

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **AIRPORT**

DATE: January 31, 2007

Committee Members Present:

Supervisors Tessier
Stec
Haskell
Girard

Others Present:

Marshall Stevens, Airport Manager
Kim Lussier, Empire East Aviation
Paul Dusek, County Attorney
William H. Thomas, Chairman
Joan Sady, Clerk of the Board
Leonard Fosbrook, President, Economic
Development Corporation
Hal Payne, Administrator, Westmount Health
Facility
Debra L. Schreiber, Legislative Office Specialist

Committee Members Absent:

Supervisors O'Connor
Mason
Sokol

Mr. Tessier called the meeting to order at 1:30 p.m.

Motion was made by Mr. Stec, seconded by Mr. Girard, and carried unanimously to approve the minutes of the November 30, 2006 Committee meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Marshall Stevens, Airport Manager, who distributed copies of his Agenda to the Committee members, and a copy of same is on file with the minutes.

Commencing with the first item on the agenda, the Powers parcel, Mr. Stevens indicated Mr. Powers was still undecided on the County purchase offer and because the 2004 appraisal might be outdated, the deadline for FAA (Federal Aviation Administration) reimbursement may have passed. However, he said, he had inquired of the FAA relative to a specific timeline but suggested reconsidering the offer at the next Committee meeting.

With respect to the second item on the agenda, Mr. Stevens stated the easement on the Chartrand parcel (east) had been referred to the County Attorney's Office to determine the validity of the easement. Mr. Stevens apprised that Mr. Chartrand would like to see the legal action commenced as soon as possible but queried about the wording in the easement.

Continuing with the third item on the agenda, Mr. Stevens acknowledged receiving a \$19,300 grant from the Sheriff's Office, and he said he was currently obtaining quotes for the installation of the security cameras sometime this spring or summer.

Relative to Item 4 of the agenda, Mr. Stevens apprised the federal reimbursement was based on an old easement acquisition project that had been closed but not reimbursed by the FAA. While the FAA agreed to reopen the grant, he said the State of New York had already paid their final reimbursement. He stated it was his intent to utilize these reimbursement funds as the local share for the Runway 1 Safety Project. Mr. Stevens said they were currently awaiting the permits that were submitted in March of 2006 and it was his desire to move this project forward sometime in the spring or summer.

Regarding the American Yankee Association (AYA) Convention, Mr. Stevens stated he met with AYA and Kim Lussier, of Empire East Aviation, to discuss convention specifics and the only issue

that arose concerned insurance. After submitting a request in September of 2006 to the County insurance agent to determine the adequacy of the AYA insurance policy, he said, in January he received a response indicating they did not believe Warren County was covered for the event. Due to the response from the County insurance carrier, Mr. Stevens said he made application for additional insurance coverage for this AYA event, noting the cost estimate was \$1,000/\$1 million coverage and \$1,580/\$5 million coverage.

Referring to Page 4 entitled "Notice to Airshow Organizers", Mr. Stevens reiterated the same request to AYA as they asked of the glider participants, "It is essential that you obtain Certificates of Insurance from all of your Participants". As such when the American Yankee Association indicated this was problematic because there were 120 participants, he said he expressed their concerns to Paul Dusek, County Attorney. Furthermore, in discussions with TD Banknorth, he stated they indicated this requirement would be a condition of the County or it would not be valid. Mr. Dusek explained the County insurance company had requested this same information of the glider participants so there would not be a gap in insurance between the event policy and what the pilots carried for their planes. Ultimately, he said, they were attempting to eliminate the risk to Warren County. Mr. Stevens added the AYA did provide a policy naming Warren County as an additional insured (\$2 million with \$1 million/occurrence and \$300,000 on bodily injury), which according to these guidelines were unacceptable. In addition to this policy, he said, they would be required to provide certificates of insurance for each aircraft participant.

Mr. Girard queried whether the County insurance company was looking for specific amounts on liability. Mr. Dusek commented this was a "competitive event" that was a risk to Warren County and he did not believe this was an unusual request.

Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously authorizing the Airport Manager to notify the American Yankee Association that all participants must provide adequate Certificates of Insurance for the event.

Mr. Dusek asked Chairman Tessier whether the County would seek additional insurance for this event. Mr. Stevens advised the participants would probably start arriving on Sunday; however, the event was scheduled from Monday, June 25, 2007 through June 29, 2007 and the Airport would not be closed during this period. In response to an inquiry by Mr. Dusek, Mr. Tessier asked Mr. Stevens to obtain cost estimates for an annual rider to the County insurance policy for competitive event coverage.

Mr. Stevens suggested holding the welcoming letter to American Yankee Association until the insurance issue was resolved.

Continuing on with Item 6 on the agenda, Mr. Stevens apprised the FBO (fixed base operator) requested additional information regarding building warrantees and estimated utility costs for the new building. He said it was his understanding the information had been supplied and there were ongoing discussions between the County Attorney and the FBO attorney. Mr. Dusek commented the FBO was present to address the lease. Mr. Lussier stated he would agree to a one year lease; however, he asked that it be updated to include the current figures. Mr. Dusek reminded the Committee the Board had already held a public hearing on this issue; therefore, he would make the necessary changes requested by Mr. Lussier and forward the lease to his attorney.

With respect to Item 7, Mr. Stevens stated there was work to be performed on the old maintenance hangar prior to leasing it to a potential tenant. He said American Yankee Association expressed the desire to utilize the building during their event (if available) for a maintenance demonstration.

Mr. Stevens apprised that Mr. Dusek and the attorney for Mr. Schermerhorn have had discussions regarding the Minimum Standards as it related to the performance of jet maintenance in their hangar. He said he and Mr. Dusek had a difference of opinion as to whether this constituted a commercial activity; therefore, he stated, he would report back to the Committee upon further investigation.

Referring to Item 9 under Old Business, Mr. Stevens advised that several years ago Warren County accepted a grant from the New York State Department of Transportation for a self-fueling facility that would allow the pilots to dispense fuel into their own aircraft. He said the design work had been completed; however, since then the SPCC (Spill Prevention Control & Countermeasures) rules had been updated several times, as well as the NFPA (National Fire Protection Association) building codes. Mr. Stevens indicated the obvious concerns were containment around the fueling area and increased liability. By installing this self-fueling facility, he said, it would increase the fuel supply and potentially allow the FBO to sell fuel at a cheaper price, thereby saving the pilots money as well. Mr. Stevens said he had discussions with the Committee Chairman who expressed some concerns and asked that the matter be brought before the Committee. Mr. Tessier stated based upon past history, he had three concerns relating to these self-fueling facilities which he outlined as follows:

- ✓ increased costs to Warren County for additional insurance coverage;
- ✓ pilots failure to attach the ground wire prior to pumping the fuel; and
- ✓ lack of ownership for spills.

Mr. Lussier suggested contacting other airports to inquire about the pros and cons of this self-fueling facility. Depending on how the facility was designed, Mr. Stevens said he thought there were sufficient funds to complete the project, as the County had only expended \$16,000 of the \$75,000 grant. He advised that he was currently researching a self-contained unit that would fit within their budget that was designed for a company in Chicago. He said he was awaiting a reply from the County insurance carrier whether they provided coverage for self-fueling facilities.

Mr. Stevens reported they received a \$35,000 grant from the New York State Department of Transportation to complete the fence, as well as install curb lighting. He said this was 100% State funded and requested establishing a Capital Project.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried unanimously approving the request to establish a capital project as outlined above, and forward same to the Finance Committee for consideration. A copy of the resolution request form is on file with the minutes.

Mr. Stevens indicated he would like to establish a Capital Project to replace the VASI (visual approach slope indicators) on Runway 1-19 with PAPI (precision approach path indicators). He stated they received an \$81,000 grant from New York State DOT and the County's share would be \$9,000, for a total project cost of \$90,000.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried unanimously approving the request to establish a capital project as outlined above, and forward same to the Finance Committee for consideration. A copy of the resolution request form is on file with the minutes.

Continuing on with Item 12 of the Agenda, Mr. Stevens stated last year the Committee authorized a permit agreement with Argyle Flying Services to provide flight instructions at the Airport for a monthly amount of \$40. While he acknowledged the agreement had lapsed in December, he said, they had continued to pay the monthly obligation.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried unanimously approving the request to extend the contract with Argyle Flying Services, and the necessary resolution was authorized for the February Board meeting. A copy of the resolution request form is on file with the minutes.

Referring to Item 13 of the Agenda, Mr. Stevens commented he received correspondence from two parties requesting permission to construct T-Hangars. While there were requirements within the Minimum Standards, he stated, the Committee Chairman suggested bringing the matter before the Committee. Mr. Haskell responded he was not in favor of approving the construction of individual T-Hangars; however he would entertain a request from the FBO to build approximately 20 T-Hangars. Mr. Dusek explained they would follow the same procedure as the Schermerhorn arrangement, identifying the lease terms, rental fee, the land and then a public hearing would be held. Mr. Lussier asked the County for a Letter of Intent that he could provide to the bank, thereby allowing him to apply for a mortgage for the construction of these T-Hangars. Mr. Dusek recommended updating the Minimum Standards relative to the number of T-Hangars and size. According to the Minimum Standards, Mr. Stevens apprised they controlled the architectural style and color of the T-Hangars.

Mr. Stevens distributed a spread sheet entitled "Proposed Travel for Floyd Bennett Memorial Airport Staff". While he acknowledged that he was unable to attend the previous Department Head Meeting, he said, he had become aware of the severe restrictions placed upon travel in 2007. Previously, he stated, the Committee approved the Airport Manager to serve on the Board of Directors and Executive Committee for a few Aviation Associations. Mr. Stevens stated he approached the Aviation Associations asking that they take exception to their policy to fund travel expenses since Warren County was experiencing an extraordinary year with their budget. In summation, he said the total cost for him to attend the three conventions was \$1,972, with the County share costing approximately \$828.50, the Associations paying \$743.50 and he would pay the balance, not as a precedent, but realizing this was important as a leader in the industry.

In addition, Mr. Stevens stated the County was required to provide training for the two Airport Rescue Firefighters and requested that they attend their training this year in Rochester. He stated previously when they held this training onsite, the cost was much greater. He reminded the Committee, the Airport had hired a new employee, thereby acknowledging the reason for the additional increase in training costs from 2006 to 2007. Mr. Haskell said it was his recollection that he approved the Airport Manager sitting on the Board of Directors; however, he did not recall the County obligating itself for travel expenses. Mr. Dusek concurred with Mr. Haskell, noting the resolutions only authorized him to attend the functions, not pay for them. Mr. Stec asked if the funds would be expended from the 2007 County budget and Mr. Stevens replied affirmatively.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried unanimously

- ✓ authorizing the Airport Manager to attend an Aviation Conference in Albany, New York, on March 13, 2007;
- ✓ authorizing the Airport and Rescue Firefighter employees to attend training in Rochester, New York from April 21 through April 26, 2007; and
- ✓ authorizing the Airport Manager to travel out-of-state to Pittsburgh, Pennsylvania to attend

the Northeast Chapter/American Association Conference from August 4 to August 8, 2007.
A copy of the resolution request form is on file with the minutes.

There being no further business to come before the Committee, on motion by Mr. Girard and seconded by Mr. Stec, Mr. Tessier adjourned the meeting at 2:15 p.m.

Respectfully submitted,

Debra L. Schreiber
Legislative Office Specialist