

OHAC - Owls Head Airport Committee - Meeting Minutes 12/15/22

Members present:

Carson Courchaine, Mike Keating Jeremy Shaw, Lauren Swartzbaugh

1 Member of the public in attendance

17:11 Meeting called to order

Jeremy Shaw - asks if we should talk about a new permanent chair.

JS nominates Lauren Swartzbaugh as acting chair - Seconded by Mike and Carson
Motion to approve the minutes as presented - all in favor

06:44 JS - Lauren and I attended the PB meeting last night. It was brought up that the Selectboard either doesn't care about the comprehensive plan or they're failing to abide by it. I've been in my role for about 3 years and have read it a few times, but don't understand how - I know its a guiding document for the SB, but its such a large document. I understand how they don't make every decision in accordance with the comp plan, but its a 300 page document. When we talk about utilizing the comp plan, how do we do better than the SB has done?

Do we propose new things and compare it? I have an issue b/c I've spent a lot of time reading it. Do we go right from that document and create / propose ordinances for what we're trying to do? Like I said, I don't feel Owls Head has had a vision for the last 20 years. Do we develop that vision and refine it by the comprehensive plan? There was an intended outcome from the moratorium and the question, whether that was legal or not, and how to stay out of those muddy waters as we're drafting our stuff.

9:18 LS - re: the comp plan / last OHAC update to the Selectboard.

On Pg 182 of the Comp plan, it breaks down airport / airport transportation and strategies, it's more interpolated as a wish list as opposed to a thing that should be enacted and followed through. While the strategies read as something that should be done - (reads from the comp plan) - they sound great and echo the concerns that are there, but there's really no enforcement mechanism that prompts anyone not to get things wrong, or is due process or this or that is missing.

I brought that up at the Selectboard meeting. Chair Page responded that over his 4 years (on the board) there was only one person that raised concerns about it and only at that one meeting. They had not been called upon to review it again, as the Selectboard.

The comp plan puts the SB in the position that they should be spearheading that, but then we also have subcommittees that could assist. At the same time, I know,

personally, that concerns were brought to the SB and they chose not to hear it, not to look into it or even ask questions about it.

JS - so as a committee do we highlight what hasn't been looked at - do we need to take a comprehensive look at the comp plan? Say, look there should be an inspection annually or biannually or whatever of the airport? I've had discussions with the CEO, and said the door's open. He's said there's no reason to come over - I've said the doors open it doesn't have to be announced. The Electrical inspector showed up this week announced. If we have to do those things to encourage the SB to do that or make that part of the CEO's duties.

Maybe we need to look into the airport specific stuff that's being overlooked and make a recommendation, a cliffnote version of what isn't being done that needs to be done.

13:40 - LS (reads from the Comp Plan) - "The CEO shall conduct onsite inspections to ensure compliance with all applicable laws and conditions w/ regards to permit approvals. The CEO shall also investigate all alleged violations of this ordinance."

There are actually enforcements - they've broken it down so that its not just up to the Selectboard. But they're supposed to be kept apprised and want to be kept apprised, which seems to be an issue.

14:42 MK - The CEO is usually funded by a permitting structure right? We don't have a vehicle for them to be paid to go and do these watchdog inspections so there's really no incentive. Without the SB setting something aside to fund and any him for it.

JS - He's very prominent in the community - he's out there measuring property and stuff like that. Anytime there's a thing, Scott was usually there and I believe Matt will be and has been.

MK - I can just see how he can get stretched. I wouldn't want to put that on someone without having compensation for him.

As far as permits, following design standards, there's no problem, he's meeting that criteria. He makes sure things are up to code, but up to a certain point then after that he doesn't have anything to do with the permits. Once the permit's closed, there's no incentive to go back.

17:25 LS - Just to recap this past year, unfortunately not everything happening in our town is cut and dry like an ADU or adding a garage, etc. With the airport, there's a lot more of an abstraction with how the projects are put together. There are multiple phases. One phase might work fine, there's no problem with that phase, it doesn't impinge on anything then two phases later it can't be done at all because now it does impinge on a thing. But phase 1 wouldn't have been done if phase 3 wouldn't have gone through.

It comes back to that a decision was made to allow a phase that ended up being in a Resource Protection Area - that's where I feel someone like the CEO or someone is interpreting something exactly as it's written and per the maps we have. The map could only have been changed had a vote taken place.

18:44 JS - Well, unfortunately the Shoreland zoning map is an opinion and Bill Leppannen has made many comments on it and that they sat in this office over here and drew where they thought there was water over there, there were no studies done. Let's just draw circles here and over here and put a blob over there. So that was his own public statement. The airport has gone to great lengths to actually scientifically delineate that and what was found wasn't appropriate but the town voted it in, so that's what's there.

LS - When you say it's just an opinion, you're essentially nullifying votes that people came out to make in support of a thing.

JS - If you give them false information.

LS - A project should be able to move forward effectively - if something has to get voted in a different way to get it done, so be it. If that's what's in our ordinances, it should be done that way, then build the thing.

JS - The reason the permit was granted is because it was in a previously developed area. There were hangars there, there was a foundation there.

20:37 LS - But these are facts, you can't undo a town vote without a town vote undoing it.

JS - the ordinance says that previously developed areas, and actually the DEP says that if you mow it twice a year it's still considered that.

LS - Things like this are what makes it important that the right verbiage be concise and clear and it can't just be moved around depending on which direction it's coming from.

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f we can get the crux of it together then we can get the guidance of an attorney to finesse it in a way that's upholdable.

22:24 LS - If the planning board is all one sided for or against the airport...there has to be checks and balances so if there's an oversight like when they made a decision that was against how a map was done or something that was written, there's some kind of safety net..

MK - the appeal process...

JS - We went before the planning board and asked them to change the Shoreland zoning map after the delineation and meetings with DEP, and they said we'll do it but go to the ordinance review committee first. We went and said here's all our scientific data - you (got to) change all these other places in town that don't comply, how come

you don't want to accept ours. Well it's Stantec, they have self-interest. There is no safety net and why the weight of the boards are very important. I personally feel - fortunately the County - there are things that went wrong and the County has been very gracious about not taking actions with that stuff, I believe. In trying to continue to work with the Town and trying to do this properly. I personally don't believe there's a real safety net.

23:55 LS - I was at the Selectboard meeting downstairs when Administrator Hart was there and this was going on and he asked Chair Page, what is it going to take to move this forward?

He said the only way to do this, is to bring it before the Town for a Town vote. It has to be petitioned and then it can be brought to the Town for a vote.

So that was the safety net. There was no effort from the County to do that and no interest.

24:50 LS - This is where people get really frustrated in town, with constantly moving things around. We're not saying you can't do it, but in order to do it, this is what our ordinances say... this is how it's written.

JS - That's why we go to the Planning boards to do the things, we really have no input on that. So that's what our job is here to find more safeguards to do that, but there hasn't been that vision previously and we have to do something so there is no ambiguity, there is no gray area.

LS - The challenge that despite them not meeting ordinances, or not sticking with parameters, those projects are moving forward anyway.

JS - Those projects have been approved by the town, I think is what you...

25:37 LS - So that goes back to if the Planning Board or the overseeing board makes a decision that is contradictory to how something in our ordinances is written then there has to be....MK the appeals process.

27:54 MK - Is the Trenton (ordinance included) because the County owns it? So its a similar situation and they have airport ordinance - we have Shoreland, we have a tower ordinance, why wouldn't we have an airport ordinance?

LS - (reads comparisons b/w Trenton and RKD's 2020 of town and air traffic stats)

JS - Before we got the GARD system, it wasn't base on any scientific data. We have all the data from the last couple years, I know what was after all the COVID stuff, there has never been a day where there was 109 planes, even in the height of the PIA pilot... I understand statistics, but I would call into question...

LS - Personally, I do believe we have a higher % of air taxi than they do. My bigger concern is not...no I don't think we're going to have commercial airlines in here, that's not my concern. My concern is the frequency of regionals and scheduled flights.

31:19 JS - So I had a long legal discussion today about what is a regional jet. I told him that the regional term was getting dragged into this because there are some that don't want any jets. But they're not talking about 76 pax or 50 pax regional jets, we're talking about...

LS - ...frequency, scheduled flights - not charter jets, but other versions of Cape Air. As we have this conversation loosely, if you bring in a fire department, you're expanding the platform that other users can utilize because it meets their insurance criteria.

JS - So not stuff that would go into the FBO but actually scheduled charter service.

LS - the frequency of air traffic is the concern.

JS - what would you estimate the number of seats...we have a 9 seat aircraft right now, we can't fill it up, the winter is all empty. The volume has never been here. Obviously 20 years from now, who knows. But we don't have the infrastructure for it whether its the terminal, ground-handling, deicing, all those things - how far do we go down this road?

In my legal conversation, today, well what are you talking about as far as size of aircraft, can't we just put it in writing this or that.

The FAA just provided us this week w/ another determination what the county would be able to do or not be able to do for a case that's being litigated right now in Superior court. My frustration that there is no interest, there's no volume, there's no infrastructure, how far - that's maybe a good time to putting in those protections, however we can - but the effort that's being put in to even consider regional jets, I think is misguided. But we need to come up with that vision. Whatever we can do in our ordinances to prevent that in the future is the responsibility of the committee.

Personally we're doing a lot of work for something I don't see the viability of ever happening. But I respect that the growth in the future - if 20 or 30 years ago the town had protections in place we may not be in this spot, but nobody did that work and now we're here to do that work to protect the next 20 years.

34:50 LS - I think its really important to have a handle on the definition of a thing - when you throw out 'regional', there are 25 different versions people will have of that. So when I say regional, I don't mean large jets and commercial aircraft.

35:14 LS (to JS) - Let me ask you this...it was RWY 13-31 that was extended? JS - yep, 400'

LS - so does that not push the safety buffer that the FAA requires out further?

JS - We're like C2 now. So the safety area actually extends out into Ash Point Dr. - to the centerline of the road. The FAA is not pushing that and the County is working to divest the cemetery to better frame us in for future stuff. The safety area was addressed and regraded last year and I just signed off on that a few months ago. The

safety areas have been addressed for runway 31 and 13 is the one we're going to declare the distance shorter so it stays out of the road, type of deal. The FAA still has to move the localizer antennae back to where the fence line is. The safety area, excluding the Ash Port Dr issue, everything is where it needs to be.

36:20 LS - The reason I bring this up, I think we should all think of situations like that where if they require the fence to be moved out, or the road to be moved out, or whatever, but if it did, we'd have the verbiage in here to prevent that. Or again, we'd have to go backwards in time to prevent that problem.

JS - If the FAA changed their design standard, they would take that property by eminent domain and do it. So the good thing is the FAA is not funding multiple runways. They're not funding 3-21. Any maintenance will be funded by the County. But also, there's no incentive for the FAA, well let's expand runways, we did that back in 9....when did we finish that project. Anyway there's a lot of talk that was for Downeast and I'm not going to argue about that but it made it safer but it did - we have seen more traffic as a result, that's the reality about that. Aircraft are now fueling up here, there's an economic incentive for the County for the FBO, for local business owners and property owners with the property tax, so I get it.

I know this is....look into the crystal ball in the future...we are where we are now, this is where we're gonna be and then something happens in the future and that's what I think we're trying to look at so we don't keep pushing the limits.

38:50 LS - Did you guys read through any of the other ordinances?

JS - I think we have to say what's that vision and I really think we need to look at noise. I think that's the baseline. A lot of these other plans have a noise...I actually found the old one that was done. It was 20 years ago.

39:30 (Lynn Chaplin / From the public)

You had talked about some airports have design standards for catch basin in the center instead of crowning the flooring. Is that something you would support?

JS - It's something that has come up recently in the last 2 years from the Planning Board - the (Jim Jean's?) hangar and the terminal hangar has one of those floors with the catch basin, the Dan Dufour hangar as well. I think the Town could say...the thing is for the expense is that there's not really that much volume in an aircraft - the small single engine - it's an added expense - with a limited - I've never seen a fuel spill from an aircraft just leaking fluid. So Carson, you've been in aviation a lot...

41:08 Carson - It's very rare. I've heard a story from one person in the 12 years I've been around airports and aircraft. I've heard it happening to one person in one airplane.

JS - I'm not saying it can't happen more but it's that expense...so I think it's an appropriate safeguard, I'll say that.

41:50 MK - It seems like a catch basin is spillover for pressure washing not so much spills from fluids of the airplane, but like in a marine environment you have to wash boats - we really don't have that...how often are planes washed?

LS / JS a lot, but with lots of paper towels and minimal water.

MK - So the addition of a catch basin, the added expense does seem extraordinary for a hangar.

JS - What we did with the maintenance shop, we have trenches. They catch runoff and then we go through that and inspect it.

LS -Where does it go when it collects in the trenches?

JS - It just sits there until we look at and we...we pump it out.

43:11 LS - So if we had more jets here, then I would be concerned about that because we have deicing happening and it would be a whole different thing.

43:38 LS - At the last meeting when the Benner Lane hangars came up, I was trying to understand what they would be purposed for later, and you said the County would just be selling them immediately...

JS - Yep

LS - without doing anything to them.

JS - Nope

LS - But they would have to be individually owned.

JS - Yep.

LS - So if one person bought all three hangars, can they just unilaterally build a thing?

JS - Yeah, we just want to recover the money, we don't care what you do with it. We just wanted the ground lease part of it.

LS - What was the objective...to reabsorb the property into the airport?

JS - Yep

44:17 LS - Is there anything on the radar for the Airport or the County to bring in a fire department?

JS - There's been discussion about an abutting community that is interested in that, but I told that abutting community that we have no interest in pursuing that.

LS - The abutting community was interested in putting one here?

JS - Yeah....I don't want to get into too many talks about that, but towns can do what they want but the airport is not actively pursuing an AARF (aircraft firefighting and rescue) station

44:47 LS - The reason I'm bringing that up is because it does open up a whole other group of happy topics that ties into what we're working on here.

MK - If there's a fire department presence there, then that opens up for a different...

LS - A lot of operators...their insurance will not support their activity in or out of an airport if they don't have capabilities for emergency services.

MK - How does the airport look at that?

45: 28 JS - The airport looks at it as...I don't want to go down that road. I don't want to

fight the battle. Probably the only thing that kept the Osprey squadron out of here last summer was because we didn't have on-field fire fighting. From my seat, we don't have to field those noise complaints, the community doesn't have to deal with that impact.

MK- So could that be something for the ordinance?

LS - Yeah, those are the things people are thinking about.

JS - So, we can do whatever we want on this side of the airport. I've had other discussions about the other side and I don't think that's going anywhere.

The talk right now about regionalization about emergency services is important to Knox County. There's not secret the airport has had some extra dollars over the last few years. Personally speaking I don't want to go down that road. But I'm the guy that has to vet those ideas. We have other discussions at higher levels but personally, that would be an increase in...whats your terminology... increase in frequency and intensity.

I approached the fire chief in 2020 and said why don't we put a fire station right there and he said 'no' and that's where the conversation ended.

47:35 LS - With all due respect to Frank Ross, that doesn't really mean anything.

JS - Well we sent it via Survey Monkey to all the APAC people and it didn't even make the top...nobody was interested, so it died there.

47:51 MK - So it seems we're tasked with ordinance suggestions. Is that something that would make the list? Don't put a fire department presence there because that would increase it?

LS - For sure. Had our ordinances been done better before...I get we need hangars so I wasn't against Benner Lane functioning as hangars, but my concern was if you look at the footprint of the perimeter of the airport prior to the Benner Lane acquisition, it didn't include those hangars. It was inside the fence, I get that, but it was technically not airport property.

JS - Sure

LS - If you go back to the verbiage of our prior Interlocal Agreement, there's a reason - which came direct to me from the Director of the museum (OHTM) - that they were holding off being more serious with the County about selling to them because it was in opposition to the Interlocal. You don't expand the perimeter of the airport. Because by doing that, you're doing that.

48:57 JS - As an Interlocal expert, any building that was on...used for airport purposes is - I didn't say owned by the County - its considered airport. So if the general layperson is standing on Benner Lane and says where is the airport, I can point through the fence and say those hangars...

LS - That becomes semantics. Airport property and inside a fence are two different things. JS - But the Interlocal Agreement doesn't articulate that.

LS - It does, actually. It was not to expand in perimeter or in property area which is exactly what that did. It's not an opinion.

JS - I know, we've been working on it for two years, but it is an opinion.

49:55 JS - What is the opposition between privately owned vs County owned? What is the difference?

LS - I think the concern is what Benner Lane could have been used for - not everyone is savvy in what space could be used for a certain thing - if you took it down and created a bigger structure. That would just make good business sense to create a structure that is actually usable and functional to a higher degree than what's over there now. Which is largely why no one wanted to buy it...

50:50 JS - So aviation services though?

LS - That would make sense. With the flying club hangars you have to have a plane in there or be working on a plane or doing something aviation related. You can't just store your car in there and just have a picture of a plane, it has to be an active thing. To me, that would just cross into what Benner Lane would be used for.

The concern was to what degree it would increase in its use if someone were to operate a GII, or something, out of there

JS - Absolutely. I would have been more concerned if the County was going to demolish the buildings or sell the buildings off in pieces to build larger things. But it's not, we're just interested in selling the hangars as they are. I think that's a sign that the county isn't looking to maximize every square inch of the airport. Its inside the airport fence, there's no more through-the-fence agreements that can be had. Why don't we own this and leave it as it is so it can stay that way. If we parse it out, it's way harder to demolish that. We had four people offering \$250-300k for that and who knows - one individual had that - what would have been there. It could have been a Global Express hanging out there.

I think the county owning that property 1) for the revenue for the county but 2) for the tax for the town while also holding what's there and not rolling that facility. That property's going to stay as it is. Say there are 6 owners, they're all going to be investing or upgrading hangars but there's not going to be a large structure next to the Ash Point Inn.

53:00 LS - So this is a really good example of how communication and transparency and openness between the county and the town would have been really helpful because this is the first time I've heard this from anybody - at the last meeting when you said they would be sold out individually or individual leases. So until then, we had no reason to know that.

53:30 JS - We only had 3 or 4 people interested in buying the whole place. That wasn't anything to do with us that was just outside interests. The County has always had that and unfortunately it hasn't come up in earlier conversations but there will be a (string of RFB?) pretty soon to look at individuals looking into buying them - each individual hangar. The criteria is 1) you have an aircraft 2) its base at RKD 3) you don't have excessive space or you intend to use it for aircraft storage. I think its a win/win for the community because it could have been a spot to develop a large hangar.

54:25 LS - That's all for items on the agenda unless you guys have any thoughts. ... I mentioned the OHAC update to the Selectboard. I shared everything you're all privy to from the last meeting. I did mention from the SB minutes, Mike, that you found in '99 when we were founded - in the verbiage from that meeting, it (OHAC) was founded as the Owls Head Airport Committee and was to be kept separate from the Airport Advisory Committee, so I did ask, per that wording, why are we not being called what we were started as and no one would answer.

55:25 JS - So what do we take away from this meeting - the concave floor, is that one of the recommendations, a center drain? Whether it be holding any fluid or into a containment system? Leaving it in a tank outside, at some point the tank's going to leak or the fitting is going to leak and then there's potential contamination outside of the things but if you were to put in a trench where it encloses it and gives you time to clean it up then I think that's an easy....

MK - So potential environmental elements, designs, concerns of the hangars, is that what you're....would that differ if that would be storage or maintenance.

JS - It doesn't matter if you're storing...the potential is there. Another thing, possibly, is a requirement that new hangars have a containment kit. It may be a peace of mind to the community that new hangars be subject to (having that).

(public comment -)

JS - Maybe to make it broader that any type of garage... because contamination is contamination. Its any type of facility or commercial entity being able to clean up whatever type of spill.

58:50 LS - Is there an oil depository or spill tank on the airfield?

JS - The maintenance dept. collects it and use it in our waste oil furnace.

LS - Is that 'universally understood'?

JS - Yeah, people always bring over gas can jugs of used oil. We provide 55g jugs to PIA so they can just bring it over

LS - Is there one for the flying club?

JS/CC - People just take it over.

LS - Are there any spill kits anywhere?

JS - We have one in the terminal in the luggage garage, a large kit - Cape Air now has one and we have one in the maintenance shop. Probably Downeast has one, probable PIA has one (and 3/4)

1:00:21 LS - Another thing to consider with the ordinances is what is the result if the CEO finds something amiss or something that was done improperly. How to verbalize that he has a backup or someone that's supporting what he's doing.

JS - I'm guessing like the FEMA stuff there's a required notice of corrective action - we have noticed this, you have 30 days - or with a spill its shorter than that, you have 48 hours to correct this issue satisfactory to whatever standard they would do that. And then after that a notice of non-compliance and then a fine.

1:03:59 (Scheduling the next meeting)

1:04:40 JS - Does Lauren Dillard have any idea how long her ordeal is going to last?

LS - She doesn't know, everything is very fluid...I can't answer that for her.

JS - I think its possibly appropriate, temporarily, at least for now, to name another chair. That's just my thought and maybe hear comments from the other board members.

But I feel like we're doing good work, like we're starting to get into the nitty-gritty.

Obviously now we have the recordings and will help her catch up on stuff, but I feel like we have to do the work now. January is a couple weeks away and then February and the moratorium's over an what do we do....so with her situation being open-ended, I would ask what the rest of the board thought about a new chair person...

LS - My first response would be that she's communicating that she's not able to attend

JS - No, its not dereliction at all...

LS - Right, so if we nominated a temporary one, she's not resigning she hasn't opted to resign, so I have to respect that. The change in attendance (policy) which is in January doesn't really reflect her position because she's communicating...

JS - we really have to do our work in the next 30-45 days.

LS - So we can elect a stand-in for the duration until we know, or she knows.

1:06:53 JS - I make a motion that we elect another chairperson for the committee, lets just say, for the term of 60 day.

LS - I second. Who would like that job?

1:07:53 JS - makes a motion to nominate LS as acting chair for the next 60 days.

1:08:00 LS - There's a motion for LS to stand in as acting chair.

MK seconds. Unanimous in favor.

1:12 Motion to adjourn - unanimous in favor.

1812 Adjourn