

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

November 8, 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,
Richard Knabel, Donald Ogilvie, R. Peter Wharton,
Kristin Zern,
Airport Staff: Ann Richart* - Director, Geoffrey Freeman - Assistant Manager,
Denise Tawa – Assistant to Airport Management,
Water/Wastewater – Mike Eldridge,
Others: Myron Garfinkle – former Airport Commissioner,
David Mackey* by phone - Anderson Krieger Airport Counsel
Geoff Wheeler – Finance Committee, Marni Lipke – Recorder
Press: Landry Harlan – Vineyard Gazette, Joanie Ames – 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 OF OCTOBER 11, 2018 Action

**MR. RICHARD KNABEL MOVED TO APPROVE THE OCTOBER 11, 2018 MINUTES;
MS. KRISTIN ZERN SECONDED; MOTION PASSED: 5 AYES, 0 NAYS, 1
ABSTENTION—MR. TRIP BARNES** due to absence.

XI. CHAIR'S REPORT

Chair Bob Rosenbaum stated that throughout his professional career, including his current appointment to the Airport Commission he always respect the press and provided them with accurate information in a timely manner. The press played a vital role in the country and in the current world and the only thing he expected was balanced accurate reporting. However the Martha's Vineyard Gazette in recent months published several articles where information was inaccurate, misleading and very biased. In the past he responded with letters to the and phone calls to the editor to correct information and try for a more balanced view. The most recent article Airport Legal Bills on the Rise (October 12, 2018 issue) was the worst, riddled with biased and incorrect information despite Airport Counsel's and Mr. Rosenbaum's hours of phone explanation and requested background documentation. Inaccuracies included:

- incorrect billing rates,
- incorrect reporting of an option to renew the Rotondo lease—by law, the Airport's only legal recourse without violating MGL Ch. 30B was to go out to bid (Mr. Rotondo was outbid by \$350,000—about the amount he spent on legal fees and removal of his facility);
- unanimous MVAC decision to award bid to the highest qualified bidder;

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- omission of why the case was in several courts – Mr. Rotondo’s refusal leave at the end of his lease and Airport’s successful case to evict him and recover legal fees;
- omission of Superior Court Judge statement that Mr. Rotondo’s case had no likelihood of success;
- Reporter Steve Myrick’s inaccurate reporting/editorializing showing complete ignorance of finances in regard to Airport borrowing to pay legal fees—absolutely incorrect. The Airport borrowed to fund capital projects (fire station, equipment, runway rehabilitation, etc.) as was standard in any municipal, non-profit or for-profit organization. The Airport operating budget, which included legal fees, showed a \$200,000 surplus and no public money was used.

Mr. Rosenbaum cited Vineyard Gazette errors on other matters (e.g. election results) and wondered why anyone would subscribe to it. He commended for the Martha's Vineyard Times for their investigative reporting and coverage of the danger of drones to aviation.

- Ms. Zern praised his statement. Mr. Barnes asked why the case was so protracted and how much the Airport had spent on legal fees. Mr. Rosenbaum responded that the Airport was being sued and therefore had to go to court. The current status of the case would be discussed in Executive Session.

- The Gazette accurately reported Mr. Rosenbaum’s statement that the Airport had always been open to mediation.

III. FINANCE SUBCOMMITTEE REPORT

- Fiscal Year 2018 (FY18) was complete and ready to go to the Dukes County auditors.
- FY19 operating budget first quarter showed positive and if continued would result in a \$200,000 balance at the end of the calendar year. Rumors that the Airport had deep financial problems were unequivocally incorrect.
- The Subcommittee had been going through the process of finding an outside consultant to solve MVAC, staff and Dukes County problems with getting timely, accurate financial reports (see 10/11/18 Minutes p.1 #III). Two firms were interviewed and the recommendation was to hire Barry Dunn of Manchester, NH.
- The firm would: meet with: the Subcommittee, interview staff, work closely with stakeholders, review documents, roles and responsibility, etc.; analyze results and develop an action plan and tools for ongoing financial reporting that would allow the MVAC to be good stewards.
- The firm had experience with General Accounting Standards Board (GASB), airports and the Infinite Visions accounting software.
- They committed to begin the process quickly and hoped to have it completed by Christmas.
- The cost was unbudgeted but funds were available.
- **MR. DON OGILVIE MOVED TO ENTER INTO A CONTRACT WITH CERTIFIED PUBLIC ACCOUNTANT BARRY DUNN NOT TO EXCEED \$26,000 (NOT TO EXCEED \$23,500 FOR FEES AND NOT TO EXCEED \$2,500 FOR OUT-OF-POCKET EXPENSES): MR. PETER WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

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- As he felt he should have done originally:
- **CHAIR AND TREASURER ROSENBAUM MOVED TO CANCEL THE CONTRACT WITH MR. GEOFFREY WHEELER AND APPOINT HIM TO BE A VOTING MEMBER OF THE FINANCE AND BUDGET SUBCOMMITTEE; MR. PETER WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

A. Fiscal Year 2020 (FY20) Budget Request (See documents on file.) Action

An FY20 budget draft had been developed through gargantuan efforts by Management and staff. The County set its budgets early so they could be incorporated into Town budgets—although the Airport was different in that no taxpayer money was involved. This draft showed a 3% increase across expenditure and revenue and would likely be amended as the year progressed.

- Operating budget revenue was ~ \$5,500,000 and operating expenses ~ \$5,000,000 for a ~ \$500,000 surplus to help pay local share of capital projects;
- Capital revenue was ~ \$3,700,000 and capital expenses ~ \$4,000,000 for a net capital expense of \$172,000.
- The MVAC discussed the reality of projections two years ahead and possible County hesitations on revising budgets. The revenue projections were based on lease income and expiration, Federal Aviation Administration (FAA) grant commitments, etc. There was little change from FY19, with the exception of the wastewater rate reduction (see 7/24/18 Minutes p.2-3 #III). A mid or end of year budget revision had been standard Airport operating procedure for many years. In keeping with Airport Director recommendation:

- **MR. OGILVIE MOVED TO APPROVE THE MARTHA'S VINEYARD AIRPORT FISCAL YEAR 2020 BUDGET AS PROPOSED; MR. WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

IV. LAND USE SUBCOMMITTEE REPORT

A. Authorize Lease Assignment of Lot #17 Folino to McCarthy Action

- The previous master leaseholder having passed away, this was a simple assignment from the estate to Mr. James McCarthy (see documents on file)—no change of use involved (a continued sublet to Comcast). In keeping with Land Use Subcommittee recommendation:
- **MR. KNABEL MOVED TO AUTHORIZE THE ASSIGNMENT OF THE MARTHA'S VINEYARD AIRPORT BUSINESS PARK LOT #17, LLC (FOLINO) LEASE TO 19 EAST LINE ROAD, LLC (MCCARTHY); MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

V. OUTREACH SUBCOMMITTEE REPORT

- The Subcommittee was working with Assistant Airport Manager Mr. Geoffrey Freeman on drone safety presentations and public education, including an FAA New England District trainer.
- The Subcommittee was collaborating with Adult Community Education Martha's Vineyard (ACE MV) on a High School/Community aviation career program.
- Work continued on the 60th Anniversary events: a barbecue, MVTV program on Airport history/background, etc.

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VI. MCFARLAND JOHNSON WORK UPDATE

While awaiting the FAA decision to release the Business Park lots, Mr. Matt O'Brien and staff were moving forward on Martha's Vineyard Commission (MVC) permitting/approval. For example, in reviewing the initial agreement, it was found that:

- there was extensive reference to 1996 Martha's Vineyard Airport Business Park (MVABP) rules and regulations; and
- the original MVC/MVAC agreement should be reviewed every five years.

Once the release and approval was completed the original agreement would be reviewed with extensive public input.

VII. AUTHORIZE CONTRACT WITH TETRA TECH FOR OLD NAVY DUMP SITE INITIAL SITE ASSESSMENT Action

(See documents on file & 10/11/18 Minutes p.4 #IV B.)

The previous scope of work was completed and this authorization was the next contract to implement the scope on further investigation, which could lead to one of two Department of Environmental Protection (DEP) outcomes:

- 1) contaminants and boundaries were known and clean up could begin;
- 2) further testing, monitoring wells or research was required.

Funds would cover: project planning, sampling wells (including groundwater), lab work, and a report. This project was completely separate from the Laundromat/dry cleaning plume. In keeping with Airport Director recommendation:

• MR. WHARTON MOVED TO AUTHORIZE A CONTRACT WITH TETRA TECH FOR \$21,500 FOR DUMP SITE INITIAL SITE ASSESSMENT SERVICES: MR. OGILVIE SECONDED; MOTION PASSED: 5 AYES, 0 NAYS, 1 ABSTENTION—MR. BARNES.

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

Airport Facilities Manager/Wastewater Operator Mike Eldridge, reviewed explained the photos:

- aiding in effluent discharge wells for State inspection;
- support for Navy dump testing, repairing monitoring well piping,
- installing a locked bypass valve for Laundromat wastewater numbers;
- planning for the demolition and replacement of the well building fire hydrant;
- separation of copper and cast iron piping after replacement of the di-electric union;
- Planeview Restaurant repairs in keeping with electrical inspector findings;
- pump, water filters, hoses, nozzles and anti-salt solution supplies for vehicles undercarriages.
- work on Airport Rescue and Fire Fighter (ARFF) electrical Heating/Ventilation/Air Condition (HVAC) glitches.

IX ASSISTANT MANAGER'S REPORT

- Mr. Freeman had been very busy with the Martha's Vineyard Times and Island law enforcement to publicize drone safety, police response and FAA guidance.
- Runway 6-24 reconstruction was officially opened with completion of three no-taxi islands, a

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national trend designed to stop runway incursions. Lawrence Lynch had followed all rules and regulations, were respectful, busy and competent. The process included, pavement grinding, soil repacking, lights, drainage, signage and hydro-seeding (which would be repeated in the spring 2019). The red barriers were gone and all notams canceled.

- In the constant battle to reduce persistent airport noise, Management initiated a request to not idle jet engines for more than 15 minutes—enough time to cool a plane down and enter flight information. Signage and mobile power units were installed to aid in the change.
- The following trainings were completed or scheduled:
 - operations staff live fire training at Logan Airport including hand line and fire truck turret line,
 - Occupational Safety and Health Administration (OSHA) 10, mandatory for all municipal employees,
 - annual wildlife management training.
- Staff met with the Vineyard Transit Authority (VTA) on shifting bus parking to alleviate inadequate front curb traffic planning.
- 45 hanger inspections were complete, with 28 still to go. There were minor requests to remove items but nothing seriously out of lease.

X MANAGER'S/DIRECTOR'S REPORT

- Two new employees were:
 - Katie Burnside – Fixed Base Operator (FBO) customer service representative, and
 - Kevin Brennan – property manager, late of the VTA, a good office worker with aviation experience and property manager freelancing.
- Airport Director Ms. Ann Richart gave examples of her response to letters of complaint/protest:
 - a client who failed to renew a long-time tie-down spot, who was accommodated with another location as convenient as possible;
 - a busy summer season fuel purchaser who was under-charged despite his own warning, who objected to the tone of the delinquency letter. Ms. Richart sent an apology and offered him the same period of payment as the Airport period of error. The error was a training issue and as a fuel purchase she did not consider canceling the debt as she might have for a service fee.
- The \$2,500,000 State loan for the wastewater treatment plan upgrade was finally approved by the Legislature (see 1/11/18 Minutes p.2 #IV) and hopefully signed by the Governor. The project was automatically rolled onto next year's DEP schedule. Two other bond requests (combined value about \$1,100,000) were approved by the Dukes County Commission and would now be submitted to the Legislature for the same process.

XI. CHAIR'S REPORT

Mr. Rosenbaum acknowledged with sadness and condolences to his family the passing of Mr. Joseph Passafiume who was active as a pilot at the Airport and with Aero Club New England.

XII. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR - None

XIII. PUBLIC COMMENT - None

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XV. CONFIRMATION OF NEXT MEETINGS:

- Finance Subcommittee - 3:30PM, Wednesday December 5, 2018
- Outreach Subcommittee - 3:30PM, Thursday December 6, 2018
- Land Use Subcommittee - 5:00PM, Thursday, December 6, 2018
- **MVAC - 2:00PM, Thursday, December 13, 2018**

XIV. EXECUTIVE SESSION TO DISCUSS STRATEGY WITH RESPECT TO THE LITIGATION OF THE AWARD OF THE LEASE FOR AIRPORT BUSINESS PARK LOT #33; THE CHAIR HAS 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

• **MR. KNABEL MOVED TO ENTER EXECUTIVE SESSION AT 3:10PM UNDER MGL CHAPTER 30A SECTION 21 (a) (3) – TO DISCUSS STRATEGY WITH RESPECT TO THE LITIGATION OF THE AWARD OF THE LEASE FOR AIRPORT BUSINESS PARK LOT #33, IF THE CHAIR DECLARES THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE NEGOTIATING POSITION OF THE PUBLIC BODY AND NOT TO RETURN TO OPEN SESSION AND TO INVITE THE AIRPORT DIRECTOR, FORMER COMMISSIONER MYRON GARFINKLE AND THE RECORDING SECRETARY TO BE PRESENT THROUGHOUT AND AIRPORT LEGAL COUNSEL TO JOIN THE SESSION BY PHONE; MR. OGILVIE SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS: MR. BARNES—AYE, MR. KNABEL—AYE, MR. OGILVIE—AYE, MR. WHARTON—AYE, MS. ZERN—AYE, MR. ROSENBAUM—AYE.**

- There was a brief recess while the room was cleared and the session re-convened at 3:16PM.
- Airport Counsel Mr. Dave Mackey attested that he was in a room alone with the door closed.
- * Ms. Richart left the meeting during the session.

XVI. CALL FOR MOTION TO ADJOURN

• **MR. WHARTON MOVED TO ADJOURN THE EXECUTIVE SESSION AND THE MEETING AT 3:49PM; MR. KNABEL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS: MR. WHARTON—AYE, MR. KNABEL—AYE, MS. ZERN —AYE, MR. OGILVIE—AYE, MR. ROSENBAUM—AYE, MR. BARNES—AYE.**

Appendix A: Tasks – None

Appendix B: Documents on file:

- Agenda (2 p.) 11/8/18
- Sign-in Sheet 11/8/18
- MVAC October 11, 2018 Meeting Draft Minutes (6 p.)
- MV Airport Staff Summary re: Fiscal Year 2020 Proposed Budget 11/8/18
- Martha's Vineyard Airport, Fiscal Year 2020 Budget, Capital Budget

continued

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Appendix B: Documents on file (cont.):

- MV Airport Staff Summary re: Request to Assign Lot 17 Lease from Folino to McCarthy
11/8/18
- MV Airport Staff Summary re: Tetra Tech Contract for Dump Site Initial Investigation 11/8/18
- MV Airport Water, Wastewater, and Facilities Departments November 2018 (3 p.)
- Procedure for Entering Executive Session on November 8, 2018