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Air Conditioning Contractors of America

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Greater New York Contractors' NEWS



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OCTOBER 2012

President's Message



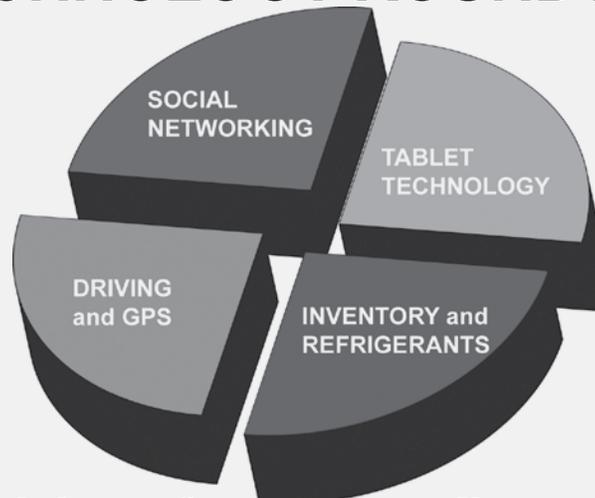
Michael Newman

ICANNOT BELIEVE THAT THE SUMMER IS NOW OVER. We are still getting a few more 80 degree days so the volume of service calls are still coming in. It was a very hot summer this year so I hope everyone had a prosperous season. I wish it could be 90 degrees every day.

This month the meeting topic was saving lives at the work place. Mike Barry a 40 year veteran of the Fire Department demonstrated the basics of CPR and first aid. We are prepared to do our jobs in our industry however are

Turn to President's Message on page 3

Thursday, October 4th Meeting TECHNOLOGY ROUNDTABLE



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PRESIDENT'S MESSAGE

Continued from page 1

we prepared to save a life? I would like to thank Al Trudil the future president of ACCA for putting the program together. It was a great show and well attended. Next month ACCA is having our annual Management Round Table discussion. We always discuss the hottest topics of the year and everybody walks out of this program with key ideas to bring back to their companies. Do not miss this event!!

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. As I always say this year has been legendary.

Thank you for your support and I look forward to seeing you at the next meeting!

— Mike Newman



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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

The Oil to Gas market is alive and well with the recent upheaval in the Middle East, more uncertainty is prevailing and oil and gasoline prices are rising again. This is good for the contractor who installs oil to gas conversions. With many incentives in place such as from the Gas Utilities and special addition funds designated for high efficiency, many homeowners and businesses can see the return on investments within a few years. According to National Grid, recently the comparison of Oil to Gas is \$1.40/gallon to \$3.65 for oil. This is huge! A near 65% savings. Many users of oil heat who burn \$3000 worth of oil for the season will now use \$1050 worth of natural gas. With an average of \$6000 - \$8000 per conversion cost, payback is 3-5 years. That is worth the investment even if your system is not at a crossroad. With many northeast homes having underground oil tanks, this is a definitive time to get that time-bomb underground abandoned. In turn this reduces many home owner's insurance premiums. This appears to be a win/win situation for many...including contractors...who are licensed and insured to do natural gas work with the utility!!

I want to take a moment to tell our membership how relevant our program was for September. It was our kick-off meeting after a long hot summer. The topic was "Saving Lives". Mike Barry, a 40-year veteran in Fire service and Head Instructor for Fire Fighter Solutions, Suffolk County Fire Academy Instructor and President of the Fire Chief Associates of Suffolk County, discussed CPR in your office which included the use of Defibrillators!

This was one of our most important and informative meetings that our President Mike Newman brought to our organization. Myself and all who attended learned so much important information in regards to saving a distressed person's life. Mike Barry informed us that most individuals will run out of the office when a person goes down and most have no protocol on "what to do". Would you know what to do??? Most don't! Know that ACCA Membership and attendance of our programs can make a real life difference in your life and others around you. — *Anthony N. Carbone*

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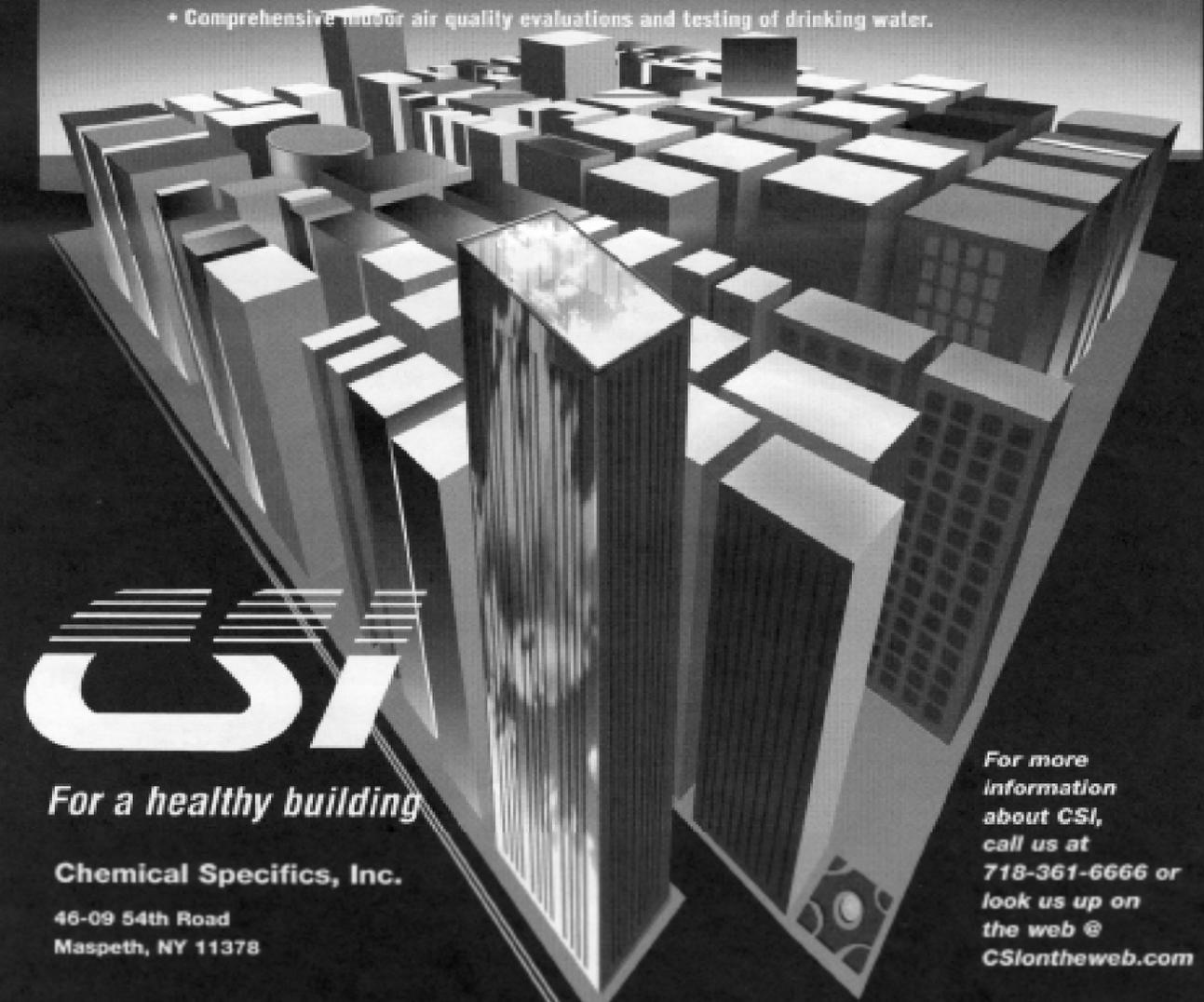
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Last Chance to Buy an 80% Furnace! (and save)

By John Ottaviano – Air Ideal

With the Federal government enforcing new energy efficiency standards as of May 1st, 2013, this will be the last winter that consumers can buy a down and dirty 80% AFUE (Annual Fuel Utilization Efficiency) gas furnace. As of May 1st, northern contractors can only sell and homeowners will be forced to buy 90% AFUE furnaces (or greater). Here in the colder climate, this will mean abandoning existing masonry chimneys for direct PVC venting as 90% furnaces cannot be vented into existing chimneys without causing serious condensation problems. This, however, may not eliminate chimney condensation and deterioration because many homeowners will have separate gas hot water heaters still venting into masonry chimneys without the 80% furnace and will need a chimney liner to prevent condensation and mortar erosion.

This will be a boon for chimney companies, but a major expense for homeowners already reeling from the current economic pressures. The added costs of a chimney liner, higher efficiency furnace, condensate drain and PVC venting could add \$2000 to \$3000 to an installation.

The DOE has estimated that consumers will save 11% in fuel costs only by installing a 90% gas furnace in lieu of an 80% gas furnace, so clearly the ROI might never be met because of the added installation costs. In the long run, the DOE is estimating that consumers will only save \$175 over the life of the furnace when additional installation costs are

considered. This does not take into account the added cost of a chimney liner for existing hot water heaters. It also does not take into account the savings created by a two stage 80% gas furnace at partial load. Based upon these numbers, the lower life cycle cost savings (including installation differential) would come from a two stage 80% gas furnace over a 90% single stage condensing gas furnace.

For those who do not want to incur the added expenses associated with installing a 90%+ condensing furnace, it might be a good idea to replace early this winter and ensure that you have another 15 years before you have to face the additional work required by the new code standards. •

ACCA National Schedules Special Session to Help Contractors Learn from NBC Sting

NBC's *Today Show* aired an undercover "sting" operation, in July which exposed several technicians using some seemingly unethical techniques when being called to a customer's home. To help contractors learn more about what happened with the program and how they can use this as a learning tool, ACCA has scheduled a special lunch session, "Taking the "Sting" Out of the Media," during the fifth annual Service Managers Forum, October 11 – 12 in Austin, TX. This special session, which will feature Robert (Bobby) C. Ring, of Meyer & Depew Co. in Kenilworth, NJ, who served as the contractor expert for the Today Show and follow up Dateline segments.

During this session, Ring will lead a conversation on how service managers and contractors can use this experience to enhance employee training and improve customer service. He will share how and why he decided to participate in the program and share the parts of the program that the viewing public did not see, because they were left on the editing room floor.

This special session is just one of many that will be taking place during the Service Managers Forum. You can see the full program schedule and register for the event at www.servicemanagersforum.com. •

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A Thank You Note!

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September 5, 2012

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Attn: Mr. John F. DeLillo

Dear Mr. DeLillo,

On behalf of the Suffolk Community College Foundation, I would like to thank the Air Conditioning Contractor of America for their contribution of \$1,000.00 to the scholarship in their name.

Through the organization's support, the Suffolk Community College Foundation is able to continue to provide scholarships that create opportunities for academic success and foster a lifetime of learning for our students in the HVAC Workforce Program.

Your organization's contribution demonstrates your appreciation for the valuable benefits our College provides to its students and to the residents of Suffolk County. We couldn't help the College meet its mission without you. Again, thank you for your support.

Sincerely,

Jeanine Reynolds
Jeanine Reynolds
Director of Development

Note: The Suffolk Community College Foundation, Inc. is a qualified tax-exempt organization as defined in section 501 (c) (3) of the IRS Code. The total value of your donation is tax deductible.

Thank you! your support is sincerely appreciated.

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People & The Workplace

By Alan B. Pearl,

Portnoy, Messinger, Pearl & Associates, Inc., Syosset, NY
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New York Expands Permissible Wage Deductions

On September 6, 2012, the Governor signed into law an amendment to Section 193 of the New York Labor Law greatly expanding an employer's ability to deduct from its employees' wages in a number of circumstances which the New York State Department of Labor ("DOL") had previously opined were impermissible. The amendment becomes effective on November 6th.

Prior to the effective date of the amendment, the DOL has narrowly construed Section 193 to allow employers to deduct from wages only for insurance premiums, United States bonds, pensions, health and welfare benefits and union dues. This has frustrated many Employers who sought to deduct from employees accidental overpayments of wages and to recover pay advances or loans. Although the amendment requires an Employer to provide notice to its employees prior to commencing recovery for a loan or overpayment and mandates that the Employer implement a procedure for

disputing the amount of overpayment or seeking to delay recovery, Employers should, overall, welcome the changes to Section 193 which render it less likely for an Employer to have to resort to lawsuits to recoup wage advances, loans or inadvertent overpayments.

The amendments also allow deductions for other purposes including 1) the purchase of discounted parking passes and mass transit vouchers, 2) gym membership dues, 3) purchases made at events sponsored by charitable organizations, 4) purchases made at cafeteria, vending machine and pharmacy at the employer's place of business, 5) tuition, room, board and fees for certain educational institutions, 6) certain child care expenses and 7) payments for housing provided by non-profit hospitals. For these enumerated deductions, Section 193, as amended, continues to require that employees voluntarily submit a written authorization before an Employer can lawfully commence a wage deduction.

There are, however, other new requirements contained in the amendments which increase an Employer's administrative burdens. As stated above, the amendments require Employers to implement a procedure for disputing certain aspects of wage deductions for overpayment, advances and loans. Second, the amendment also enhances the notice requirements provided to an employee to include all terms and conditions of the payment and/or its benefits and details in the manner in which deductions will be made. Third, the

Employer must maintain an employee's written authorizations for the duration of employment and for six years after the employment ends.

Further details of the law, including whether it will be applied retroactively to allow for deductions for existing loans, wage advances or overpayments and the timing, frequency, duration and method of recouping overpayments, advances or loans are currently unknown. The amendment provides the DOL the opportunity to issue regulations outlining these details. Nevertheless, we can begin to discuss policies and procedures which adhere to these amendments, pending the time in which the Department of Labor issues a more comprehensive set of rules and regulations.

Concerning I-9 Forms

Although the current I-9 Form you are using has expired as of August 31, 2012, you may continue using the current I-9 form until further notice. USCIS will provide updated information about the new version of the Form I-9 as it becomes available. Employers should continue using the Form I-9 currently available.

Alan B. Pearl of Portnoy, Messinger, Pearl & Associates is always ready to help provide answers to your questions or follow-up to ensure compliance. Feel free to contact Alan at ABpearl@pmpHR.com or (516) 921-3400. •

industry-recognized depressurization testing procedures. These depressurization procedures were developed by the gas manufacturing industry. Additional parallel guidance for oil furnace and oil boiler applications has been provided in the Appendix.

ACCA technical bulletins may be downloaded by members at www.acca.org/bulletins. For more information, contact ACCA's Donald Prather at donald.prather@acca.org. •

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ACCA Publishes New Technical Bulletin On CAZ Depressurization Testing

ACCA has published its latest technical bulletin entitled, "Understanding CAZ Depressurization Testing."

Technical bulletins are provided to ACCA members at no cost and cover a variety of topics related to system design, installation, and maintenance.

This new bulletin will serve as an aid to contractors in evaluating failed Combustion Appliance Zone (CAZ) depressurization testing procedures reported to homeowners by weatherization and home performance practitioners. Understanding how the data was obtained, will provide a head start when evaluating homes that failed building performance tests. The procedures are explained in detail, so that HVAC contractors can double check the reported results. This additional background knowledge will help HVAC technicians explain the recommended repairs and how the corrective actions will resolve the reported problem.

Additionally, there is an Appendix containing ACCA's guidance for testing combustion appliances based on



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Fleet Financing Options Can Be Like Comparing Apples to Oranges

By Kelly Hiner

Anyone shopping for vehicles knows there are lots of choices when it comes to selecting the right vehicles with options and aftermarket equipment that will do the job at the best possible price. But, when it comes to paying for the vehicles, there also are various options that can make a big difference to the bottom line. This can be especially important for those that have medium-size fleets.

Financing a fleet of vehicles not only requires a considerable amount of money upfront, it also demands a continuing amount of money, time and resources to keep the fleet operating most efficiently and cost-effectively. That's why comparing various financing options based on the monthly payment alone can be a lot like comparing apples to oranges.

By acquiring vehicles through a professional fleet management company, a separate line of credit may be established. This can optimize cash flow and preserve the company's bank line of credit for other business opportunities, such as operations, expansion, additional personnel or other investments. A fleet management provider also can provide some basic financial measures to assist a company in making a lease/buy decision based on its own unique circumstances as well as evaluating the effect various forms of financing can have on its overall

capital structure.

While interest rates for leasing vehicles are generally competitive for various financing options, it is important when making a decision to consider both the hard and soft costs associated with the administration of fleet purchases. These include the amount of time that owners, managers or employees must spend on issues related to acquiring and disposing of vehicles, as well as managing maintenance appointments and invoices, insurance and vehicle registration and reporting.

A fleet management company that offers a managed maintenance program can monitor and ensure regular service checks, scrutinize invoices, and use its experience and expertise to guarantee the most economical, timely and high-quality repairs for fleet vehicles. This includes arranging maximum warranty benefits, rebates, price breaks and other opportunities to minimize expenses. In addition, customers may be protected from having to pay for unnecessary repairs or those that may already be covered by warranty.

A fleet of vehicles can hold the keys to trimming expenses and improving cash flow without sacrificing vehicle quality or performance. Working with fleet management professionals who can analyze the cost of your fleet and provide recommendations on how to improve cash flow is a good place to start.

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. •



Large Turnout For September Meeting on Saving Lives in the Workplace



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

Mechanic's Liens

Over the years, I have emphasized the importance of filing a mechanic's lien. Many times it is the difference between getting paid and not getting paid.

As all of you know, a mechanic's lien can be filed after you perform the work or furnish the materials. Once a lien is filed, it is extremely difficult and costly for an owner or a general contractor to remove the mechanic's lien.

In certain instances an owner or a general contractor can bond the lien. This involves the owner or general contractor posting collateral and obtaining a discharge bond from a surety company. Many times there are personal guarantees which must be executed before a discharge bond is issued by the surety company.

Other means of obtaining a discharge of a mechanic's lien include depositing the funds in escrow or with the Clerk of the Court. This assures the lienor that his claim will be paid in the event he is successful in establishing a valid mechanic's lien.

A third and more unorthodox method of discharging a mechanic's lien is for the general contractor or owner to institute an action to declare the lien void for failure to comply

with the specific provisions of the Lien Law.

In the latter method, the owner or general contractor must establish that the face of the lien is invalid or the lienor failed to comply with a specific provision of the Lien Law. The owner or general contractor cannot argue that the lien is exaggerated or the amount claimed is not due, etc. Those are material facts which must be addressed in litigation or at trial. Those arguments will not result in the lien being summarily discharged.

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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