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MEMORANDUM

To: RTM Planning and Zoning Committee

From: Ira W. Bloom, Town Attorney
Gail Kelly, Assistant Town Attorney *JKB*

Date: June 6, 2011

Re: Baron's South: Review of Amendment 625

The Committee has asked us to summarize the process as the Baron's South project moves forward. After preparation of the RFP and receipt of bids, there will presumably be a lease negotiated with the successful bidder. The review process for that lease and subsequent approvals will involve at least three steps:

1) C.G.S. Sect. 8-24 Review by the Planning and Zoning Commission:

This statutory section requires that any lease of municipally owned property be submitted to the planning and zoning commission for their "positive report." The P&Z's review examines the project and its consistency with the Town Plan of Conservation and Development. If a positive report is issued by the P&Z, no RTM action is required. A proposal which is disapproved by the P&Z shall be adopted by the Town only after the subsequent approval of the proposal by a two-thirds vote of the RTM.

2) Review of lease by Board of Finance:

The most recent Charter review added a provision calling for the Board of Finance (BOF) to “recommend” leases, acquisitions, or dispositions of real property (C6-2). Charter Section C5-1D provides that if the BOF “fails to recommend... any lease, acquisition, or disposition of real property,” the request may be placed on the RTM agenda. (The word “may” is used to indicate that the Town administration has the *choice* of proceeding with the lease by seeking RTM approval, or abandoning the lease entirely.) After the failure of the BOF to recommend, to proceed with the lease the RTM must then act on such “lease, acquisition or disposition of real property” and may authorize it upon the affirmative vote of 70 percent of the RTM members present and voting. However, if the BOF does indeed “recommend” the lease, no RTM action is required. The Charter does not distinguish between market and below-market leases.

3) Special Permit/Site Plan Review:

Subsequently, a formal special permit/site plan review will be presented to the Planning and Zoning Commission for a specific proposal. Neither the RTM nor the Board of Finance has any review powers over such an application.