

## IN THIS ISSUE...

- 1 President's Message
- 1 September Meeting Notice
- 4 Editor's Notes
- 6 Building Performance Forum Registration
- 8 Annual Golf Outing Photos
- 10 Pearl - Medical Marijuana
- 11 Welcome New Member
- 12 Zisholtz - Bonding Company and Equipment Loss
- 13 Ottaviano - Sandy & Flood-Resistant Codes' Impact

## Air Conditioning Contractors of America

Greater New York Chapter  
123 South Street,  
Suite 112  
Oyster Bay, NY  
11771

# Greater New York Contractors' NEWS



[www.accany.org](http://www.accany.org)

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

SEPTEMBER 2014

## President's Message



Al Trudil

Well, the summer is nearing its end and fall is right around the corner. I hope everyone had a great summer, it seemed to go very fast this year.

ACCA's annual golf outing took place on August 11 at the Hamlet in Commack. We had great weather and an excellent turn out as always. ACCA was able to give Make a Wish Foundation a check for \$2000.00, thanks to all who contributed. The foursome with the best score was led by the board's own Mike Newman. After the BBQ dinner, the raffle was held and the big prize of a 48" TV was won by Steve

*Turn to President's Message on page 3*

## September 4th Meeting Customer Service Superiority



Meet Steve Coscia, CSP, the most widely published and quoted authority in the customer service industry. In this inspiring and motivating session on September 4th you will learn about the latest customer service management trends through lively stories and case studies.

And you'll get a taste of what Steve will present at his ACCA sponsored training seminar on Thursday, September 18th. **See more information on page 3 and get the full details of his dynamic seminar at [www.accany.org](http://www.accany.org).**

## Diletto's Restaurant

1500 Jericho Turnpike at Glen Cove Road, Westbury, NY

Cocktails: 5:30 pm — Dinner: 6:30 pm

**Register Online at [www.accany.org](http://www.accany.org)**

**Who we are** — ACCA is a non-profit association serving more than 60,000 professionals and 4,000 businesses in the HVACR community. We work together to promote professional contracting, energy efficiency, and healthy, comfortable indoor living for all Americans.

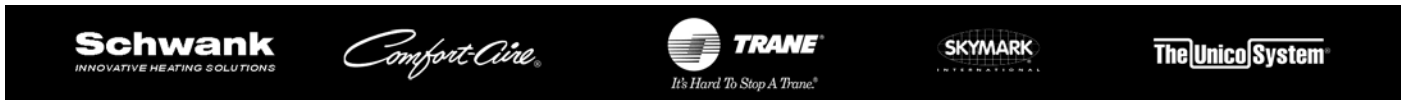


SPECIALIZING IN  
INSURANCE PROGRAMS  
FOR THE HEATING, VENTILATION AND  
AIR CONDITIONING INDUSTRY FOR OVER 25 YEARS!

COMMERCIAL INSURANCE - HEALTH & LIFE  
BOND - PERSONAL INSURANCE



CONTACT FRANK ABBATIELLO  
TEL: 516-419-4029  
FAX: 610-537-2217  
E-MAIL: FRANK.ABBATIELLO@USI.BIZ  
WWW.USI.BIZ



**NEW BRANCH in**  
*Brooklyn*

**Summer Hours: 7:00 AM – 5:00 PM**

**Regular Hours: 7:30 AM – 5:00 PM**



**NEW SUNSET INDUSTRIAL PARK  
36 20TH STREET, BLDG. 6  
BROOKLYN, NY 11232**

**Telephone: 718-499-2224  
Fax: 718-499-2241**



102 Lauman Lane  
Hicksville, NY 11801  
516-931-6500  
Fax: 516-931-6566

80 13th Avenue, Suite 6  
Ronkonkoma, NY 11779  
631-981-4000  
Fax: 631-580-3792

5-15 54th Avenue  
Long Island City, NY 11101  
718-937-7300  
Fax: 718-706-6529

175 Clearbrook Road  
Elmsford, NY 10523  
914-592-0020  
Fax: 914-592-0291

You can also find these and other quality products and services at [www.wallworkgroup.com](http://www.wallworkgroup.com)



**PRESIDENT'S MESSAGE** *Continued from page 1*

Bergman. I would like to thank the golf outing committee for all their hard work, our sponsors for their generosity and all who attended for their support. Without you all this event could not happen.

The board is putting together another OSHA 10 course. We will keep you updated as things progress. Our next meeting will be held on September 4th at DiLetto's Restaurant in Westbury when Steve Coscia of Coscia Communications, Inc. will present on customer service management trends through case studies and metrics. It's a prelude to the September 18th ACCA sponsored Training Seminar described at right and on our webpage [www.accany.org](http://www.accany.org). I hope to see you there. — *Al Trudil*



Partnering with ACCA

for Comprehensive Human Resource Solutions

Policy Development \* Training \* Employee Handbooks \* Affirmative Action Plans  
OFCCP Audits \* Labor Strategies & Solutions \* Compliance \* HR Vulnerability Reviews  
Union Avoidance \* Arbitration \* NLRB Hearings \* Recruiting & Placement  
Compensation \* Job Descriptions \* Performance Management  
HR Outsourcing \* HR On-Site Mentoring \* HR Help Desk  
[www.pmpHR.com](http://www.pmpHR.com) [abpearl@pmpHR.com](mailto:abpearl@pmpHR.com)  
516-921-3400

## ACCA Contractor World Class Customer Service Seminar

Thursday, September 18, 2014  
Holiday Inn, Plainview, NY

Every customer is precious and keeping your current customers satisfied costs less and is much easier than finding new ones. In this seminar, employees will learn the influential behaviors (both verbal and non-verbal) that enable service companies to achieve world-class status. The culmination of everyone's best effort, among both technicians, installers and dispatchers is required to minimize customer skepticism and maximize customer cooperation. Employees will learn techniques, systems and processes which will enable your company to differentiate itself in your marketplace. Employees will learn ideas they can use IMMEDIATELY.

Additional details can be found at  
[www.accany.org](http://www.accany.org).

## ACCA Greater NY Chapter

### Officers

#### President

Al Trudil, *Almore Corporation* – 631-345-6050

#### Treasurer

Marc Soffler, *Dynaire Corp* - 516-248-9320

#### Secretary

Brian Aull, *Atlantic Contracting & Specialties* - 914-226-8475

#### Past-President

Mike Newman, *Standard Refrigerator* - 718-937-0490

#### Executive Director

John F. DeLillo, 516-922-5832

### Directors

Steve Bergman, *Twinco Supply Corporation* - 631-547-1100

Roy Bernheimer, *Cascade Water Services* - 516-932-3030

Anthony N. Carbone, *Systematic Control* - 516-482-1374

James Carlson, *Michael James Industries (MJI)* - 631-231-3434

Ken Ellert, *Comfort Tech Mechanical* - 718-932-2444

Jimmy Moyan *First Choice Mechanical Inc.* - 718-454-4101

Ron Nathan, *County Fair A/C Corp.* - 516-997-5656

John Ottaviano, *Air Ideal* - 516-873-3100

Dyami Plotke, *Roof Services* - 631-666-3232

Gregory Reddock, *FOA and Son* - 516-228-1234

Harvey Stoller, *Airdex* – 718-646-7200

### Advisory Council

Robert Berger (retired)

Mark Bedson, *Brinco Mechanical Services* – 516-378-2277

Scott Berger, *Arista Air Conditioning Corp.* – 718-706-4422

Thomas Cleary (retired)

Anthony Cutaia, *Air Ideal* – 516-873-3100

John J. Fanneron, *BP Air Conditioning Corp.* – 718-383-2100

Michael Gelber, *Stan Gelber & Sons* – 516-538-0040

Gene Klochkoff, *Cascade Water Services* – 516-932-3030

Lauren Larsen, *Power Cooling* – 718-784-1300

Michael O'Rourke, *BCC Best Climate Control* – 631-218-8022

Brandon Stone, *All Weather Temperature Control* – 631-842-8777

James Stone, *All Weather Temperature Control* – 631-842-8777

Brian Svedberg, *BCC Best Climate Control* – 516-981-1008

### Committees

Advertising/Newsletter

Anthony Carbone

Donald Gumbrecht & Co.

Baseball Outing

Scott Berger

Nick Terran

Casino Night

Jim Carlson

Golf Outing

Ken Ellert

Holiday Party

Anthony Carbone

Membership

Ron Nathan

Political Action

Anthony Carbone

Scholarship

John Ottaviano

Trade Show

Rich Staiano

Steve Bergman

Web Page

Roy Bernheimer

## Editor's Notes

by Anthony N. Carbone

Welcome back to another edition of the Contractors News after a . . . strange summer. What began to be a great kick-off of warm weather in June, quickly faded out to moderate temperatures never rising above the 90 degree mark with minimal humidity.

This has changed the pattern and usage of air conditioning, where homeowners were shutting off their central air at night and even opening their windows! What is going on? This was the summer that wasn't.

Lack of breakdowns and no immediacy had brought decision-making to a snail's pace for purchases and replacements. Customers weren't under any pressure to make a quick decision to get on an HVAC contractor's schedule. The job back logs were minimal. One contractor called me and asked if my phones were ringing. . . because his were not. . . He had never seen a summer that was this slow. This can only be trouble ahead as contractors use summer money to get through the off season. With lack of reserve capital and overhead to run HVAC companies being huge. . . It will only mean difficult times for many companies.

This year, the Board of Directors have focused our attention on programs that will make a difference in the operation of your business as well as topics for monthly programs that are useful and interesting. Share these networking opportunities with us and let us know what you think!

— Anthony N. Carbone



**BRIAN AULL**  
ACCOUNT MANAGER  
baull@atlanticcontracting.com  
CELL: (631) 804-1899

---

"Commercial & Industrial Insulation"  
"Committed to Service & Quality"  
atlanticcontracting.com

925 Saw Mill River Road      OFFICE: (914) 226-8475  
Yonkers, NY 10710      FAX: (914) 226-8480

TEL. (718) 387-1165      FAX (718) 387-1167

*Brooklyn Fan & Blower Sales Co. Inc.*

DISTRIBUTORS SINCE 1918  
AIR MOVING EQUIPMENT - UNIT HEATERS  
www.brooklynfan.com

177 North 7th Street      **RICHARD STRASSLER**  
Brooklyn, NY 11211      rich@brooklynfan.com

For All Your  
HVAC Requirements



Twinco Supply Corp.


**TWINCO LOCATIONS**

**Long Island 11746**  
55 Craven St. • Huntington Station, NY  
Tel: 631.547.1100 Fax: 631.547.1103

**Long Island City 11101**  
10-11 38<sup>th</sup> Ave. • Long Island City, NY  
Tel: 718.729.0005 Fax: 718.729.3866

**New York City 10001**  
548 West 28<sup>th</sup> St. • New York, NY  
Tel: 212.631.0555 Fax: 212.631.0776

www.twinco.com



**MITSUBISHI ELECTRIC**

COOLING & HEATING  
*Live Better*

**John P. Hanley**  
Northeast Regional Manager - Channel Development

jhanley@hvac.me.com | www.mehvac.com

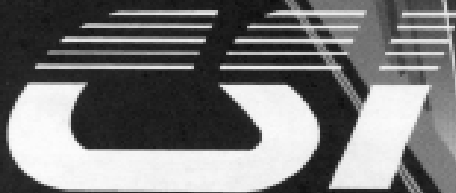
**Direct: 973.256.3690 | Mobile: 973.951.5105 | Fax: 973.256.3691**

10 Zendzian Ave. | Woodland Park, NJ 07424  
facebook.com/mehvac | twitter.com/mitsubishihvac | youtube.com/mitsubishihvac

# The Contractors Choice!

CSI, is a complete full service company offering a large array of HVAC water treatment and air-conditioning services and supplies that many major HVAC Contractors utilize in the tri-state area.

- Water treatment chemicals and chemical feed equipment for cooling towers, closed systems, boilers and glycol systems.
- Air conditioning cleanings on an emergency or preventative basis including coils air/water cooled condensers, HVAC duct cleaning (including video taping of the ductwork conditions).
- Pre-cleaning of new piping systems.
- Cooling tower rebuilding and rehabilitation.
- Comprehensive indoor air quality evaluations and testing of drinking water.



*For a healthy building*

**Chemical Specifics, Inc.**

46-09 54th Road  
Maspeth, NY 11378

For more  
information  
about CSI,  
call us at  
718-361-6666 or  
look us up on  
the web @  
[CSIontheweb.com](http://CSIontheweb.com)

Member ACCA, NADCA & BOMA, NY

## 3rd Annual Building Performance Forum Now Open for Registration

*Contractor-Focused Conference to Be Presented by ACCA, BPI, and The NEWS;*



Home and building performance contractors from all over the country will convene in Charlotte, North Carolina for the 3rd Annual Building Performance Forum on October 7 & 8, 2014. Registration is now open at <http://buildingperformanceforum.com>.

The Building Performance Forum is the only educational conference focused exclusively on the needs of the contractors who are actively engaged in whole building performance services for both the residential and commercial markets.

This year, the event will be presented by ACCA, the

Indoor Environment & Energy Efficiency Association, and the Building Performance Institute (BPI), in conjunction with their media partner, the Air Conditioning, Heating & Refrigeration News.

The 2014 Building Performance Forum has expanded with an all-new program to meet the needs of contractors in this growing market segment. This year's schedule will feature three concurrent learning labs during each time slot, which will cover sales, management, testing, and technical topics for contracting business owners and managers.

Just a few of the topics scheduled to be covered during the Forum are:

**Diagnosing and Fixing Uncommon Duct Problems,** with Rick Allgeier, Allgeier Air

**Getting Technicians on Board with Home Performance,** with Rob Minnick, Minnick's Inc.

**Ventilation Of Existing Homes...As We Tighten Them Up,** with Steve Saunders, Tempo Mechanical

**Airflow Testing: Tools and Operation,** with Bill Spohn, TruTech Tools, Ltd

**How To Set Up A Very Cost Effective Insulation/Air Sealing Rig,** with Hal Smith, Halco

Because home and building performance requires contractors to innovate their internal systems and services, the Building Performance Forum will kick off with an opening general session, "Creating a Culture of Innovation." Louis Foreman, a prolific inventor and serial entrepreneur, will show contractors how to make embrace an "innovation" that focuses on executable results and solid returns.

Attendees can also spend time talking to some of the top manufacturers, suppliers, and service providers in the industry in the Sponsor Showcase. Sponsors include: AC Leak Freeze; Aeroseal; BPI; Bristol Compressors; CallSource; ComfortRx; Danfoss; Department of Energy; Dr. Energy Saver; Emerson; FieldAware; Mitsubishi; Jackson Systems; NATE; Nexstar; PowerSelling Pros; The Energy Conservatory; Trane; and Ultra-Aire.

In addition, attending contractors will have the option of receiving BPI and/or NATE continuing education credits.

Registration is open for this event at <http://buildingperformanceforum.com> or by calling Vickie Ellis at 703-824-8856.

The Building Performance Forum will happen at the Sheraton Charlotte in beautiful downtown Charlotte. A special discounted rate of \$129 is available until September 5, 2014, or when the block is full, whichever comes first. To make your reservation call 800-325-3535 and mention ACCA to receive the discounted rate or visit <http://buildingperformanceforum.com> to book online. •

storms. hurricanes. heat waves.



Looks like a new business opportunity.

Your customers are already at home with Honeywell, one of the most trusted names in home comfort. Offer them Honeywell automatic home standby generators so the things that matter most—HVAC, communication, security and more—are available during a power outage. The need for reliable backup power is growing. Become a Honeywell generator dealer and grow with it. Visit [www.honeywellgenerators.com](http://www.honeywellgenerators.com).

**Honeywell**

For more information contact Scott Matalevich  
American Universal 120 New South Road, Hicksville, NY 11801  
cell: (516) 639-7886 • office: (516) 348-7750

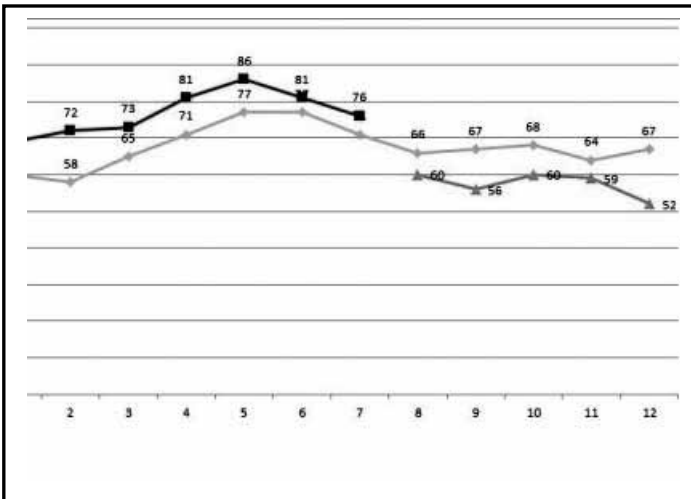
To learn more, go to [honeywellgenerators.com](http://honeywellgenerators.com) or call 1-855-GENINFO (436-4636)  
Generac Power Systems, Inc. Waukesha, WI 53189 U.S.A.  
The Honeywell trademark is used under license from Honeywell International Inc.  
©2011 Generac Power Systems, Inc. All rights reserved.

## Contractor Comfort Index 76 In July; Up 5 from 2013

The July Contractor Comfort Index (CCI) shows that contractors' positive outlook about short-term growth remains high heading into the last full month of summer. ACCA began measuring contractor attitudes toward short-term economic growth with the CCI in February 2010.

For July 2014, the CCI is 76. The CCI also shows that contractors are feeling better than they were 12 months earlier when the CCI was 71.

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 will be released during the last week of August. •

## ACCA Seeks Nominations for 2015 Contractors of the Year

ACCA, is seeking nominations for its Contractors of the Year awards program. The application for the 2015 program is available now at [www.contractorsoftheyear.com](http://www.contractorsoftheyear.com).

For 2015 the nomination process will remain the same as it has been for the past few years. However, some minor changes have been made to the judging process. This year, along with their finalist profile and pictures, finalists will have to fill out a questionnaire that will offer the judges more insight into their businesses. The past ACCA chairmen who make up the judging panel will generate the questions that will be included in the Contractors of the Year questionnaire.

The ACCA Contractors of the Year awards program provides ACCA members with an excellent marketing opportunity for their businesses. Not only will the winning contractors be honored at ACCA 2015, taking place February 16 – 19, 2015, at the Gaylord Texan in Grapevine, TX, by their peers, but this is a great opportunity for them to tout their company's accomplishments and show that they are recognized leaders in the industry to their customers.

Applications for the program will be accepted until October 10, 2014. Fill out the online nomination form at [www.contractorsoftheyear.com](http://www.contractorsoftheyear.com). •

### Madelyn Bergman

Madelyn Bergman, wife of Steve Bergman of Twinco Supply Corp. passed away on July 23, 2014. The officers, directors and members of the Greater New York Chapter, ACCA extend sincere condolences to Steve and the Bergman family.

## JOHN F. DELILLO

*Certified Public Accountant*

**ACCOUNTING  
TAX & BOOKKEEPING SERVICES  
BUSINESS VALUATIONS**

*SPECIALIZING IN THE  
HVAC INDUSTRY*

**CERTIFIED  
QUICKBOOKS PROADVISOR**

**123 South Street, SUITE 112  
Oyster Bay, NY 11771**

**Tel: (516) 922-2102 • Fax: (516) 922-1414**

**[www.johndelillocpa.com](http://www.johndelillocpa.com)  
Email: [john@johndelillocpa.com](mailto:john@johndelillocpa.com)**

# 36th ANNUAL 2014 ACCA GOLF OUTING

THANK YOU FOR YOUR CONTRIBUTIONS

**ABCO Refrigeration Supply Corp. (Driving Range)**  
**American Universal Supply, Inc. (Beverage Cart Spons)**  
**Amerisc, a division of USI (Pitch-Off)**  
**Atlantic Contracting & Specialties, LLC (Dinner Spons)**  
**B&F/Johnstone Supply (Blankets)**  
**Chemical Specifics, Inc. (Hats)**  
**Cascade Water Services, Inc. (Golf Photos)**  
**Consolidated Refrigerant Services (Lunch Sponsor)**  
**Sid Harvey Industries, Inc. (Golf Towels & Registration Table)**  
**Twinco Supply Co. (Breakfast Sponsor)**

## Hole Sponsors

ABCO Refrigeration Supply  
Amerisc, a division of USI.  
B&F/Johnstone Supply  
Twinco Supply Co.  
Dupont

## Tee Sponsors

ABCO Refrigeration Supply  
Amerisc, a division of USI.  
B&F/Johnstone Supply  
Consolidated Refrigerant Services  
National Compressor Exchange  
Sid Harvey Industries, Inc.  
Twinco Supply Co.  
United Refrigeration  
Zisholtz & Zisholtz

## Gifts

ABCO Refrigeration Supply Corp.  
B&F/Johnstone Supply  
Cascade Water Services







# People & The Workplace

By Alan B. Pearl,

Portnoy, Messinger, Pearl & Associates, Inc., Syosset, NY  
516-921-3400, Fax 516-921-6774 e-mail: ABPearl@pmpHR.com,  
Website: www.pmpHR.com

## Medical Marijuana In The Workplace

This summer, New York State became the 23<sup>rd</sup> state to legalize medical marijuana when Governor Andrew Cuomo signed the “Compassionate Care Act.” The new law permits certified patients to use marijuana for treatment of a “serious” condition so long as the treatment is prescribed by a certified physician. This has left New York employers wondering whether there are any workplace implications that need to be proactively addressed.

Confusion surrounding the issue of legalized marijuana in the workplace has increased as more and more states have passed laws allowing its use for medical purposes. In New York State, the law, which prohibits certified patients from smoking marijuana, and requires medical marijuana be administered through alternative means such as oral ingestion, creates complex new anti-discrimination protections for medical marijuana users. Employers will have to pay careful attention to ensure compliance with the American with Disabilities Act (ADA) and New York’s anti-disability discrimination laws.

Because the law designates “certified patients” as disabled, under the ADA certified patients are entitled to the same disability accommodations as any other disabled employee who is capable of performing the essential duties of his or her job. Under New York’s anti-disability discrimination law that same employee cannot be subjected to “disciplinary action by a business” for exercising their rights to use medical marijuana. Consequently, employers could be opening themselves up to a discrimination claim if they fail to provide a reasonable accommodation, or fire or otherwise discipline an employee who is legally using marijuana, so long as they can still perform job functions.

The decision as to whether the employer needs to

accommodate an employee’s use of medical marijuana and the types of accommodations required will ultimately depend on, among other things, the employer’s business, the circumstances surrounding the need for medical marijuana and the employee’s essential job duties. There is a chance that employers won’t need to permit marijuana ingestion at the worksite as a reasonable accommodation because the law expressly prohibits consuming marijuana in “public places.”

While the law assigns new rights to employees, the good news for employers in New York State is that the law does not change your rights as an employer. Employers who have zero tolerance and drug testing policies in place for use of controlled substances can keep those policies and still be compliant with the law. The law permits employers to enforce company policies that prohibit an employee from performing his or her employment duties while impaired by a controlled substance. This means employers cannot treat their employees differently for using medical marijuana, but they may prohibit their employees from working while impaired.

If an employer has a zero tolerance policy in place and suspects an employee is under the influence while on the job the employer may follow the standard procedure outlined in their drug testing policy. If it is found that the employee was under the influence and a reasonable accommodation was not possible, as long as the zero tolerance policy is consistently applied to all employees, the employer is protecting itself in the best way possible from a discrimination claim.

It is essential that employers evaluate their policies and consider how they will treat the potential use of marijuana by their employees in the future.

A well written policy that has been carefully reviewed by an attorney or human resources professional is your best option for minimizing the risk of legal claims and other liabilities. Additionally, training managers and supervisors on how to address this in the workplace is critical. If you feel your organization needs guidance on how to incorporate the new law into your practices and policies, please contact me.

## New York Law Creates New Legal Rights For Unpaid Interns

In our June 2014 article we discussed the wage and hour implications of hiring unpaid interns. Specifically, there have been a spike in cases finding unpaid interns were actually employees, and thus should have been paid the minimum wage pursuant to the Fair Labor Standards Act.

Recently, New York has passed a law which gives unpaid interns the same workplace rights as employees. The law which amends the New York State Human Rights Law redefines “intern” as a person who performs work



Kevin Cirincione  
President

**COUNTY ENERGY CONTROLS, INC.**  
County Pneumatic Controls, LLC  
Energy Management Systems

429 Montauk Hwy - POB 780      p: (631) 653-9124  
East Quogue NY 11942      f: (631) 653-9177  
www.countyenergycontrol.com      e: kevin@countyenergycontrol.com

for an employer for the purpose of training under a set of predefined circumstances. This means interns, as defined by the law, can bring discrimination suits, or other claims under the New York Human Rights Law, in the same way that employees can. This closes a loop hole that had previously existed in the law.

Laws such as this one demonstrate the growing disdain for unpaid internships from lawmakers, regulatory agency, and the Courts. While unpaid internships are still legal, they must be educational, and purely for the benefit of the intern. The days where a company can hire an unpaid intern as a source of free labor seem to be over. If your company has

an internship program please contact me to ensure that it is compliant with the new rules.

If you need any assistance with regard to this or any other labor or employment matter please contact me at [abp@pmpHR.com](mailto:abp@pmpHR.com) or (516) 921-3400. •

## WELCOME NEW MEMBER

**New ACCA Bronze Associate**

**EDOS Manufacturers Reps, Inc.**

Jan Swistowski

Joe Caparco

PO Box 378

8B West State Street, Granby, MA 01033

phone 413-467-9161

fax 413-467-7824

[www.edosonline.net](http://www.edosonline.net)

## COMPRESSORS

CARRIER / CARLYLE \* COPELAND \* TRANE \* YORK \*  
LIEBERT \* DUNHAM BUSH \* DANFOSS \* BRISTOL & MANY MORE  
OILS \* ACCESSORIES \* FULL STOCK  
Certified Remanufacturer of Reciprocating,  
Hermetic, Screw & Semi Hermetic Compressors



CALL TODAY:  
1.800.225.7381 - 718.417.9100

**NATIONAL COMPRESSOR EXCHANGE, INC.\***  
75 ONDERDONK AVE, RIDGEWOOD, NY 11385



[WWW.NATIONALCOMPRESSOR.COM](http://WWW.NATIONALCOMPRESSOR.COM) • [INFO@NATIONALCOMPRESSOR.COM](mailto:INFO@NATIONALCOMPRESSOR.COM)



# PARTS ♦ SUPPLIES ♦ EQUIPMENT WE'VE GOT IT ALL

Tremendous Inventory ♦ Superior Customer Service ♦ Competitive Pricing  
Fast Daily Delivery ♦ National Buying Power ♦ Shop 24 Hours Online  
Knowledgeable Counter Staff ♦ Six Convenient Locations ♦ Great Value

**WE HAVE ALL THE PARTS & PIECES TO HELP YOU GET THE JOB DONE!**



BROOKLYN	1600 CONEY ISLAND AVENUE, BROOKLYN, NY 11230 P:718-252-2700 F:718-692-4546
BALDWIN	1593 GRAND AVENUE, BALDWIN, NY 11510 P:516-223-5511 F:516-867-2307
BOHEMIA	540 JOHNSON AVENUE, BOHEMIA, NY 11716 P:631-567-4800 F:631-567-6005
FARMINGDALE	135 SCHMITT BLVD, FARMINGDALE, NY 11735 P:631-293-2566 F:631-293-3545
RED HOOK	75A HUNTINGTON STREET, BROOKLYN, NY P:718-522-4700 F:718-522-4770
NEW HYDE PARK	11A DENTON AVENUE SOUTH, NEW HYDE PARK, NY 11040 P:516-216-1810 F:516-216-1810

[www.johnstoneli.com](http://www.johnstoneli.com)

*Johnstone Supply - A Division of B&F Electric Motors, Inc.*

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

### **The Bonding Company and Capital Equipment Loss**

Take a look at this scenario:

You are a subcontractor to a General Contractor on a public improvement job. The General Contractor has a payment bond, is in default and gets terminated. You had \$180,000 in outstanding bills when the clock stopped for the General Contractor, representing \$85,000 in charges against the General Contractor and \$95,000 in equipment.

The surety company takes over the job and your equipment and uses your equipment to finish the job. Somehow, your equipment disappears and is never returned. You make a claim against the surety company for \$180,000 for breach of contract, unjust enrichment (getting something for nothing) and conversion (appropriating your equipment). The bonding company admits that it owes you the \$85,000 for the work that you did but not the \$95,000 for the equipment because that is not part of the bond.

The lower Court awards you the whole \$180,000, but on appeal, the Appellate Court reverses and says you have to go to trial on the issue of whether or not the bonding company has to pay you for the lost equipment. The rationale is

very interesting and informative.

A payment bond is for labor and material consumed on the job. Unless it is specifically identifiable separately and it is reasonably contemplated to cover capital equipment not consumed on the job, a payment bond does not ordinarily cover capital equipment. Capital equipment is defined as material and items that can be taken from one job to another.

As with everything in the law, there are exceptions. The catchword here is items that are reasonably expected to be consumed in the performance of the work. Things that can be removed from one job to another are usually not considered consumable.

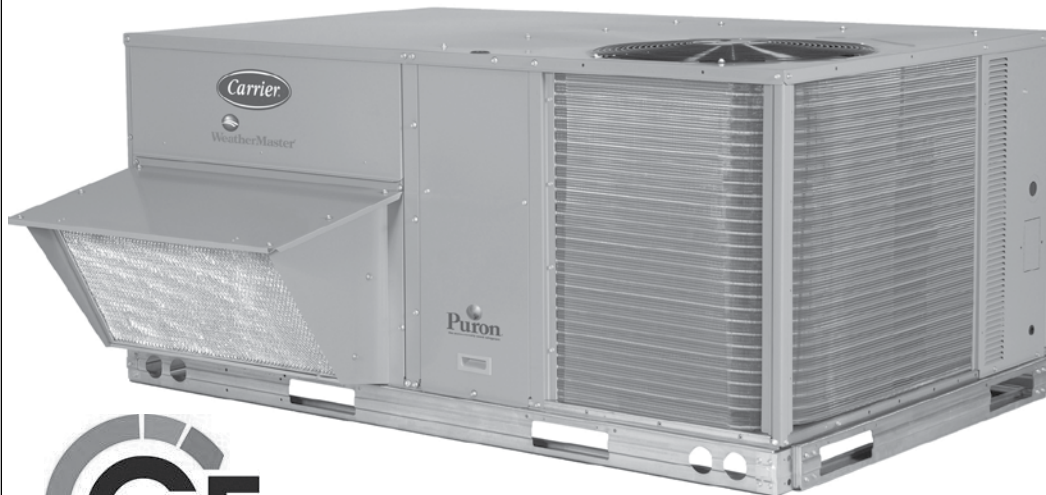
The bottom line is that if you have equipment on the job and there is a bond, do not, in the ordinary course of events, expect the bonding company to reimburse you for the cost of equipment. You would have to look to the General Contractor or possibly the successor General Contractor.

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. •*

### **Commercial, Residential, Parts, Supplies, Tools, Accessories, Training... even sales and marketing support...**



comfort | excellence  
Northeast Region



#### **NEW YORK (METRO AREA/ DOWNSTATE**

##### **BOHEMIA**

21 Crossway East, Suite C  
Bohemia, NY 11716  
631-588-2181  
631-218-8104 FAX  
Tom Rucci

##### **BROOKLYN**

445 Coney Island Avenue  
Brooklyn, NY 11218  
718-287-5927  
718-287-6134 fax  
Paul Reynolds

##### **ELMSFORD**

1 Westchester Plaza  
Elmsford, NY 10523  
914-593-7160  
914-345-0903 fax  
Jeff Marra

##### **MASPETH**

48-23 55th Avenue  
Maspeth, NY 11378  
718-472-0200  
718-472-6330 fax  
Horace Cummings

##### **MINEOLA**

23 Roselle St.  
Mineola, NY 11501  
516-941-0130  
516-741-3438 fax  
Scott Brothers

**Everything you need, all in one place...with five locations near you!  
Ask your Territory manager about our new lead generation system!**

## How Sandy and Flood-Resistant Codes Impact HVAC in NYC (and Beyond)

By John Ottaviano/Air Ideal

The reverberations from construction code revisions as a result of Hurricane Sandy are now being felt for HVAC installations in New York City. Have you tried to file for installation of an HVAC system in lower Manhattan lately? If so, you may have been pulled for audit to assure compliance with Appendix G – Flood Resistant Construction if your installation cost is greater than \$40,000 and/or considered a substantial improvement to the property.

*“Every alteration application in a special flood hazard area that is not classified as substantially damaged or as a substantial improvement, and has an estimated cost of over \$40,000, must include calculations of buildings’ market value and relevant documentation. For more information, see 1 RCNY 3606-01, FEMA’s Substantial Improvement/Substantial Damage Desk Reference and/or FEMA’s Substantial Damage Estimator Tool.”*

The vast majority of properties in lower Manhattan below Canal St. are in affected flood zones. The City has thrown an additional wad of red tape into the permit application process to ferret out any buildings that do not comply with FEMA’s new flood standards in order to compel them to bring themselves in line with new flood-resistant construction codes that call for the relocation of any utilities (HVAC included) that are located below the new flood map’s Base Flood Elevation (BFE). For most buildings, this will not be a problem as long as the cumulative construction costs are less than 50% of the market value of the building:

*“Substantial Improvement: The applicant must compare the cumulative construction cost of the alteration work, regardless of the time necessary to complete the work, and all other alterations and repairs during this timeframe, to the market value of the building prior to Hurricane Sandy (calculated per 1 RCNY 3606-01). If the cumulative construction costs equal or exceed 50 percent of the market value of the building, then the building MUST comply with the flood zone regulations for new buildings in Appendix G, even if the owner does not want to elevate the building.”*

However, this does not relieve the applicant and/or contractor

from providing the additional plans showing the flood zone location, the additional calculations to show that the work does not exceed the 50% rule, and mechanical plans showing that all equipment being installed is above the DFE (Design Flood Elevation), which in some instances is the BFE + 2 feet. Those who replace HVAC equipment located in basements in lower Manhattan and other designated flood zone areas do so at their own peril. Machinery and equipment servicing a building must be elevated to or above the base flood elevation in many designated flood zones.

To find out if your building or home is in a designated flood zone and find out what your Base Flood Elevation is, refer to FEMA’s BFE Address Look-up Tool. For more information on flood zone construction filing requirements in New York City, see the NYC Department of Buildings Bulletin for Architects and Engineers. •

**Kevin Hughes**  
Area Sales Manager

**Paul Babinelli**  
Account Executive

718-458-7920, ext. 303  
paul.m.babinelli@erac.com



8334 23rd Avenue  
East Elmhurst, NY 11376  
718-458-7920  
www.enterprise.com/fleets



**We’re your bridge to cost effective insurance management**

- **Home Builders Insurance Program**
- **Remodelers Insurance Program**
- **Trade Contractors Insurance Program**

Contact: Anthony Capone, CIC, John Glanzman, CIC, Jim Murphy, CIC  
Joseph Teixeira or Edward C. Palace

**NEWBRIDGE  
COVERAGE CORP.**

1666 Newbridge Rd  
N. Bellmore, NY 11710  
Phone (516) 781-9000  
Fax (516) 781-9172

236 Main St.  
Center Moriches, NY 11934  
Phone (631) 325-1972  
Fax (631) 325-9065

<http://www.newbridgecoverage.com>



• HEATING & AIR CONDITIONING PARTS • MOTORS  
• RANGE, REFRIGERATION & LAUNDRY PARTS  
• TOOLS & INSTRUMENTS • SHOP & SAFETY EQUIPMENT  
• PUMPS • ELECTRICAL EQUIPMENT & SUPPLIES

**JOHNSTONE SUPPLY**

NATIONAL SUPPLIER TO THE SERVICE INDUSTRY

**DREW GARDA**

PHONE 718-545-4896  
FAX 718-274-4972

27-01 BROOKLYN QUEENS  
EXPRESSWAY WEST  
WOODSIDE, NY 11377



49-70 31st Street  
Long Island City, NY 11101  
Phone: 800-786-2075  
Fax: 718-937-9776

### Fulfilling All Your HVAC / R Needs

- In-Depth Inventory
- On-Staff Experts
- Fast Delivery

**Bronx**  
600 East 132nd Street  
Bronx, NY 10454  
Phone: 718-401-1001  
Fax: 718-401-2286

**Hauppauge**  
33 Central Ave  
Hauppauge, NY 11788  
Phone: 631-234-5500  
Fax: 631-324-5077

**Brooklyn**  
100-01 Avenue D  
Brooklyn, NY 11236  
Phone: 718-257-5700  
Fax: 718-257-5880

**Hicksville**  
225 Charlotte Street  
Hicksville, NY 11801  
Phone: 516-938-8400  
Fax: 516-938-8421

**Manhattan**  
541 West 34th Street  
NY, NY 10001  
Phone: 212-929-8400  
Fax: 212-629-5768

**Suffern**  
12 North Airmont Rd  
Suffern, NY 10901  
Phone: 845-357-3322  
Fax: 845-357-5444

**Staten Island**  
420 Bay Street  
Staten Island, NY 10304  
Phone: 718-273-0200  
Fax: 718-720-0500

**White Plains**  
80 West Post Road  
White Plains, NY 10606  
Phone: 914-946-2020  
Fax: 914-946-6822



**ABCOR's Commitment:** *Pride Only In Exceeding Each Customer's Highest Expectations™*

**16 Convenient Locations Throughout the Northeast**

Long Island City • Brooklyn • Bronx • Manhattan • Staten Island • Hicksville, NY • Hauppauge, NY • Suffern, NY • White Plains, NY  
Stamford, CT • Totowa, NJ • Kenilworth, NJ • Philadelphia, PA • Center City, Philadelphia, PA • New Castle, DE • Somerville, MA

# Cascade Quality Services Are Better Than Ever!

## Water Treatment

- Cooling Water
- Boiler Water
- Drinking Water
- Well / Ground Water

Scale, corrosion, biological growth, air & water born dirt & debris are expensive if not controlled properly. Total service and or advisory service programs are available that are custom designed specifically for your system.

## Cleaning Services

- Cooling Towers •Boilers
- Chillers •Piping
- "Closed" Systems
- Water & Air Cooled Condensers
- Air Handlers & Ducts •Tanks

Dirty systems are expensive, both in energy costs and downtime. Our trained service personnel and custom designed equipment and vehicles are available for prompt, cost efficient response to either emergency or scheduled cleanings.

## Rebuilding & Repair

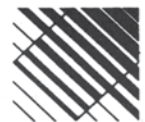
- Cooling Towers
- Water Tanks

We restore cooling towers and tanks to original capacity at a fraction of the replacement cost.



113 Bloomingdale Rd.  
Hicksville, NY 11801  
Tel: (516) 932-3030  
Fax: (516) 932-0014

Licensed by: THE CITY OF NEW YORK  
DEPARTMENT OF HEALTH #20 000173, 14 000156;  
and the NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION # C1628716; All  
biocides are registered with the UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY.



Quality Works

