

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

**August 24, 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, William (Bill) Mill, Norman Perry

Airport Staff: Sean Flynn - Acting Manager,

Dukes County: E. Winn Davis- County Manager;

Others: Marni Lipke – Recorder; Jim Kinsella - Vineyard Gazette,  
Abby Brown - MVTV

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

The meeting was called to order at 6:02PM.

1. Request for Sublet Approval MV Lot 14 LLC to Gary BenDavid.

Airport Counsel Ms. Marcia Cini was informed by Mr. Folino's lawyer that Mr. Folino was willing to sign the deposit agreement and the agreement was being drafted (see 8/3/05 Minutes p.1 #1). Mr. T. J. Hegarty stated that Mr. BenDavid's trucks were already at the site and Mr. Hegarty conjectured that they had been there overnight as Mr. Hegarty saw them in the morning. Acting Airport Manager Mr. Sean Flynn explained that Mr. BenDavid had been cleaning out the space in anticipation of the move but also that Mr. Flynn had spoken to Mr. BenDavid and—not wanting to be in the same position as Mr. Barnes (see 11/3/04 Minutes p.8-17 #3, 12/1/04 Minutes p.11-21 #3, 1/19/05 Minutes p.6-8)—Mr. Ben David clearly understood that there could be no pre-emptive occupancy. **MR. JOHN ALLEY MOVED TO APPROVE THE SUBLET BY MR. JOHN FOLINO / MV LOT 14LLC TO GARY BENDAVID, PENDING MR. FOLINO'S SIGNATURE ON THE ABOVE MENTIONED AGREEMENT AND THE RECEIPT OF THE \$5,000 DEPOSIT; MR. HEGARTY SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

2. Review of Senior Financial Clerk Job Description

This position, which was the equivalent to a Dukes County Grade 7 (\$33,000 to \$45,000), had been advertised and received five applicants however Mr. Flynn noted it was currently in a cycle where the position was filled, the new clerk learned the needed skills and then left the position for one with much greater pay (see 7/19/05 Minutes p.2 #4) —the last clerk left for a job paying twice the Airport salary. In addition the job had grown since the last job description was written from a \$600,000 budget to a \$2,500,000 budget. Mr. Flynn recommended that the position be redefined as the Airport Financial Administrator and advertised at County Grade 11 (\$45,000 to \$53,000) (see documents on file).

There was an argument over whether the information was properly submitted. Mr. Hegarty and Dukes County Manager Mr. Winn Davis felt the job description needed to be refined and was too close to the Assistant Airport Manager's position. Mr. Davis submitted his revisions to the job description. Mr. Flynn explained that the position was on a different level from the Assistant Manager's position. He asked the MVAC to set the job description and pay level and then pass it to the County Personnel Board for comment and resolution. There was a long discussion on protocol and the MVAC's versus

the County Personnel Board's authority in the matter. Mr. Bill Mill's previous motion was cited (see 6/1/05 Minutes p.3 #8). Mr. Norman Perry, Mr. Mill and Chair Jack Law stated that it was the purview of the Martha's Vineyard Airport Commission (MVAC) to write the job description which would then be placed in the County pay scale. Mr. Davis agreed a pay raise was warranted but protested what was proposed in comparison with other County positions and maintained the County Personnel Board's final authority. Mr. Flynn's current heavy load as Acting Airport Manager without an assistant manager and now without a financial clerk was acknowledged. **MR. MILL MOVED TO TABLE THE MOTION PENDING MR. FLYNN'S CONSULTATION WITH MR. DAVIS ON THE JOB DESCRIPTION, WHICH REVISED DESCRIPTION WILL BE RESUBMITTED TO THE MARTHA'S VINEYARD AIRPORT COMMISSION; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

### 3. Grievance Step 3 – Employee Discharge (See documents on file.)

The employee in question had been notified and was not present. The item proceeded in open session. Mr. John Tate had been discharged for cause which causes were reviewed. Mr. Tate had failed to meet the grievance appeal deadline in a timely manner and this letter as recommended by Mr. Flynn was the required response (the procedure would have been different if Mr. Tate had met the deadline). **MR. HEGARTY MOVED TO AUTHORIZE MARTHA'S VINEYARD AIRPORT COMMISSION CHAIR JACK LAW TO SIGN THE LETTER DENYING THE GRIEVANCE OF MR. JOHN TATE; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

Mr. Flynn gave a brief update.

- On Sunday, August 21<sup>st</sup> at 4:05, an Astrojet departed from Runway 2/4; at 1,000 ft. the door completely opened and the cabin lost pressure. The plane was able to land back on Runway 2/4 without incident except damage to the aircraft door, and to the engine which seems to have ingested some form of paper. The Federal Aviation Administration (FAA) was inquiring as to why the door opened. Mr. Flynn commended all responding emergency units: the Airport, Edgartown, Oak Bluffs, and Up Island for their speed and good work.
- County Treasurer Noreen Flanders was putting in a new software system and preparing for the auditors so Airport County rent/allocation issues would be delayed.
- Ms. Cini was working on the eviction of Mr. Fitzpatrick of Cottage City Distributors Lot # 6 (see 7/19/05 Minutes p.3 #6).
- \$138,000 was allocated in the vehicle line item for a specialized vehicle for Wastewater; however Wastewater / Water Operator Mr. Michael Eldridge has revised his needs. Mr. Flynn proposed using the line to buy two administration vehicles and two utility vehicles with plows, one for wastewater and one for the Airport. Mr. Hegarty questioned Mr. Flynn on the warranty/lemon law for the old vehicle and the need for the administrators to have cars, stating that his own municipal vehicle was for work and not for leisure. A hybrid was also suggested. Mr. Flynn explained the vehicle costs and power requirements. and further noted that administration vehicles were common in municipal government and were needed by management for emergencies, business trips, and other work related transportation. **MR. PERRY MOVED TO APPROVE THE PURCHASE OF TWO ADMINISTRATION VEHICLES AND TWO UTILITIES VEHICLES WITH PLOWS, FROM THE VEHICLE BUDGET LINE, THE TOTAL COST NOT TO EXCEED THAT PREVIOUSLY ALLOCATED FOR THE SPECIALIZED WASTEWATER VEHICLE; MR. DALY SECONDED; MOTION PASSED: 4 AYES, 1 NAY – MR. HEGARTY, 1 ABSTENTION – MR. ALLEY.**

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7. Executive Session – As Needed

**MR. JACK LAW MOVED TO ENTER EXECUTIVE SESSION AT 5:58PM (TO RETURN TO REGULAR SESSION) UNDER MASS. GENERAL LAW CHAPTER 39 SECTION 23) FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS; AND TO INVITE MR. SEAN FLYNN, MR. WINN DAVIS AND RECORDER MS. MARNI LIPKE TO BE PRESENT THROUGHOUT; MR. JOHN ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: MR. BILL MILL AYE, MR. ALLEY AYE, MR. FRANK DALY AYE, MR. T. J. HEGARTY AYE, MR. NORMAN PERRY AYE, MR. LAW AYE.**

**MR. MILL MOVED TO RETURN TO REGULAR SESSION AT 6:18PM; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: MR. MILL AYE, MR. ALLEY AYE, MR. DALY AYE, MR. HEGARTY AYE, MR. PERRY AYE, MR. LAW AYE.**

- **MR. ALLEY MOVED TO AUTHORIZE MARTHA'S VINEYARD AIRPORT COMMISSION CHAIR JACK LAW TO SIGN THE LETTER IN RESPONSE TO THE THIRD STEP SICK LEAVE GRIEVANCE BY AN EMPLOYEE; MR. MILL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**
- **MR. ALLEY MOVED TO AUTHORIZE MARTHA'S VINEYARD AIRPORT COMMISSION CHAIR JACK LAW TO SIGN THE LETTER TO THE UNION STEWARD ADAM FRIEDMAN IN RESPONSE TO THE STEP THREE HOLIDAY LEAVE GRIEVANCE BY AN EMPLOYEE; MR. HEGARTY SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

4. Update Airport Manager Selection – Dick Bennett

Mr. Dick Bennett of Bennett Yeagar had several questions on the responses / feedback on the Airport Manager search background document so he could not be here tonight as planned. Chair Law insisted on Mr. Bennett's coming to the Island rather than working by phone conference. A special meeting schedule was discussed and set for September 14<sup>th</sup>.

There was a brief conversation touching on:

- comments on the background material,
- higher education requirements for the position, and
- the necessity of the manager residing on Martha's Vineyard.

Staff and Commissioners were urged to review the material and send their comments to Mr. Bennett.

**MR. ALLEY MOVED TO ADJOURN; THERE WAS NO SECOND.** Mr. Alley left the meeting at 6:40PM.

Vineyard Gazette reporter Mr. Jim Kinsella asked for further explanation on the vehicle purchase. Mr. Flynn explained that originally a crane truck was proposed however Mr. Eldridge had found other ways to handle heavy equipment such as hiring it out and therefore the money was being spent on the proposed vehicles. In reply to a question from Mr. Hegarty Mr. Flynn explained the money to hire out the heavy lifting was in the Contractors line in the budget which was not expected to exceed the budgeted amount.

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8. Adjournment

**MR. MILL MOVED TO ADJOURN AT 7:42PM; MR. HEGARTY SECONDED; MOTION PASSED UNANIMOUSLY.**

**Documents on file:**

Agenda 8/24/05

Sign-in Sheet 8/24/05

MV Airport Financial Administrator Job Description 8/2005

Draft Job Description Airport Financial Administrator Revised by County Manager 8/24/05

SeyFarth Shaw Memorandum re: John Tate Grievance 8/23/05

MVAC Memo re Response to Step 3 Grievance – John Tate 8/2005