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Greater New York Contractors' NEWS



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JUNE 2012

President's Message



Michael Newman

R-22 is the hot topic for our industry these days. For the May meeting Paul Sullivan from Honeywell explained the phase out process of R-22, reviewed recommendations for R-22 replacements, discussed oil/refrigerant relationships, advised on which refrigerants to stay away from and much more. I would like to thank Twinco Supply for helping to put this program together!

This month please join us for the June Networking Cocktail hour. It will be a night just to relax, exchange

Turn to President's Message on page 3

You are invited to Il Bacco's Rooftop Garden for Cocktails & Hors d'Oeuvres

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PRESIDENT'S MESSAGE *Continued from page 1*

business cards and have a good time. Hope to see you there!!
 This year we will be focusing on increasing the membership within our organization and seeking out greater participation from our contractors, suppliers and associate members. If anybody has an idea or issue relating to our business and industry, please get in touch with us and we will make it happen. How can ACCA help you this year? Are there any issues or topics you want to hear about this year?
 Please use ACCA as a networking experience and a place where you can bring the hottest and most relevant business topics back to your day to day operations.
 Thank you for your support and I look forward to seeing you at the next meeting. — *Mike Newman*

Check the ACCA national website, www.acca.org, regularly for up-to-date information on our industry.

JOHN F. DELILLO
Certified Public Accountant

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| <i>Advertising/Newsletter</i> | <i>Golf Outing</i> | <i>Scholarship</i> |
| Anthony Carbone | Ken Ellert | John Ottaviano |
| Donald Gumbrecht & Co. | <i>Holiday Party</i> | <i>Trade Show</i> |
| <i>Baseball Outing</i> | Anthony Carbone | Rich Staiano |
| Scott Berger | <i>Membership</i> | Steve Bergman |
| Nick Terran | Ron Nathan | <i>Web Page</i> |
| <i>Casino Night</i> | <i>Political Action</i> | Roy Bernheimer |
| Jim Carlson | Anthony Carbone | |

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

Editor's Notes

by Anthony N. Carbone

Even with the air conditioning season beginning early this year, there are other events that are stirring this economy.

The oil to gas conversion market is alive and well. With a significant disparity between the operation costs of using fossil fuel oil and natural gas heat. There is a 40% difference. It's hands down the payback is there and it comes in less than five years for most residential customers. Abandoning the underground 500 – 1000 gallon time-bomb that stores the oil is a good value, not only for environmental reasons but for many home owners insurance policies.

Recently, National Grid – the Long Island Utility has converted to a new web-site portal. It appears a recent change in the oil to gas program in regards to subsidized boilers has changed. Previously National Grid would provide a reduced price Burnham Boiler in conjunction with a oil to gas conversion. In essence, the utility was subsidizing the program to entice consumers to make the change over.

Now the boilers will no longer be subsidized but the contractor still may order them through the utility to be

delivered to the consumer. In turn the new Natural gas client of National Grid would receive a Visa Cash Card for approximately \$400 – \$600 to use within a six month period once activated. Ostensibly, it appears the utility is getting out of the discount boiler business and the new “incentive” is the Visa Cash Card.

So the question arises, why are we as contractors buying full priced boilers from the utility? The utility is not a supply house. What if the customer decides **yes** - they will convert but we chose to use a less expensive or alternate European boiler and just allow the conversion client to receive the ‘Visa Cash Card’. Well, evidently this is not part of the program according to Jim Madsen over at National Grid.

Why does a utility need to meddle in a contractor's private business? The end result should be the insured, licensed contractor converts the house from oil to gas and upon inspection and completion, the utility incentive should be sent to the homeowner. These middle men tactics are time consuming and administratively expensive! Do You Agree?.....Let Me Know..... — *Anthony N. Carbone*



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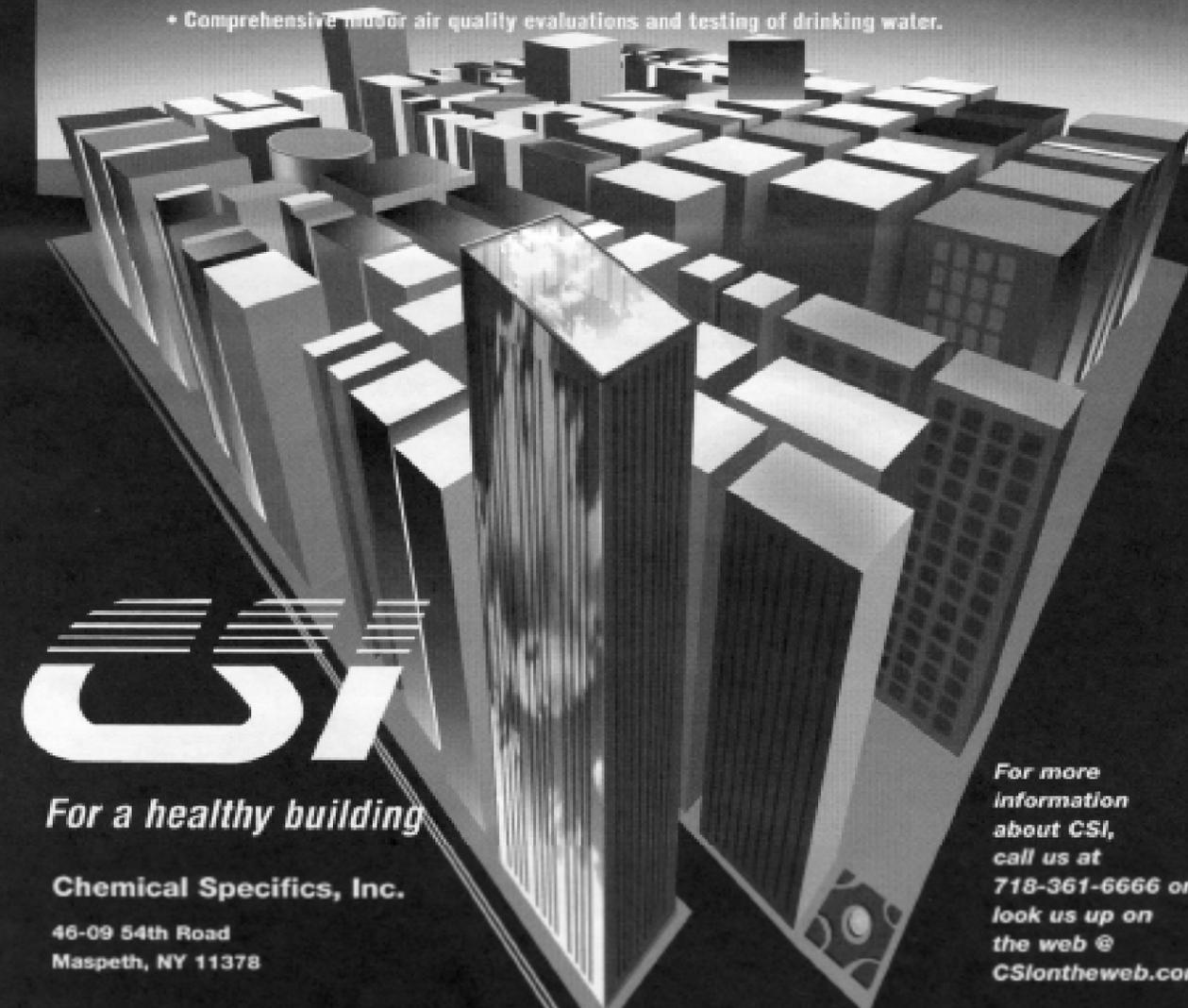
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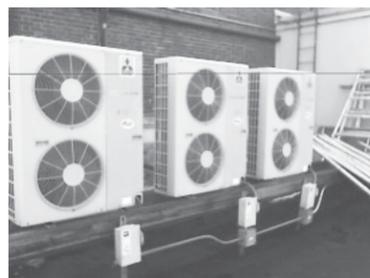
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VRF System Ratings and Qualifying for Demand Side Incentives

By John Ottaviano/Air Ideal

The American Heating and Refrigeration Institute (AHRI) has finally developed a new certification program for variable refrigerant flow multi-zone split air conditioners and heat pumps. In years past, systems manufactured by Mitsubishi, Daikin,



LG and the like were unable to qualify for utility rebates and Federal tax incentives because there was no way to rate their efficiency performance. This was primarily because multi-zone ductless and ducted VRF systems had so many potential variations of installed

indoor components that it made it nearly impossible to accurately rate SEER (Seasonal Energy Efficiency Rating), EER (Energy Efficiency Ratio) and HSPF (Heating Season Performance Factor). To solve this problem, AHRI came up with this new 2012 certification program. "This certification program covers matched variable refrigerant flow multi-split air-conditioner and multi-split heat pump systems, that comply with either the National Appliance Energy Conservation Act (NAECA) or the Energy Policy Act (EPA) and use distributed refrigerant technology with cooling and heating capacities for outdoor units from 12,000 Btu/h [3508 W] to 300,000 Btu/h [87,692 W] and indoor units from 5,000 Btu/h [1,462 W] to 60,000 Btu/h [17,538 W]. Each

indoor unit is designed to condition a single zone."

As a result, we can now submit certain combinations of VRF systems to LIPA (utility) for residential and commercial rebate programs. This is great news because VRF systems provide their greatest savings because of their ability to operate at part load capacity. Very rarely will an air conditioning or heating system be required to operate at peak load (outdoor temps at or above 95 degrees F or below 15 degrees F). This is where the variable speed compressors in VRF systems and their ability to shift load from one area to the next comes into play. Although some VRF systems may not be able to achieve the top peak load efficiency ratings that a single or dual speed DX system can, they are considerably more efficient in partial load situations because of their DC inverter driven ability to ramp up and down from 10% to 100%+ of required capacity. Also, because most of these systems utilize electronic expansion valves that allow for an increase or decrease in refrigerant volume flow depending upon load, they have the ability to shift capacity requirements as the cooling or heating load shifts in a space due to environmental factors like solar gain variance (sun movement), occupancy levels and infiltration. This ability also allows for the use of up to 150% of indoor coil versus outdoor coil capacity. This is something that cannot be done with standard ducted systems unless they have VAV (variable air volume) terminals or are part of a chilled water system.

Ultimately, this is a great win for the VRF industry, energy conscious consumers and VRF system installers. •

Board Votes \$1,000 For SCCC Scholarship Program

Demonstrating its continued efforts to attract young people to the HVAC industry, the Board of Directors of the ACCA Greater New York Chapter has once again voted to contribute funding to the Scholarship program at Suffolk County Community College.

According to John Ottaviano, who chairs our Scholarship committee, the college's Dean, Hector Sepulveda, has reached out to the HVAC community, keeping us informed and giving our Chapter a seat on the advisory board for the HVAC program.

The amount of the chapter's scholarship contribution is \$1,000. •

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ASHRAE Launches New Terminology Site - ASHRAEwiki

Common definitions for terms found in ASHRAE standards and other publications can now be found at a new website from the Society.

The free ASHRAEwiki is located at www.ashraewiki.org and contains over 6,000 terms related to buildings with a particular focus on mechanical, envelope, electrical, lighting, load calculations, design, water design/conservation and energy use and measurement metrics.

“Common terminology in communications and particularly in standards helps users in their understanding, thus encouraging adoption and use,” Art Hallstrom, a member of ASHRAE Technical Committee 1.6, Terminology, said. “The ASHRAEwiki goal is to improve communication by encouraging the use of consistent terminology definitions within ASHRAE and the industry, worldwide.”

The new ASHRAEwiki can create custom reports of terms and primary definitions that will aid in the development of standards, guidelines, Handbooks and other ASHRAE publications. With time, it may have broader use across the industry, according to Hallstrom.

Each term in the wiki has one or more primary (recommended) definitions, in which ASHRAE standard(s) the term is used, the definition source and known legal information such as trademark registration. The wiki also lists any secondary definitions used in an ASHRAE standard or guideline, which will help with the development of consistent standards.

“There is no requirement to use an ASHRAEwiki primary definition, but standards developers should be able to see the value in consistency across all standards,” Hallstrom said.

ASHRAEwiki terms are grouped by words, symbols, abbreviations and acronyms. Definitions that include units may use Inch-Pound (I-P) or International System (SI) as primary units. ASHRAEwiki is in English but might be expanded to other languages in the future.

“ASHRAEwiki content is controlled by the ASHRAEwiki editors and TC 1.6 but suggestions from individuals or organizations are welcome,” Bruce Billedeaux, TC 1.6 vice chair, said. “Suggestions can be entered in the wiki discussion section or sent to the ASHRAEwiki editor.”

ASHRAEwiki replaces a proposed ASHRAE Standard, Standard 166P, Heating, Ventilating, Air-Conditioning and Refrigerating Terminology, which had been proposed to offer uniform terminology for use in the HVAC&R industry. •

ACCA Joins NASEO

ACCA has joined the National Association of State Energy Officials (NASEO).

NASEO is a non-profit organization that works to improve the effectiveness and quality of state energy programs and policies, provides policy input and analysis, shares successes among the states, and is a repository of information on issues of particular concern to the states and their citizens.

“ACCA has been getting more involved on the state level, so that we can help ensure that contractors have more of a say in state and local policies that affect the way they do business,” said Emily Rogers, ACCA director of energy policy. “Joining NASEO as an affiliate member was a strategic move to give our members access to senior officials from the state and territory energy offices, as well as affiliates from the private and public sectors.”

For more information on ACCA’s involvement with NASEO or if there is an issue in your state that ACCA should be aware of, email emily.rogers@acca.org. •

New Resources Available For Commercial Contractors

ACCA has added six new resources to the Forms & Template Library for commercial contractors.

These new resources, which were provided to ACCA by James Graening of GrowHVAC.com, are free downloads and are available to ACCA members only. The new resources include:

- Sample phone script
- Sample introduction letter
- Sample customer qualifying questions
- Sample proposal cover letter
- Cost of operations worksheet
- Commercial project data sheet

“We are constantly looking for valuable resources to share with our members and we feel these new resources will help those who work in the commercial market segment be more successful,” said Paul T. Stalknecht, ACCA president & CEO. “We are grateful that contractors and their industry partners are willing to share the things that work for them, so the entire industry can grow and prosper.”

ACCA members can download these and all of the other resources from the ACCA Forms & Templates Library at <https://www.acca.org/members/downloads/forms-and-templates>.

If you have a form or template you would like to share with the ACCA membership email it to kimya.cajchun@acca.org. •

People & The Workplace

By Alan B. Pearl,
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Potpourri of Important Information

Employee lawsuits have risen 400% in the past 20 years to 6.5 claims per 1,000 employees annually. In this litigious employment environment it is imperative to have a compliant Employee Handbook. In any employment case that is filed in Federal court there is a 16% chance the award will exceed \$1 million and a 67% chance it will exceed \$100,000.

Discrimination claims on the rise, 41.5% are from private employers with 15-100 employees. A well drafted and enforced handbook can ward off accusations of favoritism and it provides clear guidance on the company's position(s) against discrimination/retaliation/harassment.

Wrongful termination suits are up 260%. Written policies, consistently enforced, can help avoid legal disputes.

Communicate with your employees. A lack of communication can result in employee relations problems because of confusion and uncertainty.

Explain expectations/boundaries for the employee and employer. Ensure that employees understand their part of the

responsibility for complying with company and government workplace, safety and other regulations.

Define policies and applicable laws. Federal, State and local agencies mandate that certain policies must be given to employees. It will also reinforce your "at will" policy for employment.

Identify consequences for actions. Employees can no longer excuse inappropriate conduct harmful to your company by claiming ignorance. Supervisors also become more effective because disciplinary decisions can be made based on the handbook policies and procedures.

Describe corporate culture and philosophy. Communicating information regarding your business, and distributing those messages can improve morale and leadership, and help keep the business on track.

Good defense when called into litigation. The first question that will be asked of you in a litigation case will be whether or not you have an employee handbook. A signed receipt can defeat the "they never told me" defense.

Employee retention. Providing information on appropriate business behavior (good and bad) and consequences for violations can help motivate employees to act accordingly.

PMP is offering a Handbook Special for ACCA members during the months of May, June and July to review your Handbook. Call me for information at (516) 921-3400.

Our next article will deal with Avoiding Liability for Workplace Violence. Have a nice summer.

May 10th Meeting — Paul Sullivan of Honeywell North American Aftermarket Refrigerants presented a full program featuring the R-22 phase-out, its replacements, refrigerants (good and bad), as well as other important information contractors need to know. It was a highly valuable evening. Thanks to Paul and to Twinco for coordinating the program.



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Avoiding Collisions Is No Accident

By Kelly Hiner, Enterprise Fleet Management

Vehicle and parts manufacturers invest millions of dollars researching, developing and installing systems and components that are designed to help drivers avoid crashes. In return, they ask drivers to adhere to routine service and maintenance schedules, as well as to pay attention behind the wheel. Although there is no way to prevent every collision, performing routine maintenance and improving driving behavior can significantly reduce the number of collisions that happen "by accident."

Some of the most common contributing causes of collisions underscore the problem – worn tires, worn out brakes and broken mirrors that compromise optimal vehicle performance and control, as well as drivers changing lanes without signaling, following too closely, and not slowing down at intersections to get a good look in every direction. For a business with a fleet of vehicles, the costs of routine maintenance and driver safety programs are minimal compared to the expense of either replacing a vehicle that has been totaled or settling a workers' compensation claim for an injured driver.

Being diligent about making and keeping service appointments should be a top priority. Recommended service

intervals are clearly stated in the owner's manual for every vehicle, and businesses that have a maintenance management program through a professional fleet management company are notified in advance when it's time to make a service appointment.

Delaying or ignoring a service appointment can result in an accident waiting to happen.

A recent example shows how quickly this can occur. The driver of a pickup truck with badly worn tires went to a tire store, selected new tires and made an appointment to return the next day. Unfortunately, the vehicle was totaled before the tires could be replaced after skidding on a rain slick road. The cost of replacing the vehicle and the time lost dealing with the accident were considerably more expensive than replacing the tires on schedule.

Sometimes it's the less obvious vehicle systems and parts that can help avoid collisions. A horn that's in good working order can be very effective in warning other drivers on the road or in a parking lot. In addition, sun visors that have an extender or keeping a spare pair of sunglasses in a vehicle can help improve vision when faced with a glaring sun. And, when a driver gets behind the wheel of a new vehicle, it's important to become familiar with the location and features of various internal systems and components before driving in traffic.

In addition to a vehicle being in the best possible operating condition, drivers need to be alert at all times behind the wheel and avoid being hindered by external or internal distractions, including driving when feeling drowsy. It's understandable that poor driver performance, including drowsiness, is frequently

the cause of crashes occurring between 2 a.m. and 6 a.m. However, mid-afternoon is second only to these overnight hours as the highest risk time for crashes, according to the National Highway Traffic Safety Administration (NHTSA). Some proactive steps to help reduce drowsiness or inattention may include limiting driving time, alternating pool drivers and mandating break times.

For businesses concerned with developing and implementing cost-savings strategies to help their bottom line, reducing the number of collisions for their fleet of vehicles

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

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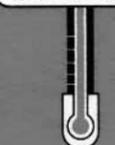
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Statement From Stuart S. Zisholtz, Esq.

Construction Manager or GC Who You Are Working With Makes a Big Difference

It is easy to find out who the owner is on a particular project. That comes from a title search. It is also easy to know who your contract is with. That comes from your written agreement or your purchase order.

It is between you and the owner that difficulties sometimes develop. Is the owner doing the job through a Construction Manager or a General Contractor?

From a subcontractor's point of view, the ideal situation is to find a Construction Manager, not a General Contractor. A Construction Manager is a window to the owner. Therefore, in effect, the subcontractor is a General Contractor with the owner and if there is a claim that has to be met, he can go directly against the owner.

If he is dealing with a General Contractor, then the legal ramifications are substantially different. He has to establish that the owner is still holding money for the account of the General Contractor without offsets or back charges in order to establish a valid mechanic's lien.

With respect to a Construction Manager, no such problem exists because the Construction Manager is the agent for the owner and whatever work the Construction Manager authorized, it is chargeable to the owner. This applies even if the Construction Manager makes

payments directly to the subcontractor or is on a percentage or fee basis, etc.

Moreover, there is a statutory requirement in the Lien Law which mandates that a lienor name the General Contractor in its Mechanic's Lien. Failure to do so could render the lien void. It is therefore vital that you determine whether you are dealing with a General Contractor or a Construction Manager.

In addition, you might find yourself too far removed from the owner if you are dealing with a General Contractor as opposed to a Construction Manager. For example, you might be a third tier subcontractor and cannot file a lien. However, if one of the parties between you and the owner is a Construction Manager, then you have eliminated one tier and you are that much higher on the totem pole.

In doing your due diligence, therefore, I strongly suggest, in addition to all of the other things I have suggested in the past, such as finding out if the job is bonded, who the General Contractor is, etc., that you find out if the party involved is a Construction Manager or a General Contractor. The distinction could be the difference between collecting and not collecting.

The key is never Let your lien time run out! For a free copy of a pamphlet pertaining to mechanic's liens and payment bond claims do not hesitate to 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.



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