



BARNSTABLE MUNICIPAL AIRPORT
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Frank Sanchez, Airport Manager

Barnstable Municipal
Airport Commission:

Daniel W. Santos, P.E.
Chairman

John T. Griffin, Jr.,
Vice Chairman

Robert L. O'Brien,
Commissioner, Clerk

Donald E. Megathlin,
Commissioner

Michael A. Dunning,
Commissioner

Ronald Persuitte,
Commissioner

Timothy R. Luzziatti,
Commissioner

BARNSTABLE MUNICIPAL AIRPORT COMMISSION
MINUTES OF THE REGULAR SESSION
TUESDAY, October 21, 2008

Commissioners Present:

Daniel W. Santos P.E, Chairman, John T. Griffin, Jr., Vice Chairman, Robert L. O'Brien, Clerk, Michael A. Dunning, Donald E. Megathlin, Ronald Persuitte, and Timothy R. Luzziatti. The meeting was held at the Barnstable Municipal Airport in the Gourley Conference Room, 480 Barnstable Rd., Hyannis, MA.

Yarmouth Representatives Present:

Robert Howard

Airport Staff Present:

Frank Sanchez, Airport Manager, Suzanne Kennedy, Executive Assistant to the Airport Manager, Christina Lounsbury, Noise Abatement Specialist

Public Members:

David Chamberlain, Jacobs Engineering; Ray Porfilio and James Kubat, Earth Tech; Barbara Settipane and Robert Falanga, Nantucket Shuttle; Dave Johnson, Urban Retail for Cape LLC; David Still II, Barnstable Patriot; Chip Bishop, Chip Bishop Communications, Bruce Gilmore, Attorney.

Call To Order:

Chairman Santos called the regular meeting of the Barnstable Municipal Airport Commission to order at 6:08 p.m. Attendance roll call was taken.

Minutes of the previous meetings:

Commissioner Santos moved to approve the minutes of the September 16, 2008 Airport Commission Meeting. This was seconded and approved.

Public Comment:

None

Commissioners Response to Public Comment:

None

Correspondence and Communications from Staff:

None

Reports from Subcommittees

Finance Subcommittee (Commissioners Megathlin, Dunning, Persuitte)

The Finance subcommittee met on Tuesday, October 14, 2008. The following items were discussed:

- The preparation of the Financial Proforma was discussed and will be continuously updated
- Vehicle Parking RFP and future available parking for employees and patrons was discussed

- Submission of the CIP to the Town Manager and Town Council was discussed, and new information was recently received that will delay the submission. A Terminal Building Committee meeting will be held on October 31, 2008 to review this information.

Real Estate & Contracts Subcommittee: (Commissioners Dunning, Megathlin, Persuitle)

The Real Estate subcommittee met on Tuesday, October 14, 2008. The following items were discussed:

- Rectrix request for an extension for submission of information
- Volta Oil Lease proposal and corresponding issues
- Marine Lumber Operators Estoppel Certificates
- Griffin Avionics proposed ramp lease
- Hyannis Air Service Lease extension and construction improvement request
- The OTA-Control Tower Project contract
- Nantucket Fast Freight (Nantucket Shuttle) request to lease additional freight area
- Vehicle Parking RFP Draft
- Hangar II RFP, which was subsequently tabled for three months
- Capetown Plaza Estoppel and Consent Certificates
- Cape Air Hangar II request to lease additional office area

Environmental Subcommittee (Commissioners Griffin, O'Brien, Luzietti, Santos)

The Environmental subcommittee met on Wednesday, October 1, 2008. The following items were discussed:

- Early morning flights/Noise Report for September 2008
- Blackburn's Property Site Remediation Closure Report and Property Acquisition
- DEP Consent Order Summary
- The Cape Cod Commission DRI Update and the removal of the Sullivan Lot Access Road
- Co-ordination of the SPCC and the SWPP with the LCP

Planning and Development Subcommittee: (Commissioners O'Brien, Griffin, Luzietti, Santos)

The Planning & Development subcommittee met on Wednesday, October 1, 2008. The following items were discussed:

- Bill Richardson, Jacobs Engineering, briefed on the ALP/Master Plan
- Johann Buntich, Growth Management Department, briefed on the LCP. It was suggested that the Master Plan/ALP become an appendage to the LCP
- Hilton Head Garden Proposal

The Planning & Development Subcommittee met again on Thursday, October 9, 2008 to discuss the ALP Master Plan in detail and how it relates to the 5 year CIP.

Attorney Bruce Gilmore joined the meeting at 6:30 p.m.

Terminal Building Committee: (Commissioners Santos, O'Brien, Megathlin)

The Terminal Building committee met Tuesday, October 21, 2008. The Committee had not met since August 2008. The following items were discussed:

- Property Acquisition review. The Blackburn Property Site remediation should be completed by next week. The MacGregor property negotiations have been ongoing. There is a motion before the Town Council for eminent domain taking if necessary.
- The Cape Cod Commission DRI Permit Modification is on schedule
- The Jacobs Engineering Contract for the Airport Access Road
- Jacobs Engineering handed out an updated project schedule. The project is on schedule for planning and projected construction inception
- The CMR RFP proposals will be accepted through October 31, 2008 and then reviewed by the selection committee for recommendation to the full commission
- The 30% Terminal Design is complete. The Committee was briefed on both the architectural and Site designs. Once the documents are reviewed, the Committee will meet on October 31, 2008 to discuss comments.
- Mr. Sanchez presented an update on the 19 items on the Town Council Resolve.

Unfinished Business:

BMA 0908-01 – Airport ALP & Master Plan

MOTION to approve the Barnstable Municipal Airport ALP & Master Plan, as developed by Jacobs Engineering, Inc, so that the document may be forwarded to the Massachusetts Aeronautics Commission and to the Federal Aviation Administration for approval. **SPONSOR:** Planning & Development Subcommittee. **(May be acted upon)**

Chairman Santos requested an update from Jacobs Engineering. A presentation of the ALP/Master Plan will be made to the Barnstable Town Council on October 30, 2008. Dave Chamberlain, Jacobs Engineering, stated that the FAA and MAC comments had not been received yet, but he did not anticipate any major comment, perhaps none at all.

New Business:

BMA 1008-01 – Marine Lumber Operator, Inc. Estoppel Certificates Approval

MOTION to approve the “Landlord Estoppel Certificate-Parcel A” and the “Landlord Estoppel Certificate-Parcel B” as requested by Marine Lumber Operator, Inc., for the property located at 130 Mary Dunn Way, Hyannis, Massachusetts Parcel A and Parcel B ground leases commencing February 21, 2006, as amended, and as assigned to Marine Lumber Operator, Inc. Said documents have been reviewed by Airport Legal Counsel. **SPONSOR:** Real Estate Subcommittee **(May be acted upon)**

This agenda item was moved and read by Commissioner Dunning, and seconded. Commissioner Dunning briefed the Commission on the new Lessee and that they are going to have a new building built which will be financed through BankNorth. The BankNorth requires these Landlord Estoppel Certificates as standard practice. There are two of them, one for each parcel (A&B) lease. Attorney Gilmore had reviewed and approved the lease amendment as to form, and the Real Estate Subcommittee recommended approval of these documents. There was no discussion. The motion was approved by roll call vote as follows:

Santos	yes	Griffin	yes
O’Brien	yes	Dunning	yes
Megathlin	yes	Persuitte	yes
Luzietti	yes		

BMA 1008-02 – Capetown Plaza Estoppel Certificates and Consent Agreement Approval

MOTION to approve the “Ground Lessor Estoppel Certificate” and the “Landlord’s Consent Agreement” as requested by Cape LLC for the refinancing of their mortgage loan which matured on October 1, 2008 for the Capetown Plaza property ground lease dated May 29, 1982 and commencing June 1, 1982 as amended. Documents have been reviewed by Airport Legal Counsel. **SPONSOR:** Real Estate Subcommittee **(May be acted upon)**

This agenda item was moved and read by Commissioner Dunning, and seconded. Commissioner Dunning briefed the Commission that this has to do with the Kmart Plaza and a request by Citizens Bank who is providing financing to replace the current mortgage note that has matured on the property. Attorney Gilmore had reviewed and approved the lease amendment as to form, and the Real Estate Subcommittee recommended approval of these documents. There was no discussion. The motion was approved by roll call vote as follows:

Santos	yes	Griffin	yes
O’Brien	yes	Dunning	yes
Megathlin	yes	Persuitte	yes
Luzietti	yes		

BMA 1008-03 – Nantucket Freight Lease Amendment

MOTION to approve a lease amendment for Nantucket Shuttle Airlines/Nantucket Fast Freight. Approval by the Barnstable Municipal Airport Commission will authorize Nantucket Fast Freight to use approximately 1,739 square feet of additional building space for the purpose of handling freight. Terms of the lease amendment are set forth in

the Tenant-at-Will Lease Amendment document based upon the recommendation of the Real Estate Subcommittee, and reviewed by Airport Legal Counsel. **SPONSOR:** Real Estate Subcommittee. **(May be acted upon)**

This agenda item was moved and read by Commissioner Dunning, and seconded. It was determined that this was an amendment to a current lease and does not relate to drinking water and/or the environment, and therefore does not apply to the Town Council Resolve. Commissioner Dunning requested clarification on the new square footage, the total square footage, and the language contained in the lease amendment. Attorney Gilmore had reviewed and approved the lease amendment as to form. Commissioner Dunning withdrew the motion. With the permission of the Commission, Mr. Falanga clarified that the original space was leased to the Barnstable Police Department for \$125.00/month and is currently dead space. The \$20,000 of improvements will be at his expense, and he is aware that the building will eventually be torn down. Chairman Santos stated that there was no issue with the matter, but the Commission needs to be satisfied that the paperwork is correct. Once reviewed, this item will be revisited at the end of the meeting.

BMA 1008-04 – Hangar II Cape Air Lease Amendment

MOTION to approve a lease amendment for Hyannis Air Service, Inc., D/B/A Cape Air/Nantucket Airlines. Approval by the Barnstable Municipal Airport Commission will authorize Hyannis Air Service, Inc. to use approximately 265 square feet of additional area on the second floor for the purpose of office space in Hangar II. Terms of the lease amendment are set forth in the Lease Amendment document based upon the recommendation of the Real Estate Subcommittee, and reviewed by Airport Legal Counsel. **SPONSOR:** Real Estate Subcommittee. **(May be acted upon)**

This agenda item was moved and read by Commissioner Megathlin, and seconded. Commissioner Dunning reviewed the terms of the lease amendment. There was no discussion. The motion was approved by roll call vote as follows:

Santos	yes	Griffin	yes
O'Brien	yes	Dunning	yes
Megathlin	yes	Persuitte	yes
Luzietti	yes		

BMA 1008-05 – Approval of the Airport Capital Improvement Plan FY 2010-2014

MOTION to accept and approve the FY 2010-2014 Airport Capital Improvement Plan for submittal to the Town of Barnstable. To approve the appropriation of \$17,850,000 for the construction of a new terminal and \$2,200,000 for new access road construction for Fiscal Year 2010 Capital Improvement Plan. **SPONSOR:** Finance Subcommittee **(May be acted upon)**

Chairman Santos stated that this agenda item was tabled for a future meeting.

BMA 1008-06 – Approval of three Policy Letters

MOTION to approve the Barnstable Municipal Airport Dress Code, Statement of Workplace Values, and Grievance Procedure for Non-Affiliated Airport Employees policy letters for Barnstable Municipal Airport Employees. **SPONSOR:** Airport Manager **(May be acted upon)**

This agenda item was moved and read by Commissioner Megathlin, and seconded. Chairman Santos mentioned that these policies were emailed to the Commission members for review, and the Non-affiliated Airport Employees policy was reviewed by Airport Counsel. Commissioner O'Brien asked if this policy was in keeping with the Town of Barnstable Personnel Code policy. Attorney Gilmore stated that in comparison, this policy is different in the respect that appeals would be heard by the Airport Commission and as the Airport Commission only meets once a month, the time requirements for the appeals process are slightly different. The recommendation was to keep an appeal in house from the Airport Manager, to the Chairman, to the Commission. The Policy was designed so that Non-affiliated Personnel would have a process that tracked the Town's policy but, an appeal would not go downtown, but would stay at the airport. Basically the policy tracks the same process that the Town has, with the substitution of who hears the appeal and the time frame for filing an appeal. This was unanimously approved by verbal vote.

Noise Report:

There were a total of 58 complaints made by 2 noise complainants in September 2008. Of the 58, 55 were made by one complainant from the Town of Yarmouth and six were outside of the Voluntary Noise Abatement Flight Paths. Noise complaints have decreased by 67 since August 2008. The total quiet hour flights for September 2008 were 165. These decreased by 114 compared to August 2008. There were 39 departures and arrivals prior to 5:30 am for September 2008. Noise monitoring was conducted on September 30th, 2008 at Wendward Way, a location that was suggested by the Chair of the Yarmouth Selectmen.

Yarmouth Representative’s Report:

Robert Howard commented that the decibel level of 75.8 at the Wendward Way location was the highest he had seen in a long time. Ms. Lounsbury stated that the aircraft (C-402) was directly overhead, and that these decibels are a small snapshot of one point of altitude and do not reflect any noise contour levels. Mr. Howard stated that he is pleased that an individual has been chosen by the Commission to do some PR work for the airport.

Chairman Santos introduced Chip Bishop, Bishop Communications, who will be working on the Master Plan issues and PR for the Airport.

Airport Manager’s Report:

Manager Sanchez reported the following:

- He and Ms. Lounsbury met with the TSA on October 10, 2008 in regards to finalizing the Airport Security Plan that had been pending for 27 months. As a result of this meeting, BMA finally has the new approved Airport Security Plan, second only to Logan Airport.
- He is working on the 2010 Operating Budget. There will be 6 or 7 Service Priority Packages for the Commission to review at the November 18, 2008 meeting.

Announcements - Commissioner’s Comments:

Commissioner Griffin informed the Commission about the “Competition for the Sky” seminar that was held in Las Vegas. This seminar addressed obstructions that penetrate into the airspace, such as wind farms, buildings, towers, etc. He will have additional information for the November meeting.

Commissioner Megathlin visited the new Heathrow Airport and had photos of the Terminal #4 reflecting retail space.

Chairman Santos noted that the Airport Manager position has been advertised and will close at the end of November 2008. He invited the commissioners to contact him if they would like to participate on the selection committee.

Chairman Santos reminded the Commissioners of the October 30, 2008 workshop with the Town Council.

Chairman requested a short break at 7:10 pm to resolve the Nantucket Fast Freight Lease Amendment issue. The meeting is still in session. The meeting reconvened at 7:16 pm.

Commissioner Dunning moved and read agenda Item **BMA 1008-03 – Nantucket Freight Lease Amendment** and clarified the terms of the amendment are in addition to the original lease terms. This was seconded. There was no discussion. The motion was approved by roll call vote as follows:

Santos	yes	Griffin	yes
O’Brien	yes	Dunning	yes
Megathlin	yes	Persuite	yes
Luzietti	yes		

The next meeting will be held on Tuesday, November 18, 2008.

Chairman Santos called for a motion for the Airport Commission to go into Executive Session under provision six of Chapter 39, Section 23B of the Open Meeting Laws for the purpose of ongoing litigation and real estate and lease negotiations which relates to the purchase, exchange, lease, or value of real property. It was duly noted that the

meeting would reconvene into an open public meeting at the conclusion of the Executive Session specifically and only for the purpose of adjournment.

The motion was made and seconded, and a role call vote was taken to go into executive session at 7:19 pm.

Santos	yes	Griffin	yes
O'Brien	yes	Dunning	yes
Megathlin	yes	Persuitte	yes
Luzietti	yes		

Having no further issues to discuss, a motion was duly made and seconded to adjourn the Executive Session and reconvene into Regular Session at 7:33 p.m. The Roll was called:

Santos	yes	Griffin	yes
O'Brien	yes	Dunning	yes
Megathlin	yes	Persuitte	yes
Luzietti	yes		

The Regular Session of the Barnstable Municipal Airport Commission reconvened at 7:34 p.m.

Adjournment:

Upon Motion duly made and seconded, it was voted to adjourn the meeting at 7:34 p.m.

ROBERT L. O'BRIEN, CLERK