

TOWN OF DEXTER PUBLIC HEARING NOTICE

Notice is hereby given that the Dexter Town Council will hold a Public Hearing on Thursday, March 14, 2024, at 6:30PM in the Town Council Chambers to consider the following:

1. Ordinance C2024-02 Amendment to Town Code Chapter 2 Article VII: Management of Town Owned Property

2. Order A2024-12 Pawn Brokers License for Ben Vawser dba Vawser Village Salvage LLC.

Full text is available at the Town Office.

All persons may appear to comment on the above matters dated at Dexter, Maine this 8th day of March 2024.

Susan E. Reed, Town Clerk

IN TOWN COUNCIL
DEXTER, MAINE

ORDINANCE C2024-2

FEBRUARY 8, 2024

BE IT ORDAINED that the Dexter Town Council hereby amends Chapter 2 Article VII: Management of Town Owned Property as follows:

Sec. 2-191. General.

The purpose of this article is to establish procedural guidelines for the management, administration and disposition of real property acquired by the Town of Dexter in accordance with 36 M.R.S.A. §§ 942 and 943 as amended, and other real properties acquired through other means. However, nothing in these guidelines shall limit or restrict the rights of the town council to waive these guidelines to manage or dispose of tax-acquired property as determined by the council.

(Ord. No. C95-18, Art. I, 3-14-96)

Sec. 2-192. Analysis of potentially-acquirable property for unacceptable liabilities.

(a) Annually, commencing upon the foreclosure of tax liens, ~~but prior to the expiration of the thirty-day period of redemption that the town council has traditionally granted as an extension of the period of redemption cited in 36 MRSA 942 and 943;~~ an evaluation of those potential liabilities that might be assumed by the town shall be conducted with special attention to situations involving hazardous waste, public safety problems and landlord responsibilities as outlined in section 2-193(b) of the article. This evaluation shall consider the option of whether or not to take possession of subject properties.

(b) Upon notification to the town of a gift or bequest of real property to the Town of Dexter, an identical evaluation shall be conducted. This evaluation shall be completed within thirty (30) days of said notice, so that appropriate waiver of actions to take possession may be acted upon by the treasurer if necessary. (Ord. No. C95-18, Art. II, 3-14-96)

*Editor's note—Ord. No. C95-18, adopted Mar. 14, 1996, did not specifically amend the Code; hence, codification of Arts. 1—7 of said ordinance as Art. VII, §§ 2-191—2-197, was at the discretion of the editor.

Sec. 2-193. Management of tax-acquired property pending final disposition.

- (a) The treasurer/manager shall prepare a list of properties acquired *due to non-payment of property taxes and foreclosure of tax liens under 36 M.R.S.A § 943* and forward a copy to the town council. ~~The tax-acquired property management team may be used is comprised of the treasurer, tax collector, assessor, code enforcement officer, and if needed, the town attorney, professional property manager, or other real estate consultants. This committee shall conduct the following research: The list will include previous owner(s) name, property address, total amount of outstanding taxes, costs, interest, and any other relevant data.~~
- (b) The final responsibility for the management of tax-acquired property rests with the town council. The council's decision regarding an action plan for the final disposition of property shall:
- (1) Determine because of potential liability inherent in owning the property whether the town's best interest would be served by immediately disposing of the property.
 - (2) Determine and obtain, if necessary, a level of insurance required to protect the owner's interest in the property and to protect the town from liability.
 - ~~(3) Determine if and when any occupants of the tax-acquired property shall be required to vacate the property.~~
 - ~~(4) Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the town has acquired sufficient liability insurance.~~
 - (5) Notwithstanding the provisions of section 2-197, Property to be sold, the town council shall determine any special conditions, if any, for property sales.
- (c) The town manager may also recommend that town retain property on a temporary basis if in the town manager's judgment the immediate sale would cause the occupants to be placed on public assistance. The decision to temporarily retain the property shall be reviewed for further action by the council at least quarterly until final disposition of the property. (moved from Sec 2-194)
- ~~(1) Prepare a fact sheet on all properties identifying current use, assessed value, size, location, zoning, and other relevant data.~~
 - ~~(2) Contact the appropriate town officials to evaluate any current or future needs that the town might have for each property, particularly including recreation, parks, municipal facilities, economic development projects, green/open space, community areas, and other similar considerations.~~

- ~~(3) Contact the appropriate town agencies to evaluate any current or future needs that the town might have for each property including SAD #46, Dexter Utility District, and other nonprofit organizations on record as wishing to be notified of tax-acquired property.~~
 - ~~(4) Advise contiguous abutting owners of record of the new status of each property and request comments and recommendations regarding any problems and potential uses.~~
 - ~~(5) Prepare a cost-benefit analysis of each tax-acquired property evaluating the justification of retaining the property or disposing of it.~~
 - ~~(6) Prepare a recommendation on each tax-acquired property for review by the town council justifying one (1) of the following options:
 - ~~— Retain the property for town purposes.~~
 - ~~— Retain the property and lease it.~~
 - ~~— Sell the property.~~
 - ~~— Donate the property to some appropriate nonprofit organization whose mission benefits Dexter townspeople.~~~~
- (d) Pending town council approval, the treasurer shall notify the last known owner of record by certified mail, return receipt, that his or her right to redeem the property has expired, and that he/she must contact the town office within thirty (30) days of the date of this notice. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification. The town will send a notice, via certified mail with a copy sent regular mail, to the former owner(s) of the property in question that will explain that the municipal tax lien certificate recorded against the property has matured because of the failure to pay the taxes during the redemption period and that the title to the property has automatically vested to the Town of Dexter. The notice shall also indicate that pursuant to 39 MRSA §943-C, the Towns intends to sell the tax acquired property. The former owner has the right to require in writing that the Town of Dexter hire a real estate broker to list and sell the property via quitclaim deed at the highest price at which the property is able to sell or at the price which the real estate broker anticipates it to sell within six months after listing, and pay the former owner any proceeds in excess of:*
- (1) The sum of all real estate taxes owned on property,*

- (2) *Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality.*
 - (3) *All accrued interest.*
 - (4) *Fees, including but not limited to, an administrative fee equal to 10% of the property taxes owed, prorated insurance expenses for building coverage while owned by the town, and reasonable attorney's fees.*
- (e) *By virtue of this Policy, the Council will give the former property owner(s) the ability to pay in full all outstanding taxes, costs, and interest within this 90-day period. A copy of this policy shall be included with this notice.*
- (f) ~~In the event the taxpayer possession or taxpayer lessee's or licensee's possession has ceased for sixty (60) consecutive days, the town manager shall obtain liability coverage for the property. Such coverage shall not be required prior to the expiration of the thirty day period of redemption from date of foreclosure as mentioned in subsection (a) above.~~
- (g) *If the former owner makes no effort with the Town to bring the account out of arrears or request a realtor sale in writing within the 90 days, the Town will have right to determine the outcome of the property*
- (h) *The council, acting at their next regular meeting immediately following the 90-day Policy period, shall issue quitclaim deeds for all properties in which all outstanding taxes, costs and interest were paid in full.*
- (i) *Tax acquired properties not opted into realtor sales process or not sold by realtor in a (6) six-month period, the Town will sell by auction or bid process. Sec. 2-197*
- (j) *If property in foreclosure is determined to be sold either by realtor or bid, the Town will advise contiguous abutting owners of record of the new status of each property and request comments and recommendations regarding any problems and potential uses.*
- (k) ~~If, because of potential liability, the council determines it is in the town's best interest to immediately dispose of the property, it may do so on terms it deems advisable without regard to any other provisions of the policy, except it may not circumvent Title 1M RSA Sections 401 through 410 Tax acquired properties not opted into realtor sales process or not sold by realtor in s(6) six month period the Town will sell by bid process. Sec. 2-197.~~

~~Sec. 2-194. Review of tax-acquired properties.~~

~~(a) The town manager may also recommend that town retain property on a temporary basis if in the town manager's judgment the immediate sale would cause the occupants to be placed on public assistance. The decision to temporarily retain the property shall be reviewed for further action by the council at least quarterly until final disposition of the property. (moved to 193-c)~~

~~(b) The town manager shall forward the recommendations to the town council which shall make the final determination regarding property disposition.
(Ord. No. C95-18, Art. IV, 3-14-96)~~

~~Sec. 2-195. Repurchase of tax-acquired property.~~

~~(a) Within the period of redemption cited in section 2-193(a) above, and except as otherwise provided in section 2-196, the town council may allow the party from whom the property was acquired to repurchase the property by paying all outstanding property taxes, including the total amount of all delinquent taxes plus the total taxes for the current year plus accrued interest, lien costs, and any other costs relating to the property including, but not limited to, insurance, noticing and other related costs. The council has the final authority to approve or disapprove such actions.~~

~~(b) The party from whom the property was acquired may, upon approval of the town, enter into a written agreement with the town to make installment payments to satisfy the obligations set forth in subsection (a) above, pursuant to the conditions set forth in MRSA Sections 481 through 482, in exchange for a promise of the town to give a municipal release deed if all of the terms and conditions of the installment agreement are fulfilled by the property owner.
(Ord. No. C95-18, Art. V, 3-14-96)~~

Sec. 2-1964 Property to be retained.

- (a) If the town council deems it to be in the town's best interest, it may retain the acquired property without offering the opportunity for repurchase. By way of example, but not limitation, the council may deem it to be in the town's best interest to retain the property without offering the prior owner the opportunity to redeem the property where:
 - (1) The property has or will have recreational value or economic value to the town.
 - (2) The property has or will have potential for public facility or additions to public facilities.
 - (3) The property has or will have potential utility for the inhabitants of the Town of Dexter as determined by the council.
- (b) If the property is retained for public use, the council may pursue an action for equitable relief in accordance with the provisions of Title 36 MRSA Section 946, as amended, as a means of securing clear title to the property.
- (c) The council shall cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property. (Ord. No. C95-18, Art. VI, 3-14-96)

Sec. 2-1975. Property to be sold.

- (a) If the town council shall sell property by advertised sale, the council shall establish a sale date. The town manager shall cause to be published a notice of the sale of tax-acquired property in a local newspaper. Said notice shall be published at least two (2) times with the last publication at least fourteen (14) days prior to the sale. The notice shall be posted within the assessing and tax collection departments and in at least one other conspicuous place within the municipal offices. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:
 - (1) Brief description of the property, i.e., land, building, mobile home, etc.
 - (2) Location of the property.
 - (3) Brief description of the conditions of the sale.

- (4) The minimum bid *which includes, but not limited to, all outstanding taxes, interest, lien costs, and realtor fees.*
 - (5) Notice that bidding procedures are governed by this article and notice that copies of the article are available to all interested parties.
- (b) Unless the council stipulates otherwise, the minimum bid for any tax-acquired property shall be ~~the total of all outstanding taxes, interest, and lien costs~~ in a cashier's check or certified check equal to ten (10) percent of the minimum bid and payable to the Town of Dexter. ~~Unless the council stipulates otherwise, the minimum bid for any property to be conveyed by warranty deed will be determined by the treasurer after consultation with the assessor and tax collector and if deemed advisable, with real estate professionals. If the treasurer believes an appraisal would be appropriate, he will obtain council concurrence and order said appraisal. This information shall be included in bid packages on that property. The cost of the appraisal will be included in the minimum bid price.~~ Bids shall be publicly opened and read on the date and at the time specified in the bid packages.
- (c) ~~The town council will consider placing any property with an assessed value exceeding twenty five thousand dollars (\$25,000.00) with one or more real estate brokers for advertisement and sale, as an open listing. Alternatively, the council may solicit competitive bids and elect to choose the most favorable commission bid and retain a single broker. When approved by the council, the town manager shall arrange a contract(s) with the appropriate realtor(s) and sign such contract as agent for the town. This section applies particularly to any property that the town wishes to convey by warranty deed.~~
- (d) The town manager shall review all bids and make recommendations to the town council. The council shall determine the successful bidder at the council meeting subsequent to the bid opening date. Any bidder owing delinquent taxes to the Town of Dexter shall not have their bid considered. This doesn't include owners bidding to reclaim their property acquired by the Town.
- (e) The town manager shall notify the successful bidder by certified mail.

- (f) The Town of Dexter reserves the right to reject any or all bids, accept any bid (not necessarily the highest) and waive any of the requirements of this policy should the council, in its sole determination, judge such actions to be in the best interest of the Town of Dexter. Instances where this right may be invoked, include, but are not limited to:
 - (1) The council may determine it prefers an end use proposed by a party other than the highest bidder.
- (g) Should the municipal officers reject all bids, the property may again be offered for public sale without notification to the prior owners.
- (h) The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders.
- (i) The town council shall require payment in full from any successful bidder within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the town shall retain the bid deposit and title to the property. Without rebidding the property, the council may offer the property to any other bidder who shall also have thirty (30) days to make payments in full.
- (j) Title to tax-acquired property shall be transferred only by means of a *release quitclaim* deed. The town makes no guarantees and/or promises as to the status of the title. All bidders for tax-acquired property should be aware that the town has made every effort to notify owners of record. However, the presence or absence of other claims against the title cannot be, and is not guaranteed. Bidders are encouraged to pursue all avenues of inquiry prior to submitting their bids.
- (k) The successful bidder shall be responsible for the removal of any and all occupants and contents of purchased tax-acquired property.
- (l) A copy of this article will be made part of all bid packages given to prospective bidders. (Ord. No. C95-18, Art. VII, 3-14-96)
- (m) *The Town will pay the former owner any proceeds in excess of:*
 - (1) *The sum of all real estate taxes owned on property,*
 - (2) *Property taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality,*
 - (3) *All accrued interest,*
 - (4) *Fees, including but not limited to, an administrative fee equal to 10% of the property taxes owed, prorated insurance expenses for building coverage while owned by the town, any realtor fees, and reasonable attorney's fees. (Sec. 2-193 above)*

MUNICIPALITY OF DEXTER

APPLICATION FOR PAWN BROKER'S LICENSE

APPLICATION: INITIAL RENEWAL

ANNUAL LICENSE FEE: \$25.00

INITIAL APPLICATION ADVERTISING FEE: \$50.00

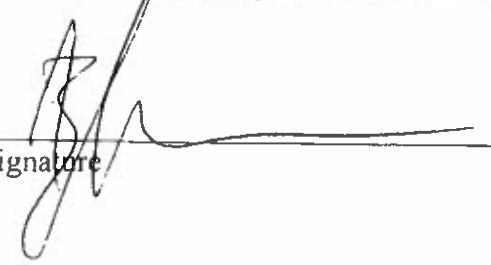
NAME OF BUSINESS Vawser Village Salvage LLC

NAME OF OWNER Ben Vawser

PHYSICAL ADDRESS 389 Colina Rd St. Albans, ME

MAILING ADDRESS " "

BUSINESS TELEPHONE 207-612-6590


Signature

Date Received January 30, 2021

RETURN TO: SUSAN E. REED
TOWN CLERK
23 MAIN STREET
DEXTER, ME 04930