

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

Thomas M. Rafter, Airport Manager
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Commissioners
Arthur D. Gasbarro, Chairman
Andrea N. Planzer, Vice Chair
Anthony G. Bouscaren
Jeanette D. Topham
Philip Marks III

AIRPORT COMMISSION MEETING
July 12, 2022

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

This meeting was conducted remotely by video conference via Zoom app and posted after the meeting on the Town of Nantucket YouTube Channel

Airport employees present were Tom Rafter, Airport Manager, Noah Karberg, Assistant Airport Manager, and Boyana Stoykova-Nelson, Administrative Assistant.

Also present were: Rich Lasdin, McFarland Johnson Inc., Jim Soukup, Weston Solutions, and Mina Makarious, Anderson and Krieger.

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

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

Mr. Gasbarro asked for comments on the agenda; hearing none, the agenda was adopted.

Ms. Planzer made a **Motion** to approve the 6/14/22 draft minutes. **Second** by Ms. Topham and **Passed** by the following roll call vote:

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

Ms. Topham made a **Motion** to ratify the 6/22/22 Warrant. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

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

- **Brookfield Assets Bridgetown** – Estoppel Certificate for Liberty Bank to confirm Brookfield Assets good standing with Nantucket Memorial Airport for refinancing purposes.
- **Ross Rectrix HYA, LLC**- Airline Operator Agreement for ground handling for JetBlue for an Annual Business fee of \$1,500. Agreement expires 3/31/23.
- **Town of Nantucket**- License Agreement in the amount of \$19,154.40 for Delta Fields. Ten (10) -year lease with two (2) five (5)-year options to extend. Annual fee is 5 % of Fair Market Value (FMV). Payment of the prior term license fee is part of the agreement.
- **T2 Systems Inc.**- Contract Amendment to purchase additional mobile handling device for parking lot operations. New contract amount including the amendment is \$74,091.
- **Computer Assistance Services**- Three (3)- year Contract not to exceed the amount of \$240,325.00 for IT Services. Contract expires on 06/30/25.
- **ATG Patriot LLC**- Contract in the amounts of \$249,987.00 for supply and delivery of new 2023 Freightliner to replaces vehicle A-7. The contract includes a five (5)-year /100,000-mile warranty.
- **Jacobs Engineering Group**- Supplemental Agreement No.5 in the amounts of \$18,883 for Fuel Farm Rehabilitation Phase III for additional construction administration budget for extension of project duration. New contract amount including amendment is \$415,424.00.

Mr. Rafter requested the Commissioners to approve the pending execution of Computer Assistance Services contract when the final documentation is received.

Mr. Bouscaren asked if the Airport will collect the prior term license fees for the Delta Field License in the amount of \$270,000.

Mr. Rafter explained that the back due will be applied to the subsidy that Town of Nantucket gave to the Airport.

Mr. Bouscaren made a **Motion** to approve the estoppel certificate, agreements, contract amendment and contracts as enumerated on exhibit 1. **Second** by Mr. Marks and **Passed** by the following roll call vote:

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

Pending Matters – Mr. Rafter reported on:

091019-01 Capital Approval Process/Home Rule Petition- Mr. Rafter reported that Senator's Cyr's office has indicated that the document needs to be updated and the Select Board must approve the change. Mr. Rafter explained that the document is included in the Select Board packet for the 7/13/22 meeting. Senator Cyr's office expects the process to move quickly once the change is approved.

071420-03 Per- a polyfluoroalkyl substances (PFAS) Investigation Update- Mr. Karberg gave an update on the PFAS Investigation Status Table. All data and reports are available via website, www.ack-pfas.com.

The Phase 2 Site characterization is continuing. Weston Solutions Inc. has received preliminary results from spring sampling and will assemble IRA Status Report in August 2022. The Airport wells have a round of synoptic water level and sampling scheduled for August 2022. The downgradient Property Status, and Potentially Productive Aquifer Exclusion expansion filings are anticipated for late summer/fall of 2022 and the review process is similar to the IRA updates.

Water Service Project and Water Main Project – The Punchlist-level items remain.

Skyline Drive – repaving and rehabilitation. The paving is anticipated for completion by 7/15/22 and the restoration work is scheduled to start the week of 7/18/22.

071222-02 PFAS Related Water Service Policy review – Mr. Karberg explained that this agenda item concerns a review of the Commission’s PFAS Water Service Policy that was executed on 11/10/20 and revised on 4/12/22 to codify the process for cessation of bottled water. The policy identified a 90-day continuance for bottled water provision by the Airport following the completion of the water utility installation in the area, with a 30-day extension available upon request. Mr. Karberg continued by reviewing the two (2) letters included in the packet, from two (2) households who are not adjacent to new water infrastructure, but who will have such availability commensurate with a future Town project. Mr. and Mrs. MacKay and Ms. Baker were scheduled to have service cease on 8/25/22. They have each taken advantage of the 30-day extension and are scheduled to have their water services cease on 9/22/22. Mr. Karberg acknowledged the households/members of the public who were in attendance virtually, and Mr. Karberg believes they wish to address the Commission. Also in attendance was Mr. Mina Makarious from Airport Counsel, and Mr. Jim Soukup for answering any questions.

Mr. Gasbarro indicated that the Commission wants to work to address the concerns to the extent that legally allows them to. Mr. Gasbarro shared information with the attendees that the Town will use a state revolving fund to fund the waterline project which has set timelines associated with it. The application and design for the project must be completed by 10/14/22 and the construction contract must be executed by 06/30/23. The Town of Nantucket is anticipating completion of the project by 2025.

Mr. MacKay reviewed a few of the points that were mentioned in his email dated 6/22/22 to Mr. Karberg, which is included in the packet. Mr. MacKay received a certified letter from Mr. Karberg that notified the resident that the bottled water is scheduled to cease. Mr. Karberg stated in the letter that any fractional reduction in risk does not justify the substantial cost in continuing to provide bottled water. The letter also stated that the Airport is projecting to spend over 3 million dollars for thirty (30) years for providing bottled water to thirty-two (32) homes. Mr. MacKay strongly disagrees with the above statement and believes that is misleading, because the Town water will be available to the residents west of the airport in the next few years. Mr. MacKay added that this will change the rationale of “risk reduction versus cost” dramatically. Mr. MacKay presumes that his and his neighbors’ PFAS associated cancer diagnoses are most likely because their well water was contaminated with PFAS for decades. Mr. MacKay asked the Commissioners to do the right thing and continue the bottled water provision and keep the residents safe until Town water is available. Mr. MacKay finished his statement by pointing out the new Environmental Protection Agency’s (EPA) health advisory that

changed the threshold from 20 parts per trillion (ppt) to 0.004 ppt. Mr. MacKay believes that the advisory will become a guideline in the next few months, and his water will be not safe to drink.

Ms. Khan asked how the new EPA's health advisory will affect the combined Maximum Contaminant Level (MCL) per the State of Massachusetts and which guideline will be followed. Ms. Khan stated that the PFOA and PFAS are very old chemicals and are called emerging contaminants, because they haven't been regulated but they have been studied for over twenty (20) years. Ms. Khan seconded the request to the Commission to continue the bottled water provisions. Ms. Khan suggested to investigate areas beyond the Airport, because plumes move and there might be residents outside the tested area whose water is contaminated.

Ms. Huber supported the comments that Ms. Khan and Mr. MacKay made. Ms. Huber added that it is disconcerting that the waterline came down Monohansett Road behind residents' houses and they are not able to hook up to Town Water. Ms. Huber concurred that the Commission should do the right thing and continue the water supply until clean water is available.

Mr. Ross reiterate what the other members of the public said. Mr. Ross agreed that the bottled water service should be continued until there's a proper plan in action.

Mr. Soukup, Weston Solutions, explained the new EPA's screening level guideline. Mr. Soukup agreed that the situation is confusing, and the new threshold number is very low and not feasible to test those levels. Mr. Soukup believes that the numbers will be scrutinized in the next two-year period before they are promulgated. Mr. Soukup agreed with Mr. MacKay's opinion that there's a lot of conflicting science and it will be hashed out in the next two years, and we will see where the EPA and MCL will end up. Mr. Soukup indicated that the values that apply currently and for the foreseeable future are the Massachusetts Contingency Plan (MCP) criteria.

Mr. Makarios mentioned that the Airport Commission in working under two (2) separate areas of regulation- one is the environmental side and following the lead of what the Department of Environmental Protection (DEP) requires in the MCP, and the other side is following the obligations as a federally supported airport of how to use its revenue. Mr. Makarios clarified that the Federal Law permits the Airport to spend money on environmental obligations that it is legally required to address.

Mr. Gasbarro explained that the location of the waterline on Monohansett Road was dictated by the statutes and grant obligations that were referenced by Mr. Makarios. Mr. Gasbarro agreed that the waterline would make more sense on the other side of the road, but DEP mandated to be done the way it was done. The Airport was in a position where there wasn't a choice and the solution to that is the Town waterline project. Mr. Gasbarro explained that it was recognized by the Airport, The Town of Nantucket, and the Wannacomet Water Company (WWCO) that the waterline should be available to the residents west of the Airport. Mr. Gasbarro suggested that the Commission should craft a revised PFAS Related Water Service Policy through the Consultants and the Legal counsel.

Mr. Gasbarro responded to Ms. Khan that the Airport is not done with the investigation. There are active contracts with Weston Solutions and McFarland-Johnson Inc. (MJI) related to continued groundwater investigations on other sites. Mr. Gasbarro mentioned that the Select Board will review a presentation regarding the PFAS in wastewater stream on their next meeting on 07/13/22. Mr. Gasbarro wanted to acknowledge the attendees that PFAS was likely distributed throughout the community by other manners not only by the firefighting foam. Mr. Gasbarro assured the attendees that the Airport Commission is still actively engaged and doing what they can.

Mr. Marks asked if it's prohibited to offer an easement for a water connection to the recently installed waterline and run it through the back of the properties.

Mr. Lasdin, McFarland- Johnson, Inc., explained that the engineers and the water company explored this option early on in the planning stage and it was determined that it wouldn't be the best place to have a water tap, because the water company would have to access the secure

portion of the airfield to get to it. Mr. Lasdin responded that there was a concern with having the water department access the airfield, but it could be readdressed.

Mr. Gasbarro asked if it is worth looking at Mr. Marks's idea as an interim option.

Mr. Rafter responded that the suggested idea is a viable alternative to review and look at again.

Mr. Rafter mentioned that there are other companies who have access to the Airport to do maintenance.

Ms. Topham suggested to update the PFAS related water service policy and encouraged the Commission to continue to provide bottled water until clean water is available to the residents.

Mr. Bouscaren said that the commission's hands were essentially tied, because of FAA funding rules. Mr. Bouscaren explained that the Airport received a letter from legal saying that extending bottled water service would be a diversion of airport revenue.

Mr. Gasbarro agreed with Mr. Bouscaren's comment and added that the Commission can formulate a limited policy to continue the bottled water service to the residents whose water wells tested positive for PFAS but fell under the 20 ppt threshold.

Ms. Khan understands the point that Mr. Bouscaren made regarding the diversion of airport revenue. Ms. Khan believes that the Airport and Town should work together and do the best they could to provide clean water to the community and they shouldn't minimize this problem. Ms. Khan asked if the expenses would fall under the lawsuit the state has entered. Ms. Khan encouraged not to make it people's burden to fight this hard to get access to clean water.

Mr. Gasbarro responded that the Commission is doing everything they possibly can and try to stay both compliant with the FAA and be considerate to the neighbors.

Mr. Rafter commented that it gets confusing when the goalposts keep moving. Mr. Rafter gave an example of a well on the island that detected over 20ppt of PFAS, and the DEP stated that it's safe to drink if it's under 50 ppt.

Mr. Gasbarro asked the Airport consultants, legal counsel, and airport staff with the consent of the Commission, to update the current policy to continue the bottled water provision for a finite period. The draft change to the policy can be reviewed at the next Commission Meeting.

071222-01 Election of Officers/Assign Sub-Committee Members-

Ms. Topham made a **Motion** to nominate Mr. Gasbarro as Chairman of the Commission. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

Mr. Bouscaren made a **Motion** to nominate Ms. Planzer as Vice-Chairman of the Commission. **Second** by Ms. Topham and **Passed** by the following roll call vote:

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

The Airport Commission Sub-Committees members for FY23 are as follows-

Long-Rang Plans/Policy-

Mr. Marks, Mr. Gasbarro and Ms. Planzer

Airfield Policy/Facilities/Maintenance-

Mr. Marks, Mr. Gasbarro and Ms. Planzer

Personnel-

Mr. Bouscaren and Ms. Topham

Noise/Environmental/Energy-

Mr. Gasbarro and Mr. Marks

Service/Public Relations-

Mr. Bouscaren and Ms. Topham

Finance-

Mr. Marks, Mr. Gasbarro, Ms. Planzer, Mr. Bouscaren and Ms. Topham

061422-02 Discuss in Person, Hybrid and Remote Meetings

Mr. Makarious updated the Commission that both the house and the senate have passed bills to extend the deadline for remote meetings and only one (1) member of the house suggested to make the remote meetings permanent. Mr. Makarious predicted that it's very likely going to be reconciliation that allows some extension for remote meetings.

Mr. Gasbarro asked if the Commission wants to continue and maintain the same format if they can. Mr. Bouscaren voted to keep the remote meetings. Mr. Bouscaren shared that it's easier and more convenient to meet remotely. Mr. Bouscaren added that he will be out of the country in September and October, and he will be able to attend the meetings more meaningfully via zoom versus calling in.

Ms. Topham expressed concern that if the meetings are in person than she must find somebody to bring her to and from the meetings because she is not able to drive in the dark.

The Commissioners agree to continue with the remote meetings until the law allows it.

071222-03 Approve Union Contract 7/1/20-06/30/23- Mr. Rafter reported that the Airport is still waiting on the final version of the contract.

Manager's Report

Project Updates – Mr. Rafter reported:

- **Crew Quarters Housing-** The Airport Consultant has reached out to several architects, but only one responded that they were too busy to take on the project.
- **Hangar Development-** The construction was temporarily on hold due to an illness with the contractor and back order of insulation.
- **Terminal Optimization Project-** The preliminary draft concept approaches were received. The next meeting is scheduled for 7/25/22 to discuss these alternatives and next steps.
- **HVAC Control Project-** Delayed due to submittals. The pre-construction meeting was held, and the project is anticipated to be completed by 9/30/22.
- **Taxiway G -** The Airport is waiting for the Grant from the FAA.
- **Master Plan Update-** The final scope has been approved by FAA. The Airport is working with a firm to get an Independent Fee Estimate (IFE).
- **Non-standard Geometry Study-** The Kick-off meeting was held the week of 7/11/22 and the project is projected to take another ten (10) months.

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

- **Security System Maintenance Services** - The Invitation for Bids (IFB) is available to the public as of 07/11/22. The bids are due 08/08/22.
- **OPM Terminal Space Optimization**- The Airport is waiting to get a little further along in the process. That way the contractor can better define the level of effort and then provide pricing.
- **OPM Housing Project**- The Airport is waiting to get a little further along in the process. That way the contractor can better define the level of effort and then provide pricing.
- **Taxiway G** – The two (2) proposals are still under review.
- **Sun Island Road** – The Request for Proposals (RFP) will be available to the public on 7/13/22. The proposals are due 08/17/22.

Operations – Mr. Rafter reported:

- On 7/2/22 a lightning strike took out the fuel farm and parts of the security system. Mr. Rafter thanked Addison Falconer, Noah Karberg, Jo Partida and Rob Holgate for the excellent job of fixing the issue quickly. The contractor and sub-contractor were on site, and the fuel farm was up and running by 9 am on 7/3/22. Mr. Rafter reported that even with the outage, the July 4th weekend sales were exceeding the gallons sold for the years 2011 through 2020 individually.
- The Airport granted permission to an applicant for a 1st amendment application to provide information for people in need. The events will be by the gazebo on Fridays for the month of July.
- The staff is working on logistics for a VIP visit this weekend.

Statistics – Mr. Rafter reviewed the May 2022 Statistics:

- Operations are down 7.57% from May 2021; and up 15.31% from last FYTD.
- Enplanements are up 17.96% from May 2021; and up 125.77% from last FYTD.
- Jet A Gallons are down 9.48% from May 2021; and up 35.59% from last FYTD.
- Jet A Gallons are down 5.69% from June 2021.
- AvGas Gallons are down 10.33% from May 2021; and up 8.00% from last FYTD.
- AvGas Gallons are down 34.71% from June 2021.
- Freight is down 39.40% from May 2021; and down 16.43% from last FYTD.
- 2 Noise complaints were filed for May 2022 compared to 3 in May 2020.

Personnel Report- Mr. Rafter reported on:

- The Airport is still seeking to fill the Seasonal Staff and Maintenance Mechanic open positions.
- Mr. Rafter mentioned that he will be traveling during the August Airport Commission meeting, and he will be able to attend via zoom if allowed by the law.

Commissioners Comments-

Ms. Topham asked if there was a resolution or update on her previous concern regarding the stanchions at the FBO parking lot.

Mr. Rafter explained that the Airport is researching the availability to replace the stanchions with planters. The Parking Coordinator designated spots for rental cars, pickups and drop-off to keep the flow moving.

Ms. Topham asked if the Airport's fire truck can go to help the fire department when a massive fire occurs on the island.

Mr. Rafter explained that the Airport firefighters can respond to a call when requested by the Fire department even if that means to temporarily shut down the airport. Mr. Rafter is certain that the Airport's personnel is glad to help and ready to go as soon as they get the call. He also explained that the type of equipment the Airport has may not be as helpful in the type of fire that occurred recently on the island.

Public Comment-

Mr. Rosenbaum, Martha's Vineyard, Airport Commission Chairman, asked for an update on the PFAS discussion as he was late the meeting and Martha's Vineyard airport is in the same situation. Mr. Rosenbaum let the Commission know that he will be more than happy to share any information with them regarding PFAS.

Mr. Gasbarro responded that the video will be posted on YouTube the day after the meeting.

Mr. Gasbarro gave a quick recap of what was discussed and decisions that were made.

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 Pursuing Legal Claims against Manufacturer of Polyfluoroalkyl Substances (PFAS) and other potential sources of PFAS, where the Chair has Determined that an Open Meeting May have a Detrimental Effect on the Litigating Position of the Airport Commission. Clause 2: To conduct strategy sessions in preparation for contract negotiations with non-union personnel, including the Airport Manager., where the Chair has determined that an open session may have a detrimental effect on the security of the Airport. **Second** by Ms. Planzer and **Passed** unanimously, by the following roll-call vote:

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

Meeting adjourned at 6:16 pm.

Respectfully submitted,

Boyana Stoykova-Nelson, Recorder

Master List of Documents Used

7/12/22 Agenda including Exhibit 1 (handout)
6/14/22 Draft Minutes
6/22/22 Warrant Approvals
Brookfield Assets Bridgetown Estoppel Certificate
Ross Rectrix HYA, LLC Lease Agreement
Town of Nantucket Delta Fields License Agreement
T2 Systems Inc. Contract Amendment
Computer Assistance Services Contract
ATG Patriot LLC Contract
Jacobs Engineering Group Contract Amendment
PFAS Investigation Status
PFAS Related water Service Policy
Mr. MacKay Email Bottled Water
Ms. Baker Email Bottled Water
Mr. Makarious Email PFAS Water Service Policy
Nantucket Airport - Use of Revenue for Water Main Extension
Airport Commission Sub-Committees
May 2022 Monthly Statistical Report

