

MACC *News*

METROPOLITAN AIR CONDITIONING
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THE VOICE OF HVACR IN NEW YORK, NEW JERSEY, CONNECTICUT AND LONG ISLAND

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JANUARY 2016

There is no General
Membership Meeting in
January. See page 6 for
information on February's
meeting.



**MACC Holiday Party
Photo Montage
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From the President...



MARC SOFFLER
Dynaire Corp.

On behalf of the board of directors, Executive Director John F. DeLillo and Deputy Executive Director John F. DeLillo Jr., I want to wish everyone a happy, healthy, and prosperous New Year.

2015 was an exciting year for MACC. We emerged as a stronger and more organized group, offering many exciting new programs and events throughout the year. We introduced a new venue for our annual golf outing, a redesigned newsletter, and the introduction of the "Workshop Program".

Being a part of this organization gives us the opportunity to get together with our peers, learn, be entertained, establish new relationships, and make more money. Our holiday party at The Chalet in Roslyn was a great success. The increased attendance at our events demonstrates that this organization is proving to be a successful networking environment.

2016 will introduce many new events. In January, we will be hosting a New York Knicks game at Madison Square Garden. February's meeting, "Passing the Torch", will be a discussion on business planning and family succession. Followed in March with our new series "Survive and Thrive", with topics presented by leaders in our industry.

This is the year. Get Involved! Attend, sponsor, and participate in our events, to help shape the future of MACC. I'm looking forward to seeing you soon, and remember to visit our web site at www.maccny.org for upcoming events.

— **Marc**



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PSEG Long Island Reminds Customers to Be Aware of Payment Scams

PSEG Long Island is urging its customers to be alert to payment scams this season. Customers should be cautious of callers who demand immediate payment via a pre-paid card, and wary of phony utility workers showing up at their door to “check a problem.”

“While we may have seen a decrease in the number of scams reported to us by our customers on Long Island and in the Rockaways, the fact that just one of our customers could be impacted by a scam is one too many,” said Dan Eichhorn, vice president, customer services, PSEG Long Island. “Protecting our customers’ personal and financial security is a priority for us and we continue to urge our customers to use caution when making payments.”

Phone scammers use scare tactics -- threatening service termination if they do not receive immediate payment with a pre-paid credit card. PSEG Long Island offers a number of payment options, and would never require a customer to use

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one specific type of payment.

Door-to-door scammers use trickery -- showing up at someone's house dressed like a utility worker and say they need to "check a problem." Often, after they gain access, they burglarize the home. PSEG Long Island customers should always ask for I.D.

When in doubt or if suspicious in any way, PSEG Long Island urges customers to call the number listed on their bill: 1-800-490-0025 and report scamming activity to their local police department.

PSEG Long Island is working with local and national law enforcement to investigate the matter and is also reaching out to its contacts at local community service agencies asking them to spread the word to their clients. •

ACCA Launches Qtech: Online Program to Help Contractors Train, Reward Quality Technicians

ACCA has launched Qtech, a new series of affordable online certificate programs for technicians.

Through Qtech, contractors can offer their employees on-demand training in quality HVACR installation, maintenance, home performance, and other areas. Technicians that successfully complete Qtech programs will be awarded certificate designations allowing them to differentiate themselves in the field. In addition, the courses are approved for CEU hours from a wide variety of organizations.

"ACCA knows that contractors and their teams are looking for easily accessible training, so that they can improve their skills and better serve their customers," said Paul T. Stalknecht, ACCA president and CEO. "It has been proven that when contractors follow ACCA's quality standards their customers reap the benefits of better comfort and lower energy bills. And the contractors themselves reap the benefits of higher profit margins resulting from fewer callbacks. The Qtech program helps contractors train their technicians, and identify and reward those technicians who excel at quality field service."

The first Qtech certificate program, Technician Field Practices for Quality Installation, consists of over six hours

of video training in ANSI/ACCA 5 QI-2015 HVAC Quality Installation Specification (QI Standard). It is broken into convenient 5 - 15 minute segments that technicians can work into their busy schedules.

The video series provides a broad perspective on available HVAC measurement tools and includes instructions on measuring methods cited in the QI Standard. Numerous examples and illustrations address various types of testing and diagnostic tools, procedures, and documentation requirements.

A skilled technician, with the appropriate tools, should be able to perform verifiable and repeatable HVAC measurements with confidence after watching the videos. A copy of the Technician's Guide & Workbook for Quality installations (a \$90 value) is included with the program.

Those who watch all of the videos qualify to take a 50 question exam online. Upon passing the exam, students will receive a certificate and are eligible for continuing education units (CEUs) from the following organizations: NATE; BPI; RESNET; RSES; and HVAC Excellence.

The second Qtech certificate program, Home Evaluations and Performance Improvement, consists of six and half hours of video training that covers the ANSI/ACCA 12 QH-2014 Home Evaluations and Performance Improvement (QH Standard). It is also broken into convenient 5 - 15 minute segments.

The video series provides details on the required procedures in the QH Standard. Numerous examples and illustrations address various types of testing and diagnostic tools, procedures, practices, and documentation requirements. A copy of the QH Technician's Guide & Workbook (a \$90 value) is included with the program.

Upon passing this program's final exam, students will receive a certificate and are eligible for CEUs from the following organizations: NATE; BPI; RESNET; RSES; and HVAC Excellence.

Contractors and their technicians can sign up for these two new programs at www.acca.org/qtech. Each course costs \$139 (\$99 for members). To receive the CEUs, students must contact the individual organizations and provide them with a copy of their certificate.

For assistance with registration and managing the online classes, contact training@acca.org or 888-290-2220. For questions about Qtech course material, contact Donald Prather at donald.prather@acca.org. •

Editor's Notes

by Anthony N. Carbone

This is an exciting year to be involved with MACC as we are renaming and revamping our networking industry group. The events and the programs will be geared to attract more people, contractors, and associates who we want to join our organization. We have the New York Knicks event this January, which was newly added and is sold out!!!

As of this issue, the December weather was extraordinary as we hit record highs in temperatures for this time of the year. Being that the last two winters were brutal to us, many are hoping to escape the subzero temperatures.... thanks, in part, to El Nino.

We are seeking ideas of interest from the general membership. Mark Soffler and the Board of Directors are formulating new thoughts and a new direction, as you will see. 2016, hopefully, will continue the trajectory of an upswing economy.

As the editor of MACC News and a board member, I wish you a happy, healthy, and prosperous New Year!

— **Anthony N. Carbone**

There will be no General Membership meeting in January!

Coming in February! "Passing the Torch", the topic for our February 11th general membership meeting will be a discussion on business planning and family succession. There a lot of good reasons for every savvy business owner to attend this session. Please let us know you are coming.

Register online at www.maccny.org

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Statement From Stuart S. Zisholtz, Esq.

Satisfaction Of Lien and a General Release

Many times when a Mechanic's Lien is filed by a subcontractor or supplier, the lienor receives a telephone call directly from the owner seeking to resolve the lien and pay a portion of the amount due.

In these situations, a Satisfaction of Lien is prepared and releases are exchanged. The question becomes whether the lienor can pursue a claim against the general contractor for the difference remaining outstanding.

The releases executed at the time of payment should specifically carve out language that the release is not intended to include the general contractor. Any ambiguity in the releases could be construed against the lienor and result in a favorable ruling for the general contractor.

In a similar situation, but with different results, if the general contractor pays a portion of the claim and obtains a Satisfaction of Lien and a general release, the subcontractor cannot pursue a claim directly against the owner. The lienor does not have a direct contract with the owner and loses his claim against the owner once the Satisfaction of Lien is filed. Without a Mechanic's Lien, the owner is absolved from any future liability to the subcontractor.

It is essential, therefore, that you review the paperwork and understand the ramifications associated with providing the owner or a general contractor with a Satisfaction of Lien and a general release. You may be losing your ability to collect additional funds that are legitimately due you.

NEVER LET YOUR LIEN TIME RUN OUT!!!

For a free copy of a pamphlet pertaining to Mechanic's Liens and payment bond claims, kindly contact me or the Association. •



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Commercial Refrigeration Systems Maintenance Standard Recognized by ANSI

ACCA's Educational Institute Standards Task Team announced that the American National Standards Institute (ANSI) has recognized the new ANSI/ACCA 14 QMref - 2015 (Quality Maintenance of Commercial Refrigeration Systems) Standard.

The ACCA QMref Standard is released by ACCA as the first, and only, industry-developed nationally-recognized standard that establishes a minimum maintenance program for the assessment and maintenance of commercial refrigeration equipment found in supermarkets, convenience stores, food service, and warehouses operating with saturated suction temperatures between -40F and +40F.

The Standard includes checklists tasks for inspecting, testing, and measuring the mechanical, electrical, and controls systems of 14 types of commercial refrigeration systems. The checklists also provide recommended corrective actions to remedy identified faults, and have an associated frequency for each inspection task. Download free at www.acca.org/quality. *

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EPA Won't Increase Geothermal Efficiency Levels for Energy Star Rating

Good news for the U.S. geothermal heat pump industry. The Geothermal Exchange Organization (GEO) announced recently it has learned that the U.S. Environmental Protection Agency (EPA) will not be increasing the efficiency standards for geothermal heat pumps (GHPs) listed in the Energy Star Program.



Over the past several months GEO President and CEO Doug Dougherty has participated in several discussions with EPA staff regarding their triennial review of Energy Star products, which this year included GHPs. GEO's position is that the standards should not increase, with Dougherty presenting several reasons why EPA should not do so in 2015.

"I basically stuck to the point that GHPs are the most efficient way to satisfy the thermal loads of homes and we are the most expensive," said Dougherty. "We still have less than 2% of residential market share, and our biggest barrier to adoption

is high upfront cost. EPA shouldn't raise this barrier for only incremental gains in efficiency when we already significantly outperform our nearest competition."

EPA agreed and will reach out to GEO in about 30 months to revisit the issue. •

Contractor Comfort Index 75 in November; Up 1 from 2014

The November Contractor Comfort Index (CCI) shows that contractors are continuing to feel optimistic about short-term growth with one month left of 2015. For November 2015, the CCI is 75. The CCI also shows that contractors are feeling about the same about short-term growth than they were 12 months earlier when the CCI was 74.

The CCI is calculated based on a survey of the association's contractor members, who are asked how positive they feel about new business prospects, existing business activity, and expected staffing decisions in the short-term future. Weighted and averaged into one number, a CCI of 50 or above reflects anticipated growth. •



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Strong Public Approval For Government Efforts To Improve Workplace Safety

A recent poll conducted by the Pew Research Center found that more than three-quarters of the public thinks the federal government is doing a good job of setting fair and safe workplace standards. In contrast, the poll also found that overall trust in the government and political leaders are near historic lows.

Despite the public's professed cynicism for government programs in general, many voiced strong support in specific areas, with setting safe standards for workplaces the 2nd highest rated. And the support was bipartisan: According to the Pew report, "Large majorities of both Democrats and Republicans say [the government] does a good job of responding to natural disasters (82% and 78%, respectively) and setting fair and safe standards for workplaces (79% and 77%, respectively)."

The poll results were based on more than 6,000 interviews conducted between August 27 and October 4, 2015. •

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Loads Are Getting Lower

The “lower loads” trend is another incentive for HVAC contractors to get into the home performance market.

By Robert P. Mader

Congratulations to the Stevens Institute of Technology! Its SU-RE House was designed to resist a storm the size of Hurricane Sandy that devastated New Jersey coastal areas in 2012.

A couple events that I attended recently brought home to me that HVAC contractors will need to get comfortable with selecting and installing low-capacity heating and cooling equipment.

The first was the Solar Decathlon, the biennial event where teams of college students compete to design, build and operate the most cost-effective, energy-efficient and attractive solar-powered houses.

The overall winner was Stevens Institute of Technology with its SU-RE House, which was designed to

resist a storm the size of Hurricane Sandy that devastated New Jersey coastal areas in 2012.

“Contractors will have to get used to designing systems for low-load houses. The trend is another incentive for HVAC contractors to get into the home performance market.

Contractors will have to get used to designing systems for low-load houses. The trend is another incentive for HVAC contractors to get into the home performance market.

The house, like many of the others entered, was built like a refrigerator. With dense insulation, air sealing and high-performance windows, the Stevens Institute of Technology SU-RE House actually exceeds Passive House construction standards. The house uses a Daikin ductless mini-split but you don’t need a whole lot of heating and cooling capacity for a structure like that.

My Decathlon favorites were the ones that contained more mechanical equipment than just a ductless mini-split. More on those later.

The NexusHaus, by the team from the University of Texas at Austin.

The second event was the recent Greenbuild Show in Washington. Both Whirlpool and Kohler were talking about a joint venture they started about six months ago, called the ReNEWW House near the Purdue University campus. ReNEWW stands for, “Retrofitted Net-Zero Energy, Water and Waste.” More than a dozen other partners are involved, including Nest Labs and Honeywell. The house, now occupied by Purdue grad students, is being used as a living lab to see what can be attained in energy and water conservation. The first thing they did was retrofit the house to Net Zero standards. This is a 1927 house that’s now Net Zero. The implications are that you may have to size equipment for a heat gain or loss of 10 Btuh/square foot even in an older existing house.

Back to the Solar Decathlon. The University at Buffalo, The State University of New York, took second

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place with its GRoW House that's designed as part greenhouse, part solarium. I guess that's the "sunny" way of looking at winters in Buffalo. This was one of my favorites because it contains a Trane 20 SEER four-zone variable-air-volume air-to-air heat pump system that ensures maximum energy savings by only conditioning and distributing air on an as-needed basis to individual spaces. The house also features a smart monitoring system that oversees temperature, humidity, and electricity use and allows the resident to access the data via an online portal.

I particularly like the NexusHaus from the University of Texas at Austin that was explained to me by Charles Upshaw, the mechanical engineer who designed the system. Because of drought in Texas, the house makes the most of rainwater recovery and reuse. But, because he had this big tank of water, Upshaw designed it to double as stratified chilled water storage that could be charged off-peak by the heat pump for air conditioning. UT, which partnered with Technische Universitaet Muenchen, took third place in the engineering competition of the Decathlon.

The Alf House — by State University of New York at Alfred College of Technology and Alfred University — had a 21 SEER Carrier heat pump in the attic along with an ERV. Heating was supplied with a 5 kW electric boiler (which sounds odd, until you consider the offset from PV solar) that fed into Watts Radiant Onyx tubing in the floor.

The Alf House, by the State University of New York at Alfred College of Technology and Alfred University.

All of these houses, regardless of the mechanical systems, were super insulated. Structural insulated panels abounded. Many of them relied solely on ductless splits, most of which were Mitsubishi or Daikin. Contractors will have to get used to designing systems for low-load houses. The trend is another incentive for HVAC contractors to get into the home performance market.

When it comes to insulation and air sealing, why let somebody else get that money? •

Robert P. Mader is Editorial Director at Contracting Business.com He can be reached at robert.mader@penton.com. Article reprinted with permission.

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Wage Recoveries and Independent Contractor Classification

Earlier this week, the governor’s office announced that New York is set to recover a record amount of back wages and benefits owed to workers. Within the first seven months of 2015, the state recovered and distributed \$18.1 million to nearly 19,000 workers whose employers failed to pay them the proper minimum wage, benefits and overtime. This was a six percent increase from where New York was in 2014 at the same time. The total last year was \$30.2 million.

Part of the increase for 2015 is due to a growing number of lawsuits that allege companies should not be classifying workers as independent contractors. The U.S. Department of Labor offered guidance earlier this week on how it interprets the tests to determine whether a worker should be classified as an employee or independent contractor.

The result? The department considers most workers to be employees under the Fair Labor Standards Act. The federal “economic realities” test is used to determine whether a worker is economically dependent on the employer (and therefore an employee) or in a business for him or herself. The following are factors within the economic realities test:

- Is the work performed an integral part of the business?

- Does the worker’s managerial skill affect his/her opportunity for profit/loss?
- What is the nature of the worker’s “investment” vs. the employer’s investment relative to the work?
- Does the work require special skill or initiative?
- Is the relationship permanent or indefinite?
- What is the nature of employer control?

The definition of employment under the FLSA is “to suffer or permit to work” and the Act’s intended expansive coverage for workers must be considered when applying the economic realities factors to determine whether a worker is an employee or an independent contractor. The factors should not be analyzed in a vacuum, and no single factor is dispositive. Instead, each factor should be considered in light of the ultimate determination of whether the worker is really in business for him or herself. It is likely that a very broad definition of employee will be used when the DOL is determining a case.

Employers generally engage the services of an independent contractor because they are cheaper for the company’s bottom line. Employers don’t have to pay for health benefits, fringe benefits, 401k, overtime or vacation. Independent contractors are not eligible for payments by the employer into the unemployment insurance fund or the workers compensation fund. The independent contractor is responsible for all the payroll taxes.

Independent contractors further have the ability to have autonomy when deciding when and how to complete work assignments, when to work and when to attend meetings.

The lines blur when a company hires someone to do work that might be considered “integral” to the core of the business i.e. that a full-time employee would nor-



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mally do. Recently, the Department of Labor together with the Internal Revenue Service have cracked down on misclassification, resulting in employers paying huge back wages and benefits in various industries in 2014. Some of the industries are construction, meat processing, landscaping and personnel services.

Based on this growing trend, companies need to be even more careful when filling a need with an Independent Contractor. If you need any assistance with regard to this or any other labor or employment matter, please contact me at abp@pmpHR.com or (516) 921-3400.

This is how you avoid litigation. We say “educate don’t litigate.” Enjoy the Labor Day weekend and drive safely. *



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Con Edison to Pilot Test Residential Methane Detectors

Technology Advances Could Be a Game Changer for Gas Safety

Con Edison plans to place methane detectors and alarms in dozens of homes next year to test the detectors' effectiveness in alerting residents to natural gas leaks.

Marc Huestis, the utility's senior vice president, Gas Operations, told members of the New York State Assembly today that methane detection technology has advanced to the point where it is ready for field testing.



"We believe natural gas alarms could help avoid tragedies and save lives by prompting action in response to an alarm versus someone relying on their nose and perhaps wondering if it's gas they smell," Huestis said. "But we emphasize that with or without an alarm, anyone who suspects they smell gas should act immediately."

Huestis said that if the field testing is successful, the utility will advocate for laws requiring the detectors and alarms in homes and multi-unit residential buildings in the same way carbon monoxide and smoke detectors are required now.

Con Edison last year began an aggressive public outreach campaign called "Smell Gas, Act Fast" to urge people to immediately leave the area and call 911 or their utility if they suspect they may smell gas. The campaign, which has included ads in print, online, on the radio and in subways, emphasizes that anyone who suspects a gas odor should not assume that someone else will call.

While "Smell Gas, Act Fast" has contributed to a sharp increase in the number of gas leak calls, the sounding of an alarm would signal that a person should call for help without hesitating to determine whether the odor is actually gas.

Huestis updated Assembly members on measures Con Edison is taking to ensure the safe, reliable operation of its gas delivery system. He said the utility has increased surveys of its distribution mains from once a year to once a month and is on pace to exceed its goal of replacing an average of 65 miles of main annually from 2014 to 2016.

The company has also enhanced its coordination with the New York City and Westchester County fire departments when it comes to responding to gas leak calls. •



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HOLIDAY PARTY PHOTO GALLERY

On Thursday, December 3rd, MACC held our Annual Holiday Party at the Chalet Restaurant & Lounge in Roslyn, There were 75 attendees who enjoyed drinks, hors d'oeuvres, dinner and desert all in a festive atmosphere. Networking with peers abounded. U.S. Marines were on hand to accept members' Toys for Tots donations, a highlight of our holiday celebration for many years. Thanks to all who contributed and participated.





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