

Warren County Board of Supervisors

RESOLUTION NO. 482 OF 2018

RESOLUTION INTRODUCED BY SUPERVISORS DIAMOND, BEATY, LEGGETT, LOEB, GERAGHTY, STROUGH, SIMPSON, FRASIER, WILD, MCDEVITT AND SOKOL

**AUTHORIZING AIRPORT REAL PROPERTY LEASE AGREEMENT
WITH SCHERMERHORN AVIATION II, INC. (“RICH AIR”) TO PROVIDE
FULL AND LIMITED FIXED BASE OPERATOR (FBO) SERVICES AT THE
WARREN COUNTY (FLOYD BENNETT MEMORIAL) AIRPORT**

WHEREAS, pursuant to Resolution No. 436 of 2018 the Warren County Board of Supervisors determined that it would be appropriate to consider a Fixed Base Operator (FBO) Lease Agreement with Schermerhorn Aviation II, Inc. (“Rich Air”) at the Warren County (Floyd Bennett Memorial) Airport, Warren County, New York, for a term commencing on January 1, 2019, and

WHEREAS, the ground lease agreement for Fixed Base Operator (FBO) Services at the Warren County (Floyd Bennett Memorial) Airport with Schermerhorn Aviation II, Inc. is proposed to provide, among other things:

1. Ground lease space of approximately seven thousand four hundred (7,400) square feet for the aircraft maintenance hangar and approximately twelve thousand (12,000) square feet for the aircraft storage hangar; a five (5) bay vehicle garage. The base annual rent for real property leased is Twenty-Five Thousand Dollars (\$25,000) payable at the rate of Two Thousand Eighty-Three Dollars and Thirty-Three Cents (\$2,083.33) per month for eleven (11) months and one (1) payment of Two Thousand Eighty-Three Dollars and Thirty-Seven Cents (\$2,083.37). Rent will be adjusted annually using the Consumer Price Index (“C.P.I.”) from the previous year; in the event of deflation of C.P.I., no adjustment will be made, and
2. An additional fee for fuel flowage in an amount equal to Twenty Cents (.20) for each gallon of fuel pumped, and

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3. Lessee guarantees that the minimum annual payment to the Lessor for base rental and additional rental shall not be less than Sixty Thousand Dollars (\$60,000) per calendar year, and
4. the term of the lease agreement is to commence on January 1, 2019 and terminate on December 31, 2028 pursuant to General Municipal Law §352; and
5. the Lease may be renewed for an additional ten (10) year term, upon the same terms and conditions, so long as the FBO is performing up to the standards of services included in this section with no letters from the Airport Manager documenting any failures of the FBO to perform up to these standards, and

WHEREAS, the proposed lease with Schermerhorn Aviation II, Inc. shall also contain a number of other terms and provisions, and

WHEREAS, the Board of Supervisors adopted Resolution No. 436 of 2018 on November 16, 2018, authorizing a public hearing to be held by the Board of Supervisors on the 21st day of December, 2018, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed FBO lease agreement, and notice of such public hearing was duly published as required by law, and said public hearing was held on this date and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the proposed FBO Lease Agreement with Schermerhorn Aviation II, Inc. ("Rich Air") as outlined herein, and be it further

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute said lease agreement upon the terms and conditions as described in the preambles of this resolution, in a form approved by the County Attorney, and be it further

RESOLVED, that the officers of Warren County are hereby authorized to make such minor non-substantive modifications as may be necessary to the lease agreements and are directed to execute and

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deliver such other documents and to take such other action that may be necessary or appropriate in order to effectuate the execution of the documents described above and consummation of the transactions described in the foregoing recitals, including, without limitation, the furnishing of such certificates, agreements and other documents that may be required by the Federal Aviation Administration.