



Construction NEWS



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Coalition Urges Gov. Cuomo, Lawmakers To Boost NYSDOT Long-Term Capital Plan

By JOHN JORDAN

ELMSFORD, NY—A coalition of leading trade associations called on Gov. Andrew Cuomo and state lawmakers to increase capital spending for the maintenance, repair and replacement of the state's road and bridge network by at least 20% in the upcoming budget cycle.

At a press conference held on Jan. 17 in Westchester, construction industry executives united under the banner Rebuild NY Now joined with officials of organized labor and elected officials to decry the conditions of roadways in Westchester County. The representatives were unanimous in their call to renew NYSDOT's multi-year capital plan, which expires on March 31, 2020. The group said based on the backlog of projects and systemic deferred maintenance, the program must be increased from \$29.2 billion to at least \$35 billion over the coming five years.

The event, organized by Rebuild NY Now, was hosted by Teamsters L.U. 456. Among those calling for more transportation funding were State Sen. Shelley Mayer, Westchester County Executive George Latimer and Greenburgh Town Supervisor Paul Feiner. Both officials termed the state's infrastructure as a crisis.

The Rebuild NY Now coalition is looking to sway



New York State Senator Shelley Mayer (D-WF 37th District) was among a host of state, county and local officials on hand to support Rebuild NY Now's call for a significant increase in road and bridge funding by New York State. The event was held at the headquarters at Teamsters L.U. 456 in Elmsford, NY.

Photo Credit/DAVID ROCCO

Gov. Cuomo for the need for increased road and bridge spending in advance of the 2020 budget which begins April 1. The governor and State Legislature are facing a \$6-billion budget gap, due mainly to rising Medicaid costs.

Theresa Burke, secretary of the New York State Association of Town Superintendents of Highways,

said that nearly half of New York State's local roads and bridges are in fair or poor condition. She added that local governments statewide would have to spend an additional \$1.75 billion annually (not including New York City's infrastructure) just to bring the system up to the level of good repair.

Ms. Burke, who is Highway Superintendent for the Town of Red Hook in Dutchess County, said that the Consolidated Highway Improvement Program (CHIPS) should be increased in the 2020-2021 budget from \$438 million a year to \$588 million; the Bridge New York program should have funding raised from \$100 million a year to \$200 million; the Pave New York funding levels hiked from \$100 million to \$200 million and local and federal construction ratcheted up from \$100 million to \$200 million.

Among her other recommendations included the creation of a five-year \$400-million City Routes program to assist municipalities charged with maintaining state tourism routes, including necessary sewer, water and utility work. Ms. Burke also related that the state should determine whether the Marchiselli Program is adequately funded at its current annual level of \$39.7 million.

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County Sets 20% 'Realistic' MWBE Goals

TARRYTOWN—An official with Westchester County tasked with revising new hiring goals for its minority and women business enterprise program (MWBE) said that Westchester intends to establish an MWBE participation goal of 20% on construction projects. The county is also setting a goal of 20% for professional services and 10% for the purchase of goods.

Westchester County Director of Economic Development Bridget Gibbons informed members of the county's

MWBE Task Force on Jan. 15 that the county intends to establish the MWBE participation goals for the three categories following four months of research and meetings.

Ross Pepe, president of the Construction Industry Council of Westchester & Hudson Valley, Inc., headquartered here and a member of the county's MWBE Task Force, said the new 20% participation policy is workable for the industry.

Based on the limited availability and numbers of com-

"We will now have the time to work with the Latimer Administration for a plan having realistic long-term goal setting and program features that offer reasonable rules and procedures."

—Ross Pepe, CIC President

panies that are registered as MWBE firms, the construction industry strongly objected to the higher quotas.

"We will now have time to work with the Latimer Administration for a plan having realistic long-term goal setting and program features that offer reasonable rules and procedures," Mr. Pepe said.

Ms. Gibbons added in her memo to task force members that the newly established percentages will be increased

over time to be aligned with New York State's goals of 30% MWBE participation.

Other MWBE program changes are also in the offing and were to be announced at an upcoming press conference by county government.

Westchester County Executive George Latimer formed the county's MWBE Task Force in August 2018 chaired by Deputy County Executive Ken Jenkins. The task force was charged with expanding

opportunities for MWBE firms in Westchester County.

On another front, Westchester County government and the Building & Construction Trades Council of Westchester and Putnam Counties, Inc. and other industry interests are in ongoing discussions concerning workforce rules pertaining to development projects that secure incentives from the Westchester County Industrial Development Agency.

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State-of-the-State Address

Gov Calls for \$3-Billion Environmental Bond Act

By JOHN JORDAN

ALBANY—Gov. Andrew Cuomo this month called for a bold, \$3 billion voter referendum to advance environmental protections from the catastrophic flooding, the ravages of climate change and to safeguard open space.

If his bond act wins approval in the state Legislature, it will go to the voters on Nov. 3.

Gov. Andrew Cuomo announced the measure at his 10th State-of-the-State Address on Jan. 8 in Albany. He listed new initiatives to raise revenues for state coffers through a renewed call for legalized cannabis.

The governor's agenda also includes plans to expand the free college tuition program, offer protections for gig economy workers, paid sick leave and tax cuts for middle class New Yorkers and small businesses.

"Our ship of state is stronger than it has been in decades, but the ocean we navigate is as tempest tossed as we have seen," he proclaimed. "Waves of anxiety, injustice and frustration are being fanned by winds of anger and division, creating a political and social superstorm, but these are the times when New York is called upon to show leadership and set a course for a troubled nation," Gov. Cuomo announced.

He labeled his \$3-billion "Restore Mother Nature" Bond Act as the nation's most aggressive program for habitat restoration and flood reduction.

"We must develop the solution to harmful algae blooms before they destroy our waterways and I will challenge Clarkson University and SUNY ESF to do just that," he said. "We must expand artificial reef development to strengthen our marine ecosystem. We must restore fisheries, streams and wetlands. We must conserve more forest areas. We must replant more trees. We must stop the nitrogen runoffs. The Restore Mother Nature Bond Act will fund those investments and more around the state," the governor said in his State of the State address.

While short on specifics, representatives of both the construction industry and the environmental protection sectors praised the "Restore Mother Nature" proposal.

"Gov. Andrew Cuomo's call to action, which includes a voter referendum in November to create a \$3 billion Environmental Bond Act, is unparalleled in the history of New York State," said John J. Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. "It is arriving in the nick of time. After a decade of more than a dozen storms that caused severe flooding and havoc, it is now time to harden our assets and protect public and private

property from the ravages of climate change."

Mr. Cooney described the need as "staggering," and it follows up on the state's highly successful statewide clean water infrastructure program now in place for local municipalities.

The CIC executive also cited the critical need to advance an equally aggressive new five-year capital transportation plan beginning on April 1, 2020. "The backlog of capital road and bridge projects in the state, coupled with the growing demand for new mobility services, will require a funding level in the range of \$35 billion to \$40 billion," he said, noting that the investment calculates out to a 20% increase over the current program of \$29.2 billion, which expires March 31, 2020.



Among Gov. Andrew Cuomo's major proposals outlined in his State of the State Address was a \$3-billion Restore Mother Nature environmental bond act.

"In both environmental activism and transportation services, local communities cannot do it alone," Mr. Cooney

added. "On behalf of some 30,000 construction workers and 600 employers throughout the region, we applaud Gov.

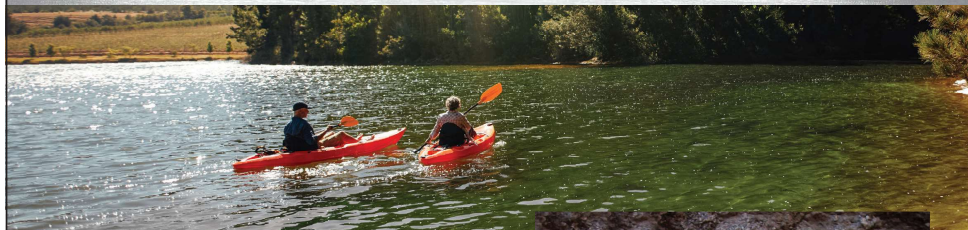
Cuomo for addressing the new realities of climate change and responding with a plan that both protects our environment and benefits local economies for every resident and business in New York State."

In a prepared statement, Riverkeeper's Legislative Advocacy Manager Jeremy Cherson expressed the organization's support for the \$3-billion bond referendum.

"Restore Mother Nature" can give New York's animals stressed by the climate crisis and years of exploitation a fighting chance to recover and thrive," Mr. Cherson said. "Nearly all of the Hudson River's iconic fish are in serious long-term decline, including the ecologically and economically important striped bass. State investments protecting vulnerable animals and their habitats also help communities across the region at risk from

Please turn to page 6

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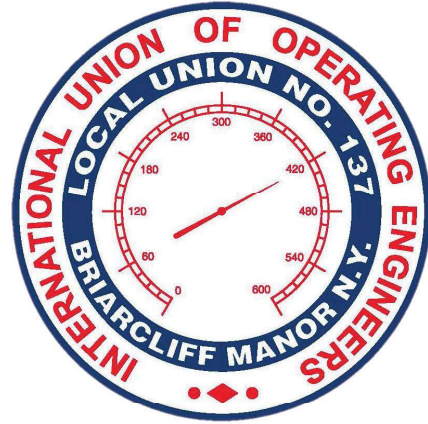
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State-of-the-State Address

Continued from page 3
sea-level rise and increased flooding through projects such as wetland restoration.”

“If we don’t invest in the environment, if we don’t do our part to stop climate change then we’ll have nothing,” said Sen. David Carlucci, D-Clarkstown, in a report in the *Albany Democrat and Chronicle*.

Other highlights of the State of the State address included the governor’s proposal to legalize cannabis and creating a new Office of Cannabis Management to oversee the medical, adult-use and hemp programs. The proposal limits the sale of cannabis products to adults 21 and over and establishes stringent quality and safety controls, including oversight over the packaging, labeling, advertising and testing of all cannabis products. These efforts will be done in coordination with the neighboring states of Connecticut, New Jersey and Pennsylvania. The governor will also propose creating a first of its kind Global Cannabis and Hemp Center for Science, Research and Education with SUNY and other partners.

Other economic development/business proposals offered by the governor include reducing the corporate tax rate for small businesses from 6.5% to 4%; tripling the current income exclusion for farmers and sole proprietors; making the investment tax credit refundable for farmers and repealing the penalty on S corporations for underpayment of estimated taxes.

Another initiative calls for the continuation of a multi-year effort to lower personal income tax rates for middle-class New Yorkers. In 2020, the third year of the multi-year tax cuts enacted in 2016, income tax rates have been lowered from 6.85% to 6.09% for taxpayers in the \$40,000-\$150,000 income bracket, and to 6.1% in the \$150,000-\$300,000 income bracket. These cuts are expected to save New Yorkers over \$1.8 billion this year. Furthermore, income tax rates will continue to drop to 5.5% for taxpayers in the \$26,000 to \$150,000 tax bracket and 6% in the \$150,000-\$300,000 bracket. When the cuts are fully phased in, middle class taxpayers will have received an income tax rate cut up to 20%, amounting to a projected \$4.2 billion in annual savings for six million filers by 2025.

Two other significant proposals involve expanded efforts to improve Penn Station and upgrade the Erie Canal.

The governor has proposed to redevelop the full city block south of Penn Station to add rail capacity. The expansion

would increase overall track capacity by nearly 40% by adding at least eight new tracks to the existing 21 tracks, dramatically increase passenger terminal capacity, ease congestion with widened sidewalks and prominent subway entrances, and add new development opportunities on adjoining parcels that will transform the area. As part of this plan, the governor further proposes to explore acquiring the Madison Square Garden Theater to create a new 8th Avenue entrance to the existing Penn Station. Together, these actions will combine the Moynihan Train Hall, existing Penn Station and the block south of Penn into an interconnected Empire Station Complex.

Gov. Cuomo is recommending the New York Power Authority approve a \$300-million investment over the next five years at the board’s January meeting. A \$100-million economic development fund will be invested in communities along the Canal and a separate \$65-million investment will be devoted to solutions that will help prevent ice jams and related flooding in the Schenectady area. The remaining \$135 million of the plan’s funding will subsequently be allocated to research recommended by the state’s Reimagine Task Force, as well as to solutions related to flood mitigation, invasive species prevention and ecosystem restoration.

Other staples of the governor’s platform in 2020 will be funding for affordable housing and to help stem the increase in homelessness in New York State.

“This year, I will propose that we commit the largest amount of funding in the history of the State of New York to help the homeless and build affordable housing. That is who we are, that is what we believe, that’s what we stand for. But we will also honor the state’s constitutional responsibility and demand a higher level of competence and skill and professionalism from local governments because without the right programs, the money will be wasted and the travesty will be continued.”

In listing some of the major economic development projects underway in the state, Gov. Cuomo mentioned the highly-anticipated LEGOLAND New York project currently under construction in Goshen, NY that is scheduled to open this spring.

“LEGOLAND coming to the Hudson Valley, 1,300 jobs. I love LEGOLAND. Yes kids, that is your next vacation, we’re going to LEGOLAND,” the governor said.



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Contract# D264126
PIN# 813128
FA Proj.# Z001-8131-283

Project Description: Columbia Co.,
Route 22 pavement restoration project:
Town of Canaan.

Bid Deposit: 5% of Bid (~ \$200,000.00)

Goals: DBE: 3.00%

Bid Letting Date: Feb. 6, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
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Contract# D264178
PIN# 881361

Project Description: Columbia,
Dutchess, Orange, Putnam, Rockland,
Ulster, Westchester Cos., cleaning,
washing and sealing bridges at various
locations.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: DBE: 3.00%

Bid Letting Date: Feb. 6, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264192
PIN# 881429

Project Description: Columbia,
Dutchess, Orange, Putnam, Rockland,
Ulster, Westchester Cos., biennial
roadside vegetation management for
Columbia, Dutchess, Orange, Putnam,
Rockland, Ulster and Westchester coun-
ties.

Bid Deposit: 5% of Bid (~ \$20,000.00)

Goals: MBE: 0.00%, WBE: 0.00%

Bid Letting Date: Feb. 20, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264202
PIN# 881510
FA Proj.# Z240-8815-103

Project Description: Westchester Co.,

storm water basin repairs in Saw Mill
River and Farragut Parkways.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: DBE: 3.00%

**Bid Letting Date: March 4,
2020**

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264169
PIN# 880862,
FA Proj.# Z001-8808-623

Project Description: Ulster Co., bridge
rehabilitation of Wurts St. over Rondout
Creek in the City of Kingston and Town
of Esopus. This is a Best Value Selec-
tion.

Bid Deposit: 5% of Bid (~
\$2,750,000.00)

Goals: DBE: 8.00%

NYS DOT - Region 9

Bid Letting Date: Feb. 6, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264150
PIN# 9TBP20
FA Proj.# Z240-9TBP-203

Project Description: Broome, Chenango,
Delaware, Otsego, Tioga Cos., bridge
-ainting 2020 for Broome, Chenango,
Delaware, Otsego and Tioga counties.

Bid Deposit: 5% of Bid (~ \$125,000.00)

Goals: DBE: 3.00%

Bid Letting Date: Feb. 13, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264149
PIN# 980727
FA Proj.# Z001-9807-273

Project Description: Chenango, Dela-
ware, Otsego, Sullivan Cos., 2020 scour
project for 9 bridges throughout region.

Bid Deposit: 5% of Bid (~ \$20,000.00)

Goals: DBE: 0.00%

NYS DOT - Region 10

Bid Letting Date: Feb. 6, 2020

Brian DeWald, PE

Assistant Director of Construction
New York State Department of Trans-
portation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264134
PIN# 003014

Project Description: Suffolk Co., improve
drainage on Route 454 in the Town of
Islip.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: DBE: 5.00%

NYS DOT - Region 11

Bid Letting Date: Feb. 6, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264182
PIN# XM1931

Project Description: Bronx, Kings, New
York, Queens, Richmond Cos., main-
tenance cleaning on various highways
throughout NYC.

Bid Deposit: 5% of Bid (~ \$200,000.00)

Goals: MBE: 12.00%, WBE: 18.00%

Bid Letting Date: Feb. 20, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264064
PIN# X05172
FA Proj.# ZS30-X051-723

Project Description: Queens Co., safety
improvements on Grand Central Park-
way, between Francis Lewis Blvd. and
188th St.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: DBE: 5.00%

Bid Letting Date: Feb. 20, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264092
PIN# XM1965

Project Description: Bronx, Queens,
Richmond Cos., sign panel replace-
ment, various locations in New York
City.

Bid Deposit: 5% of bid (~ \$200,000.00)

Goals: MBE: 12.00%, WBE: 18.00%

Bid Letting Date: Feb. 26, 2020

Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264076
PIN# X73580
FA Proj.# Z510-X735-803

Project Description: Queens Co., Vann
Wyck Expressway viaduct rehabilitation
project. This is a Best Value Selection.

Bid Deposit: 5% of Bid (~
\$7,500,000.00)

Goals: DBE: 14.00%

Westchester County DPW

Bid Due Date: Jan. 29, 2020

Contract: 18-501 (\$100.)

Title: Resurfacing and Related Improve-
ments, Columbus Avenue (C.R. No. 64)
from Lakeview Avenue to Nannyhagen
Road, a Distance of 2.17 miles, Town of
Mount Pleasant, NY.

Description: The labor, material and
equipment required to mill and resurface
the roadway. Also included are improve-
ments to drainage structures, guide
railing and curb cuts along with replace-
ment of traffic signal loops and restora-
tion of pavement markings to current
standards.

Bid Estimate Range: \$6.3 to \$6.6 Mil-
lion.

PRE-BID INSPECTION: None Sched-
uled.

Contact: Anthony Ventarola, 914-995-
2565.

Bid Due Date: Jan. 29, 2020

Contract: 18-512 (\$100.)

Title: Streambank Stabilization, Fulton
Brook, Town of Greenburgh and City of
White Plains, NY.

Description: The work under this con-
tract consists of providing all necessary
labor, material and equipment required
to restore the floodplain along the Fulton
Brook in the Bronx River Reservation,
just north of the County Center. Work
includes excavation, slope stabilization
with rip rap and live stakes, coir log and
boulder toe installation, manhole reloca-
tion, grading and landscaping.

Bid Estimate Range: \$700,000 to
\$750,000.

Pre-Bid Inspection: None Scheduled.

Contact: Suzette Lopane, 914-995-
2443.

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From left, President Scott Tangredi of BOMA Westchester; Robert Weisz of the RPW Group; Westchester County Executive George Latimer; Timothy Jones of The Robert Martin Co.; James Fagan of Cushman & Wakefield and James Houlihan of Houlihan-Parnes Realtors, LLC.

Westchester Developers Bullish on Market for 2020s

By JOHN JORDAN

WHITE PLAINS—For the approximately 150 real estate and building executives assembled at a recent building and real estate luncheon on Jan. 9, many are hoping that Westchester developer Robert Weisz is as wise a prognosticator as he has been a real estate investor.

Mr. Weisz, a principal of RPW Group of Rye Brook, near the close of the roundtable discussion where he served as the moderator, offered the following prediction for the Westchester economy: "I predict that the next five to 10 years are going to be the most successful period that Westchester has seen probably in the last 50 years." He continued, "Everything is going in the right direction."

At the meeting, Mr. Weisz said there is less office inventory due to obsolete older buildings being redeveloped running parallel to the county's residential market, which is booming.

With those market forces in place, he noted, "The talent is moving to Westchester and I think there will be a reversal. In the last 100 years companies were located where the head of the companies lived or where it was more convenient for them. CEOs and chairmen, they lived in Connecticut and Westchester, that's where the companies went. Now that has changed, companies go where talent goes and that talent is moving to Westchester."

The BOMA session held at the Crowne Plaza Hotel in White Plains featured panelists Timothy Jones, CEO of Robert Martin Co. of Elmsford; James Fagan, senior managing director of Cushman & Wakefield; and James J. Houlihan, managing partner, Houlihan-Parnes Realtors, LLC of White Plains.

The panel was mostly upbeat about the office, industrial and flex markets and the prospects for the burgeoning biotechnology industry in Westchester County in the years to come.

Mr. Houlihan said the commercial real estate finance market is strong with plenty of available credit at continued historic low rates.

He added that at the present time there are not enough deals for the amount of credit available. "It is certainly a good time to be a borrower," Houlihan said.

However, Mr. Houlihan did level some harsh criticism on the political leadership in Albany and New York City. He specifically pointed at the rent reform legislation passed by the New York State Legislature and signed by Gov. Cuomo, which he termed as a "game changer" for the multifamily investment sector in the New York metro region.

Mr. Houlihan estimated that the value of rent-regulated multifamily properties likely decreased by 25% once the rent reform legislation went into law.

Mr. Fagan said there has been a significant

change in office market utilization, noting that five to 10 years ago, a 10,000-square-foot requirement would house approximately 40 workers. Today, that same 10,000-square-foot tenant will house upwards of 65 workers.

"What they (tenants) are looking for is an experiential fit as opposed to a market fit," Mr. Fagan said. He explained that companies are now looking to locate at properties where a host of amenities, including fitness and dining options are available.

Mr. Fagan and Mr. Jones agreed that while commercial brokers and investors in Westchester and Fairfield counties are hopeful that Millennials will eventually look to the suburbs to raise their families, which will in turn cause companies to shift operations out of New York City, the suburbs must offer more affordable housing options to these young professionals to succeed.

"If we don't create housing for these folks as they come out of these super-urban environments, they are going to go someplace else," Mr. Fagan said, noting that due to the high cost of living and operating in the New York metro region, many companies and workers are flocking to other less expensive markets in the Southeast and Southwest of the U.S.

Mr. Fagan noted that while markets such as Austin, TX have seen its workforce numbers skyrocket in the last three decades, employment in Connecticut and Westchester has lagged.

"If we don't do something to attract the largest generation as they start their family formations, good luck," Mr. Fagan warned.

He said that the office market in New York City is booming and filling up, and the opportunity is there for the suburbs to take advantage. However, the amount of growth will depend on whether the county can provide suitable office and housing options to the companies and its workers.

Robert Martin Co.'s Jones, who discussed the strong industrial/flex market and the company's recent launch of a biotechnology division (RMC BIO1) under the leadership of Lawrence Gottlieb, also indicated the issue of affordable housing in both the rental and purchase markets could factor into the health of the suburban economy in the years ahead.

"We have to figure out a way to provide affordable housing for the people who are leaving the apartments," he noted.

Mr. Jones noted that the housing market is booming in Charlotte, NC where Robert Martin owns Dunkin' Donuts retail stores. He said that workers are opting for longer commutes in order to buy a single-family home in the Charlotte region for \$275,000.

He added that Westchester County needs to not only do a better job of attracting Millennials, but also retain talented empty nesters.

ALBANY UPDATE



Hudson Highlands State Park, Cold Spring, NY

NYS Eyes 4,000 Acres in H.V. For Parkland, Open Space

ALBANY—Gov. Andrew Cuomo announced as part of his State of the State message that New York intends to preserve some 4,000 acres in the Mid-Hudson Valley for open space.

The latest open space acquisitions will expand a host of state parks, add new trails and viewpoints, as well as conserve ecological corridors. The acquisitions represent an investment of \$20.6 million in state funding from the Environmental Protection Fund and Hudson Highlands Conservation Act.

"The Mid-Hudson Valley is home to some of our state's most breathtaking natural resources and open space, and we're committed to ensuring these views and landscapes are protected for generations to come," Gov. Cuomo said. "These investments will allow us to add ecologically significant lands and new trails to seven state parks across the region, further promoting tourism and building on our efforts to strengthen this world-class outdoor destination."

State Parks will invest \$11.4 million in Environmental Protection Fund and Hudson Highlands Conservation Act funding to six parks beginning in 2020, including:

Hudson Highlands State Park Preserve (965 acres) – The new lands include two parcels:

- A 20-acre parcel that will create new trail routes, provide new views of West Point and the Hudson River, and connect Arden Point on the Hudson River with the remainder of Hudson Highlands State Park;
- The 945-acre Scofield Ridge that will protect the largest remaining private inholding in the Hudson Highlands, allow a public trail with breathtaking views and safeguard a significant ecological and biodiversity corridor through the 8,900-acre park in Dutchess and Putnam counties.

Minnewaska State Park Preserve (633 acres) – The purchase includes several parcels and is a major addition to the northeastern section of Minnewaska State Park Preserve in Ulster County, protecting a wilderness gorge through which the Peterskill stream flows and several rocky summits, including Dickie Barre, Ronde Barre and portions of Rock Hill. The assemblage will increase recreational opportunities on the north end of the park and protect important views both from the park and the adjacent Rondout Valley. The acreage will also protect important wildlife habitat and prevent fragmentation of the forest in the northern Shawangunk Mountains. The 24,000-acre park in Ulster County is the third largest state park in New York.

Schunemunk State Park (158 acres) – This major addition to Schunemunk State Park in Orange County will provide a critical link to an anticipated public trail between Schunemunk State Park and Storm King Arts Center, while protecting the Moodna Creek watershed.

Sterling Forest State Park (112 acres) – This land will create access to the 22,000-acre Sterling Forest State Park and to the Appalachian Trail from the western side of the park.

Rockefeller State Park Preserve (1 acre) – The parcel will remedy the longstanding lack of a formal entry to Rockwood Hall, a historic and impressive riverside section of the nearly 1,800-acre preserve in Westchester County, allowing appropriate signage and parking for public access.

Fahnestock State Park (150 acres) – This property will protect natural resources as well as connect the park to a local Scout Reservation that has a trail open to the public. The state is acquiring this through a partnership with the Hudson Highlands Land Trust.

The preservation of nearly 2,000 acres of open space in the region is already underway with previously acquired parcels, including some of the largest tracts of privately held land in the Shawangunk Mountains and Hudson Highlands west of the Hudson River, including: 808 acres at Schunemunk State Park, 740 acres at Minnewaska State Park Preserve, 404 acres at Harri-man State Park and 30 acres at the Hudson Highlands State Park.

More ALBANY UPDATE on page 18

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Attorney's Column

Appellate Court Finds Personal Liability Against Contractor's Principal Based on Independent Fraud

By THOMAS H. WELBY, P.E., ESQ. And GREGORY J. SPAUN, ESQ.

In many situations, the utility of commencing a lawsuit against a business entity, such as a corporation or a limited liability company, is questionable—particularly where the target of the lawsuit has numerous other claims and lawsuits against it. The chief concern is whether the defendant is adequately capitalized to satisfy the claims of its creditors; i.e.: whether a resulting judgment will actually be collectible. Accordingly, many plaintiffs also name corporate principals in an attempt to reach through the corporation and into another pocket from which to collect. The burden in piercing a corporate veil is high because the whole purpose of a business entity is to shield its principals from individual liability. However, an appellate court, in the recent case of *Belle Lighting, LLC v Artisan Construction Partners, LLC*, reminds us that there are other ways that corporate principals can be reached personally, even without having to pierce the corporate veil.

Background

In 2016, Belle Lighting entered into a contract with Artisan Construction Partners for Belle to provide lighting and electrical supplies to Artisan in connection with several construction projects, including one located at 1411 Broadway in Manhattan. Belle provided the required materials, but was never paid by Artisan. After Artisan ceased operations, Belle discovered that Artisan's principal, James Galvin, had forged lien waivers from Artisan's subcontractors and suppliers, including Belle, in order to get paid by the project's owner. Based on that, Belle not only sued Artisan on the breach of contract claim, but also sued Galvin, personally, to pierce the corporate veil and hold him liable for Artisan's obligations, and also for the fraud based on the forgery. Galvin was ultimately convicted and sentenced to one-and-a-half to four-and-a-half years in prison for the forgery. Unfortunately, the forging of lien waivers and other documents is not unheard of in our industry.

After discovery, Belle moved for summary judgment on its complaint, including its claim to pierce the corporate veil. Artisan and Galvin opposed, simply claiming there were questions of fact that needed to be sorted out by a jury.

Decision

The trial court granted Belle's motion from the bench and, on appeal, an appellate court affirmed. In affirming the grant of summary judgment to Belle, the appellate court noted



that although Belle failed to satisfy the requirements to pierce Artisan's corporate veil, Galvin could nonetheless be held liable to Belle based on his commission of a tort (here, the fraud of forgery), even though his participation in the fraud was for the corporation's benefit. Accordingly, judgment was entered against both the insolvent corporation and its principal.

Comment

While the appellate court once again referenced the high burden required to pierce a corporate veil—here, even the act of forgery and a resulting criminal conviction was not sufficient—it is important to remember that there is more than one way to skin a proverbial cat. One must look to the specific behavior of the corporate principal to determine whether that behavior is merely the action of a businessperson (even a bad one), or whether it rises to the level of independently tortious conduct. If the latter is the case, then one can sue the principal on the tort and need not go through the rigorous exercise

It is important to remember that there is more than one way to skin a proverbial cat. One must look to the specific behavior of the corporate principal to determine whether that behavior is merely the action of a businessperson (even a bad one), or whether it rises to the level of independently tortious conduct.

of attempting to hold him or her liable on the pierced-through contract claim.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester

and the Hudson Valley, and is the founder of the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, an attorney and a partner with the firm, co-authors this series with Mr. Welby.

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BOCES Plans Symposium for School Officials To Showcase Construction Career Opportunities



From left: Deputy Superintendent Lou Riolo of Putnam Northern Westchester BOCES hosted Matt Ross of the North Atlantic States Regional Council of Carpenters who spoke in late December about career opportunities in the Carpenters Union with construction masonry teacher Erik Cantamessa and George Drapeau of the Construction Industry Council.

YORKTOWN HEIGHTS, NY—Invited school administrators from 18 districts in the region heard construction industry representatives discuss employment opportunities at the annual information symposium hosted at the Putnam Northern Westchester BOCES Career and Technical Education Center here in late December.

Those attending included school administrators and counselors, psychologists, and social workers. Representing the construction and building industries were Matt Ross of the North Atlantic States Regional Council of Carpenters and George Drapeau of the Construction Industry Council of Westchester & Hud-

son Valley, Inc., based in Tarrytown, NY.

According to the Bureau of Labor statistics, employment of construction laborers is projected to grow 11% from 2018 to 2028, much faster than the average for other occupations.

The morning session on Dec. 21 was a precursor to a major exposition BOCES is organizing in late May 2020. BOCES plans to invite thousands of parents and their children in high schools and middle schools in a four-county area that also includes Rockland and Orange counties to meet with representatives of the Building Trades and contractors to discuss apprenticeship training and employment prospects.

Orange County Exec. to Seek RFP For Development at Camp LaGuardia

By JOHN JORDAN

CHESTER, NY—Orange County Executive Steven Neuhaus told a group of construction and organized labor leaders earlier this month that the county will put out a Request for Proposals for future development at the county-owned former Camp LaGuardia property in Chester and Blooming Grove, NY.

Mr. Neuhaus, who appeared at the Jan. 14 meeting of the Hudson Valley Construction Industry Partnership meeting at Glenmere Mansion here,

told CONSTRUCTION NEWS that he remains hopeful that Great Wolf Lodge Resorts Inc. will develop a resort facility in Orange County and possibly on the Camp LaGuardia property.

Back in late August 2018, County Executive Neuhaus reported that the hospitality firm was considering a “handful” of potential sites in Orange County, including the former Camp LaGuardia men’s homeless shelter complex in Blooming Grove and Chester, for a Great Wolf Lodge. The resort was to include a large hotel as

well as an expansive indoor and outdoor water park.

However, no deal has yet materialized. Mr. Neuhaus noted there has been a change in ownership at the company and that he held talks in December and had further discussions again with the new leadership on Jan. 14.

He said the company’s new leadership has given Great Wolf “the green light to move forward on projects that were on the (back) burner, including ours.”

There are a lot of sites in Orange County that make

sense for the company and one in particular that has sparked interest is the former Camp LaGuardia site, he noted. Other potential properties that could work for Great Wolf is the Loop project in Newburgh, that had been proposed for a large retail complex a few years ago, as well as the former Nepera Chemical property in Harriman, he noted.

Mr. Neuhaus said he would like Great Wolf Lodge to locate at the former Camp LaGuardia site, telling the newspaper that he is not “married” to the idea

Please turn to page 18



Orange County Executive Steven Neuhaus reviews a map of the Camp LaGuardia property during a tour of the nearly 260-acre complex several years ago. FILE PHOTO

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Safety Watch

Suicide Rates in Construction Beg National Attention

By GEOFFREYS. POPE, ESQ.

Having worked on these articles for 14 years, I was startled to learn only recently that construction workers (who in the statistical studies are coupled with miners and other "extraction" workers) are the second highest job classification for the risk of suicide. Construction workers take their own lives at a rate roughly four times the overall U.S. average.

The current opioid epidemic, while compounding the risk factors for suicide generally, has stricken construction workers especially hard, as that demographic frequently suffers injuries that lead to prescriptions for pain medications, which may lead to addiction.

Opioid abuse is associated with a 75% increased likelihood of a suicide attempt.

Another exacerbating factor is that military veterans, with their mission-oriented way of looking at life, often "enlist" in construction work after leaving the service. Vets, many of whom have experienced physical and emotional trauma, are a demographic that, overall, has a suicide risk approximately 50% higher than those never in the military.

There are multiple additional factors that contribute to the elevated risk of suicide among construction workers. Such factors include heavy workloads, tough, physical work and wear on the body, time and other performance pressures, travel and family separation, issues with drugs, alcohol, and gambling, sleep issues due to shift work, few lasting workplace connections due to limited project duration and a largely transient workforce, job insecurity and the fear of redundancy, seasonal unemployment and end-of-project furloughs (and associated financial issues) and a culture that includes stoicism, risk-taking, "old school" toughness, and bullying.

The most at-risk demographic for suicide is white males between ages 45 and 54, a group well-represented in the construction workforce. Overall, most people who die of suicide are of working age, and most people spend more time, by far, in the workplace than they spend at home with their families.

There are no OSHA standards requiring risk recognition training, mental health screening, crisis intervention, the provision of employee assistance programs, or other measures aimed at preventing suicide.

Nevertheless, you ought to consider including mental health issues and suicide prevention in your safety program. Supervisory and non-



supervisory employees should be trained to recognize warning signs. Among the more obvious signs are talking about wanting to die, or feelings of being trapped, or hopeless, or a burden to others, or indications that one is getting his (or, rarely, her) affairs in order. Other, less dra-

matic signs include increased tardiness and absenteeism, an increase in drug or alcohol use, decreased productivity and self-confidence, isolation from (or conflict with) co-workers, extreme mood swings, and reckless, impulsive, or agitated behavior.

Risk factors for suicide also include divorce or other relationship losses, a history of trauma, major illnesses, prior suicide attempts, suicides among family members or close friends, financial stresses, access to guns, a lack of a personal or professional support network, and a cultural background that stresses

manliness and self-sufficiency, and disdains seeking help for mental health issues.

thought, one or more of your close friends and family members have had them, whether you know of it or not. Most people overcome such thoughts, and many go on to happy and fulfilled lives.

Showing support for people who are struggling, and possibly wrestling with suicidal thoughts will often make a huge difference. Demonstrations of compassion and support can have a major effect on a troubled individual's mood and sense of connection.

Management, human resources and safety personnel
Please turn to page 22

Construction workers (who are coupled in the statistical studies with miners and other "extraction" workers) are the second highest job classification for the risk of suicide.

Construction workers take their own lives at a rate roughly four times the overall U.S. average.

Thoughts of suicide do not typify weak or unworthy individuals. Chances are, even if you have never had a suicidal

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Coalition Urges Gov. Cuomo, Lawmakers To Boost NYSDOT Five-Year Capital Plan

Continued from page 1

"These suggested increases are necessary in order to provide the public with a safe and functional transportation system, one that supports jobs and economic growth for our communities," she said.

"This is such an important partnership," added Sen. Shelley Mayer (D-Westchester). "Rebuild NY Now pledges to push the executive (branch) to put the money into the budget for a five-year capital plan that makes sense for all of our districts, all of our regions and all of the state—and our neighbors and our friends—who are busy in good union jobs doing the work that we know needs to be done."

Sen. Mayer said that she and her colleagues have fought hard to secure funding for I-684 improvements and for Route 100 (Central Avenue) from Tuckahoe Road south—upgrades that were both not part of NYSDOT's five-year capital plan.

"These are essential parts of our infrastructure and should be part of our five-year plan," she said. "They should be long-term structural investments that make sense for the drivers and the people of our community."

John Cooney, Jr., executive director of the Tarrytown-based Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC) said, "Funding of our infrastructure is



State Sen. Peter Harchkham (D-WF 40th District) believes the state can find the revenue to adequately fund highway and bridge repairs, in spite of a \$6-billion state budget deficit.

Photo Credit/DAVID ROCCO

leased his FY2020-21 budget proposal containing his proposal for a two-year, \$11.9 billion plan for the state's DOT capital program.

"We are disappointed with the two-year term of the proposed capital plan but we understand that it is impractical to plan an overall transportation investment lacking a federal highway authorization," CIC's Mr. Cooney opined. "We encourage all New York State government leaders to fund a NYSDOT five-year capital plan in the range of \$35 billion to \$40 billion as soon as a federal highway funding plan is reauthorized."

A host of organized labor leaders were on hand at the Jan. 17 press conference in Elmsford, NY, to lend support to the Rebuild NY Now's efforts. Among the members of organized labor included: Edward Doyle, president of the Building & Construction Trades Council of Westchester & Putnam Counties; Jeff Loughlin, business manager of Operating Engineers L.U. 137; Stephen J. Reich, business manager of Laborers L.U. 754; Anthony Ascencao, business manager of Laborers L.U. 60 and Barry Russell, business manager of Teamsters' L.U. 445.

Teamsters L.U. 456 President Louis Picani said the turnout at the event and participation by the many construction management and organized labor organizations, along with the support of elected officials from state, county and local governments, clearly show that infrastructure funding must be a priority. More than 80 people attended the press conference and rally.

"The neglect and erosion of infrastructure in New York State and here in Westchester County is an unfortunate sight," Mr. Picani said. "We were provided with strong infrastructure proudly built by generations before us and because of the lack of maintenance those foundations that were once resilient are now crumbling beyond repair."

He continued, "Rebuilding and revitalizing our transportation infrastructure should be prioritized to address the crucial role for employees of present and future generations. Action needs to be taken immediately to remedy this infrastructure crisis as conditions are worsening with each passing day."

Westchester County Executive Latimer said the county has been attempting to increase capital spending on county roadways and noted that the federal government must also commit to increased spending and a long-term transportation infrastructure spending plan.

"Federal infrastructure improvement should be the bi-partisan issue of America today," Mr. Latimer said. "There should be a discussion of the ways and means but not a discussion of the necessity of doing it."

An aligned organization called 17-Forward-86 is advocating for \$500 million to be included in the next NYSDOT capital plan to fund the expansion of Route 17 in Orange County and to undertake the improvements needed to upgrade the vital roadway to federal interstate standards to become I-86.



Westchester County Executive George Latimer stressed that the federal government must also help fund the improvement of the region's deteriorating road network and pass a long-term transportation funding plan. Photo Credit/DAVID ROCCO

a smart investment. Our investment is falling behind. It puts people to work and provides living-wage jobs."

In subsequent testimony to a New York State panel on transportation, Mr. Cooney emphasized, "It is evident that our federal government continues to neglect highway funding, so it becomes the responsibility of all states, including New York State, to increase the level of highway spending to address the backlog and stay current with maintenance and improvements."

Among the host of elected officials who offered remarks at the press event included State Sen. Peter Harchkham, who said that examples of the state's crumbling infrastructure are evident on many state roads and bridges and should make the case for "the pressing need to repair, restore and renovate our critical infrastructure, especially roadways, bridges and transportation hubs."

While acknowledging Gov. Cuomo's call for a \$3-billion environmental bond act and a projected \$6-billion budget deficit, Sen. Harchkham told CONSTRUCTION NEWS that the state can find the necessary revenue and funding sources to improve its roads and bridges. He noted that lending rates are at historic low levels at the moment.

"It's time for comprehensive investments in our state's infrastructure, strong, collaborative leadership and a momentous commitment to assessing what needs to be done—and then completing the work," Sen. Harchkham said. "Moreover, these investments are proven to grow our economy, attract business and create good-paying jobs."

On Tues., Jan. 21 Gov. Andrew Cuomo re-



Despite the bids coming in over budget, Rockland County Executive Ed Day vowed the job to build new Rockland County Highway Department facilities will move forward.

Rockland Highway Garage Project Will Move Forward: County Exec. Day

By JOHN JORDAN

CHESTER, NY—Rockland County Executive Ed Day said that bids for the long-delayed project to build a new Highway Department complex on vacant land in Chestnut Ridge have once again come in too high.

The Rockland County Highway Department put the project out to bid on Dec. 19 and extended the bid opening until Jan. 9. However, speaking at a meeting in mid January to construction industry executives and union officials on Jan. 14, Mr. Day reported that the bid proposals came in over budget.

"The Highway Department project is not going to die," Mr. Day noted. "I am not going to repeat the mistakes made years ago... There is an issue with the cost right now. We will deal with the issue." He said that his administration was scheduling meetings to examine some of the cost drivers of the project in order to allow the project to move forward.

"At the end of the day, two things will happen: we are going to do it... and we will do it at a price that makes sense for the taxpayers of Rockland County," Mr. Day pledged.

The project, which has been under consideration for more than a decade, had been put out to bid some years earlier, but the low bid in that solicitation came in at approximately \$35 million, over the budgeted \$29.5 million.

The low bid for the recently let project was submitted by Worth Construction, but it was approximately \$5 million over the project estimate of \$29.5 million. The estimate provided by the county's own construction manager Helmer-Cronin was about \$33 million, which narrows the difference between the estimate and the low bid.

The second and third bids were considerably higher, at \$39.8 million and \$41.2 million. "Worth is well known in the region and has successfully performed schools and other public facilities," a Rockland County official stated.

The project was first proposed some 13 years ago amid a financial crisis wherein county government was nearly insolvent. Since then County Executive Day and the County Board of Legislators have taken measures to reduce debt and secure revenues to make the county fiscally responsive to the needs of county residents, and the county economy is growing—with the DPW project given new life.

The Rockland Board of Legislators is expected to review the bids to determine if the project moves forward.

The county recently signed a project labor agreement on the project with the Building & Construction Trades Council of Rockland County.

The seven-building complex on a vacant 24-acre site in Chestnut Ridge will involve the construction of 114,000 square feet of space, including administrative offices, a large vehicle storage facility to house its \$22-million fleet, a repair shop, cold storage building, salt shed, truck wash and fuel station.

Mr. Day said that relocating the Highway Department facilities to Chestnut Ridge, with its plow trucks and drivers, will be closer to where they need to be. The improvement in the deployment capability and operations of the Highway Department is projected to save the county approximately \$200,000 a year.

The relocation of the Highway Department facilities from New City comes at a time when the county is reconfiguring its Pomona complex and bringing many county government operations to that one location.

Rockland Superintendent of Highways "Skip" Vezzetti said the Chestnut Ridge property is located at the center of southern Rockland County and near major roadways—the Palisades Interstate Parkway, the Garden State Parkway, New York State Thruway, as well as Pascack Road and Route 59.

At the new complex, the highway department's "vehicles can get out and get onto our major roadways and throughout the county much faster," Mr. Vezzetti said.

He said the new complex is designed as a first-class facility and will replace the oldest continuously operated highway garage in New York State.

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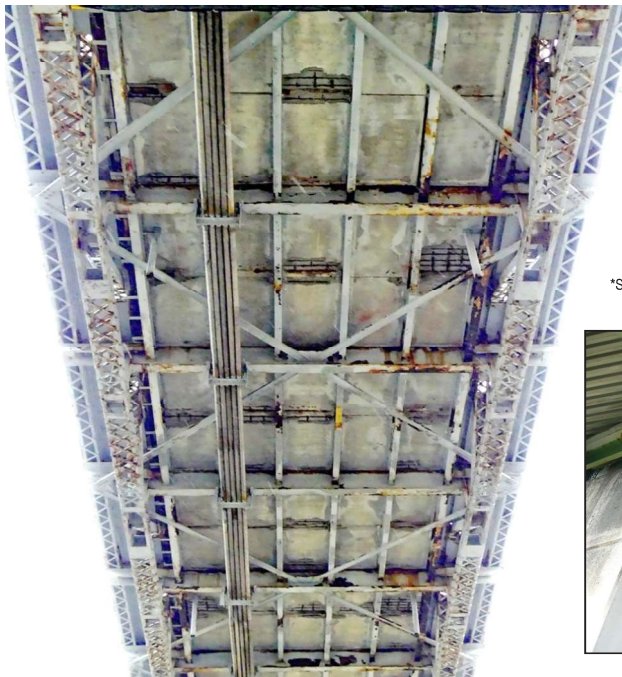
The worst bridges in the Hudson Valley region—those rated in poor/structurally deficient condition—carry some 2.6 million vehicles each day. Of the region’s 25 worst bridges with the highest average daily traffic, 11 are located in Orange, Dutchess and Ulster counties.



Dutchess County – Beacon RT 84/RT 9D



Orange County, Town of Newburgh, NYS Thruway/Meadow Hill Rd.



Rondout Creek Bridge, Kingston

13%
of H.V. Bridges
Totalling 329*
Beg Capital Improvements

*SOURCE: TRIP, a Washington DC-based national transportation non-profit research firm. September 2019



Putnam County, Town of Kent, RT 84/Homes Rd.



Ulster County, Kingston, RT 209/RT 28



Dutchess County, East Fishkill, RT 84 EB/Taconic State Parkway SB

WASHINGTON UPDATE

Trump Environmental Modernization Reforms Will Spur Infrastructure Improvements: ARTBA

WASHINGTON—The Trump administration's recent proposals to modernize the National Environmental Policy Act (NEPA) will both reduce delays to key transportation improvements projects and maintain environmental safeguards, according to the American Road & Transportation Builders Association.

"It can take up to seven years to complete the environmental review process for a new federal-aid project. That's too long," ARTBA President Dave Bauer said. "The Trump administration's common sense reforms will help speed up the delivery of U.S. transportation infrastructure projects. Streamlining the NEPA process is essential to assuring that the government is making every transportation dollar go as far as possible while preserving a commitment to our environment."

Mr. Bauer was among a select group of business leaders present Jan. 9 at a White House briefing as President Donald Trump made the announcement.

The full effects of the Trump environmental reform proposal, Mr. Bauer noted, won't be felt until Congress addresses the other most pressing transportation policy issues: a permanent revenue solution for the Highway Trust Fund and passage of a new highway and transit investment bill.

"The best next step is for Congress to approve a robust, multi-year transportation infrastructure investment bill that Republicans, Democrats and the president have been calling for since the 2016 elections," he said.

NEPA was last updated more than 30 years ago. The statute is an essential tool for protecting the environment, but its outdated review procedures have delayed—sometimes for years—desperately needed transportation improvement projects, while offering no tangible environmental benefits.

The proposed changes to NEPA would result in a swifter review process without impacting existing environmental standards. Transportation projects also still must meet a myriad of additional requirements to comply with the federal Clean Air Act, Clean Water Act, Endangered Species Act and other laws.

In previous regulatory comments and in legislative testimony, ARTBA noted that NEPA plays "a vital role in protecting the public interest in the transportation project review and approval process. It provides a sense of predictability and ensures a balance between meeting our nation's transportation needs and protecting vital natural resources. These goals, however, do not have to be in conflict, the association stated. The most successful transportation streamlining provisions have been process oriented and have essentially found a path for regulatory requirements to be fulfilled in a smarter and more efficient manner."

ARTBA said it will submit extensive comments in support of the Trump administration's NEPA proposal as part of the public review process.

USDOT Announces \$900M Available For Future Infrastructure Investments

WASHINGTON—U.S. Department of Transportation Secretary Elaine L. Chao announced on Jan. 13 the latest round of the Infrastructure for Rebuilding America discretionary grant program, which is making available more than \$900 million for infrastructure investments across the nation.

The INFRA program is expected to award \$906 million to significant projects that support the administration's focus on infrastructure improvements as outlined in the NOFO.

"The Department will invest more than \$900 million in major projects that will improve transportation infrastructure, economic productivity, and quality of life across our nation," said U.S. Secretary of Transportation Elaine L. Chao.

The department will make awards under the INFRA program to large and small projects. For a large project, the INFRA grant must be at least \$25 million. For a small project, the grant must be at least \$5 million. For each fiscal year of INFRA funds, 10% of available funds are reserved for small projects.

The department will award at least 25% of INFRA grant funding to rural projects, which often play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and elevated fatality rates on our rural transportation infrastructure is a key objective of the department. For rural communities in need of funding for highway and multimodal freight projects with national or regional economic significance, INFRA is an opportunity to apply directly for financial assistance from the federal government.

INFRA grants may be used to fund a variety of components of an infrastructure project, however, the department stated it is specifically focused on projects in which the local sponsor is significantly invested and is positioned to proceed rapidly to construction.

Eligible INFRA project costs may include: reconstruction, rehabilitation, acquisition of property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, equipment acquisition, and operational improvements directly related to system performance.

EPA Jumpstarts Cleaner Trucks Initiative

WASHINGTON—U.S. Environmental Protection Agency (EPA) Regional Administrator Pete Lopez outlined earlier this month concrete steps EPA is taking to advance the Cleaner Trucks Initiative (CTI).

Joined by the Port Authority of New York and New Jersey, the City of Newark and the NJ Motor Truck Association at the event staged at Port Elizabeth, NJ, the Regional Administrator spoke about the CTI rulemaking which will establish new, more stringent emission standards for oxides of nitrogen (NOx) and other pollutants for highway heavy-duty engines. Through this Advance Notice of Proposed Rulemaking (ANPR), the EPA is seeking input from the public and interested stakeholders.

"The trucking industry touches nearly every part of our economy. A strong and resilient trucking industry is imperative to maintaining a strong and resilient economy. Through this initiative, we will modernize heavy-duty truck engines, improving their efficiency and reducing their emissions, which will lead to a healthier environment," said EPA Administrator Andrew Wheeler. "The U.S. has made major reductions in NOx emissions, but through this initiative we will continue to reduce emissions, while spurring innovative new technologies, ensuring heavy-duty trucks are clean and remain a competitive method of transportation."

"I encourage regional input from industry, community groups, government agencies and other stakeholders on this new initiative," said EPA Regional Administrator Pete Lopez. "This rule will have a major impact on improving air quality in the future and the reduction on pollutants from heavy duty trucks will help our

states meet their air quality goals."

Besides Regional Administrator Lopez, Port Authority of New York and New Jersey Port Department Director Sam Ruda, Newark Mayor Ras Baraka and NJ Motor Truck Association Executive Director Gail Toth also attended.

The rulemaking will also offer opportunities to streamline and improve certification procedures to reduce costs for engine manufacturers. This action follows on the petitions from more than 20 organizations, including state and local air agencies, to revise and promulgate more stringent NOx standards.

From 2007 to 2017, U.S. NOx emissions dropped by more than 40%, but there is more work to be done. Today, more than 100 million people live in areas of nonattainment for ozone and particulate matter (PM), and according to EPA estimates, heavy-duty vehicles will continue to be one of the largest contributors to NOx emissions—a precursor of ozone and PM formation—from the transportation sector in 2025. Updating these standards will result in significant mobile source NOx reductions, which will aid communities across the country in achieving ozone and particulate matter attainment with EPA's National Ambient Air Quality Standards program.

EPA last revised NOx standards for on-highway heavy-duty trucks and engines in January 2001. Pursuant to the Clean Air Act, the CTI will provide manufacturers sufficient time to comply with new standards and ensure that updated standards consider feasible emissions control technologies.

EPA intends to publish a proposed rule in early 2020.

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Mid-Hudson Region Nets \$23 Million For Repair of Storm-Damaged Roads

ALBANY—Governor Andrew M. Cuomo announced on Jan. 23 a total of \$151 million in new funding for the renewal of state roadways impacted by extreme weather events. The state funding will support 95 paving projects and the renewal of approximately 1,013 lane miles of pavement across the state, including at least one project in every county and the City of New York.

The new funding, provided through the PAVE NY Initiative, complements \$743 million in direct state aid provided for local road and bridge projects that helped renew approximately 3,700 lane miles of road across New York State.

The pavement renewal projects in the Mid-Hudson Valley to be funded through PAVE-NY include approximately \$22.7 million in projects to renew 113.5 lane miles of roads in Westchester, Rockland, Putnam, Orange, Dutchess, Ulster and Sullivan counties. They include:

- \$1.5 million to renew Route 100B Paving from Sprain Brook Parkway to Route 119 in Westchester County;
- \$2 million to renew Route 120 Paving from Whipoorwill Crossing to Ridgewood Terrace in Westchester County;
- \$1.6 million to renew Route 202 from Meade Drive to Route 9W in Rockland County;
- \$1.5 million to renew Route 211 from Goshen Turnpike to Route 416 in Orange County;
- \$600,000 to renew Route 94 from Route 9W to Old Forge Hill Road in Orange County;
- \$450,000 to renew Route 32 from Union Avenue to Old

Temple Hill Road in Orange County;

- \$1.9 million to renew Route 22 from Doansburg Road to Old Route 22 in Putnam County;
- \$521,000 to renew Route 22 from Milltown Road to Overlook Lane in Putnam County;
- \$860,000 to renew Route 82 from the Taconic State Parkway to Clove Branch Road in Dutchess County;
- \$1.5 million to renew Route 32 from the Orange County line to Route 44/55 in Ulster County;
- \$635,000 to renew Route 82 from Route 199 to the Columbia County line, Dutchess County;
- \$195,000 to renew Route 199 from Factory Lane to Schultz Hill Road in Dutchess County;
- \$1.5 million to renew Route 44/55 from Chapel Hill Road to Route 208 in Ulster County;
- \$2.6 million to renew Routes 17B, 52A and 52 from Route 97 to Miller Road in Sullivan County;
- \$2 million to renew Route 306 from Route 59 to Viola Road in Rockland County;
- \$1.3 million to renew Route 128 from School Street to Wrights Mill Lane in Westchester County
- \$500,000 to renew Route 118 from Route 100 to Route 129 in Westchester County and
- \$1.5 million to renew Route 52 from Boniface Drive to Village of Walden Line in Orange County.

NYC UPDATE

MTA Issues RFP For 23 D-B Stations

NEW YORK—The Metropolitan Transportation Authority announced on Jan. 2 it was seeking qualified design-build teams to bring accessibility to 23 stations across the five boroughs as called for in the MTA's 2020-2024 Capital Plan.

The teams will make full vertical accessibility at the stations by installing elevators and making other improvements in accordance with the Americans with Disabilities Act.

These expedited design-build contracts will be awarded to the companies whose proposals offer the best value to the MTA based on an evaluation of qualitative factors as well as cost and schedule.

"Accessibility is a top priority for the MTA, and we are committed to completing these accessibility projects as quickly as possible," said MTA Chairman and CEO Patrick J. Foye. "The Capital Plan's historic \$5.2-billion investment in accessibility brings us one step closer to creating the equitable transit system New Yorkers deserve."

"We are going to deliver these accessibility improvements better, faster and more efficiently, not only by requiring design-build, but also by bundling these projects across MTA agencies to take advantage of proximity," said MTA Chief Development Officer Janno Lieber. "Innovation is the driving force of this approach."

Work at each station will generally include the design and construction of: two to three new elevators per station, structural and excavation work to accommodate new elevator installations, electrical power upgrades when necessary, relocation of existing public and transit utilities, replacement, relocation and/or addition of staircases from street to mezzanines and mezzanines to platforms and reconstruction of entire platform edges and/or reconstruction of ADA boarding areas.

Additional work may be necessary based on existing conditions at the stations, including: platform reconstruction, windscreen and canopy replacement, architectural finishes replacement, structural steel and concrete repairs, waterproofing and lighting and communication systems replacement/upgrade.

The 23 stations included in this procurement:

The Bronx
 Brook Ave., 6 Subway
 E 149 St., 6 Subway
 Wakefield Metro-North
 Wakefield-241 St., 2 Subway

Brooklyn
 7 Ave. F Subway, G Subway
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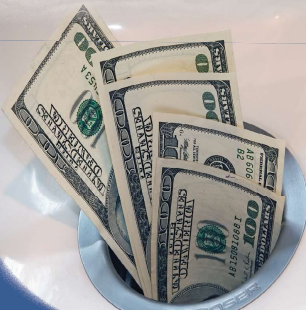
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AGE
 24

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 2013, 2015, 2016 and 2017
 "The CIC Nappi Scholarship was a great help to me."

EDUCATION
 BS in Civil Engineering with a minor in
 Environmental Engineering. Manhattan College,
 Riverdale, NY

"I had always enjoyed math, architecture,
 and building. For me, these subjects merged
 in engineering."

QUOTES
 "Two roads diverged in a wood, and I—
 I took the one less traveled by,
 And that has made all the difference." —Robert Frost

"If you really want something, apply yourself,
 and don't give up. Keep your eyes on the prize
 and don't look back." —Samantha Cachoian

HOBBIES
 Hiking and biking

Researcher and Writer—Alan Kennedy

The Louis G. Nappi Labor-Management Scholarship Program was named in honor of CIC Chairman Emeritus Louis G. Nappi.

Since the inception of the Louis G. Nappi Construction Labor-Management Scholarship Fund in 2009, more than \$600,000 has been awarded to 66 students sharing in a total of 153 grants over the years. This financial support has made possible tuition aid to attend some 43 colleges and universities throughout the United States.

"By awarding these scholarships, it is our vision—with labor and management united—to encourage the brightest students to consider and pursue careers in construction and engineering."
 —Louis G. Nappi, 1920 – 2014

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ALBANY UPDATE

NY Sends More Federal Tax Dollars To Washington Than It Gets: DiNapoli

ALBANY—New York paid \$26.6 billion more in taxes to the federal government in federal fiscal year (FFY) 2018 than it got back in federal spending, ranking it last among the states, according to a report released on Jan. 14 by New York State Comptroller Thomas P. DiNapoli.

"For every dollar New York generates in tax receipts it receives 90 cents back in federal spending, compared to the national average of \$1.21," Mr. DiNapoli said. "We're already getting less from Washington than what we give, which makes the upcoming 2020 Census so critical. New York must do all it can to ensure a complete and accurate count of its residents to maximize our population count, which impacts our federal aid and representation in Congress."

New York was one of just seven states that paid more tax dollars than it received back in spending, with a per capita deficit of \$1,363. Per capita balance of payments is the difference between taxes paid to Washington and federal spending received. Only the neighboring states of New Jersey (-\$2,792) and Massachusetts (-\$1,419) fared worse.

Seven of the 10 states with the largest positive balances of payments were in the southern or southwestern parts of the country. New Mexico had the top balance with a per capita surplus of \$10,671, followed by Mississippi (\$8,939), Alaska (\$8,727), West Virginia (\$8,536) and Virginia (\$8,189).

The gap has consistently remained negative from \$19.9 billion in 2013 to \$40.9 billion in 2016 and \$24.1 billion in 2017. New York's

Please turn to page 19

RFP For Development At Camp LaGuardia

Continued from page 10
that the resort owner develop its project there.

In that vein, he said that Orange County will issue a Request for Proposals for the Camp LaGuardia property in February.

"I have a lot of people who have already contacted me who want to do different projects there," Mr. Neuhaus added, noting the RFP will be structured in a manner where an investor/developer could select a portion of the property to acquire or could choose to purchase the entire site.

The county's Department of Public Works did some site clearing and cleanup work at the Camp LaGuardia property in the fall, leaving intact some of the vacant but structurally sound brick buildings.

Orange County took control once again of the nearly 260-acre property in 2016 after a proposal by Scarsdale, NY-based Mountco Construction and Development failed to move forward.

Orange County acquired the property from the City of New York for approximately \$8.5 million in 2007. Mountco bested several other bidders for the right to redevelop Camp LaGuardia.

The property was established as a shelter for New York City's homeless in 1934, the facility was built in 1918 and served as a correctional facility for women until 1934 when it was transferred to the city's Welfare Department and named "Camp Greycourt." The camp was renamed Camp LaGuardia in 1935. The purpose of the camp was to provide temporary relief for the unemployed. Prior to World War II and through the late 1950s, the camp included a 191-acre farm, which provided food for the residents and to which up to 150 residents were

assigned to work. In its heyday, the camp housed more than 1,000 homeless men from New York City.

The closure of Camp LaGuardia was announced in November 2006 by New York City officials as part of Mayor Michael Bloomberg's five-year plan to reduce homelessness in New York City.

Great Wolf Resorts, Inc., currently has 18 locations across North America with the closest location being the Great Wolf Lodge Pocono Mountains, which opened in 2005.

If the Great Wolf project moves forward at Camp LaGuardia, the venture would add a third major attraction along Route 17 in Orange County that already features the popular Woodbury Common Premium Outlets in Central Valley and the \$500-million LEGOLAND New York theme park under construction in Goshen. LEGOLAND New York is scheduled to open in July.

Further up Route 17 is the more than \$1-billion Resorts World Catskills Casino in Sullivan County and the adjoining Kartrite Hotel & Indoor Water Park.

LEGOLAND New York and Great Wolf have one thing in common, the investment firm Blackstone. In October, an affiliate of Blackstone acquired a 65% controlling interest in Great Wolf Resorts, Inc. As part of the transaction, Blackstone and Great Wolf owner Centerbridge will form a new \$2.9-billion joint venture to own the Chicago-based resort firm.

Blackstone was also involved earlier this year in taking private the parent company of Lego, Merlin Entertainment. Lego's founding family and Blackstone's deal to take Merlin private was valued at \$7.5 billion, according to published reports.



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PBGC OKs Merger of Locals 235 and 1000 Pension Funds; Multiemployer Pension Reforms Aid to Extend Solvency

WASHINGTON—Two labor union local multiemployer pension funds have joined forces under a facilitated merger thanks to a reform measure of the Pension Benefit Guaranty Corp. On Jan. 14, PBGC announced its first approved facilitated merger under the Multiemployer Pension Reform Act of 2014 (MPRA). Under this authority, PBGC may provide financial assistance to help merge two multiemployer plans in order to extend the solvency of a financially distressed plan.

Beginning this month, PBGC will provide three annual installments of \$8.9 million to assist in the merger of the Laborers International Union of North America 1000 Pension Fund (Local 1000 Plan) with the Laborers Local 235 Pension Fund (Local 235 Plan). The first payment was made on Jan. 15, it was reported.

Matthew Berger, an attorney for Local 235, said that with the \$28.7 million from the PBGC, the Laborers Local 235 Plan is projected to be 100% funded in the same plan year as it would have been if the pension fund hadn't merged, he told CONSTRUCTION NEWS.

"If the local 1000 Pension Fund were to become insolvent, it would have been unable to pay the full benefits

that pension plan participants had accrued," Mr. Berger added. "Instead, the pensioners would have received the PBGC-guaranteed benefit levels, which were likely to be less than the fully accrued benefits."

"PBGC's mission is to protect the retirement security of workers and retirees in defined benefit plans, and helping plans merge is one way we can do that," PBGC Director Gordon Hartogensis said. "Through this facilitated merger, we are preventing a failing plan from going broke and preserving benefits in a financially responsible way."

Of the two merged plans, Local 1000 (of Poughkeepsie, NY) and Local 235 based in Elmsford, NY, the Local 235 Plan is a "green zone" plan covering more than 1,100 participants. The Local 1000 Plan covers over 400 participants and was projected to become insolvent in 2026. PBGC expects that this merger will reduce the agency's long-term loss with respect to the Local 1000 plan and will not affect participants and beneficiaries of the Local 235 Plan.

Management representative Ross J. Pepe of the Con-

struction Industry Council of Westchester & Hudson Valley, Inc., who serves as a trustee on Local 1000 Pension Fund said, "This is the best possible outcome anyone involved in this

contributing factor was the economic impact from the downturn of the Great Recession, which caused work slowdowns through 2012 and 2013. "With a plan facing insolvency

does not impair the agency's ability to meet its existing financial assistance obligations to other multiemployer plans.

Plan participants can contact Local 235 Plan at (914) 592-3331 with any questions regarding the anticipated effects of the merger.

—George Drapeau, with combined industry reports.

"Through this facilitated merger, we are preventing a failing plan from going broke and preserving benefits in a financially responsible way."

—Gordon Hartogensis, PBGC Director

About PBGC: PBGC protects the retirement security of more than 35 million American workers, retirees, and beneficiaries in both single-employer and multiemployer private-sector pension plans.

The agency's two insurance programs are legally separate and operationally and financially independent. PBGC is currently responsible for the benefits of about 1.5 million people in failed pension plans and receives no taxpayer dollars. The Single-Employer Insurance Program is financed by insurance premiums, investment income, and assets and recoveries from failed single-employer plans. The Multiemployer Insurance Program is financed by insurance premiums and investment income. For more information, visit PBGC.gov

matter could have envisioned. All trustees, consultants and administrators of both funds are to be congratulated on their tenacity in seeking this resolution—despite the long odds against the merger and PBGC's support."

Mr. Berger, who is with the law firm of Barnes, Iaccarino & Shepherd in Hempstead, NY, cited several factors that led to the Local 1000 Pension Fund woes. Among them was the "downsizing" of one of the largest employer-contributors to the fund, he told CONSTRUCTION NEWS. He noted another

in the next several years, we are proud participants in the Local 1000 Fund. Those who were previously facing a reduction in their pension will continue to receive the benefits they accrued during their careers," he said.

Under MPRA, PBGC has the authority to facilitate plan mergers under certain conditions, including when one or more of the plans involved is projected to run out of money within 20 years. Plans can apply to PBGC for financial assistance to help facilitate a merger, provided that the assistance

NY Sends More Federal Tax Dollars To Washington Than It Gets: DiNapoli

Continued from page 18

FFY 2018 balance of payments deficit of \$26.6 billion resulted from an increase of \$4 billion in taxes paid by New Yorkers and a \$1.5-billion increase in federal spending in the state, compared to FFY 2017.

Overall, New York generated 8% of the \$3.2 trillion in federal tax receipts in FFY 2018, nearly \$254 billion, while receiving 6% or \$227 billion of total federal spending examined for the analysis. On a per capita basis, federal tax revenues from New York were more than a third higher than the national average, partly because of higher incomes in the state.

The State Comptroller's report also noted:

- New York received \$138.1 billion in direct payments, including those to individuals who receive Social Security, Medicare, benefits for veterans and retired federal employees, and food assistance, which was close to the average among states on a per capita basis. Major programs for which the state received higher-than-average per capita expenditures include Medicare, food assistance and Supplemental Security Income.

- New York was second in the country in grants to state and local governments, receiving \$69.8 billion. Medicaid makes up more than half of all federal spending for such grants and the state's per capita Medicaid funding from Washington ranked first among all states.

- In two other major categories—procurement and federal employee compensation—federal spending in New York was less than half of the national average on a per capita basis. The state's combined total, \$19.3 billion, was 2.5% of the nationwide total.

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Regional Labor, Elected Officials See Strong Market for Construction in 2020

Continued from page 4

stown and Orangetown are all expected to release projects in the coming season.

Unlike other markets areas that are still growing, Mr. Reich believes the work in Rockland will return to what he later called average levels. The pause will give the building trades the capacity to focus on winning back smaller projects that had fallen by the wayside over the past four years following several years of strong investment activity in the county.

"We are going to be a little more aggressive and try to lock down some of the smaller stuff out there," Mr. Reich said.

Stakes are High in Albany

John Cooney, executive director of CIC, addressed the leaders with a clarion call to re-

new and advance the five-year state DOT capital plan, which expires on March 31, 2020. With the threat of budget reductions due to the projected \$6-billion budget shortfall for the coming fiscal year, he stressed that Downstate New York serves as the main economic driver for New York State's economy. He called on industry members to add their voices in urging state lawmakers and the NYS DOT to increase the state's capital program funding in the upcoming fiscal year budget, beginning April 1.

Included is the need for \$500 million to help fund expansion of Route 17 in Orange and Sullivan counties.

Mr. Cooney also noted that municipal and county Industrial Development Agency

programs are important tools to help keep New York State competitive with both lower costs states in the south and far west and with neighboring states of New Jersey and Connecticut.

Despite being at times criticized by local elected officials and advocacy groups, claiming the mortgage recording and sales tax reductions by cities and counties to developers as being the equivalent of "corporate welfare," Mr. Cooney argued that the industry needs to convey the importance IDAs play in incentivizing new development projects and corporate expansion programs.

"Many of these real estate development projects would simply not occur without the partnership with the municipi-



Greg Lalevee
Business Manager of
Operating Engineers L.U. 825

palities that inure benefits in the form of economic stimulus for temporary construction work and long-term jobs," he said.

Members of the Building Trades noted they are working to convince some IDAs to require prevailing wage or other workforce rules so that out-of-state, open-shop contractors do not have a competitive advantage over union contracting firms.

HVCIP is a coalition of three regional building trades councils—of Westchester & Putnam Counties, Rockland and the Hudson Valley—and three management associations, including the Construction Industry Council of Westchester & Hudson Valley, Inc., of Tarrytown, NY, the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc., and the Construction Contractors Association of Newburgh, NY.



Stephen Reich
Building & Construction Trades Council of Rockland

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LOW BIDS

Yonkers, Callanan, Kubricky, Elderlee, Harrison & Burrowes Win DOT Work

ALBANY—The New York State Department of Transportation recently announced the selection of five apparent low bidders for work in the Hudson Valley region.

Callanan Industries Inc. of Albany, NY was the lowest of four bidders at \$4,822,777.17 for preventive maintenance including paving, striping, drainage and other work in the towns of Marlborough and Lloyd in Ulster County.

Yonkers Contracting Co. Inc. of Yonkers, NY was the lowest of four bidders at \$4,441,111.00 for pavement preventative maintenance including mill and fill, 1.8 miles along Route 303, 2.9 miles along Route 17 in Orange and Rockland counties.

Kubricky Construction Corp. of Wil-

ton, NY was the lowest of three bidders at \$10,859,071.35 for 2.7 miles of asphalt concrete resurfacing and construction of sidewalk on Route 17 in the Village of Sloatsburg in Rockland County.

Harrison & Burrowes Bridge Constructors of Glenmont, NY was the lowest of five bidders at \$23,643,236.43 for bridge replacement and intersection realignment on NYS Route 28 over Esopus Creek in the Town of Shandaken in Ulster County.

Elderlee Inc. of Oak Corners, NY was the lower of two bidders at \$1,688,818.00 for guide rail replacement on Routes 17, 42, and 97 in the towns of Cochetton, Delaware, Fallsburg, Mamakating and Thompson in Sullivan County.

Harrison & Burrowes Awarded Thruway Bridge Replacement Project in Orange

ALBANY—The New York State Thruway Authority reported recently that **Harrison & Burrowes Bridge Constructors** of Glenmont, NY was the lowest of six bidders

at \$15,872,158.72 for replacement of the I-87 bridge over Route 207 at MP 58.43 in Orange County in accordance with the plans and specifications.

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For Membership Information, Call:

George Drapeau III, Director of Membership Services

(914) 631-6070

Construction Industry Council of Westchester and Hudson Valley, Inc.
629 Old White Plains Road, Tarrytown, NY 10591

Safety Watch

Continued from page 11
in your company should all be trained concerning risk factors and warning signs that employees might be pondering suicide. There exist abundant mental health and crisis resources that can provide support, information, and training. You need to seek them out, both as a matter of humanitarian concern and one of jobsite safety. Workers on the verge of desperate acts pose a danger to others, as well as to themselves, and suicide impacts operations, as well as the individuals closest to the person who was lost.

Long-standing taboos about openly discussing suicide are waning, but only gradually. However disturbing, it's a subject that should be discussed and confronted, and made a safety priority. Training, participation in health and suicide prevention screening events, measures to address the opioid crisis, and supporting local crisis centers are just a few measures you should consider taking to that end.

Additional measures you might consider include providing access to employee assistance programs (sometimes provided through labor organizations) generous leave policies, and training for human resources and safety personnel, as well as field supervisors, in risk factors and warning signs.

The first step, however, is to talk with your employees (not just once, but regularly) about suicide prevention in particular;

and mental health problems, such as depression and substance abuse, generally. Everyone needs to know that he or she is seen as a human being and that the company, in time of crisis, will help them find the concern and the resources that they need. You should know (and workers who are suffering from major depression and/or a heightened risk of self-harm should be told) that therapy, sometimes coupled with medication, has a success rate of roughly 80%-90% among those who receive it.

As always with regard to safety matters, top management needs to make clear that suicide prevention is a health and safety priority. One article I reviewed had a photo of a hard hat, with a sticker provided by the employer—a small touch, but a fine idea—displaying the 24-hour phone number of the National Suicide Prevention Lifeline, which is 1-800-273-TALK. A resource I suggest you look into is the Construction Industry Alliance for Suicide Prevention (www.prevent-construction-suicide.com), founded in 2016 as a task force of the Construction Financial Management Association.

Geoffrey S. Pope, a member of the New York bar since 1986, is counsel to the construction law firm of Welby, Brady & Greenblatt, LLP. The articles in this series do not constitute legal advice, and are intended for general guidance only.

MTA Issues RFP For 23 D-B Stations

Continued from page 16

Manhattan

137 St.-City College 1 Subway
181 St., A Subway
Dyckman St., 1 Subway
Harlem-148 St., 3 Subway

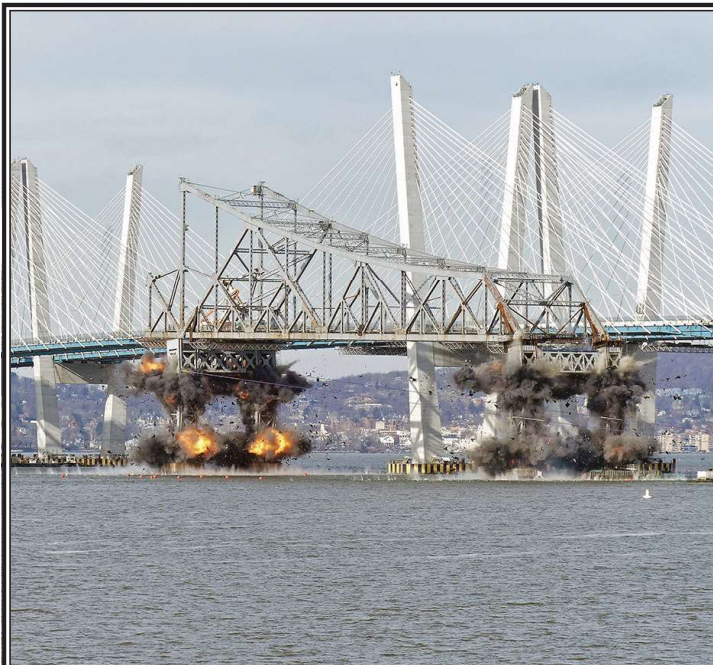
Queens

Beach 67 St., A Subway
Broadway, N Subway, W Subway
Court Sq.-23 St., E Subway,
M Subway
Locust Manor LIRR
Saint Albans LIRR
Steinway St.,
M Subway, R Subway
Woodhaven Blvd.,
M Subway, R Subway

Staten Island

Clifton SIR
New Dorp SIR
Huguenot SIR

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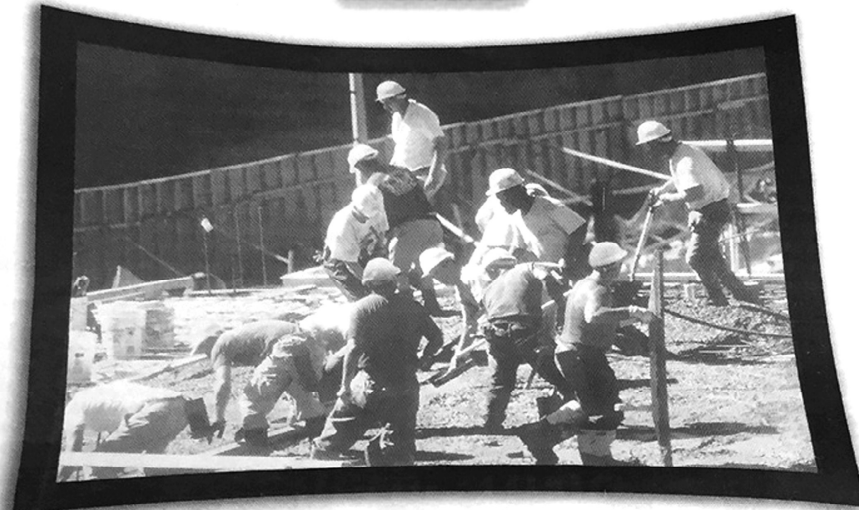
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