

### IN THIS ISSUE...

- 1 President's Message
- 1 October Meeting Notice
- 4 Editor's Notes
- 6-7 30th Annual Golf Outing Photos
- 8 Pearl - Court Expands Employer Liability
- 11 Brothers—Smartway & Carbon Offset Programs
- 12 Phone Genie Workshop
- 13 Welcome New Members
- 14 Zisholtz - Improvements By Tenants

Air Conditioning Contractors of America  
Greater New York Chapter  
229 South Street, Oyster Bay, NY 11771

RETURN SERVICE REQUESTED

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

# Greater New York Contractors' NEWS



[www.accany.org](http://www.accany.org)

October 2008

## President's Message

FALL HAS ARRIVED, and our business focus becomes a balance of reviewing the events of the busy summer season and planning ahead for



Ron Nathan

2009. As the calendar year winds down, an evaluation of previous goals set by your company is an invaluable learning tool. Next year's objectives may include new techniques to reach your goals. Our September and October meetings could offer you assistance in cutting fuel costs and increasing your company's productivity.

Turn to President's Message on page 3

## You Are Invited To Our OCTOBER MEETING

At press time, the program for the October meeting had not yet been finalized. Members will be notified of the topic by email. Please reserve your place online at [www.accany.org](http://www.accany.org). Don't forget! Dinner is included in your membership. Don't waste it!

**THURSDAY, October 2, 2008**  
**at the LaGuardia Marriott**

Cocktails — 5:30 pm; Dinner — 6:30 pm  
Followed Immediately by the program

Let us know **ONLINE** you are coming: [www.accany.org](http://www.accany.org)

ACCA, a federation of 60 state and local affiliated organizations, is the leading trade association representing the business, educational, and policy interests of the nation's heating, air conditioning, ventilation and refrigeration contractors. ACCA represents over 9,000 small businesses nationwide through its federation of affiliates.

**Amerisc Corp.****Atlynx**  
Surety Brokers, LLC**Amerisc Benefits Corp.**

SPECIALIZING IN  
**INSURANCE PROGRAMS**  
FOR THE HEATING, VENTILATION AND  
AIR CONDITIONING INDUSTRY FOR OVER 20 YEARS!

*Commercial Insurance - Health & Life*  
*Bonds - Personal Insurance*

CONTACT FRANK ABBATIELLO  
Tel: 516-745-7500  
Fax: 516-745-7565  
e-mail: [fabbatiello@theamerisc.com](mailto:fabbatiello@theamerisc.com)  
[www.theamerisc.com](http://www.theamerisc.com)



*"Large enough to deliver, small enough to care."*

**LIPA**  
Long Island Power Authority

"Interested in becoming a LIPA Cool Homes contractor? Find out about available customer and contractor incentives by calling LIPA's Infoline at: 1-800-692-2626, or visit LIPA's Web site at [www.lipower.org/CEI](http://www.lipower.org/CEI)."

Attend educational lessons taught by independent trainers on:  
Proper Equipment Sizing using ACCA Manual J  
Airflow and System Charging  
'Check Me' system installation verification

Additional On-Line self development courses for HVAC technicians are available through vocational training companies at [www.lipower.org/commercial/trade/online](http://www.lipower.org/commercial/trade/online). These courses are discounted when registered through the LIPA site.

Join us and get the competitive advantage to move your  
company into the 2008 HVAC season!

**PRESIDENT'S MESSAGE** *Continued from page 1*

The September ACCA meeting included a presentation by Associate Member Dan Brothers of Enterprise Fleet Services designed to introduce several plans of action to help contractors reduce the effect of rising fuel costs on their businesses. Local Enterprise account teams offer products and services to assist with vehicle acquisition, maintenance, fuel management, financing and insurance. Contractors can also use Enterprise's internet reporting tools to help with overall fleet management.

Adam Ross of Vehicle Tracking Solutions presented us with information on the benefits of GPS tracking for your business fleet. Fully customized reporting of vehicle speeds, routes, stops, odometer readings and other services can be generated instantly or e-mailed to your office on a daily, weekly or monthly basis. GPS Tracking can save your business thousands of dollars monthly in fuel costs.

John Meyer of Wright Express delivered helpful details on the convenience, control, security and savings offered by his company's fleet card program. This card is accepted at

over 90 percent of United States fueling locations, and with the convenient security of authorization controls, purchase alerts, and online pricing tools, your company can save on fuel costs and track vehicle efficiency.

Our October ACCA meeting will include a presentation by Associate Member Jim Bowes of American Universal Supply, Inc. He will be speaking about the NCP (National Comfort Products) line of through-the-wall heating and cooling units. American Universal Supply is located in Hicksville, and has been successfully distributing residential and commercial HVAC equipment and related parts, accessories and climate control systems since 2003. American Universal also offers design and sales of energy conservation control systems and custom panels through its energy management division, Universal Energy Products.

The Greater NY Chapter of ACCA will be offering Phone Genie Training on October 29 from 8:00am to 12 noon at the Keyspan/National Grid Facility in Hicksville. Susan Brown will be the facilitator for this classroom workshop which will

*Continued on page 4*

**ACCA Greater NY Chapter**

**Officers**

*President*

Ron Nathan, *County Fair A/C Corp.* - 516-997-5656

*Secretary*

Mike Newman, *Standard Refrigerator* - 718-937-0490

*Treasurer*

Paul Caiola, *Arista Air Conditioning* - 718-706-4407

*Past-President*

Ken Ellert, *Comfort Tech Mechanical* - 718-932-2444

*Executive Director*

John F. DeLillo, 516-922-5832

**Directors**

Mark Bedson, *Martack Corporation* - 516-998-1000

Steve Bergman, *Twinco Supply Corporation* - 631-547-1100

Roy Bernheimer, *Cascade Water Services* - 516-932-3030

Joseph Bonifazio, *Master Mechanical Corp.* - 631-391-0999

Dan Brothers, *Enterprise Fleet Services* - 718-458-7920 ex: 301

Anthony N. Carbone, *Systematic Control* - 516-482-1374

James Carlson, *Michael James Industries (MJI)* - 631-231-3434

Richard Staiano, *National Compressor Exchange* - 718-417-9100

Harvey Stoller - *Airdex, Inc.* - 718-646-7200

**Advisory Council**

Robert Berger (retired)

Mark Bedson, *Martack Corporation* - 516-998-1000

Thomas Cleary (retired)

Anthony Cutaia, *Air Ideal* - 516-873-3100

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

Michael O'Rourke, *BCC Best Climate Control* - 631-218-8022

Brandon Stone, *All Weather Temperature Control* - 631-842-8777

James Stone, *All Weather Temperature Control* - 631-842-8777

Brian Svedberg, *BCC Best Climate Control* - 516-981-1008

**Committees**

*Advertising*

Anthony Carbone

*Attendance (Membership)*

Dan Brothers, Chairman

Jim Carlson

Paul Caiola

*Baseball Outing*

Dan Brothers

Nick Terran

*Charitable Works*

John Ottaviano

*Coupon Book*

Roy Bernheimer

Steve Bergman

*Golf Outing*

Mark Bedson

Roy Bernheimer

Matt Sher

*Holiday Party*

Rich Stiano

*Monthly Meetings*

Joe Bonifazio, Chairman

Mark Bedson

*Newsletter*

Anthony Carbone

Paul Caiola

Donald Gumbrecht & Co.

*Political Action*

Anthony Carbone, Co-Chairman

John Ottaviano, Co-Chairman

*Region II*

Ken Ellert

*Sponsorship Task Force*

Scott Berger

*Web Page*

Jim Carlson

*Greater New York Contractors' News is printed monthly by the Greater New York Chapter of ACCA. 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.*

## Editor's Notes

By Anthony N. Carbone

We are now into the home stretch of the Presidential Election process with the Democratic and Republican National Conventions behind us. Both candidates are energized trying to identify with the middle class who have been pummeled by rising costs such as gasoline and food prices, leaving little left for discretionary spending.

The next shoe to drop by local government, due to the recent round of inflation, will be property taxes. Countless people are finding less available dollars and Tom Suozzi (Supervisor of the Town of North Hempstead) announced he will be considering property tax increases and possible job layoffs. After a 26 year expansion of the economy, beginning from the Reagan administration, I think it is time to cut all the fat and bureaucracy from the governmental systems - local, state and federal. Let's go back to bare essentials and rid us of all the entitlements and frills. **REDUCE TO RENEW!**

The average consumers are no longer deciding about Carrier, Lennox, Trane or York, etc., variable speed or R410A. They are deciding if they really need two cars or should they spend money on what were once average day-to-day items. Even with oil prices falling to near \$100 per barrel, the aftershock and change of thinking has spurred a near standstill of the economy. Fannie Mae and Freddie Mac were just saved by the federal government to sure up the failing housing market. They said it would prevent a freefall in housing prices. You, the taxpayer, just stepped into the private sector of misappropriated loans and provided some reassurance... at the expected price of 2 TRILLION DOLLARS!

We in the heating and air conditioning business are still needed for indoor comfort conditions due to extremes in weather. The question is: To what magnitude? Are we being called in just to repair and replace, as needed, with little thought or available dollars to spend for planned replacement or expansion? The home equity market has dried up and home expansion projects have dwindled. Corporations are sliming their budgets and trimming their employees, leaving less revenues for capital expenditures...sounds somewhat bleak...but as we saw during the hot summer months, extreme weather

does spur spending. We will wait out the fall and see if the nesting season of consumers kicks in at home. The heating start ups, at many companies, will begin shortly and, hopefully, will energize our industry.

If you missed out on September's presentation, presented by Dan Brothers of Fleet Enterprises, you missed out on some valuable cost saving advice. Combined with Vehicle Tracking Solutions and Wright Express Fuel Tracking and Management Services, the advice given to the attending members was certainly pertinent to all business owners. We want to extend our thanks to Dan Brothers. — **Anthony N. Carbone**

### In Memoriam

## Wales-Darby Founder, Richard Darby

Richard Darby, founder of Wales-Darby, Inc., died September 7th. Dick, as he was known, was born and raised in Richmond Hill, Queens and was a graduate of St. John's Prep and University.

After service in the Navy during World War II, he worked as head of sales for several companies before starting Wales-Darby, Inc. in the early 70's. Wales-Darby today is one of the largest plumbing, heating and air conditioning manufacturer representative agencies in the Metropolitan area. Dick managed the business until he was 75, turning over the reins to his sons, Steve and Brian.

The family asks that donations be sent to the Visiting Nurse Service and Hospice of Suffolk, 505 Main Street, Northport, NY 11768. •

### PRESIDENT'S MESSAGE *Continued from page 3*

include both training and assessment modules. Individualized pre- and post skill assessments, evaluations, reinforcement tools, personal productivity exercises, and customized action plans are only some of the topics which will be covered. Do you know the phrases and words you should never say to a customer? (No, not those!) The first impression of your business is often presented over the phone with prospective clients. Join us for Phone Genie Training and learn how powerful fine-tuned phone skills can be. The cost of this seminar is \$125 for members and \$175 for non-members. Breakfast will be included. Register online at [www.accany.org](http://www.accany.org).

Planning for the annual Holiday Party is underway! If you have any suggestions for this year's celebration, please feel free to contact me. We hope to see our biggest turnout ever for this event. More details will follow in our next newsletter. Enjoy the rest of the fall season. — **Ron Nathan**

**TWINCO**



### TWINCO SUPPLY CORP.

TEMPERATURE CONTROLS  
MOTOR STARTERS  
PANEL DESIGN & FABRICATION  
HVAC EQUIPMENT

55 CRAVEN STREET HUNTINGTON STATION, NEW YORK 11746-2143  
(631) 547-1100 NYS (800) 794-3188 FAX (800) 926-TWIN



# The Contractors Choice!

CSI, is a complete full service company offering a large array of HVAC water treatment and air-conditioning services and supplies that many major HVAC Contractors utilize in the tri-state area.

- Water treatment chemicals and chemical feed equipment for cooling towers, closed systems, boilers and glycol systems.
- Air conditioning cleanings on an emergency or preventative basis including coils air/water cooled condensers, HVAC duct cleaning (including video taping of the ductwork conditions).
- Pre-cleaning of new piping systems.
- Cooling tower rebuilding and rehabilitation.
- Comprehensive indoor air quality evaluations and testing of drinking water.



*For a healthy building*

**Chemical Specifics, Inc.**

46-09 54th Road  
Maspeth, NY 11378

*For more information about CSI, call us at 718-361-6666 or look us up on the web @ [CSIontheweb.com](http://CSIontheweb.com)*

Member ACCA, NADCA & BOMA, NY



# ACCA 30th Annual Golf Outing





**THANK YOU FOR YOUR CONTRIBUTIONS**

Chemical Specifics, Inc. (Hats)  
 Carrier Northeast (Bag Drop/Registration)  
 Enterprise Fleet (Hole-in-One)  
 The Amerisc Corp. (Pitch-Off)  
 Airwell-Fedders Corp. (Pictures and a trip to Mexico!)  
 Cascade Water Services (Beverage Cart Sponsor)  
 Twinco Supply (Beverage Cart Sponsor)  
 LIPA Trade Ally (Breakfast Sponsor)  
 B&F/Johnstone (Lunch Sponsor)  
 National Compressor Exchange (Dinner Co-Sponsor)  
 Wallwork Group (Dinner Co-Sponsor)  
 Abco Refrigeration Supply Corp. (Driving Range)

**Hole Sponsors**

ABCO Refrigeration Supply Corp.  
 Amerisc Corp.  
 B&F Johnstone Supply  
 Carrier Northeast  
 Chemical Specifics, Inc.  
 Enterprise Fleet Service  
 LIPA Trade Ally  
 Twinco Supply Co.  
 Sterling & Sterling Insurance

**Tee Sponsors**

Abco Refrigeration Supply Corp.  
 American Universal Supply, Inc.  
 Amerisc Corp.  
 Blackman Plumbing  
 B&F Johnstone  
 Carrier Northeast  
 Cascade Water Services  
 Chemical Specifics, Inc.  
 Diam-N-Blu Mechanical Corp.  
 Enterprise Fleet Service  
 Fujitsu Mini-Split Air Conditioning Systems  
 Johnstone Supply  
 Island Insulation Services  
 LIPA Trade Ally  
 LUX Thermostats  
 Mitsubishi Electric  
 Norm and Sons, Inc.  
 SpacePak Flexible Duct Central A/C  
 Twinco Supply Co.  
 Wales-Darby, Inc.  
 Zisholtz & Zisholtz

**Gifts**

B&F Johnstone  
 Blackman Plumbing  
 Venco Sales, Inc.  
 York International  
 Master Monogram





## 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

### Appeals Court Expands Potential Employer Liability Under ADA

If you thought you heard the story before, here is a new one. The Federal Appellate Court in Manhattan recently awarded damages to a plaintiff for a physical disability accommodation the employee never even requested, nor thought he needed. The court ruled that if an employer knows about an employee's disability, they must make steps to reasonably accommodate it—regardless if the employee fails to initiate a request for accommodation.

The Americans with Disabilities Act (ADA) is a wide-ranging law that prohibits discrimination based on disability. The ADA applies to employers who employ more than 15 full-time employees. A disability is defined as “a physical or mental impairment that substantially limits a major life activity.” In an employment context, employers are, generally, prohibited from refusing to hire an applicant because of a dis-

ability, or failing to “reasonably” accommodate disabilities that do not prevent the employee from working.

Although the general rule is that it is that the employee must request an accommodation for a disability, the Second Circuit in *Brady v. Wal-Mart Stores Inc.* expanded situations in which an employer can be found liable for not accommodating an employee's disability. Now, an employer cannot use an employee's silence to protect itself. If an employer has any reason to know of an employee's disability, then the employer has an obligation to reasonably accommodate the employee.

In *Brady*, despite the fact that the plaintiff never discussed his physical disability before his termination, the court still found Wal-Mart to be liable because they reasonably knew about the plaintiff's disability, which was Cerebral Palsy. Witnesses testified in court that the plaintiff's Cerebral Palsy/disability was easily discernable to others. In fact, the reason for termination, i.e. moving at a slower pace and poor coordination, were symptoms of the disability. Ultimately, the plaintiff quit after the employer changed his department multiple times, without adhering to their internal 90-day probationary policy.

Although on appeal the court reduced the damages, Wal-Mart was still obligated to pay \$600,000.00 in compensatory damages and \$300,000.00 in punitive damages.

Employers looking to avoid an expensive lesson can learn



Magic Aire



The Unico System®

Dedicated to the success of our HVAC partners



Wholesale Distributors ■ Air Conditioning ■ Heating

485-13 South Broadway  
Hicksville, NY 11801  
516-931-6500  
Fax: 516-931-6566

80 13th Avenue, Suite 4  
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

58-83 54th Street  
Maspeth, NY  
Warehouse Only

You can also find these and other quality products and services at [www.wallworkgroup.com](http://www.wallworkgroup.com)

REZNOR



DAIKIN AC  
absolute comfort™

SANYO

Burnham



from the defendant's mistake. Employers need to be aware that the "interactive process" approach requires employers with reasonable knowledge of an employee's disability to initiate accommodation discussions before termination. An employee's failure to raise an accommodation claim does not protect the employer from liability post termination.

Employers should consult both HR and legal counsel for advice in developing HR policies that will minimize liability, with regard to employees who may require accommodations under the ADA.

### Election Season Update

Election Season is in full swing. After a very competitive presidential primary race on both sides, this autumn could bring

heated political debate to the workplace. Employers should tread carefully before encouraging or discouraging political debate inside the workplace. Below is a brief description of local state rules that expand employees' rights.

In New York, employers are prohibited from discriminating against employees on the basis of political activities conducted outside of working hours. This applies to activities that do not include the use of the employer's equipment or property. So long as the activity poses no material conflict of interest with the employer's proprietary or business interests, the employer cannot restrain an employee's political activities. For example, a manager could not adversely affect the

*Continued on page 10*



**portnoy  
messenger  
pearl&associates, inc.**  
Partnering with ACCA  
**for Comprehensive Human Resource Solutions**  
Policy Development \* Training \* Employee Handbooks \* Affirmative Action Plans  
OFCCP Audits \* Labor Strategies & Solutions \* Compliance \* HR Vulnerability Reviews  
Union Avoidance \* Arbitration \* NLRB Hearings \* Recruiting & Placement  
Compensation \* Job Descriptions \* Performance Management  
HR Outsourcing \* HR On-Site Mentoring \* HR Help Desk  
**www.pmpHR.com      abpearl@pmpHR.com**  
**516-921-3400**



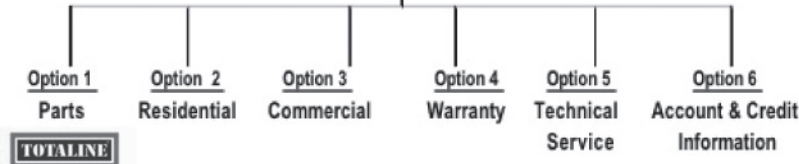
**Daniel B. Brothers**  
Account Executive  
516-739-5487 tel  
516-739-8741 fax  
516-507-8848 cell  
daniel.b.brothers@erac.com

200 Old Country Rd Suite 610  
Mineola, NY 11501  
516-739-3000  
www.enterprise.com/fleets

# Northeast Distribution



## Carrier Quick Connect 1-800-973-3345



**Bohemia**  
21 Crossways East  
Bohemia, NY 11716  
(P) 631-588-2181  
(F) 631-218-8104  
Store Manager:  
*Michael Leonhard*

**Brooklyn**  
445 Coney Island Blvd  
Brooklyn, NY 11218  
(P) 718-287-5927  
(F) 718-287-6134  
Store Manager:  
*Mike Byrnes*

**Farmingdale**  
175 Central Ave  
Farmingdale, NY 11735  
(P) 631-501-5720  
(F) 631-501-5733  
Store Manager:  
*Paul Algeri*

**Maspeth NEW**  
48-23 55th Avenue  
Maspeth NY 11378  
(P) 718-472-0200  
(F) 718-472-4538  
Store Manager:  
*Angelo Esposito*



**People & The Workplace**

*Continued from page 9*

employment of an employee who, during outside work hours, attended a political rally or protest. NY employers must also give employees "sufficient time" to vote if polls are not open four consecutive hours outside the employee's regular shift. The employee must notify the employer of the need for time off at least two but not more than ten working days prior to the election, and the employer may specify whether the employee takes time off at the beginning or end of the shift. Employers must post a conspicuous notice of employee rights at least ten days before Election Day. The time off is paid for up to two hours.

New Jersey employers may not prohibit employees from voting. Employers are restrained from threatening any employee with loss or injury in order to induce the employee to vote or to restrain the employee from voting. An employer may not impede the free exercise of employee's voting rights. This includes coercing the employees into voting for or against any particular candidate, or penalizing an employee for voting in a certain way. An employer also may not threaten employees with signs posted 90 days before an election of a shut down in the event that a particular candidate wins the election, nor may they include direct or implied threats in wage

envelopes aimed at influencing political opinions or actions of employees. NJ employers are not required to give employees time off to vote.

Connecticut employers may not discipline employees for exercising their free speech rights, so long as the employee's speech does not materially interfere with the employee's job performance or the working relationship between the employee and the employers. CT employers are also not required by statute to give employees time off from work to vote.

For a more in depth discussion of each state's legislation, and how it affects your HR policy, contact this office. As always, should this article raise any questions you can reach me at [ABPearl@pmphr.com](mailto:ABPearl@pmphr.com). •



Full construction accounting systems from Estimating, Job Costing and Service Management to Payroll, Accounts Receivable and Project Management.

We are your local computer technology specialist for the Heating Ventilation & Air Conditioning Industry.

---

2001 Marcus Avenue, Suite S265  
Lake Success, NY 11042  
(516) 256.4444

SAGE TIMBERLINE OFFICE

[www.gcmsystemsllc.com](http://www.gcmsystemsllc.com)

# 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

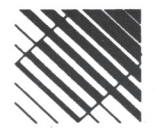
- Cooling Towers
- Water Tanks

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.



## Understanding SmartWay® and Carbon Offset Programs

By Daniel B. Brothers,  
Enterprise Fleet Services/New York

Businesses committed to replacing older, higher carbon-producing, gas guzzling full-size vehicles with more environmental friendly and fuel efficient vehicles have a lot of choices. Making the right decision is important, especially when it comes to understanding some of the new terminology and initiatives that are available. Two of these include SmartWay® Certified Vehicles and Carbon Offsets.

SmartWay® is a program of the U.S. Environmental Protection Agency (EPA), developed to promote "greener" options for all size vehicles. The program includes air pollution and greenhouse gas scores on a scale of 1-10 for a variety of vehicles, which can be found at <http://www.epa.gov/greenvehicles/all-rank-07.htm>.

To earn the SmartWay® designation, a vehicle must receive a rating of 6 or better on both scores and have a total score of at least 13, which is very good. Even better, vehicles that earn 9 or better on both scores receive the SmartWay® Elite designation, indicating the vehicle is one of the best environmental performers.

Carbon offset programs can be a little more difficult to understand. Basically, a carbon offset is a certificate representing a reduction of carbon dioxide (CO<sub>2</sub>) emissions, the principal cause of global warming. Calculations are based on the number of gallons of gas consumed using different coefficients for regular gasoline and diesel. While numbers from various sources may vary slightly, burning a gallon of regular gasoline emits 19.56 pounds of CO<sub>2</sub> and diesel fuel emits 22.28 pounds per gallon, according to the U.S. Government Energy Information Administration (EIA) at <http://www.eia.doe.gov/oiaf/1605/coefficients.html>

There are hundreds of different types of carbon reduction projects. For example, a wind farm generates clean energy, which reduces carbon emissions from coal-burning power plants. In order to finance its operations, a wind farm can sell these reductions in the form of carbon offsets.

Every ton of carbon dioxide emissions reduced in a project results in the creation of one carbon offset. These offsets can

then be sold by project developers to finance their projects.

Enterprise Fleet Management has made a major commitment to supporting carbon offset programs. For customers who choose to purchase a carbon offset, the company will match 25 percent of each offset's purchase price, with a \$3,500 maximum per customer per year. Enterprise estimates that each year the average fleet vehicle will log 20,000 miles and emit anywhere from 19,000 to 27,000 pounds of carbon dioxide (CO<sub>2</sub>).

Another option for businesses is to choose from the selection of new engine technologies, including FlexFuel vehicles or gas-electric hybrids. However, while FlexFuel vehicles, which run on E85 fuel (a blend of 85 percent ethanol and 15 percent gasoline) or biofuel can reduce greenhouse gas emissions by up to 20 percent, these fuels may not be widely available in all fleet service areas. In addition, costs for acquisition, maintenance and resale can differ compared with more traditional engine technologies.

*Daniel B. Brothers is a Senior Account Executive for Enterprise Fleet Management and is a member of the Board of Directors of the Greater New York Chapter of ACCA. He can be reached at 718-458-7920 ex: 301.*

### Don't Forget!

**Your membership includes dinner at our monthly meetings.**

**Come and enjoy cocktails, dinner, an informative presentation and networking with your peers.**

**Register for all ACCA functions online at [www.accany.com](http://www.accany.com)**



- 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



# The Greater NY Chapter of ACCA presents PHONE GENIE TRAINING

## The Phone Genie Workshop

Develop powerful telephone skills in a classroom workshop covering the following training and assessment modules:

- Individualized pre-and post session skill assessments.
- Case studies
- Personal Productivity Exercises
- Customized Action Plans ( for self-improvement)
- Role Playing (specific and non-specific to the industry)
- Phrases and words you should never say to a customer!
- How working as a team affects your daily performance.

**Make a Great First Impression!**

By the time the assessment and training is completed, your employees will have learned to “think outside the box”. We will also cover Sales and Service. Learning how to handle obstacles, objections and other tough calls is a major part of our day to day job responsibilities, and we will fine tune these skills. Implementing time efficiency or time management skills for each individual will keep your employees on the highest productivity level possible through this training. Each participant is given a workbook for the class.

**Date:** Wednesday, October 29, 2008

**Time:** 8:00 am-12 noon

**Location:** Keyspan/National Grid Facility; Logistics Room  
175 E. Old Country Rd., Hicksville, NY

**Cost of seminar is:** \$125 for members and \$175 for non-members, and includes breakfast

Register Online at [www.accany.org](http://www.accany.org) by September 28th



49-70 31st Street  
Long Island City, NY 11101  
Phone: 800-786-2075  
Fax: 718-937-9776

Fulfilling All Your HVAC / R Needs  
 In-Depth Inventory   
 On-Staff Experts   
 Fast Delivery

**Bronx**  
600 East 132nd Street  
Bronx, NY 10454  
Phone: 718-401-1001  
Fax: 718-401-2286

**Hauppauge**  
33 Central Ave  
Hauppauge, NY 11788  
Phone: 631-234-5500  
Fax: 631-324-5077

**Brooklyn**  
100-01 Avenue D  
Brooklyn, NY 11236  
Phone: 718-257-5700  
Fax: 718-257-5880

**Hicksville**  
225 Charlotte Street  
Hicksville, NY 11801  
Phone: 516-938-8400  
Fax: 516-938-8421

**Manhattan**  
541 West 34th Street  
NY, NY 10001  
Phone: 212-929-8400  
Fax: 212-629-5768

**Suffern**  
12 North Airmont Rd  
Suffern, NY 10901  
Phone: 845-357-3322  
Fax: 845-357-5444

**Staten Island**  
420 Bay Street  
Staten Island, NY 10304  
Phone: 718-273-0200  
Fax: 718-720-0500

**White Plains**  
80 West Post Road  
White Plains, NY 10606  
Phone: 914-946-2020  
Fax: 914-946-6822

**ABCO's Commitment:** *Pride Only In Exceeding Each Customer's Highest Expectations™*

**16 Convenient Locations Throughout the Northeast**

Long Island City • Brooklyn • Bronx • Manhattan • Staten Island • Hicksville, NY • Hauppauge, NY • Suffern, NY • White Plains, NY  
Stamford, CT • Totowa, NJ • Kenilworth, NJ • Philadelphia, PA • Center City, Philadelphia, PA • New Castle, DE • Somerville, MA



## WELCOME NEW MEMBERS

Bronze Associate Member:  
**CANGRO INDUSTRIES, INC.**  
 MR. VICTOR J. CANGRO, JR.  
 495 SMITH STREET  
 FARMINDALE, NY 11735

New Contractor Members  
**ALWAYS FAITHFUL A/C, HEATING & REFRIGERATION**  
 SEAN GAUCI  
 188 N MANHATTAN AVE  
 MASSAPEQUA, NY 11758

**DESIGN AIR, INC.**  
 ERIC BUCKALTER  
 120 ROUTE 59  
 HILLBURN, NY 10931

**METRO MECHANICAL**  
 MARYANN VIRGILIO  
 3440 ROMBOUTS AVENUE  
 BRONX, NY 10475

**FIRST CHOICE MECHANICAL, INC.**  
 JIMMY MOYEN  
 128-11 161 STREET  
 JAMAICA, NY 11343  
 1800-656-9533 • 718-481-8580

**Want extra copies of our newsletter  
 for others in your organization?  
 Please visit our website at [www.  
 accany.org](http://www.accany.org) to download them.**



**Ductless Air Conditioning  
 & Heat Pump**

Over 122  
 Models



[www.mrslim.com](http://www.mrslim.com)

Sales Hotline  
 978-749-3121

[jmatson@hvac.mea.com](mailto:jmatson@hvac.mea.com)



**JOHN F. DELILLO**  
*Certified Public Accountant*

**ACCOUNTING, BOOKKEEPING  
 & BUSINESS VALUATIONS**

229 South Street  
 Oyster Bay, NY 11771

Tel: (516) 922-2102  
 Fax: (516) 922-1414

[www.johndelillocpa.com](http://www.johndelillocpa.com)



*American Standard*  
 NEW STANDARDS FOR LIVING™

**Commercial and Residential Heating & Air Conditioning Equipment  
 Air Movement & Air Quality Products, Controls, Accessories,  
 Supplies & Building Automation Systems**

199 Ridgewood Dr.  
 Elmsford, NY 10523  
 914-347-3929  
 fax 914-347-6453

120 New South Rd.  
 Hicksville, NY 11801  
 516-822-3074  
 fax 516-822-4901

SERVING THE GREATER NEW YORK AND METRO TRADING AREAS

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

### **Holding Landlord Responsible For Improvements Ordered By Tenant**

Over the last several months, we have been contacted by various contractors to file Mechanic's Liens on buildings where the tenant has vacated or recently filed for bankruptcy.

On each occasion attempts were made to hold the landlord responsible for the improvements performed by the tenant, even though the landlord did not have contact with anyone. Depending on the work performed, we refused to accept the claim and refused to file the lien.

The law is clear that a contractor, subcontractor and/or a supplier has the right to file a Mechanic's Lien on real property where it performed work or furnished materials. Thereafter, it can foreclose its Mechanic's Lien to try and collect the outstanding sum due.

The question, however, is, can you hold a landlord responsible for improvements done by a tenant where the landlord had nothing at all to do with the improvements?

In order to hold a landlord responsible where there is an intervening tenant, you must prove that the landlord consented

or requested the work to be done. Consent is vital to filing a Mechanic's Lien. In order to show consent, you must prove that the landlord was actively involved in the project. Mere acquiescence and benefit is not enough to establish liability on the landlord.

The landlord may review plans, approve the work, facilitate construction of the premises, etc. The more involved the landlord is in the project, the stronger your case is against the landlord. It becomes a factual issue as to the knowledge, consent and authorization provided by the landlord for the project.

In the long run, however, it is an uphill battle to compel a landlord to pay for improvements performed by a tenant where the landlord never obligated itself, by contract or other wise, to pay for the work performed.

Recently, a decision was rendered in the Supreme Court, New York County where a general contractor was foreclosing on a Mechanic's Lien seeking approximately \$2,500,000 against the landlord. In that action, the tenant filed for bankruptcy and vacated the premises. The only recourse the general contractor had was to seek payment from the landlord for the improvements.

The argument by the general contractor was that the landlord was gaining certain improvements to the premises and was being unjustly enriched. The landlord, however, argued that all of the responsibility for the improvement lies with the tenant and even though the tenant may be out of business, no liability exists on

## **Attention: Wanted Lennox Dealers**

**Dave Lennox**  
**Signature® Collection**

**Healthy Climate® 16 Media Air Cleaner**



**#1 rated**

professionally installed, whole-home  
filtration system as ranked by a leading  
consumer magazine.

**For opportunities today, please contact Robert at:**

**LENNOX**

**LENNOX INDUSTRIES**

**50 Skyline Drive**

**Plainview, N.Y. 11803**

**800-356-3283**

behalf of the landlord. The court found that there were issues of fact as to the involvement of the landlord and whether the landlord is responsible for the improvements.

The key is that if you are performing work for a tenant, mere acquiescence by the landlord will not result in liability against the landlord. He must be actively involved in the project in order to be held accountable.

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..

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. •

### 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. We will print it and see what others think. Fax...516-829-5472.

LET'S FORM A

## MEDICAL PARTNERSHIP

BIOMEDICAL REFRIGERATION • CRYOGENICS • CO2 INCUBATORS • ULTRA LOW TEMPERATURE UNITS • BLOOD BANKS

WHATEVER YOUR MEDICAL CLIENT NEEDS ARE WE CAN PUT OUR EXPERTISE TOGETHER WITH YOURS FOR QUICK, DEPENDABLE SOLUTIONS. LET'S TALK!



**ANTHONY VICARI**

**718-756-8100**

(fax) 718-778-6352 • www.alscientific.com

632 EAST NEW YORK AVE. BROOKLYN, NY 11203



Kevin Cirincione  
President

COUNTY PNEUMATIC CONTROLS, INC.

Automatic Temperature  
Control Systems

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

p: (631) 653-9124  
f: (631) 653-9177  
e: cpckevin@optonline.net

## COMPRESSORS

National Compressor Exchange, Inc.

Remanufacturer: Reciprocating & Screw Semi Hermetic Compressors

Full Stock.....Immediate Replacement

1 to 5 Year Warranty

New Facility: 75 Onderdonk Ave., Ridgewood, N.Y. 11385

Plus — New Location on Long Island — Old Bethpage

Tel: 718-417-9100

Fax: 718-821-7032

Outside New York: 1-800-225-7381

[www.nationalcompressor.com](http://www.nationalcompressor.com)

## BLACKMAN®

PLUMBING/HEATING/COOLING SUPPLIES

### The Supplies You Need, When You Need Them.



Available at these locations:

#### FLUSHING

134-07 Northern Blvd.  
(718) 939-7200

#### QUEENS VILLAGE

217-68 Hempstead Ave.  
(718) 479-5533

#### LYNBROOK

348 Broadway  
(516) 593-6274

#### MINEOLA

208 Herricks Rd.  
(516) 747-7191

#### HICKSVILLE

50 Hazel St.  
(516) 931-6144

#### WANTAGH

3480 Sunrise Hwy.  
(516) 785-8222

#### HUNTINGTON

240 Broadway  
(631) 271-0500

#### MEDFORD

2700 Route 112  
(631) 475-2656

#### RIVERHEAD

940 West Main St.  
(631) 727-4800

#### SOUTHAMPTON

444 Country Rd. 39A  
(631) 287-5400

### Blackman has the best heating, cooling & HVAC brands in the business...in stock and at the right price!





Anthony Capone, CIC  
 John Glanzman, CIC  
 James E. Murphy, CIC

**For All Your  
 Insurance Needs**

- Commercial Automobile
- Commercial General Liability
- Contractors Tools & Equipment
- Workers Compensation
- Health & Life Insurance
- Disability Benefits
- Employee Benefits
- Bonds

**Newbridge Coverage Corp.**

*Your Bridge To Cost Effective Insurance Management*

202 Sheridan Blvd. Inwood, NY 11696      1666 Newbridge Rd., Bellmore, N.Y. 11710      236 Main Street Center Moriches, NY 11934  
 Phone (516) 781-9000; Fax (516) 781-9172      Web site address: NEWBRIDGE COVERAGE.COM      E-Mail address: www.newbridgecoverage.com



Manufacturers Representative for Quality  
 Plumbing, Heating and Cooling Equipment

**The Unico System®**

- Removes 30% more Moisture
- Draft Free, Even Temps.
- Little or No Remodeling
- Matches Any Decor
- Mini Duct System
- Quiet

**Honeywell**

- Water Control products
- Combustion Controls
- Thermostats
- Indoor Air Quality Products
- "TrueSTEAM" Humidifiers
- Residential Products

**Burnham®  
 Hydronics**

- Residential or Commercial
- For Hydronic Air Systems
- High Efficiency Boilers
- Cast Iron or Steel
- Made in USA
- Gas or Oil



For more information please call 631-754-0782 or visit us at [www.vencosales.com](http://www.vencosales.com)