



# *New Bedford Regional Airport*

February 21, 2013 – 6:00 PM - **Minutes**

1569 Airport Rd, Terminal Bldg., NBRA Commission Conference Rm.

**\*\*View Agenda\*\***

## **Minutes of Airport Commission Meeting of February 21, 2013**

**Meeting Opened at 6:01pm**

**Meeting Adjourned at 7:30pm**

### **Members Present**

Michael Knabbe  
James Reid  
Ken Machado  
Moiria Tierney  
Pamela Bourgault  
Luis Bartolomey

### **Members Absent**

Paul Barton  
Peter Kortright  
William Gushue

### **Airport Admin Staff**

Thomas Vick, Airport Manager  
Joan Jones, Principal Clerk

### **Others Present**

Russ Olson	Lisa Roderiques	Dot Cunningham
Eric Jaikes	Robert Mallard	Natarsha Savaria
Don Veloso	Tammy Irwin	Michael Crane
Dave Rich	Jake Hoban	

1. Call to order. Meeting was called to order by Vice Chair at 6:01
2. Pledge of Allegiance
3. Roll call was taken by the Vice Chair. All commissioners were present with the exception of Commissioners Barton, Gushue and Kortright. Commissioner Tierney arrived just after roll call.
4. The members of the Airport Commission have received minutes of the previous meeting held on January 16, 2013. Request acceptance of those minutes, as recorded. Motion to accept minutes made by Commissioner Bourgault and 2<sup>nd</sup> by Commissioner Tierney. Motion carried unanimously.

At this time New Business item 2 was taken out of order with Michael Crane addressing the commission

### **5. Manager report –**

1. Storms – On 2/7 we got hit with a blizzard (the 6<sup>th</sup> worst on record) and the airport closed on Friday at 12:45 pm and reopened RWY 14/32 and TWY B from Bravo to the Colonial ramp on Sunday evening at 9:30. Airfield lighting was lost over the weekend and could not get it restarted due to whiteout conditions (employees were pulled out until daylight due to safety hazards). On Tuesday afternoon RWY 5/23 and TWY A snow removal was completed, however due to ice, RWY 5/23 was reopened on Wednesday morning once temperatures rose and we had some melt. Unique features of this storm included high water contents, 3-5' snow drifts (which stopped all plows, loaders and blowers) and the requirement to blow snow over the TWY and RWY lights to assure night flights instead of plowing. Last Saturday evening through Sunday afternoon we got hit with another 3-5" snow storm and in this case it was the high winds and dry snow that caused the trouble (wind gusts to 60mph on Sunday). Airport was closed from 6am-8am and then we had to reclose at 9am because of increased winds and the return of 2' snow drifts on the runways and taxiways, causing unsafe conditions for aircraft operators. Airport was reopened at 3:30 Sunday afternoon. Manager came in at 5am Monday morning (holiday) and began plowing snow drifts on runway and taxiway so that Cape Air could operate at their scheduled departure time. The police had contacted DPW to clear Downey Street and we had cleared Airport Rd (DPW was willing to do that but we went ahead). We are anticipating another storm this weekend but we don't know where the rain/snow line is at this point. Commissioner Bourgault

asked if we had any storm related injuries and manager stated there was one passenger from Cape Air that slipped and fell in the arrival gate (staff was not working at the time) and report was filed. She had been asked if she needed medical assistance and she had stated no but then said she would check with her brother and she later went to the hospital by ambulance. Also a Cape Air pilot came in at 6:00 and slipped and fell in employee parking lot and again a report was filed. Vice chair asked if we have an issue controlling snow and ice in the parking lot and manager replied more attention is needed to be addressed – snow is melting and slopping down from the terminal (we have piping that has diverted some of the water from the boiler room but these accident were strictly from the amount of melting snow). Vice chair noted that this storm had been problematic and after tracking other airports he felt that the effort was made to work it and he complimented the manager.

2. Construction update – There are 2 challenges going forward in the RWY 5/23 reconstruction project – estimated costs. The CIP cost in 10/31/11 was 8.9 million with a local share of \$445,000 and as of 9/28/12 costs have risen to 9.36 million with local share of \$234,000. The new estimate based on the design is now \$12.5 million with a local share cost of \$317,000.00. ASG is removing parts of reconstruction project add- ons to the project depending on what the lowest bid is. Manager reported he has met with city treasurer about this potential problem and the commission may need to go back in front of city council for an amendment to increase the bond amount to 12.5 million (recognizing the local share is still below the 2011 amount but we may have to cover that for the full contractual amount)

3. Localizer – The FAA Flight Inspection office was informed about the localizer being ready for a check two weeks ago. The FAA representatives understand the concerns of the tenants regarding the lack of an ILS but no date has been set as yet. Vice chair would like the manager to put some pressure on them to get the inspection done and he agreed as he too has concerns about the federal government sequestration. Commissioner Bourgault asked if the mountain of dirt would affect the fly over and manager replied no (it is below the original grade)

4. Fence damage – manager has been informed that 70 fence poles from our new fence line were damaged as a result of snow build up during storm. ASG is looking into our options for the repairs/replacement. Vice chair would like ASG to see if there is any other damage elsewhere (gates, etc). Manager had focused on primary gates

5. Backup airfield generator problem - We had lost airfield lighting during the blizzard and we are preparing an application through FEMA for the repairs to the caterpillar generator and FEMA reimbursement is 75%. The generator starts but won't turn off (it has to be shut off manually) and manager has been told that at some point it may not come back on. The estimated cost on software replacement is about \$8,500.00 that is attached to generator. Cullen Electric believes we can hold off on the repairs without running into a problem, however we have estimate on a temporary replacement generator rental just in case and that would be an additional \$8,000.00 alone for sixty days (along with additional electrician costs). Service has to be done by Caterpillar. Manager will speak to purchasing agent as service quote is over \$5,000.00 and he believes it is sound business practice to go with the company representative. This is damage due to blizzard so we should be reimbursed at 75%. Commissioner Bourgault asked about the prospective total reimbursement and manager noted that he has to compile the data for reimbursement costs and it must be submitted to city by next Wednesday.

## 6. Reports:

A. **Chairman** – nothing heard due to chair's absence

B. **Airport Solutions Group** – Written report included in package. Present this evening were Bob Mallard, Jake Hoban and Dave Rich who provided recaps of the report provided (and dated 2/4/13). Mr. Mallard reported that the next PAC meeting is scheduled for 3/7; a proposal has been submitted for the Mass Dot Carbon Neutral grant (Epsilon, manager and ASG worked very hard and feverously on its preparation) – there are 5 eligible airports with EWB being one of them and lastly MassDOT is featuring EWB in their next newsletter. Mr. Hoban spoke next, providing the update for the RWY 5/23 runway safety project and noted that fencing has been damaged during the recent storm(s) – replacement/repair costs are being researched presently. Vice chair asked if the fencing and gates around airfield belong to us and manager

responded by saying he has to research this issue further but it has to do with exclusive uses or used by the public (i.e. T-Hangars and Bridgewater Flight School gates are our responsibility, along with combination locks that are the same code, something different becomes a different issue). Commissioner Bourgault asked if there are any security issues based on fence damage and manager informed her that no there was not (nothing fell over completely). Last to speak to provide project updates for the Dartmouth Tree Clearing and in particular, the design for the RWY 5/23 project was Dave Rich. Mr. Rich went over schedules and noted they will be submitting grant application on 5/1 and they plan to start construction in early August (if not before). By December 12 the runway has to be paved, marked, safety area grading complete, NAVAIDS installed and flight checked (and ready to go). Mr. Rich noted that there is a very tight construction schedule and the contractor has 130 day window to complete the work (Mr. Rich showed and explained work area on mapping). At this point there was a lengthy discussion regarding work area #3 which is the runway intersection and airport closure. Ideally they would like to have a 3½ day closure (at 24 hours per day) to complete work, starting at 9pm on day 1 and finish at 6am on day 4, timeline probably September/October. If work is limited to nights only, it would take longer and several joints in runway would result and it is a better product for the airport if it is a continued closure. Mr. Rich noted that the closure is a draft and it would be the airport's discretion regarding day of the week closure and when it will happen during the year. Mr. Rich would like to hold another meeting for discussion with the airport (and manager could invite other participants) as soon as possible. Vice chair wants a meeting with all the operators involved (everyone on the airfield) to discuss time frame and he noted that September will be problematic as well as early October due to traffic concerns. . Mr. Mallard pointed out that if the city bonds for the entire cost of runway then we are in the position to sign the contract right away (shortly after the bid opening). ASG has concerns about starting work – they'd rather start in the warm season and do not want to be paving when it is cold because it makes for a poor product. Hypothetically we could sign the contract without the grants in place and then the grants could follow. Manager noted, for clarification, that the city is bonded for 8.5 million under the old cost estimate and if it comes in higher than we have to bond for the additional amount. Vice chair commented that the closure is going to be problematic for airport and operators on the field and he would like manager to co-ordinate and schedule meeting and it needs to be sooner than later. Manager noted that the infrastructure at the airport is deteriorated so that factor must be taken into consideration for closure - we must plan to hope for the best but expect the worst scenario. Mr. Rich will schedule one more day of test borings (3 or 4 borings) at the intersection, so there won't be any surprises to find what is underneath and said work will be done during night time closure.

**C. Financial/Operations Reports** –Included in package. Manager went over reports submitted prior to this evening. Manager reported that our enplanements are off by 11.5% in the month of January over last year and that the city council did approve the transfer of \$1,500.00 for the terminal rocking chairs

#### **D. Commissioner Reports**

**1. Leasing Committee** – Michael Knabbe. Commissioner Knabbe reported that a leasing committee meeting was held on 2/6/13 with several items discussed: (1) Carney corporate hangar – rates and terms were discussed (but not agreed on at this time) and it was made clear that the FAA and city council do not want long term leases of 50+ years as they are problematic. We will schedule another leasing committee meeting in executive session for further contractual negotiation discussion (counter offer). (2) T Hangar development (Velooso, Josefek, Koczera) for 10 condo-like units. Proposal was presented and no terms or conditions were discussed. They will continue with their efforts and keep us informed with their progress on this project. Atty. Jaikes has significant concerns with the use of the word “condo” and/or “condominium –the airport would be providing a ground lease and the developer would be developing a building that would go on that ground. Atty. Jaikes personally saw an ad on Craig's list advertising the T Hangars with pre sale price and post construction price and listed that they would receive a condominium deed – legally that is not going to happen – no one will receive a condominium deed – there is no interest in the real estate other than a ground lease. What the developer does in terms of proposal for renting or partial ownership of the building that might be on that ground is one story but a condominium deed implies that you have a percentage ownership in the real estate of which the unit is located and that is not accurate. This needs to be cut off immediately and Atty.

Jaikes' concerns need to be emailed to Mr. Josefek by manager (at Commissioner Knabbe's request) – no motion needed at this time (3) Airport Grill licenses – 1 year license renewal each for storage and office space was agreed to by the committee (just a formality and no changes). Motion to accept made by Commissioner Machado and 2<sup>nd</sup> by Commissioner Reid. Motion carried with only Commissioner Tierney opposing. (4) FBO discussion – this involved loss of money due to RSA operations and they made valid points (jet A is way down, flight school training off, aircraft are diverting to Providence because they can't come in, etc) – there is an economic impact on the airport and tenants alike. FBO's proposed a 25% reduction in land lease for the period of the RSA and to extend for 5 months after RSA ends. No decision had been made at meeting and it was to be brought to the full commission in regards to moving forward. Atty. Jaikes stated that any change in lease would be an alteration reducing revenue and would require the mayor's approval along with city council and the mayor and/or city council would want documentation. We have the right to audit their books at least once a year under our leases (although this has not been exercised) and an audit would be required for documentation for loses they are claiming. Commissioner Bourgault noted that the 25% reduction was discussed but FBO's asked for consideration and they were concerned that if they lose customers (because they can't come in then they won't come back). Commissioner Bourgault suggested doing something with the Vector landing fees if it were possible. Atty. Jaikes said we can reduce our share of the fee (doesn't require council approval) but we can not reduce the payment to Vector without them agreeing to amend the contract. City audit would go back 2-3 years of FBO books to determine any loss of money due to RSA project. If that is the case then they come back before us or to leasing committee to make their pitch. Atty. Jaikes reiterated that we are not giving up revenue without documentation. Commissioner Tierney asked if leases contemplate airport improvement projects and Atty. Jaikes replied they anticipate construction and has provisions (in force majour) where they shut down entirely or bulk of business shut down. Commissioner Tierney asked Atty. Jaikes to review each of those leases and he replied they are almost identical and figures are 75%-80% - therefore a 25% loss would not constitute a force majour and we have no legal obligation to reduce rent (or give them any credit). Vice Chair felt that the next thing to do is to set up a meeting with the FBO's (and let him know so he can attend) to let them know where the commission/city solicitor is coming from (if there is a quorum then it would be a public meeting). Atty. Jaikes suggested finding out how other airports with improvement projects have handled the matter. Vice chair would like manager to reach out to Bob Mallard and state prior to meeting. Commissioner Machado would like a copy of lease and some statistics of downed income and noted none of the FBO's ever mentioned profits

**2. Marketing Committee** – Moira Tierney. There was no marketing meeting but the marketing committee certainly supports Fun Day. A meeting does need to be scheduled

**3. Terminal Aesthetics** – Luis Bartolomey. There was no meeting but one will be scheduled shortly to discuss the whale, college interior designers and chairs. Vice chair asked manager to coordinate meeting and I informed the committee chairs that they need to provide me dates so I can get meetings scheduled and posted

**4. Safety and Security** – Pamela Bourgault. No meeting had been held but she addressed the slip and falls earlier this morning along with fence damage

**7. City Solicitor - Monthly Status Reports:** Atty. Jaikes reported the following -

1. Easement – utility easement is being looked into and he hopes to get this worked out with the 2 utility companies next week (language and plan)

2. Comcast – we will get \$2,500.00 for the 2 generators proposed for the required utility easement hookup. Commissioner Tierney questioned the amount of money and the commission brought her up to speed on past discussions. Motion for acceptance will be discussed under new business later this evening

3. Audette (Aircraft Repairs) – city council accepted his gift of buildings and we have terminated the lease. We now own the building and have control of the properties

**8. Old Business:**

1. Fun Day update. Vice chair wants to keep this item open on agenda until after this event. Vice chair has met with the Plymouth airport manager (Tom Maher) for guidance. Vice chair had been

provided waivers from their air show (RC and aerobatic shows are included in their event). Vice chair feels we have a bigger window than last year to include the remote control aircraft (he passed out info from other RC pilots who have flown at other airports). Bob Berlyn (FAA contact person for Plymouth airport) seems to think it is not that big a deal and that we would be able to do it here. A meeting with him is scheduled here on 2/27 at 2:00 to further discuss our options and interested parties are welcome to attend. Vice chair noted that the FAA uses AMA (academy of model aircraft) guidelines for operating at airports – they also have turbine remote control planes that go 200 mph. Commissioner Tierney asked if he wanted a vote and Vice Chair responded that before we do that he's like to address another issue – we are going to need waivers on the rules and regulations from the commissions and he would like to entertain a motion to have manager email information on needed waivers to proceed. Commissioner Bourgault asked if RC planes are not considered aviation and vice chair replied if it under the umbrella of Fun Day it will not be problematic. Manager noted that he also spoke to Mr. Maher and that if the air show is under an FAA approved waiver and you want to do it that way then it should be fine but it is considered a non aeronautical activity by the FAA under the grant assurances. Vice chair noted that both manager and Don Veloso submitted paperwork to Bob Berlyn and he looked it up in his computer and it is on file and is moving forward. For clarification, Commissioner Bourgault asked if they choose to go in the air show direction that this shouldn't be a problem this year if we get the waiver. Manager reiterated the FAA should be on board completely but we are talking about FSDO vs. airports and air traffic. Commissioner Bourgault wants to be sure we have everything we need for it to be a go if it goes that way. Vice chair repeated that a meeting with Bob Berlyn is scheduled here on 2/27 at 2:00 to further discuss our options and all interested parties are welcome to attend. Manager stated that there are 3 lines of business that have to go through this air show waiver – (1) flight standards (Bob Berlyn's group) (2) air traffic and (3) airports division – that's the way it is done and if all 3 agree on the sign off then there should be no issue. Commissioner Reid asked if the only sign off would be for RC and that's it. Vice chair responded no and asked if Atlantic Aviators had anything to add. Lisa Roderiques clarified that for waiver to go forward they fill form as specific as possible as to what they intend to include that day and if it is signed off through the channels that manager just explained then it is included. They describe what is going to take place and at this point Atlantic Aviators don't know as they haven't approved if they are moving forward with this but there is a meeting this Saturday. Commissioner Bourgault asked Ms. Roderiques to please approve it at their Saturday meeting because she would really like to see these things as she has never seen it. Vice chair reiterated that he would like to see good attendance at next weeks meeting as it is important because moving forward whether they do it this year or next year, once everything is in place...(he trailed off). Commissioner Bourgault asked if manager could attend this meeting and he replied that he intends to and that he also has invited the tower chief. Commissioner Bourgault noted that as a commissioner she would like to see manager involved in this to make sure if he goes that he works with them to make this happen, as she would really like to see this if it is possible. Atty. Jaikes noted that if there is quorum (less than 5 to attend) it has to be posted and it has to be held after 6 and procedurally it would be appropriate to entertain a motion to endorse the concept of waivers. It would be entirely inappropriate for the commission to vote to approve a waiver when you don't yet have the material that substantiates the waiver and what specifically it asks for. Atty. Jaikes' job is to make sure this is done appropriately from the solicitor's position. Motion to endorse the concept of a waiver with subsequent motion on the waiver to be taken at a later meeting once the actual document itself is presented to the commission. This motion was made by Commissioner Tierney and 2<sup>nd</sup> by Commissioner Machado. All in favor. Vice chair noted this takes care of the waivers for the rules and regs. Lastly the third item he mentioned was there was a problem last year with parachuting- solicitor office and risk management will not allow without appropriate liability insurance (jumper had said it was cost prohibited and it didn't happen). Concerning aerobatics and RC – insurance and indemnification agreement – liability insurance needs to be thought about up front. Insurance is the issue – they must have liability insurance. Vice chair stated that just so the commission is aware – it is AMA sponsored event and that they do carry insurance (they operate at all these airports and insurance requirement would be the same – they are fully insured and are a national organization. Atty. Jaikes said that as soon as someone gets a declaration page to risk manager and understands that the city has to be named as an additionally insured – you are that much closer to home.

## **9. New Business:**

1. Acceptance of payment from tenant, FSR LLC, for consideration of granting utility easement for the benefit of sub lessee across Airport-owned land. Motion to accept the payment from the tenant FSR, LLC for consideration to grant utility easement made by Commissioner Bourgault and 2<sup>nd</sup> by Commissioner Bartolomey. Motion carried unanimously.

2. NIFA Flight Competition has been rescheduled for March 8-12 (from 8/9:00 until 4/5:00) at the Bridgewater State University Aviation Flight Center. Mr. Crane explained the flight and ground competitions and schedule/participants. Vice chair encouraged commissioners and airport community to get the word out to public. Manager noted that this event had been rescheduled due to Hurricane Sandy. Vice chair informed Mr. Crane to coordinate flight activities with manager so there will be no interruption with Cape Air service and to provide manager with itinerary before hand so he can address issues with tenants, etc. Flyers will be emailed/forwarded to manager who will then distribute to pilots associations and Atlantic Aviators

**10. Communications:** See attached

**11. Adjournment:** Motion to adjourn at 7:30 made by Commissioner Machado and 2<sup>nd</sup> by Commissioner Bourgault. **Next Airport Commission meeting to be held on March 20, 2013 at 6:00**

Respectfully submitted,

Joan Jones  
New Bedford Regional Airport