

Airport Management Advisory Committee

Minutes of Meeting –February 8, 2019 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: Pat Trunzo III, Steve Tuma, Gene Oshrin, Kent Feuerring, and Arthur Malman and non-voting ex- officio members: Sylvia Overby and Jeff Bragman, Councilpersons and Co-Board liaisons for the AMAC, Len Bernard, the Town’s Chief Budget Officer and James Brundige, Airport Director.

Absent were voting members Munir Saltoun, David Gruber and Charles Ehren. Among others attending for all or part of the meeting were Patricia Currie of Say No to KHTO, Bernedette Ruffiero of Sound Aircraft Services 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 meetings were SCHEDULED for the following at Town Hall, at 9 AM:

Friday, March 15

Friday, April 5

Friday, May 17

The draft minutes of the January 11, 2019 meeting, as previously distributed with typo corrections, were approved.

Kent Feuerring expressed frustration that the Liaisons had not notified the AMAC in a timely fashion about the Town Board work session earlier this week focusing on noise reports, Part 161 strategies and possible airport closure. He explained that only a chance call to him just before the work session had given him any opportunity to alert AMAC and EHAA members about this important meeting—and for many it was insufficient notice to adjust their schedules to attend.

Arthur Malman read a paragraph from the East Hampton Press reporting that the Town’s aviation attorney thought it was probable that the FAA would give HTO reasonable curfews and asked Jeff Bragman if that is what he had heard. Jeff Bragman thought the newspaper article made the possibility of curfews sound more probable than the attorney had indicated and that substantive relief limiting numbers of flights was unlikely.

Kent Feuerring asked why the town was now hiring a consultant to consider alternative uses for airport land if the town were to close the airport---and if this indicated a strong probability that the

town would, in fact, close the airport. The Liaisons indicated that the town had made no decision on the possibility of airport closure or keeping it open without meaningful control over aircraft noise, but would need the alternative use analysis for the Part 161 and other strategies.

Arthur Malman reported that Kent Feuerring had stated to him that, according to federal rules regarding the permitted uses of airport fund assets, the airport fund could not be used to pay for the report on alternative land use if the airport were to be closed. He had then emailed David Gruber, who, although out of the country without access to his files, had replied that such a prohibition seemed correct. Len Bernard thought that, although the issue may be somewhat unclear, use of airport fund assets to pay for this type of study may be prohibited.

Sylvia Overby was still open to using airport funds for the alternative land use report. Arthur Malman pointed out that such a report would probably cost only about \$25-50,000 and, if the town tried to use airport funds to pay for it, it would mean costs and delays as a consequence of litigation which would definitely be brought by aviation interests to prevent the use. Rather it seemed to him more prudent to avoid the issue and just use other Town funds for the alternative land use report. The Liaisons indicated that they would consult with the town's attorney and aviation lawyer about the issue.

Jeff Bragman updated the meeting about the completion of water mains in Wainscott with hook ups beginning. The DEC was now considering remediation and testing was continuing.

Jeanne Carossa, head of the Town's Purchasing Department then joined the meeting at Arthur Malman's request to discuss the municipal purchasing procedures, in particular change orders and disqualification of bidders in capex projects (such as the perimeter fence project) and the engagement of professionals. Len Bernard had indicated that change orders were possible, and Jeanne Carossa detailed the procedure and criteria.

It appeared that if the winning contractor for the perimeter fence could change the 4-foot sections to either tilted or the curved format suggested by Marders without a material increase in overall project costs, a change order process was possible.

While it did not appear that the very preliminary discussions between Arthur Malman and Charlie Marder about deer fencing and Marder's sending stock deer fencing photos used for marketing would cause Marder's to be disqualified, it was unclear whether the curved design was proprietary to Marders. If the curved design of the deer fence was proprietary to Marders, one suggestion was that the contractor could inquire about the increased cost to purchase the curved posts and/or fencing material from Marders for the 4 ft sections.

Arthur Malman said he would call Charlie Marder to understand what Marder's view was about any proprietary rights to the curved design and his willingness to sell his curved posts and other materials to the town's fence contractor for the approach sections and would then check with Steve Lynch, the Town's Highway Superintendent about allowable setbacks.

Jim Brundige pointed out that if a curved or tilted fence were to be substituted in the 4 ft sections, Baker would need to adjust its drawings and specifications for the 4-ft sections to accommodate approach restrictions and highway department set back requirements.

Jeanne Carossa, then explained the procedures to hire an independent consult to review an issue such as conflicting views of the safety implications of current tower procedures on Sierra path helicopters on busy days.

With respect to the issue of hiring an independent consultant to review the differences between the views of the chief controller and Robinson Aviation about the safety of the Sierra route during busy times, Jeff Bragman reported that Robinson had been persuaded to issue a report. Sylvia Overby thought it would not be wise for the town to hire an independent consultant to review the report of the Robinson. Arthur Malman pointed out that if there were an accident with the Sierra route, a lawyer would jump at the chance to represent the injured or deceased parties if there is no definitive resolution by an independent expert of the differences between the Robinson report and the public statements by the chief controller.

While further discussion of this situation would await receipt and review of the Robinson report, Jeanne Carossa pointed out that, if an independent expert were to be hired to evaluate the report, it would not be by a request for a proposal but by a bid request to qualified professionals.

The meeting then turned to leasing of airport space.

Kent Feuerring reported that a potential tenant was interested in renting land for aeronautical purposes, namely building a large hangar/museum for vintage planes and indicated aeronautical users could not afford the high rent that the town was now getting for non-aeronautical rent at the airport.

Arthur Malman pointed out that while the FAA did not require airports to charge the same fair market rents for aeronautical uses and to non-aeronautical users of an airport's land, it would be a waste of everyone's time to proceed unless the town were willing to add a clause to any new lease for aeronautical purposes to the effect that, if the airport were closed, the town would "buy" out the tenant's unamortized cost of improvements if they had been previously approved by the town. Without this type of clause (which is relatively easy for a lawyer to draft based upon experience with other types of situations where a tenant's improvements could lose their usefulness based on foreseeable circumstances beyond the control of the tenant), a tenant would be foolish to even contemplate renting land for aeronautical purposes and building a new specialized structure for aviation use.

Since Jeff Bragman confirmed that the town would not entertain such a buy-out clause for a new aeronautical tenant at this time, the proposal was dropped.

Steve Tuma reported that the town was making no effort to negotiate his lease extension which seemed to tie in with the possibility of the town considering airport closure after 2021 if no substantive relief is forthcoming from increase helicopter noise.

No further progress was reported by the Liaisons on the issues of tenants who were not paying rent and/or whose lease terms had expired without renewals.

Jim Brundige distributed a draft report on why pilots would not shut down their transponders merely to avoid being tracked on take offs and landings. After discussion, Arthur Malman asked that he give Patricia Currie of Say No to KHTO and Teresa McCaskie of the Southold Town Helicopter Advisory Committee copies of the draft for comments before it is finalized.

With respect to “solarizing” the airport, Arthur Malman reported that Frank Dalene had suggested that the 5 ½ acre parcel of airport land near the gun club could be useful for large scale battery storage, which would be a series of small buildings (or cargo containers) spread over the parcel which could be minimally detrimental to the water recharge area since there would be little or no regular parking or personnel. One problem with solar at the airport has been the cost of cabling to the nearest LIPA substation which could be largely avoided by the battery installation on site. The sense of the meeting was that solar uses at the airport and its hangars and parking lot should continue to be pursued.

Arthur Malman reported that Baker had submitted its preliminary proposal for the second phase of the pavement report. David Gruber had reviewed the proposal and did an email on specific items to be covered—Len Bernard had agreed with David Gruber’s summary. Jim Brundige would be processing this through town approval of the work authorization for Baker to start.

James Brundige reviewed his project update report, a copy of which is attached as Exhibit A and proposals for 2019 capital projects.

Arthur Malman asked about the \$400,000 cost estimate for a maintenance garage. He had gotten an off the shelf quote from a steel building supplier for about \$25,000 for the steel delivered to site for about a 1,200 sq ft, 10 ft high building with a couple of windows and a large door. However, this would not include site work, a concrete floor, electric, any plumbing, HVAC and OSHA requirements nor erecting the building. Pat Trunzo III thought that these items could bring the final costs substantially higher but perhaps not quite the estimate which would depend on final design and specifications. This project had been discussed for several years and some of the equipment to be stored there is left outdoors and continues to deteriorate without it.

There was agreement that adding lights to the busy ramp area was a critical safety measure, especially since passengers were often walking in unfamiliar surroundings next to aircraft arriving and departing. Similar agreement was had on increasing security cameras.

The meeting adjourned at 10 30 AM.

Respectfully submitted,

Arthur Malman

Exhibit A

AMAC Meeting
Airport Director's Update
February 8, 2019

Pavement Report Phase II

- The Baker Draft Scope of Services memo for this has been distributed for comment.
- If approved by AMAC, Baker will submit a Scope and Fee for Town Board Consideration.

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

Project Complete

Per asphalt contractors, removal of loose asphalt on either side of the new taxiway will require an RFP—cost too much to just accept quotes.

If Liaisons agree, I will prepare a package for RFP with Jeanne and John Jilnicki

Perimeter Fence

- I have contacted the winning bidder. They are ordering equipment and are on board to start in the spring.
- Jeanne will brief us on the NY State's take on "Design-Build" bids.

Crack Sealing—Runway and Taxiway Striping

- Engineering drawings are complete
- Job will be put out to bid this month.
- Completion planned for spring.

Aircraft Tracking Memo

- See attached memo for discussion