



Committee on Legislation

~MINUTES~

Monday, June 10, 2019

1:00 PM

Committee Chair: Kitley Covill

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

This meeting is joint with the Committee on Public Safety.

Attendee Name	Title	Status	Arrived
Kitley Covill	Chair	Present	
Catherine Borgia	D9 Legislator	Present	
Gordon A. Burrows	D15 Legislator (Minority Whip)	Absent	
MaryJane Shimsky	D12 Legislator (Majority Whip)	Present	
John G. Testa	D1 Legislator (Minority Leader)	Absent	
Alfreda Williams	D8 Legislator (Vice Chair)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Absent	

Others In Attendance: CEO: C. Crane PUBLIC SAFETY: J. Hodges, M. Busche, S. Smith
CONSUMER PROTECTION: J. Maisano, J. Gaccione, C. Mannix LAW: J. Nonna, S. Dolgin-Kmetz
BOL: Leg. M. Cunzio, Leg. N. Barr, Leg. D. Maher, D. Linhardt, M. Montalto, M. Clark, J. Axelrod
GUESTS: D. Kaminsky, M. Kriss.

MINUTES APPROVAL

1. Monday, June 03, 2019 at 1:00 PM

On motion of Legislator Shimsky, seconded by Legislator A. Williams, the minutes were approved 4-0.

I. ITEMS FOR DISCUSSION

Guests:

Stacey Dolgin-Kmetz, Chief Deputy County Attorney

Jim Maisano, Director, Dept. of Consumer Protection

Chief Inspector John Hodges and Detective Stephen Smith, Dept. of Public Safety

1. **(ID # 11889) Local Law – LEGISLATORS COVILL AND CUNZIO: Proposed Local Law - Control and regulation of secondhand precious metal and gem dealers:**

Forwarding a "LOCAL LAW repealing Chapter 863 of the Laws of Westchester County and exacting a new Chapter 863 relating to the control and regulation of secondhand precious metal and gem dealers."

Guests: John Nonna, County Attorney, Stacey Dolgin-Kmetz, Chief Deputy County Attorney
Jim Maisano Director and John Gaccione, Department of Consumer Protection
Chief Inspector John Hodges and Detective Steven Smith, Department of Public
Safety
David Kaminsky, President and Marc Kriss, Collateral Loan Brokers Assn. of New
York

Chair Covill asked Mr. Maisano to begin the discussion on Items 11889/90-Proposed Local Law repealing Chapter 863 of the the Laws of Westchester County and exacting a new Chapter 863 relating to the control and regulation of secondhand precious metal and gem dealers.

Mr. Maisano introduced an updated draft of the legislation. Mr. Maisano noted that this law has been on the books since 1983 and are modernizing the existing law. They have been working on it since last year. They are modernizing the law for the current day to use technology to do a better job of identifying second hand jewelry that was stolen before it gets resold and the owner loses it forever.

The first change is to require a license (Sections 863.243 and 864.244). There will be initial fee of \$250 and renewals are \$200 per year.

Section 863.245 deals with the issuance, denial, suspension or revocation of a license.

Section 863.247 - Restrictions on licensee-these were in existing law, they just mirrored them.

Mr. Guccione discussed what is happening now and what the changes to the law will be. He noted that technology has far outpaced the law. This law will regulate everyone who sells metal and gems.

Mr. Maisano went on with the changes. He noted that all they administrative decisions will have a right of appeal for the merchants-Section 863.245 (4) They are suggesting that we change the legislation from 3 days to 5 days of the initial determination to deny, suspend or revoke a license. Mr. Gaccione then described the process as it is now.

Mr. Maisano stated that the penalties have been raised from \$500 to \$1000 for an initial violation and for a second violation it would be a misdemeanor.

Mr. Maisano suggested that 60 days to take effect was too short and recommended changing that to the beginning of next year, Jan. 1 2020.

Chief Inspector John Hodges explained that the changes they proposed had to do with the types of precious metals including coins and items that are made up of several types of gems or jewelry that have significant value. They also suggested the licensing and electronic records vs. written records. Electronic records will help the process immensely.

Det. Smith noted that he had done a lot of research of other counties that had this law and some were more restrictive, some less and he feels that came up with a bill that was in the middle. He stated that there is a limit to what items we can put in the bill. A discussion ensued. Leg. Covill asked a question concerning Section 863.254 (3). She then asked how they came up with the numbers on the Fiscal Statement. Mr. Gaccione replied.

Mr. Kaminsky, President of the Collateral Loan Brokers Association of New York pointed out that there is a difference between second hand dealers and pawnbrokers. A second hand dealer is one who buys outright and has to hold the item for 15 days before selling. A pawnbroker must hold an item for 4 months in NYS. After that they must send a notice and may not sell for 30 days after sending that notice.

Mark Kriss is an attorney working for the Collateral Loan Brokers Association. He addressed the lawsuit that is currently happening in New York. He requested that until there was a judgment made in the pending suit that we hold off on this legislation. A discussion ensued.

To view this meeting, please go to:
<http://westchestercountyny.iqm2.com/Citizens/default.aspx>

RESULT: PENDING

2. **(ID # 11890) Resolution – PH - Proposed Local Law - Control and regulation of secondhand precious metal and gem dealers:**

A RESOLUTION to set a Public Hearing on a "LOCAL LAW repealing Chapter 863 of the Laws of Westchester County and exacting a new Chapter 863 relating to the control and regulation of secondhand precious metal and gem dealers." [Public Hearing set for _____, 2019 at ____ .m. LOCAL LAW INTRO 11889-2019].

Please see Item 1 for discussion.

RESULT: PENDING

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

1. **(ID # 11435) Communication – HON. DAMON R. MAHER: Correspondence re: Fair Chance to Work Act:**

Forwarding correspondence from the Westchester County Human Rights Commission on the proposed Fair Chance to Work Act.

With a motion by Legislator Shimsky and seconded by Legislator A. Williams the item below was received & filed with a vote of

4 to 0.

2. **(ID # 11607) Communication – HON. DAMON R. MAHER: Construction News Article-"Building Trades Cry Foul-Developers Win Perks in Yonkers as PLAs Expire":**

Forwarding a *Construction News* article entitled, "Building Trades Cry Foul - Developers Win Perks in Yonkers as PLAs Expire on IDA Projects."

With a motion by Legislator Shimsky and seconded by Legislator A. Williams the item below was received & filed with a vote of

4 to 0.

3. **(ID # 11621) Communication – LEGISLATORS PEREZ AND CUNZIO: Proposed legislation re: Animal cruelty penal code:**

Forwarding New York State Assembly Bill No. A00342 which relates to codifying animal cruelty laws under the penal code.

With a motion by Legislator Shimsky and seconded by Legislator A. Williams the item below was received & filed with a vote of

4 to 0.

4. **(ID # 11627) Communication – HON. DAMON R. MAHER: The Atlantic Article - "What Are Active-Shooter Drills Doing to Kids?":**

Forwarding an article from *The Atlantic* entitled, "What Are Active-Shooter Drills Doing to Kids?"

With a motion by Legislator Shimsky and seconded by Legislator A. Williams the item below was received & filed with a vote of

4 to 0.

5. **(ID # 11747) Communication – HON. DAMON R. MAHER: NYTimes Article - "NY Needs a Pied-à-Tere Tax":**

Forwarding a *New York Times* article entitled, "New York Needs a Pied-à-Tere Tax."

With a motion by Legislator Shimsky and seconded by Legislator A. Williams the item below was received & filed with a vote of

4 to 0.

ADJOURNMENT

Moved by Legislator Shimsky seconded by Legislator A. Williams, the Committee adjourned at 2:02pm.