



Town of Groton, Connecticut

Meeting Agenda

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager (860)441-6630

RTM Health & Social Services Committee

Chairman Fritz Stein, Representatives Thomas Barnhart, Alicia Bauer, Nora Patterson, Cheryl Tilney, and Robert Walker

Monday, December 05, 2005

5:30 PM

Town Hall Annex-CR2

Special Meeting

1. CALL TO ORDER
2. ROLL CALL
3. UNFINISHED BUSINESS
4. NEW BUSINESS

2005-0075 Adoption of an Ordinance Regarding Alcohol Possession by Minors

ADOPTION OF AN ORDINANCE REGARDING ALCOHOL POSSESSION BY MINORS
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:
SECTION 1: FINDINGS

1. The possession and consumption of alcoholic liquor by minors is a matter of a growing local, regional, and national concern.
2. Consumption of alcoholic liquor by minors unsupervised by parental authority creates a health and safety risk not only to our children but also to the general public.
3. The Town of Groton seeks to protect, preserve and promote the health, safety, welfare, and quality of life of its residents by regulating the possession of alcohol by minors.

SECTION 2: PURPOSE

To regulate the possession of alcoholic beverages by minors on both public and private property.

SECTION 3: DEFINITIONS

ALCHOLIC LIQUOR-shall have the same meaning as the same term defined in Title 30, Section 30-1 of the Connecticut General Statutes, as amended from time to time.

HOST-To organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge, for a gathering of two or more persons for personal, social, or business interaction at which the host knows or should know that alcohol is consumed by a minor or minors.

MINOR-Any natural person under the age of twenty-one (21) years old.

PERSON-Any natural person, firm, partnership, association, syndicate, company, trust, corporation, limited-liability company, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

SECTION 4: POSSESSION

No minor under the age of twenty-one (21) shall be in possession within the Town of Groton of a container, whether open or closed, which contains alcoholic liquor, except when accompanied by or in the presence of his or her parent, legal guardian, or spouse, who has attained the age of twenty-one (21) years. This restriction shall apply to both public and private property.

SECTION 5: HOSTING EVENTS

No person shall host an event or gathering at which the host knows or should know that alcohol is consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of twenty-one (21). This restriction shall apply to any event or gathering within the Town of Groton, whether conducted on public or private property.

SECTION 6: EXCEPTIONS

The provisions of Sections 4 and 5 of this ordinance shall not apply to the following:

1. A minor who possesses alcoholic liquor on the order of a practicing physician or any person who sells, ships, delivers or gives any alcoholic liquors to a minor on the order of a practicing physician.
2. A natural person over the age of eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and who possesses alcoholic liquor in the course of such natural person's employment or business or in the course of a sale, shipment, or delivery of alcoholic liquor made to a person over age eighteen (18) who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and where such sale, shipment, or delivery is made in the course of such person's employment or business.
3. Provided that neither subsection of this Section 6 shall be applied or be construed to apply to violations of Section 4-2 and 4-3 of the Groton Code of Ordinances.

SECTION 7: PENALTIES

Any person violating any provision of this article shall be subject to a fine of \$95.00.

This ordinance shall become effective on the forty-fourth (44th) day after publication of notice of its passage pursuant to Charter Section 4.6.1.

(REFER TO THE RTM)

Legislative History

4/5/05 Town Council Postponed to a Certain Time

Councilor Sheets is concerned that the fine imposed will be set at \$95. Any fine over \$90 changes the violation from an infraction to an offense. An individual can be arrested for an offense, but not an infraction. It could also be made public in the police logs in the local papers.

Councilor Wright is not comfortable with this being an "offense".

Councilor Skrmetti supports the Ordinance as is.

Town Manager Oefinger does not feel this needs to be reviewed by the Town Attorney. He noted that the Town Council as a whole usually directs him when to contact the Town Attorney for his opinion. In this instance, Councilor Sheets called and requested that it be submitted to the Town Attorney for review. The Town

Manager would like anyone with any issues with this ordinance to notify him so that the Town Attorney can address them all before the vote on April 19.

Councilor Wright feels the goal of this ordinance should be deterrence and prevention. She would like the language to be as clear as possible.

5/3/05 Town Council Discussed
 Councilors spoke about Bill No. 6901 concerning underage drinking, and how its passage may affect towns. It was noted that a probable reason for the State to be considering this bill is that about 40 municipalities have already passed their own ordinances concerning this. Councilors mentioned that if the State does pass the bill, there may be no need for this Ordinance.
 Councilors discussed "infraction" versus "offense."
 Acting Police Chief Fogg was asked to comment; he feels that with the \$95 fine for an offense, there is more of a deterrent. The GASP Coalition specifically wanted \$95 for that reason.
 Councilors referred to the Town Attorney's comments which some believed were not at all minor. A statement from the Ledge Light Health District in support of the Ordinance was read.
 Councilors were reminded that if the Ordinance should pass, it would be referred to the RTM for its consideration.

5/3/05 Town Council Re-referred Town Council Committee of the W
 Councilor Skrmetti supports the Ordinance but wants to defer action. He would like to meet with the Ledge Light Health District, the Police Department, and other parties concerned with the Ordinance.
 Councilor Bartinik suggested bringing in all points of view to the meeting on this matter.
 Councilor Billing is opposed to referral back to committee.

Vote on Re-Referral to Committee was 6 In Favor, 3 Opposed (Councilors Billing, Kolnaski, and O'Beirne, Jr.)

10/11/05 Town Council Committee of the Whole Recommended for a Resolution

10/18/05 Town Council Postponed to a Certain Time Town Council

The Mayor asked the Town Council to defer acting on this item based on the Town Clerk's memorandum. Further discussion of this matter will occur under Other Business.

11/1/05 Town Council Deleted from Referral List - Action to be taken

11/1/05 Town Council Adopted and Referred Representative Town Meeting
 Councilor Bartinik stated that he was in favor of this ordinance and feels that the State should pass a law on this matter so there will be consistency throughout the State, allowing individual towns to remove themselves from this type of criminal law.

Councilor Sheets reminded the public that this ordinance does not negate the provisions of the Fourth Amendment.

11/16/05 Representative Town Meeting Referred RTM Health & Social Services Co
 Motion to veto is the only appropriate action.

5. Consideration of Committee Referral Items as per Referral List

6. ADJOURNMENT