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# *Commission Meeting*

of

## NEW JERSEY GENERAL AVIATION STUDY COMMISSION

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**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** March 12, 1996  
10:00 a.m.

**MEMBERS OF COMMISSION PRESENT:**

John J. McNamara Jr., Esq., Chairman  
Philip W. Engle

**ALSO PRESENT:**

Robert B. Yudin  
(representing Gualberto Medina)

Huntley A. Lawrence  
(representing Ben DeCosta)



*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, CN 068, Trenton, New Jersey

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**JOHN J. McNAMARA JR., ESQ. (Chairman):** Harry, hello, are we on the record here?

MR. WHITE (Hearing Reporter): Yes, sir.

MR. McNAMARA: I would like to call to order this morning's session of the New Jersey General Aviation Study Commission. I would like to say to all present that this is a Commission of 16 members appointed according to the provisions of statute. As you can see, not all of our members are present today. Those who are not physically present-- All of your testimony will be recorded and transcribed, and they will read your testimony prior to taking any action which might be affected by it.

I want to ask you to address several issues, in addition to those you may want to address already. First, you have to understand that this is a Commission formed for the purpose of studying the demise of general aviation airport facilities in the State. We have been assigned the task of investigating the means of reversing that tendency and studying all aspects of that problem, including, among others, the aspect of the relationship of general aviation airports to their host and neighboring communities; the possibility of State help for general aviation airports; and the possibility of joint ownership between private and municipal facilities or State facilities, or the total ownership by either one. All aspects of the airport issue are ours to study. Our final responsibility will be to make a report to the Legislature and, according to our assignment from them, if we deem it appropriate, to recommend legislation to them.

As one of the things I would like you to address today, I would like you to take the mode of if you were to draft a statute to preserve airports in the State of New Jersey, what provisions you would like to see included in it.

Second, I would like you to address the relationship you have with your host municipality. Tell us what, if anything, about you may upset your host municipality, what their reaction to that thing is, and why it is what it is. In other words, if it were airplane noise that might upset your host municipality, what has been their reaction to that? Was it just a letter from the mayor, was it a committee formed by the municipality, has there been a town meeting that became a ruckus meeting of highly exercised people? Just exactly what has that reaction been, and why, in your opinion, has it become that kind of a reaction?

I would like you to address what could be done by the Legislature to help that situation. I would like you to address your contribution to your host community, the taxes you pay, the services you render, the ascetic contributions you make. I invite you to submit any exhibit or document you wish to be entered into evidence which you believe might help this Commission.

Our first witness will be Leonard Lagocki. He is from the Flying W Airport. Mr. Lagocki, will you please come up to the witness table?

MR. ENGLE: Mr. Chairman, roll call?

MR. McNAMARA: This is a meeting of a hearing committee of the General Aviation Study Commission. I would like the record to note that Huntley Lawrence, Phil Engle, Bob Yudin, and John McNamara are present.

MR. ENGLE: Mr. Chairman?

MR. McNAMARA: Yes?

MR. ENGLE: If you could, when the witnesses are giving testimony, one other area that they could address is environmental problems they have encountered, such as cutting down trees.

MR. McNAMARA: You're not on the air.

MR. ENGLE: I am not on the air? How's that? Is that on?

MR. McNAMARA: Can everyone hear Mr. Engle?

MR. WHITE: Mr. Chairman, hit your red button.

MR. McNAMARA: My red button? Okay.

MR. ENGLE: Now we're on.

If the witnesses could address any environmental problems, such as cutting down trees, and wetlands-- They have had difficulties with trying to put areas of the airports on wetlands. They have had to do mitigation. What does that mitigation involve?

MR. McNAMARA: Yes, please address that, if that is one of the matters that has been of concern to you. To reiterate, I invite you to address anything and everything that you think might be relevant to the operation -- to the success of your airport. Really, that is what we are talking about, the success and the survival of your airport.

I just might comment, because it comes to mind, that this is the former hearing room of the Supreme Court of the State of New Jersey. I know that years ago, I think it was Chief Justice Hughes was loath to have dissenting opinions, and I wonder if that is how this button got installed. (laughter) I should mention, it is a very handy button.

Mr. Lagocki, do you swear that the testimony you are about to give is true, under the penalty of perjury in the State of New Jersey?

**LEONARD LAGOCKI:** Yes, I do, sir.

MR. McNAMARA: Mr. Lagocki, you go ahead informally and make your comments.

MR. LAGOCKI: As I was introduced, my name is Len Lagocki, and I represent the Flying W Airport, which is located in Burlington County, and also has the uniqueness of being in two separate townships -- Lumberton and Medford Townships in New Jersey.

I will give you a little history on the Airport. The Flying W dates back to 1961, when a gentleman by the name of Bill Weitzel started the Airport. He was a former Eastern Airline pilot who was involved in a serious automobile accident. He realized that he probably could not go back to the airlines and he had a dream that he would like to establish an airport/country dude-type ranch, which he successfully did.

There have been many owners since that period of time. I know of at least five or six of them who have gone bankrupt. My testimony will be based on the fact that I have only been there for slightly less than three years, so some of the events I will be taking back from just knowledge of some records that were located at the Airport.

MR. McNAMARA: Are you the owner of the Flying W?

MR. LAGOCKI: That is where I think my testimony would help a little bit. Up until March 1, I was the owner of the Airport. Based on events that took place and the cost of operating the Airport, we were forced to sell the

Airport. So now I am the Manager. I went from owner to operating manager of the Airport.

In my opinion, we are a privately owned Airport, public use facility. We are a little unique. We have six flight schools located on our Airport, which contribute significantly to the preservation of general aviation in--

MR. McNAMARA: Six flight schools?

MR. LAGOCKI: Six of them, sir.

MR. McNAMARA: Wow, that's a lot.

MR. LAGOCKI: Yes, it is. Five of them are regular flight schools, and one is a flying club with almost 550 members. So there is a lot of activity that goes on at our Airport. Up until 1990, there were 90,000 operations at the Airport. When one of our schools relocated down to Florida, then that dropped to about 60,000, then 50,000, and it is back up to about 60,000 now.

When we came into the Airport, the only thing running was the runway. Everything was in disarray, because the other people had financial problems, just as the five owners previous to them. The cost of operating the Airport is astronomical. Just to give you-- You know, before you open your eyes in the morning, you have four bills. Well, we really have over 100-and-some bills, but four of them alone are over a quarter of a million dollars, one of them being \$60,000 for taxes at that Airport, which is something that-- I am going to tell you right now, I have hopes for the future, but I also think that if things continue the way they are, privately owned/public use airports will be dinosaurs, things of the past, because you can't be taxed at \$60,000 when you are expected to maintain an airport. Just like the farmers, they get

a special assessment for their farmland. They put in a single crop or something and qualify for that. Well, our crop is six flight schools that are putting out pilots in the United States who will contribute to both commercial airlines and military uses. So that is our crop. But when you eat that kind of a taxation, you can't afford to operate.

We recently did some things and had our taxes adjusted a little bit, but they are still significantly too high to maintain that type of a facility.

Since we bought the Airport, on top of what we paid for it, we have put a million dollars into that Airport in less than a three-year period. Every single dime that came in as income was put right back into the property, because it was in such disarray because of the previous owners all going bankrupt. I worked there 20 hours a day. I ruined my health. I had two congestive heart failures while I was doing that, just to maintain that Airport, to keep it running.

There are things that the State-- I believe the present administration is on the right track. They are trying to make funds available. I hope the new trust funds will keep some of these airports from collapsing. It is just that when you have utility bills of around \$50,000, you have \$60,000 in taxes, and then you have your insurance on the Airport, then a mortgage payment to make, it is a tough nut to crack.

MR. McNAMARA: I notice the four bills were over a quarter of a million each.

MR. LAGOCKI: Yes, sir, or those four alone totaled a quarter of a million dollars.

MR. McNAMARA: Airport maintenance -- how much would that run?

MR. LAGOCKI: Airport maintenance is significant. I don't have--

MR. McNAMARA: I am not looking for an exact number, but just in order of magnitude, the general figure-- What do you estimate Flying W Airport maintenance runs?

MR. LAGOCKI: Gee, I would hate to take a guess that wasn't right. I would like to go into some of the things, and then maybe you could get a concept of what I am talking about, as far as maintenance.

MR. McNAMARA: Okay.

MR. LAGOCKI: Especially the fact that you have to maintain that Airport. You have to cut that grass, and you have to plow the snow. The two to three years that we were there were the worst in history for this area of the country. The first year we were there was the worst winter in 100 years, and now this year that just passed, we had close to 70 inches of snow, and that was the worst in recorded history for this area.

When you have to pay for the plowing on that Airport, which was quite significant-- Some of these gentlemen-- We did not have the equipment available. When I came on that Airport, nothing really worked. I had many meetings with the State. I suggested that the equipment be made available either in the form of low-cost loans, or if we could utilize the State's equipment. Recently, I got a letter -- which was a little too late for this winter -- that said we can now get some assistance in the plowing of the runways. But some of those machines were costing us \$250 an hour, the front-end loaders, because you could only push the snow a certain distance away, and then you

had to lift it and get it out of your Airport. So I was paying \$250 an hour for a front-end loader. I had a back-end loader -- I mean a backhoe rather, that cost over 67 and a half hours to pay for just to get rid of that bad snow we had.

When you are up against those types of things, you are not producing any revenue from keeping that runway open and maintaining the grounds on the Airport. Airports will need some equipment to maintain them, to keep the facilities functional and safety conscious.

The facilities we installed, with the help of the State-- We were able to put all new landing -- I mean a new lighting system for the runway, so we have brand-new lights, pilot-controlled lighting, runway identifier lights, displaced threshold lights, and an internally lit wind sock. That was at a cost of \$175,000. Naturally, we took a 10 percent burden, and the State took the rest. That is the first money the Airport got in the last several years, because I understand that previous owners, you know, they went bankrupt and we were taken off the State roles.

Now, we are making progress with the State. I recently applied for reliever status, because, naturally, the State limits their funds to anything that will promote safety on the Airport. But there are some things that airports will need, like-- In Pennsylvania and New Jersey, there are limited storage facilities. There should be some type of an act that gives the airports low-cost loans to construct hangers, because hangers will produce revenue and help to keep those airports alive. It would even keep it alive if someone did have a problem and had to get out. At least the next person coming on board would have something to look at.

The new owners are really having a problem. Some of the older owners-- The property has been in the family for years, and it is paid for. But when you come into an airport, you pay a significant amount of money for the airport, and then you get hit with that taxation and the high cost of interest on the mortgage loan. That really increases your operating costs, to maintain that airport.

MR. McNAMARA: Your insurance is broken into, probably, fire insurance for your buildings. Do you have some additional liability insurance that you carry as an Airport?

MR. LAGOCKI: Well, as I said -- and I didn't get into it -- our Airport is a little unique. It has a restaurant located on it, a motel, a cocktail lounge, a catering facility, and a swimming pool. You actually need some other source of revenue to stay in business. You cannot make enough money to stay in business just operating as an airport.

MR. McNAMARA: Okay. So you have to have some ancillary businesses that are somewhat airport related, and those would certainly seem to be, because the Airport is travel. Motels, restaurants, and those things are required by travelers. Those help to supplement your income such that it gives you a leg up on covering these expenses.

But what I was trying to get at is: Do you find that your large insurance bill is due to all the structures on your Airport, such as your motel and your restaurant, or is it due to the fact that you are operating an airport? What I am trying to do is find out if there is some premium that is paid because you are a business that operates an airport, rather than a business that just stores vehicles, maintains vehicles, or runs a motel and a restaurant.

MR. LAGOCKI: Naturally, there are added costs because of the other businesses, but the cost of maintaining the Airport-- The insurance alone is heavy, and that is because of-- Then, I will tell you right now, there are more and more companies that don't even want to insure an airport.

MR. McNAMARA: Beg pardon?

MR. LAGOCKI: They seem to be getting out of the business of insuring airports. It is hard to find a person who will give you the type of coverage you need to cover that airport.

MR. McNAMARA: It is hard to find insurance coverage?

MR. LAGOCKI: Yes. Also, the same thing about getting loans from the regular banking industry. I mean, they think-- Let me say one thing: I am a former vice president of the First Pennsylvania Bank after 18 years and I ran their aviation division. There are only a few banks in the country that will finance aircraft loans, and even less that will finance an airport. They think there is some type of a mystique, you know. They call that a "specialty loan," and they don't even want to consider airport loans.

It would be helpful if there were a program designed to specifically finance airports, the construction of hangars, and loans for heavy equipment, because it is really taboo in the business. I was a banker, so I know. I know that most banks will not finance airplanes or won't finance airports themselves. You really have to try to go into a loan and try to break it down in component parts to try to get a loan available. So I think it would be helpful if the State would consider some type of low-cost programs to finance some revenue-producing type product, so the airports could stay alive.

MR. McNAMARA: Say that again, please, low-cost programs for what?

MR. LAGOCKI: Low-cost loan programs for even purchasing heavy equipment. What I mean by that are tractors for the cutting of grass, the mowing of grass, and for snow plowing, because most airports cannot afford to do it. In our particular situation, when we got into that Airport, there was nothing operating. The grass was over your head, all the fences were down. That gentleman went bankrupt, and that was based on a lot of the problems that the township gave the former owners.

In our town, we actually have two airports that are located in Lumberton. Ours is split in half, but they classify us as a Lumberton Airport. In my opinion, based on cooperation from the township, they would rather see one of us go away. At a meeting I attended, a woman up on the committee said, "We're unique. Aren't we lucky. We have two airports in this community." I mean, they are just totally opposed to having two airports.

MR. McNAMARA: Does it cost the township anything to have two airports?

MR. LAGOCKI: No. You people are involved in aviation. We contribute significantly to the local community by way of employing people. We employ 50 to 75 people. We have employed a couple of hundred people since I have been there. They spend their money in the town. We have industrial parks that are located in near proximity of the Airport. A lot of businesspeople come in there. That is one of the reasons for the motel. At one time, when we had an aviation career academy, they brought in students from all over the world. They would go through their training, and they would stay

at the motel. So, as you said, it is Airport related. It is something that you really need to try to survive.

MR. McNAMARA: What kind of problems does the municipality cause for you? Do they cause any at all?

MR. LAGOCKI: Well, when we first got there, really, they were not zeroing in on the Airport -- on the runway itself, but on the restaurant. They gave us all kinds of problems.

MR. McNAMARA: There is a buzzing up here. (describing noise interrupting speaker)

MR. LAGOCKI: Oh, okay.

MR. McNAMARA: Do you hear it, Harry?

MR. WHITE: The lights, I think, tend to make a buzz, Mr. Chairman.

MR. McNAMARA: Thank you. This meeting will proceed in the dark. It takes a high-tech Commissioner to know. I'm sorry.

MR. LAGOCKI: Okay.

When we first got to the Airport, we spent a lot of money on lawyer fees, because the first thing they did was try to force us to put a sprinkler system in the restaurant. They classified us as a nightclub, and we were nowhere near a nightclub. It was even a law that was no longer on the books that they tried to enforce.

When Atlantic City gambling came in, they had some type of a law that came out that if you had dance room facilities-- They automatically got all of the local restaurants and bars in New Jersey and classified them as

nightclubs. We have a little square area, less than this middle section (demonstrates toward center of meeting room) where you could dance.

MR. McNAMARA: For the record, that section is approximately 10 feet by 6 feet. Is that what you are describing?

MR. LAGOCKI: Yes, it is about 4 feet by 10 or 11 feet.

MR. McNAMARA: Four feet by ten feet. Okay.

MR. LAGOCKI: They wanted us to install a sprinkler system, which would have cost about \$200,000 because we don't even have city water. We have a septic system and a well system. They didn't even have the wherewithal to supply water to us. We would have had to build a reservoir, which would have been quite costly, in order to install a sprinkler system.

MR. McNAMARA: This for 40 square feet of dance floor -- a \$200,000 sprinkler system?

MR. LAGOCKI: Yes, right. The building itself, right now, is about 130-some years old. Part of that building was originally a century old barn back to 1961 when Mr. Weitzel bought the establishment. We should have been grandfathered into certain laws on that particular building.

Anyway, it got so bad, they made it so that we could have no dancing. We could have no music, no entertainment in the Airport. It was about a two-year battle. We finally got the State to take it out of the hands of the local township. They agreed with us. We showed them that that law was no longer in existence about the nightclub. They saw the restaurant, and said, "It is just a restaurant."

They told us that we would have to put some panic bars in, some different exit signs, and things like that, but we finally got -- after two years

and eight months -- the State to get us an occupancy where we could operate it and have a seating capacity. The township came in there and reduced our capacity down to practically nothing. They even rated us on a New Year's Eve, because they said if we had music or dancing, they would close us down.

What I did there-- I mean, we had promoted it. I had to give all the people their money back at the last minute and cancel our New Year's celebration. We lost money on that particular night.

MR. McNAMARA: Do you have any idea what the total cost of all this was to your operation?

MR. LAGOCKI: Oh, our legal fees, I would say they were about \$50,000. It was just one thing after another that they did. One of the things that we were going to be facing now under the new ownership-- By the way, a gentleman by the name of John Cave, who owns an equipment supply company, just purchased the Airport.

MR. McNAMARA: John who?

MR. LAGOCKI: John Lowell Cave, C-A-V-E. He has the wherewithal to continue some of the plans we had for the Airport. Naturally, he wants to have a good relationship with the community. Actually, he even contacted the community to come in. Yesterday, we had the fire and electrical people over. Today, the inspectors are coming for the plumbing. So we will see what happens as a result of, you know, the new inspections.

MR. McNAMARA: The other township your Airport is situated in is what?

MR. LAGOCKI: Medford Township.

MR. McNAMARA: Medford. Do they get involved in the regulation of your Airport, the Flying W?

MR. LAGOCKI: Well, so far we haven't really applied to do too much in that township. At one time, we put tents up to have some people -- you know, we wanted to promote the Airport, have a country jamboree there. They came in, and we had to get special permits, which wasn't too bad, I will say that. But one of the problems we face with Medford Township is that one of the gentlemen, years ago, bought up all the sewer rights in the township. I don't know how that ever happened, but it is like he has every sewer right, so you can't even do any construction and put in any sewers if you want to put some new buildings in that end of the town. That is a problem the new owner is going to have to face on that particular issue.

MR. McNAMARA: Mr. Lagocki, if you were going to recommend to the Legislature provisions for legislation, or something you would like to see made into law that would help you and the new owner of the Flying W to make a business that would be a self-sustaining business, what would you like to see?

MR. LAGOCKI: Well, first and foremost, we would have to get the tax ratables adjusted on the Airport. It would have to have some special considerations, just as the farmers have with the Forestry Act, or something like that.

Actually, we are preserving land for the town, for the community, and for the wildlife. Our property has deer, red fox, and a lot of the animals that are disappearing, you know, from the cities. We have a little sanctuary there on that Airport. We own 170 acres there. But to be taxed at the same

rate as a home owner for an airport, you can't survive at that rate. There is no way you can do that.

I would like the State to consider actually having more control over the Airport itself, rather than let the towns, at their whim, stop you from any expansion. One of the examples that I don't have personal knowledge of, but we are going to face very soon, is on the construction of hangers at the Airport.

Going back into the files of the Airport, there was substantial litigation based on the construction of hangers. The town actually refused to allow the Airport to build hangers. It went through the court system, and I have read letters where the State actually even ordered the town to allow the construction of hangers, but there were substantial funds paid for that litigation to win that right. Now, we are going to test that. We are going to test that, and I think we will need the support of the State, or whomever is involved, to make sure that--

MR. McNAMARA: Do you know how much that litigation cost you?

MR. LAGOCKI: No, sir, because I wasn't personally involved in it, but I have seen the documents from the lawsuit. They were quite (demonstrating) voluminous.

MR. McNAMARA: For the record, Mr. Lagocki is indicating that that file was about a foot high.

MR. LAGOCKI: Right. We are going to have a meeting with the new owner and Mr. Penn. Mr. Penn has been very good. I think things are starting on the right track. I think the present administration realizes that if

there isn't some assistance to privately owned airports, they are going to be a thing of the past. It is fine that municipalities are coming in, in some cases, to take over, but if the airports are going to be a big losing proposition, they won't stay in it as long as a private citizen owner.

As I said, I devoted my health, all my family's resources, and 20 hours a day to try to keep this. I don't know of too many municipalities or towns that will do that.

To be quite fair, and to cover another aspect of owning an airport, more owners have to run these airports as a business, rather than for the love of it. We all get involved because of our love for aviation. I was forced to do a lot of things as an airport owner that I would have known better if I were running it strictly as a business. I was forced into it, because the surrounding airports actually continued the way airports were run in Lindbergh's days.

To be quite frank, I will give you some rates that people are paying for parking their aircraft. On grass, they are paying \$35 at our Airport. Push-back spots are \$55, and drive-through spots are \$70. I admire the marine industry, because the marine industry is running that industry as a business. If you get a slip, it could be \$2200 for three months. If you don't purchase your gas from them, they won't even let you stay in those spots. But they recognize it as a business. You can't use an airport just because you love it and to keep it going. You have to help yourself. Those types of rates that I gave you-- There should be no planes that can park on an airport for that kind of money. I mean, it is just too costly to run an airport that way.

Even in pilot communities, I think we have to-- You know, a lot of pilots won't like hearing this, but I am a pilot myself. If my gas is \$2.05 and

they can get it for \$1.89, they are going to take that airplane and fly it to another airport and buy that gas. But that other airport is not cutting their grass; it is not plowing their snow; it is not maintaining their runways. So I think the pilots and the people in the community are actually contributing a little bit to the downfall of the airports, because they are not supporting their airports the way they should.

I think there has to be an education process. Airport owners have to get together and try to set some rates that make sense. But you can't do that. If I were to raise my rates at the Airport, they would just go next door. There are people who will actually relocate for a \$5 difference in their parking fees, because the guy next door is going to give it to them for that.

So, to be honest, there has to be some support from the State, from the communities, and from the pilots themselves.

MR. McNAMARA: Are there any questions for Mr. Lagocki? Mr. Yudin?

MR. YUDIN: Just a comment: If you are ever faced with having to put in a sprinkler system -- again, if you are ever faced with that -- take a hard look at a dry chems pressure system. You will find that it is a lot cheaper than \$200,000.

MR. McNAMARA: Are there any other questions? (no response)

Thank you very much, Mr. Lagocki, for coming up here. We admire everything that you have tried to do at the Flying W Airport, and are still trying to do. Thank you.

MR. LAGOCKI: Thank you, sir.

MR. McNAMARA: Is Mr. Kupper here? (affirmative response from audience) Mr. Kupper is the owner and, I guess-- Are you the manager of the Kupper Airport in Hillsborough Township?

**C H A R L E S   K U P P E R:** No, I have the pleasure of just being the owner. My son is the manager and operator.

MR. McNAMARA: Okay.

MR. KUPPER: He has that pleasure -- the headaches.

MR. McNAMARA: Mr. Kupper, do you swear the testimony you are about to give is true, according to the laws of perjury in the State of New Jersey?

MR. KUPPER: I do.

MR. McNAMARA: Thank you, sir.

MR. KUPPER: Good morning, Mr. Chairman, gentlemen of the Commission.

MR. McNAMARA: Good morning.

MR. KUPPER: I would like to thank you for the opportunity to come before you to tell you what my problems are. I don't have the problems that a lot of the airports have, mainly because I have a nice host community now. I didn't at one time, but I do now, though.

I would like to give you a little history of Kupper Airport. Kupper Airport was obtained by my family back in the 1930s. It started operating as a grass strip. It was originally a farm. There was a small grass strip, and a man who was devoted to aviation who wanted to operate it. He operated it until the 1940s, when the war shut him down. Then after the war, in 1947 -- or somewhere in that vicinity -- the former manager of Hadley Airport came up

and he operated the Airport. He was not a businessman. He was running like Lindbergh at the time. If you needed a bolt, he would spend all his time talking to you about a bolt, but never sell an airplane.

He got the brilliant idea that we should pave the runway and on Sundays we could hold drag racing. It was great. The phone in my home used to ring off the hook. My father would go crazy -- the noise from Manville, the comments and complaints, and everything else. DOT stepped in and said, "Airport or drag strip." He chose airport.

Well, we started to grow. "T" hangers and an operations building were built on the north side. A new tenant came in, and he leased the Airport for approximately 20 years. The Township of Hillsborough was not happy. Those 20 years, we had complaints after complaints. Hillsborough wanted to shut us down, mainly because they got so many complaints from our resident town, Manville. People there just didn't like the Airport -- the noise, the rubbish blowing all over the place. The whole general appearance of the north side of the Airport was not what an airport should have been, or any business should have been.

MR. McNAMARA: That was because of your tenants, or because it was an Airport?

MR. KUPPER: Because of the tenants and, also, because they didn't like the noise from the Airport.

MR. McNAMARA: Okay.

MR. KUPPER: Then, to top it off, my father joined a group and they tried to secede from the Township of Hillsborough. Well, that didn't sit too well with Hillsborough, but when we lost, they thought it was great.

The Airport is located in the extreme end of Hillsborough Township. We were getting no police protection, no fire protection, or anything, really, from Hillsborough. Manville will answer all calls that we put out.

In the last 10 or 15 years, I would say, Hillsborough has responded to everything we do now. The whole attitude in the township has changed. As you know, they are looking to buy my Airport now. I hope they do. I hope they move quickly, before the bank moves on it.

The old administration also zoned the Airport area as corporate development. Now, that never made sense to me, because I have Manville next to me; I have a railroad in the back; and I have a cemetery that is on the other side of me. I was the only piece that was corporate development, but they did allow me to be grandfathered as an Airport.

During those 20 years that we had a tenant--

MR. McNAMARA: Is there something wrong with being zoned that way -- corporate development?

MR. KUPPER: When it was requiring five acres minimum, yes, and then they didn't want to--

MR. McNAMARA: Five acres minimum per business site?

MR. KUPPER: Right.

MR. McNAMARA: I understand.

MR. KUPPER: Then they didn't want any development going on.

During the 20 years, we operated on the south side out of a couple of "T" hangers and a small office. We had a flying school, sold some gas, and that was about it. In the early 1980s, I did not renew the lease for the tenant.

He moved out and went to another airport. Since then, we took over the whole Airport, and we have been running it. We have spent, again, close to \$100,000, maybe \$200,000. We brought in new electric, put it all underground. Manville gave us permission to connect water and sewers. We connected them in, made all the connections, capped off our old well, repaved the ramp, and redid the operations building and the whole maintenance hanger.

We put a lot of money into this place. We borrowed and, of course, what did we hit in the last three years? Two of the worst winters that ever came through New Jersey. We were physically shut down two years ago for four months. Nothing could move hardly. The whole south side of my Airport was one solid sheet of ice up to the hubs on the aircraft. This winter, we have been inundated with 70 inches of snow, roughly. We have been plowing every weekend it seems. My son is so desperate to get out of the snowplow that he doesn't know what the hell to do anymore.

We were very fortunate, though. When the blizzard came, we found out that DOT would assist us, and they had trucks come in and help us plow out the runway.

MR. McNAMARA: Did that make a significant difference?

MR. KUPPER: Oh, it made a very significant difference. In three hours, they had the runway completely plowed. My son had been plowing for eight hours. He couldn't keep ahead of the snow.

MR. McNAMARA: So they have better equipment and sort of a better operation for snow removal?

MR. KUPPER: Oh, definitely. They have bigger equipment than we have. We operate with a pickup truck with a plow on the front. We have a small dump truck with a plow. We also have a road grader with a plow on the front of it. The problem with the road grader is, you can run the runway, but you don't turn around too easily to come back. The equipment we have is old; it is falling apart; and, again, you don't have the money that you can keep throwing into the equipment.

Privately owned airports are being forced to barter. We are going back to the early 1900s', the late 1800s' system. We barter. Do you have a mower? You cut the grass for us this day. How about the rent on your hanger? So you are giving one up for the other one. We have a couple of people who are willing to do it.

The highest problem, though, is the real estate taxes. We just can't fight them. Take a small Airport like mine, 122 acres, between the taxes and everything else, it takes a minimum of \$5000 a week before you even crack a profit. If you shut down for three months, or if you can't move for three months, you can't teach flying, and you get very little maintenance on your planes, because people aren't going to have their planes maintained if they are not using them. You are not going to sell fuel; you are not going to sell oil; you are going to sit, and the \$5000 a week or \$6000 a week is just mounting up.

Consequently, you don't meet your mortgage payment. You get behind in your land taxes. The town just says, "Hey, 18 percent. We don't care." The bank says, "We don't care. We'll foreclose." That is the situation that Kupper Airport is in right now.

MR. McNAMARA: That “Hey, 18 percent. We don’t care,” you said the town said, is that the interest rate on unpaid taxes?

MR. KUPPER: The interest rate on the taxes, yes.

MR. McNAMARA: I see.

MR. KUPPER: They don’t give you relief on it. Sure, some of your vacant land becomes farm assessment, but that doesn’t help the runway. My ramp is six acres, just the ramp. I am not counting the runway or anything else that is paved. They charge you full tax on everything that is paved.

MR. McNAMARA: They charge you taxes on your ramp, on your runway, on your taxiways?

MR. KUPPER: Yes, sir, everything.

MR. McNAMARA: On your terminal?

MR. KUPPER: Yes, sir, hangers and all.

MR. McNAMARA: These are all nonrevenue-generating assets on your Airport?

MR. KUPPER: The majority of them, yes, except for the hangers. They bring in revenue.

I believe that towns have to be educated. We have helped in educating Hillsborough. They understand. Manville has not adopted the safety zones; Hillsborough has. In other words, God help us if we go out with a plane and we crash into those couple of houses that are on the end of one of the runways from Manville. Manville residents do not realize what we do for the area. They think we are just noise. We cause dust. “Helicopters come in and out, and they’re nasty.” “Planes buzz my house,” one woman told me.

The runway goes away from her home, and I hope to the devil they never buzz her house, because if they do, he is going to be in my operations building.

Another person told me he has black dots on his house because we empty fuel out of planes. They don't understand general aviation. They think we are Newark Airport. They think we're jets that can go out over the ocean and empty some of the fuel. We can't empty fuel out of those planes.

MR. McNAMARA: Mr. Kupper, how long have you been in the aviation business?

MR. KUPPER: I have been in it since-- Well, it started out as a hobby back in the 1950s, with my father.

MR. McNAMARA: Somewhere in the vicinity of 40 years?

MR. KUPPER: Somewhere around there, yes, sir.

MR. McNAMARA: Are you a pilot?

MR. KUPPER: No, sir.

MR. McNAMARA: But you have been the owner and operator of an Airport for that period of time?

MR. KUPPER: Yes, I have.

MR. McNAMARA: Are you familiar with aircraft?

MR. KUPPER: Most of the general aviation aircraft, yes.

MR. McNAMARA: Have you ever seen a general aviation aircraft that could dump fuel?

MR. KUPPER: No, sir. They are all hand emptied if we have to get to the tanks.

MR. McNAMARA: Hand emptied meaning that you could do that in the air?

MR. KUPPER: No. You have to go out underneath the wings and hit the plugs.

MR. McNAMARA: You have to do that operation, so there is no general aviation aircraft, of which you are aware, that could dump fuel in the air?

MR. KUPPER: That's right, not that I know of.

MR. McNAMARA: Phil Engle, you're the manager of Teterboro Airport and you have a lot of corporate jets that go in and out of Teterboro. Are you aware of any general aviation aircraft that can dump fuel in the air?

MR. ENGLE: Some of the older jets -- the early model Leers, the early model Hawker, possibly the early model Saber Liner -- did have that capability, but the modern airplanes do not.

MR. McNAMARA: Did not dump fuel?

MR. ENGLE: No.

MR. McNAMARA: Huntley, are you aware of any?

MR. LAWRENCE: Well, just the older model nonjet aircraft -- Lockheed, Jet Star, and planes like that.

MR. McNAMARA: Do you have any of those aircraft mentioned using your Airport?

MR. KUPPER: We do not have any jets at our Airport. I'm talking about props.

MR. McNAMARA: What's that?

MR. KUPPER: We have only prop planes.

MR. McNAMARA: So the suggestion that an aircraft is dumping fuel is one that has to be wrong?

MR. KUPPER: Yes.

MR. McNAMARA: I'm sorry for interrupting, but that is a point that has come up before, and I thought it should be addressed.

MR. YUDIN: John, may I ask a question?

MR. McNAMARA: Mr. Yudin.

MR. YUDIN: The people who are complaining, the residents in the immediate area who complain, do you keep a file on those complaints?

MR. KUPPER: We did. We haven't had many complaints lately, so I don't know what my son is doing now.

MR. YUDIN: Are you aware that any of those people who complained in the past-- Were any of those people there before the Airport, or are they all people who came after the Airport? Did they knowingly buy their house with the Airport present?

MR. KUPPER: Mr. Yudin, the area in Manville was not developed in the late 1930s. It was developed after the war and during the 1960s. Real estate agents have told people, and they complained to us about it at a public meeting in the Environmental Commission one night, "You are supposed to be closing. My real estate agent told me that when I was buying my house."

MR. YUDIN: Have you been able to document that, at least to the point where you possibly took notes on people who made that statement to you?

MR. KUPPER: I don't remember if I did or not then. Mr. Yudin, I was at an environmental meeting to find out what the Environmental Commission wanted us to do, and I was bombed by 200 residents. I had no idea that was going to happen. I went in there just to pick brains to find out

w h a t I h a d t o d o .

MR. McNAMARA: What does that mean, you were bombed by 200 residents?

MR. KUPPER: It was supposed to be an open commission meeting. No one was supposed to be at the meeting. I was coming in just to find out information, and they were there because they knew I was coming in. They had been prepped to come in and argue with me.

MR. McNAMARA: What transpired at that meeting?

MR. KUPPER: In the end? Nothing.

MR. McNAMARA: What was your reception by the 200 residents?

MR. KUPPER: Bad.

MR. McNAMARA: Specifically?

MR. KUPPER: They were the ones who were saying that I dump fuel, I buzz their homes, I was supposed to be closing. "The noise out at your Airport is horrendous."

MR. McNAMARA: Was this an orderly meeting?

MR. KUPPER: No, it became very disorderly.

MR. McNAMARA: Did the township officials seek to restore order?

MR. KUPPER: Yes, they tried.

MR. McNAMARA: But it was not possible to do that?

MR. KUPPER: No.

MR. McNAMARA: Did you feel threatened physically?

MR. KUPPER: No, verbal abuse was what they were giving me.

MR. McNAMARA: I'm sorry. Please proceed.

MR. KUPPER: Right now, those same people don't bother us. They don't call us, they don't complain. The only thing is, we did have a small jet come in and land, discharge passengers, and take off, and they wanted to know what the noise was. We had a few calls. That was the extent of that complaint from those residents.

MR. McNAMARA: What was the type of jet?

MR. KUPPER: It was a Cessna.

MR. McNAMARA: Citation jet?

MR. KUPPER: Yes, and it was noisy. I will have to admit, it was noisy.

MR. McNAMARA: The Kupper Airport, did it serve the industry in Manville? For several years, I know, in Manville there was a large plant, I believe, Johns Manville.

MR. KUPPER: Johns Manville, an asbestos plant. As far as I know, yes, we did serve people coming in and out of there. Today, we serve transients coming in for Franklin Township, Piscataway Township, Bridgewater Township, all the industrial parks. They fly in and out all the time. Insurance agents going into the mother companies in Piscataway. They come in with corporate planes and land. No jets, though. They are all turboprops. My runway is only 3400 feet. Small ones can come in and get out easily. The bigger ones don't want to come near us.

We are also classified as a Reliever Airport. We have finally been classified as that. That designation helps to relieve the general aviation from Newark and the rest of them.

We need assistance. There is no doubt about it. There are a number of things we need assistance on. We had a master plan drawn. DEP insists that we have a detention pond -- or a retention pond for storm water management. It is my opinion, as an engineer, that that is the dumbest thing I have ever heard of, telling me to put a pond in next to an Airport so I can bring all the migratory birds in. Then I would just be creating a hazard on my Airport. I wanted to know if we could charge a landing fee for the geese, but they laughed.

We need relief with real estate taxes. There has to be some kind of relief with that. As I said, it costs me between \$5000 and \$6000 just to open the door every week. The Airport is not going to live. It is going to die. General aviation is going to die for privately owned airports. It has to. The man from the Flying W said it. They run airports like they are in the Lindbergh stage. People who fly for general aviation think, "Oh, this is kicks. I love aviation, that is why I'm flying. You don't want to charge me \$100, or \$200, or \$400 for a hanger. That's ridiculous." Where can you go rent 1000 square foot of space for \$100, or \$200? That is what "T" hangers in the area generally bring.

MR. McNAMARA: Is one unit of a "T" hanger 1000 square feet?

MR. KUPPER: Roughly 1000 feet, yes.

We have the insurance. We have to buy our fuel. If you don't sell the fuel, it lays in the tanks. You can't gain anything by it, you just spend money and it is sitting there. We have the telephone, the electric. It all keeps adding up.

Again, we have how many agencies to deal with. We come under FAA; we come under DOT; and then DEP steps in. Well, I think DEP should be eliminated. Everything should go back under DOT, have them do it. One agency to clear everything through.

MR. McNAMARA: You also have municipal planning boards, boards of adjustment.

MR. KUPPER: I was just getting to that, too. The municipalities treat you like you are a housing development. If you are going to put up a little shed, you have to submit a plan. If you are going to put up a hanger, I can understand it, but now they want it for not just the area where the hanger is going to go, they want it for the whole Airport. Well, how do you keep drawing 122 acres? I mean, this is getting a little bit out of proportion on what you are doing. You are not a housing development. You are not putting an extension on a house. You are trying to run a business, and they are trying to suppress you, and they have been.

As I said, Hillsborough, though, is a rarity. They like us all of a sudden. They realize the things we do, the transients that come in and out for business alone. The medical responses. We have medevac coming in all the time. We also have bodies coming in and out from local funeral homes, believe it or not, which is a fairly good-sized business. They bring them in and take them out.

MR. McNAMARA: Now, you say that Hillsborough likes you, but what you really seem to be implying is that they didn't at one time.

MR. KUPPER: Oh, no, at one time they did not like us.

MR. McNAMARA: They didn't like you?

MR. KUPPER: That was the former constituency.

MR. McNAMARA: So the fact that they like you now is by way of saying they like you for the time being. That means so long as a given administration is in office, the Airport is liked. It stands to reason, then, that if that administration goes out of office, the Airport could be disliked again.

MR. KUPPER: Well, I hope it will not be that way.

MR. McNAMARA: No, no, we're not talking about what you hope at this point. As a matter of fact, is that true?

MR. KUPPER: It could be, yes. It could change very easily. I mean, someone could come in and say, "Why do you want to have an Airport around here?" But Mr. Engle knows, I sat on a panel with him down in Atlantic City a couple of years ago. We happened to have the Hillsborough Township planner with us on the panel. She is all for airports. She realizes, and she has written it into their plans now, why an Airport should be in the town. So I don't think a new administration will change, saying that we shouldn't be there anymore.

MR. McNAMARA: I see.

MR. KUPPER: That is why I say Hillsborough is friendly toward me. It is a rarity.

MR. McNAMARA: They came in and indicated that themselves.

MR. KUPPER: I am very happy to hear that.

MR. McNAMARA: They indicated an appreciation for the Airport.

Are there any questions for Mr. Kupper? Mr. Yudin?

MR. YUDIN: Yes, just a couple of questions.

When you want to do any construction, you are required to do a full site plan?

MR. KUPPER: Yes, sir.

MR. YUDIN: You mentioned that one of the municipalities you get no support from when it comes to services like fire and police.

MR. KUPPER: Formerly. That was Hillsborough, my own host town. The reason was because they were so far away. Their units were far away.

MR. YUDIN: Do both communities respond if you call them now?

MR. KUPPER: Now we get both communities. Manville and Hillsborough both respond. We have police patrol from Hillsborough and police patrol from Manville.

MR. YUDIN: Do you get that same cooperation now with fire protection?

MR. KUPPER: Yes, we do, in the last 10 years, I will say, since we took over the operation of the entire field. As you can see, it has turned around, and we have gotten cooperation from both towns.

When we were running our master plan, we formed a committee with two members from Hillsborough, two members from Manville, and two members from Franklin Township. So we kept them informed of what we were planning to do. They would go back and dispense the information to the township committee or council members.

MR. McNAMARA: How did that work?

MR. KUPPER: It worked very well.

MR. McNAMARA: By maintaining lines of communication, things proceeded more easily?

MR. KUPPER: Yes. The master plan was being accepted by all towns at the same time.

MR. McNAMARA: I'm sorry, Mr. Yudin.

MR. YUDIN: The meeting you walked into where you were subjected to verbal abuse, the environmental meeting, how long ago was that?

MR. KUPPER: Just about 10 years ago.

MR. YUDIN: Okay, so that was awhile ago.

MR. KUPPER: Let me go back into history on that meeting, all right? First of all, we had a call from a contractor, "Could you use extra fill?" Well, any airport that says no, they can't use extra fill somewhere is crazy, so we said, "Sure, we can use it, but let's check with the town." We called the town, "Do we need a permit to bring in soil and stockpile it?" Hillsborough told me, "No, but you must go to Soil Conservation." Well, that was no problem. I quickly made the drawings, went to Soil Conservation, and within two days I had the permit.

The town said, "Okay, you can stockpile." Well, I don't think they realized what I was talking about when I said "stockpile." I had laid down an area of four acres that I was going to stockpile in. The first day we told the contractor, he had 50 trucks running back and forth from where he was excavating, and dumping it. We had to hire a dozer to spread this out, because we couldn't get these piles of trucks in. I received a stop order: "You must go to the Board of Adjustment." I went to the Board of Adjustment meeting. That night it happened to meet, so I went to it.

The Board of Adjustment wanted to know what I wanted. I told them. "We have no problem with that. You don't need any permits. Go back to work." The next day, the contractor started running the soil in again. Now, if you know Kupper Airport, if you have ever seen it, on the front of Millstone Road I have a stockpile of soil that must be about 20 feet high. It takes up the acreage, as I said.

I received another stop order. "You have to go to the Planning Board." I went to the Planning Board, which happened to have met that night. The mayor at that time was on the Planning Board, and he said, "Well, we don't control this. You have to go to the Environmental Commission." He was very adamant with me at that meeting. He didn't even want to talk to us. The lawyer kept saying, "They're not doing anything. You can stockpile." He didn't want to hear it. That is when we went to the Environmental Commission. Someone informed all the residents, and they were there.

MR. YUDIN: The reason I asked you that question was because you have indicated that the residents are reasonably cooperative right now, that you are not getting many complaints. That was 10 years ago. Since the residents are not complaining very much and you just stated that you seem to be getting reasonable cooperation at this time from the municipalities and the local residents, you said you are not getting too many complaints?

MR. KUPPER: That's right.

MR. YUDIN: Okay.

MR. McNAMARA: I would like to ask a question, because we have seen this before. Mr. Kupper, in your opinion, is there a factor of rabble-rousing in airport opposition? You have seen both. Your Airport, as you

testified, is right on the boundary of townships -- the Townships of Manville and Hillsborough. In Hillsborough and in Manville, simultaneously, you had popular opposition to your Airport. Now you have popular opposition in Manville, but you do not have popular opposition in Hillsborough. What seems to have changed in Hillsborough is the administration.

I am asking: Is that the reason? Is that change of administration and a different attitude by the administration causing a change in your popular acceptance in Hillsborough?

MR. KUPPER: I would say, "Yes."

MR. McNAMARA: When you have 200 or 300 people who will come to a meeting and oppose a proposition at an airport -- or a proposition made by an airport, substantially they could be there because of the attitude of the local government, rather than representing an attitude that is really their own attitude.

MR. KUPPER: I would have to agree with you, yes. But, for example now, we held our last public hearing meeting in Hillsborough's Town Hall. It was to present the entire master plan. I believe we had maybe 150, 175 people show up at the meeting. We really were worried at the beginning of this meeting, thinking, "They are going to bomb us out," do you know what I mean, by all kinds of questions, saying they don't want this and everything. I think they came in support. After the meeting, that is the way we analyzed it. It was to show support for the Airport. They asked all general, interesting questions. They just wanted to know more about the Airport.

MR. McNAMARA: These were the people in Hillsborough?

MR. KUPPER: Hillsborough, and also some people from Manville, because they were informed that the meeting was going to take place, too.

MR. McNAMARA: That's interesting. One would think that if there were a popular reason to oppose an airport, that the boundary line between Manville and Hillsborough would not cause a difference of opinion. If there were two residents, one on one side and one on the other side of that boundary, it would seem that if there were a good reason to oppose an airport, both residents would share that reason.

What you are saying is, on one side of that line maybe there was someone in favor of your Airport, and on the other side, someone against the Airport. It really depends on the administration in office of the particular municipality.

MR. KUPPER: I think there are two reasons. You have to remember, in Hillsborough Township, we have very few residents near us. We are bounded by the Millstone River and the State Park. We are bounded by a cemetery on the south side, and a railroad on the north side. We have industry directly across the railroad. We do have some residents out there, but their noise effect is not the same as the people who are right adjacent to us in Manville when they hear engines running up. They get the noise factor. Out there, all they are doing is getting a climb-out effect.

MR. McNAMARA: So what you are saying--

MR. KUPPER: Also, I think a lot of the things are-- Since we took over, we have tried to be very aware of public relations. People called up and told us something, and we took care of it immediately. It wasn't like

before. You don't rabble-rouse the public when you know they are going to be angry with you, you try to suppress them and do what they are asking you to do.

One man said, at the meeting on our master plan, "I can't stand the smell from the helicopters." "What do you mean?" He happens to live at the foot of the hill and the exhaust from the helicopters was blowing right straight down toward his house. We never realized it. They were going in for commercial reasons. They were also coming in for the casinos. When we realized that their exhaust was blowing right toward him, all helicopters have to park facing the other way now. He came up and literally thanked us.

It's public relations. An airport has to understand, who wants to live near an airport? Nobody wants to, but they are there. We were there before they were. They chose to live there. So we try to cooperate with them. We also have a Santa fly-in, and we invite anyone in the area who wants to come in to the Santa fly-in. They are welcome. Tell us who you are. If you want to have Santa give your child a gift, bring it up and we will tag it, and he will give the children the gifts. That has helped us, too. We have had that over the last 10 years. It has been very successful. Even in the fog when the plane only taxis up the runway, because he can't fly and bring him in, they are very happy. The kids go crazy with it. We also have food drives.

MR. McNAMARA: In other words, anyone in the community can give you a gift and Santa will then give their child that gift.

MR. KUPPER: Yes, sir.

MR. McNAMARA: That is a nice program.

MR. KUPPER: Another program is donating food at Thanksgiving and Christmas and sending it to the needy families in the area. We distribute it through the police department, both towns.

MR. McNAMARA: Do you mean they fly the food in?

MR. KUPPER: Pilots bring it in. We have boxes stockpiled out in our operations building and we have to keep moving it. We give it to the police, and they hand it out.

MR. McNAMARA: That's a wonderful program.

Are there any questions for Mr. Kupper?

MR. ENGLE: Mr. Kupper, you mentioned the master plan. You had members of the community sitting on that commission.

MR. KUPPER: Yes.

MR. ENGLE: Have you done anything to keep that committee going since the master plan?

MR. KUPPER: No, because right now we are in limbo with Hillsborough buying it. We are not doing anything. We are not even progressing with any engineering studies.

MR. ENGLE: Just to keep the lines of communication open with the community and the Airport.

MR. KUPPER: Mr. Engle, no, I don't believe so. We haven't had committee meetings, I know, in a couple of years now.

MR. McNAMARA: Mr. Lawrence?

MR. LAWRENCE: Mr. Kupper, could you just give me an idea of the types of businesses you have on your Airport?

MR. KUPPER: The types of businesses?

MR. LAWRENCE: Yes, the FBO. Is there a flight school?

MR. KUPPER: Tristate Airways is my son's and my company, and it is the main FBO at the Airport. We do the maintenance. We do a flight school. We do the general operations and we manage the Airport. We have one other FBO, Taft Air, which is a charter air service. Then we have another electrical repair service on the field. A man is coming in now with an avionic shop. He is not completely set up yet.

MR. LAWRENCE: Okay. The number of operations you have up at the Airport?

MR. KUPPER: Offhand, I don't know. Do you mean the landings, takeoffs, and everything?

MR. LAWRENCE: Yes.

MR. KUPPER: I don't remember what they were.

MR. LAWRENCE: Okay. Thank you.

MR. McNAMARA: Go ahead, Mr. Yudin.

MR. YUDIN: When the township officials were here from Hillsborough--

MR. KUPPER: Yes?

MR. YUDIN: --they talked about the hazardous waste problem, groundwater contamination from leaking aircraft fuel. Do you want to comment on that?

MR. KUPPER: We have three 4000-gallon tanks in ground. They have been in there for over 20 years. We know, everybody knows that when you have underground tanks that old, there is going to be something wrong at that area. Their environmental report also states that we had oil fuel tanks,

275-gallon tanks, to heat the different areas of hangers. When there are little spots of oil underneath them, anywhere from a yard to five yards of soil has to be removed and taken out, is what they claim. I have found out that there is a product we can put into that soil, stir it up, flatten it out, let it lay there, and it will eat itself up, it will clean up. If you dig it out and you put it in, you have to remove it. If you leave it there, you don't have to take it out.

They also made a very false statement in their environmental report that a well off-site of the Airport was contaminated by the Airport. That was proven, a long time ago, to be untrue. That well had a black glop around it, and when it was tested, it was not aviation product. It was some other product. I don't remember what it was, but it was not us. I know we had to appear before DEP at the cleanup of that.

MR. McNAMARA: Mr. Kupper, you said earlier that you hoped the township moved quickly, because the bank is moving now.

MR. KUPPER: Yes, sir.

MR. McNAMARA: That would seem to indicate that Kupper Airport is financially in extremeness, meaning that its demise is imminent. That is just the type of facility that the Legislature expressed concern about when it formed this Commission.

If we had to put together the cause and effect, why is it that Kupper Airport came to this condition financially?

MR. KUPPER: High real estate taxes, a mortgage, bad weather. We have had, over the years, a series of -- one winter was bad, the next summer was bad, and back and forth like that. Every time you have bad

weather, you lose money, because weekends are your main flying days. There was one summer that we clocked out, I think, all but one weekend we had rain.

MR. McNAMARA: Is your company taking large salaries, or just proportionate salaries, or just proportionate returns on investment?

MR. KUPPER: Mr. Chairman, I haven't taken a penny out of that Airport since I took it over. I am not saying that as a joke. My son draws a salary. It is not the greatest thing in the world. As a matter of fact, off the record, he would be better off if he were in something else. But he loves aviation. He went to school for aviation.

MR. McNAMARA: Are there any other moneys that come out of Kupper Airport to its owners, other than that salary you pay to your son?

MR. KUPPER: No, sir. That's it. The only advantage is, the company is a Subchapter S, so any losses or gains would be passed through, but there have been no gains, as far as I am concerned.

MR. McNAMARA: Is your Airport used to its fullest capacity? Could you have additional customers at your Airport?

MR. KUPPER: We certainly could. We have about 160 planes based at the Airport right now. We could have a lot more if we could afford to put hangers in.

MR. McNAMARA: And affording to put hangers in is a function, of course, of your credit, your ability to borrow. I suppose they are not in, to a certain extent, because of the hostile attitude of the former administration.

MR. KUPPER: That's right.

MR. McNAMARA: Do you think that if you hadn't had that hostile attitude of the former administration, that you could have put in your hangers and had a different financial story today?

MR. KUPPER: Possibly, yes.

MR. McNAMARA: Thank you very much, Mr. Kupper, for coming here to give us this testimony.

MR. KUPPER: Thank you very much for allowing me to come. How are you, Phil?

MR. ENGLE: Good job. How are you doing?

MR. McNAMARA: I am just going to call some names out. If you would raise your hands-- Art Cmiel, Ed Wood-- Is Ed Wood here? Did anyone see Ed Wood this morning? (no response) Mary Ann Worth, Joseph Rendere (phonetic spelling) or, Rendero, Joseph Rendero. (no response)

Okay. Is Art Cmiel here? (affirmative response from audience) Please come up. You will be next.

Mr. Cmiel, do you swear that the testimony you are about to give before this Commission is true, according to the penalties of perjury in the State of New Jersey?

**ART CMIEL:** I do.

MR. McNAMARA: Mr. Cmiel is here as a representative of the Essex County Airport. Your status at that Airport, sir, is?

MR. CMIEL: I am the Airport Manager.

MR. McNAMARA: Okay. Please go ahead.

MR. CMIEL: I am the Airport Manager at the Essex County Airport, which is located in Fairfield, New Jersey. That is up in the northwest

corner of Essex County. The Airport is owned and operated by the Essex County Improvement Authority, so we are a government entity, a little bit different than a private airport. But we still have to make our own way. We do not receive any funding or support from the County of Essex in any manner.

The Essex County Airport is located on about 275 acres of land. We have about 350 aircraft based at the Airport. We are coming down to the wire now on a master plan and rebuilding project that has cost the Authority, probably, about \$21 million over the past 18 years. We have just completed building two 20,000-foot, brand-new open-bay hangers. We put in 60 units of "T" hangers. We have repaved ramps. We put in a new fuel farm. We put in a wash rack for the standard customers in a regular tie-down so they will have a place where they can environmentally, safely wash their aircraft without polluting the streams around the Airport. The only thing we have left is, we have the demolition of one old building yet left on the Airport that will be taken down, probably sometime in the summer. We are just completing -- well, we haven't really completed, we are about halfway through building our new Airport maintenance garage, with all the environmental issues taken care of, such as separator tanks and everything to keep the environment clean.

All of this has cost a lot of money. The Airport, right now, basically, is breaking even, with the exception of the bonds that the Authority floated to raise the money to do all this work. Operationally even, our business plan says the Airport can make money and will make money over a period of time. However, there are a lot of little bumps in the road.

One of them, as I was mentioning earlier, we have spent about \$700,000 in legal fees since 1990 defending actions against the Airport.

MR. McNAMARA: Defending actions against the Airport?

MR. CMIEL: Against the Airport.

MR. McNAMARA: Just that -- legal fees just for that, \$700,000?

MR. CMIEL: Part of it also -- you might just as well say an action against the Airport -- went to acquiring an air easement on our main runway, a localizer approach runway, Runway 22. We wanted to purchase the land, purchase the air rights, and we are still in litigation on it now coming to a final number on cost for the air rights, which is going to exceed \$100,000.

MR. McNAMARA: The main runway at Essex County Airport is?

MR. CMIEL: Runway 422. Runway 22 has the localizer approach on it.

MR. McNAMARA: Do you have a crosswind?

MR. CMIEL: We have a crosswind, Runway 927.

MR. McNAMARA: And 927 is how long?

MR. CMIEL: It's 3700 feet.

MR. McNAMARA: That is a paved runway, paved and lighted?

MR. CMIEL: Paved runway, and lighted. Both runways paved and lighted.

The Airport was created about 1926. It was a grass field then with sky divers and airplane rides. It was taken over in about 1939 by the Curtis Wright Corporation. Prior to World War II, they established plants in the area there and they built the Airport as its basic structure stands today.

In 1974, they put the Airport up for sale. The Essex County Improvement Authority became the sponsor and purchased the Airport. In purchasing the Airport, 275 acres, the Authority saw a combination Airport and industrial development area. The industrial development area was going to support a lot of phases of the Airport development, and also support the Airport in general.

Well, I guess we were a nickel short and a day late, because a year later, before we ever got a shovel in the ground, the wetlands issue started to come up, and we lost close to 80 acres of land that we had zoned in the Airport for development.

MR. McNAMARA: Of the 275 acres, 80 acres were wetlands?

MR. CMIEL: Eighty acres turned out to be wetlands, and they are still wetlands.

MR. McNAMARA: Was the whole Airport wetlands when it was started?

MR. CMIEL: Well, it has always been my contention that, you know, when people built airports here in New Jersey -- and in other places in the United States -- they did not build them on the most desirable property. They were generally kind of shunned or pushed down to the hollow, you know, down in the valley, where naturally you do have the wetland. We sit on a tidal basin where we are, where the waters flow up one hill and right down to the Passaic River, which is less than a mile away from us. So we are in a basin.

I think by today's standards, that Airport would never be there, because it would have been totally zoned a wetland at its conception. The wetland issue is a big economic thing with us. When the Authority planned

that Airport, they planned on the wetland supporting it, or what is being considered now the wetland. They would have liked to have put an industrial park in there. They would have liked to develop it to get the revenues from it, which would have paid for everything we have done.

Consequently, we have to go out and borrow -- floating notes, bonds. Fortunately, we have that ability. As an Authority, we can do that. The Authority itself has been supporting the Airport. With all the projects that the Authority has been doing -- floating municipal bonds and leasing programs in Essex County to municipalities -- the small service fees and interest rates that they have gotten off of that, they have thrown right back into the Airport.

We bought an Airport that was an eyesore, under standard, and we made it, probably, one of the nicest facilities in New Jersey as a general aviation airport. A lot of time and a lot of money went into it, but we still have the problems with municipalities, in particular, our host municipality, Fairfield.

Reflecting back on what Mr. Kupper said, we went through a period of six years of misery, with an administration that would not allow the Airport to do anything, fought us all the way. We have always had the contention that we were not ruled and governed by the municipality of Fairfield, but we would submit plans on everything we did to them to keep them advised and to allow them to make recommendations.

MR. McNAMARA: Do you have the authority of the county?

MR. CMIEL: That's right.

MR. McNAMARA: Do you have the authority to preempt the municipal regulations?

MR. CMIEL: The belief is that we do, but that is another litigating issue.

MR. McNAMARA: It is not acknowledged?

MR. CMIEL: Right. It becomes a litigating issue, which, again, has eaten a lot of money up. The town has felt free, at times, to come in and stop work actions on Airport projects that were going on. When you are talking about a \$500,000 project and you set a contractor down for a week, you lose the money. We have had that happen two or three times to us.

The town wants us to get all the permits from the town. They want to have total control and approval on everything we do. We felt, and at one point got an order -- a legal action, an order from the courts to have DCA step in and issue the permits for us, so we could get going.

At that point, the municipality backed down, and the permits came through. And DCA backed off. But it was a big problem. I think it was not only with our Airport, but with a lot of airports. There has to be a standard in construction. The State has a BOCA code. DCA administers that code. You know, there should be an agency--

MR. McNAMARA: The BOCA code is?

MR. CMIEL: The construction code.

MR. McNAMARA: For the record.

MR. CMIEL: Right. It should be the State taking over these permits and issuances to airports, keeping that-- I hate to use the word "political," but it does get political. You have an administration coming and they need a place to hang their hat. There is no greater place than an airport in your town to start a little bit of an uprising, to get the people going on

something, and, hopefully, to win the election. It has happened with us. We have seen it happen with us.

Fortunately, that group has now left. We have a new group in, and we have been working fairly well with that group.

MR. McNAMARA: Why does the county-- I appreciate that the county would like to have a nice relationship with the municipality, and I understand that freeholders are elected. But why does the county not assert its rights a little bit more strongly?

MR. CMIEL: We are an Improvement Authority. We are not the county.

MR. McNAMARA: But don't you have the authority of the county?

MR. CMIEL: We have the government authority, yes. This is what they are fighting right now, do we have that right.

MR. McNAMARA: It would seem that if a county authority cannot get free of the restraints of municipal impediments-- I do not mean to suggest that all municipal ordinances, regulations are impediments, or if they are impediments they are not right and proper. But it would seem that the county has the same planning boards, engineering staff and other staff -- environmental advisers, and planners available that it could counsel it as the municipality. One governmental entity should preempt the other.

MR. CMIEL: My understanding is that we are a separate entity from the county.

MR. McNAMARA: All right, so you have to operate as--

MR. CMIEL: We are similar to the New York Port Authority, the New Jersey Port Authority.

MR. McNAMARA: So you have to operate pretty much like any other corporation in the State?

MR. CMIEL: That is exactly it.

MR. McNAMARA: I see.

MR. CMIEL: So we would like to see an agency -- one agency in the State take the study of airport plans and the issuances of permits, to keep it fair and even, if anything, and not be politically influenced, you know, for one reason or another.

Taxes: We pay a municipal service fee, which we are in negotiation with the local municipality on. We felt it was too high. They felt it wasn't high enough. We have gone on for about four years, five years now without paying anything. We are finally coming down to a satisfactory judgment. We believe it will be settled within the next couple of weeks.

MR. McNAMARA: How do the taxes work for you?

MR. CMIEL: We pay a municipal service fee in lieu of taxes.

MR. McNAMARA: What is a municipal service fee?

MR. CMIEL: A municipal service fee, basically, is an assessment of the properties at the purchase. The municipal service fee is based on that. With the municipal service fee, you should be paying for your fire and police protection, and other services rendered by the municipality.

MR. McNAMARA: Is that in lieu of taxes on all the structures on that 275 acres?

MR. CMIEL: Yes, it is.

MR. McNAMARA: So if you have a tenant using a hanger on your Airport, you, of course, are responsible to pay either the taxes or the service fee with respect to that hanger.

MR. CMIEL: Which is then worked back into your--

MR. McNAMARA: The tenant would owe nothing to the municipality?

MR. CMIEL: That's right.

MR. McNAMARA: And that would be the whole story on real estate taxes?

MR. CMIEL: That's it.

MR. McNAMARA: Thank you. Thanks for answering that.

MR. CMIEL: Right. The other costs are the litigation costs, trying to defend yourself against anyone who might want to call you for some reason. We had an individual call us the other night about airplane noise at 12:30, 1:00 in the morning. We have a service that runs out of our Airport -- McDann Aviation, a charter service -- and they fly light freight at night. Their flights are scheduled, six airplanes, over about a four-hour period, starting at about 10:00 and working through until about 2:00 in the morning -- their departures.

An individual called me up and complained that the noise was irritating him. When I asked him where he lived, he said he was about a mile east of the Airport living on the side of a hill up there. I asked him when he moved there. He said, "Two years ago." I said, "Heck, we have been running the service for two and a half years, and the Airport has been here for, oh God, a lot of years. I can't really help you out too much with that. The airplanes

are not flying over your house. The airplanes have to use full power to take off. There is not much I can do.”

The answer I got back was, “Well, I will just get a bunch of my neighbors together and we’ll stop it. We’ll close you at night. We won’t let you take anything off at night.” Now, it could be talk, but action could be taken. Those actions will have to be defended. Those actions will cost money.

So there has to be some kind of a rule somewhere to protect the rights that airports have in operating. The State has to say, “It’s an airport, and that airport has the right to do what it is doing.” Municipalities should not have the right to judge aeronautical businesses that go on an airport. If it is an aeronautical business, or a support business to aviation, the airport should have the right to bring those people in, as long as they are operating under the Federal and State standards.

MR. McNAMARA: I am making notes, seriously, as you are talking.

MR. CMIEL: We are fortunate that we are a bigger Airport. We have money. It is not a lot, but we have enough to pay our way. Small airports have problems.

MR. McNAMARA: You said that Essex County would be an economically viable Airport, with the exception of your bonds. Had it not been for the determination that 80 of the 275 acres were wetlands, would you be economically viable with your bonds -- despite your bonds? Or, did you have to bond because you lost that--

MR. CMIEL: Well, we didn’t have the rents to bring in.

MR. McNAMARA: Pardon?

MR. CMIEL: We didn't have the rents to bring in, so we had to go out to the bond.

MR. McNAMARA: Now, will you be economically viable?

MR. CMIEL: Yes.

MR. McNAMARA: Will you be able to pay off your bonds through Airport revenues?

MR. CMIEL: No problem at all.

MR. McNAMARA: So as a business, you will be economically viable?

MR. CMIEL: Definitely.

MR. McNAMARA: Say, for the whole 275 less the 80 acres for wetlands.

MR. CMIEL: Right. Right now, we already have two large office buildings and a large restaurant on Airport property which pay directly to Fairfield taxes. That is the host municipality. They pay taxes directly to Fairfield and rent directly to us, which is a godsend. I mean, it just makes it on the line for us.

MR. McNAMARA: Do your customers on your Airport-- Are they primarily businesses that are utilizing those facilities? I should say, those two large office buildings.

MR. CMIEL: No, those are both under a private contractor who put those buildings up. He leased the land from the Authority.

MR. McNAMARA: Is there any association between the tenants in those buildings and the tenants on your Airport?

MR. CMIEL: Not really, not really. The restaurant, of course, everybody goes over to from the Airport.

MR. McNAMARA: Or if there is, perhaps you wouldn't know about it?

MR. CMIEL: We have a 94th Bomber Group Restaurant there, which is a 94th Aerosquadron chain.

We have three flying schools on our Airport, four maintenance FBOs on the Airport, two avionics shops on the Airport, and, as I said before, about 350 airplanes based on the Airport.

The Airport does about 220,000 movements a year, on average. We are a designated reliever. Our noise complaints come from small airplanes, not big ones, probably because it is repetitious noise.

MR. McNAMARA: Probably because of what?

MR. CMIEL: Repetitious noise. You know, if you have four or five airplanes in a traffic pattern doing touch and goes, the noise is always there. We work with the Noise Abatement Program. We set it up. We talk with the people when they call us. We call them back and give them an answer about what we have done. We check back to find out if they have any further complaints.

So, in general, it has settled down.

MR. McNAMARA: You are suggesting that when it comes to noise, the repetition of noise is more objectionable than the loudness of noise?

MR. CMIEL: Yes, that is what we find. We have had jet airplanes take off and we don't get any calls at all.

MR. McNAMARA: You have jets coming in and out?

MR. CMIEL: Yes, we do.

MR. McNAMARA: People tend to complain about noise. They do not complain about the jets, they complain about the repetition of the smaller airplanes.

MR. CMIEL: The smaller aircraft, yes.

MR. McNAMARA: At this point, are there any questions for Mr. Cmiel?

MR. CMIEL: I would like to add one thing before I leave.

MR. McNAMARA: Please do, and then I would like you to specifically address what you would like to see included in the legislation that this Legislature may adopt.

MR. CMIEL: I would like to see some protection for airports in legislation, of course, pertaining to lawsuits. I don't know how to phrase that exactly, but some protection with the legal end of it.

MR. McNAMARA: From what kind of lawsuits?

MR. CMIEL: Well, I don't know. I am not a lawyer, have never been one, and I haven't been to court too many times, so I can't really tell you. I just think there has to be maybe some kind of limits established as to what would be accepted as litigation against an airport. You know, frivolous -- you know, things, noise complaints -- people taking you in and the issuance of summonses. I don't know if that should be done, but I think there has to be some kind of a guideline in the industry or in the legal profession citing what an airport can be taken in for and what it shouldn't be taken in for.

MR. McNAMARA: Okay. Please go ahead, sir.

MR. CMIEL: The wetlands issues: If the State has deemed wetlands wetlands and these wetlands do not fall in a vital section of the Airport and its approach zones, then if these laws are not going to be changed, perhaps the State would buy those lands back. They have Green Acres funds. Maybe they could take some of those lands and keep them green.

MR. McNAMARA: So either let the Airport develop its wetlands or--

MR. CMIEL: Or relieve the Airport of that problem totally.

MR. McNAMARA: Purchase the wetlands from the Airport?

MR. CMIEL: Yes. The other thing would be to standardize, through a State agency, the permit process for construction on an airport. There again, keeping it fair, keeping it consistent.

MR. McNAMARA: When you say that-- There is a State agency that is already involved in airports. Of course, that would be the Department of Transportation.

MR. CMIEL: Either the Department of Transportation or the Department of Community Affairs -- either one.

MR. McNAMARA: Okay, pick either one, but for the time being, let's, for my example, say DOT. Would you envision that contemplating an improvement on your Airport, whether it be a runway, taxiway, hanger, terminal, whatever, anything that you would put on that 275 acres, instead of going to the local municipality, you would go to that agency -- in this case, the Department of Transportation -- make your application there, and, if the local municipality had comments to make -- and we can be sure that it would, they have their engineers who would want to review it and make their comments,

they would come, also, before the Department of Transportation, and the whole thing would be resolved before the Department of Transportation. Is that what you have in mind?

MR. CMIEL: That is what I would like to see.

MR. McNAMARA: That would include the resolution of issues pertaining to the Department of Environmental Protection and other State departments?

MR. CMIEL: I think, yes, it could all be coordinated through one office.

MR. McNAMARA: They could conduct a hearing. In fact, that is something that has been suggested to us by the League of Municipalities, because in the Kupper situation, he is on the border, he is right out on the border, and the Flying W is actually over the border. There are more than one municipality affected by the airport. What the League came in and said was that they would like to see a State agency that could oversee these kinds of applications to resolve the differences -- not just between the airport and the municipality, but between the two municipalities affected.

MR. CMIEL: I think it would take the political rhetoric out of it. You could sit down and get right to the core and the facts, and solve the problems quickly.

MR. McNAMARA: That is what you are thinking of, too, the same thing?

MR. CMIEL: Yes, very definitely.

MR. McNAMARA: Anything else?

MR. CMIEL: No, that would be about it. I think there are more people here who want to speak. I could bring a lunch bag and go through 33--

MR. McNAMARA: All right, we have kept them waiting quite long already.

MR. CMIEL: --years of it, you know, but it just seems that the impression that people have of airports in New Jersey, is that they are some kind of a hazardous nuisance. It is the airports' turn to try to change that picture. A lot of us have sat back and, you know, put up walls, but that doesn't work anymore.

MR. McNAMARA: What you are suggesting is that the perception of airports is-- The popular perception of airports is incorrect, that whenever it is, people perceive airports as being dangerous and not useful.

MR. CMIEL: Not useful and not giving anything back to the community. Certainly, we give a lot back to the community. We have airplanes coming in every day, people coming out of those airplanes, getting into taxicabs, or having someone pick them up in a limo, and going out to do business in the local area. We don't have the Fortune 500s that lay over at Teterboro, or on the other side of us in Morristown. We have the satellites, those warehousing complexes that sit in the area.

We have those people coming in every quarter of the year to do the books, to check to see how things are going, real estate people coming in to buy and build, all directly-- It is not just to a community, but it is to an area. We go to western Essex and into Passaic County. These people are coming in to spend money. People don't come in, in jets to have lunch. They come in to spend money, and a lot of money, in the area. I think the

economics have to be more impressed upon the general population as to what airports really do.

That is about all I've got, guys.

MR. McNAMARA: Thank you very much, sir, for taking the time to come in.

MR. YUDIN: John?

MR. McNAMARA: Wait for Mr. Yudin, please.

MR. YUDIN: Are you aware of any real estate agents telling people who they are involved in selling houses to that the Airport is going to close down?

MR. CMIEL: I spoke to a Mr. Gil Maulbin (phonetic spelling) -- I am going back now to a long time ago, there ought to be a law -- and I haven't heard of anybody being told that there is an Airport within five miles of your house, or there is a bus depot within five miles of your house. I have been led to believe by an individual who works for me who is in the real estate business that it was an option up until this year. For two years, it was an option. They didn't really have to say it to you. But as of this year, he said, it is a required item now. They must inform you that there is something within that five-mile radius, either an airport or some other type of industrial--

MR. YUDIN: John, that might be something that, later on, we might want to talk about relative to whatever we are going to recommend, making it mandatory within a certain geographic area, that real estate agents have to tell people they are selling homes to that there is an airport.

MR. McNAMARA: There is a law on the statutes now that requires them to, yes. It is a recent law.

MR. CMIEL: Yes, I think there is one on the books now. I think it just came in this year that it is now mandatory that they tell you. It was an option item for two years, and now it is in there for real.

MR. ENGLE: It is in the safety act, and I think it is three miles.

MR. YUDIN: Do you know, are they required to tell them verbally, or is it like the sale of a car where you sign about how many miles are on the car? Is there a form that you have to sign acknowledging that you have been told?

MR. ENGLE: No, I think it is mandatory on the part of the real estate agent. It is not transferred to the property buyer. The only thing it does is mention the need. The real estate agent must tell someone buying a house that it is within three miles of an airport -- that they are located near an airport.

MR. YUDIN: Well, maybe we want to look at it -- talk about this later, about the methodology that is used, and whether we should recommend that a form be signed by the purchaser acknowledging that he has been told by the real estate agent that there is an airport nearby.

MR. CMIEL: I think that would be a very good idea, so you would have a document on file.

MR. ENGLE: We can talk about this when we get into the conference, Jack. What I would like to determine is what is the affected area.

MR. McNAMARA: Right. I believe it was originally proposed that that notice would be on the record of the real estate. That, of course, would be a perfect notice. It would always be on the record. I think the Legislature backed off from that for some reason. They put an (indiscernible)

on the real estate broker to give notice to the prospective purchaser that the property was within a specified distance from the airport.

MR. CMIEL: We have had a lot of people call us up and say, "Well, nobody really told us that you were a busy Airport. They told us you were just a little small Airport on the other side of the hill." You know, when a person buys a \$400,000 town house on the other side of the hill, and he sees the final approach to one of the runways on a busy day over the top, he gets a little concerned. But in that case, we had sent the developer a letter directly informing him that that runway was a runway for the Airport -- it was active for the Airport -- and that they could expect more traffic on that runway in the future.

MR. McNAMARA: Just before you leave, sir, I think you might be interested to know about a case that I am aware of which was tried in California. In the City of Van Nuys, California, an airport was operating whose aircraft operations were at night. They sought to regulate the airport with a municipal regulation, proscribing those operations. That case went to the Supreme Court, and the Supreme Court ruled that they did not have the authority to rule when aircraft could be operated on airports, that authority belonged to the Federal Aviation Administration. That Administration and its regulations preempted the city or the state laws of that area.

Thank you, sir, for coming, and thank you for your comments and thoughts.

MR. CMIEL: My pleasure. I appreciate your asking me to come down. Thank you.

MR. McNAMARA: Is Ed Wood here, from the Ocean City Airport? (no response)

Mary Ann Worth, who is here representing the Red Lion Airport.  
Ms. Worth, are you the owner of Red Lion?

**MARY ANN WORTH:** No, I am the Manager of Red Lion.

MR. McNAMARA: The Manager of Red Lion.

Do you swear that the testimony you are about to give is true, according to the laws of perjury in the State of New Jersey?

MS. WORTH: Yes, I do.

MR. McNAMARA: Thank you.

Do you have someone here with you? Oh, no, I see, that is another airport altogether.

Please proceed.

MS. WORTH: For the past 20 years, I have been, basically, in the same area. I started in 1976 managing, or working at the Burlington County Airport, then the Flying W Airport, then the Red Lion Airport, then South Jersey Regional, and now back at Red Lion. So I have kind of an insight as to how those three airports have all progressed over the years.

MR. McNAMARA: Have you been the manager at the airports in each instance?

MS. WORTH: Yes, sir.

MR. McNAMARA: So for the past 20 years, you have been the manager of one or the other airport down in that area?

MS. WORTH: Yes.

MR. McNAMARA: Thank you. Please go ahead.

MS. WORTH: When Suzanne called me and asked me to come down here, she said you were interested in stopping the trend of general aviation airports closing within this State. We all want that to happen. I believe the most important thing we can do is to educate the community.

Aviation is an industry that doesn't make sense to a lot of people. How can you put an airplane, or a helicopter and suspend it in air? There is nothing holding it. It is something to be afraid of. It is going to come down and hurt someone.

We do not get good publicity about the thousands of flights that take off and land every day. We get bad publicity on the one or two in a month that might have a problem. We have to spread positive feelings to everyone, starting with the small airport. Of the gentlemen who have been here this morning, I am probably involved, right now, with the smallest Airport of the four.

MR. McNAMARA: What are the runways at your Airport?

MS. WORTH: I have 5 at 23 and it is 2843 feet long. Thanks to the State and the funding projects they have, it was widened at 50 feet about 7 years ago. Before that, it was 43. The taxiway was waived because it was too close to the runway when they widened the runway. Because of the wetlands, fog is a word that is synonymous with general aviation airports. Why? It was mentioned before. If the land was of use to anyone else, it would have been used. So put a farm on it, and the farms turn into airports. There is fog around the airports all the time, because we are the wetlands.

Until the 1960s, there really wasn't an economically feasible way of draining these properties. Now the reliever airports can get funding from

the Federal government for drainage projects. We can get partial funding from the State, but it is so expensive to dig a pond, or a retention, detention basin, whatever they are calling them these days, to alleviate and drain some of the areas.

Are you looking for Red Lion? (Chairman consulting map)

MR. McNAMARA: Yes.

MS. WORTH: It's at 206 and 70. Are you familiar with that area?

MR. McNAMARA: I'll find it. I have landed there, but I have never driven there.

MS. WORTH: It is out of the way, let's put it that way.

We have to get a positive attitude to the public. We have to educate them. Preschoolers are not too young to start. They are always looking for a place to go when they are in school. Let them come out to the Airport. Let them touch, let them feel. You can involve these children all the way up to residents of a nursing home. Any child in preschool, three or four years old, has probably ridden a tricycle. What kind of a gear do we have on an airplane? It is a tricycle gear. Then you ask them to observe. You can run your own little Sesame Street. What is different about this airplane from this one? Well, this one has a wheel in the back.

One of the things that I tell the kids when they come out to the Airport is, when you come home from school, your puppy comes to the door to greet you. And what does he do? Well, he wags his tail because he's happy. So we go to the rudder of the airplane and we wag it. Then we make pretend airplanes. This is how you direct the airplane through the sky. We do the

same thing with the wings. We call the nose of the airplane the nose, just like the nose on a puppy, the tricycle gear-- You can identify aviation with children.

You go through speaking at church groups, Rotary Clubs, whatever you can to spread positive publicity about the Airport. Make them feel that we are there to help them. We are there to help them.

If you have a township, or a municipality that is not favorable toward you, sneak around to the backdoor. Something has happened in the township, so you write a letter to the editor of the newspaper or a letter to the town council saying, "You did such a wonderful job of plowing the snow on the streets in the town this year. We really appreciate it."

We had a medevac flight come in. We had an important person come in. A relative came in who had to get to Deborah Hospital -- we are near Deborah Hospital -- to visit someone who was critically ill. Make it a positive response to the township, and do it in writing if you can't just go up and have a good relationship with them.

Offer your airplanes. Someone out there is always willing, for no reason, to go up and take a flight. Say to the mayor, "Would you like to go up and see what your township looks like from the sky? Would you like to see the surrounding area? Would you like to see the proximity of this mall, or the new building site?" Or if a child is lost, a piece of equipment, say, "Come over to the airport. We would love to take you up." You don't want to make a habit of it, but you won't. This is an invitation for them to come to the airport for a positive experience.

Go to the real estate agencies -- how about the John James Agency? -- and say, "John, why don't you and one of your agents come with me. We will take you for a ride in an airplane and show you the housing developments you're selling from the air. We will show you the congested traffic here, or the uncongested roads there, how close it is, the more direct route to 295, the Turnpike, the Garden State Parkway," whatever. Involve them in a positive aspect.

Going on with the trend of education, promotion of aviation to the youth, it is being handled very well by the EAA and the Young Eagles Program. There are very few people-- Even if I, as a parent, am afraid to try something, if your child shows an interest in it, you see a poster in the grocery store, "Young Eagle flights, Red Lion Airport, Sunday, March 17," with a picture of an airplane, even if the kid can't read, but says, "I want to go to the airport," you go out there.

You watch. You see that those people actually eat, talk, breathe, sit in chairs. There is no mystique to the people. You go out, you touch the airplane. You let them sit in it. You explain to them how it works. They send their child up, the child gets excited, and now the child wants to come back. Most of us have had children. We know what it is to be nagged about something. "I want to go back to the airport." That is a positive experience. The child is directing the parents. The father says, "Well, I have to go here. Maybe I'll take a flight."

I just started at Red Lion again in July. It had poor management and was not doing well at all. So I was trying to figure out ways to bring the public out there. I did a Christmas light tour from the air. I did it in the dark.

I started it about the week after Thanksgiving and ran it through until New Year's.

MR. McNAMARA: What is that?

MS. WORTH: Twenty-five dollars -- I'm sorry, \$35. It is a sight-seeing ride. You can go to almost any airport and get a sight-seeing ride for \$35, in a four-place aircraft. The pilot and three passengers. So I advertised, "Christmas light tour from the air, a half-hour flight in our area." We went around the Cherry Hill Mall. We went around-- Mount Laurel has a lot of lights. We looked at the Christmas lights on the houses. I had people who didn't want to go, who were thrilled when they came back. They were very happy.

So, for Valentine's Day, I said, "Hey, this Christmas thing worked really well." So we had a \$35 sight-seeing ride that we just gave a special name to. People didn't know you could come out and do it. The man who owns Red Lion Airport also owns a restaurant out on 206. So I combined the two. I gave the ladies balloons at the Airport -- and a dinner for two, including all the trimmings -- champagne, flower, dessert, the whole thing like that, which he was charging, for walk-ins, \$25.

Now, I taught math in New York City in a ghetto. So a \$35 sight-seeing ride and a \$25 dinner came to \$75 for me. I sold 20 of them. It paid for the advertising. Now, people were not sure-- You know, I wasn't gypping the public, please don't think that. It was a promotion. I paid for the advertising. We brought people into the Airport. We had repeat customers from the Christmas ride. We had one group of people who booked an entire

night, had one right after the other, they were so excited when they came down.

This is what we have to do. We can't sit back and say, "Oh, poor me. I am in general aviation and nobody cares about me." You're right, the general public doesn't care. They don't know. Educate them.

There are lots of jobs in aviation. When the general public thinks about aviation, they think of an airline pilot. I don't know if they even liken a stewardess to having a career in aviation. But think. Kids run around with Superman capes on. Girls want to be -- I'm old here, okay? -- Wonder Woman, that kind of thing. Get a job that makes you a hero. Get into aviation. The State Medevac Program -- which is a little side thing I want to talk about in a minute -- they are State troopers. They are in law enforcement, but they are also pilots. The State Police celebrated 25 years of their Helicopter Bureau last year, without a reportable incident. That is something to be proud of. They are flying medevac, they fly search and rescue, they fly river patrol, looking for spills. Just last week, they flew looking for bald eagles' nests. This is aviation. These people are troopers and pilots.

Do you want to be a fireman? What do you think of? You think of a red truck. What about the helicopters and the airplanes that saved our Pinelands last year -- the State agency, the State Forest Fire Agency? Where would they be without general aviation airports? They position themselves throughout the State. We have one at Red Lion. They keep, I believe, two airplanes there -- the State Forest Fire -- and the airplanes are from Vineland/Downstown.

MR. McNAMARA: May I ask a question?

MS. WORTH: Yes, sir.

MR. McNAMARA: When you say that the State Police have flown for 25 years without a reportable incident, are you referring to reportable under Section 830 of the National Transportation and Safety Board Regulations?

MS. WORTH: I am talking about the FAA. I don't know about the NTSB.

MR. McNAMARA: An accident or an incident that would be reportable to the FAA or the NTSB?

MS. WORTH: That is correct.

MR. McNAMARA: During the past 25 years, have the states been subject to that regulation, or is that just a recent change in the regulation?

MS. WORTH: I am not sure I understand what you're saying. They are guided by the FARs.

MR. ENGLE: They are subject to the FARs, the same as any other aircraft pilot.

MR. McNAMARA: I thought the Federal government and the state governments could operate aircraft outside the guidelines.

MS. WORTH: It is their choice. You're talking about-- I have a friend with Customs--

MR. McNAMARA: But that aside -- that is just a matter of semantics -- even if they-- Assuming they were, whether they were or not -- assuming that they were, they would have had no reportable incident, not accident, but incident, which you say is--

MS. WORTH: Lesser than an accident.

MR. McNAMARA: --even a higher standard?

MS. WORTH: Yes.

MR. McNAMARA: Excuse me for interrupting. I just wanted to clarify the point.

MS. WORTH: That's fine.

I have done some work with these people, as long as we are on that subject, okay? In 1987, I was taking my daughter to the eye doctor. Some young man blew a stop sign, and we had a major accident. My daughter was killed, and I was severely injured, which is why I was standing back there, because I can't sit for too long.

My daughter was killed instantly. There was nothing that could be done. But shortly after that, the State developed their medevac program, which is known as "JEMSTAR" -- Jersey Emergency Medical Shock Trauma Air Rescue. About three or four years ago, our former Governor decided that it should become private, that the State should not have it. I don't think that is the way it should be and, as you can tell by my sitting here, I have a big mouth and I speak my opinion.

So I personally took on that fight. There is nothing wrong with privatization, but in medevac flying, which is a high anxiety type flying-- In this State, we use S76B Sikorskis. They are no more than 18 minutes from the farthest point in the State to a trauma center, for a patient. Are you familiar with the "golden hour"? Kind of your body determines itself whether it wants to live or not after the immediate trauma in that golden hour.

The State Police are getting paid by the State Police. Their flight pay -- their incentive to fly, and I know this, because I have won them in a

poker game -- is \$43 every two weeks, or that is what it was about four or five years ago.

MR. McNAMARA: In other words, the premium paid to a State policeman for operating a S76B Sikorski--

MS. WORTH: Or VEs, or any helicopter.

MR. McNAMARA: --is roughly \$21.50 a week. So your point is that it is insignificant, the additional pay that a State policeman receives for this duty?

MS. WORTH: It is insignificant. Is that what you said?

MR. McNAMARA: Yes.

MS. WORTH: Yes. The reason I feel the State Police should be flying these instead of private individuals, is that the State Police get paid whether they fly or not. If they are down for weather -- as we all know we have been this winter -- they are getting paid anyway.

Now, you take a private company -- private medevac company -- the pilots want to fly, because they are not getting paid unless they fly, or they are getting a stipend, and they are not getting the premium unless they fly. Most of the flights you find that are medevac helicopters are-- (remainder of sentence indiscernible; phone ringing loudly) That is typical flight, sometimes even less than that.

MR. McNAMARA: Please, Ms. Worth, don't continue testifying until after my phone-- We can't get your comments when--

MS. WORTH: I'm sorry.

A standard medevac flight would be 0.7, somewhere between 0.3 and 0.7. You are not going to find someone who gets into flying medevac to

build hours, because it is virtually impossible. The State Police have safety standards, the FR minimums, even though the ships and the pilots are instrument rated. This is for the safety of the people they are transporting. Why take a bad situation and turn it worse?

The nurses and the medics who are inside that helicopter are also employed in the aviation industry. They must carry a second-class medical. The corporate aircraft that have caterers on board, whoever is serving the food, has to carry a second-class medical. The nurses and the medics have altitude training. The other ones have-- The caterers have a special little course in what will -- it is a different atmosphere, you know, inside the airplane -- still look nice and give a good presentation to the people on board the aircraft.

So there are many different ways of employing people in aviation. When someone comes to you, don't just say, "an airline pilot." That is what the general public thinks. This morning on the "Today" show, there was an 18-year-old boy in Florida who won, I think it was third place. He developed -- now, I can't remember what it was-- He had a sender and a receiver on a wing, and it has to do with deicing aircraft. Who knows how he got involved in aviation. But when you can get someone, involve them, give them the positive aspects, take them under your wing, give them the chance that you wish someone had given you when you were a kid--

Getting back to the JEMSTAR thing, they are running out of money. There should be a bell. Do you know how they are funded? Do you know about the program?

MR. McNAMARA: Well, no. May I call to your attention the fact that this Commission isn't authorized to make a recommendation about the State Police and medevac services.

MS. WORTH: Okay.

MR. McNAMARA: We are more concerned about your comments on airports and what can be done to help airports.

May I ask a question just to clarify the record, because I missed it in the beginning? You are now with Red Lion Airport. Formerly, you were with what airports?

MS. WORTH: From 1976 to 1982, I was with Burlington County. In December of 1983, I reopened the Flying W after it had been closed for 13 years, and I was there until 1987. From 1987 to 1988, I was at Red Lion. In 1988, I went back to South Jersey Regional, which used to be Burlington County. I left there in July of 1995, and went back to Red Lion.

MR. McNAMARA: Now, those three airports are in very close proximity to one another in that area of New Jersey.

MS. WORTH: Within seven miles.

MR. McNAMARA: Within seven miles. One question that would naturally be asked is: Is there a need for all three of those airports in that area?

MS. WORTH: I believe there is.

MR. McNAMARA: What would justify three airports, you know, within seven miles?

MS. WORTH: Let's start with the largest one, South Jersey Regional, okay? It is the designated reliever.

MR. McNAMARA: South Jersey Regional is the designated reliever?

MS. WORTH: Yes.

MR. McNAMARA: Okay.

MS. WORTH: It has an east/west, currently 4000-foot runway that the owner is planning to develop to 5500 with an ILS. He has the Federal funding. He has done the drainage project I was talking about before. There is an (indiscernible) on the field. He basically is building the Airport toward a commuter/corporate type facility.

A mile and a half from the center line of that Airport is the Flying W. It has a north/south runway. It is 60 feet wide by 3500 feet long. It has a whole different atmosphere. There is a charisma around that Airport. As Mr. Lagocki said, the barn is a pegged barn. It is still standing. There is a swimming pool in the shape of an airplane, which is a tremendous liability. There is, I believe, a volleyball court, the restaurant, the banquet facilities, the bar. At the south end of the field, on the other side of the creek, there is a riding stable, which is inactive at this time. It was the dude ranch concession. It is where Piper introduced the Cruiser in the 1960s.

It has a lot of history, as does any airport. It is more of a--

MR. McNAMARA: Piper introduced the what, the Cruiser?

MS. WORTH: The Cruiser.

MR. McNAMARA: What PA?

MS. WORTH: One forty.

MR. McNAMARA: PA of 140?

MS. WORTH: Yes.

MR. LAWRENCE: PA of 128.

MR. McNAMARA: One twenty eight?

MS. WORTH: PA 28-140.

MR. LAWRENCE: PA 28-140. Sorry.

MS. WORTH: It's a Cherokee. But the Cruiser had -- I think it was a smaller cockpit in the beginning, or something like that. It was the forerunner of the Cherokee, which was the forerunner of the Warrior, and all that. Okay?

I don't think -- I am not there anymore, it's Mr. Lagocki and Mr. Cave -- that Airport can be extended. It does not have the potential that the South Jersey Regional has. It can be better developed, with more "T" hangers, and so on, but I don't think the runway can be extended.

Now we go over to Red Lion. It is seven miles from that center line. I, too, have an east/west runway. There are 93 acres on the Airport, most of which is under water, shall we say? It needs some developing. Nothing has been done to it. When they paved the runway, that was a big deal. Most of the other work has been done by the people at the Airport.

Around 1980, when State funding became available, people were hesitant to go for it, but they have. We have received it. Red Lion has received minimum intensity runway lighting and a remote control.

MR. McNAMARA: Why were people hesitant to go for State assistance in airport development in 1980?

MS. WORTH: Because they felt there was a catch to it. I was with Phil at the time. We were proponents of that bill. We wrote that bill. We saw that it got passed. When we were spending time -- Phil and some

other people were up North, and I and some other people were down South-- We called the old-time airport operators, as Charlie said before. They would rather stand and talk to you about this bolt than sell an airplane. You take Albion with the Kleinbergs. They did it all. They cleaned the bathrooms, did the flight instruction, did the charter operation, maintained the Airport, cut the grass, plowed the snow. Something was lost through the years of development.

Rudy Chalow-- At Rudy's field, he could have taken advantage of the State program, but he kept saying to me, "Mary Ann, there's a catch. They want something from me." I kept saying, "No, Rudy." At the time, we started out with a \$5000 outright grant -- \$5000. "You have to use it on the Airport. You can't take it home. You have to use it to improve your Airport."

MR. McNAMARA: Wasn't there a program where they had that \$5000 outright grant, and then they had low-cost interest loans?

MS. WORTH: Well, what happened in the beginning was, people were not taking advantage of the grants, and the money was building up. Then they started the low-cost interest loans. Now, the grants are up to \$50,000 a year. You can draw back a year if you didn't use it, or pull forward a year. So, essentially, you would get \$100,000, which, then, can do something for your runway. Fifty thousand couldn't, and \$5000 certainly couldn't. It is hard to do a project on an airport for less than \$30,000 -- anything.

We need tax relief, so that we do not have to spend-- The money we spend in taxes-- The Flying W: Mr. Lagocki pays, if I recall from when I was there, somewhere around \$60,000 a year between the two airports, and it has probably gone up. South Jersey Regional just bought an additional 790

acres, so they can extend the runway and put an ILS in. Can you imagine what those property taxes are?

MR. McNAMARA: What are they?

MS. WORTH: I don't know. I haven't been involved there with that. But they have to be--

MR. McNAMARA: I just have to point something out: We can't imagine anything. We have to rely on you to give us the facts.

MS. WORTH: In the late 1970s, early 1980s, they were \$40,000 a year on 120 acres, when I was there. What they are since then I don't know, but that was 16 years ago, so they have gone up, as has everything else.

We are providing on our Airport a public road for the aviation people. That is what that runway is. They come in, they use it. It is nonrevenue producing. I can charge you a landing fee, sure, but with Len -- who's gone -- seven miles from me -- oh, okey, there he is (referring to Mr. Lagocki) -- they will say, "We will go over to the Flying W." If he says he wants to charge a landing fee, they go to South Jersey. We can't do that.

Now, you take a small town road, one that goes into a development, or whatever, it is not revenue producing, but when it gets a pothole, who fixes it? The taxes we pay. Now, if we can't benefit from the real estate taxes, why should we pay the same rate as the people who do benefit from them? We are not-- He has 175 acres. We have 93 acres. We are not using the schools. Let's say, hypothetically, that there are 50 houses on my 93 acres, with an average family, if it is still 2.5 children apiece, there is 2.5 times 50. That would be over 100 kids who would be going to school. Nobody is going to school from the Airport.

MR. McNAMARA: Your point being that if the Airport is lost to development, the cost to the community will be enormously greater than the costs to the community in its present form?

MS. WORTH: Absolutely. Because we are an Airport, we do not qualify for township trash collection. We have to have a dumpster. We are not using the same amount of sewage. We don't have county sewage, we don't have county water, but other airports do.

MR. McNAMARA: Sewage, water, I presume fire and police protection, roads service-- The roads that would service 100 units, or 50 units on your-- Did you say 50 units on 100 acres?

MS. WORTH: If you are looking at two acres per house, we have approximately 93 acres.

MR. McNAMARA: Plus the children in the schools.

MS. WORTH: Exactly. The traffic on the roads, the wear on the roads, which brings me to another point, which will be my final point, and I'll bet you guys are happy, that is, the permitting. It has been discussed before. I believe the Division of Aeronautics within the Department of Transportation should do the permitting for on-site building.

I have some people who started in November of 1994 to build a private 100- by 120-foot hanger. It is still not up. The township--

MR. McNAMARA: In 1994, you said?

MS. WORTH: Yes, November of 1994. I don't know what his legal bill-- I asked him to come with me today.

MR. McNAMARA: Has it been approved?

MS. WORTH: Finally.

MR. McNAMARA: When?

MS. WORTH: Just before the first snowstorm this year.

MR. McNAMARA: So it took a year to get the permit for it?

MS. WORTH: Right. As I said, we are the smallest--

MR. McNAMARA: That is a permit to build a hanger, a small hanger on an airport?

MS. WORTH: Noncommercial.

MR. McNAMARA: On an airport?

MS. WORTH: Yes, not seen from the road.

MR. McNAMARA: This is at Red Lion?

MS. WORTH: South Hampton Township.

MR. McNAMARA: Has South Hampton Township adopted the Airport Zoning Act?

MS. WORTH: I don't know. I know Lumberton has not.

MR. McNAMARA: Okay.

MS. WORTH: I spent more time in Lumberton.

MR. McNAMARA: Presumably, under that Act and an ordinance adopted in accordance with the provisions in that Act, that permit would be issued with greater facility.

MS. WORTH: Okay. The County Planning Board made us pave a spot adjoining the county road, 20 feet deep by 60 feet wide, which leads onto a dirt parking lot that is about an acre big. Why? It is not a deceleration lane. It serves, basically, no purpose. But they made us because they could make us. We went to appeal on it. It doesn't seem like a lot of money, but it is a lot of money. It's \$2000. That is what it cost us to do that. That \$2000

could go a long way, if we didn't have to put -- as I call it -- a postage stamp piece of asphalt there.

The people with the Division of Aeronautics -- and I have been familiar with them since 1967, my husband works for them-- At one time, they had a large group. Maybe it was a little too large, but they had engineers -- this is when they started doing the economic impact studies. Did I say that in 1980, when Arlene Feldman was in charge of the Division of Aeronautics and we started coming out of the flapper area of the 1920s and being proud of our industry and making the communities aware of us, that aviation was second only to the petrochemical industry within this State?

MR. McNAMARA: In what regard?

MS. WORTH: Dollars earned and dollars spent within this State. There was an economic impact survey dated about 1980 -- 1979 or 1980 -- and it showed that more money was brought into this State and spent within this State through the general aviation industry.

What happened? Arlene moved on. We did not have strong leadership until now. The first day that Jack Penn was Executive Director of Aeronautics, he made it a Division again, not a bureau. He gave it some strength. He has been helping the people at the small airports. We need the help; we need the tax relief; we need the education.

MR. McNAMARA: Thank you.

Are there questions for Ms. Worth? (no response)

Thank you very much for coming here and giving us your thoughts and comments.

Is there any other airport owner or representative in the room today? (no response) Is there anyone else who would like to come before this Commission today? (no response)

Are there other comments from my fellow Commissioners? (no response) We are going to meet again tomorrow, at basically the same time and place, at 10:30 a.m.

MR. YUDIN: Is there a new agenda, Jack?

MR. McNAMARA: Did you not receive the fax?

MR. ENGLE: I got it.

MR. McNAMARA: I have 777-3106 as your fax number.

MR. YUDIN: It sounds right. Let's see. That's right.

MR. WHITE: Excuse me, Mr. Chairman.

MR. McNAMARA: Yes?

MR. WHITE: Should this portion be left out of the record?

MR. McNAMARA: We will adjourn in just a second.

MR. YUDIN: I have gotten other faxes from you, but I didn't get this one.

MR. McNAMARA: Okay. I will give you a copy of it, Bob. Will you be here tomorrow?

MR. YUDIN: Yes. We are not meeting this afternoon, then?

MR. McNAMARA: We will not meet this afternoon. We are not scheduled to meet tomorrow afternoon either.

With that, gentlemen, we stand adjourned.

**(MEETING CONCLUDED)**