

LABOR, HOUSING & CONSUMER PROTECTION COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

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 November 17, 2011.

MEMBERS PRESENT:

Leg. Jon Cooper, Chairman
Leg. Kate M. Browning, Vice Chair
Leg. Thomas Cilmi (not present)
Leg. Jack Eddington (not present)
Leg. DuWayne Gregory

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Tim Laube, Clerk of the Legislature
Jill Rosen-Nikoloff, Director of Affordable Housing
Paul Perillie, Aide to Majority Leader
Richard Meyer, AME
Nancy Armstrong, Aide to Leg. Cooper
Jason Richberg, Aide to Leg. Gregory
Gary A. Wunsch
Jill Moss, Budget Review Office
Joe Muncey, Budget Review Office
Laura Halloran, Budget Review Office
George Nolan, Counsel to the Legislature
Eric A. Kopp, County Executive's Office
Ed Hennessy, Aide to County Executive
Brendan Chamberlain, County Executive's Office
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 2:10 PM

CHAIRMAN COOPER:

Good afternoon everybody. I'd like to welcome you to the November 17th meeting of the Labor, Housing and Consumer Protection Committee. Legislator Browning, if you could please lead us in the Pledge.

SALUTATION

Thank you very much and welcome. Before we get to the agenda, we have one speaker. Gary, why don't you, if you could please, come forward. Just identify yourself for the record.

PUBLIC PORTION

MR. WUNSCH:

All right. I was here about a month ago and I spoke before the Legislators and I had spoken with Legislator Cooper and his staff; very helpful. I'm a backflow -- certified backflow tester in New York State. Because of resolution 1465 I'm in danger of losing my business. My son's employed by me. I brought all this up earlier.

The problem is part of the legislation that was -- the resolution that was passed says that the backflow tester has to be -- has to work for a Master Plumber. And that Master Plumber has to be a certified tester, both of which I disagree with. The plumbers union obviously lobbied and they said that it was a safety issue and they brought it before legislators. And obviously they did their due diligence, safety issues should be addressed and rightfully so. But I think they misrepresented the truth. I know they misrepresented the truth.

They're saying that by operating a backflow device, you're putting the public at danger. And you're really not. Actually I will show and tell because I know I have a three minute leash here so I'm going to do it really quick. I brought two backflow devices. And basically in the backflow device the only thing I do is turn the valve off. The valves are ten times stronger than the valve that you in your sink in your kitchen. And I'm just going to have to pause here for a second.

This is a backflow device in line with the water, it's plumbed into your building. And part of the test is, the tester walks over, makes sure no one's using the water, flushing the bathroom, and they turn the valve off like this (indicating). All right? That was the danger to the public. We turned off a valve that's ten times stronger than any valve you have in your house. Probably stronger than that. Then we proceed to do a test to make sure it operates correctly. Then we turn the valve back on. You don't need a Master Plumber to do that. You have to be a certified tester.

My credentials exceed any Master Plumber. I was a station engineer, New York State High Pressure Boiler Operator. I was a nuclear electrician at the Shoreham Nuclear Power Plant. I was a facilities foreman in charge of 40 people that did plumbing, air conditioning. My qualifications are extensive. I gave them to Legislator Cooper's office.

Why do I have to be a Master Plumber? I cannot become a Master Plumber in seven months. It takes seven years. My son works for me. He bought a house. He bought a car. He's employed only by me. For me to turn this over to a plumber doesn't make sense. I am in agreement right now with a Master Plumber. I have an employment contract where I'm employed by him technically. I bill the customers and that's how I'm paid. He repairs the customers that are -- if they want him, and if any emergency comes up, he's on 24-hour call, him and his staff. And any Master Plumber whose -- any sort of certified plumber who says that they're certified -- excuse

me -- certified plumbers will not be doing the tests. They will send out an apprentice, just like anyone would do. A new employer would go out and start doing testing. They are not in the field when they turn this valve off. I'm in the field. I can see that a kid 21, 22, 23, 24-year-old kid doing this job for a Master Plumber. A Master Plumber will not be out there. And misrepresenting the truth. Their company will be hiring and paying this person with a W-2 instead of having a contract -- abiding contract. I think I spoke too much. I think everybody -- did I?

CHAIRMAN COOPER:

Not at all.

MR. WUNSCH:

One other device I guess I -- there's one other device that's larger. Can I just show you the other device? I won't speak.

CHAIRMAN COOPER:

No, go ahead.

MR. WUNSCH:

This is the larger device. They come much larger than this. And, again, they all have the same type of valves. No danger to the public. But again you're dealing with water. And if we ever did have a problem, you call the plumber and say, "listen the valve won't open, you have to fix it." And we give them the option of using their own plumber or our plumber. We just don't -- we don't have a monitoring system of failed devices like the plumbers do. I'm asking for your help. I only have three months left and then I have to -- I'll be getting fined. And I have a contract with Suffolk County Water Authority that runs to the end of August. I need help.

CHAIRMAN COOPER:

Mr. Wunsch, first of all, I think it was just brought to our attention that you have an employment agreement with a Master Plumber. And I honestly don't know whether that would be sufficient for you to comply with the law. What I would suggest, if you haven't done so already, is to bring this to the attention of the Department of Consumer Affairs because they have responsibility for enforcing the law. And I would defer to them.

You also may be aware that your contract with the Suffolk County Water Authority is not covered by this law. There's an exemption. So if you have a contract with the Water Authority, and reading section four, requirements, as the resolution was drafted, certified backflow prevention testers employed by a public water supplier in Suffolk County are exempt from the license Master Plumber requirement. And, once again, I believe that if you have a contract with the Suffolk County Water Authority, that may be a different matter. Once again, I would suggest that you reach out to Department of Consumer Affairs and get their input.

If, however, after you -- and I don't want to rehash this whole issue because, as you know, it was debated before this body for several months and there were a number of folks that testified in opposition to your point of view, but there were some that agreed with you and -- but this legislative body ultimately voted and the legislation was enacted. So if after you reach out to Consumer Affairs, if they say that either your employment agreement is not sufficient and that would not allow you to continue in operation, or if I'm incorrect in my belief that you may be able to continue a relationship with the Suffolk County Water Authority, then the only option would be to change the law.

My gut feeling is that there's a clear enough consensus among the current members of the Legislature that that effort may not be successful. And since we're only a few weeks away from a new Legislature coming into office, you may want to wait until January to make your case. There'll be some fresh faces here and maybe we can renew this discussion.

But certainly in the interim I would suggest that you reach out to the Department of Consumer Affairs. And if you have any additional questions that arise after you do speak with them, feel free to call my office again. We've tried to be as helpful as we could, as forthcoming as possible. But right now the law is the law. And the only new development as far as I can see is the employment agreement. And, again, I don't know whether that would be sufficient to allow you to comply with current law. And, again, I would defer to Department of Consumer Affairs.

MR. WUNSCH:

Okay. I actually did contact Consumer Affairs. And they said that my contract with the Suffolk County Water Authority does not constitute an employment agreement with them.

CHAIRMAN COOPER:

Okay.

MR. WUNSCH:

I'm not an employee of Suffolk County Water Authority. I'm a contractor so that --

CHAIRMAN COOPER:

How about your employment agreement with the Master Plumber?

MR. WUNSCH:

I never presented that to them, but they said that the Master Plumber had to be a certified tester, and he is not. Now, he will go to school, but he said he's not going to go out in the field like -- none of the Master Plumbers will go out in the field and do the testing. They all send a tester out there. So he doesn't feel --

CHAIRMAN COOPER:

And what is involved with him to become a certified tester?

MR. WUNSCH:

He'll have to go to a weekly class and sit down for the test. He'll have to perform -- it's a hands-on actually performing the test in front of two instructors.

CHAIRMAN COOPER:

So that doesn't appear to be that onerous.

MR. WUNSCH:

No. It's a week in school from his time, right. And then it's a \$750 fee. And then you have to pay \$703 for gauges. And then re-qualify every three years for another fee. And then I think there's a \$50 a year new inventory fee to get this license you have to submit now and apply for another license on top of the certificate we currently hold. And he's not going to be going out in the field. So he feels and I feel what does a Master Plumber -- what does that have to do with the actual test? It's not plumbing. It's testing.

CHAIRMAN COOPER:

All right. Any questions from members? Gary, let's continue the discussion in the coming days. When I get back to the office, I'm going to speak with my Chief of Staff who's been speaking not only with you but also the Water Authority. In any case, I appreciate you coming out. We are trying to find a way to address the public health and safety concerns that were expressed by those that were pushing hard for this law to be enacted, but at the same time I don't want to have an undue burden placed on you and your son and your business.

So, I don't have an answer for you at this point. So let me re-visit this issue again. I think,

though, that if there is no way around this at the current point, I just -- I don't think -- I don't want to speak for my colleagues, but I don't think that the majority of members of the body would be willing to re-visit it at this time. But, as I said, the new Legislature will be coming on board in just a few weeks, and may be a different situation then but we'll stay in touch. I'll have my office get back in touch with you maybe tomorrow and we can continue this discussion.

MR. WUNSCH:

I appreciate that. Thank you.

CHAIRMAN COOPER:

Thank you.

All right there being no further speakers, we can move on to the agenda.

TABLED RESOLUTIONS

First up is resolution **IR 1478-2011 Adopting Local Law No. 2011, A Local Law to require occupational licensees to utilize the Social Security Number Verification Service (SSNVS) and the E-Verify System. (Co. Exec.)** We have no speakers. I'm going to make a motion to table subject to call. This bill is -- it's really redundant. We are already in the midst of a pilot program that was initiated earlier this year, and I believe that we should be getting the written results of the pilot program by the middle of 2012. So -- and the reason that the Legislature approved a pilot program was so we could analyze data both pro and con either way. So until we get to the results of the pilot program, I don't think it's appropriate for us to even think about moving on this. So once again I make a motion to table subject to call.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

We have a second. All those in favor? Opposed? **IR 1478 is tabled subject to call. (VOTE: 3-0-0-2. LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

Next is **IR 1720-2011 Adopting Local Law No. -2011, A Local Law to increase the number of residents eligible for first time homebuyer auctions in Suffolk County. (Browning)**

LEG. BROWNING:

Yeah, I make a motion to table.

CHAIRMAN COOPER:

I'll second. All those in favor? Opposed? **IR 1720 is tabled. (VOTE: 3-0-0-2. LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

Next **IR 1810-2011 Adopting Local Law No. -2011, A Local Law to address improved auction properties that remain unsold and increase affordable housing in Suffolk County. (Browning)**

LEG. BROWNING:

Motion to approve.

CHAIRMAN COOPER:

I will second that motion, but I would like to ask the sponsor to explain what this resolution would accomplish.

LEG. BROWNING:

Okay. What happens is, is that we have the 72-h program where we transfer uninhabitable homes to the local municipalities. This expands it to the habitable homes that are on the auction; have to transfer them to the local municipalities to work with the non-profits. Sometime ago we had -- Mitch Pally was here with LIBI and they have a non-profit arm, which I think most of you have seen, Veterans Day, they did the ribbon cutting for a first time home buyer. He was a returning veteran.

We currently have, I think, about three that are on the auction. They're a third time up on the auction block. They have not sold. I would like us to be able to start transferring these properties over to organizations that are doing first time home buyer programs, but specifically for our returning vets.

So that's the purpose of this, is we have to change the law first before we can do the transfer. I know that I was questioned by the nominal fee where it says basically what we do is transfer the 72-h's, it's only for a dollar. With these habitable homes, it would be where the County could get the upset price on the property.

Town of Brookhaven, I've spoken with them. They would be willing to work with us to do that. And I think it's a good program all the way around. As you know, I'm trying to prevent speculators from going to auctions and turning them into rentals. I know you've had one piece of property in your district, I remember, I can't remember the name of the street, Tower Street, wasn't it?

CHAIRMAN COOPER:

One Tower Street.

LEG. BROWNING:

Yeah, see, I remember that. But, you know, we can't continue to allow these homes go into the hands of speculators and become slum rentals. And that's what I'm trying to prevent. I'm not saying that it's going to happen all the time, but I think -- you know, I'm trying to stabilize the community that I represent, the various communities that I represent that have been taken advantage of because of the auction. I don't want to see these things continue to happen so I think this is the best thing to do is to turn these homes into the hands of first time home buyers and allow the Town of Brookhaven to continue to work with those problem rentals.

CHAIRMAN COOPER:

Well, Legislator Browning, thank you so much for that explanation. And I wanted to thank you for -- I know that you've worked for months on this issue and considered various approaches over that period of time. And I hope that this is an initiative that the majority of our colleagues can support.

So we have a motion. I believe we have a motion and a second to approve. All those in favor? Opposed? **IR 1810 is approved. (VOTE: 3-0-0-2. LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

LEG. BROWNING:

Thank you.

CHAIRMAN COOPER:

You're welcome. Moving onto **IR 1842-2011, Directing the Department of Consumer Affairs to cease implementation of a new fee structure for motor fuel facilities pending review of the proposed policies. (Kennedy)** Legislator Kennedy, the sponsor of this resolution, reached out to my office and advised that he plans to withdraw the bill and will instead be introducing a new

local law. So based on that, I am going to make a motion to table.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1842 is tabled. (VOTE: 3-0-0-2. LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

Next is **IR 1850-2011, Authorizing the sale of County-owned real property pursuant to Section 72-H of the General Municipal Law to the Town of Southampton for Affordable Housing Purposes (SCTM No. 0900-139.00-02.00-033.001 and 003.002).** (Co. Exec.) I'll make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1850 is approved (VOTE: 3-0-0-2. LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

And last up is IR 1886 -- sorry, next to last up, **IR 1886-2011 Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Kids Place Early Childhood Day School, the Community Programs Center of Long Island, Inc. Port Jefferson, the Community Programs Center of Long Island, Inc. Ronkonkoma, Lazy Cow, Inc. Db a Kiddie Care Early Learning Center, Rainbow Chimes Inc., Brightwaters Child Care and Development Center, Inc. Db a Kiddie Academy of Brightwaters and Colonial Youth and Family Services Day Care Provides under contract with the Department of Social Services. (Co. Exec.)** Trust me, it's for all these wonderful organizations. I'll make a motion to approve.

LEG. BROWNING:

I'll second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1886 is approved. (VOTE: 3-0-0-2. LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

LEG. BROWNING:

I'd like to co-sponsor this, please, Tim, 1850.

CHAIRMAN COOPER:

So noted.

Now last up **IR 1896-2011 --**

LEG. BROWNING:

Sorry, 1886. I'm sorry, 1886 co-sponsor.

CHAIRMAN COOPER:

IR 1896, Adopting Local Law No. --2011, A Local Law to clarify the regulation of secondhand dealers and precious metals dealers in the County of Suffolk. (Romaine) This has to be tabled for a public hearing so I make a motion to table.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1896 is tabled for public hearing. (VOTE: 3-0-0-2
LEGISLATORS CILMI AND EDDINGTON NOT PRESENT)**

There being no one in the auditorium wishing to address this Committee, this meetings is adjourned.
Thank you.

**THE MEETING CONCLUDED AT 1:31 PM
{ } DENOTES SPELLED PHONETICALLY**