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7 **SENIORS & CONSUMER PROTECTION COMMITTEE**
8
9 **OF THE**
10 **SUFFOLK COUNTY LEGISLATURE**
11
12 **MINUTES**
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16 A meeting of the Seniors & Consumer Protection Committee of the
17 Suffolk County Legislature was held in the Rose Y. Caracappa
18 Legislative Auditorium of the William H. Rogers Legislature
19 Building, 725 Veterans Memorial Highway, Smithtown, New York on
20 January, 30, 2017.
21

22 **MEMBERS PRESENT:**

23 Leg. Sarah S. Anker Chairperson
24 Leg. Steven H. Stern - Vice Chair
25 Leg. Thomas Cilmi
26 Leg. Al Krupski
27 P.O. DuWayne Gregory
28

29 **MEMBERS NOT PRESENT:**

30 Leg. Thomas Muratore (*Excused*)
31

32 **ALSO IN ATTENDANCE:**

33 Sarah Simpson - Assistant Counsel/Suffolk County Legislature
34 Amy Ellis - Chief Deputy Clerk of the Legislature
35 Bennie Pernice - Budget Review Office
36 Andrew Tarantowicz - Budget Review Office
37 Debbie Harris - Aide to Legislator Stern
38 Katie Horst - Director/Intergovernmental Relations-CE's office
39 Holly Rhodes-Teague - Director/Office of the Aging
40 Frank Nardelli - Commissioner/Suffolk County Department of Labor,
41 Licensing and Consumer Affairs
42 James Andrews - Assistant Administrative Director/Consumer Affairs
43 Rick Brand - Newsday
44 And all other interested parties
45

46 **MINUTES TAKEN BY:**

47 Gabrielle Severs - Court Stenographer
48

49 **MINUTES TRANSCRIBED BY:**

50 Denise Weaver - Legislative Aide
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52
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(The meeting was called to order at 12:31 p.m.)

CHAIRWOMAN ANKER:

Welcome to the Senior and Consumer Protection Committee meeting.
Please rise for the Pledge of Allegiance led by Legislator Cilmi.

(Salutation)

Please remain standing for a moment of silent meditation prayer as we think of our military protecting our freedom, and also as we think of every single person in this country and throughout the world to stop any divisiveness and to come together and work together for a more -- for better solidarity and a peaceful world.

(Moment of silence observed)

Thank you. Okay, we do not have presentations today. I know we have Holly Rhodes-Teague, she's here with the Office of the Aging, and also Frank Nardelli. Is there anything you'd like to speak about today? Yes, no? Holly, Holly -- go ahead and come on up.

DIRECTOR RHODES-TEAGUE:

Hi, everybody.

CHAIRWOMAN ANKER:

Hi.

DIRECTOR RHODES-TEAGUE:

I was asked to just give a short presentation on the Office for Aging and some of the -- some of the things we've been doing in the past year. I know you're all very familiar with our office and that we're heavily Federally and State funded and that we are very heavily dependent on our ten townships and some of our non-profits to provide services. We are obligated to contract out most of our services under the Older Americans Act and we do so.

Some of the services we provide directly are the Information and Assistance and the Case Management Program, and I just wanted to tell you a little bit about what's happened over the past year in our office. You know, currently the population over age 60, which is the population we serve, is probably hovering around 300,000 in Suffolk County; at the 2010 census it was 285,000. So we are a big -- a big portion of the County, I would say it's -- I think it's around 20% at this point.

The East End towns, as I know Legislator Krupski knows, is very heavily concentrated, we have probably 25 to 30% of the population out on the East End at -- you know, 25 to 30% of that population is over age 60, so that's a big number and it's probably the number we'll see throughout the County in the next ten years. You know, so we do have a huge population to serve. We have some waiting lists in our County depending on the township and what the waiting list is. Nutrition programs, the waiting list is running somewhere around 450 people, it's been that way for the last several years, that number.

1 The home deliver -- the Case Management Program also has a waiting
2 list of probably around 450 to 500 people and that program has had
3 a waiting list from the day it started. It's a well used service,
4 people love it. It provides case management and home care. But,
12:34PM 5 for example, on some of the numbers of who we serve, we serve about
6 900 people in the Case Management Program, and in the year '15-'16,
7 which is the last year we have full numbers for, we had 23,000
8 units of service and that's one hour is a unit, so we did a fair
9 amount of case management. On our congregate meals, almost 7,000
12:34PM 10 people took part at one point or the other in a year and 280,000
11 meals were served throughout the County.

12
13 The Home Delivered Meal Program, 2300 people were provided service
14 and 350,000 meals were served in the year. So it's a fair amount
12:35PM 15 of meals that go out in each part of the County.

16
17 The Information and Assistance, which is done through our office
18 alone, is a -- the calls and the face-to-face they do at libraries,
19 senior centers, housing complexes; it was 16,000 units of service
12:35PM 20 last year.

21
22 Res Repair, which is the little tiny program that people don't know
23 a lot about but it provides a lot of service; 11,000 units of
24 service were provided, and that's an hour of service for that
12:35PM 25 program.

26
27 So we have a lot going on. I mean, people don't hear about us but
28 we do a lot in the -- in the course of a year. The -- the phone
29 calls are getting very intense. They're not, you know, quick and
12:35PM 30 easy phone calls, people really need a lot of assistance in trying
31 to figure out what to do either for themselves or for their loved
32 ones. You know, a little dementia, *Mom can't really handle her own*
33 *-- her own problems anymore.* What do I, how do I do it, where do I
34 go? Maybe they need home care, maybe they need to find a different
12:36PM 35 type of housing. Health insurance is a crazy concept for people,
36 they don't understand that Medicare doesn't cover home -- long-term
37 care services; they just assume somehow somebody will pay for that
38 and that's not necessarily the case. So we have a lot of time on
39 the phones with people when they do call, so it's, you know, just
12:36PM 40 something to do be aware of.

41
42 **CHAIRWOMAN ANKER:**

43 Where do you say for them to look into? Do we provide that
44 outreach or are there not-for-profit organizations?

12:36PM 45
46 **DIRECTOR RHODES-TEAGUE:**

47 What do you mean? What kind of outreach?

48
49 **CHAIRWOMAN ANKER:**

12:36PM 50 When people call you and say my mother is not able to take care of
51 herself.

52
53 **DIRECTOR RHODES-TEAGUE:**

54 We spend the time on the phone with those -- with people who call,
12:36PM 55 and we try to give them a little bit of a roadmap as to where they
56 should go, what they should do and how they should do it. It's not

1 necessary that our services are the only services that are out
2 there. Obviously with waiting lists and case management, you know,
3 they're relatively small programs. We have to provide them with
4 information on what's out there in the community as well. And some
12:37PM 5 people are able to afford services or if they -- or they have the
6 resources to pay for services, they just want to know who they
7 should go to find out about them. You know, those who are eligible
8 for Medicaid, we -- we assist them with trying to get those
9 benefits as well. Food stamps, the HEAP Program, all the
12:37PM 10 entitlement programs we will assist people with doing that.

11
12 Trusts are another interesting thing. The -- you know, in order to
13 spend down to Medicaid, you know, there's other things they can do
14 so we try to tell them where they can do that. So we do a lot of
12:37PM 15 referrals but we also do some work in the office as well.

16
17 That's just a little snapshot of some things that -- that are
18 happening in the office. We're also still working on transitioning
19 from a database that we did directly to the Statewide database for
12:37PM 20 clients. It has been a challenge, much more than anybody could
21 have realized. The State is struggling to put together the
22 Statewide data system and we struggle with them because we have to
23 wait for them to give us answers; that's been going on probably six
24 months, eight months. But eventually, you know, I keep saying a
12:38PM 25 year from now we'll all laugh about this, but right now we're not
26 laughing, it's just kind of a -- we'll get it done.

27
28 **CHAIRWOMAN ANKER:**
29 Okay. If there's anything we can do as far as advocating on the
12:38PM 30 State level, just let us know.

31
32 **DIRECTOR RHODES-TEAGUE:**
33 I think they bit off more than they could chew in terms of putting
34 together the Statewide data system, so it'll happen, it's just
12:38PM 35 taking a longer time than we thought. And that also impacts our
36 contractors cause they're in the Statewide data system as well.

37
38 **CHAIRWOMAN ANKER:**
39 Okay.

40
41 **DIRECTOR RHODES-TEAGUE:**
42 So, it's all moved down from the State to us and then to the
43 contractors.

44
12:38PM 45 **CHAIRWOMAN ANKER:**
46 Legislator Stern.

47
48 **LEG. STERN:**
49 I just have a specific question for -- for Holly, if we're done
12:38PM 50 with the -- with the overview of the Department and what's going
51 on.

52
53 We were recently informed that the -- the JASA Organization was no
54 longer going to be providing services for Suffolk County residents.
12:38PM 55 I'm wondering if you can maybe just go through what services they
56 were providing, where that funding was coming from and what you see

1 going forward in terms of other organizations that might be able to
2 step in and provide those needed services.

3
4 **DIRECTOR RHODES-TEAGUE:**

12:39PM 5 My understanding is that JASA is -- Jewish Association for Services
6 to the Aged, they have been a long-time provider in Suffolk and
7 Nassau in providing, in our case they provided home delivered and
8 congregate meals. They had a caregiver program and their program
9 has been in the County probably 17 years, 16 years, I mean, over
12:39PM 10 15. In Nassau they provide I think many more services than they do
11 in Suffolk and they approached us, and even though we had just
12 finished doing an RFQ that they had responded to, we were going
13 back and forth on some things, they have said they've made the
14 decisions to pull -- to pull out of Suffolk and Nassau. I think
12:39PM 15 it's a decision, you know, they're basically a New York City based
16 agency and I think that they're pulling back to their core,
17 geographic areas. You know, there isn't anything else there,
18 really, I think that made that decision for them. They felt that
19 financially it wasn't really, you know, useful for them to keep
12:40PM 20 staying in Suffolk and Nassau.

21
22 So we have met with them and we are working to try to get the
23 services in place with other contractors. I can't say that we have
24 that in place for sure, we're working towards that. They did say
12:40PM 25 they would stay in place at least for the first quarter, so we're
26 hoping to get everything in place. Whether it happens -- I know
27 caregiver shouldn't be an issue, the congregate I don't believe
28 will be an issue, it's the home delivered meals that are my problem
29 right now. So I'm struggling with --

12:40PM 30
31 **LEG. STERN:**

32 Do you know approximately how many home delivered meals or how many
33 recipients there are?

12:40PM 34
35 **DIRECTOR RHODES-TEAGUE:**

36 They provided -- I want to say there was about 80 -- it was about
37 80 people. I mean, I think I'll get most of it in place, I'm
38 just -- again, I can't really talk about it because I don't have it
39 in place yet, so, but we are -- we are working towards it.

12:40PM 40
41 **LEG. STERN:**

42 Do you know where the funding for that program comes from?

43
44 **DIRECTOR RHODES-TEAGUE:**

12:41PM 45 The funding comes from -- meals is like all of it, some Federal,
46 some State and then the County puts funding in as well.

47
48 **LEG. STERN:**

49 Okay. So much of that is, you would say, is pass-thru?

12:41PM 50
51 **DIRECTOR RHODES-TEAGUE:**

52 Yes, yeah. All our -- all our nutrition programs we get money from
53 the two, you know, the two locations, you know, Federal and State
54 and then the County. And then what happens is either the
12:41PM 55 congregate -- the contractors, many of them, are putting in some
56 additional funding or they're doing in-kind as well.

1 **LEG. STERN:**

2 So, Holly, how easy/difficult is it, then, to reallocate the
3 pass-thru money to a new organization that might step in to provide
4 the services? How quickly can -- does that happen?

12:41PM

5
6 **DIRECTOR RHODES-TEAGUE:**

7 Well, right now I'm trying to work with current contractors. You
8 know, as you know, I think, from over the years, we do not, when we
9 do the competitive bids, and we just did one this past year for
10 starting 2017, we never have a new -- a new vendor. You know,
11 these programs are not -- financially nobody's making money off
12 these programs. They're programs that the towns and some of the
13 non-profits have done because they feel it's their mission to -- to
14 provide services to the residents. So it's not -- it's not an easy
15 sell to find someone to say, *Oh, pick me to be your next provider*
16 *of service*, so we are looking to work with the -- some of the
17 current contractors to -- to pick up the -- the meals.

12:41PM

12:42PM

18
19 **LEG. STERN:**

20 And so then, do you have an idea procedurally what was -- so these
21 are organizations that we are familiar with --

12:42PM

22
23 **DIRECTOR RHODES-TEAGUE:**

24 Yes, yes.

25
26 **LEG. STERN:**

27 -- and they're already providing other services.

28
29 **DIRECTOR RHODES-TEAGUE:**

30 And because we have just done an RFQ, it would really be an
31 expansion of the number of meals they would serve if they're
32 willing to do it, and that's what I'm working towards right now.

12:42PM

33
34 **LEG. STERN:**

35 Okay. All right, very good. If you can keep me up-to-date.

12:42PM

36
37 **DIRECTOR RHODES-TEAGUE:**

38 Yeah, certainly.

39
40 **LEG. STERN:**

41 Appreciate it. Thank you.

12:42PM

42
43 **DIRECTOR RHODES-TEAGUE:**

44 Any other questions?

12:42PM

45
46 **CHAIRWOMAN ANKER:**

47 No, it doesn't look like it. I just wanted to bring up an issue
48 that I've been working with locally is the electric rates and
49 trying to advocate a special rate for our seniors, or at least the
50 seniors only-electric. How is the, what is it, the HEAP Program?
51 Now, that's folks with oil? How is that going?

12:42PM

52
53 **DIRECTOR RHODES-TEAGUE:**

54 I think there's a small -- a small benefit for those who heat with
55 electric as well, but it's a one-time benefit, just like it is for
56 the oil. And they have to be -- they have to be qualified

12:43PM

1 financially, you know, financially. So they would apply, I
2 believe, just as they would for a HEAP, a regular HEAP benefit.

3
4 **CHAIRWOMAN ANKER:**

12:43PM 5 Yeah, it's really hard, again, for that -- for the seniors in
6 particular because of the fixed income. You know, when everything
7 goes up, your income stays the same and, you know, it's very
8 frustrating.

9
10 **DIRECTOR RHODES-TEAGUE:**

12:43PM 11 That's been a challenge for the electric-only communities for a
12 long time.

13
14 **CHAIRWOMAN ANKER:**

15 Absolutely.

16
17 **DIRECTOR RHODES-TEAGUE:**

18 And I don't -- I don't know why they put all-electric into these
19 units.

12:43PM 20
21 **CHAIRWOMAN ANKER:**

22 Well, there's a story; Shoreham Nuclear, they were supposed to get
23 cheap electricity in 1973 and it didn't happen, so unfortunately
24 this is where they are. But, you know, again, this is where it's
12:43PM 25 time for government to step in and really help those in need and we
26 really appreciate what your office is doing for our senior
27 population.

28
29 **DIRECTOR RHODES-TEAGUE:**

12:44PM 30 Thank you.

31
32 **CHAIRWOMAN ANKER:**

33 Okay, thank you.

34
12:44PM 35 All right, we have Frank Nardelli, he's the Commissioner of Suffolk
36 County's Department of Labor, Licensing and Consumers Affairs. We
37 also have James Andrews, he's the Assistant Administrative Director
38 for Consumer Affairs. If you would like to come and give us a
39 little information about what's going on in our Labor Department.

12:44PM 40
41 **COMMISSIONER NARDELLI:**

42 Good afternoon, everyone. Good afternoon. A belated Happy New
43 Year to everyone. I hope everyone had good holidays. I wish
44 everyone a prosperous 2017.

12:44PM 45
46 Also, same as Holly, a little overview of mostly Consumer Affairs,
47 since this is Consumer Affairs and Seniors. Primarily you guys
48 already know what we do, but I'll just go over a few points and if
49 James wants to chime in, and whatever questions you may have, we'll
12:45PM 50 be happy to answer them.

51
52 But as you know, we are a consumer protection agency with
53 enforcement of County and State laws. We work with all types of
54 businesses to ensure compliance with 57 local laws and various
12:45PM 55 State laws. These laws are mostly related to occupational
56 licenses. We ensure all the scales, the pumps, the meters in the

1 County, make sure that they're all in proper compliance. We
2 enforce price protection laws and parts of the pet industry and
3 many other laws pertaining to consumer protection. We provide
4 mediation services between contractors and consumers to help them
12:45PM 5 resolve disputes. We also have a TLC Division where we license
6 for-hire drivers and register vehicles, the number of total
7 licenses currently with the Department is over 17,000; 17,500
8 active licenses.

9
10 Some accomplishments for 2016 were we issued roughly 1600 new
11 licenses and renewed about 7,000, which is the approach we've been
12 trying to take. Rather than go out and issue violations, we try to
13 get people that are not in compliance in compliance, because if we
14 just issue a violation and they do not get a -- a license with the
12:46PM 15 County, they're just going to continue to go out there and operate
16 without, so we'd rather have them get into compliance. That's kind
17 of what we've been focusing on in 2016.

18
19 We completed analysis of 57 of the local laws and we prioritize
12:46PM 20 them for enforcement. We prepared for the enforcement of the new
21 laws in 2016; liquid nicotine, 911 and pet grooming. We enforce
22 utilization. We've been utilizing the internet more and more and
23 other methods to try and track down where unlicensed contractors
24 may be advertising, so we don't have much recourse over that. But
12:47PM 25 what we do in those instances is show them their advertisements and
26 clearly they're not on license with us and we'll either issue a
27 violation or ask them to come in and say, *Listen, if you're going*
28 *to advertise and you're gonna operate in this County, you have to*
29 *be licensed with the County.*

12:47PM 30
31 We increased -- we reorganized our staff to get better allocation
32 for staff time utilizing different staffers for different things,
33 usually rank and file. Because for Weights and Measures, we can
34 only use them to enforce weights -- Weights and Measures laws under
12:47PM 35 the State because they have -- they have -- they're peace officers,
36 so we can only use them in certain instances. But some of the
37 other County employees and some of the other laws, we revolve our
38 staff so we've been getting efficiencies that way, and how we
39 gained those efficiencies was merging Department of Labor with CA
12:48PM 40 and that's how we've been able to restructure a little bit.

41
42 But we began the second phase of the Accela II Software, so we're
43 moving Consumer Affairs into the 21st century; in essence,
44 modernizing the Department. It's going pretty well. The entire
12:48PM 45 licensing and complaint process will eventually move into that
46 electronic format. We handled over 21,000 phone calls, about 1,000
47 complaints and over -- yeah, and over 1,000 e-mail inquiries. So
48 looking forward to 2017, we hope to finish the first half of the
49 Accela Phase II and move into the second half. And what that will
12:48PM 50 do, that'll allow contractors and vendors to go online and to apply
51 online, pay violations online, download any information they need,
52 they'll have access to much more information electronically, so it
53 saves us time. We don't have to use staff time every time someone
54 walks into the door and they don't have to take time out of their
12:49PM 55 work day to come down and reapply for a license, apply for a
56 license or pay for a -- a violation. So we're looking forward to

1 that. And it's been going very well and I thank you for your
2 support for our Capital Program, we don't ask for much. But that's
3 pretty essential in getting Consumer Affairs, you know, really
4 modernizing it and making it a -- a real functional County agency.

12:49PM

5
6 So we'll continue to increase enforcement through local laws,
7 again, using technology, Facebook, Craig's List, other areas where
8 they may advertise. With TLC we seek to coordinate more closely
9 with other local TLC's and create, again, a regional approach, make
10 sure everyone's vetted, make sure everyone's licensed, you know,
11 and ensuring passenger and public safety, obviously.

12:49PM

12
13 So we hope to continue gain greater efficiencies through
14 consolidation, which we have been able to do. We've been
15 implementing some of our own performance management, that seems to
16 be working pretty well. And we hope the Department becomes more
17 consumer -- customer service oriented, more consumer friendly and
18 shorten our response times.

12:50PM

19
20 **CHAIRWOMAN ANKER:**

21 I just want to mention that TLC is Taxi and Limousine Commission.

12:50PM

22
23 **COMMISSIONER NARDELLI:**

24 Yes, sorry, Taxi and Limousine Commission.

25
26 **CHAIRWOMAN ANKER:**

27 Oh, no, that's okay. And I also want to commend you on your --
28 your focus on the One-Stop Job Center.

12:50PM

29
30 **COMMISSIONER NARDELLI:**

31 Thank you.

32
33 **CHAIRWOMAN ANKER:**

34 We're trying to get our folks -- our high school kids over there so
35 they know that we have this amazing resource, you know, for them to
36 use, and really for the 1.5 million people here in our County.
37 And, you know, you mentioned, a thousand, a couple of thousand
38 phone calls, that's not bad considering the amount of people.

12:50PM

39
40 But also, we do need to focus on the scams, and I know that's why
41 James is here, too, to talk maybe a little bit about that. My
42 seniors are getting hit really hard with these -- these horrific
43 scams. You know, they're -- they're being -- scammed out of
44 thousands and thousands of dollars over the phone or on the
45 computer, and again, we appreciate your attention to that.

12:51PM

46
47 **COMMISSIONER NARDELLI:**

48 It's seniors primarily, and, you know, people with language
49 barriers, people with -- on fixed budgets and, you know, I hate to
50 say it, but people with limited education that get taken advantage
51 of. And I don't think there's one Legislator that hasn't called us
52 with constituent problems regarding Consumer Affairs, and we go to
53 work on it right away. I mean, we go to work on it for everyone,
54 but in particular your constituents, you know, the County Exec's
55 constituents, they're our residents, they're our taxpayers. So I
56 think we do a pretty good job at, you know, trying to rectify

12:51PM

12:51PM

1 whatever we can.

2

3 So just to talk a little bit about the merger. You know, we had a
4 little bit of a hurdle to get over. There was really no synergy
12:51PM 5 between Consumer Affairs and Labor, and we merged in January of
6 2012. So it was tough going for a little while. You know, morale
7 was not so great, in particular on the Consumer Affairs side, only
8 because they really didn't have much in common with the other half
9 of the department. So -- but over the last three years, with the
12:52PM 10 direction of Director Andrews here, I think we've done a pretty
11 good job. Morale is -- is pretty good. We've been able to get new
12 tools, again, through your graciousness and through our Capital
13 Program and Operating Budget. So we seem to be doing pretty well.
14 You know, James can chime in, but, you know, I'll answer any
12:52PM 15 questions for you as well.

16

17 **CHAIRWOMAN ANKER:**
18 Legislator Krupski.

19

12:52PM 20 **LEG. KRUPSKI:**
21 Sir, welcome.

22

23 **COMMISSIONER NARDELLI:**
24 Thank you.

25

26 **LEG. KRUPSKI:**
27 So it's about, you know -- you mentioned the staffing. And then
28 how much of your work is complaint driven versus how much -- you
29 said you got, you know, 21,000 phone calls last year; I mean,
12:52PM 30 obviously that's going to keep, I would think, a lot of people
31 busy. How much of those calls generate, you know, like an official
32 response or how much are, just, you know, someone can answer
33 someone's question on the phone, and how much of your work is like
34 scheduled beyond the complaint driven?

12:53PM 35

36 **COMMISSIONER NARDELLI:**
37 I'll let James touch upon that, but a lot of the phone calls are
38 inquiries. And nine times out of ten, if they have something to do
39 with item pricing and it's very simple, we'll instruct them what to
12:53PM 40 do; you know, take your receipt, go back to the store, find the
41 store manager, tell them what happened, and nine times out of ten,
42 you know, they'll get justification, but a lot of times they don't.
43 There are other times when action needs to be taken and they don't
44 know what the process is, which is what we inform them on. As far
12:53PM 45 as the numbers go, I'll let James refer to that.

46

47 **MR. ANDREWS:**
48 Good morning, or good afternoon. I would say out of the 21,000
49 telephone calls that we do receive, maybe two percent actually have
12:54PM 50 been realized into formal complaints. We get a lot of inquiries,
51 we get all types of inquiries. I mean, we have people calling on
52 the telephone calls that tell us there's zombies in the house
53 across the street from them. When they hear about zombie homes on
54 the news, they don't realize that these individuals aren't zombies
12:54PM 55 but they're actually people that are squatting. I mean, we have to

56 --

1 **LEG. KRUPSKI:**

2 We need legislation to address that, I think that you can try to --

3
4 **MR. ANDREWS:**

12:54PM 5 You'd be surprised at the types of telephone calls that we get. In
6 your district, Legislator, we got a telephone call and an inquiry
7 from Riverhead School District that an individual has a wood
8 burning stove -- a wood burning furnace outside of his house. And
9 although Consumer Affairs does regulate the sale of those, we don't
12:54PM 10 regulate the enforcement, but we've been heavily involved trying to
11 come to some kind of situation and help the school district out
12 because their fresh air vents are now being flooded with whatever
13 is being spewed out of this gentleman's furnace.

14
12:55PM 15 So we get a wide range of calls. You know, some calls we can help
16 people, some calls are simple, *Well, we don't handle that but this*
17 *agency does*, so we do make referrals out. We make referrals for
18 the Economics Crime Bureau, for the DA's Office, we make referrals
19 to the Attorney General's Office, we make referrals to the DMV.

12:55PM 20 Whichever we find, we try and have a wide range of organizations at
21 our fingertips so we can answer the telephone calls that do come
22 in.

23
12:55PM 24 You had mentioned about some of our work being scheduled; a lot of
25 our Weights and Measures work is scheduled work. I mean, I have
26 six staffers and they are well burdened with work, checking every
27 single scale, pump and meter that exists in this County. You know,
28 they can't keep up with the amount of work that's out there.

12:55PM 29
30 **CHAIRWOMAN ANKER:**

31 I'm just curious, what -- what do they find? Are they finding that
32 everyone's, you know, following the rules or not? No.

33
34 **MR. ANDREWS:**

12:56PM 35 No. No, we do not.

36
37 **LEG. KRUPSKI:**

38 So how do you -- that was my other question. When you find someone
39 out of compliance, the whole wide range -- and you're doing a
12:56PM 40 really wide range of work there. Are you looking for compliance or
41 are you looking for fines, or how do you --

42
43 **MR. ANDREWS:**

44 A lot of times with the smaller organizations, like your delis
12:56PM 45 where they're going in for a -- they maybe have one -- one or two
46 scales in there, and most corporations that we deal with, our main
47 gist is compliance. You know, it doesn't pay to write -- and if
48 you look at our violation revenue for 2016, since I've taken
49 over -- I'm probably going to get yelled at -- but our violation
12:56PM 50 revenue has gone down. Our licensing revenue in our areas of
51 expertise -- electrical, plumbing, home improvement -- that
52 actually went up \$150,000 from 2015 to 2016 because we do seek
53 compliance with the laws. It's a lot better to have someone
54 licensed out there because then if there is an issue we have a
12:57PM 55 little bit of leeway in terms of mediation. Because now we can
56 say, *Well, you have a license with us. If you'd like to keep that*

1 *license, maybe you need to sit down and work with the consumer to*
2 *make them satisfied, make them whole.*

3
4 **CHAIRWOMAN ANKER:**

12:57PM 5 Okay. I think -- I think we're good. I'll ask, you know, I'll ask
6 you just please stay. You can actually go back into the -- into
7 the audience area and we'll probably need to hear from you in just
8 a few minutes.

9
10 **MR. ANDREWS:**

11 Thank you.

12
13 **COMMISSIONER NARDELLI:**

14 Thank you very much.

12:57PM 15

16 **CHAIRWOMAN ANKER:**

17 Thank you.

18
19 Okay. We will move on to the resolutions. And I'd like -- yeah,
20 I'd like to take a couple of resolutions out of order. I'll make a
21 motion to take IR 2126 out of order.

22
23 **LEG. CILMI:**

24 Second.

12:57PM 25

26 **INTRODUCTORY RESOLUTIONS**

27
28 **CHAIRWOMAN ANKER:**

29 Second. All in favor? Opposed? Motion carries. (VOTE: 5-0-0-1 -
30 Not Present: Legislator Muratore - P.O. Gregory included in the
31 vote)

32
33 Okay, IR 2126 - Approving the appointment of Kevin Casey as a
34 member of the Suffolk County Electrical Licensing Board. (Co.
12:58PM 35 Exec.) I'll make a motion to approve.

36
37 **LEG. CILMI:**

38 Second.

12:58PM 39

40 **CHAIRWOMAN ANKER:**

41 Second. Mr. Casey's here; would you like to come up and say hi
42 real quick? I want to -- I want to thank you for your volunteering
43 effort to help the County as we move forward with our electrical
44 questions. Could you give us just a brief background?

12:58PM 45

46 **MR. CASEY:**

47 Sure. I'd like to thank the Members of the Legislature for
48 approving me for serving on the Electrical Licensing Board.
49 My background starts in 1987, when I got into Local 25's
12:58PM 50 apprenticeship program, so I am entering -- I am in my 30th year;
51 boy, it goes by quick. I am currently the newly approved Business
52 Manager of Local 25, taking over for Kevin Harvey who retired in
53 October. He is a past board member for the Electrical Licensing
54 Board, before that I believe Don Fiore was on it, and before that
12:59PM 55 Bill Lindsay sat on the Lcensing Board, and we're all past Business
56 Managers. Before that I don't know because that's about 30 years

1 worth of business managers right there.

2

3 I will do the best of my ability to serve the board as the job is
4 presented to me, and if anybody's got any questions I'm here for
5 you.

12:59PM

6

7 **CHAIRWOMAN ANKER:**

8 Okay. Again, I want to thank you for the work that you've done,
9 you know, throughout Suffolk County. I've known you for a few
10 years here and, again, I do want to thank you.

12:59PM

11

12 **MR. CASEY:**

13 Thank you. Anyone else?

14

15 **CHAIRWOMAN ANKER:**

16 Okay. We have a motion and a second. All in favor? Opposed?
17 Abstention? Motion carries. **APPROVED (VOTE: 5-0-0-1 - Not**
18 **Present: Legislator Muratore - P.O. Gregory included in the vote)**
19 Congratulations. Thank you.

12:59PM

20

21 **MR. CASEY:**

22 Thank you.

23

24 **CHAIRWOMAN ANKER:**

25 Okay, I also would like to take IR 2127 out of order.

12:59PM

26

27 **LEG. CILMI:**

28 Second.

29

30 **CHAIRWOMAN ANKER:**

31 I'll make a motion. I have a second. All in favor? Opposed?
32 Abstention? Motion carries. **(VOTE: 5-0-0-1 - Not Present:**
33 **Legislator Muratore - P.O. Gregory included in the vote)**

34

35 **IR 2127 - Approving the appointment of Michael Catizone as a member**
36 **of the Suffolk County Electrical Licensing Board (Co. Exec.) I'll**
37 **make a motion to approve.**

38

39 **LEG. CILMI:**

40 Second.

01:00PM

41

42 **CHAIRWOMAN ANKER:**

43 Okay, would you like to come forward, please?

44

45 **MR. CATIZONE:**

46 Good afternoon.

47

48 **CHAIRWOMAN ANKER:**

49 Hi. Could you give us just a brief description about your
50 background, please?

01:00PM

51

52 **MR. CATIZONE:**

53 Yes, I don't have quite the experience as this gentleman over here.
54 But I've been in the industry approximately 19 years, I started out
55 A little bit after high school. I'm licensed in New York City and
56 Long Island, Westchester, New Jersey, and I'm NABCEP certified in

01:00PM

1 the solar industry. We do a lot of solar installs, it's mainly
2 what I do now. I don't do as much electrical work anymore, stick
3 with the solar and, you know, been doing that for about the last
4 eight years. And, you know, it's kind of what I like to do, so
01:01PM 5 it's fun, it's a nice little niche industry.
6
7 **CHAIRWOMAN ANKER:**
8 Again, I want to thank you for your volunteering to help the County
9 as we move forward.
01:01PM 10
11 **MR. CATIZONE:**
12 Thank you for the opportunity.
13
14 **CHAIRWOMAN ANKER:**
15 Any questions? Legislator Cilmi.
16
17 **LEG. CILMI:**
18 Madam Chair, I don't have a question for this gentleman, certainly
19 I'm happy to have him. But I do have a question with respect to
01:01PM 20 Kevin Harvey's term, and which, I guess, is best --- best put to
21 maybe Commissioner Nardelli or somebody from the Department.
22
23 **CHAIRWOMAN ANKER:**
24 Okay. Frank, did you want to come forward?
25
26 **LEG. CILMI:**
27 Thank you. It's a related issue.
28
29 **CHAIRWOMAN ANKER:**
01:01PM 30 Oh, wait. Wait, don't go away yet cause we're going to --
31
32 **LEG. CILMI:**
33 Well, it's related to the board and to Kevin Harvey who sat on the
34 board for some years. So, Commissioner, how are you today? How
01:02PM 35 long was Kevin on the board for?
36
37 **COMMISSIONER NARDELLI:**
38 Oh, that's a good question. I would say since Don Fiore's
39 retirement, I want to say about five or six years.
01:02PM 40
41 **LEG. CILMI:**
42 Okay. And when did he officially step down?
43
44 **COMMISSIONER NARDELLI:**
01:02PM 45 His term expired, I believe, September 30th.
46
47 **LEG. CILMI:**
48 September 30th. And one of these gentlemen we're appointing to
49 fill his spot today?
01:02PM 50
51 **COMMISSIONER NARDELLI:**
52 That's correct.
53
54 **LEG. CILMI:**
01:02PM 55 Was Kevin -- when Kevin stepped down, or when his term expired,
56 rather, in September, were we still -- like, were we still

1 utilizing his services, was he still coming to meetings?

2

3 **COMMISSIONER NARDELLI:**

01:03PM 4 He was permitted to sit in on meetings, but not vote on anything on
5 the agenda.

6

7 **LEG. CILMI:**

01:03PM 8 Okay. So he was a -- he was at that point considered a non-voting
9 member. Why wouldn't we just have him as a holdover, or was he a
10 holdover, in fact?

11

12 **COMMISSIONER NARDELLI:**

01:03PM 13 We didn't feel that it was appropriate to pay him the \$100 stipend
14 if he was not actually a sitting board member.

15

16 **LEG. CILMI:**

17 Was he aware of that before he was -- as he was sitting in?

18

19 **COMMISSIONER NARDELLI:**

01:03PM 20 Yes, he was.

21

22 **LEG. CILMI:**

23 And --

24

25 **COMMISSIONER NARDELLI:**

26 He volunteered his services.

27

28 **LEG. CILMI:**

29 And so he's okay with that?

01:03PM 30

31 **COMMISSIONER NARDELLI:**

32 He was okay with it. And it was primarily to continue to offer a
33 courtesy for him to be able to police his industry or represent his
34 -- his constituents until we were able to replace -- replace him on
01:03PM 35 the board.

36

37 **LEG. CILMI:**

01:04PM 38 Okay. Because my understanding, and it's not directly from him,
39 but my understanding is that when somebody sits in on a board like
40 this as a holdover until somebody new is -- is appointed, that they
41 get -- they should get paid for those -- for those meetings. Now,
42 if he was doing it voluntarily and agreed to do it voluntarily,
43 that's a -- obviously that's a different story.

44

01:04PM 45 **COMMISSIONER NARDELLI:**

46 Well, it was -- it was implied. You know, I thought there was an
47 understanding. So as far as I know -- and correct me if I'm wrong,
48 James -- I do not believe we paid him, and I -- and that was my
49 decision. I didn't feel that since he was not, you know, duly
01:04PM 50 appointed any longer, that he should get paid from the County.

51

52 **LEG. CILMI:**

01:04PM 53 Well, let me ask -- and I certainly appreciate that. And let me
54 ask Counsel; if somebody's term technically expires but they don't
55 resign and no appointment is -- is made to fill that expired term
56 until, you know, later, what happens exactly?

1 **MS. SIMPSON:**

2 Generally speaking, they serve in a holdover capacity.

3

4 **LEG. CILMI:**

01:05PM 5 And, therefore, would have all of the rights and privileges as
6 somebody who is --

7

8 **MS. SIMPSON:**

01:05PM 9 Generally speaking, yes, they would have the same rights and
10 privileges and would be eligible for a payment expenditure.

11

12 **LEG. CILMI:**

01:05PM 13 Is there a way that -- to avoid that if the County wanted to or if
14 he wanted to sort of -- you know, if he wanted to volunteer his
15 services, would he have to do something like that in writing or
16 would he have to technically resign and --

17

18 **MS. SIMPSON:**

01:05PM 19 I think because he had already been appointed and was being held --
20 and was essentially holding over, he would have to -- there would
21 have to be some formalization --

22

23 **LEG. CILMI:**

24 You would have to physically resign.

25

26 **MS. SIMPSON:**

27 -- of resigning and then, you know, serving on a -- as a volunteer.
28 I personally would prefer, you know, something in writing.

29

01:05PM 30 **LEG. CILMI:**

31 How many meetings would you say or how many -- yeah, I guess how
32 many meetings did he attend subsequent to the end of his term?

33

34 **COMMISSIONER NARDELLI:**

01:06PM 35 I would say three, three or four.

36

37 **LEG. CILMI:**

38 Three or four meetings.

39

40 **COMMISSIONER NARDELLI:**

41 Three. I have no problem submitting a requisition for payment, but
42 if Counsel feels it's appropriate. I just didn't feel technically
43 -- and I love Kevin, but, you know, we don't have a contract with
44 him, so I didn't feel, you know, it was appropriate to pay him.

01:06PM 45

46 **LEG. CILMI:**

47 I mean, there are --

48

49 **COMMISSIONER NARDELLI:**

50 I have no problem --

51

52 **LEG. CILMI:**

01:06PM 53 There are a lot of things that we don't feel are appropriate but
54 happen -- you know, would have to happen anyway because that's the
55 law.

56

1 **CHAIRWOMAN ANKER:**

2 You know, let me -- let's look into this.

3
4 **LEG. CILMI:**

01:06PM 5 So, and I don't know -- Commissioner, I don't know that he wants to
6 get paid. For all I know he may say, *You know what? I don't need*
7 *the three or \$400* or whatever it is, but, you know, just --

8
9 **CHAIRWOMAN ANKER:**

10 Okay --

11
12 **LEG. CILMI:**

13 If there's a standard procedure, we have to make sure in the future
14 that that standard procedure is -- is followed. And it's
01:07PM 15 unfortunate that he was asked not to vote when technically, unless
16 he resigned, he should have been given the opportunity to vote for
17 those few months that he was still attending before somebody else
18 was appointed. That's all.

19
01:07PM 20 **COMMISSIONER NARDELLI:**

21 Well, you know, let me get James up here, maybe he can clarify a
22 little more. He does run the day-to-day. All right? Cause I want
23 you to walk away with the right information.

24
25 **LEG. CILMI:**

26 Sure.

27
28 **MR. ANDREWS:**

29 At the second meeting that Mr. Harvey attended after his term had
01:07PM 30 expired, he made a statement, and I don't know if it was reflected
31 in the minutes, that he did not care whether he got paid or not.
32 He'd just like to sit here and represent his constituents until a
33 time that Mr. Casey was appointed.

34
01:07PM 35 **LEG. CILMI:**

36 Okay. But you don't know whether or not that's reflected in
37 minutes.

38
39 **MR. ANDREWS:**

01:07PM 40 No, I can go back and check.

41
42 **LEG. CILMI:**

43 Okay. Like I said, maybe you could just ask him if he's interested
44 in getting paid and if he's -- if he's not, then, you know, I guess
01:07PM 45 I don't really have a problem, but except that going forward, let's
46 make sure that we do this the right way.

47
48 **CHAIRWOMAN ANKER:**

49 Okay.

50
51 **LEG. CILMI:**

52 Thank you.

53
54 **CHAIRWOMAN ANKER:**

01:08PM 55 All right, I think we're good. And by the way, I thought this was
56 voluntary, but it's always good enough to know that even if it's a

1 small stipend, that people are here to help out with Suffolk
2 County.

3
4 Okay. I don't see any further questions. All right, we will take
01:08PM 5 the vote. I made a motion, we have a second. All in favor?
6 Opposed? Abstention? Motion carries. **APPROVED (VOTE: 5-0-0-1 -**
7 **Not Present: Legislator Muratore - P.O. Gregory included in the**
8 **vote) Congratulations. Thank you.**

9
10 Okay, we're going to move forward with the tabled resolutions.

11
12 **TABLED RESOLUTIONS**

13
14 **CHAIRWOMAN ANKER:**

01:08PM 15 We have IR 1887 - A Local Law to clarify item pricing requirements
16 (Cilmi)

17
18 **LEG. CILMI:**

19 Motion to approve.

01:08PM 20
21 **LEG. KRUPSKI:**

22 Second.

23
24 **CHAIRWOMAN ANKER:**

01:08PM 25 Okay, we have a motion to approve. I'll make a motion to table.

26
27 **LEG. STERN:**

28 Second.

29
01:08PM 30 **CHAIRWOMAN ANKER:**

31 We have a motion to table.

32
33 **LEG. CILMI:**

34 On the motion.

01:08PM 35
36 **CHAIRWOMAN ANKER:**

37 On the motion, go ahead.

38
39 **LEG. CILMI:**

01:08PM 40 Maybe we could ask Mr. Andrews and Mr. Nardelli to join us again.

41
42 **CHAIRWOMAN ANKER:**

43 Yep.

44
45 **LEG. CILMI:**

46 I have a number of questions, and they really relate to both this
47 bill and the County Executive's bill, 1988, which is before us as
48 well.

49
01:09PM 50 Gentlemen, thanks for being here. It's no secret that -- that I
51 have been very disturbed by the Department's zeal in expanding the
52 scope of this item pricing law. I know you'll tell me that you
53 don't view what you're doing is expanding the scope, but when, by
54 and large, supermarkets have been complying with this law for years
01:09PM 55 and years and years -- a decade, more than a decade -- and all of a
56 sudden at the beginning of 2016, with the County facing tremendous

1 fiscal problems, we have all kinds of non-supermarket type
2 retailers who are being visited by County employees, employees of
3 Consumer Affairs, and being told that they have to comply with our
4 item pricing laws, but they can get out of it if they wish by
01:10PM 5 applying for a waiver and -- oh, by the way -- that waiver's going
6 to cost them X amount of money.

7
8 So stores like Sally's Beauty Supply, Staples, Family Dollar,
9 Petland Discounts, Ulta, Sephora, True Value Hardware, Party City,
01:10PM 10 Lowes, Toys"R"Us, Babies"R"Us, Costello's, Ace Hardware, OfficeMax;
11 some of these small businesses, some of them rather large
12 businesses, in all of our districts, many of them are owned by
13 families that live in our districts, taxpayers who we're supposed
14 to be serving in our districts. And over the last several months
01:11PM 15 I've been -- I have asked your department numerous times for
16 information -- I've gotten some information but not enough
17 information in my view -- to justify expanding the enforcement of
18 this law. And, hence, my bill, which basically says that hardware
19 and paint stores would be excluded from the provisions of the item
01:11PM 20 pricing law; and further, that the authority that's currently
21 embedded in the item pricing law that gives you the authority to
22 sort of eliminate some of the exemptions in the law and thereby
23 control who, in fact, is impacted by the law, that that authority
24 be taken away from you as an administrative person and given to us
01:12PM 25 as a Legislature, where I believe it rightfully should be.
26

27 So no sooner did I present or propose my legislation, and I see now
28 we have legislation from the County Executive's Office which
29 basically codifies the exclusion, if you will, of exemptions to the
01:12PM 30 law in terms of the types of products that -- that it includes.
31 And therefore, really allows the Department to go much further into
32 the pockets of our business people to try and get them to pay us to
33 get out of having to individually price certain items in their
34 stores. I think it's overreach. I think it's government
01:12PM 35 sanctioned extortion, I don't think it's right. And our
36 enforcement, quite frankly, I think is -- is extremely
37 heavy-handed. So I want to ask you some questions given -- given
38 that and I hope -- I hope you have some answers for me.
39

01:13PM 40 You mentioned in your presentation that maybe you get a 1,000 calls
41 or complaints a year in your -- in the Department as a whole. You
42 said nine out of ten of them are phone calls that basically get
43 handled by telling somebody to go talk to the store manager, which
44 means that out of the 1,000 phone calls that you get, 100 of them
01:13PM 45 are actually complaints that the Department takes. Is that
46 accurate or did you misspeak?
47

48 **MR. ANDREWS:**

49 The Actual number was 21,000 telephone calls.
50

51 **LEG. CILMI:**

52 Well, that's not what Commissioner said.
53

54 **MR. ANDREWS:**

01:13PM 55 And there's actually 1,000 formal complaints filed through those
56 telephones calls and 1,000 formal complaints filed through e-mail.

1 **LEG. CILMI:**
2 Okay. So you said -- that, first of all, Director, that was not
3 what the Commissioner said. Second of all, you said, Mr. Andrews,
4 that 21,000 complaints of some kind come into the Department and
01:14PM 5 you said two percent of them turn into formal complaints; two
6 percent of 21,000, based on my math, is about 4,000, not 1,000.
7 So, which is it, is it 1,000 formal complaints or is it 4,000
8 formal complaints? Is it two percent? Is it one percent? Is it
9 three percent? Is it four? What is it exactly? I'll tell you
01:14PM 10 what. Do we have the formal complaints? I know you don't take
11 notes, apparently, with respect to the various phone calls that you
12 get, otherwise you'd have 21,000 records of --
13
14 **CHAIRWOMAN ANKER:**
15 Okay.
16
17 **LEG. CILMI:**
18 Excuse me, Madam Chair, if I may.
19
01:14PM 20 **CHAIRWOMAN ANKER:**
21 Legislator Cilmi, they are going to explain to you. Would you give
22 them a few minutes and let them explain --
23
24 **LEG. CILMI:**
01:14PM 25 Madam Chair, if you don't mind, I'd like to ask questions and have
26 them answer without interruption, if you don't mind.
27
28 **CHAIRWOMAN ANKER:**
29 No, I do mind. And I would like you to treat our staff with the
01:15PM 30 respect that they deserve.
31
32 **LEG. CILMI:**
33 I am treating them with -- I am treating them with the utmost of
34 respect. I'm asking them valid questions.
01:15PM 35
36 **CHAIRWOMAN ANKER:**
37 You're not giving them time to reply.
38
39 **LEG. CILMI:**
01:15PM 40 I have not interrupted them. They can reply. They can reply.
41
42 **CHAIRWOMAN ANKER:**
43 Okay. Okay, we're going to take a little --
44
45 **LEG. CILMI:**
46 Go ahead.
47
48 **CHAIRWOMAN ANKER:**
49 Wait, wait. We're going to take a little time out. I would like
01:15PM 50 to state something. I would -- I like to hear conversation go back
51 and forth out of respect for both parties. Maybe there had been a
52 misquote on a number and that's what they're going to clarify,
53 that's what we need clarification right now. So do you mind if we
54 find out from them number clarification?
01:15PM 55
56

1 **LEG. CILMI:**

2 I was looking forward to it. Thank you.

3
4 **COMMISSIONER NARDELLI:**

01:15PM 5 Let me back up a little bit here. I know, Legislator Cilmi, you've
6 been very adverse to anything to do with item pricing and we did
7 attempt to reach an accord with you, we came out to your office one
8 morning. We did -- we tried, we tried.

9
10 **LEG. CILMI:**

11 With all due respect, Commissioner, it wasn't an attempt to reach
12 an accord. You said to me -- you said to me, *Let's see if we can*
13 *work together*, and I said, *Well, what is working together*, and you
14 said, *Well, they have to pay the waiver fee*.

15
16 **COMMISSIONER NARDELLI:**

17 They don't have to pay the waiver fee.

18
19 **LEG. CILMI:**

01:16PM 20 Or item price. That's not really an accord, that's it's our way or
21 not.

22
23 **COMMISSIONER NARDELLI:**

24 Well, that's the law on the books, though.

25
26 **LEG. CILMI:**

27 I understand that, but don't say that we tried to reach an accord.
28 There was really was no -- no offer of compromise here. I wanted
29 to have a compromise.

30
31 **COMMISSIONER NARDELLI:**

32 We came there with that intention. All right, maybe we came there
33 with that intention and we didn't see eye to eye, so nothing
34 materialized.

01:16PM 35
36 But can I just back up a little bit and tell you why we started
37 looking at item pricing again. As a result of our efficiencies
38 through the DOL merger, we were able to expand enforcement. We
39 began looking at laws that weren't actively enforced and item
01:16PM 40 pricing was one of them. The law was on the books -- it's been on
41 the books since 1985, back then it was Chapter 328. There was a
42 major overhaul in 1982, became Chapter 452, and then later the
43 waiver was added through amendment in 2008. The new change seeks
44 parity with the laws on the books with Nassau and Westchester. All
01:17PM 45 right, Suffolk residents currently don't have the same level of
46 item pricing protection in this County as they do the counties to
47 the west.

48
49 Our current law, and Legislator Cilmi is correct, includes
01:17PM 50 definitions of what types of items need to be marked in a retail
51 establishment, Nassau and Westchester's does not. IR 1988 removes
52 those definitions. The retail industry retail has morphed, as
53 everyone knows. Retailers large or small are all selling the same
54 products. This legislation levels the playing field for all
01:17PM 55 retailers. We're taking a regional approach to item pricing. We
56 spoke to Westchester, we spoke to Nassau, they've expanded their

1 item pricing, they're doing the exact same things that we're trying
2 to do. We're actually trying to catch up. We're -- we're behind
3 the eight ball here. We're -- like I said before, we're looking to
4 protect the vulnerable groups, the seniors, residents with language
01:18PM 5 barriers, people that have limited education and residents who are
6 on a fixed budget.

7
8 **LEG. CILMI:**
9 Commissioner, I'm sorry, but you're not really getting to the heart
01:18PM 10 of my question.

11
12 **COMMISSIONER NARDELLI:**
13 I want to give the committee some background. That's all -- I have
14 one more.

01:18PM 15
16 **CHAIRWOMAN ANKER:**
17 And I also --

18
19 **LEG. CILMI:**
01:18PM 20 Are you getting -- are you getting to it? Are you getting to my
21 answer, at some point?

22
23 **CHAIRWOMAN ANKER:**
24 Legislator Cilmi, if you --

01:18PM 25
26 **LEG. CILMI:**
27 Madam Chair, I asked a question. I just want to make sure he's
28 getting to the answer rather than just giving us a dissertation of
29 what item pricing is.

01:18PM 30
31 **CHAIRWOMAN ANKER:**
32 We're listening to the background of item pricing.

33
34 **LEG. CILMI:**
35 Okay.

36
37 **CHAIRWOMAN ANKER:**
38 That's what we're doing right now.

39
40 **LEG. CILMI:**
41 I just want to make sure there's an answer somewhere here, that's
42 all.

43
44 **CHAIRWOMAN ANKER:**
01:18PM 45 And I would appreciate it if you'd stop interrupting. Thank you.

46
47 **COMMISSIONER NARDELLI:**
48 IR 1988 also removes stock keeping space that's currently included
49 in the waiver fee calculations, so the only -- only the retail
01:18PM 50 display areas now would be included in the calculation of the
51 waiver fees. Legislator Cilmi, again, to your question, maybe you
52 can just repeat it one more time. And I didn't think I misspoke,
53 but maybe I did. But you seem to be --

54
55 **LEG. CILMI:**
56 Sure, I'd be glad to.

1 **COMMISSIONER NARDELLI:**
2 -- fixated on the numbers.

3
4 **LEG. CILMI:**

01:19PM 5 Well, the numbers are important. Don't you agree? I mean,
6 certainly the thousands of dollars that our stores are paying to
7 the County are important to them, so I think the numbers are --
8 should be important to us. Because when you say that our consumers
9 are being -- are being taken advantage of, I want to make sure -- I
01:19PM 10 want to see how -- how much our consumers are, in fact, being taken
11 advantage of.

12
13 So, I guess my question -- my question to repeat it is; do we have
14 records, written records of the actual complaints that we've taken
01:19PM 15 from consumers?

16
17 **COMMISSIONER NARDELLI:**
18 I'm going to have to let James.

19
20 **MR. ANDREWS:**
21 Yes, we do.

22
23 **LEG. CILMI:**
24 How come I haven't gotten those yet? I've asked for them at least
01:19PM 25 two or three times.

26
27 **MR. ANDREWS:**
28 I will have them forwarded to your office after I go back to mine.

29
01:20PM 30 **LEG. CILMI:**
31 I have received an Excel spreadsheet, or something like that, with
32 a list; that's not what I'm looking for. I'm looking for the
33 actual complaints.

34
01:20PM 35 **MR. ANDREWS:**
36 You're looking for the information that goes behind those
37 complaints that are on that list.

38
39 **LEG. CILMI:**
40 Exactly.

41
42 **MR. ANDREWS:**
43 We had to dig through records to find that information. So we have
44 located it, I have it sitting on my desk, it's been photocopied to
01:20PM 45 ensure that our records don't disappear and I will have them
46 forwarded over to your office immediately.

47
48 **LEG. CILMI:**
49 Okay, thank you. I appreciate that. So how many are there?

50
51 **MR. ANDREWS:**
52 I don't recall the number of complaints that were on the
53 spreadsheet that I forwarded to you originally.

54
01:20PM 55 **LEG. CILMI:**
56 Okay. How many complaints do we get specifically with regard to

1 item pricing, James, in, let's say, a year? That translate into
2 real, you know, written complaints.

3
4 **MR. ANDREWS:**

01:20PM 5 We've asked this question and we've gone around with this question
6 and I've told you that roughly one percent of the actual item
7 pricing questions that were asked came into a formal complaint, and
8 that was the spreadsheet that I provided to you.

9
10 **LEG. CILMI:**

01:21PM 11 Okay. So in that spreadsheet -- in that spreadsheet contains all
12 of the written complaints that we've gotten for item pricing.

13
14 **MR. ANDREWS:**

15 That's correct.

16
17 **LEG. CILMI:**

18 Do you know -- do you remember off the top of your head how many of
19 those complaints we've gotten from any of the stores that we
01:21PM 20 decided to enforce the item pricing law with in 2016?
21

22 **MR. ANDREWS:**

23 Not offhand.
24

01:21PM 25 **LEG. CILMI:**

26 I mean, it seems to me that if we were getting many, many phone
27 calls about item pricing problems at one particular store or
28 another, or one type of retailer or another, that that's something
29 that we should address. But it also seems to me that if we're not
01:22PM 30 getting many phone calls about item pricing problems specific to an
31 industry or specific to a type of retailer or specific to a
32 particular retailer, that any attempt to get those retailers to
33 individually price certain items or instead, pay us for a waiver,
34 is purely an effort to raise money. Don't you -- don't you see
01:22PM 35 that?
36

37 **MR. ANDREWS:**

38 I tend to disagree with that. We have approximately 57 laws that
39 are on the books, local County laws that Consumer Affairs enforces,
01:22PM 40 and we don't have a lot of complaints on those laws. We go out and
41 enforce those laws. Not all of our stuff is done reactively, we
42 are proactive.
43

44 **LEG. CILMI:**

45 So -- go ahead. I'm sorry, Commissioner.
46

47 **COMMISSIONER NARDELLI:**

48 You've got to -- you've got to take something into consideration,
49 Legislator Cilmi. A lot of times when someone's in a store and
01:22PM 50 they're shopping and they have a cart and the cart is filled with
51 merchandise and they have their little calculator on a fixed budget
52 and they're, you know, hoping to spend \$100; they get up to the
53 register, everything scans, it comes out to be \$140. And now the
54 consumer, had everything been marked properly, wouldn't have had an
01:23PM 55 issue and now she has to -- he or she has to dig in the basket,
56 *what am I going to buy? What am I not going to buy?* So that's

1 kind of the reason why the item pricing laws were put into place.
2 And nine times out of ten, when there is a violation, no one calls
3 us because they can't be bothered with two or three dollars here,
4 six or seven dollars there. But if you calculate the number of
01:23PM 5 people that go into other a supermarket or a Costco or a Target and
6 that happens to on a daily basis, that's why we're proactive and
7 that's why there may not be so many written complaints.
8

9 **LEG. CILMI:**
01:23PM 10 I understand that. But you just rattled off a Costco or a
11 supermarket or --
12

13 **COMMISSIONER NARDELLI:**
14 That's correct.
01:23PM 15

16 **LEG. CILMI:**
17 But we're not taking about Ace Costello Hardware, we're not talking
18 about -- talking about Sephora. I mean, nobody goes into Sephora
19 and, you know, wheels a shopping cart around the store with -- you
01:24PM 20 know, throwing in, you know, a couple of hundred --
21

22 **CHAIRWOMAN ANKER:**
23 Yes, they do; I can account for that.
24

25 **LEG. CILMI:**
26 Well, maybe some people do.
27

28 *(*Laughter*)*
29

01:24PM 30 Well, on one or two items, but my point is you're not loading a
31 shopping cart up with -- with -- maybe one of those little carry
32 cases.
33

34 **CHAIRWOMAN ANKER:**
01:24PM 35 Would you like to go with me to Sephora? I'd be more than happy to
36 invite you, so you can see how much cosmetics people will use.
37

38 **LEG. CILMI:**
39 I might take you up on that.
40

41 **CHAIRWOMAN ANKER:**
42 And that is a point here. I mean, we want to know, we as
43 consumers, we want to know how much we're spending on individual
44 items, whether it's for a stick of gum, a pack of gum or for a
01:24PM 45 \$200, you know, piece of electronic equipment.
46

47 **LEG. CILMI:**
48 So in any event, the point is is that somebody who's shopping in
49 one of these other stores, unless they're calling, and we see a
01:24PM 50 pattern of complaints in these stores; to go out and suggest to
51 them that they ought to pay us to not have to individually price
52 every item in the store, it seems to me like it's just a -- it's
53 just a money-making scheme on our part.
54

01:25PM 55
56

1 **COMMISSIONER NARDELLI:**

2 But it's not that they not ought to pay us. When they apply for a
3 waiver, they're still subjected to scanner inspection, prior to the
4 issuance of the waiver and again on an annual basis when they
01:25PM 5 renew. Because the scanners are only as good as the person
6 inputting the information. If they're not item priced, there's a
7 UPC code; that UPC code corresponds to a price. All right? That
8 price is programmed to that UPC code from a clerk. So what the
9 scanner checks do is make sure that that UPC code corresponds to
01:25PM 10 either the shelf price or what the product should be advertised at.
11 So that's -- there's a little more to item pricing than just -- a
12 lot of the laws, like James says, a lot of the laws that we enforce
13 are not complaint driven. So should we not enforce half the laws
14 on the books that are not complaint driven?

01:26PM 15
16 **LEG. CILMI:**

17 Commissioner, I have a problem with you walking into a hardware
18 store -- first of all, you're walking into a store that you don't
19 really know who the owner is at that point, or our inspectors don't
01:26PM 20 really know, whoever it is that walked into it. I don't even know
21 who it is that actually walk into these stores, but whoever walked
22 into the stores I suppose asked for a manager, gave the manager
23 a -- you know, chatted with the manager about the County's item
24 pricing law, gave them a waiver form and we went on our way.

01:26PM 25
26 Now, I have a list of the stores that you went into this -- or last
27 year for the first time, and for me, in calling each one of them,
28 it was difficult to find anybody who knew anything about what I was
29 talking about, quite honestly.

01:27PM 30
31 So one of the problems inherent in what we are doing here is that
32 we're not getting to the right people, necessarily. We're also
33 dealing with, in some cases, major corporations. So we're walking
34 around and giving these things out to individual stores expecting
01:27PM 35 them to get to the management and the management is, I'm sure, just
36 saying, *Ah, another -- another fee from another government that*
37 *wants, you know, wants to dig into our pockets.*

38
39 Let me ask you another question. And the point here is that if you
01:27PM 40 want to hold -- you want to make sure people are accountable for
41 pricing accuracy, which, by the way, New York State already has a
42 pricing accuracy law on the books, don't they?

43
44 **COMMISSIONER NARDELLI:**

01:27PM 45 Most of it expired, there's only the retail price and unit price.
46 And they have two inspectors for Nassau and Suffolk, so they don't
47 do a very -- they're not very aggressive at enforcing it, hence our
48 law.

49
01:28PM 50 **LEG. CILMI:**

51 How pervasive is their -- is their -- is New York State's law in
52 terms of the types of products that it covers?

53
54 **COMMISSIONER NARDELLI:**

01:28PM 55 You want to answer that?
56

1 **MR. ANDREWS:**
2 It's just the scanner accuracy, that's it.

3
4 **LEG. CILMI:**
01:28PM 5 But for all types of products, James?

6
7 **MR. ANDREWS:**
8 Yes, sir.

9
10 **LEG. CILMI:**
11 It is, okay. So their law encompasses all different kinds of
12 products --

13
14 **MR. ANDREWS:**
15 That would be under Article 16, section 197-b.

16
17 **LEG. CILMI:**
18 Okay.

19
20 **MR. ANDREWS:**
21 I have a copy of it right here, if you'd like to see it.

22
23 **LEG. CILMI:**
01:28PM 24 I probably have it back at the office, but, thank you. So it
25 covers all kinds of products and it basically says that you have to
26 be within a certain level of pricing accuracy on your items, the
27 scan price at the register versus the pricing that's on a shelf or
28 something, right? And, if not, what happens?

29
01:28PM 30 **MR. ANDREWS:**
31 If not, there's violations.

32
33 **LEG. CILMI:**
34 That the State issues.

35
36 **MR. ANDREWS:**
37 That the State would issue.

38
01:28PM 39 **LEG. CILMI:**
40 If they -- if they could get to every store, which, as you said,
41 the State's shorthanded, they're not going to every store.

42
43 **MR. ANDREWS:**
01:28PM 44 There's one person in Suffolk County that's assigned to New York
45 State Ag and Markets, and also the Ag and Markets laws are enforced
46 by our Weights and Measures staff.

47
48 **LEG. CILMI:**
49 Um-hmm.

50
51 **MR. ANDREWS:**
52 But there's no way I could take Weights and Measures staff off the
53 600 gas stations that need to be --

54
01:29PM 55 **LEG. CILMI:**
56 Right.

1 **MR. ANDREWS:**

2 -- checked, all the oil trucks for deliveries, the propane trucks,
3 all the meters, all the scales that are in Suffolk County; I would
4 not have staff time to have.

01:29PM

5
6 **LEG. CILMI:**

7 Right. So how many staff members do we actually have going --
8 enforcing the item pricing law?

9
10 **MR. ANDREWS:**

11 They don't just enforce the item pricing law, they enforce the 57
12 local County laws that are on the books.

13
14 **LEG. CILMI:**

01:29PM

15 So it's the same staff members that are enforcing all of those 57
16 laws.

17
18 **MR. ANDREWS:**

19 Yes, sir.

20
21 **LEG. CILMI:**

22 How many of those staff members do we have?

23
24 **MR. ANDREWS:**

01:30PM

25 I have approximately three full-time inspectors and, I believe,
26 five part-timers.

27
28 **LEG. CILMI:**

29 Okay. So we have three full-time inspectors and five part-time
30 inspectors enforcing 57 different County laws.

31
32 **MR. ANDREWS:**

01:30PM

33 I have eight inspectors. Five inspectors deal directly with --
34 three deal with home improvement, one deals with electrical issues
35 and one deals with plumbing issues. I have three inspectors to
36 enforce all the other laws that are part of the 57.

37
38 **LEG. CILMI:**

39 And what about the five part-time?

01:30PM

40
41 **MR. ANDREWS:**

42 The five part-time focus mainly on the laws that don't pertain to
43 home improvement, electrical and plumbing licensing.

44
45 **LEG. CILMI:**

01:30PM

46 Okay. So -- so we have more than three full-time inspectors, but
47 the others are assigned specifically to other aspects of the
48 County's --

49
50 **MR. ANDREWS:**

01:30PM

51 Correct, those other inspectors are all the complaints that we
52 receive in terms of licensed contractors or unlicensed contractors
53 for consumer issues.

54
55 **LEG. CILMI:**

01:30PM

56 Gotcha, okay. So the three full-time inspectors that we have that

1 are spending their time on item pricing, are they doing other
2 things as well or is it really just item pricing?

3
4 **MR. ANDREWS:**

01:31PM 5 No, they're enforcing all the other laws that have been passed by
6 this Legislature. They're working to gear up for your liquid
7 nicotine law, the emergency services law. We visited all of the --
8 just about all the hotels, motels and B&B's this year. We've gone
9 out to dry cleaners.

10
11 **LEG. CILMI:**

12 Okay.

13
14 **MR. ANDREWS:**

01:31PM 15 We get complaints in restaurants where they're not pricing their
16 specials like they're supposed to; we get all types of complaints.

17
18 **LEG. CILMI:**

01:31PM 19 So how much -- how much time do you think as a percentage of their
20 time, these three full-time inspectors -- and, I guess, maybe if
21 you could extrapolate it the five part-timers as well, I guess you
22 could probably -- it's probably even, more or less. How much of
23 their time is devoted, do you think, to item pricing? Ten percent,
24 twenty percent?

01:31PM 25
26 **MR. ANDREWS:**

27 I would probably say ten percent --

28
29 **LEG. CILMI:**

30 Ten percent?

31
32 **MR. ANDREWS:**

01:31PM 33 -- because we've got an awful lot of laws that need to be enforced.
34 I'm not exactly positive on that ten percent.

35
36 **LEG. CILMI:**

37 That's okay. I mean, I just wanted a rough number, I know you
38 can't really -- it's tough when you're sharing between different --

39
40 **MR. ANDREWS:**

01:31PM 41 Moving forward, as to your question before about our information.
42 With Accela that we have now that we've been working on to come on
43 board with, we will be able to provide a lot different information
44 moving forward in terms of 21,000 calls that come in. Because now
01:32PM 45 they'll be able to be codified in the computer system and I will be
46 able to run a report based on the fact of whose district it's in,
47 you know, where the telephone call came from, what the telephone
48 call was pertaining to, what was done with the telephone call, who
49 it was referred to, who's working on it; I will have a lot more
01:32PM 50 information.

51
52 **LEG. CILMI:**

53 Okay, good. I think I supported that. I think that's good -- good
54 technology.

01:32PM 55
56

1 What -- in terms of the different retailers that we sought in 2016,
2 have your efforts been successful? I mean, how -- talk to us about
3 your enforcement efforts and talk to us about how many of them have
4 actually applied for the waiver and are complying with all the
5 requirements of the waivers.

01:33PM

6
7 **MR. ANDREWS:**

8 I went back and checked on some of this information today.
9 Basically, I would say 99% of the stores that we delivered the
10 information to, called us, worked with us, did their evaluation and
11 their due diligence to figure out whether it was cost effective for
12 them to apply for a waiver or it was cost effective to them to
13 comply with the law and price. And every single -- in every single
14 instance except one, no one has complained about it.

01:33PM

15
16 **LEG. CILMI:**

17 Um-hmm

18
19 **MR. ANDREWS:**

20 Also, there was an issue in Legislator Spencer's district with
21 Value Drug who came in and met with the Commissioner and I, and
22 after speaking with us and doing their due diligence and their
23 homework and their investigative work, they actually did decide to
24 come onto the Waiver Program, but the option was completely up to
25 them.

01:33PM

01:33PM

26
27 **LEG. CILMI:**

28 The option to either individually price the items in the stores or
29 pay us for the waiver.

30
31 **MR. ANDREWS:**

32 Correct.

33
34 **LEG. CILMI:**

35 Right.

36
37 **MR. ANDREWS:**

38 To comply with the law the way it is written.

39
40 **LEG. CILMI:**

41 Right. So -- and what's -- tell me about that particular retailer;
42 Value Drugs you said?

01:34PM

43
44 **MR. ANDREWS:**

45 Value Drugs happens to actually be part of the True Value family.

46
47 **LEG. CILMI:**

48 Okay.

49
50 **MR. ANDREWS:**

51 They have three drugstores in Suffolk County, they have three
52 drugstores up in Westchester and they have a main store, which is
53 almost like an old soda shop in Rockerfeller Center.

54
55 **LEG. CILMI:**

56 Is there one owner for the Value Drugs?

1 **MR. ANDREWS:**
2 Two brothers.
3
4 **LEG. CILMI:**
5 Two brothers.
6
7 **MR. ANDREWS:**
8 And they have seven stores.
9
01:34PM 10 **LEG. CILMI:**
11 A total of seven stores, but three in Suffolk County.
12
13 **MR. ANDREWS:**
14 Yes, sir.
01:34PM 15
16 **LEG. CILMI:**
17 Okay. And what aspect of the item pricing criteria did they fall
18 into in order to be included in this enforcement? Is it the square
19 footage of their stores in total or is it the sales?
01:34PM 20
21 **MR. ANDREWS:**
22 No. None of the stores are judged based on square footage. The
23 main requirement is that a corporation, any corporation be over \$3
24 million a year in gross revenues.
01:34PM 25
26 **COMMISSIONER NARDELLI:**
27 That's how they fall under the requirement.
28
29 **LEG. CILMI:**
01:34PM 30 Right, but then the waivers are -- the waiver --
31
32 **COMMISSIONER NARDELLI:**
33 According to square footage, correct.
34
35 **LEG. CILMI:**
36 It's according to square footage.
37
38 **MR. ANDREWS:**
39 The waivers are according to square footage.
40
41 **LEG. CILMI:**
42 Right. Okay, so the -- so this particular chain is -- I guess,
43 exceeds that \$3 million threshold between the three stores?
44
01:35PM 45 **MR. ANDREWS:**
46 No, it would be between all their stores. It would be the same
47 with --
48
49 **LEG. CILMI:**
01:35PM 50 Even the stores that aren't in Suffolk County?
51
52 **MR. ANDREWS:**
53 It would be the same with Target, it would be the same with Costco,
54 it would be the same with Home Depot, it would be the same with
01:35PM 55 Sephora.
56

1 **LEG. CILMI:**

2 So for the Value Drugs -- I'm sorry to interrupt, go ahead. So
3 Value Drugs had one store in Suffolk County and six stores in
4 Nassau County and that one store generated, let's say, \$800,000 a
01:35PM 5 year in revenue, a million dollars a year in revenue, whatever it
6 -- whatever it was, but in tandem with all the other stores in
7 Nassau County they exceeded that \$3 million threshold. They would
8 be included in the scope of this -- of the current law?
9

01:35PM 10 **MR. ANDREWS:**

11 That's the way the law is written.
12

13 **LEG. CILMI:**

14 And the law the County Executive proposes is to further expand
01:36PM 15 that; correct?
16

17 **MR. ANDREWS:**

18 The law that the County Executive is proposing is to remove the
19 definitions under the item pricing --
20

21 **LEG. CILMI:**

22 Right.
23

24 **MR. ANDREWS:**

01:36PM 25 -- and reverse the fact that currently a store would have to be
26 charged for their stock space.
27

28 **LEG. CILMI:**

29 Right.
30

31 **MR. ANDREWS:**

32 And it would provide consumer protection across the board as it
33 does in Nassau and Westchester.
34

01:36PM 35 **LEG. CILMI:**

36 Right, which I believe -- by the way, I believe that second aspect
37 of the County Executive's proposed bill is a good one; I think it
38 should only be based on their retail space, not their warehouse
39 space as it currently is.
40

01:36PM 41 **MR. ANDREWS:**

42 We feel the same way which was why we requested it.
43

44 **LEG. CILMI:**

01:36PM 45 Why the -- why the exclusion of any definitions of scope of
46 products?
47

48 **MR. ANDREWS:**

49 Because the law would bring parity with Nassau and Westchester.
01:36PM 50 Their law was put on the books, I think, before our law was and
51 they do not have the definition in there. They are able to go out
52 into any retail establishment and provide consumer protection, as
53 where we are not.
54

01:37PM 55

1 **LEG. CILMI:**

2 Um-hmm. All right, so I guess this whole discussion really hinges
3 on how much we are, in fact, protecting the consumers. I mean, I
4 would ask that until we get some more information from the
01:37PM 5 Department, I would be willing to go along with the tabling motion
6 on my bill if we also table the County Executive's bill pending
7 that information.
8

9 **MR. ANDREWS:**

01:37PM 10 What information is it that we would be waiting for?
11

12 **LEG. CILMI:**

13 A list of complaints. Not the list but rather the actual
14 complaints.
15

16 **MR. ANDREWS:**

17 So we're going to base a law on complaints and not the fact that it
18 provides consumer protection.
19

20 **LEG. CILMI:**

21 How much revenue has the Department received as a result of this
22 newfound zeal of enforcement?
23

24 **MR. ANDREWS:**

25 You mean additional revenue for 2016?
26

27 **LEG. CILMI:**

28 Yeah.
29

30 **MR. ANDREWS:**

31 Approximately \$300,000.
32

33 **LEG. CILMI:**

34 Three hundred thousand dollars. I guess my point is, yeah, we
01:38PM 35 should -- we should wait and see. Because frankly, James, if we've
36 gotten one or two complaints from folks about pricing problems in
37 all of these other retailers, I don't really see where we can say
38 that we're providing consumer protection.
39

40 **CHAIRWOMAN ANKER:**

41 Legislator Cilmi, I appreciate all of your comments, your input,
42 your, you know, conversation here, but we really do need to
43 continue. And I --
44

45 **LEG. CILMI:**

46 Sure, I'll yield. See how easy that was? I'm done, I was finished
47 anyway.
48

49 **CHAIRWOMAN ANKER:**

01:38PM 50 You know, again, I think what we need to understand here is that
51 this is all about consumer protection, period. When were those
52 original laws made for pricing?
53

54 **COMMISSIONER NARDELLI:**

55 Our laws?
56

1 **CHAIRWOMAN ANKER:**
2 Going back. Yeah, Suffolk County.

3
4 **COMMISSIONER NARDELLI:**
5 I don't know about the other Counties exact dates, but ours was
6 1982 -- well, actually in the 70's. It was in the 70's and then
7 amended in '82 and then amended in '92, and then the waiver was
8 added in 2008 at the request of the grocery industry.

9
10 **CHAIRWOMAN ANKER:**
11 Okay, so these have been on the books --

12
13 **COMMISSIONER NARDELLI:**
14 As a compromise to not have to item price everything.

15
16 **CHAIRWOMAN ANKER:**
17 -- 30-plus years.

18
19 **COMMISSIONER NARDELLI:**
20 Yes.

21
22 **CHAIRWOMAN ANKER:**
23 You know, to protect the consumer. And why -- and why -- I mean,
24 was there -- can you give us some examples of, you know, the
25 retailers taking advantage of consumers? I mean, I've experienced
26 personally and I've heard other stories, but is there one in
27 particular? You don't have to name the actually business, but can
28 you just give us some examples of why we're doing this?

29
30 **COMMISSIONER NARDELLI:**
31 Well, the reasons are for the reasons I stressed earlier. If there
32 were no item pricing laws, all right, you would have a whole host
33 of consumers being ripped off. The fact that there are item
34 pricing laws and the fact that the State let some of their item
35 pricing laws sunset was because the counties were having problems
36 with residents and constituents being overcharged, hence all the
37 counties enacting their own item pricing laws. And the State,
38 rather than have a duplicate system, decided to let some of them
39 sunset except that one provision for unit pricing, which is very
40 similar to what we have in our law. But if you saw item pricing
41 laws stripped out, they would run amok.

42
43 So what we're trying to do here is enhance it, we're trying to gain
44 parity with Nassau and Westchester. We want an equal playing
45 field. Retailers now are all selling the same products as other
46 retailers in a hardware store, in a -- in a Value Drugs, in a -- in
47 a -- CVS is selling the same products as a lot -- as the other -- a
48 lot of the other retailers. So we feel it's a broader approach.
49 It's actually -- it's expanding it, but it's also keeping up with
50 the other counties on a regional level.

51
52 **CHAIRWOMAN ANKER:**
53 Okay. Legislator Krupski has a question for you.

1 **LEG. KRUPSKI:**

2 Thank you. Thank you, Madam Chair. You know, I have to say, out
3 of all the calls we get in the office, I don't think -- I can't
4 remember a call that was a complaint against your Department. And
01:41PM 5 every time that we've called your Department, which isn't often, we
6 get a good -- you know, a good response, a timely response and all
7 that. So I do appreciate that. That goes for the whole Weights
8 and Measures and everything, I appreciate the work that's being
9 done there. But I do have some questions about these two laws.
01:41PM 10 One was, I think Legislator Anker asked about the -- you know, when
11 the change came up and the expansion of the -- of what you're
12 looking at and then the conversation kind of went towards the
13 waivers.

14
01:41PM 15 So the waiver provision, if we're looking for consumer protection,
16 isn't that really just a -- and I haven't given this bill much
17 thought before a month ago, to be honest with you. This was not on
18 my radar before a month ago. If there's a waiver, isn't that just
19 a waiver of consumer protection?

01:42PM 20
21 **MR. ANDREWS:**

22 No, because it allows you to go in now and do the scanner
23 inspection. And we can do it -- if I had more staff I would be
24 doing scanner inspections quarterly instead of just once or twice a
01:42PM 25 year.

26
27 **LEG. KRUPSKI:**

28 Okay.

29
30 **COMMISSIONER NARDELLI:**

31 Legislator Krupski?

32
33 **LEG. KRUPSKI:**

34 Yes.

35
36 **COMMISSIONER NARDELLI:**

37 It also mandates that you have scanners in -- in other areas of the
38 store where consumers, if there is no price -- typically there is a
39 price on the shelf, but if there is no price, there's a UPC code,
01:42PM 40 you can walk up to that scanner -- you see them in Kohl's, you see
41 them in Macy's -- and scan the UPC code and get a price. So that's
42 also part of the Waiver Program.

43
44 And the reason they would sign on to the Waiver Program, which it
01:42PM 45 might be more cost effective for them to get the waiver than to
46 have a staffer or an employee have to mark every item or change the
47 price of every item every time a delivery comes in or change the
48 price of an item every time they want to change the price of an
49 item. So there's still item pricing protection built into that
01:43PM 50 waiver.

51
52 **LEG. KRUPSKI:**

53 So, I mean, my concern when I saw these two bills, I've got a lot
54 of small stores in my district, a lot of mom and pop stores. The
01:43PM 55 small stores are really the heart of the community. When someone
56 has a fundraiser, whether it's for one of the service

1 organizations, the Lions or the Rotary, when someone -- the
2 Historical Society's fundraiser just to help a family in need, who
3 do they go to for support? They go to the local business
4 community. And they're the ones who support their community,
01:44PM 5 they're the ones who are going to coach your kids in the -- in the
6 Little League and their part of the community. And my concern is
7 not to do anything that's going to hurt the small stores, because
8 the more -- and it seems like, you know, a lot of things are passed
9 by government and they add a burden of time, it's not necessarily,
01:44PM 10 well, they wouldn't buy the waiver or not, but it's a matter of
11 time, it's going to be more recordkeeping, it's going to be more
12 paperwork and to what end. It just makes it more difficult for
13 people -- small people to stay in business to the advantage of the
14 bigger national and multinational chains. They can -- they can
01:44PM 15 afford to hire an extra bookkeeper, they can afford to hire an
16 extra clerk to take care of all these -- these other governmental
17 regulations and obligations.

18
19 My concern -- thank you. My -- so my concern is to make sure that
01:44PM 20 these smaller businesses that are in the heart of the community,
21 are not going to be, you know, negatively impacted by some kind of
22 change.

23
24 **CHAIRWOMAN ANKER:**
01:45PM 25 Legislator Krupski, I just want to interject. Now, this law only
26 applies to businesses that are making less than \$3 million a year.
27 Is that --

28
29 **COMMISSIONER NARDELLI:**
01:45PM 30 More than.

31
32 **CHAIRWOMAN ANKER:**
33 More than; oh, more than, right. Well, yeah, in other words,
34 businesses less than three million, this law does not apply to
01:45PM 35 them. So I just wanted to clarify that.

36
37 **LEG. KRUPSKI:**
38 And I know we spoke on the phone, yeah, last week and I appreciate
39 it. So I just want clarification on who decides -- like how do you
01:45PM 40 decide which stores are exempt from this? You're saying it's a
41 three million dollar limit. If they are a -- what if like a
42 franchise associated with a national chain, with a 7-Eleven or a --
43 or a -- like True Vale Hardware; are they -- are they exempt or are
44 they in this because they're affiliated with a much bigger chain?

45
46 **MR. ANDREWS:**
47 No. As we had discussed a little bit, and I have two lists right
48 here, one for Ace Hardware stores that are single owner and one
49 that True Value Hardware stores that are single owner, and I have
01:46PM 50 approximately 26 stores that would not fall under the auspices of
51 this law, because these are true mom and pop stores that have one
52 store, one owner.

53
54 **LEG. KRUPSKI:**
01:46PM 55 Now, how often is that list reviewed? I mean, and who set the --
56 who set the exemption at three million? And how often is that --

1 how often is that reviewed?
2

3 **MR. ANDREWS:**

4 The three million is in the law.
5

6 **LEG. KRUPSKI:**

7 What year was that law?
8

9 **COMMISSIONER NARDELLI:**

10 Uh, '80 -- '82?
11

12 **MR. ANDREWS:**

13 I believe that was Chapter 387 in 1985, and then again the law was
14 reviewed and overhauled in 1992, and again in 2008 with the --
15

16 **COMMISSIONER NARDELLI:**

17 Waiver.
18

19 **MR. ANDREWS:**

20 With the Waiver Program.
21

22 **LEG. KRUPSKI:**

23 Do you think that -- I mean, three million in '82 is a lot
24 different than three million in 2017. Do you think that should be
01:46PM 25 changed, or at least -- at the very least looked at?
26

27 **COMMISSIONER NARDELLI:**

28 We've considered it, and we actually offered that as part of our
29 extending the olive branch to Legislator Cilmi.
01:47PM 30

31 **LEG. KRUPSKI:**

32 I mean, and I don't know -- and I guess you could -- you would
33 know, how many different operations in the County would that --
34 would benefit from having that exemption if you increased the
01:47PM 35 exemption limit?
36

37 **COMMISSIONER NARDELLI:**

38 That would be hard to determine, but it would definitely be more of
39 a safe haven for some of the smaller establishments, because, you
01:47PM 40 know, some mom and pop stores could become very successful and
41 reach that threshold. So we're -- you know, we've been amenable to
42 it if that's a decision from the County Exec, but, you know, we've
43 considered it.
44

45 **LEG. KRUPSKI:**

46 Okay. And then I have -- I have one other question. In the law --
47 I'm trying to figure out which law here -- are the exemptions --
48 this is 1887. The exemptions are subject to the approval -- the
49 change would be of the Legislature instead of -- I guess instead of
01:48PM 50 the Director. So what exemptions would that -- would that mean and
51 what are your feelings on that?
52

53 **MR. ANDREWS:**

54 What that's referencing is that at any time the Commissioner, if an
01:48PM 55 industry comes to us and requests, they say the grocery industry
56 comes to us and feels that cigarettes should be exempt from the law

1 for item pricing, they could apply directly to the Commissioner,
2 ask for an exemption and that exemption can be granted. If you go
3 with that version of the law, they would have to come in front of
4 the Legislature for every item that a retailer might want to ask
01:48PM 5 for an exemption for in the item pricing law.

6
7 **LEG. KRUPSKI:**

8 Oh, thank you for clarifying that. So if that -- with that
9 knowledge, then, how -- how often has someone come in and asked for
01:48PM 10 an exemption? And if they've asked, how often has it been granted?

11
12 **MR. ANDREWS:**

13 As far as I know, there haven't really been any change in the
14 exemptions in quite a long time. We did have a meeting with the
01:49PM 15 grocery industry and I know there was a letter that was sent out
16 from Mr. Peltz who represents the grocery industry and there was
17 some mention at that meeting from a gentleman named Ira Gross who
18 represented Dan's Supreme, which is your -- I believe it's your
01:49PM 19 ShopRites; he had asked that they were formulating some questions
20 regarding the exemptions and they might have had a few other items
21 that they would like to request but we haven't really gotten
22 anything from them as of yet.

23
24 **LEG. KRUPSKI:**

01:49PM 25 Okay. Now, you know, there was a lot of reference of change in
26 your operations in the beginning of 2016 of looking at other stores
27 that hadn't previously been looked at. Can you -- can you describe
28 the nature of that change?

29
01:49PM 30 **MR. ANDREWS:**

31 When I had taken over at Consumer Affairs, I'm an accountant by
32 trade, I have education in accounting and finance and I'm very
33 astute when it comes to details, and I had looked at all 57 of our
34 laws to see where enforcement was being done and where enforcement
01:50PM 35 was not being done. And I reviewed every single law to see what
36 enforcement was being done, who it affected, who could have been
37 affected, and when we got to item pricing I had noticed that there
38 had been quite a few stores and corporations for years that
39 probably should have been approached a long time ago that were not.

40
41 **LEG. KRUPSKI:**

42 Okay, thank you.

43
44 **MR. ANDREWS:**

01:50PM 45 That's why I had sent staff out with the copy of the law, a copy of
46 the waiver, our contact information, and if anyone had any
47 questions that they would call us. And in a lot of instances, as
48 Legislator Cilmi had, you know, pointed out, there are corporate
49 offices, but that information made it right to the compliance
01:50PM 50 officer and we did get calls from corporations and we did work with
51 them.

52
53 **LEG. KRUPSKI:**

01:50PM 54 Thank you. And I -- you know, it's funny, I asked about the
55 compliance versus the fines part earlier because I'm familiar with
56 a completely different arena. The difficulties of getting

1 compliant versus the difficulties of trying to prosecute a fine to
2 the very end, and that's why I asked that question. Because
3 normally in government it's much better for everyone to get
4 compliance rather than try to pursue the fine avenue because that's
01:51PM 5 a road that really will eat up your resources. So I -- and I asked
6 that without knowing your answer, though, but I appreciate your
7 answer. Thank you.

8
9 **CHAIRWOMAN ANKER:**
01:51PM 10 Legislator Stern has a question.

11
12 **LEG. STERN:**
13 So I understand that one of the reasons behind the substance is to
14 have Suffolk County come into parity with Nassau County, with
01:51PM 15 Westchester, with other counties.

16
17 **COMMISSIONER NARDELLI:**
18 Correct.

19
20 **LEG. STERN:**
21 And that this -- this is their ongoing policy.

22
23 As a practical matter, though, if you have a corporation that is
24 impacted by this law as it exists in Nassau County, as it exists in
01:51PM 25 Westchester or other parts of the State, do they operate
26 differently in Suffolk County? Is it your experience that they're
27 doing something differently because our version of the law at this
28 point isn't as expansive as those other jurisdictions? If I walk
29 into a store that comes under this rule in Nassau and Westchester,
01:52PM 30 am I walking into something different? Are consumers having a
31 different experience here locally then they are in other parts in
32 the State?

33
34 **COMMISSIONER NARDELLI:**
01:52PM 35 Well, it would depend on what they're purchasing because a lot of
36 the items that are sold in Nassau and Westchester are also sold in
37 -- in Suffolk County and those items wouldn't be covered. I don't
38 know if James could elaborate as to a specific example, but --

39
01:52PM 40 **LEG. KRUPSKI:**
41 That's a good question. Use widgets for an example so you get a
42 fair playing field.

43
44 **LEG. STERN:**
01:52PM 45 Presumably a widget is being priced in a particular way just across
46 the border in Nassau County. Is that corporation implementing a
47 different system in Suffolk County just a couple miles away because
48 our law is a little bit different than Nassau and Westchester?

49
01:52PM 50 **COMMISSIONER NARDELLI:**
51 Well, that's a very interesting question and I'll revert back to
52 package control. A lot of distributors know that we have limited
53 staff here and periodically we go out and we do package control,
54 which measures the weight in a package, the volume in a container
01:53PM 55 of milk or a container of orange juice. And these distributors,
56 knowing that we are limited in staff, a lot of times they send

1 their underweight products to Suffolk County. So when we end up
2 shifting resources and allocating more staff to do package control,
3 we find all kinds of violations. And that's a perfect example of
4 why it should not be complaint driven, because people don't know
01:53PM 5 that they're getting ripped off.

6
7 So what we do then is we refocus and we send our staffers, we just
8 have them focus in a different area and we go out and we do write
9 violations because we fine them. And you know what? They're
01:53PM 10 taking advantage of us because we have limited manpower, and then
11 they kind of get hip to us. They know we're out, they know we're
12 doing it for, you know, three or four months, for a quarter out of
13 the year and they send those products to other localities. Now, I
14 don't have proof of that, but over -- since I've been there and
01:54PM 15 from testimony from rank and file from CA employees that have been
16 there for years, that's the indicators that we have gotten and
17 that's why we try to shift our resources when we can.

18
19 **LEG. STERN:**

01:54PM 20 So notwithstanding some of those instances where I can see, and
21 those are good examples. But I guess my question here is a
22 business that would be subject to this rule, that is conducting
23 business in Syosset and conducting business in Huntington or
24 Smithtown, and let's take a Target as an example, selling all these
01:54PM 25 different types of products. Are they conducting their business
26 and as a consumer am I walking into a dramatically different
27 situation if I do my shopping in Syosset as opposed to Huntington?
28 Here's my assumption here, and tell me if I'm wrong, but it would
29 seem that a lot of the businesses that are conducting their
01:55PM 30 business in Suffolk County that are subject to this law in many
31 ways are probably already complying with that law, because I can't
32 see that they're operating so dramatically different on both sides
33 of the line between eastern Nassau and western Suffolk.

34
01:55PM 35 **COMMISSIONER NARDELLI:**

36 I think you're correct.

37
38 **CHAIRWOMAN ANKER:**

39 Legislator Cilmi.

01:55PM 40
41 **LEG. CILMI:**

42 I just wonder, to Legislator Stern's point, why then are we
43 collecting additional \$300,000 a year in waiver fees? But that's a
44 -- that's a different -- different part of the discussion. I do
01:55PM 45 have a couple other questions for you.

46
47 So if the County Executive's bill passes, correct me if I'm wrong,
48 but what it would mean is that virtually any -- a retailer of any
49 types of products in -- in Suffolk County that could be construed
01:55PM 50 as a stock keeping unit, anything that's a standard packaging,
51 standard weight, standard price, whatever, virtually any item would
52 then be included in the item pricing law; correct?

53
54 **COMMISSIONER NARDELLI:**

01:56PM 55 If they reach that three million dollar threshold, correct.

1 **LEG. CILMI:**

2 Right, as long as they reach that three million dollar threshold,
3 regardless of what type of products they sell, as long as they're
4 stock keeping units they would be included and then they would be
01:56PM 5 forced to either individually price those items or to pay us a
6 waiver fee.

7
8 **COMMISSIONER NARDELLI:**

9 That's correct, as is the case is in Nassau and Westchester.

01:56PM 10
11 **LEG. CILMI:**

12 Okay. I mean, you do realize that the cost of that is going to get
13 passed on to consumers and consumers are ultimately going to pay
14 for this; correct?

01:56PM 15
16 **COMMISSIONER NARDELLI:**

17 Could be.

18
19 **LEG. CILMI:**

01:56PM 20 Okay.

21
22 I have one -- one other issue to address with you guys, if you
23 don't mind, and I would just ask that you change the language in
24 your violation notices. I hope you received the e-mail that I sent
01:57PM 25 a couple of weeks ago with specifically attached to the e-mail was
26 the violation notice that was sent to Mr. Brinkman, which
27 apparently was sent to the wrong address, by the way, but be that
28 as it may. The language in this violation says, under the failure
29 to pay the above-referenced violations will result in referral for
01:57PM 30 collection and judgment section, it says, and I quote, "*To be clear*
31 *and so there is no confusion, you will have a certified check or*
32 *money order in the amount of \$2,000 in this office no later than*
33 *4p.m. on Friday, February 10, 2017.*" I would just ask that -- that
34 you change this to make it sound a little -- a little more
01:57PM 35 professional and a little less threatening.

36
37 **COMMISSIONER NARDELLI:**

38 I actually agree with you and I didn't know that that was the
39 language contained in that standardized form, which we've had
01:57PM 40 probably for a decade.

41
42 **LEG. CILMI:**

43 I'm sure, that's why I'm asking you if you would just take a look
44 at that.

01:58PM 45
46 **COMMISSIONER NARDELLI:**

47 I definitely will, I'll soften it up. And just so you know, we had
48 never gotten a complaint about it before, but maybe it took you to
49 bring it to our attention, so we'll definitely take a look at that.

01:58PM 50
51 **LEG. CILMI:**

52 I appreciate it. Thank you, Commissioner.

53
54 **CHAIRWOMAN ANKER:**

01:58PM 55 Okay, Legislator Trotta.

1 **LEG. TROTТА:**
2 I probably have two hours of questioning, but I'll wait until the
3 General Meeting. I just -- you mentioned something before about
4 they would be shipping something to Suffolk County that would be
01:58PM 5 underweight. Can you give me an example of what happened -- what
6 you're talking about?
7
8 **COMMISSIONER NARDELLI:**
9 Well, you have distributors that distribute products to
01:58PM 10 supermarkets and all different chains, and under package control we
11 are charged with making sure -- under Weights and Measures to make
12 sure that the weights and measures that are printed on the package
13 actually correspond to what's in the package. And some of these
14 distributors, from what I'm told -- like I said, I don't -- I do
01:58PM 15 not have, you know, actual proof of it. But from what I'm told,
16 they -- they know when certain localities go out and do their --
17 their inspections and they know when they're not doing their
18 inspections and they seem to send the underweight products to
19 those --
01:59PM 20
21 **LEG. TROTТА:**
22 So you've caught them?
23
24 **MR. ANDREWS:**
01:59PM 25 In some instances, yes, we've --
26
27 **LEG. TROTТА:**
28 Can you send me the last ten that you've done that you've caught
29 that were out of weight?
01:59PM 30
31 **MR. ANDREWS:**
32 Package control?
33
34 **LEG. TROTТА:**
01:59PM 35 Excuse me?
36
37 **MR. ANDREWS:**
38 Package control.
39
40 **LEG. TROTТА:**
01:59PM 41 Package control, yes.
42
43 **MR. ANDREWS:**
44 Okay.
45
46 **LEG. TROTТА:**
47 Thank you.
48
49 **CHAIRWOMAN ANKER:**
01:59PM 50 Presiding Officer Gregory.
51
52 **P.O. GREGORY:**
53 Okay, thank you. I guess back to this three million threshold,
54 I'm having a hard time seeing why we're using or someone has three
01:59PM 55 million dollars of sales not only in Suffolk County, but say,
56 Westchester or some other area, that that's included in how they

1 formed the law. Now, is -- can you -- why is that? I mean, other
2 than I know you mentioned package control, but it has to be more
3 than just that; right?
4

02:00PM

5 **COMMISSIONER NARDELLI:**

6 It would about parity within those different units within the
7 franchise. You know, specif -- if there's a certain level of
8 protection in the adjacent County for the same stores and the same
9 items, whether or not they're paying that three million dollar
10 threshold fee or not, it should apply to the same store in the
11 adjacent County. And that's in the law; we didn't put that in the
12 law, that's been there for decades as well. So that would be a
13 question for the original sponsor, perhaps, but -- but we feel it
14 should be the same across the board, across the County border. You
15 know, if you're shopping in a CVS in the Town of Babylon and -- or
16 whether you're shopping at a CVS in, you know, Westbury, it should
17 apply.

02:00PM

02:00PM

18 ^A

19 **P.O. GREGORY:**

20 Okay. But you said that you're open to increasing this three
21 million. Do you have a recommendation as to what that should be in
22 today's --
23

02:00PM

24 **COMMISSIONER NARDELLI:**

25 I would allude that to Katie.
26

02:01PM

27 **CHAIRWOMAN ANKER:**

28 Let me ask you a quick question relating to --
29

30 **COMMISSIONER NARDELLI:**

31 It's the County Exec's resolution so --
32

33 **P.O. GREGORY:**

34 No, no, no, you had mentioned as a compromise that you -- that your
35 Department would be willing to increase the minimum threshold of
36 three million dollars.
37

02:01PM

38 **COMMISSIONER NARDELLI:**

39 We'd go to four million. We'd raise it another million, four
40 million dollar threshold.
41

02:01PM

42 **P.O. GREGORY:**

43 Okay. And that's based on what?
44

45 **COMMISSIONER NARDELLI:**

46 Um --
47

48 **P.O. GREGORY:**

49 It sounds like a --
50

02:01PM

51 **COMMISSIONER NARDELLI:**

52 It sounds like a reasonable thing.
53

54 **CHAIRWOMAN ANKER:**

55 And I think this is a wonderful future discussion, because it
56 sounds like as the decades have gone by, we have refined this law

02:01PM

1 more and more, and there's a lot to think about, perhaps, in
2 increasing that -- that amount.

3
4 But I have a question pertaining to Presiding Officer Gregory's
02:02PM 5 question. How does this compare with Nassau? Is it -- I know what
6 we're trying to, you know, create, you know, parity with what we --
7 what we have in Westchester and Nassau County and Suffolk County.
8

9 **MR. ANDREWS:**

02:02PM 10 Right now Nassau County, and I spoke to the Commissioner of
11 Consumer Affairs over in Nassau County about a month ago on this
12 topic. Nassau County was looking to enforce their law a lot more
13 strenuously. For years they haven't been able to because they
14 didn't have the manpower and now they're really starting to take a
02:02PM 15 hard look at consumer protection in Nassau County as well as
16 Westchester.
17

18 **CHAIRWOMAN ANKER:**

19 So perhaps this is a good time to have a nice group discussion with
02:02PM 20 the other counties, you know, that we are, you know, that we're
21 related to or adjacent to. Has that ever been done?
22

23 **MR. ANDREWS:**

24 Not to my knowledge.
25

02:02PM 26 And back to Presiding Officer Gregory's question, I went back and
27 looked at the law, it looks in 1993 that the definition of a retail
28 store was amended, so I'd have to figure out exactly what the
29 amendment was. It might have been that the threshold was increased
02:03PM 30 to three million dollars at that point.
31

32 **COMMISSIONER NARDELLI:**

33 Yeah, I believe --
34

35 **MR. ANDREWS:**

36 I couldn't be sure until I saw an older copy of the law.
37

38 **COMMISSIONER NARDELLI:**

39 I believe originally it was one million and then it was raised to
02:03PM 40 three.
41

42 **P.O. GREGORY:**

43 So what is Nassau and Westchester, what's their threshold? Maybe
44 it was mentioned?
45

02:03PM 46 **MR. ANDREWS:**

47 I think their law is exactly the same as ours was written.
48

49 **P.O. GREGORY:**

50 Oh, okay, okay.
51

52 **MR. ANDREWS:**

53 With the exception of the definitions.
54
55
56

1 **P.O. GREGORY:**

2 Right, right, gotcha. Can you explain to me what -- I know it can
3 be a little difficult. I understand the difference between the
4 waiver and the -- you know, you waive -- you waive the ability to
02:03PM 5 have to -- or the requirement, not the ability, the requirement to
6 label each item. But can you explain what the difference would be,
7 you know, if this -- if this company were to not ask for a waiver
8 but were to get a fine, what the difference between the fine would
9 be and the waiver? Cause I understand the waivers can be very
02:04PM 10 substantial. But the waiver's based on square footage, right?

11
12 **COMMISSIONER NARDELLI:**
13 Correct.

14
02:04PM 15 **P.O. GREGORY:**

16 Is that like a thousand dollars per square foot or what is -- what
17 is it?

18
19 **COMMISSIONER NARDELLI:**

02:04PM 20 That's actually in the resolution.

21
22 **P.O. GREGORY:**
23 Okay.

24
25 **COMMISSIONER NARDELLI:**

26 Under 3,000 square feet it's a \$500 waiver; anywhere between 3,000
27 and 10,000 it's a 1,000; anywhere between 10,000 square feet and
28 30,000 square feet it's a \$3,000 waiver; anywhere between 30,000
29 and 90,000 it's a \$5,000 waiver; and anywhere over 90,000 it would
02:04PM 30 be a \$15,000 waiver.

31
32 **P.O. GREGORY:**

33 Okay. So that eliminates, you know, this -- you know, these
34 companies from having to, you know, hire someone that may be, you
35 know, 20,000, \$30,000 and benefits and all that; right?

36
37 **COMMISSIONER NARDELLI:**
38 Yeah, and many --

39
40 **P.O. GREGORY:**

41 For them, that's their benefit.

42
43 **COMMISSIONER NARDELLI:**

44 And many of the mom and pops wouldn't fall under it.

45
46 **P.O. GREGORY:**

47 Right, right, right, right.

48
49 **MR. ANDREWS:**

02:05PM 50 The penalties can be up to a \$1,000 per inspection; inspections can
51 be done daily, the way the law is written.

52
53 **P.O. GREGORY:**

54 Okay.

1 **MR. ANDREWS:**

2 That would be for an institution that chooses not to take the
3 waiver and we would go in and we would do an inspection of their
4 items to see if they were priced. We wouldn't be doing it by
02:05PM 5 scanner inspection as much as we would be doing a pricing
6 inspection, so it would be different. We would not be checking
7 their scanning system at that time, we would only be checking to
8 ensure that the items that were currently defined under the law
9 were priced.

02:05PM 10 **P.O. GREGORY:**

11 Okay, okay. Okay, that's all I have, thank you.
12
13

02:05PM 14 **CHAIRWOMAN ANKER:**

15 Legislator Krupski.
16

17 **LEG. KRUPSKI:**

18 Sure, I guess just a different way of looking at it. We talked
19 about, and the Presiding Officer talked about raising the dollar
02:06PM 20 amount for the threshold for exemption. And I assume it's gross
21 sales, I don't think anybody said it today.
22

23 **COMMISSIONER NARDELLI:**

24 Yes, correct.
25

26 **LEG. KRUPSKI:**

27 Okay. So another way of doing it is -- is adjusting the square
28 footage of the waiver fee so that you'd have a lower waiver fee or
29 a larger square footage so that you wouldn't -- and I'm not -- I'm
02:06PM 30 not sure how the formulas would help these businesses because I'm
31 trying to wrap my head around -- but is -- is that another way of
32 helping these smaller businesses not having to be burdened with
33 more of this?
34

02:06PM 35 **MR. ANDREWS:**

36 A business with under 3,000 square feet would have a waiver of
37 \$1,000 -- 500; a business between 3,000 and 10,000 square feet,
38 which is a pretty big store, would be a \$1,000 waiver.
39

02:06PM 40 **LEG. KRUPSKI:**

41 No, no, that is -- up to 10,000, that is a big store. I'm saying
42 maybe it'd be better to go to -- the first one was up to 1,000
43 square feet?
44

02:06PM 45 **COMMISSIONER NARDELLI:**

46 You're talking about making changes to the scale.
47

48 **LEG. KRUPSKI:**

49 Yes.
50

02:06PM 51 **COMMISSIONER NARDELLI:**

52 Right.
53

54 **LEG. KRUPSKI:**

02:07PM 55 Has that ever been considered? You know, go up to 1200 or 1500
56 square feet instead of 1,000.

1 **COMMISSIONER NARDELLI:**

2 We've never really looked at it, but it's something we could do.

3
4 **LEG. KRUPSKI:**

02:07PM 5 I mean, I'm not saying to do it because I don't know how many
6 stores it would affect or whether it would help anybody. But
7 that's -- I guess a lot of us feel the same way, that we should be
8 helping businesses. I mean, yes, you're in the consumer
9 protection, we get that, but we got to be helping the businesses
10 also.

11
12 **COMMISSIONER NARDELLI:**

13 Well, just so you know, Legislator Krupski, nine times out of ten,
14 when we go into an establishment, we do not issue violations. We
02:07PM 15 -- and we go in with courtesy and we go in with respect. You know,
16 we find the general manager, the assistant general manager and
17 inform them of the law and give them a copy of it and a business
18 card and if they have any questions. And we always welcome them to
19 come in and sit down with us so we can explain the law, so we could
02:07PM 20 look at their square footage, see what kind of an operation they
21 have. And we have in the past, as James alluded to, the Value
22 Drugs; the two owners came in, they didn't know anything about the
23 law, they didn't know that they should have been following those
24 requirements and, you know, we came to a great understanding. They
02:08PM 25 left our offices feeling very good. We got a call from Legislator
26 -- Doc Spencer's office saying, you know, thank you for having them
27 in, cause they are -- they were a pillar of the community. They
28 were really nice guys who said, *Listen, we're not out to hurt*
29 *anybody*, but, you know, you have a very -- three very big stores in
02:08PM 30 Suffolk County and nothing was priced, you know. So you have to
31 get into some kind of a compliance and these are your options and
32 that's how -- you know, we don't try to hurt businesses, we really
33 try to help them more than anything.

34
02:08PM 35 **LEG. KRUPSKI:**

36 And I really appreciate that. Thank you.

37
38 **CHAIRWOMAN ANKER:**

39 So I overheard a question; does the law -- does the law say an item
02:08PM 40 has to be priced? Is there a Suffolk County law that says, yes --

41
42 **LEG. CILMI:**

43 There are certain items -- if I may, Madam Chair. There are
44 certain items that are defined in the current law as stock keeping
02:09PM 45 units that must be individually priced, unless you have applied for
46 and received this waiver.

47
48 **MR. ANDREWS:**

49 *(Inaudible)*.

50
51 **LEG. CILMI:**

52 Or those list of items would be taken out in the -- in the County
53 Executive's bill.

1 **MR. ANDREWS:**

2 If they need to be priced or if they fall under the exemptions that
3 are included in the law they do not.

4
02:09PM 5 **LEG. CILMI:**

6 Right, right. But if the -- but once the -- if the County
7 Executive's bill passes, there's no -- there's no longer a
8 definition of what a stock keeping unit is, so that's virtually any
9 item that is of a standard -- you know, that's a standard nature,
02:09PM 10 basically, would be included.

11
12 **MR. ANDREWS:**

13 Minus the current exemptions that are still in the law.

14
15 **LEG. CILMI:**

16 Which are? I'm sorry, I feel like --

17
18 **MR. ANDREWS:**

19 Under Chapter 542, Item Pricing, 542, Section 3, Exemptions: "*The*
02:10PM 20 *following stock keeping items need not be priced.*" That would be,
21 *"items sold under 50 cents; items sold through a vending machine;*
22 *milk; eggs; loose produce; stock keeping items which are offered*
23 *for sale in a single package and weigh three ounces or less; stock*
24 *keeping items offered for a sale item or weekend special; strained*
02:10PM 25 *or junior size baby foods; single cans or bottles of soda; stock*
26 *keeping items which are displayed for sale in bulk which are either*
27 *packaged for or by the consumer; snack foods such as cakes, gums,*
28 *candies, chips and nuts offered for sale; food sold for*
29 *consumption; frozen juice and ice cream, frozen products for*
02:10PM 30 *storage in a freezer and polyethylene bags."*

31
32 **CHAIRWOMAN ANKER:**

33 Okay. Legislator Trotta, did you have a last question here?

34
35 **LEG. TROTTA:**

36 Yeah. So everything in the mall, every store in the mall is gonna
37 pay.

38
39 **COMMISSIONER NARDELLI:**

02:11PM 40 If they're making more than three million -- well, I won't say that
41 they should pay. If they're making more than three million dollars
42 in gross revenue, they would fall under requirements; correct.

43
44 **LEG. TROTTA:**

02:11PM 45 And most of them are chains, so --

46
47 **COMMISSIONER NARDELLI:**

48 Correct.

49
50 **LEG. TROTTA:**

51 -- they're going to meet that three million dollars requirement.

52
53 **COMMISSIONER NARDELLI:**

54 Yes.

1 **LEG. TROTТА:**
2 But if they pay this fee they don't have to do the item pricing.
3
4 **COMMISSIONER NARDELLI:**
02:11PM 5 They -- they have to do a level of item pricing, that allows us to
6 go in and do inspections and it also permits them to put scanners
7 in different areas of their store where consumers could walk up
8 with the garment or item, whatever it is, and scan it and get a
9 price before they reach the register.
02:11PM 10
11 **LEG. TROTТА:**
12 Like in Target they have those things --
13
14 **COMMISSIONER NARDELLI:**
15 Yes, Kohl's I think has them, Macy's has it.
16
17 **LEG. TROTТА:**
18 Does Target pay?
19
02:11PM 20 **MR. ANDREWS:**
21 Target is on the Waiver Program and has been for a number of years.
22
23 **LEG. TROTТА:**
24 So Target has both, they do both things.
02:11PM 25
26 **MR. ANDREWS:**
27 What do you mean by both?
28
29 **LEG. TROTТА:**
02:11PM 30 They have those scanners throughout the store and they pay the
31 waiver.
32
33 **MR. ANDREWS:**
34 Correct. They have the scanners as required in the law.
02:11PM 35
36 **COMMISSIONER NARDELLI:**
37 Under the waiver.
38
39 **LEG. TROTТА:**
40 So that bill requires both.
41
42 **COMMISSIONER NARDELLI:**
43 The waiver requirement is those scanners in the store.
44
02:12PM 45 **LEG. TROTТА:**
46 So if you get the waiver you have to have the scanner.
47
48 **COMMISSIONER NARDELLI:**
49 Yes.
50
51 **MR. ANDREWS:**
52 According to the law the way it is written and --
53
54 **LEG. TROTТА:**
02:12PM 55 If you don't have the waiver you have to item price everything.
56

1 **COMMISSIONER NARDELLI:**

2 Correct.

3

4 **LEG. TROTТА:**

02:12PM 5 And I'm sure this was asked before, but how many complaints have
6 you had?

7

8 **CHAIRWOMAN ANKER:**

9 Here we go again, okay. We were talking about it for about 45
10 minutes.

11

12 **LEG. TROTТА:**

13 Okay. So you're going to get us the number of complaints.

14

15 **CHAIRWOMAN ANKER:**

16 There's been at least a thousand.

17

18 **COMMISSIONER NARDELLI:**

19 We're working on it.

02:12PM 20

21 **LEG. TROTТА:**

22 You know, this sounds a lot like extortion to me; if you don't pay,
23 you have to do this. You know, if there's no complaints -- this
24 is --

25

26 **CHAIRWOMAN ANKER:**

27 Legislator Trotta --

28

29 **LEG. TROTТА:**

30 You know, ultimately, who ultimately pays is the consumer.

31

32 **CHAIRWOMAN ANKER:**

33 Legislator Trotta --

34

35 **COMMISSIONER NARDELLI:**

36 They have a choice.

37

38 **CHAIRWOMAN ANKER:**

02:12PM 39 -- I'm just going to remind you, again, we need to treat each
40 other, especially the members of Suffolk County, with respect.

41

42 **LEG. TROTТА:**

43 More importantly, we need to --

44

45 **CHAIRWOMAN ANKER:**

46 Extortion is a pretty serious word.

47

48 **LEG. TROTТА:**

49 -- to treat the taxpayers with respect.

02:12PM 50

51 **CHAIRWOMAN ANKER:**

52 So this -- this is --

53

54 **LEG. TROTТА:**

55 To Budget Review, how much money is this going to raise?

56

1 **CHAIRWOMAN ANKER:**

2 Excuse me, Legislator Trotta, I'm the Chairwoman of this committee.

3
4 **LEG. TROTТА:**

02:12PM 5 And you gave me the floor to ask the question.

6
7 **CHAIRWOMAN ANKER:**

8 I'm taking it away from you right now.

02:13PM 9
10 Okay, so I just want to again state that we're here to treat each
11 other with respect, and if you have a question that would be
12 appropriate, that's fine. Okay, Legislator Trotta, would you like
13 to ask a respectful question?

02:13PM 14
15 **LEG. TROTТА:**

16 Yes; how much money, to Budget Review, is this expected to raise?

17
18 **MR. PERNICE:**

02:13PM 19 Well, the Recommended Budget assumes that the law will be enforced
20 this way, so it's a question of not doing it how much money would
21 we lose.

22
23 **LEG. TROTТА:**

24 I'm sorry, say that again.

25
26 **MR. PERNICE:**

02:14PM 27 So the Recommended Budget includes about \$500,000 more in 2017
28 compared to 2016 for the revenue that item pricing goes into and
29 the -- that was -- that was something that was discussed during
30 working group.

31
32 **LEG. TROTТА:**

02:14PM 33 Do we know how many stores this would affect? It would affect
34 every single store except those mom and pops that make less than
35 three million.

36
37 **MR. PERNICE:**

38 Well, they affect whatever enforcement they did, I'm not sure how
39 many stores would fall under it. But there is additional revenue
40 included in the Recommended Budget that assumes that they will
41 continue to enforce the law the way they have been. If they were
42 to reduce enforcement, there would be less revenue.

43
44 **LEG. TROTТА:**

45 Okay, but if they had a sign up, these new stores, do you have a
46 budget number of how much that would raise or they budgeted
47 \$500,000?

48
49 **MR. PERNICE:**

02:14PM 50 I'm not sure how many stores it is. Again, the revenue came from
51 the County Executive and the Department and that was based on the
52 fact that they would be doing enforcement this way. How many
53 stores that involves; I couldn't tell you, that's a better question
54 for the Department.

02:14PM 55
56

1 **LEG. TROTТА:**

2 To the Department; do you have any idea how many new stores this is
3 going to affect?
4

02:15PM

5 **COMMISSIONER NARDELLI:**

6 I couldn't say.
7

8 **LEG. TROTТА:**

9 Thousands. I mean, it's only limited now and it's going to be
10 every single store, essentially.
11

02:15PM

12 **CHAIRWOMAN ANKER:**

13 Okay. Again, we're not talking about that bill, we haven't gotten
14 to it yet. So let's focus on IR 1887.
15

02:15PM

16 Okay, with no further questions on IR 1887, we have a motion to
17 table and a motion to approve. Okay, tabling goes -- tabling goes
18 first. Okay. Okay, we're going to do tabling. All in favor of
19 tabling this motion?
20

02:15PM

21 **LEG. CILMI:**

22 Listen, on the motion. I'm sorry, Madam Chair, because I'm
23 conversing here with the Presiding Officer. Again, if we're
24 prepared to table 1988 and I'll -- we can't obviously vote on 1988
25 with 1987 is -- or whatever the bill number is, 1887 is before us
26 right now. So I would be happy to, you know, accede to a tabling
27 for this bill if we're also going to table the County Executive's
28 bill, but I need to have assurance from members of the committee
29 that that's what we're going to do.
30

02:16PM

31 **CHAIRWOMAN ANKER:**

32 Okay. We can't really give you any assurance because we haven't
33 gotten to the bill yet. So, again, just out of respect, that's
34 kind of the situation.
35

02:16PM

36 **P.O. GREGORY:**

37 We could ask the Administration if they would suffer a tabling.
38

39 **CHAIRWOMAN ANKER:**

40 But, again, this bill coming up has to do -- well --
41

02:16PM

42 **COMMISSIONER NARDELLI:**

43 The County Executive would like to see the bill passed in its
44 current form.
45

02:16PM

46 **CHAIRWOMAN ANKER:**

47 Okay. Are you guys ready? Okay, a motion was made. All in favor
48 of tabling? Opposed?
49

02:16PM

50 **LEG. CILMI:**

51 Opposed.
52

53 **LEG. KRUPSKI:**

54 Opposed.
55
56

1 **CHAIRWOMAN ANKER:**

2 Okay, so we have two, three -- okay, it looks like the motion did
3 not pass. Okay. The tabling motion for IR 1887 did pass. And,
4 Amy?

5
6 **MS. ELLIS:**

7 It was three.

8
9 **CHAIRWOMAN ANKER:**

10 Thank you. Tabled (VOTE: 3-2-0-1 - Opposed: Leg. Cilmi and Leg.
11 Krupski - Not Present: Leg. Muratore - P.O. Gregory included in the
12 vote).

13
14 All right. We're going to move forward with Resolution 1988-16 -
15 **A Local Law to enhance provisions of the items pricing law (County**
16 **Exec.)** I'd like to make a motion to approve.

17
18 **LEG. CILMI:**

19 Motion to table.

02:17PM

20
21 **CHAIRWOMAN ANKER:**

22 Okay. Is there a second on the motion to approve?

23
24 **P.O. GREGORY:**

02:17PM

25 I'll second.

26
27 **CHAIRWOMAN ANKER:**

28 Do we have a second on the motion to table?

02:17PM

29
30 **LEG. KRUPSKI:**

31 I'll second for purposes of discussion.

32
33 **CHAIRWOMAN ANKER:**

02:17PM

34 Okay. Commissioner, could you -- and also, Director Andrews, could
35 you please give us a rough -- or actually a brief description of
36 the resolution 1988 and how it is changed; what are those changes
37 within that resolution from the previous pricing laws?

38
39 **COMMISSIONER NARDELLI:**

02:18PM

40 Very simple, and I think we've already covered it. All it does is
41 remove the definitions that are in our current law, and it also
42 removes the stock space from being calculated into the waiver fee
43 so only the retail floor space would be calculated for purposes of
44 a waiver fee. Those are basically the only changes; correct me if
02:18PM 45 I'm wrong, James.

46
47 **MR. ANDREWS:**

02:18PM

48 And there was one change regarding a shelf price that was also in
49 Nassau and Westchester's law that was not covered in Suffolk
50 County's law, which required the retailer to post the price so the
51 customer and consumer could see that price prior to them getting up
52 to the cash register with the item.

53
54 **CHAIRWOMAN ANKER:**

02:19PM

55 So, again, my understanding of this -- the revision to our pricing
56 law is a retail display place -- display area, *"This portion of a*

1 *retail store or stock keeping units and stock keeping items are*
2 *displayed for consumer purchase. Retail display area shall not*
3 *consist of that area of a store used solely for storage of stock*
4 *keeping units and stock keeping items and which is not ordinarily*
02:19PM 5 *accessible to consumers." That's one of the changes.*
6
7 **COMMISSIONER NARDELLI:**
8 Correct.
9
02:19PM 10 **CHAIRWOMAN ANKER:**
11 Does anybody have any questions on that particular change?
12
13 **LEG. KRUPSKI:**
14 I do.
02:19PM 15
16 **CHAIRWOMAN ANKER:**
17 Legislator Krupski.
18
19 **LEG. KRUPSKI:**
02:19PM 20 Will that change -- will that change any of the categories of the
21 people who are currently getting waivers? Will that lower them to
22 a different level of waiver fees?
23
24 **MR. ANDREWS:**
02:19PM 25 We will have to take a look at every single store that's currently
26 on the waiver program and get a new square footage from those
27 stores and recalculate waivers based on that.
28
29 **LEG. KRUPSKI:**
02:20PM 30 Okay. Thank you.
31
32 **CHAIRWOMAN ANKER:**
33 Legislator Cilmi.
34
02:20PM 35 **LEG. CILMI:**
36 I just wanted to clarify something. I was told during our meeting
37 that we were calculating waivers based on retail square footage and
38 not inclusive of warehouse -- warehouse space. Is that not the
39 case?
02:20PM 40
41 **MR. ANDREWS:**
42 For all the retailers that came on during 2016 we started to follow
43 that format. I'm going to have to go back and look at --
44
45 **LEG. CILMI:**
46 Okay.
47
48 **MR. ANDREWS:**
49 -- details who were on prior to to make adjustments.
50
51 **LEG. CILMI:**
52 Okay, thank you.
53
54 **COMMISSIONER NARDELLI:**
02:20PM 55 We thought it was unfair, so.
56

1 **CHAIRWOMAN ANKER:**

2 You guys good? Okay, and the second change, can you -- would you
3 mind going through that second change? It looks like it is under
4 gross size of store, retail display area and it's letter G, No. 4.
02:21PM 5 Would you like me to read it? I'll read it; *"The store shall have
6 a shelf price for each stock keeping item, which is visible to the
7 consumer and which is located directly under the item on the shelf
8 where the item is displayed, or if the item is not conspicuously
9 visible to the consumer by a sign or list conspicuously placed near
02:21PM 10 a point of procurement, notwithstanding the forgoing compliance
11 with New York State Agriculture and Markets Law as it pertains to
12 the disclosure of unit price and total price disclosed to the
13 consumer shall be deemed to be full compliance and provisions of
14 the -- of this subsection four."* Okay, is that --

02:21PM 15
16 **COMMISSIONER NARDELLI:**

17 There's really no change there.

18
19 **CHAIRWOMAN ANKER:**

20 Okay.

21
22 **COMMISSIONER NARDELLI:**

23 That is actually a regulation under the State Law and we are just
24 going to accept what the retailer does. If he's in compliance with
02:21PM 25 the State law, then he's in compliance with the County law,
26 regarding the shelf pricing, which is retail price and unit price.
27

28 **CHAIRWOMAN ANKER:**

29 Okay. Questions? Are there any further questions regarding this
02:22PM 30 bill? Legislator Krupski.
31

32 **LEG. KRUPSKI:**

33 So the other change is in the stock keeping unit?
34

02:22PM 35 **COMMISSIONER NARDELLI:**

36 Yeah, those definitions -- the definitions of a stock keeping item
37 will be removed from the legislation through the amendment, which
38 is the same as Nassau and Westchester.
39

02:22PM 40 **LEG. KRUPSKI:**

41 So what change will that mean to -- to the business owner? I mean,
42 that's what it boils down to. So that -- it won't be -- so all
43 those definitions, the individual definitions are removed and added
44 as each group of items offered for sale, the same brand, quantity
02:22PM 45 of content, retail price and variety; that's what -- that's going
46 to be the only definition?
47

48 **COMMISSIONER NARDELLI:**

49 Yes.
50

51 **LEG. KRUPSKI:**

52 So that covers everything.
53

54 **COMMISSIONER NARDELLI:**

02:23PM 55 It's broad.
56

1 **MR. ANDREWS:**

2 It will now allow the agency to go in stores such as Dicks, such as
3 Best Buy, such as Kohl's and any other major retailers that
4 currently operate in our County and check their scanning systems.
02:23PM 5 Currently we do not have the ability to go in and check on them.
6

7 **CHAIRWOMAN ANKER:**

8 Presiding Officer Gregory.
9

02:23PM 10 **P.O. GREGORY:**

11 I have a question. How are we going to enforce this? Cause you
12 had mentioned earlier that it seems that you guys are pretty busy
13 now, now you're expanding the scope. So are you going to have to
14 hire more people, full-time, part-time? Like how are you --

02:23PM 15 **COMMISSIONER NARDELLI:**

16 We were hoping to get two part-timers, as was in the Recommended
17 Budget, but, you know, we would -- we could maybe cover it with the
18 staff we have, but we could probably use a couple part-timers to
02:23PM 19 help regulate.
20

21 **P.O. GREGORY:**

22 Excuse me. Maybe you mentioned it earlier, but how many businesses
23 fall under the existing law?
24

02:23PM 25 **MR. ANDREWS:**

26 I currently don't have that number right at my fingertips.
27
28

29 **P.O. GREGORY:**

30 Okay.
31

32 **COMMISSIONER NARDELLI:**

33 We'll get it for you.
34

02:24PM 35 **P.O. GREGORY:**

36 I assume you don't have what -- I think actually you alluded to it.
37 You don't know how many would fall under, is it 10,000, 20,000?
38 More?
39

02:24PM 40 **COMMISSIONER NARDELLI:**

41 I couldn't say.
42

43 **P.O. GREGORY:**

44 I mean, it seems like -- I mean, I would imagine the majority of
02:24PM 45 businesses in the County, you're gonna have to write -- I mean,
46 Legislator Trotta mentioned every mall, certainly, I would think,
47 would fall under it -- every store in the mall, excuse me. I don't
48 know about strip malls, but it seemed like a lot.
49

50 **COMMISSIONER NARDELLI:**

51 Well, we'll do the best we can with -- which is the same as what we
52 do with the staff we have now, you know, and we'll hopefully gain
53 more efficiencies through -- once we get this Accela Phase II up
54 and running, that's going to free up some staff to be able to go
02:24PM 55 and do item pricing. So, you know, that's probably how we're going
56 to do it and we're getting close, hoping by year's end we're done

1 with that second phase of Accela II where a lot of staff time spent
2 manually will now, we can utilize that more in the field.

3
4 **P.O. GREGORY:**

02:25PM 5 So, if we were to pass this law at, I guess, the next meeting, when
6 would it take effect? When do you anticipate?

7
8 **COMMISSIONER NARDELLI:**

02:25PM 9 As soon as it's filed with the Secretary of State, we're going to
10 work on it.

11
12 **P.O. GREGORY:**

13 Okay. So how does the notification process -- we're not
14 necessarily sure how many businesses will fall under this new law.
02:25PM 15 An expansion of the law, how are we going to notify them? Are they
16 going to be given, you know, 60, 90, 120 days to come into
17 compliance? Like how does that -- have we figured that out?

18
19 **COMMISSIONER NARDELLI:**

02:25PM 20 We would probably do it by store visits at first, being that we
21 really don't know which stores would fall under the -- under that
22 threshold. So we would -- we would just start out, you know, in
23 our regular patrols hitting some of the stores that we feel might
24 fall under. Same as we do with any other law; we walk in, we
02:26PM 25 introduce ourselves, we -- you know, we give them a briefing on the
26 law, we give them a copy of the law, a business card and say -- you
27 know, we find the manager, general manager, assistant manager, *Give*
28 *us a call with any questions you may have.* But, I don't know,
29 would we send out a letter?

02:26PM 30
31 **MR. ANDREWS:**

32 For major corporations, what we would probably do is start to
33 utilize a computer and just Google and start to find corporate
34 information and try and get in contact with a corporate compliance
02:26PM 35 officer --

36
37 **P.O. GREGORY:**

38 Okay.

39
40 **MR. ANDREWS:**

41 -- and let them know the changes. Cause usually, as mentioned
42 before, sometimes the information from the store doesn't flow up to
43 where it needs to get to. Most times it does, but when it doesn't
44 we try and reach out to the corporation to get a hold of their
02:26PM 45 compliance officer to deal with any issues.

46
47 **P.O. GREGORY:**

48 Right. But still, that doesn't necessarily address the concern
49 that -- I mean, you can't walk into someone's store and say, *Hey,*
02:26PM 50 *you know, we passed this law, you guys aren't in compliance.*
51 *You've got to be, you know, be in compliance tomorrow, right?* Like
52 there has to be some type of window for them to figure it out;
53 wouldn't you think?

54
02:27PM 55 **COMMISSIONER NARDELLI:**

56 Yeah, you're right.

1 **P.O. GREGORY:**

2 There should be a grace period, I would think. I don't know, I'm
3 just -- I'm just kind of spit balling. I don't know if that's been
4 kind of taken into consideration, because I know you have projected
02:27PM 5 budget revenues, but when did you actually think you were going to
6 start enforcing it? Is it March, April or is it June?
7

8 **COMMISSIONER NARDELLI:**

9 It would probably be like early summer.
10

11 **P.O. GREGORY:**

12 Okay. Yeah, cause I -- I think that's the fair thing to do. You
13 know, if I owned a business, you know, I'm -- especially a smaller
14 business -- not necessarily a small business, but a smaller
02:27PM 15 business, or even any business, I'm like, I'm looking at -- I got
16 staffing schedules, I've got to worry about what product I'm
17 putting out. And, you know, working with the town, the State and
18 there's some guy from the County comes in and says, *Yeah, we*
19 *created a new law, and tomorrow if you're not in compliance -- or*
02:28PM 20 *today we're going to fine you.* I'm like what? I wouldn't -- I'd
21 be pretty upset.
22

23 **COMMISSIONER NARDELLI:**

24 Well, we would probably also base it on whether or not anything was
02:28PM 25 priced in the store at all.
26

27 **P.O. GREGORY:**

28 Right.
29

30 **COMMISSIONER NARDELLI:**

31 You know, if we walked into a store and we saw that nothing was
32 priced and it looks like the store makes three million or more, we
33 would, you know, tell them that they fall under these regulations
34 and that they need to get into compliance, which is -- is kind of
02:28PM 35 what we do now. I mean, we hardly ever go into a store that's out
36 of compliance and hit them with violations. We give them an
37 opportunity to correct, we come back 30 days later, sometimes 60
38 days later in the case of Brinkman, but that's typically how we go
39 about it.
40

41 **P.O. GREGORY:**

42 I'm just thinking from an aspect of fairness. You know, because if
43 you don't do it and with some type of grace period, I would think,
44 people say, *Wait, this is just a money grab.* You know, you've
02:28PM 45 heard it and you're going to hear it if you don't give them some
46 type of grace period for them to comply and all that. So I'm just
47 trying to make it less of a headache for you guys.
48

49 **COMMISSIONER NARDELLI:**

50 We're completely amenable to that.
51

52 **P.O. GREGORY:**

53 Okay. All right, thank you.
54

55 **CHAIRWOMAN ANKER:**

56 Legislator Cilmi.

1 **LEG. CILMI:**

2 So we've had -- we had a public hearing on this bill. We've heard
3 testimony that this -- the County Executive's bill could impact
4 thousands of retailers that are not currently impacted. Thousands
02:29PM 5 of retailers will have to start individually pricing every item in
6 their store or paying a waiver fee to Suffolk County.

7
8 Was there any effort made prior to today's discussion to reach out
9 to those thousands of businesses to say, *Hey, we're considering a*
02:29PM 10 *law that, you know, will mean something to your bottom line, will*
11 *mean something to the price of -- cost of your goods sold to your*
12 *consumers, just for input; was there any outreach at all?*

13
14 **COMMISSIONER NARDELLI:**

02:29PM 15 No. No, there was not.

16
17 **LEG. CILMI:**

18 Any business organization? Anyone, other than the chambers of
19 commerce; anybody?

20
21 **COMMISSIONER NARDELLI:**

22 Other than the public hearing? No.

23
24 **LEG. CILMI:**

02:30PM 25 Okay. That's unfortunate, but thank you.

26
27 **CHAIRWOMAN ANKER:**

28 Legislator Krupski.

29
02:30PM 30 **LEG. KRUPSKI:**

31 Thank you. Is there any -- any willingness to amend this law
32 before we vote on it to -- to raise the dollar exemption amount to
33 -- what we talked about today was four million dollars, and I'm not
34 going to hold you to four million because I don't know if that's
02:30PM 35 the appropriate amount based on inflation and all that. Is there
36 any willingness to amend that in this current bill before we --
37 before we vote on it.

38
39 **COMMISSIONER NARDELLI:**

02:30PM 40 Yes.

41
42 **LEG. KRUPSKI:**

43 How would we go about doing that?

44
45 **COMMISSIONER NARDELLI:**

46 Change the threshold.

47
48 **LEG. KRUPSKI:**

49 How would we change the -- how would we go about, on this current
02:30PM 50 bill, changing the threshold on this current bill so we could
51 incorporate it into this bill?

52
53 **MS. HORST:**

54 I think if we were gonna look to raise the threshold we'd want to
02:31PM 55 pass the bill as is and raise it in a separate resolution.

1 **LEG. KRUPSKI:**

2 Why would we want to do that? Why wouldn't we want to do it all at
3 the same time? I mean, I did value this -- it had to be a three
4 hour discussion today, but seriously, why wouldn't we want to just
02:31PM 5 incorporate it into this bill and -- and hopefully be done with
6 this?

7
8 **MS. HORST:**

9 I have to ask. Right now we'd like to see the bill go as forward,
02:31PM 10 but we're absolutely open to -- to the discussion of raising it.

11
12 **LEG. KRUPSKI:**

13 And I understand reopening the public hearing and all that, I get
14 that.

15
16 **MS. HORST:**

17 It delays the process.

18
19 **LEG. KRUPSKI:**

02:31PM 20 I understand that.

21
22 **MS. HORST:**

23 It delays the process.

24
25 **LEG. KRUPSKI:**

26 I understand that. But I thought it was a legitimate change that
27 -- that would seem to be welcomed by the committee and by the
28 department.

29
30 **WHO IS THIS SPEAKING:**

31 Agreed, agreed.

32
33 **LEG. KRUPSKI:**

34 Okay. So the answer's no then.

02:31PM 35
36 *(*Laughter*)*

37
38 We agreed that the answer's no.

39
02:31PM 40 **MS. HORST:**

41 I think we'd like to see it move forward today and -- and revisit
42 it at a future date.

43
44 **LEG. KRUPSKI:**

02:31PM 45 Okay, thank you.

46
47 **CHAIRWOMAN ANKER:**

48 Okay. With no further questions, let's move forward with a vote.
49 We have a motion to table and a motion to approve. On the motion
02:32PM 50 to table; all in favor of tabling? All opposed? Looks like we
51 have -- okay. Opposed to tabling, raise your hand? Opposed to
52 tabling, tabling. Excuse me. Geez, I'm sorry. Who is in favor of
53 tabling this bill? Okay, so we have two. Amy, go ahead.

54
55 **MS. ELLIS:**

56 Two.

1 **CHAIRWOMAN ANKER:**

2 Two. Tabling fails (VOTE: 2-3-0-1 - In Favor: Leg. Cilmi & Leg.
3 Krupski - Not Present: Legislator Muratore - P.O. Gregory included
4 in the vote).

5
6 Okay, now we're go to be go to motion to approve. All in favor?
7 Opposed? Abstentions? Motion carries. Approved (VOTE: 3-2-0-1 -
8 Opposed: Leg. Cilmi and Leg. Krupski - Not Present: Leg. Muratore -
9 P.O. Gregory included in the vote)

02:33PM

10
11 I see no further business -- oh, one other thing, I just wanted to
12 mention that Legislator Muratore has an excused absence. With no
13 further business, this committee is adjourned.

14
15 **THE MEETING CONCLUDED AT 2:33 PM**

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