

AD HOC COMMITTEE—WHALERS PAST DUE PAYMENTS
MEETING ROOM C, 3RD FLOOR, CITY HALL
10-FEB-2014

16

Chairman Colleen Stanley called the Committee meeting to order at 6:05 pm

COMMITTEE MEMBERS PRESENT: Chairman Colleen Stanley, Joseph Cavo, and Thomas Saadi

COMMITTEE MEMBERS ABSENT: None

Ex-OFFICIO MEMBERS PRESENT: Warren Levy, Jack Knapp, Vinny DiGillio, Elmer Palma, Philip Curran, John Priola, Joseph Scozzafava, Michael Haddad, Sr., Gregg Seabury, Chris Arconti, Fred Visconti, Benjamin Chianese and Paul Rotello.

ALSO PRESENT: David. St. Hilaire, Director of Finance; Laszlo Pinter, Deputy Corporation Counsel; Wayne Sheppard, Mayor's Chief of Staff; Geoff Herald, Fire Chief; TJ Wiedl, Deputy Fire Chief; James Russell, Fire Marshal; Alan D. Baker, Police Chief; Bruce Tuomala, Director of Economic Development; and David Newland, Building Official; Jody Haliskoe, General manager, Danbury Ice Arena; Kevin McCormick, Vice President Danbury Ice Arena; and representatives from the Danbury Whalers Alan Friedman and Herm Sorcher.

After making introductions, Chairwoman Colleen Stanley stated that the purpose of this meeting was to address the past due obligation of the Danbury Whalers to the City of Danbury for public safety provided by the Danbury Police and Fire Departments, and to determine how these payments shall be handled in the future.

Chairwoman Stanley asked Mr. Pinter to update the committee on discussions he had with the Whaler's representatives since the last meeting. Mr. Pinter stated that he and Mr. Sheppard met with Mr. Freidman and Mr. Sorcher and explained that the meeting was non-binding. The representatives of the Whalers proposed paying \$600 per game going forward and \$13,000 toward the \$104,497.17 debt. The \$13,000 toward the existing debt was calculated by taking the 90 games at \$600 per game less the \$43,958.44 which had been paid previously. Mr. Pinter stated that the Whalers were presented today with invoices at \$1450 per game for the past weekend and the coming weekend games. A brief discussion ensued regarding the total debt and recent obligations due as a result of games that occurred during the past weekend and game to take place this coming weekend. Mr. Sheppard added that the Whalers representatives agreed to provide historic attendance data.

Chairwoman Stanley asked Fire Marshal, James Russell to comment on the need for Fire watch at the Hockey games. Mr. Russell stated that Fire watch is needed at all games for public safety. He continued that the Fire Watchmen look for blocked egress such as locked or broken doors which they find routinely. In addition, they are trained to address other public safety issues such as a shooter and crowd control in an emergency situation. He stated that if attendance is less than 500, the event would only require one Fire Marshal. A discussion of scheduling and cancelling fire watch took place.

Chairwoman Stanley asked Chief Baker to comment on the policing needs. Chief Baker stated that these types of events require 4 Police Officers and 1 Supervisor due to the size of the crowds, past activity and the potential for fire arms. A discussion of scheduling and cancelling policing took place.

Mr. Pinter reminded the committee and those present that State Statute dictates that public safety decisions are made by the Police and Fire Department Heads, and cannot be made by elected officials.

Chairwoman Stanley then stated at the last meeting of this Committee and confirmed by the full City Council at the 04-Feb-2014 meeting, the Danbury Whalers were to pay 5 days in advance of each hockey game for Police and Fire protection. She asked the Whalers' Representatives if they had brought payment for this weekend games. Mr. Freidman stated that he feels they are being charged unfairly and questioned whether other organizations were billed in the same way. Chief Baker stated that Police staff is determined specifically for each event and that everyone is billed the same way. A further discussion regarding attendance and the needed public safety personnel ensued. Chairwomen Stanley then re-asked if the

Whaler's were making payments tonight for this weekend's games as determined by the City Council. Mr. Sorcher stated that the Whaler's would not make payments until the City agreed to accept \$13,000 for the past dept, not including this year's games. Chairwoman Stanley stated that the Committee was willing to negotiate on the past due obligation; however, advance payments must be made as a sign of good faith. The discussion of Public Safety staffing needs continued.

Mr. Saadi stated again that the staffing is beyond the purview of this committee and the City Council as previously stated by Corporation Counsel. He further stated that the obligation of the Whaler's to pay for Public Safety staffing is made clear by state statute and the Whaler's Lease Agreement. He continued the City is willing to negotiate on the past due amount but the tax payers have to make up the difference and \$13,000 quite different than \$109,000. He stated further that the Whalers need to make payments in advance going forward.

Mr. Scozzafava stated that the Whaler's owe this money and that all organizations that require police and fire protection must pay. In addition, every property owner must pay their taxes. There should be no distinction between the Whalers and others that have an obligation to the City.

The discussion regarding the past and future payments and the public safety staffing needs continued.

Mr. Cavo made a motion which was seconded by Mr. Saadi to go into Executive Session to discuss legal actions. Vote, all in favor, motion unanimously approved. The Committee went into Executive Session at 7:00 pm.

Chairwoman Stanley made a motion to end Executive Session. The motion was seconded by Mr. Cavo. Vote, all in favor, motion unanimously approved. Executive Session ended at 7:13 pm.

Mr. Cavo made a motion that this Ad hoc Committee finds the Danbury Whalers in default of financial obligations to the City of Danbury and recommends the City Council to authorize Corporation Council, the Director of Finance, Public Safety Officials and other city employees to do all things necessary to collect the debt. The motion was seconded by Mr. Saadi. Vote, all in favor, motion was unanimously approved.

There being no further business before the committee, Councilman Cavo moved to adjourn. Councilman Saadi seconded the motion. Vote, all in favor, the meeting adjourned at 7:14pm.

Respectfully Submitted,

Colleen Stanley, Committee Chairman

Joseph Cavo

Thomas Saadi

**Ad Hoc Committee
Past Due Payments- Whalers
January 27, 2014**

16-2

Chairwoman Colleen Stanley called the meeting to order at 7:20 PM

COMMITTEE MEMBERS PRESENT: Chairwoman Colleen Stanley, Joe Cavo and Tom Saadi

ALSO PRESENT: Wayne Shepperd, Mayor's Office Chief of Staff, Laszlo Pinter, Deputy Corporation Counsel, Alan Baker, Police Chief, Geoff Herald Fire Chief, TJ Wiedl, Deputy Chief, Representatives from the Whalers Alan Friedman, Herm Sorcher and Richard Hastings, Attorney for the Whalers, Kevin McCormick, Vice President of the Danbury Ice Arena, Jody Haliskoe, General Manager for the Danbury Ice Arena and David Newland, Building Director

Members of the public included Ex-Officio members Philip Curran, John Priola, Gregg Seabury, Fred Visconti, Mike Haddad, Ben Chianese, Paul Rotello, Jack Knapp, Vinny DiGilio, Andrew Wetmore and Warren Levy.

Chairwoman Colleen Stanley said the purpose of the meeting is to discuss the past due payments by the Whalers. Wayne Shepperd said in November of 2009, Herm Sorcher sent a letter to the Mayor asking to bring a hockey team to the City of Danbury. During the first season, the Whalers paid in full the Fire Department but only paid a bit to the Police Department but at the end of the first season they still owed \$19,227.00. After that season was over, the Mayor asked that Wayne Shepperd meet with Herm Sorcher and Attorney Robin Edwards to figure out a way to help them. At the time they came to an agreement that the Whalers would pay \$1,000 per month moving forward. They met again in May after the first season and the payment plan would begin in July. No payments were made after that. The meeting was in May of 2011 and the agreement was to begin in July of 2011 as they were going into their second season. As of today, the Whalers owe the Fire Department \$24,812.00 and the Police Department \$73,454.00. Mr. Saadi asked that the letter dated May 23, 2011 be entered as Exhibit 1. The representatives for the Whalers had a brief discussion with the committee. Mr. Pinter discussed the legal issue regarding the letter. He explained the purpose of the letter was to help alleviate their debt. Mrs. Stanley asked Mr. Pinter if any subsequent payments have been made and the answer was no and conversation took place as the Whalers disagreed. Mr. Saadi asked the Police and Fire Chiefs to explain their authority as it relates to this issue and their current position relating to the amounts due. Police Chief Baker gave an overview of the statute pertaining to the presence of a Fire Marshal, followed by the same overview given by Fire Chief Herald. Mr. Shepperd said the Whalers did make payments of \$11,000 to the Police Department since inception. Mrs. Stanley read the letter written to Attorney Edwards by Mr. Sorcher regarding the payment plan they arranged. Since July 1, 2011 there were a couple of payments of \$500.00 and \$900.00. Payments stopped November 9, 2012. A payment of \$50.88 was also made. Mr. Sorcher stated the Whalers have paid \$40,000.00 to the City. Attorney Hastings argued the statutes that states whether or not police and fire are necessary or required at hockey games. He continued so say that Mr. Buzaid sent a letter saying an agreement was signed when the use of the Danbury Ice Arena was expanded and that the Fire Marshal's office required fire-watch and he asked for a copy. Attorney Hastings continued to say they have continued to ask for this information and have not received it. They continued to discuss the statute pertaining to what level of protection is needed. Mr. Saadi asked the Whaler representatives if the amounts due are correct. They would like to look at every number to make sure the amounts are right. Mr. Pinter referred to an "abstract" of the lease agreement between the owner and the tenant specifying the responsibility for certain elements regarding safety outlined in two separate paragraphs, one for police and one for fire. The Police charge \$850.00 which is for a supervisor and four officers for four hours per game. The Fire department is four hours for two fire marshals with a cost of between \$300.00 and \$350.00 per game. Mr. Saadi asked that excerpts of the lease agreement provided to them be entered as Exhibit 2. Mr. Hastings disagreed that the entire document wasn't be referred to. A correction was made to the Fire Chief's original statement that the cost for two fire marshals is \$450.00, not \$350.00. Mr. Pinter said the ability to pay is much different than the obligation to pay and that there is an outstanding debt with a commitment of payment by the Whalers. Mr. Hastings argued that point. Further discussion took place. Mr. Sorcher and Mr. Friedman said they have made several attempts to come up with creative solutions to solve this issue and said they made every attempt to pay in the second season. The council discussed other events where police and fire have been present. The amount of police and fire presence is up to the discretion of those departments. Mr. Saadi explained in detail the charge of the committee is to get the debt paid. Mr. Cavo stated it was made clear to the Whalers by the documents they signed that they acknowledge that those services need to be paid for. Mr. Sorcher provided the committee with a packet documenting every correspondence the Whalers send to the City. Mr. Hastings said he made an offer to Attorney Buzaid to put money into an escrow account until their issues were addressed and Mr. Buzaid said he was not interested. Chief Herald explained fire watch and that he was frustrated that the Whalers do not feel its fair across the board. Mr. Wiedl also explained the reasons why the fire department needs to be at these functions and that they check the venues to ensure the safety of the people attending. Ex-officio members Curran asked

if the City has the authority to shut the Whalers down if the bill does not get paid when this is now a burden on the taxpayers. Mr. Pinter said if the professionals determine there is a significant safety risk without police and fire protection, it would depend on that. Mr. Wetmore said he is saddened that they are not taking care of their obligation. Mr. Priola asked about other professional teams paying their obligations. Mr. Baker confirmed that other organizations have needed police and fire presence and have paid. Mr. Chianese asked if the building has a permanent CO, which it does not. There is a temporary CO and that requires fire presence. There were concerns about the second floor not being complete. He asked if moving forward they can use volunteer fireman or the Whalers to provide their own security who are properly trained. Discussion took place on how police sign up to work at these events. The date of the last payments received was November 12, 2012. Mr Shepperd said that \$40,000.00 is the amount paid since the day they showed up. The amount of \$6,400.00 has been paid since July, 2011 in various amounts for games played in 2010. Mr. Cavo said the Whalers owe the taxpayers anywhere from \$80,000.00 to \$97,000.00.

A motion was made by Mr. Cavo, seconded by Mr. Saadi to enter into executive session at 8:41 pm. The motion passed unanimously.

A motion was made by Mr. Saadi, seconded by Mr. Cavo to come out of executive session at 9:38 pm. The motion passed unanimously.

Mr. Cavo made a motion that "this council subcommittee finds the debt valid as owed to the City and, within all of the necessary statutory requirements. Going forward, we need to have a payment a minimum of five (5) days in advance of each game payable to the Director of Finance with a bank check. Failure to pay will be subject to action by the safety officials. If the Whalers do not comply, then the Corporation Counsel is to inform the Ad Hoc committee and authorize the public safety officials to take any and all actions necessary. This motion also does not relieve the debt, we are asking our Corporation Counsel office to meet with the attorney for the Whalers and subject the resolution of their debt and report back to the subcommittee".

Mr. Saadi added that this is an interim recommendation of the Ad Hoc to the Council as a whole, to be acted on at the February 4th meeting and that Corporation Counsel is being authorized to attempt to discuss a resolution of the past due debt and be reported back to the committee subject to the chair recalling this committee in February, the week of February 10th. **The motion was seconded by Mr. Saadi. The motion passed unanimously.**

A motion was made by Mr. Saadi, seconded by Mr. Cavo to adjourn at 9:40 pm. The motion passed unanimously.

Respectfully Submitted,

Colleen Stanley, Committee Chairwoman

Joe Cavo

Tom Saadi