

**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, November 29, 2006.

**MEMBERS PRESENT:**

Legislator Cameron Alden - Chairman  
Legislator Lynne Nowick  
Legislator Tom Barraga  
Legislator Kate Browning

**MEMBERS NOT PRESENT:**

Legislator Jon Cooper- Vice-Chair.  
Legislator Ricardo Montano

**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

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 9:34 A.M.\*)

**CHAIRMAN ALDEN:**

Good morning. And welcome to the Consumer Protection Committee Meeting. We'll start with the Pledge led by Legislator Barraga.

**SALUTATION**

**CHAIRMAN ALDEN:**

I'd also ask for a moment of silence in remembrance of those that have given their life and just also to remember those that are serving to keep our nation free.

**MOMENT OF SILENCE**

**CHAIRMAN ALDEN:**

Thank you. All right. We have -- Charlie is here this morning. And, Charlie, if you could come on up. I want to start by thanking you for that help that you gave me, that husband and wife are actually getting the job done, and the contractor showed up, and he's doing what he is supposed to do. And I think now they are going to proceed with the payment schedule as it was included in the contract. So it worked out well. And I think we avoided -- hopefully up until this point, we've avoided a lawsuit that was, you know, brewing right there.

**DIRECTOR GARDNER:**

He's doing what he was supposed to do in the first place. But, yeah, with a little nudge.

**CHAIRMAN ALDEN:**

Good. How are we looking on gasoline prices, oil prices? We're starting to get into the season, even though tomorrow is supposed to be 62 degrees. I think that they're predicting that next week that the temperatures start dropping down, so.

**DIRECTOR GARDNER:**

I wouldn't hesitate -- I would hesitate to speculate only because we have -- you know, it's after Thanksgiving, which is traditionally the end of the driving season, but now we're getting into the cold weather. And then we have the problem with the barge getting into Oceanside. So it's -- you know, in the last couple of days, heating oil has just leveled off. It actually dropped a little bit, but not much. So for a couple of weeks now, it's fairly steady.

Gasoline went up about a nickel in the last week or so. But it's just -- we're in the season where, you know, traditionally we see every year in November certain plants are down for maintenance. We've always said, you know, why do they do that just before winter, but they are again. And then it's just so many different factors involved, you know, that can cause it to go up or down. But right now, for the past couple of weeks, it's been -- the good news is it's been fairly steady.

**CHAIRMAN ALDEN:**

Good. All right. Anything on the consumer protection front; lawsuits or anything else that we should be aware of?

**DIRECTOR GARDNER:**

No. The final payment for that one -- that large -- Island Rec, I can say that, because it's public, yeah, all of the 35 or so consumers, all of those cases have been resolved. And the penalty check for the \$13,000 is due this Friday. So that will effectively close the case.

**CHAIRMAN ALDEN:**

Good.

**DIRECTOR GARDNER:**

It took a while. It was something that never should have happened in the first place. But without -- I think this is a clear case that shows the importance of licensing. You know, without the hammer of the license, all of those people would have had to resolve their cases in court, tying up that system for -- you know, some cases only a few hundred and some quite a few thousand. But they were all in accordance. So I think it clearly justifies the reason for licensing.

**CHAIRMAN ALDEN:**

Talking about cases, and this is an old case, I think it was Turnpike Appliance, is that -- is that the name of the one?

**DIRECTOR GARDNER:**

Active Appliance.

**CHAIRMAN ALDEN:**

Active Appliance. Are they still doing anything, or are they closed down now.

**DIRECTOR GARDNER:**

They're operating out of Nassau County. There is still an active and ongoing investigation between our office and the District Attorney's Office.

**CHAIRMAN ALDEN:**

Okay. Good. Any questions of Charlie or anything else you want to touch on? Then We can go through this agenda fairly quickly. Tabled Resolutions.

**1791, Adopting Local Law No. 2006, A Local Law to require gasoline service stations to install emergency generators for fuel pumps.**

The public hearing has been recessed, have so we have to table it for the public hearing. I'll make a motion, seconded by Legislator Barraga. All in favor? Opposed? That's **TABLED (VOTE:4-0-0-2 - Not Present - Legis. Cooper and Montano)**.

**2336, Adopting Local Law No. 2006, A Local Law to require posting of video game ratings at retail establishments.**

That's subject to a public hearing. Again, I'll make the motion, seconded by Legislator Browning. All in favor? Opposed? **TABLED (VOTE:4-0-0-2 - Not Present - Legis. Cooper and Montano)**.

We have a table Memorializing Resolution.

**M062. Memorializing Resolution requesting the New York State Public Service Commission to review the proposed LIPA/KeySpan agreement.**

Legislator Cooper always opposes this, so I'll just make the motion to table M-062, seconded by Legislator Browning. All in favor? Opposed? I'm not going to take advantage of Cooper's absence to try to pass something. To be fair about it, to be fair. We might have the votes to pass it today, see, but we didn't do that. **TABLED (VOTE:4-0-0-2 - NOT PRESENT - LEGIS. COOPER AND MONTANO)**.

Yes, Charlie.

**DIRECTOR GARDNER:**

I just have one further comment, Mr. Chairman. I've had several inquires from Legislators. So I'd just like to put on the record as far as our vacancies go. It's not for lack of trying, it's not for lack --

or fault on anybody's part. Just so you know, our -- we have been authorized to fill our two vacant clerk typist position. We have -- we are now down to almost 40 names. We've been able to hire one person. All of the rest have either declined or have taken other jobs.

So it's something that we've been authorized for well over a month to fill, and we're just working our way through the Civil Service list. And we have called for an another group of names. The last group there were 16 names given to us. All 16 were contacted. We only had four -- 12 didn't even respond. We only had four responses, and all of them declined. So just so you know that we are working to try to fill those spots, and it's a critical need.

**CHAIRMAN ALDEN:**

What do you feel is the main reason why they're declining?

**DIRECTOR GARDNER:**

I don't know. It's a brand new list. So I think it's a combination of all of the other municipalities. Remember, the Civil Service list is for, you know, libraries and school district and towns and villages, etcetera. But we have been -- we're up to like 40 names. We've hired one person. She's starting this coming Monday. And that second one, it's just unbelievable.

And the other one, the other critical need is a home improvement investigator. Again, authorized to fill it. We got the list. The person that want is a great resume, he really wants the job, he lives in Nassau. So we're talking to him now. You know, he's trying to -- in fact, we're supposed -- he's supposed to be calling us today on whether or not he's going to be able to relocate to Suffolk. If not, there's going to be no list. But just so you know, it's not for lack of trying. This has been going on for well over a month for that one too.

**CHAIRMAN ALDEN:**

But getting back to the clerk typist, is it -- are we competitive on the salary and the work environment?

**DIRECTOR GARDNER:**

If somebody got offered some district, we're -- forget about it. I can say that as a School Board President for 11 years. I know that for a fact.

**CHAIRMAN ALDEN:**

Okay. So what's the difference between, you know, like, them taking school board -- they're not off in the summer, are they? Is that what --

**DIRECTOR GARDNER:**

Some of the them are. Some of them are, yeah. I mean, there are some positions that are ten months. Yeah.

**CHAIRMAN ALDEN:**

So that would be the difference, people would rather work for 10 months?

**DIRECTOR GARDNER:**

I can name three people out of my office in the last five or six years that left and went from our job to school district jobs, and overnight, similar went up eight to 10,000 on an annual basis.

**CHAIRMAN ALDEN:**

Okay. So the salary is a big difference.

**DIRECTOR GARDNER:**

Of course. Of course. Absolutely. There's no doubt about it.

**CHAIRMAN ALDEN:**

Oh, look, and Maria is paying close attention to what you're saying over there. Nice. Thanks, Charlie. All right. Lynne, do you have anything? No. Good. Anybody else have anything they want to bring before the committee? If not, We stand adjourned. Thank you very much.

**(\*THE MEETING WAS ADJOURNED AT 9:43 A.M.\*)**

**{ } DENOTES BEING SPELLED PHONETICALLY**