

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  
Anthony G. Bouscaren  
Andrea N. Planzer  
Jeanette D. Topham

**AIRPORT COMMISSION MEETING**  
**February 9, 2021**

The meeting was called to order at 5:00 pm by Chairman Daniel Drake with the following Commissioners present: Arthur Gasbarro, Jeanette Topham, Andrea Planzer and Anthony Bouscaren.

This meeting was conducted remotely by video conference via Zoom app and broadcast on the Town of Nantucket YouTube Channel consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth and due to the outbreak of the "COVID-19 Virus".

Airport employees present were: Tom Rafter, Airport Manager, Noah Karberg, Assistant Airport Manager, Katy Perales, Office Manager and Lillian Sylvia, Administrative Assistant.

Mr. Drake read the Town's virtual meeting statement.

Mr. Drake announced the meeting was being audio and video recorded.

Mr. Drake asked for comments on the Agenda; hearing none, the Agenda was adopted.

Ms. Topham made a **Motion** to approve the 1/12/21 draft minutes. **Second** by Mr. Bouscaren and **Passed** by the following roll call vote:

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

Ms. Topham made a **Motion** to ratify the 1/20/21 and 2/3/21 Warrants. **Second** by Mr. Bouscaren and **Passed** by the following roll call vote:

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

**Pending Leases/Contracts** – Mr. Rafter presented for approval the following agreements and contracts:

- ➔ **JetBlue Airways Corporation-** Lease amendment in the amount of \$6,300 that extends lease term for service through 1/3/2021. Deicing services language was added.
- ➔ **Fly Blade, Inc.-** Consent to assignment merging tenant into a subsidiary of Experience Investment Corp., and new change of tenant to Blade Urban Mobility, Inc.
- ➔ **Water Filtration of New England, DBA Culligan-** Contract amendment to extend contract expiration date to 9/30/2021. POET activation delayed till spring 2021 for winterized homes.
- ➔ **McFarland Johnson Inc.-** Contract amendment to task order MJ-PN-01, PFAS management and mitigation assistance, in the amount of \$155,319, to expand investigation support. New contract amount, including the amendment is \$1,118,319.07
- ➔ **McFarland Johnson Inc.-** Contract amendment to task order MJ-PN-04, Nobadeer way study, in the reduces original amount by \$101,933. There was a change in project deliverable from POET to water service. New contract amount including amendment is \$423,810.
- ➔ **Jacobs Engineering Group, Inc.-** Contract amendment for supplemental agreement No. 2 to increase residential engineer days in the amount of \$97,841 for reconstruction, strengthen, mark, light, and sign taxiway E. The new contract amount including amendment is \$1,392,644.52.
- ➔ **Lawrence Lynch Corporation-** Contract amendment for change order No. 1 for reconstruction, strengthen, mark, light, and sign Taxiway E in the amount of \$3,141,051 for addition to scope. The new contract amount, including the amendment is \$19,118,354.50
- ➔ **McFarland Johnson Inc.-** Task order MJ-PN-09 in the amount of \$72,553 for continued PFAS management and mitigation assistance for fuel farm PFAS investigation.

Ms. Planzer made a **Motion** to approve the lease amendment with JetBlue Airways Corporation and the contract amendments with Water Filtration of New England, DBA Culligan, McFarland Johnson, Inc Task Orders MJ-PN-01 and MJ-PN-04, Jacobs Engineering Group, Inc. and Lawrence Lynch Corporation. **Second** by Mr. Bouscaren and **Passed** by the following roll call vote:

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

Ms. Topham made a **Motion** to approve the consent of assignment for Fly Blade, Inc., subject to Fly Blade or the assignee completing necessary repair work to their leased building. **Second** by Mr. Bouscaren and **Passed** by the following roll call vote:

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

Ms. Planzer made a **Motion** to approve McFarland Johnson, Inc. task order MJ-PN-09 with delegation to the chair of a potential amendment not to exceed \$10,000 for camera work. **Second** by Mr. Gasbarro and **Passed** by the following roll call vote:

Ms. Topham- Aye

Ms. Planzer- Aye  
Mr. Bouscaren- Aye  
Mr. Gasbarro- Aye  
Mr. Drake- Aye

Mr. Gasbarro clarified that the camera work was not included in the contract. Mr. Karberg explained that the camera work is not included and that the language in the Weston contract is either a hold over or an error.

While Southern Airways never signed its terminal agreement for the 2020 season, Mr. Rafter reported that it has paid in full its outstanding charges totaling \$37,490.00 and recommended the waiver of the \$3,000.00 in penalties which had accrued. Ms. Topham asked why Southern's payment was late. Mr. Rafter explained that Southern initially anticipated running year-round service, which is a different agreement with a different rate structure. Southern operated and decided to change back to a seasonal service, resulting in another change in their agreement and rates. Mr. Rafter explained that this is not an excuse for operating without an agreement and that it will not happen again in the future.

Mr. Bouscaren made a **Motion** to approve waiving the penalty of \$3,000 for Southern Airways, given their full payment of all amounts past due. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

**Pending Matters** – Mr. Rafter reported on:

**091019-01 Capital Approval Process/Home Rule Petition-** Mr. Rafter reported that he had a phone call with Gail Latrell, New England Region FAA, regarding the Airport's request for an extension for filing its 2021 grant applications due to the postponement of 2021 Annual Town Meeting (ATM) from April to June. Since the Airport only has two planning grant applications, the FAA will approve the applications and will hold onto them until and the appropriation is approved at ATM. Ms. Latrell explained that had these been construction projects, it would have been an issue.

Will continue to check on progress of Article 94 with State Representatives.

**071420-03 Per- a polyfluoroalkyl substances (PFAS) Investigation Update-** Mr. Karberg reviewed an update on the activity summary- Three outstanding access agreements on the West side, which will complete all sampling. A total of 231 samples have been taken from, 71 drinking water wells and from the 18 POET systems have been installed.

Mr. Karberg explained that permitting for the water main project is moving along and noted that the Airport will be able to use a project approach that involves submitting a MEPA checklist. An archeological review is required by Mass Historical Commission for the site and they are currently reviewing the site survey plan. We will request a permit from the Conservation Commission for any portion of the water main that may be within the coastal dune buffer zone. We expect the permitting to be completed by mid-March. A revenue use letter was sent to FAA.

Bid documents may be available in April-May, with construction potentially starting in June-July. Mr. Karberg explained that ATM being moved back to June, could affect the timing of the Airport's capital availability for the watermain project.

For the water service update, Mr. Karberg explained that they have met with the property owners of three of the six sites on Nobadeer way which have tested in excess of 20 PPT and are adjacent to, but not on town water. He is working on scheduling the remaining three site visits.

Mr. Karberg reported that the POET Operations and Maintenance Contract has been put out to bid three times receiving no interest from potential plumbing contractors to maintain the POET systems.

- Mr. Karberg reported that the Town of Nantucket's PFAS preliminary risk assessment can be found on the Town website. Mr. Karberg reviewed the Airport's comments and areas of concerns regarding the preliminary risk assessment, including: Overall, an improved document from previous draft
- Ongoing specific concerns, as related to treatment of Airport data
- Airport not provided with the opportunity to review this document before release and resolve these issues prior to publication.

Mr. Karberg presented and reviewed the IRA update.

- Status report frequency will be changed from monthly to bi-annually beginning immediately.
- Reviewed the updated groundwater potentiometric surface and PFAS concentrations in groundwater and drinking water figure
- Discussed soils data and characterization data that occurred at the historical AFFF release sites that were identified to the DEP shown at the following sites-
  - Runway 24 Approach
  - Snow removal equipment building
  - Strojny lot
  - Runway 15/33 MID
  - South ramp at B
  - Fuel farm
  - South ramp at J
  - Sand pit
  - Runway 6 run-up
  - Lease hold property (investigation that was held on an Airport leasehold property).
- Reviewed PFAS concentrations in ground water figure to provide monitoring well information.
- Reviewed graphs showing POET sample dates and total PFAS concentration for multiple properties.

Mr. Gasbarro asked if there is going to be a policy regarding hooking up households to the town water service. Mr. Karberg explained that there will be important policy items for the Commission to consideration and that he hopes to bring them f at the next Commission meeting after getting better understanding of potential issues

Mr. Gasbarro asked if we are able to use the MEPA checklist approach for the entire watermain project. Mr. Karberg reported that that was correct.

Mr. Gasbarro asked how much directional drilling vs. trench and fill will take place for the watermain project. Mr. Karberg reported that he will get exact numbers but named the crossing below Runway 6 and short areas along Maddequeham Valley Road where the directional drilling will take be required.

Mr. Gasbarro asked when construction will begin for the water main and water service project. Mr. Karberg reported permitting completion is estimated for mid-March.

Mr. Gasbarro asked if the SRE discharge site regarding PFAS was an Airport discharge or only a municipal discharge site. Mr. Karberg reported it was only a municipal discharge site. Mr. Gasbarro explained that he believes this site should be distinguished from the other sites moving forward, since it wasn't an Airport activity.

Mr. Gasbarro asked why the status report frequency under the IRA is being changed from monthly to biannually and if quarterly reporting could be something the Commission may agree would be preferential. Mr. Karberg explained he believes it might be a routine break point for investigations under the MCP. Mr. Karberg reported that staff would support the Commission's request to do reports quarterly and will make that request to the consultants. Mr. Karberg reported that the timing of the reports is primarily driven by the amount of data that is coming in.

Mr. Gasbarro asked if there are task orders that cover the continued work related to the leasehold investigation and working together with the leaseholder. Mr. Karberg believes they have already expended the scope of the prescribed tasks and if there is more investigation that the Commission would like to see or that the Licensed Site Professional (LSP) would recommend we would have to scope a new task and fee order through our consultant. Mr. Karberg explained that he believes the next step would be for the Commission to review with the LSP and legal and discuss with the tenant what responsibility should be. Discussion with the LSP will take place at the March Commission meeting regarding this subject.

**020921-Napoli Shkolnik PLLC Legal Firm-** Mr. Rafter explained that a press release was issued announcing the Airports engagement with Napoli Shkolnik for representing the Airport in the MDL litigation against the manufacturers regarding PFAS.

Mr. Drake explained that he checked with legal before releasing this information and was told there was no problem with doing so.

**020921-2 PFAS Invoice Tracking-** A schedule was provided showing PFAS-related costs to date. The Airport has encumbered \$1.2 Million so far and expended about \$109,000. Close monitoring is required because the encumbrance does not include the water main installation cost and that has to be included in the \$3.5 million over- expenditure authorization by the DOR if the water main construction is contracted before ATM.

**020921-3 EA/EIR Review of Public Comment-** Mr. Rafter reported that public comments for the EA/EIR are in the packet for review and that we received the MEPA certificate, as well as an email from FAA commending our consultant on their work. Mr. Rafter reported that the next step is for the consultant to prepare the final EI/EIR impact report and address the issues that were brought up through the MEPA certificate.

Ms. Topham asked if a safety risk assessment was conducted and what the FAA's thoughts are on changing runway 12-30. Mr. Rafter explained that a study funded by FAA was conducted and approved.

Mr. Gasbarro hopes to have further discussion regarding the noise berm, which is not committed to the South Apron expansion project as of now. Mr. Rafter explained that as the Airport is putting together the five-year Capital Improvement Plan (CIP), the noise berm will be included so that the project is at least carried in the plans.

Mr. Gasbarro brought up a public comment made by the Land Council that in the draft it was proposed by the Airport consultant as part of the mitigation that may be required by the comprehensive management permit through Natural Heritage, that there may be consideration of an in-lieu fee and that could possibly include off island banking. Mr. Gasbarro believes that this should not be an option. Mr. Rafter recommended approaching this issue with caution, as the value of an acre of land on Nantucket versus the mainland is significantly different and there may be input from FAA on Airport revenue and use of that.

Mr. Gasbarro commented that he found the MassDEP comments very helpful with respect to air quality and how we may be able to incorporate those comments in support of the response for the final certificate as well as ongoing policy related to the ramp operation both existing and proposed expansion.

**020921-4 Declaration of Surplus Property Bunker Road Parcel-** Mr. Rafter reported this is a parcel on Bunker Road that the Airport will be offering through a Request for Proposals (RFP) process.

Mr. Gasbarro made a **Motion** to declare the area of surplus property as stated above. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

**020921-5 MassDOT Grant Award- Environmental Assessment and Environmental Impact Report- \$9,826.02-** Mr. Drake requested the ratification of the renewal of a MassDOT grant that expired.

Ms. Topham made a **Motion** to accept the MassDOT Grant Award as stated above. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

**020921-6 Proposal for Land Acquisition-** Mr. Rafter reported that an owner of a neighboring piece of property near the approach to Runway 6 would like to know if the Airport is interested in joining with other parties or purchasing alone, their piece of land. A presentation from the owner was included.

After discussion, the Commission did not express interest in the pursuing the purchase.

**Finance-** Mr. Rafter reported on:

**020921-7 Presented FY2022 Budget to the Finance Committee on 2/6/21-** FY2022 budget was presented to the Finance Committee. There were a few comments and questions but went well overall.

**020921-8 Final Financial Statement Audit FY2020-** Included in packet.

### **Manager's Report**

**Project Updates** – Mr. Rafter reported:

- **Taxiway E-** Changing phasing. Held meetings with DEP, MassDot and both consulting firms looking at alternatives, ensuring that the project can keep moving along. Work to start up again in late March, early April.
- **Security Project Phase II-** Work continues. Conduits are being installed in the terminal, FBO and ARFF buildings. Trenching to take place this month.
- **Fuel Farm Rehabilitation-** Consultant to explore adding an epoxy layer in the fuel farm containment area, which would address some of the latent PFAS issues, if they are identified or confirmed through further sampling.
- **Great Harbor Yacht Club Pile Removal-** Bid documents to be available March 3, 2021 and bid opening on March 24, 2021. Work looking to start at the end of April.
- **Hangar Development-** At least two parties have expressed interest in constructing hangars. Draft leases have been sent to both interested parties. One hangar is proposed to be located adjacent to Gate 15 and the other hangar is proposed to be located on the pavement adjacent to hangar 8 and would require pen and ink change to the Airport Layout Plan (ALP). Mr. Karberg is working with consultant and agencies through the environmental issues process.
- **Airport Safety Maintenance Program (ASMP) Grants-** Applied for ten (10) grants through MassDOT. Meeting scheduled for next week to discuss. A lot of these grants are reimbursements for projects that the Airport as already completed.

**RFP/IFB Bid Status** – Mr. Rafter reported on:

- **Bunker Road Land #32-** Received one proposal and is under review.
- **Aircraft Tug-** Received one bid and is under review.
- **Bunker Road Land #66-** RFP is being created.
- **HVAC Improvements-** Bids are due February 25, 2021.
- **Hold room Concession-** Going out to bid shortly.
- **Security System Maintenance Program-** developing an RFP for a long-term maintenance program of the security system.
- **Fuel Farm Rehabilitation-** Will be rebid in March.

**Operations** – Mr. Rafter reported:

- Draft warrant article submitted to Town officials to deal with the present rental car medallion limitations, reflecting both Airport and Town concerns. Unable to obtain comments, responses, and input back from Town regarding this warrant article. Will be discussed again at Select Board meeting on February 10<sup>th</sup> and warrant articles are to be adopted at the Select Board meeting on February 17<sup>th</sup>. Mr. Rafter noted and responded to

the editor of the newspaper that this was never about revenue to the Airport. It was about creating a fair and competitive process when issuing a new RFP for the rental car agreements. It was determined that the Airport would not be able to select a new operator due to the restrictions on the rental car medallions currently through the bylaws.

The Commission agreed to hold a special Commission meeting on Tuesday, February 16, 2021 to discuss and consider formally endorsing the draft rental car warrant.

- January Fuel sales were up 30% or \$31,000.
- American Airlines will be providing daily service to Philadelphia this summer.
- Certification Inspection is scheduled for May 26-28, 2021.
- Looking into use of long term borrowing to pay non-eligible and non-AIP projects.
- Staff performed excellent service during recent snowstorm.

**Statistics** – Mr. Rafter reviewed the December 2020 statistics:

- Operations are down 42.65% from December 2019; and down 30.28% from last FYTD.
- Enplanements are down 49.73% from December 2019; and down 59.57% from last FYTD.
- Jet A Gallons are down 35.99% from December 2019; and down 7.42% from last FYTD.
- Jet A Gallons are up 84.42% from January 2020.
- AvGas Gallons are down 38.09% from December 2019; and down 20.29% from last FYTD.
- AvGas Gallons are up .15% from January 2020.
- Freight is up 71.60% from December 2019; and up 21.61% from last FYTD.
- 1 Noise complaints were filed for December 2020 compared to 0 in December 2019.

**Personnel Report-** Mr. Rafter reported:  
None.

Commissioner Bouscaren left the meeting.

**Letter of Support to North East Chapter (NEC) for Airport Manager for AAAE Position-**  
Mr. Rafter asked for the Commissions support for a position for the local chapter.

**Airport Manger Travel-**

- **Annual SEC/AAAE Conference, Savannah, GA, March 28-30, 202-** Mr. Rafter reported he was asked to moderate a session at the annual Southeast chapter of AAAE conference. Mr. Rafter asked for the Commission's approval to have the Airport support the registration and Mr. Rafter would pay personally for travel and hotel expenses.
- **Annual AAAE Conference, Las Vegas, NV, July 11-13, 2021-** Mr. Rafter reported that registration for this is already paid for, because since the conference last year didn't take place due to COVID-19, they rolled the registration over to this year.

Ms. Topham made a **Motion** to approve the letter of support to NEC and the travel requests to the two AAAE conferences as stated above. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

Ms. Topham- Aye

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

**Commissioners Comments-**

None.

**Public Comment-**

Bob Walsh read aloud a statement regarding his Notice of Restriction at Nantucket Memorial Airport. Mr. Drake said that due to pending litigation, the Commission cannot comment on this matter.

Having no further business for Open Session, Ms. Topham made a **Motion** to go into Executive Session, under G.L. Chapter 30A, Section 21A, not to return to Open Session, to review Executive Session Minutes as enumerated on the Agenda; 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. 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; 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; Clause 3: To discuss strategy with respect to the litigation regarding Brosnan, where the Chair has determined that an open session may have detrimental effect on the litigating position of the Airport Commission. **Second** by Ms. Planzer and **Passed** unanimously, by the following roll-call vote:

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

Meeting adjourned at 7:02pm.

Respectfully submitted,

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Lillian Sylvia, Recorder

**Master List of Documents Used**

2/9/21 Agenda including Exhibit 1 (Handout)  
1/12/21 Draft Minutes  
1/20/21 Warrant Approvals  
2/3/21 Warrant Approvals  
JetBlue Airways Corporation Lease Amendment  
Fly Blade, Inc. Consent to Assignment (Handout)  
Water Filtration of New England Contract Amendment  
McFarland Johnson Inc. Amendment No.1- MJ-PN-01  
McFarland Johnson Inc. Amendment No. 1- MJ-PN-04  
Jacobs Engineering Group, Inc. Supplemental Agreement No. 2  
Lawrence Lynch Corporation Change Order No. 1  
McFarland Johnson Inc. Task Order MJ-PN-09  
Airport Comment and Areas of Concern- Town of Nantucket Preliminary Risk Assessment (Handout)  
IRA Report (Handout)  
Napoli Shkolnik PLLC Public Release  
PFAS Invoice Tracking  
EA/EIR Public Comments  
Certificate of the Secretary of Energy and Environmental Affairs on the Draft EIR (Handout)  
Declaration of Surplus Property- 66 Bunker Road  
MassDOT Grant Award  
Proposal for land Acquisition Presentation  
Final Financial Statement Audit FY2020  
Draft Warrant Article (Handout)  
December 2020 Monthly Statistical Report  
Letter of Support to NEC  
SEC/AAAE Conference Information  
AAAE Conference Information



