

**CONSUMER PROTECTION and GOVERNMENT OPERATIONS  
of the**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Consumer Protection and Government Operation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **October 3, 2002.**

**MEMBERS PRESENT:**

Legislator Cameron Alden - Chairman  
Legislator Lynne Nowick - Vice-Chair  
Legislator William Lindsay  
Legislator Martin Haley

**MEMBERS NOT PRESENT:**

Legislator Allan Binder - Excused Absence

**ALSO PRESENT:**

Paul Sabatino - Counsel to the Legislature  
Ed Hogan - Aide to Legislator Nowick  
Warren Green - Aide to Legislator Alden  
Meghan O'Reilly - Aide to Presiding Officer Tonna  
Charles Gardner - Director of Consumer Affairs  
Pat Brodhagen - Food Industry Alliance  
Patricia Andronica  
Carl Hirschhorn

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

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(\*THE MEETING WAS CALLED TO ORDER AT 11:40 A.M.\*)

CHAIRMAN ALDEN:

Good morning. I'm going to call to order the Consumer Protection Committee Meeting, and we're going to have the Pledge as led by Legislator Nowick.

#### SALUTATION

CHAIRMAN ALDEN:

Okay. We have two cards, so let's start off with the cards. Mr. Hirschhorn, we'll give you the first up. Now, you have a choice. You can stand up or you can sit down, so whichever one makes you happy. We just ask that you grab that microphone and pull it up close to you because we have to record everything. Thanks.

MR. HIRSCHHORN:

Good morning. I would like to thank the Chairman and the members of the committee for the opportunity to speak on this issue. Just to tell you a little bit about myself, I got diabetes unknowingly and ended with 1100 blood sugar, three day coma, and came out of it and I was taking 60 units of insulin. And through Christopher {Cassidy}, I guess, plus education, which I received from a diabetic education course at St. Charles, I am now in a position where I take no insulin and I take no pills, I govern myself. My blood sugar is now below 100 daily, so I'm very careful about what I eat and what -- I can eat everything, just a little background.

In order to maintain this I watch my calories and I watch my carbohydrates. So I happen to like ice cream, so I now eat yogurt, frozen yogurt. And I go to TCBY, all of a sudden my blood sugar started to go up to 128, 138 in the mornings, which 20, 30 points above normal. So I backtracked what I have been eating, and I decided it must have been the no fat, no sugar added yogurt. So I went into TCBY, and I asked them if I could possibly see what the carbohydrate content is of the no fat, no sugar. And in one establishment it was up, but it was not where you can see it. It was behind some things on the wall to the left. And in the other store where I went into, not only didn't they know where it was, it was buried under the register. And the importance of this is someone like myself or any diabetic is that the amount of carbohydrate intake -- I can eat anything, as long as I subtract my calories and carbohydrates from somewhere else. So I

inadvertently, I didn't know that I was taking in over 10% in one particular case of carbohydrates, which led me to escalate blood sugars. Now, if I wasn't taking my blood sugars, I obviously would have been in medical distress.

So just -- everything is on packaged goods. You can look and you can decide what you want to eat and how you want to eat it. You walk into a store or a restaurant, you are at a disadvantage, because you don't know. Now, obviously if I have a piece of pecan pie, I know I am going to have to stop eating forever, but when something states no fat, no sugar added, that can imply that there's no sugar in there, which they used to make a non sugar containing -- but it does -- yogurt. But it also does not tell you what the carbohydrates content is, which is a little bit different. All carbohydrates turn into

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sugar. So I feel that it should be put somewhere where someone like myself or anyone might just want to know what kind of content they're talking into their body will have an opportunity to read before they buy it.

CHAIRMAN ALDEN:

We have -- Legislator Haley has indicated that he has a question for you.

LEG. HALEY:

I imagine that there is a lot of people that are allergic to a lot of -- you're not allergic, but carbohydrates I imagine would create -- present a problem for you. Why would you eat something out in public without knowing the carbohydrates ahead of time.

MR. HIRSCHHORN:

Because it's stated there no sugar added, sir. I can go and I -- there are certain things that you know. I walk --

LEG. HALEY:

That's probably -- that's probably a truth, right? They didn't add any sugar.

MR. HIRSCHHORN:

I don't know how much truth there is in that. And no sugar added when it's put onto a label is a little bit -- you can be misled by it.

And I know I've spoken to people who aren't diabetics, and I said, oh, I eat that because there's no sugar in it, I can eat it. But there is sugar, because there is carbohydrates, because there's natural products in there. So that -- I said, you're wrong, there is sugar in there, they said, oh, no, no, no, no, it says no sugar added.

LEG. HALEY:

I think -- I think most people understand that there are elements in all foods that we need to be careful of who are those of us who may have high cholesterol and all those other things. And we have a somewhat, you know, intuitive approach to what we eat and what we shouldn't eat. It seems to me that if I have a sensitivity to something, before I would go and purchase something, I'd ask that question. Because you know, you're obviously educated that most people just look at sugar as sugar, not the fact that carbohydrates may turn into sugar. So it seems to me for us, for the benefit of a few small individuals to impose upon an entire industry, because people who have the freedom to go and purchase food as they wish or the freedom not to purchase, I think it's incumbent upon you, because we're all responsible for our actions, incumbent upon you to ask. If they're going to make a representation, and you think it might effect you because you have a unique medical problem, I think it's incumbent upon you to ask. I don't think it's incumbent upon government to now say that when there's a distinct minority of people who may have a problem that we have to impose this across the board and actually have -- may have an economic impact. I think the problem we have in this Legislature is that we're asking too many individuals -- we're saying to individuals, you know what, you're not intelligent enough to know that you need to find out whether these things are good or bad for you, all right. There's an expectation that government's going to

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cover all of that for you, and I think that's the problem. I think this is just one example of many that's wrong when we go out and we ask, all right, the industries in the private sector to make representations all day long, all right, and they're going to have to go out and get billboards, it's almost impossible for the private sector to enumerate and list every single item they may or may not have for sale. I think it's incumbent upon the consumer to be aware of what's going on, and if you're especially sensitive, to make sure that you understand when you walk into a private establishment and you're going to purchase something, that you know what you are

purchasing.

MR. HIRSCHHORN:

Well, what you say, Legislator, happens to be -- have a certain amount of truth to it, but there's a certain amount that's untrue. Because when you walk, I know that everything has carbohydrates. I don't want to know how much carbohydrates. I don't want to know if it's minus carbohydrates. When my father had diabetes, they didn't believe in having diabetics eat carbohydrates. He had certain types of bread he had to go out and buy. You couldn't eat any carbohydrates, not even vegetables, certain vegetables, peas and things like that he had to stay away from. Today it's different. All I'm saying is you don't know the percentage of carbohydrates. I -- they'll say, yes, they are sugars in here, they'll say, no. In this case it says no sugar added. What does that mean? What does it mean, no sugar added? And I asked, and there's no sugar is what they said to me. Now, the young man and woman who's standing behind that counter doesn't really know the answer to that, doesn't know the answer to that. There's no professional in there that can say to me, there's seven, eight, nine, ten, eleven percent sugar in this thing.

LEG. HALEY:

Excuse the interruption. That's a great point, because you know what? If they don't know that -- they don't know the answer to that, then I wouldn't buy the yogurt.

CHAIRMAN ALDEN:

Okay. I think what we're doing know is we're starting to debate the bill between, you know, an individual that's come forward and just indicated that he's in favor of the bill and a Legislator. And I think what we'll do is hold off anymore debate until the bill actually is in front of us, which will be in another minute or so. So I want to thank you for coming forward and giving us your comments on the bill. Did you have anything else you wanted to say in summing up?

MR. HIRSCHHORN:

Well, the good Legislator stated that there would have to be a billboard.

CHAIRMAN ALDEN:

No.

MR. HIRSCHHORN:

Let me finish, if you don't mind. There is a federal law that states it should be out there. The problem is that they bury it. And it's just like kosher, it has to be right where I can see it. It has to

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be right where I can see it, if you give a store a bad rating because they have bugs in the store. This should be just where we can see it. That's all. Not buried behind something, not under a register. That's all. That's all I'm stating, and other than that, I'm not saying that they have to make whole big billboards and stuff.

CHAIRMAN ALDEN:

Thanks a lot for coming forward. Thank you. Patricia Andronica.

MS. ANDRONICA:

Good morning.

CHAIRMAN ALDEN:

Now, if I butchered your name, state it correctly for the record. Sorry.

MS. ANDRONICA:

Patricia Andronica. Good morning. I am here today to speak with regard to the Intro Resolution Number 1952, a local law to require retail food establishments to disclose salt, sugar, fat and carbohydrates contents to purchasers of food products. As one who has worked for the Suffolk County Department of Health Services in the role of diabetes nurse educator for 18 years, I've counseled many people regarding health and nutrition. I have found that all too often people are misled into a false sense of security when they see words like no fat added or sugar free. Therefore, they may not realize the true impact these foods can have on their blood fat levels -- blood sugar levels and overall health. For example, a frozen yogurt may advertise fat free or no sugar added when it is sweetened with an artificial non caloric sweetener, however, the milk and fruit in the yogurt contain carbohydrates, which raises blood sugar and contains calories.

Another example would be so-called sugar free cookies or muffins, which are sweetened with sorbitol or another sugar alcohol. Although these ingredients are not technically not sugar, they can raise blood sugar, especially if eaten in large quantities. People may be led to

eat larger quantities believing they are sugar free and therefore will not have an effect on their blood sugar levels or weight when this is not necessarily true. The same holds true for foods sweetened with fructose, which contain carbohydrates and calories. We teach our patients to count carbohydrates grams as well as to limit fat and in certain circumstances to limit salt. It is important for all consumers to be educated about how the food we eat can affect our health. But for people who live with chronic health conditions, such as high blood pressure, high cholesterol, obesity and diabetes, this information is extremely important. It is no secret that obesity is a major public health concern. It increases the risk for health problems including hypertension, Type II Diabetes and cardiovascular disease. Obesity has increased by 70% in adults 18 to 29 years of age, and Type II Diabetes increased by 70% in adults 30 to 39 years of age over the last decade. This makes young adults the fastest growing group for both obesity and Type II Diabetes.

Now, Type II Diabetes is now increasing at an alarming rate among children and adolescents. On a local level it may interest you to

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know that according to diabetes surveillance in New York State recently published and distributed by the New York State Department of Health, Suffolk County ranks number six of 62 New York State counties for having the highest number of people with diagnosed diabetes. It is my hope that you will support the need for consumers to be educated about nutrition and how the foods they eat impact their overall health and well-being. Thank you.

CHAIRMAN ALDEN:

Okay. There's no questions from the committee. Thanks a lot. We also have a card from Patricia Brodhagen.

MS. BRODHAGEN:

Good morning. Thank you. Well, I wasn't sure whether I was going to address the committee or not, but I just want to reiterate the issues that I raised at the General Meeting when I did testify on this bill. I come to you, I guess, really maybe more in confusion than clarity. So I apologize for that, but what I want to raise is the real question that we need to investigate; whether or not in this particular instance the federal law controls this -- this issue. And as I read this and, you know, I'm sure that there might be ways to zero on the

specific problem that needs to be addressed, and maybe there would be a way to amend the bill in some way that would get --

CHAIRMAN ALDEN:

On your first point. We have our Legislative Counsel here. So, Paul, as far as jurisdiction, do we have jurisdiction?

MR. SABATINO:

Well, two things. One is a correct copy was filed in the intervening period, so the bill will not be eligible for next meeting. So there will be another cycle to do more work. And secondly, I took a look at the issue from three weeks ago, and it seems to be consistent with what my recollection had been at the time, which is that labeling, you know, clearly would be a problem. But because it's not labeling and just calling for a sign, I couldn't find any conflict on the sign provision so. So I don't see a problem -- jurisdictionally, I don't see a problem because it's talking about putting up a sign as opposed to labeling.

CHAIRMAN ALDEN:

So I think what we're going to have to do is we're going to have to proceed with the assumption that we have jurisdiction over the subject matter. And now with the corrected copy, and I don't know if you've got a copy --

MS. BRODHAGEN:

No, I wasn't aware of a corrected copy. I would very much like one.

CHAIRMAN ALDEN:

We'll provide you with a corrected copy, and then --

MS. BRODHAGEN:

I guess our view would be just on that issue, and Paul has -- clearly this is his bailiwick, but is that the NLEA to the extent that anything is addressed under the NLEA, then -- regarding disclosure, a

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local jurisdiction is preempted from adopting conflicting requirements. So broadly, one could argue, I guess, that a sign was a conflicting requirement to those --

CHAIRMAN ALDEN:

Well, I mean, if we pass this law, you're free to go and challenge it under those types of -- but I think what we've got as far as an answer is that our Legislative Counsel feels that we are on solid ground in going the route of requiring a sign or some kind of postage or even some kind of a list whereby if somebody walks into an establishment, and said, you know, I'd like to know what contents are in this food item or this thing that you're selling, if that can be provided for them, I think we're on clear ground there. And I think also a safety issue is always something that the Legislature can get involved in. So if --

MS. BRODHAGEN:

And we wouldn't disagree. And to tell you the truth, I'm not sure that we're even covered under this -- under this particular bill. I don't -- I don't think it's really about food stores. And most of what's in our stores, we are -- we are the NLEA and all of its requirements. But as I say, that's why I came in some confusion. I'd really like to see the corrected copy, maybe that would be the jumping off point. I can take a look at that and then meet with you again.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

The only -- the only place that thought supermarkets might be covered, more and more supermarkets are having prepared foods and prepackaged prepared foods and stuff like that. And that's clearly excluded from the bill. The exemption says prepackaged foods sold in supermarkets must comply with information printed on labels.

MS. BRODHAGEN:

But, for example, even if you sold unprepackaged, like, let's say it was a low salt ham, just for example, but that's covered too. Because you've made a claim. Once you've made a claim, then you are subject to the federal requirements.

LEG. LINDSAY:

Most of the products -- is this on? Yeah. Most of the products on your shelves now are covered under federal statues, right?

MS. BRODHAGEN:

Exactly. That's exactly right. So I was thinking about those unpackaged products, but again, as I read this, I think we would fall

under the NLEA even on those because, this relates to where you make a claim. But there was some confusion. And I don't know if you've amended the sign posting requirement, for example, but in the version I have, it was required at the front door; is that right? Has that been changed?

MR. SABATINO:

That part didn't change. I thought -- I thought that the concern you

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had raised -- I thought you were in a different venue of concern last time. I thought that you were under the impression that there was -- it wasn't the exemption Legislator Lindsay just made reference to.

MS. BRODHAGEN:

I knew about that.

MR. SABATINO:

That was in from day one.

MS. BRODHAGEN:

I knew about that.

MR. SABATINO:

I thought the second, maybe, issue that was coming out was that I know some of the -- some of the supermarkets are kind of expanding their horizons and going into -- they almost have, like, you know, restaurants sections now that are -- they're cafe maybe is a better choice of words. And I thought maybe you were concerned about the cafe section which is starting to emerge. So from the stand point of what's on the shelves and what's prepackaged, clearly supermarkets aren't covered. The area that I think is open is what Legislator Lindsay is talking about which is -- I call them the cafe areas of the supermarket -- those would, in fact, be covered. And there I don't -- getting back to your point, which I now understand today is I don't -- based on what I saw in the statute, I didn't see the conflict because it wasn't the situation where the County was trying to change the labeling requirements that are required under federal law. And I didn't -- I didn't see the conflict that you maybe alluded to.

MS. BRODHAGEN:

Maybe we should talk about it further because --

MR. SABATINO:

There's time, because like I said, the bill is not ready. But I think what's opened up maybe the concern for you is what Legislator Lindsay talked about which there are going to be supermarkets that are going to have to deal with it. So it's not a blanket exemption, and it wasn't intended to be.

MS. BRODHAGEN:

And my understanding of federal law is that once you make the claim, that's the triggering situation both here and under federal law, once make the claim, then you are, in fact, covered by the NLEA as well, that that's the triggering event.

MR. SABATINO:

The way I read it was -- but not to the exclusion of having a local sign just basically saying the information is available to you. So I understand your point, and it's correct from a technical standpoint, but I'm into the sure that the impact of that is to negate, you know, these provisions. But there's time, you know, to have further discussion.

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MS. BRODHAGEN:

We can follow up with that then. Okay.

CHAIRMAN ALDEN:

As was pointed out before by Counsel, the bill can't be voted on or passed at the -- Tuesday's General Session because there were changes made and the time frame was a little bit tighter than -- than what was required. We're either going to end up with this bill before us in the committee still, or if the committee decides, they might just, you know, pass it out of committee and give it to the full Legislative body to hold, you know, the public portion, if somebody wants to come in and speak on the bill, you know, that way. And it would give -- everything would have an opportunity, more of an opportunity than they have even today to come in.

MS. BRODHAGEN:

Well, since I didn't know there was a correct copy, I'll just say for the record I would very much appreciate a chance to look at it.

CHAIRMAN ALDEN:

It will take me a minute. I'll just -- you know, as soon as we're done. I'll get you a corrected copy.

MS. BRODHAGEN:

And relate to you, you know.

MR. SABATINO:

This one -- the new corrected copy would not -- well, it maybe in your book if your staff is really on top of things, but this one would be -- this would be dated October 1st.

CHAIRMAN ALDEN:

Okay. Any other questions? No.

MS. BRODHAGEN:

Thanks a lot, Mr. Chairman.

CHAIRMAN ALDEN:

Okay. Thank you. All right. Charlie, come on up for a minute. First, I'm just going to ask you to give us a brief overview of what's going on and some of the litigation that we were involved in and just a general state of affair.

DIRECTOR GARDNER:

The main litigation, as you know, continues to be that active appliance. And they changed attorneys, they filed an appeal, and it was granted. So the wife was released from jail, and we're waiting now -- the DA's waiting for a judge to rule. This is after they pled guilty, but then they got a new attorney and came in and asked that they be able to withdraw their plea. So they're in that process right now. So it goes on. It continues.

CHAIRMAN ALDEN:

Gasoline, are we seeing any spike in the price of gasoline or anticipated shortages or anything like that?

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DIRECTOR GARDNER:

In fact, there are actually establishments now in the County that are selling at \$1.39.9, as low as that. The average is still up around

\$1.48, \$1.50, it's been fairly flat.

CHAIRMAN ALDEN:

Now, home heating oil, are they starting to stockpile that now or would they wait, you know, like another month or so to start stocking.

DIRECTOR GARDNER:

It's still -- it's been so warm. We're having trouble even getting to a lot of the trucks to make the inspections, because they're just not on the road yet.

CHAIRMAN ALDEN:

Okay. Anything else that we should be aware of?

DIRECTOR GARDNER:

Well, just as long as everything on the committee realizes that from August the 30th to September the 1st, we went from 45 positions to 33. So I'd like to just make sure that's on the record. I'd like to speak on the -- 1952 if I could.

CHAIRMAN ALDEN:

Okay. You have the floor.

DIRECTOR GARDNER:

Again, as usual when we speak -- we're not speaking against the intent or the necessity or the merits of the law, but just some of the -- we need some clarifications, as we see them. We would -- and I noticed that you mentioned there's a correct copy, so maybe the corrected copy addresses some of our questions. I don't know, I haven't seen the corrected copy. But the -- where we statutorily define retail food establishment, is it seems to -- it lists a whole range of types of businesses. And it says that, "in which food, drink, beer, wine, liquor is prepared for sale, consumption or service on the premises or elsewhere." So that's basically anybody that sells anything on the premises or elsewhere. As -- in restaurants it says, "business is the sale of food for on premises consumption," but then in retail food establishment it goes and it says, "on the premises or elsewhere" so in our mind that -- that covers everything.

CHAIRMAN ALDEN:

Right. And I think -- I think what the intent there was something like a deli operation where you're going to prepare something, they might take it out and consume it.

DIRECTOR GARDNER:

But the when you get into Section 3A, it says, "any retail food establishment located within the County and selling or offering to sell any food product within the County," period, "shall disclose."

CHAIRMAN ALDEN:

Okay.

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DIRECTOR GARDNER:

It doesn't say, you know, only for off premises. It says, "any food products within the County shall disclose." The requirements are the -- I know Legislator Haley, I think, made reference to a billboard. You know, the two inches it seems to require that all of the foods that are covered, you would have to disclose the carbohydrates, the sugar, the salt in letters that are two inches high for every different thing that you sell.

CHAIRMAN ALDEN:

That's been changed.

DIRECTOR GARDNER:

Okay. This is an inch and a half, just so you know. This is an inch and a half.

CHAIRMAN ALDEN:

I believe that the change is that they would be required to place some kind of signage to alert the consumer that they can ask and find out the content.

DIRECTOR GARDNER:

Okay. I guess from the calls I've had from some of the smaller businesses, they're question is how am I supposed to determine what's in my potato salad or my macaroni salad or my hero or whatever. I don't know the answer. I'm just letting you know.

CHAIRMAN ALDEN:

I know the answer because I was in the deli business. You put those things in there so you should know what you're putting in there. You know.

DIRECTOR GARDNER:

Those are the calls that we're getting.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. Thank you. How do you define, you know, mayonnaise, you know, all the different products?

CHAIRMAN ALDEN:

Well, again, I haven't studied the bill, but I think as far as talking to the Legislator that proposed this, her intent is that if it's potato salad that if somebody's got some allergies, you should be able to ask the proprietor, you know, what is in the potato salad. And then they can run right down, there's mayonnaise, there's celery, there's potatoes, there's some salt, there's pepper, you know, whatever ingredients you do put in there, there might be some vinegar in there. You know, I don't think they want --

DIRECTOR GARDNER:

They're not asking about the list of ingredients, that's not a problem. They want to know the percentage of sugar, salt, fat and carbohydrates. That's what they're asking about, not the ingredients.

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LEG. NOWICK:

So if you have mayonnaise in there, you have to break down the mayonnaise.

CHAIRMAN ALDEN:

No. If you have mayonnaise in there, you brought it -- you don't make your own mayonnaise.

LEG. NOWICK:

No. But it has to be broken down and available --

CHAIRMAN ALDEN:

Right. And you brought that and usually it's in, you know, five gallon jars or a gallon jar, and on the gallon jar, that's a requirement already that exists on a federal level, how much, you know, carbohydrate, how much fat, this, you know, so that type of

thing is already readily available. I think that's what the intent was. Anything else, Charlie?

DIRECTOR GARDNER:

Yeah. Under the exemptions, we're not clear on three. It says, "retail food establishments," this is for the exemptions now, "retail food establishments," and again, they're statutorily defined, that whole long list, "which do not advertise the availability of sugar, fat or salt free items." Usually we work with words such as offer or exposed for sale. Does that mean that if you don't -- if you sell it, but you don't advertize it, if it's just on the shelf, is that's considered to be advertising? That's not generally in the statutes that we enforce. They'll use words like sell, offer or expose for sale. This say advertize. So if they don't advertize it, but it's there on the shelf, you know, we're not clear about that. We're just asking, don't know. And again, I would say that it would be nice if you could find a -- I know Dr. Bradley's not here and she'll probably shoot me -- but, you know, maybe the Health Department would be -- you know, I don't know how you can expect us to monitor another five or six or 7000 locations as far as whether the signage is up, whether it's one sign or 100 signs. I'm just speaking on behalf of the Department.

CHAIRMAN ALDEN:

Now, your reading of the legislation puts the burden on you to actually go out to an extra five or six or 7000 establishments that you don't normally monitor right now .

DIRECTOR GARDNER:

That's right. And remember what I started off with, we had 45 positions August 30th, September the 1st, we had 30 -- 33, we lost 12 people overnight.

CHAIRMAN ALDEN:

I have to ask you one more question. Charlie, have you any conversations with the sponsor of the bill?

DIRECTOR GARDNER:

No, I haven't.

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CHAIRMAN ALDEN:

Okay. If it's all right with you, I'm going to pass along, you know, a synopsis of your comments and make a suggestion that Legislator Postal get in touch with you directly.

DIRECTOR GARDNER:

All right.

CHAIRMAN ALDEN:

Good. Anything else that you need to comments on?

DIRECTOR GARDNER:

1949, the local law to impose uniform occupational licensing fees.

CHAIRMAN ALDEN:

Okay.

DIRECTOR GARDNER:

I want to, on behalf of the office, commend Legislative Counsel, Mr. Sabatino, and also Legislator Lindsay's Office for wading through these 30 or so pages. We do have, which we hope is the final, there are about another four or five inconsistencies or things that were changed that shouldn't have been changed for the final -- final draft -- final copy. I have it here, I want to give it to the committee. Just to keep it uniform. There are some things that were changed that shouldn't have been changed, and other things that were not changed that should have been.

CHAIRMAN ALDEN:

Have you spoke to Legislator Lindsay about that before today?

DIRECTOR GARDNER:

Yes. He knew there were some, not -- not exactly which ones. And, in fact, Mr. Pearsall also know of a few of them. So they're here. If these -- if these are corrected, then we're fine.

CHAIRMAN ALDEN:

And you're going to wait a few minutes while -- because we're going vote on that in a few minutes. If you could stay around for a little lit bit more.

DIRECTOR GARDNER:

Okay.

CHAIRMAN ALDEN:

In case the question comes up when we debate the bill.

DIRECTOR GARDNER:

That's -- I don't know are you going to speak about 1696, item pricing?

CHAIRMAN ALDEN:

That will be tabled again for a redraft. I'm working on a redraft. You might as well stay right there, Charlie, in case -- in case there's -- because that's it on the cards and that's it on the presentations. I also want to make mention that Legislator Binder has

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asked for an excused absence, and just put that on the record.

#### TABLED RESOLUTIONS

(P) 1696-2002. Adopting Local Law No. -2002, a Local Law to toughen fines for item pricing violations within Suffolk County. (ALDEN)

CHAIRMAN ALDEN:

All right. We have Resolution 1696. I'm going to make a motion to table that, seconded by Legislator Nowick. All in favor? Opposed? That's TABLED (VOTE:4-0-0-1) (Not present; Leg. Binder)

#### INTRODUCTORY RESOLUTIONS

(P) 1949-2002. Adopting Local Law No. -2002, a Local Law to impose uniform occupational licensing fees and licensing terms. (LINDSAY)

CHAIRMAN ALDEN:

Introductory Resolution 1949. Bill, that's

LEG. LINDSAY:

I'll make the motion to table it. I think we have to table it anyway subject to a public hearing.

MR. SABATINO:

The public hearing was closed, but the problem we have is if you're making changes on -- if you're making changes on provisions, we're going to have to table it for a corrected copy.

CHAIRMAN ALDEN:

Legislator Lindsay has made the motion to table it, I'm going to second that. All in favor? Opposed? That one's TABLED (VOTE:4-0-0-1) (Not present; Leg. Binder).

(P) 1952-2002. Adopting Local Law No. -2002, a Local Law to require retail food establishments to disclose salt, sugar, fat and carbohydrate contents to purchasers of food products. (POSTAL)

CHAIRMAN ALDEN:

1952, is there any discussion on it?

LEG. HALEY:

Motion to table.

CHAIRMAN ALDEN:

I would actually -- and I just want to throw this idea out to everybody in the committee. There was a public hearing on it. And whether you think it's proper now at this point, because we had some people come down and speak on it, whether to put it before the full Legislative body and let them deal with it, or whether to keep it in committee. I would make a motion to discharge without recommendation knowing that it's going to be tabled at the next full Legislative hearing.

LEG. LINDSAY:

The corrected copy, we cannot vote on it today?

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MR. SABATINO:

The corrected copy was requested the day after the deadline. So if you discharge it to the floor, it will have to be tabled on the floor of the Legislature.

LEG. HALEY:

Just table it.

MR. SABATINO:

It doesn't mean you can't discharge it, but if you do discharge it, as long as you understand you have to table it on the floor.

LEG. HALEY:

It's just --

CHAIRMAN ALDEN:

Which --

LEG. HALEY:

I have a motion to table.

CHAIRMAN ALDEN:

-- resolution would go first, the motion to table?

MR. SABATINO:

Tabling takes precedence, yes.

CHAIRMAN ALDEN:

Okay. So we have a motion by Legislator Haley to table. Do we have a second? Second by Legislator Nowick. All those in favor? Opposed? I'm going to abstain then. TABLED (VOTE:3-0-1-1) (Not present; Leg. Binder) (Abstention; CHAIRMAN ALDEN)

(P) 2038-2002. Adopting Local Law No. -2002, A Charter Law to modify designation of Director of Consumer Affairs as Director of Weights and Measures. (COUNTY EXEC)

CHAIRMAN ALDEN:

Okay. We have also 2038, does that have to go for a public hearing?

MR. SABATINO:

It needs a public hearing, Mr. Chairman.

CHAIRMAN ALDEN:

Okay. So we need to table it here. I'll make a motion to table for a public hearing, seconded by Legislator Haley. All those in favor? Opposed? That's tabled for a public hearing. TABLED (VOTE:4-0-0-1) (Not present; Leg. Binder)

LEG. HALEY:

Mr. Chairman, show by vote with the majority on 1696 please.

CHAIRMAN ALDEN:

I think it was.

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LEG. HALEY:

Thank you.

CHAIRMAN ALDEN:

You were just standing in the doorway. Having no other business before this committee, I'll make a motion to adjourn, seconded by Legislator Haley. All those in favor? Opposed? Thank you. We stand adjourned.

(\*THE MEETING WAS ADJOURNED AT 12:10 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY