

Town of Nantucket
NANTUCKET MEMORIAL AIRPORT
14 Airport Road
Nantucket Island, Massachusetts 02554

Thomas M. Rafter, A.A.E., Airport Manager
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Commissioners
Daniel W. Drake, Chairman
Arthur D. Gasbarro, Vice Chair
Andrea N. Planzer
Jeannette D. Topham

AIRPORT COMMISSION MEETING

March 25, 2014

The meeting was called to order 5:00 PM by Chairman Daniel W. Drake with the following Commissioners present, Andrea N. Planzer and Jeanette D. Topham.

Commissioner Arthur D. Gasbarro was absent.

The meeting took place in the 1st Floor meeting room at the Public Safety Facility, 4 Fairgrounds Rd.

Airport employees present were Thomas M. Rafter, Airport Manager, David Sylvia, Training & Compliance Officer, Ashley Christ, Business Manager, Noah Karberg, Environmental Coordinator, Lara Hanson, Operations Superintendent – FBO, and Janine Torres, Office Manager.

Mr. Drake announced the meeting was being recorded.

Mr. Drake asked for any comments on the Agenda. Hearing none the Agenda was approved.

Mr. Drake noted a Commission meeting had been posted concurrently with the 2/25/14 Master Plan Advisory Group meeting to allow attendance by the Commission. Mr. Drake noted, however, that Mr. Gasbarro, who is a member of the Advisory Group, and Mr. Drake were the only two Commissioner's present. Without a quorum, a formal meeting was not called to order. Mr. Drake presented minutes as such for the record. Mr. Drake noted no formal vote was necessary.

Ms. Topham made a **Motion** to approve the 3/11/14 Minutes. **Second** by Ms. Planzer and **Passed** unanimously.

Ms. Topham made a **Motion** to ratify the 3/19/14 Warrant. **Second** by Ms. Planzer and **Passed** unanimously.

Public Comment

None.

032514-1 Nantucket Music Festival Parking Request

Mr. Rafter presented a request from the Music Festival (Festival) organizers to rent vacant land in the Bunker area for additional parking during the two-day event, adding the VFW parking lot will also be rented and will provide the bulk of the parking. The Festival will be running buses to/from the Tom Nevers event, but Mr. Rafter was unsure what type of bus would be used and where it would turn around. Cheryl Emery, one of the event organizers, was in the audience and noted the company, Locomotion was providing 40' buses and thought they would enter the lot and loop around to exit. Ms. Emery added the Airport would be named an additional insured on the Music Festival's and Locomotion's insurance policies.

Brief discussion took place regarding the preparation of the lot and the requirement to charge Fair Market Value, approximately \$600, and the possibility of having to charge the Annual Business Fee. Mr. Rafter noted it's similar to renting a hangar for an event where only a rental fee would apply, but he would double check.

Ms. Topham made a **Motion** to approve the rental of the vacant Bunker land as depicted for two-day Festival parking with the total fee to be verified by Mr. Rafter. **Second** by Ms. Planzer and **Passed** unanimously.

Pending Leases & Contracts

Mr. Rafter noted **G.J. Smith** requested being heard in the context of G.J. Smith's pending Bunker Road lease which is being held up pending resolution of the FUDS (Formerly Used Defense Site) situation. Mr. Drake recognized Mr. Rod Allred, representing G.J. Smith, Inc., who addressed the Commission and presented a document reviewing the timeline prepared since awarded a parcel to lease in March 2013. Mr. Drake noted that the document would be in the record and there was no point in re-hashing what had happened in the past; further stating that the time could be most productively used looking at the future. Mr. Allred agreed but asked how to move forward.

Mr. Rafter updated the status of the FUDS remediation process noting the Airport has hired Weston Solutions, Inc. as a Licensed Site Professional, to perform testing on the soil removed from the area where the unexploded ordnance was found. The Army Corp of Engineers (Corp) does not have this site scheduled for remediation until the year 2035. Should Weston find contaminants, the Corp may be able accelerate their timetable, if their funding allows. Weston was on site last week for samples. The results aren't expected for 7 to 10 days.

In responding to Mr. Allred's question, Mr. Rafter indicated having asked the DEP and the Corp to identify the boundaries of the FUDS site, but they are hesitant to do so.

When asked, Mr. Allred noted he was not an attorney but was interested in helping expedite the process, noting all permits have been approved for the planned storage facility. Mr. Rafter indicated the Airport cannot take on more responsibility in the process.

Mr. Drake added the Airport is also hoping for a speedy end to this unfortunate development.

Mr. Rafter presented an amendment to the **ACK Surf School, LLC** Beach License Agreement, originally approved at the 2/25/14 Commission meeting, to allow the sale of ACK Surf clothing and beach sundries, originally planned for the second vehicle operating as ACK Surf. Mr. Rafter indicated the ownership has restructured and the second parking space at Nobadeer Beach is no longer necessary. .

Ms. Planzer made a **Motion** to rescind the Beach License Agreement with ACK Surf which allowed a second vehicle for the sale of apparel and sundries and amend the ACK Surf School LLC Beach License Agreement to allow the sale of ACK Surf clothing and beach sundries, but not any food or beverage items from the vehicle which is also the base for the surf school.

Second by Ms. Topham and **Passed** unanimously.

Mr. Rafter presented the final draft of the **Emily Air LLC** Lease indicating substantial changes had been made to the draft approved previously on February 11, 2014. He said Town Counsel had completed working with the lender's attorney on the Lease language and he noted there are three additional documents being presented to complete the transaction: the Termination of Lease between the Commission and Ocean Wings, the Notice of Termination of same for recording purposes, and the Assent for Emily Air LLC to sub-lease to Island Airlines LLC noted on the Agenda as a separate item. Additionally, Mr. Rafter reported, a Mortgage exists between the Airport and MassDOT-Aeronautics as part of the State Grant Assurances for the funding of the Terminal Project. The mortgage document encompasses all parcels that make up the Airport, also known as Exhibit A to the Airport's Layout Plan. The mortgage document requires the Airport to seek approval on any Lease transactions that affect revenue. Legal Counsel is assisting in this process. Mr. Rafter recommends the Commission approve and sign the documents presented tonight noting they will be held until approval is obtained from MassDOT.

After brief discussion, Ms. Planzer made a **Motion** to approve the Termination of Lease between Nantucket Memorial Airport Commission and Coastal Wings Inc. dba with Ocean Wings Air Charter dated May 1, 1995. **Second** by Ms. Topham and **Passed** unanimously.

Ms. Planzer made a **Motion** to execute the Notice of Termination of Lease between Nantucket Memorial Airport Commission and Coastal Wings Inc. dba with Ocean Wings Air Charter. **Second** by Ms. Topham and **Passed** unanimously.

032514-2 Emily Air LLC Sub-Lease to Island Air LLC

Discussion on this matter was included under Pending Leases and Contracts. **Motion** by Ms. Planzer to approve the Assent to Sublease. **Second** by Ms. Topham and **Passed** unanimously.

A \$1,000 Contract with **Team Eagle** was presented for the purchase of parts for the Oshkosh sweeper/snow blower. Mr. Rafter indicated the contract was necessary due to reaching the \$10,000 spending limit with the vendor. Ms. Topham made a **Motion** to approve the contract with Team Eagle for \$1,000. **Second** by Ms. Planzer and **Passed** unanimously.

Mr. Rafter requested another month extension to the Ascent Aviation/World Fuel Services contract for aviation fuel supply noting the new contract involves several different documents and will take additional time to incorporate each and have reviewed by all parties. Ms. Topham made a **Motion** to extend the contract with Ascent Aviation/World Fuel Services to April 30, 2014. **Second** by Ms. Planzer and **Passed** unanimously.

Pending Matters

070913-1 TON Memorandum of Understanding (MOU) – Mr. Rafter reported Heidi Bauer, TON Chief Procurement Officer (CPO) and Silvio Genao, TON Engineer, who also holds CPO designation, have drafted new procurement procedures for all Town Departments to follow which incorporates the contract review and approval process. The draft procedure will be reviewed by the Department Heads at the Town Manger's Cabinet Meeting next Monday. It is Mr. Rafter intent to incorporate this procedure, once finalized, into a new MOU between the Airport and the Town but include language regarding communications between the Finance Department and the Airport.

Brief discussion took place on the need for replacing the original MOU. Mr. Drake noted that the original MOU, signed in September 2012 is outdated and that, certain provisions which involved commitments by the Town which have not been fulfilled should be eliminated.

032514-3 Proposed Grant to Chamber of Commerce for Daffodil Weekend

Mr. Drake shared the opinion from Legal Counsel that the Airport could, without violating the Massachusetts Constitution, grant monies to anon-profit, such as the Chamber of Commerce, for activities related to carrying out a specific public purpose of support or stimulation for the benefit of the airport.

Mr. Rafter and Ms. Planzer, however, noted the FAA's policy, as found in the Federal Register, indicates the contribution must be directly related to operations of the airport. Mr. Rafter added speaking with Tom Vick, Compliance Officer with the FAA, who noted it would be acceptable only if the airport is buying an advertising space. Mr. Drake noted the \$1,000 contribution would include an ad in the event brochure.

After brief discussion, the consensus of the Commission was to not contribute to the Chamber of Commerce at this time but agreed a defined program for future consideration should be developed.

022613-2 Master Plan & Sustainability Program Update

Mr. Rafter reported that the IT consultant was on site last week to begin inventory of the Airport's hardware and software systems. Mr. Rafter also reported items continue to be populate the Master Plan website.

Mr. Rafter reported a senior from Jacobs Engineering will be visiting this Friday to conduct a client satisfaction survey related to the Master Plan process. Mr. Rafter intends to be candid and frank on how he feels Jacobs and their sub-consultants have performed so far, adding on more than one occasion, the documents submitted mirrors the past Master Plan Update instead of creating a fresh document.

Manager's Report

Project Updates

Mr. Rafter reported:

- The new FBO is open as of March 14th. A Grand Opening is being planned for April 18th with several soft openings to be held prior. The Department Head meeting next week will be held in the building's conference room and will include a tour of the building.
- The FAA announced Kobo Utilities were the low bidder for the Runway 15/33 REIL's/PAPI's. A pre-construction meeting is scheduled for later this week.
- R/W 6 PAPI flight check is scheduled for Thursday, 3/27/14.
- Regarding the Carbon Neutral Program, the two ESCO proposals continue to be reviewed. A determination on the Investment Grade Audit, estimated to cost \$15K should be made by mid-April.
- Clean up of the ARFF Building continues after a broken pipe caused extensive internal damage.
- A final PFC Application has been completed addressing the comments made by the FAA on the draft application. Mr. Rafter indicated one item that could not be located was a TSA letter approving the terminal design. It is unsure if this was necessary when the terminal project was designed. The application will be submitted to the FAA as soon as possible, but due to the lateness of the submission, will most likely not have an answer from the FAA by Town Meeting.

- Grant applications are being drafted for the two AIP projects: Security Upgrades and a new ARFF truck.

RFP/Bid Status

- No proposals were received for the design of the Air Traffic Control Tower RFQ. A conference call was held with the FAA to discuss next steps. The FAA ruled out a design/build process and has opted to revise the schedule to allow 5 months for design. The RFQ is being re-issued this week. The FAA was on site today to review the three sites for the mobile tower. Mr. Rafter added the new schedule will bring construction into June which will require the Airport to stress site #1 to be the most advantageous for airport operations. Another conference call with the FAA is scheduled for tomorrow to review the schedule further. A meeting with Ascent is scheduled for tomorrow to review the fuel contract content and the Jacobs contract for on-call engineering is still being drafted.

Operations

- Discussions were to take place with the Town to utilize airport parking for free shuttle service to the ferries; but when Mr. Rafter indicated to do so for free could constitute revenue diversion, the idea was dropped.
- Mr. Rafter commended Operations Superintendents Preston Harimon and Lara Hanson for coordinating CPR Training, noting it was some of the best training he has participated in.
- Mr. Rafter reported snow removal costs through early March were approximate \$15K in labor alone. He intends to produce a report to include other expenses such as equipment maintenance.
- Miami Air has indicated they are planning a charter flight on May 23rd bringing in one or two Boeing 737's. Operations is working through the logistics for this.
- Jet Blue has announced service between Hyannis and New York. It is undetermined what impact this might have on Nantucket.
- FAA Airports Division Manager, Mary Walsh has indicated she would like to visit Nantucket with Patrick Magnata of Airport Planning & Programming, Environmental Division on May 19th.

Statistics

Mr. Rafter reviewed the statistics for February:

- Operations: February 2014 is down 13.07% compared to February 2013. Fiscal YTD is down 7.8%. Poor weather is thought to be the blame.
- Enplanements: February 2014 is down 23.54% compared to February 2013. Fiscal YTD is up .11%.
- Jet A Fuel: February 2014 is down 43% from February 2013. Fiscal YTD is up 3.16%
- AvGas Fuel: February 2014 is down 38% for February 2013. Fiscal YTD is down 3%
- Noise: There were zero noise complaints for February Fiscal YTD is down 56.35%

Sub-Committee Reports

None.

Commissioners Comments

Mr. Drake reported responding to the email complaint he shared at the last meeting regarding being “unfairly taxed for GA building costs”. Mr. Drake will forward his response and indicated he has not heard anything further from this individual.

Mr. Drake handed out the final version of the ATM Article 12 Fact Sheet he presented in draft form at the last meeting.

Mr. Drake noted the Board of Selectman postponed their decision to appoint a new Commissioner until their meeting on March 26th. Mr. Drake noted speaking with Legal Counsel regarding the possibility of Mr. Planzer's appointment as it relates to the Open Meeting Law (OML) noting if Mr. Planzer is appointed, the Commission will be asked to participate in an OML seminar.

Mr. Drake commended airport staff in the work performed in getting the new FBO open.

Public Comment

None.

Having no further business, Ms. Topham made a **Motion** to adjourn into Executive Session, not to reconvene in Open Session, to review discuss strategy with respect to threatened litigation with respect to the completions of the GA Building. The Chair has determined that an open session may have a detrimental effect on the litigation position of the Commission. **Second** by Ms. Planzer and **Passed** by the following roll-call vote:

Mr. Drake – Aye
Ms. Topham – Aye
Ms. Planzer – Aye

Meeting adjourned at 6:05 pm.

Respectfully submitted,

Janine M. Torres Recorder

Master List of Documents Used

3/25/14 Agenda including Exhibit 1
2/25/14 Commission/Master Plan Advisory Group Meeting Minutes
3/11/14 Draft Airport Commission Minutes
3/19/14 Warrant Commission Approval Sheet
3/10/14 Letter from Nantucket Music Festival re Parking Request w/ Bunker Rd Map
GL Smith Lease Timeline presented by R. Allred (Handout)
ACK Surf School LLC Beach License Revised Agreement
Termination of Lease (Coastal Wings) (Handout)
Notice of Termination of Lease (Coastal Wings) (Handout)
Lease Agreement with Emily Air LLC
Assent to Sub-Lease (Emily Air LLC to Island Airlines LLC) (Handout)
Team Eagle Contract
3/19/14 Email from Giorgio to Drake re Airport Support of Chamber
February Statistics Power Point Presentation (Handout)