

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

**January 16, 2019, 4:00PM**

**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, Richard Michelson\*, 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,

Dukes County: Commissioners John Cahill, Keith Chatinover,  
Gretchen Tucker Underwood,

Others: Jed Merrow, Matt O'Brien – McFarland Johnson,  
Ronald Myrick – Tetra Tech, Bill Chapman – Edg. Water Dept.  
Geoff Wheeler – Finance Committee,  
Andrew Paven – O'Neill & Assoc. by remote technology,  
Christine Zaleski\* - Anderson Krieger Airport Counsel by phone,  
Bob Jackson – Planeview Restaurant,  
Public – Ali Berlow, David Pritchard, Noli Taylor, Alan Strahler,  
Kristi Strauer

Press: Marni Lipke\* – Recorder  
Lucas Thors – MV Times, Joanie Ames – MVTV,  
Landry Harlan, Mark Lovewell – Vineyard Gazette,

\* 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 4:00PM. Chair Bob Rosenbaum announced that due to larger than usual public attendance the agenda would be taken out of order. He strongly criticized the Vineyard Gazette for what he considered irresponsible and twisted reporting. He emphasized the Commissioners' commitment and service to the community. Two public forums were scheduled, one for January 30, 2019 and one for January 31, 2019.

**IX. MCFARLAND JOHNSON MEPA/NEPA PROJECTS UPDATE**

- In order to qualify for Federal Aviation Administration (FAA) funding, every commercial airport was required to create and update a detailed 20-year Master Plan examining all components (air traffic, vehicle traffic, ramps, taxiways, aprons, tie downs, terminal, potential for future hangars, maintenance, community, environment, build-out, security, weather, demographics, wildlife, etc.) and the potential impact of many eventualities (including worst case scenarios). Any project not in the Master Plan did not qualify for funding, however the Plan included many contingencies that might never be realized.

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\* Mr. Richard Michelson entered the meeting at 4:05PM.

If a Master Plan project was implemented it had to go through all federal, state and local approvals including: FAA, Mass. Dept. of Transportation Division of Aeronautics (MassDOT-Aeronautics), public forums, Zoning Board of Appeals (ZBA) permitting, Martha's Vineyard Commission (MVC) review, etc. The MVY Airport Master Plan Update (AMPU) had been completed with community input (see 10/13/16 Minutes p.6-7 #V).

McFarland Johnson Engineers Matt O'Brien and Jed Merrow reviewed the current and proposed Airport projects.

- The renovation of Runway 6/24 included air space planning and an Environmental Impact Report (EIR). In the course of the project, the old shoulders would be removed and replaced with grass, reducing the amount of paving.
- The Fuel Farm gravel road would be paved to prevent Foreign Object Debris (FOD) hazards due to truck tires dropping gravel onto the runway—requiring extra runway sweeps.
- The pre-9/11 Terminal had insufficient space for Transportation Safety Administration (TSA) procedures, resulting in long lines, so much congestion that passengers missed flights as well as an outdoor tent with only porto-potty facilities, no air conditioning, and limited seating.
- Similarly in the busy summer season people were caught in gridlocked traffic due to the inadequate Airport access road and there were numerous calls to the police. Consequently there was a proposal to widen the access road intersection to allow smoother flow.
- Taxiway Echo (from the 1944 Navy airbase) no longer complied with FAA regulations on back-taxiing and should be reconfigured.
- The current concrete-block-on-turf tie-downs suffered from uneven ground (requiring towing), and could not be plowed in the winter, so the Airport was looking at non-paving alternatives.
- The Southeast Apron was no longer functional under the new configuration and should be re-positioned for better circulation. The Southwest Apron, including outdated hangars, had lost capacity due to changed regulations and should be re-developed to more efficiently meet current demand. The AMPU also reserved land for possible future hangars (which precluded it from Business Park development).
- The Massachusetts Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA) required that projects of a certain size and/or receiving State or National funding were required to get approval and go through a stringent process.
  - The first step (and current Airport phase) was an Environmental Notification Form (ENF) which determined major environmental issues. MEPA reviewed the form, held a public consultation session and issued a Certificate defining whether an Environmental Impact Report (EIR) was necessary and if so what its scope might be.
  - NEPA required an Environmental Assessment which was typically simultaneously prepared, and included in the EIR. The EIR process also required public comment period before finalizing.
  - MEPA would then issue a final certificate and the FAA a finding of 'No Significant Impact'. If significant impact was declared a higher certificate level was required.
- Environmental issues for the MVY Airport were noted.
  - McFarland Johnson was communicating with the Natural Heritage on rare species and habitat mitigation or preservation.

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- The Island was a designated sole source aquifer so McFarland Johnson was working with the Environmental Protection Agency (EPA) to comply with higher regulations.
- An archeological survey was also in process.
- When final certificates were issued (the Airport was 4-6 months into the ~ 1.5 to 2 yr. process) the project would move on to the permitting and final design phase. Public comments were seriously considered throughout. The 2003 request from the last AMPU were very similar to the current plans but had not come to fruition.
- For example the runways were being repaved but not altered (except for the removal of the shoulders.
- In keeping with the AMPU future options, increased parking was considered to relieve current congestion, (as well as for the worst case scenario in terms of preserving space/place).
- The Airport might also be a friendly community resource to park trucks that would otherwise disrupt residential neighborhoods.
- Although the Terminal was adequate for large parts of the year, it was necessary to deal competently with the peak period (summer months between 11AM and 3PM) when screening was dysfunctional, there was no seating in the restaurant, over-crowding prevented baggage claims, and the road traffic was congested. Although the number of passengers was stable, the airlines were now using larger planes more tightly scheduled.
- The MVAC emphasized the long process for each project including environmental surveys, approval, public input, permitting, local zoning, Martha's Vineyard Airport Commission (MVAC) review, funding, etc.
- Dukes County Commissioner Gretchen Tucker Underwood was reassured by the presentation. There was a discussion on press reports and airport communications. Chair Bob Rosenbaum reiterated his criticism of the Vineyard Gazette, describing Airport contacts with Gazette and extensive, objective explanations by the Airport Director, MVAC Chair, and Airport Counsel. Ms. Kristin Zern suggested there should be an Airport Information Officer. Dukes County Commissioner Keith Chatinover suggested it was not right for the MVAC to characterize the press in this manner. Mr. Rosenbaum thanked everyone for their attendance.

VI. UPDATE ON AIRPORT FIRE FIGHTING FOAM (AFFF) CONTAMINATION

Mr. Ron Myrick of Tetra Tech was retained by the Airport early last year to study and address an emerging contaminant concern over AFFF which contained a group of man-made polyfluoroalkyl substances (PFAS) recently found to be toxic in small concentrations—also used in many household products: dental floss, hamburger wrappers, pizza boxes, etc. He reviewed the history of the issue (see 12/13/18 Minutes p.2-4 #III) and reported on recent status.

- Currently Tetra Tech was working with Massachusetts Dept. of Environmental Protection (DEP) in testing ground water and digging wells to map the location and extent of the plume. 13 of the over 100 samples were over the 70 parts per trillion (ppt.) guideline value (State standards were not yet set) and another 13 tested between 20-70 ppt. The Martha's Vineyard groundwater flow was complex and impacted by rainfall, septic systems, etc.
- It was necessary to establish alternate PFAS sources such as used in home products or Business Park effluent.

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- Study results would be made public as they progressed, including public forums and a large email distribution list, the MVY website and various links to the Mass DEP website.
- Tetra Tech and the Airport were filing Immediate Response Action Plans with the DEP. Private wells over the guideline value were provided with bottled water and an activated carbon filter unit installed as a pilot in one of the private homes showed excellent results. Longer term solutions such as extraction and treatment and/or containment were also being considered. All drills using AFFF were now required to contain and dispose of the foam.
- There was conversation on the difference between the FAA required AFFF and Class A firefighter foam (also an emerging issue) used to put out structure fires (houses, boats, etc.).
- It was unclear if this issue was covered by Airport insurance. Airport Director Ms. Ann Richart was successful in arguing with the FAA that as it was an FAA required and generated issue, Airport revenue could be used. State and Federal legislators had been contacted.
- Activated carbon systems were \$4,000. Highly contaminated sites should be tested quarterly (12 samples/yr. at \$210 each)—flow meters would establish better monitoring.
- MVY Airport was the second in the country to address AFFF and was therefore a leader on a national issue affecting all airports.
- Mr. Michelson requested monthly updates.

IV. LAND USE SUBCOMMITTEE REPORT (See documents on file.)

- Vineyard Transit Authority (VTA) Request to Install Solar Equipment Action

- Mr. Richard Michelson recused himself and left the meeting.

Due to delays in the solar panel installation and in keeping with Airport Director and Land Use Subcommittee recommendation:

- **CONDITIONED ON ALL PRIOR CONDITIONS, MR. DON OGILVIE MOVED TO:**
- **APPROVE AN ADDITIONAL 120 DAYS (UNTIL MARCH 6, 2019) FOR VINEYARD TRANSIT AUTHORITY TO BEGIN CONSTRUCTION; AND**
- **AUTHORIZE THE AIRPORT DIRECTOR TO APPROVE A SUBLEASE WITH EDGARTOWN DEPOT SOLAR 1, LLC PROVIDING IT IS CONSISTENT WITH VINEYARD TRANSIT AUTHORITY LEASE AND AIRPORT RULES AND POLICIES;**

**MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 0 ABSTENTIONS.**

- Mr. Richard Michelson returned to the meeting.

- Holding Over Osprey Trades Lease on a Month-to-Month Basis Action

Osprey Trades hired its own appraiser who assessed the land at \$1.04 per sq. ft. (13% difference from the Airport \$1.20/sq. ft. appraisal). The appraisers would consult and agree on a figure or if necessary, appoint a third party appraiser. Mr. Richard Michelson asked why this was being presented at the last minute. Ms. Richart explained that the Airport work had begun well in advance but Osprey Trades took time to decide on another appraisal and the appraisal itself was also delayed. In keeping with Airport Director and Land Use Subcommittee recommendation:

- **MR. RICHARD KNABEL MOVED TO APPROVE A “HOLDING OVER” OF THE**

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**CURRENT LEASE WITH OSPREY TRADES BEYOND THE JANUARY 31, 2019 EXPIRATION ON A MONTH-TO-MONTH BASIS UNTIL THE FAIR MARKET VALUE RENT CAN BE DETERMINED ACCORDING THE MARTHA'S VINEYARD AIRPORT COMMISSION POLICY; MR. MICHELSON AND MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.**

• Holding Over Plane View Lease on a Month-to-Month Basis Action

• Land Use Subcommittee Chair Peter Wharton stated that in this case the MVAC was dilatory and the Subcommittee was looking for a way to process the renewals in a timely and transparent manner. Mr. Michelson protested the lack of timely action on renewals and strongly criticized Airport Management and staff for the delay.

- Ms. Richart reported the recent change to a new property manager as well as limited staff dealing with unforeseen events (e.g. the PFAS plume). She agreed that delay was better than shoddy work and improvement/proper process was needed. She reminded the MVAC:

- when she came there were no procedures for anything; and

- she recommended outside help for a number of services such as a rates and fees study and a tenant improvement program (part of leases), but MVAC funding decisions forestalled action.

Mr. Michelson expressed impatience and suggested she do something. Ms. Zern stated that although the MVAC had not voted funds, Commissioners volunteered to do some tasks free of charge but acceptable conclusions had not been reached.

• There was a discussion on seasonal timing and firm versus target dates. The tenant agreed to a new cut-off date. In keeping with Airport Director and Land Use Subcommittee recommendation:

• **MR. KNABEL MOVED TO APPROVE A "HOLDING OVER" OF THE CURRENT LEASE WITH PLANE VIEW RESTAURANT BEYOND THE DECEMBER 31, 2018 EXPIRATION ON A MONTH-TO-MONTH BASIS; MR. MICHELSON SECONDED;**

**- MR. TRIP BARNES AND MR. KNABEL AMENDED THE MOTION TO SET A MONTH-TO-MONTH END DATE OF NOVEMBER 1, 2019, MR. MICHELSON AGREED TO THE AMENDMENT;**

**AMENDED MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.**

II. APPROVAL OF MEETING MINUTES

• December 13, 2018 MVAC Meeting Action

• **MS. ZERN MOVED TO APPROVE THE DECEMBER 13, 2018 MINUTES AS AMENDED; MR. OGILVIE SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 1 ABSTENTION—MR. BARNES** due to absence.

• November 8, 2018 MVAC Executive Session Action

• December 13, 2018 MVAC Executive Session Action

• **MR. KNABEL MOVED TO APPROVE BUT NOT RELEASE THE NOVEMBER 8, 2018 AND DECEMBER 13, 2018 EXECUTIVE SESSION MINUTES; MR. OGILVIE SECONDED; MOTION PASSED: 7 AYES, 0 NAYS, 1 ABSTENTION—MR. KNABEL** due to absence on November 8, 2018.

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III. FINANCE SUBCOMMITTEE REPORT

(See 11/8/18 Minutes p.2-3 #III & documents on file.)

After a long period of inaccurate financial reports, the Finance Subcommittee hired an outside consultant to perform a complete analysis of County and Airport departments and software. The Certified Public Accountant (CPA) Dunn report summary concluded that the Airport had no staff with sufficient accounting, reporting, cash management and finance skills, and recommended hiring an audit and comptroller level position with appropriate capabilities—a job description was included. Finance Subcommittee member Mr. Norman Werthwein volunteered to work temporarily pro-bono with Management to start the process, policies, procedures and reporting. The MVAC discussed:

- lack of discussion on the report;
- County payroll services;
- hesitation to accept pro-bono work;
- Mr. Werthwein's experience and pro-bono work in similar situations.

The next step was to get both the Consultant's and Mr. Werthwein's recommendations, consider proposals, and decide between part-time or full-time staff.

• Mr. Michelson was very unhappy with the staff and management and was upset that the report justified his previous concerns and censured Ms. Richart as:

- responsible for the overall staff and therefore the responsible for the problem;
- ignoring evaluation goals;
- Business Park operations deficiencies;
- lack of knowledge of staff competency.

He requested concrete plans without excuses. Chair Rosenbaum agreed.

- Mr. Knabel called the question.

**• MR. KNABEL MOVED TO GRATEFULLY ACCEPT MR. NORMAN WERTHWEIN'S GENEROUS OFFER TO BEGIN PROCESS OF ORGANIZING FINANCIAL REPORTING ON A TEMPORARY BASIS; MR. MICHELSON SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.**

V. OUTREACH SUBCOMMITTEE REPORT

• Work continued on the sixtieth anniversary of the Airport. Subcommittee Chair Zern was dissatisfied with the banner design by an internet company as not bright, cheerful or visible enough as well as being too similar to the Edgartown logo. She advised Management to retain a designer, possibly one of several excellent, local firms with reasonable rates. The Airport already retained a firm. Ms. Zern then asked why the project was put out on the internet.

• There was continued enthusiasm (including the Martha's Vineyard Regional High School intern) over the Aviation Maintenance Technician Cape Cod Community College program and scholarship (see 12/13/18 Minutes p.5-6 # VI).

VII. AUTHORIZE CONTRACT AMENDMENT #2 WITH TETRA TECH FOR \$24,000 Action (See documents on file.)

The MVAC asked about the source of the funds. Total cost so far was \$144,900. The DEP required additional testing as part of the Runway 6/24 project (due to a contaminated soil scare at

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the Barnstable Airport) but it was unclear whether the expense was reimbursable (see above p.4). The work would be coordinated with the other Tetra Tech reporting. In keeping with the Airport Director's recommendation:

**• MR. MICHELSON MOVED TO AUTHORIZE CONTRACT CHANGE ORDER #2 WITH TETRA TECH FOR \$24,000 FOR CONTINUED AQUEOUS FIRE FIGHTING FOAM (AFFF) ENVIRONMENTAL ASSESSMENT AND COORDINATION WITH THE RUNWAY REHABILITATION PROJECT; MS. ZERN SECONDED; MOTION PASSED: 6 AYES, 0 NAYS, 1 ABSTENTION—MR. BARNES.**

VIII. AUTHORIZE CONTRACT WITH O'NEILL AND ASSOCIATES Action  
(See documents on file.)

The MVAC had a request for interviews on the PFAS issue from Fox25 News therefore Chair Rosenbaum strongly advised hiring O'Neill Associates for communication and government advocacy expertise. Complete public relations coverage would require a formal bid process so an interim short-term contract was proposed. Mr. Andrew Paven of O'Neill explained that the firm would work with staff and the MVAC to craft language on complex legal and technical issues to insure statements would be accessible to viewers, reporters and producers. The staff and MVAC would represent the Airport. Advocating for reimbursement would be another and later phase of any contract. The MVAC discussed:

- contract referral to the 'Airport' as encompassing the MVAC;
- Mr. Barnes suggestion to handle the situation as it unfolded;
- Martha's Vineyard image coupled with the leading edge issue (usually confined to military bases) as a possible national news draw;
- Mr. Michelson's continued concern on spending more Airport funds on an issue the Airport Director should be handling;
- Mr. Rosenbaum's contention that this publicity would be on a different order than local press.
- Mr. Knabel called the question.

**• MS. ZERN MOVED TO RETAIN O'NEILL AND ASSOCIATES FOR \$6,500 FOR 30 DAYS TO HANDLE BACKGROUND INFORMATION AND COMMUNICATIONS WITH PUBLIC MEDIA; MR. MICHELSON SECONDED; MOTION PASSED: 6 AYES, 0 NAYS, 1 ABSTENTION—MR. MICHELSON.**

X. MCFARLAND JOHNSON REVIEW OF OTHER ONGOING PROJECTS

- The 6/24 Runway was closed and the rehabilitation project was under way with a completion goal around May 15, 2019. The pavement was ripped up with gravel bed and electrical work to follow. The Airport would be open but both runways closed for 60 hours in April.

XI. EMERGENCY BOILER REPLACEMENT

- The Terminal boiler (1999) was failing, and staff was working as quickly as possible, hoping to limp it through until it could be replaced (rough estimate \$50,000 range).

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

Staff was monitoring the water levels on the boiler dysfunction to prevent automatic shut-offs.

XIII. ASSISTANT MANAGER'S REPORT – Tabled

XIV. AIRPORT DIRECTOR REPORT

- Ms. Richart received a copy of House Docket 829 sponsored by State Representative Dylan Fernandes to allow non-MassPort operated airports to regulate transport companies such as Uber and Lyft. (see Minutes: 6/9/16 p. 4-5 & 4/13/17 p.4 #X).
- The Federal shut down was impacting the Airport in a number of ways.
  - Transportation Safety Administration (TSA) screeners were coming to work but would not get paid until after the shut-down—the MVAC expressed sympathy and support.
  - The FAA Land Release process was stopped due to lack of Federal Register advertising.
  - The TSA office lease for terminal space was on hold until the furloughed officer returned.
  - The Air Traffic Control Tower contract ending in February 2019 would be a problem if the shut down continued.
- The Airport Rescue and Fire Fighter (ARFF) building project was finally closed out and final reimbursement paid.

XV. CHAIR'S REPORT - None

XVI. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR

There was a brief discussion on waiving parking charges for Commissioners.

XVII. PUBLIC COMMENT - None

XIX. CONFIRMATION OF NEXT MEETINGS:

- Finance Subcommittee - 3:30PM, Wednesday February 6, 2019
- Outreach Subcommittee - 3:30PM, Thursday February 7, 2019
- Land Use Subcommittee - 5:00PM, Thursday, February 7, 2019
- **MVAC - 2:00PM, Thursday, February 14, 2019**

XVIII. 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 SESSION THE COMMISSION WILL ADJOURN

**• MR. KNABEL MOVED TO ENTER EXECUTIVE SESSION AT 6:32PM 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**



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**AND TO INVITE THE AIRPORT DIRECTOR ANN RICHART TO BE PRESENT THROUGHOUT AND AIRPORT LEGAL COUNSEL CHRISTINE ZALESKI TO JOIN THE SESSION BY PHONE; MR. WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS: MR. WHARTON—AYE, MR. TRIP BARNES—AYE, MR. KNABEL—AYE, MS. ZERN—AYE, MR. OGILVIE—AYE, MR. ROSENBAUM—AYE, MR. MICHELSON—AYE.**

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

- \* Airport Counsel Ms. Christine Zaleski entered the meeting by phone and attested that she was in a room alone with the door closed.

**XX. CALL FOR MOTION TO ADJOURN**

**• ON A MOTION DULY MADE AND SECONDED THE MARTHA'S VINEYARD AIRPORT COMMISSION UNANIMOUSLY ADJOURNED THE EXECUTIVE SESSION AND THE MEETING (7 AYES, 0 NAYS 0 ABSTENTIONS); MR. WHARTON—AYE, MR. BARNES—AYE, MR. KNABEL—AYE, MS. ZERN—AYE, MR. MICHELSON—AYE, MR. OGILVIE—AYE, MR. ROSENBAUM—AYE.**

**Appendix A: Tasks – None**

**Appendix B: Documents on file:**

- Agenda (2 p.) 1/16/19
- Sign-in Sheet (2 p.) 1/16/19
- MVAC December 13, 2018 Meeting Draft Minutes (9 p.)
- MV Airport Staff Summary re: Vineyard Transit Authority Request Related To Conversion of Fleet to Electric 1/16/19
- MV Airport Staff Summary re: Osprey Trades Lease Renewal 1/16/19
- MV Airport Staff Summary re: Plane View Lease Holding Over 1/16/19
- MV Airport Staff Summary re: Tetra Tech Contract change Order #2 for AFFF Assessment 1/16/19
- MV Airport Staff Summary re: Contract with O'Neill and Associates 1/16/19
- O'Neill and Associates Proposal to Martha's Vineyard Airport For Communications and Government Relations Services (15 p.) 12/18/18
- MV Airport Water, Wastewater, and Facilities Departments December 2018 (2 p.) 1/16/19
- BerryDunn, Strengthening Financial Systems at Martha's Vineyard Airport (13 p.) 1/9/19

*Minutes approved as amended 2/14/19*