

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

Thomas M. Rafter, Airport Manager
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Commissioners
Daniel W. Drake, Chairman
Arthur D. Gasbarro, Vice Chair
David C. Gray, Sr.
Sonny Raichlen
Jeannette Topham

AIRPORT COMMISSION MEETING
April 23, 2013

The meeting was called to order at 5:02 PM by Chairman Daniel W. Drake with the following Commissioners present, Vice Chair Arthur D. Gasbarro, David C. Gray, Sr., and Jeanette Topham.

Commissioner Sonny Raichlen was absent.

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

Mr. Drake announced the meeting was being recorded.

Airport employees present were Thomas M. Rafter, Airport Manager, Noah Karberg, Environmental Coordinator, Ashley Christ, Business Manager and Janine Torres, Office Manager.

The Commission **M/S/P** Unanimously approval of the Agenda.

The Commission **M/S/P** Unanimously approval of the 3/26/13 Minutes.

The Commission **M/S/P** Unanimously approval of the 4/2/13 Minutes.

The Commission **M/S/P** Unanimously to ratify the 4/3/13 Warrant.

The Commission **M/S/P** Unanimously, with Mr. Gray abstaining, to ratify the 4/17/13 Warrant.

Mr. Drake announced the Minutes approved at the 3/26/13 Commission meeting were actually the minutes of March 12, 2013, not the 2/26/13 minutes erroneously noted on the Agenda.

Public Comment

None.

Pending Leases and Contracts

Mr. Rafter reported:

- The **Toscana** Bunker Road Lease was not returned in time for the meeting.
- The **URS Corp** Contract to perform an Independent Fee Estimate for the Master Plan & Sustainability Program was not returned in time for the meeting.

- A contract with **Island Airlines LLC**, to supply three charter flights to ARFF personnel to attend required live burn training at the NH Fire Academy for \$7,710.00. The Commission **M/S/P** Unanimously approval of the contract.
- Two separate parties are applying for Nobadeer Beach License Agreements to operate mobile food trucks: **Hither Creek, LLC dba Millie's Food Truck** and **Nantucket Lobster Trap**. Both companies are requesting operation between June and September.

Mr. Drake reminded the Commission ACK Surf School was already granted a Beach License Agreement and plans on parking a pick-up truck and trailer in the same area the food trucks would park. Mr. Drake is concerned there may not be enough room for two food trucks.

Mr. Gasbarro asked about last summer's food truck, Blue Bellies. Ms. Torres reported she spoke with the owner after receiving the new requests and was told Blue Bellies was unsure if they would be operating this summer and understood if they were passed over.

Discussion pertaining to the available space as well as potential conflicts should both food trucks be there at the same time. Lori D'Elia, an attorney representing Hither Creek, and Alex Whelden representing the Lobster Trap, were both in the audience and addressed the Commission's concerns. After brief discussion, both parties agreed to work out a schedule and present to Mr. Rafter.

The Commission **M/S/P** Unanimously to approve a Beach License Agreement to both Millie's Food Truck and Nantucket Lobster Trap subject to the parties agreeing to and providing a non-conflicting schedule of operation to Mr. Rafter.

Pending Matters

120412-3 Existing Bunker Lease Review – Mr. Rafter reported receiving the first 21E Report on the lot being leased to Jesse Dutra showing no environmental issues. The remaining reports are expected shortly. The Airport is still undergoing procurement to obtain surveys and stake the Bunker lots.

021213-1 Fee Structure – Mr. Rafter presented a draft of the proposed changes to the Fee Structure correcting the effective date to June 1, 2013. If approved, the next steps would be to notify the users and hold a Public Hearing. Mr. Rafter noted a hand out of other airport landing fees for comparison.

Mr. Rafter reviewed the changes noting some items were added to the Fee Structure, not as a new fee, but because they were omitted from previous versions.

Mr. Rafter explained the new aeronautical fee called Building Use Charge (FBO Facility), addresses operators that use the FBO facility for scheduled flights. According to the current Minimum Standards, these operators would be required to operate from the terminal. By amending the Minimum Standards, we can establish new rates allowing for operations through the FBO facility.

The Commission made the following changes:

- Under Section I - Aeronautical Fees, Item B. 2. – Replace “(overnight)” with “per calendar day”
- Under Section I - Aeronautical Fees, Item B. 2. b (1) – Replace “\$3.00” with “\$5.00”
- Under Section II - Non-Aeronautical Fees, Item D – Add “Minimum” before \$.088
- Under Section III – Ground Transportation, Item F – Add “\$2,000.00 annually” under \$1,500.00 per 6 month agreement (May-Oct)

The Commission **M/S/P** Unanimously to put forth the proposed 2013 Rates and Charges with the noted amendments and hold a Public Hearing during the May 14, 2013 Commission Meeting.

021213-2 Supplemental Agreement to the Other Transactional Agreement (OTA) - ATCT

Mr. Rafter had nothing new to report.

032613-2 Rental of Airport Facilities for Special Events – Mr. Rafter recommended postponement of changing the current Policy until sometime in the future. The Commission agreed.

042313-1 Windmill Auto Rental – Mr. Rafter reported meeting with Mr. Conlon who has provided a letter arguing his need to supplement his expense of having a year-round rental car facility at the Airport with parking revenue from his property. Mr. Rafter recommends allowing no more than 20 vehicles with restrictions. Mr. Gasbarro added Mr. Conlon will be required to apply for a new special permit enforced by the Zoning Department and the Airport can only agree not to object to his permit.

After brief discussion, the Commission **M/S/P** Unanimously to not object to a zoning permit for Nantucket Windmill Auto to park up to twenty (20) commercial vehicles on the conditions that Windmill charge at least eighty percent (80%) of the Airport's published rates for long term parking and their minimum parking agreement be for six (6) months.

042313-2 Minimum Standards Review – Mr. Rafter presented several changes to the Airport's Minimum Standards explaining the initial change was to properly address the operators running scheduled service through the FBO, Section L – Aircraft Charter and Air Taxi.

Mr. Gray recused himself.

Mr. Rafter reported receiving a request from Island Airlines/Ocean Wings Air Charter to sub-lease to Pilgrim Aviation LLC to provide flight training, aircraft rental and scenic flights. Mr. Rafter added this is permissible under their current agreement; however, would require some additional changes to the Minimum Standards, Section H – Aircraft and/or Ultra light Vehicle Lease and rental, Section I – Flight Training.

Mr. Gasbarro recommends adding a new item to Section C – Minimum Standards for Specialized Aviation Service Operations (SASO) as follows: “7. All SASO operators at the airport shall comply with the Nantucket Memorial Airport noise abatement corridors unless otherwise warranted for safety reasons.”

The Commission **M/S/P** Unanimously to approve the changes to the Minimum Standards as proposed by Mr. Rafter and Mr. Gasbarro.

Mr. Rafter confirmed to Mr. Drake the Ocean Wings Air Charter Lease already allows for the services offered by Pilgrim Aviation LLC and that no other Commission Approval is necessary for a sub-lease.

Mr. Joe Ricci and Mr. Joe Rosen of Pilgrim Aviation introduced themselves, thanked the Commission for their support and gave an overview of their Plymouth-based flight training school.

GA/Administration Building Project Update

Mr. Rafter reported the revised construction schedule projects a late July completion date. Work is slowly starting back up. Mr. Gasbarro stated he still does not find the schedule to be realistic. Mr. Rafter feels once the carpenter sub- contractor is established, the schedule can be scrutinized more closely. Mr. Rafter indicated both Nantucket Architecture and the OPM must keep extremely accurate notes for use later in determining the final liquidated damages amount.

In organizing the paperwork it was determined many open construction issues existed and most of the effort thus far has been in resolving those issues. Mr. Rafter noted several small Change Orders (CO) were approved by him already and going forward, suggests adoption of a policy for CO approval. Mr. Drake added the takeover contractor, Fasano Acchione (FA), was told at the last construction meeting the Commission would have to approve Change Orders.

Mr. Rafter presented a review of the CO approved so far with a net increase to the project of \$11,352.00.

The Commission **M/S/P** Unanimously to ratify the Change Orders received to date with a net increase to the project of \$11,352.00.

A draft policy was reviewed by the Commission which would allow Mr. Rafter to approve CO based on the following:

- A net additional cost greater than \$10,000 only after approved by Commission at a regular scheduled meeting
- A net additional cost of \$10,000 or less (including net credits) immediately with review by the Commission at the next scheduled meeting. These CO would be in force and effect when signed by Mr. Rafter.

The Commission **M/S/P** Unanimously to adopt the Change Order Policy as presented.

042313-3 FY2013 Budget Update – Mr. Rafter reviewed the Budget Update presented to the Board of Selectmen at their May 17th meeting.

- YTD actual Revenue through March 31st is \$9.9M with \$12.3M budgeted for the year.
- YTD actual Expense through March 31st is \$9M with \$12.1 budgeted for the year.
- Net Surplus prior to Debt Service is \$971K and \$74K after Debt Service.
- % of Actual Debt to Operating Expense is 9% with a annual goal of 12%
- Net Surplus in Fuel Revolver is \$1.6M with \$1.5 having been the projection

Mr. Rafter noted large 4th Quarter Capital Expenditures as well as some Bond costs projects a year ending deficit of \$300K.

022613-2 Master Plan & Sustainability Program – The Final Draft of the Scope was reviewed. Mr. Rafter met earlier with Mr. Gasbarro who noted several concerns:

- Jacobs did not provide their fee estimate
- Attachment 6 – Additional Noise Measurement – Scope is based on work previously done in small area not entire Airport or surrounding community. Doesn't reference when another Part150 study should be done.
- No mention of how, when or who would update the Contour Map. Jacobs needs to expand their Tasks 4 & 11.
- Attachment 4 – Ground Survey Plan includes proposal from off-island firm which includes \$17K of lodging expenses. Local survey companies should be contacted to obtain prices.

Mr. Drake noted the schedule provided as Attachment 11 indicates the next Public Outreach Meeting is planned for the fall.

Mr. Rafter noted Jacobs has provided suggestions on the make-up of the Advisory Committee which he'll forward. Mr. Drake noted they have reverted to one committee as opposed to several sub-committees.

Mr. Rafter proposed forwarding tonight's comments to Jacobs and will invite them to a future meeting to go through their next final draft.

Mr. Rafter noted the Grant Application was expected to be submitted for the FAA's May 1st deadline raising the issue of not having a final document yet and more importantly the cost estimate.

Manager's Report

Mr. Rafter reported on:

Projects Update

- 6/24 HIRLS project is complete ahead of schedule and within and possible under budget.
- Lighting fixture replacement project is completed.
- Pre-bid conference was held for the Taxiway D Widening Project. Bids are due on April 30th. Grant Application submission is planned for May 1st. The Engineers estimate is \$195K above what was authorized at Town Meeting and is working with the Finance Director on how to resolve.
- Carbon Neutral kickoff meeting is scheduled for April 24th from 11:00 to 4:00.
- Held a PFC kickoff meeting with McFarland Johnson (MJ) and have provided information they need to produce a recommendation for projects to include on the PFC Application with what the reimbursement costs would be. MJ was informed the Airport would like a percentage applied to future projects to cover the Airport's share.

RFP/Bid Status

- Still waiting to hear back from UPS regarding their new Lease.
- Working through issues between the restaurant and gift shop. Mr. Rafter responded to Mr. Gasbarro that this is not affecting the opening of the gift shop expected to be Daffodil Weekend.
- HVAC work in the restaurant was scheduled to start today.

Operations Update

- Spoke today with the Inquirer and Mirror with regard to the start of FAA furloughs due to the Government's Sequestration. Reports of delays at some major airports already happening and might eventually affect Nantucket.
- Several ARFF personnel are attending Live Fire Training this week
- Met with FBO and Operations Staff to review suggestions on improving procedures. Several changes will be tested over Daffodil Weekend.
- Received and e-mail from B&K indicating they are still negotiating for a direct access to the required FAA feed for the Noise Desk software and wished to know if the Airport wanted to move forward. Mr. Rafter explained until we know the final additional costs cannot make that decision. When asked by Mr. Gray, Mr. Rafter will ask Legal Counsel's advice on negating the Contract signed with B&K due to the significant term changes.

- Reviewed the FAA Lease which states the Airport shall provide 12 parking spaces adjacent to the Control Tower. Moved to inside parking lot after terminal project to accommodate NRTA Shuttle and passenger pick up / drop off outside of Summer Arrivals wing.
- Partnering with Town's Energy Office with the possibility of having an Energy Fair on May 18th in Summer Arrivals area.
- Provided an Airport Tour to the newly elected Selectman, Tobias Glidden. Also extended an invitation to Matt Fee, the other newly elected Selectman.
- Environmental Technical Advisory Committee met on April 10th. Discussed improved communications as well as the status of our permit requirements. Mr. Gasbarro added Mr. Rafter and Mr. Karberg were well prepared noting improvements made. The Airport is not currently in compliance; but feels the plan going forward can rectify that.

Statistics Report

Mr. Rafter noted Operations are up but Enplanements are down. Mr. Drake commented he hopes the airlines are accurately reporting.

Mr. Rafter reported four Noise Complaints were made last month, two from the same individual. Mr. Rafter is working with Mr. Karberg on improving the noise monitoring process.

Mr. Drake asked that the close out report with the FAA Part 139 Inspector, scheduled for June 7th is posted as an Open Meeting so that multiple Commissioners can attend.

Mr. Gray asked about the parking lot. Mr. Rafter reported Mr. Wilson has been working closely with Scheidt and Bachmann (S&B) who has been on-site removing and replacing servers with some continued problems. Mr. Rafter asked the Commission to seek Legal Counsel's advice on the parking lot credit card issues believing S&B to be the initial cause of the problems exposing the Airport to potential liability. The Commission agreed.

Sub-Committee Reports

None.

Commissioner's Comments

Ms. Topham asked if Dave Fronzuto was contacted regarding Emergency Management during Airport closure. Mr. Rafter indicated not in significant detail.

Mr. Gray asked if any more land claims have been made. Mr. Rafter replied there have been no others and Legal Counsel is still waiting for information from the title company on Mr. Gatto's claim.

Mr. Gasbarro plans on attending the Carbon Neutral kick-off meeting and questioned other Commissioner's attendance. Mr. Drake will attend as well and will leave when Mr. Gray joins the meeting for the geothermal tour.

Public Comment

None.

The Commission **M/S/P** by the following Roll Call Vote, to enter into Executive Session, not to reconvene in Open Session, to 1). Review ES minutes of 3/1/12, 3/13/12, 3/27/12, 4/3/12, 4/19/12, 4/26/12, 5/8/12, 5/22/12, 6/12/12, 6/26/12, 7/10/12, 7/24/12, 8/28/12, 9/18/12, 9/25/12, 10/30/12, 11/6/12, 12/4/12, 12/11/12 and 12/18/12 for possible release; and 2/26/13 and 3/26/13 for review and possible release, and 2). To discuss strategy with respect to collective bargaining which if held in open session:

Mr. Drake – Aye
Mr. Gasbarro – Aye
Mr. Gray – Aye
Ms. Topham – Aye

Meeting adjourned at 6:50 PM

Respectfully Submitted,

Janine M. Torres, Recorder

Master List of Documents

4/23/13 Agenda including Exhibit 1
3/26/13 Draft Minutes
4/2/13 Draft Minutes
Toscana Corp. Lease
Island Airlines LLC Contract
Vaughan, Dale, Hunter & Beaudette 4/17/13 letter re Hither Creek LLC Food Truck
Hither Creek LLC Beach License Agreement
4/18/13 – 4/19/13 E-mail string between Nantucket Lobster Trap and Janine Torres
Nantucket Lobster Trap Beach License Agreement
Proposed 2013 Rates/Fees including Summary of Changes
Landing Fee Comparison (Handout)
Nantucket Windmill Auto Letter dated 4/15/13
Island Airlines LLC letter dated 4/23/13
Draft Revised Minimum Standards including 4/19/13 email from T. Rafter to J. Ricci/C McLaughlin
Fasano Acchione Construction Schedule dated 3/15/13
Draft GA Construction Change Order Policy
GA/Admin Change Order Summary
FY2013 Airport Enterprise Update Period Ending 3/31/13
Jacobs Master Plan & Sustainability Program Scope Final Draft dated 4/3/13
March 2013 Statistics Report
March 2013 Noise Complaints