STATEMENT BY GERARD BOLEIS

Chairman of the Aviation Subcommittee

of the

Town Board’s Aviation Planning Committee

Good morning Mr. Supervisor and Members of the Town Board.

My name is Gerard Boleis and I serve as the Chairman of the Aviation Subcommittee of the Town Board’s Airport Planning Committee.

**I. BACKGROUND**

On January 20th, the Noise Subcommittee presented you with its Final Report and Recommendations for airport noise controls.

Today, in response to the request for our Subcommittee’s comments and recommendations, we are submitting to you our Memorandum on the Noise Subcommittee’s proposals.

Our Subcommittee recognizes that noise from certain aircraft operations, primarily helicopters, has been an issue for several local communities. At our initial meeting on March 1, 2014, we adopted a Resolution stating that we favored reasonable regulations.

Toward that end, we had urged the Town to enter into high level discussions with the FAA to ensure that Town noise studies gathered the type of noise data needed to develop regulations that would (1) be effective in reducing noise impacts, and (2) survive FAA scrutiny and legal challenges.

The Town chose instead to undertake noise control regulations without FAA input. We think that was a mistake, but we will nevertheless provide our views about the Noise Subcommittee’s proposals.

**At the outset, however**, the Aviation Subcommittee wants to stress that, while noise is an important issue to be addressed by the Town Board, **Airport safety must always be the Board’s first concern.**

**Without safe, well maintained runways, there is no airport.**

In September of 2010, after nearly a decade of engineering studies, scores of public meetings and hearings, and the expenditure of hundreds of thousands of dollars, the Town Board unanimously adopted a new Airport Master Plan and Airport Layout Plan **calling for the repair and maintenance of Runways 4-22 and 10-28**.

**Since then, the Town Board has done nothing to fulfill those obligations in the Airport Master Plan and Airport Layout Plan.**

**For safety reasons**, **last March**, our Subcommittee urged the Town Board to issue a request for engineering specifications and bid documents so that the rehabilitation of Runway 4-22 could be completed by the **Fall of** **2014**.

**It is now** **2015**, and still, nothing has been done to implement this critical provision of the 2010 Master Plan.

**The repair and maintenance of Runway 10-28 and the rehabilitation of Runway 4-22 will have no impact on the Town’s ability to reduce noise impacts.**

This failure to maintain those runways as required by the Master Plan exposes the Town (1) to liability claims in the event of any mishap attributable to their condition, and (2) to contract claims by hangar owners at the airport whose ground leases provide that full use of the runways is part of the hangar owners’ leasehold.

The Town needs to take immediate steps to repair and maintain those two runways.

**II. THE DEFECTS IN THE TOWN’S NOISE ANALYSIS**

The most recent round of Town noise studies have emphasized “complaint” data. These studies are highly vulnerable to manipulation.

1. **For example, ten (10) individuals filed roughly half (1/2) of the 23,954 complaints, with one (1) person ("household") complaining 2,800 times and another person complaining 1800 times**.

2. **One individual called, on average, every daylight hour of every day of the year (with only breaks for meals).**

3. **One of the recent noise reports generates “millions” of purported noise "exceedances" by using single event noise measurements (which is not the nationally recognized standard for aviation), and applying those measurements to all tax parcels, including completely uninhabited parcels.**

However, tax parcels are affected by many other single event “exceedances”, often of much longer duration and higher ground level decibels: motorcycles, commercial trucking, leaf blowers, lawn mowers, railroad trains, construction, mass gatherings and other sources.

**To use a single event standard and a data base of tax parcels, whether occupied or not, and then to single out aviation, is discriminatory** and highly unlikely to survive legal attack.

**III. MISINFORMATION ABOUT AIRPORT OPERATIONS**

The Noise Subcommittee’s Report states that the “traditional and intended use of the airport has been to serve local aircraft owners, piloting their own aircraft for recreation or their own transportation.” That statement is **wrong**.

The East Hampton Airport was constructed in 1936 with 3 runways, not as a recreational plaything, but as a transportation facility.

**Commercial operations have been an essential part of the Airport for decades, with charter services dating back to the 1940’s**, **similar to commercial services in other resort communities.**

And, as noted by the New York State Department of Transportation in 2010, the Airport was the home for 91 jobs, and generated annual economic activity of $12,605,100.

**V. DEFECTS IN THE NOISE SUBCOMMITTEE’S PROPOSALS**

As stated in our Memorandum, there are numerous defects in the Noise Subcommittee’s analysis and proposals.

1. Among other things, unrated aircraft are, by default, deemed to be "Noisiest", despite the fact that some are plainly not appropriate for that category.

**2. The Noise Subcommittee’s proposals would severely restrict many aircraft that are not the source of any noise complaints.**

3. For example, 2,982 piston operations from 2014 would have been considered "Noisy" and, therefore, banned from 7:00 PM to 8:00 AM, **all days**.

**4. These overreaching noise proposals would also reduce Airport revenue that is badly needed to maintain the Airport, since the Town has rejected the FAA funding that is traditionally used by airports across the country for airport infrastructure.**

**IV. THE PROPER DIRECTION FOR THE TOWN**

The Noise Subcommittee recognizes that the primary source of noise complaints is helicopters, yet it proposes to place restrictions on 73% of piston operations.

Since the primary source of noise complaints appears to be helicopter operations, the Town’s efforts should be focused on a range of measures that address **those** impacts.

**But certain important noise control measures are solely within the jurisdiction of the FAA**. **Accordingly**, **as we have stated in the past, the Town should be working with the FAA to craft a more comprehensive and effective approach** to diminish noise that includes non-discriminatory controls **over altitudes, routes, approaches and landing patterns**.

We have a deep concern that going forward with the Noise Subcommittee’s proposed restrictions will hurtle the Town into years of litigation, at the cost of hundreds of thousands of dollars, **which the Town will ultimately lose**.

Years from now, at the end of that battle, genuine noise problems will remain unresolved, and all parties, including those truly affected by helicopter noise, will have suffered.

And, in the meantime, if the Town fails to repair and maintain core infrastructure, the Town will face litigation on yet additional fronts from airport users, hangar owners and leaseholders.

We urge the Town Board to step back and reassess its course of action on noise controls, as well as airport maintenance.