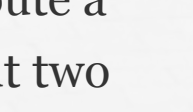


# NewCanaanite

## Botched Public Notice Prompts Delay in Saxe Vote

By: MICHAEL DINAN | November 18, 2015

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Town officials say a print newspaper’s failure to distribute a public notice has prompted them to push back by about two weeks a final vote on funding the proposed \$18.6 million Saxe Middle School building project.

The Town Council had planned to take up the widely anticipated vote during a special meeting Thursday, but as per **Section C4-10 of the Town Charter**, the funding body could not approve that appropriation without publishing a notice in a print newspaper “once a week for two successive weeks.”

Because the notice did not appear in the Nov. 12 edition of the weekly New Canaan Advertiser —two days after the Board of Finance **voted unanimously to fund the project**—the town attorney recommended putting off the planned Nov. 19 vote, according to First Selectman Rob Mallozzi.



The Vittti Street offices of the New Canaan Advertiser on Nov. 17, 2015. Credit: Michael Dinan

“It appears that because of some issues with the publication of the required notice in the local paper for two consecutive weeks, that because of a timing issue on the first publication notice, a strict reading of the law and a cautionary reading of the requirements would provide counsel that the town should delay the vote scheduled for the 19<sup>th</sup> to a later date, when we can be sure that everyone has had plenty of notice of the meeting if they wanted to attend or opine on the vote,” Mallozzi said when asked about the matter.

He added that legal counsel for the town is calling the question of whether officials could have gone forward with the Nov. 19 meeting “a borderline case.”

“We always want to err on the cautious side,” Mallozzi said. “It’s a big vote and we want to make sure that the people have the opportunity—it’s my insistence, too—that the people who were looking for a notice for two weeks in a row, we want to make sure that they got that opportunity.”

The editor of the New Canaan Advertiser, Greg Reilly, said that a production error led to one section of last week’s paper being printed two pages short, “and one of the two missing pages contained legal notice of the vote on Saxe.”

The company re-printed that section the same day, Reilly said, and the section went to newsstands in the afternoon as well as to the Post Office, for Friday delivery to subscribers.

“The production error led to creating a 14-page section instead of a 16-page section,” Reilly said. “We re-printed it correctly. We delivered it to the Post Office the same day. We delivered it to newsstands the same day. I got copies here the same day. So I feel like we satisfied the legal requirement of the legal notices. However, the decision to not take a chance that someone could challenge it, is up to the Town Council.”

The council is expected to approve the project. The new date for the Town Council vote—Nov. 30—will still allow the renovation and expansion of the middle school to move forward on schedule (see “**Project Schedule**” **slides**) with drawings, bid awards and construction staging, according to Penny Rashin, chairman of the Saxe Building Committee.

“The delay in the Town Council vote will not affect our project timeline,” she said. “We had wanted to get project approvals before the end of November.”

Bill Walbert, the Town Council’s chairman, said the reason for postponing the vote was to be “100 percent clear of any potential problems.”

Members of the Town Council internally and immediately flagged the timing of the funding body’s vote after the initial failed notice, he said.

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**Heritage Hill Road Residents Concerned About Traffic Flow in Early Locust Avenue Parking Deck Design**



Heritage Hill Road residents say they’re concerned about an early mock-up of the Locust Avenue Lot parking deck that would have traffic exiting onto their street dangerously close to a busy intersection at the end of a curve. It’s the mostly heavily trafficked area in the vicinity of the Locust Avenue Lot\* and the offset from the intersection does not allow a lot of time for people to enter and exit onto Heritage Hill,” Jim Stevens, representing the Oenoke Association on Heritage Hill Road, told members of the Parking Commission at their most recent meeting.

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S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5

SAT 21

**New Canaan Farmers Market**  
November 21 @ 10:00 am - 2:00 pm

SAT 21

**Rebooting an Old House: Holding on to Historic New Canaan**  
November 21 @ 10:00 am - 3:00 pm

SUN 22

**New Canaan Turkey Trot 5k**  
November 22 @ 11:30 am - 1:30 pm

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