

Minutes of the May 10, 2017 BHB Airport Advisory Committee Meeting (AAC)

Location: Hancock County – Bar Harbor Airport, Airport Fire Station, Meeting/Training Room

Committee members in attendance: Leroy Muise, Robert Bouffard, Nate Holyoke, Nathaniel Fenton, Mike Allen, and Karl Warner

Committee Staff in attendance: Brad Madeira, Airport Manager, Carol Whidden, Clerical Assistant

Non-committee members in attendance: Scott Adkins, County Administrator

Meeting opened at 4:35PM by Chairman Fenton

Chairman Fenton called on Manager Madeira to recap correspondence since the last meeting.

Manager Madeira: “I hope everyone has seen the correspondence that has gone back and forth since the last meeting. At the last meeting you asked me to email the latest proposal to all of you. So I did that on that same day. At the same time, at the last meeting we received a letter submitted by David Vroom and you all should have that too. On April 27 Leroy submitted comments and questions. On May 1st I responded to the letter from David Vroom and also to Leroy’s comments. As part of that response I emailed another proposal with some changes to the Minimum Standards update. On May 3rd Leroy submitted comments in response to my letter issued on May 1st and on May 5th I responded to comments Leroy submitted on the 3rd. Yesterday, May 9, David Vroom submitted additional comments in response to the comments that I issued on May 5th. I have not yet responded to those. That’s the total of the correspondence that’s gone back and forth.”

Chairman Fenton: “I don’t know what his comments were on the 9th.”

Manager Madeira: “It was emailed out to everyone. Does anyone need a copy? It just came in last night at 6:57PM. We can make copies of it.” Manager Madeira offered to put the letter on the screen. Copies were made of the letter and distributed to committee members who did not have a copy.

[Recording device stopped. The following section is paraphrased]

Chairman Fenton asked Manager Madeira about the rationale to add Section 17. Manager Madeira explained that Section 17 was proposed after considering the comments that were issued between the last meeting and this one. Conversation ensued regarding whether or not the ground lease square footage, building square footage, and office square footage needed to be changed for Section 7 and Section 10 so that they are consistent. Ultimately the committee decided to leave Section 7 and Section 10 as they were. It was questioned whether or not the ground lease square footage, building square footage and office square footage for the categories involving flight instruction, aircraft rental and aircraft charter should all be the same. Karl Warner suggested reducing all of those requirements to the minimum amount. The discussion continued, however, ultimately the committee decided not to make any changes in that regard.

The committee moved on to discuss the newly proposed FBO category 12 (section 17). They discussed section 17A with regards to square footage, building space, and office space. After some conversation about the office space being available to the public and the office space requirements, no one objected to the proposed language for Section 17A. In discussing item 17D, Leroy Muise commented that he felt that the office should be attended at least seasonally on a full time basis in accordance with the previously approved language from the AAC meeting on March 8 instead of the recently proposed language regarding item D. Manager Madeira commented that some of the comments that he received since the last meeting requested some clarification on that language.

[End of paraphrasing, recording device started working again]

Chairman Fenton: "So I think I said Operation shall cause the operators office to be attended. Shall cause the operators office to be attended. I've written in person, to be attended in person at all times. Does that make sense? So there would be a person available at their office during that period of time. So we don't need to worry about On Call being defined. Are we all happy with D? So again I guess the question would be do we go back to 7 and 10 to do the same thing? I don't mind if that makes sense if we're going to have a different category for light sports, but I don't want to be unfair to the others. So does this accomplish what we.

[Unknown]: "So I have a problem with A. So as it is proposed, this would require someone to rent a 140 sq ft office 12 months a year and man it 12 months a year, right?"

Chairman Fenton: "Well I guess that's a question."

Committee member Warner: "The 140 can still be part of the 1750?"

Chairman Fenton: "But, it wouldn't be accessible to the public or parking?"

Committee member Muise: "Well it could be a new operator off the street that would come in and build from the ground up."

Chairman Fenton: "Well it wouldn't be a hangar that's going to be behind blocks and fences."

Manager Madeira: "It's already in the standards that you can't use the private hangars for commercial activities."

Committee member Muise: "That would bring it all back to the airport owner to figure out a location where they could build."

Chairman Fenton: "So what it means in the present situation facing us is Light Sport operators would be required to have an office here 12 months a year whether or not it's manned 12 months a year. It doesn't need to be manned 12 months a year, it needs to be manned 6 months a year."

Manager Madeira: "Where do you see that they have to have the office for all 12 months?"

Chairman Fenton: "Well it says a minimum of 140 sq feet of office space located at the airport properly that is heated and lighted to be used for class room briefing purposes and accessible to the public."

Manager Madeira: "They really would have to have the office location all year. Even if they're only on call, they still need a place for classroom. They really do have to have it all year. The County would not be interested in a one year lease. We'd want to do at least a 2 year lease."

Committee member Allen: "Someone doesn't necessarily have to be in that spot eight (8) hours a day if actively covered during that season by the other locations. The whole business is accessible from a bunch of different locations. That's okay."

Chairman Fenton: "So we're happy with 17?"

Committee member Warner: "I believe we are. No objections with B, C, or E."

Chairman Fenton: "Is there a motion to recommend the acceptance of Category 12 Sport Plane Pilot Instruction Plane Rental in 17 as we have now amended it?" [shown below]

**17. STANDARDS AND PROCEDURES FOR FBO
-CATEGORY XII-
SPORT PILOT FLIGHT INSTRUCTION AND LSA RENTAL**

A. The Operator shall lease from the Owner an area of not less than 8,000 square feet of ground space on which shall be erected a building to provide at least 1,750 square feet of floor space for aircraft storage. Additionally, the operator shall provide via owned or under written lease to the Operator, a minimum of one hundred and forty (140) square feet of office space at the airport that is properly heated and lighted, to be used for classroom and briefing room purposes, which must be accessible to the public with sufficient parking and with sufficient access to rest rooms.

B. The Operator shall have available for use in flight training and for aircraft rental, either owned or under written lease to the Operator, not less than one (1) properly maintained Special Light Sport Aircraft (S-LSA) or not less than one (1) properly maintained type certificated aircraft in the standard airworthiness category that qualifies as a LSA.

C. The Operator shall provide the training materials necessary for a sport pilot student to prepare for the sport pilot knowledge test required by CFR Part 61.307.

D. The Operator shall cause the operator's office to be attended in person at all times during the required operating hours, which for the period of May 15th to October 15th, are eight (8) hours a day, five (5) days a week, and for the period of October 16th to May 14th, the operator shall at least maintain a representative available for contact by telephone or via electronic communication for eight (8) hours a day, five (5) days per week.

E. The Operator shall have at least one (1) certified flight instructor who has been properly certificated by the FAA to provide the types of training offered.

Committee Member Warner made a motion to accept. Committee Member Holyoke seconded the motion.

Chairman Fenton: "The vote is five (5) in favor with one (1) abstention. Any other issues?"

Committee member Allen: "The other issue was the outside operators having to purchase a permit."

Manager Madeira: "It starts on page 22. Since the last meeting Leroy had comments about reducing the permit period. The previous version allowed a monthly option, but we've restricted that now to 7 days. I included language to limit the temporary permit to 7 days except in special circumstances requiring a longer duration as determined by the airport manager. I think we have to allow for unforeseen circumstances. In general I think that 7 days is a good maximum duration".

Chairman Fenton: "Do we have anything about non-tenant non-aeronautical?"

Manager Madeira: "I think you brought up the point at the last meeting that you didn't want this to address that because otherwise, someone having, for instance, their hangar door fixed by a contractor would have to pay a temporary permit fee. So this only pertains to aeronautical services. Another point that Leroy made was that for aircraft maintenance purposes it should be restricted to one specific aircraft. So I also put that change in under item 4. It states that non-tenant Commercial Operator permits to perform aircraft maintenance services will be restricted to one (1) specific aircraft."

Committee member Allen: "They're being called from Boston to work on one aircraft. The concern is that there are 25 of them coming in for service lets buy 1 permit and do them all."

Manager Madeira: "It means, for instance, that if someone wants to come do aircraft annuals they would have to obtain an individual permit for every annual that they want to do."

Committee member Warner: "Is the price of the permit in here?"

Manager Madeira: "No, item E.5. states that the fee is determined by the Airport Manager on an annual basis. The fee that I am proposing is based on the average daily revenue that is collected from existing FBO service providers not including fuel sales. For 2017, I would therefore set the fee as follows: 1 to 3 days at 350.00, 4 days at 400.00, 5 days at 500.00, 6 days at 600.00, and 7 days at 700.00, subject to change in future years based on average daily revenue generated by tenant operators."

Chairman Fenton: "I have a few suggestions because Leroy questioned in his comments how this would work if a plane broke down here on a Saturday night at 7:00pm. I have some language for that. So, at the beginning of paragraph six (6), it should state, in the absence of exigent circumstances, the non-tenant Commercial Operator must pay the permit fee specified prior to

issuance of a permit and commencing operations; otherwise at the earliest time available as set by the Airport Manager.”

Manager Madeira: “My only concern with that is that part of the permit application process is to be sure the operator has the necessary insurance coverages and naming the County as additionally insured.”

Chairman Fenton: “Well maybe you don’t want that. Maybe you don’t want planes fixed at 7:00 at night when no one is around to make that determination.”

Manager Madeira: “I don’t want to commit myself or anyone else on my staff to have to come in at the drop of a hat because someone needs a permit. We are not a 24/7 facility. I will attempt to accommodate them, but I don’t want to obligate us.”

Chairman Fenton: “No, and that’s what I was trying to accomplish by saying that you don’t have to do that and that that’s why I added to that at the end stating otherwise at the earliest available opportunity.”

Committee member Allen “Are there only one or two companies such as AirBear or are there many of them?”

Committee member Muise: “Oh no there are not that many, there is Embraer, and AirBear, and...”

Committee member Allen: “Well if there are only 3 or 4 can you (looking at Manager Madeira) contact them? You could state that we are going to get into permits from now on and I’m going to need your insurance etc. on file. That way they can come in because you would already have their information on-file, they could be preapproved. That way, you could get their credit card information on Monday morning since nobody is here to collect that on Saturday night. Does that make sense?”

Manager Madeira: “Yes, I think that’s doable.”

Committee member Holyoke: “I think when I had my problem in Boston, they tagged my tail number. The bill came directly to me. So that might be another way.”

Committee member Bouffard: “If someone lands here at 2:00am and they have a problem, what can happen?”

Madeira: "Airport services are not available 24/7. However, depending on the nature of the problem, they could contact the FBO and request call in service for fuel, or they would have to wait until morning."

Chairman Fenton: "They may call somebody in White Plains, and they might fly up at 6:00am to start working on the plane."

Committee member Warner: "Maybe we could word it as previously approved operators, or at the manager's discretion. Giving the discretion to cut your deal or something similar..."

Chairman Fenton: "So we're talking about in an emergency situation you can go ahead and do it and not pay ahead of time. The question is when the fee is going to get paid. It will be after the fact. So I'm saying at the earliest possible time. If they come in Saturday night then it should be due on Monday morning."

Scott Adkins: "How about *as set by the airport manager*? That covers you on just about everything."

Chairman Fenton: "We need a motion to make the changes to item E6 that we just made."

Committee member Warner made motion to accept the changes to E6 to state, In the absence of exigent circumstances, the non-tenant Commercial Operator must pay the permit fee specified prior to issuance of a permit and commencing operations: otherwise at the earliest time available as set by the airport manager. Committee member Bouffard seconded the motion. All members were in favor. It was unanimous.

[Paraphrased] There was a brief discussion to clarify that other services such as catering services should be included in section F1 and that those services are classified as aeronautical services. There was a recommendation to add the words "or other" to item F1 as shown below.

1. The OWNER recognizes that tenant operators may elect to utilize qualified sub-contractors to perform certain FBO **or other** services on their leasehold which they have been previously authorized to provide via existing LEASES/CONTRACTS/OPERATING RIGHTS AGREEMENTS with the OWNER.

Chairman Fenton: "Is there a motion to approve the change in item F1?"

Committee member Warner made motion to accept. Committee member Allan seconded the motion. All committee members were favor. It was unanimous.

Chairman Fenton: "We ought to have a motion to accept the minutes of April 19 and March 8."

Committee member Warner made motion to accept those minutes. Committee member Bouffard seconded the motion. All were in favor. It was unanimous.

Manager Madeira: "So at this point does this current version of the minimum standards as we have them here constitute what the committee would like to recommend to the County Commissioners?"

Chairman Fenton: "Is there a motion to recommend these revised Minimum Standards at the next County Commissioner meeting?"

Committee member Warner made the motion to recommend these revised Minimum Standards at the next Commissioners meeting. The motion was seconded by Committee member Allen. All were in favor. It was unanimous.

Manager Madeira explained that the next regular County Commissioner meeting is scheduled for June 6, and that he would request an airport agenda item for the Commissioners to consider the Committee's recommendation.

Chairman Fenton: "Is there a motion to adjourn?"

Committee Member Warner made the motion. Committee member Holyoke seconded the motion. All were in favor, and the meeting was adjourned at 5:55pm.