



ONEIDA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

ANTHONY J. PICENTE, JR.
County Executive
ce@ocgov.net

June 9, 2016

Oneida County Board of Legislators
800 Park Avenue
Utica, NY 13501
Attn: Mikale Billard

Dear Mr. Billard,

In accordance with the provisions of Section 21 of New York State Municipal Home Rule Law, I am returning herewith Local Law B of 2016 regulating the sale of certain fireworks in Oneida County.

I take this action for a variety of reasons. First and foremost, this legislation has been rejected by all major firefighting associations across the state including the Oneida County Fire Advisory Board on which several county legislators sit. Law enforcement has also joined in opposition including the Sheriff of Oneida County. Medical personnel, from Hospital trauma physicians and pediatricians to emergency room doctors, have all weighed in on the dangers of these fireworks. When those on the front lines of protecting our persons and property are adamant in opposition of devices they see as dangerous, for all ages and in all circumstances then I must ask, why are you enacting a law that flies in the very face of their professional expertise.

The above is reason enough to veto such a proposal. I also believe issues such as these often blind us into believing personal responsibility will carry the day. While it is our hope that this is the case; there are many other factors to consider. Children, who are by definition without the personal responsibility many have used as a justification to pass this law, left unattended even for the smallest time period can cause serious damage with fireworks stored somewhere in the home. While we discourage children from all type of fire play we would be in fact encouraging it by the use of these devices.

For first responders the danger goes even further. First responders on the scene of a fire would have no knowledge of the quantity or location of such devices in a home or any establishment since the law has established no guidelines for storage. While the law states that these devices can only be sold at certain times it makes no distinction of where people must store or when they can use these fireworks throughout the rest of the year. Such a lack of regulation in any area, especially in cities with aging buildings and houses that sit within feet of each other can cause serious problems at a fire scene. While those in favor cite the number of counties that have passed such legislation it is important to note those which have not. Those counties with major cities all across upstate New York have said no to this legislation.

Other proponents point to potential tax revenue generated or lost by such legislation. Proponents cite other neighboring counties who have opted into this legislation. I will not support any legislation that puts anyone in harms way for the benefit of added revenue. Such an argument flies in the very face of what those that elect us would desire us to do.

It has been stated that no serious incidents have occurred in counties that have enacted the law. First, we do not weigh the passage of any vital legislation based on the number of incidents, nor should we. In reality, due to the limited timeframe, the Office of Fire Prevention has been unable to compile specific data on whether incidents have occurred. What we do know is keeping these items illegal is what our fire and law enforcement professionals consider vital to public safety.

From the very passage of this state legislation I have opposed it based on all of the reasons stated above. I am also opposed when any legislation that has serious implications on public safety is passed by the state and then left to individual counties to decide. Such legislation by checker boarding is confusing to our constituents, pits business against business and makes it very difficult to enforce the laws that protect our people.

In conclusion, I do not believe we should enact a law that clearly has a negative impact on the safety of our community and the very people we trust in protecting it. I therefore cannot endorse it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony J. Picente Jr.', with a large, stylized flourish at the end.

Anthony J. Picente Jr.

Cc: Gerald J. Fiorini, Chair Oneida County Board of Legislators
Robert M. Maciol, Oneida County Sheriff
Scott D. McNamara, Oneida County District Attorney
Oneida County Fire Advisory Board