



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2020 AUG 06 PM 03:55
NANTUCKET TOWN CLERK
Posting Number:T 1917

Committee/Board/s | Nantucket Memorial Airport Commission

Day, Date, and Time | Tuesday, August 11, 2020 at 5:00 PM

Location / Address | REMOTE PARTICIPATION VIA ZOOM AND YOUTUBE
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached)

Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>

Signature of Chair or Authorized Person | Thomas M Rafter

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

YouTube Link

<https://youtu.be/UWzB1TnenVk>

1. Announcements
 - a. Chair reviews virtual meeting statement
 - b. This Meeting is Being Both Audio & Video Recorded
2. Review and Approve:
 - a. Agenda
 - b. 7/14/20 4:15PM and 7/14/20 5:00PM Draft Minutes
 - c. Ratify 6/30/20, 7/22/20 and 8/5/20 Warrants
3. Pending Leases/Contracts as Set Forth on Exhibit 1, which Exhibit is Herein Incorporated by Reference
4. **071420-1** Election of Officers/Assign Sub-Committee Members
5. **071420-2** Airport Manager Contract Discussion
6. Pending Matters
 - a. **050916-1** Crew Quarters Development

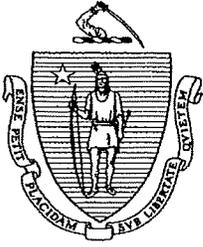
- b. **091019-01** Capital Approval Process/Home Rule Petition (Formally Town Government Study Committee)
 - c. **071420-03** Per- and polyfluoroalkyl substances (PFAS) Investigation Update
 - i. McFarland Johnson, Inc. Task Order- PFAS Management and Mitigation- Update on Funds Available
 - ii. McFarland Johnson, Inc. Task Order- Nobadeer Way Area
 - iii. McFarland Johnson, Inc. Task Order- Town Water Main
 - iiii. McFarland Johnson, Inc. Task Order- Plume Identification
7. Environmental Assessment/Environmental Impact Report (EA/EIR)
 - a. **081120-1** McFarland Johnson, Inc. Task Order- Noise Berm Permitting
 8. Ratify FAA Grant Acceptances
 - a. **081120-2** AIP 71 “Security and Safety Enhancements (Equipment Upgrade)- Phase II (Installation)” – \$3,820,461
 - b. **081120-3** AIP 72 “Reconstruct Taxiway E; and Reconstruct Realign Stub Taxiway A”- \$19,998,693
 9. **081120-4** Aircraft Policy Review- Aircraft Wet Washing and PFAS Product Ban
 10. Finance
 - a. **071420-4** Lease Payment Abatement/Deferment Discussion
 11. Manager’s Report
 - a. Project Updates
 - b. RFP/Bid Status
 - c. Operations Update
 - d. Statistics
 - e. Personnel Report
 - f. Travel Request- 2020 F. Russell Hoyt
National Airports Conference
Savannah, GA September 27-29, 2020
 12. Commissioner’s Comments
 13. Public Comment
 14. Executive Session – G.L. c.30A, §21 (a)
 - a. Review ES minutes of 5/28/13, 9/10/13, 1/14/14, 2/25/14, 3/11/14, 3/25/14, 6/24/14, 4/14/15, 5/12/15, 8/11/15, 9/8/15, 12/8/15, 2/9/16, 9/13/16, 12/13/16, 1/10/17, 5/11/17, 6/13/17, 7/11/17, 8/8/17, 9/12/17, 10/10/17, 11/14/17, 12/12/17, 1/9/18, 2/13/18, 3/16/18, 4/10/18, 5/8/18, 6/12/18, 6/29/18, 7/10/18, 8/14/18, 9/11/18, 11/13/18, 12/11/18, 1/14/19, 2/12/19, 3/12/19, 4/9/19, 5/14/19, 6/11/19, 7/12/19, 8/13/19, 9/10/19, 10/8/19, 11/12/19, 12/10/19, 1/14/20, 2/11/20, 3/10/20, 4/14/20, 5/12/20, 6/9/20 for possible release; an 7/14/20 for review and possible release.
 - b. Clause 3: To discuss strategy with respect to the litigation regarding the Gatto Claim, where the Chair has determined that an open session may have detrimental effect on the litigating position of the Airport Commission.
 - c. Clause 3: To discuss strategy with respect to the litigation regarding Walsh, where the Chair has determined that an open session may have detrimental effect on the litigating position of the Airport Commission.
 - d. Clause 3: To discuss strategy with respect to collective bargaining, where the Chair has determined that an open session may have detrimental effect on the bargaining position of the Airport Commission.

- e. Clause 3: To Discuss Strategy with Respect to Pursuing Legal Claims against Manufacturer of Polyfluoroalkyl Substances (PFAS), where the Chair has Determined that an Open Meeting May have a Detrimental Effect on the Litigating Position of the Airport Commission.
- f. Clause 3: To Discuss Strategy with Respect to Potential Legal Claims against the Airport - Polyfluoroalkyl Substances (PFAS), where the Chair has Determined that an Open Meeting May have a Detrimental Effect on the Litigating Position of the Airport Commission.

Exhibit 1

Type	With	Amount	Other Information	Source of Funding
Operating Agreement	JetBlue Airways Corporation	\$40,586.68	Seasonal Airline Agreement	Income
			Plus Landing Fees	
Lease Agreement	United Airlines, Inc.	\$24,666.68	Seasonal Airline Agreement	Income
			Plus Landing Fees	
Lease Agreement	Delta Air Lines, Inc.	\$27,547	Seasonal Airline Agreement	Income
			Plus Landing Fees	
Lease Agreement	Southern Airways	\$37,779.68	Seasonal Airline Agreement	Income
			Plus Landing Fees	
Operating Agreement	Ross Rectrix HYA, LLC	\$1,500	Ground Handling for JetBlue	Income
			Annual Business Fee	
Operating Agreement	Reliant Air	\$1,500	Scheduled Service Operator & Fly Louie Operator	Income
			Annual Business Fee	
			Plus Landing Fee	
Letter of Agreement	Verrill Dana, LLP	N/A	Anderson & Kreiger Retained Verrill Dana, LLP	Operating
			Regarding Legal Services for Hertz Bankruptcy Proceedings	
Contract	CHA Consulting Inc.	\$75,000	Fuel Farm Upgrades Project	Capital
			Owners Project Manager Services	
Contract	LeVangie Electric Company	\$3,119,900	Safety and Security Project- Security Cameras, Door/Door	Capital
			Hardware, Gates and Fencing- Phase II- AIP Project	
			Expected Funding 90%, MDOT 5%, ACK 5%	
Contract	Stantec Consulting Services, Inc.	N/A	AIP and On-Call Engineering & Architectural Services	Project Dependent
			Tasks Orders Assigned for Each Project with Amount	
			3 Year Contract	

Type	With	Amount	Other Information	Source of Funding
Contract Amendment	Jacobs Engineering Group	TBD	Supplemental Agreement No. 1 for Taxiway 'E' Task Order	Capital
			Increase Funds Related to Environmental Permitting Efforts	
			Anticipated Funding: FAA 95% and DOT 5%	
Contract	McFarland Johnson Inc.	\$3,500	Task Order MJ-PA-01	Capital
			Independent Fee Estimate (IFE)	
			Construction Phase Rare Species Services for Taxiway E	
Contract	McFarland Johnson Inc.	\$4,400	Task Order MJ-PN-02	Operating
			Botanical Monitoring 2020	
			Botanical Surveys on Witaket Plots and Belt Transects	
Contract	McFarland Johnson Inc.	TBD	Task Order	Capital
			Continued PFAS Management and Mitigation Assistance	
			Nobadeer Way Area	
Contract	McFarland Johnson Inc.	TBD	Task Order	Capital
			Continued PFAS Management and Mitigation Assistance	
			Town Water Main	
Contract	McFarland Johnson Inc.	TBD	Task Order	Capital
			Continued PFAS Management and Mitigation Assistance	
			Plume Identification	
Contract	McFarland Johnson Inc.	\$15,000	Task Order MJ-PN-05	Capital
			Conduct Studies to Incorporate South Apron Noise Berm	
			in EA/EIR	
Pending				



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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

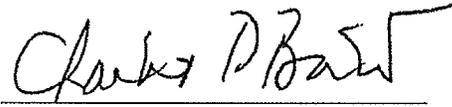
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a large, sweeping flourish at the end.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts