

CALL TO ORDER

The Special Meeting of the Board of Selectmen was called to order at 8:30 a.m. on ZOOM due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Wendy Mackstutis, Jackie Battos, and Mike Paine. Others in attendance included: Management Specialist Tom Fitzgerald; and Town Attorney Robert DeCrescenzo.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

- Email written comments to townmanager@simsbury-ct.gov by 12 P.M. on Monday August 9, 2021, to be read into the records; or
- Email townmanager@simsbury-ct.gov by 12:00 P.M. on Monday, August 9, 2021, to register to address the Board of Selectmen through ZOOM

No public audience.

SELECTMEN ACTION

- a) **Consideration of and possible action on (1) Request from BMW Sports, LLC to approve an Assignment of International Skating Center (ISCC) Ground Lease; (2) Approval of the proposed Permitted Mortgage Agreement and (3) Authorize the Town Manager to execute all required documents related to the Assignment of the Ground Lease, the Approval of the Permitted and Related Matters.**

Mr. Wellman shared that there is a group of local families that have come together to form an LLC in hopes of purchasing the facility and since the Town owns the land where ISCC is located the BOS need to approve the transfer of the ground lease.

Attorney DeCrescenzo shared that ISCC has requested approval of an assignment of the ground lease to BMW Sports, LLC. If approved, this will be the fourth time the ground lease has been assigned since 1994. The terms of the assignment language are found in Article 10 of the ground lease, which requires the Town to approve any assignments. He stated that the BOS has to evaluate and consider the assignees' financial wherewithal and ability to run the skating center. He stated that they have received and reviewed their business plan and their 5 year budget projection, which they have found adequate to protect the Town's interests. He stated that the second approval that is needed is found in Article 7 which requires that the Town review and approve any so-called permitted mortgage. He stated that after review of the loan documents they concluded that it satisfies the terms and conditions of Article 7. Attorney DeCrescenzo stated that in reviewing the loan documents, business plan, financial projections and other documents provided by BMW Sports, LLC they have concluded that they have met all the requirements of the ground lease for approval of an assignment.

Mr. Wellman stated that the current owner is paying 80k a year to the Town in lieu of taxes and asked if there would be any change to that under the new agreement. Attorney DeCrescenzo stated no as the lessee is required to meet all the terms and conditions of the existing ground lease

**TOWN OF SIMSBURY – BOARD OF SELECTMEN
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Ms. Battos made a motion, effective November 12, 2021, to adopt the attached Resolution. Ms. Mackstutis seconded the motion. The motion passed with all in favor.

ADJOURN

Mr. Paine made a motion to adjourn at 8:42 a.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Heather Taylor

Clerk