

MINUTES
REPUBLIC AIRPORT COMMISSION (RAC) MEETING
7150 REPUBLIC AIRPORT, ROOM 201
EAST FARMINGDALE, NEW YORK
JUNE 10, 2025

The meeting was called to order by Commission Chairman Robert Bodenmiller at 7:01p.m. Vice-Chairman Vincent Bologna, Jr. and Commission Members Stella Barbera and Richard Grant were present.

I. ANNOUNCEMENTS

Chairman Bodenmiller began the meeting by stating he hopes to answer all of the communities' questions about RetrievalAir and put everyone's mind at ease. Airport Director Anthony Ceglie said the Airport did not hear from RetrievalAir until after News12 reported it. We reached out to Fixed Based Operators and found that one had preliminary discussions with RetrievalAir, but nothing was concrete. On May 13th, we contacted RetrievalAir who said they were considering operating at the Airport and asked what they needed to do.

Mr. Ceglie said when RetrievalAir first appeared on News 12, they were likely conducting market research. They got some publicity to determine if there was interest in their proposed operation. They contacted the Airport about one week before their planned start date. The Airport reviewed FAA and Airport requirements and determined RetrievalAir completed all the required forms to begin operations. The Airport also reached out to the US Department of Transportation (USDOT) to verify RetrievalAir had a valid DOT 380 certificate which was confirmed and a copy of submitted prospectus was provided to the Airport. The Airport also checked with FAA's Flight Standards District Office (FSDO) who confirmed there were no restrictions to operate.

Mr. Ceglie said that with the communities' concerns, the Airport wanted to ensure that all information was properly submitted. Republic is a FAR Part 139 airport that accepts Federal grants and required to be open to all types and classes of aircraft operations. The Airport reviewed insurance and other information submitted and found it to be in order. RetrievalAir and their operator were issued a Commercial Operating Permit (COP) and began service on May 22nd. They are following all rules and regulations of the Federal government and the Airport. They are using a 30-passenger ERJ 135 aircraft, which are smaller than many charter aircraft operating here and similar to aircraft used for the Atlantic City flights that have been coming here for years.

Chairman Bodenmiller added that the FBO tenant is not in violation of their contract with the State by allowing them to operate out of that facility. The Airport has no ability to stop RetrievalAir from operating. The Republic Airport Commission has absolutely no authority to stop anything. All we can do is make recommendations, express our concerns, and the concerns of the community. We still want to hear everyone's comments.

On another topic, Mr. Ceglie announced that the American Airpower Museum would be offering a flight experience on a C-47 WWII vintage aircraft on June 21st, July 5th, July 19th, August 16th, and August 30th and to visit their website for more information.

II. ADOPTION OF THE MINUTES FROM APRIL 2025

Commission members voted unanimously to adopt the minutes.

III. CHANGES AND/OR ADOPTION OF AGENDA

No changes.

IV. REPORTS, RESOLUTIONS, & OTHER BUSINESS

A. REPORTS

1. OPERATIONS, AIRCRAFT COMPLAINTS, and FINANCIAL REPORTS FOR MARCH and APRIL 2025

Mr. Lauth discussed the Operations Reports:

- March's Total Operations reported by FAA increased 19.7% from the same month last year, and Landings increased by 9.3%. Touch and Go's were up 5.0% and enplaned passengers were down 59.1%. Based aircraft fell 4.2%.
- April's Total Operations reported by FAA increased 8.8% from the same month last year and Landings increased 3.8%. Touch & Go's increased 1.3%. Enplaned passenger volume was zero due to Ultimate Jet ceasing operations at the Main Terminal. Based aircraft fell 0.9%.

Mr. Lauth discussed the Aircraft Complaint Reports:

- In March, 46 complaints were filed, compared to 11 complaints last year. Nineteen complaints related to nighttime operations and 8 to daytime. Most complaints came from areas west and northwest of the Airport. Nineteen complaints could not be identified by runway and were reported as 'Unknown', however 12 complaints were related to arrivals on Runway 14 and 8 to Touch and Go's. Fourteen of the 46 complaints related to Based aircraft, 13 to Transients, and 19 were reported as 'Unknown'.
- In April, 37 complaints were filed, compared to 20 complaints last year. Thirteen complaints related to nighttime operations and 6 to daytime. Most complaints came from areas west and southeast of the Airport. The majority of complaints could not be identified by runway and were reported as 'Unknown', however 10 complaints were related to departures on Runway 32 and 5 to Touch and Go's. Ten of the 37 complaints related to Based aircraft, 9 to Transients, and 18 were reported as 'Unknown'.

Mr. Lauth discussed the Financial Reports:

- March Revenue on an Accrual Basis was favorable and exceeded expenses overall. Fees for Fuel Flowage, Landings, Licenses, and Miscellaneous Income were all favorable. March Expenses were mostly favorable. Communications and Utilities Expenses were unfavorable due to the purchase of radios and utility consumption being higher than anticipated. Mr. Ceglie added that Actual Revenue exceeded Actual Expenses by \$67,165.35, and revenue has exceeded expenses for the year overall.
- April Revenue was also favorable on an Accrual Basis. We received a Concession Fee from the Hotels. Expenses were favorable overall. Actual Revenue exceeded Actual Expenses by \$346,995.98.

2. RECENT / CURRENT EVENTS

Mr. Lauth reported the following:

- 2025 Air Show:** The Air Show was an overall success. Some of the performers, including a B-29 Superfortress, were based at the Airport. Chairman Bodenmiller asked if the 2026 Air Show would be held on July 4th weekend. Mr. Lauth said it is a good possibility, to mark the 250th anniversary of the Declaration of Independence. Chairman Bodenmiller said it is very impressive that they would want to hold the Air Show in our area to mark the event.
- RetrievAir:** Already discussed.
- Atlantic City Flights:** Ultimate Jet ceased operations so there have been no flights to Atlantic City from the Main Terminal for over a month. Mr. Ceglie added that Ultimate Jet filed Chapter 11 Bankruptcy and Caesars has contracted with a new operator, SkyWest. They have started operating on a very limited basis.

- d. **AAM Commemorates D-Day & End of WWII 80th Anniversary:** Already announced.
- e. **Modern Film Shoot:** A movie called “The Beauty” filmed at Hangars 81 and 86.

OTHER NEW YORK STATE DEPARTMENT OF TRANSPORTATION BUSINESS

Mr. Ceglie reported the following:

1. **Stratosphere 5-Parcel Development Project:** NYSDOT gave the approval to begin the roadway realignments at Parcels A and B. A pre-construction meeting will be held on June 24th. We anticipate construction will start in July.

Commission Member Stella Barbera asked if a representative from Stratosphere will be available to share the information with the Working Group for the Commission members. Mr. Ceglie responded that he was referring to construction of the roadways which was already reviewed by the Working Group. Once plans for the building’s construction are received, the Working Group will have an opportunity to review those plans as well.

2. **Runway 1/19 Pavement Resurfacing Project:** Bids were received for the project and were very favorable. The engineer’s estimate was about \$10 million and the low bid from a local contractor, JD Posillico, was about \$6 million. The FAA approved the bid but the State is still waiting for the FAA grant which should come within a few months. We anticipate construction will start in Spring 2026.
3. **Modern/Breslau Project:** Construction of Hangars 85 and 86 are complete. Modern will submit their plans for Hangar 87 within the next few months. Mr. Ceglie mentioned that once those plans are received, we will also review them with a Working Group.

V. PUBLIC COMMENTS

Five (5) individuals commented.

The next RAC meeting will be held on August 12, 2025. The meeting adjourned at 8:13p.m.

These minutes are respectfully submitted by:
Anthony C. Ceglie on behalf of Executive Secretary
Republic Airport Commission

PUBLIC COMMENTS
REPUBLIC AIRPORT COMMISSION
June 10, 2025

Dr. Bob Corona, an Echo tenant, asked to know what kind of service is provided by RetrievalAir. Airport Director Anthony Ceglie responded that they are an on-demand charter service under FAR Part 135 with a USDOT 380 authorization. They fly passengers with their pets to various cities such as Chicago and Ft. Lauderdale. The cost to fly to from here to Ft. Lauderdale with your pet is about \$800, so it is expensive, and I do not know how long it is going to last. Last year we had a similar inquiry from a charter carrier called Bark Air, who was also doing market research. We heard from them initially and then they never showed up. We thought that would happen with RetrievalAir but it did not. They have had a few passengers off and on. From what we know, their next flight on Thursday was canceled because they don't have any passengers.

Ms. Nancy Cypser from the Woodland Civic Association, said according to FAA's website, general aviation airports should not have scheduled service with less than 2500 passenger boardings each year. We seem to be going back and forth with emails about what is considered 'scheduled' and what is 'not scheduled'. But on RetrievalAir's website, there is a schedule of flights and you have to buy a ticket. You refer to Atlantic City flights being similar and charter flights being similar. Can we agree that they are not similar? Mr. Ceglie responded that there is a difference. Atlantic City charters are probably more similar to RetrievalAir than the charters for the sports teams.

Ms. Cypser referred to an email from Mr. Ceglie that said Atlantic City charters are paid for by the casino and they are not selling seats on the plane, that they invite people to take their flights. Mr. Ceglie said that is his understanding of how it works. He said he does not know the exact arrangements. He said he checked with FAA and USDOT and everything says a Part 380 on-demand public charter is not considered a scheduled service, even though they publish a schedule, and they can cancel at any time. Ms. Cypser commented that a regular airline can do that, too, if they do not have enough people. She asked to know the difference between a public charter and a commercial airline. Mr. Ceglie responded that it is likely the number of passengers on the airplane. Scheduled operations are under FAR Part 121.

Ms. Cypser of the Woodland Civic Association mentioned Cape Air, a new service from MacArthur Airport to Boston, and their planes are 10-seaters. She said they are lauded as the 6th commercial airline to fly from MacArthur so that is considered to be a commercial flight and the size of the aircraft does not seem to be material.

Ms. Cypser said they understand the Airport's hands are tied, that you did not give them the designation, and that you have to abide by the rules of the airport. Newsday reported that there are 10 charter operators. How many are public charters? Mr. Ceglie responded that they are all public. We have 10 COPs [Commercial Operating Permits] for the charter companies that operate at Republic Airport.

Ms. Cypser said 'public charter' is a designation under Part 380 and it allows them to operate unscheduled. This is an important designation. If I want to go to Nome Alaska, I call a company to see if they can accommodate me. A Charter under Part 380 is a different thing. It is basically a loophole to allow scheduled service to be considered as on-demand. It carves out a place for what should be service to underserved areas like Alaska. We are not in an underserved area. They made the regulation so that public charter can operate as an on-demand service. We are not the only ones with questions about that. To us, if you take away 'on-demand', it is a scheduled flight. It has a posted date, a destination, and time. Anybody in this room can book a ticket on it. That is what you can do with a commercial airline as well. We are not the only ones with the confusion. Apparently, the FAA is reviewing the rule and American Airlines is bringing action. They are claiming that this is basically a loophole, an underhanded way to get commercial service to smaller airports. Airport Manager John Lauth said the FAA is trying to see what they can do. It has been on the books for a long time but probably was not taken advantage of as much as it is now.

Ms. Cypser said we do not mean to be adversarial. If they are legally allowed to fly, you have to allow them to fly. What we are worried about is that this public charter can operate up to four round trips to city pairs and still be considered a public charter, where they can be considered as 'unscheduled', and they can do this for an unlimited number of sites. They can do four flights a week to Dallas, four to Denver, four to Tampa. So they do this and there is no ceiling on this and you have to allow it. Suppose they decide they can rent space and handle another public charter. Then Modern Aviation decides they can handle one, and Atlantic can do it and Ventura can do it. Everybody can do it. Mr. Ceglie responded that there has to be demand for it.

Ms. Cypser continued by saying, assuming that there is demand, we are just worried that once this starts, it opens up the door for the next guy and the next guy. If they get busy and they are flying their four flights to ten cities, is there anything in the airport rules and regulations that limits how many of these things can operate out of here? Mr. Ceglie said if that happens, and there were six flights a day going out of any of the buildings including this building, we cannot handle it. Look at our parking lot, it is filled most of the day. If we had eighty additional cars, they would have to park on the grass. We do not have baggage claim, or enough parking, or TSA. If they are operating on a regular schedule, they would have to operate under Part 121 and we do not have the facilities for that.

Ms. Cypser replied that for now, the operator can get in under the wire. They do not have to do Part 121. They can do DOT 380 as long as they stay under the number of flights and at thirty seats or less. They can circumvent what would normally be considered a commercial operation and you have to grant them the right to do it. Mr. Lauth responded that there were flights to Boston that did not work out, and Atlantic City flights that were DOT 380 flights. You could buy a ticket to go to Atlantic City but they did not last. Ultimate Jets came and they had a different type of Part 135 operation that did not allow them to sell tickets. It is not the first time that we have had a charter using a DOT 380, but it has not been a lot. The operation lasted about six months. For the first two months, they had the aircraft filled, and then it just faded off.

Ms. Cypser stated that RetrieVAir has mass publicity. It was on Fox News, News12, in Newsday, in business publications. I have to dispute something that was said about RetrieVAir being small and doing a test case as a marketing strategy. They are operating out of eight airports. They are already established. That is not a marketing strategy. If you want to test the waters, you do it between two airports, you don't set up eight airports. Mr. Lauth responded that their marketing strategy is the niche with the dogs.

Ms. Cypser said the FBO that is being used here is Stratosphere and you know why we are worried. If a rule can be worked, it is. It does not sound like a small operation to us. It sounds like something that everybody wants. As a pet owner, I would want it. The fact that this ticket could cost \$800, to a lot of people it may not be material. I called RetrieVAir, and I asked if I had to have a dog or cat to book a ticket, or could it be any pet. She told me that I did not need a pet and they will be putting together a schedule for solo travelers without a pet. Mr. Lauth responded that if it was a commercial operation, it needs authorization under Part 121 to operate, which we are not allowed to do. Technically, RetrieVAir is not considered commercial. We held them to all the airport rules and regulations. We made sure they filled out all the required paperwork and had authorization to operate as DOT 380. There was nothing out of the ordinary.

Ms. Cypser asked to know what the different requirements are to be a public charter versus a commercial airline. Mr. Lauth said that the plane can be larger. Ms. Cypser mentioned the Cape Air flights with 10 seats that are commercial. Mr. Lauth said that nine seats or less is a small charter. Above that, up to 30 seats, is considered a large charter. Ms. Cypser asked if there was any mechanism to stem the tide if every FBO and non-FBO here decides that this is a great thing, getting these public charters in. Is there any way you can limit it? Chairman Bodenmiller said the civics can be notified if we know it is happening. I understand there is a loophole, and closing it is far beyond the capability of anybody here. Mr. Lauth added that three airlines are looking into closing the loophole: American, Delta, and Southwest. The Air Line Pilots Association (ALPA) and National Business Aviation Association (NBAA) are also involved. FAA is looking at making it more restrictive for that type of certification in order to massage the airline people and not allow others to operate under less stringent rules. They are in a 'draft mode' as far as trying to close the loophole.

Ms. Cypser asked if the Airport can provide the number of flights that are operating as charters. She said in the past, we asked for the number of Talon flights because we wanted to know if their business was increasing, but you said you did not have the information. Mr. Ceglie referred Ms. Cypser to FAA's ATADS (Air Traffic Activity Data System) website. He said it does not provide the charter's FBO but it reports the Airport's total of Air Carriers and Air Taxis, and you can combine those numbers together. Chairman Bodenmiller asked Mr. Lauth if the FBO's long term lease contract with the State requires them to provide information on the charters going out. Mr. Lauth answered 'No'.

Ms. Cypser asked if the airport would know if RetrieVAir was exceeding the 4 round-trip city pair flights. She said they are interested in tracking this information because of the 5-parcel development, and to see if the traffic was increasing exponentially more than we thought it would. Mr. Ceglie stated the Airport is tracking RetrieVAir flights and has asked the FBO to provide the information on a per-flight basis. Ms. Cypser posed the question, if we found that the Tampa-New York route was their only popular route and they decided to have 5 round trips per week, would the Airport know that? Because that would exceed the allowable number of round trips by city pairs. Mr. Lauth answered that the FAA monitors that information and would step in immediately, and that RetrieVAir had all the paperwork and insurance in place under DOT 380's stringent requirements. Chairman Bodenmiller added that all of this will go away if FAA closes the loophole. He said we will do our best to give you the information you need. We will keep the community updated on any changes with the loophole. I live near the airport and I am concerned, but I also have another concern: at what point do we start to impact the guys who conduct their business? It is a grey area, and I don't know if you want to be the person who impedes commerce. Closing the loophole could take a long time. We will try to keep track of this particular issue as best we can.

Ms. Cypser asked if the civics could be informed at the RAC meetings if the airport received another application from a public charter operator that will be selling tickets in this fashion. Mr. Lauth said yes and that the civics would have been told about RetrieVAir at the last meeting but we did not know about them at that time. Mr. Bodenmiller said we did not have any information on them for a month and a half. He said he appreciates the Civics' concerns, and suggested they approach their federal representatives to let them know this is creating a problem and they should close the loophole.

Mr. Frank Garofalo, President of Viceroy Estates Civic Association, referred to a Newsday article about RetrieveAir and told the Commission to read it in depth, and "they are pulling the wool over your eyes". They are going to stick it to us. We don't want commercial airlines to be flying here because it is going to hurt the community, and I am not happy about it. I represent 360 residents' homes in Viceroy. I am raising hell about it and I'm not finished. It's not a good thing.

Ms. Nancy Schliwka of the Woodland Civic Association asked if a noise complaint was phoned in with a time stamp of 10:00pm but the caller did not state the time of the noise event, does that noise complaint get logged as a nighttime complaint? Mr. Lauth responded that if the caller does not state the time of the noise event, or they are making a generic complaint about ongoing noise and we cannot identify an actual plane, it is recorded as 'Unknown'.

Ms. Cypser referred to March's Complaint report and commented that, for Runway 14/32, there were 16 arrival complaints and 1 departure complaint. In April there were zero arrival complaints and 14 departure complaints. One month, you have complaints about departures, and the other month you have complaints about arrivals. That seems kind of weird to me. Mr. Lauth stated that it is a coincidence. She asked to know what end of Runway 14/32 she is located. Mr. Lauth said Ms. Cypser's area is the approach end of Runway 14 in the northwest area, which is the noise-sensitive area. If a plane is arriving on Runway 14, it could impact your area. If a plane takes off from Runway 32, that might also produce noise but maybe not as much, because they turn right as they go out. Mr. Lauth invited Ms. Cypser to tour the Airport to see the runway and its location relative to her area to the northwest.

Ms. Deborah L. Davis, a Farmingdale resident, stated that she lives on New Highway in the Tree Street section, southeast of Route 109. At 3:45 today, she was amazed that there were at least 6 planes that came out of this airport right behind each other. I think that is an abundance and it is unsafe, coming across a highly populated area. This is an ongoing occurrence. Forty years ago, there were just twin-engine airplanes coming out of here. Now there are huge "Casablanca-looking" planes. It is too much

weight coming over our house and they fly very low. Ms. Davis said it's not just one incident. She said she wants her depression glass in her china closet replaced because it broke from the vibration, and her house is getting shaken to the ground. Who is going to pay for that? My house is going to fall down and people are going to be killed. It is continuous and it has escalated since I've been living here. It's ridiculous the amount of planes flying out of here. Mr. Bodenmiller asked if she has phoned in a complaint and she said yes, and that she does not mind writing letters about it. Mr. Lauth explained the Airport's noise complaint process and how the Airport uses that information to help mitigate future noise events. Mr. Ceglie said that today's information at 3:45pm will be investigated. If the pilots did anything that was unusual, it will be addressed. Ms. Davis also asked to know why there are signs on Southern State Parkway that say, "Caution, Low Flying Planes". Mr. Lauth responded they are there to alert drivers so they are not startled if they see one.

Dr. Corona commented that, from a pilot's perspective, the noise level at the approach end of a runway is going to be less due to low engine RPM. Noise will be greater at the departure end with high RPM, when the engine is at full throttle during take-off.

Ms. Cypser asked to know what the spacing of planes is for take-off on a busy day. Mr. Lauth said that Air Traffic Control determines the timeframe. The timing depends on several things: a departing aircraft must wait for inbound traffic to touch down and clear the runway, the type of aircraft, its speed, how much runway length is needed to operate the take-off or landing. A typical single-engine aircraft lined up to take off with no other factors would probably need a minute and a half or so, because the departing plane has to clear the departure area before the plane behind him is cleared to take off. And if there are multiple planes in the traffic pattern, it can be typically 3 to 5 minutes.

Ms. Cypser asked if there was any update on Stratosphere's lawsuit to speed up the renewal of the leases on Hangars 6 and 7. Mr. Ceglie responded that the State Comptroller reviewed the petition. The argument they presented was that if Hangar 7 was to be leased to someone else, it would cut off access to Parcel A. The only way to make Parcel A still viable would be to co-terminate both leases. At the termination point in 2038, the Hangar 7 Parcel would be leased at Fair Market Value, so the rent would go up. It will allow continuous access from Parcel A to the airfield by doing that. They would provide basically a taxi lane around the hangar to get to Parcel A. Ms. Cypser asked if this was the determination that was made, and Mr. Ceglie said 'Yes'.

Mr. Garofalo asked about the Commission appointments, and why there are currently only 4 when there should be 9. In order for the quorum to be effective, it requires 5 members. He said that the late Chairman Frank Nocerino recommended him to be a Commissioner 2 years ago, and he has letters from Senator Martinez, and he still does not know what is going on. Advise me on where I need to go. I want to be a Commissioner. I am volunteering to be a Commissioner for you. I want to know why we can't get 9 Commissioners. Mr. Bodenmiller responded that the RAC has no control over the process and he should contact Senator Martinez. Mr. Garofalo said that he will. Mr. Bodenmiller added that the Commission does have a quorum because Mr. Ceglie is the Commission's 5th member. Mr. Garofalo said that it is not fair the Commission does not have what it needs to operate, and your hands are tied. He asked to know if it is New York State Department of Transportation that is causing the problem, or is it New York State Senate? Mr. Ceglie stated that he is an employee of New York State DOT (NYSDOT) and we have been trying to add people to the Commission. Ms. Barbera has been on the Commission for many years and has said she will stay here until we can get more people. I have been pushing to get someone added for the last 2 years so she can step down. It is not a NYSDOT issue or a NYS Senate issue. The Legislature has to make that recommendation. The Chairman made the suggestion to contact your local legislative representative, Senator Martinez or Assembly Member Kwani O'Pharrow. It is in their hands and he did not know why there has not been any progress. Mr. Garofalo said he would dig and find out, and that he will be here for the next meeting and let the Board know.

Dr. Corona asked if there was any information on when the tie-downs are being transferred. Mr. Ceglie said they will only be transferred when there are spaces for them to go to. If I were to guess, it would probably be at the end of next year.

Meeting adjourned at 8:13pm.