NEW JERSEY AVIATION ASSOCIATION



Volume 4 • Issue Number 2 • 2010

From the Desk of Arlene Feldman, President, NJAA



I had the pleasure, recently, of meeting with James Simpson, the newly appointed Commissioner of New Jersey's Department of Transportation.

Commissioner Simpson's biography is most impressive. From 2005 until 2008, he served as the Administrator of the Federal Transit Administration, managing a budget of over 10 billion dollars and leading a staff of more than 1,000 employees and contractors in

Washington D.C. and 10 regional offices around the country. As a Commissioner of the New York State Metropolitan Transportation Authority, he served for 10 years on the Finance Committee, the New York City Transit Committee and the Governance Committee. He also served as Chairman of the Real Estate and Planning Committee and the Safety and Security Committee. He served briefly as the Senior Advisor to the Secretary of Transportation and has sat on numerous non-profit boards. He also has extensive experience as a top manager in the private sector.

Needless to say, of great interest to aviation, is the Commissioner's flying experience. He is rated in numerous aircraft, including jets. As a result, the Commissioner is well aware of the issues that face New Jersey's airports. In our meeting with him and his staff, I had the opportunity to answer some of his questions while sharing some ideas for increasing the efficiency of the State's Division of Aeronautics.

In addition to our meeting, I had the pleasure of hearing him speak at the Eagle Flight Squadron annual luncheon. His sense of humor was apparent, as he described some of his flying experiences with an emphasis on safety. The young pilots were enthralled and the rest of the audience was extremely impressed.

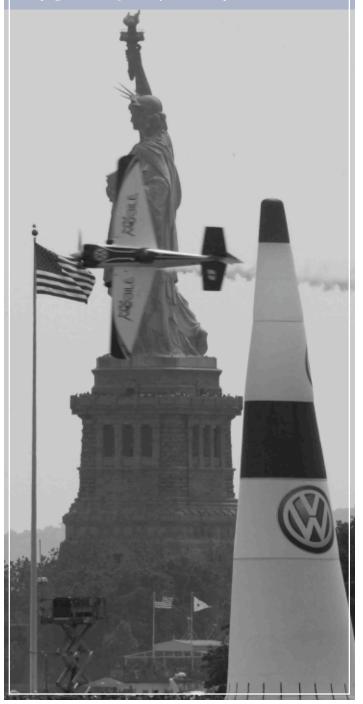
We look forward to working with the Commissioner and welcome his support. \checkmark

SAVE THE DATE: Sept. 29, 2010

On Wednesday September 29, 2010, beginning at 11:30 am, NJAA will hold its annual "**Excellence in Aviation**" luncheon at the TPC Jasna Polana Golf and Country Club located in beautiful Princeton, NJ. We are looking forward to another great event. Golf and luxury accommodations will also be available to participants. More information to follow.

Red Bull Air Race Held June 20, 2010

See pages 4 and 5 for story and more photos



Member Profile:



An Interview with Eric Bossard Treasurer, NJAA

How did you get started in aviation?

My father was a Navy F4-U Corsair pilot, and then flew for TWA, so I had an early exposure to aviation. I got my Private Pilot's License with Don Schwanda at Hackettstown Airport, and after graduating from Bucknell University, I earned my Commercial, Instrument, Multi-Engine, and CFII ratings in Ft. Worth, TX.

Where did you start your aviation career?

Well, I started in on the bottom rung of the ladder! I worked as a primary flight instructor at Hanover Airport for \$75 a week and \$6 per flight hour. When I wasn't flying, I mowed the grass and cleaned up the aircraft. Good fortune smiled upon me, even back then, however, because I met my wife, Diana, at the airport, while she was earning her Private Pilot's License with New Jersey Aviation Hall of Famer, Bill Rhode. We married and moved to St. Louis, where I instructed at Parks College, and we rented a small apartment for \$158 per month.

How did you end up at Morristown Municipal Airport?

"End up" is a good term, because I have been at MMU, and working from the same hangar, for 31 years now! I literally "walked in the door" at Union Camp's hangar with no jet experience, and the secretary, Connie Johnson, accepted my resume and advised me that the chief pilot was in a meeting. As I was getting back into my car, Connie came out and said his meeting had ended, and he would see me. Fortunately, Union Camp was looking for a pilot to train and bring along, and I accepted their very generous offer of employment. They sent me to Marietta, GA for co-pilot training on the 731 JetStar.

So, you caught some lucky breaks at the outset of your career.

Indeed. All of the people previously mentioned were very kind and supportive of me, along with Von Hollen and Fred Adams at Union Camp. I will always be grateful for their support, and have tried to "pay it forward," as the expression goes, by giving back to aviation and trying to help other young, inexperienced, but motivated people starting their careers in aviation.

How did you move into your present position with BASF?

I stayed with Union Camp for twenty years, and flew the Challenger 600 after we retired the JetStars. When International Paper acquired Union Camp in 1999, BASF was renting space in our hangar. BASF saw an opportunity to purchase the hangar and, since their flight crews were all on the verge of retirement, hired me to manage the Flight Department. What another great stroke of good fortune! I flew the Falcon 50, then the 50EX, and we recently upgraded to a Falcon 2000EX EASy.

What has been your favorite aircraft to fly?

I can honestly say that I have loved flying each and every one of them. They were all terrific aircraft, and I have always had the benefit of great training at FlightSafety, an outstanding inhouse maintenance staff, and the full support of great company management.

Ok, if I had to pick one or two, I would say I still have a sentimental preference for the JetStar, which I flew for 12 years, and now the Falcon 2000EX EASy, because it is so advanced technologically.

How did you become involved with NJAA?

First, I became active locally with Morristown Aviation Association (MAA). Curt Barsi, and then Doug Schwartz, were the early visionaries for MAA, and I was nominated to handle community relations. We had some issues with noise, and I proceeded to meet with the various groups and "put a face on aviation" as a local citizen who lived near the airport and shared their interest in living in a quiet, tranquil community. We have had success with our noise abatement program, airport signs, and meeting with outspoken neighbors. For the last four years, we have been working to alleviate the departure delays at MMU. Progress has been slow, but we have recently seen some relief and improvement. There is still more work to be done with this.

Arlene Feldman recruited me to join the board at NJAA three years ago, and I have enjoyed the experience. NJAA has terrific leadership under the guidance of Arlene and Justin Edwards, and has had a great impact on preserving and promoting airports and aviation throughout the State of New Jersey. It is a great organization that always welcomes volunteers to continue the important work of supporting aviation in New Jersey.

Any interests in your spare time?

Our three daughters are grown, but we are still a close family, so we enjoy family time together. I also enjoy skiing with the girls, and Diana and I enjoy sailing our small sailboats at our home on Cedar Lake in Denville.

What's next?

Hopefully, more of the same. I really enjoy going to work, flying, and being involved with the various aviation groups. You meet some great people in aviation!

DVRPC Congressional Input Regard Aviation Reauthorization

The Delaware Valley Regional Planning Commission has maintained a Regional Aviation System Plan (RASP) and Aviation Committee (RAC) funded by FAA for the past twenty seven years. The RASP includes commercial airports, business and recreational airports and heliports in a four state (Pennsylvania, New Jersey, Delaware, Maryland), twelve county region.

The features of the current AIP reauthorization legislation and program proposals are of critical importance to the aviation facilities in the Delaware Valley. The Regional Aviation Committee has reviewed proposed reauthorization bills and has the following positions.

1. The region appreciates the large financial investment necessary by the federal government in coming years to modernize and improve the air traffic control system serving our airports and inroute aircraft, so that the growth in demand can be satisfied with reduced delay and enhanced safety. However, we feel that revenues can be raised adequately by adjusting fuel tax rates within the existing structure of fees and taxes on aviation users, both commercial and general aviation. Applying new user fees to general aviation will unnecessarily burden this important segment of the flying public, discouraging innovation while creating a new bureaucracy to monitor, account, and collect these user fees. No doubt any increase in revenues will need to be used to pay for this new bureaucracy, minimizing the increased revenue available for air traffic control and other infrastructure improvements.

2. The Administration and congressional proposals calls for little growth in AIP capital funding airports at a time of unprecedented growth in demand and delay. We support significant increases in the aviation funding programs, including noise mitigation activities in communities bordering our commercial and smaller reliever airports. In addition, we support an increase of the Passenger Facility Charge (PFC) rate to \$7.00. Such funding can help supplement AIP funding sources in enhancing capacity and reducing delays without further siphoning AIP funding from smaller airports. Also the Regional Aviation Committee favors a tiered system for distributing non-primary entitlement grants to general aviation airports based on varying levels of operations and based aircraft.

3. It is imperative that any legislation which moves forward requires the Department of Transportation and FAA to mandate that each State enacts and enforces legislation requiring political subdivisions to enact, promulgate and enforce zoning regulations which protect the airspace of the airports within its jurisdiction. Such zoning regulations should also include compatible land use provisions which establish and preserve land surrounding our airports, for uses which are compatible with aviation.

New Jersey Aviation Association Officers and Board of Directors (June 2010)



4. Sponsor assurances should be modified for privately owned public use reliever airports so that owners who sell can retrieve an appropriate, reasonable portion of their original and appreciated equity. Currently, if the owner of a privately owned reliever airport has taken federal funds for land acquisiton, all equity must stay on the airport at sale, discouraging airport acceptance of federal grants and making private sale difficult.

5. Airport Improvement Program (AIP) rules should be more flexible concerning permitted non-aviation uses on airports for revenue producing events, with proper notification of the aviation community. With the current economic crisis, many general aviation airports have experienced declines in flying. Revenue has been reduced and airports are in danger of closing.

6. System planning at the metropolitan/regional and state level must continue, with a formula based commitment related to the annual allocation of FAA entitlement and discretionary funding to each state and region.

7. General aviation airport security activities funding must be increased as may be mandated by the Transportation Security Administration. Many small airportis cash flow will not provide for these costs, without impacting economic viability and continued operation of the facility.

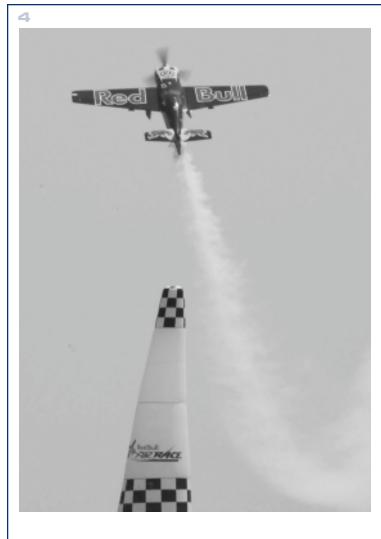
Airport Gives Back

Sixteen area college bound students are the recipients of over \$20,000 in scholarships, awarded by DM AIRPORTS, LTD. (formerly D.M. Airport Developers, Inc.), operators of Morristown Municipal Airport. The program, over the past 10 years has awarded \$176,000 in scholarships. Airport Executive Director, Bill Barkauer, states "given this year's continuing economic challenges it is important than ever to give back to the students and their families in our community."

Moving On

NJAA has learned that Max Patel will be moving from the Division of Aeronautics to another position in NJDOT. Max has been a strong supporter of general aviation and he will be sorely missed.

Leo Prusak has been assigned to the LGA Tower. He formally served as the Manager of the New York TRACON District. NJAA wishes Leo all the best in his new role. Jeff Clarke has been named to the Manager position.



Red Bull Air Race

by NJAA Board Members Bill Leavens

There's more to General Aviation than meets the eye. Most NJAA members are familiar with the safety, comfort and convenience of business travel, while recreational pilots have their own reasons for flying – expanding their horizons on limited free time and just plain having fun.

There is another aspect of GA that brings great pleasure to the non-flyers who make up 99.8 percent of the population. Small, powerful aircraft are thrilling when used for popular flight exhibitions. Air shows and competitive aerobatics have recently been joined by a crowd-pleasing spectacle, hosted this June, next to Ellis Island in New York Harbor. The Red Bull Air Race circus came to town and they put on one spectacular show.

Three huge grandstands were erected on the waterfront meadow at Liberty State Park. These provided the backdrop of a crowd for the television cameras. Red Bull is a marketing enterprise, that promotes a very popular drink. The money that drives the 6 race series is television ad revenue. The series is broadcast all over the world and advertisers pay large sums to be displayed as part of the exhibition.

The large crowd of perhaps 15,000 was handled very well. Tickets were purchased on the Red Bull Air Race web site. There was great fear that the event would be difficult to reach because of heavy traffic, but that wasn't the case. As long as the race attendees didn't try to second guess the organizers, it all worked fine. Driving to the Liberty State Park site in Jersey City would have



been foolish with the limited on site parking, obscure directions, and tortured access by car. However, instead, the organizers bundled race day tickets with passes on the Hudson – Bergen Light Rail system which had a stop at the park. There was free off site parking at stations along the line. The train ride was a pleasant experience through the rapidly renewing urban waterfront area.

Two huge television screens dominated both sides of the grandstand area. The running commentary was intelligent and enthusiastic. Onlookers who had little clue about what the race or the series was all about could quickly pick up the thread of events. Twelve pilots had qualified the Saturday before the race. One at a time they attacked a course marked with pairs of 65 foot high "air gate": pylons. Some sets are to be taken with wings level, some on knife edge, and some mark a chicane the pilots must weave through. The pylons are inflatable cones made of tissue thin material that rapidly disintegrates if an aircraft hits it. Crews can quickly repair and re-inflate broken gates when the need arises.

Each race is a series of timed circuits through a course that demands skillful maneuvering and near 12 g loads on the pilots and machines. Timing begins as one-at-a-time competitors enter the start gates at 230 mph. They then bend the aircraft through complicated maneuvers to position themselves to pass through successive air gates. The quickest time of the day through the 3 mile course was one minute, ten seconds. Twelve competitors are whittled down to eight in the first round. The second round eliminates four more and the final race champion is the quickest of the final four. Britain's Paul Bonhomme was the winner of this round.

The race was a boon for small aircraft aviation in our region.





The race was staged from Linden Airport, some four minutes away. The pilots from ten different nations were clean cut, athletic, professional, and surprisingly old for the most part. The tiny aircraft were finely crafted thoroughbreds. Red Bull's organization was tremendous. It all came together on a beautiful, breezy and hot Sunday afternoon to showcase a part of general aviation that the public can relate to. The Red Bull organization looked good and those of us pilots in the crowd stood a little taller at the end of the day.

About NJAA:

The **New Jersey Aviation Association (NJAA)** is dedicated to the promotion and protection of the State's aviation industry.

NJAA Mission Statement

- Promote aviation as a key component of the State's intermodal transportation system.
- Increase awareness of the positive economic contributions of the State's aviation industry.
- Influence public policy to protect and promote aviation.
- Work to balance the interests of local communities and the aviation industry.
- Promote the New Jersey airport system which drives commerce and economic growth.

Our State airport system and corporate and General Aviation industries contribute close to \$2 billion annually to the economy of New Jersey.

Thousands of jobs are tied directly to our airports, aviation product manufacturers, and a multitude of aviation and airport service companies located throughout the state. Companies that locate and want to grow in New Jersey rely on our aviation infrastructure to move employees and products efficiently and safely to facilities and markets throughout the world. Airports are the vital links that connect New Jersey businesses and workers to opportunities around the globe.

Many companies associated with the aviation industry are concerned that the continuing loss of the State's airports will have a negative effect on their ability to continue to grow and prosper. Our airports face many challenges. They must update equipment and facilities to increase the margin of safety for both the passengers and communities they serve, and they must deal with development trends that continue to threaten their viability. We at NJAA believe that, by working with aviation related businesses, New Jersey's communities, and regulatory agencies, we can ensure the health of General Aviation and the vital role it plays in the State's intermodal transportation system.



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A Living Legacy



While still mourning his loss, we are grateful to the Port Authority of New York and New Jersey and the Wings Club for establishing the William R. DeCota Scholarship Fund as a living legacy to Bill DeCota. With Bill's sudden and untimely death, the aviation industry lost one of this nation's greatest aviation leaders. As the Director of Aviation at the Port Authority of New York and New Jer-

sey, he led one of the world's largest aviation systems.

As a recognized expert, he was often called upon to testify in Congress on the most important aviation issues and he worked diligently to improve and enhance his airports and those across the United States.

Bill, frequently served as a mentor and was always available to provide help or advice. While he was, at times, an adversary, one of his colleagues said of him, "he knew how to disagree without being disagreeable." No matter the situation, he earned overwhelming respect and admiration.

His memory will be kept alive and honored by the scholarships that will be provided, in his name, to deserving students, who study in colleges and universities that participate in the Wings Club Scholarship Fund. The Wings Club Scholarship Fund was established to encourage education in aviation and aerospace. For more information or to make a contribution to the fund, please contact the Wings Club Scholarship Fund, P.O. Box 4464, New York, NY 10163. Visit them online at *www.wings club.org/scholarshipfund* or call 212-867-1770.

Former FAA Executive Turns Author

Bill Shea, who once served as the FAA Associate Administrator for Airports has published "Aviation Memoir," a story of his life and love of aviation. Bill has lived his life with passion and dedication as a pilot, an educator, a musician, an air show narrator and an artist. He has also served as a Broome County Commissioner of Aviation and a Commissioner of Transportation.

Bill can be reached at *billshea95695@yahoo.com*. To order his book and for more information You are directed to *www.sheabook.com*.

Morristown Municipal Airport Helping to Drive the New Jersey Economy



AWOS Units to be Installed at New Jersey General Aviation Airports has Been Put on Hold

NJAA has just learned that The Delaware Valley Regional Planning Commission (DVRPC) funding by NJDOT to administer the selection process, the provision and installation, and certify completion of AWOS units at 15 general aviation airports in New Jersey has been put on hold. The Belfort Instrument Company, a meteorological sensor and meteorological system manufacturer, based in Baltimore, MD was selected to supply and install DigiWx Automated Weather Observation Systems (AWOS) with the oversight of DVRPC and NJDOT. The Belford DigiWx AWOS will report wind speed, wind direction, wind gusts, altimeter, temperature, relative humidity, dew point, density altitude, and visibility and condensation altitude. The real-time weather will be reported directly to the pilot over a discrete, frequency VHF transmitter. The DigiWx also has, as standard, a graphic display for preflight planning. All of the weather reporting from the DigiWx stations will be available on the Internet as well. The 15 airports selected to receive the DigiWx AWOS are: Alexandria Airport (N85), Blairstown Airport (1N7), Central New Jersey Regional Airport (47N), Cross Keys Airport (17N), Flying W Airport (N14), Greenwood Lake Airport (4N1) Hammonton Municipal Airport (N81), Lakewood Airport (N12), Lincoln Park Airport (N07), Old Bridge Airport (3N6), Princeton Airport (39N), Sky Manor Airport (N40), Solberg-Hunterdon Airport (N51), Spitfire Aerodrome (7N7), Trenton-Robbinsville Airport (N87).

Installation of all 15 Belfort DigiWx AWOS units hopefully will continue this summer and fall, assuming continuing NJDOT funding.

The New Jersey Aviation Hall of Fame and the Induction of Mike Stoddard

NJAA salutes the outstanding work of Pat Reilly and the Founding Trustees of The New Jersey Aviation Hall of Fame. They have given us the opportunity to celebrate and document the stories of those who have contributed to this magic that we call flight. One of those recent and well deserved inductees was Mitchell J. (Mike) Stoddard, our good friend and a mentor to many.

It's not easy to list the many accomplishments of Mike Stoddard. While he never rode a rocket into space, never designed one or served as a big time executive, he did serve in World War II where he flew a tiny liaison aircraft over Okinawa.

He's also been and continues to be a pilot, journalist, historian and educator. Over the last 70 years, Mike has been involved in every aspect of aviation. He is an important part of New Jersey's aviation history and he has done it all with a quiet grace. Mike continues to support aviation most passionately. He is the president and "Chief Oracle" of the Mid-Atlantic Aviation Coalition and the Morristown Pilot's Association.

Congratulations to a good friend.

Taxes Taxes Taxes

As the saying goes "the only sure thing in life is death and taxes" and unfortunately there are plenty of federal and state taxes that apply to aircraft owners and operators. The focus of this article is Sales and Use tax.

Historically sales and use tax applied to the sale of tangible personal property, but erosion of the tax base has forced many states to tax a variety of services as well.

The "sales tax" statute imposes tax on the retail sale of a product (a sale to the end user versus an intermediary such as a wholesaler) and certain services. In New Jersey, the present sales tax rate is seven percent.ⁱ The bottom line is you need to determine whether a good or service is taxable, and if so, whether any exemptions apply.

The "use tax" is the counterpart to the sales tax. The use tax applies to out-of-state purchases for use within the state. Specifically, the law provides, in part: "Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 7%, except as otherwise exempted under this act, (A) of any tangible personal property or digital property purchased at retail"ⁱⁱ In cases where New Jersey sales tax has not be imposed on the out-of-state purchase (for example, the seller has no presence in New Jersey and/or the state does not have a "sales tax"), the use tax may be imposed on the iuseî of the good or service within the state.

Since aircraft can be easily flown across state lines, state taxing authorities are very interested in applying use tax on aircraft based in their state. Tax authorities carefully evaluate reports of aircraft landing/operating in the state to see if a tax should be imposed. This means that if you were to purchase an aircraft in another state without paying any sales tax and base the aircraft in New Jersey, a Division of Taxation representative may come knocking on your door and a use tax could be imposed. If you did pay sales tax in the other state, but the tax rate was lower than New Jersey, then a use tax could be imposed for the difference in the tax rates.

The primary way to avoid getting "whip sawed" by having to pay tax in more than one jurisdiction without any offsetting credit is to make sure to file the proper tax returns in the applicable states, and that appropriate tax credits are applied in your home state to offset taxes paid to other states. If no tax is paid, and the state determines that a use tax is due, you may receive a tax bill with penalties and interest. This is why it is important to clearly understand under applicable law and tax guidance, whether the aircraft could be subject to tax in New Jersey.

Although exemptions vary by state, some examples include the manufacturing and resale exemptions, the casual sale exemption, and the fly-away exemption. The two common exemptions that have application to aircraft transactions in New Jersey are the "casual sale" and "fly-away" exemptions. The "casual sale" of an aircraft is usually not subject to "sales tax" in New Jersey.ⁱⁱⁱ A "casual sale" is defined as "an isolated or occasional sale of an item of tangible personal property or digital property by a person who is not regularly engaged in the business of making retail sales of such property where the item was obtained by the person making the sale, through purchase or otherwise, for the person's own use."^{iv} There are many factors that determine if a transaction is in fact a "casual sale" under New Jersey law. If the sale is by an aircraft dealer or broker, it most likely is NOT a casual sale. There have been some proposals to eliminate the "casual sale" exemption for aircraft purchases, so stay tuned.



Some states, including New Jersey, have a "fly-away" exemption for non-resident buyers who purchase an aircraft and then shortly thereafter remove that aircraft from the state.^v As with the "casual sale" exemption, there are specific criteria that must be met for the fly-away exemption. For example, the purchaser at the time of taking delivery must be a nonresident of New Jersey, have no permanent place of abode in New Jersey, is not engaged in carrying on in New Jersey any employment, trade, business or profession in which the aircraft will be used in New Jersey, prior to taking delivery furnishes certain documentation to the Seller (for review by the Division of Taxation), will not base or otherwise place the aircraft in New Jersey for use on other than a transient basis or for repairs within 12 months from the date of purchase, etc.^{vi}

Other New Jersey exemptions applicable to some transactions are the exemption for certain aircraft repair parts and repair labor,^{vii} and the exemption for certain commercial operations.^{viii}

Many aircraft owners are surprised to learn that sales tax can also be imposed on installment sales and certain leases and rentals. In New Jersey, sales tax is imposed on a Dry Lease;^{ix} however, a Wet Lease may not be subject to tax.^x

Sales and use taxes can add significant costs, potentially thousands of dollars, to an aircraft transaction for which you may not have budgeted. Therefore it is vital that you clearly understand all the tax ramifications of the purchase early in the transaction process. Given the tough economic climate and the New Jersey budget deficit, it would be wise not to test the will of taxing authorities. Anyone planning to purchase or lease an aircraft should seek professional tax guidance before entering into any agreement.

Any tax advice included in this communication was not intended or written to be used and it cannot be used by the taxpayer for the purpose of avoiding any penalties that may be imposed on the taxpayer by any governmental taxing authority or agency.

This article was submitted by Ernest H. Ehling, Jr., Esq. Ernie is a third generation pilot and attorney based in Freehold Township, NJ. His practice includes aviation and he has a tax background. He can be reached at 732-431-5235. His Webpage is www.ehlinglaw.com

i	N.J.S.A. 54:32B-3.	vii	N.J.S.A. 54:32B-8.35.
ii	N.J.S.A. 54:32B-6.	viii	N.J.S.A. 54:32B-8.35a;
iii	N.J.S.A. 54:32B-8.6		N.J.S.A. 54:32B-8.7.
iv	N.J.S.A. 54:32B-2 (Definitions).	ix	N.J.S.A. 54:32B-2(aa);
v	N.J.S.A. 54:32B-10.		N.J.S.A. 54:32B-7(d).
vi	N.J.S.A. 54:32B-10.	x	N.J.S.A. 54:32B-8.11.

Former AOPA President Dies

John Lee Baker, who served as the president of AOPA from 1977 through 1990 passed away recently, at his home in Angier North Carolina. John, a lawyer, also served as an Assistant Administrator in what was then the FAA's office of general aviation affairs.

John, only the second person to serve as president of AOPA, was passionate in his support of general aviation. He fought for the fair distribution of funds from what was then, a more than 4 plus billion dollar surplus in the Aviation Trust Fund. Some will remember that John supported and helped New Jersey establish a trust fund through the Airport Safety Act.

John led efforts to protect general aviation from restrictions on the use of airspace and established AOPA's political action committee.

One could say that John's efforts served as the foundation for AOPA's development into the professional, highly respected and most successful organization that it is today.

NEW JERSEY AVIATION ASSOCIATION	
The Aviator	/†

Arlene Feldman, Editor 856-234-2552 fax 856-234-9155 • email: *njaviationassn@gmail.com www.NJAviation.org Aviator Advertising Opportunities: Small display ads and newsletter sponsorships are available.*

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