

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

August 2, 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, Robert Carroll,* Frank Daly, Robert Smith, John Alley

Others: Bill Weibrecht - Airport Manager, Carol Borer - County Manager, Angie Gompers & James Trail - Vineyard Transit Authority, William Trevitt - B&T Transportation, Michael McCormack - Dukes County Sheriff, Alan Kallman & Kristin Harrison - Oak Bluffs Police Department, Marni Lipke - Recorder.

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

The meeting was called to order at 6:00pm.

1. Approval of July 19, 2000 Meeting Minutes--Emailed previously.

MR. ROBERT CARROLL MOVED TO APPROVE THE JUNE 22, 2000 REVISED MINUTES AS WRITTEN; MR. JOHN ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.

3. Dukes County Dare Program - Sheriff Michael McCormack & OBPD Officer Harrison:
Ropes Course

Sheriff McCormack presented a proposal and preliminary plan for a Ropes Challenge Course for the youth program of DARE jointly sponsored by Oak Bluffs Police Chief Carter. (The original site at the Edgartown School has been pre-empted by the school expansion.) The Course would consist of 50' telephone poles, wire, trapezes, scaling walls, ropes, etc. It would occupy about 1.5 acres and the lot, which is technically outside of the business park, would be mostly clear cut. Instructors will be trained and the course supervised. It will be disabled when no supervision is present. Dare was awarded \$25,000 for construction costs. Permits such as zoning waivers for the height of the poles from the MV Commission; FAA notification (Form 7460), and Master Plan coordination with Hoyle and Tanner are being addressed. **MR. ROBERT CARROLL MOVED PRELIMINARY APPROVAL FOR THE DARE ROPES COURSE PENDING, ZONING, SAFETY AND STATE EASEMENT APPROVAL; MS. SIBLEY AND MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.**

Mr. Alley recused himself from the meeting.

4. Martha's Vineyard Transit Authority

- Preliminary approval of the site plan associated with development: Lots 3/8/9/10, plans will be provided at meeting.

Director Angie Gompers presented the site and building plans. This would be a pre-fab building (funded by the Federal and State Governments) 240' by 60' with wood shingles on the A Street side. The majority of the building would be used for maintenance, with the rest for administrative offices, storage and training rooms. There will be a fueling area on the corner of

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Lot 10. The Commission questioned her about utilities, drainage, bus wash waste and water recycling. The bus wash will be with 80% reclaimed water and will not be flushed to the MV Airport Wastewater Treatment plant. There will be an elevator on the outside of the building and the required bathrooms and emergency shower for the mechanics. No sleeping facilities are included. Utilities, wastewater, etc. will be more expertly presented by the engineers at the next meeting. There will be two underground propane tanks and two above ground tanks for diesel and gasoline fuel. The above ground tanks can be accessed only by a card swipe and have state of the art leak detection and security. MVTA will fence them in if the Commission deems it necessary. The MVTA presented an excellent plan for landscaping and a list of indigenous plants to be used and moved. David Kann of Waste Water Treatment sent three concerns to be considered:

- What is the Airport's responsibility for the 9' sewer from the shoulder where the existing tie-in is shown?
- The plan shows no clean out of runs longer than 100 ft. (this may not be needed due to the DIA,)
- The Applicant should keep a record of when the oil/water separator is pumped and this record should be available to the MV Airport Waste Water Treatment Facility.

MR. ROBERT CARROLL MOVED PRELIMINARY APPROVAL OF THE MARTHA'S VINEYARD TRANSIT AUTHORITY SITE PLAN AS PRESENTED; MR. ROBERT SMITH SECONDED; MOTION PASSED UNANIMOUSLY.

Mr. Alley returned to the meeting.

Mr. Weibrecht reported on the President's schedule and the security measures being taken both by the Secret Service and the Airport. The President will be using larger planes this visit and about a 45 minute Airport closure is expected.

Mr. Weibrecht also reported on the progress of issues surrounding the new building requested by Mr. Dan Whiting of Heathland on Lot 30 (see 6/7/00 Minutes p.1 Item 3.) Mr. Weibrecht reported that Mr. Whiting is current with his back rent repayment schedule. He and his partner, Mr. Spiro will sign personal guarantees to pay the remainder of the back rent on schedule as agreed. Mr. Whiting has been approved by the MV Commission and wishes to start building before the season is finished. Mr. Weibrecht recommended the Airport Commission allow him to proceed. **MS. SIBLEY MOVED TO ALLOW MR. WHITING TO PROCEED WITH HIS PROJECT PROVIDED PERSONAL GUARANTEES ARE RECEIVED AND THE BACK RENT IS PAID ON SCHEDULE; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.**

5. Airport Business Park Update--Sean Flynn, Assistant Airport Manager

- Review of business park leases and development status update.
- Review of outstanding awards and expressions of interest

Mr. Flynn reviewed the status of each of the lots and tenants in turn.

- Lots 3, 8, 9 and 10 (see above) have already been presented and will return to the Commission at the August meeting.

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- Lot 1 was awarded to Fitness Firm, and has not been active due to funding failure. There is a September deadline for development. No rent is currently being paid.
- Lot 4 Coca Cola has some lease compliance issues, particularly, landscaping with native grasses rather than wood chips, and lighting violations. Mr. Flynn and Mr. Weibrecht spoke with them today and they have already put in an order to their electrician.
- Lot 37 Accurate Cab has been given a sample lease but has not yet responded. No rent has been paid for a couple years.
- Lot 6 There are no issues with Cottage City who have done a good job with their buffer zones.
- Lot 36 Vineyard Pools is in the process of building. They asked to sink a propane tank within the buffer zone--cutting scrub only, which Mr. Flynn and Mr. Weibrecht felt was reasonable.
- Lot 16 Landscape is completely built out and has no current issues.
- Lot 15 Island Propane There are some propane tanks built in next to his storage whose status is unclear and will be investigated.
- Lot 14 Cape Building Systems is in the process of building and is doing a good job with no current issues.
- Lot 13 Indigo Farms also there are no issues.
- Lot 12 DMB has no issues.
- Lot 7 Osprey Trades has encroached on their buffer zone without permission and will be required to address the issue by hiding it with landscaping.
- Lot 19 R.B. Cochran had some issues with lease signatures (both the President's and the Treasurer's are required) which has now been resolved and payment is current.
- Lot 33 the Airport Fuel Service Station has an issue with the disposal of the grit from the car wash. It is considered industrial waste although its contents are unclear. It has been refused by several island treatment plants and now seems to be piling up on the site. A letter requesting documentation of both contents and disposal schedule will be sent to the tenant. Mr. Daly emphasized that this was an Environmental Protection Agency matter and if not resolved was likely to result in criminal charges.
- Lot 20 Cars Unlimited has no current issues, although the number of cars and spaces will be checked to make sure they are in compliance.
- Lot 21 Miles Rogers and Daniele Rogers have no issues. However there are old and current complaint letters on file accusing this lot of retailing bulk fuel to large trucks. The Edgartown Fire Department is disturbed about the fueling of the trucks and complaints have been filed with Edgartown. The issue is ongoing and management is working toward resolution.
- Lots 22, 23 and 24 are all SAV Associates (Cape Cod Express.) There are issues of general cleanliness with the first three lots. He is attempting to develop Lot 25 for bulk storage and will go before the MV Commission August 3rd. Mr. Alan Scott the tenant has been cooperative and willing to comply. The Airport will ask him to reduce the number of driveways planned for the new lot to insure the lots remain as separate issues. Mr. Weibrecht pointed out that many of these problems are inherited and notification of regulation enforcement to all tenants is necessary.
- Lot 26 Fire and Ice submitted a plan today. They are paying on the lease but no activity has started.
- Lot 27 Donorama is a mess. As there is no building, there seems to be no plan or care on the lot. Plants are being stored in the road easement; there are mounds of dirt and high stacks of pallets. A plan is being requested and he is being notified of business park regulations.

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- Lot 28 leased by Thomas Ford (see 3/15/00 Minutes p. 1) has had some problems getting moving. He is expected to go before the MV Commission next week and the Airport Commission vote will be enforced as previously discussed.
- Lot 2 Mr. Hale of MV Shipyards had started to install temporary power and water but was stopped by Management.

Mr. Weibrecht then brought forward the issue of lack of utilities and infrastructure for Lots 1 and 2, 25, 26, and 27, as well as Lot 11 which has generated a lot of interest among construction companies. It is obviously unreasonable to require building and deadlines on lots without light, power and water. Further both Fire & Ice and SAV Assoc. have close dates when they must vacate previous quarters. The MAC has been approached for funding (estimated at about \$75-80,000) but will not take up the issue until fall and furthermore are likely to require a clean up of the business park as a prerequisite. Ms. Carol Borer will look into economic development grants. The completion of the entire infrastructure for all the main lots would be about \$385,000.

- Lot 30 Heathland's only issue is that, through no fault of his own, much of his lot is a swamp. He is caught up on payments and is moving forward with his second building (see above.)

- Lot 31 currently assigned to Propane Continental has several extremely serious problems. The lot is actually split into 31A with a 20 year lease in force at 11¢ per sq. ft., and 31B with an expired lease--now tenant-at-will paying at the previous rate. Management has offered him the same rate and a blended lease for 31B but the tenant has refused. It is unclear who holds and exercises the lease as the original signatories have been merged and re-incorporated under various entities such as Cornerstone Propane, Continental Propane and Vineyard Propane hence those who came before the board two years ago are no longer the current users, which means there are also issues with the number of people using the lot. Further this is all aggravated by the fact that the original tenants seem to have been granted preliminary approval only. Other serious issues include: loading through the fence to trucks standing in the fire lane, drainage onto Heathland property, and a complete lack of a buffer zone. Mr. Rogers has a current request before the MV Commission to sink two 15,000 gallon tanks into Lot 31B. Attorney Marcia Cini recommends that he be billed for the lease as proposed. If he does not pay he will be considered non-responsive and can be issued a cease and desist order. **MR. ROBERT CARROLL MOVED TO PURSUE THESE ISSUES LEGALLY THROUGH COUNSEL; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY. MR. ROBERT CARROLL MOVED TO ASK THE MARTHA'S VINEYARD COMMISSION TO REFUSE TO CONSIDER ANY FURTHER REQUESTS AS THE PETITIONERS HAVE NO LEASE FOR LOT 31B AND NO STANDING WITH THE MARTHA'S VINEYARD AIRPORT COMMISSION; MR. ALLEY SECONDED; PASSED WITH MS. SIBLEY ABSTAINING.**

*Mr. Robert Carroll left the meeting.

- Lot 32 has a tenant issue with Vineyard Propane. The lease was assigned two years ago to an entity called New Island Trust which subsequently paid no rent until a recent check was deposited for \$17,800. The lease is current but he is now asking to assign it to VPI Continuous Corporation. The lot is full of dead equipment and rusting vehicles. Lots 31A and 32 have 1984 leases that predate the business park regulations.

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HOWEVER, IT WAS THE CONSENSUS OF THE BOARD THAT POLICY BE THAT NO SPECIAL CONSIDERATION BE GIVEN UNLESS TENANTS ARE IN FULL COMPLIANCE. THIS WAS DEFINED AS FINANCIALLY CURRENT, AND IN FULL COMPLIANCE WITH BUSINESS PARK REGULATIONS OR IN THE PROCESS OF BRINGING THE LOT TO COMPLIANCE WITH A FILED PLAN AND SUBSTANTIAL PREVIOUS RECTIFICATION. THE CHAIRMAN NOTED THAT NO TENANT SHOULD REQUEST TO BE PLACED ON THE AGENDA UNLESS THE ABOVE CONDITIONS ARE MET.

- Lot 33 is assigned to Mr. Michael Rotundo and the Airport Gas Station. However there are several outstanding problems and topics of dispute. These include a sign on Barnes Rd. which is in violation of business park regulations, the approval of a convenience store, water usage and car storage. The Board has offered to put up a generic fuel sign on Barnes Rd. to direct traffic to the gas station.

- Mr. Rotundo feels that he has the option to lease Lot 34 and after some research, management is inclined to agree with him. He has requested some uses forbidden by the business park regulations and been refused. The main use is now proposed as primarily antique car restoration and he has been given 60 days to present plans to the Board.

IT WAS THE CONSENSUS OF THE COMMISSION THAT IT WOULD NO LONGER VOTE ANY OPEN ENDED OPTIONS and in keeping with the before mentioned resolution Mr. Rotundo will be informed that the following issues must be corrected before consideration is given for Lot 34:

- the sign on Barnes Road must be removed. The MV Airport Commission pledges a good faith effort to get approval and place a generic sign on Barnes Road but the removal of the Mobil sign is not contingent on their success.
- wastewater issues including but not limited to soap
- proper disposal of grit
- a second water meter
- floor plan and proper change of use permit for the convenience store.

The Board also supports management in any other issues they might find or ask to enforce with due notification to tenant.

- Lot 17 was involved in a bidding controversy with Mr. Hall (see 2/16/00 Minutes p.1 item 3.) Mr. David Moore who was awarded the lease has not been active and no reply has been received from a certified return-receipt letter. Therefore the lot has returned to awardable status. The Board directed counsel to check to insure that no court action had been filed by Mr. Hall as the Board is preparing to put the lot up to bid.

6. Discussion of Terminal Driveway development

- Survey Quote and request for land for professional office space
- Review of outstanding awards and current proposals

Mr. Weibrecht then reviewed the current interest in non-business park development. Mr. Dorfman of the Airport Laundromat has open ended approval to expand contingent upon his

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finding an expert to guarantee his water reclamation system. In the same area the tennis courts have also asked to expand into outside courts and there is T-Hanger interest. The area is complicated by a lack of accurate information and plot boundaries. The Tennis Courts have offered to survey the area in return for approval for expansion. Mr. Alley pointed out that a previous similar offer by a tenant did not work out to the Airport's advantage and advocated an independent survey. **MR. SMITH MOVE TO ALLOW MR. DORFMAN 90 DAYS TO PRESENT ACCEPTABLE PLANS TO THE AIRPORT BOARD OR LOSE THE OPTION TO EXPAND, HE FURTHER MOVED TO HIRE OR PUT OUT TO BID A SURVEY OF THE AREA SURROUNDING THE ENTRANCE DRIVE TO THE AIRPORT INCLUDING THE 200 FOOT EASEMENT NEEDED BY THE STATE AND TAKING HISTORICAL DOCUMENTS INTO ACCOUNT AND TIED TO THE MASTER PLAN; MR. ALLEY SECONDED; MR. SMITH AMENDED HIS MOTION TO DELETE THE CONNECTION TO THE MASTER PLAN; MR. ALLEY SECONDED THE AMENDMENT; MOTION PASSED UNANIMOUSLY.**

7. Discussion of reduction of size of Airport Commission

Chairman Tim Carroll reminded the board of their previous intentions to discuss reducing the size of the MV Airport Commission. The Board is currently sitting with two vacancies (Mr. Wasserman, and Mr. Flynn having resigned) so that it would be a convenient time to consider whether to leave the board at 7 members or fill the vacancies. There had also been suggestions that the Commission be reduced to five members. Ms. Sibley said she felt leaving the board at seven was a good idea but that she felt five members was too small. A full discussion will be scheduled for the next meeting.

2. Chairman's Update

In a related matter Mr. Tim Carroll reported that there was a move to reconsider the vote that would prohibit MV Commissioners from serving on the Airport Board.

Chairman Carroll has hired Morgan, Brown and Joy to look into the issue surrounding the hiring and salary negotiations for the Assistant Manager's positions (see 7/19/00 Minutes p. 4 item 9) but no clear answer has been received. At his request Ms. Borer reported that Dukes County has not had time to consider regrading the new job description and some delay is expected due to backlog.

Meeting dates were set for 6:00pm on August 16, September 6, and September 20, 2000. There is an All Island Board of Selectmen meeting at 7:30 on September 6 so the meeting will be brief.

Mr. Daly reported that Mr. Kann was having some trouble with tenants when he comes to read the meters. Mr. Weibrecht assured the Board that management will send someone with Mr. Kann whenever he requests it and if that is not effective will call the police.

Mr. Daly also suggested that any costs incurred by the soap from the car wash could be recouped by enforcing the last factor in the wastewater billing formula.

Mr. Alley asked that terminal wall display be placed on the agenda for the next meeting so as to avoid any further embarrassing episodes (see 7/19/00 Minutes p.1 item 3.) In a related matter he

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also reported receiving further correspondence from Ms. Valerie Goldenbrook regarding a plaque commemorating her partner, Carolyn Cullen's contribution as an Airport Commissioner (see 5/3/00 Minutes p.3.) Ms. Goldenbrook has offered to pay up to \$1,200 for the plaque from Ms. Cullen's estate. All agreed that this would be an appropriate display for the wall in keeping with the Island Aviation theme intended. Ms. Sibley also felt that due to her long service and wartime experience Ms. Cullen should be particularly commemorated. Mr. Weibrecht will send a letter suggesting that Ms. Goldenbrook submit a design to Mr. Alan Gowell. Mr. Alley and Ms. Sibley hoped that a photograph of Ms. Cullen beside her plane would be included in the design.

Mr. Smith reported that there has been no progress on the fuel farm. The project seems to be bogged down in plumbing plans and permits. He will also continue to pursue the issue of using the pump house for fire equipment/foam storage (see 7/19/00 Minutes p. 2 item 5.)

8. Adjournment

**MS. SIBLEY MOVED TO ADJOURN AT 8:14PM; MR. CARROLL SECONDED;
MOTION PASSED UNANIMOUSLY.**