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## NARI-IN-THE KNOW

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# PRESIDENT'S MESSAGE

NARI IN THE KNOW  
November/December 2020



**Patrick Bentivegna, CR, CRPM**  
*Benco Construction*

Happy to Re-Launch the NARI New York Newsletter! 2020 has certainly been an unusual year so far, filled with global and personal challenges, and also providing professional opportunities for many in the residential remodeling space. We hope everyone is healthy and that NARI member businesses are thriving as so many New York residents relocate and remodel or remain in place and do the home improvements they always dreamed of doing.

We welcome both our returning and new NARI New York members to the Executive Board and Board of Directors. The Board determined that the leadership shall remain for another term to keep the organization moving forward with as few changes as possible in these unprecedented times. With that being said, like many associations we have needed to postpone many of our scheduled Member events, and we have moved our **NARI New York office to a new location: 390-9A Knickerbocker Avenue, Bohemia, NY 11716**. We just enjoyed a successful NARI Golf Outing, a relaxing day with industry friends that was fun and Covid-safe. Although we were grateful for the generous and dynamic weekly Zoom NARI Roundtable meetings to collaborate on best PPE practices, NYS guidelines and financial opportunities, it was a relief to be able to meet as a group in person again.

Our new Board of Directors is focused on strategizing and streamlining what's important to our industry and bringing value and relevance for our local members. We invite your ideas, suggestions and insight into ways that we can support your businesses, continue to showcase home remodeling resources, industry innovations and NARI Member Know-How throughout the rest of 2020 and into the next year as we look to the future.



# ***we moved!***

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# NYC/LI NARI's 43rd Annual Golf Classic

It was a beautiful day at the Rock Hill Golf & Country Club in Manorville for NYC/LI NARI's annual golf outing.

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by Barry Goggin, Historian (Retired MCR, CKBR)



That used to be a catch phrase in advertising by a lot of contractors, just to get their foot in the door of a prospective customer. The theory being that it might be a small job now but they could call you back in the future for something larger. The NARI New York office gets many calls each year from homeowners looking for contractors for certain projects in their home. Several of leads are now passed on via email to all contractor members for the opportunity to bid on them. Sometimes there is very little response from the membership because the jobs may be just too small. I learned a long time ago not to ignore any opportunity to introduce myself to a prospective customer. Here is one of those examples:

Early on in my career as a contractor I used that idea in my advertising. I really needed the work so I would pretty much do anything. Back in the 1980's I got a call from a homeowner who lived in an upscale area of Setauket called Old Field. I went to the house excited about the prospect of working there only to find out that she wanted a bay window installed, labor only and she would buy the window herself. I guess by the look on my face she could see I was disappointed and asked if this type of job was too small for me. I estimated the job at \$600, got the job and the owner was happy. I left my card hoping they would call again and they did. This time to enclose a screened-in porch. So now we are at a few thousand dollars and I did the job and she was happy. About a year later they called and asked if I would meet them at an apartment building they owned for some work. I said sure. So it turned out to be an apartment complex with 52 units that were being sold

as co-ops that all needed some work. They said their supers on the site would do a lot of the small repairs but they needed an estimate to replace the kitchens, fifty-two kitchens. I'm sure the look on my face was a little different than my reaction to the \$600 job. Each apartment sized kitchen was only \$3000 back then. I got the job. They were small enough to do two or three a day with a gross profit of \$800 on each one. We completed all the kitchens as the apartments were sold in about eighteen months.

**"Use every opportunity you can to introduce your company to as many homeowners as possible."**

We all have stories like this to share and the lesson is the same: use every opportunity you can to introduce your company to as many homeowners as possible. Even after you give the proposal, never leave only one business card. The holiday season is coming up. Owners are having lots of people in their homes this time of year and would love to brag about the contractor that did the work there and to pass along your card.

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# NAVIGATING HOMEOWNER DISPUTES IN THE CURRENT LEGAL LANDSCAPE

New York State recently announced it is cutting the budget for the judicial system by \$300 Million. What does this have to do with you? Well, if you get into a dispute with a homeowner that winds up in court, the lawsuit will likely take more time to resolve due to the budget cuts and accompanying reduced staffing and related resources. Whether in the construction industry or the legal industry, time is money. The longer your lawsuit takes, the more it will cost you, either in legal fees or time devoted to the dispute, which takes you away from growing your business. Just as you plan to minimize risks on your projects such as rising material costs, you must take steps to reduce the risks and potential costs of a dispute with a homeowner.

Fortunately, you can do several things without much effort. These include vetting the homeowner before being hired and having an effective dispute resolution clause in your contract. You have probably given little thought to the dispute resolution clause in your contract. You may not even know if your contract contains such a clause, much less what it says. You should.

When a project goes awry, your contract is what spells out (most of) your legal rights and responsibilities and those of the homeowner. A well-crafted dispute resolution clause will determine whether: (a) the dispute will be decided by litigation or arbitration; (b) any conditions that must be satisfied before litigation or arbitration takes place; or (c) you can recover your attorneys' fees if you successfully prosecute or defend the dispute.

The distinction between litigation and arbitration is often misunderstood. Litigation is a method of resolving disputes via the court system. Arbitration is a private dispute resolution procedure typically conducted by a private arbitration company, such as the American Arbitration Association. While both processes result in a binding decision, whether by a judge, jury or arbitrator, there are significant differences besides the public vs. private distinction. Arbitration is typically quicker than litigation. In light of the planned New York judiciary budget cuts, arbitration is likely to become a much faster way to resolve a dispute than litigation. However, two downsides to arbitration are: (a) the arbitrator's fees; and (b) if you lose the arbitration, it is very difficult to set aside the arbitrator's

decision. To do so, you must start a separate litigation and the arbitrator's decision is given great deference. In contrast, it is much easier to appeal an adverse ruling in a litigation (but it will still be costly and time-consuming).

Separate from both of those processes is mediation, which is non-binding and can take place as part of an arbitration or a litigation. Over the last few years, courts have implemented mediation programs to deal with the growing number of cases and its scarcer resources. Mediation is much less costly than arbitration or litigation, but there is no guarantee it will resolve the dispute.

The dispute resolution clause in your contract can combine mediation with either litigation or arbitration.

Some contracts, like many AIA forms, require mediation as a pre-condition before one may resort to arbitration or litigation. If the prerequisite mediation does not take place, the arbitration or lawsuit may be thrown out as premature.

Another common pre-condition in a good dispute resolution clause is a requirement to provide notice and an opportunity to cure. This requirement can be onerous, and

potentially dispositive of the dispute. For example, the contract may: (a) require the homeowner to notify the contractor of defective workmanship within a certain time of discovering the defect; and (b) failure to timely notify the contractor is a waiver of the homeowner's claim. Homeowners tend not to focus on these conditions – especially if contained in boilerplate – when reviewing the construction agreement.

Whether you prefer arbitration or litigation, or require mediation or any other condition precedent, your dispute resolution clause should permit you to recover attorneys' fees if you prevail. That raises the stakes for the homeowner and makes your claims more potent. Absent an attorney-fee clause, a "victory" in the courthouse or at arbitration can be a financial defeat.

An hour of your time reviewing and revising the dispute resolution clause in your contract is a great investment. It can save you thousands – if not tens of thousands – of dollars and even help you resolve a dispute at its early inception.





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# BUSINESS MANAGEMENT

## Morning Education Zoom

**TIM FALLER** of Westerly, Rhode Island has been in remodeling for a long time: as a remodeling business owner, as a Lead Carpenter and Production Manager for Hopkins and Porter Construction in Potomac, Maryland, as a trade show speaker, and as owner of a consulting company.

In 2017 Tim joined Remodelers Advantage as Senior Consultant and Master of Production. His focus is helping companies improve their production processes and systems as well as facilitating Roundtables for Production Managers.



**TIM FALLER**  
Master of Production,  
Remodeler's Advantage

**8:00 AM - 9:00 AM**

### Developing a Culture of Accountability

The questions keep coming, "how do I get them to think like owners?" or for the field staff "how can I get trades, suppliers, and other workers to just do their jobs?" The answer is in the way we deal with the mess ups. Accept things as they are, and nothing will change.

By putting out a little energy, things can change. In this presentation we will be looking at information related to managing people or a company to develop a culture of accountability and motivation. In this seminar for business owners and field managers we will:

- Discuss what accountability really is and how it can impact your company.
- A simple catch phrase that can help you direct people to a positive outcome.
- Specific actions you can take to develop accountability within your team.

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**9:00 AM - 10:00 AM**

### Managing Clients Expectations: Sales through Completion

For most of us building the project is not the tough part, it is managing the client from beginning to end. This seminar, for managers and field staff alike, will focus on how to do this in each part of the process from sales through the end of the project. The objective will be to see how we can get the client to work for us and not us work for the client. Much of it is about us setting the expectations we want and some of it is about being willing to tell the truth. In this seminar we will cover:

- How what we do in the sales process sets the client expectation about construction.
- How production can gently assert its will before construction starts.
- The role of fast, accurate communication in continuously resetting expectations.
- What are some industry wide practices that may be setting the wrong expectations?

**Tuesday**  
**November 17**  
**8 am - 10 am**

**\$25pp**

**Registration required:**

[https://us02web.zoom.us/meeting/register/tZYlf--rrzluHdwODbNL-jRjaH55ere\\_P8pW](https://us02web.zoom.us/meeting/register/tZYlf--rrzluHdwODbNL-jRjaH55ere_P8pW)

**Zoom Meeting ID: 828 8631 9478 • Questions? Email Regina Biondo – [rbiondo@nari-ny.org](mailto:rbiondo@nari-ny.org)**

(Reservations not cancelled 24hrs in advance will be responsible for payment)



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## SOMETHING TO SHARE?

NARI members may submit articles and/or photographs of interest.

Contact Regina Biondo at  
631-673-6274 or  
rbiondo@nari-ny.org  
for more information



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## Bonnie Reich Symmetry Closets



### ***How did you get started in your remodeling career?***

My background is architectural design but I always loved furniture and cabinet design. I wanted to go to furniture making school but decided that arc design was more stable.

### ***Do you have any formal training?***

Yes.

### ***What are the top 3 skills any remodeler should have?***

1-Ask specific questions 2-Listen very carefully 3-Be very organized about everything

### ***What is your biggest success or a defining moment in your career?***

Stepping outside of my comfort zone to take on a large super-sized project. It made me stretch myself and get very creative, it made me think much bigger than what I was accustomed to.

### ***What is your biggest failure & what did you learn from it?***

Early in my business I was not on top of measuring the true costs of every job. It took me a long time to get disciplined about measuring everything, I think I didn't want to really know.

### ***Looking back, what advice would you give your future self about a career in remodeling?***

Push beyond what you think you can do. Make decisions faster and trust

that you know what you are doing. Push past the fear of failing. Stay organized you will be ok.

### ***What's your criteria for a successful project?***

Making a profit and making a lasting relationship with the customer and the other professionals on the job. If everyone is happy and satisfied with our performance, we achieve success.

### ***What technologies have had the greatest positive impact on your business?***

Video conferencing, Cloud computing and storage.

### ***What is the best advice you ever received and from whom?***

It sounds so played out but the best advice was to work on the business not in it. Become an owner, not an operator.

### ***In your opinion, what is the biggest challenge facing the remodeling industry today?***

Demand for home remodeling is through the roof. Getting special orders in on time and in good condition is becoming incredibly challenging while customers are increasingly demanding.

### ***How many people are in your crew and office?***

3-full time installers, 3-full time shop workers and 1-part time, 4-designers, 1-office admin

### ***How many jobs per year?***

This year we are on track to do 172, last year we did 191, the year before that we did 237. We are doing fewer projects, but our average sale is way up, 46% over last year. That makes me happy.

### ***Chevy, Ford or Dodge?***

Chevy 100%

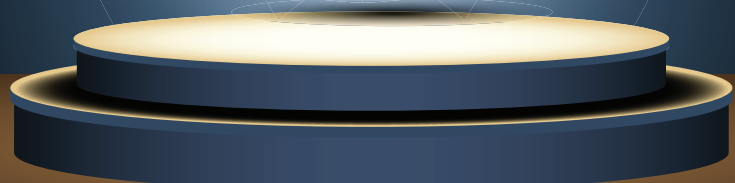
### ***Favorite type of jobsite tunes?***

I'm a classic rocker, but I'm not on jobsites anymore.

### ***Greatest benefit from being a NARI member?***

Business education has been great, the programs are always insightful. But the relationships with the chapter members have enhanced our company in so many ways. We receive referrals from members, and we give them too. Additionally, the support from the NARI community is outstanding. I don't know how we would have made it through the Covid-19 shutdown without our fellow NARI members helping us stay informed and encouraged.

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for the  
CotY & Buzz Awards Night  
April 16th 2021





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