

MACC*News*

METROPOLITAN AIR CONDITIONING
CONTRACTORS OF NEW YORK

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

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

JULY 2016



Photos from MACC Night at the Mets - pages 15 & 16

“Survive and Thrive”

A special two-part presentation will be held at our September and October Meetings. Please see the MACC Talks column and the promotion on page 7 .

METROPOLITAN AIR CONDITIONING
CONTRACTORS OF NEW YORK (MACC)
Formerly Air Conditioning Contractors Association - NY Chapter
123 South Street, Suite 112
Oyster Bay, NY 11771
516-922-5832 / www.maccnyc.org

From the President...



MARC SOFFLER
Dynaire Corp.

Although summer is perhaps the busiest time of the year for most of us in the HVAC industry, finding new potential customers needs to be a part of our everyday activities.

Generating sales leads traditionally begins with networking. Joining other trade associations and becoming actively involved with their events and programs can be a great source of new customers. Another resource might be to simply contact your friends and family and ask them to make introductions to people who may be interested in your products or services.

Besides networking, trade shows are another excellent opportunity for business-to-business networking. There are numerous local and national trade shows which can offer you direct exposure to potential new customers. By building an interesting and interactive display, you can collect contact information from dozens of potential buyers and business partners in a short period of time.

Perhaps the quickest way to assemble hundreds of sales leads is to buy a sales lead list. There are many direct marketing companies who collect and sell specialty lists that target specific consumer sectors. The obvious advantage of these lists is that you can get instant access to thousands of names for a relatively small investment. The disadvantage is that these names are usually unqualified leads and must be analyzed to see whether or not they're a good match for your services.

Our June events were once again a great success. Special thanks to all of the sponsors for their support. Special thanks to Consolidated Refrigerant Solutions and National Compressor Exchange for sponsoring the cocktail networking event at the Chalet in Roslyn, and ABCO for their continued support of the annual "Night with the Mets".

Please remember to register for 38th Annual MACC Golf Outing on August 8 at The Village Club at Lake Success. I'm looking forward to seeing you soon, and remember to visit our web site at www.maccny.org for upcoming events. — **Marc**



Kevin Cirincione
President

COUNTY ENERGY CONTROLS, INC.

County Pneumatic Controls, LLC

Energy Management Systems

429 Montauk Hwy - POB 780
East Quogue NY 11942
www.countyenergycontrol.com

p: (631) 653-9124
f: (631) 653-9177
e: kevin@countyenergycontrol.com



Richard Strassler

60-20 34th Avenue
Woodside, NY 11377
Tel: 718-899-9090
Fax: 718-899-9099

email: rich@brooklynfan.com
www.BrooklynFan.com

As a leading insurance provider for HVAC contractors in the Northeast Region, USI's local Uniondale office brings over 35 years of industry experience to your team. Our dedicated Construction Risk Management specialists provide top quality risk management with bottom line benefits to deliver individualized risk management solutions.

Contact Frank Abbatiello
 Tel: 516-419-4029
 Fax: 610-537-2217
 E-Mail: Frank.Abbatiello@usi.biz
 www.usi.biz



SPECIALIZING IN

**INSURANCE PROGRAMS
 FOR THE HEATING VENTILATION
 AND AIR CONDITIONING INDUSTRY
 FOR OVER 35 YEARS!**

Trust. Expertise. Commitment

Risk Management Solutions for HVAC Contractors.

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





Officers

President
Marc Soffler, Dynaire Corp – 516-248-9320

President Elect
Brian Aull, Atlantic Contracting & Specialties – 914-226-8475

Treasurer/Secretary
Jimmy Moyen, First Choice Mechanical – 718-454-4101

Past-President
Al Trudil, Almore Corporation – 631-345-6050

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
Stu Ellert, Comfort Tech Mechanical - 718-932-2444
Mike Newman, Standard Refrigerator, Inc. – 718-937-0490
John Ottaviano, Air Ideal - 516-873-3100
Dyami Plotke, Roof Services - 631-666-3232
Gregory Reddock, FOA and Son - 516-228-1234
Scott Matalvich, American Universal Supply Inc. - 516-348-7750
James Padavan - Air Design - 516-825-5066

Advisory Council

Robert Berger (retired)
Mark Bedson, Brinco Mechanical Services – 516-378-2277
Scott Berger, Arista Air Conditioning Corp. – 718-706-4422
Jim Carlson, Michael James Industries 631-231-3434
Thomas Cleary (retired)
Anthony Cutaia, Air Ideal – 516-873-3100
Denis Eckstein, Retired
Ken Ellert, Comfort Tech Mechanical 718-932-2444
Dave Ewing, Retired
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
Ron Nathan, County Fair A/C Corp. 516-997-5656
Michael O'Rourke (retired)
Greg Singer, Arista Air Conditioning Corp. 718-706-4459
Harvey Stoller, Airdex, Inc. 732-738-7444
Brandon Stone, All Weather Temperature Control - 631-842-8777
James Stone, All Weather Temperature Control – 631-842-8777
Brian Svedberg, (retired)
Al Trudil, Almore Corporation – 631-345-6050

Committees

Membership Dues: Chair: Jimmy Moyen, Greg Reddock, Steve Bergman
Nominating: Chair: Brian Aull, Jimmy Moyen, Greg Reddock
Charitable/Scholarship: Chair: John Ottaviano, Dyami Plotke
Programming: Chair: Marc Soffler, John DeLillo, Jr., Dyami Plotke, Jimmy Moyen
Website: Chair: John DeLillo, Jr., Marc Soffler
Advertising: Chair: Anthony Carbone, Association Development Services
Holiday Party: Chair: Anthony Carbone
Newsletter: Chair: Anthony Carbone, Marc Soffler, John DeLillo, Jr.
Past President: Chair: Harvey Stoller, Co-Chair: Roy Bernheimer
Associate Membership: Chair: Stu Ellert, Jimmy Moyen, Marc Soffler
Contractor Membership: Chair: Scott Matalvich, Steve Bergman, Brian Aull, Roy Bernheimer
Association Oversight: Chair: John Ottaviano, James Padavan, Greg Reddock
Workshop/Education: Chair: Dyami Plotke, Mike Newman, Stu Ellert, John Ottaviano, Marc Soffler & Jimmy Moyen
Golf Outing: Chair: John DeLillo, Marc Soffler, John DeLillo, Jr., Stu Ellert, Roy Bernheimer, Nick Terran, Mike Newman

MACC News is printed monthly by the Metropolitan Air Conditioning Contractors of New York. Questions should be directed to the appropriate director or committee member for assistance. While this newsletter is designed to provide accurate and authoritative information on the subjects covered, the Association is not engaged in rendering legal, accounting, or other professional or 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.



CHEMICAL SPECIFICS, INC.

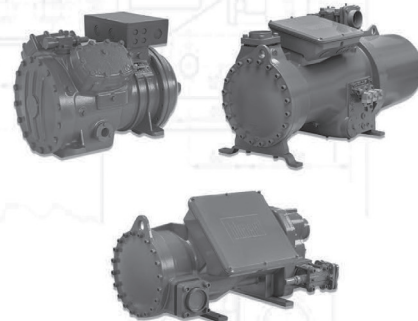
LEGIONELLA TESTING	WATER TREATMENT SERVICES
BOILER TREATMENT	GLYCOL SERVICES
HVAC PIPE CLEANINGS	HVAC MOLD ASSESSMENT & REMEDIATION
PFHX CLEANING	HVAC MECHANICAL CLEANING
CONDENSER COIL CLEANING	COOLING TOWER SERVICES
WATER TESTING	INDOOR AIR QUALITY TESTING
ANALYTICAL TESTING	VENT & DUCT CLEANING

CHEMICAL SPECIFICS INC.
45-09 54th Rd Maspeth, NY 11378
T 718 361 6666
F 718 361 0450
chemicalspecifics.com

frascold[®]
SINCE 1936

www.frascoldusa.com

Blue Is Better!



Frascold reciprocating compressors are available with Frascold's revolutionary patented RSH (reduced suction head) technology. This drastically reduces wear and allows compressors to run unloaded indefinitely.

NEWLY MANUFACTURED COMPRESSORS
For replacements or retrofits please call



NATIONAL COMPRESSOR EXCHANGE, INC.[®]

1.800.225.7381 • 718.417.9100

E-mail us: compressors@nationalcompressor.com • www.nationalcompressor.com

REMANUFACTURED SCREW, SEMI HERMETIC, OPEN DRIVE, BELT DRIVEN COMPRESSORS
FOR THE MAJOR AIR CONDITIONING AND REFRIGERATION LINES:
CARRIER, COPELAND, TRANE, YORK, DUNHAM BUSH AND MANY MORE.

Editor's Notes

by Anthony N. Carbone

THE “NETWORKING COCKTAIL PARTY,” at The Chalet in Roslyn, was a great success and many contractors and vendors had an abundance of ideas to exchange. We decided the idea of a casual meeting with drinks and buffet food would provide an atmosphere that is conducive to promote new business without the pressure of a formal program. It is unknown what the weather conditions will be when we plan this meeting, as in times of extreme heat some people find it hard to attend a program, so the cocktail party was a great opportunity!

The “Night at the Mets” was huge success on a perfect night weather-wise. Unfortunately, the Mets lost, but, once again, the ABCO HVACR organization did a great job of sponsoring this annual event.

We, at MACC, wish you a prosperous summer of extreme temperatures that will make your phones ring and your bank account full to get you through another winter!

Keep supporting this organization, as it is filled with valuable information that can't be found elsewhere! — *Anthony N. Carbone*

There will be no membership meeting in July or August. MACC News will not publish in August. Meanwhile, be sure to register at www.maccny.org for our Golf Outing on August 8th. See you in September.

MACC 38th Annual Golf Outing



Three-Hour GOLF CLINIC
is offered to those who are golf beginners or anyone who is looking to improve their game

Village Club at Lake Success

318 Lakeville Road, Great Neck

Monday, August 8th, 2016

Check-in - 9:00 AM

Breakfast - 9:15 AM

“Shotgun Start” - 11:30 AM

Cocktail Hour - 4:30 PM

Dinner - 5:30 PM

All Facilities (including Dinner)

- Members - \$325 per person
- Non-Members - \$425

Cocktails and Dinner - \$125 per person

Golf Clinic (includes breakfast, lunch & dinner)

REGISTER ONLINE AT www.maccny.org

WHERE YOU'LL FIND FULL INFORMATION AND SPONSORSHIP OPPORTUNITIES

Donnelly Mechanical Launches Carbon Cutter Program for Commercial Tenants

Donnelly Mechanical's commercial HVAC energy reduction program for commercial tenants aligns with the 'New York City Carbon Challenge' to cut energy consumption and costs.

Donnelly Mechanical, announced the launch of its 'Carbon Cutter Program' for commercial building tenants. Donnelly Mechanical's team of LEED certified energy specialists developed the comprehensive HVAC energy program specifically to assist business owners and their facilities managers with achieving their energy consumption reduction objectives.

"We are conscientious of the collective need to reduce energy use and cut emissions," said Daniel T. Donnelly, CEO of Donnelly Mechanical. "Reducing energy waste is globally recognized as the logical and easiest way to cut emissions, protect the environment, and save money. Given that energy is a property's single largest operating expense, with energy representing about 30% of the typical office building's costs, New York City businesses are facing the need to improve



energy efficiency. We developed the 'Carbon Cutter' Program to help them achieve cost savings and cut energy use. At the same time, they demonstrate corporate responsibility and cooperation with the city's carbon reduction efforts."

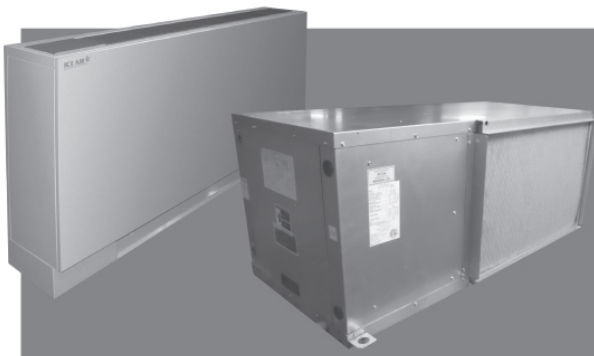
New York City initiated the 'New York City Carbon Challenge' program with an ambitious goal to reduce citywide greenhouse gas emissions by 2050 to 80% below 2005 gas emission levels. The 10 year roadmap to improve the energy efficiency of buildings aims "to reduce the city's building-based emissions by 30 percent by 2025 in order to be on the pathway to 80 x 50." To meet these objectives, New York City is calling upon building owners and managers to do their part to cut their energy use and emissions.

"We're proud to support the New York City Carbon Challenge," said Donnelly. "The 'Carbon Cutter' Program allows businesses to demonstrate quantifiable energy efficiencies and significant cost savings from improved HVAC system performance. Participation in our program automatically aligns businesses with the city's objectives. Everybody wins."

Information about the Donnelly Mechanical 'Carbon Cutter' Program is available at <http://www.donnelymech.com/carbon-cutter-program/>, or by calling (718) 925-3348. •

Industry Expertise. Unbeatable Prices.

brothers[®]
BROTHERS SUPPLY CORPORATION
Air Conditioning • Heating • Refrigeration



- PTACs, WSHPs and Fan Coils
- Replacements for all OEM units
- National parts distribution
- Factory-Certified parts distributor
- **Unbeatable prices!**



Wholesale Distributor of:



Call 718-392-1200 for a quote today! Or online at www.brotherssupply.com

34-48 31st Street, Long Island City, NY 11106

MACC Talks

By John Ottaviano, Air Ideal, Inc.

I joined the Greater NY Chapter of ACCA 27 years ago as a young, inexperienced and totally overwhelmed newbie in the world of HVAC contracting business leadership. The untimely and sudden death of my father left me completely unprepared for the role that I needed to assume. The bank and a major vendor made things no easier on me, calling for loans due a week after my father's death.

I needed to learn how to turn things around quickly or walk away and find a new career. My father was a brilliant man, but he wasn't much of a teacher. Five years after being convinced to leave a promising career with GE in electrical distribution, I was faced with the reality of my inadequacies. Fortunately, a business associate recommended that I come down to a meeting at the Hofstra University Club and see what ACCA was all about. I got involved and became a sponge, soaking up as much as I could around those who managed to become successful in this business.

The rest of the story was part of our "Passing the Torch" meeting, but clearly Air Ideal's interim survival was predicated upon lessons learned from those with much more experience than I. This, in my mind, will always be the primary benefit of belonging to a contracting business association like the new MACC. The learning and networking opportunities that come with your association, with experienced and successful business owners and managers, will be a key to your survival and growth that you may not already value.

If you haven't been a regular attendee to MACC's monthly meetings, you are going to want to join today! MACC shakes things up with our own version of TED talks. HVAC industry leaders from some of the largest, oldest and most visible companies are the headliners of our monthly meetings. You will hear war stories, lessons learned and valuable tips on how these companies survived and thrived in an ever-changing HVAC market.

Survive and Thrive Part 1 will be held on Thursday, September, 15, 2016, with featured speakers Scott Berger from Arista Air Conditioning & Jack Fanneron from BP Air Conditioning Corp. Survive and Thrive Part 2, to be held on Thursday, October 6, 2016 will feature Dan Dubin from Penguin and EMCOR & Dan Donnelly from Donnelly Mechanical.

MACC is an invaluable resource that every HVAC business owner must be a part of in order to reach their highest potential. This is an exceptional opportunity to learn from the most successful leaders in the industry. So, if you want to learn from those who have managed to survive and thrive in the HVAC industry, then make it a point to join MACC today and register online for our meetings. — *John Ottaviano, Air Ideal, Inc.*

Coming in September and October

MACC Presents

Survive and Thrive

A two-part series featuring four expert and highly successful members of our industry:

On September 15th:

5:30 to 8:30 p.m.

Scott Berger

**from Arista Air Conditioning
and**

Jack Fanneron

from BP Air Conditioning Corp.

*at Piccola Bussola Restaurant,
159 Jericho Tpke, Mineola*

On October 6th:

5:30 to 8:00 p.m.

Dan Dubin

**from Penguin and EMCOR
and**

Dan Donnelly

from Donnelly Mechanical

*at Vivaldi's Restaurante,
201-10 Cross Island Parkway, Bayside*

*R.S.V.P. early at
www.maccny.org*

COCKTAILS & NETWORKING JUNE 2nd, CHALET Restaurant

Thanks to our sponsors CONSOLIDATED REFRIGERANT SOLUTIONS and NATIONAL COMPRESSOR EXCHANGE



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



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

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

WEST HAMPTON
220 Rogers Way Suite F
West Hampton, NY 11978
631-288-1326
631-288-2510
Tim Schaffer

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
Mike Byrnes

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




ADS
Association Development Services, Inc.



Interested in Selling or Acquiring a Business?

Buying or selling a business can be an overwhelming task, but with the help of ADS, we can manage all stages of your business transfer and walk you through every step of the buying/selling process.

Schedule a consultation today!

John F. DeLillo, CPA

(516) 677-5183
John@associationdev.com



MITSUBISHI ELECTRIC
COOLING & HEATING
Live Better

John P. Hanley
Northeast Regional Manager - Channel Development
jhanley@hvac.mea.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](https://www.facebook.com/mehvac) | twitter.com/mitsubishihvac | [youtube.com/mitsubishihvac](https://www.youtube.com/mitsubishihvac)

For All Your
HVAC Requirements



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 38th Ave. • Long Island City, NY
Tel: 718.729.0005 Fax: 718.729.3866

New York City 10001
548 West 28th St. • New York, NY
Tel: 212.631.0555 Fax: 212.631.0776

www.twincocom

Twinco Supply Corp.

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

A Trap For The Unwary: Wage Notice Requirements

It's a scenario that wage-and-hour defense attorneys have encountered too many times: an employer has a solid defense to a plaintiff's wage-and-hour claim yet is unable to escape the lawsuit unscathed, due solely to violations of notice requirements.

Sometimes such claims are included in a suit because the plaintiff is actually aware of notice violations; other times they are included as part of a "throw it at the wall and see if it sticks" strategy. But all too often, these claims turn out to have merit. This is not due to a willful refusal by employers to adhere to notice requirements but, rather, to employers' failure to learn what those requirements are. Indeed, many employers only learn about these requirements when it is too late and they are already faced with thousands of dollars in penalties.

The good news is that, once understood, notice requirements are fairly simple to follow. Essentially, employers must provide certain notices upon hire, upon making payroll payments, and upon termination. Each of these requirements is discussed below.

Wage Notice Upon Hire

Upon hiring an employee, employers must give the new employee a written notice stating the rate of pay, how the employee is paid (hourly, weekly, on commission, etc.), identifying the regular payday, and the official name of the employer and any DBA it uses, together with the address and phone number of its main office or principal location. The notice must also include any allowances taken as part of the minimum wage (e.g., tip, meal or lodging deductions). The notice must be furnished in English as well as the employee's primary language, provided a translation is available from the DOL; the DOL cur-

rently provides translations in Spanish, Russian, Polish, Chinese, Korean and Haitian-Creole. Employers must obtain the employee's signed acknowledgment that he or she has received the notice. (Certain different guidelines apply to temporary help firms and employers in the hospitality industry.)

Employers who fail to comply with these requirements may be forced to pay up to \$50 per day per employee, capped at \$5,000. Repeat offenders may be subject to enhanced penalties.

It should be noted that while employers were previously required to provide wage notices to employees annually, the annual notice requirement was removed in February 2015. Wage notices are now due only upon hiring an employee and in connection with any changes to the employee's wages.

Paystub Requirements

With every payroll payment, employers must provide employees with a writing containing the dates of work covered by the payment, the employee's name, the employer's name, address and phone number, the rate of pay, the basis of pay (e.g., hourly, salary, by commission, etc.), gross wages, deductions, any allowances claimed as part of the minimum wage, and net wages. For non-exempt employees the statement must also include the regular and overtime rates of pay, and the number of regular hours and overtime hours worked. If an employee asks for an explanation of how the wages were computed, the employer must provide it.

Notice Upon Termination

Upon terminating an employee, an employer must provide him or her with a written notice of the date of termination and the date of cancellation of employee benefits. Failure to provide the proper notice can subject an employer to penalties of up to \$5,000 per employee.

Conclusion

Adhering to notice requirements is relatively easy. While they may present an unwelcome administrative burden, that burden pales in comparison to the penalties and damages an employer may be forced to pay for failing to provide these simple notices. Particularly for businesses who are careful to comply with overtime and minimum wage laws, it is most unfortu-




Larry Klein
Territory Manager

Unitary Products New York Branch
85B Marcus Drive
Melville, NY 11747
Tel: (631) 370-8006
Fax: (631) 420-1596
Cell: (631) 327-4986
Email: Lawrence.Klein@jci.com





It's time to get comfortable.
HACONHEATPUMP
COOLING & HEATING
LIVE BETTER



John Glanzman
jglanzman@newbridgecoverage.com

Cost Effective Insurance
NEWBRIDGE COVERAGE CORP.

- 1666 Newbridge Rd.
N. Bellmore, NY 11710
- 236 Main St.
Center Moriches, NY 11934



Office: (516) 781-9000
Fax: (516) 781-9172
Office (631) 878-0400
Fax: (631) 878-0077

Virtual Insurance Office: www.newbridgecoverage.com

nate to be unable to dismiss a baseless wage-and-hour suit only because it includes notice violation claims -- claims the plaintiff may have added as a mere afterthought. Don't let your business fall prey to this trap. Call me at 516-921-3400 if you have any doubts about your company's compliance with notice laws.

SUMMERTIME HANDBOOK REVIEW

Since summer is an ideal time to review and update company handbooks, PMP offers a discounted rate for summertime reviews. Call me for an assessment of your particular situation and needs. Remember -- employment laws change rapidly. If it has been more than 18 months since you last updated your handbook, the time to review is now. •

WELCOME

New MACC Associate Member

Hochheiser, Deutsch & Company, Inc.


Jay Hochheiser

250 Crossways Park Drive, Woodbury, NY 11797

(P) 516-677-6208 (F) 516-677-6886

Email – Jayh@hdcibiz

Website – www.hdcibiz



Helping to Provide Financial Freedom for Successful Professionals and Entrepreneurs®

The Financial Freedom Scorecard™
What's Your Financial Freedom Score?™

YourFinancialFreedomScore.com

Jay E. Hochheiser, CFP®
President & CEO
jayh@hdcibiz

250 Crossways Park Drive—Woodbury, NY 11797
t. 516.677.6240—www.hdcibiz

Jay E Hochheiser is a Registered Representative and Financial Advisor of Park Avenue Securities LLC (PAS), 355 Lexington Avenue, 9FL, New York, NY, 10017, 212-541-8800. Securities products and advisory services are offered through PAS, member FINRA, SIPC. Financial Representative of The Guardian Life Insurance Company of America (Guardian) New York, NY. PAS is an indirect, wholly owned subsidiary of Guardian. Hochheiser, Deutsch and Company, Inc. is not an affiliate or subsidiary of PAS or Guardian. 2016-24566 (Exp.6/18)

Dedicated to the success of our HVAC partners



**WALLWORK
GROUP**

Wholesale Distributors NY/NJ ■ Air Conditioning ■ Heating

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

36 20th Street Bldg 6
Brooklyn, NY 11232
718-499-2224
Fax: 718-499-2241

You can also find these and other quality products and services at www.wallworkgroup.com

Statement From Stuart S. Zisholtz, Esq.

Statute of Limitations And Pay When Paid

Under ordinary circumstances, the Statute of Limitations to institute a lawsuit for breach of contract is six years. The Statute of Limitations can be reduced from six years to a shorter period of time as long as it is not the product of overreaching or an unreasonably short period. The Courts, in the past, have held a six month Statute of Limitations as being valid when the parties agreed to it in a signed written agreement.

Many contracts for public projects contain shorter Statute of Limitations to six months.

Recently, a subcontractor was awarded a project to perform work at Suffolk County Community College. The signed written contract contained a clause reducing the Statute of Limitations to six months. The contract also contained a pay when paid clause whereby payment by the owner was a condition precedent for the contractor's obligation to make payment to the subcontractors. The contract also provided that the subcontractor was required to pursue a lien foreclosure action to final judgment as a condition precedent to any action by the general contractor to collect the funds from the owner. Finally, the contract contained a provision that any action by the subcontractor for breach of the subcontract or to enforce any trust imposed by law on the general contractor had to be commenced within six months after the work of the subcontractor had been substantially completed.

The general contractor, after being sued by the subcontractor, argued that there was a six month Statute of Limitations in the contract and moved to dismiss the complaint as untimely. The subcontractor argued that the pay when paid clause conflicted with the six-month limitation clause because the subcontractor's right to bring an action might not ripen until after the six-month period had expired.

As all of you may know, a pay when paid clause is unenforceable in New York. Thus, the terms associated with the pay when paid clause in the subcontract agreement were

unenforceable. However, the Appellate Court held that the pay when paid clause and the contractual limitations clause were not severable. As a result, the Appellate Court concluded that the six-month limitation clause did not bar the action and the subcontractor had the right to pursue its claim.

The rationale of the Appellate Court was that even though the pay when paid clause was unenforceable, the fact that the terms were not severable resulted in an ambiguity.

The logic of the Appellate Court is confusing and unclear. However, the key aspect to this article is knowing your contract and the terms and conditions of the agreement. In this particular case, the subcontractor was lucky and utilized an ambiguity to save his claim against the general contractor. Many times, these arguments are unsuccessful.

Never let your lien time run out!!

For a free copy of a pamphlet pertaining to mechanics liens and payment bond claims, kindly contact me or the Association. •



- 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



**FLEET
MANAGEMENT**

Paul M Babinelli
Senior Account Executive
ENTERPRISE FLEET Management

718-334-7452 direct
516-782-5738 cell
516-320-8054 fax
Paul.M.Babinelli@efleets.com

Enterprise Fleet Management
8334 23RD AVE • EAST ELMHURST, NY 11370-1659 • efleets.com



In Partnership with MACC

- Workplace Compliance * Employee Handbooks * Policy Development
- Department of Labor Audits * Vulnerability Reviews * Affirmative Action Plans
- Training * HR On-Site Mentoring * Performance Management * HR Help Desk
- OFCCP Audits * Recruiting * Job Descriptions * Career Transition * Outplacement
- Union Negotiations * Union Avoidance * Arbitration * NLRB Hearings
- Representation before DOL Agencies

www.pmpHR.com abpearl@pmpHR.com
800-921-2195



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
Yonkers, NY 10710

OFFICE: (914) 226-8475
FAX: (914) 226-8480



DAIKIN

- Energy Saving
- Flexibility
- Large Capacity & Space Saving
- High Reliability

VRV

NOW STOCKING
DAIKIN VRV
 Commercial Multi-Split Type Air Conditioners

For more information call
Eric McKenna at (973) 427-3320 ext. 1101






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
 Email: john@johndelillocpa.com



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

ABCO™ HVACR
 Supply +
 Solutions

Think With Us

- | | | |
|--|--|--|
| <p>Long Island City
 49-70 31st Street
 LIC, NY 11101
 Phone: 718-937-9000
 Fax: 718-937-9776</p> | <p>Bronx
 600 East 132nd Street
 Bronx, NY 10454
 Phone: 718-401-1001
 Fax: 718-401-2286</p> | <p>Brooklyn
 100-01 Avenue D
 Brooklyn, NY 11236
 Phone: 718-257-5700
 Fax: 718-257-5880</p> |
| <p>Manhattan
 438 West 37th Street
 New York, NY 10018
 Phone: 212-929-8400
 Fax: 212-629-5768</p> | <p>Staten Island
 420 Bay Street
 Staten Island, NY 10304
 Phone: 718-273-0200
 Fax: 718-720-0500</p> | <p>Hauppauge
 10 Central Ave
 Hauppauge, NY 11788
 Phone: 631-234-5500
 Fax: 631-234-5549</p> |
| <p>Hicksville
 225 Charlotte Street
 Hicksville, NY 11801
 Phone: 516-938-8400
 Fax: 516-938-8421</p> | <p>Suffern
 12 North Airmont Rd
 Suffern, NY 10901
 Phone: 845-357-3322
 Fax: 845-357-5444</p> | <p>White Plains
 155 S. Fulton Street
 White Plains, NY 10606
 Phone: 914-946-2020
 Fax: 914-946-6822</p> |

ABCOhvacr.com

MACC Board Working On Our Many Upcoming Projects. You May Want To Join a Committee.



**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
Ten Convenient Locations ♦ Great Value

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

Need help with plans and specs?
Let our expert Engineering Department assist you with all your commercial applications.
We'll hold your hand and walk you through the process!
Call Ian at the Farmingdale branch for all of your engineering needs.

Visit our new location at 323 West 39th Street in Manhattan
P: 212-203-3808 F: 212-203-3909

BROOKLYN	(718) 252-2700	FARMINGDALE	(631) 293-2566	STAMFORD	(203) 359-2626
BALDWIN	(516) 223-5511	RED HOOK	(718) 522-4700	MILFORD	(203) 882-5550
BOHEMIA	(631) 567-4800	NEW HYDE PARK	(516) 216-1810	HARTFORD	(860) 727-9699

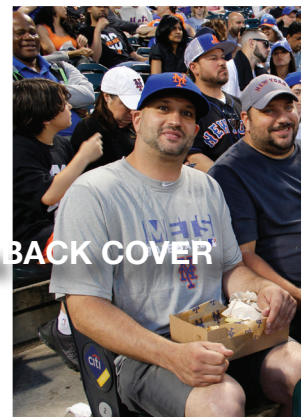
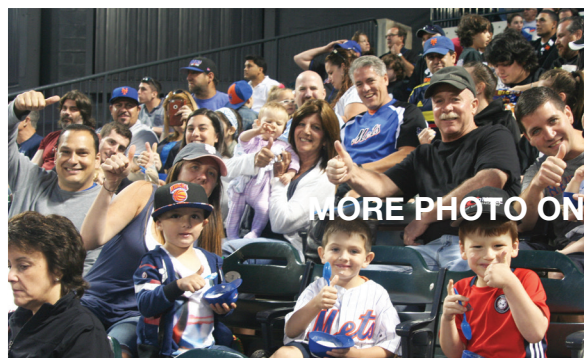
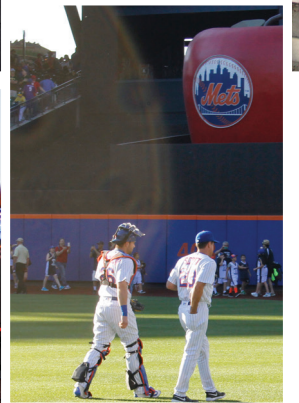
www.johnstoneli.com www.johnstonect.com www.johnstonenyc.com

B&F Electric Motors



MACC NIGHT OUT WITH THE METS FRIDAY, JUNE 17th 2016

THANKS TO OUR GENEROUS SPONSOR ABCO HVACR Supply + Solutions



MORE PHOTO ON BACK COVER



◀ MORE METS NIGHT PHOTOS INSIDE