

**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, June 7, 2006.

**MEMBERS PRESENT:**

Legislator Cameron Alden • Chairman

Legislator Wayne Horsley

Legislator Jack Eddington

Legislator Lynne Nowick

Legislator Tom Barraga

Legislator Kate Browning

**MEMBER NOT PRESENT:**

Legislator Jon Cooper • Vice • Chair

**ALSO PRESENT:**

George Nolan • Counsel to the Legislature

Warren Greene • Aide to Legislator Alden

Charles Gardner • Director of Consumer Affairs

Richard Baker • Deputy Clerk of the Legislature

Joe Muncey • Budget Review Office

Kevin Rooney • Oil Heat Institute

Grace Soohoo

Adriann Nelson

Susan Katz

**MINUTES TAKEN BY:**

Donna Catalano • Court Stenographer

**(\* THE MEETING WAS CALLED TO ORDER AT 1:10 P.M. \*)**

**CHAIRMAN ALDEN:**

Good morning. Welcome to the Consumer Protection Committee Meeting. We're going to start with the Pledge led by Legislator Cooper.

## **SALUTATION**

### **CHAIRMAN ALDEN:**

And as is our tradition, I'd ask for a moment of silence for those that have given their life for this country and those that are in harm's way protecting our way of life.

## **MOMENT OF SILENCE**

### **CHAIRMAN ALDEN:**

Thank you. We actually have a couple of presentations. Mr. Corlett is the Director of Government Affairs for AAA New York. And he's here to discuss the agency's position for Suffolk's proposal to cap the sales tax on gasoline. So, Mr. Corlett, good morning and thanks for coming out. You have an option, you want to stand up and deliver your information or sit down, whichever one you feel more convenient. Any time you are ready.

### **MR. CORLETT:**

Good afternoon, Mr. Chairman. My name is John Corlett, I'm the Director of Government Affairs for AAA New York. We have 2.4 million members in New York State, many of them reside on Long Island. After Hurricane Katrina ravaged New Orleans and the Gulf Coast, Long Islanders paid the highest prices ever for a gallon of gasoline last September, an average of 3.34 a gallon. As frustrating and unpleasant as that experience was, the driving public clearly understood that a dramatic natural disaster has befallen the Southeastern United States.

They understood that the storm had harmed our energy infrastructure. And while fuel prices were exceptionally high, there was a widespread belief that the situation would be temporary and the prices would come back down. Since the beginning of 2006, however, the national average price self service regular gasoline has jumped from \$1.78 per gallon to \$2.87 a gallon, a whopping dollar and nine cent increase per gallon. Locally, prices in Nassau and Suffolk are higher averaging 3.16 as of yesterday.

With Hurricane season now approaching and because fuel prices now seem to be significantly higher with each passing year, many motorists now believe that increased gasoline costs have become a permanent fixture in their lives. They are rightly concerned because this year's fuel price increases will cost a typical family about \$1100 per year in gasoline expenditures or almost \$100 more each month.

AAA calculates this increase on the assumption that the average vehicle according to federal figures consumes 550 gallons of gasoline each year and that nationally the average household owns more than two vehicles, a figure that is likely higher on Long Island. An extra \$100 per month may not sound like much to some people, but it is important to remember that according the research by the Consumer Federation of America, an estimated one half of American families say they always or frequently live from pay check to pay check. Without reality in mind, it is easier to understand why sharp and steady increases in fuel prices are a significant financial setback for many citizens.

To lessen the impact of higher pump prices, our association was a strong and vocal advocate for the recently enacted state legislation capping the state sales tax at eight cents per gallon effectively freezing the state sales tax at

the two dollar per gallon rate. As you know, that legislation enacted on June 1st, also authorized local governments to cap local taxes on gasoline. With gasoline prices remaining at increased levels for the foreseeable future, our association supports local reductions in sales taxes to provide consumers with greater financial relief.

Combined federal and state taxes on gasoline sold in New York State total 40 cents per gallon before the additional sales taxes. Further, it is important to note that New York is one of nine states that subject gasoline to state and local sales taxes. Those taxes can add another 20 cents per gallon to the price of gasoline depending on the pump price. Consequently, New York State motorists pay upwards of 60 cents per gallon in state, local and federal taxes, the highest combined rate in the country.

Consumers recognize that the energy problems we are experiencing will not be solved overnight and will require broad and long term solutions. However, as they struggle to cope with increased fuel prices, it has not been lost on many consumers that government is reaping a substantial windfall from the higher pump prices. Accordingly, to provide the motoring public with greater financial relief that they deserve, our association strongly urges enactment of the proposal to cap the local taxes at the two dollar per gallon rate.

**CHAIRMAN ALDEN:**

Thank you. And just as a little information on this, we don't have it before us in the committee. It's a new resolution. And the sponsor of that resolution is here, so I'm going to let him speak in a minute about it. Legislator Cooper has asked to make some comments or ask some questions. Legislator Cooper.

**LEG. COOPER:**

Hi, John. I remember I last worked with you on my cell phone ban. I think

we were on the same side on that one.

**MR. CORLETT:**

I recall being on News 12, I think, with you.

**LEG. COOPER:**

Thank you for that. I think you're off the mark on this. Since you had supported the state bill, I just had a couple of questions for you. I'm sure it was well intentioned, but you, of course, know what the actual savings is when the state cap what was place. What was the approximate savings per gallon at the pump?

**MR. CORLETT:**

Again, it would depend on the pump price, four or five, six cents.

**LEG. COOPER:**

It's actually not. They did an analysis, because it's not based on the pump price, it's based on the price of the fuel when it's imported into the state before all of the other taxes are added. So according to a Times analysis yesterday, it's actually two and a half to three cents. I forget what that worked out to per year for an average motorist. I think it's actually \$18 per year.

**MR. CORLETT:**

I did see the Times article on that.

**LEG. COOPER:**

Number two, the assertion that I had made •• you weren't here •• but that I had made at the last Legislative meeting that there's no way to guarantee that any of those savings will be passed on to consumers, once again, because of the way that the taxes are levied. And I've actually been tracking prices at the pump at about a half dozen stations in my district. And it's interesting, the state cap went into effect on June 1st, June 1st •• I think June 2nd, prices didn't change at all. They did come down at a few stations the following day about three or four cents, but guess what? The next day, one of the stations raised their price ten cents, so it was six cents higher than before the cap was put into place. Another station kept that price.

But now they've all gradually crept up. Now they're all higher than before the cap went into effect. So I believe and I think that we will hearing testimony, expert testimony, from others at the coming Legislative sessions that there is no way to enforce the state cap, there's no way to make sure that it's passed on to consumers. Even if it was passed on, it's only a two and a half cent difference. If you add a County cap it would be another two and a half cents difference for a grand total of five cents. And as you mentioned, the average price now is \$3.17, so it would come down to a whopping \$3.12.

I mean, the real problem here, it's not the state tax, it's not the County tax, it's the oil cartel that's now charging God knows what per gallon, because they have us over a barrel, no pun intended. It's the lack of action by our Federal Government, which is shameless. And it's the outrageous profits that the oil companies are making. A record \$1.2 trillion profits. That's what's

driving the price up to \$3.17, it's not the two and a half cent tax. I think it's sort of misleading the public to let them think that they're going to get any relief at all.

**CHAIRMAN ALDEN:**

Actually, Jon ••

**LEG. COOPER:**

Would you agree?

**CHAIRMAN ALDEN:**

Direct your comments through •• you know, because some of the things you mentioned •• he answered. No, he doesn't agree. Because what you said was very interesting, because if you also look at the price per dollar of oil, that went up a huge amount. So, you know, you can't just take a correlation between a tax being reduced and not add in what the charge actually is for that barrel of oil or the refining costs, which also just went up.

I'm glad you mentioned a whole bunch of things, because government in action for the past 20 something years, which includes both sides, Democrat and Republican, they've not come up with a real good plan to get us weaned from foreign oil. So I'm glad you mentioned, you know, like, on both sides, because you've got to fair about it.

Unfortunately, though, the price of gasoline to the consumer is a very complex thing. But here's where I take great exception. When you start looking at it, we're paying a tax on top of taxes. We deserve and people that we represent deserve every activity, every ounce of our concentration, everything we can do to try to get them some relief. So even this debate on it is excellent, because maybe there is something that we can do on a local level. Maybe we can follow New York's lead, maybe we don't. But at least we're debating it, at least we're looking at some things that we can do to try to give the people some relief, because they deserve some relief.

**LEG. COOPER:**

I don't want to continue the debate, but you know, if there was a way of guaranteeing that consumers would see the two and a half cent savings, then we could have a discussion on that. But the problem is there's so much agreement that there is no way to ensure that. And whether it's the local gasoline retailers that are pocketing the extra profits or even worse the major oil companies pocketing the profits, and we're •• we'll be paying for it through either a huge hole blown in our budget or having to cut health centers or other vital programs, and the consumers don't see the benefit anyway.

**CHAIRMAN ALDEN:**

It's good that you keep on top of that, because it is something, we have to guarantee that the people are going to get relief. And maybe that guarantee has to come from New York State, because they are the ones that cut it. And if they cut it thinking that people aren't going to get relief, shame on them. So I think they've got something in place. Before I go to the sponsor of the bill, I'm going to let •• Lynne Nowick has a ••

**LEG. NOWICK:**

I'm trying to figure out this also, how this works. Let's assume a Mobile station buys 20 gallons of oil, I have to make it easy for me, because math is not my strong point.

**CHAIRMAN ALDEN:**

Do one gallon of oil.

**LEG. NOWICK:**

They buy it at a certain price. Do they pay a tax on that to who they brought it from, a County tax?

**CHAIRMAN ALDEN:**

Actually, you know who's here today? We have some people from Budget Review that can actually go down and give us a whole breakdown on the tax structure. So, Robert.

**LEG. NOWICK:**

I'm curious. At what point does the gas station pay tax on the oil they are buying? And once they do pay taxes doesn't that go into their books somewhere?

**CHAIRMAN ALDEN:**

You want to go gasoline, though, right, not oil? You're not talking about •• you're talking about gasoline, not oil.

**LEG. NOWICK:**

The stuff you put in your cars.

**MR. LIPP:**

We're working up some numbers now, and hopefully by the end of the day, we'll have a memo. But as an example, if the price of the pump was 3.25 a gallon, the base price that the sales tax would apply to is, I believe, is 2.81 that the state and the federal sales tax would apply to assuming there is a cap on it. So there are •• there are two taxes that come on to the price before the sales tax, and of them is a federal excise tax and the other is a state, I believe it's Article A. There are two state excise taxes. And on top of those two excise taxes and the base price is the sales tax. And that's true for a variety of different taxable items. Then on top of the sales tax, there's another state excise tax on top of that. So you start with 2.81, you add the

state and local sales tax and then you add another state excise tax to get the 3.25.

**LEG. ROMAINE:**

We tax the excise tax.

**CHAIRMAN ALDEN:**

Does that clear it up?

**MR. LIPP:**

We tax two of the three excise taxes, correct.

**CHAIRMAN ALDEN:**

I think after Mr. Lipp gives his memo ••

**LEG. NOWICK:**

I was just trying to figure out how we can monitor what the gas stations buy the gasoline for.

**CHAIRMAN ALDEN:**

One of the nice things on this, New York State does that. So after you get the report, and then I think we have to address Jon's •• Legislator Cooper's concerns, that's going to give us a lot more information in and in•depth things. Right now what I wanted to do is Mr. Corlett has come out as a consumer advocacy group from AAA, and I wanted to give a little bit if a

chance for the sponsor to react to come of his comments.

**MR. CORLETT:**

I'm sorry.

**CHAIRMAN ALDEN:**

So, Legislator Romaine, I'm going to recognize you.

**LEG. ROMAINE:**

Thank you. I'm not a member of this committee so I'm going to keep by comments brief. I'd also like to start off in areas where I agree with my colleagues, and I certainly agree with Legislator Cooper on national energy policy or the lack thereof. We certainly can work on a lot of things together.

**CHAIRMAN ALDEN:**

Cooper for Congress.

**LEG. COOPER:**

I thought you liked me, Cameron.

**LEG. ROMAINE:**

However, I'll agree with something else that Legislator Cooper did that you agreed with him, and let's start with agreements and then we'll move to the disagreements. I agreed with him on the cell phone ban, but you know what? I see a lot of people as I'm driving along talking away on their cell

phones without headphones. But he passed a law because he wanted to make a statement. And I think at least to some degree that is better regulated than it used to be, but you still see a lot of people doing it. And that was not a reason for him to say, no, I'm not going to pass this law because people are going to ignore it. And it's probably unenforceable most of the time.

We are in the same situation. I would simply hope that Legislator Cooper called Charlie Gardner over there from Consumer Affairs to let him know all those stations, because I would guarantee you if he looked, there probably isn't a violation there, because you know what? The state law, correct me if I'm wrong, and let start with some questioning, has a \$5000 per incident fine for every one that doesn't pass along the cut on that •• the cap on that sales tax, correct me if I'm wrong, to the consumer; is that correct?

**MR. CORLETT:**

Yes. And I'd like to add •• and this is a good debate. Last, I think it was in April and again in December, I was at a press conference with Elliot Spitzer where he announced results of an investigation into price gauging. And I guess what I'm trying to say is that the gasoline retailers and the oil companies are under such close scrutiny right now, that I would be surprised if they were •• if they would attempt to pocket the savings and pass it along.

**LEG. ROMAINE:**

So with your knowledge of the auto industry and of gasoline pricing, you think it's highly unlikely that a station, particularly with out Attorney General Elliot Spitzer, highly unlikely that a station will attempt to pocket the additional money by simply raising the price to the difference of the cap on gas?

**MR. CORLETT:**

Yes. Yes.

**LEG. ROMAINE:**

I assume that your organization took an advocacy position on the state level.

**MR. CORLETT:**

That's right.

**LEG. ROMAINE:**

And did you do so in Albany County? I'm reading here from the Times Union how the Democratic Majority Leader of the Albany County Legislature has advocated for this cap saying the County should not pocket a revenue windfall because of high gas prices. And apparently the Democratic Albany County Executive, Mike Breslin, also supported that legislation. Are you aware of that?

**MR. CORLETT:**

That's the first I've heard about the Albany County Legislation. But that's a point that I've tried to make to some people who have questioned whether or not this would passed along. It's almost a unconscionable that the government would profit off the prices as they go higher regardless of how

many money consumers are going to save.

**LEG. ROMAINE:**

It hasn't. And, you know, we're concerned also about revenue in this County, and I know our County Executive is concerned about the revenue and what might be lost in the cap. And I think Budget Review, correct me if I'm wrong, has estimated that the revenue lost if we cap the sales tax on gas effective July 1, 2006 would be somewhere between eight and \$11 million. Those are the numbers that I received.

**MR. LIPP:**

Right. We're revising those numbers as we speak. It's a little higher. If you want, I can tell you the reason why it's a little higher.

**LEG. ROMAINE:**

No. That's okay. I'll wait for the revisions. But they are about 22 to 25 million for about 2007 was the number that we heard as well.

**MR. LIPP:**

Twenty•five is a good number.

**LEG. ROMAINE:**

Right. I know that as I'm speaking, the Minority Leader of the County

Legislature has filed an offset bill for energy tax cut specifying where these revenues will come from so that we will have an offset besides the surplus that we add up, a record surplus in this County at \$158 million, 13 million of which was totally unanticipated, 75% of which must go back to taxpayer under our current law.

But putting that aside, we have identified specific revenues to allow this cap to go into place. We believe in being fiscally responsible, but we also believe that the taxpayer, particularly the consumer, that on this island, everyone needs a car to get around. Very few people use public transportation. And this is key to our economy, that we believe that this cap along with the cap that the has state put will provide some real savings and also a stimuli, because we have seen from past experience a lot of people on Long Island would probably spend the money, the additional money, that they have. How does AAA feel about a cap on gas in terms of its economic effect on Long Island?

**MR. CORLETT:**

That might be hard for me, I'm might in a little over my head on that. But I did hear on the radio coming out here that •• I think it was former Fed Chairman Alan Greenspan was saying that high gasoline prices were stunting economic growth.

**LEG. ROMAINE:**

I couldn't agree more, and that's why I believe as a sponsor of this bill, and what we're hoping for, and I'll make this appeal publically at this committee, what myself and certain other members of the Minority Caucus are hoping for, because this should not be, and the reason I read about Albany, this is not a partisan issue. This is an issue that plays to both parties because we

want to provide the consumer some relief in an economy that's really crushing them. That's why we have submitted this offset bill for revenues.

And we're asking the County Executive to allow this bill that was just filed as I'm speaking, this bill, the offset bill as well as the cap bill to come together, these two bills, so they can be considered at our meeting next Tuesday so that we can meet the July 1st deadline so this can go into affect and give the consumer some relief this summer. So we're asking the County Executive for a Certificate of Necessity, a CN, that will allow both bills, the cap bill and the revenue offset bill to come forward on Tuesday so that we can have a debate.

If the Executive has an alternate bill, we certainly want to consider that. And we will consider both bills. But I would ask the Executive in all fairness to allow a CN for both the cap bill and the offset bill, and then if he doesn't agree with it or if he has other offsets or another type of bill he wants to propose, let him do a CN for his bill so that all bills can be considered, all ideas can be out in the open, and we can have a full and frank debate on this publically. I think that's important. And, Mr. Chairman, thank you.

**LEG. COOPER:**

John, what is your view on that?

**CHAIRMAN ALDEN:**

Actually, Ben •• Ben is nodding his head. He's going to take that back to the County Executive.

**LEG. ROMAINE:**

I appreciate that.

**CHAIRMAN ALDEN:**

Good. Legislator Cooper had a couple of other comments or questions.

**LEG. COOPER:**

A couple of points. Mr. Corlett had quoted Alan Greenspan's statement that high gasoline prices are stalling economic growth, and that's completely true. It has nothing to do, however, with the sales tax, it has to do with the fact that the price of gasoline has risen 50%, and therefore, people have a lot less disposal income, hundreds if not thousands of dollars less of disposable income. And it's because of that that we don't have any windfall profits here in Suffolk County. And I think everyone knows that we don't have any windfall profits, because the additional tax revenue generated from the higher price of fuel means that •• because of that higher price of fuel, people have a lot less disposable income, and they're not spending it on food, clothing and entertainment and trips to restaurants. So our tax revenues in all those other areas have dropped precipitously.

So we have not experienced windfall profits. I think that, John, you had referred to that as well. I wish it was the case, but it's not the case. We haven't seen any windfall profits. Quite the contrary, which is why if we impose this cap, aside from the fact that I don't think it's going to end up in the pockets of consumers, and Charlie Gardner is here, and we may want to ask his opinion about this. I've spoken to a number of people at the state level and the local level who have all told me the same thing, this is completely absolutely unenforceable. And if you look at the prices of gas stations, as I've been doing, I've been tracking this every day starting May

31st through now, I have my Legislative aides going around to the gas stations, and the prices are all over the place, all over the place. And you have ten 15, 20 cent variations from one station across the street. So is the gas station that's charging ten, 15 cents more than the station on the other corner guilty of price gauging? Of course not. That's market forces.

**CHAIRMAN ALDEN:**

Zone pricing. We went through that, remember? That' an evil thing, that' an evil practice.

**LEG. COOPER:**

But zone pricing is one issue. But not even that, I mean, there's one corner in my district, there are three gas stations at three corners. They are widely disparate prices, and some go up another one day while another one goes down, another goes up when that goes down. There's no correlation, there's certainly no correlation to the cap. And as I said, the day after the cap went into affect, the prices went up an average, I think it was ten or 12 cents. So there goes the cap. And how could you possibly prove that they passed on this whopping two and a half cents, maybe one and a half cent of it or none of it, did they pocket the rest or was it not their fault, it was the oil company? Nobody knows.

I've spoken to people at the state level who've frankly said •• I forget the accounting division at the state level, but someone said they had no idea what the State Legislature thought of when they passed this thing, because they said it's completely unenforceable. And I think that Charlie Gardner will confirm that it's unenforceable. And I think common sense just dictates that it's unenforceable. If we want to provide real tax relief for consumers and if we want to be fiscally responsible, there are ways of doing that. Let's come up with some tax relief that will be directly targeted to consumers or let's cut spending that we can all agree upon is wasteful spending and provide relief that way.

But first to do the shell game and give them the impression that we're providing relief at the pump when we're really not and in the process we're going to blow a major hole in the budget, whether it's \$11 million or \$15 million this year, \$25 million plus next year, and to further complicate things, now we learn from the state that because of a mistake when they drafted the state legislation, it applies if you cap •• if you put a two dollar cap on gasoline and diesel fuel, it also puts a two dollar cap on home heating oil.

**CHAIRMAN ALDEN:**

Great. That's a great benefit.

**LEG. COOPER:**

But that wasn't their intention. And they're right now, I've been told by one of my Republican colleagues who spoke to a Republican Senator, they're frantically trying to redraft the bills in both the Assembly and the Senate so they could come together on this and have the government assign it. But right now, that's the unintended consequence. So it's actually not going to be \$11 million or \$12 million, if that's not fixed, it will probably be 15, 16 million this year perhaps. And next year instead of being 25 million, it may be 35 million

**CHAIRMAN ALDEN:**

Part of that is already built in. We're doing it right now. They're following our lead. We capped that price. We knocked it down, we kicked it in half. That was a great thing we did.

**LEG. COOPER:**

My parting thought is I'm absolutely convinced that consumers are not seeing these savings to begin with. I'm really concerned that this is fiscally irresponsible. It's going to blow a massive hole in our budget. I'm not going

to be the one that's going to vote to raise property taxes, I'm not going to be the one that's going to close health clinics. So I look forward with great expectation to see the revised Republican bill that's going to have \$11 million plus in real offsets. Bated breath, I can't wait to see what these offsets are. And then I'm sure we'll have another healthy debate.

**CHAIRMAN ALDEN:**

Legislator Barraga.

**LEG. BARRAGA:**

Thank you, Mr. Chairman. When I take a look at this piece of legislation, I don't think a situation should arise where •• when we can help the consumer we should get bogged down in whether or not a particular agency can enforce the law it's a pass•through. The hard reality is that people are very, very hard pressed right across the board from an economic perspective. And where we can provide some sort of fiscal relief, we should do so, like someone debating against the bill because he or she thinks there's a constitutional question. Legislatures pass bills, let the courts take care of the constitutional provisions, let agencies take care of the enforcement provisions.

With reference to what was said this morning by Alan Greenspan, he made some interesting comments. And it was very positive with reference to the ability of this economy to absorb oil prices thus far. He did profess a cautionary note with reference to the future. If I recall correctly, what he said was this, "From '73 to '83, if you compared the GDP of the United States on a year to year basis, oil percentage increases every single year exceeded the GDP." So if the GDP was 4%, oil growth percentage wise was five to 6%. But since 1983 to the present, oil consumption is now roughly one •tenth of the GDP. All right. So if the GDP is 4%, it's like .4%. One•tenth of the GDP, which is an indication to Greenspan as he pointed out that the

country is doing something with reference to trying to control oil consumption; better milage on cars, better furnaces, you name it, ethanol.

The country is trying to cope with it, so it isn't as negative as people think. The point he was making is that country from a GDP perspective, a growth perspective is dealing with a 65, \$70 barrel of oil. What he's saying going forward, things may change. He doesn't know, I don't know. I mean, it could go to 85, or \$90 a barrel. When you cut it right down to this particular bill, if they save two and a half cents, give them the two and a half cents. Don't debate me on whether or not it's enforceable or whether or not it's a pass-through. It's two and a half cents pass. Let's pass the bill, let's find out six months from now if people saved. If Mr. Cooper is right, he can claim victory. If he is wrong, I'll claim victory. But let's pass the bill.

**CHAIRMAN ALDEN:**

Thanks for the interpretation of Mr. Greenspan's remarks, because a lot of times, I don't understand what he is saying.

**LEG. BARRAGA:**

I didn't say I understood what he said.

**LEG. COOPER:**

But I just have to •• we can go back and forth for hours, and I don't want to do that. But that's really the key, Tom. I mean, it's easy to say let's, you know, pass this and we'll provide two and a half cents of relief, but we won't worry about enforcement, but that's the key. It's completely unenforceable, and it is completely enforceable.

**LEG. BARRAGA:**

Jon, that's your interpretation. But the enforcement provision is not part of the text of the bill. The bill is very specific in passing on the saving, giving our consumers, our ratepayers our constituents a break. If you say it's two and a half cents, I say it's more. But I think when we can do that we should, especially when we take a look at the macro sense of all •• of how difficult it is to live on Long Island to begin with.

**LEG. COOPER:**

I'm in agreement. It's a completely different debate if we can guarantee that two and a half cents or three cents •• three cent savings, lets say, is going to be seen though the pump. I'd like to call ••

**CHAIRMAN ALDEN:**

Legislator Eddington wants to say something too.

**LEG. BARRAGA:**

It's like saying, you know, you pass the cell phone law, and your position is well, we shouldn't pass it, because is it really enforceable.

**LEG. COOPER:**

Because no one ••

**LEG. BARRAGA:**

You know, come on.

**LEG. COOPER:**

I don't want to digress to that, because the problem there is that the state should have put points on the license, and that would have done it. They've given out over 500,000 tickets.

**LEG. BARRAGA:**

Let Mr. Eddington jump in to this.

**LEG. COOPER:**

I just want to say that if there's agreement, and I think it's just common sense, anyone sitting in the audience, anyone here, anyone here could raise their hand and tell me how this can be enforced, how we can guarantee for two and a half cents, three cents. When there are 20 cent differences between one gas station and another, how can we proof that a gas station sell, because they're free to sell at any price they want to. I mean, it's not price gauging.

And this is an actual incident, when prices were skyrocketing after Hurricane Katrina, there happened to be a gas station in my district which •• I got a call from someone, I think other gas stations were charging \$4 per gallon, there

was one gas station charging over eight dollars a gallon. Someone reported it to me, I called New York State. It was the highest reported price in all of New York State in East Northport on Jericho Turnpike.

But the word I got back from New York State, and I think it was confirmed by Charlie Gardner is that's not price gauging. They're free to charge anything they want, it's free market forces. It's only price gouging, the example I was given was, if a natural disaster strikes Huntington, a massive flood or hurricane and we used to have 20 gas stations, we're left with one within a ten mile radius, and that one gas station to take advantage of it raises their price, that's price gouging. But if you have a two dollar gallon difference in price from one gas station to the next, there's nothing wrong with that. So a two and a half cent difference is a joke. It's completely unenforceable.

**CHAIRMAN ALDEN:**

All right, Jon.

**LEG. COOPER:**

I'd love to hear from Charlie Gardner.

**CHAIRMAN ALDEN:**

We'll bring him up. But two and a half cents every time someone goes and fills up, that's not a joke to people living in my district.

**LEG. COOPER:**

But they're not going to see it. I don't want to blow a hole in our budget or have to cut County programs to further line the pockets of Mobile and Exxon

•• Exxon Mobile and Sunco. I'm sorry.

**CHAIRMAN ALDEN:**

you know what the next thing is, Jon?

**LEG. COOPER:**

It's not going to go to the consumers, it's going to go to the oil companies.

**CHAIRMAN ALDEN:**

There's a pretty fast answer to most of your questions. This is America, free market system that doesn't exist in the rest of the world. Free market here. And it takes a toll on people that try to gauge it and overcharge it. Legislator Eddington.

**LEG. EDDINGTON:**

Thank you. I need to get a dictionary, because I have to look up the word briefly. It's changed in the last five months for me. Since we're talked about cell phones, I would like to mention that. The research has indicated that having that law has not reduced any kind of accidents at all. And I for one am not for passing just flippant rules, because it might look good in the paper. I want it to work.

I think there should be enforcement. I'm against sending troops overseas without vests. I think we should do it and do it right. And when it comes to tax cut, I'm for a tax cut. I think people need relief. I'm hearing it. They're saying they can't go vacation, they can't even take their kids to school. I'm for it, but I want it done responsible, and I want to •• I am concerned that they're going to get money. If we're going to pass it, I want the people in my community to get it. And I loved Legislator Romaine's question because he

said that don't you think that with a \$5000 penalty they will, and you said yes. So my ending statement is who is going to win the Belmont?

**CHAIRMAN ALDEN:**

Mr. Corlett has come down, and I know he is a busy man. Does anyone have another question for him, because if not, we'll continue the meeting, but we'll let Mr. Corlett decide whether he has the time to stay or if he wants to go back to work. Any other questions?

**LEG. NOWICK:**

Thank you.

**CHAIRMAN ALDEN:**

Thank you very much for coming down. Do you have a summation or anything else you want to leave us with.

**MR. CORLETT:**

I don't want to beat a dead horse, but I just wanted to point out to Legislator Cooper, you know, this is a good debate to have. But, you know, again, after Hurricane Katrina Elliot Spitzer did prosecute stations across the state for price gauging. If there was any station charging eight dollars, I'm sure that would have been one of the top ones on his list. But it is something that can be guaranteed, I don't know. But they are under such close scrutiny now, the retailers, the big oil companies, that it would be a pretty bold move I think to try to pocket the savings there so.

**CHAIRMAN ALDEN:**

Thanks again for coming down.

**CHAIRMAN ALDEN:**

Just to point out again, the bills are not before us in this committee, but it looks like there's going to be something coming down as far as in the next General Meeting on Tuesday. So it's a good thing to prepare and give a little bit of an idea of what we have in front of us. And I'll let Legislator Romaine

go, then Legislator Nowick has a comment.

**LEG. ROMAINE:**

I want to thank the Chairman.

**CHAIRMAN ALDEN:**

Briefly.

**LEG. ROMAINE:**

Not briefly, I said I'm going to conclude. I don't use that after Legislator Eddington had taught me the proper usage of the English language. However, I would hope that either my bill and the offsets come forward. I would hope that the County Executive has an alternate proposal, they would come forward. If they don't have •• if they don't want to do it that way, I would hope that if the Executive is going to do anything regarding a cap on sales tax on a CN, that he would sit with the Minority Leader. I believe our Minority Leader has indicated he has reached out to the County Executive on this issue s this we could come together and work together as a group to resolve our differences and do something.

I'm just going to read •• conclude by reading this very brief remark that appeared in an editorial of Suffolk Life. "We do know it is obscene to be charging sales tax on gas over \$2 a gallon. The Federal Government charges an excise tax on a gallon of gas no matter what the price. The state by capping the tax as \$2 per gallon has set the standard that the county should follow. If the surplus is not there or if it has been spent, then the collective heads of the County Executive Levy and the County Legislature should find some other fat•filled fund to take the money out of. It's out money, let's keep it."

And my suggestion is let's work together in a nonpartisan, bipartisan, tripartisan effort to see if this can be done. I have a bill out there. If there isn't a CN, guess what? It will be before us on the June 27th meeting if. It isn't reported out of committee, the discharge motion will be before us. The only thing that we do by voting on it on June 27th is we postpone the relief until October 1st. Let's see if we can do this right. I'm certainly prepared to work with the County Executive. I know the Minority Caucus is. Let's get a CN. Let's talk about where our offsets are, where his offsets are, because I'm told he wants to do a bill as well. I encourage him. I'm willing to work with them, I'm certainly willing to work with the committee, and I appreciate your courtesy.

**CHAIRMAN ALDEN:**

After we finish with the meeting, I think going to Executive Session and Legislator Eddington is going to brief us on brief. Legislator Nowick.

**LEG. NOWICK:**

Just a comment as an aside after listening to Legislator Cooper, and it's more for Commissioner Gardner. Charlie, I have a minute can you come up. In listening to Legislator Cooper and seeing myself all the different prices and all the different gas stations, I can't help thinking some of them are taking advantage of our good public. So we have means of public awareness, not just an internet list of gas stations that are overcharging, because I know people like my parents don't even know what an internet is. But do we have any type of public service, public message, public advertising, I hate to say it, with a list of stations to the highest down to the lowest and who to be aware of? Because in this day and age with these gas stations that are doing that, and there are, because I see some of them 3.50, 3.40, 3.02, how can that be? I think we should make the public aware of who's taking advantage and who's not. It may not be price gauging or zone fixing or whatever, but it is certainly morally irresponsible.

**DIRECTOR GARDNER:**

Well, the main problem would be your definition of overcharging and the problem of identifying someone as being a price gauger. Legislator Cooper was exactly correct in his definition of what constitutes price gauging. His example was perfect, including the \$8. If it was \$10 a gallon, there are over 600 stations just in Suffolk County, and it's a

Free market place. However, they're based on a natural disaster or some type of occurrence like that. There was, let's just say, one station operating in a ten or 15 mile radius and there was a written declaration from either the Legislature or the County Executive and that individual gas station •• forget the eight, maybe they're only charging four or four•fifty or \$5 a gallon. If they were taking advantage of the existence of a natural occurrence, that falls under the definition of price gauging.

But without that, absent such a written declaration, it is a free market place, and Legislator Cooper was exactly correct. If someone called up and said, listen, there's a station down the street selling self•serve regular at \$10 a gallon, what are you going to do about it? There isn't anything that any governmental agency, state, county, anybody else can do about it. It is a free market place. The court would say go to one or the other 599 stations.

**LEG. NOWICK:**

I'm not saying to go to court, but it's explained. So.

**DIRECTOR GARDNER:**

To get to overcharging, first of all, we discontinued listing individual stations and prices many years ago, because many times the stations with the lowest prices per gallon were the stations that were the highest violators of octane. For instance, we found ourselves in that situation where you would be kind of inferring that people should buy gasoline from this gas station, because they were the lowest price for gallon, when in fact, their 89 product was 87 octane or their 93 product was only 90 octane. What we do is publish on a regular basis and we give them to the committee. The last one we did was June 5th, we published surveys of a statistically valid number of gasoline stations. And it is for comparative purposes so that you know what the average price per gallon is and then you can make your own decision as to where you want to buy gasoline based on the selling price of •• and again, Legislator Cooper's right on the ranges. You know, up until a couple of years ago, we never saw the ranges, the price difference in gasoline that we see now. That's from a day•to•day basis.

Just, today is Wednesday. If you went along the strip on Jericho Turnpike from Commack to Smithtown, you would have seen gasoline stations that since Monday •• since Sunday raised their prices eight cents to ten cents a gallon, others stayed the same. Today, the ones that stayed the same are up seven or eight cents and the other ones are down. Price fluctuations of 20 cents in a couple of days are no longer unusual. So, you know, who is overcharging? Based on the average •• for instance, on Monday the average was \$3.20 at self•serve regular in Suffolk County. That gives you an idea. If your station is three thirty•five or three•forty ••

**CHAIRMAN ALDEN:**

Hold on a minute, Charlie. If we can get a little order. Thank you.

**DIRECTOR GARDNER:**

So knowing what the average price is, you can then say, my guy is charging three•forty you know, I'm going to look somewhere else. Or, you know, the

lowest price that we came across was three•o•four for self•serve regular. The highest price in the day, self•serve regular was three fifty•three nine.

**LEG. NOWICK:**

All we do now is report, we don't say where the stations are.

**DIRECTOR GARDNER:**

That's correct.

**LEG. NOWICK:**

Sounds like an article for one of the new local newspapers to do.

**DIRECTOR GARDNER:**

See, we are in a position of a governmental agency. We do not want to advertise for someone, and we also don't want to point somebody in the direction where they might wind up, I pay 20 cents a gallon, yeah, and you also got an inferior profit.

**LEG. NOWICK:**

Thank you, Charlie.

**CHAIRMAN ALDEN:**

Thanks, Charlie. Any other questions for the ••

**LEG. COOPER:**

Just for the record, I want to say, I rest my case. Thank you.

**CHAIRMAN ALDEN:**

Well, you know, that's an anti•American type of case, Jon. I'm only kidding. All right. If not, then we have one other presentation. I'm going to call up the representatives from American Water. We have with us today Ms. Jones and Mr. McDunnah. We also have Ms. Duffy, but she's not going to speak. Good morning. Whichever order you want to do, just identify yourselves for the stenographer.

I'll tell you what precipitated this. At our last Consumer Protection Meeting, it was brought to our attention that American Water in Suffolk county for protection of their water lines. We had representatives from the Suffolk County Water Authority that came down and said that's pretty much not something we need. We also had •• Charlie came up and gave a presentation as far as his estimation of their advertisement, did not really stand up to standards here in Suffolk County. So they've asked for time to come down an actually enlighten us on their business practices and tell us what they plan to do in the future. So thank you very much.

**MS. JONES:**

Thank you, Chairman Alden for permitting us and members of the committee to come in and speak with you this afternoon. I am Lendel Jones. I an Vice

President of the External Affairs for American Waters Northeast Region. As Chairman Alden said, we wanted an opportunity to come in and let this committee know that American Water is a viable utility and not a scam organization that's just trying to prey on senior citizens.

American Water Company is the largest water company, utility company, in the United States serving in 29 states and approximately 17 million people. Locally here on Long Island, we're in Nassau County under the name of Long Island Water Company and doing business as Long Island American Water. There we serve approximately 75,000 consumers, which equates to about 250,000 people. We wanted an opportunity to come in explain the difference between American Water the utility company and American Water Resources, which is a subsidiary of American Water Utility Company.

We had an opportunity to speak with Chairman Alden in his office and explain to him the differences between the companies and also to get his view and representative of the committee's view on the literature that we sent out to the members of the public in Suffolk County. We have taken that back, taken all of his comments under advisement. We have brought with us Mark McDunnah, who is the attorney for American Water Resources, and he is going to address the order that we were given from Suffolk County and how he came to an agreement with that also let you know a little bit more about the company.

**CHAIRMAN ALDEN:**

Hold off one minute. Charlie, are we in litigation, do we have to go to Executive Session or is this okay to go into terms of settlement?

**DIRECTOR GARDNER:**

I don't think it's necessary to go Executive Session. We are this close to the

final settlement and signing off on an assurance of discontinuance.

**MR. MCDUNNAH:**

Thank you very much, Mr. Chairman.

**CHAIRMAN ALDEN:**

I'm sorry, I have to interrupt you one more time. That County Attorney.

**MS. BIZZARO:**

I'd just like to chime in. Lynne Bizzarro, Chief Deputy County Attorney. I don't know if I'm familiar with the litigation, and I just would like to hear, you know, what case referencing, because I'm a little concerned generally. Anything having to do with any type of litigation that's ongoing with the County, I would recommend strongly to the committee that it go into Executive Session.

**CHAIRMAN ALDEN:**

It might not be at that stage. If Charlie could just put on the record the steps that happened and where we are right now.

**DIRECTOR GARDNER:**

Lynne, it's not County litigation in the sense of County of Suffolk versus. It's

under Suffolk County Code Chapter 249, it's a routine notice of violation with an, in this case, informal administrative hearing leading to a settlement.

**MS. BIZZARRO:**

I'm fine with that.

**DIRECTOR GARDNER:**

Lynne, just so you know, we did check the District Attorney's Office, and it was our opinion and his also that there was no evidence of any intent, there was no criminality at all. This is totally in the intent of a civil compromise.

**MR. MCDUNNAH:**

I'll try this again. Good afternoon, Mr. Chairman. I too would like to thank you for the time to come before the committee and give you the information with regard to the American Water Resources. As Ms. Jones said, my name is Mark McDunnah, and I'm corporate counsel for American Water Enterprises and American Water Resources, which is the company at issue within the American Water family.

Let me address two issues with regard to why we are here today. We were given a notice of violation, as Mr. Gardner said, concerning practices in our marketing materials that were questioned by the County. We have entered into or are about to enter into an assurance of discontinuance, which is allowed under the County Code, which essentially settles as a civil matter the allegations that were made in the notice of violation.

And I can just briefly outline to you what we've agreed to, is that although we're done with our marketing Suffolk County for now, and it's not that clear when we would come back with another round of marketing, we have agreed with the Office of Consumer Affairs that prior to issuing any notices to the public in terms of marketing materials, we would give that •• submit that to the Office of Consumer Affairs to have them review it and give comment on anything that they thought might run a foul of the consumer code within Suffolk County.

As an aside, although we already do this, the assurance says that we will only use licensed plumbers and licensed sewer personal, because we have two program. We have a water line and a sewer line program. So that's essentially with regard to the notice of violation that was issued yesterday. The assurance of discontinuance, I have to it signed, I just did not have the personnel to get it signed yesterday, but it will probably be signed tomorrow. And that will complete this matter. Effectively, I will send it back to Mr. Gardner's Office.

I would like to, by the way, apologize on behalf of Ms. { Cameron }, who I know you met with previously and wanted to be here, but she had another engagement in terms of meeting with the Pennsylvania Public Utilities Commission. I would like to think she sent her best alternative. We simply wanted to give you a little bit of information about what we have what we have done on Long Island as a company so that you have a better understanding of our program. We currently have approximately 10,000 customers on Long Island, the vast majority of those are in Nassau County. And we have approximately 7700 customers on our water line. That's the protection for the water line, and about 2300 in our sewer line program.

Our average claim in the State of New York that is a cost for us to fix someone's water line is a \$2500 and the average cost for a sewer line clear is \$1100. Last year to give a snapshot of what we have done, we have about 6181 of those folks who are customers in Nassau County that get water line protection. We have 30 water line claims, for which we paid approximately \$80,000 to have water lines repaired last year. So that's in '05 alone we have 30 claims, which we •• you know, we honored those claims and we fixed those folk's water line.

In terms of water line, we actually had two claims that we did not do. One person made a claim, but they weren't actually enrolled in the program. So we couldn't help them. And the other person had a leak inside their house, which under of terms of the water line protection program goes to indoor plumbing, not outdoor. Just so you know, also, in 2005 we had 21 sewer line claims, which we paid \$22,000, a little more than \$22,000 to fix and/or mostly clear sewer lines. That's really primarily what we do. For those 21 sewer line claims, we only had one claim that we did not serve in 2005 on a sewer line, and that's because it was a commercial entity which has a different type of sewer line than our residential.

We can't know when somebody signs up whether they're a commercial entity if they just use their name and add the address, so we ask people, please, if you are a commercial entity don't sign up, but some people do. And we determine it later, we refund all their money. And we advise them. Although we are working on a commercial program now, just don't have that rolled out yet. So we simply wanted to let you know that we do have a good history. By the way, we survey our clients and customers after we have done this work for them. We have a 93% satisfaction rate with our clients and customers. For those that we've had to repair lines for, on our survey cards 93% are very satisfied with our service and recommended it to others.

**CHAIRMAN ALDEN:**

I'll throw one other question out to you. I think I know the answer to. We

were very concerned because we heard testimony from the Suffolk County Water Authority that it seemed like you had purchased some kind of a list from maybe AARP or a senior citizen group. And when you did come to my office, you said you hadn't. If you can put on the record as far as your solicitation, how you get that list and are you targeting senior citizens.

**MS. JONES:**

Mr. Chairman, we are not targeting senior citizens and we did not purchase a list from AARP. We solicit from our customers and then we solicit the neighboring neighborhoods that are surrounding our service areas. And I'm not sure ••

**MR. MCDUNNAH:**

I can speak to that a little bit. We have a marketing firm, and they go out and gather information. There are a number of factors they use. Age of the consumer is not a factor. It's just not in the process. Actually what we primarily look for is age of the home, because that's •• the older a person's home, the more likely they are to have a problem with their water or sewer line.

**CHAIRMAN ALDEN:**

I'm glad you put that on the record.

**MR. MCDUNNAH:**

But we have many factors, I believe it's around 30.

**CHAIRMAN ALDEN:**

Now, if you intend to do business in Suffolk County, you are going to have contact with our Consumer Affairs and you would run some of your advertising programs past them ••

**MR. MCDUNNAH:**

Correct.

**CHAIRMAN ALDEN:**

•• before you went out and solicited.

**MR. MCDUNNAH:**

In order to honor the assurance of discontinuance settlement that we're entering into, what we will do is basically take our marketing package, because we really do direct mail, that's what we do. We will submit that to Mr. Gardner's office for review, that will conclude our terms and conditions and we'll ask him basically is there anything you see that you're uncomfortable with that you think would run afoul of Suffolk County's Consumer Affairs law.

**CHAIRMAN ALDEN:**

Thank you for coming out. I think that, you know, it might be classified as an unfortunate incident, but I think that there's educational opportunities on both sides. And I think that, you know, maybe better understanding and a better business practice or whatever results from this, I think that's a positive thing. I appreciate you actually taking the time and coming down.

**MS. JONES:**

Thank you. It was our pleasure. Mr. Chairman.

**CHAIRMAN ALDEN:**

Thank you very much.

**MR. MCDUNNAH:**

Thank you. We're going to go to the agenda. We have tabled resolutions.

**1247, A Local law to facilitate implementation of reciprocal municipal livery business registration.**

That was amended after the public hearing. I believe it has to be tabled again, because it doesn't really qualify for a vote. So I'll make a motion to table, seconded by Legislator Barraga. All in favor? Opposed? **Tabled (VOTE:6•0•0•1 • Not Present • Legis. Cooper).**

**1391, A local law to ensure proper storage of toxic pesticides in retail stores.**

That has to be tabled for a public hearing. I'll make the motion, Legislator Eddington seconds that. All in favor? Opposed? **Tabled (VOTE:6•0•0•1 • Not Present • Legis. Cooper)**

The next two "Alec's Law" I'll just give people a little background. There's been a number of incidents where people with SUVs have injured or caused deadly injuries to children. Mr. And Mr. Nelson came into my office. They unfortunately lost their son. I believe he was 16 months old. They don't want to see anybody else have to go through that, so they offered some

suggestions. I put it in writing. I got some comments back from Charlie. I'm not sure that the first one to enact Alec law is ready to be enacted right now, because I think that we're going to have some dialog and we might have to make some changes to it. But there's two things on our agenda; 1524 would be what can Suffolk County do to help protect children so that we don't have this kind of horrific accident and loss ever again.

And the second thing is we would like •• I believe we would like to designate, and I hope all my fellow Legislators agree with me, designate a week and it would be the last week in April as Alec Week, and that's in memory of Alec. But also, more importantly, to bring awareness to the fact that we have these huge vehicles that do have blind spots, and there are certain things we can do to take precautions against that. So with the indulgence of the committee, I'm going to call up, we have three cards, Susan Katz. Adriann. Good morning. Ms. Nelson, just state your name for the record.

**MS. NELSON:**

My name is Adriann Nelson. I'm Alec's. This is Alec. He was 16 months when he died, and that is the average age for most children killed in SUV back •• overs. The majority of the incidents take place in driveways, but that is rapidly changing. Veronica Rosenfeld of Florida was walking five feet in front of her mother on a sidewalk when their neighbor backed out of their driveway. She was not seen. Bailey Broad was in the parking lot of her preschool when another parent didn't see her. It is not just children.

In a Walt Whitman covered parking garage, an elderly man was killed by a woman who could not see him. She like all the others said she looked behind her. She was careful. Everyone says that they look, that they are careful, and they probably are. But it is impossible to avoid what you cannot see. I'm going to read a few headlines taken from newspapers around the country. They are from the week of May 19th. May 19th, 2006, 14 month old boy backed over by a pickup truck in an apartment complex parking lot in Hawthorne, California. May 19th, 16 month boy backed over by his mother, Illinois. May 19th, two year old killed by his godmother, Kansas. May 22nd, 21 month old girl killed in her driveway in Utah. May 22nd, 23 month old girl killed by family friend in Kansas City, Missouri. May 23rd, 13 month old girl killed in Bloomington, Minnesota.

This is six children in five days, not even whole week. Four children on Long Island as we all know, two survived, three did not. Well, five children, but one was a front•over. Something needs to be done. Children are curious. This is why we install outlook plug covers and cabinet locks, toys have safety features, medicines have safety caps. This does not mean we don't have to watch them, we do. It is not parents not paying attention to their children, it is not careless drivers driving recklessly. It is a design flaw that needs to be satisfied, rectified. Why isn't there a backup safety for a two ton vehicle. At the very least, people need to be made aware that this blind zone exists and they need to know the lengths of it behind their vehicles.

Think not only of the families who are missing their child. Think of the drivers who are behind of wheel of that vehicle that struck one. If you think it's easy to live with the knowledge that you killed someone, that that burden gets lighter, you are wrong. This is why we are here to support resolution is 1524, Alec's Law and the Suffolk County Safety Week Legislation, Resolution 1533. We lost our child. It is our hope that there are efforts no other parent will have to live with the horror of losing their child the same way we did. Thank you.

**CHAIRMAN ALDEN:**

Thank you.

**MS. KATZ:**

Hello. Thank you. My name is Susan Katz. I'm here on behalf of Suffolk Safe Kids, which is based out of Stony Brook University Hospital. Safe Kids is a not•for•profit organization whose mission is to prevent death and injury that's preventable to children primarily under the age of 14. I'm also a pediatric nurse practitioner at Stony Brook who knows all too well to what happens to families after the tragic death or injury to a child.

Additionally, I am the sister of someone who experienced a life altering preventable injury, and have lived with the long term consequences of how a person and a person's family's life can be altered in an instant. Now that you know speaking both professionally and personally, please hear what I have to say.

Stony Brook university Hospital has been in the media for the recent tragic events of both front•over and back•over injuries. Although the media and Stony Brook are happy to report the survival of these two children, don't think that this is par for the source. This is the tip of the iceberg. For every one death, there's 45 hospitalizations, thousands of ER visits and many physician or health care provider visits as well.

Surviving such an event is rare and it not without sequela. Please don't let this mislead you to believe that there is no need to educate your constituents or to protect their children. I am the first to agree that there is no substitute for constant supervision of young children, but we live in a busy world. And in my world or injury prevention, we address and speak about the five Es to make a difference. The five Es are education, enforcement, enactment, evaluation and engineering.

I'm speaking to you today on behalf of the evaluation, the evaluation of the crisis we are seeing grow every day. In your world, in the ease of education, engineering and enforcement that you have the power to affect change. Supporting this resolution will save lives, lifestyles and money. Thank you for your attention, and please feel free to contact me with any future questions.

**CHAIRMAN ALDEN:**

Thank you.

**CHAIRMAN ALDEN:**

Mr. Nelson, you want to go next?

**MR. NELSON:**

Thank you. My name Bill Nelson, Alec's dad. And I'd like to thank you for time and listening to us and for some of our supporters. There would be a lot more people, but it's a Wednesday and people have to work. But we appreciate your time. The crux of Alec's Law is really to try to get information out to the public.

We have •• our family and our friends have staged what we call Alec's Run, a race in our home in Dix Hills where we get a lot of people together to celebrate Alec's life, but also to get the information out about the blind zone

behind vehicles. Our family have been very active on a national level. We've met with members of Congress and Senators and we're trying to effect change there. But what Suffolk County can do and what you can do is get the information out to the public. And that's what Alec's Law is about. Anybody that buys a new car can learn about the average distance of a blind zone behind that vehicle. We never thought about it.

When this tragedy affected our lives, we thought it's something that just happened, you know, very rare, but it's not rare. You heard what my wife read, six children within a week's time frame across the country. In Suffolk County and Nassau County there's been number of incidences in the last several years. This is something that is happening every day. It's something that will continue to happen. And we're trying to affect change on the national level, but until that happens, and you know how that takes a long period of time, we're trying to do things on a local level and trying to get the information out to public. This law can affect that and can make that happen so that anybody buying a new car or vehicle will just hear about the blind zone because behind them, because nobody wants to be where we are.

We read about Karen {Cabrets}, and he's pediatrician that this happened to back three years ago. We thought, boy, our heart went out to that family when that happened with his son. Never expecting a year and a half later that we'd be in that same situation. There's been many others in Suffolk County and in Nassau County in Long Island. So we ask you to support Alec's Law and just the get the information out to the public. Thank you.

**CHAIRMAN ALDEN:**

Thank you. Grace Soohoo.

**MS. SOOHO:**

Hi. I'm Grace Soohoo, and I respect the concerned parent. Shortly after Alec passed away, I went on a business trip abroad, and I noticed that in Asia it was a common feature for cars, for SUVs and minivans to have a rearview mirror on the exterior that reflect off the rearview mirror. That's such a basic feature in a car. I was able •• as a passenger, I was able to see down from the bumper to the floor. You can see anything from a child to a garbage can. It takes something as simple as that. And it just really broke my heart

that I just came back to hear what happened to Alec. And it's something that is so common we can provide for our in this country when we have such silly things like coffee makers in a car. If we can have such fancy features, we can certainly supply a standard thing as a mirror. It can save so many lives and so many tragedies from happening. So that's why I'm hear. And I strongly, strongly support Alec's Law. Thank you.

**CHAIRMAN ALDEN:**

Is there anyone else who would like to address the committee on this? Thank you. I'm going to take the first one of these resolutions, **1524, To enact Alec's Law to help protect Suffolk Children from SUV accidents.**

I really have to compliment, Mr. And Mrs. Nelson came into me, and it wasn't something they presented, like, okay, you have to change the way cars are manufactured. It wasn't some unattainable thing that we could do in Suffolk County. They said educate. And we do have the power to educate. We don't have the power to address how a manufacturer or what equipment is installed in the vehicle, but we do have the power to educate and attempt to save lives. So that's 100% appropriate. My hat is off to the for the amount of effort they're doing on all levels To try to prevent a tragedy like this from occurring again.

The first resolution we have is 1524. In speaking Charlie Gardner, and, Charlie, just come up for a minute. There were a couple of suggestions that Mr. Gardner had made, and they sound fairly reasonable in this. I'll go with the Second Resolved Clause. If the committee is in, I guess, in agreement on this, we'll make these changes and it might have to go one more cycle, which would mean two more weeks. I think we can get this passed. The Second Resolved Clause, Charlie doesn't really have the ability to look at a list of new and used car dealers, because Suffolk County doesn't regulate. But our IT department in Suffolk County could pretty very easily actually get that list and make available to Mr. Gardner.

He suggested that we add a little bit, if you listen to this, to make •• put a sense in there that would make it make it the responsibility of IF to provide the list to Suffolk County Office of Consumer Affairs and do that kind of research on what new and used cars, because I believe that the Nelson's

thought that it should be expanded to not just new car dealers, but used car dealers also. So that would be the first change that was suggested.

In the Fourth Resolved Clause, again, this is really basic. I apologize for not putting it in originally. They had suggested that new and used cars would be covered. And then the Fifth Resolved Clause, that the Office of Consumer Affairs will compile a list of e-mail addresses of new and used car dealers for the purpose •• and actually it would include a statement in there that from the state's list of licensed new and used car dealers. And, Charlie, if there are any other recommendations that you made, if you could give them to us now. Or do you think that will cover ••

**DIRECTOR GARDNER:**

Well, certainly the addition of used cars would be necessary in our opinion to go to the heart of the message that we want get out. And just our concerns about getting the correct, proper and timely information as to just who are the new and used car dealers. We would have to have some kind of access to that.

**CHAIRMAN ALDEN:**

And then basically what with would provide for is we would, and some of the people that spoke today would be contributing this. We're going to take information that's available right now on safety. It will be in a pamphlet form. It will get out to the car dealers, and anybody who buys one of these vehicles, and actually any vehicle, it makes would sense, it would inform them on blind spots, it would also inform them on precautions and activities that they can take to prevent this type of accident, because it is preventable.

As soon as New York State and the feds act on their part of it, I think, you know, we can either wipe this out or really bring it down as far as the number of incidents. So that's basically, you know, what the legislation is. And Legislator Eddington.

**LEG. EDDINGTON:**

I just wanted to assure the parents that you've had a great impact already. I have two grandchildren, and my concern talking to neighbors and friends, I went and got a camera installed. I wish I had known that you could have got a little mirror, but I was not going to wait. I immediately went out because I think it's a very serious problem. I respect you and admire for you coming forward and taking the leadership. Thank you.

**CHAIRMAN ALDEN:**

It's with a little bit of regret that I'm going to make the motion to table for one cycle, seconded by Legislator Horsley. We'll make those changes. And I think if every one on the committee is amiable, I would like to wish all of you as cosponsors. Thank you very much. Motion by myself to table, seconded by Legislator Horsley. All in favor? Opposed? **Tabled (VOTE:6•0•0•1 • Not Present • Legis. Cooper)** for one cycle to make changes.

1533, Designating the last week in April as "Alec's Week."

I'm going to make a motion to approve, seconded Legislator Nowick. All in favor? Opposed? That's passed. **APPROVED (VOTE:6•0•0•1 • Not Present • Legis. Cooper)**. Thank you very much for coming down.

**APPLAUSE**

**CHAIRMAN ALDEN:**

The one law should get passed next Tuesday, that designating the week. The next one will go through our next cycle, which is about two weeks from now the committee meets again. But I can assure you that Suffolk County is going to do all that they can to prevent this tragedy basically. Again, thank you very much. Mr. And Mrs. Nelson came down, they've organized •• I went to run there this year. They had a tremendous amount of support and they had a tremendous amount of emotion and heart when they go to

different levels of government. So we can expect something to happen, and I think it's going to be positive in the very, very near future. So thank you very much for your efforts and all of you coming down today. The whole committee would like to be cosponsors.

If we have no other business, we stand adjourned. Thank you very much.

**(\* THE MEETING WAS ADJOURNED AT 2:26 P.M. \*)**

**{ } DENOTES BEING SPELLED PHONETICALLY**