

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

**September 6, 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, Robert Carroll, Marc Villa,\* Frank Daly, Robert Smith,\* John Alley

Others: Bill Weibrecht - Airport Manager, Sean Flynn - Assistant Airport Manager, David Kann - MV Airport Wastewater, Marni Lipke - Recorder.

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

The meeting was called to order at 6:02pm.

1. Approval of Meeting Minutes August 16, 2000.

There was not sufficient quorum to pass the minutes.

\*Mr. Marc Villa joined the meeting.

3. Review of Airport Submission for the Annual County Report

Mr. Weibrecht submitted a draft for review. Chairman Tim Carroll asked that the new team of employees be commended and that a roster of employees be included. IT WAS THE CONSENSUS OF THE COMMISSION THAT THE REPORT ALSO INCLUDE A NOTE ON PLANS TO HONOR ALL THE AIRPORT COMMISSIONERS WHO HAD A PART IN THE NEW TERMINAL PROJECT.

4. Island Water Source - Final Approval

\*Mr. Robert Smith joined the meeting.

Mr. John Clarke of Island Water Source / Fire & Ice re-submitted his plans for final approval. The original plans although approved (see 3/15/00 Minutes p. 1 item 3) had changed considerably. **MR. ROBERT CARROLL MOVED TO GRANT FINAL APPROVAL TO ISLAND WATER SOURCE MODIFIED BUILDING PLANS; MR. FRANK DALY SECONDED; MOTION PASSED UNANIMOUSLY.**

In a related matter (see 8/2/00 Minutes p. 3) Chairman Carroll sent a memo to Counsel Marcia Cini stating that after consulting with the Inspector General's Office, it is not illegal for tenants to pay for the installation of utilities and infrastructure as long as proper procedure is followed. This means that jobs must be advertised, put out to bid, etc.

5. Business Park Update

(For background information on this section see 8/2/00 Minutes p. 2-5.)

- The Fitness Firm on Lot 1 has informed the Airport by telephone that they will not be able to proceed within the given time period and will send the Airport a written release. The lot can now be put out to bid again.

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- The MV Commission asked T. Ford of Lot 28 for some changes and re-submission on his building plans so that he has had another delay. Mr. Weibrecht and Mr. Flynn feel that he is moving forward steadily and recommend that he be asked to start paying rent as a tenant-at-will regardless of the state of his project within 30 days. It was felt that until the MV Commission approved the plans Mr. Ford (as well as other tenants in similar situations) would be unwilling to commit to a lease. It was the feeling of the Commission that (pending approval of Counsel) if revenue were being received the lease could be postponed until final approval of the plans.

**MR. VILLA MOVED TO REQUIRE MR. T. FORD TO PAY RENT STARTING WITHIN 30 DAYS OF THIS DATE; MR. ROBERT SMITH SECONDED; MOTION PASSED UNANIMOUSLY.**

- Cornerstone / Continental on Lot 31A having received legal notice (see 8/16/00 Minutes p.4 item 10) have contacted management for negotiations.
- Mr. Rotundo of Mobil Gas in Lot 33 has sent some positive correspondence and is making moves towards compliance. He has been informed that tenants who are non-compliant on the first lot will be considered non-responsive bidders on any further lots.
- Accurate Cab has returned a signed lease on Lot 37 which is being reviewed by Counsel. Rent will be paid starting Sept. 1, '00.
- Mr. Smith asked about the issue of Danielle & Rogers on Lot 21 selling fuel, as both he and Chairman Tim Carroll have received complaints from the Edgartown Fire Chief, Antone Bettencourt. Mr. Weibrecht and Mr. Flynn will continue to investigate and update the Commission on the matter.
- Mr. Alley asked if there had been any response from Mr. Dorfman of the Laundromat. There has been some response from Mr. Dorfman's lawyer. There was a brief discussion on the shifting status of the project and conflicting ambiguous information from the tenant.

In a related matter Mr. Alley and Mr. Robert Carroll noted that the Airport signs around the Island are infrequent and misleading due, in part, to vandalism. Mr. Weibrecht and Mr. Alley will rectify the situation. Also Mr. Flynn has retrieved all Airport files from the Dukes County Manager's office and reviewed and organized them at the Airport.

## 2. Manager's Update

Mr. Weibrecht reported that the fuel farm site work has been finished and the electric work will be done shortly--although not by Mr. de Bettencourt who has been unresponsive. The Fuel Farm is expected to be completed and on-line within the month. Fuel bids will be solicited as soon as a firm completion date is assured. Mr. Villa asked about any progress on the unsatisfactory Packer credit card system which Mr. Weibrecht expects to resolve with the opening of the Farm.

Mr. Weibrecht reported that Airport staff responded exceptionally well to the bomb training device incident that was reported nationally. A letter from Cape Air taking full responsibility and commending Airport staff has been received. The FAA had only minor comments on the Airport's response, and will deal directly with Cape Air on the matter. Mr. Weibrecht has submitted a memo with suggestions on further prevention and safety/security measures.

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**MR. SMITH MOVED TO ENDORSE THE AIRPORT MANAGER'S MEMO DATED 9/6/00 WITH SUGGESTIONS FOR FURTHER SAFETY AND SECURITY MEASURES; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.**

6. County of Dukes County Administrative Code - Adopted August 9, 2000

Chairman Tim Carroll presented the Dukes County Administrative Code as approved. He reported that he was unable to change the status of the airport (see 8/16/00 Minutes p. 1 item 9.) He was able to add descriptions of various Commissions, including the Airport Commission, under Section 5. Mr. Villa asked Mr. Weibrecht if there had been any responses from the County Treasurer on the return of excise tax overcharge, the quarterly reports and the creation of an enterprise account. Mr. Tim Carroll and several members pointed out that the creation of the account was not the County Treasurer's purview and that the matter had been discussed by the Dukes County Commission. Mr. Villa expressed his displeasure in the selective implementation of the auditor's recommendations.

**MR. VILLA MOVED TO SEND A LETTER TO THE COUNTY TREASURER ASKING:**  
**1) WHAT IS THE STATUS OF THE EXCISE TAX OVERCHARGE RECTIFICATION AND WHAT IS THE TREASURER DOING ABOUT IT CURRENTLY,**  
**2) WHY HAVE NO QUARTERLY TAX REPORTS BEEN SUBMITTED TO THE MARTHA'S VINEYARD AIRPORT COMMISSION,**  
**3) FOR WHAT REASON HAS THE COUNTY TREASURER CHOSEN NOT TO REQUEST AND OPEN AN ENTERPRISE ACCOUNT FOR THE AIRPORT AS RECOMMENDED BY THE AUDITORS; MR. ROBERT CARROLL SECONDED; MOTION PASSED UNANIMOUSLY.**

7. Request from County Commissioner E. B. Collins of August 9, 2000

- County Commissioner Collins has requested that the Martha's Vineyard Airport Commission report to the County Commission what specific areas of conflict exist between the Airport, the County and the County Manager.

Chairman Tim Carroll delivered the Airport Commission's letter to the Dukes County Commission (see 8/16/00 Minutes p. 1 item 9) and Dukes County Commissioner Collins asked for a list of conflicts. The members suggested the following instances--further examples may be added.

- County Manager refusal to pay the assistant manager's negotiated salary,
- County Treasurer's failure to submit quarterly tax reports,
- County Treasurer's failure to report status of interest on the grant account fund,
- County Treasurer's non-response to pursue return of excise tax overcharge,
- County Manager's insistence that former Airport Manager Phil Reynolds report to her office for daily breathalyzer testing,
- Lack of Airport representation on the County Manager Cabinet,
- Lack of Airport representation on the Personnel Board / Rating Committee,
- Conflict of C.90 s.51 E with those of C.34A s. 18 and the County Manager,

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- The desire of Commissioner Sawyer to divert Airport revenue to the County,
- Retention of Airport Business Park files by the County Manager (now rectified,)
- Conflict of the grant assurances and the actions of the County,
- Delay of the 30B (procurement) process period,
- Delay and interference with budget process,

8. Discussion of Letter received from the Oak Bluffs Water District

The Oak Bluffs Water District has been supplying the Airport with water in return for rights to a well which will now be undevelopable. Consequently, Oak Bluffs has now asked the Airport to treat some of their septage in return for the water. Chairman Carroll asked the members for their thoughts and suggestions on the matter. The possibility of switching to Edgartown water was briefly mentioned.

\*Mr. Tim Carroll left the meeting briefly. Mr. Smith assumed the Chair.

Mr. Daly reported that the Dept. of Environmental Protection has asked the Vineyard Transit Authority (VTA) for an estimate of water usage (see 8/16/00 Minutes p. 2 item 3.) Consequently, the VTA will ask the manufacturer to supply documentation of water usage for the same bus wash equipment from another customer. This with the VTA estimate of the number of bus washes will give the rough estimate.

9. Adjournment

**MR. ROBERT CARROLL MOVED TO ADJOURN; MR. ALLEY SECONDED;  
MOTION PASSED UNANIMOUSLY.**