

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 November 30, 2010.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Laura Halloran, Budget Review Office
Ben Zwirn, County Executive's Office
Brendan Chamberlain, Aide to County Executive
Tom Vaughn, Aide to County Executive
Renee Ortiz, Chief Deputy Clerk
Paul Perillie, Aide to Majority Leader
Eric Kopp, appointee Commissioner of Consumer Affairs Department
Charles Gardner, Director of Government Affairs
Bob Martinez, Aide to Leg. Montano
Catherine Stark, Aide to Leg. Schneiderman
Dot Kerrigan, Legislative Representative for AME
Lynne Bizzarro, County Attorney's Office
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

VERBATIM MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

[THE MEETING WAS CALLED TO ORDER AT 1:03 PM]

CHAIRMAN MONTANO:

We're going to start with the Pledge of Allegiance led by Legislator Barraga.

SALUTATION

You may be seated. Okay. We don't have any correspondence. No cards today, no presentation. There are two bills on the agenda.

TABLED RESOLUTION

One is the tabled resolution **1834-2010, Adopting Local Law No -2010, A Local Law to Standardize Home Energy Audits in Suffolk County. (Horsley)**

We also have two excused absences. Legislator Gregory will not be here and Legislator Schneiderman will not be here in time so they're both excused for today's meeting.

With that, with respect to 1834, does anyone have a -- do you want to table that or you want to --

LEG. BARRAGA:

Table.

CHAIRMAN MONTANO:

We're going to be back in two weeks anyway, and, you know, there's really no rush. I'll make a motion to table. Do I have a second?

LEG. BARRAGA:

Second.

CHAIRMAN MONTANO:

All in favor? Opposed? Abstentions? That resolution is tabled. **(VOTE: 3-0-0-2. Legislators Gregory and Schneiderman not present)**

INTRODUCTORY RESOLUTION

The other resolution, introductory resolution **2089-2010, Confirming the appointment of County Commissioner of Consumer Affairs (Eric A. Kopp) (Co. Exec.)** Mr. Kopp is here with us today. In light of the fact that we have two members of the Committee that are not present today, what I'm going to do is ask to table this. Also, I just want to put on the record that I had during the budget process thought a resolution would be introduced to eliminate the Consumer Affairs position and that we would have a standalone resolution to vote that during the budget process. That did not happen. So this position is funded.

I also correspondingly had introduced a resolution to revert the Department of Consumer Affairs back to the way it was prior to our last change. That bill is pending before Ways and Means. I will speak with the members of the Committee and depending on their pleasure will either close that or withdraw it or do what we have to do with that. So at this point, Mr. Kopp, I'm going to ask -- I'm going to make an application or a motion to table this for two weeks and ask you to come back and hold your presentation. And I see Ben getting up. Is there a reason for that?

MR. ZWIRN:

I just wanted to --

CHAIRMAN MONTANO:

Go ahead, Ben, you got two minutes. By the way, do I have a second on that? If we don't have a

second, it's not going to be approved because I'm not going to vote for it and we don't have enough votes to get this through.

LEG. BARRAGA:

You have a second.

CHAIRMAN MONTANO:

So in order to avoid any controversy I'd rather just table this at this point otherwise the bill's going to die. Ben, you have the floor. Go ahead.

MR. ZWIRN:

The only thing I would suggest is perhaps you could discharge it to the floor. And, you know, Mr. Kopp is well known to just about everybody in Suffolk County. His record of public service is well known and I think if you would get it to the floor where the members of the Committee could ask any questions that they have right there, I mean, it certainly would be more than just the people in the Committee.

But --

CHAIRMAN MONTANO:

I'm not prepared to do that. If you want to try a discharge petition that's fine with me. I have, you know -- but at this point I don't intend to move forward on this. So rather than create that issue, I'm going to make a motion to table. We have a second. I suggest that we table it for now. Let's deal with the other resolution that's out there. I understand that Mr. Kopp is already running the department. Am I correct in that?

MR. ZWIRN:

Yes.

CHAIRMAN MONTANO:

All right. So there's no harm, no foul there. It's not like the department is not being run. He has a position in the County now. And at this point we will be back in two weeks and we will deal with it appropriately. Any comments? All in favor? Opposed? Abstentions? Motion to table carries.
(VOTE: 3-0-0-2. Legislators Gregory and Schneiderman Not Present)

Mr. Kopp, my apologies. We'll deal with this in two weeks. And it'll certainly -- we'll have time in two weeks to deal with this and it'll be voted on, I would presume, by the end of the year. So I would ask you to -- whatever remarks you had with respect to the department save those and maybe we can discuss those in the interim because I know we didn't have a chance to meet before.

So with that I think we've completed the business of the Committee and I hereby adjourn the Committee. Thank you.

THE MEETING CONCLUDED AT 1:07 PM