

Commonwealth Of Massachusetts
County Of Dukes County, S.S.
MARTHA'S VINEYARD AIRPORT COMMISSION MEETING

August 16, 2000 6:00 pm
Martha's Vineyard Airport

Notice of Such Meeting having been Posted as Required by Law.

Present: Airport Commissioners: Chair Tim Carroll, Vice-Chair Linda Sibley, Marc Villa, Frank Daly,* Robert Smith,

Others: Bill Weibrecht - Airport Manager, Sean Flynn - Assistant Airport Manager, Carol Borer - County Manager, Angie Gompers -Vineyard Transit Authority, Craig Miller -Winchester Engineering Assoc., Marni Lipke - Recorder.

* Late arrival or early departure (see * in text)

There was no quorum and informal discussions centered around Items 8 and 9 (see below).

It was felt that reducing the size of the Airport Commission to a five member board was unlikely to encompass all the expertise needed and would be difficult to justify to the County. THERE WAS A GENERAL CONSENSUS THAT THE MARTHA'S VINEYARD AIRPORT COMMISSION SHOULD BE REDUCED TO SEVEN TO FACILITATE DISCUSSION AND INSURE QUORUMS. Other members of the board will be polled.

County Manager Ms. Borer presented the Administrative Code voted by the Dukes County Commission as an attempt to sort out lines of authority and administration. Chairman Tim Carroll, (also a Dukes County Commissioner) repeated to the Board his reservations about the Airport being a department of the County as opposed to an independent Commission.

* Mr. Frank Daly entered and the meeting was called to order at 6:34pm.

9. County of Dukes County--Discussion of County Commission vote to designate the Airport a department within the Administrative Code.

Mr. Marc Villa spoke strongly for more independence citing Mass. General Law Chapter 90: Section 51E, as well as the Mass. Aeronautics Commission (MAC) requirements of a waiver pledging non-interference from the Dukes County Commission. Mr. Villa felt that this waiver was currently being violated by the County Manager on the issue of the Assistant Manger's grading and salary (see 7/19/00 p. 4 item 9.) Ms. Linda Sibley pointed out that the County Commission may not have had the authority to sign the non-interference waiver as its charter was prescribed by general vote and cannot be unilaterally altered by the Commission itself. Mr. Tim Carroll suggested that it was not appropriate to describe the airport with the other departments and that special language needs to be added to delineate it's special status. After a general discussion it was clear that the conflict pivoted on contradictory state laws one of which delineates County Manager authority over department heads (the Airport Manager) and another of which delineates Airport Commission authority over its employees and administrators. Ms. Sibley, Mr. Villa and Mr. Robert Smith suggested that the case be submitted first to the Attorney General and then if necessary to the courts for a declaratory judgment. **MR. VILLA MOVED TO FORMALLY NOTIFY THE DUKES COUNTY COMMISSION IN WRITING THAT THE ADOPTION BY VOTE OF THE ADMINISTRATIVE CODE FURTHER EMPHASIZES THE CONFLICT OVER THE SUPERVISION OF THE MARTHA'S VINEYARD AIRPORT AND THAT THE MARTHA'S VINEYARD AIRPORT**

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COMMISSION SUGGESTS THE AIRPORT BE INSERTED IN THE CODE AS A SPECIAL COMMISSION HAVING SUPERVISION / CONTROL OVER THE AIRPORT PURSUANT TO CHAPTER 90: SECTION 51E OF THE MASSACHUSETTS GENERAL LAW; MR. SMITH SECONDED; MOTION PASSED UNANIMOUSLY.

3. Martha's Vineyard Transit Authority -- Final Approval of building plans

Ms. Angie Gompers of the Martha's Vineyard Transit Authority (MVTA) presented the building plans for final approval. All other approvals from the Martha's Vineyard Commission (MVAC) and other agencies and boards are in order. Ms. Gompers introduced Mr. Craig Miller of Winchester Engineering Assoc. who described the lighting and drainage systems for the project. The drainage is in accordance with MVAC requirements and is also the best recommended method of the Dept. of Environmental Protection (DEP) for parking lots. It is designed for a 50 year storm and will recharge runoff into the aquifer through a swail and trench. The channel will be 515 ft. long by 4 ft. wide and deep with gravel and vegetation filters. He went on to describe the oil and water separation chamber, redistribution system and the bus wash recycle/re-use system, including disposal of oil and grit. Mr. Smith pointed out that even if the design fits the DEP recommendations it still doesn't mean it's the best or most efficient way; Mr. Flynn will check to insure DEP approval and that pollutants will not taint the aquifer. Chairman Carroll asked what the wastewater estimate was. Ms. Gompers stated that they are expecting to use about 1,000 gallons--about half the amount allowed (four lots at 500 gallons per lot.)

All lights are incandescent and will be shielded to send light down as required by the MAC and the FAA. They are designed to simulate moonlight and will be motion detector activated in five separate zones. Ms. Sibley asked why there need to be lights at all late at night. Ms. Gompers explained that it was highly recommended as security by Federal regulations and that the MVTA had previously experienced some vandalism. **MS. SIBLEY MOVED FINAL APPROVAL OF THE MARTHA'S VINEYARD TRANSIT AUTHORITY BUILDING PROJECT PENDING ASSESSMENT OF WASTEWATER; MR. VILLA SECONDED; MOTION PASSED UNANIMOUSLY.**

4. Airport Master Plan Update--Review of scope and authorization to proceed

Hoyle and Tanner sent a Scope of Services to the Commission. The Commission discussed the financial and legal baseline summaries (Tasks 2.1.2 & 2.1.3). It was suggested and generally agreed that this was an excellent tool to focus on untangling the Airport's legal status short of a declaratory judgment (see above item 9.) Hoyle and Tanner will also have experience in how other airports are governed. Chairman Tim Carroll and Ms. Sibley emphasized that Hoyle and Tanner need to consult not only airport / FAA / MAC specialists but also municipal and county law specialists since it would not serve the airport well to ignore the county responsibilities. An audit is being run on the finances that should delineate how the finances are run, how the finances should run and how current practices can be changed. The Environmental Task 2.3 should theoretically close out the Section 61 issue as well as cataloging any danger areas that might be encountered in future development, these might include: wetlands, endangered species, etc.

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MR. VILLA MOVED TO AUTHORIZE THE CHAIRMAN TO PROCEED WITH THE UPDATE PHASE ONE AS DESCRIBED; MS. SIBLEY SECONDED; MOTION PASSED UNANIMOUSLY. Mr. Weibrecht explained that the *Airport Master Plan Scope of Services* is also submitted to an independent estimator who reviews it to match hours and charges with FAA requirements. It is possible adjustments may need to be made. **MS. SIBLEY MOVED THAT IN ACCORDANCE WITH FAA PROCEDURE THE AIRPORT MANAGER BE ALLOWED TO NEGOTIATE NUMBERS FOR THE CHAIRMAN'S SIGNATURE; MR. VILLA SECONDED; MOTION PASSED UNANIMOUSLY.**

5. DEP Section 61 Update--Review of initial investigation finding

A draft report from Carlos Carranza, on cleaning up the Section 61 issue raised by Business Park development was submitted to the Commission. The report investigates what should have been done, what was done, what might have been missed, and whether what was done was successful. BEC will become a sub-contractor to Hoyle Tanner for future work on this matter with the intention of positing suggestions on future management practices to restore and preserve the Sandplain flax, (the endangered species) to the DEP for their approval and sign-off. Any questions or issues on the subject should be sent to Mr. Weibrecht before Friday, August 18.

6. Airport Terminal Building--Landscape update and extension of work period

The warranty date on all the landscape plants, and deadline for rectification of all problems is September 2, 2000. However, planting in the fall is recommended for best results. TAMS, and the landscape architect have approved the list of items to be replaced, and there will be a review of all failed items on September 4, 2000. They both recommend an extenuation. Mr. Villa was concerned that legal counsel be consulted to insure that the contract not be compromised. **MR. VILLA MOVED THAT LEGAL COUNSEL BE CONSULTED AND IF SO ADVISED THAT LEGAL COUNSEL DRAFT A LETTER TO J.K. SCANLAN STATING THAT 'THE CONTRACTOR HAS UNTIL SEPTEMBER 30, 2000 TO COMPLETE ALL REMAINING PUNCH LIST ITEMS AND IF THESE ITEMS ARE NOT DEEMED BY THE AIRPORT TO BE COMPLETED BY THAT DATE, THE AIRPORT WILL INDEPENDENTLY CONTRACT WITH A THIRD PARTY TO COMPLETE THE REMAINING WORK, ALL COSTS FOR WHICH WILL BE BACK CHARGED TO J.K. SCANLAN CO.; MR. SMITH SECONDED; MOTION PASSED UNANIMOUSLY.**

7. William Shay / Little Wheels / Airport Motors--Affirmation of Commission Action

A letter has been received from Mr. John von Mehren, Esq. on behalf of Mr. Shay requesting information on how to proceed with re-submitting his proposal for 'Little Wheels' (see 10/15/97 minutes p. 9.) There was some discussion on whether a parcel should be put up for RFP in response to outside interest or in a regular manner when the Commission deems it ready. It was agreed that all letters with proposals be put on file to be notified when parcels come up for bidding and that such actions are now in moratorium to be developed in keeping with the master plan.

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MR. VILLA MOVED THAT IF MR. SHAY WOULD LIKE TO RE-PRESENT HIS LITTLE WHEELS CONCEPT THAT HE COME IN AND START THE PROCESS FROM THE BEGINNING; MR. SMITH SECONDED; MOTION PASSED UNANIMOUSLY.

8. Airport Commission--Discussion of Commission Size

The Chairman reviewed the consensus agreement of the Airport Commission (see above) for Mr. Frank Daly. Mr. Daly expressed concern over possible problems if a Commissioner were disabled on non-attending. Chairman Carroll pointed out that the County Administrative Code (see above) provides for such a contingency stating that anyone missing three consecutive meetings without express permission from the Chairman can be removed from the board. **MR. VILLA MOVED THAT THE AIRPORT COMMISSION ADVISE THE DUKES COUNTY COMMISSION THAT THE AIRPORT COMMISSION BELIEVES THAT A SEVEN MEMBER AIRPORT COMMISSION WOULD BE THE MOST EFFECTIVE WAY OF MANAGING THE AIRPORT; MS. SIBLEY SECONDED; MOTION PASSED UNANIMOUSLY WITH TWO COMMISSIONERS ABSENT.**

10. Business Park Update

Assistant Manager Sean Flynn reported progress on the business park issues discussed at the last meeting (see 8/2/00 minutes p. 2-5 items 5 & 6.)

-On Lot 33 Mr. Rotundo has submitted a letter from the Araujo Brothers showing that the Mobil Station had their grit chamber pumped and disposed of at the Edgartown Facility. Mr. Flynn will check with the Edgartown Facility to verify delivery.

-Lot 31 formerly Vineyard Propane et al. The tenants and Martha's Vineyard Commission have been notified that there is no lease and a notice to quit has been drafted by counsel and will be sent out, if there are no objections from the Board. The next step would be eviction without negotiations. **MR. SMITH MOVED TO APPROVE THE ACTION; MS. SIBLEY SECONDED; MOTION PASSED UNANIMOUSLY.**

-The Laundromat has been sent a 90 day notice in accordance with the intentions of the board. The Commission is sympathetic to the project but will no longer enter into open-ended agreements.

-Accurate Cab on Lot 37 has been a tenant-at-will since 10/98 and was sent a lease which the President of the Corporation has approved. The rent has been raised in accordance with the Consumer Price Index to 39¢/sq.. ft. The Commission thanked the Manager and Assistant Manager for their work.

1. Approval of Meeting Minutes for August 2, 2000.

Chairman Tim Carroll proposed that the Business Park Review as reported in the minutes stand as the definitive list. **MR. SMITH MOVED TO APPROVE THE MINUTES AS AMENDED; MS. SIBLEY SECONDED; MOTION PASSED WITH MR. VILLA ABSTAINING.**

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Mr. Smith asked Ms. Carol Borer if there had been any progress on the Assistant Manager's position regrading (see 7/19/00 minutes p.4 item 9.) Chairman Carroll reported that the investigation has turned up no requirements anywhere in state, case or by-laws for advertising a position except in County law which states that 'advertising must be sufficient to generate interest.' Ms. Borer stated that if the Airport Commission was satisfied, she would contact the Committee for regrading. **MS. SIBLEY MOVED THAT THE AIRPORT COMMISSION WAS SATISFIED THAT THERE WAS NO NEED TO RE-ADVERTISE; MR. VILLA SECONDED; MOTION PASSED UNANIMOUSLY.** There was a brief heated exchange over whether Ms. Borer should already have notified committee.

Ms. Borer left the meeting.

11. Adjournment

MR. VILLA MOVED TO ADJOURN; MR. SMITH SECONDED; MOTION PASSED UNANIMOUSLY.