

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

April 20, 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, Vice Chair John Alley, Frank Daly,
Leslie Leland, William (Bill) Mill, Norman Perry*,

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

Dukes County: E. Winn Davis- County Manager; Michael McCormack - Sheriff

Others: Allen Dorfman – Airport Laundromat; Sean Murphy – Counsel for
Mr. Dorfman; Marni Lipke - Recorder

Press: Christine Rose - MVTV

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

The meeting was called to order at 5:00PM.

1. Approval of Meeting Minutes April 6, 2005

MR. LESLIE LELAND MOVED TO APPROVE THE APRIL 6, 2005 MINUTES; MR. JOHN ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.

Ms. Marni Lipke informed the Martha's Vineyard Airport Commission (MVAC) that in view of rising technological costs she had found it necessary to raise Office On Call / Order Out of Chaos rates to \$35 per hour. Mr. Leland questioned whether this was in view of the change from verbatim to summary minutes. There was a discussion covering, comparable rates around the Island, the timing of the raise. Ms. Lipke's accuracy was noted. **MR. LELAND MOVED TO APPROVE A RATE RISE TO \$35 PER HOUR FOR OFFICE ON CALL/ORDER OUT OF CHAOS; MR. BILL MILL SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

*Mr. Norman Perry entered the meeting at 5:05PM.

2. Continued consideration of Airport Laundromat request
(Tabled by MVAC on April 6, 2005).

Mr. Alley expressed his sense of strangeness that Mr. Dorfman was offering the Airport more revenue than was required by his current lease and raised the issues of proper signage, lighting and the state of the parking lot. As in the previous meeting, Management explained that the parking lot was regularly mended however the continuing problems were due to drainage problems in the area that also included County Buildings. County Engineer Steve Berlucci was preparing a report. Mr. Dorfman was waiting until the drainage issue was better identified and rectified before beginning more substantial parking improvements such as re-grading. As with all Airport Business Park lots on-site drainage remained the responsibility of the tenant and was included in the lease as a term of compliance. A 90 day period to improve parking was proposed as a condition of the lease. Mr. Alley asked that it be reduced to 60 days however County Manager Winn Davis stated the County would not be ready in this time period. Assistant Airport Manager Mr. Sean Flynn explained that signage plans had already been received. Lighting would be consistent with Airport lighting.

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MR. ALLEY MOVED TO APPROVE THE RENEWAL OF THE LEASE OF THE AIRPORT LAUNDROMAT, INC. ON THE CONDITIONS THAT

- LIGHTING BE IMMEDIATELY IMPROVED IN ACCORDANCE WITH OTHER AIRPORT LIGHTING FIXTURES,

- SIGNAGE BE IMMEDIATELY BROUGHT INTO COMPLIANCE WITH STANDARD AIRPORT SIGNAGE,

- PARKING LOT IMPROVEMENTS AND SITE DRAINAGE BE COMPLETED WITHIN 60 DAYS;

MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

3. Discussion and review of land values associated with the use of Airport property by County.

Management presented how back rent had been calculated for the County buildings (see documents on file and 2/2/05 MVAC Executive Session Minutes) including a history of fair market value, building valuation / depreciation and Consumer Price Index (CPI).

- Mr. Leland had no regard for whatever the Federal Aviation Administration (FAA) said, and insisted he would never vote for such a measure as it seemed to him that the County was taking money out of one pocket and putting it into another.
- It was pointed out that one of the triggers for this action by the FAA had been the County charges of allocation costs to the Airport (see 3/7/01 Minutes p. 5 #5 and 5/2/01 Minutes p. 2 #7). It was noted that the Airport paid the County \$47,000 per year in cost allocations and that the current proposal suggested \$15,000 per year total rent for three County Buildings.
- Mr. Alley protested that he did not like the idea of an annual CPI raise which was often exempted for municipal buildings. He was sure Management and counsel could come up with further arguments as to why the rent should be lower and/or further exemptions applied.
- Management noted that MVAC comments had been solicited through-out the last months as legal counsel finalized the proposal and for the record that no comments had been received back on the Palmer and Dodge initial draft of the final memo accompanying the proposal, which was incurring extra legal costs to the Airport.
- In addition Mr. Weibrecht warned the MVAC that any proposal sent to the FAA would in all probability be a best case scenario which would be returned by the FAA and might have to be answered point for point.
- Chair Law reported that the FAA had made it clear no forward movement would be considered until this matter was settled and that some frustration had been expressed over the delay.

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- Sheriff McCormack strongly protested charges for rent on the Corrections and Communications building which had never before been brought to his attention, including not during his application for permission to build (see 9/5/01 Minutes p.1-2#2 and 1/16/02 Minutes p. 1 #2) and which he had not included in the Department budget. It was pointed out that this had been discussed with the County for some time and was therefore a matter of internal County communications.
- The history of the issue was again discussed including restrictions on the original land transfer covenant to the County, grant assurances, exemptions for airport use only, changing the legislation, limits on back rent charges, County lease duration, meetings with and authority of the FAA, \$108,000 in escrowed County funds held to cover this back rent.
- Management requested and IT WAS THE CONSENSUS OF THE MVAC THAT:
 - THE COMMISSIONERS, SHERIFF AND COUNTY SEND ALL COMMENTS AND PROPOSALS IN WRITTEN FORM TO MANAGEMENT AS SOON AS POSSIBLE,
 - TO BE COMPILED AND FORMALIZED IN LANGUAGE ACCEPTABLE TO THE COUNTY, THE MVAC AND THE FAA,
 - BEFORE BEING RETURNED TO THE MVAC FOR FINAL VOTE AND SUBMISSION TO THE FAA.

4. Airport Manager's Update

- Vineyard Transit Authority (VTA) gas cards have been issued for those vehicles able to utilize them and the Airport will start taking advantage of the service within the next few days. For the record at this point certain vehicles, in particular refuelers, would not cross the road or travel over to the VTA; insurance, liability, and lease restrictions issues were being researched. In any event for the sake of stability and security the Airport must continue to have the capacity to fuel itself. Airport Counsel Marcia Cini was researching the laws governing public ways. Mr. Davis questioned whether the Airport had authority to 'lay out' – as opposed to building – roads, a statutory term of significance.
- The Request For Proposal (RFP) for the South East Ramp brought in only one bid– Lawrence Lynch—which was 20% over the estimate. Issues that would account for the lack of response included: a lot of work being put out to bid at this moment, the small amount of pavement carrying high mobilization costs, FAA requirements on pavement which carried strict spec's and penalties, specialty drainage structures, and the usual high transportation costs. It might be necessary to repost the RFP and Mr. Weibrecht has put in a place holder letter for the grant funds.
- Over the past weeks Mr. Weibrecht and/or Mr. Flynn have met (and will continue to meet) with the Vineyard Conservation Society to abate some of the material differences between what was stated in their newsletter and the Airport's Capital Improvement plan.
- Management would also make a brief presentation to the Martha's Vineyard Commission (MVC) on the short term (1 to 7 years) Capital Improvement Plan.
- The RFP for the T-Hangar on Lot H due to some technicalities has been referred to the MVC as a Development of Regional Impact (DRI). Management encouraged the MVAC to read the correspondence from the Vineyard Tennis Center on the application (see documents on file).

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- Effective April 1st the MV Airport Air Traffic Control Tower merged with the national contract program and consequently was no longer a sole source Tower. The same operator covered the entire North East. This meant that all the administration and billing would now be done directly by the FAA. A fourth full time controller was picked up through the acceptance of this shift, which would mean not only better coverage for the Tower but also less temporary personnel in the summer.
- Two responses were received to the RFP on Lot #5, both above minimum bid.
- There has been a recent rise in Airspace Notifications (construction projects that exceed a certain height) for reviews by the State.
 - The most pressing was a proposed windmill (232 ft. above sea level) behind the MV Regional High School. Mr. Weibrecht asked for an extension of the public comment period so that the FAA could study how it would effect the only precision instrument approach (263 ft. above sea level) to the Island.
 - A study by British Defense on the impact of windfarms was submitted back to the FAA since there had been no response on Nantucket Sound Windfarm,
 - The Town of Tisbury sent in a notification for a meteorological recording tower(42 ft. above grade) that would be located at the Park and Ride lot. This would be to collect data in preparation for a windfarm. The Town was pro-active in coming to the Airport and filing all the proper forms.

5. Old Business

- Mr. Alley asked for a brief review of Mr. Weibrecht's report on the use of the VTA cards. Next year the VTA's fuel vendor bid will include an Airport drop.
- Mr. Davis reported that the Ch. 90 report determined that the Business Park roads were not public highways as it was not a subdivision, nor were the roads laid out by, the Town of Edgartown (see above).

7. Executive Session – As needed

MR. BILL MILL MOVED TO ENTER EXECUTIVE SESSION AT 6:27PM (TO RETURN TO REGULAR SESSION) UNDER MASS. GENERAL LAW CHAPTER 39 SECTION 23) FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS; AND TO INVITE MR. BILL WEIBRECHT, MR. SEAN FLYNN, COUNTY MANAGER MR. WINN DAVIS AND RECORDER MS. MARNI LIPKE TO BE PRESENT THROUGHOUT; MR. JOHN ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: MR. MILL AYE, MR. FRANK DALY AYE, MR. ALLEY AYE, MR. LELAND AYE, MR. NORMAN PERRY AYE, MR. JACK LAW AYE.

MR. LELAND MOVED TO RETURN TO REGULAR SESSION AT 6:35PM; MR. DALY AND MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: MR. MILL AYE, MR. DALY AYE, MR. ALLEY AYE, MR. LELAND AYE, MR. PERRY AYE, MR. LAW AYE.

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MR. ALLEY MOVED ACCEPT MR. WEIBRECHT'S LETTER OF RESIGNATION WITH SURPRISE AND REGRET; MR. DALY SECONDED WITH REGRET; MOTION PASSED UNANIMOUSLY AND REGRETFULLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS. Mr. Davis also expressed his regret.

Mr. Weibrecht has accepted a position as Chief Operating Officer of Retrix Aviation a fixed base operator start up with facilities in Hyannis, MA, Sarasota, FL. and Boston, MA. Some Commissioners expressed their surprise. Mr. Weibrecht informed the MVAC of two concerns.

- The FAA would shortly conduct a 139 inspection.
- To maintain stability, morale and security at the Airport and on the Island Mr. Weibrecht strongly urged that Mr. Flynn be appointed interim Acting Airport Manager, being properly certified in the necessary areas. There was a discussion on whether the appointment could be delayed and whether a long and costly search for a permanent manager was necessary. **MR. MILL MOVED TO APPOINT MR. SEAN FLYNN AS ACTING MANAGER OF THE AIPIORT FROM MR. WEIBRECHT'S DEPARTURE UNTIL A PERMANENT MANAGER IS APPOINTED; MR. DALY SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

- It was suggested that Mr. Wasserman (who had executed the previous search) be contacted to start the search process however Mr. Alley suggested that the matter be tabled until the MVAC could consider this unexpected announcement.

Mr. Weibrecht called the attention of the MVAC to the budget draft for Fiscal Year 2006 which was prepared by Management for discussion at the next meeting. Commissioners were asked to email questions to Management. Mr. Weibrecht noted that Management was trying to prepare all materials possible for early distribution. Mr. Leland expressed his appreciation.

8. Adjournment

MR. ALLEY MOVED TO ADJOURN AT 6:45PM; MR. LELAND SECONDED; MOTION PASSED UNANIMOUSLY, 6 AYES, 0 NAYS, 0 ABSTENTIONS.

Documents on file:

Agenda 4/20/05

McCarron & Murphy letter re: Airport Laundromat, Inc. 4/20/05

Non-Aviation Properties Chart

County Admin Building, Communications Center

SAV Associates, LLC letter re: Lot 24 lease 4/18/05

Background Information for future agenda items:

Nguyen Long email re: Aeronautical Studies 4/13/05

Sean Flynn email to Counsel re: Public Ways 4/15/05

Vineyard Tennis Center letter re: Jim Rogers Hanger 4/13/05

Vineyard Tennis Center letter to MVC re: DRI 586 James Roger Hanger 4/12/05

Benjamin Lambert Hall, Jr. letter re: RFP for leasing Airport Business Park Lot 5 4/20/05

Proposed FY 2006 Expenses 4/19/05

William Weibrecht letter 4/20/05