

Airport Management Advisory Committee

Minutes of Meeting –October 19, 2018 at Town Hall

Arthur Malman, Chairman of Town of East Hampton’s Airport Management Advisory Committee (“AMAC”), called the meeting to order at 9 AM.

The following members of the AMAC were present: voting members: David Gruber, Pat Trunzo III, Steve Tuma, Charles Ehren, Gene Oshrin, Kent Feuerring, Munir Saltoun and Arthur Malman and non-voting ex- officio members: Sylvia Overby and Jeff Bragman, Councilpersons and Co-Board liaisons for the AMAC, and Len Bernard, the Town’s Chief Budget Officer.

Absent was James Brundige, Interim Airport Director.

Among others attending for all or part of the meeting were Sheryl Gold and Patricia Currie of Say No to KHTO, Teresa McCaskie of the Southold Town Helicopter Advisory Committee, Michael Hansen and residents of EH and neighboring towns who have been working toward helicopter noise reduction over their homes and other members of the public, certain of whom had environmental and safety concerns about airport operations.

The agenda had been previously distributed to members and copies were distributed to attendees.

The next meeting was SCHEDULED for the following at Town Hall, at 9 AM:

Friday, December 7

The draft minutes of the September 20, 2018 meeting, as previously distributed and revised, were approved.

Arthur Malman explained that the first round of bidding for the perimeter fence had resulted in the bidders requesting clarification on several points with the result that the project was being rebid and it was likely that work would not begin until the spring. He noted that there had been some confusion at the last meeting where it had been reported that Highway Superintendent Steve Lynch was supportive of the airport looking into bridge grating in the public roadway in runway approach sections where the 8-foot fence could not be installed. Arthur Malman explained that he had met with Steve Lynch who said he was strongly opposed to bridge grating, let alone cattle crossings, for the public highway for the reasons that had been of concern to some AMAC members in our prior discussions.

Discussion of the available methods to deal with the approach sections would now be limited to those between the road shoulder and the operations portions of the airport, generally

1. 4-foot sections with the top-most section slanted or curved outward (with and without bridge grating or cattle crossings on the interior side—possibly initially or to be added later if just the low fence was not effective). Unless some further clarification is forthcoming from James Brundige’s

conversations with Baker about runway 16-34, this would mean 1230 linear feet in total (690 feet on Daniel's Hole road for main runway 28 and 270 feet on each end of runway 16-34).

2. displacement of the main runway on the east side by about 130 feet and by somewhat similar distances on both ends of runway 16-34 (with or without the addition of an equal amount of new pavement on the west side of the main runway)

--There is opposition to proceeding with the displacement of the main runway without the addition since some of the larger jets currently using HTO would not be able to continue to access HTO with a shorter runway (an approximation has been requested from Jim Brundige—landings/takeoffs but adjusted to reflect wind directions for days when runway 10 rather than 28 would be active) and would go elsewhere and/or shift to helicopters or smaller fixed wing aircraft, which could possibly result in more or noisier flights.

-- There is also opposition to any displacement shortening either end of 16-34. There is some question if displacement of 16-34 with an addition to make up lost length is practical, given that it crosses both Industrial Road and Daniels Hole Road and so an addition of pavement on one end could exacerbate the problems on the other.

--Arthur Malman asked the members of the public who were present, and had heard and appreciated the entire discussion about the addition of 130 feet of new pavement to the main runway to make up for the "lost" 130 feet, if they would be opposed to it as an "expansion" of the airport—there were still some questions but it did not appear that there was strong opposition to this approach from those present and had understood the discussion.

--Jim Brundige was to report back on the approximate cost of such new pavement. He would prefer adding a new offramp from the west end of any 130 foot extension of the main runway to connect to a lengthened taxiway A but there appeared to be no support for such an expenditure at this time since the relatively few biggest jets coming in on runway 28 which would actually use the entire runway could simply turn around at the end and taxi back 130 ft (or less) to access the existing offramp—although a turn-around area would need to be included as part of the 130 feet extension.

3. adjusting portions of Daniels Hole road to move it further back from approaches.

--This has been believed to cost in the neighborhood of \$1 million but Steve Lynch will get back to us with a rough cost estimate of a move in a somewhat different path than proposed in the ALP but effective for the purposes of the main runway.

--There has not yet been any final consideration of moving either Daniels Hole Road or Industrial Road to accommodate 16-34 since there is a question raised by James Brundige about whether the 540 feet of affected length of fence (270 feet on each road) is still accurate given some clarification of the design aircraft of 16-34—the answer here would also impact 1 above regarding 16-34.

Sylvia Overby updated the meeting on the Part 161. Arthur Malman asked if the town supported the insertion by Congressman Zeldin into the recently passed FAA re-appropriations act for the FAA

relating to the review of the helicopter routes over Long Island and in particular to consider a new southern route along the Atlantic Ocean. Sylvia Overby clarified that the town had not seen an advance copy of the insertion and the remarks by Supervisor Van Scoyoc simply said that the Town was pleased to see that helicopter routes would be reviewed by the FAA.

Arthur Malman noted that the time for the FAA's review was relatively short and recommended that the Town prepare immediately for its own FAA presentation lest testimony or conclusions at the hearings undercut arguments that the town would be making in its own Part 161. Pat Trunzo III asked what arguments and data the town was preparing for its own Part 161 and that would be used for the FAA hearings. The Liaisons gave no substantive response but said that the town was working on it with its aviation attorneys

Gene Oshrin expressed frustration that needed airport capital improvements were being ignored while the town was focusing on the Part 161 that would take many years and millions of dollars with little chance of success. Patricia Currie sought clarification about the time line for the Part 161 and was told that it would probably take about 3-4 years and would have very little chance of success at the FAA level but a somewhat better chance if a court were to agree to review a negative FAA decision.

David Gruber and Pat Trunzo III stressed the fact that apparently no one outside the town board and its aviation attorneys and consultants was involved with the Part 161 and asked if the Part 161 presentation by the town would be geared to judicial review at an early date. In particular they wanted to know if the presentation would be focused on data for the summer months only or be presented, as per the FAA's methodology, on a 12-month basis which would be wholly inappropriate for the effects on a summer community. It was generally agreed that, whatever the initial presentation to the FAA on the Part 161, it was expected that the FAA would come back to the town for several time consuming and costly rounds of additional data and clarifications.

David Gruber and Pat Trunzo III stressed that the Part 161 strategy should be geared, from day one, to an early judicial review rather than being stalled for years by the FAA's administrative procedures and which, since 1985, had resulted in only one Part 161 application having been granted and then on only a minor portion of the applicant's requests. Sylvia Overby explained that the town's new aviation attorneys felt that the HTO situation was unique and that they were willing to proceed on the Part 161 based on their analysis and litigate the issues in court. Pat Trunzo III reminded everyone that the aviation lawyers were in the business of litigation and were being paid whatever the outcome.

Arthur Malman noted that, in the past in his own business dealings as a client and as an attorney, he had tested an attorney's confidence in a case by suggesting that the attorney undertake the case wholly or in part on a contingency basis even if the contingency, if the case was successful, would result in a much higher cost to the client. He asked if such a modified payment arrangement had been discussed with the present aviation attorneys who should now be familiar enough with the town's case to come to a reasonable business judgement on the odds of success. The Liaisons did not indicate an interest in this approach to test strength of the aviation attorney's advice.

The Airport Director's report for October 19 (attached as Exhibit A) states that a re-evaluation of helicopter routes and tower procedures, originally scheduled for this fall, would be on hold until we understood what the FAA would be proposing after its current review of mandatory routes over Long Island. It noted that, over the past 4 years for which he had data, there were only a few days a year achieving close to a 50/50 split between the norther and southern approaches, with helicopters still favoring the northern route.

Jeff Bragman reported on the Wainscott Water testing. Still no source has been definitively determined but of 489 test results shared to date with the town: (a) 17 had readings combined PFOS/PFOA of over 70 (current NYS concern level) plus (b) 28 more above 20 (a level of concern in some other states) and less than 70, plus (c) another 19 above 13 (the NJ limit) plus (d) 255 with no detections of PFOS/PFOA. Testing was continuing, and public water mains should be installed in the impacted area within the next few months.

David Gruber asked about the status of the town authorizing the final phase of the pavement report. A question was raised by Jim Brundige about whether the initial report had not given us all of the needed data and Len Bernard confirmed why this was not the case. Gene Oshrin repeated his opposition to spending more money on reports when needed work on the airport was not getting done.

Arthur Malman reported that the memos on leasing and lease forms previously prepared by the committee for the town had been resent to Jeff Bragman and Sylvia Overby who may not have gotten a chance to review them originally. David Gruber renewed his request to review the town's current airport lease form. No new leasing was reported and Arthur Malman again asked when "for lease" signs would be posted or newspaper for rent ads would begin.

Sylvia Overby explained that she had requested an answer to Gene Oshrin's question about a new tenant's responsibility to extend pavement on Industrial Road as part of its lease but had not yet gotten a definitive answer.

David Gruber asked that Jim Brundige report back with operating costs for a couple of specific aircraft using HTO to see if we could restructure landing fees, at least in part, based on this data.

The meeting adjourned at 11 AM.

Respectfully submitted,

Arthur Malman

AMAC Meeting
Airport Director's Update
October 19, 2018

Close Runway 4-22 as a Runway—Install Signage per FAA

- Notice to Bidders resolution passed September 20, 2018
- Bid Package given to contractors September 27th
- Bids open October 25th
- Bid will be awarded November 1st.

Perimeter Fence

- Pre-bid meeting held September 24th
- Engineering drawings lacked several items required by the bidders.
- Bid closing date extended to November 1, 2018 to give contractors time to review the revised engineering drawings.
- Construction pushed back to spring 2019—Contractors advised 60 to 90 days to purchase material, can't do the work when ground is frozen.

Crack Sealing—Runway and Taxiway Striping

- Engineering drawings needed to be revised to reflect the fact that the Taxiway A-D Extension project has not been approved.
- The following is a report from Baker 10/9/2018:
 - *We're beginning to change the plan sheets to reflect the inclusion of Taxiways D and E. As for constructing the project, if it isn't bid and awarded until November or December we won't be able to go to construction until March or April depending on weather...the Winter months won't allow for this type of construction. We will develop a Bid set for the town with the intention of starting construction in the Spring.*

Noise Abatement Routes and Control Tower Procedures

- A meeting was meant to be held in November to re-evaluate noise abatement routes. Those meant to be invited included RVA Chief Operations Officer, RVA Safety

Assessment Officer, ERHC representative Jeff Smith, Steve Tuma, John Kelly of Shoreline and possibly a retired FAA Airspace Manager as a consultant.

- With the recent news that the FAA has been directed to review and revise the helicopter routes to the east end from points west, our meeting is on hold until we see what the FAA is proposing. Our N.A. Routes depend greatly on what the FAA proposes.

Airport Finances

- I met with Len Bernard to discuss AMAC's request to have Baker prepare a 5 year or longer financial analysis for ongoing pavement maintenance.
- Len has agreed to brief AMAC