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Dear David:

It is said that only two things are certain in life, death and taxes. I would add two more to that list: Whenever public attention turns to the East Hampton Airport, misinformation and disinformation abound. And those who have the most are always looking for some way to have those who have less support them and their comforts.

With an election pending, those who have been suffering airport noise see the opportunity for a democratic outcome in which the favored few who can afford to travel here by private jet and helicopter or own their own aircraft as a hobby cannot continue to do so at the expense of everyone else.

According to the opinion of the United States Court of Appeals for the Second Circuit, the highest court in our jurisdiction, the town, as proprietor of the airport, has the power to impose curfews, exclude aircraft, such as helicopters, deemed too noisy, and even set an overall noise limit and ration landing spots to protect the community from aircraft noise and keep it within reasonable bounds. However, when the town takes money from the FAA for airport capital projects, it must enter into an agreement with the FAA, so-called grant assurances, that cede our local control to the FAA for 20 years. Under its interpretation of the grant assurances, the FAA insists that all aircraft types must be granted access to the airport 24 hours a day, 365 days a year.

Twice in the past, the Town of East Hampton has taken money from the FAA on documents that it falsely represented to be the duly adopted airport plans of the town, 1998 and 2001. But for these improper actions, the FAA grant assurances would already have expired and the town would have recovered local control over airport use. To settle lawsuits over these improprieties, the FAA entered into a settlement agreement with the Committee to Stop Airport Expansion under which the assurances that control airport access are no longer enforceable on and after December 31, 2014. On that day, we recover local control of our airport unless the Town Board takes more grant money and binds us again for 20 years.

In a recent newspaper article, Jim Brundige, the airport manager, stated that the assurances remain in effect until 2021. This is incorrect. The settlement is a binding agreement. In fairness to Mr. Brundige, he is perhaps relying on the views of the town's aviation lawyer, Peter Kirsch, that the settlement is unenforceable because Federal courts will not force the Federal government to perform a contract.

Mr. Kirsch is confused. No one needs to go to court to force the FAA to do anything or refrain from doing anything. The only manner in which the settlement agreement comes up would be if the FAA tried to force the town to abide by the

assurances after 2014. If that should occur, the town can raise the settlement agreement as a complete defense. It is in any case highly unlikely that the FAA would try and breach the settlement as this would re-open the cases against it, for knowingly relying on false documents, that it very much wanted to settle.

The second bit of misinformation, or more properly disinformation, is the claim that, if the town does not take money from the FAA for airport capital projects (FAA money cannot be used to support ongoing operations), then the taxpayers will have to support the airport. This is an effort to scare us into believing that if we stop taking poisoned FAA money and exercise local control over the airport, we will have to pay for the right. This is nonsense.

There is no reason at all why the airport users cannot be required to pay fees sufficient to support the airport. Why should the taxpayers of East Hampton reach into their pockets to support the luxuries of billionaires, millionaires, or the fortunate few who can afford private aircraft for recreation? If the airport users don't want to pay the cost of the airport, then why should we?

How much money are we talking about anyway? We cannot know for sure because the town has never done the airport cost-benefit analysis required by our own Town Code. It prefers to make its airport plans with its hands firmly covering its eyes and its fingers in its ears. We can, however, make some intelligent estimates.

Based on the cost of the main runway reconstruction in 1998, a high but plausible estimate for all of the airport infrastructure, not including the rather grandiose terminal building that we lived without for decades, is \$10 million. A bond for its full replacement over 30 years (not at all necessary at the present time) would have a cost of about \$500,000 a year. Not including the helicopters that we should like to be rid of entirely, there are currently 11,000 to 12,000 landings a year. That means we could fully support the airport with an increase in the landing fee of \$40 to \$50.

Too much to pay for the privilege of landing smack-dab on the border of East Hampton and Southampton in the middle of our summer? I don't think so considering that aircraft based at East Hampton currently pay nothing. New Yorkers who come here by air pay that much to park a car for an hour. And that's an average. If we increased the fees for jets by \$200, we could keep it to \$15 for the single-engines.

Consider too that even a 4-seat Cessna 172 can cost more than \$250,000 new, with 30-year old used models going for upwards of \$50,000. Operating costs are in the range of \$8,000 to \$18,000 per year. At the other end of the spectrum, a Gulfstream V will run you \$10 million and something like \$1 million a year to operate.

Private aviation is not exactly a working class hobby. Why should people who can afford these playthings be subsidized by the rest of us? Is it really too much to ask of the 90 owners of East Hampton based aircraft that they pay a minimum of \$15 per landing so that the town can control airport access and give people peace in their homes?

Sincerely,

David Gruber