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 Thursday, March 1, 2007.

MEMBERS PRESENT:
Legislator Cameron Alden - Chairman
Legislator Jack Eddington - Vice-Chair
Legislator Wayne Horsley
Legislator John Kennedy
Legislator Elie Mystal

ALSO PRESENT:
George Nolan - Counsel to the Legislature
Maria Barbara - 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
Albert Colao - Homestyle Remodeling

MINUTES TAKEN BY:
Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:13 P.M*)

CHAIRMAN ALDEN:
Good afternoon. Welcome to the Consumer Protection Committee Meeting. We'll start with the Pledge. We will have our Legislative Counsel, Mr. Nolan lead us in the Pledge.

SALUTATION

CHAIRMAN ALDEN:
and I'd ask everybody to remain standing for a moment of silence. And that's in remembrance of those that have given their lives for the United States and also those that are in harm's way right now protecting our freedom.

MOMENT OF SILENCE

CHAIRMAN ALDEN:
Thank you very much. First thing I'd like to do is I'm going to ask Maria to pass out -- I made a little -- a little packet for everybody. There's two bills pending in New York State, and what they would do, just to summarize it really quickly -- one on the Assembly, one in the Senate -- they would take away from the local governments and the local municipalities the ability to regulate their Cablevision or Verizon, people that are providing all those entertainment type of services.

So I've drafted a letter. If you want to join me, I'm going to send letter up to our Suffolk County Delegation asking them to oppose this, because my feeling is those franchise fees are better, number one, spent locally, collected locally and spent locally; number two, I think that's what's good for us down here might not be, you know, best for the people Upstate and vice versus. So why shouldn't it remain as it is with local control over the franchises? So during the meeting, if you take a look at it, if you want your name to remain on it, we will pass around one and everybody sign it. If you want your name taken off, then, you know, we'll take your name -- have your name taken off. We'll do the public portion now. We have Albert Colao. Come on up.
Thanks.

MR. COLAO:
Albert Colao.

CHAIRMAN ALDEN:
Thanks. You have three minutes, sir. Go ahead.

MR. COLAO:
The last time I was here I discussed my difficulties with the Department of Consumer Affairs, discussed in very brief detail the complaints. Padgett was a customer who we had resolution for her issues upon exiting the hearing. Mr. Baessler sabotaged the agreement and agitated the customer. Tishler was a customer that had a delay in obtaining town permits for his project. He had a contract with his architect to do just that. Yet, this complaint mentions us.

When shown the contract, the Department of Consumer Affairs dismissed it and then at their convenience, brought it back it. Johnson was a customer that had issues to be remedied. And resolutions were dictated to the Riverhead Building Department and the Department of Consumer Affairs. Homestyle Remodeling attending the hearing where we submitted a signed inspection of all required work. The company wasn't fined or censured in any way, no action was taken with regard to our license. Yet, to this day, this complaint is still open, and we don't even know what the complaint is.

At my last appearance before you, I detailed these matters. And the Department of Consumer Affairs was asked by body to produce a response to the facts as we presented them. It is fully a

month later and there is no response. I know your time is valuable and there is a time constraints to say what I have to say. I have produced documentation on these cases and many other activities that have taken place throughout the duration of the dealings with the Department of Consumer Affairs.

I believe you may find that some of the individual actions are illegal. As well, you will see that individuals in the Riverhead Building Department also conducted illegal activities. On many occasions they abused the power of public office. Mr. Baessler with my attorney present asked why did Sheila take the instead of me. Sheila was my estranged partner at the time. They made it sound like this was a front for some kind of organized crime, like there was a cover-up going on.

They also asked was I living with Sheila and I should have no contact with her. Mr. Baessler also said with my attorney present, "I know Albert wants to be at that hearing tomorrow, and I know that he is sitting upset that he won't be there at that hearing tomorrow. You both can come here, but you will sit outside. This hearing will be conducted without you." They used their influence and power of public office to destroy my company and personally destroy me. I've said it before, they operated as a private advocate and not a public advocate. I'd like to know when are we going to get a response from the Department of Consumer Affairs on these issues.

CHAIRMAN ALDEN:
Actually, let me respond to some of the things that you just said. Number one, we have no control over Riverhead. So if you have a problem with that, there's a separate forum. You're going to have to go to town and take it up with them. But in response to our Department of Consumer Affairs, I've been in contact with them ever since you came in and testified. And there was a date that they had set down that you were aware of that you were supposed to go in, whether it was a hearing, a formal hearing, or whether it was just a preliminary type of hearing. You never showed up for that.

So they're sitting right behind you. I would suggest to either reschedule with them and then we can move forward at maybe the next meeting we have here, because we can't -- we can't move forward on any of it until you sit down with them and we can at least define what the issues are and what the questions of law and the questions of facts would be. Then we can start taking some action. But really at this point -- we're at a block -- a road block or whatever you want to call it until you sit down. So I would just suggest that, you know -- you left a new folder, right, with us? New information?

MR. COLAO:
Yes. Can I ask a question?

CHAIRMAN ALDEN:
Go ahead.

MR. COLAO:
For six months they responded to nothing in my company whatsoever. They have now, after they closed down the company, 30 days later, asked me to come in for a hearing. I was beyond that point at that point. They closed my company down, my cash flow completely stopped, I had to lay off employees, and now they want to come in and talk to me. What I want to understand is who's going to bring everybody collectively together with people sitting there with me to represent me, because I'm the one that's the victim here.

CHAIRMAN ALDEN:
First off, you're going to need an attorney. Nobody here is going to represent you on a legal matter. You're going to go out and get outside counsel. So that's the first step that I would recommend to you. As far as what happened six months ago or the past year, we weren't even aware of it. You came in at the last meeting, we became aware of it, we all have a packet, we all started working on it. We were informed that you had a date to go to see whoever it be, whether it be an inspector, whether it be the Commissioner, the Deputy Commissioner. We need that information that is

generated from that meeting.

If you decided not go to that meeting, I would hope that you would reconsider and go to that meeting, because that is going to give us the information and the documentation, and like I said, the questions of law, the questions of fact where we can actually take up something. You came in, and it was out of the clear blue basically, none of us were aware of what was going on. So now we are involved in it. And we will be involved in it until it goes right to the end. But you have to go in and you have to sit down with the department, because otherwise we don't really -- we don't know where everything is and what everything is, we haven't got anything to find. Or bring a lawsuit, and then we can look at whatever you've brought as a lawsuit, and we will respond to that as a County.

MR. COLAO:
Putting yourself in my shoes for a moment. I am afraid to walk in that door.

CHAIRMAN ALDEN:
You mean physically afraid?

MR. COLAO:
No. No. I am not physically afraid. I am emotionally and mentally afraid to walk in that door for what just happened to me. I don't trust anybody in there, I am not comfortable with anybody in there.

CHAIRMAN ALDEN:
That's why my suggestion would be take an attorney with you. You are going to need an attorney anyway, because what you are talking about even with Riverhead, that involves legal rights and legal action was taken by a governmental agency. So as I said before, we don't have any jurisdiction over that. But I really recommend wholeheartedly, and I think I told it to you at the last meeting, get yourself an attorney. That way at least you go in there, you've got somebody that will be an outside observer, so to speak, even though you're paying them. And that could take a lot of the burden off of you.

MR. COLAO:
What about the two men, are they going to be held accountable for what they did?

CHAIRMAN ALDEN:
We don't know what they did. We don't know what anybody did. Go in, have the meeting, you'll develop a -- there will be a record kept of what happens at the meeting, what transpires, then we can get all of us -- when I refer to we, I mean Legislators, our Counsel will get the information from that, and we can determine what the best course is. Maybe -- maybe -- who knows which way we're going to go. Maybe there has to be departmental changes, maybe something has to be done for you, maybe you bring a lawsuit, and then we have to respond to your lawsuit. But right now, we're still in the dark. You have to go to that meeting and we have to develop a record of what is in dispute.

MR. COLAO:
Can I ask why in 30 days -- we left that 72 hours that anybody can contact us from this body of office and request any kind of documentation and information that we have, and we have not received not one request?

CHAIRMAN ALDEN:
I can speak from my part. I didn't need anything else. You gave me a whole bunch of documents, I'm waiting for you to go in, and I'm waiting for the response from the Consumer Affairs Commissioner, from his office to what you go in there and establish at that meeting, and then we can proceed from there. I can't do anything with what you gave me.

MR. COLAO:
The Commissioner is not inviting me to his office, the Director of Licensing is inviting me to his office.

CHAIRMAN ALDEN:
That's what I said, somebody from that office. You've got to go and sit down with them. And then the Commission talks -- he responds to us. He is held accountable by us. So go in, whatever the chain of command is there, you're going to have to follow it. I strongly will -- not request, but I strongly advise you get legal counsel, go to meeting, develop the -- develop this whole issue a little bit further, and then we can -- we can act intelligently then. But no one on this committee, and I can't speak for everyone, but from my point of view, I needed that information that would have been generated from the meeting with the Department of Consumer Affairs to go any further.

MR. COLAO:
Well, that meeting was set prior to me even coming to the Legislature.

CHAIRMAN ALDEN:
That's what I acknowledged at the last meeting. I said, "You need to go to that meeting, and then we can proceed from there."

MR. COLAO:
Will the Commissioner be at that hearing?

CHAIRMAN ALDEN:
I don't know. Whatever their procedures are, you have to follow their procedures. He will come before us, and then we will ask him questions.

MR. COLAO:
So at this point the suggestion is that I go into the Department of Consumer Affairs, set up an appointment with them and starting taking legal action against the Department of Consumer Affairs with an attorney, is that what we're saying?

CHAIRMAN ALDEN:
Here's my suggestion. Number one, Riverhead, we have no jurisdiction over Riverhead. You're going to have to go out there and deal with whatever issues you just brought up, you're going to have to deal with them. And that's a different forum, whether you go to the town board or whether you go to their Department of License or whatever, Building Department. And I think you need attorney for that too.

Number two, you had a meeting scheduled with the Department of Consumer Affairs. You are going to have to reschedule that, because it sounds like you missed the meeting, reschedule that. And I wholeheartedly recommend you retain an attorney, even take him to that hearing. After you get done with that hearing, then we can define whether there's a legal issue, whether there's legal issues that we might not even be able to talk about, because you might decide, "I have to take this to court." Your attorney will tell you whether it's something that he has to take to court or whether he thinks he can negotiate a settlement, and then we can take it from there, because then we will be educated to what the actual things that we're dealing with, what the problem or the issues is, whether it's a legal issue, whether it's a question of fact. We don't know at this point.

MR. COLAO:
Why would the Department of Consumer Affairs determine whether this is a legal issue? Why are you not determining whether this is a legal issue?

CHAIRMAN ALDEN:
Because I'm not judge. I'm not a judge. I need you to go there and they will have with their hearing -- that's called due process, and you have to follow it all the way through. If there's a

provision -- actually you can't even go to court. If there's a provision on a local level for a review process or something like that, you are not even going to get into court until you follow and exhaust all your review processes. That's why I said you need an attorney. We can't -- we're not going to sit here as judges, because we're not judges. We're Legislators. So go there, have the meeting, define what the problem is, and then everybody will get back here together if you want to -- - if you can have it done by the time we have the next meeting, fine. If not, the meeting after that.

MR. COLAO:
That's on the 15th?

CHAIRMAN ALDEN:
The Clerk can answer that question. Renee could give you that information. But those are my suggestions. And I'm not suggesting whether you sue the County or don't sue the County. I'm not making a suggestion one way or the other. I'm saying consult an attorney. And probably if you feel very uncomfortable, take an attorney with you to the hearing. That's what I'm wholeheartedly suggesting. And I'm not trying to discourage you. If you're going to sue the County --

MR. COLAO:
Well, i have to be. I am a little discouraged for the simple reason that what is the Director of Licensing going to do that the Commissioner didn't respond to me for five months? He's the one that I need to be sitting down with.

CHAIRMAN ALDEN:
I'll tell you what changed. You came before us, the Commissioner was sitting here, and there was a hearing scheduled. So go and take part in that hearing. That's the way the process has to proceed. We can't just jump to -- you know, like, skip over 15 or 16 steps and jump to the end because that's not the way we're set up to operate. Legally we can't do that.

MR. COLAO:
Okay. I don't mean to sound rude and maybe I'm not understanding something. I went through the process. I went, they --

CHAIRMAN ALDEN:
You didn't go to the meeting. You missed the meeting.

MR. COLAO:
Okay. We'll take the road this way. Thank you.

CHAIRMAN ALDEN:
Good. Is there anybody else that wanted to address this committee during the public portion? Any members of the committee have any questions or comments? All right. We will proceed to the agenda then. We've get some Tabled Resolutions.

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

The public hearing was closed on 12/19/06. I'll entertain a motion.

LEG. MYSTAL:
The sponsor has asked for this motion to be tabled.

CHAIRMAN ALDEN:
Motion to table by Legislator Mystal, seconded by myself. All those in favor? Opposed? Abstentions? 2336 is **TABLED** at the request of the sponsor **(VOTE:5-0-0-0)**.

2596-2006. Adopting Local Law No. 2007, A Local Law to increase fines for violations of

the Suffolk County Consumer Protection Law.

The public hearing was closed on 2/6/07.

LEG. EDDINGTON:
Motion to approve.

CHAIRMAN ALDEN:
Motion to approve by Legislator Eddington, seconded by Legislator Mystal. All those in favor? Opposed? 2596 is **APPROVED (VOTE:5-0-0-0).**

2597-2006. Adopting Local Law No. 2007, A Local Law to strengthen and improve enforcement of Occupational License Laws.

CHAIRMAN ALDEN:
Again, that public hearing was closed on 2/6/07.

LEG. MYSTAL:
Just for the purpose of discussion, I'd like to make a motion to table. I'd like to ask the County --

CHAIRMAN ALDEN:
Motion by table by Legislator Mystal, seconded by myself. Now, Legislator Mystal.

LEG. MYSTAL:
I'd like to ask our Counsel to give us something on this law.

CHAIRMAN ALDEN:
Mr. Nolan.

MR. NOLAN:
This law would amend the licensing provisions of the County Code to expand acts that are prohibited under our Chapter 345 of the County Code entitled, "Licensed Occupations." Additionally, the law would amend Chapter 275 of the County Code covering electricians and plumbers to make any violation of the County's Consumer Protection Law, which is in Chapter 249 of the Code also a violation of the law governing electricians and plumbers. It also clarifies some existing language in that chapter.

The law would also amend Chapter 345 of the Code in order to add definitions for term consumer and consumer goods, services, credits and debts, as well as extensive definitions for deceptive trade practices and unconscionable trade practice. The law would create additional prohibitive acts. For example, engaging in deceptive or unconscionable trade practices in the solicitation or procurement of a contract, willful failure to comply with any lawful order, demand or requirement made by the Director.

The law would also amend the power and duties of the Director of the Office of Consumer Affairs to require that any applicant for a home improvement contractor license obtain damage insurance in the amount of $500,000. So it would add insurance requirements for contractors. And lastly, the law would amend Chapter 345 of the Code to amend the definition of home improvement contracting. Recent enactment by the State of New York have a vested responsibility for the licensing of fire alarm installers in the state, therefore, our definition of home improvement contractor would remove reference to alarm systems, because now that's covered by the state. So those are the main provisions of the law.

CHAIRMAN ALDEN:
We'll ask for some comments from the Commissioner of Consumer Affairs.

DIRECTOR GARDNER:
As Counsel pointed out, some of them have to do with definitions. And the justification for these amendments are, first of all, alarm systems are no longer covered by us. New York State has jurisdiction. It's still in the County Code and just needs to be taken out. Painters, since the code was written, we now have licenses. We want to differentiate between residential and commercial painters. That wasn't in the Code.

HVAC, Heating, Ventilation and Air Conditioning Systems, under the code, the wording was heating, ventilation and air conditioning system. It caused us a lot of problems and contractors a lot of problems, because they thought that if they had a home improvement license they were legally allowed to do HVAC work, including the electric and the plumbing, which is not so. They're only allowed to do the duct work. So this would clarify it. It specifies the duct work for HVAC.

The part that Counsel eluded to about the unconscionable or deceptive trade practice, for instance, I'll give you an example, when we conducted our last chimney sweep sting, several of the companies that came to our house falsely stated that the chimneys needed repairs or replacements, and in fact, told our undercover investigator at one point that if they didn't get out of house they were going to die because of the high levels of carbon monoxide poisoning. That comes under the heading of an unconscionable trade practice, but it was not -- we should be able to take the kind of action, meaning the revocation of a license, against those who make these false or misleading statements or use scare tactics to sell improvement jobs. So these are all amendments. They're basically updating the Code, refining the Code. And based on our past experience we felt would help us enforce the Code in a much fairer manner.

CHAIRMAN ALDEN:
Legislator Mystal.

LEG. MYSTAL:
Good afternoon, Commissioner Gardner. Two question for you. The first one is a yes or no answer, the second one is a little longer. Did your department request this bill, this resolution?

DIRECTOR GARDNER:
Yes. We worked with the County Attorney and it is -- yes. It came out, again, experiences that the department has had in the field of licensing enforcement.

LEG. MYSTAL:
Question number two. With new resolution, if passed, what kind of a burden would that put on our small businesses, because we're talking basically about small business people in the home improvement? You know, what kind of a burden -- additional burden, would it cost them any additional them additional money, would it cost us any additional money, does it lengthen the process that people have to go through now in order for them to get a permit or a license -- a license to do work?

DIRECTOR GARDNER:
It would not lengthen the process or add anything to the process of getting a license. It would not add to any costs that contractors have on procuring a license. It will have no affect of staffing needs in the office. It will make it easier for us to take requisite action against people who -- against whom there are certain violations that we can -- in certain parts of the industry we can write a violation and others we can't, and this would enable us to do that.

LEG. MYSTAL:
Has anybody from the industry group, from the industry, the trade industry basically, because you're covering a lot of area, has anybody come to us and voiced any opinion one way or the other on this bill?

DIRECTOR GARDNER:

Our Home Improvement Board is in favor of all of these amendments. In fact, the one amendment concerning the $500,000 combined single limit, that used to be the threshold. That is -- will now be the threshold. It used to be where I would say probably 95% of the people that come to us for a license now have even more, they probably have a million dollars combined single limit. So even that part which seems to require more insurance on the part of contractors who come to get a license, it's really not because most all of them have that anyway.

CHAIRMAN ALDEN:
And we also have the Chief Deputy County Attorney with us. Lynne, do you want to make any comments on this?

MS. BIZZARRO:
No. Just to say that, you know, we helped and worked with Commissioner Gardner on this, and we're satisfied with the bill as well.

CHAIRMAN ALDEN:
okay. What's your pleasure? You want to withdraw your tabling motion?

LEG. MYSTAL:
Yes. I think Mr. Kennedy has a question.

CHAIRMAN ALDEN:
Oh, sorry. Mr. Kennedy.

LEG. KENNEDY:
Hello, Mr. Chair, how are you? I just have a question of the Commissioner if I can and/or Counsel about one of the segments in the unconscionability area. And I'm looking in particular at item K where it makes failure of persons engaged in delivery, pick-up or inspection or repair to go ahead and to fulfill whatever that appointment is on that day without certain types of notice.

You know, being new to the committee and not having the opportunity to go ahead and hear about items like this in the past, obviously it's important when people make arrangements, stay home from work, do this, that or other thing, but I'm also thinking about, you know, a service provider who may have had some kind of, you know, unforeseen circumstance who comes forward saying they had an inability to go ahead and meet the schedule that day? What's your experience?

DIRECTOR GARDNER:
Our experience is that we have not had a problem with enforcing that particular section because -- mainly of that last sentence where it says if unexpected circumstances such as mechanical breakdown preclude notification by the end of the preceding business day, then no violation shall occur if actual notice is given to the consumer. And the key words are, "as soon as is practically possible."

LEG. KENNEDY:
So as long as the vendor can go ahead and demonstrate something, whether he's got a repair bill or he's got something else to that demonstrates his hardship, we're okay, they don't wind up in a difficult situation?

DIRECTOR GARDNER:
Yes. Companies that might be in harm's way as far as we're concerned are those who make an appointment, never show up, no call, no -- zippo. And then maybe the consumers will make another appointment and it will happen again, and there's no call. This is written broadly enough that as soon as is practically possible -- I mean, if your guy is in an accident on the way to the house, he's not going to get there. But as long as somebody let's us know, there's not going to be a violation issue by our office.

LEG. KENNEDY:
All right. The other question I have for you is just a general definition associated unconscionable trade practice. Is that an expansion of something that's in the Code now, or is this brand new language?

DIRECTOR GARDNER:
No. That language has not -- no.

LEG. KENNEDY:
So, no, it's not existed before. But have we had occasion to have any types of administrative proceedings associated with unconscionability or are we venturing into this now for the first time?

DIRECTOR GARDNER:
No. Unconscionable trade practices, that section is not new. That has been there, and we write violations for that. For instance, in the chimney sweep, those people were hit with unconscionable trade practices, unfairly taking advantage of a consumer's lack knowledge, scaring people, you know, making threats, just being so outrageous in some of the things that you tell people when you're trying to sell a job or do a job, that comes under the unconscionable trade practice.

LEG. KENNEDY:
But my point is, in other words, we have a body of decisions as far as an administrative hearing officers here, and we're just tightening up the language as you said and, you know, moving into some other areas and giving some bright line definition?

DIRECTOR GARDNER:
That's correct.

LEG. KENNEDY:
Okay.

DIRECTOR GARDNER:
This unconscionable trade practice, by the way, is the one where, you know, price gauging and people want to jump in and say, you know, so and so --

LEG. KENNEDY:
Hurricanes, selling water for five bucks a bottle or something like that.

DIRECTOR GARDNER:
That's correct.

LEG. KENNEDY:
Okay. All right. Thank you. Thank you, Mr. Chair.

CHAIRMAN ALDEN:
Legislator Mystal.

LEG. MYSTAL:
I would like to withdraw my motion to table and make a motion to approve. The only thing I would like to add to this whole bill is if I could get it to apply to Cablevision when they want to install your cable and you have to wait there for a whole day, and then they say, "I'm sorry, we couldn't make it, tomorrow."

DIRECTOR GARDNER:
Three letters, P-S-C.

LEG. MYSTAL:
Anyway, motion to approve.

CHAIRMAN ALDEN:
Seconded by Legislator Eddington. All in favor? Opposed? 2597 is **APPROVED (VOTE:5-0-0-0)**. It will be before us at the -- on Tuesday.

1056. Adopting Local Law No. 2007, A Local Law to enact a Suffolk County Homeowners Protection Act.

This has to be tabled for a public hearing, which is set for 3/6/07, at 2:30 in the afternoon, I believe. I'll make a motion to table, seconded by Legislator Horsley. All those in favor? Opposed? 1056 is **TABLED (VOTE:5-0-0-0)**.

M002. Memorializing resolution in support of developing and implementing new technologies to enable blind and visually impaired utility customers in reading their meters.

CHAIRMAN ALDEN:
I'm going to make a motion to approve.

LEG. MYSTAL:
Second.

CHAIRMAN ALDEN:
Seconded by Legislator Mystal. All in favor? Opposed? Memorializing Resolution M0-02 is **APPROVED (VOTE:5-0-0-0).**

I'm going to ask now if everybody has had a little bit of an opportunity to look at that letter that would oppose New York State taking the action to license all those franchise agreements. And basically what they are doing is they're taking away the authority of the local government and the local municipalities and moving that up to Albany. This letter, if we all are in agreement, I'm going to send that to the whole Suffolk County Delegation, and that would voice our opinion that we don't really believe in this. Does anybody want their name removed? Legislator Mystal, go ahead.

LEG. MYSTAL:
On the surface, I don't see anything wrong with what you are doing as Chair of this Committee. I don't know enough -- I don't know anything about this bill. It's the first I'm hearing about it. I don't know what it does to us as local municipality.

CHAIRMAN ALDEN:
It doesn't really affect Suffolk County as much as it affects the towns and the smaller municipalities. For instance, over in Freeport, they just conducted a quite lengthy process, and they've got Cablevision in there and they've also got Verizon in there. But the franchise fee was paid to the local municipality. All the terms and agreements had to be negotiated with that local municipality, so.

LEG. MYSTAL:
We have the same thing in Amityville, whereby Verizon came in Massapequa and Amityville and installed cable -- DSS -- DSL line really. But obviously, they didn't want to put any in Wyandanch, because their market is not as lucrative as, you know, down south, so to speak. So whether or not -- you know, I think, you know, we should retain control myself. I don't think I want to give it Albany, they're too far removed and too remote from us, the way I look at it.

CHAIRMAN ALDEN:
That was my point with this. And, you know, I didn't want to do real formal, but a letter from this committee to our delegation would say -- and if you're comfortable with it sign, I'd ask you to sign. If you're not, then, you know, we can remove --

LEG. MYSTAL:
As for me, I'm comfortable with it.

CHAIRMAN ALDEN:
Legislator Eddington, you are okay?

LEG. EDDINGTON:
Yes.

LEG. KENNEDY:
Mr. Chair.

CHAIRMAN ALDEN:
Legislator Kennedy, you have some comments?

LEG. KENNEDY:
Actually, I like Legislator Mystal, I guess, am somewhat familiar with this, although I know that we just went through the process in Smithtown as well. And like Legislator Mystal, I do believe that we probably should retain local control over the issuance of these franchises. But I guess my question would be, the bill that we're going to oppose, what would that do to the status of existing agreements that are in place with the municipalities? Does it terminate them or wind them down, or is this a phase-in? How does it work?

CHAIRMAN ALDEN:
As a legal opinion of it, and I'm only giving, like, off the top of my head, I don't think they can interfere with something that's, you know, preexisting. But I think that what would happen is -- and all these are not real, really long-term type of agreements -- I think what would happen is as they phase-out, then everything would be negotiated by Albany. Although Albany can do some superseding activity. For instance, I know that Verizon -- that's pretty much the reason why Albany is coming up with this -- there's a possibility that they could supercede some of the local agreements if they were exclusionary.

LEG. MYSTAL:
Mr. Chair. Through the Chair.

CHAIRMAN ALDEN:
Legislator Mystal.

LEG. MYSTAL:
I think this bill in the Assembly or on the Senate is mostly to help Upstate, New York. It's mostly for, you know, the smaller communities up in Upstate, New York. I don't -- down here, I don't think it looks good for us, but the smaller communities Upstate will benefit from this bill. But it will not be a benefit to us.

CHAIRMAN ALDEN:
My suspicion was that, you know, there's fees generated through all these franchises, and those fees will remain in Albany and won't help out our local governments either, so.

LEG. HORSLEY:
It says the towns would get 5%.

CHAIRMAN ALDEN:
But right now they get 100% of their franchise fees[.|. |.] so You are comfortable? You're all right with it? Good. All right. That's a done deal. If you could wait around and just sign that one letter. Is there anybody else that wants to bring anything else before this committee? Seeing and hearing no one, we stand adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 1:46. P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY