



ALBANY COUNTY AIRPORT AUTHORITY
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**ACAA
 APPROVED
 3/1/10**

Minutes of the Regular Meeting of the Albany County Airport Authority

February 1, 2010

Pursuant to notice duly given and posted, the regular meeting of the Albany County Airport Authority was called to order on Monday, February 1, 2010 @ 6:00 PM in the 3rd Floor Conference Room of the main Terminal located at the Albany International Airport by Chair David E. Langdon with the following present:

MEMBERS PRESENT

Chair David E. Langdon
 Rev. Kenneth J. Doyle
 Dennis Fitzgerald
 Tony Gorman
 John A. Graziano, Jr.
 Elliott A. Shaw
 Dorsey M. Whitehead

MEMBERS ABSENT

None

STAFF

John A. O'Donnell
 Bill O'Reilly
 Ginger Olthoff
 Peter F. Stuto
 Margaret Herrmann

Doug Myers
 Steve Iachetta
 Helen Chadderdon
 Denise Zieske

ATTENDEES

Jeff Brisson, AvPorts
 Pam Day, Million Air
 Eric Anderson, Times Union

Chair Langdon noted there was a quorum.



1. **CHAIR'S REMARKS**

Chair Langdon welcomed Rev. Kenneth J. Doyle who was appointed as an Authority member on December 7, 2009.

2. **MINUTES**

Mr. Fitzgerald moved to approve the December 7, 2009 minutes. The motion was adopted unanimously.

3. **COMMUNICATIONS AND REPORT OF CHIEF EXECUTIVE OFFICER**

Mr. O'Donnell presented the Communications and Report of the Chief Executive Officer for the month of February 2010.

Mr. O'Donnell also reported on the following:

- **Art & Culture Exhibition Opening: Material Witness:** The exhibition opening for *Material Witness* was held on January 27th. As an introductory exercise, Rensselaer students entering their first year of architectural education were challenged to imagine new spatial and structural possibilities in found, discarded or recycled material. The graphic design component – the visual and informational character – of the exhibition was established by a team of students from Rensselaer's School of Humanities, Arts and Social Sciences. The event attracted over 400 people and was the largest exhibition opening held thus far by the Art and Culture program.

4. **INTERESTING CORRESPONDENCE:**

Noted

MANAGEMENT REPORTS:

5. **Chief Financial Officer**

Mr. O'Reilly presented the following:

- 5.1 **Statistical and Financial Performance for the Month of December 31, 2009**
- 5.2 **Comparison of Enplanements**
- 5.3 **Summary of Airline Scheduled Flights and Markets**
- 5.4 **USDOT Arrival and Departure Statistics**

Mr. O'Reilly distributed and reviewed a power point presentation outlining the financial performance for the period ended December 31, 2009.

Mr. Shaw inquired as to who structured the EZ Pass fees. Mr. O'Reilly stated that the fees are established by the Thruway Authority and paid through a company called Traffic Technologies.

Mr. Shaw inquired as to whether we were better off using credit cards or EZ Pass. Mr. O'Reilly stated that there were fees associated with credit cards, as well, and we were better off with cash.

Mr. Shaw inquired as to the breakdown of fees for EZ Pass. Ms. Herrmann stated that there is an overall fee of 2.5% and a 12.5 ¢ per transaction fee.

Mr. Shaw stated that he was shocked by the cost. Mr. O'Reilly stated that the advantage of offering EZ Pass is to allow customers a method to pay for parking without having to take the time to stop for the transaction.

Mr. Shaw stated that management's efforts at reducing overtime appeared to be successful; however, he did note that there was a variation of \$77,000 for holiday pay. Mr. O'Reilly stated that he would research this and report back at the next meeting.

6. Project Development

Mr. Iachetta presented the Project Development Status Report for the month of February 2010.

7. Counsel

Mr. Stuto reviewed the Public Officials and Employment Practices Liability Policy, as requested at the last meeting. Mr. Stuto stated that the policy insures against claims (and includes cost of defense) for all persons who are "appointed officials or employees while acting for or on behalf of the Authority" i.e. Board Members and employees of the Authority.

There are a number of exclusions to coverage within the policy (beginning in §5 on page 3) and in the endorsements attached to the policy.

Related to such protections, the Authority, as set forth in its by-laws, indemnifies Board Members and employees while acting on behalf of the Authority. Article X of the By-laws provides in part:

ARTICLE X – INDEMNIFICATION

The Authority agrees at its sole cost and expense to indemnify and hold harmless the members, officers, and employees of the Authority from all costs and liabilities of every kind and nature as herein provided.

All members, officers, and employees of the Authority while acting in behalf of the Authority shall be entitled to the fullest extent of indemnification permitted by law, including but not limited to, attorney's fees, disbursements, costs, and settlement amounts.

Mr. Fitzgerald inquired if the By-Laws covered attorney's fees should a member of the Authority wish to retain their own individual attorney. Mr. Stuto stated that the By-Laws were silent on that. He stated that the By-Laws could be amended to include such language.

Chair Langdon suggested that Father Doyle, as Chair of the By-Laws Committee, call a meeting to review this and make recommendations to the full Authority. There were no objections.

8. Concessions/Ambassador Program

Ms. Chadderdon presented the Concessions/Ambassador Program Report for the month of February 2010.

9. Public Affairs Report

Mr. Myers presented the Public Affairs Report for the month of February 2010.

10. Business and Economic Development Report

Ms. Zieske presented the Business and Economic Development Report for the month of February 2010.

ACTION ITEMS:

11. Authorization of Contracts/Leases/Contract Negotiations/Contract Amendments

11.1 Amendment to Lease No. L667: Hangar/Tie Down (ACAA Bldg. No. 112) with John Danish and Carl Clemente

Ms. Zieske recommended authorization of Amendment to Lease No. L667: Hangar/Tie Down (ACAA Bldg. No.112) with John Danish and Carl Clemente. This is a 1-year lease amendment that adds 207± sf office/shop space. The total rent for the aircraft and office space is \$1485.06 per month.

Mr. Whitehead moved to authorize said lease amendment. The motion was adopted unanimously.

11.2 Amendment No. 2 - Professional Services Contract No. S371: Passenger Information Services with the Albany County Convention & Visitors Bureau (ACCVB)

Mr. O'Donnell recommended authorization of Amendment No. 2 - Professional Services Contract No. S371: Passenger Information Services with the Albany County Convention & Visitors Bureau (ACCVB) for a 3-year extension of the current contract for the continued operation of the Airport's Information Desk. The proposed amount of \$123,153 represents no increase over last year's budgeted amount. The subsequent second and third years of the contract would increase salaries in the range of 2.5% to 3.5%, to be determined annually based on the financial health of the region and the Authority.

Mr. Fitzgerald moved to authorize said contract amendment. The motion was adopted unanimously.

11.3 Amendment No. 1 - Professional Services Contract No. S503: Engineering, Design and Survey Services for Proposed Northwest Quadrant Drainage and Security Improvements with Malcolm Pirnie, Inc.

Mr. Iachetta recommended authorization of Amendment No. 1 - Professional Services Contract No. S503: Engineering, Design and Survey Services for Proposed Northwest Quadrant Drainage and Security Improvements with Malcolm Pirnie, Inc., in the amount of \$52,000, to be funded from Capital Improvements Project Account No. 2140/2142.

Mr. Fitzgerald stated that this amendment represents 80% of the total contract. Mr. Iachetta stated that an additional scope of services was added to this contract for ramp drainage improvements.

Mr. O'Donnell stated that this is actually a new contract to provide drainage improvements. He stated that due to the small size of the contract, the decision was made to add the additional work to this contract rather than issue an RFP.

Mr. Gorman stated that the cost could be higher if the work was put out to bid. Mr. O'Donnell agreed.

Mr. Gorman moved to authorize said contract amendment. The motion was adopted. Mr. Graziano abstained from the vote.

11.4 Construction Contract No. 688GC: Runway 19 Approach Protection Historic House Relocation – Painting and Plaster Renovations

Chair Langdon stated that this item would be tabled. There were no objections.

11.5 Concurrence on Award: Change Order No. 1 & Final: Town of Colonie – Phase Two Transmission Main Runway 28 Obstruction (Water Tanks) Removal Project with Highlander Construction, Inc.

Mr. O'Donnell recommended authorization of Concurrence on Award: Change Order No. 1 & Final: Town of Colonie – Phase Two Transmission Main Runway 28 Obstruction (Water Tanks) Removal Project with Highlander Construction, Inc., in the credit amount of (\$129,072.74), to be credited to the Capital Improvements Project Account No. 2112. Mr. O'Donnell stated that this represents project close-out.

Mr. Graziano moved to authorize said concurrence on award. The motion was adopted unanimously.

11.6 Lease No. L693: Military Courtesy Room with the Tri-County Council for Vietnam Era Veterans, Inc.

Mr. O'Donnell recommended authorization of Lease No. L693: Military Courtesy Room with the Tri-County Council for Vietnam Era Veterans, Inc., for a term of two years with two-year renewals permitted with consent of both parties at \$10 per year, for a 240 sf space on the third floor of the Terminal for use as a Military Courtesy Room. The purpose of the Military Courtesy Room is to provide a place for travelling military personnel to rest and recreate between flights and to provide light refreshments and an atmosphere that enhances the morale of those who are away from home. Overnight stays by military personnel are permitted but they shall be limited to a one night stay.

Mr. Shaw inquired as to how the Tri-County Council of Vietnam Veterans, Inc., became involved. Mr. Stuto stated that they have a relationship with Mr. John McKenna, in whose son's name the Military Courtesy Room would be dedicated and they have provided the required insurance certificate.

Mr. Shaw inquired if they were the dominant veteran's organization in the area. Mr. Whitehead stated that they were not as large as the VFW.

Fr. Doyle inquired if they will be recruiting volunteers for the facility. Mr. O'Donnell stated that they would be.

Chair Langdon stated that there is clearly a relationship that exists between the Tri-County Council and Mr. McKenna. He stated that the facility is fully supported by County Executive Mike Breslin.

Mr. Whitehead moved to authorize use said NYS lease agreement. The motion was adopted unanimously.

11.7 Concurrence on Award: Change Order No. 2 & Final: Town of Colonie – Phase One Transmission Main Runway 28 Obstruction (Water Tanks) Removal Project with Highlander Construction, Inc.

Mr. O'Donnell recommended authorization of Concurrence on Award: Change Order No. 2 & Final: Town of Colonie – Phase One Transmission Main Runway 28 Obstruction (Water Tanks) Removal Project with Highlander Construction, Inc., in the amount of \$78,262.27, to be funded from Capital Improvements Project Account No. 2112.

Mr. Fitzgerald moved to authorize said concurrence on award. The motion was adopted unanimously.

12. Authorization of Change Orders

Mr. O'Donnell recommended authorization of the following change orders:

12.1 Construction Contract No. 651GC: General Construction Roofing Replacement Work with Titan Roofing, Inc.

Change Order No. 1 to Construction Contract No. 651GC: General Construction Roofing Replacement Work with Titan Roofing, Inc., in the additional amount of \$3,902, to be funded from Capital Improvements Account No. 2573.

Mr. Whitehead moved to authorize said change order. The motion was adopted unanimously.

12.2 Construction Contract No. 592E: Fuel Farm Electrical Improvements with DLC Electric, LLC

Change Order No. 1 to Construction Contract No. 592E: Fuel Farm Electrical Improvements with DLC Electric, LLC, in the additional amount of \$1,796, to be funded from Capital Improvement Project Account No. 2590.

Mr. Shaw moved to authorize said change order. The motion was adopted unanimously.

13. Adoption of Deferred Compensation Committee Resolution to Amend and Restate the Model Plan Effective December 7, 2007

Mr. O'Reilly recommended Adoption of the following Deferred Compensation Committee Resolution to Amend and Restate the Model Plan Effective December 7, 2007 to comport with changes in the tax laws:

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Albany County Airport Authority (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the Albany County Airport Authority, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Albany County Airport Authority;

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions:

- Expanding the eligibility for unforeseeable emergency withdrawals.
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan

distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.

- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations;

NOW, THEREFORE BE IT

RESOLVED, that the Albany County Airport Authority hereby amends the Deferred Compensation Plan for Employees of Albany County Airport Authority by adopting the amended and restated Model Plan, effective December 7, 2007.

Chair Langdon stated that this item was discussed at length in the Personnel Committee which was held on December 15, 2009.

Mr. Fitzgerald moved to adopt said resolution. The motion was adopted unanimously.

14. **Informational Only: Runway 10 Approach/28 Departure FAR Part 77 Surface Avigation Easement: Acquisition of Air Rights over 983 Watervliet Shaker Road: Memorys Garden Cemetery (Westerly Portion)**

Mr. Iachetta reviewed the informational item regarding Runway 10 Approach/28 Departure FAR Part 77 Surface Avigation Easement: Acquisition of air rights over 983 Watervliet Shaker Road: Memorys Garden Cemetery (Westerly Portion).

Chair Langdon complimented staff on working with the FAA to restart and resize this project.

Mr. Gorman inquired as to whether this will provide for compliance with the FAA. Mr. Iachetta stated that this will meet single-engine out requirements, i.e., in the event that one engine is lost, airlines will meet the minimums required based upon payload, wind speeds and lift requirements. At the current time aircraft are severely constrained due to the obstructions.

Mr. O'Donnell stated that this item is directly related to the need to reduce the trees at Shaker Ridge Golf Course. In order to move ahead with the avigation easement for Memorys Garden, it will be necessary to clear tree obstructions at the Golf Course.

Mr. Graziano inquired as to how much work is required in removing the obstructions. Mr. O'Donnell stated that many trees will need to be removed.

Chair Langdon stated that there is a long history associated with this project and it appears that progress has been made with the FAA in reducing the size of the project.

No action was taken.

15. Informational Only: NextGen Presentation

Mr. O'Donnell presented a report on Next Generation Air Transportation System (NextGen) and a NextGen video was also played.

Chair Langdon requested someone from the FAA come in for a future presentation.

Old Business:

OB-1 Authorization of Amendment to the OPEB Benefit Plan

Mr. O'Donnell recommended authorization of an Amendment to the OPEB Benefit. He stated that the Authority adopted the Other Post-Employment Benefit Plan – Health Insurance Continuation for Eligible Employees (“Plan”) at the December 7, 2009 meeting. Subsequently, it was noted that for clarification purposes, the Plan would need to be amended by adding the following to the end of Paragraph 1(a) under a. Retiring Employees:

“...and the employee must be at least 55 years of age.”

Mr. O'Donnell stated that this revision was brought before the Personnel Committee at its December 15, 2009 meeting; whereby, the Committee moved to recommend adoption of the plan, as amended, to add the age 55 requirement, to the Authority at the February 2010 meeting.

Chair Langdon stated that this was a clarification so that there will be no misinterpretations of the policy. He stated that the Personnel Committee did discuss this item in length.

Mr. Graziano moved to adopt said amendment to the OPEB Benefit Plan. The motion was adopted unanimously.

New Business:

None

Attorney-Client Privilege/Executive Session

None

There being no further business, the meeting was adjourned at 7:35 pm.



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REGULAR MEETING AGENDA

February 1, 2010

General:

- 1. Chairman's Remarks**
- 2. Approval of Minutes**
- 3. Communications and Report of Chief Executive Officer**
- 4. Interesting Correspondence**

Management Reports:

- 5. Chief Financial Officer**
 - 5.1 Statistical and Financial Performance**
 - 5.2 Comparison of Enplanements**
 - 5.3 Summary of Airline Scheduled Flights and Markets**
 - 5.4 USDOT Arrival and Departure Statistics**
- 6. Project Development**
- 7. Counsel**
- 8. Concessions/Ambassador Program**
- 9. Public Affairs**
- 10. Business & Economic Development**

Action Items:

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 - 11.3 Amendment No. 1 - Professional Services Contract No. S503: Engineering, Design and Survey Services for Proposed Northwest Quadrant Drainage and Security Improvements with Malcolm Pirnie, Inc.**
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11. Authorization of Contracts/Leases/Contract Negotiations/Contract Amendments (Cont'd.)
 - 11.4 Construction Contract No. 688GC: Runway 19 Approach Protection Historic House Relocation – Painting and Plaster Renovations
 - 11.5 Concurrence on Award: Change Order No. 1 & Final: Town of Colonie – Phase Two Transmission Main Runway 28 Obstruction (Water Tanks) Removal Project with Highlander Construction, Inc.
 - 11.6 Lease No. L693: Military Courtesy Room with the Tri-County Council for Vietnam Era Veterans, Inc.
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 - 12.2 Construction Contract No. 592E: Fuel Farm Electrical Improvements with DLC Electric, LLC

13. Adoption of Deferred Compensation Committee Resolution to Amend and Restate the Model Plan Effective December 7, 2007

14. Informational Only: Runway 10 Approach/28 Departure FAR Part 77 Surface Avigation Easement: Acquisition of air rights over 983 Watervliet Shaker Road: Memorys Garden Cemetery (Westerly Portion)

15. Informational Only: NextGen Presentation

Old Business:

- OB-1 Authorization of Amendment to the OPEB Benefit Plan

New Business:

Executive Session:

Attorney-Client Privilege Matters: