

February 2019

# OnSite

METROPOLITAN BUILDERS & CONTRACTORS ASSOCIATION OF NJ MAGAZINE



**2019 AWARDS OF EXCELLENCE  
SPONSORSHIP OPPORTUNITIES**

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**Metropolitan Builders & Contractors Association of NJ**

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**OnSite / February 2019**

**Editor:** Barbara Bertone  
**Design:** Gregory J. Del Deo  
**Executive Officer:** Yolanda Sheffield Williams

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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.

# President's Message

## February 2019

As we prepare to head out to Las Vegas for the 75th annual International Builders Show, we look ahead and see that we are off to a great start. This year brings a great new outlook on committees, education and new events for the year. The new leadership team is working harder than ever to bring the experience of the past executive board members and the excitement of the new members to reach for new goals, strengthen existing practices, grow the membership and lead the membership with new and exciting opportunities. We started the new year off with two General Membership meetings packed with members excited about the new year and ready to see some changes in the way we bring members together. We are going back to some once-used networking events, short and powerful educational meetings and bigger than ever Awards of Excellence!

This year we want to focus on growing the activity within our event committees through creativity and fun. We see the true value of the strength of the members of the Board of Directors and their ability to lead these committees. By having fun, we are creating an environment where we are not only getting things done, we are growing along the way. So, find a committee to join, meet new people, network and help Metro grow.

See you at IBS!

Alan



**Alan Archuleta CGB,  
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# Yolanda's Blueprint



What a great way to begin the second month of 2019. We had a fantastic turnout at our 2019 Economic Forecast presented by Quita Syhapanya of Metrostudy. The members were engaged and Quita provided insightful statistics regarding the construction industry. Metro committees are continuing to plan more events in the upcoming months to foster relations, develop business opportunities and offer education courses.

Make sure to mark your calendar for the Metro Builder Show on March 7th at the Hanover Manor. This event is open to everyone. This is a great time for our builders to purchase a table and bring their open projects for our Associates to bid on.

On March 21st, our Program Committee has designed an evening of relationship building. This is a great opportunity for our members to get to know one another. You might just learn something new about your peers you never knew before.

ABC is just 2 months away!! If you haven't registered to exhibit or attend, please do so. The show will take place at Harrah's in Atlantic City from April 2-4th.

Lastly, Metro Awards of Excellence (AOE) takes place on June 6th. There is still time to submit entries and support the event with a sponsorship.

Please continue to visit us on FB and our website for updated news. I can't wait to share with you all the exciting happenings from IBS in the March issue.

*"TEAMWORK. Coming together is a beginning. Keeping together is a progress. Working together is success."* – Henry Ford

**Yolanda Sheffield Williams, EO**  
yolandaw@metrobc.org • 973-887-2888 Ext. 300

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Membership in this prestigious Club is for any Metro member who has brought in 2 or more new members during 2018.

Thank you for your efforts in recruiting new Metro Members!

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# NJBA 2019 Critical Environmental Issues

NJBA continues to be heavily engaged on environmental policies and regulations of major importance to its members. The following is a brief depiction of the issues and recent advocacy action taken by NJBA and its members to ensure a reasonable regulatory environment.

## Coastal Rules

The DEP recently asked NJBA to identify current coastal rule modifications that could aid in transit centric development. In response, NJBA formed a task force to identify Coastal Zone Management rule modifications. On November 26, 2018, members met with the Division of Land Use Regulation to review our recommendations which included modifications to Special Urban Areas, Coastal Bluffs, Steep Slopes, Riparian Zones, and Farmland Conservation Areas, among other items.

## State Planning Commission & CAFRA Centers

As a result of the relative inaction by the State Planning Commission in recent years, numerous CAFRA center designations, which allow for relaxed impervious cover requirements in economic growth areas, are set to expire in 2019. NJBA is supporting forthcoming rules approved via resolution by the State Planning Commission on January 30, 2019, to extend the duration of numerous CAFRA center designations until June 2020. Further action will be required by the State Planning Commission to extend these centers beyond 2020.

## Stormwater Rules

On December 3, 2018, DEP proposed a new stormwater management rule requiring green infrastructure to replace the current maximum extent practicable requirement for major developments. DEP has also begun a stakeholders' process for "Phase 2" rule changes which were not included in the green infrastructure proposal. DEP has held two stakeholder sessions on the Phase 2 rules which focused on recommendations of serious concern to NJBA, including limiting the size threshold for major developments, on-site retention, incorporating nutrient standards in stormwater management, removing the exemption for redevelopment and increasing the rainfall rate in the model design storm.

On January 8, 2019, NJBA Treasurer Michael Canuso testified at the DEP's public hearing on the green infrastructure rule proposal. NJBA's testimony focused on the overall benefits of utilizing green infrastructure but noted concerns with the rule's lack of a financial hardship basis for variances, the limited area where mitigation projects may be performed and the need to allow for innovation in the BMP manual. On February 1, 2019, NJBA submitted an official comment letter concerning the green infrastructure requirement and will continue to be heavily engaged in the Phase 2 rulemaking process.

## Site Remediation Reform Act

In 2018, DEP held a stakeholders' process re-examining components of the Site Remediation and Reform Act (SRRA) which focused on potential changes and proposals concerning green and sustainable remediation, direct oversight, Financial Assurance, Remediation Funding Source, surety bonds, LSRP of record requirements, enhancing public notification and access to files, and notification of discharges, among other topics. In October 2018, NJBA and other stakeholders became concerned with the lack of discussion and consensus concerning several major topics and successfully appealed to Senate Environment & Energy Committee Chair, Senator Bob Smith, to extend the stakeholders' process. Stakeholders have since had three meetings with Senator Smith and DEP officials to review their concerns and to agree on items of true consensus before moving forward on more controversial topics.

## Environmental Justice

DEP held the first stakeholders' meetings in response to Governor Phil Murphy's Executive Order #23, which charged DEP with developing guidance for all executive branch departments and agencies for the consideration of Environmental Justice (EJ). NJBA participated in all DEP stakeholders' meetings and advocated that guidance should address EJ needs without dis-incentivizing redevelopment and growth in EJ communities. An initial guidance document was recently published by DEP which NJBA will review and submit official comments on.

## Natural Resource Damages

Senator Smith has convened a stakeholders' group to reexamine Natural Resource Damages (NRD) policy in NJ. The group has been tasked with addressing: how groundwater contamination should be addressed, the valuation of restoration of resources versus monetary damages, the utilization outside counsel and whether pre-Spill Act discharges including the use of clean fill should be considered in damages discussions. NJBA has been actively engaged in the NRD stakeholders' process and is advocating that redevelopment and remediation not be encumbered by any changes made to NRD laws. Specifically, NJBA is also working with the coalition to ensure that innocent purchaser protections are not weakened.

## Category 1 Waters

DEP Division of Water Monitoring and Standards is proposing to upgrade numerous waterways to Category 1 (C1) status. DEP held a stakeholders' meeting on January 17, 2019, to review the proposed C1 Water Upgrades. NJBA noted at the stakeholders' meeting that DEP did not identify criteria used to designate C1 Waters from 1985-2002, notwithstanding the fact that C1 designations were implemented prior to adoption of the criteria and that these designations should also be reviewed with the potential of downgrading C1 Waters.

## Coastal Resilience Plan

DEP had begun a process to create a new Coastal Resilience Plan, which is intended to provide a road map for addressing the challenges of supporting resilient and sustainable communities, our coastal economy and ecosystems protection in the face of changing climate, rising sea levels and the prospect of more intense and frequent coastal storms. NJBA attended the Coastal Resilience Plan Workshop on October 22, 2018, which focused on potential rule changes and sea level rise standards to assist in coastal protection. NJBA will continue to participate in the stakeholders' process which has not had any further action since October.



We are very excited that the SAM Awards Banquet will return to being the kick-off event of the Atlantic Builders Convention on Tuesday, April 2nd at Harrah's Resort Atlantic City. The SAM program will begin with a cocktail party in the pre-function area of the Avalon Ballroom followed by a sit-down dinner and awards presentation. All tickets purchase and/or ABC registration must be completed online at <http://www.abconvention.com>.

A schedule of events as well as hotel information is available on the ABC website. Please be sure to make your reservations for the evening as early as possible. I hope to see you all there celebrating New Jersey's finest.

If you are attending make sure to take plenty of pictures to post and help us spread the word that NJBA's Atlantic Builders Convention and SAM are must attend events!

**SOCIAL MEDIA HANDLES FOR ABC AND NJBA**

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## *Congratulations to Metro's NJBA Industry Award Recipients:*

**Meryl Gonchar**, Sills, Cummins & Gross - Cornerstone Award

**David Bossart**, Bossart Builders - Remodeler of the Year

**C. Scott Van Cleef**, Country Classics -  
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**Dean Mon**, Mon Group Properties - Golden Hammer

**Debra Tantleff**, Tantum Real Estate – Special Service

**Kenneth J Fox**, Fox Architectural Design – Ironman

**Metropolitan Builders & Contractors Association on NJ** -  
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**Stephen H. Shaw**, Morris County Freeholder, Shaw Built  
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## *Congratulations to Metro's NJBA Board of Directors Nominees:*

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**Brian Maffia** - 2nd Associate Vice President

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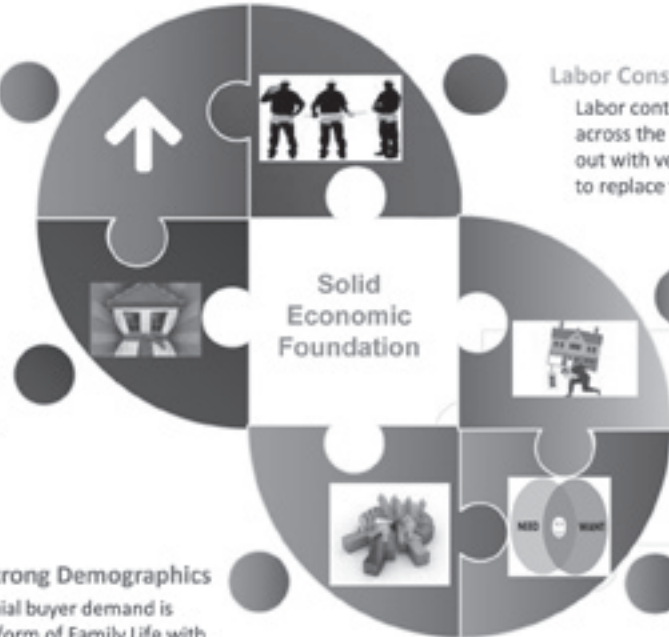
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# 2019 ECONOMIC FORECAST MEMBERSHIP MEETING

## Key Takeaways



**Material Cost Rise**  
The rising cost of materials have had an impact on builders margins plus tariff wars are a concern.

**Labor Constraints**  
Labor continues to be an issue in this market and across the country. Many of the older labor is aging out with very little new of the new generation coming to replace the outgoing tradesman.

**Tight Inventory**  
Inventory is tight both in resale as well as lot supply in the local market. Viable land opportunities are scarce.

**Affordability Concerns**  
New home prices continue to rise even with lower priced product coming to market. As interest rates rise as expected these homes will become even more unaffordable to the buyers in the market today.

**Strong Demographics**  
Older Millennial buyer demand is strong in the form of Family Life with Young Children and Elite. Active Adult demand continues to perform well with more demand on the way.

**Product Offering Match**  
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# Awards of Excellence (AOE) Corner



By **Erin Myers**, Evergreen Recycling Solutions, LLC , 2019 AOE Chair

There's still time to enter the Awards of Excellence, so show us your new construction, your renovations, your communities! Show us your design, your marketing and your sales!

The Awards committee hosted an Open House on Jan. 31st, and we had a great turn out. I'm encouraged by all of the early bird entries we received. Keep them coming! There's a place for every company and project at the AOE. If you need a copy of the categories, or have any questions about how to enter or the qualifications, please reach out to me or the Metro offices directly.

The Awards of Excellence is Metro's biggest event, which means it's a great opportunity to show support for all the nominees by being a sponsor. There are six levels of sponsorship available, with varying levels of exposure at the event, starting at just \$250. All levels include recognition in the dinner program, as well as in the ceremony presentation, OnSite Magazine, and identification on your name badge. It's a fantastic value – Sign up today!

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# 2019 AWARDS OF EXCELLENCE

Awards Dinner: June 6, 2019 at the Hanover Manor, East Hanover

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### Gold Sponsor - \$1,000

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Cost: \$89 per person *(List attendees below)*

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## Reservation Form – RSVP Required

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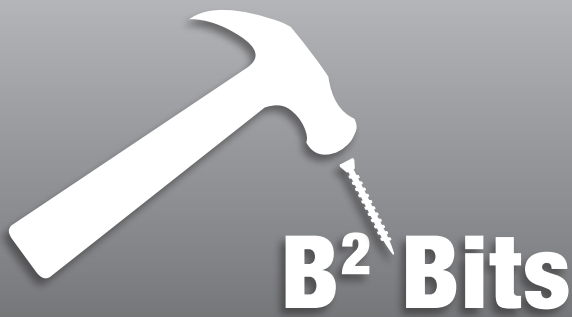
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- Industry News and Information
- Education Programs
- Training and Education
- Publications
- Awards
- Networking
- Working with Local Councils

Dues are only \$55 per year – send your payment to the Metro office and we'll take care of the rest! Check out the benefits of being a member at [www.nahb.org](http://www.nahb.org) – go to NAHB Community – Councils – Remodelers Council to see the benefits of membership. By being a member of the Remodelers Council, your name will be listed in the NAHB Directory of Professional Remodelers on the NAHB website.



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## Metro Sales & Marketing Council

The Metro Sales & Marketing Council exists to represent Marketing and Sales professionals within the building industry by serving its members and affiliated partners through education, recognition, networking, and career development. As knowledge providers, we are committed to seeking strategic marketing and sales solutions that optimize individual and corporate achievements.

**Who can join and what is the cost?**  
Any Metro member and their employees can join the SMC for \$75.00 per year.

- Why join the Metro Sales and Marketing Council?**
- Exclusive Networking - Happy Hour events, Lunch and Learns
  - Member sponsored events at their offices or facilities
  - Discounts at Events and Networking events
  - Share professional concerns and information
  - Obtain one or more NAHB designations specifically designed for this market.
  - Various education programs thru the IRM and Marketing Training - PPC and Facebook Advertising, Referral Sources, Lead Success, Blogging, Video and more
  - Exchange new ideas and trends within the home building industry
  - Develop professional skills and increase motivation
  - Research and Marketing trends
  - Receive Sales and Marketing Ideas digital magazine

**Join Today!!**  
Call the Metro office for  
the Council Application form



# Help Us Create An Impact On Our Community

At Morris Restore in Randolph, our first impact is on shoppers, who find discount furniture and used appliances at bargain prices. When you spend less on furnishings and building materials for your home, you have more dollars to use for other purposes.

The second impact is on the environment. Each year, the Morris Habitat ReStore saves 700 tons of usable materials from being trucked to out-of-state landfills. What does 700 tons look like? Picture 350 cars or 234 adult elephants or 5 adult blue whales! Morris Restore is dedicated to protecting the environment of Randolph, NJ, through selling discount furniture and used appliances.

## The Store That Builds Homes

The final impact is on the many families who live in the affordable homes built or preserved by Morris Habitat for

Humanity. Since 1985, Morris Habitat has served over 400 families through its homebuilding, rehab, preserving and international housing solutions programs. Locally, we have built or rehabbed 84 homes and preserved 105 homes. Since the Morris ReStore opened in Randolph in 2007, its profits from selling discount furniture and used appliances have funded the construction of 22 affordable homes for low-income and middle-income families.

In our 10th Anniversary year, the ReStore sponsored a 4-bedroom home for Nelly and Julio Carmona and their three children at 27 Harding Avenue in Dover. Donations from individual shoppers of nearly \$6,500 were combined with monthly ReStore proceeds. Morris County is one of New Jersey's most affluent counties, and yet there are thousands of families living in inadequate or substandard housing because they can't afford the area's high prices. Whenever possible, we build sustainable, energy-efficient and healthy housing for the people of Randolph.

## We Are Changing Lives

Building homes does more than put a roof over someone's head. In clean, decent, stable housing, the lives of hardworking families are enhanced and strengthened. You can read about the experiences of some of the Habitat families in Randolph on the Homeowner Stories page. By shopping or donating furniture and used appliances to the Morris ReStore, you can help create our vision of a world where everyone has a decent place to live.

## Top 10 Reasons to Attend The Industry Event of the Year



10. Learn about the latest trends in the industry.
9. There are valuable seminars available throughout the day Wednesday and Thursday in Harrah's.
8. When you lose your money to the casino, there's no need to hail down a cab to get to your room.
7. Hit up your favorite contacts with booths at ABC and request complimentary floor passes for the event. Don't know one yet? Try General Plumbing Supply (GPS) or SESI Consulting Engineers.
6. The host hotel and the convention space are both at Harrah's. So you can roll out of bed and be at the show floor in minutes.
5. You can schmooze with the new NJBA President, Corey Wescoe, and NJBA Board of Directors.
4. You have an opportunity to participate in a boot camp to benefit a charity of your local chapter's choice.
3. You have two days to meet over 300 vendors, and 6,000 attendees, associated with the building industry. Luckily, ABC has them all under one roof!
2. Celebrate your successes and party at the "The Pool" from 10PM to 2AM with music and cash bar.

And the #1 reason to attend ABC April 3<sup>rd</sup>-4<sup>th</sup>, is to Putt For a Chance to Win a Drone at Booth #533 at the end of each day.



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- Associates -*
  - Improve Builder Relationships

**REGISTER NOW, \$150 for a Table. Space is limited.**

Register at [metrobc.org/events](http://metrobc.org/events), or call the Metro Office at 973-887-2888 for more information.

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## & GENERAL MEMBERSHIP MEETING THURSDAY, MARCH 21, 2019

6:00PM @ BRIDGEWATER MANOR, BRIDGEWATER



### Presented by the Metro Builders Program Committee



Attend this General Membership Meeting and be part of a highly effective program that will facilitate new relationships and turbo charge the ones you already have.

Come prepared with at least 25 business cards and organize your thoughts regarding what motivates you to pursue the business that you own or work in. And be prepared to teach other participants how to refer you to their contacts, colleagues, and clients. The structure of this meeting will give you the opportunity to deepen your relationships with fellow members of Metro Builders Association. Hope to see you there!

- Get ideas
- Collect cards
- Make new connections
- Be inspired

Bring friends, colleagues and prospective members!



Attendees: \_\_\_\_\_

Company: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

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Contact Barbara at the Metro Office for more information – [barbarab@metrobc.org](mailto:barbarab@metrobc.org) or 973-887-2888, ext 302

Mail to: Metro BCA, 39 E. Hanover Avenue, Suite C2, Morris Plains, NJ 07950 Fax to: Metro @ (973) 887-2926

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# Arbitrating Construction Disputes

## American Arbitration Association – Supplemental Rules

By **Joseph R. Haftek, Jr., Esq.**

Arbitration is a preferred method of alternative dispute resolution in New Jersey, especially in the construction industry. Many construction industry professionals recognize the potential cost and time savings inherent in resolving a dispute via arbitration as opposed to litigation. Moreover, due to the prevalence of technical, document intensive construction disputes, parties that utilize arbitration often benefit from a process that has numerous objective benefits:

- Matters are presided over by a knowledgeable and experienced construction arbitrator or board of arbitrators;
- Hearings are more informal than court proceedings, with less restrictive evidence rules;
- Flexible scheduling of site inspections, hearings and conferences;
- Only limited discovery is permitted;
- Heightened confidentiality; and,
- Arbitration rules require timely issuance of awards, which can be entered as a judgment that may only be modified or vacated by a court under a limited, discrete set of circumstances.

However, there are noted drawbacks to submitting a construction dispute to arbitration:

- Extra costs due to arbitrator, filing (typically based on the dollar amount in controversy) and administrative fees;
- Severely limited rights to appeal;
- Inability to join necessary parties;
- An arbitrator may disregard legal principles with no potential recourse;
- The lack of clear time restrictions can frustratingly delay the completion of arbitrations; and,
- Arbitrators may be granted great latitude to award costs and fees in contravention of the “American Rule.”

In an effort to address many of the negative aspects of construction arbitration, in 2014 one of the leading alternative dispute resolution organizations, the American Arbitration Association ([www.adr.org](http://www.adr.org)) (“AAA”), released a set of Supplemental Rules that offer streamlined procedures for arbitrating construction disputes. Parties electing to use the Supplemental Rules are subject to: a hard cap on the number of days provided to complete arbitration proceedings based upon the amount in dispute; page limits on all submissions; receipt of a standard award; and, most importantly, set maximum prices for all phases

of arbitration. Notwithstanding, parties can seek relief from the Supplemental Rules pursuant to SR-4. The new Supplemental Rules can be downloaded at [www.adr.org/Construction](http://www.adr.org/Construction).

From a practical perspective, the Supplemental Rules should be strongly considered before commencing arbitration, especially for construction disputes that are limited in scope. However, for a number of construction industry disputes subject to arbitration these Supplemental Rules may be too restrictive to adequately address what are oftentimes complicated claims.

Should you have any questions regarding this issue, please do not hesitate to contact any of the members of Construction Law Practice Group at Schenck, Price, Smith & King, LLP.

Joseph R. Haftek, Jr. is a partner at Schenck, Price, Smith & King, LLP. He focuses his practice on construction law and has experience in all aspects of construction law counseling and litigation. He is currently Vice-Chair of the Construction Law Section of the New Jersey State Bar Association

**DISCLAIMER:** *This article is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.*

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# 2019 CALENDAR OF EVENTS

**FEBRUARY 19-21, 2019 – NAHB International Builders' Show (IBS)**

Las Vegas Convention Center [www.buildersshow.com](http://www.buildersshow.com)

**Wednesday, March 6, 2019 – Sales & Marketing Breakfast Meeting**

8:30am – MORRISTOWN PANCAKE HOUSE, MORRISTOWN

**Thursday, March 7, 2019 – Metro's Builders Show**

1pm – 5pm HANOVER MANOR, EAST HANOVER

**THURSDAY – MARCH 21, 2019 – General Membership Meeting**

6:00PM – BRIDGEWATER MANOR, BRIDGEWATER

**APRIL 3-4, 2019 – NJBA Atlantic Builders Convention (ABC)**

HARRAH'S ATLANTIC CITY, NJ [www.abconvention.com](http://www.abconvention.com)

**THURSDAY – MAY 16, 2019 – General Membership Meeting**

6:00PM – BRIDGEWATER MANOR, BRIDGEWATER

**THURSDAY - JUNE 6, 2019 – Awards of Excellence**

6:00PM – HANOVER MANOR, EAST HANOVER

**THURSDAY – JULY 18, 2019 – General Membership Meeting**

6:00PM – BRIDGEWATER MANOR, BRIDGEWATER

**SEPTEMBER 2019 – Grillin N' Chillin BBQ (TBD)**

5:00 PM – THE RARITAN VALLEY INN, CALIFON

**THURSDAY – OCTOBER 17, 2019 – Lobsterfest -Associate Appreciation Month**

6:00 PM – PUB 199, MT. ARLINGTON

**OCTOBER 2019 – Annual Metro Golf Outing**

Date, Time and Location - TBD

**THURSDAY – NOVEMBER 14, 2019 – General Membership Meeting & Election of Officers**

6:00PM – BRIDGEWATER MANOR, BRIDGEWATER

**THURSDAY – DECEMBER 5, 2019 – Installation of Officers & Holiday Party**

6:00PM – HANOVER MANOR, EAST HANOVER

*(All events/topics and dates are subject to change)*

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