

Minutes –April 19th, 2022
Johnstown, Cambria County Airport Authority

The regular meeting of the Johnstown Cambria County Airport Authority was called to order by Rick McQuaide, Chairman at 3:30 pm on Tuesday April 19th, 2022

Members Present: Rick McQuaide; Mike Parrish; George Arcurio III; Dave Kalina; Adam Murphy; Jim Loncella; Jonathan Gleason; Tim Mcllwain; via phone; Chris McCall; via phone

Members Absent: N/A

- **Others Present:** Cory Cree, Airport Manager; Heather Tomasko, Assistant Airport Manager; Attorney Tim Leventry, Solicitor, Dennis Kotzan: Kotzan and Associates, via phone, Jim Hood, L.R Kimball Engineer; Nathan JST SkyWest, David Hurst, Tribune Democrat, and WJAC TV

MINUTES:

George Arcurio made a motion to approve the Minutes of the March 15th, 2022^h regular meeting. The motion was seconded by Jonathan Gleason and passed by the following vote:

Yeas: Adam Murphy, Mike Parrish, George Arcurio, Jim Loncella, Tim Mcllwain, Dave Kalina, Jonathan Gleason, Rick McQuaide, and Chris McCall (9). Nays: None (0)

George Arcurio made a motion to approve the Minutes of the March 18th, 2022^h Special Board Meeting. The motion was seconded by Jim Loncella and passed by the following vote:

Yeas: Adam Murphy, Mike Parrish, George Arcurio, Jim Loncella, Tim Mcllwain, Dave Kalina, Jonathan Gleason, Rick McQuaide, and Chris McCall (9). Nays: None (0)

SkyWest/United Report: Nathen, JST SkyWest

- Reviewed the SkyWest reports

FBO Report: N/A

Treasure's Report: Dennis Kotzan

- Reviewed Financials

George Arcurio made a motion to approve the Treasurer's report. The motion was seconded Dave Kalina by and passed by the following vote:

Yeas: Adam Murphy, Mike Parrish, George Arcurio, Jim Loncella, Tim Mcllwain, Dave Kalina, Jonathan Gleason, Rick McQuaide, and Chris McCall (9). Nays: None (0)

Manager's Report: Cory Cree:

Security Cameras

- We currently do not have cameras at our electronic vehicular gates. We also need additional cameras to better monitor the Terminal Building parking lot.
- Per letter dated March 4, 2022, Gittings Security & Private Investigations, Inc. provided a quote to install eight additional security cameras. Cameras would be installed at each of our four (4) electronic vehicular gates, one (1) for the extended parking lot, one (1) for the employee parking lot, and two (2) for the main parking lot. The quote includes all equipment to make the system fully operational and tied into our current security camera system.
- Total of the quote is \$11,240.
- The 2022 Pennsylvania Public Bidding Threshold provides that contracts or purchases under \$11,800 require no formal bidding or price quotations.
- **Recommendation:**
 - **We recommend for the Airport Authority to approve the purchase of security cameras and accessories for \$11,240.00 from Gittings Security & Private Investigations, Inc. This purchase is reimbursable through the CARES Act Grant.**
 - **The action to approve this agreement is listed on the agenda under the Facility and Administration Committee.**

AFFF Testing Equipment

- On March 30th, we were notified by the FAA that they will provide 100% federal funding through AIP Supplemental Funding (FY 2021) as a Small Procurement Purchase for the acquisition on AFFF (Aqueous Film Forming Foam) Testing Equipment and acquisition and installation of a retrofit kit for one (1) of our Aircraft Rescue and Firefighting (ARFF) vehicles. (Based on our current ARFF Index, we are only required/eligible to have one ARFF vehicle. We maintain two (2) ARFF vehicles to provide more ARFF support and to have a backup to our main ARFF vehicle.)
- The cost for the acquisition on AFFF (Aqueous Film Forming Foam) Testing Equipment and acquisition and installation of a retrofit kit on one (1) ARFF vehicle is approximately \$25,000. This includes both the plumbing upgrades to the ARFF vehicle and the associated testing equipment. This acquisition will be 100% funded with FAA funds.
- Per the Pennsylvania 2022 Public Bidding Thresholds, purchases greater than \$21,900 require formal public bidding. However, based on information provided by the FAA and verified by Solicitor Tim Leventry, since the project is 100% federally funded, federal public bidding thresholds apply and as such, the acquisition may be made based upon the quotes received. Per the FAA, we must go with the lowest quote.
- There are two (2) manufacturers of the equipment needed for our ARFF vehicles. Each manufacturer provided the following quotes:
 - NoFoam Systems = \$24,857.76
 - E-One = \$27,500.00
- On April 13, our office prepared and submitted the FAA Grant Application for the NoFoam Systems AFFF Testing equipment.
- The testing equipment to be acquired with FAA funds can also be used to test the second ARFF vehicle. However, to be able to test our second ARFF vehicle, a second retrofit kit must be acquired and installed, which from NoFoam Systems costs \$5,163.76 and is not FAA eligible for funding, since it is our second ARFF vehicle.
- **Recommendation:**
 - o **We recommend for the Airport Authority to approve the acquisition and installation of a retrofit kit for our second ARFF vehicle from NoFoam Systems at a cost of \$5,1263.76. This purchase is reimbursable through the CARES Act Grant.**

The action to approve this agreement is listed on the agenda under the Facility and Administration Committee

Aviation Maintenance Technician (AMT) Training Center

- Saint Francis University (SFU) would like to development an Aviation Maintenance Technician (AMT) training center and to base the AMT program out of the Hanger 15 complex. This program would be oriented at workforce development, providing the training for an Airframe & Powerplant (A&P) license in only 16 months.
- SFU is planning to seek regional and federal funding and has asked the County Commissioners, Nulton Aviation Services, Inc., and the Airport Authority for a letter of support by April 20th.
- We contacted the FAA to verify that the proposed hangar use is an acceptable and permissible use of the hangar complex. The FAA stated the proposed use of Hangars 15A and 15C would be consider an aeronautical use, since aircraft will periodically move in and out of the hangar. Building 15B is considered non-aeronautical since it will be used for classrooms. Aviation schools, as opposed to flight schools, are considered non-aeronautical because they don't need to be sited on an airport. The designation of Building 15B as non-aeronautical should not affect the FAA's ability to fund projects at the airport. Since the FAA considers the use of Building 15B as nonaeronautical, the nonaeronautical use would need to be depicted on the Airport Layout Plan (ALP) and the FAA will need to perform a Section 163 analysis to determine if the FAA has ALP or land use authority over the proposed nonaeronautical use.
- Attached is a draft letter for review.
- **Recommendation:**
 - o **We recommend for the Airport Authority to approve providing a letter of support to the Saint Francis University for the development an Aviation Maintenance Technician (AMT) training center and to base the AMT program out of the Hanger 15 complex.**

The action to approve this agreement is listed on the agenda under the Facility and Administration Committee

Johnstown Symphony Orchestra

- On Sunday June 26th, the Johnstown Symphony Orchestra is planning to perform a concert at the Airport.
- On April 5th, we met with representatives of the Johnstown Symphony Orchestra and Nulton Aviation Services, Inc. to discuss the preliminary event schedule and site-specific requirements and logistics.
- We have contacted our insurance carrier, Watson Insurance Agency Inc., to verify what is and is not covered and/or permitted under our current Aviation Insurance Policy. We have also investigated obtaining a Festival/Special Event Application and a Liquor Liability Application. We have discussed both options with Airport Authority member Jonathan Gleason. Insurance Coordination is currently on-going.
- This is considered a nonaeronautical event, which requires FAA coordination and approval. We have notified the FAA of the event.
- We continue to coordinate with all affected parties.
- **On the agenda under the Facility and Administration Committee is provided for the action to approve additional insurance or additional insurance premiums for this event, if needed.**

Airport Operations Report: Josh Keyser:

- Our MB snowblower had a failure within the DEF system. This caused the machine to go into a limp mode. A tech from Cummins has been on site to make the repairs. The cost of repairs was covered by the manufacturer's warranty.
- HVAC work is ongoing within the terminal building. Scaffolding is being installed to allow the intake duct relocation work to begin.
- Additional paint for remarking the airfield has been received. This is part of an order placed in 2021 that was never received. As soon as weather and staffing allows. We will begin remarking the airfield.
- We have received notice that the FAA Part 139 annual inspection will occur on May 25-26.
- Tracking of the terminal parking lot capacity continues. The average number of daily vehicles this month is 94 out of a possible 249 spaces or 38% of capacity.

Kimball's Engineer's Report: Jim Hood

1) SFY 2020 Project - Terminal Building HVAC Upgrades

- a) Darr Construction and FIT Solutions continue working on the project.
- b) A progress meeting was conducted on April 13, 2022.
- c) Based on the allotted Contract Time of 220 Calendar Days, the project was to be completed on or before February 17, 2022; however, Darr Construction Inc. will be providing a revised written request to add 285 days to the contract time due to continued delays in material delivery. If approved, this would extend the project completion date to November 30, 2022. TranSystems will review the change order extension request, as well as the contract documents to determine interim measures required of the contractor, such as temporary air conditioning or heating, as applicable for extended service outages.
- d) Darr Construction has submitted Payment Application Number 2 for work completed. TranSystems has reviewed the Application and recommends payment in the requested amount of **\$104,305.50. (Board Action Requested)**

PennDOT BOA Grant Agreement Number	Total Grant (100%)	FAA Share (0%)	State Share (50%)	Sponsor Share (50%)	Additional Local Share	Total Project Amount
ACB-2020-JCCAA-00007	\$500,000.00	\$0.00	\$250,000.00	\$250,000.00	\$97,528.50	\$597,528.50

2) SFY 2020 Project - Terminal Building HVAC Upgrades

- a) Darr Construction and FIT Solutions continue working on the project.
- b) A progress meeting was conducted on April 13, 2022.
- c) Based on the allotted Contract Time of 220 Calendar Days, the project was to be completed on or before February 17, 2022; however, Darr Construction Inc. will be providing a revised written request to add 285 days to the contract time due to continued delays in material delivery. If approved, this would extend the project completion date to November 30, 2022. TranSystems will review the change order extension request, as well as the contract documents to determine interim measures required of the contractor, such as temporary air conditioning or heating, as applicable for extended service outages.
- d) Darr Construction has submitted Payment Application Number 2 for work completed. TranSystems has reviewed the Application and recommends payment in the requested amount of **\$104,305.50. (Board**

Action Requested)

PennDOT BOA Grant Agreement Number	Total Grant (100%)	FAA Share (0%)	State Share (50%)	Sponsor Share (50%)	Additional Local Share	Total Project Amount
ACB-2020-JCCAA-00007	\$500,000.00	\$0.00	\$250,000.00	\$250,000.00	\$97,528.50	\$597,528.50

3) FFY 2021 Project - Runway 15-33 LED Lights and Signs

- a) While on-site in March correcting the orientation of the new runway lights, Bruce and Merrilees Electric Company cracked 2 runway light lenses. Bruce and Merrilees has ordered the new lenses and will install them when they arrive. **Bruce and Merrilees is still waiting on these lenses to be delivered.**
- b) Punchlist items remaining include adding soil around signs, fine grading a few disturbed areas, and verifying grass growth. These items will be addressed in the spring when the ground is drier and more suitable for fine grading. With the recent rain, Bruce and Merrilees feels it is still too wet to complete this work. Other punch list items include spare light parts which were supposed to be delivered the week of April 11th; however, they have not arrived at the time this report was written.
- c) TranSystems has drafted the project closeout documents.
- d) A final change order was issued which included converting as-bid to as-built quantities, repairs to previously damaged conduit and cable in 3 locations, and removal and replacement of a sign foundation, which resulted in an increase in cost of \$12,272.21. TranSystems will be under budget to offset this increase.

FAA AIP No.	Total Grant (100%)	FAA Share (100%)	State Share (0%)	Sponsor Share (0%)
3-42-0045-056-2021	\$323,135.00	\$323,135.00	\$0.00	\$0.00

4) FFY 2021 Project - Remove Obstructions – Former Blair and Horner Properties

- a) Bid tabulations were completed and the proposals reviewed.
- b) Upon reviewing the proposals, several discrepancies were identified in Marsh Contracting, LLC as not meeting the requirements of the bid documents. These items were listed and provided to Airport Management with the recommendation that the Authority's Solicitor review the bid proposal against the bid documents to determine if the bid was acceptable. The Solicitor recommended working with the bidder to correct the items and to plan to award the project to the low bidder, Marsh Contracting, LLC. TranSystems coordinated with marsh Contracting, LLC to resolve the discrepancies.
- c) TranSystems recommendation is to award the Base Bid and Add Alternate Bid 1 to the apparent low bidder, MarshContracting, LLC in the amount of \$60,094.20.
- d) The FAA grant application was submitted on April 11, 2022.

5) FFY 2022 Project - Runway 5-23 LED Lights and Signs

- a) Bid tabulations were completed and the proposals reviewed. TranSystems recommendation is to award the Base Bid and Add Alternate Bid 1 to the apparent low bidder, Bruce and Merrilees Electric Company in the amount of \$138,765.00 after the FAA's grant offer is received.
- b) The FAA grant application was submitted on April 11, 2022.

6) FFY 2022 Project – Construct 2-Unit Hangar

- a) An independent fee estimate (IFE) needs to be completed before the agreement can be sent to the FAA for approval. We will assist in preparing the necessary documentation to provide to the consultant completing the IFE.
- b) TranSystems is working with Airport Management on the layout and design of the project.
- c) Submission of the Land Development Plan is to be made by May 3 to be on the May Planning Commission Agenda.
- d) TranSystems will prepare the FAA Data Sheet Requested by the FAA.
- e) TranSystems prepared the environmental documentation, which was submitted to the FAA on April 13 and approved by the FAA on April 14.

7) FFY 2022 – Construct Car Wash

- a) Over the past month, TranSystems has worked with Airport Management to develop a plan to complete this project, while trying to minimize costs. We researched prefabricated buildings to use for the structure; however, those costs were more than the initial budget. We then investigated designing and constructing a traditional block building, which resulted in an estimated cost higher than the initial budget. After multiple discussions with Airport Management, we are investigating a new project approach where TranSystems will provide civil/site design, including utility, pavement, and concrete pad design, permitting, and bidding phase services; the Airport will acquire a pre-manufactured steel building that will be delivered and installed by the building manufacturer. The construction contractor will then complete all utility and fixture installation and install interior insulation.

Solicitor's Report: Attorney Tim Leventry

Tax Assessment of Yardley Hangar. By letter dated March 18, 2022 to the Chief Assessor of the Cambria County Tax Assessment Office (attached), I disputed the tax assessment of Hangar 11 leased to Dr. Trevor Yardley by the Airport Authority. I stated:

The Airport is a municipal authority and pursuant to the Pennsylvania Municipal Authorities Act, an authority is immune from taxation as long as the property is used for public purposes. This immunity applies to property used by an authority for its stated, governmental purpose....

In the course of performance of its operation of an Airport and Airport functions, the Airport develops and leases properties to private parties to store their aircrafts.... The construction and leasing of airport hangars to private individuals, not engaged in a business for profit, is a continuation of the Airport's primary function of providing aviation services to the community, so it is fulfilling the purpose of the Airport pursuant to the Municipal Authority Act formation. Therefore, the Yardley hangar, which is leased to a private individual, Trevor Yardley, should be exempt from real estate taxes... Dr. Yardley uses his hangar solely for the non-commercial storage of his private aircraft. ... The Airport Authority does not believe this is a matter to be appealed to the Tax Assessment Appeals Board since this does not involve an issue of whether a property is exempt or not from taxation since the Airport is immune from taxation, but to the contrary is whether or not the leasing of a hangar to a private person is considered a public purpose for purposes of the Airport fulfilling its obligations and purposes under its Articles of Incorporation.

We are presently awaiting the decision of the Cambria County Tax Assessment Office.

Removal of Obstructions from Former Blair and Horner Properties. By letter dated March 29, 2022 (attached), I advised Cory Cree regarding my review of the Bid Documents from Marsh Construction, LLC ("Marsh") and from Snyder Excavating, Inc. ("Snyder") regarding the removal of obstructions from the former Blair and Homer Properties. Generally speaking, both of these bids had deficiencies, however, I do not think the bid deficiencies of Marsh Construction reached a level to disallow their bid.

Additionally:

It is important to note the Courts have held that the governmental entity receiving the bids has discretion to waive a bid irregularity; specifically, the Courts have stated they have not eliminated the discretionary aspect of executive decision making from the bid process when there are reasonably explained or [*de minimis*] types of issues with a bid. The Courts have stated the following two (2) considerations are widely accepted as central in determining whether a non-compliant bid for public work may be accepted or cured:

1. Whether the effect of waiver would be to deprive the municipality, or in this case, the Authority of its assurance the contract will be entered into, performed and guaranteed according to specified requirements; and
2. Whether it is of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders or by otherwise undermining the necessary standard of competition.

The letter details the minor errors from Marsh and what is necessary to remedy those issues. The errors from Snyder are more severe and would require additional compliance by Snyder. I recommended the Airport Manager work with Marsh to ensure Marsh cures the deminis open items.

New Business/Announcements/Discussion Items:

Committee Reports

Enplanements

N/A

Enterprise:

N/A

KOZ:

N/A

Military:

N/A

Personnel:

N/A

Facility & Administration:

- **For the Airport Authority to approve the purchase of security cameras and accessories for \$11,240.00 from Gittings Security & Private Investigations, Inc. This purchase is reimbursable through the CARES Act Grant.**

Jim Loncella made a motion to approve the purchase of security cameras and accessories. The motion was seconded George Arcurio by and passed by the following vote:

Yeas: Adam Murphy, Mike Parrish, George Arcurio, Jim Loncella, Tim McIlwain, Dave Kalina, Jonathan Gleason, Rick McQuaide, and Chris McCall (9). Nays: None (0)

- **For the Airport Authority to approve the acquisition and installation of a retrofit kit for our second ARFF vehicle from NoFoam Systems at a cost of \$5,163.76. This purchase is reimbursable through the CARES Act Grant.**

Jim Loncella made a motion to approve the acquisition and installation of the retrofit kit for the second ARFF vehicle. The motion was seconded George Arcurio by and passed by the following vote:

Yeas: Adam Murphy, Mike Parrish, George Arcurio, Jim Loncella, Tim McIlwain, Dave Kalina, Jonathan Gleason, Rick McQuaide, and Chris McCall (9). Nays: None (0)

- **Pending FAA's approval of proposed AMT Program being based out of the Hanger 15 complex, for the Airport Authority to approve providing a letter of support to the Saint Francis University for the development an Aviation Maintenance Technician (AMT) training center and to base the AMT program out of the Hanger 15 complex.**

Jim Loncella made a motion to approve the proposed AMT Program. The motion was seconded George Arcurio by and passed by the following vote:

Yeas: Adam Murphy, Mike Parrish, George Arcurio, Jim Loncella, Tim McIlwain, Dave Kalina, Jonathan Gleason, Rick McQuaide, and Chris McCall (9). Nays: None (0)

The meeting was adjourned at 5:05 P.M.

**Minutes approved by
Jonathan Gleason**