

## TAUNTON MUNICIPAL LIGHTING PLANT

### MINUTES OF MEETING

**TIME:** Thursday, January 13, 2022

4:00 PM – 5:00 PM

**PLACE:** Office of the Commission

**PRESENT:** Chairman Blackwell, Commissioner Corr, Manager Goulart, Ms. Holmes, Attorney Pollart (KP Law), Mr. Foley, Ms. Davine, Mr. October, Mr. Strojny, Ms. Silveira, Ms. Britland, Mr. Sullivan, Mr. Melanson, Mr. Irving, Mr. Bell, Mr. Baker, Mr. Worthington

Commissioner Corr called the meeting to order.

Commissioner Corr asked for a Moment of Silence for David Westcoat, former Police Chief and TMLP Commissioner who passed away.

Chairman Corr called for a roll call.

#### Present

Commissioner Blackwell  
Chairman Corr

#### Absent

#### REORGANIZATION – ELECTION OF OFFICERS

Motion by Commissioner Corr to nominate Commissioner Blackwell for Chairman. Seconded by Commissioner Blackwell. Unanimous.

Motion by Commissioner Blackwell to nominate Commissioner Corr for Secretary. Seconded by Commissioner Corr. Unanimous.

Chairman Blackwell took over control of the meeting.

#### MINUTES OF DECEMBER 21, 2021

Motion by Commissioner Corr, seconded by Commissioner Blackwell to approve. Unanimous.

#### REGULAR WARRANT OF DECEMBER 23, 2021

#### REGULAR WARRANT OF DECEMBER 30, 2021

#### REGULAR WARRANT OF JANUARY 6, 2022

Motion by Commissioner Corr, seconded by Commissioner Blackwell to approve. Unanimous.

#### AUTHORIZATION TO ADVERTISE FOR SEALED BIDS AND/OR PROPOSALS:

#### Request for Sealed Bids for Pole Mounted Transformers and 350 MCM Copper EPR Underground Cable

Manager Goulart read the following memo into the record:

Item #1 Pole Mounted Transformers

22-001

22-002

22-003

22-004

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*Request to send out for sealed bids for (300) pole mounted overhead transformers. The transformers are needed to replace existing transformers and new installations. The transformers will be delivered over a period of two years. This amount of transformers should last for a period of about 4 years.*

*Due to manufacturing delays, 2021's order has been delayed 8 months arriving in June 2022. Starting the process now to re-order will hopefully remedy the manufacturing lead times, which is currently 134 weeks or 3 years.*

**Item #2      350 MCM Copper EPR Underground Cable**

*Request to send out sealed bids for 13,500 feet of 350 MCM copper EPR underground cable. This cable is being bought for stock and to be used on underground failures as they occur. This amount of cable should last for a period of about 4 years.*

Motion by Commissioner Corr seconded by Commissioner Blackwell to authorize the request for sealed bids for (300) pole mounted overhead transformers and 13,500 feet of 350 MCM Copper EPR Underground Cable. Unanimous. 22-005

### **COMMUNICATIONS:**

**Interoffice Communication from Kimberly Holmes to Kenneth Goulart dated January 10, 2022:**  
**Subject: IRS Mileage Reimbursement Rate for 2022**

Manager Goulart read the following memo into the record:

*The IRS has issued new mileage rates to be effective January 1, 2022. The new rate for 2022 is \$0.585/mile, an increase from \$0.56/mile.*

*I am requested Commission approval to adjust TMLP's mileage reimbursement rate to keep in line with the IRS standards as attached. The TMLP Employee Travel Expense Reimbursement Policy will also be updated to reflect the new mileage rate.*

Motion by Commissioner Corr, seconded by Commissioner Blackwell to approve the new mileage rate effective January 1, 2022 for \$0.585/mile per the IRS standards. Unanimous. 22-006

### **Semiannual Corporate Financial Presentation**

Manager Goulart stated that we typically do this in December but due to some audit holdups we wound up doing it in January.

Commission invited Ms. Holmes to the table to do the presentation.

#### **SLIDE 1: 2021 Corporate Financial Performance and 2022 Projections**

#### **SLIDE 2: REVENUE AND EXPENSES**

	<u>2021</u> <u>Unaudited</u>	<u>2022 Projected</u>
Revenues	95,382,790	95,478,173
Expenses	85,899,250	87,153,928

#### **SLIDE 3: REVENUES FROM SALES**

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	<b><u>2021</u></b> <b><u>Unaudited</u></b>	<b><u>2022 Projected</u></b>
Residential	43,500,753	43,544,253
Commercial & Industrial	45,676,545	45,722,221
Municipal	4,554,047	4,558,601
Sales for Resale	1,765,928	2,205,784

**SLIDE 4: OPERATIONS AND MAINTENANCE**

	<b><u>2021</u></b> <b><u>Unaudited</u></b>	<b><u>2022 Projected</u></b>
Fuel	569,258	1,897,204
Transmission	11,672,921	11,887,405
Distribution	9,155,138	8,308,197
Customer / Sales	3,914,835	3,980,808
Admin & General	6,752,163	6,954,727
Power Generation	9,261,727	9,173,813

**SLIDE 5: POWER SUPPLY**

	<b><u>2021</u></b> <b><u>Unaudited</u></b>	<b><u>2022 Projected</u></b>
Power Supply	37,269,836	39,106,565

**SLIDE 6: OPERATING REVENUES AND EXPENSES**

	<b><u>Revenues</u></b>	<b><u>Expenses</u></b>
2014	94,752,629	91,654,658
2015	99,532,435	90,345,088
2016	97,865,767	82,238,623
2017	96,773,157	83,286,176
2018	98,769,566	95,377,596
2019	97,696,336	84,541,088
2020	96,032,722	79,275,629
2021 Unaudited	95,382,790	85,899,250
2022 Projected	95,478,173	86,216,260

**SLIDE 7: TRANSMISSION BY OTHERS**

	<b><u>Transmission</u></b> <b><u>by Others</u></b>	
2014	9,790,861	-
2015	9,892,033	-
2016	10,625,445	
2017	11,109,573	
2018	11,290,333	
2019	9,712,950	
2020	11,026,854	



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2021 Unaudited	11,672,921
2022 Projected	11,883,381

**SLIDE 8: NET INCOME**

	<u>Net Income before Voluntary Contribution</u>	<u>Voluntary Contribution</u>	<u>Net Income after Voluntary Contribution</u>
2015	11,746,584	2,900,000	8,846,584
2016	16,392,850	2,900,000	13,492,850
2017	15,100,695	2,900,000	12,200,695
2018	3,158,246	2,947,500	210,746
2019	15,414,589	2,995,000	12,419,589
2020	12,946,688	2,995,000	9,951,688
2021 Unaudited	9,253,750	2,995,000	6,258,750
2022 Projected	8,324,245	2,995,000	5,329,245

**SLIDE 9: 2008 TO PRESENT RATE HISTORY**  
**Based on 750kWh Average Residential Usage**

8/1/2008	125.54
1/1/2009	118.42
5/1/2009	113.61
11/1/2009	105.77
2/1/2011	99.09
6/1/2014	98.29
10/1/2014	101.85
7/1/2015	108.98
2/1/2016 to Present	106.86

The Commission thanked Ms. Holmes for the presentation.

**Letter from Office of the Mayor to Kenneth Goulart dated December 7, 2021: Subject: Employee Benefits and Overheads for Fiscal year 2022**

Manager Goulart stated that the Commission referred this to Management at the last meeting for a recommendation.

Manager Goulart provided overview of the letter as follows:

The City of Taunton's Fiscal Year 2022 runs from July 1, 2021 through June 30, 2022. We would be grateful if you would have your Commissioners vote on the Employee Benefits and Overhead costs to the City associated with the TMLP.

There are three pieces, Debt Service, Employee Benefits and Overheads. We did our review on the document and Kim has made some annotations that I would like to review. The net change to the

document is \$0.24. There was a change in the Interest on Debt that we want to recommend that the Commission approve in order to modify our return to the City.

Principal on Debt is: \$1,005,000.00  
Interest on Debt is: \$ 301,643.76 (Corrected amount) (was \$301,644.00)  
**Total: \$1,306,643.76**

The total cost to the City is changed from \$10,844,003.60 to \$10,844,003.36, a change of \$0.24. For your consideration.

Motion by Commissioner Corr, seconded by Commissioner Blackwell to approve the Employee Benefits and Overhead costs to the City for Fiscal Year 2022 for \$10,844,003.36 per the recommendation of Management. Unanimous. 22-007

**Letter from City of Taunton Law Department to TMLP Commission dated January 10, 2022:**

**Subject: Taunton River Trail Project; Wetland Delineation and Survey Work for Phase 2**

Manager Goulart stated as the Commission is aware this is a project that the City of Taunton has been considering for a while now. We have been back and forth with the Pathway Committee quite a few times as to potential routing across the Cleary-Flood property and they are trying to reset and move forward with the project and this letter is to get that ball rolling.

Manager Goulart read the following letter into the record:

*The City of Taunton is requesting your authorization for its wetlands consultant, LEC Environmental Consultants, and surveying consultant, Lighthouse Land Surveying, to enter the TMLP's property, inclusive of 1314 Somerset Avenue and the portions of the former railroad bed owned under the control of the TMLP, to place wetland delineation flags to be survey located. The survey flags are non-obstructive and are used to mark the wetlands areas for conservation purposes and for survey purposes. Following the identification of wetlands and place of marking flags, the surveying consultant (Lighthouse) will enter the property to survey the locations of the wetland flags. The City's consultants would like to begin the flagging on or about April 15 and will be completed within the following several weeks, weather permitting. Upon receiving work schedules from the consultant, the City of Taunton will notify the TMLP of the days and times that the consultants will be accessing the property. This work is being completed as part of the preparation of plans for Phase 2 of the Taunton River Trail Project.*

*If this is acceptable, please sign below and return to me via email at [mcosta@taunton-ma.gov](mailto:mcosta@taunton-ma.gov) or forward to my attention at the law Department, City Hall.*

*For informational purposes, I am providing the following summary of the project and the reasons for the wetlands flagging:*

*The City of Taunton Pathways Committee has been working since its inception in 2017 on the proposed creation of a public recreational trail along the former Old Colony Railroad from Weir Village toward the Dighton town line. As of 2019, the Committee obtained the support of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs for this project. The Commonwealth has provided resources for the planning, design and eventual construction of the recreational trail. At the present time, state funding has been released to move forward with the design phase of the project, and the design team is moving forward with survey work and wetland delineation as necessary for the preparation of project plans for the design and construction of the trail.*



*Wetland resource areas protectable under the Massachusetts Wetland protection Act must be field delineated and survey located along the length of the railroad corridor, inclusive of the TMLP property, so that they can be depicted on project plans for proper preliminary design and future permitting. With respect to the TMLP property, wetland delineation and survey work is needed in order to confirm a specific proposed route for the trail. The wetland delineation and survey work entails marking the location of bordering or isolated wetlands and intermittent streams within 100 feet or perennial streams within 200 feet of the rail bed and the proposed route through the TMLP property.*

*As per previous communications with representatives of the TMLP, the specific route will ultimately be presented to the TMLP Commission for its review and approval. However, in order to present the proposed route to the TMLP Commission, wetland flagging and surveying is required, as indicated above.*

*Should you have any questions or comments regarding this letter or the proposed work, please do not hesitate to contact me. At the Commission's request, we would be pleased to arrange for representatives of this project to review this request in further detail with the TMLP Commission or others on behalf of the TMLP.*

*Very Truly Yours,*

*Matthew J. Costa, Esquire, City Solicitor*

Commissioner Blackwell stated I read this letter several times and they keep talking about the railroad corridor. The railroad corridor goes through our secured perimeter and I can remember seeing several proposed routes for this bike path and it is to go around our secured perimeter, not through it, per the recommendation of FERC, NERC and Homeland Security because of some of the equipment we have on this site. I was a little bit confused because it seems like they are starting back at square one when we have already given them a proposed route that would work for the TMLP and be in compliance with FERC, NERC and Homeland Security.

Manager Goulart stated that we have been talking about this for quite a few years and we definitely need them to be outside our secured fence line. I would propose that we contact them and get clarification and I will work with Counsel to write up a response on what we need to clarify what is in the document so that we are protecting the secured perimeter. We will hopefully come back to the Commission at the next meeting with a recommendation.

Commissioner Corr added that the General Manager clarify that we are not opposed to this project and are willing to work with them.

Manager Goulart stated that will be part of our response.

Motion by Commissioner Corr, seconded by Commissioner Blackwell to refer the letter regarding the Taunton River Trail Project to the General Manager and Management for review and a recommendation at the next meeting. Unanimous.

#### **Retirement of Attorney Robert Funke**

Manager Goulart stated that typically this would not come before the Commission but because Attorney Funke was counsel to the TMLP Commission for many years it should be acknowledged.

Manager Goulart read the following into the record:

22-008

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*I closed my office last February and have been working from home to finish up my remaining active cases. It is my intention to retire completely by the end of February, 2022.*

*Thank you for your many courtesies to me over the years.*

*Sincerely Yours,*

*Bob Funke*

Manager Goulart added that this is another long time connection to the TMLP that is moving on.

Motion by Commissioner Corr, seconded by Commissioner Blackwell to receive the notification of Attorney Funke's retirement and place on file. Unanimous.

22-009

**Letter from the Taunton Retirement Board to the TMLP Commission dated January 11, 2022:**  
**Subject: Retirement of Kenneth Goulart effective March 7, 2022**

Manager Goulart read the following letter into the record:

*Please be advised of the retirement for Superannuation of Kenneth Goulart an employee of the Taunton Municipal Light Plant on March 7, 2022 under the provisions set forth in Section #5 of Chapter 32 of the General laws of Massachusetts.*

*Please pay regular compensation and accumulated benefits up to the day before retirement.*

*If you have any questions, please feel free to contact our office.*

*Respectfully yours,*

*Karen Medeiros, Assistant Executive Director*

Manager Goulart stated that Mr. Goulart is a 32 year employee of the TMLP.

Commissioner Blackwell stated Ken first stated as a student engineer at Cleary and worked his way up to the top and I am very proud of you and wish you nothing but the best. Health and Happiness in your retirement.

Manager Goulart thanked the Commission.

Motion by Commissioner Corr, seconded by Commissioner Blackwell to accept letter of retirement for Kenneth Goulart and place on file. Unanimous.

22-010

**ITEMS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE:**

None

**ANNOUNCEMENTS:**

Chairman Blackwell announced that the next Commission meeting is scheduled to be held on Tuesday, February 1, 2022 at 4:00 PM.

Chairman Blackwell stated "The next items on the agenda are executive session topics, one of which involves collective bargaining contract negotiations involving the TMLP unions. I note that Commissioner Corr and I have immediate family members employed by the TMLP who are members of two of those



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unions and that have a financial interest in the contract negotiations. Commission Corr, for the record, could you please state the facts that has created your conflict?"

Commissioner Corr stated "Thank you Mr. Blackwell. My wife, Kristine Sullivan-Corr, is employed by the TMLP as a Senior Clerk in the Accounting Group and is a member of the Local 462C union. My son, Mitchell Corr, is employed by the TMLP as a Resource Analyst in the Energy Supply & Planning Department and is a member of the Taunton Municipal Lighting Plant Professional Employees Association. My wife and my son are immediate family members who have a financial interest in the collective bargaining contract negotiations."

Commissioner Blackwell stated "My son, Mark E. Blackwell, Jr., was hired by the TMLP on July 3, 1989, and continues to be employed by the TMLP. My son is an Electrical Plant Supervisor in the Power Production Department and is a member of the Taunton Municipal Lighting Plant Professional Employees Association. My son is an immediate family member who has a financial interest in the collective bargaining contract negotiations."

Chairman Blackwell stated "For the record, (1) the Board of Commissioners does not have a sufficient number of members necessary to take a valid vote as a result of disqualification of members due to conflicts of interest concerning collective bargaining contract negotiations, (2) the Board of Commissioners has a legal obligation to negotiate and vote on collective bargaining contracts and no other board or authority may negotiate and vote on collective bargaining contracts for the Board of Commissioners; and (3) as a last resort, and based on advice from TMLP counsel, the rule of necessity is being invoked so that Commissioner Blackwell and I, who were disqualified, can participate in collective bargaining contract negotiations with the TMLP unions."

Chairman Blackwell stated that the next order of business is Executive Session for Competitive Advantage and Contract Negotiations.

Manager Goulart stated that we will not be returning to Public Session and will be adjourning in Executive Session.

Motion by Commissioner Corr, seconded by Commissioner Blackwell to go into Executive Session for Competitive Advantage and Contract Negotiations. (4:27 PM)

22-011

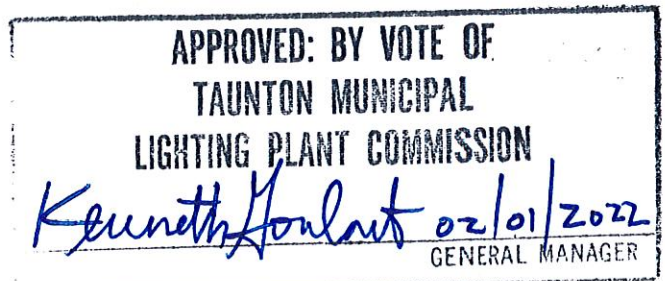
The Commission was recorded in a roll call vote to go into executive session as follows:

In Favor

Absent

Commissioner Corr  
Chairman Blackwell

*Executive Session discussion.*



  
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SECRETARY

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**EXECUTIVE SESSION**

**Competitive Advantage**

Manager Goulart and the Commission discussed numerous topics on this subject.

**Contract Negotiations**

Manager Goulart and the Commission discussed numerous topics on this subject.

Motion by Commissioner Corr, seconded by Commissioner Blackwell to adjourn. Unanimous. (5:00 PM)

22-012