

PRELIMINARY MINUTES

**TOWN OF LUDLOW
BOARD OF SELECTMEN**

**SOCIAL HOST ORDINANCE
INFORMATION MEETING**

November 1 2010

BOARD MEMBERS PRESENT:

Howard Barton, Jr., Chairman	John Neal	Bruce Schmidt
Douglas Ficken	Brett Sanderson	

STAFF PRESENT:

Frank Heald

OTHERS PRESENT:

Jeff Billings	Rogan Lechthaler	Ted Reeves
Joanna Bombadil	Michael Maston	Charles Ripchik
George Fairchild	Susan McNeely	Chris Rowen
Leo Graham	John Naess	Steve Stengel
Frank Greiner	Suzanne Naess	Brigid Sullivan
Glen Heitsmith	Ralph Pace	Terry Thane
Peter Kolenda	Howie Paul	Herb Van Guilder
Abby Lechthaler	Patty Potter	Duncan Love (LPC-TV)

1. Chairman Howard Barton called the meeting to order at 7:00 p.m. All members present. He explained that the purpose of this meeting is to discuss and receive comments on the proposed Social Host Ordinance.
2. Frank Heald noted that there is a correction to be made and that the maximum fine is \$500.00, not \$1,000.00. He said that Brigid Sullivan from BRACC has been working with a group of people from schools, police, the county prosecutor and mental health.
3. Brigid Sullivan said that this process began in November 2009. People from the high school and middle school wanted to address issues such and marijuana use and underage drinking. Some youths fall through the system. The group wanted to discuss the court diversion process and what the schools can do when children are in school and when children are not in school. The group is working in Prevention using tougher athletic, co-curricular activities, Education with programs for parents and teens and Enforcement by working with the Windsor County Court Diversion program and the Ludlow police. The committee recommends this ordinance. Vermont does have a state Social Host Law that prohibits consumption of alcohol by minors. This ordinance would allow the Ludlow police to enforce the ordinance and state law.
4. Steve Stengel said that he read the ordinance and was concerned about the addition of the words "should know."
5. Frank Heald said that is common verbiage in the law. There is a reasonable expectation that you should know.
6. Steve Stengel said that he is concerned about liability.
7. John Neal said we need to send this document to an attorney for review. He would look at the areas that may be of concern.
8. Michael Maston asked that other than potential revenue to the town, what is the difference between this and the state law.
9. Jeff Billings said that the preponderance of evidence is less in a civil case and the town may be able to recoup some of the costs of breaking up these parties and all related expenses.
10. Michael Maston asked if the state would take action.
11. Jeff Billings no, it is a civil matter and the town would take action.
12. Susan McNeely asked how many parties there are each month.
13. Jeff Billings said that he can't judge that, but that one party is too many.
14. Glen Heitsmith said he has a problem with the ordinance. He is concerned about what he "should" be aware of. Who judges what he should know. There are guests at his

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- establishment and he does not know what that are doing. This is not specific or precise. It is scary to put this into effect for maybe only 6 parties per year. He also thinks that it subverts the court diversion system where children have the chance to make amends. He thinks this is misguided and believes that more related education will stop kids from drinking. He asked how the Select Board members feel.
15. Howard Barton said that the board will have more to say after an attorney reviews the document.
 16. Bruce Schmidt said that he fully supports the ordinance and believes that anything that the town can do as a community to prevent underage drinking is worth it. He added that common sense dictates what you should be aware of. He referred to an incident a few weeks ago with teen drinking in town.
 17. Howard Barton asked if Bruce Schmidt thought that this ordinance would have changed that situation?
 18. Bruce Schmidt said he doesn't know for sure as there are a lot of rumors about the incident.
 19. Glen Heitsmith said it was a case of alcohol poisoning.
 20. Bruce Schmidt said that he agrees with Chief Billings and that one party is too many.
 21. Steve Stengel said that any efforts to stop underage drinking are important, but this falls short if the only reason for it is to recoup costs. He added that people should be responsible for their children.
 22. Susan Mc Neely said that if this is meant to be a deterrent, "the horse is already out of the barn." She would rather see more education and social services and get to the problems before the drinking starts.
 23. John Neal asked Jeff Billings if this ordinance would help to clarify his position.
 24. Jeff Billings said that we have no way to recoup our costs. We are not here to educate. Too many parents are not doing their job and not being responsible for their children. We are corrective, punitive. We have to have a way to be constructive afterward. Children will still get the education they need. We are looking more to parties in homes than in hotels.
 25. Steve Stengel said that if the phrase "should know" were deleted, it would be better. Kids mimic what their parents do.
 26. Michael Maston said that what you learn at home is important. If drinking is a common practice at home, children will learn that. In many homes, house parties take place on different floors from where the parents are and the parents really don't see what is going on. He is afraid that this will lead to poor or selective enforcement.
 27. Howard Barton asked about the new school programs.
 28. Brigid Sullivan said that there is a co-curricular program. Sports team members have given their approval; school boards have given their approval. There are clear policies and offenses and the program is being enforced. The real concern for this is the parents that are providing liquor for underage parties and binge drinking. The numbers for binge drinking within the last 30 days have been fairly high. For persons under 24 years old, liquor has a high impact on the brain development and can affect rational thinking and decision-making.
 29. Glen Heitsmith referred to the draft, Article 2, 2.03 and asked what the flat fee is.
 30. Jeff Billings said that we do not have a flat fee. It depends on how many people are called out to break up the party.
 31. Glen Heitsmith asked if we have had any big parties in town, if there are any in the Mountain Recreation District and if the preponderance of parties is on the mountain.
 32. Jeff Billings said that we have had big parties in town and on the mountain, but that the preponderance was not on the mountain.
 33. Steve Stengel asked if this will be used as a tool, or will they be looking at specific individuals.
 34. Jeff Billings said that the police are not actively looking for anyone. He added that 2 girls almost died a few weeks ago from alcohol. If there is a party and we break it up, we can recoup our costs and do something.
 35. Steve Stengel said that parents should be responsible. He is all for recouping costs, but he hopes that there is more to this ordinance than just recouping costs.
 36. Jeff Billings said that education is a piece of it and that should start at home.
 37. Glen Heitsmith said that the document needs more work.

38. Howard Barton said that is what this meeting is for. This board needs to get comments and input. We will send that information, along with the draft to an attorney.
39. Michael Maston said that he is against underage drinking.
40. Howard Barton said that the board would review these comments at a later meeting and get clarification from an attorney.
41. Brigid Sullivan said that she would take further comments at BRACC and work with the board on this.
42. Meeting adjourned at 7:31 p.m.

Respectfully submitted,

Lisha Klaiber

Howard Barton, Jr., Chairman

Brett Sanderson

Doug Ficken

Bruce Schmidt

John Neal