



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Christopher J. Willenborg, Administrator



SENT ELECTRONICALLY

March 25, 2015

Dukes County Commissioners
P.O. Box 190
Edgartown, Massachusetts 02539
Attention: Leon Brathwaite, Chair

Re: Martha's Vineyard Airport Commission

Dear Mr. Brathwaite:

Once again, it has come to my attention that the Dukes County Commission has taken action to reorganize the membership of the Martha's Vineyard Airport Commission without the written approval of the Aeronautics Division. And it is disconcerting that I have to learn of this situation from a source other than you.¹ More specifically, it appears that incumbents were replaced and candidates extensively questioned about their position or view regarding the pending lawsuit between the MVAC and the County, which has yet to conclude. Given the litigious history between the County and the Airport Commission, it is incumbent upon the Aeronautics Division to ensure that this activity is not a reorganization of the Airport Commission, nor is it an attempt to interfere with the autonomy and authority of the Airport Commission, as referred to in the Martha's Vineyard Airport Grant Assurances. Any such reorganization or interference would require "the express written approval of the Aeronautics Division." Pursuant to Chapter 90 and the Martha's Vineyard Airport Grant Assurances, the MVAC is obligated to pursue the lawsuit with the County. In addition, please be advised that, in my opinion, any vote taken by the Commission reorganized without the approval of the Aeronautics Division would be invalid.

Accordingly, please immediately provide me, in writing, with your rationale for appointing Myron Garfinkle, Robert Rosenbaum, and Clarence Barnes, and replacing Connie Teixeira (the former chair with a substantial aviation background) and Jim Coyne (who is an exceptionally well-qualified aviation professional) to the Board.

Please also allow me to clear up what appears to be a self-perpetuating misunderstanding, which is that the Aeronautics Division approved the action of the Commission regarding an increase in membership – it did not. Rather our response to Ms. Thorton, County Manager, who, via email dated August 27th asked for confirmation

¹ Via letter dated September 25, 2014, I asked for your rational for an increase in membership of the MVAC, i.e., the qualifications of two appointees, and how the appointments benefit or improve the functioning of the Airport Commission beyond that of what was a 7-member board, which you provided. I did not respond back to you because no response was necessary given the Court's November 5th ruling.

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that the "Dukes County Commission has the right to increase the number of airport commissioners up to 11 if they so choose in accordance with the MGL Chapter 90 Sec. 51E and that this action will not be in violation of the grant assurances signed by the Dukes County Commission as long as the new members honor the grant assurances[.]" was as follows, and I quote:

The statute and grant assurances speak for themselves and should be adhered to as you would any statutory directive or contract obligation.

This is obviously not an approval, nor should it be construed as such.

I look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Willenborg", written in a cursive style.

Christopher J. Willenborg, Administrator

cc: Tracy W. Klay, Esq., Chief Aeronautics Counsel, MassDOT (via email)
Martha's Vineyard Airport Commission (via email)
Juliana Rice, Esq., Deputy Bureau Chief, Government Bureau, Office of the AG
(via email)
Christopher Poreda, Esq., Regional Counsel, FAA Office of the Chief Counsel (via
email)