



# TOWN OF VERNON

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CLERK OF THE TOWN COUNCIL

Draft

## ORDINANCE REVIEW COMMITTEE MINUTES OF JANUARY 8, 2013

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**Meeting Called to Order** 6:26 p.m. by Town Council Member Tom DiDio

**Those present:** Town Council Members; Tom DiDio, Dan Sullivan and Ginny Gingras.. Also in attendance: Town Administrator John D. Ward, Attorney Martin Burke, and Town Clerk Bernice K. Dixon. Chairman Adam Weissberger arrived at 6:45 p.m.

**New Business:** Discussion took place as follows:

*Ordinance # 230* – T. DiDio, seconded by D. Sullivan, moved to recommend to Council for review with Atty. Burke's suggestion. Motion passed unanimously.

*Ordinance #233* – T. DiDio, seconded by G. Gingras, moved to recommend to Council for possible amendment to include Council action of November 14, 2000. Motion passed unanimously.

*Ordinance #234* – T. DiDio, seconded by D. Sullivan, moved to retain as is. Motion passed unanimously.

*Ordinance # 237* – T. DiDio, seconded by G. Gingras, moved to add exemption for home crafters and community events. Motion passed 3-1. A. Weissberger opposed.

*Ordinances # 269* – T. DiDio, seconded by G. Gingras, moved to recommend to Council to possibly amend with Building Official recommendations. Motion passed 3-1. A. Weissberger opposed.

*Ordinance # 270* – T. DiDio, seconded by D. Sullivan, moved to recommend passage of this ordinance as redrafted by Atty. Burke. See Attachment #1. Motion passed unanimously.

*Ordinance # 277* – T. DiDio, seconded by D. Sullivan, moved to refer to Town Council for review in light of staff comments. Motion passed unanimously.

**Old Business:** Minutes were approved as follows:

D. DiDio, seconded by D. Sullivan, moved to pass the December 11, 2012 minutes as presented. Motion passed unanimously.

**Next Meeting:** No further meetings were scheduled as the work of this Committee is now complete. Chairman A. Weissberger will present the Committee's suggestions to the Mayor for presentation to the Town Council. The Ordinances will be divided into three groups recommended by this Committee as follows: Ordinances to Retain; Ordinances to Repeal; Ordinances with changes and/or amendments.

D. Sullivan, seconded by G. Gingras moved to adjourn at 8:00 p.m. Motion passed unanimously.

Submitted by:

*Bernice K. Dixon*

Bernice K. Dixon

Recording Secretary

AN ORDINANCE CONCERNING THE SALE OR LEASE OF TOWN OWNED LAND

ORDINANCE NO.

Be it Ordained by the Town Council Town of Vernon that:

Section 1. This article shall be known and may be cited as "An Ordinance Concerning the Sale of Town Owned Land"

Sec. 2. The goals of the Town in selling or leasing excess town-owned land include, but are limited to:

- a. Maximizing the sale price,
- b. Developing either the downtown or neighborhoods,
- c. Revitalizing either the downtown or neighborhoods,
- d. Promoting historic restoration,
- e. Promoting economic development, and
- f. Providing additional supplemental Town services such as parking or office space.

Sec. 3. Procedures.

(a) *Sales Subject to section provision.* The sale or lease of any parcel of town owned land with an assessed valuation of \_\_\_\_\_ or more, except as herein noted, shall be subject to the stipulations of this Ordinance.

(b) *Comments and recommendations of town entities.* Any proposal to sell or lease town-owned real estate, by the town, shall be forwarded upon notification to the following town officials or departments for comments and recommendations to the town council within thirty (30) days of formal notice to sell the town-owned real estate.

- (1) Permanent municipal building committee.
- (2) Building Official.
- (3) Director of Public Works.
- (4) Deputy Health Officer.
- (5) Conservation Commission.
- (6) Director of Parks and Recreation.
- (7) Town Assessor.
- (8) Town Planner.
- (9) Water Pollution Control Authority.
- (10) Inland Wetlands Commission.
- [(11) Planning and Zoning Commission.]

(c) *Notification of abutters.* Abutters of the town-owned real estate under consideration for sale or lease, regardless of the amount of the assessed valuation, shall be notified by the town clerk's office of the specific town council meeting date, time and place that the proposed sale or lease shall be discussed notwithstanding anything to the contrary stated in this section.

(d) *Recommendation from mayor.* The mayor may make a recommendation to the town council regarding the sale or lease of town-owned real estate. For the purpose of making such recommendation, the mayor may, with the approval of the town council, appoint a three-member subcommittee of the council.

(e) *Referral to planning commission.* Should the town council consider taking action upon the proposed sale or lease of town-owned real estate, the proposal shall be referred to the Planning & Zoning commission for a recommendation under the provisions of Section 8-24 of the Connecticut General Statutes.

(f) *Preparation of Appraisal.* After compliance with the provisions of Section 8-24 of the General Statutes, should the town council vote to dispose of the town-owned land, the Town Council shall consult with the Town Assessor as to the assessed value of the town-owned land under consideration as a guideline to valuation.

(g) *Public Hearing.* Pursuant to 7-163e, the Town Council shall conduct a public hearing on the sale, lease or transfer of real property owned by the municipality prior to final approval of such sale, lease or transfer. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property that is the subject of the public hearing.

The provision of this section shall not apply to (1) sales of real property, except parkland, open space or playgrounds, if the fair market value of such property does not exceed ten thousand dollars, (2) renewals of leases where there is no change in use of the real property, and (3) the sale, lease or transfer of real property acquired by the municipality by foreclosure.

(h) *Means of sale or lease.* The town council shall vote to authorize the town administrator to conduct a sale or lease utilizing the following technique:

Either the Town Council may vote to approve a minimum sale price for said property, and may authorize the Town Administrator to list the property with qualified realtors, or the Town Council may vote to authorize the Town Administrator to conduct a Request for Proposals. If the Town Council seeks to sell the real estate to the highest bidder, then the Town Administrator shall seek sealed bids or hold a public auction and in either of the latter two cases, give at least ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the Town of Vernon of the date, time and place of the opening of sealed bids or the public auction and inspection for the purpose of said property. If the Town Council decides that it is in the best interest of the Town to seek Request for Proposals in substitution of the highest bidder sale process, the Town Administrator shall seek a reuse plan from interested and qualified buyers as part of its Request for Proposal. In any event the Town reserves the right to reject any or all offers or bids.

(i) *Persons authorized to conduct auction; minimum bids.* In the case of a public auction, the auction shall be conducted by the town administrator or town attorney and the bidding shall open at no less than the minimum sales price approved by the town council.

(j) *Sale by majority vote.* The town council may by a simple majority vote of its members present, subject to Connecticut General Statutes, section 8-24, authorize the sale or lease of such property and shall refer the matter to the town attorney for the preparation of the necessary document to be executed by the purchaser and the mayor.

(k) *Sale by warranty or quit claim.* The sale of such property shall be accomplished by warranty or quit claim deed executed by the mayor, depending upon the source of the Town's title.

(l) Legal and transaction expenses incurred by the Town in connection with the Sale of Town-owned real estate shall be borne by the purchaser and shall be in addition to the sale price.

(m) This ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does nothing to renew the ordinance, the ordinance is repealed.

(n) Ordinances Nos. 196, 227 and 270 are hereby repealed.