



The TOWN OF NORWOOD

Commonwealth of Massachusetts

TOWN CLERK & ACCOUNTANT

TOWN OF NORWOOD
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2020 JAN 17 P 1:40

NORWOOD AIRPORT COMMISSION

Mark P. Ryan, *Chairman*

Michael Sheehan, *Vice Chairman*

John J. Corcoran

NORWOOD AIRPORT COMMISSION

POSTING

NOTICE IS HEREBY GIVEN THAT A PUBLIC MEETING OF THE NORWOOD AIRPORT COMMISSION WILL BE HELD:

DATE: Wednesday, January 22, 2020

TIME: 3:30 p.m.

PLACE: Norwood Town Hall, Walter Ryan Meeting Room
566 Washington Street
Norwood, MA 02062

The Chair reserves the right to call items on the agenda out of order. The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting at least forty-eight (48) hours prior to the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Items listed for executive session may be discussed in open session, in addition to or in lieu of discussion in executive session.

MEETING AGENDA

1. PROJECTS

- AIP project update: *DuBois & King*

2. MINUTES

- 11/20/19 regular business meeting, 3:03 p.m. start time
- 11/20/19 regular business meeting, 3:42 p.m. start time

3. AIRPORT MANAGER'S REPORT

4. OLD BUSINESS

5. NEW BUSINESS

- MassDOT payment requests: fit-out of airport administration building

6. CORRESPONDENCE:

- 1/2/20 letter from Attorney P. Revere III—representing W. Haney—to M. Ryan, of the NAC, re: *Flight Level's* allegations involving its plow truck
- 12/18/19 letter to J. LoGiudice, of FAA, from M. Ryan, of the NAC, re: taxiway A re-location and taxiway D partial re-location; amendment request
- 12/7/19 Norwood Police report #26522
- 12/3/19 letter to G. Lattrell, of FAA, from N. Burlingham, of *Flight Level*, re: opposition to BEH petition for removal of gate 3 object-free area
- 11/20/19 letter to G. Lattrell, of FAA, from M. Ryan, of the NAC, re: support for the BEH letter/petition for TOFA/OFA relief
- 11/4/19 letter to J. LoGiudice, of FAA, from M. Ryan, of the NAC, re: taxiway A re-location and taxiway D partial re-location; amendment request
- 10/31/19 invoice (#101693R) from *Galaxy Integrated Technologies*; security/access control work for *Welch Administration Building*
- Use and occupancy certificate for Major Mark C. Welch Administration Building
- Undated letter to M. Ryan, of the NAC, from N. Burlingham, of *Flight Level*, re: alleged theft of *Flight Level* plow truck

7. EXECUTIVE SESSION

Purpose 6 for executive session (M.G.L. c. 30A, § 21(a)(6)) – To consider the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on the negotiating position of the Town

- West apron lease offer to *Boston Executive Helicopters*
- DC-3 apron lease offer to *Boston Executive Helicopters*

Purpose 3 for executive session (M.G.L. c. 30A, § 21(a)(3)) – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Norwood Airport Commission: (1) *Boston Executive Helicopters, LLC* v. Town of Norwood et al., U.S. District Court-Massachusetts Civil Action No. 1:15-cv-13647-RGS; and (2) *Boston Executive Helicopters* v. Norwood Airport Commission and Town of Norwood, Federal Aviation Administration Docket No. 16-15-05

- 11/20/19 executive session minutes

TO: NORWOOD AIRPORT COMMISSION
FROM: RUSS MAGUIRE, AIRPORT MANAGER
RE: MANAGER'S REPORT: 11/19/19—1/13/20

— Major Projects/Issues—

Snow Removal/Airport Closures

Airport management coordinated and participated in snow removal operations on: 12/1, 12/3, 12/11 and 12/17. These operations included the temporary closure of Norwood Airport's runways and taxiways to fixed-wing aircraft. Other actions during this period included the regular checking/updating of surface conditions for snow and ice contamination.

Welch Administration Building

Throughout this period, in support of the administration building fit-out project, airport management worked with the general contractor and its subs, architects, MassDOT, suppliers and contractors allied to the project, as well as other municipal departments. Special attention was given to coordinating punch list items, conducting orientation visits for Norwood Fire and the Town's insurer, finalizing installation of the building's security, fire control systems and telephone systems; and working with the Town's IT Department on the building's connectivity.

MassDOT Vegetation Management

In April, the Airport Manager (AM) solicited MassDOT for inclusion in a safety-related vegetation management program. This was approved at 100% funding by the state. After being re-scheduled several times, the work began in early November. This was completed at the end of November, with the scope addressing 48 acres at four sites, three of which involved vegetative areas off the runway ends. Target species were the woody re-growth previously cut; and maintenance methods included heavy mowing with specialized amphibious equipment. At the AM's request, MassDOT agreed to widen the scope to other treatment areas as well. *See Attachment A.*

— Informational Updates —

Office Lease

On 12/12, the Town Building Inspector's office officially issued a certificate of occupancy for the new Welch Administration Building. Airport management then worked with other municipal departments (e.g., Norwood Light, IT), to finalize the move into the new building. On 12/31, airport management was fully moved in to the

Welch building after a final inspection was performed by *Flight Level* of the formerly occupied office suite at 125 Access Road. See Attachment B.

Monthly Revenues

From 11/19/19 to 1/13/20, the AM issued one posting to the Treasurer's office, totaling \$48,210.97 in payments. The revenues are broken down as follows:

REVENUE TYPE	DEPOSIT DATE	AMOUNT
Land Leases	12/11/19, 1/13/20	\$33,531.24
Fuel Flowage Fees	12/11/19, 1/13/20	\$4,517.73
Aircraft Tie-Down Leases	N/A	N/A
Security Badge Fees	12/11/19, 1/13/20	\$950
Revolving – Insurance Recovery	N/A	N/A
General ¹	N/A	N/A
Landing Fees	1/13/20	\$9,212.00

Monthly Fuel Flowage

For the month of November, *Flight Level's* bills of lading for fuel totaled 44,395 gallons. At \$.07/gallon, the Town received \$3,107.65 in flowage fees. For the month of December, *Flight Level's* bills of lading for fuel totaled 20,144 gallons. At \$.07/gallon, the Town received \$1,410.08 in flowage fees.

Air Traffic Count

For the Norwood Airport's December 2019 air traffic reports, see Attachments C-D. For the January 2020 air traffic reports, see Attachments E-F.

¹ General revenues include commercial permit and public records request fees, FEMA and insurance reimbursements, etc.

**AIRPORT COMMISSION MEETING
REGULAR BUSINESS MEETING**

November 20, 2019

DRAFT ONLY

In Attendance:

Commissioners: Mark Ryan, Chairman; John Corcoran; Russ Maguire, Airport Manager

Meeting Called to Order: 3:03 PM

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted by roll call to adjourn for the purposes of Executive Session for Purpose 3 for to discuss strategy with respect to litigation if in open meeting may have a detrimental effect on the litigating position of the Norwood Airport Commission: (1) Boston Executive Helicopters, LLC v. Town of Norwood et al., and (2) Boston Executive Helicopters v Norwood Airport Commission and also to vote on Executive Session Meeting minutes of October 9, 2019 and to return to public session for purposes of adjournment.

Mr. Corcoran: Yes

Mr. Ryan: Yes

Adjourned for the purposes for Executive Session at 3:04 p.m.

The Commission returned to Open Session at 3:40 p.m.

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to adjourn the meeting.

The minutes of the NAC will be published on the Town Website.

MEETING ADJOURNED: 3:40 PM

DRAFT ONLY

**AIRPORT COMMISSION MEETING
REGULAR BUSINESS MEETING
November 20, 2019**

In Attendance:

Commissioners: Mark Ryan, Chairman; John Corcoran; Russ Maguire, Airport Manager

Meeting Called to Order: 3:42 PM

NCM and Chris Donovan of Boston Executive Helicopters are recording this meeting.

A five-minute recess was taken.

Meeting back in session at 3:46

PROJECTS

- **AIP Project Update: DuBois & King, Jeff Adler**

There is closeout paperwork for the Taxiway A relocation project. There is a final pay application to FAA in the amount of \$123,053.83 which covers the DuBois & King final invoice as well as money that goes back to MassDOT.

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to pay final payment No. 5 in the amount of \$123,053.83.

There was discussion regarding a grant amendment to originally reduce the project because Taxiway D was taken out, but then to increase cost overruns for FAA. The total project cost in the end is \$2,522,999.33, FAA share is \$1,976,529.36.

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to send the Grant Amendment to the FAA, from \$2,292,298.90 and increasing it to \$2,522,999.33.

AGIS Masterplan update, still resolving comments from FAA. There are three projects that the NAC is applying for. One is the wildlife permanent fence phase one for \$800,000. The next is post construction monitoring for years 1 and 2 for \$85,000, local share is \$750. The third is environmental assessment, phase one. Total project cost is approximately \$400,000. Local share is \$20,000. The project is the environmental impact report for the relocation of Taxiway C and paving of two safety areas at end of runway 1735.

MINUTES

- **10/9/19 Regular Business Meeting**

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to approve the minutes.

AIRPORT MANAGER'S REPORT

Mr. Maguire discussed the Airport Manager's Report. Most of the work this month centered around the Major Mark Welch Administration Building, trying to finalize a few issues which are the lighting controls, fire alarm third party monitoring in addition to some punch list items.

Should be able to move in within a couple of weeks. There is a vegetation management project underway. MassDOT is paying 100% of that. It was for 48 acres initially. MassDOT has approved widening of the scope of work. The project should be done in a week or two.

Above the Clouds is proposing a special charity event. They are interested in having a plane pull on lots A, B, and C. The event would potentially take place on Norwood Day 2020. Once the event is finalized there will be an official vote. Mr. Ryan and Mr. Corcoran are supporting this event at this time.

Mr. Ryan commented on how pleased he is regarding the landing fees. They have increased from last year at this time.

NEW BUSINESS

- West apron lease offer to Boston Executive Helicopters
- DC-3 apron lease offer to Boston Executive Helicopters

Mina Makarius, Esq. of Anderson & Krieger, special airport counsel to the Town and Norwood Airport Commission gave an update on the lease negotiations with Boston Executive Helicopters. In Executive session the Commission discussed the lease and had a few comments to be discussed in open session. There are two leases, the DC-3 apron and West apron. Both leases are essentially the same in form. Both have a description of the ground space. The leases are subject to other rights at the Airport, such as TOFA areas, etc. There may be limitations on the ability to build on certain areas. There are some areas used for access by other areas of the airport, and the leases are subject to that as well. No language has changed since it was discussed with BEH. There were a couple of minor changes. Both leases had a few typographical things where the term ramp was used instead of apron. On section 7, special conditions, condition 4, crack sealing. The Commission has asked to add at the end, utilizing a MassDOT approved process and product. Mr. Makarius recommends that the Commission vote to approve the leases subject to the two changes mentioned and any other typographical edits that need to be made in consultation with the Airport Manager, Town Manager and Chair as needed.

On a motion by Mr. Ryan and seconded by Mr. Corcoran, the Commission voted 2/0 to offer the lease for the DC-3 apron to Boston Executive Helicopters with the changes as described and any other minor edits after consulting with the Town Manager, Airport Manager and Chair of the Norwood Airport Commission.

On a motion by Mr. Ryan and seconded by Mr. Corcoran, the Commission voted 2/0 to offer the lease for the West apron to Boston Executive Helicopters with the changes as described and any other minor edits after consulting with the Town Manager, Airport Manager and Chair of the Norwood Airport Commission.

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to have Mr. Ryan sign and send the draft letter to FAA as part of the settlement agreement with BEH.

- Draft letter request to FAA for removal of taxi-lane object-free area (TOFA), gate 3 taxi-lane

- Above the Clouds special event, proposal
- MassDOT payment requests: fit-out of airport administration building

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to approve payment voucher #8 for the airport administration building, phase 2 fit-out. This is for Tower construction and six other businesses that have provided services totaling \$85,146.60. MassDOT is paying \$80,889.27, Norwood share is \$4,257.33.

- On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to have the Chairman sign Airport Department FY2020 snow removal contracts to PJ Hayes, Inc., and to Frank Ciavattone Construction Company.
- On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to approve the Airport Management's listing of furniture designated for surplus.

CORRESPONDENCE

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to file correspondence.

- 11-20-19 draft letter from M. Ryan, of NAC, to G. Lattrell, of FAA, re support for BEH letter/petition for TOFA/OFA relief, on gate 3 taxi-lane
- November 2019 issue, Norwood Local Town Pages
- 11-12-19 letter from M. Oberstein, of Above the Clouds, to R. Maguire, re: proposed event
- 10-25-19 letter from D. Stahley, of I. W. Harding to J. Adler, of DuBois & King
- 10-18-19 letter from J. Adler, of DuBois & King, to J. Shalek, of I. W. Harding Construction, Co. re: default on project bond
- 10-15-19 letter, assented to request for extension of time to file corrective action plan, submitted by NAC through Town Counsel, to FAA; docket No. 16-15-05
- 10-10-19 general release of all claims: Town of Norwood an Norwood Airport Commission v. Donald Quinn
- 10-15-19 application for assistance (post-construction monitoring, years 1 and 2) to MassDOT/Aeronautics, from NAC
- 10-15-19 application for assistance (wildlife fence, phase 1/obstruction removal) to MassDOT/Aeronautics, from NAC
- 10-15-19 application for assistance (environmental assessment, phase 1) to MassDOT/Aeronautics, from NAC

On a motion by Mr. Corcoran and seconded by Mr. Ryan, the Commission voted 2/0 to adjourn the meeting.

The minutes of the NAC will be published on the Town Website.

MEETING ADJOURNED: 4:08 PM

(A)



The TOWN OF NORWOOD

Commonwealth of Massachusetts

Norwood Memorial Airport

Russ Maguire, A.A.E., ACE, Airport Manager

OFFICE ADDRESS

125 Access Road
Norwood, MA 02062

MAILING ADDRESS

125 Access Road
Norwood, MA 02062

December 18, 2019

Massachusetts Department of Transportation/Aeronautics Division
Attn: Jeffrey DeCarlo, Administrator
Logan Office Center, One Harborside Drive, Suite 205-N
East Boston, Massachusetts 02128

RE: ASMP 2019-VMP-04 OWD

Dear Jeff:

On behalf of the Norwood Airport Commission, I'd like to send a special thanks to you and your staff for the extra help recently given. With your agency's assistance and direct support, we were able to complete a safety-related project, addressing a scope of work that included more than 48 acres of vegetation growing in close proximity to OWD's four runway ends.

In particular, I'd like to recognize Nate Rawding, as the project's environmental analyst, and Mike Garrity, as the project manager. Both men did an outstanding job and should be recognized for their efforts.

Best to everyone at MassDOT/Aeronautics—truly, an indispensable agency within the Commonwealth.

Merry Christmas and happy holidays!

Sincerely,

Russ Maguire, Manager
Norwood Memorial Airport

Cc: *Norwood Airport Commission*



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The TOWN OF NORWOOD

Commonwealth of Massachusetts

Norwood Memorial Airport

Russ Maguire, A.A.E., ACE, Airport Manager

OFFICE ADDRESS

125 Access Road
Norwood, MA 02062

MAILING ADDRESS

125 Access Road
Norwood, MA 02062

BY E-MAIL ONLY

Norwood Fire Department
Attn: Deputy Fire Chief, Ron Maggio
135 Nahatan Street
Norwood, MA 02062

SUBJECT: Change of Address, Airport Department

Deputy Chief Maggio:

On behalf of the Norwood Airport Commission, please be advised that the physical address of the Airport Department is officially changing to **111 Access Road**, which is the newly constructed *Major Mark C. Welch Administration Building* adjacent to the air traffic control tower. It should be noted that this building is also highlighted in a separate attachment, marked: 'Norwood Airport Building Numbers for Fire-Rescue Response, Airport Administration Building (Building 9).'

Thanks very much for all of your support in the fit-out of the *Welch Administration Building*. This project has been a long time coming!

Please feel free to contact me with any questions.

Sincerely,

Russ Maguire, Manager
Norwood Memorial Airport

Cc: Norwood Airport Commission, Norwood Police Department, Town Manager, Assistant Town Manager; Tower Construction (A. Boisclair, P. Fitzgerald); Fennick McCredie Architects (M. Earner, C. Plunkett)

FAA CONTRACT TOWER - AIRPORT OPERATIONS COUNT RECORD

Facility Name: Norwood		Location: Norwood, MA		Mo.		Yr.		Location Ident.						
				1 1		1 1		O W D						
Airport Operations Count				Facility Operating Hours → 1 3 0										
ITINERANT				LOCAL										
IFR				VFR										
Day	AC	AT	GA	MI	Total IFR Inherent Ops	AC	AT	GA	MI	Total VFR Itinerant Ops	Civil	Military	Total Local Ops	Total Airport Operations
01		2	4		6		17	22		39	2		2	47
02			4		4		3	159		162	206	6	212	378
03		1	10		11		1	130		131	56		56	198
04		3	5		8		12	144		156	126		126	290
05		2	12		14		4	38		42	46		46	102
06			15		15		21	114		135	158		158	308
07		8	11		19		11	42		53	96		96	168
08			7		7		6	22	2	30		2	2	39
09		4	13		17		2	143		145	202		202	364
10		3	9		12			104		104	66		66	182
11		8	9		17		17	87		104	92		92	213
12		1	3	1	5		2			2				7
13		7	8		15		20	63		83	38		38	136
14		4	12		16		7	110		117	164		164	297
15		4	6		10		23	99		122	106	2	108	240
16		3	5		8		4	117		121	172		172	301
17		7	4		11		2	41		43	64		64	118
18		1	3		4									4
19		6	10		16		2	1		3				19
20		6	9		15									15
21		11	11		22		10	105		115	122		122	259
22		8	6		14		13	43		56	70		70	140
23		6	9		15		7	155		162	90		90	267
24		13	3		16									16
25		4	7		11		1	111		112	176		176	299
26		8	10		18		23	140		163	86		86	267
27		4	18		22		9	61		70	152		152	244
28		3	3		6									6
29		2	9		11		7	73		80	50		50	141
30		2	11		13		2	96		98	28		28	139
31														
Total		131	246	1	378		226	2220	2	2448	2368	10	2378	5204

①

FAA CONTRACT TOWER OVERFLIGHT SUMMARY RECORD													
Facility Name		Location:		Mo.		Yr.		Loc Ident.					
Norwood		Norwood, MA		1 1		1 1		O W D					
OVERFLIGHT COUNT													
IFR OVERFLIGHTS					VFR OVERFLIGHTS					Total Overflights			
Day	AC	AT	GA	MI	Total	AC	AT	GA	MI		Total		
01							20			20	20		
02								14	8		22		
03							8	20			28		
04							6	14			20		
05							2	6			8		
06							16	6			22		
07							2	2	2		6		
08							12	2			14		
09							8	14			22		
10							2	2			4		
11							10	12			22		
12													
13							10				10		
14							16	14			30		
15							16	12			28		
16							8	4			12		
17							8				8		
18						2					2		
19							4				4		
20		2			2						2		
21							8	14	4		26		
22							6	4			10		
23							6	16			22		
24													
25							8	8			16		
26							24	14			38		
27							6	2			8		
28								2			2		
29							6	10			16		
30							10	6			16		
31													
Total		2			2	2	222	198	14	436	438		

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FAA CONTRACT TOWER OVERFLIGHT SUMMARY RECORD													
Facility Name		Norwood		Location:		Norwood, MA		Mo.		Yr.		Loc Ident.	
								1 2		1 9		O W D	
OVERFLIGHT COUNT													
IFR OVERFLIGHTS						VFR OVERFLIGHTS						Total Overflights	
Day	AC	AT	GA	MI	Total	AC	AT	GA	MI	Total			
01							2	8			10		10
02													
03							2				2		2
04							20	16			36		36
05							8	8	2		18		18
06							4		2		6		6
07							4	14			18		18
08								12			12		12
09													
10							2	4			6		6
11							20		4		24		24
12							10	10	4		24		24
13							10	4			14		14
14													
15							4	4			8		8
16							18	8			26		26
17													
18							8	2			10		10
19							14				14		14
20							16	4			20		20
21							10	4			14		14
22							2	10			12		12
23							20	18			38		38
24							4	6			10		10
25							2				2		2
26							26	24			50		50
27							6	4			10		10
28							4	12			16		16
29							2	8			10		10
30													
31													
Total							218	180	12		410		410



The TOWN OF NORWOOD

Commonwealth of Massachusetts

NORWOOD AIRPORT COMMISSION

Mark P. Ryan, *Chairman*

Michael Sheehan, *Vice Chairman*

John J. Corcoran

November 4, 2019

Ms. Jean LoGiudice
Airports Program Specialist (AIP)
ANE Airports Division
1200 District Ave.
Burlington MA 01803

**SUBJECT: OWD Relocate TW A (partial) and TW D (partial); AIP No. 3-25-0037-38
Amendment Request**

Dear Ms. LoGiudice:

This letter serves as a request to amend federal funds for the Norwood TW A and TW D Relocation project AIP. No. 3-25-0037-38. The grant amendment is based on the need to remove the TW D Relocation construction portion of the project due to cost overruns. These overruns were related to the DEP Variance Order and the significant/record rainfall that occurred during construction requiring the installation of additional erosion control and BMP measures (see attached memo).

The original grant is in the amount of \$2,292,298.90 with an FAA share (90%) of \$2,063,069.01. The request to remove the TW D Relocation construction is in the amount of \$440,000.00 with an FAA share (90%) \$396,000.00. The request to add a maximum 15% of the grant amount to cover the cost overruns has an FAA share of \$309,460.35. The total project costs with the requested amendment will be \$2,522,999.33 with an FAA share of \$1,976,529.36 (see attached project cost breakdown).

We hope that the above information is adequate to process the requested amendment. If you should have any questions, please call me.

Very truly yours,

Mark P. Ryan, Chairman
Norwood Airport Commission

125 Access Road, Norwood, MA 02062

PH: (781) 255-5615/5616

FAX: (781) 255-5617



THE TOWN OF NORWOOD

Commonwealth of Massachusetts

NORWOOD AIRPORT COMMISSION

Mark P. Ryan, *Chairman*

Michael Sheehan, *Vice Chairman*

John J. Corcoran

BY FED EX

November 20, 2019

Federal Aviation Administration
Attn: Gail Lattrell, Acting Director
New England Region, Airports Division (ANE-600)
1200 District Avenue
Burlington, MA 01803-5078

Dear Ms. Latrell:

This letter is in response to the letter/petition submitted to you by *Boston Executive Helicopters* ("BEH") dated August 26, 2019. In accord with the Norwood Airport Commission's ("NAC") obligations in the settlement of the litigation between BEH, the Town of Norwood, and the Norwood Airport Commission (NAC), the NAC supports BEH's letter/petition for TOFA/OFA relief.

Please review the BEH petition and make your determination. If BEH's petition is granted, the NAC is obligated to remove the TOFA/OFA markings on the gate 3 taxi-lane within sixty (60) days of such determination.

Thank you for your cooperation in this matter.

Sincerely,

Mark P. Ryan, Chairman
Norwood Airport Commission

125 Access Road, Norwood, MA 02062

PH: (781) 255-5615/5616

FAX: (781) 255-5617



FLIGHTLEVEL AVIATION

Phone: 781.769.8680
Fax: 781.769.7159 or 781.769.0476
www.flightlevelaviation.com

December 3, 2019

Ms. Gail Lattrell, Director
Airports Division, ANE-600
New England Region
Federal Aviation Administration
1200 District Avenue
Burlington, MA 01803

RE: Norwood Memorial Airport – Technical Master Plan Update –
Opposition to Petition of Boston Executive Helicopters, Inc.,
for Removal of Taxilane 3 Object Free Area at Gate 3

Dear Ms. Lattrell,

I am writing today on behalf of FlightLevel Norwood, LLC ("FlightLevel"), to voice FlightLevel's strenuous objection to the petition advanced by Boston Executive Helicopters, LLC ("BEH"), for the removal of the Object Free Area at the westerly portion of Taxilane 3 at the Norwood Memorial Airport (the "Airport"). I understand that the Airport Sponsor, the Town of Norwood (the "Town") through its Norwood Airport Commission (the "NAC"), has entered into an a *General Release & Settlement Agreement* with BEH (the "Settlement Agreement"), in which it has obligated itself to support BEH's petition, and that the Chairman of the NAC has dutifully written a letter in furtherance of that obligation, but the removal of the Taxilane 3 Object Free Area ("TOFA" or "OFA") is an extremely bad idea, so I respectfully appeal to your office, as the final arbitrator of airport and aviation safety, to deny BEH's petition and preserve the Taxilane 3 OFA as currently configured.

As the operator of Building 15, situated immediately across Taxilane 3 from BEH's hangar; as the employer and colleague of operators of aircraft based in Building 15; as the operator of buildings 16, 17 and 18 with frontage on Taxilane 3; as the operator of fueling and maintenance companies that rely on Gate 3 and the unobstructed access to the Airport that the OFA ensures; and as a victim of trespass, vandalism, and frivolous litigation initiated by BEH, I cannot think of a more, dangerous, short-sighted, or transparently partisan proposition than removal of the OFA at the western end of Taxilane 3.

I. BACKGROUND & MOTIVES.

A. WHY BEH IS PETITIONING FOR REMOVAL OF THE TOFA.

In 2013 BEH presented the NAC with a plan for the construction of a hangar and fuel system on Lot F at the Airport (see BEH Site Drawing at Exhibit A). The plan called for the hangar to be sited approximately 75 feet from the centerline of the Airport's Gate 3 Taxilane, and approximately 25 feet from the boundary of FlightLevel's Lot G. However, with the application of the NFPA 407 Aircraft Fueling Standard setbacks, and the 57.5' OFA setback from the centerline of the Taxilane 3, BEH's site design left insufficient room to conduct compliant aircraft fueling on Lot F (See OWD Site Drawing at Exhibit B).

125 ACCESS ROAD
NORWOOD MEMORIAL AIRPORT
NORWOOD, MA 02062
781.769.8680 FAX 781.769.0476 OR 781.769.7159

BEH was repeatedly questioned and warned by the NAC about this defect, but manager Christopher Donovan insisted that neither NFPA 407 nor the Gate 3 Taxi Lane OFA would be a problem for BEH because it had the right conduct its FBO operations on FlightLevel's neighboring Lot G. When Mr. Donovan threatened to sue, the NAC approved its plan subject to the requirement that BEH comply with applicable setbacks, and agree to a fueling restriction east of its hangar (i.e., on FlightLevel's Lot G) until it could demonstrate to the NAC that the property rights of others would not be violated (See: July 19, 2013 Memorandum at Exhibit C). BEH's election to disregard the many prior warnings about its defective site design, and contest the application of NFPA 407, the Taxilane 3 OFA, and FlightLevel's Lot G property rights, lie at the heart of the litigation that has surrounded the Airport since 2014.

Although BEH's petition makes only passing mention of aircraft parking, marshalling and fueling, or its commercial FBO operations, BEH seeks removal of the Taxilane 3 OFA because (1) its building on Lot F is improperly sized, located, or suited for an FBO operation, (2) its claim to be able to use FlightLevel's Lot G for its FBO was defeated in court; and (3) if the TOFA is removed as requested, it can operate its commercial fueling business in front of its hangar, control who can and cannot use Gate 3; and displace, disrupt and interdict FlightLevel's commercial operations including access to FlightLevel's Building 15.

B. WHY THE AIRPORT SPONSOR IS SUPPORTING BEH'S PETITION.

A November 2, 2018 Director's Determination concluded that the NAC discriminated against BEH in delaying the issuance of its FBO permit, and directed the Town to cooperate with BEH in approving its permit application. The NAC's good faith efforts to help BEH secure its FBO permit had been thwarted by BEH for years. The NAC disagreed with Director's Determination and sought an appeal, but in private meetings, BEH convinced a new Town Manager, without the benefit of aviation counsel, to overrule the NAC and enter into the Settlement Agreement, which, among other things, mandated that the NAC's appeal be withdrawn with prejudice, and that the NAC be required to support BEH's petition. See Endnote for additional details.¹

C. WHY THE FAA SHOULD DECLINE BEH'S PETITION.

If the TOFA is removed as requested, it will effectively close the Airport's widest and best access point to fire rescue, emergency medical transport, fuel transports, commercial freight, construction equipment, and the like. It will convert Gate 3 and the westerly portion of Taxilane 3 (each extremely important public Airport resources) into private ramp for the exclusive use of BEH and its transient fuel and tie-down tenants. It will block egress to and from FlightLevel's Building 15, clog Taxilane 3 with transient aircraft seeking fuel, and greatly increase emergency response times to the north end of the Airport, including much of runway 17/35, and the entirety of Runway 10/28. It will also run contrary to the Airport's plan for self-sustainability, and violate Grant Assurance 5, Preserving Right and Powers; Grant Assurance 2, Economic Nondiscrimination, subsections h., and i.; Grant Assurance 24, Fee and Rental Structure; Grant Assurance 29, Airport Layout Plan, subsections a., and b.; and Grant Assurance 34, Policies, Standards and Specifications.

II. ARGUMENT.

A. THE TAXILANE 3 OFA SHOULD REMAIN IN PLACE AND BEH'S PETITION SHOULD BE DENIED.

In its petition, BEH enumerates five propositions in support of TOFA removal. The propositions are (1) the taxilane at the south/west end of Taxilane 3 serves no purpose for aircraft separation; (2) a taxilane is not justified under FAA standards for the purpose of vehicle separation; (3) the Gate 3 taxilane and TOFA are highly detrimental to the use of the BEH hangar; (4) there will be no impact from the proposed change; and (5) the FAA should approve the petition outside of the Technical Masterplan Update.

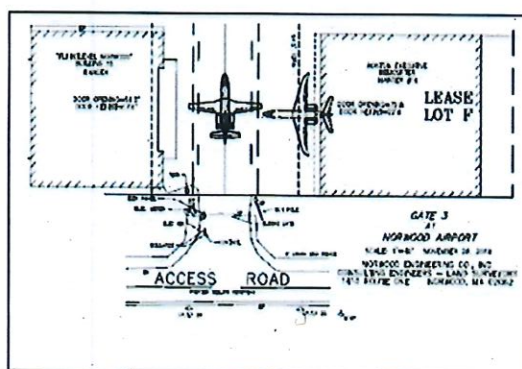
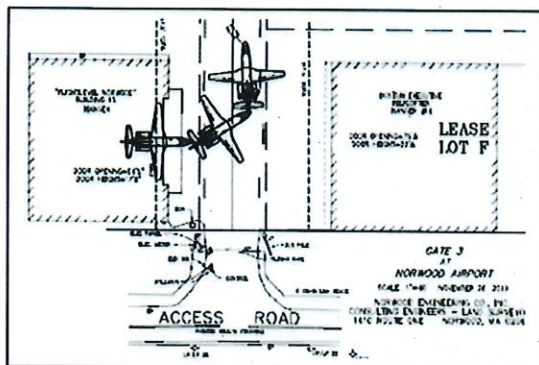
However, as set forth below, the TOFA at Gate 3 is necessary for aircraft separation; it is justified for vehicle access; the fact that its inconvenient to BEH is not sufficient grounds for its removal; removing the TOFA at Gate 3 will dramatically change the character of the Airport and interfere with its plan for future sustainability; and, bifurcating the Technical Masterplan Update process for the benefit of BEH, and to the detriment of the taxpayer, the public, the Airport and the Airports its other users, violates numerous Grant Assurances. Further the Town can fully comply with the November 2, 2018 Director's Determination without eliminating the TOFA at Gate 3.

1. THE TAXILANE 3 OFA AT GATE 3 IS NECESSARY FOR AIRCRAFT SEPARATION.

At item (1) of its Petition, BEH argues that the Gate 3 Taxilane serves no purpose for aircraft separation. Nothing could be farther from the truth. FlightLevel's Building 15 is positioned immediately across Taxilane 3 from BEH's Building 14. Only 123 feet separate the two buildings. Of this 115 feet is designated OFA.

(a) FlightLevel's Building 15.

FlightLevel's Building 15 is a 12,500 sf aircraft storage hangar with frontage on the north side of Taxilane 3. As currently configured, with its 64'5" wide and 17'6" tall hangar door, Building 15 can accommodate aircraft up to the size of the Citation XLS currently hangared there, and depicted in the inset site plans.¹ Under tow, the Citation XLS extends 68' from tug to tail² but requires considerably more than 68' of maneuvering room to access Building 15.³ However, Building 15 is positioned 48 feet from the centerline of Taxilane 3, and because a portion of the hangar and the ramp in front of its main door is already within the TOFA, of the 115' OFA at Gate 3, only 105'6" is usable. As such, in order to pull the XLS straight out of the hangar, more than half of the distance between the two buildings, and about 80% of the TOFA is required. Once lined up, the XLS extends 28.2' on each side of the centerline, leaving only 30' of wingtip clearance to the edge of the TOFA on BEH's side, and just 20' of wingtip clearance from Building 15 on FlightLevel's side.⁴



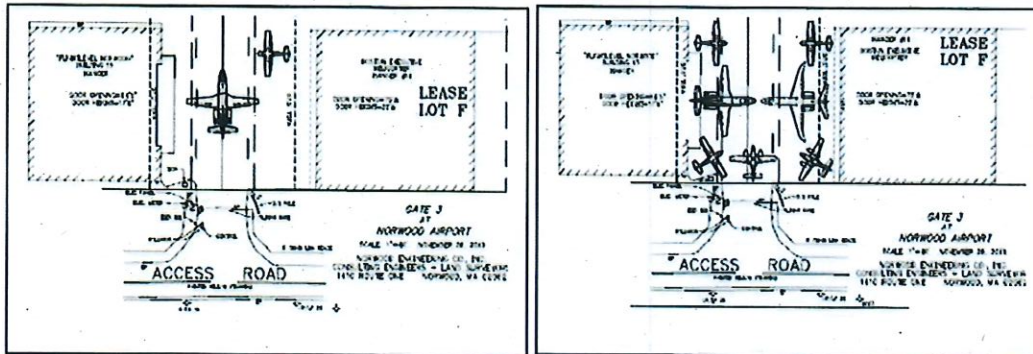
¹ With modification, the hangar door could be increased in width and/or height to accommodate even larger aircraft.

² Citation XLS: Length: 52.5', Wingspan: 56.33', Tail Height 17.1'. Tronair 01-1291-001 XLS Towbar 11.5' adding 6' of length in XLS operation. Eagle TT8 Tug: 9'6".

³ Tail-first and perpendicular to the hangar door as is often required.

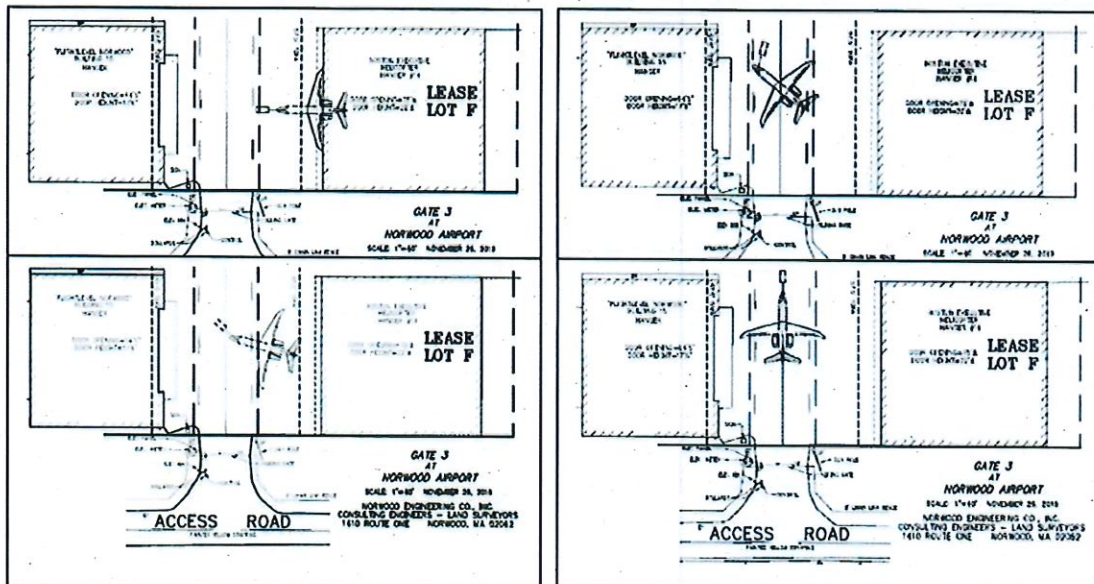
⁴ The included simulations are based on aircraft templates provided in the software programs "AviPlan" and "Smart Draw." All aircraft dimensions were confirmed using FAA Airport Engineering Division, AAS-100 Characteristics Database (October 2018). Aircraft positioning was provided by FlightLevel, for demonstration purposes and are to be considered as reasonably approximate.

Even a Cessna 172⁵ parked in the TOFA at the terminal end of Taxilane 3 will deprive FlightLevel of the wingtip clearance it needs to safely store and tow and operate the largest aircraft its Building 15 can accommodate.



(b) BEH's Building 14 –

BEH's building 14 is a 15,000 sf aircraft storage hangar and office structure with frontage on the south side Taxilane 3. With its 64'5" wide and at least 22' tall hangar door, Building 14 is capable of accommodating aircraft up to the size of a Citation Sovereign, as depicted in the inset site plans, and in BEH's Facebook photo gallery.⁶ Under tow, a Citation Sovereign extends 78' feet from tug to tail.⁷ Building 14 is positioned 75 feet from the centerline of Taxilane 3, so there is currently 17'6" of ramp in front of Building 14 that is outside of the TOFA. Yet in order to pull the Sovereign straight out of BEH's hangar, more than three quarters of the distance between the two buildings, and about 73% of the

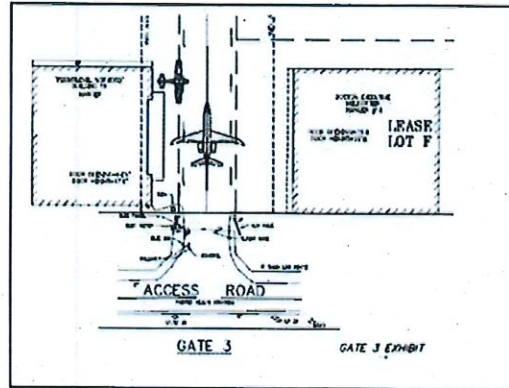
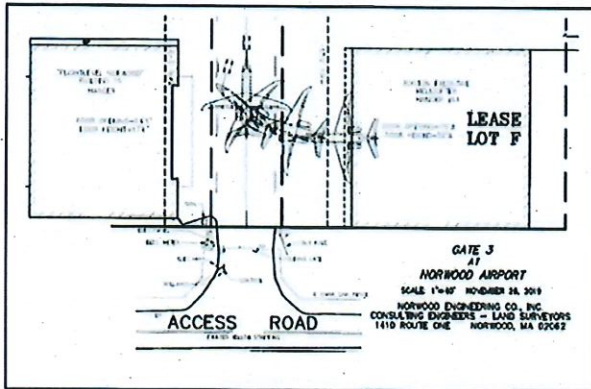


⁵ Cessna 172 Skyhawk: Length: 27.17', Wingspan: 36.08', Tail Height: 8.92'.

⁶ <https://www.facebook.com/FLYBostonExecutiveHelicopters/photos/a.1174828275947396/1587685594661660/?type=3&theater>. The photo depicts Citation Sovereign N900EB in BEH's hangar. It is anticipated that BEH will remove this image upon learning of this letter.

⁷ Citation Sovereign: Length: 63.5', Wingspan: 63.33', Tail Height 20.33'. Tronair 01-1291-001 Sovereign Towbar 11.5' adding 6' of length in Sovereign operation. Eagle TT8 Tug: 9'6".

TOFA is required. Once lined up, the Sovereign extends 31.66' on each side of the centerline, leaving only 25' of wingtip clearance to the edge of the TOFA on BEH's side, and just 16.3' of wingtip clearance from Building 15 on FlightLevel's side. Likewise, if even a Cessna 172 is parked in the TOFA, it, alone, will deprive BEH (or the future owner of Building 14) of the wingtip clearance it needs to safely store and move the largest aircraft its Building 14 can accommodate.



(c) BEH Fails To State How The Interest Of Aircraft Safety Will Be Served By The Removal Of The OFA At Gate 3

Citing AC/150-5300-13A, BEH suggest that the definitions of "Taxilane"⁸ and "Hangar Apron"⁹ should be used to reclassify the terminal end of Taxilane 3, in order to justify removing the OFA. However, BEH fails to include the definition of "Object Free Area"¹⁰ in its petition, or address the most important question ... how in the absence of Taxilane markings that extend all the way to Gate 3 and the corresponding OFA, sufficient clearances can be achieved to "enhance the safety of aircraft operations" other than "by remaining clear of objects, except for objects that need to be located in the [area between Building 14 and 15 ...] for air navigation or aircraft ground maneuvering purposes." Unless and until that question is resolved, the FAA should reject BEH's (and any other) petition for removal or reduction of Taxilane 3 or the Taxilane 3 OFA at Gate 3.

(d) BEH Misrepresents FlightLevel's Use Of The Taxilane 3 OFA -

BEH next represents that both hangars (FlightLevel's Building 15 and BEH's Building 14) "use [the area between Buildings 14 and 15] for aircraft parking, marshalling and fueling." While it is true that both entities utilize the area for aircraft ground maneuvering purposes, only BEH uses it for aircraft parking and fueling, and only in defiance of Airport regulations. The fact that an entity intentionally and consistently violates airport safety regulations should not provide that entity, or any regulator, or any other person or entity with justification for its removal.

⁸ AC/150-5300-13A Chapter 1, Sec. 102. cccc. states: "Taxilane (TL). A taxiway designed for low speed and precise taxiing. Taxilanes are usually, but not always, located outside the movement area, providing access from taxiways (usually an apron taxiway) to aircraft parking positions and other terminal areas."

⁹ AC/150-5300-13A Chapter 1, Sec. 502.c. states "Hangar apron. This is an area on which aircraft move into and out of a storage hangar. The surface of such an apron is usually paved."

¹⁰ AC/150-5300-13A Chapter 1, Sec. 102. kkk. states: "Object Free Area (OFA). An area centered on the ground on a runway, taxiway, or taxilane centerline provided to enhance the safety of aircraft operations by remaining clear of objects, except for objects that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes."

2. THE TAXILANE 3 OFA AT GATE 3 IS NECESSARY FOR AIRPORT SELF-SUSTAINABILITY.

Grant Assurance 24 provides that the Airport Sponsor will "maintain a fee and rental structure for the facilities and services at the Airport which will make the Airport as self-sustaining as possible [...]."

(a) Airport Self-Sufficiency Depends On Large Aircraft.

Attached as Exhibit D is a copy of a Position Paper presented to the Norwood Airport Commission, making the case for extending Runway 17/35. In short, through the Great Recession and its aftermath, corporate flight departments sold-off their "embarrassing" corporate aircraft, and outsourced their aviation needs to charter and fractional companies. This trend, known as "Charter Shift," combined with the non-proliferation of the micro-jet market, changed general and corporate aviation from primarily Part 91, to primarily Part 135. In the new Part 135 world, airports with runways shorter than 5,000 feet are disregarded, and airports with runways longer than 5,000 feet receive the lion's share of the private and commercial GA uplift.

(b) The OWD Master Plan Recognizes The Importance Of Large Aircraft.

The OWD Airport Master Plan recognizes this trend, and appropriately includes an option to extend Runway 17/35 to greater than 5,000 feet. The Master Plan Update, currently in process, goes a step further, specifying as a first phase, the paving of the Runway 17/35 safety areas, which will take the Airport's main runway from 4,000 to 4,600 feet. Second only to safety, the purpose for this investment will be to attract larger and more profitable charter and fractional fleet aircraft, since larger aircraft require more fuel and services, and pay higher rents than smaller aircraft. It is these additional services, fuel sales and rents that the Airport Sponsor will need to achieve and maintain financial self-sustainability. However, runway length, is only part of it.

(c) Large Aircraft Require Large Taxiways and Large Hangars.

The Airport must have the ability to safely taxi, tow and store large aircraft. Of the Airport's two east/west Taxilanes, the distance between the buildings at Taxilane 3 is wider by approximately 36 feet¹¹, making it the more desirable Taxilane for the erection of large hangars and the storage of large aircraft. Although Buildings 15, 16 and 18 are non-conforming, in the sense that they currently encroach into the Taxilane 3 OFA, they are reaching the end of their useful lives, and rather than reducing or removing the TOFA designation, they should be replaced with structures sited outside the TOFA, so the full length of Taxilane 3 can accommodate the largest aircraft design group (Currently Group B-II) capable of being hangared at OWD.

(d) Summary -

There no circumstance in which the Airport's self-sustainability will be served by the shortening, narrowing, or obstructing of any Taxilane, and especially not Taxilane 3. Further, surrendering the future profitability of Airport to improve the immediate competitive advantage of a single Airport operator would violate Grant Assurance 5, Preserving Right and Powers; Grant Assurance 2, Economic Nondiscrimination, subsections h., and i.; Grant Assurance 24, Fee and Rental Structure; Grant Assurance 29, Airport Layout Plan, subsections a., and b.; and Grant Assurance 34, Policies, Standards and Specifications.

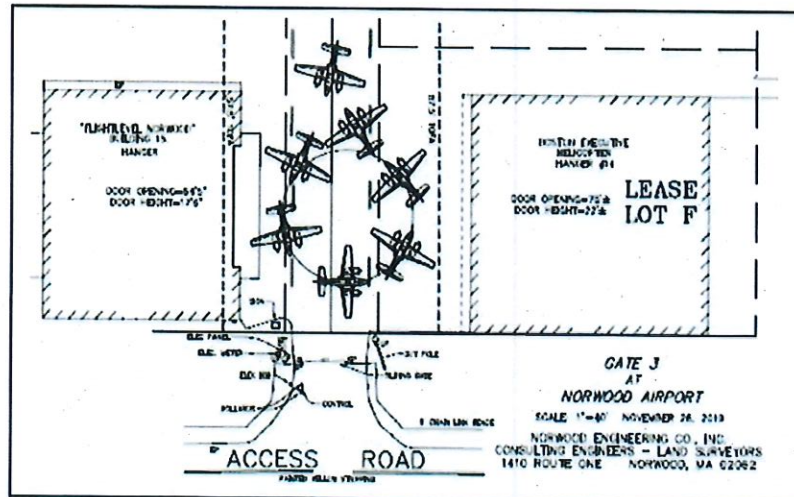
3. TAXILANE 3 AND CORRESPONDING OFA ARE JUSTIFIED FOR VEICHL ACCESS IN THE INTEREST OF AIRCRAFT AND AVIATION SAFETY.

¹¹ 123 feet +/- at Taxilane 3, compared to 87 feet +/- at Taxilane 2.

**(a) The Area Between Building 14 And Building 15 Should Not Be
Reclassified As A Service Road To Justify Removing The TOFA.**

At item (2) of its Petition, BEH argues that the Taxilane 3 is essentially a service road, and as such the regulations applicable to service roads should apply to area between Building 14 and Building 15. Since AC/150-5300-13A Chapter 5, Section 514¹² counsels that service roads "should be clear of the OFAs for the runways and taxiways/taxilanes," BEH concludes that Taxilane 3 and OFA at Gate 3 are inappropriate. While creative, this second proposition is equally flawed.

To begin with, BEH fails to prioritize the operation of aircraft in the area between Buildings 14 and 15, offering the "service road option" more as an excuse for the change than a sound plan for why removing or relocating the Taxilane 3 TOFA makes sense. As discussed in detail above, the Taxilane 3 OFA is necessary to enhance the safety of aircraft operations, ensure proper clearances, and preserve the Airports ability to achieve and maintain financial self-sufficiency. It is also necessary to ensure proper clearances for transient aircraft that may taxi to the terminal end of Lane 3 after hours in search of fuel. The underlying image depicts a properly scaled Beech 55 entering and exiting the terminal end of Taxilane 3.



While it is true that vehicles gain access to the Airport through Gate 3, and that Gate 3 is the largest and best point of egress for emergency and commercial vehicles, it is ONLY the OFA designation that ensures that Gate 3 remains usable. Once the OFA is removed, and BEH converts the area to parking for its tenants, customers, fuel trucks and ground support equipment, Gate 3 and Taxilane 3 will be inaccessible (even as a service road) to all but BEH's preferred users.

¹² AC/150-5300-13A, Chapter 5, Section 514. Apron service roads.

Designated service roads should be provided on aprons because they restrict service vehicle movements to a confined area(s) where the pilot is familiar with seeing vehicle activity. Proper layout of service roads on an airfield contributes to airport safety and the reduction in runway incursions. Factors to consider when designing service roads include items such as current/future vehicle and ground-service equipment movement, space, bearing strength, height clearance, separation standards from runways/taxiways, and access. The width of service roads depends on the projected traffic levels, widest equipment expected to use the service road, etc. There are typically two locations for apron service roads: (1) behind the aircraft or (2) between the front of the aircraft stand and the terminal building. At commercial service and busy general aviation airports, service roads may also run between the apron and the taxiway/taxilane for authorized vehicle access to parked aircraft. These roads should be clear of the OFAs for the runways and taxiways/taxilanes. Facilities should be designed to avoid service roads crossing runways and taxiways/taxilanes to the extent possible. However, when a crossing is necessary, proper marking must be in place to ensure vehicles stop or yield to aircraft. The service road should be defined with centerline and edge striping. See AC 150/5340-1 for marking design information.

BEH next argues that there would be no prohibition on the marking of a service road across open ramp, but fails to propose the installation of a service road over its own existing open ramp at Gate 3, which would at the same time preserve the TOFA for aircraft safety, and meet BEH's desire to separate vehicle traffic. Since Taxilane 3 and its corresponding OFA terminate approximately 25 feet east of Gate 3, and more-or-less proximate to the northwesterly corner of Buildings 14, and since BEH maintains 17'6" of Hangar apron outside of the OFA, if a service road is indicated, the Airport would be far better served by its installation to the south of the Taxilane 3 OFA, over BEH's existing open ramp.

Lastly, BEH asserts that its aviation consultant inquired with AAS-100, and reported back that the Taxilane 3 OFA "was not prohibited by standards but did see that the Taxilane served little if any purpose at the end of the lane, and thought that substituting a vehicle service road would be a safety improvement by providing a clearly protected rout for vehicles." In addition to being partisan hearsay, this purported encounter between BEH's paid expert and an un-named federal employee is too speculative to deserve credit. If a proper analysis had been undertaken and completed, a written report would have issued, and BEH's expert would have provided that report to BEH to assist BEH with its petition. In the absence of a proper analysis and written report, the representation of BEH about the purported representation of BEH's expert, about the purported representation of an un-named federal employee should be stricken from consideration.

What's far more probative is your office's prior review of this issue, a record of which was memorialized in a June 24, 2013 email from Airport Manager, Russ Maguire directed to Mr. Donovan, copied to you, and circulated among all relevant FAA and MassDOT regulators. Specifically, "FAA policy does not allow new obstructions to be placed within any OFA areas regardless of existing obstructions." Further "per [... BEH's] commercial fueling operation, the concern expressed by the FAA is the use of the current taxi-lane (e.g., size and type of aircraft), and how that might change if possibly larger, itinerant aircraft were to begin operating on the gate 3 taxi-lane late at night looking for fuel." See June 24, 2013 Circularized Email at Exhibit E). The issue was concluded. The TOFA was preserved as currently configured, and the Airport Manager notified all Airport users, stating:

At this point, the taxi-lane object-free areas (TOFA) should no longer be an issue. [... B]y now, every airport business owner, every aircraft owner and/or chief pilot on this airport should be well aware that parking and leaving aircraft within the taxi-lanes (gate 2, gate 3 or north/south taxi-lane), whether for fuel or otherwise, is prohibited. Please reinforce this message with your staff and co-workers.

The Norwood Airport is, relatively speaking, small. Onto this footprint, we have 10 commercially permitted businesses, any number of corporate and business flight departments and 187 based aircraft. This doesn't include all of the transient aircraft and ground traffic including fuel trucks, maintenance and personal vehicles. So airport management fully understands our space constraints, which seem to be getting tighter and tighter. That said, we're asking everyone to honor these TOFAs for the benefit of all.

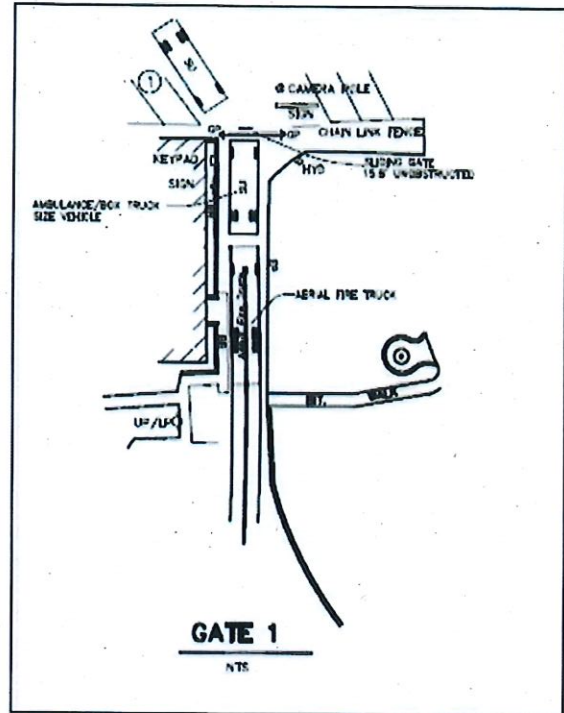
See: April 11, 2014 Email attached as Exhibit F. The FAA should not now disregard its previously identified and very real safety concerns, or undo the results of its prior investigation, solely to benefit a single Airport user by eliminating the OFA between Buildings 14 and 15.

(b) The Taxilane 3 OFA Should Continue To Gate 3 To Protect Unobstructed Access For Emergency Responders –

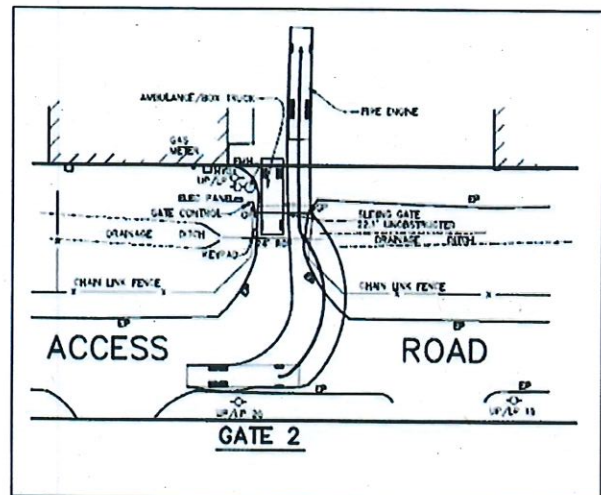
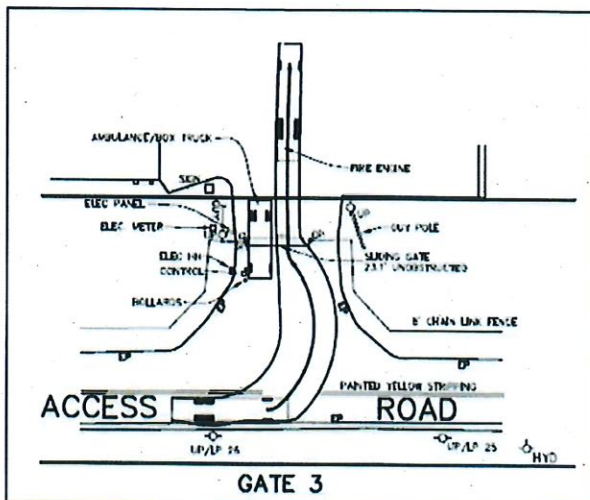
Of the Airport's three vehicle gates, Gate 3 provides the best over-all vehicle access for emergency response.

Unlike Gate 1, which is served by a narrow vehicle lane that passes by a restaurant and rental car concession, each with corresponding amounts of vehicle and foot traffic; and unlike Gate 2, which is served by a comparatively narrow ground-side access driveway, and which requires careful maneuvering at the vehicle gate; Gate 3 has a comparatively wide ground-side access driveway, and direct, line-of-sight, air-side ingress and egress to the Airport's taxilanes, taxiways and runways.

Additionally, only one emergency vehicle at a time can pass through the 15.8' unobstructed opening afforded by the slide gate at Gate 1. And while the 22.1' unobstructed opening afforded by the slide gate at Gate 2 could permit multiple vehicle access, the narrow paved entrance creates a choke point that renders it less than ideal in the event of an emergency. By contrast, the 23.1' unobstructed opening afforded by the slide gate at Gate 3, combined with the large radius paved driveway to and from Access Road, permits simultaneous use of Gate 3 by multiple vehicles, such that a fire engine can freely enter and an ambulance can freely exit the Airport at the same time.



Note below that the fire truck entering at Gate 2 passes through the drainage ditch, while the fire truck entering Gate 3 remains on the paved driveway.



More important still is the proximity of Gate 3 to the northern side of the Airport, making it the most direct emergency route to the approach end of Runway 17/35, and ALL of Runway 10/28.



If the TOFA is removed as requested, it will effectively close the Airport's widest and best access point to fire rescue, emergency medical transport, as well as fuel transports, commercial freight, construction equipment, and the like. It will convert Gate 3 and the westerly portion of Taxilane 3 (each extremely important public Airport resources) into private ramp for the exclusive use of BEH and its transient fuel and tie-down tenants, greatly extending emergency response time to the farthest north and east sections of the Airport, including much of Runway 17/35 and all of Runway 10/28.

4. THE FACT THAT THE GATE 3 TAXILANE OFA IS INCONVENIENT FOR BEH DOES NOT JUSTIFY ITS REDUCTION OR REMOVAL.

At Section 3 of its petition, BEH asserts that the Taxilane 3 OFA at Gate 3 is highly detrimental to the use of its hangar, and re-offers the "service road" argument in support of its removal.

(a) BEH Knowingly Elected Not To Re-Position Its Hangar On Lot F To Gain Additional Ramp Outside The Gate 3 OFA.

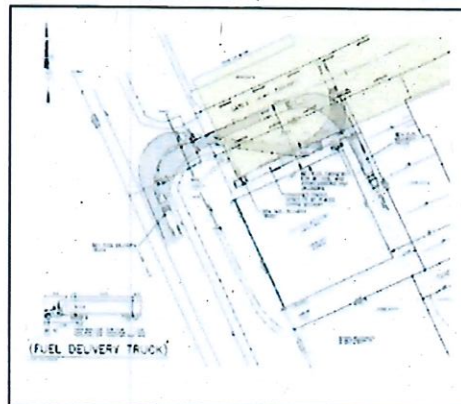
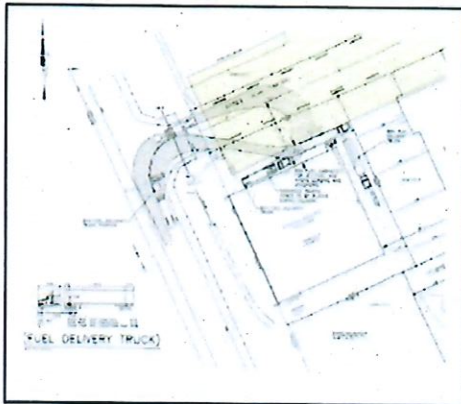
As detailed above at Section 1.A., dating back to 2013, and well before breaking ground, BEH was repeatedly cautioned by the NAC and Airport Manager about the limitations of its site design, given the application of NFPA 407 aircraft fueling setbacks, and the proximity of its hangar to the Gate 3 TOFA. Yet with full knowledge of those limitations, BEH elected not to alter its site plan, and demanded under threat of litigation that the NAC approve its plan as proposed. BEH did this because it believed that once its hangar had been built, it could bully the NAC into giving it additional land, using the argument that it was being penalized, and the regulations were therefore being disparately applied. This strategy worked,¹³ and it's exactly what BEH is attempting to do with its petition. However, the "Clean Hands Doctrine" is a rule of law that a person coming to court with a lawsuit or petition for a court order must be free from unfair conduct (have "clean hands" or not have done anything wrong) in regard to the subject matter of his/her claim.¹⁴ This is clearly not the case with BEH, and although review by your office is not a court proceeding, the principle should apply equally, and BEH's petition should be denied.

¹³ The NAC evicted the prior tenants of Lot A, Lot B and the CD-3 Apron and offered the land to BEH.

¹⁴ <https://dictionary.law.com/Default.aspx?selected=211>.

(b) BEH Can Operate Its Fueling System And FBO Compliantly Without Violating Or Removing Or Reducing The Taxilane 3 OFA.

BEH only mentions "fuel" briefly at Section 2 of its petition, but the transparent purpose behind the petition is the annexation of ramp so it can operate its FBO in front of its hangar. However, in the last several years, the NAC has required both FlightLevel and BEH to demonstrate that they could each compliantly operate their fueling systems without violating Airport safety regulations or the property rights of others. In 2018 BEH submitted the underlying scaled engineering plans prepared by the designer of Building 15 and its in-ground fuel system, as evidence that it can operate its fueling system without violating the OFA, and without going on FlightLevel's Lot G. More complete copies of the plans are attached at Exhibit G.



Although BEH cannot fuel aircraft on Lot F due to NFPA 407 setbacks, it can fuel aircraft in designated areas on any public apron, and on any lot it leases from the Airport. However, the fact that the OFA at Gate 3 may be inconvenient for BEH, does not justify its removal or reduction to the detriment of the Airport and other Airport users. See, e.g., *Asheville Jet, Inc. v. Asheville Reg'l Airport Auth.* FAA Docket No. 16-08-02. — No. FAA-2008-1077. Director's Determination, at p. 21 (October 1, 2009)("[C]onvenience is not the standard for evaluating whether an aeronautical tenant enjoys an exclusive right or not"). Moreover, while BEH has 17'6" of ramp outside of the OFA in front of Building 14, FlightLevel has none, and yet FlightLevel remains perfectly capable of operating Building 15 without reducing or removing the TOFA. The difference is that BEH intends to engage in activities other than hangar operation at the terminal end of Taxilane 3. Principally, the parking, marshalling and fueling of aircraft.

(b) BEH Does Not Play Fair -

BEH continues the "service road proposition" at Section 3 of its petition. However, it adds a new twist, arguing that "replacing the Taxilane with a vehicle service road in this location provides each of the adjacent hangar owners with an additional 45 feet of hangar apron in front of their hangars, making it far easier to position aircraft and move stored aircraft in and out of their hangars." Do not be fooled. The inference that "each of the adjacent hangar owners" will benefit is a deception.

BEH (now entering its fifth year of serial litigation) has demonstrated itself to be a highly partisan and territorial entity, intent on flaunting regulations, pushing boundaries, and seeking every possible advantage over anyone or anything that stands in its way. If given an opportunity, it will quickly disavow the implied détente, and occupy the entire area between Buildings 14 and 15 to further its own interests,

and to disrupt, delay, and interdict FlightLevel's commercial undertakings, harass its tenants, and interfere with the quiet enjoyment of its leaseholds. Under the direction of Mr. Donovan, there is literally NO likelihood that BEH will "play fair" and peacefully co-exist with FlightLevel at Gate 3, or permit FlightLevel (or anyone else) equal access to Gate 3, or the enjoyment its purported share of any additional ramp access that might be gained through its petition.

5. BEH's REMAINING ARGUMENTS FAIL TO JUSTIFY REMOVAL OR REDUCTION OF THE TAXILANE 3 OFA.

(a) Removing Or Reducing the TOFA Will Convert Lane 3 From Public Asset To Private FBO Ramp.

At Section 4 of its petition, BEH attempts to anesthetize the FAA relative to the impact of removing the TOFA at Gate 3, arguing, in essence, that it's merely the removal and replacement paint, which "will have no effect on the number or types of aircraft or vehicles that use Lane 3, and make no change in the kinds of activit[ies engaged in by the entities] using the hangars on Lane 3."

However, as discussed above, BEH's primary objective is to acquire additional ramp so it can conduct commercial fueling and FBO operations in the OFA at Gate 3. In Section 2 of its petition, BEH stealthily mentions that "both hangars" use the area between Buildings 14 and 15 for "*aircraft parking, marshalling and fueling*." This is a false statement, but it's foundation upon which BEH justifies its representation that there will be no change in activity when it starts fueling aircraft between Building 14 and 15.

The truth, of course, is just the opposite. Commencement of commercial *aircraft parking, marshalling and fueling* in the area between Building 14 and Building 15 will have a radically destabilizing impact, completely transformation Gate 3 from a valuable Airport asset, to BEH's private commercial fueling domain. It will effectively close the Airport's widest and best access point to fire rescue, emergency medical transport, fuel transports, commercial freight, construction equipment, and the like. It will convert Gate 3 and the westerly portion of Taxilane 3 (each extremely important public Airport resources) into private ramp for the exclusive use of BEH and its transient fuel and tie-down tenants. It will block egress to and from FlightLevel's Building 15, clog Taxilane 3 with transient aircraft seeking fuel, and greatly increase emergency response times to the north end of the Airport, including much of runway 17/35, and the entirety of Runway 10/28.

(b) BEH's Petition Seeks Blatant Derailment Of Public Process.

Although a Technical Master Plan Update, funded by hundreds of thousands of taxpayer dollars, had already progressed through the vetting of options and solutions – including those applicable to Taxilane 3, BEH describes an August 21, 2019 meeting in which he and his aviation consultant attempted to convince the FAA personnel to authorize or direct the NAC to remove the Taxilane markings and OFA at Gate 3, and replace the same with vehicle service road markings. While properly advised by Michelle Ricci and Lisa Lesperance that the issue would have to be considered as part of the Technical Master Plan Update, BEH, through its petition, is nonetheless seeking to bifurcate and subvert the Technical Master Plan Update process, to achieve its partisan objectives.

At Section 5 of its petition, BEH blatantly requests that the FAA "approve a NAC [sic] request to alter the markings on this short section of ramp and/or find that it is an action that could be done without further FAA review and noted on the next update of the Airport Layout Plan." If BEH's petition is granted, it will have succeeded in derailing the Master Plan Update, and changing the entire character and future of the Airport without due process of law. Alternatively, if BEH's petition is to be considered in connection with

the current Master Plan Update, the project will have to be reversed, re-cued and re-bid. In either case, it would lay waste to a considerable body of engineering work, at great cost to the taxpayers.

III CONCLUSION

For all of the foregoing reasons, BEH's petition should be denied.

Respectfully submitted,

FlightLevel Norwood, LLC

By: 

Nicholas W. Burlingham
General Counsel
FlightLevel Norwood, LLC
125 Access Road
Norwood, MA 02062
860-941-1129

Endnote ¹ As an observer who attended nearly every NAC public meeting since 2014, I personally witnessed the NAC's many, many good faith attempts to help BEH become an FBO, while at the same time, BEH toyed with the NAC, artfully maneuvering, litigating, filing ethics complaints, records requests and appeals, publishing articles, sowing confusion and chaos, and intentionally sabotaging every opportunity that it had to become an FBO – all to mask its defective site design and bolster its claim for damages - including repeatedly refusing to execute any of the NAC's lease offers, or meet the NAC's simple and reasonable permitting requirements (like providing pollution insurance), all of which had been asked of and easily satisfied by FlightLevel.

So how could the Town have been found to have discriminated against BEH? There are two reasons. First, the Town failed to report its good-faith efforts or BEH's intentionally evasive behavior to the Airport Compliance Office for most of the pendency of the Part 16 proceeding. The procedural history (found at Section III.A. of the Director's Determination), shows no attempt on the part of the Town or its attorneys to update the Airport Compliance Office during the 13 months between January 3, 2016 and February 7, 2017, and/or the 19 months between February 7, 2017 and the November 2, 2018 Determination. Given the absolute dearth of evidence of the Town's good faith efforts and BEH's evasive behavior during these 32 months, and BEH's representation that the town still hadn't issued its FBO Permit, it is entirely understandable that the Director would conclude that the Town, rather than BEH, was at fault. The second reason is that the FAA Airport Compliance Office took far too long to render its decision. The Complaint was filed March 11, 2015. The briefing was concluded January 3, 2016, just 10 months later. Yet the Compliance Office waited an additional 2 years and 10 months to issue its determination, and when it did, it rushed it out so quickly that its first edition had to be retracted to correct numerous typographical errors. Both the Town and BEH had been anticipating prompt resolution and orders to guide them in their next steps. Had

the FAA issued a prompt determination, the 34 month delay would not have figured into the calculus that ultimately penalized the Town and increased BEH's claim for damages.

The November 2, 2018 Director's Determination came as shock to those of us who witnessed the dynamic between the Town and BEH. However, what has been difficult to justify, is why, when confronted with the patently incorrect Director's findings, the Town would fail to set the record straight by prosecuting the NAC's appeal, and stunningly, would instead allow it to become the final, unappealable, law of the land. The answer is that BEH was able to convince a member of the Town's Board of Selectmen, and a newly appointed Town Manager, with no aviation background or experience, and mere cursory understanding of the facts, law, history or circumstances, and without any investigation of their own, that the NAC was incompetent, and that by cutting the NAC out of the conversation, all of BEH's claims could be quickly resolved without further litigation. The quid pro quo was that the Town would agree to 100% of BEH's demands, one of which was removal of the TOFA at Taxilane 3; another was the withdrawal, with prejudice, of the NAC's Part 16 Appeal. So, over the objection of the NAC's sitting members, two of whom electing to resign on principal, the new Town Manager acceded to all of BEH's demands, as set forth in the Settlement Agreement, and then forced the NAC's remaining members to do the same, irrespective of the harm it would cause to the Airport, or the impact that it would have on the Airport's other tenants and users. This is why the Town is backing BEH's petition for removal of the Taxilane 3 OFA, and FlightLevel Norwood, rather than the Chairman of the Norwood Airport Commission, the Airport Manager, or the Town's aviation counsel, must write this letter.

EXHIBIT A



133 STATE ROAD, SUITE 2
NORTH DARTMOUTH, MA 01901
TEL: 508-688-4444 FAX: 508-688-4445
WWW.CEG-MA.COM

PROPOSED STEEL HANGAR
LEASE LOT F-18 ACCESS
ROAD, NORWOOD
NORWOOD, MA 01908

BOSTON EXECUTIVE
HELICOPTERS
200 ACCESS ROAD,
NORWOOD AIRPORT
NORWOOD, MA 01908

No.	Rev.	Description
1	0	ISSUED FOR PERMIT
2	1	REVISED TO ADD NOTES
3	2	REVISED TO ADD NOTES
4	3	REVISED TO ADD NOTES
5	4	REVISED TO ADD NOTES
6	5	REVISED TO ADD NOTES
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PROPOSED DRAINAGE
CHANNELS
LAYOUT PLAN

Sheet Number: 3 OF 30

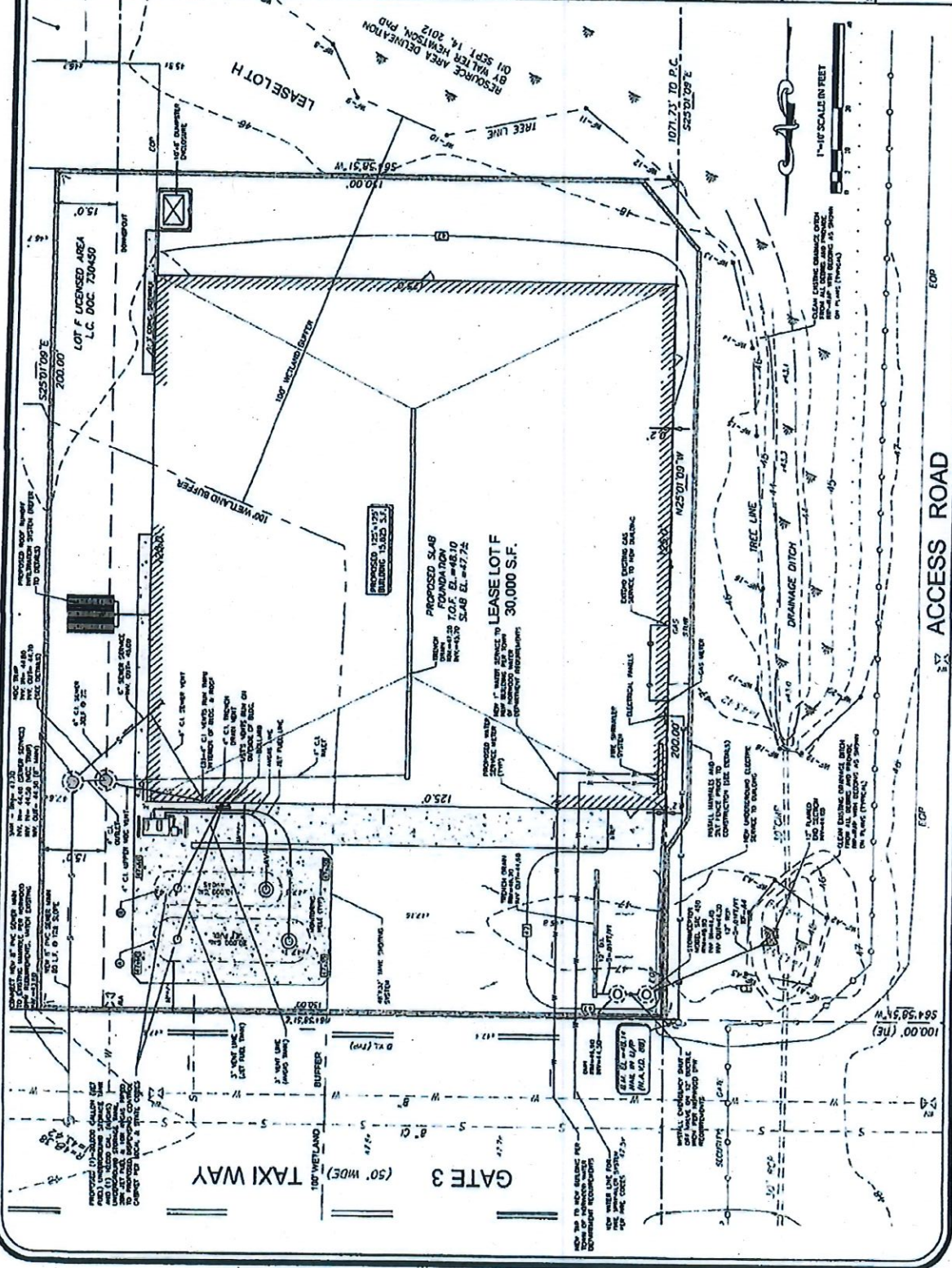
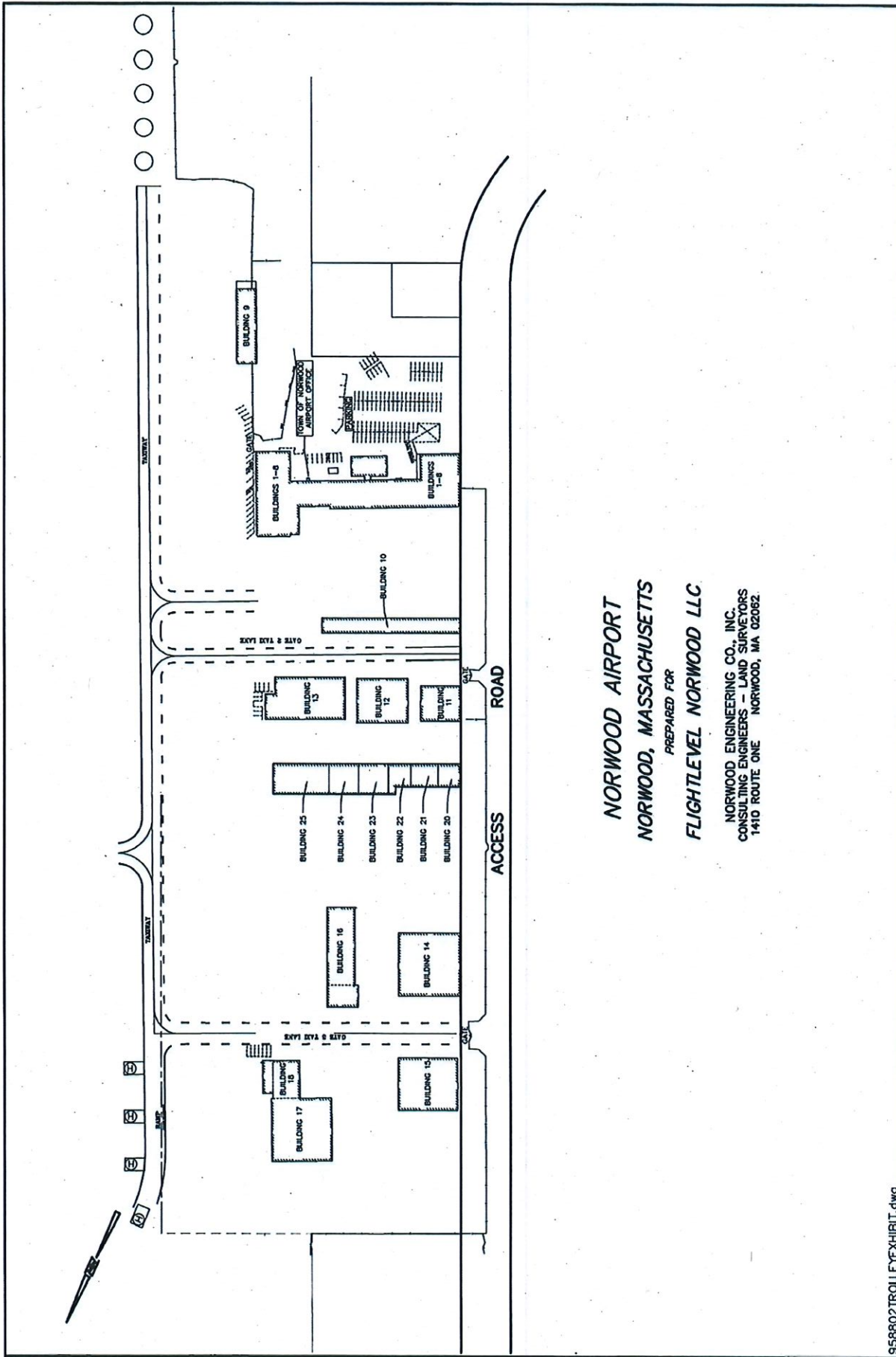
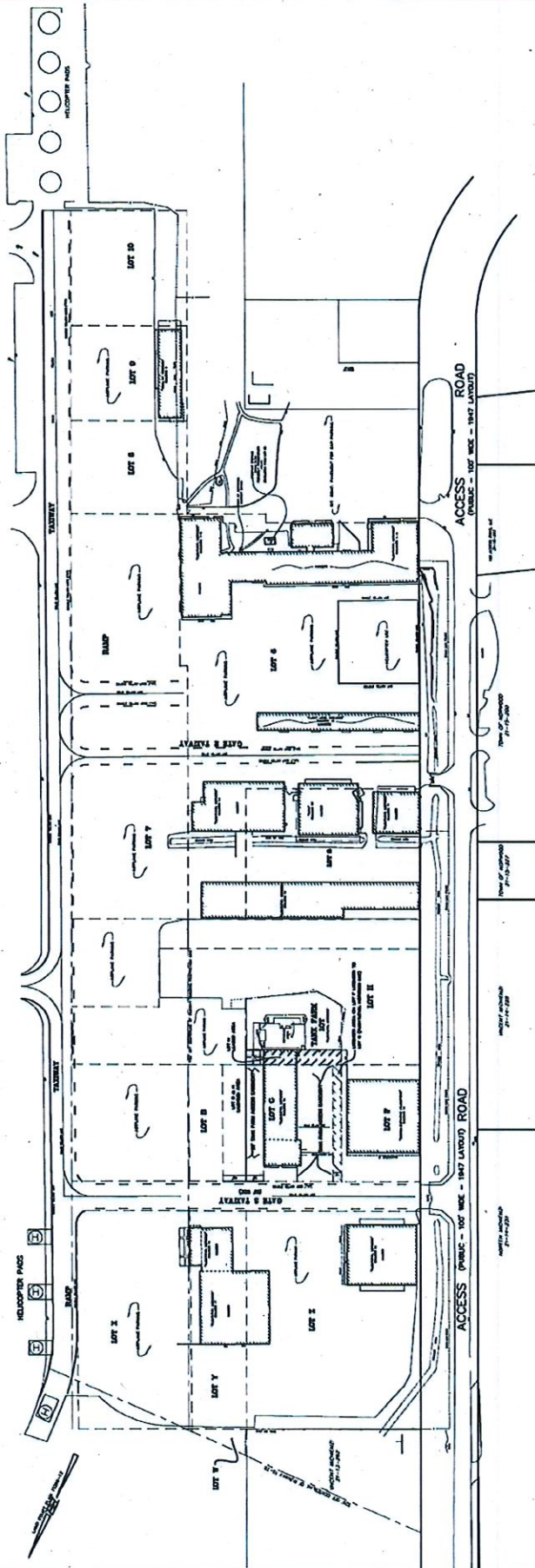


EXHIBIT B



NORWOOD AIRPORT
NORWOOD, MASSACHUSETTS
 PREPARED FOR
FLIGHTLEVEL NORWOOD LLC

NORWOOD ENGINEERING CO., INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 1410 ROUTE ONE NORWOOD, MA 02062



THE BOUNDARY LOCATIONS AND EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED ON A LAND TITLE SURVEY PREPARED BY NORWOOD ENGINEERING COMPANY, INC. AND SHOWN ON A PLAN DATED NOVEMBER 13, 2007. THE SURVEY WAS CONDUCTED BY NORWOOD ENGINEERING COMPANY, INC. AND THE SURVEY IS LOCATED AT 1410 ROUTE ONE, NORWOOD, MA 02062. THE PLAN WAS PREPARED BY NORWOOD ENGINEERING COMPANY, INC. ON DECEMBER 2, 2016.

**FUELING RESTRICTION PLAN
AT
NORWOOD AIRPORT
NORWOOD, MASSACHUSETTS
PREPARED FOR
FLIGHTLEVEL NORWOOD LLC**

SCALE: 1"=60'
RECORDED: 1, 2016
NORWOOD ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
1410 ROUTE ONE, NORWOOD, MA 02062

9588-02

SHEET 1 OF 1

LEASE LOTS	
LOT 1	2,500,000 SF
LOT 2	2,500,000 SF
LOT 3	2,500,000 SF
LOT 4	2,500,000 SF
LOT 5	2,500,000 SF
LOT 6	2,500,000 SF
LOT 7	2,500,000 SF
LOT 8	2,500,000 SF
LOT 9	2,500,000 SF
LOT 10	2,500,000 SF
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LOT 93	2,500,000 SF
LOT 94	2,500,000 SF
LOT 95	2,500,000 SF
LOT 96	2,500,000 SF
LOT 97	2,500,000 SF
LOT 98	2,500,000 SF
LOT 99	2,500,000 SF
LOT 100	2,500,000 SF

(AREA INCLUDES TANK FARM
AND LEASE LOT-15,3000 SF.)

EXHIBIT C



The TOWN OF NORWOOD

Commonwealth of Massachusetts

Norwood Memorial Airport

Russ Maguire, A.A.E., ACE, Airport Manager

OFFICE ADDRESS

125 Access Road
Norwood, MA 02062

MAILING ADDRESS

125 Access Road
Norwood, MA 02062

HAND DELIVERED AND BY ELECTRONIC MAIL

July 19, 2013

Boston Executive Helicopters
Attn: Chris Donovan, President
125 Access Road
Norwood, MA 02062

RE: *Boston Executive Helicopters' Fuel Farm*

Dear Chris:

As a matter of record: During its monthly public meeting held Wednesday, July 17, 2013, the Norwood Airport Commission (NAC) met with your company, *Boston Executive Helicopters* (BEH), to specifically resolve two outstanding matters. These involved:

1. FAA's design standard relative to the Norwood Airport's gate 3 taxi-lane object free area (TOFA), as it applies to your company's construction and operational plans;
2. BEH's fueling plans and procedures with respect to the TOFA, and the abutting property interests of others

Regarding the NAC's first concern, as indicated in Wednesday's meeting, the board considers this matter resolved. As for the second concern, at Wednesday's meeting, your company delivered to the Airport Commission documents that now more comprehensively address BEH's fueling plans and procedures, especially with respect to the TOFA and the abutting property interests of others.

Following your company's presentation Wednesday, the NAC approved the continuation of your company's hangar construction and fuel farm installation.


However, as noted in the meeting, BEH still needs to deliver to the NAC additional documents and revised plans, which your company has agreed to. These documents would include:

1. A revised fuel storage drawing(s), which you've indicated has already been approved by the Norwood Fire Department and Board of Selectmen;
2. A foundation plan;
3. A shoring plan;
4. A copy of BEH's filing to the Norwood Conservation Commission (Con Com) showing the spill containment properties of your fuel farm, which you've indicated as having met the approval of the Norwood Con Com;
5. An updated construction schedule

Per Wednesday's meeting, BEH has furthermore agreed to an aircraft fueling restriction east of its leasehold since this involves abutting leaseholds; and this restriction will remain in place until such time that BEH can demonstrate to the Airport Commission that the property rights of others will not be violated.

Finally, on behalf of the board, thanks very much for taking the time at Wednesday's meeting to more fully explain BEH's plans. Good luck as your company moves forward with construction.

Sincerely,



Russ Maguire, Manager
Norwood Memorial Airport

Cc: *Norwood Airport Commission; Norwood Board of Selectmen; John Carroll, Norwood Town Manager; Chief Tony Greeley, Norwood Fire Department; Al Goetz, Agent, Norwood Conservation Commission*

EXHIBIT D

Norwood Memorial Airport Runway Extension Analysis

February 2018

Prepared by:



Prepared for:



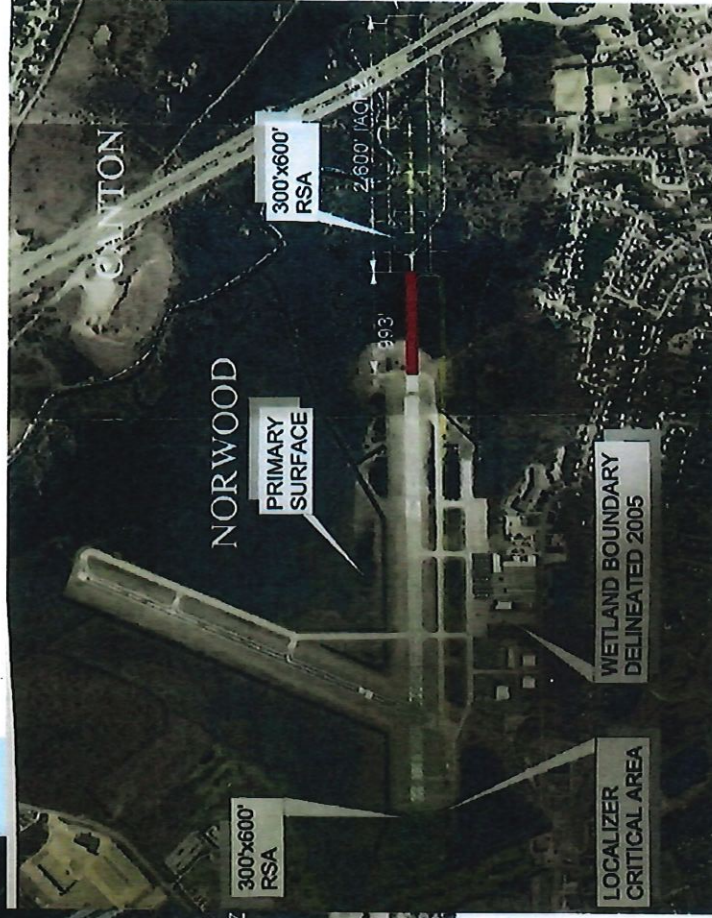
Norwood Airport
Commission
(NAC)

This Presentation summarizes the massive economic benefits the Airport and Town would enjoy from extending Runway 17-35 to a minimum of 5,001 feet (it's currently 4,008 feet). It also debunks the commonly perceived drawbacks.

Contents

A. General Background	2
B. Charter Shift and its Effects	4
C. Industry Data	5
D. Competitor Airport Comparison	7
E. Economic Impact	10
F. Conclusion / Contact	11

The 2007 Airport Master Plan Update identifies “Runway Extensions” first on its list of “Facility Needs.” It also provides the alternatives analysis to accomplish the extension objective with minimal impact.



Source: Norwood Airport Commission

Confidential

Adding 993 feet of length to Runway 17-35 would do more to boost direct and indirect economic contribution than any other measure – it would effectively transform the Airport from a “GA Airport” to a true “Corporate Reliever Airport”.

BACKGROUND:

- Currently only the smallest jets can operate at OWD due to its insufficient runway length (some of these jets are limited to dry runway conditions only).
- Starting in early 2009, corporate aviation was pilloried in Washington and in the media as the apex of financial irresponsibility. Against the backdrop of the “Great Recession,” corporations acted in large numbers to outsource their private aviation requirements. They sold their jets, dissolved their in-house flight departments, and bought large blocks of charter jet hours in their stead. With the “embarrassing assets” off their books, they were then free to enjoy the same private aviation benefits in comparative anonymity. This phenomenon, known as “Charter Shift,” has been a boon to general aviation, both domestically and internationally, but it has left airports like OWD on the sidelines for the following reasons:
- Charter companies are held to stricter operational standards by the FAA and their insurance companies than private operators. They require additional takeoff and landing length buffers for safety that render airports such as OWD inaccessible even to some of the smallest jets.
- The biggest Charter companies in fact have dispatch software that won’t even recognize an airport as an option if its max runway length is 5,000 feet or less, which is why you’ve seen a flurry of airports extending runways to 5,001 feet or more over the past several years.
- To make matters worse, with the stock market at an all-time high, and oil prices at a comparatively stable low, jet operators are upgrading their fleets to larger and more advanced aircraft, resulting in boom conditions at airports that can accommodate them, and bust conditions at those, such as OWD, that were dependent on smaller jets.
- These factors are in large part responsible for the decline in jet fuel sales, aircraft movements, and business development that OWD has experienced since 2009. Because the airport is not equipped to capture it, OWD is literally missing out on the most unprecedented growth that general aviation has experienced since the 1990s. This trend can be reversed with 993 feet of additional runway, and the time to act is now.

Source: Internal



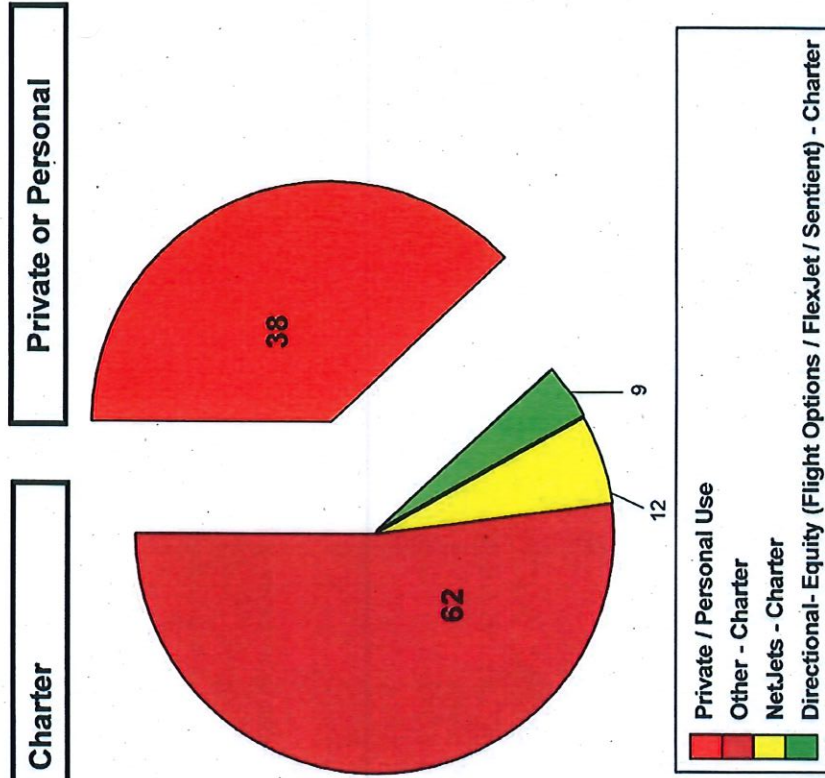
Confidential

The “Charter Shift” phenomenon flipped the business jet usage ratio (Charter to Private) going from 40/60 pre 2008 to 60/40 by 2012. NetJets and the Directional Equity Charter companies are by far the biggest and fastest growing players.

- Only 15% of the NetJets fleet (shown in yellow) is capable of using OWD. If, however, the runway surface is anything but 100% dry and clear of snowbanks, they go elsewhere.
- As a result, many NetJets flights scheduled for OWD divert to Hanscom, Beverly, Logan or one of the several Providence-area airports in the event of inclement weather, leaving customers stranded – such customers rarely give OWD another chance, even in the snow-free months.
- Most other jet charter companies including the Directional Equity – Owned Companies (shown in green) have altogether eliminated OWD from their airport options lists.

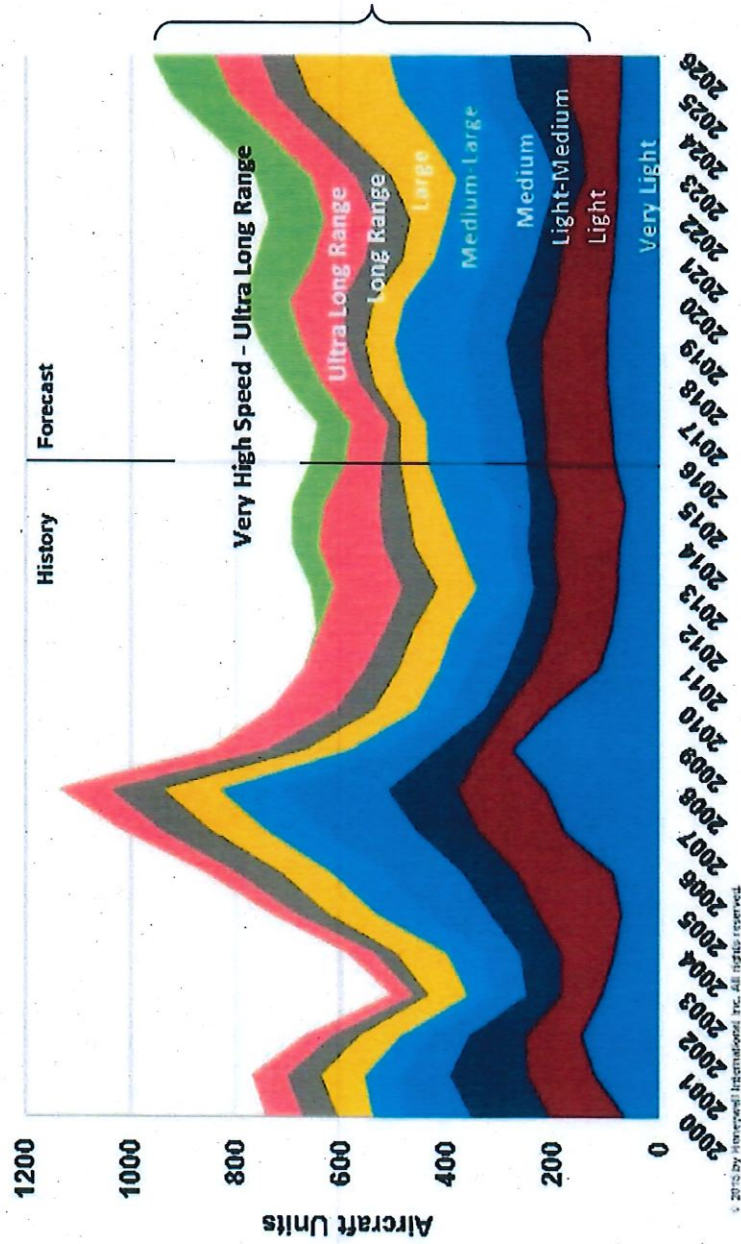
2017 Business Jet Fleet Usage Distribution:

Percentage



Sales of Light and Very Light jets have been in steady decline since 2008 and are the only categories of jets whose decline is projected to continue over the next 10 years. All other jet categories (those which cannot access OWD) will continue to see robust growth.

Jet Aircraft Sales by Category



These jet categories (Light-Medium to Ultra Long Range) account for more than 90% of sales over the past 5 years and projected sales over the next 10 years. Virtually none of them can use OWD.

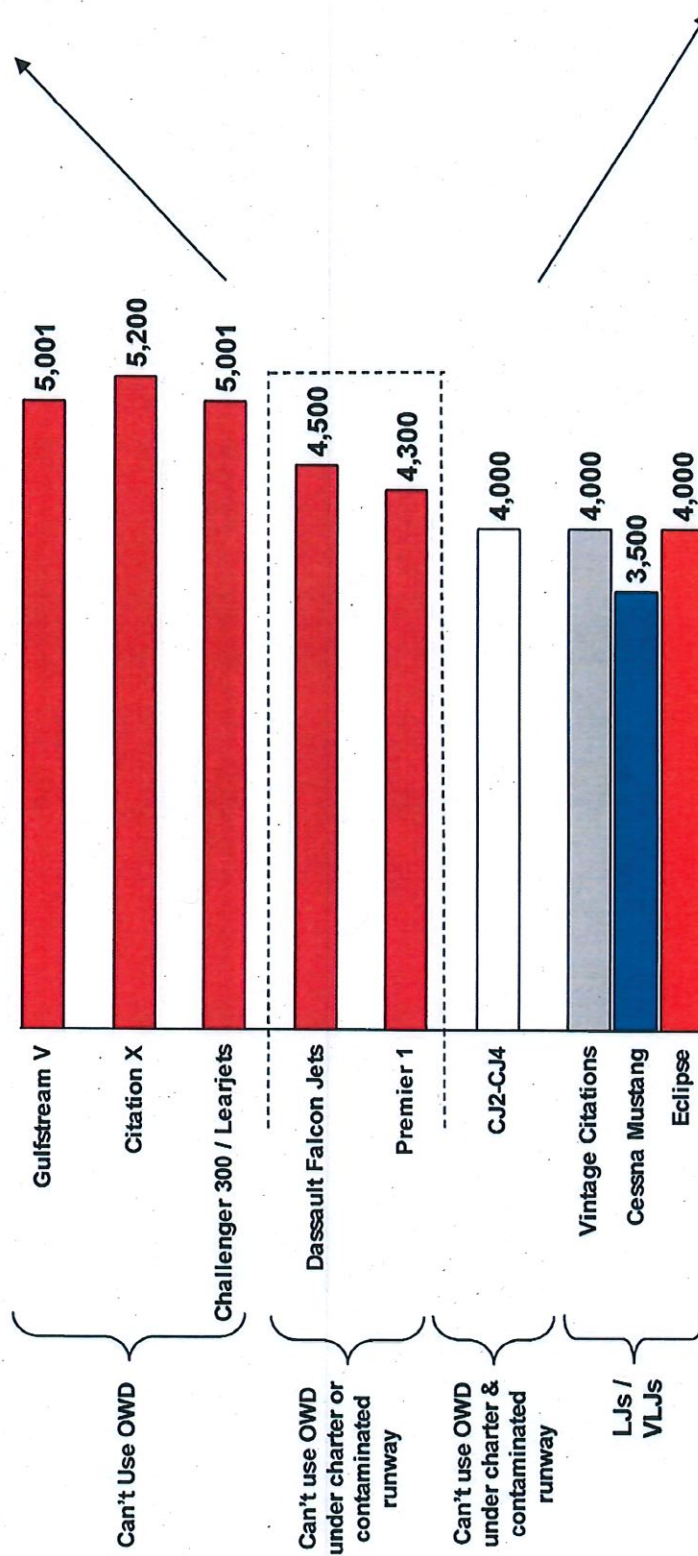
Source: NBAA

Confidential

Below is a sample of the runway lengths required for some of today's best selling and most popular business jets – OWD's current runway can't accommodate any of them. It's also worth noting that the bigger jets are actually quieter and climb faster than the older Citation Jets based at OWD leaving a smaller noise footprint.

Sample Required Runway Length Comparison for Typical Charter Ops:

US Sales Trend



Note

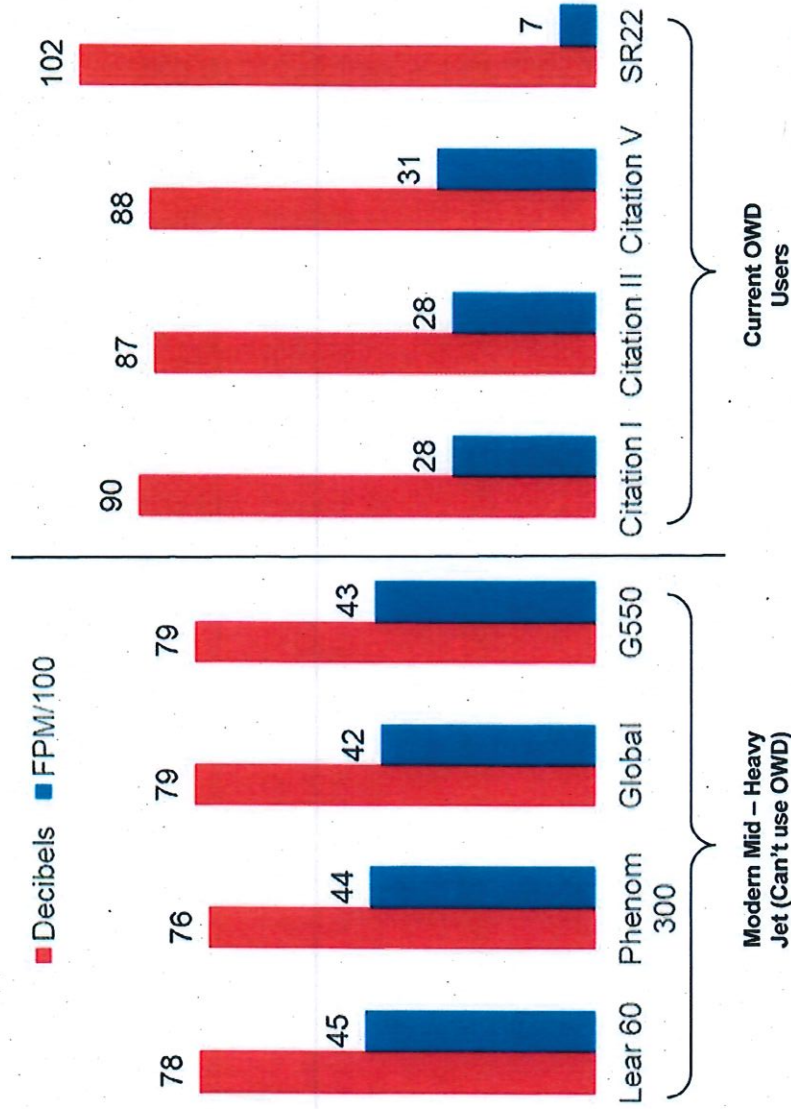
Required Runway Length per Federal Aviation Regulation assuming each aircraft is operating at 90% maximum takeoff weight under international standard atmospheric conditions at sea level. The resultant distance is rounded up to the nearest 100 foot increment

Source: Aircraft Manufacturer Websites

Confidential

The chart below shows the takeoff decibel level and initial rate of climb of the new larger Jets that OWD can't accommodate compared to the older Citation Jets that account for the vast majority of OWD's jet business and single-engine piston propeller planes which are 90% of OWD's takeoffs and landings.

Takeoff Noise Level and Initial Climb Comparison:
Decibels at Takeoff Power and Feet per Minute / 100

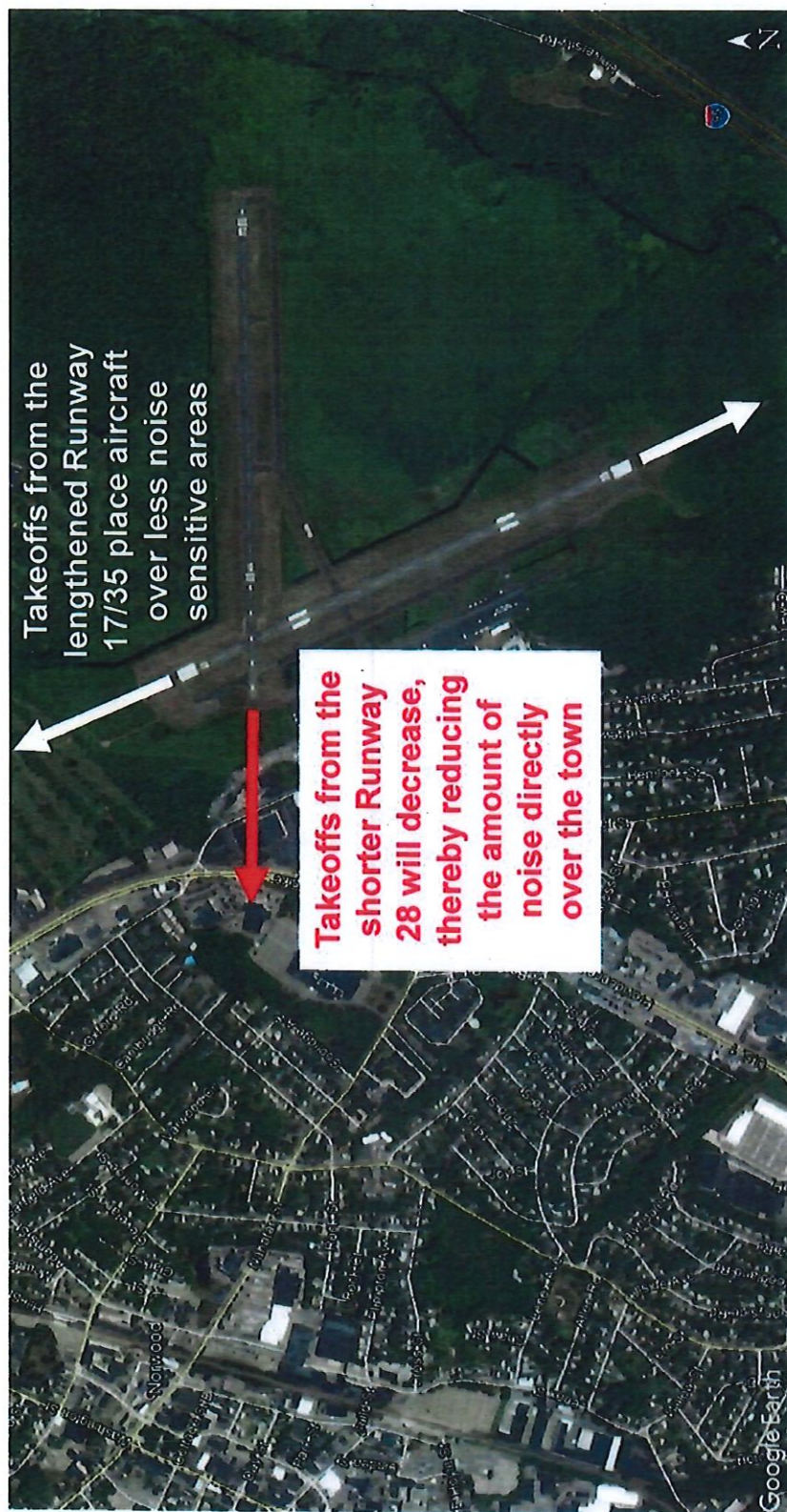


Source: FAA, Aircraft Manufacturers Website

Confidential

Furthermore, a 5,001 foot runway will discourage use of the shorter cross-wind runway, 10/28, putting fewer departing aircraft directly over the town. Noise levels will therefore decrease.

Overview of Takeoff Patterns:



Source: FAA, Aircraft Manufacturers Website

Confidential

Our biggest competitor airports already have or recently extended their runways to at least 5,001 feet. They continue to thrive across all categories (such as traffic, new development and fuel sales), while OWD stagnates.

Map of Competitor Airports and Length of their Longest Runway



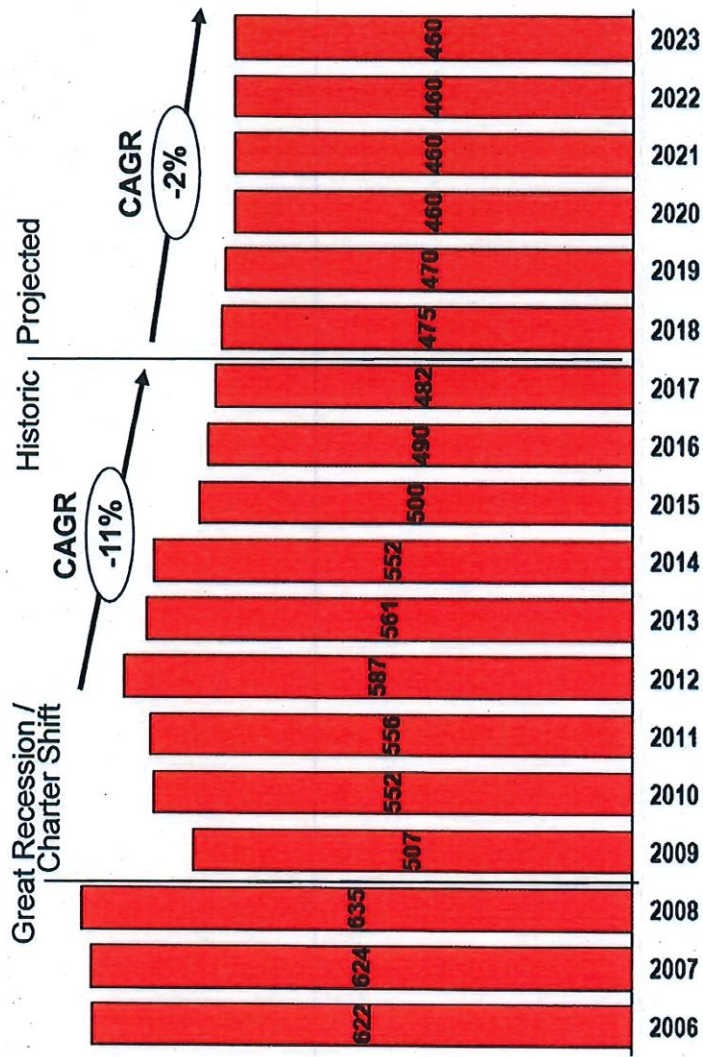
Source: Aimav.com

Confidential

Our biggest Competitor Airports, Beverly and Hanscom, have averaged double digit annual fuel flowage growth as a result of charter shift. Business development and investment in their surrounding communities has commensurately flourished.

Competitor Airport Growth Comparison (Chart 1 of 2)

Norwood Memorial Airport Fuel Flow Assessment (Status Quo):
000s of Gallons



- Norwood Fuel Flow has decreased 11% annually since 2012 - US GA Airports as a whole enjoyed 3-5% growth during that same time.
- Flowage Fee Contributions to the town have declined nearly 20% from 2008 to 2017

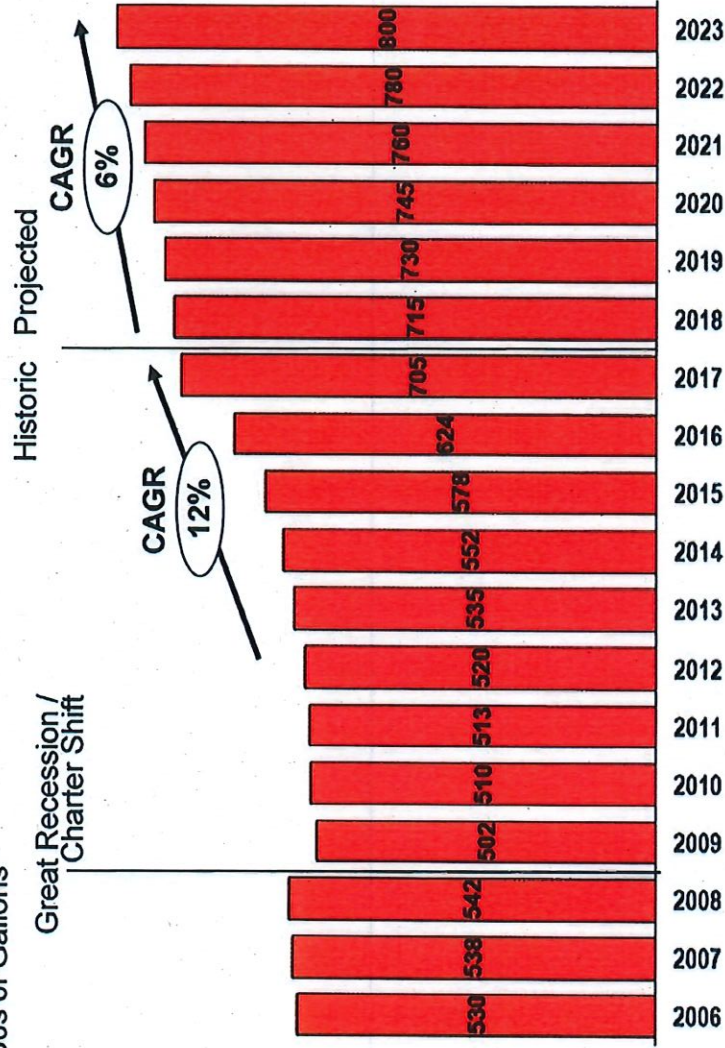
Source: Internal

...cont'd: Beverly and Hanscom have seen double-digit fuel flow growth since 2012 during which time Norwood saw a double-digit decline.

Competitor Airport Growth Comparison (Chart 2 of 2)

Beverly Airport Fuel Flow Assessment:

000s of Gallons



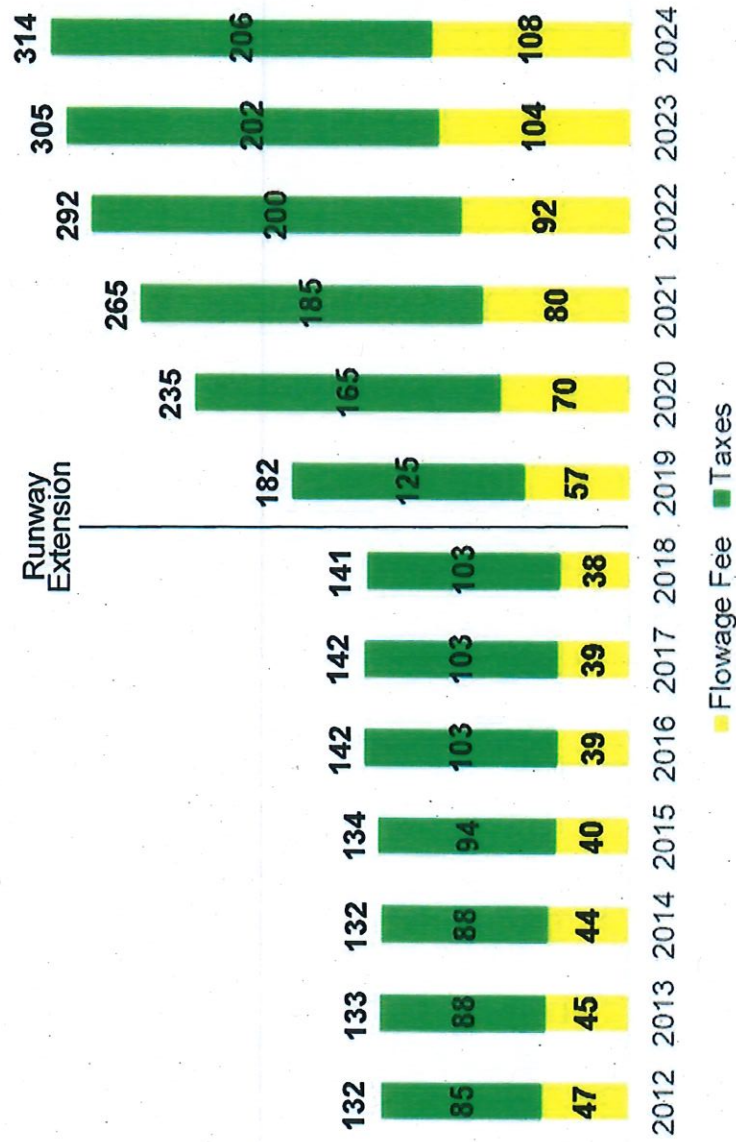
- The FAA projects an average of 6% annual growth for general aviation fuel consumption nationwide for the period 2018 -2023

Source: Internal

The economic benefits to the town induced by the runway extension will be staggering. Fuel flowage will likely double within 5 years and new hangar and infrastructure development will be immediate – all delivering tens of thousands of new dollars directly to the town of Norwood through fees and taxes. Indirect benefits would likely come in the form of new hotels and restaurants for example.

Direct Cash Contribution to Town

Norwood Memorial Airport Flowage Fee and Property Tax Contribution (Historic and Projected):
000s of \$USD

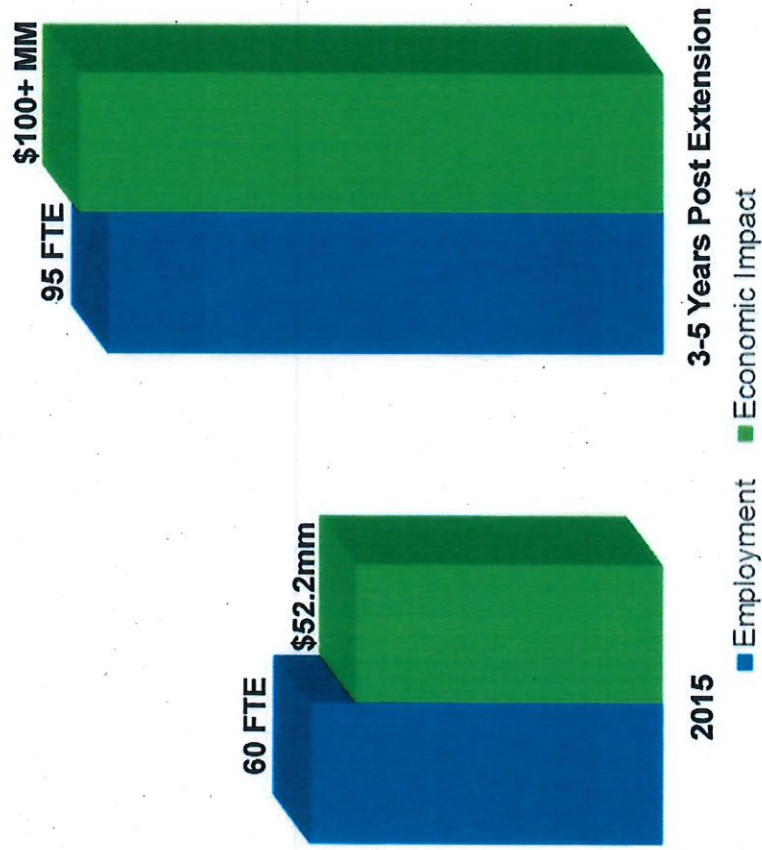


Source: Internal

Confidential

The 2015 Mass DOT Economic Impact Study ranks OWD 2nd among all GA Massachusetts airports in terms of economic output at \$52,232,000 annually. The runway extension would increase this number dramatically.

OWD Economic impact and employment pre and post Runway Extension:
Airport Based FTE and Millions of \$USD



Source: MASS DOT 2015 Economic Impact Study; Internal

Confidential

A 5,001 foot runway would likely attract large employers and significant investment in addition to securing Norwood's staple businesses – similar to the 128 tech corridor near Hanscom field in Waltham.

- In addition to attracting new businesses, having an airport that can truly accommodate all corporate aircraft would do more to secure existing employers for the long term.
- Robert Kraft's corporate flight department has indicated that 5,000+ feet of runway would go a long way in effecting a fleet relocation from BED to OWD. They operate Challengers.
- It would also help make Gillette a viable Superbowl host at some point in the future.



Source: Internal

Confidential

With Norwood's leadership, both at the airport and downtown, focused on and committed to economic growth, the time to act is now. Prioritize the runway extension to secure the Airport's role as a leading profit center and economic engine for the town of Norwood. Please contact us with questions and to learn more:



It's about quality service.
Every time you land. Every time you take off.
And every moment in between.

CONTACT:

Peter Eichleay
President - *FlightLevel* Aviation
125 Access Rd.
Terminal Building 2nd Floor
Norwood, MA 02062

Work: 781.769.8680 ext 128
Fax: 781.370.8680
Cell: 703.282.7853

Confidential

EXHIBIT E

Zimbra

rmaguire@norwoodma.gov

**Norwood Airport; Tentative Meeting Scheduled Thursday at Noon: Gate 3
Taxi-Lane TOFA**

From : Russ Maguire <rmaguire@norwoodma.gov> Mon, Jun 24, 2013 10:57 AM
Subject : Norwood Airport; Tentative Meeting Scheduled
Thursday at Noon: Gate 3 Taxi-Lane TOFA
To : chris@bostonexecutivehelicopters.com
Bcc : cliff vacirca <cliff.vacirca@faa.gov>, lisa
lesperance <lisa.lesperance@faa.gov>, andrew
mihaley <andrew.mihaley@dot.state.ma.us>,
Christopher Willenborg (DOT)
<christopher.willenborg@state.ma.us>, Jeff
Adler <jadler@dubois-king.com>, Mark
Goodrich <mgoodrich@dubois-king.com>,
Tony Greeley <tgreeley@norwoodma.gov>,
aerial172@aol.com, kevin@norwoodlight.com,
kshaughnessy@norwoodma.gov,
mogolfpro@comcast.net,
mryan@norwoodma.gov,
tomwynnere@norwoodlight.com, John Carroll
<jcarroll@norwoodma.gov>, Brandon H. Moss
<bmos@mhlt.com>

Good morning Chris:

Following last week's Norwood Airport Commission (NAC) meeting, the board expressed concern regarding the still unresolved gate 3 taxi-lane object-free area (OFA), and your proposed fuel farm within the OFA. As you recall, FAA's response--shared with you in December 2012--was that current FAA policy does not to allow new obstructions to be placed within any OFA areas regardless of existing obstructions.

That being said, there apparently are special circumstances where an exception (e.g., modification to standard) may be permitted. In this particular case, if the issue were only a hangar to be constructed in the OFA, it apparently may be allowed by FAA due to the existing obstructions. However, per your previously expressed interest in a commercial fueling operation, the concern expressed by FAA is the use of the current taxi-lane (e.g., size and type of aircraft), and how that might change if possibly larger, itinerant aircraft were to

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begin operating on the gate 3 taxi-lane late at night looking for commercial fuel. As FAA has noted, although there may not be any documented incidents along this taxi-lane, that could change with itinerant aircraft operating in this area, especially since the current taxi-lane does not meet current OFA standards.

In short, Chris, the non-standard taxi-lane OFA remains an outstanding issue that must be resolved in accordance with FAA's wishes, and an affirming review.

I've therefore scheduled a meeting at the site of your proposed hangar/fuel farm, adjacent to gate 3, at 12:30 p.m. this Thursday, June 27. In attendance will be Lisa Lesperance from FAA, MassDOT's Drew Mihaly, along with our engineers; hopefully, a representative from the Norwood Fire Department; and Mark Ryan, from the Norwood Airport Commission. Of course, we'd like to have you at the meeting as well.

As an aside: In a conversation with FAA earlier today, the agency did confirm that it has not yet received your company's FAA Form 7460 (Notice of Proposed Construction or Alteration) specific to the fuel farm. (FAA apparently has received the 7460 for the proposed hangar.) Notwithstanding an affirming review from FAA on the OFA issue, which is a separate issue, the fuel farm 7460--once filed--must also be satisfactorily reviewed by FAA prior to fuel farm construction. At your earliest convenience, I would urge you to send in that notification.

Along these lines, in my discussion with FAA, the agency asked whether the fuel farm would have any above-grade obstructions (i.e., fencing, vent pipes, etc.). From the set of plans you had provided to us, it appears that there are no above-ground obstructions. Please confirm this as soon as possible, as it will help FAA in its review.

Finally, as soon as possible, and as mentioned during previous meetings, the NAC would like to see some type of a written fueling plan from your company. Given the close proximity of your proposed fuel farm site to the gate 3 taxi-lane, the NAC wants to ensure that aircraft fueling and fuel delivery operations--pending a satisfactory review by FAA--don't impede or obstruct the public way.

Thank you.

Russ

--

3484

EXHIBIT F

Mike DeLaria

From: Russ Maguire <rmaguire@norwoodma.gov>
Sent: Friday, April 11, 2014 10:12 AM
To: Alfred CTR Burri
Cc: Mark Raymond
Subject: Norwood Airport; Taxi-Lane Object-Free Areas (Gate 2, Gate 3, North/South Taxi-Lane)

Good morning all,

At this point, the taxi-lane object-free areas (TOFA) should no longer be an issue. Unfortunately, following any number of conversations by airport management, as well as public discussions, we still have issues. No one company (or aircraft owner) is exclusively guilty. But by now, every airport business owner, aircraft owner and/or chief pilot on this airport should be well aware that parking and leaving aircraft within the taxi-lanes (gate 2, gate 3 or north/south taxi-lane), whether for fuel or otherwise, is prohibited. Please reinforce this message with your staff and co-workers.

The Norwood Airport is, relatively speaking, small. Onto this footprint, we have 10 commercially permitted businesses, any number of corporate and business flight departments and 187 based aircraft. This doesn't include all of the transient aircraft and ground traffic involving fuel trucks, maintenance and personal vehicles. So airport management fully understands our space constraints, which seem to be getting tighter and tighter. That said, we're asking everyone to honor these TOFAs for the benefit of all. Thank you.

Russ

--
Russ Maguire, Manager
Norwood Memorial Airport

EXHIBIT G

CEC
 CONSULTING ENGINEERS, INC.
 111 N. 1ST STREET, SUITE 100
 NORTHBROOK, ILL. 60062
 TEL: (815) 541-1100 FAX: (815) 541-1101
 WWW.CECENGINEERS.COM

Project:
 NORWOOD MEMORIAL AIRPORT
 ACCESS ROAD IMPROVEMENTS
 NORWOOD, MA 02062

Prepared For:
 REGIONAL PLANNING
 HILLTOPPING
 200 ALLEN ROAD
 NORWOOD, MA 02062



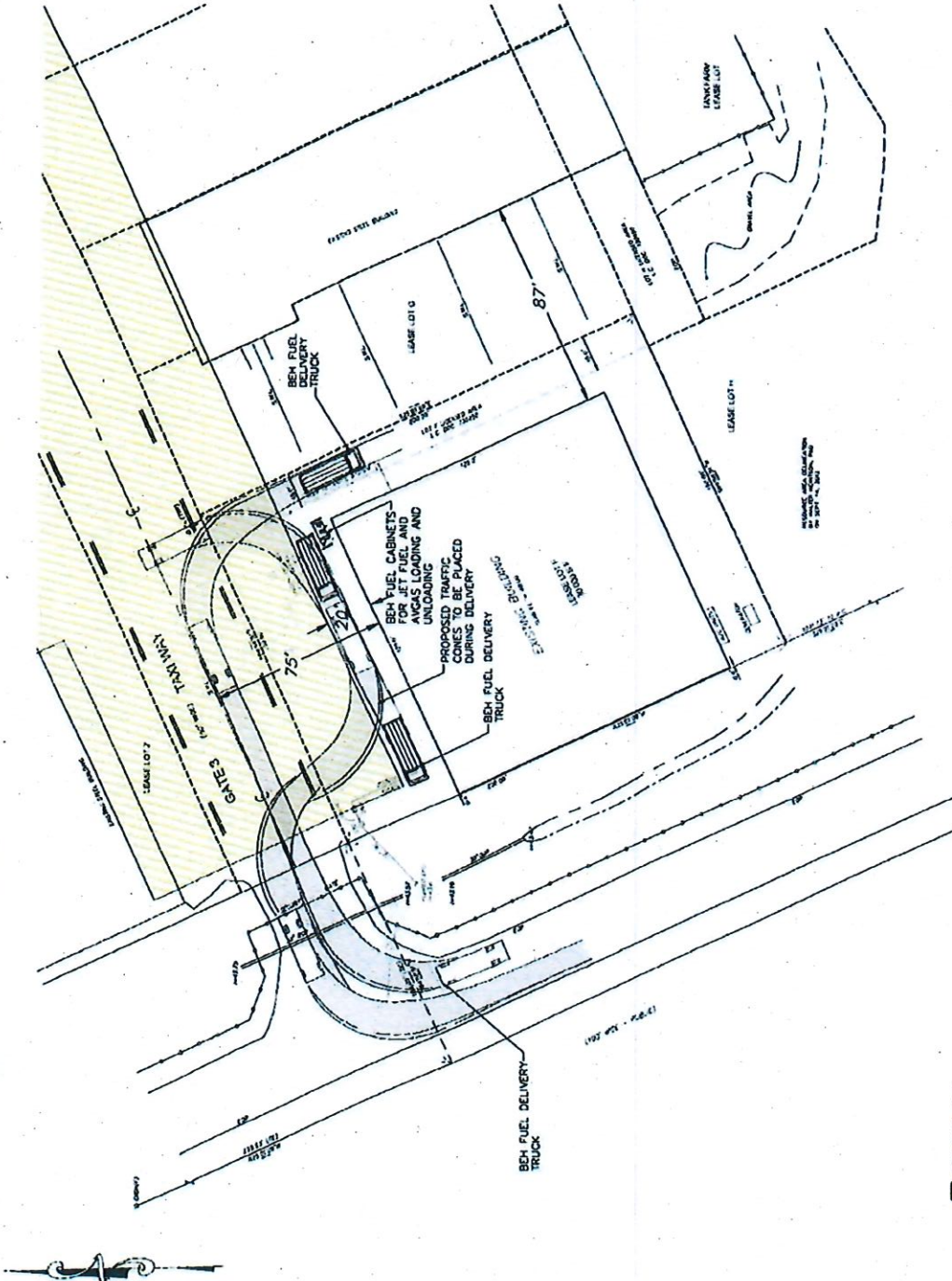
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Scale: 1" = 20'	Checked: J. J. J.
Project Number: 18-005	Sheet: 18-005-1
Client: MA'S DOWNS	Project: 18-005
Location: 18-005	Drawn: J. J. J.
Project: 18-005	Checked: J. J. J.

Notes:
 1. SEE PLAN FOR
 2. SEE PLAN FOR
 3. SEE PLAN FOR
 4. SEE PLAN FOR

TO F/A OF A AREA

NORWOOD MEMORIAL AIRPORT (BEH FUEL DELIVERY ROUTE)

SCALE: 1" = 20'





100 NORTH STREET, 6TH FLOOR
BOSTON, MA 02109
TEL: (617) 551-0600 FAX: (617) 551-0601
www.mass.gov/dot

PROJECT:
NORWOOD MEMORIAL AIRPORT
RECONSTRUCTION
NORWOOD, MA 02062

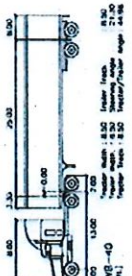
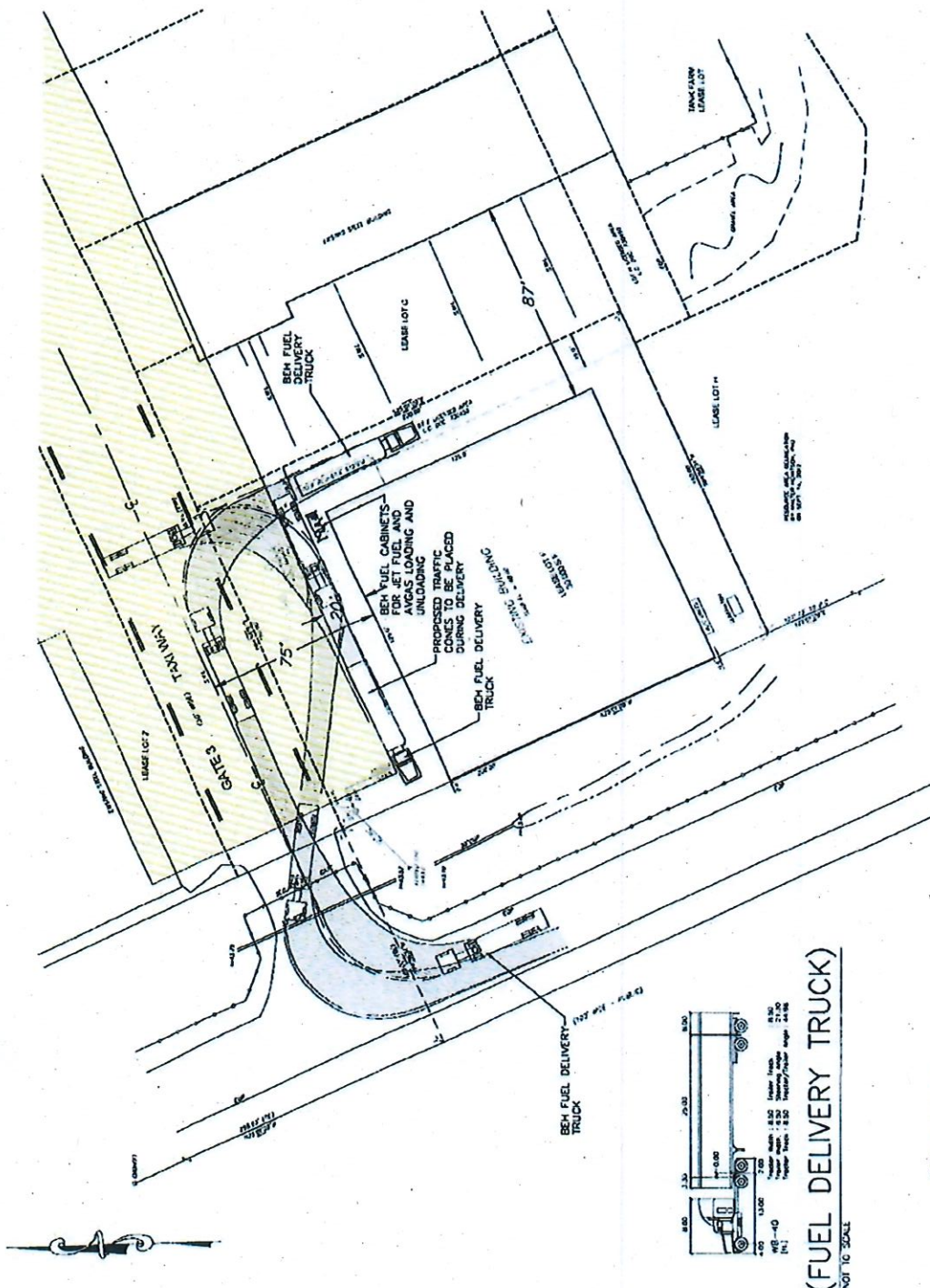
PREPARED FOR:
NORWOOD MEMORIAL AIRPORT
100 NORTH STREET, 6TH FLOOR
BOSTON, MA 02109
TEL: (617) 551-0600 FAX: (617) 551-0601
www.mass.gov/dot



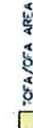
SHEET INFORMATION	
Sheet No.	1 of 1
Project No.	100-1000
Drawn By	100-1000
Checked By	100-1000
Date	10/1/00

NOTES:
1. SEE SHEET 100-1000 FOR
GENERAL NOTES AND
SPECIFICATIONS.

Sheet Number: 1 of 1



(FUEL DELIVERY TRUCK)
NOT TO SCALE



NORWOOD MEMORIAL AIRPORT (BEH FUEL DELIVERY ROUTE)
SCALE: 1"=200'

HC037





TOWN OF NORWOOD, MASS.
Building Inspector
USE AND OCCUPANCY CERTIFICATE
(780 CMR 7th Edition State Building Code)

This is to Certify

That the Building at No. 111 ACCESS ROAD,

USE GROUP:

CONST TYPE:

Constructed-Altered-Under Building Permit No. 135526 Issued 4/9/2019

For Use as BUILDING WILL BE FIT OUT TO INCLUDE MECHANICS AREA ON
UNUSED PORTIONS INCLUDING A LOCKER ROOM, TOILET ROOM, OFFICE
AND MECH. STORAGE SPACES.

Conforms to the Uses and Conditions specified in said Permit, and may be
occupied for such purposes only and after 12/12/2019

Dated: 12/12/2019

Matthew Walsh
Building Inspector

OWNER NAME:

TOWN OF NORWOOD

OWNER ADDRESS:

111 ACCESS ROAD
NORWOODMA 02062



TOWN OF NORWOOD, MASS.
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occupied for such purposes only and after 12/12/2019

Dated: 12/12/2019

Matthew Walsh
Building Inspector

OWNER NAME:

TOWN OF NORWOOD

OWNER ADDRESS:

111 ACCESS ROAD
NORWOODMA 02062



THE TOWN OF NORWOOD

Commonwealth of Massachusetts

NORWOOD AIRPORT COMMISSION

Mark P. Ryan, *Chairman*

Michael Sheehan, *Vice Chairman*

John J. Corcoran

December 18, 2019

Ms. Jean LoGiudice
Airports Program Specialist (AIP)
ANE Airports Division
1200 District Ave.
Burlington MA 01803

**SUBJECT: OWD Relocate TW A (partial) and TW D (partial)
AIP No. 3-25-0037-38 — Amendment Request**

Dear Ms. LoGiudice:

This letter serves as a request to amend federal funds for the Norwood TW A and TW D Relocation project AIP. No. 3-25-0037-38. The grant amendment is based on the need to remove the TW D Relocation construction portion of the project due to cost overruns. These overruns were related to the DEP Variance Order and the significant/record rainfall that occurred during construction requiring the installation of additional erosion control and BMP measures (see attached memo).

The original grant is in the amount of \$2,292,298.90 with an FAA share (90%) of \$2,063,069.01. The request to add 10% of the grant amount to cover the cost overruns has an FAA share of \$207,630.39. The total project costs with the requested amendment will be \$2,522,999.33 with an FAA share of \$2,270,699.40 (see attached project cost breakdown).

We hope that the above information is adequate to process the requested amendment. If you should have any questions, please call me.

Very truly yours,

Mark P. Ryan, Chairman
Norwood Airport Commission

Cc: *Norwood Airport Commission*

125 Access Road, Norwood, MA 02062

PH: (781) 255-5615/5616

FAX: (781) 255-5617



FLIGHTLEVEL AVIATION

Phone: 781.769.8680
Fax: 781.769.7159 or 781.769.0476
www.flightlevelaviation.com

VIA ELECTRONIC MAIL
rmaguire@norwoodma.gov

Mark P. Ryan, Chairman
Norwood Airport Commission
c/o Russ Maguire, Executive Officer
Norwood Memorial Airport
125 Access Road
Norwood, MA 02062

Re: Theft of FlightLevel Plow Truck

Dear Chairman Ryan,

Kindly be advised that on Saturday, December 7, 2019, at approximately 0820 hours, FlightLevel Line Servicemen observed William Haney operating FlightLevel's F350 plow truck on the West Apron's Lot B. When confronted, Mr. Haney refused to respond or surrender the plow truck, forcing FlightLevel to contact Norwood Police.

Video footage reveals the weather to be clear, bright and dry on the morning of December 7. Mr. Haney is shown parking his vehicle to the east of FlightLevel's fuel farm at 0822 hours, walking to the south of the fuel farm at 0823 hours, and returning in FlightLevel's plow truck at 0824 hours. At approximately 0825 hours FlightLevel Line Serviceman Nick Rodrigues is shown arriving on the scene, attempting to inform Mr. Haney that he is not authorized to operate FlightLevel vehicles, and attempting to repatriate the plow truck, while Mr. Haney is shown continuing to plow snow on Lot B. Mr. Rodrigues departs the area at approximately 0830 hours. Mr. Haney continues to plow for several additional minutes, returning the truck at 0833 hours. Mr. Haney is shown departing the area in his personal vehicle at 0834 hours, and returning at 0835 hours with another vehicle. The two operators are then shown entering Unit 6 in the T-Hangar building on Lot G at 0836 hours, exiting at 0837 hours, and re-entering at 0838 hours.

At 0843 hours, two Norwood Police cruisers arrive on the scene, escorted by FlightLevel Line Serviceman Jesse Coreas in FlightLevel's crew car. Three Police Officers and Mr. Coreas are shown entering Unit 6 at 0845 hours, exiting at 0846 hours, and departing the area by 0851 hours.

According to Mr. Coreas, when questioned by the Police, Mr. Haney denied knowing that he wasn't authorized to operate the plow truck, and denied being asked by Mr. Rodrigues to stop plowing and return the truck. According to FlightLevel's Fuel Program Director, Kevin Putnam, the Police warned Mr. Haney that if they had to return, they would take him into custody. No Police Report was filed as a result of the incident.

Respectfully,

Nick Burlingham
General Counsel, VP Admin.
FlightLevel Aviation
860-941-1129

125 ACCESS ROAD
NORWOOD MEMORIAL AIRPORT
NORWOOD, MA 02062
781.769.8680 FAX 781.769.0476 OR 781.769.7159

Date: 12/07/2019 - Saturday

<u>1</u> Number	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
26522	0837	Phone - COMPLAINT OF MV	SPOKEN TO

Call Taker: Dispatcher Joseph C Sampson
 ocation/Address: [NOD 404] FLIGHTLEVEL AVIATION - ACCESS RD
 ID: Patrol Jennifer M Hoyle
 ID: Patrol Robert P Harkins

Narrative: Report plow truck taken by party not authorized to drive same. N678 spoke to all parties, misunderstanding, truck returned to parking area ,all parties satisfied.

LAW OFFICES OF PAUL REVERE, III
226 River View Lane
Centerville, Massachusetts 02632
(508) 237-1620
revereiii@aol.com

January 2, 2019

Certified Mail and Electronic Mail

Mark P. Ryan, Chairman
Norwood Airport Commission
c/o Russ Maguire, Airport Manager
125 Access Road
Norwood, Massachusetts 02062

RE: Letter from FlightLevel Aviation on
Use of Plow Truck and William Haney

Mr. Ryan:

This letter is written on behalf of William Haney, and is response to a specious and arguably defamatory undated letter written to you by Nick Burlingham, General Counsel, of FlightLevel Aviation regarding Mr. Haney's use of a truck to clear a snow bank outside of Unit 6 at the T-Hangar at the Norwood Memorial Airport (the "Airport") and apparently created by FlightLevel's plowing of the area. More specifically, this letter explains that Mr. Haney used a truck which he understood that he had permission to use to clear a safety hazard and that the truck was never stolen.

In particular, Mr. Haney is an experienced pilot and has kept a plane at the Airport since the 1970s. In the first week of December, the Airport received approximately 6 inches of snow. When Mr. Haney arrived at the airport on Saturday, December 6, 2019, he saw that the area around T-Hangar had been generally plowed — presumably by FlightLevel as the company maintains the area around the hangar under its lease. However, the plowing had left a snow bank within the turning radius of planes which would exit Unit 6 including Mr. Haney's plane which is stored in that unit.

As he had done many times in the past and for which he understood that he had full permission, Mr. Haney went to the Ford truck stationed in the area and started it with the keys that were located in it as they have always been. Mr. Haney then proceeded to plow the snow bank off of the apron and, as explained in Mr. Burlingham's letter, Mr. Haney used the truck for less than ten minutes to remove the snow and returned it undamaged. Mr. Haney does recall speaking to with FlightLevel personnel while operating the truck and, a few minutes later, Mr. Haney did speak with the police officers referenced in the letter. He explained to both that he understood that he had permission to use the truck and that he used it solely to remove an unsafe condition that presumably had been created by FlightLevel. Mr. Haney was informed that he does not have permission to use the truck by the police officers.

Based upon the foregoing and the statements in FlightLevel's own letter, it is outrageous that FlightLevel's attorney has the audacity to use the word "theft" in describing Mr. Haney's actions. "Theft" is another word for the crime of "larceny" which requires that a person take the property of another with the intent of permanently depriving another of that property. Mass. Gen Laws ch. 266, Sec. 30. Further, even the lesser offense of unauthorized use of a motor vehicle requires that the person knew that they were not authorized to use the vehicle. Mass. Gen Laws ch. 90, Sec. 24(2)(a). As an attorney, Mr. Burlingham should know that the actions of Mr. Haney were not a "theft" and, thankfully for all, the Norwood Police Department knew that Mr. Haney simply did not engage in any illegal act.

In summary, effective and appropriate snow and ice removal is an essential function at airports located in the northern United States to prevent damage to aircraft. *See* FAA Advisory Circular 150/5200-30D (July 7, 2016) (Guidance for Airport Operators in Developing Snow and Ice Control Plans); *see also* General Regulations for Norwood Memorial Airport, Sections VII and VIII (requiring "operators" to maintain area free of hazards to aviation and consistent with the Airport's storm water management plan). Mr. Haney used a truck which he understood that he had permission to use to remove a hazard in an area controlled primarily by FlightLevel. He did so efficiently and returned the truck to where it came from after less than 10 minutes of use. Mr. Haney has been informed that he no longer has permission to use the truck and will not use it in the future.

As such, Mr. Haney believes this matter is complete and no further action of any party is necessary except that he requests that the Airport ensure that FlightLevel plows the area in the future in a manner that ensures safe and adequate access to Unit 6.

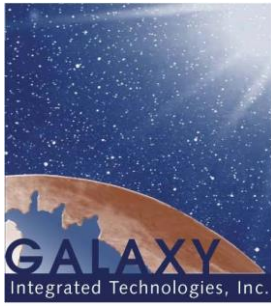
If you have any questions, please feel free to contact me.

Very truly yours,



Paul Revere, III

Cc: Haney, Burlingham



Galaxy Integrated Technologies, Inc.
100 Leo M. Birmingham Pkwy
Brighton, MA 02135
Phone: (617) 202-6388
Fax: (617) 202-6390

DATE	INVOICE #
10/31/2019	101693R

BILL TO

Norwood Memorial Airport
125 Access Road
Norwood, MA 02062

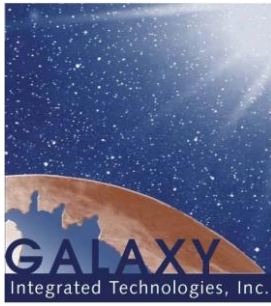
P.O. NO	TERMS	DUE DATE	JOB #
Tony Mazzucco	Net 30	11/30/2019	NORWDAIR-Z19-0410

DESCRIPTION	AMOUNT
<p>PROJECT: Norwood Memorial Airport, 125 Access Road, ATTN: Russ Maguire, Norwood, MA 02062</p> <p>Galaxy to provide and install Security System Equipment as needed in support of the Admin to SRE Building move. All work to be coordinated as requested by Russ Maguire. Installation to include: (1) Winsted Equipment Rack, (1) Avigilon Network Video Recorder with 48 Terabytes of Storage Capacity, (1) Extreme 24 Port PoE Switch, (1) 24 Port CAT6 Patch Panel, (1) Rackmount KBC Fiber to Ethernet Converter Chassis, (5) KBC Fiber to Ethernet Converters, (1) Rackmount Fiber Patch Panel, and (1) 30A Twist-lock UPS System. Wireless Radio Installation for Connectivity to the Air Traffic Control Tower – Galaxy to remove the existing wireless radio from the exterior of the Admin Building and reinstall it on the SRE Building. Final device placement to be determined onsite to provide clear line of sight to the existing wireless radio located on the Air Traffic Controller. The wireless radio on the Air Traffic Control Tower will also need to be relocated and pointed to the wireless radio to be installed on the SRE Building. The wireless radio on the SRE Building will require a CAT6 Cable back to the PoE Switch to be installed in the 2nd Floor Teledata Closet. IMPORTANT: This work will require a 60 ft. Articulating Boom.</p> <p>Materials & Equipment Technician Labor Project Management</p>	<p>53,696.29 28,200.00 5,600.00</p>

INVOICE TOTAL DUE	<u>\$87,496.29</u>
Project Payments/Credits	0.00

Phone #	Fax #	Web Site
(617) 202-6388	(617) 202-6390	www.galaxyintegrated.com

Payment Terms: Net 30. A 21% finance charge will be assessed to all amounts past 30 days. 100% of the total equipment price plus startup cost will be billed when the proposal is signed or upon receipt of a P.O. 75% of the total labor will be billed once devicing begins. Equipment will be ordered and the job will be scheduled once initial payment is received in full.



Galaxy Integrated Technologies, Inc.
100 Leo M. Birmingham Pkwy
Brighton, MA 02135
Phone: (617) 202-6388
Fax: (617) 202-6390

DATE	INVOICE #
10/31/2019	101693R

BILL TO

Norwood Memorial Airport
125 Access Road
Norwood, MA 02062

P.O. NO	TERMS	DUE DATE	JOB #
Tony Mazzucco	Net 30	11/30/2019	NORWDAIR-Z19-0410

--

Project Balance	87,496.29
------------------------	------------------

Phone #	Fax #	Web Site
(617) 202-6388	(617) 202-6390	www.galaxyintegrated.com

Payment Terms: Net 30. A 21% finance charge will be assessed to all amounts past 30 days. 100% of the total equipment price plus startup cost will be billed when the proposal is signed or upon receipt of a P.O. 75% of the total labor will be billed once devicing begins. Equipment will be ordered and the job will be scheduled once initial payment is received in full.