

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, May 10, 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
Joe Muncey - Budget Review Office
Kevin Rooney - Oil Heat Institute
James Egan - Local 66
Anthony Macagnone - Empire State Carpenters Union
Donald Fiore - Business Manager - Local 25
Jimmy Rogers

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:09 P.M.*)

CHAIRMAN ALDEN:

Good afternoon. Welcome to the Consumer Protection Committee Meeting. We will start as we always do with the Pledge, and we'll have Legislator Wayne Horsley lead us in that.

SALUTATION

CHAIRMAN ALDEN:

And also as we do at every meeting, we take a moment of silence. And that's in remembrance of those who have given their lives for this country and also in honor and just to keep in our thoughts and prayers those that are serving and in harm's way.

MOMENT OF SILENCE

CHAIRMAN ALDEN:

Thank you. We will start with Charlie Gardner. Hi, Charlie, come on up. And it's just disturbing, but the price of gasoline is just going nuts.

LEG. MYSTAL:

And there ain't nothing we can do about it.

CHAIRMAN ALDEN:

Nope.

DIRECTOR GARDNER:

Mr. Chairman.

CHAIRMAN ALDEN:

Well, the main thing that we do, and Charlie keeps track of it, if it's a local problem or if we think there's gauging occurring on a local level, then we can address that. But this seems to be a national or a worldwide problem.

LEG. MYSTAL:

National gauging.

CHAIRMAN ALDEN:

National gauging, it is.

DIRECTOR GARDNER:

At least home heating oil finally leveled off. It just went down a tick. A couple of weeks later than normal, but again, at least it went down. Fuel oil -- I mean, gasoline, you know, the rate of increase has decreased. That's about the best news I can give you. As of yesterday, the average was about 3.20 a gallon, so.

They already put down the red flags if we have another, you know, hurricane that affects the refineries down there, they are already -- you know, they're already floating out the four to \$6 a gallon. So we will see. But again, as of yesterday, it's 3.20 a gallon, which is about -- it's only a couple of cents higher than a year ago. And six months ago we were about 2.30. So that's how fast it has gone up in a very short period of time.

LEG. MYSTAL:

Question.

CHAIRMAN ALDEN:

Sure. Legislator Mystal.

LEG. MYSTAL:

Inquiring minds want to know. Do you happen to know how much they are paying in Europe right now?

DIRECTOR GARDNER:

Do I know how much they're paying where?

LEG. MYSTAL:

Gasoline in Europe. Last time I looked, it was \$7.50 a gallon.

DIRECTOR GARDNER:

Remember, it's sold by the liter there. Yeah, it is about three -- somewhere, depending which country, which area -- three to four times the price that we're paying on average per gallon, you know, when you convert the liters to a per gallon price, three to four times what we're paying. That's correct.

LEG. MYSTAL:

So we have a lot of room to suffer.

DIRECTOR GARDNER:

Unfortunately, yeah. If we're looking at that as a potential cap, yes. We have a long way to go.

CHAIRMAN ALDEN:

But a lot of those -- the difference in price is in taxes also. Europe has a different price structure for gasoline.

DIRECTOR GARDNER:

Not only Europe, but understand, the same thing with our 50 states. If you publish the taxes by state, you'll see a great difference. New Jersey -- you know, New Jersey is approximately 20 cents a gallon right off the bat just in taxes, just in taxes, 20 cents cheaper. So whatever we are, they are -- you know, they are generally anywhere from about 17 to 23, 24 cents a gallon cheaper. But 20 cents is taxes right off the bat.

CHAIRMAN ALDEN:

Charlie, any update on home improvement contractors, any major problems?

DIRECTOR GARDNER:

I'm assuming that the members of the committee got the latest memo concerning Homestyle. And as of -- as we speak, nothing -- there's been no change, so.

CHAIRMAN ALDEN:

Okay. And that was a pretty self-explanatory, the memo.

DIRECTOR GARDNER:

I think, yes. One of them, you know, has been -- one of the cases has been referred to the District Attorney.

CHAIRMAN ALDEN:

Any other hot spots in contracting?

DIRECTOR GARDNER:

Well, since our last meeting, one of the worst contractors was arrested. That was a contractor who had a license, we had revoked his license. And many of the cases that we drew up and got information from the consumers were referred to the District Attorney's Office, District Attorney took

action, and there were two arrests, both the husband and the wife. The system does work, sometimes a little bit slower than some people might want, but -- especially when you cross over from the civil arena into the criminal arena, things change and the ability to prosecute and prove, you know, the standards are raised a little bit.

CHAIRMAN ALDEN:

Any other questions? Thanks, Charlie.

DIRECTOR GARDNER:

You're welcome.

CHAIRMAN ALDEN:

All right. So we will open up public portion. Donald Fiore. Hi. And as usual, you have three minutes.

MR. FIORE:

Thank you. I want to talk about that scaffolding law or scaffolding bill, is that going to be heard today?

CHAIRMAN ALDEN:

Before you start, I think it has to be tabled for a public hearing, but I'll defer to Counsel.

MR. NOLAN:

It has to be tabled for a public hearing. Additionally, I should note that this law will probably be transferred to the Public Works Committee for the next cycle, because that's where it belongs now.

MR. FIORE:

Okay. So it's not going to be heard here today?

CHAIRMAN ALDEN:

The only thing we're going to do is we're going to make a motion to table it for a public hearing and then --

MR. NOLAN:

You can speak to it if you want.

CHAIRMAN ALDEN:

You can talk about if you want. Our vote has to be tabled for a public hearing, so we're not going -- we're not able to discharge it or approve it or anything.

MR. FIORE:

My name is Donald Fiore. I'm the Business Manager of Local Union 25. I live at 31 Jenny Lane in Holtsville and have resided there for the last 40 years. This bill is good in a sense, but I believe it doesn't go far enough. I believe the bill is a 40 foot -- has 40 foot height regulation on it, something to that affect. You know, I would like to see that stated as any scaffold being built rather than 40 feet.

When we talk about safety, I don't believe safety has a height limitation or a footage as to how high it should be or how high it's not to become a safety hazard. I've seen people step off a two foot or one foot ladder and break a leg or pull a finger out or something like that. It's just dangerous enough to be considered. So once you have a scaffold going up, whoever is putting up that scaffold, I assume the carpenters will be putting up the scaffold, once the carpenters put up that scaffold, we know it's been built safely, at least by the Building Trades anyway.

But I believe that that scaffold should start from the bottom where it rests and sits to whatever height that is. I'd hate to see the 40 foot scaffold limitation or starting at 40 foot and not have the

rest of the stuff or the rest of the heights there, okay? And that's all I have to say. I appreciate your time, and I appreciate your efforts in this. And thank you for doing the job you are doing.

CHAIRMAN ALDEN:

Thank you. Okay. Anthony Macagnone.

MR. MACAGNONE:

I reside at 215 Staples Street, Farmingdale. I represent the Empire State Carpenters, and I'm also Councilman, Town of Oyster Bay. I agree with Donald Fiore about the 40 foot height. Currently in Nassau County, there's one scaffold over the 40 foot height, that's at the Sunrise Mall. Originally it was started to be put up by uncertified people. Department of Planning and Development of Oyster Bay saw it as being done in an unsafe manner, had it taken down, had a certified installer put it on.

Anywhere the public goes in and out of, even the sidewalk bridge, should be done certified with a permit process so we know that it's going to be safe and done -- you know, these uncertified people don't have anything to worry about being taken away from them. I mean, these are certified installers that get their license taken away and the certifications. But anywhere the public walks in and out of, I don't care what height it is, should be done by a certified installer. Okay. Thank you for your time, gentlemen. Have a good day.

CHAIRMAN ALDEN:

Thank you. Okay. Zabby.

MS. CHAMBERLAND:

I'm Zabby, and I am the director -- Executive Director of the Public Educational and Governmental and Leased Access to Television Movement.

CHAIRMAN ALDEN:

Just for the record, it's Elizabeth Chamberland.

MS. CHAMBERLAND:

Okay.

CHAIRMAN ALDEN:

Thank you.

MS. CHAMBERLAND:

And also, I'm here at the Consumer Protection Committee Meeting of the Suffolk County Legislature because taxpayers are consumers of government. Politicians are commodities that come and go with elections. We have an Election Year this year, 2007, for our local politicians. I'm here to endorse a State Franchise Agreement to get a memorial -- a Memorializing Resolution from the Suffolk County Legislature to support a State Franchise Agreement for the delivery of television in Suffolk County, because I believe, along with someone who I just recently formed what some might conceive as an unholy alliance, I've conceived a relationship with George {Welker} of the Communications Workers of America, Local 1108.

And we both agree that a State Franchise Agreement would be better than what's happening now in Suffolk County and what has happened to two towns; to Huntington and to Verizon (sic), where Verizon is steamrolling through the County and pillaging, pillaging. They gave to each taxpayer of Huntington, for instance -- imagine a penny -- one-tenth of a penny. Although it sounded like a lot of money upfront, and Frank Petrone ran with it, with the almost majority of the Town Board except for Suzanne {Berland}, who abstained, because she realized too that she thought that public governmental and educational access studios should be provided Verizon themselves with their personnel, their equipment, their computers, their heat, their light -- lights, their insurance, their mortar and their bricks. And instead, they gave per resident one-tenth of a cent to cover those costs for getting our government on television.

And I'm to stress again that the people have a right to know, the taxpayers have a right to know. Here we have hardly anybody here at this meeting, we have people who would have to travel from the East End, from Shelter Island to get here. It should be on television, along with each of the towns. Right now, Verizon is going into the Town of Islip and also going to offer a little trifle pittance of money, probably the same, and maybe less, because in Smithtown, they offered less than a tenth of a penny to the Smithtown people.

CHAIRMAN ALDEN:

Please sum up, your time is up.

MS. CHAMBERLAND:

So I would like the town -- Suffolk County to look at the newly amended version or Mr. Brodsky's Bill, (A)1423-A amended, because even the Mayor of Binghamton now has recently endorsed it. People are starting to see that it protects public education and governmental access television better than this arduous process of each town having to use their taxpayer money, their Town Attorney to fight the Wall Street attorneys of Verizon.

CHAIRMAN ALDEN:

Thank you for your comments. And you got an extra, minute.

MS. CHAMBERLAND:

Thank you.

CHAIRMAN ALDEN:

Jimmy Rogers.

MR. ROGERS:

Good afternoon. I had no idea that this was -- this, you said, was going to go to the Public Works Committee, and it's just going to be tabled here.

CHAIRMAN ALDEN:

What we're going to do is I'm going to talk to the Clerk's Office and make sure that the minutes of this meeting are sent over there with a highlight that something that they're considering was discussed in here.

MR. ROGERS:

Okay. Very good. Again, I just want to reiterate what Tony -- or Anthony Macagnone said and also Don Fiore. It's a good piece of legislation. Like they said, I don't think it goes far enough. I know OSHA considers anything over four feet, you fall off, you hit your head, break your neck, you can have a fatality. So why limit yourself when it comes to safety?

Having been on hundreds of construction sites on Long Island and seeing the way scaffolding is put up in a haphazard way; no toe rails, no guardrails, the way the planking is put on, the whole set up on the majority of these scaffolds are just an accident waiting to happen. You can't put enough emphasis on safety. And guys just want to do their job and come home at the end of the day to their family. So maybe a few amendments to this, but the gist of it is good, and we'd like to see it get passed. Thanks.

CHAIRMAN ALDEN:

Thank you. Just a question for Counsel. The public hearing won't be set until next Tuesday's meeting?

MR. NOLAN:

The public hearing will be held Tuesday on this bill at the Riverhead Meeting.

CHAIRMAN ALDEN:

So it will be one of the public hearings that go on at 2:30 out in Riverhead next Tuesday.

MR. NOLAN:

And then after that, it's being reassigned to the Public Works Committee where it will be discussed during the next cycle after the public hearing.

CHAIRMAN ALDEN:

Yeah. If it gets -- if it gets closed in Riverhead next Tuesday, then it will then go to Public Works. Legislator Mystal.

LEG. MYSTAL:

To Counsel, only the County Executive can now amend this bill, right?

MR. NOLAN:

It's his bill to amend, yes.

LEG. MYSTAL:

So somebody has to get to him to amend this.

MR. NOLAN:

Elie, I'm sure he's got -- well, I'm assuming someone here from his office will bring it back these comments, sure.

CHAIRMAN ALDEN:

James Egan.

MR. EGAN:

Good afternoon. My name is James Egan, I'm the Training Director for General Building Laborers Local 66 on Long Island. I applaud your attempt with this scaffold bill for safety. I think it's an excellent thing, but like the gentlemen before me, I do believe that the height restriction is too high on this and that it should be lowered. At the very least, OSHA says five times -- four times the base, which generally ends up being about 20 feet, okay? That's all I have to say. Thank you.

CHAIRMAN ALDEN:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I just had a follow-up question for Counsel as well. And I guess, as we speak, I'm trying to go ahead and bring up Section 240 of Labor Law. I'm just going to ask, do we have anything in Labor Law now, is this something that's regulated, and should we -- obviously, we want to go ahead and support anything that's going to go ahead and make erection of scaffolding safe for all of our labor trades. At the same time, though, there has been years and years and years of regulation and control, I believe, with scaffolding as well. Do we need a dual-type of an initiative?

MR. NOLAN:

I'm not sure I understand what you're asking me.

LEG. KENNEDY:

Let me make it simple. Is there anything in Labor Law about scaffolding?

MR. NOLAN:

Yes, there is. In the statute and also in the rules and regulations there is a preemption issue with this particular local law.

LEG. KENNEDY:

Well, none of us are big fans of preemption particularly when it goes ahead and compromises safety, but by the same token, it's important that, I guess, we be able to have the communication and dialog. So you're going to brief us on this?

MR. NOLAN:

If you want me to brief you on it, I will brief you on it.

LEG. KENNEDY:

I would be -- yes. As a matter of fact, I would welcome being briefed on it. Not now.

MR. NOLAN:

You what to know what is in the Labor Law regarding scaffolding.

LEG. KENNEDY:

I want to know what's in the Labor Law regarding scaffolding, I want to know where you identify preemption issues if there are preemption issues, because once again, I do not want to support something that does not have the force and effectiveness of law. If we are going to pass something, I want something that's passed that's meaningful, enforceable and protected. Thank you.

CHAIRMAN ALDEN:

Hi, Lynne.

MS. BIZZARRO:

Thank you, Chairman. How are you? Lynne Bizarro, County Attorney's Office. I just want to mention, I took a look at the Labor Law yesterday or the day before. And I do note that there is no provision in the Labor Law specifically geared toward training. So I don't see a preemption issue vis a vis the State Labor Law. But I'm sure Mr. Nolan will do an exhaustive study on it and perhaps disagree with me.

CHAIRMAN ALDEN:

He looks exhausted already.

MR. NOLAN:

I don't know about exhaustive, Lynne.

MS. BIZZARRO:

Thank you. I just wanted to put that on the record for the committee.

CHAIRMAN ALDEN:

Lynne, are you going to take some of the concerns back that you heard today to the administration?

MS. BIZZARRO:

Sure. Absolutely.

CHAIRMAN ALDEN:

Good. Thank you. All right. Tabled Resolutions.

2336-2006. Adopting a Local Law to require posting of video game ratings at retail establishments.

LEG. MYSTAL:

Motion at the request of the sponsor to table.

CHAIRMAN ALDEN:

Seconded by myself. All in favor? Opposed? 2336 is **TABLED (VOTE:5-0-0-0)**.

1056-2006. Adopting a Local Law to enact a Suffolk County Homeowners Protection Act.

I'm going to make a motion to table, because that's still in public hearings, seconded by Legislator Kennedy. All in favor? Opposed? **TABLED (VOTE:5-0-0-0)**.

1410. Adopting a Local Law establishing regulations for supported scaffolds.

I'll make a motion to table that because it's got to go into a public hearing, seconded by Legislator Horsley. All in favor? Opposed? **TABLED** for public hearing **(VOTE:5-0-0-0)**. And if and when it emerges from the public hearing, it will go to Public Works[.]. [.]

MR-13. Memorializing Resolution in support of providing recourse for homeowners in manufactured home parks confronted with unjustifiable rent increases.

LEG. MYSTAL:

Motion to approve.

LEG. EDDINGTON:

Second.

CHAIRMAN ALDEN:

Legislator Mystal made the motion, seconded by Legislator Eddington. All in favor? Opposed? **APPROVED (VOTE:5-0-0-0)**.

LEG. MYSTAL:

Motion to adjourn.

CHAIRMAN ALDEN:

I think that's it. Motion to adjourn by Legislator Mystal, seconded by Legislator Horsley.

LEG. EDDINGTON:

Cosponsor.

CHAIRMAN ALDEN:

All those in favor? Opposed? We stand adjourned. Thank you very much. Donna, great job as usual. Renee, nice job too.

(*THE MEETING WAS ADJOURNED AT 1:32 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY