

SPECIAL BOARD MEETING of October 12, 2005, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Dennis DeWolf, and Alan Marsh present. The meeting was held at the Highlands Civic Center.

Also present were Richard Betz, Larry Gantenbein, Kim Lewicki, Jim LeWicki, Adam Thompson, Melody Spurney, Eric Pierson, Don Mullen, Carol Ray, Baker Crane, Charlie McDowell, Merlin Crowe, Deborah Snubbs, Andrew Pitts, and others.

The Mayor called the Special Board Meeting to order at 7:00 p.m. He said that the public hearing originally scheduled for this time and place to consider adopting an ordinance exercising extraterritorial jurisdiction, as well as two related proposals, had been cancelled; because of an error in legal notice, the hearing would be invalid. He had therefore called this meeting and given notice as provided by law.

The Town Administrator then explained in some detail the error which had caused the hearing to be cancelled. He said that the Board had agreed on August 17 to set the public hearing and that the General Statutes required a two-pronged notice: first-class mail notice to all landowners in the ETJ, mailed four weeks before the hearing, and legal advertisement for two successive calendar weeks in the local newspaper, the first time 10-25 days prior to the hearing. Mail notice was provided to 2,291 landowners and a legal ad was sent to The Highlander Newspaper on September 7 for publication on September 27 and October 4. Legal ads were also forwarded for two other items added to the hearing by the Board: amendment of the Zoning Ordinance creating a new watershed district in the ETJ, and consideration of a moratorium on commercial development in the ETJ. All of the legal notices were published on September 27 and it had been confirmed that the notices were correct. However, due to an error by the newspaper, the second notice had not been published on October 4. When brought to the Town's attention by the newspaper, the Town Administrator said he had consulted with Geoffrey Willett with the Division of Community Assistance and it had been determined that the hearing would be invalid because the required "two successive calendar weeks" in the statute had not been met; the Town Attorney had concurred. He said that he wanted to make this clear because several people had contacted him and implied that the Town had intentionally omitted the second legal ad so that the hearing could be moved to a date later in the year when they could not be present; he had asked the publisher of the newspaper to have a representative present to explain. Melody Spurney, Editor of the Highlander Newspaper, was present and confirmed that the newspaper had made an error.

The Mayor said that he felt it was important to have the hearing at the earliest opportunity, which would be November 16, and he asked for a motion to that effect. The Town Administrator confirmed that legal notice could be given by that date.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, TO RE-SCHEDULE THE PUBLIC HEARING ON EXTRATERRITORIAL JURISDICTION, AMENDMENT OF THE ZONING ORDINANCE TO CREATE A NEW WATERSHED DISTRICT, AND CONSIDERATION OF A MORATORIUM ON COMMERCIAL CONSTRUCTION IN THE ETJ FOR 7:00 P.M. ON NOVEMBER 16 AT THE HIGHLANDS CIVIC CENTER.

The Board then heard several comments from those present. Carol Ray, a resident of Highlands Falls Country Club, said that the error was very "convenient;" 200 people from HFCC had planned to attend to show their opposition to the proposal, and now they would be unable to attend unless they travelled from their second homes. She suggested that the Board hold the hearing on November 16 to consider an ETJ along the commercial corridors, but schedule a second hearing in the spring for the rest of the areas since nothing was likely to happen in those areas over the winter. The Mayor pointed out that those who could not attend the hearing could submit written letters which would be entered into the record of the hearing.

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Baker Crane wondered what the urgency was in holding the hearing and not delaying until Spring. Deborah Snubbs voiced several objections, claiming that the ETJ would result in taxation in the affected area. Jim Lewicki pointed out that it had been the Highlander Newspaper, not Highlands' Newspaper, which had made the error. Merlin Crowe said that nobody in the ETJ wanted the proposed regulations.

MAYOR TROTT THEN CALLED THE QUESTION AND THE MOTION CARRIED. Comms. Patterson, Marsh, DeWolf, and Ross voted "aye," and Comm. James voted "nay."

MOVED BY COMM. PATTERSON AND UNANIMOUSLY CARRIED TO ADJOURN.

The Mayor then declared the meeting adjourned at 7:18 p.m., but said that Town Staff and several Commissioners would be available to informally answer questions and discuss the proposals with those present after the meeting.

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Richard Betz, Town Clerk