

**Commonwealth Of Massachusetts  
MARTHA'S VINEYARD AIRPORT COMMISSION  
LAND USE SUBCOMMITTEE MINUTES**

**January 7, 2020, 5:00PM**

**Airport Rescue and Firefighting Building Conference Room**

Notice of Such Meeting Having Been Posted as Required by Law

**Present:**

**Subcommittee:** Chair – Peter Wharton, Don Ogilvie

**Airport Staff:** Cindi Martin, Airport Director; Edward Christofono, Financial Controller; Kevin Brennan, Airport Properties Manager (recorder)

**Public Signed in:** Bob Jackson (Plane View, Inc.); Richard Knabel (MVAC)

**Public Not Signed in:** NONE

**I. CALL TO ORDER by Chair Peter Wharton – 17:04hrs.**

**II. MINUTES: APPROVE THE MINUTES FROM THE DECEMBER 5, 2019 LAND USE SUBCOMMITTEE MEETING**

**MOTION:** Mr. Ogilvie: to approve minutes

**SECOND:** Mr. Wharton

**VOTE:** 2-0-0

**III. PUBLIC COMMENTS**

None

**IV. STAFF REPORTS**

a. **Tenant Aging Report:** Mr. Christofono reported that \$170,000 was received in the first 7 days of January. He also reported collections in process for MV Investments, Landscape, Cars Unlimited, and Coca-Cola collectively owe more than \$25,000.

b. **Properties Manager Report:** Mr. Brennan reported on many lease violations involving 3 tenants, and issues regarding Eastern Wind Power and space occupied without a lease by the County of Dukes County Emergency Management Division. Annual Property Inspections were resumed in December. Four inspections were conducted – MVA Wastewater, Properties Manager, and Edgartown Fire Inspector participated.

**V. OLD BUSINESS**

a. **VOID of the Award of MVY-RFP 2019-02 – Terminal Restaurant Concession –** Plane View, Inc. had been awarded the concession in the December meeting. Plane View, Inc. President Robert Jackson submitted a letter on December 20, 2019 stating “...that we would not be able to operate our business by paying 10% of the plane View’s gross Revenue”. Mr. Wharton asked Mr. Jackson if he wished to comment. Mr. Jackson stated “Gross revenue is crazy. 36K(lease), 79K(10% of Gross) and Water equal 99K per year”.

**MOTION:** Mr. Wharton: to void the award of MYV-RFP 2019-02

**SECOND:** Mr. Ogilvie

**VOTE:** 2-0-0

**Business item forwarded to MVAC**

b. Mr. Wharton then asked Mr. Jackson if he would be interested in **extending his lease through March 31, 2020**. Mr. Jackson said “No, unless the 10% (of gross) is taken off the

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next lease". Mr. Wharton recounted the history of how we arrived at this point in time where there may be no restaurant at the airport, apologized for prior management who had not prepared the RFP in a timely manner which had triggered the concession agreement's 1<sup>st</sup> and 2<sup>nd</sup> extension, and thanked Mr. Jackson for extending his lease 2 times this year. Mr. Wharton explained how the MAG works and verbally proposed that the future concession agreement would include 0% paid \$0-\$300,000, 3% paid on Gross income \$300,00.01-\$500,000, and 5% of gross over \$500,000.01. Ms. Martin added that a bid bond of \$2,500 would be added to the future RFP to compensate the landlord for a situation where the awardee did not sign the lease (as had happened here). This Performance bond is a part of other RFP's issued in the past. Mr. Jackson verbally agreed to extend his lease.

**MOTION:** Mr. Wharton: to approve a lease extension through March 31, 2020

**SECOND:** Mr. Ogilvie

**VOTE:** 2-0-0

**Business item forwarded to MVAC**

- c. **MOTION:** Mr. Ogilvie: that the above changes be made to the next Restaurant Concession RFP and that this revised RFP be issued according to the timetable presented by staff to allow for submission, decision, and lease signing by March 31, 2020

**SECOND:** Mr. Wharton

**VOTE:** 2-0-0

**Business item forwarded to MVAC**

**VI. NEW BUSINESS**

None

**VII. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR**

- a. **MVY RFP-2019-03 and MVY RFP-2019-04** – There has been significant interest in these RFPs. To permit continuity of cell phone service for the Island, staff recommends that we cancel these RFP's. Staff will communicate cancellation, request staggering renewal dates, and prepare a new RFP for approval at the February LUS meeting. Revised RFPs' will contain several changes.

**MOTION:** Mr. Wharton: to recommend that the MVAC cancel MVY RFP 2019-3 and MVY RFP 2019-04

**SECOND:** Mr. Ogilvie

**VOTE:** 2-0-0

**Business item forwarded to MVAC**

**VIII.** Next meeting – 5:00PM, Tuesday, February 6, 2020

**IX. ADJOURNMENT**

**MOTION: MR. WHARTON: MOVED TO ADJOURN AT 18:16hrs**

**SECOND: MR. OGILIVE**

**VOTE: 2-0-0**