

ADMINISTRATION & OVERSIGHT COMMITTEE
Meeting Agenda – Thursday, March 19, 2015 – 3:00 p.m.
Supervisors Large Conference Room

Agenda:

3:00 p.m. Call Meeting to Order

Approval of Minutes:

- **February 19, 2015**

3:05 p.m. Purchasing Updates – Nicole Farino

3:20 p.m. Resolutions:

- 1. Adopting Local Law No. 1 for the Year 2015.**

Any other business

Next Meeting

Adjourn

Administration and Oversight Committee

Minutes of Regular Meeting Feb. 19, 2015

- PRESENT:** Chairman Scott Henderson and Supervisors Roger D. Bradstreet (3:05 p.m.), Paul “Pete” Walrod and William Zupan
- ALSO:** Elections Commissioner Kelley Hood, Sheriff Allen Riley
- ABSENT:** Vice Chairman James V. Rafte, Sr.

Chairman Scott Henderson called the meeting to order at 3:04 p.m. in the Supervisors Large Conference Room.

Minutes: The minutes from the Jan. 22, 2015, regular meeting were unanimously approved on the motion of Supervisor William Zupan and second of Supervisor Paul “Pete” Walrod.

Resolutions: The Committee unanimously approved two resolutions: 1) authorizing the chairman to enter into an agreement with the New York State Board of Elections in regard to the Help America Vote Act State Grant (\$40,509) and 2) authorizing the chairman to enter into an agreement with the New York State Board of Elections in regard to the Help America Vote Act State Grant (\$20,254) on the motion of Supervisor Roger D. Bradstreet and second of Zupan.

Ballots: The Committee briefly discussed the possibility of printing ballots in-house through Central Service. It was believed that there were some barriers to doing so in the past, but the consensus was to explore the matter again. This writer volunteered to pick up ballot samples to run by the Departments of Maintenance and Central Service.

Sheriff: Sheriff Allen Riley reported that the Madison County Sheriff’s Office is implementing the post-audit recommendations of the Office of the State Comptroller to tighten controls, particularly regarding evidence management.

3:13 p.m. – County Administrator Mark Scimone joined the meeting.

Resolution: The Committee unanimously approved a resolution acknowledging the introduction of Local Law No. 1 for 2015 and calling for a public hearing (fireworks – common safe items excluded) on the motion of Zupan and second of Bradstreet.

It was the consensus of the Committee that local merchants should not be penalized by encouraging those seeking in neighboring counties the items now legalized by the state.

Resolution: The Committee unanimously approved a resolution amending Rule No. 6 of the Rules of the Madison County Board of Supervisors (changing the Ad Hoc Committee on Public Utility Services to a standing committee of the Board) on the motion of Zupan and second of Walrod.

Scimone said the attorneys have weighed in, and this move is the first step to possibly establishing an official public utility. He said the rules require the change to be tabled at the next meeting and voted on in April.

Purchasing: Scimone reported that Purchasing Officer Nicole has been busy working on the MUNIS software conversion and with local highway departments on cooperative purchasing

Next Meeting: March 19, 2015.

Motion to Adjourn: The Committee adjourned at 3:33 p.m. on the motion of Zupan and second of Walrod.

Respectfully submitted Feb. 27, 2015, by Martha E. Conway for Chairman Scott Henderson.

RESOLUTION NO. 1

ADOPTING LOCAL LAW NO. 1 FOR THE YEAR 2015

WHEREAS, there has been duly introduced Local Law No. 1 for the year 2015 entitled "A LOCAL LAW OF THE COUNTY OF MADISON, NEW YORK, ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(B)"; and

WHEREAS, a public hearing on said local law was duly held by the Board of Supervisors of the County of Madison on April 14, 2015;

NOW, THEREFORE BE IT RESOLVED, that Local Law No. 1 for the year 2015 be and the same is hereby adopted

Dated: April 14, 2015

Scott A. Henderson, Chairperson
Administration and Oversight Committee

A LOCAL LAW OF THE COUNTY OF MADISON, NEW YORK, ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(B)

Be it enacted by the Board of Supervisors of the County of Madison as follows:

SECTION 1. LEGISLATIVE INTENT

- A. Whereas on November 21, 2014, Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.788/A10141).
- B. Whereas this state law amended the State Penal law, the Executive Law and the General Business law placing further restrictions on dangerous fireworks, while at the same time, recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014, and Penal Code Section 405 this Board further finds and determines that "sparkler devices" may be sold and enjoyed, only in the manner described below, within Madison County.
- E. This Board finds that allowing our residents the use of safe "sparkler devices" will benefit them and our local businesses.
- F. This Board further finds that the same and use of "sparkler devices" is permitted with the following restrictions:
 1. Sales will only be permitted on or between June 1st through July 5th and December 26th through January 2nd of each calendar year.
 2. All distributors, manufacturers, and retailers must comply with any and all state laws and regulations regarding registration requirements.
 3. Only those over the age of 18 may purchase said products.

SECTION 2. DEFINITIONS:

"Sparkling Devices" are defined as follows:

"Sparkling Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

1. Cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape, but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or

cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

2. Cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
3. Wooden sparkler/dipped stick: those devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
4. Novelties, which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:
 - a. Party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may not contain more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.
 - b. Snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

SECTION 3. SEPARABILITY

If any part of or provision of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

SECTION 4. EFFECTIVE DATE

This law shall take effect immediately upon filing with the Secretary of State.