

REGULAR MEETING

Danbury Aviation Commission
Danbury City Hall, 155 Deer Hill Avenue, Danbury, CT 06810
Third Floor / Conference Room #3C / Tuesday, December 18, 2012, at
7:00 p.m.

AGENDA:

1. Meeting Called to Order
2. Roll Call
Minutes of Regular Meeting: October 16, 2012
3. Liaison Report
4. Administrator's Monthly Report
5. Public Speaking Session on Items Listed on Agenda

OLD BUSINESS:

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.

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

NEW BUSINESS:

Motion Simulator – Operation of business without proper permit

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



HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
 RICHARD L. ALBRECHT
 JONATHAN S. BOWMAN
 IRVING J. KERN
 STEWART I. EDELSTEIN
 NEIL R. MARCUS
 G. KENNETH BURNHARD
 DAVID L. GROGINS
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 RICHARD SLAVIN
 DANIEL S. NAGEL
 RICHARD J. DI MARCO
 DAVID H. ZABEL
 MARK A. KIRSCH
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 L. JOYELLE DEFELICE
 LAUREN G. WALTERS
 DAVID M. MOROSAN
 MARCIA M. ESCOBEDO
 DAVID DORIN
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 ELIZABETH A. LILLMAN
 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
 THOMAS KLARIBBS
 ROSAMOND A. KOETHEK
 BRUCE L. LEVIN
 JACK E. MCGREGOR
 ALLAN J. ROSEN
 MARTIN P. WOLF

Please reply to: Danbury

November 8, 2012

By Hand Delivery

Mr. John Ashkar
 Chairman, Aviation Commission
 City of Danbury
 c/o Paul Estefan, Airport Administrator
 155 Deer Hill Avenue
 Danbury, Connecticut 06810

Re: DXR Holdings, LLC; Wallingford Road, Danbury

Dear Mr. Ashkar:

As you will recall, at the October 16, 2012 meeting of the Aviation Commission, the Commission approved DXR Holding's request that the deed restriction encumbering its property be broadened so as to permit the operation of a restaurant. This approval was subject to FAA review and comment.

Subsequent to the meeting I wrote to Ms. Lattrell to schedule a meeting at which my client and I could review DXR's proposal with her and address any concerns that she has with regard to same. Ms. Lattrell responded by email to say that, while she was willing to meet, it was unclear to her as to what she could provide to my client. She said that it is the City's responsibility to comply with its grant assurances and that "how it accomplishes this is at their discretion". Thereafter, Ms. Lattrell did not respond to emails that I and my client sent to her.

Since it seems apparent that the FAA does not intend to review my client's proposal to rent space to a restaurant operator, or to comment with regard to that proposal, I am writing to request that my client's matter be placed on the agenda of the November 20, 2012 meeting of the Commission. At the meeting we would like to be informed of any specific concerns that the Commission and/or Mr. Estefan may have which could have an impact on any present or future grant assurances. We will work with the Commission and Mr. Estefan to address those concerns at the meeting, and believe that we can then incorporate rules into the lease between DXR and the restaurant operator so as to insure that safeguards are in place (including, but not limited to, the restriction of access from the restaurant to the airport) to prevent negative impacts.

1115 BROAD STREET
 P.O. BOX 1821
 BRIDGEPORT, CT 06601-1821
 TEL: (203) 394-9901

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320 POST ROAD WEST
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Received Time: Nov. 8, 2012 4:48 PM No. 856849



November 8, 2012
Page Two

My client and I continue to believe that his proposal will be beneficial for the airport and for the City of Danbury and its residents.

Thank you for your continuing cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Kahn', written in a cursive style.

Robin A. Kahn

RAK:dm
cc: DXR Holdings, LLC
Paul Estefan via email

(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

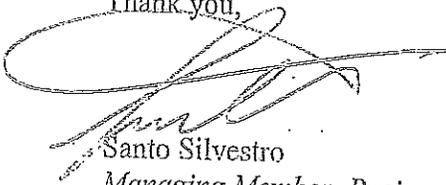
Mr. Estefan,

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.

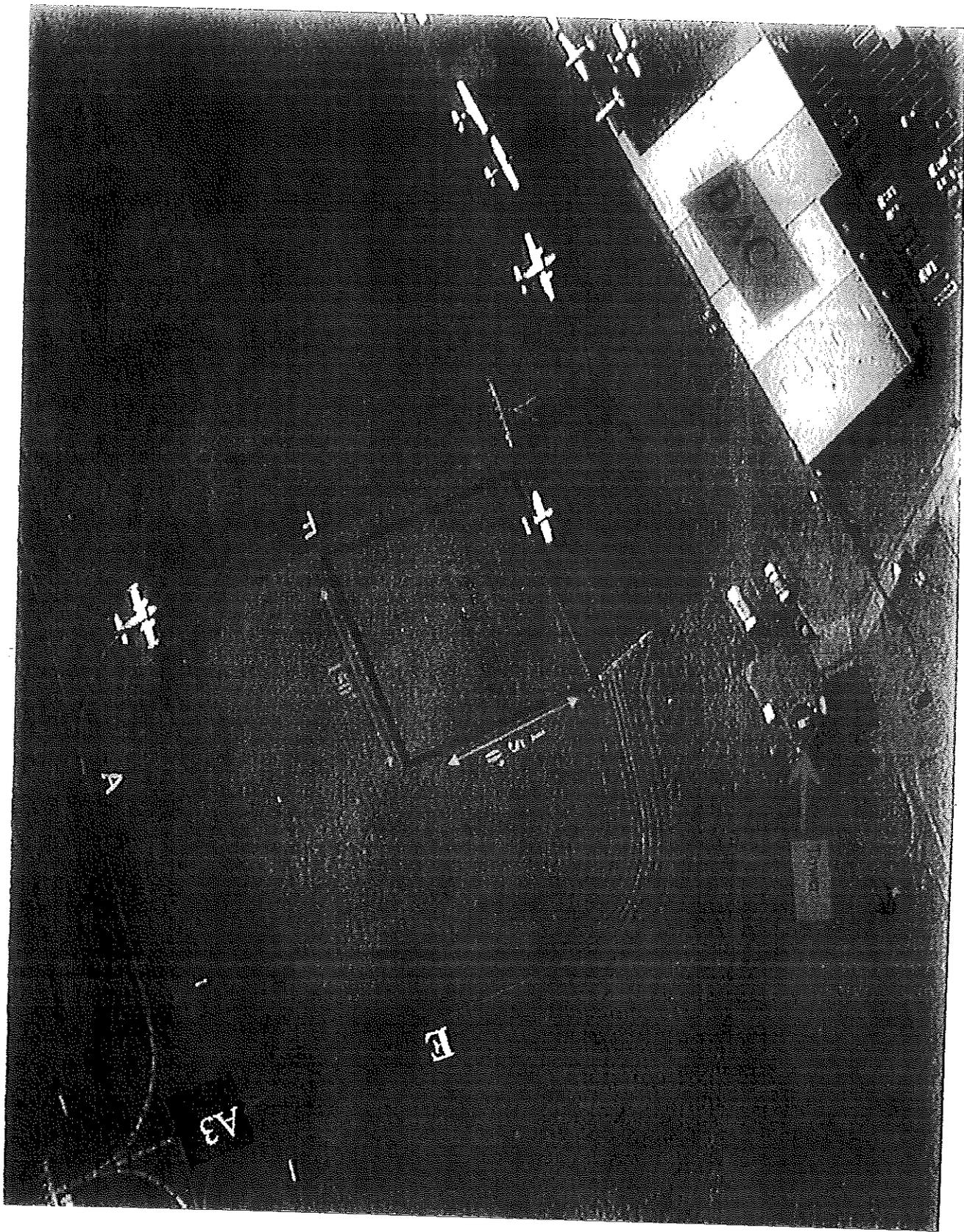
I would like this area to be leased as an addendum to the current Business Aircraft Center lease. It will be used only by BAC and not by other FBOs due to its location. Currently this property is undeveloped and has never been leased in the past. I intend to pave the area, at my cost, in order to create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



DANBURY AVIATION COMMISSION
MEETING MINUTES

Danbury Aviation Commission -- 7:00 p.m.
Danbury City Hall: 155 Deer Hill Ave., Danbury, CT 06810
Third Floor / Room 3C / Tuesday, October 16, 2012

01 **Meeting Called to Order By Chairman Ashkar.**

02 **Roll Call:**

Present: Commissioners Ashkar, Zilinek, Oppermann, Baker

Absent: Frizzell

03 **Motion made to accept the regular meeting minutes of April 17, 2012 as written by Commissioner Oppermann seconded by Commissioner Zilinek and unanimously approved.**

04 **Liaison Report:**

Commissioner Oppermann reported on April 27, 2012 met with the owners of Westconn Aviation and US Flight who are making improvements to the previously known Sadler property. Met with Mr. Chris Orifici and Mr. Bernie Paquette. On May 3, 2012, visited Business Aircraft Center meeting with Mr. Gus Ennis of Curtiss Aero. Also met with Mr. Alan Speakmaster of Master Aviation and met with Mr. Rob Zohn, whose new business is Flight Investments located in the BAC complex who would like to see the "Visual Approach Indication System" to Runway 8 and questioned if any positive improvement been made to repairing the DME and getting a Waas Approach. Commissioner Oppermann requested an updated list of the companies on the field. On September 27, 2012, stopped at Westconn Aviation meeting with Mr. Chris Orifici and was favorably impressed with the progress and scope of the construction that is in progress. He also described in detail his request of the Commission to approve relaxing the deed restrictions imposed when the property was purchased by Clifford Sadler in 1948. Commissioner Oppermann expects the Commission to grant his request. A copy of Commissioner Oppermann's report is attached.

05 **Administrator's Monthly Report:**

Mr. Paul Estefan reported Request To Bid for Hazard Beacons was put out. The FAA did not give us all money requested but enough to do the critical beacons, and we are hoping to sign contracts this month to start the process of the lights rehabbed. The project will be "weather related" so don't know when complete. Company will have 45 days to complete the project. Commissioner Ashkar asked why did the FAA short us? Mr. Estefan replied "ask congress." About \$400,000 was cut from our project.

Motion made by Commissioner Zilinek to open Public Speaking, seconded by Commissioner Oppermann, and unanimously approved.

Public Speaking:

Mr. Wayne Toher, Reliant Air, requested an update on the Waas Approach. Mr. Estefan replied the FAA has not given us an answer yet. Mr. Safranek reported it is in line for about two years with the initial approvals done. Mr. Toher also stated there is some concern about alcohol and pilots with a restaurant in my building for over 20 years and there was never concern about pilots drinking, and there are so many airports that have restaurants and liquor licenses. Mr. Les Abend, tenant on the field for about 28 years and a pilot and never once stopped for a drink before flying an airplane and neither do most other pilots. Mr. Abend commented that a restaurant on the airport field would bring in business and good for the airport. Mr. Ken Perrino at Westconn and as a pilot we have a tremendous investment in getting our licenses and the airplanes that we own we are jeopardizing and don't see that a restaurant with a liquor license would seem to be a problem. Chairman Ashkar stated he believes there is a regulation that you are not supposed to have a restaurant on the airport that serves alcohol. He also stated he didn't want to have pilots making the decision easier to have a drink then fly. Commissioner Oppermann stated just about every airport around us has liquor serving restaurants. Mr. Bob King stated in the Airport's Master Plan a restaurant was planned; Mr. Estefan stated the last administration killed that plan.

Motion was made to close public speaking by Commissioner Oppermann, seconded by Commissioner Zilinek, and unanimously approved.

Old Business

Danbury Aviation, Proposed Hangar Project/Lease

Mr. Estefan advised the city council met and tabled the issue because we need to determine the ASOS impact on the field. We need to determine if the FAA would allow us to move the ASOS so the T-hangars can be built. Mr. Estefan also advised that Mr. Silvestro's submittal was approved twice by the FAA and the third time the FAA recided their approval as the ASOS is too close to the proposed buildings. Mr. Silvestro stated we might be able to move part of the ASOS at a cost of \$25,000 by the FAA.

New Business

DXR Holdings, LLC, request to broaden restrictions on original deed dated December 28, 1948, copy attached.

Attorney Robin Kahn, representing Westconn Aviation, requested the Commission to release the deed restrictions to allow a restaurant. We submitted a request to the City Council and they referred this back for a report to the Commission, the Airport Administrator, and the Planning Commission. We are asking for a positive report in favor of the release of the restrictions so we may report back to the City Council. After research we found there are 31 airports near Danbury that serve alcohol at restaurants. We believe a restaurant would be a great benefit to the Airport and the city. Attorney Kahn stated she spoke with Gail Lattrell from the FAA about possible jeopardy between the City and the grant assurances who would look into it and let us know. Commissioner Oppermann stated the security for the proposed site of the restaurant looks intact and I don't see why this project should not be done. Attorney Kahn pointed out that Westconn is not only looking for approval of the restaurant but to lift all the deed restrictions. Mr. Estefan advised that Westconn is a "thru the fence" operation which the FAA doesn't like and if this project compromises the airport to receive grant money I will not support this project. Chairman Ashkar asked if Westconn was comfortable with just giving a favorable report for an alcohol serving restaurant, in which Westconn replied yes.

Motion was made by Commissioner Oppermann that the request to broaden the restrictions on the original deed dated December 28, 1948, be broadened to incorporate a full use restaurant with a liquor license, subject to FAA review and comment, seconded by Commissioner Zilinek, and unanimously approved.

Business Aircraft Center, request to lease additional 150'x150' piece of land adjacent to current ramp space, letter attached.

Chairman Ashkar asked Mr. Silvestro if he was going to blacktop the area which is adjacent to the city property that you already lease. Mr. Estefan advised that BAC does not lease this area. Mr. Estefan advised that this proposal be sent to the Airport Planners and then discuss a lease to BAC.

Motion made by Commissioner Oppermann of the request for Business Aircraft Center to lease additional 150'x150' piece of land adjacent to current ramp space be tabled pending Mr. Estefan requesting information from the Airport Planners and the FAA, seconded by Commissioner Zilinek, and unanimously approved.

Motion made to adjourn by Commissioner Zilinek, seconded by Commissioner Oppermann,, and unanimously approved.

Ald

DXR Commission Liason Report, Oct. 16, 2012

To: Danbury Aviation Commission Members.

On April 27, 2012 I had the opportunity to visit what was the Sadler Aviation facility. I am pleased to report that the current occupants have improved the area and continue to do so. Mr. Bernard Paquette showed me the US Flight facility and explained the plan for additional improvements. I briefly met with Chris Orificci, who said that all was well. That is always good to hear.

On May 3, 2012 I visited the Business Air Center and Danbury Aviation facilities. Mr. Gus Gettas of Curtiss Aero was kind enough to take the time from his busy schedule to show me around. It is encouraging to see the positive progress that is made in all quarters. Aircraft are finally being tied down / parked on the area previously used for police skid driving practices. I believe this is creating more revenue for the City of Danbury.

Alan Speakmaster of Master Aviation was quite involved in the business of the day but was able to indicate that all was going well. The hangar appeared full of aircraft undergoing various maintenance practices.

I visited with Rob Zohn whose new business is Flight Investments, Inc. located in the Business Aircraft Center complex. Rob operates a Cessna 172 for his own pleasure from Danbury Airport. He would like to see the visual approach slope indication system for runway 8 that we looked forward to after the trees in the approach area were reduced in size. Has any positive movement been made to repairing the DME and getting a WAAS approach?

As soon as it all sorts our I request an update accurate assessment as to the Aviation facilities and their principals / managers, addresses and telephone numbers, from Mr. Estafan.

On Sep. 27, 2012 I stopped at Westconn Aviation and happened to meet Chris Orificci. I was favorably impressed with the progress and scope of the construction that is in progress. Chris described in detail his request of the Danbury Airport Commission to approve relaxing the deed restriction imposed when the property was purchased by Clifford Sadler 12-29-1948. After due discussion I expect the Aviation Commission will acquiesce to his request.

Very truly



Thomas Oppermann, Danbury Aviation Commissioner.



CITY OF DANBURY
DANBURY, CONNECTICUT 06810

Danbury Municipal Airport
P. O. Box 2299
Danbury, CT 06813
(203) 797-4624
Fax: (203) 796-1569

Paul D. Estefan
Airport Administrator
Michael Safranek
Assistant Airport Administrator

TO: Aviation Commission Members

Cc: John Ashkar, Chairman

FROM: Paul D. Estefan, Airport Administrator

DATE: August 28, 2012

SUBJECT: DXR Holdings, LLC

Attached is correspondence that has been forwarded to Mayor Mark Boughton and Members of the City Council to have DXR Holdings, LLC (old Sadler Property) added to the agenda for the September City Council Meeting.

After action has been taken by the City Council, this request will be on the September 18th Aviation Commission Meeting for your consideration.

If you have any questions, please feel free to contact me.

PDE:ald
Enclosure



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DANBURY MUNICIPAL AIRPORT
P.O. BOX 1259
DANBURY, CT. 06813-1259

AIRPORT ADMINISTRATOR
PAUL D. ESTEFAN
(203) 797-6624

August 25, 2012

Mayor Mark D Boughton

Honorable Members of the City Council

City of Danbury

Dear Mayor Boughton & Honorable Members of the City Council,

I have attached a letter from Attorney Robin Kahn who represents DXR Holdings seeking to release or, if necessary, the broadening of the restriction that was imposed by the Town of Danbury on December 29, 1948. To date I have been working with the Legislative Office in trying to find the minutes of that Town of Danbury Meeting that imposed those restrictions but we have not located them as of this letter.

I am forwarding these documents for your consideration.

Sincerely,

Paul D Estefan

Airport Administrator

Cc: Estefan96





LETT L. COHEN
(1923-1953)

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOGACZ
IRVING J. KAPIN
STEWART I. EDELSTEIN
NEIL R. MALCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GREGA E. SCHEINER
ROBIN A. KAHN
RICHARD SLAVEN
DANIEL S. MCEL
RICHARD J. DI MARCO
DAVID B. ZARL
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MATTHEW C. SUSMAN

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THEMIS KLARIDES
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BRUCE L. LEVIN
JACK E. MCCREGGOR
ALLAN J. ROSEN
MARTIN F. WOLF

ROBIN A. KAHN, ESQ
rkahn@cohenandwolf.com

Please reply to: Danbury

August 24, 2012

VIA EMAIL ONLY

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

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

Dear Paul:

As you know, I represent DXR Holdings, LLC, the owner of property located on Wallingford Road in Danbury. DXR purchased the property from Ruth Sadler in January of 2011, and since that time my client has made significant improvements to same, including the complete renovation of existing hangar buildings.

The property is subject to a restriction contained in a Warranty Deed dated December 29, 1948 from the Town of Danbury to Mrs. Sadler's late husband, Clifford Sadler. The restriction provides that the property "shall be used solely for the following purposes: the sale of airplanes, airplane parts and gasoline, the storage of airplanes, the repair and overhauling of airplanes and airplane engines, and the manufacture of airplane parts".

My client is seeking the release or, if necessary, the broadening of the restriction so that the property may be used for additional purposes which are permitted in the IL-40 zone and which would be beneficial and complementary to the airport, other properties surrounding the airport and the City of Danbury in general. You have told me that you have been unable to locate any records which would explain the rationale behind the inclusion of the restriction in the 1948 deed. My client and I believe that any such rationale has ceased to be relevant, particularly since there is currently an overabundance of aviation businesses in the area.

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FAX: (203) 791-8149

330 POST ROAD WEST
WESTFORD, CT 06650
TEL: (203) 222-1034
FAX: (203) 227-1373

657 ORANGE CENTER ROAD
ORANGE, CT 06477
TEL: (203) 293-0165
FAX: (203) 293-0163

August 24, 2012
Page Two

Since the restriction is contained in a deed from the Town of Danbury, I understand that its release must be approved by the City Council. Accordingly, I would request that you recommend that this request for the release of the restriction be placed on the September agenda of the Council for consideration.

Thank you for your usual courtesies.

Very truly yours,


Robin A. Kahn

RAKjad
cc: DXR Holdings, LLC

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto him the said grantee his heirs, successors and assigns forever, to and their own proper use and behoof.

And also, it the said grantor do as for itself, its heirs, successors and assigns, covenant with the said grantee his successors, heirs and assigns, that at and until the opening of these presents,

it is well seized of the premises as a good indefeasible estate in FEE SIMPLE; and has good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except the restrictions hereinafter stated.

And Furthermore, the said grantor do as by these presents bind itself and its heirs, successors and assigns forever to WARRANT AND ENDEAVOR the above granted and bargained premises to him the said grantee his heirs, successors, heirs and assigns against all claims and demands whatsoever, except as hereinafter stated.

In Witness Whereof, the said grantor caused to be set the hand and seal of its Mayor, the day of December in the year of our Lord nineteen hundred and forty eight.

Signed, Sealed and Delivered in presence of
[Signature]
[Signature]
[Signature]

[Signature] (L.S.)
[Signature]
[Signature]
[Signature]

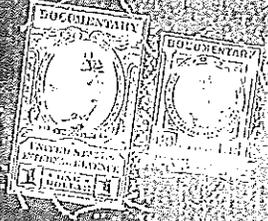
State of Connecticut

County of Fairfield

Dated, December 28, A. D. 1948

Personally Appeared CHARLES J. SWOONER, Mayor, Selectman, CHARLES J. PROCTOR, Second Selectman, and ARTHUR W. CROFT, Third Selectman, of the Town of Danbury, before me, the undersigned, a Justice of the Peace.

Signer and Seal of the foregoing Instrument, and acknowledged the same to be their free act and deed, and are duly authorized officers of said municipal corporation, before me.



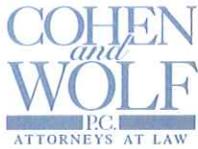
[Signature]

Justice of the Peace
Commissioner of the Superior Court
for the State of Connecticut

Recorded for Record on Dec 28, 1948 at Danbury, Conn.

[Signature]

Town Clerk



HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
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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.

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320 POST ROAD WEST
WESTPORT, CT 06880
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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.



8-1

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

November 25, 2012

Mayor Mark D Boughton

Honorable Members of the City Council

Dear Mayor Boughton & Hon. Members of the City Council,

I am responding to your referral to the Office of the Airport Administrator regarding item #4 on the September meeting DXR Holdings, LLC Wallingford Road.

DXR Holdings, LLC. Located on Wallingford Road is requesting to amend or release their Deed Restrictions that run with the Land.

In reviewing the Deed I found that at a Town Meeting on December 28, 1948 it voted to authorize the Board of Selectman to enter into the sale of the Property to Clifford Sadler with Deed restrictions attached to the land. The Deed restrictions clearly state what the property can be "solely used for the following purposes: the sale of airplanes; airplane parts and gasoline; the storage of airplanes; the repair and overhauling of airplanes and airplane engines; and the manufacture of airplane parts, and this covenant shall be construed as a covenant running with the land."

The actions of the Town of Danbury placed the City in my opinion in a position to be in compliance with the Future Federal Aviation Administration rules, regulations, policies and sponsor assurances. The Town sold the property with these deed restrictions thus keeping the integrity of the property to be solely used for aeronautical purposes and nothing more.

The FAA Sponsor Assurances that we accept when we receive a Federal Grant have items such as #5 "Preserving Rights and Powers"



- a. It will not take or permit any action which would operate to deprive it of any rights and powers necessary to perform any or all of the terms, conditions, and assurance in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

The FAA sponsor assurance # 21 "Compatible Land Use"

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

The applicant on October 29, 2012 wrote to the FAA the following;

First, this statement:

Currently Danbury Airport is maximized with respect to maintenance and repair facilities and charter and flight school operations. To add another one of these uses would have a negative impact on the other like kind business at Danbury Airport.

FAA Response

That is not something the airport (must less a potential competitor) can say - should the sponsor make that statement, and more importantly act on it to deny eligible and qualified aeronautical service providers the opportunity to have access to the airport, the sponsor greatly risks compliance with grant assurance 22. We have precedent on this.

Secondly, this statement:

I believe that amending the restriction to include some more up-to-date aviation-related services might in fact place the City in a better position with respect to compliance with its Grant Assurances to the FAA than what now exists (although I am only seeking to add one addition use at this time).

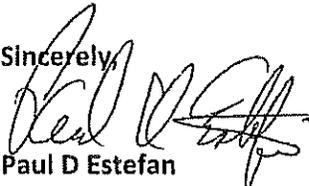
FAA Response

Restaurants are not "aviation-related services." Out of date or "up-to-date" they are not in any way aviation related. The handbook 5190.6B even says catering is not too. I can't conceive of any scenarios where allowing non aeronautical business such as a restaurant over aeronautical development, and airport ops and mix, plus safety, will help the sponsor be in "a better position with respect to compliance with its Grant Assurances."

The one item that has not been brought up by the applicant is the Fair Market Value of the Deed Restriction being lifted. In all of these discussions from day one I have no correspondence regarding what the Fair Market Value of the Deed Restriction is worth and no offer to pay the City for its release.

In closing I cannot recommend to the Mayor, City Council that the lifting of this Deed Restriction is in the Best Interest of the City of Danbury given the fact we have a burden under the FAA Sponsor assurances to be in compliance at all times. If we violate these assurances we could possibly become ineligible for FAA grant monies to do Capital Programs for all the airport users.

Sincerely,



Paul D Estefan
Airport Administrator
Danbury Municipal Airport

Cc; File Estefan100



8-4

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

November 26, 2012

Honorable Mark D. Boughton, Mayor
Members of the City Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: September Council Agenda Item #4
DXR Holdings, LLC letter requesting release/broadening of deed restriction

Dear Mayor Boughton and Council Members:

Please accept this letter in response to your request for a report concerning the above matter. The correspondence referred to above from Attorney Robin Kahn requests that the City Council release or broaden a deed restriction which encumbers a parcel of land located at the Danbury Airport now owned by her client DXR Holdings, LLC. The deed restriction provides that the property "shall be used solely for the following purposes: the sale of airplanes; air plane parts and gasoline; the storage of airplanes; the repair and overhauling of airplanes and airplane engines, and the manufacture of airplane parts".

It is our understanding that the Planning Commission issued a negative recommendation on the modification of the current deed restriction. As mentioned in the Department's staff report, the release or broadening of the current deed restriction would serve to negatively impact the City's tireless work to ensure that the land adjacent to be airport be used for purposes related to the airport and in accordance with the Zoning Regulations and FAA requirements, and additionally, the integrity of the IL-40 zone could be negatively impacted by the release or broadening of the covenant.

It is our further understanding that the Airport Administrator has issued a negative recommendation regarding the proposed deed change. The Federal Aviation Administration ("FAA") has in written correspondence to the Airport Administrator cautioned, among other things, that airport sponsors such as the City "must plan appropriately for hazard mitigation...and compatible land use" in order to remain in compliance with federal grant conditions. In that regard the Planning Department has expressed concern about changing the zoning regulations to accommodate the proposed use. Additionally, the FAA also indicates that the City should further review other areas to ensure it maintains continued compliance with its federal obligations.

8-5

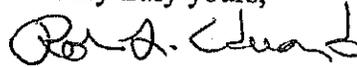
Honorable Mark D. Boughton, Mayor
Members of the City Council

Page 2

November 26, 2012

If the Council decides that due to the negative reports, recommendations and concerns that it does not wish to pursue this matter further, then it is appropriate for you make a determination to "take no action". However, if the Council, notwithstanding the above mentioned negative reports, recommendations and concerns, remains inclined to consider the proposed deed amendment, this office respectfully requests that you continue that matter for an additional time period of sixty (60) days to review the legality of such a proposed modification to the existing deed restrictions imposed by the Town of Danbury in 1948. If you have any questions, please feel free to contact me.

Very truly yours,



Robin L. Edwards
Assistant Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Laszlo L. Pinter, Deputy Corporation Counsel
Dennis I. Elpern, Planning Director
Paul D. Estefan, Airport Administrator

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

November 26, 2012

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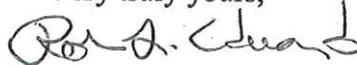
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Robin L. Edwards
Assistant Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Laszlo L. Pinter, Deputy Corporation Counsel
Dennis I. Elpern, Planning Director
Paul D. Estefan, Airport Administrator

Business Aircraft Center

(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

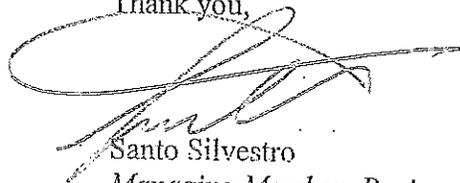
Mr. Estefan,

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

