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Greater New York Contractors' NEWS



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June 2007

President's Message



Ken Ellert

OUR 3rd ANNUAL CASINO NIGHT at Westbury Manor was a huge success. We had over 100 participants, double of last year. Thanks to Blasco Supply for their effort in promoting the event. There was a lot of excitement at the poker, blackjack, craps and roulette tables. We also had a person doing handwriting analy-

*Please turn to PRESIDENT'S
MESSAGE on page 3*

Thursday, June 7th The Annual ACCA Networking Night

It's the monthly membership meeting that offers you some time to relax, join with your friends, associates, and competitors. Talk over everything from energy to the state of business to the Mets and Yankees. It's always a worthwhile evening!

Westbury Manor

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Let us know you are coming online at our website:

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PRESIDENT'S MESSAGE *from page one*

sis and there was a golf-pitching contest for those that need to take a break from the gambling. Thanks to the hard work of our chairperson, Jim Carlson, Casino Night continues to be a great evening. Also thanks to our major sponsor – Blasco Supply and all of other sponsors; Abco, Aflac-NY, American Universal Supply, Amerisc, B&F Johnstone, Enterprise Fleet Management, Hochheiser Deutsch & Co., Lennox, LIPA, National Compressor Exchange, Twinco and Zisholtz & Zisholtz. Congratulations to all of the prizewinners and Dan



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Last month's meeting was on "Chimney Design." This was a very informative presentation on the design and installation of chimneys for Types I, II, III & IV heating systems. Discussed was how to design the chimney and some of the common mistakes made in those installations.

The upcoming meeting for June will be an informal meeting without a guest speaker. It is a chance for all of us to network and have a casual evening before the heat of the summer demands all of our time. One possible topic we can discuss is the out of control price of gasoline. What has your company done to curb these costs? Have you installed GPS systems? This will probably be the last time we get to be together before September except for the golf outing in August. I hope to see many of you there.

Hoping you have a successful summer — **Ken Ellert**

Letters to the Editor

Please fax your comments or experiences that you would like included in our monthly newsletter. Send it in, hand write if you like. Fax it over and we will print it and see what others think. Fax...516-829-5472.

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Editor's Notes

By Anthony N. Carbone

Recently, I went to a client's house to go over a proposal and pick up a deposit. The husband and wife were in their late 50's. After I introduced myself to them, I had asked how they heard of my company. Their response was, "We found you on line...we use Google." This was quite enlightening, since you might think the answer would be, local advertising, word of mouth, yellow pages. I asked why they did not check the Yellow Pages. They felt they did not know which book to look at. The new Yellow Page Big Book, the Yellow Page Small Community Book, the Verizon Big Business Book, the Regional Verizon Business Book, the Embassy Yellow Book or the Business to Business.

The bombardment of yellow style books has nearly become passé. Many homeowners find them cumbersome. The new routine and habit for almost everyone is to check your email online on a daily basis. With this, many have found the instant gratification of getting quick results.

Hence, the value of the "Dealer Locator"; many consumers type in a brand name, and an area, and find a selection of contractors affiliated with a specific brand. If the consumer recognizes the name, in many instances, they will call or email to schedule an estimate appointment.

The way in which people and consumers do business is different today. Many contractors are unaware of this. The literally unknown, two-man operation, with little marketing experience, reaches into the past, and thinks by taking a full page ad in the Yellow Pages, they will attract customers. They may get you noticed, but now to a much slimmer audience.

The monthly cost factor of yellow page style print advertising is exorbitant. This is part of your overhead that is a twelve month billboard that doesn't change. It doesn't change with the weather, and it doesn't change the message. It puts you in a pool with your competitors, some of which lack experience and credentials.

The "Google" world will affect each and every household and business. It will affect the way consumers find you and your company. My prediction is that Yellow Page style advertising will diminish and slowly lose its significance and impact. Can Superpages.com (Verizon website) and Yellowpages.com (Yellow Book website) take back what they will lose in print or, furthermore, stop the loss to online advertisers like "Google?" I don't think so.

Jim Kramer, of CNBC's Mad Money, says it's a "stock of the ages...Buy, Buy, Buy!" I think it will change the way you do business!

Daniel B. Brothers

Account Executive

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Let the Games Begin: Registration Relays

By Daniel B. Brothers, Enterprise Fleet Management

For businesses that manage their own fleets, registering vehicles can be a complicated and exasperating process, especially for companies whose drivers are scattered across multiple states and counties.

The excitement begins with different states having different names for their regulatory agencies, which may be known as DMV (Department of Motor Vehicles), BMV (Bureau of Motor Vehicles), MVA (Motor Vehicle Administrators), DOT (Department of Transportation), and many others. The confusion continues with requirements and terminology that vary state-by-state or county-by-county for emissions, license plates, taxes and insurance.

The following examples highlight some of the most common variations:

- Emissions testing may be required by individual states or counties, and criteria may include any combination of model year, vehicle weights and/or mileage. This can be confusing for drivers who may ask, "Where can I get tests done?" or "Do I have to?"

- License plate requirements also can be complicated. Because each county may have its own plates, relocating from one county to another can involve more than just updating an address. A new set of plates may be required. In addition, states can use different terminology and criteria to determine plate type categories such as standard, commercial, combo and truck, to name a few.

Because individual states may have special regulations for commercial vehicles regarding where they can park and what roads they can use, having an incorrect plate type can be an inconvenience, costing money and causing headaches for drivers.

- Taxes go beyond the typical sales tax and may also include county, city, excise, tire, ad valorem and personal property taxes. And, although time frames for paying various taxes can range from the time of registration, to monthly or even annually, forgetting to pay one of these taxes can result in penalties, and can hold up registrations until payment has been received.

- Proof of insurance varies from state to state and can delay registrations. Some states require an insurance card with the appropriate VIN displayed, while other states look for an insurance certificate. In some places, electronic insurance submission is mandatory and in others, the only requirement is the insurance carrier's name and policy number. Occasionally, there is no insurance requirement at all.

The consequences of not keeping vehicles properly registered can be significant, from paying extra charges because of penalties to reducing drivers' productivity if their vehicle is impounded for being improperly registered.

Because there may never be a uniform way to register vehicles across the nation, working with a fleet management company that has the knowledge and expertise to handle vehicle licenses and titles



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for each state can make the process go much more smoothly for drivers and their companies. In addition to taking full responsibility for the time-consuming, labor-intensive process of renewing vehicle registrations, turning over the responsibility to a fleet management company frees up drivers, relieving them from spending time standing in line at the department of motor vehicles when they could be servicing customers. It also eliminates driver out-of-pocket expenses and the related costs of processing reimbursements. •

Daniel B. Brothers is an Account Executive for Enterprise Fleet Management in New York. He is supported by an experienced team of veteran mechanics and accredited Automotive Service Excellence (ASE) technicians to serve the fleet maintenance needs of businesses with mid-size fleets. In addition to maintenance management programs, Enterprise's services include vehicle acquisition, fuel management and insurance programs, as well as vehicle registration, reporting and remarketing. Visit the company's web site at www.enterprise.com/fleets or call toll free 1-877-23-FLEET.




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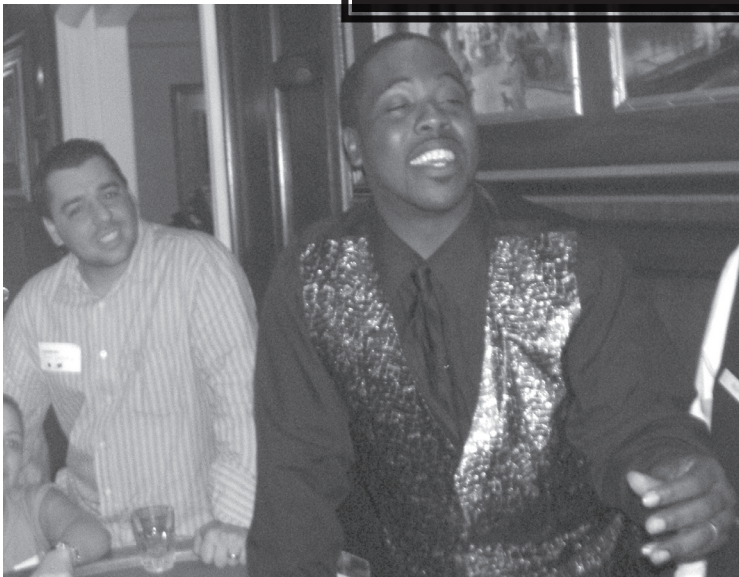


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New York State Workplace Violence Prevention Law

The New York Labor Law was recently amended to include Section 27-B, which requires public employers to perform a workplace risk evaluation at their work site. It also requires employers to develop and implement programs that will prevent and/or minimize workplace violence. This new section of the law became effective on March 4, 2007. Since ACCA members are not public employers, Section 27-B of the Labor Law will not apply. However, the overtones of this statute have a far-reaching effect. The objective, obviously, is to insure that the risk of workplace violence is evaluated and protection programs are initiated to minimize public employees from workplace violence. Although the law only applies to public employers with 20 or more regular full-time employees, it would be prudent to think beyond the envelope; evaluate your workplace and implement written workplace violence prevention programs. Surely, legislation affecting private businesses is just around

the corner.

The new law requires public employers to perform a risk evaluation assessment and to establish a prevention program. But what should ACCA members do? Take heed of the change in the law, and follow suit at the earliest possible time. Supervisory training would be a smart first step. Training should be on an annual basis, but no less than every 18 months. Topics to be discussed would be as follows: (1) the type of conduct that is prohibited, (2) the procedure for handling incidents/infractions, (3) how to perform investigations of threats of violence, and (4) how to discipline offenders.

It is important to protect your employees, your most valuable asset.

THE TOP TEN "DO'S AND DON'TS" OF EMPLOYEE HANDBOOKS

1. Don't use a "form" handbook that includes promises you might not be willing or able to keep.
2. Don't include a lot of detail on procedure; stick with specific company policies. Do provide supervisors and managers with a "Procedures Manual."
3. Don't mention a probationary period, which could erase at-will status and imply that once the period is over, the employee is entitled to stay forever.
4. Don't be too specific in your discipline policy. A



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detailed list will give employees the impression that it includes every possible infraction and a rigid procedure not to be deviated from.

5. Do make sure the handbook contains policies consistent with other company documents.
6. Do have employees sign an "at-will" disclaimer acknowledging that the company can terminate employment at any time.
7. Don't sabotage disclaimers with verbiage that assures employees that their jobs are secure/permanent.
8. Do review the laws of each state in which the company operates.
9. Do update your handbook periodically, as laws and regulations change often.
10. Don't set unrealistic policies that supervisors/managers will not enforce.

Based on ever-changing federal, state and local laws, companies are wise to review their handbooks on a regular basis. As a result of recent court cases and legislation employee handbooks should also include policies on both employee privacy and electronic communications.

As always, should you have any questions about the issues raised in this article, please email me at abpearl@pmphr.com, or call me at 516-921-3400. •

ACCA Quality Installation Standard Recognized by ANSI

ACCA has announced that its "HVAC Quality Installation Specification," which was developed with a broad coalition of industry stakeholders, has been formally recognized by the American National Standards Institute (ANSI) as a national standard.

With the publication of the QI Specification, for the first time there is a set of nationally recognized objective requirements for the quality installation of residential and commercial HVAC systems.

The QI Specification identifies consensus requirements associated with quality installations, acceptable procedures for measuring or verifying the attainment of those requirements, and acceptable forms of documentation to show compliance to the requirements.

The QI Specification characterizes several core areas, including equipment aspects, equipment installation aspects, duct distribution aspects, and system documentation and owner education aspects. The standard was written with the intent to meet the needs of many different groups, including contractors, equipment manufacturers, building owners/operators, HVAC trainers and utilities.

A version of the standard is available for download as a service to the industry from ACCA at www.acca.org/tech/. A printed version of the QI Specification is also available for purchase from the ACCA Bookstore at www.acca.org/store/. •

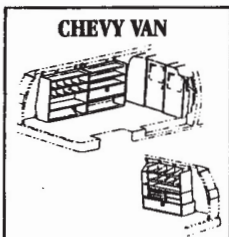


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Statement From Stuart S. Zisholtz, Esq.

This is the third in a series of articles that are being written with respect to the unholy alliance between American Institute Of Architects (AIA) and American Arbitration Association (AAA).

Arbitration

Typically the AIA contract calls for arbitration before the American Arbitration Association. (AAA)

The AAA wormed itself into the AIA contract. They charge fees that are out of sight, pat themselves on the back that they are fast, efficient and deliver quality services.

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This fee does not cover the cost of the so-called arbitrators or the cost of the room. You do not want to have your arbitration in a telephone booth, therefore, it will cost you \$250 per day for the room. Assuming twenty days in a month, this adds up to \$5,000 for one room.

Now you have your arbitrators. These arbitrators are very often "wanna be's". There are a number of very solid, substantial citizens who are arbitrators, but for the most part they wanna be judges or flunky lawyers who did not provide for their annuities or their future after they stopped working or are unable to pursue their careers anymore. They apply to the AAA and pick up \$1,000 per day.

Typically there are three arbitrators. Each arbitrator takes about \$3,000 per day which means that your one-half

**Anthony Capone, CIC
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is \$1,500 per day. If your arbitration lasts two days and the claim is for \$400,000 it costs \$6,000 initially, \$500 for the room per day, \$4,000 for your share of the arbitrators and another \$1,500 for "study time". This is what they call "cheap".

The same claim in a courtroom would cost \$250.

The history of arbitration dates back to the time when the courts were being flooded with litigation. Whenever a court can direct arbitration and take that case off its docket, it will do so. The court system is overwhelmed and cracking. The AAA is capitalizing on that and running all the way to the bank with their new found largess.

Never let your lien time run out.

For a free copy of a pamphlet pertaining to Mechanic's Liens and Payment Bond Claims, feel free to contact me or the Association. •

Disclaimer - the foregoing statement is for general information and is not intended nor should it be construed or applied to specific instances or specific cases for which the reader is directed to consult his/her private legal advisor.

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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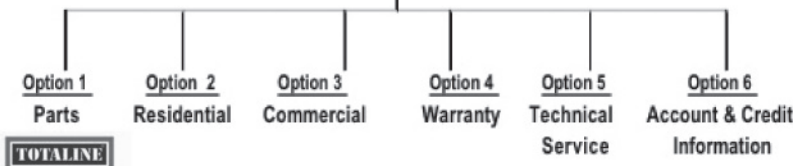
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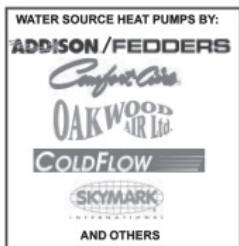


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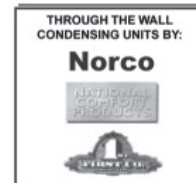
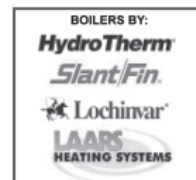
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