

**WHEREAS**, the Town has submitted a Request for the Written Release (Request) for the property at 39 Industrial Road, if this Request is approved, the Town would dispose of the Parcels by sale to the current tenants; and

**WHEREAS**, as part of the Request process the Town is in need of a survey on 39 Industrial Road to complete an application Form 7460 to the FAA for further consideration of the release of the parcel; and

**WHEREAS**, the Town solicited two estimates for surveys to be drawn marking ground elevations on the two buildings located on the lot; and

**WHEREAS**, the estimate by L.K. McLean Associates, P.C. included the survey and the submission of Form 7460 directly to the FAA meeting all required specifications in the amount of \$3,200 dollars; now therefore be it

**RESOLVED**, that the Town hereby accepts the estimate of L.K. McLean Associates, P.C. for the completion of the survey and submission of the Form 7460 to the FAA for 39 Industrial Road, and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute an agreement with L.K. McLean Associates, P.C. to perform the survey and Form submission in the amount not to exceed \$3,200 dollars and where funds will be allocated from the outside professional line SX5610-5420.

✓ Vote Record - Resolution RES-2017-571						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Kathee Burke-Gonzalez	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fred Overton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 7. Resolution 2017-572

**Category:** Agreements, Contracts  
**Sponsors:** Councilwoman Kathee Burke-Gonzalez  
**Department:** Town Attorney

### **Retain Morrison Foerster as Outside Counsel on Certain Airport Issues Relating to a Part 161 Study**

WHEREAS, in its capacity as proprietor and operator of the East Hampton Airport, the Town Board has a public policy responsibility to protect residents from the adverse effects of aircraft noise; and

WHEREAS, the Town Board adopted three local laws restricting the use of the Airport in an effort to address noise disturbance which have since been enjoined by the Second Circuit

Court of Appeals in the case of *Friends of the East Hampton Airport vs. The Town of East Hampton*; and

WHEREAS, local governments know what is right for their community and should have the ability to make local decisions to protect the welfare of its residents and therefore, it is critical that the Town regain local control of its Airport; and,

WHEREAS, the Town has filed a cert petition with the United States Supreme Court and is awaiting a decision whether the case will be granted review; and,

WHEREAS, the Town wishes to exhaust all options to protect residents from excessive aircraft noise including pursuing a noise control ordinance through the Federal Aviation Administration (FAA) Part 161 process under the Airport Noise and Capacity Act of 1990 ("ANCA"); and,

WHEREAS, Morrison & Foerster has unique experience and expertise in advising publicly-owned airports on protecting residents from aircraft noise, garnered over decades of devising and defending a variety of such noise mitigation measures; and,

RESOLVED, that the firm of Morrison Foerster is hereby retained to provide legal services to the Town; and,

RESOLVED, that legal fees and expenses shall not exceed \$50,000, with any further expenditures to be subject to review and approval of the Town Board; and,

RESOLVED, that payment to said counselor(s) shall be paid, upon claim vouchers properly submitted; and be it further

RESOLVED, that said legal fees shall be paid out of budget line SX5610-54520 Airport - Outside Professional in an amount not to exceed \$50,000.

✓ Vote Record - Resolution RES-2017-572						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted as Amended	Kathee Burke-Gonzalez	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Peter Van Scoyoc	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Sylvia Overby	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Fred Overton	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry Cantwell	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 8. Resolution 2017-573

**Category:** Budget  
**Sponsors:** Councilwoman Kathee Burke-Gonzalez  
**Department:** Bookkeeping

### Budget Modification - Airport