

DANBURY AVIATION COMMISSION
SPECIAL MEETING
MINUTES

Danbury Aviation Commission -- 7:00 p.m.
Danbury City Hall: 155 Deer Hill Ave., Danbury, CT 06810
Third Floor / Room 3C / Thursday, July 13, 2010

01 Meeting Called to Order at 7:00 p.m. By Chairman Ashkar.

02 Roll Call:

Present: Commissioners Ashkar, Zilinek, Opperman

Absent: Frizzell, Baker

03 Public speaking session of items listed on agenda

Motion was made to open public speaking by Commissioner Zilinek, seconded by Commissioner Opperman, and unanimously approved.

No public speaking occurred.

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

Old Business

Westconn Aviation, LLC – Purchase of Sadler Aircraft Center

Attorney Robin Kahn representing Westconn Aviation, LLC requested Category A, Fuel, and Category B, Charter-Rental-Instruction permits for Westconn Aviation, as stated in letter dated June 21, 2010 (copy attached). She stated the property will be reconfigured as condominiums with Sadler retaining small portion with present building who will relinquish his permits once the sale is finalized. A proposed lease was drafted with a 30 year lease term with a 30 year renewal option. An appraisal is now being completed. She also stated the leased area would need to be reduced due to airport restricted movement areas. Mr. Estefan advised he will review this matter with the FAA. Westconn Aviation will be the sole responsible party for all fees, lease payments, etc. for this property. Commissioner Opperman requested that the Commission see the final lease prior to getting Common Council approval. Mr. Estefan advised he will forward to the commission members a copy of the proposed final lease. Commissioner Opperman asked if there was any guarantee that the property will be improved as proposed; Mr. Orifici stated it would all depend on the banking that will be done but improvements will be made.

Motion was made by Commissioner Opperman to recommend to the City Council a lease of Airport property now or formerly leased to Sadler Aircraft Service, Inc., pursuant to general terms and conditions set forth in a lease represented to the Aviation Commission on July 13, 2010, and subject to review and/or final negotiation by the Department of Finance, Corporation Counsel and the Planning Commission, together with issuance of specified FBO permits to Westconn Aviation, LLC once all past and present fees, rents, and charges have been paid and upon the consummation of the lease agreement, seconded by Commissioner Zilinek, and unanimously approved.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2010 JUL 15 A 8:10

BY: 

New Business

Executive Air Service – Determination of Show Cause Hearing

Mr. Paul Estefan read into the minutes letter dated July 13, 2010 from Attorney Gerald Hecht regarding Executive Air Services, copy attached. Mr. Estefan advised for a Show Cause Hearing, Executive Air and/or their attorney would need to be present. Chairman Ashkar advised if the City is not paid within 90 days, the Show Cause Hearing will be scheduled. Attorney Pinter advised this matter will be forwarded to the collection agency. Mr. Estefan believes about 2 years ago Executive Air was in arrears for around \$16,000. Commissioner Opperman suggested the Show Cause Hearing be held in September.

Motion was made by Commissioner Opperman to reschedule the Executive Air Show Cause Hearing until the Danbury Aviation Commission meeting held on September 21, 2010, and recommend that the Corporation Counsel's office send notice of the hearing of revocation to Executive Air by certified letter, seconded by Commissioner Zilinek, and unanimously approved.

Motion made to adjourn, seconded, and unanimously approved.

Ald

June 21, 2010

VIA EMAIL AND U.S. MAIL

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

**Re: Sadler sale to Westconn Aviation, LLC
Wallingford Road, Danbury, Connecticut**

Dear Paul:

Thank you for the time and attention that you, John Askar, and the other members of the Aviation Commission have given to my client's proposals with regard to the above-referenced premises.

By this letter I am formally requesting that the Commission grant the following F.B.O. permits to Westconn Aviation, LLC in connection with operations at the premises: Fuel (Category A) and Charter Services (Category B).

For the reasons discussed at the Commission meeting last Tuesday night, we request that the Commission find that Sadler's grandfathering status may be continued with respect to the property to be occupied by Westconn Aviation. Attorney Pinter has said that the factual decision on this issue is to be made by the Commission. As you know, if our deal does not go forward because the Commission denies this request Sadler Aviation will continue to operate under its existing permits, so the non-conformity will not be discontinued.

I would also request that the Commission consent, subject to approval of the City Council, to the execution of a new lease between DXR Holdings, LLC (which will be the owner of the property to be occupied by Westconn Aviation) and the City of Danbury. This new lease will supersede the lease dated May 1, 2006 between the City and Sadler Aircraft. The new lease would contain the following terms:

1. A thirty (30) year lease term, with a thirty (30) year renewal option.
2. Rent fixed at \$5,100 per acre for the first five (5) years, with CPI adjustments every five (5) years thereafter, including during the renewal term.

Mr. Paul Estefan
June 21, 2010
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3. A right of first refusal in favor of the tenant with regard to adjoining areas that may become available for lease.

4. Provision for the release of the deed restriction noted above in the event that the lease is terminated or not renewed by the City of Danbury.

In addition to these terms, the leased area in the new lease should be reduced from that of the Sadler to reflect the fact that portions of the current leased area are not usable because of airport restricted zones.

We would expect that the Commission will condition its approval upon my client's granting a sewer easement to the City, once the closing has occurred. As noted at the Commission meeting, Chris Orifici has also agreed that his company will grant an easement to the City to permit access from Wallingford Road to the airport runway.

John indicated that you, Les and I should meet before the next meeting of the Commission to put together a draft lease for the Commission's review. I propose that we meet on July 6th or 7th to review a draft, if Les has had the opportunity to prepare same, or to discuss the terms mentioned above.

Finally, I will not be able to attend the Commission's next regularly scheduled meeting on July 20th since I will be on vacation. I would appreciate it if the Commission would schedule a special meeting during the week of July 12th so that I may be present when these requests are considered.

Please let me know if the 6th or 7th works for you and Les, and also if a special meeting can be scheduled.

Very truly yours,



Robin A. Kahn

RAK:jad

cc: Westconn Aviation, LLC
John Askar
Lazlo Pinter, Esq.



GERALD HECHT AND ASSOCIATES

ATTORNEYS AT LAW
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Danbury, CT 06810-8046
203/792-3203 / FAX 203/798-6975

Gerald Hecht*
*Admitted in NY, CT, PA

Frank G. Indelicato
(1989-2002)

July 13, 2010

Via Fax No.: 203-796-8043

Laszlo Pinter
City of Danbury
Office of the Corporation Counsel
155 Deer Hill Ave.
Danbury, CT 06810

Re: Executive Air Services

Dear Laszlo:

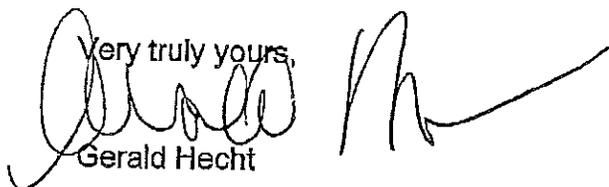
Pursuant to our conversation this morning, this letter will confirm that I am representing Executive Air Services.

My client acknowledges its indebtedness for rent, flowage fees and permit fees. Its calculations are annexed hereto. They have every intention of paying what they owe.

Neither my client nor my office can attend the Special Meeting tonight. Kindly reschedule our appearance, if needed, with all notices sent to my office.

Thank you in advance for your courtesies.

Very truly yours,



Gerald Hecht

GH/jd
Enc.

cc: A. Debany (via fax # 203-413-5603)

10:35 AM

07/11/10

**Executive Air Service
Unpaid Bills Detail
As of July 11, 2010**

Type	Date	Num	Due Date	Aging	Open Balance
Danbury/Flowage fees					
Bill	12/14/2009	2356	12/24/2009		
Bill	12/30/2009	Interest	1/9/2010	209	511.38
Bill	1/19/2010	2399	1/29/2010	193	45.98
Bill	2/9/2010	2411	2/19/2010	173	513.25
Bill	3/24/2010	2439	4/3/2010	152	515.38
Bill	4/8/2010	2469	4/18/2010	109	510.25
Bill	5/5/2010	2485	5/15/2010	94	505.88
Bill	6/8/2010	2508	6/18/2010	67	504.25
Bill	6/23/2010	2521	7/3/2010	33	499.50
Bill	7/1/2010	Interest	7/11/2010	18	494.88
Total Danbury/Flowage fees					158.82
Danbury/Lease					4,259.57
Bill	1/1/2009	2376	1/11/2009		
Bill	11/18/2009	2160	11/26/2009	556	2,250.00
Bill	12/30/2009	Interest	1/9/2010	235	2,560.94
Bill	2/17/2010	2421	2/27/2010	193	114.08
Bill	7/1/2010	Interest	7/11/2010	144	30,973.93
Total Danbury/Lease					1,322.80
Danbury/Permit fees					37,221.75
Bill	2/1/2010	2408	2/11/2010		
Bill	4/1/2010	2456	4/11/2010	160	1,250.00
Bill	4/1/2010	2462	4/11/2010	101	2,250.00
Bill	7/1/2010	Interest	7/11/2010	101	1,875.00
Bill	7/6/2010	2534	7/16/2010	10	475.98
Total Danbury/Permit fees					4,125.00
TOTAL					9,975.98
					51,457.30
					- 12905.81
					38551.49

12905.81