

Minutes of the Special Meeting of the Syracuse Regional Airport Authority

August 21, 2014

Pursuant to notice duly given and posted, a special meeting of the Syracuse Regional Airport Authority was called to order on Thursday, August 21, 2014 @ 11:52 pm in the Syracuse Regional Airport Authority Board Room located in the Syracuse Hancock International Airport by Chair, Mr. William Fisher.

Members Present:

Mr. William Fisher-Chair
Hon. Khalid Bey
Dr. Shiu-Kai Chin
Mr. Patrick Mannion
Hon. Mark Nicotra
Ms. Beth Rougeux
Ms. Irene Scruton
Mr. Don Thompson
Ms. Eleanor Ware

Members Absent:

Dr. Donna DeSiato
Mr. John B. Johnson Jr.

Also Present:

Ms. Christina Callahan
Mr. Trent Amond
Ms. Cheryl Herzog
Ms. Heather Malinowski
Ms. Jennifer McIntyre
Mr. Andrew Serota
Mr. R. John Clark

Roll Call

As noted, all Board Members were present, except for Dr. Donna DeSiato and Mr. John Johnson.

Chair Fisher started the meeting and explained that there are four Resolutions prepared to consider an appeal by Jeffrey Piedmonte, President of the Syracuse Police Benevolent Association regarding the denial of a foil request by the Authority's FOIL Records Access Officer. Mr. Fisher reviewed the resolutions as listed: granting the appeal after an executive session, granting the appeal without an executive session, denying the appeal after an executive

session, granting the appeal without an executive session. Chair Fisher indicated that whatever the Board decides today a resolution is prepared and the Board can adopt the resolution.

Chair Fisher reviewed the documents for discussion with the Board. Mr. Fisher began by reading the email sent to Ms. Callahan, John Carni, and Dklawfirm@aol.com, from the SYRACUSEPBA@aol.com dated June 20, 2014 making a FOIL request. Mr. Fisher stated he wanted the Board to have a complete understanding of what the request was about and proceeded to read and review the e-mail with the Board. Ms. Callahan replied to the e-mail as she is the Records Access Officer for the Syracuse Regional Airport Authority. Mr. Fisher read to the Board Ms. Callahan's letter dated June 22, 2014 to Mr. Peidmonte. Mr. Fisher indicated that this letter was also sent to the Federal Government as required.

Ms. Callahan explained to the Board about CFR part 1542.101 which requires all airports to adopt and maintain a security program. TSA provides guidelines for developing the program which includes guidelines for how you issue media to employees, how law enforcement or other agencies respond for different alert levels. The document is comprehensive and very similar to the Airport Emergency Plan. It is also very specific as to who is entitled to receive a copy of the Airport Security Plan, must be reviewed on an annual basis, and is the document that TSA uses annually when conducting our security protection audit. The current document that is in place was approved by the FAA after the transition with the new security personnel services. This document is maintained by Ms. Callahan and the Airport Security Coordinator.

Ms. Callahan indicated the guidelines are very clear that the minimum requirement is police are able to respond to an incident within a specific time frame. Ms. Callahan stated that a descriptive staffing schedule and how we respond to incidents has always been maintained.

Mr. Fisher emphasized the definition of sensitive security information (SSI) as found in Title 49 C.F.R. §1520.5. and stated a reason the requested information cannot be distributed would be that it has sensitive security information that should not be revealed as doing such would give someone ample information to put the airport and its staff at risk. Mr. Fisher asked counsel to the Authority if it was his opinion that the requested information constituted sensitive security information. Counsel John Clark replied that, after reviewing the applicable regulations, it was his legal opinion that the requested did constitute sensitive security information.

Mr. Fisher informed the Board if the request is denied today, than the party bringing the FOIL request can appeal it to a court, then it becomes a judicial matter outside of the Syracuse Regional Airport Authority Board. Today's meeting will be the last action for the Board.

Mr. Fisher asked the Board if there were any questions with the response or denial documents. Mr. Thompson asked if we received any response back from the Transportation Security Administration (TSA). It was indicated that the TSA has to be informed when an unauthorized party requests sensitive security information, but they are not required to respond. Mr. Mannion asked if Mr. Piedmonte could make a FOIL request to TSA. Mr. R. John Clark stated that yes he could do that.

Mr. Fisher reviewed the remaining packet of information that was distributed to the Board.

Ms. Rougeux asked if the original security agreement indicated specific numbers of officers. Ms. Callahan clarified it was based on the RFP which contained a scope of services and the agreement only identifies the number of ASO's and LEO's budgeted per shift, but it does not go into any further detail on actual staffing levels.

Dr. Chin addressed the Board and stated we have a FOIL access request, the grounds on which is was originally denied are very clear and based on sound legal analysis, and therefore the appeal request should be denied.

Mr. Fisher asked if any of the Board would like make a motion to enter into Executive Session. No motion was requested.

Chair Fisher presented the resolution that did not require Executive Session to the Board.

Resolution #26-Resolution of the Board of the Syracuse Regional Airport Authority Denying Appeal of Freedom of Information Law Request Seeking Records Regarding Law Enforcement Staffing Levels at the Syracuse Hancock International Airport was moved by Ms. Scruton and seconded by Mr. Bey and was unanimously approved.

The resolution was presented by Chair Fisher.

There was no further discussion regarding the resolution.

The resolution was adopted: 9 ayes, 0 nays

Adjournment

A motion was made by Mr. Nicotra and seconded by Ms. Scruton to adjourn the meeting.

The motion was approved: 9 ayes, 0 nays

The meeting was adjourned at 12:18 p.m.