

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

**March 22, 2012 3:00PM**  
**Martha's Vineyard Airport**

Notice of Such Meeting Having Been Posted as Required by Law.

Present: Airport Commissioners: Chair Connie Teixeira, Vice Chair John Alley,  
Ben Hall Jr.\*, Norman Perry, Dennys Wortman,  
Airport Staff: Sean Flynn - Manager,  
Deborah Potter – Landside/Airport Business Park Administrator,  
John Coskie – Airside/Fixed Base Operator Administrator  
Elaine Graves – Financial Administrator,  
Others: Marni Lipke – Recorder

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

The meeting was called to order at 3:07PM.

**III. NEW BUSINESS:**

A new Martha's Vineyard Airport Commission (MVAC) member, Mr. Denys Wortman was welcomed and thanked for joining the team. The yearly re-organization was discussed.

- The Vice Chair rotation to Chair depended on current conditions and willingness to serve.
- Commissioners were reminded that Chair attendance at all Subcommittee meetings (where important Airport business was conducted) was a vital component of the position.
- Chair Connie Teixeira stated she was available and willing to serve.

\*Mr. Ben Hall entered the meeting at 3:14PM.

**• MR. NORMAN PERRY NOMINATED MR. JOHN ALLEY FOR CHAIR; MR. BEN HALL SECONDED;**

**• MR. HALL NOMINATED MS. TEIXEIRA FOR CHAIR; MR. DENYS WORTMAN SECONDED;**

**• NOMINATIONS WERE CLOSED;**

The MVAC discussed:

- Mr. Alley's long history with the MVAC and knowledge of the Airport,
- Ms. Teixeira's fine service as Chair,
- unfinished negotiations.

**• MR. ALLEY WAS UNANIMOUSLY ELECTED: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

**• MR. HALL NOMINATED MS. TEIXEIRA FOR VICE CHAIR; MR. WORTMAN SECONDED; NOMINATIONS WERE CLOSED; MS. TEIXEIRA WAS UNANIMOUSLY ELECTED: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

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- Given recent difficulty in achieving quorum and the inordinate amount of staff time spent in recruiting members to attend meetings the MVAC discussed other possible meeting times.
- **MR. HALL MOVED THAT THE MARTHA'S VINEYARD AIRPORT COMMISSION MEET AT 9:00AM THE FOURTH FRIDAY OF EVERY MONTH; MS. TEIXEIRA SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**
- Subcommittee memberships were reviewed and revised:
  - Land Use – Mr. Alley, Mr. Perry, Ms. Teixeira, (Mr. Sean Flynn),
  - Finance and Budget – Mr. Alley, Mr. Coyne, Mr. Wortman (Mr. Flynn),
  - Personnel – Mr. Alley, Mr. Craig, Mr. Perry, (Mr. Flynn),
- **MR. HALL MOVED TO APPOINT MS. TEIXEIRA TO CONTINUE ON THE NEGOTIATIONS COMMITTEE; MR. ALLEY SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

I. MINUTES

• February 21, 2012

- **MR. PERRY MOVED TO APPROVE THE FEBRUARY 21, 2012; MS. TEIXEIRA SECONDED; MOTION PASSED: 4 AYES, 0 NAYS, 1 ABSTENTION—MR. DENYS WORTMAN—** not on the MVAC at the time.

• February 23, 2012

- **MR. PERRY MOVED TO APPROVE THE FEBRUARY 23, 2012; MR. HALL SECONDED; MOTION PASSED: 4 AYES, 0 NAYS, 1 ABSTENTION—MR. DENYS WORTMAN—** not on the MVAC at the time.

II. OLD BUSINESS:

• Taxiway and Apron Project

The project was still in winter shutdown. Airport staff would meet with the engineers and construction representatives on the completion schedule.

- Pavement that failed the quality test would be removed and replaced.
- The old, buried drainage structure (see 2/23/12 Minutes p. 4 # II Tab 1) would be dug up, filled and the area repaved.
- Change Order 193K concerning the Jet Blue required fence / gating extension\preservation for passenger screening and baggage handler facilitations was completed with the requisite paving change. The Change Order was accepted by the Federal Aviation Administration (FAA) and the Massachusetts Dept. of Transportation Division of Aeronautics (MassDOT-Aeronautics) provided it did not exceed the grant amount.

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• PCE in Wells at Coffins Field (See documents on file.)

The Airport had completely complied with all Department of Environmental Protection regulations since remediation began in June 1998 and the previous audit showed Coffins Field to be 100% clean, meeting or exceeding drinking water standards, with all paperwork filed and equipment up and running.

However a Phase 2 report showed non-compliance due to new regulations on the depth / location of two previously approved wells. Tetra Tech (formerly Rizzo) submitted a \$54,600 proposal to conduct investigatory work to show plume current status and levels. The Airport was already paying for the required mitigation of a water filtration system and drinking water provision. The MVAC considered the previous history of the remediation and various political, economic/profit, and situational issues. Management would continue to report on the matter.

• True North/Brion McGroarty – Edgartown & Other Permits

This project had pulled some permits, broken ground, and had the initial structural inspection. Airport Management expected a request for a construction extension till the fall.

• As there were three simultaneous major projects underway in the Airport Business Park (MVYABP) Airport Management had asked all parties to report regularly on their progress.

• Motorcross Proposal (See 2/23/12 Minutes p. 2 # II Tab 5 and 1/26/12 Minutes p. 3-4 Tab 4) Motorcross was able to obtain less expensive insurance and the project was progressing. Airport Management was waiting for the finalized operating agreement. Management had inspected the site (which was considerably altered to contain acoustics) and informed Mr. Mendez about times of operation. Mr. Mendez had excellent community relations and required maintenance of bikes' original exhaust (without noise modification). The MVAC acknowledged the validity of noise concerns as motorbike noise was constant, while airplane noise was intermittent. The program would be given a trial.

• Solar PV/Renewable Energy / 2<sup>nd</sup> Generator Area / Propane Tank Area

Various proposals were not in the best interest of the Airport so the subject would be considered and guidelines set in the Airport Master Plan Update (see 11/17/11 Minutes p. 4 #6).

• Island Professional Realty Modification

The building had been gutted with no serious issues so far.

• Lot 34 Assignment (Vote) (See documents on file.)

This was a fairly standard shift of the lease with the addition of a new partner as expected (see 1/26/12 Minutes p. 7-8 #III Tab 11). There was a brief discussion on LLC structure and members versus managers. In keeping with Management recommendation

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**• MR. HALL MOVED TO APPROVE THE REQUEST BY NICHOLAS CATT TO ASSIGN THE MASTER LEASE FOR LOT 34 IN THE MARTHA'S VINEYARD AIRPORT BUSINESS PARK TO MVYABP LOT 34 LLC (WITH MR. NICHOLAS CATT, MR. LAURENCE CLANCY AND THE ADDITION OF MR. PHIL MCANDREWS AS STOCKHOLDERS/MEMBERS/MANAGERS) WITH CONDITIONS AS FOLLOWS:**

**- ANY STOCKHOLDER/MEMBER/MANAGER CHANGES FOR THE MVYABP LOT 34 LLC REQUIRES THE PRIOR WRITTEN APPROVAL OF THE MARTHA'S VINEYARD AIRPORT COMMISSION;**

**MS. TEIXEIRA SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

**• Lot 34 LLC Subleases (Vote) (See documents on file and 1/26/12 Minutes p. 7-8 #III Tab 11.)**

The current owners would remain on the lease adding Mr. McAndrews as above. Mr. Catt was a tenant in good standing, with other subtenants around the MVYABP. Management had vetted the subtenants and found no use of hazardous materials, but had warned about the hazard of spent grain that might attract birds. In keeping with the Land-Use Subcommittee recommendation

**• MR. HALL MOVED TO APPROVE THE REQUEST BY NICHOLAS CATT OF LOT 34 TO SUBLEASE A PORTION OF THE PREMISES AT MVYABP LOT 34 TO OFFSHORE ALE, BRENNAN & COMPANY AND FULLER ENERGY WITH CONDITIONS AS FOLLOWS:**

**- MVYABP LOT 34 LLC MUST STILL COMPLY WITH THE CONDITIONS IMPOSED BY THE MARTHA'S VINEYARD AIRPORT COMMISSION AT THEIR MEETING OF JANUARY 26, 2012 WITH THE FOLLOWING MODIFICATION:**

**- THE INSTALLATION OF A CLEARBLU ENVIRONMENTAL BIODIGESTER WASTEWATER TREATMENT SYSTEM OR AN APPROVED EQUIVALENT, WITH A BYPASS FEATURE IS REQUIRED AS PART OF THE INSTALLATION IN BYPASS MODE TO START;**

**- THE SUBLEASE IS IN A FORMAT APPROVED BY AIRPORT COUNSEL AND AIRPORT MANAGEMENT,**

**- THE SUBLEASE, WHEN APPROVED, WILL BE EXECUTED PRIOR TO THE OCCUPANCY OF ANY SUBTENANT BUT NO LATER THAN 30 DAYS OF RECEIPT OF THE CERTIFICATE OF OCCUPANCY, WITH A COPY FORWARDED TO THE AIRPORT, OR THE APPROVAL IS WITHDRAWN,**

**- INTERIOR MODIFICATION OF EACH OF THE SUBTENANT'S PREMISES REQUIRES SEPARATE MARTHA'S VINEYARD AIRPORT COMMISSION APPROVAL,**

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- **ALL EXTERIOR SIGNAGE (TO INCLUDE SIGNAGE ON EAST LINE ROAD AND ON THE BUILDING OR WINDOWS) REQUIRES A SEPARATE REVIEW AND THE PRIOR WRITTEN APPROVAL OF THE MARTHA'S VINEYARD AIRPORT COMMISSION;**
  - **THE STORAGE OF SPENT GRAIN FROM THE BREWING PROCESS MUST BE STORED IN A MANNER APPROVED BY AIRPORT MANAGEMENT;**
- MR. PERRY SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- RFQ for ARFF SRE Building / OPM (See 11/8/11 Minutes p. 5 #3.)

Airport Counsel had sent an opinion on the correct procurement process and the Request for Qualifications (RFQ) would go out shortly.

- In accordance with the three year cycle practice, the Airport would also put out a RFQ for general engineering services (see 6/19/09 Minutes p. 4 # 8).

- Administrative Policies

The policies were in final process.

### III. NEW BUSINESS:

- Lot 30 Heathland Realty Trust Sublease (Vote) (See documents on file.)

Chilmark Spring Water was sold to a new owner (**Mr. J. Howl Howland**) and as there was no provision for re-assignment this vote was required. Chilmark Spring Water would continue to operate as previously and were tenants in good standing. In keeping with Land Use Subcommittee recommendation

- **MR. HALL MOVED TO APPROVE THE REQUEST BY HEATHLAND REALTY TRUST TO EXECUTE THE NEW SUBLEASE WITH THE NEW OWNER OF CHILMARK SPRING WATER WITH CONDITIONS AS NOTED:**

- **THE SUBLEASE IS IN A FORMAT APPROVED BY AIRPORT COUNSEL AND AIRPORT MANAGEMENT,**
  - **THE SUBLEASE, WHEN APPROVED, WILL BE EXECUTED WITHIN 90 DAYS OF APPROVAL,**
- MR. PERRY SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- Time Reserved for Any Topic Not Reasonably Anticipated by Chair (See documents on file.)
- MVAC members were reminded to submit their Mass. Ethics Certificates.

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• At the February 21, 2012 Special Meeting of the MVAC the recent Health Insurance law (MGL Chapter 32B Sections 21 through 23) was adopted and an Insurance Advisory Committee (IAC) appointed which had completed its work. Airport Manager Mr. Sean Flynn asked that the MVAC appoint a Public Employee Committee—as required by statutes—with membership identical to the IAC with two exceptions, who were likely to be appointed by other organizations:

- Peter Valenti who might be appointed by Retired State, County, and Municipal Employee Association (RSCME),
- and Beth Tessmer who would likely be appointed by the Union.

• **MR. HALL MOVED TO CREATE A PUBLIC EMPLOYEE COMMITTEE AND TO APPOINT THE FOLLOWING MEMBERS:**

- **DUKES COUNTY RECORDS AGENT JO ANN MURPHY,**
- **COUNTY TREASURER NOREEN FLANDERS,**
- **AIRPORT MANAGER SEAN FLYNN,**
- **DUKES COUNTY RETIREMENT BOARD STAFF KELLY MCKRAKEN,**
- **AIRPORT LANDSIDE ADMINISTRATOR DEBORAH POTTER, AND**
- **DUKES COUNTY REGISTER DIANE POWERS**

**MS. TEIXEIRA SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

The PEC would meet and negotiate about the changes in healthcare for acceptance or rejection by the bargaining units (or referral to a State review board if this failed) for the return of up to 25% of the savings incurred.

**IV. SUBCOMMITTEE REPORTS:** (See 8/5/11 Minutes p.2 #3 and 8/19/11 Minutes.)

• **Land Use**

\*Mr. Ben Hall recused himself at 4:35PM.

In August 2011 True North requested permission to formalize Irie Bites food service on its lot from 10:00PM to 1:00AM however an incident generated a special MVAC meeting where a series of issues regarding licensing parameters, security and safety were raised. Although Commissioners had been contacted by Irie Bites management, it was emphasized that this was an internal sublease issue between Irie Bites and True North. The open and transparent protocol was to work through Landside Administrator Ms. Deborah Potter and the MVAC or its subcommittees in public meetings.

\*Mr. Ben Hall returned to the meeting at 4:47PM.

• **Budget & Finance**

The Supplemental Fiscal Year 2012 (FY12) and the FY13 Budgets had been approved (see 2/23/12 Minutes p 1-2 #III Tabs 12 & 13). Although the Airport retained appropriation and authority over the Budgets, they were forwarded to Dukes County (with a few changes which would not effect the bottom line) in consideration of past practice. Mr. Flynn attended the County Commission and Advisory Board meetings where the Budgets were passed without incident.

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• Personnel

Negotiations on the new healthcare provisions continued cordially with a good chance of success.

V. AIRPORT MANAGEMENT UPDATE

- On the aviation side fuel sales exceeded 2009-11 but had not reached the 2008 peak. The supplier shift to AvFuel was reaping some benefits. Due to a combination of weather and the economy aviation activity was busier than previous years.
  - Management met with a number of pilots on the new formalized tiedown licenses (see 1/26/12 Minutes p. 6 Tab 16 and 2/23/12 Minutes p. 6) however about 30% opted not to renew.
    - Some considered the insurance, registration, air worthiness and proper cordage requirements too draconian. Others chose not to name the Airport as an additional insured. Some of these have become hangar tenants.
    - Some thanked the Airport as they considered the licenses regularized and secured the practice.
    - It was expected that more pilots would respond when the season picked up.
- With the new ramps and improvements (which reduced reserved spaces by better than 30% resulting in more turf tiedowns) the Airport had considered this an opportune time to regularize its aviation parking. The licenses were typical of the industry norm.
- It was noted that the single/twin engine flyers had been dwindling for years and there was a customer shift to younger, wealthier pilots with higher tech, more expensive planes.

A Mass Casualty Incident (MCI) drill involving all Island emergency agencies was fairly successful. The drill, which highlighted equipment and communications problems, was documented by video and still photographs. Tabletop drills were conducted annually with full drills such as this every three years as required by the Transportation Safety Administration (TSA).

- Aviation Side Administrator Mr. John Coskie was commended along with other new staff. The MVAC discussed details such as equipment, volunteers, family support, news briefings, etc.

• Upcoming Travel

- Four staff members would travel to Pittsburg for 40 hours of Airport Rescue and Fire Fighting (ARFF) training for final certification.
- Now that a complete team of administrators was in place Mr. Flynn would take full vacations for the first time, in May 2012 and February 2013.
- The software trainers from Broken Arrow, Oklahoma were working with the Airport Administrators.

VI. EXECUTIVE SESSION

• MGL Ch.30A §21 (a) (3) To Discuss Strategy With Respect To Collective Bargaining Or Litigation If An Open Meeting May Have A Detrimental Effect On The Bargaining Or Litigating Position Of The Public Body And The Chair So Declares

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**• MR. HALL MOVED TO GO INTO EXECUTIVE SESSION AT 5:23PM, NOT TO RETURN TO OPEN SESSION, UNDER MASS. GENERAL LAW CHAPTER 39 SECTION 23 NO. (3), -- I.E. FOR THE PURPOSE OF DISCUSSING STRATEGY WITH RESPECT TO POTENTIAL LITIGATION AND COLLECTIVE BARGAINING NEGOTIATIONS IF SUCH DISCUSSION COULD HAVE ADVERSE EFFECTS ON THE LITIGATION OR NEGOTIATIONS; AND TO INVITE AIRPORT MANAGER SEAN FLYNN, AIRPORT ADMINISTRATOR DEBORAH POTTER, AIRPORT ADMINISTRATOR JOHN COSKIE, AND RECORDER MARNI LIPKE TO BE PRESENT THROUGHOUT; MS. TEIXEIRA SECONDED; MOTION PASSED UNANIMOUSLY: MR. WORTMAN—AYE, MR. PERRY—AYE, MR. HALL—AYE, MS. TEIXEIRA AYE, MR. ALLEY—AYE.**

VII. ADJOURNMENT

**• MS. TEIXEIRA MOVED TO ADJOURN AT 5:49PM: MR. WORTMAN SECONDED; MS. TEIXEIRA—AYE, MR. PERRY—AYE, MR. ALLEY—AYE, MR. WORTMAN—AYE.**

The next MVAC meeting was scheduled for 9:0AM Friday, April 27, 2012.

**Appendix A: Tasks**

• Mr. Alley - send letter of thanks to Mr. Fred Condon.

From previous meetings or ongoing

- Sean - Ask MVTV re: standing order and bill for CD/DVD of MVAC meetings.
- Inform Commissioners when background information is available at the Airport.
  - It is the responsibility of the Commissioners to view background information once it has been made available.
- Lease renewals 6 mos. to 1 year before lease ends.

**Appendix B: Documents on file:**

- Agenda 3/22/12
- Sign-in Sheet 3/22/12
- Mass. DEP letter re: West Tisbury Release Tracking Number 4-12087 (3 p.) 3/1/12
  - envelope
- Myrick/Billa of Tetra Tech letter re: Proposal for Environmental Consulting Services Response to Notice of Audit Findings and Notice of Noncompliance Martha's Vineyard Airport RTN 4-12087 (7 p.) 3/13/12
  - Tetra Tech MV Airport and Coffins Field Development Site Plan Phase II Investigation 3/14/12
  - Tetra Tech, Inc. Martha's Vineyard Airport Fee Schedule 2012

**continued**

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**Appendix B: Documents on file (cont.):**

- Remediation, Assessment, and Compliance Statement of Terms and Conditions (4 p.)
- MV Airport Staff Summary re: Lot 34 Assignment Request 3/22/12
- Catt of MVYABP Lot 34, LLC letter re: Assignment of Transfer Request 3/13/12
- Commonwealth of Mass. Corporation Divisions MVYABP Lot 34, LLC certificate (2 p.)
- MV Airport Staff Summary re: Lot 34 Sublet Requests (2 p.) 3/22/12
- Lot 34 Parking Circulation Plan 1/20/12
- Requested Management Questionnaire – (2 p.) Offshore Ale Co.
- Requested Management Questionnaire – Brennan & Co.
- Requested Management Questionnaire – Fullers Energy
- MV Airport Staff Summary re: Heathland Realty New Sublease Request 3/22/12
- Whiting of Heathland Realty Trust letter re: Kelly lease 3/15/12
- Potter/Rose emails re; Irie Bites Truck (2 p.) 3/13/12