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Air Conditioning Contractors of America

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Greater New York Contractors' NEWS



www.accany.org PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

OCTOBER 2013

President's Message



Al Trudil

After our summer break we kicked off our monthly meeting with a luncheon at DiLettos in Westbury. We had a very good turn out and based on the feedback we received the board is going to try another luncheon for next year. I would like to thank Craig Yaris for a very informative presentation about using email and social media to grow your business.

Upcoming events for ACCA NY.....

On 10/5 and 10/12 ACCA will be hosting a 10 hour OSHA Training Course in Deer Park. For more

Turn to President's Message on page 3

Thursday, October 3rd, 2013

A Special Technical Presentation
by Mike Callahan of Rathe Associates

Variable Speed Pumps Polypropylene Venting Lines and Outdoor Reset Controls

Be there when Mike Callahan from Manufacturer's Rep organization Rathe Associates of Farmingdale puts his more than 35 years HVAC experience behind a comprehensive update on these important components.

A good opportunity to learn and network.

LaGuardia Marriott

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

Register Online at 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.

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- Access to additional HVAC technician self-development courses available online through vocational training companies.



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PRESIDENT'S MESSAGE

Continued from page 1

information and to sign up please go to our website www.accany.org, there is a limited amount of seat available and they are filling fast.

Our October meeting will be held at the LaGuardia Marriott on October 3rd, Mike Callahan from Rathe Associates in Farmingdale will be our guest speaker. Mike has over 35 years in the HVAC industry and will be speaking about variable speed pumps, polypropylene venting lines and outdoor reset controls.

Hope to see you at our next meeting.

— *Al Trudil*



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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 summer of 2013 has come to an end. A good stretch of blazing hot humid weather lasted into July and got many contractors a lot of business. Although it didn't last throughout the entire summer, it's always better when the humidity and heat comes early, opposed to August. By August people are gearing up for vacation and by month's end air conditioning installs become next year's agenda.

The economy seems to be progressing and we are finding people buying homes again before interest rates rise making homes less affordable. Home prices in desirable areas are definitely rising as there are multiple bids on houses causing a lot of competition.

The afternoon ACCA program held at Di Lettos Restaurant in Westbury was well attended. Craig Yaris provided an interesting look at how Social Media must become part of your marketing strategy. He had

professional knowledge that many HVAC business owners and suppliers could walk away with and use. This was a departure from our evening meetings that we normally have. It was a test to see if other members would attend at a different time. Please provide any comments you have regarding this program time change to our Executive Director, John De Lillo, we want to know your thoughts.

The Board of Directors are continuously discussing ways to get members interested in our programs and events. Sometimes small adjustments can make a difference for multiple contractor members as well as suppliers and service providers in our industry. Join our organization; participate in our events. The discussions and conversation may be a valuable resource to you and your company.

Our next meeting in October will bring back many contractors from the long hot summer. Join us to see what interesting developments and changes are coming your way. — Anthony N. Carbone



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September Meeting: *Email and Social Media — A Way To Grow Your Business*

Saturday morning before 9 AM is the best time to send a marketing email. Who knew! Did you? Most of the ACCA members attending the September meeting at DiLettos Restaurant in Westbury didn't know. And they were only slightly less surprised that Monday and Friday are definitely no-no days to market via email.

Timing is just one of many tips and insights offered up by Craig Yaris, a Digital Marketer representing email and social media giant Constant Contact, in a value-packed presentation on how to "Grow Your Business Through Email and Social Media."

This is an area that's relatively new to small businesses,

particularly in the mechanical trades, and Mr. Yaris's presentation generated a lot of thought. We are just now becoming comfortable with our smartphones on the job and while most use email as a primary communication device, it's the rare contractor that integrates facebook, twitter, linkedin, and/or YouTube into an email marketing strategy that is mobile.

Mr. Yaris' discussion simply whet the appetite for exploring this inexpensive and measurable tool. Those attending the meeting who gave him their email address have received a copy of his valuable slide presentation via email. He can be reached at cvaris@socialribbit.com. •

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HVAC Design in the Wake of Certain Climate Change

By John Ottaviano, Air Ideal



Back in February we discussed [Sensible Rebuilding and HVAC Installation with Future Flooding in Mind](#). According to this [New York Times article](#), the Intergovernmental Panel on Climate Change, a panel of renowned international scientists, has determined that because of human activity causing global climate change, it is conceivable that we will have a 3 foot rise in sea levels by the end of this century along with a 5 degrees average temperature increase over land (and possibly 10 degrees at the poles). We can argue among ourselves regarding the merit of scientific claims of global warming, but it has become a generally accepted fact to the majority. How then do we prepare our environment and design our spaces for such change?

Architects, engineers, designers, builders and contractors are advised to study FEMA's new Advisory Base Flood Elevation designations. These maps are being developed with flood hazard data accumulated from Sandy. An interactive map can be accessed by using [FEMA's BFE Map Lookup Tool](#). ABFEs (Advisory Base Flood Elevation) can help

communities and property owners make informed decisions about rebuilding their homes and businesses to reduce their vulnerability to flooding. They provide an indication of how flood elevations and risk zones are likely to change in the near future. For coastal building in flood zones, National Flood Insurance Program building requirements are being raised from 4 feet to a minimum of 8 feet above grade and a recommendation of 6 feet above BFE.

As previously discussed, it will be imperative for all coastal structures to install utilities and HVAC systems and ductwork above the Designated Flood Elevation (DFE). FEMA's projects that "with most outdoor HVAC equipment, the main issues presented by floodwaters are inundation, velocity flow, and debris impact. The control and power circuits and mechanical parts in HVAC equipment, even when they are designed for outdoor installation, are not designed to withstand inundation by floodwater. They are also not designed to withstand the dynamic forces of high velocity flow and debris impact. During inundation, the electric and electronic control and power units would likely short-circuit, and the mechanical equipment would fail to operate and may be torn away. Most of the metal components would eventually corrode and deteriorate, especially in areas inundated by floodwaters containing salt. High velocity flow in either riverine or coastal areas can dislodge equipment from their stands and separate connecting pipes, hoses, and power lines." Basically, the recommendation is to elevate all equipment and ductwork above the DFE and to constrain it to prevent movement.

So, going forward, what will be the effect of climate change on outside air design temperature for air conditioning load calculations? Typically, ASHRAE reviews these every 10 to 15 years or so, but rapid climate change may require more timely analysis. Hopefully, increased efficiency standards and envelope insulation standards will act as progressive counteractions and prevent cooling loads from creeping up due to incrementally higher outdoor dry bulb temperatures.

Clearly, climate change is having an extraordinary effect on the way we design and build. Unfortunately, this will also inevitably add additional cost and bureaucracy to the construction development process if we cannot stem the tide of environmental change. •

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Enterprise: Calculating the Cost of Distracted Driving

By Kelly Hiner, Enterprise Fleet Management

Distracted driving not only is a serious problem on the road, it is a major concern for businesses with fleets of vehicles that want to reduce the frequency and severity of accidents and control expenses. Distracted driving can be caused by activities ranging from using a cell phone or texting to eating and drinking, grooming, reading directions, or changing a radio station or MP3 player.

Recent statistics about distracted driving related to the use of cell phones and texting are particularly alarming:

- Regardless of the texting method – voice-to-text or manual – driver performance suffers equally, according to a study released in April 2013 by the Texas A&M Transportation Institute (TTI).

- The National Safety Council in a study released in May 2013 estimates that 25 percent of all crashes involve cell phone use based on data reported by the National Highway Traffic Safety Administration (NHTSA). However, the National Safety Council believes “the number of crashes involving cell phone use is much greater than what is being reported (because) many factors, from drivers not admitting cell phone use to a lack of consistency in crash reports being used to collect data at the scene, make it very challenging to determine an accurate number.”

- Finally, a study released by AAA in June 2013 concluded that “talking on a hands-free phone isn’t significantly safer for drivers than talking on a hand-held phone and using hands-free devices that translate speech into text is the most distracting of all.”

Besides the inconvenience and expense of taking a vehicle out of service for repairs after an accident, even minor injuries to a driver can become a major concern and disrupt a business’ ability to serve customers. A business often can benefit from an annual review of losses that includes cross-referencing accident reports with cell phone records for individual drivers and calculating the extra expenses incurred by not reporting small accidents to its insurance carrier. One of the most effective ways to accomplish this review is with a professional fleet management company that has the experience and expertise to evaluate the total cost of a fleet of vehicles.

Businesses that don’t take seriously the problems caused by distracted driving can pay a high price. For example, a vehicle involved in a serious accident could be required to be taken out of service during an investigation from several days to many months, while the business is still required to make payments on the vehicle. In addition, a business involved in a legal dispute resulting

from an accident may be subpoenaed to provide detailed documentation such as the driver’s statements and possible phone records if the driver is suspected of being on the phone at the time of the accident.

A good place to begin to reduce risks caused by distracted driving is to develop a written policy for all drivers, whether they drive company-owned vehicles or use their own vehicles while on company business. Sample wording may state, “Individuals are encouraged to use their cell phones only when the vehicle is legally parked. The use of cell phones while driving is strongly discouraged in order to practice good defensive driving skills. Notwithstanding the foregoing, compliance with state and local cell phone laws is required.”

According to AAA, industry research indicates there are about 9 million cars and trucks on the road with “infotainment” systems and that will jump to about 62 million by 2018. It’s time for everyone to face the reality of distracted driving and take necessary actions to drive responsibly.

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. •

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E-Cigarettes and What Employers Should Know

The popularity of e-cigarettes has exploded in recent years. For those who haven't heard of them, an e-cigarette is an electronic device that looks like a cigarette but is smokeless. When inhaled it contains a mixture of water vapor and nicotine, satisfying the smokers craving for nicotine while at the same time eliminating second hand smoke. Using an e-cigarette is called "vaping." E-cigarettes have enjoyed much of their success because in most states they can be smoked where smoking has been banned such as in bars, theatres, and restaurants. In other words e-cigarettes have allowed smokers to in a sense to re-enter society.

This raises some concerns for employers. Most employers have tobacco free workplace policies in effect. According to the FDA e-cigarettes are not "tobacco cessation products" meaning that they are not considered therapeutic for the purposes of quitting smoking. Therefore employers are free to include e-cigarettes in their general tobacco free policies.

There are a number of reasons why an employer should consider banning the use of e-cigarettes in the workplace. For one thing they contain nicotine and thus can be detrimental to the long term health of your employees. In addition, there use on the job may be a distraction and the vapor that these devices produce can still be an annoyance to non-smoking employees. As a practical matter e-cigarettes look very similar to regular cigarettes, and allowing e-cigarettes in the workplace may render it more difficult to enforce a general cigarette ban. And finally, a number of states already ban the use of e-cigarettes in the workplace including California, Colorado, New Hampshire, and New Jersey. At this time New York is contemplating such a ban.

If you decide to include these devices in your tobacco

policy, be sure to specifically mention the use of e-cigarettes. If you need any assistance in revising your anti tobacco policy please contact me.

New Rules for Federal Contractors

Companies with federal contracts should take note of tougher requirements by the U.S. Department of Labor. New regulations were recently approved which strengthen requirements under the Vietnam Veterans' Readjustment Assistance Act (VEVRAA) and the Rehabilitation Act for private companies with federal contracts.

The first new requirements require contractors to establish an annual benchmark for hiring veterans. Currently the federal benchmark is 8%, however, companies are free to set their own benchmarks based on "best available data."

The second requirement is that employers set up an affirmative action program in an attempt to hire additional qualified individuals with disabilities. The regulation sets an aspirational goal of 7% of the workforce. While the rule does not firmly establish a quota system, it requires contractors to take specific actions in the areas of training, record keeping, recruitment, and policy dissemination.

Failure to comply with the new rules may disqualify your company from receiving future contracts. If you are a federal contractor contact this office so that we may ensure that you are in compliance with these new requirements.

October is Handbook Month

October is a month to review your company policies and handbooks. For October only, PMP is offering a special discount for ACCA members to formulate, review, or redraft your employee handbook. Those members that for some reason have not prepared or distributed handbooks to their employees should call me immediately. Do not miss out on this unique opportunity.

Also note that if you advance employee pay there are new rules in effect from the Department of Labor regarding the employer's ability to recoup the advances at the time the employee leaves. Contact me if you want a copy of the rules which must be in effect before you make the advance. If you need any assistance with regards to this or any other employment related matters please contact me at Abpearl@pmpHR.com or (516) 921-3400. •

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Emerson Climate Technologies Launching New 1.5-2 Ton Scroll Compressors for Residential Air Conditioning

Emerson Climate Technologies, Inc. has launched the Copeland Scroll™ ZPKA Compressor for 1.5-2 ton applications in the residential air conditioning market. The new compressor, which has optimized scroll performance and improved EER performance, launched initial production in July of 2013, with all models available by December.

Emerson engineered the compressor to improve and optimize performance and cost of smaller scrolls (less than two ton). This compressor is for residential air conditioning applications below 24,000 BTUH, such as smaller homes, apartments, offices and shops. The ZPKA compressor allows OEM systems to offer increased efficiency and more reliable performance to small applications within the residential air conditioning market.

“The Copeland Scroll ZPKA compressor offers value to homeowners by delivering increased efficiency and enhanced performance while reducing the overall system cost for manufacturers,” said Frank Landwehr, vice president of marketing and planning, Emerson Climate Technologies Air Conditioning Business.

The ZPKA compressor has also been equipped with a new shutdown sound reduction device and an improved muffler plate design, and includes optimized bearing and crankshaft designs to guarantee reliable performance.

See more at www.emersonclimate.com •

New Carrier® Comfort™ Series Energy Recovery Ventilator Provides Compact Design And Easy Installation

Carrier’s new Comfort Series Energy Recovery Ventilator (ERV) represents an advancement in home ventilation through the use of a unique two-duct connection. Boasting simple installation and compact configuration, the unit also maintains energy efficiency by transferring heat, or energy, from outgoing air to fresh, incoming air.

The Comfort Series ERV leverages a streamlined, two-duct connection to offer a more straight forward installation process than traditional four-duct technology. In addition, the Comfort Series ERV does not require a separate wall control, allowing for easy integration into existing home systems. The unit’s small cabinet dimensions make the product more compact than others on the market, a benefit for today’s newly constructed homes. Contractors can simply connect the unit to the home’s furnace or the ductwork, eliminating the need to make additional room for a bulky four-duct ERV unit and

its costly duct connections.

The Comfort Series ERV provides an ideal complement to home heating, ventilation and air conditioning (HVAC) systems in more ways than one. Beyond addressing the ever-increasing need for fresh-air ventilation, the unit also helps manage indoor humidity without affecting household pressure levels, and adds efficiency by reducing the energy needed to heat and cool ventilation air.

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ACCA Directors at Work at a Recent Board Meeting



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Statement From Stuart S. Zisholtz, Esq.

Bankruptcy

Many of you have been involved, either directly or indirectly, with a bankruptcy proceeding. Some of you have been the debtor and have filed a Petition in Bankruptcy. Others have been a creditor and may have filed a Proof of Claim in a Bankruptcy Proceeding.

At various times during a bankruptcy proceeding, a debtor has the right to institute an adversary proceeding. An adversary proceeding is a lawsuit brought within a bankruptcy proceeding based on conflicting claims. Usually, it is between the debtor (or the Bankruptcy Trustee) and a creditor or other interested party.

Typically, an adversary proceeding is commenced when a business files for reorganization under Chapter 11 and then the case is voluntarily or involuntarily converted into a liquidation under Chapter 7.

The Trustee may assert a claim in an adversary proceeding for fraudulent transfers (transfers of the debtor's assets to a third-party with the intent to defraud creditors) or for preferential transfers made by the debtor to a creditor prior to a bankruptcy filing to the exclusion of other creditors).

In the latter situation, which applies to many creditors, the Trustee may seek to have the creditor return certain funds paid to it within 90 days prior to the filing of the bankruptcy proceeding. For instance, if the creditor received a payment of \$50,000 90 days prior to the filing of the bankruptcy proceeding, the Trustee can demand that the proceeds be returned to him. Thus, even though the creditor may still be owed additional funds in excess of the \$50,000, it will have to return the \$50,000 based upon a preferential payment. This preferential payment occurs due to the fact that the creditor received payment while other creditors did not.

There are defenses to the preferential claim by the Trustee. These include, but are not limited to payments made during the ordinary course of business. This defense must be supported by regular payments to you prior to the bankruptcy filing and not an isolated installment payment.

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. •

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