

Press Release Authorized by the Town Board of Morrison May 30, 2012

There is a clear distinction between an intra-community lawsuit and those involving unrelated parties. In a community there is no them and us, there is only us. The community will have to live and work together both during and following the dispute. All time and money expended on litigation comes out of the same limited community resources. The community is best served if all parties work toward expedited conflict resolution. Fighting this out in court should be a last resort. Protracted litigation will delay and complicate rebuilding the community fabric which has been damaged here. Restoring the community treasury will be more difficult the longer this case continues. If Morrison as a community doesn't find a way to come together soon, the amount of damage done to the community will only continue to grow and become increasingly difficult to repair.

As with any dispute, there is plenty of blame to go around here. In the interests of the community let's all agree to take a break from blaming each other. We should instead focus our time, energy and money upon redeveloping the town's ordinances governing both signs and wind energy systems. The community's limited time and money resources would be much better spent conducting thorough legislative hearings involving legal counsel which yield lawful functional ordinances that better serve the entire community's needs.

According to the International Municipal Lawyers Association: "Sign regulation is one of the most unique and difficult regulatory challenges for local governments." Why? Because the Town must balance the public's interest in preserving aesthetics, and preventing traffic hazards and distractions by limiting non-commercial or temporary sign displays; while preserving the individual property owner's First Amendment rights to convey messages through the affordable and readily available medium offered by temporary signs. The task is further complicated by the fact that a limited number of First Amendment rules are scattered throughout a number of court decisions by federal district courts, federal courts of appeals, and the United States Supreme court. Each case is adjudicated by those courts on a unique set of facts. Lawyers reading those cases often disagree about the rule of any particular case. There are significant gaps in the law where no clear guidance is available. Federal courts continue to issue more decisions which further shape and sometimes reshape the rules governing sign ordinances. So while the case law available at any given time provides some guidance, there are not many hard fast rules.

We respectfully request that members of the press and public withhold judgment in this case until all of the facts come to light. Plaintiff's complaint Paragraph 86 acknowledges that on May 9, 2012 Morrison retained a new Town Attorney who publically "emphasized government's extremely limited scope of authority when it comes to regulating speech such as signs, stating that his advice in this area was always the same-to tread very lightly and cautiously, if at all". All plaintiffs attended and recorded the May 9, 2012 town board meeting, and had reason to know that the new town attorney was ready willing and able to address their grievances with the current Morrison Sign Ordinance. Plaintiffs chose to file a court action on May 17, 2012 rather than bring their grievance to the new town attorney or make any additional effort to work to resolve their grievance through the available much less expensive (in terms of both time and money) local legislative process. We urge the Plaintiffs and their counsel to fully participate in the upcoming sign ordinance legislative process. We invite the Plaintiffs to negotiate an expedient resolution of this lawsuit. If the Plaintiffs decline our offer to expeditiously resolve this lawsuit; then of necessity all of the Town's defenses will be timely published in Morrison's answer to the Plaintiffs' complaint.