

Judge blocks Oyster Bay's apprenticeship program requirements

The injunction comes after the town was sued over a law requiring contractors on large private projects to follow apprenticeship rules.



80 West Grumman Road on Monday, Feb. 12, 2018, in Bethpage. Photo Credit: Howard Schnapp

By **Ted Phillips** ted.phillips@newsday.com [@tedephillips](#)

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A federal judge has stopped Oyster Bay from enforcing a law that forces contractors on large projects to meet new apprenticeship program requirements.

U.S. District Judge Denis R. Hurley in Central Islip issued a preliminary injunction against the town on Feb. 7 that it cannot enforce an amendment to a law adopted by the town board on Sept. 12 on any contract in which the town is not a direct or indirect party.

Ronkonkoma-based Hartcorn Plumbing and Heating Inc. last month sued Oyster Bay in federal court after the town ordered the company off a project at 80 West Grumman Rd. in Bethpage, according to its complaint.

“The law is unconstitutional, absolutely as to private work and needs to be rewritten for public work,” Hartcorn’s attorney, Jonathan D. Farrell, Meltzer Lippe Goldstein & Breitstone LLP said in an interview.

The amended code applied to permits for large projects — at least 100,000 square feet — and required the contractor or subcontractor to participate in a government-approved apprenticeship program that has graduated at least one apprentice within the previous 24 months and currently has an apprentice in its program.

Hartcorn’s project was to install plumbing for a future food warehouse for Amazon.com, Farrell said.

At the Sept. 12 town board meeting, Michael Price, a representative of the Northeast Regional Council of Carpenters, praised the new code in a transcript of the meeting: “This resolution will ensure that only contractors with legitimate apprenticeship programs . . . will be allowed to work in the town.”

Hartcorn’s lawyers argued that while they participate in an apprenticeship program, only members of the Building and Construction Trades Council of Nassau & Suffolk Counties could meet the town’s new apprenticeship requirements.

“This was a narrowly drafted statute to benefit a select group of unionized contractors to the harm of other unionized contractors,” Farrell said. Farrell added, “The town has no business in selecting which contractors will benefit in a private market place.”

BCTC president Matthew Aracich declined to comment.

Oyster Bay attorneys argued in a legal filing that there was a governmental purpose in requiring apprenticeship programs and that the federal government shouldn’t pre-empt local government in this regard.

Oyster Bay Town Attorney Joseph Nocella declined to comment.