

COMMITTEE ON LEGISLATION
MINUTES: October 1, 2007

LEGISLATION

MEMBERS:

Chair: Pinto; Legislators: Rogowsky, Bronz, Myers, Jenkins, Oros, Abinanti

IN ATTENDANCE:

CE: B. Randolph, A. Neuman **CA:** M. Gleeson; **DOH:** J. Lipsman; **Consumer Protection:** G. Brown, J. Gaccione; **BOL:** S. Bass, R. Pezzullo, M. Montalto, B. Desoye, K. Delgado; **Guests:** C. Hunt, T. DeChiaro, T. McKissick, **Press:** F. Hollonel (News 12), D. Powlikowski (News 12)

With a quorum present, the Committee on Legislation was called to order at 1:40 p.m.

MINUTES

(Bronz, Rogowsky) move to approve the minutes of September 17, 2007 and September 24, 2007. Motion approved 5-0.

UNLICENSED HOME IMPROVEMENT BUSINESSES

(Jenkins, Rogowsky) move for all purposes, to approve a local law requiring the seizure of vehicles and tools used in connection with the unlicensed operation of a home improvement business

Gary Brown gave a presentation about why licensing Home Improvement contractors are important. The goal is to force unlicensed contractors to get a license or stop doing business in Westchester. This law would increase the fines for potential violators. Many other neighboring jurisdictions already successfully use an impound procedure. Mr. Brown talked about what the impound procedure would be. It includes, personal service of notice upon the owner or operator, additional service of notice by overnight mail, and then a hearing would be held in five business days with an immediate decision.

Current law includes \$1000 for a violation. The proposed legislation will add \$5000 for 2nd violation within 5 years, and \$10,000 for 3rd violation in 10 years.

Motion approved 7-0.

CALORIE LABELING IN FOOD ESTABLISHMENTS

Legislator Myers stated she had a presentation and discussion at her committee meeting of Family Health and Human Services last week. There is currently no draft legislation.

Health Commissioner Dr. Joshua Lipsman said there is a need for such legislation because it will help people make better choices when they eat at fast food chain restaurants. The legislation should only pertain to chain restaurants because they repeatedly serve standard portions of food. Also, a place would need to have multiple locations to fall under the law.

Marty Gleeson of the County Attorney's office said the New York City law was struck down because it was voluntary. If the Committee decided to move forward with some form of legislation it would have to be mandatory.

Mr. Charles Hunt of The New York State Restaurant Association stated that this problem needs to be looked at as an education problem. The solution needs to begin at home, reinforced in schools and government should take a roll. Mr. Hunt suggested legislators look into the alternative legislation which the industry supports which New York City Councilman Rivera introduced. The Restaurant Association believes this law would be overly burdensome and too difficult to enforce. They have suggested numerous alternatives to menu posting, all which were rejected in New York City.

Legislator Myers as Chair of Family Health and Human Services Committee and Chairman Pinto asked the County Attorney to look into what the commissioner thinks is necessary and work with Dr. Lipsman to have legislation drafted. It was also requested that the County Attorney research other legislation to make sure if we adopt a law that it will hold up in court.

Another meeting will be scheduled after the law is drafted.

(Abinanti, Rogowsky) Move to adjourn the Committee on Legislation.
Motion passed 9-0.

Committee on Legislation adjourned at 3: P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST