

## House Proposal of Amendment

### S. 296

An act relating to sale or lease of the John H. Boylan state airport.

The House proposes to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following

#### Sec. 1. SALE OR LEASE OF THE JOHN H. BOYLAN STATE AIRPORT

(a) Pursuant to the provisions of 5 V.S.A. § 204(3), the secretary of transportation is authorized to sell or lease the John H. Boylan state airport to the town of Brighton or to the Vermont Renewable Energy Company, LLC, d/b/a Vermont Biomass Energy at fair market value.

(b) Conditions of the lease or sale shall include:

(1) The state shall retain an ownership interest in sufficient flat, open acreage which is in close proximity to route 105 to be used for landing of helicopters. The land purchaser or lessee shall maintain the helicopter landing area so that it is accessible for authorized uses.

(2) The agency of transportation shall have received inactive status for the John H. Boylan state airport from the FAA in order to preserve air space for future use as an airport.

(3) If the conveyance is a lease agreement, the lessee shall purchase liability insurance sufficient to cover potential injuries and damages and shall indemnify the state from loss or injury during the lessee's tenancy.

(4) The purchaser or lessee shall have obtained all necessary permits.

(c) The property shall be conveyed subject to the following covenants:

(1) The property shall be used only for storage and processing of logs for a pellet manufacturing operation in the former Ethan Allen facility on route 105 in Brighton.

(2) If the property is conveyed through a sale, the property shall not be assigned to any other person except that:

(A) at the request of the purchaser, the land may be sold back to the state in the condition required under subdivision (3) of this subsection at the original sale price not increased by interest or an inflation index,

(B) the purchaser may sell the land to another party subject to the conditions and covenants of this section, or

(C) if the purchaser ceases to use the land for storage and processing of logs for a pellet manufacturing operation for 18 months or more, or uses the land in a manner contrary to the conditions and covenants of this section, the land shall revert to the state at no cost to the state.

(3) Upon termination of a lease or sale of the property back to the state, the owner shall return the property to the state in a condition sufficient to support a grass strip airport of the size in existence at the time of the first sale. Upon lease or purchase of the property, the lessor or purchaser or assignee shall also purchase a 7-year performance bond of \$50,000 to ensure that if the land is returned to the state, it will be returned to the state in the required condition.

(d) Any purchaser or lessee shall agree to purchase the hangars, including the concrete pads, on the property from their owners at replacement value as mutually agreed upon by the purchaser or lessee and hangar owner, or as determined by an appraiser mutually agreed upon by the purchaser or lessee and hangar owner, and paid for by the purchaser or lessee. The state shall terminate the hangar leases at the John H. Boylan state airport or, if the owner so desires, shall transfer the lease for placement of the hangar to a nearby airport on the same terms for the remainder of the lease.

(e) The secretary of transportation is authorized to sell the residence and up to an acre of associated land on the airport property to the highest bidder, provided that the residence and land shall not be sold for less than fair market value.

(f) Proceeds from the state of Vermont's sales or leases authorized by this section shall be deposited into the transportation fund, except for up to \$5,000.00 which may be used by the agency of transportation to create a memorial park at a location mutually agreed upon by the town of Brighton and by the agency to commemorate the contributions to the state of Vermont of the late Senator John H. Boylan and the late Essex District Probate Court Judge Lena Boylan.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.