

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE CLARIFYING THE APPEAL
PROCEDURE FOR NEWSRACK INSTALLATION****MARCH 9, 2004****COUNCIL CHAMBERS****998**

President Jonathan Harris called the meeting to order at 5:55 p.m.

Present were Councilors Barbara Carpenter, Kevin Connors, Chuck Coursey, Jonathan Harris, Maureen Kelly McClay, Scott Slifka, Art Spada and Carolyn Thornberry. Councilor Rob Bouvier was absent.

President Harris: Mr. Alair you can explain this to us?

Mr. Alair: I will give my best shot, thank you. The ordinance before you in this hearing is an amendment to Section 155-43 of the Code of Ordinances. As you will recall, a couple of years ago now the Town Council adopted a series of ordinances relating to the location of newsracks throughout the town within the street right-of-way. That ordinance included an appeal provision which would allow a newsrack owner who was aggrieved of a decision regarding their location or the removal of their rack to appeal to the Town Manager. The ordinance, however, did not really give any guidance as to what the Town Manager was to do with that appeal and as a result of the first appeal that we received, we decided that it would be useful to put in a provision explaining what the Town Manager has the ability to do.

In essence, this allows the Town Manager, on appeal, to deviate from the standards in the ordinances either temporarily or permanently provided, however, that he has to notify the Council of that decision if he does so. In essence, what we actually copied was the language from the administrative approval process for special development districts to use that same sort of a model and the notion is that if somebody comes to us and says while I understand your newsrack regulations and I understand that the type face on the side of my rack can't be larger than two inches it is two and a quarter or two and half or three or whatever it may be and I'm getting new racks but these ones were just painted and can I have a year. It would allow the Town Manager to say okay for the next year you are okay. It might allow him to say permanently you are okay this two and a quarter inches isn't a significant deviation but it would require ultimately the approval of the Council by ratification.

President Harris: Thank you Mr. Alair. Any questions for Mr. Alair? Mr. Alair, there was one question. You talked about the standards for the SDD is that what is referenced and I didn't look this up previously, 155-41?

Mr. Alair: That is correct.

President Harris: Okay. Are there any further questions? Thank you Mr. Alair.

Mr. Alair: Thank you.

President Harris: Any comments? A sign up sheet from the public, Mr. O'Brien?

Mr. O'Brien: There is no one signed up.

President Harris: Is there any member of the public that would like to speak on this particular issue? There being none, we will close the public hearing.

The hearing adjourned at 5:58 p.m.

Norma W. Cronin
Town Clerk/Council Clerk