

Commonwealth Of Massachusetts
County Of Dukes County, S.S.
MARTHA'S VINEYARD AIRPORT COMMISSION MEETING
December 13, 2018, 2:00PM
West Tisbury Emergency Services Conference Room
Notice of Such Meeting Having Been Posted as Required by Law

Present: Airport Commissioners: Chair - Robert Rosenbaum, Clarence "Trip" Barnes,
Richard Knabel, Richard Michelson, Donald Ogilvie,
Kristin Zern,

Airport Staff: Ann Richart - Director, Geoffrey Freeman - Assistant Manager,
Water/Wastewater – Mike Eldridge,

Others: 50-75 people including:
David Mackey*, Christine Zaleski* by phone - Anderson Krieger Airport
Counsel
Gerard Martin – MassDEP, Ron Myrick – Tetra Tech,
Sheri Caseau, Christine Flynn – MVC, Chris Cassidy – Tis. Water Works,
William Chapman – Edg. Water Dept. Dawn Barnes – W. Tis. Assessor,
Kevin Johnson – OB Water District, Maria McFarland – W. Tis. ConCom,
Kayla Moore – for State Leg. Rep. Dylan Fernandez

Residents/Public: Brian Alwardt, Art Bingham, Leon Brathwaite, Alan Brigish,
Brock Callen, Brian Casey, Dana Day, Susan DesMarais, Israel Fridman,
Sharon Gamsby, Brie Haynes, Jennifer Haynes, Ruby Hoy,
Elizabeth Keela, Joel Kirschbaum, Erin Lambert, Ariana Leonas,
Sam Look, Edmund Lotte III, Emily Macdonald, Ann Maley,
Allison McKinley, Tessa Permar, Chris Pettit, Doug Reece,
Felicity Russell, Christine Sargologos, Rebekah Thomson,
John Washbrook,

Press: George Brennan – MV Times, Landry Harlan – Vineyard Gazette,
Joanie Ames – MVTV,
Marni Lipke – Recorder

* 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 2:04PM. Chair Bob Rosenbaum asked everyone to sign in, and reminded everyone that this was an official meeting of the MVAC governed by the Massachusetts Open Meeting Law (OML) and Robert's Rules of Order. The primary purpose of this meeting was to update the Commissioners on the water issues that had generated so much interest in the community. The Commission held this meeting in a large venue to accommodate as many interested parties as possible.

- The MVAC would have an evening briefing on health issues and test results as soon as consultant reports and further information were available.

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II. APPROVAL OF MEETING MINUTES FOR NOVEMBER 8, 2018 Action

MR. RICHARD KNABEL MOVED TO APPROVE THE NOVEMBER 8, 2018 MINUTES AS AMENDED; MR. DON OGILVIE SECONDED; MOTION PASSED: 5 AYES, 0 NAYS, 2 ABSTENTIONS MR. TRIP BARNES, MR. RICHARD MICHELSON due to absence.

III. STATUS REPORT ON AIRPORT SAFETY FOAM ISSUE (See documents on file.)
(Recorder's Note: the discussion has been summarized and grouped for clarity and brevity.)

- Chair Rosenbaum announced there would be a public comment period after the presentations and that due to time limitations, asked everyone to limit comments to one question each. He introduced Massachusetts Department of Environmental (MassDEP) Southeast Regional Director Gerard Martin, and Tetra Tech Environmental Engineer Ron Myrick.
- Mr. Martin explained the ingredients in question were elements of the man-made polyfluoroalkyl substances (PFAS) chemical group that included: perfluorooctanoic acid (PFOA) and Perfluorooctane Sulfonate (PFOS) which were emerging contaminants of concern. PFAS were not previously monitored and were fairly ubiquitous being used in such things as stain resistant carpeting, rain gear clothing, food packaging, Teflon and pre-2003 Aqueous Fire Fighting Foam (AFFF). They were persistent and very water-soluble compounds that did not break down easily. Airports had been asked to switch to what was thought to be less toxic PFAS compounds in May 2016.
- This meeting did not include Massachusetts Department of Public Health (MassDPH) toxicology or risk assessment information as regulatory standards were not yet established. Scientists were still researching effects but were looking at thyroid, kidney, liver, hormone, immune and maybe carcinogenic effects. Risks were established by length of exposure and concentration, for example drinking water standards were set by assuming consumption of two liters per day for 70 years—daycare and school well concentrations were more conservatively treated. Other factors included animal testing conversion to human risk, as well as individual reaction variations. The compounds were transmitted by ingestion, not touch (showering/bathing was not considered hazardous).
- Contact numbers were provided and the public was encouraged to call for information on specific test results and health issues such as concentration, resident age, etc.
- Public water supplies were not commonly monitored for PFAS, however authorities were beginning to suspect adverse human and/or environmental effects and in May 2016 the United States Environmental Protection Agency (EPA) established a drinking water health advisory on PFOA/PFOS of 70 nanograms (parts per trillion-ppt) per liter; and MassDEP guidance was slightly more conservative in including three other PFAS compounds. (Non-detect meant less than 1.71 ppt). Identified Massachusetts sites included Hyannis, Westfield, Bedford, Cape Cod, etc. usually around old military airfields.
- Mr. Martin explained the MassDEP process. A hazardous waste site ranged from residential oil leaks to major sites but lack of MassDEP resources prompted the instigation of a semi-privatized

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partnership with licensed site professionals (LSP) requiring strict educational and oversight specifications, and including penalties and enforcement. LSP's regulations included site notification, immediate response actions (the current MV Airport situation), auditing of ongoing situations, closeout thresholds, etc.

- Mr. Martin commended Mr. Myrick of Tetra Tech, as working within or ahead of all guidelines, and as doing a good job in a tough situation. Tetra Tech notified MassDEP when it found some wells with levels that might have a five-year impact health. The Airport voluntarily started the Mass. Preliminary Action, including increased testing, researching source and water table movement and providing bottled water. Longer range treatment systems might include, taking wells offline or diluting the concentration with other wells, as well as granular activated carbon filters either where water entered the house or at faucets, and/or large scale pump-and-treat migration on Airport property.

- The MassDEP process involved a six year timeline: preliminary and then comprehensive assessment, immediate and then comprehensive response, design and implementation of remedy, and final closure. Further information was available on the MassDEP website.

- Mr. Myrick and Tetra Tech had been the MVY Airport LSP for 20 years. In spring 2018 Tetra Tech gave preliminary notice to Airport Director Ann Richart and the MVAC of this emerging issue and since then had been aggressively testing wells—consequently the assessment stage was likely to take much less than the proscribed four years. The Airport already had monitoring wells installed to assess and remedy the previous dry cleaning spill (see Minutes: 4/7/04 p. 4-5 to 9/14/17 p.6 #IX). It was noted that two years ago testing was not accurate enough to detect such small levels of contaminants.

- Tetra Tech interviewed Airport Firemen and staff on where AFFF was used and then targeted wells on and off Airport property near the Edgartown/West Tisbury Rd. They had to change their water flow model when some wells showed anomalies. Well concentration might be influenced by depth of well with possible dilution through rainwater, location in a slow flow zone, or location very near a source precluding dilution factors. Tetra Tech staff gathered and studied every well construction diagram to understand how wells interacted with the system.

- Results on 23 additional wells were expected December 17th, and on another 30 wells on December 21st—some testing delayed by owner absence. (Mr. Myrick apologized for some previous delays in email notification and committed getting results to residents more expeditiously. Wells with high concentrations (276 above 70 ppt) were immediately provided with bottled water. Once this set of results were seen Tetra Tech would start looking at anomalies, both in clean and in high concentrate wells. Further monitoring wells and un-pumped private wells would study groundwater movement. Oral response plans were given very shortly after reporting above-standard wells. The MassDEP sent a Notice of Responsibility outlining guidelines. The Immediate Response Action Plan would be submitted to MassDEP in January/February 2019 and then every month for six months.

- Public questions and comments were as follows.

- Impacted areas were determined by comprehensive testing with a contingency list of further requests.

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- Notification was sent to owners of sampled wells within a day or two including an explanatory cover letter/email. Any well testing above 70 ppt received phone calls. Those waiting test results could drink, cook in and wash dishes in bottled water if they so wished. Boiling would only increase PFAS concentration.
- There was a technical conversation on PFAS half-life (generally 2-9 years), duration in the body, and blood-tests (Mass DPH purview and expertise).
- As more data was gathered, historic information on dispersion could be guessed but not reliably established. Groundwater traveled 150-200 ft. per year, but was affected by ground events, turn overs, etc.
- Plumes were strictly monitored over time before a site closure was permitted.
- There was a protest that the Airport received warning in July but didn't notify the public until November. Airport monitoring wells tests were reported in July but private well test results were not known until November.
- Re-pollution was unlikely as there were few accidents and Federal Aviation Administration (FAA) required AFFF testing requirements were reduced from twice to once a year, and now included AFFF collection and proper disposal—the collection tank was recently tested for tightness. Despite the lack of set regulations Tetra Tech was working with the Airport and fire marshals on safety measures.
- Class A fire fighting foams were used on such things as brush fires and did not contain PFAS which were designed for class B foams to smother gasoline or jet fuel fires.
- PFAS history included manufacturers voluntarily shifting away from some PFAS compounds but recent greater scrutiny encompassed the whole PFAS group.
- Airport staff wore protective gear and did not ingest the foam, and Airport water was from the Oak Bluffs water district and so not contaminated. Oak Bluffs public wells were being re-examined for PFAS since the last tests were in 2015.
- There were also test wells on the Martha's Vineyard Refuse District property.
- PFAS well testing required very careful parameters, gloves, special clothing, purging, etc. so residents should be careful about testing by other professionals. Only two labs in Massachusetts conducted the specialized tests.
- New Jersey set standards at 15-17ppt. MassDEP was still working on the moving data target but hoped to set regulations January 1, 2019.
- The Edgartown Water Department thanked the MVAC.
- There was a brief break while most of the public left the meeting.

IV. FINANCE SUBCOMMITTEE REPORT

- The accounting consultants visited the Airport last week, interviewing personnel looking at systems, communications, etc. and were now compiling data (see 10/18/18 Minutes p.1 #III).
- The Dukes County Commission signed the \$6,000,000 Federal Anticipation Note (FAN) and funds should be in the Airport account by December 18th (see 8/9/18 Minutes p.4 #IX A).

V. LAND USE SUBCOMMITTEE REPORT

- A. Authorize Lease Assignment for Lot #18 Hinckley/Martha's Vineyard Savings Bank (MVSF) to E. C. Cottle

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- The Martha's Vineyard Savings Bank (MVSAB) requested the Airport Business Park Lot #18 lease (see documents on file & Minutes: 3/28/18 p.2-3 #VII & 6/14/18 p.7 # XVI) be assigned to Vineyard Haven Lumberyard (E.C. Cottles). The Lumberyard had two successful retail locations (including hopefully as the only drywall suppliers on the Island) but was in urgent need of overflow and storage space. The MVAC welcomed them and, in keeping with Land Use Subcommittee and Airport Director recommendation:

- **MR. MICHELSON MOVED TO AUTHORIZE THE ASSIGNMENT OF THE MARTHA'S VINEYARD AIRPORT BUSINESS PARK (MVABP) LOT #18 LEASE FROM THE MARTHA'S VINEYARD SAVINGS BANK TO VINEYARD HAVEN LUMBERYARD, LLC; MR. BARNES SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

- The Folino Estate master lease holders passed on a change of use request from sublessee Ms. Jan Burhman of the Kitchen Porch for evening cooking classes. As a late activity, parking was not expected to be a problem. In keeping with Land Use Subcommittee and Airport Director recommendation:

- **MR. KNABEL MOVED TO AUTHORIZE A CHANGE OF USE FOR SUBLEASE HOLDER JAN BURMAN OF THE KITCHEN PORCH TO TEACH EVENING COOKING CLASSES; MR. MICHELSON SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

- The Planeview Restaurant lease was up at the end of December, but had a month-to-month allowance pending Request for Proposal (RFP) assignment/reassignment. Standard concessionaire leases were five years with a five year option to renew after which they had to be rebid. Concessionaires were any entity in the Terminal doing business with the public: car rentals, airlines, vending machines, Automatic Teller Machines (ATMs), advertising, gift shops, etc. The Subcommittee and management requested the new lease include: a departure tent kiosk, a farm to table menu component, recycling/recyclable practices, and payment for their own electricity. Ms. Zern suggested gluten free options.

- The new MVABP lots proposal was now at the Department of Defense with final Navy approval expected in mid-January 2019 after which the FAA would comment, followed by a 30-day public comment interval so final release was now projected for March/April 2019.

VI. OUTREACH/PUBLIC RELATIONS (PR) SUBCOMMITTEE REPORT

- The Subcommittee was continuing to work with Adult Community Education Martha's Vineyard (ACE MV) Director Sam Hart and Martha's Vineyard Regional High School (MVRHS) Career Technical Education (CTE) Department on High School/community courses giving students an amazing opportunity to start aviation career program (see Minutes: 9/13/18 p.2 #V & 11/8//18 p.3 #V). The program was in collaboration with Cape Cod Community College (CCCC) using existing scholarship/sponsorships by Cape Air, JetBlue, other regional airports, FedEx, Airports Council International (ACI), etc. The timeline included:

- January planning/February trip to Hyannis to meet with supporters;
- March 1st application deadline, April 2nd Pilot event;

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- June scholarship awards,
- September start to a 15 month program with the goal of passing the \$950 certification test. Intern Max Smith continued to be very enthusiastic about his work at the Airport and had applied to Bridgewater/CCCC aviation program.
- The Subcommittee continued to plan the 60th Airport anniversary events including a July barbecue, continuing student group tours of the Airport, MVTV historical interviews, maybe a restaurant anniversary event or special discounts for businesses.

VII. CONTRACT AWARDS (See documents on file & Minutes: 8/9/18 p.3 & 10/11/18 p.5 #X.)

A. Request Authorization to Purchase Airport Rescue and Fire Fighting (ARFF) Truck

(See documents on file & Minutes: 8/9/18 p.3 & 10/11/18 p.5 #X.)

The Airport ARFF trucks had passed their 15 year lifespan and were eligible for:

- Passenger Facility Charge (PFC) revenue; and
- 90% FAA and 5% Mass. Dept of Transportation Division of Aeronautics (MassDOT-Aeronautics) reimbursement, either in the second round of small airport grants or the standard \$1,000,000 annual Airport Improvement Program (AIP) grant.

Trucks specs were tightly regulated by the FAA and delivery timeline was one year after the order date. Mr. Barnes suggested surplus and selling the old truck. In keeping with Airport Director recommendation:

• MR. OGILVIE MOVED TO AUTHORIZE THE AWARD OF THE AIRPORT RESCUE AND FIRE FIGHTING (ARFF) VEHICLE BID TO OSHKOSH AIRPORT PRODUCTS, LLC IN THE AMOUNT OF \$696,642; MR. BARNES SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

B. Work Contract for Abatement of Hazardous Materials at Well House

(See documents on file & Minutes: 5/10/18 p.3 #VII & 8/9/18 p.5 #X.)

The RFP rebid for demolition only garnered one bidder at twice the engineer's estimate. The MVAC considered it had few options due to the small job size, the lack of contractor interest, and the strategic location/timeline affecting the new MVABP releases. Mr. Barnes suggested he might know a more reasonable Island contractor, but this would entail a re-bid delay.

- The FAN revenues (see above p.3 #IV) had replenished the budget after the first Runway 6-24 invoice payments. The question was called. In keeping with Airport Director recommendation:

• MR. MICHELSON MOVED TO AUTHORIZE THE AWARD OF THE WELL HOUSE HAZARDOUS MATERIALS ABATEMENT TO GREEN ENVIRONMENTAL, INC. IN THE AMOUNT OF \$84,583; MR. OGILVIE AND MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

C. Award Contract for Construction Administration of Well House Hazmat Abatement

(See documents on file.)

This was the usual process of required oversight and management to insure the work was done to specifications—particularly important in hazmat projects where shortcuts could jeopardize the Airport. Ms. Richart projected some economy of scale as the same McFarland Johnson manager

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would work concurrently on the Runway 6-24 project. Well house demolition should be completed within a month, after which the well would be capped. In keeping with Airport Director recommendation:

• MR. MICHELSON MOVED TO AUTHORIZE THE AWARD OF WORK ORDER #14C TO MCFARLAND JOHNSON IN AN AMOUNT NOT TO EXCEED \$17,200; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

D. Change to Tetra Tech contract of \$105,000

(See documents on file & above #III & 10/11/18 Minutes p.4 #VII A.)

The original request for \$16,900 was to test a few wells and as noted above the process had grown to over 100 wells and two public meetings. The MVAC discussed:

- possible mitigation measures and costs (\$ millions);
- management exploration of funding sources: FAA, EPA, insurance, Congress, ACI, American Association of Airport Executives (AAAE), manufacturer lawsuits, etc.
- the nationwide problem and Grand Rapids Michigan as the only other site as proactive as the MV Airport;
- FAA requirements and other military and commercial use;
- difficulties of lack of established governmental regulations.

• MR. MICHELSON MOVED TO AUTHORIZE A CONTRACT CHANGE ORDER WITH TETRA TECH FOR \$105,000 FOR CONTINUED AQUEOUS FIRE FIGHTING FOAM (AFFF) ENVIRONMENTAL ASSESSMENT; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.

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

IX ASSISTANT MANAGER'S REPORT - Tabled

X MANAGER'S/DIRECTOR'S REPORT - Tabled

XI. CHAIR'S REPORT

- Mr. Rosenbaum reported the Airport had a great time with Tisbury School fourth grade tour.
- Mr. Michelson and Mr. Knabel commended operations, management and the Director for their handling of the AFFF situation (see below: Tasks).

XII. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR - None

XIII. PUBLIC COMMENT - None

XV. CONFIRMATION OF NEXT MEETINGS:

- Outreach Subcommittee - 3:30PM, Thursday, January 3, 2019
- Land Use Subcommittee - 5:00PM, Thursday, January 3, 2019
- Finance Subcommittee - 3:30PM, Monday, January 7, 2019
- ~~MVAC - 2:00PM, Thursday, January 10, 2019~~
- MVAC - 4:00PM, Wednesday, January 16, 2019

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XV. 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; AT THE CONCLUSION OF THE MEETING THE COMMISSION WILL ADJOURN

• **MR. KNABEL AND MR. MICHELSON MOVED TO ENTER EXECUTIVE SESSION AT 4:17PM 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 THE CHAIR SO DECLARES, AND NOT TO RETURN TO OPEN SESSION AND TO INVITE THE AIRPORT DIRECTOR, ANN RICHART, AND THE RECORDING SECRETARY MARNI LIPKE TO BE PRESENT THROUGHOUT AND AIRPORT LEGAL COUNSEL DAVE MACKEY AND CHRISTINE ZALESKI TO JOIN THE SESSION BY PHONE; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS: MR. BARNES—AYE, MR. KNABEL—AYE, MR. MICHELSON—AYE, MR. OGILVIE—AYE, MS. ZERN—AYE, MR. ROSENBAUM—AYE.**

• There was a brief recess while the room was cleared.

* Airport Counsels Mr. Dave Mackey and Ms. Christine Zaleski entered the meeting by phone and attested that they were in a room alone with the door closed.

• Chair Rosenbaum reminded the Commissioners that it was detrimental to speak about the case outside MVAC meetings.

XVI. CALL FOR MOTION TO ADJOURN

• **MR. OGILVIE MOVED TO ADJOURN THE EXECUTIVE SESSION AND THE MEETING AT 4:48PM; MR. KNABEL SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS: MR. BARNES—AYE, MR. KNABEL—AYE, MS. ZERN —AYE, MR. MICHELSON—AYE, MR. OGILVIE—AYE, MR. ROSENBAUM—AYE.**

Appendix A: Tasks - None

- Management/MVAC – address protest on Airport/Public information AFFF timeline

Appendix B: Documents on file:

- Agenda (2 p.) 12/13/18
- Sign-in Sheet 12/13/18
- MVAC November 8, 2018 Meeting Draft Minutes (7 p.)
- Per- and Polyfluoroalkyl Substances (PFAS) and the Massachusetts Contingency Plan (MCP) (18 p.) 12/13/18
- Tetra Tech PFAS Study Status, December 13, 2018 (7 p.)

continued

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Appendix B: Documents on file (cont.):

- MV Airport Staff Summary re: Assignment of Lot #18 Hinckley/MVSB to E.C. Cottle
12/12/18
- MV Airport Staff Summary re: Award of ARFF Truck Purchase Contract to Oshkosh Airport
Products, LLC 12/12/18
- MV Airport Staff Summary re: Award of Contract to Green Environmental, Inc. for Abatement
of Hazardous Materials at Abandoned Well House 12/12/18
 - MV Airport Staff Summary re: Authorize Work Order #14C with McFarland Johnson
for Construction Administration for the Well House Hazardous Material Abatement
12/12/18
- MV Airport Staff Summary re: Tetra Tech Contract change Order for AFFF Assessment
12/12/18
- MV Airport Water, Wastewater, and Facilities Departments December 2018 (2 p.)

Minutes approved as amended 1/16/19