

Charles A. Ehren, Jr.
16 High Point Road
East Hampton, NY 11937

15 August 2011

The Editor
The East Hampton Star

To the Editor:

Your 11 August report on last Tuesday's Town Board meeting shows that, when it comes to dealing with the continuing East Hampton Airport noise problems, Town Hall currently is nothing but political theater: plenty of rhetoric but no concrete action to control the excessive noise suffered by residents of our community and its environs.

One actor demands a night-time curfew. Another hides behind Federal Aviation Administration regulations as a shield for avoiding effective local airport noise control. A multi-town helicopter discussion group is mentioned. It is even suggested that night time noise is not really that bad anymore. Then it is proposed that the Town hire more expert lawyers. But no vote is taken.

Examining last Tuesday's reported discourse, it appears that little attention was given to the fact that major jet noise and weekend and other noise problems must be dealt with as well as the specific helicopter issue. Nowhere was any comprehensive noise control planning evident. Also, significantly, nobody asked how it is that the Village of Southampton for years has successfully imposed enforceable curfews and other restrictions on the air traffic at its heliport for noise limitation.

The Southampton question, at least, has a very straight forward answer. That Village never accepted F.A.A. grant money for building its facility and therefore never agreed to the contractual conditions that come with such money. Such conditions (the "grant assurances") do include limitations effectively prohibiting local airport noise control for 20 years from the date of the grant. Where such money and contractual conditions are not accepted, the controlling federal law allows a municipal owner or a "proprietor" of an airport to impose reasonable, non-arbitrary and nondiscriminatory restrictions on air traffic in and out of the facility for the protection of local residents from noise impacts. That is what Southampton has done.

Unlike Southampton Village, however, the Town of East Hampton has taken such F.A.A. grant money in the past for the airport and thus has accepted the accompanying contractual limitations. But, as your report mentioned for background, the relevant limitations for East Hampton presently are scheduled to expire in 2014.

In other words, in three years East Hampton can begin to enforce curfews and some other noise controls at the airport if it really has the will to do so, just as Southampton Village does. But, if the Town accepts new F.A.A. money for airport construction projects presently contemplated, then the local control will disappear again for a new twenty-year period.

Thus, whatever other direction the current actors at Town Hall may take to push the current F.A.A. envelope of contractual limitations, they should immediately declare their intention not to seek further F.A.A. subsidies. And it is essential that they promptly begin the comprehensive and transparent financial and business planning necessary to avoid the need for such subsidies for reasonable airport improvements.

If they fail to do so, their pointless off-Broadway production can go on forever.

Sincerely,