

**MEMORANDUM OF UNDERSTANDING REGARDING DESCRIPTION OF WORK THAT SHALL BE CONSIDERED REFRIGERATION SERVICE WORK UNDER SCHEDULE A, ARTICLE XXV, PARAGRAPH 99 OF THE NATIONAL SERVICE AND MAINTENANCE AGREEMENT**

1. **SUPERMARKET REFRIGERATION**

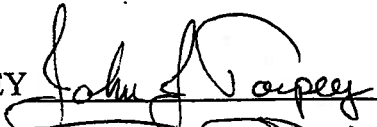
REFRIGERATION SERVICE CONTRACTORS THAT PROVIDE SUPERMARKET REFRIGERATION SERVICE AND INSTALLATION OFTEN HAVE PROJECTS THAT REQUIRE THE EXPERTISE OF THEIR SERVICE TECHNICIANS WHO ARE TRAINED TO HANDLE SITUATIONS UNIQUE TO THE SUPERMARKET REFRIGERATION MARKET. IN ORDER TO COMPETE WITH NON-UNION SERVICE CONTRACTORS IN THIS MARKETPLACE THE FOLLOWING SHALL BE CONSIDERED:

A. WHEN A SERVICE CONTRACTOR IS PERFORMING REFRIGERATION SERVICE WORK AND A PORTION OF THE WORK IS CONSIDERED THE WORK OF CONSTRUCTION TRADES STEAMFITTERS, THEN THE REFRIGERATION SERVICE CONTRACTOR SHALL BE ALLOWED TO HAVE ONE OF HIS SERVICE FITTERS WORK AS A CONSTRUCTION STEAMFITTER UNDER A TEMPORARY CONSTRUCTION TRADES CARD OR PERMIT. HE SHALL WORK WITH A CONSTRUCTION STEAMFITTER ACCORDING TO RULE #5 OF THE MASTER AGREEMENT BETWEEN THE ENTERPRISE ASSOCIATION OF STEAMFITTERS LOCAL 638 AND M.C.A. OF NEW YORK.

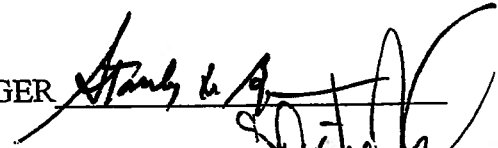
2. THIS MEMORANDUM SHALL BE EFFECTIVE APRIL 1, 2007 ON ALL SUCH PROJECTS AS DESCRIBED HEREIN.

3. AGREED TO ON Nov 13, 2007 BY:

JOHN J. TORPEY



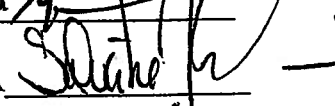
STANLEY BERGER



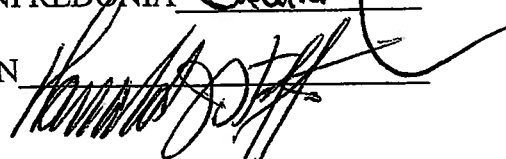
RICHARD B. ROBERTS



SALVATORE MANFREDONIA



DONALD STEFFEN



FOR ENTERPRISE ASSOCIATION LOCAL UNION 638 OVERSITE COMMITTEE

SERVICE CONTRACTORS DIVISION OF THE MECHANICAL CONTRACTORS ASSOCIATION OF NY OVERSITE COMMITTEE