



Construction NEWS



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FEBRUARY 2020

\$1.50



The prize-wining Marriott Harbor Beach Resort & Spa in Fort Lauderdale, FL will host more than 80 delegates and guests of the Hudson Valley Construction Industry Partnership at the coalition’s Eleventh Annual Mid-Winter Convention being held Feb. 26 thru March 1.

Mid-Winter Meeting of Construction Leaders Convenes in Ft. Lauderdale

By GEORGE DRAPEAU III

FT. LAUDERDALE, FL—As the new construction season approaches and warmer weather arrives, company executives and union officials from New York’s downstate region will gather here at the Marriott Harbor Beach Resort & Spa, Please turn to page 16

Execs Amplify Call to Boost NY Infrastructure Funding

Contracting Leaders Express Support for Gov’s Two-Year Plan

By JOHN JORDAN

ALBANY—In what appears to be a classic case of looking at a glass half empty or half full, construction industry leaders continue to press Gov. Andrew Cuomo and state legislators to add more transportation and infrastructure funding in this year’s budget.

While at first distressed over Gov. Cuomo’s recent release of a two-year road and bridge capital program for the New York State Department of Transportation instead of the normal five-year funding proposal, construction industry leaders were in fact somewhat pleased looking at the fine print of the proposal, which revealed the governor has increased the proposed capital program spending over the two-year period by nearly \$3 billion.

NYSDOT, MTA and construction advocacy

executives testified on Jan. 28 before a joint Legislative Public Hearing on the 2020-2021 Executive Budget on the governor’s transportation proposals. Construction industry leaders, including executives from the Construction Industry Council of Westchester & Hudson Valley, Inc., (CIC) and the New York Roadway & Infrastructure Coalition (NYRIC), praised the governor for his proposed funding increase over the next two years, but advocated for the release of a five-year capital program that would target between \$35 billion to \$40 billion for the NYSDOT capital program over the next five years.

Stephen Morgan, secretary of the New York Roadway and Infrastructure Coalition, in an interview with CONSTRUCTION NEWS, said that NYRIC and other construction industry advocacy groups were concerned going into this budget session with the prospects for NYSDOT funding considering the looming \$6-billion state budget deficit and the significant funding New York State had appropriated for the fiscally-constrained Metropolitan Transportation Authority last year. Please turn to page 14

NYC DEP Sees Big Progress on Catskill Aqueduct

NEW YORK—The New York City Department of Environmental Protection (DEP) announced on Feb. 5 it had achieved significant progress on a \$158-million project to clean, upgrade and rehabilitate the Catskill Aqueduct, which delivers approximately 40% of the city’s drinking water each day.

The aqueduct was shut down for 10 weeks in November, December and January to facilitate work inside the structure and at facilities connected to it. During that time, approximately 200 workers were deployed at more than a dozen locations in Ulster, Orange, Putnam and Westchester counties to clean the inside of the aqueduct, repair cracks and other defects and replace valves that are con-

nected to the aqueduct.

“This complex project to rehabilitate the Catskill Aqueduct has required more coordination and flexible planning than perhaps any in the history of our water supply,” DEP Commissioner Vincent Sapienza said. “I want to thank the laborers who worked around the clock for 10 consecutive weeks, the communities north of the city who prepared and activated their backup water supplies while the aqueduct was out of service, and our DEP engineers and planners who coordinated activities during the shutdown. While we are pleased with the significant progress that was made this year, much work remains to complete the project and ensure this critical aqueduct can serve New Yorkers for

generations to come.”

The 92-mile-long Catskill Aqueduct stretches from Ashokan Reservoir in Ulster County to Hillview Reservoir in Yonkers. The rehabilitation project focuses on the 74 northernmost miles of the aqueduct, from Ashokan to Kensico Reservoir in Valhalla. To safely perform the work, DEP must periodi-

cally shut down the Catskill Aqueduct for weeks at a time. The first shutdown, which occurred in the fall and winter of 2018-2019, allowed experts to inspect the inside of the aqueduct, test methods for cleaning its concrete lining, and repair a few areas where leaks were known to exist.

The most recent shutdown

for the project—known as the Catskill Aqueduct Repair and Rehabilitation Project—started on Nov. 10, 2019, and continued until Jan. 23, 2020. The following work was accomplished during that time:

- The Catskill Aqueduct was shut down for 74 days, nine hours and 20 minutes without affecting the reliable supply of water to New York City or the 20 communities in Ulster, Orange, Putnam and Westchester counties that usually draw their drinking water from the aqueduct.

- A total of 32.5 miles, or 171,500 linear feet, of the aqueduct’s concrete lining was cleaned from the inside. The Please turn to page 19



A New York City DEP inspector walked through the aqueduct while it was shut down for 10 weeks, from November 2019 to January 2020.

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State Bureau Targets Employers Who Skirt Labor, Tax Laws

By **GEORGE DRAPEAU III**

TARRYTOWN, NY – What has often been described as a “game of cat and mouse” played between state law enforcement officials and unscrupulous employers is clearly not a game. It’s for big, big money, and the implications are serious,



Christopher D. Alund, Director of the Bureau of Public Work for the State Department of Labor

including prison time for the really bad actors of this craft.

Regulators and law-enforcement agencies assigned to investigate prevailing wage violations in New York State reported making progress in prosecuting and penalizing firms and their owners who have been found to violate state prevailing wage laws on public construction projects.

Companies that pay workers off the books or falsely categorize workers job classifications steal from New York State more than half a billion dollars a year, according to one analysis. Others believe that’s just the tip of the problem. Meanwhile, state officials responsible for enforce-



James Rogers, DOL Deputy Commissioner for Worker Protection

ing New York’s labor laws said this month that wage-rate theft is the number one crime in the U.S., and that the problem is particularly acute within the construction industry, which relies heavily on day laborers, many of whom are undocumented immigrants.

Over the five-year period—from 2015 through 2019—more than 760 companies and individuals were found guilty in New York State of skirting labor laws to avoid paying payroll taxes and benefits, according to data compiled by state officials assigned to chasing down companies and employers suspected of wrongdoing.

Of these enterprises, some 220 doing business were debarred and thus prohibited from bidding on or performing public work for five years from their debarment date.

Further evidence of Department of Labor’s progress has been that nearly 1,000 employers have made restitution under the state’s compliance agreement program (CAP), which is an employer/employee friendly method to bring contractors who have unintentional wage issues into compliance with New York labor laws.

Following years of state and local law enforcement officials working hand in glove with construction industry organizations and representatives of union labor, the effort to curtail abuse has netted state coffers more than \$41 million in wages and interest recovered for some

17,179 workers from the five-year period of 2015 – 2019. In addition, more than \$3 million in civil penalties have been col-

lected from violating employers for that period, according to the state.

“The prevailing-wage law

helps to level the playing field,” said Director Christopher D. Alund of the Bureau of Public

Please turn to page 7

At A Glance 2015-2019

\$41,000,000 + wages and interest recovered for 17,170 workers.
\$3,076,000 in civil penalties collected from violating employers.
760 individuals and business entities found to have willfully violated law.
220 individuals and business entities debarred. Not allowed to bid on nor perform public work for five years from their debarment date.
1,000 employers (approx.) made restitution under a state plan.
73,580 wage schedules were requested statewide in 2019—a record year.
16,800 wage schedules were requested in the Hudson Valley region.
1,900 jobsites visited by the State Bureau of Public Work Strike Force.
4,200 employers were inspected for prevailing wage compliance.

—Source: New York State Department of Labor

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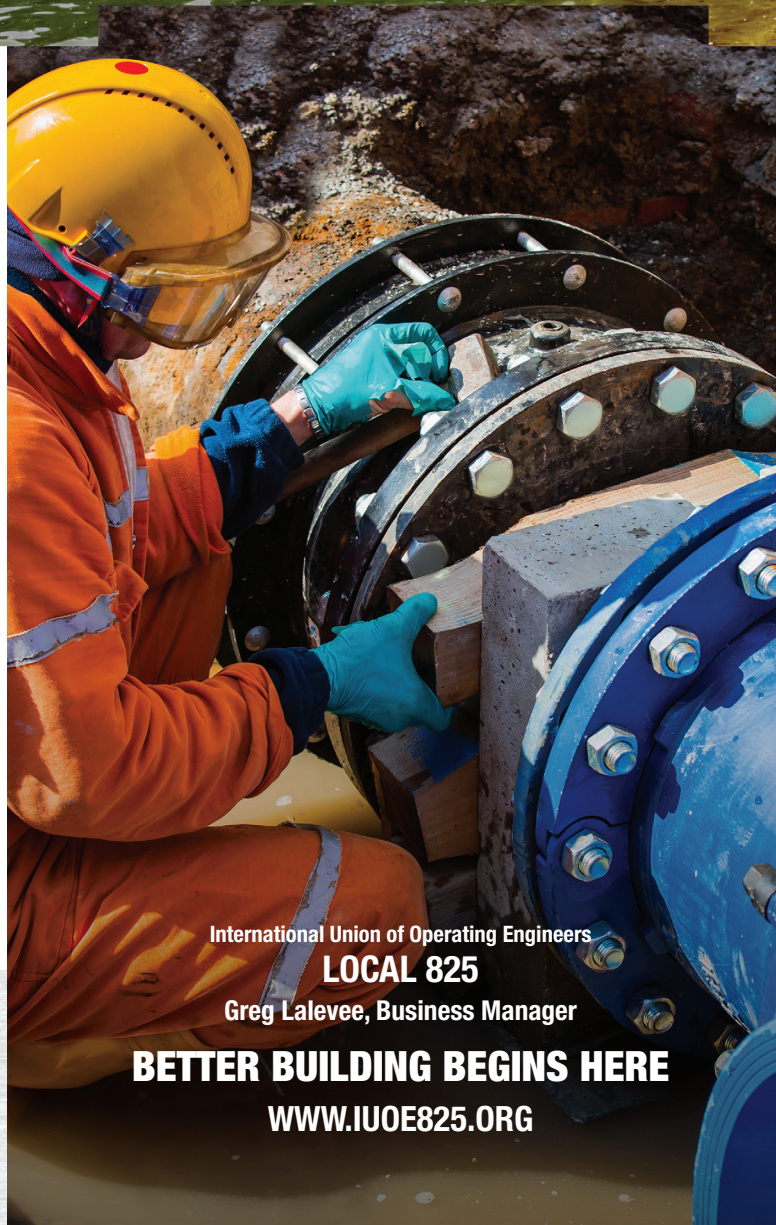
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PERSPECTIVE

NYS Needs 'Restore Mother Nature' Bond Act

ALBANY—Gov. Andrew M. Cuomo stood with environmental leaders on Feb. 13 to announce a campaign to win support of state lawmakers for the \$3-billion "Restore Mother Nature Bond Act" in the FY 2021 budget.

If ultimately approved by the voters in November, the Bond Act will fund critical environmental restoration projects throughout the state to ensure New York is able to withstand the threat of more intense and frequent storms fueled by climate change. The Bond Act is part of a \$33-billion commitment to fight climate change over the next five years. Governor Cuomo is also pushing to renew record funding for the Environmental Protection Fund and for clean water infrastructure, as well as product stewardship initiatives to promote recycling of mattresses and carpets. In addition, the governor is campaigning to ban single-use styrofoam food con-



From left, Erik Kulleseid, Commissioner, New York State Parks, Recreation and Historic Preservation; Department of Environmental Conservation Commissioner Basil Seggos; Gov. Andrew Cuomo; Wendy Neu, chairman and CEO, the Hugo Neu Group; and Karenn Gore, director, Center for Earth Ethics, Union Theological Seminary.

tainers and packing materials in the budget.

"We face a crisis for the planet and you only get one chance to fix it before reaching a point of no return. We recognize the magnitude and urgency of what we're dealing with—because if you don't save

the planet, everything else is irrelevant," Gov. Cuomo said. "We're going to start the most ambitious climate change program this nation has seen and part of that effort is the environmental bond act. We're going to organize to get it passed in the budget and then implement the most successful climate change and environmental restoration program in the nation. It's a bold plan but we must do it because either you face the crisis of the time or the crisis defeats you."

This past decade was the hottest ever recorded, and the five hottest years in history have all occurred since 2015. The Bond Act proposal is part of New York's \$33 billion five-year plan to combat climate change geared to transition the state to renewable power, while significantly reducing emissions in all sectors of the economy, and preparing the state and its residents to adapt to its effects.

First introduced in September 2019, the Restore Mother Nature initiative launched in Gov. Cuomo's 2020 State-of-the-State address is the nation's most comprehensive effort to restore water resources and critical habitats, and will prioritize projects to improve water quality, re-establish natural habitats and protect communities and infrastructure from flooding. As part of this effort, the Bond Act will support land acquisition to provide new and expanded recreational oppor-

tunities; protect communities from flooding; safeguard drinking water resources and aquatic habitats; advance freshwater and tidal wetland restoration to naturally filter contaminants and the nutrients that contribute to harmful algal blooms and restore riparian buffers to protect waterbodies from nutrient runoff and sedimentation.

The Bond Act will also support an estimated \$100 million in fish hatchery investments and public access site improvements to establish New York as the premier destination for recreational fishing. These investments in New York's fish hatcheries will help triple the state's walleye fingerling production, produce an additional 500,000 trout and salmon, raise 100,000 cisco for native fish restoration and bolster development of a hardier strain of brown trout. New York will also improve the state's network of fishing access sites, hand launch boat sites and public fishing rights with an emphasis on warm-water streams and rivers.

Additional efforts include measures to bolster community infrastructure to better withstand flooding, including acquiring flood vulnerable properties, right-sizing culverts and bridges, removing obsolete and hazardous dams and green infrastructure projects.

Department of Environmental Conservation Commissioner Basil Seggos said, "Gov. Cuomo

is building on the state's record water quality and habitat investments that are improving our natural resources and strengthening our communities by creating the Restore Mother Nature program last year. The proposed Environmental Bond Act seeks to increase biodiversity, enhance the health of our fish and wildlife, improve water quality, preserve significant natural buffers to prevent pollution, and generate countless other benefits to ecosystems and economies in every corner of New York."

Recent storms that included Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee provided clear evidence of the need to bolster the resilience of communities against the effects of climate change and severe weather events, state officials noted. Since 2011, every county in New York has experienced at least two weather-related disaster declarations, and more than half have suffered five or more disasters. Federal and state governments have spent more than \$26 billion responding to these disasters, and scientists estimate that flooding will cause more than \$50 billion in damage in New York over the next decade.

New York's last environmental bond act was passed nearly a generation ago in 1996. This action will help secure funding for critical projects to protect the state's water resources and fish and wildlife habitats for current and future generations.

Gov. Cuomo has also proposed prohibiting the distribution and use of expanded polystyrene, commonly known as Styrofoam, single-use food containers. The proposal also bans the sale of expanded polystyrene packaging materials known as packing peanuts. Additionally, the bill would authorize the State Department of Environmental Conservation to review and take action to limit or ban other packaging material upon a finding of environmental impact. This would be the strongest statewide ban in the United States and would go into

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Gov. Garner Strong Support

Joining Gov. Cuomo to support the \$3 Billion Environmental Band Act proposal were conservation leaders:

- **Robert R. Dyson**, president and director of the Dyson Foundation;
- **Karenn Gore**, director of the Center for Earth Ethics at Union Theological Seminary;
- **Rose Harvey**, senior fellow of Parks & Open Space and former commissioner of the NYS Office of Parks, Recreation and Historic Preservation;
- **Dominique Lueckenhoff**, senior vice president of Corporate Affairs and Sustainability at the Hugo Neu Group;
- **Cecil Corbin-Mark**, deputy director and director of policy initiatives at WE ACT;
- **Joseph Martens**, director of New York Offshore Wind Alliance;
- **Wendy Neu**, chairman and CEO of the

Hugo Neu Group;

- **Larry Rockefeller**, co-founder and board member of the New York League of Conservation Voters;
- **Theodore Roosevelt IV**, board chair of the Center for Climate and Energy Solutions (C2ES);
- **Susannah Smetana Kagan**, member of the NYS Board of Trustees of The Nature Conservancy;
- **Dan Tishman**, chairman and CEO of Tishman Construction Corporation and vice chairman of AECOM Technology Corporation;
- **Lise Strickler**, board member of Environmental Advocates of New York;
- **Lucy Rockefeller Waletzky, MD**, chair of the NYS Council of Parks of Recreation and Historic Preservation.

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Next Gen Leaders



Profiles of the Industry's New Generation

Horace Bull

EMPLOYER & CURRENT POSITION

Global Foundries, Malta, NY
Yield and Integration Engineer

AGE

28

ACHIEVEMENT

Louis G. Nappi Construciton
Labor-Management Scholarship Fund
Grants Won in 2011, 2012, 2013

EDUCATION

B.S. in Nanoscale Engineering,
SUNY Albany
MS in Nanoscale Engineering,
SUNY Polytechnic Institute, Albany
Favorite Course: Physics

Q. WHAT INSPIRED YOUR PROFESSIONAL CHOICE?

A. My parents taught me to be curious. I always wanted to know how things worked. I spent a lot of time with my father, a heavy equipment mechanic, learning from him.

WORDS OF WISDOM

"Don't be afraid to ask questions and make mistakes."

GOALS

"In four to five years I would like to get a Ph.D in a Nano-related field, doing work that requires investigative and problem-solving skills."

HOBBIES

Working on cars, engines, fishing, hunting, hiking and snowboarding.

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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State Bureau Targets Employers Who Skirt Labor, Tax Laws Continued from page 3

Work for the State Department of Labor. “These laws give law enforcement the support they need to prosecute violations of labor laws. A majority of the debarments stemmed from contractors engaged in falsification of payroll records,” he said, speaking this month by telephone from his Albany office at DOL.

He added, contractors who violate labor laws and prevailing wage requirements “are stealing from you, they are stealing from all of us.”

The problem will cost the downstate economy more than \$558 million this year, according to a recent report from the Fiscal Policy Institute.

Wage recoveries for workers can often be achieved through compliance conferences where employers agree to pay workers what’s owed without further administrative action. In the most serious cases or even cases in which employers refuse to pay or seek to hide their assets to avoid making payment, the DOL relies on local district attorneys to prosecute cases.

Due to the vast amount of construction volume in New York State, the temptation to skirt the law is tempting, as evidenced by the amount of money recovered in wage theft the state reports each year.

“In the last five years New York State has led the nation in wage recoveries at \$35 million in stolen wages returned to workers each and every year,” said DOL’s Deputy Commissioner for Worker Protection James Rogers in Albany. “Let me make that clear: those are not assessments, those are actual wages returned into the pockets of workers. This applies to the Bureau of Public Work and Division of Labor Standards.”

Over the past three years, the DOL has initiated partnerships with local law enforcement and prosecutors around the state. This includes county district attorneys and justices in the Office of the Attorney General.

“This has resulted in a ma-

jor uptick in indictments of employers for wage theft,” Mr. Rogers added. “We have had dozens of indictments for wage theft. The largest of these cases resulted in a felony conviction for the owner of a construction company in 2019 and the recovery of \$6 million in stolen wages.” The joint investigation revealed that from November 2013 until December 2017, AGL Industries, based in Maspeth in Queens, cheated workers out of overtime pay and wages owed and reported fraudulent financial information to the state.

Worker misclassification is another area of growing concern by the department. In 2019, DOL efforts to combat misclassification resulted in identifying \$2.9 billion of unreported wages and 174,000 workers identified as misclassified.

The Bureau of Public Work also operates a Strike Force of state investigators who go after employers who fail to pay their payroll taxes. The Strike Force was created in 1993 by then Gov. Mario Cuomo to help combat violations by conducting unannounced and random visits to construction sites across the state. The Bureau checks for compliance with prevailing-wage statutes, and it continues to be one of the most effective enforcement and educational tools in the Bureau’s program. The team visited 1,900 jobsites and inspected some 4,200 employers for prevailing wage compliance, DOL reported.

“Also, over the last five years the wage schedule requests by the DOL from employers has gone up steadily each year, climbing from 13,200 in 2015 to more than 16,800 in 2019,” Mr. Rogers added.

That’s good news for honest employers and workers, and it creates more demand for staffing and enforcement at the state level. “Yes, there are definitely more sectors for us to police,” he noted.

In addition to stronger law enforcement by the state, ro-

Common Ways Employers Steal from Workers and Taxpayers

- Paying a day rate for work performed that is sub-minimum wage when hours worked are counted;
- Not paying an overtime rate for hours worked over 40 hours in a payroll week;
- Not paying for travel time between work assignments in the same day;
- Withholding final paychecks;
- Not paying for “training” time;
- Charging employees for required uniforms or equipment;
- Charging employees for transport to remote jobsite locations;
- Fraud involving Workers’ Compensation and Unemployment Insurance;
- Paying tips only.

bust education and effective partnering with organized labor are two areas that help keep the playing field level for construction companies, Mr. Alund explained. The Bureau sees great public benefit of project labor agreements (PLAs) as a procurement method of construction services.

“PLAs are a great asset saver for us because of the additional level of wage compliance and oversight that prehire pacts have by their nature,” Mr. Alund explained. “Public works projects with PLAs contain an extra layer of review to represent and protect workers under the agreements with the local building trades.”

He also pointed to the dispute-resolution process in PLAs that play a highly effective role in tandem with the labor-management committee in the PLA process. “Both give significant relief to DOL’s Wage Bureau in these two key areas,

thereby freeing up department resources to investigate other wage compliance matters,” he said.

Ross J. Pepe, president of the Construction Industry Council of Westchester & Hudson Valley, Inc., noted that the CIC has long advocated in the education sector to remind public construction procurement officials that willfully failing to pay the prevailing rate on publicly funded construction projects subject the contractor, and in some cases the public representatives, to fines and possible criminal charges.

“Negligence of wage enforcement is no defense for public officials who are responsible for procuring construction services for their education institutions,” he said. “All state public school and municipal officials must be aware that most construction and other outsourced facility improvements performed in districts are sub-

ject to provisions of New York State Labor Law Sec. 220. The law mandates when prevailing wage must be paid to workers on public works projects.”

The private sector is another area where the DOL spends considerable time investigating because of the unique challenges it presents, added the Deputy DOL Commissioner Mr. Rogers. “Besides worker misclassification and under-the-table cash payments to workers, out-of-state contractors not paying overtime or their fair share into the unemployment or worker’s comp system are undermining worker protections.”

Coming next month in CONSTRUCTION NEWS: A review of wage recoveries and fines recently resolved in the lower Hudson Valley. Also, how the DOL partners with other state agencies to leverage power for wage recovery and other workplace justice initiatives.

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2020 Hudson Valley Construction Industry Partnership 11TH ANNUAL MID-WINTER MEETING

Marriott Harbor Beach Resort & Spa - Ft. Lauderdale, Florida
Wednesday, February 26—Sunday, March 1, 2020
Spouses/Guests welcome to all events.

Wednesday, February 26

3:00 p.m. Arrival
6:00-7:30 p.m. **Welcoming Reception** Location
Cocktails & Hors d'oeuvres Dunes
Coconut Terrace
Dinner on own. Reservations recommended.

Thursday, February 27

8:30-11:30 a.m. **Business Meeting** Location
8:30-8:45 a.m. **Opening Remarks** Ocean 1 & 3
8:45-9:30 a.m.
Topic: Review of Capital and Private Funded Projects
in Hudson Valley

Moderator: Ross J. Pepe, President
Construction Industry Council of Westchester & Hudson Valley, Inc.
Building Contractors Association
of Westchester & Mid-Hudson Region, Inc.

Panelists:
L. Todd Diorio, President, Hudson Valley Building Trades
Edward Doyle, President, Building & Construction Trades
Council of Westchester & Putnam Counties, Inc.
Stephen J. Reich, Building & Construction Trades Council
of Rockland County
Alan Seidman, Executive Director,
Construction Contractors Association Hudson Valley
John T. Cooney, Jr., Executive Director,
Construction Industry Council

9:30-10:30 a.m.
Topic: What LECET is About, Projects, Legislation,
Work Zone Safety and More

Speaker: Pat Purcell
President, NYS Laborers Employers Cooperation
and Education Trust (LECET)

10:30-11:15 a.m.
Topic: Expanding Opportunity & Prosperity:
NextGen Economic Development Policy

Speaker: Michael Grella
CEO Grella Economic Development 4.0 Partnership Strategies

11:15 a.m. **Closing Remarks**
11:30 p.m. - Noon Your own transportation to:
Jacaranda Golf Club – East Course
2900 W. Boward Blvd.
Plantation, FL 33324
954-472-5836

Noon **Golf Outing (Box Lunch)**
Players must pre-register

5:00-5:30 p.m. Your own transportation back to:
Marriott Harbor Beach
Dinner on own. Reservations recommended.

Friday, February 28

8:30-12:30 p.m. **Business Meeting** Location
Ocean 1 & 3

8:30-9:15 a.m.
Topic: The Opioid Epidemic:
Challenges for Employers, Unions, Plan Sponsors
and Fiduciaries

Speaker: Jonathan Cerrito
Labor Attorney, Cohen, Weiss and Simon LLP

9:15-10:15 a.m.
Topic: Winning Life Lessons:
From the Playing Field to the Front Office of
The New England Patriots (26 seasons combined)

Speaker: Hall of Famer Andre Tippett
New England Patriots Linebacker

10:15-11:00 a.m.
Topic: Trustee Basics:
Understanding Fiduciary Duty
for Management & Labor;
Roundtable Discussion
with Graystone Consulting Participation

Speaker: Christopher Babcock
BNY Mellon Bank

11:00-11:30 a.m.
Topic: TBA

Speaker: TBA

11:30-12:15 p.m. **Closing Remarks**

Dinner on own. Reservations recommended.

Saturday, February 29

No Formal Scheduled Daytime Events

6:00-9:00 p.m. **Grand Reception** Location
Entertainment & Music Dunes
All Invited Coconut Terrace

Sunday, March 1

11:00 a.m. Check out

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Rockland County Building and Construction Trades Council • Rollin Rocks Corp.
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Westchester Building and Construction Trades Council

Welcoming Reception

Argenio Brothers • Ecco III Enterprises • New England Carpenters Labor Management Program
Operating Engineers Local 15 • Operating Engineers Local 137 • Teamsters Local 456
Thalle Industries • Transit Construction

Grand Reception

Armistead Mechanical, Inc. • IBEW Local 363 • Labor First

Golf
MSPC



LET'S GET TO WORK!

2020 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING



MEET OUR GUEST SPEAKERS

CHRISTOPHER M. BABCOCK

BNY Mellon Investment Management

Christopher M. Babcock is director of the Jointly Truited & Union Sponsored Group, N.A. Institutional Distribution for BNY Mellon Investment Management. In this capacity, he is responsible for new business development and client servicing for the Taft-Hartley/Multiemployer market in the Eastern United State region. Also as a director, he represents BNY Mellon investment Management and its investment management affiliates.

Prior to joining BNY Mellon, Mr. Babcock was a vice president at Dreyfus Investments where he distributed Dreyfus mutual funds and managed accounts through financial intermediaries.

Mr. Babcock holds FINRA Series 7, 63 and NFA Series 3 licenses.

He is currently on the Board of Trustees for the National Braille Press and also serves as Secretary for the Children's Glaucoma Foundation.



JONATHAN CERRITO, Esq.

Of Counsel, Cohen, Weiss and Simon, LLC

Jonathan Cerrito, Esq., is Of Counsel to the law firm Cohen, Weiss and Simon LLP. Mr. Cerrito is retained by sponsors of multiemployer and single-employer plans to handle their most sensitive employee benefits matters that require a combination of knowledge, experience, instincts and understanding of decision making implications. He regularly addresses the most complex aspects of ERISA and tax law and provides clear guidance in the areas of qualified pension plans, health plans and compensation arrangements.

In addition to advising plan sponsors on the design, operation, merger and termination of tax-qualified plans, Mr. Cerrito advises ERISA fiduciaries on the investment of plan assets and the prohibited transaction rules. Having handled dozens of investigations and audits conducted by the Department of Labor, IRS and the PBGC, he has significant experience handling ERISA controversies, particularly those involving fiduciary matters and alleged statutory violations.

In a profession often driven by both logic and precedent, Mr. Cerrito distinguishes himself with attributes that law school could not train out of him: imagination, intuition and an entrepreneurial spirit. Prior to joining Cohen, Weiss and Simon LLP, Mr. Cerrito was the Managing Partner of the New York office of a leading labor and employment law firm.

Mr. Cerrito received his B.A. degree in English from Fordham University, his J.D. from Quinnipiac University School of Law and his LL.M in Taxation from New York University School of Law.

MIKE GRELLA

Founder, Grella Partnership Strategies

As an attorney and advisor to companies and individuals, Mike Grella has more than 25 years of experience in economic development, tax law, business site selection and public policy. In the first 17 years of his career, he advised hundreds of clients, including some of the world's most recognizable brands, working at three of the top four global accounting firms, concentrating in the areas of economic development strategy and expansion transactions.

In 2012, Mr. Grella was recruited by Amazon.com to build and lead its global economic development team in Seattle, WA. Over the next



seven years, the team created public private partnerships, representing more than \$10 billion of capital investment and creating more than 100,000 new jobs spanning over two dozen U.S. states and 15 countries.

In 2016, Mr. Grella spearheaded the economic development function for Amazon web services, Amazon's cloud computing/hyperscale global data center business. He was a pioneer and crafted the use of economic, fiscal and community impact studies to communicate the benefits of investments to policymakers, regulators and community stakeholders.

Nearly a year ago, in March 2019, Mr. Grella formed Grella Partnership Strategies (GPS), an advisory firm delivering value to organizations through the creation of bold vision statements, future forward policies, strategies and facilitating transactions that support sustainable, inclusive prosperity which he has dubbed "Economic Development 4.0."

He earned his bachelor's degree from Villanova University and his law degree from Hofstra University School of Law.

PATRICK PURCELL, JR.

Laborers-Employers Cooperation and Education Fund

Patrick Purcell, Jr., is the Executive Director of the Greater New York Laborers-Employers Cooperation and Education Trust (LECET) fund, as well as the New York State LECET fund. These labor-management funds are dedicated to helping more than 40,000 Laborers and their Union employers in the contracting community secure projects and jobs, and increase union market share. LECET is also a leading voice in New York State for holding non-union employers accountable for irresponsible business practices.

Mr. Purcell has successfully worked with LiUNA staff and leadership to pass New York City safety laws and reform the statewide 421-A tax program. His legislative priorities are continuing his work with stakeholders on the expansion of New York State Public Works and currently proposed legislation that would implement photo enforcement to ticket those speeding in work zones.

Upon graduating from the University of Maryland in 1988, Mr. Purcell began his first job in the labor movement with the AFL-CIO and has also worked for the United Food and Commercial Worker Union (UFCW). At these organizations, he held various positions, including director of Organizing, director of Special Projects, vice president of Political and Legislative Affairs and assistant to the President.

In 2019, Mr. Purcell was named to prominent political media enterprise City & State's Albany Power 100, Labor Power 100 as well as 50 over 50 Most Distinguished Public Servants lists.

Mr. Purcell is most proud of his two children, Brian, age 29, and Nicholas, age 27, and cherishes his time with them. In his spare time, he advocates with groups helping to raise autism awareness, including the fight to find a cure and support those who live with and are affected by autism.



ANDRE TIPPETT

NFL Linebacker | 1982-1988, 1990-93

Andre Tippett was one of the greatest linebackers in NFL history, spending his entire 12-year career with the New England Patriots. A strong-side linebacker who excelled at rushing the passer, Tippett set the record for most sacks over a two-year period with 35 in the 1984 and 1985 seasons and holds the franchise record for career sacks with 100. He was named the Defensive Player of the Year in 1985 for the AFC Champion Patriots, and AFC Linebacker of the Year in 1985, 1986 and 1987. Tippett was voted into the Patriots Hall of Fame in 1999 and enshrined into the Pro Football Hall of Fame in 2008.

Following his retirement as an active player, Tippett continued with the Patriots franchise where today he serves as the team's Executive Director of Community Affairs. Among his hobbies are golf and teaching Martial Arts. The Massachusetts native is also active in local youth football and coaches a Pop Warner team. He is married with four grown children.





2020 Hudson Valley Construction Industry Partnership ANNUAL MID-WINTER MEETING

MEET OUR STRATEGIC PARTNERS

JOHN T. COONEY, JR.

CIC Executive Director



Though relatively new to the position as top manager of CIC—John T. Cooney, Jr., who was appointed its executive director in June 2019—is no stranger to the association. For more than 25 years, Mr. Cooney served on the CIC Board of Directors, and for much of his life has been mindful of CIC from its nascence in 1978 when it was established and first domiciled at his family's construction enterprise, County Asphalt, Inc., in Tarrytown, NY.

Following the pathway of his grandfather who founded County Asphalt in 1920, Mr. Cooney would eventually become its president, and following its sale, joined Tilcon New York Inc., an Oldcastle Materials Company, where he also served as president. Mr. Cooney was promoted to

president of Oldcastle Materials New York Region where he was responsible for three operating companies that extended from Downstate through Albany to Rochester, NY.

Mr. Cooney is a graduate of Hartwick College with a B.A. in Economics. He resides in Tarrytown, NY with his wife, Susan, and their two children.

L. TODD DIORIO

Laborers L.U. 17, and

Hudson Valley Building & Construction Trades Council, Inc.



L. Todd Diorio is a third generation Business Manager with Laborers Local 17, based in Newburgh, NY. This is an elected position, previously held by his grandfather, Lorenzo, his father, Larry, and now Todd himself for a total of more than 50 years. Mr. Diorio has a rich tradition of pride, dedication and loyalty to his membership. Along with his labor relation business sense and his political acumen, his responsibilities include contract negotiations, pre-job conferences with owners and agencies, settling jurisdictional disputes, safeguarding the rights of workers and promoting the union labor movement.

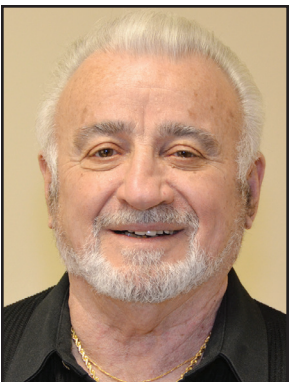
Mr. Diorio's dedication and commitment has made his local union one of the leading organizations of organized labor in the Hudson Valley. His membership includes construction workers, public sector employees, solid waste workers, recycling plants, construction material plants and quarries. Local 17 has approximately 1,200 members and mainly covers the counties of Orange, Ulster and Sullivan.

In addition to his position as Business Manager, Mr. Diorio serves as president of the Hudson Valley Building & Construction Trades Council, an organization that represents more than 28 trade locals and more than 10,000 members. He also serves as chairman of the Local 17 Trust Funds, as secretary treasurer of the Eastern New York Laborers District Council, as a board member with the Mid Hudson Pattern for Progress, as well as the Newburgh Stewart Empire Zone, the Port Authority Local Advisory Committee, and Laborers Local 17 Training Fund. He was recently appointed to the New York State Laborers PAC Fund.

Mr. Diorio, a lifelong resident of Marlboro, NY, graduated from Marlboro High School in 1983 and attended Mansfield University and Marist College.

EDWARD DOYLE, SR.

*Building & Construction Trades Council
of Westchester & Putnam Counties, Inc.*



Longtime union labor leader Edward Doyle, Sr., is president of the Building & Construction Trades Council of Westchester & Putnam Counties, Inc., which is comprised of more than 17 locals representing heavy construction and building trade unions and more than 30,000 union members.

During his presidency, the use of Project Labor Agreements (PLAs), or prehire employment contracts, has increased to help secure both public works and major private commercial work in the region for union workers. More than \$4 billion of projects, ranging from commercial malls, the Federal Courthouse in White Plains, rehabilitation work on the Tappan Zee Bridge,

construction of the new Tappan Zee Bridge (Gov. Mario M. Cuomo Bridge) and senior housing facilities, have been completed under the PLA format.

Throughout his long career, Mr. Doyle has negotiated contracts throughout Westchester and Putnam counties, with municipalities and hundreds of private employers. Given the many honors and awards he has received from business, civic and charitable organizations, including an Industry Lifetime Achievement Award from the Construction Industry Council of Westchester & Hudson Valley, Inc., he is recognized as one of the most influential and respected labor leaders in the region.

ROSS J. PEPE

*Construction Industry Council
of Westchester & Hudson Valley, Inc., and
Building Contractors Association of Westchester
& Mid-Hudson Region, Inc.*



Ross J. Pepe founded and serves as president & CEO of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC), a 600-member construction trade group representing highway, utility, excavation, site preparation and concrete contractors, building contractors, concrete and asphalt producers, construction material suppliers and related industries.

Established in 1978, CIC serves as the New York State Chapter of the American Road and Transportation Builders Association, Inc. (ARTBA)

Since 2001, Mr. Pepe has served as president of another companion trade association, the Building Contractors Association of Westchester and Mid-Hudson Region, Inc. (BCA), a 150-member building construction trade

group founded in 1936.

As a representative of the construction industry, Mr. Pepe founded, and continues to serve as, executive secretary and chief administrator of the Construction Industry Joint Labor/Management Council of the Lower Hudson Valley and Catskill Region. This alliance represents more than 40,000 construction and related industry workers and employers in the Westchester/Hudson Valley/New York region.

In addition, among his many duties as an officer and board member, he sits as executive director of the Construction Advancement Institute of Westchester Mid-Hudson Region, Inc., as treasurer and regional vice president of the New York Roadway and Infrastructure Coalition, Inc., and as a trustee of the New York State Laborers Health and Safety Fund. Since 1982 he has served the interest of construction employers as a registered lobbyist in New York State.

STEPHEN REICH

Business Manager, Heavy Construction Laborers Local 754



Business Manager Stephen Reich of Heavy Construction Laborers L.U. 754 has served as head of the Local for more than eight years, handling day-to-day operations at its offices in Chestnut Ridge, NY in Rockland County. During his tenure, he has also served as a trustee, managing the Pension, Health and Welfare, and Annuity Fund.

Prior to becoming business manager, Mr. Reich worked in the construction industry as a laborer, general foreman and superintendent.

He has generously donated his time and money over the years to support many causes in the community. Mr. Reich has helped the Sons of the American Legion and the Lions Club. He has also worked to raise

money for Dominican College and was a Youth Basketball Coach and Lacrosse Club volunteer.

Mr. Reich was chosen as the 2017 Person of the Year by Dominican College. He was honored at the college's 45th Annual Grand Reception in May for his outstanding professional leadership, his community involvement and his philanthropic works.

ALAN SEIDMAN

*Construction Contractors Association
of the Hudson Valley, Inc.*



Alan Seidman is the executive director of the Construction Contractors Association of the Hudson Valley, Inc. The association has been dedicated to the advancement of the construction industry in the Hudson Valley region for more than 50 years. In working closely with owners, developers, local labor, municipalities and government agencies, the association seeks to promote the continued orderly development of the Hudson Valley.

In December of 2009 Mr. Seidman retired from the Orange County Legislature after 20 years of service. He has served as Chairman of the Orange County Partnership and as a board member of many community and business organizations, including Pattern for Progress, the New York State Association of

Counties Transportation and Public Works Committee, and the Hudson Valley Regional Council.

Mr. Seidman serves as a trustee on the Benefit Funds of the Empire State Carpenters, Bricklayers and Allied Craftworkers and Laborers Local 754.

Before joining the Construction Contractors Association, Mr. Seidman was a principal and regional manager for Clough, Harbour and Associates, LLP.

Construction **NEWS**

PHOTO GALLERY

**Annual CIC/NYS DOT Region 8
Construction Safety Seminar**

**Accidents Cause Tears;
Safety Brings Cheers**

POUGHKEEPSIE, NY—The annual CIC/NYS DOT Region 8 Safety Seminar at Culinary Institute of America here on Tues., Jan. 28, drew more than 120 attendees for a daylong program. Among the topics covered were new OSHA regulations for 2020, silica awareness, excavation safety, confined space hazards, FMCSA regulation and drug testing advancement as well as temporary traffic controls.

PHOTO CREDIT/DAVID ROCCO ARIEL PHOTOGRAPHY



Lance MacMillan Regional Director NYSDOT Region 8

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- NYS Laborers Health & Safety Trust Fund
- Operating Engineers Local 137
- Welby, Brady & Greenblatt, LLP
- Yonkers Contracting Co., Inc.



Seminar Leader Emmett Russell of The American Road & Transportation Builders Association (ARTBA)



CIC's Matt Pepe



Guest speaker NYSDOT Region 8 Safety Coordinator Charlie Cloutier



From left, guest speaker Jeff Altholz, M.D., of Clarity Testing Services, Inc., seminar leader Emmett Russell of The American Road & Transportation Builders Association (ARTBA), and CIC Board Member John Chrysogelos, Jr., of Yonkers Contracting Co., Inc.

Execs Amplify Call to Boost NY Infrastructure Funding Continued from page 1

"I have to say that in testimony at the budget hearing from NYRIC, the CIC, the AGC (Associated General Contractors of New York State) and the Long Island Contractors Association, they were disappointed that the capital plan was two years rather than five years, but pleasantly surprised that actually the two-year plan is \$3 billion more (appropriated in the comparable two-year period) than in the previous five-year plan."

Mr. Morgan said NYRIC is hopeful that the two-year plan will be expanded into a five-year transportation plan once state finances are stabilized.

He added the sentiment from construction industry leaders is that they braced for the worst and are now "mildly supportive of what we got."

The Executive Budget includes: a two-year \$11.953-billion New York State Department of Transportation (2020-22) capital program, which represents an approximate \$3-billion increase over the current \$9.011-billion (2018-2020) program. The DOT's Core Capital Program increases annually by approximately \$250 million, according to the AGC NYS. The proposal also includes \$1.1 billion in funding for phases two and three of the Van Wyck Expressway project, as well as funding for projects at Hunts Point, the Bruckner Expressway and \$900 million to start the Interstate 81 project in upstate New York.

Mr. Morgan said that with the governor now pushing for the \$3-billion Environmental Bond Act coined "Restore Mother Nature," discussions on a possible transportation bond act as a viable funding mechanism for much-needed road and bridge infrastructure work will have to wait until next year during budget negotiations in Albany.

One revenue source that could earmark funding for transportation would be the passage of a proposal to legalize the adult use of cannabis. The measure has secured support from the construction industry.

The NYSDOT 2020-22 capital program is part of the governor's \$175-billion infrastructure plan that includes such major projects as the Long Island Rail Road Second Track, Third Track and 39 modernized stations; new LaGuardia and JFK airports; the East Side Access project; the Javits Center expansion; four new Bronx Metro-North stations; the Empire State Trail; modernization of the New York State Fair; the \$1-billion New NY Broadband program and other initiatives.

John Cooney Jr., executive director of the CIC, stated in testimony before the recent joint Legislative Public Hearing in Albany, "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

and Infrastructure Coalition, testified in favor of the \$500-million annual funding increase as well.

Mr. Pepe, who is also president of the Construction Industry Council of Westchester & Hudson Valley, Inc., commended the governor's \$11.9-billion two-year NYSDOT plan, terming it a "significant commitment that will improve highways bridges and rail infrastructure across the state."

Later in his testimony, he stated, "While the Execu-

in New York State.

- A bill would make the Infrastructure Investment Act permanent, expand design-build authorization to other alternative project delivery methods, and expand the current list of authorized entities that may utilize design-build contracts to include the Dormitory Authority of the State of New York, the New York State Urban Development Corporation, New York State Office of General Services, the State

"We encourage all New York State government leaders to fund New York State DOT's five-year capital plan in the range of \$35 billion to \$40 billion as soon as a federal highway funding plan is reauthorized."

—John Cooney Jr., CIC Executive Director



tive Budget is a significant step towards rebuilding and modernizing New York State and local transportation infrastructure, creating jobs and sustaining economic growth, the entire system of roads and bridges requires a long-term commitment to ensure that crucial system-wide needs are met. NYRIC urges the legislature to build upon the Executive Budget proposal by including an additional \$1 billion to support key NYSDOT programs."

In his testimony before the joint legislative session, Walter Pacholczak, vice president of government affairs for the Associated General Contractors of New York State, also called for increased NYSDOT funding and also offered some insight on the MTA Capital Program that includes a new \$3-billion New York State contribution to the \$51.5-billion 2020-2024 MTA Capital Plan. He also noted that Gov. Cuomo and the State Legislature approved new revenues in the FY 2020 Enacted Budget that are expected to support an additional \$25 billion of the MTA Capital Plan.

"AGC NYS supports the transformative MTA capital plan. AGC NYS and our partners in the construction industry remain steadfastly opposed to the MTA regulation regarding the debarment of contractors," Mr. Pacholczak testified. "AGC NYS finds the regulation to be patently unfair, is concerned about the impact on competition, the impact of Executive Order 192 and other reciprocal approaches, and potential performance impacts. AGC NYS has strongly urged the MTA to rewrite the regulations in a way to maximize competition and deliver projects on time, within budget, and a minimum of dispute, lien and impact."

University Construction Fund, the Battery Park City Authority, and the New York State Olympic Regional Development Authority.

- A bill would allow the Environmental Facilities Corporation to offer municipalities 40-year financing through the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund for projects which qualify for 0% interest rates due to financial hardship.

- A bill would amend the Environmental Conservation Law to make the current fracking ban permanent in New York State.

- A bill would make the New York Buy American Act permanent.

One of the more contentious issues that has pitted organized labor against real estate development groups is prevailing wage. A proposal that is part of the proposed state budget would require prevailing wage to be paid on construction projects that receive a substantial public subsidy, to ensure that public dollars going to construction projects support fair wages for workers on those projects. The bill would add a new section of the Labor Law, §224-a, to require prevailing wage to be paid on certain construction projects that are funded with public funds. This includes projects that are paid for with at least 30% public funds.

AGC NYS and NYRIC have stated that they support "a sensible definition of public work." In its testimony at the Joint Legislative session, AGC noted that the prevailing wage proposal in the Executive Budget "is an important first step that sets a reasonable standard for public work but includes specific sections that are either objectionable or require greater clarity."

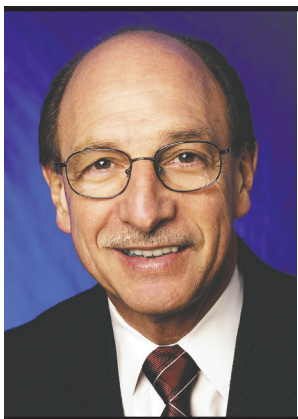
For example, AGC NYS objects to the establishment of a Public Subsidy Wage Board with unlimited legal authority. The PSWB would have the authority to define construction; determine criteria establishing construction and project costs for the purposes of defining the subsidy level; impose stop work orders for contractors, subcontractors and material suppliers.

"The proposal does not indemnify the contractor against mistakes by others involved with the project," the AGC NYS announced in a statement. "Greater clarity is required for provisions of the bill including Project Labor agreements and collective bargaining agreements; appointment of a 'person representing employers in the construction industry' to the PSWB and an appeals process for determinations by the PSWB," the AGC NYS stated.

Some are speculating that some form of prevailing wage requirements for some public-funded projects will pass this legislative session. At the moment, negotiations continue between Westchester County government and the Building and Construction Trades Council of Westchester & Putnam Counties over workforce regulations for projects that secure incentives from the Westchester County Industrial Development Agency.

Labor leaders have told CONSTRUCTION NEWS that discussions have been positive, but no agreement had been ratified at press time.

During the recent development boom in major Westchester cities, such as White Plains, New Rochelle and Yonkers, the building trades have charged they have not secured a significant market share of the billions of dollars in construction work in those cities that have benefited from incentives bestowed by either the Westchester County IDA or local IDAs.



"While the Executive Budget is a significant step toward rebuilding and modernizing New York State and local transportation infrastructure, creating jobs and sustaining economic growth, the entire system of roads and bridges requires a long-term commitment to ensure that crucial system-wide needs are met."

—Ross J. Pepe, CIC & NYRIC President

highway authorization. We encourage all New York State government leaders to fund New York State DOT's five-year capital plan in the range of \$35 billion to \$40 billion as soon as a federal highway funding plan is reauthorized."

He continued, "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."

Under the current two-year NYSDOT capital program proposal, the CIC and other construction trades organizations are calling for the governor and State Legislature to approve an additional \$1 billion in funding over the two-year span. They propose an annual increase of \$200 million in the NYSDOT Core Program, a \$100-million increase in the CHIPS Program, a \$50-million increase in the PAVE-NY program, a \$50-million increase in the BRIDGE-NY program and a \$100-million in new funding for City Routes Program/Urban Roads Initiative.

Ross Pepe, president of the New York Roadway

There are a host of bills and proposals in Albany that would impact the construction industry, including:

- A bill that would amend the highway law to increase the CHIPS competitive bid threshold from \$250,000 to \$750,000.

- A bill that would enhance highway worker safety, including imposing tougher criminal penalties.

- The reintroduction of a proposal to merge the New York Bridge Authority with the New York State Thruway Authority.

- A bill that would make permanent certain existing procurement provisions; reform the MTA and NYCT's bidding processes; reform procurement processes to allow the authorities to award contracts for new technology without a formal bidding process; alter advertisement procedures for bids; permit the use of existing contracts awarded by governments and allow a once-yearly review of the Qualified Products Lists.

- A proposal calls for maximizing the collection of tolls owed to public authorities such as MTA Bridges and Tunnels and others with toll facilities

Attorney's Column

False Mechanic's Lien May Support Injurious Falsehood Claim

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

Mechanic's liens, if available, can be useful tools for unpaid contractors, subcontractors and suppliers to get paid for their work. Like any tool, it is subject to abuse; such as by the filing of an unwarranted or exaggerated, lien. While there is a statutory remedy in those cases where the lien is shown to be willfully exaggerated, such remedy is only available where the lienor actually seeks to foreclose on the lien in court.

In our July 2019 article in this newspaper, entitled "Unjustified Mechanic's Lien Cannot Support Defamation Claim," we explored the question of what a contractor-lienholder, aggrieved by the filing of an allegedly exaggerated lien, can do where there is no lien foreclosure action. Based on the then-recent case of *Centrifugal Associates Group LLC v Newell Contracting, Inc.*, we discussed how a court held that liability could not be extended for the claimed misuse of a mechanic's lien to the principal of the subcontractor-lienor on a theory of defamation. On a motion for re-argument (which asks the court to change its mind), that same court has now held that a claim for injurious falsehood may lie under those same circumstances.

Background

Centrifugal Associates Group LLC was hired by the Durst Organization to serve as the general contractor on a construction project on 26th Avenue in Queens. Centrifugal, in turn, hired Newell Contracting, Inc., as a subcontractor to perform certain mechanical work. Newell performed work under the contract and claimed that it wasn't being paid. On Sept. 17, 2018, Newell filed a mechanic's lien against Durst's property in the amount of \$320,000, claiming that it was owed that amount by Centrifugal, as GC. Newell, however, never sought to foreclose the lien. Centrifugal disputed the debt.

On Nov. 26, 2018, Centrifugal commenced a lawsuit against Newell and its president, Krzysztof Bielak. Centrifugal's claims against Newell were for the claimed breach of the subcontract, for which Centrifugal sought damages in excess of \$8 million. As to Bielak, Centrifugal claimed that his statements made in the mechanic's liens were false because no money was owed to Newell, and that Bielak caused the mechanic's lien to be filed solely to cause harm to Centrifugal (and that the resulting harm was the removal of Centrifugal from Durst's approved contractors list).



Both Newell and Bielak failed to answer the complaint, and Centrifugal sought a default judgment against both. Newell did not oppose the motion, but Bielak did—and also cross moved to dismiss the claims against him. The court granted Bielak's cross motion, finding that New York recognizes certain privileged situations where

a person can undertake what may otherwise be considered defamation with impunity, and that as a mechanic's lien is pertinent to a lien foreclosure action, the privilege involving statements made in the course of a judicial proceeding precluded the claim. The plaintiff moved to reargue, contending that the court incorrectly characterized the claim as defamation, and that upon considering that the claim is actually one for injurious falsehood, the court should sustain the claim.

Decision

The trial court granted reargument and, upon so granting, reversed itself and restored

It is generally recognized that the remedies against a lienor whose lien is exaggerated are limited outside of the foreclosure context. However, as the court tangentially referenced in its prior decision, and as it specifically holds now, those remedies are not nonexistent.

the plaintiff's claim (which is not common). In doing so, the court noted that the elements for injurious falsehood were that statements were published with malice or reckless disregard for the truth, that the statements were false, and that

the plaintiff suffered special damages as a result. As a result, the court held that the plaintiff made allegations to the effect that the amount of the lien was false, and that it was made in order to harm the plaintiff.

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Mid-Winter Meeting of Construction Leaders Convenes in Ft. Lauderdale Continued from page 1

late this month to explore business opportunities and prepare for the challenges the contracting companies and labor faces in 2020.

New York State's construction industry continues to witness a swell of important public-sector and private-development projects that provide employment throughout the building trades, according to industry officials and owners. Large infrastructure and mixed-use downtown redevelopment projects, along with other public works, broke ground over the past several years, and these now promise to put crews to work, reported all sectors—ranging from government representatives, company executives and union officials in the New York Downstate and Mid-Hudson Valley region.

Aligned under the banner of the Hudson Valley Construction Industry Partnership (HVCIP), the group of some 80 delegates will attend the four-day 2020 Mid-Winter Meeting from Wed., Feb. 26, through Sun., March 1. The seminars include presentations by both legal, legislative and labor/management specialists on topics that include business management and statewide and national industry affairs that are vital to the well-being of the construction industry.

Day I

The Welcoming Reception will be held on Wednesday evening, Feb. 26, when delegates, spouses and guests are scheduled to gather at one of the resort's premier sites, the Dunes Coconut Terrace.

Day II

The following morning, Thurs., Feb. 27, the first of three sessions will begin with a "Round-Table" presentation by industry executives from organized labor and construction contracting associations. These include: L. Todd Diorio, business manager of Laborers L.U. 17 and president of the Hudson Valley Building & Construction Trades Council, Inc.; Edward Doyle, Sr., president of the Building & Construction Trades Council of Westchester & Putnam Counties; Stephen J. Reich of the Building & Construction Trades Council of Rockland; Alan Seidman of the Construction Contractors Association, Inc.; and John T. Cooney, Jr., of the Construction Industry Council of Westchester & Hudson Valley, Inc. Serving as moderator for the morning session will be CIC President Ross J. Pepe, who also serves as president of the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

The executives will update the delegates on public transportation and infrastructure projects and major private-sector development projects throughout the Hudson Valley region as well as capital programs emanating from Washington and Albany.

A second presentation from 9:30 a.m. to 10:30 a.m. will feature labor leader Pat Purcell, who serves as president the New York State Laborers Employers Cooperation and Education Trust (LECET), on current projects, legislation and work-zone safety initiatives. Mr. Purcell has successfully worked with LiUNA staff and leadership to pass New York City safety laws and reform the statewide 421-A tax program. His legislative priorities are continuing his work with stakeholders on the expansion of New York State Public Works and currently proposed legislation that would implement photo enforcement to ticket those speeding in work zones.

The final speaker of the morning, from 10:30 a.m. to 11:15 a.m. is Michael Grella, CEO of Grella Economic Development 4.0 Partnership Strategies. His topic will be Expanding Opportunity & Prosperity: Next Generation Economic Development Policy. Mr. Grella is an attorney and advisor to companies and individuals with more than 25 years of experience in economic development, tax law, business site selection and public policy.

Among the topics Mr. Grella will address is the need for greater commitment to environmental

conservation, energy efficiency and sustainable business practices under the banner, "Expanding Opportunity & Prosperity: The Next Generation Economic Development Policy."

"Negative headlines about proposed real estate development projects have led to increased public scrutiny about the effectiveness of government incentives given to private developers," Mr. Grella explained. "What were once topics of conversation limited to policy thinktanks or a handful of elected officials have spread to dinner tables, water coolers



The Marriott Harbor Beach Resort & Spa will host the Hudson Valley Construction Industry Partnership's Eleventh Annual Mid-Winter Convention from Feb. 26 to March 1.

and the Main Streets of the municipalities considering development proposals. People want to know why their taxes proffered to public agencies are being reallocated to fund billions of dollars to benefit companies—many of whom in some cases pay little or no income taxes themselves—or used to help offset the incentives awarded to private enterprises for building in their communities."

Mr. Grella will highlight a few cases that stand out as troubled examples of such missteps of the public trust: a \$3-billion subsidy promised for jobs that never came to fruition in Wisconsin; a lack of community engagement and feedback solicited for a \$3-billion public subsidy project in New York; and multi-million-dollar tax abatements that were approved for projects after construction began in Michigan and Texas.

"The need for government subsidy policy reform has become a bipartisan issue," he said. "Now the challenge is what should that look like? Besides ensuring that taxpayers are not funding risky projects that do not provide a substantial return on investment to their state and community, the next generation of economic development policy needs to tackle a broader set of socioeconomic concerns such as diversity and inclusion, as well as addressing economic inequality. And, of course, paying living wages and benefits."

Mr. Grella will also call for promoting local hiring and local procurement, retraining and reskilling workers for in-demand careers, and ensuring that job sites and buildings are safe, healthy and respectful work environments.

"It's important that public officials craft aggressive government programs to improve economic, health and social outcomes in areas with pervasive rural and urban poverty," he said. "There is enormous opportunity for private enterprise in the areas of government procurement and raising capital for minority- and women-owned businesses."

Following the morning business sessions, many of the attendees will test their golfing skills on the celebrated Jacaranda Golf Club East Course in Plantation, FL. The golf center is a 30-minute drive from the HVCIP Mid-Winter Meeting's location at the Marriott Harbor Beach Resort.

Day III

The morning session on Fri., Feb. 28, will open with a presentation by Jonathan Cerrito, Esq., who serves Of Counsel to the law firm Cohen, Weiss and Simon LLP. Mr. Cerrito will present "The Opioid Epidemic: Challenges for Employers, Unions, Plan Sponsors and Fiduciaries." Mr. Cerrito is retained by multiemployer and single-employer plans to handle sensitive employee benefits matters, among them substance abuse.

"Everyone knows that construction is one of the most dangerous occupations in the country; now, based on opioid abuse and overdose statistics, it's also among the deadliest," Mr. Cerrito said. A five-year state study found that nearly a quarter of overdose deaths were comprised of workers in the construction industry. The report revealed that construction workers were six times more likely to die from an opioid overdose than other workers.

"The opiate epidemic now kills approximately 200 Americans each day, wreaking havoc across all sectors of society and in virtually every zip code in the country," he said. Medical professionals have long stated that there has never been a more serious drug or public health crisis in the United States.

"While the number of opioid-related deaths in New York State counties, excluding New York City, dropped for the first time in a decade in 2018, the opiate epidemic is an equal-opportunity killer because of the scope of lives lost and the lives ruined every day," Mr. Cerrito added. "Based on recent industry specific data, construction is the most common occupation

of those affected by opiate addiction with ongoing staggering costs of every type."

The second HVCIP morning session will feature a motivational speech by the legendary NFL linebacker Andre Tippett who spent his entire professional career—on and off the field—with the New England Patriots. Hailed as one of the greatest linebackers in NFL history, he played 12-years after being a second-round draft pick from the University of Iowa in 1982. Numerous highlights of Mr. Tippett's accomplishments as a strong-side linebacker rushing and sacking quarterback greats are viewable now on YouTube—for today's and future generations of football fans to witness and enjoy.

Mr. Tippett set the record for most sacks over a two-year period with 35 in the 1984 and 1985 seasons, and he holds the franchise record for career sacks with 100. Mr. Tippett was voted into the Patriots Hall of Fame in 1999, and he was enshrined into the Pro Football Hall of Fame in 2008.

Following his retirement as an active player in 1993, Mr. Tippett continued with the Patriots as its executive director of Community Affairs. Among his hobbies are golf and Martial Arts, in which he holds a sixth degree black belt in Okinawan Uechi-Ryu (way chee roo) Karate-Do, and he has earned the teaching title of Shihan (Master Instructor).

A third HVCIP presentation, from 10:15 a.m. to 11:00 a.m., will present Christopher Babcock of BNY Mellon Bank on the topic of Understanding Fiduciary Duty for Management & Labor, which will also include a roundtable discussion with executives of Graystone Consulting.

Mr. Babcock will begin with discussing the main role of an investment consultant to assist trustees: oversee investment decisions, develop an investment policy statement and carry out diversification of the assets of the plan.

He will also review with both union and management trustees the current state of the major asset class categories: cash, fixed income, equities and other alternatives. His presentation will also explore alternatives for diversification from traditional markets, including real assets, equity hedge assets and private investments.

Each day of the four-day conference features component, divisional and committee meetings with informal displays by sponsoring companies, members and guests. Filling out the agenda are social functions, including an annual golf tournament and other sports activities that are popular among delegate members and guests.

On Saturday evening, Feb. 29, the HVCIP Mid-Winter Meeting will conclude with a buffet reception and closing ceremony. A full report on the industry's agenda and legislative action for 2020 will be available to CIC/BCA members from the association headquarters in Tarrytown by calling (914) 631-6070.

Safety Watch

Construction Hard Hats Celebrate 100 Years Strong Saving Lives One Head at a Time

By SHEILA SMITH DRAPEAU

The helmet has been a part of life on this planet since medieval times, and we recently celebrated the centenary of its modern counterpart, tweaked in the 1920s to accommodate sports, racing and jobsite safety throughout the world. The word we use today is a diminutive of helm, the medieval word for protective head gear.

An indispensable part of construction safety, that name eventually morphed from the original “hard boiled hat” of glue, steamed canvas and leather into our present hard hat of thermoplastics and other high tech materials. A sometimes trendy tool used to make a point, hard hats have been worn by a broad spectrum of presidents, architects, builders and bankers at events from campaign stops to shovel-ready ceremonies where it became a symbol underlining the importance of hard work, economic progress and safety. The term “hard hat” has been used for more than half a century in describing union and construction workers on the job. (The British spelling is two words.) Men working on 19th century ships were some of the first to create what would become known as the hard hat by spreading tar on their soft hats to harden them for protection from falling ropes and cargo.

As it evolved through the centuries, the helmet has served us well in its simple capacity to protect our noggins. More than six million are sold each year in the U.S. but, like those who dismiss the use of lanyard and harness in dangerous situations, there are still workers who are lax in their regard for safety regulations. Even in baseball, despite the death of the Cleveland Indians’ Ray Chapman, fatally beamed by New York Yankees’ Carl Mays in 1920, batting helmets weren’t a part of regular play. But in 1941 the Brooklyn Dodgers instituted the practice after shortstop Pee Wee Reese and left fielder Joe Medwick were badly beamed. Still, it wasn’t until 1971 that batting helmets were made mandatory by Major League Baseball.

Fifty years ago there were 15,000 worker deaths (in 1970 alone), noted in an article by Stacey Simmons for Occupational Health & Safety (OH&S). The Bureau of Labor Statistics (BLS) states that in 2011 there were 393 fatal injuries at jobsites, the result of falling or flying debris or unstable equipment. When the Occupational Health and Safety Act (OSHA) was passed by Congress in 1970, it firmly established the role of hard hats at construction sites and those stats took a decidedly more positive turn. In 2016, re-

ported OHS, worker fatalities dropped to approximately 5,200. According to OSHA 29 CFR 1910.135, the construction standard requires “head protection wherever there is a potential for employees to bump their heads against fixed objects, such as exposed pipes or beams.”

Other OSHA requirements include hard hat use around objects with the potential to fall from a height above the worker, and any possible accidental head contact with electrical hazards resulting in burns or shock. Most construction sites require hard hats wherever and whenever work is in progress. The Laborers’ Health and Safety Fund of North America noted that “head injuries account for 9% of all laborers’ injuries,”



Hard hats that saved lives are often displayed at jobsite safety training centers and union halls.

and the BLS reported that, in most instances where head injuries occurred, employers were negligent in enforcing the

hard hat safety regulation or did not see to it that they were worn correctly for maximum head protection.

The Safety Training Services Blog by Joshua Fleishman notes that, during construction of the Golden Gate Bridge in 1933 until its opening in 1937, falling rivets became such an issue that a designated “hard hat area” was established and the soft leather caps of the late 1800s morphed through time into the safer, sophisticated industrial materials version used today. In general, a hard hat can roughly withstand an object of eight pounds falling from a height of five feet.

Many suppliers in the construction industry sell them alongside other tools and materials. One hard hat vendor, AWISCO, an area welding materials supply company based in Maspeth, NY, markets a variety of hard hats. Its company presi-

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Safety Watch

dent, Lloyd Robinson, noted the company sells approximately 2,000 of the head protectors each year.

"Nothing is more important than a safe workplace," Mr. Robinson said, agreeing that safety in any workplace is a top priority. "Our paramount mission is to make sure each employee goes home to his or her family every night safe and secure."

How hard hats save lives is often documented. Some years ago at a Laborers' Local Union No. 147 (a.k.a the Sandhogs) tunnel jobsite under Manhattan, a worker was hit by falling debris that crushed his face, requiring extensive surgery. The hard hat he was wearing saved his skull and his life. The battered hard hat now rests on a desk in the Union 147 offices as a quiet but powerful reminder that paying attention to safety details saved a life.

In Miami, according to Fleishman, a 24-year-old worker was moving a large sewer pipe by cabled pulley. When the cable

Continued from page 17

broke suddenly, dropping parts of the pulley on the worker's head, it was his hard hat which, despite injuries to his forehead and limbs, prevented him from becoming a jobsite fatality.

Safety on the job has always been a sensitive issue, for despite strong OSHA rules and regulations in place, incidents remain in which people are injured or killed because they didn't take the time to fasten a harness or secure a hard hat. However, statistically more workers are saved by adhering to simple safety measures than those who ignore the steps and suffer the dire consequences.

So next time you're on a jobsite and don that hard hat as a matter of course, tip it in thanks to those medieval men who had the survival instinct and the sense to protect their heads, and in doing so, yours too.

About the author: Sheila Smith Drapeau is associate editor of CONSTRUCTION NEWS.

Attorney's Column

Continued from page 9

(For purposes of the motion, the court had to accept these allegations as true.) As to the third element, damages, the court noted that the plaintiff had also alleged that it lost at least one customer, which constituted actual damages, but went on to hold that as a statement that "tends to injure another in his or her trade," such damages may be presumed under the applicable case law, as a matter of law, without needing to be specifically alleged and proven.

Comment

It is generally recognized that the remedies against a lienor whose lien is exaggerated are limited outside of the foreclosure context. However, as the court tangentially referenced in its prior decision, and as it specifically holds now, those remedies are not nonexistent. While the two Centrifugal cases establish that a defamation claim is not available, and an injurious falsehood claim is, the remedies against such an exaggerated lien may also in-

clude claims for fraud, disparagement of title, interference with contract, interference with prospective business advantage, extortion, malicious prosecution and malicious abuse of process. This case simply reinforces the advice set forth in our previous article that as there is other recourse available to the target of the improper mechanic's lien—even if the lienor refrains from foreclosing—contractors should take away the importance of always being accurate and truthful when filing a mechanic's lien.

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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\$3B Environmental Bond Act

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effect by Jan. 1, 2022.

Gov. Cuomo has included legislation in his FY 2021 Executive Budget a proposal to make New York's fracking ban permanent. The measure would restrict the Department of Environmental Conservation from approving permits that would authorize an applicant to drill, deepen, plug back or convert wells that use high-volume hydraulic fracturing as a means to complete or recomplete a well, protecting the health of New Yorkers and ensuring permanently that our environment is not harmed by

this practice.

Also proposed is continuing EPF funding for a second straight year at a record high \$300 million. Appropriations include \$39 million for solid waste programs, \$89 million for parks and recreation, \$152 million for open space programs and \$20 million for the climate change mitigation and adaptation program. Another \$500 million is also proposed for clean water infrastructure, part of the state's \$3.5-billion commitment to ensure that all New Yorkers have access to clean water.

Read Financial Management Every Month in
Construction NEWS

Developer to Build 334-Unit Multifamily Project New Rochelle's Blessed Sacrament School Site Sold

By JOHN JORDAN

NEW ROCHELLE—Mill Creek Residential of Boca Raton, FL has acquired a little more than two acres of land that housed the former Blessed Sacrament elementary school and will develop a new eight-story, 334-unit multifamily project at the site.

The sale of the property was reported by commercial brokerage firm CBRE on Feb. 5, which represented Blessed Sacrament Church in the transaction. No financial terms of the transaction were disclosed.

Mill Creek plans to build the Modera New Rochelle development at the property located at 24 Maple Ave. and 115 Centre Ave. that when completed will feature eight studios, 201 one-bedroom, and 125 two-bedroom units. As part of the land sale, Mill Creek will be delivering a new parish center to the Blessed Sacrament parish, which continues to serve the New Rochelle Catholic community.

The project site will also include three courtyards and a pedestrian walkway on the northwestern side, according to information posted on the City of New Rochelle website. The City of New Rochelle approved the Modera New Rochelle project on May 29, 2019.

CBRE's William V. Cuddy, Jr., and Jacqueline Novotny represented and advised the Church of the Blessed Sac-



A rendering of the Modera New Rochelle project

rament in the transaction. Counsels for the seller in the transaction included Peter N. Bassano, Esq. from Bleakley Platt & Schmidt, LLP and Michael D. Zarin, Esq. from Zarin & Steinmetz.

"Blessed Sacrament Parish recognized the opportunity to convert its unused property to support its ongoing mission," said Mr. Cuddy, executive vice president at CBRE. "We are thrilled to have the site trade hands to such a well-regarded player in the multifamily sector known for creating thoughtfully-designed apartment communities in

thriving markets throughout the country."

He continued, "As part of their efforts to enhance the communities where they build, Mill Creek Residential has agreed to include a new parish center for the ongoing use of the Church of the Blessed Sacrament as part of their development plans. We are grateful to have worked on such a unique win-win situation"

The Blessed Sacrament elementary school closed in 2007, while the merged Blessed Sacrament/St. Gabriel's High School was closed in 2013 by the Archdiocese of New York.

The property's location offers various transportation options nearby, as well as restaurants, fitness centers and entertainment venues. The project site is within walking distance from the New Rochelle train station, offering service from Metro North and Amtrak, and is located one mile from Interstate-95.

Blessed Sacrament Pastor Rev. William Luiciano addressed the sale of the property to parishioners on the church's website.

While not divulging the sale price, Rev. Luciano stated, "First of all, we are happy to an-

nounce that the over \$12-million debt that Blessed Sacrament Church has accumulated over the last 50 years or so has been totally eliminated."

He noted that the closure of the elementary and high schools left the parish with accumulated debts of more than \$3 million.

"You can see that not only was the Parish not paying the principal on these debts, but was also not paying the interest that was accruing," Rev. Luciano stated in his "From the Pastor's Desk" blog. "It seemed hopeless that this large debt would ever be addressed. Well, now it has. Not only addressed, but eliminated."

He added that the proceeds from the sale will also allow the church to put money aside for the future and stated that the parish is now "debt free, financially stable, growing and is able to address the needs of those we serve."

Elsewhere in the region, Mill Creek Residential Trust acquired the 504-unit The Peaks of Nanuet apartment in Rockland County in a deal reportedly valued at \$180 million in late 2019.

The firm purchased the property from a partnership of New York City-based Harbor Group International and Azure Partners.

Mill Creek also developed the 324-unit Modera Hudson Riverfront in Yonkers, which it sold in April 2019, according to its website.

NYC DEP Sees Big Progress on Catskill Aqueduct Continued from page 1

cleaned area stretched from a facility near the Wallkill River in Ulster County to the Croton Reservoir in Westchester County. Workers removed a harmless, organic film from inside the aqueduct by using stiff scrapers that are similar to squeegees. They scraped the walls of the aqueduct clean from a rolling, modular scaffold that was specially manufactured for the project. Cleaning the aqueduct will restore some of its historic transmission capacity. The organic film creates a rough surface within the Catskill Aqueduct. That rough surface creates friction, causing the water to move slower and thereby reducing the amount of water that can flow through the aqueduct each day. DEP estimates it will regain roughly 40 million gallons of transmission capacity in the Catskill Aqueduct by cleaning its concrete lining. A total of 800 tons of organic film was removed during the latest shutdown.

Leaks and other defects, such as surface cracks, along the aqueduct were repaired at several locations. These were repaired by a variety of methods. A total of 14,036 linear feet of holes were drilled into the aqueduct to seal leaks by injecting them with a special

grout that filled the cracks.

- Workers also removed and replaced the first two of 35 century-old valves along the aqueduct. These valves are located at chambers that allow the aqueduct to drain into local bodies of water. The remaining valves will be removed and replaced in future shutdowns.

- DEP worked in close coordination with communities in the Hudson Valley where aspects of the construction were happening. DEP also collaborated with 20 towns, cities, villages and water districts north of the city that draw all or some of their drinking water from the Catskill Aqueduct. DEP worked with all these communities to prepare and confirm the readiness of their backup water supplies before and during the shutdown.

Preparing for the Delaware Aqueduct Bypass Tunnel

DEP's work on the Catskill Aqueduct is key to preparing for a shutdown of the Delaware Aqueduct in 2022. The 85-mile-long Delaware Aqueduct is the longest tunnel in the world. It begins at Rondout Reservoir in Ulster County and conveys about half of New York City's drinking water every day.

DEP is currently working on a \$1-billion project to repair two areas of leakage from the Delaware Aqueduct. The primary leak will be eliminated through the construction of a 2.5-mile bypass tunnel that is now being built 600 feet under the Hudson River from Newburgh to Wappinger. Excavation of the bypass tunnel was completed on Aug. 13, 2019, and workers are now lining the tunnel with steel and concrete. The bypass tunnel will be connected to structurally sound portions of the existing Delaware Aqueduct to convey water around the leak. The Delaware Aqueduct will stay in service while DEP works on the bypass tunnel parallel to it. Once the bypass tunnel is nearly complete, DEP will shut down the Delaware Aqueduct for 5-8 months to finish the connections on either side of the Hudson River. The leaking section of the existing aqueduct will be plugged and taken out of service forever.

Over the past decade, DEP has worked on several projects to ensure New York City will have a reliable supply of drinking water during the Delaware Aqueduct shutdown. The rehabilitation of the Catskill Aqueduct, including the additional transmission

capacity that it will yield, is key to those efforts.

The Catskill Aqueduct is a 92-mile conduit that carries drinking water from Ashokan Reservoir in Ulster County to Hillview Reservoir in Yonkers. The aqueduct conveys about 40% of New York City's drinking water on an average day, and it can currently deliver up to 590 million gallons per day.

The Catskill Aqueduct was built from 1907-1915. It first delivered water to New York City on Dec. 27, 1915, starting with water to the Bronx only. Water from the Catskill Aqueduct first reached all five boroughs of the city in 1917. The majority of the aqueduct—about 55 miles of its total length—was built above ground using a "cut-and-cover" method that

involved excavating a trench and building the aqueduct at the surface. The remainder of the aqueduct includes grade tunnels that cut through mountains and pressure tunnels that plunge below creeks and rivers before coming back to the surface. The portion of the Catskill Aqueduct that runs 1,114 feet beneath the Hudson River is the deepest part of New York City's entire water supply.

The aqueduct conveys water from Ashokan Reservoir, which was the first reservoir New York City built in the Catskills. Water that came from the Catskills, through the aqueduct, was key to allowing New York City to grow through the industrial and population booms that followed World War I.

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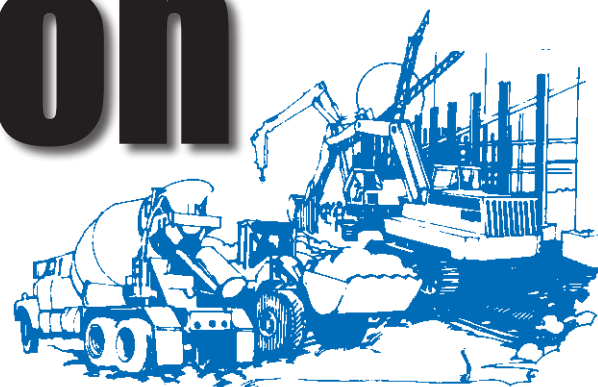


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Port Auth. Unveils \$3.8B Terminal 4 at JFK

ALBANY—The Port Authority of New York and New Jersey reached agreement on key terms with Delta Air Lines and JFK International Air Terminal, the operator of Terminal 4, to dramatically expand Terminal 4 and consolidate Delta operations there.

Subject to Board approval, the Port Authority will finalize and enter into a lease amendment with JFK International Air Terminal for:

- An expansion and renovation of the Terminal 4 arrivals and departures hall;
- A major concourse expansion to add 16 new gates;
- The renovation of existing concourses;
- Roadway upgrades to improve access for vehicles.

The expansion at Terminal 4 is expected to be complete with Delta consolidating its operations in early 2023. The roadway improvements will be completed in late 2025 with the other JFK Airport redevelopment projects.

The \$3.8-billion Terminal 4 project will modernize and expand the existing terminal, adding more than 500,000 square feet and 16 domestic narrow-body gates, while expanding and renovating the arrivals and departures hall to improve the ticketing areas,



The Port Authority has agreed on key terms with Delta Airlines to dramatically expand Terminal 4 at JFK Airport.

security check points, baggage claim and arrivals areas. The newly renovated, light-filled terminal and concourses will convey a sense of place with modern concessions and amenities that welcome travelers to New York, state officials noted.

Delta currently operates out of both Terminal 4 and Terminal 2, and this expansion will allow Delta to offer connecting customers a seamless travel experience at JFK by consolidating all of Delta's JFK operations into Terminal 4.

The 16-gate expansion will replace the 11 gates currently used by Delta at Terminal 2, which was built in 1962 and allow for the demolition of that 58-year-old terminal.

The consolidation will also allow for more seam-

less connections on many of Delta's partner airlines.

The project will include expanded seating areas and concessions, modern wayfinding, and brand-new restrooms designed with travelers in mind. The expansion project also includes a new Delta Sky Club in Terminal 4's Concourse A. Roadway access and frontage adjacent to Terminal 4 will also be reconfigured as part of this project, improving vehicle access for customers.

"The Terminal 4 expansion

will be another milestone in the transformation of JFK Airport, with upgrades that will give passengers the world-class experience they expect when flying into New York," said Gov. Andrew Cuomo. "When completed, our \$13-billion project to modernize JFK will create a more unified airport and solidify New York's position as the premier entry point to our country."

Kevin O'Toole, chairman of the Board of Commissioners of the Port Authority of New York and New Jersey, said, "Delta and JFKIAT have been true partners in the Port Authority's work to modernize and unify JFK International Airport. This project will advance the agency's mission to keep the region

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Despite Fiscal Obstacles, the Call To Expand Route 17 Broadens

By JOHN JORDAN

GOSHEN, NY—Although Gov. Andrew Cuomo and the State Legislature are currently grappling with how to close a \$6-billion budget shortfall, representatives of a coalition advocating for a \$500-million project to expand Route 17 from Harriman in Orange County to Monticello in Sullivan County are undeterred in their belief that now is the time to move forward with the project.

The Mid-Hudson region has seen significant economic growth in recent years. The Route 17 corridor in Orange and Sullivan counties will soon have to contend with additional traffic from the LEGOLAND New York resort in Goshen, which is scheduled to open in July; and Amy's Kitchen in Goshen. Route 17, which currently features two lanes in the east and westbound directions, is the primary arterial to the fledgling Resorts World Catskills Casino Resort and the adjoining Kartrite Resort & Waterpark in Monticello, as well as the Bethel Woods Center for the Arts, also in Sullivan County.

In Orange County, in addition to LEGOLAND New York,

which will feature a new Exit 125 being built by developer Merlin Entertainment, the southern part of the county at the junction of Route 17 and I-87 is the highly popular Woodbury Common Premium Outlet, which is also in the approval process for another expansion project. A total of approximately 13 million visitors frequent Woodbury Common each year.

Nearby, a possible second casino facility to be operated by the owner of Resort Catskills could be in the offing on a parcel off Route 17 in Harriman if the \$100-million electronic gaming project secures approval from the State Legislature.

Construction was recently completed on \$150 million in state roadway and bridge improvements in and around Exit 131 near Woodbury Common and the New York State Thruway, including the introduction of cashless tolling.

If that were not enough business activity for the Route 17 corridor, Orange County Executive Steve Neuhaus recently told CONSTRUCTION NEWS that Great Wolf Lodge is considering a number of Orange County sites for possible development,



From left, Daniel Ortega, community affairs, Engineers Labor-Employer Cooperative, coalition member; Michael Fleischer, Esq., president, Strategic Public Affairs NY, a lobbyist for the coalition; Maureen Halahan, president and CEO, Orange County Partnership and co-chair of 17-Forward-86; and Michael Lawler, partner, Checkmate Strategies, and Director of 17-Forward-86.

including the former Camp LaGuardia property off Route 17 in the towns of Blooming Grove and Chester. Maureen Halahan, president and CEO, Orange County Partnership and co-chair of 17-Forward-86 said that Great Wolf is also considering other properties in Orange County as well. Mr. Neuhaus recently revealed that the county will be releasing a Request for Proposals for the Camp LaGuardia property, which is owned by Orange County.

A panel of representatives from the 17 Forward 86 coalition briefed a group of real estate professionals on Feb. 14. The panel at the Hudson Gateway Association of Realtors Commercial Investment Division session featured Ms. Halahan; Michael Lawler, partner, Checkmate Strategies, and Director of 17-Forward-86; Michael Fleischer, Esq., president, Strategic Public Affairs NY, a lobbyist for the coalition, and Daniel Ortega, community affairs,

Engineers Labor-Employer Cooperative, coalition member.

Mr. Lawler said since Gov. Cuomo proposed a two-year capital program instead of a five-year plan, the \$500 million cost for the project will have to be secured in two different capital programs.

"Our objective now is to move the ball forward and get at least \$100 million in construction funds in the second year of the two-year capital plan," he said. Mr. Lawler said that the Route 17 expansion initiative has received unanimous support from the Hudson Valley state delegation.

Mr. Ortega estimated that the five-year construction project would employ approximately 500 construction workers and result in the creation of another 1,000 indirect jobs.

17-Forward-86 launched its campaign on March 6, 2019 at a press conference in Albany. The coalition is seeking \$500 million from New York State to add a third lane east and west on Route 17 to enable future designation as Interstate 86 in the region. The coalition proposes that NYSDOT budget \$100 million over a five-year period.

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Walk the Talk: Prioritizing Your Company's Core Values

By PHILLIP ROSS, CPA, CGMA, PARTNER

Do your employees know your construction company's core values? Are they (and you) applying these values to daily operations and decision making? Are you using the values to build your brand and reputation in the marketplace?

If you had a hard time answering the above questions, it may be time to revisit the concept of having company core values and prioritizing them on every job.

Stand for Something

Core values we call business principles should be more than a superficial exercise in platitudes. When a construction business establishes a set of values, that company is proclaiming what they stand for and how they do business.

The values should serve as a guide for how to manage employees, projects and customer service and how to resolve issues. They should be used as a litmus test when evaluating potential projects, clients, partners and job candidates to determine fit. They'll certainly be used by project owners to determine which contractors live up to their promises.

Employees and job candidates also measure employers by their values. In 2017, *Forbes* magazine reported that company culture is so important to Millennials—who were estimated to make up roughly half the working population by this year—that core values are becoming an important tool for attracting and retaining talent.

Are you putting core values in action or are you just paying lip service to them? As an example, let's look at safety—a value adopted by many contractors. A company that prioritizes safety should base every decision, both big and small, on that value.

Leadership must be committed to training and procedures that ensure all employees go home uninjured. Employees must know they're responsible for their own safety and the safety of those around them. If a design or work practice is perceived to be unsafe, a contractor committed to safety won't proceed until the issue is resolved. After all, safety must take priority—even over schedule and profit.

Select a Set

Common examples of values include: Teamwork, Fun, Innovation, Integrity, Honesty, Courage, Accountability, Community, Transparency, Quality and Safety.

After you've selected a set of three to seven core values, the next step is to ensure they're embedded into your construction company's culture. Consider including these



in your employee handbook and the company's code of ethics. Clearly define how the company interprets each value.

Include a sentence describing the value and how you

apply that value. For example, "Safety. Provide an environment in which our employees can do work without getting hurt."

Include each core value as a topic in training programs for new hires and use a "core value checklist" in annual reviews. You might even create a rewards program for employees based on how they exemplify one or more company values. Deciding which values best characterize the company should be a topic of discussion for you and your management team. Sometimes core values need to be refreshed as a company grows and evolves, so

revisit them regularly during strategic planning meetings.

exceed expectations set by their values, they build credibility and trust on jobsites and in their respective markets. When they don't live up to their values—well, customers and project partners will notice. Once yours are established, be sure to "walk the talk."

About the author: Phillip Ross, CPA, CGMA is an Accounting and Audit Partner and Chair of the Construction Industry Group at Anchin, Block & Anchin, LLP. For more construction industry thought leadership and content, log on to www.anchin.com.

The values should serve as a guide for how to manage employees, projects and customer service and how to resolve issues. They should be used as a litmus test when evaluating potential projects, clients, partners and job candidates to determine fit.

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The existing Danskammer Energy Plant would be replaced by an adjoining new 535-megawatt gas-fired plant.

Orange County Projects Win Key Approvals

Former 'Project Sailfish,' Danskammer Power Plant Secure Public Votes

MONTGOMERY, NY—The more than 1-million-square-foot Amazon warehouse project here was granted approval earlier this month for a 15-year PILOT agreement by the Montgomery Industrial Development Agency, which will allow the e-commerce giant to begin construction shortly on the project.

Published reports value the Amazon proj-

ect at more than \$75 million. Labor official L. Todd Diorio, president of the Hudson Valley Building & Construction Trades Council, told CONSTRUCTION NEWS this month that as much as 95% of the project would be built by union labor.

The Amazon project would be built on approximately 187 acres of land at 635 International Drive, at the intersection of Route 17K and Route 747—totaling 1,010,880 square feet.

The Montgomery Industrial Development Agency voted 5-2 to grant a 15-year PILOT

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WASHINGTON UPDATE

EPA To Let \$2.7 Billion For Drinking Water Projects

WASHINGTON—The U.S. Environmental Protection Agency announced on Feb. 12 the availability of \$2.7 billion for State Revolving Funds. This funding assists states, tribes and territories with infrastructure projects that help protect surface water and provide safe drinking water to communities across the United States.

"EPA's decades-long commitment to water infrastructure has helped provide \$180 billion in project financing to over 41,000 water quality infrastructure projects and 15,000 drinking water projects across the country," said EPA Administrator Andrew Wheeler.

In 2020, EPA is providing approximately \$1.6 billion in new federal grant funding for the Clean Water State Revolving Fund (CWSRF). This funding is available for a wide range of water infrastructure projects, including modernizing aging wastewater infrastructure, implementing water reuse and recycling and addressing stormwater. More than \$64 million in CWSRF grant funding is available to tribes, certain U.S. territories and the District of Columbia for infrastructure projects.

EPA is also making available more than \$1.07 billion in new federal grant funding for the Drinking Water State Revolving Fund (DWSRF). This funding can be used for loans that help drinking water systems install treatment for contaminants, improve distribution systems by removing lead service lines and improve system resiliency do to natural disasters such as floods. In addition, more than \$50 million in DWSRF grant funding is available to tribes, U.S. territories and the District of Columbia to use for drinking water system upgrades.

Under the Clean Water and Drinking Water State Revolving Fund programs, EPA provides funding to all 50 states and Puerto Rico to capitalize SRF loan programs. The states and Puerto Rico contribute an additional 20% to match the federal grants.

The 51 SRF programs function like infrastructure banks by providing low-interest loans to eligible recipients for drinking water and clean water infrastructure projects. As the loan principal and interest are repaid over time, it allows the state's DWSRF and CWSRF to be recycled or "revolve." As money is returned to the state's revolving loan fund, the state makes new loans to other eligible recipients. These funds can also be combined with EPA's WIFIA loans to create an innovative financing solution for major infrastructure projects.

T&I Chair: Need More Detail In Trump Fed Budget Plan

WASHINGTON—Chairman of the House Committee on Transportation and Infrastructure Peter DeFazio (D-OR) released a statement on Feb. 10 in response to President Trump's newly proposed budget, saying the President's plan "fails to deliver."

"Not only does his budget slash badly needed funding to help make sure people get clean water, his vision for 'making America great' would also zero out programs to restore and protect critical bodies of water, from South Florida to the Gulf of Mexico, all while gutting the Army Corps' budget by billions, slashing transit investments via the Capital Investments Grant program, and putting Amtrak into a downward spiral, putting critical routes at risk," Rep. DeFazio stated.

He noted that one positive aspect of the Trump budget is that it signals the administration's acknowledgement of the need to invest in the nation's crumbling infrastructure. "But without further details, it's hard to say whether he is more interested in the status quo or whether he actually wants to move forward with innovative solutions that would tackle carbon pollution in the transportation sector, create jobs and support American manufacturing, and bring our outdated infrastructure into the 21st century and beyond," he said.

On Jan. 29, DeFazio and the chairs of two other House committees released a framework for a five-year, \$760-billion investment in infrastructure that they said would address some of the country's most urgent infrastructure needs, from addressing the massive maintenance backlog, to designing safer streets, to putting the U.S. on a path toward zero emissions from the transportation sector and increasing resiliency.

The framework put forth by Transportation and Infrastructure Committee Chair DeFazio, Energy and Commerce Committee Chair Frank Pallone (D-NJ) and Ways and Means Committee Chair Richard Neal (D-MA) would bolster the federal role in order to help communities around the country undertake transformative projects that are smarter, safer, and made to last.

Among other things, the framework outlines major investments, including those in highways, rail, and transit systems, airports, ports and harbors, wastewater and drinking water infrastructure, brownfields, and broadband.

The plans framework includes:

- Bringing existing infrastructure into a state of good repair and enables the completion of critical projects through long-term, sustainable funding.
- Setting a path toward zero carbon pollution from the trans-

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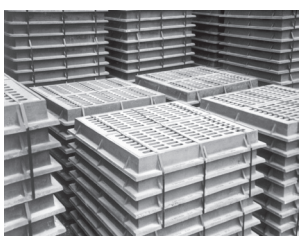
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The Route 17 corridor has seen tremendous business activity in the last few years and has a host of major projects under construction or in the planning process.

Despite Fiscal Obstacles, the Call To Expand Route 17 Broadens

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Last year, the coalition scored a significant victory when NYSDOT announced its intent to undertake a \$5-million Planning and Environmental Linkage study (PEL), that will identify priority locations for improvement and conduct necessary environmental assessments and preliminary engineering. Mr. Fleischer said the PEL study is expected to begin in April.

Ms. Halahan said that there is an unprecedented pipeline of potential development projects coming to Orange County and the one major headwind that could deter future economic growth is traffic on Route 17. In fact, the specter of traffic congestion is causing some communities in Orange County to either consider or implement a building moratorium. The Town of New Windsor has imposed a moratorium on residential and commercial

development, while the Town of Montgomery, which recently approved a more than 1 million-square-foot Amazon warehouse project, is also considering a moratorium. Another more than 1-million-square-foot distribution facility in Montgomery proposed by health care products manufacturer Medline is currently in the approval process as well.

The hotel industry is banking on business growth in the region. At present, there are approximately 52 hotels in Orange County that are either open, under construction or in the planning stages, accounting for approximately 4,400 rooms. Many of these hotel properties are located along the Route 17 corridor, she noted. At present, there are seven hotels that are actively in the construction or planning stages in Orange County, six of which are located adjacent to Route 17. “And there are more coming,” she said.



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Dominican College To Honor IBEW 363's Sam Fratto



Sam Fratto, Business
Manager, IBEW Local 363

ORANGEBURG—Domini-
can College and its Board of
Trustees announced this month
they selected labor leader Sam
Fratto as Dominican College’s
2020 Person of the Year. Mr.
Fratto will be honored at the
48th Annual Grand Reception
on Sunday afternoon, April 19,
at the Old Tappan Manor in Old
Tappan, NJ.

“We are pleased to announce
that Sam Fratto, the Business
Manager of IBEW Local 363, has
been selected the Dominican
College Person of the Year,” said
Dominican College President
Sr. Mary Eileen O’Brien. “Sam
was chosen for his outstanding

professional leadership, his community involvement, and his
philanthropic works.”

In 2011, Mr. Fratto was appointed business manager of L.U. 363
by the Executive Board. He has since been elected by the member-
ship three times. His appointment as business manager of Local
363 came 33 years after first joining the electrical trade as an
apprentice with IBEW Local 631. Mr. Fratto steadily advanced in
his career, holding various foreman and shop steward positions.
In 1986, he was elected to the IBEW Local 631 Executive Board.

Mr. Fratto was appointed assistant business manager for the
union local in 1987 and in 1992 was elected business manager of
IBEW Local 631. Two years later, the international office decided
to merge all three locals into a bigger and stronger IBEW Local
363 that would cover the entire Hudson Valley. Mr. Fratto then
served as an assistant business manager and senior assistant
business manager at the newly merged Local 363 until beginning
his current position.

Under his leadership, Local 363 has supported many community
organizations, including the Boy Scouts, United Way, United Hos-
pice, Child Care Resources of Rockland, Helen Hayes Hospital, and
Jawonio. He has been recognized nationally by the IBEW for his
work within his local union and the Hudson Valley. In addition,
he has been honored by the Rockland Business Association, Good
Samaritan Hospital and the Hudson Valley Labor Federation.

Tickets to the Grand Reception, which will begin at 1:00 p.m.,
can be purchased at dc.edu/grandreception2020. For additional
information, please contact Mary Lichtman at 845-848-7406 or
mary.lichtman@dc.edu.

Orange County Projects Win Key Approvals

Continued from page 24

agreement valued at \$20.5 million. The warehouse is expected to
create 300 construction jobs and more than 800 jobs within two
years of completion, according to a report in the *Middletown
Times-Herald Record*.

Public officials with knowledge of the project told CONSTRU-
TION NEWS that site clearing work was expected to begin very
shortly on the project, which was previously known as ‘Project
Sailfish.’

Another major development project that will be manned by
a large contingent from the Hudson Valley Building Trades is
the estimated \$500-million Danskammer Energy Plant project in
Newburgh.

On Feb. 13, the Orange County Industrial Development Agency
approved an extension of Danskammer Energy LLC’s PILOT
agreement. The firm is currently in the Article 10 process on its
proposed energy plant conversion project that will result in the
development of a 535-megawatt plant to replace its aging Town
of Newburgh plant.

One major project that has yet to secure approvals as yet is the
\$120-million, 1.3-million-square-foot distribution facility proposed
by Medline. The project, which has been supported by the Hudson
Valley Building Trades, has been controversial and is currently
before the Town Planning Board for approval.

Mr. Diorio said that the site work and concrete work on the
project performed so far at the property have been performed by
union labor.

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Port Auth. Unveils \$3.8B Terminal 4 at JFK

Continued from page 21
moving and its commitment to provide a best-in-class experience to all travelers and visitors to the metropolitan region.”
The redesign of Terminal 4, which became the first air terminal to achieve LEED O+M certification in 2017, will continue the Port Authority’s and JFK International Air Terminal’s (JFKIAT) commitment to energy efficiency, utilizing energy saving equipment and lighting throughout the terminal. The concourse expansion will incorporate infrastructure for rainwater capture and reuse within the building. In keeping with the Port Authority’s standards for transitioning to electric vehicles across its facilities, the project includes charging stations for electric ground service equipment at all new gates along with a deicing recovery system to capture spent deicing fluid.
The expansion and renovation of Terminal 4 is expected to be financed by JFKIAT. In early February, Delta’s Board of Directors authorized Delta’s management team to negotiate and enter into definitive agreements.
Delta has grown its presence in New York City by more than 65% in the last 10 years and today operates

more than 240 peak daily departures from JFK to nearly 100 destinations in more than 30 countries around the world. The airline first unveiled its \$1.4-billion, state-of-the-art international gateway at JFK’s Terminal 4 in 2013. At LaGuardia Airport, Delta operates more than 275 peak daily departures and began construction on the \$4-billion replacement of Terminals C and D in August 2017. Delta’s first new concourse and new gates on the eastern side of the airport opened in October 2019. A modern headhouse will open in 2022 as part of a whole new LGA, with the phased opening of three additional concourses.
JFKIAT, a U.S. affiliate of Royal Schiphol Group, has been the operator of Terminal 4 at John F. Kennedy International Airport since 1997. The expansion will further enhance the terminal’s offerings for its 33 airline partners with new technologies to ensure expedited and seamless passenger processing capabilities, innovative food options, a locally inspired retail mix, children’s play areas and other amenities to ensure passenger comfort and convenience.
As previously announced, on the airport’s south side, the Port Authority will enter into a lease agreement for The New Terminal One, a \$7.4-billion, 2.8 million square foot new international terminal with a consortium of airlines - Lufthansa, Air France, Japan Airlines and Korean Air Lines—and development and financial partners -The Carlyle Group, JLC Infrastructure and the Union Labor Life Insurance Company (ULLILCO)—for the design, construction, financing, operation and maintenance of the new, sustainably designed and future focused state-of-the-art terminal. The New Terminal One will replace JFK’s Terminal 1 which the group currently operates, Terminal 2 which opened in 1962 and is set to be demolished, as well as the area left vacant when Terminal 3 was demolished in 2014.
On the airport’s north side, the proposed new \$3-billion, 1.2 million square foot international terminal will be developed by JetBlue-JFK Millennium Partners. The consortium plans to create a world-class international terminal complex that will connect to the existing Terminal 5. The new terminal will be occupied by JetBlue and its various partners currently spread throughout the airport.

Construction Underway at Terminal 8
Gov. Cuomo announced the first groundbreak- ing as part of the complete transformation of JFK International Airport in December 2019. As part of the project, American Airlines and British Airways will add more than 70,000 square feet of customer and operational space to Terminal 8. With customer experi- ence in mind, improvements include reconfiguration of the check-in lobby to increase capacity by 25%, renovation and modernization of terminal restrooms, expansion of the fourth-level lounge areas to create joint American Airlines/British Airways premium lounges and enhanced retail and dining options to enjoy before flight. The redeveloped Terminal 8 will feature five additional wide-body gates to accommo- date larger aircraft, four wide-body hardstands, and enhanced baggage systems. Construction is scheduled to be completed in 2022.

On-Airport and Off-Airport Roadway Improvements
Another key part of the redevelopment project, a simplified roadway system will enable quicker access to all terminals for private cars, taxis, ride-share and other for-hire vehicles and to reconfigured parking lots for short-term and long-term parking.
Plans call for the terminal areas to be linked by two main “ringroads,” a north loop and a south loop, which will make it easier to enter and exit the airport while providing significantly easier access to the terminal complex areas on the airport’s north and south sides.
Off airport, the New York State Department of Transportation has targeted \$1.5 billion in highway improvements designed to ease bottlenecks, particu- larly at the Kew Gardens Interchange with the Van Wyck Expressway and on the notoriously congested Van Wyck as well.
With respect to mass transit, the Port Authority will be adding 50% capacity to the AirTrain JFK system as well as increasing frequency of service to keep up with rising demand. AirTrain JFK handled nearly 21 million passengers in 2019, surpassing the previous annual record set in 2018. Additionally, at Jamaica Station the Long Island Rail Road is constructing a new, 12-car platform that will increase capacity for those traveling to and from JFK.

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Economic Outlook

Regional Real Estate Today: A Tale of Two Markets

By MICHAEL PATON

Tax reform may be to blame for a relatively flat housing market in the higher-end level in the Hudson Valley. The state and local tax deductions cap (SALT Cap) impacted housing sales and price appreciation. In 2019, home sales were down almost 5% in Westchester, 5% in Putnam, and more than 15% in Dutchess, but they were up 8% in Rockland and more than 1% in Orange.

The SALT Cap limits tax deductions on tax returns to \$10,000. Taxpayers in higher-end markets—like single-family homebuyers in Westchester County—are more likely to itemize their taxes, seeing in black-and-white the impact



made by the cap, and adjusting their spending accordingly. Homeowners and homebuyers in the lower-priced markets, however, would most likely have lower income levels and take the standard deduction, with little

effect from the SALT Cap. More broadly, the housing market in the Lower Hudson Valley has been a tale of two markets with a sharp divergence between higher-priced and lower-priced counties, according to a report published by Better Homes and Gardens Real Estate Rand Realty. Lower-priced markets saw more robust rises in price than higher-end markets. Westchester's average prices were down just a bit; conversely, prices rose sharply nearly everywhere else in the Hudson Valley. Putnam saw a jump of almost 4%; there was

a rise of more than 4% in Rockland, 8% in Orange, and 11% in Dutchess.

Manhattan's office market registered the highest leasing volume level in nearly two decades last year, showing companies' appetite for new Big Apple offices have not yet been satiated.

Switching to the commercial side, Manhattan's office market registered the highest leasing volume level in nearly two de-

acades last year, showing companies' appetite for new Big Apple offices have not yet been satiated.

The Manhattan office market soared to record levels again last year. Thanks to several monster lease deals and healthy job growth, a total of nearly 43 million square feet of office leases were signed in Manhattan in 2019, according to figures from Colliers International Research. That is the highest level since 2001 and

almost 3% higher than 2018, itself a stellar leasing year. Leasing activity was 15% above the borough's five-year historical average, Colliers found. This was certainly a year where we had many notable, large leases driving activity.

While most offices leases are for between 5,000 square feet and 15,000 square feet, a couple of megadeals in any given year have the power to move the needle, even in a market that is seeing significant amounts of new office product. The average asking rent hit just shy of \$78.80-per-square-foot at the end of the year, according to Colliers research, which is the second-highest quarterly average on record, and rents increased in 13 of Manhattan's 18 submarkets.

The rising asking rents were driven largely by the huge new buildings opening up. Eight large blocks of space larger than 100,000 square feet asking for at least \$100 per square foot in rent opened in 2019, according to CBRE, bringing 2.2 million square feet of high-priced space to market. The city's average asking rent rose 10% last year to \$80.43-per-square-foot.

All those openings drove the city's net absorption to negative 3.3 million square feet, according to Colliers, only the second time the borough's absorption was negative in the last 10 years. The negative absorption—meaning space vacated or opened vacant—outweighed new leasing by more than 3 million square feet, and is being driven by the deluge of new supply combined with law firms and other businesses taking less space per employee than in years past.

Tenants in financial services, insurance and real estate took up 36% of leasing activity, followed by technology, advertising, media and information services, which had a total of 32% of the market. The year was shaped by multiple major deals, and tech companies generated a large share of the new activity. Google locked down 1.3 million square feet at 550 Washington St. for a brand-new campus in

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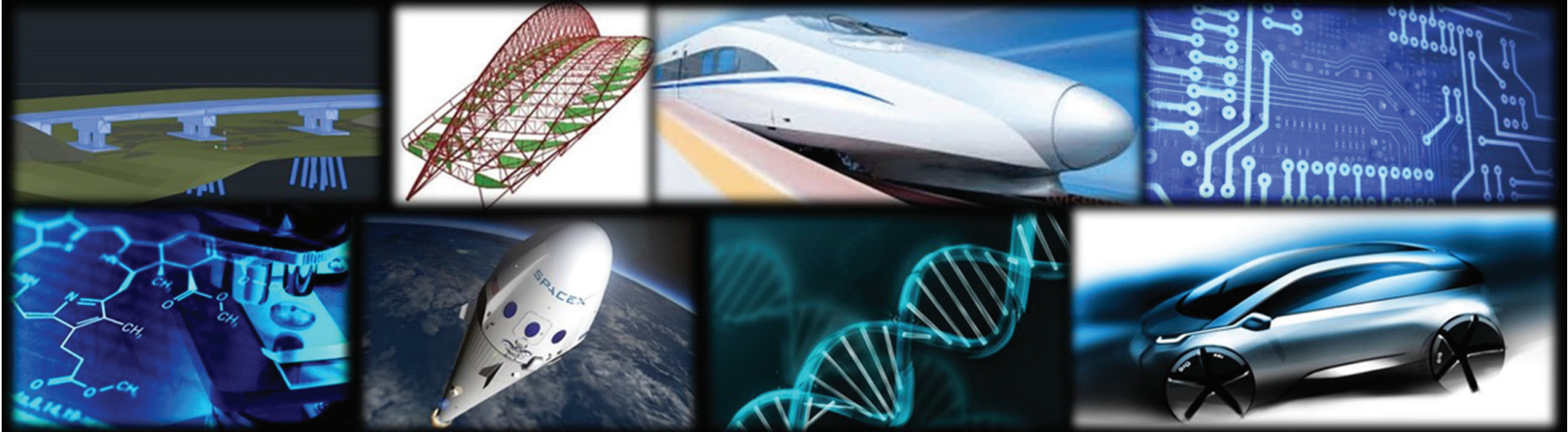


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NYSDOT - Region 8
Bid Letting Date: March 4, 2020

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 & Town of Esopus. This is a Best Value Selection.

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

Goals: DBE: 8.00%

Bid Letting Date: March 5, 2020
Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264185
PIN# 881388
FA Proj.# Z240-8813-883

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., replace existing pavement markings.

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

Goals: DBE: 3.00%

Bid Letting Date: March 5, 2020
Brian DeWald, PE
Assistant Director of Construction
New York State Department of Transportation
50 Wolf Road, Albany, NY 12232
(518) 457-9688

Contract# D264186
PIN# 881390
FA Proj.# Z240-8813-903

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., Biennial Special Markings Replacements Region Wide, Bid Deposit: 5% of Bid (~ \$125,000.00) , Goals: DBE: 3.00%

D264200, PIN 881438, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., where and when graffiti removal contract.

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

Goals: MBE: 0.00%, WBE: 0.00%

NYSDOT - Region 9
Bid Letting Date: March 5, 2020

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

Contract# D264154
PIN# 980689
FA Proj.# Z001-9806-893

Project Description: Broome, Sullivan Cos., install/modify traffic signals and ADA compliant pedestrian facilities in Towns of Chenango and Thompson.

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

Goals: DBE: 3.00%

NYSDOT - Region 10
Bid Letting Date: March 5, 2020

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

Contract# D264187
PIN# 081003
FA Proj.# Z001-0810-033

Project Description: Nassau, Suffolk Cos., mill, inlay and other surface treatments at various locations Throughout Region 10.

Bid Deposit: 5% of Bid (~ \$1,500,000.00)

Goals: DBE: 5.00%

NYSDOT - Region 11
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: Feb. 26, 2020
(Second Date Change)

Contract: 15-560 (\$100.)
Title: Steam System Upgrades, Michaelian Office Building, White Plains, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required to replace existing expansion joints, radiator control valves, steam traps and zone valve actuators. This work will also provide new steam pipe insulation and provide new piping to bypass existing condensate transfer pump to prevent spillage.

NOTE: Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$1.2 to \$1.5 Million.

2nd Pre-Bid Inspection: Held on Feb. 6, 2020. The February 6, 2020 Pre-Bid Site Inspection was MANDATORY for any new Contractors.

Contractors who attended the Jan. 28, 2020 Pre-Bid Site Inspection were not required to attend this second site inspection. Bids will be rejected from contractors not in attendance at either the Jan. 28, 2020 or Feb. 6, 2020 meeting, or those who failed to sign the attendance sheet.

Contact: Vincent Leone, 914-995-5107.

Bid Due Date: Feb. 26, 2020
Contract: 17-547 (\$100.)

Title: Resurfacing and Related Improvements, Bedford Road (C.R. #27 and C.R. #106) from Pleasantville/ Mount Pleasant Border Line to Broadway, a distance of 1.21 miles, Village of Pleasantville, NY.

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the milling, resurfacing and road improvements which will include curb replacement, curb cuts, traffic signal improvements, drainage and adjustments, some intersection improvements and new pavement markings.

Bid Estimate Range: \$2.1 to \$2.3 Million.

Pre-Bid Inspection: None schedule.

Contact: Anthony Ventarola, 914-995-2565.

Bid Due Date: March 4, 2020
Contract: WCA 20001

Title: Street Sweeping Services, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, NY.

Description: The work under this contract consists of providing all necessary labor, material and equipment required to provide street sweeping services for parking lots and roadways at Westchester County Airport. This contract is for a term of three (3) years with one two (2) year renewal at the discretion of the county.

Mandatory Pre-Bid Inspection: 10:00 a.m., Feb. 18, 2020; meeting at Westchester County Airport, Main Terminal 2nd Floor, Airport Administration. MANDATORY attendance is required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: Tom Rumbarger, 914-995-4885.

NYS Dormitory Authority
Bid Due Date: March 4, 2020

Title: State University of New York at Fashion Institute of Technology New Academic Building General Construction, Electrical, Mechanical, and Asbestos Abatement

Subcontracting Provisioning Goals: Minority Owned:20%, Women Owned:12%, Service Disabled Veteran Owned:6%.

Location Where Goods to be Delivered or Service Performed
Fashion Institute of Technology, 227 West 27th Street, New York, NY 10001

The goods and services are to be provided at the Fashion Institute of Technology, 227 West 27th Street, New York, NY 10001. This contract is one of two contracts to construct a new 111,400 square-foot Academic Building consisting of 10 stories, which will provide additional smart classrooms, studios, student assembly space, and administrative offices.

The scope of this contract shall include but not be limited to performing all the General Construction work associated with Slab on Grade and above, all Electrical, Mechanical and Asbestos Abatement as described in the Bid and Contract Documents.

Construction Estimate: \$120,000,000 - \$ 123,000,000

Please note: Bid documents will be available at a later date. Please monitor the Camelot Print and Copy Center Planroom.

The Dormitory Authority of the State of New York has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement ("PLA") on this Project. The successful low bidder, as a condition of being awarded this Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <https://www.dasny.org/>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

Bid Due Date: March 11, 2020
Title: New York State Office for People with Develop-

mental Disabilities, Capital District DDSO, Hostel 2451 and Hostel 9734 Fire Alarm System Replacement and Asbestos Abatement

Contract: CR17 Electrical

Project Number 3518009999

Sealed bids for the above Work located at Capital District DDSO, Hostel 2451, 65 Worth Road, Gansevoort, New York 12831 and Hostel 9734, 2243 State Route 22A, Hampton, New York 12837 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside " BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – JENNIFER BURTCH." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids. All individuals who plan to attend bid openings will be required to present government-issued picture identification to building security officials and obtain a visitor's pass prior to attending the bid opening.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on March 11, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Steven Wozniak, Project Manager, DASNY, 515 Broadway, Albany, New York 12207 518-257-3991 swozniak@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Wednesday, Feb. 19, 2020 at 10:00 AM at Capital District DDSO, Hostel 2451, 65 Worth Road, Gansevoort, New York 12831 followed by Hostel 9734, 2243 State Route 22A, Hampton, New York 12837. Contact Steven Wozniak at 518-257-3991. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368> .

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Delayed Portal Bridge Eligible for Funding; Poles Urge Feds to Fund Gateway Project

TRENTON, NJ—U.S. Department of Transportation announced the long-delayed Portal Bridge replacement project is now eligible for federal funding in the FY2021 budget.

The USDOT raised the rating of the project to “medium-high,” which now makes the \$1.7-billion project eligible for federal funding. However, the improved ranking, while praised by New Jersey federal lawmakers along with Gov. Phil Murphy and others, does not change the Trump administration’s stance on the stalled \$11-billion Gateway Tunnel program.

The existing Portal North Bridge, which is more than a century old, is in serious need of repair, and it is a major source of delays for New Jersey Transit and Amtrak trains running between New Jersey and New York. Trains crossing the

bridge must slow down due to its weak structural integrity, and when it opens to allow boats to pass it sometimes fails to close, disrupting rail traffic up and down the northeast corridor.

“Since coming to Congress, I have had no higher priority than delivering the Portal North Bridge for my constituents,” said U.S. Rep. Tom Malinowski (D-NJ). “Relentless pressure from Congress has produced a major win for New Jersey commuters and I look forward to seeing work started soon.”

The House Democratic majority ensured that sufficient funding was included in the FY 2019 and 2020 appropriations bills to cover the first stage of the Portal North project.

“From day one, my administration has worked closely with our congressional delegation



A rendering of the new Portal North Bridge.

and Secretary Chao’s team to enhance this critical project that cannot wait another day—we have committed the entirety of New Jersey’s local share in the form of \$600 million in EDA bonds, completed critical early construction work and developed shovel-ready plans for major construction,” said New Jersey Gov. Murphy. “The decision by USDOT puts us one

step closer toward our ultimate goal: replacing this unreliable, century-old bridge and reducing delays for NJ TRANSIT customers.”

Others that offered positive comments on the new FTA rating included chief officials with Amtrak and NJ TRANSIT. However, many officials also called for the federal government to commit to funding the much-

needed Gateway Tunnel project.

Gateway Program Development Corporation Chairman Steven M. Cohen said, “We are pleased that the U.S. Department of Transportation has taken this major action toward funding the Portal North Bridge Project. Along with the Hudson Tunnel Project, the Portal North Bridge is a critical part of replacing a 109-year-old unreliable system. Now we need the new tunnel to also move forward to finally provide 21st Century rail transportation into and out of the nation’s economic heart.”

In 2019, GDC released a study that reported almost 2,000 hours of lost time for passengers due to major delays at the Portal Bridge and the existing Hudson Tunnel.

“It’s long past time to replace these antiquated workhorses,” Mr. Cohen added.

NEW YORK CITY UPDATE

New York, Washington DC, Los Angeles Top List for Commercial Construction Starts

NEW YORK—The value of commercial and multifamily construction starts in the top 20 metropolitan areas of the U.S. gained 11% in 2019, reaching \$139.6 billion, according to statistics released recently by Dodge Data & Analytics.

Nationally, commercial and multifamily starts were up 1% in 2019 at \$227.5 billion. The top 10 metropolitan areas gained 8% during the year, with seven of the 10 reporting year-over-year gains. In second-tier metropolitan areas (those ranked 11-20), gains in commercial and multifamily starts were stronger at 17% with eight of these 10 also posting growth.

The New York metropolitan area was once again the largest market for commercial and multifamily starts at \$30.9 billion. However, New York’s rate of growth eased in 2019 to 5% from a 13% gain in 2018. The Washington, DC area held on to second place in 2019, posting an 18% gain to \$11.4 billion. The Los Angeles metro jumped from fifth place in 2018 to third in 2019 due to a 17% increase that brought the value of commercial and multifamily starts to \$8.9 billion. Other top-10 markets posting gains in 2019 were Dallas up 5% (\$7.6 billion), Atlanta up 25% (\$7.1 billion), Houston up 30% (\$7.1 billion), and Austin up 35% (\$5.4 billion). The remaining top-10 markets—those posting declines in 2019—were Boston down 13% (\$8.2 billion), Miami down 3% (\$8.0 billion), and Chicago down 6% (\$6.7 billion). Together, the top 10 metro areas accounted for 45% of all U.S. commercial and multifamily construction starts in 2019, up from 42% in 2018.

For the second-tier metro areas ranked 11-20, the seven posting gains were Philadelphia up less than 1% (\$4.5 billion),

Phoenix increasing 42% (\$4.1 billion), Nashville up 90% (\$3.8 billion), Orlando up 42% (\$3.7 billion), Minneapolis gaining 11% (\$3.5 billion), Portland OR moving 80% higher (\$3.4 billion), Columbus up 57% (\$2.9 billion), and Tampa up 83% (\$2.8 billion). The two markets posting declines in starts were San Francisco down 24% (\$4.7 billion) and Seattle down 18% (\$4.8 billion). The 10 second-tier metropolitan areas accounted for 17% of U.S. commercial building and multifamily starts, up from 15% in 2018.

The commercial and multifamily total is comprised of office buildings, stores, hotels, warehouses, commercial garages, and multifamily housing. Not included in this ranking are institutional building projects (e.g., educational facilities, hospitals, convention centers, casinos, transportation terminals), manufacturing buildings, single family housing, public works and electric utilities/gas plants. Nationwide, commercial and multifamily starts made a tepid gain— inching 1% higher from \$224.3 billion in 2018 to \$227.5 billion last year. Multifamily starts, however, fell 5% to \$95.2 billion while commercial starts rose 7% to \$132.3 billion. Commercial starts in the top 10 metro areas posted a much stronger gain, increasing 17% for the year against a 1% decline in multifamily starts. In the second-tier metro areas, multifamily starts were up 1% in 2019, while commercial building starts moved 35% higher.

“Commercial construction starts continue to be the bulwark of U.S. construction activity as strong demand for office and warehouse buildings pushes the value of construction to higher levels,” stated Richard Branch, chief economist for

Dodge Data & Analytics. “Multifamily starts, however, are past their peak and have entered cyclical decline. The growing divide however between the larger and smaller metro areas was stark in 2019. While commercial and multifamily starts

in the top 20 metro areas in the country moved 11% higher in 2019, those metros ranked 21-50 lost 7%.”

Mr. Branch continued. “For 2020 multifamily construction starts are likely to continue to lower as the declines broaden

to more and more metropolitan areas. Meanwhile commercial starts have posted gains for nine consecutive years, but a slowing economy in 2020 will likely lead to fewer large value projects, causing national starts to pull back from their 2019 level.”

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ALBANY UPDATE

Construction Finished on New Bridge Over Ten Mile River in Sullivan County

TUSTEN, NY—Major construction has been completed on a \$2.5-million project to replace the bridge carrying State Route 97 over the Ten Mile River in the Town of Tusten in Sullivan County.

The new bridge, which is significantly wider than the original structure, will enhance safety and ease travel along the roadway, which is also known as the Upper Delaware Scenic Byway and provides access to the scenic vistas and many recreational opportunities of the Delaware River Valley, state officials said.

"This new bridge will make it easier for residents and visitors alike to enjoy one of the state's most picturesque regions and foster the continued growth of tourism in the area," said New York State Department of Transportation Commissioner Marie Therese Dominguez on Feb. 12.

The project was designed to be consistent with the transportation section of the 2002 Upper Delaware Scenic Byway Corridor Management Plan, which seeks to keep Route 97 safe for cars, bikes, and pedestrians while also open to the commercial traffic that is vital to the area's economy. The new bridge over the Ten Mile River is eight feet wider than the span it replaced and provides wider shoulders and additional room for pedestrians and bicyclists.

Preliminary site work began in the fall of 2018. In line with the state's Drivers First initiative, a temporary two-lane bridge was constructed at the site to minimize traffic impacts while work progressed on the new span. This year, NYSDOT demolished the old bridge, built the new structure at the same location, and upgraded signs, guiderails, and pavement markings in order to enhance safety and improve the travel experience.

New Highway Worker Safety Bill Part of Gov.'s FY 2021 Budget

ALBANY—Gov. Andrew M. Cuomo announced earlier this month the FY 2021 Executive Budget includes a new measure to implement the Slow Down and Look Out for Highway Workers and Pedestrians Act of 2020, also known as the SLOW Act. This measure imposes tougher criminal penalties for violent actions against highway workers and increased safety measures for pedestrians and cyclists.

"Highway workers have a tough job, often having to work in rough weather and under tough circumstances to keep our roads and bridges in good repair, and we need to do everything in our power to keep them safe in the field," Gov. Cuomo said. "With the SLOW Act, New York is cracking down on violent or negligent acts against highway workers, protecting their personal safety and our roadways."

In recent years there has been an escalation in the number of reported highway worker assaults and motorist intrusions in work zones established by the New York State Department of Transportation. More than 900 intrusions and incidents of violence toward highway workers have been reported over the past five years in these work zones.

Under the SLOW Act, a violent action against highway workers, motor vehicle inspectors and motor carrier investigators would be an assault in the 2nd degree, which is a Class D felony. Currently it is assault in the 3rd degree, which is a Class A misdemeanor.

The act also creates the new crime of "menacing a highway worker" when a person intentionally places or attempts to place a highway worker in fear of death or physical injury. It would be a Class E felony.

Perpetrators convicted of assault in the 1st, 2nd or 3rd degree against a highway worker, or menacing in the 1st, 2nd or 3rd degree against a highway worker, will face immediate suspension of their driver's license for a period of six months—all new penalties under this proposal.

In addition, the act creates the new crime of "intrusion into an active work zone," whereby no driver shall enter an active work zone unless directed to by a person in charge of traffic control or a traffic control device. Violation would constitute a Class B misdemeanor punishable by a fine of \$250 to \$500 or up to three months in jail.

The SLOW Act also directs the Governor's Traffic Safety Committee—in consultation with relevant agencies, authorities, and local law enforcement—to design and implement a public outreach and awareness program designed to reduce incursions, accidents, and improve work zone safety. It also enhances pedestrian safety by increasing fines for drivers who cause injury to pedestrians or cyclists as a result of not exercising due care. The fine for causing physical injury under these circumstances is increased from the current \$500 to \$1,000. The fine for serious physical injury is increased from the current \$750 to \$1,500.

In addition, the act clarifies a citizen's responsibility to move his or her vehicle out of the flow of traffic if they are involved in a minor accident, allowing for a broader range of responders who could remove vehicles and debris from the roadway.



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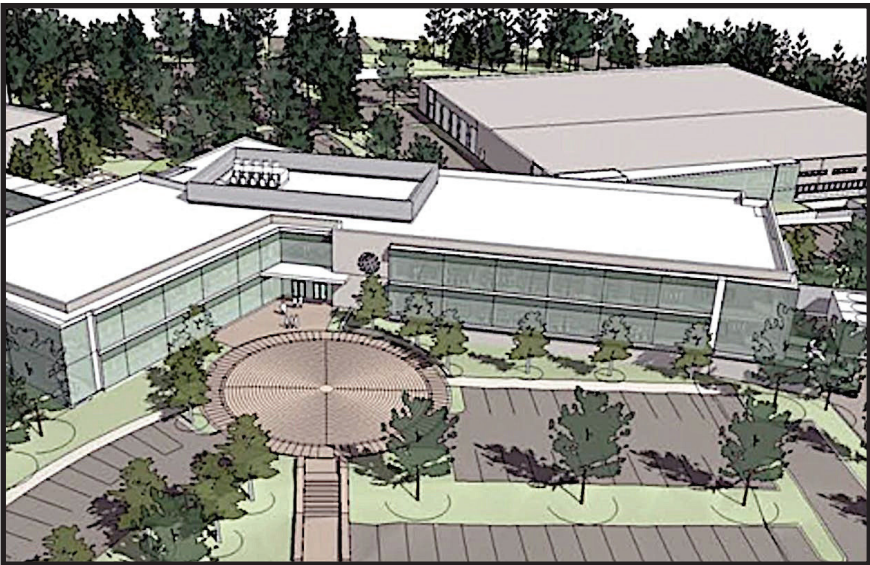
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John T. Cooney, Jr.
CIC Executive Director

Golf Courses Seek New Ways To Ring Profits in Hudson Valley

By JOHN JORDAN

TOWN OF WALLKILL, NY—Like the golf course industry nationwide, the New York metro region's properties players are searching for ways to boost their fortunes in a market suffering from declining memberships and revenues. A host of facilities in the Hudson Valley have turned to either outright sale or multifamily development on their course properties to increase revenues.

These deals in some cases are geared to maintaining golf on their properties, while others have involved the elimination of golf course operations and the sale to a new owner that plans an entirely different use.

The latest example is the West Hills Country Club in the Town of Wallkill in Orange County. The ownership, West Hills Enterprises, LLC, an affiliate of the Bonura Hospitality Group, has filed for a series of zoning variances with the Town of Wallkill Zoning Board of Appeals in connection with a \$37-million plan to build a 156-unit rental multifamily project on a 2.6-acre parcel where the practice green and first hole tee-box is currently located off Golf Links Road and across the street from the golf course clubhouse and catering facilities at 121 Golf Links Road.

The project is in its early stages and will require three variances to allow for increased building height and length and an increase from two stories to four stories. All of the variances would require significant increases in current permitted uses from a permitted 35 feet to 66.5 feet in height; an increase from a maximum of two stories



The owner of the West Hills Country Club in Orange County is looking to add a 156-unit luxury rental apartment complex to the golf course property.

to four stories (not including two stories of underground parking) in height and an increase in building length from 160 feet to 585.5 feet.

The project will require ZBA approval and will necessitate site plan approval from the Town Board if it is to proceed as proposed.

Bonura principal Joseph Bonura Jr. appeared at a ZBA meeting in January to make the case for the 156-unit luxury project that would involve one elevated building four stories above grade and two stories of underground parking. The units would be mainly one- and two-bedroom units with a few three-bedroom units.

Mr. Bonura said after the Jan. 13 session that if the

project secures approvals, he would expect construction to begin sometime in 2021 and take approximately two years to complete.

Bonura Hospitality, which owns and operates Anthony's Pier 9 in Newburgh, The Grand View and the Poughkeepsie Grand Hotel, as well as a number of popular dining venues including Blue Pointe and Shadows on the Hudson in Newburgh, acquired the former Orange County Golf Club that borders the Wallkill River in 2012 for more than \$1 million in a deed in lieu of foreclosure proceeding.

Mr. Bonura said that since the purchase, Bonura Hospitality has spent approximately \$9 million to upgrade the golf

course and expand catering facilities at the property. Since then, the catering operations have been profitable but the golf club has lost membership and is being supported by the catering business at the property.

A Dec. 2, 2019 filing with the Town of Wallkill ZBA, requesting the variances submitted by law firm Dickover, Donnelly & Donovan, stated, "After operating the facility for nearly seven years, the stark economic reality is that the event venue performs well, while the golf club does not. Forecasting this long-term it is clear that the event facility will not be able to continue to underwrite the losses of the golf club. Accordingly, the Bonura fam-

ily now proposes to construct the above described project to ensure their investment in the property remains viable."

Mr. Bonura explained at the ZBA hearing that the firm wants to maintain the golf course operations at West Hills, which began on April 26, 1899 when 37 prominent citizens from Goshen and Middletown established Orange County Golf Club.

He noted that current zoning would allow Bonura to build more than 250 units on the property in multiple buildings. However, that would require the cessation of the 18-hole golf course, which was not an option the firm wished to pursue, he noted.

Mr. Bonura said that while West Hills could operate as is for some time, "It is just not fun to lose money on 187 acres (the golf course) and only make money on three (acres)."

Bonura Hospitality has already built the Water Club luxury apartment development in Poughkeepsie, and is looking to develop "The Kingstonian, a \$58-million mixed-use development in Kingston, NY. The project will feature 144 rental apartments, a 32-room hotel, 8,000 square feet of retail space and a parking garage. That project is currently in the approval process.

When asked what the Bonura firm would do if the West Hills project does not secure the necessary approvals to proceed, Mr. Bonura stated to CONSTRUCTION NEWS, "We are going to keep the golf course going as long as we can and at some point when it is no longer fun to do that, we will sell to the highest bidder."

The West Hills Golf Club is just one of a number of Hudson Valley golf clubs that have made headlines of late.

The former Ridgeway Golf Club in White Plains was sold to the French American School, which then embarked on a very controversial plan to build new facilities at the golf course, which was subsequently closed. At present, no construction has begun on the new school facilities.

The former Canyon Club, now rebranded as the Brynwood Golf & Country Club in Armonk, is slated to have 88 luxury condos built on a portion of the golf course.

New York City-based Corigin acquired the Canyon Club in December 2009. Prior to the opening of the new golf season in April 2010, the property was fully renovated and rebranded as Brynwood Golf & Country Club. The repositioning encompassed the renovation of a 65,000-square foot clubhouse, as well as significant enhancements to the existing 18-hole golf course.

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LOW BIDS

Kubricky, Fleetwash, MetroExpress, Emerald Tree Secure NYSDOT Bids

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

Kubricky Construction Corp. of Wilton, NY was the lower of two bids at \$2,215,652.94 for milling and asphalt concrete resurfacing at bridge approaches on I-84 at various locations in Orange County.

Kubricky Construction Corp. of Wilton, NY was the lowest of five bidders at \$11,032,222.65 for resurfacing on I-84 in the Towns of East Fishkill and Kent in Dutchess and Putnam counties.

Fleetwash Inc. of Fairfield, NJ was the

lower of two bids at \$1,629,888.00 for cleaning, washing and sealing bridges at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

MetroExpress Services Inc. of Brooklyn, NY was the lowest of four bidders at \$3,224,530.21 for maintenance cleaning on various highways throughout New York in the Bronx, Kings, New York, Queens and Richmond counties.

Emerald Tree Shrub Care Inc. of New Rochelle was the lowest of three bidders at \$445,918.40 for biennial roadside vegetation management for Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

A. Servidone/B. Anthony Firm Wins Thruway Bridge Replacement Job

ALBANY—The New York State Thruway Authority announced recently that **A. Servidone/B. Anthony** (JV) of Castleton, NY was the lowest of five bidders at \$30,819,344.65 for the replace-

ment of the Hungry Hollow Bridge at MP 24.62, Scotland Hill Road Bridge at MP 23.62 and College Road Bridge at MP 26.37 in Rockland County in accordance with the plans and specifications.

ELQ, Peter J. Landi Tabbed For Westchester DPW Work

WHITE PLAINS—The Westchester County Department of Public Works recently reported the selection of two apparent low bidders for work at county facilities.

ELQ Industries Inc. of New Rochelle, NY was the lowest of five bidders at \$5,996,888.40 for resurfacing and related improvements,

Columbus Avenue (C.R. No. 64) from Lakeview Avenue to Nannyhagen Road, a distance of 2.17 miles, Town of Mount Pleasant, NY.

Peter J. Landi Inc. of Hawthorne, NY was the lowest of eight bidders at \$687,820.00 for streambank stabilization, Fulton Brook, Town of Greenburgh and City of White Plains, NY.

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Economic Outlook

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Facebook in November leased 1.5 million square feet at Hudson Yards across three separate buildings, bringing the office portion of the megaproject to more than 90% leased and marking the social networking site's biggest New York real estate transaction in history.

The year was also defined by the ongoing shifts in tenant demand for new construction on Manhattan's West Side and Downtown. Lower Manhattan's leasing market was the star performer of the year, with the area experiencing record rents, leasing activity and tightening availability. Downtown leasing jumped an eye-popping 70% from 2018 to hit 10.7 million square feet, smashing the previous record of 10.4 million square feet set 20 years ago, according to Col-

liers. Average asking rents hit \$64.60-per-square-foot in the fourth quarter, an almost 5% year-over-year jump.

The danger is that new regulations, taxes and excess supply means there could be more struggles ahead for some of the New York City region's real estate industries. Sponsors and sellers at the high end have been forced to cut prices and offer incentives to score buyers—and there is little suggestion that the challenges will ease any time soon.

About the author: Michael J. Paton is a portfolio manager at Tocqueville Asset Management L.P. He joined Tocqueville in 2004. He manages balanced portfolios and is a member of the fixed-income team. He can be reached at (212) 698-0800 or by email at MPaton@tocqueville.com.

T&I Chair: Need More Detail In Trump Budget Plan

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portation sector, creating jobs, protecting our natural resources, promoting environmental justice, and increasing resiliency to climate change.

- Ensuring a transportation system that is green, affordable, reliable, efficient and provides access to jobs
- Providing safe, clean, and affordable water and wastewater services.
- Prioritizing the safety of the traveling public.
- Helping combat climate change by creating good-paying jobs in clean energy, investing in energy efficiency and reducing greenhouse gas pollution.
- Expanding broadband Internet access, adoption for unserved and underserved rural, suburban, and urban communities.
- Modernizing 9-1-1 public safety networks.
- Creating family-wage jobs with Davis-Bacon and other strong worker protections.
- Supporting U.S. industries, including steel and manufacturing, through strong Buy America protections

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pool and 9 Har-Tru tennis courts.

In October 2012, the North Castle Town Board voted to accept Brynwood's zoning petition to create 88 luxury condominium residences, designed and targeted to the active adult market. The approval of this proposal will result in a Rees Jones designed golf course and a clubhouse and residential community designed by the architects Hart Howerton.

Golf course operations ceased recently and Corigin has undertaken some site and demolition work but has yet to file an application for site plan approval for its residential project. It is not known when the golf course will resume operations.

The former Elmwood Country Club in Mamaroneck is being proposed to be converted to a nine-hole course to make way for a development of 175 age-restricted townhomes. That project has been controversial and is the subject of litigation between the developer and the Town of Mamaroneck over the environmental review of the project.

According to the National

Golf Foundation's 2019 Golf Facilities Report released in May 2019, the number of course closures has outweighed new openings for 13 consecutive years during what the NGF termed the ongoing balancing of supply and demand.

Since 2006, the cumulative reduction in the number of U.S. golf courses is 8%. By comparison, there was a 44% increase in the number of courses from 1986 through 2005. The NGF noted that period of nearly two decades was an unprecedented period of growth that coincided with a robust economy, a surge of interest driven in part by the play (and popularity) of Tiger Woods, and the desire to build golf courses to help sell homes.

Now, the demand for land to develop residential and commercial real estate is influencing the supply correction in golf.

Closures tend to be more value oriented, public facilities in the best-supplied areas. Florida, Texas, Ohio, California and New York had the most closures in 2018 and all rank among the top six states with the most golf courses, according to the NGF.

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