

MINUTES OF THE EXECUTIVE COMMITTEE HELD ON

September 12, 2017 AT 10:15 A.M.

**Brookline Town Hall
333 Washington Street, Room 111, Brookline, MA 02445**

Location: Brookline Town Hall

Start 10:22 a.m.

Members attending: David Carlon, Chair, Maura Zlody, Jerry Falbo, Myron Kassaraba, Wig Zamore, Pam Hill

Absent: None.

Arriving Late: Pam Hill 10:30.

Members Participating Remotely: None.

Massport representatives present: Anthony Gallagher, Community Relations.

Others: Officials from Millenium Partners and Jennifer Dopazo Gilbert.

1. Public Comment

Tom Dougherty a Milton resident provided a letter and requested to speak on Agenda Item #10.

The letter was written by his law partner who is the Chair of the BWI Community Roundtable. Pete Navarra, Melrose member commented on opposition to the airport drop-off fee. In Melrose it is believed to be a tax in order to get the Conservation Law Foundation what they want.

Joe Larkin, Millenium Partners appeared to discuss the agreement with the City of Boston. He and other Boston officials have agreed to ask for a building that would not change flight paths. They agreed on 702 feet in height. He handed out a Globe article with 2 informative flyers on the project.

Myron asked for clarification on the height issue and wanted to discuss the process and perspective of the developer on the process. Mr. Larkin said it would be great if the City and

MPA could sort through these issues in advance of putting out the Request for Proposals. However, he said they spent a lot of money and they would have liked to have known all the issues and laws related to shadows and flight paths in advance. He believes that the confusion results in dialogue and that is the way the issues are addressed through the confusion and dialogue.

Wig commented on the misinformation on whether MPA could regulate this and other information that needs clarification. At the end of the day he noted that the airlines make the decisions not the FAA or MPA. Wig believes advocates and officials were misinformed. He thanked Mr. Larkin for coming and providing this news.

Dave asked when they intend to break ground. Joe Larkin said they have some permitting to do and MEPA review first, but assuming there is agreement and the FAA confirms the height is OK then they intend to break ground in July 2018. Next month the garage may be demolished. He noted that the landowner is the City of Boston so the City will get the proceeds; \$152M purchase for the land to the City and another \$50M when completed.

Myron had a question about the press release, he noted the Developer has settled on the height but does it need a circulated process? Joe Larkin said yes it requires a circulated process, but the FAA has said above 702' is where the issue is. Wig noted all projects are subject to 499' rule of hazard notice.

John Battagliano was also present from Millenium Partners.

2. Review and approval of meeting minutes

Review of draft minutes of August 8, 2017 EC minutes. Wig commented about doing an annual schedule in advance in order to secure rooms for meetings.

Motion by Maura to approve the August 8th minutes seconded by Jerry, unanimous approval.

3. Update on Enabling Act Amendment

Dave noted the hearing is scheduled for this Monday. Dave was asked to speak for 3 minutes. If one or 2 others attend they should also be prepared. It was suggested that the Treasurer be present on any budget questions and specifically how the money will be spent. Letters in support would be helpful. Dave was asked to reach out to Senator Walter Timilty to support the bill and be present since he is chair of the aviation caucus. Dave discussed the possible process and outcomes; favorable or not favorable; tenor will depend on who the chair is. Jerry added that he has an appointment with Senator Boncuri that morning and Jerry thinks he will be supportive. Jerry also received a memo from Jim Eisenberg on Saturday. They are working

on scheduling a hearing with Senator McGee. They are trying to identify MPA funding or other potential streams of funding. There are 3 bills to be heard that day; 2 from the House and 1 from the Senate. House 3457 is a bill put in to increase membership to 7 from the City of Boston, because they want someone to serve for the South End. The other Bill H1814 only involves the MPA Directors; it will give the Governor control over the termination of an appointment for misconduct. Bill 3803 is the MCAC funding bill.

Wig thinks that an email should go out to MCAC to ask members to get their representatives to support the bill. There must be a clear message on why we need the funding. Revere is impacted and McGee is their Senator, but Revere and Lynn have not made a strong statement, so this might appear to be a weakness. Dave noted that 3 minutes is a short time. Wig may attend to speak on health issues. The objective is to have the Bill forwarded to House Ways and Means. They want to make sure we are credible and real. Myron said the question process wise is, is Joan going to present as the sponsor. Dave noted that Joan told her that McGee told her that Joan's role is to sit and listen and answer questions. Myron asked if he should get a speaking slot through Brownsberger. Dave clarified that the elected official will be recognized but not necessarily be able to "pass on a slot". If it goes to Ways and Means then they will talk about sources of funding. Anthony said MPA has no official public position.

4. Update regarding the Executive Director recruiting process

Dave stated that the search committee has temporarily suspended until the funding is secured. There were interviews and there are viable candidates. There has been no selection yet of finalists to recommend to the Executive Committee for interviews. More to come after the Bill is acted upon.

5. Treasurer Update re: budget

Myron update on FY17 budget - spent \$131,000 spent out of \$250,000. There are still issues paying vendors in a timely manner. Myron asked for an explanation from MPA on this issue. Anthony stated that within the last 48 hours all invoices have been paid. Myron asked Anthony to provide dates invoices are submitted and dates they are paid. Myron noted by now we should have worked out these kinks. The excerpts from the MPA budget book were discussed that Myron had sent around 3 weeks ago. Myron asked Anthony for the full budget on CD or DVD or a drop box. The services agreement letter was signed by Dave to extend the MPA services agreement on a month to month basis in order to continue processing invoices. Dave will make it available to members once he gets the budget books from Anthony. Myron

noted that until there is an Executive Director the MCAC can't assess the finances as required by the legislation. Wig noted that the MBTA and MWRA also do this and they can only do this with their staff, so this is a record of financial prudence and should be noted in the hearings Monday.

Jerry requested that any documents distributed at the EC meetings should be distributed 1 or 2 days prior to the meetings. Dave said we do distribute the documents ahead of time. Motion by Jerry to make best efforts to provide a packet of all materials in advance of the meetings to the Executive Committee. Myron and Dave don't think a motion is necessary. No second. Pam noted that she was confused by the opposition. Jerry withdrew the Motion. Jennifer will make best efforts to redistribute the documents with the draft minutes ahead of time.

Pam asked what the core statutory requirement or deliverable is and have we delivered it. Myron said that the responsibility is to review MPA financials and we have not done that. Pam said if we have not done that is there a report stating why we have not fulfilled the duty. Jerry noted there is no time limit. Dave noted that the requirement is a responsibility without a timeline. There was discussion of process and reporting. Pam thinks a courtesy memo outlining the MCAC's work is very important. Maura asked to table this item until after the public hearing. General consensus to table this item to be discussed at the next EC meeting.

6. Update from Massport re: motions, requests, RNAV Study

Anthony brought the draft Fly Quiet Program that will be discussed by the Aviation Sub-Committee for distribution. RNAV meeting is September 28th. Dave asked for the draft Fly Quiet to be emailed to him and he will distribute to Ralph for the 9/28 Aviation Sub-Com meeting. There was a discussion of Dave's draft action list.

Members discussion the Noise Based Landing Fee (NBLF) legal opinion of Dave Mackey, MPA special counsel. Jennifer Gilbert reported on her call with Katie MacDonald and Liz Becker. Dave Mackey is the outside counsel for MPA and used to be General Counsel for MPA and he specializes in this area. Liz reported further on Attorney Mackey's expertise in this area. Wig noted how lawyers would know more about exploring options on NBLFs. Liz said there is a different request being made now. Dave said this request for comparative analysis on NBLFs in Europe was made on 8/8/17. Wig wants a more constructive dialogue. Pam asked if MPA had a policy position not to look at options on NBLFs. Pam asked if Liz could be candid on MPA's policy position. Liz said there is no ulterior motive. On the NBLF the MPA believes this can't happen under US law so MPA has shifted its resources to other

initiatives like Fly Quiet. Dave said this is not the MCAC research institute or investigative institute, so when requests are made Dave hopes that MPA would do the research and provide the information requested. Myron looked at the Motion on NBLFs and said it was very narrow so in the future the language should include “and any alternatives” or something to that effect. Liz stated that MPA will continue to work on the requests. Jerry suggests that we send a second request asking for the info on NBLFs. Pam said there are two options; be very narrow and brittle or be more collaborative.

Jerry made a motion to request MPA 1) to provide information and comparative information on NBLFs in Europe and Japan; and 2) to provide collaboration, continued dialogue and concrete suggestions to achieve NBLFs or alternative programs that meet similar goals. The motion was seconded by Myron, approved unanimously.

Dave discussed the action item list and process of how to communicate effectively with MPA and also the communities. For example, Medford has made numerous requests for sound monitors and Medford was ignored while other communities got sound monitors. Medford decided to do their own at their own expense. Dave thinks it would be helpful if MPA as a courtesy would tell us about these community issues. Myron does not want referral of these issues to MCAC, but rather a reporting mechanism from MPA to MCAC on these community issues. Myron had hoped that the community complaint process he drafted would address this interaction. If a community has a page for airplane noise then this should be published on the MCAC website as a link under that MCAC member community. Myron noted that Boston does not have one and it should since many complaints come from Boston. Myron said links to such community resource pages should be part of the MCAC site. Jerry said this is a good idea but we need a Director to do this. Dave said we can probably handle this by just adding the links. Anthony clarified that the Boston complaints initially went to Dave, but now that has stopped. Dave has started to get calls to his home now.

Jerry noted the motion at the last full MCAC meeting there was a motion to hire or designate one key MPA person to address noise complaints. Myron asked Liz about the complaint process. Liz discussed the Medford issue. She corrected the record, that Medford was in fact offered a noise monitor, but where they wanted it placed was not allowed. MPA continues to work with Medford. Liz agrees that the MCAC should be copied on emails and kept up to speed on the discussion with local officials. Jerry asked for an update on the June 8, 2017 resolution to provide a key point person. Liz thought the updates would come in October at the

full MCAC. Dave said that in the interim there needs to be updates on all these things. Liz said on the fleet update and vortex generators/ Airbus etc. the airlines have agreed to add them when they upgrade. Dave asked for specific outreach and info from MPA on this item. There was further discussion on the action item list. Wig asked about the 6/29/17 population metric standard. Discussion on what this item is. Cindy commented that the information is wrong. Wig noted for example that you may not want to include students because they don't have the same impacts. Cindy noted they use some metrics for some reports and others for other reports and the data is all wrong.

Wig next discussed the sound monitors. Cindy asked Wig to look at the metrics of the sound monitors. Wig reached out to Frank Director of Communications but he has not heard back in months. Wig said the contact with experts during the Logan CAC process and the MCAC is drastic. Wig needs information and contact with consultants and experts and he does not have it. Climate impacts are being analyzed from below 3000 feet. For climate there should not be a cut off. Wig emailed Stuart and others and has not gotten a response. Wig does not want to waste time without getting substantive information. General discussion about the monitors and the different variables and purposes. Wig wants to set up an informational meeting. Dave agreed. Cindy agrees and stated that the statute allows the MCAC to request information and the EC should formalize this process. Liz said the assigned staffer is Anthony. Wig said that Anthony was copied. Wig wants direct access to the experts and if Anthony can facilitate that OK. Anthony was not aware of the request to Stuart and now that he knows he can try to facilitate. Myron said this is a common problem and there needs to be a more formal process in place for gathering information. Members discussed the need for information from MPA and how to formalize the process. Liz said MPA is willing to work with MCAC and provide information and even schedule meetings. Liz said that the resolutions are prioritized before individual requests. Pam noted that this is important as to how things are prioritized and the way things are communicated to and by MPA.

Jerry asked again about the key point person for noise complaints. Liz reiterated that she anticipated a report at the October meeting on all resolutions.

Item on Runway 27 briefing book was discussed. Anthony said Flavio is working on this. Wig asked what this is about. Dave noted that communities ask for information and Dave said there should be a briefing on each runway and each community. Liz said that Dave should look at what MPA has to date. Wig noted that Roxbury is the most impacted. Runway configuration

briefing will occur in October. Waypoint map info was emailed by Anthony to Nahant.

7. Update on proposed Winthrop Square building development project

See Public Comment Section above.

8. Discussion of U.S. Court of Appeals decision re: City of Phoenix vs. FAA

Members discussed the Court's decision. Myron noted the facts and process involved in that case.

9. Proposed Logan Airport Drop-off Fee

Discussed by Pete Navarra above in Public Comment Section. Dave asked members if MCAC should take a position on this. Pam does not believe the MCAC has the resources at this time. Maura noted her disagreement with Pete's position and the complexity of the issues. Pete noted that he has reached out through social media on this issue and his status as a member of the MCAC. Wig noted that this issue is connected to the Terminal E expansion and 5000 car garage. Dave noted that communities can comment to MPA in the EIR and the MPA study.

10. FAA Proposed Order 8400.9A

This was forwarded to all members and was brought to the MCAC attention by Milton. The documents and information can be interpreted differently said Dave. Wig commented that the impacts on the ground are greater than in the air. Dave is not in favor of communities addressing safety issues. General discussion of the Order and the safety issues being addressed by the FAA. Tom Dougherty spoke and believes there should be a comment to reference safety and as to noise. The runway selection plan does not include local community impact. The process is 2 tiers noise preferred runways and safety. Tom thinks a comment should be made to include local communities. He disagrees with Dave and believes safety should be an issue for communities; community members are passengers as well. On the noise issue his point is that the community is not in the picture with respect to noise impacts. Dave agrees the order lacks clarity, and he is open to responding as to the consistency and clarity. Cindy agreed with Tom that communities need a voice. Myron is not sure we can comment if we do not understand the technical aspects. Dave would like MPA to provide an expedient response to the Order to clarify.

Motion to request MPA to provide their opinion on the draft Order as to the intent from Flavio Leo and receive the response by close of business Friday. Tom's comment can be circulated and the comment can be discussed and issued by the Aviation Sub-committee at its September 28th meeting subject to Dave's review.

Motion by Dave to refer the comment on the FAA Order to the Aviation Sub-Committee with review of comment by Dave, second Wig, unanimous vote.

11. MCAC General Meeting Agenda October 12, 2017

Discussion of the proposed agenda items. Pam wants to invite comments from members on their particular concerns. Wig wants discussion on how to formalize the information gathering process. Wig discussed his dual role on EC and Aviation Sub-Com and suggested that Ralph as Chair of the Aviation Sub-Com should also be on the EC.

Dave noted that logistically the RNAV study requires more information on the timeline; it's critical for input. Dave noted that for the MCAC to make recommendations it needs the information early in order to communicate. Myron reiterated the expectation that there will be a presentation at the next Aviation sub-committee and a defined process to provide feedback. Myron said that before something is submitted to the FAA there need to be defined steps by the September meeting and at the October 12th meeting there will be a summary. There must be a mechanism to collect community and MCAC comments. Cindy said we need to see the scope of work contract with MPA and also with the FAA grant in order to see the schedule. Wig does not think the Aviation sub-committee should be opining on actions independently with regard to the RNAV. Wig thinks it should be the full group, but the quarterly meetings are not enough. Dave noted that the timeline is necessary.

12. Update on the Aviation Operations Subcommittee. Nothing further to report at this time.

13. Update on the Environment & Health Subcommittee

Meeting is tomorrow, 9/13.

a. Review of Logan Airport Sound Monitors. Discussed above.

14. Boston Logan Airport Noise Study (BLANS) Review for Potential Opportunities (e.g. Massport to establish an ongoing program to encourage the use of single engine run-ups.)

Dave noted that there are many different ideas on how to handle this, including requesting MPA to revisit the issues. Wig noted that it would be helpful to look at equity and sharing the burden. Wig wants a better understanding and also Phase 3 was not finished. Jerry and Maura agreed. Myron noted that funds were diverted. Dave will include this as a Power Point presentation for the October meeting. Jerry discussed the impacts from the ground. Jerry discussed single-engine run-up suggestions and wants MPA to continue the discussion with the airlines on single engine run-ups. Dave said this will be addressed as a list of follow-ups at the October meeting. Jerry will provide a motion in October.

15. Correspondence. None.
16. New Business – reserved for matters the Chair did not reasonably anticipate at the time of posting
None.
17. Adjournment

Motion to adjourn by Myron second by Jerry, unanimous vote. Adjourned at 1:00.

Minutes by J. Dopazo Gilbert

Approved by the Executive Committee at its meeting on December 7, 2017.

Documents associated with Meeting:

1. Draft Minutes of 8/8/17 meeting.
2. Winthrop Square Project article with project data
3. DC Metroplex BWI Community Roundtable letter of 9/8/17 to FAA (distributed by Tom Dougherty, Esq.)
4. Draft Action List/Massport Status Update from Dave dated 8/8/17