

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*  
Daniel W. Drake, Chairman  
Arthur D. Gasbarro, Vice Chair  
Anthony G. Bouscaren  
Andrea N. Planzer  
Jeanette D. Topham

**AIRPORT COMMISSION MEETING**

**NOVEMBER 18, 2014**

The meeting was called to order at 3:00 pm by Chairman Daniel W. Drake with the following Commissioners present: Arthur D. Gasbarro, Vice Chair, Anthony Bouscaren, and Jeanette D. Topham.

Commissioner Andrea Planzer participated via telephone due to geographic distance.

The meeting took place in the 1<sup>st</sup> floor meeting room at the Public Safety Facility, 4 Fairgrounds Rd. Nantucket MA.

Airport employees present were: Thomas Rafter, Airport Manager, David Sylvia, Training & Compliance Officer, Mae Williams, Administrative Assistant, Jamie Miller, Business & Finance Manager, Debra Crooks, Finance, Preston Hariman, Operations Superintendent/ARFF, Lara Hanson, Operations Superintendent/ FBO, Noah Karberg, Environmental Coordinator and Janine Torres, Office Manager.

Federal Aviation Administration personnel present were: Tom Vick, Cliff Vacirca, and Tracey McInnis.

Other Town of Nantucket representatives present were: Rick Atherton, Board of Selectmen Chairman, Libby Gibson, Town Manager, Brian Turbitt, Finance Director, and Gregg Tivnan, Asst. Town Manager.

Mr. Drake announced the meeting was being recorded.

Mr. Drake announced that this was a special meeting for training and information regarding FAA Compliance Rules as it relates to the Grant Assurances.

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

**Public Comment**

None

**Update on FY 16 Budget Process**

Mr. Rafter stated that a draft of the FY2016 will be available next week with a new format.

### **FAA Compliance Training**

Mr. Rafter introduced Tom Vick, Federal Aviation Administration, Compliance and Land Use Specialist, for the New England Region.

Mr. Vick presented a PowerPoint presentation: “Understanding the Airport Compliance Program”

Accepting Airport Improvement Program (AIP) Grants creates a partnership between the Federal Government, Nantucket Airport Commission, and the Town of Nantucket to foster a safe, competitive, and fair environment. By complying with the grant assurances and federal obligations you can avoid formal and informal complaints.

Informal investigations (Part 13) are handled by the New England regional office and can be filed by anyone.

Formal investigations (Part 16) are handled in Washington DC. The complainant must have standing and demonstrate damage by something happening at that airport. This involves a two-part investigative process:

- Directors Determination
- Final Agency Decision

An example of a formal investigation would be Revenue Diversion where the Town or City diverts revenue from the Airport into the general coffers.

An example of someone with standing would be T-hangar owners, an FBO with exclusive rights, Pilots or Airlines, the Alphabetical groups.

If the Airport sponsor is found in Non-compliance with Grant Assurances, it will pay legal costs and risk the withholding of Discretionary and Entitlement Funds.

Of the 39 Federal Grant Assurances, Mr. Vick reviewed the eight most commonly investigated:

- #5, Preserving Rights and Powers
- #19, Operation and Maintenance
- #21, Compatible Land Use
- #22, Economic Non-discrimination
- #23, Exclusive Rights
- #24, Fee and Rental Structure
- #25, Airport Revenue
- #26, Reports and Inspections
- #29, Airport Layout Plan

Mr. Vick answered questions from the Commission:

Airport Revenue cannot be used for paving public roadways.

Airport property consists of land inside and outside of the fence. Whatever is on Exhibit A of the Airport Layout Plan is considered Airport property. To remove property from Exhibit A, there is a process that must be followed. The property would need to be released from the FAA and the airport paid fair market value.

If there is a question regarding airport revenue diversion, it is the Department of Transportation Inspector General (DOTIG) that does the investigation.

Mr. Gasbarro asked for a recommendation on existing non-compatible land use within a proposed Runway Protection Zone (RPZ) adjacent to the Airport on private property. Mr. Vick suggested going through the Master Plan process to determine corrective action.

Mr. Gasbarro inquired if employee housing on Airport property outside of the fence would be considered compatible land use. Mr. Vick responded that it should be looked at through the Master Plan process and suggests engaging the FAA Compliance office very early on in the process. While housing is not considered compatible, if the Airport is able to demonstrate an urgent enough need for staff housing there may be a possibility. Difficulty arises because the Airport is also part of the Town where there are employees that are not involved in aviation. Conditions would probably be applied.

Mr. Gasbarro questioned if expansion of the ramp would be eligible for entitlement funds. Mr. Vacirca of the FAA responded that the FAA Airport Planner would make that decision. If the CIP has been approved, entitlement funds should be available.

Mr. Karberg inquired as to revenue diversion to offset mitigation for construction in non-wetland areas outside of the Airport. Mr. Vick stated he had not encountered it in Airport compliance so he was unable to answer the question.

**Public Comment:**

Mr. Tom Barada, resident, asked if the Airport can move the fence back due to erosion without permission. Mr. Vick responded that if it is Airport property, it is up to the Airport Commission. Mr. Vacirca added that as long as it does not obstruct any surfaces. The ownership of the land remains with the Airport. Mr. Barada inquired if the Town could tell the Airport to move the fence and Mr. Vick said that it depended on the original purpose of the deed.

Having no more business, Mr. Bouscaren made a **Motion** to adjourn. **Second** by Ms. Topham and passed unanimously by the following roll call vote:

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

Meeting Adjourned at 4:16pm.

Respectfully submitted,

Janine M. Torres  
Recorder

Master List of Documents  
11/18/14 Agenda  
Airport Cooperative Research Program (ACRP) Report 58  
FAA Grant Assurances  
Grant Assurances 101 (Power Point Presentation)