

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

March 3, 2004 6:00 pm

Martha's Vineyard Airport

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

Present:

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

Airport Staff: Bill Weibrecht - Manager, Sean Flynn - Assistant Manager,

Dukes County E. Winn Davis – County Manager

Others: Dan Flynn; Marni Lipke – Recorder; Lloyd Raleigh - MVTV

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

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

1. Approval of Meeting Minutes of February 4, 2004.

Mr. T. J. Hegarty asked where the minutes were. Ms. Lipke replied they had been emailed to the Commissioners some time ago. She continued that all draft minutes were emailed, going first to the Martha's Vineyard Airport Commission (MVAC) Chair and Airport Management for technical accuracy and then were sent straight out to the Commissioners. Mr. Bill Mill stated he had received them about two weeks ago. Airport Manager Mr. Bill Weibrecht noted that at the interim meetings he usually offered a printed copy if anyone wanted them. **MR. JOHN ALLEY MOVED TO APPROVE THE FEBRUARY 4, 2004 MINUTES; MR. MILL SECONDED; MOTION PASSED WITH MR. HEGARTY ABSTAINING.**

2. Request for Approval of Sublet

- M. Peter Rogers to Michael M. Halbreich
- Office Space within Daniel and Rogers Building
- Airport Business Park Lot #22, #7 North Line Road

Chair Law explained that on the request for sublet Mr. Michael Halbreich's child was sick, consequently this agenda item would be moved to the end of the meeting to accommodate him. The MVAC would wait to see how things worked out. Mr. Weibrecht reported Mr. Halbreich was on his way back from Boston. There was general agreement to deal with the item if he returned in time. All the above Airport Business Park matters referred to the same issue.

*Mr. Winn Davis entered the meeting at 6:05PM.

3. Airport Manager's Update

- Fire Training Facility Concepts

To take this one thing out of order Chair Law explained that this Fire Training material was received Monday night (March 1st) so that it was Tuesday before it was delivered. The MVAC therefore was just getting the material tonight (see documents on file). To insure that everyone would have time to read and consider the material he proposed that the matter be taken up at the March 17th meeting.

Mr. Weibrecht offered some explanation. Management had been working with the Fire Chief representatives on the Fire Training Facility concepts so that environmental impacts could be quantified. This material would actually be a chapter within the Draft/Environmental Impact Report

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(D/EIR). It was designed to establish exactly how the facility would be used: what kind of chemicals, how many people, how many cars, all the relevant issues. The group worked on this for the past several months and it went out to the Fire Chiefs at the same time as it was presented here and the Chiefs still had to endorse the plan. Final revisions were made after last Thursday's meeting, were just received last night and were presented to the MVAC so that they would have the maximum amount of time to consider them. Mr. Weibrecht stated the Commissioners should feel free ask questions in advance of the meeting.

*Mr. Dan Flynn entered the meeting at 6:10PM.

Mr. Hegarty noted that the last page was a schematic drawing. Mr. Weibrecht assented. Mr. Hegarty asked if the schematic was worked out with the Fire Chiefs. Mr. Weibrecht replied that yes, this was what the Committee was there to do. To give a little history: originally plans were revised directly from one such design by the Fire Chiefs' dating back to 1988, however the committee found revisions could not accomplish everything the Chiefs' were hoping to include, so by group consensus a new layout was developed to get to this point. In answer to a question Mr. Weibrecht stated the spread was 250 ft. by 800 ft. Mr. Perry asked if the marked fire road was a new road and there was a brief clarification of the location and name of North Fire Road.

Mr. Hegarty asked if Management was working with the Sheriff to put one of these together. Mr. Weibrecht replied that the Sheriff's material was already put together by the Draft Committee, and Management had already reviewed those same issues with the Sheriff. Mr. Hegarty asked if this included a schematic. Mr. Weibrecht replied that the schematic had already been developed, that the MVAC had already received this material in the past and that it would be included in the text.\

Chair Law repeated that the material would be gone over in detail on March 17th when everyone had a chance to review the material.

• Cell Tower Request for Space

Mr. Weibrecht wished to throw this issue out for review, thought and discussion for future activity. The Airport was continually receiving requests for cell tower space. Mr. Weibrecht wished to make sure the MVAC was comfortable with the matter as well as to ascertain if Management should pursue the matter further.

One of the suggestion would be something less than permanent, i.e. for a shorter time period associated with the towers' use. This could be in several different forms, one of which for example could be a flag pole. Ultimately as property was released for non-aviation use permanent spots could be designated. But the current proposals were to get some structure up on a 3 to 5 year time frame, in which case a flagpole would work for the Airport use as well. Management could come up with several different areas that would be allowable. One of the areas that might work—which of course would have to be cleared by the Federal Aviation Administration (FAA)—was out in the center of the driveway in front of the building. There were other location possibilities.

There had been a lot of interest, however before Management started the process of putting out Requests for Proposals (RFP's) and such Mr. Weibrecht asked if anyone on the MVAC board had any serious objections. The matter was advantageous to the Airport on a number of levels:

- income stream

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- West Tisbury encouraged co-locations and there were already several towers on Airport property, - resolution to future issues such as impending expiration of the current small Cell One tower. Mr. Norman Perry asked if the structures would have any impact for the Airport's communications. Mr. Weibrecht replied that no, this matter would be covered by the Federal Communications Commission (FCC) permitting process. There were currently 5 different carriers on the property. Some were co-located and wanted their own Tower, so it was more a matter of traffic. At different times the Airport has also had more temporary (1 to 6 weeks) truck units on the property when the carriers knew they would be overloaded for special events.

Mr. Weibrecht again asked if anyone had any objections before proceeding. Mr. Alley had no objection but asked if the equipment was the sort that was disguised inside the flagpole or like the one reported in the Cape Cod Times inside a church steeple. Mr. Weibrecht agreed this was exactly correct. There were a bunch of different towers, including some disguised as trees. Mr. Daly had three questions: height, light and lightning. Mr. Weibrecht responded that height and light would be determined by the traffic control tower.

- There were vertical separation issues when there was more than one carrier on a pole so the final height number had to be determined. In answer to Mr. Daly's further question as to height Mr. Weibrecht estimated that a tower could potentially be 70 feet but could not be projected until location had been decided. Carriers on a pole or on two poles in the same area needed to be offset by 10 feet of vertical separation.

- Although the Airport could also direct light requirements the typical move was to wait for the FAA airspace analysis which established whether the tower/pole should be lit. Sometimes too many such lighted towers could be confusing to pilots.

- On the third question of lightning:

- the pole was lightning protected,

- it was the carriers' responsibility and so did not make any difference to the Airport,

- and in fact it could reduce the chances of the Airport getting hit since the towers would likely be the controlling object and so would get hit first. Such a strike would not effect the Airport system which was separate but would be confined to the phone system and whatever their power stream might be.

Chair Law asked about the renters. Mr. Weibrecht agreed they would be the typical phone companies, AT&T, Nextel, Cell One, etc. Currently the Airport rented to 4 out of the 6 major companies. Mr. Hegarty asked if the Airport already had permits from the Town of West Tisbury for 5 or 4. Mr. Weibrecht assented. Mr. Hegarty asked if these were pre-existing. Mr. Weibrecht assented. Assistant Airport Manager Mr. Sean Flynn reported 2 towers and 4 carriers.

Mr. Weibrecht proposed that if there were no objections Management would proceed. Chair Law asked if there were any objections. There were comments that it was a great idea. **MR. HEGARTY MOVED TO INSTRUCT MANAGEMENT TO PROCEED WITH RENTING CELL TOWER SPACE; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.**

- D/EIR Process Update

Mr. Weibrecht had some further handouts today, mostly diagrams and such which would be given out at the end of the meeting. As far as scheduling the MVAC had now seen the major portion of the

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Draft/Environment Impact Report (D/EIR)(see 2/4/04 Minutes p.3-7 #4) and one of the missing chapters was distributed today (see above p. 2). About 4 more chapters needed to be completed and it was anticipated that they would be distributed to the MVAC on March 12th. Mr. Weibrecht met last week with FAA and Mass Aeronautics Commission (MAC) for their reviews of what was assembled to date. The filing goal was for April 15th so the MVAC would have time to review the material before the deadline. Mr. Rick Domas of Hoyle Tanner Associates (HTA) would return for the first meeting in April so that all changes could be incorporated at once and he would return for as many other meetings as was needed. Commissioners should inform Mr. Weibrecht of any issues now, so that the project could stay on schedule. Mr. Weibrecht reviewed again for the MVAC (see 2/4/04 Minutes p.3-7 #4) that:

- after filing the D/EIR there would be a 60 day period when it went through required notices and advertisement;
 - public comment was received and
 - the Secretary issued the second Certificate which Management and HTA anticipated some time this summer and which would set the scope of the Final Environmental Impact Report (EIR).
- The MVAC therefore would have a lot of reading, about 75% of which they already had. Mr. Weibrecht understood that Mr. Domas had not so far received any comments or questions. If the Commissioners had any such questions or comments Mr. Weibrecht again asked that they be brought forward sooner rather than later so they could be dealt with in a timely manner.

Chair Law had some new business; he noted that Nelson Smith had submitted his letter of resignation from the MVAC to the Dukes County Commissioners; regretfully so. Chair Law would write a letter to the County Commissioners tomorrow asking them to make an appointment as soon as possible. Ms. Lipke asked a brief clarification question. Chair Law asked if County Manager Winn Davis had anything else to add. Mr. Davis reported he had turned the letter in to the Clerk of the Courts Joseph Solitto so that it was official.

The MVAC had notified the County within 15 days which was good timing on their part and the County Commissioners would probably meet next week to decide how to go about filling the vacancy and for how long. Chair Law thanked Mr. Davis.

Chair Law expressed a wish/idea to move the MVAC meetings from 6:00 to 5:00 on a permanent basis, so that people could come to the meeting and then go home to supper instead of going home to a rushed supper and coming out to the meeting. There was some brief joking about supper. Mr. Davis made a further suggestion to Chair Law's suggestion that the meeting be moved not only to 5:00 but also moved 400 yards down to the County meeting room which had room for everybody to sit more comfortably, since the Airport meeting room was rather crowded and noisy. The County meeting room was always open on alternate Wednesdays. Mr. Weibrecht pointed out lightly that this was so, except when Mr. Alley (County Commission Chair) scheduled doubled up meetings. Mr. Davis maintained the County would not do that again and repeated that there was a lot more room down at the County and it would be a lot more comfortable. Mr. Perry asked if there was not a lot of information, maps, coffee, etc. at the Airport that was convenient to access in the course of the meeting. Mr. Davis stated he could make the Commissioners coffee, latte, espresso, or a cappuccino and Mr. Alley joked that he could bring Frasier Crane in too. Chair Law stated he would abide by the wish of the Board and that the MVAC would consider it. He then polled the Board and Management on changing the time to 5:00 and there was general agreement—although it would be tough on Mr.

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Perry. Chair Law asked for a motion, **MR. MILL MOVED TO CHANGE THE TIME OF THE REGULAR MARTHA'S VINEYARD AIRPORT COMMISSION MEETINGS FROM 6:00PM TO 5:00PM; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.** Mr. Weibrecht noted he would repost the MVAC regular meetings through July 1st and retain the standard schedule unless otherwise changed. Chair Law assented.

Chair Law asked for any other new business. Mr. Hegarty asked what the deal was with the trailers/houses. Mr. Weibrecht asked if he was talking about the ones in the Business Park. Mr. Hegarty assented. Mr. Flynn explained that Mr. John Vogel, one of the tenants in the Business Park had asked permission for John Lite to be able to store them there until the ground thawed out so the foundations hole could be dug and the house assembled. The house had been brought over by Ralph Packer on schedule and John Vogel had asked if he could store it temporarily and Management had said this was acceptable. Mr. Hegarty asked if there was rent for this. Mr. Flynn replied that there would be income, depending on how long the trailers were actually on the site. Mr. Hegarty asked if this was not determined prior to the buildings being brought onto the property. Mr. Mill noted it was hard to predict when the ground would be thawed out enough. Chair Law stated that speaking from experience there were times that one did something as a favor and if the time went a lot longer than the favor really went, then the situation just had to be taken from there and adjusted accordingly. Mr. Flynn reported that the Airport had had several other requests since then and Management had turned them down. Mr. Hegarty asked if this went out to bid. Mr. Flynn responded that it did not, would not, and that he did not anticipate that it would exceed the amount that would require such a procedure.

Mr. Hegarty felt that if the Airport rented property...that there was an issue here, there was an issue with the lots that three people expressed an interest in, in September (see 9/3/03 Minutes p.5 #4) and this was 7 months now and the lots had not even been advertised nor notified the interested parties that it was put out to bid. Chair Law asked if he was talking about the houses or about the temporary lots. Mr. Hegarty replied that no, he was talking about the lots that Eddie Smith just vacated. Chair Law asked if the house issue was finished. Mr. Hegarty replied that no, it was all conjoined. Mr. Hegarty meant that the Airport had issues with rental property. Now the Airport had an issue with the Manager and Co-Manager leasing out property without a bid, in violation of the open bid laws. There was an ongoing situation, with three individuals who had expressed an interest and the Manager and Co-Manager were directed to notify the individuals. Management expressed to the MVAC that it was going to be advertised, the MVAC directed them to do that in September; and now here it was March. There was not advertisement, there was no rental income, and yet Management was renting other property or making arrangements without any...

Chair Law stated he could not address the other things but as far as the trailers/houses he could address what Mr. Flynn had said that he was trying to do somebody a favor by leaving the house there for a little while until it was thawed out and that the house would have to be gotten out of there. Chair Law did not think anybody was trying to underbid or do anything illegal it was just the situation... Mr. Hegarty stated that no, no, there was ongoing business and it seemed not to be going on. Chair Law stated he was talking about the houses first. Mr. Hegarty stated he was too. Chair Law asked that Mr. Hegarty let Management address the other issues but that Chair Law was talking about the houses. Mr. Hegarty repeated he was too and asked why new business was happening when Management could not even do old business. And it was continuing to be done illegally. Mr. Flynn to make the matter clear asked if Mr. Hegarty was accusing Mr. Weibrecht and himself of doing something illegal. Mr. Hegarty stated that if Mr. Flynn wanted to look at Mr. Hegarty great but ... both Mr. Hegarty and Mr. Flynn

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spoke over each other. Mr. Flynn asked again if Mr. Hegarty was accusing Mr. Flynn and Mr. Weibrecht of doing something illegal. Mr. Hegarty asked if Mr. Flynn leased that property out without an open bid. Mr. Flynn replied that he did not lease that property, no. Mr. Hegarty insisted that he gave that property as a favor. Mr. Flynn replied that he did not. Mr. Hegarty asked what was it, Mr. Flynn, as they were in semantics again. Mr. Flynn replied that this was what Mr. Hegarty was getting into, semantics. There would be revenue generated from that property but it was not leased. Mr. Hegarty asked how one generated revenue from a piece of property that by law had to go out to an open bidding process. Mr. Mill explained that for a lease it had to go out for a bid. And there was general support for this statement as well as that there was also dollar value associated with uses of the property (that were not leases). Chair Law stated that no lease was signed on that property, nor would there be. Mr. Hegarty replied that no, but there were favors being done and that was a little questionable, Chair Law, in anyone's book, that Management was showing favoritism with a public asset. Chair Law responded that he did not think it was favoritism, for a tenant to ask (if one wanted to call it a favor) to put the house there as there was no place else to put it, fine until the ground thaws and then get it out of there. Mr. Perry noted the tenant got stuck and had a problem and the Airport helped them out.

Chair Law agreed absolutely, he did not have a problem with that if it was his own house and the County had some land he could put it on, Chair Law would ask. Some people were at their wit's end and had no place to put the house so maybe it was longer than they thought, but so it sometimes happened. Personally Chair Law did not see any harm with helping a tenant for a little while. Mr. Hegarty stated that he could understand this but that there were due processes to go through, did Chair Law know what he meant. Chair Law stated he saw and asked about the houses when they first appeared on the property and Management had given him the same answers they had given Mr. Hegarty tonight, that they had tried to do someone a favor because they had no place else to put the house. He repeated that he did not see a problem with that. Mr. Weibrecht added that it was not expected to be free of charge. Mr. Perry expected that these Gentlemen (referring to Management) were empowered with the responsibility to make a decision without having to wait two weeks to have a Board meeting. Chair Law absolutely confirmed this. Mr. Hegarty responded that this had been more than two months not two weeks. Chair Law maintained that the ground had been frozen for a long time, four – five weeks.

Mr. Alley stated that he thought what Mr. Hegarty was driving at was: did whoever this was—he did not know the name of the people—benefit from insider information to bring their houses here, and asked if this was what Mr. Hegarty meant. Mr. Hegarty replied that no, he was wondering where they came from, what the deal was, and why it was happening when there was business that was before the Board in September that Management could not even get advertised yet. Mr. Hegarty stated it was supposed to be advertised in September. The Airport had lots that were supposed to have gone out to lease in July that were supposed to be ready and have not gone out to bid. Mr. Flynn disagreed with the time frames but ...Mr. Hegarty interrupted that they were a matter of public record, Mr. Flynn's comments right there in the public record. Mr. Flynn stated he agreed with Mr. Hegarty and the last time Management and the Board researched the public record there was no mention of the time frame except that it was to be worked on. And it was being worked on as they spoke. And Mr. Flynn had spent much time on it this week. Mr. Hegarty argued that the record said that it would be July and Management would have it ready by...Mr. Alley tried this from a different angle. There were three lots that were going to be leased out. Mr. Flynn stated there were two temporary lots. Mr. Alley assented

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to two temporary lots which at some point would be lease out and asked if he was correct. Mr. Flynn confirmed this was correct for one year leases. Mr. Perry asked if they were new lots or pre-existing and was answered that they were pre-existing. Mr. Alley asserted that Mr. Flynn was saying he was in the process of what. Mr. Flynn responded that he was developing the Request for Proposal (RFP) to be able to evaluate the three prospective tenants fairly, so that two of the three could be put on the lots. Mr. Alley continued that in the meantime there were two houses. Mr. Flynn explained this was a different lot. Mr. Alley to get this straight repeated that this was another lot altogether and went on to say that Management was working on those two temporary lots in terms of getting an RFP together and putting it out. Mr. Flynn further explained that this RFP would be used for more than these two lots. It would be used for other issues. Mr. Alley however was only talking about the two temporary lot and went on to repeat that the houses were on another lot. Mr. Flynn so confirmed. Mr. Alley said some sort of arrangement was made to leave the houses there until the ground thawed... or whatever it was. Mr. Alley assumed the houses would not be put up there, and that nobody lived there. Management confirmed this.

Mr. Alley went on that whoever owned the houses (and somebody had to own them) if they hadn't already been in contact with Airport Management would be in contact with them and Mr. Alley would expect that they would pay the Airport some amount of money for doing them a favor and giving them a place to put the houses. He then asked if this was correct so far and there was general silent assent. So Mr. Alley felt the Airport was on top of the situation and there was no problem.

Chair Law asked if Mr. Hegarty had more to say. Mr. Hegarty insisted there was a problem because usually when one let someone do something like that and one was expecting money and one did not want to have a picture of impropriety, there was usually a dollar amount negotiated before the vehicles or stuff was even stored. And then when Management said they were developing RFP's which Management were directed to do in September because the leases expired December 31st that was September, October, November, December, January, February and March and now Management was telling the Board that they were still working on the RFP for those two lots. Mr. Weibrecht addressed Mr. Hegarty. Mr. Hegarty interrupted that he asked a question and demanded an answer. Mr. Weibrecht responded that he was going to answer the question. The priorities for a temporary lot down there that were associated with a minimal value for the property, was less important than other things. In the meantime Management had worked on important things, like the smoking policy(see 7/16/03 Minutes p.3#3 and 9/13/03 Minutes p.4#3), and the Hot Tin Roof agreement (see 8/6/03 Minutes p.9#6) and some other issues that were not typically on the Airport's docket. So other issues did come up and yes, there were priorities, and those priorities were going to change, and those lots were not the most important priorities right now. Mr. Hegarty persisted that Management still had two RFP's one next to Joe Cazeault and one across the street. Mr. Weibrecht assented. Mr. Hegarty continued that the public record showed that Mr. Flynn stated in July that it would be ready in August that it would go out to bid; so that was July, August, September, October, November, December, January, February and here they were in March again. Mr. Weibrecht agreed. Mr. Hegarty then asked Mr. Weibrecht if he was going to blame it on the lawyer this time or what. Mr. Weibrecht responded that he did not blame anything on lawyers. Mr. Hegarty went on to ask how long it took to put an RFP together. Mr. Flynn then stated that first of all he was insulted that Mr. Hegarty somehow thought that Management was doing other things with their time. First of all, as Mr. Hegarty had said it was an important document and it was a very legal document, that was one that Management needed to take time to compose not

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haphazardly. It took time do it and time would be dedicated to do it. Mr. Flynn repeated that as a matter of fact he put time in on it this week. The RFP would resolve a lot of issues, it related to the Hot Tin Roof, it related to the Tennis Center when that finally became available, it related to the Business Park lots, so it did have a greater importance than just those two lots. So it would be done and it would be done correctly. Chair Law asked why the MVAC was in such a hurry to get those lots out, was there interest in some of these lots all of sudden that the Airport wanted to lease them so quickly. Mr. Hegarty stated he was just sitting there as a Board member listening to Management tell him what they were doing and what was going to be done and here it was nine months later and it was not and Management was telling him that they were still working on it and it was an important document.

Now had this important document never been done before? No, this was utterly ridiculous. Mr. Weibrecht stated it had been done before but typically when one had the mistakes was when a lot more problems were created. Chair Law asked if any other Board members had a problem with what was going on with Management. There was emphatic denial from each Commissioner. Mr. Hegarty persisted that he was asking a question. Chair Law responded that he had gotten his answer five times and went on that Management told Mr. Hegarty they were working on it and Chair Law did not know how many more times they could tell that to Mr. Hegarty. Chair Law said it sounded as if Mr. Hegarty had an agenda and Chair Law did not like it, which he repeated.

Mr. Hegarty then reiterated that he was sitting there listening to Management tell him what they were doing and it was not being done and if that was an agenda fine, and if the rest of the Board wanted to ignore it, well then...Chair Law maintained that he did not think anybody was ignoring anything. Other Commissioners spoke jointly to point out the difference between ignoring the issue and having confidence in Management. Mr. Mill stated he had all the confidence in the world with Mr. Weibrecht and Mr. Flynn. Chair Law asserted that he was not going to run the day-to-day business, when the lots were ready to come out they would be out and ready to lease. That was the way he looked at it. That was Management's job and they would come out and do it. Mr. Alley asked when Mr. Flynn expected to have the document. Mr. Flynn responded that he put a great deal of effort into it so he would say that over the next two to three weeks that document would be complete. What was driving that at the moment was that the Airport was on a schedule to complete the agreement with the Hot Tin Roof so it was being done. Mr. Alley's point was that there was a light at the end of the tunnel. Mr. Flynn replied absolutely. Chair Law added that he had been working on the Hot Tin Roof issue since February. He had been right on it every day with Mr. Weibrecht and called on Mr. Weibrecht many times but between lawyers everything else one could not get anything done. The MVAC signed off on the Agreement a month ago and it was still being worked on. It took a long time. Mr. Hegarty noted the RFP had to go out for that too as part of that Agreement and asked if that was right. Mr. Flynn agreed absolutely. Mr. Hegarty stated that this was a separate RFP. Mr. Weibrecht replied that the RFP's were related, and repeated that the RFP's and the background documents were related.

Mr. Flynn further explained that the problem with the old RFP was that it did not provide a method to fairly evaluate bidders that were close in experience. In other words one could have bidders that were closely aligned in numbers of years of service, their business plan, etc. and the old RFP did not have a way to evaluate those. Hence part of the process—not all of it—was developing a procedure that was fair to all of the people that applied; that would accurately evaluate the proposals that were submitted. That was the flaw that the Airport ran into in the past and while Management was processing the requests they realized that if the proponents had been close, it would have been much harder—if not

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impossible—to use the old RFP to evaluate proposals. It was a good thing that previous proponents were not closely related. Now, before Management put it out to bid they wanted to make sure they had everything in place so that it was known and publicized and that was the process. Mr. Perry confirmed that this was a kind of boiler plate which would be used for other RFP's as well. Mr. Alley also confirmed that one document impacted the others. Management confirmed both statements. Mr. Flynn emphasized that it was important to have the evaluation method completed before going out to bid.

Mr. Weibrecht added that not having that properly set—and it had been fixed twice over time as Management ran into new issues that had not been prior issues—presented problems. The Airport used to operate as almost a straight bid so that it had little to do with the qualifications of the person making the bid. As such the Airport had several bid protests by people that would be a tenth of a cent more than any other bid, whatever that number was. Mr. Alley also noted that bidding rules changed. Mr. Weibrecht assented that bidding laws changed and what the Airport was looking for changed and what the impact was changed based on what was currently in the Business Park or anywhere on Airport property for that matter. Consequently, there might be more advantageous points for certain operations than for others; it was not necessarily a straight dollar value. Mr. Flynn inserted it was [Mass. General Law] Chapter 30 B Section 16 that dealt with properties. Properties were different from other bids. It was not necessarily the high bidder that was awarded the property. Mr. Alley confirmed this inserting it could be deemed 'advantageous' or 'highly advantageous'. Mr. Flynn agreed this was correct. One could use those terms as one of the methods of evaluation. However it was the criteria which would characterize a bidder as 'highly advantageous' that should have been explicated in the old RFP bids. So this was the part that Management was struggling with now. Management was trying to insure that all possibilities that might come in were taken into account. Mr. Weibrecht emphasized this was to remove subjectivity to whatever extent possible, so the Airport could not be accused of impropriety. Mr. Flynn reported that both Mr. Weibrecht and himself spent 120 hours in Inspector General Office's courses going over Massachusetts bidding and procurement laws. So Management had been to the source, had understood it and were using the information to protect the interest of the Board and the people who bid.

Mr. Daly took this opportunity to commend Mr. Weibrecht for the presentation that Mr. Daly saw on Community Television. Mr. Daly felt Mr. Weibrecht's technical approach set the bar and Mr. Daly again commended Mr. Weibrecht for that. He thanked Mr. Weibrecht and those who assisted him. Chair Law joked that he would take all the credit. Mr. Weibrecht noted, while the Board was on the subject, that Ms. Elaine Mercier, one the new Operations Clerks, worked hand in hand with Management on the presentation.

Mr. Hegarty stated he had old business and asked whatever happened to the taxicab issue (see 9/3/03 Minutes p.1 #2 and 10/15/03 Minutes p.15 #6) . Mr. Weibrecht stated he did not know that the Board ever moved on the taxicab issue. Mr. Weibrecht knew that Mr. Hegarty brought some material forward and that Mr. Hegarty had a discussion on the County level. Mr. Hegarty asked what Mr. Weibrecht meant by 'at the County level'. Mr. Weibrecht responded that Mr. Hegarty had talked about working regulations through the County and the Sheriff. Chair Law seconded that the matter had been kind of left to the County. Mr. Weibrecht and Chair Law and Mr. Hegarty spoke simultaneously, Mr. Hegarty stating this was news to him. Chair Law stated the MVAC had kind of bowed out of it at the Airport. Mr. Hegarty stated if that was the case then the MVAC had not done anything, there was no letter out, there was no... Mr. Weibrecht responded that no, the Board had not voted to change any of the rules, however the Airport could take it on as an issue if the MVAC wanted.

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There was a period of slightly confusing general statements around a previous discussion on additional licensing, lawsuits, objections, etc. Mr. Weibrecht reiterated that that he was not aware of the Board ever formally endorsing any new regulations and if he was wrong he could go back and review it. Mr. Hegarty stated that no, no the MVAC tabled it for further discussion which was why he was bringing it back up. Mr. Weibrecht said it could be indeed be brought back up. Actually Management had a discussion about it this week as the time was approaching when permits expired—about 90 days from now. Mr. Weibrecht could re-forward the material. Everyone had a copy of the rules as they existed now. If there was a desire to change something Management needed to know about it sooner rather than later. Chair Law suggested putting it on the March 17th meeting agenda. Mr. Hegarty asked if Management wanted to get together with Mr. Davis and the Sheriff prior to the 17th. Mr. Weibrecht stated that the Sheriff did not have jurisdiction over taxicab issues. The current Airport rules were fine having been developed by the MVAC for the Airport four or five years ago. They had been revised once or twice in regards to attending cabs in light of recent security changes.

Chair Law polled the rest of the Commissioners on whether they had any desire to change the taxi policy and all other Commissioners had no interest. Mr. Hegarty suggested they take the time and go over the rules. Mr. Weibrecht responded that he would abide by the Board wishes. Mr. Hegarty asked Mr. Davis if he would like to throw his 2¢ in and if Mr. Davis had been appraised of it. Mr. Davis stated he was at the meeting and remembered the matter was tabled but he had not done anything since he was waiting for the MVAC to get back to him. Mr. Hegarty stated he was not aware that it was on his plate to get back to the County. Mr. Flynn and Chair Law stated that it was not on his plate, it was tabled. Mr. Weibrecht suggested that the discussion at that meeting on aspects of Airport rules evolved subsequently into the County having a new license. Mr. Alley assented that this was talked about. As to passing it on to the County, Mr. Alley spoke to some, but not all the County Commissioners and to summarize the individual feelings: it was basically felt that it would create more problems than it would solve. Mr. Alley read the proposed new regulations and appreciated Mr. Hegarty bringing it in but Mr. Alley felt it was just opening another can of worms, especially as one of the proposals was on understanding the English language. Furthermore it would set up the Airport as having to be the enforcer of the requirements, which got a little carried away and Mr. Alley felt ran counter to intentions.

Chair Law asked if anyone wanted to make a motion as to what the MVAC wished to do about taxi regulations. Mr. Weibrecht explained the permitting procedure for the MVAC.

- The Airport contacted all the operators previously working at the Airport and any other potential companies.
- Management reviewed the rules with the operators in advance.
- The operators signed and accepted those rules which were typically operational rules that effected the Airport, such as how long a cab could wait to take additional passengers, etc.
- The Airport did not cover either passenger rates or operator licensing which were controlled by the towns in which the operator lived. This was the reality of the Airport cab issues and the rules generated by previous Airport Commissions.

Mr. Dan Flynn and Mr. Robert Wasserman worked on these rules when they were Commissioners and the Airport had refined them several times since and they seemed to be working fairly well. Mr. Hegarty asked if the rates were going up this year. Mr. Weibrecht replied that a raise in passenger rates would be up to the Towns not the Airport. The Airport was not proposing any new increases in

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operator rates. The last time the operator rates were raised was 2001 (see 1/4/01 Taxi Regulation Meeting Notes) when all rates were addressed.

Mr. Mill felt that the Airport had not had any problems and that "if it aint broke don't fix it". Chair Law asked for a motion. **MR. MILL MOVED TO LEAVE AIRPORT TAXI REGULATIONS AS THEY WERE.** Mr. Daly asked why a motion was necessary. Chair Law wished to finish the discussion and put the matter to bed. **MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY.** Chair Law declared the matter put to bed.

Chair Law asked if there was any other new business. There being no further new business and Mr. Michael Halbreich not being present, Chair Law called for adjournment. Mr. Weibrecht stated this was fine and he would reschedule the sublet issue with the principals.

Mr. Hegarty felt the MVAC should adjourn to executive session. Chair Law asked on what issue. Mr. Hegarty replied the MVAC had ongoing issues on some leases that were supposed to be discussed at the last meeting but were not. Chair Law did not think this was Executive Session material and asked if there were any legal or litigation implications or any other such problems. Mr. Hegarty stated there was possible litigation which had been discussed in executive session previously. Mr. Weibrecht asked if he was referring to the Consumer Price Index (CPI) matter. Mr. Hegarty assented noting the Kheary issue. Mr. Weibrecht reported that he did not yet have anything back from the attorney. The attorney also had in front of them the VTA sublet that was discussed at the last meeting (see 2/4/04 Minutes p.1 #2). Chair Law stated he had been on top of that issue too and it was with Airport Counsel Marcia Cini and would come back. Mr. Hegarty stated he thought it already came back. Mr. Weibrecht clarified that the MVAC had received opinions back and were now waiting for the proposed amendment (see 2/4/04 Executive Session Minutes). Chair Law agreed they were waiting on the amendments.

Mr. Hegarty asked if the FAA had still not come back on the Tennis Center (see 3/19/03 Minutes p.1#1 & 11/5/03 Minutes p. 23). Mr. Weibrecht replied they had not.

4. Adjournment

MR. ALLEY MOVED TO ADJOURN AT 6:43PM; MR. DALY SECONDED; MOTION PASSED UNANIMOUSLY. Commissioners were reminded to read their email.

Documents on file:

Agenda 3/3/04

Sign in sheet 3/3/04

Rogers letter to Bill Weibrecht 2/27/04

Weibrecht letter to Dukes County Fire Chiefs Association 3/2/04

MV Airport Fire Fighting Training Facility

HTA Proposed Fire Training Facility Schematic 3/04