



# Construction NEWS



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## Will Private Sector Partner with NYS To Fund Gov's Green Energy Dream?

By JOHN JORDAN

ALBANY—The construction industry gave Gov. Andrew Cuomo high marks for his ambitious infrastructure plan to advance economic growth and resiliency throughout the state and help reverse the economic damage caused by the pandemic. The plan includes a \$26-billion investment in green energy technology, a \$51-billion public-private development partnership on Manhattan's West Side, and continued construction on a host of major projects that he spelled out in his State-of-the-State addresses presented over four sessions in mid-January.

Beginning on Jan. 11 and for several days thereafter, the governor said he was hopeful that the federal government under the Biden administration will follow through on proposed critical aid to state and local governments that will be necessary for the state to move forward with the infrastructure plan. The governor has previously warned of possible 20% cuts across the board in state spending to help fill an estimated \$8-billion budget shortfall if no further



### New Dawn for Solar Energy in New York

Gov. Andrew Cuomo announced a \$26-billion public-private partnership to build nearly 100 renewable green projects across the state in his proposed FY21-22 budget. He noted 68 green projects have already commenced construction, including 52 solar projects. Above, a commercial installation in Yonkers, NY, powering a car dealership.

Photo courtesy GHES Solar. ghesolar.com

federal funding is forthcoming.

"Across the state, we're now build-

ing bigger and better, and laying the foundation for our future. Not even

COVID stopped us. We used the period of reduced traffic to accelerate projects throughout the state," Gov. Cuomo said. He tallied the aggregate of recent and ongoing infrastructure spending, which he said amounts to \$306 billion, labeling it not just the largest infrastructure plan in New York history... "It's the largest, most ambitious plan put forward by any state in the nation."

Gov. Cuomo is expected to tap into federal help Washington provides, which President Biden said can be used for pandemic relief aid. For example, New York recently used \$1.3 billion from its share of federally-backed "Coronavirus Relief Fund" to pay personnel costs for the state departmental needs.

Among the avenues the governor proposes to help pay for the state's operating and capital programs in the era of COVID-19 are to raise taxes on high-income earners in New York, legalize recreational marijuana as well as mobile sports betting. New federal COVID stimulus funds that need to be

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## Cuomo Budget Plan Stands Firm On Infrastructure, Water Pledges

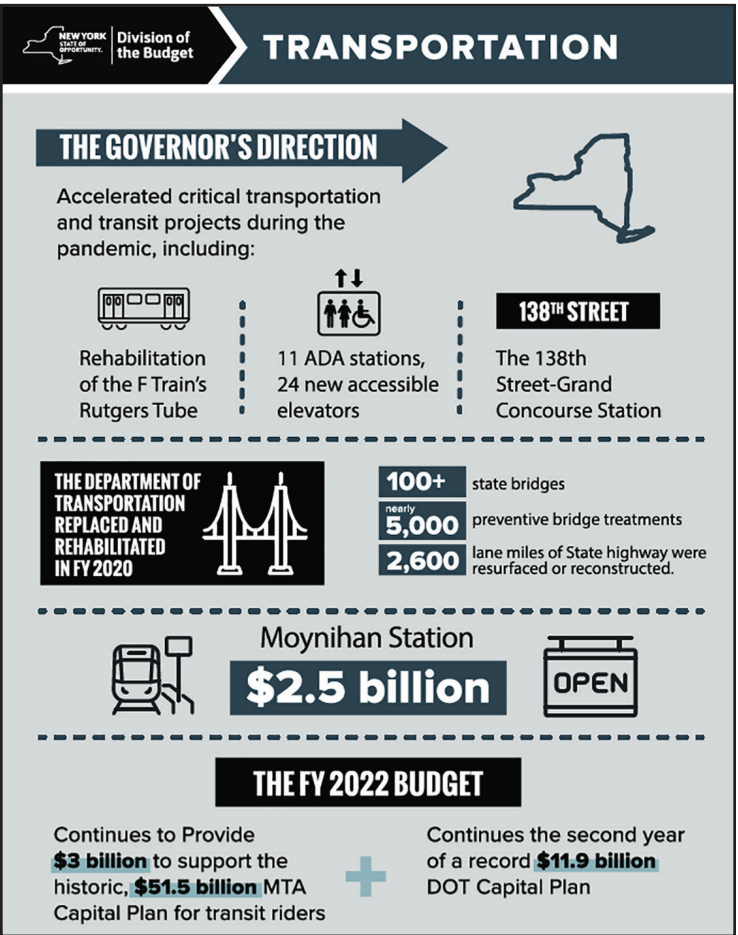
### NYS DOT Capital Program To Receive \$5.8 Billion

By JOHN JORDAN

ALBANY—Faced with a swelling estimated \$8-billion projected shortfall in the upcoming FY21-22 budget—the result of an economy ravaged by national coronavirus pandemic, paltry federal assistance to combat it, high unemployment and debt incurred to meet these challenges—New York Gov. Andrew Cuomo candidly described this year's budget

as dire. However, he believes that infrastructure is the cornerstone of the economy and the very elixir needed to bring back jobs and prosperity, so he is staying the course with a strong spending plan on the state's bridges and highways and other infrastructure in his proposed FY21-22 budget.

He launched into four state-of-the-state addresses this month with an outlined of key



components of a massive infrastructure program. The plan when aggregated with past, present and wish-list projects, totaled \$306 billion, or as he described, "The largest in the nation." As part of the \$11.9 billion, two-year program that began in 2020, the governor stayed the course on the NYS DOT Capital Plan.

The proposed Executive Budget provides \$5.8 billion for the second year of the multi-year

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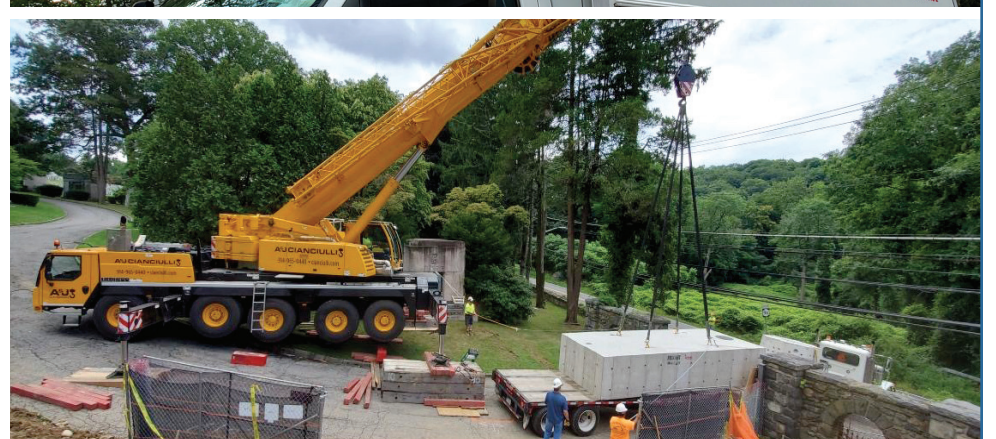
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# Sen. Schumer Says New York State to Get More Than \$54 Billion from COVID Stimulus

WASHINGTON—With a bipartisan \$900-billion COVID relief deal passed by Congress last month, U.S. Senator Charles Schumer recently stated its pending impact on Upstate New York will total more than \$54 billion.

The deal includes direct stimulus checks, extending enhanced unemployment insurance, and secures another round of forgivable PPP for small businesses, restaurants and nonprofits across the state. As part of the deal, more than \$13 billion flows directly to New York State government via education funding, vaccine distribution, COVID health funding, emergency assistance for renters and more.

“Today’s deal marks \$50 billion-plus for New York workers, families, renters, communities, healthcare organizations and New York government—the things the federal government must immediately fund to get us through this pandemic,” said Sen. Schumer. “This marks the second biggest relief bill in the nation’s history—second to the CARES Act—and it delivers aid that is urgently needed by the unemployed, by renters at risk of losing their homes, by small business owners throughout New York that are worried about going out of business, by people seeking vaccination, by schools that spent money to keep kids safe, by families struggling to make ends meet and so much more.”

He termed the stimulus funding as an “emergency survival bill” and that Democrats will fight for more relief under President Biden because the COVID crisis is not over.

The bill provides \$1.3 billion in Emergency Rental Assistance funding. In addition, the CDC federal eviction moratorium will also be extended until Jan. 31, 2021, and can be extended further by the next administration.

In addition to a host of real estate and business assistance funding allocations, the relief bill also provides \$4 billion to the beleaguered Metropolitan Transportation Authority.

MTA Chairman and CEO Patrick Foye said, “We are relieved and thankful to see Congress pass another coronavirus relief bill that includes \$4 billion in federal relief for the MTA. This crucial funding will allow us to get through 2021 without devastating service cuts and layoffs of over 9,000 colleagues. To be clear, we are still facing an \$8-billion deficit in the years ahead, but this is a promising first step that will help protect the local, state and national economies in the short term. We hope any future bills will fully offset the impact of the pandemic as there can be no recovery without a strong public transportation system serving as the engine for progress.”



*“Today’s deal marks \$50 billion-plus for New York workers, families, renters, communities, healthcare organizations and New York government—the things the federal government must immediately fund to get us through this pandemic.”*

—U.S. Sen. Charles Schumer

The details of some of the funding for New York includes:

**Direct Aid to New York State Governments**

**\$5.8 billion**—To the Education Stabilization Fund

**\$4 billion**—To the Elementary and Secondary School Emergency Relief Fund, provides relief to K-12 public schools

across the State of New York.

**\$1.4 billion**—For the Higher Education Emergency Relief Fund, directs funds to New York’s university system, like SUNY and CUNY.

**\$313 million**—For the state’s Emergency Education Relief Fund, the governor can use these funds at his discretion

to support the state’s K-12 education and higher education needs related to COVID-19, including a set aside that will be prioritized to private schools serving low-income students who have been affected by the COVID-19 pandemic.

**\$200 million**—Emergency Transit Relief will support

county bus services and upstate transit agencies.

**\$426 million**—Critical aid to the New York State Department of Transportation (NYSDOT) to backstop declining revenues and support construction jobs.

**\$105.5 million**—Relief for New York airports to continue operating safely during the pandemic. Hudson Valley airports will receive \$6.4 million.

**COVID Health & Relief**

**\$1.6 billion**—Vaccine, Testing, and Tracing, and Flexible Local Health Funding. \$810 million for New York State and \$810 million for New York City.

**FEMA Disaster Relief Fund**

**\$1 billion**—FEMA estimates that in Fiscal Year 2021 New York will receive about \$1 billion in FEMA aid for COVID-19 alone.

More than \$6.5 billion for New York in Enhanced Unemployment Insurance. **Please turn to page 14**

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# A Pathway to Productive, Meaningful Careers Without Incurring Debilitating Debt

BY WILLIAM MASCETTA

As we enter the dawn of a new administration in Washington, there's a renewed sense of hope and opportunity in the fields of education and training. Prior to the previous administration, then-vice president, Joe Biden, stated many times that apprenticeships and community colleges provided not only a pathway to the middle class economy for students, but also a pipeline of well-trained employees for companies. The apprenticeship programs are particularly valuable because they allow students to earn while they learn.

Seven years ago, during remarks at the annual conference of the American Association of Community Colleges, Mr. Biden explained how his administration was advancing a policy that would allow, for example, students who wanted to become electricians to participate in qualified apprenticeship curriculums that would earn them up to 60 college credits. "That's a game changer for a lot of people struggling to choose between



going to work and going to college, when they can't do both," Mr. Biden said. In essence, it was a policy that envisioned a pathway to productive and meaningful careers through on-the-job training.

Perhaps this explains why student loan debt today is as shocking as it is staggering. It is now the second highest consumer debt category in the U.S., behind home mortgage debt. We've watched students and their families sign on to obligations that now exceed \$1.5 trillion. And think about where that debt is located—it is not corporate or institutional debt, it's personal debt, which takes a lot of oxygen of opportunity out of the family household budget, month after month, year after year.

Sadly, the level of student debt is expected to grow dramatically unless something is done to reimagine how we as a nation fund education and skills development, and how we measure achievement and success. Now is the time for some serious self-examination on the part of parents and students who are faced with the choice of pursuing a college education or instead going the route of skills training that offers different opportunities for success. It has been reported that today only 30 percent of the 56 million job openings created in 2020 required a four-year degree. What does this say for the 70% of college graduates who may be overqualified or unprepared for the workplace in a post-COVID-19 economy?

Besides putting off the opportunity to start earning money instead of taking on the financial obligations of college tuition, those heading to college lose valuable time building career networks and associations—what we call "contacts"—whom you can call on for mentoring or job opportunities later on.

Let's start fresh and recognize that career and technical education develops a well-educated and skilled workforce that meets the present-day job market. The level of skills needed today, coupled with never-ending innovations in business and industry, require constant learning. Employers have a vested interest in the success of training their workforce because they often represent the future of their companies and a pathway for their own retirements.

Another consideration is the aging of the current workforce and the opportunities it opens up for graduating students contemplating their next steps. In the Building Trades, for example, The National Center for Construction Education & Research estimates that 41% of the current construction workforce will retire by 2031. These are real jobs that will be needed to be filled, based on high-skilled experience leaving the workforce.

Employment in the construction industry was busy before and during the COVID-19 pandemic, and the ongoing training and skills development needed in the future just to build "clean buildings" and retrofit older ones is enormous.

**Tomorrow's Workforce Is Here**

I'm excited to see dramatic success stories of knowledge acquisition that can be found here in the Hudson Valley in the City of Yonkers. Not long ago, there was a time when only 80 to 85 percent of students in our high schools met the mark to graduate—mirroring the statewide averages. It was

Yonkers, the first of New York State's Big Five cities in 2017, that broke the 80% mark of high school graduation rates. As of August 1, 2020, high school students achieved a graduation rate that far surpassed the state rate of 84.6%—despite the challenges of the pandemic and the fits and starts of remote learning, according to the Yonkers Board of Education.

One of the jewels in the Yonkers school district is Saunders Trades and Technical High School. There, the graduation rate has averaged more than 95% over the past three years compared to the citywide average of 90.6% in 2020.

Where are these students headed after high school graduation? According to officials at Saunders High School, some 85% are planning to attend four-year colleges. One would expect the others to enter the workforce in various ways, pursuing opportunities as they arise. All of this, of course, is dependent on the unpredictability of the economy, so I intend to check back on these students in four years to see how they're doing.

I'm most excited for the 15% who may be headed for the well-paying technical careers that beckon today, without the financial encumbrances of four-year college tuition costs. Here's where ongoing training and education meet opportunity—where a head start in a good-paying career can prove to be priceless for the eager and ambitious.

About the author: William Mascetta is President and Co-Founder of Transit Construction Corp. of Yonkers, NY, and is Chairman of the Yonkers Public Schools Career and Technical Education Advisory Council. Mr. Mascetta is Chairman of the Louis G. Nappi Management & Labor Scholarship Program, which is administered by the Construction Industry Council of Westchester & Hudson Valley, Inc., and is a CIC Board Member. He can be reached at [wmascetta@transitcorp.com](mailto:wmascetta@transitcorp.com)



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The governor's plan also calls for the replacement of the Port Authority Bus Terminal and developing the Empire Station complex.

## Will Private Sector Partner with NYS to Fund Gov's Green Energy Dream?

Continued from page 1

approved by Congress, and President Biden, as part of his \$1.9-trillion stimulus program, is calling to send state and local governments \$350 billion to offset the impacts of the virus.

In his address, the governor also detailed the state's battle against the coronavirus, plans to speed up vaccinations, manage the short-term economic impacts from COVID-19 and plans for the reconstruction of the state's economy in the future.

Gov. Cuomo stressed that the state is

Cuomo for his bold vision and confidence to create the new pathway 'in our rebirth' back to economic growth and resiliency. We look forward to learning more about his plans over the coming months and stand ready to support him in his commitment to 'raise spirits and structures' for all New Yorkers."

### Governor Unveils \$26-Billion Green Energy Initiative

In connection with the \$26-billion public-private partnership to build nearly 100 renewable green projects across the state, Gov. Cuomo noted that 68

come from renewable sources, putting the state ahead of schedule toward reaching its goal of 70% renewable energy by 2030, the governor said.

He also noted that New York has secured commitments from companies to manufacture wind turbine components within the state and build the nation's largest offshore wind program. New York State plans upgrades to create five dedicated port facilities, including the nation's first offshore wind tower-manufacturing facility to be built at the Port of Albany, an offshore wind

ity's 86-mile Smart Path project from Massena to Croghan, and construction will soon start on several key projects in Western New York, the Mid-Hudson, and the Capital Region.

New York has issued a Request for Proposals for transmission arteries to bring renewable energy from Upstate and Canada to New York City. Current and planned investments will result in more than 1,000 jobs and \$5 billion of public and private sector investment, the governor said.

In the past five years, the state has contracted for the construction of 68 new, large-scale renewable energy facilities, including solar farms, onshore wind farms and three offshore wind farms that are among the largest in the nation. These investments in renewable energy have brought economic activity to 34 counties, will add 6,100 megawatts of clean energy capacity to the state's infrastructure and generate investment of more than \$12 billion.

New York will contract for another 24 large-scale renewable energy generation projects in 2021, to bring the state's total clean energy build-out to nearly 100 projects. The 23 solar farms and one hydroelectric facility will be the most cost-efficient clean energy construction to date in New York, producing more than 2,200 megawatts of clean power, generating more than \$2.9 billion of investment and creating 3,400 jobs in 16 upstate counties.

New York is also investing \$700 million in building electrification solutions for approximately 130,000 buildings in the state, including a variety of heat pump technologies and the training of 14,000 workers for the new heat pump markets.

Combined with the state's efforts in the buildings and transportation sectors, the state's entire green economy recovery will create 12,400 megawatts of green energy to power six million homes, directly create more than 50,000 jobs and spur more than \$29 billion in public and private investment, according to state officials.

The governor also noted new energy  
**Please turn to page 7**



*"With his outline of a sweeping \$306-billion infrastructure plan, underpinned by bold transportation and development projects, Gov. Andrew Cuomo has demonstrated in his State of the State address that New York is determined to continue as the beacon of hope and prosperity for the nation and the world—a role it has played since its birth."*

—CIC Executive Director John Cooney, Jr.

not looking to shut down the economy and will only impose harsh coronavirus restrictions if a region's hospital system is in danger of being overwhelmed.

In addition to plans to legalize recreational marijuana and mobile sports betting, the governor highlighted a host of real estate-related initiatives. One such proposal calls for the repurposing of vacant or underutilized commercial office space to supportive housing. The governor said he will propose legislation to create a five-year period during which property owners may convert office buildings and hotels in the Manhattan central business district to residential use. Stimulating housing conversion will create thousands of good-paying jobs, increase housing affordability, and support long-term economic growth by helping New York's employers attract and retain talent, he said. The governor also called on the Biden administration and Congress to reform the State and Local Tax (SALT) deduction, which has raised New Yorkers' taxes to the tune of \$30 billion over three years.

Executives from the Construction Industry Council of Westchester & Hudson Valley, Inc. were among the first industry leaders to praise the governor's infrastructure plan.

"With his outline of a sweeping infrastructure plan, underpinned by bold transportation and development projects, Gov. Andrew Cuomo has demonstrated in his State of the State address that New York is determined to continue as the beacon of hope and prosperity for the nation and the world—a role it has played since its birth," said John Cooney, Jr., executive director of the Construction Industry Council of Westchester and Hudson Valley, Inc.

Mr. Cooney added, "We applaud Gov.

green projects have already commenced construction, including 52 solar projects, 13 onshore and three offshore projects and he announced 24 new green energy projects are planned.

Among some of the highlights of the governor's green energy plan, he said in 2021 New York will continue to build out its nation-leading green economic recovery and accelerate renewable energy development programs. The state will contract with Equinor Wind US LLC for the development of two new offshore wind farms more than 20 miles off the shore of Long Island, in what is the largest procurement of renewable energy by a state in U.S. history. Upon completion, the two offshore wind farms will yield a combined 2,490 megawatts of carbon-free energy, bring another \$8.9 billion in investment and create more than 5,200 jobs.

Once the large-scale renewable and offshore wind farms are complete, more than half of New York's electricity will

turbine staging facility and operations and maintenance hub to be established at the South Brooklyn Marine Terminal, increase the use of the Port of Coeymans for cutting-edge turbine foundation manufacturing, and buttress the ongoing operations and maintenance out of Port Jefferson and Port of Montauk Harbor on Long Island.

State officials said the projects will leverage almost \$3 of private funding for every \$1 of public funding, for a combined \$644 million investment in these port facilities, and will ultimately yield 2,600 short- and long-term jobs in the offshore wind industry.

### Massive Green Energy Goals

In 2021, New York State will construct a new green energy superhighway of 250 miles. The \$2-billion project will create opportunities to maximize the use of renewable energy for the parts of the state that still rely on polluting fossil-fuel plants. Construction has already started on the New York Power Author-



Despite the coronavirus pandemic, Gov. Andrew Cuomo hopes to move forward with an ambitious \$306-billion infrastructure plan. The initiative is contingent on the state securing billions of dollars in COVID relief funding. President Joe Biden has proposed state and local funding in a new COVID relief package, however, Congress must approve the measure.



# Will Private Sector Partner with NYS to Fund Gov's Green Energy Dream?

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storage projects and green energy workforce training initiatives.

Scenic Hudson President Ned Sullivan said, "The challenges presented by the COVID pandemic and the social changes the Hudson Valley experienced in 2020 set the stage for Gov. Cuomo's ambitious and forward-looking vision of a clean energy economy. Investing in this sector now is essential to address climate change, create jobs and secure the Empire State's place as an international leader."

## Gov. Cuomo Details \$51-Billion 'Manhattan West' Initiative

Gov. Cuomo revealed a \$51-billion public-private partnership to bring new development, as well as the expansion of Penn Station and the replacement of the Port Authority bus terminal, to the West Side of Manhattan.

Dubbed "Manhattan West," the plan calls for incentivizing the future development of approximately 20 million square feet of space, including 1,400 affordable housing units, and the expansion of the High Line. The governor also proposes to transform the underutilized Pier 76 into a public space.

While noting that the \$1.6-billion Moynihan Train Hall recently opened, the Manhattan West project will create 196,000 jobs, new outdoor spaces, affordable housing, improved public transit and pedestrian connections and bring commercial and affordable housing opportunities to the burgeoning Manhattan neighborhood. The multifaceted plan includes replacing the Port Authority Bus Terminal and developing the Empire Station Complex. The state will start on a comprehensive \$16-billion project to reconstruct the existing Penn Station and add track capacity. By

acquiring property south of Penn Station, the state will expand the complex to accommodate 40% more train capacity and at least eight additional underground tracks to cut down on delays and

waterfront park at Pier 76.

The governor also detailed a host of projects that are underway or on the drawing boards in the New York metro region, including the continued

***The Manhattan West project will create 196,000 jobs, new outdoor spaces, affordable housing, improved public transit and pedestrian connections and bring commercial and affordable housing opportunities to the burgeoning Manhattan neighborhood.***

improve operations for the more than 600,000 passengers it serves daily.

The project will create nearly 60,000 direct jobs, and New York State stands ready to work with New Jersey Transit, Amtrak, and the federal government to share on this historic investment for the future of the region. The transformation of Penn Station also anticipates the Gateway Project, including two new tunnels to bring more trains across the Hudson from the west and the renovation of the two existing tunnels, for a total of four train tunnels from New Jersey and beyond, the governor noted.

The plan also calls for new development in the area spanning from Broadway to the Hudson to include up to 14 buildings that will yield more than 20 million square feet of retail, commercial, and residential development and provide up to 1,400 much-needed units of affordable housing.

Other significant plan components include the ongoing \$1.5-billion expansion of the Jacob K. Javits Center and the conversion of a New York Police Department car tow pound into a new

\$8-billion redevelopment of LaGuardia Airport and the \$13-billion upgrade to John F. Kennedy Airport. The governor said the state will also commit to another \$100-million in funding for upgrades to upstate airports.

## Highway and Bridge Spending Hinges on More Federal Stimulus

The governor, while not discussing the New York State Department of Transportation capital plans specifically in his address, did mention a number of major projects such as the \$1.7-billion Hunts Point access project in the Bronx. The project will create direct access to and from the Bruckner Expressway and Sheridan Boulevard for trucks serving the Hunts Point Food Distribution Center. The highway redesign will take traffic off local roadways, significantly reducing both noise and air pollution in a borough with high asthma rates. The entire project is scheduled to be completed in the fall of 2025. He also highlighted the \$95-million re-decking of the Newburgh Beacon Bridge that is currently underway. The full deck replacement on the north span of

the bridge over the Hudson River is expected to be complete in 2022, nine months ahead of schedule.

Last year, the 2021 enacted budget provided funding for a new, two-Year \$11.9-billion DOT Capital Plan beginning in Fiscal Year 2021. Compared to the final two years of the last DOT Capital Plan, it was an increase of \$3.0 billion, or 33%. State capital aid to local governments for highway and bridge projects was preserved at FY2020 levels, with \$438.1 million provided for the Consolidated Highway Improvement Program (CHIPS) and \$39.7 million for the Marchiselli program. The Executive Budget also continued the state's commitment to providing \$100 million for local bridge projects through the BRIDGE NY program and \$100 million for local highway improvements through the PAVE NY program.

Steve Morgan, secretary of the New York Roadway Infrastructure Coalition (NYRIC), said that while the governor's State-of-the-State address was upbeat, in the end the heavy highway construction industry's outlook in New York will depend on whether Congress approves stimulus funding for state and local governments, the Biden infrastructure plan, which is to be announced in February, and the final enacted state budget.

"Until those three pieces align, we are not going to know exactly what 2021-2022 (NYSDOT highway letting program) really looks like," Mr. Morgan said.

He later stated that while things are up in the air and the coronavirus continues to impact American life and the economy, infrastructure is a top issue with both state and federal lawmakers, which he said is a "good thing for the industry."

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## Attorney's Column

# OK to Sue Insurance Broker for Failure to Procure Adequate Coverage for Contractor: Appellate Court

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

The procurement of adequate insurance is important in any industry, and the construction industry is no different. However, insurance is different than many of the goods and services a construction contractor procures because insurance is not a tangible good but, rather, a contractual promise to make good for losses that the contractor may incur.

Often times, it is only after a liability has been incurred (and it's too late) that a contractor will realize that the insurance it has procured was not sufficient. In such situations, the contractor often tries to look to



the insurance broker who did not procure the adequate coverage to make things right after the fact and cover the loss for the contractor (often, with the broker's own insurance policy).

In the recent case of *Gibraltar Contracting, Inc. v Northeast Brokerage, Inc.*, an appellate court reminds us that such claims against insurance

brokers are limited to situations where the broker fails to procure coverage that was specifically requested by the contractor, but not procured by the Broker.

### Background

In 2013, Gibraltar Contracting, which was then in the business of performing exterior ma-

sonry work on building facades, procured insurance coverage through Northeast Brokerage. These insurance policies were sufficient to cover Gibraltar's work from scaffolds and at elevation. In 2015, the nature of Gibraltar's business changed to primarily interior work, and it would no longer need to use suspended exterior scaffolding.

***Insurance brokers, unlike attorneys and accountants, are not considered "professionals" in the eyes of the law. As a result, they can only be sued for failing to follow specific directions.***

However, in connection with its interior work, Gibraltar would continue to occasionally use baker's and pipe scaffolding.

In response to Gibraltar's changed insurance needs, Northeast submitted a proposal to Gibraltar containing a height exclusion. Such exclusion would preclude insurance coverage for the use of baker's and pipe scaffolding. Gibraltar had a

conversation with its broker at Northeast in which it clarified that the height exclusion needed to apply only to exterior work (which Gibraltar no longer did), and Gibraltar understood that it would still be covered for such interior work. Four months after the issuance of the policy (but before the accident at issue), Gibraltar received the policy documents, which contained the full height exclusion. The effect of this exclusion was that all work from a scaffold was without coverage.

Ultimately, one of Gibraltar's workers was injured while working from an interior scaffold, and the worker sued the upstream contractor. When the upstream contractor's claim was tendered to Gibraltar and its insurance carrier for coverage, the carrier issued a disclaimer based on the height exclusion. Gibraltar ultimately sued its broker for negligently procuring insurance containing the height exclusion when it knew, or should have known, that such an exclusion (to the extent of Gibraltar's interior work) would leave it exposed to potential liability. Northeast moved to dismiss the claim, arguing that as the policy was issued to Gibraltar before the accident, there was no issue left for a jury.

### Decision

The trial court denied the motion, and the appellate court affirmed the denial. Even though well settled law provides that an insurance broker can only be held liable for negligently failing to procure insurance where there was a specific request for the insurance that was not provided, both courts found that there was conflicting evidence—including a recorded telephone conversation—as to whether Gibraltar made such a specific request for the elimination of the interior height exclusion. Accordingly, the trial court held, and the appellate court affirmed, that this evidence had to be sorted out by a jury. As to Gibraltar's failure to review its policy in advance of the accident, both courts relied on well settled case law in holding that such failure, at most, was a question of comparative negligence for the jury, and not a basis for dismissal.

### Comment

Insurance brokers, unlike attorneys and accountants, are Please turn to page 14



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# Next Gen Leaders



## Profiles of the Industry's New Generation



## Andrew Rossi

**AGE**  
20

**CURRENT POSITION**  
New York City Department of Parks and Recreation – Landscaping

**EMPLOYMENT ACTIVITIES**  
Co-Owner/Operator Rossi Brothers LLC, a family-owned landscape enterprise

**ACHIEVEMENTS**  
Construction Advancement Institute College Scholarship Recipient (2019) and Louis G. Nappi Scholarship Construction Labor-Management Scholarship Fund (2019, 2020).

**ON THE JOB**  
Working outdoors and working with my hands. I love to be able to step back after the job is finished and be proud of the work.

**EDUCATION**  
Completing Business Management degree at Westchester Community College.

**PROUDEST ACCOMPLISHMENT**  
Running my own landscaping company at the age of 15.

**FAVORITE QUOTE**  
“Things happen for a reason.”

**GOALS**  
To be in a managerial position at my place of employment within the next few years.

**HOBBIES & OUTSIDE INTERESTS**  
Firefighter at the Patterson Volunteer Fire Department in Putnam, serves as Lieutenant; fishing and hunting, and (off-road) quadding.

**RELATIONSHIP TO CAI/BCA AND CIC**  
Father Albert L Rossi Jr. is a member of Operating Engineers Local 137.

*Researcher and Writer—Alan Kennedy*

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

Since the inception of the Louis G. Nappi Construction Labor-Management Scholarship Fund in 2009, more than \$700,000 has been awarded to 73 students sharing in a total of 170 grants over the years. This financial support has made possible tuition aid to attend some 50 colleges and universities throughout the United States.

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

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Eastern Concrete Materials, Inc.

**Jeffrey Loughlin**  
Operating Engineers L.U. 137

**Ross J. Pepe**  
**Matthew Pepe • Karen Zedda**  
Construction Industry Council  
of Westchester & Hudson Valley, Inc.

**Louis Picani**  
Teamsters L.U. 456  
**Thomas H. Welby, Esq., P.E.**  
Welby, Brady & Greenblatt, LLP

### ABOUT THE BCA/CAI SCHOLARSHIP

Since its inception the Building Contractors Association/Construction Advancement Institute College Scholarship Program has awarded more than \$334,000 to 38 students who have enrolled at 30 colleges and universities throughout the U.S. region.

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# Sen. Schumer Renews Campaign To Expand Rte. 17 to Three Lanes

By JOHN JORDAN

WASHINGTON—U.S. Sen. Charles Schumer, who earlier this month was designated as the U.S. Senate Majority Leader, revealed on Jan. 14 that he recently held a virtual meeting with incoming U.S. Department of Transportation Secretary Pete Buttigieg, urging him to prioritize federal infrastructure funding toward construction projects that includes the estimated \$500-million expansion of Route 17 from Orange to Sullivan County.

The Route 17 expansion project is seen by many business and economic development leaders in the Hudson Valley region as critical to the area's economy, particularly as it recovers from the coronavirus pandemic.

Sen. Schumer explained that not only would an infusion of funding help jumpstart economic revitalization in the Hudson Valley by creating good-paying jobs, it would also help improve roadway safety and alleviate roadway congestion, especially with the pending completion and opening of the LEGOLAND New York resort as well as Amy's Kitchen, both located



Expanding Route 17 to interstate standards (I-86) with three lanes between Harriman in Orange County to Monticello in Sullivan County is critical to improving safety, relieving congestion and advancing the Hudson Valley's long-term economic development and recovery from the COVID pandemic.

"Expanding the vital artery of Route 17 to three lanes between Harriman in Orange County to Monticello in Sullivan County is critical for the Hudson Valley's long-term economic development and

recovery after the devastation of the COVID pandemic," Sen. Schumer said. "The traffic on Route 17 is bad enough now, and new projects are only going to increase the bottlenecks and delays. By expanding this key route into Sullivan County,

we can avoid greater traffic in Orange County and maximize the potential of the region's assets by allowing businesses, workers, residents and visitors alike to freely access all there is to offer."

As a longtime advocate for

the Route 17 expansion, New York's senior senator secured \$1 million in federal funds for New York State to study this proposal in 2005. In 2013, the New York State Department of Transportation announced that it had completed a Route 17 Transportation Corridor Study in order to examine the feasibility of expanding Route 17 to three lanes between Monticello's Exit 103 and Harriman's Exit 131.

In 2015, the study's Transportation Partnering Committee recommended expanding the interstate to three lanes from Harriman in Orange County to Wallkill, located just west of Middletown in Orange County, but not all the way to Monticello. However, Sen. Schumer, understanding this move was approved before a casino placement was decided in New York State, countered that with construction of a casino in Sullivan County, more vehicular traffic along Route 17 was expected and pushed for the expansion to be extended to Sullivan County.

The TPC estimated that there would be a 30% to 50% increase in traffic volume between 2015 and the year 2045.

Please turn to page 11

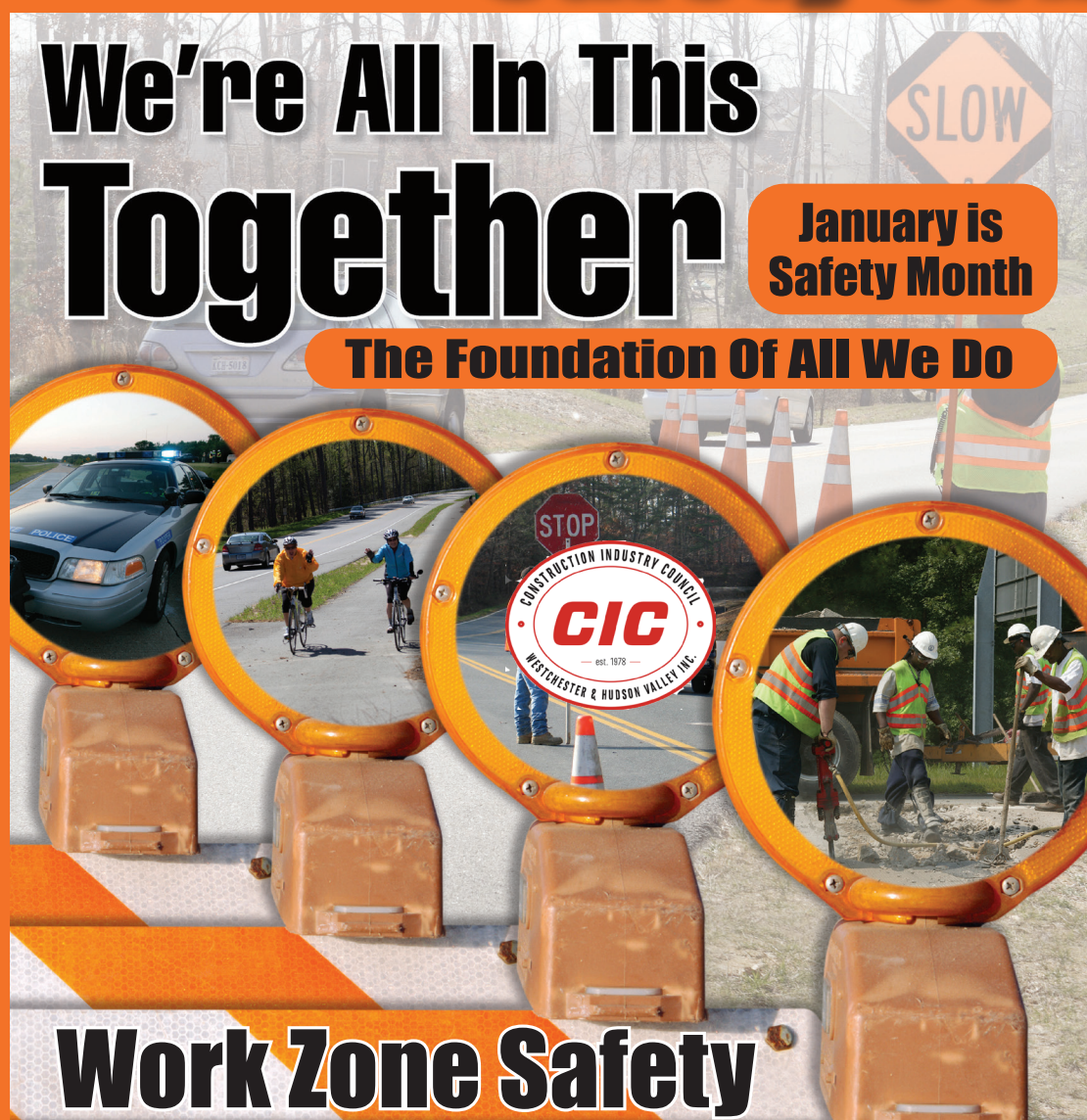
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## Sen. Schumer Renews Campaign to Expand Rte. 17 to Three Lanes

Continued from page 10

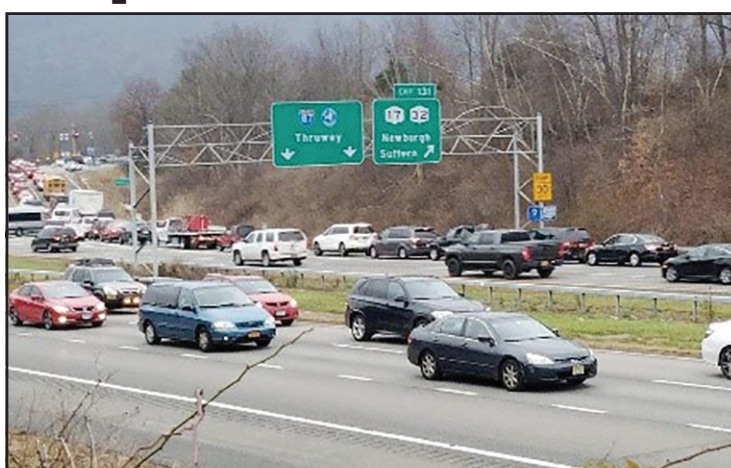
However, that estimate was calculated before the impact of economic drivers in Sullivan County was considered. Sen. Schumer said that two lanes are not enough to support the projected growth and travel between the two counties. He urged DOT Secretary-nominee Buttigieg to support infrastructure stimulus funding for projects like the three-lane expansion of Route 17.

“In order to improve that quality and constantly open up new opportunities for Hudson Valley jobs and economic drivers, we must overhaul the quality of our infrastructure,” Sen. Schumersaid. “That is why I am calling to extend this expansion and urged nominee Buttigieg to make infrastructure funding for projects that promote regional and economic growth, like Route 17, a top priority for the new administration.”

In addition to casino development, the opening of the Kartrite resort and other

projects, including the growth and pending popularity of destinations such as LEGOLAND New York, have brought and will bring thousands more commuters to Route 17. Sen. Schumer said that in order to avoid traffic bottlenecks in Orange and Sullivan counties—to maximize the full potential of all of the region’s economic assets, including LEGOLAND—revising the plan and continuing the expansion of Route 17 all the way to Monticello was critical.

In August 2018, the advocacy group 17-Forward86 was established to support the widening of Route 17. The coalition comprises more than 200 members of economic development groups, construction trades, tourism groups and energy companies that share a common vision for expanding the capacity of Route 17 to strengthen the economic well-being of the Hudson Valley and Sullivan Catskills. The Con-



**The multiple expansions the highly popular Woodbury Common Premium Outlets, the Resorts World Catskills Casino and the opening this year of LEGOLAND New York later this year are key reasons why Route 17 should be expanded to three lanes in each direction in Orange and Sullivan counties.**

struction Industry Council of Westchester & Hudson Valley, Inc., is a founding member of 17-Forward86.

Representatives of 17-Forward-86 were emboldened by the reported conversation between Sen. Schumer and the USDOT Secretary nominee

Buttigieg.

“We thank Sen. Schumer for pushing the U.S. Department of Transportation Secretary nominee, Pete Buttigieg, to prioritize federal infrastructure funding for the construction of a third lane on Route 17,” noted Maureen Halahan and

Marc Baez, 17-Forward 86 Co-Chairs in a joint statement. “As the hundreds of local business and community organizations that make up our coalition look towards the Hudson Valley’s economic comeback, this project is a critically lynchpin to stabilize the economy, bring commerce in and alleviate the decades-long headaches that come with congestion along the Route 17 corridor.”

In May 2019, the NYSDOT issued a request for expressions of interest for an engineering firm to begin a scoping and preliminary review process and later selected the firm WSP to undertake the review. The work is part of a \$5-million Planning and Environmental Linkage study (PEL), which includes identifying priority locations and conducting environmental assessments and preliminary engineering. Funding for the PEL study was committed as part of the state’s 2018-2019 budget.

## Cuomo Budget Plan Stands Firm on Infrastructure, Water Pledges

Continued from page 1

plan that funds improvements for highways, bridges, rail, aviation infrastructure, non-MTA transit, and NYSDOT facilities. Compared to the final two years of the last NYSDOT Capital Plan, this is an increase of \$3 billion, or 33%.

The Executive Budget plan also continues funding local highway and bridge projects. These include the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program, which is maintained at last year’s level of \$477.8 million. The budget also continues \$100 million in highway aid through the PAVE NY program, and \$100 million to fund local bridge projects from the BRIDGE NY program.

The Executive Budget stood firm on the \$500-million appropriation to support clean water, raising the state’s total investment to \$4 billion since 2017, continuing to fulfill the administration’s \$5-billion commitment to clean water funding. Among a host of other construction-related initiatives, the governor has proposed a \$29-billion program involving public and private green energy investments in New York State.

In the area of the state’s energy program, the New York State Public Service Commission approved a nearly \$854-million project involving a 93-mile 345-kilovolt (kV) transmission line starting in Oneida County and extending to Albany County to enable greater flow of clean energy. The project, named the Marcy to New Scotland Upgrade Project increases transmission capacity to move power more efficiently in keeping with the goals of both the Climate Leadership and Community Protection Act and the Accelerated Renewable Energy Growth and Community Benefit Act to lower carbon emissions and combat climate change. The project is being developed by

LS Power Grid New York and the New York Power Authority.

Gov. Cuomo noted in his budget the impact of the coronavirus on the states’ finances and the need for the federal government under the new Biden administration to offer aid to state and local governments.

“We are in a different time and a different world than just one year ago and we shouldn’t be surprised that this budget will look different. We have a plan in place, a strength that we have not had before and I believe our future is bright, but Washington must act fairly if we are to emerge on the other side of this crisis,” Gov. Cuomo said. “Despite the federal irresponsibility, which allowed COVID to ambush our state, New Yorkers are ready to begin rebuilding, but for that to happen, we need SALT repealed and \$15 billion in rightfully deserved federal aid—and we need it now. After years of federal hostility, I believe the stars are lined up for that to change—we just need to do it. We built the greatest state once before and I know that we will do it again.”

### New Revenue Sources

The governor has proposed a host of revenue raisers, including raising taxes on high earners, legalization of recreational marijuana and mobile sports betting. Also included in the budget proposal is that the governor would authorize the Gaming Commission to issue a request for information for the purpose of soliciting interest regarding the three unawarded gaming facility licenses authorized by the State Constitution. At least one of those licenses would be awarded downstate.

### Reaction Favorable

Major construction and business trade groups came out in support of the governor’s proposed budget and singled out his continued commitment to improving the state’s infrastructure despite the difficult financial times.

The Construction Industry Council of Westchester & Hudson Valley, Inc., hailed Gov. Andrew M. Cuomo’s proposed 2021-22 state budget released this week as “another clear example of his administration’s commitment to revitalize New York’s dynamism.”

“We applaud the governor’s call to fully fund the second year of the \$11.9 billion, two-year DOT capital plan through robust investments in our transportation and infrastructure facilities,” said John Cooney, Jr., executive director of CIC, a leading regional business trade organization based in Tarrytown, NY. Mr. Cooney labeled the Executive Budget proposal “both fiscally responsible and responsive to today’s challenges.”

“The construction industry has long served as a driver to reinvigorate employment and stimulate the economy,” Mr. Cooney added. “The Cuomo budget will put workers back on payrolls and make possible needed state and regional project work and improvements in mobility throughout the mid-Hudson region and its extensive networks highways, local roadways and hundreds of bridges.”

Looking to Washington, he exhorted that “extra effort must be taken by our Congressional delegation if we are to see a return to pre-pandemic prosperity following the protracted and widespread hardships inflicted by the Covid-19 crisis.”

“Gov. Cuomo has amplified President Biden’s ‘Build Back Better’ appeal to all America, and we as leaders of the region’s contracting community will be joined by our partners in organized labor and other sectors in the fight to secure new federal relief aid and opportunities for all New Yorkers,” Mr. Cooney said. “This is an all-hands-on-deck moment in our history, and we’re inspired to see Gov.

Cuomo has again done his part.”

Associated General Contractors of New York State (AGC NYS) President and CEO Mike Elmendorf also offered high praise for what he termed was the governor’s “broad and visionary” infrastructure plan. While saying the industry is ready to work on the governor’s infrastructure initiatives, Mr. Elmendorf noted that the state needs to tackle the impediments that deter private-sector investment and growth in New York.

### All Options on the Table

The governor presented two budget options, depending on the level of funding the federal government provides to New York following the devastating economic impact of Washington’s “failed COVID-19 response,” he noted. The first option would support New York State’s ongoing war against the pandemic and aggressive post-COVID reconstruction plan. The second option—absent \$15 billion in federal funding—would cause pain for New Yorkers by forcing the state to raise revenue, cut expenses and turn to borrowing to meet obligations.

### SALT and MTA

Gov. Cuomo also reiterated his call on federal partners to repeal the harmful state and local tax policy—or SALT cap—that cost New Yorkers more than \$30 billion over the last three years and amounted to the first double taxation in history. The average cost of SALT cap to New York households is \$2,600 per home, state officials noted.

In terms of mass transit, the governor the FY21-22 proposed Executive Budget provides more than \$5.7 billion in operating support to transit systems, including resources that are collected by the state and sent directly to the MTA without further appropriation. The MTA will receive \$5.2 billion from state operating aid sources in FY21-22.

The \$51.5 billion 2020-2024 MTA Capital Program remains the largest and most expansive plan in the authority’s history. In addition to the \$25 billion secured by the governor and legislature in the FY21-22 Budget, the state will continue to contribute \$3 billion to the program, which will be matched by the City of New York.

The FY21-22 Executive Budget provides \$544 million in operating support for non-MTA transit, including \$330 million for various downstate systems and \$214 million for the Upstate systems (which will receive nearly a 9% year-over-year increase). Other transit assistance includes \$11 million to continue to fund the Lower Hudson Transit Link serving the Mario M. Cuomo Bridge and parts of Rockland and Westchester counties.

The Executive Budget also provides non-MTA transit systems with another \$20 million of capital aid, for the second installment of a \$100-million five-year program to support transit agencies’ transition to electric buses. Under this program, five of the largest upstate and suburban transit authorities will electrify 25% of their fleets by 2025 and 100% by 2035. The MTA has committed to purchase only electric buses after 2029 and to fully electrify its fleet by 2040. Total non-MTA transit capital assistance is proposed at a historic \$124.5 million.

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## Financial Management

# Consolidated Appropriations Act: What Contractors Must Know

BY PHILLIP ROSS, CPA, CGMA

The Consolidated Appropriations Act, 2021 (the "Relief Act") is a nearly 6,000-page spending bill that includes a COVID-19 stimulus package to provide assistance to individuals and businesses as the pandemic remains. This bill is the second stimulus bill passed during the COVID-19 pandemic—the first was the "CARES Act," Coronavirus Aid, Relief and Economic Security Act passed in March.

To highlight some of those 6,000 pages, here are a few parts of the Relief Act that most contractors should be aware of.

### PPP Payroll Protection Programs

There are two important items of the Payroll Protection Program that were addressed:

**Deductibility of forgiven expenses.** Previously, the IRS stated that expenses associated with non-taxable income were not deductible. Since the forgiven loan was not included in income to a taxpayer, the expenses paid with that loan were not considered a deduction. To achieve the original intent of the PPP loan Congress clarified that expenses associated with the PPP loan forgiveness are fully deductible. This clarification has a significant favorable impact on 2020 tax liabilities.

**The second round of PPP loans.** The second round will be made available to businesses that already received a PPP. The following summarizes the second PPP:

- PPP will re-open the week of Jan. 11 for new borrowers and certain existing PPP borrowers.

- Borrower employs not more than 300 employees at the time of application.

- Borrower had gross receipts during any quarter in 2020 at least 25% below the same quarter in 2019 or had a 25% or greater reduction in gross receipts in 2020 as compared to 2019.

- Borrowers have used or will use the full amount of its First Draw PPP Loan for eligible uses on or before the expected date of which the Second Draw PPP loan will be disbursed.

- In calculating payroll costs, a borrower must subtract any compensation paid to an employee in excess of \$100,000 on an annualized basis, as prorated for the time period during which the payments are made.

- Total eligible costs must be comprised of at least 60% of payroll costs (compensation, health, retirement and state and local payroll taxes) over a covered period that can be from eight weeks to 24 weeks at the borrower's discretion. Previously, the covered period was either eight weeks or 24 weeks.



Generally, the maximum loan amount is equal to the lesser of two and a half months of the borrower's average monthly payroll costs, or \$2 million.

- Loan requests up to

\$150,000 will be based on a self-certification of the above eligibility requirements. However, proof of revenue loss may be asked for at the time of the forgiveness application.

- Qualified expenditures now include the following:

**Covered Operations Expenditures:** Payments for business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment or tracking of payroll expenses, HR and billing functions, or account or tracking of supplies, inventory,

records and expenses.

**Covered Property Dam-**

*To achieve the original intent of the PPP loan, Congress clarified that expenses associated with the PPP loan forgiveness are fully deductible. This clarification has a significant favorable impact on 2020 tax liabilities.*

disturbances that occurred during 2020 that were not covered by insurance or other compensation.

**Covered Supplier Costs:** Expenditures to a supplier of goods that are essential to the operations of the entity at the time at which the expenditure was made and is made pursuant to a contract or order in effect at any time before the covered period or, with respect to perishable goods, in effect at any time during the covered period.

**Covered Worker Protection Expenditures:** Operating or capital expenditures. Please turn to page 16

**age Costs:** Costs related to property damaged and vandalism or looting due to public

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# Danskammer Energy Project Receives Major Boost From Organized Labor

NEWBURGH, NY—The \$500-million Danskammer Energy project in Newburgh, NY, which is in the Article 10 process before the New York State Board on Electric Generation Siting and the Environment, recently received a major endorsement from the New York State AFL-CIO.

The proposed project would convert the aging Danskammer plant into a 535-megawatt energy facility.

The Siting Board includes the chair of the Public Service Commission, the commissioner of Department of Environmental Conservation, the commissioner of the Department of Health, the chair of the New York State Energy Research and Development Authority, the commissioner of the Department of Economic Development, and two local community members. The project has been in the Article 10 process since December 2019.

In a Jan. 4, 2021 letter to PSC Chairman John B. Rhodes, New York State AFL-CIO President Mario Cilento endorsed the Danskammer project on behalf of the organized labor organization's 2.5 million members.

"The New York State AFL-CIO believes that the repowering of Danskammer is critical to the future reliability of our energy infrastructure, and in turn essential to our members' short- and long-term ability to build, serve and fuel the state's economy," Mr. Cilento said.



The \$500-million Danskammer Energy project in Newburgh secured a key endorsement recently from the New York State AFL-CIO.

mer is critical to the future reliability of our energy infrastructure, and in turn essential to our members' short- and long-term ability to build, serve and fuel the state's economy," Mr. Cilento said.

Mr. Cilento noted that Danskammer entered into a Project Labor Agreement on the construction of the repowered facility and has agreed to union neutrality for the operations of the project. He

estimated that the project will generate 450 construction jobs and additional permanent jobs upon completion and operation of the facility.

He related that the repowered energy plant is estimated to provide \$50 million in tax revenue to fund essential vital local services, including education, health care and public safety for residents of Orange County.

Mr. Cilento also touted that the project will be developed as a "hydrogen-ready" plant. "Aside from the benefits of a zero-transmission facility, this means that as technology to transport and store hydrogen advances, there will be additional opportunities for job creation in the green energy sector at Danskammer," he said.

Some of the environmental benefits of this project include a reduction in current plant emissions by an estimated 80%-90%, reducing use of natural gas by roughly 50%, eliminate the use of Hudson River water to cool the facility, and fast-capability and increased reliability, which will help back up the state's growing renewable energy infrastructure. Once complete, the facility will supply power to approximately 500,000 homes.

Mr. Cilento concluded the letter, which was also sent to Gov. Andrew Cuomo and other members of the Siting Board, by saying, "We believe the people of New York would not be self-served by any further delay in the siting process. Once again, I urge you to determine the Danskammer application is complete and commence public hearings as soon as possible."

## Sen. Schumer Says NY State to Get More Than \$54B from COVID Stimulus

Continued from page 3

ployment Compensation—This bill provides billions in additional federal relief for struggling New Yorkers by extending the historic unemployment insurance reforms established in the CARES Act through March 14, 2021. Importantly, it reinstates the critical lifeline of the enhanced unemployment assistance, providing an additional \$300 per week on top of all state and federal unemployment benefits. The bill also:

Extends the Pandemic Unemployment Assistance program, which provides unemployment benefits to the self-employed, freelancers, gig workers, part-time workers and other New Yorkers in non-traditional employment, and increases the number of weeks of PUA benefits an individual can claim from 39 to 50 weeks.

Provides 24 additional weeks of federally-funded unemployment insurance benefits to New

Yorkers who have exhausted their regular state benefits.

Continues the full federal financing of state Shared Work programs, allowing thousands of New York employers to keep their valued employees on payroll during this downturn.

Delivers a federally-funded \$100 per week additional "mixed-earner" benefit to New Yorkers who have a combination of traditional (W-2) and independent employment (1099) income and are disqualified from receiving PUA because they are still eligible for regular state benefits.

**\$9 billion**—direct cash payments to New Yorkers, including \$600 for individuals making up to \$75,000, \$1,200 for couples making less than \$150,000, and an additional \$600 per child. This amounts to \$2,400 for a family of four.

**\$260 million**—to FEMA's funeral assistance—financial aid to those who have lost a loved

one among the more than 35,000 deaths in New York caused by COVID—which comes at no cost to the state.

### Relief For New York Small Businesses, Families, Live Venues, Cultural Institutions and Other Entities

More Than \$20 billion for the New York Small Business Administration Paycheck Protection Program (PPP) to provide a second round of forgivable loans to New York small businesses, including restaurants, nonprofits and grant assistance to very small, underserved businesses and live venues, independent movie theaters, and cultural institutions, as well as:

New dedicated set-aside for PPP lending through Community Development Financial Institutions, Minority Depository Institutions, and other community lenders to reach minority-owned and other

underserved small businesses and nonprofits.

New dedicated set-aside for very small businesses to gain greater access to PPP.

New larger forgivable loans for the restaurant and hospitality industries and the ability to use funds for PPE, outdoor dining enhancements, and more.

"SAVE OUR STAGES" (\$15 billion nationwide)—Dedicated relief for Broadway, comedy halls, music venues, other live entertainment, independent movie theaters, and cultural institutions—New York is positioned to get a large share of the \$15 billion.

Housing cooperatives, tourism organizations, and local newspaper, TV and radio stations made eligible for PPP.

\$10,000 SBA grants will be available for very small and underserved businesses in low-income communities.

Provides \$3.5 billion to resume debt relief payments of principal and interest (P&I) on small business loans guaranteed by the SBA under the 7(a), 504 and microloan programs.

Includes \$2 billion to enhance SBA's core programs, including 7(a), Community Advantage, 504, and the Microloan program, by making them more affordable and useful to small businesses.

SBA Microloan Program is funded at \$57 million to provide technical assistance and leverage about \$64 million in microloans for minority-owned and other underserved small businesses.

The bill also extends and expands the refundable Employee Retention Tax Credit. The extension of this tax credit, through July 1, 2021, will help keep thousands of additional

New Yorkers on payroll and small and mid-size employers all across New York afloat.

\$15 billion to renew the CARES Act Airline Payroll Support Program which will save thousands of New York airline jobs by keeping workers on payroll without furloughs or reducing pay rates and benefits until March 31, 2021 New York will receive a sizable share of these funds.

\$1 billion in CARES ACT Contractor Payroll Support Program will help thousands of New York's aviation industry contractor workers keep their paychecks.

### Emergency Child Care Grants

**\$465 million**—For Child Care Development Block Grants (CCDBG)—These funds ensure that the child care sector will continue to assist essential workers and working families, and to support child care providers in meeting their increased operation costs during the pandemic.

### Connecting More NY Families to Broadband

**\$7 billion**—For Emergency Benefit for Broadband Service to provide free or low-cost broadband service to low-income families or those who have been recently laid off or furloughed due to the COVID-19 pandemic. New York will receive a sizable share of these funds.

### NY Hospitals & Health Centers

**\$1 billion** to New York in support and relief for hospitals, mental health, community health centers and providers.

The relief package also includes \$13 billion nationally in Nutrition Assistance, of which New York will receive a sizable share and funding for the state's fisheries.

## Attorney's Column

Continued from page 8

not considered "professionals" in the eyes of the law. As a result, they can only be sued for failing to follow specific directions. Accordingly, in order to pursue a "failure to procure" claim against an insurance broker, the contractor must have explicitly requested coverage to adequately cover its specific operations, which was not procured by the broker. In that regard, and because brokers are often directed to save as much money as possible (which is often accomplished by eliminating coverages which the broker does not believe are necessary), it is important to use the services of a broker who understands what

comprises the contractor's operations, and what coverage will be needed—and to document the specific requests for adequate coverage.

As a practical matter, while not considered "professionals" in the eyes of the law, the "product" of the insurance broker is often written in a language that resembles legalese. Therefore, as a precaution, contractors would be well advised to have their insurance policies reviewed by experienced construction counsel to determine if they provide adequate coverage for their specific operations. Also, before entering into any significant contract, a contractor should provide the insurance

provisions or insurance rider of the proposed contract to its risk manager or broker, with a cover letter, to ascertain that insurance coverage in place will cover the contractual requirements.

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





# WHICH FUTURE MAKES SENSE FOR WESTCHESTER?

Indian Point will shut down by April 2021, and federal law allows for up to 60 years for it to be dismantled and removed.

But we don't have to wait that long.

There's a smarter plan for Indian Point currently under review. It calls for major work to be completed in just 12-15 years.

The plan will provide hundreds of local jobs. It means opportunity for redevelopment of the land decades sooner. And it results in predictable tax revenue for local schools and governments.

Indian Point will close soon after operating for nearly 60 years. We don't have to wait another 60 years for it to be dismantled.

Learn about the smarter plan at [indianpointdecommissioning.com](https://indianpointdecommissioning.com)

The illustration above is an artist's depiction of the Indian Point property after the completion of major decommissioning work.

Indian Point Energy Center







## Asset Management L.P.

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## Financial Management

### Continued from page 12

tures that allow a business to comply with requirements or guidance issued by the CDC, HHS, OSHA or any state or local government during the period beginning March 1, 2020 and ending on the date which the national emergency declared by the president expires related to the maintenance of standards for sanitation, social distancing or any other worker or customer safety requirement related to COVID-19. These expenses appear to include PPE, physical barriers that were put in place, expansion of indoor/outdoor space, ventilation or filtration systems and drive-through windows.

- There still is funding available for first time PPP loans and it appears those loans will be made on the same terms as the original PPP loans in the Cares Act.

### Employee Retention Credit

Under the Relief Act, the retention credit is considerably improved. For businesses whose operations were completely or partially suspended, or gross receipts declined by more than 50% per calendar quarter, the CARES Act introduced a refundable payroll tax credit equal to 50% of certain compensation paid from March 13, 2020 to Dec. 31, 2020 for a maximum credit of \$5,000 per employee annually. For a business with fewer than 100 employees, all wages were included in the credit calculations while businesses with more than 100 employees included only the wages for employees who were not working or providing services in the credit calculation.

The changes to the credit are as follows:

### Changes for 2020

- The ERC was not allowed if you received a Payroll Protection Program Loan (PPP).
- Under the new rules, a taxpayer that had received a PPP loan is no longer prohibited from claiming the employee retention tax credit. However, wages that are forgiven are not considered qualified wages in calculating the ERC. This change is retroactive to the effective date under the original law (for wages paid after March 12, 2020). As a result, a company that received a PPP loan in 2020 and paid qualified wages more than the amount of the forgiven PPP loan used to pay wages may be able to claim the credit.

### Changes for 2021

- The employee retention credit has been extended to cover qualified wages for the first two quarters of 2021: Jan. 1–June 30.
- The credit has been increased to 70% of qualified quarterly wages from 50%. This increases the maximum credit from \$5,000 annually per qualified employee to \$7,000 quarterly.
- To have qualified wages one of the following tests must be passed: Business operations were fully or partially suspended in a quarter; and gross receipts have decreased more

than 20%, changed from 50%, compared to the same quarter of 2019.

For employers with more than 500 employees, changed from 100 in 2020, no credit for wages paid to an employee performing services for the employer (either teleworking or working at the workplace.)

- If fewer than 500 employees, eligible for credit for everyone.

### Extension of Expiring Tax Benefits

The following are tax breaks that were to expire or decrease but are now extended:

### 179D Deduction

- Was set to expire at the end of 2020. This deduction can be as high as \$1.80 per-square-foot of a commercial building for improving the energy efficiency of the building HVAC, building envelope, and lighting; or 60 cents per-square-foot each.

- For improvements made to governmental buildings the deduction can be passed to the designer of the improvements.

179D has been made permanent and will now be adjusted for inflation.

### Work Opportunity Tax Credit

- The Work Opportunity Tax Credit that was set to expire at the end of 2020 has been extended. The work opportunity tax credit is available to employers for hiring individuals from certain targeted groups who have faced significant obstacles in getting employment.

### Solar Investment Tax Credit

- The 26% tax credit in 2020 (was 30% in 2019) for the installation of certain energy-related investments was set to decrease to 22% in 2021 and 10% after that for commercial buildings, but 0% on residential. The Relief Act provides for a two-year extension. As a result, the 26% ITC will be available for properties on which construction begins prior to Jan. 1, 2023, and a 22% ITC will be available for properties on which construction begins prior to Jan. 1, 2024. Property must now be placed in service prior to Jan. 1, 2026 to qualify for the ITC.

### Business Meals

- Under existing law, business meals are only allowed a 50% deduction. Under the new bill for tax years 2021 and 2022, all businesses, regardless of size or trade, will be allowed a 100% deduction for business-related meals provided by a restaurant. However, there is no change to the limit on entertainment expenses, which were non-deductible after Dec. 31, 2017.

Contact your CPA for further information on the “Relief Act.”

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).



## Safety Watch

# COVID-19 and Redoubling a Commitment To Workplace Health and Safety

By GEOFFREYS. POPE, ESQ.

As we enter into the second year of the pandemic, there is a glimmer of hope based largely on the rollout of two apparently effective vaccines and the ample capacities of ICU beds in most localities. However, an ongoing X factor is “mask fatigue” as many citizens yield to the temptation to throw caution to the wind.

As construction employers grapple with the specter of both actual and threatened lockdowns again and a more aggressive strain of the virus emerging, new attention to the “health” aspect of “safety and health” is urged. My childhood was a time when the U.S. economy was more industrial than at present so on-the-job accidents were everyday events. Thanks to OSHA, and 50 years of efforts by the agency, employers, and workers, accidental deaths and serious injuries at work have plummeted, a laudable result.

However, protecting the health of American workers is a thornier task, among other reasons because, while crane collapses, trench cave-ins, and falls from heights are conspicuous, and often fatal occurrences, such things as lung disease caused from persistent exposure to silica over a period of years, and through a succession of different employers, is something more likely to escape notice.

If something positive benefiting the construction industry can be wrested from the ongoing COVID-19 disaster, perhaps it might be a heightened awareness of harm to employees’ health not resulting from one-time occurrences.

By now, you’re surely aware of the primary recommendations to minimize the spread of COVID-19. I’m no epidemiologist, but the measures that do not seem to be controversial include staying home when sick, reporting exposure and quarantining when you have been in close contact with infected members of your household or others, social distancing and avoiding crowds, and keeping your hands clean.

On a construction site, hygiene and distancing are real challenges; especially if clean water is in limited supply, you want a lot of hand sanitizer onsite, and to limit the number of people in elevators, trailers, vehicles and close spaces. The efficacy of mask-wearing continues to be debated, although most agree that, if it is to be effective, masks can’t be handled frequently, or with unwashed hands or removed when the wearer is about to sneeze. Arguments continue about transmission by asymptomatic persons, or



from surfaces, but as an older person, I’ve opted to err on the side of caution, and as a layman, I suggest it can’t hurt to “socially distance,” not to share hand tools or to disinfect frequently things that are handled by many.

Construction management should enlist the participation of the rank and file to formulate and propagate procedures and workplace rules to protect employees’ safety and health. This is especially needed now that the colder months are upon us. The heated jobsite construction trailer, where work crews enter and exit with greater frequency, are now under new scrutiny as the source for spreading the virus. Don’t get lax.

The MTA requires all customers and employees to wear masks. Riders are subject to a \$50 fine for not wearing one in the system,

although there’s no similar fine for workers. Therefore,

**Construction management should enlist the participation of its rank-and-file workforce to help formulate and propagate procedures and workplace rules to protect employees’ safety and health. This is especially needed now that the colder months are upon us. The heated jobsite construction trailers are now under new scrutiny as the source for spreading the virus. Don’t get lax.**

it’s up to supervisors to ensure compliance or workers could face disciplinary action.

One way of advancing this goal is to remind employees at every opportunity that management is not only dedicated to its legal duty to provide a workplace free from health and safety hazards, but that, in order to achieve that, workers need not only to obey the safety rules, but to alert supervisors to hazards and infractions.

I read a lot of OSH Review Commission cases, and am often taken aback at how often bad consequences follow from hazards (for example, employees working in a lift bucket, perilously close to live power). Please turn to page 18

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ALBANY UPDATE

DiNapoli: Tax Revenues Through December Were \$2.5 Billion Lower Than Last Year

ALBANY—State tax receipts through the first nine months of the state fiscal year were \$2.5 billion lower than last year, but were \$1.8 billion higher than anticipated by the state Division of the Budget (DOB), according to the monthly State Cash Report released by New York State Comptroller Thomas P. DiNapoli on Jan. 15.

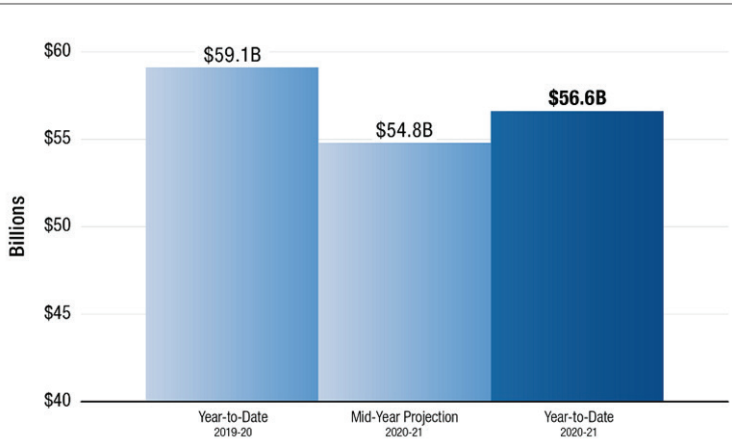
Tax receipts in the month of December totaled \$8.4 billion, \$422.5 million above last year, and \$1.4 billion above DOB's latest projections.

"December's tax receipts were better than expected, but the revenue challenge is still with us," Mr. DiNapoli said. "President-elect Biden's proposed stimulus plan, with new aid to help states and localities fill gaps created by the COVID-19 pandemic, is another hopeful sign. We still have a long way to go, and it's essential that leaders in Washington act on a robust plan of assistance as quickly as possible."

Personal income tax receipts in December were \$544.8 million, or 12.7 percent, above December 2019, due in part to an additional day of withholding in 2020. Sales tax receipts continued to fall short of the previous year in December, down \$86.6 million, or 5.5 percent, from 2019.

State Operating Funds spending through

Comparison of State Tax Collections  
as of December 31, 2020



the first nine months of the fiscal year totaled \$63.9 billion, which was \$7.8 billion, or 10.8 percent, lower than last year. This is largely due to higher federal reimbursement for Medicaid spending, as well as the withholding of certain payments.

As of Dec. 31, the General Fund held a balance of \$16.6 billion, \$2 billion higher than DOB projections, and \$8.4 billion higher than last year at the same time. The higher balance is driven partly by withheld payments as well as receipts from short-term borrowing that DOB anticipates repaying before the end of the fiscal year. The state has repaid \$1 billion of that borrowing, with the remaining \$3.4 billion due by March 31.

Gov. Signs Three Indian Point Bills into Law

ALBANY—New York State Senator Pete Harckham and Assemblywoman Sandy Galef announced on Jan. 1 that three bills the two legislators sponsored relating to ensuring workforce protections and financial assistance to local municipalities and taxpayers while the Indian Point Energy Center undergoes its decommissioning process had been signed into law by Gov. Andrew Cuomo.

The new laws take effect immediately. Indian Point's third and last operating reactor is scheduled to be shut down in April 2021. New Jersey-based Holtec International was approved by the U. S. Nuclear Regulatory Commission to decommission the facility.

"With the closing of Indian Point less than four months away, it was imperative that statutory protections were put in place for the existing workforce and their families, along with guaranteed revenue for local municipalities and schools," said Sen. Harckham. "Now, the changes ahead will be tempered and more readily dealt with. I am thankful that Gov. Cuomo signed this legislation, and appreciate all the hard work so many people, including Sandy Galef, my legislative partner in this regard, put into making sure our residents received the help and consideration they deserve."

"What a perfect beginning to the New Year with the signing of these three bills to protect the taxpayers of the village, town and school district, as well as the employees of the Indian Point nuclear facility," said Assemblywoman Galef. "Working together with the governor's office, local officials and union representatives, our goal to put these bills into New York State law was achieved last night. It was my pleasure to work with Sen. Harckham to get this important legislation passed, and we will continue to partner on other issues arising from the closure and decommissioning of the nuclear plants in Buchanan."

The new laws include S.7846, which addresses the possible negative impact to the workforce

during the decommissioning by keeping workers at Indian Point at the prevailing wages commensurate with the wages being paid for the same work in this area. This stays in effect after the plant's present corporate owner, Entergy, officially hands the property over to Holtec to enact the decommissioning and is in control of operations. The new law also recognizes the need for professional maintenance of the Indian Point facility during its decommissioning, and requires that new hires are selected from a list of qualified employees at the plant.

"I applaud the concerted efforts of Senator Pete Harckham and Assemblywoman Sandy Galef in ensuring worker protections and the safety of our community during the decommissioning of Indian Point Nuclear Power Plants Units 1, 2 and 3," said Thomas Carey, president of the Westchester/Putnam Central Labor Body.

The financial implications to the local community from Indian Point's closing are expected to be sizable. The municipal tax base and local school district funding have long been supported by the energy facility, and maintaining a good portion of that support is crucial, especially in light of unforeseen municipal costs incurred during the novel coronavirus pandemic.

To steady tax revenues for the Town of Cortlandt, Village of Buchanan and Hendrick Hudson School District during the transition, S. 8075 will include spent fuel and the fuel casks at the nuclear facility as part of its real property tax assessment. Otherwise, market value of the non-operating plant will adversely affect the assessment and create an unmanageable revenue gap for these tax-funded entities, Mr. Harckham and Ms. Galef said in a joint announcement.

The third new law, S.8204, concerns Indian Point's PILOT (Payment in Lieu of Taxes) agreement, which is set to expire in April 2021. The law allows "formerly generating" energy plants to make these payments as well.

NY HERO Act Gains Support In State Assembly, Senate

ALBANY—Senate Deputy Leader Michael Gianaris and Assembly Member Karines Reyes announced earlier this month that the New York HERO Act (S.1034), a bill requiring businesses to have enforceable safety standards to prevent further spread of the coronavirus, has 15 co-sponsors across the Senate and Assembly.

The state legislature began its annual session this week.

Senate Deputy Leader Michael Gianaris said, "Too many workers have already sacrificed their health for our community's benefit. The New York HERO Act will honor their ef-

Please turn to page 22

Safety Watch

Continued from page 17

lines) that any "civilian" could identify as a threat to life and safety. Good safety training requires repetition, including frequent reminders against assuming that the correction of hazards is someone else's job. These days, with highly-portable, easy-to-use technology that can transmit instantaneously voice, text, and real-time visual information, all efforts should be made to take maximum advantage of these tools to look for, detect, report and correct hazards as they arise.

Further, since the mid-1990s, most companies have had computers in-house, and social media (thus far at least) isn't censoring information concerning construction safety. Another important task is to keep up-to-date on developments that affect your trade and your obligations. Even if your company is too small to have full-time safety personnel, someone needs to be charged with spending a couple of hours each month searching online (the OSHA website is a fine place to start, although there are many websites devoted to construction safety) researching new rules, proposed rules, innovations in technology and safety equipment that can improve your safety performance.

Another lesson you should teach your workforce is that taking shortcuts (or using equipment or tools in a manner inconsistent with manufacturers' instructions) in the interest of increasing production, or speeding up the completion of a task, is almost always a bad idea. I can't tell you how many times I've come across cases in which employees were allowed to go down into unshored trenches "for just a few minutes," with consequences ranging from an avoidable OSHA citation, to a trench collapse with one or more fatalities.

Fighting off severe COVID-19-related illness is not just a matter of minimizing exposure, but also having a strong immune system. Working while exhausted impairs resistance to COVID-19, and otherwise increases the risk of accidents occurring. Frequent breaks, therefore, are important, and doubly so as long as the

pandemic continues.

Akin to this last point is that even those of us who have been spared getting COVID-19, or losing family members and friends or our jobs, are under increased psychological, financial and/or personal stress. Alcohol and drug abuse, marital issues, a myriad health issues not directly related to COVID-19, etc. have been at high levels for almost a year. Burnout, suicide, and impaired judgment leading to accidents are occupational hazards in good times in the construction industry, and you will do well to keep an eye out for employees who may be at risk. Referral to an Employee Assistance Program is often productive.

A global pandemic is no time, either, for laxity in using hard hats, appropriate footwear, and every kind of PPE as may be necessary to accomplish particular tasks. Scrutinizing and adjusting workplace ergonomics (adjusting the workspace, the job and the way in which tools and equipment of all kinds are used to limit bodily stress and maximize productivity) is also a good response to COVID-19. Getting up and moving around at least hourly for five minutes or so is important for those who work at desks, or at a station requiring them to remain for periods of time in awkward, uncomfortable or static positions.

While there are reasons to hope that the bad health and economic effects of COVID-19 might subside, if not at once than as we move into the latter months of 2021, none of us knows what difficulties may lie ahead. Whatever they may be, we all must strive to do our best, and, in construction, protecting the safety and health of our employees is a primary obligation.

About the author: Geoffrey S. Pope, Esq. is Of Counsel to the construction law firm of Welby, Brady & Greenblatt, LLP, with its main office in White Plains, NY. The articles in this series do not constitute legal advice, and are intended for general guidance only. Please contact legal counsel promptly if you receive an OSHA citation, or have questions concerning matters relating to construction safety or OSHA compliance.

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# Regional Bid Alert

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## NYSDOT - Region 8

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264412  
PIN# 881363  
FA Proj.# Z240-8813-633

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., bridge washing/deck sealing NYSDOT Region 8, region-wide.

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

Goals: DBE: 3.00%

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264425  
PIN# 881541  
FA Proj.# Z0E1-8815-413

Project Description: Westchester Co., 11.5 Miles of asphalt concrete milling & paving on Routes 9, 22, 120, 120A & 443 in the Towns of Greenburgh, Harrison, Mount Pleasant & North Castle & Villages of Harrison, Sleepy Hollow & Tarrytown, night time work, No Plans.

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

Goals: DBE: 10.00%

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264415  
PIN# 881424  
FA Proj.# Z001-8814-243

Project Description: Westchester Co., catch basin repairs Saw Mill River Parkway, Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: DBE: 10.00%

## NYSDOT - Region 9

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264416  
PIN# 935843  
FA Proj.# Z001-9358-433

Project Description: Otsego Co., crack and seat rehabilitation on I-88 in the Towns of Milford and Maryland., PLA Candidate.

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

Goals: DBE: 5.00%

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264429  
PIN# 901344  
FA Proj.# Z231-9013-443

Project Description: Sullivan Co., cold-in-place recycling,

NY RTE 42, Towns of Thompson, Fallsburg.

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

Goals: DBE: 3.00%

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264445  
PIN# 950121  
FA Proj.# Z001-9501-213

Project Description: Broome Co., resurfacing I-81, Town of Kirkwood, City of Binghamton, night time work.

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

Goals: DBE: 5.00%

## NYSDOT - Region 10

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264418  
PIN# 081037  
FA Proj.# Z230-0810-373

Project Description: Suffolk Co., 9.0 Miles of asphalt concrete rehabilitation on Sunrise Highway service roads & I-495 (Long Island Expressway) South Service Road in the Towns of Huntington and Islip, night time work, priority award requirements, No Plans.

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

Goals: DBE: 10.00%

### Bid Letting Date: Feb. 4, 2021

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264431  
PIN# 081036  
FA Proj.# Z001-0810-363

Project Description: Nassau, Suffolk Cos., 5.1 miles of concrete pavement repairs Nassau and Suffolk County.

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

Goals: DBE: 10.00%

## NYS Dormitory Authority

### Bid Due Date: Feb. 9, 2021

Title: City University of New York, Brooklyn College, Whitehead Hall Roof Replacement and Associated Asbestos Abatement

Contract: CR16 General Construction

Project# 3506009999

Sealed bids for the above work located at Brooklyn College, Whitehead Hall, 2710 Campus Road, Brooklyn, New York 11210 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York ("DAS-

NY") 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.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids.

All bid openings will be made available for viewing live via Zoom at [www.zoom.us](http://www.zoom.us). To enter the meeting, select "Join a Meeting" then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on Feb. 9, 2021 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Robert Thelian, Sr. Project Manager, DSANY Field Office, 2900 Bedford Avenue, Brooklyn, New York 11210, 718-421-2621, [rthelian@dasny.org](mailto:rthelian@dasny.org) (the Owner's Representative) and DASNY at [contracts@dasny.org](mailto:contracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Virtual Pre-Bid meeting will be set up via Camelot Printing. Contact Robert Thelian at 718-421-2621. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated July 28, 2020 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated July 28, 2020 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website; <http://www.dasny.org>.

*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

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## PERSPECTIVE

# Deteriorating Infrastructure, Growing Investment Gap Will Reduce U.S. G.D.P. by \$10 Trillion in 20 Years

WASHINGTON—A newly released report states that infrastructure inadequacies will stifle U.S. economic growth, cost each American household \$3,300 a year, cause the loss of \$10 trillion in GDP and lead to a decline of more than \$23 trillion in business productiv-

ity and the inefficiencies that will result will have a cascading effect on the economy, increasing the burden on families, business productivity and overall GDP year after year.

The ASCE study comes a month after a report by the TRIP, a Washington, DC based na-

ture and the inefficiencies that will result will have a cascading effect on the economy, increasing the burden on families, business productivity and overall GDP year after year.

major sectors like manufacturing, health care, housing, food services, recreation and more would also be harmed. The study finds that U.S. manufacturers are especially vulnerable to underinvestment because the production of goods—such as cars, chemicals, foods and

in 2039. The report estimates that about 47% of the jobs lost in 2039 will be in high wage and high production jobs including manufacturing, finance, insurance and real estate, professional services and healthcare.

“America’s infrastructure bill is overdue, and we have

projected impacts exponentially escalate—can be prevented with prioritized investments. These investments will safeguard against:

- 80% of gross output losses, or \$18.8 trillion. This is about three times the manufacturing industry’s gross output in 2019.

- 79% of GDP declines, or \$8.1 trillion. This is more than two times Germany’s annual GDP in 2019.

- 78% of disposable household income losses, or \$7.6 trillion. This is half the total combined disposable income of all Americans in 2019.

This analysis finds that with an increased investment of \$281 billion a year—\$5.48 more per household a day—the U.S. can eliminate this drag on the economy, protecting by 2039:

- \$10 trillion in GDP
- More than \$23 trillion in total output (primarily business sales)

- More than three million jobs in 2039

- More than \$3,300 in a family’s annual disposable income each year from 2020 to 2039, which is over half of the average American household’s monthly expenditure of \$5,102.

“Once again, the American Society of Civil Engineers has demonstrated, in stark detail, the high price Americans pay for failing infrastructure,” said Rep. Earl Blumenauer (D-OR). “The cost of inaction is too great for Congress to sit idly. I look forward to working with ASCE, President-elect Biden and Secretary Buttigieg to finally get the job done and rebuild and renew America.”

“Infrastructure is a budget busting issue for America’s communities and families. So many local governments are struggling to balance their budgets due to the additional financial pressures of COVID-19. Meanwhile, Washington has failed to step up on infrastructure,” said Clarence Anthony, CEO and Executive Director, National League of Cities. “America’s cities, towns and villages are ready to work with Congress, President-Elect Biden and his administration to break out of this vicious cycle of emergency repairs and get our nation’s infrastructure fixed.”

A research team comprised of EBP, Downstream Strategies, Daymark Energy Advisors and the Interindustry Forecasting Project at the University of Maryland (INFORUM) worked with ASCE to develop this study.



*“America’s infrastructure bill is overdue, and we have been ignoring it for years. There’s no better way to jumpstart the economy, while also lessening the financial burden on businesses and families, than by making a down payment on our infrastructure now—transit systems, bridges, water treatment plants, and the grid—to ensure these systems are sustainable, resilient and safe for communities across the nation.”*

—Tom Smith, ASCE Executive Director

ity cumulatively over the next two decades if the U.S. does not close a growing gap in the investments needed for bridges, roads, airports, power grid, water supplies and more, according to a recently released economic study.

The report from the American Society of Civil Engineers (ASCE), “Failure to Act: Economic Impacts of Status Quo Investment Across Infrastructure Systems,” finds that continued underinvestment in infrastruc-

tional transportation research nonprofit, found that deteriorated and congested roads and bridges cost New York motorists a total of \$26 billion statewide annually. The TRIP report calculated the cost for poor road and bridge conditions averaged out to nearly \$3,000 per driver in the New York-Newark-Jersey City urban area due to higher vehicle operating costs, traffic crashes and congestion-related delays.

ASCE stated in its report that

metals—requires energy, water, transportation systems and ports for those of goods being shipped, including to international markets. If the infrastructure investment gap is not closed, the report stated that U.S. exports will be reduced by \$2.4 trillion and the country will lose \$4 trillion in trade, which will lead to the national trade deficit to balloon by \$626 billion by 2039.

Jobs losses nationally will amount to three million jobs

been ignoring it for years,” said Tom Smith, ASCE Executive Director. “There’s no better way to jumpstart the economy, while also lessening the financial burden on businesses and families, than by making a down payment on our infrastructure now—transit systems, bridges, water treatment plants, and the grid—to ensure these systems are sustainable, resilient and safe for communities across the nation.”

Between now and 2039, the ASCE report estimates that nearly \$13 trillion is needed across 11 infrastructure areas: highways, bridges, rail, transit, drinking water, storm water, wastewater, electricity, airports, seaports and inland waterways. With planned investments in infrastructure currently totaling \$7.3 trillion, that leaves a \$5.6-trillion investment gap by 2039.

The report finds that the infrastructure investment gap persists. The investment gap for surface transportation investment continued to grow from the previous study in 2016—from \$1.1 trillion over 10 years to \$1.2 trillion over 10 years. In some areas, increased investments from the federal and state level have helped shrink the investment gap or hold it steady, including in inland waterways, ports and to a lesser extent, aviation. However, in the areas that are most recognizable to Americans—water, wastewater and surface transportation—the nation is falling farther behind.

However, the report stated that most of the economic declines from worsening infrastructure—particularly those forecast from 2030-2039, when



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## WHO'S NEWS &amp; WHAT'S NEW

## Polly Trottenberg Named Deputy Transportation Secretary

WASHINGTON—New York City's former Department of Transportation commissioner, Polly Trottenberg, will join the Biden administration as deputy transportation secretary. She will serve as second-in-command to President Joe Biden's pick for transportation secretary, the former presidential candidate and mayor of South Bend, IN, Pete Buttigieg.

"Our nation needs a safe, equitable and environmentally sustainable transportation system that creates jobs and supports economic recovery," Ms. Trottenberg tweeted on Mon., Jan. 18. "Looking forward to working alongside @PeteButtigieg and the USDOT team to build back better."

Ms. Trottenberg served under Mayor Bill De Blasio since 2014 when she served as commissioner of NYCDOT. Prior to returning to her native New York, she served in the Obama administration as undersecretary of transportation policy.

Ms. Trottenberg also worked with the Metropolitan Transportation Authority on congestion pricing for most non-commercial vehicles south of 60th Street in Manhattan. The



Polly Trottenberg

legislation passed in the New York State budget in 2019 and was scheduled to be implemented in 2021 but was waiting on review from the USDOT.

The many initiatives she worked on included the Vision Zero program that was meant to eliminate all traffic deaths by 2024, expansion of cycling pathways throughout the city, including 84 miles of protected bike lanes, and the opening of car-free routes in the city.

Earlier in her career in public service, Ms. Trottenberg served as a transportation policy point person for Sen. Chuck Schumer. She grew up in Pelham, NY, in Westchester County.



Interior and exterior views of the NVRC, which has earned a Jeffrey J. Zogg Build NY Award. IMAGE COURTESY OF SYRACUSE UNIVERSITY.

## LeChase Project at Syracuse U. Earns Zoog Build NY Award

ARMONK, NY—LeChase Construction announced the firm has won a Jeffrey J. Zogg Build NY Award for construction of Syracuse University's National Veterans Resource Center (NVRC) at the Daniel and Gayle D'Aniello Building.

LeChase was Construction Manager-at-Risk for the 114,000-square-foot, three-story building. A first-of-its-kind facility, NVRC is a center for research and programs aimed at enhancing the lives of our nation's veterans and their families. It will also serve as a community hub for student-veterans and the entire Syracuse University campus.

The project involved construction of many unique design elements, including a full glass façade with decorative aluminum fins on the top floor, as well as a rooftop parade grounds,

the company stated. Inside, a towering tree-like feature wall—made up of 8,400 individual planks—arches across the ceiling outside of the center's auditorium. An extensive series of ramps in the center enables visitors to move between the entrances and the upper-level of the auditorium without use of stairs or an elevator.

The Associated General Contractors (AGC) of New York State has conducted the Build New York Award competition for the past 30 years. NVRC was among six winning entries in 2020. A nine-member jury of industry peers selected the winners based on outstanding managing skills, imagination, overcoming challenging and unusual circumstances, scheduling accomplishments and project innovation. The AGC will present the awards at an event in June.

## Holt Expands Operations With New Hires, Promotions

PEARL RIVER, NY—Holt Construction Corp. has announced the firm's expansion and major investment in new industry talent, as well as several internal promotions.

"We have always been committed to building the brightest, most experienced and diverse project teams," said Jack Holt, who is chairman. "Our firm is held tightly together by the glue that is our talent. Their training, backgrounds, and commitment to our clients have allowed us to deliver the most sophisticated projects in the most complex markets. We will continue to do so by attracting the industry's leading talent, and at the same time, promoting and growing our team."

Holt's investment in human capital comes at a time when the construction industry is entering a new era, where safety, capital budgets, and project delivery methods have all been impacted by COVID-19. "This incoming class of leadership at Holt highlights the dedication we have to delivering world-class, well-budgeted and seamless projects for our clients," said HCC President Christopher Asaro. "Our new hires, specifically those in management, operations, finance, and technology, will provide innovative leadership for our firm, while maintaining the core values and family-oriented culture that makes Holt one of the industry's best places to work."



Michael Fabean

The firm announced that Michael Fabean has joined the firm as managing director. Mr. Fabean has more than 30 years of industry experience.

Other additions at Holt include: Joseph Martinez, who also has 30 years industry experience, as director of Pre-construction at HCC. Alexandria Perotti, who has worked for Holt the past 11 years, has been named director of Corporate Initiatives & Strategic Planning.

Sean Camo, who has 25 years of corporate accounting experience, has joined the company as financial controller of HCC. Jessica Rondash has been promoted to manager of HCC's Corporate Strategy and Development.

In the construction operations section of the firm, Jackie Horowitz has joined the company as regional manager at HCC; John Alvarez joins HCC

Please turn to page 22

## BRI Names First Female President in 75-Year History

ARMONK, NY—The Building & Realty Institute announced recently it has named the first female president in the institute's 75-year history—Lisa DeRosa, president of DeRosa Builders, Inc., of White Plains.

Ms. DeRosa has been active in the BRI for years, serving as a vice chair of the BRI's Apartment Owners Advisory Council from 2016 to 2020 and as a member of that association's Board of Directors from 2006 to 2020. She has also been a member of the BRI's Negotiating Committee during its Labor Contract Negotiations with Local 32-BJ Service Employees International Union.

She was first elected to the BRI's Board of Trustees in 2016, and has served as secretary since 2018. The BRI made the announcement at its annual Holiday Networking reception held on Dec. 9.

"My goal is to bring the BRI to the forefront on all real estate matters and give the organization a greater voice," Ms. DeRosa said. "Whenever an issue occurs in the building and realty industries, I want the BRI to be the ultimate source in the Hudson Valley. We have so many useful resources and an abundance of knowledge. Many of our members have issues that need and deserve to be highlighted and addressed by the media and legislators. I want to amplify our members' voices and give the BRI a larger spotlight."



BRI President Lisa DeRosa

"We are thrilled to have such a strong leader with such deep ties to the BRI family at the helm as our organization gets ready for what Westchester will look like post-COVID," said Tim Foley, executive director and executive vice president of the BRI. "Lisa's story is the story of the BRI. She knows firsthand what it really looks like for a small business and family-run businesses to build and operate multi-family apartment buildings in Westchester. She knows exactly what it means to keep them afloat in good times and bad, and how to maintain safe, secure, and affordable homes that working families in White Plains depend on. We can't wait to share her vision and her story with decision makers in White Plains, Westchester, Albany and beyond."

The election of Ms. DeRosa continues a longtime link between her family and the BRI. Her late father, John DeRosa, served as president of the BRI in the 1960s and was a longtime member of the organization's Board of Trustees. Her late mother, Margit DeRosa, was a president and longtime member of the BRI's Women's Council.

Ms. DeRosa officially began her term on Dec. 9, 2020, when she took over the position of BRI President from Vincent Mutarelli, who as immediate past president will be chair of the Board of Trustees for the next year.

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## OBITUARIES

## CAI Award Recipient Matthew Joseph Ferri

Matthew Joseph Ferri, who was a recipient of a Construction Advancement Institute scholarship award in 2009, passed away on Nov. 29, 2020 at his residence in Yorktown Heights, NY at the age of 31.

Matthew's father Angelo Ferri is an owner at Rok-Built Construction of Yorktown Heights. No cause of death was released at press time.

Matthew was born on July 17, 1989 and lived in Cortlandt Manor his entire life until recently when he moved to Yorktown Heights. He earned his bachelor's degree in Allied Health Sciences with a concentration in Health Sciences and a minor in Biological Sciences from the University of Connecticut in 2012. While in school he interned at Mt. Sinai Center for Eosinophilic Disorders completing 264 hours of shadowing doctors during endoscopic procedures and helping with research projects. After graduating from the University of Connecticut, he worked for TransCare EMS as a full time Emergency Medical Technician while performing more than 300 hours of clinical rotations with paramedics. He was most proud of his various certifications including NREMT Nationally Certified EMT, NY State Certified EMT-B, CT State Certified EMT, NHA Certified EKG/EEG Technician, NHA Certified Phlebotomy Technician and AHA BLS Provider (CPR and AED).

Recently, he worked for Care-Mount in the Neurology Department while being a volunteer at Yorktown Ambulance Corp (YVAC). Matthew had a passion for helping others which contributed to him pursuing a career in the medical field. He had a thirst for medical knowl-



edge and had aspirations to become a Physician Assistant. He cared for his grandparents whom he loved and adored. He enjoyed challenging himself by building computers even if that meant pulling all-nighters. He also loved working on his car.

He is survived by his loving parents, Kathy and Angelo Ferri of Cortlandt Manor; his twin sister, Lia Ferri (Philip Honovich) of Rye; his younger sister, Danielle Ferri of Mineola and his beautiful niece, Sofia Honovich of Rye. He is also survived by his maternal grandparents and his dearest paternal grandmother, Anna Ferri, as well as many aunts, uncles and cousins.

Lia Ferri is also a past CAI scholarship awardee. She is a financial manager for Synchrony. Danielle Ferri is a two-time CAI scholarship winner and is a senior underwriter with QBE, where she performs construction risk and other underwriting.

In lieu of flowers, the family requests in honor of Matthew J. Ferri that donations be made to the following charities: Mount Sinai Center for Eosinophilic Disorders (<https://giving.mountsinai.org>) and SPCA of Westchester, Inc (<https://spca914.org/>).

## Construction Executive Joseph Servidone

Joseph Anthony "Mr. Joe" Servidone, a highly respected industry executive who served as chief executive officer of heavy highway contracting firm Servidone Construction of Castleton, NY, died on Dec. 31, 2020 at the age of 82.

Mr. Servidone was a native of Schenectady, NY and lived in East Greenbush, NY.

Mr. Servidone graduated from Mont Pleasant High School 1957, and completed a year at HVCC studying Civil Engineering. He joined his father's company, Servidone

Construction, which he became a company official until 1967. With the death of his father, Anthony Servidone in 1968, he became the company's CEO. Under his direction Servidone Construction Corporation expanded throughout the Northeast and took on work in the South, namely Mississippi, Alabama, Florida, North Carolina and Texas.

As a direct result of his leadership, Servidone Construction Corporation developed excellence and expertise in the construction field. The company was listed among the Top 400 contractors in the nation as reported by the *Engineering News Record* and has also received numerous construction performance and safety awards.

Mr. Servidone was an icon in the heavy highway construction sector. "He was decisive, determined, and had boundless energy behind his passion for construction and the industry," said his son, Mark Servidone. "He had the ability to face challenges and succeed. He was well known as a driven leader in performing projects completed on time with every detail covered to perfection."

Benefitting from his leadership and achievement, Servidone Companies (A. Servidone, Inc. Contractors/Engineers, B. Anthony Construction Corp. and its affiliated companies) continue to operate as a third-generation enterprise. The company recently completed a major project for the New York State Thruway Authority, installing a cashless tolling system that include gantries and lane reconfigurations along the network.



Mr. Servidone was an avid sportsman who traveled most of the country to hunt outdoor wildlife in addition to enjoying sporting clays, he also enjoyed running his beagles and bird dogs. As a pilot, he cherished his private aviation for business and pleasure, traveling the world with his family. As a musician he played acoustic guitars and enjoyed hosting parties with singalongs.

In a company statement, it was noted that "Mr. Servidone will be remembered as a man with class, integrity,

family man, friend and mentor to many people. He touched the lives of all that were associated with him."

He was born on July 10, 1938, the son of the late Antonio "Anthony" Servidone and Lorenza "Laura" Grasso Servidone. He was predeceased by his brother, Donato "Don" Servidone (wife Joan) and Theresa Servidone. He is survived by his wife, Ann Rielly Servidone, a sister Antoinette (Patrick) Maney, his three sons and daughters, Mark (Shelley), Anthony, Joseph Jr., Laura Servidone, and two stepdaughters, Vickie O'Neil and Cindy Valdez. He is also survived by seven grandchildren, Jena Servidone, Chris Farnan, Nicholas Servidone, Bella and Lillian Koenig, Charles O'Neil Jr. and Jennifer O'Neil. He is also survived by four nieces and nephews, Anthony S. Maney, P.T. Maney, Jaimie Servidone and Andrea Servidone Pelto.

A funeral mass was held at the historic St. Mary's Church, Lodge Street, Albany on Jan. 9, 2021. In lieu of flowers, the family requests contributions may be made in honor of Joseph A. Servidone to any of three organizations: The St. Peter's ALS Regional Center located at 19 Warehouse Row, Albany, NY 12205; to the Friends of Blue Grapplers/Columbia Wrestling, with checks payable to the Columbia Wrestling Booster Club located at 962 Luther Road, E. Greenbush, NY 12061; or to Equinox, visit <https://equinoxinc.networkforgood.com/projects/111817-tim-condon-and-april-s-fundraiser>.

## LOW BIDS

### Perfetto, ELQ, Constar, Callanan Named for NYSDOT Projects

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

**Perfetto Enterprises Company Inc.** of Staten Island, NY was the lowest of 17 bidders at \$910,925.85 for ADA Requirements Contract—New York City.

**ELQ Industries Inc.** of New Rochelle, NY was the lowest of nine bidders at \$1,992,869.20 for pavement resurfacing, Rte. 45, Town of Ramapo, Village of Chestnut Ridge, NY in Rockland County.

**Constar Inc.** of Central Islip, NY was the lowest of 13 bidders at \$10,745,454.60 for bridge joint replacement and deck joint resealing at multiple locations throughout New York City.

**Callanan Industries Inc.** of Albany, NY was the lowest of nine bidders at \$18,442,478.71 for Interstate 84 resurfacing Route 6 to Route 17 M in Orange County.

## Holt Expands Operations

**Continued from page 21**  
as managing executive of Holt's Houston operations, and Richard Coleman has been named account executive of the firm's Mission Critical | Technology.

In the marketing and business development section,

Stacey Blume has joined the company as director of marketing; Chris Cesario was named director of business development and Dan Depew has joined the company as associate of Business Development – Hudson Valley Region.

## NY HERO Act Gains Support In State Assembly, Senate

Continued from page 18

forts by giving workers the tools to protect themselves while on the job. I appreciate the support for this proposal from my colleagues in both houses."

Assembly Member Karines Reyes said, "During the pandemic, we have seen profits rise at the expense of the health of our essential workers who do not receive essential protections. We must pass the NY HERO Act to ensure that corporations profiting from the labor of our communities are doing their fair share in ensuring that those workers are able to do their jobs safely."

The NY HERO Act, or the New York Health and Essential Rights Act, would require the Departments of Labor and Health to implement enforceable minimum standards for workplace safety. The regulations must include protocols on testing, PPE, social distancing, hand hygiene, disinfection, and engineering controls. Employers would be permitted to establish individual regulations for their businesses that exceed state requirements.

Workers would also be given a direct role in monitoring and reporting violations through workplace health and safety committees that would be empowered to raise complaints and report violations. The bill would protect

employees from retaliation for utilizing their rights under the law.

The NY HERO Act is supported by more than 100 labor, community, and safety organizations.

Mario Cilento, president of the New York State AFL-CIO said, "Right now, unlike public sector workers who have protections, there are no statutory protocols for private sector workers in terms of how to respond to infectious diseases. If this pandemic has taught us anything, with tens of thousands of workers succumbing to this virus, it's that we need to make the health and safety of workers a priority."

He added, The NY HERO Act will serve as a necessary template to ensure the safety, health and well-being of everyday working heroes now and into the future. It would be a shame if we don't learn from this terrible situation. Passing the HERO Act will save lives, plain and simple."

Senate co-sponsors include Senate Labor Committee Chair Jessica Ramos and Senators Brian Benjamin, Andrew Gounardes, Robert Jackson, Rachel May, Julia Salazar, James Sanders and Diane Savino.

Assembly co-sponsors include Assembly Members Chris Burdick, Carmen De La Rosa, Richard Gottfried, Donna Lupardo, Michael Montesano, Nily Rozic and Rebecca Seawright.





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