

*Robert J. Paek*

WELLING CONFERENCE ROOM 2017 JUN 26 A 10: 51

ORDINANCE COMMITTEE

TOWN CLERK  
EAST HARTFORD

JUNE 19, 2017

PRESENT Rich Kehoe, Chair, Councillors Bill Horan and Esther Clarke

ALSO Marcia Leclerc, Mayor

PRESENT Rich Gentile, Assistant Corporation Counsel  
Jessica Carrero, Assistant to the Mayor  
Patriotic/Veterans Affairs Commissions:  
Melodie Wilson, Tim Siggia, Gene Pushefski, Joshua Quintana  
Fine Arts/Library Commissions:  
Prescille Yamamoto, Maureen Rodgers, Florence Schroeter,  
Gloria Visgilio-Lupi, Sue Tukey

#### CALL TO ORDER

Chair Kehoe called the meeting to order at 6:06 p.m.

#### APPROVAL OF MINUTES

##### May 23, 2017 Meeting

MOTION By Esther Clarke  
seconded by Bill Horan  
to **approve** the May 23, 2017 meeting minutes.  
Motion carried 3/0.

#### OPPORTUNITY FOR RESIDENTS TO SPEAK

The Chair indicated that anyone in attendance could speak at this time. However, the members of the Boards/Commission that are affected by the proposed changes would have the opportunity to speak directly on the issue under Old Business.

No one came forward to speak at this time.

#### OLD BUSINESS

##### Boards/Commissions Review:

- Veterans' Affairs & Patriotic Commission

The Chair indicated that this proposed merging of the two Commissions was based on the fact that (1) both the Patriotic and Veterans Affairs Commissions were having membership challenges; (2) that there were overlaps in the membership of both of those Commissions;

and (3) the Patriotic Commission was conducting events that were primarily honoring veterans and active military personnel. The Chair distributed the June 18<sup>th</sup> draft of an ordinance that would create a Veterans Commission. The draft would maintain the majority of the existing duties of the Commission on Veterans' Affairs ordinance, but would add an additional responsibility to conduct celebratory and memorial events to commemorate national and state holidays and such other events that would honor active military and veterans.

The Commission members that were present supported the idea of a merger, but had a number of questions and suggestions to address the transition of the Commission going forward: (1) in the transition, the Commissions should work together to ultimately have only one Chair and one Vice Chair; (2) there should be a way for the Commissions to have associate members who could serve on the Commission for specific events, but not be counted as part of the nine full voting members of the Commission; (3) steps be taken to insure that unaffiliated voters would have the ability to serve on this Commission as there are active veterans who may be willing to serve but may not be aware of the current appointment process. (The Chair indicated that the Ordinance Committee is reviewing the appointment process to insure that people who are unaffiliated, or otherwise do not know the Democratic or Republican Town Chairs, would be able to file their application on the town's website)

The Committee indicated that they would take all of these suggestions into consideration and make amendments to the June 18<sup>th</sup> draft of the Veterans Commission ordinance for discussion at the next Ordinance Committee meeting.

- Library Commission & Fine Arts Commission

The Chair explained the reason for the suggested merging of these two Commissions was the fact that the Raymond Library has undergone significant expansion and improvement reflecting the new mission of libraries – to be more than simply a repository for documents and books but to be a place where community forums and other activities for adults and children are held drawing people to the library. At the same time, the Library Commission is actually the only Commission that has some oversight of a town department and is seemingly a holdover from the Board and Commission form of government that East Hartford used to have until the adoption of the 1968 Charter.

The June 18<sup>th</sup> draft of the Commission on Culture and Fine Arts would essentially maintain the current responsibilities of the Fine Arts Commission – to promote and stimulate interest in the fine arts and other cultural arts – but would also provide that the Commission would work to encourage the use of the Raymond Library and other town libraries for the display of fine arts and other cultural arts. It was pointed out that the day-to-day operations and administration of the library remains with the Library Director and the paid staff. There is a Friends of the Library organization that can serve to help promote the library through fundraising and other community outreach. A number of questions were raised by the members of the Library and Fine Arts Commissions: (1) during the transition there should be a way to ensure that active members are able to maintain their role on the combined Commission; (2) that there should be some piece of the Commission's charge that includes supporting the Raymond Library in some fashion; and (3) retain the ability of the Commission to establish bylaws and procedures.

The Chair assured the Commission members who were present that the Ordinance Committee would work very carefully and closely with the members to make sure there was a seamless process in place and that would encourage every person to be a contributing member of the new combined Commission.

- Economic Development Commission

Since there were no members present, there was no further discussion on this Commission.

#### Town Contracts: Vendor Services to the Public

The Committee reviewed the June 18<sup>th</sup> draft of the "Vendor Services on Town Owned Property" ordinance. There were two minor edits to that draft. The word "contact" should be "contract" and there is an additional punctuation mark at the end of the first sentence that needs to be deleted.

MOTION        By Esther Clarke  
                     seconded by Bill Horan  
                     to **send** the June 18<sup>th</sup> draft of the "Vendor Services on Town-owned Property"  
                     ordinance, as amended, to the Town Council for the purposes of setting a  
                     public hearing date.  
                     Motion carried 3/0

#### **Vendor Services on Town Owned Property (6/18/17) (as amended)**

Section 10-4a of the code of ordinances of the town of East Hartford is hereby created as follows:

(NEW) Sec. 10-4a    Vendor Services On Town Owned Property

No person shall charge a fee for a service provided to the public, which service utilizes Town owned or leased equipment, facilities, property, data, or goodwill, without approval of such service contract by the Mayor and Town Council. The provisions of this section shall not apply to persons who hold a valid license, permit or approval, pursuant to Articles 5, 8 or 14 of the Code of Ordinances to charge a fee for services provided to the public utilizing Town owned or leased equipment, facilities, property, data or goodwill.

#### Sale/Lease of Town-owned Property

The Committee reviewed the May 30<sup>th</sup> draft of the Sale or Lease of Town-owned Property ordinance. Attorney Rich Gentile, Assistant Corporation Counsel, pointed out that the word "grant" should be added in front of wherever the draft has the wording "sell or lease" in order to make sure that the ordinance process would include the granting of easements or otherwise disposing of town-owned property without consideration.

MOTION        By Esther Clarke  
                     seconded by Bill Horan  
                     to **send** the May 30<sup>th</sup> draft of the "Sale/Lease of Town-owned Property"  
                     ordinance, as amended, to the Town Council for the purposes of setting a  
                     public hearing date.  
                     Motion carried 3/0.

**Sale or Lease of Town Owned Property  
(5/30/17) (as amended)**

Sec. 1 Section 10-19 of the code of ordinances of the town of East Hartford is repealed and the following is substituted in lieu thereof:

Sec. 10-19. ~~[[Real Estate Disposition]]~~ Sale or Lease of Town Owned Real Estate.

- (a) The Town of East Hartford shall not ~~[dispose of]~~ grant, sell or lease any interest in a parcel of real estate owned by the Town of East Hartford unless such ~~[disposal]~~ grant, sale or lease is approved by the Town Council upon request by the Mayor in accordance with the procedure contained in this section.
  - (b) The Mayor shall submit a request to ~~[dispose of]~~ grant, sell or lease an interest in real property owned by the Town in writing to the Town Council. If required by Conn. Gen. Stat. section 8-24, such request shall also be submitted to the Planning and Zoning Commission for its review pursuant to the provisions of such statute. Unless the request is to dispose of such interest by gift, the Town Council shall refer such request to the Real Estate Acquisition and Disposition Committee for its review and recommendation.
  - (c) The Real Estate Acquisition and Disposition Committee shall obtain an appraisal of any interest in real property that is being ~~[disposed of]~~ granted, sold or leased for a period of twenty years or more by the Town unless the Town Council waives such requirement. The committee may use the services of an appraiser with whom the Town has a contract or may choose from quotations for cost from at least three appraisers. The committee shall indicate in its minutes the reasons for choosing such appraiser. The committee shall determine whether to seek bids or negotiate with a potential buyer. If the committee determines the Town should ~~[dispose of]~~ grant, sell or lease for a period of twenty years or more such property through competitive bids, the committee shall give public notice of such request for bids and the time and place for submitting such bids through legal advertisement in a newspaper having substantial circulation in the town of East Hartford. The committee shall publicly open all bids. Subsequent to the opening of the bids, the committee shall submit such bids to the Town Council with a recommendation to ~~[dispose of]~~ grant, sell or lease such property to one of the bidders, reject all bidders and submit another request for bids or negotiate with another person. If the committee, at any time, determines the Town should ~~[dispose of]~~ grant, sell or lease such property through negotiation with another person, the committee shall recommend such negotiations to the Town Council. If the Town Council approves such negotiations, the committee may enter into negotiations. The committee shall report its recommendations to the Town Council.
  - (d) If the lease is for a period of less than twenty years, the Town Council shall refer such proposed lease to the Fees Committee which shall make its recommendations regarding any rent or other fees associated with the lease to the Town Council.
- ~~[[d]]~~ (e) Upon receipt of the committee's recommendations pursuant to subsections(c) or (d) of this section, the Town Council may approve or reject the requested ~~[disposal of]~~ grant, sale or lease real property with or without conditions.

Sec. 2 Sections 10-31 through 10-33 inclusive of the code of ordinances of the town of East Hartford is hereby repealed.

(Provisions of these sections are set out below only for reference)

(10-31) All fees for the leasing of Town property shall be subject to the following procedure, the Mayor shall refer any proposal for the leasing of Town property to Council for approval of the fees. The Council shall refer all such proposed leases to its Subcommittee on Fees (Subcommittee). The Subcommittee shall review the proposed fees and make its recommendation to the Council.

(10-32) If a proposed lease of Town property is for a term of twenty (20) years or more, the Subcommittee shall refer the proposed lease to the Council's Real Estate Acquisition and Disposition Committee for an appraisal and a determination as to whether any Town Department has a need for said property, and to the Town's Planning and Zoning Commission for a report pursuant to Section 8-24 of the General Statutes. The Committee shall then advise the Subcommittee on Fees whether the proposed lease fees are consistent with the fair market value of the property. If the Committee determines that the proposed fees are consistent with the fair market value, no competitive bidding for the property shall be required, and the Subcommittee may make its report to Council. If the proposed fees are not consistent with the fair market value of the property, the Subcommittee shall advise the Administration. The Administration shall have thirty (30) days to renegotiate lease terms which are consistent

with the property's fair market value and to report back to the Subcommittee on Fees. If a renegotiated lease, consistent with fair market value, is not received after thirty (30) days, the Subcommittee shall refer the property back to the Committee in accordance with Section 10-21 of this Code. Sec. 10-33. Provision to Waive. The Council may waive this procedure for leases of Town land of less than one quarter of an acre, or leases of less than five (5) years involving elementary institutions.

(10-33) The Council may waive this procedure for leases of Town land of less than one quarter of an acre, or leases of less than five (5) years involving elementary institutions.

## ADJOURNMENT

MOTION      By Esther Clarke  
                  seconded by Bill Horan  
                  to **adjourn** (7:24 p.m.)  
                  Motion carried 3/0.

cc: Mayor Leclerc  
Town Council  
Rich Gentile, Assistant Corporation Counsel  
Jessica Carrero, Assistant to the Mayor  
Melodie Wilson, Tim Siggia, Gene Pushefski, Joshua Quintana  
Prescille Yamamoto, Maureen Rodgers, Florence Schroeter,  
Gloria Visgilio-Lupi, Sue Tukey