

Rensselaer County Legislature

OFFICE of the MINORITY

May 19, 2008

GOP Majority Bags Fines

Dear Editor,

At the May meeting of the Rensselaer County Legislature, the Republican Majority voted along party lines to approve a settlement with Price Chopper of its accumulated fines for item pricing violations. This action invites some serious questions.

Price Chopper was fined almost \$38,000 for item pricing violations over several years. While other supermarkets and grocery stores have consistently paid their fines, Price Chopper has refused and has routinely voiced legal objections to the Republican Majority, saying the county "item pricing law" was being unfairly enforced and the inspector, who is a legislative employee, did not have the legal authority to inspect and levy fines because he is not an employee from the Bureau of Weights and Measures.

Despite these ongoing concerns, the Republican Majority negotiated a settlement whereby Price Chopper would pay a monetary fine of less than half the money owed to the county, \$18,396, and Price Chopper would also provide \$3,000 worth of reusable grocery bags.

Democratic Minority Legislators raised numerous questions and problems with the proposed settlement, not the least of which was that the Republican Majority did not disclose the details of the deal prior to the meeting and that no settlement agreement was available for review from the County's attorney. Most importantly, the settlement does not address any of the underlying weaknesses in the item pricing law, or make provisions to ensure the law can be fairly and vigorously enforced in the future.

Why should any grocery store in Rensselaer County comply with our laws and why should they pay the full amount of their fines when they can simply hold out, raise the same objections and get away with half the cost? Why shouldn't the playing field be level for all stores? Why shouldn't the consumer have the benefit of a fairly enforced law? Why should the Republican Majority take bags in lieu of cash fines owed to the county? How are these bags going to be distributed? Are Republican County Executive Kathy Jimino and the Republican Legislators going to distribute these bags? (Along with their campaign literature, perhaps?)

All these questions were dismissed by the Republican Majority. When Democratic Legislator, Flora Fasoldt stated that this settlement gives up money owed to county taxpayers and that the Legislature should request that the County Attorney seek an opinion from the NYS Attorney General before voting to accept the settlement, Chairman Kelleher responded, "You do it, right now I'm taking the money!" (Presumably, he knows that only the County Attorney can request such an opinion.)

There is a bad odor about all of this. A cynical person might suspect that the Republican Majority of the Rensselaer County Legislature is capitalizing on heavy handed enforcement of a poorly designed law which fails to protect consumers—all to generate some cheap campaign favors—and the Republican Majority is doing nothing to dispel these suspicions.

Sincerely,

Keith Hammond

Deputy Minority Leader - Rensselaer County Legislature

PATTISON COUNTY GOVERNMENT CENTER H 1600 - 7th AVENUE H TROY, NEW YORK 12180
www.rensselaercountygov.com H (518) 270-2890