

**CONSUMER PROTECTION & GOVERNMENT OPERATIONS COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting was held in the Rose Y. Caracappa Auditorium, William Rogers Building, Veterans Memorial Highway, Smithtown, New York on **April 18, 2001** at 9:30 a.m.

MEMBERS PRESENT:

Legislator Cameron Alden, Chairman
Legislator Michael D'Andre
Legislator Andrew Crecca
Legislator William Lindsay

EXCUSED ABSENCE:

Legislator Fred Towle

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Warren Greene, Aide to Legislator Cameron Alden
Kevin O'Hare, Aide to Legislator Andrew Crecca
Terrance Pearsall, Aide to Legislator William Lindsay
Bonnie Godsman, Intergovernmental Relations, County Executive's Office
Charles Gardner, Commissioner of Suffolk County Consumer Affairs
Bruce Dragontte, Suffolk County Consumer Affairs
All Interested Parties

Minutes taken and transcribed by: Irene Kulesa, Legislative Secretary

(The meeting came to order at 9:38 a.m.)

CHAIRMAN ALDEN:

Good morning. I guess we'll get started with the Consumer Protection Committee and we'll start with the Pledge. And we'll have our newest member, Legislator Lindsay lead us. Thank you.

SALUTATION

CHAIRMAN ALDEN:

Okay. As is customary, we'll -- Charlie, if you could come forward for a minute?

MR. GARDNER:

Good morning gentlemen. There is one item that's new; one of the Introductory Resolutions. If anybody has any questions on that intermunicipal agreement? It's I.R. 1296. There are a couple of typos and one was my fault. I referenced a Ford -- I called it a map, instead of what it should be a Ford. And then there was another incorrect reference to our 1975 auto car, which is our weight-testing unit.

To make a long story short and keep it as {unconfusing} as possible, this proposal would allow Nassau County and Suffolk County Office's of Consumer Affairs to share equipment. We have currently a 1966 Ford mobile test unit. It's used to test the large capacity, large volume meters at the oil terminals throughout the county. We haven't been able to do that for the past couple of years, not for lack of staff but because of the fact that it is a 1966 vehicle and it just keeps breaking down. It served a useful life and it should go to vehicle heaven. It's just gone.

We have a request in the current Capital Budget for a fifty thousand-dollar expenditure for a replacement trailer unit. If this exchange were to go through, we would not have to --

naturally, I would rescind that request from the Capital Budget. What does Nassau get out of it? We would share Nassau County's testing unit. They have one that is in good condition and they use it to test all of their oil terminals in Nassau County. We would share the use of that. They do not have a test unit for inspecting and certifying the large capacity scales. These are the scales that the town landfills, the moving and storage companies, the asphalt plants, they don't have one of those. We do. So they would share our large scale testing units. We would share their large capacity meter-testing unit and we would, therefore, not have to obviously purchase a new unit. We would generate about fourteen thousand dollars a year in inspection fees, which we do not collect now because we're not testing those meters, because of the condition of our equipment. So that's what this proposal is all about.

LEGISLATOR D'ANDRE:

Charlie, given the trauma that Nassau County is going through and they're still at it even in today's paper, should we get mixed up with them?

MR. GARDNER:

Oh, I think so. Because it's -- understand they have a -- it's like if you had a car and I had a truck and I needed to borrow your car to do a few things and you needed to borrow my truck; that's all we're doing.

LEGISLATOR D'ANDRE:

That's not what I'm questioning. I'm just questioning the way they are being run and the way they're at odds. The left hand doesn't know what the right hand is doing. They've got it mixed up party situation between Democrats and Republicans. I just -- I would feel a lot better if we minded our own business and stayed here and did what we have to do and if we need a truck, we buy one.

MR. GARDNER:

Well, their Office of Consumer Affairs, I know the personnel there; their people are very confident and their equipment works. This is a -- the options are -- but by the way, there are four options here. We can get out of the testing program. We don't have to test the large meters in these oil terminals. We could just simply turn it over to New York State. That's unacceptable in my opinion for two reasons: First of all, we would not get inspection fees.

Second of all, much more important, because much more important than the inspection fees is that we would no longer have control over the inspection and testing of these meters. It would be up to the state. They have a unit that travels around New York State. They come when they're here. When they're not here, if the trucks are in Binghamton and you have a problem with one of those meters, you're not going to get it tested today or tomorrow, like we would be able to react now, so that's one option.

The other option is buy a replacement unit that is similar to the one we have now, which is a fifteen hundred gallon prover mounted on either a Mack Truck or a Ford Truck. That would cost approximately a hundred and seventy five thousand dollars.

Third option: Buy a trailer-mounted unit. In other words, the prover, the fifteen hundred-gallon prover, instead of being mounted on a truck would be mounted on a trailer that we would then tow around with, let's say a three-quarter ton truck. That costs about fifty thousand dollars.

The fourth option is share equipment with Nassau County. The cost would be zero. Those are the four options, as I see them.

LEGISLATOR D'ANDRE:

Just one more question. To your knowledge, you think Nassau's equipment is in satisfactory condition?

MR. GARDNER:

Yes, I know that it is. They used it in Calendar Year 2000 and tested all of their distillates,

the number two, number four, number six meters, as well as kerosene and diesel. They were able to do it and complete that testing phase in 2000. So the truck works.

LEGISLATOR D'ANDRE:

And you recommend that we do that?

MR. GARDNER:

I would, at least, give it a shot. You know if it doesn't work, so we'll buy a truck in a year or two years from now. But at least, we'd give it a shot. This is something the both Offices of Consumer Affairs had looked at doing this about -- well, it was in a prior administration but we couldn't get past the insurance and the liability and risk. So with this proposal, as long as the both counties can work that part of it out, the two Offices of Consumer Affairs can figure out the scheduling and the usage part of it.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEGISLATOR LINDSAY:

Yes, my questions Charlie, are really scheduling. Will scheduling be a problem at all with this?

MR. GARDNER:

It shouldn't be. The only reason that this could work is because each program, we're talking about two different programs, the testing of large scales and the testing of meters in oil terminals. Each of those programs in each county take less than six months. They take about four to four and a half months. Obviously, if it took a year to test all those meters, you couldn't do it. Because one county would need the one unit for the whole year. But for us to test, use our scale testing units and test all the big scales takes two men approximately four to five months. To test all of the oil meters in the terminals takes one inspector about four to four and a half months. And it's the same in Nassau, so we can work the scheduling out.

LEGISLATOR LINDSAY:

Will it be an exchange of personnel too or just equipment?

MR. GARDNER:

Only initially in the beginning, just to make sure that each county's personnel are familiar with the equipment. The equipment is -- you know, it's like driving a car. It's the same but it's not the same. You know, it's their truck is a little bit -- is basically the same as ours but a little bit different. So it would just be getting used to where the controls are, etc.,

LEGISLATOR LINDSAY:

We'll operate their vehicle; they'll operate our vehicle.

MR. GARDNER:

That's correct.

LEGISLATOR LINDSAY:

And it's a net savings of sixty four thousand?

MR. GARDNER:

Well, yes. If you factor in the fact of -- if you factor in not having to spend fifty thousand dollars in the Capital Program and adding in fourteen thousand dollars in inspection fees, round figures are sixty five thousand dollars net.

CHAIRMAN ALDEN:

Thanks Charlie and now, gasoline and oil prices, things like that? How are we looking?

MR. GARDNER:

We haven't though, we are in our every couple weeks phase now in oil, because the season is winding down. The oil prices are steady as with the last survey that we gave you.

Gasoline has risen, just a little bit though. That Newsday article of, I think it was yesterday? That mirrors our figures exactly. In other words that would -- right about where we were, I think, it was a year ago. It's a little bit higher. You know it started to go up since the last survey. We're averaging about a dollar sixty right now on self-serve regular. March the 26th, we were about a dollar fifty-three. The low is around a dollar fifty four, dollar fifty five.

CHAIRMAN ALDEN:

And the suppliers?

MR. GARDNER:

Nobody is complaining to our office yet. You know, we usually get calls but we haven't gotten any calls from retailers or from the association.

CHAIRMAN ALDEN:

Okay, good. Legislator Crecca.

LEGISLATOR CRECCA:

Charlie, coincidentally, the day I left the last committee meeting, you were talking about Active Appliance, I guess, it is in Centereach? I got two calls that afternoon. Honest, the timing was unbelievable about Active Appliance. One and the long end of the story ended up fine since then. They got their money pretty much back but mostly from the manufacturer. My question is any progress there and anything to report there?

MR. GARDNER:

I forget if that -- she was arrested. She's been arrested. I think that was just after the last meeting. She was charged with scheme, felony scheme to defraud, as well as resisting arrest. The District Attorney is putting together -- it's supposed to go to the Grand Jury in about two to three weeks. As soon as last week, the County Attorney went to court and got a temporary restraining order enjoining Active Appliance from not only conducting business without a license, the home appliance repair business but also from advertising. That was our request that they get that in there and the judge went along with us. They immediately appealed it.

LEGISLATOR CRECCA:

Is there a stay pending the appeal?

MR. GARDNER:

The stay was denied. So it's still in effect, however, tomorrow we have to go to court. I have to go to court. Bill Bessler, Director of Licensing has to go to court. Because now they're -- in other words, they're considering, I guess, that whether or not it's going to be permanent.

LEGISLATOR CRECCA:

Right.

MR. GARDNER:

They appealed it immediately. That appeal was denied. So I guess, it's a temporary that's in effect.

LEGISLATOR CRECCA:

TRO probably.

MR. GARDNER:

Right.

LEGISLATOR CRECCA:

And then you have to go there to see whether the judge is going to continue the TRO?

MR. GARDNER:

Correct.

LEGISLATOR CRECCA:

They're going to be heard on.

MR. GARDNER:

So this is what I was trying to convey at that last meeting. This business continually -- well by the way, we're still getting complaints. None since the court order though. If we got a complaint now that showed that they did appliance repair work since the imposition of the court order, we would immediately move because then they obviously, besides our licensing was, they would be in violation of the court order. We haven't gotten any of those complaints.

LEGISLATOR CRECCA:

Are they still open?

MR. GARDNER:

They're still open. Remember they're open. They can sell a television. They can sell a refrigerator. They cannot repair it. Nor can they advertise.

LEGISLATOR CRECCA:

Is there anything stopping us, as a county, from putting a sign out in front of the business?

MR. GARDNER:

There have been times and you know, I wish I could go there and do exactly that. But you know, you have to -- as I said at the meeting, they're using the same system, you know defend themselves, as we are to prosecute them. It's been in excess of ten years and they immediately filed what they had to do. They have spent an unbelievable amount of money in attorney's fees. They just refuse to admit anything and they refuse to stop what they're doing.

LEGISLATOR CRECCA:

I appreciate the update and keep us informed with regard to the situation.

CHAIRMAN ALDEN:

Charlie, just for the benefit, namely for Legislator Lindsay but just tell us again the statistics, as far as how many complaints Suffolk County had, as opposed to how many of them are just with this one appliance repair shop.

MR. GARDNER:

More than six hundred complaints against that business, in the past, a little bit over ten years. No other -- P.C. Richards, for instance, has just -- I bring this up not as a knock at P.C. Richards, just as a -- for comparison purposes. When you take all of P.C. Richard Stores in Suffolk County, I don't know how many they have, six or seven or eight or ten, whatever. But take all of their stores, in that same period of time, they had about a hundred complaints. This one store in Centereach, in the same period of time is more than six hundred complaints.

They've been arrested before. You know people say but why don't you do this? Why haven't you done this? They've been arrested. They're one of the -- you know, we make about -- depending on when we run a sting house, we arrest -- we actually arrest fifteen to twenty five people a year. We file criminal charges about -- average about eighty to a hundred times a year. Those people, we basically never hear from those people again. They either do what they have to do or they leave or they go out of business. These people have been arrested several times. They have had numerous actions against them. They don't care.

LEGISLATOR D'ANDRE:

They have a good lawyer.

CHAIRMAN ALDEN:

Thanks Charlie. Any other questions for Charlie? No? Thanks a lot. Alright, we don't have

any cards, so we're going to go right to the agenda.

LEGISLATOR D'ANDRE:

I want to hear more about this that Charlie was talking about? This agreement, Charlie? We can enter or get out of it anytime we want? It's not binding?

MR. GARDNER:

That's correct.

LEGISLATOR D'ANDRE:

Anytime you want to sever it, you can sever it?

MR. GARDNER:

That's correct.

LEGISLATOR D'ANDRE:

Okay, thank you.

CHAIRMAN ALDEN:

Okay, on the first page, resolution 1579 was stricken because of the six-month rule. But Warren, I'd like you to re-file that because it's at the point now where, I think, we've got some agreement between the gasoline companies and us and it's about time to pass that. Okay, Resolution 2310 approving the appointment of Robert Kohlmeyer. I don't see Mr. Kohlmeyer here and I'd ask that -- I'm going to give him the opportunity to come and appear before us, so I'm going to make a motion to table this, seconded by Legislator D'Andre. All those in favor? Opposed? Okay, this is tabled to give him an opportunity to come before us.

I.R. NO. 2310-00 (P) Approving the appointment of Robert J. Kohlmeyer as a member of the Suffolk County Electrical Licensing Board. ASSIGNED TO CONSUMER PROTECTION & GOVERNMENT OPERATIONS (Legislator Vivian Fisher)

VOTE: 4-0-0-1 TABLED

CHAIRMAN ALDEN:

Introductory Resolution 1296. As was pointed out by Charlie, there's some corrections that have to be made to that. So I'm going to make a motion to table that for the corrected copy to be filed, seconded by Legislator D'Andre. All those in favor? Opposed? That's tabled for a corrected copy.

INTRODUCTORY RESOLUTIONS:

I.R. 1296-01 (P) Authorizing County to enter into intermunicipal agreement with the County of Nassau for equipment exchange. ASSIGNED TO CONSUMER PROTECTION & GOVERNMENT OPERATIONS (Legislator Michael Caracciolo)

VOTE: 4-0-0-1 TABLED

LEGISLATOR CRECCA:

Motion to adjourn.

CHAIRMAN ALDEN:

Motion to adjourn by Legislator Crecca, second by myself. All those in favor? Opposed? Before we stand adjourned, I just want to put on the record that present Legislator Crecca, D'Andre, Alden and Lindsay. I did have a call from Legislator Towle and I think he's stuck in traffic right around the corner from here. So I'm going to give him an excused absence at the least. Okay, we stand adjourned. Thank you.

(The meeting was adjourned at 9:55 a.m.)