

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

February 14, 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, 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, Christina Colarusso,

Others: Ronald Myrick – Tetra Tech,
Matt O'Brien, Jed Merrow – McFarland Johnson,
Norm Werthwein, Geoff Wheeler – Finance Committee,
Geoff Smith –MVY Bus. Park, Marl Jones - Shellfish
Marni Lipke – Recorder

Press: George Brennan – MV Times, Heidi Carter – 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 2:04PM.

II. APPROVAL OF MEETING MINUTES FROM JANUARY 16, 2019

• January 16, 2019 MVAC Meeting Action

MR. RICHARD KNABEL MOVED TO APPROVE THE JANUARY 16, 2019 MINUTES AS AMENDED; MR. TRIP BARNES AND MS. KRISTIN ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

III. FINANCE SUBCOMMITTEE REPORT (See documents on file.)

Chair and Treasurer Bob Rosenbaum was pleased to report the receipt of accurate reports that reconciled with the Dukes County Treasurer's Office. He thanked Mr. Norm Werthwein for his time and efforts.

- FY19 first two quarters' revenue was ~ \$2,750,000 and expenses were ~ \$2,700,000. There would be cash flow issues of about \$300-350,000 in April/May, before returning to positive in June. Chair Rosenbaum had informed the Dukes County Commission at their February 6, 2019 meeting. A number of solutions were being researched including short-term borrowing.
- The \$1,270,000 borrowing was not approved in the last Massachusetts legislative session (see 6/14/18 Minutes p.3 #VIII) and consequently the process had to start over in the current session.
- The Airport and Tetra Tech were talking to the insurance claims adjuster about the PFAS plume coverage (see 12/13/18 Minutes p.2-4 #III), however the timeframe was likely to be

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extensive; for example reimbursement/financial resources were dependent on State standards, which had not yet been set. Mr. Richard Michelson asked about consulting other airports. Airport Director Ann Richart explained that as a leader in the industry, MVY Airport would be the consultant/trainer for other airports and that it was likely that pollution insurance would change based on this case. The press reported Barnstable Airport incurred a \$16,000,000 contamination liability (see 1/16/19 Minutes p.6-7 #VII).

• Financial Controller Search Action

- The BerryDunn Report (see 1/16/19 Minutes p.6 #III) included a recommendation to hire a comptroller along with a job description which the Finance Com recommended using.
- **MR. DON OGILVIE MOVED TO INSTITUTE A SEARCH FOR AN AIRPORT COMPTROLLER; MR. MICHELSON AND MR. PETER WHARTON SECONDED; MOTION WITHDRAWN.**

The MVAC discussed:

- action protocol;
- a search sub-group and setting a Personnel Committee meeting;
- advertising venues;
- delayed or concurrent searches to allow input from the new Airport Director;
- urgency or lack thereof in terms of Mr. Werthwein's temporary consulting.
- **MR. OGILVIE MOVED TO CREATE A POSITION OF AIRPORT COMPTROLLER AND TO INSTITUTE A SEARCH WITH A SUBGROUP OF MR. WERTHWEIN AND MR. OGILVIE; MR. WHARTON SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS 0 ABSTENTIONS.**

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

• SAV Associates (Lot #33) Request to Renew Sublease with FedEx Action

The Airport benefited from the usual 10% share of the sublease and this had no effect on the master lease—SAV Associates was compliant with lease provisions (see below: Tasks). In keeping with Airport Director and Land Use Subcommittee recommendation:

- **MR. WHARTON AND MR. RICHARD KNABEL MOVED TO APPROVE THE EXECUTION OF A SAV ASSOCIATES SUBLEASE TO FEDEX GROUND WITH THE FOLLOWING CONDITIONS:**

- **THE SUBLEASE SHALL BE IN A FORMAT APPROVED BY AIRPORT COUNSEL AND AIRPORT MANAGEMENT;**
- **THE SUBLEASE, WHEN APPROVED, WILL BE EXECUTED WITHIN 30 DAYS;**
- **PREVIOUS RESTRICTIONS WILL CONTINUE TO BE IN EFFECT FOR THE DURATION OF THE SUBLEASE;**

MR. OGILVIE SECONDED; MOTION PASSED UNANIMOUSLY: 6 AYES, 0 NAYS, 1 ABSTENTION—MR. TRIP BARNES due to conflict of interest.

• Airport Lumber LLC (Lot #18) Request to Install Sign Action

The sign would require Edgartown Zoning Board of Appeals (ZBA) sign standard approval.

- Ms. Zern protested it should not be approved pending a uniform Business Park sign policy. McFarland Johnson had been contracted to research and propose such a policy.

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- Mr. Michelson objected to approving a sign before the policy was completed. However this was a sign on the side of a building, whereas the policy would apply to road signage.
- Mr. Ogilvie protested the matter did not rise to the level that should require MVAC approval. Ms. Richart explained it was a lease provision, however the MVAC could change policy to assign the task to staff. In keeping with Property Manager recommendation:

• MR. MICHELSON MOVED TO APPROVE THE INSTALLATION OF ANY SIGN CONFORMING TO EDGARTOWN SIGN STANDARDS CONDITIONAL ON:

- **EDGARTOWN ZONING BOARD OF APPEALS APPROVAL; AND**
- **ALL PRIOR CONDITIONS.**

MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

• Renew Donorama's (Lot #27) Lease Action

A compromise was reached between the Airport and Donorama hired appraisers as per MVAC policy. In keeping with Airport Director recommendation:

• MR. KNABEL MOVED TO APPROVE A TWENTY (20) YEAR LEASE RENEWAL WITH DONAROMA'S AT A BASE RENTAL RATE FO \$1.06 PER SQUARE FOOT PER YEAR WITH THE ADDITION OF THE FOLLOWING CHANGES:

- **LANGUAGE SHALL BE ADDED TO ADJUST THE RENT BASED ON A FAIR MARKET VALUE APPRAISAL EVERY FIVE (5) YEARS;**
- **THE LATE FEE SHALL BE CHANGED FROM 18% PER MONTH TO 18% PER ANNUM;**
- **NOTICES SECTION SHALL BE UPDATED TO CURRENT ADDRESSES;**

MR. MICHELSON SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 1 ABSTENTION—MR. TRIP BARNES due to conflict of interest.

• Renew Osprey Trades (Lot #7) Lease - Tabled

• Amend Transportation Safety Administration (TSA) Lease Action

Due to the partial government shut down (see 1/16/19 Minutes p.8 #XIV) this lease had been delayed until shortly before the meeting. Airport Management proposed moving the office from a trailer into a smaller but more convenient Terminal building space as a way to take care of Airport employees and eliminate trailer rental expense. The MVAC discussed:

- retaining the space for gift shop rental—it had been vacant for years;
- possible use of the former trailer lot for development—lot quality problems;
- three year standard lease starting February 15, 2019.

In keeping with Airport Director recommendation:

• MR. MICHELSON MOVED TO APPROVE TO LEASE THE AIRPORT TERMINAL GIFT SHOP SPACE TO THE TRANSPORTATION SAFETY ADMINISTRATION FOR \$14,586 PER YEAR AS PROPOSED; MS. ZERN SECONDED; MOTION PASSED: 6 AYES, 1 NAY—MR. BARNES, 0 ABSTENTIONS.

V. OUTREACH/PUBLIC RELATIONS (PR) SUBCOMMITTEE REPORT

- The 60th Anniversary plans were reviewed (see 12/13/18 Minutes p5-6 #VI):
- April/May school speakers and programs;

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- June July – scholarship awards;
- a two-day event by the Collings Foundation with historic documents;
- a MV Charter School art contest resulting in a book of drawings;
- an MVTV interview with Mr. Barnes;
- see below: p.7 #XI.
- Ms. Zern produced an Airport Master Plan Update fact sheet approved by the Outreach Committee, to be distributed to Town officials and the public (see documents on file).
- There was a brief discussion on the Outreach Committee Charter.

VI. AIRPORT DIRECTOR SEARCH PROCESS

As reported in the press, Ms. Richart had informed the Chair that she would not renew her contract ending May 5, 2019. The MVAC discussed the search options and issues. Two firms had sent in proposals and a third had expressed interest. The Chair suggested options:

- establishing a search committee of three Airport Commissioners and three outsiders;
- placing ads in local press and trade journals and processing responses;
- hiring a search firm for basic advertising and response, with MVAC completing interviews;
- hiring a search firm for the entire process.
- Mr. Knable noted the expense of hiring a search firm.
- Ms. Zern proposed the Airport Director title be changed back to Airport Manager. Others noted that Airport Director was consistent with industry practice.
- MR. BARNES MOVED THAT THE MARTHA'S VINEYARD AIRPORT COMMISSION PLACE ADVERTISEMENTS IN THE LOCAL PRESS AND TRADE SHEETS AND JOURNALS; MS. ZERN SECONDED; MOTION WITHDRAWN.
- Throughout the discussion, Mr. Michelson requested a Personnel Committee meeting, as the correct purview to research and recommend procedure— Mr. Knabel and Ms. Zern agreed.
- There was a discussion on search confidentiality and Open Meeting Law protocol, as well as on procurement law regarding quotes and bids.
- Mr. Michelson urged that Ms. Richart be prevented from changing any policy or personnel and that the MVAC should oversee the transition closely.
- Mr. Wharton emphasized the need for professional support in negotiating the intricacies of determining industry factors, talents, skills, and experience.
- The other two 2016 search finalists were unavailable. Interim Manager Rod Dinger had retired.
- There was general agreement for prompt action on first steps including:
 - establishing a job description and qualifications,
 - determining search committee membership,
 - whether to hire a firm, and if so on what basis; and
 - Personnel Committee versus full MVAC.
- Mr. Michelson requested Ms. Richart's input and she agreed to mark up the existing job description based on her three years of experience.
- MR. KNABEL MOVED TO ACCEPT THE EXISTING JOB DESCRIPTION; MR. OGILVIE SECONDED; MOTION WITHDRAWN.
- Mr. Ogilvie proposed accepting the first proposal for a limited search as quickly as possible.

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- IT WAS THE CONSENSUS OF THE MVAC TO:
 - TABLE THE MATTER UNTIL A SPECIAL MEETING ON FEBRUARY 21, 2019,
 - RESEARCH PROCUREMENT LAW AND SEARCH PROCEDURES,
 - AND TO OBTAIN THREE FULL QUOTES FROM SEARCH FIRMS.

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

Mr. Ron Myrick of Tetra Tech reported on the January public meeting and updated the MVAC on testing and remediation measures (see Minutes: 12/13/18 p.2-4 #III & 1/16/19 p.3-4 #VI).

- 112 private wells were sampled, of which 14 exceeded the guidance value of 70 parts per trillion (ppt.) the highest being 1,348 ppt., and 13 were above background concentrations (i.e. 20-70 ppt.) 12 more samples were collected today and 30-35 more samplings were expected in the next three months as homeowners returned to the Island and/or caretakers responded to requests. The goal was to map and bracket the contamination area.
- A private home pilot remediation system was installed (cost ~\$4,000) and tested, consisting of two 55 lb. canisters of activated carbon, showing 99% effectiveness in the first canister with the second as further filter and backup. The State mandated quarterly testing with three samples per test (at \$210 per sample). The Airport was providing drinking water to the remaining 26 homes testing above background or guidance values.
 - It was more efficient and safer to treat the entire house rather than at each spigot.
 - A flow meter was also installed to monitor water use (including seasonal use variances).
 - The system was owned and maintained by the Airport, but precedent was it reverted to homeowner ownership at project closeout, including maintenance/monitoring responsibility.
- The Massachusetts Department of Environmental Protection (DEP) approved the measures conditional upon:
 - monitoring the treatment system for up or down frequency;
 - developing a monitoring plan for those below 20ppt.;
 - evaluating the feasibility of eliminating and mitigating the PFAS source;
 - evaluating the soils in previous fire locations; and
 - properly managing the 6/24 Runway project regarding possible PFAS contaminated soil.
- Tetra Tech planned to test about 50 additional private wells and would continually test monitoring wells, including establishing some new ones at shallow, medium and deep levels.
- Tetra Tech and the Airport were continuing with excellent public communications: monthly status reports to the State, project management meetings, and public forums. A toxicology expert was engaged but had yet to receive any inquiries.
- The federal Environmental Protection Agency (EPA) had pulled back on the issue but was now receiving heavy pressure from the States.

VIII. AUTHORIZE TETRA TECH CONTRACT

Action

Bottled water and/or treatment systems for PFAS plume affected private homes would be part of the Airport operating budget. The proposed contract would cover work through April 2019. In keeping with Airport Director recommendation:

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MR. WHARTON MOVED TO AUTHORIZE A CONTRACT WITH TETRA TECH FOR \$130,000 FOR ENVIRONMENTAL SERVICES; MS. ZERN SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

IX. MCFARLAND JOHNSON REVIEW OF MASSACHUSETTS/NATIONAL ENVIRONMENTAL PROTECTION ACT (MEPA/NEPA) PROJECT

- McFarland Johnson was working closely with Tetra Tech on the PFAS plume and the 6/24 Runway project, setting aside soil from any potential areas of contamination for testing—no contamination detected so far.
- Now that the partial government shutdown was over the Federal Aviation Administration (FAA) placed the MV Airport Business Park (MVABP) release in line to be posted on the federal register, for a target release date in April—the lots were already released by the Department of Defense (DOD). The release would include all currently developed MVABP lots except Lots #34 and #38 (see below).
- The contractor would demolish the well house and remove the asbestos and lead paint. McFarland Johnson considered a request by MEPA and the Massachusetts Historical Commission for an archeological survey to be an oversight—since one was completed and approved several years ago. When all was complete the well would finally be capped.
- Thanks to all Commissioners who attended the Public Meeting, the comment period was now closed, having received comments from about 34 individuals and 9 State, local and non-governmental organizations (NGOs) about:
 - effects on Islandwide growth and quality of life (traffic, noise, etc.);
 - the fragile eco system (air pollution, PFAS, water quality/aquifer, rare species, etc.);
 - private jets that only benefited elites;
 - terminal and parking expansion.
- In order to relieve some of the traffic congestion McFarland Johnson proposed moving short term parking, however an error counted double the spaces instead of moving existing spaces.
- Comments would be collated/summarized for the MVAC and incorporated in the project plan. McFarland Johnson would work on footprints and impact alternatives, before honing the plan down to preferred configuration submitted to the MVAC and previous commenters, followed by another Public Meeting. It was not necessary to respond to individual comments but it was required they be updated on progress and informed of all meetings.
- **THERE WAS A CONSENSUS THAT THE LAND USE COMMITTEE WOULD ACT AS A TASK FORCE TO CONSIDER AND REFINE THE PREFERRED ALTERNATIVES.**
- Lots #34 and 38 were developed without permits in despite of being priority habitat for a number of rare species (mostly moths). Natural Heritage had already been contacted and it was likely the Airport would be asked to pay a fee in lieu of mitigation, on a 3 to 1 ratio of land value (\$25,000 per acre) along with a small administration charge—total ~ \$80,000 one time payment. The permit could then be amended and the land released.

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

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XI. ASSISTANT MANAGER'S REPORT

- Asst. Manager Geoff Freeman showed photos of the 6/24 Runway project, which started January 14th. Grinding was complete (materials were removed to Goodales pit) and electrical line trenching was progressing. All were preparing for the 60-hour shutdown (see 9/13/18 Minutes p.4).
- Local drug and alcohol screening contractors were either going out of business or not keeping up with compliance, so the Airport contracted with a new regional firm. The entire staff was tested.
- Staff trainings included:
 - Occupational Safety and Health Administration (OSHA) 10 wallet card;
 - sexual harassment supervision,
 - annual State Ethics certification,
 - American/International Association of Airport Executives (AAAE/IAAE) airfield operations certification (accepted at any international airport).
- Ms. Richart, Mr. Freeman and Mr. Matt O'Brien of McFarland Johnson had a preconstruction meeting with Osh Kosh International on the new 1,500 g. striker fire truck. Construction was on faster track than expected and could be ready by Labor Day 2019 (see 8/9/18 Minutes p.3)—probably funded through the annual FAA grant. FAA tightly regulated airport fire trucks.
- Mr. Freeman was working with a military contingent out of Texas for the MVY Airport to be a certified drop zone for a parachute training exercise during the Airport's 60th Anniversary year. The unit coordinated with local first responders as a training exercise.

XII. AIRPORT DIRECTOR REPORT - None

XIII. CHAIR'S REPORT

- The March meeting was usually the annual reorganization, for election of Chair and Vice Chair following the Dukes County MVAC appointments.
- O'Neill Associates were very helpful with the Fox25 news report (see 1/16/19 Minutes p.7 #VIII), although the story focused primarily on Barnstable Airport.
- The West Tisbury Board of Selectmen sent a letter to the MVAC requesting the Airport be open to public input, and Chair Rosenbaum responded explaining Airport public information events and actions (see documents on file).
- State Finance filings were due May 1st.
- The Dukes County Commission would appoint two Airport Commissioners at their March meeting.

XIV. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR - None

XV. PUBLIC COMMENT

Mr. Geoff Smith and Mr. Nicholas Catt might present a proposal for MVABP Lot #34. The MVAC referred them to the Land Use Committee.

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XVI. CONFIRMATION OF NEXT MEETINGS:

- Dukes County Commission - 4:00PM, Wednesday March 6, 2019
- Outreach Subcommittee - 3:30PM, Thursday March 7, 2019
- Land Use Subcommittee - 5:00PM, Thursday, March 7, 2019
- Finance Subcommittee - 3:30PM, Tuesday March 12, 2019
- **MVAC - 2:00PM, Thursday, March 14, 2019**

XVII. CALL FOR MOTION TO ADJOURN

• MR. KNABEL MOVED TO ADJOURN AT 4:43PM; MR. MICHELSON SECONDED; MOTION PASSED UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.

Appendix A: Tasks

- Ms. Richart/staff – send Mr. Michelson SAV Assoc. master lease and FedEx Ground sublease.
- Commissioners – submit State Financial forms by May 1, 2019.

Appendix B: Documents on file:

- Agenda (2 p.) 2/14/19
- Sign-in Sheet (2 p.) 2/14/19
- MVAC January 16, 2019 Meeting Revised Draft Minutes (9 p.)
- MV Airport Staff Summary re: BP#22 – SAV Associates Request to Renew Sublease With FedEx, 1/23/19
- MV Airport Staff Summary re: Airport Lumber LLC Request to Erect a Sign 1/9/19
- MV Airport Staff Summary re: Donaromas Lease Renewal 2/13/19
- MV Airport Staff Summary re: Tetra Tech Contract February to April 2019 2/14/19
- MVY Airport Fact Sheet – The Master Plan
- Outreach Committee Chair Report, February 13, 2019
- MV Airport Water, Wastewater, and Facilities Departments January 2010 (2 p.) 2/14/19
- ACS Proposal for Executive Search Services for Airport Manager (19 p.) 2/13/19
- ADK Full Service Executive Search Martha's Vineyard Airport Commission (10 p.)
- HR Assist Executive Search Martha's Vineyard Airport Commission (6 p.)
- Rosenbaum letter re: response to West Tisbury Selectmen letter (2 p.) 2/12/19

Minutes approved as amended 3/14/19