

MINUTES

A special monthly business meeting of the Nashua Airport Authority (NAA) was held at NH Department of Transportation, 7 Hazen Drive, Room 112/113, Concord, NH on Tuesday January 16, 2019.

Chairman Woods called the meeting to order at 1:01pm.

ROLL CALL

Present: Chairman Woods
Secretary Scheifele
Treasurer Duquette
Director Law
Director Heath – arrived at 1:05pm

Chairman Woods welcomed Brian Law to the Nashua Airport Authority.

PUBLIC INPUT

Shane McLaughlin, NJA, welcomed Brian Law to the Authority.

NHDOT/BA PRESENTATION

Carol Niewola, Senior Planner, NHDOT/BA opened the presentation with the organizational chart for the Bureau of Aeronautics division of NHDOT. She went on to discuss the roles and goals of the FAA. Title 49 US Code Chapter 401 (development of civil aeronautics and safety of air commerce), Title 49 US Code Chapter 471 (AIP) and Title 49 US Code §47128 (State Block Program) were touched upon.

Next Ms. Niewola discussed the role of the NHDOT/BA. NH's first aeronautics' laws were passed in 1929 establishing the Public Service Commission to regulate aviation in the state and to allow municipalities to acquire land by eminent domain to establish operating landing fields. NH Aeronautics Act (NH RSA 422) was enabled in 2002 and include 422:4 (Duties of Commissioner), 422:5 (Enforcement of Laws), 422:7 (Investigations), 422:9 (State Airways System), 422:14 (Acceptance of Federal Aid), and 422:15 (Federal Aid for Airport and Airway Development). The NHDOT joined the State Airport Block Grant Program in 2008.

The NH State Airport Block Grant Program applies to non-primary airports (9 in NH). NHDOT must follow federal laws, regulations, rules, and other federal requirement in the implementation if AIP at these airports. NHDOT must employ FAA grant assurances, is required to recover grant funds spent fraudulently, wastefully, or misused in any other manner at these airports. NHDOT is responsible for assuring that all agreements and assurances with airport sponsors are met. The FAA will refer airport sponsors and their consultants to NHDOT for all active and proposed Block Grant projects, and also retains involvement with projects in which AIP discretionary funds are requested.

NHDOT is responsible for programming AIP funds, administering AIP grants, enforcing Grant Assurances, approving or providing input into OE/AAA, ALP approvals, and labor compliance with US Department of Labor. They also review and process all grant reimbursements, review projects including on-site inspections, responsible for informal and FAR Part 13 complaints. The NHDOT is responsible for concurrence with record of negotiation, bid award concurrence, Single Audit Reports, and acceptance of project closeout documentation.

The City of Nashua/Nashua Airport Authority is a non-primary airport, a reliever to BOS and MHT, and is rated as a National Category General Aviation Airport. Their vision statement is “To be the first choice airport in the region for General Aviation pilots, attracting businesses and fostering a culture of education and enthusiasm for aviation. Their role as an FAA-Obligated Airport is to facilitate access to the National Airspace System in a safe, efficient manner in accordance with its grant assurances.

The Nashua Airport Authority is responsible for reviewing planning studies, construction plans and specification, and CSPP. Also, coordinating IFEs, preparing Record of Negotiations, understanding and enforcing grant assurances, and DBE approvals. They are also responsible for reviewing and approving ALP, construction change orders, and engineering supplemental agreements. They address contractor, tenant, and neighborhood complaints, and must enforce safety documents and grant conditions.

Ms. Niewola went on to discuss Project Progression. The overview is as follows: Capital Improvement Programming; Project Scoping; Grant Application; NHDOT Funding Process; FAA Funding Process; Grant Offer (Grant Agreement); Governor & Council Process; Project Review and Oversight; Grant Reimbursements (NH is a Channeling Act State); and Project Closeouts.

The next topics discussed were Grant Assurances, Complaint Resolution, Leases, and Airport Documents. Grant Assurances are the strings FAA and NHDOT use to protect their airport investments. Airports use grant assurances to protect their ability to review future FAA funding.

Complaint Resolution options include: resolved internally at airport; employee/labor complaints resolved by USDOL; civil rights and disability complaints resolved by FAA/Office of Civil Rights; complaints about federal aviation laws, regulations, and rules resolved by FAR Part 13 process (investigated by NHDOT, FAA provides subject matter expertise; and formal complaints against airport operator with FAA’s jurisdiction are investigated by FAA/HQ.

The FAR Part 13 Resolution Process is as follows: 1) Evaluate the facts surrounding the filing and identify possible airport sponsor violations; 2) Clarify the rights and responsibilities of the airport sponsor and the complaining party; 3) Offer assistance to resolve the dispute in a manner consistent with the airport sponsor’s federal obligations; 4) Provide the airport sponsor the opportunity to comply with its federal obligations voluntarily when a violation is identified.

Ms. Niewola discussed the types of airport agreements and the highlights of an agreement contract. She also discussed non-aeronautical uses at an airport.

The airport sponsor must maintain as current the following documents – Capital Improvement Plan (CIP); Airport Layout Plan (ALP); Disadvantaged Business Enterprise (DBE) Plan; Exhibit A – Airport Property Map; Wildlife Occurrence Log; Pavement Maintenance Management Plan, Inventory of Snow-Removal Equipment; Listing of all Airport Leases/Agreements/Contracts; Project Documents (for 3 years following closeout); AIP Grant Oversight Risk Assessment Checklist; and Based Aircraft Log.

The airport sponsor is also responsible for marketing airport facilities and services, marketing non-aeronautical space, creating and managing budgets, managing staff, outreach to the community, developing media relationships, negotiating with airport tenants and off-airport services providers, managing emergencies, and disputing resolution.

The last discussion for NHDOT presentation regarded Alternate Funding Resources. Ms. Niewola discussed the New Hampshire AIM (Airport Improvement and Maintenance) Program. This program

supports the state's goals of preserving and enhancing the state's aviation system by providing funding assistance to eligible public-use airport for airport projects that focus on state objectives of airport safety, airspace access, economic development, and airport capacity. The funds collected by the state of NH airway tolls (aka aviation fuel taxes) via NHRSA 422:34 are used to fund the state share of the AIM Program.

Ms. Victoria Sheehan, Commissioner NHDOT, closed the presentation and express appreciation for the time we took to spend the afternoon in Concord at NHDOT and looks forward to a successful future. She followed up to a meeting held previously with Chairman Woods and Airport Manager Chris Lynch and updated the board on the status of the items discussed during that meeting. Ms. Sheehan discussed the lengthy process so that we now understand the time line for the process progression. She discussed the intense time during the Part 13 Investigation and the Nashua Airport was responsive to their request.

The PowerPoint presentation for this meeting is available on the Nashua Airport Authority website.

PUBLIC INPUT

Shane McLaughlin, Nashua Jet Aviation, thanked everyone for their time in educating all that were present.

DIRECTOR COMMENTS

Treasurer Joe Duquette – Appreciated the presentation and the time and effort by NHDOT.

Chairman Woods – Thanked Ms. Niewola for her time and effort in making this education opportunity available to us. He also requested a copy of the presentation be sent to him so we can share it with the airport community.

MOTION BY Secretary Scheifele to adjourn the public session

SECONDED BY Treasurer Duquette

MOTION CARRIED

SEE ATTACHMENT FOR ATTENDEES LIST

Secretary Scheifele