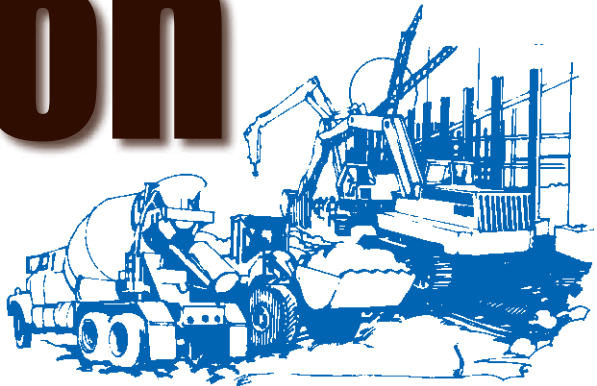




# Construction NEWS



Vol. 37 No. 3

MARCH 2021

\$1.50



## Crews Springing Back

With warmer weather arriving, construction work on the bridge replacement project at Ravensdale Road over the Saw Mill River Parkway in Hastings-on-Hudson in Westchester is picking up. The \$18-million project, a steel-beam bridge with cantilevered pile-supported abutments, replaces a dual-span with a single 203' span. Completion of the project, performed by ECCO III Enterprises, Inc., of Yonkers, is scheduled for June 2021.

Photo Credit/MARGARET FOX PHOTOGRAPHY

## NYS to Receive \$100B From COVID Relief Plan

By JOHN JORDAN

NEW YORK—All corners of New York State hailed the passage of the \$1.9-trillion American Rescue Plan, which is now in place to help state and local governments, transit agencies, businesses and other enterprises cope with the economic fallout from the coronavirus pandemic.

Prior to its passage on March 11, government leaders warned of widespread cutbacks in programs, projects and services. Now, with the infusion of billions of dollars being pumped back into New York State and municipal budgets—along with billions more to be spread across the public and private sectors—public works and private business activity will move forward.

No doubt the construction industry will be required to adjust to the forces in a post-COVID environment, but the latest COVID relief measure will fill budget shortfalls and prevent cutbacks that would have put tens of thousands out of work.

Speaking at his office in New York City, U.S. Sen. Chuck Schumer announced on March 7

that the American Rescue Plan would have an impact on New York State that approaches \$100 billion. As part of the deal, more than \$23.8 billion flows directly to New York State government(s) on top of increased education funding, transit funding and highways, vaccine distribution, COVID health funding, emergency rental and housing assistance.

“Back in November, the American people and New Yorkers sent a crystal-clear message to the previous administration: ‘Deliver the robust COVID relief this country needs or get out of the way,’” Sen. Schumer said. “The deal we reached with the help of a new president, and a new democratic Senate marks real relief to the tune of \$100 billion for workers, families, healthcare and small businesses, including our hard-hit industries like restaurants—the things we need to support in order to weather this crisis and then work to recover.”

He added, “This marks the second biggest stimulus bill in the nation’s history—second to the CARES Act—and it comes just in time,

Please turn to page 7

## Contractors Applaud Westchester IDA For Adopting New ‘Local Hire’ Policy

### Ruling to Boost Jobs for Local Trades, Bolster Jobsite Safety

By JOHN JORDAN

TARRYTOWN, NY — A leading business trade organization in the Hudson Valley is hailing the Westchester County Industrial Development Agency for approving a new labor policy that will require incentivized project developers to hire 85% of their construction workers from the local area. The policy also calls for measures to increase jobsite safety, including drug screening and federal training.

“We applaud the Westchester IDA for the new policy that was the result of extensive negotiations among a number of stakeholders, including county government, the IDA and local labor leaders,” said John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. “If development projects receive county subsidies in the form of incentive financing through the IDA, it should be the local taxpayers

who also benefit from the jobs these building projects create.”

Mr. Cooney said companies employing local building tradespeople have been shut out of the bidding process from significant portions of new development projects. “De-

velopers that benefitted from IDA financial incentives could skirt more stringent labor policies and safety practices that contractors must meet when bidding on county public works projects.”

According to the IDA policy,



The Westchester County Industrial Development Agency’s Board of Directors is expected to discuss at its April meeting an opt-out clause for developers if they negotiate a Project Labor Agreement with the building trades.

companies benefitting from its incentive programs “should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices, including those who have returned from military service, during the construction phase of projects.”

“Construction jobs are vital to the overall employment opportunities available to county residents,” said Cooney. Please turn to page 12

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# Energy Projects Surge in Hudson Valley, Topping \$1 Billion in Work for Trades

By JOHN JORDAN

The Mid-Hudson Valley region could benefit from more than \$1 billion in energy-related projects over the coming year. In Orange County, alone, two projects—an upgrade of an existing energy plant, and another involving the upgrade of existing transmission lines between Rock Tavern and Sugar Loaf—have an estimated value of \$600 million in construction. A separate transmission line project, which will run from Rensselaer County to Dutchess County, is valued at more than \$500 million and broke ground earlier this month.

In recent developments, the New York State Public Service Commission this month deemed complete the Danskammer Energy’s Article 10 application before the State’s Siting Board, which was filed in December 2019.

Business leaders and officials with Danskammer Energy now await a ruling from the PSC so that the project can proceed. The \$500-million Danskammer Energy project in Newburgh would convert the aging plant into a 535-megawatt energy facility.

In view of the project’s Article 10 application acceptance by the PSC, Michelle Hook, vice president of public affairs with Danskammer Energy, LLC, said “We at Danskammer Energy look forward to the Siting Board’s review of our application, and engaging with the community and stakeholders through the public comment phase of our review. Our upgrade project has much to offer New York including cleaner air and lower energy prices. Installing this new technology also opens the door for green hydrogen as a future source of power for the Hudson Valley. We want very much to be a part of New York’s clean energy future and this project would allow us to do just that.”

It appears the state is slowly moving toward a ruling on the Danskammer project. The New York State Board on Electric Generating Siting and the Environment has scheduled two virtual public hearings on Danskammer’s pending Article 10 application on March 31 at 1 p.m. and 6 p.m.

Earlier this year, the Danskammer project received a major endorsement from organized labor. In a letter to PSC Chairman John B. Rhodes, New York State AFL-CIO President Mario Cilento said, “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 noted that Danskammer signed a Project Labor Agreement for the construction of the repowered facility, and it

has agreed to union neutrality for the operations of the project. He estimates that the project will generate 450 construction jobs and additional permanent jobs upon completion and operation of the facility.

Meanwhile, a \$530-million project called New York Energy Solution broke ground in early March. The project, being undertaken by New York Transco, will upgrade energy transmission from Rensselaer County to Dutchess County with a new 345-kilovolt transmission line across 54.5 miles. The first phase of the project, estimated to cost approximately \$5 million, will involve construction at the Churchtown Switching Station in Claverack, Columbia County and includes the installation of a temporary bypass electric line and rebuilding of the existing Churchtown Switching Station. Phase II work, which comprises



A \$530-million project, called New York Energy Solution, broke ground in early March. The project, being undertaken by New York Transco, will upgrade energy transmission from Rensselaer County to Dutchess County with a new 345-kilovolt transmission line across 54.5 miles.

all other aspects of the project, was recently filed for regulatory review and could begin construction later this spring.

New York Transco is owned by affiliates of National Grid, Con Edison, AVANGRID and

CH Energy Group.

The New York Energy Solution transmission project will help alleviate electricity bottlenecks that currently exist and allow for greater use of clean energy produced upstate, while

also improving grid resiliency and storm hardening. It will upgrade and replace existing 80-year-old structures with about 230 fewer structures that are more modern. The project will be in existing electric transmission corridors or on adjacent utility-owned land in the Town of Schodack in Rensselaer County; the towns of Stuyvesant, Stockport, Ghent, Claverack, Livingston, Gallatin, and Clermont in Columbia County; and the towns of Milan, Clinton, and Pleasant Valley in Dutchess County. The project is anticipated to be in-service by the end of 2023.

The New York State Public Service Commission approved a Certificate of Environmental Compatibility and Public Need for the project at its Feb. 11, 2021 meeting.

“The development of a clean, Please turn to page 21



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VIEWPOINT

# Keep New York State Moving Forward By Investing in Local Roads and Bridges

By JOE WISINSKI

As our leaders in Albany craft this year’s budget, it’s important that the final agreement keeps New York moving forward—literally. The New York State County Highway Superintendents Association is calling on our leaders in Albany to deliver fair funding for local roads, bridges and culverts.

Since the start of the pandemic, elected officials in every community of the state have emphasized the importance of keeping New Yorkers safe. We agree with their calls which is why we’re advocating for fair funding for transportation infrastructure. Every day millions of residents—nurses, teachers, first responders, and families—drive in cars or buses to get to their destinations. In total, there are more than 12



million licensed drivers and 11 million registered vehicles in New York, according to data from the U.S. Department of Transportation.

Unfortunately many New Yorkers are at risk due to the unsafe conditions of aging roads and bridges. According to a 2020 report from TRIP, a

private nonprofit organization that researches transportation issues, 25% of New York’s major locally and state-maintained roads are in poor condition and another 22% are in mediocre condition. Additionally, 10% of locally and state-maintained bridges were rated structurally deficient. That’s simply unsafe and unacceptable.

Our elected leaders can help keep New York’s motorists safe by investing in our transportation infrastructure through existing state programs. With billions in new federal aid on the way, we’re calling for a \$588-million investment in the Consolidated Local Street and Highway Improvement Program (CHIPS), \$100 million for the Extreme Winter Recovery Program, \$200 million each for PAVE-NY and BRIDGE-NY, as well as the restoration of \$120.6 million which was cut from municipalities’ transportation funding last year.

Improving our aging roads and bridges isn’t just a safe

New York’s deficient roads cost drivers \$7 billion in additional vehicle operating costs each year. With fair funding for local roads and bridges, drivers across the state could save up to \$573 on average. Creating jobs and saving motorists money is a win-win scenario.

Unlike many of the issues that dominate debates in Albany, fair funding for transportation infrastructure is not a partisan issue. People of every political stripe rely on local roads and bridges every day. Investing in local roads bridges is essential to keeping motorists safe and getting our economy back on track. We look forward to working with our leaders in Albany to secure this investment and keep New York moving forward.

*About the author: Joe Wisinski is president of the New York State County Highway Superintendents Association.*

**Investing in transportation infrastructure will help get people back to work. Each \$150-million increase in funding for local roads, bridges and culverts creates up to 4,200 highway construction-related jobs.**

investment—it’s a smart one. According to data from the U.S. Department of Labor, more than 1.6 million New Yorkers are unemployed. Investing in transportation infrastructure will help get people back to work. Each \$150-million increase in funding for local roads, bridges and culverts creates up to 4,200 highway construction-related jobs. The 2020 TRIP report also found that



## Construction NEWS



Vol. 37 No. 3

MARCH 2021

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TYPOGRAPHY/DESIGN/PRINTING

Westmore News, Inc.

Construction Industry Council  
of Westchester & Hudson Valley, Inc.

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

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

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## NYS 2021-2022 Budget

# Transportation, MTA, Enviro Bond Act on List

By JOHN JORDAN

ALBANY—As budget negotiations continue in the state capital, it appears that state legislative leaders believe transportation and infrastructure spending will be critical in the state’s battle to revive its economy from the ill effects of COVID-19.

The New York State Assembly Majority and the New York State Senate Majority each released key components of their proposed budgets for State FY2021-2022. The funding targets for roads and bridges, mass transit and water infrastructure are noteworthy even though the state is still dealing with the economic fallout from the coronavirus pandemic. The State Senate is calling again for a \$3-billion voter referendum in November, now relabeled the “Clean Water, Green Jobs, Green New York Environmental Bond Act.”

On March 13, the Assembly reported its budget proposal calls for \$11.3 billion in transportation operating and infrastructure spending in the next budget.

Assembly Speaker Carl Heastie, Transportation Chair William B. Magnarelli, and Corporations, Authorities and Commissions Chair Amy Paulin announced that the Assembly spending plan for the state’s transportation network includes a \$504-million increase in funding for the Department of Transportation’s two-year capital plan and restores \$137 million in operating aid for the Metropolitan Transportation Authority.

“Every day, millions of New Yorkers rely on public transportation and quality roads and bridges to live their everyday lives,” said Speaker Heastie. “The transportation funding included in the Assembly budget makes critical investments in our economy and provides necessary funding for the MTA and other transportation networks throughout the state that have been hard hit by the COVID-19 pandemic,

as well as infrastructure funding to improve aging roads and bridges.”

The Assembly budget provides funding to maintain the state’s roads, bridges and highways, while making a critical investment in our economy and job creation. The Assembly plan proposes:

### CHIPS, Pave-NY, Marchiselli

- \$503.1 million for the Consolidated Highway Improvement Program (CHIPS), which includes \$65 million for extreme weather recovery;
- \$45 million for passenger rail projects, an increase of \$35 million above the executive proposal, including funding to update previous high-speed passenger rail studies in anticipation of potential new federal funding for Amtrak;
- \$37.5 million for freight rail funding, a \$20-million increase above the executive proposal;
- \$200 million for Bridge NY, a \$100-million increase above the executive proposal;
- \$200 million for Pave NY, a \$100-million increase above the executive proposal;
- \$208.5 million in non-MTA transit capital funding, which reflects an \$84-million increase above the executive proposal;
- \$39.7 million for the Marchiselli Program, which provides a local match to federal funds for local highway and bridge capital projects;
- \$100 million for State Route NY, a new grant program to reimburse cities, towns and villages for the cost of local capital projects on N.Y. or U.S. signed State Touring Routes that run through them.

In addition to the funding provided in the Assembly budget, the proposal also includes language to ensure the DOT provides the Legislature with pavement and bridge condition reports and capital plan project lists.

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# Next Gen Leaders

*Profiles of the Industry’s New Generation*



## Jess Balint

**AGE**  
34

**CURRENT POSITION**  
Commercial Union Journeywoman Carpenter,  
Building project at White Plains Hospital

**FORMER EMPLOYER OR PROFESSION**  
Prior to my work for the past seven years as a carpenter, I worked in various jobs, including retail management, childcare and as a behavioral health assistant for kids in group-home settings.

**ON THE JOB**  
What do I like about it? The financial stability of a good hourly wage and the benefits. Collective bargaining agreements and an incredible history of labor organizing efforts have ensured (for now) that union construction trade jobs are well-paid jobs for the people who do them every day. It’s hard work, but I feel privileged to have the opportunity.

**EDUCATION**  
SUNY-Albany, B.A. dual major, English and Studio Art, 2010.

**PROUDEST ACCOMPLISHMENT TO DATE**  
Walking side by side with my Union Brothers and Sisters in Washington D.C. during the Women’s March on Jan. 21, 2017. It was a really notable moment of solidarity. I’ll never forget it.

**LICENSES & CERTIFICATION**  
UALE Northeast Summer School Professional Training for Women at UMASS-Amherst, AFL-CIO Women in Leadership Development programs.

**FAVORITE WORDS OF WISDOM**  
“As we come marching, marching, we bring the Greater Days.  
The rising of the women means the rising of the race.  
No more the drudge and idler—ten that toil where one reposes—  
But a sharing of life’s glories: Bread and Roses, Bread and Roses.”  
—James Oppenheim, 1911

**MOST INSPIRATIONAL PERSON**  
My sister, Erica, who is an ICU nurse and has endured so much through the COVID pandemic, as well as the hard-working, middle-class Union breadwinners whom I meet every day on the job. Average-though-exceptional people who battle the workday and strive to better themselves and their communities inspire me. I grew up in a blue-collar family from Upstate, NY. I think I just have compassion for men and women who bring me back to my roots. I work in a difficult industry where the culture can be by nature very competitive and tough on one another, so I think there are leadership qualities and a kind of obstinance to be found in practicing deliberate kindness; there’s value in being respectful.

**GOALS**  
To one day have a leadership position within my Union. To begin working toward an advanced degree in labor policy.

**PROFESSIONAL DEVELOPMENT**  
I chair our Sisters in the Brotherhood Committee, and I serve as a delegate for my local, L.U.279 of the Hudson Valley. I want women and minorities to know that building-trades jobs are an option for them, and they can be incredibly lucrative if you have it in you to work hard! I wasn’t told about this career path when I was growing up, so this has been a great opportunity to spread the message to others!

**HOBBIES/OUTSIDE INTERESTS**  
Kayaking, hiking, travel

*Researcher and Writer—Alan Kennedy*

## STRONG UNIONS BUILD STRONG COMMUNITIES

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Hawthorne, NY

Operating Engineers Local 15D  
Long Island City, NY

Laborers Local 17  
Newburgh, NY

Teamsters Local 456  
Elmsford, NY

Building Laborers Local 235  
Elmsford, NY

Ironworkers Local 417  
Wallkill, NY

Operating Engineers Local 137  
Briarcliff Manor, NY

Carpenters Local 279  
Hopewell Junction, NY

Ironworkers Local 40  
New York, NY



NYS to Receive \$100B From COVID Relief Plan Continued from page 1

because Americans and New Yorkers still need real help to get through this.”

The details and the tentative estimated impact on New York include:

**State and Local Fiscal Relief**

**\$23.8 billion for New York**—Total amount of funding provided to New York State through the state and local fiscal relief fund, to keep first responders, frontline health workers, and other providers of vital services safely on the job as states and local governments roll out vaccines and fight to rebuild Main Street economies. Funding can be used for assistance to households, small businesses, nonprofits, aid to impacted industries such as tourism, travel, and hospitality, investments in water, sewer, and broadband infrastructure, and to provide premium pay to frontline workers. Local governments of every size, including all counties, cities, towns, and villages, receive dedicated federal aid awards. A new \$10-billion capital projects program will also support state broadband deployment efforts. Funds are allocated in New York as follows:

- \$12.569 billion for New York State government;
- \$6.141 billion for New York City;
- \$3.907 billion for New York’s counties;
- \$825 million for New York’s small cities, towns, and villages;
- \$358 million for a New York State Broadband Investment Program.

**Additional Aid to New York**

- \$2.7 billion: Medicaid FMAP increase (\$2.1 billion already delivered from Sen. Schumer, pushing President Biden to extend through the end of the calendar year, in addition to approximately \$600 million from a targeted enhanced FMAP for home and community-based services from this legislation).

- \$7+ billion: New York Area Transit (\$6.5 billion to MTA) The New York State Department of Transportation will receive \$12 million directly to support rural transit systems. The remainder will support county bus services, and upstate transit agencies.

- \$418 million: for New York’s hard-hit airports to continue operating safely during the pandemic. Port Authority Airports will receive: \$218 million for JFK Airport, \$107 million for LaGuardia Airport, \$4 million for New York Stewart International Airport, and \$164 million for Newark Liberty Airport. This includes \$60 million in relief at the four airports for large and small concessionaire businesses that have been hard hit by the pandemic and unable to pay minimum guarantees to airports.

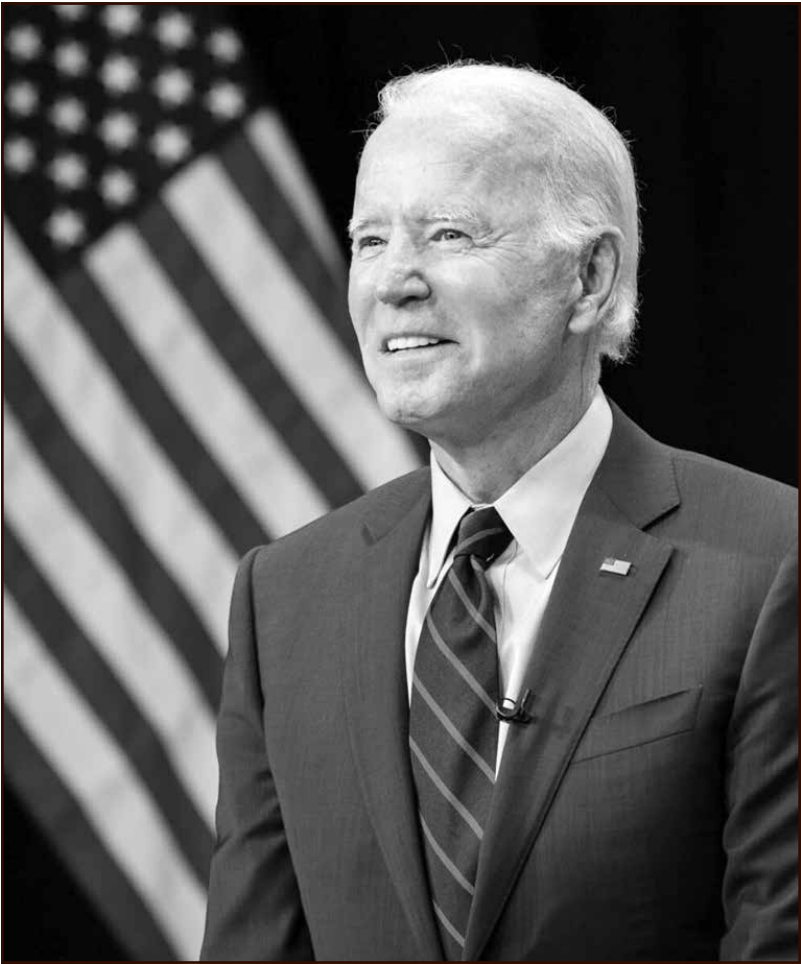
- \$1.7 billion: Relief for Amtrak to help maintain operations and other expenditures during the pandemic, especially in New York.

- \$15 billion: The CARES Act Airline Payroll Support Program which will save thousands of New York airline and airline contractor 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.

**Other Business-Related Funding**

- \$786 million: Earned Income Tax Credit payment to New York families;
- More than \$1 billion in additional Emergency Rental Assistance and assistance for preventing homelessness;
- \$575 million in mortgage and utility assistance for homeowners;
- An estimated \$21.7 billion for NY in Enhanced Unemployment Insurance Benefits;
- More Than \$22 billion in Direct Payments for NY: The American Rescue Plan includes an additional round of Economic Impact Payments of \$1,400 for individuals making up to \$75,000 per year and \$2,800 for couples making up to \$150,000 per year. Eligible families will also receive an additional \$1,400 payment per child and adult dependent, amounting to \$5,600 for an average family of four. Nearly 9 million New York households will receive another round of direct payments, helping them to cover essential expenses like food, rent or mortgages, and medical bills during this crisis;
- Roughly \$4 billion to support more vaccines, testing and healthcare in New York;
- \$28.6 billion for restaurants: A new restaurant relief fund, modeled on the widely supported, bipartisan

RESTAURANTS Act, which will provide flexible grants through the Small Business Administration (SBA) as a lifeline for New York’s restaurant industry, one of the hardest hit by the economic effects of the COVID pandemic. Food service or drinking establishments, including caterers, brewpubs, taprooms,



President Joe Biden’s \$1.9-trillion American Rescue Plan includes nearly \$24 billion for New York State, including investments in water, sewer and broadband infrastructure. Reports out of the nation’s capital is that the Biden administration will now look to pass a long-term infrastructure funding bill.

and tasting rooms, that are not part of an affiliated group with more than 20 locations will be eligible. To provide comprehensive support to local restaurants, grants from the fund could be used alongside first and second Paycheck Protection Program (PPP) loans, SBA Economic Injury Disaster Loan assistance, and the Employee Retention Tax Credit.

The new restaurants relief fund will be designed to provide flexible grants of up to \$10 million per restaurant group, \$5 million per individual restaurant, that can be used to cover payroll, mortgages or rent, setup for outdoor seating, PPE, paid leave, food and other supplies, or debt and other expenses. Grants can be spent on eligible expenses from 2/15/20 through 12/31/21 and the SBA Administrator may extend the period through two years from enactment if conditions warrant. \$5 billion of the \$25 billion total is reserved for restaurants with less than \$500,000 in gross receipts in 2019 for the first 60 days of the program. During the initial 21-day period, the administrator will prioritize awarding grants to eligible entities that are owned or controlled by women or Veterans or are socially and economically disadvantaged businesses.

- \$1.25 billion and a Key Fix for Save Our Stages: The bill provides an additional \$1.25 billion for hard-hit, independent-living venues, performing arts organizations, independent movie theaters and cultural institutions. The bill also includes a critical fix that allows venues to access a PPP loan and a Shuttered Venue Operators Grant, deducting the PPP loan amount from the grant amount. Including access to both programs will provide a much-needed source of additional capital as these struggling businesses and nonprofits try to stay afloat during the crisis.

- \$15 billion for SBA-targeted EIDL Grants: The funding will provide hard-hit, underserved small businesses with increased flexible grant relief. These grants will be particularly helpful for very small businesses and sole proprietors, which include over 90% of minority-owned businesses that have been disproportionately devastated by this crisis.

- Expanded PPP Eligibility for Nonprofits: This bill makes additional 501c nonprofits eligible for PPP. It also makes local offices of larger nonprofits eligible for PPP assistance as long as those locations are not larger than 500 employees for first PPP loans or 300 employees for second PPP loans, expanding access to vital relief for nonprofit organizations that are critical to local services and the economy.
- Community Navigator Program for Under-

served Businesses: \$100 million is included to fund community organizations and community financial institutions with a focus on and experience working in minority, immigrant, and rural communities to serve as community navigators to help connect small business owners in these communities to critical resources, including small business loans, business licenses, and federal, state, and local business assistance programs.

- \$10 billion for Small Business Opportunity Fund: This funding available through the Treasury Department is modeled on the State Small Business Credit Initiative and will support state and local capital and technical assistance initiatives for small businesses responding to and recovering from the pandemic, which will be particularly beneficial to minority-owned and other underserved small businesses.

- \$3 billion for Economic Development Grants, Including for Tourism and Travel: \$3 billion is included for the Economic Development Administration to provide flexible grants for rebuilding the local economies of communities that have experienced significant job loss from COVID-19. A \$750 million set-aside is included for assistance to states and communities that have suffered from job and GDP loss in the tourism, travel, and outdoor recreation sectors.

- Extended Employee Retention Tax Credit: The bill extends through the end of 2021 the refundable payroll tax credit designed to help employers keep more of their valued workers on payroll during this economic crisis. This tax credit is available to struggling New York companies and nonprofits of all sizes, and is equal to 70% of qualified wages up to \$10,000 per employee per quarter.

New York City and county governments in the Hudson Valley region will benefit greatly from the latest COVID-relief package. For more than a year since the pandemic first

emerged, county governments have experienced declining local revenues in the form of sales tax, hotel-occupancy taxes, mortgage-recording taxes and loss of gaming revenues. Besides the loss of other local fees, counties faced higher spending necessary to respond to the health emergency, the loss of state reimbursements, and the potential of significant losses for small businesses that threaten jobs and the property tax base over the short to midterm.

The American Rescue Plan includes \$3.8 billion for 57 counties (\$2.2 billion) of New York State, and the five boroughs (counties) of New York City (\$1.6 billion) based on population. New York City will receive another \$4 billion through CDBG formula funding. This funding can be used to respond to the public health emergency caused by the coronavirus as well as address the economic devastation that came with it, including assistance to households, small businesses and nonprofits, aid to impacted industries such as tourism, travel and hospitality. The funding may also be used to help governments provide services and make investments in water, sewer and broadband infrastructure.

“This historic legislation supports the local heroes who have been fighting this pandemic on the front lines and also makes key investments in the future prosperity of our communities,” said New York State Association of Counties President Jack Marren, chairman of the Ontario County Board of Supervisors.

NYSCEA President and Dutchess County Executive Marcus Molinaro added, “This is a victory for all of the counties in the State of New York and the residents we serve. In a time when so much of our politics is bitterly divided, county leaders from both ends of the political spectrum advocated for this package because it will help them help their communities recover from this pandemic.”

The following is a breakdown of county funding from the plan in the CIC/BCA market:

<b>Dutchess County</b>	<b>.....\$57,507,739</b>
<b>Orange County</b>	<b>.....\$75,240,226</b>
<b>Putnam County</b>	<b>.....\$19,217,590</b>
<b>Rockland County</b>	<b>.....\$63,678,594</b>
<b>Sullivan County</b>	<b>.....\$14,743,910</b>
<b>Westchester County</b>	<b>.....\$189,108,356</b>
<b>New York City</b>	<b>.....\$5,629,511,091</b>

Note: New York City receives funding based on population as well as the CDBG formula funding.

Source: New York State Association of Counties



Transportation, MTA, Enviro Bond Act on List

Continued from page 4

**MTA Funding Restored**

In terms of mass transit operations, the Assembly budget includes necessary funding for the MTA as well as other downstate and upstate transit systems. The Assembly restores tax revenues dedicated to transit systems which would provide:

- \$137 million for the MTA;
- \$16.7 million to non-MTA downstate transit systems, to provide total funding to non-MTA downstate transit of \$346.5 million; and
- \$9.7 million to upstate transit systems to provide total funding to upstate transit systems of \$223.6 million.

The Assembly budget also provides funding to programs that address transportation concerns throughout the state and ensure access to transportation networks that New Yorkers rely on. One of the programs included in the Assembly plan provides \$10 million to establish on-demand e-hail pilot programs in small urban and rural communities to improve access to workplaces and address transit deserts.

The spending plan also includes \$19 million to support the Verrazzano-Narrows Bridge Staten Island Resident Discount Program, an increase of \$5.2 million to provide an additional 20-cent discount per trip.

The Assembly is also looking to spend \$400 million for the state’s Environmental Protection Fund and another \$500 million for Clean Water Infrastructure projects, including \$200 million for the Water In-

frastructure Improvement Act; \$140 million for New York City; \$50 million for the Lead Service Lines Replacement Program; \$40 million for land acquisition; \$40 million for WIIA—emerging contaminants; and \$30 million for the Intermunicipal Water Infrastructure Grants Program.

On March 15, the Senate Majority passed its “one-house” budget resolution that delivers emergency aid to help New York recover from the COVID-19 pandemic. The Senate resolution increases total school aid by \$5.7 billion, provides billions of dollars in residential and commercial rental and foreclosure assistance, restores critical funding to the health care system, and jumpstarts the economy with investments in transportation and small businesses.

The Senate Majority’s one-house budget resolution also protects against AIM cuts to struggling municipalities, advances the \$3-billion Clean Water, Green Jobs, Green New York Environmental Bond Act, and authorizes mobile sports wagering.

“This budget process is a major opportunity to help lead New York through the ongoing dark days of the COVID-19 pandemic and lay the foundation to grow stronger in the future,” Senate Majority Leader Andrea Stewart-Cousins said. “The proposals in this resolution put forth fairness, fiscal responsibility, and smart investments to ensure economic stability and the delivering of services so many of our neighbors depend

on. This resolution is also a testament to our commitment to establishing fiscal equity and investing in the long-term success of New York State. The Senate Majority will continue to work diligently in the coming weeks to pass a timely, balanced and ethical budget.”

Some of the highlights of the Senate’s “one house” plan of interest to the construction industry include:

- Restores \$568 million in Statewide Mass Transportation Operating Assistance cuts and providing \$385 million in additional Statewide Mass Transportation Operating Assistance.
- Provides \$150 million to be added to the base amount for the Consolidated Local Street and Highway Improvement Program (CHIPS), for a total of \$588 million in CHIPS funding.
- Restores \$65 million for Extreme Winter Recovery and increases this critical funding by an additional \$35 million for a total of \$100 million.
- Provides \$100 million for an Urban Road Revitalization initiative to prioritize road repair in urbanized areas of the state.

The Senate also seeks to protect public transit workers by expanding the class of workers covered by enhanced penalties for assault and aggravated harassment of public employees, ensuring that these frontline essential workers are protected. The Senate is also calling for incorporating various highway safety measures, including protecting transportation workers,

increasing penalties for dangerous driving behaviors like failing to yield for pedestrians, and providing additional work zone enforcement and education programs. The initiative will include authorization for a work zone camera enforcement pilot program. The Senate is also looking to update the reimbursement rate for cities that provide maintenance on state-owned roads, which has been stagnant for more than 30 years.

In terms of environmental and water infrastructure financing, the Senate is calling for the authorization of the creation of state debt in the amount of \$3 billion for the Environmental Bond Act of 2021, “Clean Water, Green Jobs, Green New York,” for the purposes of environmental improvements that preserve, enhance, and restore New York’s natural resources and reduce the impact of climate change, and providing for inclusion of the proposal on the ballot to be voted upon at the general election to be held in November, 2021.

The Senate is also proposing to amend the Environmental Conservation Law and the State Finance Law, to implement the Environmental Bond Act of 2021 “Clean Water, Green Jobs, Green New York” by funding projects related to restoration and flood risk reduction, open space land preservation and recreation, climate change mitigation, and water quality improvement and resilient infrastructure.

The Senate would also continue \$300 million in funding for the Environmental Protection Fund and restoring funding for zoos, botanical gardens, and aquaria and farmland preservation.

To help pay for those investments, the Senate Majority’s proposal asks the wealthiest New Yorkers “to pay their fair share rather than balancing the budget on the backs of working families.”

The Senate plan was well received by the building trades. New York State Building & Construction Trades Council President Gary LaBarbera said, “The Building Trades are proud to support the New York State Senate Majority’s budget proposal on renewable energy job standards. This language encompasses a number of labor and wage protections which, if enacted, will ensure that New York’s workforce is not left behind in the state’s push towards a green economy. We thank Senate Leader Andrea Stewart-Cousins and her Democratic conference for this encouraging proposal and look forward to working with them and our other allies in making renewable energy job standards a reality.”

Mario Cilento, president, New York State AFL-CIO, added, “The Senate’s budget priorities put our state on a clear path to social and economic recovery. We need a comprehensive approach to deal with the needs of workers in our fight to overcome this pandemic, and the Senate’s proposal does just that.”

We Believe In You.



To all the dedicated men and women who are on the front line helping to see us through this time of need we say...

Thank You.

Construction Industry Council  
Building Contractors Association  
629 Old White Plains Road  
Tarrytown, NY 10591- 5035  
(914) 631- 6070

George Pacchiana, CIC Chairman  
Fred Sciliano, BCA Chairman  
CIC/BCA Boards of Directors and Members





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## *First Annual CIC/BCA Social-Distant Softball Game*

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## Attorney's Column

# Court Vacates Mechanic's Lien Based on Failure to Provide Itemized Statement of Lien

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

A mechanic's lien is a powerful tool to assist a contractor in securing its right to payment. The strength of a mechanic's lien comes from its giving the lienor an interest in the real property improved by that contractor—property which may be owned by someone who is a stranger to the construction contract. As a balance, the upstream contractor and the owner have a right, pursuant to Section 38 of New York's Lien Law, to serve a demand for a verified itemized statement of lien from the lienor. A recipient of such a demand (who is not substantially completed with a lump sum project without



significant change orders) is required to "set forth the items of labor and/or material and the value thereof which make up the amount for which he claims a lien, and which shall also set forth the terms of the contract under which such items were furnished."

Essentially, the response must provide the same information as a time and material

lien is not forthcoming, courts should not hesitate to impose the ultimate sanction.

### Background

In November 2017, Danya Cebus Construction, as general contractor, entered into a subcontract with Bella Management Group for Bella to perform certain masonry and EIFS work on the property owned by 120 Union Asset, LLC, in

billing. Upon a failure to provide such a statement, "the court or a justice or judge thereof may make an order canceling the lien." The recent case of *Danya Cebus Construction, LLC v Bella Management Group, Inc.* reinforces that where the required itemized statement of

*As to Bella's specific excuse that its subcontractor had not provided sufficient information to it, and that what information it had was destroyed in a flood, the court retorted, "This is what is known as 'the dog ate the homework excuse,' and is rarely sufficient."*

Brooklyn. Between November of 2017 and October of 2018, Bella performed over \$1 million worth of work for Danya Cebus at the subject property. In March of 2019, Bella filed a mechanic's lien, claiming it was still owed \$338,000. In July of 2019, Danya Cebus served a demand for a verified itemized statement of

lien on Bella, to which there was no response. In September of 2019, Bella started a lawsuit to foreclose the lien; in November of 2019, Danya Cebus and the owner answered the lawsuit and asserted counterclaims against Bella, claiming defective and delayed construction; and in December, Danya Cebus started a proceeding to compel Bella to comply with its demand for a verified itemized statement of lien.

In opposition to the proceeding to compel the itemized statement, Bella noted that the lien foreclosure action had been commenced, and that the information sought in the demand would be available in discovery in the lawsuit. Notwithstanding such fact, the court granted the petition and directed Bella to provide the required itemized statement of lien. In doing so, the court noted that the right to this information was set forth in the Lien Law, and it is separate and apart from the discovery rights set forth in the rules governing civil lawsuits. The court also noted that in setting forth a short five-day window within which to respond, the legislature made it clear that this information was to be provided swiftly.

Ultimately, Bella provided a document which did not comply with the requirements set forth in Section 38 of the Lien Law, and Danya Cebus moved to cancel the lien. In opposition, Bella claimed that the demand for the itemized statement of lien was made in bad faith because Danya Cebus was aware that Bella's subcontractor had not provided the information to Bella, notwithstanding repeated requests, and that what little information Bella had was destroyed in a flood.

### Decision

The court granted Danya Cebus's motion and vacated the mechanic's lien. In doing so, the court cited well settled case law that the burden of producing an adequate statement of lien rests with the lienor, and that while courts have discretion to direct lienors to file revised statements of lien, courts can and will cancel liens where the demanded statement is patently insufficient. As to Bella's specific excuse that its subcontractor had not provided

Please turn to page 24

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**Greg Lalevee**

Chair, ELEC825

Business Manager, IUOE Local 825



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# 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.

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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





## Contractors Applaud Westchester IDA For Adopting New 'Local Hire' Policy

Continued from page 1

residents," Mr. Cooney added.

Westchester County Director of Operations Joan McDonald, who also serves as the chairperson of the Westchester County IDA, said the new rules reflect the county's stated intention that the local workforce hired for IDA-supported projects be organized and properly trained, and that the new policies adopted include pre-apprenticeship programs and stronger safety protocols to protect both workers and the general public.

As part of the enhanced safety procedures, all workers on jobsites would be required to complete Occupational Safety and Health Administration (OSHA) training. Subcontractors on project work must also be enrolled in a pre-apprenticeship program, and all tradespeople must pass a drug screening prior to working on an IDA-supported building project.

"The county is seeking to strike a balance that can work

for labor and the development community," said Westchester County Executive George Latimer. "We believe these new policies are measured and practical, and will help our working men and women and still ensure that our IDA benefits assist the projects that add growth to our county's economy."

The Westchester County IDA's Board of Directors approved the local labor policy requirements Feb. 25 and the measures go into effect 60 days after passage, on April 26. The new policy was the result of extensive negotiations between county government, the IDA, and the Building and Construction Trades Council of Westchester & Putnam, County, Inc.

Key components of the proposed new policy include:

- Applicants receiving IDA benefits shall utilize at least 85% local labor (Bronx, Dutchess, Orange, Putnam, Rockland and Westchester) for their approved projects; 35% of which must be Westchester County residents.

- All applicants for financing from the IDA must provide the names, contact information, certificate of authorization to do business in New York State and copies of certificates of New York Workers. Compensation Insurance, State of New York Disability Insurance and General Liability Insurance of all contractors working on the project.

- All applicants are required to provide to the IDA proof of current OSHA 10 training certification (completed within the last five years and renewed every five years) for all construction workers on the project, as well as proof of a four-hour scaffold course for all construction workers utilizing a scaffold on an IDA project site and proof that all construction workers on the IDA project site passed a drug screening test prior to their hiring.

- For all approved projects, the designated construction manager for the project shall provide the IDA project monitor

with a certified monthly payroll of all construction workers working on the IDA project, which will include names, days/hours worked and rate of pay and worker classification and annually certify that the IDA project is "in material compliance with state laws related to environmental quality, worker safety and protection, and wages and hours."

- In order to ensure a skilled workforce, the IDA will require all IDA project subcontractors (expressly excepting the prime or general contractor) must be enrolled in a New York State-certified apprenticeship program. ("Certified Contractor.") The county in its draft documents concerning the labor policy indicated that the IDA may dedicate \$50,000 to fund pre-apprenticeship programs operating in the county that provide disadvantaged individuals training and exposure to various trades. The IDA will set aside 10% of each agency fee it receives for such

pre-apprenticeship programs.

Richard McSpedon, a member of the IDA Board and vice president of the Westchester-Putnam Central Labor Policy, proposed that developers be given an "opt-out" to the new labor policy if they negotiate and finalize a Project Labor Agreement with the Building and Construction Trades Council of Westchester & Putnam, County, Inc. Chairperson McDonald said the opt-out proposal would be discussed at the IDA's meeting in April.

"I think this is a great policy. I tip my hat to the Board," Mr. McSpedon said. In proposing the opt-out provision requiring the Project Labor Agreement with the building trades, Mr. McSpedon noted that it could provide some developers relief from the new regulations and also "foster an honest dialogue between the developers and the building trades where they (developers) would see the sincerity of the trades being competitive in this market, especially when it relates to residential projects."

Edward Doyle, president of the Building and Construction Trades Council of Westchester & Putnam, County, Inc., characterized the new labor policy as "a very good start."

Potential exemptions in the new labor policy include:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;

- Specialized construction is required and no local contractors or construction workers have the required skills, certifications or training to perform the work;

- No labor is available for the project.

- The contractor requires the use of key or core persons such as supervisors, foremen, or construction workers having special skills that are not available in the "local labor" market.

- Cost Differentials: For projects whose project cost exceeds \$15 million, significant cost differential in bid prices whereby the use of local labor and materials increase the subcontract or contract of a particular trade or work scope by at least 20%. The cost threshold for projects under \$15 million, the cost differential threshold would be 10%.

In both instances, the IDA proposal states, "Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the (20% or 10%) cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Westchester-Putnam Building and Construction Trades Council and other local Contractor Associations."

IDA Chairman McDonald said the new labor policy was crafted similarly to regulations imposed by other neighboring IDAs, including the Orange County IDA.



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# Regional Bid Alert

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## NYSDOT Region 8

**Bid Letting Date: March 25, 2021**

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

Contract# D264334  
PIN# 881219

Project Description: Orange, Ulster Cos., replace various culverts on Route 44/55 & 17K in the Towns of Crawford and Gardiner, in Orange and Ulster counties.

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

Goals: MBE: 9.00%, WBE: 13.00%, SDVOB: 6.00%

## NYSDOT Region 9

**Bid Letting Date: March 25, 2021**

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

Contract# D264467  
PIN# 980732  
FA Proj.# Z24E-9807-323

Project Description: Broome, Tioga Cos., JOC bridge maintenance Broome and Tioga counties.

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

Goals: DBE: 5.00%

**Bid Letting Date: March 25, 2021**

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

Contract# D264468  
PIN# 980733  
FA Proj.# Z24E-9807-333

Project Description: Delaware, Sullivan Cos., JOC bridge maintenance Delaware & Sullivan Counties.

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

Goals: DBE: 5.00%

**Bid Letting Date: March 25, 2021**

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

Contract# D264469  
PIN# 980734  
FA Proj.# Z24E-9807-343

Project Description: Chenango, Otsego, Schoharie Cos., job order contract: bridge maintenance, various locations in Chenango, Otsego and Schoharie counties.

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

Goals: DBE: 5.00%

## NYSDOT Region 10

**Bid Letting Date: March 25, 2021**

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

Contract# D264430  
PIN# 0810323  
FA Proj.# Z24E-0810-32

Project Description: Nassau, Suffolk Cos., sign requirements contract: 19 locations, Nassau and Suffolk County., incentive/disincentive provisions.

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

Goals: DBE: 10.00%

**Bid Letting Date: March 25, 2021**

New York State Department of Transportation

Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264457  
PIN# 081022  
FA Proj.# Z0E1-0810-223

Project Description: Nassau, Suffolk Cos., replacement of overhead sign structures at various locations in the Towns of Babylon, Huntington, Oyster Bay, Hempstead and North Hempstead, Nassau and Suffolk counties., night time work.

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

Goals: DBE: 10.00%

**Bid Letting Date: March 25, 2021**

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

Contract# D264386  
PIN# 005423  
FA Proj.# Z40E-0054-233

Project Description: Suffolk Co., 2.2 Miles of reconstruction on Route 347 in the Towns of Smithtown and Brookhaven in Suffolk County, NY, night time work.

Bid Deposit: 5% of Bid (~ \$4,250,000.00)

Goals: DBE: 10.00%

## NYSDOT Region 11

**Bid Letting Date: March 25, 2021**

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

Contract# D264456  
PIN# X73172

Project Description: Kings Co., HOV lane operation: Gowanus Expressway and Prospect Expressway, Brooklyn, Kings County, New York City, Prebid meeting.

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

Goals: MBE: 9.00%, WBE: 13.00%, SDVOB: 6.00%

**Bid Letting Date: March 25, 2021**

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

Contract# D264460  
PIN# XM2048  
F.A. Proj.# Z0E1-XM20-483

Project Description: Queens Co., Grand Central Parkway Pavement Preservation: New York City, Queens County, NY, Bid Deposit: 5% of Bid (~ \$750,000.00) , Goals: DBE: 10.00%

## New York State Dormitory Authority

**Bid Due Date: April 20, 2021**

Title: City University of New York, Brooklyn College, Chiller Plant Infrastructure Upgrade Phase II

Contract: CR20 General Construction

Project Number 3395509999

Sealed bids for the above Work located at Brooklyn College, 1325 Ocean Avenue, 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.

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 April 20, 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, 2900 Bedford Avenue, DASNY Field Office, Brooklyn, New York 11210, 718-421-2621 [rthelian@dasny.org](mailto:rthelian@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Virtual Pre-Bid Meeting will be posted to the Camelot website on Wednesday, April 7, 2021. Contact Jason Wiatr 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>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

**Bid Due Date: May 4, 2021**

Title: Job Order Contracts, Small Business Pilot Program, Regions 1, 2 and 3

Project # 1000509999

Sealed bids for the above work located in the regions listed below 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 as a bid for the region and trade noted below. 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 UNIT. - NICOLE WHITE" DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on May 4, 2021 will be considered. Bids shall be publicly opened and read aloud. Bid results can be obtained on the DASNY website; <http://www.dasny.org>.

[dasny.org](http://www.dasny.org), forty-eight (48) hours after the Bid Opening.

All individuals who plan to attend 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.

The Pre-Bid Conference for Prospective Bidders shall be held online as follows:

Scheduled for Monday, March 22, 2021 at 10:00AM

Visit [www.dasny.org](http://www.dasny.org) for the link to the online meeting.

Due to the specialized nature of the JOC Program attending the Pre-Bid Meeting is strongly recommended.

A Complete Set of all Contract Documents can be found on DASNY's website:

<http://www.dasny.org/rfp-bidopportunities-solicitations/constructionservices/joc opportunities/new.aspx>

**Bid Due Date: May 4, 2021**

Title: Dormitory Authority – State of New York ("DASNY") Job Order Contracts, Regions 1 , 3, 4, 5, 6, 8, 9 and 10

Project # 1000509999

Sealed bids for the above work located in the regions listed below 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 as a bid for the region and trade noted below. 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 UNIT. - NICOLE WHITE" DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on May 4, 2021 will be considered. Bids shall be publicly opened and read aloud. Bid results can be obtained on the DASNY website; <http://www.dasny.org>, forty-eight (48) hours after the Bid Opening.

All individuals who plan to attend 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.

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# NYSDOT Updates Public on Environmental Study of Growing Route 17 Road Corridor

POUGHKEEPSIE, NY— More than 100 community and business leaders from the Hudson Valley Zoomed in March 18 for a presentation by the New York State Department of Transportation on the status of a Planning and Environment Linkages (PEL) study of the Route 17 corridor in Orange and Sullivan counties.

Members of the coalition 17-Forward-86 voiced support for the proposal to widen Route 17 and improve mobility for enhanced safety and economic stability in the region.

State transportation officials outlined the PEL process during the 90-minute virtual public workshop and provided updates about the Route 17 study, which is being initiated by the DOT in cooperation with the Federal Highway Administration. The DOT last year began a scoping and preliminary review process as part of the \$5-million PEL study, whose funding was secured with the help of the 17-Forward-86 coalition through the 2018-2019 state budget.

The purpose of the PEL study is to evaluate the engineering feasibility and potential environmental impacts of reasonable alternatives to address the corridor's transportation needs in the context of both current and anticipated growth in the region. The DOT has begun public outreach as part of the PEL process, which is designed to streamline

and accelerate project delivery.

"17-Forward-86 is committed to improving mobility in the region by providing an additional travel lane and other necessary upgrades along Route

17, protecting the environment, job creation, economic development and fiscal responsibility.

"Mobility is not a luxury; it is an absolute necessity in our fast-paced

developments, clean water, regulatory reform and labor issues.

The PEL is scheduled to be completed in October 2021 and the 17-Forward-86 coalition believes the environmental and engineering work should continue to progress to ensure the project is positioned for federal stimulus or other infrastructure investment programs.

"There are thousands of stakeholders committed to seeing this project through and now is the perfect time to move forward as infrastructure investment plans are being developed at the federal and state levels," said Marc Baez, president and CEO, Sullivan County Partnership and co-chair, 17-Forward-86. "Studies

from nearly a decade ago indicate the corridor is already over-capacity and we must prepare for added traffic as more companies invest in our region."

The next public workshop is scheduled for June 3, 2021.

17-Forward-86 was established in August 2018 by a dedicated group of advocates who support the widening of Route 17. The coalition comprises more than 200 members of economic development groups, construction trades, tourism groups and energy companies who share a common vision for expanding the capacity of Route 17 to strengthen the economic well-being of the Hudson Valley and Sullivan Catskills.



***"Mobility is not a luxury; it is an absolute necessity in our fast-paced economy. Enhancing mobility on the Route 17 corridor will improve safety and ease access into and through the region. It will also create more than 1,350 temporary construction industry jobs and many more once the project is completed."***

—CIC President Ross J. Pepe

17 in Orange and Sullivan counties," said the coalition's co-chair, Maureen Halahan, who serves as president and CEO of the Orange County Partnership. "We are encouraged that efforts to widen the corridor have been moving forward, and the PEL study is a critical step in making these long-discussed and urgently needed upgrades a reality. This is our time—for us to bring great economic prosperity to the region and band together for safety and sustainability."

Following the presentation, attendees weighed in on the proposal to widen Route 17. Supporters cited as priorities: safety, enhanced mobil-

economy," said Ross J. Pepe, coalition member, and president of the Construction Industry Council (CIC) of Westchester & Hudson Valley, Inc. "Enhancing mobility on the Route 17 corridor will improve safety and ease access into and through the region. It will also create more than 1,350 temporary construction industry jobs and many more once the project is completed."

For more than four decades, CIC has been a leading voice in advancing virtually every major initiative in the Hudson Valley, ranging from capital improvements and replacement of the Tappan Zee Bridge to major urban



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Financial Management

# Some Key Highlights of the American Rescue Plan Act of 2021

By PHILLIP ROSS, CPA, CGMA, PARTNER and RICHARD STIEGLITZ, CPA

President Joe Biden signed into law on March 11 the American Rescue Plan Act of 2021 (ARP) that is designed to provide additional economic relief from the impacts of the ongoing COVID-19 pandemic. The contents of the \$1.9-trillion stimulus plan, mostly in line with the plan set forth by President Biden before he was inaugurated on Jan. 20, see a majority of funds allocated to several major areas: unemployment relief, expanded funding for COVID-19 relief programs, aid to state and local governments and assistance to schools.

From a taxpayer perspective, the bill included tax provisions that provide relief to businesses through enhancements and expansions of credits and programs that were put in place to keep families and small businesses afloat through the ongoing crisis. This includes an extension of payroll tax credits first instituted at the start of the pandemic for businesses. See details below on these important updates as they may benefit contractors.

1. Relief for Construction Businesses Loans and Grants

**Paycheck Protection Program (PPP):** The ARP provides an additional \$7.25 billion to the SBA. The ARP bill allocated more funding towards PPP, but the deadline to apply remains Mar. 31, 2021. Construction companies can qualify for lesser of 2.5x monthly average payroll or \$2 million.

**The Economic Injury Disaster Loan (EIDL):** A total of \$15 billion was allocated to the Small Business Administration to provide an additional \$10,000 EIDL advances for qualifying businesses that have not yet received an EIDL grant beginning on the date that the law is enacted.

The SBA will process additional \$5,000 EIDL grants to certain businesses that are severely impacted by the pandemic. The bill clarifies that EIDL grants are not included in taxable income and do not reduce tax basis, result in the denial of any tax deduction, or decrease any tax attributes.

2. Tax Credits

**Employee Retention Credit (ERC):** The Employee Retention Credit is a refundable tax credit against certain employment taxes up to \$5,000 per qualified employee for 2020 and \$7,000 per quarter in 2021. The ARP made some changes to the Employee Retention Credit. Amendments included in the ARP apply to tax quarters after June 30, 2021. The ARP extends the Employee



Retention Credit, set to expire as of June 30, through the end of 2021, thereby permitting the credit for two added calendar quarters.

3. Expansion of Qualified Construction Businesses for the Employee Retention Credit Recovery Start-up Businesses

The ARP expands the Em-

ployee Retention Credit to “recovery start-up businesses,” businesses that began carrying on a trade or business after Feb. 15, 2020 and that have annual gross receipts of \$1 million or less, subject to rules similar to other employers. The maximum credit that can be claimed by such a recovery start-up business may not exceed \$50,000 during any calendar quarter.

Severely Financially Distressed Employer

Another change to the Employee Retention Credit also includes changes for qualified employers who are considered “severely financially distressed

*The ARP provides an additional \$7.25 billion to the SBA. The ARP bill allocated more funding towards PPP, but the deadline to apply remains March 31, 2021. Construction companies can qualify for lesser of 2.5x monthly average payroll or \$2 million.*

employers,” which is defined as employers that have a gross receipts reduction of more than 90% as compared to the same calendar quarter in 2019. If an employer satisfies this test, all wages paid to employees are qualified wages, regardless of the size of the employer and number of employees.

4. Families First Coronavirus Response Act

The ARP extended and enhanced the sick and family leave credits available under FFCRA, expanding the definition of someone experiencing symptoms of COVID-19 to include those individuals who received

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# Construction NEWS

## PHOTO GALLERY



Staffers with Super Health Pharmacy of Croton-on-Hudson, NY preparing 100 doses of the first Moderna vaccine at the Teamster 456 hall in Elmsford, NY.



The NYS Laborers made available union construction community to get the Moderna vaccine against Covid-19. From right to left, Nick of Mahopac, NY, Evelyn and Brian of Monroe, NY.

## Laborers' Vaccination Clinic Delivers Shots To Members, Families in Contracting Community

ELMSFORD, NY—The NYS Laborers' Health and Safety Trust Fund organized a one-day clinic here at the spacious union hall of Teamsters L.U. 456 on March 23. More than 100 shots of the Moderna Covid-19 vaccine were administered to LiUNA members, retirees, their family members and others by Super Health Pharmacy of Croton-on-Hudson, NY.

The second shot will be administered on April 20 at the same location.

"I think it's a great day when we can come together to protect our members, ourselves and each other," said Frank Marchese, Jr., executive director & administrator of the NYS Laborers' Health and Safety Trust Fund. "Today we're together helping 100 members and their families. We have a mix of Teamsters, school teachers, other labor union members. It's not just about the Laborers; it's about the Building Trades themselves, and about the construction industry as a community. This is an incredible day for everyone to help ensure their safety and health."



From left, Mayawk Parikh of Super Health Pharmacy and Laborers Frank Marchese, Jr., of NYS Laborers' Health and Safety Trust Fund with support staff reviewing immunization procedures.



From left, financial advisor Warren Barest of White Plains with Frank Bisignano, Jr., and Carols Gonzalez of Laborers L.U. 60.



From left, Harold Berean, Frank Marchese, Jr., and Gwennan Booth of New York State Laborers' Health and Safety Trust Fund, headquartered in Albany, NY.





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# Civil Engineers Grade U.S. Infrastructure ‘C-’

WASHINGTON—The American Society of Civil Engineers released its 2021 Report Card for America’s Infrastructure that gave the U.S. an overall ‘C-’ grade and finds the country is spending just over half of what is required to support the backbone of the economy.

The study, ASCE’s latest quadrennial assessment of the nation’s infrastructure, evaluated 17 categories of infrastructure, with grades ranging from a ‘B’ for Rail to a ‘D-’ for Transit. For the first time in 20 years, the country’s infrastructure as a whole received a grade in the ‘C’ range, meaning on average, the nation’s infrastructure is in mediocre condition, has deficiencies and needs attention. However, 11 of the 17 categories in the Report Card received a grade in the ‘D’ range: aviation, dams, hazardous waste, inland waterways, levees, public parks, roads, schools, stormwater, transit and wastewater.

Over the past four years, the U.S. made incremental gains in some categories, according to the ASCE Report Card. Due to increased investment, grades improved in aviation, drinking water, energy, inland waterways, and ports. One infrastructure category—bridges—saw a decrease in grade in part because of the number of bridges that fell to “fair” condition from “good.” Transit received a ‘D-’ in the report, the lowest grade. Some 45% of Americans lack access to transit and existing infrastructure is aging.

Overall, the long-term infrastructure investment gap continues to grow. That gap has risen from \$2.1 trillion over 10 years in the last report to \$2.59 trillion in the latest study, meaning a funding gap of \$259 billion per year.

ASCE Executive Director Thomas Smith said, “This not a report card anyone would be proud to take home. We have not made significant enough investments to maintain infrastructure that in some cases was built more than 50 years ago. As this study shows, we risk significant economic losses, higher costs to consumers, businesses and manufacturers—and our quality of life—if we don’t act urgently. When we fail to invest in infrastructure, we pay the price.”

There were 22 weather and climate disasters in the U.S. that cost at least \$1 billion in 2020, the most in history, according to the National Oceanic and Atmospheric Administration.

If the U.S. does not pay its overdue infrastructure bill, ASCE said by 2039 the U.S. economy will lose \$10 trillion in growth and exports will decline by \$2.4 trillion. More than 3 million jobs will be lost in 2039. In addition, each American household will bear \$3,300 in hidden costs per year.

ASCE highlighted the role infrastructure investment could play in speeding the nation’s economic recovery. “America’s infrastructure bill is overdue, and we have been ignoring it for years. The COVID-19 pandemic only exacerbates the funding challenge because state and local governments have had to prioritize public health over everything else for the past year,” said ASCE President Jean-Louis Briaud, Ph.D., P.E. “If we take action now, we can generate job growth and build infrastructure that is more reliable, more secure and more resilient while increasing



the quality of life for everyone.”

ASCE called on Congress and the administration to quickly take “big and bold action” on infrastructure.

“Infrastructure is an issue that everyone agrees needs action and doing so will help the U.S. now and in the future. Delaying only increases the costs,” said Emily Feenstra,

ASCE’s Managing Director of Government Relations and Infrastructure Initiatives.

In terms of New York State’s infrastructure needs, the ASCE stated that while the nation’s infrastructure earned a ‘C-’ in the 2021 Infrastructure Report Card, New York faces infrastructure challenges of its own. For example, driving on roads in need of repair in New York costs each driver \$625 per year, and 9.9% of bridges are rated struc-

turally deficient.

Drinking water needs in New York are an estimated \$22.8 billion. A total of 424 dams are considered to be high-hazard potential. The state’s schools have an estimated capital expenditure gap of \$2.91 billion, the ASCE added.

“This deteriorating infrastructure impedes New York’s ability to compete in an increasingly global marketplace. Success in a 21<sup>st</sup>-century economy requires serious, sustained leadership on infrastructure investment at all levels of government,” the ASCE stated. “Delaying these investments only escalates the cost and risks of an aging infrastructure system, an option that the country, New York, and families can no longer afford.”

While ASCE grades the categories individually, the nation’s infrastructure is a series of connected systems. The report found three overarching trends impacting infrastructure:

- Maintenance backlogs continue to be an issue, but asset management helps prioritize limited funding.
- State and local governments have made progress, such as leveraging the gas tax to fund transportation investments, and some limited federal investment has also paid dividends.
- There are still infrastructure sectors where data is scarce or unreliable.

The 2021 Report Card for America’s Infrastructure was released publicly during a virtual news conference that was followed by ASCE’s Solutions Summit. This separate event included spotlights on various infrastructure topics—energy, dams and levees, transportation, water, and inland waterways and ports. Featured speakers included Secretary of Transportation Pete Buttigieg, Maryland Gov. Larry Hogan, Sen. Shelley Moore Capito (R-WV), and Rep. Peter DeFazio (D-OR).

## WASHINGTON UPDATE

### Soaring Costs, Cancellations Challenge Industry

WASHINGTON—One year after the pandemic struck, construction firms are experiencing soaring materials costs, widespread supply-chain problems, and continuing project deferrals and cancellations, according to a new survey that the Associated General Contractors of America released on March 11.

Association officials urged Congress and the Biden administration to take steps to eliminate tariffs on key materials, address shipping backups and boost funding for new infrastructure to help the industry recovery.

“The survey results make it clear that the construction industry faces a variety of challenges that threaten to leave many firms and workers behind, even as some parts of the economy are recovering or even thriving,” said Ken Simonson, the association’s chief economist. “The pandemic has left the supply chain for a range of key construction components in tatters and undermined demand for a host of private-sector projects.”

Mr. Simonson noted that an overwhelming 93% of the survey’s respondents report the pandemic has driven up their costs. Four out of five are spending more on personal protective equipment, sanitizers, and other health-related expenses. More than half say that projects are taking longer than previously.

Costs and delayed deliveries of materials, parts, and supplies are vexing many contractors. Nearly 85% report those costs have increased over the past year. In addition, nearly three-fourths of the firms are currently experiencing project delays and disruptions, mainly due to shortages of materials, equipment or parts. Nine out of 10 firms that are incurring such delays cite backlogs and shutdowns at domestic producers, such as factories, mills, and fabricators. Half of the firms also blame backlogs or shutdowns at foreign producers.

More than three-fourths of the firms report having projects canceled or postponed in the past year, including more than one out of five with a 2021 project that has been canceled or postponed. Meanwhile, only one-fifth of respondents say they have won new projects or add-ons to existing projects as a result of the pandemic.

In a sign that the pandemic has had very different effects on construction firms, about one-third of firms say business matches or exceeds year-ago levels, while another third say it will take more than six months to reach that mark, and one-fifth say they don’t know. Respondents in the Northeast are the most pessimistic about the outlook, followed by firms in the South. Firms from the Midwest are split along the same lines as the full survey, while respondents in the West are more optimistic, on balance.

Despite these differences in experience to date and the near-term outlook, contractors from all regions, project types, and firm sizes are almost equally bullish about their hiring expectations over the next 12 months. Across nearly all subgroups, roughly three out of five respondents expect to add employees over the coming 12 months. Only 10% to 15% of firms in any category expect to reduce their headcount.

“Contractors need Washington officials to cut tariffs and address the shipping and supply chain problems that are driving costs and contributing to project delays,” said Brian Turmail, the association’s spokesman. “They also expect the President will keep his word and get significant new infrastructure investments enacted as quickly as possible.”

## Run in good company.

The Construction Industry Council represents over 500 contractors, material and equipment suppliers, specialty and service firms who compete in the region’s \$1.5 billion marketplace. From roads and bridges to utility, waste and water treatment systems, CIC-member companies and affiliated unions are dedicated to building and improving these public and private services. To make your company more successful in the construction industry, maybe it’s time you run with us.

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## Safety Watch

# Minimizing Risks From the #3 Killer Of Construction Workers

By GEOFFREYS. POPE, ESQ.

If you had to sit for a quiz, and one of the questions was to identify the hazard responsible for the largest number of fatalities at construction sites, I'd wager nearly all of you would correctly identify falls as the #1 killer. Most of my readers, I suspect, could identify "struck by" injuries as the #2 cause of fatalities.

Many, however, might be unable to identify the #3 cause of construction deaths, responsible for approximately 140 deaths each year: electrocutions. This corresponds to about 9% of all construction-related fatalities.

In the readings that I do to prepare these articles, I am often impressed by the frequency with which fatalities,



and non-fatal injuries related to electricity, are produced by occurrences where the hazard should have been obvious,

A glaring example of this is that the second-greatest cause of all electrical fatalities on jobsites is construction work-

ers coming into contact with overhead live wires. Some such incidents, to be sure, are the result of miscommunication concerning the de-energizing of power lines before work close to them gets underway. Nevertheless, most experienced construction workers have been on-site when such incidents have occurred, or have experienced "near misses" when a lift bucket has strayed too near to an energized power line, and the presence of the line is almost always plainly visible, or known due to the inspection of the site and planning for the job.

Proximity to live wires is the #1 cause of electricity-related

deaths among non-electrical construction workers, whereas direct or indirect contact with

***Damaged insulation is another leading cause of electrical injuries, as is improperly-grounded equipment (the latter being the most commonly cited OSHA violation of the electrical standards). Overloaded wiring, and the misuse of extension cords, are additional dangers.***

live electrical equipment and wiring (light fixtures, circuit breakers, control panels, junc-

tion boxes and transformers) is the leading cause of death among electricians, their apprentices and helpers, power installers and repair persons and their supervisors.

OSHA prescribes the following minimum distances, when working in the vicinity of energized power lines:

- < 300 volts: 2 feet;
- 300 to 50K volts: 10 feet;
- > 50K volts: 10 feet, plus 4" for every 10K volts over 50,000.

What many people don't know is that such insulation that envelops overhead electrical lines is weather protection for the wiring, and insufficient as safety protection for persons who may come into contact with the line, while the same is energized. Arc flash safety precautions should be taught and all personnel, and not just electrical workers, must be instructed concerning precautions and procedures to be implemented, to avoid injury or death from downed power lines.

Many electrocutions occur when workers touch metal objects—most commonly, ladders, pipes, wires that have been cut or stripped, energized trucks or other vehicles. Working in cramped areas, or while standing in water, or trouble lights or extension cords coming into contact with water, are contributing causes in about one-third of electrocutions.

We all know that dangers associated with electricity are compounded by wet conditions, and bad weather and the necessity to work at night to restore power provide conditions of poor visibility, stress that can cause inattention and, of course plenty of wetness. In planning for work under such conditions, you need redundancy, as in multiple individuals, each of whom is responsible to inspect, check and double-check the necessary precautions.

You should also avoid storing materials or equipment beneath power lines and erect safety barriers and signs to warn workers not directly involved in the electrical work and others who might be in the area.

Damaged insulation is another leading cause of electrical injuries, as is improperly-grounded equipment (the latter being the most commonly cited OSHA violation of the electrical standards). Overloaded wiring, and the misuse of extension cords, are additional dangers. To avoid overheating and electrical fires, always make sure that the wire you are using is appropriately sized for the current it will be transmitting. Don't overload circuits, and use circuit breakers where practica-

Please turn to page 24



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# Broad Coalition Forms to Accelerate Full Casino License for Empire City Casino

By JOHN JORDAN

YONKERS—A group led by business and labor organizations in Westchester and the Bronx have formed an alliance called “A Sure Bet for New York’s Future” in support of a full gaming license and access to mobile sports betting for Empire City Casino in Yonkers by MGM Resorts.

A full-scale casino license, complete with retail and mobile sports betting and live table games, will create thousands of new, family-sustaining union jobs, while generating millions of dollars in additional annual wages and tax revenue that would directly benefit local communities, the alliance stated. A spokesman for Empire City Casino told *CONSTRUCTION NEWS* that if awarded a full gaming license and sports betting access, MGM Resorts has committed to spend approximately \$400 million in the first phase of its planned investment at the Yonkers property.

The initiative is being spearheaded by co-chairs: The Business Council of Westchester, the Bronx Chamber of Commerce and the Westchester Putnam Central Labor Body.

Gov. Andrew Cuomo in his State of the State message earlier this year said he intends to issue a Request for Information for interested parties in securing up to three of the remaining casino gaming licenses in Downstate New York (New York City metro region) to be granted by New York State.

While further details were not released, the New York State Gaming Commission noted that the proposal, if part of the state budget, would have to be approved by the State Legislature by the end of the fiscal year (March 31, 2021).

The addition of up to three casino gaming facilities in the New York City metro region that might include: Empire City Casino in Yonkers, Resorts World New York at Aqueduct Raceway in Queens—both operating as Video Lottery Terminal (VLT) facilities—and perhaps at the new Belmont complex in Nassau County or at a site to be developed in Manhattan. If the downstate initiative does move forward, the state would be beginning the process early, since the state’s gaming law bans the award of downstate casino licenses until 2023.

The “A Sure Bet for New York’s Future” alliance is focused on ensuring that the region is not left behind as the state considers implementing mobile sports betting.

“A full-scale casino license for Empire City Casino by MGM Resorts in Yonkers is a no brainer,” said John Ravitz, executive vice president and chief operating officer of the Business Council of Westchester. “The brick and mortar are already in place. A full-scale casino license will enhance the existing facility and is a clear path to providing significantly more revenue for the state, offering union jobs, and supporting the entire region. And if New York is going to legalize mobile sports betting, MGM Resorts must be able to

compete for a license. BetMGM is one of the top mobile sports betting platforms in the country, and New York needs and deserves the best operators.”

“There is overwhelming support among Bronx residents, community leaders, and businesses for Empire City to become a full-scale casino because we

erating hundreds of millions of immediate revenue dollars through full-scale casino and mobile sports betting license fees.”

The spokesman added, “We remain committed to hiring and investing locally. Many of Empire City Casino’s employees are from Yonkers, the Bronx, Mount Vernon and across lower Westchester. MGM Resorts is a demonstrated leader in supporting local minority, women, and veteran-owned businesses in the regions in which we operate and we are committed to replicating that focus in New York.”

The planned \$400-million first phase would include an enclosed and attached parking garage to shield patrons from inclement weather. Estimates on the development of the parking garage have run to as high as \$160 million. Also planned would be renovations of the existing facility and the development of a sports bar in connection with the sports betting operations, the Empire City spokesperson noted.

On Jan. 29, 2019 MGM Resorts International acquired Empire City Casino and Yonkers Raceway for \$850 million. The Rooney family acquired the storied Yonkers Raceway property in 1972 and opened the highly successful Empire City Casino in October 2006.

The alliance, which launched with nearly 30 members, is actively seeking additional members. Other alliance members to-date include:

- 100 Hispanic Women of Westchester
- Big Brothers Big Sisters of FSW
- C&F Consulting Engineering, P.C.
- Dan Schorr, LLC
- Delbello Donnellan Weingarten Wise & Wiederkehr, LLP
- Forme Medical Center and Urgent Care
- Green Grass Real Estate
- HV Gateway Chamber
- IAFF Local 628 Yonkers Firefighters
- IQ Contracting Inc & Associates
- Kings Capital Construction
- KVL Audio Visual Services Inc.
- Local 3 IBEW / Westchester Central Labor Body
- Marx Realty, Cross County Shopping Center
- MPac
- Nicholas & Lence Communications
- Norcom Solutions
- NorthMarq Capital, LLC
- Progressive Computing Inc.
- Robert Martin Company
- Signarama
- Skyqueen Enterprises
- The DeLuca Group
- United Black Clergy of Westchester
- Westchester Putnam Central Labor Body
- Yankwitt LLP
- Yonkers Avenue Dental
- Yonkers Chamber of Commerce
- Zeidel & Associates P.C.



An aerial view of the Empire City casino in Yonkers.

already have benefitted from Empire City’s presence,” said Lisa Sorin, president of the Bronx Chamber of Commerce. “A full-scale casino license for Empire City will no doubt have a direct impact on the Bronx. We urge the governor and the legislature to allow Empire City to develop into a full-scale casino so we can start to see the jobs and the revenue our state needs this fiscal year.” Sorin said that the expected investment by Empire City would bring sorely needed jobs for the Bronx, which is currently suffering from an unemployment rate of approximately 15%.

“A full-scale casino license at Empire City will support the creation of thousands of new union jobs from the more than \$1-billion impact it will have on the region,” said Thomas Carey, president of the Westchester-Putnam Central Labor Body. “Think of all of the union jobs this will create for business and our Building and Construction Trades brothers and sisters as well as food service employees, security, and the endless opportunities as we advance. If Albany wants to prioritize economic recovery, they must allow Empire City to apply for a full-scale casino license as soon as possible.”

The Alliance co-chairs sent a letter to Gov. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, and Assembly Speaker James Heastie, asking that a defined process be put in place to allow Empire City Casino to be able to pursue a full-scale commercial casino license so that the state can immediately benefit from this turnkey private economic development project.

“We are thrilled to see such strong support across Westchester and the Bronx for the future of Empire City Casino,” said a spokesperson for Empire City Casino. “Before the pandemic, Empire City Casino was proud to be the largest private employer in Yonkers and we can play a pivotal role in New York’s recovery by bringing back well-paying jobs, investing hundreds of millions of dollars in capital development, and gen-

## Energy Projects Surge In Hudson Valley Continued from page 3

reliable transmission system for New York is key to combating climate change and achieving our nation-leading clean energy goals,” Gov. Andrew Cuomo said. “This project is an integral part of a new energy superhighway that’s being built to move electricity across the state more efficiently—while also creating new jobs and opportunities for New Yorkers that will help to reinvigorate our local and statewide economies.”

New York Transco President Victor Mullin said, “We greatly appreciate all the time, effort and coordination with the local

communities to get this project to this major milestone.”

Transco officials said it has a Memorandum of Understanding with the International Brotherhood of Electrical Workers (IBEW) to use skilled union workers to replace and upgrade existing transmission infrastructure in portions of Rensselaer, Columbia, and Dutchess counties. Paul Haering, vice president of capital investment for New York Transco, told *CONSTRUCTION NEWS* that while the project has not inked a Project Labor Agreement with the local building trades, “and the intent to the

extent possible to use building trades and union labor on the project.”

When completed, the project will help relieve transmission system congestion and facilitate a more efficient and reliable flow of renewable energy from upstate resources to customers.

Mr. Haering said the firm has secured Article 7 approval for the entire project. New York Transco is awaiting the approval of the Environmental Construction and Management Plan for the second phase of the project. The firm applied for the ECMP approval on Feb. 19,

2021 with the New York State Public Service Commission and the company is hopeful it can secure the approval of that plan in April 2021, which would allow for the construction of the second phase in May of this year.

He explained that since the work will be performed inside an existing energy corridor, the project will be performed in phases.

### \$100-Million Upgrades in Orange County

New York Transco is also in the approval process on The Rock Tavern to Sugarloaf Upgrade project. The 12-mile elec-

tric transmission upgrade will strengthen the grid between the Rock Tavern and Sugarloaf substations by replacing an aging former Central Hudson overhead 115kV (115,000 volts) line on lattice structures with a new 115kV line on monopole structures in an existing transmission corridor.

Transco’s Haering estimates the Rock Tavern to Sugar Loaf project at approximately \$100 million. The permitting and survey process is expected to be complete by 2022 with construction to commence next year and be in service by 2023, according to the project’s website.



# Plan to Redevelop Former Good Counsel Property Secures Key Approval from White Plains Council

By JOHN JORDAN

WHITE PLAINS—A mixed-use project that has been on the drawing boards for more than five years, secured a key approval from the White Plains Common Council that could put final approvals within reach for the property owner.

The White Plains Common Council unanimously voted on March 1 to accept the environmental findings, zoning amendment and master plan for the 16-acre former Our Lady of Good Counsel property at 52 North Broadway to allow construction of 335 independent and assisted living apartments for seniors, 28 townhouses and 48 multi-family apartments.

The plan by the property owner, WP Development NB LLC, led by New York City-based commercial real estate investment and development firm George Comfort & Sons, has been scaled down several times since the property was acquired from The Sisters of the Divine Compassion in December 2015. The *Journal News* has previously reported the sale price for the campus was \$16.2 million. The property at one time housed Our Lady of Good Counsel High School, which was closed, and Good Counsel Grammar School,

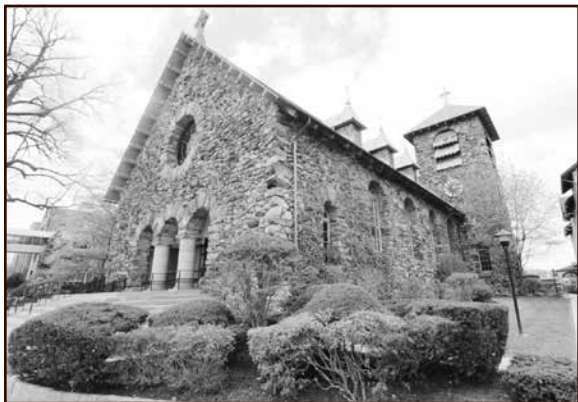
which relocated to Valhalla in mid-2015. A portion of the campus was sold to Pace University in 1975, which is now home to the Elisabeth Haub School of Law at Pace University and formerly housed The College of White Plains of Pace University and Good Counsel College.

The most recent alternative

vation Commission. The State Office of Historic Preservation has already given its approval to the redevelopment plan, he noted.

The plan now calls for 232 one-, two- and three-bedroom senior-restricted independent living apartments in a six-story building with a parking garage at the east end of the site, linked to a five-story building with a 103-unit assisted living and memory care facility. According to the project's website, the community will be owned and operated by an unnamed nationally-renowned care provider for 35 years with approximately 300 communities in operation.

The project will also feature 28 two-story, three-bedroom rental townhouses on the north and south sides of the site and 48 multifamily apartments in a three-story building to be constructed as part of the preservation of the west facade of the former convent. More than 90% of those units will be studio and one-bedroom apartment units. It should be noted that the approved plan includes maintaining the Chapel of the Sisters of Divine Compassion for ongoing use, preserving the historic Mapleton House at its present location and preserving the west wing of the for-



**The plan calls for the preservation of the Chapel of the Sisters of Divine Compassion at the former Our Lady of Good Counsel property at 52 North Broadway in White Plains.**

plan was presented by the developer in January 2020. Geoffrey Thompson, a spokesman for the property owner, said the White Plains Common Council's actions on March 1 concludes the review under the State Environmental Quality Review Act, establishes a Planned Residential Development Zoning District for the site allowing for the mixed residential uses and approved a Master Plan, setting forth the conceptual development program for the property. Remaining actions by the city include a site plan review and a review by the Historic Preser-



**A rendering of the revised plan for the redevelopment of the former Our Lady of Good Counsel campus in White Plains.**

mer Convent that faces North Broadway, while adaptively incorporating it as part of the new development.

The latest plan significantly reduces the number of planned residential units, parking spaces and maximum heights of the buildings to be developed, but expands the senior housing component of the original plan. In addition, 95 units of student housing for the Elisabeth Haub School of Law at Pace University have been scrapped. The original plan put a maximum building height of 10 stories. The latest proposal has the maximum height of six stories or 85 feet, with a height of 50 feet or lower for the first 700 feet from North Broadway.

The plan reduces the number of parking spaces to 450 from 655 in an earlier proposal, and projected vehicle trips in and out of the site at peak

times will be reduced by up to 43%, according to the property owner. There will be no access from Ross Street except for emergency vehicles.

The developer also touts the amount of greenspace that would remain as part of its plan. The current proposal provides for public access to the 2.3-acre front lawn of the campus facing North Broadway that maintains the street view of the property. The entire campus will also have extensive new landscaping.

While Mr. Thompson said that the remaining approvals could be secured in the next few weeks or several months, he did not divulge when a shovel will turn the first dirt on the venture and when the development will be completed and accepting its first residents. No estimated development cost for the project was released.

# Orange County Legislature Votes to Replace Entire IDA Board Over Transparency Complaints

By JOHN JORDAN

GOSHEN—The Orange County Legislature, frustrated over attempts to secure financial documents from the Orange County Industrial Development Agency, voted on March 4 to remove the entire seven-member IDA Board of Directors after a two-hour-long executive session.

Orange County legislators cited what they termed had been the lack of transparency by the Orange County Industrial Development Agency for its decision to remove the seven directors of the IDA and the Orange County Funding Corp.

The New Windsor, NY-based Industrial Development Agency is under a cloud of suspicion. The IDA's operations are currently the subject of a probe by the Orange County District Attorney's Office, in partnership with the New York State Comptroller's Office and the New Windsor Police Department.

In an 18-0 vote with two abstentions, including one abstention by County Legislature Chairman Stephen Brescia (who served as one of the seven directors replaced), the County Board removed the IDA Board consisting of Mary Ellen Rogulski, chairman; Edward A. Diana, vice chair; James DiSalvo, second vice chair; Stephen Brescia, secretary; Michael Gaydos, assistant secretary; John I. McCarey and Denise Quinn.



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The new IDA Board, whose term expires on Dec. 31, 2021, is: Chairman Dan Bloomer, director of Operations for Orange County; Mike Torelli, business development director, New York Stewart International Airport; County Legislator Paul Ruszkiewicz; John Douthit who is president of Burke Catholic High School; Town of Woodbury Board Member Tyler Etzel; Leslie Pierri, retired New York City Police Dept.; and Orange County Community College Professor Vincent Odock.

The Orange County IDA is headed by Chief Executive Officer Laurie Villasuso and Managing Director Vincent Cozzolino.

County Legislator Ruszkiewicz, who heads the Education and Economic Development Committee and County Legislator James O'Donnell said that the legislature took the action because there is currently "no communication" taking place between the legislature and the Orange County IDA Board. They

explained that the County Legislature has oversight over the IDA Board, while the IDA Board has oversight over the agency's staff.

The County Legislature for months has been attempting to secure financial information concerning the IDA's finances. In February, the IDA hired an independent auditor, who met with members of the Education and Economic Development Committee, but did not supply documents connected with the presentation. After promising to meet soon thereafter with the information, the committee was subsequently notified that neither the auditor or the IDA attorneys would appear at the meeting. The *Middletown Times Herald Record* reported recently that the IDA has retained as outside counsel, the law firm Hinckley Allen, which has offices in New York City and Albany.

Both Mr. Ruszkiewicz and Mr. O'Donnell said the lack of transparency prompted the legislature to replace the IDA Board. Both men stated that when the results of the investigations being conducted by the Orange County District Attorney and the State Comptroller are concluded, some or all IDA Board members that were replaced, could be reappointed to serve on the IDA Board in the future.

Mr. Ruszkiewicz said that with the number of development projects in

the pipeline in Orange County, it is critical that the County Legislature be informed on IDA operations. One county legislator complained that the newly appointed IDA Board does not have a labor representative.

The Orange County IDA released a statement on the legislature's actions, stating: "Over the past decade, the IDA has achieved significant successes in job creation and revenue generation for Orange County. The current board is proud to have fulfilled its duties and obligations to benefit local taxpayers and businesses alike."

The new IDA Board had to file paperwork with the state and recently sat for its first meeting.

Orange County Executive Steven M. Neuhaus, State Senator James Skoufis, who serves as the chairman of the Senate Investigations Committee, and State Senator Michael Martucci released a joint statement concerning the legislature's action concerning the Orange County IDA. "The Orange County IDA needs to explain themselves to taxpayers. Shutting down and lawyering up because of a pending investigation tells us there is a big problem," they stated. "We applaud the Orange County District Attorney for launching an investigation and, if anyone at the IDA is found to have acted inappropriately, taxpayers must be made whole financially."



WHAT'S NEW & WHO'S NEWS

BRI Joins Hudson Valley Economic Development Corp.



BRI CEO Tim Foley

The Hudson Valley Economic Development Corporation has announced that The Building & Realty Institute of Westchester & the Mid-Hudson Region has joined their board of directors and will be represented by Tim Foley, CEO.

Foley is only the third executive officer and first CEO in BRI's 75-year history. In that capacity, he also serves on the Land Development Committee for the National Association of Home Builders (NAHB). Prior to joining BRI, he served as the Communications Director for NYS Assemblymember Amy Paulin, who represents the 88<sup>th</sup> Assembly District (Eastchester / New Rochelle / Pelham / Scarsdale / White Plains).

NY Building Congress Members Deliver \$653.1B in Projects

NEW YORK— The New York Building Congress released a report on recently highlighting its members' construction and development projects that are in progress and in the pipeline in all 50 states. Building Congress members and partner organizations are currently delivering more than \$653.1 billion in large-scale infrastructure and development projects across the United States.

"From skylines to small towns, America continues to evolve because of the hard work and dedication of the building industry. Our country is continually improved by the structures brought to life by Building Congress members and the industry as a whole," said Carlo A. Scissura, president and CEO of the New York Building Congress, and Elizabeth Velez, chair of the New York Building Congress and president of the Velez Organization. "Through each project, they collaborate with local firms, create jobs and boost regional economies. Now more than ever, we must invest in our country's infrastructure. Working together, we can build not only a better New York, but a better America for all."

The Building Congress surveyed 73-member organizations working on projects across the United States over the past three years, between Jan. 1, 2018 and Mar. 1, 2021. Based on the survey results and information from Dodge Data & Analytics, "New York Building Congress Across America" highlights the range of projects that Building Congress members are working on in every state, including the Salt Lake City Airport in Utah, Elgin O'Hare Western Access in Illinois, major campus renovations at West Virginia University and The Perelman Center in New York.

Of the Building Congress members surveyed, 49 organizations are performing work outside of New York State, and 45 are working outside of the Northeast. Based on the U.S. Census Bureau-designated regions:

- 44% of total projects are located in the Northeast, valued at \$262.6 billion;
- 27% of projects are located in the South, valued at \$171.9 billion;
- 17% of projects are located in the West, valued at \$147.4 billion;
- 12% of projects are located in the Midwest, valued at \$71.2 billion.

Leading in total project count and value, the top five types of projects are commercial, transportation, education, environmental public works and residential. The states with the highest total value of Building Congress member projects are:

- New York State, with 4,230 current projects valued at about \$66.5 billion and 1,383 upcoming projects valued at about \$95.9 billion.
- Texas, with 926 current projects valued at \$19.8 billion and 490 upcoming projects valued at \$21.6 billion.
- California, with 780 current projects valued at \$44.5 billion and 662 upcoming projects valued at \$46.4 billion.
- Massachusetts, with 680 current projects valued at \$18.1 billion and 318 upcoming projects valued at \$22.5 billion.

LOW BIDS Every Month in Construction NEWS

City of Newburgh Issues RFPs On Three Development Sites

NEWBURGH, NY—The City of Newburgh is seeking development proposals for three city-owned properties located in the heart of the Newburgh's East End Historic District.

The first proposal calls for the rehabilitation of 120 Grand St., formerly known as the "City Club" building. A second proposal seeks the restoration of a four-story corner building at 123 Renwick St. in the center of the historic Washington Heights area. The third proposal offers a combined three-lot, vacant parcel at the corner of Montgomery and South Streets for a mixed-use, new construction development that can take full advantage of the parcel's panoramic Hudson River views and its historic district surroundings.

According to Alexandra Church, the City of Newburgh's director of Planning and Development, "Each of these properties offers a unique and challenging opportunity for the right developer to build on the current momentum of renewal and revitalization in the City of Newburgh."

Proposals must be submitted according



The City Club Building at 120 Grand St. in Newburgh, NY.

to various deadline dates during June and July. All proposals will be reviewed by the Mayor's Strategic Economic Development Advisory Committee and their recommendations will be forwarded to the City Council for their consideration and approval. The Requests for Proposals for each of these opportunities can be found on the City of Newburgh's website on the Planning and Development departmental page (<https://www.cityofnewburgh-ny.gov/planning-development>) and also on Bidnet.com (<https://www.bidnetdirect.com/>).

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## Attorney's Column

Continued from page 10

sufficient information to it, and that what information it had was destroyed in a flood, the court retorted, "This is what is known as 'the dog ate the homework excuse,' and is rarely sufficient."

### Comment

One of the first thoughts of a contractor who is not being paid on a construction project is "lien the job!" That thought is often amongst the first because the mechanic's lien is a powerful tool. However, as the court noted here, those that employ the tool are burdened with the responsibility of timely and fully responding to various demands for information served under the Lien Law, such as the demand for a verified itemized statement of lien. Courts do have the discretion to permit a lienor who makes a good faith attempt to respond, but simply misses the mark, to serve a revised itemized statement. However, this court made clear that a lienor who makes no significant

attempt at compliance, or one who simply thinks the exercise is pointless because that information will be exchanged in any eventual lawsuit, will not enjoy the benefit of the court's discretion. Accordingly, a lienor who finds itself the target of such a demand would be well advised to—promptly, given the short timeframes involved—consult with its counsel to determine what is needed for the response and how to best assemble the information.

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

## Safety Watch

Continued from page 20

ble. Don't try to cover damaged insulation with electrical tape, don't daisy-chain extension cords, or use cords intended for indoor use outdoors (especially in wet conditions) and never pull out the ground pin that serves to return unwanted voltage to ground.

Exposed electrical parts (e.g., temporary lighting, open power distribution units, and detached insulation parts on electrical cords) are also potential hazards.

Additional causes of electrical injuries are hand-held power tools and other equipment with exposed wiring or other damage. Always check for cracks, cuts and abrasions in the wiring, and repairs should be attempted only by persons qualified to do so. Damaged and worn-out equipment should be replaced or repaired by competent personnel. "Lock Out Tag Out" procedures should be implemented, whenever electrical maintenance or repairs are being performed.

Frequent surveys and risk assessments should be performed by a competent person, to identify and correct wiring and equipment that poses a risk of fire or electrical shock.

Personnel should be provided with (and required to use) insulated tools and PPE such as appropriately-rated gloves, mats and ladders. They should also be instructed in the importance of good housekeeping and proper cable management, and trained in emergency and first aid procedures appropriate in the case of electrical accidents.

Finally, while obviously high-voltage lines and outdoor precipitation are primary electrical hazards, even everyday domestic 120-volt current can be fatal (especially in wet conditions) if the current travels through the person's heart. Consequently, even your office staff (and other indoor person-

nel) should be included in your training concerning electrical hazards.

The following are key measures to implement to minimize the risk of electrical injuries:

- Observe all OSHA regulations on electrical safety;
  - Train and re-train your employees;
  - Check and double-check to ensure that your utility company has de-energized (or insulated) overhead power lines;
  - Work "live" only if you have verified that de-energizing the live electrical circuits or parts is impracticable, or would increase the hazard;
  - Allow "live" work only pursuant to a permit system that includes specific procedures.
- Electricians and other electrical workers should also:
- Work live only if qualified to do so;
  - De-energize and lock out or tag out electrical circuits they will be working on or near; and
  - Wear appropriate PPE.

All persons on your job-site should take the following precautions:

- Whether you are an electrical worker or not, be sure you have electrical safety training sufficient for the work you are to perform;
- Make sure power tools and machinery are double insulated or properly grounded;
- Keep metal objects away from live electrical circuits;
- Check all extension and power cords before use, after disconnecting the plug; and
- Keep at least 10 feet distant from live power lines.

*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. The articles in this series do not constitute legal advice or create any attorney-client relationship, and are intended for general guidance only.*



LOW BIDS

JRCRUZ, Bothar, Oliveira, H&B, Coyle, Argenio, Con Tech, Slate Hill Win DOT Work

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

**JRCRUZ Corp.** of Holmdel, NJ was the lowest of five bidders at \$4,662,204.19 for traffic signal, sidewalk, etc. improvements at seven locations in Fishkill, Greenburgh, Hyde Park, Kingston and Scarsdale in Dutchess, Ulster and Westchester counties.

**Bothar Construction LLC** of Binghamton, NY was the lowest of three bidders at \$4,279,646.79 for culvert replacement project: five culverts in Towns of Delhi, Guilford, Meredith, Thompson and Preston in Chenango, Delaware and Sullivan counties.

**Oliveira Contracting Inc.** of Albertson, NY was the lowest of 12 bidders at \$13,082,225.00 for pavement preservation (concrete) in Queens, NY.

**Harrison & Burrowes Bridge Constructors** of Glenmont, NY was the lower of two bidders at \$6,240,624.06 for the rehabilitation of Cochection Dam Road Bridge over Delaware River in Township of Damascus, Wayne County, PA and Town of Cochection, NY (Sullivan County).

**Coyle Industries Inc.** of Hopewell Junction, NY was the lower of two bidders at \$542,600.00 for biennial mowing contract: Interstate 84—Dutchess, Orange, Putnam counties.

**Argenio Brothers Inc.** of Newburgh, NY was the lowest of six bidders at \$1,387,387.00 for intersection improvement: Route 17K at Valley Central School, Town of Montgomery, Orange County.

**Con Tech Construction Technology Inc.** of Carmel, NY was the lowest of 12 bidders at \$291,855.00 for pedestrian access improvements: Route 116 over Metro North Railroad, Town of North Salem, Westchester County.

**Slate Hill Constructors Inc.** of Warners, NY was the lowest of three bidders at \$2,275,000.00 for Statewide Emergency Bridge Contract Regions 1-10.

Financial Management

**Continued from page 15**  
the vaccine and/or experienced symptoms from getting the vaccine. It also restarts the 10-day limit so that after March 31, 2021, the employer can receive the same credit for another 10 days. After March 31, the credits can also be utilized against the Medicare portion of the employment taxes. The family leave credit under ARP, increases the overall wage limitation to take care of a COVID-19 affected relative or a child due to no daycare from \$10,000 to \$12,000. Both the sick leave and the family leave credit are extended until Sept. 30, 2021. The sick and family credits for self-employed was also extended and enhanced to 60 days from 50 days. Advance payments of these credits are also allowed.

Other Significant Items Included in the ARP

**Pensions:** Funds were allocated toward multiemployer union pensions, particularly favoring those plans that are currently in the most danger of failing. Minimum contributions are decreased for single employer pension plans and various other changes are enacted which ease certain restrictions.

The following tax increases were included to offset the cost of the bill.

**Excess Business Loss Limitation:** Although the limitation on excess business losses for non-corporate taxpayers has

been deferred from beginning after Dec. 31, 2017 and until the 2021 tax year, it is scheduled to continue, and sunset through 2027 rather than in 2026.

**Interest Allocation:** The ARP states that affiliated groups can no longer elect to allocate interest on a worldwide basis.

**Highly-Compensated Employees of Publicly Held Corporations:** For tax years after 2026, the restriction on the ability of a public company to deduct the excess of salary of certain highly-compensated employees for over \$1 million is expanded to include the next five highest compensated employees.

The American Rescue Plan Act of 2021 is one of the largest economic rescue plans in U.S. history and it may impact your construction company. For more information, contact your CPA.

About the authors: Phillip Ross, CPA, CGMA is an Accounting and Audit Partner and Chair of the Construction Industry Group at Anchin, Block & Anchin, LLP. Richard Stieglitz, CPA, is a tax partner at Anchin. He is the Tax Leader of the firm's Consumer Products Group and a member of its Tax Credits & Incentives Group. For more construction industry thought leadership and content, log on to [www.anchin.com](http://www.anchin.com).

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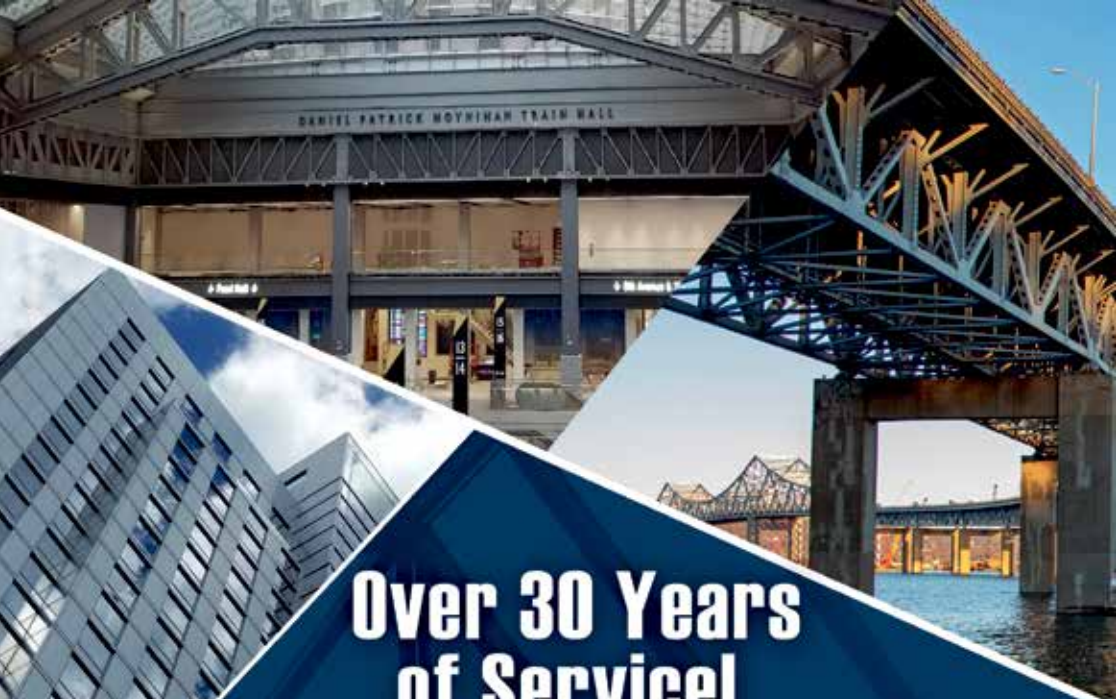
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# From ‘Last Call’ to ‘Action!’

## Storied Anthony’s Pier 9 To Become Movie Studio

By JOHN JORDAN

NEW WINDSOR—Orange County’s premier wedding, catering and event venue Anthony’s Pier 9 in New Windsor is in contract to be sold to an entity that plans to convert the 70,000-square-foot facility into a motion picture production studio.

The pending sale with the unidentified buyer was announced by The Bonura Hospitality Group, which stated it expects the sale to close by June 2021. The Bonura family has owned Anthony’s Pier 9 for more than four decades.

As part of the sale, all Anthony’s Pier 9 employees will retain their jobs. Anthony’s Pier 9 customers with events thru June 13 will still take place at the venue. Events after that date are invited to migrate their events to other Bonura Hospitality facilities. If they elect not to do so, their pre-payments will be refunded in full.

Bonura Hospitality Principal Joseph Bonura Jr. said in the May 10<sup>th</sup> announcement that the pandemic was a prime reason for selling what has been a cornerstone of the family’s business since 1980.

“It has been an honor to help countless families celebrate special moments and we will continue to contribute to the Hudson Valley’s regional economy,” said Bonura Jr. “Unfortunately, the sale of the venue means that Anthony’s Pier 9 is unable to host events on-site after June 13. We apologize for the inconvenience and are in the process of notifying affected parties. We hope that we will be able to host them at one of our other locations for their memorable events.”



Anthony’s Pier 9 has for decades been the venue of weddings, special events and business meetings.

Bonura Hospitality Group stated that it will continue to operate its showcase facilities in the region, and will offer the Anthony’s Pier 9 customers the opportunity to move their events to other company locations. They include The Grandview in Poughkeepsie, Poughkeepsie Grand Hotel, Shadows on the Hudson in Poughkeepsie, West Hills Country Club in Middletown and a new outdoor venue on the Newburgh waterfront adjacent to Bonura’s Blu Pointe restaurant.

Michael Bonura, also a principal in the company, will retain fond memories of Anthony’s Pier 9. “This was our parents’ first catering facility and we have been proud to carry on that legacy,” Michael Bonura said.

Orange County Partnership President and CEO Maureen Halahan, said of the pending sale, “The Bonura Hospitality Group has and will continue to be a part of the fabric of our quality of

life and economic engine throughout the Hudson Valley. For decades, the Orange County Partnership has hosted major events at Anthony’s Pier 9 (and West Hills Country Club) and we will always be indebted to the Bonura family who tended to every detail making their standards that others aspire to. We offer our sincere congratulations and gratitude to the Bonuras.”

Amanda Dana, Orange County’s Director of Tourism and Film, envisions numerous economic opportunities created by the new use as a film studio.

“The positive economic impact of film production is enormous, and without a doubt, provides hundreds, if not thousands, of skilled jobs locally. It also puts much needed revenue back into the local economy,” Dana said. “Orange County is a natural attractor for many large productions on account of our proximity to New York City, the New York State Film Tax Credit and because of the abundance

of diverse locations to film. The Town of New Windsor has a great opportunity to embrace this industry. The repurposing of this valuable commercial property to a production studio is very timely as we are experiencing exponential growth in the film sector. We are incredibly excited to see this project come to fruition.”

The Bonura Hospitality Group also announced that it will invest \$40 million into the improvement of its West Hills Country Club in Middletown. Besides improvements to its existing facilities on Golf Links Road off East Main Street, Bonura Hospitality will be breaking ground next month on a 158-unit market-rate multifamily development on the golf course property. Construction completion is expected in late 2022.

Bonura Jr. added that West Hills’ residences will be modeled on Bonura Hospitality Group’s successful Water Club apartments in Poughkeepsie, providing a luxury living experience across from Shadows on the Hudson and The Grandview, steps away from the city’s waterfront.

Michael Bonura said the Bonura team is optimistic about the Hudson Valley’s future and foresees a strong rebound from the pandemic.

“We are adding 400 jobs across all of our locations,” he said. “We are grateful that The Grandview and Shadows on the Hudson remain extremely popular, the Water Club is thriving and we have a diverse portfolio that is dedicated to the quality of life in the Hudson Valley. We are honored to continue serving the region we love in new and diverse ways, while also contributing to the economy.”

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