

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

**February 4, 2004 5:00 pm
Martha's Vineyard Airport**

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

Present:

Airport Commissioners: Chair Jesse B. (Jack) Law, Vice Chair John Alley, Frank Daly,
T. J. Hegarty, William (Bill) Mill, Norman Perry, Nelson Smith,

Airport Staff: Bill Weibrecht - Manager, Sean Flynn - Assistant Manager,
Michael Eldridge – Water/Wastewater Operator

Dukes County: E. Winn Davis- County Manager*

Others: Marni Lipke – Recorder; Rick Domas, HTA; Angie Gompert, MVTA;
Fred Natush* - MVTV

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

The meeting was called to order at 5:08PM and new Martha's Vineyard Airport Commission (MVAC) member Mr. Norman Perry was introduced and welcomed.

1. Approval of Meeting Minutes of November 5, 2003.

MR. NELSON SMITH MOVED TO APPROVE THE NOVEMBER 5, 2003 MINUTES; MR. BILL MILL SECONDED; MOTION PASSED WITH MR. PERRY ABSTAINING.

2. Martha's Vineyard Regional Transit Authority

- Approval of sublet to Registry of Motor Vehicles (Supporting documents on file.)

For those who were new to the board Ms. Gompert explained that the MVTA had come before the MVAC in 2000 (see 11/17/99 Minutes p.1, 8/2/00 Minutes p.2#4, and 8/16/00 Minutes p.2#3). The building was approximately 22,000 sq. ft. on two floors with about 1,200 sq. ft. of space on the first floor. During the approval process it was suggested this free space might be used for either another government type agency or possibly day care for employees. Actually it was always MVTA's dream to have the Registry of Motor Vehicles (RMV) there since both agencies were state funded and the arrangement would be mutually beneficial both financially and logistically. The RMV has in fact approached them and a reasonable lease has been developed at a lower rate than the RMV's current quarters. The arrangement would also allow for monthly Commercial Drivers License (CDL) testing to return to the Island and to take advantage of the CDL training course. It would be up to the RMV to arrange for an inspector and to dictate the type of services offered.

The RMV was not able to tell the MVTA the number of trips to their current building to study traffic impact, however Mr. John Alley noted that the original traffic study on citing the MVTA at the Airport included the possible advent of the RMV and he did not consider the conditions had changed much since. There was adequate parking. The current time frame was for a March 1, 2004 opening although there might be some delay due to telephone / internet access lines.

Mr. T.J. Hegarty asked about the amendment to the lease. Chair Jack explained that the MVAC was still dealing with the sublet request. Mr. Hegarty asked if the sublet were not the lease extension. Chair Law replied that this was another issue at which point Mr. Hegarty remarked that far be it from him to hold up the issue.

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Airport Manager Mr. Bill Weibrecht explained that whenever the MVAC chose to take action on the sublease, the sublease had already been forwarded to Airport Counsel and Management was waiting to hear back from them. It was a standard lease from the Mass. State Dept. of Capital Assets Management (DCAM) and did have the required references back to the Airport master lease. **MR. ALLEY MOVED TO APPROVE THE MARTHA'S VINEYARD REGIONAL TRANSIT AUTHORITY SUBLEASE TO THE MASSACHUSETTS REGISTRY OF MOTOR VEHICLES; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY.**

- Request for lease term extension

Chair Law and Mr. Weibrecht suggested Ms. Gompert explain her request. By the time the MVTA building was constructed the lease was 3 years along. In terms of depreciation in value to the Commonwealth, as well as the \$500,000 contributed by the Federal government the building life expectancy was about 25 years. The Federal government, always leery of leases, nonetheless understood and approved the benefits of the current situation on the Island but in return required that the lease be renewed as quickly as possible so that there would be an assurance that the building would fully depreciate, and everyone's funding would be fully expensed by the time the building's useful life was up in terms of standard usage for this type of asset. Consequently Ms. Gompert was here today to clean up this paperwork and request a renewal for the MVTA for 20 years, bringing the lease to 2040. Mr. Weibrecht showed the lease clause with the option to renew which however required that the option be exercised within a year of the expiration of the original lease (see documents of file). Therefore Management had worked out some options to amend the lease (see memo on file) and set the rate in a fair manner to all concerned. Although the lease in essence might be considered a 40 year lease as it stood, the formality of renewal would make it official and satisfy Federal and State requirements.

Mr. Hegarty thought that the least problematic to the MVAC would be to go with the Option 1: the lease to reflect the continuous term through 2040 and then to assess it at Fair Market Value at that time. Mr. Hegarty's reasoning for that was that there were already too many fragmented leases. If the MVAC adopted Option 2 how many other tenants would come back at the MVAC and what kind of litigation would be opened, it would be a Pandora's Box and Mr. Hegarty saw the first choice as the cleanest and least problematic. Chair Law agreed that the Option One was the best and asked for any other discussion.

Mr. Weibrecht further explained that with this option the rates would be renegotiated at the 20 years out period so at that time Management would go back and re-review and set the rate for the next 20 years but the lease was continuous.

In a loosely related question Mr. Alley asked if the Airport used any of the MVTA related services such as the garage or some such. Mr. Weibrecht replied that the Airport currently did not although it had discussed eventually using the gas program which was certainly likely to be the case eventually. Even then, however, the Airport would pay the standard rate. This was not to say that there was not an exchange of services on an emergency basis. Mr. Alley's point was that at the beginning of negotiations with the MVTA it was agreed that any Airport use of the MVTA facilities would be reflected in the rent, perhaps not today but possibly in say, two years. Mr. Weibrecht responded that if the transportation hub plans were to progress further in the near future the MVAC might review the rates at that time. Mr. Alley assented. Mr. Weibrecht maintained that the Airport just needed to ensure

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that the correct issues were being addressed in the out years. Assistant Airport Manager Mr. Sean Flynn elaborated that any exchanged services would be dealt with on a case by case basis and appropriate value would be assigned to each service. An amendment on this issue would be drafted and brought back to the MVAC. Chair Law asked for any further discussion. Mr. Daly asked about the difference between the Option 1 and Option 2. Mr. Weibrech explained that in Option 2 the new rate would be assessed at this time rather than 17 years out; thus the entire lease rate would be set now with a Consumer Price Index (CPI) that would then run for 37 years. Whereas Option 1 would value the new rate in 17 years at the end of original lease. Ms. Gompert asked if she had mentioned that the MVTA had no money, which brought a laugh from the Board. Chair Law again asked for any further discussion and then for a motion. **MR. ALLEY MOVED TO RENEW THE MARTHA'S VINEYARD TRANSIT AUTHORITY LEASE FOR 20 YEARS UNDER OPTION 1, I.E. TO AMEND THE LEASE TO REFLECT A CONTINUOUS TERM THROUGH 2040 (WHICH RENEWAL REQUIRED THE APPROVAL OF THE DUKES COUNTY COMMISSION) WITH AN AMENDMENT TO REQUIRE FAIR MARKET VALUE APPRAISAL FOR THE PROPERTY AT EXPIRATION OF THE FIRST TERM WHICH WOULD DETERMINE THE RENTAL RATE FOR THE 2020-2040 PERIOD; MR. HEGARTY SECONDED; MOTION PASSED UNANIMOUSLY.** Ms. Gompert thanked the MVAC who in turn thanked Ms. Gompert.

4. Environmental Report (D/EIR) Project

- Distribution of Preliminary Draft of D/EIR

Mr. Weibrech distributed the report in binders (see documents on file) during which time there was a certain amount of joking about a little light reading. Mr. Weibrech emphasized that the MVAC was not being asked to take any action at this meeting but that the draft was provided for reading at home and to address comments and questions to Mr. Domas at future meetings.

*Mr. Winn Davis entered the meeting around this time.

- Overview of document by Rick Domas of HTA

Mr. Domas acknowledging that the MVAC had a long meeting planned was brief in highlighting the report. The document was marked "Draft" at almost every page, including the title page and would remain in draft subject to approval of the MVAC. With the exception of factual findings, phrasing, wording, approach could all be discussed and changed at the MVAC's direction.

For those unfamiliar with the somewhat confusing process Mr. Domas explained as follows.

- The Airport Master Plan laid out 21 Capital Improvement Projects (CIP).
- The projects to be included in the first 6 or 8 years of the CIP were gathered into a group called the Airport Improvement Plan (AIP).
- These projects triggered several thresholds which required a filing with the Massachusetts Environmental Protection Agency (MEPA):
 - the construction of a new Terminal II to replace the current General Aviation (GA) building,
 - the quantity increase of impervious paving in added ramps, aprons, parking, and road development.

This required filing document was called the Environmental Impact Report (EIR).

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° The first part of the EIR process was an Environmental Notification Form (ENF) which was filed in April, 2003 (see 5/7/03 Minutes p.1#2) and then went through a 20 day public comment period with a scoping meeting at the Airport—which some Airport Commissioners attended. The ENF was a substantive document addressing the 13 AIP projects.

1. In order to meet C3 Airport standards Taxiway A, now in poor condition, needed to be expanded centerline to centerline from 370 ft. to 400 ft. Therefore the taxiway would be reconstructed in at least three phases from the 24 end working towards the 6 end. At each phase the taxiway would be off set 30 ft.
2. A Southeast Ramp would be constructed near the Business Park.
3. Airline Road would be extended to service the new Southeast Ramp.
4. To increase water flow, volume and pressure for fireflow capacity the water system would be upgraded to service anticipated hangars.
5. Improvement of the Connector Road from the Airport to the Business Park with paving and utilities. (The jail was proposed to be located along this road.)
6. A New Terminal with parking and circulation facility was proposed to accommodate the increased GA traffic.
7. In order to widen the Southwest ramp the Airport would either buy the Stott Hangars directly or work out an arrangement for relocation to the Southeast Ramp area.
8. Update the Southwest ramp to repair decaying pavement and replace outdated drainage.
9. A Firefighting Training Facility was a community solicited project, located on the opposite side of the Airport.
10. A multi-mobile, rental car consolidation center would be located in the Business Park.
11. As the immediate Terminal area was built up, remote parking would be developed near Westline Road and 'A' Street with communication to the Airport via Connector Road.
12. As this was a forward related document this item anticipated such issues as traffic, wastewater use, etc. for any development such as further growth in the Business Park or along Airport Road in the AIP interim years.
13. The Federal Aviation Administration (FAA) had asked for the removal of some tall trees so this last project was to address the environmental impact of obstruction removal at the approach to Runway 6.

*Mr. Natush entered the meeting around this time.

° Subsequent to the scoping meeting and the 20 day review period the Secretary of Environmental Affairs issued a Certificate which was the MEPA reading of the ENF. The Certificate accepted some parts of the ENF and gave a scope of what to study further in the next document.

° In the meantime the MVAC voted to include the County Jail as an Airport Project (see 7/16/03 Minutes p.5-9), and a Notice of Project Change was submitted in August, 2003 so that another project was added to the AIP list.

14. Commercial Development off Connector Road was replaced by the consideration of the County Jail Project.

The Notice went through the same process of publicizing the proposal and 20 day open comment period as the original ENF and another Certificate was issued this one stating that the same studies needed for the previously proposed commercial development would now be required for the County Jail—essentially a swap in land use. This added project was still being fleshed out but would be

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included in the next document (see below). Mr. Domas emphasized that the MVAC would not be involved in the details of the Jail design, aesthetics, or sq. footage, nor was the Airport addressing such community issues as size, numbers of beds, etc. All these were being submitted to MEPA—without change or challenge—as they were presented to the Airport by the Sheriff's Dept. This study would capture traffic, water and wastewater demand, rare species presence, etc. on the project exactly as proposed by the Sheriff; in other words the Airport was analyzing the environmental impact of the Sheriff's own proposal. Mr. Domas had informed the Sheriff that when design was finalized with the type of building, shape, size, orientation, etc. the Sheriff would have return to MEPA and either file another Notice of Project Change or a stand-alone document to get final community input. The Airport was filing the current document in its own role as proponent but the details of design were not the purview of the Airport. Mr. Domas emphasized that he wanted to the MVAC be clear on this and noted there was language so stating in the document.

◦ This next document was the Draft Environmental Impact Report (D/EIR)—Mr. Domas emphasized that the title of the document included the word 'Draft. This was being proposed for an April 15, 2004 filing (filings were on the 1st and 15th of each month only) which should be enough time for review, incorporation of comments, language edits, etc.

◦ Once filed there was a 7 or 8 day period (until about April 23rd) while the MEPA compiled the Environmental Monitor Notice. This was the public document referencing the D/EIR and informing the public of the MV Airport D/EIR availability and contact information.

◦ Since this was a major D/EIR there would then be 30 day review period for written public comments such as might be submitted by the MV Commission.

◦ Following this 30 day review period the Secretary would issue yet another Certificate (due June 1, 2004) stating that MEPA had absorbed all the comments and read the D/EIR. It would likely accept some aspects but ask for clarification on some others. For example the Secretary might accept 80% of the D/EIR but state the other 20% needed more detailed analysis or possibly that some comment had raised a question putting a different spin on an issue that needed to be addressed.

◦ The Final Environmental Impact Report addressing the Certificate's directions would be filed in the future.

On Chair Law's request Mr. Domas noted that the transmittal letter attached to the D/EIR gave Mr. Domas' phone number, email, and other contact information for the Airport Commissioners to address any questions or comments to him. Mr. Domas also assured the MVAC that he would return to answer the MVAC's questions in two weeks and whenever else and as long as the MVAC required after that.

Mr. Hegarty asked if this D/EIR had been distributed to the Sheriff. Mr. Weibrecht noted that this was the first time the D/EIR had been received. Mr. Hegarty asked if there was a copy available for the Sheriff. Mr. Weibrecht stated he would give a copy to the Sheriff. Mr. Hegarty asked if Mr. Domas had communicated any of the above to the Sheriff. Mr. Domas replied that no, Hoyle, Tanner Associates (HTA) was putting the information provided by the Sheriff directly into the report. In another comment Mr. Hegarty asked about p. 6-24 of the Draft with the proposed traffic mitigation, he congratulated Mr. Domas on getting all the information into the D/EIR and then as a quick question asked why, when everything else was design and constructed with the Connector Roads, was the Barnes Road work postponed to 2005, why it was not just part of the whole process. Mr. Domas explained that it certainly could be incorporated into any roadway project. For instance when HTA

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designed improvements to Connector Road improvements to the Airport Road would be included as being right there and making sense, and Barnes Road could also be easily included. The timing was planned with more of a sense of when the Airport would have the money and when the project was absolutely needed. Mr. Hegarty recognized that the projects were being bundled but he did not see the 2005 projection. He acknowledged that just having the issue there was a great step but would hate to see it go by the wayside since if it was needed on one road it would certainly be needed on Barnes Road. Mr. Domas identified this as the kind of input HTA was looking for. Mr. Weibrecht clarified the matter a little. When Management and HTA went through the projects and filed a CIP, especially with the Mass Aeronautics Commission (MAC), when some new aspect came up it was not always known at the time. For example, it was not known at the time what Mass. Highways had in mind. The Airport now knew that. Equally it was not know at the time what permitting would be required. The Airport now knew this also.

As much as possible was front loaded into the report and, depending on available funds, the MVAC would likely see as much as possible put into the road project. Mr. Hegarty again referenced County Engineer Steve Berlucci who had over 20 years experience and who could give his opinion. Mr. Weibrecht agreed that Mr. Berlucci was being consulted as well as the Transportation Committee for crossover issues. Mr. Hegarty commended the issue as great, especially as it would mitigate the traffic and potential for accidents, particularly with the round-a-bout scheduled for 2005. Mr. Weibrecht informed Mr. Hegarty that the round-a-bout project had been postponed to 2006. Mr. Hegarty told Mr. Domas the work was great and thanked him.

Mr. Weibrecht summarized by asking the MVAC to copy Management on all comments and questions to Mr. Domas so that Management could be as fully prepared as possible. Mr. Weibrecht repeated for the record that he would provide a copy of the D/EIR to the County Manger and a copy to Sheriff McCormack. Also for the record he reported that Management had met with Sheriff McCormack twice, once in November and once in December, 2003 to give additional information. The Sheriff was fully informed on the process as far as the details that had to be submitted by DCAM on his behalf. Chair Law thanked Mr. Domas.

5. Review of Airport Budget for Fiscal Year 2005

Chair Law asked if everyone had reviewed the budget handed out at the last meeting. Mr. Alley stated that he had not reviewed it and had not thought the budget would be addressed at this meeting (see 1/21/04 Minutes p.6). Mr. Weibrecht noted the tight County budget schedule and warned that if the budget were tabled until the next meeting a vote would have to be taken at that same meeting or a special meeting would have to be called to take the vote in order to meet the County deadline. Mr. Flynn submitted a further draft budget (version 3—see documents on file). The MVAC agreed to discuss and vote the budget at the next meeting. **MR. ALLEY MOVED TO TABLE THE BUDGET UNTIL THE NEXT MEETING; MR. DALY SECONDED; MOTION PASSED UNANIMOUSLY.**

6. Airport Manager's Update

- West Tisbury – Wind Turbine Approved by FAA

Mr. Weibrecht gave the notice on the West Tisbury Wind Turbine (see documents on file) so that the MVA C could see how the process worked.

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- AIP Guidance from FAA – New Authorization

There has been a change in the share of funding. Congress increased the FAA share to 95% so the rest of funding was evenly split to MAC 2.5% and local (Airport) 2.5%. This constituted a .5% rise in the share carried by others—i.e. not Airport or local. Some of the other spending and allocations were also changed but this percentage was the largest adjustment for the MV Airport which was on a block grant program. A block grant meant Massachusetts received money on the Airport's behalf and then "managed" it for the airports. As an 'entitlement airport'—an airport having commercial service above a certain level and certain number of passengers—Mr. Weibrecht did not see the MV Airport status changing much. Entitlement airports received an automatic budgeted number which was whittled down by authorization at the Congressional level, i.e. Legislation stated one amount and spending was authorized at a different amount.

The MV Airport authorization ran at about \$1,200,000 per year. This was the money the Airport could expect to receive from FAA, and which was typically a minimum planning number used to develop the CIP. Additional funds could be applied for and received on a merit case-by-case basis.

- MAC Grant Application for D/EIR Project made

Last August 26, 2003 (see 8/26/03 Minutes) Management came to the MVAC to explain that MAC was not able to issue the grant due to changes in their funding status at that time, and consequently was not able to participate in the project. Management has kept MAC advised so that progress could be approved or disapproved as they saw fit. MAC had now advised that the grant had become available and the Airport had reapplied for funding to bring the Airport's share from the voted \$33,250 down to \$10,035. This meant MAC had picked up the other \$23,215. Mr. Weibrecht referred to the concern at the time, for example from Mr. Hegarty, that the grant would not come through and noted that it had come through as projected.

At the moment MAC FY05 funding levels were being reviewed by the Governor's office and the Executive Office of Transportation and Construction (EOTC) so Management could not currently gauge what next year might bring. This meant the Airport might be in the same position again. However MAC process was making it very solid that if they believe they will be able to fund it, it should be fundable. Thankfully the MV Airport had the financial flexibility to carry these costs in the meantime and cover them if need be. The MVAC would know their status before the Airport committed to most projects and Management would bring it back as before.

The Government Accounting Standards Board (GASB) 34 Review occurred with the Airport appraisers in the last week. The appraisers reviewed the property and equipment. Although no document had yet been received a draft should be available for the next meeting with a final report to follow. This should meet the County deadline of February 29th for insertion into the County Auditors Report. County Treasurer Noreen Flanders has been so informed.

No smoking signs have now been erected according to the plan except for two areas that could not be installed because of frozen ground and no other alternative for posting.

Mr. Flynn reported that there were two new operations people to replace Ms. Dauphinais and Ms. Wullschlegger, Suzanne Coffi from the County Communications, and Elaine Mercier from the schools.

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• Distribution of Final Water Documents

Mr. Hegarty asked about the Water Department stuff. Mr. Weibrecht replied the documents had been included in the mailed package. Other Commissioners explained that these were just the final copies. Mr. Hegarty asked a question on Inspection Services. Mr. Hegarty could see an \$80 minimum but not a \$100 minimum. Mr. Weibrecht offered to address the fee. He noted one of the issues was the return for local inspections, and quite often it was necessary to wait for a machine operator or visa versa so this was one of the things Mr. Weibrecht remembered as having been specifically discussed. Mr. Hegarty responded that he did not have a problem with a two hour minimum but he had a problem with a two and a half hour minimum. He just did not think it was consistent with the pay scale or fee as they were set up. Mr. Weibrecht asked if it would make Mr. Hegarty more comfortable if the customer were charged the \$100 set not to exceed x hours and if x hours were exceeded the extra charge would be at \$40/hr.

Mr. Weibrecht explained that he knew that quite often it was necessary to go back and forth two or three times during inspections. Mr. Hegarty stated that he was missing the point. Mr. Hegarty was not questioning the \$40/hr. charge as he was sure that it was sure it was about right. What Mr. Hegarty was questioning was that the Emergency Service Charge was doubled to a \$160 minimum, and he could understand the doubling of the Inspection Services charge to \$80 but not to \$100, and Mr. Hegarty thought it was inconsistent with the fee schedule. A two hour minimum was accepted business practice on the Island as well as off-Island and there was nothing wrong with that but this was more than two. Chair Law asked if anyone else had a problem with it. Mr. Alley stated he did not have a problem with it and that the rates had all been debated and were based on what other communities charged. Therefore Mr. Alley did not consider that they were terribly out of line and the MVAC spent time going over the issue in December and January (see 11/5/03 Minutes p.15 and 12/3/03 Minutes p.1-2#2). Mr. Smith suggested it might sound better if the wording were just flipped to read \$100 minimum, \$40 for each additional hour over 2.5 hours. There was general agreement. Mr. Smith continued that this was still stating the same charge as was proposed, and was not changed from the two and a half hours that Mr. Hegarty opposed. Mr. Alley proposed and most of the Commissioners agreed that the charges should remain as voted although Management could massage the wording to make it clearer. A vote was not deemed necessary. Chair Law asked for any further questions and then moved on to the next item.

MR. T. J. HEGARTY MOVED TO CONVENE EXECUTIVE SESSION AT 5:55 PM (NOT TO RETURN TO REGULAR SESSION) UNDER MASS. GENERAL LAW CHAPTER 39 SECTION 23 NO. (3), -- I.E. FOR THE PURPOSE OF DISCUSSING STRATEGY WITH RESPECT TO LITIGATION; MR. NELSON SMITH SECONDED; MR. BILL MILL AYE, MR. NELSON SMITH AYE, MR. JOHN ALLEY AYE, MR. T. J. HEGARTY AYE, MR. FRANK DALY AYE, MR. NORMAN PERRY AYE, MR. JACK LAW AYE.

7. Adjournment

MR. MILL MOVED TO ADJOURN AT 6: PM; MR. LAW SECONDED; MR. BILL MILL AYE, MR. NELSON SMITH AYE; MR. JOHN ALLEY AYE, MR. T. J. HEGARTY AYE, MR. FRANK DALY AYE, MR. NORMAN PERRY AYE, MR. JACK LAW AYE.

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Documents on file:

Agenda 2/4/04

Gompert MVTA letter 1/27/04

Management memo to MVAC 1/27/04

MVAC and MVTA Lease and Agreement excerpt 4/3/00

MVAC Minutes excerpt 11/17/99

Gompert MVTA letter 1/30/04

Brown Edg. Planning Board letter to MVTA 1/28/04

Rand MVC letter to MVTA 1/26/04

FAA memo to Manager Airport Financial Assistance 1/5/04

FAA New England Region Determination of No Hazard to Air Navigation 1/2/04

MVY Airport Improvement Program Draft Environmental Impact Report

—Environmental Assessment

MVY Airport FY 2005 Revenue Projections Ver 3.0

MVY Airport FY 2005 Proposed Budget Ver 3.0