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WINTER 2018 Volume 1

Thursday, February 8th Meeting

Are you concerned about how to create a high performing team when you have so many people from different generations trying to work together?

Do you ask yourself: "How can I attract more Millennials into my company? How can I get my Baby Boomers to embrace change & technology?"

Thursday, February 8th 5:30pm - 8:30pm

at **Trattoria 35** 213-15 35th Avenue Bayside, NY 11361



Join us for a Special Presentation by:

Michele Rebetti President.

President, KEY Alliance - Crestcom

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Holiday Party Photos on Pages 15 & 16

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From the President...

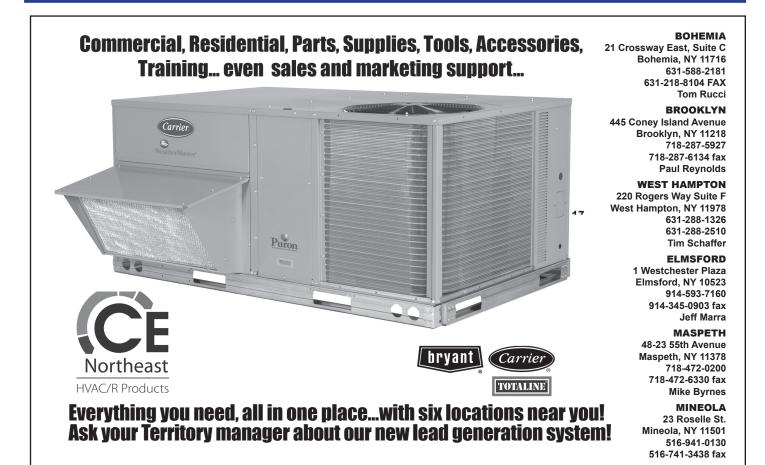


Brian Aull Atlantic Contracting & Specialties

The Holidays have come and gone. Now we are in the heart of winter's deep freeze in the Northeast. Hopefully everyone survived the recent blizzard that dumped over a foot of snow in some areas.

Our February 8th meeting will feature Michele Rebetti from Crestcom. She will be focusing her presentation on how to attract millennials and how to get baby boomers to embrace change & technology. The meeting will take place at Trattoria 35 in Bayside. Hope to see you there.

– Brian



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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 illability 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.



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Editor's Notes

By Anthony N. Carbone

The New York Metro area is feeling the longest cold streak in a long time.

This is creating a service bonanza for many HVAC and plumbing operations. The record low consecutive temperatures have caused tremendous stress on older systems. Many breakdowns are occurring and many parts managers at warehouses and at contractors' firms are scrambling to find parts to keep businesses and homes safe with heat.

With some older clientele fleeing to Florida and warmer climates, they are leaving behind vacant houses that may not be able to maintain temperatures that leave their home safe from freezing pipes.

Breakdowns are leaving many homeowners open to vulnerable situations. This isn't always immediately revealed as the temperatures remain way below freezing. All the problems that will result from frozen pipes may not come about until temperatures rise.

In addition to low temperatures, there are 40-50

mile an hour winds that lend themselves to the catastrophe of fallen trees and down electrical power lines, resulting in no power.

This is where many HVAC contractors who have taken up the installation and service of natural gas stand-by generators are getting calls from consumers who want to protect their homes and businesses from winter power outages.

The peace of mind from a natural gas generator can make a significant difference when extreme temperatures come which can lead to havoc in homes and businesses. These temperatures bring a huge influx of money to many contractors.

In December, many contractors were complaining of slow revenue and "sluggish" sales. Traditionally, people do not like to do work especially in their homes during the holiday season.

Let's see how this season plays out and hopefully, the snow will melt and we can all see a "kick start" to the service business. — *Anthony N. Carbone*



ABCO and American Standard: A New Standard For Distribution

ABCO HVACR Supply + Solutions is proud to announce that it will be adding the #1 rated American Standard Heating & Air Conditioning line of Residential and Light Commercial equipment to its portfolio of world-class products. American Standard products will be available in the markets served by ABCO branches in New York and New Jersey starting after January 1, 2018.

Tony Tanzillo, ABCO Chief Sales Officer, stated, "We are honored and enthusiastic to be named the new exclusive distributor of American Standard Heating & Air Conditioning equipment. With American Standard, our customers will now have access to even more systems renowned for their reliability and outstanding reputation among homeowners and commercial owners."

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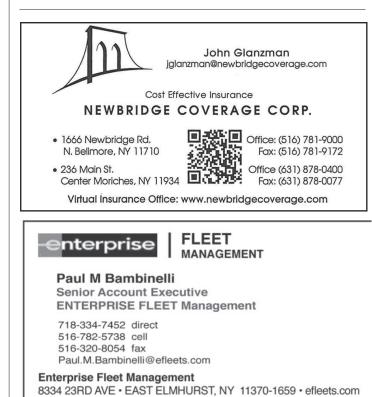
American Standard air conditioners, heat pumps and natural gas furnaces consistently have been rated the most reliable by readers of a national product testing and research consumer magazine for more than a decade. The innovations responsible for the acclaim include:

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• The System Extreme Environmental Test (SEET): the benchmark of residential HVAC testing. No product design is approved for production unless it can withstand 16 weeks of SEET: the equivalent of 16 weeks of grueling operation.

ABCO has expanded its warehousing to keep product on hand at 17 branch locations and two Distribution Centers–over 260,000 square feet of inventory in the New York–New Jersey region. With extensive delivery capability, parts and equipment are available for sameday pickup or next-day delivery.

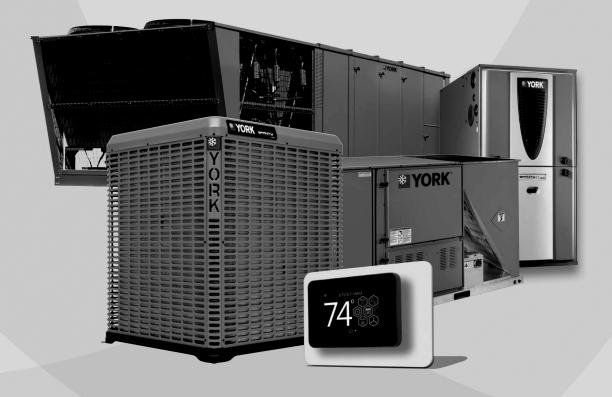
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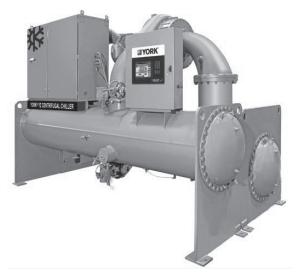
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Johnson Controls Releases YORK YZ Chiller

Johnson Controls has introduced the YORK® YZ Magnetic Bearing Centrifugal Chiller, the first chiller fully optimized for ultimate performance with a next generation



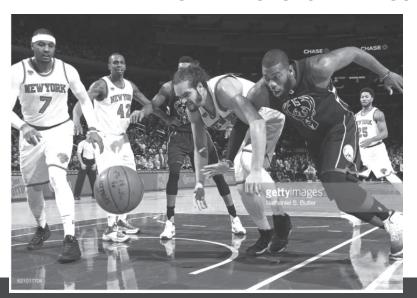
low-global warming potential (GWP) refrigerant—R-1233zd(E). Chosen for its efficiency, safety, availability, low environmental impact and cost, nonflammable

R-1233zd(E) has an ultra-low GWP of 1 and is readily available from refrigerant manufacturers.

Johnson Controls used a holistic approach to system design and engineering, optimizing every component around a carefully selected next generation refrigerant for ultimate performance. The YORK® YZ chiller uses an integral, variable speed drive and advanced magnetic bearing technology that features a single moving assembly suspended in a magnetic field that does not require lubrication. This technology requires 80 percent fewer moving parts than traditional oil- or refrigerant-lubricated drivelines. The result is enhanced reliability, reduced maintenance and improved efficiency. Compared to traditional fixed-speed oil-bearing chillers, the YZ delivers up to 35 percent annual energy savings.

The YZ chiller can deliver significant energy savings and lower operating costs by taking advantage of the offdesign conditions where chillers operate 99 percent of the time. The YZ operates with entering condenser water temperature as low as 40°F (4.5°C), providing enhanced performance in every operating condition and the widest operating envelope in the industry. The YORK® YZ uses

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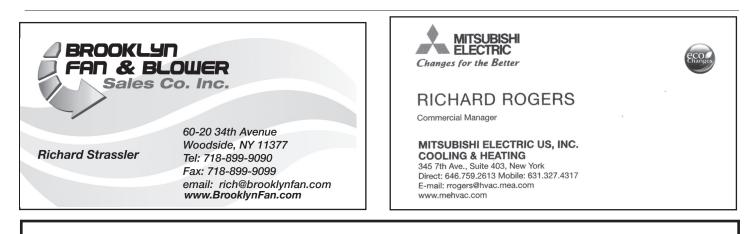
an optimized single stage design to provide industryleading real-world energy efficiency. The chiller can also operate with condenser temperatures below the evaporator temperatures, eliminating the need for a water-side economizer, which simplifies the system, requires less mechanical room space and saves money on components, piping, controls and maintenance.

"With the new YORK® YZ, we have engineered the world's most efficient low-GWP line of centrifugal chillers." -- Laura Wand, vice president, Chiller Solutions, Building Technologies & Solutions at Johnson Controls

"We continue to deliver industry-leading chiller options that best meet the needs of our current and continually expanding customer base around the world," said Bill Jackson, president, Global Products, Building Technologies & Solutions at Johnson Controls. "The YZ is another fantastic platform system that equips our customers with environmentally friendly performance in an optimized solution. Thank you to our YORK® Chiller team for leading the way."

The YZ chiller brings together groundbreaking YORK® innovations refined over decades of realworld use to create a revolution in chiller design and optimization. It represents a solution from the chiller experts, who like to think of the YORK® YZ chiller as tomorrow's chiller, available today.

To learn more about the YORK® YZ Magnetic Bearing Centrifugal Chiller, visit www.YORK.com/Next. •



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People & The Workplace

By Alan B. Pearl,

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New Year, New Problems (and a New Minimum Wage)

EEOC Online Public Portal

Just in time for 2018, the Equal Employment Opportunity Commission (EEOC) has launched a Public Portal that provides online access to individuals inquiring about discrimination in the workplace. This new tool makes it much easier for employees to begin the process of filing a discrimination charge against an employer. Given the current workplace climate (e.g. the #MeToo movement), we can expect this expanded access to the EEOC will translate into an uptick in discrimination charges against employers.

For some perspective, in 2017 the EEOC responded to over 550,000 phone calls and 140,600 inquiries in field offices. With the ability to make inquiries via the online Public Portal, these numbers surely rise this year. Thus, now is the time to ensure that your business has in place proper anti-discrimination policies, complaint procedures, and resolution processes. Supervisory training in such topics as harassment in the workplace is indispensable.

Minimum Wage and Salary Threshold Increases

New York State rung in the New Year with increases in the minimum wage as well as increases in the minimum salary that can be paid to executive and administratively exempt individuals. In 2018 the minimum wage in New York is as follows: \$13.00 per hour for workers employed in New York City by businesses with 11 or more employees; \$12.00 for workers employed in New York City by businesses with 10 or fewer employees; \$11.00 for workers employed in Nassau, Suffolk and Westchester counties; and \$10.40 for workers in the remainder of New York State.

In 2018, any employee who is exempt from overtime under the administrative and executive exemptions must earn a salary at or above the new thresholds. If the worker's salary is less than the threshold, the employer must raise the salary or pay the employee on an hourly basis (including overtime premiums). The 2018 salary thresholds are as follows: \$975.00 per week for workers employed in NYC by businesses with 11 or more employees; \$900.00 per week for workers employed in NYC by businesses with 10 or fewer employees; \$825.00 for workers employed in Nassau, Suffolk and Westchester counties; and \$780.00 for workers in the remainder of New York State. Of course, the



employee must also perform exempt work duties as defined in the statute. If not, then the employee is not permitted to be paid any salary.

If you have any questions about these changes, or other employment law matters, please contact me at 516-921-3400 or email me at ABPearl@pmphr.com. •





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Allergens Widespread In Largest NIH Study Of U.S. Homes

Allergens are widespread, but highly variable in U.S. homes, according to the nation's largest indoor allergen study to date. Researchers from the National Institutes of Health report that over 90 percent of homes had three or more detectable allergens, and 73 percent of homes had at least one allergen at elevated levels. The findings (link is external) were published November 30 in the Journal of Allergy and Clinical Immunology.

"Elevated allergen levels can exacerbate symptoms in people who suffer from asthma and allergies, so it is crucial to understand the factors that contribute," said Darryl Zeldin, M.D., senior author and scientific director at the National Institute of Environmental Health Sciences (NIEHS), which is part of NIH.

Using data from the 2005-2006 National Health and Nutrition Examination Survey (NHANES), the researchers studied levels of eight common allergens – cat, dog, cockroach, mouse, rat, mold, and two types of dust mite allergens – in the bedrooms of nearly 7,000 U.S. homes.

They found that the presence of pets and pests had a major influence on high levels of indoor allergens. Housing



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(516) 677-5183 John@associationdev.com characteristics also mattered – elevated exposure to multiple allergens was more likely in mobile homes, older homes, rental homes, and homes in rural areas.

For individual allergens, exposure levels varied greatly with age, sex, race, ethnicity, and socioeconomic status. Differences were also found between geographic locations and climatic conditions. For example, elevated dust mite allergen levels were more common in the South and Northeast, and in regions with a humid climate. Levels of cat and dust mite allergens were also found to be higher in rural areas than in urban settings.

To provide a more complete picture, the research team also compared allergen exposure and previously reported sensitization patterns from this survey. Sensitization, which makes a person's immune system overreactive to allergens, may increase the risk of developing allergies and asthma. NHANES 2005-2006 allowed national level comparisons of exposure and sensitization for the first time.

The team uncovered several differences. Although males and non-Hispanic blacks were less likely to be exposed to multiple allergens, sensitization was more common in these groups, compared to females and other racial groups, respectively. Patterns also differed for urban and rural settings. Exposure to several elevated allergens was most prevalent in rural areas, whereas sensitization rates were shown to be higher in urbanized areas.

Overlaps were also found. For dust mite allergens, exposure and sensitization was most prevalent in the Southern and Northeastern regions, and for cockroach allergen in the South. Patterns also reflected socioeconomic variations, especially for pet and cockroach allergens, according to lead author Paivi Salo, Ph.D., of NIEHS.

The researchers emphasized that the relationships between allergen exposures, allergic sensitization, and disease are complex. Studies are still investigating how allergen exposures interact with other environmental and genetic factors that contribute to asthma and allergies. •



The EPA Updates Refrigerant Management Requirements

What Technicians Need to Know

Section 608 of the Clean Air Act prohibits the knowing release of refrigerant during the maintenance, service, repair, or disposal of air-conditioning (AC) and refrigeration equipment. The EPA requires proper refrigerant management practices by technicians, owners and operators of refrigeration and AC systems, and others.

The EPA has updated certain refrigerant management practices to be effective January 1, 2018:

Sales Restriction

Starting January 1, 2017, recovered ODS and substitute refrigerant may not be resold unless it has been reclaimed by a certified reclaimer or is charged into equipment belonging to the same owner.

Starting January 1, 2018, the sale of ODS and substitute refrigerant is restricted to certified technicians.

Technician Certification

Starting January 1, 2018, technicians must:

• Pass a certification exam offered by an approved technician certification program in order to maintain, service, repair, or dispose of appliances containing ODS or substitute refrigerants. The certification exam will be updated to reflect the new rules and new refrigerants prior to this date.

• Keep a copy of their certificate at their place of business.

• Maintain a copy of their certificate until three years after no longer operating as a technician.

The EPA is not changing the types of certifications or requiring recertification for currently certified technicians. To assist in reissuing lost certification cards, certifying organizations must post online lists of newly certified technicians. Technicians may opt out of the online lists if they so choose.



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New Recordkeeping for Appliances with 5 to 50 Pounds of Refrigerant

Starting January 1, 2018, technicians who dispose of mid-sized appliances (e.g., residential split systems), must keep records of:

• The location, date of recovery, and type of refrigerant recovered for each disposed

appliance;

• The quantity of refrigerant, by type, recovered from disposed appliances in each calendar month; and

• The quantity of refrigerant, and type, transferred for reclamation or destruction, the person to whom it was transferred, and the date of the transfer.

In addition to protecting the ozone layer, the EPA estimates that the updated requirements will decrease annual greenhouse gas emissions by 7.3 million MTCO2e that's equivalent to

taking 1.5 million cars off the road per year.

Maintenance, Servicing, Repair, and Disposal

Starting January 1, 2018, technicians must:

Evacuate ODS or substitute refrigerants before opening or disposing of appliances to the evacuation levels specified in the regulations using certified recovery and/or recycling equipment.
Before opening or disposing of motor vehicle air conditioning

(MVAC) or MVAC-like appliances (e.g., cars and construction equipment),

1. Evacuate ODS or substitute refrigerant from the appliance in accordance with 40 CFR Part 82, Subpart B; or

2. Reduce the system pressure to below 102 mm of mercury vacuum.

More information is available at http://go.usa.gov/xk4cR. •



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Statement From Stuart S. Zisholtz, Esq.

Use A Surety Licensed Within New York State

In addition to the services we perform for lienors, we also get multiple calls from general contractors, subcontractors, owners, etc., disputing claims and requesting guidance as to how to remove a mechanic's lien filed by someone else.

There are multiple ways in which a mechanic's lien could be discharged or vacated. A mechanic's lien is valid for one year and will expire as of right if not renewed. This option requires the owner, general contractor, etc. to wait an entire year to see whether the lienor commences a foreclosure action or renews the mechanic's lien.

Another method requires the owner or general contractor to serve a Notice to Foreclose on the lienor forcing the lienor to commence a foreclosure proceeding or suffer the harsh remedy of having his lien removed. If he commences a foreclosure action, he will mostly likely file a Notice of Pendency which will extend the lien for three years. If he does not commence a foreclosure ac-



tion, an application may be filed with the Court seeking to vacate the mechanic's lien.

Another option available to the owner or general contractor is to bond the mechanic's lien. In this scenario, the bond replaces the real property as the asset. When bonding the mechanic's lien, collateral must be posted and the bond is issued in an amount of 110 percent of the lien.

In a recent decision, a general contractor sought to bond a mechanic's lien filed by a subcontractor by utilizing a surety company unauthorized to do business within the State of New York. Initially, the Clerk of the Court discharged the lien when the bond was filed.

However, the Appellate Division found that the County Clerk erroneously discharged the lien based upon a false certification by the surety that it was authorized to do business in New York. Since the procedures of the Lien Law must be strictly followed, the discharge of the lien without a Court Order violated the provisions of the Lien Law and the Court was empowered to reinstate the mechanic's lien.

It is imperative, therefore, that if you are seeking a surety bond to discharge the mechanic's lien that you utilize a surety that is licensed to do business within the State of New York. Otherwise, your ability to do so may be futile.

Remember, never let your lien time run out

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



MACC Holiday Party DECEMBER 7, 2017

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