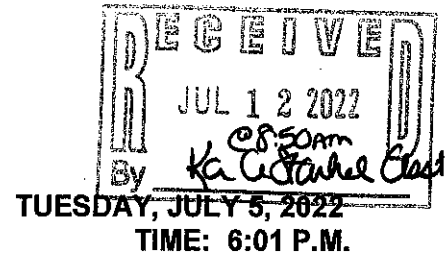


**TOWN OF SOUTH WINDSOR  
SPECIAL WORK SESSION MINUTES**

**TOWN COUNCIL  
COUNCIL CHAMBERS**



**1. Call Meeting to Order**

Mayor Liz Pendleton called the meeting to order at 6:01 p.m.

**2. Roll Call**

Members Present: Mayor Elizabeth Pendleton  
Deputy Mayor Steven King Jr.  
Councilor Erica Evans  
Councilor Philip Koboski  
Councilor Andrew Paterna  
Councilor Marek Kozikowski  
Councilor Cesar Lopez (arrived after Roll Call)

Others Present: Michael Maniscalco, Town Manager  
Vanessa Perry, Assistant Town Manager/Director of H.R.  
Scott Roberts, Assistant Town Manager/CIO/Emergency Mgmt.  
Richard Carella, Town Attorney with Updike, Kelly & Spellacy

**3. Items for Discussion**

A. To Discuss Possible Ordinance Regarding Public Safety in Municipal Buildings Concerning Concealed Carry on Town Property.

Town Attorney, Rich Carella read aloud the draft Ordinance into record, **Exhibit A**

Mayor Pendleton welcomed questions and comments from the public.

**4. Public Participation**

Floyd Baronello, resident and member of the CCDL Gun Rights Organization, spoke in opposition of the Ordinance and asked for clarification regarding the Ordinance, as it pertained to concealed weapons. Mayor Pendleton clarified that the Ordinance only addresses prohibiting openly carry firearms, rather than prohibiting all firearms.

Paul Bernstien (191 Newberry Rd.) asked for clarification on the ordinance, specifically section 3, item c. Attorney. Carella stated that the Ordinance requires the concealment of weapons while in Public Buildings.

Jim Kupchunos (1 Christine Ln.) spoke in opposition of the Ordinance and spoke of his concerns that this Ordinance may be a stepping stone eventually leading to gun-free zones.

Dan Edwards (131 Hilton Dr.) spoke in opposition of the ordinance and inquired about whether or not other towns have had similar ordinances and whether this was an issue that has been addressed in the past. Attorney Carella answered that it is within a Town's

prevue to create such ordinances, and that many towns have enacted a wide range of regulations or prohibitions related to firearms. Mayor Pendleton reiterated that the purpose of a Work Session is for open conversations.

Tom Dillon (44 Barber Hill Rd.) inquired about what the mitigating factor was that initiated the development of this Ordinance. It was discussed that around 20-25 residents/town employees showed concern over the issue. Mr. Dillon spoke in opposition of the Ordinance and feels the public should not be punished for other's actions and that we as citizens are responsible for our own safety.

Lisa Cooper (1 Autumn Dr.) spoke in favor of the Ordinance, and shared how she would prefer a prohibition on guns within municipal buildings and also stated her interest in obtaining police opinion on the matter of concealed carry.

Sergeant Mark Cleverdon, of the South Windsor Police Department discussed how the police would enforce the potential ordinance, stating that the first goal would be to educate the public without escalating the situation. There was a discussion about how concealing a weapon could help in extending the time it would take to discharge. There was also a discussion on the verbiage used within the Ordinance, specifically regarding the penalties and how the charge should be revised from disorderly conduct to trespassing because it is more suitable for what is trying to be accomplished with the Ordinance. The exact wording as follows: Such person shall be subject to arrest for trespass instead of constitutes a breach of peace and should be based off statute 53a-107.

There was a question from the public as to whether or not there has been research done regarding other town's experience after initiating such ordinances. Sergeant Cleverdon reiterated that his purpose was to speak on the enforcement of the Ordinance.

Mr. Baronello stated his opinion that gun owners would comply with the Ordinance, as they tend to follow the rules in order obtain the permit.

Mr. Dillon agreed with Mr. Baronello and stated his opinion that a person with a gun permit would abide by the Ordinance and that those who carry firearms without permits are the ones to be concerned about.

Rick Balboni (23 Debbie Dr.) spoke in opposition of the Ordinance and inquired why the Justice of the Peace is excluded from the wording. Attorney Carella stated that it is the intent of the Ordinance to cover those that participate in town business as town officials such as Councilors or the Town Attorney. Mr. Balboni also questioned how concealing one's firearm promotes peace, good government, and welfare of the town. Deputy Mayor King answered that it is in consideration for those who do not feel comfortable, to promote their peace.

At 7:02 pm Councilor Kozikowski motioned to suspend the Special Work session. Councilor Paterna seconded the motion; and it was approved unanimously.

At 7:04 Councilor Kozikowski motioned to call the Special Work Session back to order for 30 minutes. Deputy Mayor King seconded the motion; and it was approved unanimously.

Mr. Balboni stated his opinion that his rights should not end due to other people's feelings. Mr. Balboni suggested a forum setting for a discussion and presentation to educate citizens on firearms, especially pertaining to retention of one's firearms to help promote gun safety.

Brendan Malone (Suffield, CT) Spoke in opposition of the Ordinance and stated his opinion that those who have taken the time to obtain a firearm permit, have made a commitment to safety and suggested more education on firearm accident prevention.

Mr. Kupchunos asked about the language of the wording "official" within the Ordinance. Attorney Carella reiterated that those officials conducting town business would be allowed to conceal carry a firearm.

Kathy Belanger (906 Twin Circle Dr.) Spoke in favor of the Ordinance and stated her opinion that Open Carry creates fear and asked for whether Child Care Centers are considered to be gun-free zones. Attorney Carella will look into this further.

Walt Hudson (Woodbury, CT) Spoke in opposition of the Ordinance and asked for people who feel uncomfortable around those with firearms to reflect on the reason why and stated his opinion that those who open carry are legal and responsible.

Mary Beaulieu, resident of South Windsor spoke in opposition of the Ordinance and stated her opinion that the Ordinance is limiting our freedom. Councilor Paterna clarified that the intention is not to take away any rights.

Lauren Chung, resident of South Windsor posed a question as to whether the Ordinance was paving the way to an eventual ban of weapons and stated her opinion that laws should not be formed based off feelings rather than safety.

Mayor Pendleton thanked the public for their input and encouraged anyone who may have additional questions or concerns to contact a member of the Council.

**5. Adjournment**

At 7:40 p.m. Councilor Kozikowski made a motion to adjourn the Special Work Session. Councilor Andrew Paterna seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Lisa Giroux

Recording Secretary

TOWN OF SOUTH WINDSOR

AN ORDINANCE REGARDING PUBLIC SAFETY IN MUNICIPAL BUILDINGS

**Section 1. Purpose and Authority**

The purpose of this ordinance is to provide for the good order, peace, health, safety and welfare of the Town and its residents in the management of the business of the Town while inside any Town building; and

**WHEREAS**, Chapter Three, Section 305 of the Town of South Windsor Charter states that the Town Council shall have power to make, alter and repeal ordinances or resolutions not inconsistent with this charter and the general statutes of the state for the execution of the powers vested in it by this charter, for the government of the Town and the management of its business and for the preservation of the good order, peace, health and safety of the Town and its inhabitants; and

**WHEREAS**, The Town of South Windsor Personnel Rules & Regulations states that the Town maintains a zero tolerance policy with respect to violence or the threat of violence in the workplace, by any of its employees, customers, the general public, and/or anyone who conducts business with the Town, and that it is the policy of the Town of South Windsor to promote a safe environment for its employees--free from violence, threats of violence, harassment, intimidation, possession of weapons, and other disruptive behavior in the workplace.

**WHEREAS**, Conn. Gen. Stat. § 7-148(c)(7)(H)(xi), provides the Town with the power to provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health; and

**WHEREAS**, Conn. Gen. Stat. § 7-148(c)(7)(H)(xiii), provides the Town with the power to make and enforce police, sanitary and similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants; and

**WHEREAS**, Article First, Section 15, of the Connecticut Constitution grants every citizen the right to bear arms in defense of himself and the state; and

**WHEREAS**, the federal Gun-Free School Zones Act, 18 U.S.C. §922(q)(2)(A) prohibits anyone from knowingly possessing a firearm at a place the person knows, or has reasonable cause to believe, is a "school zone"; and

**WHEREAS**, Conn. Gen. Stat. §29-35(a) prohibits the carrying of a pistol or revolver without a valid permit or license to carry such pistol or revolver issued pursuant to Conn. Gen. Stat §29-28; and

**WHEREAS**, Conn. Gen. Stat. §29-35(b) states that the holder of a permit issued pursuant to section 29-28 shall carry such permit upon one's person while carrying such pistol or revolver, and shall present his or her permit upon the request of a law enforcement officer who has reasonable suspicion of a crime for purposes of verification of the validity of the permit or identification of the holder, provided such holder is carrying a pistol or revolver that is observed by such law enforcement officer; and

**WHEREAS**, Conn. Gen. Stat. §29-28(e) states that the issuance of any permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law or is prohibited by the person who owns or exercises control over such premises

## **Section 2. Definitions**

“Municipal building” for purposes of this ordinance, shall be the same as set forth in Conn. Gen. Stat. §7-122b, as may be amended from time to time, and means any building or facility, owned or leased by a municipal government in the state of Connecticut and open to the public or intended for such use, -inclusive of any municipally owned outbuildings, sheds, warehouses, garages or buildings of a temporary nature located within the Town of South Windsor;

“Assault Weapon” for purposes of this ordinance shall be the same as set forth in Conn. Gen. Stat. §53-202a, as may be amended from time to time, and

“Deadly weapon” for purposes of this ordinance shall have the same meaning as set forth in Conn. Gen. Stat. §53a-3(6), and means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles, or electronic defense weapon . The definition of “deadly weapon” in this ordinance shall be deemed to not apply to the lawfully, permitted carrying of a pistol, -revolver or electronic defense weapon;

“Disorderly conduct” for the purposes of this ordinance shall have the same meaning as set forth in Conn. Gen. Stat. §53a-182

“Electronic defense weapon” refers to any weapon which by electronic impulse or current is capable of immobilizing a person temporarily, including a stun gun or other conductive energy device;

“Peace Officer” for purposes of this ordinance shall be the same as set forth in Conn. Gen. Stat. §53a-3(9), as may be amended from time to time, and

“Firearm” for purposes of this ordinance shall be the same as set forth in Conn. Gen. Stat. §53a-3(19), as may be amended from time to time, and

“Pistol or revolver” for purposes of this ordinance shall be the same as set forth in Conn. Gen. Stat. §53a-3(18), as may be amended from time to time, and

“Employee” of the Town of South Windsor for purposes of this ordinance shall be the same as set forth in the South Windsor Code of Ethics and means any person receiving a salary or wages from the town for services rendered, whether full-time or part-time.

“Official” for purposes of this ordinance shall be the same as set forth in the South Windsor Code of Ethics, and means any person holding elective or appointive office in the government of the town, except justices of the peace, and shall include the town treasurer, the town attorney, the town clerk, and members and alternate members, if any, of the town council, the board of education, the town planning and zoning commission, the zoning board of appeals, the board of library directors, the housing authority, committees appointed to oversee the construction or improvement of town facilities, or any board, commission or agency that exercises legislative or judicial functions or financial authority.

### **Section 3. Prohibitions, Rules and Regulations**

- a. No person shall knowingly possess a firearm at a place the person knows, or has reasonable cause to believe, is a “school zone” as defined in federal law 18 U.S.C. §922(q)(2)(A).
- b. No person shall possess an electronic defense weapon, pistol or revolver while inside any municipal building without a valid permit to carry such electronic defense weapon, pistol or revolver.
- c. Any person possessing an electronic defense weapon, pistol or revolver while inside any municipal building shall keep such electronic defense weapon, pistol or revolver concealed from view so as to promote peace, good government, and welfare of the Town.
- d. The possession by any person of a deadly weapon, assault weapon, or firearm, other than an electronic defense weapon, pistol or revolver, while inside any municipal building in the Town of South Windsor is hereby prohibited.
- e. The possession by any town employee, of a deadly weapon, assault weapon, or any firearm while inside any municipal building in the Town of South Windsor during their time of employment, is prohibited.
- f. Upon request by any peace officer, any person possessing an electronic defense weapon, pistol or revolver while inside any municipal building will duly provide evidence of a valid permit to carry such electronic defense weapon, pistol or revolver.

- g. Placards providing notice of the prohibitions and rules contained in this ordinance shall be posted at all entrances to all municipal buildings.
- h. The provisions of this ordinance shall not apply to any peace officer charged with the preservation of the public peace while engaged in such peace officer's official duties.

#### **Section 4. Enforcement**

Upon the observed violation of this ordinance by a peace officer, the offending person shall first be asked to comply with the ordinance and the peace officer's instructions.

If the offending person fails to comply with the peace officer's instructions, then such actions shall be considered a violation of this ordinance and shall result in the offending person being asked to leave the municipal building by the peace officer.

If, after failing to comply with the instructions of the peace officer, and the offending person fails to leave the municipal building, then such action shall constitute a ~~breach of the peace subject to arrest for trespass, and such person shall be guilty of disorderly conduct, punishable under Conn. Gen. Stat. §53a-182 as a Class C misdemeanor with up to three months in jail and \$500 in fines.~~