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Air Conditioning Contractors of America

Greater New York Chapter
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Greater New York Contractors' NEWS



www.accany.org

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

NOVEMBER 2013

President's Message



Al Trudil

Well, the weather is changing... fall here we come. This year is supposed to be a cold one; we should take this time to prepare for what should be ahead.

Our meeting this month was very informative thanks to Mike Callahan from Rathe Associates. We found out NYC is no longer allowing the use of PVC for the high efficiency units, he showed us the product that would replace it. We also discussed the new variable speed pumps and outdoor reset controls. We all came away with some good information.

Turn to President's Message on page 3

Thursday, November 7th, 2013

Affordable Care Act

Beth Fagin, an employment attorney with Alan B. Pearl & Associates, will help decipher many of the confusing details and obligations of employers under this Act.

AND LG's New Indoor VRF Heat Pump

George Geannakakos from LG will offer a presentation on his company's exciting new Indoor VRF Heat Pump.

SEE DETAILS ON PAGE 7

Westbury Manor

Cocktails at 5:30 pm; Dinner at 6:30 pm

Register Online at www.accany.org



Holiday Party December 12th

see page 9

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PRESIDENT'S MESSAGE

Continued from page 1

Next month, Beth Fagin from Alan Pearl and Associates will be at our meeting to discuss The Affordable Care Act and what it means to us. L.G. will also be there. Our meeting will be November 7th at Westbury Manor. Hope to see you all there.

Just as a note of interest, a contractor informed me that OSHA had showed up at several of their job sites recently to look for the 10 hr. safety card for each person on the job. So make sure your people have that card.

— Al Trudil

ACCA Directors at Work at a Recent Board Meeting



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technical advice. Accordingly, the Association cannot warrant the accuracy of the information contained in this newsletter and disclaims any and all liability which may result from publication of or reliance on the information provided herein. If legal advice or other expert assistance or advice is required, the services of a competent, professional person should be sought.

Editor's Notes

by Anthony N. Carbone

Big snow storms out west in October created chaos and power outages and Hurricane Karen was stirring up in the South. These storms were bringing back memories of Sandy up here in the North East.

Some clients are getting ready by replacing their heating equipment to ensure no chance of breakdown during the winter weather. A brief tornado watch was in effect for Tuesday, October 8th and parts of New Jersey were hit with high speed winds leaving chaos behind. Trees and power lines were reported destroyed. It is evident a change in weather pattern has occurred in the North East. Our part of the country has never seen hurricanes and tornado type storms touch down with such veracity. Be ready is the name of the game!

October's program, provided by Rathe Associates' Mike Callahan was excellent. Mike methodically explained the changes in venting that will be required in the near future bringing about the end of PVC venting of high efficiency heating equipment. His in depth knowledge of the change over to polypropylene venting kits was well presented to our organization.

Don't miss out on the next meeting in November. We look forward to seeing everyone at our Holiday Cocktail Party at the Chalet in Roslyn, NY. — *Anthony N. Carbone*



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LG Brings New Indoor VRF Heat Pump to the US Market, Filling a Void for Urban HVAC Design

By John Ottaviano, Air Ideal

For some time now I have been advocating for an indoor single phase VRF (variable refrigerant flow) split system with a horizontal discharge condensing unit for window, through the wall and/or louver applications. Even though VRF systems have the capability for long refrigerant piping runs for outdoor roof or areaway space,



New LG Multi V Space

sometimes that space is just not available to designers and contractors. Many condo or coop boards will not allow multi-dwelling building unit owners to put their equipment in common areas like roofs or courtyards. Inevitably, many are forced into using thru-the-wall condensing units in order to have central air conditioning in

their residences.

As a result, the highest efficiency alternative, VRF, is not a consideration because a through wall system was not available. Consequently, condo owners and smaller commercial tenants would have to settle for a 12 SEER thru-the-wall condensing unit instead of a 18+ SEER VRF alternative with variable speed compressor for additional partial load efficiency.

LG has answered the call for a single phase through wall option with its new Multi V Space hi-rise VRF solution. This 4.4 ton unit has a front condenser air inlet and outlet that sits flush against an exterior louver. It is designed to operate in turbulent wind conditions, which

is often the case in hi-rise buildings in urban settings like Manhattan, San Francisco or Chicago. Condenser air discharge airflow is adjustable in three directions to prevent condenser air short cycling. Service and control access is all through a single interior panel located within the space. Refrigerant piping is flexible with connections at the rear or either side. Unlike the larger commercial 3 phase units, no condenser air discharge ductwork is required indoors. An optional automatic louver can open and close with system interlock to prevent draft in off cycles. The unit is quiet with projected sound power ratings at or below 55 dB(A). At only around 19" deep, the unit footprint will mean very little floor area loss in an apartment or office.

Although the Multi V Space has been announced in the US, it is only currently available for purchase in Europe and Asia, but will be available in the US market shortly. This unit can be paired with any of LG's indoor evaporators, both ducted and ductless, just like its standard outdoor heat pump counterpart.

The flexibility of the system should open up a world of options for HVAC design and layout in multi-tenant urban environments where exterior HVAC equipment space is not an alternative. It will be interesting to see if competitors develop a similar alternative once the Multi V Space hits the market. More on this product as it becomes available. •

Note: George Geannakakos from LG will present at our November 7th membership meeting. Be there to learn about this versatile new product and ask questions.

Letters to the Editor

Please fax your comments or experiences that you would like included in our monthly newsletter. We will print it and see what others think. Email to Anthony Carbone at AC2@systematiccontrol.com.

Affordable Care Act, LG's Indoor VRF Heat Pump to be Featured at November 7th Meeting

The Affordable Care Act (ACA) enacted a comprehensive listing of health insurance reforms designed to ensure Americans have access to quality, affordable health insurance. Much of its dictates are bewildering for small businesses. We are happy to present Beth Fagin, an employment attorney with Alan B. Pearl & Associates, to help decipher many of the confusing details and obligations of employers under this Act.

Her presentation will include discussion of the Employer Mandate, the New York Health Care Exchanges, and the package of essential benefits that must be included in all health care plans. She will also discuss the Employer's role when the health plan is sponsored by a labor organization.

In addition, we are also pleased to have on hand George Geannakakos from LG to offer a presentation on his company's new Indoor VRF Heat Pump to be introduced shortly to the U.S. Market.

ACCA Director John Ottaviano of Air Ideal discusses this in his online blog. He projects that "The flexibility of the system should open up a world of options for HVAC design and layout in multi-tenant urban environments where exterior HVAC equipment space is not an alternative." John's blog is reprinted on page 6 of this issue of the ACCA newsletter.

This cutting-edge double bill is scheduled for our membership meeting on Thursday, November 7th at the Westbury Manor. Reservations should be made at the ACCA website www.accany.org.

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Warning: Reimbursement Can Cost More Than Company-Owned Fleet

By Kelly Hiner, Enterprise Fleet Management

When looking at the entire cost to own a vehicle versus reimbursing drivers at the 2013 IRS rate of 56.5 cents a mile, a company-provided vehicle can cost considerably less. Operating a fleet enables businesses greater control of the ownership-related expenses such as depreciation, interest, tax, registration fees, fuel, insurance, maintenance and repairs. Right-sizing both the vehicle and the fleet can go a long way toward decreasing the operating expense even in lower mileage applications. But unlike the vehicle's dashboard, there are no blinking lights to warn businesses that reimbursing drivers for using their own vehicles could be dangerous to the bottom line.

One reason company-provided vehicles might be more advantageous than reimbursement is the increasing availability of vehicles with smaller, more efficient engines, resulting in lower fuel spend. In a recent analysis for a mid-size sedan, instead of paying 56.5 cents a mile to reimburse a driver, the total cost of ownership for a company-owned vehicle was 44.4 cents a mile. This generated a savings of \$7,260 per vehicle

based on a savings of 12.1 cents per mile for 60,000 miles over four years. Multiplied by the number of company-provided vehicles in a fleet, the savings can be very significant.

In addition to the hard costs savings, some drivers that are reimbursed may be driving vehicles that are not very reliable and require frequent repairs that can take precious time and may not be completed by the most qualified repair facility. Reimbursing drivers whose own vehicles may be older and less reliable also can lead to lost revenue due to missed appointments when vehicles break down and are out of service.

Newer, well-maintained vehicles can present a better brand image, as well as improve driver satisfaction, retention and safety. But the most important decision is to choose the right vehicle to achieve the best balance of cost and performance. A fleet management professional can help ensure drivers are equipped with the best vehicle for their job and the business' bottom line. He or she can assist with proper vehicle and equipment selection to help drive down depreciation by managing both the acquisition and remarketing processes.

Additionally, operating costs can be minimized with a company-owned fleet with a managed maintenance program to monitor and ensure regular service checks, examine invoices for accuracy, and arrange the most economical, timely and high-quality repairs for fleet vehicles. This program also can yield maximum warranty benefits, rebates, price breaks and other opportunities to minimize expenses.

Finally, a fuel card program can automatically monitor fuel purchases and mileage for each vehicle, while giving drivers maximum access to the most convenient fueling stations. With newer, more fuel-efficient vehicles, the resulting savings can be significant.

According to a recent article in Automotive Fleet (July 9, 2013), calculating the breakeven point of a company vehicle can be complex: "Three factors that influence the breakeven point of a lease versus reimbursement analysis are residual values and net depreciation, vehicle mpg and fuel per gallon pump prices, and reimbursement rate." The article concludes that comparison calculations of company-provided vehicles versus driver reimbursement favor the company-provided option.

Kelly Hiner is Group Sales Manager for Enterprise Fleet Management in New York and can be contacted at 973-709-2499. Visit the company's web site at www.enterprisefleet.com or call toll free 1-877-23-FLEET. •



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Record Number of I-9 Audits Conducted in 2013

The U.S. Immigration and Customs Enforcement, or ICE, has been conducting record numbers of I-9 audits this year. For years the popular image of ICE involves dramatic raids of large employers employing hundreds of undocumented workers. However, ICE strategy has changed markedly under the Obama Presidency. ICE is now conducting “silent raids” on much smaller companies. Companies found in violation face serious penalties for seemingly minor violations, sometimes caused by mere clerical errors.

To demonstrate how dramatic ICE’s change in strategy has been, in 2004 just three audits were conducted nationwide. In 2012 that number had grown to 3,004, a 100,000% increase in less than a decade. While 2012 experienced the highest number of audits, it is not an outlier, it is part of a trend. In the past four years ICE has conducted over 10,000 audits, and has fined companies over \$100,000,000. Penalties for first time offenders

can be as high as \$3,200, per violation. Some factors which can lead to greater fines are whether the violation was willful, whether the violation involved unauthorized workers, and history of previous violations.

Those found guilty of knowingly violating the law face criminal penalties including jail time. Since 2008 ICE made 520 criminal arrests involving owners, managers, and HR employees.


With the risk of an audit growing, it is essential that employers limit their exposure to I-9 violations. Employers should ensure they are using the correct forms, that forms are completed before any new employee commences work, and that all employee identification documents are carefully inspected.

PMP offers a comprehensive I-9 service. We also offer a number of informative seminars and webinars. If you are interested in these services or if you have any questions about I-9 forms please give me a call.

Obamacare Is Here

As the sun rose on the morning of October 1st the nation was forever changed, not just because of the government shutdown, but because the health exchanges at the heart of the Affordable Care Act opened for business. For years sky high health insurance premiums have been keeping many employers up at night. Now, though, employers and their employees should consider additional options made available by the ACA.

One issue in particular is dependent coverage. As health care premiums have soared it is becoming impossible for some businesses to provide this coverage. More so, even where such coverage is provided it may be too costly for the employee to afford. While this may have been devastating for the employee’s family, especially where only one spouse works, under the new law individuals and their families may shop for affordable coverage on the online health exchange. Prices for low to middle level plans are expected to be about \$300-\$400 per individual



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per month for a healthy adult, affordable family plans are also offered.

While the individual mandate is scheduled to take effect on January 1, 2014, employers with 50 or more full time employees will not be required to offer insurance to their employees until 2015. For smaller businesses with less than 50 employees, the Small Business Options Program, or SHOP, was created to assist in providing a health plan. The SHOP program streamlines the process of providing insurance, and may qualify your business for substantial tax credits. The SHOP program is scheduled to open on January 1, 2014.

Take note that the deadline for providing health care notices expired on October 1st. All current employees should have already received a notice; all new employees should receive a notice within 14 days of hiring.

The health care landscape is rapidly changing; fortunately, PMP has a team of ACA experts who can address your health care questions. If you need any assistance in navigating the new healthcare landscape please give me a call.

If you need any assistance with regards to this or any other employment related matters please contact me at Abpearl@pmpHR.com or (516) 921-3400. •

Mold, Bacteria Found in Vacuum Cleaner Bag Dust

From Indoor Environment Connections

A recent study found that emissions from household vacuum cleaners often contain mold and human-derived bacteria.

Vacuum cleaners can release large concentrations of particles, both in their exhaust air and from resuspension of settled dust. However, the size, variability, and microbial diversity of these emissions are unknown, despite evidence to suggest they may contribute to allergic responses and infection transmission indoors.

The new study, which was conducted by researchers at the University of Queensland, aimed to evaluate bioaerosol emission from various vacuum cleaners. It sampled the air in an experimental flow tunnel where vacuum cleaners were run, and their airborne emissions were sampled with closed-face cassettes. Dust samples were also collected from the dust bag. Total bacteria, total archaea, Penicillium/Aspergillus, and total Clostridium cluster 1 were quantified and emission rates were calculated.

“Human skin and hair have been shown to be strong sources of bacteria in floor dust and air indoors, which can be readily resuspended and inhaled,” the researchers wrote in their report. “Our results show that although vacuum operation is typically

brief, vacuum emissions can release appreciable quantities of human-derived bacteria. Such emissions could potentially lead to inhalation of infectious or allergenic aerosols.”

Antibiotic resistance genes were detected in several samples. No archaea or C. botulinum was detected in any air samples. Diversity analyses showed that most bacteria are from human sources, in keeping with other recent studies.

“These results highlight the potential capability of vacuum cleaners to disseminate appreciable quantities of molds and human-associated bacteria indoors and their role as a source of exposure to bioaerosols,” the researchers concluded.

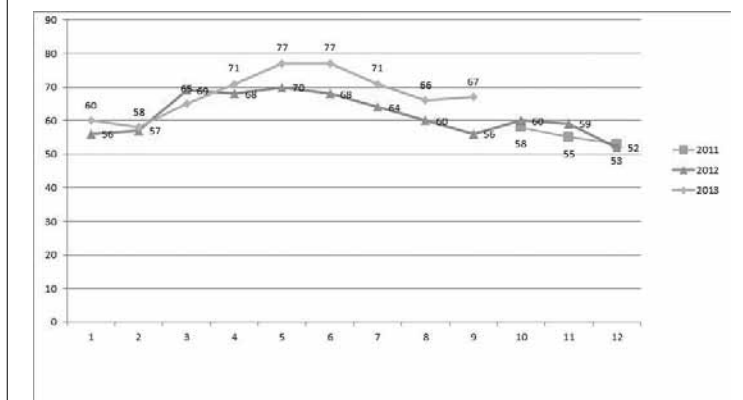
The study was published in the journal Applied and Environmental Microbiology. •

Contractors’ Positive Outlook On Short-Term Growth Continues In September

From ACCA National

The September Contractor Comfort Index (CCI) shows that contractors’ outlook on short-term growth is continuing to be positive. ACCA began measuring contractor attitudes toward short-term economic growth with the CCI in February 2010.

For September 2013, the CCI is 67. The CCI also shows that contractors are feeling more positive about growth than



they were 12 months earlier when the CCI was

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.

The CCI is released prior to the start of each month; the next index number was released during the last week of October prior to press time. •

**Statement From
Stuart S. Zisholtz, Esq.**

Subcontract Agreements

Recently, the Appellate Court rendered a decision involving a subcontract which contained a detailed dispute resolution procedure and set forth various conditions precedent for making any claims. Those condition precedent terms included a Seven-Day Notice of Claim Procedure. The subcontract provided that a subcontractor's failure to comply with the conditions precedent amounted to a complete waiver of any claim for payment that the subcontractor may have against the contractor.

In that particular case, the subcontractor filed a mechanic's lien in excess of \$1,000,000. The contractor, along with its surety company, moved to dismiss the complaint on the grounds that the subcontractor failed to comply with the conditions precedent set forth in the subcontract agreement.

The Appellate Court found that the clause which contained the condition precedent was excessive and more stringent than the statute which required a Notice of a Claim to be served. Therefore, the Appellate Court struck the stringent clauses in the subcontract which addressed the condition precedent. •

This unusual and unprecedented finding by the Appellate Court should not be relied upon by each of you on a daily basis. The subcontractor in this particular instance was fortunate to have its claim survive the dismissal by the Court. If it wasn't for a more lenient statute, the complaint would have been dismissed based on the specific agreed upon terms in the subcontract agreement. It is vital that each and every one of you review your subcontract agreements prior to execution and understand each and every term and condition contained within it. Your ability to collect for change orders, disputes, etc., could be affected by your failure to review and understand the exact terms and conditions of the subcontract agreement.

Never let your lien time run out!!

For a free copy of a pamphlet pertaining to mechanic's liens and payment bond claims, please contact me or the Association.

Stuart S. Zisholtz is a partner in the law firm of Zisholtz & Zisholtz, Mineola, New York, a general practice firm specializing in Construction Law and Mechanic's Liens. He is also a member of the Greater New York Chapter, ACCA. He can be reached at 516-741-2200. •

Check our website regularly for the latest information and updates!

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**Membership Meeting,
October 3rd**



Manufacturers' Rep Mike Callahan of Rathe Associates discussed a variety of technical products and materials with members.

Next meeting is November 7th when Affordable Care Act and LG products will be the topics.



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