

SPECIAL COMMITTEE ON AIRPORT ACTIVITIES

December 9, 2002
Aldermen Pinard, Gatsas,
DeVries, Garrity, Thibault

5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

Chairman Pinard called the meeting to order.

The Clerk called the roll.

Present: Aldermen Pinard, Gatsas, DeVries and Thibault

Absent: Alderman Garrity

Messrs.: Kevin Dillon

Chairman Pinard addressed item 3 of the agenda:

3. Airport update by Kevin Dillon, Airport Director.

Mr. Dillon stated a general Airport update. We continue to make very good progress on the installation of our Explosive Detection System in the terminal project. As you know that requires the reconfiguration of all of the terminal space behind the ticket counters; that is moving forward and we do fully plan to meet the December 31st deadline for that section of the terminal building that the federal government has required. We have, unfortunately, shut down the Terminal Expansion Project so completion of the system in this section of the building will be delayed; that matter is moving into litigation and we continue to have issues with the Town of Londonderry refusing to issue the building permits. We've met recently with the Brown Avenue community to talk about the widening of Brown Avenue; that project is still moving ahead, we hope to make that one of our first projects this spring. As you recall it calls for the widening of Brown Avenue from Goffs Falls Road to the Airport entrance to supply two lanes of traffic in each direction and a substantial enhancement to the intersection of Brown Avenue and Airport Road to not only provide capacity improvement coming into the Airport, but also to provide by-pass capability for vehicles looking to by-pass the Airport. We have been able to acquire all of the properties that we need on Brown Avenue. As you know, there was an eminent domain process that we did start a while ago, thankfully we did not find the need to go forward with that eminent domain

process fully, we were able to reach agreement with all of the property owners out there, so we do have all of the properties necessary to go forward with that project. In terms of Runway 17-35, we are hopeful to open up on Wednesday of this week; depending on the configuration that you look at, it's either 6,200 feet for takeoffs on Runway 17 or 7,100 feet for takeoffs on Runway 35. Hopefully, either tomorrow afternoon or Wednesday we will be undergoing our FAA flight checks before we open up that section of runway; that will certainly assist us in terms of having two very usable runways throughout the winter season and we do fully plan to open Runway 17-35 with the 9,250 feet by June of 2003. In terms of the Sound Insulation Program, I really don't have any updates other than we continue to make good progress. At this point, we have completed about 600 homes overall in the program and there are about another 650 to 700 left to go.

Chairman Pinard addressed item 4 of the agenda:

4. Discussion of proposed legislation relative to the Airport's assumption of land use regulation oversight and the assumption of public safety services within the Airport District.

Before you, you see two titles for legislation that the Airport would like to move forward with in relation to land use issues and public safety issues at the Airport. As you know, we continue to work with Londonderry on various development issues at the Airport. Unfortunately, we have hit a situation here where the Town has refused to recognize the Airport's right to not have to go through the full Planning Board process and as a result has not issued buildings permits that we need for the Terminal Expansion Project. Over the past year, we have had difficulty with the Londonderry Planning Board in terms of getting various projects moved forward, not only the Airport projects but tenant projects as well. We, in anticipation of not being able to work out the land use issues and development issues with Londonderry, would like to move forward with the first piece that's in front of you that basically would allow the Airport to assume Land Use Regulation and Oversight within the Airport District. In essence, within that district the Airport would be responsible for site plan review, building permit issuance and construction inspections. Certainly all of that work would be done to meet, at a minimum, the State Building and Fire Codes and certainly would meet at a minimum all of the Federal Aviation Administration and Federal regulatory requirements as well. This is very similar to how many airports across the country operate. In essence, we view the entire 1,300 acres that the City owns that is considered Manchester Airport to be the Airport campus. Simply what we're looking to do is have the ability to manage the development of the Airport facility

that falls within that boundary. Again, this is one of the things that we do feel is very important in terms of the Airport and the City's ability to maintain the environment that we have worked very hard at the Airport to create with the airlines and our cargo operators and other tenants...there is a sense that if situations with the Londonderry Planning Board are not straightened out Manchester Airport runs the risk of developing a reputation as a facility that is very difficult to complete projects at or to make investments at; that certainly is something we want to avoid and that is the primary purpose of this legislation request. The second piece that you see is a second bill title that we would like to submit that merely establishes a committee to study the assumption of all public safety services by the Airport within the Airport District. This study committee would look at the feasibility and the issues associated with effecting that transfer. One of the reasons why we do feel it is important for this legislation to move forward on a parallel track...there is the potential that if the Airport does assume the land use oversight that issues could arise regarding the Town of Londonderry Fire response, so merely what we're trying to do is make sure that the Airport is in a position to assume that land use oversight and to also have the capability of public safety response if we find it necessary if Londonderry would indicate that they would no longer serve as the primary fire response for the terminal building. So, in general that's the summary of the legislation we're looking to move forward with and what I am hopeful for tonight is that you will vote to allow me to take these titles to the full Board. We are under a time constraint to get titles in to the State Legislature by December 17th. Tonight what we are looking for is merely to move forward with the titles, we fully understand that if we do move forward with the full legislation that we would come back to the Board to ultimately approve the text of the legislation that we would work out with Legislative Services.

Alderman Thibault inquired as to the agreement entered into in the 1940's.

Mr. Dillon replied I think the agreement you're referring to is the Intermunicipal Agreement that exists between the City and the Town of Londonderry. The original Intermunicipal Agreement was signed in 1981, it was amended in the early 1990's when the Airport went forward to build a terminal building. In general, the agreement as it relates to land use indicates that the City and Londonderry will cooperate on the development of the Airport. I think what is under contention right now is Londonderry simply feels that the Airport needs to go through a full Planning Board process and the Airport contends that under RSA 674:54 that we do not have to follow the full process. Merely what we need to do is notify the Town of Londonderry of our intention to move forward with the

project so long as it is for governmental use and it has been determined that the operation and development and construction of Airport facilities is a governmental use and then the Town of Londonderry has the right to call a public hearing at which we need to present ourselves, we need to present the plans and we need to respond in writing to comments that they would make. The only difference between the path that we have in front of us under this RSA versus a full Planning Board approval is the Town of Londonderry is put on a time track that they must follow...that was very important to us because in the past we've experienced up to a year's delay in terms of getting approvals for our projects. While we could sustain those delays on some past roadway projects simply because of the time frame, we simply could not do that with the terminal building. The RSA also does not make the comments from the Town of Londonderry binding and while certainly at the Airport we want to take anybody's good advice if they can present some good comments to us and certainly we would follow good comments, but in the past we have felt that some of the things we have been asked to do by the Town have been unreasonable and that's why we've elected to follow it, but the Intermunicipal Agreement, I think, is the agreement that you're talking about...what you may be referring to in the 1940's is the tax legislation.

Alderman DeVries stated within the legislation on the land use you note that it would meet or exceed State Building Codes, you also note that it would meet or exceed Federal Aviation Administration or Federal Regulatory requirements. Can you tell me how that lines up against other Londonderry or Manchester's codes and plan use regulations?

Mr. Dillon replied in most cases they're one and the same. In fact, there is a new State law that I believe was passed this September that requires all municipalities to meet the State Building Code, to try to bring some type of uniformity across the State to Building Codes. In some cases, municipalities could certainly exceed the State Building Code...

Alderman DeVries asked that's the BOCA Code?

Alderman Gatsas replied no, the International Code.

Mr. Dillon stated what the State attempted to achieve through this legislation is at least a consistent level or a minimum level of uniformity across the State. One of the things we have contended all along...why we see reviews by the Town of Londonderry essentially as redundant is the Town, for all intents and purposes, despite their best efforts are not airport experts. At the Airport that is why we employ the people that we have at the Airport and I continue to assert that the Town is not in a position to tell Airport officials how to stress concrete for DC10

operations. What will typically happen is we will be requested to submit out plans to the Town, they send them to an outside aviation review of which the Airport is expected to pay for that to go back and reaffirm that what our aviation experts have said has been reviewed by their aviation experts and that's part of the concern that we have expressed in the past about the cost of going to the Planning Board. Again, simply Town staff do not have the capability to review the unique nature of building structures that are related to aviation operations, jet bridges, concrete requirements, etc. and that's what I'm trying to refer to by Federal Regulatory requirements and FAA requirements. A lot of folks don't realize that there is a whole level of review that airport projects undergo on a federal level as well.

Alderman DeVries asked how about setbacks and other typical planning concerns?

Mr. Dillon replied again what we're talking about is projects that fall within the Airport campus within the boundary of the Airport District; that is why this particular project we continue to not understand Londonderry's interest, there is no neighbor abutting this project, it is right in the middle of the Airport campus. When you start talking about projects that would have overlapping responsibility those are the types of projects that in the past we have continued to involve Londonderry and would want to continue to involve them in the future as well if there is an abutting impact on property that we do not own.

Alderman DeVries asked do you have something with you tonight that defines the Airport campus?

Mr. Dillon replied I don't have it with me tonight but the Intermunicipal Agreement lays out very specifically via map what constitutes the Airport District.

Alderman DeVries asked can you describe that to me?

Mr. Dillon replied sure, it's generally all of the area that falls within the fence of the Airport and is essentially bounded by Pettingill Road, South Perimeter Road on the Londonderry side and on the Manchester side by North Perimeter Road. Those are general boundaries.

Alderman DeVries stated when you say you will be responsible for site plan review/building permits issuance and construction inspections that means that you would be totally independent of either Planning Board (Manchester or Londonderry) would not have to apply for any kind of building permits.

Mr. Dillon replied again we haven't fully flushed out the legislation here to speak about the Manchester piece of it. What we're specifically trying to deal with is the Londonderry situation, it would make all the sense in the world to me though to include the entire Airport District in this legislation because again a lot of the same

things that I'm talking about on the Londonderry side apply to the Manchester side about the ability to understand aviation-related projects. Again, though, we have not fully taken it through and until we write that legislation out fully I'm not too sure I'm prepared to answer that right now.

Alderman Gatsas asked, Kevin, are you sure you're looking for a study committee on the second piece?

Mr. Dillon replied at this point there are other pieces of legislation that are already filed outside of an airport request has been filed, I believe, by Representative Pepino that already calls for the study of security services. What we would probably look to do is put these two requests together. At this point, it is a fairly complex issue when you start talking about public safety services, I think we will certainly need to study the ramifications of State law and what would have to be adjusted, there are jurisdictional issues involved and it is fairly complex and I think before we would just go and file legislation asking that it would be done, we certainly want to understand the full ramifications and make sure that the full Board understood the full ramifications of that.

Alderman Gatsas asked do you understand that the study committees don't meet until the summer.

Mr. Dillon replied that's correct. I do think...

Alderman Gatsas stated if you have legislation that would pass to take care of the first portion I think your comment was about the fire response.

Mr. Dillon stated I am not too sure, at this point, whether or not that is an issue but we do believe the opportunity exists under the land use legislation that we're looking to go forward with that if there is an indication by the Town of Londonderry that under this scenario they would not provide fire response, I do believe we have the ability to amend this bill to include that piece of it as it works its way through the legislative process and that's something we're hoping to learn as we go forward on this...how Londonderry would react to that.

Alderman Thibault moved to recommend that the Airport Director be allowed to submit the two referenced legislative titles as outlined herein. Alderman DeVries duly seconded the motion.

Clerk Bernier noted the deadline is December 17th, however, the Board meets on the 17th as well.

Alderman Gatsas stated December 20th is the filing date for Senate Legislation and the 13th for House Legislation.

Clerk Bernier asked which route will you be going first.

Mr. Dillon replied we haven't made that determination at this point.

Alderman Gatsas stated you said that Representative Pepino has an LSR up there with the title, so he's all set. So, you could start it through the House.

Chairman Pinard called for a vote on the motion. The motion carried with Alderman Gatsas duly recorded as abstaining.

There being no further business to come before the committee, on motion of Alderman DeVries, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee