

## VTA Advisory Board

### Meeting Minutes

July 17, 2019

The Martha's Vineyard Transit Authority Advisory Board met Wednesday, July 17, 2019, at 5:15 PM at the offices of the Transit Authority, 11 A Street, Edgartown. Present were Alice Butler (Oak Bluffs), John Alley (West Tisbury), Lenny Jason (Chilmark), June Manning (Aquinnah), Elaine Miller (Tisbury) and Carlton Crocker, Rider Community Member-Chilmark. Also present were Angela Grant (VTA), Lauren Thomas (VTA), Suzanne Cioffi (VTA), Andrew Grant (VTA), Matthew Pray (VTA), Maryann Rossi (VTA), Darren Morris (TCI), and Edward Pigman (TCI).

Guests at the meeting: Benjamin Delong, James Tilton, Andre Bonnell, Justine Hull, Tan Florio, Louis Smith, Saida Gamidora, Noah Asimow, Jeffrey Madison, Petar Petysohin, James Hagerty, Sheila Beasley, David Heller, Elizabeth Toomey, Vernon Harris, Vicki Moreis, Katharine Kavanagh, Susanna Sturgis, Carole Early, Renee Bonnell, Sarah Nevin, Anne Sylvester, Sheri Thomas, Chris Johnson, Brian Packish, Eva Raposa, Lilla Raposa, Cynthia MacDonald-Smith, Zachary MacDonald-Baird, Charlie Smith, Rich Townes, Cheri Cluff, Margaret Moran, Caitlin Kane, Anna Allen, George Gamble, John Thurber, Roland Goulart, John Steve Edwards, Loretta May, Michael Cochran, Bob Yapp, Kevan Nichols, Robert Lane, Kent Healy, Joyce Stiles-Tucker, Kathie Olsen, Roger Bonet, Liz Henderson, Jonathan Chatinover, Toni Kauffman.

The meeting was called to order at 5:15.

Ms. Butler opened the meeting stating they have a program for the meeting but there needed to be some ground rules; she stated there will be an opportunity for everyone to say their piece but in order to do so, she asks for the person to first be recognized, gather their thoughts and speak once so that everyone can have an opportunity to speak. She requested both sides to speak respectfully. She then asked the Board to introduce themselves.

Ms. Grant presented a Power Point presentation and stated that it would also be on the VTA's website later this evening. She went over MGL 161B that governs the RTAs in the Commonwealth and described how different than MBTA. MGL 161B requires the Authority to hire a private company to drive the buses; she said the Advisory Board is an appointment from each town (mayor or selectmen appointment), also a Community Rider and Disabled Representative who serve a one year term and rotate amongst the towns with no town having both the rider and disabled representative at the same time. Ms. Grant said the Advisory Board sets the Administrator's salary, routes and services, and sets fares.

Ms. Grant went over the FY19 Budget stating majority of the funding comes from fares, contract revenue, and rental income (RMV), State Contract Assistance, Other income (MVRHS maintenance), Local Share-Towns Cherry Sheet, and Federal Funding. Ms. Grant stated 67% of VTA's operating income comes from public funding (State, Federal and Local funding) and 57% of the operating budget goes

directly to fund driver wages and benefits. She stated the VTA gets 1.93% of the State Budget Line item for transit authorities, an annual appropriation. She stated on the Vineyard we have seven day a week and 363 service days and outside of the MBTA district, the VTA has the most transit service in Massachusetts. She said most transit services do not have seven or six day a week service. Current federal funding is 16.14% and the current administration is interested in infrastructure spending and not operations spending. Current funding from the Towns is 17.57%. She said fares are 32.81% of the total funding. A five year increase was voted by the Advisory Board in January 2014. Seasonal zone fares increased effective July 1, 2019. Other income sources include 3.75% from rent income (RMV), advertising income and contract revenue. Ms. Grant then stated she was turning the presentation over to Edward Pigman who will be discussing where we are.

Mr. Pigman gave a brief history of the bargaining group. He stated in 2015 a vote was taken and appeals to NLRB. He stated appeals and the court stated it was a legitimate election and began negotiating last September (2018). He stated over the course of the last few months there have been meetings with union reps and TCI. He stated his position of his company is that it is not their money as it is derived from board, but their job is to drive the routes. He said his job as the contractor/employer is to understand the VTA funding and what the union is asking for. He stated they have a mediator who is federally appointed, so each side has an opportunity to draft position and outlook, and the mediator presents to other side; the mediator attempts to find common ground. He stated that they have continued to work on issues during the strike.

Mr. Pigman and Ms. Grant discussed the impact of the ATU offer from September 2018: service cuts of 17.7 % in the first year would include Medivan Service, only routes would be 1 and 13 hourly in the winter, no service on any routes in West Tisbury, Chilmark and Aquinnah, Tisbury Park and Ride will remain due to contract with Steamship Authority, reduction in off season shoulders based on prior years ridership. Service cuts of 21% to 22% by the third year; 50-60% of off-season riders will be left without access to bus service and less year round shifts available for drivers. She stated other options are to increase fares again-yearly passes, day passes, but that would be an Advisory Board decision. She stated TCI's offer could be managed with reduction in service on periphery trips in the off season.

Ms. Butler asked the Board if anyone has a question or comment. She reminded everyone to state name and wait to be recognized.

Ms. Miller stated she wanted to address three issues: responsibilities of an advisory board, lack of advisory board, and status of negotiations. She stated she felt decisions are being made without the board and not functioning as a board. She stated none of the issues discussed by Ed Pigman were not brought to the board and were being made by the Administrator. She said she spoke to Sarah Nevin, who is applying for disabled rep for Edgartown, who stated she spoke to Art Smadbeck, Edgartown BOS, and he told her that the strike should be settled at the State Level. Ms. Miller stated she spoke to Ms. Butler and if she was uncomfortable about having a meeting she should step down. Ms. Miller stated the State is looking at an audit to look at oversight. She is inquiring how this is going to affect the VTA and funding. She believes funds can be raised to cover costs and is looking for more transparency.

Ms. Manning read a letter of support from Aquinnah BOS. She stated Aquinnah Town Administrator, Jeffrey Madison, is present tonight. Aquinnah BOS was looking for a neutral arbitrator to address this issue.

Mr. Jason stated the two critics have heard what needs to be done but how do we get there, reduce fares/routes. He addressed Ms. Miller who has attended two or three meetings but has never brought up these issues. He inquired if her plan was to go to the State for funding and speak to Dylan Fernandez and Julian Cyr - she stated for the entire Board to collaborate and represent entire Board, but yes she will speak to them. Ms. Miller asked Mr. Jason his plan - he said we either need to cut services or raise fares.

Ms. Grant advised she would not practically expect to rely on additional funding from the State. Ms. Miller stated she hears Ms. Grant; however, the issue is we need to take care of our drivers. If we need to cut services, then we should. She stated we need to take care of drivers and not have drivers from Puerto Rico.

Mr. Alley stated we are audited every year. He stated last Saturday he received a notice of a VTA Board Member requesting a forensic audit on the Administrator. Ms. Manning stated it does not imply any wrong doing. Mr. Alley inquired if she was the one who asked for it to be done, and she replied "you know that I was." She said she has been a Board Member for 23 years and has supported the drivers all along.

Carla Cooper, Edgartown: Comments on 1<sup>st</sup> slide, one thing is missing - appoint Administrator and serves at the leisure of the Board. Read statement on the VTA website and is disgusted about statement of Union. Wants to know what that statement means, it's not about nickels or dimes, but does not want a Union.

Cathy Olson, bus rider Aquinnah: Senior citizen who relies on the bus is grateful for the senior pass and thanks VTA for that. She stated these drivers are part of our community, neighbors, public face for tourists. They are professional drivers trying to make a living wage on the island. She stated no one is talking about TCI's finances and what they do. She stated she has heard the owner of the company is currently out of state.

Andre Bonnell, 19 year driver with VTA: TCI glossed over a few points—inquired how much replacement drivers are making and where are they getting the money; why do they not have money for us; why will not go to binding arbitration; if offer so good why not go to arbitration why not put your money where your mouth is; can end contract when they want, why not jump on that; family plan cost is \$2000 month, why not jump on that; mailing addresses given were physical, not mailing; inquiring about Administrator and minions raises over the years, why not them.

Johnathan Chatinover: Boards I have been on approve minutes of last meeting. When was the last meeting? April 17<sup>th</sup> was given as a date. He inquired year? Advised 2019. He inquired about minute notes and was advised as this was first meeting did not want to take time for minutes.

Sheila Beasley, Oak Bluffs: Inquiring why lack of response from Oak Bluffs.

Anne Sylvester, Oak Bluffs: Curious why need to have Greg Dash from Pennsylvania who is a Union Buster. She wanted to know how much he was paid to come.

Rich Townes, Driver 23 years: Inquiring how much the VTA has been authorized to spend and he knows they have spent about \$80,000. He wants to know who has authorized this money to be spent. Stated have no money to pay the drivers but have a piggy bank to pay Greg Dash. Ms. Grant stated Greg Dash had been authorized to be hired by TCI for labor counsel and negotiations. Ms. Grant stated part of the funds paid to Greg Dash includes fees paid to defend unfair labor practices claims filed by ATU.

Ms. Manning asked if we have any meeting minutes. Ms. Grant stated yes you have approved meetings at every meeting and that they are on line.

Rob Lytle, Oak Bluffs: Stated when he heard they have not met since April that was all he needed to hear. He said they should be meeting every single day and coming up with a plan. He said Towns should be holding the Board accountable and if cannot do the job, get new people.

Russ Ashton, Oak Bluffs: Former member of Board. He stated his term ran out from what he hears from the State so that's why he's still not on Board. He said he went to the State Rep and Senator and asked what was going on and happening at the VTA? He said he never met any of the drivers and how he met them was going downstairs and introducing himself to drivers. He stated need to work with the drivers to have a successful year to come.

Ms. Manning asked about diversity training that was discussed last year? Ms. Grant stated that customer service training has been happening.

Brian Packish, Chairman OB BOS: He stated he is not there as BOS. He stated the fundamental problem today is that no one is at the table negotiating today. He said can discuss other topics later but need to get back to the table for negotiating. He said for him not to discuss personality issues, problems of happenings. He said today's primary issue/crux is set of drivers striking and management not negotiating, said needs to get back to the table regardless what happens at the end of the day. He said need a voice to say "back to the table TCI, back to the table."

Ms. Miller addressed Mr. Packish and said there is more of an issue today than just the striking drivers. He stated that as an Advisory Board needs to direct Administrator and TCI representative back to the table and after settled go back and address other fundamental issues.

Jim Malkin, BOS Chilmark: Stated he agrees with what Mr. Packish just said and suggests the following and he stated he came to the meeting to learn. He stated they appoint to statue who acts on their behalf and the Board acts on behalf of the Selectman. He said he hears from point of view of management that there is x amount of dollars will need service cuts or fare increase but has not heard what those costs would be. He stated going to the State or towns for more money, the issue will be finding the money. He said starting issue/point of offer made to drivers and towns for money. He said no one will want to get paid on promises.

Mr. Pigman, inquired if get back together to negotiate, what are they negotiating. He stated they are the bus operators but not the financiers. He stated if you make a promise to the union to pay for something and there is no money to fund, it will be deceptive. He stated up to this point the offer authorized to be given would require at 5-6% reduction in service.

Leon Brathwaite, West Tisbury: He stated he has been involved in negotiations and at an impasse. He suggested binding arbitration. He stated it was a way to resolve this issue for both sides.

Sarah Nevin, Edgartown: They refer to me as instigator. She stated she has applied for the position of handicapped rep and has a handicap that allows her to ride the Lift. She said she sees dynamic as intimidating with people with all the money, TCI and VTA; she stated they are intimidating over the power they have. She said they need to do what the drivers need. She said the Board has empowerment and perhaps they should resign or reinvigorate themselves. She suggested raises and for a short period of time increase rates/reduce services.

Jeffrey "Skipper" Manter, West Tisbury: He said there has been plenty of discussion but now need to know what the Board is going to do next.

Elizabeth Toomey, Vineyard Haven: She lives in Vineyard Haven and is a rider with no car. She inquired the court order stating needs to have a contract who is responsible. She was told it was ordered to TCI.

Jeffrey Madison, Aquinnah Town Administrator: Stated board has a great difficulty of a job and since there has been a labor dispute and Board has done nothing, speaks for itself. He inquires who is to be given the direction. Who is on the sub-committees? He stated if the drivers do not get what they want they will run out the clock and will be left stuck.

Holly MacKenzie, Democratic Council of Martha's Vineyard: Stated should not be focused on what happened in the past but focus what we can do moving forward. When I look at these bus drivers, they are members of our community, and this is a very expensive place to live so they deserve to be paid a fair wage. I look at this as a safety issue for our community as well. I want year round bus drivers behind the wheel especially this time of year and not off island drivers as these roads are tricky, increased people on bicycles and pedestrians. These people are members of our community and deserve a contract. I get what you are saying about the funding Lenny but this is not the time to talk about that. We have to support fellow community members. Where do we go from here and have better practices to not have us here.

Nicky: Stated something is very obvious here but somehow the website is anti-union. How do we get it the hell off? That plays into feeling intimidated. She inquired if the Board is intimidated. Lenny Jason said no, not intimidated. June Manning said yes. She said the numbers flying by were confusing but she saw \$3 million for drivers and \$700,000 that she assumes for TCI. Ms. Grant stated the only thing TCI gets is \$100,000 for management fee.

Carl Crocker, Community Rider: Stated new to all of this, appointed yesterday. He stated VTA seems like two operating companies, on and off season. He suggested looking over the routes and combining the routes in the off season. He stated do something like the Cape does and most likely will not need as many drivers in the off season.

James Hagerty, Town Administrator- Edgartown: Stated he finds it completely unacceptable to cut service. He stated need to take a pragmatic approach by taking the difference of what the bus drivers want to make and put it on the Town Meeting Warrants and let the people decide. He stated it is a bigger problem than this room, or drivers can decide, let the people decide.

Unknown Female: Stated hearing a lot of talk about money and I am a driver. She stated there is a three tier system: those that did not break the strike, folks from Puerto Rico and Miami, that she stated make \$19.50 per hour and people brought in by a management company whether they work or not get paid \$235 per day, residence is being paid for, air flights being paid for, and it strikes her that money is in there somewhere and a whole lot of wiggle room in there.

Mr. Alley made a motion for TCI and Union to sit down at the next opportunity to discuss the contract. Mr. Jason 2<sup>nd</sup>. Ms. Miller wanted to amend the motion. Ms. Butler stated Ms. Miller cannot amend motion unless Mr. Alley agrees.

Ms. Miller wished to amend motion to have both parties immediately go into binding arbitration. Ms. Manning 2<sup>nd</sup>. Mr. Jason inquired why Ms. Miller wants to go to binding arbitration. She stated both parties present and provide financial information to look over all the requests and neutral decision. She said she feels clearest and most effective. She also stated she feels as a Board that they have not taken appropriate action for the matter because they were not informed and sit there day after day trying to find a solution. She stated the Board put themselves in the position by not doing anything. She inquired from Mr. Jason if he knew about it today. He stated that this is not the first time they have heard from the Union. Ms. Miller stated she does not have a solution but is willing to sit there for the next three days and bring in food and talk about it. Mr. Jason agreed to sit there with her.

Ms. Miller asked for a motion for her amendment: Ms. Miller and Ms. Manning voted yes and Mr. Jason, Mr. Alley and Ms. Butler voted no.

A gentleman in the crowd stated if binding arbitration is agreed to the drivers will be back to work tomorrow. Mr. Alley asked if he now speaks for the drivers and he said no.

Ms. Grant presented the exact financial offer that was provided from July 2<sup>nd</sup>. She stated that there are multiple areas that are not agreed upon. Ms. Grant stated the Advisory Board does not go through a contract line by line with an operating company. She stated generally speaking, an Advisory Board approves operating funds. She stated Mr. Pigman is here and he can speak for himself. Ms. Miller stated she would like to respond and that her point she's trying to make we should have been here sitting discussing this three weeks ago since it started. We need details to try and find solutions. If we had reviewed all these contracts earlier and engaged, we could have been involved with the process. Ms. Miller stated she has been on several boards that meet into the night when there is an issue. She

stated we are where we are as apparently someone wants them to be there, but cannot be here anymore. Ms. Grant stated she feels the difference between this Board and other boards she sat on is that statutorily we are not the operators of the system and have to hire an operating company, designed to have an arm's reach relationship so that do not turn into the MBTA. Ms. Miller said she totally understands but need to make decisions going forward. She feels that needs to happen going forward. Ms. Grant stated that is totally different than going through a contract line item by line item. Ms. Miller stated if there was a stalemate they should have known and become involved but as a Board did not come to this decision together.

Mr. Alley made a motion to have both TCI and Union sit down at earliest possible convenience to work out the differences discussed here today and get a contract. The room began to chant arbitrate and Ms. Miller asked them to stop, as it is not helping, that there is enough tension in the room and only firing it up. Ms. Miller brought up her motion again and was told it failed.

Ms. Butler asked for a role call on Mr. Alley's motion: Mr. Alley, Mr. Jason and Ms. Butler yes; Ms. Manning and Ms. Miller voted no.

Ms. Grant stated the federal mediator has sent dates and this is contingent on them for the negotiations to continue as they must be present. Ms. Grant stated that Mr. Morris was looking up the dates they will be available.

Ms. Grant stated she believes the mediator is available in the next couple weeks. Mr. Morris said they are available Monday and Tuesday, July 21 & 22, if they are available or following Monday, Tuesday, Wednesday (July 29-31). Ms. Grant said will need to make sure that all parties will be available. She stated we can tentatively schedule the Advisory Board for Friday, August 2<sup>nd</sup>, but if the federal mediator can meet next week, will move it to next Friday.

Mr. Alley amended his motion to include dates July 22 & 23 or 29-31. Mr. Jason 2<sup>nd</sup> motion and Board unanimously passed motion.

A male inquired when the board will meet again. Ms. Grant stated at the far end Friday, August 2<sup>nd</sup> but if they meet next week, then Friday, July 26.

Ms. Nevin inquired if they were able to come to a conclusion Monday or Tuesday next week why can't they meet Wednesday? Ms. Grant stated that they have to post meeting 48 hours in advance. Ms. Nevin asked why can't post on Sunday and Ms. Grant stated meetings must be posted on business days.

Ms. Manning asked to make a motion to adjourn. Ms. Miller 2<sup>nd</sup>. 6-0 vote to adjourn at 7:29 PM.

Documents: None

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Date

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Signed