

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

Thomas M. Rafter, Airport Manager  
Phone: (508) 325-5300  
Fax: (508) 325-5306



*Commissioners*  
Arthur D. Gasbarro, Chairman  
Andrea N. Planzer, Vice Chair  
Anthony G. Bouscaren  
Jeanette D. Topham  
Philip Marks III

**AIRPORT COMMISSION MEETING**  
**September 14, 2021**

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

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, Katy Perales, Office Manager and Lillian Sylvia, Administrative Assistant.

Also Present: Rich Lasdin, McFarland Johnson Inc., Jim Soukup, Weston Solutions, Robert Walsh, Paul Grocki, Mr. Walsh's Attorney, Christina Marshal, 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.

Mr. Bouscaren made a **Motion** to approve the 8/10/21 draft minutes. **Second** by Mr. Marks and **Passed** by the following roll call vote:

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

Ms. Topham made a **Motion** to ratify the 8/18/21 and 9/8/21 Warrants. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

## Public Comment

None.

### 081021-01 Public Hearing to Consider Revisions of the Town Regulation Codification Update of Chapter 203 Airport Regulations: Mr. Gasbarro read aloud an introductory statement.

Mr. Rafter gave a brief summary explaining an effort in conjunction with the Town to codify all of the department's rule and regulations. Mr. Rafter reviewed the changes, which are as follows-

- Section 203-2A and C are amended to change "Airport Manager, or other officially designated representative" to "Airport Manager."
- Section 203-5P is amended as follows: Lost or mislaid property. Property left unattended will be considered lost and shall be turned in to the Lost and Found Center (Custodian's Office), where it will be logged. A maximum of three attempts will be made to contact the owner on identifiable pieces. Any item with an estimated value of less than \$150 will be stored for a maximum of 90 days. Higher value items will be stored for 180 days. After such time the items will either be disposed of, auctioned, or donated to charity. A complete Airport Lost and Found Policy can be obtained through the Airport Manager's or Airport Security Offices.
- Section 203-9B is amended as follows: The Airport Manager is authorized to remove or otherwise direct the relocation of aircraft parked or stored in unauthorized areas.
- Section 203-10H is amended as follows: Auxiliary power unit (APU) use is limited to 15 minutes of use.
- Section 203-34C is amended as follows: The event coordinator must make arrangements for ambulance, auto towing, garbage pick-up, refuse clean-up, portable rest rooms, and structural fire and aircraft rescue and firefighting (ARFF) services.
- The following definition is added to Appendix A, Subsection B: AP/IA MECHANIC – An individual who holds an Airframe and/or Powerplant (A&P) Certificate with Inspection Authority (IA), certificates which are issued by the Federal Aviation Administration (FAA).
- Page 203:8 Item H. Auxiliary power unit (APU) use is limited to 15 minutes of use. **[Amended during codification]**. This is a voluntary policy not a regulation and should be removed or moved to Article XII – Nighttime and Noise Restrictions.(This changes the bullet item above)
- Page 203-15, Section 203-24, Item B – Change Massachusetts Aeronautical Commission (MAC) to Mass DOT Aeronautics Division
- Page 203-19, Section 203-34, Item F - Change Massachusetts Aeronautical Commission (MAC) to Mass DOT Aeronautics Division

Commissioners Comment:

None.

Public Comment:

None.

Mr. Bouscaren made a **Motion** to close the Public Hearing. **Second** by Ms. Planzer and **Passed** by the follow roll call vote:

Mr. Bouscaren- Aye

Ms. Planzer- Aye

Mr. Marks- Aye

Ms. Topham- Aye  
Mr. Gasbarro- Aye

Ms. Topham made a **Motion** to adopt the proposed changes. **Second** by Ms. Planzer and **Passed** by the following roll call vote:

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

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

- **Jacobs Engineering Group-** Supplemental Agreement No. 4 to reconstruct, strengthen, mark light and sign taxiway E in the amount of \$39,611 to add additional scope: materials testing and taxiway A work. The new contract amount including amendment is \$1,648,522.20.
- **Computer Assistance Services-** Contract amendment No.1 for Airport IT Support Services in the amount of \$46,000. Increases not to exceed contract amount to \$253,000.
- **McFarland Johnson Inc.-** Task order MJ-EN-04 for creating security system maintenance, repair and testing RFP Bid documents in the amount of \$22,857.
- **Ascent Aviation Group, Inc.-** Contract amendment for the temporary fuel farm to support fuel farm upgrades project logistics and mobilization costs for separate barge in the amount of \$48,100. New contract amount including amendment is \$406,725.

Mr. Marks made a **Motion** to approve the contracts as set forth on Exhibit 1. **Second** by Ms. Planzer and **Passed** by the following roll call vote-

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

Christina Marshall, Anderson and Krieger joined the meeting.

**091421-01 Mr. Walsh- 8/25/21 Violation of Requirements for Access to the Airport and Notice of Restriction-** Mr. Rafter gave a summary regarding Mr. Walsh’s case that the FAA had made an informal decision permitting Mr. Walsh to fly in and out of Nantucket Memorial Airport and also allowed the Airport to institute procedures for how Mr. Walsh would use the Airport. These procedures were disregarded by Mr. Walsh, and he was delivered a notice on August 25, 2021 of the violations and reinstatement of the full notice of restriction as transmitted previously to Mr. Walsh in a letter dated July 2, 2021. In accordance with the Airport Rules and Regulations Mr. Rafter advised the Commission of these actions accordingly. Subsequently, a fax was received by Paul Grocki, Mr. Walsh’s attorney, asking that the discussion of this matter be adjourned until he has had time to obtain documents from FAA and others. Mr. Rafter recommended that the restriction stay in place if the Commission elects to discuss this matter at a further meeting.

Mr. Grocki explained that he requested this matter be adjourned until he has received and reviewed records and a stay of the no trespass order. Mr. Rafter commented that he recommends the restriction stay in place because it is a safety issue and provided examples.

Mr. Gasbarro asked if Mr. Grocki would be ready for the October Meeting. Mr. Grocki explained it depends how quickly records are turned around by the Airport and FAA.

Christina Marshall, Anderson and Krieger, explained that the decision to adjourn to a later meeting is up to the Commission but believes it is a reasonable request and recommended deferring the decision on the trespass order to the Airport Manager.

Robert Walsh read aloud a statement that he believes he has been treated unfairly by Airport management. Mr. Walsh explained that he has followed all the procedures.

Mr. Bouscaren believes that the trespass order should stay in place until evidence is produced by Mr. Walsh that he didn't do the things described by the Airport Manager. Ms. Planzer agreed with this.

Mr. Rafter reiterated that the procedures put in place were not followed by Mr. Walsh and were properly documented and believes they should reinstate the no trespass order.

Mr. Bouscaren made a **Motion** to support the action of the Airport Manager's decision to not allow Mr. Walsh to fly in and out of Nantucket Memorial Airport as pilot in command of any aircraft until reconvened at the next Commission meeting. **Second** by Ms. Topham and **Passed** by the following roll call vote:

Mr. Bouscaren- Aye

Ms. Planzer- Aye

Mr. Marks- Aye

Ms. Topham- Aye

Mr. Gasbarro- Aye

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

**091019-01 Capital Approval Process/Home Rule Petition-** Has been referred to the House Committee on bills in the third reading, which is the final step in the process.

**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](http://www.ack-pfas.com).

Bottled water is currently being provided to twenty-nine (29) residences whose wells tested under 20 Parts Per Trillion (PPT) out of an abundance of caution as directed under the Massachusetts Contingency Plan (MCP). It is now the phase of the investigation where the regulated party typically evaluates the strategy to discontinue the provision of bottled water. The Airport's consultant team advises that this can be a contentious item between the regulated party and communities during this phase of the MCP and that the Airport spend time considering the next steps. The IRA status update contains a technical discussion of the evaluation to discontinue, and Weston Solutions will confirm that this meets MCP requirements in an upcoming meeting with MassDEP. When and how this will be implemented will need further discussion. Bottled water service will need to be discontinued at some point, but other items should be considered such as

outreach, notice, Frequently Asked Questions, other project timing etc. The Commissioners expressed concern about discontinuing bottled water and would like to discuss more.

Taxiway E construction has resumed affecting phase E between Juliet and Bravo. The License Site Professional (LSP) recommended that even with the recognition of the S-3 soil standards under the Potentially Productive Aquifer (PPA) exclusion for the airport, a best practice under the DEP's antidegradation clause would be to not remove construction-related soils from this area to Sun Island for storage. The Airport is working to identify appropriate storage locations for these piles inside the fence with consultants.

Weston Solutions will be on site to characterize the soil contamination in the sand pit.

Weston Solutions is working to review and update the PPA exclusion area with MassDEP. The PPA exclusion designation is a previously existing geographical area of the airport, appears shifted north when recorded. Weston Solutions will address this with DEP.

Sampling of Point of Entry Treatment (POET) Systems will move from monthly to quarterly

35 Evergreen has informed the Airport that they have completed water service work and will return the agreement with receipt of invoices.

Five (5) other homes have submitted applications to Wannacomet Water Company for water service, however one (1) home is still outstanding despite multiple reminders.

Robert B Our Company is interested in performing the private side of plumbing and excavation work and are in the process of scheduling a site review.

Work for the water main project was pushed back to November 1, 2021 due to supply chain issues in sourcing PVC main. This delay will cause the contractor, Robert B Our Company, to re-order the phasing, where Madaquecham Valley Road may be first. Will be coordinating with the Town so they are aware of schedules, will be putting ads in the newspaper and will be giving flyers to residences. Robert B Our Company was on site and did a walk through of the landside route of the main.

Reviewed a draft State Revolving Fund, which provides low interest loans for funding the water main or other remediation efforts. Next step is to schedule a pre-application meeting with State Revolving fund staff and Town finance to review.

Consultant has identified an alternative vendor to provide catch basin investigative work and cleaning related to the fuel farm. Eastern Pipe Service has provided an October 1, 2021 mobilization date.

Homeowners West of the Airport whose wells tested below 20 PPT have expressed concerns over no further testing and non-inclusion in the Airports water main and water service connections. The Airport worked with them the best we can.

Madaquecham Valley Road homeowners have reached out and been very positive on timeline and looking forward to understanding the process and coordinating.

Mr. Bouscaren asked if they need to do anything from public relations point of view to the people who have questions about the extent of the plume and the Airports responsibility. Mr. Karberg explained he will review and report back.

**i. IRA Status Report #10-** Jim Soukup, Weston Solutions, summarized the IRA plan that was submitted on August 31, 2021. The IRA plan is uploaded to the Airport website.

**ii. Groundwater Sampling Concept Review (Anticipated McFarland Johnson Task Order in October)-** Mr. Soukup reviewed the upcoming and ongoing work. Soil sampling in the sandpit will take place this week and could be a possible location for storage of excess soils from other Capital Improvement Projects. Mobilization for the next phase of work is anticipated to take place in November and take between ten (10) and fifteen (15) days of work. Majority of this proposed work will focus on the groundwater impacts on Airport property, which will be done through groundwater grab samples at 36 locations that are shown on the map Mr. Soukup reviewed. Will also develop an updated groundwater contour map which will verify groundwater flow directions. In addition, they will be pushing down deeper to 50 feet to collect a sample at one location located at the West End, in the vicinity of South Ramp at B. They will also be drilling another boring at a location where they did not find groundwater and perform continuous logging.

Mr. Gasbarro asked what the longevity is of the temporary monitoring wells. Mr. Soukup explained they wouldn't anticipate it to be a long-term monitoring point. Once the groundwater conditions are understood at the Airport, a long-term monitoring network will be needed. Mr. Soukup explained that the temporary monitoring well will be useful for the next two to three years.

Mr. Gasbarro asked why there are no sample locations at the far northeastern end of the Airport, as shown on the map. Mr. Soukup explained the points being done were chosen based on what will give them the most information, due to limitation of resources and how much time they can have them on island. They don't anticipate that anything will be found in the unmarked locations but will most likely be done at some point in the future.

Mr. Gasbarro asked if they will be taking grab samples at the temporary monitoring location. Mr. Soukup responded yes.

Ayesha Khan, member of the public, expressed her concern about the process of understanding the plume using the wells and water movement and if other methods are being considered to understand the total PFAS, where it is and where its moving. Mr. Soukup explained that there are thousands of PFAS compounds, and the laboratory can analyze about 30 of those compounds. Of those 30 compounds there are only 5 that have drinking water criteria. Mr. Soukup explained that the top analysis oxidizes the sample that leeches all the PFAS into one sample resulting in the total amount of PFAS of all of the compounds in the sample, resulting in a higher number and explained that there is no standard that they could compare it to and evaluate. When they get the values for the individual compounds, they can compare those to the drinking water standard.

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

**081021-02 Capital Projects FY23 Budget Update-** Mr. Rafter gave an update on the Capital Improvement Plan after meeting with the FAA. A master plan project was added based on discussion with FAA. Gate 8 and hangar 8 paving project was modified based on more information from the consultant. A supplemental for the HVAC was added based on further information from the consultant. Based on a meeting with the Town, the housing project was scaled down to the Owners Project Manager (OPM) and design only. The vehicle cost went up due to changing one vehicle to electric. The FAA has requested another meeting to further discuss the decommissioning of runway 12-30.

Mr. Gasbarro followed up on a comment regarding the A220 hardstands and that if the FAA is going to require this project, it will hopefully give the Airport a position to request funding for that project. Mr. Rafter explained the FAA funds the capital aspect but that there are operational long-term costs and will be discussing further with the FAA.

### **Manager's Report**

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

- **Taxiway E-Work** has resumed in the area between Taxiways Charlie and Delta.
- **Security Project Phase II-** Contractor returning soon to complete additional work and punch list items.
- **Fuel Farm Rehabilitation-** work to begin in early October and continue through early January.
- **Hangar Development-** No change, waiting for Mr. Turner on the draft lease. Mr. Hagedorn is moving forward with his project.
- **Exhibit A-** Conducting history search on some land to quantify and clean up the Airport's Exhibit A that is required under FAA.

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

- **Security System Maintenance Program-** Working to have RFQ for a contract for maintenance and security system.
- **Terminal Space Optimization-** RFQ for the OPM will be public on September 23, 2021 with a deadline of October 14, 2021.
- **Rental Cars-** Meeting set up with legal. RFP will be going out.
- **HVAC Terminal Project-** Consultant working to reissue IFB.

**Operations** – Mr. Rafter reported:

- A workshop was held by the Select Board on the facilities master plan, which discussed some of the options for the DPW campus. The Airport has provided additional information to the Town Manager for them to take into consideration.
- Continuing to work on parking operations.
- Total sales for Labor Day were \$732,421 which is \$346,000 above last year or 90%.

**Statistics** – Mr. Rafter reviewed the July 2021 Statistics:

- Operations are up 49.24% from July 2020
- Enplanements are up 182.39% from July 2020
- Jet A Gallons are up 67.41% from July 2020
- Jet A Gallons are up 26.57% from August 2020.
- AvGas Gallons are up 36.24% from July 2020.
- AvGas Gallons are up 8.84% from August 2020.

- Freight is up 36.881% from July 2020
- 33 Noise complaints were filed for July 2021 compared to 44 in July 2020.

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

**Commissioners Comments-**

**a. 091421-02 Commission Meeting: Remote vs In Person-** Katy Perales, Office Manager, shared that all meetings are being held remotely and that the trailer, where the Airport is planning to eventually host meetings, is not complete.

**Public Comment-**  
None.

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; Clauses 3 & 4: To discuss strategy with respect to litigation regarding Robert Walsh, where the Chair has determined that an open session may have detrimental effect on the litigating position of the Airport Commission, and further to discuss strategies with respect to the deployment of security personnel or devices in connection with the No Trespass Order issued against Mr. Walsh. Clause 3: To Discuss Strategy with Respect to Pursuing Legal Claims against Manufacturer of Polyfluoroalkyl Substances (PFAS), where the Chair has Determined that an Open Meeting May have a Detrimental Effect on the Litigating Position of the Airport Commission. Clause 6: To consider the purchase, exchange, lease or value of real estate with respect to the negotiations regarding Nobadeer Farm Road/Sun Island Road property, where the Chair has determined that an open session may have detrimental effect on the negotiating position of the Airport Commission. **Second** by Mr. Bouscaren and **Passed** unanimously, by the following roll-call vote:

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

Meeting adjourned at 6:25pm.

Respectfully submitted,

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Lillian Sylvia, Recorder



**Master List of Documents Used**

9/14/21 Agenda including Exhibit 1 (Handout)

8/10/21 Draft Minutes (Handout)

8/18/21 Warrant Approvals (Handout)

9/8/21 Warrant Approvals (Handout)

Changes Made to Regulations During Codification Project

Jacobs Engineering Group Supplemental Agreement No. 4

Computer Assistance Services Contract Amendment

McFarland Johnson Inc. Task Order MJ-EN-04

Ascent Aviation Group, Inc. Contract Amendment (Handout)

Mr. Walsh Violation of Requirements for Access to Airport and Notice of Restriction Letter

Response to Mr. Walsh Letter

PFAS Investigation Status Table

AFFF Application Area Sand Pit Diagram

PFAS Groundwater Diagram

FY23 Capital Budget Update

Five-year FAA CIP

July 2021 Monthly Statistical Report (Handout)



