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OCTOBER 2015



VRF HVAC Market In NYC Poised for Significant Growth

— See page 6

Membership Meeting, Thursday, October 1, 2015

Wayne Atkins, a Financial Consultant and Business Specialist in the HVAC Industry for over 30 years will make a special presentation. His specialties include Financial Management: P&L Statements, Pricing, Balances Sheets, Financial Ratios, Cash Flow Management, Business Plans and Budgets, Service Department Profitability & Marketing, Maintenance Agreements, Company wide Marketing Plans. Join your fellow members for an enlightening evening.

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From the President...



MARC SOFFLER
Dynaire Corp.

With the recent outbreak of legionnaire's disease, both city and state health officials of New York enacted emergency policies to control the further outbreaks of the deadly disease. These regulations require additional inspections every 90 days and immediate disinfection once a culture sample tests positive. This is just one example on how the government is playing a greater role in the way we as contractors conduct business.

Another example of government intervention, frustrating many of us, is the permitting process with the New York department of buildings and the numerous municipalities on long island. The review period for a permit can take weeks before a permit is issued. On Long Island, since there is no unified building permit, each town can enforce its own set of requirements. Many towns are now instituting a policy requiring a restricted plumber's license to conduit business. These restrictions are making it more difficult for contractors to install equipment in a timely matter. This is not only inconvenient for our customers, but often forces contractors to perform the work without permits.

It is important for contractors to unite through organizations like MACC to make sure that future policies are developed to benefit the contractor and improve the quality of service we provide for our customers.

I want to thank both Cascade and CSI for presenting information on the new guidelines concerning Legionnaire's disease. Our next meeting will be at Vivaldi Ristorante on October 1. I look forward to seeing you there and remember to visit our web site at www.maccny.org for upcoming events. — **Marc**



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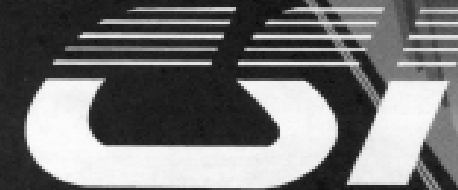
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VRF HVAC Market In NYC Poised for Significant Growth

By John Ottaviano/Air Ideal

The combination of new FEMA flood insurance requirements, aging chiller and cooling tower plants, fears of legionella contamination and illness, a surging real estate



market and increased population density are converging to create a perfect storm for VRF growth in the New York metropolitan area and beyond. Currently, we are involved in several multi-tenant VRF projects in Manhattan including two condominium projects converting from older traditional HVAC systems. The modular nature of VRF, its efficiency at part load and the ability to install long refrigerant line lengths from rooftop mounted equipment without oil return problems has made them the new system of choice for green urban design.

New FEMA regulations are providing significant

pressure to relocate mechanical rooms which have historically been relegated to basements and sub-basements. Depending upon the market value of a building and its relationship to construction alteration costs, many projects located within the 100 year flood plain may be required to relocate mechanicals. VRF uniquely provides a cost effective method of relocating heating and air conditioning utilities to available roof locations in low, mid and high rise

buildings in these area. This combined with the plethora of indoor unit applications for surface mounted, concealed, wall, floor or horizontal locations makes VRF perfectly suited for these types of installations.

The main design criteria, besides equipment location, will be refrigerant piping riser location, access availability and ventilation index requirements. VRF units have not typically been suited to applications with high latent loads and significant fresh air ventilation requirements, but with the advent of new lines of Energy Recovery Ventilators, this problem may be solved. Combining a VRF system with an ERV for fresh air intake requirements now makes them more suitable for schools, public spaces and applications where significant ventilation is required.

One concern in the design and planning of VRF systems is the criteria laid out in ASHRAE Standards 15 and 34. Standard 15 was created to provide guidance for safety concerns in large refrigeration plants using ammonia and other early refrigerants. Over time, the scope of the Standard has been expanded to cover most refrigerants and systems, but the technology and features inherent in

Editor's Notes

by Anthony N. Carbone

It seems that there is quite the interest in automobiles that can drive themselves. Who could ever imagine with all the dynamic variables, that this could ever be practical or possible?

Add other drivers and pedestrians into the equation, with the unpredictability of weather conditions; it all seems like a recipe for disaster.

AAA magazine featured an article that claimed by the year 2035, self-driving automobiles without steering wheels, gas pedals, mirrors and horns will be ready for mass production.

The opinion of 260 automobile technology professionals is that there will be significant advances in the next 20 years.

- 1) V2V/V2I = Wireless Communications among vehicles is (V2V) and between vehicles and infrastructures such as traffic lights is (V2I), which could resolve crashes and increase fuel economy.
- 2) LIDAR = Light Detection and Ranging; this is sensory technology that measures distances using lasers. The Google self-driving car uses 64 beam lasers to map surroundings in real time.
- 3) ADAS= Advanced Driver Assistance System. This is adaptive cruise control, which exists today. This would work together to automate all safety control functions.
- 4) Software = This will allow your home's WIFI to communicate with your car; as in the Tesla S model to download updates.

Wow this will really change the way we transport technicians and installers! *Door-to-Door Service!* Now that's what I call a house call!

Beware limo drivers, your days are numbered!

What are your thoughts?

Tell me at our October program meeting with speaker Wayne Atkins!

— **Anthony N. Carbone**

VRF systems have not been specifically addressed. The overall purpose of ASHRAE Standard 34 is "...to establish a simple means of referring to common refrigerants... It also establishes a uniform system for assigning reference numbers, safety classifications, and refrigerant concentration limits to refrigerants. The standard also identifies requirements to apply for designations and safety classifications for refrigerants. The refrigerant concentration limit, in air, determined in accordance with this standard and intended to reduce the risks of acute toxicity, asphyxiation and flammability hazards in normally occupied, enclosed spaces"

The concentration limit for R410A has been set at 26 lb/Mcf (thousand cubic feet). Engineers need to consider this limitation when designing and submitting plans for VRF system unit locations serving smaller occupied spaces. There are several ways that the cubic area of these spaces can be enhanced and enlarged by allowing free air return, transfer grilles and door undercuts to fall within the realms of these calculations. The standard enumerates similar concerns for the refrigerant piping locations. For a further interpretation of these standards see this Mitsubishi City-multi bulletin. •

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The Field Team Can Be The Catalyst To Spreading A Service Culture



By Aly Pinder, Jr.,
Sr. Research Analyst For Service Management,
Aberdeen Group, www.aberdeengroup.com

Does the service team drive your business? Are your field technicians doing more for your brand than ever before?

The answer to both questions should be yes if your organization hopes to drive profitability and embrace the evolution that is making customers the centerpiece of viable businesses.

Unfortunately, there are still too many organizations that have not started this transformation. As seen in *Aberdeen's Service Culture in 2015: Creating an Environment of the Customer* research (June 2015), the top reason organizations are struggling is they remain too product-focused even though the market has changed. Customers demand better service, the service business has the ability to drive revenues, and the field team adds differentiable value. All three of these areas are linked and make it imperative that organizations foster a culture of service that begins in the field but travels all the way to the back office.

The path to transforming the service organization begins with the field service team. But technicians can't do it alone. They need to be supported by an organization that values their impact and invests in the resources necessary to make them more than just a wrench turner. Technicians need to be viewed

as customer partners who solve problems. Top-performing organizations have made this leap and implemented a few best practices that should be followed:

Give technicians the tools to be superior partners with customers. Best-in-class service organizations invest heavily in technology that provides better visibility into equipment, assets, and customers. There is much debate around whether field service teams should have rugged or semirugged devices such as tablets, laptops, or smartphones or even use their own phones. I think what is important is that organizations ensure their field teams have access to data and can ultimately resolve issues the first time. Customers want resolution; they care less about how you achieve this result. Smart organizations make sure they give their field teams the tools to solve problems efficiently in order to keep customers happy! The technology gives the field team a clear and real-time view of the customers they will be interacting with, empowering them to do more than just show up on time.

Connect the field to the rest of the organization. Mobile tools provide technicians with realtime insight, helping them do their jobs more efficiently. Mobility also gives the field team the capability to capture insights and experiences and share that information with the rest of the organization. Collaboration with IT, sales, design, HR, and marketing is integral in ensuring

the organization pays more than just lip service to becoming customer-centric. The field team is in front of customers every day, and their interactions carry a ton of value for other teams. Unfortunately, too often organizations put barriers up to keep these teams from working together. Top performers bring down these walls and encourage a collaborative environment of information-sharing.

Embrace the changing relationship between the customer, the technician, and your bottom line. This isn't anything new, but customers have more buying power these days. Even for manufacturers and service providers, competition has shown up that can deliver service on equipment they didn't make, install, or design. Organizations need to look to the field team to cement relationships with customers through quality service. It isn't good enough to sell a product and demand the customer buy a service contract. The field service team, with the support of the rest of the organization, has the ability to deliver value-added services (i.e., reporting, consultation, installation, asset usage) that are difficult to replicate by the competition. But the entire organization has to work together to execute on these value-added services. The entire team needs to be service- and customer-focused in order to evolve beyond just one-time sales.

Service is no longer a function of the business; it must involve the entire organization. But in order to excel at this new organization, the field team needs to have the tools and support to connect customers, field experiences, and the rest of the business. •



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

Liquidated Damage Clause

Previously, I wrote about liquidated damages and their enforceability. Generally, a Court will not enforce a liquidated damage clause if it is deemed a penalty and not a fair calculation of damages.

In a recent decision, a General Contractor commenced an action against an Owner for nonpayment. The Owner filed a counterclaim seeking approximately \$50,000 in damages per a liquidated damage clause. The clause entitled the Owner to \$250 per day in liquidated damages until the Project was completed.

The General Contractor argued that the liquidated damage clause was a penalty and disproportionate to the actual alleged damages sustained by the Owner.

The Court stated that a liquidated damage provision is normally enforceable if the provision provides for a reasonable measure of anticipated harm and the damages

are difficult to calculate or ascertain. The Court, after reviewing the liquidated damage clause, found that the sum of \$50,000 was disproportionate to the actual losses sustained by the Owner. Nevertheless, while the Owner could not enforce the liquidated damage clause in this particular action, the Court did permit the Owner to enforce actual damages it sustained in having the work completed by other parties.

The key aspect to learn is that liquidated damages can be enforceable and should not be overlooked in your contract. Here, the liquidated damage provision was incorporated into a Rider attached to a typical AJA contract. It is vital that you fully understand and comprehend the terms and conditions set forth in the contract.

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**DOE to Withdraw
Proposed Freezer and
Cooler Rules**

The United States Court of Appeals for the Fifth Circuit granted an unopposed joint motion to vacate parts of a 2014 Department of Energy (DOE) Final Rule setting 19 energy conservation standards for walk-in coolers and freezers (WICF), including standards for panels and doors. The controversial rule was challenged by Lennox International, Inc., and the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) nearly one year ago after numerous errors in the development of the standards were discovered.

Under the terms of the settlement, DOE will withdraw six energy conservation standards: two applicable to multiplex condensing refrigeration units operating at medium and low temperatures; and four standards applicable to dedicated condensing refrigeration units operating at low temperatures. DOE will convene a

working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) to conduct a negotiated rulemaking to set new standards.

In addition, during the negotiated rulemaking DOE will consider any comments regarding any potential impacts of these six standards on installers, including its definition of WICF assemblers as manufacturers.

Thirteen other standards in the 2014 rule (four standards applicable to dedicated condensing refrigeration systems operating at medium temperature, three standards applicable to panels, and six standards applicable to doors) were not withdrawn and will remain in effect. These standards will not be enforced until January 1, 2020, as long as the negotiated rulemaking result in consensus standards for the remanded standards before January 22, 2015.

Finally, DOE will take certain steps to establish a process in which parties can petition to address errors in rulemakings in order to avoid legal challenges in the future. •



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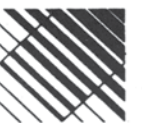
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Recent Executive Orders and Employment Regulations

On September 7, 2015 President Obama signed an executive order requiring federal contractors to provide up to seven days of paid sick leave a year. Critics say that the President is adding expensive directives onto companies that do business with the federal government without taking into account the additional costs. Further, many state that these executive orders are a way to circumvent the legislative process. In 2014 the Paycheck Fairness Act was proposed. This act would have banned "pay secrecy" policies in the workplace and prohibit retaliation against employees for disclosing their compensation information, however it didn't pass muster with Congress.

In response President Obama signed Executive Order 13665- the Non-Retaliation for Disclosure of Compensation Information, which includes the same pay secrecy prohibitions previously set forth in the proposed Paycheck Fairness Act, but its scope is far more limited in that it applies only to federal contractors. However, the President isn't the only one.

Section 7 of the National Labor Relations Act (NLRA), guarantees employees the right to engage in "concerted activities" for the purpose of "mutual aid or protection" has been interpreted to require that employers not prohibit

employees from discussing their wages, hours, and other terms and conditions of employment. Recently, on March 18, 2015, the National Labor Relations Board General Counsel issued a report which details common employer rules that would likely be deemed unlawful under Section 7. Below is a list of company rules that the NLRB found unlawful:

1. Do not discuss "customer or employee information" outside of work, including "phone numbers and addresses".
2. You must not disclose proprietary or confidential information about the Employer or other associates if the proprietary or confidential information relating to the Employer's associates was obtained in violation of law or lawful company policy.
3. Prohibiting employees from disclosing details about the Employer.
4. Do not make fun of, denigrate or defame your co-workers, customers, franchisees, suppliers, the Company or our competitors.
5. Be respectful of others and the company.
6. If you are contacted by any government agency you should contact the Law Department immediately for assistance.

Though all of the above statements seem harmless in context, the NLRB considers these to be overly broad and infringing upon an employee's Section 7 rights.

In August, the Department of Labor announced that it will be seeking public input regarding when employees

must be paid for connecting with their jobs during hours they aren't scheduled to work. The DOL will assist in making the determination of what is de minimis use of a smartphone or laptop into actual compensable work.

As with all regulatory, statutory and case precedents, companies need to be even more diligent when drafting policies and procedures. 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." •

Trane and American Standard Recall Accessory Heaters Due to Fire Hazard Hazard:



Heaters installed with reverse polarity on one of the breakers can cause the heater to overheat, posing a fire hazard.

This recall involves about 3,900 Trane and American Standard brand accessory heaters manufactured between November 2014 and March 2015 and installed in TAM7 and TAM8 air handlers as a primary or secondary heat source. Models included in the recall are BAYEVBC15BK1BAA (15 KW Electric Heater) with serial numbers 1447B2BP1X

through 1512B2CDDX and Model BAYEVCC25BK1BAA (25 KW Electric Heater) with serial numbers 1503B2AP0X through 1513B2BHXX.

Due to the electrical risk, only a certified HVAC repair person should verify the model and serial numbers on the nameplate on the inside of the air handler.

The firm has received 10 reports of the heaters tripping circuit breakers, including one report of heat-related damage to the unit. No injuries have been reported.

Consumers should immediately stop using the heater function by switching the system to cooling mode or off, and contact their Trane or American Standard independent dealer to schedule an inspection and replacement. The system's air conditioning or cooling function may still be used. Trane is contacting its customers directly.

The heaters were sold at Trane and American Standard independent dealers nationwide from January 2015 to April 2015 for about \$120.

— Consumer Products Safety Commission *



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<http://www.newbridgecoverage.com>

FILTERSCAN WiFi Monitor Alerts via Text & Email When HVAC Filter Needs Changing

A new FILTERSCAN WiFi Air Filter Monitor and Notification System from CleanAlert helps homeowners create more efficient, healthy homes by sending text and e-mail alerts* to a Smartphone, tablet, or personal computer when a central HVAC system (heating or air conditioning) filter needs servicing. Measuring 6 inches x 4-5/8 inches x 1-1/2 inches, the monitor is easy to install and operate, functions with a wide variety of air filters, and is compatible with most residential HVAC systems.

Using patented technology to actively measure an HVAC filter Wireless FILTERSCAN monitor alerts when HVAC filter needs changing remaining life, the \$100 WiFi unit takes the guesswork out of the important household chore of changing air filters. A clean filter prevents any slippage in HVAC system performance and efficiency, enabling homeowners to gain up to \$200 in annual energy savings.

As an air filter becomes clogged with dirt, dust, pet dander and other particles, the HVAC system will all too 'efficiently' recirculate these pollutants into every corner of the home. By installing a FILTERSCAN WiFi Air Filter Monitor, homeowners will enjoy cleaner air, while maintaining system efficiency.

For more information visit www.cleanalert.com.

JOHN F. DELILLO *Certified Public Accountant*

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IDEAS WANTED!

OUR MEMBERSHIP MEETINGS ARE AN IMPORTANT PART OF THE SERVICE OUR MACC ORGANIZATION PROVIDES FOR ITS MEMBERS. WE HAVE IMPORTANT, INTERESTING SPEAKERS, ROUNDTABLE DISCUSSIONS, TECHNICAL PRESENTATIONS AND MUCH MORE.

IF YOU HAVE AN IDEA FOR A TOPIC OR SPEAKER FOR OUR MEMBERSHIP MEETINGS, PLEASE VISIT OUR WEBSITE AT WWW.MACCNY.ORG OR CALL 516-922-6832.



PRODUCT NEWS

Cable Cutter From Ideal Industries



The Big Kahuna power blade from Ideal Industries Inc. is a professional tool engineered for demanding usage. Its steel blades are hardened through a proprietary heat-treating method for strength and durability. Although replaceable, the blades are designed to last for thousands of cuts on 1250 MCM aluminum or copper cables, leaving a clean cut. Maintenance is as simple as lubricating the blades with light cutting oil, officials say. The gearbox is sealed and lubricated, so it will not require maintenance for the life of the tool, the company added.

Ideal Industries Inc.
www.idealindustries.com

WaterFurnace's New Web-Enabled Platform For Their Heat Pumps

WaterFurnace International Inc. has introduced Symphony, a Web-enabled home comfort platform designed for WaterFurnace's 3-, 5- and 7-series geothermal heat pumps. The system is cloud-based, so there's no software to install and provides control over the entire green HVAC system. The personalized dashboard provides quick access to system settings, operational status and history, alert history, energy usage, zone temperatures and local weather. The platform also allows homeowners to track their system's energy use over the prior 13 months, including detail on equipment staging, heating time, cooling time and fan use. Symphony can provide equipment alerts and service reminders via email, text message, and in-app notifications to not only homeowners but also dealers and HVAC construction contractors.

WaterFurnace International Inc.
www.waterfurnace.com

Daikin Applied Expands Line of Air Cooled Scroll Chillers for K-12 Schools

Trailblazer minimizes costs and simplifies maintenance for school facility managers

New innovations from Daikin Applied in air cooled scroll chiller designs are helping facility managers in K-12 schools better manage rising energy costs and the burdens of aging equipment. Trailblazer, the customizable chiller, now available in sizes from 30-240 tons, helps facility staff meet head on their needs for reliability, budget sensitive and maintenance friendly solutions. The air cooled scroll chillers are widely accessible throughout the United States and provide efficiencies and low cost of ownership from installation throughout the course of its life cycle.

DaikinApplied
<http://www.daikinapplied.com/chiller-trailblazer-air-cooled-scroll.php>



NEW!
Trailblazer just got bigger, with new model sizes up to 240 tons.

Data Loggers Provide Wireless Building Monitoring

Utilizing battery-operated wireless sensors which can locally or remotely access building information and HVAC systems, Paragon Robotics Data Loggers allow users to view gas/water/energy usage, or lighting and occupancy to track individual suite performance and tenant usage. HaloCloud service offers access to system data, sensor measurements, and alarm configurations via smartphones and tablets. Managing 900 MHz wireless communication with sensors, single gateway covers 30,000 ft² facility.

Data Loggers
www.dataloggerinc.com



The September 1 meeting featured Sam Wildstein of Cascade Water Services & Tony DeVitoof Chemical Specifics with a special presentation on the important topic of Legionella and Legionnaire's Disease; specifically, the current concern about Cooling Towers.



In photo above, MACC board members meet prior to the meeting.



**Let's put our heads together
and see how
innovative we can get.**

ABCTM HVACR Supply + Solutions

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