

**REGULAR BOARD MEETING
WEDNESDAY, MAY 27, 2015
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Cosimano (West Sparta).

PLEDGE OF ALLEGIANCE

Avon Supervisor David L. LeFeber led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes of 5/13/15 Regular Meeting were approved as presented.

PUBLIC HEARINGS

1. **LOCAL LAW NO. C-2015 – AN ACT ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(b)**
2. **LOCAL LAW NO. D-2015 - AUTHORIZING CONVEYANCE OF EASEMENT TO THE VILLAGE OF GENESEO**

Chairman Gott asked the County Attorney to comment on both local laws.

The County Attorney explained that Local Law C will be excluded from the definition of dangerous fireworks sparking devices that are described in the local law and therefore will authorize the use and possession of those by individuals 18 years and older within Livingston County. It also authorizes the sale of the sparking devices during certain limited periods provided the sellers are permitted by the state.

Local Law D will authorize the conveyance of an easement to the Village of Geneseo for water and sewer lines. That easement will be located in front of the County Courthouse.

Chairman Gott declared both Public Hearings open and stated anyone interested in speaking to please come forward and sign in at the podium.

Comments On Local Law No. C-2015:

1. Fred Kramer on behalf of Phantom Fireworks, Youngstown, Ohio and he resides in Johnstown, Pennsylvania. Mr. Kramer thanked the board for taking this time to address this issue. Mr. Kramer spoke of some concerns people may have and explained that these devices are designed with built in safety factors. Phantom Fireworks is one of the largest and oldest distributors in America. Mr. Kramer reviewed the distribution process for his company, specifically addressing the storage concerns for these devices. Injury statistics show that most injuries result from bottle rockets, Roman candles or anything aerial, which remain illegal in New York.

The Chairman asked if any Supervisor wished to comment on either local law.

2. Caledonia Supervisor Dan Pangrazio questioned the age limitation. The County Attorney confirmed that the age is 18 years and older.
3. Springwater Supervisor and State Codes Division, Deborah Babbitt-Henry, commented that the State has been actively training code officers across the state on what they need to do to make sure that everything meets the state code and regulation.
4. Mt. Morris Supervisor Charles DiPasquale questioned whether the County Fire Chiefs or law officials voiced an opinion for or against the law. Chairman Gott explained that Emergency Management Director Kevin Niedermaier did survey the fire chiefs and none of them had issue with the local law.

The Chairman announced that the public hearings would remain open until the end of the meeting.

COMMUNICATIONS

There were no communications.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2015-168 APPROVING ABSTRACT OF CLAIMS #5B – MAY 27, 2015

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #5B dated May 27, 2015 in the total amount of \$3,537,084.82.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

PRIVILEGES OF THE FLOOR

1. **LAURA LANE, PRESIDENT & CEO - LIVINGSTON COUNTY CHAMBER OF COMMERCE
- PASSPORT TO DINING IN LIVINGSTON COUNTY 1ST & 2ND PRIZE DRAWINGS**

Ms. Lane introduced Sarah Quinlan, Marketing Associate at the Livingston County Chamber. In January the Chamber’s EatInLivingston work group, made up of restaurateurs throughout the County, came together to discuss ways to drive more traffic into their restaurants. They discussed how their industry could work more closely together to promote each other, drive more traffic to their restaurants and encourage folks to stay in Livingston County when they decide to eat out. And so was born, the passport to dining in Livingston County. The premise was simply to dine in 2 of the 22 participating restaurants. Spend at least \$7 and the restaurant will stamp your passport. Collect your receipts and stamps and once you have 10 you return your passport and receipts to the Chamber to be entered into their drawing. The top prizes are a \$500 Visa gift card and \$200 Visa gift card. There are 44 third place prizes of \$25 gift certificates back to the participating restaurants. The Chamber collected close to 50 passports and approximately \$10,000 worth of dining receipts in a six week period in Livingston County and an additional \$8,800 was generated in additional sales rippling throughout the county. According to the National Restaurant Association, for every \$1 spent in New York restaurants, there is an additional \$.88 in sales is generated for the states’ economy. For every \$1MM spent in New York restaurants, it generates just over 20 jobs in the state. We encourage you to continue the momentum if you are on social media and ask everyone to continue to share your pictures and dining experiences with the /EatInLivingston. Ms. Lane thanked their partners in this promotion, the Livingston County Board of Supervisors, Livingston County Development and the 22 participating restaurants –Applebee’s, Euro Café, The North Shore Grill, The Nines at Livingston, Tom Wahl’s, The Avondale Pub, The Livonia Inn, 82 Main Street, Village Café, The National Hotel, The Genesee River Restaurant, Questa Lasagna, Leisure’s Restaurant and Banquet Facility, The Big Tree Inn, Charred American Bar & Grill, The Sea Cow Grill, Fratelli’s Italian Restaurant, The Three Legged Pig, The Village Tavern, Tomaso’s Trattoria, The Beachcomber and Brian’s USA Diner. She encouraged everyone to go out and dine at any of these or any of the 144 dining options in Livingston County. Chairman Gott drew the first prize drawing for the \$500 Visa card - Sharon Woodworth of Mt. Morris and County Administrator Coyle drew the second prize drawing for the \$200 Visa card - Cornelius Sullivan of Dansville.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2015-169 APPOINTING MEMBER TO THE LIVINGSTON COUNTY BOARD OF ETHICS – COLLEEN HAY

RESOLVED, that the following member is hereby appointed to the Board of Ethics for the term designated:

Name	Address	Rep./Title	Term
Livingston County Board of Ethics			
Colleen Hay	105 Kensington Court, Livonia, NY 14487	Member	1/1/15-12/31/17

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

PREFERRED AGENDA VOTE

There being no further discussion on the foregoing resolutions, Chairman Gott asked for a motion to present the Preferred Agenda.

Motion made by Mr. Yendell and seconded by Mr. Carman to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2015-170 AUTHORIZING TRANSFER OF FUNDS - CONTINGENCY

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested transfer per the Budget Transfer Request Form on file in the Office of the Clerk of the Board which has been approved by the Livingston County Administrator.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-171 AMENDING 2015 LIVINGSTON COUNTY BUDGET–GENERAL FUND, SELF INSURANCE FUND

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the 2015 General Fund budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A0599	0000	Appropriated Fund Balance	\$300,000.00
Increase Appropriation	A9950	9000	Transfer to Capital	\$300,000.00

And, be it further

RESOLVED, that the 2015 Self Insurance Fund budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	MS0914	0000	Appropriated Fund Balance	\$375,000.00
Increase Appropriation	MS9950	9000	Transfer to Other Funds	\$375,000.00

And,

Account	Dept.	Code	Description	Amount
Increase Revenue	A9901	9000	Transfer from Other Funds	\$375,000.00
Increase Appropriation	A9950	9000	Transfer to Capital Projects	\$375,000.00

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-172 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–E 911 UPGRADES

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H3020.2900** in the amount of \$100,000.00 to be funded from Interfund Transfers **H3020.5031** in the amount of \$100,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the E911 Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$100,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-173 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–CAMPUS UPGRADES

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H6121.2900** in the amount of \$150,000.00 to be funded from Interfund Transfers **H6121.5031** in the amount of \$150,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Campus Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$150,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-174 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–ITS UPGRADES

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1680. 2900** in the amount of \$700,000.00 to be funded from Interfund Transfers **H1680.5031** in the amount of \$700,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the ITS Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$700,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-175 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–AMBULANCE EQUIPMENT

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1629 .2900** in the amount of \$200,000.00 to be funded from Interfund Transfers **H1629.5031** in the amount of \$200,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Ambulance Equipment Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$200,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-176 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–GOVERNMENT CENTER UPGRADES

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1628 .2900** in the amount of \$100,000.00 to be funded from Interfund Transfers **H1628.5031** in the amount of \$100,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Government Center Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$100,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-177 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–COURTHOUSE UPGRADES

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1625 .2900** in the amount of \$150,000.00 to be funded from Interfund Transfers **H1625.5031** in the amount of \$150,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Courthouse Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$150,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-178 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–MILLENNIUM DRIVE

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1630.2900** in the amount of \$175,000.00 to be funded from Interfund Transfers **H1630.5031** in the amount of \$175,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Millennium Drive Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$175,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-179 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2015–AUDITORIUM UPGRADES

Mr. Pangrazio presented the following resolution and moved its adoption:

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H6122.2900** in the amount of \$50,000.00 to be funded from Interfund Transfers **H6122.5031** in the amount of \$50,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Auditorium Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$50,000.00.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-180 ESTABLISHING RESERVE ACCOUNT–SURFACE WATER PROTECTION/IMPROVEMENT

Mr. Pangrazio presented the following resolution and moved its adoption:

WHEREAS, Livingston County is receiving a settlement from AKZONOBEL, by way of the State of New York, pursuant to the terms of a settlement agreement dated December 23, 2014; and

WHEREAS, the Livingston County Board of Supervisors desires to create a Reserve Fund in the amount of \$5,000,000.00 for the protection and improvement of surface water supplies within the area affected by the 1994 mine collapse; now therefore be it

RESOLVED, that the Livingston County Board of Supervisors authorizes the establishment of a reserve fund pursuant to the authority granted by §6-h of the General Municipal Law; and be it further

RESOLVED, that the County Treasurer is hereby authorized to establish Surface Water Protection/Improvement Account F0882 8092 for \$5,000,000.00 received from the December 23, 2014 settlement agreement.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-181 ESTABLISHING RESERVE ACCOUNT – CONTINGENCY FUND

Mr. Pangrazio presented the following resolution and moved its adoption:

WHEREAS, Livingston County is receiving a settlement from AKZONOBEL, by way of the State of New York, pursuant to the terms of a settlement agreement dated December 23, 2014; and

WHEREAS, the Livingston County Board of Supervisors desires to create a Reserve Fund in the amount of \$1,000,000.00 for a contingency fund, which may include insurance coverage, to address potential future harms within the area affected by the 1994 mine collapse; now therefore be it

RESOLVED, that the Livingston County Board of Supervisors authorizes the establishment of a reserve fund pursuant to the authority granted by §6-h of the General Municipal Law; and be it further

RESOLVED, that the County Treasurer is hereby authorized to establish Contingency Fund Account A 0882 8092 for \$1,000,000.00 received from the December 23, 2014 settlement agreement.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-182 ESTABLISHING RESERVE ACCOUNT – WATER SUPPLY INFRASTRUCTURE

Mr. Pangrazio presented the following resolution and moved its adoption:

WHEREAS, Livingston County is receiving a settlement from AKZONOBEL, by way of the State of New York, pursuant to the terms of a settlement agreement dated December 23, 2014; and

WHEREAS, the Livingston County Board of Supervisors desires to create a Reserve Fund in the amount of \$11,000,000.00 for water supply infrastructure improvement, repair and maintenance within the area affected by the 1994 mine collapse; now therefore be it

RESOLVED, that the Livingston County Board of Supervisors authorizes the establishment of a reserve fund pursuant to the authority granted by §6-h of the General Municipal Law; and be it further

RESOLVED, that the County Treasurer is hereby authorized to establish Water Supply Infrastructure Account A 0882 8092 for \$11,000,000.00 received from the December 23, 2014 settlement agreement.

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

RESOLUTION NO. 2015-183 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR LABOR AND EMPLOYMENT LEGAL SERVICES–HANCOCK ESTABROOK LLP

Mr. Pangrazio presented the following resolution and moved its adoption:

WHEREAS, the County of Livingston solicited a Request for Proposal for labor and employment legal services for Livingston County, and five proposals were received on March 25, 2015, now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract, which is determined to be the most qualified to provide said services, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Hancock Estabrook, LLP	6/1/15-5/31/17	\$220.00/hour Partner
1500 AXA Tower I	w/1yr Renewal at	\$190.00/hour Associate
100 Madison Street	County's Option	\$115.00/hour Paralegal
Syracuse, New York 13202		For First Contract Year

For: Labor and Employment Legal Services

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

County Treasurer

RESOLUTION NO. 2015-184 APPROVING APPORTIONMENT OF MORTGAGE TAX RECEIPTS FOR THE PERIOD 10/01/14 – 03/31/15

Mr. Pangrazio presented the following resolution and moved its adoption:

WHEREAS, the Ways and Means Committee submits the following report on Apportionment of the Mortgage Tax receipts for the period October 1, 2014 through March 31, 2015, among the several Towns and Villages of the County, it is hereby

RESOLVED, that the County Treasurer is hereby directed to pay to the various municipalities the amount set forth herein:

TAX DISTRICT	AMOUNT	DISTRIBUTED	DISTRIBUTED
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		TO TOWNS	TO VILLAGES
AVON	\$40,962.25	\$32,768.85	\$8,193.40
CALEDONIA	\$26,956.20	\$21,957.22	\$4,998.98
CONESUS	\$16,547.32	\$16,547.32	\$0.00
GENESE0	\$49,686.44	\$39,017.00	\$10,669.44
GROVELAND	\$14,050.56	\$14,050.56	\$0.00
LEICESTER	\$7,476.80	\$6,950.68	\$526.12
LIMA	\$21,758.40	\$18,272.78	\$3,485.62
LIVONIA	\$52,841.73	\$49,734.05	\$3,107.68
MT. MORRIS	\$22,147.21	\$16,731.07	\$5,416.14
N. DANSVILLE	\$21,320.46	\$13,236.42	\$8,084.04
NUNDA	\$11,279.72	\$9,550.09	\$1,729.63
OSSIAN	\$1,786.62	\$1,786.62	\$0.00
PORTAGE	\$2,620.98	\$2,620.98	\$0.00
SPARTA	\$8,720.19	\$8,720.19	\$0.00
SPRINGWATER	\$12,435.34	\$12,435.34	\$0.00
WEST SPARTA	\$1,022.99	\$1,022.99	\$0.00
YORK	\$20,225.00	\$20,225.00	\$0.00
TOTAL	\$331,838.21	\$285,627.16	\$46,211.05

Dated at Geneseo, New York

May 27, 2015

Ways and Means Committee

The roll was called as follows: Ayes - 1,968; Noes - 0; Absent – Cosimano, 41; Adopted.

CLOSE PUBLIC HEARINGS

Chairman Gott asked if anyone wished to comment regarding either public hearing. No one wished to speak. The Chairman asked if any Supervisor wished to comment. No one wished to speak.

The Chairman declared both public hearings closed.

MOTION TO MOVE LOCAL LAW NO. C – 2015

Mr. Wadsworth moved and Mr. Schuster seconded to move the proposed local law to the table for a vote. Carried.

VOTE ON LOCAL LAW C – 2015

AN ACT 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 Livingston 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.7888/A.10141).
- 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 describe below, within Livingston County.

- E. This Board finds that allowing our residents the use of safe “sparkler devices” will benefit them and our local businesses.
- F. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.
- G. Whereas this local law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124.
- H. This Board further finds that the sale 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 and 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 18 years of age or older 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 of 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: these 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 contain not 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 provisions 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 Local Law shall be effective immediately upon filing with the New York State Secretary of State.

Dated at Geneseo, New York

May 13, 2015 (Introduced)

May 27, 2015 (Adopted)

The roll was called as follows: Ayes - 1,824; Noes – DiPasquale, 144; Absent – Cosimano, 41; Adopted.

MOTION TO MOVE LOCAL LAW D – 2015

Mr. Carman moved and Mrs. Semmel seconded to move the proposed local law to the table for a vote. Carried.

VOTE ON LOCAL LAW D – 2015

AUTHORIZING CONVEYANCE OF EASEMENT TO THE VILLAGE OF GENESEO

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

Section 1:

The Board of Supervisors of Livingston County intends by this Local Law to supersede the provisions of County Law § 215 (5) and § 215 (6), which limit sales of interests in County real property only to the highest responsible bidders after public advertisement. The Board of Supervisors has determined that the conveyance of an easement to the Village of Geneseo for water and sewer main purposes at the Livingston County Courthouse property in Geneseo, New York is not appropriate to convey by sale to the highest bidder after public advertisement.

Section 2:

The Livingston County Board of Supervisors hereby determines that it is in the best interest of the County of Livingston to supersede the provisions of § 215 (5) and § 215 (6) of the County Law and therefore authorizes the conveyance of an easement to the Village of Geneseo for water and sewer main purposes at the Livingston County Courthouse property in Geneseo, New York. The terms of such easement shall nevertheless be subject to the prior approval of the Livingston County Board of Supervisors.

Section 3:

This Local Law is subject to a permissive referendum.

Section 4:

This Local Law shall be effective upon filing with the New York State Secretary of State.

Dated at Geneseo, New York

May 13, 2015 (Introduced)

May 27, 2015 (Adopted)

2/3 Majority Vote

The roll was called as follows: Ayes – 2,000; Noes - 0; Absent – Cosimano, 40; Adopted.

OTHER BUSINESS

1. County Administrator Updates

- There is talk of a permanent extension of the 2% property tax cap. The tax cap inflation factor is the lower of 2% for the actual inflation rate with a 1% floor. In the years in existence of the tax cap the 2% has actually be 1.66%, 1.5% and the expected 2016 is 1%. This 2% tax cap is not necessarily 2% based on the inflation factor used. It does look like there is enough momentum to see this extension.

- We are filing the Government Efficiency Plan this week, which is inclusive of any towns and villages that sent data. There is some excess from the county, so we should be okay if some towns are redlined or lasered out.

2. Chairman Gott reported that County Treasurer Amy Mann has distributed the 2014 Annual Report to all Supervisors today. She did break down the report at the Ways & Means meeting and it is all good news.

EXECUTIVE SESSION

Motion made by Mr. Pangrazio and seconded by Mr. Deming that the Board adjourn and reconvene as a Committee of the Whole for the purpose of discussing pending litigation; and that Eric R. Gott act as Chairman, Michele R. Rees act as Secretary, and County Administrator Ian M. Coyle, County Attorney David J. Morris, Sheriff Tom Dougherty, Undersheriff Matt Bean and Chief Deputy Jason Yasso remain present. Carried.

The Board reconvened in regular session. The following report was presented.

REPORT OF EXECUTIVE SESSION

The Board of Supervisors having met in Executive Session for the purpose of discussing pending litigation, hereby reports as follows:

No action taken.

Dated May 27, 2015

Eric R. Gott, Chairman

Michele R. Rees, Clerk of the Board

Motion made by Mr. Pangrazio and seconded by Mr. Deming that the Report of the Executive Session be accepted.
Carried.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, June 10, 2015 at 1:30 p.m.
Carried.

The Board adjourned at 2:33 p.m.