

**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 Friday, **September 5, 2003.**

MEMBERS PRESENT:

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

MEMBER NOT PRESENT

Legislator Angie Carpenter - Excused Absence

ALSO PRESENT:

Paul Sabatino II - Counsel to the Legislature
Warren Greene - Aide to Legislator Alden
Meghan O'Reilly - Aide to Presiding Officer Postal
Charles Gardner - Director of Consumer Affairs
Alexandra Sullivan - Chief Deputy Clerk of the Legislature
Joe Muncey - BRO
Peter Quinn - Citizens Advisory Panel - Cablevision
Steven Hyland - Citizens Advisory Panel - Cablevision
Gordian Raacke - Citizens Advisory Panel - Cablevision
Kenneth Rosenblum - Citizens Advisory Panel - Cablevision
Jeffrey Snead - Citizens Advisory Panel - Cablevision

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.*)

CHAIRMAN ALDEN:

Good morning and welcome to the Consumer Protection Committee. And we'll start with the Pledge led by Legislator Lindsay.

SALUTATION

CHAIRMAN ALDEN:

Thank you. We have a fairly short agenda, so I'm going to go right through the agenda. Then we also have our Citizens Advisory Panel to Cablevision that we're going to be introducing this morning.

TABLED RESOLUTIONS

CHAIRMAN ALDEN:

So on the agenda, let's see, we have tabled resolutions, and most of these are reappointments to -- to our different licensing boards.

(P) 1242-2003. Adopting Local Law No. -2003, A Local Law to toughen and graduate fines for item pricing violations within Suffolk County.

(ALDEN)

CHAIRMAN ALDEN:

The first item is 1242, that's my resolution. I'm going to make a motion to table, seconded by Legislator Lindsay. All in favor?

Opposed? That's TABLED (VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

Also, I just want to point out for the record that Legislator Carpenter was unable to attend, and she has an excused absence.

(P) 1615-2003. Adopting Local Law No. -2003, A Local Law to amend Process Servers Licensing Law in Suffolk County. (POSTAL)

CHAIRMAN ALDEN:

1615, I don't think that is the Presiding Officer is ready to --

MS. O'REILLY:

It's ready to go.

CHAIRMAN ALDEN:

You're ready to have that one go? Okay. So motion by myself, seconded by Legislator Nowick. All those in favor? Legislator Lindsay.

LEG. LINDSAY:

Before we vote, can I hear from the Commissioner Gardner -- Director Gardner.

CHAIRMAN ALDEN:

Sure. Legislator Lindsay.

LEG. LINDSAY:

Commissioner Gardner, come on up. Has all the kinks been refined out of this bill? Charlie, are we ready to implement?

DIRECTOR GARDNER:

Yes. We believe that the law as it is written now has addressed all of, not only our concerns from the enforcement and administrative part, but also the industry's concerns. So we are ready. As I said previously, there will be no necessity for additional staff to enforce and properly administer this.

LEG. LINDSAY:

Motion to approve.

CHAIRMAN ALDEN:

Okay. We have a motion by Legislator Lindsay, seconded by myself. All those in favor? Opposed? 1615 is passed out of here
APPROVED. (VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1670-2003 Resolution No. -2003, Approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1670, now this is the start of -- these are reappointments. Motion by Legislator Lindsay -- motion by Legislator Nowick, seconded by Legislator Lindsay. All in favor? Opposed? APPROVED (VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1671-2003 Resolution No. -2003, Approving the reappointment of Linda Perlow as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1671, same motion, same second, same vote. APPROVED. (VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1672-2003 Resolution No. -2003, Approving the reappointment of Gary Lobato as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1672, same motion, same second, same vote. APPROVED (VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1673-2003 Resolution No. -2003, Approving the reappointment of Angeline M. Marketta as a member of the Suffolk County Home Improvement Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1673, same motion, same second, same vote. APPROVED (VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1674-2003 Resolution No. -2003, Approving the reappointment of Warren Stuart as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1674, same motion, same second, same vote. APPROVED (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

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(P) 1675-2003. Resolution No. -2003, approving the appointment of Edward Nielsen III as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1675, same motion, same second, same vote. APPROVED (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1676-2003. Resolution No. -2003, approving the appointment of Vito Ferlitto as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1676, same motion, same second, same vote. APPROVED (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1677-2003. Resolution No. -2003, approving the appointment of Douglas Callahan as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1677, same motion, same second, same vote. APPROVED. (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1678-2003. Resolution No. -2003, approving the appointment of Leonard Borger as a member of the Suffolk County Home Appliance Repair Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1678, same motion, same second, same vote. APPROVED (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1679-2003. Resolution No. -2003, approving the reappointment of Frank DiFazio as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1679, motion by Legislator Lindsay, seconded by Legislator Nowick.

All in favor? Opposed? Carried. APPROVED
(VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1680-2003. Resolution No. -2003, approving the reappointment of Lynn Blasso as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1680, same motion, same second, same vote. APPROVED. (VOTE: 3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1681-2003. Resolution No. -2003, approving the reappointment of Michael S. Towers as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1681, same motion, same second, same vote. APPROVED. (VOTE: 3-0-0-1)
(Not Present; Legis. Carpenter)

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(P) 1682-2003. Resolution No. -2003, approving the reappointment of Robert Ruggiero as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1682, same motion, same second, same vote. APPROVED (VOTE: 3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1683-2003. Resolution No. -2003, approving the reappointment of Anthony T. Warrenski as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1683, same motion, same second, same vote. APPROVED. (VOTE: 3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1684-2003. Resolution No. -2003, approving the reappointment of Donald W. Scott as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1684, we have a motion by Legislator Nowick, seconded by Legislator Lindsay. All in favor? Opposed? Carried. APPROVED. (VOTE: 3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1685-2003. Resolution No. -2003, approving the reappointment of Daniel J. Meehan as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1685, same motion, same second, same vote. APPROVED. (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1686-2003. Resolution No. -2003, approving the reappointment of Christian B. Lister as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1686, same motion, same second, same vote. APPROVED. (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1687-2003. Resolution No. -2003, approving the reappointment of Salvatore Escaldi as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

Resolution 1687, same motion, same second, same vote. APPROVED.
(VOTE:3-0-0-1) (Not Present; Legis. Carpenter)

(P) 1688-2003. Resolution No. -2003, approving the reappointment of Richard M. Leo as a member of the Suffolk County Plumbing Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1688, same motion, same second, same vote. APPROVED. (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1689-2003, Resolution No. -2003, approving the reappointment of Joseph H. Baier as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1689, same motion, same second, same vote. APPROVED. (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1690-2003, Resolution No. -2003, approving the reappointment of Edward Andriola as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

1690, same motion, same second, same vote. APPROVED. (VOTE:3-0-0-1)
(Not Present; Legis. Carpenter)

(P) 1723-2003 Adopting Local Law No. -2003, a Local Law to establish item pricing inspection waiver schedule within Suffolk County based on price accuracy. (ALDEN)

CHAIRMAN ALDEN:

1723 is my resolution. Motion to table, seconded by Legislator Nowick. All those in favor? Opposed? That stands TABLED.
(VOTE: 3-0-0-1) (Not Present; Legis. Carpenter)

CHAIRMAN ALDEN:

That's the end of our Introductory Resolutions. Charlie, I know you have to get over to Mac Arthur Airport. Anything real pressing that the committee should know about?

DIRECTOR GARDNER:

No. Just as an update, I left the most current as of yesterday gasoline prices. So the bad news is they're still at the all time highest level, the good news is that they didn't increase from the last week.

CHAIRMAN ALDEN:

Okay. Now the price of oil, though, the per barrel price of oil seems to have peaked and actually come down a little bit.

DIRECTOR GARDNER:

It actually dropped. Yes, so that's another piece of good news. But, you know, I'm sure there will be a fire in some refinery or another pipeline rupture or another holiday coming up. You know, same old, same old.

CHAIRMAN ALDEN:

You thing we're being taken advantage of?

DIRECTOR GARDNER:

I didn't say that.

CHAIRMAN ALDEN:

All right. Thanks, Commissioner.

DIRECTOR GARDNER:

Thank you.

CHAIRMAN ALDEN:

The next order of business is that -- and I'm glad to Cablevision has agreed to cooperate with us on this, and they're going to be coming before this committee a couple of times a year. But they've also agreed to fund a study of competition on the cable industry. And what

we've done is put together a Citizens Advisory Panel. And I think that almost everybody from that Citizens Advisory Panel is here today. And I'm just going to read the names into the record and ask them to come forward. Anne Mead, Steven Hyland, Pete Quinn, Gordian Raacke, Ken Rosenblum, Lee Snead. I think they are here, so come on up.

While they're coming up, I think that what we're going to be looking at is every aspect of the cable industry. And I think that since the 1996 Telecommunications Act that deregulated cable, there's been a little bit of a vacuum, and I think Suffolk County Legislators are being called on by our constituents to attempt to fill that vacuum. And even though we lack teeth, and I pointed this out, you know, on numerous occasions, we really don't have the jurisdictional qualifications for this. But what do have is we have a charge to do all we can do for our citizens and for the people of Suffolk County, and this will actually, I think, help of people in Nassau County.

The people on this advisory panel bring all kinds of years of whether it be business, whether it be legal, whether it be consumer protection agency type of experience, watch dogs from other industries, activists. There's a wealth of information here that we're going to be supplied with as a Suffolk County Legislative Committee. And I think that the benefit to the people of Suffolk County can't even be measured at this point. I'm hoping to at the end of your dialogs and our work on this to be able to together some kind of comprehensive action plan that either we can take on a County level or that we can ask New York State or the federal government to join us in and whether that be on the one end of the scale going back to reregulation, which, you know, I don't know if we're going to be revisiting that, but certainly there's a whole bunch of things that we can do to protect the citizens' rights. And I think that we owe that the citizens. And I want to just take this opportunity to thank everybody for volunteering to serve on this unpaid advisory panel. And with that, if any of the panel would like to address the committee and make an opening statement, I think that would be appropriate at this time.

MR. QUINN:

Well, let me begin. Thank you very much for offering us the opportunity --

CHAIRMAN ALDEN:

Just for Donna's sake, Peter Quinn.

MR. QUINN:

-- to serve on this commission. I think there's -- given what's appeared in the news media over the past year or so, it appears as though there are questions that the consumers have with regard to Cablevision's service, rates and the like. And it seems to me that

part of the commission's responsibility will be to obtain information from Cablevision through a series of questions that we might ask, particularly about what agreements does Cablevision have with the various towns in terms of arranging for -- through -- operating through the towns for the Cablevision operation. And the fraud allegations that have been raised, the debt of the company and how that's impacted adversely on providing competition. Those are just some of the questions that I think we'll be entertaining over a period of time. And from the responses to those questions, it will help us determine how we might best act as a non paid commission to serve the best interest of Suffolk County.

CHAIRMAN ALDEN:
Thank you. Gordian.

MR. RAACKE:
Good morning, Chairman Alden and members of the committee. My name is Gordian Raacke. I'm honored to serve on this panel and look forward to working with you the Chairman and the committee and, of course, the members of the committee here. I think one of the things that I'd be particularly interested in is the quality and reliability of the service that Cablevision is providing. One question, of course, that is going to be in our minds is what happens during events such as the August 14th blackout and what could be done to improve the reliability of Cablevision service, because many people rely, of course, on that not only for their news but also their access to internet and so forth. As you know, we're looking into that issue regarding electric service regarding LIPA service, but quality of service goes hand in hand, I think, with the price that we pay for these kinds of services, whether it's electric or information provisions. So once again, thank you for letting me serve on this panel. I look forward to working with you.

CHAIRMAN ALDEN:
Lee Snead.

MR. SNEAD:
Yes. Legislator Alden and Legislator Nowick and Legislator Lindsay, it's a real pleasure to be here and have the opportunity to serve the community on this panel. One thing I think is very critical here is that competition is the word by which this country operates. Everybody here on Long Island and New Yorkers here in general, nobody likes competition more than us. And it is surprising to me that in a virtual world now where you have a virtual monopoly in Cablevision, there's almost no regulation of that company. And a company that serves probably millions of people does so solely in this area. It seems to me that regulation at some level or even just oversight, you know, whether you call it regulation or oversight is absolutely

critical. Right now, the federal government doesn't do it, the state doesn't do it, the County is now getting into it, and I think the County is to be commended for that process.

I have served on a number of citizens panels before, and the one thing you find is that when you get the public involved, you get different ideas and usually ideas that then are adopted by the companies in the public's benefit and actually assist the company in meeting its bottom

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line requirements too. So I think out of this we're going to find that we're going to have some suggestions for Cablevision. We're going to hear some of their problems and maybe propose some new ways to deal with things. And I think this is going to be a very -- very good opportunity for the County and Cablevision to serve the public better.

CHAIRMAN ALDEN:

Great. Thank you. Ken.

MR. ROSENBLUM:

I want to congratulate Chairman Alden, Legislators Nowick and Lindsay for taking on Goliath. There's a real opportunity here to do some public service. There are significant gaps in consumer information and public information that should be collected that's not being collected. And I think that there's a real, real opportunity to do some good work. While it's, I guess, theoretical -- theoretically possible there are no teeth, there is still an enormous opportunity and may be the right to get something done. Someone said one time there's nothing so powerful as an idea whose time has come. I think maybe the idea and the time are coalescing here, and we can make some progress for the consumers, not only in Suffolk County, but consumers state wide. So thanks for the opportunity to serve.

CHAIRMAN ALDEN:

Thank you. Steve Hyland.

MR. HYLAND:

Thank you for the opportunity to serve. I'm honored. I think it's a great opportunity for the ratepayers to Cablevision who pay the rates. I think this committee will ask the kind of questions that the ratepayers kind of would like to hear answers to. So I'm honored to be with this panel, and I think it's a diverse panel. And I think we can do some good for the ratepayers of Cablevision.

CHAIRMAN ALDEN:

Great. I want to thank all of you. We have a number of the questions I would imagine. First from Legislator Nowick and possibly from

Legislator Lindsay. But I also want to point out that I think that we can actually accomplish something because the nice part about this is that Cablevision actually was part of the partnership to creating this panel, the Citizens Advisory Panel. So they have shown a willingness to -- you know they want to listen to us, they want to listen to the people of Suffolk County. And I think what the ultimate goal is for all of us is better service at a really decent price or a competitive type of price. And if that can be accomplished at the end of our process, I think that we'll be successful. And I want to commend Cablevision for actually coming to the table and being a part of this process. And also to point out, they've agreed to fund a study on competition. And I think that that's going to be probably one of key pieces that we'll be looking at. Legislator Nowick.

LEG. NOWICK:

First, I want to say thank you for being on this no pay panel, we do appreciate it. And I do agree with Cameron Alden that Cablevision is very willing to make the citizens of Suffolk County happy. Question

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to you is when you ask the questions and when you come up with a report, will it be sent to us or will it be in the newspaper? How will the answers to your questions come to the forefront of the public?

CHAIRMAN ALDEN:

This is advisory our panel, so what they're going to be doing is they'll be working through us, the committee members. And if they have questions, they will be coming through us, then we'll pass those questions along to Cablevision, the answers would come back and be answered -- you know, like made public through this committee. So it's not a Citizens Advisory Panel going off and, you know, doing something on their own or anything like that. They're going to be working with this committee to establish, number one, facts, figures that are relative to our goals. And everything will be done through the committee.

LEG. NOWICK:

Great. I think the people of Suffolk County will appreciate this.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Just two issues as far as procedure. So there's a six member -- Ms. Mead, who isn't with us today.

CHAIRMAN ALDEN:

She wasn't able to make it.

LEG. LINDSAY:

Okay. Do we need resolutions to appoint these people?

CHAIRMAN ALDEN:

No.

LEG. LINDSAY:

We don't. Why?

CHAIRMAN ALDEN:

It's no pay and it's also -- if we wanted to formally establish, you know, for Suffolk County some other type of situation, we could actually do that through a resolution, but in this instance they're advising us as the Consumer Protection committee, which is already, you know, formed by resolution through the Legislature. So it's an advisory panel.

LEG. LINDSAY:

I mean, I don't object to any of these people, I commend you all for giving our time to help the consumers of Suffolk County, but I know other advisory boards are through official resolution. I wouldn't -- I mean, it's up to you, the Chair, but I wouldn't have any problem at all supporting those resolutions.

CHAIRMAN ALDEN:

That's one of the things we'll take up, you know, in this committee,

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whether we want to make it formal appointment by resolution and then maybe even adopting findings and things like that by formal resolution, but we can certainly, you know, discuss that and go that route if we want to.

LEG. LINDSAY:

I think the more formality that we do in regards to this advisory board, the more teeth we can give them.

CHAIRMAN ALDEN:

Great. Okay. Legislator Nowick.

LEG. NOWICK:

One other comment. When we say we don't have teeth, I think whenever a panel is formed to be a watch dog it lets the people of Suffolk County know we're not saying it's not our job, we're saying we're going to be watching you, we're going to be trying to protect you. And so it does have teeth in that way, and I think you have a job in front of you, and I know you will do it well.

CHAIRMAN ALDEN:

Thank you. With that, I'll take a motion by Legislator Nowick to adjourned, seconded by Legislator Lindsay. All in favor? Opposed? We stand adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 10:00 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY