



MEMORANDUM

TO: Honorable Adam Dunsby & Members of the Board of Selectmen
FROM: Attorney Ira W. Bloom *IWB*
DATE: September 11, 2018
RE: Proposed Ordinance

I have been asked to review the following proposed ordinance:

“The Town shall not acquire any real property by sale, lease or otherwise, nor shall it dispose of any real property owned by the Town, by sale, lease or otherwise without the proper approval of the Town Meeting, its legislative body; except this ordinance shall not apply to real property with a fair market value of less than Ten Thousand (\$10,000.00) Dollars, nor to lease of duration of one (1) year or less or of total lease payments totaling less than \$10,000.00, nor to any real property acquired by tax foreclosure.”

- I. Is this a proper purpose for an ordinance to be considered by the Easton Town Meeting? My opinion is that this is in fact a proper purpose allowing the Town Meeting to consider this ordinance.

I note this type of request has been considered previously. In March 2014 a proposal was brought to the Town Meeting requiring Town Meeting action on the acquisition or disposition of real property. According to Board of Selectmen minutes (May 7, 2015), over 400 people attended the Town Meeting on this ordinance in March 2014. These minutes state that the ordinance proposal was “overwhelmingly defeated” at that time. A “functionally identical” petition was then brought to the Selectmen on May 7, 2015. On that date, the Board of Selectman deemed it improper for another consideration by the Town Meeting due to its close proximity in time to the 2014 petition.

- II. As I previously discussed in a memorandum to the Board of Selectman dated March 10, 2014, since Easton has no Town Charter we are left with statutory procedures regarding the sale or acquisition of Town property. With regard to

sales, purchases or leases, it should be noted that there are already two (2) existing statutes that govern the sale of municipal property:

1. Connecticut General Statute §8-24: This statute requires the Planning and Zoning Commission to review proposed sales (along with purchases and leases) and to issue a report as to whether the proposal is consistent with the Town Plan of Conservation and Development.
2. Connecticut General Statute §7-163e: This statute provides that in towns where the legislative body is a town meeting, the board of selectmen 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.

Accordingly, there are already two (2) statutory procedures, one requiring a review by the Planning and Zoning Commission, and the other requiring a review and hearing by the Board of Selectmen.

The petitioners' proposed ordinance set forth above seeks to add an additional layer of review for municipal transactions in addition to the above statutory requirements.

- III. Does this proposed ordinance raise any practical problems? In my opinion, this ordinance could result in multiple Town Meetings throughout the year to resolve, in many cases, routine actions (especially leases) that otherwise would be decided by the Board of Selectman and the Planning and Zoning Commission. The Town Meeting should consider whether this will create an unnecessary extra step in the government process.