

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
Neil Planzer
Jeannette D. Topham

AIRPORT COMMISSION MEETING

April 22, 2014

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

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, Noah Karberg, Environmental Coordinator, David Sylvia, Training & Compliance Officer, Lara Hanson, Operations Superintendent- FBO and Janine Torres, Office Manager.

Mr. Drake announced the meeting was being recorded.

Mr. Drake welcomed Mr. Planzer to the Commission.

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

Ms. Topham made a **Motion** to approve the 4/10/14 Minutes. **Second** by Mr. Gasbarro and **Passed** unanimously.

Mr. Gasbarro made a **Motion** to ratify the 4/16/14 Warrant. **Second** by Ms. Topham and **Passed** unanimously.

Ms. Topham made a **Motion** to approve the 4/23/14 Warrant. **Second** by Mr. Gasbarro and **Passed** unanimously.

Public Comment

None.

042214-1 Update from Town Counsel on Mass. Open Meeting & Conflict of Interest Laws

Mr. Drake introduced Brian Riley from Town Counsel's office. Mr. Riley reviewed his Power Point presentation of the Mass. Open Meeting Law (OML) which covered the definition of deliberation, quorums, meeting notice requirements, remote participation and allowed topics for executive session.

Mr. Riley answered specific questions asked by several Commissioners:

- If the Commission posts a meeting for Annual Town Meeting, each night of Town meeting should have a separate post and the related Articles should be listed on the posting notice.
- An update to a meeting notice can be posted to include a matter not listed on the original posting.
- If a member or members participate remotely, there must be a quorum physically present at the meeting.
- Two (2) members of the Commission can have a discussion, but each cannot have same discussion with a third member.
- A lawsuit must be “demonstrably” likely in order to hold subject matter in executive session
- If executive session topic is to consider the purchase, exchange, lease or value of real property, the subject property does not have to be identified on the meeting notice only if detrimental to the Commission’s bargaining position.
- If a violation of the OML occurs, it should be cured by discussing publicly at next meeting.

After a short break Mr. Drake reconvened the meeting at 6:30 p.m.

042214-2 Formerly Used Defense Site (FUDS) Status

Discussion of report from Weston Solutions - Mr. Rafter reported the Weston Solutions report was received last week and is still in the process of being reviewed. A conference call took place and included Weston, the Army Corp of Engineers (Corp), Town Counsel and the Airport to develop a plan to move forward. The report contained at least one reportable soil contaminant. Weston did not uncover any additional UXO (un-exploded ordnance) in the dirt pile located within the perimeter fence. The Weston report dealt only with this dirt pile which was moved from one of the lease sites.

The Corp reported they received permission and funding to move the entire FUDS site into the next phase which is further investigation and are hoping to have someone under contract by the end of September. Once the investigation phase is complete, the remediation phase will follow.

Mr. Drake added Town Counsel has been asked to outline recommendations to the Commission considering both the UXO site as well as the factoring in the information provided by the Corp. for recommendations on the existing and pending lease sites for discussion at the next meeting.

Mr. Planzer outlined the three issues:

- The dirt pile excavated from the FUDS site indicated three elements of which at least one (arsenic) will be reportable
- The Army Corp has received approval to further investigate the entire FUDS site to determine future remediation
- The determination of the lease parcels within the FUDS site.

For Mr. Planzer’s benefit the prior events leading up to tonight’s report were reviewed.

Consideration of revocation of Bunker Road procurement on parcels not subject to existing leases. - Mr. Steve Cohen, representing pending Lessee, Geoff Smith, noted Mr. Smith’s willingness to wait until the FUDS situation is concluded. Mr. Drake indicated Town Counsel previously advised to revoke the procurement but in light of recent events suggest the decision wait until their new recommendations are received.

Pending Leases & Contracts

World Fuel - Mr. Rafter updated the Commission on the status of the new Contract with World Fuel explaining the fuel supply, Phillips 66 branding and fuel truck lease agreements are being incorporated into the Town's boiler plate and have discussed some changes with World Fuel but has not yet been reviewed by Town Counsel. For this reason, Mr. Rafter asks the Commission vote to extend the present Contract for another month.

Mr. Rafter added World Fuel has invited ACK to become members of are their Air Elite program and a contract fuel program called Alliance. Both these programs are being considered but additional information is sought after.

Motion by Mr. Gasbarro to extend the World Fuel Contract to May 31, 2014. **Second** by Jeanette Topham and **Passed** unanimously.

TSA Lease – Mr. Rafter presented a request from the Transportation Security Administration to extend their present Lease for office space for another three years; however, Mr. Rafter would like to negotiate a CPI adjustment.

Motion by Mr. Planzer to extend the TSA Lease with a CPI adjustment. **Second** by Mr. Gasbarro. After answering Ms. Topham as to the location of their office and storage space, the motion **Passed** unanimously.

Pending Matters

070913-1 TON Memorandum of Understanding (MOU) – Mr. Rafter reported there is no update on the status of new Town Procurement Policy but indicated the software for purchasing off a State Contract is changing and several staff members attending the training.

022613-2 Master Plan & Sustainability Program Update

Mr. Rafter reported meeting with Jacobs to discuss preliminary alternative analysis prior to the next Advisory Group meeting scheduled for May 29th. Mr. Rafter reported forwarding the benchmarking for rates and charges to the Commission noting it contained good information but needs to look at it more closely.

Manager's Report

Project Updates

Mr. Rafter reported:

- The Grand Opening of the FBO is scheduled for May 3, 2014. Mr. Rafter asked permission to institute a discount program for the day including a reduced fuel price, waiving the ramp fee for the 1st 24-hours, and rebate the landing fee if presented with any island merchant receipt. After brief discussion, Ms. Topham made the **Motion** to approve the Manager's recommendation for a one-day discount program as described allowing the Manger to determine the minimum, if any, on an island merchant receipt. **Second** by Ms. Planzer and **Passed** unanimously.
- Construction for the Runway 15/33 REIL's/PAPI's has begun.
- Called the FAA to check on PFC application status, but individual is out until April 28th.

RFP/Bid Status

- A pre-bid conference was held today on the security upgrades project. Bids are due April 30th and the Grant applications will be completed immediately afterwards.
- An addendum is being issued on the ARFF truck bid due to a new FAA Advisory Circular that does not allow for any ancillary equipment to be Grant eligible. Those items will have to be bid out separately.

- Proposals have been received for the ATCT Modernization design and are in the process of being reviewed.

Operations

- The first group of airport firefighters will be attending live burn training at the New Hampshire Fire Academy tomorrow.
- The first planning meeting for the Part-139 triennial full-scale exercise took place last week.
- The State Transportation Bond Bill which pledges \$89M for the Aeronautics Division was signed by the Governor so we should be hearing about our equipment Grant applications soon.
- Along with Mr. Drake, provided a tour of Airport to the members of the State Legislature's Joint Committee on Tourism, Arts and Cultural Development who were on-island for an event sponsored by the Chamber of Commerce.
- An incident took place in front of the terminal where an unattended vehicle was discovered to have a loaded gun inside. The Police took appropriate action.
- Three candidates have been interviewed for the Business/Finance Manager's position and a decision should be made by the end of the week.

Statistics

- Operations for March were down 17% over March of 2013. FYTD Operations are down 8.5%.
- Enplanements for March are down 15% over March of 2013. FYTD Enplanements are down .75%
- JetA fuel sales for March are down 7% over March of 2013. FYTD JetA sales are up 3%.
- AvGas sales for March are down 37% over March of 2013. FYTD Avgas sales are down 4%.
- Noise complaints for March are down 50% over March of 2013. FYTD complaints are down 56%.
- Freight statistics are unavailable as a reporting discrepancy is being reviewed.

Sub-Committee Review

After brief discussion, it was decided for the remainder of the fiscal year, the Airfield Policy/Facilities/Maintenance Sub-Committee would be combined with the Long-Range Plans/Policy Sub-Committee with Mr. Drake, Mr. Gasbarro and Ms. Planzer as members. The Personnel Sub-Committee will remain Mr. Drake and Ms. Topham. Noise/Environmental/Energy Sub-Committee will be Mr. Gasbarro and Mr. Planzer. Service/Public Relations Sub-Committee will be Ms. Topham and Mr. Planzer.

Mr. Drake added he would like the Jacobs benchmarking report on the rates and charges to be reviewed by the Long-Range Plans/Policy Sub-Committee.

Commissioners Comments

None.

Public Comment

None.

Having no further business, Mr. Gasbarro made a **Motion** to adjourn in Executive Session, not to reconvene in Open Session for the purposes of reviewing Executive Session minutes as enumerated on the Agenda; to discuss litigation with respect to threatened litigation with respect to the completion of the GA Building. The Chair determined that an open session would have detrimental effect on the litigation position of the Commission; to conduct strategy session with respect to collective bargaining where if held in Open Session, may have a detrimental effect on the bargaining position of the Commission; to discuss strategy with respect to pending litigation on a personnel matter. The Chair has determined that an Open Session may have a detrimental effect on the litigation position of the Commission; and to consider the purchase, exchange, lease or value of real property and discuss pending litigation of Gatto vs. Town. The Chair determined that an Open Session may have a detrimental effect on the negotiating and/or litigation position of the Commission. **Second** by Ms. Topham and **Passed** by the following roll-call vote:

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

Mr. Drake added the real purpose of the Executive Session is to bring Mr. Planzer, as a new Commissioner, up-to-date on the pending Executive Session matters.

Meeting adjourned at 7:20 pm.

Respectfully submitted,

Janine M. Torres Recorder

Master List of Documents Used

4/22/14 Agenda & Updated Agenda including Exhibit 1
4/10/14 Draft Airport Commission Minutes
4/16/14 Warrant Commission Approval Sheet
4/23/14 Warrant Commission Approval Sheet
Kopelman & Paige Power Point presentation on the Mass. Open Meeting Law
Weston Solutions Stockpile X Report dated 4/18/14
2/22/13 Bunker Lease RFP Register of Bidders
March 2014 Airport Statistics
Airport Sub-Committee Assignments w/ Vacancy