

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

May 4, 2005 5:00PM

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,
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; Leonard Jason - Commissioner;
David O'Sullivan – Sheriff's Dept.
Others: Ted Stanley – Direct Flight Inc.; Marni Lipke - Recorder
Press: Jim Kinsella - Vineyard Gazette, Joanie Ames - MVTV

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

The meeting was called to order at 5:03PM.

1. Approval of Meeting Minutes of April 20, 2005.

MR. JOHN ALLEY MOVED TO APPROVE THE APRIL 20, 2005 MINUTES; MR. BILL MILL SECONDED; MOTION PASSED: 6 AYES, 0 NAYS, 1 ABSTENTION – MR. T. J. HEGARTY due to absence.

- Mr. Hegarty asked questions about the previous meeting regarding the Laundromat parking drainage and upgrade. The motion, the County Engineer's prospective report and the drainage issues were reviewed.

- At Mr. Hegarty's question Airport Manager Mr. Bill Weibrecht explained that 13 or 14 Airport vehicles had been issued fuel cards for use at the Vineyard Transit Authority (VTA) and that training and written instructions were scheduled within the next two days. Mr. Weibrecht reiterated that certain vehicles would not be able to take advantage of the program such as the refuelers due to liability issues, and some equipment due to oversize dimensions. In addition the Airport drop from the VTA fuel vendors was also confirmed. Management would check to ensure that automatic fuel cutoff for maintenance markers was not part of the VTA fuel pump system.

2. Continued discussion and review of land values associated with the use of Airport property by County

Mr. Alley stated that he had found a solution to the rent dispute and submitted his proposal which he reviewed at length (see documents on file). He gave credit to Dukes County Manager Winn Davis for help with the Consumer Price Index (CPI) precedent on municipal rents. The Martha's Vineyard Airport Commission (MVAC) discussed the proposal in terms of history, fair market value, exemptions, allocation payment, fee simples, and length of lease.

Mr. Leslie Leland repeated his determined opinion that he did not think the County should be paying itself rent. There was a sense of some pressure and desire to move ahead and submit the report.

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- MR. HEGARTY MOVED TO ADOPT MR. ALLEYS PROPOSAL TO BE SENT TO PALMER & DODGE FOR INCLUSION IN THE SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA); MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

- MR. HEGARTY MOVED TO ADOPT SHERIFF MICHAEL MCCOMACK'S LETTER TO BE SENT TO PALMER & DODGE FOR INCLUSION IN THE SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA); MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

It was agreed that County Manager Winn Davis would draft a letter of support to be sent to the FAA and signed by both the Dukes County Commission and the MVAC.

3. Budget Review

MR. HEGARTY MOVED TO TABLE THE BUDGET UNTIL THE NEXT MEETING; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS. Mr. Hegarty felt more time was needed to consider the budget.

4. Grant Application Vote

There was only one bid for the Southeast Ramp which was 20% over projections (see 4/20/05 Minutes p. 3 #4). In consultation with FAA the independent engineer's estimate was re-considered (see 10/6/04 Minutes p.16) and in consultation with the bidder the estimate was revised so that the new estimate and bid were within 10/5 of each other. The FAA deemed that it would not be advantageous to re-bid the project. Mr. Weibrecht discussed this matter with Mr. Davis. Mr. Hegarty found it difficult to believe that for example changing materials on a tank would make as much difference as shown (see documents on file) however Mr. Weibrecht explained that it was not only the tank but the accompanying requirements, equipment, and transportation that contributed to the price differential. He assured Mr. Hegarty that a fire truck would be able to drive over the buried structure in question without ill effect.

MR. HEGARTY MOVED TO ACCEPT THE GRANT APPLICATION LETTER AS PRESENTED BY AIRPORT MANAGER BILL WEIBRECHT; MR. PERRY SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

Mr. Weibrecht advised the MVAC that this grant would include grant assurance language as was standard on all FAA and Mass Aeronautics Commission (MAC) grants. Mr. Leland protested that he considered such grant assurances and their attendant issues of authority and County rent to be unacceptable and like double dipping. Mr. Weibrecht and Assistant Airport Manager Mr. Sean Flynn explained that such language was standard and that the assurances were in perpetuity and renewed with each grant. Mr. Weibrecht reminded the MVAC that the grants had recently brought in \$4,200,000 that would otherwise have had to be generated locally. Mr. Alley asked that Management research the possibility of reducing MAC grant by \$12,,000 to \$100,000 would eliminate the inclusion of grant assurance language.

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5. Lot 5 MVABP Vote to award

MR. HEGARTY MOVED TO TABLE THE ITEM UNTIL EACH MEMBER OF THE MVAC HAD TIME TO GO OVER THE PAPERWORK; MR. LELAND SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

Mr. Weibrecht stated for the record that all information was available at the previous meeting (see 4/20/05 Minutes p.5) and that all members had been informed that any further information was available for their review at the Airport. Mr. Hegarty noted that he was not at that meeting and alleged that it seemed to him that a few people were getting a lot of square footage at the Airport. Mr. Weibrecht stated that he had personally placed the background material in the interoffice mail for Mr. Hegarty. He then asked Mr. Hegarty to explain his statement on square footage since it left an impression that Airport lots were not fairly awarded. Mr. Hegarty replied he had meant that the same names kept popping up and did not feel appropriate to name the tenants involved. Mr. Hegarty also insisted that he had not received the background materials.

- Chair Jack Law stated that from this point on all MVAC member would be informed that background documents and paperwork would be available at the Airport and it would be the responsibility of each commissioner to pick it up or view it on site, i.e. that if a commissioner did not do so it would be their fault alone.

6. Discussion of Airport Manager's search committee

Chair Jack Law reported that although Mr. Bob Wasserman had not been able to attend tonight's meeting, he would be available May 9th to meet with the subcommittee on the search process. Mr. Alley suggested that the MVAC look beyond the Mr. Wasserman. Several Commissioners including Mr. Leland – who was on the previous search committee – Mr. Mill, and Mr. Daly, in addition to Mr. Ted Stanley of Direct Flight expressed their commendation and admiration with Mr. Wasserman's previous search work, which he had done free of charge. A Search Committee was named: Mr. Alley as Chair, Mr. Leland, Mr. Mill, and Mr. Stanley and it was suggested that they should meet with Mr. Wasserman and hear what he advised. Mr. Alley will update previous reports on airport manager salaries at comparable regional airports.

7. Airport Manager's Update

Mr. Weibrecht informed the MVAC that Management had been collecting ongoing issues and permitting so as to keep moving ahead.

- The T-Hangar development issue should be resolved in the next week or two.
- Last week there were three full days of training for the Airport rescue and fire fighting.
- This coming week would be the annual FAA inspection which would test the Airport fire fighting and rescue response capabilities, documentation, personnel records, safety and maintenance. During Mr. Weibrecht's tenure the Airport had done well and it was expected that they would do well again however Mr. Weibrecht noted that it was a time of stress for all Airport employees.
- Mr. Flynn wrote to Airport Counsel Marcia Cini re: the determination / designation of Airport and Business Park roads as 'public roads', as had Mr. Davis. It was Ms. Cini's opinion that as drivers would assume it was a public way and that as the roads were to all intents and purposes practically indistinguishable from such they should be treated as such. Mr. Hegarty suggested that this letter be submitted to the Edgartown Police Chief to clarify the issue of parking enforcement.

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9. New Business

Mr. Alley challenged some points on the Palmer and Dodge legal bill. Chair Law reminded him that the invoice had been voted and paid (see 4/5/05 Executive Session Minutes). Mr. Alley stated that the Commissioners needed to know what the hell they were voting on. Chair Law stated for the record that the invoice had been brought to the meeting for all the Commissioners to see and had been considered in Executive Session as was appropriate. Mr. Weibrecht stated for the record that in view of the law suit Management did not and does not see these invoices and that such invoices were not be left at the Airport. The County Commissioners then noted that the MVAC labor lawyer cost twice as much as the Dukes County labor lawyer. **IT WAS THE CONSENSUS OF THE MVAC THAT THE INVOICE IN QUESTION BE AVAILABLE FOR THE MVAC TO VIEW AND THAT MR. ALLEY WOULD PUT HIS OBJECTIONS IN WRITING.**

11. Adjournment

MR. MILL MOVED TO ADJOURN AT 6:10PM; MR. ALLEY SECONDED; MOTION PASSED BY CONSENSUS.

Documents on file:

Agenda 5/4/05

Sign-in Sheet 5/4/05

MVY Airport FY2006 Revenue Projections FY2005 Ver. 1.0

Water Revenue

Waste Water Revenue

Aviation Side Rent

Non-Aviation Properties

Terminal Revenue

Service Revenue

Proposed FY2006 Expenses 4/19/05

Hoyle, Tanner & Assoc., Inc. letter 4/29/05

re: Construct Taxi 'A' to FAA Standards and New Southeast Apron,
Phase 1 "Engineer's Recommendation Letter"

John S. Alley letter re: Proposal for Settling Rent Issues at the MV Airport 5/4/05

Dukes County Office of Sheriff letter re: Request for Exemption 4/29/05

Dukes County Manager Carol Borer Memo re: FAA Form 5100-126 4/17/01

Plot Plan Community Corrections & Communications Center 4/17/05

FAA letter to Airport Manager Mr. William Weibrecht 6/13/01

Dukes County Manager Ms. Carol Borer letter to 1/25/02

FAA letter to Dukes County Manager Ms. Carol Borer 2/11/02

FAA letter to MVAC Mr. Mark Villa 12/13/02

FAA letter to MVAC Mr. Jesse Law 6/13/01

FAA: AAS-400: CATS: Report 126 Financial Govt. Payment Record for MV Airport 5/2/05
1996-2004