

**AD HOC REPORT
Duckpin Bowling Lane Lease**

Honorable Mark D. Boughton, Mayor
Common Council Members

July 21, 2008

Councilwoman Stanley called the meeting to order at 6:04 P.M. In attendance were committee members Councilmen Arconti and Saadi. Laszlo Pinter, Deputy Corporation Counsel; ex-officio members, Councilmen Nagarsheth, Seabury, Trombetta and Cavo were also present. Also in attendance were Gerald Troccola, current tenant, Ken Nelson, the proposed tenant and Heather Nelson, Attys. Aaron Bowman and Adam Cohen representing Mr. Troccola. Councilman Johnson joined the meeting at 6:06PM, Councilwoman McMahon at 6:15PM and Councilmen Levy and Chianese at 6:25PM. and members of the public were also in attendance.

Councilwoman Stanley stated that the call of the meeting was to consider the Duckpin Bowling Lanes Lease. The letter of request for the Ad Hoc Committee was read. Mr. Tortola, the current tenant would like to enter into an agreement with Mr. Nelson to purchase the business.

Atty. Cohen, representing Mr. Troccola, stated that his client would like grant Mr. Nelson the right to run the business with the option to buy in three (3) years. Mr. Troccola would have the right to end the agreement and in case of default on the rent, Mr. Nelson would be liable. Mr. Troccola would remain on a consulting basis and would earn a salary for such until the assignment of novation. Permission is requested to delegate the rent payment to Mr. Nelson.

Discussion followed regarding the responsibility of payment of rent should there be default, background check, credit check and insurance coverage. The committee members expressed their concerns for the City's interest as owner of the building. Inquiries were made regarding the bid process for leases.

Atty. Pinter advised that the lease was signed in 2006 for five years with an option to renew for an additional five (5) years. There is no precedent for this type of assignment of a lease and he would like to review the option agreement.

Councilman Saadi moved to recommend to the Council as a whole, approval of the request subject to the following three (3) conditions:

1. language in all relevant documentation to ensure that during the option period that Mr. Troccola is ultimately liable for any defaults under the existing lease,
2. that a credit check be performed on Mr. Nelson,
3. that a background check be performed.

The items should be made available and presented prior to the next Council meeting in their entirety, subject to any privacy concerns.

Seconded by Councilman Arconti. **Motion passed by unanimous vote.**

Councilman Arconti moved to adjourn at 6:30PM. Seconded by Councilman Saadi. **Motion passed by unanimous vote.**

Respectfully submitted,

Colleen Stanley, Chairwoman

Thomas Saadi

Bob Arconti



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July 31, 2008

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

Re: Danbury Duck Pin Bowling Lanes
Request for Consent to Option and Assignment

Dear Mayor and Council:

The committee that convened in this matter had asked that, to the extent possible, relevant contingent information be supplied at the time the full Council was set to receive the committee's report.

Since the committee meeting a couple of weeks ago, we have obtained the consent of the proposed optionee/assignee for the requisite background check, and that process is proceeding. We have also just received the draft Option and Purchase and Sale Agreement. This document is being reviewed by assignee's counsel and will also be reviewed by this office to be sure that it (or relevant clauses therein) conforms to the requests of the committee.

Based on the above, we cannot, as of date, provide you with conclusive data to assure full conformance with the committee's stipulations. Therefore, your options appear to be to reserve decision, approve with conditions or deny this request. We certainly expect to be able to provide you with a full report before your September session, once all of the information is in and vetted.

Please do not hesitate to contact us with any questions, in the meantime.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

cc: David St. Hilaire, Director of Finance
Antonio Iadarola, Director of Public Works
Nick Kaplanis, Parks & Recreation Director
Attorney Bowman

Llp/duckpin

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