

# MACC*News*

METROPOLITAN AIR CONDITIONING  
CONTRACTORS OF NEW YORK

THE VOICE OF HVACR IN NEW YORK, NEW JERSEY, CONNECTICUT AND LONG ISLAND

PLEASE ROUTE THIS PUBLICATION WITHIN YOUR ORGANIZATION

JULY 2016



Photos from MACC Night at the Mets - pages 15 & 16

## ***“Survive and Thrive”***

***A special two-part presentation will be held at our September and October Meetings. Please see the MACC Talks column and the promotion on page 7 .***

METROPOLITAN AIR CONDITIONING  
CONTRACTORS OF NEW YORK (MACC)  
Formerly Air Conditioning Contractors Association - NY Chapter  
123 South Street, Suite 112  
Oyster Bay, NY 11771  
516-922-5832 / [www.maccnyc.org](http://www.maccnyc.org)

## From the President...



**MARC SOFFLER**  
*Dynaire Corp.*

**A**lthough summer is perhaps the busiest time of the year for most of us in the HVAC industry, finding new potential customers needs to be a part of our everyday activities.

Generating sales leads traditionally begins with networking. Joining other trade associations and becoming actively involved with their events and programs can be a great source of new customers. Another resource might be to simply contact your friends and family and ask them to make introductions to people who may be interested in your products or services.

Besides networking, trade shows are another excellent opportunity for business-to-business networking. There are numerous local and national trade shows which can offer you direct exposure to potential new customers. By building an interesting and interactive display, you can collect contact information from dozens of potential buyers and business partners in a short period of time.

Perhaps the quickest way to assemble hundreds of sales leads is to buy a sales lead list. There are many direct marketing companies who collect and sell specialty lists that target specific consumer sectors. The obvious advantage of these lists is that you can get instant access to thousands of names for a relatively small investment. The disadvantage is that these names are usually unqualified leads and must be analyzed to see whether or not they're a good match for your services.

Our June events were once again a great success. Special thanks to all of the sponsors for their support. Special thanks to Consolidated Refrigerant Solutions and National Compressor Exchange for sponsoring the cocktail networking event at the Chalet in Roslyn, and ABCO for their continued support of the annual "Night with the Mets".

Please remember to register for 38th Annual MACC Golf Outing on August 8 at The Village Club at Lake Success. I'm looking forward to seeing you soon, and remember to visit our web site at [www.maccny.org](http://www.maccny.org) for upcoming events. — **Marc**



Kevin Cirincione  
President

**COUNTY ENERGY CONTROLS, INC.**

County Pneumatic Controls, LLC

Energy Management Systems

429 Montauk Hwy - POB 780  
East Quogue NY 11942  
[www.countyenergycontrol.com](http://www.countyenergycontrol.com)

p: (631) 653-9124  
f: (631) 653-9177  
e: [kevin@countyenergycontrol.com](mailto:kevin@countyenergycontrol.com)



**Richard Strassler**

60-20 34th Avenue  
Woodside, NY 11377  
Tel: 718-899-9090  
Fax: 718-899-9099

email: [rich@brooklynfan.com](mailto:rich@brooklynfan.com)  
[www.BrooklynFan.com](http://www.BrooklynFan.com)

**A**s a leading insurance provider for HVAC contractors in the Northeast Region, USI's local Uniondale office brings over 35 years of industry experience to your team. Our dedicated Construction Risk Management specialists provide top quality risk management with bottom line benefits to deliver individualized risk management solutions.

Contact Frank Abbatiello  
 Tel: 516-419-4029  
 Fax: 610-537-2217  
 E-Mail: Frank.Abbatiello@usi.biz  
 www.usi.biz



**SPECIALIZING IN  
 INSURANCE PROGRAMS  
 FOR THE HEATING VENTILATION  
 AND AIR CONDITIONING INDUSTRY  
 FOR OVER 35 YEARS!**

**Trust. Expertise. Commitment**  
 Risk Management Solutions for HVAC Contractors.

# Cascade Quality Services Are Better Than Ever!

## Water Treatment

- Cooling Water
- Boiler Water
- Drinking Water
- Well / Ground Water

Scale, corrosion, biological growth, air & water born dirt & debris are expensive if not controlled properly. Total service and or advisory service programs are available that are custom designed specifically for your system.

## Cleaning Services

- Cooling Towers •Boilers
- Chillers •Piping
- "Closed" Systems
- Water & Air Cooled Condensers
- Air Handlers & Ducts •Tanks

Dirty systems are expensive, both in energy costs and downtime. Our trained service personnel and custom designed equipment and vehicles are available for prompt, cost efficient response to either *emergency* or scheduled cleanings.

## Rebuilding & Repair

- Cooling Towers
- Water Tanks

We restore cooling towers and tanks to original capacity at a fraction of the replacement cost.



113 Bloomingdale Rd.  
 Hicksville, NY 11801  
 Tel: (516) 932-3030  
 Fax: (516) 932-0014

Licensed by: THE CITY OF NEW YORK  
 DEPARTMENT OF HEALTH #20 000173, 14 000156;  
 and the NEW YORK STATE DEPARTMENT OF  
 ENVIRONMENTAL CONSERVATION # C1628716; All  
 biocides are registered with the UNITED STATES  
 ENVIRONMENTAL PROTECTION AGENCY.



Quality  
 Works





## Officers

President  
Marc Soffler, Dynaire Corp – 516-248-9320

President Elect  
Brian Aull, Atlantic Contracting & Specialties – 914-226-8475

Treasurer/Secretary  
Jimmy Moyen, First Choice Mechanical – 718-454-4101

Past-President  
Al Trudil, Almore Corporation – 631-345-6050

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  
Stu Ellert, Comfort Tech Mechanical - 718-932-2444  
Mike Newman, Standard Refrigerator, Inc. – 718-937-0490  
John Ottaviano, Air Ideal - 516-873-3100  
Dyami Plotke, Roof Services - 631-666-3232  
Gregory Reddock, FOA and Son - 516-228-1234  
Scott Matalvich, American Universal Supply Inc. - 516-348-7750  
James Padavan - Air Design - 516-825-5066

## Advisory Council

Robert Berger (retired)  
Mark Bedson, Brinco Mechanical Services – 516-378-2277  
Scott Berger, Arista Air Conditioning Corp. – 718-706-4422  
Jim Carlson, Michael James Industries 631-231-3434  
Thomas Cleary (retired)  
Anthony Cutaia, Air Ideal – 516-873-3100  
Denis Eckstein, Retired  
Ken Ellert, Comfort Tech Mechanical 718-932-2444  
Dave Ewing, Retired  
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  
Ron Nathan, County Fair A/C Corp. 516-997-5656  
Michael O'Rourke (retired)  
Greg Singer, Arista Air Conditioning Corp. 718-706-4459  
Harvey Stoller, Airdex, Inc. 732-738-7444  
Brandon Stone, All Weather Temperature Control - 631-842-8777  
James Stone, All Weather Temperature Control – 631-842-8777  
Brian Svedberg, (retired)  
Al Trudil, Almore Corporation – 631-345-6050

## Committees

**Membership Dues:** Chair: Jimmy Moyen, Greg Reddock, Steve Bergman  
**Nominating:** Chair: Brian Aull, Jimmy Moyen, Greg Reddock  
**Charitable/Scholarship:** Chair: John Ottaviano, Dyami Plotke  
**Programming:** Chair: Marc Soffler, John DeLillo, Jr., Dyami Plotke, Jimmy Moyen  
**Website:** Chair: John DeLillo, Jr., Marc Soffler  
**Advertising:** Chair: Anthony Carbone, Association Development Services  
**Holiday Party:** Chair: Anthony Carbone  
**Newsletter:** Chair: Anthony Carbone, Marc Soffler, John DeLillo, Jr.  
**Past President:** Chair: Harvey Stoller, Co-Chair: Roy Bernheimer  
**Associate Membership:** Chair: Stu Ellert, Jimmy Moyen, Marc Soffler  
**Contractor Membership:** Chair: Scott Matalvich, Steve Bergman, Brian Aull, Roy Bernheimer  
**Association Oversight:** Chair: John Ottaviano, James Padavan, Greg Reddock  
**Workshop/Education:** Chair: Dyami Plotke, Mike Newman, Stu Ellert, John Ottaviano, Marc Soffler & Jimmy Moyen  
**Golf Outing:** Chair: John DeLillo, Marc Soffler, John DeLillo, Jr., Stu Ellert, Roy Bernheimer, Nick Terran, Mike Newman

MACC News is printed monthly by the Metropolitan Air Conditioning Contractors of New York. 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.



**CHEMICAL SPECIFICS, INC.**

LEGIONELLA TESTING	WATER TREATMENT SERVICES
BOILER TREATMENT	GLYCOL SERVICES
HVAC PIPE CLEANINGS	HVAC MOLD ASSESSMENT & REMEDIATION
PFHX CLEANING	HVAC MECHANICAL CLEANING
CONDENSER COIL CLEANING	COOLING TOWER SERVICES
WATER TESTING	INDOOR AIR QUALITY TESTING
ANALYTICAL TESTING	VENT & DUCT CLEANING

**CHEMICAL SPECIFICS INC.**  
45-09 54th Rd Maspeth, NY 11378  
T 718 361 6666  
F 718 361 0450  
[chemicalspecifics.com](http://chemicalspecifics.com)

**frascold**<sup>®</sup>  
SINCE 1936

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

Blue Is Better!



Frascold reciprocating compressors are available with Frascold's revolutionary patented RSH (reduced suction head) technology. This drastically reduces wear and allows compressors to run unloaded indefinitely.

NEWLY MANUFACTURED COMPRESSORS  
For replacements or retrofits please call



NATIONAL COMPRESSOR EXCHANGE, INC.<sup>®</sup>

1.800.225.7381 • 718.417.9100

E-mail us: [compressors@nationalcompressor.com](mailto:compressors@nationalcompressor.com) • [www.nationalcompressor.com](http://www.nationalcompressor.com)

REMANUFACTURED SCREW, SEMI HERMETIC, OPEN DRIVE, BELT DRIVEN COMPRESSORS  
FOR THE MAJOR AIR CONDITIONING AND REFRIGERATION LINES:  
CARRIER, COPELAND, TRANE, YORK, DUNHAM BUSH AND MANY MORE.

## Editor's Notes

by Anthony N. Carbone

**T**HE “NETWORKING COCKTAIL PARTY,” at The Chalet in Roslyn, was a great success and many contractors and vendors had an abundance of ideas to exchange. We decided the idea of a casual meeting with drinks and buffet food would provide an atmosphere that is conducive to promote new business without the pressure of a formal program. It is unknown what the weather conditions will be when we plan this meeting, as in times of extreme heat some people find it hard to attend a program, so the cocktail party was a great opportunity!

The “Night at the Mets” was huge success on a perfect night weather-wise. Unfortunately, the Mets lost, but, once again, the ABCO HVACR organization did a great job of sponsoring this annual event.

We, at MACC, wish you a prosperous summer of extreme temperatures that will make your phones ring and your bank account full to get you through another winter!

Keep supporting this organization, as it is filled with valuable information that can't be found elsewhere! — *Anthony N. Carbone*

**There will be no membership meeting in July or August. MACC News will not publish in August. Meanwhile, be sure to register at [www.maccny.org](http://www.maccny.org) for our Golf Outing on August 8th. See you in September.**

# MACC 38th Annual Golf Outing



**Three-Hour GOLF CLINIC**  
is offered to those who are golf beginners or anyone who is looking to improve their game

## Village Club at Lake Success

318 Lakeville Road, Great Neck

**Monday, August 8th, 2016**

**Check-in - 9:00 AM**

**Breakfast - 9:15 AM**

**“Shotgun Start” - 11:30 AM**

**Cocktail Hour - 4:30 PM**

**Dinner - 5:30 PM**

All Facilities (including Dinner)

- Members - \$325 per person
- Non-Members - \$425

Cocktails and Dinner - \$125 per person

Golf Clinic (includes breakfast, lunch & dinner)

**REGISTER ONLINE AT [www.maccny.org](http://www.maccny.org)**

**WHERE YOU'LL FIND FULL INFORMATION AND SPONSORSHIP OPPORTUNITIES**

## Donnelly Mechanical Launches Carbon Cutter Program for Commercial Tenants

Donnelly Mechanical's commercial HVAC energy reduction program for commercial tenants aligns with the 'New York City Carbon Challenge' to cut energy consumption and costs.

Donnelly Mechanical, announced the launch of its 'Carbon Cutter Program' for commercial building tenants. Donnelly Mechanical's team of LEED certified energy specialists developed the comprehensive HVAC energy program specifically to assist business owners and their facilities managers with achieving their energy consumption reduction objectives.

"We are conscientious of the collective need to reduce energy use and cut emissions," said Daniel T. Donnelly, CEO of Donnelly Mechanical. "Reducing energy waste is globally recognized as the logical and easiest way to cut emissions, protect the environment, and save money. Given that energy is a property's single largest operating expense, with energy representing about 30% of the typical office building's costs, New York City businesses are facing the need to improve



energy efficiency. We developed the 'Carbon Cutter' Program to help them achieve cost savings and cut energy use. At the same time, they demonstrate corporate responsibility and cooperation with the city's carbon reduction efforts."

New York City initiated the 'New York City Carbon Challenge' program with an ambitious goal to reduce citywide greenhouse gas emissions by 2050 to 80% below 2005 gas emission levels. The 10 year roadmap to improve the energy efficiency of buildings aims "to reduce the city's building-based emissions by 30 percent by 2025 in order to be on the pathway to 80 x 50." To meet these objectives, New York City is calling upon building owners and managers to do their part to cut their energy use and emissions.

"We're proud to support the New York City Carbon Challenge," said Donnelly. "The 'Carbon Cutter' Program allows businesses to demonstrate quantifiable energy efficiencies and significant cost savings from improved HVAC system performance. Participation in our program automatically aligns businesses with the city's objectives. Everybody wins."

Information about the Donnelly Mechanical 'Carbon Cutter' Program is available at <http://www.donnelymech.com/carbon-cutter-program/>, or by calling (718) 925-3348. •

## Industry Expertise. Unbeatable Prices.

**brothers**<sup>®</sup>  
BROTHERS SUPPLY CORPORATION  
Air Conditioning • Heating • Refrigeration



- PTACs, WSHPs and Fan Coils
- Replacements for all OEM units
- National parts distribution
- Factory-Certified parts distributor
- **Unbeatable prices!**



### Wholesale Distributor of:



Call **718-392-1200** for a quote today! Or online at **www.brotherssupply.com**

34-48 31st Street, Long Island City, NY 11106

## ***MACC Talks***

*By John Ottaviano, Air Ideal, Inc.*

I joined the Greater NY Chapter of ACCA 27 years ago as a young, inexperienced and totally overwhelmed newbie in the world of HVAC contracting business leadership. The untimely and sudden death of my father left me completely unprepared for the role that I needed to assume. The bank and a major vendor made things no easier on me, calling for loans due a week after my father's death.

I needed to learn how to turn things around quickly or walk away and find a new career. My father was a brilliant man, but he wasn't much of a teacher. Five years after being convinced to leave a promising career with GE in electrical distribution, I was faced with the reality of my inadequacies. Fortunately, a business associate recommended that I come down to a meeting at the Hofstra University Club and see what ACCA was all about. I got involved and became a sponge, soaking up as much as I could around those who managed to become successful in this business.

The rest of the story was part of our "Passing the Torch" meeting, but clearly Air Ideal's interim survival was predicated upon lessons learned from those with much more experience than I. This, in my mind, will always be the primary benefit of belonging to a contracting business association like the new MACC. The learning and networking opportunities that come with your association, with experienced and successful business owners and managers, will be a key to your survival and growth that you may not already value.

If you haven't been a regular attendee to MACC's monthly meetings, you are going to want to join today! MACC shakes things up with our own version of TED talks. HVAC industry leaders from some of the largest, oldest and most visible companies are the headliners of our monthly meetings. You will hear war stories, lessons learned and valuable tips on how these companies survived and thrived in an ever-changing HVAC market.

Survive and Thrive Part 1 will be held on Thursday, September, 15, 2016, with featured speakers Scott Berger from Arista Air Conditioning & Jack Fanneron from BP Air Conditioning Corp. Survive and Thrive Part 2, to be held on Thursday, October 6, 2016 will feature Dan Dubin from Penguin and EMCOR & Dan Donnelly from Donnelly Mechanical.

MACC is an invaluable resource that every HVAC business owner must be a part of in order to reach their highest potential. This is an exceptional opportunity to learn from the most successful leaders in the industry. So, if you want to learn from those who have managed to survive and thrive in the HVAC industry, then make it a point to join MACC today and register online for our meetings. — *John Ottaviano, Air Ideal, Inc.*

# **Coming in September and October**

**MACC Presents**

## ***Survive and Thrive***

**A two-part series featuring four expert and highly successful members of our industry:**

**On September 15th:**

*5:30 to 8:30 p.m.*

**Scott Berger**

**from Arista Air Conditioning  
and**

**Jack Fanneron**

**from BP Air Conditioning Corp.**

*at Piccola Bussola Restaurant,  
159 Jericho Tpke, Mineola*

**On October 6th:**

*5:30 to 8:00 p.m.*

**Dan Dubin**

**from Penquin and EMCOR  
and**

**Dan Donnelly**

**from Donnelly Mechanical**

*at Vivaldi's Restaurante,  
201-10 Cross Island Parkway, Bayside*

*R.S.V.P. early at  
[www.maccny.org](http://www.maccny.org)*

# COCKTAILS & NETWORKING JUNE 2nd, CHALET Restaurant

Thanks to our sponsors CONSOLIDATED REFRIGERANT SOLUTIONS and NATIONAL COMPRESSOR EXCHANGE



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



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

**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

**WEST HAMPTON**  
220 Rogers Way Suite F  
West Hampton, NY 11978  
631-288-1326  
631-288-2510  
Tim Schaffer

**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  
Mike Byrnes

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




**ADS**  
Association Development Services, Inc.



**Interested in Selling or Acquiring a Business?**

Buying or selling a business can be an overwhelming task, but with the help of ADS, we can manage all stages of your business transfer and walk you through every step of the buying/selling process.

**Schedule a consultation today!**

**John F. DeLillo, CPA**

**(516) 677-5183**  
**[John@associationdev.com](mailto:John@associationdev.com)**



**MITSUBISHI ELECTRIC**  
COOLING & HEATING  
*Live Better*

**John P. Hanley**  
*Northeast Regional Manager - Channel Development*  
*[jhanley@hvac.mea.com](mailto:jhanley@hvac.mea.com) | [www.mehvac.com](http://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](https://www.facebook.com/mehvac) | [twitter.com/mitsubishihvac](https://twitter.com/mitsubishihvac) | [youtube.com/mitsubishihvac](https://www.youtube.com/mitsubishihvac)

For All Your  
HVAC Requirements



**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 38<sup>th</sup> Ave. • Long Island City, NY  
Tel: 718.729.0005 Fax: 718.729.3866

**New York City 10001**  
548 West 28<sup>th</sup> St. • New York, NY  
Tel: 212.631.0555 Fax: 212.631.0776

**[www.twincocom](http://www.twincocom)**

Twinco Supply Corp.

# 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

## A Trap For The Unwary: Wage Notice Requirements

It's a scenario that wage-and-hour defense attorneys have encountered too many times: an employer has a solid defense to a plaintiff's wage-and-hour claim yet is unable to escape the lawsuit unscathed, due solely to violations of notice requirements.

Sometimes such claims are included in a suit because the plaintiff is actually aware of notice violations; other times they are included as part of a "throw it at the wall and see if it sticks" strategy. But all too often, these claims turn out to have merit. This is not due to a willful refusal by employers to adhere to notice requirements but, rather, to employers' failure to learn what those requirements are. Indeed, many employers only learn about these requirements when it is too late and they are already faced with thousands of dollars in penalties.

The good news is that, once understood, notice requirements are fairly simple to follow. Essentially, employers must provide certain notices upon hire, upon making payroll payments, and upon termination. Each of these requirements is discussed below.

### Wage Notice Upon Hire

Upon hiring an employee, employers must give the new employee a written notice stating the rate of pay, how the employee is paid (hourly, weekly, on commission, etc.), identifying the regular payday, and the official name of the employer and any DBA it uses, together with the address and phone number of its main office or principal location. The notice must also include any allowances taken as part of the minimum wage (e.g., tip, meal or lodging deductions). The notice must be furnished in English as well as the employee's primary language, provided a translation is available from the DOL; the DOL cur-

rently provides translations in Spanish, Russian, Polish, Chinese, Korean and Haitian-Creole. Employers must obtain the employee's signed acknowledgment that he or she has received the notice. (Certain different guidelines apply to temporary help firms and employers in the hospitality industry.)

Employers who fail to comply with these requirements may be forced to pay up to \$50 per day per employee, capped at \$5,000. Repeat offenders may be subject to enhanced penalties.

It should be noted that while employers were previously required to provide wage notices to employees annually, the annual notice requirement was removed in February 2015. Wage notices are now due only upon hiring an employee and in connection with any changes to the employee's wages.

### Paystub Requirements

With every payroll payment, employers must provide employees with a writing containing the dates of work covered by the payment, the employee's name, the employer's name, address and phone number, the rate of pay, the basis of pay (e.g., hourly, salary, by commission, etc.), gross wages, deductions, any allowances claimed as part of the minimum wage, and net wages. For non-exempt employees the statement must also include the regular and overtime rates of pay, and the number of regular hours and overtime hours worked. If an employee asks for an explanation of how the wages were computed, the employer must provide it.

### Notice Upon Termination

Upon terminating an employee, an employer must provide him or her with a written notice of the date of termination and the date of cancellation of employee benefits. Failure to provide the proper notice can subject an employer to penalties of up to \$5,000 per employee.

### Conclusion

Adhering to notice requirements is relatively easy. While they may present an unwelcome administrative burden, that burden pales in comparison to the penalties and damages an employer may be forced to pay for failing to provide these simple notices. Particularly for businesses who are careful to comply with overtime and minimum wage laws, it is most unfortu-




**Larry Klein**  
Territory Manager

**Unitary Products** New York Branch  
85B Marcus Drive  
Melville, NY 11747  
Tel: (631) 370-8006  
Fax: (631) 420-1596  
Cell: (631) 327-4986  
Email: Lawrence.Klein@jci.com





It's time to get comfortable.  
HACONHEATPUMP  
COOLING & HEATING  
LIVE BETTER



John Glanzman  
jglanzman@newbridgecoverage.com

Cost Effective Insurance  
**NEWBRIDGE COVERAGE CORP.**

- 1666 Newbridge Rd.  
N. Bellmore, NY 11710
- 236 Main St.  
Center Moriches, NY 11934



Office: (516) 781-9000  
Fax: (516) 781-9172  
Office (631) 878-0400  
Fax: (631) 878-0077

Virtual Insurance Office: [www.newbridgecoverage.com](http://www.newbridgecoverage.com)

nate to be unable to dismiss a baseless wage-and-hour suit only because it includes notice violation claims -- claims the plaintiff may have added as a mere afterthought. Don't let your business fall prey to this trap. Call me at 516-921-3400 if you have any doubts about your company's compliance with notice laws.

**SUMMERTIME HANDBOOK REVIEW**

Since summer is an ideal time to review and update company handbooks, PMP offers a discounted rate for summertime reviews. Call me for an assessment of your particular situation and needs. Remember -- employment laws change rapidly. If it has been more than 18 months since you last updated your handbook, the time to review is now. •

**WELCOME**

**New MACC Associate Member**

**Hochheiser, Deutsch & Company, Inc.**

**Jay Hochheiser**

250 Crossways Park Drive, Woodbury, NY 11797

(P) 516-677-6208 (F) 516-677-6886

Email – Jayh@hdcibiz

Website – www.hdcibiz



*Helping to Provide Financial Freedom for Successful Professionals and Entrepreneurs®*

**The Financial Freedom Scorecard™**  
**What's Your Financial Freedom Score?™**

**YourFinancialFreedomScore.com**

Jay E. Hochheiser, CFP®  
President & CEO  
jayh@hdcibiz

250 Crossways Park Drive—Woodbury, NY 11797  
t. 516.677.6240—www.hdcibiz

Jay E Hochheiser is a Registered Representative and Financial Advisor of Park Avenue Securities LLC (PAS), 355 Lexington Avenue, 9FL, New York, NY, 10017, 212-541-8800. Securities products and advisory services are offered through PAS, member FINRA, SIPC. Financial Representative of The Guardian Life Insurance Company of America (Guardian) New York, NY. PAS is an indirect, wholly owned subsidiary of Guardian. Hochheiser, Deutsch and Company, Inc. is not an affiliate or subsidiary of PAS or Guardian. 2016-24566 (Exp.6/18)

Dedicated to the success of our HVAC partners



**WALLWORK  
GROUP**

Wholesale Distributors NY/NJ ■ Air Conditioning ■ Heating

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

80 13<sup>th</sup> Avenue, Suite 6  
Ronkonkoma, NY 11779  
631-981-4000  
Fax: 631-580-3792

5-15 54<sup>th</sup> 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

36 20<sup>th</sup> Street Bldg 6  
Brooklyn, NY 11232  
718-499-2224  
Fax: 718-499-2241

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

# Statement From Stuart S. Zisholtz, Esq.

## Statute of Limitations And Pay When Paid

Under ordinary circumstances, the Statute of Limitations to institute a lawsuit for breach of contract is six years. The Statute of Limitations can be reduced from six years to a shorter period of time as long as it is not the product of overreaching or an unreasonably short period. The Courts, in the past, have held a six month Statute of Limitations as being valid when the parties agreed to it in a signed written agreement.

Many contracts for public projects contain shorter Statute of Limitations to six months.

Recently, a subcontractor was awarded a project to perform work at Suffolk County Community College. The signed written contract contained a clause reducing the Statute of Limitations to six months. The contract also contained a pay when paid clause whereby payment by the owner was a condition precedent for the contractor's obligation to make payment to the subcontractors. The contract also provided that the subcontractor was required to pursue a lien foreclosure action to final judgment as a condition precedent to any action by the general contractor to collect the funds from the owner. Finally, the contract contained a provision that any action by the subcontractor for breach of the subcontract or to enforce any trust imposed by law on the general contractor had to be commenced within six months after the work of the subcontractor had been substantially completed.

The general contractor, after being sued by the subcontractor, argued that there was a six month Statute of Limitations in the contract and moved to dismiss the complaint as untimely. The subcontractor argued that the pay when paid clause conflicted with the six-month limitation clause because the subcontractor's right to bring an action might not ripen until after the six-month period had expired.

As all of you may know, a pay when paid clause is unenforceable in New York. Thus, the terms associated with the pay when paid clause in the subcontract agreement were

unenforceable. However, the Appellate Court held that the pay when paid clause and the contractual limitations clause were not severable. As a result, the Appellate Court concluded that the six-month limitation clause did not bar the action and the subcontractor had the right to pursue its claim.

The rationale of the Appellate Court was that even though the pay when paid clause was unenforceable, the fact that the terms were not severable resulted in an ambiguity.

The logic of the Appellate Court is confusing and unclear. However, the key aspect to this article is knowing your contract and the terms and conditions of the agreement. In this particular case, the subcontractor was lucky and utilized an ambiguity to save his claim against the general contractor. Many times, these arguments are unsuccessful.

Never let your lien time run out!!

For a free copy of a pamphlet pertaining to mechanics liens and payment bond claims, kindly contact me or the Association. •



- 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



**FLEET  
MANAGEMENT**

**Paul M Babinelli**  
Senior Account Executive  
ENTERPRISE FLEET Management

718-334-7452 direct  
516-782-5738 cell  
516-320-8054 fax  
Paul.M.Babinelli@efleets.com

**Enterprise Fleet Management**  
8334 23RD AVE • EAST ELMHURST, NY 11370-1659 • efleets.com



**In Partnership with MACC**

- Workplace Compliance \* Employee Handbooks \* Policy Development
- Department of Labor Audits \* Vulnerability Reviews \* Affirmative Action Plans
- Training \* HR On-Site Mentoring \* Performance Management \* HR Help Desk
- OFCCP Audits \* Recruiting \* Job Descriptions \* Career Transition \* Outplacement
- Union Negotiations \* Union Avoidance \* Arbitration \* NLRB Hearings
- Representation before DOL Agencies

[www.pmpHR.com](http://www.pmpHR.com) abpearl@pmpHR.com  
800-921-2195



**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



**DAIKIN**

- Energy Saving
- Flexibility
- Large Capacity & Space Saving
- High Reliability

**VRV**

**NOW STOCKING**  
**DAIKIN VRV**  
 Commercial Multi-Split Type Air Conditioners

For more information call  
**Eric McKenna at (973) 427-3320 ext. 1101**






**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



**Let's put our heads together  
 and see how  
 innovative we can get.**

**ABCO**™ HVACR  
 Supply +  
 Solutions

**Think With Us**

- |  |  |  |
|--|--|--|
| <p><b>Long Island City</b><br/>                 49-70 31st Street<br/>                 LIC, NY 11101<br/>                 Phone: 718-937-9000<br/>                 Fax: 718-937-9776</p>     | <p><b>Bronx</b><br/>                 600 East 132nd Street<br/>                 Bronx, NY 10454<br/>                 Phone: 718-401-1001<br/>                 Fax: 718-401-2286</p>          | <p><b>Brooklyn</b><br/>                 100-01 Avenue D<br/>                 Brooklyn, NY 11236<br/>                 Phone: 718-257-5700<br/>                 Fax: 718-257-5880</p>              |
| <p><b>Manhattan</b><br/>                 438 West 37th Street<br/>                 New York, NY 10018<br/>                 Phone: 212-929-8400<br/>                 Fax: 212-629-5768</p>    | <p><b>Staten Island</b><br/>                 420 Bay Street<br/>                 Staten Island, NY 10304<br/>                 Phone: 718-273-0200<br/>                 Fax: 718-720-0500</p> | <p><b>Hauppauge</b><br/>                 10 Central Ave<br/>                 Hauppauge, NY 11788<br/>                 Phone: 631-234-5500<br/>                 Fax: 631-234-5549</p>             |
| <p><b>Hicksville</b><br/>                 225 Charlotte Street<br/>                 Hicksville, NY 11801<br/>                 Phone: 516-938-8400<br/>                 Fax: 516-938-8421</p> | <p><b>Suffern</b><br/>                 12 North Airmont Rd<br/>                 Suffern, NY 10901<br/>                 Phone: 845-357-3322<br/>                 Fax: 845-357-5444</p>        | <p><b>White Plains</b><br/>                 155 S. Fulton Street<br/>                 White Plains, NY 10606<br/>                 Phone: 914-946-2020<br/>                 Fax: 914-946-6822</p> |

**ABCOhvacr.com**

# MACC Board Working On Our Many Upcoming Projects. You May Want To Join a Committee.



**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  
Ten Convenient Locations ♦ Great Value

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

Need help with plans and specs?  
Let our expert Engineering Department assist you with all your commercial applications.  
We'll hold your hand and walk you through the process!  
Call Ian at the Farmingdale branch for all of your engineering needs.

Visit our new location at 323 West 39th Street in Manhattan  
P: 212-203-3808 F: 212-203-3909

<b>BROOKLYN</b>	(718) 252-2700	<b>FARMINGDALE</b>	(631) 293-2566	<b>STAMFORD</b>	(203) 359-2626
<b>BALDWIN</b>	(516) 223-5511	<b>RED HOOK</b>	(718) 522-4700	<b>MILFORD</b>	(203) 882-5550
<b>BOHEMIA</b>	(631) 567-4800	<b>NEW HYDE PARK</b>	(516) 216-1810	<b>HARTFORD</b>	(860) 727-9699

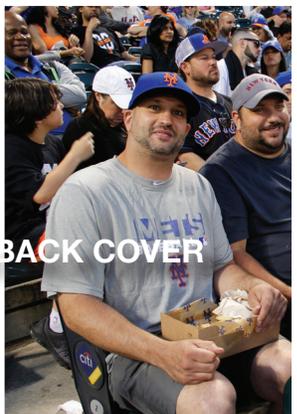
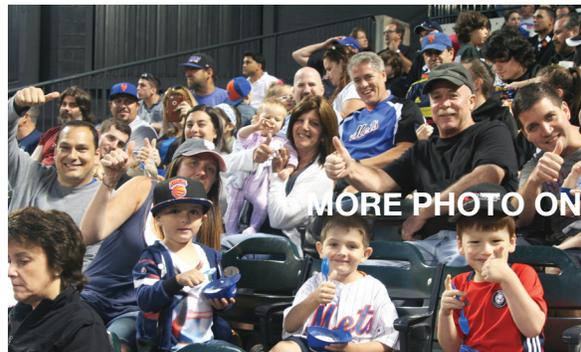
[www.johnstoneli.com](http://www.johnstoneli.com)    [www.johnstonect.com](http://www.johnstonect.com)    [www.johnstonenyc.com](http://www.johnstonenyc.com)

**B&F Electric Motors**

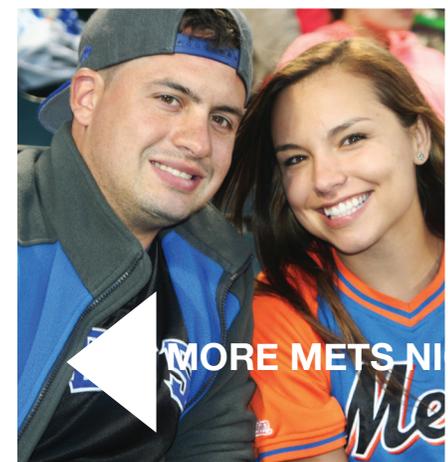


# MACC NIGHT OUT WITH THE METS FRIDAY, JUNE 17th 2016

THANKS TO OUR GENEROUS SPONSOR ABCO HVACR Supply + Solutions



MORE PHOTO ON BACK COVER



◀ MORE METS NIGHT PHOTOS INSIDE