

TO: Mayor Eriquez and Members of the Common Council

RE: Minutes of the Special Common Council Meeting held August 2, 2001

The meeting was called to order at 7:07 P.M. The Pledge of Allegiance and Prayer were recited. Members were recorded as:

PRESENT – Levy, Scalzo, Smith, Saadi, Buzaid, Machado, David Furtado, Arconti, John Esposito, Abrantes, Pascuzzi, Basso, Manny Furtado, Gallagher, Gogliettino, Michael Moore, Martin Moore

ABSENT – McAllister, Dean Esposito, Shuler, Saracino

17 Present - 4 Absent

Mr. McAllister and Mrs. Saracino were out of town

NOTICE OF THE SPECIAL MEETING – There will be a Special Meeting of the Common Council on August 2, 2001 at 7:00 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the items listed below.

Mr. Levy made a motion to accept the call and return of service. Seconded by David Furtado. Motion carried unanimously.

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – had some questions on the contract – i.e. concerned about the buyers having four years to convert the rink to another use; concerned about parking and people using the Danbury Rehabilitation lot and also had concerns about the new owners wanting to make the building larger.

Margaret May Mitchell, Park Place – She is not opposed to the sale, but was frustrated by the process. She could have made more informed statements if she had had more information.

Mary Ann Murtha, owns property on Wildman Street, she thinks. Is excited that the Immaculate High School Mustangs will have a home rink.

Michael Kondrat, Colorado Brewery – Thanks for the hard work.

(At 7:22 P.M. Mr. Shuler arrived and was marked present)

Mr. Floyd Hall gave a short presentation, together with a video, to the Common Council.

1 – **COMMUNICATION & RESOLUTION** – Ice Rink Contract of Sale

Proposed Contract of Sale of the ice rink facility at One Independence Way to Eagle Ice Sports, LLC. a subsidiary of Hall Sports, LLC. for a purchase price of \$4.7 million.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, in furtherance of the objectives of Chapter 130 of the Connecticut General Statutes, the Redevelopment Agency of the City of Danbury (“Agency”) has undertaken a program for the clearance, reconstruction and/or rehabilitation of a deteriorated area in the City of Danbury, Connecticut, and in this connection is engaged in carrying out a downtown redevelopment project (hereinafter called “Project”) in a 7.7 acre area (hereinafter called “Project Area”) located in the center of the City; and

WHEREAS, the Agency has prepared and approved an urban renewal plan for the Project, entitled “Downtown Danbury Redevelopment Plan” dated August 1, 1990 as amended (hereafter called the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan has identified certain parcels of land in the Project Area for sale and redevelopment as hereinafter set forth; and

WHEREAS, Parcels 5 and 5A in the Project Area are shown and described on a certain map entitled, "Perimeter Survey Showing Properties of City of Danbury and Redevelopment Agency of the City of Danbury to be Conveyed to 'Arc Danbury, Inc.' Patriot Drive, Liberty Street, Delay Street and Independence Way Scale: 1" = 20' Area: 1.6957 Acres (Total) Zone: C-CBD Date: November 10, 1997 Prepared by Surveying Associates, P.C." (the "Map") which map is to be filed in the Office of the Town Clerk of the City of Danbury; and

WHEREAS on or about April 22, 1998 the City transferred Parcels 5 and 5A (hereafter referred to as the "Property") to ARC Danbury, Inc. ("ARC") pursuant to a Contract for Sale of Land for Private Redevelopment dated on or about November 10, 1997 (the "Contract");

WHEREAS the Contract called for ARC to construct a twin-ice rink facility on the Property (the "Ice Rink Facility");

WHEREAS, on June 6, 2000, the Agency declared a reverter of all of ARC's right, title and interest in and to the Property for ARC's material breaches of the Contract, including ARC's failure to complete the Facility within the Contract's deadlines;

WHEREAS, the Contract calls for the City to use its best efforts to resell the Property;

WHEREAS, the Common Council and Agency have determined that it is in the City's best interest to complete the Facility and sell the completed Facility and Property to a qualified purchaser;

WHEREAS, the City has expended substantial time and effort in completing the Facility and in attracting qualified purchasers, including but not limited to the issuance in December 2000 of a Request for Proposals which was advertised in local, regional and national newspapers;

WHEREAS Eagle Ice Sports, LLC (the "Purchaser"), a subsidiary of Hall Sports, LLC., is desirous of purchasing the Property and the Facility from the City and Agency;

WHEREAS, the Mayor, the Corporation Counsel and the Director of Finance have negotiated a proposed Contract of Sale of the Facility to the Purchaser for a price of four million, seven hundred thousand dollars (\$4,700,000.00) ("Contract of Sale");

WHEREAS, the Common Council finds that the sale of the Property and the Facility to the Purchaser, in accordance with the terms and conditions of the Contract of Sale is in the best interests of the City of Danbury;

WHEREAS, at a Special Meeting on August 2, 2001, the Agency approved the Contract of Sale and the transfer of the Property and Facility to the Purchaser, which approval was made conditional on approval by the Common Council;

WHEREAS, at a Special Meeting on April 4, 2001, the Planning Commission of the City of Danbury voted a positive recommendation on the proposed transfer of the Property and Facility pursuant to 8-24 of the Connecticut General Statutes;

NOW, THEREFORE, BE IT RESOLVED:

1. The Common Council hereby approves the Contract of Sale and the transfer of the Facility and Property to the Purchaser pursuant to the terms and conditions of the Contract of Sale.

2. Pursuant to 2-133 of the Code of Ordinances, the Common Council hereby declares the Property as surplus property and authorizes its sale to the Purchaser as in the best interests of the City.

3. The Mayor is authorized and directed to execute the Contract of Sale and all other documents necessary to effectuate the transfer of the Property and Facility to the Purchaser in accordance with the terms of the Contract of Sale.

4. The Corporation Counsel is authorized and directed to make such minor revisions to the Contract of Sale prior to execution by the Mayor as the Corporation Counsel deems necessary and in the best interests of the City.

Mr. Levy made a motion to receive the communication, approve the Contract and adopt the Resolution. Seconded by Mr. Scalzo.

Mr. Arconti clarified for the record that the property described in the Contract is "Schedule B".

Motion carried unanimously.

2 – **COMMUNICATION & CERTIFICATION** – Ice Rink Appropriation

Letter from Director of Finance Dominic Setaro stating that the additional funds needed to cover the requirements of the contract to be entered into with Floyd Hall Enterprises and the additional utility, gas, telephone and maintenance expenses that will be paid for out of the Public Buildings account totals \$156,446. He certifies the availability of \$156,446 to come from excess additional State revenue approved by the Legislature that was not included in the budget that was adopted for this fiscal year.

Manny Furtado made a motion to receive the communication and authorize the allocation of funds. Seconded by Mrs. Abrantes. Motion carried unanimously.

3 – **COMMUNICATION** – Ice Rink Facility – GMAC Forebearance Agreement

Letter from Assistant Corporation Counsel Dan Casagrande stating that in connection with the sale, GMAC has agreed to release the lien of its mortgage on the property provided that it receives \$3,450,000 from the proceeds of the sale and requesting approval of the release.

Mr. Levy made a motion to receive the communication and approve the agreement. Seconded by Mr. Pascuzzi. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Gallagher at 7:53 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk