

Buildings and Grounds Committee Minutes
May 1, 2012 – 3:00 p.m.

Present: Chairman Rowland; Supervisors Hargrave, Jenkins, Barrett, Lewza, Wright, Wood, Southworth, Raymond, Yepsen; Ryan Moore, Mgmt. Analyst; Scott MacDonald, NAFS; Tom Speziale, Joe Ritchey, Public Works; Lori McCarron, Mike McCarron, Saratoga Soaring; Mike Churchill, McFarland Johnson; Jim Morzillo, Saratoga Soaring; Cindy Bensen, Saratoga Soaring; George Conway, County Attorney; Hans Lehr, Mental Health; Karen Levison, Public Health; George Hanke, Tim Hanke, Adirondack Soaring; Paul Safran, Saratoga Pilot Association; Gregory Roy, McFarland Johnson; Keith Manz, Town of Wilton; John Miller; League of Women Voters; Press.

Chairman Rowland called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Hargrave, seconded by Mr. Wright the minutes of the April 9, 2012 meeting were approved unanimously.

Mr. Churchill from McFarland Johnson gave a brief summary of the changes made to the Saratoga County Interim Airport Rules and Regulations as follows.

Overview of Major Elements of Rules and Regulations

- Coordination of events – All events or activities require notification of the Fixed Base Operator
- Access Control – Participants in events or activities are to park in designated areas, and only authorized vehicles associated with the activity are permitted beyond these areas.
- Coordination between Glider Clubs – Should more than one glider club be operating at the same time, they are required to operate on the same runway.
- Glider Assembly Areas – Defined as leased areas or adjacent assembly area.
- Radio Communication – All events or activities shall have a designated event coordinator who will coordinate with Fixed Base Operator, and have regular radio communication via UNICOM.

The following significant changes were made to the December 2011 Rules and Regulations

- **Removed** section 2.3.2, which required all tenants to notify the Fixed Base Operator prior to entering the AOA, and **added** section 2.4.3, which discusses tenants escorting non-registered vehicles.
- **Modified** section 2.7.2 to clarify that no entity at the airport can undertake any activity which restricts the right of enjoyment of the airport.

- **Added** section 2.12.1, which discusses storage of non-aviation related equipment on airport property.
- **Added** section 2.12.2, allowing tenants to access their lease areas without requiring amber flashing lights.
- **Added** section 3.1, Event Coordination for Glider Activities.
- **Added** section 3.4.2.3, which addresses need to have adequate personnel and equipment to launch and recover glider aircraft.
- **Added** section 3.6, which addresses procedures to launch and recover gliders.

Mr. Hanke asked why everything is painted against the Gliders. Mr. Rowland said one of the things that prompted looking at the rules and regulations was that there were some concerns about issues, such as safety and activity on the airport, coming down to a group or type of group that was at the airport. When people land the jets they pull through and go over to the hanger area and park and when people land a prop plane they do similar things. One of the things that was found in looking at and discussing this over the course of the year and a half has been that there were issues with large amounts of activity on the ends of runways with people driving up and down taxiways with personal vehicles and people driving in and out of the airport with vehicles. The FBO came to us to talk about how people were not using the airport and that people who normally flew into the airport were not flying in anymore, and they addressed the fact that it was because of glider activity they weren't coming in. This has been the focus of this committee for almost a year and a half. We have had meetings with glider activity coordinators, with DEC and the Feds on endangered species and environmental protection. There have been meetings with the FAA on all of this and a group was formed, at expense to the county, with Public Works, Glider Operations, FAA, DEC and Federal Environmental Groups to coordinate this and develop the rules. These rules were taken from other airports that have rules and operations and coordinate activities on their airfields. We are slightly different, in that we have glider groups that come in, lease and function on the airport on a regular basis, he said. As much as we could generalize the activities in the rules and regulations we generalized. It was not specifically to harm any single group over another group, he said.

Mr. Wright asked if the gliders were included in the TAC. Mr. Rowland said yes, there were two representatives that were allowed in the TAC from each group.

Mr. Safran said he was involved initially with the meetings, but as things developed and they had an opportunity to have some input, he felt that they were not involved in the revision.

Mr. Churchill said he has had numerous conversations with DEC about the original staging areas and they have steadfastly refused to allow a swapping of land until there is a comprehensive master plan, which will begin later this year. This is one of the reasons why it was recommended to the county to have interim rules, so there is something in place for the short term, so the longer term issues could be resolved.

Mr. Wright said there should be rules established and passed by the committee.

Mr. Lewza asked if when summer time is over and the rules need to be readjusted can we go back and look at this again. Mr. Wright said, yes, that is why we are passing interim rules.

A motion was made by Mr. Wright, seconded by Mr. Jenkins to approve the interim rules and regulations for the County Airport. Unanimous.

Mr. Rowland said the process will continue over the next year. People were invited to the TAC and we thought we had all bases covered. We will continue to provide input and information.

Mr. Manz asked who would be enforcing the rules and regulations. Mr. Rowland said because they are interim rules and regulations and not a part of the local law there is no legal enforcement of them. That is why we provided the interim rules at this point, in order to try them out before we went further and put them forth as a local law.

Mr. Rowland said there is a request by the Town of Milton to be released from a re-conveyance deed restriction for tax parcel 177.00-1-23.12, 8.65 acres. located on Rowland Street.

Mr. Lewza said approximately five or six years ago the town was able to purchase 8.65 acres from the county with a deed restriction put on it saying that if the town doesn't use the property for its own use, it would be reverted back to the county.

Mr. Lewza said they are trying to push economic development in the Town of Milton and the only areas to do that are in the town center. Unfortunately, the airport takes over approximately 500 acres. The Town Board of Milton is asking if they could get out from underneath this restriction, letting the town do what they would like with the property. There have been no deals made, and it will be hard to say exactly what the town will use the property for, but it will be used for town purposes, he said. He said the land was first purchased for soccer fields, and he is proposing that a new town building be built with soccer fields around the facility. The reason for asking for the restriction to be lifted is so the land can be sold to a developer so they can build the facility on their dollar instead of the town having to pay for it through bonding. The building would then be leased back from the developer, which would remain on the tax rolls. Mr. Lewza said this has not been voted on at the town level as yet. Mr. Lewza asked for committee approval and to move the request on to the full Board of Supervisors.

Mr. Conway said there are some issues at the location. He said the county did sell the property to the town of Milton for \$760.44 of back taxes with the idea that it would be used for municipal purposes only, which is consistent with town law. The town can't purchase property for the purpose of selling it. They can only purchase it for public use, so that is why this language is required in the deed. Some of the issues with the property were that the DEC at that time also wanted to purchase it because there are environmental issues with the Karner Blue Butterfly and the Frosted Elfin Butterflies are on the property and the two adjacent properties. It was felt that if that property were to be developed it would cause a serious problem for the Karner Blue Butterfly and the Frosted Elfin Butterfly. For the counties purpose

and for the airport it is more important that a portion of the property has been identified by the FAA as having obstructions on it, with trees being too high. If that property were to be transferred, we should require an aviation easement. If that was later on developed and we tried to get an aviation easement it could cost the county hundreds of thousands of dollars to get that aviation easement. Those are some of the issues that the board would have to consider before they could consider removing the restriction.

Ms. Raymond said when the county made this policy they made it so that if there was property going up for auction that a municipality felt they could use for a public purpose, rather than having to go to an auction and bid on the property, that we would have a process to convey the property to the municipality for just the back taxes. The idea at the time was that this was county property and the county is going to defer to a municipality for public purposes, with the understanding that when your former town board members made the decision, they knew they were only going to pay \$760.44 and they knew there was a reversion clause. From an E&A perspective, if we move away from the reversion clause, it will be like opening a can of worms that will never be closed. There are so many opportunities to undermine the auction process and that was not the intention, she said. She said, if the land comes back to the county, the county has no use for the property and it could go right to auction and at that time the private developer could bid on the property and the problem would be solved. The county as a whole would receive the benefit from the property that the county as a whole originally gave away.

Mr. Lewza said if the restriction were to be left on the property and it goes to auction and someone makes a bid on it, depending on who buys it, they could keep it and hold it and nothing would happen on the property. The county would lose millions of dollars on sales tax revenue.

Mr. Barrett made a motion to continue the process for consideration. No second was made. Motion failed.

Mr. Barrett said he would like to look into this further because it could be a precedent setting issue. As a municipality that owns quite a bit of public land, he would like to know what all his towns' options are.

Mr. Jenkins said he had a problem with the butterflies because as soon as you develop the land the butterflies are going to have to go someplace else on the airport land, which would present more problems. Mr. Lewza said the butterflies were in Wilton before they were in Milton and when we do the same thing they will move somewhere else. Mr. Jenkins suggested that Mr. Lewza obtain more information to forward to the committee for consideration.

On a motion made by Mr. Jenkins, seconded by Mr. Hargrave the meeting was adjourned.

Respectfully submitted,
Chris Sansom