

IN THIS ISSUE...

- 1 President's Message
- 1 CASINO NITE Notice
- 4 Slinger - Try This At Your Own Risk
- 6 Understanding Auto Recalls
- 8 Pearl - Pop Quiz: ADA
- 9 NIGHT OUT AT METS Promo
- 11 March Meeting Pix
- 12 Zisholtz - More About Lien Wavers

Air Conditioning Contractors of America

Greater New York
Chapter
229 South Street,
Oyster Bay, NY
11771

**RETURN
SERVICE
REQUESTED**

Greater New York Contractors' NEWS



www.accany.org

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

APRIL 2010

President's Message



Anthony N. Carbone

MARCH STARTED OFF WITH A FEW 50-DEGREE DAYS that melted the snow from February 25, 26, the fourth largest snowstorm in New York City history. The warm days caused many people to think of spring...and air conditioning. This could be a well-needed head start for HVAC contractors who have had a tough time with the current economy and the lack of business.

Turn to President's Message on page 3



• Food • Drinks • Fun • Prizes •

**Thursday, April 8th
Westbury Manor**

6:30 to 10:30 PM

\$55 per person

Please R.S.V.P. to 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

www.theamerisc.com



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

BLACKMAN®

PLUMBING/HEATING/COOLING SUPPLIES

The Supplies You Need, When You Need Them.

AIR CENTRAL

AT BLACKMAN

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!**



FUJITSU

Honeywell

ThermoPride®

Magic Aire®

Robertshaw

7ome

LIFEBREATH
 CLEAN • FRESH • AIR

TROL-A-TEMP®

autoFlo

atco
 ATCO RUBBER PRODUCTS, INC.

Hart & Cooley

UE

B Precisionaire

Males

PRESIDENT'S MESSAGE *Continued from page 1*

I consider this a great time to evaluate a business and make decisions on cleaning out the old way of doing business. Trim away the fat. Many companies do things a certain way because that is how they have always done them. That is a great recipe for making your company irrelevant. The HVAC contractors who ignored the computer and decided to stay with handwritten ledger cards and customer index cards found they no longer could compete in a fast moving business environment. Inevitably, they will phase themselves out.

The HVAC contractor who prospered from 1980 to 2007, learned to grow as the greatest economic expansion in the U.S. economy took place — more trucks, more employees, more overhead, more extras, more jobs. Efficiency really didn't matter because as fast as you could do one job the next would be coming in. If your outfit is geared to operate at this pace, then the fuel to feed the fire must be there. If it isn't, the fire will certainly go out.

I believe, from my conversations with other contractors at our monthly ACCA meetings, that a transition period for many contractors is here. Some will revamp their operations according to what is needed and important.

Some will decide the overhead and responsibility is not worth the margin of profit that results after the reverse auction bidding is over.

The changes in our industry are not only in our economy but in our procedures as well — refrigerant changes, rebates, permits, stimulus programs, insurance requirements, licenses, minimum efficiencies, quality of technicians. The end result will be lean survival of the fittest contractors. Are you one of them?

Try your luck at our fabulous CASINO NIGHT...! You can see if you have what it takes to gamble with us!

— **Anthony N. Carbone**

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

ACCA Greater NY Chapter

Officers

President

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

President Elect

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

Treasurer

Marc Soffler, *Dynaire Corp* - 516-248-9320

Secretary

Al Trudil, *Almore Corporation* - 631-345-6050

Past-President

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

Executive Director

John F. DeLillo, 516-922-5832

Directors

Brian Aull, *Atlantic Contracting & Specialties Corp.* - 631-563-6510

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

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

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

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

John Ottaviano, *Air Ideal* - 516-873-3100

Greg Singer, *Martack Corporation* - 516-998-1000

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

Joe Stranieri, *Industrial Controls Distributors* - 212-947-3100

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

Advisory Council

Robert Berger (retired)

Mark Bedson, *Brinco Mechanical Services* - 516-378-2277

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 Klockhoff, *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/Newsletter

Anthony Carbone

Donald Gumbrecht & Co.

Baseball Outing

Scott Berger

Nick Terran

Casino Night

Jim Carlson

Golf Outing

Ken Ellert

Holiday Party

Anthony Carbone

Membership

Ron Nathan

Political Action

Anthony Carbone

Scholarship

John Ottaviano

Trade Show

Rich Staiano

Steve Bergman

Web Page

Roy Bernheimer

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.

Try This At Your Own Risk

By Greg Singer
Martack Corporation

Try this at your own risk.

Visit and negotiate at a major furniture store say, 6 times over the course of a few months. Make sure to use up considerable time of the sales staff and don't hesitate to the pick their brains for the latest ideas and trends. Show them all the competitors' pricing, and knock their numbers down to rock-bottom. When you are convinced you have bled them as much as possible, place the order. Here are your terms:

Deliver, assemble and install the living room set in the next few days.

There will be no deposit, and in fact, you need at least 30 days to get the money flowing, but don't be surprised if no funds materialize for 60 days. The ink on our currency has become very sticky lately and the money just doesn't flow like it used to.

Don't expect much money at first. Everyone knows that there is an extensive break-in period for sofas and ottomans these days, and if the expected comfort level cannot be established, the family that will establish the "percentage of satisfaction" is not likely to approve further payments until such time as the deficiencies are remedied.

In any event, the family will hold back 10 percent until they are prepared to issue a "certificate of comfort and satisfaction".

I think we would all realize that finding a furniture retailer that would agree to these terms is about zero. Who would do business under such onerous terms? The answer is we would, and we do it every day.

I really have no idea when and where the payment protocol that exists in the construction industry today started. What is clear is that it is based on a tremendous level of mistrust directed at contractors. Clearly, whether by design or by circumstance, it shifts a large portion of the burden of

financing the project onto contractors and sub-contractors who are historically weak in the working capital department to begin with.

I've often gotten into this debate with contractors and developers. We all know that as difficult as it can be to get paid on a regular basis, final payment can be almost impossible. We've all seen the wording in contracts stating that "final payment will only be made after issuance of a final acceptance letter" by the architect. But have you ever seen one? I recently brought this point up to a very large and seasoned GC who laughed, and agreed, that in his 30 years in the industry he could never remember actually seeing one. I've been at this over 30 years and no one has ever presented me with one.

I write this article today, coincidentally, having received notice from my attorney that a 3½ year old claim against a developer for \$129,000 has tentatively settled after opening court appearances. No, not for the full amount. There was little justification for them not paying. The reason was that they figured they could get away with it. The documents in the case brought to light the fact that they earned around \$16 million on the loft conversion project. I had to reach for a box of Kleenex I was so touched by the hardship they had to endure.


Can contractors, developers and owners keep getting away with these payment practices? Do we have to constantly knuckle-under to these tactics, payments delays, and be made to feel that we have a lot of gall to be asking for our money?

We have met the enemy, and it is us. •

What Do You Think About WEBINARS?

Some love 'em. Some hate 'em. Some don't think they have time for 'em. And some have simply never tried 'em. ACCA National has a successful online webinar program called Comfort U. Our Chapter is considering offering some too. Let us know your thoughts. Call the Chapter office at 516-922-5832.

COMPRESSORS

 **National Compressor Exchange, Inc.**
Remanufacturer: Reciprocating & Screw Semi Hermetic Compressors
Full Stock.....Immediate Replacement
1 to 5 Year Warranty

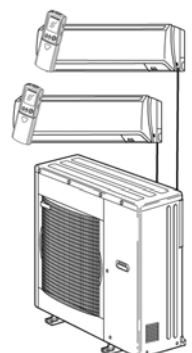
New Facility: 75 Onderdonk Ave., Ridgewood, N.Y. 11385
Plus — New Location on Long Island — Old Bethpage
Tel: 718-417-9100 Fax: 718-821-7032
Outside New York: 1-800-225-7381
www.nationalcompressor.com



Cooling and Heating Solutions

www.mitsubishicomfort.com

John Hanley
973.256.3690
jhanley@hvac.mea.com



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*

Member ACCA, NADCA & BOMA, NY

Understanding Manufacturers' Recalls and Technical Service Bulletins

By Kelly Hiner/Enterprise Fleet Management

With recent news headlines about vehicle safety recalls, it is important to understand the differences in terminology for recalls versus technical service bulletins (TSB), both of which are issued to detail a fix for a known concern and may include certain limitations. While both warrant attention, there are distinct differences.

Recalls are Mandatory

A motor vehicle recall is a process that involves recalling vehicles that are found to have a manufacturing problem that

can cause an emissions or safety issue. These can range from a minor mechanical defect like a malfunctioning ignition system or vehicle sensor, to problems with the suspension or brake systems, as well as major engine or driveline failures.

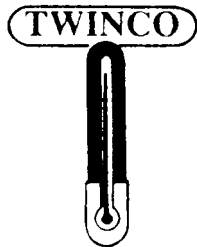
The recall system for motor vehicles in the United States, enacted in 1966 by the Department of Transportation's National Highway Traffic Safety Administration (NHTSA), allows the NHTSA to issue vehicle safety standards and to require manufacturers to recall vehicles that do not meet these standards or have safety-related defects.

After an issue is determined the NHTSA gives manufacturers the opportunity to announce recalls voluntarily. If this does not happen, the NHTSA has the authority to announce a mandatory recall. When a recall is issued, voluntary or mandatory, the manufacturer must correct the defect to meet Federal safety standards at no cost to the customer.

Sometimes a motor vehicle recall is for a simple and minor situation, while others can represent serious safety hazards. Safety-related defects may exist in a group of vehicles with the same design or manufacturer, or items of equipment with the same type and manufacturer. Because many of today's vehicle models share certain parts, the effect of one component on the safety or emissions of many vehicle models is more common than ever.

TSBs are Voluntary

Because not every chronic vehicle problem is a safety



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



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

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

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

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

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

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

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

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

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

Fulfilling All Your HVAC / R Needs

In-Depth Inventory

On-Staff Experts

Fast Delivery

LUXAIRE MAKE A WISH.

Magic Aire

EMERSON
Climate Technologies

Honeywell

Comfort Aire

DuPont Refrigerants

Copeland

EMI
Comfort Where It Counts.

MITSUBISHI ELECTRIC
HVAC Advanced Products Division

MUELLER INDUSTRIES, INC.

JOHNSON CONTROLS

SPACE PAK

Harford

MODINE

Scotsman

Ocean Aire

SPORLAN

BOHN

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

or emissions issue or results in a recall, the manufacturers have developed TSBs. Since the TSB is not a recall, the manufacturer has no obligation to notify customers or make the repair at no cost.

It is important note that warranty coverage limits policies are not altered by a TSB. Warranty coverage limited are determined by the applicable warranty.

Thousands of bulletins are issued each year by car manufacturers with up-to-date factory fixes for difficult to diagnose problems such as rough idles, intermittent stalls, hard starts, and all varieties of shakes, rattles and clunks. Information usually includes recommended service procedures to improve a vehicle's performance, reduce future breakdowns or provide details for a factory authorized modification.

More often than not, only a portion of the production run of a certain make, model, and year vehicle is affected by a motor vehicle recall or TSB. To verify whether a vehicle is involved have a dealer's service department run the vehicle VIN through the manufacturers data base.

Information issued in a TSB always is intended for use by trained, professional technicians with the knowledge, tools and equipment to do the job properly and safely. Because professional technicians are trained to understand conditions that may be particular to some vehicles, procedures should never be attempted by do-it-yourselfers.

Owners Have Time Limitations

Under certain conditions manufacturers are required to

provide reimbursement for certain costs incurred by owners to remedy a safety defect prior to a recall, but there are specific closing dates for eligibility and documentation of costs is required for reimbursement. In addition, there may be limitations based on the age of the vehicle. In order to be eligible for a no cost remedy, the vehicle cannot be more than 10 years old on the date the defect or noncompliance is determined. However, since the safety risk still exists, owners are encouraged to remedy the safety problem at their own expense.

For questions concerning TSBs or motor vehicle recalls, contact your local dealer for assistance.

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. •

CHECK US OUT! In an effort to be more environmentally friendly, we are alerting you, our members and counterparts from our industry, to be aware that the ACCA Greater New York Contractor News is available on our website www.accany.org.

So if you are using your computer and need to know what is happening at ACCA, check us out there!

You will have the industry edge!



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

You can also find these and other quality products and services at www.wallworkgroup.com



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

Pop Quiz- Americans with Disabilities Act

Employers are frequently faced with employee health issues that affect their performance in the workplace. However, the Americans with Disabilities Act ("ADA") requires certain protocol which can include reasonable accommodations. The failure to act properly could create liability on behalf of the employer-in the following situations, what would **you** do?

- A company is interviewing for an open position and it is revealed by an applicant that he is a recovered drug addict. The company's internal policy prohibits the hire of such individuals-is this a legal policy?

- A company is looking to contract with an independent contractor and a favorable candidate is selected. Only after entering into contract negotiations is it revealed that the candidate has sickle cell anemia. The hiring director tells the applicant that they are unable to accommodate his schedule and refuses to enter into contract with him. Can independent contractors pursue claims of employment discrimination?

- An employee undergoes knee surgery and is out from work on medical leave for several weeks. Can the employer require the employee to undergo a physical capacity evaluation before returning to work from medical leave?

- An employee requests to be moved to a sunnier work area because of her Seasonal Affective Disorder-must the employer accommodate this request? What kind of accommodation must be granted?

- One of an employer's truck drivers seems uncharacteristically withdrawn and depressed. His supervisor wants to refer the employee for a psychological evaluation on the basis that this test is job related and consistent with business necessity-can the supervisor do this?

- An employee who works as a driver reveals that he is currently taking medication to treat a disability. The employer is concerned that this might impair his ability to safely operate a motor vehicle and voices his concerns with the employee. The employee then offers to take a driving test to demonstrate his ability to drive safely. Must the employer allow this test as a reasonable accommodation?

Don't wait until you're on the spot; learn how to

answer these questions now. Contact this office at ABPearl@pmpHR.com or check our website at www.pmpHR.com for a discussion of the answers.

Age Discrimination in the Workplace

This office has previously advised ACCA members on numerous factors to consider in conducting a reduction in force. The Age Discrimination in Employment Act ("ADEA") should be of critical concern for employers. Fortunately for employers, the EEOC has proposed redefining a key defense available to employers facing claims by employees the ADEA. The new standards would amend the EEOC's "Differentiations Based on Reasonable Factors Other than Age" regulation by identifying new criteria for establishing the "reasonable factor other than age" defense in age discrimination cases. Most claims of discrimination are brought under a "disparate treatment" model: the plaintiff alleges that the employer *intentionally* took action against him because of age. An employer may be found liable for discrimination based on its use of policies that disproportionately affect a particular protected class in an adverse way based on age. The EEOC's recent proposal contains a number of factors for determining whether an employer's practice or policy is "reasonable." These include:

1. whether the employer took steps to assess the adverse impact of its employment practices on older workers,
2. the extent older workers may be harmed by the policy, and

3. whether other options were available to the employer.

The EEOC's proposed regulation demonstrates that the agency expects employers to assess carefully their policies, the impact their policies would have on older employees and alternatives that would avoid or materially reduce age-related adverse impact. This office will keep you apprised on the status of these regulations and how they might affect reduction in force strategies.

New NY State Labor Law Notices

Last November the DOL Issued a form for all new employees to sign reflecting their hourly wage or salary. After much criticism the form has been substantially revised. The DOL has now created seven forms! One of the seven forms must be signed by any new employee at the time of hire and by a representative of your company. Which form is required depends on the person's exempt status and/or the basis upon which the individual is paid (e.g. hourly, piece rate, project rate, etc.) If you have not incorporated the use of one or more of these seven forms I suggest you do so immediately. The penalty for not having completed a form is cause for monetary concern. You can

obtain copies of the forms from me at ABPearl@pmphr.com, or via first class mail. Questions concerning the forms can be answered by any one of our staff-feel free to call 516-921-3400. Happy holidays to one and all. •

On The Move/ People In the News

If you are "on the move" or your company is doing something that will be of interest to other members, let us know. We'd like to publish it. Email the information (photo too if available) to Don Gumbrecht at dgumbrecht@aol.com.

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

GCM

Technology Solutions

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

Enterprise
fleet services

8334 23rd Avenue
East Elmhurst, NY 11376
718-458-7920
www.enterprise.com/fleets

Kevin Hughes
Area Sales Manager

Paul Bambinelli
Account Executive

718-458-7920, ext. 303
paul.m.bambinelli@erac.com

ACCA's Night Out with the METS!



July 31, 2010
Mets vs. Arizona
Tickets: \$23

Register online at
www.accany.com

A&R TECHNICAL

ANRTECHNICAL.COM
516-827-9570

We now offer EPA 608 on-line testing with instant results!

Single students accepted.

3 Hr. Training session.

2 Hr. for Universal test.

Training manual included.

EPA preparation and testing last Saturday each month.

NATE on-line proctored Certification testing
and program preparation

HVAC Excellence on-line proctored Certification testing
and program preparation

Both programs require some technical preparation.

Start dates

Electrical Application	4-5-10
Air Conditioning	5-3-10
Heat Pump	3-7-10 6-7-10

Call Art for information and pricing 516-827-9570

Special rates ACCA Members

10 percent discount on training and 5 percent on testing!

JOHN F. DELILLO

Certified Public Accountant

**ACCOUNTING
TAX & BOOKKEEPING SERVICES
BUSINESS VALUATIONS**

*SPECIALIZING IN THE
HVAC INDUSTRY*

*CERTIFIED
QUICKBOOKS PROADVISOR*

229 South Street, Oyster Bay, NY 11771

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

www.johndelillocpa.com

Email: john@johndelillocpa.com

conEdison
the power of green



Expand Your Residential Business Through Energy Efficiency



Become a participating contractor for Con Edison's residential energy efficiency program.

- ✓ Offer customers valuable rebates of **up to \$1,000** on the purchase of qualified equipment and services.
- ✓ Receive **cash incentives** for completing Quality Installations*.
- ✓ Access sales training and marketing materials.

Participating contractors must be licensed and insured in New York State and attend a one-day training session.

* Participating contractors may be eligible for an incentive of \$200 if they are BPI-certified as a Central Air Conditioner or Heat Pump Specialist and provide documentation that an ACCA Manual J load calculation worksheet has been completed to determine the proper size of installed equipment.

Call 1-800-430-9505 to sign up for training or request additional information.



March 4th Meeting

A large turnout of ACCA members met with representatives from JP Morgan Chase and the New York Business Development Corp. to discuss financing available to HVAC Contractors. The meeting was held on March 4, 2010 at the LaGuardia Marriott. The April Meeting will be preempted by the highly anticipated annual Casino Night on April 8th at the Westbury Manor.

VENCO
SALES INC.

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

Thermo Pride

- Oil & Gas Furnaces
- Low Profile, High Efficient
- Mobile Home Applications
- Heat Pump Equipment
- Premier Air Conditioning
- Air Handler Systems

New Yorker

HAYDON

Thermo Pride

Honeywell

The Unico System
Mini-Duct Control Heating & Air Conditioning

Heat Transfer
Design and Manufacture of

ZURN

GRANBY
STEEL TANKS

Beckett
COMMERCIAL

Burnham
Hydronics

GUSTAFSON

GRUNDFOS

Rheem

For more information please call 631-754-0782 or visit us at www.vencosales.com

Statement From Stuart S. Zisholtz, Esq.

More About Lien Waivers

Recently, I wrote an article pertaining to lien waivers. I emphasized the importance of the lien waiver and the various ramifications associated with it.

I advised each of you that when a lien waiver indicates "Full and Final Waiver of Lien" it is considered a release and prevents any future claim by the subcontractor for money due on the project.

In a decision addressing a waiver of lien, the Supreme Court, New York County, found that a contractor who entered into an agreement with a construction manager for a city project was precluded from recovering a balance due to various waivers and releases of lien executed by it during the course of the project.

Specifically, the lien waivers executed by the contractor stated that:

"The undersigned does hereby waive and release all liens, demands, claims or rights of lien of the undersigned..."

In addition, the undersigned does hereby forever release, waive and discharge PMS and NYCHA for any and all causes of action, suits, debts, accounts, damages, encumbrances, judgments, claims and demands whatsoever

in law or equity..."

The law is clear that lien waivers which incorporate the language above are deemed to be releases and constitute a complete bar to any action for the recovery of a balance due.

It is essential, therefore, that you understand the ramifications associated with signing a lien waiver. A lien waiver is essentially an escrow agreement. If the lien waiver is delivered to the owner and payment is not made, the lien waiver is void and unenforceable. If, however, you execute a lien waiver with similar language as set forth above and receive payment, then there is consideration and a release would be enforceable.

It is imperative, therefore, you understand the documents you are executing during the course of a project. It will be a very expensive educational process if you sign



• 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



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

Serving the Greater New York & Metro Trading Areas

Contact us to learn how we can help you!

Elmsford, NY • (914) 347-3929

Headquarters in NJ • 1-800-886-8740

Nick Conte cell • (201) 618-9687

FRASER-JOHNSTON
Heating ■ Air Conditioning

SOURCE
HVAC SERVICE PARTS™



THRU THE WALL

HEATING & AIR CONDITIONING EQUIPMENT

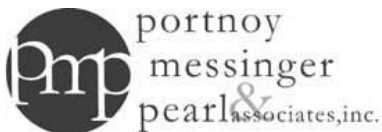
lien waivers and ultimately waive your right to any future money for work performed.

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.

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. •

**Make a habit of checking
the ACCA Chapter website at
www.accany.org**



**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**



4 Magnet Street
Stony Brook, New York 11790



AUTHORIZED BUILDING
CONTROLS SPECIALIST

Our staff of factory trained application and sales engineers are ready to help you meet the growing challenges of today's HVAC, Temperature Control and Building Automation Systems marketplace.

- HVAC, Pneumatic, DDC Controls
- Access Controls & CCTV
- Wireless Controls
- Systems Design
- Panel Fabrication - UL508
- Mechanical Equipment
 - * VAV Boxes
 - * Fan Coil Units
 - * Blower Coil Units
 - * Variable Frequency Drives
 - * Dampers - Fire, Smoke, Control
- Wire & Cable

Phone: 631-689-5745 • Fax: 631-689-5463
E-mail: jmarcntl@optonline.net

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.

CASCADE
WATER SERVICES

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.



**Quality
Works**





Your Totaline® sales center has got you covered.

You have a lot on your mind – you're a busy HVAC/R pro with new challenges to meet every day. That's why your Totaline sales center is the one-stop shop for all your HVAC/R needs. From after-market motors and compressors to thermostats and IAQ products, we'll help you get the job done. Need chemicals, tools, fittings, and installation items? Or maybe the little things, like duct tape and wasp spray? We've got those, too. And remember – we carry a full line of Factory Authorized Parts, which provide an exact-fit, drop-in replacement on Carrier®, Bryant®, and Payne® products.



Reminder: You know we're full of hot air.

But did you know that we're also all wet?

Ask about hydronic heating solutions from:



Bohemia
21 CROSSWAYS EAST
BOHEMIA, NY 11716
Phone: (631) 588-2181
Fax: (631) 218-8104
Manager: Tom Rucci

Brooklyn
445 CONEY ISLAND AVE
BROOKLYN, NY 11218
Phone: (718) 287-5927
Fax: (718) 287-6134
Manager: Paul Reynolds

Farmingdale
175 CENTRAL AVE- Suite 300
FARMINGDALE, NY 11735
Phone: (631) 501-5720
Fax: (631) 501-5733
Manager: Andrew Casey

Maspeth
48-23 55TH AVE
MASPETH, NY 11378
Phone: (718) 472-0200
Fax: (718) 472-6330
Manager: Mike Byrnes

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

Newbridge Coverage Corp.
Your Bridge To Cost Effective Insurance Management

For All Your Insurance Needs

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

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