

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, 725 Veterans Memorial Highway, Smithtown, New York on July 27, 2010.

MEMBERS PRESENT:

Leg. Ricardo Montano, Chairman
Leg. Jay H. Schneiderman, Vice Chair
Leg. Thomas F. Barraga
Leg. DuWayne Gregory
Leg. Edward P. Romaine

ALSO IN ATTENDANCE:

Sarah Simpson, Assistant Counsel
Ben Zwirn, County Executive's Office
Tom Vaughn, Aide to County Executive
Renee Ortiz, Chief Deputy Clerk
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Denis McElligott, Commissioner of Consumer Affairs Department
Charles Gardner, Director of Government Affairs
Bob Martinez, Aide to Leg. Montano
Catherine Stark, Aide to Leg. Schneiderman
Jason Richberg, Aide to Leg. Gregory
Kathy Malloy, Legislative Representative for AME
Lynne Bizzarro, County Attorney's Office
William Shilling, Aide to Presiding Officer
Barry Goodman, Choice Medical Transport
Joe Muncey, Budget Review Office
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:00 PM

CHAIRMAN MONTANO:

Good afternoon everyone. We're going to start the official meeting of the Consumer Protection Committee with the Pledge of Allegiance led by Legislator Schneiderman.

SALUTATION

PUBLIC PORTION

Thank you. You may be seated. All right. I'm going to go through the agenda very quickly. We don't have any legislation pending before us. And I'm going to go -- there is no correspondence that's relevant. I'm going to skip right into the public portion. And then we'll have a presentation by the Commissioner of Consumer Affairs.

But first on the list is Barry Goldman, Choice Medical Transport. They're located at 510 East Suffolk Avenue, Islandia. And they're in my legislative district. Barry, how are? You want to come forward?

MR. GOODMAN:

Thank you.

CHAIRMAN MONTANO:

And I'll just preface this by saying we have had several conversations on the issue of the Nassau County Taxi and Limousine Commission and what's going on with respect to your business here. So the floor is yours. We generally have three minutes but tell us what's on your mind and let's get into this issue.

MR. GOODMAN:

All right. Thank you. My name is Barry Goodman representing Choice Ambulette Medical Transport. Just briefly, I gave Rob a copy of what I'm going to present now. And at the top it says "New York State Plate Classification for all Ambulettes."

Just a little history of foundation, ambulance, school buses, taxis have their own New York State plates in order to operate. Ambulettes have many similarities to that of an ambulance, but no special plates. Ambulances transport individuals that are sick, ill or injured. Ambulettes transport individuals that are also sick, ill, injured non-medically. Ambulette drivers are required by 19A New York State Department of Motor Vehicle to have a CDL license with a passenger (P) endorsement.

Ambulance drivers can operate their vehicle with a regular license class A, B, C or D. No special license is required for an ambulance. Ambulettes must go through a semi-annual inspection over six months by New York State Department of Transportation. Ambulances are only required one inspection a year just like any other vehicle. Ambulette drivers go through specialized training, testing. And that's one typo there. Auditable 19A regulations. Ambulette drivers also take medical, drug and written tests. Ambulette drivers do not have these requirements. Ambulance drivers, sorry, do not have these requirements.

Busses, ambulance and taxis all have their own specific New York State license plates. And ambulettes share the same type of license plates with that of livery vehicles. This is true even though New York State inspection and requirements to operate ambulettes are totally different and much more restrictive and demanding. New York State ambulette plates based on the information provided above, you can easily see the justification for having our own New York State plates and

classification for ambulettes based on the very fragile clients that we transport to and from dialysis centers, hospitals, doctor appointments, private homes, nursing homes and day-care centers.

And in closing to this Committee, the Legislative Committee, we are asking your Committee to introduce legislation to New York State so that all ambulettes in the state have their own special plates like ambulances and busses. Ambulettes should also be exempt from all TLC licensing requirements as are businesses and ambulances.

CHAIRMAN MONTANO:

First off, just let me say we don't have jurisdiction to introduce legislation statewide. So that's something that would not come before us. That's something that would have to be introduced by a member of the State Legislature or the Governor. That's the first thing.

The second part is when you say ambulettes should also be exempt from all TLC licensing requirements as are busses and ambulances, that's what like I'd like to focus in on. It seems that what you've described here is that the ambulette process, the license is much more involved than the license and the process for a regular ambulance. Am I correct?

MR. GOODMAN:

You are correct, Bob. It's like night and day.

CHAIRMAN MONTANO:

That's Bob. I'm Rick.

MR. GOODMAN:

Sorry. It's like night and day. Ambulances are just like any other vehicle. You just apply for your license plates, you pay the fee. And anybody can drive them with an A, B, C or D license. In order to do what I said before, an ambulette, you have to take a written test, you have to take a medical -- the vehicle has to be inspected twice a year, you have to have the diamond sticker on the window. And what I said about it being auditable, that your drivers are constantly checked throughout the year, a school year and throughout the entire year by the New York State Department of Transportation and New York State DMV. And it's very restrictive. That's what I do in our corporation. I oversee the drivers and the ambulettes. And when I compare that to an ambulance and the precious cargo they're transporting, it's -- I can't understand why they won't go through the same requirements as us. But I'm not demeaning theirs. I'm just saying ours is so restrictive that something needs to be done at this level and at the state level.

When we go to Nassau County, as we indicated in the previous meeting, we have to bow down to their requirements. We do know it's about money. There's no question about it.

CHAIRMAN MONTANO:

All right, that's really what I want to focus in on, not so much the licensing. What is the relationship or what is the process when you get a call to take someone into -- and I would assume that you get calls to take people from Suffolk into Nassau medical facilities; am I correct in that?

MR. GOODMAN:

You're correct. When we get a call from Nassau County or we even get a call to take a client -- all our clients originate from Suffolk County and we can also bring it from Nassau County. But we get a call from Suffolk County and we have to drive to Nassau County or through Nassau County into New York City to bring that same Suffolk County client back home, we have to be TLC'd in Nassau County. If not, we will be issued a summons and/or they will confiscate our vehicle.

We just had a gentleman about two weeks ago I got a call that stopped at a 7/Eleven on the way to the City, not with a client in the truck at the time, but going to bring a client back from New York City, he was stopped getting a coffee at 7/Eleven. And the police officer told us that he could confiscate the vehicle because it wasn't a TLC Nassau County licensed vehicle. I indicated to the

police officer that we're just getting a coffee. That's all we're doing. There's no client in the vehicle. But we are required, if we use their county, I don't know how else you get around Nassau County except to fly.

CHAIRMAN MONTANO:

So when you go into Nassau County, you need special permission or you need a special license or you need to pay a special fee? How does that work?

MR. GOODMAN:

The driver has to be -- we have to submit an application, a background check of that driver which is already done in Suffolk County.

CHAIRMAN MONTANO:

Okay.

MR. GOODMAN:

The driver has to be fingerprinted, which is already done in Suffolk County. But Nassau County obviously --

CHAIRMAN MONTANO:

Who does it in Suffolk County, what agency?

MR. GOODMAN:

Right now --

CHAIRMAN MONTANO:

Or do you do it through the State?

MR. GOODMAN:

Right now the State is doing it for us because of -- I believe it's the Group of Mental Retardation for the Long Island Head Trauma is now certifying all our drivers. We have to -- whenever we drive in Suffolk County, when we go to Long Island -- we have to be fingerprinted so New York State's doing that at no cost for us. Nassau County we have to pay for it, application --

CHAIRMAN MONTANO:

How much do you have to pay in Nassau County?

MR. GOODMAN:

Fingerprints, I believe, is \$125.

CHAIRMAN MONTANO:

For each driver.

MR. GOODMAN:

For each driver. Hang on a second. It's --

CHAIRMAN MONTANO:

You don't have to give me specifics but basically --

MR. GOODMAN:

It's over \$200 for us to operate a vehicle in Nassau County in addition to the -- registering the vehicle. That's for a drug test, an application, a background check and the fingerprints.

CHAIRMAN MONTANO:

How many vehicles does your company have?

MR. GOODMAN:

Approximately 35, 36 on the road now.

CHAIRMAN MONTANO:

And this process that you go through in Nassau, you have to go through the same process in Suffolk; am I correct? In other words -- who said no?

LEG. ROMAINE:

I don't believe so.

CHAIRMAN MONTANO:

Well, let me ask him the question.

MR. GOODMAN:

Absolutely not. We don't have to go through that process in Nassau County.

CHAIRMAN MONTANO:

No, I don't mean the fee process. What I mean is the printing of the -- the fingerprinting and the other stuff is handled by an agency on behalf of the State. In other words, what I'm saying is, what I understand is that you have to follow the same requirements as in Nassau except you do it here in Suffolk. And you don't have to pay those fees; am I correct?

MR. GOODMAN:

That's correct. We're duplicating the services in Nassau County as we've already done in Suffolk.

CHAIRMAN MONTANO:

Okay. That's what I was looking for. Now, does the same thing happen in Nassau? If Nassau comes to pick up a person in Suffolk, are they required to register their vehicles with Suffolk County? If you know.

MR. GOODMAN:

No, no. We have vehicles now from Nassau County, without naming them, there are several companies in Nassau County that operate in Suffolk County and there is no fee. So it's only the vehicles that come from Suffolk to Nassau that are paying and not from Nassau to Suffolk.

CHAIRMAN MONTANO:

If you make a stop into the City, if you have a patient that you have to transfer into the City, you obviously have to drive through Nassau. So every person that's on your staff needs to go through this processing through the Taxi & Limousine Commission in Nassau?

MR. GOODMAN:

No. Every driver that we send -- we're very selective. That's a lot of money for us going through this double dipping process.

CHAIRMAN MONTANO:

Okay.

MR. GOODMAN:

So we select those vehicles that we can use and we select those drivers that go through the process. God forbid we should have a couple of those drivers not around and we can't bring a dialysis or a cancer patient to a hospital, if we God forbid should get stuck in Nassau County on the way to New York City, we could lose our vehicle. It would be confiscated and then we'll have to pay the fee on that, too.

CHAIRMAN MONTANO:

Do you know what the fines are?

MR. GOODMAN:

Ballpark figure probably over four or \$500 to get it out of a compound.

CHAIRMAN MONTANO:

Okay. Are there any questions from any members of the Committee? Ed, do you want to --

LEG. ROMAINE:

Do you think this process could be short circuited if we had State legislation allowing Suffolk to license your vehicles here? Much like Nassau does for theirs? I ask that because it's a tremendous amount of revenue that Nassau County collects for this. By the way, this is also, although you're in a different category, this is also true for taxis and limousines and other transportation carriers; because, for example, if I'm a limo driver, there is no taxi and limousine medallions or approvals from Suffolk County. So I have to get it from Nassau County. If I choose not to get it, and I drive into New York City, I can have my vehicle impounded. I can't make any trips to the City airports because my vehicle could be impounded. Because we have no reciprocity because we have no procedure in place as a county.

MR. GOODMAN:

I want to answer your question, but I also want to protect our company as well. You are correct. We have a lot of vehicles. And we're trying our best. And because we have a lot of vehicles, because we're doing well, because we're doing well, because we're trying to accommodate this County -- and not just this County but there's people that need our services; and the harder we work, the more we have to pay. That's what it seems. So if I say, yes, Suffolk County should now take this process over and we pay Suffolk, we'll be paying Suffolk and Nassau County and have to do all our vehicles, unless you can find another route for us -- we're trying to get a plate -- a plate from the State like an ambulance that doesn't have to pay that.

LEG. ROMAINE:

Well, I agree with the plate. And I specifically agree with what you're advocating. And if you can get a State Legislator to introduce that type of legislation, I'm sure this Legislature would be willing to consider a home rule message where we come out in support of that legislation. But if we had set up a system, what usually happens is a reciprocity. And if reciprocity isn't recognized, then the instructions to Suffolk County Police is start seizing every New York City vehicle that comes out here if there isn't reciprocity.

The reason that people get Nassau medallions is because there's reciprocity with the City and Westchester and they usually don't seize them if they have a medallion from Nassau County. Because there's a thing called reciprocity. If reciprocity would not be recognized with Suffolk so you'd only have to pay once, then we start seizing City and Westchester and Nassau vehicles. It's that simple. And that's why we have reciprocity, to prevent that type of thing from operating.

CHAIRMAN MONTANO:

Barry, quick question -- are you done?

LEG. ROMAINE:

Yes, thank you.

CHAIRMAN MONTANO:

Do you have the same problem in New York City? In other words, once you pass -- once you go through Nassau and you're now in Queens or in the City, do you run into the same problem?

MR. GOODMAN:

We haven't had any problems yet. We've never been stopped, never been questioned yet and --

CHAIRMAN MONTANO:

Can they seize your vehicle?

AUDIENCE:

It happened years ago, but not recently.

MR. GOODMAN:

Our owner says it happened years ago with the company next door to us, but it hasn't happened recently. It's only Nassau County that we experienced any issues lately in the last, let's say, eight, nine years.

CHAIRMAN MONTANO:

Is it an issue of enforcement by New York City? In other words, they realize that you're an ambulance company from another county and they don't bother you? Or that there's no regulation that prohibits you from going in there and dropping of a patient; if you know?

MR. GOODMAN:

My gut's telling me it's because we're an ambulette doing the service for people that are needy. And that's just a gut --

CHAIRMAN MONTANO:

And they're not going to waste their time --

MR. GOODMAN:

I don't think so.

CHAIRMAN MONTANO:

-- stopping someone if you're on the way to the hospital, on the way to a doctor.

MR. GOODMAN:

I don't think so. But I'll put myself on record by saying, because I gave you the example before, an analogy before with lifeguard certification. Another county is trying to make money off of us. And because of that -- and because of that, they will not hesitate to look at every vehicle that comes through their county that doesn't have the plates that they require so they can make more money regardless of the people's health. That's my concern. Because somebody has cancer, or somebody needs to go to dialysis, somebody has to go an emergency medical appointment, Nassau County as a whole does not care. *Do you have the right license?*

CHAIRMAN MONTANO:

All right. Barry, we have Commissioner McElligott who's going to discuss this from his standpoint. So if you can, I'm going to ask you to stick around because we may have some more questions for you. Is that all right?

MR. GOODMAN:

Yes.

CHAIRMAN MONTANO:

Or do you have to run?

MR. GOODMAN:

No. I thank the Committee. Thank you guys and girls.

CHAIRMAN MONTANO:

Thank you. Before we have Denis come up, we're going to have Kathy Malloy from AME Union. And the topic is ERIP, which means?

MS. MALLOY:

Early Retirement Incentive Program.

CHAIRMAN MONTANO:

Okay.

MS. MALLOY:

Good afternoon. Thank you for allowing me to speak. My name is Kathleen Malloy. I'm here today on behalf of the AME President Cheryl Felice. When Governor Paterson offered the County Executives throughout New York State the opportunity to sign onto an early retirement incentive package, that's the ERIP, he provided the approved bill that left the many particulars of eligibility up to the County Executives throughout the state.

The time period for the ERIP, however, can and should be extended by the Legislature to 60 days. Local law 35 2010, which was also introductory resolution 1724 adopted July 7 in Suffolk County gave Mr. Levy full power under state law to designate who can participate in the ERI. This is where the problems have begun for us Suffolk County workers. Because the only limitation placed on that eligibility and local law 35 was a prohibition of ERI for employees funded at least 50 percent by state and/or federal aid. An exception to that 50 percent rule is also provided in Local Law 35 for five designated positions in the Office of the Aging and for employees in both the Departments of Health and Social Services.

When Mr. Levy issued his all employees memorandum number 21 on July 14th, he listed three categories of the ineligible titles which include all of Consumer Affairs, law enforcement, lawyers and the entire staff of John J. Foley. This means that it is Mr. Levy, not the local law or yourselves as County Legislators who is ultimately and unilaterally blocking certain people from being able to participate. Legislators should be aware that Mr. Levy's AEM contradicts the local law in the section wherein he states those employees whose salary is at least fifty percent funded with federal and/or state aid most likely will not be approved for inclusion unquote. Local Law 35 did not grant any such discretion.

AME asked our 18-member Legislature if your own expressed language is being ignored and contravened by the County Executive, but even more disturbing, Mr. Levy was a sponsor of the legislation that is being ignored.

On June 22nd after addressing the Suffolk County Legislature in Riverhead on AME's endorsement of this ERI and our encouragement to the Legislators for the full inclusion of all county workers, AME president Cheryl Felice held a full house union membership meeting that evening again notifying our members of the ERI, its many benefits and its severe limitations to many County workers due to Mr. Levy's own eligibility restrictions.

In the public sector workers work at the discretion of elected officials, which includes the County Executive and every one of our County Legislators. President Felice advised our AME members to call their respective Legislators to advise you of their desire to retire with full participation under this ERI package.

Introductory resolution 1726 sponsored by Mr. Levy and pending before the County Legislature links the expansion of the open period from 30 to 60 days to September 21st; links it to the sale of the John J. Foley Nursing Home. This bill is very misleading because the title of the bill and the accompanying back up documentation create the impression that the bill is enlarging the number of employees eligible for participation. This is not so. This bill only deals with expanding the open period from 30 to 60 days. And why? It appears that the Executive's Budget Office is overwhelmed by the huge volume of applications for this ERI. And the burden Mr. Levy has imposed on them in calculating all of the costs of each application. They do not appear to have enough time and they, therefore, need more time to handle the paper work.

How to resolve this dilemma? AME asks our legislative body to simply extend the ERIP period to 60 days. As the union that represents just about 7,000 working workers with a large amount expressing interest in this ERI package, AME President Felice seeks your help in eliminating any unnecessary anxiety and resulting innocent mistakes that could be made based on incorrect, confusing and very misleading information. And on behalf of the AME officers and its members, your assistance to the workers who make Suffolk work is now and always appreciated. Thank you very much.

I do have copies for everyone which I will leave with the Clerk.

CHAIRMAN MONTANO:

Would you please? Are there any questions from any members of the Committee? Thank you. Thank you, Kathy.

Renee, you want to hand those out? Commissioner McElligott, Denis, oh, there you are. How are you?

COMMISSIONER McELLI GOTT:

Good afternoon.

CHAIRMAN MONTANO:

Good afternoon. I know you spoke with Bob from my office. Denis, I wanted you to sort of give us an orientation and elaborate on the issue that was presented relative to the Nassau Taxi and Limousine Commission and our companies here that have to drive through Nassau either to drop off patients, pick them up or into New York City. Could you explain some of the background and sort of give us your impressions as to what exactly the issue or the problem, if you see one, is?

COMMISSIONER McELLI GOTT:

Sure. The presentation you heard earlier today was only a small part of the problem. And I think Legislator Romaine was correct when he referred to taxis and limousines being a larger part of the problem or an additional part of the problem.

The situation really needs to be solved in a two step process. The first step is the New York State Vehicle and Traffic Law section 498 has a provision that allows New York City and any County that's contiguous with New York City to create a Taxi and Limousine Commission. And then if the Taxi and Limousine Commissions are in accordance with the Vehicle and Traffic Law standards that are in the statute, and they license and/or register a vehicle and/or driver, those vehicles and those drivers get reciprocity in those counties. The problem for us here in Suffolk County and for --

CHAIRMAN MONTANO:

How many counties are contiguous to New York City?

COMMISSIONER McELLI GOTT:

That's it.

CHAIRMAN MONTANO:

Nassau and Westchester.

COMMISSIONER McELLI GOTT:

Nassau and Westchester. So it's New York City, Nassau and Westchester. And that is a limitation in the New York State statute. So one of the suggestions is for Suffolk County to create its own --

CHAIRMAN MONTANO:

To be included -- to amend the legislation to include Suffolk County?

COMMISSIONER McELLIGOTT:

Right. So even if we had a Taxi and Limousine Commission, which was as good as Nassau's or Westchester's, we still would not be entitled to reciprocity because the statute doesn't provide for it.

CHAIRMAN MONTANO:

So the statute section 498 needs to be amended to solve that particular problem; is that what you're saying?

COMMISSIONER McELLIGOTT:

Correct.

CHAIRMAN MONTANO:

Okay. And just for choice, I think I can speak to a member of the Legislature who might be willing to entertain that. And I will follow up on that.

COMMISSIONER McELLIGOTT:

Right. That would be step number one.

CHAIRMAN MONTANO:

Go ahead.

COMMISSIONER McELLIGOTT:

Step number two would then be the creation of the Commission here in Suffolk County.

CHAIRMAN MONTANO:

Now how does it work in Nassau? Did you want to go on or are you basically -- that's basically it?

COMMISSIONER McELLIGOTT:

No.

CHAIRMAN MONTANO:

Because you put it in a nutshell.

COMMISSIONER McELLIGOTT:

That is the solution, because right now what we have is we've got a neighbor to the west that is looking to -- looking for any source of income they can find. And we have an industry here in Suffolk County that's trapped.

CHAIRMAN MONTANO:

Has this been proposed at any point in the past as far as you know?

COMMISSIONER McELLIGOTT:

I do not know.

CHAIRMAN MONTANO:

No, I mean at the state level.

LEG. ROMAINE:

Yes, there was a bill and I did a home rule.

CHAIRMAN MONTANO:

Who sponsored that bill? Was that --

LEG. ROMAINE:

I believe Assemblyman Fred Thiele may have been one of the sponsors. There had been a bill. And I was a sponsor for a home rule message. And it really never went anywhere so -- but that

was three years ago.

CHAIRMAN MONTANO:

I remember when I first got elected Angie Carpenter was working on this issue early on. And she had some pretty good information on that. And I think we have her file, Bob; is that correct?

COMMISSIONER McELLI GOTT:

I would imagine there might be other counties to the north of the city that might also be interested in this kind of issue as well.

CHAIRMAN MONTANO:

Right, yeah, I would think so.

LEG. ROMAINE:

Orange County, Purchase.

CHAIRMAN MONTANO:

Now, the Taxi & Limousine Commission that's established in Nassau, what would it take to establish a TLC in Suffolk? Is it a revenue producer, a revenue drain? How does it work there? And do you know how long it's been in existence there?

COMMISSIONER McELLI GOTT:

I think it's been in existence approximately five years. It is a ten member commission.

CHAIRMAN MONTANO:

Are they salaried or unsalaried?

COMMISSIONER McELLI GOTT:

I don't know.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

I wasn't able to find that out in the time that I had to prepare for this.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER McELLI GOTT:

But they don't do licensing. They're careful in their paper work. They do registration. They still require the local towns and the villages to do the licensing. The registration with the Nassau County Taxi and Limousine Commission, the payment of the fees and the qualification of the drivers isn't the only paper work or hurdle for somebody doing business in Nassau County. They also have to qualify if there's a town license or a village license as well.

CHAIRMAN MONTANO:

Well, let me ask you this. As we discussed previously with the, let's say, the plumbers situation, you have 64 licenses to be a plumber throughout Nassau/Suffolk. You would need 64 licenses; am I correct in that?

COMMISSIONER McELLI GOTT:

It's somewhere --

CHAIRMAN MONTANO:

Is it the same situation where each little jurisdiction is using this as a fee basis so that they can

protect their people and exclude others or bring in additional revenues? For instance, if you're in the Village of Farmingdale where my daughter lives, and you want a cab there, Farmingdale would have to issue the license; is that what you were saying?

COMMISSIONER McELLI GOTT:

What I'm saying is the --

CHAIRMAN MONTANO:

Or the permit for the business?

COMMISSIONER McELLI GOTT:

The Nassau County Taxi and Limousine Commission is careful.

CHAIRMAN MONTANO:

They only do the registration.

COMMISSIONER McELLI GOTT:

They do a registration and they make it clear that if the town that you're doing business in where your base is requires you to have a license, you need to have that license as well as their registration.

CHAIRMAN MONTANO:

Or a village.

COMMISSIONER McELLI GOTT:

Or a village.

CHAIRMAN MONTANO:

So what happens if --

COMMISSIONER McELLI GOTT:

Here in Suffolk --

CHAIRMAN MONTANO:

-- she lives in -- she lives in Farmingdale. What happens if I call a cab from -- not Farmingville, Farmingdale. What if I call a cab from Farmingdale to come and pick me up to take me to her house and they have to drive through Suffolk County, because she's on the Nassau side, and several other villages, do they need licenses in all of those villages?

COMMISSIONER McELLI GOTT:

I don't believe so. I know that they don't -- that in Suffolk County there is no requirement or we are not enforcing any type of requirement. By the way --

CHAIRMAN MONTANO:

There's a difference between a requirement and enforcing.

COMMISSIONER McELLI GOTT:

Understood. By the way --

CHAIRMAN MONTANO:

So --

COMMISSIONER McELLI GOTT:

In Suffolk County right now of the ten towns, at least seven of them have their own licensing requirement for taxis.

CHAIRMAN MONTANO:

And do they provide reciprocity to the other towns?

COMMISSIONER McELLI GOTT:

I don't know the answer to that.

CHAIRMAN MONTANO:

Go ahead, Denis, I'm sorry.

COMMISSIONER McELLI GOTT:

So the first step would be -- the first step would be having Suffolk included in the state statutory scheme.

CHAIRMAN MONTANO:

In the section 498?

COMMISSIONER McELLI GOTT:

Right. And then it would be setting up a Taxi and Limousine Commission that qualifies. And that would require criminal -- the ability to do criminal background checks, the ability to evaluate the fingerprint information, whether that fingerprint information is done by the Commission or whether it's relied upon, whether it relies upon privately provided or paid for fingerprint information. There would be -- there would have to be a fairly substantial investment.

I think in Nassau County if you found out that it was a money maker, I would suggest to you it might be because they make more money from non-residents than they do from residents. Right now if you're a Nassau County based taxi company, the yearly fee is \$25. If you're based here in Suffolk County and you want their license, it's \$300.

CHAIRMAN MONTANO:

You said the Nassau TLC has ten commission members?

COMMISSIONER McELLI GOTT:

That's correct.

CHAIRMAN MONTANO:

And do you know the size of -- is that a staff or those are just appointed commissioners who oversee the agency?

COMMISSIONER McELLI GOTT:

Those are the appointed members of the Commission. I don't know about members of the staff.

CHAIRMAN MONTANO:

So we don't what the staffing levels are.

COMMISSIONER McELLI GOTT:

I assume that they share staff with Department of Consumer Affairs.

CHAIRMAN MONTANO:

Right. Are they under -- are they a separate department or are they under any particular jurisdiction? For instance, do they come out of the County Exec's Office, do they come out of the Office of Consumer Affairs? I see Charlie nodding his head.

COMMISSIONER McELLI GOTT:

There are ten. At least three are appointed by the industry. A number are appointed by the

County Executive and a number are appointed by each of the town supervisors.

CHAIRMAN MONTANO:

So I would venture to say it's part of the executive branch in Nassau.

COMMISSIONER McELLI GOTT:

Yeah.

CHAIRMAN MONTANO:

It's a separate department under the executive branch?

COMMISSIONER McELLI GOTT:

It's within the Department of Consumer Affairs.

CHAIRMAN MONTANO:

Oh, it's within the Department of Consumer Affairs. And they have their own rules and regulations with respect to how they operate; is that correct?

COMMISSIONER McELLI GOTT:

That's true.

CHAIRMAN MONTANO:

Do you have copies of those rules and regulations or can you get copies of that so we can take a look at it?

COMMISSIONER McELLI GOTT:

I do. I have them.

CHAIRMAN MONTANO:

You do. Could you send us a copy of that?

COMMISSIONER McELLI GOTT:

Sure.

CHAIRMAN MONTANO:

What do they essentially provide for?

COMMISSIONER McELLI GOTT:

It is just their requirements for registration; and both for the registration of the vehicle, the requirements for both the insurance of the vehicle, the inspection of the vehicle, the documentation about the vehicle and the person and a criminal background check of the person as well.

CHAIRMAN MONTANO:

Have you had any conversations with your counterpart in Nassau relative to this issue?

COMMISSIONER McELLI GOTT:

I have not, no.

CHAIRMAN MONTANO:

All right. Who's your counterpart there?

COMMISSIONER McELLI GOTT:

It is --

CHAIRMAN MONTANO:

Is he still there?

COMMISSIONER McELLAGOTT:

No. She is --

CHAIRMAN MONTANO:

Is it a he or she?

COMMISSIONER McELLAGOTT:

She.

CHAIRMAN MONTANO:

I thought it was Roger --

COMMISSIONER McELLAGOTT:

That's it, Madeline Farley.

CHAIRMAN MONTANO:

Charlie, would you like to -- I know you have a history. Would you like to address us on this?

MR. GARDNER:

Do you have specific questions?

CHAIRMAN MONTANO:

No, not at the moment. I'm sorry. Who's your counterpart in Nassau?

COMMISSIONER McELLAGOTT:

It's Madeline Farley.

CHAIRMAN MONTANO:

Is she recent; recently appointed?

COMMISSIONER McELLAGOTT:

Yes. It was Roger Bogsted until recently.

CHAIRMAN MONTANO:

All right, Denis, what I'm going to do is I'd like to follow this up with you. And I'm going to ask Bob to set up a meeting. And I'm going to ask also that maybe you and I can meet, discuss this. And I would like to discuss this with the Nassau Commissioner to see if there's any way that we can work out a sort of cooperative arrangement so that there's no duplication of processing and fees. Now, I don't know if that's feasible.

The other thing I will do is I will take a look at section 498 of the Vehicle and Traffic Law. And if you have that, because I don't have -- I can probably get it on line, but, you know, I'll speak to someone to see whether or not -- I'll look at the history, Legislator Romaine. And if you have any -- if you have the old bill.

LEG. ROMAINE:

We have files.

CHAIRMAN MONTANO:

If you could share some of that with us, particularly who the sponsors were. And I assume it never got out of committee?

LEG. ROMAINE:

No.

CHAIRMAN MONTANO:

Do you know what the political reason was, what the opposition was?

LEG. ROMAINE:

No. But I can tell you that there were many limo drivers in my district that came to me, that had all types of problems because they could not go into the city. They feared getting fined, they feared having their vehicle seized either in the City, Westchester or Nassau County. And they made several examples of where they had to pay several hundred dollars to get their vehicles back in fines. And how they all were forced to go to Nassau County to get the medallion; I guess, it's called the medallion or whatever it is, the license to display that there would be some reciprocity. And they said they could not understand why Suffolk County was losing all of this revenue. And they had to go to Nassau County and pay even extra because they were non-Nassau residents for this. And they didn't understand why their county wasn't trying to protect them and their business.

I mean there was a bill in the State Legislature. We agreed with the bill. Nothing we could do on a County level. And Denis is absolutely right, we have to get -- amend the state legislation and then we'd have to determine how we would create this commission here in Suffolk County. I mean this actually could be a three member unsalaried commission. And what we may have to do is staff Consumers for this, but we'd have to take a look at the financial analysis and determine if the fees would justify the staffing.

CHAIRMAN MONTANO:

Well, where I'm lost or hung up is that if, in fact, a company here who hires a driver and has a vehicle has to meet the same qualifications and has to go through the same -- the driver has to go through the same process as a driver in Nassau and in New York City, why the prohibition of allowing a company here if, in fact, everything being equal, why we can't have a company -- why I can't call my company that's in my district -- like when I was in the hospital, I had to be taken to the City for a procedure. And I had to be taken by ambulance; why can't I call my company here and be taken into New York City when in fact the qualifications for the license is the same both in Nassau, Suffolk and New York City, the qualification and the inspection for the vehicle is the same. There is no lesser standard or higher standard that's applied in Nassau or in New York City that I'm aware of. Am I accurate in that? There is no higher standard, we're all dealing at an equal level.

COMMISSIONER McELLI GOTT:

What you're -- the confusion may be that you're talking -- the qualifications that you're discussing there are the qualifications for the drivers of ambulettes. And those qualifications are determined by the State.

CHAIRMAN MONTANO:

Right.

COMMISSIONER McELLI GOTT:

Those are not the qualifications -- those are not something that the Nassau County --

CHAIRMAN MONTANO:

And I am separating the ambulette from the limousine.

COMMISSIONER McELLI GOTT:

But those are not the qualifications that the Taxi and Limousine Commissions are concerned with. Those qualifications are not just about driving, but are also about patient care. The Taxi and Limousine Commissions are of slightly different concern.

CHAIRMAN MONTANO:

What is their concern?

COMMISSIONER McELLI GOTT:

Their concern -- well, in many respects their concern is revenue.

CHAIRMAN MONTANO:

No, aside from revenue. I got that one. I'm trying to understand aside from the dollar issue what the real concern is if there is a real concern other than money.

COMMISSIONER McELLI GOTT:

It's also to make sure that the vehicles are safe and that the individuals driving them are to be trusted with interaction -- interacting with the public. That's why the vehicles need to be licensed -- or the vehicles need to be registered and inspected and the individuals need to go through a background check.

CHAIRMAN MONTANO:

But isn't that standard? That's what I'm asking.

COMMISSIONER McELLI GOTT:

Rick, that standard that you're your talking about is a standard imposed by the state relative to the fact that they're transporting individuals involved in the health care system. The Taxi and Limousine Commission is talking about simply transporting people.

CHAIRMAN MONTANO:

All right, so let's separate the Taxi and the Limousine from the ambulette because the ambulette is, according to the presentation by Barry, is a very strict standard. And every driver has to be fingerprinted, every ambulette has to be inspected every six months. They all have to meet a certain quality. And I'm sure that that's consistent throughout the Counties.

COMMISSIONER McELLI GOTT:

(Shaking head yes)

CHAIRMAN MONTANO:

Now with respect to the Taxi and Limousine, if I call the taxi in Brentwood to take me to Central Islip, they come to the house, they pick me up, they drop me off. And then when I'm ready to come home they pick me up. Now, what's the real difference between going to Central Islip in my taxi than going to visit my daughter who lives just across the line in Nassau, in Farmingdale? Because maybe I want to go over there and I don't want to drive. So what's the difference in standard? Is there a difference in standard? I would imagine that the same -- if I called a company in Farmingdale, would they not have the same qualifications and requirements as the driver in Central Islip?

COMMISSIONER McELLI GOTT:

If you called in Farmingdale, you may be -- you would be getting a driver who had -- who had passed the qualifications imposed by the Nassau County Taxi and Limousine Commission.

CHAIRMAN MONTANO:

And what are those that are different from what -- that's what I'm trying to ask specifically. What different standard do they have that we don't have here in Suffolk County or in the Town of Islip or in the Town of Central Islip or Brentwood?

COMMISSIONER McELLI GOTT:

Well, in the Town of Islip, I don't know if they do fingerprinting and background checks.

CHAIRMAN MONTANO:

For the limousine and --

COMMISSIONER McELLI GOTT:

For the taxis.

CHAIRMAN MONTANO:

Okay. And do they do it in Farmingdale?

COMMISSIONER McELLI GOTT:

In that portion of Farmingdale that is in Nassau County, if you're getting a taxi that is licensed by the Taxi and Limousine Commission, they have -- the individual driving it has been through and approved by their Taxi and Limousine Commission.

CHAIRMAN MONTANO:

Is there reciprocity throughout Nassau County?

COMMISSIONER McELLI GOTT:

Yes.

CHAIRMAN MONTANO:

For instance, if you are licensed in Farmingdale, you can go to Hempstead and pick up someone?

COMMISSIONER McELLI GOTT:

That's my understanding, yes.

CHAIRMAN MONTANO:

Okay. But you can't come -- you can't cross the line into Suffolk?

COMMISSIONER McELLI GOTT:

Yes, you can.

CHAIRMAN MONTANO:

We can't cross the line into Nassau.

COMMISSIONER McELLI GOTT:

Correct.

CHAIRMAN MONTANO:

Thank you. Any other questions? All right. Is there anyone that would like to address the Committee on this issue? Charlie, do you want to come up? Just identify yourself for the record.

MR. GARDNER:

Mr. Chairman, Charles Gardner. I'm formerly the Director of Consumer Affairs.

I think it is very -- I was involved with the early meetings with Legislator Carpenter and Legislator Lindsay, Legislator Romaine going back four or five years. And meetings with at the time the then Commissioner of Consumer Affairs. And it is very important, I think, to separate the ambulette part from the Taxi and Limo part. That is one part of the process we can never understand. We could never get a clear answer why Nassau County was going -- was involving ambulettes or, you know, medical vans, medical transport at all in this since there were already state regulations. We can never get a straight answer on that.

Their reason for taxi and limo were they were pressing at the time that it was a -- it was a safety and that there were too many crimes being committed by taxi drivers and limo drivers. We sat with our Suffolk County Police -- in fact Chief Morris sat down and he said, well, our research -- we had subsequent meetings. They came back -- they couldn't -- not only could they not find any patterns of criminality or patterns of criminal acts by taxi and limo drivers, our police force stated that in more often than not the cases they were acting as eyes and ears for the police department and reporting things late at night at train stations and things. So we did not have that. Apparently they had that. Nassau County stood firm that they did have that problem. That was one of the

reasons they were getting into it.

CHAIRMAN MONTANO:

But they had no figures to back it up.

MR. GARDNER:

No, they had no figures.

CHAIRMAN MONTANO:

Let me ask you this, and if I may interject, Charlie. For purposes of this discussion, and clearly you want to separate the ambulette industry from the taxi and limousine.

MR. GARDNER:

Absolutely.

CHAIRMAN MONTANO:

Was there ever a discussion with respect to maybe reaching some kind of memorandum of understanding or agreement with Nassau County to exclude the ambulette industry from this type regulation and deal with the taxi and limousine issue separately?

MR. GARDNER:

There was -- I'm sorry.

CHAIRMAN MONTANO:

I could clearly see that there's two different issues.

MR. GARDNER:

Absolutely.

CHAIRMAN MONTANO:

I may not agree with their conclusion, and I certainly am skeptical when they make these safety claims that they can't back up with statistics. But the real issue is I have a constituent business in my district, and I'm sure a lot of Legislators have the same issues, where the people in my district who want to call a company in the district to go to Nassau or to go to New York City for a medical procedure, you know, might wind up in a situation where they're not able to utilize the company of choice, not just because of your name but because a driver's not available.

MR. GARDNER:

That's correct.

CHAIRMAN MONTANO:

And that seems to me to be off the wall.

MR. GARDNER:

That's correct.

CHAIRMAN MONTANO:

So was that ever discussed at that level?

MR. GARDNER:

It was discussed. There was never an MOU. They just had, for whatever reasons, they were going to be involving ambulettes in that portion of the regulations concerning taxis and limos. And taxis and limos, even even in Suffolk County there is a little bit of a shade of difference there because of the eight towns that Commissioner McElligott mentioned. Some of them that regulate taxis don't regulate limos. So, yes, they regulate -- let's put it -- regulations are on the books. As you mentioned before there's a difference between the regulation and enforcement. But, yes, taxis, but

then they didn't regulate limos. Even that there was a little bit of a difference.

CHAIRMAN MONTANO:

So who regulates the limos in Suffolk? Or is that done by town and village?

MR. GARDNER:

Yes, towns and villages.

CHAIRMAN MONTANO:

Denis, is that accurate, towns and villages?

COMMISSIONER McELLI GOTT:

Yes.

CHAIRMAN MONTANO:

Regulate their own limos? A nod will do.

MR. GARDNER:

We had various discussions -- yes, we had various discussions about would it be all right for this other company to take a Suffolk resident and drop off in Nassau? Would it be okay for a Suffolk company to pick up somebody at a Nassau location and then bring them back to Suffolk? They were very consistent in their demand that you would need that Nassau County registration if it was point to point within Nassau. And we could kind of, even though we didn't agree with it, we could understand, okay, if you're going to pick up in Westbury and drop off in Woodbury, okay, that's a Nassau process. That's a whole Nassau operation.

But what we were concerned about picking -- you know, picking somebody up from Port Jefferson and driving them to Nassau Medical Center for instance; or limos going to Woodbury Country Club, you know, things like that. And in the early days, if we had five meetings, we had five different answers, I have to tell you straight out. And then we had promises there was going to be some amelioration of the fees charged to Suffolk County, you know, that kind of good neighbor type of thing. I don't think that ever happened. So that's the history of it. It did start back with Legislator Carpenter and it's just, you know --

CHAIRMAN MONTANO:

Kind of stalled.

MR. GARDNER:

And as far as the staffing, you know, that Commission is one thing. The staffing is done by the police departments and Consumer Affairs people. They actually have Weights and Measures inspectors on Friday and Saturday nights, you got to remember, working overtime; because what we realized they're stopping these limos, inspecting them and seizing them, it happens at like Jones Beach, at the concerts, at Westbury Music Fair, that doesn't go on at ten o'clock in the morning.

CHAIRMAN MONTANO:

Right.

MR. GARDNER:

And obviously not just the week days. So they have a lot of expenses involved and a lot of other employees within that department that were pulled in to do these operations.

CHAIRMAN MONTANO:

Well, I got to be honest with you. This makes no sense to me because on my phone system, I have the number plugged in for El Salvador Taxi. And any time I need a cab, I just go to taxi, punch the number, give them my location, they come and pick me up and take me home. And I'm perfectly

fine with that. What I wasn't aware of is that if I went to visit my daughter who lives two blocks into Nassau, I might be stuck in a vehicle that's on the way to the pound as opposed to on the way to my house.

MR. GARDNER:

Yes.

CHAIRMAN MONTANO:

And I wouldn't know where to call a taxi in Farmingdale to be quite honest with you.

MR. GARDNER:

And it was only about a month ago, I know of one company that had two limos seized at, I believe, it was Woodbury Country Club. So not only was that trip disrupted and he had fines for unregistered vehicles, but he lost two other trips, he lost two other businesses because those vehicles stayed there in Nassau County. Instead of dropping off they were heading on to go pick other people up and they couldn't do it.

CHAIRMAN MONTANO:

Thank you, Charlie. Lynne? Oh, sorry, was Legislator Barraga.

LEG. BARRAGA:

I certainly can understand it from the standpoint of Nassau County, whether it's ambulettes or taxis or limos, this is a revenue source coming into the county for people outside the county from another area. You're coming from outside the County. It's additional dollars coming into their budget. And they're not prone to give it up no matter what the excuse being used. You pointed out as far as -- you gave some examples where their figures were not valid in terms of crime and that type. No matter what you tell them, it's not going to make any difference because down somewhere, somebody has a dollar figure associated with ambulettes, taxis and limos, money's coming into Nassau County. They're desperate for dollars; they're not going to change.

Even if you put state legislation in, as the Commissioner of Consumer Affairs indicated including Suffolk County for taxis and limos, it probably wouldn't pass because those assembly people and senators from Nassau county would have reasons to go and debate against it.

It's like -- I forget the circumstances, but there was some talk about nine or ten months ago about maybe Suffolk County ought to tax those people who take the railroad going east. Maybe it had to do with the MTA tax or something like that. Only in this particular case it's a different scenario, but they've gotten away with it in Nassau County. We could only do that as far as people traveling from west to east from the City on Long Island Railroad. But that's -- in a way it's a parallel to what they're doing in Nassau County when it comes to ambulettes, taxis and limos. They don't want a solution because financially this works for them.

MR. GARDNER:

Yes. I still say, though, I would give a shot for state law exempting ambulettes from county licensing.

CHAIRMAN MONTANO:

I agree.

MR. GARDNER:

Taxis, limos they can come up with all kinds of arguments to fit, to justify. But ambulettes that are basically regulated by the State, they shouldn't have to then deal with the 62 counties within New York State; come up with different rules that are essentially the same rules. And then have to do with Nassau what they did for the state.

CHAIRMAN MONTANO:

That's going to be interesting. We'll see after the election whether or not Nassau County actually controls the process the way they used to when they controlled the Senate, but that's a separate issue. I want to thank you for coming forward.

I had a question for Lynne, though, from the County Attorney's Office. Lynne, could you step forward? I'm sure you've been listening to this with great interest.

MS. BIZZARRO:

Great interest.

CHAIRMAN MONTANO:

Great, great. Has your office ever, as far as you know, entertained looking at this from either a legal litigation or any kind of perspective, are you -- you know, other than being here, do you have an interest in this issue? Has it ever been discussed in-house? I'm not familiar with -- I haven't looked at the Vehicle and Traffic Law in a long time so I'm not familiar with this particular section.

MS. BIZZARRO:

We haven't looked at it recently. We were involved several years ago with Nassau when we worked on the statute that Suffolk County passed regarding the limos and taxis. And we had done -- you know, we had done an agreement at that time with Nassau; but then the state law was passed which basically, you know, seemed to have gotten in the way of that.

CHAIRMAN MONTANO:

The state law vitiated the agreement; is that what happened?

MS. BIZZARRO:

It seems like that. You know, I sort of lost sight of it after I had gotten involved. I helped prepare the statute. I helped with the agreement. I had worked on it. And I really, you know, we haven't looked at it since.

CHAIRMAN MONTANO:

All right. Well, here's what I'm going to ask you then, since you're the lucky County Attorney that was in the audience while we were discussing this. I'm going to ask you to go back to the file. And could you send me -- Bob will be in contact with your office -- could you send me some of the background information including whatever memorandum was out there and whatever, you know, whatever files you have that isn't privileged, isn't work product. I'd like to get an idea -- I'd like to get a handle on where you were at, particularly in light of, you know, we restructured the Long Island Regional Planning Board. There was a great discussion about how we were going to work as a region as opposed to, you know, two separate counties on a number of issues. And this seems to be one issue that is more in line with a regional approach versus a, you know, how can I make \$10 for my little area and keep you people out of my area? You know, there's a bigger picture here, particularly today with what's going on.

And also I'm particularly interested in the difference between how ambulettes should be treated versus taxi and limousines. I do agree that may be a more complicated issue. But certainly with ambulettes, I don't see the rationale other than what Legislator Barraga pointed to and that, you know, comes down to greed. We can make money for our County to offset our budget at the expense of people in your County by seizing one or two vehicles or keeping your people, you know, interfering with the commerce in our County. And so could you -- I'll have Bob call on you that. I'd like to get that -- I know you're busy, you can assign that to someone else. Send me the file so that I could take a look at that.

MS. BIZZARRO:

If you could just follow-up with Bob --

CHAIRMAN MONTANO:

Bob will send you an e-mail.

MS. BIZZARRO:

-- contacting me, that would be great. Okay.

CHAIRMAN MONTANO:

-- on that. I appreciate it. Okay.

Anyone else wishing to address the Committee? Hearing none, I want to -- I hereby adjourn the meeting. Thank you.

**THE MEETING CONCLUDED AT 3:09 PM
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