

VILLAGE OF GENESEO
BOARD OF TRUSTEES

November 15, 2010

PUBLIC HEARING – Local Law to amend Chapter 57 Firearms

PRESENT:

Richard B. Hatheway, Mayor
Sandra F. Brennan, Trustee
Margaret Duff, Trustee
Thomas J. LaGrou, Trustee

Marsha Merrick, Village Clerk/Treasurer
Eric Osganian, Police Chief

PUBLIC PRESENT:

Howard Appell Tom Wilson Dale Scoville Anna Kowalchuk

1. MEETING OPENED:

Mayor Hatheway opened the public hearing at 5:45PM. Notices were posted to advertise this public hearing to amend Chapter 57 Firearms to include definitions of firearms. Chief Eric Osganian worked with Attorney Reynolds to draft the wording. Mayor Hatheway stated that this change came about as a result of Chief Osganian dealing with some issues involving BB guns and air guns in the Village. The current regulation had no definition of what constituted a *firearm*. Chief Osganian explained that they have been losing cases in court for the past 6-7 years due to the lack of a definition. The definition proposed is a version of the one that the Department of Environmental Conservation uses.

Tom Wilson asked if there have been cases of vandalism with the BB guns as he owns a BB gun and has used it in his yard in the past. He has an adjustment on his gun to control the velocity (the distance traveled by an object in a specified time). The new definition proposed states that guns would be prohibited *producing projectile velocities of not less than 600 feet per second*. Chief Osganian clarified that the proposal defines firearms and their use using *(a) The terms "firearm" or "gun" shall mean any rifle, pistol, shotgun or muzzleloading firearm which by force of gunpowder, or an airgun as defined in subdivision (b), that expels a missile or projectile. (b) The term "airgun" shall mean any implement which by force of a spring, air or other non-ignited compressed gas expels a missile or projectile and has a rifled or smooth barrel using ammunition no smaller than .17 caliber, producing projectile velocities of not less than 600 feet per second.* He concluded that anything that fires a projectile would fit in the definition and would be prohibited.

Trustee LaGrou and Dale Scoville asked about the guns that are spring-loaded and shoot a plastic "BB" referred to as an airsoft gun that might only have a velocity of 2-300 feet per second. Discussion followed.

Trustee Duff suggested that perhaps just the "written permission" clause in the original law would suffice requesting that if a gun owner wishes to discharge a weapon, written permission must be obtained first from the Police Department. That would take in the BB gun owner discharging on his own property as well as the recreational use of air guns.

Anna Kowalchuk commented that perhaps a law is being written affecting a lot of people only because a few are misusing the firearms. The Board conceded that real issue behind the prohibition is safety of the residents in general.

After further discussion and to avoid confusion, the words *using ammunition no smaller than .17 caliber, producing projectile velocities of not less than 600 feet per second* were removed from item (b) under the definition of and use of firearms, guns and air guns.

2. MEETING CLOSE:

Hearing no further discussion, Trustee Duff moved to close the public hearing and Trustee Brennan seconded the motion. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Trustee LaGrou-Aye, and Mayor Hatheway-Aye. The motion passed and the hearing was closed at 6:37PM.

Marsha B. Merrick, Village Clerk