



East Hampton Town Board
159 Pantigo Road
East Hampton, NY 11937

Meeting: 05/19/16 06:30 PM
Department: Town Attorney
Category: Fees
Prepared By: Michael Sendlenski
Initiator: Michael Sendlenski
Sponsors: Councilwoman Kathee Burke-Gonzalez
DOC ID: 16859

ADOPTED

RESOLUTION 2016-592

Resolution Amending Landing Fee Schedule at East Hampton Airport

WHEREAS, the Town Board has had numerous public discussions about the need to ensure that Airport fees are not only sufficient to support the operation and maintenance of the Airport but also equitable across users; and

WHEREAS, over the last several years, the published list of landing fees has been adjusted a number of times through administrative actions in a way that created certain unintentional discrepancies which the Town Board believes should be corrected; and

WHEREAS, the current landing fees (adopted in 2014) have been challenged in two administrative complaints before the FAA; and

WHEREAS it is common for airports to charge landing fees that are graduated based upon the weight of aircraft using the airport; and

WHEREAS landing fee schedules generally must be applied uniformly to all similarly situated users at all times; and

WHEREAS, the Town has advised FAA that it is committed to revising its landing fee schedule to remedy the current discrepancies; and

WHEREAS, the Town presented an initial proposal for a revised landing fee schedule at a Town Work Session on July 7, 2015; and

WHEREAS, Town residents, airport users and trade associations filed written comments and requested additional consultation; and

WHEREAS, the Town consulted with its outside consultants and attorneys to ensure that any revision in the landing fee schedule complies both with the Town's legal obligations and best practices in the industry for adoption of an equitable and not unjustly discriminatory schedule of landing fees; and

WHEREAS, as part of that review, Peter Stumpp, in conjunction with Ted Baldwin of HMMH, prepared a memorandum entitled "Analysis of Proposed Changes in HTO Landing Fees" dated August 3, 2015, reviewing proposed landing fee structures at the East Hampton Airport; and

WHEREAS, in response to written and oral comments, the Town proposed a revised fee structure on August 4, 2015, which included a noise management fee designed to resolve existing inequities, minimize extraordinary increases for any particular type of aircraft, and also cover funding needs for the following year; and

WHEREAS, the Town received additional comments and requests for additional consultation on the revised proposal; and

WHEREAS, in response, the Town withdrew the revised proposal from consideration at the August 6, 2015, Town meeting; and

WHEREAS, over the following several months the Town then conducted extensive additional analysis of landing fee options and fee structures; and

WHEREAS, the Town directly solicited comments from and consultation with airport users and trade associations including the National Business Aviation Association, the Eastern Region Helicopter Association, and the East Hampton Aviation Association; and

WHEREAS, the Town eliminated the proposed noise management fee and circulated another revised proposal to the airport users and stakeholder groups on April 20, 2016; and

WHEREAS, in response to comments, the Town circulated yet another revised proposal to airport users and stakeholder groups on May 13, 2016; and

WHEREAS, the Town has engaged in a lengthy and deliberate process that reflects important revisions that we believe will resolve concerns that have been raised; and

WHEREAS, the currently proposed fee schedule is designed to resolve existing inequities, while minimizing significant changes in pricing structure for any particular type of aircraft; and is designed to generate the \$1.76 million (\$1,760,155) in landing fee revenue identified in the Town's 2016 Adopted Airport Budget so that the Airport can remain financially self-sustaining; and

WHEREAS, the new fee structure would be based solely on aircraft weight and would apply uniformly to all rotary and fixed-wing aircraft regardless of the manner in which aircraft are used, which will eliminate any possibility that the current fees could be perceived as unjustly discriminatory; and

WHEREAS, the objective of the landing fee schedule is to impose fair and reasonable fees to help ensure that the Town raises sufficient revenue that the Airport can operate self-sustainably; now, therefore be it

RESOLVED, that the Town Board hereby adopts the following landing fee schedule for all aircraft using the East Hampton Airport, effective June 15, 2016:

<u>Weight Class</u>	<u>Rates per Landing</u>
A. Below 4,500 lbs.	\$20
B. 4,500 - 7,499 lbs.	\$100
C. 7,500 - 9,999 lbs.	\$150
D. 10,000 - 12,499 lbs.	\$225
E. 12,500 - 24,999 lbs.	\$350
F. 25,000 - 49,999 lbs.	\$500
G. 50,000 - 74,999 lbs.	\$700
H. 75,000 lbs. and above	\$700

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