

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

**April 12, 2018 2:00PM**

**Martha's Vineyard Airport Commission Conference Room**  
Notice of Such Meeting Having Been Posted as Required by Law

Present: Airport Commissioners: Chair - Robert Rosenbaum, Clarence "Trip" Barnes,  
Donald Ogilvie, R. Peter Wharton, Kristin Zern,  
Airport Staff: Ann Richart- Manager, Water/Wastewater – Mike Eldridge,  
Denise Tawa – Assistant to Airport Management,  
Others: Matt O'Brien – McFarland Johnson,  
David Mackey, Christine Zaleski - Anderson Krieger Airport Counsel  
LAZ Parking - Mike Mihalow, Sean Woodbine,  
MVABP – Landry Harlan,  
Marni Lipke – Recorder  
Press: Lynn Fraker – MVTV, \* Late arrival or early departure (see \* in text)

**I. CALL TO ORDER**

The Martha's Vineyard Airport Commission (MVAC) meeting was called to order at 2:02PM.

**II. APPROVAL OF MEETING MINUTES** Action

A. March 8, 2018 Executive Session

**MR. DON OGILVIE MOVED TO APPROVE BUT NOT RELEASE THE MARCH 8, 2018 EXECUTIVE SESSION MINUTES; MR. PETER WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

B. March 28, 2018 Meeting

**MR. WHARTON MOVED TO APPROVE THE MARCH 28, 2018 MINUTES AS AMENDED; MS. KRISTIN ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

**III. REVIEW OF REQUIRED STATEMENT OF FINANCIAL INTEREST**

- Mr. Bob Rosenbaum rented a hangar from Jim Harran one of the owners of James Rogers Hangar Association and Mr. Ogilvie was one of the owners of the James Rogers Hangar Assoc.
- Mr. Richard Michelson was a sub-contractor to Martha's Vineyard Airport Business Park (MVABP) tenant Vineyard Transit Authority (VTA), and Mr. Trip Barnes rented space from MVABP tenant the Estate of John Folino.
- Neither Mr. Wharton nor Ms. Zern had any financial interests to declare.
- Mr. Barnes announced the Ethics Commission cleared him of any wrongdoing and he was looking for whoever reported him.

**IV. APPROVAL OF SUBCOMMITTEE APPOINTMENTS** Action

The Subcommittee Chairs were confirmed: Land Use – Mr. Wharton, Personnel – Mr. Ogilvie,

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Outreach – Ms. Zern.

- Finance would continue until such time as the Dukes County Commission appointed the Airport Commissioners.
- Chair Rosenbaum would not formally serve on any Subcommittee but could attend as needed.

V. LAND USE APPROVALS

A. JJ's Motocross Track Agreement Renewal Request (See documents on file.) Action  
The Airport granted this community use license (which could be revoked at any time) to use a vacant area not currently approved for development (see 1/26/12 Minutes p.3-4 #III 7 & II 4). The licensee provided liability insurance but did not pay rent and could not improve the lot (see 10/13/16 Minutes p.2 #B 1). In keeping with Airport Manager recommendation:

**• MR. OGILVIE MOVED TO RENEW THE LICENSING AGREEMENT WITH JJ MOTOCROSS UNTIL THE LOT CAN BE ADVERTISED FOR COMMERCIAL DEVELOPMENT; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.** (See below: p.4 #X.)

B. Consideration of Airport Laundromat Lease Default (See documents on file.) Action  
The tenant was ~ \$140,000 in arrears mostly in wastewater fees. As Mr. Nicholas Catt had retained an attorney and threatened litigation the matter would now be taken up in Executive Session (see below: p. 5-6).

VI. FINANCE SUBCOMMITTEE REPORT

- Thanks went to Finance Subcommittee member Mr. Norm Werthwein for his summary:
- Operating finances through February 2018 showed a \$100,000 surplus;
- Airport Manager Ann Richard was carefully monitoring cash flow especially in regards to capital projects and was active and successful in finding and obtaining grant funding.
- The Airport provided Fiscal Year 2017 (FY17) financial closing numbers earlier than ever before, and the Auditor exit interview at the previous Dukes County Commission meeting expressed satisfaction with Airport results. They recommended the Infinite Visions software conversion be continued.
- A slight error was corrected in the Audit Report (see documents on file).
- One of the Dukes County Commissioners mistakenly stated that the Airport had a \$2,000,000 loss which was actually a Capital/Depreciation figure. The Airport essentially broke even in Fiscal Year 2017 (FY17) operating costs being only \$10-50,000 in deficit.

VII. OUTREACH/PUBLIC RELATIONS (PR) SUBCOMMITTEE REPORT

- Ms. Zern and Ms. Richart were working on a four-page newspaper insert planned to be a bi-annual event.
- As no employee was available to attend the Martha's Vineyard Regional High School (MVRHS) Job Fair, Commissioners Wharton and Zern manned the MVY booth. Both Commissioners felt it was a very positive experience, describing encounters with both young and

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old, exhibitors, networking, etc. for example the Cape Cod 5¢ Bank representative, Cape Cod Community College (CCCC), and the MVRHS Career Technical Education (CTE) representative Mr. Brian Jakusik.

**VIII. CONSIDERATION OF CONTRACTS**

**A. McFarland Johnson Work Order #11B Runway Reconstruction** Action  
(See documents on file.)

This \$12,500,000 project would grind off and re-asphalt primary Runway 6/24, eliminating the shoulders, updating drainage and bringing it up to Federal Aviation Administration (FAA) design standards. The Work Order covered preliminary work such as design, environmental permitting, bid document preparation/process, construction administration, etc. As with all such projects costs had to be verified as reasonable by an Independent Fee Estimate (IFE) (in this case by a third party engineer) which came in about \$100,000 higher than McFarland Johnson's charge. The project was 90% funded by FAA grant, 5% by Mass. Dept of Transportation Division of Aeronautics (MassDOT-Aeronautics), with a 5% local match—which was in the budget. The MVAC discussed timing in terms of:

- runway closings, not only 6/24 but also its intersection with alternate Runway 15/33;
- construction suspension from May 15th to Columbus Day (and possibly holidays);
- financing/reimbursement and Passenger Facility Charge (PFC) revenue build up (see 1/5/17 Minutes p.3 #IV C) and continued concern about the Airport cash-flow issues.

In keeping with Airport Manager recommendation:

**• MR. OGILVIE MOVED TO AUTHORIZE THE AIRPORT MANAGER TO EXECUTE WORK ORDER #11B WITH MCFARLAND JOHNSON NOT TO EXCEED \$679,699.99; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

**B. McFarland Johnson Work Order #12 Air Service Development** Action  
(See documents on file.)

Ms. Richart would attend the upcoming Airport Council International-North America (ACI-NA) sponsored JumpStart Conference (sometimes called “speed dating”) to meet with and solicit numerous airlines. It was critical to work with an air service development consultant. In keeping with Airport Manager recommendation:

**• MS. ZERN MOVED TO AUTHORIZE THE AIRPORT MANAGER TO EXECUTE WORK ORDER #12 WITH MCFARLAND JOHNSON NOT TO EXCEED \$8,590; MR. WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

**C. Jacobs Supplemental Agreement #1** Action (See documents on file.)

Jacobs Engineering work on the Airport Rescue and Fire Fighter (ARFF) building exceeded its original scope, and Airport Management informed them that additional costs would only be paid if eligible for FAA (90%) and MassDOT Aeronautics (5%) reimbursement—which had now been approved. The local share was \$3,500. In keeping with Airport Manager recommendation:

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- **MR. OGILVIE MOVED TO AUTHORIZE THE AIRPORT MANAGER TO EXECUTE SUPPLEMENTAL AGREEMENT #1 WITH JACOBS ENGINEERING NOT TO EXCEED \$71,850; MR. WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

The project closeout (for ~ \$140,000 in FAA reimbursement) was expected this month, however additional change-orders reimbursement was likely to show up anytime before September 30th.

IX. CONSIDERATION OF PARKING RATES (See documents on file.) Action

National parking company, LAZ Parking representatives Mr. Mike Mihalow and Mr. Sean Woodbine presented proposed new MVY Airport parking rates, to collect more revenue and support Island residents. Most rates for residents would remain similar or rise incrementally, but would now be consistently enforced.

- Island residents would receive discounts on daily, annual and commercial rates.
- Massachusetts residents would receive lesser annual and commercial discounts.
- Airport employees would receive passes.

The new system would also gather statistics and could be programed for specific groups, rates, times and adjustments. Payment would be by credit card either at the site, in the Terminal or at emplanement. The equipment would be installed, the change would be publicized and the new rates go into effect by mid-May—Mr. Woodbine would be on Island to facilitate the process. Rates could be reconsidered after accurate statistics were gathered. In keeping with Airport Manager recommendation:

- **MR. WHARTON MOVED TO APPROVE THE PARKING RATES AS PRESENTED (SEE DOCUMENT ON FILE); MR. BARNES SECONDED; MOTION PASSED: 4 AYES, 0 NAYS, 1 ABSTENTION—MR. BARNES** who felt the MVAC had not thoroughly considered the issue.

X. MCFARLAND JOHNSON WORK UPDATE (See documents on file.)

A map now showed areas that had neither archeological nor endangered species restrictions. The Massachusetts Environmental Policy Act (MEPA) required permission from MassDOT Highways (which was in process) regarding the Barnes Rd./West Tisbury Rd. intersection.

- Ground penetrating radar confirmed a former Navy Dump and digging/sampling was currently delayed by weather but the final report target was still June.
- The well decommissioning bid for hazard abatement was in process. If all went well the work would be done in May pending contractor scheduling.
- The target for FAA release of seven acres (along with official release of current lots) was still May 2018. Another 15 acres required additional procedures and so would be considered later.
- JJ Motocross location straddled the safety line restrictions and might have to be closed down.
- The new gas station (including carwash) was in construction with a June 1st target finish date.

XII. WATER/WASTEWATER/FACILITIES REPORT (See documents on file.)

There were no new issues. A new truck would help with safety issues and haulage. The recent storms damaged gutters and showed continuing Terminal roof leaks.

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XII. ASSISTANT AIRPORT MANAGER REPORT

Assistant Manager Geoff Freeman was acting as an observer on the Nantucket triennial disaster drill. The MVAC commended MV Airport for successfully completing their drill.

XIII. MANAGER REPORT

- Ms. Richart would attend the American Association of Airport Executives (AAAE) Conference and had been elected to National Nominating Committee. Nantucket Airport Manager Tom Rafter was in the pool to be AAAE Chairman.
- The U.S. Congress passed a funding bill wthat included all regular FAA funding plus an extra \$1 billion for small airports—to be obligated by 2020. Ms. Richart would work hard to make sure the MVY Airport would get its fair share.

XIV. CHAIR REPORT

- Chair Rosenbaum and Vice Chair Ogilvie were working on Airport Bylaw changes and urged Subcommittees to complete their charters.
- Compliments and accolades went to FAA New England Airport Division Head Ms. Mary Walsh, who was rumored to be retiring—the Commissioners regretted her departure and would miss her ready support and expertise. The FAA was considering a vast re-organization.

V. LAND USE APPROVALS

B. Consideration of Airport Laundromat Lease Default (See documents on file.) Action

**• MR. OGILVIE MOVED TO ENTER EXECUTIVE SESSION AT 3:30PM, TO DISCUSS STRATEGY WITH RESPECT TO THE LITIGATION OF THE LEASE OF AIRPORT LAUNDROMAT, INC. AND TO RECONVENE IN OPEN SESSION; THE CHAIR HAVING DETERMINED THAT AN EXECUTIVE SESSION IS NECESSARY BECAUSE AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE LITIGATING AND NEGOTIATING POSITION OF THE COMMISSION AND TO INVITE THE AIRPORT MANAGER MS. ANN RICHART, AIRPORT COUNSELS MR. DAVE MACKKEY AND MS. CHRISTINE ZALESKI, AND RECORDING SECRETARY MARNI LIPKE TO BE PRESENT THROUGHOUT; MR. BARNES AND MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS: MR. BARNES—AYE, MR. OGILVIE—AYE, MR. WHARTON—AYE, MS. ZERN—AYE, MR. ROSENBAUM—AYE.**

**• MR. OGILVIE MOVED TO RETURN TO OPEN SESSION AT 4:31PM; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS: MR. WHARTON—AYE, MR. BARNES—AYE, MS. ZERN—AYE, MR. ROSENBAUM—AYE, MR. OGILVIE—AYE.**

Having had the opportunity to consider the threat of litigation regarding termination Airport Laundromat lease:

**• MR. ROSENBAUM MOVED THAT THE MARTHA'S VINEYARD AIRPORT COMMISSION:**

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**- AUTHORIZES THE AIRPORT MANAGER, WORKING THROUGH COUNSEL, TO COMMUNICATE WITH AIRPORT LAUNDROMAT COUNSEL THAT AIRPORT LAUNDROMAT HAS TWENTY-ONE (21) DAYS TO WORKOUT A PAYMENT PLAN OR FULLY PAY ALL WASTEWATER AND WATER ARREARS AND**  
**- FAILING THAT, THE MARTHA'S VINEYARD AIRPORT COMMISSION HEREBY TERMINATES THE AIRPORT LAUNDROMAT LEASE;**  
**MR. WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.** Mr. Barnes objected to Mr. Catt not attending this meeting with his counsel.

XV. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR - None

XVI. PUBLIC COMMENT - None

XVIII. CONFIRMATION OF NEXT MEETING - 2:00PM, THURSDAY, MAY 10, 2018

XVIII. CALL FOR MOTION TO ADJOURN

**• MR. OGILVIE MOVED TO ADJOURN AT 4:39PM; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY.**

**Appendix A: Tasks**

May Agenda

- Minutes: 4/12/18 Executive Sessions 5/11/17, 8/10/17, 12/14/17, 1/11/18, 4/12/18

**Appendix B: Documents on file:**

- Agenda (2 p.) 4/12/18
- Sign-in Sheet 4/12/18
- MVAC March 28, 2018 Meeting Draft Minutes (5 p.)
- MVAC Monthly Activity Report February 2018
- MV Airport Staff Summary re: JJ's Motocross Park, LLC 4/12/18
- MV Airport Staff Summary re: Airport Laundromat, 4/12/18
- MV Airport Staff Summary re: Approval of McFarland Johnson Work Order #11B 4/12/18
- MV Airport Staff Summary re: Approval of McFarland Johnson Work Order #12 4/12/18
- MV Airport Staff Summary re: Approval of Jacobs Supplemental Agreement #1 4/12/18
- MV Airport Staff Summary re: 2018 Parking Rate Request 4/12/18
- Martha's Vineyard Airport Developable Areas October 24, 2017 McFarland Johnson
- MV Airport Water, Wastewater, and Facilities Departments April 2018 (4 p.)
- Governmental Funds Statement of Revenues, Expenditures and Changes in Fund Balances  
Year Ended June 30, 2017 County of Dukes County Basic Financial Statements
- Richart/Thornton/Catt emails re: Open Letter to the County Commissioners (2 p.) 3/19/18
- Catt letter re: Wastewater fee increase 3/16/18
- Richart email re: Nick Catt Letter to DCC and Our Response 4/10/18
- Rosenbaum memo re: Response to March 16, 2018 Letter from Nicholas M. Catt (2 p.) 4/3/18

Minutes approved as amended 5/10/18