

PLANNING AND DEVELOPMENT COMMITTEE MEETING

October 1, 2018

Chairman Tesoriero called the meeting to order at 6:58 p.m. in the 2nd floor Common Council Chambers of City Hall.

MEMBERS PRESENT: Councilor Tesoriero, Councilor Corradino and Councilor McBrearty.

OTHERS PRESENT: Councilor Hill; Councilor Wilmott; Councilor Gosek; Tory DeCaire, Police Chief; Kevin Caraccioli, City Attorney; Deborah Coad, City Chamberlain; Tom Kells, Commissioner of Public Works; and Justin Rudgick, Director of Community & Economic Development.

MEDIA PRESENT: Steve Yablonski, Oswego Daily News.

A motion to approve the minutes of September 17, 2018 was made by Councilor Corradino and seconded by Councilor McBrearty; minutes were approved by a unanimous vote.

I. OLD BUSINESS: There was no old business.

II. NEW BUSINESS:

Authorization:

1. Councilor Kevin Hill, requests discussion concerning enactment of a local “social host law” related to underage consumption of alcohol and illegal drug use. Councilor Hill said historically the 1st and 3rd wards have experienced disturbances related to informal gatherings and parties. He said law enforcement have been successful in keeping underage individuals out of establishments controlled by the New York State Liquor Authority who imposes very strict penalties on businesses that serve underage individuals. He said it is no surprise that they have seen a significant shift from downtown to large informal gatherings within our neighborhoods. He said this has resulted in countless complaints from homeowners. He said there is a natural tendency to blame SUNY students but most students respect the community. He said he met with representatives from the Oswego and SUNY police departments. He said the police departments recommended they look at the Social Host Law. He said the proposed law would make it unlawful for any person over the age of 18 who owns, rents, or otherwise controls the private residence to knowingly allow the consumption of alcoholic beverages or illegal drugs by any minor under the age of 21 on the premises or to fail to take reasonable corrective action upon learning of the consumption of alcoholic beverages or illegal drugs by any minor on such premises. He said this will fill in the gaps where the state law may not cover this situation. He said the penalty for a violation needs to be determined. He said one municipality has \$250 for 1st offense,

\$500 for 2nd offense and \$1000 and/or a term in prison not to exceed one year for a 3rd offense. He said another municipality had a consistent \$250 fine for all offenses. Councilor McBrearty said they have been struggling with this issue for many years. She said she would like to see a graduated penalty. Chief DeCaire said the migration from bars to house parties has become more prolific. He said with this tool they will be able to do the educational prevention tied into the enforcement. He said over the last few years they have sat down with SUNY police to ask what they can do to solve these problems. He said the first thing they did was enhance the cooperative effort. He said they invited the SUNY police to participate in their quality of life patrols and SUNY police invited them on campus for trainings and community outreach with the students. He said if a person under 21 is arrested for an alcohol related offense they send that on to SUNY police and the Mayor's office and the Mayor sends a letter to their home address. He said when they send the information to SUNY Oswego there will also be an on campus disciplinary hearing. Councilor Corradino asked how this will be implemented. Chief DeCaire said it will be case specific. He said they try to not make this into a law enforcement heavy handed technique. He said when people don't cooperate this will give them another tool where they can take people into custody. Mr. Caraccioli said there are communities around the state that have adopted this law and it is allowed through New York State General Obligations Law. He said it is another tool for the police department and helps neighbors. He said he feels a graduated fine is the only way to go. He said the definitions will be critical and a few will need to be beefed up. He said he might include if you have notice of drinking then that could tangle you up as property owner or landlord. He said drugs are as critically important to this local law as the alcohol. He said he will prepare a more comprehensive local law that is going to be consistent with what is in front of them so they can proceed with establishing a public hearing date. Councilor Corradino said he likes the idea of \$250 for 1st offense, \$500 for 2nd offense and \$1000 for 3rd offense. Councilor McBrearty said she thought the purpose of a social host law is to hold the people holding the party accountable. She said she is confused why it might be the landlord. Councilor Hill said the word knowingly is the key. He said those with knowledge that the party is occurring could be held responsible. Mr. Caraccioli said if a landlord is knowingly renting to minors and has been told that the tenants are having a party where alcohol is being consumed on his property then he is fair game for being charged. A member of the public said maybe the second or third fine could fall on the landlord. Councilor Gosek said he likes that idea. He said the landlords have to be more accountable and be careful who they rent to. Mr. Caraccioli said there is a provision in one of the local laws that says it is unlawful for any person over the age of 18 who owns, rents, or otherwise controls the private residence to knowingly allow the consumption of alcoholic beverages or illegal drugs by any minor under the age of 21 on the premises or to fail to take reasonable corrective action upon learning of the consumption of alcoholic beverages or illegal drugs by any minor on such premises. He said reasonable corrective action shall include but is not limited to making prompt demand for minors to refrain from further consumption and if the minor does not comply with the request then promptly report the underage consumption to local law enforcement. He said if the property owner, landlord, or parents that are out of town are put on notice that something is happening at this house then they need to get it under control and if they don't then they too can be subject to this law. Mrs. Wilson said she would like to see synthetics added because they are not

illegal a lot of the times. Mr. Caraccioli said if they can find ways to make it enforceable then they will.

COMMITTEE DECISION: Councilor McBrearty made a motion to forward a favorable recommendation to the Full Council authorizing a public hearing for a Local Social Host Law. Councilor Corradino seconded the motion, unanimous approval.

THE CITY ATTORNEY'S OFFICE WILL PREPARE THE RESOLUTION.

A motion to adjourn the meeting was made at 7:39 p.m. by Councilor McBrearty. A second was made by Councilor Corradino, and was unanimously approved.

Respectfully Submitted,

Mary M. Annal
Recording Secretary