

**TOWN COUNCIL OF NEW CANAAN
PUBLIC HEARING
Wednesday, November 19, 2008
7:00 pm – Board Room of Town Hall**

MEMBERS PRESENT:

Dr. Mark DeWaele	Elizabeth Jones
Kenneth Campbell	Stephen Karl
Kathryn Devereaux	Thomas O’Dea
Paul Foley	Johnny Potts
Christine Hussey	Dick White
	Penny Young

MEMBER ABSENT: Tucker Murphy

ALSO PRESENT: Jeb Walker, First Selectman (and member, ex-officio, Town Council); George Maranis, Administrative Officer; Tom Stadler, Incoming Administrative Officer; Christopher Jarboe, Town Attorney; 3 or 4 members of the public.

Mr. De Waele convened the Hearing at 7:08 p.m., and Mr. O’Dea read the Notice of Public Hearing. Mr. O’Dea called the roll, noting the absence of Mr. Campbell (arrived at 7:22 pm) and Ms. Murphy.

The purpose of the Public Hearing was to hear a Proposed Amendment to Newsrack Ordinance, Chapter 36 of the Code of the Town of New Canaan, and to invite public comment thereon.

Mr. White, Chairman of the Sub-Committee on By-laws and Ordinances, explained that the Town Council had passed an ordinance several years ago addressing the placement of newsracks in the Town of New Canaan and their upkeep. The provisions of the Ordinance were not being rigorously enforced, and the Ordinance itself was lacking in certain respects. Mr. White and his committee examined the Newsrack Ordinances of other towns and concluded that Darien’s ordinance was superior to the others. Drawing on the Darien ordinance, the existing New Canaan Ordinance was strengthened to require issuance of a permit with its accompanying conditions, including the payment of a fee.

Mr. O’Dea said that he had spoken with Marty Hersam, COO of The New Canaan Advertiser, who conveyed that he had no issues with the proposed ordinance, but that the public should have input with regard to setting the fees for obtaining a permit, and that fees be reasonable. Mr. Jarboe, Town Attorney, noted that permit fees are intended to offset the administrative costs of processing applications and cannot be set at a level that would be punitive.

Ms. Hussey asked if the newsracks could be uniform in color and font. Mr. Jarboe said that these types of controls could result in “push back” by the distributors, and that there were First Amendment issues involved here. There are similar problems with the use of “pods,” long

containers which can hold multiple publications. Mr. Maranis pointed out that it would be difficult to impose restrictions such as a pod on publishers.

Mr. White said that in Darien, the revised ordinance has reduced the number of newsrack installations to three at a location, compared to six or seven in New Canaan. Mr. Walker suggested that the unattractive grouping of multiple newsracks, such as at the Post Office, might be consolidated under a common covering further down the sidewalk, away from the Post Office.

There being no further comments, upon motion of Mrs. Young and second of Mr. Potts, the Public Hearing was adjourned at 7:28 p.m.

Respectfully submitted,

Thomas O'Dea, Secretary