



**Board of Aldermen
Shelton, Connecticut
Public Hearing on Ordinances
March 25, 2004**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Mark A. Lauretti opened the Public Hearing at approximately 7 p.m.

ROLL CALL

Aldermanic President John F. Anglace, Jr. - present
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - present
Alderman Joseph Lanzi - present
Alderman Diane M. Marangelo - present
Alderman Nancy Minotti - present
Alderman Kenneth Olin - present
Alderman John P. Papa - present

LEGAL NOTICE - CITY OF SHELTON - published

LEGAL NOTICE
CITY OF SHELTON

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING:

**ALARM SYSTEMS
POSSESSION OF LIQUOR BY MINORS**

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY, MARCH 25, 2004 AT 7 P.M. IN THE AUDITORIUM AT CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO.

1. **ALARM SYSTEMS**

Laura Burstein, 121 Mill Street

I have a question on the alarms. I've had an alarm system for 10 years, and probably have had one alarm every three to four years. This past six months, I had three alarms, but I had the alarm people come out and fix it, so everything was taken care of. Is there going to be any kind of concession built in for people who have something done about the alarms? I'm a conscientious and I have it taken care of when the alarm goes off. They came out, they found something and fixed it. When I went to the Police Department to pay the fine, I brought in all of the information, just to let them know I had it taken care of.

Alderman Anglace introduced Alderman Papa as Chairman of the Public Health and Safety Committee. He explained, their committee submitted this ordinance, so he is probably the best person if you want to know something about it.

Alderman Papa stated, what's going to happen now is that it will be the whole year. The first two false alarms are just a warning. The third alarm is going to be a \$100 fine. After the year, it starts all over again.

Ms. Burstein stated, I understand that, but what I'm saying is, is there going to be anything – I know in the paper it said that if somebody – if this happens a lot they're going to have the alarm system and the Police and everybody meet to see if they can work something out. I have done that.

Alderman Papa stated, if there have been five alarms. Is there anything built in for somebody that is conscientious, who has the alarm company come out every time something happens and has it taken care of and fixed?

Alderman Papa asked, why does it go off?

Ms. Burstein replied, I'll tell you why. There was a leak in the window, it shorted out the alarm. They replaced that, we caulked the window and then it was fine. The next time it went off – we have five window sensors – and there was a short in the system, so they came out and they fixed that. The other time, the alarm company's answering service – it was 12:30 at night – there were five people home and they never called me. That's mine – I owe that.

I'm saying that I have it taken care of, it's not like I'm just letting the alarm go off. My concern is that I'm conscientious and I have this taken care of. Do they take into consideration that you have the alarm company come out every time the alarm goes off, have them go through the system?

Alderman Papa introduced Deputy Chief Joel Hurliman. He stated, he can speak and shed some light on this.

Alderman Finn stated, I believe that her comments are valid and if somebody is out there and they're actually maintaining the alarm system, maybe before we send this back to the full Board of Aldermen we should make a provision that if they can show us that the alarm is being properly maintained by records when they go down to the Police Department, then maybe they shouldn't be penalized.

Alderman Papa asked Deputy Chief Hurliman, have you had many situations that this individual has brought up?

Deputy Chief Hurliman replied, no, as a matter of fact we haven't, and that is the type of thing.

Ms. Burstein stated, just this year, I brought it down and when I got the citation I went down and gave them all the information. I had all the paperwork that I had it taken care of. I had them out. I mean, my alarm never goes off. It just was a crazy circumstance that it was three times in the six month period, so it was the \$100 fine.

Deputy Chief Hurliman stated, yours is a situation that you could certainly request a hearing, and at that time, the hearing officer will take that into consideration.

Alderman Anglace stated, that is the point I was going to make, exactly. Here is the problem. When we had a rash of alarms, and it triggers our Police and it triggers our Firemen. We're trying to rein in on it. Our hearing officers, we have two hearing officers, anybody who is cited for a violation of an ordinance has the opportunity to be heard before the hearing officer to tell them what the circumstances are. They're pretty reasonable, they'll listen – that's their job. And their decision is final. We can't override it. I think the case you explained, where it happened inadvertently, and you have the maintenance records, etc., I think they would take that into consideration and provide you relief from the fine. That is what I think.

You are one person. We've had 500 false alarms. We're going to deal with it and we're going to be tough in dealing with it. The way we feel is that we're putting other peoples' lives at risk. There are a lot of people out there who have alarms who have not managed them like you have.

Ms. Burstein stated, I don't disagree with that. They should be fined. The only thing I'm saying is, I'm conscientious and I have my alarm system maintained and I have them out every time. People that don't should be fined. I agree with that.

Alderman Papa stated, also, they're trying to go after the habitual false alarms for the same locations – that's what they're looking at and they're trying to cut down on that.

Ms. Burstein stated, I understand that, and I just wanted to know if there is going to be something in this ordinance that says, "if you have it maintained," or when the citation comes out, say you can appeal it someplace.

Alderman Papa stated, like Alderman Anglace said, there is a hearing officer that you can address your situation to.

Ms. Burstein stated, I wasn't aware of that.

Alderman Papa stated, and again, it's going to be extended for the whole year, not just six months now, so that's going to help you out if you have the situation come up again.

Gerald L. Glover, 20 School Street

[The Clerk read aloud Mr. Glover's letter into the record, as Mr. Glover was unable to attend the meeting tonight].

Dear Aldermen:

I will be unable to attend the public hearing on alarm systems, but wanted to express my thoughts on the subject.

It is my understanding that the purpose of this ordinance is to encourage taxpayers to maintain their alarm equipment at the risk of incurring penalties for excessive false alarms.

While there is certainly a need for a regulation of this type, I believe it must include language that enables officials to waive penalties at their discretion, under special circumstances.

Many citizens, particularly the elderly, have conditions that make the operation of alarm systems especially challenging. Poor eyesight, arthritic fingers, dementia, and Parkinson's Disease are all conditions that, for many, complicate the use of alarm system keypads. Children are sometimes also attracted to these keypads.

I don't believe that your intent is to penalize people under these circumstances. I'm sure you'd agree that City residents should not be forced to choose between feeling threatened by intruders or an economic penalty.

There is another issue. I realize that under the current regulation, penalized individuals can seek remedy through an appeals board process. However, the fact is that those afflicted with the conditions previously described are either unlikely or unable to take advantage of this process, even if they're aware that it exists.

My recommendation would be to add a simple statement to your ordinance that permits the Police Chief or the Fire Marshal the discretion to waive the penalty under certain circumstances, such as human error. This would demonstrate not only your willingness to best represent and serve our City, but would expedite the process, making life easier and more efficient for all.

Thank you for your consideration.

Sincerely,

Gerald L. Glover

Corporation Counsel Welch stated, the comments that have been raised, those two citizens that raised it, subparagraph g does indicate – it uses the word “may” issue a citation.

If you look halfway down of subparagraph g – it says, “after two false alarms the Chief of Police *may* cause to be issued,” and then it follows, “a written warning for the first two false alarms, and if there is a third false alarm within the same 12-month period, the Chief of Police *may* thereafter issue a citation in accordance.”

The dialogue we had at our office was “may” v. “shall” that leaves some discretion with the Chief of Police and his department. Plus you have some discretion with the hearing officers as well.

Alderman Anglace asked if any other person wished to speak. Being none, he closed the hearing on the Alarm Ordinance.

2. POSSESSION OF LIQUOR BY MINORS

Julie Penry, Director, Shelton Youth Service Bureau

We recently received a grant for the City from the State of Connecticut, it's federal money, to address underage drinking in our City. There is a process that we have to follow over the next two and a half years and it's basically changing policy, changing attitudes and helping kids to make healthy choices. One of the things that we were asked to do was to look at our ordinance that is in place, and update it – bring it more or less up to code, by including the new section called “hosting events.” What that little paragraph does is simply reminds parents and guardians that they are responsible for their individual child. It's helping to develop an awareness for parents. I think it's very important that this comes through, because the ordinance that is already in place simply is not taking place. This clearly states who is responsible for whose child and what the fine would be.

Alderman Anglace stated, I saw somewhere in here where there are a number of towns that have already enacted these amendments to the ordinance. The revision that we submitted is a basic form that was drawn up by the Connecticut Coalition to Stop Underage Drinking. I believe right now there are 28 towns that have adopted the wording as such. They're in the process of getting the rest of the towns to do this also. It's basically to let parents know that they are responsible for their own child under the age of 21, and that drinking is illegal.

Alderman Anglace stated, enforcement of alcohol and drug related issues is already prevalent in the school system.

Ms. Penry stated, we're not attacking Shelton – it's prevalent everywhere. This is just a means to enforce the underage drinking laws. Alcohol is a drug – it's legal for adults – for us to make that choice over the age of 21. But it is illegal for anyone under 21 to be drinking.

Alderman Anglace stated, I saw something interesting in here that caught my attention. That is, the minor can possess alcohol if he is in the custody of his parents. Otherwise, if you're with your parents, you can drink.

Ms. Penry replied, yes, that gives the parent the responsibility. That is clearly stating that the parent is responsible for their own child, or their spouse if they happen to be married under the age of 21. That is under the hosting events in the new ordinance. That is the new part as opposed to the ordinance that is now in place here in Shelton that has no reference to that at all. This is the one new paragraph that goes in there. The rest of the ordinance is just clearer wording.

Alderman Anglace stated, it seems that the intent of this is to allow for enforcement, to change bad habits to good habits, to help young people stay on the straight and narrow. Plus, there is also some money that goes with it, right?

Ms. Penry replied, yes, Shelton got \$100,000. With that \$100,000 we will be working very closely with the Police Department. We formed a coalition of taskforce members and tried to get a sampling of different areas in the community, from the Community Center down to students at the high school who are very involved. Through this taskforce we hope to begin changing the thinking of adults in town – none of us are stupid, we just need to be reminded sometimes – you know – kids are not supposed to be drinking. With this money, once the 2.5 years are completed, they'll do a report, a study of the outcome of this, and if it's positive, which the seven towns who got this money hope it to be, we will be the national model for other states to pick this up and run with it.

Alderman Finn stated, I'm not sure where this would fall – if it would fall under the hosting events or if there should be an addition to the exceptions. In my church we have the celebration of Mass. With the celebration of Mass we have the choice, once a youngster comes of age to receive Holy Communion, to receive the Body of Christ, which is the host, and we also have the option to receive the Blood of Christ, which is wine. Is this going to prohibit a child from receiving Holy Communion?

Ms. Penry stated, that was brought to my attention this morning. I had not thought of that and I think that is a good point. I spoke with Attorney Welch and we both spoke with the head of the coalition up in Hartford. But I never got back to talk with Corporation Counsel regarding the wording changes.

Corporation Counsel Welch stated, I have a response to that. Alderman Finn called my office a number of days ago and asked that question. I indicated I would do the research on it. In speaking with Mrs. Penry today and also with the head of the coalition, he indicated they had proposed some language to the statute for changes. The language they've proposed, and I will, before your next regular meeting research it from a legal standpoint, but the proposed language is, an exception to this ordinance would be, possession, consumption, or use of alcoholic liquor, at legally-protected religious observances, supervised by persons over 21 years of age. So, it's an issue that has been raised, this is the response to that. In my glance of it, it does seem appropriate. If the language needs to be played with a little bit to make sure it follows, but it seems to be an appropriate exception.

Alderman Finn stated, we can approve this exception when we approve it at the full Board meeting. That will be included then?

Corporation Counsel Welch replied, I would recommend that it would be. I would like to, that is the language that was sent down, it was only sent down today, so I just want to review it to make sure it fits and there are no other questions, and he did specifically indicate that it's been sent to the legislature, but the legal review has not taken place, and I'd like to do that.

Alderman Lanzi stated, it would come under the supervision of the parents, the child receiving the Blood of Christ – the wine – would be under the supervision of the parent. The parent would be there.

Alderman Marangelo stated, they may be at church without their parent.

Alderman Papa stated, but it says there will be adults that will supervise them.

Corporation Counsel Welch stated, and that's where the exception kicks in – it says, supervised by someone over 21 years of age at an organized religious event.

Alderman Anglace asked if any other member of the public wished to speak on the Underage Drinking Ordinance. Being no other speakers, Alderman Anglace closed the public hearing.

ADJOURNMENT

The public hearing closed at approximately 7:20 p.m.

Respectfully submitted,

Patricia M. Regan
Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton