

REGULAR MEETING

Danbury Aviation Commission
Danbury City Hall, 155 Deer Hill Avenue, Danbury, CT 06810
Third Floor / Conference Room #3C / Tuesday, February 19, 2013, at
7:00 p.m.

AGENDA:

1. Meeting Called to Order
2. Roll Call
Minutes of Regular Meeting: December 18, 2012
3. Liaison Report
4. Administrator's Monthly Report
5. Public Speaking Session on Items Listed on Agenda

OLD BUSINESS:

Business Aircraft Center – Request to Lease additional 150' by 150' piece of land adjacent to current ramp space, copy attached

DXR Holdings, LLC – Request to broaden restrictions on original Deed dated December 28, 1948; FOI request from Attorney Robin Kahn as attached dated December 5, 2012.

NEW BUSINESS:

Danbury Airport Business Association, letter dated February 4, 2013, copy attached.

Exit Aviation, LLC, request to extend lease, letter dated January 29, 2013, copy attached.

Motion Simulations – Operation of business without proper permit

cc: Commission Members
Town Clerk's Office
Atty. Pinter, Corp Counsel
FBO's / Tenants

(203) 748-7000
(203) 790-9000 fax
81 Kenosia Avenue
Danbury, CT 06810

Paul Estefan
155 Deer Hill Avenue
Danbury, CT 06810

24 September 2012

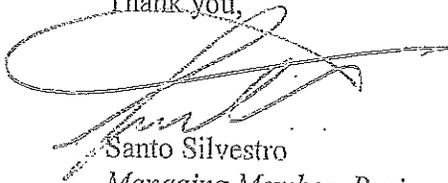
Mr. Estefan,

I would like to request to be put on the agenda for the upcoming Aviation Commission meeting. I would like to lease the 150' by 150' area detailed on the attached diagram. I intend to use this area as additional ramp space.

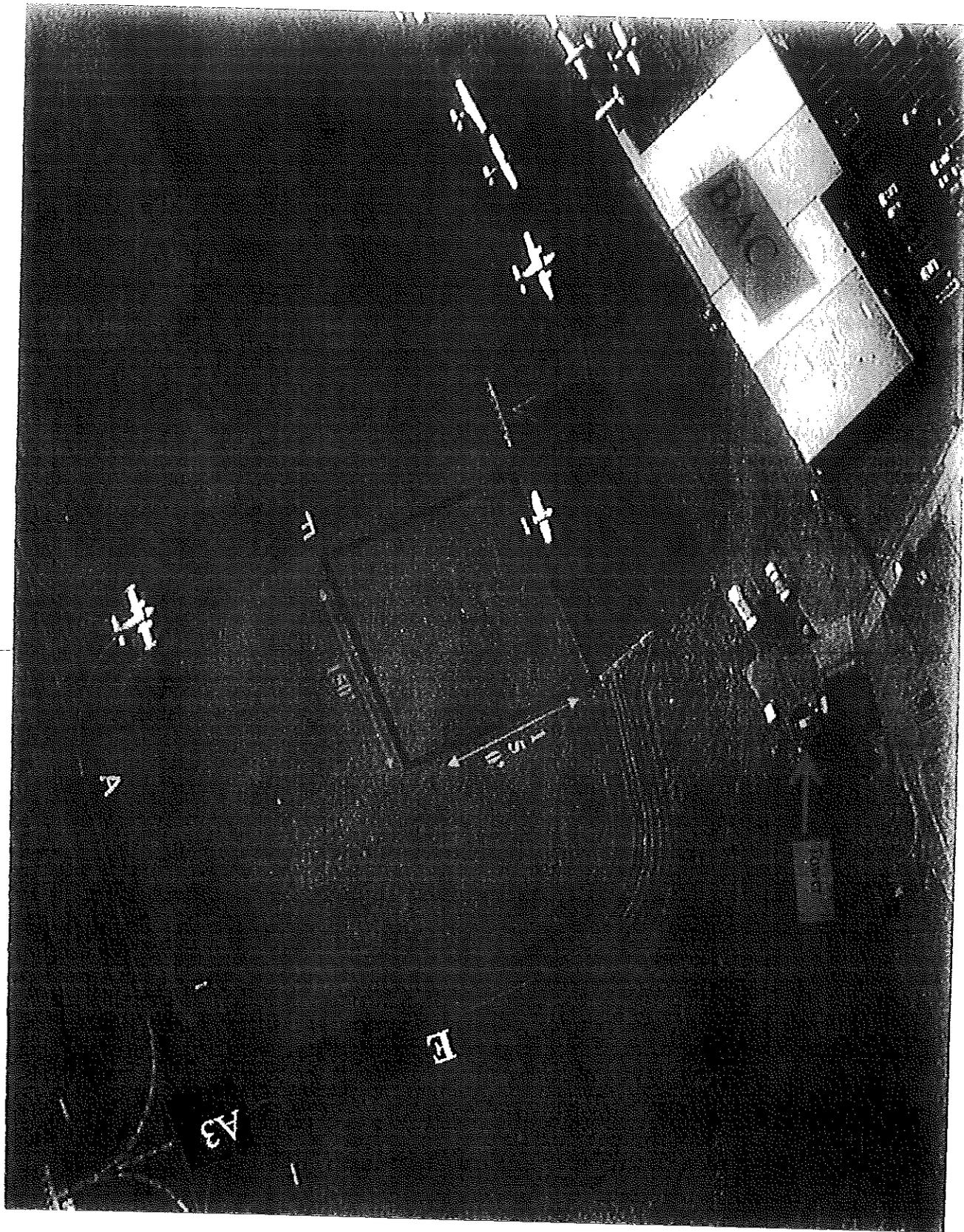
I would like this area to be leased as an addendum to the current Business Aircraft Center lease. It will be used only by BAC and not by other FBOs due to its location. Currently this property is undeveloped and has never been leased in the past. I intend to pave the area, at my cost, in order to create additional ramp space.

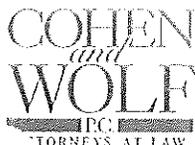
Please contact Lynda Silvestro at 203-966-5466 to confirm that this has been placed on the agenda.

Thank you,



Santo Silvestro
Managing Member, Business Aircraft Center





HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
STEWART J. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
ROBIN A. KAHN
RICHARD SLAVIN
DANIEL S. NAGEL
RICHARD J. DI MARCO
DAVID B. ZABEL
MARK A. KIRSCH
DAVID M. LEVINE
JOSEPH G. WALSH
DAVID A. BALL
JOCELYN B. HURWITZ
STUART M. KATZ
MONTE E. FRANK
PATRICIA C. SULLIVAN
VINCENT M. MARINO
JULIE D. KOHNER
ARI J. HOFFMAN
COURTNEY A. GEORGE
BARBARA M. SCHELLENBERG

CHEL A. PENCU
RY E. PHELAN
JANE L. HARNES
JASON A. BUCHSBAUM
L. JOYELLE DEFELICE
LAUREN G. WALTERS
DAVID M. MOROSAN
MARCIA M. ESCOBEDO
DAVID DOBIN
NATHAN C. ZEZULA
PHILIP C. PIRES
ELIZABETH A. ULLMAN
ROBYN H. DRUCKER
RACHEL A. SCHWARTZMAN

SPECIAL COUNSEL
MATTHEW C. SUSMAN

OF COUNSEL
MARTIN J. ALBERT
PETER A. ARTURI
LEONARD C. BLUM
ANN L. FOWLER-CRUZ
THEMIS KLARIDES
ROSAMOND A. KOETHER
BRUCE L. LEVIN
JACK E. MCGREGOR
ALLAN J. ROSEN
MARTIN F. WOLF

ROBIN A. KAHN, ESQ
rkahn@cohenandwolf.com

Please reply to: Danbury
December 5, 2012

VIA U.S. MAIL AND HAND DELIVERY

Mr. Paul D. Estefan
City of Danbury Airport Administrator
Wibling Road
Danbury, Connecticut 06810

Town Clerk
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: **DXR Holdings, LLC**
Wallingford Road, Danbury, Connecticut

In accordance with the Connecticut Freedom of Information Act, I hereby request that you produce the following documents:

- Emails, letters, memoranda and/or any other written correspondence issued by Gail Lattrell and any other representatives of the Federal Aviation Administration during 2012 regarding DXR Holdings, LLC and its property located at Wallingford Road, Danbury, Connecticut, including, but not limited to:

(a) emails, letters, memoranda and/or any other written correspondence in which the responses attributed to the Federal Aviation Administration in the attached report of Paul D. Estefan dated November 25, 2012 are contained; and

(b) written correspondence from the Federal Aviation Administration referenced in the attached letter of Robin Edwards, Esq. dated November 26, 2012.

- Emails, letters, memoranda and/or any other written correspondence issued by Paul Estefan and/or by the Aviation Commission of the City of Danbury to Gail Lattrell and any other representatives of the Federal Aviation Administration during 2012 regarding DXR Holdings, LLC and its property located at Wallingford Road, Danbury, Connecticut.

1115 BROAD STREET
P.O. Box 1821
BRIDGEFORD, CT 06601-1821
TEL: (203) 368-0211
FAX: (203) 394-9901

158 DEER HILL AVENUE
DANBURY, CT 06810
TEL: (203) 792-2771
FAX: (203) 791-8149

320 POST ROAD WEST
WESTPORT, CT 06880
TEL: (203) 222-1034
FAX: (203) 227-1373

657 ORANGE CENTER ROAD
ORANGE, CT 06477
TEL: (203) 298-4066
FAX: (203) 298-4068

December 5, 2012
Page 2

Kindly contact me when these documents are available and advise me of the fees associated with obtaining copies of same.

Very truly yours,



Robin A. Kahn

RAK:dm

cc: DXR Holdings, LLC
Robin Edwards, Esq.
Lazlo Pinter, Esq.

DANBURY AIRPORT BUSINESS ASSOCIATION

Danbury Airport Aviation Commission
Wibling Rd
Danbury Municipal Airport
Danbury, Ct 06813

February 4, 2013

John Ashkar Chairman,

Please accept this letter on behalf of The Danbury Airport Business Association (DABA), as our formal request to be placed on the February 2013 Airport Commission Agenda. We would like to introduce the DABA and present to the commission our mission and goals that we see for the future going forward at Danbury Airport.

At our recent meeting we reviewed a number of items, and we would like to make the following recommendations to the commission for adoption or approval:

1. DABA would like to recommend Robert Tamburri for consideration as a new member of the Danbury Airport Aviation Commission as an FBO representative. Robert is not affiliated with any one FBO and we believe he will be a valuable asset to the commission. Robert has a lifetime of experience in aviation. He has been flying in and out of Danbury as well as keeping his own airplanes here for 40 years. Robert is also a Danbury taxpayer.

2. Snow Removal

DABA is happy to report that snow removal has improved at the airport, and the snow blower has been effective in controlling the snow banks. All members commented that they would like to see either a snowbrush or airport runway special sand used at this airport. The braking action has been nil a few times already this year, and jet operators have already been forced to land elsewhere.

3. The DABA values having the current assistant Airport Manager Mike Safranek. However, the DABA is concerned with the lack of communication between the Airport Administrator and the Assistant Airport Administrator, this resulting from their inability to work together. It is DABA's understanding that both of them are not speaking to each other for several months now. This situation should be corrected to insure smooth Airport operations and suitable day to day management of the Airport.

We have several other topics that are still open and we plan to present them in upcoming meetings.

Thank you in advance for your consideration,

The Danbury Airport Business Association.

Wayne Toher	Reliant Air
Chris Orfici	WestConn
Thomas Torti	Westconn
Ran Nizan	Executive Air Service
Santo Silvestro	Danbury Aviation, Business Aircraft Center
Drew Brown	Conanicut Aviation
Alan Speakmaster	Master Aviation
Curtis Brunjes	Curtis Aero
Gus Gettas	Curtis Aero
Colin Milligan	Epic Blue
Rip Qiuunby	Ackema
Bernard Paquette	US Flight Aircraft Maintenance
Michael DiMarchi	Centennial Helicopters
John McCartney	Mayor's task force (invitee)

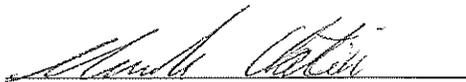
January 29, 2013

To Paul Estefan and Whom it May Concern,

This letter is to inform you that I, Mirash Vatici, president of Exit LLC, would like to exercise my right to the ten-year option to extend my lease for the property located at 19 Miry Brook Road in Danbury, after it expires in 2015.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mirash Vatici", is written over a horizontal line.

Mirash Vatici
President, Exit LLC
(914) 906-1084

HALLORAN
& SAGELL
ATTORNEYS AT LAW

Joseph Biraglia 203-798-1000 biraglia@halloran-sage.com

January 14, 2013

VIA FACSIMILE ONLY

Mr. Paul Estefan
Airport Administrator
Danbury Municipal Airport
Wibling Road
Danbury, CT 06810

RE: Motion Simulations

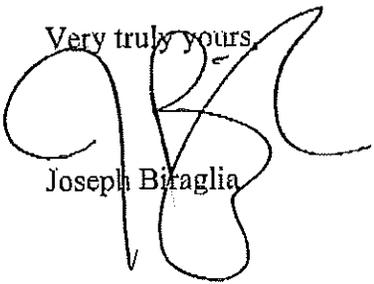
Dear Mr. Estefan:

I have been retained by Motion Simulations in connection with a matter pending before the Aviation Commission and have been advised that a hearing is scheduled for tomorrow evening regarding same. I respectfully request that the Motion Simulations matter be adjourned to the next meeting so that I may investigate my client's position and explore a potentially amicable resolution with you and the Commission. I contacted Chairman Ashkar and was advised that he does not object to my requested adjournment but was instructed to contact you directly as well.

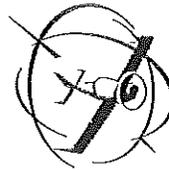
Please contact me at the email address above to advise me of your decision regarding my request and to schedule a time when I can meet with you to discuss the issue(s) involving my client.

Thank you for your anticipated cooperation in this matter.

Very truly yours,


Joseph Biraglia

JB/ac



Motion Simulations
Simulator Training for the rest of us

45B Miry Brook Road
Danbury CT 06810
www.fullmotionflight.com

866.877.6974
203.702.2140
judy.walsh@fullmotionflight.com

Judy Walsh
General Manager



Michael Safranek <m.safranek@danbury-ct.gov>

Re: Fwd: DXR Min Standards

1 message

Paul Estefan <p.estefan@danbury-ct.gov>
To: Michael Safranek <m.safranek@danbury-ct.gov>

Fri, Dec 7, 2012 at 8:21 PM

Good evening Mike,

Let send this to Attorney Pinter and the Airport Commission.

We have tried to resolve but I guess we have to go higher.

Thanks for the heads up.

PDE

On Dec 7, 2012 6:35 PM, "Michael Safranek" <m.safranek@danbury-ct.gov> wrote:

Paul,

I thought you might want to see Mr. Walsh's response, specifically where he states you informed him that he does NOT a permit.

"At that meeting Mr Estefan reviewed our business, and stated that without the addition of airplanes for rent, no such permit was required."

Based upon our conversations and that of the pertinent documents, I am going under the assumption that Mr. Walsh is wrong in how he remembers what you told him and I am going to pursue establishing compliance, as you directed me to back in August 2012.

Please advise me if your intentions are still that of compliance, on Mr Walsh's part.

ms

----- Forwarded message -----

From: Sean Walsh

Date: Friday, December 7, 2012

Subject: DXR Min Standards

To: Michael Safranek <m.safranek@danbury-ct.gov>

Cc: "p.estefan@danbury-ct.gov" <p.estefan@danbury-ct.gov>, "duncan@highcroftracing.com" <duncan@highcroftracing.com>

Mr. Safranek,

Thank you for your email.

On 3/23/2011 I had a meeting with Paul Estefan in our offices, inquiring on what steps would be required for Motion Simulations LLC to add aircraft to our product catalog of simulator based flight training, and classroom based ground instruction.

Mr Estefan identified a few scenarios with which we could entertain that option. He also detailed the steps we

would be required to perform should desire to add aircraft based flight instruction to the business we run from our location adjacent to Danbury Municipal Airport.

We inquired again to meet with Mr. Estefan on 9/9/2011 and had a productive meeting with him in our office on 9/21/2011. At that meeting Mr. Estefan reviewed our business, and stated that without the addition of airplanes for rent, no such permit was required.

After that meeting we examined our business, the city's requirements, and a few other considerations and decided that adding aircraft to our model wasn't in Motion Simulations' best interest.

Fast forward to August 2nd of 2012 and I inquired via email to Mr. Estefan to see if we could pick up our conversation again. This was based on an opportunity where a few aircraft became available from the owner who was in the process of liquidating a local flight school. Mr. Estefan replied to me on 8/16 stating that going forward I should contact you. I replied to his email stating that I would. During this period the opportunity (which we would have required a B permit for) did not manifest itself, as we were unable to procure the aircraft on favorable terms.

Somehow our request for assistance in navigating the process of acquiring a permit to run a flight school has been misinterpreted. Motion Simulations does not desire to add airplanes to our practice at this time. We may desire to do so at some later point but only when we determine that it is in our best interest and financially viable.

The minimum use standards you so kindly attached to your first email (10/23/12) stipulates that to hold a category B permit we would be required to have two airplanes available for rent and one full time flight instructor. Motion Simulations doesn't own or lease any aircraft so we would be unable to comply with this requirement. Additionally, my understanding of the minimum use standard as explained to me by Mr. Estefan would require either Duncan Dayton to establish an FBO here on his property or Motion Simulations would have to affiliate with an existing FBO in order to qualify for said permit.

As we discussed the other day (at an area restaurant) my attorney has possession of the documents you provided in your earlier email. I will be sure to inquire as to the status of their review when I arrive to work on Monday morning. Please note that we do not operate on airport property and as such were unaware of any requirement that instructors, whether based at Danbury Airport or at any other airport, are required to hold a permit in order to provide their services to the owner/operator of private aircraft based in Danbury or wherever.

I will be happy to discuss this with you, or Mr. Estefan, at your convenience. Should you wish to include legal counsel, please advise and I will make them available.

Respectfully Yours

Sean Walsh ATP/CFII
Manager
Motion Simulations
45B Miry Brook Road
Danbury CT 06810
866.877.6974 Main
203.702.4027 Direct
sean.walsh@fullmotionflight.com
www.fullmotionflight.com



Michael Safranek <m.safranek@danbury-ct.gov>

Land Deed

1 message

Michael Safranek <m.safranek@danbury-ct.gov>
To: steph@highcroftracing.com

Fri, Dec 7, 2012 at 2:55 PM

here is a copy,

Mr. Walsh,

As it has been some time since our last discussion and I have not heard back about your intentions to continue to conduct regulated activity at the Airport.

The Airport Administrator's office has been trying to resolve this issue for almost 2 years now.

As recently as August of 2012, a request for a resolution was made.

I met or spoke with you on a couple of occasions, outlining the Regulated activity you are engaged in.

I provided you with specific references and corresponding documentation addressing this activity.

yet, it has been several weeks and you have not responded to any of the Airports' requests for compliance.

As you have failed to respond to the Airports request, the only option left to is to turn this matter over to the City of Danbury's legal Department, Mr. Duncan N. Dayton (property owner) and the FAA, for input and recommendations.

Just so we are clear, the regulated activity referenced: **providing flight instruct in an aircraft, either yours or any other.**

As your website declares:

Our mission is to provide individualized flight training in our state of the art full motion simulator, or your airplane.

If I may reference The Danbury Airport's Minimum Standards:

Section 2 Definitions

2.5 A fixed-base operator, hereinafter referred to as an "FBO," is any person, firm, corporation

or other entity (i) located on either City-owned property or on privately-owned property contiguous to the Airport runway-taxiway system to which access or free access, granted by deed, may be granted by the Commission under terms of these Rules and Regulations; and (ii) performing services in two or more of the following categories:

(b) Flight instruction for either fixed-wing aircraft or rotocraft, aircraft rental, aircraft charter or nonscheduled air taxi service, operation of a flying club, hereinafter referred to as "Category B";

Section 3 Airport Use

No persons, firms, corporations or other entities not otherwise exempt from the provisions of these rules and regulations shall use the Airport as a direct or indirect means for carrying on any business or commercial activity, except the following:

3.1 An FBO operating under a lease from the City who possesses a permit issued by the Commission;

3.2 An FBO who is not a lessee of the City, but who possesses a permit issued by the Commission;

3.3 A sublessee or licensee of an FBO as described in subsection 3.1 above; (1) whose sublease or license, if said sublessee or licensee is engaged in a permit related activity as described in section 7 hereof, has been approved by the Commission; or (2) whose sublease or license, if said sublessee or licensee is not engaged in a permit related activity as described in section 7 hereof, contains a provision that all activities of said sublessee shall be aeronautically related, as defined or construed in these Rules and Regulations and in the "Sponsor Assurances Agreement" between the Commission and the FAA.

3.4 A sublessee or licensee of an FBO as described in subsection 3.2 above; (1) whose sublease or license, if said sublessee or licensee is engaged in a permit related

activity as described in Section 7 hereof, has been approved by the Commission; or (2) whose sublease or license, if said sublessee or licensee is not engaged in a permit related activity as described in Section 7 hereof, contains a provision that all activities of said sublessee shall be aeronautically related, as defined or construed in these Rules and Regulations and in the "Sponsor Assurances Agreement" between the Commission and the FAA.

3.5 Any person or entity providing a specialized service as specified in Section 6 hereof and operating under a permit issued by the Commission.

3.6 An Airport Tenant operating under a lease from the City who possesses a permit issued by the Commission.

Section 5 Statements of Policy

5.1 No permit shall be issued or renewed by the Commission for any FBO commencing its operations on or after September 1, 1969, unless it has fully complied with these Rules and Regulations. However, the Commission may issue permits to any persons or entity listed in Subsections 3.3, 3.4, 3.5 above without requiring full compliance with the portions of these Rules and Regulations relating to the number of categories and to the minimum physical requirements for land and buildings. All permittees, however, are required to fully comply with the portion of these Rules and Regulations dealing with fees. In the event that an FBO and another operation operating under either Subsection 3.3 or 3.4 on land controlled by said FBO, both performing services under any category listed in Subsection 7.4, then each shall be liable for fees generated by its own operations. Subject to the approval of the Commission, lessees or licensees of an FBO or others operating pursuant to an agreement with an FBO and the FBO involved may apportion their liability for use fees by agreement. The issuance of permits to persons or entities listed in Subsection 3.3 and 3.4 shall not relieve any FBO from the obligation to perform at least two (2) categories of service; as required pursuant to Subsection 2.5.

5.2 Any persons or entity having a permit issued by the Commission in effect as of August 31, 1969, shall be allowed to operate at the Airport without fully complying with the portions of these Rules and Regulations relating to the number of categories and to the minimum physical requirements for land buildings if the Commission determines that the continuation of such an operation is in the public interest or if the Commission determines it would be an extreme hardship, financial or otherwise, for such a person or entity to fully comply with said portions of these Rules and Regulations. All such persons or entities, however, are required to fully comply with the portion of these Rules and Regulations dealing with fees.

5.3 In addition to the requirements of the FAA and pursuant to Subsection 11.5 hereof, the Commission may establish such Rules and Regulations as are necessary for safe and orderly operation of the Airport. Any Rules and Regulations so established shall be appended hereto.

Section 7 Rules and Regulations Pertaining to FBO's and Other Permittees

7.1 No persons, firm, corporation or other entity described in Section 3 hereof shall conduct activities at the Airport until receipt from the Commission of a permit to so act. A duly executed lease from the City shall not be considered a permit. Any permit issued to a lessee shall remain in effect during the term of the lease between the parties unless such permit is suspended, revoked or surrendered pursuant to Section 10 of these Rules and Regulations.

7.2 Prior to issuance of a permit, an applicant shall submit, at the request of the Commission, a report satisfying the Commission that it is technically and financially able to perform the proposed categories of service and is able to meet the insurance requirements of these Rules and Regulations.

7.3 In order to satisfy the Commission as may be required in Subsection 7.2 above, each applicant shall allow the Commission or its designee to inspect its financial background and any other records that are relevant to the requirements of Subsection 7.2.

7.4 Any information obtained by the Commission pursuant to this section, shall be kept in strictest confidence. In addition to the requirements of Subsection 7.2, the Commission may require each applicant to furnish evidence of its credit, or information relating to the experience, character or ability of the applicant to perform the proposed services.

You have stated to me that neither you nor your business falls under the Airport Minimum Standards, though I am not sure how you arrived at this conclusion. You stated to me that you/your company charge for flight instruction in an aircraft, as well as your company's website, thus falling under the Minimum Standards.

I would also like to bring to your immediate attention the Land Deed, for the property you rent.

Section 1 (a) clearly states:

The City of Danbury, hereinafter referred to as the Grantor, hereby grants to the said Mildred E. Wibling, hereinafter referred to as the Grantee, her heirs, successors and assigns, as a covenant running with the land, the right to have access to and use of the runways, landing strips, and taxistrips at the Danbury Airport, in common with others, provided however, that such use shall always remain subject to the same rules, regulations, restrictions, fees, charges and operation controls governing aircraft operations generally in the use of said airport.

This clearly denotes that your business falls under the guidelines of the Airports Minimum Standards, which by your own admission, your business is not adhering to.

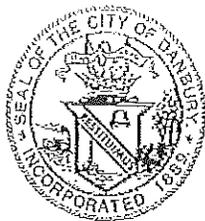
Sincerely

Michael Safranek
Danbury Municipal Airport
203-797-4624



Macton Deed and Info.pdf

970K



CITY OF DANBURY
155 Deer Hill Avenue
DANBURY, CONNECTICUT 06810

Danbury Municipal Airport
P.O. Box 2299
Danbury, CT 06813-2299

Assistant Airport Administrator
Michael Safranek
(203)797-4624

TO: Paul Estefan
FROM: Michael Safranek
DATE: October 24, 2012
SUBJECT: Motion Simulations / Sean Walsh

Paul,

Alice informed me that you asked her for an update

As per our discussions over the last few years and your discussion with Sean Walsh / Motion Simulations, it appears Mr. Walsh is conducting flight instruction on DXR without permits. He is running his business (Motion Simulations) out of the Macton Building and promotes on his website, that he is located conveniently off of "Taxiway Golf".

On or about March 22, 2011, you and I discussed this situation. After doing research on the 5190, it was my firm belief that Mr. Walsh was in fact in violation of FAA policy and the Airport's Minimum Standards by conducting Flight Training in an actual aircraft, without a permit. The conclusion was that JUST a flight simulator WAS permitted. Furthermore, Mr. Walsh is deemed a "through-the-fence" operation, so it is even more imperative that his business be subject to all pertinent rules and regulations, when acting as a flight school.

If memory serves correct, a short time after March 22, 2011, you had a meeting with Mr. Walsh regarding his operating a flight school here. From our (between you and I) discussion, my understanding was that he assured you, all such activity would cease. At that time, you asked me to monitor and act on this situation, as it is part of my job description.

Fast forward to August 16, 2012, when you forwarded me an email from Mr. Walsh, detailing how he wanted to pursue the possibility of a Flight School Permit. In the email you directed me to interface with Mr. Walsh and address this situation:

Good Afternoon Sean,

I have assigned this request to Mr Michael Safranek, please contact him to further process this request to have a category "B" permit.

Hi Paul,

Its been close to a year since we last discussed this but I am inclined to move forward with establishing an aircraft flight training presence here in Danbury.

Currently I'm negotiating a lease back arrangement with a third party and have been working through all of the elements required to be successful when adding this line of business to our existing portfolio of services.

I am interested in discussing the permitting process. Specifically what we were discussing last September, I would desire to obtain a flight school permit via one of three FBO's on the field and use that permit to operate from our building and ramp here on Golf Taxiway (Conn Air East and West Scenario).

From my understanding the permit is \$7500 per year. Do we have to pay this up front or are there options for paying it in installments?

As a single person entity is there any way we could obtain a discounted permit similarly to what Mike Demarchi did when setting up Centennial Helicopters?

Is there any chance you would have some time in the next week or so to sit down and discuss this with me?

Please let me know

Best Regards

Sean

He can be reached at 203-797-4624

Thanks

*Paul D Estefan
Airport Administrator
Danbury Municipal Airport
Danbury, Ct*

After a review of the above email and hearing from the "field" that Mr. Walsh was still providing flight training services, I thought it would be prudent to touch base with Mr. Walsh and ascertain the status of HIS inquiry.

On October 18th and 19th I left a voice requesting a return phone call about these issues. At the same time, I also left 2 messages for Mr. Anthony Ferria (AAFI). As I'm sure you are aware, AAFI was a flight school for a brief time and located at BAC. After only about 2 months, the owner of BAC terminated the agreement with AAFI and it was no longer an established flight school on DXR and no longer had an FBO "sponsor". I had been hearing gossip that AAFI was in fact still operating on the field and was possibly linking up with Mr. Walsh. Since my job duties (as outlined in my job description; "*Duties also include enforcement of regulations governing the operation of airport and responsibility for the safety of life and property in connection with the use of the airport*") require me to inquire into this type of business, I did.

On Tuesday, October 23, 2012, I received a visit from 2 agents from Homeland Security/TSA and they were inquiring about Mr. Walsh and his business: Motion Simulations. From my conversation with these 2 agents, it was clear that Mr. Walsh appeared on their "radar" because he was providing training (albeit simulator training) for foreign nationals and they wanted to verify his proper adherence to Federal Law. It was my "take-away" from this conversation

(with TSA) that Mr. Walsh WAS conducting flight training in aircrafts, thus in violation of the 5160, DXR Grant Assurances and DXR Minimum Standards.

This discussion prompted an immediate phone call from me, to Mr. Walsh.

The gist of my lengthy phone call to Mr. Walsh is the following:

I started the conversation first by inquiring with Mr. Walsh if he still had intentions of obtaining the proper permit, for regulated activities on DXR, as his email detailed. He became very evasive and claimed that he was not doing flight training in an aircraft. I then followed with, "So, you mean that you are not getting paid to provide flight training in an aircraft, here at DXR"? He, at first responded, "NO". I then inquired again, at this point, he capitulated that HE (emphasis mine) did not receive money but that in fact, it was **his company** that received monetary compensation for providing these services. At this point, I realized he would not be very forthcoming and that he was clearly trying to obfuscate some of my inquiries. I then advised him that this "type" of business activity was not allowed under the above doctrines. He advised me that several other people, actually naming a few, were doing the same thing as he was and that it should be acceptable, since others are doing it and why am I picking on him. I responded by informing him that since he proved to me with direct "testimony" as to these "others", I would have to take action by inquiring with them as to their activities and if compelled, I would have to make note that it was him, who directed me to them. This did not sit well with Mr. Walsh and he became very combative and even more evasive.

I then proceeded to explain to Mr. Walsh that he was put on notice back in 2011 as to his unregulated activities that you (Mr. Estefan) had discussed with him. He claimed that you never brought up the flight school and that you stated his activities were "OK". I countered with, "I find it very hard to believe that Mr. Estefan made it a point to go over to your business and have a discussion with you and NEVER mentioned anything about flight school activities. Mr. Estefan and I had a lengthy discussion about your activities and it was mutually agreed that he would outline the Do's and Don'ts".

Mr. Walsh categorically denied that you ever mentioned anything about flight training in aircraft and went on to state that you said everything he was doing was fine.

I challenged Mr. Walsh's certainty on this and stated that, "I will call Mr. Estefan and have a conference call, to clear this up." At this point, Mr. Walsh became combative again and accused me of interrogating him.

I informed him that I was only trying to get to the bottom of his activities and that he was being very disingenuous and evasive. I further mentioned that if this was how the conversation was going to proceed, that I would have no other choice but to let the other regulatory agencies resolve it, since he was not being very forthright.

I then asked him if he was familiar with Part 61 operations. He responded by telling me he was very versed on this section, as he was a CFI. Several minutes later in the conversation I asked him point blank, if he was conducting Part 61 operations at DXR. His response was to hesitate and claim that he was not sure if he was. I mentioned that only 5 minutes before, he claimed to be an expert in Part 61 operations and "How is it that now you claim to not understand what Part 61 consists of"? The conversation degraded even further and at that point I recommended we should start a new dialog when he returned to Connecticut.



(Macton)

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

PLEASE REPLY TO:

DANBURY, CT 06810

INTEROFFICE MEMORANDUM

TO: PAUL ESTEFAN, AIRPORT ADMINISTRATOR
FROM: LASZLO L. PINTER, ASSISTANT CORPORATION COUNSEL *LP*
SUBJECT: MACTON CORPORAITON N/F JOHN F. CARR AND HELEN CARR - MIRY BROOK ROAD
DATE: 01/20/99

As we discussed, the relevant deeds appear to indicate that the owner of the referenced property has reserved rights of common access onto the Danbury Municipal Airport. These rights arise from an agreement between Mildred Wibling and the City of Danbury in 1969 (copy attached). These designated rights running with the land are carried forward through deed covenants and appear to apply today. These rights however, are restricted by specific language in the 1969 agreement tying such rights in with compliance with the Minimum Standards. Therefore, while access is given, the manner of use of such access is to be determined by what the Standards presently allow. In addition, there appears to be a Localizer easement to the favor of the FAA, which will also have an impact on their exercise of these rights. If you can locate that document, please send me a copy for my review.

I have not commissioned a full title search to see what, if any, changes have occurred since 1969. The last available deed was in 1988, and the right of access appears in that deed. Whether any of the land described in the deed has been otherwise sold or disposed of since 1988, and the exact parameters of the property intended to be transferred by Macton will be available to us upon either a search or upon the transaction. At that time, or, preferably before the transaction, we should ask for their title search (which I have to assume they obtained for the sale) for review.

Let me know of the further developments in this matter.

c: Roy Platt, Aviation Commission

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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DANBURY MUNICIPAL AIRPORT
P.O. BOX 2299
DANBURY, CT. 06813-2299

AIRPORT ADMINISTRATOR
PAUL D. ESTEFAN
(203) 797-4624

DATE: July 31, 2000
TO: Danbury Aviation Commission
FROM: Paul D. Estefan *PDE*
Airport Administrator
SUBJ: Macton Corporation

Please find enclosed the documents concerning the sale of the Macton Corporation Land and Buildings to Tamarack Investment Inc.

Tamarack Investment is submitting a proposal for aircraft hangers, an apron and a light industrial building. They have deeded access rights to the airport. I have forward a copy to the Mayor and to the Corporation Counsel office.

Will keep you advised,

cc: file (macton / sale)

HOGAN & ROSSI
Attorneys At Law
3871 Danbury-Brewster Road
Route 6 East
Brewster, New York 10509

John J. Hogan
Donald M. Rossi
David Simon

(914) 279-2986
FAX: (914) 278-6135
FAX: (914) 279-6425

July 24, 2000

By Federal Express

Mr. Paul Estafan
Danbury Aviation Commission
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Revised Parcel B-1 and Revised Parcel B-2 as shown on Map entitled "Property Survey showing proposed Parcel Line Revision Parcels B-1 and B-2 Miry Brook Road, Danbury, Connecticut Property of John F. and Helen L Carr Total Area 6.459 Acres IL-40" Scale 1"= 60' Dated: October 27, 1999" prepared by Surveying Associates, P.C. and filed in the Danbury Land Records as Map No. 10832 (the "Premises")

Dear Mr. Estafan:

As discussed in our June 20, 2000 meeting with Mr. Duncan Dayton and Ms. B.J. Pampuch, we represent Tamarack Investments, Inc., which is in the process of purchasing the above described Premises from Mr. and Mrs. John F. Carr. The Premises are the former site of The Macton Corporation, consist of 6.459± acres, are situated in the IL-40 District as defined in the City of Danbury Zoning Regulations, and are improved by the 18,000± square foot circular building which housed Macton's business and a detached 2,500± garage.

Tamarack's plan is to proceed with a phased development of the Premises which will involve active access to the Danbury Airport and which will be consistent with the Zoning Regulations and the Danbury Airport Master Plan. Currently, Tamarack plans to construct (i) a light industrial/office building on Parcel B-2; and (ii) a hangar/office facility on Parcel B-1 which will include the demolition of the 18,000 square foot circular building and the installation of adequate parking, an aircraft apron and a widening of the existing accessway to Taxiway C.

Since we are now in a position to proceed with obtaining all necessary approvals for the Project, I would like to take this opportunity to confirm our understanding regarding the procedural steps relative to the Airport and your Commission.

1. **FAA Submission:** Our Airport Planner, Mr. Bryon H. Rakoff of The Louis Berger Group, Inc., has already submitted FAA Form 7460-1 to the FAA, New England Region, which includes a Proposed Development Plan. A copy of that form and Plan, together with his June 30, 2000 cover letter, are attached for your information.

I noted in reviewing the submission that Mr. Rakoff has not requested the necessary amendment of the Danbury Airport Master Plan to include the Premises and I have asked him to submit an appropriate request/application to the FAA for same. It is our understanding that once the FAA approves the amendment of the Master Plan it will also be necessary for

your Commission to approve it.

Also, please note that the Plan shows a proposed widening of the accessway to 35 feet. Mr. Dayton has suggested that from a long-range planning perspective a widening to 50 feet would be appropriate in order to accommodate the largest planes which may reasonably be anticipated to utilize the Airport in the foreseeable future.

2. **Access Easement:** Also enclosed is a copy of the May 27, 1969 Agreement by and between the City of Danbury and Mildred E. Wibling as recorded in Volume 474 Page 97 which establishes the easement for the existing accessway from the Premises to Taxiway C (the "Easement"). Please note that various improvements to the accessway are contemplated as described above, and that the accessway will be improved so as to comply with FAA standards in all respects.
3. **Commission Approval of Plans:** The Easement Agreement provides that the construction of any building on the Premises benefitted by the Easement must be approved by the Commission, and that such approval shall not be unreasonably withheld. We would, therefore, like to obtain its approval of our plans as soon as possible so that our applications for all other necessary permits and approvals can include a proposed Project as approved by the Commission. Please let me know if a separate Application is required for this purpose; otherwise, please deem this letter as our Application for conceptual approval of our plans.
4. **Crossing of Localizer Critical Area:** This will also confirm that presence of the Localizer Critical Area on and adjacent to the Premises does not prevent the use of the accessway by planes entering and exiting the Airport since such movements will be accomplished using established Airport and FAA procedures which include contacting and receiving clearance from the Tower during manned-hours and, during periods when the Tower is not manned, by utilizing the appropriate radio frequency to confirm that it is safe to cross the Critical Area.

Once you have reviewed the foregoing please contact me to discuss any questions or comments you may have, whether any separate Application is required in connection with the Commission's approval of our Development Plan, and any other procedural steps which you think may be appropriate. For convenience, I am sending a copy of this letter to Attorney Laslo Pinter for his review and comment.

Thank you very much.

Sincerely,


Donald M. Rossi

dmr\pm\2042.009

cc: Attorney Laslo Pinter w/encs.
Mr. Duncan Dayton (by fax only)
Ms. B.J. Pampuch (by fax only)

AGREEMENT, made this 29 day of May 1969

by and between the CITY OF DANBURY, a municipal corporation located in the County of Fairfield and State of Connecticut, acting herein by GINO J. ARCONTI, its Mayor duly authorized, and MILDRED E. WIBLING, of said City of Danbury, in said County and State,

W I T N E S S E T H:

WHEREAS, The said Mildred E. Wibling is the owner of the following described tracts of land located in said City of Danbury:

Plot I: Commencing at a point on the North side of Miry Brook Road at the intersection of the Westerly line of the property of Mary Todd and property of the Town of Danbury; thence continuing along Miry Brook Road a distance of 765 feet more or less; thence in a Northwesterly direction along other property of the Town of Danbury a distance of 455 feet more or less to a point 275 feet distant from the center line of a paved runway; thence in a Northeasterly direction at a distance of 275 feet parallel to the center line of said paved runway a distance of 275 feet more or less; thence in a Southeasterly direction along other property of the Town of Danbury a distance of 1100 feet more or less; thence in a Southwesterly direction along other property of the Town of Danbury and of Mary Todd each in part, a distance of 340 feet more or less, to the point of beginning; bounded Northerly and Easterly by other property of the Town of Danbury; Southerly by Town of Danbury and Mary Todd; Westerly by the highway and other property of the Town of Danbury, containing seven and one-half (7 1/2) acres more or less.

PLOT I-A: Commencing at a point on the North side of Miry Brook Road at the intersection of the Easterly line of Mary Todd with the Town of Danbury; thence in a Northwesterly direction along the property of Mary Todd a distance of 365 feet more or less; thence in a Northeasterly direction along the line of Plot I a distance of 120 feet more or less; thence in a Northwesterly direction along Plot I a distance of 1100 feet more or less to a point 275 feet distant from the center line of paved runway; thence running in a Northeasterly direction in a line parallel to and distant 275 feet from said paved runway a distance of 575 feet more or less; thence in a Southeasterly direction along other property of the Town of Danbury and William H. Knapp, Jr. a distance of 1300 feet more or less to a point on the highway; thence in a Westerly direction along the highway a distance of 200 feet more or less to the point of beginning, containing eight and one-third (8 1/3) acres more or less; bounded on the North by the Town of Danbury and Plot I; on the East by the Town of Danbury and William H. Knapp, Jr., each in part; and on the South by Miry Brook Road; and on the West by Mary Todd and Plot I, each in part; and

WHEREAS, the Town of Danbury, by deeds recorded in Volume 218 Page 307, dated July 13, 1945, and by deed recorded in Volume 225 Page 23, dated July 11, 1946, conveyed said tracts of land to Continental, Inc., successor in title to the said

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Mildred E. Wibling, and in said deeds made certain grants and imposed certain restrictions upon said tracts; and

WHEREAS, the said Town of Danbury has now been consolidated with and into the City of Danbury, and the said City of Danbury has succeeded to all rights, powers and obligations and duties of said Town of Danbury; and

WHEREAS, the parties hereto now desire to revise, remove, amend and/or modify said grants and restrictions,

NOW, THEREFORE, in consideration of One-Dollar and other valuable considerations, each to the other given, the parties hereto do mutually agree as follows:

1. All of the rights granted in favor of said above described tracts of land, and all of the covenants and restrictions imposed upon said tracts of land by the hereinbefore referred to deeds recorded in Volume 218 Page 307, and Volume 225 Page 23, are hereby forever surrendered and terminated by both parties, and the following are substituted in lieu thereof:

(a) The City of Danbury, hereinafter referred to as the Grantor, hereby grants to the said Mildred E. Wibling, hereinafter referred to as the Grantee, her heirs, successors and assigns, as a covenant running with the land, the right to have access to and use of the runways, landing strips, and taxi-strips at the Danbury Airport, in common with others, provided, however, that such use shall always remain subject to the same rules, regulations, restrictions, fees, charges and operation controls governing aircraft operations generally in the use of said Airport.

(b) The Grantee, for herself, her heirs, successors and assigns, covenants and agrees with the Grantor, its successors and assigns, that in the exercising of the privileges hereby granted, she will conduct all operations in a careful and proper manner and will not permit any waste or unnecessary damage to the property owned by the Grantor, its successors or assigns, or others, or permit any nuisance upon said premises.

(c) The Grantee, for herself, her heirs, successors

