

Minutes: Town Meeting March 10, 2005

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SPECIAL TOWN MEETING

The meeting was called to order at 7:30 p.m. by First Selectman Richard Sears.

Mr. Sears welcomed everyone and made the announcement that next Tuesday morning, March 15th, at 10:00 a.m. Susan Bysiewicz, the Secretary of State, will be here to award the Democracy Cup for the second year in a row for the highest voter turnout in the State. Please come in and we will have singers, Shepaug Chorus, ceremony and food.

Nominations were opened for Moderator. Nicholas Solley was nominated, seconded, and duly elected.

MR. SOLLEY: I will ask Janet Wildman to read the Call.

CLERK: Warning: Town of Washington, Connecticut, Special Town Meeting. The voters and electors of the Town of Washington are hereby warned that a Special Town Meeting will be held on Thursday, March 20, 2005 at 7:30 p.m. at Bryan Memorial Town Hall, Washington Depot, Connecticut to consider and act upon the following:

1. To establish an Ordinance regarding a Tax Relief Program for Elderly and Disabled Homeowners.
2. To establish an Ordinance regarding Possession of Alcohol by Minors.
3. To discontinue a portion of West Mountain Road.

Dated at Washington, Connecticut this 24th day of February, 2005, Richard C. Sears, Nicholas N. Solley, Harry W. Wyant, Board of Selectmen.

MR. SOLLEY: I will as the First Selectman to come and address the first item on the agenda.

MR. SEARS: I would like to move that the town of Washington pass an ordinance that grants tax relief for elderly and disabled homeowners. I would make that motion.

MR. SOLLEY: Seconded by Valerie Andersen. Thank you. Any discussion?

MR. SEARS: This is being presented by the Board of Selectmen and the seniors have asked that this be passed. Six or nine months ago the senior citizens came to the Board of Finance to see if something could be done for some of our older taxpayers and are actually falling behind in their payments. Could we offer any relief? The Board of Finance asked the Board of Selectmen to set up a committee to study this and make a presentation. What you have before you tonight is an ordinance which has been accepted by the Board of Selectmen and the Board of Finance. It was modeled after similar ordinances in several other towns. I will run through it for you. There was a committee of five – one of whom was not a senior – but runs the senior center. I want to thank Lyle Whittlesey, Betty Hinckley, Betty Mullins, Richard David and Pamela Collins for presenting this ordinance.

The purpose of this – if you want to read along with me – is to assist elderly or disabled homeowners with their real property taxes. To be eligible the person must be 65 years of age or over at the close of the preceding calendar year, or have a spouse who is 65 years of age or over at the close of the preceding calendar year or be 60 years of age or over and the surviving spouse of a taxpayer who was receiving benefits under this ordinance at the time of his or her death or be under age 65 and be receiving permanent total disability benefits under Social Security regulations. Or C: be owners of real property in the Town or D occupy the real property as their principal residence and E first apply for tax relief under any Connecticut general Statute for which they are eligible.

The State offers a program for low and modest income seniors who qualify under income standards. The Tax Assessor has forms and there are copies in back for State tax relief. This follow essentially along that program. And what it does is also raises the bracket. The State allows a person to have a total income of \$33,000 to be eligible. Anything under that and they are currently eligible. This adds a new bracket up to \$36,900. Applications will be handled by the Tax Assessor . This will take effect next year because the money if you approve it tonight is not in this year's budget.
Determination of

Tax Relief: The assessor shall review applications and information provided by applicants seeking tax credits under this article. The Assessor shall determine eligibility of applicants no later than June 1 of each year and notify Tax Collector of the amount of tax credit.

Now, under the section Total Tax Relief Allowed: A. the total of all tax relief granted under the provision of this ordinance for any tax year shall not exceed \$20,000. This will be divided among all the eligible applications. We have about 60 current eligible applicants who apply under the State program. This program will increase the brackets. If 60 are eligible, the \$20,00 will be divided among them. It may be \$200 to \$300 in reduced taxes. That is how we are looking at it right now. If this is not enough and the town taxpayers want to change it, then we would come to you.

Tax relief granted by the Town under the provision of this ordinance together with all tax benefits obtained from the State of Connecticut pursuant to state law, shall not result in a reduction of the applicant's total real estate tax by more than 75% of the total amount.

So no matter what benefit they get, they will have to pay 25% of their own tax liability. No one gets 100% tax free.

In any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, the tax relief provided herein will be pro-rated by the Assessor of the Town of Washington to reflect the fractional share of such taxpayer or spouse. That is, if someone co-owns the house with somebody else, they'll get the 50% of the tax credit if they qualify.

Now to F. In the event the real property of a qualified applicant is sold, assigned, granted or conveyed during the fiscal year when a credit is applicable, regardless of whether such transfer, assignment, grant or conveyance was voluntary or involuntary, the amount of the tax credit shall be prorated by a fraction. Okay. If you sell or die or change hands after five months, you have to return 7/12ths. The Tax Collector shall within 10 days thereafter, mail or hand a bill to the grantee stating the additional amount of tax due. And finally, G. a notice will be filed with the land record of the qualified applicant noting the existence of the tax credit. And finally, the town's financial assistant shall annually prepare a report for the Board of Selectmen and Board of finance providing an analysis of the cost of the Senior Tax Relief Program and the number of qualified participants in the program.

That's the issue before us.

MR. SOLLEY: Are there any questions? Will you please stand and state your name.

VALERIE ANDERSEN: (Note: very difficult to hear her. Requests clarification) If someone owns property and has tax relief for five years and then sells the property and the end of the five years, does the town get a rebate of property tax?

MR. SEARS: Valerie is asking about a number of years after which a person sells or dies does the town get a payback? The answer is 'no.' This is year to year. No accrual to this.

MR. SOLLEY: Any other questions?

MARLENE SMITH: This is modeled on programs of other towns . How does it work in other towns? Is it adequate? This is a big issue among our people. (some is inaudible)

MR. SEARS: Marlene Smith is asking two questions. This is modeled on other town's ordinances. Woodbury just passed . Other towns have had it for several years. It has worked well. The real questions is, is this adequate? That came up both before the Board of Finance and the seniors. We will try it and see if it works. If you have 100 people at \$200. that isn't much for some but it is the beginning of a process. The amount can be changed in the budget by the people. Adequacy is an amount we would differ on but the seniors who were working on this said 'fine' let's do it.

MR. SOLLEY: Dorothy?

DOROTHY HILL: Dorothy Hill. This applies to each person individually?

MR. SEARS: Total household income. You only get one credit per household.

MR. SOLLEY: Any other questions or discussions? If not, I will presume that we are ready to vote. I will simply re-read the Call for the first item. All in favor of Item Number One on the Town Meeting signify by saying aye. Opposed.

MOTION CARRIED

MR. SEARS: I would move adoption of the ordinance for the Town of Washington regarding the possession of alcohol by minors.

MR. SOLLEY: Second?

JANE DeMADO: Second.

MR. SOLLEY: Thank you, Jane.

MR. SEARS: Let me put this into context. An article came out yesterday in the papers some of the first concerns by some of the people is the State Police being given more rights than they have now to come into your private home. I will ask our resident State Trooper to come up in a few moments and stand before us. The answer to that

question is ‘no’. This does not allow any more search and seizure to take away your freedom that we enjoy. He will go right to the Constitution and work his way forward about that. This is not to be feared by the citizens. But it also raises the questions as to what does this do? We had two public information sessions about this. We were concerned as Selectmen and police officers as moral leaders, educators and parents about the health, welfare and safety of our children and our youth as well as all of us. That is the general context of underage alcohol and drug abuse. We want our children to grow up strong, healthy and happy lives. We hate to see the tragedies that happen because of abuse. I want to quote a few statistics for you. In the State Legislature this year as there has been in the past, there is a bill moving forward to change the State law. More than 41 towns and cities in the State have passed similar legislation that we are addressing tonight. On their own. There is a loop hole in the State law . The Board of Selectmen is encouraging us to pass this tonight. I am working with Legislators on getting a statute passed which will essentially do what we are doing but it will be statewide. But 77% of high school students get their alcohol at home with or without parental permission. 61% report of Connecticut report they drink at house parties. The average age children begin drinking in Connecticut – what do you think the average age is?

(guesses from audience)

Eleven. Eleven years old and I’m quoting from the Connecticut publication on underage drinking. I’ll leave the document afterwards. Kids begin drinking at the age of eleven. The current Connecticut law has a loophole. While it is illegal for youth to drink in public places, such as bars, restaurants, it is not illegal on private property. This ordinance would address this loophole in the State law. Parents have a right to expect when a child or teen goes to a friend’s house there is no other person, especially an adult, endangers their child by allowing them to drink alcohol. The bill would enhance them to protect their own children. Let me explain it. As I understand it, simply enough what this ordinance does, it addresses that loophole that does not specifically say that in private homes on private property it is illegal for children under 21 to drink. And it addresses where they do get liquor which is in private homes on private property, often with the approval of adults. In this ordinance is make it illegal in Washington to ‘host’ a party. This is called a ‘hosting ordinance’. . to host a party at which kids under 21 drink. What it does not do – it does not alter in any way the rights of the individuals to protection of their private property. The authority of police to enter private property is not being changed. And I do want to introduce our Resident State Trooper of whom we should all be very proud of his professionalism and his commitment to his job. I want to introduce you to Steve Sordi and I will turn the floor over to Steve to answer any questions.

TROOPER SORDI: Good evening. Mr. Sears has asked me to explain people's rights in their homes and how this ordinance would affect that. The Constitution – both State and Federal – we will talk about both. The Fourth Amendment in the United States Constitution in the Bill of Rights. It is 54 words and those 54 words are what keep us safe in our house – within our home. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. 54 words. In our State Constitution – 50 words very similar – The people shall be secure in their persons, houses, papers and possession from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Probable cause is what we need to show before we enter a residence. What is probable cause? In State versus Marcella the rule is the Federal government sets the floor. A town cannot come in and go and take away a person's rights. All they can do is increase. The Federal government sets the floor. So no matter what ordinance is passed within a town, it cannot increase your security within your own home. Okay? When we go to a house we need to show – we need to articulate – what were the exigent circumstances. Was there a medical emergency? Was there someone in danger that need help? Why did we enter that house? We will be scrutinized by the courts as to why we did enter the house. What the town ordinance will do is will try to encourage parents that teenage drinking is a problem and that although there is a stipulation an exception that a parent can give their own child alcohol, they don't have that right to make that decision for other parents. So what we are trying to do is get the other parents to start making phone calls. If the child is going to a house party, well, let's call to house and see if the parents are going to be home of the student hosting the party. Are the parents going to be home? Is there alcohol in the house? If it is in the house is it locked up? Are the parents planning on serving alcohol?

Because we're going to hold the student – this underage drinking – that through this loophole has been kind of left out of it. We are going to hold that student now accountable in the form of an infraction. There is a limit on fines and so forth and I think \$90.00 is in the town ordinance. So what we're going we're now holding an underage drinker accountable. That is not the case right now. I don't know if I've explained it clearly but if you have any questions. Yes?

MARLENE SMITH: How is the host parent held accountable?

TROOPER SORDI: Within the town ordinance? If I'm not mistaken I believe that is an infraction of \$90.00 as I read it. Let's keep in mind a parent that is giving alcohol

to a minor becomes accountable under the Statute 30-86 of our State Statutes. So that parent is held accountable.

JANE DEMADO: (her question relates to drinking in a public place. Very difficult to hear her.

TROOPER SORDI: Absolutely. In a public place – the loophole within the statute. Within a public place it is illegal for them to be in possession of alcohol. It is when they get into a private dwelling and that is the discussion now.

ELF LEFFERTS (Litchfield County Times) How much information do you need before you can enter a home? If you see a whole lot of cars parked out in front of a house and you know there is drinking. Does that mean you can walk in on any party in the Town of Washington because there is a group of teenagers in their and there might be alcohol?

TROOPER SORDI: Right. Probable cause. Let me just turn to the cops test rule and let me give you that. It reads: society must be willing to recognize that expectation of a reasonable. Society must recognize that it is reasonable. Okay? Basically we start out with reasonable – let me explain it to you this way. Reasonable suspicion is 25%. Let's say we get a phone call that they feel there is a party going on. That's how it starts. We would go out to the area where the party is. That is reasonable suspicion. When we get there we observe. Suppose we observe underage kids at the party – either carrying alcohol in or we see somebody out on the lawn who is sick. Somebody comes up to us – somebody may walk up to us and give us a little more information. Probable cause is 50%. Okay? Once we have reached that range, society looks upon that as being reasonable. It is a series of building blocks. From the time we get the call or complaint comes forward. Obviously, there's a million different situations and you have to deal with each one independently. You can come up with - you can be driving along and all of a sudden you see somebody on the side of the road. Where are you coming from? Why are you sick? And I've seen situations like that. Yes.

KEN CORNET: Is beer considered alcohol?

TROOPER SORDI: Yes, beer is considered alcohol. In my – one of the things we teach is that alcohol – wine often contains the same amount of alcohol. Absolutely it is considered alcohol.

MR. CORNET: Can a party of 20 year olds be busted for beer?

TROOPER SORDI: The question is can a party of 20 year olds be busted for beer and the answer would be 'yes.' It is illegal for 20-year olds to purchase beer. They can't purchase it legally.

AN UNIDENTIFIABLE VOICE: Microphone does not pick it up.

TROOPER SORDI: I would have to see the verbiage on that. A parent being upstairs and not knowing. At that point we are more interested in the safety of the people who are intoxicated at that point. That would be our main concern. If there was indication that led us to believe that the parents were hosting the party we would – without the town ordinance – there would be issues. Let's put it that way. Let's not forget that these kids are getting into cars and driving away from the party. So what kind of danger are these people putting these kids in? Yes.

JOE MUSTICH: There isn't any exclusion for religious holidays.

TROOPER SORDI: I believe there are. I think there is also instruction for parents. In the State Statutes there are, also. I think I have the State Statute right here. Okay, there are a number of exceptions. "delivery made to a minor by parent, guardian or spouse of the minor, provided such parent, guardian or spouse has attained the age of 21 and provided such minor possesses such alcohol while with such parent, guardian or spouse. Is that what you were looking for?

MR. MUSTICH: (difficult to hear) July 4th weekend – going after parties -----

TROOPER SORDI: When I say phone I mean what typically happens – it comes in on the 911 line – the emergency line – and by statute we have to respond to every 911 so we don't pick and choose.

MR. CORNET: Can you go in and they say you can't come in. Once you get in there are 20 – 30 year olds.

TROOPER SORDI: Okay. You are talking about are two different issues here. We're talking about a warrant search by consent which is possible. There are a number of warrants and one is by consent. You knock on the door. Anybody can knock on your door and talk to you and if that's the case. But if it gets to the point where we believe in the scenario that you just brought up, that somebody is in the house and they could be in danger – let's say a medical emergency – and that person needs help – at that point it's considered an exigent circumstance and we would articulate it as that and we would enter the house. Now, when we went to the door we might ask if there is a parent home. That may take us in one direction. We may ask to see a parent and there is no parent home. So that may take us in another direction.

Okay. Well, take a warrantless consent search. When I say ‘search’. We come in the house and there’s a big pile of drunks sitting on the dining room table. That is known as being in plain view. Yes, you are held accountable at that point.

THE CLERK: You don’t need an ordinance for that.

TROOPER SORDI: No. We’re getting outside the scope of the town ordinance. But in plain view is a good point to bring up. Yes.

VALERIE ANDERSEN: I would like to speak against the motion.

THE CLERK; Valerie could you please speak up or use the mike. It comes over much better for me.

JANE DEMADO: I don’t think people understand the dynamics. (Again, can’t hear and mike doesn’t pick up her question)

TROOPER SORDI: Safety issue. Awareness. Let’s face it, times are a lot different now than they were 20 years ago – 30 years ago.

MR. SEARS: Young adults – more than ten years – alcohol abuse. The oldtimers say it has always been that way. It will always be that way. I don’t know how to judge that. We hate to see the tragedy that New Milford suffered with teenage deaths that were alcohol related. We don’t want that to happen. Put it out there. Safety and health and kids on the road.

TROOPER SORDI: Just to add to that. The ordinance is not going to change my job. Uh-uh. I see tragedy. That’s why any time we can bring it to a forum like this and talk about it and get parents on board, I think it’s great. Okay. It’s not going to change my job as far as me doing my job and how my job is done. And so that’s why it’s really it’s here tonight. It’s basically holding the minors that are drinking accountable, but we would go into the house anyway if we knew that there were minors and they were in trouble, we would enter the residence anyway and make sure that they returned to their home safely.

UNKNOWN: Suppose there are 25 kids in a house drinking ... find out about it through telephone.... ??????????????

TROOPER SORDI: There’s two ways an ordinance can be drafted. One is in possession and one is in control of. In control of would mean the 25 people packed the house where there is alcohol would be held accountable. In possession of we would – they would have to be in possession of the alcohol. And I believe the one in

Washington is drafted as in possession of. Okay. So, again, each minor – each person at that party we would deal with one on one. Once we had the residence we would deal with them one on one. If they were drinking we would not allow them to drive home. We would call the parents. We would handle it one on one. So, again, our main concern is getting them home safely. That's our main concern. Yes?

KEN CORNET: Would they be given a breathalyzer test?

TROOPER SORDI: Brethalizer test? Be more specific on your question. We don't give breathalyzer tests out in the field if that's your question.

KEN CORNET: Are they ...

TROOPER SORDI: Possession means being in possession. Holding. Physically in possession of. Yes?

VOICE: ???

CLERK: Would you ask her to identify herself. She has asked questions before without identifying herself.

ELF LEFFERTS: When you walk into a house and you can tell there is alcohol and they are not actually holding it. Just the existence of alcohol does that mean there is a dangerous situation and you need to go into?

TROOPER SORDI: Sometimes a question can be answered with a question. If we went into a house and we knew there was alcohol throughout the house and we didn't act on it and one of the kids that were at the party, left the party, and tragedy struck. Would you think we should be accountable. Let's turn it around and ask the question that way. Do you feel we would be accountable? So in the public if it came out and said "Trooper, you went to the house and you saw there was alcohol all over the house – there were open containers – but you didn't see any of the kids holding it, so you just packed up and left and left all those kids there?" Look at it that way. Turn it around and look at it that way and what do you think the answer would be. Yes.

KEN CORNET: ??????????

TROOPER SORDI: At 21 you're allowed to make your legal decision to drink or not. Oh, I understand what you're saying. If they are providing the alcohol but you have to be able to articulate who provided the alcohol. If one of the – I've been at parties where kids 15 and yeah – and they said so and so went to the liquor store and bought them the alcohol – yeah, they're accountable. We will continue to do our job the same

way we've been doing our job. I think – and tell me if I'm wrong – we want to bring awareness to the problem – to the so-called loophole – and we want to hold the underage drinkers accountable within a residence – when they are drinking in a residence. Which is the \$90.00 infraction which is, I believe, within the ordinance.

A VOICE: ? ????????

TROOPER SORDI: I believe the question is What is your state law.

MR. SOLLEY: You have to speak up for the recording secretary, please . And the tape recorder.

CLERK : Yes, that's the thing.

TROOPER SORDI: Let me see – no minor - no minor shall be in possession. I don't have that specific ordinance with me. But basically what it talks about is a minor being in possession in a public place. The key word is 'public". That's the key word.

MR. SOLLEY: The way I understand it, if a minor is home with his or her parents and with their permission, can underage of 21 can consume alcohol.

TROOPER SORDI: Okay, here it is. 30-89. A minor who possesses alcohol on any street or any other public place or place open to the public including a club is subject to a fine. That's the general statute. A minor who possesses alcohol on any street or any other public place or place open to the public including a club is subject to a fine.

VALERIE ANDERSEN: ???

TROOPER SORDI: I'm not the one to debate that one.

VALERIE ANDERSEN: There is a state law now that says that it is separate from.....they are not breaking the law.

TROOPER SORDI: Right. But if you supply the alcohol on your property right now. They are not in the public. No. Accountable to the town of Washington. That is correct. Yes. If I'm not mistaken. Where is this legislation right now within the State? I believe –

MR. SEARS: It is being proposed. There is a piece of legislation.

TROOPER SORDI: Because this is getting so much press people are becoming aware. There is something being proposed.

LINDA McGARR: Is there an underage drinking in bars? Are bars held accountable?

TROOPER SORDI: Yes. The question is if there is underage drinking in bars are the bars held accountable? Yes. In addition, you have the Liquor Commission. You have different commissions that are out there that addresses that. Yes?

MARK LYON: This whole process on private property. What is this going to do to help you and our police force with underage drinking? What does this add to you to see the problem? ??????????.....

TROOPER SORDI: I don't know. I don't really want to get into that. The discussion is really for this ordinance. I don't know if we want to get into arrests and so forth. It is illegal to be in a bar. And, of course, the bar owner is held accountable. He has a liquor license which he hangs on the wall which we would take with us.

VOICE: ???

TROOPER SORDI: Again, they're held accountable. Somebody in the bar under the age of 21. They are accountable. Both parties are held accountable.

VOICE: ??????????.....

COMMENT OF CLERK; I am so damn frustrated. I can't hear what anyone is saying and the mike DOES NOT pick it up. We need a hand held movable microphone.

TROOPER SORDI: Okay. Just to be clear. Again, it's not changing the way we conduct our job. What we're hoping is that the parents – the underage drinkers – rather have them think twice before they go to a party where there is going to be alcohol. So let's say Johnny is not a drinker but he's going to hang out at a party where he knows there is alcohol. He may think about that before he gets over there and gets into a can of worms.

VOICE: ????????

TROOPER SORDI: No. Again when I hear that. People say that to me that they are collecting keys and I just think – if I ever found out that somebody collected – my children are little – but what right do they have to collect keys from children who are not their children. What right do they have? I just----

MR. SEARS: Steve and I have talked long and hard about this. The principal at the high school, school teachers, parents, church group youth leaders and other town people – many parents have come to us and said this is part of a large program. What

difference would this make in Washington? No one knows. Will this stop more kids from drinking? No one knows. Spring and drinking season is coming so for this year, for this cycle, it's an awareness issue as far as public education, public morality thing. We don't want our kids hurt. We wish it didn't happen. We know it is going to happen and how can they be saved. You are on notice. It is part of a larger public awareness and education campaign that it is not good for you to drink underage. And it is now it's clearly illegal for you to drink on private property and adults – where you think there is a middle ground - that it is okay – our kids, our kids. They go to a graduation party and buy a keg and they are allowed to be here. You will be safe. I'm concerned about the girl that gets raped because of the over use of alcohol or the fighting. It is all part of that culture. So this season will come and go and we may do something again. But there is also a growing awareness in the State. We want to protect our kids. It is a larger public tool.

LYLE WHITTLESEY: ...go into a persons home I would assume it can be more than just a dwelling.

TROOPER SORDI: Again, you're getting into things we call privilege areas that are clearly defined like a fenced in area. To give you an example. If we were to go to a party and it is in the summertime and we entered the house and we found kids inside the house and they were drinking and this is a large party and then there is a pool out in the back yard and there is a fenced area and there are kids out there drinking. That would obviously be our motive to check. Once we enter it would be considered within the dwelling area.

ELF LEFFERTS: Who gets the money?

TROOPER SORDI: I am not sure. It's an infraction and I would say – I'm not sure. The same way – whether the town has something set up with the State.

CLERK: Can I ask a question?

TROOPER SORDI: Certainly.

CLERK: You were talking about the money. Who handles the determination of the fine? Do you or does the Court?

TROOPER SORDI: That's a good question. Let's clear that. It's a written infraction. The person still has the opportunity to plead not guilty. They would have their day in Court.

KEN CORNET: Suppose there is a 22 year old and an 18 year girl. Can you fine the 18 year old. Could you do that now?

TROOPER SORDI: Okay. Hold on one second. You need to be more specific the way this is drafted. When we say we can fine. Give me more about the 18 year old girl. Is she drinking? Is she in possession of alcohol?

KEN CORNET: Yes.

TROOPER SORDI: Okay. What is your question?

KEN CORNET: (Not audible)

TROOPER SORDI: No. Let's go further with that. Would we leave the girl there? No. She's eighteen years old. She's drinking. We're there. Again, let me pose this question to you. Let's say – you are with your boyfriend and he's 22 – you're safe. Okay. And we don't realize she's the driver and she says she finishes drinking for the night and she goes out and tragedy strikes and now it comes out and the public becomes aware that the State Police were at that house. They saw an 18 year old, underage girl drinking, but we thought it was private property and she was with a 22 year old boyfriend so we didn't investigate any further and so we just left. Now we just left her there. Do you think we would be held accountable? You answer my question.

KEN CORNET: I have no idea.

TROOPER SORDI: Of course we would.

KEN CORNET: What I want to know, without this regulation---

TROOPER SORDI: I just gave you the answer without the regulation. With the regulation what she would get is the same treatment that we would give her. However we would handle it. Call the parents. Get the parents over. Make sure she arrives home safely and she would get an infraction with it.

KEN CORNET: What would that entail?

TROOPER SORDI: Let me just explain. That would be up to the trooper or officer that handles the incident.

KEN CORNET: Even on private property. In other words,

TROOPER SORDI: When you change gears you are changing the whole situation. Are her parents home? Are her parents allowing it? She is now in her parent's residence. It comes within the exception. Being 18 is not within the exception, is it? There are a lot of different scenarios. Could be in college, also. There's a lot of different scenarios.

KEN CORNET: (AGAIN – CAN'T HEAR)

TROOPER SORDI: The girl would be legally held accountable by this town ordinance for being in the possession of alcohol and the fine can be a \$90.00. That is as specific as I can be.

KEN CORNET: And without it?

TROOPER SORDI: Without it we would have to – as police officers – we are tasked with the duty of making sure this girl is kept safe. Once we are aware that her well being ----

KEN CORNET: What does that entail?

TROOPER SORDI: Whatever it took. I can't---I can give you a lot of different scenarios. If her parents are home we may call the parents. If the parents aren't home then we have to take a different route. But we're going to make sure she gets home safe. I would actually hope that you appreciated our services. You seem to think that we should throw in the keys.

KEN CORNET: (Arguing with Trooper Sordi – denying)

TROOPER SORDI: I don't know about that.

DICK SEARS: Ken, I want to say there are so many different variations on the theme. I asked many of the same questions. There are so many variations. The point is to get a sense of this ordinance. Of course you can ask Steve all kinds of scenarios and others can ask questions. I don't want to change the process here but I found that that's an endless conversation because there are all these variations and how I think about it and how the law feels it should be determined may be different.

KEN CORNET: ?????

TROOPER SORDI: You can look at it that way. We like to look at it as awareness and accountability. But you can look at it that way. Yes, sir?

VOICE: Will they have a criminal record?

TROOPER SORDI: No. It would be the same as an infraction. Let me just go back on that. When you say criminal record would it be somewhere in a computer that an infraction was issued? The answer would 'yes.' At some point things are inputted into computers so it would be there somewhere along the line.

VOICE:

TROOPER SORDI: I'm not sure how long infractions are attached to a person's record. It's different from a misdemeanor. A misdemeanor is more severe. It is when you get into criminal.

ADDIE ROBERTS: This isn't a question. It is my feeling that Ken is talking about 20 year old. We are also talking about much younger children in our community who have been in situations in which they have gotten drunk and not been supervised. Make people aware this is not just 20 year olds. There are sixteen year olds and they have a license. It is terribly sad to legislate the actions which might kill your child. It is terrible for both and this ordinance is trying to make us aware and do something about this.

TROOPER SORDI: Thank you. I echo those thoughts. Just bringing this ordinance to a forum is 50% of what we are looking to achieve – awareness. So I appreciate your thoughts.

VALERIE ANDERSEN: I would like to speak to the ordinance.

MR. SOLLEY: You will have an opportunity to speak.

THE CLERK: Could I ask a question? I guess of you, Dick. At the hearings that you had, how many parents came? Parents of teenagers.

MR. SEARS: Oh, maybe six.

THE CLERK: Well, are they aware then? I mean, your're talking about awareness, how many parents are aware or aren't they going to pay any attention to this? Where are the teachers?

MR. SEARS: As I said before, this is part of a whole larger process. We have at least three newspapers here tonight and the schools are just waiting for this to happen and two other selectmen in our district are looking to our lead. Again, Janet, public awareness we hopefully will pass this. I can't answer how many parents.

THE CLERK: That is what I was wondering – has it reached them.

MR. SEARS: We are trying to have parents be responsible for their children.

VALERIE ANDERSEN: (Almost impossible to hear – will do my best) No one wants to see children drunk but I really want to speak against this motion. Specifically,two problems. ...our own town pass a law. How do we carry it out? Somebody has to understand the ramifications of that. We already have in the State of Connecticut a law regarding drinking under the age of 21 which provides for a fine or jail. A State Representative is proposing a bill where they would revoke a driver's license if they are convicted of giving a minor alcohol and we want to add a third level which is almost triple jeopardy. I think we need to encourage law enforcement officers to enforce the law. The State wants to have a private property drinking law which it has not yet done. Let's encourage the State to do that. I just think we have gone too far and I am concerned about how this process will be served the way it is worded "any person fined \$90.00." Is there a record? Does it travel with you? All sorts of question marks. If we pass this legislation.....put on paper so we all can understand.For that alone I think we are over reaching. I would rather wait until the State has passed legislation which allows them to go on any property and tell the minor children they have committed an offense. If this is a program against minor drinking that would be wonderful.....this scares me.

(NOTE: I am attaching an e-mail sent to me by Valerie Andersen. When she spoke at the meeting she did not have a prepared statement but the attached are her notes which will make much clearer the statement she presented.)

PETER TAGLEY: I agree with Mrs. Andersen. The State Troopers have enough on the books right now. This isn't like micromanagement (AGAIN----!!!!) The State hasn't passed the law for a reason. When the State is ready it will pass the law. A lot of this is trying to micromanage a town. I think there are other ways to handle it. They have a program. Educate the children. It is hard to legislate morality. You can't be everything. You can't legislate every parent. I think the police officer has explained he has enough jurisdiction to handle this problem and I am not sure we should be passing a new ordinance. I think we should continue to address the issue properly and continue in the churches, schools, the D.A.R.E. program and teach the danger of alcohol and drugs, etcetera, etcetera. But I believe this is overstating. Thank you.

MR. SOLLEY: Thank you. Any other discussion? Mr. Whittlesey.

LYLE WHITTLESEY: I am not a very articulate speaker so I guess I'm going to stick my head into a noose. But I think the problem comes down to one thing and that is taking responsibility. And if we can have all the hearings and a half a dozen parents

show up it seems to me that the right people are not taking responsibility. If this ordinance will do anything to help draw their attention to that – maybe drive it home a little bit – I’m 100% for it. I was struck by a drunk driver in 1985 and I was very nearly killed and until you have experienced this personally you have no idea what it is like. And maybe it is an infringement of your rights and no one values privacy more than I do. But victims have rights, too, which seems to be somewhat forgotten today. And I would urge any action that can be taken to help control drugs, whether it is teenagers or whether it’s adults. It is time we all started responsibility for our actions. Thank you.

MR. SOLLEY: Any more questions or comments? Trooper Sordi? Dorothy Hill.

DOROTHY HILL: Some years back(HERE WE GO AGAIN!) ..children away for a week or two and I made arrangements to stay in another town. I had spoken about parties and I spoke to our local policeman to keep an eye out. I told them not to have a party. They did have a party but nothing happened, thank God.

KEN CORNET: You weren’t there? You were responsible.

MRS. HILL: No.

(At this point there was give and take back and forth with Ken Cornet and Mrs. Hill and it was impossible to hear them.)

MRS. ANDERSEN: How are trespassing laws affected by this ordinance?

MR. SOLLEY: Steve, how are the trespassing laws affected by this ordinance or are they just too mutually exclusive? Elaborate Valerie.

MRS. ANDERSEN: (CAN’T HEAR A THING!)

TROOPER SORDI: I’m sorry I didn’t hear the whole thing. I don’t think this ordinance would affect this. Again, I couldn’t hear the whole question.

MR. SOLLEY: If there are no other questions comments I will call for a vote. All in favor say aye. Opposed? I will have to ask for a show of hands. All in favor? Nine. Opposed? Nine.

THE MOTION FAILED BY VIRTUE OF A TIE VOTE 9 TO 9

MR. SOLLEY: The third item on the agenda tonight regarding the discontinuation of a portion of West Mountain Road.

MR. SEARS: I would move adoption of the motion to consider and act upon the formal discontinuance for all public uses, except for and reserving to the Town and the public the passive recreational uses defined and permitted in CGS 13a-141(b), including construction and maintenance incidental thereto, of a section of West Mountain Road, between the western boundary line of parcel 2-2/8 and the western boundary line of parcel 2-2/7a as designated on the Town Assessor's Map. This is an extension from that portion of West Mountain Road that had been discontinued formally at the November 12, 2003 Town Meeting from its intersection with Nettleton Hollow Road to the western boundary of parcel 2-2/8 on the Town Assessor's Map.

MR. SOLLEY: Is there a second. SECOND Is there any discussion?

MR. CORNET: Why?

MR. SOLLEY: Why is it being considered? As a former member – I guess I'm still a member of the road discontinuance committee – what the town is proposing is that this section of West Mountain Road be discontinued for vehicular purposes. It currently does not maintain vehicular passage except for equipment that CL & P uses to maintain the power line. And I believe there are tractor form vehicles. The highway discontinuance committee continues to look into roads that are either in very poor shape and have not been used for vehicular purposes for many, many years and this particular road is on the radar screen right now.

MR. CORNET: Is this the steep portion?

MR. SOLLEY: Yes, it is the steep portion past Mr. Kessler's property. Former Duchin. It is impassable. The town does not want to bear the responsibility of maintaining it and fixing it up and so---

MR. CORNER: Has the town been maintaining it? For how long?

MR. SOLLEY: No, it has. That's a good question – fifty years. I don't ever remember as a child traveling up and down that road. The Potters still use it to herd their cattle back and forth from summer pasture to winter headquarters. So it has use I guess there is some Steep Rock property in there. It is hiked by people so it has passive uses.

MR. CORNET: ??????

MR. SEARS: It is not too much what's broke or trying to fix what's broke. It's naming what already is. Naming what currently is. The reality of what is. The reality is that it serves no public vehicular purpose. There is no public – no reason – no need – it is a dead end. You can't drive through so the purpose to maintain is for walking to

Steep Rock. Up the dirt road which is already going on for some. Naming what it really is.

MR. CORNET: What is ????????

MR. SEARS: If the people feel the necessity to – if the town wants to do that – we accept that and we will vote it tonight. If someone says they want us to maintain it because they want to drive their vehicle up there I suppose we would have to do that.

ELF LEFFERTS: I just remembered a situation in Kent having to reopen an impassable road. Somebody wanted to develop. Therefore the townbuilding a home in that area.

MR. SEARS: The committee studying the property that whatever the access – I guess that determination was made and sent to the selectman that that won't happen here. The upper part of West Mountain Road you can see from 47 – Woodbury Road to a point where parcels are being accessed and then no need for access.

MR. SOLLEY: The traveled portion of West Mountain Road off Route 47 I would say the town on an annual basis probably has to truck in 200 to 300 tons just to keep the road passable so it is a constant maintenance factor. This just assures the town that we won't at some future time, and I believe there is one lot on the left side and one lot on the right at some time we won't be called on by a neighboring parcel owner to re-establish this very difficult terrain right of way. The CL&P has its own utility right of way. Independent of... We do not have to maintain that section which we are calling for discontinuance of tonight for their purposes. They can access either side and then they have special equipment that can get in and service their poles and their power lines. That is the service that actually goes to Region 12 so it's critical to our school system. Any other questions or comments about this particular road? Chet Lyon?

MARK LYON: I assume that the property owners?????????????

MR. SOLLEY: In this situation we cannot create a landlocked situation. The owners of those parcels at their own expense can create a driveway over the town right of way.

Any other comments? Questions?

(Re-read motion) All in favor of this motion signify by saying aye. Opposed.

MOTION CARRIED (one no. Guess who?!!)

MOTION MADE, SECONDED AND PASSED TO ADJOURN MEETING. SO CARRIED.

Meeting adjourned at 8:55 p.m.