

# OnSite

METROPOLITAN BUILDERS & CONTRACTORS ASSOCIATION OF NJ MAGAZINE



## METRO AND PROFESSIONAL WOMEN IN BUILDING APRIL HOME SHOW

*SEE PAGES 12-13*

### THE SAIBER CONSTRUCTION LAW COLUMN

BY ROBERT B. NUSSBAUM, ESQ.

*SEE PAGE 15*

### MAY GENERAL MEMBERSHIP MEETING UPDATE

*SEE PAGE 18*

# Sixth Annual Metro Cup



Metropolitan Builders & Contractors  
Association of New Jersey

**Thursday, October 6th**

**Royce Brook Golf Club  
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**18-Hole Shot Gun at 12:30 pm**

Scramble format

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Cocktails / Dinner / Awards 5:30 pm

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\_\_\_ **Dinner \$325:** 1 dinner, signage @ lunch & dinner

\_\_\_ **Score Card \$300:** logo on score cards (1 available)

\_\_\_ **Games \$250 each:** sign at hole tee box

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**Mission Statement:** Metro is a professional organization that shall serve to protect and advance the rights and interests of builders, remodelers and associates in all matters affecting the building and remodeling industries. Metro shall support the business interests of all its member firms, support safe and affordable shelter, and foster the American dream of home ownership.

**Vision Statement:** Metro is the leading trade association for the construction industry. Metro inspires active membership through professional development and advocacy. We embrace free markets to promote cost effective housing in NJ.

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# President's Message

## June 2022

The Awards of Excellence is one of the top two events of the year for Metropolitan Builders and Contractors Association of NJ. The installation dinner at year's end is the other and will be subject of a future President's message. AOE is the year's half-time show. It's hard to believe that I'm writing about the year being half over, but this thought is the subject of my message, reflection at half-time. Halfway through anything provides a unique opportunity, in sports, in business, and in life.

Sports is the easiest analogy to make. There is a certain score on the board after the 2nd quarter ends, and the athletes on both sides make their way to the bench or locker room. They get to rest, replenish resources, and THINK. The leaders and coaches often use this time as opportunity to change their view, rally the player(s), and send them back in the game. It is at this moment though that I often wonder if both teams get to take stock and appreciate the fact that they are playing the game. Sure the object of sports is winning, but it is this moment during half time when the spectator or participant can really take the mental snapshot to appreciate THE GAME. I think, those that soak up that feeling of gratitude are the ones that summon the courage and will power to finish the game stronger than the first. By enjoying the process, even if the scoreboard is lower, will one muster the energy to get back in the game, to win.

In business, half time isn't as pronounced as a sports game. Sure, you can take a midyear financial report, if your definition of a business cycle is a fiscal year. If you are doing a construction project, you could take a snapshot half way through the project. If your company is 10 years old, you could take a look to see how the past 10 years stack up to your predictions for the next 10. Recently, I organized and produced two special "Builder Crisis Education" Zoom meetings. We had about a dozen builders on each call, and the panelists were impressive to say the least. One of the speakers shared the first slide of his presentation and it was titled "Creating your view". It really impacted me, as I noticed there is a certain amount of inertia/momentum to business operations and sometimes it is hard to change. FORCING a "half-time" to assess your business operations is crucial. Especially now, when the cadence of business and life is at a frenetic pace, you need to MAKE time and space in your head to make sure your business gameplan is ready for the next half of the game.

Life. My youngest son Joseph recently got a job as an in-home

*PRESIDENT'S MESSAGE CONTINUED ON PAGE 11*



**Frank R. Coppola III**  
2022 Metro President





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**Frank R. Coppola III** 13  
**Michael Black** 1

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Recruiting new members to the Metropolitan Builders Association is recognized and rewarded through the Spike Club. Those who participate are called Spikes, and they are among the most valued members of the association. Before becoming a Spike, you are a Spike candidate. That means you have earned between one and five credits. Once you earn your sixth credit, you become an official NAHB Spike! Spike credits are earned by recruiting and retaining Builder and Associate members.

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Sponsor: Evelyn Shallo

Bio: Director of Business Development

## PET PHOTO OF THE MONTH

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YAPPY HOUR**

## KIM'S CORNER

Back in April I heard a quote on a TV show that really stuck with me - to the point where I actually wrote it down in my agenda as a reminder and thinking to myself "I can use this quote for Metro." Fast forward to reading Frank R. Coppola III President's Message to everyone for the May edition and BAM - there it is - for all to read: "Life can only be understood backwards, but must be lived forwards" - Soren Kierkegaard. The coincidence was not lost on me.

Lately, all I want to do is go back in time and see if different choices would have still have led me on this same path I am on today. I keep trying to get back to my "old" self, forgetting that I have to accept the hand that was dealt. The problem, I'm learning, is that I'm not very good at "accepting defeat"



- not that anyone really is - but that is why I am so excited for June and the Awards of Excellence.

For me, the Awards of Excellence is a show, a ceremony, a celebration - it is controlled chaos and live. For me, for half a day, I am back in my world - able to bring people joy and happiness and laughter. For me, no matter how I am feeling that day - the show must go on and I will do whatever it takes to make sure people have a wonderful time because that is what the people of Metro deserve. Michele and I like to call the Awards of Excellence the "Oscars of the Building Industry" because they truly are. All of you are artists in the work that you do and deserve a truly, spectacular night to celebrate it. So - cross your fingers for me - that I don't get stuck up on stage and the night will be golden! (Yes, some actors have terrible stage fright if they aren't actually playing a role.) Can't wait to see you all there.

**Kimberly Nordstrom**  
**Office Manager**

[knordstrom@metrobca.org](mailto:knordstrom@metrobca.org)

## FUN FACTOID

Architecture was once an Olympic Sport.

During the first four decades of the modern Olympic Games, 151 medals were awarded for music, painting, sculpture, literature, and architecture. Baron Pierre de Coubertin, who revived the modern games and founded the International Olympic Committee, considered art an essential part of the competition. The one caveat: every submission had to be sports-related.

## METRO'S MONTHLY QUOTE

*"There are people who will always come up with reasons why you can't do what you want to do. Ignore them."*



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## MICHELE'S EO PERSPECTIVE



June is such an exciting month for us at Metro. This is when we host our grandest event of the year – The Awards of Excellence (AOE), which will be held on Thursday, June 9th. This year will mark Metro's 38th year hosting the Awards of Excellence. I would like to give a big shout out to Tammy Murray

and Kristie Veri, the co-chairs of this year's event and their committee, who have been working around the clock to make this the perfect evening.

This year, Metro is putting a sincere effort into workforce development. It has been said that within 10 years, 40% of our generation will be retiring out of the industry, which means we have large gaps to fill for the future. The time is now, to not only educate our youth, but help them grow a passion for all facets of the industry. As part of this initiative, Metro, alongside many of our members has attended Career Fairs at Voorhees, North Hunterdon and Somerset County High Schools. We have also been approved for a grant from the National Housing Endowment for our initiatives in these events. On October 20th, we will be hosting our first ever, High School Picnic Table Contest at the Raritan Valley Inn. Students will be provided the materials to practice, build and disassemble the table at their schools, in preparation of the actual competition which will be held on October 20th. Teams of students will be judged on completion, time, build and other factors, while racing to the finish to win a Scholarship, a full-page article in our OnSite Magazine and the opportunity to display their skills in front of our distinguished builders. For more information about this great contest, please call our office at (973)887-2888 x 1.

In May we had a fantastic General Membership Meeting, hosted by our Sales & Marketing Council Chairs Tony Cretella, of Custom Sign Source and Vern Tatum of Carolina Blue Painting. We heard from a panel of great speakers, who helped us understand how to frame a clear message for our business. The speakers included Nicole Feenstra of the DNA Agency, who flew out from California for our event, Rich Silivanch of Gravitude and Pete Verrone of Spinneret Consulting. Our next General Membership Meeting will be held in Warren County, at Four Sisters Winery on Tuesday, July 12th. Please register today!

*"If you are planning for a year, sow rice; if you are planning for a decade build trees; if you are planning for a lifetime, educate people"*

– Chinese Proverb

**Michele Leppard, EO**  
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### *PRESIDENT'S MESSAGE CONTINUED FROM PAGE 3*

personal assistant to a 97-year-old retired attorney who lives on Palm Beach Island. Joey is 19. It has been fascinating listening to the stories Joe tells me when he comes home from work. His boss was one of Nixon's attorneys, and defended a case in the US Supreme Court. Joey came home one day frustrated about how his boss was smart and wise, and Joey wasn't. I said, "Did you really just compare yourself to a man who is 78 years older than you"? Meanwhile, in my own head I was doing the same thing. I'm almost exactly older than Joey as I am younger than his boss. It is so easy for us to compare and compete against others. The happiest people I know compare themselves to themselves and not to others. No matter where you are in (the game of) life, take a moment and just ask yourself if you are playing your best. YOUR best. If not, then know tomorrow is another day and don't be saddled with whatever score you put on the board. I know this is so much easier said than done, particularly in society today. Nonetheless, I encourage you to look inward, and move forward as YOU see fit.

When we're together at the AOE ceremony, it is easy

to focus all the attention on the winners. They deserve the accolades for sure. However, I do think the reason the event is so widely popular, is because it provides all of us at Metro to sit on the "bench" together. Enjoy each other's company. Celebrate your own growth personally and professionally. Reward your friends for their hard work with some praise and a pat on the back. Win or lose, we're all in the game together. It goes quickly, we might as well enjoy it.



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# METRO'S PROFESSIONAL WOMEN IN BUILDING (PWB) HOME SHOW A SUCCESS

## – THANK YOU TO ALL PARTICIPANTS AND ATTENDEES!

By Linda Garvey, Coppola Brothers LLC,  
Council Chair of Metro's PWB Council

On *April 21st*, PWB hosted Metro's Home Show at the Hanover Manor. We were deeply grateful to all our sponsors and vendors. Metro's PWB Chapter is dedicated to offering women in the construction and remodeling industry peer-to-peer interactions, community events and educational forums. We encourage women members to actively participate in events, cultivate relationships, build resources and be supportive of one another. The Home Show gave PWB the ability to not only offer support and visibility for women with our event, but all those men and women in our industry.

It was a great night! We sold out all the tables that we could put into the Empire Room at The Hanover Manor and received positive feedback! PWB learned a lot and will incorporate the feedback into the show next year to make it even better. **Coppola Brothers LLC** was the sponsor for our raffle and prizes for the "**Best Booth Display**" contest for their creativity and depiction of their business with their generous donations of "Francis Ford **Coppola**" wines. Winners for our "**Best Booth Display**" were: **First Place - GPS Plumbing Supply**; **Second Place – Jaeger Lumber**; **Third Place – Jewel Electric Supply**.



Our three Sponsors/Vendors were: **Parksite (DuPont/Tyvek)**; **New Jersey's Clean Energy**; **Milwaukee Tools**.

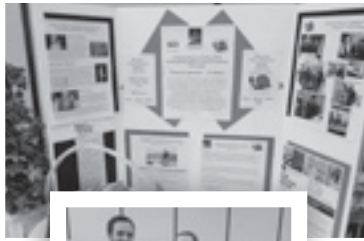
Our Vendors were: **Homebridge Financial**; **Fox Architectural Design**; **Blue Ridge Lumber**; **Custom Sign Source**; **Metropolitan Window Fashions**; **Floor Coverings International**; **SESI Engineering Consulting**; **Coppola Brothers LLC**; **Association Member Trust**; **AZEK Building Products**; **General Plumbing Supplies**; **Dacor**; **Alps Technologies**; **Jaeger Lumber**; **US Bank**; **Ryan Homes**; **SB Interior Design**; **Jewel Electric Supply**. (More photos of our event can be found on Metro's Facebook Page.) BIG THANK you to Metro's Executive Officer, Michele Leppard and Office Manager, Kimberly Nordstrom and Kristie Veri of Cleanscape Construction for all their help and support – THANK YOU again!

We will be setting up our date for the Home Show earlier this year in 2022 giving everyone ample time to "**Save the Date**". We hope you will all consider coming out in 2023 to support Metro's PWB Council and Home Show and share your wares with each other and attendees. **Hope to see you next year!**

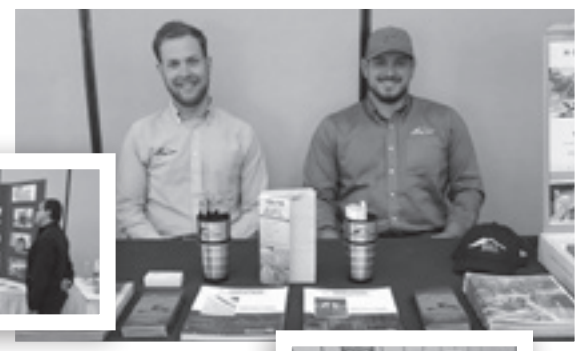


### PWB FREE MEMBERSHIP WINNER IS ...

Metro's PWB Council offered a "**FREE**" membership to an existing Metro member who put their name in our jar. The winner was our first Student Chapter member, Frank Caccavale of Roxbury High School where he is the Technology, Engineering, and Design Education Teacher. Congratulations and **WELCOME to PWB!**



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# THE SAIBER CONSTRUCTION LAW COLUMN

By Robert B. Nussbaum, Esq.

In a recently decided case, New Jersey's Appellate Division looked at the plain language of a subcontract and, after doing so, rejected a contractor's defenses to avoid paying subcontractors who had performed all of their work pursuant to the subcontract and who sued to be fully paid.

In *J&M Interiors v. Centerton Square Owners*, a case decided by the Superior Court, Appellate Division on May 18, 2021, the court considered whether subcontractors who completed work but only received partial payment were entitled to be paid in full, notwithstanding the fact that the subcontractors had signed partial lien waivers and their subcontracts provided that they would be paid only after the contractor had received payment from the owner for their work. The court also considered whether the subcontractors had contractually waived their rights to assert claims for damages under New Jersey's Prompt Payment Act ("PPA"). The court ruled in favor of the subcontractors on each of the issues the court considered.

In reaching its decision, the court initially looked at the plain language of the parties' contract and found that while the contract recognized that the owner was entitled to withhold retainage on its payments to the contractor, "Nothing in the subcontracts' plain language" required the contractor to receive full or final payment from the owner before paying the subcontractors. The court stated:

Plaintiffs performed all work under their subcontracts. Defendant received total payment for the plaintiffs' work, as the only money not paid by [the owner] to defendant was the contractually designated retainage. Therefore, defendant was obligated to make full payment to plaintiffs.

Next, the court rejected the contractor's argument that a subcontract provision providing that the subcontractor "waives and releases all claims or rights to recover lost property . . . and any other indirect charges, costs or expenses in any way arising out of or related to the Agreement, including the breach thereof by [contractor]" constituted a waiver of the subs' rights under the PPA. In reaching this holding, the court noted that waiver-of-rights provisions require a party to "have full knowledge of his legal rights and intent to surrender those rights." And, where statutory rights are being waived, the waiving party should at least be informed "that it agrees to waive all statutory claims arising out of the contractual relationship." Here, the court found that the waiver-of-rights provision failed "to constitute an unambiguous and clear waiver of plaintiff's statutory rights" because it did

not specifically state that the subcontractors waived their statutory rights associated with the subcontract.


Finally, the court also rejected the contractor's argument that the subcontractors waived their rights to receive full payment by signing partial lien waivers. The court held that an agreement to modify an existing contract had to be based on new or additional consideration. Here, the contractors did not provide any such new or additional consideration in return for the subs executing the partial waivers. Thus, the court found that the partial lien waivers did not alter the contractor's obligation to pay the subs under the subcontracts.

Accordingly, the Appellate Division was satisfied that the contractor's arguments lacked substantive merit and it affirmed the decisions of the trial judge in favor of the subcontractors.

Each issue's Legal Construction Column will discuss a recent decision by New Jersey courts or courts from other states which may be of interest to people in the construction industry.

The information in each article is not intended to be legal advice and may not be used as legal advice. Legal advice must be tailored to the specific circumstances of each case. Every effort has been made to assure this information is up-to-date. The article is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the advice of your own legal counsel.

For any question relating to this article, please contact Robert B. Nussbaum, Esq. at Saiber LLC at [RNussbaum@saiber.com](mailto:RNussbaum@saiber.com).



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Let's connect.

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# SPOTLIGHT ON AOE

Submitted by AOE Co-Chairs Kristie Veri (Cleanscape Construction) and Tammy Murray (Andersen Windows and Doors)

After all the behind the scenes planning by the AOE committee and all the AOE articles you have diligently read over the past few months, the time has come! We are less than 30 days away from the 38th Annual Awards of Excellence. Have you been keeping up with all the exciting additions we have planned for AOE 2022? I'm so glad you asked! For starters, the committee will be arriving in style, and we hope you will join us! Formal suggested, tie

requested. Secondly, we will have an open bar! The committee figured if we are going to celebrate, we might as well go all out! This upcoming night is all about you and your accomplishments!

There is a very special rate on tickets for AOE this year, until June 1. There are also special rates



AOE 2021 Winner Chris Camy of Woodmont Properties

available if you purchase an entire table for your team! Don't wait to purchase, do it today! Purchasing tickets is extremely easy, since Metro has gone digital. Just go to our website – [www.metrobca.org](http://www.metrobca.org) – under the Events tab. There you will find an easy way to purchase tickets. While you are there, take a look at the sponsorships available for the evening. We have sponsorship options to meet every budget, and some sponsorships come with tickets! There's some nice surprises in store that we haven't shared, so you won't want to miss this great event!

It's been a challenging time from every direction in our industry and we are so excited to celebrate YOU! So, get out your best, bring your team, invite homeowners whose projects you have submitted, and let's make some memories! We can't wait to celebrate you!

*"The best part of memories is making them."*  
– Meik Wiking



AOE 2021 Winner C. Mannion

**\*\*Please see our July/August edition of OnSite as that will be Metro's Awards of Excellence Edition\*\***

## *You're Invited to...* *Metro's 38<sup>th</sup> Annual Awards of Excellence!*

*We are excited to announce that this year there will be an **OPEN BAR** for our guests!*

Date: **Thursday, June 9<sup>th</sup>**

Time: **6:00 PM**

Place: **Hanover Manor**

Dress: **Formal Evening Attire**

AOE Dinner Ticket: **\$135 per person**

AOE SPECIAL - Buy A Table (8 Seats): **\$1,000**

AOE Sponsorships are also available for purchase.

*\*\*Please Note that come June 1st Ticket  
Prices will go up to \$150 per person\*\**

# 2022 CALENDAR OF EVENTS

## **THURSDAY, JUNE 9, 2022**

Awards of Excellence  
6:00 PM, The Hanover Manor

## **TUESDAY, JULY 12, 2022**

General Membership Meeting  
6:00 PM, Four Sisters Winery

## **THURSDAY, SEPTEMBER 15, 2022**

Grillin N' Chillin  
5:00 PM, The Raritan Valley Inn, Califon

## **THURSDAY, OCTOBER 6, 2022**

6th Annual Metro Cup  
10:45 AM Registration  
Royce Brook Golf Club, Hillsborough

## **THURSDAY, OCTOBER 20, 2022**

Inaugural Picnic Table Competition  
4:30 PM, Raritan Inn

## **THURSDAY, NOVEMBER 17, 2022**

General Membership Meeting  
& Election of Officers  
6:00 PM, Bridgewater Manor

## **FRIDAY, DECEMBER 9, 2022**

Installation of Officers & Holiday Party  
6:00 PM, Bridgewater Manor



*Metro's July General Membership Event  
Join Our Membership Retention Committee at*

## **Four Sisters Winery**

for a Wine Tasting

**Tuesday, July 12th, 6:00 - 9:00 PM**

**783 County Rd. 519, Belvidere NJ 07823**

*Appetizers, Salad, Dinner & Dessert, Formal Wine Tasting*





# MAY GENERAL MEMBERSHIP MEETING

**Submitted by SMC Co-Chair: Tony Cretella of Custom Sign Source**

The Sunken Silo was our venue of choice for our May meeting and they did a great job taking care of us, with their fresh brewed beverages and an outdoor tent that made us feel at home.

Our evening started with a nice fare from Metropolitan Seafood and general networking to bring the group together for some fellowship.

Once our panelists started to share their breadth and depth of experience across Branding, Social Media, Web Site Content, Storytelling and Work Force development the audience was riveted to the messages and content they shared.

Our panel included Rich Silivanch from Silivanch Communications, now Gravitude, Pete Verrone from Spinneret Consulting and our last panelist who gets the award for longest distance traveled from Pasadena, CA, Nicole Feenstra from the DNA Agency.

The evening really took off after the presentation when the open Q&A started and our audience had some very intriguing questions for our panel who did an excellent job in answering or directing people to a known resource for more help.

During the panel we took a few breaks to give away three growlers from Sunken Silo and Metro's Remodelers Council also gave away a year membership to their Council – all of these were won by J. Anthony Vargas of J.O. Read.

The evening ended with a robust and very motivational speech by our great President Frank R. Coppola III who challenged us all to find a way to help others which will make you feel better.

*"The best way to forget your own problems is to help someone else solve theirs."*





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