOTED.

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Councilor Borges said the Committee has received a lot of e-mails and they took all of them and met or spoke with different users of the airport and came up with what they thought were important things to talk about tonight. They are going to ask the Airport Commission to expand on that tonight.

The first thing the Councilor Borges brought up was the Administration or Terminal Building and asked for an update on that. Mr. Terra said that MassDOT two years ago provided money to upgrade the terminal buildings at several airports. They went around to the airports in Massachusetts to figure out whether they needed a new terminal building, whether they just needed a rehab or a complete rebuild. When they came to Taunton they determined that Taunton's existing terminal building was not deemed to rehab, so they ended up being placed on the list for a completely new terminal building. They were only going to do 3 a year, so everyone got put into groups; Taunton got put into group 3 which is the 3<sup>rd</sup> year. After some discussion, Taunton was put into Tier 2, which now means that the design should be done in Fiscal Year 2016 with the building being done in Fiscal Year 2017. They have already had their first meeting for the design stage, and this meeting was posted and was a public meeting. Councilor Borges said that since that meeting MassDOT sent a letter to the Council and it was referred to either the Committee on Public Property or Needs of the Airport, so this Council should be getting some sort of presentation from MassDOT.

Councilor Pottier noted that this is a 95%/5% cost to the City. Mr. Terra said the ballpark figure is \$4.7 million so the City will be paying about \$237,000.00.

Councilor Pottier asked if the \$237,000 was coming from the Airport budget or the City itself, to which Councilor Borges said they do not know that yet but she believes it is coming from the City's budget but here may be some talk about the Airport Commission repaying the City.

Mr. Terra continued stating that the scope work part of this has already been funded, but the actual build part of it has not been funded yet. Basically they will do the scope part of it between now and June, and hopefully in the fall of this year they will start the building. Mr. Terra said there is a 3500 square foot building, a 4500 square foot building and a 5500 square foot building, Taunton is getting the 5500 square foot building. The basic outside designs are all the same, the only differences would be how you petition it on the inside. They will all be handicapped accessible, everything will be up to standards.

Councilor Borges then made some corrections; She said the estimated project budget was \$3.877 Million with the estimated local share of \$194,000. Mr. Terra then said this had changed to the \$4.7 Million, so the City is responsible for 5% of that figure.

Councilor Borges said that the building has a place for the pilots to sleep, classrooms, a place for someone to actually rent for office space, an attorney or anyone that wants to have their office there, a lounge, restaurant, something that will be very nice for the airport.

Councilor Borges then moved on to the gates and the agency directives. She said that she has been thinking about the agency directives and the whole security plan and she knows this has been an issue. Also that people think there should be some provisions in there to kind of change that up. She proposed forming a Committee that would include a Police Officer, someone from the Taunton Pilots Association, somebody from the Taunton Airport Association, maybe a Commissioner and others on this Committee to come up with the best security plan for

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that airport. Maybe having another group of people come in and give their input for that. It is something that she pulled up somewhere and it is called The Airport Security Plan. It talks about creating an airport security plan and it discusses all of these people working together to discuss and come up with the best security plan. She does know that they are bound by FAA and things on that directive, but she is thinking if there is anything else that could be done to deviate from that just a little bit to make it more user friendly without compromising security.

Mr. Raposa said when this was created they went through their consulting engineers and then contracting bid because it was being funded. At that time with all the other projects, it had been designated as the best possible alternative to what they had. It was the best plan for security. Mr. Raposa also said that anything else that people do, you compromise the security and all of a sudden you don't have the security that you thought you had in place.

Councilor Borges said that Committee would come up with a plan and what they thought it was, have a police office on that team, then they would present that plan to the Commission to take a look at it. Maybe taking the opinions of others might be something to take a look at.

Mr. Terra said that this would be difficult because they as a Commission have to set standards for security. They have to answer to MassDOT and FAA. There are certain standards set by FAA and MassDOT. They have given pin number codes to the FBO's and they just extended hours. To start giving something out where the pin codes can be used at more times is going to compromise security. They had also said if you need codes beyond the posted time where the pin numbers work for the FBO's, you can contact the Airport Manager, or stop by the office if you know you are going to be there, and he can give you a pin number. The problem is if you extend the hours where these pin numbers work more than the allotted number of hours the security is compromised, and in fact that was when someone posted a pin number where everybody could read it. This situation that they have now is a compromise as it is. If you want it to work, it works, if you don't want it to work, it won't work.

Councilor Borges asked if they have used the badge system where people that have a business in the airport can just swipe their badge and not use the pin code, have they had this system before?

Mr. Raposa said this is exactly what is in place today.

Councilor Borges then asked what the pin code was for.

Mr. Raposa said for people who do not have a badge, and to ID temporary access.

Councilor Borges asked when they call Mr. Raposa to get a code, what is the verification, what does he use for security to know who they are.

Mr. Raposa said he wants to know where they are, and if they can identify where they are then he wants to know what their pin number is at the time. Then he gives them a code and then he listens to the code being put into the gate. Some people will call on the phone because they are coming in at night or something, then he will talk to them and give them a code to get in.

Basically he knows when you are getting a legitimate call.

Councilor Borges then said that no one has ever had a problem with calling his number or anything like that. Mr. Raposa said that people have called and out in East Taunton sometimes phones do not go through. Also, when they are in the metal building the phones don't work

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Councilor Borges asked what the hours of operation were, when is the Airport Manager at the airport, what are the hours of operation for the airport.

Mr. Raposa said he is the Airport Manager, he is on call 24/7, he has flexible hours as to when he is at the airport, he has scheduled some hours on Tuesdays and Wednesdays to have office hours. But he does all kinds of different things at the airport, he operates the snow removal equipment, he manages and does the inspections at the airport and things such as that, so he is not in his office. They do not have the privilege of having someone 8-5 sitting behind a desk. They do not have the staff.

Mr. Terra said they hired Mr. Raposa, his management company to manage the airport, and it does not specify when he has to be at the airport. It is a 24 hour a day, 7 day a week operation and he has gotten called out at 10:00 p.m. before.

Mr. Raposa said that he is not a City employee and the reason the Airport Manager position is not a City job is because of the costs. First he worked under a 1099, then he worked under an LLC, and this went from a 1099 to an LLC at the discretion of the City Solicitor. They did not want to have that kind of a payment, they did not feel it met the law so that is why that was changed.

Councilor Borges said the important thing here is that the security of the airport is for all the users so there are 2 associations and other users of the airport and there are concerns from all of the users that there could be vandalism, theft or any other thing that happens. She further noted that she is not here to micromanage the airport, but they are here to give ideas for things that maybe could work and make everybody happy, but that the airport was still a secured place.

Mr. Raposa said the directive was made up shortly after 9/11 and this is the only directive that they have received pursuant to subsequent years. It is in effect at all the municipal airports in Massachusetts, in one form or another.

Councilor Pottier said that the Commission knows the airport industry, and the users group knows the airport industry but he sees the Committee's role as being a conduit between the users who are the ultimate customers of the airport, many of whom live in Taunton, and the appointed Board, because it has reached the point as the Chairman pointed out, where the communication sometimes in the past was lacking. What the Chairman is trying to do is run through the multiple e-mails received by Councilors and point these things out. He does appreciate the fact that security is of the utmost importance, but if other airports are allowing something, and are lax, that would be something to offer as an explanation as to why we have the rules, why the Commission is doing things one way and others are doing things differently. The Committee is committed to keeping the lines of communication open.

Commissioner Malo said that for a large number of years they had the gates in place and they were wide open dawn to dusk so essentially anyone could go through at will. They are at an impasse right now as a Commission. They hear the needs of the airport community and he feels that Councilor Borges came up with an excellent idea in forming that Committee. He further said other airports, Plymouth for one, you can walk through the gate at will. The Commission is not going to relent their security by compromising. What Mr. Raposa and Chairman Terra was

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on this is a good thing.

Joe Lawlor, the Assistant Manager at the airport said that when they started to put together the package of SOPP's, they had asked their engineers to re-look at them at the time of the Master Plan. They had asked for input from users and they had received a number of documents from their users and they considered every item. In fact the count was 97 comments from users. Mr. Dupont submitted an 11 page comment sheet. They went through each of those items. Opening it up to further comment is OK from his standpoint, but he wanted the Council and the Commission to understand that they have received a considerable amount of input and considered every item. A lot of those items that were submitted had value and substance, and they did determine that some of the things on their SOPP should be eliminated. They have a section that they kept, that they eliminated and a section that they have to get further information on. They did get input on the SOPP's and they did consider them.

Commissioner William Manganielo said on the time frame for the comment period, his concern was that it was essentially 2 weeks or less to entertain comments from the airport users and the airport community. He felt that this was not enough time and put people under fire. Yes, there were about 100 comments made, but there may have been more if people had more time. Looking at that 2 week span to look at a 150 page document whereas the older or current SOPP is considerably shorter. The other thing he was concerned about was during open meeting there was no comments taken, no discussion whatsoever from the airport community for them to possibly have an opportunity to clarify their points and ask questions of the Commission. That was taken in the public comment section of the Commission meeting that night and it was not taken directly on point because earlier in the meeting the Commission voted to accept the SOPP's and accept them as they were presented from the engineers and the consultants. Councilor Borges asked when Mr. Manganielo mentions the public input that was not allowed, was it within the sub-committee meeting or during the regular meeting.

Attorney Manganielo said that during the regular meeting, despite the fact that the Commission doesn't have to in open meeting allow public comment, he thought it would have been prudent and more transparent to at least have a question and answer period vs. saying submit them in writing. He certainly would like and encourage to always submit it in writing, so it can be evaluated and investigated. He feels that the 2 week window or less was not sufficient and other than the written comments there have been no open meetings with discussion pertaining to that. He does agree with the suggestion that the Commission entertain and form a Committee to look at that, in other words, stop it in its tracks right now so they can actually have a meaningful discussion.

Councilor Borges clarified that she does not want to have another Committee she just wants to, when they have another meeting, allow the input of the users outside of just the e-mail, maybe open that window. She also said that she does not even know if it is too late. She also asked where that Committee stands now, the SOPP Committee.

It was noted that they scheduled 2 meetings; they cancelled the first one because they were having a meeting here at City Hall, so they had a meeting the following week. They took all 3 inputs, which there were 97 or more comments made, and they addressed all of those. Where they stand right now is that they addressed each and every one, they looked at the laws and

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regulations that pertained to those particular items. Some they eliminated, some needed just simple updating, and some they are waiting for more information on, some of that being from the City, some of that being from MassDOT or their legal department. Nothing has been decided yet. That is where they are, they are waiting to get all of the information together and they will have another meeting once they get all the information.

Councilor Borges then said what he is saying is that there is still time for the users of the airport to give their input, so they could open that window for a little bit longer.

It was then said that they could, but it is not just the 2 week span that the SOPP's were able to be commented on, during the entire Master Plan process they had meetings here at City Hall, there were questionnaires sent out, surveys sent out, so this was not a 2 week period. This was a 3 year process.

Councilor Borges asked if they had a master e-mail that they send out to all the users of the airport so they know what is going on? Is there anything in place?

They answer was no.

Councilor Borges said she feels that this would help a lot with communication.

Mr. Terra said that these are not new SOPP's, it is just a revision.

Commissioner Malo said that the first meeting where the SOPP's came up for discussion it ended up that a Committee was formed to come back with conclusions and suggestions and recommendations for the final draft. But at the inception, he thinks there was a Motion to approve the SOPP's as presented and there would not have been any public input period. That is his recollection. Secondly, he made the suggestion at the very first meeting when the SOPP's came up and that the letters that were submitted with the suggestions and comments that he thinks a member of the Pilots Association needs a physical presence on that Committee to be able to voice the concerns of the Pilots Association. He suggested that from day one.

Mr. Terra said that the document was accepted to get it out of the Master Plan and accepted as they accepted it from the engineers. It was not accepted as a working document, it was just accepted to get it out of the engineer's hands and into the Commission's hands.

Councilor Cleary noted that the SOPP Committee put a lot of work into this and recommended distributing a draft of the SOPP's and give a certain amount of time for comments.

Councilor Quinn said that if someone right now wanted to look at the SOPP in its current state, there is no way for someone to look at that right now other than the Committee members. If you take in 97 letters of comment and you take in them all, she thinks it would be beneficial to let people see yes, we have accepted your comments, and this is how we worked them in. Even if it is only a draft form, and make it clear that it is only a draft form and not a permanent document, this is what they have so far. She feels that this may be where the disconnect is, because if you get 97 comments and no one knows what happened with those comments, it would be beneficial for people to see the work.

Councilor Carr asked of the 97 comments received, how many were accepted and incorporated into the policy?

Mr. Lawlor said there were 97 user comments that applied to 56 SOPP items. 4 SOPP items need further clarification either from the City or MassDOT, 6 SOPP items are to be removed from the final version because they found the comments that were made were valid, 12 SOPP

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items need to be reworded because they did not make the sense that they wanted them to make and 36 SOPP items are identified as no change. He further said that of those 97 comments that were submitted, some of those comments came from 2 national organizations, the Aircraft Owners and Pilots Association and the Experimental Aircraft Association. They have reviewed the comments also. They were sent to them for their comments and actually those things that need to be reworded were based on the national organization of AOPA.

Councilor Carr then said that regarding the issue with the phones not working in certain areas. She thinks it is important that if you have a phone system, phones have to work, so if the phones don't work then they need to look at some other system of notification.

Moving on to the next item was the Unicom System. Mr. Lawlor said there are 2 subsets to Unicom. It is a communication system that pilots will call a Unicom for information about the airport, which is the active runway, a long list of things. The FAA when they talk about Unicom, while they talk about traffic advisory frequency, is normally the Unicom frequency around the airport for pilots to intercommunicate between themselves. When they talk about Unicom, and he quoted from the Airmen's Information Manual, *Unicom is a non-governmental facility and may be available*. So it is flexible. From the FAA's viewpoint, the Unicom can be used, it cannot be used. Licensing of the Unicom and the operations of the Unicom is not FAA, it is the Federal Communications Commission. So the FCC has in its document on service and operating a fairly long laundry list of services that if you use the Unicom would be available. How often it is used, he cannot say because he is not down there all the time. He does know that there are 2 separate agencies, one the FAA that applies to the pilots, you may use the Unicom, you may not, it may be available it may not. Then the FCC which says if you are using the Unicom the airport needs to provide X,Y,Z.

Councilor Borges asked if you have the Unicom system and are licensed to have the Unicom system, you don't have to use it?

Mr. Lawlor said that is correct. That is the FAA's standpoint where they use the word may, it may be available.

Councilor Borges asked if you don't need it, why have it.

Mr. Lawlor said back in the day when you did not have weather service or the services that are available were not as prolific or detailed as they are now, Unicom was very much needed. Pilots used it all of the time. Those early in aviation, would remember that you fly to an airport, you would call Unicom and ask what the active runway is and they would get that information. It is still available, you call Unicom, you may get an answer, and you may not. He has flown to Plymouth himself and if he called, sometimes he would get an answer, sometimes he would not. By the FAA standards, it is not required by the airport to answer. With the FCC standards, should the airport answer, you have a laundry list of items that you need to be available for. Councilor Borges said when she talked to other airports that they had mentioned it is difficult to answer the Unicom system at all times because you may be out on the grounds, or whatever. You may not be right there to answer. She further stated that one of the things someone had brought up was the liability of the Unicom system.

Mr. Lawlor said it is the pilot's discretion to land on whatever runway they want. Unicom can only make suggestions or recommendations.

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Councilor Borges asked how the Commission wants to address the issues that were brought to the Council's attention about the Unicom system never being answered.

Commissioner Burton Schriber said that a lot of the airports that he goes to have the Unicom. They don't have people who monitor it, it all depends. Plymouth usually has somebody answering, it all depends on the airport. Unicom is supposed to be used as a traffic advisory to be used by pilots. This way other pilots in the area that are using the airport know what other pilots are doing. That is what the purpose of it is. It can or cannot be monitored, if it is monitored and you are asking for an active runway, if there is somebody there that is monitoring it they will let you know. In a lot of airports it is not used.

Moving on to tie-downs, it was brought to the Council's attention that there were issues with tie downs being frayed and not having them. It is her understanding that if someone needs the ropes that they are available in the Airport Manager's office and can be replaced at no cost to the users.

Mr. Raposa said they provide tie downs as a courtesy. He believes if you read the tie down agreement the plane operator is responsible ultimately for the tie downs. They do provide tie down ropes for the people that want them, most transient pilots carry their own tie down straps. They do have them available, but right now they do have them on order and they have been on order for a little longer than they expected.

Mr. Terra also said they don't usually keep tie down ropes on all the tie downs if there is no plane there. Especially this time of year when they are plowing, if you go over the tie down ropes you are going to ruin them.

The next topic was the decrease in the amount of users of the airport.

Mr. Lawlor said that about 8 months ago at a Commission meeting someone from the Taunton Pilots Association had mentioned that there have been droves of pilots that have left Taunton airport for reasons that they are unhappy with the airport, etc. He was concerned, so he looked into that. Taunton from 2007, which was their highpoint for aircraft was 147 aircraft, is down to 102. The Taunton Pilot Association under-stated the numbers, it is actually 31% of their aircraft have dropped off the map. He further said that Mansfield also had lost a lot of aircraft during that period. Mansfield lost 44% of their aircraft. They also talked to Plymouth but they did not have the numbers but said it was a considerable amount. He further stated that there has been an aviation recession during that period so what is going on it Taunton is happening all over. Moving along, it was brought to Councilor Borges attention that there was a Cape Cod Lease that went under the radar. However, she realizes this is not the Council's business, but since it was brought to her attention, she would like to address it. She also said that Representative O'Connell brought this to the Airport Manager back in June of 2015 and because the Taunton Municipal Airport did not have the square footage or the air space that is why they did not pursue this. This is still open as they have not found a space yet.

**MOTION: FOR A FIVE MINUTE RECESS. SO VOTED. (7:41 P.M.)**

**MOTION: THAT THE MEETING COME BACK TO ORDER. SO VOTED. (7:47 P.M.)**

Councilor Borges said the next item to be discussed was different outings that certain members or users of the airport have wanted to have and have been stopped from having it. Councilor Borges did reach out to the Risk Manager and had a discussion with her regarding insurance and

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those types of things when someone does have an outing at the airport. She further said that some of the complaints that she got were that some of the users of the airport were able to have outings near the fuel farm and others are not.

Mr. Raposa said that all of their leases have specific language. Each lease has to have \$1 Million liability insurance policy naming the City of Taunton and the Airport Commission as co-insured. What has happened is that any usage above and beyond and different than which is stated and insured for must be brought forth to the Airport Manager and the Airport Commission prior to the scheduling of such event so they can make sure that what is about to happen is properly requested, the liability for that event is covered so as to relieve the liability of the Airport Commission and the City of Taunton. What happened since 2012, when an unfortunate incident happened and the City is now involved in litigation, brings them to much more awareness of any situation that they have at the airport. Mr. Raposa did contact the Risk Manager who put him in touch with the Park and Recreation Department who deals quite a bit with the use of facilities and Mr. Raposa put together a generic form that requests the name of the persons or organization and the date of the event. It is addressed to the Airport Commission and Manager and requests to conduct such and such an activity on a certain date between certain hours, who it is sponsored by and who is responsible for the overall event and activities. All activities will be conducted within the designated area adjacent to the terminal building which is not on the aircraft operating side of the area. It also states that at no time will unauthorized individuals be allowed access to the aircraft operating area. It also says that before the event they will furnish to the Airport Manager a Certificate of Insurance issued to the association for the required insurance coverage of \$1 Million naming the City of Taunton and Taunton Municipal Airport Commission as additional insured. They have had an issue where someone was where they should not be and now they have a picnic area that is available for use for these activities. It was noted that one of the complaints was because someone wanted to have a cookout in the area of the fuel farms which is not allowed.

Councilor Borges next asked about the Lease Process. She asked, if there is a building or some space for lease, and she knows at other airports they don't throw out RFP's for all the areas that they have because they have so much area, to get someone to come in and lease space. If you have a building or space and someone wants to lease it, what is the process? She further said she knows that there are some issues now with someone who may be leasing and is going to take up more space and nothing has been submitted or thrown out to the general public so that anyone can have an option of leasing that space.

Mr. Terra said that it has always been the policy at the airport that if there is a piece of property that you want to build a building on, you put your name on that piece of property. If a year later you still have not done anything and another person comes along and is ready to go, they contact the first person and if he is not ready to go, they will give it to the second person. They lease the land out. Mr. Raposa leases the space in the Administration Building and he does not bring it to the Commission beforehand, but does inform them that it is rented.

Mr. Malo said what Mr. Raposa and Mr. Terra have said is correct, but when an applicant submits a request to lease, you get a business proposal or business model that the Commission looks over to see if they approve it. This goes before the entire Commission. He further said he

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THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED

came into an April Commission meeting and he was informed by the Manager's report, that by the way a certain entity has leased the Administration Building. He said he had never heard of it and a few of the other Commissioners as well had never heard of it. He thinks any proposal to lease anything should come before the entire Commission.

Mr. Raposa said Mr. Malo is talking about the leasing of the terminal building and as long as he has been at the airport they have had tenants in the building that have come and gone and the procedure has always been that the people come to him, speak to him, and he rents the space. The rates are all set, and it has always been that way. Nothing was held or hidden from Mr. Malo. Once it is rented he informs the Commission.

Mr. Terra also said as far as renting space in the Administration Building, it has never come before the Commission. If the space was empty and someone comes in and is willing to rent it, then you rent it. As far as lease land, they do ask for a business plan and what the expectations are, but as far as the building goes, it is just floor space, it is not a huge area so they have never asked for a business plan for that. They still have one small space available.

Mr. Malo said that in the past several businesses who rented space in the Administration Building came before the Commission with a business plan that was approved by the Commission. Then all of a sudden this last rental does not come before the Commission so he questions why it broke stride.

Councilor Pottier said that they have issues before the Council like this all the time. Trying to have 9 people agree is difficult, and when you have a Commission with 7 members that is difficult also. He recommended that if one Commission Member is uncomfortable with something it might be good to put it off for a week or a month or whatever just so everyone is on board.

Mr. Raposa said that this was done as a past practice.

Mr. Manganiello said that he is not comfortable with the leasing process because he feels that, and granted if there is just one person who is interested in a location, fine, but in many instances when they are approaching leases they do not necessarily know that it is the best use of the location and property. They will never know that unless they entertain Requests for Proposals. Particularly when they are looking at ground leases for the construction of buildings and hangars, is this configuration, size and type of hangar the best use. They do not know unless they solicit Requests for Proposals. If they don't get any, and only get one, so be it. The issue is he feels uncomfortable with is the first come first serve system because essentially it could be a situation where people have knowledge of the availability of locations over other people that have no knowledge. His issue really is openness and transparency and to give people an equal opportunity. The best proposal wins, and in most cases it is going to be a hangar anyway.

Councilor Borges said that the Committee has talked to the IT Department and they are willing to work with the Airport Manager and the Commission on a web site and possibly put what is available on that website. This is just another way of being transparent. Mr. Boboruzian said that no one is beating down their doors to build hangars, not just at this airport but other airports. Most people who are going to build hangars are going to research

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**THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED**

certain areas. He further said that information is available in the office, so if someone wants information they can call the Airport Manager, come down to the office and Dan will let them know what they have.

Councilor Borges also said that she has reached out to the grant writer and she is actively looking for grants.

Councilor Carr said that she is confused about the outside leases for the hangar areas. It was said that once someone is interested in a lease the Commission puts their name on it, and she asked what that means. Is the person leasing the land, they are not paying anything, you are just putting their name on it and you hold it for them.

Mr. Terra said that there may be 2 or 3 people interested in a property, but if the second person decides that they are ready to move on the property, they would go to the first person, ask if they were ready, and if not they would lease it to the second person.

Councilor Carr said that she thinks nobody's name should be put on it until somebody is ready to do something with it because you are kind of holding it for a particular person, and this person will have first dibs until someone else comes along and says they are ready to do it. She is uncomfortable with that. She also noted that with the lease of the terminal building, are background checks done on people or anything like that.

Mr. Terra said they have them submit a business plan, to which Councilor Carr said that is not a background check. If you were a landlord you would want to know someone's payment history, if they had any issues with the law, so is a background check done on people.

Mr. Terra said that basically they have to get a badge which is processed through MassDOT and they do a background check.

Councilor Carr asked how much they charge someone to lease, if someone was going to build a hangar there how much is the lease payment. It was said that they get it for 20 years.

Mr. Lawlor said the rate is \$.21 a square foot on the property, so it is whatever the footprint of the building is plus a 15 foot surround, and that is what becomes the square footage on the lease. It is a 20 year lease and they are looked at every 3 years and whatever the current rate is that they vote on once a year for rates, sometimes they increase rates and sometimes they may not, but the last increase was this year, just a couple of months ago, for \$.21 a square foot. The sizes of the hangars vary.

Councilor Carr asked for information as to what the largest lease payment is and what the smallest lease payment for the hangars are. Mr. Lawlor will provide this information.

Councilor McCaul said that he does not understand why the Commission does not do CORI checks or clearance checks.

Mr. Terra said that everybody that has access to the airport has to get a badge and upon issuing a badge, MassDOT does the background checks.

Councilor McCaul said that it was stated that the Commission does not do CORI checks and he would like to know why. With that being said, he would like to see the Commission institute one. He would feel more comfortable having CORI checks done and wanted to know if this could be instituted by the Commission. Since he could not make a motion, he recommended that it be brought to the Commission's next meeting to discuss it, and that is all he is asking for.

Mr. Raposa said the badge application is filled out in his office and he submits it to MassDOT

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**THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED**

Aeronautics, they print it and send it back to him. He incorporates into the badge what the people need to have because their badges serve a 2 fold purpose. One is to allow access to the airway and two it allows physical access to the airway if need be through the gates.

Mr. Manganielo said that on the issue he thinks the simple solution would be to just have the Manager's office contact Mass DOT and Mass Aeronautics to find out process they are using to issue the badges. Are they doing a background check, what are they looking into?

Councilor Marshall said he has a concern about CORI because there are very strict CORI laws and you just cannot CORI someone because you want to. He thinks Mr. Manganielo is correct, and we need to find out what the background check is. There is a difference between a background check and a CORI, a CORI is a criminal offender record check and there are very strict laws on that. He does not think that it should be thrown around that they want to CORI someone, it has to be an employee or a volunteer working with children. It should not just be decreed that they are going to CORI everyone that gets a badge at the airport because there is a difference between doing a background check and a criminal offender record check. Tenants and people coming to the airport may not fall under that category where they have to be CORI checked. He certainly agrees that MassDOT must be doing some kind of background check, but again that is different than making everyone have a CORI check.

Councilor Borges asked that the Commission call MassDOT and provide that information.

Commissioner Bob Adams said regarding the lease agreements that were discussed, in addition to the \$.21 that the airport charges for the land they also pay a tax on the building at the commercial rate to the City. So, every one of these hangers is also paying a commercial rate to the City on top of that.

Mr. Terra said that as of this year they are paying taxes on land that the City owns.

Mr. Raposa said that he met this morning with the gentleman from the Board of Assessor's Office. He came to his office with information from the Appellate Tax Board. One of the things that they brought up is case law that was done in 2008 in Fitchburg. They said you can take a Municipal Airport that is on Municipal property, airport, park or anything that is available to the public, but as soon as you take a piece of airport property and make it designated as a hangar area, that is no longer available to others, someone has the exclusive use towards it so therefore the Appellate Tax Board has told them that they have the right to tax them for that property that is underneath there. So according to what Mr. Adams said, there is a tax on that property which is going to be in excess of \$800 per year per hangar owner, per lease or whatever.

Councilor Pottier made the following Motion:

**MOTION: TO ASK THE ASSESSOR TO SEND A COMMUNICATION TO THE COUNCIL REGARDING THE TAX ON THE HANGARS. SO VOTED.**

Mr. Raposa provided a document that was provided to him by the Assessor's Office.

**MOTION: TO MAKE THE DOCUMENT PROVIDED BY MR. RAPOSA PART OF THE RECORD. SO VOTED.**

Councilor Borges said the next item to be discussed is the issue of self-fueling. The concern from some of the users is that they want self-fueling.

Mr. Raposa said self-fueling at the Municipal Airports throughout the Commonwealth has been

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**THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED**

something that has not had much action at all around the Commonwealth. It is his understanding that the Massachusetts Fire Marshalls organization has modified their laws somewhat so that now you are seeing self-fueling pumps at airports popping up throughout the State. The Taunton Airport right now is looking into the possibility of adding a self-fueling system to the existing pump facilities. They have spoken recently with a gentleman from one company and just today he contacted their only fuel company and asked him if he would be interested in putting something together for them. What they are expecting to do is come up with a hard figure for the price. He has been hearing anything from \$15,000 to \$35,000 but he does not know what it is going to be or what it entails. When that pricing comes up the Commission is going to have to look at how to fund it. They are looking at options. Councilor Cleary suggested that they contact the Treasurer to discuss funding. Commissioner Adams said for the last 10 years they have been working with the Fire Department in Taunton and the answer has always been no. An unmanned fuel farm, left alone with nobody watching it, the Fire Department did not like. They checked with the State Fire Marshall and they were in agreement. What happened was in late 2015 the laws changed and that is when they moved forward. It was also noted that their supplier has told them that this will not add a profit, but will be a convenience to the users. It would most likely be a break even proposition.

Councilor Borges said that next thing she wanted to bring up which was brought to her attention was the Vegetation Management Plan. Vegetation management seems to be an issue in that it is not being cleared at the airport.

Mr. Raposa said that he would like to refer this to the engineer, Bob Mallard.

Councilor Borges said that they have this Vegetation Management Plan that is supposed to be addressed and they have had some complaints that the vegetation is not being taken care of properly at the airport.

Mr. Mallard of Airport Solutions Group said that he is not familiar with the document but he can say that every airport is supposed to have a vegetation management plan, every airport is supposed to maintain their air space unobstructed. He can also say that most airports have obstructed airspace and it is a big challenge for just about every airport. The major challenge is that the FAA will only pay to clear it once. Once they clear it they consider it to be maintenance and will not dissipate future funds for that area. He is familiar with the vegetation that is overgrown there now, and now in particular runway 422 has vegetative obstructions on both ends. He believes, although they have not done any assessment, that the primary surface to the main runway is obstructed, and you can see where past vegetation had grown and been cleared and then has grown back.

Councilor Borges provided a letter to Steven Goldin of the Taunton Pilots Association from the Division of Fisheries & Wildlife dated 1/14/2016.

**MOTION: TO MAKE THIS LETTER PART OF THE RECORD. A COPY IS TO BE FORWARDED TO THE AIRPORT COMMISSION ALSO. SO VOTED.**

**MOTION: TO RECESS THE MEETING (8:55 P.M.)**

**MOTION: TO CALL THE MEETING BACK TO ORDER (9:00 P.M.)**

Councilor Carr said it is fine to have a vegetation plan, but are they prepared to execute that

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**THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED**

plan.

Councilor Borges said that they are actually working on some different options so it is in the works.

Councilor Carr noted that this is a safety issue

**MOTION: THAT THE COMMITTEE RECEIVE AN UPDATE ON THE VEGETATION PLAN. SO VOTED.**

Councilor Borges said next to be discussed was the RFP for the manager. There have been a lot of people that have questioned that the appointment for the Airport Manager is soon to come up and that when you hire a manager you need to get that out there in ample time in order to get good candidates. She was told that it was handled through their engineering, so what she would like to know is whether this has already gone to the engineer, is it out there for an Airport Manager. It was noted that the Manager's term expires May 1<sup>st</sup>, and it is now the first week in February, so has anything gone out yet.

It was stated that it is in the engineer's hands now and they are working on the document.

Mr. Mallard said the Chairman of the Commission reached out to him and asked if he would put together an RFP. He said they should have a draft by the end of the week, but it would be up to the Commission to review it, so once he gives it to them it is in their hands.

Councilor Borges said that the next issue is snow removal. She had received concerns regarding piles of snow along the runway.

Mr. Raposa said the snow was pushed beyond the lights and was not interfering with the safety of aircraft.

Mr. Terra said the average wing span of a plane is 32-35 feet, the runway is 75 feet wide and then there is another 5 feet for the lights, so there is no interfering with the snow on the runway as it is pushed beyond the lights.

At this time Councilor Borges said she would allow public input, but that individuals will be allowed to speak one time and it is limited to 3 minutes.

**MOTION: TO ALLOW PUBLIC INPUT. SO VOTED.**

Melinda Payne Dupont of Berkley spoke first. She is President of the Taunton Pilots Association and said that a lot of ground was covered this evening and she appreciates the Committee taking the time to have this meeting. They do have issues with some of the things that were said so they will put together a response to the Council and Commission. Their main concern has been that the Commission has no interest in listening to the concerns of the users and this procedure does not change their initial petition of no confidence in the Airport Commission.

Doug Cooper of Bristol, Rhode Island spoke next. He said that it was mentioned that the Commission may pay the share of the new terminal building. That is actually their money. The Commission does not have any money it is all what they pay. They pay the bills and the Commission will not listen and won't answer their questions.

A Dan Pitaso spoke and said that he is not happy about how the airport is run.

Mike Lupo of Rehoboth spoke and said he tied his plane down in Mansfield because his first issue is the fuel and second is that he cannot drive up to his airplane to load or unload.

Dr. John Brayden of Needham, Ma then spoke. He has been a hanger owner for 10 years but has only had his aircraft in Taunton for 1 year. He did send an e-mail describing the first landing

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THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED

ever in Taunton when he hit a deer. He was on an instrument approach and one expects that the runway be secure but it was not that night. He also said there should be an approach to runway 30 but that has been decommissioned because of obstruction at the end of the runway and he hears it has been 3 years and still has not taken care of. He also said last year there were snow berms and ice berms on the taxi way which made it unacceptable and inaccessible. He also said he had a 10 foot pile of snow in front of his hangar. He said when he hit the deer there were no concerns noted of wildlife on the airport. He said he called the Manager but received no call back. The FAA took care of it. He also said a Manager at the airport on a daily basis is paramount.

Jim Anderson also addressed the Committee. He said he was here to address the Board. After last week's meeting he has more concerns then he did last week. He recently watched a video from December in which Commissioner Bob Adams stated his intentions for the growth of the airport. He has had meeting with corporations, charter companies as well as the casino. He does not know how he had the ability to do that without the pilot's permission or the residents and it just increases his concerns.

Bob Newhall spoke next. He asked if there was any jet fuel on that property, and if there is he would like to know if the airport is equipped to handle a jet fuel fire or if the East Taunton Fire Station is equipped. He also said the airport should file a vegetation report to the Conservation Commission every year.

Juanita Gallagher of Taunton spoke and said that the issue of leasing space is concerning to her. She said she knows in other cities there is a defined regulation and it seems to her that there should be some kind of definition that if you do this then you have x amount of months to start the work or whatever. There has to be a procedure where things are opened up because there may be someone out there looking for space. There seems to be a lax in how this is done. She thinks management has to be a little stricter on this and also listen to the users of the airport.

David Littlefield of East Taunton asked that the Council and Commission keep in mind the residents of East Taunton and have them participate in the discussions.

Candy Miller of East Taunton said that if there are dead spaces for cell phones, most people have smart phones so why can't people use texts.

Bill Taylor of East Taunton spoke and said that he is an airport user and owns a hanger. He said he had to borrow a tool from Mike Dupont and in order to do that he had to go through the gate 8 times in order to get the tool and bring it back. He said this is ridiculous and there should be some access for pilots who have a plane at the airport.

Joe Sousa of Berkley said that it seems that it is either the Airport Commission's way or the highway. He also said if anyone on the Board is renting hangars or anything like that, they have to get off the Board as it is a conflict of interest and is against Mass. General Laws. He said that it is about time that the Commission listened regarding the fuel. He also said there are no public restrooms and that they pay for port-a-potties.

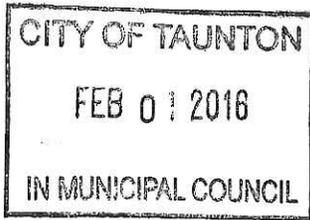
Councilor Borges said that this has been a long meeting, a lot of things were covered, and the Commission and the Associations need to work together, they need to communicate.

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THE COMMITTEE ON THE NEEDS OF THE AIRPORT – CONTINUED

MEETING CALLED TO ORDER AT 9:32 P.M.



Respectfully submitted,

A handwritten signature in cursive script that reads "Colleen M. Ellis".

Colleen M. Ellis  
Clerk of Council Committees

REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "YRM Blawie Bell".

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 2, 2016

RECEIVED  
CITY CLERK'S OFFICE  
2016 FEB 12 A 10:45

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND  
CLEARY. ALSO PRESENT WAS HUMAN RESOURCE DIRECTOR MARIA GOMES

MEETING CALLED TO ORDER AT 6:19 P.M.

**1. MEET TO REVIEW THE WEEKLY VOUCHERS AND PAYROLLS FOR CITY DEPARTMENTS**

**MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF  
\$1,087,425.54 AND THE VOUCHER WARRANT IN THE AMOUNT OF  
\$4,077,122.72.**

Councilor Cleary seconded the motion on discussion. He questioned the Sick Leave Incentive being paid to some employees.

**MOTION: TO INVITE MRS. GOMES, HUMAN RESOURCE DIRECTOR INTO THE MEETING.  
SO VOTED.**

Mrs. Gomes said that the sick leave incentive is paid out in February. The Sick Leave Incentive is included in many of the contracts for the Local 1144 Union and it is based on the number of absences for sick days that individuals have, and if they meet certain criteria within the contract they are eligible for the bonus. If you do not use any sick leave at all you are eligible for the maximum in the contract.

Councilor Croteau noted that the Sick Leave Incentive has been in the contract for many years, and asked Mrs. Gomes if her office monitors it.

Mrs. Gomes said that her office does check this, they get the reporting of the sick, vacation and personal time on a regular basis for each department and they cross check that with what is reported on payroll. Before the Sick Leave Incentive is paid out they have each department report who would be eligible and they cross that check with all the other information they received and then they mark it for approval and send it back to the department to put it in the payroll.

**THE MOTION TO APPROVE THE PAYROLL WARRANT AND THE VOUCHER WARRANT IN THE  
AMOUNTS STATED WAS VOTED ON. SO VOTED.**

**MOTION: TO EXCUSE MRS. GOMES FROM THE MEETING. SO VOTED.**

**2. MEET TO DISCUSS THE MASSACHUSETTS LABORER'S DISTRICT COUNCIL, LOCAL 1144(C)  
TAUNTON NURSING HOME UNION CONTRACT**

**MOTION: TO INVITE MRS. GOMES INTO THE ENCLOSURE TO DISCUSS THE CONTRACT.  
SO VOTED.**

Councilor Croteau asked if the contract was negotiated by Mrs. Gomes and the City Solicitor. Mrs. Gomes said that it was negotiated by her and the Chief of Staff. The City Solicitor does not take part in these negotiations.

Councilor Carr asked if it was new that the City Solicitor does not take part in negotiations. Mrs. Gomes said that since she has been here the City Solicitor has not taken part in certain contracts, certain ones where there is not an Attorney on the other side of the table. The City Solicitor did review all the proposals as did the Mayor.

Councilor Croteau wanted to make sure that the contract the Committee has in hand had been

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

reviewed by the City Solicitor.

Mrs. Gomes said he has reviewed it, but the document has not been signed by him as he usually does not sign them until it has been approved by the Council.

Councilor Carr asked how many employees this contract covers, to which Mrs. Gomes said it is about 68-70 people. Councilor Carr said that the total additional cost for this contract is \$85,000.00 for 68 people.

Mrs. Gomes said yes, and that she has an addendum to this because when she submitted the contract the retro number that the Council has was run through January 2<sup>nd</sup>, so she is approximating an additional month of retro. She said it is very difficult to give an exact retro number because of the date it is submitted and the date it actually comes before the Council is different. She would estimate approximately another \$1500.00 would need to be added to this complete figure for a total of \$86,981.29.

Councilor Croteau said the retro increases are the result of the fact that when Mrs. Gomes made the retro figure, time has elapsed since then, so if that number goes up \$1500.00 because of the retro, wouldn't the FY 16 number go down?

Mrs. Gomes said this is retro just on overtime; it is just on hours worked. Everyone has a standard number of hours coded so every year the standard number of hours are coded. She cannot calculate what overtime is going to be, they would have to introduce that into their budget numbers for next year in this year's budget. You will see that additional number based on the new wages on the upcoming budget that is going to be submitted by the nursing home. There is no way of estimating what the additional retro is going to be for next year.

Councilor Croteau then said so there isn't any retro in that \$38,000 number?

Mrs. Gomes said the \$38,057.74 is based on straight wages. There is no retro for Fiscal 16 it is the next line item that includes the retro based on the calculations reported by that department directly off the payroll in their spreadsheet.

Councilor Croteau said he would like to discuss that with Mrs. Gomes later.

Mr. Gomes said the \$86,981.29 is the estimated cost of this contract over 2 years before any overtime calculations for next year which are unknown.

Councilor Croteau clarified that this \$86,981.29 is for 2 years, to which Mrs. Gomes said yes.

Councilor Carr said she printed the last agreement, and compared what the MOA said, it should match up and show the changes. Mrs. Gomes said yes.

Councilor Carr asked if the nursing home employees had all of the same holidays as the City employees have. Mrs. Gomes said they are all listed under holidays.

Councilor Carr also said that she thinks 5 personal days is excessive, and she does not like carrying over and she does not like changing sick days into personal days because all of those are then available for cash in at the end of somebody's employment and it is additional money that the City is paying out that is not funded. She does not like people carrying forward days. She has no problem paying them, but she thinks at the end of the year they should be paid.

Councilor Carr asked, under sick leave, where in the contract does it say how many days they get for sick leave a year.

Mrs. Gomes also did not find it and will get back to the Committee on this, but they certainly do get a day and a quarter.

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

Councilor Carr also said under vacation, there is no vacation for years 1-4. Mrs. Gomes said they earn .833 days per month for their first year of service through year 4. This is in the contract.

Councilor Carr also said in the old contract the longevity is based on a percentage which is what most of the other City contracts have. It is 2.5 % after so many years, etc.

Mrs. Gomes said certain contracts but not all of them. Some of them are just flat numbers. COTMA is a percentage; the Mayor's Office is a percentage. This contract is going from a percentage to a flat rate and the 3<sup>rd</sup> year Patrolman language is taken out of the contract. It is a flat rate that can be negotiated for this union and based on this union and no other unions wages.

Councilor Carr asked what is it based on.

Mrs. Gomes said that it is the amount that they were last paid when they had 3<sup>rd</sup> year Patrolmen's salary wages, so they stuck to that number rounded up to the nearest dollar amount and that was what was agreed upon. It is not based on the 3<sup>rd</sup> year Patrolmen, it is based on the rate that they were paid when that 3<sup>rd</sup> year Patrolmen language was still in the contract. In other words, they were not going to take away any of that benefit amount of money that people were paid.

It was also noted that this contract calls for a 2% raise this year and a 2% raise next year.

Councilor Carr requested that in the future when they have contracts, she would like to have a red lined contract rather than something that just says this was changed. They would like to actually see what was changed.

Councilor Cleary said that he wants to give credit for getting rid of the percentages for longevity, he prefers the stipends. He asked when these employees get their longevity, to which Mrs. Gomes said they receive it in October.

Councilor Cleary asked about grievances. Mrs. Gomes said that there was no limitation before, it could be open ended however long they could have denied a grievance and then there was no time frame as to when they had to file for arbitration. The language is standard with most of the other contracts to say that they must file for arbitration within 30 days. This is put in just because if you wait to file something 6 months down the road or 5 months down the road, it is not fresh in your mind and it is difficult to talk about something that happened a long time before.

Councilor Cleary asked if the Board of Directors gets involved with grievances. Mrs. Gomes said they do not. It goes to the Department Manager, then the Mayor's designee, and then it goes to the arbitration level.

Councilor Cleary made the following motion:

**MOTION: TO APPROVE WITH THE CHANGES AS PRESENTED.**

Councilor Carr seconded the motion for discussion.

Councilor Croteau said he does not want to hold up this contract but he has a couple of questions. The first is that he has a letter that he would like to discuss further with Mrs. Gomes as to the meeting, and basically it is a letter from Kelly McGovern relative to salary and the last line is that she is requesting that she and Debra Dunn, Payroll Clerk, be placed on the clerical scale. They have been told that they can't be on that scale because they work 40 hours a week

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**THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED**

and so forth. Also that they work at the nursing home so they do not need the specifications of clerical. He finds that to be confusing and would like to discuss that with Mrs. Gomes at a later date and then bring that discussion back to this Committee.

The second question he has is the problem we have with C.N.A.'s. He spent some time looking at this, and he thinks to some extent it has to do with starting pay and also it has to do with the language dealing with hiring experienced people. He does not want to discuss that this evening, but he will also look toward discussing that with Mrs. Gomes and whoever else is necessary and then bring that back to this Committee.

Third he would like to discuss this issue of retro. If we are adding \$1500.00 because we do not know what the retro will be for the month of January, there is a possibility of doing this from the perspective of historical analysis. However, if we have to add \$1500 for the month of January, then we still have 5 months left in this fiscal year and based on the reasoning for adding the money for January, his question would be where is the money going to come from for the next 5 months.

Mrs. Gomes said it would have to come from their overtime line item. They may have to request additional funds, but she can only provide the costs that she is aware of.

Councilor Croteau then asked are we saying that there is money in the overtime account now.

Mrs. Gomes said she has no idea if there is money in the overtime account, but that the Fiscal Agent is here from the nursing home and she may be able to address that question.

Councilor Croteau asked Mrs. Gomes to discuss this later this week with the Fiscal Agent because there should be a sum of money in here because this contract is going to cost more than \$86,000.00 because just looking at the \$1500.00 there will be another \$7500.00 added to that \$86,000.00. He would like to discuss that and bring it back to this Committee.

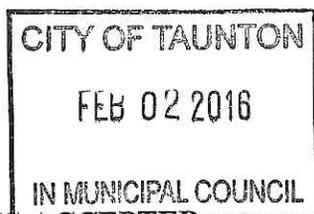
Councilor Quinn asked what the change is in the mandation from the last contract to this one.

Mrs. Gomes said that the mandation language in the contract itself, a great deal of it was just moved and created under its own article because they had mandation cited at different sections of the contract, so they moved a great deal of it and put it under its own article.

The above motion was clarified to be as follows:

**MOTION: TO APPROVE THE CONTRACT AND RECOMMEND TO THE FULL COUNCIL FOR APPROVAL, WITH THE ADDITION OF SICK TIME ACCRUEL ADDED INTO IT – WHAT THE ACTUAL DAYS SHOULD BE. SO VOTED.**

MEETING ADJOURNED AT 6:51 P.M.



REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.

*Rm Blomwell*  
CITY CLERK

Respectfully Submitted,

Colleen M. Ellis  
Clerk of Council Committees



# CITY OF TAUNTON

*In Municipal Council* ..... **ORDER #17**  
**FY 2016**  
**FEBRUARY 23, 2016** ..... *20*.....

*Ordered, That*

**THE SUM OF SEVEN THOUSAND FIVE HUNDRED FORTY**

**TWO DOLLARS AND NO CENTS (\$7,542.00) BE AND HEREBY IS TRANSFERRED FROM**

**RESERVE ACCOUNT NO. 1-132-5200-5784**

**TO: OFFICE SERVICES ACCOUNT NO. 01-159-5300-5851**

..... *Clerk.*