

RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
Held In Room 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairwoman Nacerino, Legislators Castellano & DiCarlo

Tuesday **6:30 P.M.** **April 16, 2013**

The meeting was called to order at 6:30 P.M. by Chairwoman Nacerino who requested that Legislator Castellano lead in the Pledge of Allegiance. Upon roll call, Legislators Castellano, DiCarlo, and Chairwoman Nacerino were present.

Legislator DiCarlo made a motion to accept all additional information for this meeting, seconded by Legislator Castellano. All in favor.

Item #3) Approval/Worker's Compensation Settlement

Chairwoman Nacerino made a motion to pre-file the necessary resolution, seconded by Legislator DiCarlo. All in favor.

Item #4) Verbal Update/Legislative Website

Chairwoman Nacerino stated that based on Legislator Oliverio's suggestion to have a user friendly tab for the Legislature on the County website for our constituents, she met with Director of Information Technology Lannon and County Executive Odell to come up with a solution. The website was changed swiftly and she thanked Director Lannon for his immediate action.

Legislator Oliverio thanked Chairwoman Nacerino for her quick turnaround in looking into the matter and seeing it to completion.

Item #5) Discussion/Chapter 173 of the Code of Putnam County Entitled "Item Pricing"

Chairwoman Nacerino thanked everyone for all of their input during the discussions of this item. She stated that upon review the Committee will not be recommending repeal of this law. She stated there was much misunderstanding, miscommunication, and misinformation regarding this law. She stated that the waiver is optional. She further stated that this law is for consumer protection and will not impede the small businessman. She then read the proposed waiver fee schedule citing that it would be a two-year program, meaning that fee will cover two years.

Legislator LoBue stated that the reduced fee schedule and two-year program is a step in the right direction but she still believes that the State law would cover the County. She asked about the lost revenue in the 2013 County budget due to the proposed reduced fee schedule.

Legislator Oliverio stated that the waiver fee is payable in 2013 and the fees are a little bit less than originally put out but the amount paid this year will be good for two years. He stated the County will almost make what was budgeted in 2013 but the fee covers two years.

Chairwoman Nacerino stated that is correct. She believes the County will recoup in 2013, address in 2014, and revisit in 2015 the revenue lines for Consumer Affairs fees.

Legislator LoBue stated she would bring an option to repeal the law at the next Full Legislative meeting.

Director of Consumer Affairs Jean Marie Noel stated that because this law was not enforced there was no opportunity for revenue on the violations side. She stated that it will be enforced and there is a consideration that there may in fact be some violations. She stated she is hoping there will just be compliance but there is a possibility of violations.

Legislator DiCarlo stated that he believes that this is truly a balance between consumers and business owners. He pointed out that Senator Ball is asking the Legislature to revise the Item Pricing law not to repeal it. Legislator DiCarlo stated that information put out there is not necessarily the utmost in truth.

Legislative Counsel Van Ross stated that the local law would need to have the fee schedule removed and language put in to state that the fee schedule would be set by the Legislature in resolution format.

Director Noel stated that the adhesive label scanner language would need to be removed.

Chairwoman Nacerino stated that the motion would be to remove the fee schedule, insert the appropriate language stated by Legislative Counsel Van Ross, remove the adhesive label scanner language, and to change language in the law from annual fee to biennial fee where applicable.

Legislator DiCarlo made a motion to pre-file the necessary resolution, seconded by Chairwoman Nacerino. All in favor.

Chairwoman Nacerino stated that the fee schedule would need to be voted on in June after the local law changes have been made removing the fee schedule from the law and into resolution format.

Ted Potrikus, Executive Vice President and Director of Government Relations for the Retail Council of New York State, asked what the square footage is describing. He asked if it was the entire store or just the space of the products that fall into this law.

Director Noel stated it is the gross space of the store.

Mr. Potrikus stated that in that case The Home Depot has one aisle of products that fall under this law yet they will be paying the highest pricing waiver fee because their store is the largest. He stated that they are very appreciative of the fees being placed into a two-year program but this would send a message that Putnam County is anti-Home Depot.

Chairwoman Nacerino stated that she strongly disagrees that the County is sending an anti-Home Depot message. She stated that other stores of that size have the potential to be opened in Putnam County in the near future so they are not singling out The Home Depot.

Legislator Oliverio asked what Mr. Potrikus meant by one aisle.

Mr. Potrikus stated that this law only applies to grocery products.

Legislator Castellano stated that this is a relief from the item pricing law. He stated if The Home Depot only has one aisle that needs to be item priced then choose to not get the waiver and item price those items.

Chairman of the Legislature Othmer voiced his personal opinion of The Home Depot in Putnam County.

Mitch Klein, Vice President of Retail Services for Krasdale Foods, asked if the square footage in the law was retail space as well as storage space.

Chairwoman Nacerino stated that the Committee would have the Law Department clarify that.

Jennifer Maher, Chairwoman of the Putnam County Chambers of Commerce, thanked the Legislature for revisiting this law and fee schedule.

Mr. Klein asked if the fee can be paid in half and then if they pass the inspection pay the other half.

Chairwoman Nacerino stated no. She stated that fees are payable in 2013 and you pay nothing in 2014.

Legislator LoBue asked Legislative Counsel Van Ross to clarify the time process of the changes in the law.

Legislative Counsel Van Ross stated that the new law and fee schedule should be implemented by approximately June 15th.

Mr. Potrikus stated he believes that since he has been a lobbyist this is the first time a County Legislature has opened up dialogue on a passed law in this public fashion and he thanked the Legislature for doing so.

**Item #6a) Approval/Appointments/Plumbing and Mechanical Trades Board/
Raab & Capalbo**

Chairwoman Nacerino made a motion to pre-file the necessary resolution, seconded by Legislator DiCarlo. All in favor.

There being no further business, at 7:00 P.M., Chairwoman Nacerino made a motion to adjourn, seconded by Legislator DiCarlo. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.