

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

March 2, 2005 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, Sean Flynn - Assistant Manager,

Dukes County: E. Winn Davis- County Manager,

Others: Tom Fitzpatrick – Cottage City Distributors LLC, John Boyle – Counsel for Mr. Fitzpatrick; Marni Lipke - Recorder

Press: Christine Rose - MVTV

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

The meeting was called to order at 5:04PM.

1. Approval of Meeting Minutes.

There was a discussion on the minutes.

- Mr. T. J. Hegarty protested that it was un-professional to be approving summer minutes in February - and further that in paraphrasing Ms. Marni Lipke had at one point lost the sense of what he had said.
- Mr. Leslie Leland suggested that verbatim minutes be dropped in favor of a summary of discussions followed by the motions.
- Mr. Hegarty preferred verbatim minutes so that everyone could see exactly what was said at meetings.
- Other members noted that the delay was only around the summer minutes and asked if there was anyway to aid Ms. Lipke.
- Ms. Lipke explained that the arrangement that summer minutes would be delayed was a condition of her being contracted to undertake the Martha's Vineyard Airport Commission (MVAC) minutes and that with very few exceptions other minutes were delivered before the next meeting and/or before the end of the month.
- Also it was the difficult nature of the meetings that had prompted the direction for paraphrased verbatim minutes.
- Paraphrasing was a simple matter of removing extraneous expressions such as "ummm," or "you know "; and of clarifying casual spoken grammar.
- It was suggested that technological tools might be the solution to the problem.

MARTHA'S VINEYARD AIRPORT COMMISSION MEETING

March 2, 2005

2

• MR. HEGARTY MOVED THAT AIRPORT MANAGER BILL WEIBRECHT AND ASSISTANT MANAGER SEAN FLYNN LOOK INTO THE FINANCIAL ASPECT OF PURCHASING SOFTWARE TO AID IN THE TAKING OF MINUTES; MR. DALY SECONDED; MOTION WITHDRAWN.

• MR. LELAND MOVED THAT THE MINUTES CEASE TO BE VERBATIM AND BE LIMITED TO SUMMARIES OF DISCUSSIONS AND ACTIONS; MR. PERRY SECONDED; MOTION PASSED: 5 AYES, 1 NAY-MR. HEGARTY, 0 ABSTENTIONS.

• June 2, 2004

MR. BILL MILL MOVED TO APPROVE THE JUNE 2, 2004 MINUTES; MR. FRANK DALY SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

• July 21, 2004

MR. NORMAN PERRY MOVED TO APPROVE THE JULY 21, 2004 MINUTES; MR. MILL SECONDED; MOTION PASSED: 5 AYES, 0 NAYS, 1 ABSTENTION – MR. HEGARTY.

• August 18, 2004

MR. PERRY MOVED TO APPROVE THE AUGUST 18, 2004 MINUTES; MR. MILL SECONDED AS AMENDED FOR A TYPO; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

• January 5, 2005

MR. PERRY MOVED TO APPROVE THE JANUARY 5, 2005 MINUTES; MR. DALY SECONDED; MOTION PASSED UNANIMOUSLY: 4 AYES, 0 NAYS, 2 ABSTENTIONS – MR. HEGARTY, MR. DALY due to absence.

• January 19, 2005

MR. DALY MOVED TO APPROVE THE JANUARY 19, 2005 MINUTES; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS

• February 2, 2005

MR. DALY MOVED TO APPROVE THE FEBRUARY 2, 2005 MINUTES; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS

• February 9, 2005*

The minutes were tabled pending verification of correct meeting posting (see below #2).

2. Ratification of MVAC Actions of February 9, 2005*

This meeting may have been posted with an incorrect date, and as such the Commission should vote to ratify the sole action taken regarding the MVTA request as originally moved by Airport Commissioner John Alley.

MARTHA'S VINEYARD AIRPORT COMMISSION MEETING
March 2, 2005

3. Cottage City Distributors / Tom Fitzpatrick

Management had walked through the property and reported that there was significant compliance progress on all the issues.

- The sprinkler system installation had been completed and the system pressure tested once. Mr. Fitzpatrick explained that another test was scheduled for Friday, March 4th at which point the system would be charged and the Edgartown Fire Dept. Inspector notified. Edgartown Building Inspector Mr. Lenny Jason would then be asked for a Certificate of Occupancy (CO) inspection.
- The buffer had been restored and planted during the short thaw. Further renovation awaited the whim of Mother Nature.
- Official requests for updated subleases have been received by Management and would be brought before the MVAC as soon as the CO was issued.
- This included a request for permission to alter the outside fenced in area.

Mr. Hegarty was surprised that the buffer had been planted (see 12/1/04 Minutes p.25). Chair Jack Law expressed the MVAC's appreciation of the progress and thanked Mr. Fitzpatrick for his attendance.

*Mr. Fitzpatrick and Mr. Boyle left the meeting at 5:31PM.

4. Update Boston Peak Pricing

Mr. Weibrecht reported that the MassPort Board had voted to approve the final regulation for Peak Pricing for Boston Logan Airport which would be put into effect after a brief public waiting period. The vote included the exemption program for Essential Air Service communities as previously discussed (see 1/7/05 Minutes p.5, 4/7/04 Minutes p.7-10 #4, 4/21/04 Minutes p.18-20 #6). He reviewed the exemption program briefly.

- Taking a sample day at the MV Airport (as well as other airports) in August, 2003 they determined a number based on operations flown—including extra sections—to Boston Logan during the peak period. In the case of the MV Airport they exempted 14 operations—an operation was a take-off or a landing—from the \$150 peak period fee.
 - The peak period was currently estimated to be between 4:00PM to 8:00PM from May through September.
 - The exemptions applied to year-round air carriers.
 - The program did not apply to General Aviation (GA) operations.
- Mr. Weibrecht credited the MassPort Management and Board for doing the right thing within Federal regulations by Provincetown (see 10/6/04 Minutes p.17-19). Provincetown would now be allowed to apply for the special exemption.
- Computer simulations would project peak thresholds and warn airlines of the implementation of the program.
- The system might be revised to address any shortfalls or issues.

MARTHA'S VINEYARD AIRPORT COMMISSION MEETING
March 2, 2005

5. Airport Manager's Update

- Mr. Weibrecht acknowledged and thanked the hard working staff who had helped keep the Airport open—including parking lots and driveways – during the extraordinarily snowy January and February.
- Snow removal had been difficult and equipment had to be repaired regularly, particularly for the blizzard and then this last heavy wet snow which had been like moving cement.
- Overtime budget lines had been overspent by about \$11,000.
- Later in the meeting Mr. Daly asked about the amount of damage occasioned by the severe weather. Mr. Weibrecht explained various effects, such as plows catching and chipping pavement edges, cracks, scraping and thinning pavements, equipment parts. The budget attempted to take such weather costs into account.
- In association with Mass Aeronautics Commission (MAC) and the Federal Aviation Administration (FAA) the design for the southeast ramp / taxiway Alpha—the first project in the Airport Capital Improvement Plan—had been completed.
- The MVAC would have to make a decision shortly on how the funding for the projects would be committed.
- There was an entitlement for the Airport to facilitate planning. This project would be funded by both discretionary and entitlement funds however it might be necessary to commit entitlement funds from future years in order to bridge the gap until the discretionary funds came through. the FAA grant applications deadline was May 1, 2005. The entitlement would then be back reimbursed.
- Management anticipated advertising within the next two weeks to begin the procurement process, receive bids and get hard numbers for the construction contracts. However, hard numbers might not come through in time for the grant deadline, due to competing projects at other airports.
- It was about a \$3,000,000 project. Entitlement was \$1,200,000 annually. Some had been carried forward in anticipation of the project, and otherwise it would be a matter of dedicating this year's and next year's entitlement to the project.
- Federal grant assurances come with every Airport Improvement Project (AIP) project and had matching MAC funds. Aviation Safety and Maintenance Program (ASMP) projects were funded solely by MAC.
- The initial meeting of union negotiations was scheduled for next week.
- The negotiating team would be Mr. Weibrecht, Mr. Flynn, Mr. Law and Mr. Davis.
- The Airport Certification Manual (ACM) has been submitted to the FAA by its deadline. Comments were received and incorporated for a final version.
- The annual inspection was scheduled for May.
- The bids on the Hot Tin Roof, were opened and the current occupant was the only bidder.
- Management explained the bidding schedule, the T-Hangar Lot H was on the street, then Lot #5 would be advertised, then the smaller Lot # 38 would be put out to bid again (see 11/3/04 Minutes p.21 #4). As previously Mr. Hegarty asked why the smaller lot was not put out to bid at the same time. Management explained that the larger lot would give a fairer test of the minimum bid pricing.

7. Executive Session (As may be required)

Chair Law reported that the lawsuit went to court. All three parties presented well. Closing arguments would be mailed in as would any responses. A decision was expected by June.

MARTHA'S VINEYARD AIRPORT COMMISSION MEETING
March 2, 2005

MR. LESLIE LELAND MOVED TO ENTER EXECUTIVE SESSION AT 6:04PM (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 COUNTY MANAGER MR. WINN DAVIS AND RECORDER MS. MARNI LIPKE TO BE PRESENT THROUGHOUT; MR. T. J. HEGARTY SECONDED; MOTION PASSED UNANIMOUSLY: MR. BILL MILL AYE, MR. FRANK DALY AYE, MR. NORMAN PERRY AYE, MR. HEGARTY AYE, MR. LELAND AYE, MR. JACK LAW AYE.

8. Adjournment

MR. MILL MOVED TO ADJOURN AT 6:17PM; MR. DALY SECONDED; MOTION PASSED UNANIMOUSLY: MR. MILL AYE, MR. DALY AYE, MR. PERRY AYE, MR. HEGARTY AYE, MR. LELAND AYE, MR. LAW AYE.

Documents on file:

Agenda 3/2/05

MVAC 2/9/05 Draft Minutes excerpt p. 5.

Cover letter from Clarence A. Barnes III 2/18/05

Copy Clarence Barnes letter to Airport Counsel Marcia Cini 2/18/05

Copy Counsel Cini letter to Mr. Folino 2/7/05