



East Hampton Town Board

Work Session Meeting

~ Minutes ~

159 Pantigo Road
East Hampton, NY 11937
www.ehamptonny.gov

Carole Brennan

Tuesday, February 10, 2015

10:00 AM

Montauk Firehouse

I. Call to Order

10:00 AM Meeting called to order on February 10, 2015 at Montauk Firehouse, 159 Pantigo Road, East Hampton, NY.

Attendee Name	Organization	Title	Status	Arrived
Kathee Burke-Gonzalez	Town of East Hampton	Councilwoman	Present	
Peter Van Scoyoc	Town of East Hampton	Councilman	Present	
Sylvia Overby	Town of East Hampton	Councilwoman	Present	
Fred Overton	Town of East Hampton	Councilman	Present	
Larry Cantwell	Town of East Hampton	Supervisor	Present	
Carole A. Brennan	Town of East Hampton	Town Clerk	Present	
Elizabeth Vail	Town of East Hampton	Attorney	Present	

II. Public Portion

Charles Ehren, Vice President of Quiet Skies Coalition thanked Kathee for her hard work on Airport issues.

Richard Kahn spoke on a concern that Peter Lowenstein had regarding landings at Montauk Airport.

Jeremy Samuelson representing the Concerned Citizens of Montauk spoke about the legislation of curfews and bans at the EH Airport in the long run hurting and/or affecting Montauk and its airport.

Loring Bolger, Pres. of SCAC, spoke about two resolutions her committee passed last week. They do not like the proposed truck legislation the way it is currently written.

Janet Van Sickle here to reinforce what Jeremy Samuelson has said. She has concerns on where the helicopters will go.

Tom MacNiven from Wainscott spoke about the airport issue. He spoke on the Open Space Plan that was written in 1995. He spoke about the Airport Noise Abatement Committees findings, a committee he also spoke about. He believes that the Montauk issue is a concern and needs to be looked at.

Ira B. spoke about Robert Olsen's passing last week. He was a person who was concerned with the environment for many years. He spoke about the area where Duck Creek is.

III. Topics

A. *Advanced Wastewater Treatment-Kevin McAllister, Pres. Defend H2O*

Kevin McAllister representing Defend H2O, addressed the board regarding the Advanced Wastewater Treatment. He is looking for the board to do a Local Law similar to one passed by another Township. Nitrogen loads are of great concerns. He spoke on some work and legislation that Brookhaven Town has done on the topic. He says that the discharge levels should be made more stringent as a first start.

B. *Capital Plan - Len Bernard*

Len Bernard spoke to the board regarding the capital plan. He spoke about new items and items that have been previously approved. He spoke about a truck that the Highway Department is in need of for drainage work. He spoke about the Debt Service associated with the plan. He suggests adoption of the plan at the February 26th meeting. This is just a capital plan and can be amended from time to time.

C. *Draft RFP for Business Committee-Marguerite Wolffsohn*

Marguerite Wolffsohn and Job Potter presented the Business Advisory Committee's finding that were used towards the draft RFP in regards to a business study. They feel this should be done at the same time as the hamlet studies. Marguerite outlined the details of the draft. She spoke about many of the subjects and or items that the committee feels are important to the study. Richard Whalen says that the committee worked very well together and he is excited about the proposal. Margaret Turner says that the Business Alliance has been wanting this study for a long time and she was happy to have served on the committee and thinks the plan they came up with is a good one. Jeremy Samuelson spoke about his thoughts on the process after serving on the committee. He pointed out and explained certain aspects of the report. Mark Mendelman says everyone on the committee is looking to make the business community better.

D. *Codifying Agricultural Advisory Committee in Town Code-Sylvia Overby*

Sylvia spoke about the need to codify the Agricultural Advisory Committee in the Town Code. They would like to be codified with terms. Alex Balsam Chairman of the Committee spoke on why they felt the need to be codified. The voice of farmers is very important. The agriculture community is important to our community and other Town's do have codified committees for long periods of time. Kim Quarty another member of the committee spoke about how important this committee and industry is. They need to make sure it remains that way.

E. *Amendments to Zoning/Rental Properties-Michael Sendlenski*

Michael Sendlenski, Assistant Town Attorney spoke about amendments to the Zoning Code regarding rental properties. He says that the one issue that needs to be addressed is over occupancy. This would cover issues like the number of beds in bedrooms. Presumptive evidence will be very important. He spoke about the issue of Notices of Violation. He states

that the fine structure would also be amended. The board agrees to have Mike draft the proposed legislation.

F. Truck Legislation

Truck legislation discussed by Councilman Overton. He states that one of the comments that came out of the SCAC meeting was that they needed the legislation to be written in a more simplified manner and also the definition of heavy equipment as well as the storing of building materials area of the law. The Supervisor asked Mike to see if he could simplify the main aspects of the proposal.

IV. Liaison Reports

Kathee Burke-Gonzalez spoke about the presentation in regards to the airport that was given last week. She went over the difference in the proposed laws from the ones spoken about last week. She says new numbers will be available on the website. The matter of concern of the Montauk Airport impacts were also spoken about.

Peter VanScoyoc spoke about the Management Plan meeting. They spoke on the Boy's and Girl's Harbor mess hall issues. Montauk CAC meeting last night spoke about the Montauk Airport issues of impact; the Montauk Stabilization Project; and wastewater management within the Montauk Center properties.

Sylvia says the EHSCAC did not meet last night. The Art's Council did and would like to be included in Peter's committee regarding the Boy's and Girl's Harbor Property. EH Art's Council looking to hold an event at LTV.

Fred Overton spoke about the Springs CAC meeting discussion that was previously spoken about.

Larry Cantwell says that the Amagansett Restroom Facility should be ready for discussion on March 3rd. Spoke about issues relating to the Army Corps and the Montauk Downtown Project. The town now has all the property owner's easements for the project. He spoke about the design of the walkways as well as some drainage issues.

V. Resolutions

A. COUNCILWOMAN BURKE-GONZALEZ

1. Resolution 2015-212

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Nighttime Operation of Aircraft at East Hampton Airport

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

2. Resolution 2015-213

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Nighttime and Early Morning Operation of Noisy Aircraft at East Hampton Airport

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

3. Resolution 2015-214

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Operation of Helicopters at East Hampton Airport

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

4. Resolution 2015-215

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Operation of Noisy Aircraft at East Hampton Airport

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

5. Resolution 2015-216

Amend the March 5, 2015 Town Board Meeting Location and Time

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

6. Resolution 2015-217

Authorize HMMH Documentation of Airport Noise Study, East Hampton Airport

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

7. Resolution 2015-218

Appoint Part Time Youth Services Specialists Brittany MacVittie Human Services Department

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

8. Resolution 2015-219

Retain Clark & Marshall -Industrial Park Appraisals

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kathee Burke-Gonzalez, Councilwoman
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

B. COUNCILMAN VAN SCOYOC

1. Resolution 2015-220

Appoint Part Time AEO'S and Laborers for Snow Removal Highway Department

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Peter Van Scoyoc, Councilman
SECONDER: Sylvia Overby, Councilwoman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

C. SUPERVISOR CANTWELL

1. Resolution 2015-221

Appoint Amanda Bennett Senior Clerk Typist Town Police Department

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Larry Cantwell, Supervisor
SECONDER: Peter Van Scoyoc, Councilman
AYES: Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

2. Resolution 2015-222

Travel Reimbursement East Hampton Town Police Dept. to Retrieve Equip. in Fort Dix, NJ Under the Federal 1033 Program

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Cantwell, Supervisor
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

VI. Executive Session - Litigation

VII. Minutes Approval

- 1.** Tuesday, October 21, 2014
- 2.** Wednesday, November 12, 2014
- 3.** Tuesday, November 18, 2014
- 4.** Tuesday, December 02, 2014
- 5.** Tuesday, December 16, 2014
- 6.** Tuesday, January 06, 2015
- 7.** Tuesday, January 13, 2015
- 8.** Tuesday, January 20, 2015



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-212

Meeting: 02/10/15 10:00 AM
Department: Town Attorney
Category: Local Law Public Hearing
Prepared By: Elizabeth Vail
Initiator: Elizabeth Vail
Sponsors: Councilwoman Kathee Burke-Gonzalez
DOC ID: 15006 A

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Nighttime Operation of Aircraft at East Hampton Airport

BE IT HEREBY RESOLVED, that the Town Board hereby directs that a public hearing shall be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating nighttime operation of aircraft at East Hampton Airport" which provides as follows:

LOCAL LAW NO. _____ of 2015

Intro. #2 of 2015

A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating nighttime operation of aircraft at East Hampton Airport.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

In the past three decades, the residents of the Town of East Hampton have experienced a significant increase in noisy aircraft traffic at the East Hampton Airport. By its extensive complaints to the Town Board and to other governmental entities, the public has made clear, and this Town Board recognizes, the negative impact that this aircraft noise has made to the health and welfare of its citizenry, to wildlife and their habitat, as well as to the peace, quiet, and repose of the region. Aircraft noise has substantially diminished the quiet enjoyment of homes and properties and compromised the pleasures of the woodlands, beaches, fields, and preserved lands that define our community and sense of place.

East Hampton is an established resort community whose entire economy is intrinsically tied to the use and enjoyment of its natural and scenic environment, including its world renowned ocean beaches, wetlands, shorelines, harbors, bays, woodlands, and historic hamlets. Visitors and residents alike enjoy East Hampton's unique scenic beauty and the Town has made significant efforts to preserve the natural environs of the Town, spending a total of \$229,431,502 of Community Preservation Funds to preserve approximately 1,924 acres since 1998.

The Town's Comprehensive Plan has outlined the vital connection between preserving the natural scenic beauty and enjoyment of its community and the Town's economy, stating in its vision statement the goal to

"[t]ake forceful measures to protect and restore the environment, particularly groundwater. Reduce the impacts of human habitation on groundwater, surface water, wetlands,

dunes biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption.”

The 2007 Airport Master Plan Report that then became the basis for the adopted 2010 Airport Master Plan states, at II-73:

“The East Hampton Airport is owned, maintained and operated for the benefit of the Town and its residents. The airport continues to be classified as a General Aviation Airport under federal criteria. Its primary role is the accommodation of light aircraft traffic. Aircraft operating at greater weights will be accommodated on condition [sic] without unjust discrimination. The airport is also managed with the objective of providing emergency access and facilitation of all other public and community responsibilities. The size and operation of the airport takes into consideration the needs of East Hampton and Southampton residents for protection from excessive noise disturbance and adverse environmental impacts.”

“Control of noise and adverse environmental impacts at the airport is consistent with current Town goals for improved quality of life and land and water conservation. These goals recognize that protecting the environment is essential for improving the Town’s seasonal and year round economy. These controls are achieved through reasonable, non arbitrary and non discriminatory management practices. These may limit the maximum size of aircraft to be accommodated, regulate excessive peak demand during the summer season and otherwise adjust use patterns such as for helicopter access to minimize community disturbances.”

In an effort to address the impacts of aircraft noise, the Town Board undertook an extensive analysis of the citizenry’s complaints, and of the aircraft traffic itself, by the Town’s aviation consultants and noise engineers, the results of which have only confirmed the seriousness of the community’s noise disturbance. Of 24,000 airport noise complaints logged last year, the latest noise analysis discloses that they are overwhelmingly attributable to helicopters and jets, the noisiest types. Noise complaints at East Hampton Airport far exceed the level of complaints at major airports around the country. This is surely due, not least, to the incongruity of jet and helicopter noise in what is otherwise a very quiet, exurban and rural environment.

Specifically, noise from aircraft operating at the East Hampton Airport disturbs many residents of the East End of Long Island. Disturbance by all types of aircraft is most significant in the evening, nighttime, and early morning hours. Myriad professional studies from airports throughout the world have confirmed what the residents of East Hampton know from personal experience: nighttime aircraft noise is more disturbing, more annoying, can disrupt normal sleep patterns, and, generally, has a particularly serious adverse effect on people’s lives.

In its capacity as proprietor of the East Hampton Airport, the Town Board has a public policy responsibility to protect residents from the adverse effects of aircraft noise. It has developed a set of restrictions on the use of East Hampton Airport that are reasonable, non-arbitrary, and non-discriminatory. These restrictions address the problems of aircraft noise that are unique to the Town and neighboring communities while preserving for the community the benefits of aviation.

The Town Board recognizes the value of the East Hampton Airport to the community and does not want to impose any greater restriction than is necessary to achieve the Town's objectives.

To that end, the Town Board recognizes the importance of addressing nighttime noise problems, during sleeping hours when there is a heightened expectation of quiet, by imposing a curfew for nighttime hours. The legislation is intended to restrict aircraft operations during the most sensitive times of the day.

By enacting this legislation, the Town Board seeks to achieve immediate, substantial nighttime noise relief for residents and visitors, maintain the intended and traditional use of the East Hampton Airport by recreational aircraft, and continue sufficient air traffic to maintain a financially self-sustaining Airport.

The Town Board is committed to balancing the need to address the impact of the aircraft noise on the Town's environment with the equally important need to maintain an economically viable and safe airport for East Hampton.

The proposed legislation expressly excludes from its application aircraft operated by any federal, state or local government, any emergency services, evacuation services, public or private, and any operation by an aircraft in an emergency. The airport will remain open to such operations at all times without restriction or charge.

These restrictions are adopted on an interim basis. The effects of the legislation on the operations at the Airport for the period May 1 to October 31, 2015 shall be evaluated to determine whether the restrictions should be made permanent or modified. The Town Board will seek public comment throughout the Season and immediately following the Season to determine the success and/or failure of the use restrictions and whether they function the way they were intended or need to be adjusted.

SECTION 2. Amendment

The Code of the Town of East Hampton is hereby amended by adding the following new section to Chapter 75 (Airport).

CHAPTER 75, AIRPORT.

§ 75-38 AIRPORT USE RESTRICTIONS:

A. Definitions.

(1) - (2) - *Reserved*

(3) "Individual Aircraft" shall mean an aircraft, of whatever type, with a distinct registration number ("N number" if such registration is issued by the United States Government).

(4) - (5) - *Reserved*

(6) "Use of the Airport" shall mean either one arrival (landing) at, or one departure (takeoff) from, the Airport, shall not include any repositioning of any aircraft on the Airport or any aborted takeoff or landing, but shall include touch-and-go operations that result in use of an Airport runway.

B. **Nighttime Operations.** Use of the Airport is prohibited between the hours of 11:00 pm and 7:00 am (local time).

C. [*Reserved*]

D. [*Reserved*]

E. **Exemptions.** The restrictions of this section 75-38 shall not apply to any aircraft operational emergency, any medical emergency operation, whether by public or private aircraft, or to any operation by a government-owned aircraft, including, without limitation, police, emergency services, and military operations. In the case of an aircraft emergency or medical emergency operation, the operator shall submit a sworn statement to the Airport Manager within 24 hours of such operation attesting to the nature of the emergency and reason for the operation.

§ 75-39 PENALTIES:

A. Section 75-34 shall not apply to violations of Section 75-38 and this Section 75-39 shall apply for all violations of Section 75-38. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of Section 75-38 shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

B. Any Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall be punishable by a fine assessed against any person, organization, corporation, group or other entity which holds an ownership interest in such aircraft, as follows:

(1) For the first violation by an Individual Aircraft, a fine of not more than \$1,000.

(2) For the second violation by an Individual Aircraft, a fine of not more than \$4,000.

(3) For the third violation by an Individual Aircraft, a fine of not more than \$10,000.

(4) For the fourth violation by an Individual Aircraft, a prohibition on any Use of the Airport by the Individual Aircraft involved in such violation for a period of not more than two years.

C. Each Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall constitute a separate offense.

D. Should any person, organization, corporation, group or other entity be found in violation of the provisions of Section 75-38 within five years of a previous violation of this chapter, the minimum additional fine shall be not less than \$2000.

E. In addition to the above penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation Section 75-38 by any person, organization, corporation, group or other entity which holds an ownership interest in the Individual Aircraft.

(1) If a finding is made by a court of competent jurisdiction that the defendants or any of them has caused, permitted or allowed a violation of Section 75-38, a penalty to be jointly and severally included in the judgment may be awarded at the discretion of the court in an amount not to exceed \$10,000.00 for each violation that the defendants or any one of them individually caused, permitted or allowed.

SECTION 3. Authority

The Town Board is authorized to establish and promulgate rules and regulations regarding use of the East Hampton Airport pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and Town Law §130 and pursuant to its powers as the proprietor of East Hampton Airport under federal statutory and case law.

SECTION 4. Severability.

If any section or subdivision, paragraph, clause or phrase of this law shall be adjudged invalid, unenforceable, or unconstitutional by any order or judgment of a court of competent jurisdiction, or pursuant to any order of any administrative agency having jurisdiction, whether such judgment or order is temporary or permanent, such judgment or order shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating nighttime operation of aircraft at East Hampton Airport"

SUMMARY OF LOCAL LAW

The proposed law would regulate the times of day when aircraft can operate at the East Hampton Airport.

Copies of the proposed local law sponsored by Councilwoman Burke-Gonzalez are on file in the Town Clerk's Office, Monday through Friday, 9:00 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF EAST HAMPTON, NEW YORK
CAROLE BRENNAN, TOWN CLERK

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

Meeting: 02/10/15 10:00 AM
Department: Town Attorney
Category: Local Law Public Hearing
Prepared By: Elizabeth Vail
Initiator: Elizabeth Vail
Sponsors: Councilwoman Kathee Burke-Gonzalez
DOC ID: 15007 B

ADOPTED

RESOLUTION 2015-213

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Nighttime and Early Morning Operation of Noisy Aircraft at East Hampton Airport

BE IT HEREBY RESOLVED, that the Town Board hereby directs that a public hearing shall be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating evening, nighttime and early morning operation of noisy aircraft at East Hampton Airport" which provides as follows:

LOCAL LAW NO. _____ of 2015

Intro. #3 of 2015

A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating evening, nighttime and early morning operation of noisy aircraft at East Hampton Airport.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

In the past three decades, the residents of the Town of East Hampton have experienced a significant increase in noisy aircraft traffic at the East Hampton Airport, chiefly helicopters, jets, and seaplanes. By its extensive complaints to the Town Board and to other governmental entities, the public has made clear, and this Town Board recognizes, the negative impact that this aircraft noise has made to the health and welfare of its citizenry, to wildlife and their habitat, as well as to the peace, quiet, and repose of the region. Aircraft noise has substantially diminished the quiet enjoyment of homes and properties and compromised the pleasures of the woodlands, beaches, fields, and preserved lands that define our community and sense of place.

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The Town's Comprehensive Plan has outlined the vital connection between preserving the natural scenic beauty and enjoyment of its community and the Town's economy, stating in its vision statement the goal to

"[t]ake forceful measures to protect and restore the environment, particularly groundwater. Reduce the impacts of human habitation on groundwater, surface water, wetlands, dunes biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption."

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"The East Hampton Airport is owned, maintained and operated for the benefit of the Town and its residents. The airport continues to be classified as a General Aviation Airport under federal criteria. Its primary role is the accommodation of light aircraft traffic. Aircraft operating at greater weights will be accommodated on condition [sic] without unjust discrimination. The airport is also managed with the objective of providing emergency access and facilitation of all other public and community responsibilities. The size and operation of the airport takes into consideration the needs of East Hampton and Southampton residents for protection from excessive noise disturbance and adverse environmental impacts."

"Control of noise and adverse environmental impacts at the airport is consistent with current Town goals for improved quality of life and land and water conservation. These goals recognize that protecting the environment is essential for improving the Town's seasonal and year round economy. These controls are achieved through reasonable, non arbitrary and non discriminatory management practices. These may limit the maximum size of aircraft to be accommodated, regulate excessive peak demand during the summer season and otherwise adjust use patterns such as for helicopter access to minimize community disturbances."

In an effort to address the impacts of aircraft noise, the Town Board undertook an extensive analysis of the citizenry's complaints, and of the aircraft traffic itself, by the Town's aviation consultants and noise engineers, the results of which have only confirmed the seriousness of the community's noise disturbance. Of 24,000 airport noise complaints logged last year, the latest noise analysis discloses that they are overwhelmingly attributable to helicopters and jets, the noisiest types. Noise complaints at East Hampton Airport far exceed the level of complaints at major airports around the country. This is surely due, not least, to the incongruity of jet and helicopter noise in what is otherwise a very quiet, exurban and rural environment.

Specifically, noise from aircraft operating at the East Hampton Airport disturbs many residents of the East End of Long Island. Disturbance by all types of aircraft is most significant in the evening, nighttime, and early morning hours. During those hours, noisy aircraft are the most disturbing. While all aircraft operations during the nighttime hours are disturbing, noisy aircraft can be especially intrusive during the 'shoulder' times of the evening and early morning hours, when people are doing daily activities around their

homes, and there is a need to address the particular impacts of these noisy aircraft during these times of the day.

In its capacity as proprietor of the East Hampton Airport, the Town Board has a public policy responsibility to protect residents from the adverse effects of aircraft noise. It has developed a set of restrictions on the use of East Hampton Airport that are reasonable, non-arbitrary, and non-discriminatory. These restrictions address the problems of aircraft noise that are unique to the Town and neighboring communities while preserving for the community the benefits of aviation.

The Town Board recognizes the value of the East Hampton Airport to the community and does not want to impose any greater restriction than is necessary to achieve the Town's objectives.

To that end, the Town Board recognizes the importance of addressing the impacts of noisy aircraft operations during non-working hours of evenings and early mornings when there is a heightened expectation of quiet, by imposing shorter operating hours for these noisy types of aircraft. The legislation is intended to recognize that noisier aircraft need to be subject to greater restrictions because of the seriousness of their noise contribution to the community disturbance - that is, each aircraft's individual noise generation and the frequency and timing of its airport landings and takeoffs.

By enacting this legislation, the Town Board seeks to achieve immediate, substantial evening and morning noise relief for residents and visitors, maintain the intended and traditional use of the East Hampton Airport by recreational aircraft, and continue sufficient air traffic to maintain a financially self-sustaining Airport.

The Town Board is committed to balancing the need to address the impact of the aircraft noise on the Town's environment with the equally important need to maintain an economically viable and safe airport for East Hampton.

The proposed legislation expressly excludes from its application aircraft operated by any federal, state or local government, any emergency services, evacuation services, public or private, and any operation by an aircraft in an emergency. The airport will remain open to such operations at all times without restriction or charge.

These restrictions are adopted on an interim basis. The effects of the legislation on the operations at the Airport for the period May 1 to October 31, 2015 shall be evaluated to determine whether the restrictions should be made permanent or modified. The Town Board will seek public comment throughout the Season and immediately following the Season to determine the success and/or failure of the use restrictions and whether they function the way they were intended or need to be adjusted.

SECTION 2. Amendment

Section 75-38, entitled Airport Use Restrictions, of the Code of the Town of East Hampton is hereby amended by adding the following provisions:

§ 75-38 AIRPORT USE RESTRICTIONS:

A. Definitions.

(1) - (2) - *Reserved*

(3) "Individual Aircraft" shall mean an aircraft, of whatever type, with a distinct registration number ("N number" if such registration is issued by the United States Government).

(4) "Noisy Aircraft" shall mean any airplane or rotorcraft type classified as a Noisy Aircraft type pursuant to this Section.

(a) The Airport Director is directed to maintain on the Town website a current list of aircraft based upon the noise characteristics published by the Federal Aviation Administration, or (if data is not available from that agency), the European Aviation Safety Agency. Noisy Aircraft shall be defined as any airplane or rotorcraft for which there is a published Effective Perceived Noise in Decibels (EPNdB) approach (AP) level of 91.0 or greater

(b) In lieu of being subject to the definition of "Noisy Aircraft" pursuant to subsection (a) on the basis of the Town's list of types of Noisy Aircraft, the owner of an Individual Aircraft may elect to have the noise classification of such Individual Aircraft determined by the sound levels on the basis of the EPNdB level that is published in the airplane or rotorcraft flight manual for such Individual Aircraft pursuant to 14 C.F.R. 36.1581(a). To obtain a noise classification of an Individual Aircraft, the owner of such aircraft shall provide the Airport Director with a true copy of the relevant pages from such manual showing the noise level data. In the event of a conflict between the Town's list of classifications of Noisy Aircraft types and classification based on the data set forth in the Individual Aircraft airplane or rotorcraft flight manual, the data in the Individual Aircraft airplane or rotorcraft flight manual shall prevail. Once the owner of an Individual Aircraft has provided the Airport Director with such data from the Individual Aircraft airplane or rotorcraft flight manual, and the Airport Director has determined the authenticity thereof, the Airport Director shall keep such data on file so that the owner need not resubmit the data for each Use of the Airport, and compliance by such Individual Aircraft with this Section shall be determined based on such data.

(5) *(Reserved)*

(6) "Use of the Airport" shall mean either one arrival (landing) at, or one departure (takeoff) from, the Airport, shall not include any repositioning of any aircraft on the Airport or any aborted takeoff or landing, but shall include touch-and-go operations that result in use of an Airport runway.

B. [Reserved]

C. **Noisy Aircraft Operations.** Use of the Airport by Noisy Aircraft is prohibited as follows:

(1) Between the hours of 8:00 pm and 9:00 am (local time).

D. [Reserved]

E. **Exemptions.** The restrictions of this section 75-38 shall not apply to any aircraft operational emergency, any medical emergency operation, whether by public or private aircraft, or to any operation by a government-owned aircraft, including, without limitation, police, emergency services, and military operations. In the case of an aircraft emergency or medical emergency operation, the operator shall submit a sworn statement to the Airport Manager within 24 hours of such operation attesting to the nature of the emergency and reason for the operation.

§ 75-39 PENALTIES:

A. Section 75-34 shall not apply to violations of Section 75-38 and this Section 75-39 shall apply for all violations of Section 75-38. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of Section 75-38 shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

B. Any Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall be punishable by a fine assessed against any person, organization, corporation, group or other entity which holds an ownership interest in such aircraft, as follows:

(1) For the first violation by an Individual Aircraft, a fine of not more than \$1,000.

(2) For the second violation by an Individual Aircraft, a fine of not more than \$4,000.

(3) For the third violation by an Individual Aircraft, a fine of not more than \$10,000.

(4) For the fourth violation by an Individual Aircraft, a prohibition on any Use of the Airport by the Individual Aircraft involved in such violation for a period of not more than two years.

C. Each Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall constitute a separate offense.

D. Should any person, organization, corporation, group or other entity be found in violation of the provisions of Section 75-38 within five years of a previous violation of this chapter, the minimum additional fine shall be not less than \$2000.

E. In addition to the above penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation Section 75-38 by any person, organization, corporation, group or other entity which holds an ownership interest in the Individual Aircraft.

(1) If a finding is made by a court of competent jurisdiction that the defendants or any of them has caused, permitted or allowed a violation of Section 75-38, a penalty to be jointly and severally included in the judgment may be awarded at the discretion of the court in an amount not to exceed \$10,000.00 for each violation that the defendants or any one of them individually caused, permitted or allowed.

SECTION 3. Authority

The Town Board is authorized to establish and promulgate rules and regulations regarding use of the East Hampton Airport pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and Town Law §130 and pursuant to its powers as the proprietor of East Hampton Airport under federal statutory and case law.

SECTION 4. Severability.

If any section or subdivision, paragraph, clause or phrase of this law shall be adjudged invalid, unenforceable, or unconstitutional by any order or judgment of a court of competent jurisdiction, or pursuant to any order of any administrative agency having jurisdiction, whether such judgment or order is temporary or permanent, such judgment or order shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating evening, nighttime and early morning operation of noisy aircraft at East Hampton Airport"

SUMMARY OF LOCAL LAW

The proposed law would regulate the types of aircraft and times of day when certain aircraft can operate at the East Hampton Airport.

Copies of the proposed local law sponsored by Councilwoman Burke-Gonzalez are on file in the Town Clerk's Office, Monday through Friday, 9:00 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF EAST HAMPTON, NEW YORK
CAROLE BRENNAN, TOWN CLERK

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-214

Meeting: 02/10/15 10:00 AM
Department: Town Attorney
Category: Local Law Public Hearing
Prepared By: Elizabeth Vail
Initiator: Elizabeth Vail
Sponsors: Councilwoman Kathee Burke-Gonzalez
DOC ID: 15008

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Operation of Helicopters at East Hampton Airport

BE IT HEREBY RESOLVED, that the Town Board hereby directs that a public hearing shall be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating operation of helicopters at East Hampton Airport" which provides as follows:

LOCAL LAW NO. _____ of 2015

Intro. # 4 of 2015

A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating operation of helicopters at East Hampton Airport.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

In the past three decades, the residents of the Town of East Hampton have experienced a significant increase in noisy aircraft traffic at the East Hampton Airport, chiefly helicopters, jets, and seaplanes. By its extensive complaints to the Town Board and to other governmental entities, the public has made clear, and this Town Board recognizes, the negative impact that this aircraft noise has made to the health and welfare of its citizenry, to wildlife and their habitat, as well as to the peace, quiet, and repose of the region. Aircraft noise has substantially diminished the quiet enjoyment of homes and properties and compromised the pleasures of the woodlands, beaches, fields, and preserved lands that define our community and sense of place.

East Hampton is an established resort community whose entire economy is intrinsically tied to the use and enjoyment of its natural and scenic environment, including its world renowned ocean beaches, wetlands, shorelines, harbors, bays, woodlands, and historic hamlets. Visitors and residents alike enjoy East Hampton's unique scenic beauty and the Town has made significant efforts to preserve the natural environs of the Town, spending a total of \$229,431,502 of Community Preservation Funds to preserve approximately 1,924 acres since 1998.

The Town's Comprehensive Plan has outlined the vital connection between preserving the natural scenic beauty and enjoyment of its community and the Town's economy, stating in its vision statement the goal to

"[t]ake forceful measures to protect and restore the environment, particularly groundwater. Reduce the impacts of

human habitation on groundwater, surface water, wetlands, dunes biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption.”

The 2007 Airport Master Plan Report that then became the basis for the adopted 2010 Airport Master Plan states, at II-73:

“The East Hampton Airport is owned, maintained and operated for the benefit of the Town and its residents. The airport continues to be classified as a General Aviation Airport under federal criteria. Its primary role is the accommodation of light aircraft traffic. Aircraft operating at greater weights will be accommodated on condition [sic] without unjust discrimination. The airport is also managed with the objective of providing emergency access and facilitation of all other public and community responsibilities. The size and operation of the airport takes into consideration the needs of East Hampton and Southampton residents for protection from excessive noise disturbance and adverse environmental impacts.”

“Control of noise and adverse environmental impacts at the airport is consistent with current Town goals for improved quality of life and land and water conservation. These goals recognize that protecting the environment is essential for improving the Town’s seasonal and year round economy. These controls are achieved through reasonable, non arbitrary and non discriminatory management practices. These may limit the maximum size of aircraft to be accommodated, regulate excessive peak demand during the summer season and otherwise adjust use patterns such as for helicopter access to minimize community disturbances.”

In an effort to address the impacts of aircraft noise, the Town Board undertook an extensive analysis of the citizenry’s complaints, and of the aircraft traffic itself, by the Town’s aviation consultants and noise engineers, the results of which have only confirmed the seriousness of the community’s noise disturbance. Of 24,000 airport noise complaints logged last year, the latest noise analysis discloses that they are overwhelmingly attributable to helicopters. Helicopter complaints at East Hampton Airport far exceed the level of complaints at major airports around the country. This is surely due, not least, to the incongruity of helicopter noise in what is otherwise a very quiet, exurban and rural environment.

In its capacity as proprietor of the East Hampton Airport, the Town Board has a public policy responsibility to protect residents from the adverse effects of aircraft noise. It has developed restrictions on the use of East Hampton Airport that are reasonable, non-arbitrary, and non-discriminatory. These restrictions address the problems of aircraft noise that are unique to the Town and neighboring communities while preserving for the community the benefits of aviation.

The Town Board recognizes the value of the East Hampton Airport to the community and does not want to impose any greater restriction than is necessary to achieve the Town's objectives.

As the U.S. Court of Appeals for the Second Circuit recognized in the National Helicopter case -- that residents have a justified, heightened expectation of quiet during non-working hours, evenings, nights, and weekends -- both year-round and seasonal residents of East Hampton and the East End have a justified, heightened expectation of quiet, yet suffer greater exposure to disturbance from aircraft noise, during the very periods when the East End is sought as a destination for repose and relief from urban ills. That is the reason why the huge influx of seasonal residents and visitors come to East Hampton. It is the reason why year-round residents struggle to stay in East Hampton despite the difficulty of earning a living in a limited economy on the end of a long, narrow peninsula on the tip of a long island. Peace, quiet, repose, outdoor recreation, sea, air, a beautiful and unique natural environment, these are the primary social and economic goods that East Hampton and the East End as a whole have to offer.

Helicopters generate far and away the most complaints, and the most complaints per operation. They have specific sound characteristics, beyond sheer decibel level, that exacerbate the disturbance they cause: (a) they have a unique percussive sound that is especially disturbing, felt not just heard; (b) the duration of helicopter noise is longer than with other comparably noisy types because of lower speed and relatively lower and more constant altitude on approach and departure; (c) their aural signature includes a higher proportion of low frequencies that, for reasons of physics, are heard at a much longer distance than other sounds and despite intervening obstacles, thereby aggravating the disturbance by causing significant periods during which those on the ground focus on and anticipate the loud noise to come and afterwards are reminded of the noise they have just endured; (d) as noted by Henry Young in the public presentation of the Phase I Noise Analysis October 30, 2014, helicopter noise, when it occurs, dominates the aural environment drawing the listener's attention even when not extremely loud. In his words, "Helicopters are so distinctive and intrusive that their presence and frequency of occurrence are objectionable [to those of the community affected] regardless of peak noise level or local ambient" noise levels.

Helicopters, uniquely amongst the aircraft using East Hampton Airport, have generated community strife in which each neighborhood attempts to have helicopter traffic directed elsewhere. The creation of voluntary, designated routes for helicopters has somewhat reduced the numbers of homes affected by helicopters at the cost of inflicting an unrelenting din on those under the routes, resulting in rising levels of anger and despair both in East Hampton and in neighboring and nearby communities extending to the North Fork. Beggar thy neighbor is not a solution to this problem. Rather, it is a formula for endless civil discord.

Not least, helicopter noise adversely affects wildlife on land that has been preserved in part for the express purpose of protecting habitat. The drive of neighborhoods to divert helicopter noise elsewhere has resulted in as much of the helicopter noise as possible being directed over preserved natural habitat that represents the core value of our environmentally sensitive community and geography. This is perverse, to say the least, but almost inevitable as neighborhoods vie to get out of the line of fire. Wildlife cannot do so and are thus the victims of last resort.

To that end, the Town Board recognizes that helicopter noise is especially disturbing on summer weekends and holidays and has determined that significantly reducing helicopter noise is the only reasonable, carefully tailored way to restore the peace and quiet that East Hampton residents and visitors have come to expect in this community. The proposed restriction is seasonally based, imposing limits during the period May 1 to September 30 each year when residents and visitors have a heightened expectation that they can enjoy our magnificent outdoor environment in peace. That is not only when outdoor peace and quiet is especially important but it also corresponds to the time when helicopter activity is especially heavy.

By enacting this legislation, the Town Board seeks to achieve immediate, substantial noise relief for residents and visitors, maintain the intended and traditional use of the East Hampton Airport by recreational aircraft, and continue sufficient air traffic to maintain a financially self-sustaining Airport.

The Town Board is committed to balancing the need to address the impact of the aircraft noise on the Town's environment with the equally important need to maintain an economically viable and safe airport for East Hampton.

The proposed legislation expressly excludes from its application aircraft operated by any federal, state or local government, any emergency services, evacuation services, public or private, and any operation by an aircraft in an emergency. The airport will remain open to such operations at all times without restriction or charge.

These restrictions are adopted on an interim basis. The effects of the legislation on the operations at the Airport for the period May 1 to October 31, 2015 shall be evaluated to determine whether the restrictions should be made permanent or modified. The Town Board will seek public comment throughout the Season and immediately following the Season to determine the success and/or failure of the use restrictions and whether they function the way they were intended or need to be adjusted.

SECTION 2. Amendment

Section 75-38, Airport Use Restrictions, of the Code of the Town of East Hampton is hereby amended by adding the following provisions:

§ 75-38 AIRPORT USE RESTRICTIONS:

A. Definitions.

(1) - *Reserved*

(2) "Holidays" shall mean Memorial Day, Independence Day, and Labor Day and the day that immediately precedes and the day that immediately follows such holidays.

(3) "Individual Aircraft" shall mean an aircraft, of whatever type, with a distinct registration number ("N number" if such registration is issued by the United States Government).

(4) - *Reserved*

(5) "Season" shall be the months of May, June, July, August and September.

(6) "Use of the Airport" shall mean either one arrival (landing) at, or one departure (takeoff) from, the Airport, shall not include any repositioning of any aircraft on the Airport or any aborted takeoff or landing, but shall include touch-and-go operations that result in use of an Airport runway.

(7) "Weekend" shall mean the hours beginning at noon on Thursday through and including noon on Monday (local time).

B. [*Reserved*]

C. [*Reserved*]

D. **Helicopter Operations.** Use of the Airport by rotorcraft (helicopters) is prohibited as follows:

(1) During a Weekend, or a portion of a Weekend, that falls in the Season.

(2) During Holidays.

E. **Exemptions.** The restrictions of this section 75-38 shall not apply to any aircraft operational emergency, any medical emergency operation, whether by public or private aircraft, or to any operation by a government-owned aircraft, including, without limitation, police, emergency services, and military operations. In the case of an aircraft emergency or medical emergency operation, the operator shall submit a sworn statement to the Airport Manager within 24 hours of such operation attesting to the nature of the emergency and reason for the operation.

§ 75-39 PENALTIES:

A. Section 75-34 shall not apply to violations of Section 75-38 and this Section 75-39 shall apply for all violations of Section 75-38. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of Section 75-38 shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

B. Any Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall be punishable by a fine assessed against any person, organization, corporation, group or other entity which holds an ownership interest in such aircraft, as follows:

(1) For the first violation by an Individual Aircraft, a fine of not more than \$1,000.

(2) For the second violation by an Individual Aircraft, a fine of not more than \$4,000.

(3) For the third violation by an Individual Aircraft, a fine of not more than \$10,000.

(4) For the fourth violation by an Individual Aircraft, a prohibition on any Use of the Airport by the Individual Aircraft involved in such violation for a period of not more than two years.

C. Each Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall constitute a separate offense.

D. Should any person, organization, corporation, group or other entity be found in violation of the provisions of Section 75-38 within five years of a previous violation of this chapter, the minimum additional fine shall be not less than \$2000.

E. In addition to the above penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation Section 75-38 by any person, organization, corporation, group or other entity which holds an ownership interest in the Individual Aircraft.

(1) If a finding is made by a court of competent jurisdiction that the defendants or any of them has caused, permitted or allowed a violation of Section 75-38, a penalty to be jointly and severally included in the judgment may be awarded at the discretion of the court in an amount not to exceed \$10,000.00 for each violation that the defendants or any one of them individually caused, permitted or allowed.

SECTION 3. Authority

The Town Board is authorized to establish and promulgate rules and regulations regarding use of the East Hampton Airport pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and Town Law §130 and pursuant to its powers as the proprietor of East Hampton Airport under federal statutory and case law.

SECTION 4. Severability.

If any section or subdivision, paragraph, clause or phrase of this law shall be adjudged invalid, unenforceable, or unconstitutional by any order or judgment of a court of competent jurisdiction, or pursuant to any order of any administrative agency having jurisdiction, whether such judgment or order is temporary or permanent, such judgment or order shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating operation of helicopters at East Hampton Airport"

SUMMARY OF LOCAL LAW

The proposed law would regulate the types of aircraft, times of day and days of the year when helicopters can operate at the East Hampton Airport.

Copies of the proposed local law sponsored by Councilwoman Burke-Gonzalez are on file in the Town Clerk's Office, Monday through Friday, 9:00 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF EAST HAMPTON, NEW YORK
CAROLE BRENNAN, TOWN CLERK

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-215

Meeting: 02/10/15 10:00 AM
Department: Town Attorney
Category: Local Law Public Hearing
Prepared By: Elizabeth Vail
Initiator: Elizabeth Vail
Sponsors: Councilwoman Kathee Burke-Gonzalez
DOC ID: 15009

Notice of Public Hearing to Consider a Local Law Amending Chapter 75 (Airport) of the Town Code Regulating Operation of Noisy Aircraft at East Hampton Airport

BE IT HEREBY RESOLVED, that the Town Board hereby directs that a public hearing shall be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating operation of noisy aircraft at East Hampton Airport" which provides as follows:

LOCAL LAW NO. _____ of 2015

Intro. # 5 of 2015

A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating operation of noisy aircraft at East Hampton Airport.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent.

In the past three decades, the residents of the Town of East Hampton have experienced a significant increase in noisy aircraft traffic at the East Hampton Airport, chiefly helicopters, jets, and seaplanes. By its extensive complaints to the Town Board and to other governmental entities, the public has made clear, and this Town Board recognizes, the negative impact that this aircraft noise has made to the health and welfare of its citizenry, to wildlife and their habitat, as well as to the peace, quiet, and repose of the region. Aircraft noise has substantially diminished the quiet enjoyment of homes and properties and compromised the pleasures of the woodlands, beaches, fields, and preserved lands that define our community and sense of place.

East Hampton is an established resort community whose entire economy is intrinsically tied to the use and enjoyment of its natural and scenic environment, including its world renowned ocean beaches, wetlands, shorelines, harbors, bays, woodlands, and historic hamlets. Visitors and residents alike enjoy East Hampton's unique scenic beauty and the Town has made significant efforts to preserve the natural environs of the Town, spending a total of \$229,431,502 of Community Preservation Funds to preserve approximately 1,924 acres since 1998.

The Town's Comprehensive Plan has outlined the vital connection between preserving the natural scenic beauty and enjoyment of its community and the Town's economy, stating in its vision statement the goal to

"[t]ake forceful measures to protect and restore the environment, particularly groundwater. Reduce the impacts of

human habitation on groundwater, surface water, wetlands, dunes biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption.”

The 2007 Airport Master Plan Report that then became the basis for the adopted 2010 Airport Master Plan states, at II-73:

“The East Hampton Airport is owned, maintained and operated for the benefit of the Town and its residents. The airport continues to be classified as a General Aviation Airport under federal criteria. Its primary role is the accommodation of light aircraft traffic. Aircraft operating at greater weights will be accommodated on condition [sic] without unjust discrimination. The airport is also managed with the objective of providing emergency access and facilitation of all other public and community responsibilities. The size and operation of the airport takes into consideration the needs of East Hampton and Southampton residents for protection from excessive noise disturbance and adverse environmental impacts.”

“Control of noise and adverse environmental impacts at the airport is consistent with current Town goals for improved quality of life and land and water conservation. These goals recognize that protecting the environment is essential for improving the Town’s seasonal and year round economy. These controls are achieved through reasonable, non arbitrary and non discriminatory management practices. These may limit the maximum size of aircraft to be accommodated, regulate excessive peak demand during the summer season and otherwise adjust use patterns such as for helicopter access to minimize community disturbances.”

In an effort to address the impacts of aircraft noise, the Town Board undertook an extensive analysis of the citizenry’s complaints, and of the aircraft traffic itself, by the Town’s aviation consultants and noise engineers, the results of which have only confirmed the seriousness of the community’s noise disturbance. Of 24,000 airport noise complaints logged last year, the latest noise analysis discloses that they are overwhelmingly attributable to helicopters and jets, the noisiest types. Noise complaints at East Hampton Airport far exceed the level of complaints at major airports around the country. This is surely due, not least, to the incongruity of jet and helicopter noise in what is otherwise a very quiet, exurban and rural environment.

Specifically, noise from aircraft operating at the East Hampton Airport disturbs many residents of the East End of Long Island. Disturbance by the noisiest aircraft is most significant when aircraft operations are most frequent. The Town has determined that an overall limit on operations by the noisiest aircraft is essential to the quality of life to which residents and visitors are entitled.

In its capacity as proprietor of the East Hampton Airport, the Town Board has a public policy responsibility to protect residents from the adverse effects of aircraft noise. It has

developed a set of restrictions on the use of East Hampton Airport that are reasonable, non-arbitrary, and non-discriminatory. These restrictions address the problems of aircraft noise that are unique to the Town and neighboring communities while preserving for the community the benefits of aviation.

As the U.S. Court of Appeals for the Second Circuit recognized in the *National Helicopter* case -- that residents have a justified, heightened expectation of quiet during non-working hours, evenings, nights, and weekends -- both year-round and seasonal residents of East Hampton and the East End have a justified, heightened expectation of quiet, yet suffer greater exposure to disturbance from aircraft noise, during the very periods when the East End is sought as a destination for repose and relief from urban ills. That is the reason why the huge influx of seasonal residents and visitors come to East Hampton. It is the reason why year-round residents struggle to stay in East Hampton despite the difficulty of earning a living in a limited economy on the end of a long, narrow peninsula on the tip of a long island. Peace, quiet, repose, outdoor recreation, sea, air, a beautiful and unique natural environment, these are the primary social and economic goods that East Hampton and the East End as a whole have to offer.

The Town Board recognizes the value of the East Hampton Airport to the community and does not want to impose any greater restriction than is necessary to achieve the Town's objectives.

To that end, the Town Board recognizes that limiting the volume and frequency of airport use by noisy aircraft types during the summer season is essential to restoring the peace and quiet that East Hampton residents and visitors have come to expect in this community. The legislation is intended to restrict aircraft according to the seriousness of their noise contribution to the community disturbance - that is, each aircraft's individual noise generation and the frequency and timing of its airport landings and takeoffs. The proposed restrictions are seasonally based, imposing greater limits during the period May 1 to September 30 each year when residents and visitors have a heightened expectation that they can enjoy our magnificent outdoor environment in peace.

By enacting this legislation, the Town Board seeks to achieve immediate, substantial noise relief for residents and visitors during the summertime, provide an incentive for airport users with noisy types of aircraft to transition to quieter types of aircraft, maintain the intended and traditional use of the East Hampton Airport by recreational aircraft, and continue sufficient air traffic to maintain a financially self-sustaining Airport.

The Town Board is committed to balancing the need to address the impact of the aircraft noise on the Town's environment with the equally important need to maintain an economically viable and safe airport for East Hampton.

The proposed legislation expressly excludes from its application aircraft operated by any federal, state or local government, any emergency services, evacuation services, public or private, and any operation by an aircraft in an emergency. The airport will remain open to such operations at all times without restriction or charge.

These restrictions are adopted on an interim basis. The effects of the legislation on the operations at the Airport for the period May 1 to October 31, 2015 shall be evaluated to determine whether the restrictions should be made permanent or modified. The Town Board will seek public comment throughout the Season and immediately following the Season to

determine the success and/or failure of the use restrictions and whether they function the way they were intended or need to be adjusted.

SECTION 2. Amendment

Section 75-38, Airport Use Restrictions, of the Code of the Town of East Hampton is hereby amended by adding the following provisions:

CHAPTER 75, AIRPORT.

§ 75-38 AIRPORT USE RESTRICTIONS:

A. Definitions.

- (1) "Calendar Week" shall mean the period beginning at 12:00:00 am on Sunday and ending at 11:59:59 pm on the following Saturday.
- (2) - *Reserved*
- (3) "Individual Aircraft" shall mean an aircraft, of whatever type, with a distinct registration number ("N number" if such registration is issued by the United States Government).
- (4) "Noisy Aircraft" shall mean any airplane or rotorcraft type classified as a Noisy Aircraft type pursuant to this Section.
 - (a) The Airport Director is directed to maintain on the Town website a current list of aircraft based upon the noise characteristics published by the Federal Aviation Administration, or (if data is not available from that agency), the European Aviation Safety Agency. Noisy Aircraft shall be defined as any airplane or rotorcraft for which there is a published Effective Perceived Noise in Decibels (EPNdB) approach (AP) level of 91.0 or greater
 - (b) In lieu of being subject to the definition of "Noisy Aircraft" pursuant to subsection (a) on the basis of the Town's list of types of Noisy Aircraft, the owner of an Individual Aircraft may elect to have the noise classification of such Individual Aircraft determined by the sound levels on the basis of the EPNdB level that is published in the airplane or rotorcraft flight manual for such Individual Aircraft pursuant to 14 C.F.R. 36.1581(a). To obtain a noise classification of an Individual Aircraft, the owner of such aircraft shall provide the Airport Director with a true copy of the relevant pages from such manual showing the noise level data. In the event of a conflict between the Town's list of classifications of Noisy Aircraft types and classification based on the data set forth in the Individual Aircraft airplane or rotorcraft flight manual, the data in the Individual Aircraft airplane or rotorcraft flight manual shall prevail. Once the owner of an Individual Aircraft has provided the Airport Director with

such data from the Individual Aircraft airplane or rotorcraft flight manual, and the Airport Director has determined the authenticity thereof, the Airport Director shall keep such data on file so that the owner need not resubmit the data for each Use of the Airport, and compliance by such Individual Aircraft with this Section shall be determined based on such data.

(6) "Use of the Airport" shall mean either one arrival (landing) at, or one departure (takeoff) from, the Airport, shall not include any repositioning of any aircraft on the Airport or any aborted takeoff or landing, but shall include touch-and-go operations that result in use of an Airport runway.

B. [Reserved]

C. Noisy Aircraft Operations. Use of the Airport by Noisy Aircraft is prohibited as follows:

(1) [Reserved]

(2) More than two Uses of the Airport by an Individual Aircraft during a Calendar Week, or portion of a Calendar Week, that falls within the Season.

D. [Reserved]

E. Exemptions. The restrictions of this section 75-38 shall not apply to any aircraft operational emergency, any medical emergency operation, whether by public or private aircraft, or to any operation by a government-owned aircraft, including, without limitation, police, emergency services, and military operations. In the case of an aircraft emergency or medical emergency operation, the operator shall submit a sworn statement to the Airport Manager within 24 hours of such operation attesting to the nature of the emergency and reason for the operation.

§ 75-39 PENALTIES:

A. Section 75-34 shall not apply to violations of Section 75-38 and this Section 75-39 shall apply for all violations of Section 75-38. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of Section 75-38 shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

B. Any Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall be punishable by a fine assessed against any person, organization, corporation, group or other entity which holds an ownership interest in such aircraft, as follows: (1) For the first violation by an Individual Aircraft, a fine of not more than \$1,000.

- (2) For the second violation by an Individual Aircraft, a fine of not more than \$4,000.
- (3) For the third violation by an Individual Aircraft, a fine of not more than \$10,000.
- (4) For the fourth violation by an Individual Aircraft, a prohibition on any Use of the Airport by the Individual Aircraft involved in such violation for a period of not more than two years.
- C. Each Use of the Airport by an Individual Aircraft in violation of Section 75-38 shall constitute a separate offense.
- D. Should any person, organization, corporation, group or other entity be found in violation of the provisions of Section 75-38 within five years of a previous violation of this chapter, the minimum additional fine shall be not less than \$2000.
- E. In addition to the above penalties, the Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation Section 75-38 any person, organization, corporation, group or other entity which holds an ownership interest in the Individual Aircraft.
- (1) If a finding is made by a court of competent jurisdiction that the defendants or any of them has caused, permitted or allowed a violation of Section 75-38, a penalty to be jointly and severally included in the judgment may be awarded at the discretion of the court in an amount not to exceed \$10,000.00 for each violation that the defendants or any one of them individually caused, permitted or allowed.

SECTION 3. Authority

The Town Board is authorized to establish and promulgate rules and regulations regarding use of the East Hampton Airport pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and Town Law §130 and pursuant to its powers as the proprietor of East Hampton Airport under federal statutory and case law.

SECTION 4. Severability.

If any section or subdivision, paragraph, clause or phrase of this law shall be adjudged invalid, unenforceable, or unconstitutional by any order or judgment of a court of competent jurisdiction, or pursuant to any order of any administrative agency having jurisdiction, whether such judgment or order is temporary or permanent, such judgment or order shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on March 5, 2015, at 4:30 p.m., or as soon after as can be heard, at LTV Studios, located at 75 Industrial Road, Wainscott, New York, to hear any and all persons either for or against a proposed local law entitled: "A LOCAL LAW amending Chapter 75 (Airport) of the Town Code regulating operation of noisy aircraft at East Hampton Airport"

SUMMARY OF LOCAL LAW

The proposed law would regulate the types of aircraft, times of day and days of the year when noisy aircraft can operate at the East Hampton Airport.

Copies of the proposed local law sponsored by Councilwoman Burke-Gonzalez are on file in the Town Clerk's Office, Monday through Friday, 9:00 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF EAST HAMPTON, NEW YORK
CAROLE BRENNAN, TOWN CLERK

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

Meeting: 02/10/15 10:00 AM
Department: Town Clerk
Category: Amendment
Prepared By: Carole A. Brennan
Initiator: Carole A. Brennan
Sponsors: Councilwoman Burke-Gonzalez, Councilman Van Scoyoc
DOC ID: 15011

ADOPTED

RESOLUTION 2015-216

Amend the March 5, 2015 Town Board Meeting Location and Time

WHEREAS, by resolution #2015-1 the Town Board scheduled meetings for the 2015 calendar year; and

WHEREAS, a change needs to be made to the location and time of a regularly scheduled meeting; now, therefore be it

RESOLVED, that the regularly scheduled meeting of March 5, 2015 will be held at the LTV Studio's, Industrial Road, Wainscott, NY beginning at 4:30 P.M.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

Category: Prof. Services (Attorney, Eng., Appraisers, Cons.)

Meeting: 02/10/15 10:00 AM

Department: Town Clerk

Prepared By: Carole A. Brennan

Initiator: Carole A. Brennan

Sponsors: Councilwoman Kathee Burke-Gonzalez

DOC ID: 15018

ADOPTED

RESOLUTION 2015-217

Authorize HMMH Documentation of Airport Noise Study, East Hampton Airport

WHEREAS, the Town of East Hampton has completed the first, second and third phase of its noise study addressing disturbance from operations at the East Hampton Airport, and presented those results for comment by the public and interested stakeholders; and

WHEREAS, HMMH was retained to complete phase two and phase three of the noise study and the Town has determined that HMMH, which is an international leader in environmental noise and vibration control and airport and airspace planning, is the most qualified to undertake the work required in a final documentation report; now, therefore be it

RESOLVED, the Town Board finds that the adoption of this resolution is classified as a Type II Action under SEQRA pursuant to 6 NYCRR Part 617.5(c)(21) and Town Code Chapter 128, and as such, no further environmental review is required; and be it further

RESOLVED, that HMMH is hereby retained to complete the necessary documentation of Phase 2 & 3 of noise related elements and guidance on noisy aircraft identification as more fully set forth in its proposal and scope of work; and be it further

RESOLVED, that HMMH shall be paid for such work at the rates set forth in its proposal and upon the terms set forth in the Town's requests for proposals in an amount not to exceed \$30,000.00 from the Outside Professional line SX5610 54520, and be it further

RESOLVED, that the Supervisor is authorized and directed to enter into an agreement with HMMH, with said agreement to be subject to the review and approval of the Town Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-218

Meeting: 02/10/15 10:00 AM

Department: Human Resources

Category: Appointments

Prepared By: Kathleen Keller

Initiator: Kathleen Keller

Sponsors: Councilwoman Kathee Burke-Gonzalez

DOC ID: 15015 A

Appoint Part Time Youth Services Specialists Brittany MacVittie Human Services Department

RESOLVED that Brittany Mac Vittie be and is hereby appointed to the part time position of Youth Services Specialists with the Human Services Department at the hourly rate of \$24.507 Per hour payable biweekly with time card properly submitted from budget account #A7310-51200 effective 2/11/2015 and be it further

RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the appropriate personnel

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road

East Hampton, NY 11937

Meeting: 02/10/15 10:00 AM
Department: Town Attorney
Category: Prof. Services (Attorney, Eng., Appraisers, Cons.)

Prepared By: Maura Gledhill

ADOPTED

Initiator: Elizabeth Vail

Sponsors: Councilwoman Kathee Burke-Gonzalez

RESOLUTION 2015-219

DOC ID: 15017

Retain Clark & Marshall -Industrial Park Appraisals

WHEREAS, the Town has need of updated appraisals for certain properties within the Town Industrial Park whose leases are subject to re-negotiation; and

WHEREAS, Given Associates, pursuant to Resolution 2014-1470 was retained to provide the Town with updated appraisals for lots in the Industrial Park at a cost of \$1,000 per lot for each updated appraisal required, with a maximum of five (5) appraisals with a total expenditure not to exceed \$5,000.00; and,

WHEREAS, the Town needs the appraisals in an expedited timeframe that the retained firm cannot meet; and

WHEREAS, Clark and Marshall- Real Estate Appraisers has agreed to provide the appraisals upon the same terms as set forth in the previous Resolution and, in addition, also provide the appraisals within the Town's expedited timeframe; now therefore be it

RESOLVED, that Clark and Marshall Real Estate Appraisers is retained to provide the Town with updated appraisals for lots in the Industrial Park at a cost of \$1,000 per lot for each updated appraisal required, with a maximum of five (5) appraisals with a total expenditure not to exceed \$5,000.00; and be it further

RESOLVED, that the services retained under Resolution 2014-1470 are hereby terminated; and be it further,

RESOLVED, that payment for the same shall be made from budget account SX5610-54520 (Outside Professional Airport).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathee Burke-Gonzalez, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-220

Meeting: 02/10/15 10:00 AM

Department: Human Resources

Category: Appointments

Prepared By: Kathleen Keller

Initiator: Kathleen Keller

Sponsors: Councilman Peter Van Scoyoc

DOC ID: 15014

**Appoint Part Time AEO'S and Laborers for Snow Removal
Highway Department**

RESOLVED that below names be and are hereby appointed to the part time, as needed, position of Auto Equipment Operator and Labors for the 2014 thru 2015 snow removal season (pending the results of the mandatory Drug and Alcohol Testing) with the Highway Department at the hourly rate of \$20.00 per hour payable biweekly with time card properly submitted from budget account #DB5142-51200 effective retroactive to January 26,2015

James Miller	AEO Driver	Jay D. Rowe	AEO Driver
Gregg Dewaal	AEO Driver	Jamie Quaresimo	AEO Driver
Joseph Nigro	AEO Driver		
James J Arcert	Laborer from Budget Account Number	DB5130-51200	

And be it further

RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the appropriate personnel

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Peter Van Scoyoc, Councilman
SECONDER:	Sylvia Overby, Councilwoman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-221

Meeting: 02/10/15 10:00 AM
Department: Human Resources
Category: Appointments
Prepared By: Kathleen Keller
Initiator: Kathleen Keller
Sponsors: Supervisor Larry Cantwell
DOC ID: 15012

Appoint Amanda Bennett Senior Clerk Typist Town Police Department

WHEREAS, Suffolk County Department of Civil Service has given an examination for Senior Clerk Typist and Amanda Bennett is immediately reachable, reachable on said list, and

WHEREAS, in accordance with the CSEA contract this position has been posted 2014-30 from December 18, 2014 through January 2, 2015 and Amanda Bennett, has the required qualifications for the position, now therefore be it

RESOLVED, that [insert name] be and (s)he is hereby appointed to the full-time position of Senior Clerk Typist with the Town Police Department], at an annual salary of \$42,319.68 (Grade 18 - Starting Step) for a 40 hour work week, payable biweekly from budget account #B3120-51100, said appointment to take effect retroactive to February 9,2015, and be it further

RESOLVED, that the probationary period for this appointment be for the period of 12 weeks, and be it further

RESOLVED, that a copy of this resolution be forwarded by the Town Clerk to the appropriate personnel.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Cantwell, Supervisor
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

ADOPTED

RESOLUTION 2015-222

Meeting: 02/10/15 10:00 AM
Department: Police Department
Category: Issue Check
Prepared By: Florence Stone
Initiator: Michael Sarlo
Sponsors: Supervisor Larry Cantwell
DOC ID: 15016 A

Travel Reimbursement East Hampton Town Police Dept. to Retrieve Equip. in Fort Dix, NJ Under the Federal 1033 Program

WHEREAS, the Police Department received equipment under the Federal 1033 program; and

WHEREAS, the equipment is located in Fort Dix, NJ and said equipment is to be inspected and retrieved by **LT. Austin J. McGuire, SGT. John Clafin, Fleet Service Manager Richard Talmage** and **Auto Mechanic IV David Allen** on behalf of The Department and

WHEREAS, police personnel would have to travel out of state for said full on site inspection and retrieval of the equipment at the site, now, therefore be it

RESOLVED, the Town Board approves and authorizes a member or members of the Department to travel out of state for this inspection, and funds for same in an amount not to exceed **\$700.00** will be authorized for reimbursement of all town approved travel expenses incurred from **Budget Account B3120.54200** upon voucher and applicable paperwork properly submitted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Cantwell, Supervisor
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell