

Weekly Town Board Meeting
February 21, 2018

The Town Board held a Public Hearing on the above date at 7:30 p.m. at Haldane Central School, 15 Craigsides Drive, Cold Spring N.Y. The purpose of the hearing was to hear comments for/against a Proposed Local Law to Amend the Code of the Town of Philipstown by adding a new Chapter 140 to be entitled, "Safe Storage of Firearms."

PRESENT:

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Stephen J. Gaba	Town Attorney

Salute to the Flag.

Supervisor Shea opened the hearing with a moment of silence for the 17 victims of the Parkland Florida School.

Town Clerk Merando read the Public Notice.

Supervisor Shea began the Public Hearing explaining the proposed local law addresses firearms that are to be locked or stored securely when the owner or custodian is not present at the residence, to prevent theft and /or access by children who should not have access to firearms.

Supervisor Shea opened the floor for comments by the audience.

The first speaker was:

Putnam County Sheriff Robert Langley, Jr. read his comments into the record. {see attachment}. He addressed public safety, education, responsibility, safe schools, communication and building support systems for a safer community.

Supervisor Shea thanked Dr. Bowers and Haldane School for the use of the auditorium for the hearing.

Cindy Trimble explained some of the incidents that have occurred in the area of her parents' house, and how the Municipal Home Rule Law may affect the situation.

Kathleen Zebzda began by reminding the Board, that upon entering office, they took an Oath of Office to do things for the town that they cannot do for themselves. It is your mandate that the liberties of every person are protected. The right of self protection, protecting myself in my own home is a Constitutional right and must not be infringed upon. She continued, with information from the text of the decision of the Supreme Court of the United States, District of Columbia vs. Heller, June 26, 2008, regarding page 58 of that decision. " We must also address the district requirement as applied to the respondents hand gun, that firearms in the home to be rendered and kept inoperable at all times. This makes it impossible for citizens to use them for the core lawful purpose of self defense, and is hence, unconstitutional." Finally urging the Board not to pass this law.

Supervisor Shea asked Town Attorney Stephen Gaba to address the Heller Decision.

Town Attorney, Stephen Gaba explained that with regard to the Heller Law, the Supreme Court dealt with a law passed by the District of Columbia, which prohibited firearms be stored in a residence, unless they were unloaded, disassembled and locked. The Supreme Court ruled that it infringed on the Second Amendment. Citing that if you were in your home you may need to access a hand gun for self defense. This law, on the other hand, applies when you are not home, when the gun owner is not in the house, and does not have the gun with them, they must leave the gun securely stored or locked if and only if, they have children in the residence or know that there will be children in the residence, who might gain access to unlocked firearms. That distinguishes us from the Heller Decision. We do not prevent, under this Local Law, people from accessing their guns because they are not going to be home where their guns are. When the person is home, it does not require the guns be locked, even if a child is in the house.

Some audience members expressed confusion over the Proposed Law. Following the explanation of the Town Attorney, some members of the audience had a change of heart.

Supervisor Shea explained why he read the law and the purpose of the Law beforehand and read it aloud.

Airinhos Serradas, then interjected that there is an opioid crisis, and presently the number one cause of death for our youth. He believes education for both the opioid crisis and firearm safety should be considered. He offered some criticism, with regard to utilizing five trained firearm instructors offering their services to the children and adults of our community. He concluded that this community needs to come together and educate.

Supervisor Shea asked Councilwoman Montgomery to address the comments before moving on to the next speaker.

Councilwoman Montgomery responded saying that two years ago when the skilled educational gun owners presented themselves at that meeting, they were invited to submit a proposal to the Recreation Department, which was never done. It is suggested that they submit the proposal to the Recreation Commission for review and action. It's up to the citizens of this town to reach out promoting programs that are in their interests and needs. The Philipstown Community Who Cares group encourages participants with regard to issues at hand, and would love to see a presentation of firearms specialist. We have done educational workshops and Narcan trainings. After some time, the medicine return box was installed at the Philipstown Town Hall, which has been utilized. Another initiative is the appointment of the Drug Resource Coordinator which will be announced next month. She encouraged anyone interested in proposing new programs, to contact the Philipstown Recreation Commission. It was noted that the Recreation Commission meets the last Tuesday of every month, at the Recreation Center, and would be more than open to a program to be run and organized by qualified instructors.

Councilwoman Montgomery noted that they had gone over this at two previous workshops.

Rodney Dow, submitted the Yale Law School Program studies and law/ policies of safe gun storage. The abstract in this is basically that gun storage does nothing and in fact there are increases in greater violence and crime being committed. He has been keeping a record of gun accidents and opioid overdose deaths in Putnam County. He commented on a drug situation at the Landing, where residences had been broken into. Bottom line was that there is not a gun problem, but there is a drug problem. Research has

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not revealed any deaths to a minor from a firearm accident, in Putnam County. He would like to see a law where we lock up all our drugs. {the study is on file in the Town Clerk's office.}

Ken Sapeta echoed the opioid crisis vs firearms.

There were members of the audience voicing their opinions without being acknowledged, Supervisor Shea asks that the audience please be respectful of those who are speaking and to stay on topic, as the issue at hand is the Safe Storage initiative.

Ken Sapeta continued, saying that qualified firearm instructors offered their free services and the Town Board didn't seize upon the opportunity. He made mention of a study that touched on the benefits of target shooting sports in children with inattentiveness, hyper activity and impulsivity. He said it is incumbent upon the Board that all those free resources are utilized. He once again offered his services.

Councilwoman Montgomery asked that he leave the program and she will take a look at it.

Many members of the audience addressed the Town Board stating that they support the safe storage of firearms law. Some have personally lost family members, some have concerns for their children.

Dave Marzollo, from Cold Spring, is very active in the community and he supports the law. The Safe Storage Law has nothing to do with the right to bear arms, it simply states, you lock them away when you're not in the residence. There seems to be a lot of misunderstanding and misinformation, on local social media concerning the Second Amendment and our freedom and safe storage. He strongly supports the proposed local law.

Adam Scaggs, Consultant from the Gifford's Law Center addressed the Town Board with the following statement:

Supervisor Shea asked that he speak before continuing on with the residents left to speak.

Audience member asks if we are onto non-resident's now, is he a paid consultant, and is he getting preferential treatment?

Councilwoman Montgomery responds he is not a resident, he is not a paid consultant.

Supervisor Shea states he is running the meeting.

Adam Scaggs , Chief Council for Gifford's Law Center/ to prevent gun violence, the legal arm of the organization, established by former Congress woman Gabrielle Giffords and her husband, Navy Combat Veteran and Astronaut Mark Giffords wanted to make two brief points. The first point, to address the suggestion that the contemplated ordinance, somehow violates the Constitution. This argument does not hold water. Go back to the decision of the District of Columbia vs. Heller, that we heard at length earlier tonight, and the passage from that which states that to prevent accidents, safe storage of firearms is fully constitutional and allows gun owners to keep a gun in their possession and their control to use in the home for self protection. But when it is not in their possession or under their control the firearms should be safely stored so as not to fall into the wrong hands. Finally, some are saying that the only way to

enforce this law is for the Police to kick down doors of gun owners. This is not true, that is not how this is enforced. Look at what the law actually says and understand this common sense measure.

Councilwoman Montgomery addressed the audience explaining that Adam Scaggs and Rebecca Fisher will be getting up during the evening to speak.

Rebecca Fisher / New Yorker's Against Gun Violence, We advocate for sensible gun safety laws at the Federal, State and Local levels. We work hard to ensure that our family's and neighbors are safe in our communities. I am here to support the Philipstown community and to help pass a common sense safety law, to safely store firearms in their homes when the gun owners are not in their residence. States with common sense gun laws have fewer tragedies. Many well-meaning, law abiding gun owners do not lock up their guns. Research shows that 1.7 million minors in this country live in homes, with loaded, unlocked firearms. There is a clear need for safe storage practices. Unlocked guns in the home, significantly increase the chances that a fatal, unintentional shootings, and suicide are more likely. From 2004-2014, over 6000 minors intentionally shot themselves in this country.

A study showed that 65% of school shootings, covered by the study, the gunman used a gun from their home or from the home of a relative. It is worth emphasizing that leaving ones guns unlocked and unsecured in an empty home leaves the chance that a home intrusion will result in the gun being stolen. These safe storage laws have been upheld and passed in many towns including Beacon. Please pass a safe storage law. Thank you.

Supervisor Shea reminds the audience that he is chairing the meeting and you need to keep the comments quiet, while someone has the floor, or you may be asked to leave.

Claudio Marzollo, stated that most of the points he wanted to make have already been touched on. We have a terrible opioid problem, however it doesn't mean that we can't tackle other problems. The Town deals with a ton of things, from zoning, highways and more, and I think you can handle more than one problem. You can handle both, opioids and safe firearm storage and then some. People want to be safe. Let's not wait for the first kid in town to get shot. Is there anyone here that can tell me that no kid will be shot here within the next twenty years? No. I know that some people want to sleep with a gun under their pillow because they feel unsafe, but that is not what this law is addressing. I urge you to pass this law.

Supervisor Shea apologizes to Adam and Rebecca for switching their last names.

At this point of the meeting, members of the audience raised their hands and announced their support of the proposed law. A list of all speakers are on file in the Town Clerk's Office for the public's review.

Steve Sterling strongly interjected that he is a parent of a student at Haldane. Noting that he was also a former member of the NRA. I took back my membership, because the NRA executive, Wayne LaPierre, wouldn't change his campaign from control to safety. This is all about safety. This is not about changing the Second Amendment, they can barely pass a law in Washington, let alone change the Second Amendment. This is a safety issue, not a Second Amendment issue. It is all about gun safety, not gun control. Who could possibly have an issue with this, if you are not at home with your gun, store it safely. I love this community and appreciate you making this a Public Hearing. I ask you to support and pass this local law.

Aaron Freimark, from Philipstown, I am impressed by the work the Board is doing, and I want to let you know that you have the support of the community.

Craig Watters thanked Sheriff Langley for his opening comments and agrees with him completely. We should also acknowledge that the earlier guest speakers, Rebecca and Jay are activists, they are from an activist organization and they are funded by activists, and using staff compiled by activists. It seems we have a Town Board of elected activists. He asked why is this not a resolution, why does it have to be a law? I think you would have 100% in agreement if this was a resolution. Laws are not asking they are telling you. I would also say that this law has moved considerably toward the middle.

Frank Haggerty added that gun storage is fundamentally a good idea, however, the matter at hand is going to criminalize a particular act, you may go to jail for a year if you are prosecuted of this offense, or a financial penalty. I think that the penalties should be lightened. He requested that the Town Board review the written comments he has submitted.

Linda Tafapolsky, from Garrison, I support this very sensible ordinance. I am a licensed Clinical Psychologist. I don't think it goes far enough but it is a good first step. I was at a community event, and my children got bored and asked to go to a near by friends house, which was fine with the parents so when I went to pick them up they were engaging in target practice, aiming at a target against a telephone poll. I had never thought to ask if there were guns in the home and if so to lock them up. Fortunately, nothing bad happened. You can provide all the mental health services in the world, but that is not going to prevent gun deaths if guns are not safely stored.

Non Residents turn to approach the microphone.

Anthony Armerino of Putnam Valley, stated that while I agree with the statement of the law, I do not agree with the law. I feel it's an overreach for you to tell people what to do in their homes. Everyone given a pistol permit is given gun safety training and they know they should take care of their guns when they're not home. To make people buy a safe is a financial hardship. Is this going to be a criminal offense if someone violates it?

Supervisor Shea states that a trigger lock would suffice, and it would be a criminal offense to violate the law.

C.J.Mattison of Valhalla, recognized that when the law was first introduced it was a different scenario. Now it seems to indicate that you lock up your firearm when you are not at home. It makes perfect sense to me. It's reasonable to me.

Marilyn Miller of Brewster, went on to say that she is really happy that you moved in the direction that you did. All responsible gun owners lock their guns up. As a youth, an unlocked gun saved me from an intruder, when my parents were not at home. Thank you for letting us voice our concerns.

Chris Turan of Tarrytown interjected that he is here to oppose the mandatory storage law. I must point out that this is a law, and not a resolution and if you break it there is a huge consequence, you can potentially face up to a year in jail. How many honest citizens will be thrown in jail for making an honest mistake? If a police officer observes an unlocked gun in your home, they will have to enforce the law. If your guns are locked in a safe, you will not have enough time to get the gun out of safe storage, before an

intruder gains access to your home. In Putnam County there has not been a single accidental firearm death, in at least twenty years.

Peter Froti of Mahopac, agreed that your law has changed considerably. He believes that many people will oppose the law as it is being presented. To label a law a safe law and to sneak in a bunch of additional legislation, was not a good thing to do. Had you worded it this way from the very beginning, you could have saved yourself a dozen meetings. There is no one against safety and no one wants to see another tragedy. A resolution is all that was needed without over stepping your authority.

Supervisor Shea responded saying that the Town Board does not sneak anything in, every meeting we have is public. Every law is online, available to everyone. The fact that everyone did not read the law, seems to be a problem this evening.

John Settembrino of Yorktown, stated that he grew up in the fifties and was taught right from wrong. His question was should we also lock up the kitchen knives, and chainsaws and hammers too. How about the keys to my car?

Supervisor Shea thanks everyone who stood up to speak, and informed everyone that we are not going to vote on it tonight.

A late request from a resident who would like to speak.

Joe Maloney stated the he is a gun owner, and I do practice safety with my guns. If I should leave my gun out and rush out on an emergency, am I then guilty of breaking the law, then getting fined and have my guns taken away from me? It should be a resolution not a law.

Supervisor Shea says that we will not be voting on this tonight, as we have a lot to consider. After a brief discussion, with Steve Gaba and The Town Board members, Supervisor Shea entertains a motion to close the Public Hearing.

Joe Vitanza of Cold Spring, explained that his firearms are locked everyday, no matter what. I am concerned because the person who doesn't lock them up, it doesn't matter to them. So the person like me, who is acting responsible, is the one who pays the price. It's not going to effect those who are irresponsible. It's common sense to me. You can make all the laws you want and the irresponsible guy is going to do whatever he wants.

Another person asks to speak.

James Callamano of Highlands, added that he grew up in Long Island where every school had a rifle team. In seventh grade, I participated in gun safety courses. During all the years of rifle shooting, no one got hurt, as we were all educated. The violence in the video games and on television, the violence in the movies and in the music lyrics, along with over medicating these kids seem to have a large impact. We are lucky we have good kids in this community. Kids can go over the bridge to Newburg and have a gun in an hour if they want one. Locking up the guns is a good thing, don't get me wrong. In most cases, these people are mentally deranged, and if they are hell bent on getting a gun and shooting up a school, they will find a way. He added that when guns are outlawed, only outlaws have them, and guns don't kill people, people kill people.

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There being no further comments from the public, Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel to close the Public Hearing at 9:55 p.m.

Respectfully submitted by,

Allison Shea
Deputy Town Clerk