

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

**April 21, 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,  
Leslie Leland, William (Bill) Mill, Norman Perry\*

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

Others: Rick Domas – Hoyle Tanner Assoc; David Moore, Katrin Yerdon,  
Kenneth E. Martin – Vineyard Tennis Center; John Folino – MV Lot 14  
Marni Lipke – Recorder; Christine Rose - MVTV

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

The meeting was called to order at 5:06PM.

1. Approval of Meeting Minutes.

Chair Jack Law asked for a motion and **MR. JOHN ALLEY MOVED TO APPROVE THE MARCH 17, 2004 MINUTES; MR. FRANK DALY SECONDED; MOTION PASSED UNANIMOUSLY, 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

2. MV Lot 14 LLC.

Chair Law called the next agenda item. Assistant Airport Manager Mr. Sean Flynn reviewed the situation. At the last meeting Mr. Flynn informed the Martha's Vineyard Airport Commission (MVAC) that he had sent a violation notice to John Folino the Owner/President of MV Lot 14, LLC stating he was in violation of the requirements of his lease to request permission from the MVAC to sublease his property (see 4/7/04 Minutes p.13-15) as he had Clarence Barnes Trucking occupying his building as well as State Highway Dept. / Bay State Construction (Bay State was under contract to provide office space for the State). Subsequent to the letter Mr. Flynn had a meeting with Mr. Folino—who was present tonight—on the property (Business Park Lot # 14) to discuss Mr. Flynn's issues with the conditions on the lot, some of which have been corrected and some of which have not been corrected. Subsequent to this visit Mr. Folino presented the MVAC with a letter requesting permission to sublet and to fence in the rear of the building (see documents on file). Mr. Flynn also provided a chronology of events and a letter from Airport Attorney Marcia Cini as to how to handle any further violations of the sublet clause of the lease (see documents on file.)

Mr. Flynn then asked the Chair's will and Chair Law opened the matter up for discussion.

- For the MVAC's information Chair Law further explained that the last time Mr. Folino's lot came up for sublet on December 1, 2000 (see 12/6/00 Minutes p.2) the MVAC okayed Paul Bettencourt Electric, Michael Carroll and Han Distributing but the subtenants had moved in March, 2000 so that this was not the first time this situation of seek forgiveness and ask permission later, had happened with Mr. Folino. Chair Law emphasized that this was the second time Mr. Folino had moved in subtenants before asking permission, which was why the MVAC had asked the Mr. Folino move everyone out and start from scratch. Mr. Flynn and Chair Law had consulted Ms. Cini and had decided the advice as described in Ms. Cini's letter was the way to go.

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- Chair Law then asked Mr. Folino if he had anything to say and Mr. Folino deferred to the appropriate time and then at Chair Law's further invitation spoke to the MVAC. He introduced himself and his company Cape Building Systems. First he wished to apologize for having done what he had done. He has been very busy this year; his daughter will graduate from high school and he has made five trips—tomorrow will be the sixth—to bring her to various colleges. Between that and an extremely busy construction company—as he told Mr. Flynn earlier this was the busiest year since 1999—he had not been paying much attention to the Vineyard lately. In fact he did not have any work on the Vineyard right now. As he indicated in his letter, every time somebody has told him to do something he has done it as quickly as he could. In fact he bet the Airport did not have any tenant in the Park (and he was certainly only one of many) that responded as quickly as he did. He realized though that this was as a result of having caused some problems. But he tried to be squeaky clean, in fact when he first started this project in 2000 he constantly came before Airport Manager Mr. Bill Weibrecht and Mr. Flynn and the Martha's Vineyard Commission (MVC) asking questions about what he needed to do and in fact he came before them three times for this very building. The third time they asked why he was there and he replied that the reason was that he had told them that every time he made a change he would come back before them to present the change in an orderly logical fashion—different from the situation here. All he could say was that he certainly wanted to be a good tenant. He had built 26 of the buildings in this Park and he expected to build a lot more, so he was a very big part of the fabric of the Park, and for that he apologized, but having said that he was trying to right the wrong that he created. He had removed things, and every time anyone said to him clean this up or do that, whether it was a construction project that he was building on the Airport Park or his own facility, he responded virtually instantly. Mr. Folino just wanted to emphasize that point.

- Chair Law noted the MVAC could certainly appreciate that and also what he had done in the Business Park, but pertaining to this particular property of Mr. Folino's, it was the second time he had sublet without coming to the MVAC first for approval of the subtenants. For various reasons it was imperative that the MVAC approve all subtenants. Mr. Folino stated he now understood that thoroughly, but Chair Law was right this was the second time. Chair Law asked for MVAC member comments.

\*Mr. Norman Perry entered the meeting at 5:12PM.

(In an aside Chair Law confirmed and Mr. Flynn assured him that no Executive session was needed.) Chair Law explained for Mr. Folino's benefit that the MVAC was going to impose consequences by insisting on a waiver (or the MVAC would not proceed) such that if Mr. Folino decided to circumvent the MVAC approval and sublet again without prior approval, both he and his subtenants would be thrown out within 30 days. Mr. Flynn consulted County Attorney Cini in regards to the lease allowing Mr. Folino 30 days from notification to correct anything that was wrong on the property. Mr. Flynn thought that after the notification of this second violation this was a little much. Consequently, a condition of the tonight's MVAC's approval of the subleases, was that if in the future Mr. Folino leased any portion of his property without seeking permission that the current two permissions would be voided. In other words, if it was discovered that Mr. Folino put another subtenant in without prior permission, not only would that subtenant not be allowed but the current two subtenants will be evicted, all without recourse back to the MVAC and that further there would be no 30 days to correct the violation, but rather action would become instantaneous. This still did not guarantee that the MVAC would approve the sublets tonight, nor did it preclude any other conditions the MVAC might

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set upon the approvals. It related only to the specific issue of future sublets without prior MVAC approval.

- Mr. Folino on his own behalf wanted to be a responsible tenant of the Park for his building and for his business on this Island. To that end what he would offer was this: if the MVAC told him, "Mr. Folino, you can't have this you can't have that," if he only had a clear written understanding of that he would share it with his subtenants up front. Then if the Airport called him and said, "X, Y or Z was not happening the way it should." he would call his subtenants and see that it got straightened out. He repeated that he wished to be responsible to the MVAC and he was sure the MVAC and Management did not want to deal with all his tenants. Mr. Flynn stated this was correct. Mr. Folino stated he would be the responsible person for being sure that all the rules and regulations were enforced for his subtenants. However he would like to take it a step further with some other comments relative to some issues parking vehicles about which he was unclear, which could be taken up later. Chair Law responded that the entire situation would be considered tonight but that he wished to know what the MVAC had to say first.

- Mr. Leland asked a couple questions. It sounded to him like, "Three strikes and you're out." Chair Law absolutely confirmed this. Mr. Leland then asked how the sublet to Clarence Barnes would be handled, citing what Mr. Barnes had done on State Road with his vehicles. Chair Law assured him this would be considered. Mr. Leland wanted to hear this as Mr. Barnes tended to accumulate a lot of vehicles and ...(there was a general low conversation). Chair Law asked that each Commissioner speak before moving on to this next issue.

- Mr. Daly asked if Mr. Flynn had summarized what Ms. Cini had said in her letter and Mr. Flynn so affirmed. Mr. Daly then addressed Mr. Folino on the responsibility of taking a lease even though one might be very busy as everyone was. Nothing had to be done that was really different other than what was agreed to in the lease; it was not necessary to bend over backwards and do more than was agreed to, only to understand and abide by the terms, and, as Mr. Flynn added, the Business Park Rules and Regulations.

- Request Sublet Approval Clarence A. Barnes III

Chair Law proposed that first the MVAC take up the sublet approval of Clarence Barnes.

- Mr. Alley had the same concern: adequate screening. Chair Law had the same concern and he suggested that Mr. Barnes be allowed to rent the inside of the building but that he not be allowed to bring any trailers or buses up there, because one trailer went to two, and three and one bus went to four and five. Mr. Folino reported to Mr. Flynn—because Mr. Folino had just checked—that what Mr. Barnes had on the lot at the moment was one empty trailer. Mr. Folino called and spoke to Rose who explained that the purpose of the trailer was to receive goods from the building and transfer them back to the location. Mr. Bill Mill inserted that the question was when these transfers would take place. Chair Law concurred stating he did not want any trailers or buses on the property. Mr. Mill stated that the trailer could come on to the property to load or to unload but not to stay. Chair Law continued that a trailer could come in for the day and that as long as it left it was okay but that he personally did not want trailers or buses overnight on the property for anything. Mr. Folino said okay. Chair Law stated this was only his opinion and others on the Board might say otherwise. However there seemed to be

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general agreement as voiced by Mr. Alley and also Mr. Mill who noted that, as Mr. Leland had pointed out, Mr. Barnes' State Road property was a good example of bad practice.

- Mr. Folino as a devil's advocate, asked about a trailer in the process of being loaded or unloaded. Chair Law clearly stated this was fine during the day but that the trailer had to leave at night; that he did not want the trailers parked on the property and he noted that Mr. Folino would not be around to police the lot. Mr. Folino stated he was asking so that he could convey the correct message. Chair Law stated that as far as he was concerned the correct message was that there be no trailers or buses on the property unless they were loading or unloading during the day. Mr. Daly agreed with that, especially not overnight. Chair Law emphasized not overnight, they were not going to be stored there for any reason, that was his suggestion. He noted that Mr. Barnes was a great guy and Chair Law loved him but if one looked at his other properties, things just accumulated. Mr. Mill added that this was true especially of the buses.

- Mr. Folino asked for a little consideration, since this was a little unreasonable especially as he did ask the MVC for permission for two trucks and two docks—which were on the lot for stuff coming and going from the building. He asked if it could be limited to just two trailers at the dock and no other vehicles. Chair Law stated this was not what he had said but it was what Mr. Folino was asking. Mr. Alley asked how long the trailers would be at the dock. Mr. Folino noted that the problem he saw was that logistically sometimes a trailer was brought in loading or unloading was started and the job was not finished in one day's time. Mr. Mill asked what would be done with the trailer if it was unloaded, would be towed someplace.

- Mr. Flynn stated that the trailer was being used for storage. The facility was not being used to transfer and Mr. Barnes was not operating a distributing company out of it. It was not that Mr. Barnes was bringing material in, i.e. bringing it into a warehouse, transferring it into another truck and bringing it out. Mr. Barnes stored material, so he brought it in and it stayed for a long period of time and then it was brought out.

- Mr. Folino noted that if the trailer had to come and go then that was it, but it was not what the MVC and Mr. Folino had discussed. Chair Law understood this but noted that the MVC had nothing to do with the current discussion. The MVAC did not tell the MVC how to build and the MVC did not tell the Airport how to lease. Mr. Folino stated he understood but that he just wanted to get his perspective straight. Mr. Alley felt there was unanimous agreement on the issue so Mr. Flynn asked if this was a motion.

- Mr. Daly asked if these conditions were written in the current contract and just not being observed. Mr. Flynn replied that it would be included in the approval letter, however Mr. Folino was in the process of seeking approval which he had not yet obtained. He repeated the approval letter would state the conditions. Mr. Leland pronounced the trailers would come in, load or unload and then leave. Mr. Daly added, but not to be 'stored' daytime or nighttime. All agreed.

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***MR. ALLEY MOVED TO APPROVE:***

- **THE SUBLEASE OF INTERIOR BUILDING SPACE ON LOT 14 TO CLARENCE BARNES,**
- **EXCLUDING THE RENTAL OF ANY EXTERIOR PARKING SPACES ON THE LOT TO CLARENCE BARNES,**
- **IN PARTICULAR THAT THERE BE NO STORAGE OR OVERNIGHT PARKING OF TRAILERS OR BUSES;**

**MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0 ABSTENTIONS.** The motion was read back and clarified. Chair Law asked Mr. Folino if he was clear on the motion.

- Mr. Folino replied that he was but asked to make one more point, to which Chair Law readily assented. Mr. Folino asked if the matter could be revisited in six months or one year if Mr. Barnes was clean and everything had been in order. Chair Law said certainly, in one year. Mr. Folino explained why he had requested this, since having built 26 buildings in the Park there were probably 26 tractor trailer trucks parked on other lots overnight. Chair Law agreed with this absolutely. Mr. Folino understood the conditions and was coming with his tail between his legs, but if in a year's time, or some defined time, if things had stayed clean, could the possibility of having tractor trailers on the property be revisited, since it might not be Mr. Barnes, it might be X, Y, or Z company. Mr. Flynn explained that it might be different for Mr. John Folino of Cape Building Systems leasing a piece in his own building than it would be for Mr. Barnes. This was why Mr. Folino had asked for a period of probation—as it were. Chair Law suggested that it simply be revisited and talked about in a year. Mr. Folino stated this was fair enough and thanked him.

- Request Sublet Bay State Construction

Next Mr. Flynn described this subtenant as the prime contractor for the State Highway Department. Basically they were asking to sub-lease half of one garage bay, two office spaces and four or five exterior parking spaces—which Mr. Folino confirmed. Mr. Flynn did not see any serious issues:

- wastewater would not be appreciably increased,
- there would not be much vehicle traffic, since only two State Highway staff were currently assigned to the Vineyard and they came and went pretty much once in the morning and once in the afternoon,
- the staff and State Highway Dept. were very friendly to the airport,

All in all it could be considered a plus for the Airport.

- Mr. Daly asked how one half a garage or space would be defined. Mr. Flynn replied they were clearly laid out in the sub-lease that was presented as Exhibit A.

- Mr. Leland asked what vehicles would be parked there. Mr. Flynn described them as a green Highway Dept. pick up truck, and F450 dump truck, a van and whatever personal vehicles staff might drive to work.

- Mr. Weibrecht emphasized as Mr. Flynn had alluded to, that the Highway Dept had been extremely helpful to the Airport this year, including working out an agreement with salt and sand provision. The sub-lease would be a good fit and that this cooperation should be taken into consideration.

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- Mr. Weibrecht had one other issue that needed to be discussed further with Mr. Folino which was the storage of any material or equipment in the buffers. This was a large concern to Management / MVAC and it applied to everyone in terms of general conditions (see also below p.7-8).
- Mr. Mill asked if the building of the new drawbridge would mean more vehicles on site. Mr. Weibrecht assumed Bay State would have a job site construction trailer and that the contractor oversight would probably be provided by a specific engineering division of State Highway. It was something that Management could discuss with both the tenant and the subtenant as the date got closer however Mr. Weibrecht did not see it as a problem. Mr. Leland jokingly suggested it would be placed at the Tisbury Landing.
- Mr. Ally confirmed that he assumed there were no living quarters on the premises. Mr. Flynn had done a walk-thru inspection of the facility with Mr. Folino. Mr. Folino had a pull-out couch and also a shower in his particular unit, but he assured Mr. Flynn that he was not staying there. Mr. Alley stressed that he did not want Mr. Folino's sub-tenants to use it. Mr. Folino stated he was the only one that had a key to that space.
- Chair Law asked for any further questions and there being none, called for a motion. **MR. ALLEY MOVED TO ALLOW BAY STATE CONSTRUCTION OF MASS. STATE HIGHWAYS TO SUBLET FROM MR. JOHN FOLINO MV LOT 14 LLC.; MR. LELAND SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

- Request to Alter / Improve (Fence)

Mr. Flynn showed the MVAC a drawing of Mr. Folino's current property and building (although not the interior breakout). He explained that during his inspection of the property he had found a few issues of concern.

- A few of the dumpsters were stored in the buffer zone and they have since been moved onto the asphalt which was the correct place for them.
- Another thing he noticed was that the electrical contractor who occupied one of the bays stored his materials as originally approved by the MVAC on the rear of the building, including the large reels of wire and of primary and secondary conduit in large amounts. Mr. Flynn suggested to Mr. Folino that this part be fenced in and the area become opaque. Consequently Mr. Folino proposed a fenced in area. Mr. Flynn agreed to this, with the one condition that this area be used only by the electrical contractor and that other subtenants wishing similar types of space be accommodated by Mr. Folino in other fenced in areas. This would insure that in case of a fire or of seeing something coming out from under the fence, Management could be reasonably assured what might be behind each fence by which subtenant occupied the space. Therefore Mr. Flynn asked that if it was the MVAC's will to approve this request (which he supported) that it be conditioned for the electrical contractor only and that Mr. Folino return to the MVAC for any further requests to fence in other subtenants. Chair Law asked for any further questions and called for the motion.
- Mr. Perry asked if there was any precedent. Mr. Flynn and Mr. Weibrecht replied that there was (see 11/5/03 Minutes p.2-3) and indeed it was a preferred practice. Mr. Flynn continued that as a further requirement, in accordance with Mr. T. J. Hegarty's previous requests, that all material be stored 8 inches off the pavement/ground to prevent any increase in rat habitat.

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***MR. ALLEY MOVED APPROVAL OF THE BUILDING OF A FENCE IN THE REAR OF THE BUILDING FOR USE BY THE ELECTRICAL CONTRACTOR SUB-TENANT (AND NO OTHERS), ALL MATERIAL TO BE STORED 8 INCHES ABOVE THE PAVEMENT/GROUND; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0 ABSTENTIONS.***

At Chair Law's suggestion the MVAC then took up the letter from Ms. Cini reviewing it briefly; Chair Law calling for a motion, **MR. ALLEY MOVED THAT ALL ABOVE SUBLEASES BE GRANTED IN CONJUNCTION WITH THE TERMS STATED IN AIRPORT COUNSEL'S MS. MARCIA CINI'S LETTER; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

Finally although he was aware of already having tread on enough quills, Mr. Folino had one more question having to do with the buffer zone. Chair Law encouraged him to get everything on the table. Mr. Folino noted that God did not plant trees in a neat row in the buffer. This came up in many lots including his own when Mr. Folino first cut the trees down. The buffers were not like privet, or like a fence. Mr. Folino's wondered if it was unreasonable to request of the MVAC and the MVC if necessary, to locate certain things in the buffer but to landscape it better so that it became a better landscaped area.

Mr. Folino showed pictures of his lot which showed missing "teeth" which was the way God had planted the trees. A dumpster could be located there and fenced in with a lockable cedar fence that would hide it from view and prevent others from accessing it. He would be willing to submit a landscape plan to both the MVAC and the MVC if necessary and to landscape both sides of the fence at his own expense to improve his property. He was thinking as a builder that most people built buildings that were 60 ft. wide. In fact he built his own building, MV Regional Transit, Dave Bragga, all Scotts, and many others and the reason being that it fit well in this kind of business, however most of the Business Park lots were fairly narrow; 150 ft. did not give a lot of room for trucks, parking, etc. and everyone tried to maximize and use every inch of space they had to justify the cost. Mr. Folino understood the reason for the buffer, but he was wondering if when there was a case of a missing tree as there was in other pictures of his property, those spaces could be used to locate things that were unsightly, (like this dumpster) and to better landscape it with cedar fencing with hedges on either side and to maintain it.

- Chair Law and Mr. Alley suggested he bring in the plans for the MVAC to review.
- Mr. Folino expanded that this might be not only for his own lot but for virtually anyone in the Business Park that had the same condition, which was virtually everyone, as realistically speaking it was a problem for all Business Park tenants.
- Mr. Mill and the MVAC in general suggested he proceed and that his property could be the bell-weather.
  
- However Mr. Flynn pointed out that it might be that God was not done yet and what would happen if he wanted to plant a tree where the dumpster was situated. Although there was general laughter Mr. Weibrecht seconded by explaining that the MVAC and the general public should understand that as part of the general condition of the Business Park it was required the buffers be left in their natural state. In other words it was not that Management might not agree with the concept but that the

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condition was arrived at by pain's taking negotiations during the approval of the subdivision. This should be kept in the back of everyone's mind. Management had discussed the issue with MVC and others at different times and a suitable buffer could certainly be discussed with them again, however it would be hard to justify it for Mr. Folino and then not extend the situation to others.

- Mr. Folino stated he would present a suitable landscape plan for the MVAC's review and Mr. Weibrecht assented. However Mr. Weibrecht cautioned Mr. Folino not to assume it was a done deal. Mr. Folino understood this and thanked the MVAC who thanked him and wished him a safe trip.

\*Mr. Folino left the meeting and there was a brief break.

#### 4. Vineyard Tennis Center

- Request to Alter / Improve – Change Use

Chair Law taking the items out of Agenda order called the Vineyard Tennis Center next. Mr. Flynn reported that a couple of weeks ago Mr. Ken Martin and Ms. Katrin Yerdon came by to present Mr. Flynn with the plan included in the packets tonight (see documents on file).

This would be to take an existing kitchen and interior space as it now existed, and with minor interior alterations use it to sell healthy food products to the Health Club members. He then turned the floor over to Mr. Martin and Ms. Yerdon to talk about the proposal and the products.

Mr. Martin introduced his Club Manager Ms. Yerdon, who was a graduate of the Johnson & Wales Culinary Program, and had worked in many major institutional businesses. He then introduced himself as one of the owners of the Vineyard Tennis Center (VTC) and the Workout Health Club. Mr. Martin did not know how many of the Commissioners had been in the Club recently but the Center had just opened a 6,000 sq. ft. new addition to the facility in June, 2003 which was primarily designated as a Health Club. Prior to this a small area was designated by construction in 1999 as a Fitness Club however the Center found through acceptance of the public that the facility needed to expand and offer more. Therefore the addition was added which—without taking too much of the MVAC's time—had a sauna, spa, top of the line equipment as well as a variety of different rooms including a 1,000 sq. ft. classroom with a floating floor that took a lot of the stress out of the legs and prolonged life—something the MVAC might want to stop over and see. Memberships varied from one day to one year; typical memberships being 3 month, 6 month and one year, with about 870 current members 200 of which were tennis members and the rest fitness members. The experience over the last nine months had given feedback that the Island was only doing part of the job in trying to provide access to fitness and health. The whole Country was in serious trouble when it came to weight; people were carrying too much weight around and were eating the wrong foods. One of the things people were trying to do at the Health Club was trying to be more healthy which included eating different foods and sometimes less food at different times of the day. —This was something that Mr. Martin had become familiar with just recently, however it seemed to make more and more sense.—Since there were no healthy low calorie, low carbohydrate, low fat food alternatives here on the Island on a regular basis, as a regular menu, the Center wished to provide this service for their membership.

The VTC basically proposed taking an underutilized space currently used as a nutrition counseling consultation room and convert it for seating. The VTA was currently in communication with John Powers of the West Tisbury Board of Health for his input on what would be needed for the

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kitchen. The VTA met with Mr. Flynn a couple of weeks ago to give him an initial overview and he was very helpful and indicated he would work with the VTA. The seating would be limited to about 24 and would be oriented towards the tennis courts so that patrons could watch. The addition was not expected to impact other parts of the facility's operation. Both of the hired food staff went to the same school—although at different times—and had tremendous skills in cooking and were both believers in the type of food the VTA wanted to offer. There was a sample menu in the packet (see documents on file). Mr. Martin was happy to answer any questions.

- Mr. Leland stated he had read the material over and assumed the service would be for members only. Mr. Martin confirmed this. There was a brief general discussion.

- Mr. Mill noted the service would be using paper plates and plastic utensils so that there would not be excessive water use. Mr. Martin responded that the VTA was concerned about water use as the entire facility used a lot of water in general as part of the services provided and additional heavy water use was not something either Mr. Martin himself not the Airport would want to do. He felt that water usage would be basically confined to washing pots and pans and preparing food. Mr. Flynn made a joke about their sprinkler system.

- Mr. Daly asked for the square footage Mr. Martin was talking about for the eating area. Mr. Martin showed the plan as 15 ft. by 24 ft. and a smaller area at 10 ft. by 12 ft, pointing out which areas were designated for seating, the existing kitchen and the lavatory and handicapped access.

- Mr. Daly asked if they had a grease trap. Mr. Martin explained that when the kitchen was first put in a grease trap had to be installed.

- Chair Law asked about hours of operation. Mr. Martin replied they were open about 100 hours per week, and on Chair Law's further question detailed the hours as Monday through Thursday 6:00 in the morning until 10:00 at night and Friday 6:00 in the morning to 8:00 at night, Saturday and Sunday 8:00 to 8:00. Ms. Yerdon added that the hours would change slightly in the summer when the VTA would start to close a little bit earlier based on the fact that most people were out in the daylight and used the Club less in the summer, Mr. Martin inserting that it would be about 6:00 to 6:00. He continued that the restaurant was expected to be open from about 8:00 in the morning to about 2:00 in the afternoon. Chair Law asked if there were any more questions.

- Mr. Alley noted that if the restaurant only served 24 people at a time, and if it was granted at some point Mr. Martin would have to come back to the MVAC and ask to open it up to the general public as it was not going to make any money with the limited hours of 8:00 to 2:00 and asked if he was off-base on that?

° Ms. Yerdon did not think they were necessarily looking to make any money off of it except as an accessory to the facility and to serve as Mr. Martin had said, the many people who were looking to be more healthy and strong through fitness and exercise. As anybody knew, especially those who were trying to get fit and healthy, it was a two part process, it was eating healthy and right as well as the exercise. The members had already started to make the commitment but the VTA was trying to help them along. There was already a twice a week nutritional class that was included in people's membership to teach them the basics about carbs, fats, proteins, how they could get fit, muscles and how they worked and so forth, to make sure they get all the information they needed to make educated decisions. This class was where the VTA heard about this need for healthy food. People were saying such things as: "I hear I need to lower this or that, how do I do that without basically eating sawdust." For example if one

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said soy to some people they would say, "Oh, I'm not going to do that." There were great ways to eat healthy, and eat a lot—as one was supposed to eat five times a day—without tasting bad and without a lot of preparation. So the VTA was trying to help members who might think, "Hey, if I could just see some of these things in action then maybe I could emulate it at home."

Or at least have the opportunity, after coming to the gym and working out, to eat right, when they were starving after burning all those calories off. Otherwise they might go home or to work and not have the right foods, and how would they eat healthily. So they expressed a wish to have something at the Club that would preclude those bad decisions. So this was the reason that Light Weights came to be. It was not so much that they wanted to make money as they wanted to teach people how to eat both healthily and good tasting.

° Mr. Alley however insisted to Mr. Martin that on the other hand he did not want to run the service at a loss.

° Mr. Martin acknowledged that such had not been his history and that Mr. Alley had made a good point, because it was a very small attempt. It might only run in the summer when the VTA had a heavier population—not that he was saying he wanted it to run just in the summer—but that it might be very limited in the wintertime. As well it might be a more reduced menu in the wintertime. The sample menu before the MVAC might look like a substantial menu however the restaurant would not be offering all the items everyday; about half the items would be offered or their might be a choice of one or two soups, not three soups or there might be two sandwiches not four, that kind of thing. Mr. Martin looked at it this way: from a money making point of view, if the restaurant helped attract people to the facility to join, then the VTA would consider it successful--not that Mr. Martin was saying it would be a loss/leader, like a carrot or some such. If the MVAC thought about it for a minute: someone came and worked out, about 11:00 or 11:30 when they were leaving the facility they would have to go somewhere for lunch or to get something to eat, or if they were coming in before they went to work they might really want to get a home-baked muffin and a cup of coffee before they left for work at 9:00 and these thing were typical. So Mr. Martin could not say how busy the restaurant was going to be. It might be successful or it might not be successful, but they were willing to take the chance. The good thing was that there was not a lot of up front money involved in terms of equipment as the VTA already had it. Really all they had to do was provide the excellent staff which Mr. Martin believed they had and offer it to people and see if they came. This was what they had done 10 years ago when they built the tennis center. They built the Tennis Center and hoped people would come and then they built the Health Club and people had come and were enjoying the facility. Mr. Martin knew this was another discussion for another meeting or maybe for tonight. However the VTA was hoping that perhaps more people would come as well.

° In regards to Mr. Alley's question Chair Law stated that he did not see that the VTA was going to adjust the menu to the seasons or the people, but he confirmed that Mr. Martin had no intention of opening the restaurant to the public. Mr. Martin confirmed this, saying no, not now.

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° Mr. Daly noted however that it was a business decision that Mr. Martin could make in the future. Mr. Martin hedged this was possible but again in looking at the facility it was clear that there would have to be some very substantial construction to expand the size of the operation as the current proposal pretty much used the facility space to capacity. Mr. Martin did not see that happening. In fact, Mr. Flynn had suggested a similar course, that the VTA start small and see where the project went, which Mr. Martin supposed was a good idea.

° Mr. Leland felt it sounded like a great idea that it was almost an intimate setting for the membership to enjoy.

° Mr. Daly did not think Mr. Martin should close the door on the possibility of expanding. Mr. Martin responded that he never thought he would be in the business he was currently in, but that the restaurant business was even further from where he had started. Mr. Leland suggested he would be in retirement in a couple years and Mr. Martin replied that he already was in retirement.

° Mr. Weibrecht made a couple of points. He was glad these questions were brought up because somethings were assumed at the time or were heard at the time (of approval), as had came up earlier in the meeting, however, things changed and Management understood that.

- Mr. Weibrecht continued that it was necessary to understand from the Airport's point of view that the effects of the project would have to be taken into account. The Airport had a limited commodity of space and resources.

- For the record, Mr. Weibrecht wanted to make sure that Water / Waste Water Operator Michael Eldridge was satisfied as far as the servicing of the grease trap. If the Airport started to see a problem Mr. Weibrecht would expect that the VTA and Mr. Martin were willing to commit to making sure that the Airport could address the problem such as grease entering the system.

° Mr. Martin stated that right up front the currently installed grease trap that was required back in 1999, was a commercial grease trap for restaurant use, so the VTA felt good about that. Over the five years that the VTA had been using it, they had cleaned it only once. Mostly this was because it had not been used as a commercial kitchen but rather as a catering kitchen for pot luck dinners for the Chamber of Commerce, Hospice, etc. People were eating food and making minor preparations but not the sort of thing that was now being proposed.

° Mr. Daly asked if it had to be cleaned once because it needed to be cleaned or was it a periodic practice. Mr. Martin responded that it had needed to be cleaned only once. There was a three bowl stainless steel kitchen sink which had started to back up. The trap was right under the sink. Mr. Martin put some liquid plumber in, which did not work. He had called the plumber who came and cleaned it out. –This was probably off the subject but it turned out that one of the employees had liked canned mackerel and Mr. Martin remembered that when the employee had worked for the VTA that he would wash out the can of mackerel in the sink, which not only smelled but also built up some greases and so when it was cleaned out it was matter of a 20 minute procedure.

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° Mr. Weibrecht emphasized that these were the sorts of issues. Sometimes the Airport ended up with some unintended consequences, as had happened recently so that he just wanted to make sure that everyone was comfortable that way. As things got busier Mr. Weibrecht wanted to insure that those kind of issues needed to be addressed more regularly.

° Mr. Martin agreed and stated the VTA was willing to do a monthly check of the trap just to see how it was going. Ms. Yerdon added that this was actually a staff goal to monitor and see what a normal menu would develop as far as grease. Although there was not a lot of grease there would be some oils and so forth. The staff hoped to monitor a normal day or month to see what happened.

- Mr. Weibrecht other issue was signage. Management / MVAC had not reviewed or approved signs that had been placed in the past such as when the Workout was added. He asked if the VTA anticipated putting a sign out front for the restaurant. Mr. Martin shook his head, no. Mr. Weibrecht then confirmed there was a commitment for that. Mr. Martin repeated that the project was for members only. Ms. Yerdon added that satisfied people would do their advertising for them.

- Mr. Perry asked if there would be much increase in traffic. Mr. Martin stated he did not expect any increase in traffic as the people who would use the restaurant were already at the facility. Not that someone couldn't come as a member and eat but Mr. Martin did not expect that they would be likely to do that. He guessed they would eat before the left or before they worked out.

- Mr. Weibrecht assented restating Management's greatest concerns as limited access of others and total facility.

- Chair Law and Mr. Daly thought it was a great idea.

- For the record Mr. Weibrecht stated that the expansion had gone very well (see 5/1/02 Minutes p.2) and had resulted in a good quality product at the end of it. Issues that Management had along the way—as was typical—were addressed, thus this last process went well. Mr. Weibrecht and Mr. Flynn toured the facility specifically looking at the expansion as well as to be familiar with it. It was a nice project that was completed and this was new use of that same space that was previously approved. Mr. Leland joked that Mr. Weibrecht and Mr. Flynn would be right behind them.

- Chair Law called for a motion. **MR. LELAND MOVED TO APPROVE THE VINEYARD TENNIS CENTER REQUEST TO ALTER / CHANGE USE OF THE SPACE AS PROPOSED; MR. DALY SECONDED; MOTION PASSED WITH 5 AYES, 1 NAY – MR. ALLEY, 0 ABSTENTIONS.** Mr. Alley just felt there should not be two restaurants on the premises.

- Mr. Martin and Ms. Yerdon encouraged staff and the MVAC to come to see the facility and join. Ms. Yerdon boasted that Mr. Martin had lost 26 lbs. in two months. He was already very good about exercising but the weight loss was through Ms. Yerdon's food, meal timing and amounts.

Mr. Weibrecht joked that he had noticed that there were no prices on the menu so that it might come back to Mr. Alley's question. Mr. Leland had noticed Mr. Martin's weight loss and Mr. Martin stated he had lost it just after he had thrown away all the clothes he could no longer fit into. The VTA thanked the MVAC who also thanked Mr. Martin and Ms. Yerdon for their presence.

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3. Island Pools and Spas, Inc.

- Request assignment of Lease

Mr. Flynn reported that this request had been submitted previously but that Mr. Rosbeck had not had all the necessary paperwork. However all materials had now been received and sent to Counsel for approval. The principals of Vine Inc. were identical or very similar to Island Pools and Spas such that it was created as an asset holding company, as was common practice. Mr. Flynn reported that Management had no issues with the transfer.

- Mr. Leland asked if it was legal to move this way from a personal holding to a corporate holding. Mr. Weibrecht replied that it was, explaining that sometimes when construction started the incorporation process may not yet have been completed, either through lack of wherewithal or simply by timing. In cases such as this the corporation was a realty trust with the same principals as before but a different company name.

***MR. LELAND MOVED TO APPROVE THE ASSIGNMENT OF THE LEASE FROM ISLAND POOLS AND SPAS, INC. TO VINE, INC. ON CONDITION OF APPROVAL BY AIRPORT COUNSEL MARCIA CINI; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0 ABSTENTIONS.***

5. D/EIR Vote

Mr. Weibrecht introduced Mr. Rick Domas of Hoyle Tanner Associates (HTA), the principal party in the preparation of the Draft / Environmental Impact Report (D/EIR). Mr. Domas, referring to the thickness of the D/EIR, could not tell whether the Report had kept the MVAC up at night or not but for the benefit of those not familiar with the process he repeated the general explanation. The EIR was a combined State and Federal document addressing the environmental impacts of the next 10 or 12 year development program for the Airport. There were 14 projects included in the report, including as the MVAC knew the County Jail.

- The key projects, right off the bat, from Management's perspective was to start the development of the South East Ramp since the Airport was still constrained for aircraft parking space. HTA was well advanced on the design of Phase One of the Ramp as well on the adjacent Taxiway Alpha, which had very bad pavement conditions and was also not situated properly for the increased size of current aircraft.

- Mr. Domas gave the MVAC the dates again as it was a very extended process even as the Airport moved further into the environmental protocol. With the MVAC's approval HTA and Management would like to submit this document next Friday, April 30<sup>th</sup>. This would start a process.

- First it would appear May 8<sup>th</sup> in what was referred to as the Environmental Monitor which would begin the public review process.

- Once the D/EIR was noticed and the general public was aware of it, copies could be requested, etc.

- In addition to requests all people who had requested prior versions of this document would be automatically sent copies, as would all the Airport Commissioners.

- HTA was sending the D/EIR out on CD ROMs for viewing on the computer as opposed to the large/oversized hard copies.

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- It would also be placed on the Airport's web page and so could be accessed even by individuals who did not have a copy and in this venue the individual could choose by links which sections or chapters would be of interest to them.
- The Environmental Monitor came out on May 8<sup>th</sup> and there was a 30 day public review period that would end June 7<sup>th</sup>.
- On June 14<sup>th</sup> or thereabouts, the Airport would get what was referred to as the Secretary's Certificate. The Secretary was the executive who held the position for the Executive Office of Environmental Affairs (EOEA) at the State level. Although a staff person reviewed and wrote the Certificate, it was then signed by the Secretary. The Certificate would say that the EOEA had reviewed the document, looked at all the public comments, and there were still these outstanding questions or, the EOEA didn't think X had been pursued carefully enough, etc. Hopefully the EOEA would approve 90 to 95% of the D/EIR but there would always be some bit of outstanding questions that would need to be pursued a little further.
- This would be the first time that the County Jail would be presented to the public in an environmental sense and was likely to generate some new questions.
- Mr. Domas could not imagine what else had not been covered in any great detail over the last considerable period of time but there would be something.
- There would be a follow up document to this one—which was actually titled the Draft Environmental Impact Report not to imply that it was a draft document in the sense that there was something incomplete about it, just that it was titled 'Draft'. This was a two submittal process: there was always a Draft, a public review process and then a Final EIR that addressed any last minute comments.
- Mr. Daly asked what the date on the Final EIR would be. Mr. Domas answered that the MVAC, HTA and Management would know when the Certificate was received.
- Mr. Perry asked about the how the public comment was received. If for example he was reading the Report and had a question or idea. Mr. Domas explained that on the web page or in the cover letter sent out with the CD ROM there would be an address for the Mass Environmental Policy Act (MEPA) Unit. The comments would not go the HTA or the Airport, they would go to the State Environmental Review Authority.
- In the back of everyone's documents the public comment letters were reprinted and gathered. HTA pulled out the germ or essence of the comment, and restated it immediately following the reprinted letter and then responded to the comment, noting in the margins of the reprinted letters the pages and numbers of the relevant summary and response.

In this way all comments received on the Environmental Notification Form (ENF) were included and responded to. There would be a similar process for the Final EIR. There would a group comment received on the D/EIR. In the subsequent document (the Final EIR) the D/EIR letters would again be reprinted, summarized and responded to as specific comments.

So that was the environmental process.

- Mr. Leland noticed that West Tisbury had responded – as had the MVC and others—but that it was great the way it had been handled and done, because it had be pulled out and responded to.
- Mr. Weibrecht further explained background for the MVAC's understanding.
  - ° Management and HTA would take the letter, take out what Management and HTA considered had already been addressed. They would then sit down and review with staff or with certain Commissioners—which has been done on several occasions—and/or with the MVC at different

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levels at different times. So that first the comment was reviewed to insure that all issues had been addressed—although as Mr. Domas said there would always be something—and then it would be explained how the Airport and HTA came to those answers: “If you notice in Chapter 4 the report dealt with X, Y or Z and this is where you can find more information on it,” so that everyone knew it had been addressed.

° Ultimately as Mr. Domas said the Secretary would have some further requests for information which was why Management and HTA could not tell the MVAC that by say July 15<sup>th</sup> the next piece would be ready to be filed. It would really depend on what the Secretary scoped for the MV Airport. And that was really what the process was about: it was a scope of the study.

° Some of the issues that arose last time had not previously been identified to the Airport as concerns such as the archeological finds, etc. These had now been dealt with and the study work had been done so there was a large amount of information.

° It should be noted and it was by design that the report provided far more information in the ENF than was typically done or was required. Management found it to be good practice to get the information out far ahead of time so that as many of the comments as possible could be eliminated or brought to the surface so they could be addressed, i.e. so that they would not just be cast aside. And this had very much been the process here.

° Comments could be both positive and negative so Mr. Weibrecht encouraged anyone to write a positive comment as well, to get the bandwagons going in a certain direction.

- Mr. Mill asked if once the State had done their part, if the Federal Government then moved into the process, or did they just accept what the State had decided. Mr. Domas responded that although the Federal agencies did not actually write a comment letter, they basically gave their comments to the Airport. They did not have a public review process per se at this level, however the Airport and HTA were quite involved with the Federal staff that was doing this, Richard Ducette of the Federal Aviation Administration (FAA). Their process ended with what was called in this case a Finding of No Significant Impact (FONSI), so essentially the FAA would sign off on that report and statement. This would be done at the conclusion of the Final EIR document.

- Mr. Weibrecht continued for the MVAC's understanding, that the Federal process was mostly for inter-agency agreements. What it came down to was that the Environmental Protection Agency (EPA) and the FAA had responsibilities to each other. The FAA had a responsibility to insure that the MV Airport did not break some other environmental rule or regulation. So they coordinated at that level and came back to for example the Clean Air Act or the Clean Water Act, etc. etc. The Airport was giving them information so that they could make that determination and the Airport was assuming—and at this point it seemed to be—that there would be a FONSI. If that projection held, the Airport would not have to do any additional Federal studies.

- Chair Law noted that the MVAC was on a drop dead date today and asked if anyone wished to make a motion.

- Mr. Daly's one comment was that he thought it was a very impressive document, both extensive and intensive and also well-written. A document like this could be of great significance to the business community because the Report touched on many ideas that a good businessman could absorb. He was glad to hear that it would be accessible on the web page and that a person could get a disk copy, which was probably a better idea than the thick notebook, as Mr. Domas had said. Mr. Daly had picked out some of the pages especially on the environment and put them in his own engineering manual. The

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Report was intensive to that point that he could use it, including talking about traffic management and patterns up and down Edgartown Road, etc.

- Mr. Domas was glad Mr. Daly mentioned traffic as he should add that at one of the earlier meetings Mr. Domas had attended, Commissioner T. J. Hegarty had expressed some interest in taking what HTA had proposed in traffic improvements and extending them. For instance at the Airport Road and the Edgartown / West Tisbury Road and also at the Edgartown / West Tisbury Road and Barnes Road HTA proposed putting in by-pass lanes so that a car turning left into either Airport Road or Barnes Road would not hold up traffic since there would be a widened travel lane added. HTA had not considered doing the same for the two entrances to the Business Park, and Mr. Hegarty suggested it. So HTA had taken that suggestion and proposed in this document that Barnes Road be widened at North Road and Southline Road. Mr. Hegarty also recommended a so-called full deceleration lane at the Edgartown/West Tisbury Road and the entrance to Airport Road so that a car could pull off and then turn into Airport Road and it would not effect any traffic moving past. So HTA did take Mr. Hegarty's recommendations and bring them into the document. However, Mr. Domas cautioned that once the document was approved it was a commitment on the part of the MVAC to follow through such projects, but Mr. Hegarty's recommendations had been accepted and this document would present them to the public.

- Mr. Weibrecht asked that the MVAC understand that there might be some final editorial and formatting changes to the document itself before it got submitted. Mr. Domas added that he was sure the MVAC had noticed that there were references to Appendix "X" or Appendix "Y" and all this would get organized as the document was finished.

These "X s" were visually highlighted for easy pick up. And there might have been comments such as "Get citation", Mr. Alley called them reminder notes. Also there would be a more detailed Table of Contents rather than the simple Chapter listings now shown. The computer would automatically set up the Table with every major heading and table identified by page and title. The Report was substantively finished but would be a very complete document when submitted. Chair Law asked Mr. Alley for a motion.

**MR. ALLEY MOVED TO ACCEPT THE DRAFT ENVIRONMENTAL IMPACT REPORT AND ASSESSMENT STUDY COMPLETED BY HOYLE TANNER ASSOCIATES; MR. DALY SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0**

**ABSTENTIONS.** Chair Law thanked everyone for reading the report and stated it was a great job. Mr. Leland thanked Mr. Domas.

- Chair Law asked if he needed to sign anything. Mr. Weibrecht explained—since this had been an issue in the past—that there would actually be a form that the Chair would sign that was attached to the Report on behalf of the proponent. The Chair already had the right to sign if it has been voted (see 6/11/03 Minutes p.5#7) but just for the record, if anyone had any opposition or would like to look at the form they should feel free to offer it up now.

- Mr. Alley commented that in any future work an executive summary would be useful. Mr. Domas and Mr. Weibrecht stated that there would be executive summaries at the end of each section and the MVAC joked that now they were telling them. Mr. Weibrecht however pointed out that someone

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would have had to be responsible for what was included or excluded from the summaries. Mr. Alley and Mr. Leland found several typos and Mr. Domas assured them the document would be proof read.

6. Airport Manager's Update

As briefly as he could Mr. Weibrecht brought the MVAC up to speed on recent Airport items. About a week and a half ago Mr. Weibrecht met with MassPort on behalf of CapePorts and the Airport in regards to "peak pricing" initiative at Boston/Logan (see 4/7/04 Minutes p.7-11 #4). There was now a better understanding of where Boston/Logan was heading.

- The schedule was more accelerated than Management was initially led to believe. The peak pricing program would be drafted and submitted to the FAA probably no later than the end of May. This was because there was a misinterpretation of some of the court language associated with the injunction. The injunction had been in existence since 1973 and was just recently lifted to allow Boston Logan to make airport improvements or Airport expansion of any kind. As part of the settlement to lift the injunction all parties had to agree that there would be a demand management program and that the selected flavor of that program would be peak pricing. So as Mr. Weibrecht had said before, peak pricing was coming, and the Airport was trying to find an exclusion for the Cape and Islands and other similarly effected communities that were geographically challenged.

- The CapePorts and MassPort discussed many ways that it could be fashioned. It was known that it would end up to be someplace more than two flights per community which was the illustrative example that was used. MassPort admitted that two was not adequate and CapePorts/MV Airport knew that two was not adequate. MassPort did have a discussion with Mr. Weibrecht explaining they were not talking so much about a peak hour in so much as might be decided by a consultant or agency in the Airport designating a particular airport as designed to handle 95 operations per hour and therefore anything above that would be saturation; instead it would be based on periods of time with average delays for all flights during that time frame not to exceed a certain amount.

- Again the reason for this program was to reduce air and noise pollution associated with planes that were sitting on the ground idling at Logan Airport. The intent being ultimately to move the airplanes off faster. So there will be a program developed

- MassPort agreed that they would provide Mr. Weibrecht, CapePorts and the communities an advance copy of what the program would be so there would be a chance for all to comment on it. This would not be the last time comments would be accepted but as Mr. Weibrecht stated in his letter, CapePorts et alia wanted to make sure they were commenting to something ahead of time and not responding to something after the fact.

- MassPort had some very clear points that they wanted to address. Among others, Mr. Weibrecht wanted to make sure they were aware of one point—and Mr. Weibrecht was not sure whether he had mentioned it to the MVAC before—and this was that it was known that this would be the first program like this in the country but it was also known that once it was done it would also be applied to other airports. Should this same program be applied to the New York or Washington, DC. markets it would essentially wrap up (or eliminate) for MV Airport any viable services to those communities as MV Airport would not get exclusions to those communities particularly since the Airport did not necessarily or currently serve them on a year round basis. So peak pricing would have an even bigger

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impact than was discussed just on a pricing or on a Boston/Logan level. The long and the short of it was that MassPort understood and acknowledged this and was willing to work with CapePorts.

- Mr. Weibrecht was positive that as far as the Airport's outlook was that if everyone came to the table as they had said they would, there would be chance to meaningfully impact the program. There might also be other issues that could be worked on cooperatively for the future to make sure that those delays did not hit that critical peak point and Mr. Weibrecht offered that CapePorts would consider those issues at that time. Some of the traffic challenges that Boston/Logan would be facing in the future such as levels of service from other cities and the size of airplanes needed to be dealt with aside from the CapePorts issues.

- Mr. Leland confirmed that instead of having two flights the cut off number would be more. Mr. Weibrecht confirmed this. Mr. Leland asked what had happened to the discussion on the 100 mile radius exemption. Mr. Weibrecht responded that it was clear that exemption was not going to come in the form of "any airport within 100 miles could do what they wished." There would be some cap on the number of peak flights.

The idea was to get the cap to a point that was workable. It would likely be based on other similar programs or provisions. For example, "Essential Air Service" was a subsidy program that offered community service to major airports to make connections. There would be some level of those descriptive terms being applied to this program:

- must serve a community of X size,
- must be geographically challenged, etc.
- It would have a geographical ring at 100 to 150 miles or whatever that was.
- It would also probably be tied to the number of operations that were in existence prior to 2001 that is early 2001 which was looked at as a peak year. They would say that during that period of time from Martha's Vineyard there were X number of trips per day and that would become the cap.

- Someone coming in to serve the market, the current name being Cape Air—but it could be anybody that was interested in the future—would note the number of flights and if there was a wish to add more flights they would have to consider using an airplane with more capacity at least at certain times of the day in order to meet everyone's needs.

- Again it was clear that MV Airport would not get a carte blanche but there was now more detail than had been available in the past and CapePorts had been provided with all the background information—and if the MVAC thought the D/EIR was thick the Boston Logan document was 4 volumes. Mr. Weibrecht would review this document for better understanding and the MV Airport would get through the crisis.

- Mr. Flynn clarified that these regulations would be issued to the Airport and not to any specific airline. Mr. Weibrecht agreed and stated this was an important point that Mr. Flynn reminded him of. The program would be tied to the community. It was important to insure that the service was year round, that it was there for the Airport and the community. It had been said from day one that it might be Cape Air today, or Sea Gull tomorrow. There should be nothing exclusionary to competition in the market such that if it worked for one it should work for the others and MassPort understood this as

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well. This was the important part about definitions from Essential Air Service which was where the Airport would get locked in. He thanked Mr. Flynn for reminding him.

Mr. Weibrecht recently emceed a three day Regional Airport conference attended by about 250 people conducted by the FAA in Burlington, MA. Almost every airport had someone there for at least one day. There were a lot of issues and some updates around regulatory changes that have come down. Airports were starting to see definitions on changes mostly associated with certified airports. At the moment a lot of little changes could be seen that were programmatic or systematic such as certification manual changes, record keeping changes, training changes that would be coming up over the next six months. The MV Airport was very far ahead of the curve on these changes because Management had looked at the proposed rules, knowing the finals would be pretty similar.

In regards to Tower Funding Ratio: recently the Contract Tower Program has been undergoing an evaluation at the Federal level. It was very likely that over the next week or so the Airport would join the Contract Tower Association which was a national organization that worked on contract tower issues. Several of the communities in the State of Massachusetts have been notified that they would have to kick in money to keep their tower hours the same as they currently stood. This was off a weighted ratio system where they develop a ratio to be applied to the cost of the Tower. For example, Mr. Weibrecht's last understanding was that Worcester would have to pay as much as \$90,000 annually to keep the same hours with their tower. The MV Airport had been seeking more hours and this was potentially an opportunity to increase those hours. The Airport ratio came up about 20% higher than the basic level so Mr. Weibrecht would try to use that to the Airport's advantage to increase the hours. This was something that was in flux right now. Mr. Weibrecht had addressed this issue with the MVAC some time ago as the Congressional language being put together for the latest authorization for aviation spending. This was included as it was a big union issue at the national level. As far as union control, the FAA obviously did not want to see anymore contract towers so it was currently a very hot issue and Mr. Weibrecht would keep the MVAC informed as he got more information. Chair Law asked if Mr. Weibrecht was finished.

7. New Business / Old Business

Chair Law asked if there was any new or old business and receiving no response moved on.

8. Executive Session

Mr. Weibrecht had an issue to be discussed in Executive Session as did Chair Law. **MR. ALLEY MOVED TO CONVENE EXECUTIVE SESSION AT 6:24PM (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; AND TO INVITE AIRPORT MANAGER MR. BILL WEIBRECHT, AIRPORT ASSISTANT MANAGER MR. SEAN FLYNN AND RECORDER MS. MARNI LIPKE TO BE PRESENT FOR PART OR ALL OF THE SESSION AS APPROPRIATE; MR. MILL SECONDED; MR. MILL AYE, MR. LELAND AYE; MR. ALLEY AYE, MR. DALY AYE, MR. PERRY AYE, MR. LAW AYE.**

\*Mr. Daly left the meeting at 6:30PM.

9. Adjournment

**MR. ALLEY MOVED TO ADJOURN EXECUTIVE SESSION AT 7:14PM; MR. MILL SECONDED; MR. MILL AYE, MR. LELAND AYE, MR. ALLEY AYE, MR. PERRY AYE, MR. LAW AYE.**

Continued >

**Documents on file:**

Agenda 4/21/04

Sign In Sheet 4/21/04

Cape Building Systems (John Folino, Jr.) letter to Mr. Flynn 4/15/04

Marcia Mulford Cini letter to Mr. Flynn 4/19/04

Lite Weights Café Healthy foods 4/13/04

Lite Weights Café Business Plan 2004 4/13/04

Lite Weights Café Breakfast, Soups, Salads, Sandwiches Beverages/Smoothies

Josam Grease Interceptors