



# Construction NEWS



Vol. 36 No. 6

JUNE 2020

\$1.50



## Worker Appreciation During COVID-19

The "Last Mile" project is the final leg of a decades-long initiative to improve travel along the 15-mile section of I-95 in Westchester from the Bronx border to the Connecticut line. Laborers staged a breakfast event on June 4 for dozens of crew members who worked through New York's darkest days of the pandemic. See story and photos, pages 14-15.

## Local Road Programs Advance; Officials Told, 'Use It Or Lose It'

By GEORGE DRAPEAU III

ALBANY—Following months of campaigning by local highway superintendents, construction industry executives and hundreds of individual workers, three stalwart funding programs have been given the green light to proceed by New York State's Office of the Budget, which announced in early June it will release funding to local municipalities to repair and maintain local roads, bridges and culverts.

The unprecedented fiscal and organizational strains caused by the COVID-19 pandemic on New York State—and the concurrent uncertainties placed on public spending at every level of government—had delayed the allocation letters to municipalities from the Budget Office. This caused a setback for projects funded through the Consolidated Local Street and Highway Improvement Program (CHIPS), PAVE-NY, and the Extreme Weather Recovery Program, as well as BRIDGE-NY. These programs are the

financial lifeblood of New York's local highway departments. Essential roads and bridges repairs and improvements are only made possible through these longtime funding formulas available to local government.

*"The vast majority of New York's 1,600 municipalities receive no federal highway assistance, which is why we fight like hell to ensure your public works programs are supported every year in the state's fiscal year budget."*

—Ross J. Pepe & John Cooney, Jr.  
Construction Industry Council

"We were extremely heartened two weeks ago when the word came from the New York Office of the Budget that statewide allocations for CHIPS and Marchiselli funding appropriations are now available to municipalities," said Ross J. Pepe, president of the Construction Industry Council of Westchester & Hudson Inc. Mr. Pepe and CIC Executive Director John Cooney, Jr., wrote to hundreds of elected leaders and public works officials in a seven-county region, urging them to proceed with their capital programs as quickly as they can. "The vast majority of New York's 1,600 municipalities receive no federal highway assistance, which is why we fight like hell to ensure your public works programs are supported every year in the state's fiscal year budget."

Please turn to page 8

## Mid-Hudson Region Enters Phase Three of Reopening

By JOHN JORDAN

WHITE PLAINS—The reopening of the New York State economy continues to progress, with phase three of the reopening process now underway.

Gov. Andrew Cuomo announced on June 9 that the Mid-Hudson region, which includes Westchester, Rockland, Orange, Putnam, Dutchess, Sullivan and Ulster counties, entered phase two which lessened restrictions on real estate, offices, essential and phase two in-store retail, vehicle sales, leases, and rentals, retail rental, repair, and cleaning, commercial building management, hair salons and

barbershops and now allows outdoor dining at restaurants.

The Mid-Hudson entered phase three of the four-phased reopening program on Tues., June 23, which lifted some restrictions on food service and personal care. The final phase (four) would impact arts/entertainment/recreation and educational sectors.

The region entered phase one of the reopening process on May 26, which loosened restrictions on the construction and manufacturing industries, as well as the wholesale supply chain. In addition, certain retail operations were eligible to be ex-

panded for curbside pickup and drop-off or in-store pickup. The phase one designation also affected the agriculture, forestry and fishing industries, but had no beneficial impact on the real estate industry, with the exception of real estate development construction.

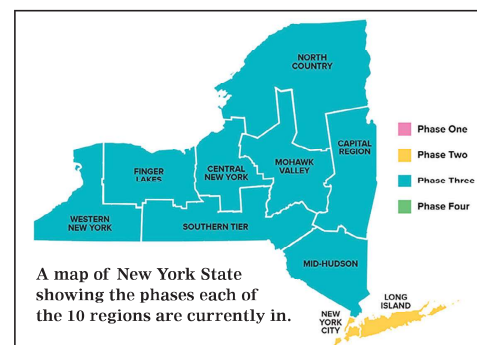
Gov. Cuomo, who noted that June 9 was day 101 since the first case of COVID-19 was diagnosed in the state, praised the work of government, health

and business leaders for helping facilitate the phase two designation. "The numbers are down because you brought the numbers down," he said. The governor noted that, at the peak, of COVID-19 back in April, the Mid-Hudson reported 75 deaths in one day. On June 8, there were no COVID-19 related deaths in the entire Hudson Valley region. At a press briefing later that same day, Westchester County Executive George Latimer noted there

was one COVID-19 related death the previous evening in Westchester County.

Mr. Latimer chronicled the great progress the county and the Mid-Hudson region has achieved since the peak of the pandemic in April. He noted that two months ago on April 9, there were 44 COVID-related deaths in Westchester County. Since the pandemic began, there have been 1,396 deaths attributed to the coronavirus in Westchester.

He said that with the onset  
Please turn to page 6



A map of New York State showing the phases each of the 10 regions are currently in.

## Inside

Washington Update .....	8
Next Gen Leaders .....	12
Financial Management ...	16
Albany Update .....	18 & 26
Safety Watch .....	19
Economic Outlook .....	21
New York City Update .....	22
Obituaries .....	25
Low Bids .....	26

# ROCKSTAR★SUPPLY

Thalle Industries maintains a large stock of in-spec material for pick-up or delivery anytime & we'll make any spec you need. **Most trucks loaded within 15 minutes.**



# ROCKSTAR SUPPLY WHEN & WHERE YOU WANT IT

## ASPHALT + AGGREGATE

• NYSDOT  
• FAA

• POROUS  
MIXES

• STONE FILLINGS  
• CRUSHED STONE

• HIGH FRICTION  
• CUSTOM BLEND



Buy American  
American Owned

Thalle Industries'  
**ROCKSTAR SERVICE**  
keeps your project moving™

★ John Amato - Fishkill  
**914 490-7328**

172 Route 9 • Fishkill, NY  
jamato@thalleindustries.com

★ Joe Perrone - Elmsford  
**919 201-1111**

50 S. Warehouse Ln • Elmsford, NY  
jperrone@thalleindustries.com



## THE EXPERIENCE YOU KNOW...A&J CIANCIULLI HUDSON VALLEY'S CRANE RENTAL COMPANY

### EQUIPMENT RENTAL

- All Terrain Cranes
- Rough Terrain Cranes
- Crawler Cranes
- Tower Cranes

### HOISTING & HAULING

- Rigging
- Crane Lift Services
- Heavy Lifts
- Millwrights

### TRANSPORTATION & LOGISTICS

- Over-the-Road Trucking
- NY Regional Trucking
- Warehousing & Distribution

### ENGINEERING

- Site Surveying for Crane Installation
- Installation Plans and Details
- Safety Plans and Submittals

[www.cianciulli.com](http://www.cianciulli.com)

Equipment Rental  
1015 Saw Mill River Rd, Yonkers, NY 10710.  
914.965.0440

Hoisting & Hauling and Transportation & Logistics  
2 Galasso Place, Maspeth, NY 11378.  
718.456.1800





# Westchester Mulls Launching COVID Fund, OK's Two Developments Valued at \$237M

By JOHN JORDAN

WHITE PLAINS—The Westchester County Industrial Development Agency could be establishing in the near future a fund that would provide grants and loans to county businesses hurt by the coronavirus pandemic.

Westchester County Director of Operations Joan McDonald reported on June 11 that the program could total \$500,000 in financing. The county would be moving forward on the initiative once Gov. Andrew Cuomo signs legislation that passed the New York State Legislature in late May that would allow for the creation of the "State Disaster Emergency Loan Program," which would be administered by local Industrial Development Agencies.

During the online session, Westchester County IDA Counsel Michael Curti explained some of the potential particulars of the program. He noted the maximum amount of grants to be awarded for eligible firms would be \$10,000. Those funds could only be used for the acquisition of necessary Personal Protection Equipment (PPE) or the installation of equipment geared to preventing the spread of COVID-19.

The maximum loan amount would be \$50,000 and could be used to help offset other costs unrelated to PPEs. There are requirements that the borrower retain employment levels, Mr. Curti noted.

The loan does not require a payment during the grace period (60 days following the end of the State of Emergency Declaration Gov. Cuomo issued back in March 2020). Mr. Curti said that there is no interest charged on the principal loan amount and the payment has to be made no later than one year after the end of the grace period.

The program would be administered by a third party and overseen by the IDA. Kim Jacobs, executive director of Community Capital, expressed interest in assisting the county in the fund's operations, according to Ms. McDonald and county Director of Economic Development Bridget Gibbons.

Ms. McDonald said that it is believed Gov. Cuomo will sign the "State Disaster Emergency Loan Program" in the near future, which could allow the IDA to discuss the COVID grant and loan program further at its July 9 session.

In other business, the IDA granted preliminary inducements to two large projects, including the Kirby Commons project, which would involve the development of two mixed-use buildings and parking garages at 17 Britton Lane and 1 Main St. in Mount Kisco. The \$130-million project proposed by Kirby Commons, LLC, will

total approximately 613,000 gross square feet and consist of 217 rental apartments, with 7% of the units earmarked for households at 90% of the Westchester County median income; approximately 50,000 square feet of retail and 3,000 square feet of community space. The parking structures would accommodate a total of 896 spaces with 336 dedicated as commuter parking spaces. The developer was seeking \$2.5 million in sales tax exemptions, and about \$1 million in mortgage recording tax exemption from the IDA.

A request for comment on possible union participation in the Mount Kisco project had not been answered at press time.

The other major project to secure IDA inducement was the project by Southern Land Co. to develop a mixed-use



A rendering of the mixed-use development to be built by Southern Land Co. at the YMCA property site on Mamaroneck Avenue in downtown White Plains.

project at the site of the YMCA facility at 250 Mamaroneck Ave. in White Plains.

The project, the first in Westchester for Nashville (TN)-developer Southern Land Co., will cost approximately \$107 million, according to Eon Nichols, a partner in the law firm Cuddy & Feder, LLP, who represented the developer at the

IDA session. Southern Land Co. is seeking \$2,487,026.16 in sales tax exemptions and \$644,071 in mortgage recording tax exemptions.

The project calls for the demolition of the complex that until last year housed the White Plains YMCA, at 250 Mamaroneck Ave., since 1904. The new development will

accommodate a building with 184,858 rentable square feet. The building, upon completion, will feature 177 rental units, consisting of one, two and three-bedroom units, and 1,876 square feet of ground floor retail and a parking garage.

Mr. Nichols said that the

Please turn to page 6

## DRUG TESTING WORKS

**CLARITY**  
TESTING  
SERVICES

**Don't let substance abuse  
drain your Health and  
Welfare Funds...**

**CALL TOLL FREE  
1-888-LABMOBILE (1-888-522-6624)**



## PERSPECTIVE

# Support Growing for \$3 Billion 'Restore Mother Nature' Bond Act

TARRYTOWN, NY—As the state's proposed Environmental Bond Act (also known as the Restore Mother Nature Act) heads to voters in November, New York State would allocate hundreds of millions of dollars for various aspects of the campaign. There's something in it for nearly everyone to find a way of supporting it.

The Act is part of Gov. Andrew Cuomo's \$33-billion, five-year plan to fight climate change. The Act permits the State Comptroller to issue and sell bonds, with the proceeds to be put in a Restore Mother Nature Bond Fund for capital projects "related to design, planning, site acquisition, demolition, construction, reconstruction, and rehabilitation" of the following types

of projects:

\$1 billion-plus will go toward restoration and flood risk management;

At least \$550 million will go to water quality and other projects through wastewater infrastructure improvements and upgrades. These will include green infrastructure projects that reduce storm water impacts, agricultural nutrient management and expansion of riparian buffers.

\$550 million will go to open space, conservation and recreation.

- Remove, alter and right-sizedams, bridges and culverts;
- Enhance shoreline protection;
- Preserve forests;

The New York League of Conservation noted that \$700 mil-

lion is earmarked for climate-change mitigation projects. Eligible projects include green and energy-efficient buildings, carbon sequestration and emissions mitigation, climate adaptation and mitigation, urban forestry, and air and water pollution reduction.

"Through the Bond Act, New York will continue its partnership with the Regional Greenhouse Gas Initiative (RGGI), the first mandatory market-based carbon dioxide emissions trading program in the United States. The program is designed so that each of the nine RGGI partner states (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont) adhere to a cap on the amount of emissions they produce. To go over the limit, the states must trade credits with one another. The cap shrinks over time to achieve emissions reduction. Under this initiative, New York State has reduced its carbon emissions from power plants by more than 45% since 2005," NYLCV reported.

For the past decade, New York has a stated goal to reduce emissions from the power sec-

tor. Two of the greatest sources of greenhouse gas emissions in the state are transportation and buildings. The bond act supports electric vehicles and associated infrastructure. In addition to investing in pedestrian and bicycle infrastructure to help reduce congestion. It will support New York State Department of Transportation initiatives and "help citizens and consumers make environmentally friendly transportation choices through the GreenLITES sustainability certification program. ChargeNY is an initiative that aims to create a statewide network of 3,000 public charging stations and put at least 40,000 plug-in vehicles on the road by 2025," NYLCV noted.


In the real estate sector, the bond act will continue to support BuildSmart NY, which aims to improve energy efficiency in state buildings 20% by 2020 using energy performance measuring systems. The program targets the largest and poorest-performing buildings for energy audits, upgrades, and improved operations and maintenance practices. Renovating and improving energy performance at SUNY,

CUNY, and Department of Corrections buildings have been central to the program so far.


A broad-based coalition of more than 100 environmental stakeholders and business groups—including the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association, the New York League of Conservation Voters, Riverkeeper, the Nature Conservancy, the Natural Resources Defense Council and the Associated General Contractors of New York State—supported the inclusion of the Act in the state budget, citing the broad environmental benefits the funding will enable.

Gov. Andrew Cuomo noted that the act leaves much of the programmatic details up to the New York State Department of Environmental Conservation (DEC), as the agency responsible for implementing the Environmental Conservation Law. It was noted that the act carries significant implications for municipal planning and infrastructure improvements, land preservation activities, and natural resource

Please turn to page 23



**Construction  
NEWS**



Vol. 36 No. 6

JUNE 2020

---

**PUBLISHER**  
Ross J. Pepe

---

**ASSOCIATE PUBLISHER**  
John T. Cooney, Jr.

---

**EXECUTIVE EDITOR**  
George Drapeau III

---

**MANAGING EDITOR**  
John Jordan

---

**ASSOCIATE EDITOR**  
Sheila Smith Drapeau

---

**ADVERTISING MANAGER**  
Peter Fiore

---

**BUSINESS/OFFICE MANAGER**  
Karen Zedda

---

**ADVERTISING SALES OFFICE**  
629 Old White Plains Road  
Tarrytown, NY 10591  
(914) 631-6070

---

**TYPOGRAPHY/DESIGN/PRINTING**  
Westmore News, Inc.

---

**Construction Industry Council  
of Westchester & Hudson Valley, Inc.**  
Chairman: George Pacchiana  
President: Ross J. Pepe

---

CONSTRUCTION NEWS is the official publication of the Construction Industry Council of Westchester & Hudson Valley, Inc., 629 Old White Plains Road, Tarrytown, NY 10591. Opinions contained in the articles herein do not necessarily reflect the opinions of the Council.

**Subscriptions:** \$12 a year included in membership dues; \$22 for two years; \$1.50 for a single copy; bulk rates on request, \$12 per year for non-members. CONSTRUCTION NEWS cannot be responsible for unsolicited manuscripts, nor can it undertake to return manuscripts or pictures unless accompanied by self-addressed, stamped envelopes. All rights reserved.

**Please make checks out to the Construction Industry Council.**

**Advertising rates:** Available upon request.

Please send address changes to the Construction Industry Council of Westchester & Hudson Valley, Inc., 629 Old White Plains Road, Tarrytown, NY 10591.

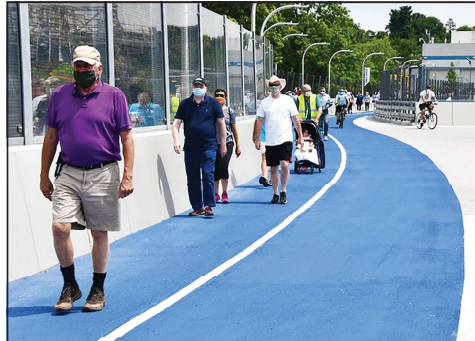
**BUSINESS & EDITORIAL OFFICE**  
Construction Industry Council  
of Westchester & Hudson Valley, Inc.  
629 Old White Plains Road, Tarrytown, NY 10591  
(914) 631-6070 • FAX # (914) 631-5172  
www.cicbca.org  
e-mail - info@cicnys.org

## Shared Bicycle/Pedestrian Path Opens on GMMC Bridge to Raves!

TARRYTOWN, NY—Local resident Shelley Robinson, who volunteers at the Cherry Door charity shop here to support an area hospital, was among the first to celebrate the opening of the 3.6-mile shared bicycle and pedestrian path on the Gov. Mario M. Cuomo Bridge.

Touted as an environmentally friendly new connection for families, runners, cyclists, walkers and commuters to travel between Westchester and Rockland counties, the path opened to the public at 2 p.m. on June 15 with safety protocols in place to limit the potential spread of COVID-19.

"We were all wearing masks, but you could sense in everyone the great joy and glee," said the former Tarrytown EMT. "It's wonderful. I can go round trip, across the bridge and



Six panoramic overlooks of the Hudson River opened this month to pedestrians and bicyclists. Travel time: 80 mins. walking, 20 mins. by bicycle.

back, door to door to my house in 30 minutes."

Gov. Andrew Cuomo remarked at the opening of the bike and pedestrian path on the new bridge

that New Yorkers and tourists alike now have "more ways to cross the river, as well as updated amenities and a unique, interactive experience to enjoy while taking in the scenic views of the Hudson River Valley."

The 12-foot wide shared use path extends from its Westchester Landing in the Village of Tarrytown, across one of the widest points of the Hudson River, to its Rockland Landing in the Village of South Nyack. It is located on the northern side of the GMMC Bridge's west. Please turn to page 8



The 3.6-mile shared use path includes interpretive displays and public art across the length. The GMMC Bridge Path is open from 6 a.m. to 10 p.m. daily.



# Laborers Local 235



**Skilled Laborers  
Quality Workmanship  
Safety & Dependability**

**Dario Boccarossa**

**Business Manager/Secretary Treasurer**

**914-592-3020**

# EQUIPMENT RENTALS

Available Daily, Weekly, Monthly

EXCAVATORS – MINIS TO FULL SIZE

WHEEL LOADERS – ½ YD. TO 4 YD.

CRAWLER DOZERS – 6 WAY BLADE

LOADER BACKHOES – 8 FT. TO 15 FT. DIG DEPTH

SKID STEER LOADERS – 4,400 LBS TO 7,000 LBS OPERATING WEIGHT



WITH COLD PLANER AND OTHER  
SKID STEER ATTACHMENTS

HYDRAULIC HAMMERS – MOUNTED ON SKID STEERS,  
BACKHOES, AND EXCAVATORS

LANDSCAPE TRACTORS – WITH LOADERS, HARLEY RAKES,  
POSTHOLE DIGGERS, MOWERS

BOMAG VIBRATORY ROLLERS – 10 TON

BRUSH CHIPPERS – 12 IN. TO 18 IN. CAPACITY

STUMP GRINDERS – SELF PROPELLED, 4WD RUBBER & TRACK

## WESTCHESTER TRACTOR, INC.

60 International Blvd., Brewster, NY 10509

845-278-7766 • FAX: 845-278-4431

Email: [sales@wtractor.com](mailto:sales@wtractor.com) • Website: [www.wtractor.com](http://www.wtractor.com)



## Mid-Hudson Region Enters Phase Three of Reopening

Continued from page 1

of phase two the county can "return to a reasonable place in our society, hopefully where we are fighting the contagion effectively, but at the same time we are starting to reopen businesses and really get back to something close to normal."

Since the shutdown of the economy back in March, real estate professionals have tried to offer services and facilitate sale transactions on a virtual basis. The phase two designation lifts restrictions, but does mandate safety protocols, including social distancing. One key change with the phase two designation is that in-person real estate showings are now permissible as long as safety protocols are adhered to.

Other county and business leaders hailed the beginning of phase two as a milestone that will hopefully begin to relaunch the regional economy, now that New York City has entered phase one (yesterday).

John Ravitz, executive vice president of the Business Council of Westchester, said that the Westchester economy is still in uncharted waters and praised the business community for its resiliency to date in dealing with the COVID pandemic.

"None of us knew what we were facing when the pandemic hit and so many different businesses in different sectors had to pivot; had to deal with their concerns for their employees, as well as their clients and customers," Mr. Ravitz said. "I think what puts Westchester on the map throughout the country is the ingenuity and the creativity we have seen from our business leaders."

Government officials talked of the work that has been done and the efforts that will need to be made to get their economies back on track.

"County government is doing everything humanly possible to assist these businesses as they reopen," said Rockland County Executive Ed Day. "We have been sharing guidance with municipalities, local chambers of commerce and with businesses directly through our Office of Economic Development and Tourism. We have also hosted three business info livestreams to communicate critical information and promote Rockland's tech sector."

Mr. Day also noted that last week the county's ROCK GOV-FACE COV program gave out 25,000 masks to local small businesses and nonprofits which have fewer than 20 employees.

"Bottom line, we are working to ensure that businesses reopen in a way that is responsible and protects the health and safety of both their employees and customers," he added.

Sullivan County government offices will slowly begin reopening to in-person visits, according to County Manager Josh Potosek. "We are bringing back less than 50% of our employees onsite, and offices will be open to the public by appointment only," Mr. Potosek stated. "This is to ensure that the plan we've developed is workable and safe before we bring back more employees and reopen for walk-in customers—likely with the start of phase 3."

## Westchester Mulls Launching COVID Fund

Continued from page 3

YMCA project will be open shop, but noted that Southern Land has used union workers at some of its other projects in the U.S. and is having discussions regarding utilizing members of the building trades at the White Plains development.

In lieu of building affordable units at the project, Southern Land Co. said it will contribute \$3.15 million to the White Plains Affordable Housing Fund. Mr. Nichols said the developer hopes to close on the sale of the property in coming weeks and receive a final approval from the IDA at its July 9 session.

Cynthia Delfino, president and CEO of the YMCA of Central and Northern Westchester, said the sale price for its storied property on Mamaroneck Avenue is \$14.25 million. The YMCA has already begun renovation work at its future home at 148 Hamilton Ave. The YMCA has signed a 15-year lease for the four-story building that at one time was operated as a grammar school for St. John the Evangelist Roman Catholic Church. The YMCA is renovating the entire building and will occupy two of the four floors for the YMCA Early Learning Center

totaling approximately 14,000 square feet. The remainder of the building will be utilized by St. John's and another tenant.

The IDA tabled discussion on a proposal to have the Westchester County IDA provide on a temporary basis financial assistance for projects in the City of Mount Vernon. The Mount Vernon IDA, according to documents filed with the Westchester County IDA, is currently prohibited from offering financial assistance until it has filed annual audited financial statements with the New York State Comptroller's office.

Ms. McDonald said the matter was tabled because the IDA and the State Comptroller's office could not arrange a meeting prior to the IDA session to discuss some matters in connection with the arrangement.

According to the proposal, the Mount Vernon IDA and the Westchester County IDA have agreed to the temporary arrangement in order "to foster and facilitate the momentum of projects, which will expand economic opportunities for city (Mount Vernon) and county residents and improve their quality of life."



SITE PLANNING & DESIGN  
GEOTECHNICAL ENGINEERING  
ENVIRONMENTAL PERMITTING  
SURVEYING & MAPPING  
STRUCTURAL ANALYSIS & DESIGN  
CONSTRUCTION MANAGEMENT  
SPECIAL INSPECTIONS  
LABORATORY MATERIALS TESTING

## Tectonic

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Hudson Valley (Corporate):  
70 Pleasant Hill Road  
Mountainville, NY 10953

Metropolitan NYC:  
118-35 Queens Boulevard, 10th Floor  
Forest Hills, NY 11375

NY • NJ • CT • VA • FL • AZ • NM • CA • TX

Tel: 800-829-6531 • [www.tectonicengineering.com](http://www.tectonicengineering.com)



# Christening LGA's New Arrivals and Departures Hall

NEW YORK—The opening of the brand-new, state-of-the-art Terminal B Arrivals and Departures Hall at LaGuardia Airport on June 10 marked the biggest milestone to date in the airport's ongoing \$8 billion transformation into a unified 21<sup>st</sup> century facility.

The project—one of the largest public private partnerships in aviation history—includes the demolition and replacement of every terminal and concourse except for the historically landmarked Marine Air Terminal is being undertaken by LaGuardia Gateway Partners.

The 850,000-square-foot, four-story Terminal B Arrivals and Departures Hall will provide New York's travelers with a 21<sup>st</sup> century airport experience that includes local concessions, large, modern restrooms and a New York-inspired shopping district. The new Arrivals and Departures Hall also showcases permanent public art installations curated by the Public Art Fund, enhancing the passenger experience and underscoring New York's global position as a beacon for arts and culture.

The completion of the project marks the finish of a significant phase of the \$5.1-billion transformation of LaGuardia's Terminal B with the opening of the Arrivals & Departures Hall. Representing the largest public-private partnership in U.S. aviation history, the monumental project follows the goals outlined by Gov. Andrew M. Cuomo and the Port Authority of New York and New Jersey to create a unified, 21<sup>st</sup> century terminal system. It is now 80% complete, the governor said at the event, which concluded his daily midday news briefing.

Among the construction enterprises on the project are the equity partners of LaGuardia Gateway Partners, which includes Vantage Airport Group, Skanska, Meridiam and JLC Infrastructure. Skanska-Walsh is the design build joint venture; HOK and WSP|Parsons Brinckerhoff are the design firms for the project.

The new Terminal B opened to the public on Saturday, June 13<sup>th</sup> and serve American Airlines, United Airlines, Southwest Airlines and Air Canada. By virtue of its size, the terminal presents greater opportunities to move passengers more safely and efficiently with improved distancing during and after the COVID-19 pandemic, including more space for check-in, security and baggage claim, along with new innovations in contactless technology and an increased focus on cleanliness and disinfection.

"The opening of the new Arrivals and Departures Hall at Terminal B is the biggest milestone to date in the transformation of LaGuardia Airport into a world-class transportation hub that is worthy of New York State," Gov. Cuomo said at the ribbon-cutting ceremony. "As we continue to upgrade and

modernize this airport for the 21<sup>st</sup> century, this new state-of-the-art hall will offer passengers a unique travel experience with new concessions, traveler amenities and art installations by four of the world's leading artists, while increasing space for passengers to move more safely and efficiently during and after the COVID-19 pandemic."

The opening of the new arrivals and departures hall follows the openings of the new Terminal B parking garage in February 2018, the first new gates and concourse in Terminal B in December 2018, and the first new gates and concourse in Terminal C in October 2019.

With the completion of the Arrivals and Departures Hall, the team will now focus efforts on completing the final components of Terminal B, including demolition of the original terminal and the opening of gates in the western concourse. Once finished, the new Terminal B will include 1.3 million square



Gov. Andrew Cuomo was joined by other state officials at the ribbon cutting ceremony for the new Arrivals and Departures Hall at LaGuardia Airport in Queens, NY.

feet of new space, as well as elevated dual pedestrian bridges spanning active taxi lanes, a concept envisioned by Vantage and brought to life by design and architecture partner HOK. With 25 years of experience managing and operating more than 30 airports around the world,

Vantage will operate Terminal B through 2050.

## A New Terminal B Experience

With the opening, arriving at and departing from LaGuardia's Terminal B will be an entirely transformed experience. The new Terminal B departures lev-

el is dramatically larger and offers four check-in islands with 75 individual check-in kiosks and a central oversize bag check-in station. There are 16 designated security lanes—three times the space for security checks. Dynamic signage in the TSA

Please turn to page 20

**WORKS FOR ME**

**DRIVEN PARTNERSHIP**  
**CARING COLLABORATION**  
**FORWARD THINKING**

We're combining four distributors and fifteen locations to serve you better with a larger inventory of quality brands, including Komatsu, Sennebogen, Gehl, BOMAG, Terex Finlay, Marooka, PaladIn, Carlson, Montabert/Tramac, Felling Trailer, Esco, Hensley, JRB, LaBounty and many others. New and used equipment, a larger rental inventory, more options for service, and faster parts deliveries.

## REGIONAL COMMITMENT - GLOBAL RESOURCES



Holbrook, NY 631-563-7600	Pine Bush, NY 845-744-2006	Danbury, Ct 203-743-0088	S. Plainfield, NJ 908-434-704	Hatfield, PA 215-822-0145	Frackville, PA 570-874-6140	Baltimore, MD 410-247-2100
Yonkers, NY 914-736-5100	Holmes, NY 845-878-4004	Newington, Ct 860-665-7470	Winslow, NJ 856-767-5900	Wilkes-Barre, PA 570-824-9891	Harrisburg, PA 717-652-3190	Laurel, DE 302-715-5382

## WASHINGTON UPDATE

### House Dems Unveil \$500B Transportation Bill, INVEST Act as Current 'FAST' Act Soon Expires

WASHINGTON—Chairman of the House Committee on Transportation and Infrastructure Peter DeFazio (D-OR) officially introduced the Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act during a *pro forma* session in the House held earlier this month.

The INVEST in America Act, a five-year, nearly \$500-billion investment in the nation's infrastructure, is a key component of the "Moving Forward Framework" House Democrats released earlier this year. After Committee leaders unveiled the bill on June 3, support started pouring in from a diverse array of transportation, environmental, worker, and safety advocates.

American Road & Transportation Builders Association President and CEO Dave Bauer said, "If America can put astronauts back in space for the first time in nearly a decade with a little help from the private sector, surely we can do something similar to modernize our aging transportation network. With the most severe economic disruption since the Great Depression and continuity of state transportation improvement programs in doubt, the case for Congress to deliver a robustly funded infrastructure bill has never been stronger."

He added, "The release of the House bill complements efforts already underway in the Senate. The FAST Act transportation law expires in less than 120 days. It's time to hit the gas on the legislative process to ensure that infrastructure investment springboards economic recovery." Authorized in 2015, the Fixing America's Surface Transportation Act was the first comprehensive multi-year transportation

funding measure since SAFETY-LU which was authorized in 2005.

"Past reauthorizations have been an exercise in spending more money and magically wishing for better outcomes with outdated policy, which was always foolish," said Beth Osborne, director of Transportation for America. "With this new proposal from Chairman DeFazio, the INVEST in America Act, the House is charting a welcome course toward updating our country's 1950's approach to transportation."

Other construction and transportation groups also expressed their support for the measure.

The American Public Transportation Association expressed its strong support for the bill and its critical investments for surface transportation infrastructure, including \$105 billion for public transportation and \$60 billion for commuter rail, Amtrak, and other high-performance rail.

"For too long, the needs of professional drivers and others who work in the transportation sector have been ignored by lawmakers," Teamsters General President Jim Hoffa said. "This legislation will set the nation on the right path by making badly needed infrastructure improvements while also ensuring that workers are protected on the job."

"On behalf of ATA members helping move 71% of our nation's freight, we applaud Chairman DeFazio for fulfilling his commitment to produce a comprehensive infrastructure bill, and we look forward to working with House Ways & Means Chairman Neal to fund it—with real money," American Trucking Association President and CEO Chris Spear.

### Construction Jobs Rise by 464,000 But Remain 596,000 Below Recent Peak

WASHINGTON—Construction employment rebounded by 464,000 jobs in May, but the total remained 596,000 below the latest peak in February and the industry's 12.7% unemployment rate was the highest for May since 2012, according to an analysis by the Associated General Contractors of America of government data released on June 5.

AGC officials cautioned that future job losses are likely as temporary federal support programs end, state and local officials deal with tighter budgets and private sector demand declines later this year.

"The huge pickup in construction employment in May is good news and probably reflects the industry's widespread receipt of Paycheck Protection Program loans and the loosening of restrictions on business activity in some states," said Ken Simonson, the association's chief economist. "Nevertheless, the industry remains far short of full employment, and more layoffs may be imminent."

Mr. Simonson noted that the association's latest survey found that nearly one-fourth of contractors reported a project that was scheduled to start in June or later had been canceled. He added that with most states and localities starting a new fiscal year on July 1, even more public construction is likely to be canceled unless the federal government makes up for some

of their lost revenue and unbudgeted expenses.

The gain of 464,000 jobs in May followed losses of 995,000 in April and 65,000 in March, for a cumulative loss over three months of 596,000. Construction employment totaled 7,043,000 in May, about where it stood in late 2017, the economist noted.

The industry's unemployment rate in May was 12.7%, with 1,187,000 former construction workers idled. These figures were roughly four times as high as in May 2019 and were the highest May levels since 2012 and 2011, respectively.

Association officials said the best way to avoid the expected future construction job losses is for federal officials to boost funding for infrastructure, including highway, bridges, waterways and airports. They noted that the additional funding would help cover expected state and local budget shortfalls and would help replace expected declines in private-sector demand.

"Government officials have done a good job providing temporary relief for firms struggling to cope with the economic impacts of the pandemic," said Stephen E. Sandherr, the association's chief executive officer. "As those temporary supports end, the broader economic realities of the lock-downs will cost countless construction jobs unless Congress and the administration can work together to enact measures to revive the economy."

### Court on COVID-19 Rules: Construction Can Use Proven Workplace 'Best Practices' for Protection

WASHINGTON—The Occupational Safety & Health Administration is entitled to "considerable deference" in addressing the COVID-19 pandemic, according to a June 11 federal appeals court decision. The ruling assures that the transportation construction industry is free to use proven workplace best practices to protect its workers, according to the American Road & Transportation Builders Association (ARTBA).

The Court of Appeals for the District of Columbia Circuit agreed with ARTBA's position and denied an attempt to require the federal government to impose a single, rigid emergency

standard for coping with COVID-19.

The ruling quickly turned away a request by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) to compel OSHA to force implementation of a universal safety standard. Specifically, these organizations wanted OSHA to implement within 30 days a universal "emergency temporary standard" for infectious diseases which would cover all employees and all industries in response to the current pandemic.

ARTBA, in a filing made less than two weeks

Please turn to page 13

## AT A GLANCE

### Total Combined\* Funding Levels

COUNTY	CHIPS	PAVE NY	EXTREME WEATHER RECOVERY
Dutchess	\$7,344M	\$1,631M	\$1,115M
Orange	\$7,592M	\$1,733M	\$1,139M
Putnam	\$2,198M	\$501,849	\$347,096
Rockland	\$3,705M	\$845,462	\$533,643
Sullivan	\$6,170M	\$1,408M	\$1,032M
Ulster	\$6,913M	\$1,578M	\$1,115M
Westchester	\$13,721M	\$3,130M	\$1,962M

\*Counties, Towns and Villages

Source: New York State Department of Transportation

### Local Road Programs Advance

Continued from page 1

supported every year in the state's fiscal year budget," they wrote.

There are several reasons that make this appeal so urgent, Messrs. Pepe and Cooney explained. "Time is working against us at this point. The pressure currently placed on New York's highway contracting community and the shortened season due to the COVID-19 stay-at-home orders have compressed New York's season to begin public works projects, which typically start up in May and continue through October. This time frame makes the situation of local highway infrastructure funding unique—and critical. If we delay, it might be too late for these essential infrastructure projects to be completed during this year."

The association executives also noted that these local road funding programs are "use it or lose it" propositions. "You as an elected official with fiduciary responsibilities for your community must take action as the guardian of both the fiscal and physical safety of your citizens. Equally pressing is the need to allocate these funds in this 2020 construction season. Rollover balances may be jeopardized as the state works out ways to backstop next year's forecasted reductions due to reduced federal COVID relief money and the expected decline in personal income tax revenues to the state. In other words, you must demonstrate to Albany now that you are spending every highway dollar available to you to ensure your allocations next year won't be reduced."

The 2020-21 enacted budget included \$438 million for CHIPS, \$39.7 million for the Marchiselli program, \$100 million for PAVE-NY, \$100 million for BRIDGE-NY and \$65 million for Extreme Winter Recovery (EWR).

Messrs. Pepe and Cooney added, "We urge you to spend your local road funding on projects that maintain and improve your local infrastructure. Spending this money now will also put thousands of local residents back to work at this time of historically high unemployment to significantly benefit the local and state economy."

Municipalities procuring road and bridge construction services each receive a chunk of CHIPS funding annually, determined through a calculation in the State Highway Law. While several factors are considered, the two most influential in how much is doled out are the inventory of roadways and motor vehicle registrations, according to the state Department of Transportation.

It was also estimated by the state Association of Town Superintendents of Highways that 87% of the state's roads and over half of its bridges are owned and maintained by local government.

### Shared Bicycle/Pedestrian Path Opens on GMMC Bridge

Continued from page 4

bound span, the path features six scenic overlooks, digital kiosks, interpretive signage and public art. Visitor parking, restrooms, bicycle repair stations and other amenities, along with connectivity to local bicycle and pedestrian networks, are available at both landings.

The shared use path will be open daily from 6 a.m. to 10 p.m. The path may temporarily close due to inclement weather, maintenance operations or security concerns. Updates and path information will be available at the bridge's new website, [marioncuomobridge.ny.gov](http://marioncuomobridge.ny.gov), and on its new Twitter account, @GMMCB.

The shared use path was part of the Thruway Authority's \$3.9-billion project to build the new GMMC Bridge, which replaced the aging Tappan Zee Bridge in 2017. The cable-stayed crossing is used by approximately 50 million vehicles annually, according to the Thruway Authority. Project Director Jamey

Barbas added, "The opening of the Governor Mario M. Cuomo Bridge bicycle and pedestrian path is the culmination of a transformative public infrastructure project, one of the largest in the United States... The path is not only functional, it is beautiful, and we thank all our community partners who made this bridge a reality."

#### Path Safety

To ensure the safety of all using the new shared use path, visitors should keep six feet apart from others. When social distancing cannot be maintained, visitors are asked to wear a face covering on the path and in the restrooms. Physical and digital signs have been posted to remind visitors of their shared responsibilities during the COVID-19 pandemic.

The path features designated lanes for pedestrians and cyclists traveling in both directions to ensure safety. There is a 15-mph speed limit for all cyclists. For more information, visit the bridge's website.



# Regional Bid Alert

Sponsored by

# WTR

WESTCHESTER  
TOOL RENTALS  
wtrrentals.com • 914-592-2016

## NYSDOT - Region 8

### Bid Letting Date: July 9, 2020

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

Contract# D264275  
PIN# 881400  
FA Proj.# Z240-8814-003

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., crack seal & mastic, various locations, region wide.

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

Goals: DBE: 3.00%

### Bid Letting Date: July 9, 2020

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

Contract# D264109  
PIN# 881290

Project Description: Orange Co., bridge replacement I-84 over McVeigh Rd (BIN 1052501) and the rehabilitation of 3 bridges on I-84 (BINs 1052502, 1052511, 1052512) in the Town of Wawayanda.

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

Goals: DBE: 10.00%

## NYSDOT - Region 10

### Bid Letting Date: July 9, 2020

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

Contract# D264254  
PIN# 090357

Project Description: Suffolk Co., replacement of airport rotating beacon, new conduit, cables and controlling wire at the Republic Airport in the Town of Babylon.

Bid Deposit: 5% of Bid (~ \$40,000.00)

Goals: DBE: 5.10%

## Westchester County DPW

### Bid Due Date: July 1, 2020

#### (Third Date Change)

Contract: 12-517-Rev. (\$100.)

Title: Cellular Bulkhead Rehabilitation – Phase III & IV, Yonkers Joint Wastewater Treatment Plant, Yonkers, NY.

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the rehabilitation of the Phase III and Phase IV portions of the cellular bulkhead which includes rehabilitation of structural support systems, painting, concrete encasement work and installation of cellular bulkhead protective coatings. Work also includes all site restoration including pavement, curbs, walkways, fences, guiderails, underground piping, utilities, and stone riprap as required.

Bid Estimate Range: \$7.2 million to \$8.2 million.

2ND Pre-Bid Inspection: Held on March 12, 2020. The March 12, 2020 Pre-Bid Site Inspection was MANDATORY for any new contractors. Contractors who attended the March 10, 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 March 10, 2020 or March 12, 2020 meeting, or those who failed to sign the attendance sheet.

Contact: John Coelho, 914-995-5144.

## New York State Dormitory Authority

### Proposal Due Date: June 23, 2020

Title: Office for People with Developmental Disabilities at Staten Island DDSO Repair and Replacement of Exterior Platforms, Stairs, and Ramps and Asbestos Abatement  
Solicitation #: 3527309999/CR5

Classification: Construction Contracts

### Subcontracting Provisioning Goals (%)

Minority Owned: 18%  
Women Owned: 12%  
Service Disabled Veteran Owned: 6%

### Pre-Bid Meeting

A Pre-Bid Meeting was scheduled on Tuesday, June 2, 2020 at 10:30 AM at 930 Willowbrook Road, DASNY Field Office, Building 13-K, Staten Island, New York 10314. All prospective bidders are strongly encouraged to attend.

Contact Layla Bahbahani at 718-982-5132.

Contract Terms: June 25, 2021

Location Where Goods to be Delivered or Service Performed  
Staten Island DDSO, 930 Willowbrook Road, Staten Island, NY 10314

Scope of work includes, but is not limited to, the repair and replacement of concrete porches, patios, ramps and stairs around the Elizabeth Connelly Center, which include buildings 12, 14, 16, 26 and 28. The scope also includes associated asbestos abatement. All work is located at the Staten Island DDSO.

930 Willowbrook Road, Staten Island, NY 10314 campus.

The Dormitory Authority of the State of New York ("DASNY") 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-Dormitory-Authority-of-the-State-of-New-York/307274192739368>.

### Proposal Due Date: July 23, 2020

Title: Governor's Office of Storm Recovery Congregation Kneseth Israel Storm Hardening and Hazardous Material Abatement

Solicitation #: 3339009999/CR26

Issue Date: 02/03/2020

Proposal Due: 07/23/2020 - 2:00 PM

Classification: Construction Contracts

### Pre-Bid Meeting

A Pre-Bid Meeting was scheduled on Tuesday, May 5, 2020 at 10:00 AM at 728 Empire Avenue, Far Rockaway, New York 11691. Contact Malik Dokku at 917-589-4125. All prospective bidders are strongly encouraged to attend.

Contract Terms: February 28, 2021

Location: Where Goods to be Delivered or Service Performed  
728 Empire Avenue, Far Rockaway, New York 11691

Scope of work: Provide standby natural gas generator at court yard, Replace and consolidate electrical service for connection to generator, remove existing oil-fired boiler and abandon in place underground fuel oil tank, replace existing boiler with (3) modular boilers and associated piping within boiler room, replace gas-fired domestic water heater with high efficiency model of the same capacity and replace/upgrade gas service to supply generator and boiler.

Construction cost range: \$1 million - \$1.3 million

The Dormitory Authority of the State of New York ("DASNY") 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.

The Bid Documents will be available at a later date and Contractor should monitor the plan room for their release.

A complete set of Bid Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. To view the contract documents online, click the following link: [www.camelotplanroom.com](http://www.camelotplanroom.com) or type it into your web browser. Then click on the Public Jobs link on the left side of the page. If you would like to purchase the documents and become a registered plan holder click the link "Register for an account" and follow the steps to create a free account (if you have not previously set one up). Once you have a Login and Password, log in to the plan room. To order a DIGITAL DOWNLOAD of the project and be placed on the bidder's list, add the document(s) to your cart and proceed to the check-out. All major credit cards are accepted online. A purchase of a digital download is required to become a registered plan holder. Printed sets are also available to plan holders for an additional cost and may be ordered through the online plan room or by mailing a check. The purchase of the digital downloads and printed sets are non-refundable and non-returnable. Please contact Camelot's Bid Department at (518) 435-9696 or email them at [camelotbids@teamcamelot.com](mailto:camelotbids@teamcamelot.com) for more information.

*Agency contact information may change without notice. Please check with the appropriate contracting agency for the most up-to-date contact information.*

## CONTRACTOR EQUIPMENT & SUPPLY

# WTR

WESTCHESTER  
TOOL RENTALS

wtrrentals.com • 914-592-2016

11 Vreeland Ave., Elmsford, NY 10523

1075 Washington Street, Peekskill NY 10566 | 914-739-9000





**Attorney's Column**

# Court Invalidates Shortened Statute Of Limitations Which Nullified Claim

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

Construction contracts, like other contracts, are meant to define the relationship between the parties to the contract. In that regard, the parties are generally free to negotiate the terms of that contract. It is only where the contractual language at issue is contrary to statute, against public policy, or is unreasonable, will a court decline to enforce the contract, as negotiated between the parties.

While parties are generally free to negotiate to shorten the contract's statute of limitations from the otherwise applicable six years, where the contract's shortened limitations period effectively nullifies the claim



before it arises it will be found to be unreasonable. An appellate court reinforced this principle of law again in *Greystone Building & Development Corp. v Makro General Contractors, Inc.*

**Background**

In December of 2010, Makro General Contractors entered into a construction contract with the New York City Transit Authority for various construc-

tion work. The following month, Makro entered into a subcontract with Greystone Building & Development for a portion of this work. The contract contained a provision requiring that "any claim or action by [Greystone] against [Makro] must be commenced within (1) year after substantial completion of this subcontract, and in no event after final payment to [Greystone]".

Greystone substantially completed its work by Sept. 30, 2013, and the entire project was completed by Aug. 30, 2014, with the NYCTA issuing its certificate of substantial completion on Oct. 28, 2014. Greystone commenced a lawsuit against

*On its face, Makro's motion to dismiss looked like it would be a winner, based only on the contract language. But as is so often the case, it isn't necessarily so. These legal issues require some thinking outside of the box.*

Makro on Dec. 10, 2015, seeking to recover monies owed under a disputed change order, as well as its retainage.

After discovery, Greystone moved for summary judgment on its complaint, and Makro cross-moved for summary judgment dismissing the complaint. On the cross motion, Makro argued that Greystone's claims were time barred under the con-

tract's shortened limitations period. Makro claimed that under that shortened limitations period, Greystone's claims had to have been brought no later than Sept. 14, 2014, one year after substantial completion of its work, and that by not commencing the lawsuit until 2015, Greystone was barred from seeking recovery. In response, Greystone noted that the grand majority of the money sought was related to a change order that was open well into 2015. Accordingly, under the contract, before that change order was settled with the owner, Makro had no claim to that money and, therefore, could not have started the lawsuit any earlier.

**Decision**

The trial court granted Makro's motion to dismiss. Although the trial court made note of the negotiations between Makro and the owner relating to the open change order, it held that "nothing prevented [Greystone] from commencing an action or seeking an extension of the one-year limitation—there was nothing contained in the subcontract, or occurred as a part of the negotiations, that inhibited [Greystone] from pursuing its rights under the subcontract."

Greystone appealed, and the appellate court reversed, reinstating Greystone's lawsuit. While acknowledging that Greystone's work was complete in September of 2013, the appellate court found that the contract provided that Greystone was not entitled to payment until Makro was paid, and that could not occur until the negotiations with the NYCTA concluded in September of 2015. Accordingly, the appellate court held that the contractual limitation period at issue was not reasonable, citing well-settled case law that "A 'limitation period' that expires before suit can be brought is not really a limitation period at all, but simply a nullification of the claim."

**Comment**

On its face, Makro's motion to dismiss looked like it would be a winner, based only on the contract language. But as is so often the case, it isn't necessarily so. These legal issues require some thinking outside of the box.

Normally, you have six years to sue for breach of a contract. Parties to construc-

Please turn to page 20

**ELEC825**

@ELEC825  
www.ELEC825.org

**Advocates for economic development and transportation, energy, and water infrastructure.**

**Infrastructure is economic activity, health, safety, and quality of life.**

**#BUILDINGOURFUTURE**

**ELEC825** ENGINEERS LABOR-EMPLOYER COOPERATIVE

**ELEC825 is the labor management fund of Operating Engineers Local 825**



# **INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 137**

**JEFF LOUGHLIN - BUSINESS MANAGER**

**WAYNE HELLER - PRESIDENT**

**JAMES SASSO - VICE PRESIDENT/BUS. AGENT**

**JOHN MCGILL - RECORDING CORR. SECRETARY**

**JOE SCHNEIDER - TREASURER**

**DANIEL FENYO - FINANCIAL SECRETARY**

**MICHAEL MILLER - BUSINESS AGENT**

## **EXECUTIVE BOARD**

**JOHN BELARDI - RONALD BURGESS**

**ROCCO MICELI - MICHAEL MILLER**

**DAVID RYAN - ROCCO SANSEVERINO**

**1360 Pleasantville Road Briarcliff Manor, NY 10510**

**(914)762-0600**



# Next Gen Leaders



*Profiles of the Industry's New Generation*



## Abigail Campbell

### EMPLOYER & CURRENT WORK STATUS

Abigail and her husband made the family decision to move to Moore, OK a few months ago to pursue his new career opportunities as project manager with Downey Contracting, LLC. Because of the COVID-19 pandemic, she is staying safe at home and, at the moment, is between jobs.

### FORMER EMPLOYMENT

Le Chase Construction, Rochester, NY.  
Project Engineer.

### AGE

21

### ACHIEVEMENT

Construction Advancement Institute  
Scholarship 2017, 2018.

### EDUCATION

Alfred State College of Technology, Alfred, NY  
in December 2018. Construction Engineering  
Associate Degree, BS in Construction  
Management with a minor in leadership.  
Favorite courses: Scheduling, Estimating  
and Project Administration.

### ON THE CHOICE OF PROFESSION

"My father is in the construction business. He taught me how to weld when I was 13, and that led to an interest in building things. He suggested I start in construction management. Growing up on a farm taught me to always be on my toes, and to be ready to adapt to challenges."

### WORDS OF WISDOM

"Professors would encourage me, teaching that there are 'no stupid questions,' and to never be afraid to ask. If you don't know everything, that's okay."

### CAREER GOAL

Pre-construction field, estimating, and scheduling for three years, then onto project management.

### OUTSIDE INTERESTS

Horseback riding, playing polo and singing soprano. "I sang the National Anthem at my college commencement. And now, most importantly, I am expecting my first child in a few weeks."

*Researcher and Writer—Alan Kennedy*

### ABOUT THE BCA/CAI SCHOLARSHIP

Since its inception the Building Contractors Association/Construction Advancement Institute College Scholarship Program has awarded more than \$225,000 to 38 students who have enrolled at 30 colleges and universities throughout the U.S. region.

### SCHOLARSHIP COMMITTEE

**Dominic Calgi**  
Calgi Construction Co., Inc.

**Mark Fante**  
Darante Construction Ltd.

**Laurel Brunelle, CAI**  
**Jay Martino**  
Martino Contractors, Inc.

**Thomas H. Welby, Esq.**  
Welby, Brady & Greenblatt, LLP

**Ross J. Pepe, BCA & CIC**

**F. Matthew Pepe, BCA**

**Fred Sciliano**  
LeChase Construction  
[www.caiwestchester.org](http://www.caiwestchester.org)





If you were CIC Vice Chairman Joe Bilotta, you went to work every morning driving to your 12-acre materials supply yard in Montrose, NY. At age 86, Mr. Bilotta took the controls of his Kobelco trac excavator in mid-June to manufacture certified item-4 for DOT work in the region.

You can't keep a good man down, and you can't keep Joe as the owner of an essential business like Dakota Supply Corp. home either.

Photos/GEORGE DRAPEAU III



## Court on COVID-19 Rules

Continued from page 8

ago with other industry allies, urged the court not to grant the request because workers are better protected from the virus by construction industry best practices rather than a rigid "one-size-fits-all" regulation. The brief detailed why a uniform standard is misguided, explaining that "guidance on how to maintain the spread of COVID-19 in the aviation industry would naturally be quite different from guidance directed at the banking industry, or the construction industry."

The court agreed, stating "In light of the unprecedented nature of the COVID-19 pandemic, as well as the regulatory tools that the OSHA has at its disposal to ensure that employers are maintaining hazard-free work environments... the OSHA reasonably determined that an [emergency standard] is not necessary at this time."

Helping You Manage  
Your Business in the Face  
of the COVID-19 Pandemic

Advisory | Tax | Audit

## STRENGTH IN CERTAINTY

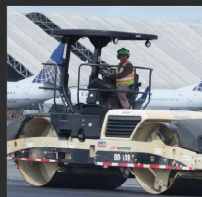
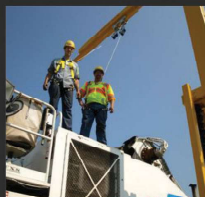
It's what we have delivered to  
the construction industry  
for 40 years.

Grassi's Construction advisors and accountants provide the industry knowledge and guidance that construction professionals need to make confident business decisions.

Carl Oliveri, CPA, CCIFP, CFE, MBA  
Partner, Construction Practice Leader  
212.223.5047 | coliveri@grassicpas.com

[grassicpas.com/constructionae](http://grassicpas.com/constructionae)

**GRASSI**  
ADVISORS & ACCOUNTANTS



**TILCON**

A CRH COMPANY



**STONE • ASPHALT • CONSTRUCTION • RECYCLING**

Material Orders 1-855-659-1100  
[tnjorders@tilconny.com](mailto:tnjorders@tilconny.com)

Main Office 1-800-789-ROCK  
[www.tilconny.com](http://www.tilconny.com)

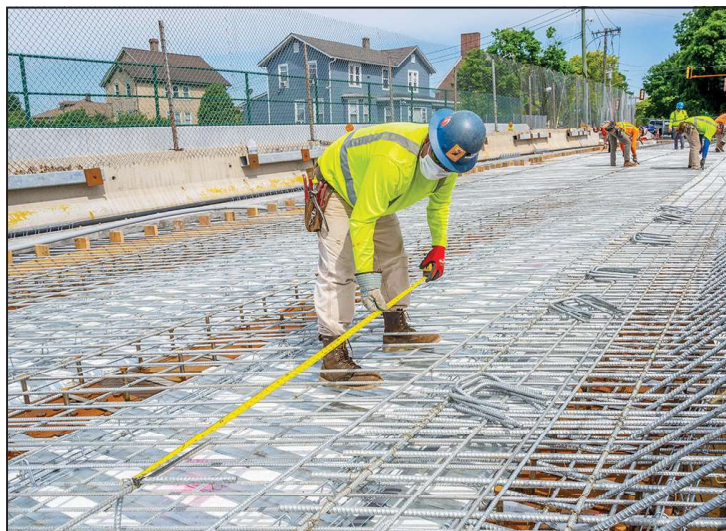


## *A Breakfast Special on I-95's 'Last Mile'*

# NYS Laborers L.U. 60 Serve Up a Salute To Workforce for Braving COVID-19 Crisis



More than 70 construction and maintenance projects across New York took advantage of reduced traffic conditions, the DOT told CONSTRUCTION NEWS, to accelerate productively and reducing traffic delays and impacts on the traveling public.



"Our members have demonstrated a deep commitment to the job," commented Laborers Local 60 Business Manager Anthony Ascencio. "Our members have demonstrated commitment to the job, to the community of Port Chester and—above all else—to each other by doing everything possible to protect the health and safety of our union brothers and sisters."



New York State Laborers answered the call to perform the essential work needed to keep communities safe and functional. Among the replacement spans is the Grace Church Street Bridge in Port Chester.

PORT CHESTER, NY—On Thurs., June 4, the morning coffee break on the I-95 "Last Mile" reconstruction project was a little longer than usual. Amped up with music of Tom Petty, Bob Seger and Thin Lizzy, the New York State Laborers' Local 60 and the Laborers' Tri-Funds staff catered a breakfast for 75 construction workers from a local deli, in deep appreciation of the dedication they have shown throughout the COVID-19 health emergency crisis.

"When the rest of the population was staying home to stay safe and out of harm's way in March, April and May at the start of the COVID-19 crisis, the dozens of men and women of Laborers' Local 60 went to work each day to keep the big wheels of the economy turning and the tires rolling on I-95," said Anthony Ascencio, business manager, Laborers' Local 60.

"Across the state, New York State Laborers answered the call to perform the essential work needed to keep communities safe and functional," added Patrick Purcell, executive director of New York State Laborers' LECET. "This has especially been on display in Westchester County as Local 60 members, despite the serious myriad health concerns a global pandemic presents, showed up each and every day to ensure the work was done."

The highway work on I-95 and I-278 in Port Chester is part of a decades-long campaign to reconstruct 14 miles of the original highway from the Bronx border to the Connecticut border. This project replaces two spans and rehabs another four bridges, along with permanent pavement construction of the mainline and associated ramps.

Joining the event was the Sustainable Port Chester Alliance. "Our mission is to secure responsible development, affordable housing, and good jobs, and to safeguard human and civil rights in Port Chester," said Joan Grangelis-Thomas, the volunteer executive director of the Alliance. "Nowhere are these values better exemplified than from union labor. The New York State Laborers' Local 60 is a committed partner of the Alliance, and we have always applauded their dedication to building safely within our community and providing good jobs for their members. Being a union laborer means fair, family-sustaining wages, strong benefits and the protection and support of your union leaders and brothers and sisters in labor."

The "Last Mile" project, which is valued at \$135 million and awarded to ECCO III Enterprises, Inc., of Yonkers, NY, started in August 2018 and is expected to be completed in August 2021, according to the New York State Thruway Authority.

The Phase 1 stay-at-home directives by Gov. Andrew M. Cuomo created the space for the New York State Department of Transportation to fast track key infrastructure projects where possible, according to DOT Region 8 office. More than 70 construction and maintenance projects across the state took advantage of reduced traffic conditions, according to a DOT spokesperson. The department noted that the work continued more productively and with fewer impacts on the traveling public—while still taking the necessary health and safety precautions to protect workers and the public.

Among the accelerated projects during the pandemic the NYS-DOT advanced include:

- The paving of Route 44 in Dutchess;
- The paving of the Interstate 84 Bridge Approach in Orange;
- Replacement of catch basins along the Taconic State Parkway;
- Paving of Interstate 84 in Dutchess and Putnam counties and
- Parapet Repairs, Taconic State Parkway over Fishkill Creek.

Photo Credits/Margaret Fox Photography



From left, Heavy Construction Laborers Local 60's field rep and recording secretary Jay Frago and field rep and secretary/treasurer Michael Moreira.





During the stay-at-home directive this spring, dozens of men and women of Laborers' Local 60 worked on the "Last Mile" project that replaces two bridges on I-95 and rehabs four bridges in Westchester County.



Roadway improvements in Port Chester include clearance modifications, guiderail and barrier installations and shoulder widening.



ECCO III Enterprise, Inc., took the necessary health and safety precautions to protect workers and the public.



The \$135-million project includes installation of noise walls, visual barriers and retaining walls.



## Financial Management

# Keys to PPP and Main Street Lending Program for Contractors

By PHILLIP ROSS, CPA, CGMA, PARTNER

The Coronavirus Aid, Relief and Economic Recovery (CARES) Act and the Paycheck Protection Program (PPP) were created and designed to provide relief to qualified businesses struggling with the hardships brought on by the coronavirus crisis. However, many businesses still find themselves unaware or confused about these programs amidst multiple revisions.

Construction firms, particularly heavily impacted by the COVID-19 pandemic, originally feared that the PPP would not be sufficient assistance for many companies in the industry. There was also confusion over the "need" provisions for the funding and in fact, 18% of



firms in a survey report had considered returning loans due to such uncertainties. The recent revisions have helped to ease some, but not all, of their concerns.

The following are key up-

dates to the PPP and Main Street Lending Program, and analysis about the most contentious issues for contractors.

### Updates to the PPP:

**April 30**—IRS issued Notice 2020-32, determining that to the extent of loan forgiveness, expenses paid using PPP funds qualifying for forgiveness will not be tax deductible, subject to further clarification from Congress. Read our Anchin Alert for more information and clarification about this update.

**May 13**—The federal government clarified that companies taking PPP loans of less than \$2 million will be "automatically deemed" to

have acted in good faith. Loans in excess of \$2 million will still be reviewed, but previous penalties for loans that do not meet

***The Main Street Lending Program is expected to begin making loans available soon. Unlike PPP loans, these are full-recourse loans and are not forgivable.***

the economic need requirements have been walked back. Currently, these companies will have to pay loans back without

the penalty of enforcement action or a DOJ referral.

**May 27**—The Federal Reserve Bank of Boston signals that loans under the Main Street Lending Program will be made available soon.

**June 5**—U.S. government passed further revisions to the PPP. The new bill:

- Changed the minimum percentage of loan proceeds allocated for payroll from 75% to 60%.

- Extends the covered period for PPP recipients from the eight weeks established under the CARES Act to 24 weeks.

- Allows loan recipients that do not seek or qualify for forgiveness to defer repaying their remaining loans for up to 10 months from the date of their PPP loan.

- The Safe Harbor date to restore reductions in full-time equivalent employees and wages changed from June 30 to Dec. 31, 2020.

- Recipients of PPP loan forgiveness are no longer excluded from the deferral of the employer's half of federal Social Security and Medicare taxes for the balance of 2020.

- Requires all new PPP loans to have a minimum maturity of five years instead of the two-year term previously in place.

The application deadline for PPP loans remains June 30, 2020.

### The Main Street Lending Program

The Main Street Lending Program is expected to begin making loans available soon. Unlike PPP loans, these are full-recourse loans and are not forgivable. The program is comprised of:

### The Main Street Expanded Loan Facility (MSELF)

Maximum loan amount: \$300 million or an amount that, when added to the borrower's existing outstanding and undrawn available debt, does not exceed six times their EBITDA.

### The Main Street New Loan Facility (MSNLF)

Maximum loan amount: \$35 million or an amount that, when added to the borrower's existing outstanding and undrawn available debt, does not exceed four times their EBITDA.

### The Main Street Priority Loan Facility (MSPLF)

Maximum loan amount: \$50 million or an amount that, when added to the borrower's existing outstanding and undrawn available debt, does not exceed six times their EBITDA.

The minimum loan size for the MSNLF or MSPLF have been reduced to \$250,000. Interest payments on all Main Street loans are deferred for one year and principal payments turn to page 23



**See our Entire Line! Call for Catalogs Including:**

- ★ Trench Boxes ★
- ★ Rock Boxes ★
- ★ Hydraulic Shoring ★
- ★ Aluminum Trench Boxes ★
- ★ Portable Safety Guard Rails ★
- ★ Road Plates ★
- ★ Hydraulic Shoring ★
- ★ Slip-Not® Ladder Retention System ★

• We can provide you with the world's largest or smallest trench box or shoring system.  
 • Get high production numbers while keeping your workers safe.  
 • We will show you how with our on-site supervision.  
 • Contact us for the world's very best shoring.  
 • We will deliver on time.

## FACTORY DIRECT

**Sales • Rentals • Service • Repairs  
Trade-ins • Recertification**

**Factory & Corporate Office:**  
 207 Lake Street (Route 32)  
 Newburgh, NY, 12550  
**1.845.562.4477**

**New England Area**  
 238 E Cherry Street  
 Shrewsbury, MA 01545  
**1.508.842.2822**

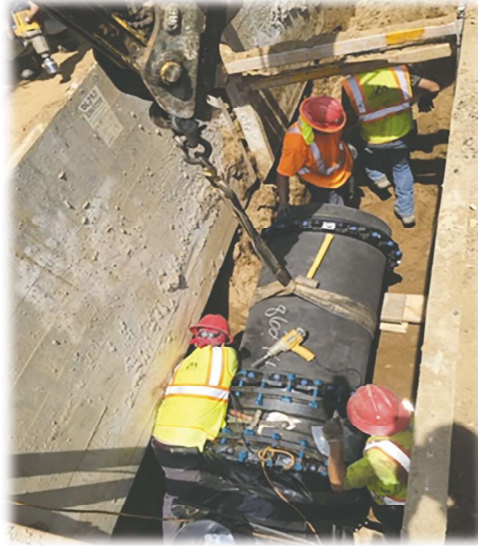
**MidAtlantic Area:**  
 506 Pulaski Highway  
 Joppa, MD 21085  
**1.443.313.3461**

**Or Phone us Toll Free from anywhere:**  
**1-800-407-4674**  
[www.americanshoring.com](http://www.americanshoring.com)  
**E-Mail us at: [sales@americanshoring.com](mailto:sales@americanshoring.com)**





# Laborers' International Union of North America, Local 60



Anthony Ascencao.....Business Manager  
 Frank Bisignano.....President / Training Director  
 Vincente Mendoza..... Vice President  
 Michael Moreira.....Secretary Treasurer / Field Representative  
 Jacinto Fragoso.....Recording Secretary / Field Representative  
 Andrew Ferraro.... Executive Board Member / Training Instructor  
 Carlos Gonzalez..... Executive Board Member

140 Broadway, Hawthorne, NY 10532  
 914-769-0300 • [www.liunalocal60.com](http://www.liunalocal60.com)





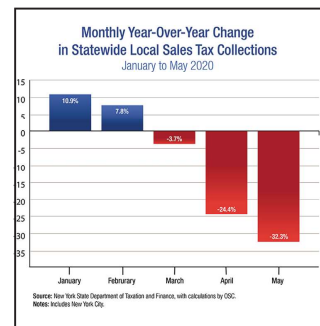
Rollin Rocks Corp is a premier support contractor providing transportation needs for Westchester Utility Contractors. We have professionally trained employees, 24 hour emergency services, light tower and road plate rentals, sweeping and restoration services.

**914-930-1525 • [www.rollinrocks.com](http://www.rollinrocks.com)**

## ALBANY UPDATE

### Local Sales Tax Receipts Plunge More Than 32%

ALBANY, NY—Sales tax revenue for local governments in May fell 32.3% compared to the same period last year, according to State Comptroller Thomas P. DiNapoli. Sales tax collections for counties and cities in May totaled \$918 million, or \$437 million less than 2019.



The sharp decline in revenues was widespread around the state, ranging from a drop of 19.5% in Westchester County to a 41.5% decline in Tioga County. Nearly every county in every region of the state saw a large drop in overall collections. New York City experienced a 31.9% decline, amounting to \$196 million in lost revenues for a single month. One major influence is consumers' online spending, now largely subject to the sales tax. Detail on this activity is not currently available.

"We anticipated that sales tax revenues would continue to drop because of COVID-19 but the May sales tax figures show just how deep it is cutting into municipal finances," Mr. DiNapoli said. "Sales tax revenues are vital funding not only for the state but for municipalities like counties and cities as well. The federal government needs to step up and provide financial help to states and local governments hit hard by this virus to avoid severe cuts to critical services."

Mr. DiNapoli reported on June 12 that local sales tax collections dropped 24.4% in April, or \$327 million less than collected in that month a year ago, after relatively modest losses in March collections.

Over the three-month period of the pandemic's effects, local governments have received \$824 million (19.2%) less in sales tax revenue than they did during that same period in 2019.

More ALBANY UPDATE on page 26

To tee or  
not to tee?



NOT!

Given the unprecedented risks in this era of COVID-19, the annual CIC Golf & Tennis Classic scheduled for July 13 at the Sleepy Hollow Country Club in Scarborough, NY, has been postponed.

We are deeply thankful to so many individuals and companies for helping to create the industry's premier sports social event with its illustrious 40-year tradition.

We look forward to rescheduling the Golf Classic when the time is right. Until that time arrives, please stay safe, be mindful and wear a mask.

## 2019 CIC Golf Sponsors

### Dinner

Grassi & Co.  
Thalle Industries, Inc.

### Cocktail Party

Advance Testing Company, Inc.  
A.Servidone Inc./ B.Anthony  
Construction Corp., J.V.  
Bricklayers Local 5  
Edward Ehrbar  
E.L.Q. Industries, Inc.  
Laborers Local 754  
RCA Asphalt LLC  
Tilcon New York, Inc.

### Lunch

Stacey Braun Associates, Inc.  
Welby, Brady & Greenblatt, LL

### Flags

Dakota Redi-Mix & Supply Corp.  
Operating Engineers Local 825

### Bocce

Tocqueville Asset Management LLP  
Ecco III Enterprises, Inc.  
Entrust Partners Offshore LLC

### Carts

Eastern NY Laborers District Council  
RCA Asphalt LLC

### Balls

American Global of New York LLC

### Clubhouse

Building Laborers Local 235  
Cohn/Reznick LLP  
H.O. Penn Machinery Co., Inc.  
Northeast Structural Steel, Inc.  
Pat Dicerbo/ Northwestern Mutual  
Yonkers Contracting Co., Inc.  
Clarity Testing Services, Inc.

### Hole-In-One

Operating Engineers Local 137

### Longest Drive

Posillico Civil, Inc.

### Closest To The Pin

Petrillo Contracting Inc.

### Closest To The Line

New England Regional Council  
of Carpenters

### Drinks House

Advance Testing Company, Inc.

### Golf Tees

Tectonic

### Weather

The Blaise Group

### Tees

Argenio Brothers, Inc.  
Ecco III Enterprises, Inc.  
Granite Construction Northeast, Inc.  
Heavy Construction Laborers Local 60  
Ironworkers Local 417  
J.Fletcher Creamer & Son, Inc.  
LeChase Construction Services  
M & T Bank  
Operating Engineers Local 15  
NY Concrete Washout Systems  
RCA Asphalt LLC  
Skanska USA Civil Northeast Inc.  
Transit Construction Corp.  
Welby, Brady & Greenblatt, LLP

### Greens

All-Weld Products Corp.  
Awisco New York Corp.  
Darante Construction Ltd.  
Jett Industries Inc.  
Peckar & Abramson  
The Chrys Group at Merrill Lynch  
Taylor Oil Co., Inc.  
Lazard Asset Management  
Mace Contracting Corporation  
Montesano Brothers  
Anchin, Block & Anchin LLP  
Bilotta Construction Corp.  
United Rentals  
USI Insurance Services  
Calgi Construction Company



**Safety Watch**

# With Workforces Returning, Are Your Offices and Jobsites Ready?

By JAMES JUNKIN, SMS, ASP, CSHO, CLA

**D**uring the past months, construction companies have adjusted to their “new normal.” Many states have deemed the industries’ personnel essential for business during the COVID-19 pandemic, permitting them to continue operations. Their employers have scrambled to implement new protocols and procedures to ensure their safety.

As most regions across the United States have now relaxed their shelter-in-place and stay-at-home ordinances, sending workers back to their workplaces, it is mission critical for construction companies to address workers’ safety concerns. The fluidity of the COVID-19 pandemic has made this challenging for safety professionals, as worker safety precautions, regulations and compliance standards continue to evolve. In addition to removing non-essential workers from worksites, companies have kept the following best practices top of mind:

**Communicate and adhere to reliable prevention recommendations**—Ensure workers are up-to-date and abiding by the recommendations provided by the World Health Organization and the U.S. Centers for Disease Control, as these organizations remain among the most reliable sources for information and guidance (such as personal hygiene and social distancing) during the pandemic.

**Develop or strengthen pandemic preparedness plans**—Depending on whether a company is building from scratch or bolstering its current preparedness plans, identifying a coordinator to oversee policies, procedures, implementation, and testing of the plan and emergency communication strategies is vital. This needs to be completed periodically to ensure the plan remains effective and workable.

**Embrace social distancing measures, including instructor-led distance learning**—During the pandemic, companies have embraced such measures as scheduling staggered shifts and breaks, extending work hours, requiring smaller group meetings, limiting workers from traveling together to jobsites, and leveraging technology to enable remote communications whenever possible as this a key component of CDC recommendations to curb the spread of COVID-19.

**Ensure compliance with OSHA and local standards and requirements**—While there are no specific OSHA standards for COVID-19 (as



of late April 2020), the use of personal protective equipment, including gloves, eye and face protection, and respiratory protection and standards related to occupational exposure should be applied.

## Creating a Comprehensive Plan for Re-Entry

To address the next phase of continuing (or restarting) business operations through the pandemic, construction companies need a holistic approach that addresses infectious disease policy, training and verification support, and worksite re-entry credentialing and verification.

By leveraging standardized training, companies can enhance their current training methods and employee understanding. Addressing these four key areas will help to improve the well-being of their workforce.

## 1. COVID-19 Awareness—

In addition to other infectious

information, proactive actions

and appropriate behavior. This

provides companies with the peace of mind their workforces will understand what the coronavirus is, how to identify symptoms, precautions to take, and what to do if they or a co-worker become ill.

**2. Behavior-Based Safety**—Over the past several months of the pandemic, workers have experienced various levels of emotions, which may have impacted their behavior and thereby, their safety and others at worksites. Including behavior-based safety as a part of their infectious

Please turn to page 23

*To address the next phase of continuing (or restarting) business operations through the pandemic, construction companies need a holistic approach that addresses infectious disease policy, training and verification support as well as worksite re-entry credentialing and verification.*

diseases, a training foundation needs to outline factual

## WE SAVE WATER OUR MEMBERS PREVENT SPILLS AND BRING CLEAN WATER TO YOUR TAP



Our members share concerns for conservation. It bothers us that up to 130 million gallons of New Jersey's drinking water are wasted every day due to aging underground pipes.

### WE PROMOTE CONSERVATION.

Local 825 Operating Engineers are trained to install water infrastructure efficiently and without impacting the environment. In New York, we are part of a team that will save 138 million gallons of drinking water every day, delivering clean water to millions of homes throughout the region.

We believe in conservation and renewal that will only come with a commitment to infrastructure upgrades, before a serious or prolonged water shortage forces us to act.

### ON TIME. ON BUDGET. ON TARGET.

Developers and contractors turn to Local 825 Operating Engineers to get big things done safely, on time and on budget. Our members are experienced, licensed, credentialed and ready to work, day one.



International Union of Operating Engineers  
**LOCAL 825**

Greg Lavee, Business Manager

**BETTER BUILDING BEGINS HERE**

[WWW.IUOE825.ORG](http://WWW.IUOE825.ORG)





**Congratulations to all who build our great country!**

## Welby, Brady & Greenblatt, LLP

Construction, Real Estate & Labor Law

Public/Private Bids and Contracts, Claims, Surety Law, Mechanic's Liens, Environmental Law, Commercial Litigation, Real Estate Development, Offering Plans, Labor Law, OSHA Violations, Arbitration and Mediation

### Partners

Thomas H. Welby, P.E.  
Gerard P. Brady, P.E.  
Michael E. Greenblatt  
Anthony P. Carlucci, Jr.  
Thomas S. Tripodianos  
Paul G. Ryan  
Alexander A. Miuccio  
Alan D. Singer  
Gregory J. Spaun

### Associates

Robert W. Bannon II  
Frank Gramarossa  
Jared A. Hand  
Zachary A. Mason  
Kriton A. Pantelidis  
Matthew G. Petrosino  
Michael Irwin Silverstein  
Richard T. Ward III

### Of Counsel

Donna M. Brady  
Robert G. Corke  
Lester M.A. Gultiz, P.E.  
John J. Krol, P.E.  
Geoffrey S. Pope

11 Martine Avenue, 15th Floor, White Plains, New York 10606  
Phone: (914) 428-2100 • Fax: (855) 740-2860 • [www.wbgllp.com](http://www.wbgllp.com)

NEW YORK • MANHATTAN • NEW JERSEY • CONNECTICUT

## Attorney's Column

Continued from page 10

tion contracts frequently shorten this period. However, Greystone is a reminder that the limitations period cannot be so short that it runs before the claim actually accrues. Accordingly, contractors would be well advised to consult with construction counsel in drafting and reviewing contracts so that they can be sure that their shortened limitations period passes the reasonableness test, and does not run before the claim accrues; in other words, so that you get the limitations

period you intended in the first place.

*About the authors: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., 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, who co-authored this series with Mr. Welby.*

## Christening LGA's New Arrivals and Departures Hall

Continued from page 7

queue displays passenger wait times and allows queue zones to be adjusted based on passenger demand.

Security screening at LaGuardia's new Terminal B now includes three state-of-the-art technology systems to expedite screening while prioritizing the safety of passengers. Checked baggage is screened more efficiently using an Artificial Intelligence-based, robotic assisted convenience system, which quickly troubleshoots and diverts high-risk baggage for deeper inspection. Passengers with carry-on baggage will notice a new automated bin sequencing and retrieval system as they go through the TSA check point. New body screening and metal detecting equipment is user friendly, has larger screening areas that eliminate the need to raise arms overhead and features the most advanced imaging technology.

At the arrivals level, nine new large baggage carousels offer additional space for distancing at baggage pick up.

There are 17 new large bathrooms across the new Arrivals and Departures Hall, featuring touch-free entry, sinks and hand dryers, to create greater opportunities for distancing when compared to the old Central Terminal Building.

### Concessions

The terminal is now home to a variety of concessions including many familiar businesses that are located in New York. To enable customers to shop and dine while waiting for their flights, concessions are centralized post-security in a main commercial district of the new Arrivals and Departures Hall with 17 best-in-class retail, food and beverage amenities. Local favorites like Eli's Essentials by New York food legend Eli Zabar, Chef Marc Forgione's new Mulberry Street restaurant, Junior's Cheesecake, Brooklyn Diner, Think Coffee, Tony + Benny's Authentic Brooklyn Pizza, Hill Country, Texas-themed BBQ founded in NYC, NYC Aglow and Bowery Bay Shops offer locals and tourists a taste of New York.

### Public Art

The new Arrivals and Departures Hall comes to life

through four permanent public art installations commissioned by Public Art Fund in partnership with LaGuardia Gateway Partners. Artists Jeppe Hein, Sabine Hornig, Laura Owens, and Sarah Sze have created four pieces designed specifically for the new facility.

Rick Cotton, executive director, Port Authority of New York and New Jersey, said, "The opening of the first new Arrivals and Departure Hall is a major milestone in delivering on Governor Cuomo's vision for a brand new, world-class, 21<sup>st</sup> century LaGuardia Airport that the region deserves. We thank the contractors, subcontractors, and union construction workers who worked thorough the pandemic to deliver this extraordinary building on time and on budget. Today's opening should be a shining symbol of the region's potential for a strong economic recovery with the vitality of New York before COVID-19."

Gary LaBarbera, president, Building & Construction Trades Council of Greater NY, added, "Today is a major step forward in transforming LaGuardia Airport into a world-class, 21<sup>st</sup> century facility. Thanks to Governor Cuomo's extraordinary leadership, the milestone we have reached today proves that New York will emerge stronger than ever from the challenges faced over the past 100 days. Large-scale public infrastructure projects will be what puts New Yorkers back to work, and members of the building trades stand ready to continue using their skills and proficiency to build state-of-the-art infrastructure. Every dollar poured into the transformation of LaGuardia Airport will continue to create middle-class careers and position New York as the leader it is on the world stage."

Overall, the LaGuardia project is expected to generate \$10 billion in economic activity and \$2.5 billion in wages over the life of the project. As of the opening of the new Terminal Arrivals and departures hall, LaGuardia Airport contracts with certified minority and women-owned businesses, or MWBE, have now exceeded \$1.4 billion. To date, the project has met Gov. Cuomo's goal of 30 percent MWBE participation.



### Retiree Health Benefit Solutions

Labor First is a full service "Retiree Benefit Manager" providing health benefits and support services to the Retirees of Organized Labor. The ability to structure post-retirement health care benefit solutions that reduce cost, lower liabilities and expand efficiency are the main reasons why plan sponsors and professionals trust to partner with Labor First to help manage their retiree medical and prescription drug benefit programs.



John Dulczak  
Chairman & Chief Officer

300 Chester Avenue, Suite 300  
Moorestown, NJ 08057  
Phone (856) 780-6218 Fax (856) 780-6248  
[www.laborfirst.com](http://www.laborfirst.com)



## Economic Outlook

# NY Economy Improving As Pandemic Rules Ease

By MICHAEL J. PATON

The rampant spread of the COVID-19 virus across the U.S. and the far-reaching restrictions enacted by governments to check its spread has brought the longest economic expansion in the post-World War II era to an abrupt end.

According to the New York City Office of Management and Budget, stay-at-home mandates, travel bans, school closures and other strict social distancing policies have already created a sharp economic contraction lasting through the first three quarters of 2020. The impact will fall disproportionately on economic sectors that involve large gatherings or close personal interaction such as leisure and hospitality, retail, education and transportation.

Aggressive social distancing measures have shuttered thousands of firms and resulted in millions of furloughs and layoffs. Aggregate data is still preliminary and early regarding the effects of the pandemic on the economy, particularly in the Lower Hudson Valley and more particularly on construction activity in the local region. The outlook is clearly uncertain. The employment front, though, already has been hit hard. For the 12-month period ending April 2020, the private sector job count in the Hudson Valley fell by 183,700, or 22.5%.

Losses were greatest in leisure and hospitality (-55,600), trade, transportation and utilities (-41,100), educational and health services (-21,300), natural resources, mining and construction (-19,600), other services (-19,100), professional and business services (-16,200), manufacturing (-7,800), and financial activities (-2,700). The April 2020 over-the-year decline is the largest in the history of the current series (dating back to 1990) and brought the private sector job count to its lowest April level since 1994.

Within the local region, the Orange-Rockland-Westchester labor market area's private employment sector declined the fastest year-over-year, down 24.6%. They were followed by the Dutchess-Putnam metro area (-17.1%), the Kingston metro area (-14.3%), and Sullivan County (-11.5%).

On the national level, construction employment fell by 975,000 in April, compared with March, with much of the loss in specialty trade contractors (-691,000) and in the construction of buildings category (-206,000). The Bureau of Labor Statistics report depicts the continuation of a sharp reversal for the construction industry labor market, which had posted employment increases earlier in the year, including jumps of



more than 40,000 in January and in February. There were job losses in all three non-residential segments, with the largest decline registered among nonresidential specialty trade contractors, which lost 393,000 jobs. Nonresidential building lost 88,000 jobs, while heavy and civil engineering lost 79,000 jobs.

The construction unemployment rate was 16.6% in April, up 11.9 percentage points from the same time last year. Unemployment across all industries rose from 4.4% in March to 14.7% last month. This was the highest rate since the BLS started tracking unemployment in 1948. Although data is not yet available, we would expect proportionally similar results in the Hudson Valley when that data is released in the coming months.

The nation's real estate sectors are projected to incur significant distress, given the severity of the downturn and social distancing policies implemented to combat the pandemic, according to Moody's Analytics, an economic forecasting firm. As employers have been compelled to execute remote working policies, national office vacancies may break the 20% mark by 2021, and effective rents in some markets like New York City may fall by close to 25%. By contrast, industrial and multi-family properties are likely to fare better. Vacancies are still projected to rise and effective rents are expected to turn negative, but the impact may not be as severe as on retail and office properties, which are bearing the brunt of the pandemic.

To get a better sense of the construction outlook in the above environment, according to REIS, a real estate research and analysis company affiliated with Moody's Analytics, economists can look at the comparative construction delay statistics of the Great Recession in 2008. During the 2008 recession, projects in the U.S. experienced about six more months of delay on average in the apartment and retail sectors, while the office sector saw three to four more months of a construction delay. Having these delays in mind, analysts can expect

an even more deeply negative impact on construction in the current recession, given that the U.S. had 30 state-wide shelter-in-place orders as of March 30<sup>th</sup> and a few states have deemed some construction workers non-essential.

In better news, in late April the Governor of New York outlined a phased plan to reopen business activity in New York, as the worst of the virus spread seemed to wane. The first categories to reopen took place in late May with construction and manufacturing businesses given the green light for re-opening.

New infrastructure spending called for by the governor would be an obvious boost for the local and national construction and manufacturing industries. In May, the U.S. House of Representatives passed a \$3-trillion fiscal relief package. The 1,800-page legislation contains a large number of provisions, for example: nearly \$1 trillion for state, local and tribal governments; another round of direct

payments to individuals, up to \$6,000 per family, including to unauthorized immigrants; \$200

Bill in its present form is highly unlikely to even be taken up by the Senate.

**Within the local region, the Orange-Rockland-Westchester labor market area's private employment sector declined the fastest year-over-year, down 24.6%. They were followed by the Dutchess-Putnam metro area (-17.1%), the Kingston metro area (-14.3%), and Sullivan County (-11.5%).**

billions for hazard pay for essential workers; \$175 billion in housing support; student loan forgiveness and a new employee retention tax credit and extension of unemployment benefits. Although these provisions, if passed, could help stimulate the economy, the bill does not explicitly focus on infrastructure development. It is not certain whether the President or the Senate will embrace many elements of infrastructure improvement called for by the governor. Moreover, the House

At present, the economy is improving as openings occur statewide, including in the Hudson Valley. On the other hand, reopening New York City will take longer. New York City entered phase one of the reopening process on Mon., June 8, while the Mid-Hudson graduated to phase two a day later.

Although welcome news, scientists caution that a second wave of the virus may appear in the fall. The severity of such a wave remains uncertain. In any event, in New York, hospitals are better prepared and equipment shortages should be less pervasive.

*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.*



## 163 YEARS OF HELPING PEOPLE STAY STRONG AND COME OUT STRONGER.

From pandemics to recessions, we've been there to help our clients through it all. We believe that our version of financial planning can help you keep reaching your goals while knowing that you'll be ready for anything.

### LET'S WORK TOGETHER



Patrick A Di Cerbo,  
CLU®, ChFC®, AEP®, MSFS, CFP®  
Wealth Management Advisor  
518.281.8200  
patdicerbo.com  
pat.dicerbo@nm.com



07-1016 © 2020 Northwestern Mutual is the marketing name for The Northwestern Mutual Life Insurance Company (NM), (life and disability insurance, annuities, and life insurance with long term care benefits) and its subsidiaries in Milwaukee, WI. Northwestern Mutual Investment Services, LLC (NMIS) (securities), a subsidiary of NM, broker-dealer, registered investment adviser and member FINRA and SIPC. Patrick A Di Cerbo is an Insurance Agent(s) of NM. Patrick A Di Cerbo, is a Registered Representative(s) of NMIS. Patrick A Di Cerbo, is a Representative of Northwestern Mutual Wealth Management Company® (NMWMC) (fiduciary and fee-based financial planning services), a subsidiary of NM and federal savings bank. All NMWMC products and services are offered only by properly credentialed Representatives who operate from agency offices of NMWMC. Certified Financial Planner Board of Standards Inc. owns the certification marks CFP®, CERTIFIED FINANCIAL PLANNER™ and CFP® (with flame design) in the U.S., which it awards to individuals who successfully complete CFP Board's initial and ongoing certification requirements.

## NEW YORK CITY UPDATE

### MTA Accelerates \$2 Billion In Capital Construction Work

NEW YORK—Gov. Andrew M. Cuomo announced on June 8 that the MTA is accelerating construction on \$2 billion in capital projects during this period of reduced ridership caused by the COVID-19 pandemic.

The projects include:

- Launching the rehabilitation of the F Train's Rutgers Tube with the contract awarded in July—four years ahead of the original schedule;
- Accelerating 11 ADA stations, including adding 24 new elevators;
- Rehabilitating the 138<sup>th</sup> Street Grand Concourse Station, which will be completed one month early in October 2020;
- Accelerating repairs of steel and concrete defects and leaks within the 2/3, 4/5 Train's Eastern Parkways Line in Brooklyn and shaving 10 months off the project by increasing work up to 25% during overnight closures.

The governor also announced the launch of the "It's Up to Us, New York" campaign on MTA buses and trains and billboards across the region as well as on billboards throughout the state and through an integrated social media campaign to remind New Yorkers to do their part to continue fighting the COVID-19 virus. He also reminded New Yorkers that masks are mandatory when riding public transportation systems

and that New Yorkers should follow all guidelines and protocols when riding, including maintaining social distancing to the extent possible, using hand sanitizer and observing social guidance.

The governor reported that as New York City entered phase one of the reopening, MTA is continuing to take unprecedented steps to keep riders and workers safe, including cleaning and disinfecting trains and buses daily—the largest and most innovative cleaning effort in its history. Since May 6, the MTA has performed 30,000 station cleanings and disinfections and 500,000 subway car cleanings and disinfections. The MTA is also piloting the use of proven UV light technology to clean subway cars and crew facilities.

"New York City and the MTA are reopening, and today I took a ride on the 7 Train because if the subway isn't safe for me, then I wouldn't ask anyone else to go on the subway," Gov. Cuomo said. "The MTA has done phenomenal work—the subway cars are cleaner than they have ever been in my lifetime and they are disinfecting the cars every single day. And during this period of reduced ridership, the MTA has also smartly increased their construction so fewer riders were inconvenienced and accelerated \$2 billion in capital projects."

### Statewide GOP Leaders Press Feds for \$3.9B in MTA Funding

NEW YORK—A statewide coalition of New York GOP leaders, led by many in the Hudson Valley, issued a letter to U.S. Senate Leader Mitch McConnell stressing the importance that Congress deliver another \$3.9 billion relief package for the MTA in the next coronavirus stimulus bill. The elected leaders stressed how the MTA will be vital to not just New York's economic recovery, but the nation's as well.

"As proud New York Republicans, we are writing to make the case for significant additional federal funding for the Metropolitan Transportation Authority (MTA)," the letter stated. "The nearly \$4 billion directed to the MTA in the CARES Act approved by Congress and signed by President Trump has been crucial in allowing the agency to continue running service. But it is ultimately not enough to meet the full need. We are asking Congress to act again and provide an additional \$3.9 billion to support the MTA's operations through 2020."

The GOP lawmakers noted that as the pandemic subsides, the need for a robust transportation

network will only be greater.

"The MTA's financial future is at risk without federal relief. COVID-19 has blown a massive hole in its budget," the coalition stated. "The global consulting firm McKinsey & Co. estimates the full 2020 impact to be between \$7 billion and \$8.5 billion due to massive revenue losses caused by disappearing ridership and the evaporation of state and local taxes that support the MTA. The agency has run out of avenues for support. Without assistance from Washington, the only option left for repayment of the MTA's debt is fare and toll hikes. We can't put this burden on our constituents when so many have lost their jobs."

The GOP coalition noted that the \$51.5-billion MTA capital program is projected to generate 350,000 jobs statewide.

The Republican coalition included members of the U.S. Congress, New York City Council, as well as Dutchess County Executive Marcus Molinaro, Orange County Executive Steven M. Neuhaus and Rockland County Executive Ed Day.

### Real Estate Tax Receipts Plunge Due to COVID Rules

NEW YORK—The Real Estate Board of New York reported recently that tax revenue generated from investment and residential sales in New York City and New York State decreased by 76% from May 2019 to May 2020, and 40% from April 2020 to May 2020.

These decreases represent a \$145-million loss in tax revenue for the city and state year-over-year, and a \$31-million decrease from month to month. Since the start of the crisis in March 2020, there has been a decline of more than \$160 million in tax revenue.

"This data confirms the unprecedented

economic crisis facing our city and state. Our local economy must reopen in a healthy way. We also need our public officials to put in place policies that will restart such economic activity rather than deepen the crisis," said REBNY President James Whelan. "Promoting more real estate sales and transactions will produce the tax revenue the city and state need to pay for vital government services from education to infrastructure improvements."

Other key findings from REBNY's special Please turn to page 23



**"Our Cat Dealer H.O. Penn helps us choose the right equipment for the job."**

"Before we select a piece of equipment, H.O. Penn shows us options that give us the lowest owning and operating costs. That way we get enough capability to do our jobs without paying for more machine than we need. That kind of service makes a real difference."

Service. We'll be there with the solutions you need throughout the life of your Cat machine. Call us today to find out all the ways we can help you get the most from your equipment. [www.hopenn.com](http://www.hopenn.com)



Bloomington, NY - Bronx, NY - Holtsville, NY - Poughkeepsie, NY - Newington, CT

**1-844-CAT-1923**





## Real Estate Tax Receipts

Continued from page 22

report on investment and residential sales include:

- From April 2020 to May 2020, total sales volume declined 26%;
- From May 2019 to May 2020, total residential sales and transactions declined, resulting in a 53% decrease in tax revenue. This represents a combined loss of \$45 million in tax revenue at the city and state level compared to the previous year;
- From May 2019 to May 2020, total investment sales and transactions declined, resulting in a 93% decrease in tax revenue. This represents a combined loss of more than \$100 million in tax revenue at the city and state level.

## Safety Watch

disease standardized training is important for workers, as it keeps them focused on how their attitude affects their behavior and how their behavior affects consequences and the company as a whole.

**3. Communications and Remote Workforces**—Companies have entered a new age of communication as large gatherings and catching up at the water cooler are no longer permitted, and some workers are now displaced as they continue to work from home. It is vital now more than ever that companies are effectively communicating and promoting safe work conditions to protect the health of their workforces.

**4. Air Contaminants and Biological Hazards**—It's of paramount importance that companies understand the difference between air contaminants (particulate, gas and vapor) and biological hazards (such as bacteria, viruses, fungi, plants, animals, and humans) as this has become a part of our everyday vocabulary during the pandemic.

This comprehensive structure is more than just simply training workers and providing information on COVID-19. It leverages the inherent value

Continued from page 19

of contractor management and existing procedures to mitigate risks to workers and worksites caused by COVID-19 and future additional infectious diseases.

Workforce safety depends on all workers having clear knowledge and understanding of their company's infectious disease policy. To further protect its workforce, companies should require and certify workers' understanding of the new procedures with worksite re-entry credentialing and verification. This improves the ability to ensure every worker makes it home safely during these unprecedented times.

*About the author: James Junkin serves as founder and president of Mariner-Gulf Consulting & Services, LLC, an international full-service Risk Management/HSE consulting and training firm. He is a master authorized instructor for Veriforce, a leader in safety and risk management. He has conducted more than 1,000 courses, and has trained thousands of students to become certified instructors. Mr. Junkin earned a Bachelor of Science in Occupational Safety and Health from Columbia Southern University.*

## Financial Management

Continued from page 16

ments are deferred for two years. To obtain a loan under this program, interested buyers should contact their lender to determine whether they are participating in the Main Street Lending Program and submit an application.

It's important to keep up to date with the new rules and evaluate all of the options available to you. As always, consult

with your advisors to ensure you are making the best decision for your business.

*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](http://www.anchin.com).*

## \$3B Environmental Bond Act

Continued from page 4

planning efforts. In addition to these DEC projects, other state agencies may see funding from the Act through renewable energy investments. For example, the New York State Office of Parks, Recreation, and Historic Preservation together with the New York Power Authority are actively working to site solar projects in state parkland to meet the goals of the Climate Leadership and Community Protection Act (CLCPA).

On a local level, projects to reduce flooding issues, protect drinking water quality, and make much needed infrastructure advancements may be on the table. State and local lead-

ers gathered in late spring to discuss project opportunities. Local government representatives expressed a need for projects such as right-sized green transportation options, wastewater treatment upgrades for municipalities that otherwise could not afford such a large expenditure despite the critical nature of the infrastructure.

The last environmental bond act, which was passed by the New York State Legislature in 1996, authorized the state to issue \$1.75 billion in bonds for preservation and restoration of the state's environment. The Restore Mother Nature Bond Act greatly expands funding for, and the types of, covered environmental initiatives.



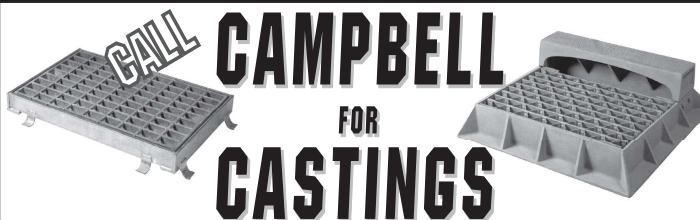
Asset Management L.P.

Michael J. Paton

[mpaton@tocqueville.com](mailto:mpaton@tocqueville.com)

212-698-0812

40 West 57<sup>th</sup> Street, 19<sup>th</sup> Floor  
New York, New York 10019



Supplying a full line of gray iron and ductile iron castings  
to the construction industry. Castings delivered from stock

on self-unloading trucks:

► STATE AGENCIES

► HIGHWAYS & STREETS

► TRENCH GRATES

► AIRPORT CASTINGS

► ELECTRIC, GAS & TELEPHONE

► TREE GRATES

► ALUMINUM & STEEL HATCHES



**CAMPBELL  
FOUNDRY**  
SERVING THE INDUSTRY SINCE 1921



800 Bergen Street  
Harrison, NJ 07029  
Ph.: 973-483-5480  
Fax: 973-483-1843  
[www.campbellfoundry.com](http://www.campbellfoundry.com)



From Inception to Completion,  
We've Got Your Projects'  
Legal Needs Covered

Peckar & Abramson, P.C.

COUNSEL TO THE CONSTRUCTION INDUSTRY  
NEW YORK, NY • RIVER EDGE, NJ • MIAMI, FL • WASHINGTON, D.C. • LOS ANGELES, CA  
OAKLAND, CA • CHICAGO, IL • AUSTIN, TX • DALLAS, TX • HOUSTON, TX  
WWW.PECKLAW.COM



The two-day repair job at the Port Jervis Water Resource Recovery Facility involved work on trickling filters.

## NYC DEP Makes Repairs To Port Jervis Water Facility

PORT JERVIS, NY—The New York City Department of Environmental Protection announced on June 5 the completion of a mechanical repair at its Port Jervis Water Resource Recovery Facility in Orange County.

The two-day repair was completed that week. It involved the replacement of a three-foot-wide bearing that allows arms to spin on a trickling filter. Trickling filters are used in the second stage of wastewater treatment after solids are removed. The trickling filters spray the remaining water onto beds of stone that are covered by zoogeal slime, a thin layer of bugs that clean the water by gobbling up nutrients and gasses.

To replace the bearing, DEP laid plywood atop the stone bed on either side of the spinning barrel. The plywood supported a small gantry crane that lifted the barrel, exposed the old bearing, and allowed it to be replaced. The \$70,000 repair was completed by DEP employees with expertise in water resource recovery operations, engineering and electrical work.

DEP owns and operates the water resource recovery facility in the City of Port Jervis in accordance with a 1931 U.S. Supreme Court decree. That decree permitted New York City to build Neversink Reservoir and Pepacton Reservoir on the headwaters of the Delaware River. At the time, wastewater from Port Jervis flowed directly into the Delaware and Neversink rivers. Some worried that the new reservoirs upstream of Port Jervis would reduce flow in the rivers significantly enough to prevent the

Please turn to page 25



Everything you need.  
Plus equipment.

From safety/operator training and equipment management technologies, to custom solutions engineered to meet specialized job requirements, United Rentals offers much more than just the world's largest rental fleet. It takes a lot to get the job done right. **We're here to help.**

UnitedRentals.com | 800.UR.RENTS

© 2017 United Rentals, Inc.





## OBITUARIES

## Robert T. Armistead, P.E.

## Contracting Executive

CAMPBELL HALL, NY—Armistead Mechanical President and CEO Robert Thomas Armistead, P.E., died peacefully at his home here on Tues., June 16, 2020. He was 71.

Mr. Armistead was a successful executive and mainstay of the mechanical contracting sector of the construction industry. Working alongside his brother Kevin, they built three successful businesses: Armistead Mechanical, Inc., AMI Services, Inc. and Acorn Plumbing and Heating, Inc. He was a professional engineer licensed in both New York and New Jersey, a third-generation mechanical contractor, as well as a proud member of Plumbers Local Union No. 14 in New Jersey.

For more than 20 years he served as a management trustee on a number of benefit funds for the United Association of Pipe Trades throughout the states of New Jersey and New York and maintained close relations with the United Association of Plumbers and Pipe Fitters at the national level. He also held several trade licenses in New York and New Jersey.

Mr. Armistead was an active member of the Mechanical Contractors Association of America's (MCAA) national board of directors since 2003, before becoming the national president of the MCAA in 2010. He remained active in the association on both the national and local levels, serving on the United Association of Plumbers and Pipe Fitters International Training Fund Board of Trustees and the UA/MCAA Strategic Planning Committee. He was also a board Chairman of the Mechanical Contracting Education and Research Foundation (MCERF) and a national board member of the Architecture Construction, and Engineering (ACE) Mentor Program of America, Inc., representing the MCAA.

Mr. Armistead was a board member and chairman of the Orange County Industrial Development Agency and a past chairman of the Board of Directors of the Construction Contractors Association of the Hudson Valley. He has been a very active supporter of the Hudson Valley Council of the Boy Scouts of America and served on its board, receiving the Orange County Distinguished Citizen Award from the organization in 2009.

He was born on March 7, 1949 in Jersey City, NJ to Bernice Ann Nolan Armistead and Robert Theodore Armistead. He grew up in Fair Lawn, NJ and attended St. Peter's Preparatory High School. In his youth, he played guitar in a band with friends called "The Dischords," regaling many about his "glory days" with his bandmates.

He earned a Bachelor of Science degree in Mechanical Engineering from Villanova University. He was also a member of the Navy Reserve Officers Training Corps, which eventually led to his service as a Naval Engineering Officer in the United States Navy. He served aboard the guided missile destroyer USS Richard E. Byrd DDG-23, which was stationed with the United States Navy's Sixth Fleet. He achieved the rank of lieutenant.

He is survived by his wife, Susan (nee Panitz), of more than 50 years and his children Robert, Kane and Bryan. He is also survived by daughters-in-law Kim Noreen and Kimberly and seven grandchildren. He is also survived by his brother and business partner, Kevin, and sister-in-law, Susan, and their three children. He is also survived by his brother, Stephen, of Harrington Park, NJ. He was predeceased by a brother, Matthew, in 2016, formerly of Oradell, NJ.

A memorial event celebrating the life of Robert Armistead will be planned for a later date. The family requested donations in his memory to any of the following organizations: Catholic Charities of Orange, Sullivan, and Ulster Counties—www.cccos.org; Hospice of Orange and Sullivan—www.hospiceoforange.com, or the Orange County Land Trust—www.oclt.org.

## Port Jervis Water Facility

Continued from page 24

city's wastewater from being washed away. That is why the U.S. Supreme Court required New York City to build a wastewater plant in Port Jervis as part of the broader plan to build its new reservoirs. The requirement of New York City to treat Port Jervis' wastewater was reiterated by the U.S. Supreme Court in 1954 when it approved the construction of Cannonsville on the West Branch Delaware River. Today, the facility processes about 1 million gallons of wastewater each day. While DEP continues to own and operate the facility and its associated pumping stations, the network of pipes that deliver wastewater to the plant is owned by the City of Port Jervis. Last year, DEP began referring to all its wastewater plants as "water resource recovery facilities" to reflect the important role they play in removing nutrients and returning clean water to the environment.



## Gregory Paterno

## Construction Executive

MOUNT KISCO, NY—Gregory Paterno of Bedford, NY, a third-generation construction professional in the downstate region, died on May 22 at Northern Westchester Hospital here. He was 61 years old and tested positive for COVID-19 on April 17.

Mr. Paterno grew up in a construction family, and worked in the family-owned business, Paterno Contracting Corp. of Mount Vernon, NY, for as long as he could remember, he once remarked, including during high school summer vacation. He was the son of the late Victor Paterno, Sr., a former CIC board member.

The company was managed by his late father and his uncle, Peter Paterno, who passed away in 2015.

Tragedy struck the Paterno family hard this spring when his mother, Lucille, 91, also died, on April 30, only two weeks prior to his father, age 90, who died on May 14. Both parents died from complications stemming from COVID-19.

Mr. Paterno continued with the family business full time following his graduation from college in 1980. He joined Tully Construction Co., Inc., in 1996 as a project engineer and was elevated to project manager two years later.

"Gregory was a young guy and will be sorely missed," said Peter Tully of Tully Construction. "He had a remarkable commitment and enthusiasm for the business. He loved to build things."

Employed at the company for 24 years, "Greg was one of our key guys," Mr. Tully added, "He was born to the breed and had lots of experience before he joined us. He was an essential part of



GCA Christmas dinners and industry events," referring to the General Contractors Association of New York, Inc. "We were lucky to have worked with him."

Among the dozens of construction projects Mr. Paterno managed for Tully Construction were the McGuinness Boulevard reconstruction in Brooklyn, Time Square urgent safety improvements in Manhattan and the JFK Taxiway "P" in Queens for the Port Author-

ity of NY/NJ.

Gregory was born in Bronx, NY on Aug. 7, 1958, the younger of two boys of Victor, Sr., and Lucille (nee Toronto). He grew up in Yonkers and graduated from Lincoln High School in 1976. He went on to Manhattan College where he received his Bachelor of Science degree in Civil Engineering in 1980 and a Masters of Engineering degree in 1985.

He is survived by his wife, Susan (nee Gorman) whom he married on Nov. 20, 1993. They resided in Bedford, NY for the past 26 years. He is also survived by his brother, Victor, Jr., of Rye Brook, NY, and nephews Victor J. Paterno of Brooklyn, NY, and Brett J. Paterno of Chappaqua, NY, and niece Jenna L. Paterno of New York City.

Services were private and a memorial service will be announced at a later date. Donations in memory of Gregory Paterno may be made to the Guiding Eyes for the Blind, 611 Granite Springs Road, Yorktown Heights, NY 10598. The charity can be reached at 1-800-942-0149 or at [www.guidingeyes.org](http://www.guidingeyes.org)

## PARTS • SERVICE • SALES • RENTALS



**CONTRACTORS  
SALES**  
COMPANY  
INC.

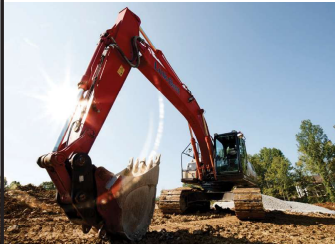
# NEW LOCATION

## MIDDLETOWN

**845.956.0222**  
[WWW.CONTRACTORSSALES.COM](http://WWW.CONTRACTORSSALES.COM)



**EQUIPMENT OFFERINGS**  
 FULL SIZE RANGE OF EXCAVATORS, WHEEL LOADERS,  
 HAUL TRUCKS, SOIL COMPACTORS, HAMMERS,  
 ROCK DRILLS, SCREENING PLANTS & ROAD WIDENERS



**HONEST SERVICE**  
**QUALITY EQUIPMENT**

**VISIT US**  
 CONTRACTORS SALES COMPANY, INC.  
 1283 DOLSONTOWN ROAD, MIDDLETOWN, NY 10940 • 845-956-0222  
[WWW.CONTRACTORSSALES.COM](http://WWW.CONTRACTORSSALES.COM) TO VIEW COMPLETE INVENTORY.

the team here. He was always with us at the of



## LOW BIDS

### Tully, Kubricky, Paleen Land NYSDOT Projects

ALBANY—The New York State Department of Transportation recently announced the selection of three apparent low bidders for work in the New York City and Mid-Hudson regions.

**Tully Construction Co.** of Flushing, NY was the lowest of seven bidders at \$2,986,562 for Hutchinson River Parkway guide signs at various locations in the Bronx and Westchester.

**Kubricky Construction Corp.** of Wilton, NY was the lowest of five bidders at \$3,270,624.37 for harsh winter paving: Routes 202 and 306 in the towns of Ramapo and Haverstraw in Rockland County.

**Paleen Construction Corp.** of Somers, NY was the lowest of three bidders at \$838,304 for Highway Job Order Contract in Columbia, Dutchess, Orange and Ulster counties.

### Arben, S&L Plumbing, Permador Secure Westchester DPW Work

WHITE PLAINS—The Westchester County Department of Public Works recently announced the selection of three apparent low bidders for work at its facilities in the county.

**S&L Plumbing & Heating** of White Plains was the lower of two bidders at \$1,321,580 for steam system upgrades, Michaelian Office Building in White Plains, NY.

**Permador Industries, Inc. d.b.a. Sisco** of Hillsborough, NJ was the lower of two bidders at \$146,570 for inspection and repair of cranes and hoists, various county locations in Westchester.

**Arben Group, LLC** of Pleasantville, NY was the lowest of 10 bidders at \$5,118,748 for rehabilitation of the Mamaroneck Avenue Bridge over Mamaroneck River in the Town/Village of Harrison and Village of Mamaroneck, NY.

## Advertising in Construction NEWS Doesn't Cost! It Pays!

Call Peter Fiore at 914-631-6070 for information.

## ALBANY UPDATE

### \$100M+ Available to Small Concerns Through New NY Forward Loan Fund

ALBANY, NY—Empire State Development and Homes and Community Renewal recently detailed the \$100-million New York Forward Loan Fund aimed at providing working capital loans to small businesses focusing on MWBEs, small landlords and non-profit organizations that did not receive funding from the Small Business Administration's Paycheck Protection Program and Economic Injury Disaster Loans.

The fund will target those affected by the COVID-19 pandemic, including small businesses and non-profit organizations with 20 or fewer employees, and small landlords who own small multi-family rental portfolios.

Eligible non-profits can apply for a 60-month, no-fee loan at 2% fixed interest; while eligible small businesses and small landlords can apply for a 60-month, no-fee loan with a 3% fixed interest rate. The maximum loan amount is \$100,000. Loan funds can be used for working capital including payroll, operating and emergency maintenance, property taxes, utilities, rent and supplies.

The New York Forward Loan Fund works by enabling five Community Development Financial Institutions (CDFIs) to make loans to the target borrowers: Accion East, Community Preservation Corporation, National Development Council, Pursuit, and TruFund Financial Services. New York State is providing first loss capital to support a Special Purpose Vehicle (SPV) that will purchase locally originated loans, with foundations and philanthropies offering the next layer of loss capital. Banks, in the form of senior debt, will lend to the SPV. More than \$100 million is expected to be available in the program, with 65% reserved for small businesses, 30% reserved for small landlords, and 5% reserved for nonprofit organizations.

Six banks have pledged support for the New York Forward Loan Fund: Apple Bank, BNB Bank, Evans Bank, M&T Bank, Morgan Stanley and Wells Fargo. Additionally, the fund has received philanthropic commitments from the BlackRock Charitable Fund, Citi Foundation, Ford Foundation, and the Ralph C. Wilson, Jr. Foundation.

New York State is home to nearly 487,000 small businesses that employ fewer than 20 people each. The total represents 91% of the state's small businesses. Applicants are required to prove they employ 20 or fewer full-time equivalent employees and have gross revenues of less than \$3 million.

The New York Forward Loan Fund will emphasize supporting minority- and women-owned businesses, and landlords who own small multi-family properties in low- and moderate-income communities, which have traditionally been underbanked or have difficulty accessing capital.

Landlords of small multi-family properties have been particularly hard-hit in New York, as tenants impacted by the Coronavirus struggle to pay rent. These property owners, who have been excluded from both rounds of the federal Paycheck Protection Program, need access to short term capital to maintain their properties, pay their building and maintenance staff, and cover shortfalls in operating expenses. Stabilizing this housing stock is particularly critical while communities across New York State are required to shelter in place. Small landlords who own buildings with fewer than 50 units represent 72% of the total rental housing stock in New York State, with high concentrations in the outer boroughs of New York City, Long Island and in urban communities throughout each upstate region.



**NORTHEASTERN  
USA'S LEADER IN  
CRANE RENTAL,  
RIGGING &  
SPECIALIZED  
TRANSPORTATION  
SOLUTIONS.**

[www.baycrane.com](http://www.baycrane.com)

**LOCATIONS IN:  
NEW YORK CITY, NEW  
JERSEY, CONNECTICUT,  
MASSACHUSETTS, AND  
WESTCHESTER NY**

IT IS OUR GOAL TO PROVIDE UNPARALLELED SERVICE TO THE CONSTRUCTION, LIFTING AND HAULING INDUSTRIES THROUGH PROFESSIONALISM, KNOW-HOW, AND EXCELLENCE — TO LIFT AND MOVE FOR OUR COMMUNITIES IN THE SAFEST AND MOST EFFICIENT WAYS USING INNOVATIVE SOLUTIONS.



CRANES | RIGGING | HEAVY TRANSPORT | GANTRIES | WAREHOUSING | ACCELERATED BRIDGE CONSTRUCTION | WIND



BUILT BETTER.

BUILT SAFER.

BUILT UNION.



### Eastern New York Laborers District Council:

Samuel Fresina, Business Manager

LOCAL 17, NEWBURGH, L. Todd Diorio, Business Manager

LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

LOCAL 190, ALBANY, Anthony Fresina, Business Manager

LOCAL 235, WESTCHESTER, Dario Boccarossa, Business Manager

LOCAL 754, ROCKLAND COUNTY, Stephen Reich, Business Manager

### The NYS Laborers offer:

- ✓ Quality workmanship
- ✓ Faster completion of projects
- ✓ State-of-the-art skills training
- ✓ OSHA-approved safety programs
- ✓ Certified environmental and hazardous waste workers
- ✓ Established member benefit programs
- ✓ Productive alliances



18 Corporate Woods Boulevard, Albany, New York 12211  
 (800) 797.5931 • (518) 449.1715 • Fax: (518) 449.1621 • [www.nysliuna.org](http://www.nysliuna.org)



# WORKER'S COMPENSATION + LABOR LAW CLAIMS CONTROLLED

FIND OUT HOW

**Supporting Construction in  
the Hudson Valley**

**Available through  
Hudson Valley Construction  
Industry Partnership  
with American Global**

**For more information contact  
Jack Frazier at American Global  
(516) 770-8671  
[Jack.Frazier@americanglobal.com](mailto:Jack.Frazier@americanglobal.com)**



**American Global**