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|------------------------------------|------------------|--------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Defeated | David Lys | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Sylvia Overby | Second | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Jeffrey Bragman | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Peter Van Scoyoc | Mover | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

5. Resolution 2018-491

Category: Approvals
Sponsors: Supervisor Peter Van Scoyoc
Department: Town Attorney

Authorize Complaint and Revoke License Agreement for Fly Blade, Inc. at East Hampton Airport

WHEREAS, the Town Board authorized a seasonal license agreement with Fly Blade Inc. (Blade) for airport terminal counter space on April 21, 2016, via Town Resolution 2016-493; and

WHEREAS, the license agreement was entered into on May 26, 2016; and

WHEREAS, the license agreement is revocable at any time by the Town; and

WHEREAS, Section 75-01 of the Town Code provides that: "Any person who shall operate an aircraft from or on the East Hampton Airport shall comply with all federal laws, the Federal Aviation Administration (FAA) rules and regulations, the provisions of this chapter, and the Minimum Standards for Airport Aeronautical Services adopted by the Town Board"; and

WHEREAS, Section 75-32 of the Code further provides that: "No person, firm, association, corporation or partnership shall establish, maintain or operate any type of commercial activity at the airport without first obtaining the written approval of the Town Board. Such person, firm, association, corporation or partnership shall comply with the provisions of this chapter, the Minimum Standards for Airport Aeronautical Services adopted by the Town Board and the FAA rules and regulations"; and

WHEREAS, the Town, in accordance with Town Code Section 75-32 requires all persons operating, marketing, and/or scheduling passenger service to or from the Airport to obtain prior permission from the Town Board for such commercial activity; and

WHEREAS, the Town is concerned that the traveling public is under the mistaken assumption that the Airport is configured for a high-volume of scheduled passenger service; and

WHEREAS, the Town is also concerned that aviation businesses are marketing themselves as air carriers by appearing to offer, in advance, scheduled passenger service to the Airport, either through smartphone applications or by offering scheduled passenger service to the public directly; and

WHEREAS, the East Hampton Airport (Airport) is not certified by the Federal Aviation Administration (FAA) to accommodate scheduled passenger service, but rather, is a general aviation airport which is not designed to sustain a significant increase in the volume of scheduled passenger flights to the Airport; and

WHEREAS, the Town is obligated to ensure that only qualified businesses operate at the Airport; and

WHEREAS, the Town is also obligated to ensure that the Airport remains safe for all users and that adequate disclosure is made to the public with respect to commercial arrangements at the Airport; and

WHEREAS, the Town is undertaking a comprehensive review to ensure that such operations are complying with all federal laws and therefore consistent with the Town Code; and

WHEREAS, the Town is particularly concerned that the Department of Transportation previously found that Blade’s website and smartphone application contained language, statements, and images of aircraft painted in the company’s logo that could have misled consumers to believe that Blade is actually an air carrier; and

WHEREAS, such language, statements, and images appear to continue to this day in connection with Blade’s website, smartphone application, and other marketing material; and

WHEREAS, under Blade’s 2016 License Agreement, it does not have authorization to operate at the Airport until May 1, 2018; now therefore

RESOLVED, that the Town Board hereby revokes the 2016 License Agreement, as permitted under Paragraph 3.01 of the License Agreement; and

RESOLVED, that the Town Board will not issue any new License Agreement unless or until such time as Fly Blade Inc. can demonstrate compliance by it and all of its affiliates with all applicable U.S. Department of Transportation and Federal Aviation Administration regulations and requirements, including the April 10, 2015, Consent Order, by providing suitable documentation to the Town.

| ✓ Vote Record - Resolution RES-2018-491 | | | | | | |
|--|-----------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> Adopted | | | | | | |
| <input type="checkbox"/> Adopted as Amended | | | | | | |
| <input type="checkbox"/> Defeated | | | | | | |
| <input type="checkbox"/> Tabled | | | | | | |
| <input type="checkbox"/> Withdrawn | | | | | | |
| | Kathee Burke-Gonzalez | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | David Lys | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sylvia Overby | Seconder | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Jeffrey Bragman | Voter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Peter Van Scoyoc | Mover | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |