

CONSUMER PROTECTION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Consumer Protection 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 Wednesday, **August 3, 2005**.

MEMBERS PRESENT:

Legislator Cameron Alden • Chairman

Legislator Jay Schneiderman • Vice•Chair

Legislator Lynne Nowick

Legislator William Lindsay

MEMBER NOT PRESENT:

Legislator Jon Cooper

ALSO PRESENT:

Ma Knapp • Counsel to the Legislature

Warren Greene • Aide to Legislator Alden

Charles Gardner • Director of Consumer Affairs

Alexandra Sullivan • Chief Deputy Clerk of the Legislature

Joe Muncey • Budget Review Office

Peter Quinn

Vincent Gillis

Patricia Voges

Larry Wilson

MINUTES TAKEN BY:

Diana Kraus • Court Stenographer

MINUTES TRANSCRIBED BY:

(* THE MEETING WAS CALLED TO ORDER AT 1:27 P.M. *)

CHAIRMAN ALDEN:

Good afternoon and welcome to the Consumer Protection Committee meeting. We'll have the Pledge. And we'll have Legislator Lindsay lead us in the Pledge.

(SALUTATION)

CHAIRMAN ALDEN:

I would also like to request just a moment of silence for those that have given their lives for this country and in remembrance of those that are still overseas protecting our life as we know it and our freedoms.

(MOMENT OF SILENCE)

CHAIRMAN ALDEN:

Thank you. The first thing I'm going to recognize is that Legislator Cooper is here, but he's going to be excused because he's got another engagement that he's got to go to right now. And on the agenda we call for a public hearing. And Legislative Clerk's Office ••

MS. JULIUS:

Mr. Chairman, the affidavits are duly filed and in proper order.

CHAIRMAN ALDEN:

Thank you. So we •• it's been advertised, it's proper to have this public hearing before us, and the public hearing is for Resolution **1776, a Local Law to regulate the display and sale of pesticides in Suffolk County.**

I have a number of cards. Patricia Voges. Good afternoon. And you have your choice, if you want to sit down and testify or if you want to stand up, whichever you feel more comfortable doing.

MS. VOGES:

Good afternoon. I'm here representing Long Island Farm Bureau because Joe Gergella, their Executive Director, is in Washington today. So I'm just going to read his statement into the record.

"Long Island Farm Bureau is a membership association of over 7,200 farmers, fishermen, landscapers, agri•businessmen and individuals interested in a rural quality of life. While Long Island Farm Bureau recognizes the intent of the Suffolk County Legislature to protect its citizens and environment of Suffolk County, Introductory Resolution No. 1776 is beyond the County's realm of statutory authority.

Pesticides are regulated by the provisions of the Federal Insecticide, Fungicide and Rodenticide Act and at the State level by the Department of Environmental Conservation under Section 33 of the New York State Environmental Conservation Law.

As stated under Title 3•33•0303 of the New York State Environmental Conservation Law, powers and duties of the Commissioner and the Department, one, jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides is by this article vested exclusively in the Commissioner. This law has been interpreted by the courts of our state to completely preempt local regulation.

Long Island Farm Bureau opposes IR 1776•2005, a Local Law to regulate the display and sale of pesticides in Suffolk County as Suffolk County does not hold statutory authority to regulate pesticides and is preempted by federal and State laws from enacting such legislation.

While we agree that the home owner use of pesticides is of concern, Long Island Farm Bureau stands firm that pesticide regulation is a State issue and we encourage the Suffolk County Legislature to work with the New York Legislature on this subject." Thank you.

CHAIRMAN ALDEN:

Thanks. Any questions, comments? No. Okay. Next up •• Pat, is this you too? H. Pat

Voges? Okay.

MS. VOGES:

That's not me, that's him.

CHAIRMAN ALDEN:

Okay.

MR. VOGES:

Good afternoon. We're both Pat Voges.

CHAIRMAN ALDEN:

I saw that.

MR. VOGES:

Just to keep things confused. I also sit •• I'm representing the Nassau/Suffolk Landscape Gardeners Association, but I also sit on the Board of Directors of Farm Bureau. Okay.

My name is H. Pat Voges and I am the Government Affairs Chairman of the Nassau/Suffolk Landscape Gardeners Association. I'm here today representing the Association's 1,500 plus members in regards to the Resolution No. 1776•2005 titled, A Local Law to regulate the display and sale of the pesticide in Suffolk County.

While we understand Legislator Schneiderman's intent of the proposed legislation, the fact remains that Section 33 of the New York State Environmental Law clearly states under 3•33 •0303, powers and duties of the Commissioner of the DEC. That jurisdiction is over all matters pertaining to the distribution, sale, use and transportation. It is by this article vested exclusively in the Commissioner. Title 3•33•0303 has been interpreted by the courts to preempt any local pesticide regulation. Even though this proposed Suffolk legislation does not directly affect our members of the association, the members of the NSLGA must strongly oppose any local pesticide regulations.

In March of 2001 Suffolk County opted into the Neighborhood Notification Law, Article 33 of Title 10 of New York State Environmental Conservation Law, that includes regulations for

retailers and home owners. DEC regulations 325 under Article 33, Title 10, reads "retail establishments that sell general use pesticides labeled for commercial or residential lawn application uses must post in a conspicuous place as close as possible to each display located of such pesticides, an informational sign containing the following statement in letters is at least 16 point bold type against a brightly colored background."

Number one. Pesticides, although a useful tool to control pests, may pose certain risks to the applicator and other non•target often beneficial organism. To help reduce such risks and to increase pest control effectiveness, State and federal laws require all applicators to strictly follow all pesticide label instructions and to only use these products on the sites and pests listed on the label.

Two. New York State Environmental Conservation Law, subdivision one of Section 331004 requires individuals who apply lawn care pesticides to residential properties within the County to post visual notification markers along the parameter of any treated area of over 100 square feet. Enclosed is a copy of the 2001 Neighborhood Notification Law that addresses residential use of pesticides along with a complete copy of the sign which must be posted.

In closing, there is a State law in effect that regulates the residential use of outdoor pesticides, which Suffolk County opted into. If this is truly a health issue, this committee and the Environmental Committee of the Suffolk County Legislature should be putting their efforts into making this legal law work before attempting to pass illegal laws. NSLGA believes firmly that pesticide regulation is a State issue and we encourage the Suffolk County Legislator to work with the New York State Legislators on home owner use of pesticides.

CHAIRMAN ALDEN:

Legislator Schneiderman.

MR. VOGES:

I have a copy for everyone.

LEG. SCHNEIDERMAN:

Pat, the law that you speak of under the pesticide notification law that requires that posting, is that being, in your judgement, complied with in the stores?

MR. VOGES:

I have never seen it anywhere.

LEG. SCHNEIDERMAN:

I have not in my experience, either.

MR. VOGES:

Posting is done by certified applicators and that's the posting you see outside on flags. But this law requires any home owner who applies pesticides to 100 square foot or more to post their properties so people in the neighborhood know what was done. Now, there's a law that's in effect.

LEG. SCHNEIDERMAN:

That is not being complied with certainly.

MR. VOGES:

Not in the least.

LEG. SCHNEIDERMAN:

Now, the bill that I've introduced has two principle components. The first component would be that these •• that the most toxic of these materials be stored under lock and key or otherwise inaccessible to the public so children could not reach them, open them, come in contact with the residue on the bottles, etcetera. The warning labels on these products typically state that they should be stored in a locked container out of the reach of children. So, it seems like the stores in their current practices in most cases are not following the warning labels now that are on these pesticide bottles. Is that your judgement as well?

MR. VOGES:

It is illegal to do anything with pesticides inconsistent with the label. That's a federal law. Yeah •• no, I believe that this law or that federal law is not being composed of. I have no problem with what you proposed. However, I have a problem with local law.

LEG. SCHNEIDERMAN:

Well, it may be •• maybe it's an enforcement issue then if they are not complying with the

labeling.

The second component of the bill had to do with really public education. There was a sign-off, a one page sign-off acknowledging some of the potential risks and making the user aware of some standard precautions when using these products. Those were the two elements of the bill, the lock and key and the public education component. And I take it you're opposed to both of those.

MR. VOGES:

I'm only opposed to who's passing it.

LEG. SCHNEIDERMAN:

Okay.

MR. VOGES:

That's about all I can tell you. What will happen if local legislation goes through, and we would have to challenge it, it would open a door for on Long Island alone 136 different jurisdictions regulating pesticides and we could not live with that.

LEG. SCHNEIDERMAN:

Right. So, it's not •• it's not •• you are not opposed to what this bill is doing, but the idea of local control, local regulations and what that could mean in the future.

MR. VOGES:

Yes.

LEG. SCHNEIDERMAN:

I appreciate your comments.

CHAIRMAN ALDEN:

Thank you. Thanks.

MR. VOGES:

Any other questions?

CHAIRMAN ALDEN:

No. Thank you.

MR. VOGES:

Thank you for your time.

CHAIRMAN ALDEN:

Larry Wilson.

MR. WILSON:

Honorable Chairman, distinguished Legislators, my name is Larry Wilson. I live in Westchester County. I'm a landscaper and I volunteer as Chairman of the New York Alliance for Environmental Concerns.

The New York Alliance for Environmental Concerns has friends and contributors from the Canadian border to Montauk Point. We •• we're aware of 1776, we've read it, and we ask that you take a second look at it and that you not release it to the full Legislature. There are some problems, and quite frankly, I'm uncertain if it is really necessary to pass a legislation to get people that sell these products to perhaps tighten up on them a little bit.

You're in the •• when I say you I mean the Suffolk County Health Department, already is •• has the Neighbor Notification Law to enforce and as Mr. Voges pointed out, there are requirements that there be signs in the garden centers or in the retailer, retail outlets, that are handling these products advising the home owner of, you know, the •• as •• I'm not sure exactly what the exact language is in the Neighborhood Notification Law. I believe that they have to post to inform the public that •• that there is a •• here it is. Instructions. That they post •• that they are required to post visual notification markings and that it be placed clearly visible to persons immediately outside the treated perimeter.

Again, you are in the garden centers already making sure that, you know, that they warn the public. Could it not be possible for you folks to make a pamphlet perhaps or, you know, to embark on a public education campaign, which again, I don't object to, to, you know, to inform the home owners in Suffolk County, the residents in Suffolk County, that they have to take

these precautions.

I tried to open up, by the way, I had a product, a liquid product. I couldn't even open it. It was very difficult for me to open it much less a child or, you know, someone else. They are double-sealed, some of these containers. They are very difficult to open.

So again, the preemption issue, again, we've talked about that. I know that you folks consider a lot of legislation. Some of it is good, some of it is perhaps not so good. This one has the distinction of being illegal. And we would hope that you would take a second look at this proposal on that basis, that it does violate the State preemption and perhaps, you know, find another way.

CHAIRMAN ALDEN:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

In essence this really is a public education bill. It's just public education occurs at the point of sale so that purchaser has an opportunity to review some of the potential precautions when using these materials. Can I just ask you, what is the name of your organization again?

MR. WILSON:

The New York Alliance for Environmental Concerns. We're registered lobbyists with the New York State Temporary Commission on Lobbying and you can find us on their website.

LEG. SCHNEIDERMAN:

And I know you have environment in your name, but basically you lobby on behalf of the landscaping industry or the chemical industry or ••

MR. WILSON:

Well ••

LEG. SCHNEIDERMAN:

Pesticide industry?

MR. WILSON:

Actually, we have a very wide range of contributors, but we feel •• I feel myself as a landscaper that we're stewards to the environment. We plant all these •• all these plants and trees and shrubs. You know, if not for us, who would be planting them all? It's us that plants them. It's us that cares for them. And on that basis we feel that we have the environment to care for and we qualify as environmentalists.

LEG. SCHNEIDERMAN:

Is this, the pesticide industry, one of your larger contributors as well?

MR. WILSON:

I would say that by and large it's the trade associations throughout the State of New York that drive the bus. They comprise the Board of Directors for the New York Alliance for Environmental Concerns and there are many, a great many trade associations throughout the state. For instance the Nursery Landscape Association Statewide, the Turf Grass Association Statewide. Even the crop dusters, the New York State Agricultural Aviators Association contribute to us.

LEG. SCHNEIDERMAN:

So basically you represent the industry's concerns primarily.

MR. WILSON:

That's right.

LEG. SCHNEIDERMAN:

The landscaping and the agriculture and the pesticide.

MR. WILSON:

Golf.

LEG. SCHNEIDERMAN:

Okay.

MR. WILSON:

Thank you very much.

LEG. SCHNEIDERMAN:

I appreciate that.

CHAIRMAN ALDEN:

Any other questions by the committee? No. Anyone else want to speak on this public hearing?
Mr. Zwirn. We'll be debating the bill in a few minutes if you want ••

MR. ZWIRN:

Okay. Should I wait for that?

CHAIRMAN ALDEN:

No, either one. Whatever you feel more comfortable with.

MR. ZWIRN:

I'll wait until we debate the bill.

CHAIRMAN ALDEN:

Okay. All right. If there's no one else that wants to address us on this public hearing I'll entertain a motion. Motion to close?

LEG. SCHNEIDERMAN:

Motion to close.

CHAIRMAN ALDEN:

Second by myself. All those in favor? Opposed? Public hearing is closed. **(Vote: 4/0/0/1
Not Present: Legislator Cooper).**

Now we can go to the agenda. The agenda includes a public portion. We have one card.
Vincent Gillis.

MR. GILLIS:

Hello. My name is Vincent Gillis and I represent the New York State Professional Process Servers Association. I'm on the Boards of Directors. I am presently the Treasurer of that

association. I also represented the trade associations on the Suffolk County Process Serving Board with the Consumer Affairs. I'm here to address 1750, which is, I guess, the repeal of the process •• Suffolk County Process Serving Law.

The position, so it's understood, of the New York State Professional Process Servers Association, was that there is a strong need in both in the State of New York and probably in the nation of a method for educating process servers and how this should be done and qualifying process servers and what they should be doing.

When Maxine Postal or Legislator Postal originally introduced this bill, I think Legislator Alden you were present there and at that time and I think Legislator Lindsay, I think, was present at that time, that we testified before this committee that we felt that this was of primary importance and we should also be able to identify process servers and who comes in. We also feel that it should be a statewide thing, a statewide registration of process servers. This has occurred in different states such as Arizona, recently Texas and there is legislation introduced in Florida for that to occur in Florida.

Now, I served on the Suffolk County Board and we had •• and I attended every meeting. I believe that the Board •• at every meeting we had the full board was present. There was representatives from the County Attorney's Office, the trade association, which was myself, the Suffolk County Bar Association and the Department of Consumer Affairs, of course.

We •• as much as we tried, we had a hard time and as much effort as we put into it we had a difficult time in dealing with present State law and the law that the County has in effect. There is a tremendous lot of duplication. There is even duplication in investigation. New York State Business Law, the State requires the Attorney General of the State of New York to investigate all violations of the State Business Law regarding process servers and there is extensive regulations of process servers already existing in the State law.

There was more difficulty in distinguishing between process serving companies and individual process servers and how that may affect it since most process serving companies hire independents, what they call 1099's or independents, to serve many of the papers that they have. And they can come in from anyplace, not only here in Suffolk County.

When we came to the conclusion that we would have difficulty in even qualifying of how we could set up process servers, we talked to Consumer Affairs, Mr. Gardiner then, and, you know, said, well, we don't know if this can work. We spent hours on it and we didn't feel that it could work in that condition, so I'm here in favor of the repeal. Not that •• the State is •• the State Association or Trade Association is continuing to look towards certification of process servers and registration of process servers throughout the state on a state level, but not on the local level. Any questions?

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

You're right. I was here when the original resolution came up and it was one that we kicked around for some time. There was a lot of difficulties with it. I think the original resolution required that we license the individual process servers and it would have been a monumental job for our Consumer Affairs Department and we haven't done that with any other occupation. We always license the employer and he is responsible for the activities of his employees.

The main •• and I think after a long, long period of time of debating this, it went over I believe a couple of months, we passed the legislation and I'm sorry to hear that it is isn't working. The impetus that brought it about was, frankly, abuses within your industry and which I'm sure the legitimate companies don't want either, the fly•by serve or the nonexistent serve and suddenly 20 years later somebody finds that they have a lien against them. And we were looking to try and get the not so reputable process servers out of the industry which I think would make a better industry for everybody.

If we do repeal this, who's going to be the cop on the block? Who is going to try and do anything to keep the industry in line?

MR. GILLIS:

Well, I mean, there are State level •• there is in place State level authority by the Attorney General to investigate these complaints. And that's been there in place for a while. If I remember correctly, there were a few people who came before the board and they brought •• before the Legislature •• and they brought a lot of affidavits of service saying that they were all defective or that they were not existent, the papers were never served. The term that we use

in the industry is sewer service and that originated in New York City, not Suffolk County, because their sewers at the time, they were a good place where these papers were found.

And that subsequently, you know, we as a trade association we never got to examine all those affidavits. I don't know if the Legislature did, but I know that they were all default judgements which is what you're addressing now. That people claim that they didn't know that we were served, that they were being sued, and subsequently they never had their day in court.

The Suffolk County Bar Association was here and they said well, they said what they thought was an implementation and which we don't necessarily agree with was the industry itself because the attorney's just won't use these people anymore. But they use them until something happens, right. Our organization, our trade organization, we want to identify someone as a process server in the State of New York totally and including Suffolk County. We want to say that each person if they are going to do this business and be in this business for hire, that they have to register with the proper authorities and which would probably be on a County level anyway because the County's Clerk's of each, for this type of thing that we're looking for, usually do handle that.

And we also desire that they have certain •• meet certain qualifications, right, which was my initial •• when I spoke to Maxine Postal I had a lot of meetings with her and two other members of our board had meetings with her, and what, you know, we felt is important in this industry. Because a lot of times what I saw in some of those affidavits, because the people who brought those to the attention of the Legislature, they also brought them to the attention of our organization, in particular me, myself •• and were just mistakes. They were errors, clearly errors in the affidavits that they showed me that either the person was totally negligent or didn't know what he was doing, you know, had no idea what they were doing. And so either way it doesn't help our industry and we don't really want to that happen.

We feel that if you get at the source and you register process servers throughout the state so they just don't •• they can't pop up from New York City and run into Suffolk County or from Nassau County and run into Suffolk County, but they have to be uniform through the entire state, that the •• that would be an advantage. And you'd have to include the court system in that, too, which this law didn't include the courts other than to say that •• it didn't include the courts but it required the process server to report when he had a traverse hearing, which is a

hearing contesting the service that he did, to go to the Consumer Affairs. But it really doesn't say anything about what the outcome would be or if they have to say it is.

CHAIRMAN ALDEN:

Bill, any other questions?

LEG. LINDSAY:

So, the State legislation hasn't come about? I mean ••

MR. GILLIS:

As of now, no.

LEG. LINDSAY:

Yeah.

MR. GILLIS:

As it turns out, we will be •• our organization right now is in contact with a lobbyist to introduce a bill for that.

LEG. LINDSAY:

Okay. So what you're really doing is asking us to repeal this before the State legislation is in place.

MR. GILLIS:

Well, I don't •• I know this took a while before this was done, and I can't say how long it's going to take the State to act if they act. They probably don't act as fast as the Suffolk County Legislature does. They probably act a lot slower because they are in bills concerning process servers and there's State legislation for about five years now that keep on going back into committee.

But I just •• my experience is in both in the industry and in serving on the Suffolk County Board, is that it doesn't work on this level. And there are presently existing people that can enforce the process serving laws that are existing, which are inclusive in the service of process when I had conversations with Maxine Postal of the present law on the State level. That's the New York State Business Law for Process Serving.

LEG. LINDSAY:

Just one comment. Maxine's right behind you. And I just saw a wink, you know.

MR. GILLIS:

I know. I feel it.

LEG. LINDSAY:

She fought desperately for this bill because I believe she had a problem with the false service, right?

MR. GILLIS:

She had a •• yes, she gave us •• I talked to her privately and she did tell us what happened and she was a victim of what we call sewer service. You know, I'm in the industry so I want to identify it for what it is. We do not want that in the industry. We want the process server and the public servants, the Sheriffs, are the only people that our country, not only our state and our County have of allowing people the access to the 14th amendment and due process that no property be taken from them without, you know, without due process. And that's how we do business.

MS. JULIUS:

Mr. Chairman. Mr. Chairman. You have to table the bill for a public hearing.

LEG. ALDEN:

Yeah, we didn't even get to it yet. But thanks.

MR. GILLIS:

I thought I was up here for that.

CHAIRMAN ALDEN:

No, no, no. You're up there giving us testimony, but I didn't get to that part of the agenda. There is a public portion so, you know, you can talk on almost anything you want, really, until I cut you off and have the Sheriff remove you without due process with no public hearing. All right. Any other questions? Good. Thanks a lot for coming down.

MR. GILLIS:

Thank you, sir.

CHAIRMAN ALDEN:

All right. That's pretty much the end of the public portion. So we'll go right to the agenda.

MS. JULIUS:

On this one you have to table this bill because the public hearing is set.

CHAIRMAN ALDEN:

Yeah, but did Charlie •• Charlie, did you want to speak on this one or wait until •• it's got to go through the public ••

MR. GARDINER:

I just have one comment while it was fresh.

CHAIRMAN ALDEN:

Yeah, come on up.

MR. GARDINER:

Mr. Chairman, I just want to make sure that we understand that everything that Vin said is true and while he is talking about statewide legislation, it is more to the point of certification and/or registration and uniformity of the regulation of the process servers. But it was very clear to me, and this is one topic on which I had to defer to the people who had the expertise in it because this is not something that we in Consumer Affairs were very knowledgeable about.

We had the Suffolk County Bar Association, Mr. Gillis, the sheriff's •• Captain _Sirion_ from the Sheriff's Office, and the County Attorney. And it was very clear that in instances of sewer service there does exist, that part of it is enforced. You know, it is if there are violations of law, violations of the process. And the Attorney General does, in fact, enforce that. It's the other issues of the uniformity and uniforms and registration and the licensing, that's what they are waiting for to enhance that statewide legislation. But the Attorney General's Office, they made it very •• the board made it very clear that they do enforce allegations of sewer service, that part of it.

CHAIRMAN ALDEN:

The problem we saw, and it was testimony that went on for •• I guess we heard testimony on this for almost a year ••

MR. GARDINER:

At least.

CHAIRMAN ALDEN:

•• was the person with that hidden default judgement sitting there for years and years and years and then all of a sudden losing a house or, you know, losing a good portion of their retirement income or their assets. And sure, there is a traverse hearing you can go and get, but the rate of success for any of those and the overturning of the default judgements based on bad service is so low that you really don't have the protection.

So if there was another way to go, we are really duty bound to explore that, so I see us having a little bit more than just, you know, perfunctory type of testimony on this if we are going to seriously think about overturning this. But some of that will come out when this gets done in a public hearing which the County's Executive likes his public hearings done at general session, so that's where this is headed. But, you know, we're definitely going to need some people from •• maybe from the DA, maybe Attorney General, definitely Bar Association, and maybe even the court system if they can send somebody over and just tell us what they are looking at. Because I know that New York State court system was looking at something to update the traverse type of hearing, so.

LEG. LINDSAY:

Mr. Chairman, if I might ask ••

CHAIRMAN ALDEN:

Yeah, sure. Legislator Lindsay.

LEG. LINDSAY:

We know the problems with the industry. My question is did we do any good with this? Nothing. It didn't help at all?

MR. GARDINER:

The board •• remember this legislation empowered the board to investigate the complaints and investigate allegations. And the board made up of people who were initially in favor of the legislation, by the way. And they met •• they had four consecutive meetings, several hours of each, and in between were working on a lot of •• they had a lot of discussions among themselves. It was the board that made the recommendation that this is at best redundant and at worst unenforceable.

LEG. LINDSAY:

Did we license anybody?

MR. GARDINER:

No, we haven't. We had four applicants. We took their applications only, only took their applications, and told them that until the board set up the rules and regs, which they are required to do by legislative, we'd get back do them. It was the board that came to me. They voted and had the recommendation •• they toyed around with adjusting it and tweaking it, realizing, as you mentioned, we tweaked this for a year and a half or so. They toyed around with that premise. And it was finally their unanimous vote to recommend to me to bring to the County Executive to repeal the legislation.

LEG. LINDSAY:

So they couldn't come up with the with rules and regs.

MR. GARDINER:

No, they could not come up with the rules and regs. They could not come up with a reasonable enforcement plan. And therefore their recommendation to repeal the legislation.

CHAIRMAN ALDEN:

We always knew we were going to revisit it just to see if it would work and do what it was supposed to do.

LEG. LINDSAY:

There's a glaring flaw here with this industry. Someone needs to regulate it and we tried to step in the void to do that. And we have been very successful in regulating other industries on

a countywide basis, but maybe this is one that we can't.

CHAIRMAN ALDEN:

Well, that's why I mentioned the courts. If they come in and tell us that there is some other way to do it other than an affidavit of service, which that's wherein some of the fraud lies on that affidavit, or the majority of the fraud, so. All right. Charlie, that's it on that one?

MR. GARDINER:

Yes, Mr. Chairman.

CHAIRMAN ALDEN:

Okay. So, we're all done with the public portion. We will go to Introductory Resolution **1750, Adopting Local Law No. 2005, A Local Law to eliminate duplicative and unnecessary regulation of process servers.**

I'm going to make a motion to table that because of the public hearing. Second by Legislator Lindsay. All those in favor? Opposed? That's tabled for a public hearing. **(Vote: 4/0/0/1 Not Present: Legislator Cooper)**

1776, Adopting Local Law No. 2005, A Local Law to regulate the display and sale of pesticides in Suffolk County. Now, normally we're charged with exploring the legislation and try to develop a little bit of a record so that we can pass on the legislation to the greater body. And we do that by either discharging without recommendation or by approving or by tabling.

This piece of legislation, I like the number 1776, but I haven't made up my mind whether I'm going to support or not. I would suggest if •• if we have done all of our homework and we have done our job here, if we want to discharge it to the greater body I would support that. If not, if we want to keep it here and develop more of a record.

LEG. SCHNEIDERMAN:

Yeah. Actually, what I'd like to do based on the comments I heard today, I would like to amend the bill a little bit.

CHAIRMAN ALDEN:

So we'll keep it here.

LEG. SCHNEIDERMAN:

So I'd like to table it just for one cycle ••

CHAIRMAN ALDEN:

Motion to table by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

•• to allow some amendments to address some of the concerns I heard.

CHAIRMAN ALDEN:

Motion to table by Legislator Schneiderman. Seconded by Legislator Nowick? Yes?

LEG. NOWICK:

Yes.

CHAIRMAN ALDEN:

Okay. All those in favor? Opposed? 1776 is tabled. **(Vote: 4/0/0/1 Not Present: Legislator Cooper)**

Does anybody have any other business that they'd like to come before •• and, Ben, you wait on it; right? Okay. All right. Good. There's no other business coming before us, we stand adjourned. Thank you.

(THE MEETING WAS ADJOURNED AT 2:03 P.M.*)

_ _ **DENOTES BEING SPELLED PHONETICALLY**