

LABOR, HOUSING & CONSUMER PROTECTION COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Labor, Housing & 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 Thursday, October 6, 2011.

MEMBERS PRESENT:

Legislator Jon Cooper - Chairman
Legislator Kate M. Browning - Vice-Chair
Legislator Thomas Cilmi
Legislator Jack Eddington
Legislator DuWayne Gregory

ALSO IN ATTENDANCE:

George Nolan - Counsel for the Legislature
Sarah Simpson - Assistant Counsel
Renee Ortiz - Chief Deputy Clerk
Paul Perillie - Aide to Majority Leader
Dot Kerrigan - AME Aide
Eric Kopp - County Executive's Office
Richard Mayer - - AME/ Legislative Director
Julie Wexler - The Community Programs Center of Long Island
Carol Ryder, Esq.
January Aquilina
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:23 P.M.*)

CHAIRMAN COOPER:

Good afternoon, everybody. I'd like to welcome you to the October 6th meeting of the Labor, Housing and Consumer Protection Committee. Legislator Browning, could you please lead us in the Pledge.

SALUTATION

Thank you. Before we get to the agenda, we have a couple of speakers. First up is Carol Ryder. Carol, please identify yourself for the record. Come up to the podium right there. Thank you.

MS. RYDER:

My name is Carol Ryder. I'm an attorney from Fort Solonga practicing in the area. I'm here to express my support for some of the pet protection bills. I'm a general purpose attorney, but I have a special passion for underdogs. And I know that there is a bill that's out there -- it's been put off for a little bit -- that's supposed to be looking at the pet stores and getting a rating system from them.

I have some clients that have heard about that and told me horror stories about what goes on in the basements of those places. So I want to make sure that includes that. And I also want to make sure we do something about the kennels. I personally -- before I -- I became an attorney late in life to help underdogs. When I wasn't an attorney, I've suffered from all those things you've heard your constituents discuss with veterinary hospitals and kennels doping up your dogs and actually killing them from overdoses of drugs to calm them down.

So anything that gets passed in terms of animals, I would like to encourage everybody to try to vote for or try to work something out with it. People who love animals are very passionate and they vote a lot. And they sometimes pick out their attorneys, because the attorney loves animals even on totally unrelated cases, but that's not why I'm doing it.

So that's all I have to say. I'm just very much for this bill. And I hope that we can keep introducing more, because the New York State bills on animal abuse are very, very weak. I'm doing a seminar October 31st at Touro Law with Congressman Israel, the Nassau DA's Head unit Chief. And the New York State Laws are horrible. He can't really convict people the way he needs to. And Suffolk County doesn't have really anybody to do anything on these laws with this new Animal Abuser Registry. So at least if we can get stuff passed in Suffolk, other jurisdictions will follow us. And maybe eventually, up in Albany, they will get some bills passed and do something about the Agriculture Market Laws. Thank you.

CHAIRMAN COOPER:

Thank you, Carol. You actually pointed out a very real problem where there's a lot more that I think the Legislature would like to do on this, but in some cases, we're preempted by New York State Law. I'm hoping that they will follow suit in Albany following our lead in creating the Animal Abuser Registry that's now being considered in Nassau County and an Upstate County has already duplicated it. And legislation has been introduced in the State Legislature, and hopefully, they will act. Thank you for your support, Carol. Next speaker is January Aquilina.

MS. AQUILINA:

Hello. Good afternoon. My name is January Aquilina. And I feel that we need legislation to start an investigation inside veterinary hospitals and not only the pet stores. There's no one looking over them. Recently, my dog Esther was hit by a car. I scrapped her off the street, and I ran into a vet up the block from me. They took her in the back, and they told me -- they came out a half an hour

later and they said, "Her hind legs were broken, bladder shredded, and her tail would have to be removed. Sign here or euthanize her." I signed.

The following day, I went to see her condition. They said, "You're no longer her owner." And they said it was only a pelvis. Only her pelvic was broken. I said, "I'd like to make payments, something, I want my dog." And they would not -- they said, "She's already been adopted out." I'm here to ask for your help. I'm pleading for your help to please look into these things and into the animal hospitals as well as the pet stores.

This is Shanna Aquilina. This is a picture of Esther. I have a nine year old here, Nicolas Aquilina and George is my other son. He put the sweater up above his headboard of his bed. We need your help to try to get Ester back. If you could help us, we'd appreciate it.

CHAIRMAN COOPER:

January, thank you very much.

MS. AQUILINA:

And also to look into the chains.

CHAIRMAN COOPER:

All right. And where do you reside?

MS. AQUILINA:

I live in Lindenhurst, New York in Suffolk County. They have terrorized my family, and I just want to make my family whole again.

CHAIRMAN COOPER:

I'm going to have one of my aides give you the phone number for my District Office or you can get it from Carol. And if you can contact me, I'll be pleased to have my staff check into this.

MS. AQUILINA:

Thank you. God bless you. Thank you.

CHAIRMAN COOPER:

Well, thank you. And, kids, thank you so much for coming out. There being no further speakers, would anyone else like to speak? If not, we can move to the agenda.

TABLED RESOLUTIONS

First up is ***IR 1478, Adopting Local Law No. 2011, A Local Law to require occupational licensees to utilize the Social Security Number Verification Service (SSNVS) and the E-Verify System. (Co. Exec.)***

I'd like to make a motion to table this resolution for a public hearing scheduled for November 9th.

LEG. CILMI:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? IR 1478 is **TABLED** for a public hearing. **(VOTE: 5-0-0-0)**

1720, Adopting Local Law No. -2011, A Local Law to increase the number of residents eligible for first time homebuyer auctions in Suffolk County. (Browning)

Is there a motion?

LEG. BROWNING:

Motion to table.

CHAIRMAN COOPER:

I'll second that motion. All in favor? Opposed? IR 1720 is **TABLED. (VOTE: 5-0-0-0)**

1769, Establishing a voluntary "Puppy and Dog Protection Rating Program" for pet stores in Suffolk County. (Cooper)

I'll make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I just have a question. This bill establishes a committee, and then they will come up with a rating system on how to grade the different pet stores, which is a voluntary program?

CHAIRMAN COOPER:

Right. It actually sets up both a Pet Store Rating Criteria Committee, which is drawn up of five individuals; two local groups, a local animal welfare organization, and a representative of Consumer Affairs, but also three national organizations; The American SPCA, the American Kennel Club, and the Pet Industry Joint Advisory Council. Groups that often in the past were on opposite sides on this issue, they've all come together in support of this bill.

Then once the criteria are established, the detailed criteria that would rate conditions of care for puppies at pet stores as well as the standard of care for the breeding dogs at the breeding facilities that supply pet stores with puppies, there will a rating board, a local rating board established that will actually visit the pet stores, check conditions at the pet stores and verify the conditions of care at the breeders.

And it will be a voluntary system. It can't be mandatory because of Article 35 D of New York Business Law, which precludes local municipalities from enacting legislation -- mandatory legislation regulating pet dealers.

LEG. GREGORY:

I haven't looked at this in a couple of weeks, but my first reading was that those that voluntarily opt not to participate, that there will be a rating possibly imposed upon them anyway. It's not just solely --

CHAIRMAN COOPER:

No. No. If they don't participate -- what I'm envisioning, although the criteria committee will work out the details for this, but it will be a zero-to-five-paw-print scale similar to what they have for

restaurants. And if a pet store chooses not to participate for whatever reason in the rating system, then that will be noted on the Consumer Affairs Website. So it's not that they will have a poor rating, it will just be noted that they have no rating because they choose not to participate.

LEG. GREGORY:

Okay. All right. Thank you.

CHAIRMAN COOPER:

Yes, Legislator Cilmi.

LEG. CILMI:

How is this going to impact our government in terms of cost and in terms of manpower, etcetera? I mean, we're struggling to do all of the things that we're currently doing. It seems like we're adding another -- you know, another responsibility that we may not have the ability to undertake.

CHAIRMAN COOPER:

There really shouldn't be any cost at all. Whoever is serving on the rating board will be volunteers, with the possible exception of a representative from Consumer Affairs, but that doesn't even have to be a County employee, they're just going to choose a representative. So there will be five -- three or four volunteers that will be visiting the pet stores. The groups will be meeting over, I think it's a 60-day period to draw up the criteria.

Once again, there should be no additional cost to the County for that. So there would only be a nominal cost to put the ratings on the existing County website. I mean, there are only, I think, 37 pet stores in Suffolk County that sell puppies. So that would be a nominal expense. I would be surprised if it's more than \$100, \$200.

LEG. CILMI:

So we're really just acting as sort of an inspiration for this. I mean, it's not really burdening County Government at all.

CHAIRMAN COOPER:

It shouldn't. Actually, if anything, there would hopefully be cost reductions over time, because if we were able to improve conditions of care at the pet stores, improve the quality of the puppies that are purchased from pet stores, that would hopefully reduce the number of animals that end up in local town shelters, reduce the number of cases where the Suffolk County SPCA -- which is supported in part by County taxpayers -- will have to respond to abuse cases. So I think if anything, long term, there will be a savings to taxpayers.

But the primary impetus for this is that we're trying to find a legally permissible way to deal with the problems of puppy mills. And my original idea, as you know, was to ban the retail sale of puppies by pet stores, which was certainly more controversial; it generated a lot of support, but it also generated opposition. This approach, coming up with a rating system similar to what's in place for restaurants, I'm very pleased to report has garnered support from all corners. And the Pet Industry Joint Advisory Committee -- Council, for example, which was vehemently opposed to my first bill, says that this approach is brilliant and they think it will set a new national standard for pet stores.

LEG. CILMI:

So I get the intent, I appreciate the intent, and I agree with the intent. Again, my only question was does it add an additional function to government that -- to what we're already doing, and you are saying that it doesn't. George, would you concur with that? As long as you concur with that, then I have no problem.

MR. NOLAN:

I concur with what Legislator Cooper stated, yes. I mean, really the only thing is going to be the representative from Consumer Affairs that will serve on this rating board, the rest of them are volunteers. So I think everything that Legislator Cooper said is accurate.

LEG. CILMI:

So once this committee is established, the affect of the law is basically done with, and there's no further requirements that County Government will have to follow through with; correct?

MR. NOLAN:

Just the rating board.

CHAIRMAN COOPER:

Right, except the rating board that will update the ratings on an annual basis. As I said, right now, we're envisioning, I believe it's four members, a local animal welfare organization, the Suffolk County SPCA, Long Island Veterinary Medical Association and Consumer Affairs is one. So it's the Consumer Affairs rep, but even that doesn't have to be the Commissioner or even a Suffolk County employee. They could appoint somebody else.

LEG. CILMI:

Okay. Thanks.

CHAIRMAN COOPER:

Okay. Thank you. If there no further questions, I believe we have a motion to approve and a second. All in favor? Opposed? IR 1769 is **APPROVED (VOTE: 5-0-0-0)**

New resos, 1810, Adopting Local Law No. -2011, A Local Law to address improved auction properties that remain unsold and increase affordable housing in Suffolk County. (Browning)

This has to be tabled for a public hearing, so I will make that motion.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

All in favor? Opposed? IR 1810 is **TABLED** for a public hearing **(VOTE: 5-0-0-0)**

1812, Amending Resolution No. 206-2006, Establishing an application fee waiver policy for Civil Service Examinations. (Pres. Off.)

I will make a motion to approve.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

I have a second.

LEG. CILMI:

On the motion.

CHAIRMAN COOPER:

Legislator Cilmi.

LEG. CILMI:

To Gail, what's the fiscal impact of this?

MS. VIZZINI:

Basically, the intent here is to conform the working definition of unemployment to the intent of the State Law. Most recently, the issue came up when we administered the 2011 Police Examination. And the way our legislation is written, the personnel officer, although he has discretion, the legislation does not clearly define unemployment as what is proposed in this legislation as unemployed and being head of household.

So the cold hard facts are that 8848 waivers were granted relative to a loss of revenue of \$884,800. However, one-third of the people who didn't have to pay didn't show. The County, in turn, paid for -- rented -- I mean, 30,000 applicants applied for the police examination. And this is the worst case scenario. This resolution would clarify what we mean by unemployment as unemployed and primarily head of household, not my son who just graduated college and, you know, he may have had a summer job, but he's not working.

LEG. CILMI:

So the effect of this resolution further constricts the scope of people whose fees would be waived?

MS. VIZZINI:

It conforms our definition of unemployment to New York State Civil Service Law's definition of unemployment.

LEG. CILMI:

Which would have made it more restrictive in the last case of our police exam, for example.

MS. VIZZINI:

Yes. And this is for all Civil Service exams.

CHAIRMAN COOPER:

Thank you for that clarification. We have a motion to approve and a second. All in favor? Opposed? IR 1812 is **APPROVED (VOTE: 5-0-0-0)**.

Would anyone else like to address the committee? There being none, I make a motion to close, recess? Adjourn. That's the word, adjourn. I make a motion to adjourn. Thank you. Have a nice day.

(*THE MEETING WAS ADJOURNED AT 1:41 P.M.*)