

LABOR, HOUSING & CONSUMER PROTECTION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
VERBATIM MINUTES

A regular meeting of the Labor, 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 May 5, 2011.

MEMBERS PRESENT:

Leg. Jon Cooper, Chairman
Leg. Kate M. Browning, Vice Chair
Leg. Thomas Cilmi
Leg. Jack Eddington
Leg. DuWayne Gregory

ALSO IN ATTENDANCE:

William Lindsay, Presiding Officer
George Nolan, Counsel to the Legislature
Sarah Simpson, Office of Counsel for the Legislature
Renee Ortiz, Chief Deputy Clerk
Paul Perillie, Aide to Majority Leader
John Ortiz, Budget Review Office
Joe Muncey, Budget Review Office
Jill Moss, Budget Review Office
Eric A. Kopp, County Executive's Office
Ed Hennessy, Aide to County Executive
Chris DeLuca, Aide to Legislator Cilmi
Al Nazir, Aide to Legislator Kennedy
Kara Hahn, Communications Director, Presiding Officer
Lora Gellerstein, Aide to Legislator Cooper
Nancy Jacobsen, Aide to Legislator Gregory
Christine Malafi, Suffolk County Attorney
Brenda Rosenberg, Director of Living Wage, Department of Labor
Alan Schneider, Personnel Director
Laura Schreiner, New York State Senate, Special Assistant
Cheryl Felice, AME
Dot Kerrigan, AME
Gerry Lauber, Suffolk County SPCA
Roy Gross, Suffolk County SPCA
Lois Gross, Suffolk County SPCA
Steve Laton, Suffolk County SPCA
Detective Domenic Mazzone, Suffolk County SPCA
Emil Kochman, Suffolk County SPCA
Tom Cappetta, Suffolk County SPCA

James R. Kristensen, Suffolk County SPCA
Ronald Kurtz, Suffolk County SPCA
Mike Bonney
John J. Borrelli
Ken Christiansen
And all other interested parties

MINUTES TAKEN AND TRANSCRIBED BY:
Lucia Braaten, Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:08 P.M. *)

CHAIRMAN COOPER:

Good afternoon, everyone. I'd like to welcome all of you to the May 5th meeting of the Labor, Housing and Consumer Protection Committee. Legislator Gregory, could you please lead us in the Pledge?

(*Salutation*)

Thank you. Before we get to the public portion, I wanted to announce that yesterday we received a package from {Mark Goetz} regarding Otis Ford. It was a large packet of documents and I will be distributing the contents to all the members of the committee in advance of the next meeting.

Before we get to the agenda, we have a number of speakers who have signed up. First up is Chief Roy Gross from the Suffolk County SPCA.

CHIEF GROSS:

Good afternoon, Ladies and Gentlemen. I'm here to talk about I.R. 1255.

The Suffolk County SPCA has been providing services to the Suffolk County residents for 27 years. The Suffolk SPCA is dedicated to protecting the rights, safety and well-being of our animal friends, as well as upholding and enforcing the animal cruelty laws. We have a staff of 60 dedicated professionals. We're asking again for the County to provide us with full indemnification with no sunset clause.

Too much time is wasted each year trying to acquire insurance. This valuable time could be better spent on providing much needed services. Not only do we respond to calls from the public, but we respond to calls from Suffolk County Police Department, the Sheriff's Department, Animal Control, DEC, other public officials, State Police, Town and Village Police, Adult and Child Protective Services, the County Executive, and even for Legislators. We train the Pet Detectives in the Suffolk County Police Department, new recruits at the Police Academy, have provided training to handle dangerous reptiles, to County Police, DEC Officers, Animal Control Officers, and official wildlife agencies, at no cost to the County.

We provide the following services: We operate pet-friendly shelters, offer free rabies clinics every year, maintain the Dog Bite Registry for the last eight years, spay/neuter clinics, education programs for adults and children, elder service support, the new animal abuser registry, at no cost to the County. We have taken dangerous animals off our streets, our parks, out of homes, including, and not limited to, alligators, crocodiles, mountain lions, a bear, pythons, rattle snakes, cobras, leopards, dangerous dogs and other dangerous reptiles. Who else would do this, and again, at no cost to taxpayers?

When we had the West Nile Virus outbreak, we alone were responsible for collecting dead birds throughout the entire County, returning them to the Health Department for testing. We have assisted with the gas leak in Shirley, the wildfires in the Pine Barrens, provided emergency veterinary care at police and fire canine recertifications, at no cost to the County. We spent nearly two months at Ground Zero, assisted at Flight 587, also the U.S. Open. We investigate over

twenty-five hundred cases a year in Suffolk County alone. We seized over 500 animals last year. We have arrested dog fighters, cock fighters, and animal abusers that have been successfully prosecuted. We recently seized 24 abused and neglected horses, plus goats and sheep and a pig in a case that was called in by the Riverhead Police Department. This was at Calverton farm. Please do the right thing, protect us, indemnify our peace officers.

CHAIRMAN COOPER:

Perfect timing, I'm very impressed. Thank you.

CHIEF GROSS:

Thank you.

CHAIRMAN COOPER:

Next up is Steve Laton, Chief of Operations at the SPCA.

MR. LATON:

Good afternoon, members of the Legislature. My name is Steve Laton. I'm Chief of Operations for the Suffolk County SPCA. I spoke with you a couple of weeks ago, we talked about pet-friendly shelters. One of the things I neglected to mention was that we purchased a 30-foot trailer that is kept on County property in Yaphank that we have stored all of the equipment in that we purchased and Suffolk County purchased to staff and provide equipment for the pet-friendly shelters.

As Chief Gross mentioned, that we provide training for Suffolk County Police recruits. I'm the instructor for our agency that provides that training for the police recruits, for every Suffolk County Police recruit class, and every year when there's a class for affiliated outside agencies and summer part-time Police Officers. They're required by New York State Law to get classes and training in animal cruelty and I go in and provide that training for them.

I'm asking you to, please, indemnify our volunteers and pass this resolution today. Thank you.

CHAIRMAN COOPER:

And thank you, Steve. Next speaker is Gerry Lauber, Chief of Detectives for the SPCA.

CHIEF LAUBER:

Good afternoon. I've been designated as the cleanup for the presentation, and since it's a baseball reference, it brings back to mind something that Yogi Berra said. You know, "This is like déjà vu all over again." We've been here multiple times. We've told you our story. We've told you the work that we do for the County. There are visual displays of the animals that we've rescued. I don't think the issue is the work that we do, it's well documented, it's well-known. And a packet, I believe, will be distributed with a PowerPoint that you can take a look at at your leisure, great, visually showing you highlights of some of the cases we've worked on.

I think the important question was one that was asked by Legislator Browning at our last meeting. If not us, who? That's really the only question that I believe that needs to be addressed. It is reasonable and prudent for the Legislature to provide us with indemnification that is unlimited, because the fact of the matter is that this is something that you provide for every other law enforcement agency within your jurisdiction.

We have a 27-year history of not losing one penny to any litigation, which sort of sustains the fact that we're not a bunch of people going off doing our own thing, that we're well trained, not well funded, but well trained, and we provide a service without any real liability to the County because of the fact our history says that we do the kind of job that we do without sustaining any loss from litigation. And I would say that with all of the years that we've put in, with the work that we've

done, it's important for you to send that message, not only to us as volunteers and the 60 people that we have volunteering with us, but to the County, also, that people are recognized for the work they do and the history that they have.

And we would ask you to please consider the unlimited indemnification, the sunset provision. And I know that may present a problem for you to do today, but, certainly, by amendment, hopefully at your next meeting. This should be ongoing. Although we like seeing you, we don't like coming up every year with multiple visits to take your time for something that doesn't have to be revisited on a yearly basis. So I would urge you to approve this legislation, to consider an amendment for a sunshine -- a sunset provision, that continuous resolution is something that I believe that we should have.

So I thank you for your time. I hope you keep Legislator Browning's question in your mind. If we're not doing this, who else is going to do it in our stead? Thank you.

CHAIRMAN COOPER:

Thank you, Gerry. Again, perfect timing. Next speaker is Mike Bonney.

MR. BONNEY:

I got a handout. Hello, thank you for hearing from me today. To the Legislature, good afternoon, Legislation. I'm here to talk about backflow testers that are working on -- in Suffolk County that are unlicensed by the County, or by any town or village, and they're interrupting water service to domestic water mains and fire mains. And they get a certificate from taking a four-day class that's given through the Health Department. This four-day class is -- enables them to do a backflow test.

If you look on one of the -- on my handout, there's one of the sheets, it's highlighted on the bottom, it's from the Health Department. It says clearly on that sheet that they're allowed to work as long as they conform with local state and local laws regarding plumbing and what have you. Right now, the way the law's written and the way the code is enforced, the Plumbing Code is enforced, it's not really an enforcement issue, from what I gather from all -- I spoke to all the plumbing boards in Huntington, in Islip, in Brookhaven, and the Suffolk County Consumer Affairs Plumbing Board, and they all agree with me that they should be licensed, but they didn't know what to do next. So that's when I took it upon myself to gather the troops up and I've got Fire Marshal from Suffolk County support. He's supposed to be here, but he said he's running late.

These people are going out with a four-day class under their belt. They have no business, they have no insurance, they have no training, and their repercussions are shutting off water systems, and they're shutting off fire alarms and interrupting water to buildings. And they're driving the legitimate plumbers, who pay all their license fees and have insurance, out of business, because they're doing it at such a low rate. So it's been going on for years. It was kind of like not a well-known thing, but with the economy going down, there's a lot of people jumping into business and they're really -- it's a cut-throat -- becoming a cut-throat thing. They're having price wars with each other and the plumbers are left there holding the bill. We're losing all our customers.

So, if you look, there's a sheet in there. It shows you the school, some of the school -- I got pictures of school. They learn how to test on a bench. They don't learn the implications of shutting off water off to buildings or interrupting fire lines, or all that stuff. There's no age requirement. You can be a 14-year-old goal and do it on weekends after junior high with no insurance and nobody seems to have a problem with this, or they do, but they don't know what to do next, so that's why we feel like there's legislation required to actually require a plumbing license so that there's documented people doing it. We know they have insurance, and if something goes wrong, there's someone available to take care of the problem. That's it.

CHAIRMAN COOPER:

Thank you. Mike, excuse me. A couple of Legislators have questions.

MR. BONNEY:

Oh, no problem.

CHAIRMAN COOPER:

Mike, by the way, I wanted to thank you for working with my office on this resolution. It's very complicated, but a very important issue. I'm very pleased that it was brought to my attention. And we're making the final changes to the resolution and it's just going to be laid on the table as a late-starter at Tuesday's meeting.

MR. BONNEY:

Fantastic. Thank you. Any questions?

LEG. EDDINGTON:

Question.

LEG. GREGORY:

Yes, I have a question.

CHAIRMAN COOPER:

Please, I believe it was -- Jack, why don't you go first?

LEG. EDDINGTON:

Thank you very much. I've done a lot of household repairs. I've never touched plumbing, because when you screw it up, the house fills up, so. Could you tell me, what is a backflow specialist? I have a sprinkling system and I recognized some of the pictures in here, but I never really knew what it's all about.

MR. BONNEY:

Primarily, what a backflow device is, is it's put on a water pipe. Typically, in Suffolk County, it's put on the water service line that comes into the building, you know, usually directly following the meter. What it does is it isolates all the plumbing in that particular building that is fed by that service, so that no contamination from that building could get into the plumbing system, go back into the service line and contaminate the main that feeds the neighboring buildings.

LEG. EDDINGTON:

Oh, I see.

MR. BONNEY:

So it's a Health Department code, and it's written into New York State code.

LEG. EDDINGTON:

Oh, good. Thank you very much for that explanation.

MR. BONNEY:

Okay. Anything else?

CHAIRMAN COOPER:

Thank you. Legislator Gregory?

LEG. GREGORY:

Yes, thank you. Yeah, I'm a little familiar with it from my days back in the Town. I always thought that there was some requirement. Are you just saying that all you have to prove is that you have a certificate and you go to the Building Department or -- and then you go --

MR. BONNEY:

A four-day course is given, typically in the back room of a plumbing supply house. The one that's local here is given by a guy who does outside sales for the plumbing supply. He got certified by the Health Department to instruct the class; he's not a plumber. He teaches the class very well. I know I've had a bunch of my employees go to that school. They come out prepared to do a backflow test, but they're only taught between the number one and the number two shut off valve on these backflow preventers. They're not given any plumbing code lessons, there's no field work, and you're given -- the fourth day is actually like a test day. Because my last name starts with a B, I was home by 10 o'clock on the fourth day, so it's actually three days of instruction.

LEG. GREGORY:

It was always my understanding that it was an aspect of a plumber that just provided the backflow test --

MR. BONNEY:

That's exactly what we're saying.

LEG. GREGORY:

But now it's a whole industry, if you will?

MR. BONNEY:

It became it's only little industry, and the people that are doing it are not being scrutinized, they're not -- no one checks their insurance, if they have any. They don't need any. You know, they don't -- some of them don't even have real businesses, they're just out there working for cash. You know, they buy -- Suffolk County Water happens to be the only water district that I know of in Long Island that you could acquire the list of all of the blackflow preventers through Freedom of Information. The ones in Nassau won't give it to you. They'll say, "You know, if you want it, you're going to have to fight us for it. Suffolk County sells it freely. Well, they charge you like \$400 for this list. And then these guys are just -- it's like the wild west out there, they must -- they go in two months before the people are due for a test just to get the customer, and they're willing to outbid anybody for any price.

LEG. GREGORY:

Okay. All right. Thank you.

MR. BONNEY:

Thank you.

CHAIRMAN COOPER:

Thank you, Mike. Legislator Cilmi also has a question for you.

LEG. CILMI:

Yes. Thank you, Mr. Chairman. Could you tell us, what was the underlying need that sort of gave birth to this new industry?

MR. BONNEY:

Okay. Now, this is -- as far as I know, I don't know if this is the official story or the unofficial story, water companies I believe have a hard time acquiring insurance to protect themselves {verse} cross connection from one building to another. So, if you live next to a laundromat and you've got suds

coming out of your faucet, technically, the water company or the municipality owns the piping in the street that connect you to them. So what the Health Department did was come up with this code requiring everyone to put a backflow preventer on their service line, and this is to help eliminate that and eliminate the need for insurances and all that kind of stuff.

LEG. CILMI:

I understand that, but my question --

MR. BONNEY:

I'm sorry.

LEG. CILMI:

-- I probably didn't phrase it well, was if plumbers are doing this, what sort of -- why is this -- why are these, you know, these less than experienced individuals --

MR. BONNEY:

Call them hobby testers.

LEG. CILMI:

-- why are they necessary? You know, what gave birth to this need that somebody wouldn't just call a plumber and say, "Check this"?

MR. BONNEY:

Because they're half the price. They're charging half the price of a plumber, and they bombard these people. Before you even know you need a test, you're getting advertisement postcards and letters from these guys saying they'll do it for \$35.

LEG. CILMI:

Sort of like the chimney sweeper kind of thing where --

MR. BONNEY:

It's becoming that, yeah, yeah. They don't do --

LEG. CILMI:

Spreading a little bit of fear in the minds of the homeowners and --

MR. BONNEY:

It's not a cold call, because they do have the list. They know you have a building and it's coming due, so they just try to beat the next guy there with a cheaper price. And they have no overhead, because they're not -- they don't really have a license or a business, even though they advertise that they're all licensed and insured. I've been complaining for years to Consumer Affairs. They've looked into it and they said, "Well, technically, they're not licensed. They're not plumbers, they're not claiming to be plumbers, so there's really nothing we can do." And they still have "licensed and insured" all over their business cards and paperwork, but they're not.

LEG. CILMI:

When you say "coming due", sir, is there a regular inspection that's necessary on these things?

MR. BONNEY:

It's an annual inspection, it's mandatory.

LEG. CILMI:

For commercial properties only or --

MR. BONNEY:

Yep. In Suffolk -- in Suffolk County Water, it's only commercial. If you're in South Huntington Water and you have an irrigation system installed, they're supposed to do an initial test. Right now, they're not requiring all of them to be retested annually for irrigation lines in South Huntington water, but some of the larger like gated communities that have irrigation, big irrigation systems, we do do tests on irrigation lines.

LEG. CILMI:

Just give me an example of what the difference in cost would be between one of these guys or ladies that come out and do this test compared to what a licensed plumber would charge.

MR. BONNEY:

Okay. I do only backflow. I had some medical issues with my neck and I couldn't do the heavy duty plumbing. And this seemed like a wise choice for me, because it was a -- you know, it's a light weight kind of non-heavy-lifting thing. We were charging, in 2007, 55 and \$80, depending on the size of your backflow device. Fifty-five would cover up to a two-inch device. Anything over, which was typically like a fire line. Two-and-a-half inches to ten inches or twelve inches would be \$80. We're now having to back our prices down because these guys are willing to do any size device for \$35, and it's getting worse. You know, by the month, their price is going down and down and down and there's more and more of them. So there were guys that were doing it for years, but they were kind of gentlemen about it. You know, they were like realistic with their prices, and plumbers could -- you know, if I can't sell myself for a \$5 higher fee, then I really shouldn't be doing -- be in business for myself. But for \$25, I don't even get a courtesy call from customers that I've serviced for fifteen years. They're like, "Oh, we already had it done. You guys have been ripping me off for, you know, fifteen years, now I got a new guy." And I try to explain to them that they're not licensed, they're not insured. They're like, "Well, it says they're licensed on their cards," and I've already verified that they're not, but no one's willing to do anything. So that's why we definitely need legislation to take care of all of this.

LEG. CILMI:

Okay. Thank you.

MR. BONNEY:

Thank you.

CHAIRMAN COOPER:

Thank you, Mike.

MR. BONNEY:

Okay.

CHAIRMAN COOPER:

Next speaker is John Borrelli. Apparently, Mr. Borrelli is not here, so we'll pass over.

MR. BORRELLI:

I'm going to pass my time over to Rob Essay.

CHAIRMAN COOPER:

Here we go. Oh, thank you.

MR. ESSAY:

Rob Essay from East End Backflow and Essay Plumbing based out in Southampton.

Just to pick up where Mike left off, just to give you some numbers, too, I primarily work in the Hamptons, the twin forks. My backflow test rate is \$75 and 125 on the larger valves. And the plumbing rate, my hourly rate is \$95 an hour. Just so you have an idea where we're talking costs and figures.

One of the things that Mike brought up with the certification, the guys just come out and can go to a class and the next day buy a test kit and walk into a store, or walk into any building and represent them as a -- represent themselves as a backflow tester. They're shutting off fire sprinkler systems. There are certain fire sprinkler systems where we found that the tamper switches are off or not working properly. And if you're not careful in what you're doing, you can leave that building with the fire system completely shut off.

Also with that, these fire sprinkler valves are chained, okay, and if you're not unchaining and putting it back and making sure that valve is operational -- you have to shut this water supply off to test the check valve. You cannot have flowing water through it, so the procedure is you are shutting off water to that property, whether it's domestic water, whether it's fire sprinkler water, and there's a big liability that's involved, and our insurances flag that. I just renewed and I got denied by merchants because they do not want me -- an exclusion was put in the case, "Do not touch fire sprinkler systems under your plumbing" -- "under your scope of plumbing and backflow testing." So that is a critical concern of mine that I'm now paying a premium to do this legitimately.

I work under my dad's plumbing license. One of my first experiences after I got this course, shortly after working with him, went to the Southampton Fire Department, did a backflow test, and in a procedure doing the backflow test, a relief valve on the backflow went into a complete dump; this is the discharge. It's like opening up a fire hydrant, except I was standing in a vault and I had to spring out of it. I knocked a water service off and a combined fire sprinkler system; killed it to the whole fire department. My father, the master plumber, had to come down, you know, immediately and rectify it with me, because I did not know what I was doing. I had just started with him and did not have the experience just from my four-day training.

CHAIRMAN COOPER:

Legislator Gregory has a question.

LEG. GREGORY:

Hi. Thank you for coming. Rob?

MR. ESSAY:

Yes.

LEG. GREGORY:

All right. Thank you for coming down also. So you're not only -- excuse me -- you're not only advocating that this -- backflow testers be licensed, but it seems like the common theme is that they're -- in the training, that there's something to address how other systems are affected, whether it's sprinkler systems or others, because it could be a liability to not only the system, but to yourself as a plumber that may be coming in after their work that may prevent you from doing your job, or even prevent the system from fully functioning in a proper manner; is that right?

MR. ESSAY:

I'm not exactly sure I'm following.

LEG. GREGORY:

You mentioned, and I forget the other gentleman's name.

MR. ESSAY:

Mike.

LEG. GREGORY:

He mentioned something about fire sprinklers, in that there was some tampering or something done with the sprinkler systems that shouldn't have been done. So it's not only that they're licensed, but in -- as part of that licensing training, that there should be something in there to address that issue, as well as some other issues. I'm not -- I'm not a plumber, so I don't know what all the issues are, but to me, if I owned a building, I would think I'd want my sprinklers to work if something were to happen. From what I'm getting from you is that that could be an issue, that they may not fully function if there were a need or a fire were to occur.

MR. ESSAY:

Yes. And I want to be careful with the way -- when I use the word "tamper switch".

LEG. GREGORY:

Right. I don't mean tamper, I -- well, I did say it, but I didn't mean that. I just meant that there was -- they did some work that they probably and most likely weren't experienced with that probably could cause something that they were unaware of and that's a serious issue.

MR. ESSAY:

Yes. It's very simple to go into a building, do this test, and you're filling out paperwork, okay, everything passed, you disconnect and you don't open up that shut-off valve. And fire marshals throughout the County are on top of it, as far as either chaining these valves shut -- that was the old way to do it. So they chain it open, but the problem was if you had a sprinkler head blow out in the building, you wanted to be able to go and shut the valve off and then you find a big padlock on it where you had a problem. Now they have electronic monitoring devices that will beep and either send a signal to central station or will beep locally at the fire sprinkler panel saying, "Tamper," or something's been disturbed. These, though, we find in the field don't always work, and some of the older fire sprinkler systems you come across have neither. And it is quite possible you could leave -- leave the fire sprinkler system off to a building, or if you're doing a backflow test to something that's critical to water usage, medical building, a hospital, that does not have a parallel service, a secondary supply coming into the building. If you have any malfunction in performing this service, you've now cut the water supply off. I gave you an example of a fire department. No one was in the building at the time. We were able to get back and resolve it, but that was a quick -- that was a big scare that I had just stopped everything in the building, and got wet and flooded the vault out that I was working in.

LEG. GREGORY:

Okay. Yeah, I guess my point was that it's not only just important to license them, but they're -- you know, the training that goes into the licensing, we have to ensure that addresses those appropriate -- the appropriate areas of concerns that could have, you know, a serious impact.

MR. ESSAY:

Yes, I agree. One of the ways I found that some of these backflow testers have combatted my concerns, because no one wants to shut a building down, is simply look at the valve. And we feel the valve is not even being tested, and for the price that's being offered, you can't simply get bogged down in time at all at a customer's place, first getting there and doing anything. So if it's not -- if it's look -- if it's there, if it's functioning, okay. The paper work's already set up by -- most water purveyors have the paperwork 80% filled out with the account numbers, customer's name,

backflow valve. You just have to know this, check here, check there, pass, get a signature, and see you later. And a lot of these customers just, "Here, just get rid of it, I don't want to -- I don't want to deal with it. Just make it go away and don't cost that much," and that's it. So they're in and out, quick like that. And the unfortunate part about that is that your public health and the protection of our public water system is what's being compromised in this whole thing.

CHAIRMAN COOPER:

Rob, Legislator Cilmi has an additional question.

LEG. CILMI:

Hi. Just very, very quickly. So what remedy are you actually seeking here? I mean, are you looking for us to acquire additional education or standards for these folks who go out and do this, or are you looking for us to say only licensed plumbers can do this job?

MR. ESSAY:

We were looking for backflow -- someone who has a backflow certification, like myself, and I'm not a master plumber. I work under my father's plumbing license, who is also a backflow tester. So if I am a -- if I'm going to be working or doing backflow testing, well, I need the backup, like my father was, master plumber and backflow certified tester, there to support me when there's malfunctions, when there's problems. That's what we're looking for.

LEG. CILMI:

Okay. So you --

MR. ESSAY:

And that master plumber's going to have the insurances and the certifications, everything's is going to be lined up.

LEG. CILMI:

Okay. So you would require, then, some sort of an association between the backflow tester and a plumber, so that if something were to happen to the plumbing while the testing was occurring, they could rely on that plumber for their experience, is that --

MR. ESSAY:

Yes, particularly working for that plumber and that plumber also has that certification. So it's not just a plumber -- right now in the County, if I'm a master plumber, I can install these, I can repair these, I can't test.

LEG. CILMI:

Why?

MR. ESSAY:

It's a separate certification. Mike had brought up earlier, there's a separate little thing that was set up.

LEG. CILMI:

Why? I'm just asking why, I'm not being -- I just want to know. In other words, if you're qualified to install and to -- what was the second part you said, install and --

MR. ESSAY:

I can install and repair as a plumber.

LEG. CILMI:

Install and repair. So if you can install and repair, why wouldn't you, therefore, be qualified to also test, just in and of it -- you know, why are you requiring some sort of extra certification?

MR. ESSAY:

Because there is a process that has to be learned that you simply -- you need training for. And not only that, it's not just as much as testing the backflow -- remember, a backflow is protecting our public water supply, and if we go into a building, say this building, I'm testing, the water line comes in, there's a backflow right there. If I see a connection before that feeds your lawn irrigation system that is exposed to pesticides, fertilizer, that's a direct connection that can contaminate our public water supply. That is driven into us in our training. What's not is what happens when things go wrong. How do we -- we're not trained on repair. It's here's the procedure, here's all the paperwork to fill out in the right spots, here's your license, done.

LEG. CILMI:

Yeah, I'm agreeing with you. I just think why not include it all into one -- you know, if you're coming to the County to get licensed as a plumber, for example, why not include that certification as part of your licensing so that you guys who are plumbers don't have to come back for an extra certification, which I assume is an extra fee, which is usually what -- I won't say usually, which is sometimes what it comes down to. You know, it seems to me like you could do it very simply in one fell swoop. It's really not a -- I'm really making a statement, it's not a question for you. I'm sorry.

MR. ESSAY:

Just saying, again, you have a four-day certification, it's not something after you take your plumbers test and prove that you've worked seven years, I believe, in the trade, that you then get your license. So it's additional, it's 32 hours of training. There is an installment or time that has to be taken.

Furthermore, New York State, I talked to the head of the Health Department, they're concerned about existing testers that 20 years ago took the less -- the class and certification. All they've had to have done to renew their license is send in 30 properly filled out test forms. That makes you a good paper pusher, doesn't actually train you, and they've now recognized that. So, when we go as of now, May 1st, we go for a recertification every three years, we're going back to class for two days, and there is a charge and there's going to be classroom and field training. So steps have been recognized that this is more of an issue state-wide that guys are just signing paperwork and sending it in and we're missing the whole point. We're asking for your arm to work with us here in Suffolk County.

CHAIRMAN COOPER:

Thank you very much, Rob.

MR. ESSAY:

Thank you.

CHAIRMAN COOPER:

Next speaker is Cheryl Felice.

AUDIENCE MEMBER:

She'll be right back, she had to step out for a moment.

CHAIRMAN COOPER:

Okay. We'll pass over. Next up, Ken Christiansen. Hello, Ken.

MR. CHRISTIENSEN:

Hi. To the Legislature, I just want to make some brief comments about this backflow device. My name is Ken Christensen. I'm a past President of Suffolk County Plumbers Association, but I'm long retired now. But this backflow situation has been of interest to me for a long, long period of time. We, my company, who now has my son involved and he's the master plumber, is involved in backflow testing, as well as his normal plumbing business. But this really isn't about the plumbers and the cost that they have to charge or the fees, it's about public safety.

I heard questions being asked about what the difference is between a master plumber and a certified tester, and there is a great difference between the two different entities. Master plumber, by all municipalities, is required to have years of experience before he's even allowed to become a master plumber. Secondly, he has to pass very rigid testing in each municipality, including Suffolk County, who has authority over most of the East End towns. So there is a major difference between the short cost that the backflow testers take to be able to test the device, but they are not given, nor do they have, the experience to handle the problems that can and sometimes do develop in doing their testing to the water service. And this is all about public health and serving the customers, that the person who does this is either qualified fully to handle all of the plumbing problems that can develop, or has someone who they are working for who has that kind of experience and ability to come in and solve the problem like they do on any plumbing system. So it's not so much about the -- sure, if you're in the business and you're paying a lot of money for insurance to be fully qualified as a plumber, your expenses are a lot more and you can't afford to do testing and to do this in competition with these people who don't have the same requirements, so that is an issue. But important I think more to you folks is what it means to the public and their safety and their well-being, and that's the issue here, the main issue here.

And a question was asked about how come this exists. When the State law was written, they gave the authority to the individual plumbing -- the individual water companies and their jurisdiction to have control over the testing and how it was done. None of the water companies wanted to test themselves, so they came up with this system of certifying testers, just so that they could get out of the job of testing their own devices within their district. And you have to report that test to the water district, but they really don't have any jurisdiction in terms of who does it, as long as they have this certificate that says they went through and passed the four day course. So there's a big difference in that and it's been a big inequity in the law.

And I've talked to a lot of people in various government agencies who think automatically that this is the responsibility of a licensed plumber, when, in fact, it is not under the current law. And that's what we're asking you to do, is to make this the responsibility within Suffolk County that anybody who tests and touched these very critical devices is under the auspices of a plumber so that the emergencies can be taken care of.

CHAIRMAN COOPER:

Thank you, Ken. All right. Our last speaker is Cheryl Felice. Cheryl.

MS. FELICE:

Thank you, Legislator Cooper. I can assure you, the backflow in the ladies room is working adequately.

*(*Laughter*)*

I apologize, I wasn't here when you --

LEG. CILMI:

How do you know?

MS. FELICE:

Thank you very much for allowing AME the opportunity to speak before you today. The AME negotiating team, most of which are represented here today, came up with a compromise with the Suffolk County Executive's Office, and, in reaching that compromise, has accepted a four-year wage increase -- a four-year contract that includes a two-year wage increase and two years of zeros. One of those zeros is in the very same year that lag payroll was agreed to in 2009. We were laboring and negotiating for two-and-a-half years and believe this is a compromise measure that serves both our membership and the taxpayers well, and we encourage your full support here today. Thank you very much.

CHAIRMAN COOPER:

Thank you, Cheryl. We have one question.

MS. FELICE:

A question?

LEG. EDDINGTON:

Actually, it's more of a comment. I was going to say, didn't I see this presentation on T.V.?

MS. FELICE:

You may have seen it on T.V.

LEG. EDDINGTON:

You made a great point and you did again today. Thank you.

MS. FELICE:

Thank you very much.

CHAIRMAN COOPER:

And you look marvelous, Cheryl, I must say.

MS. FELICE:

Thank you very much. On behalf of our members, so your support is being asked on behalf of them. Thank you very much.

CHAIRMAN COOPER:

Thank you, Cheryl. Is there anyone else in the auditorium that would like to address the committee? There being none, we'll close the public portion and we can move on to the agenda.

TABLED RESOLUTIONS

First up, tabled resolutions. *I.R. 1222 - Adopting a Local Law to sunset living wage subsidies (Cilmi).*

LEG. BROWNING:

Motion to table.

CHAIRMAN COOPER:

We have a motion to table; I'll second that. All those in favor? Opposed? I.R. 1222 is tabled. *(Vote: Tabled 5-0-0-0)*

Next, *I.R. 1255 - Designating individual agents of the Suffolk County Society for the*

Prevention of Cruelty to Animals as volunteers of the County of Suffolk for the purposes of indemnification (Cooper).

I, number one, want to acknowledge the request by the SPCA that the resolution be modified so that it will not sunset at the end of this year. But, in addition, the County Attorney, Christine Malafi, has asked to address this committee in Executive Session. What I'd like to do, however, before we break for Executive Session, is pass over this resolution, quickly address the other resos, and then we can go into executive session.

INTRODUCTORY RESOLUTIONS

I.R. 1350 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (Co. Exec).

LEG. GREGORY:

Motion to approve.

CHAIRMAN COOPER:

I'll second. All those in favor? Opposed? I.R. 1350 is approved. ***(Vote: Approved 5-0-0-0)***

LEG. GREGORY:

Renee, cosponsor.

CHAIRMAN COOPER:

I.R. 1359 - Transferring and appropriating Living age Contingency Funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Fee Subsidy (Co. Exec.) I'll make a motion to approve. Do we have a second?

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

And a second. All in favor? Opposed? I.R. 1359 is approved. ***(Vote: Approved 5-0-0-0)***

I.R. 1383 was withdrawn by the sponsor, so we'll pass over it.

I.R. 1384 - Authorizing the County Executive to execute an agreement with the Suffolk County Association of Municipal Employees Bargaining Units No. 2 and No. 6 covering the terms and conditions of employment for the period January 1, 2009 through December 31, 2012 (Co. Exec). I'll make a motion to approve.

LEG. EDDINGTON:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? 1384 is approved. ***(Vote: Approved 5-0-0-0)***

I.R. 1388 - Adopting salary plans for employees who are excluded from Bargaining Units (Co. Exec.). Once again, I'll make a motion to approve.

LEG. EDDINGTON:

Second.

LEG. COOPER:

All those in favor? Opposed? I.R. 1388 is approved. *(Vote: Approved 5-0-0-0)*

I.R. 1391 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing purposes (SCTM Nos. 0100-170.00-02.00-130.000 and 0100-170.00-02.00-131.000) (Co. Exec.).

LEG. GREGORY:

Motion.

CHAIRMAN COOPER:

Second. All those in favor? Opposed? I.R. 1391 is approved. *(Vote: Approved 5-0-0-0)*

LEG. GREGORY:

Renee, co the next two.

CHAIRMAN COOPER:

Next up, *I.R. 1392 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for Affordable Housing purposes (SCTM No. 0100-169.00-01.00-051.000) (Co. Exec.).*

LEG. GREGORY:

Motion.

CHAIRMAN COOPER:

Second. All those in favor? Opposed? I.R. 1392 is approved. *(Vote: Approved 5-0-0-0)*.
Legislator Browning would like to make a comment.

LEG. BROWNING:

Yeah. More, I -- Brenda Rosenberg just walked in and I know that we've asked how they were moving with the committee for the Living Wage Law. Would you like to give us an update? Thank you, Brenda.

MS. ROSENBERG:

Hi, Legislator Browning. Just for your information, letters have just been forwarded to the people that have been listed as appointees to the committee. They should be receiving it either -- probably today already. The Commissioner signed letters, and as soon as we receive the representatives from the Minority Leader, the Majority Leader, the County Exec, et cetera, we will schedule our first meeting.

LEG. BROWNING:

And can you send us a list of the dates that you're going to meet?

MS. ROSENBERG:

Certainly.

LEG. BROWNING:

Thank you.

MS. ROSENBERG:

You're welcome.

CHAIRMAN COOPER:

Wait. Brenda, before you leave, one other question. For the record, so how did you like Guys and Dolls?

MS. ROSENBERG:

I was disappointed.

CHAIRMAN COOPER:

You were? Oh, we don't want to put that on the record. Strike that.

MS. ROSENBERG:

Don't put that on the record.

CHAIRMAN COOPER:

I loved it.

MS. ROSENBERG:

The Engeman Theater is a great theater, I love it. We have a subscription to it. They have wonderful plays. That play was a little slow.

CHAIRMAN COOPER:

Well --

MS. ROSENBERG:

My son -- when my son was in it in high school, it was much better.

CHAIRMAN COOPER:

Well, next month it's Hair Spray, so, hopefully, I'll see you there.

MS. ROSENBERG:

That will be great, you will.

CHAIRMAN COOPER:

Okay.

MS. ROSENBERG:

Take care, Jon. Thank you.

CHAIRMAN COOPER:

You're welcome. I'm sorry, that was all inside commentary, you didn't have to all listen to that.

LEG. BROWNING:

And Rent, Rent was fantastic.

CHAIRMAN COOPER:

And Rent was amazing, yeah.

LEG. BROWNING:

Yes.

CHAIRMAN COOPER:

And Cabaret, I cried at the end of Cabaret, but I digress. So I'd like to make a motion to go into Executive Session. Do we have a second?

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? Okay, we're going to break for Executive Session with the County Attorney and then we will come back. So, everyone, out of here.

MR. NOLAN:

No, we'll go in the back room.

CHAIRMAN COOPER:

Oh, you can all stay, we're going to go. So you relax and enjoy and we'll be back.

*(*EXECUTIVE SESSION WAS HELD FROM 1:55 P.M. TO 2:25 P.M. *)*

CHAIRMAN COOPER:

I thank everyone for your patience. I'd like to make a motion to reconvene the meeting of the Labor, Housing and Consumer Protection Committee.

LEG. CILMI:

Second.

CHAIRMAN COOPER:

I have a second. All those in favor? Opposed? Okay, we're back.

I am going to, for a couple of reasons, number one, considering the request by the SPCA that I.R. 1255 be modified so that it won't sunset, coupled with information that we -- has been brought to my attention expressing some concerns or complications regarding this resolution, and it has become very complicated. I'm going to try to sort this out over the next couple of weeks. And I'd like to make a motion to table I.R. 1255 for possible amendment.

LEG. EDDINGTON:

Second.

CHAIRMAN COOPER:

We have a motion to table. All those in favor? Opposed? I.R. 1255 is tabled. *(Vote: Tabled 5-0-0-0)*

Would anyone else like to address this committee? There being none, I make a motion to adjourn.

LEG. EDDINGTON:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? This meeting is adjourned. Thank you. Have a good afternoon.

*(*THE MEETING WAS ADJOURNED AT 2:27 P.M. *)*