DRAFT

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

August 18, 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, Frank Daly, T. J. Hegarty, Leslie Leland, William (Bill) Mill, Norman Perry
Airport Staff:	Bill Weibrecht - Manager,
Others:	Rick Domas – Hoyle, Tanner & Assoc.; Marni Lipke - Recorder

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

Chair Law called the meeting to order at 5:12PM in the new facility meeting room with new pictures on the wall. He invited the Commissioners to view the new pilots lounge in the next room.

2. Review of the Aircraft Accident of August 12, 2004

Airport Manager Bill Weibrecht referred Commissioners to the article in the Vineyard Gazette which capsulized the incident well, short of one thing which was that Management had offered no speculation nor ever said the words pilot error. In short the Airport had no explanation for the crash, contrary to what the article reported.
- There was fuel in the engine.
- The engine was making power as indicated by the ancillary marks found on it during examination after the fact.
- The wind should not have been a terrific issue although there were gusts of 10, 14, 16 miles/hour; it had been as high as 20 within an hour of incident time but again this really should not have been an issue. Management again did not see any cause to point at.
- The flight had been uneventful all the way through.
- There was no navigation problem nor any of other issues like that.
- There was a change in the traffic pattern just prior to his arrival and while he was on the frequency with the Airport tower but that was not significant, should not have been an issue, and could have been refused if he had seen it as an issue.
- In essence what was happening was that because they were on incident flight plans, they typically would have been landing on Runway 24/6 those runways which were served by an instrument approach of some sort, but because the winds were directly down that runway they tried to take him away from having a crosswind landing which was much more important for little aircraft than for larger ones.

- The pilot was relatively experienced with more than 200 hours in that specific type of aircraft. He was an owner/operator. (The airplane was actually registered to a corporation that also leased the airplane back.) The corporation/pilot also did some flight instruction and rental of the airplane as well. The company also did some aircraft maintenance, and was managed by a professional pilot. So there was nothing apparent on this front.
• As far as the crash details Mr. Weibrecht was more than happy to answer any questions.
- The aircraft approached and struck a tree (as pointed out in the photograph), rolled off to the left, cartwheeled and hit the left wing first. Then it went almost perfectly vertical where it left the propeller and the nose cone. It then rolled onto the right wing and then skipped over. The cartwheel blew out the windshield, busted the engine completely off the airplane so that from the firewall forward it was

completely separated from the airplane. The firewall itself, which was basically the flat panel between the pilot / front seats and the engine, was pretty stove in as well.
- There was some minor fuel loss at the scene.
- Both passengers were treated and released that evening and, contrary to the newspaper reports, there were no broken bones although it appeared that way at the time of the accident. The passengers were able to extricate themselves. By the time the Airport crew got to the first fire gate the passenger closest to the airplane was about 10 or 15 ft. away and the other was better than 50 or 75 ft. away They were operating under their own power were able to give the crew a thumbs up showing that everyone was out of the airplane or at least as far as their level of consciousness at the time would allow.
• The Airport staff went through the gate with two trucks probably within a minute and a half or a minute and 45 seconds of the call.
- They applied foam, swept the aircraft, etc.
- One of the Airport Emergency Medical Technician's (EMT) was at the Airport that night and so he actually began the first aid. There was also an Oak Bluffs ambulance that was on site awaiting a med flight to come into the Airport to transport another patient out. The ambulance was staffed with two EMTs so they were taken out to the scene and an additional EMT showed up after the fact.
- Originally it was called out as an alert (which Mr. Weibrecht would talk about a little more in a second). The alert was reduced down when the only real equipment needed was Emergency Medical Service (EMS), water supply, and then back up for as far as rescue was concerned.
- All in all Mr. Weibrecht felt the response went well.
- There were always problems with communication. Basically this problem was almost always tied back to when the towns were called and everybody and their brother felt it necessary—or felt an urge—to check in on that frequency. This meant the Airport heard an awful lot of chatter on the radio that blocked other important transmissions such as how many were injured what else was needed, etc. which then lead to other communications problems. This was probably the biggest issue.
- A lot of foam was used which although not putting the Airport into an emergency condition nonetheless was a concern. If there had been another accident it would have been an issue. Consequently new foam was ordered special delivery from New Jersey to come up on Friday night and be on the first boat Saturday morning.

- The Airport was back in operating condition in about an hour after the crash and was re-opened to basically all flights; in fact Management had re-opened the Airport at about 50 minutes and another 10 minutes later ceased warnings that air carriers were not allowed to operate. Basically when the two trucks were out in the field or not in an immediately serviceable condition the Airport was not allowed to operate for aircraft greater than 30 seats (in December this would be dropped to 10 seats). As it turned out on that night however, it worked out fine because of delays to La Guardia.
- Mr. Leslie Leland asked what type of foam was used. Mr. Weibrecht replied 3%. Mr. Leland remarked this was the same as the fire departments used. Mr. Weibrecht replied that in some cases this was correct. In some cases the fire departments also used 1% but it was AFFF. Mr. Leland then pointed out that the towns had foam also. Mr. Weibrecht agreed that yes, the Airport could have borrowed foam. Mr. Leland did not know what the Airport tried to keep on stock. Mr. Weibrecht explained that typically the Airport tried to have two and a half refills total. Some of this would be used for training and get depleted, and the Airport knew what the other fire departments had. Unless the Airport got into a position where it absolutely had to go back into service, the problem with borrowing was that the companies did not recommend mixing brands of AFFF, so that if it was made by one company versus another it was not supposed to be mixed, and it took forever to transfer the foam between trucks and

back and forth between drums. The Airport had enough after this incident with both trucks stocked, so that instead of borrowing they just had the identical foam shipped.
- Mr. T. J. Hegarty asked if the Airport knew what the other towns stocked. Mr. Weibrecht replied the they did and that the brand was incompatible. The Airport had checked. Oak Bluffs did have a bunch of it on hand which was available if needed but as of now the Airport was back up to two and a half refills and more foam was coming.
- The Airport was supplied through two types of deliveries, 55 gallon drums for bulk refills and also in 5 gallon barrels which could be handed up on-scene such that the truck could be serviced on scene. The Airport was in good shape and it was never an issue. Mr. Hegarty asked if Oak Bluffs was compatible to which Mr. Weibrecht replied that no, they were not. He was not sure but he thought Tisbury had some at two different times but they were different batches.
- Just for the sake of conversation Mr. Hegarty asked if it would not be a good thing to get all the Fire Chiefs together with the Airport to try to get something that was compatible. Mr. Weibrecht explained that the towns and airport brought the foam for different reasons. They had foam for Packer events, for truck rollovers, foam for all different events, even now some structural foam. For the Airport to loan it back out was not really an issue but it was an issue for the Chiefs and had been talked about in the past. A lot of the Towns did not use their foam much and so had stockpiles on hand for long periods of time, i.e. they did not go through foam the way the Airport did. Previously, to be honest, the Airport had not used much foam either, because it was never actually sprayed unless there was an incident and only then if it was really, absolutely, positively necessary.

Now the Airport trained with real foam to make sure that everyone was used to handling it; and also because it was better for the trucks. Gelling problems had been discovered when the foam sat inside the tanks too long.
- As he had stated before the foam was not an emergency it was just one of those things that needed to be addressed in short order. Mr. Weibrecht then asked if there were any more questions on this incident/accident in particular.
- Mr. Law asked if the pilot had any idea of what happened. Mr. Weibrecht replied that he had reported some difficulty with controls which was indicative of the aircraft being in a stalled or near stalled condition at least earlier. For those not familiar with aviation Mr. Weibrecht explained that 'stalled' meant an aerodynamic stall where the wing physically stopped flying, not necessarily an engine stop.
- In answer to a question Mr. Weibrecht replied that no one reported a horn and that continuity on the horn could not yet be checked because the battery had been disconnected as part of the clean up since there was still fuel on board—which could not be removed until it could be sampled or unless it became an immediate danger. The horn would be checked.
- Mr. Daly confirmed that there was fuel on board. Mr. Weibrecht confirmed it. Mr. Daly asked if any of the tanks were empty. Mr. Weibrecht responded that they were emptied post incident but that the Airport was able to get gas out of gas-collater line which was why Mr. Weibrecht believed it had not been issue. There was severe damage on the inboard part of that wing behind the section of the wing that held the tank so that it was difficult to see inside without tearing more sheet metal away. Mr. Weibrecht believed it could have been punctured or compressed outward to where it had a split in the tank and a failure of the tank on the co-pilot's side. However, basically the sheet metal behind the spar was completely blown off by the crash so it would be unlikely that the rest of it would be intact.
- Mr. Mill remarked this would indicate a stall. Mr. Weibrecht agreed and noted that from the rotational scoring on the individual propeller blades and on the nose cone it did not seem to be under very high power either which was a also fairly classic indicator.

- Mr. Mill asked if the pilot could have lost wind as he came in. Mr. Weibrecht agreed that this was probably what did happen, that as he descended the head wind component changed. The pilot did mention, "Short runway, short runway." It was the shorter runway but it was not by any means too short for that aircraft. Probably the pilot was myopically focusing on that issue and trying to get his speed slowed up so that as the head wind decayed when the plane got closer to the ground—ground effects the wind speed—eventually the pilot let it decay just too far and when he started to feel the mush on the controls he probably instinctively pulled back for safety and tried to put the wing down. Mr. Weibrecht thought it had happened fast. The passenger did not remember hearing any horns.
- Mr. Law asked if he called in. Mr. Weibrecht replied there had been no calls, no distress, no anything; it happened in a heartbeat. Mr. Law asserted the pilot would not have had the time. Mr. Weibrecht agreed, not on the stall itself. Mr. Leland added it was close to final, low approach, 30 feet in the air, and a pilot did not have time. As had been mentioned the other day this was a slippery aircraft which required the pilot to keep a little bit of speed up. Mr. Weibrecht agreed.

- In answer to a question on stalling from Mr. Law Mr. Weibrecht explained that the stall was when the air separation over the wing completely stopped. There were high and low pressure areas being created by the wind moving over the top and the bottom of the wing at different speeds and once that process stopped happening the airplane lost lift. So while the airplane had an engine that was fine and the propeller was fine, the wing basically would have physically stopped flying. So the airplane would come, not straight down, but down at a steep angle. Typically what happened —especially to pilots with low flying times—was that the pilot panicked and pulled back which deepened the stall and caused the plane to roll over. This was probably what happened. As the wind flow over the wings slowed, the controls would become noticeably mushy and the pilot had said that it felt as if the wing had dropped off on one side, so he may have been encountering a stall. Mr. Leland and Mr. Daly explained that what should really happen was that the pilot's first reaction should be to go forward full power on the throttle.
- Mr. Weibrecht went on that except for the scoring to the propeller he was unable to determine what that was. This was because when the engine was ripped off, all the control cables got pulled forward, which made it look like the pilot had all the engine controls forward, propeller speed and engine power were just jammed solid.

- Mr. Leland remarked that they were lucky. Mr. Weibrecht agreed that they were lucky the plane did not roll over completely but then again the rolling over was what caused the cartwheel and the cartwheel took the force impact. The impact was on the side of the spar and on the engine on the nose and then on the opposite wing before it finally came to a stop. Most of the injuries were probably sustained after the first part of the wing strike, where it came over and went straight down blowing the glass out, etc. Then it turned over and skipped the rest of the way. That airplane had a tubular construction which did much better than Mr. Weibrecht would have expected as there was a relatively tight cockpit. There was not much room with people shoulder to shoulder and squeezed in. Mr. Hegarty asked if this were not the same aircraft that Rick Colson crashed (see 11/13/02 Minutes p. 1#2). Mr. Weibrecht assented that it was essentially the same aircraft. Mr. Daly meant that it was lucky the plane did not go over. Mr. Weibrecht agreed and added the airplane typically did not. It was lucky for the Airport too as it would have been necessary to get the passengers out. There would also have been a lot more fuel coming out of the airplane if it had been upside down.

• Chair Law asked about the alert. Mr. Weibrecht responded that Commissioners had asked some questions about what the Airport had for emergency plans. Documents were distributed for review and

then recollected. This was an Federal Aviation Administration (FAA) acceptably formatted document of about 30 plus pages. The FAA gave an outline/guide as to what needed to be included and each airport then adjusted for local differences.

- As one example the MV Airport three tiered response based on the size and type of incident was different from those of any other airport in the country. It was written to match the Island's priority system for EMS so that it would be easier for the Island people that responded. Consequently a bad crash for the FAA was an Alert Three while a bad crash for the Island was an Alert One. It should just be thought of in terms of a patient; a Priority One patient went first. So the Airport's form was a little different in that way.
- In essence, the Airport walked through all the required scenarios and then a few others including some additional work on water rescues although the Airport was not legally required to have that in its book. All the participating agencies were listed as to who, when and in what order. Then there were explanations of who did mutual aid and why and what agreements were in place to cover it as well as who was in charge of the scene.

• An incident began with response by the Airport's own truck and staff which was in charge at that point. A remote command post was set up after the fact and transferred to the Senior Chief from the town in which the incident occurred. It should be kept in mind that this document did not have any jurisdiction once it left airport property and went outside the fence. This has been a source of some confusion although the Airport called the alert in the same way.

• In a simple alert which was basically a standby it might just be the Airport's trucks but the Towns were notified for EMS and/or rescue depending on the severity. An Alert Three would be called if someone did not have a gear light indication even though it might not even rise to an Alert Three level. If the Airport suspected that the pilot was having continuing trouble the towns were put on notice that the Airport might have a pending emergency. This was really meant to give a head start to the EMS response as much as to the fire.

• An Alert Two involved above a certain number of people and above a certain amount of fuel. This would be a cabin type aircraft where there might be six, eight or ten patients. In this case the Airport would know they might need a lot more EMS and probably a water supply immediately at the scene. At this point there was some staging so that everybody was not on the field at once—which used to be the problem. The old response was that all the Towns sent everything available and all the Chiefs and the entire staff would be standing some place close and it was group-think process. Laterally as the Island shifted to Command thinking, the Airport was also rewriting its procedures which now matched. It should be noted that almost all of the on-field command was pretty much Chief Manual Estrella of West Tisbury. Coordination was done back through him, although the Airport staff was in charge at the scene.

- Mr. Norman Perry confirmed that there was a difference between an incident occurring inside and outside the fence. Mr. Weibrecht confirmed it. If the incident was outside the fence and off Airport property technically the Airport was in a supporting role—although it did not always work out that way. The first truck on the scene was initial the Incident Control (IC) regardless. As far as the FAA was concerned even if the incident were to be just across the street it ceased to be an Airport problem because once the trucks were off-field there was no other back up for airport operations, i.e. the truck needed to be at the Airport for air carrier service to operate.

Now Mr. Weibrecht or in his absence Assistant Airport Manager Mr. Sean Flynn, or in the absence of both the Airport Rescue and Fire Fighter supervisors could make a determination two send a truck if there was two to three hours before the next Airport operation, or maybe one truck might be launched

rather than two, and still stay within the Airport's operating index. This index determined what the Airport had to have available in terms of staff and equipment to service air carriers.
- Mr. Perry understood that if the incident occurred within the fence then Mr. Weibrecht, as Airport Manager, was responsible and then at a point in time this responsibility was turned over to West Tisbury Fire Chief Estrella. Mr. Weibrecht agreed and added that it was set up this way because:
a) the command needed to be in a remote location,
b) Chief Estrella's communications with the Towns should be better than the Airport's
and c) the Airport had other functions going on at the same time.
The Airport staff would be on call, and while some of the time this might be one, most of the time – and at least during the air carrier season – there would be two staff, so that the two trucks were armed and ready to go.
- Mr. Perry asked how the transfer of command occurred. He theorized that the initially the Manager designated who was responsible. Mr. Weibrecht agreed and explained they were supposed to report on scene and transfer was supposed to happen at that point. What occurred was that as either the West Tisbury or the Edgartown Chief checked into the frequency there would either have an assigned location already or the Chief would assign one. For example, the IC would be assigned at the General Aviation (GA) Terminal so that this building would become a command post, as it was remote from the scene, etc. This allowed for better control of the situation. At this point the Airport staff was either already responding to the incident, or dealing with other issues such as escorts to or from the scene, making sure the gates were open, coordinating with the Tower for what might be arriving aircraft, etc. So those were the kind of other issues the Airport staff was doing. At that point Management at the Airport had to step back and start the notification process, because FAA had to be notified. During Mr. Weibrecht's tenure at the Airport some of this was set up in duplicate, with the Communications Center doing pieces of it but after a certain point—usually 35 to 45 minutes—it ceased to happen. Mr. Weibrecht's cell phone, which was on the list did not ring until about 25 minutes after the crash. Mr. Perry put forward that at this point the West Tisbury Chief took over. Mr. Weibrecht assented that command was transferred from this point until the situation was rendered a 'safe scene'. Once it became a 'safe scene' it was transferred back to the Airport's command—unless it was off property when it would continue to be someone else's jurisdiction in which case the Airport went into a liaison role. Even off property it usually ended up a matter of the Airport's being close and the Towns not really wanting to deal with it. The Airport then acted as liaison with FAA and instituted security at the scene as in a sort crime scene preservation of the site.

• Mr. Weibrecht then told how the Airport usually coordinated press releases. Typically the Airport ended up with the best information as to the aircraft and what it was so the Airport had done the last few press releases by arrangement with the parties at the Incident Command Center, whether it was in West Tisbury, Edgartown, Oak Bluffs or wherever the case might be. If it was a true Airport incident Mr. Weibrecht coordinated with everyone to make sure all the facts agreed.
- The Airport had gotten into the habit of trying to produce a release very quickly, within the first hour. It saved on manpower. As people called looking for information Mr. Weibrecht would tell whoever was at the front desk to take a fax number and to say that the Airport would broadcast a fax with the basic information and would then give the time of the next fax broadcast.
- With the Island press it was a slightly different. The staff tried to inform them at the GA building as much as made sense. Management then tried to establish a time within the first two hours to allow photos from a safe distance. This prevented any unauthorized approaches and the press got what it needed.

• Mr. Perry asked if the same procedures applied to bomb causes and asked if the players switched or changed. Mr. Weibrecht responded that the players tended to broaden. One of the notifications that Mr. Weibrecht took up directly after the FAA was the Transportation Security Administration (TSA). (This was one of Mr. Weibrecht's problems from this last incident, i.e. that TSA had been told to follow up on every aircraft accident/incident at every airport where they served. This was a complete GA incident with no sign of foul play or anything except that it was a GA crash.) The Airport notified the TSA and could then use their dispatch to get the rest of the players involved. Actually when Mr. Weibrecht made the notification to the FAA Regional Center, the FAA made a whole list of calls including the Federal Bureau of Investigation (FBI) and the TSA, so that communication was happening in two ways.
- If Mr. Weibrecht suspected there was foul play or if law enforcement was to suspect foul play for a reason the Airport did not know about, it would go to the next level. That would typically be the FBI office in Taunton and a 24 hour dispatch in Boston. Mr. Perry asked if they would then take over. Mr. Weibrecht replied yes, in theory, and went on to outline various scenarios and responses from local, to state to military. Issues included, jurisdiction, equipment, dogs, screening, trainings, etc. The Airport was excellent as to recovery.
- Mr. Perry asked what groups called an incident done or finished. Mr. Weibrecht responded this was a combination of two things. Airport Management would determine when the aircraft itself was safe because the town firefighters did not necessarily have this expertise. Recently in the last two years the Airport did the same for the towns in off site incidents. Mr. Perry guessed that at this point all investigations were just Management, the FAA, the Mass Aeronautics Commission (MAC), etc. Mr. Weibrecht agreed explaining that the Airport's role was really as a liaison.

- In a minor incident such as a plane landing on an Airport runway with its landing gear up, at some point Mr. Weibrecht might have to make a decision to remove the aircraft from the scene —in lieu of having the pilot's specific permission as well as the FAA's. The FAA understood Management and that MV Airport was different in that other airports had options such as diverting flights and more scheduled service. Here the FAA understood that those options might not be available. So the Airport documented everything and made a fast review as to what happened and what had been done so that they could start removing the aircraft.

- If it was an accident involving the National Transportation Safety Board (NTSB), i.e. involving a certified aircraft, major injury or major structural damage to the aircraft, FAA had to get permission from NTSB to remove the aircraft and if the incident/accident happened in the wrong spot the Airport would be closed until an investigator showed up—unless Management made a big noise.
- Mr. Daly asked how much time it usually took an investigator to arrive. Mr. Weibrecht replied it took about 18 hours but the Airport could lose an entire day's operations having arrived on the scene the inspectors would then start documentation.
- With an air carrier crash the Airport could expect to be closed for at least one day, and quite honestly with such an incident the Airport might not be in a position to reopen. The air carriers serving the Airport had 30 to 50 seats and the crash of such a large plane would involve bodies and other issues to deal with and the Airport would probably not be open. If the crash were to happen off-site in bad weather the FAA literally turned off service to the approach and took it out of service until there had been a flight check and a safety evaluation of that procedure to make sure it was not a navigational issue from a ground instrument.

- Mr. Mill asked about notification of pilots. Mr. Weibrecht replied that when the call went in the Airport automatically sent out Notice-To-Air-Man's (NOTAMS). Mr. Weibrecht explained this term was basically a notice to pilots on what was working and not working at the Airport. It was the Airport's CYA process. For example, the other night there was a CYA that the Airport was closed and the fuel was not available, etc.
- Mr. Weibrecht reviewed the forms at the end of the report, which were about information, documentation, inspection, interviews, personnel, etc. Typically in a larger airport everybody would have a different discipline so that each set of staff would not respond until their area of expertise was needed. But the Airport being small, the staff was trying to fulfill all roles at once.
- Mr. Alley asked about 941 which Mr. Weibrecht explained was the larger of the two trucks. This time Mr. Rivers and Mr. Flynn were in 941 and Mr. Hatt and Mr. Coates were in the smaller truck. Mr. Law was very interested to learn how it played out. Mr. Perry agreed.
• Mr. Weibrecht noted the Fire Chiefs had been very receptive and the Airport did an awful lot of trainings. The Airport made all their trainings available to the Town departments—although sometimes it had to be rescheduled which did not transfer very well. The Airport had worked pretty hard with the Chiefs since Mr. Weibrecht had started at the Airport. The plan had not been revised since, he believed, 1986 and the whole nature of the world had changed since then; and it would actually change again between now and December since the Airport had to submit a whole new certification application which would be Mr. Weibrecht's fall project.
- Chair Law asked if there were any further questions. Mr. Perry commended the explanation as excellent and thanked Mr. Weibrecht. Chair Law moved on to the next agenda item.

1. Review the Interim Certificate received from the Secretary of the Executive Office of Environmental Affairs, in response to the Draft Environmental Impact Report (D/EIR)

Mr. Rick Domas of Hoyle Tanner Associates (HTA) apologized for being late as he got stuck in Five Corner traffic. Mr. Domas had been asked to come down as the Airport had finally received the Secretary's Certificate. Mr. Weibrecht interjected that copies had been distributed as had copies of all letters to date. As Mr. Domas had mentioned at the previous meeting Mr. Domas and the Airport had been able to receive copies of the comment letters before the Secretary actually reviewed them and made her final Certificate. Mr. Weibrecht had asked Mr. Domas to jump on these comment letters very quickly and Mr. Weibrecht organized a meeting at the Airport with the Martha's 'Vineyard Commission (MVC) as mentioned earlier. Some of their concerns were reviewed and actually responded to in writing. The Airport had addressed the concerns so well that the MVC was able to send a subsequent comment letter to the Secretary saying that the MVC had made an original comment letter and had since met with the Airport and Consultant team and that the MVC had been satisfied on the bulk of its comments. In the end this helped the Airport get what the industry called a very clean, or good Certificate. By that Mr. Domas meant that the Secretary of the Environmental Affairs Executive Office (EAEO) at the Mass. State level accepted the great bulk of the Airport's analysis and allowed the Airport to proceed with a very small element of additional work. This work was in the area that both Management and the Consultant had anticipated, which was in the impact to habitat particularly up in the southeast ramp area which was the main initial project; and where there was some concern about the taking of habitat for a sparrow that nested in the grass and for a particular moth. Consequently the Airport was in the process of doing some additional surveys which would actually start next week. These surveys had to be done as certain times of the year because that was when the moth was flying or had just come out of its pupa stage etc. Mr. Domas could not have asked for a better Certificate than that which the Airport had gotten.

- Mr. Perry asked if this Certificate included the comments from all the local groups and their concerns. Mr. Domas responded that this was right and that as he had mentioned last time, what was unusual was that the Airport had not received any individual comments, only comments from Federal, local and State agencies, which were basically required to respond. Mr. Domas felt it was a good sign that the Airport did not get comments. For example the Airport was directly above a sole source aquifer which was the Island's water source, and the Environmental Protection Agency (EPA) which monitored this aquifer, did not even send in a comment letter.

So, to the Airport's credit, what was proposed was the correct way to do development over a sole source aquifer. Mr. Domas repeated that this was a good sign. Mr. Domas noted that this was the second major environmental document that he and the Airport had submitted without a comment from the EPA so he thought the Airport was on a roll.
- As Mr. Domas had mentioned the Airport would start the habitat survey's next week. When these were completed the Airport would have to prepare another document but this would be the Final Environmental Impact Report (F/EIR). Hopefully this would be quite a thin report which would just address the one or two issues raised by the Secretary.
- Mr. Perry asked if this would include a habitat management plan. Mr. Domas agreed this was correct and that the Airport would also have to make application to the Mass. State Natural Heritage and Endangered Species Program for a permit to take the habitat. The Secretary required that when the F/EIR was submitted that it include the actual application so that the Secretary would be assured that the Airport was proceeding with that question. This was the same procedure that had been followed with the security fence that was built around the Airport about two or three years ago. The Airport cut a 20 ft. swath around the property for this fence, and in doing so it did take some habitat that was of a sensitive nature. Mr. Weibrecht inserted that this was about 16 sq. ft. out of 5,500 linear by 40 wide. Mr. Domas agreed it was a very small area for which the Airport was paying through the nose because not only did they have to do all the analysis but now the Airport had to do annual reports on the habitat transfer for five years.
- Mr. Weibrecht stated that one of his goals for this had been to get all the issues on one cycle. Ground water issues from the Rizzo process with the PCE issues, to the general water quality that the MVC or anybody else on the Island was concerned with, the grassland, the birds, the vegetation etc., all on the same cycle so that once a year the Airport could submit a comprehensive report on its actions. This would be a much better reference document as to the next 20 years, since it would clearly show the last five years. The Secretary was pushing the Airport towards this but in essence the Airport wanted the same thing.
- Mr. Domas added that at Mr. Weibrecht's request HTA was also pushing to reduce the reports from yearly to bi-annual or tri-annual, to take some of the cost off. It seemed that all agencies that did things correctly, and the Airport did things correctly, seemed to bear all the burdens. The developers that did not do things correctly just seemed to get away with it, whereas the Airport was faced with this annual report which was not inexpensive. Consequently the team was going to suggest to the powers that be that the Airport was doing the right things as could be proved, and they would like to move to a bi-annual or tri-annual report. Mr. Daly asked if there was any precedent for this. Mr. Domas replied that certainly almost every permit that the agency gave had required an annual report and the team would probably have to do a little research to see if there had been any bi-annual or tri-annual reporting.

- Mr. Weibrecht added that traditionally the Airport's reports had been required twice in growing season or quarterly depending on the issue and had then progressed up to annually. In the fence project there was one which if x was not found, was then reduced to bi-annually. So the agency was starting to lean that way. In addition in ground water quality testing the Department of Environmental Protection (DEP) had a program where after dropping below a certain predetermined threshold then less sampling was required. Of course the report writing was just as bad as sampling so that even if only one sample was required the annual report still had to be done. So Mr. Weibrecht wanted to put out just one report so that if there was a botanist at the Airport they could do all the issues at once, if there was a wildlife specialist they could take care of the sparrows, the butterflies, etc.
- Mr. Domas explained that with the fence habitat the annual reports were for a term of five years of which the Airport had done one annual cycle already. Next week's survey would include this area. When the Airport filed that report, in the cover letter (which would either be signed by the Martha's Vineyard Airport Commission (MVAC) Chair or by the Airport Manager) the Airport would formally request relief from the annual report. The survey results were satisfactory. The material in question was growing. Mr. Weibrecht and Airport maintenance staff were maintaining the perimeter slot primarily in the interest of the Airport but also because keeping it low was conducive to the type of plant Natural Heritage wanted to grow there. So why was it necessary to report back every year.
• Now in returning to the EIR process, when the Airport filed the F/EIR the same procedure was followed. It was noticed in the Environmental Monitor, which was an environmental publication published twice a month. It basically said to the public: here is this report, a copy can be obtained from Mr. Weibrecht or Mr. Domas, comments were being accepted, etc. The same 30 day review process was established. However, when the Secretary issued the final Certificate it was essentially a carte blanche to proceed with the project. The nature of the final Certificate was more instructions to the agencies that the Airport would have to get permits from. For instance, when the Airport considered improvements to the Airport Road where it met the Edgartown West Tisbury Road, that road was a Mass. State road so the Airport would have go to the Mass. Highway Department (MHD) to get a permit to make the improvements. Therefore the Secretary would list some issues for the MHD to consider. Mr. Domas knew, for example, the Secretary was likely to be concerned about how the bike path intersected with the intersection and might probably say, "MHD should watch carefully that the design accurately and adequately handles bicycle traffic and that it uses the proper design standards." So that it was more like a design specification. The Airport would not have to do any EIR's after the final Certificate and Mr. Weibrecht could actually build the southeast ramp. Everyone was certainly looking forward to that.
• Mr. Perry asked when Mr. Domas thought this would be. Mr. Domas replied that the team was hoping to file the document in the early fall and it should be a quick, quick, quick process. As he had said the Airport had received a good certificate the only thing was the requirement of the surveys that were being conducted next week. Mr. Domas had to check with Bay State Environmental which performed the surveys as there might have to be a survey that had to be done in the early fall. The Airport was only restricted as to the times of the surveys. So the team was hoping for the final Certificate by the end of the year.
• Mr. Weibrecht added that the Airport was currently on track to receive funding for that construction, in theory after October 1st but because of the election cycle, Congress and everything else, authorization probably would not be in hand until about January. So the Airport would finalize the design and the designer would actually get bids for construction and then the construction contract would pend final issuance of the grant and final dollars would get inserted. With any luck the Airport was looking at executing a contract, and after that there would be a 30 day start up time, and then the Airport would actually start building over there. At that point the final phasing would become a big issue. Sample

phases had been laid out but there was no way to tell if there would be enough time to, for example, redo the taxiway piece of it prior to the start of the season; so Mr. Weibrecht might elect to change out the phasing so that the ramp would be built and then he would go back to the taxiway.
- Purely from memory Mr. Weibrecht thought that Phase One of the ramp was about 450 ft. or there-abouts by 200 ft. of ramp space and then the Airport would go into Phase Two the following year. So that was the biggest project. On the roadside projects, the interchange projects, and the infrastructure projects the Airport now had to go back with permits in hand and get MAC to reschedule to see where the Airport fell for the dollars for those issues since they were primarily Mass. State funds and Airport funds.
• Mr. Perry asked if these projects might be parallel or one after the other. Mr. Weibrecht replied they could be parallel. The aviation projects would be serial but the other projects might run parallel with the aviation projects and that was because the money was coming from two different sources. So the best case scenario would be that the Airport would be very busy and do two projects at once. Some of the improvements the Airport might elect to move up as a group.
- Management would at least like to get the driveway or this part of the driveway done. For example Amelia's Way was a priority for Mr. Weibrecht as he needed to get the cars away from this area. He wanted to get Amelia's Way up and on line but this could not be done until it was known what the driveway would look like. This improvement would give GA new access down there and a gate was already in place but the Airport had held off on the road.
- Additional T-hangars were being requested now. The Airport knew there were people interested and this process needed to be started to see who the tenants would be on those lots over time.
- Timing was working out as Management thought it would. The Airport did lose a year in the way the FAA funding process was done, which was beyond the Airport's control. But here they were with the Airport ready to go.

• Mr. Perry asked if this would allow the Airport start doing some things now or would the "to-do's" noted in the report have to be seen to first. Mr. Domas explained that the Airport would answer all the "to-do's" in the F/EIR. Mr. Weibrecht expanded that the Airport was not missing any windows for stuff that absolutely had to be done now because of the growing season and the spawning season or whatever it may be. In essence there were still a couple issues that had to be clarified 100% and once the Airport had this in hand, it would proceed.
• In answer to a question by Mr. Perry Mr. Domas explained (without boring the MVAC with the details) that all the talk about traffic counts and what was considered a new trip, although it was many pages, was more a clarification than anything else. In fact Mr. Domas thought there might be some confusion on the other end which the Airport would address with a more clear explanation.
- Mr. Weibrecht explained that the way that total vehicle trips were looked at was a topic of large discussion. The Airport had already gone this route and been told no, the study was not necessary because the Airport by comparison would only generate x number of new trips out of the development until year x. However they seemed to have missed the boat and were now saying the Airport had to do the study anyway, which of course the Airport would like to avoid. If the Airport did not address the question to the Secretary's satisfaction, it would have to do the study.
- Mr. Weibrecht emphasized, however that the Airport was away from all pending thresholds— which the MVAC knew and heard in meetings. The issues in question might be five years out, as in before you do x you must do y, so that currently Mr. Weibrecht could concentrate on getting the Capital Improvement Program to address the issues on the way from here to there. The Airport's biggest focus

was now the southeast ramp and getting that project on line. This meant submitting the mitigation plan and making sure everyone would be satisfied with it.
- Mr. Perry liked the "Further Analysis of Wastewater Treatment Alternatives being in the Project Future" and asked if this would not hold the Airport up. Mr. Domas replied that no, this was primarily related to Phase II of the Treatment Plant. The team actually had an environmental engineer coming down next week to speak with Mr. Weibrecht about what would be entailed in moving to a larger capacity within the existing permit, but one thing the team was able to head off was that when the County Jail was substituted for the Supermarket in the original document, the traffic numbers were reduced because the County Jail would generate less traffic than the supermarket but the reverse was true on water and wastewater demands of which the jail would generate more than the supermarket. (There was a little joking about how it was hoped that the Jail would have less traffic.) The addition of the County Jail actually pushed the Airport above the permitted levels of the existing treatment plant capacity so there was some concern on that. Frankly it was unclear where the County Jail project would be three to five years from now, since it had to go through many phases: it had to get its own funding source, go through design, would it have 79 beds or 29 beds, etc. The team was concerned that the Airport would have to design a treatment plant based on the presumed loads of a future County Jail that was unknown.

- Mr. Weibrecht added that for that matter, this also applied to any of the other development projects or existing uses. The Airport changed all the time. For example, although the Airport had done more development, wastewater was actually down this year as compared to last year through a couple of different changes such as at the Vineyard Transit Authority (VTA) which last year used a lot more water. Use fluctuated from year to year. Basically the Secretary's Office seemed to be heading toward requiring a full study now as to what the wastewater plant would have to look like in 20 years. If Mr. Weibrecht had a good quality crystal ball that would be fine and money well spent, but the Airport had no idea what changes were in the offing. Instead the Airport proposed that it be allowed to continue working with DEP and not to make the study a general permitting issue. The DEP was familiar with the plant. They received a report on plant samples every two weeks. They knew what the plant could and could not do. Sometimes for example they talked with the operator to make sure the Airport was giving him the resources he needed. The Airport knew what Phase II could have looked like, but before they went into building a $200-300,000 improvement the Airport wanted to make sure everybody was on the same page. The team had done this. They had discussions with DEP locally; they were comfortable, and had changed their comment as the Airport had re-addressed the letter. Ultimately what the Certificate would say was that at such time as x was about to happen then the Airport shall do y. This was a much better deal for the Airport which would otherwise be doing studies that would sit on a shelf and expire before they were applicable. Mr. Domas agreed that this would be spending money just to spend money. The team had been successful in taking the plant capacity out of this Mass. Environmental Protection Agency (MEPA) process and putting it back into the regular standard process where the Airport met regularly with DEP which reviewed the plant numbers etc. So Mr. Weibrecht had been successful in meeting with the MEPA people and making sure they understood the Airport's situation with respect to the County Jail which was crossing only the first of many hurdles. In this way the Airport was not burdened with premature details on a project that was still developing.
- Just for the record Mr. Weibrecht stated that he had had a discussion with the Sheriff in the past three weeks so that the Sheriff understood the situation.

- Mr. Domas continued that the Airport had crossed some hurdles with the County Jail and it was now up to the Sheriff to start mounting his additional steps with funding and moving forward with the actual project. As the MVAC knew, there were still quite a few issues to address as a Commission with the FAA but those would be dealt with as they came up.
• Mr. Perry then shifted to the section on the study on Noise Abatement. Mr. Weibrecht responded that in this Certificate the Secretary was asking the MV Airport to watch the Lexington Airport because the Secretary had been directly involved in their noise program. Mr. Weibrecht followed up on a noise complaint two weeks ago. When he was about 40 minutes through the talk the complainant informed him that she was actually from the community of Lexington and that she was friendly with Selectman So-and-So, who had been part of the noise group there, and that she had gone to the meetings. At the end of the conversation she had stated that it seemed to her that Lexington should be watching the MV Airport not the other way around.

The noise abatement piece in this Certificate was boiler plate and there was not much to do. Mr. Weibrecht had looked at the Lexington program which was different from the MV Airport's due to different types of traffic and different types of noise issues. Was the MV program perfect? No. Was the Lexington program perfect? Absolutely not. MEPA was trying to make it a regional issue, but in the end the Airport had addressed its own issues, and as the Secretary wished the Airport to watch the Lexington program the Airport would so do.
• Mr. Daly had a question on what the hurdles were on the jail that Mr. Domas had just referred to. Mr. Domas did not want to put words in Mr. Vince Scarano's mouth but he referred to the time Mr. Scarano came to the Island two summers ago and subsequent to this meeting Mr. Scarano sent a letter listing four or five steps some of which Mr. Domas remembered (see 6/23/03 Minutes and 7/16/03 Minutes p.5-9 #4 &7/16/03 Documents on File).
- One of the first ones was to do an environmental analysis to see that the jail would not create environmental impacts and the Airport had now done this, as Mr. Weibrecht interjected, the study had been put together and would eventually come back.
- Mr. Domas continued that then there was the issue of fair market value and whether the lot was going to be sold or leased but in any event it had to be fair market value. It could not be a $1 a year deal; it would have to be full market value. Then Mr. Scarano had charged the MVAC with the receipt of those funds and how they would be used for aviation purposes. That was three of the steps needed and there were one or two more.
- Mr. Weibrecht agreed that environmental was the first piece of it. Then the FAA still had to agree to the release of the land and those were the steps to get to that release. The MVAC had designated the land and the Airport had now compiled the information that would be submitted as an environmental assessment in addition to being labeled with all the other material. They would have to make a back ruling on that and set up a plan.
- The biggest hurdles that the MVAC really did have were the ancillary impacts, with wastewater being a huge one. This was because of the way the plant was funded, etc. which was of great concern to MAC especially—and obviously the FAA coordinated with MAC. Those were the bigger pieces of it. So now the EIR was almost complete and very shortly the Airport would be able to ask the FAA and very shortly Sheriff McCormack could proceed with chasing down his dogs. Mr. Daly asked what Mr. Weibrecht meant about asking the FAA. Mr. Weibrecht confirmed that the Airport had to ask the FAA for permission which was still pending the receipt of this report. They would give the Airport an answer on the release. So assuming the process could move on to the next step Sheriff McCormack would have to find at least the kind of funding needed to do the secondary or next level of study. The way the Mass.

State process worked was they would likely request an EIR process through the Secretary's Office for the jail alone. The Dept. of Capital Asset Management (DCAM) ran that process, for instance making a study with the corrections staff on how big did the jail need to be. Then they would have to quantify the impacts, come up with a basic design, with community input along the way on some of those pieces. They would then have to go back with that package and answer the Secretary's requests for information.

There might have to be a wastewater study at some point not only as to what the impacts would be but also the Airport would have to figure out how it would deal with it. If the jail was driving the use over the top of the threshold then they would have to work with the Airport because it was the Airport's wastewater plant. These were the sort of steps in front of the project. Without answering for the Sheriff as far as time frame Mr. Weibrecht emphasized that the Sheriff had maybe five or six major steps between now and whenever the jail could be constructed, including finding the money to fund it.
- Mr. Daly asked if Mr. Weibrecht was talking about Mr. Scarano. Mr. Weibrecht replied that he was talking about Sheriff McCormack. Even if the Regional FAA were to say the jail could be built and Washington was satisfied and all that issue was put by. Mr. Daly clarified that it was still up to Mr. Scarano and the FAA. Mr. Weibrecht agreed noting that the FAA was not allowed to make a ruling until they knew what the impact of that development might be as well as the impact of whatever else might be there.
- Mr. Daly asked what would happen if the FAA ruled against the project, there had originally been a plan for a supermarket. Mr. Weibrecht explained that the Airport would be back in a Notice of Project Change mode again for whatever the MVAC would like to substitute. So if the jail was to go be the wayside for whatever reason, to be able to re-use the lot for something different the Airport would have to draft and submit a Notice of Project Change, re-file it just like the Airport did for the jail and then they would be back to square one again. This would not be on the whole F/EIR, i.e. not on the projects already listed but MEPA would have to look at the quantitative difference between the jail and something else. As Mr. Weibrecht had told the MVAC, Management had had discussions in the recent past with the Edgartown Planning Board who had said, "Hey, how about putting the supermarket out at the Airport, i.e. now Edgartown was asking the Airport about the supermarket, which had made Mr. Weibrecht feel as if it was a matter of round and round the table the game went. Mr. Weibrecht stressed that this could happen for any reason and Mr. Weibrecht did not mean to make it a jail issue. It could happen because the economy changed, because the towns might institute a zoning change that would disallow certain activities and mandate these activities could only happen at the Airport—which sometimes had happened to the Airport, that was for sure. So any major changes would require a Notice of Project Change; This current Final Certificate would say that should any of x change a Notice of Project Change will have to be filed with the Office in accordance with….
- So, Mr. Law then remarked that the jail was not going to happen overnight. Mr. Weibrecht agreed that no, the jail project was still looking several years out. Sheriff McCormack needed to get to a point where, should all the other issues align, the MVAC could allow him to use this property in that manner. But some of the concerns needed to be addressed. For example, for how long did the authorization for the use of the property sit, because if it took 20 years, the Airport would not be able to sustain the authorization. Issues like this would have to be laid out too. Such issues would come back with the FAA's response.

- Mr. Leland noted that the Sheriff did get on the Mass. State funding list a couple years ago after the first study so that now the jail was on the short list. Mr. Weibrecht agreed that might be and added that a lot of those programs would sit it out. The legislature wrote some airport project into the bonds but that did not necessarily mean they would ever put up the cash behind them. In other words it could be the

highest priority but if the County did not have the ability to bond that project then the Commission was not the authority making the decision. It was Mass. State making the decision to build that building. This was now seen everywhere, such as with the Community Corrections building or whatever. Mr. Law asked if a lot of the jail would be Mass. State funded. Mr. Weibrecht replied that it would have to be almost all Mass. State funded, to which Mr. Hegarty agreed. Mr. Law then reminded the MVAC that the way Governor Romney was cutting budgets it was not a sure thing.
- Mr. Weibrecht commented that the other thing that had never been clear to him was that there was a new regional facility opening up on the Cape and he did not know what impact that would have, because five or six years ago, that facility had not built or funded, so who knew where it was going to go. Mr. Hegarty maintained that is was already at capacity, but Mr. Weibrecht pointed out that this was only because the facility was taking prisoners from other places in the meantime, although he really did not know.
• Chair Law concluded that Sheriff McCormack would just have to do his part. Although the MVAC had to decide whether the land should be sold or leased, so on and so forth as part of that agreement. Mr. Weibrecht assented and noted, just so that the MVAC knew, that Management had had that discussion with Sheriff so that he could talk to DCAM and the Dept. of Corrections (DOC) and see what they thought they wanted to do. For example what if the MVAC gave the authorization for the property and stated that the Dollars then needed to get locked up and transferred that is, to be in essence the Airport's money. But if nothing happened for five years the state would not want to pay for land that was never going to get built on. Conversely at the same time the FAA would be trying to make sure that if the property was locked up that the Airport was being paid for it in the meantime, because if it was locked up it was not the Airport's property for aviation or non-aviation uses. Those were the kind of things that needed to be addressed.
- Mr. Law however noted that this lot had already been designated for non-aviation use. Mr. Weibrecht agreed yes, but that if it was for non-aviation use it should be generating revenue and if it was not generating revenue but the Airport had a deposit from Mass. State Dept. of Corrections and then five years from now it was decided not to build that jail but to rebuild the existing jail, or whatever — because that was the way DCAM or Mass. State decided to go—then the Airport needed a mechanism to reverse the transaction.
- Chair Law asked who made the decision on the sale versus the lease of the property, and if it was the MVAC. Mr. Weibrecht went about the explanation this way. The Airport would offer a preferred direction as to what it thought would be best. Then Sheriff McCormack would have to go and see if that worked from the other side, because if this preferred option were not taken, then the MVAC would have to re-invent the wheel again. If the plan submitted worked both for the Airport and for the Corrections people it would then go to the FAA for approval.

The problem with a lease was that the other lots would revert back to the Airport, this was a huge issue since the jail was being built by Mass. State for 20 years with a 20 year option to renew. Mr. Daly asked what the design was like and what Mass. State was aiming for in the jail. Mr. Weibrecht guessed—if Mr. Daly had read the study—that he wanted to say that technically it would be for 60 years, but that everyone knew it would be longer than that. Mr. Hegarty stated it was 60 years. Mr. Weibrecht expanded that 60 years was the facility design, if he was not mistaken. As an example Mr. Weibrecht explained that the GA building was designed for 25 years, i.e. technically after 25 years the building would be fully depreciated. Mr. Hegarty noted that in all the studies he had been involved in he had heard nothing above depreciation. Mr. Weibrecht and Mr. Law noted that it was not just depreciation but the life of the building.

• Mr. Hegarty then thought it was 72 to 76 beds. Mr. Weibrecht replied that 79 beds was the final number, with some all female and non-Island units. Mr. Hegarty added that it was broken down into dormitories so as not to have violent criminals. Mr. Domas put in that there was segregation. Mr. Hegarty stated there was no juvenile facility at the jail now and no female units. Mr. Weibrecht stated it was called a pod design. Mr. Hegarty repeated that it was a dormitory. Mr. Weibrecht stated that this was once one was into the pod. In other words the MVAC should picture a main corridor, almost like an airport terminal, with satellites coming off it from wings. So there would be a central hallway and on the right hand side there would be a smaller hallway which led to a larger pod which could be a dormitory for inmates, another one was a holding area, another one was for female holding, another one was for permanent residence. Mr. Hegarty thought he had some of the design work and the program. Mr. Weibrecht said he had it too. Mr. Domas pointed out it was in the Airport's Draft/EIR already. Mr. Hegarty continued that he thought he had one of the original reports. Mr. Weibrecht noted that this original report was sucked part and parcel right into the D/EIR. Mr. Hegarty joked it was too expensive to create another one. Mr. Weibrecht agreed there were additional copies.
- Mr. Law maintained that whatever the design, it would not effect what the Airport was doing now. Mr. Weibrecht agreed that no it did not, but that the wastewater issue could have effected it because the Airport might have been looking at a $3-4-5-600,000 study and then probably a $2,000,000 upgrade tomorrow for nothing, i.e. for a problem that was 5 years away. Chair Law asked if the Airport would not have asked the Sheriff to come up with that money. Mr. Weibrecht agreed that ultimately if it was the jail that triggered it the Sheriff would have to get the money and the Airport would end up doing the study. The Sheriff would provide the Airport with information for his needs but ultimately it was the Airport's wastewater treatment plant, to which Chair Law agreed. Mr. Weibrecht continued that it was too simple and too easy to stroke a check for a $2-300,000 upgrade for a capital improvement saying here was $300,000 to upgrade the plant. This was great but that was not where the expense lay; the Airport routinely chased down that kind of money. That was not the issue. The issue was the operating costs, and what would the Airport do long term, and what would the Airport do when there was a regulation change 5 years from now. What would the

Airport do when there was a nitrogen problem in south ponds which forced the Airport to look at trucking and by that time Mass State might not have the money to do that and Sheriff McCormack might also not have the money in his budget to do it, so then it would be the Airport's problem.
- The Airport would define the scope of the study based on what the Secretary or DEP wanted to see. The Airport would then go back to its consultants HTA—or whoever else it might be at the time—or possibly other specialists that might be needed to come in who would take a look at the issue, scope it and inform the Sheriff that, say, $300,000 was needed for the study.
- Mr. Daly asked if it was correct that everything was directed toward the enhancement of the existing system. Mr. Weibrecht responded that in the short term yes, but in the long term it was not known and this was what the above study would tell. Mr. Weibrecht could tell the MVAC with relative surety what the Airport could do over the next one and a half to two years. In a typical process the Airport could progress to Phase II and that would handle everything this Airport needed to do in, say, the next five years but probably closer to eight and it could get stretched to ten. Mr. Daly however noted that the jail would change that. Mr. Weibrecht agreed that this was right. Mr. Weibrecht could also pretty much guarantee that the Secretary's Final Certificate would say that at the point where the jail project hits x point in its life, than the Airport will come back to the Secretary's Office with a study on how the Airport planned on handling that waste. At that point the Airport would probably be looking at a replacement of the plant because of life. Mr. Daly asked for confirmation that there would only be one

plant on the Airport. Mr. Weibrecht agreed this was correct, unless there were some other option such as the Edgartown Treatment Plant because that would be the kind of options the Sheriff (and the Airport) would be looking for at that point. The Airport would only be allowed one discharge on Airport property, period. This meant it became the Airport's issue, like it or not; short of it being put in a pipe extending four or five miles to Edgartown—and if that was the best way to go, so be it. Mr. Leland noted that Tisbury just got through pumping everything uphill. Mr. Hegarty noted it could be put along the road on the way to the plant. Mr. Weibrecht agreed and noted they would have to have lift stations anyway and stated it was not undoable. However, the Airport was restricted by what Edgartown allowed it to put in. This was the bigger issue and was why the Airport had its own plant, because the Airport was in control of its own destiny that way. It could be looked at this way, if the Town of Edgartown had decided that they just did not want the Airport any more, one of the ways it could have limited its growth was through that pipe.

• Mr. Hegarty had a question he was concerned about on the roads. There was the widening of the west bound approach of the Edgartown West Tisbury / Barnes Road intersection. Mr. Weibrecht agreed. Mr. Hegarty continued there was the construction of the bypass lanes on the Edgartown West Tisbury Road at the Airport Road. Mr. Hegarty asked if this was coming in and out of the Airport or was it going east / west. Mr. Weibrecht replied that there would be both, but that MHD did not want the Airport to put in a full lane bypass out there. If a driver was going east on the Edgartown West Tisbury Road coming up on the Airport driveway, there would be a widening of the existing lane that would allow a car to go by but which would not be marked as a left turn lane and a bypass lane.

The effect would be the same but this was what MHD wanted. Mr. Hegarty was surprised. Mr. Weibrecht continued that a driver would be able to go around the traffic but there would not be a New Hampshire style left arrow painted on the ground and a bypass lane. That was a big issue. Mr. Domas inserted that this was a good thing. Mr. Weibrecht agreed it was a good thing as it was down and dirty and worked without the engineering bill.

- Mr. Hegarty then asked about Barnes Road. Mr. Weibrecht replied it would be the same thing if he was not mistaken. Mr. Domas spoke about the Edgartown West Tisbury Road but Mr. Hegarty and Mr. Weibrecht were talking about Barnes Road at the entrance to the Mobile Station and the VTA building where the road would be bumped out on the right. Mr. Weibrecht assented. Mr. Hegarty asked about coming south. Mr. Weibrecht replied that coming south there would not be turn off lane because it was not breaking the flow of traffic with cars going into the turn. Mr. Hegarty maintained that it was dangerous right now going into the Mobile Station. Mr. Weibrecht had to go back to the Report. Mr. Hegarty repeated that this would be going south and turning into the Business Park. Mr. Weibrecht responded that the plan widened the corners of the intersection but had not put in another lane. Mr. Domas testified that coming out of Northline Road there was left hand turning lane on Airport property, but on Barnes Road coming from the four way stop it was just that one lane. Mr. Hegarty asked if the bump out was on the other side. Mr. Weibrecht agreed that traveling towards the blinker the bump out was for a left hand turn. Mr. Hegarty noted that Mr. Weibrecht was correct there was fire hydrant. Mr. Weibrecht stated there was a fire hydrant on one side and a Telco box on the other side at both entrances to the Business Park.

- Mr. Hegarty maintained that as it was, it was dangerous in the morning and studies showed there would be 3600 additional cars in the traffic flow and Mr. Hegarty thought it was short sighted not to put that in. Mr. Weibrecht responded that part of the problem with those turns now was that MVC and the Edgartown Planning Board limited the size of the driveways into the Park. Mr. Hegarty argued that this did not take into account the 3600 additional cars. Mr. Weibrecht stated he was just explaining that this

was where the original designs came from. When the Airport went back to put in a needed right turning lane the throat would be significantly different. Mr. Hegarty insisted he understood, but he traveled that road every morning and he knew the problems. He knew it better than any traffic engineer that could be hired who was not even living here. Mr. Hegarty also thought there were different people that could speak of the same thing to different approaches at different times of day. He asked if 3600 cars were being added or maybe 6200 ten years from now and if it would take a death for the Planning Board to wake up. Mr. Hegarty would like the MVAC to be a vanguard and say this was what it proposed to deal with this. It would be the Airport's plan presented to the Planning Board who would have the opportunity to say no, so that when the death occurred it would be on their conscience and not the Airport's.

- Mr. Weibrecht asked to address this in two ways. The Airport did exactly that with the driveway which would be the first entrance. Mr. Hegarty assented. Mr. Weibrecht continued that there was an immediate bounce from the meeting on the Rural Roads Initiative who felt very empowered about the widening of roads, etc. Mr. Hegarty stated that this would then be on their conscience. Mr. Weibrecht asked to continue and informed the MVAC that the Airport negotiated the second bypass over here. When the Airport came back to do the bump-outs with MHD the Airport could resubmit with Mass Highways and go back around. However initially the MVAC should know that those corners were going to get fixed so that it flowed better, which was one of the biggest issues.
- Mr. Hegarty stated that this was not West Tisbury and the Airport did not have a 200 year old tree whose roots were growing. Mr. Weibrecht reminded him that part of the Airport was West Tisbury. But Mr. Hegarty insisted that there was not a 200 year old trees out there.
- Mr. Weibrecht agreed he was right and that the biggest issue would be how to weave the bike path through. That would be a big concern since there were going to be essentially four lanes to deal with – it was a big concern for Mr. Weibrecht now. Mr. Hegarty agreed and pointed out what was happening out front. He felt the bike path should be brought further in. Mr. Weibrecht agreed that it would absolutely be brought further in and it would be brought all the way up to the Airport which it also needed to be. Mr. Hegarty agreed and mentioned the turn out where everyone talked and blocked traffic.
- Mr. Weibrecht agreed there was a bunch of issues and pointed out the school bus which picked up on Edgartown West Tisbury Road. Mr. Hegarty stated he saw them in the morning at the Hot Tin Roof. Mr. Weibrecht said there was another batch that actually pulled over and picked up on the side of Edgartown West Tisbury Road on the Airport grass. There was a discussion on where this school bus pick up was located. Mr. Hegarty agreed there were some traffic issues and some real danger with the bicycles coming in to the lunchtime area. Mr. Hegarty was here and saw it. Mr. Weibrecht responded that he was there too and did not like any of the approaches to the Business Park in relation to the bike path. The path needed to be brought back and straightened out so that the lines of visibility were better and it also needed to be marked in such a way that the marks lasted. Believe it or not it had been marked last September and those marks had already been completely eradicated. Mr. Hegarty put in that the bicyclists did not stop. Mr. Weibrecht agreed that they did not stop. Mr. Hegarty expanded that the Airport was not at fault. The bicyclists did not stop at the stop sign at the roads and it was really a conscious effort. Mr. Weibrecht added that Mass. State also had to take some responsibility for their bike paths. Mr. Hegarty went on that the signs were there and bicycles had to stop and he meant it galled him that taxpayer money was spent on bike paths when there were bikes racing along parallel with the bypass and as far as Mr. Hegarty was concerned… Mr. Weibrecht inserted they should be written up with a $100 fine; the same fine Mr. Weibrecht would get if he drove his car down the bike path. Mr. Hegarty agreed. Mr. Weibrecht had never seen this in 17 years at airports.

- Mr. Weibrecht told about an elderly lady in a little regular Saturn who pulled up along the GA sidewalk two days ago and made it to the second post underneath the overhang at the Airport, with two cops present and people sitting on the bench, the whole nine yards. She was going to the Restaurant so she drove down the sidewalk and right in between the posts. She bumped the bench, and a man jumped off it wondering what was going on. So just when one thought things were covered something like that happened.
- Mr. Hegarty told about doing parking up at the Fair every year and it was the women and men over eighty—although it was usually the women over eighty because the guys over eighty were not driving for the most part—and depending on what kind of life sustaining chemicals that they were ingesting everyday, it was a trip. It was mostly hand signals or making no noise at all that would get their attention, as raising the voice did not help.
- Mr. Weibrecht continued that what the Airport found was that the family would say that it was okay, they only let her drive on the Island. The elder was not allowed to drive in New York or Connecticut.
• Mr. Daly remembered something about a rotary at the intersection of Vineyard Haven Edgartown Road and Barnes Road and asked how it was worked out in the report. Mr. Weibrecht replied that the politically correct term was roundabout. Mr. Daly thought that MHD did not have the property to do it. Mr. Weibrecht corrected him that supposedly they did have the right-of-ways in that neck of the woods. This, by the way, was not an Airport issue but Mr. Weibrecht knew about it because he was the Chair of the Joint Transportation Committee.

- In essence what was happening was that they were ready to submit a basic design, having done the property lay out and the geometry for it, but now it had to be designed by a traffic engineer acceptable to or approved by MHD before they could actually go to the next step. This desing would need to address all things. Bike paths were still a major stumbling block but from what Mr. Weibrecht understood the right-of-ways were wide enough to admit a standard roundabout of classic design right out of the manual. Mr. Law confirmed that this was at the four way stop. Mr. Domas noted that HTA had actually received a Request for Proposal (RFP) as the project was actively looking to hire an engineer to design the roundabout. Mr. Hegarty remarked that they would not accept Mr. Steve Berlucci. Mr. Law noted that out in the world they were getting rid of roundabouts and the Island wanted to put one in. Mr. Weibrecht suggested a traffic light with turning lanes.
- Mr. Daly had listened to Mr. Hegarty and asked him if he was talking about speed being the possible killer in the future or just clumsy driving. Mr. Hegarty stated that there was a new crop of drivers on the Island for whom speed was just a way of life, and not only on the Island but anywhere in the Commonwealth and for that matter Rhode Island. There was a group of 16 to 18 year olds killing themselves every night. The Island had an incredibly dense population of elderly drivers as Mr. Weibrecht could ascertain and as those present themselves were reaching down toward that age group. However speed was unfortunately endemic in this society. It was evident even when driving off-Island and when people came here they did not realize how narrow the roads were and again the Island had its own increase in population and the density of the vehicles that were on the roads. Mr. Hegarty stated Mr. Law could back him up when Mr. Hegarty said that for the last 35 years there were not delays whereas now there was a 10 car back ups in the morning for a right hand turn. Mr. Daly noted it would have to be early if there were only 10 cars. Mr. Hegarty said that he tried to avoid the four way stop when it was backed up.

He got caught in it once this summer when it was backed up passed the electric company and almost to Sea Glenn Rd. Mr. Daly asked how he avoided it since it caught him every day. Mr. Hegarty said he had learned his lesson and tried to get to work at 7:00 to 7:30 at the latest and tried to go the other roads. He continued that then the tourists were thrown in going 25 or 30 in a speed zone of 45 which they thought was cool; and it was their right. However, and Mr. Daly agreed, there was a commuter class in the support community that made the Island work for the tourists and had to get to work and might be late. The population density was increasing and that would not be stopped so it was a matter of the infrastructure changing in an acceptable manner such that it would not produce accidents. Mr. Hegarty pointed out that it took a death in Vineyard Haven when a worker ran over a lawyer in front of the old Knobnocket. It was not the man's fault, the road was too narrow. It was incredibly tragic and an unfortunate accident. The driver was in the marked lane, the bicyclist was outside the white line and got crumbled. Then all of a sudden there was a new road widening at that spot. Now if one drove there in the morning everyone was in that area which was the safety zone and everyone used it as the traffic lane as they came up the hill.

- Mr. Leland addressed Mr. Hegarty saying that what he said was interesting but that it had been that way for the past 40 years and the Island put up with it for two months in the summer time learning to adjust a little. There was nothing new that he was telling the MVAC, which as year-rounders got frustrated but again it was two months of jams and the other ten months were not that big a problem, whereas here a roundabout was being talked about. Mr. Leland had dealt with the four way stop and had been through there a lot and did not consider it a major issue other than in July and August, which was the nature of the beast on the Island. Mr. Hegarty insisted that at 8:00 in the morning the traffic was backed up daily up to the electric company. Mr. Daly stated this did not happen year round. But several people disagreed. Mr. Hegarty stated it was not abating and talked about how incredible it was that coming out of Buttonwood Farm Road every morning he had to wait for half a dozen or a dozen cars in the winter time. It was stated that this was the workers to which Mr. Hegarty agreed stating that this was year round now. Mr. Leland stated there was no easy solution.

- Mr. Law pointed out that it was also about Mass. State versus town roads. Mass State had the money to widen the roads whereas the towns did not. The Island had to find the funding for this whole roundabout. There was general talk and Mr. Weibrecht corrected that the roundabout was being paid for by State moneys as part of the TIP program, and projects were lined up through the Joint Transportation Committee. What happened was that the Towns and a large faction of the Island did not want to change rural roads. They wanted the beauty, the look, and they did not want to see standard design. They did not want, nor did Mr. Weibrecht want, to see guard rails but he understood there was a need for a guard rail type device so it should be designed and put in. This was part one. In addition Towns did not want to spend the money to design and get ahead of the curve so that when Mass. State said they would fund a project but they needed a 25% design done in advance it was already done. The towns just did not want to do it.

So, Mr. Berlucci did some of the work and evaluations were done, and for the three years that Mr. Weibrecht had been involved with the project money was returned to Mass. State that was never expended because someone did not do what needed to be done to get to that point. And this was what it came down to. Oak Bluffs was starting to take advantage of that situation and taking other money for the towns. West Tisbury was just now starting to apply for some of the funds. However what people wanted to do was sidewalks. There was an exclusion that said historic district pedestrian friendly sidewalks could be funded but the towns wanted to put in brick sidewalks. Mass. State would then say they would

do sidewalks as a part of a road widening project. But the town would say they did not want to widen the road or take down the big tree. Now why was it necessary to take down the big tree? Why did Mass. State have a design that said a lane would be no less than twelve with a shoulder of x? The towns did not want to go with that so the money went elsewhere off–Island. Mr. Hegarty agreed that this was money that existed for public safety that the Island could be using if everyone worked together and it was ridiculous not to use that money and really make an effort to keep that money here on this Island for the community's safety and convenience. Mr. Weibrecht inserted that this year $200,000 plus went back. Mr. Hegarty continued that hey, maybe his comments were selfish but he was thinking 20 years down the line when he was older and became a worse driver. Mr. Leland joked that until then there should be a wider entrance to the restaurant which brought a laugh.

• Chair Law asked if there were any other questions for Mr. Domas. Mr. Daly had one other question in reading the D/EIR. (Mr. Daly had read the Report on the beach and made notes but had not brought them with him.) There was a discrepancy in the estimated traffic number by some 100%. Mr. Domas explained that the debate was over what was considered 'new traffic'. What the Secretary appeared to be saying was that from the existing conditions today, to the future when all these projects were built, the County jail, the southeast ramp and the build out of the Business Park, that increment was what they were calling new traffic. However in general in environmental circles, a future no-build was always evaluated and the Airport's counter was: what would the traffic be if absolutely nothing was done: the southeast ramp was not built, the county jail was not built—although this traffic was not counted—, etc. There would still be the same volume of passengers and that was the real generator at this Airport. When the team projected the future no-build, it was assumed—and it was a logical argument—that people would continue to come through the Airport regardless of whether the MVAC did anything such as building a new terminal or this or that. The people would want to come to Martha's Vineyard. So the passenger volume would be the same and there would still be a very big component of traffic even by doing nothing. Therefore the team argued that the real traffic differential due to the build programs, the ramp the jail, etc. was the difference between the future no-build and the future build; not between the existing condition and the future build but from the two future conditions. When looked at this way the differential was 794 trips per day in an August period, in other words a peak day; 794 cars between the future build and the future no-build. The Secretary's Office seemed to be saying no, they thought it was from the existing to the future, but that was not how traffic was measured in environmental circles.

- Mr. Daly understood and asked if it was going to be proportionate to the population growth on the Island or the growth of services provided from the Airport that did not exist now but would exist in the future. In other words was it expected that the Airport would become a bigger partner in the Island community after it got these services. It might take traffic away from somewhere else but this would be generated around the Airport because now the Airport provided more services, there would be more activity, and more towns would say, 'Gee, we can use the Airport to do this.'

- Mr. Domas had two responses. In both instances the future no-build and the future build, the team was projecting the last four to five lots in the Business Park as built out and generating traffic. This development would take place whether the Airport built anything or not. Coming up Airport Road there were still some development parcels that had not been built out and in the same vein, working with Mr. Weibrecht the team anticipated that some of those parcels would be developed. The MVAC could always choose not to lease them or develop them, etc. but the build up demand was going to be to develop those parcels, and the communities were going to want that because they wanted to put as much

commercial development out at the Airport as possible to keep it out of the city centers. In a sense the Airport was—not exactly penalized—but accounting for traffic for development that was not really Airport related, it was rather Islandwide community development related. Mr. Daly pointed out that this brought the money in that supported the Business Park. Mr. Domas agreed that this was the nature of the analysis. Mr. Weibrecht and Mr. Domas forwarded material back and forth to the Secretary. In fact if the Certificate was read carefully the number the Secretary's Office cited were different in two different places and were sort of all over the place. The team was not going to do any more analysis. They would carefully and logically present their case. Mr. Weibrecht added that the right people would listen and the explanation needed to be done on a chalk board.
- Mr. Daly conjectured that as far as the roads went, the more crowded the roads were in the morning that meant that the more people had jobs and it might be looked at as when jobs dropped off there was less traffic, so it could be interpreted as a good sign. Mr. Weibrecht joked that it might be a mater of being careful what you wished for as you might get it.
- To continue answering Mr. Daly's questions Mr. Domas explained that the team also included historical background growth. The HTA had looked at traffic counts provided by the MVC. Every year they put a counter out on Edgartown West Tisbury Road so there was a historic count year after year as to what the traffic was on that street. So this was used as a kind of a historical count of the growth, population and activity on the Island. Mr. Weibrecht added that the team pulled other studies as well. One of the problems that Mr. Weibrecht had with MVC which he voiced loud and clear was that they made everybody and their brother do a study for everything and none of that information was usable or available to whoever the next guy up to bat was.

For example a large traffic study was done for the golf course which was still relevant; the counts were still relevant and gave the Airport relevant information it was able to use. Not only did they change the format but the Airport was able to obtain a lot of it for the blinker intersection which the golf course would have impacted the greatest—more so than the Airport. The new traffic planner from MVC was doing a lot more counts than had ever been done before—the former planner just did not do very many—so they were now being done at all different times. If Mr. Weibrecht was not mistaken the peak time at the Airport was actually at lunch time, on a Monday no less.
- Chair Law asked if there were any other questions for Mr. Domas. Mr. Domas added just one more thing although Mr. Weibrecht might have already mentioned it. After 47 years Mr. Vince Scarano was retiring from the FAA on October 1st of this year. He had been a fixture. Mr. Hegarty joked that maybe now the Airport could get some things approved. Mr. Domas said there would be some changes that would be sure. Mr. Daly asked who would succeed him. Mr. Domas explained that there would be an Interim appointed and there was not someone being groomed for the position although the Deputy was Mr. Brad Martin. This region was a plum assignment and the position might be advertised although it was likely to be filled from within the FAA. Mr. Scarano had been in the right place at the right time and had made few or no enemies. Mr. Domas talked about Mr. Scarano's history, golfing and his home on the Rhode Island coast.
- There was a simultaneous conversation on leases submitted for non-aviation use and large tracts of lands versus small tracts. In addition there was a brief exchange over the Tennis Court parking lot (see 1/8/03 Minutes p.1-2 #2) and a request for approval in view of financial hardship. Mr. Weibrecht maintained that it was not such a hardship, that the parking was being leased on an at-will basis and that the Edgartown Bank had understood this. The matter was likely to be resolved after the issuance of the final EIR Certificate.

3. Executive Session

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

4. Adjournment

MR. LAW MOVED TO ADJOURN AT 7:15 PM; MR. HEGARTY SECONDED; MR. MILL AYE, MR. DALY AYE, MR. HEGARTY AYE, MR. LELAND AYE, MR. PERRY AYE, MR. LAW AYE.

Documents on file:
Agenda 8/18/04
Certificate of Secretary Of Environmental Affairs on the D/EIR 7/30/04