

IN THIS ISSUE...

- 1 President's Message
- 1 November Meeting Notice
- 4 Editor's Notes
- 6 Recent Meeting Photos
- 7 Holiday Party Notice
- 8 Pearl - Who is Supervisor in Discrimination Suits
- 9 Welcome New Members
- 10 Fed Study on Improper HVAC Installations
- 11 Energy Dept. Announces HVAC Funding
- 12 Zisholtz - Care When Filing Mechanic's Lien

Air Conditioning Contractors of America

Greater New York
Chapter
123 South Street,
Suite 112
Oyster Bay, NY
11771

Greater New York Contractors' NEWS



www.accany.org

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

NOVEMBER 2014

President's Message



Al Trudil

THE HEATING SEASON IS ABOUT TO BEGIN, our nights are getting cooler while our days are continuing to be in the 70's. Hopefully everyone has almost finished all there heating PM's and are waiting the cold winter months.

Our October meeting in which Gary Butchen spoke about addiction was informative. We learned some new information about the medical marijuana laws and what will happen if you discriminate against anyone who is prescribed marijuana. Thank you to Gary for this insightful information.

Turn to President's Message on page 3

November 6th Meeting

ROUNDTABLE DISCUSSION

Computer Software

Retaining and finding new employees

New Technology – Tablets, Paperless Office & GPS

Perception of ACCA – Topics

Working to find new Customers and Marketing
plus more...

LaGuardia Marriott

Cocktails at 5:30 pm; Dinner at 6:30 pm

Register Online at www.accany.org



Holiday Party December 4th

see page 7

Who we are — ACCA is a non-profit association serving more than 60,000 professionals and 4,000 businesses in the HVACR community. We work together to promote professional contracting, energy efficiency, and healthy, comfortable indoor living for all Americans.



USI

SPECIALIZING IN
INSURANCE PROGRAMS
 FOR THE HEATING, VENTILATION AND
 AIR CONDITIONING INDUSTRY FOR OVER 25 YEARS!

COMMERCIAL INSURANCE - HEALTH & LIFE
 BOND - PERSONAL INSURANCE

CONTACT FRANK ABBATIELLO
 TEL: 516-419-4029
 FAX: 610-537-2217
 E-MAIL: FRANK.ABBATIELLO@USI.BIZ
 WWW.USI.BIZ

PRESIDENT'S MESSAGE *Continued from page 1*

It is election time not only for our government but here at ACCA. At our November meeting we will elect our board members for 2015. This meeting will also be a roundtable discussion about computer systems, retaining employees, new technology and finding new customers. Our meeting will be on Thursday November 6th at the LaGuardia Marriott. We would love to see you all at this meeting.

On another note, I know that some of you have tried to get into the OSHA 10 class and found that it is full. The board will be holding another class in 2015 so be on the lookout for the dates on our website. — *Al Trudil*



**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

www.accany.org



Check the ACCA national website too, at www.acca.org.



**NEW BRANCH in
Brooklyn**

Summer Hours: 7:00 AM – 5:00 PM

Regular Hours: 7:30 AM – 5:00 PM



102 Lauman Lane
 Hicksville, NY 11801
 516-931-6500
 Fax: 516-931-6566

80 13th Avenue, Suite 6
 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



**NEW SUNSET INDUSTRIAL PARK
 36 20TH STREET, BLDG. 6
 BROOKLYN, NY 11232**

**Telephone: 718-499-2224
 Fax: 718-499-2241**

ACCA Greater NY Chapter

Officers

- President*
 Al Trudil, *Almore Corporation* – 631-345-6050
- Treasurer*
 Marc Soffler, *Dynaire Corp* - 516-248-9320
- Secretary*
 Brian Aull, *Atlantic Contracting & Specialties* - 914-226-8475
- Past-President*
 Mike Newman, *Standard Refrigerator* - 718-937-0490
- Executive Director*
 John F. DeLillo, 516-922-5832

Directors

- Steve Bergman, *Twinco Supply Corporation* - 631-547-1100
 Roy Bernheimer, *Cascade Water Services* - 516-932-3030
 Anthony N. Carbone, *Systematic Control* - 516-482-1374
 James Carlson, *Michael James Industries (MJI)* - 631-231-3434
 Ken Ellert, *Comfort Tech Mechanical* - 718-932-2444
 Jimmy Moyan *First Choice Mechanical Inc.* - 718-454-4101
 Ron Nathan, *County Fair A/C Corp.* - 516-997-5656
 John Ottaviano, *Air Ideal* - 516-873-3100
 Dyami Plotke, *Roof Services* - 631-666-3232
 Gregory Reddock, *FOA and Son* - 516-228-1234
 Harvey Stoller, *Airdex* – 718-646-7200

Advisory Council

- Robert Berger (retired)
 Mark Bedson, *Brinco Mechanical Services* – 516-378-2277
 Scott Berger, *Arista Air Conditioning Corp.* – 718-706-4422
 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

- | | | |
|--|--|--|
| <i>Advertising/Newsletter</i>
Anthony Carbone
Donald Gumbrecht & Co. | <i>Golf Outing</i>
Ken Ellert | <i>Scholarship</i>
John Ottaviano |
| <i>Baseball Outing</i>
Scott Berger
Nick Terran | <i>Holiday Party</i>
Anthony Carbone | <i>Trade Show</i>
Rich Staiano
Steve Bergman |
| <i>Casino Night</i>
Jim Carlson | <i>Membership</i>
Ron Nathan | <i>Web Page</i>
Roy Bernheimer |
| | <i>Political Action</i>
Anthony Carbone | |

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

The economy seems to be slowing down as a glut of gasoline has hit the market and is dropping prices. Usually a drop in prices at the pump means more discretionary money for people to spend on things like movies, dinners, clothing, appliances and some excesses that can drive the economy up.

But with recent world events such as terrorist threats from multiple regions and a worldwide viral outbreak of Ebola infiltrating our country, it has turned the heads of the general public. Many are in the wait and see mode.

The stock market is taking dramatic losses in a short period of time and many 401K portfolios look weak. This is a barometer to many if they should spend money on big ticket items.

Many contractors had complained of such moderate to weak summer weather due to cool temperatures and lack of humidity. So it makes sense that job pricing seems to be all over the place depending on how hungry or how lean a summer was experienced by any one contractor.

This being said it makes the most sense to get all this information first hand at our monthly program meetings. This month in November we will be having a roundtable event that draws many contractors. We compare many points and comparative opinions that can't be found any place else. Please join us. You won't be disappointed. — *Anthony N. Carbone*

Atlantic
Contracting & Specialties

BRIAN AULL
ACCOUNT MANAGER
baull@atlanticcontracting.com
CELL: (631) 804-1899

"Commercial & Industrial Insulation"
"Committed to Service & Quality"
atlanticcontracting.com

925 Saw Mill River Road
Yonkers, NY 10710

OFFICE: (914) 226-8475
FAX: (914) 226-8480

TEL. (718) 387-1165

FAX (718) 387-1167

Brooklyn Fan & Blower Sales Co. Inc.

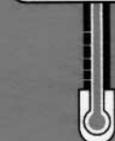
DISTRIBUTORS SINCE 1918
AIR MOVING EQUIPMENT - UNIT HEATERS
www.brooklynfan.com

177 North 7th Street
Brooklyn, NY 11211

RICHARD STRASSLER
rich@brooklynfan.com

For All Your
HVAC Requirements

TWINCO



Twinco Supply Corp.

TWINCO LOCATIONS

Long Island 11746
55 Craven St. • Huntington Station, NY
Tel: 631.547.1100 Fax: 631.547.1103

Long Island City 11101
10-11 38th Ave. • Long Island City, NY
Tel: 718.729.0005 Fax: 718.729.3866

New York City 10001
548 West 28th St. • New York, NY
Tel: 212.631.0555 Fax: 212.631.0776

www.twinco.com



John P. Hanley

Northeast Regional Manager - Channel Development

jhanley@hvac.me.com | www.mehvac.com

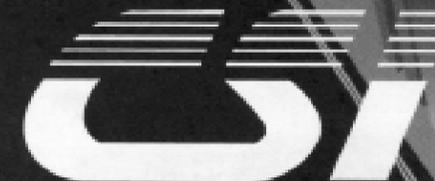
Direct: 973.256.3690 | Mobile: 973.951.5105 | Fax: 973.256.3691

10 Zendzian Ave. | Woodland Park, NJ 07424
facebook.com/mehvac | twitter.com/mitsubishihvac | youtube.com/mitsubishihvac

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



RECENT MONTHLY MEETING PHOTOS



Some photos from ACCA's September and October meetings. **Superior Customer Service** and **Employee Addiction** were the topics of presentations given by Steve Coscia, CSP and his team and Gary Butchen, of Bridge Back to Life Center, respectively. Our topics are always of value to contractors and their staffs. More photos are on our website at www.accany.org. In November we will be hosting a Roundtable consisting of discussions on a variety of subjects important to members. Join the discussions on November 6th.



You are Invited...

ACCA
2014

Holiday Party

Thursday
December 4th
6:30 - 9:30 pm

at the
All New
Burton & Doyle

661 Northern Blvd,
Great Neck, NY 11021

Cocktails & Hors d'Oeuvres
\$65 per person

Make Reservation Early
www.accany.org



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

Who Is A Supervisor In Discrimination Suits, And Why It Matters.

Title VII of the Civil Rights Act of 1964 is the federal law which governs discrimination in the workplace. According to the law, individuals cannot be discriminated against or harassed based on their race, gender, ethnicity, or religion. Recently the Supreme Court has issued a decision in the case of Vance v. Ball State University which clarifies a long standing question in Title VII cases, namely who is a supervisor? This is an important question, as under Title VII an employer can be held vicariously liable for actions of a supervisor, but not a regular employee.

Under Title VII, if a co-worker harasses an employee, the employer can only be found liable if the employer knows about the harassment and then fails to control the working conditions. Thus for the employer to be liable

the employer must either fail to provide a reasonable avenue for complaint, or fail to take corrective actions upon discovering the harassment. If however, an employee is harassed by a supervisor, the employer is found automatically liable if the harassment leads to an adverse employment action such as, firing, or failing to promote. If there is no tangible adverse employment action, and the employee is alleging hostile work environment due to the supervisor's conduct, then the employer will be found liable unless, the employer takes action to prevent or correct the supervisor's behavior, or the employer has a policy in place to prevent or correct such behavior and the employee fails to take advantage of the policy. In situations where the harasser is a supervisor it is the employer's burden to prove that it took these steps.

Thus, whether or not the harasser is a supervisor can have a significant difference as to whether the employer will ultimately be found liable. Prior to the decision in Vance the term supervisor was ambiguous. The definition of supervisor that was commonly used in New York courts was an individual that had "significant direction over the victim's daily work." This definition has proved troublesome as it is very open-ended.

Thus, the Supreme Court has now adopted a much narrower definition of "supervisor." Under this decision "an employer may be vicariously liable for an employee's unlawful harassment only when the employer has empowered that employee to take tangible employment actions against the victim, to effect a "significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits."

This decision provides employers with a far clearer definition of supervisors under Title VII. Employers should thus take this into account where there have been complaints of harassment or discrimination in the workplace, as additional actions may be required where the harasser is a supervisor. Of course if such a situation arises you should always contact an attorney or HR professional immediately.

Trouble On The Road Could Spell Legal Trouble For Your Business

The general rule is that employers are not responsible for their employees while they are not on duty, and this includes accidents while commuting to and from work. However, in a number of recent cases employers have been held liable for accidents involving employees during their commutes home. In one such case an employee complained of feeling dizzy after the company sprayed the factory for bugs. The company offered to send the

employee to the company doctor, but the employee refused and instead drove home. The employee was subsequently involved in an accident, and the employer was sued. The court found that the company could have foreseen and prevented this risk and chose not to stop it. The takeaway from this case and from cases like it is that employers should not let their employees drive if they believe they might be impaired in any way.

Another potential headache for employers involves tickets. With red light cameras becoming ubiquitous around the area, such tickets have become a major expense for companies that have drivers on the road. The question is who is responsible for a red light ticket? In the case of say a speeding ticket the violation is against the driver. Therefore the employee is directly responsible for paying that fine. However, with red light cameras the violations goes to the owner of the vehicle, in this case the employer. Therefore, due to NY's strict wage deduction laws, the employer is completely responsible for any red light camera tickets. While the company must pay the fine, employers are still free to discipline employees for all traffic infractions.

If you need any assistance with regard to this or any other labor or employment matter please contact me at abp@pmpHR.com or (516) 921-3400. •

JOHN F. DELILLO

Certified Public Accountant

**ACCOUNTING
TAX & BOOKKEEPING SERVICES
BUSINESS VALUATIONS**

*SPECIALIZING IN THE
HVAC INDUSTRY*

**CERTIFIED
QUICKBOOKS PROADVISOR**

**123 South Street, SUITE 112
Oyster Bay, NY 11771**

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

**www.johndelillocpa.com
Email: john@johndelillocpa.com**

WELCOME NEW MEMBERS

New ACCA Contractor Members

Inno Mechanical, Inc
149-16 16th Road
Whitestone, NY 11357
phone 718-460-3336
fax 718-460-1436
service@innomechanical.com

Tameer Inc.
Bilal Farooq
714 Anderson Avenue
Franklin Square, NY 11010-3202
phone 516-858-0555
fax 516-858-0444
info@tameernyc.com

Bob Mims Plumbing & Air Conditioning
Vinny Laurino
6326 Amboy Road Suite 3
Staten Island, NY 10309
phone 718-273-8175
fax 718-273-0319
vinny@bobmims.com

Check our website regularly for the latest
information and updates!
www.accany.org

Kevin Hughes
Area Sales Manager
Paul Bambinelli
Account Executive
718-458-7920, ext. 303
paul.m.bambinelli@erac.com

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

storms. hurricanes. heat waves.



Looks like a new business opportunity.

Your customers are already at home with Honeywell, one of the most trusted names in home comfort. Offer them Honeywell automatic home standby generators so the things that matter most—HVAC, communication, security and more—are available during a power outage. The need for reliable backup power is growing. Become a Honeywell generator dealer and grow with it. Visit www.honeywellgenerators.com.

Honeywell

For more information contact **Scott Matalovich**
American Universal 120 New South Road, Hicksville, NY 11801
cell: (516) 639-7886 • office: (516) 348-7750

To learn more, go to honeywellgenerators.com or call 1-855-GENINFO (436-4636)
Generac Power Systems, Inc. Waukesha, WI 53180 U.S.A.
The Honeywell trademark is used under license from Honeywell International Inc.
©2011 Generac Power Systems, Inc. All rights reserved.

New Federal Study Quantifies Efficiency Losses Due To Improper HVAC Installation

ACCA announces the availability of a new report, which confirms that HVAC equipment requires a quality installation (QI) in order to perform at rated efficiency. The research, undertaken by the U.S. Department of Commerce's National Institute of Standards and Technology (NIST), found that substantial equipment efficiency is lost due to design and installation deficiencies. The NIST report presents faulty practices commonly-performed by contractors and details the resultant additional energy consumption.

The recently-published report is the culmination of a three-year study that included the impact of building effects, equipment effects, and climate effects on HVAC equipment efficiency. The study found that installation faults significantly increase annual energy consumption. Extensive laboratory testing and computer simulations indicated that the following installation faults have the most potential to significantly degrade equipment efficiency: duct leakage, refrigerant undercharge/overcharge, low indoor airflow, and oversized equipment with undersized ductwork. Furthermore, the report shows that when two or more simultaneous faults occur, the efficiency degradations can be additive, compounding the increased consumption.

"This report quantifies what many industry experts already know – profound efficiency losses occur when HVAC

equipment is not installed properly," says Paul Stalknecht, ACCA president and CEO. "This report should help consumers understand why it is important to hire a contractor who follows the QI Standard. When consumers start asking for QI from every contractor, it will raise the performance bar in the industry, and result in significant energy savings while increasing occupant comfort."

Quality installation (QI) is more than just using high-efficiency products and systems. The correct design, proper installation, and field measurements directly influence the customer's comfort and how much is paid on utility bills. The ANSI/ACCA 5 QI Standard (HVAC Quality Installation Specification; www.acca.org/quality) specifies what to measure, how to measure, and the measurement tolerances for unitary residential and commercial HVAC systems. This reduces faults associated with design, installation, and commissioning. Failure to meet the design and installation elements specified in the ACCA 5 QI Standard will impact equipment performance and undercut the deemed energy savings assumed by many energy efficiency programs.

A full copy of the NIST report, entitled Sensitivity Analysis of Installation Faults on Heat Pump Performance (September 2014), can be downloaded at no charge from www.acca.org/standards/quality/.

ACCA Developed Manual J Course Curriculum For Educators and Trainers

ACCA, the Indoor Environment & Energy Efficiency Association, has developed a curriculum especially for teaching students how to do a load calculation using the Manual J8ae Speedsheet. This new curriculum is available for free download at www.acca.org/educators/.

ACCA worked with HVACR educational specialists to develop this curriculum, which is designed to be used for 3 class sessions and is intended to help HVAC instructors introduce their students to industry-accepted heating and cooling load calculation procedures. The curriculum includes:

Instructions on how to perform a Manual J load calculation using the Manual J8ae Speedsheet

Three 45-minute modules/classes that address the basics of conducting a load calculation in accordance with ACCA's

Manual J8 abridged edition (MJ8ae)

Pre-class reading and homework assignments

The format also allows the instructor to expand or contract the actual lesson to suit the needs of their students, available materials, or pre-existing lesson plan.

"For over 50 years Manual J has been the industry accepted load calculation method and that is what students who are going to school to join this industry should be learning," said Paul T. Stalknecht, ACCA president & CEO. "Many schools are teaching Manual J to its students, however ACCA knows that there are still some that are not. We developed this free curriculum to help all educators be able to easily teach their students Manual J, so they have the knowledge they need when they enter the workforce."

The Manual J curriculum is just one of many resources ACCA has available for HVACR educators. To download the free Manual J curriculum and/or the free Manual J8ae Speedsheet and learn about the other educator resources

available, visit www.acca.org/educators.

If you have questions about any of the resources ACCA has available for educators, contact Chris Hoelzel, ACCA vice president of product fulfillment and development. •

Energy Department Announces Funding to Develop Improved Next Generation HVAC Systems

The Energy Department has announced nearly \$8 million to support research and development of the next generation of heating, ventilating, and air conditioning (HVAC) technologies. The R&D will focus on developing regionally appropriate HVAC solutions that would offer significant potential energy savings for new and existing buildings, and on developing innovative approaches that could replace current vapor compression HVAC technologies and their use of refrigerants that harm the global environment.

Currently, HVAC systems account for the largest proportion of energy used in buildings, consuming almost 14 quadrillion British thermal units (quads) of primary

energy annually—or nearly 30% of all energy used in commercial and residential buildings. Developing non-vapor-compression HVAC systems could potentially lead to an estimated 40% primary energy savings over current technologies.

In addition to focusing on improving the efficiency of technologies using established ratings as measured by the Energy Efficiency Rating (EER) and/or the Seasonal Energy Efficiency Rating (SEER), the research is aimed at developing technologies or systems that improve partial load efficiency, as HVAC systems operate at partial load most of the time.

The Energy Department seeks proposals from businesses, universities, non-profits, and national laboratories. Learn more about this funding opportunity announcement at <http://www.energy.gov/eere/buildings/building-technologies-office>

The Energy Department's Office of Energy Efficiency and Renewable Energy (EERE) accelerates development and facilitates deployment of energy efficiency and renewable energy technologies and market-based solutions that strengthen U.S. energy security, environmental quality, and economic vitality. EERE supports innovative technologies that reduce both risk and costs of bringing energy efficient building technologies online. •

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

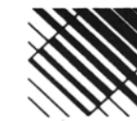
- Cooling Towers
- Water Tanks

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



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

**Lienor Must Be Careful When
Filing A Mechanic's Lien**

Mechanic's liens are an essential tool for every contractor and subcontractor in the construction industry. When done properly and timely, the likelihood of success in collecting the money due and owing is great.

A mechanic's lien is prepared by obtaining information from the contractor and subcontractor. If the information is inaccurate, the consequences could be severe. The results of an inaccurate or wrongfully filed mechanic's lien could be a dismissal of the lien or, worse, a claim for an exaggerated lien which could result in monetary damages against the lienor.

Recently, a case was decided by the Court which addressed an inaccurate public improvement mechanic's lien. In that case, a contractor was terminated on a public project and the subcontractors filed mechanic's liens and instituted foreclosure actions.

A Motion for Summary Judgment was served alleging that the mechanic's liens filed were defective because there were inconsistencies as to the final date the work was performed on the project. The mechanic's liens identified the final date as being approximately two weeks earlier than the dates identified by other project documents. The motion also sought dismissal based upon a claim that the mechanic's liens sought a lesser amount than what was alleged for unpaid labor, materials and services that were alleged in the complaint.

The Court ruled that if a lienor fails to substantially comply with the requirements of the Lien Law, its lien may be summarily discharged. The Court continued by stating that where a lienor fails to accurately include at least two material elements in a lien, it cannot be deemed to have achieved substantial compliance with the Lien Law. The Court denied the motion by stating that the alleged discrepancies of information provided in the liens were not material.

While this decision seems to be difficult to understand since the Lien Law requires strict compliance, it does establish that a lienor must be careful when filing a mechanic's lien.

A public improvement mechanic's lien must include

**Contractor Comfort Index 75
in September; Up 8 from 2013**

The September Contractor Comfort Index (CCI) shows that contractors are continuing to be positive about short-term growth heading into fall. ACCA began measuring contractor attitudes toward short-term economic growth with the CCI in February 2010.

For September 2014, the CCI is 75. The CCI also shows that contractors are feeling better than they were 12 months earlier when the CCI was 67.

The CCI is calculated based on a survey of the association's contractor members, who are asked how positive they feel about new business prospects, existing business activity, and expected staffing decisions in the short-term future. Weighted and averaged into one number, a CCI of 50 or above reflects anticipated growth.

The CCI is released prior to the start of each month; the next index number will be released during the last week of October.



**We Want You!
Join a Committee!**

Call John DeLillo at 516-922-5832



**PARTS ♦ SUPPLIES ♦ EQUIPMENT
WE'VE GOT IT ALL**

Tremendous Inventory ♦ Superior Customer Service ♦ Competitive Pricing
Fast Daily Delivery ♦ National Buying Power ♦ Shop 24 Hours Online
Knowledgeable Counter Staff ♦ Six Convenient Locations ♦ Great Value

WE HAVE ALL THE PARTS & PIECES TO HELP YOU GET THE JOB DONE!



BROOKLYN 1600 CONEY ISLAND AVENUE, BROOKLYN, NY 11230 P:718-252-2700 F:718-692-4546
BALDWIN 1593 GRAND AVENUE, BALDWIN, NY 11510 P:516-223-5511 F:516-867-2307
BOHEMIA 540 JOHNSON AVENUE, BOHEMIA, NY 11716 P:631-567-4800 F:631-567-6005
FARMINGDALE 135 SCHMITT BLVD, FARMINGDALE, NY 11735 P:631-293-2566 F:631-293-3545
RED HOOK 75A HUNTINGTON STREET, BROOKLYN, NY P:718-522-4700 F:718-522-4770
NEW HYDE PARK 11A DENTON AVENUE SOUTH, NEW HYDE PARK, NY 11040 P:516-216-1810 F:516-216-1810

www.johnstoneli.com

Johnstone Supply - A Division of B&F Electric Motors, Inc.

the name and residence of the lienor; the name of the contractor or subcontractor for whom the labor was performed or materials furnished; the amount claimed to be due or to become due; the date when due; a description of the premises improvement; the times of labor performed and materials furnished; materials actually manufactured but not delivered; and the general description of the contract. It is vital that this information be accurate and complete or you risk that the lien will be dismissed or, worse, that damages will be imposed against you.

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.



- 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 27-01 BROOKLYN QUEENS
FAX 718-274-4972 EXPRESSWAY WEST
WOODSIDE, NY 11377



Kevin Cirincione
President

COUNTY ENERGY CONTROLS, INC.

County Pneumatic Controls, LLC

Energy Management Systems

429 Montauk Hwy - POB 780 p: (631) 653-9124
East Quogue NY 11942 f: (631) 653-9177
www.countyenergycontrol.com e: kevin@countyenergycontrol.com

COMPRESSORS

CARRIER / CARLYLE * COPELAND * TRANE * YORK *
LIEBERT * DUNHAM BUSH * DANFOSS * BRISTOL & MANY MORE
OILS * ACCESSORIES * FULL STOCK
Certified Remanufacturer of Reciprocating,
Hermetic, Screw & Semi Hermetic Compressors



CALL TODAY:
1.800.225.7381 - 718.417.9100

NATIONAL COMPRESSOR EXCHANGE, INC.®
75 ONDERDONK AVE, RIDGEWOOD, NY 11385



WWW.NATIONALCOMPRESSOR.COM • INFO@NATIONALCOMPRESSOR.COM



**We're your bridge to cost effective
insurance management**

- Home Builders Insurance Program
- Remodelers Insurance Program
- Trade Contractors Insurance Program

Contact: Anthony Capone, CIC, John Glanzman, CIC, Jim Murphy, CIC
Joseph Teixeira or Edward C. Palace

**NEWBRIDGE
COVERAGE CORP.**

1666 Newbridge Rd 236 Main St.
N. Bellmore, NY 11710 Center Moriches, NY 11934
Phone (516) 781-9000 Phone (631) 325-1972
Fax (516) 781-9172 Fax (631) 325-9065



<http://www.newbridgecoverage.com>

Commercial, Residential, Parts, Supplies, Tools, Accessories, Training... even sales and marketing support...



NEW YORK (METRO AREA/ DOWNSTATE

BOHEMIA
21 Crossway East, Suite C
Bohemia, NY 11716
631-588-2181
631-218-8104 FAX
Tom Rucci

BROOKLYN
445 Coney Island Avenue
Brooklyn, NY 11218
718-287-5927
718-287-6134 fax
Paul Reynolds

ELMSFORD
1 Westchester Plaza
Elmsford, NY 10523
914-593-7160
914-345-0903 fax
Jeff Marra

MASPETH
48-23 55th Avenue
Maspeth, NY 11378
718-472-0200
718-472-6330 fax
Horace Cummings

MINEOLA
23 Roselle St.
Mineola, NY 11501
516-941-0130
516-741-3438 fax
Scott Brothers

Everything you need, all in one place...with five locations near you! Ask your Territory manager about our new lead generation system!



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