

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
April 13, 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 and Katy Perales, Office Manager.

Also present was: Rich Lasdin, McFarland Johnson Inc., Jed Mellow, McFarland Johnson Inc., Mina Makarious, Anderson and Krieger and Rob McNeil, Department of Public Works.

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

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

Mr. Rafter announced that applications for Commissioners are due May 21, 2021.

Mr. Gasbarro announced that he will be recusing himself from any discussion related to the waterline and water service policy.

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

Ms. Topham made a **Motion** to approve the 2/16/21 and 3/9/21 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

Mr. Bouscaren made a **Motion** to ratify the 3/10/21 and 3/24/21 Warrants. **Second** by Ms. Topham 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.

- ➔ **Elite Airways.** - Airline lease agreement in the amount of \$27,936.68 for seasonal airline. Plus, landing fees.
- ➔ **Hyannis Air Service, Inc. dba Cape Air/Nantucket Airlines-** Counter freight agreement to provide counter freight service utilizing existing premises under the lease. Will pay monthly counter freight fees established by the Airport.
- ➔ **Hagedorn Aviation, Inc.** Lease agreement in the amount of \$12,500 to lease a portion of Hangar Eight (8) for aviation storage. This is a six (6) month term with the option to extend.
- ➔ **Water Filtration of New England DBA Culligan-** Contract amendment No. 2 in the amount of \$8,124 for additional POET system. New contract amount including the amendment is \$48,823.64.
- ➔ **ACK Marine & General Contracting, LLC-** Contract for the harbor pile removal project located at the Great Harbor Yacht Club in the amount of \$44,620. The work is scheduled for 4/26/21-4/30/21.
- ➔ **Jacobs Engineering Group-** Supplemental Agreement No. 3 for the reconstruction, strengthen, mark, light, and sign taxiway E in the amount of \$216,297 for additional scope associated with PFAS testing. New contract amount including amendment is \$1,608,941.55.
- ➔ **McFarland Johnson Inc.-** Contract amendment No. 2 for MJ-EN-01 Water Line Extension in the amount of \$2,648 for additional botanical survey and report. New contract amount including amendment is TBD.
- ➔ **McFarland Johnson Inc.** – Task order MJ-PN-10 Gate Planning 2021 in the amount of \$14,100 to provide gate planning and field assistance to reconfigure airline parking on the commercial service and air taxi aprons.
- ➔ **McFarland Johnson Inc.-** Task order MJ-PA-02 in the amount of \$187,000 for the geometry study and Airport Layout Plan update. Anticipated funding is FAA 90%, DOT 5% and ACK 5%.
- ➔ **McFarland Johnson Inc.-** Task Order MJ-PA-04 in the amount of \$24,900 for the Disadvantage Business Enterprise (DBE) program updated. Anticipated funding is FAA 90%, DOT 5% and ACK 5%.
- ➔ **Carbon Filtrations System Inc.-** Contract for supply and delivery of PFAS industrial GAC remediation system for fuel farm in the amount of \$19,350.

Mr. Bouscaren made a **Motion** to approve the lease agreements with Elite Airways, Hyannis Air Service, Inc., Hagedorn Aviation, Inc. and the contract and contract amendments with Water Filtration of New England, ACK Marine & General Contracting, LLC, Jacobs Engineering Group, McFarland Johnson Inc. Task Orders MJ-EN-01, MJ-PN-10, MJ-PA-02, MJ-PA-04 and Carbon Filtrations Systems Inc. **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

Ms. Topham made a **Motion** to approve the contract with Trask Petroleum Equipment Co, Inc. pending its receipt and approval of the payment bond by Airport Administration and permit the authorization for the Chair to sign the contract when ready. **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 Matters – Mr. Rafter reported on:

091019-01 Capital Approval Process/Home Rule Petition- Home rule petition has been filed. Mr. Karberg will continue communicating with representatives to keep this moving.

Mr. Gasbarro left the meeting.

071420-03 Per- a polyfluoroalkyl substances (PFAS) Investigation Update- An updated PFAS Investigation Status table was provided in the packet for review.

Mr. Karberg explained that the trench and fill portion on Madaqucham valley road for the water main installation will to be difficult to accommodate in the road right of way to maintain stability of the cut trench and have traffic pass. Administration would like to give Mr. Lasdin direction to implement the Madaqucham Valley Road construction to take place later in the Fall to avoid traffic conflict. All other portions of the water main construction should start in the Summer. Mr. Lasdin gave a briefing in support of the request to start construction for the Madaqucham Valley Road portion in the Fall, describing the different options that were explored.

041321-01 Draft Homeowner Agreement for Water Service- Mr. Karberg reviewed the engineer's opinion of probable costs associated with the water service project West of the Airport. This is the effort to supply municipal water service to those residents where water is available at the curb. It is broken out by address of ownership and detailed site plans of each location. Each home site is unique, and we are still waiting to pro-rate some costs such as police detail, patching of the pavement and a few miscellaneous items. One major item associated with the engineer's opinion that is not included is if the Airport Commission wishes to entertain paying all or part and if so of what duration of resident's water bills, as these residents will be receiving water bills, they previously hadn't. Mr. Karberg reviewed two emails from effected residents stating their preferences for how they would like the Commission to proceed.

Mr. Drake asked if the Commission needs to authorize the specific expenditures for the individual homes as estimated by the engineer. Mr. Makarious explained that the Commission could set a per home limit, but actual payment will be made to the contract with the engineer. The expenditures pertaining to water service will require more discussion.

Ms. Topham made a **Motion** to approve \$250,000 for the physical connections as outlined in McFarland Johnson Incs. opinion of probable costs. **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

Mr. Drake explained that the Commission has received three requests from impacted homeowners asking that the Commission pay their water bill. Mr. Makarious explained that the FAA hasn't addressed this particular issue before but that typically revenue use for payment for infrastructure utilities not related to the Airport is something the FAA considers revenue diversion. However, in this situation, it would be done in connection with environmental remediation. Mr. Makarious reported that the FAA is comfortable with putting in the water system but the ongoing utility cost for water is not a direct cost of remediation. FAA would feel remediation obligations are done once the water system is provided but wouldn't think that there is any obligation to pay for that water. The FAA thinks that using a transitional amount could possibly be justified but they cannot opine on it unless such an amount was challenged. Mr. Makarious explained paying for any amount of the water bills is a risk and that the more confined the amount and having a limit will be easier to defend because it would be part of the package of providing municipal water service.

Mr. Drake asked if the Commission should consider whether to apply an income test to those that want reimbursement. Ms. Planzer and Ms. Topham do not believe income tests should be conducted. Mr. Bouscaren commented that he doesn't believe the Airport should get involved with income testing or discriminating on whether seasonal residents would apply but would be in favor of a fixed number.

Mr. Rafter asked for input on how to handle a resident who doesn't opt into municipal water service. Mr. Makarious explained that if someone refuses to hook up to the system, there is a process typically used for access issues with DEP whereby a party that's implementing a remedy asks for permission and asks for help from DEP. DEP will then get involved and determine whether the requests that have been made are reasonable or not and the LSP would have to document everything that has been done. The Airport would not necessarily be obligated to continue to maintain the POET System or supplying bottled water if a more efficient and cheaper option is available, which is covered by the Chapter 21 State Hazardous Waste Law, but this is not assured and determined by DEP. Mr. Karberg clarified that the seven homes located on Nobadeer Farm do not have POET systems, but they are provided bottled water.

Mr. Rafter asked if removal of the POETS would be a separate issue or if it should be included as a notice in the agreement. Mr. Makarious thinks offering the agreement to everybody and having cleared through multiple community meetings should suffice.

Mr. Drake asked if the portion regarding reimbursement could be included in the agreement as pending. Mr. Makarious explained that could be done, but that some people might wait to sign.

The Airport will work on gathering data from the Water Company for the average water bills minus irrigation for a two person and four-person household to come up with a onetime payment. Once this information is gathered a special meeting will be held to determine the Airport's contribution to water bills.

Mr. Makarios left the meeting.
Mr. Gasbarro returned to the meeting.

041321-05 Department of Public Works (DPW) Nobadeer Way Campus Presentation- Rob McNeil, Department of Public Works, presented a conceptual proposal for the future development of the DPW campus on Nobadeer Way/Sun Island Road. Mr. McNeil asked if this was a viable option and if discussions could move forward regarding this.

Mr. Rafter asked what the acreage of plot one (1) and three (3) on the presentation are. Mr. McNeil reported that area one (1) is approximately 9.3 acres and area three (3) is approximately 18.7 acres.

Mr. Gasbarro commented concerning endangered species and making sure that for the next level discussions this is reviewed and kept at the forefront as environmental permitting and mitigation can be challenging.

Ms. Topham asked for a definition of the DPW campus. Mr. McNeil explained that it would be the DPW's entire operation which includes operations, facilities, and fleet management. This would not include any landfill operation, including recycling, solid waste, composting etc.

The Commission supports the concept and agreed to move forward with further discussion. The next steps will be to have the Town work with Administration and the Commission to put together a formal proposal.

041321-02 FAA Airport Coronavirus Relief Grant Program (ACRGP) Grant Agreement- \$1,526,920-

Mr. Bouscaren made a **Motion** to ratify the ACRGP Grant Agreement for \$1,526,920. **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

041321-02 MassDOT ASMP Grant Awards & Associated Grant Assurances
Stormwater Inventory Assessment- \$18,647.20
Purchase Zero Turn Mower- \$11,176.70

Airport Vehicle (Ford F350) with Plow- \$48,553
Seismic Safety- \$9,600

Ms. Topham made a **Motion** to approve the MassDOT ASMP grant awards for Stormwater Inventory Assessment in the amount of \$18,647.20 and the Purchase Zero Turn Mower in the amount of \$11,176.70 and approve in anticipation of receipt grant awards for an Airport Vehicle (Ford F350) with Plow in the amount of \$48,553 and Seismic Safety in the amount of \$9,600. **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

041321-04 Final Environmental Assessment and Environmental Impact Report (EA/EIR)- Jed Merrow, McFarland Johnson Inc., presented they received response to comments from the MEPA office and other commenters. Mr. Merrow explained there was changes/additions regarding the following-

- More information on PFAS was added.
- More information on South Apron Expansion Operations was added.
- Looked at alternative potential sites for the South Apron.
- Added information regarding storm water including on Monahannset Road.
- Climate change, sea level rise and coastal erosion.
- Additional information on noise and potential noise berm
- Miscellaneous changes.

Mr. Gasbarro asked if the final EA/EIR will be updated regarding the North parking spot at the North end of the proposed South apron expansion for the parking of the A220 to say the aircraft would be towed out instead of powered out. Mr. Merrow clarified that is correct and the correct information will be added. Mr. Gasbarro followed up asking how that would be codified in terms of Airport operations going forward. Mr. Lasdin explained that would be an operational decision by the Airport. Mr. Rafter explained a standard operating procedure could be created.

Mr. Gasbarro expressed his remaining concern regarding the South Apron expansion and the impacts it will have due to not enough GPU's and not enough staffing.

Mr. Gasbarro stated that he cannot support this document due to section 7.6325 under mitigation measures that quotes "proposed projects are not expected to result in a significant adverse noise impact accordingly the Airport does not propose any mitigation measures with respect to this environmental resource."

Ms. Planzer made a **Motion** to approve the final draft of the EI/EIR as amended in the most recent draft, including having the comment regarding the A220 turning incorporated. **Second** by Mr. Bouscaren and **Passed** by the following roll call vote:

Ms. Topham- No
Ms. Planzer- Aye
Mr. Bouscaren- Aye
Mr. Gasbarro- No
Mr. Drake- Aye

041321-06 Air Service Incentive Program- Mr. Rafter asked for approval to extend the existing Air Service Incentive Program for one more year with no additional changes.

Ms. Planzer made a **Motion** to approve extending the Air Service Incentive Program through April 30, 2022. **Second** by Ms. Topham and **Passed** by the following roll call vote:

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

041321-07 Minimum Standard Section Q Air Freight Operations- Mr. Rafter reported there have been changes for how airfreight can be handled through the terminal.

Mr. Gasbarro made a **Motion** to approve the revised Minimum Standards for section Q Air Freight Operations. **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

041321-08 Warrant Article- Real Estate: Long-term Lease Authorization/Airport- Mr. Rafter read aloud the article to extend the period of leasing land from twenty (20) years to forty (40) years.

Mr. Bouscaren made a **Motion** to approve the proposed warrant article to extend the long-term lease authorization to 40 years for certain Airport parcels. **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

Finance- Mr. Rafter reported that the Airport is looking to increase the fuel revolver for FY22 up to \$4 Million due to the cost of fuel and projected activity.

041321-08 Budget Transfers- Mr. Rafter reviewed the budget transfers for 2021 Annual Town Meeting, which include: Article 3 which is moving money that's left over from other projects into the fuel farm rehabilitation project; Article 16 which is a transfer from the aviation fuel revolver and the retained earnings into the fuel farm rehabilitation project; and Article 17 includes several items including a general transfer of \$250,000 into the operating. The remaining items are to pay for several smaller projects from retained earnings rather than having to take them long term and increase debt service. These transfers will reduce the remaining retained earnings balance down to about \$475,476.00. The transfer amount into the Direct Digital Control System project for Terminal Geothermal may change. Only one bid was received for \$500,000, against the project estimate of \$200,000. See "Bid Status" below This project will be rebid in the fall.

Mr. Drake asked what the current estimate of total PFAS-related costs are. Mr. Rafter reported that amount is \$8 Million which is the amount being requested at Town Meeting.

041321-09 Restaurant Rent Abatement Extension Request- Crosswinds Restaurant has requested an extension of the rent abatement for another six months. It expired in February and if granted would extend the abatement through the end of August.

Ms. Topham made a **Motion to** approve Crosswinds Restaurant rent abatement request. **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

Manager's Report

Project Updates – Mr. Rafter reported:

- **Taxiway E-** Work started up again on March 30, 2021. In Evaluating the additional work need in the Taxiway Alpha are, the engineers recommended removing small sections of work that would eliminate closing Runway 6-24. These recommendations were approved by FAA.
- **Security Project Phase II-** Work continues, with expected completion by the end of April. Asked contractors to do additional work and they will be returning to complete that in the Fall. The additional work will have no direct impact on security.
- **Fuel Farm Rehabilitation-** Bid are due back May 3, 2021 for work to take place in the fall.
- **Great Harbor Yacht Club Pile Removal-** Work starting 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.

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

- **Bunker Road Land #66-** RFP is being created.
- **HVAC Improvements-** Went out to bid twice receiving no bids. Received DCAMM waiver and bid came in \$300,000 over the estimated project price. Will be going out to bid again in the fall.
- **Hold room Concession-** Went out to bid and didn't receive any proposals. Out to bid again and due back May 7, 2021.
- **Security System Maintenance Program-** developing an RFP for a long-term maintenance program of the security system.
- **Fuel Farm Rehabilitation-** Out to bid.

Operations – Mr. Rafter reported:

- Full scale exercise will be taking place April 26, 2021 at 4PM.
- Certification Inspection is scheduled for May 26-28, 2021.
- Maintenance department working on addressing the stormwater basins. 45 were identified, 16 required cleaning.
- Fuel sales for March were up 60% or \$65,000.
- Air service announcements continuing to come in.
- Received notice from fuel supplier due to lack of truck drivers, working to manage accordingly and put orders in as early as possible.

Statistics – Mr. Rafter reviewed the January and February 2021 Statistics:

January 2021

- Operations are down 35.25% from January 2020; and down 30.55% from last FYTD.
- Enplanements are down 32.88% from January 2020; and down 59.08% from last FYTD.
- Jet A Gallons are up 84.42% from January 2020; and down 6.73% from last FYTD.
- Jet A Gallons are up 93.65% from February 2020.

- AvGas Gallons are up .15% from January 2020; and down 19.19% from last FYTD.
- AvGas Gallons are down 5.24% from February 2020.
- Freight is up 86.51% from January 2020; and up 26.88% from last FYTD.
- 0 Noise complaints were filed for January 2021 compared to 1 in January 2020.

February 2021

- Operations are down 38.50% from February 2020; and down 30.93% from last FYTD.
- Enplanements are down 42.08% from February 2020; and down 58.81% from last FYTD.
- Jet A Gallons are up 93.65% from February 2020; and down 6.17% from last FYTD.
- Jet A Gallons are up 48.94% from March 2020.
- AvGas Gallons are down 5.24% from February 2020; and down 18.44% from last FYTD.
- AvGas Gallons are up 81.39% from March 2020.
- Freight is up 80.37% from February 2020; and up 30.14% from last FYTD.
- 0 Noise complaints were filed for February 2021 compared to 0 in February 2020.

Personnel Report- Mr. Rafter reported:

None.

Commissioners Comments-

None.

Public Comment-

None.

Having no further business for Open Session, Mr. Bouscaren 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 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements regarding proposed Transportation Security Administration (TSA) actions, where the Chair has determined that an open session may have a detrimental effect on the security of the Airport. 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 **Second** by Ms. Topham and **Passed** unanimously, by the following roll-call vote:

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

Meeting adjourned at 7:58pm.

Respectfully submitted,

Lillian Sylvia, Recorder

Master List of Documents Used

4/13/21 Agenda including Exhibit 1 (Handout)
2/16/21 Draft Minutes
3/9/21 Draft Minutes
3/10/21 Warrant Approvals
3/24/21 Warrant Approvals
Elite Airways Lease Agreement
Hyannis Air Service, Inc. Counter Freight Agreement
Hagedorn Aviation, Inc. Lease Agreement
Water Filtration of New England Contract Amendment
ACK Marine & General Contracting, LLC Contract
Jacobs Engineering Group Supplemental Agreement No. 3
McFarland Johnson Inc. Amendment No. 2 MJ-EN-01
McFarland Johnson Inc. Task Order MJ-PN-10
McFarland Johnson Inc. Task Order MJ-PA-02
McFarland Johnson Inc. Task Order MJ-PA-04
Carbon Filtrations Systems Inc. Contract (Handout)
Trask Petroleum Equipment Co, Inc. Contract (Handout)
PFAS Investigation Status Table
ACK Soil Testing Email
Analytical Report
McFarland Johnson Inc. Engineers Probable Cost for Residential Watermain
Water Main Connection Agreement
FAA ACRGP Grant Agreement
Stormwater Inventory Assessment Grant
Purchase Zero Turn Mower Grant
Final Environmental Assessment and Environmental Impact Report
DPW Nobadeer Way Campus Presentation
Air Service Incentive Program
Minimum Standards- Section Q Air Freight Operations
ATM 2021 Airport Transfers
Crosswinds Restaurant Rent Abatement Extension Request
January 2021 Monthly Statistical Report
February 2021 Monthly Statistical Report

