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CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4518 (203)796-8043 FAX

July 28, 2009

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

Re: Request for Lease Rate Reduction and Reimbursement for Gate
Executive Air Services @ DXR

Dear Mayor and Council:

By undated letter from Executive Air Service ("EAS") to the Common Council (May 2009 agenda item #14) this Airport FBO operator asks that consideration be given to reducing its lease payments and for a cash reimbursement for the costs of installing a security gate.

Presently, pursuant to an amended (2003) lease agreement, EAS pays the City approximately \$30,270.47 annually for operations on five (5) acres at the Airport. EAS operates in at least two categories of aircraft operations, and pays a fixed permit fee for each category. Additionally, EAS is assessed for taxes on the property it is leased. There have been documented periods when EAS or its related or successor entities have experienced a delinquency in payment. These were ultimately made good.

EAS seeks consideration from the City for a lowered rent, due to market or economic conditions. Based on (Airport) administration recommendation and legislative decision, any existing lease may be amended upon the agreement of the parties to adjust rent or other lease stipulations. It should be kept in mind, however, that per-acre rent rates are generally uniform and must also generally try to be consistent with federal sponsor assurances mandating such uniformity. While rents may and do vary on the field, they do so where there exist certain differences in operations. You may conclude, subject to evidence, that differences may exist that merit some adjustment.

With respect to the Gate issue, Airport Administrator Paul Estefan advises that this issue had been reviewed by his office, and, in part, because of lease provisions establishing responsibility for "...maintenance, repair, service and upkeep of the premise.", such a request had been denied earlier. Additionally, reliable evidence shows that the actual cost of any gate repair was a lower figure than the relief that EAS is seeking.

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Notwithstanding this information, whether the Council, within its general authority wishes to provide some form of relief or lease amendment to the petitioner, is a decision that it can make, based on such facts, circumstances and evidence as may reasonably lead to such an outcome.

Please do not hesitate to contact us with any questions or concerns.

Very truly yours,



Laszlo L. Pinter
Deputy Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Paul D. Estefan, Airport Administrator
John Ashkar, Chairman Aviation Commission

Llp/easreduce

Robert J. Yamin
Corporation Counsel
r.yamin@ci.danbury.ct.us
(203)797-4518

Laszlo L. Pinter
Deputy Corporation Counsel
l.pinter@ci.danbury.ct.us
(203)797-4517

Robin L. Edwards
Assistant Corporation Counsel
r.edwards@ci.danbury.ct.us
(203) 797-4516

Dianne E. Rosemark
Assistant Corporation Counsel
d.rosemark@ci.danbury.ct.us
(203) 796-8004



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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

July 28, 2009

Hon. Mayor Mark D. Boughton
Hon. Members of the Common Council
City Hall
155 Deer Hill Avenue
Danbury, Connecticut

Re: Request for Lease Rate Reduction and Reimbursement for Gate
Executive Air Service @DXR

Dear Mayor and Council:

The Committee appointed by the Mayor and Common Council have met and discussed the request by Executive Air Service @DXR. I concur with Attorney Pinter's Letter dated July 28, 2009 and the recommendations that he has stated.

Sincerely,

Paul D. Estefan
Airport Administrator

Cc: Boughton46