

**GOVERNMENT OPERATIONS, PERSONNEL, HOUSING & CONSUMER PROTECTION
COMMITTEE**

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Government Operations, Personnel, Housing & Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on March 18, 2015.

MEMBERS PRESENT:

Leg. Robert Calarco, Chairperson
Leg. William J. Lindsay, III, Vice Chair
Leg. Jay Schneiderman, Deputy Presiding Officer
Leg. Thomas Cilmi
Leg. Kevin J. McCaffrey

ALSO IN ATTENDANCE:

Leg. Robert Trotta, 13th Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Jason Richberg, Chief Deputy Clerk of the Legislature
Benny Pernice, Budget Review Office
Paul Margiotta, Chief Deputy County Attorney
Barbara Stoothoff, Department of Labor
Frank Nardelli, Commissioner/Department of Labor & Consumer Affairs
Katie Horst, County Executive's Office
Charles Gardner, Chair of Government Relations Committee/Kings Park Chamber of Commerce
Jill Rosen-Nikoloff, Director/Affordable Housing
Ralph Mondrone
Mark Baisch
Jack Ader

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:01 AM

CHAIRPERSON CALARCO:

Good morning. Welcome everyone to the Government Operations, Personnel, Housing and Consumer Protection Committee. If we could all please rise for the Pledge of Allegiance led by Deputy Presiding Officer Jay Schneiderman.

SALUTATION

PUBLIC PORTION

So, thank you very much. Okay, we're going to get into our agenda. I have no correspondence. We're going to go right into our Public Portion. I have a few cards here this morning. And the first one is for Charles Gardner. Charlie, come on up.

MR. GARDNER:

Thank you, Mr. Chairman, and good morning members of the Committee. My name is Charles Gardner. I am the Chair of the Government Relations Committee of the Kings Park Chamber of Commerce. And I am speaking today on IR 1053. And I would urge the adoption of that.

The legislative intent for 1053, when you get passed all the Whereas's and etcetera, it really keyed in on two sentences: One in that the actions of the County -- recent actions of the County are inconsistent with the spirit and intent of the original home furnishings law; and that the County's home furnishing's licensing law should be amended to accurately reflect its original intent. And I was very upset that the home furnishings law was used to try to wrap in antiques dealers under the provisions of that law.

I can speak with a -- kind of a unique perspective in that I was around almost 20 years ago when the home furnishings law was first passed. And the reason for it was that year after year after year at that time the number two category for complaints received in Consumer Affairs every year, after home improvement, which was always far and away number one, the number two category was home furnishings. We averaged 400 to 450 complaints a year at that time. And we sought that -- that particular law to address the many complaints we were getting about failure to deliver, failure to deliver on time, failure to deliver at all, retention of deposits, refunds not being returned. Home furnishings dealers very famously going -- having these "going-out-of-business" sales. And they would move from Centereach to Riverhead and reopen in Riverhead, the same people. We had no ability to track them. That was the original intent of that law to address those complaints that we received every single year and it worked.

Within about three years or so, those complaints dropped to well under 200 a year, well over half just within a couple of years. So the law did what it was intended to do. It was not addressed that antiques dealers -- and I'm kind of perplexed in that we did -- I realize it's 20 years ago, but we held a public hearing. We had rules and regs that addressed antiques dealers. And they were exempted from that law because we had no complaints. We had no reason to wrap antiques dealers into this home furnishings law. There was zero complaints. We didn't have any problems and that was not the intent of the law.

I don't know why or where the need is now other than some insatiable thirst for revenue that seems to be apparently only quenched by -- on the backs of small business people. I am speaking on behalf of those small business people. Six hundred dollars to get -- do you realize how many sales some of these small antiques dealers would have to generate to come up with \$600 net to them, just simply turn over to the County?

So, again, I would ask where is the data? Are the complaints that numerous? Are the violations that numerous? What deceptive trade practices or unconscionable trade practices are going on

within the antiques industry that would require us to make these people be licensed? Without that data, I just don't understand why antiques dealers are being attacked in this manner and brought under the umbrella of the home furnishings law. Thank you very much.

CHAIRPERSON CALARCO:

Thank you, Charlie. Does anybody have questions for Mr. Gardner? Okay. Legislator Cilmi has questions for you, Charlie. Come on up.

LEG. CILMI:

Good morning, Charlie. How are you today?

MR. GARDNER:

Fine. Thanks. I'd be better if I didn't see those flurries out there, but --

LEG. CILMI:

No kidding. Thanks for your testimony. I have a couple of questions for you. Just given your experience here with the County, maybe you can provide some context and insight. Today we will deliberate and vote on a bill sponsored by Legislator Trotta, which would effectively change the law to effectively exempt antique dealers from the cost associated with registering as a, you know, furniture retailer.

MR. GARDNER:

Being licensed, yes.

LEG. CILMI:

Right, right. And as you said, that cost associated with that is hundreds of dollars a year. At the same time, however, the County Executive has proposed a separate piece of legislation. I believe it's IR 1118, which includes used and antique furniture dealers in the law. And I'm not sure if it's the same law --

MR. NOLAN:

Dealers of secondhand.

LEG. CILMI:

Dealer of second -- and the dealer of secondhand articles --

MR. GARDNER:

That's correct. It would incorporate those into the dealers of secondhand articles law.

LEG. CILMI:

Right. Can you compare and contrast the laws that we're talking about here and the cost associated with those laws based on your experience?

MR. GARDNER:

Well, the home furnishings law was put into effect to address numerous consumer complaints. Those types of complaints were really not criminal in nature. Secondhand dealers, our precious metals exchange, those laws went into effect to address the, you know, the criminality associated with those types of businesses where people were, you know, ripping off homes and burglaries and they were going to secondhand dealers and precious metals and selling this stuff. And it was totally unregulated. Back in the early '80s is when we put that law on the books. And -- so there's like two different thought processes there. The secondhand dealers are -- that's for recovery -- mainly recovery of stolen articles. To me putting antiques dealers into that is just -- is ridiculous. Again, it was not the original intent of the secondhand dealers law. I don't know of too many people that -- you know, there are a lot of items, a lot of articles covered under secondhand dealers law that get, you know, move back and forth.

LEG. CILMI:

No one's stealing 19th century classics and selling them.

MR. GARDNER:

You know.

LEG. CILMI:

Not that we're going to find.

MR. GARDNER:

Right, exactly. So there were two different thought processes in these laws. One to address consumer complaints, which were almost all civil. And the other was to address an area of criminal activity going on in the County.

LEG. CILMI:

What is the cost associated with the secondhand dealer -- um --

MR. GARDNER:

I believe it's, you know, 200 a year and, you know, 200 for the application. The initial fee is 400 plus it's 600 bucks just to get going.

LEG. CILMI:

Right, right, right.

MR. GARDNER:

Then 200 a year. And if I might address the cost, the cost is not -- I mean it's certainly a consideration for the small business dealer. However, from the County's --

LEG. CILMI:

Cost is a huge consideration.

MR. GARDNER:

Yes. But from the County's point of view, if the law was really addressing a need, if the law was addressing some types of violations that were very, very numerous or going on everyday, if the law was addressing deceptive trade practices or unconscionable trade practice, that's part of our consumer protection law, then, okay it is what it is. What consumer protections are we trying to, you know, fix or instill by having these antiques dealers come in and be under the auspices of this law?

LEG. CILMI:

Thank you, Charlie.

MR. GARDNER:

Thank you.

CHAIRPERSON CALARCO:

Okay. Ah, Charlie stay up. Couple more questions. Legislator Lindsay has one.

LEG. LINDSAY:

Good morning, Charlie. Thanks for your testimony. Would you say there was a need to license them at all, these dealers?

MR. GARDNER:

Not in my mind.

LEG. LINDSAY:

Taking the price out of -- or the cost out of the equation.

MR. GARDNER:

Taking the cost out -- again, what need? What is the data? What is the problem you're trying to fix with antiques sales? Why are you licensing them? And just -- just so my memory, you know, getting a little older, I called my -- a person who was my Assistant Director at the time. He's now living the good life down in North Carolina rooting for Duke. And I said to him, I said, "Bruce, just refresh my memory here. When home furnishings law was passed, what did we do after that as far as the public hearing, the rules and regs, why did we do it, etcetera?"

And he affirmed that -- everything that I thought that we had done. And we exempted antiques dealers. And I might also say we didn't do that because of complaints from the industry. We took that as a proactive step. After the law was passed, we, internally within the department said, "eh, antiques dealers, why do we want to license these? Do we have any complaints? No. Do we know of any, you know, underhanded activity or, you know, consumer deceptions going on around or with antiques dealers? No. So why don't we exempt them?" This is not -- it was not the intent of the law.

The law was for those people who were delivering kitchen sets, living room sets, bedroom sets, delivering them in damaged condition, delivering the wrong types of sets, not delivering at all, promising two weeks, another two weeks, another two weeks. Meanwhile people had a thousand dollars, \$2,000 deposits and their money was just rotting, rotting, rotting. And then going out of business. That's what the law was for. It had nothing to do with antiques dealers.

So we held a public hearing. We publicized it. We wrote up the rules and regs, which if you look in the home furnishings law, it gives the Commissioner the right to promulgate rules and regs, to give full force and effect to the law. And we did that. And that's why we did it, because there was -- in our minds there was no need to regulate an industry over which we had no problems.

LEG. LINDSAY:

Okay, thanks, Charlie.

CHAIRPERSON CALARCO:

Ah, don't go away yet. Legislator Trotta has a question.

LEG. TROTTA:

I just have -- based upon -- you mentioned the complaints, I just want to ask you -- I'm going to tell you what I got. The County Executive's Office when this first arrived said that there was 280 complaints.

MR. GARDNER:

In what period of time?

LEG. TROTTA:

2011 'til the time I asked. And I asked the 280 complaints --

MR. GARDNER:

So that's what, 70 or 80 a year maybe?

LEG. TROTTA:

Well, there was 280 complaints, but not one was related to an antiques store or a consignment shop. Was that your experience? Did you -- can you ever remember one when you were the Commissioner?

MR. GARDNER:

I don't remember any. I don't remember any at all. I'm not saying there weren't, but I mean -- if there -- you know, might have been a -- I do not remember any at all.

LEG. TROTTA:

Can you explain -- I don't know if you could explain, maybe some representative from the County Executive's Office could explain why they came out and said -- told the press that it was 280 complaints --

CHAIRPERSON CALARCO:

Well, this is --

LEG. TROTTA:

-- when there was --

CHAIRPERSON CALARCO:

This is a public portion. So the questions for Charlie specifically -- and, you know, during -- when we get to the bill, we can address any questions.

LEG. TROTTA:

Okay. Never mind, thanks.

CHAIRPERSON CALARCO:

Charlie, I just have one question for you.

MR. GARDNER:

Yes, sir.

CHAIRPERSON CALARCO:

In one of the examples that was brought up to me, and I tend to agree with Legislator Trotta that we need to find some sort of solution here that doesn't really put an onerous impact on some of these small shops, the small antique dealers and such, and I'm not sure exactly whether his language gets there the best way or if there's another way of getting there. But one of the examples that was brought up to me that, I think, was an issue of concern was specific to consignment shops, because they have a different kind of role, right, than the antique store. An antique store buys an item and then they resell it as an antique and somebody comes in and cash and carry and the deal is done.

But with a consignment shop, often times an estate, say, will give the estate to a consignment shop to sell the items. And that consignment shop is under a contract with that estate to sell those items within a timeframe, whether if they do or do not, then the item's returned back to the estate, whoever the inheritor is. And then a consignment shop has a certain percentage of the sale that they're allotted. And then there's a certain amount of monies that are supposed to be turned over.

And there were -- an example that was given to me where the person that was the inheritor didn't get the items back, nor did they get their money from the sale of the items. And that was the issue that was trying to be arbitrated through Consumer Affairs that was facing difficulty. So would you say in that -- for that particular type of situation, would that require some sort of additional oversight by the County to be able to deal with that particular type of situation?

MR. GARDNER:

It would depend -- back in the day -- one complaint doesn't -- this is my opinion: One complaint or a couple of complaints did not necessarily require the oversight or legislating of an entire industry. I mean, we have deceptive trade practice laws on the books, unconscionable trade practice laws on the books. And then obviously there are the criminal sections. But just in the civil, we have

legislation under the consumer protection laws to take care of complaints here and there without getting into regulating an entire industry. That's why we went for licensing of electricians, licensing of plumbers, licensing home improvement people, especially. And as we mentioned, the licensing of the home furnishings. That was a -- that was a monumental problem for the Department of Consumer Affairs, just because of the number --

CHAIRPERSON CALARCO:

Sure.

MR. GARDNER:

So if we had one or two or three complaints --

CHAIRPERSON CALARCO:

And I would say with those examples, the issue at hand primarily is the fact that a consumer is buying a product that they can't actually physically touch and walk away with; and that they're reliant on the business to deliver the product that they're understanding they're going to get, whether it's the home furnishing store in terms of the -- you know, you walk into the Raymour & Flanigan and buy a couch, you're not getting the couch you sat on, you're going to get a couch that's delivered from the factory; or you're talking about even home repair folks, you know, you hire somebody to do work on your home, but you don't really know what you're going to get until the work is done.

MR. GARDNER:

Exactly.

CHAIRPERSON CALARCO:

So those are situations where you are entering into a contract or an agreement with those entities to deliver a product that you can't actually touch, which under the consignment shops is kind of a similar situation here. You're talking about a product, you're talking about providing a service that you're not walking away with, right? So that's why I even said with Legislator Trotta's bill, I don't know if that's the best way; or if the best way of getting at this is just saying "we're not going to license people who have cash and carry businesses." If you walk into the store, you could buy the couch, the chair, the table, whatever that case may be; and you could walk out of the store with whatever you bought, and you knew what you were getting. Whether or not you actually knew what you were getting, was it an antique or any of those kind of things is not anything that a consumer's going to be able to arbitrate anyways. And so maybe that's the better fashion of getting into this, to the heart of this problem.

MR. GARDNER:

Yeah, I would just, from a Chamber of Commerce point of view, and thinking about the members, let's just throw out a number. Let's say there's 200 businesses that do -- would say are a consignment shop in the County. Let's just say. I have no idea how many, but let's just say 200. If I had a complaint against one or two or three of them, would that then necessitate the County to go license or regulate everybody and throw everybody under the bus and --

CHAIRPERSON CALARCO:

Policy question for us to answer.

MR. GARDNER:

Exactly.

CHAIRPERSON CALARCO:

No, I understand that. And, again, I don't even know if we decide it is an issue that we have to address, if putting them under these -- this home furnishing law or the secondhand dealer law is necessarily the way of getting to it and if we shouldn't be looking at a different fashion of getting to

that issue at hand. But those are some of the questions that I think the Administration is open to having a negotiation of the conversation about.

MR. GARDNER:

I really think that aggressive enforcement of our current deceptive trade practice and unconscionable trade practice laws that are already on the books can suffice in most consumer complaints.

CHAIRPERSON CALARCO:

No, I appreciate that. We have one more question for you from Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Charlie, you're actually getting to my line of questioning. So first of all, thank you. As the first guy up here, you're getting all the questions.

MR. GARDNER:

A-huh.

D.P.O. SCHNEIDERMAN:

But you do have that experience of having worked as head of this department for a number of years, so you do provide certain insight. So let's say we decide not to license a particular area, like these consignment shops. We still have tools if somebody complains, if we think there's a deceptive practice.

MR. GARDNER:

Absolutely.

D.P.O. SCHNEIDERMAN:

Okay. So can you first tell me a little bit about what -- how that works, if somebody complains about a business sector or a particular business that's not in a category that we license.

MR. GARDNER:

Well, it's that broad application of deceptive trade practice or unconscionable trade practice, which is an unfair representation, a failure to deliver, a failure to live up to a promise. It's so broadly written, that basically it says if you told me I was going to get that for \$200 and I didn't get it, you can write a vio -- if there is no -- after we do the -- sorry. After the County does the investigation and investigated, decides that, you know what, you were supposed to do this and you didn't do it, you can use -- you can use the deceptive trade practice and/or the unfair trade practice or the unconscionable trade practice to go after that individual who did not do -- it's a civil case. It doesn't have -- that's one of the reasons we started Consumer Affairs is to get all this junk out of -- out of Small Claims Court so the Consumer Affairs can fight for the consumer and take on these little individual complaints.

But, yes, in my opinion the deceptive trade practice broadly describe -- unconscionable trade practice broadly describe, can cover almost anything where I didn't get what I paid for, I didn't get what I was promised, it wasn't in the condition, the value is not what you said it was, etcetera.

D.P.O. SCHNEIDERMAN:

Okay. And when this homes furnishings law went into effect, your recollection, you testified, is that it was not meant to apply to antique dealers and concession, only to new furniture. But lately it's being used to -- more broadly by -- right?

MR. GARDNER:

As far as I know -- I guess it was a few months ago, letters went out. I know I was at a -- a member of the St. James Chamber of Commerce. I know -- they received a letter. All of a sudden

they said, "you got to get a license."

D.P.O. SCHNEIDERMAN:

You know, and --

MR. GARDNER:

I mean this -- this law's been in effect since '97.

D.P.O. SCHNEIDERMAN:

Actually in my district there's quite a number of these consignment shops. Some are run by not-for-profits; some are for-profit. When we decide as a County to license something, like as you said, home improvement contractors, electricians, plumbers, we do a number of things, right? We inspect, if it's a business, right?

MR. GARDNER:

A-hum.

D.P.O. SCHNEIDERMAN:

We may check for insurance certificates. We may --

MR. GARDNER:

-- Worker's Comp. All the necessary --

D.P.O. SCHNEIDERMAN:

Educational background in some cases.

MR. GARDNER:

Correct.

D.P.O. SCHNEIDERMAN:

Years of experience.

MR. GARDNER:

A-huh.

D.P.O. SCHNEIDERMAN:

Proper -- state certifications, all those things. So I would like to think -- and I hope this is correct -- that when we set a fee, when we set a fee for a license, that fee is not to generate revenue for the County but to help us cover the cost of that inspector going out; the cost of maintaining those records; the cost of labor involved in, you know, responding to complaints, etcetera. Is that basically the thinking that this is not meant to generate revenue but to cover the cost of protecting the consumer?

MR. GARDNER:

I'll give you a perfect example that -- the application fee, Legislator Schneiderman, which is \$200, a few years back -- I believe this -- I think you were still on the Leg then -- the application fee for licenses used to be \$25. And at the time a few years back there was a move by some in the County, or whatever, to -- they were going to raise the licensing fee from \$200 a year. I said, "hold it. Before you even go there, the application fee is \$25. I have people that do hundreds of dollars worth of work vetting these people who apply for a license, making sure that they have submitted all the paperwork, making sure that they have the proper insurance, that there's no child support, etcetera, etcetera. Twenty-five dollars? They pick up the phone and talk to the guy for an hour it's \$25. So that fee was raised to \$200 specifically to help cover the cost of vetting applicants for licenses.

D.P.O. SCHNEIDERMAN:

Can you tell me -- I know we do plumbers and electricians, home improvement contractors, but in terms of retail businesses, I know we do pet stores now because that was a bill that I sponsored. And we do new furniture, which is maybe looked at as a broader. Is there any other retail -- like, gas stations, I know we -- we do gas stations and weights and measures --

MR. GARDNER:

Yes, we're the only county in the state that registers them.

D.P.O. SCHNEIDERMAN:

And I know other agencies, like Health Department do hotels and restaurants.

MR. GARDNER:

Right.

D.P.O. SCHNEIDERMAN:

But in terms of your ex-department, Consumer Affairs, what other retail are they inspecting on a yearly basis licensing similar to what the home improvement -- not the home improvement -- similar to the home furnishings law?

MR. GARDNER:

Well, we have -- the septic business, you know, the honey wagons, the cesspool people, etcetera, they're all licensed by us. I keep saying us. I'm sorry. They're all licensed by the County. The precious metals, as we mentioned, the secondhand dealers, as we mentioned. I believe -- you mentioned us -- I think that's about -- as far as licensing goes. Oh, the wholesale petroleum transporters, the people that deliver the products to the gas stations, they are licensed by us. By the County.

D.P.O. SCHNEIDERMAN:

It's fairly small.

MR. GARDNER:

Yes, it is.

D.P.O. SCHNEIDERMAN:

We don't regulate every stationery store --

MR. GARDNER:

We do not yet regulate everything that moves.

D.P.O. SCHNEIDERMAN:

Okay. Every hardware store.

MR. GARDNER:

That's correct.

D.P.O. SCHNEIDERMAN:

We're not -- your department isn't in there.

MR. GARDNER:

That's correct.

D.P.O. SCHNEIDERMAN:

This is kind of in a way -- throwing these consignment stores in opens up a whole, like, Pandora's Box so to speak of, you know, why them and why not --

MR. GARDNER:

Why them?

D.P.O. SCHNEIDERMAN:

-- everybody else.

MR. GARDNER:

And, again, I don't have -- the Chamber of Commerce would not have any problem with Consumer Affairs investigating a complaint against a consignment store.

D.P.O. SCHNEIDERMAN:

Right.

MR. GARDNER:

But I do feel we have -- the laws that exist now enable our Consumer Affairs Investigators to properly investigate that complaint, determine if there was any type of action that may be subject to a deceptive trade practice violation, unconscionable trade practice, without going and licensing everybody else.

D.P.O. SCHNEIDERMAN:

So if I, let's say, went into a dollar store which is selling new merchandise, cheap merchandise --

MR. GARDNER:

Right.

D.P.O. SCHNEIDERMAN:

-- a five-and-ten, whatever it is, they're not paying any fee to the County to your former department, that 400, 600 dollar --

MR. GARDNER:

That's correct. They are not paying the fee, but they are -- they do come under the auspicious of our laws.

D.P.O. SCHNEIDERMAN:

Right, overall laws.

MR. GARDNER:

Overall, that's correct

D.P.O. SCHNEIDERMAN:

But really the initial thinking was to take these big -- the large furniture places, the Raymour & Flanigans of the world, the Bob's --

MR. GARDNER:

Sleepy's, etcetera, etcetera, yes.

D.P.O. SCHNEIDERMAN:

And provide some oversight because we were getting so many complaints about deceptive --

MR. GARDNER:

Absolutely, every year. I don't know how far our records still go back, but I can tell you that it was the number two on our top ten list of complaints, home furnishings was number two, every single year.

D.P.O. SCHNEIDERMAN:

I could understand why somebody in the department today may have read that law since it didn't specifically exclude antique dealers, that maybe they thought that was supposed to be included. So we do need some clarification here if we as the lawmaking body, the policymaking body, says, look, we don't -- this is not our intention to regulate these places. It would be good to let the department know that we didn't plan on having you regulate these --

MR. GARDNER:

Absolutely, it was not --

D.P.O. SCHNEIDERMAN:

I think there is a place for Legislator Trotta's law here as a clarification.

MR. GARDNER:

And I would like to know what black hole the rules and regs fell under. I'm telling you, I can still see them in my mind. We had -- it was published. We had those rules and regs.

D.P.O. SCHNEIDERMAN:

Right.

MR. GARDNER:

From 20 years ago. God knows where they are now.

D.P.O. SCHNEIDERMAN:

Okay. Thank you. That's all I have for you. I'll have some questions for the Administration.

CHAIRPERSON CALARCO:

Okay. I have one more question from Legislator McCaffrey, then we're going to try to move along. We spent the first half hour with Mr. Gardner.

LEG. McCAFFREY:

Very quickly, Charlie, I thank you for coming in. I just want to summarize everything that I've heard here. So based on your experience and your years in that department, it's fair to say that you don't -- you can't remember a single complaint. And so it's clear to say there was not a rampant problem, it was not in the top ten as you described --

MR. GARDNER:

Absolutely not.

LEG. McCAFFREY:

-- before as offenders. And it was not the original intent of this law to include those in the sellers of new furniture --

MR. GARDNER:

Correct.

LEG. McCAFFREY:

-- where the real problem exists. And also that you feel that right now if we needed to pursue that, if for some reason on the off chance it did become a problem or there was one of these problems out there, that there's sufficient laws on the books to be able to deal with them; is that fair?

MR. GARDNER:

Correct. And by the way, what you just said, if you had a complaint against an antiques dealer that, I don't know, maybe he was selling a -- represented something to be, I don't know, 1870 King Louis chair or something and it turned out to be a 1920 chair, deceptive trade practice law.

LEG. McCAFFREY:

Thank you.

MR. GARDNER:

You don't need to license everybody else.

CHAIRPERSON CALARCO:

Okay. Very good. Thank you, Mr. Gardner. Moving on, our next card is Mr. Ralph Mondrone.

MR. MONDRONE:

Good morning. Thank you for inviting me here. I'm here to speak on behalf of the antiques rule. My name is Ralph Mondrone. I own North Shore Antiques for the -- approximately 20 years. And I'm kind of representative of most of the antique dealers who really don't make a lot of money. We do this out of the love of it. It's more like a hobby for us. And, Representative Calarco, 600 bucks takes -- I didn't make 600 bucks last week. So 600 bucks does hurt. There are times where we do make money. Right now we're -- it's cyclic. We're on a downtrend. In my town we used to have 17-plus antique dealers. We used to hire trolleys, take them all around. We're down to three. And we're all holding on. I'm retired. I'm a retired heavy equipment operator. I do this for the love of it, not for the money. I think this would hurt.

Again, on the consignment issue that you brought up, I stopped taking consignments for the simple reason that people would bring you something on consignment. Now you're paying \$4,000 rent for a 1500 square foot. These people get lost. You wouldn't see them for two or three years and they'd come back and want to know what happened to their -- in the meanwhile you either wound up halfway giving it away or -- and you've made your due diligence phone calls and what. So consignments have two sides to it. And that's -- and that is why we don't take consignments anymore, because we'd have a shop full of stuff that doesn't belong to us and we wind up being a storage unit.

CHAIRPERSON CALARCO:

Okay. Done?

MR. MONDRONE:

Yes.

CHAIRPERSON CALARCO:

Legislator Schneiderman has a question.

D.P.O. SCHNEIDERMAN:

More of a comment than a question. I mean that -- the business obviously of the antique business and consignment business has completely changed. And probably it's changed largely because of the internet and things like eBay and people are buying a lot of things on line and trading on line. Is that what you're finding, too, that it's tougher to compete now in a world --

MR. MONDRONE:

Yes. You know, if it wasn't for the internet, I couldn't pay my rent. Most of my sales are the internet. If we stopped selling furniture, this furniture's only going to get sold through Craig's List or the internet and you're going to miss the sales tax from it.

D.P.O. SCHNEIDERMAN:

Right, which is kind of what I'm getting -- was the point I wanted to make, and I'm glad that you're using that tool to your advantage. If more people -- the more we hurt our local consignment shops and antique shops, the more it's basically going to drive them out of business and force the money to the internet, which we'll end up not seeing the sales tax revenue.

MR. MONDRONE:

It's also cyclic. People have an IKEA mentality now. It'll change, you know. It's just fashionable to do shabby chic instead of antiquing. I mean you have to weigh your time out. And two or three years from now everybody's going to want antique furniture again or -- you know, but right now we keep selling toys or lamps and whatever we have to do to keep going.

D.P.O. SCHNEIDERMAN:

Thank you.

CHAIRPERSON CALARCO:

Okay, Legislator Trotta has a quick question.

LEG. TROTTA:

I think you answered the question. If it sells -- you know, if people start selling this stuff on Craig's List, there's going to be no sales tax. And when someone comes in your store, you charge sales tax; correct?

MR. MONDRONE:

You know, I've seen it a 100 times. People come in to me and pick my brain, say "how much is this worth? How much is this worth?" I said (inaudible) "You want to sell it?" They say, "nah, I'm thinking about it." And it'll be on Craig's List the next day. And there is no sales tax involved when that happens, so, I mean -- I think in the bigger picture you're going to lose out.

LEG. TROTTA:

Thank you.

CHAIRPERSON CALARCO:

Okay, thank you very much. Our next speaker is Mark Baisch.

MR. BAISCH:

Good morning. I'm Mark Baisch with Landmark Properties and I'm here to speak about IR 1184. I'm back asking for two more workforce housing credits. It's for a subdivision, an 18-lot subdivision in Miller Place that I got approved by the Town of Brookhaven in the middle of January. And I need -- according to the New York State Workforce Housing Act, I need two sanitary flow credits from the County to suffice the workforce housing that I have to build for the State -- for the State law.

I was here in November. And I kind of want to bring to your attention that this kind of request might become more and more popular as the State law -- as subdivisions are starting to come back in after the recession. And you might see more and more people coming to you asking for these credits. Because to suffice the New York State requirement, it doesn't give you the sanitary flow. So I have to come to you for the sanitary flow, which you take from the Drinking Water Protection Act purchases, and that's the way that works.

However, there's a -- kind of a fundamental flaw in the way this all works. And that is that the County requires me to have approval from the Town before I get the sanitary flow credit. And in the case of my prior two credits in Sound Beach, which those houses are being built for returning veterans, I just today got the approval from Jill to go to the Health Department now and fulfill the last requirement at the Health Department. So that means basically my property was approved by the Town of Brookhaven on the first two credits in June of '14. The middle of March of '15, I just now can go to the Health Department and maybe get my final approval. And by the time I get covenants, if we're talking another month or two, this process is taking every bit of eight to ten months.

And I now have a subdivision of 18 lots and I'm asking for you to give me two credits of -- this

subdivision was approved two months ago. I have buyers for the homes. I want to build two more workforce housing units for returning veterans. I can't do anything now for another, probably, eight to ten months. So now I have a subdivision sitting there for eight to ten months. So I guess we could all say, well, the County's, you know, got its issues and this, that and the other thing, but I don't really think that's the issue.

I think the issue is that we need to look at making this a concurrent process with the entire subdivision process. I go to the Health Department concurrently with the subdivision. The Health Department is a big part of these credits. Actually the credit -- the sending parcels have to be identified by the Health Department. I don't know why a developer wouldn't be willing to pay some sort of a fee to cover the County with regard to this process upfront; and that this process could be done concurrently. Because now I got kind of a constipation of properties that probably totals in the tens of millions of dollars worth of home sales. And it's all contingent on the County workforce housing credits being issued to me. And it's kind of getting to me. So what I would like to ask is, first of all, could you give me two more credits for Miller Place?

And second of all could you take a good hard look at this and see if we can come up with a mechanism whereby this could become concurrent as the Health Department is concurrent and that we could do this all in one process; allow the Health Department maybe to administer it a little more closely. If you want a fee, I'll give you a fee to cover you in case I don't get approval from the Town and you had to rescind my approval for these credits. That's fine. I'll pay you a non-refundable fee. If you want to refund it to me because it's for affordable housing, that would be great, too. But at the end of the day, the ten months is really going to be a problem if this keeps going on and on and on. And I think you're going to see more of this. Thank you.

CHAIRPERSON CALARCO:

Okay, great. Thank you very much for coming in, Mark. I think your project's great. And perhaps what we can do is after the meeting today I'll find -- you and I, and I'll ask Jill if she has some time to stick around, can sit down and maybe talk about the process, the way it works now and what we can maybe do to streamline it.

MR. BAISCH:

That'd be great.

CHAIRPERSON CALARCO:

Thank you very much. Oh, one question for you, Mark, from Legislator Cilmi.

LEG. CILMI:

Could you just -- I'm sorry. Could you just describe that process again.

MR. BAISCH:

Sure.

LEG. CILMI:

The ten-month process.

MR. BAISCH:

You want the whole subdivision process or your -- or the affordable housing credit process?

LEG. CILMI:

Give me a thumbnail sketch of what you have to -- what you're going through.

MR. BAISCH:

So what happens is I put in for a subdivision map with -- in my case, let's call it the Town of Brookhaven. So I put in a subdivision map. And that process probably takes a year for a full

blown subdivision, maybe a little less for a four-lot BZA, four lot or less Board of Zoning Appeals. But just say it's a year process.

LEG. CILMI:

Why?

MR. BAISCH:

By the time you put the maps in, by the time you get the comments back, by the time you change the maps the way the Town wants it, by the time you go through the public hearing process, it all takes about nine months to a year.

LEG. CILMI:

Okay.

MR. BAISCH:

Okay. So at the same time you can go to the Health Department and you file with the Health Department a subdivision map with the Health Department. And it takes about the same period at the time at the Health Department. You have to go through iterations with the Health Department. There's several steps. You have to have a SEQRA determination from the Town for the Health Department before they can move forward. So, again, the Health Department takes about a year.

LEG. CILMI:

But you said that that does not happen concurrently?

MR. BAISCH:

No, it does happen concurrently. That's my point. We do all this concurrently. Now in the case of the workforce housing credits, which now because of the New York State Workforce Housing Act, I'm required to get from you to meet the requirements of the State, because I have to put in ten percent workforce housing on any subdivision I build. Now the County policy is that they will not start the process for workforce housing credits until I have an approval from the Town of Brookhaven. So that means that I have to go through this whole year process with the Health Department and the Town of Brookhaven. And then I come to you and I got another ten months. Meanwhile I'm sitting on the property. Meanwhile I have buyers for houses. You know, it just backs up and --

LEG. CILMI:

Meanwhile if you get denied the workforce housing credits, it may make the project unviable.

MR. BAISCH:

Well, that'd be a very interesting lawsuit because it's being -- the workforce housing is mandated by State law. Unfortunately the determination whether that carries with it a Health Department credit has never been adjudicated. Nobody's gone there because some people believe, no, it doesn't afford you a sanitary flow credit. You have to go to the County. Some lawyers say, well, yes, it has to have a sanitary flow credit with it. The State mandated it. It has a sanitary flow credit. That's a matter for the courts that I really don't want to have to fight out in the courts.

And, look, you have sanitary flow credits that you don't -- I mean we have a lot of workforce sanitary flow credits here at the County from the open space purchase, you know, the drinking water protection open space purchases. So that I don't think is a problem. I don't think that the program is going to get to the point where we run out of workforce housing credits. I think if you denied me the workforce housing credits, it would make an interesting lawsuit, but I don't really want to -- it just doesn't make sense.

But at the end of the day what makes sense is that the sanitary flow credit is a big -- is in large part administered by the Health Department. They tell Jill, "Jill, take this parcel and that's the sending parcel and sanitize that parcel and then give the credit to Mark so he -- for workforce housing."

That's how it works.

If they're that intimate with the process, then why can't the process occur concurrently? And like I said, if it's an expense to the County that the County's afraid to bear because there's some legal, there's Real Estate Department, there's some time at the Health Department, hey, I pay a fee to the Health Department for my subdivision map. If I need a credit or two credits, put a fee on that. And if you feel guilty about the fee once you give me the credit and you want to refund my fee, I'm fine with that, too. But at the end of the day, ten months to wait after you have all approvals on a subdivision, that's a lot to ask. That's really a lot to ask.

And, look, the bottom line is, this was supposed to be a program that was expedited. We were all promised if we use workforce housing credits and built workforce housing, everything would be expedited. This is far from expedited.

LEG. CILMI:

I think it's regrettable and sad that you've sort of -- you sort of accepted almost that it can take 9 to 12 months to get approvals. And you've almost accepted that we should have to charge you a fee in order to get things done in an efficient manner.

MR. BAISCH:

Well --

LEG. CILMI:

I think that's a sad commentary on where we are as a government, but I appreciate your --

MR. BAISCH:

Mr. Cilmi, look, am I mad? Yes. Do I understand it? I've been doing this for 20 -- over 20 years. I know the process. I know it cold. I know what I'm doing here. I'm just suggesting. I know a lot of the Legislators. I'm just suggesting that rather than go back into the County and try and fix something at the County, I think the easy fix is why can't we do this all concurrently and make it a concurrent process? I don't think we need to have -- I don't think we need to blow it up any farther than we have, but, yes, I'm upset. I mean I'm upset because now I'm looking at another 10 months. I have 18 lots approved and I have buyers.

LEG. CILMI:

Yes, it's absurd. We'll work on it.

MR. BAISCH:

Thank you very much. I appreciate it.

CHAIRPERSON CALARCO:

Thank you, Mark. I have one more card, Jack Ader. Jack? Ader, I'm sorry.

MR. ADER:

I'm here on IR 1053. And I support Mr. Trotta's legislation. At this moment, we're a new company. It's called Uniquely Natalie in St. James. A \$600 fee at this moment would be very detrimental to us. We're a new company. We started out kind of shaky. Mrs. Weinstein, who's the senior partner, had an auto accident, which sort of put us in a holding pattern for the first four months of the year. This month is our one-year anniversary. And we're just barely making the ends meet right now.

Uniquely Natalie is a -- we supply a service to the community. We take in furniture from consumers and homeowners who are downsizing or moving and we sell it for them as a consignment item. Everything is cash and carry. We do charge sales tax. It collects sales tax for the County. And over this past year we haven't had any complaints at all. Everybody is happy. And as a matter of

fact we get a lot of thank you's as far as -- in writing as well as in person. A fee like this would make it very hard for us to survive. Thank you.

CHAIRPERSON CALARCO:

Thank you very much. Any questions for Mr. Ader? Okay, thank you very much for coming out today.

I have no other cards. Is there anybody else in the audience that'd like to address the Committee? Seeing none, we are going to move on into the agenda.

INTRODUCTORY RESOLUTIONS

I am going to make a motion to take **IR 1161, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Traffic and Parking Violations Agency** out of order. We do have Mr. Margiotta here with us this morning to answer any questions anybody may have on their resolutions. So I make a motion to take it out of order; second by Legislator Lindsay. All those in favor? Opposed? Abstentions? IR 1161 is before us. I will make a motion to approve; second by Legislator Lindsay. Does anybody have any questions? Mr. Margiotta, why don't you come up? Legislator Cilmi has a few questions about the resolution.

MR. MARGIOTTA:

Thank you for taking it out of order.

LEG. CILMI:

How Paul, how are you today? I'm doing great, thanks.

MR. MARGIOTTA:

Don't hold this one. (Referring to mike) Good, sir. How are you?

LEG. CILMI:

Good, good, good. So this is creating a new title in the Traffic and Parking Violations Agency, Traffic Court Administrator.

MR. MARGIOTTA:

Yes.

LEG. CILMI:

And if you could just explain to us what the purpose of this -- of creating this title is.

MR. MARGIOTTA:

Sure. When they created the Red Light Camera Safety Program, they hired someone off a civil service list, Theresa Ogazon, under the title Research Analyst. And they put her in charge of supervising three employees and a couple of part-timers. And she supervised this Red Light Program in a one room setting.

When they created the TPVA, they incorporated the Red Light Camera Program into the TPVA. Very quickly it was apparent that Miss Ogazon was much more qualified than to -- three employees. So I asked her to act as the agency supervisor and oversee all of our programs, Red Light, Moving and Parking, which she did. She jumped right in. She's been running the agency with me and my Deputy since the beginning. And I promised her from the beginning that Civil Service would be reviewing the titles to create appropriate titles for the agency, which as of today there is only one, I think, that's been created so far which is Traffic Court Clerk.

So there were no supervisor titles. There was nothing -- she's done this for two years on my promise that we would seek a civil service title, but it would be tested, that would be more

appropriate to all of the responsibilities now that she has. She's aware that she would have to take this test, pass this test and be reachable to retain the position, but she's willing to do that because she's putting in a lot of time, we're using her a lot of overtime and her responsibilities are tenfold what they were.

LEG. CILMI:

Can you distinguish between -- you said you have yourself as the Director, you have a Deputy Director. And now you're proposing to have her supervising the agency. What is the distinction between responsibilities between the three of you? Why do we need three supervisors?

MR. MARGIOTTA:

Okay. My -- well, the agency is divided into two parts. It functions as one, but it's two. There's the adjudication half and there's the administration half. The adjudication half is a large conference room with prosecutors and traffic clerks. They conference cases. Either they agree or they don't agree on a disposition. One way or another they go into one of the four courtrooms. We have judges that hear those cases. That's the adjudication side. And it's either they enter a plea or they go to trial, guilty or not guilty. I spend most of my time watching that side and participating in that side and mostly policy and law questions of what's going on and how that's running. I spend a lot of time with the attorneys. I go to the Bar Association meetings, which is where I'm going after this.

My Deputy Shelly Gordon, she's an attorney as well, she's termed also as the head prosecutor. So any policy decisions I make with prosecution go through her to our prosecutor, who -- we have one prosecutor -- two prosecutors really and then part-timers. She's also in charge of the budget and the overall operation of all the employees on both sides, making sure everybody's doing what they're supposed to be doing. We have account clerks, which do a lot of accounting. We do generate a lot of money. We have a senior -- a principal accountant. All these report to Shelly and she's keeping all of that together.

Then you have the administrative side, which is a huge room. It has six windows, three clerks, three cashiers and hundreds of people come on line and interact and do transactions with those clerks and those cashiers, whether it be pulling their case, answering their ticket, paying their fine. You have multiple desks and cubicles with clerks working, account clerks, regular clerks. The mail alone is thousands of pieces of mail. You have a whole area that does mail. And then you have the Red Light Division, which is another separate part, which you have people reviewing red light film all day and certifying whether or not they believe a violation occurred. And if they do, they approve it, it goes out.

Then you have the Parking Division, which is entering parking tickets because no parking tickets currently are electronically, although I'm trying to change that. Everything's handwritten. Now, all of those employees, that's Miss Ogazon's responsibility. The daily operation of those employees and that money -- we have to also separate duties so -- because Shelly is doing the oversight with the budget and the accountant, she can't touch the money. So for accounting purposes or audit purposes, Miss Ogazon and another employee concentrate on counting the money at the end of the day, making the deposits so that the person who records the money never touches the money. And the person who reviews the money never touches the money. So there's a triple check. And I'm proud to say, and I don't want to jinx myself, with all the millions of dollars, we haven't been short one dollar. And all of them have gone well. So her responsibility went from 7 employees to 50 employees.

LEG. CILMI:

Okay. So the person for whom this resolution is directed is supervising roughly 50 employees now?

MR. MARGIOTTA:

Yes, part-time and full-time.

LEG. CILMI:

And your Deputy is supervising in the other room how many employees?

MR. MARGIOTTA:

Well, she's supervising those -- she supervises Theresa who supervises those 50. Plus she also looks after the accounting. And she's also over my side to do general supervision on all of the prosecutors and the clerks that are working on my side. The only interaction she doesn't have is with the attorneys and with the judges, which is solely mine. So we are -- we do overlap each other a little bit. But the line supervision, the day-to-day, come to the counter, I need you, help me count the money, my numbers are wrong, there's someone screaming at the window, that falls on Theresa. Theresa's available constantly for that and the Red Light Program as well.

LEG. CILMI:

So that sort of paints a general picture of what her day-to-day is like?

MR. MARGIOTTA:

Yes. Yes, sir.

LEG. CILMI:

What's the -- what's the proposed increase in salary as a result of this?

MR. MARGIOTTA:

I believe it's \$20,000 a year and then --

LEG. CILMI:

Additional?

MR. MARGIOTTA:

Yes, over and --

LEG. CILMI:

What does she make now?

MR. MARGIOTTA:

I believe she makes about 60 now, 58.

LEG. CILMI:

So this is now -- so she's going to make roughly \$80,000.

MR. MARGIOTTA:

About, yes.

LEG. CILMI:

Okay. Thanks.

MR. MARGIOTTA:

Welcome.

CHAIRPERSON CALARCO:

Legislator McCaffrey.

LEG. McCAFFREY:

Hey, Paul, how are you?

MR. MARGIOTTA:

Hi, sir. How are you?

LEG. McCAFFREY:

Good. One question. Would you be filling that research analyst spot if you were to promote her?

MR. MARGIOTTA:

No. That spot would be earmarked and converted to this spot.

LEG. McCAFFREY:

Okay.

CHAIRPERSON CALARCO:

Okay. So if I'm getting this right, we have a position, we have a person doing some responsibilities right now that are far exceeding her title. If we don't do this kind of change, she can certainly petition to Civil Service for a desk audit, which would show that's she's working far beyond her title. And we would be looking at having to make this adjustment anyways.

MR. MARGIOTTA:

That's correct.

CHAIRPERSON CALARCO:

And we're not creating a new title. We're just -- we're just upgrading the title so that this individual is making -- is working under the proper classification.

MR. MARGIOTTA:

Yes, sir.

CHAIRPERSON CALARCO:

Okay. Sounds good to me. Everybody okay with this resolution? I have a motion and a second. All those in favor? Opposed? Abstentions? **IR 1161 is approved. (VOTE: 5-0-0-0)** Thank you for being here, Mr. Margiotta.

MR. MARGIOTTA:

Thank you. Thank you all.

TABLED RESOLUTIONS

CHAIRPERSON CALARCO:

We're going to get back to the beginning of the agenda with our Tabled Resolutions. **IR 1053, Adopting Local Law No. -2015, A Local Law to clarify licensing requirements for the sellers of home furnishings. (Trotta)** I'll make a motion to table.

LEG. LINDSAY:

Second.

CHAIRPERSON CALARCO:

Second by Legislator Lindsay.

LEG. McCAFFREY:

On the motion.

CHAIRPERSON CALARCO:

On the motion, Legislator McCaffrey.

LEG. McCAFFREY:

I'd like to offer a motion to approve.

CHAIRPERSON CALARCO:

Legislator McCaffrey makes a motion to approve. I don't have any other --

LEG. McCAFFREY:

I think we have a second.

CHAIRPERSON CALARCO:

We have a motion -- this is for IR 1053. I have a motion to table. It's been seconded. I have a motion to approve by Legislator McCaffrey.

LEG. CILMI:

Second to approve.

CHAIRPERSON CALARCO:

Okay, and we have a second to approve by Legislator Cilmi. On the motion Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

We've heard a lot about this bill today and in the past. I guess who I really need to speak to is somebody from the Administration, maybe Mr. Nardelli who's running that department now. Because for about 20 years or so since this law went on the books, it hasn't been interpreted this way. And suddenly these consignment shops, antique shops are getting, you know, a letter demanding a substantial fee that they would have to pay. I imagine some of them have sent in that fee. But I personally feel that this is not an area we should be licensing. I think this is a misinterpretation of the law that's on the books, that it was never intended -- if you go back and look at the backup for that original bill, I have a feeling you'll find that it was meant to apply to new furnishings.

And my personal opinion is that the department erred in this case. I understand how they -- you know, the language wasn't so specific, but it has been a policy of the County for at least the last 20 years to not regulate in this area, not license in this area. And I think we should get a letter out from the department immediately to these people saying that this is something that's being discussed and that they -- you know, we are not going to require them to pay this \$600. That's my personal opinion. I think Legislator Trotta is right to recognize that we need to clarify the law that's on the books so that a department like yours, there's no gray area. But how did we arrive -- I mean you weren't -- it wasn't your decision.

COMMISSIONER NARDELLI:

No.

D.P.O. SCHNEIDERMAN:

But how did we arrive at this? And, you know, if I could go even further, you know, typically -- and I mentioned this when Mr. Gardner was there, and this is a -- you weren't here at that moment. But typically our fees should relate to something. They should relate to not only the Consumer Protection but the amount of time in reviewing certifications, inspections and things like that. These consignment shops, we're not proposing any of that. And I don't understand why we charge a small thrift shop \$600 just to do what they've always been doing. I don't -- I don't see the nexus between the fees. So is this something we should be regulating? Was this just simply a mistake? Maybe you don't want to admit a mistake? But how do we fix this?

COMMISSIONER NARDELLI:

Well, first of all, good morning, Mr. Chairman. Good morning, Committee members. I'd just like to

say that once the Department of Labor was merged with Consumer Affairs, we started looking at laws that hadn't been visited in probably about 20 years or more. And we saw that this particular -- that antique stores fell under the current law. So we sought an opinion from the County Attorney's Office. And we did base it on complaints about antique stores, which is why initially we started looking at it. And it was done before me. And by no means do I have the expertise that Charlie has, obviously but -- and we are looking -- Legislators made very good points today. We are willing to table the bill that we have that addresses similar issues, because it has more to do with secondhand dealers laws. But we would ask that Legislator Trotta maybe table his bill so we could sit with Legislators, we could sit with some of the merchants, some of the sole proprietors, see what their issues are and maybe come to an agreement on a bill that's amenable to all.

D.P.O. SCHNEIDERMAN:

Frank, have you reached out to Legislator Trotta prior to this meeting so he could amend the bill by that amended deadline so that we could have had -- been able to move forward? I'm a little bit concerned because this letter is out there. I have actually a copy of that letter. And if I were a thrift store and saw this, I'd be nervous that I'm going to get hit with all kinds of penalties, that I'm basically in violation of the law.

I think we need to fix this as soon as possible. These thrift shops are, you know, I can't imagine this not hurting, a \$600 fee. I think that's significant. Also if I can ask you this, what -- you know, what about the Home -- not the Home -- well, the Home Depots, are they a furniture store? Pier One, are they a furniture store? Costco, are they a furniture store? Do we get fees from all of those places that in part sell new furniture? I'm seeing Charlie saying no. So we have a lot of people selling new furniture, like Pier One, who could possibly pay the \$600.

COMMISSIONER NARDELLI:

Not for cash and carry, you're right. On stores like Home Depots and Lowes, no, they do not need to be licensed. But what Trotta --

D.P.O. SCHNEIDERMAN:

But I can go out and buy patio furniture, right? From there I can buy a sofa at Costco indoor?

COMMISSIONER NARDELLI:

That's typically delivered.

D.P.O. SCHNEIDERMAN:

I can pick it up right there. I'm sure you been --

COMMISSIONER NARDELLI:

You can. Well, what Legislator Trotta's resolution does is completely absolve antique stores from any liabilities that consumers -- I'm sorry -- absolves -- absolves -- you want to take it?

MS. STOOHOFF:

Okay. My name is Barbara Stoothoff. I have oversight of Consumer Affairs and I did sign that letter that you have in front of you. What we are looking to do with our bill is to move antique stores and consignment shops where we think it's more properly -- it should be more properly addressed under secondhand stores.

D.P.O. SCHNEIDERMAN:

What are you charging them?

MS. STOOHOFF:

It would be the same fee. It is the two --

D.P.O. SCHNEIDERMAN:

Personally I think that's too much for a thrift store. That's too more -- too much. I mean I'm in the hotel business, we pay less than that.

MS. STOOHOFF:

We are willing to look into that and we are willing to change as necessary. We are willing to work with the stores and -- thank you (adjusting mike) -- the Legislators. And this was made clear early on that we are willing to work with people.

D.P.O. SCHNEIDERMAN:

Since this letter is out there, has anybody sent in a fee?

MS. STOOHOFF:

Twenty-three stores have registered since that letter went out. We have another 15 pending.

D.P.O. SCHNEIDERMAN:

Personally I'd like to see their money refunded. Personally. Because I don't think we should -- this was the intent of the original law. However, if you see there's a need to license thrift stores, I would want to know to what extent in terms of labor we are involved with because it ought to be a nexus between our fee and the amount of work that we're doing, just not simply a made up number. I mean, if there's a certain number of staff hours involved, if we're checking certificates, if we're doing inspections, okay, there's a cost associate with it. But why when we're not regulating Pier One would we be regulating, you know, a little mom and pop thrift store? I don't get it. Honestly, I would actually like to see a letter like this -- a new letter going out telling people that this is a policy that's being reviewed and they will not be held responsible at the moment until this matter is resolved. Because I bet there's people panicking right now not knowing what to do because they don't have the \$600. That's my personal opinion.

MS. STOOHOFF:

U-hum. Well, we're -- again, in our legislation we are proposing exempting the not-for-profits and non-profits.

D.P.O. SCHNEIDERMAN:

I thought they already were.

MS. STOOHOFF:

We do have -- we do have, I believe 12 -- 11 or 12 complaints on consignment shops over the last two years ranging in price -- value, rather, from --

D.P.O. SCHNEIDERMAN:

You know, if there was some inspection involved and it was a minor fee, like a \$25 fee, I suppose I could live with that. But the \$600 fee is just -- to me way out of line for a little --

MS. STOOHOFF:

We negotiated in the law. We just don't feel that they should be exclude entirely.

D.P.O. SCHNEIDERMAN:

You know, I could see for a Seaman's or a Bob's Furniture or -- what's the other -- Raymour and Flanigan --

MS. STOOHOFF:

Macy's. All of --

D.P.O. SCHNEIDERMAN:

Macy's, okay. You know, it's a very large warehouse, very -- you know, they're moving a lot of

furniture. I could see how the fee could be appropriate. But I can't see it for a small antique dealer thrift store. Personally, I can't. And I'm not going to support a bill that has a large fee like that. And I'm still not clear whether we even need to be regulating in that area when we have laws already on the books that can deal with that because --

MS. STOOHOFF:

I would like to address that, mentioning the deceptive and unconscionable. That law can be and is applied throughout the agency.

D.P.O. SCHNEIDERMAN:

When was the last time that was used?

MS. STOOHOFF:

Constantly. It is used constantly, deceptive and unconscionable. It's used with our home -- home improvement. It's --

D.P.O. SCHNEIDERMAN:

So we already --

MS. STOOHOFF:

-- (inaudible) complaints and the actions.

D.P.O. SCHNEIDERMAN:

So we don't need this, then. We don't need to basically license them when we already have a mechanism for dealing with those deceptive business practices.

MS. STOOHOFF:

But if you took it to that --

D.P.O. SCHNEIDERMAN:

What additional power does this give --

MS. STOOHOFF:

-- we could apply it to all of our licenses.

D.P.O. SCHNEIDERMAN:

But what additional power would this license give us --

MS. STOOHOFF:

It would give us the ability.

D.P.O. SCHNEIDERMAN:

-- that we don't already have?

MS. STOOHOFF:

It would -- it would be -- we're talking about consumer protection. Moving the antique stores and the consignment shops under secondhand would require the individual to post -- to get a small bond, which protects the consumer. As I had mentioned, the complaints range in nature from a couple of dollars, 15, \$20 where people are ripped off to \$5,000 rugs and more.

D.P.O. SCHNEIDERMAN:

What does a bond like that cost? And don't they already have insurance?

MS. STOOHOFF:

A couple of hundred dollars at most.

COMMISSIONER NARDELLI:

It's usually 2%.

D.P.O. SCHNEIDERMAN:

And they have insurance already, right? They have to have some kind of insurance.

MS. STOOHOFF:

Yes. That's what we're doing. We're protecting the consumer by legitimizing the business owner.

D.P.O. SCHNEIDERMAN:

But is there a basis that -- I mean that we have that many complaints on these thrift stores?

MS. STOOHOFF:

As I said, we have about a dozen consignment shops and three -- and four antique stores.

D.P.O. SCHNEIDERMAN:

And how many consignment shop complaints have come in in the last year?

MS. STOOHOFF:

I have two years. And I have 11.

D.P.O. SCHNEIDERMAN:

Eleven complaints.

MS. STOOHOFF:

Complaints.

D.P.O. SCHNEIDERMAN:

Okay, all from the same consignment shops or from all over?

MS. STOOHOFF:

Oh, no, from all over.

D.P.O. SCHNEIDERMAN:

Okay. And what about antique dealers, how many --

MS. STOOHOFF:

Antique I have four.

D.P.O. SCHNEIDERMAN:

Four complaints. And how many antique dealers are there?

MS. STOOHOFF:

That I don't know.

D.P.O. SCHNEIDERMAN:

A lot. Okay, I mean, I'm sorry to kind of put you under the gun a little here but I have a -- a different -- clearly a different opinion on -- as to how we should proceed. Frank?

COMMISSIONER NARDELLI:

Well, to answer your question from earlier, I believe, IR did reach out to Legislator Calarco and Legislator Trotta late yesterday afternoon regarding, you know, listening to your concerns and listening to the concerns of some of the merchants and sole proprietors and trying to figure out the best way to do this.

As far as we're concerned, an antique store is a secondhand store. They do sell valuable products. And a lot of times a consumer that has an issue will have no recourse if it's not licensed.

Consignment -- people that give their merchandise to secondhand stores and antique dealers for consignment sale and have an issue have no recourse in that regard without the merchant being licensed, which is one of the reasons why we took another look at the law.

So all we're asking is that -- to table the two bills and we'll sit with any of the Legislators that have concerns and the merchants and see what's -- what's workable. Not only to protect the consumer, to protect legitimate merchants. Because as you know a lot -- a lot of these antique stores could take in stolen merchandise without even knowing that it's stolen, so.

D.P.O. SCHNEIDERMAN:

I'm certainly willing to hear the conversation about why you think that these businesses ought to have some licensing requirement, but I still feel that this was a misinterpretation of the existing law because it wasn't clear. It was an internal decision to send this letter out. And my feeling is it shouldn't have been sent out. And that we should have come here for clarification on whether we meant the law to apply. And I think my colleagues and I probably either feel that, you know, similarly, that either we should not be regulating this area; or if we are licensing, it should be at a much lower cost or maybe related to square foot or something -- you know, of the business, but not such a large fee for a thrift shop or antique store. And I could be wrong, but that's my sense.

I'm not -- I hear that you're asking for tabling of both the Administration's bill as well as Legislator Trotta's bill, but I'm still also concerned that this letter is out there. Are you willing to contact some of these people and let them know if anybody's calling you or questioning, that this is something that is being debated currently by the Legislature and there may be a different position?

COMMISSIONER NARDELLI:

I don't know if we could refund. Because technically antique stores under the current law fall under the current law. So I don't know. I mean, we'd be willing to send out a letter and let them know that we're revisiting the issue. I don't know about a refund. Can you answer that?

D.P.O. SCHNEIDERMAN:

Well, I guess I could ask Legislator Trotta to amend his bill to include a provision that would allow those who had paid the ability to get paid back if that's something that George says is a mechanism that can be done.

COMMISSIONER NARDELLI:

We could put a hold on processing for, you know, the next six months.

D.P.O. SCHNEIDERMAN:

I like that. George, is that something that could be done?

MR. NOLAN:

We could add a provision, but I also think that if the Legislature, you know, passed a law like this and clarified the law, I think the department could refund the money to those persons who registered as a result of getting that letter. I think they have the authority to do that.

D.P.O. SCHNEIDERMAN:

We just make the effective date go back in time a little bit to be before they would have sent the money in; would that solve the issue? And then the department would really be responsible then to refund the money?

MR. NOLAN:

I think it would be easier just to, you know, if you wanted to amend the bill and put that in the

legislation, it would just be clear to say, you know, the department's authorized to refund monies to the antique dealers who are licensed.

D.P.O. SCHNEIDERMAN:

All right, so. And I -- well, the sponsor's here so he can speak on whether he's willing to put in a provision that clarifies that refund. But what I'm hearing, and, Frank, is you're willing to basically suspend any work in with regards to processing this --

COMMISSIONER NARDELLI:

Yes.

D.P.O. SCHNEIDERMAN:

-- new license requirement.

COMMISSIONER NARDELLI:

Enforcing the law, yeah, we'll suspend it.

D.P.O. SCHNEIDERMAN:

Well, for the period of time while we resolve this at the Legislature.

COMMISSIONER NARDELLI:

Correct.

D.P.O. SCHNEIDERMAN:

Okay. With that in mind and with, you know, the certainty that you're going to reach out to the sponsor here and make sure that Legislator Trotta's in the conversation, for one cycle, which is only about a month, I could support tabling it as long as you're not going to process these things, these -- you know, this new area of licensing, I could support that.

COMMISSIONER NARDELLI:

We haven't enforced it since the controversy so we'll continue to not enforce it and guarantee to reach out to Legislator Trotta, Legislator Calarco, whoever you want to -- merchants that you want to bring to a meeting. You can hold it at my office, the County Exec's Office, go over the legislation. And not only did we -- we looked at the legislation. A lot of it is outdated and a lot of the changes that we made actually modernize the law and include articles that were actually exempted from the law that should be included. So, you know, it would -- it would be a good effort on all of us to sit down and take a look at it and give us your opinions and we'll accommodate.

D.P.O. SCHNEIDERMAN:

Thank you.

CHAIRPERSON CALARCO:

Okay. Stay up there, Frank, I'm sure there'll be more questions. Legislator Cilmi's next on the list.

LEG. CILMI:

Thank you, Mr. Chairman. There's no need to wait here. Plain and simple this is a money grab. We cannot continue to punish small businesses by charging them these ridiculous fees for absolutely no reason at all, Commissioner. We heard testimony. Correct me if I'm wrong, but we heard testimony today that there were rules and regs in place that make it clear that these sorts of -- the dealing in this sort of product, furniture specifically, is not included in the regulation to be charged. To charge people \$600 is just -- I mean we've heard -- we've heard the testimony over and over again from antiques dealers. This is putting people out of business and we can't just go along and arrogantly charge people money because we can. It's just wrong and it's got to stop.

COMMISSIONER NARDELLI:

Legislator Cilmi, we didn't pass the original law. All we were doing was enforcing it. And we are the Consumer Protection agency.

LEG. CILMI:

What mechanism do we have to go back and look at the rules and regulations that were passed. The whole idea that a department can promulgate rules and regulations without approval of this body is wrong to begin with. And I'm trying to address that, but nevertheless we have rules and regulations in place. Where are they?

COMMISSIONER NARDELLI:

I'm not sure which rules and regs you're referring to.

LEG. CILMI:

We heard testimony today from a former commissioner that there rules and regs that were developed after the passage of this law that specifically -- that either specifically excluded furniture, or that went in detail the types of products to be regulated didn't include furniture -- secondhand furniture.

COMMISSIONER NARDELLI:

I believe he said he wouldn't know where it would be after 20 years. I mean I don't think we saw it to be honest with you.

MS. STOOHOFF:

We didn't.

LEG. CILMI:

Okay. So when the department is developing regulations now, how are the people 20 years from now going to know where those regulations are? What are you doing to make sure that those regulations are somewhere where they can be found and actually, you know, adhered to?

COMMISSIONER NARDELLI:

Looking at new software.

LEG. CILMI:

Did you say you're looking at new software?

COMMISSIONER NARDELLI:

Software, yes. The software for Consumer Affairs is antiquated.

LEG. CILMI:

I guess if you keep charging people \$600, you'll be able to afford that new software. I mean, Frank -- Commissioner, this is absolutely insane. There's no reason for it whatsoever. Maybe there was one or two complaints that could be dealt with with the laws that are currently in place to deal with those complaints. The law that Legislator Trotta has proposed here is very, very simple. It changes some wording in the definition of what's to be included here and it eliminates or it adds the word "new" instead of whatever.

So this law needs to be passed today. And I agree with Legislator Schneiderman that we should be issuing refunds and we should be very, very careful about the types of letters that we send to our small business owners. We really talk a good game in government about understanding that small business is the backbone of our economy, but when no one's looking, we start charging them for being that backbone. And that's wrong.

COMMISSIONER NARDELLI:

Remember that that's the standard fee across the board for a lot of the licensing -- that falls within the purview of the department. So, I mean, it wasn't a arbitrary figure. We're just trying to be consistent. I mean, and we are willing to re-visit that. If we -- if we feel -- if we feel, if you feel and we come to the understanding that a \$600 fee is too much and maybe a nominal fee would suffice, we'll agree to that. All we're asking is that you sit down and take a look at it and see what makes sense so that there's some kind of accountability held for antique dealers who are, in essence, secondhand dealers.

LEG. CILMI:

In this particular case, it makes no sense to charge anything. And that's my opinion. You know, it's a policy question. That's my opinion. It makes no sense to charge anybody anything.

CHAIRPERSON CALARCO:

Okay.

COMMISSIONER NARDELLI:

Understood.

CHAIRPERSON CALARCO:

Thank you, Legislator Cilmi. We have -- Legislator Trotta is next.

LEG. TROTTA:

I'm dumbfounded that you could come here and say that there were complaints. I'm going to read you the complaints about secondhand stores. A woman brought her wedding dress in and she got it back and the zipper broke. A woman brought shoes in and a shoe was missing. I called every one of these people. I called ever one of the antique complaints and I called every one of the consignment store complaints. And most of them were all clothes with no problems.

To send a letter out to an embroidery shop, to a hairdresser -- I mean these are constituents of mine who are calling me up saying "what's going on?" I represent these people as their County Legislator. And if you're getting a letter from the County Executive's Office saying "you've been identified, this is unlawful, you can be punished with fines," this is an embarrassment. It's clearly an embarrassment. And for you to come here and even argue the fact that it's not an embarrassment is an insult to all of our intelligence. We are killing small business on this Island. Not me. The Administration. They sent this letter out. We didn't. This is something that should be dealt with today.

All I'm asking for is that new furniture, they can have the licenses. An antique dealer, a guy on 25A in St. James should not be charged this; absolutely positively not. This is killing it. You talk about empty stores. Kings Park has two of these stores. They'd be empty tomorrow. St. James, they'd be gone. It already from 18 to 3. What is that telling you? It's absurd. It's an absurdity, that people who are running embroidery shops are getting threatening letters from the County. It's dumbfounding.

And then what do you want to do? You want to throw them into a secondhand store, so now when you bring a table in, you sell it, you have to take a picture of them and show their driver's license? Is that what we're going to do? Is this the state we're coming to? I hope my Legislators pass this today and send a message that we're not putting up with this anymore.

VICE CHAIR LINDSAY:

Legislator McCaffrey.

LEG. McCAFFREY:

Thank you. And, Commissioner, I know this isn't directed to you, really, because you just got there. But the question I have, the broader question is the authority of an agency to start

reinterpreting the law that was passed 20 years ago and just wake up one day and say you know what, I think we're going to say that even though we don't think that they were included in this legislation, we haven't been including them in this legislation for 20 years in terms of the fee that we've been charging. And my real question is what gives the authority to an agency to just one day wake up and say we're going to start including them without coming back to the Legislature which passed the original law with the intent that it had. That's my question about this.

COMMISSIONER NARDELLI:

Well, perhaps that should have been done. And as you -- as you said, I wasn't involved in it. I have to be honest. I was involved in Consumer Affairs at the time. I was in mediation, the Department of Labor. Barbara, may be able to answer some of those questions for you.

MS. STOOTHOFF:

Quite frankly, just to give you a little history, I did come from Labor as well. When the two agencies joined, it was determined that quite frankly Consumer Affairs had been ignored, overlooked for many, many years. Many of the laws were not being enforced or under-enforced. We had to prioritize our staff in what we did. Before -- when we started looking at the laws to update them, this law in particular, we sought the opinion of the County Attorney before we took any action whatsoever. And the County Attorney came back with a written directive that the antique stores were not excluded from the law.

LEG. McCAFFREY:

But do we have that? I mean we've never seen that.

MS. STOOTHOFF:

We do have it. Yes, we do. We do have it in writing. Because we weren't going to take it -- arbitrarily pick out someone and go after them.

LEG. McCAFFREY:

Well, it seems like you arbitrarily got an opinion from the County Attorney to do that. But the question is, is it fair to say that for 20 years that they were never included? After the original intent -- the law was passed. And for those 20 years since the law was passed, and I think that's the time period, they were never included in the law; is that correct?

MS. STOOTHOFF:

In the licensing you're speaking of?

LEG. McCAFFREY:

Yes.

MS. STOOTHOFF:

I don't know. I only go back two years quite frankly.

LEG. McCAFFREY:

From what I understand and from I hear, I understand that is the case. And do you think that if that much time has passed and the law was interpreted and enacted and carried out in that manner for that period of time, that we should have gotten more than just an interpretation from the County Attorney or -- you think that's -- would be the right way to go? Or come back to the Legislature and say we believe that they should have been included and we'd like to amend the current legislation?

MS. STOOTHOFF:

Which I believe we're trying to do now.

LEG. McCAFFREY:

Correct, after we raise the flag and said -- everybody started stamping their feet and yelling and screaming. Now that's the question about the agencies going forward without the approval of the Legislature.

MS. STOOTHOFF:

One thing I would like to make clear, Legislator Trotta called me when the letters did go out to the constituents. And I did make it clear I was more than willing to work with him. I did state we have many, many laws that are outdated and in need of updates. And there has always been a willingness on behalf of our agency to work with the Legislators or -- the County Legislators or the County Attorneys.

LEG. McCAFFREY:

Right, I just wish that that conversation had come before the Legislature before -- before we enacted the fee and sent out the nasty letters to the people. So thank you. I appreciate it.

CHAIRPERSON CALARCO:

Okay, Legislator Cilmi's back up.

LEG. CILMI:

Yeah, just briefly. And I don't mean this to be sarcastic to you guys. But in my view, spend your time looking through the myriad of regulations and laws that we have that are related to Consumer Affairs and figure out what we don't need anymore. Figure out how we're -- how we're negatively impacting businesses that maybe we don't have to be negatively impacting businesses.

Here we are, you're combing through laws and you're figuring out how to charge people more money. Look through the laws and maybe figure out when as a business owner is somebody going to get a letter that says "you know what, we're changing our policy. The \$200 fee that you used to pay every year, you don't have to pay that anymore because we recognize that it's hard to be in business these days." That's what you should be spending your time -- figure out -- figure out how we can make it easier on small businesses in Suffolk County; not how to make it more difficult. Really. That would be a very productive use of your time.

COMMISSIONER NARDELLI:

Duly noted.

CHAIRPERSON CALARCO:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Yeah, Legislator Trotta's bill basically inserts the word "new" in front of furniture. So basically it de facto, it eliminates the thrift stores, it eliminates the antique stores because they're not selling new furniture. A thrift store might predominantly sell clothing but might have a couple tables, end tables, whatever. It might have some things that qualify for furniture, rocking chairs, whatever it might be.

Antique stores, to me, if we're going to approach this differently, and I don't really see that we should be licensing thrift stores. Just let it go. I think that the antique dealers maybe fall into a different category. If you go into an antique store, they're making first the representation that these things are antiques, they're a certain age, whatever, a hundred years old or whatever qualifies as an antique. I could see if an antique store's engaging in a deceptive type of practice, misrepresented items, that we want the ability to pull their permit, pull their license, which we can do if they're licensed. That may make sense. I still think the fee would be -- should be much smaller than what we're asking for.

So as you rethink this, I would -- my personal opinion would be to exempt the thrift stores completely, whether they're for-profit or not-for-profit; do a nominal fee for antique stores because they may be -- should be -- you know, have to get a license through the County. And then also take a look at -- well, I like the provision for the refunds, if that could be in the new bill. Because anybody who had paid should either be corrected if it's a lower fee; or if the fee is eliminated they should be refunded if they paid that. But also take a look at these new furniture places that -- things like Pier One, where you can walk in and buy a dresser. We probably don't regulate those. We have to figure out what -- what constitutes new furniture store, you know, and who is paying and who is -- if they're doing a -- 10% of their inventory is new furniture, are we going to charge them a fee or not? So I think we need some clarification on that as well. Largely home furnishings, but some home furniture as well.

COMMISSIONER NARDELLI:

We'd be happy to address all of it. And there is an escrow law on the books for larger furniture stores where the consumer has an avenue in case there's an issue, so -- and that's something we could, you know, discuss as well.

D.P.O. SCHNEIDERMAN:

Okay.

CHAIRPERSON CALARCO:

Okay. Thank you. And I'll just add a few comments of my own before we call the vote. And specifically I did agree to make the motion to table and to table this for a cycle, I tend to agree with my colleagues up here that we are going a little bit too far in trying to license each and every one of these businesses, especially at a \$600 fee. For some of these smaller consignment shops, a \$600 fee is, as you heard from the individual before, that's a weeks' profit. And, you know, that could really be detrimental to a business's ability to survive.

So, you know, even if we decide that we should be licensing some of these entities in some fashion, that that amount is quite exorbitant for some of these folks. They just can't handle it. But it's clear that there needs to be conversation. And I know that we had this conversation when we met about this particular issue in terms of what is the best method of dealing with this, and who exactly -- how should we do the exemption of who should actually get exempted. Should it be done as exempting those who fell -- do not sell new furniture, should it be done as an exemption of cash and carry only? Because quite honestly if you're sitting here and saying we don't license Pier One and we don't license Home Depot, we don't license Home Goods, which sells couches, chairs, dressers, lamps, carpets, all the things that are in the law now plus all the things you want to add, and we're not licensing that entity, and they're the big store, the big box store that can more than afford to pay the \$600 fee every year, then I think we are, like, you know really misguided on this one.

So of the reason I made the motion to table because I do appreciate that the Administration is hearing this and has heard from -- you know, is hearing it again from us that we think that we need to come up with a better policy. And so I would like to give the opportunity for you to sit down with Legislator Trotta. I'd be happy to be a part of that meeting as well and see if they -- we can come up with language that works that accomplishes whatever it is that you're trying to accomplish but also doesn't go too far on the other direction.

COMMISSIONER NARDELLI:

Thank you.

CHAIRPERSON CALARCO:

Okay, so I have a motion and a second. All those in favor? This is a tabling motion I have, yep, tabling goes first. All those in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. McCAFFREY:

Opposed.

CHAIRPERSON CALARCO:

Abstentions? I have two opposed. Motion is tabled. **(VOTE: 3-2-0-0. LEGISLATORS MC CAFFREY AND CILMI OPPOSED)** And I do encourage the Administration to get in touch with Mr. Trotta and try to work out some sort of compromise.

COMMISSIONER NARDELLI:

Thank you.

CHAIRPERSON CALARCO:

Thank you. Okay, moving on **1106 (Adopting Local Law No. -2015) A Local Law to amend Chapter 563-49, Article V of the Suffolk County Code Commonly known as "Dealers in Secondhand Articles". (Co. Exec.)** This is -- needs to be tabled for a public hearing and I'll make a motion. I'm hearing this one is closed?

MS. HORST:

We'd like to table it.

CHAIRPERSON CALARCO:

Okay, they're asking to table this. So I will make a motion to table; second by Legislator Lindsay. All those in favor? Opposed? Abstentions? **IR 1106 is tabled. (VOTE: 5-0-0-0)**

IR 1107 (Adopting Local Law No. -2015) A Local Law to amend Chapter 563 Article IV of the Suffolk County Code Commonly known as "Precious Metal and Gem Exchanges". (Co. Exec.) This one has a public hearing that's still open. So I'll make a motion to table; second by Legislator Lindsay. All those in favor? Opposed? Abstentions? **IR 1107 is tabled. (VOTE: 4-0-0-1. LEG. McCAFFREY NOT PRESENT)**

IR 1108 (Adopting Local Law No. -2015) A Local Law to amend Chapter 563-52, Article V of the Suffolk County Code commonly known as "Dealers in Secondhand Articles". (Co. Exec.) I'm assuming we're tabling this one as well. This one has a public hearing that's open. Okay, so I'll make a motion to table; second by Legislator Lindsay. All those in favor? Opposed? Abstentions? **IR 1108 is tabled. (VOTE: 4-0-0-1. LEG. McCAFFREY NOT PRESENT)**

IR 1118 (Adopting Local Law No. -2015) A Local Law amending Chapter 563 of the Suffolk County Code to modify the laws relating to home furnishings and dealers in secondhand articles. (Co. Exec.) As per the previous conversation, I'm going to make a motion to table this; second by Legislator Lindsay. All those in favor? Opposed? Abstentions? **IR 1118 is tabled. (VOTE: 4-0-0-1. LEG. McCAFFREY NOT PRESENT)**

INTRODUCTORY RESOLUTIONS

Moving onto Introductory Resolutions, **IR 1124 (Adopting Local Law No. -2015) A Charter Law to expedite the consolidation of financial management functions in the County Department of Audit and Control. (McCaffrey)** Legislator McCaffrey's not here but we have to table this for Public Hearing. I'll make that motion; second by Legislator Lindsay. All those in favor? Opposed? Abstentions? **IR 1124 is tabled. (VOTE: 4-0-0-1. LEG. McCAFFREY NOT PRESENT)**

We already did 1161.

1184, Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the Development of Affordable Housing in Miller Place. (Co. Exec.) I'll make a motion to approve; second by Legislator Schneiderman. On the motion, Legislator Cilmi.

LEG. CILMI:

Can somebody speak to whether or not there's a fiscal impact to this? Benny.

DIRECTOR ROSEN-NIKOLOFF:

Hello. I don't have the budget analysis in front of me, but I can tell you that we do transfer these credits in consideration of the policy of affordable housing. So we transfer them for zero dollars.

LEG. CILMI:

Okay. So there really is no fiscal impact here. We have the credits on the books. And when it's appropriate, we transfer them for an appropriate use.

DIRECTOR ROSEN-NIKOLOFF:

Correct.

LEG. CILMI:

Okay. Thank you.

CHAIRPERSON CALARCO:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? **IR 1184 is approved. (VOTE: 5-0-0-0)**

I have no other items on the agenda. So I will make a motion to adjourn. We are adjourned.

**THE MEETING CONCLUDED AT 11:31 AM
{ } DENOTES SPELLED PHONETICALLY**