



Construction NEWS



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Sen. Schumer Implores NY Construction Trades To Get Behind \$2.7T 'American Jobs Plan'

By JOHN JORDAN
WASHINGTON—U.S. Senate Majority Leader Chuck Schumer (D-NY) this month detailed the massive funding coming New York's way from the \$2.9-trillion COVID stimulus passed earlier this year and the potential massive infrastructure investment that would be harnessed from President Biden's proposed \$2.7-trillion "American Jobs Plan."
In a Zoom meeting from his office in Washington, Sen. Schumer on April 14 briefed construction industry executives and members of organized labor who are united under the banner of the New York Roadway & Infrastructure Coalition (NYRIC). Among those attending were NYRIC President Marc Herbst; NYRIC President Emeritus Ross J. Pepe; Executive Director Robert Wessels of the General Contractors Association of New York; President Mike Elmendorf of the Associated General Contractors of New York; and President and CEO Jay Simson of the American Council of Engineering Companies of New York.
Sen. Schumer noted that the three



Public officials in the Hudson Valley seek federal help, promised in the \$2.7-trillion "American Jobs Plan," to advance needed infrastructure projects that counties and municipalities cannot afford. The \$7-million West Washington Avenue Bridge replacement project over the Pascack Brook in Pearl River, NY in Rockland County is one that's shovel-worthy. See related story, page 4.
Photo Credit/MARGARET FOX PHOTOGRAPHY
COVID relief plans have delivered more than \$250 billion to New York State, including more than \$100-billion from the "American Rescue Plan" passed under the Biden administration that included massive funding for the state and local governments to close budget gaps caused by the coronavirus. The American Rescue Plan also featured: \$10 billion for national capital projects; \$15.5 billion for urban transit in New York State, a majority of which was used to stabilize

the MTA and allow it to continue its capital program.
"We also made clear that the money we are giving to state and local governments, which is more than enough to equal their deficits so they didn't have to lay off people or cut back (programs), could be used for water, sewer and other infrastructure projects," Sen. Schumer said. "So all of you should get to work lobbying the state government and local governments to use some of that money there."
Other funding allocations under the Rescue Plan include: \$935 million for airports in New York State; \$417 million for roads and bridges and \$3.5 billion for Amtrak.
Sen. Schumer then discussed the urgent need to enact the \$2.7-trillion infrastructure plan called the American Jobs Plan. He noted that the nation must not only conquer the pandemic, but also reinvigorate the struggling U.S. economy.
"We want to give faith to the working
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State Budget's \$311B Infrastructure Plan Invests In Roads, Bridges, Mass Transit, Green Economy

By JOHN JORDAN
ALBANY—State lawmakers may have come in more than a day late with the annual state budget, but they certainly didn't come in a dollar short. Gov. Andrew Cuomo and the State Legislature landed on \$212-billion for the FY 2022 budget on April 6. Included in the spending plan, signed by the governor on April 19, is increased capital investment in roads, bridges, mass transit, clean water and a massive public and private commitment to green energy technology that are all part of what is being touted as the

nation's largest infrastructure plan valued at \$311 billion.
Part of the massive investment includes the authorization of the governor's \$3-billion Restore Mother Nature Bond Act to go before the voters in November 2022.
The state spending plan was aided in large part by the \$12.6 billion in COVID aid it will be receiving from the federal government to help offset devastating revenue losses caused entirely by the pandemic. With this federal funding and additional revenues, including \$3.5 billion in new tax revenue that rises

"Economic recovery, growth and prosperity are not easily won back, so we are encouraged by what the governor and the legislature have done. This is a positive first step in our journey, and it demonstrates the resiliency and moxie that New Yorkers are known for across the globe."

— John Cooney, Jr., CIC executive director

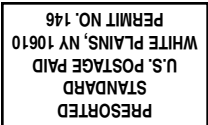
to \$4.3 billion in FY 2023, the Enacted Budget closed the state deficit that threatened to result in significant program spending cuts and reductions in funding to municipal governments.
"New York was ambushed early and hit hardest by COVID, devastating our economy and requiring urgent and unprecedented emergency spending to manage the pandemic," Gov. Cuomo said. "Thanks to the state's strong fiscal manage-

ment and relentless pursuit to secure the federal support that the pandemic demanded, we not only balanced our budget, we are also making historic investments to reimagine, rebuild and renew New York in the aftermath of the worst health and economic crisis in a century. This budget continues funding for the largest-in-the-nation \$311-billion infrastructure plan, establishes a groundbreaking program to provide afford-

able Internet for low-income families and enhances public safety through police reforms, all while continuing to provide relief to New Yorkers and small businesses as we recover from the pandemic."
Construction industry leaders praised the agreement as a means to improve the state's infrastructure that will also create thousands of jobs for its struggling economy battered by the coronavirus.
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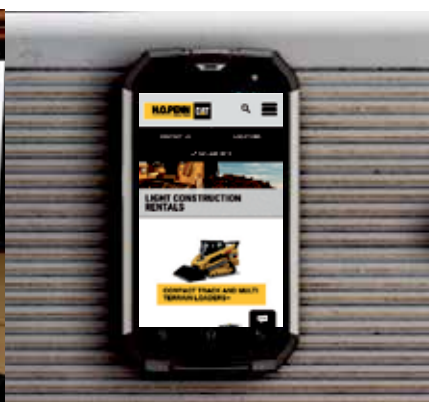
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\$100M Filtration Plant in Westchester On Path to Begin Construction in 2022

By JOHN JORDAN

HARRISON, NY—A recent ruling by the New York State Department of Environmental Conservation has officials with the Westchester Joint Water Works hopeful that it can break ground in early 2022 on a much-delayed \$100-million water filtration plant, which will be built on 13+ acres at Westchester County Airport here.

The New York State Department of Environmental Conservation has designated Westchester Joint Water Works, a nonprofit public benefit corporation, as “lead agency” in the SEQRA process for the construction of the 30-million-gallon-per-day (mpg) water filtration plant. “This designation of WJWW to serve as lead agency is based on my findings that WJWW, as project sponsor, has broader jurisdiction than the [Harrison] Planning Board to investigate the environmental impacts,” State DEC Commissioner Basil Seggos wrote in his decision on March 10.

The new filtration plant is necessary because both the New York State Department of Health and U.S. EPA have ordered WJWW to provide filtration for its raw water source at Rye Lake to comply with surface water treatment requirements and control harmful levels of disinfection by-products, including HAA5 (haloacetic acids). Long-term exposure to high levels of HAA5 has been linked to an increased risk for cancer, although WJWW officials note that the concentrations of HAA5 detected in WJWW’s water system does not constitute an immediate health hazard.

“Westchester Joint Water Works understands the urgency to construct a water filtration plant to protect the health and safety of the approximately 120,000 Westchester County residents that we serve,” said Paul Kutzy, WJWW Manager. “We will ensure that a thorough environmental review is completed for the filtration plant in collaboration with an expert team of environmental engineers, scientists, planners, architects, government agencies and legal specialists.”

He added, “The recent NYS-DEC ruling clears the way, without further delay, for WJWW to move forward with the SEQRA process and towards construction of the water filtration plant to protect the health and safety of the approximately 120,000 Westchester County residents that we serve.” Mr. Kutzy told CONSTRUCTION NEWS that WJWW hopes construction can begin on the new water filtration plant in early 2022.

The WJWW is under the gun and is now mandated by both New York State and the U.S. Environmental Protection Agency to build the plant. WJWW is currently facing state fines accruing at \$13,750 a day that has

thus far accrued to a total of \$60 million, and risks federal fines of an additional \$35,000 per day for noncompliance.

The original project was delayed due to litigation. WJWW sought to build a water filtration plant when the need for one was identified in the early 1990s. In 2004 when the goal could not be accomplished to the satisfaction of New York State, WJWW was ordered by the court to construct a plant. Following the issuance of the court’s order, WJWW eventually decided the construction of a water filtration plant was the best option and purchased approximately 13.4 acres of land in the Town of Harrison on which to build. It also took steps to comply with disinfection treatment requirements, including the use of new and modified water tanks. WJWW completed the water filtration project design

in a timely manner and received approvals from the New York State Department of Health. Shovels hit the ground in 2006, but litigation and permitting issues blocked the project, for which the Town/Village of Harrison Planning Board was the Lead Agency.

Site preparation at the original project location began on Aug. 29, 2006, but all construction was halted on Sept. 8, 2006, when, faced with challenge by local parties, the Planning Board rescinded its original approvals and retracted its “negative declaration” determination under SEQRA. The Planning Board then undertook the role of Lead Agency under SEQRA, made a “positive determination” and required preparation of a full Environmental Impact Statement. WJWW issued a final EIS in July 2008. The final

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A map of the proposed site for the new water filtration plant on the grounds of Westchester County Airport in Harrison, NY.

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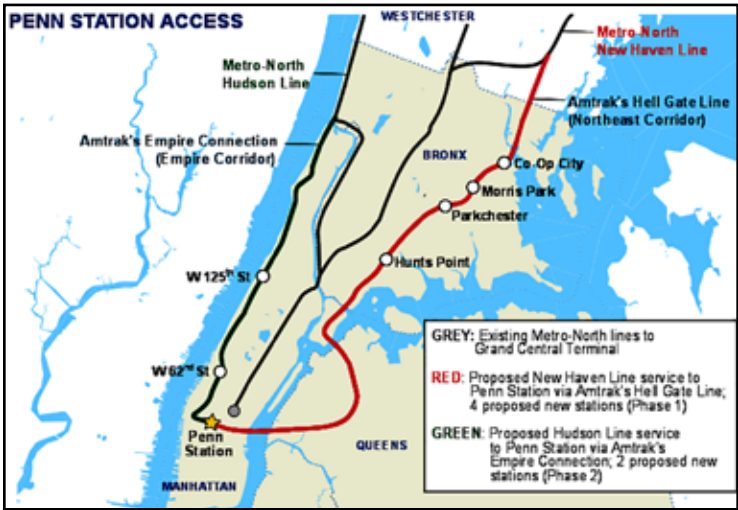
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Westchester Supports White House Infrastructure Plan to Fund MTA Penn Station Access, Dam Repair, Yonkers Sewer Plant

WHITE PLAINS—Westchester County Executive George Latimer released the county’s top federal legislative requests on April 12 and tops on the list is the repeal of the State and Local Tax (SALT) cap.

The legislative priorities list sent to the Westchester Congressional delegation also included support for President Biden’s proposed infrastructure spending plan and a list of infrastructure-oriented projects that could be funded by the federal government.

The SALT deduction cap of \$10,000 results in double taxation and raised taxes on thousands of middle-class families in Westchester who depended on that deduction. County officials said that the county strongly supports the repeal of the SALT tax cap. The SALT deduction cap was a major source of tax fairness for high-taxed and donor states like New York. Prior



A map of the planned Penn Station Access project.

to 2017, 70% of Westchester’s middle-income families (defined as families making less than \$200,000 per year) itemized their federal tax deductions and had an average of \$36,263 in SALT deductions.

The legislative priorities were compiled by the Westchester County Department of Inter-

governmental Relations under Mr. Latimer’s leadership. Department of Intergovernmental Relations Director Steve Bass led the team along with Deputy Director Ellen Hendrickx and Intergovernmental Relations Aide Kyle McIntyre.

“I want to thank the Intergovernmental Affairs team for their tireless work on making sure that the voices of county residents are heard on the federal level,” Westchester County Executive Latimer said. “There is much we can do at the county level of government, but we do need the federal government to help us on many issues. I applaud the work of our federal delegation thus far, and look forward to continued collaboration for the betterment of Westchester County moving forward.”

Among the priorities, Westchester is urging its federal Congressional delegation that any infrastructure bill include funding for a host of major projects:

Penn Station Access

The Penn Station Access project will have significant benefits for Westchester commuters who travel to the West Side, saving valuable time from their daily commutes. The opening of that project will divert some LIRR trains to Grand Central, thereby opening up slots at Penn Station for Metro-North service. Once completed, Metro-North and the LIRR commuters will have access to both the West Side and the East Side of Manhattan. The project includes the addition of four new stations in the Bronx on the New Haven Line: Co-op City, Morris Park, Parkchester/Van Nest, and Hunts Point.

Lake Isle Dam Repair

At the moment, there is no municipality claiming responsibility for Eastchester’s segment of the dam, the county noted. With costs ranging from \$6 million to \$20 million, Westchester County is asking, on behalf of the surrounding municipalities, for federal assistance in creating a system to pay for this repair which will have to be processed and managed by the surrounding municipalities, and would include preparing a plan to renovate the dam, and providing the proper allocation of federal funds to go toward the project’s ultimate completion.

Yonkers Wastewater Treatment Plant

Westchester County requests \$69.1 million in budgeted federal grants to address long-term infrastructural repairs to the plant’s odor insulation.

Environmental Protection and Clean Water

The county is asking its

Congressional representatives to reinstate all EPA and environmental funds stripped away by the last administration. Despite strong bipartisan backing, the Drinking Water Infrastructure Act of 2020 failed to pass in the 116th Congress.

If passed in this session, both the Clean Water State Revolving Fund and the Water Infrastructure Finance and Innovation Act will be reauthorized. As this federal funding provides critical support for water and sewer projects, many of which are long overdue, Westchester County stated that it strongly urges the re-introduction and swift passage of S. 3590 and a sufficient allocation of associated federal funding.

The county is also seeking funding for the PFAS/PFO remediation at the Westchester County Airport through the National Defense Authorization Act.

In 2018, the county reinstated the groundwater-testing program at the airport that had been discontinued during the prior administration. Based on the sampling and ground water flow patterns, the county, in cooperation with the New York State Department of Environmental Conservation, is developing a remediation plan for the airport. The county is also working closely with the New York City Department of Environmental Protection due to the proximity of the airport to the reservoir system. The county is seeking financial support from the U.S. Dept. of Defense to assist with remediation costs due

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OBITUARY

Dr. John Collins

Long-Time Traffic P.E., Teacher

Dr. John Collins, a longtime engineer and traffic and transportation consultant in the region who passed on his passion for the profession to countless others as a professor at Manhattan College and Westchester Community College, died on March 8 at the age of 77.

Dr. Collins, a resident of Pleasantville, NY, died after a courageous battle with lung cancer. He was born on Dec. 15, 1943 in New York City to Patrick and Kathleen Collins. He earned a Bachelor’s of Engineering from Manhattan College, a Master’s from Columbia University and went on to earn his Doctorate from New York University.

Dr. Collins started John Collins Engineers, a successful traffic and transportation consulting business, which he led with his close business partner, Dr. Phil Grealy, for more than 30 years before selling to Maser Consulting. He was a passionate teacher of the civil engineering profession, teaching at both Manhattan College and Westchester Community College, retiring as the Chairman of the Engineering Department at WCC.

He married Julia Brady Collins on Aug. 16, 1969. Together they raised three children, Trish



(Neil), John (Ali) and Michael (Merry), and six grandchildren, Norah and Matthew, Jake and Libby, Rose and Grant.

Known as “Dad,” “Grandpa,” “Pee Paw” and “UJ,” he was the most loving and caring man anyone could know. Family was the most important thing in his life. He was very thoughtful, immensely kind and overwhelmingly generous to all who met him. He had a calming presence

and influence that resonated with everyone. Time with John was time well spent.

He is survived by his loving and caring wife of more than 51 years, Judy, their children, spouses and grandchildren. He is also survived by his brothers Patrick and James and their families, his brother Edward’s family and many nieces, nephews, colleagues, associates and friends who absolutely adored him. He is predeceased by his parents Patrick and Kathleen, and his brother Edward.

A Mass of Christian burial was held on March 13 at Holy Innocents Catholic Church in Pleasantville. Dr. Collins was very strong in his faith and community and for that reason the family asks in lieu of flowers, that donations be made to Holy Innocents Parish in Pleasantville, NY.

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Biden Administration Grades NY A 'C-' on State of Infrastructure

WASHINGTON—The Biden administration as a means to bolster its proposed \$2.7-trillion American Jobs Plan, released a fact sheet that gave New York State a C- for the current state of its infrastructure.

At present, the Biden administration is attempting to gain Republican support for its massive infrastructure funding plan. New York's report card released on April 12 detailed a host of significant needs that include deficient roads and bridges and much-needed investment in sewer and water infrastructure.

The following are highlights of New York's infrastructure report card:

- **ROADS AND BRIDGES:** In New York there are 1,702 bridges and over 7,292 miles of highway in poor condition. Since 2011, commute times have increased by 7.4% in New York and on average, each driver pays \$625 per year in costs due to driving on roads in need of repair. The American Jobs Plan will devote more than \$600 billion to transform our nations' transportation infrastructure and make it more resilient, including \$115 billion repairing roads and bridges.

- **PUBLIC TRANSPORTATION:** New Yorkers who take public transportation spend an extra 58.9% of their time commuting and non-White households are 2.5 times more likely to commute via public transportation. A total of 11% of trains and other transit vehicles in the state are past useful life. The American Jobs Plan will modernize public transit with an \$85-billion investment.

- **RESILIENT INFRASTRUCTURE:** From 2010 to 2020, New York has experienced 31 extreme weather events, costing the state up to \$100 billion in damages. The President is calling for \$50 billion to improve the resiliency of our infrastructure and support communities' recovery from disaster.

- **DRINKING WATER:** Over the

next 20 years, New York's drinking water infrastructure will require \$22.8 billion in additional funding. The American Jobs Plan includes a \$111 billion investment to ensure clean, safe drinking water is a right in all communities.

- **HOUSING:** In part due to a lack of available and affordable housing, 1.7 million renters in New York are rent burdened, meaning they spend more than 30% of their income on rent. The President proposes investing more than \$200 billion to increase housing supply and address the affordable housing crisis.

- **BROADBAND:** 31.4% of New Yorkers live in areas where there is only one broadband Internet provider providing minimally acceptable speeds. Even where infrastructure is available, broadband may be too expensive to be within reach. 13% of New York households do not have an Internet subscription. The American Jobs Plan will invest \$100 billion to bring universal, reliable, high-speed, and affordable coverage to every family in America.

- **CARE GIVING:** Across the country, hundreds of thousands of older adults and people with disabilities need home and community-based services. The President's plan will invest \$400 billion to help more people access care and improve the quality of caregiving jobs.

- **CHILD CARE:** In New York, there is an estimated \$2.91-billion gap in what schools need to do for maintenance and make improvements with 64% of residents living in a childcare desert. The American Jobs Plan will modernize the nation's schools and early learning facilities and build new ones in neighborhoods across New York and the country.



President Joe Biden

SOURCE: WHITE HOUSE

- **MANUFACTURING:** Manufacturers account for more than 4% of total output in New York, employing 441,000 workers, or 4.5% of the state's workforce. The American Job's Plan will invest \$300 billion to retrofit and revitalize American manufacturers, including providing incentives for manufacturers to invest in innovative energy projects.

- **HOME ENERGY:** In New York, an average low-income family spends 6%-8% of their income on home energy costs forcing tough choices between paying energy bills and buying food, medicine or other essentials. The American Jobs Plan will upgrade low-income homes to make them more energy efficient through a historic investment in the Weatherization Assistance Program, a new Clean Energy and Sustainability Accelerator to finance building improvements, and expanded tax credits to support home energy upgrades.

- **CLEAN ENERGY JOBS:** As of 2019, there were 159,337 New Yorkers

working in clean energy, and the American Jobs Plan invests in creating better paying union jobs advancing clean energy production by extending and expanding tax credits for clean energy generation, carbon capture and sequestration and clean energy manufacturing.

- **VETERANS HEALTH:** New York is home to more than 700,000 veterans, 7.5% of whom are women and 54% of whom are over the age of 65. The President is calling for \$18 billion to improve the infrastructure of VA health care facilities to ensure the delivery of world-class, state of the art care to veterans enrolled in the VA health care system. This includes improvements to ensure appropriate care for women and older veterans.

U.S. Secretary of Transportation Pete Buttigieg said at a White House press briefing on April 9 that he is convinced that the American Jobs Plan "is the best chance in our lifetimes to make a generational investment in infrastructure."

He noted that the decades of underinvestment have caused the United States to fall to 13th place in the world in terms of infrastructure. Delays caused by traffic congestion alone cost more than \$160 billion per year, and motorists are forced to pay over \$1,000 every year in wasted time and fuel.

"The American Jobs Plan will again transform America's roads and bridges, rail and transit, ports and airports for the better," he said. "It's going to help modernize our transportation infrastructure so we can compete in the 21st century and connect communities. It will create millions of good jobs in communities across the country."

Get Behind \$2.7T 'American Jobs Plan'

Continued from page 1

family, to our union members throughout the country that we are going to move forward and do better," he said. "The American Jobs Plan is the largest investment in infrastructure and workers in our lifetime, creating millions of new high-paying American jobs in the next couple of years."

He estimated the plan would fuel \$1 trillion in construction over the next decade and create tens of thousands of prevailing wage jobs in New York State.

The Biden administration earlier this month issued infrastructure report cards for each state, including New York, and detailed funding earmarked to the states under the American Jobs Plan (See story above).

Sen. Schumer said he had discussed with President Biden the need for funding for some of New York's critical large projects including the multi-billion dollar I-81 project in Syracuse and others to be included in the infrastructure plan.

"Every city, every major region in our area, whether it is expanding Route 17 (in Orange County), whether it is the interloop in Rochester, whether it is making sure the busways work in the Albany/Capital Region area, Main Street and the elevated highways in Buffalo, we have big infrastructure plans that with the magnitude of this plan could be realizable."

The senator said he is hopeful that Congress could pass the American Jobs Act by this summer, although he admitted that funding mechanisms for the proposal have yet to be finalized.

Sen. Schumer, who also noted that the Gateway Hudson River Tunnel project is now moving forward, also stressed the importance to New York State of the repeal of the SALT (State and Local Taxes) cap.

Mr. Herbst, who led the questions that followed, said that NYRIC has scheduled a virtual program on May 5 at 2:00 p.m. with members of the New York Congressional delegation who serve on the House Transportation & Infrastructure Committee.

\$100M Filtration Plant in Westchester On Path to Begin Construction in 2022

Continued from page 3

EIS was never formally adopted by the Planning Board. Without completion of the SEQRA review process, no further action could be taken to complete the filtration plant, WJWW officials stated.

The revised plan now being pursued by WJWW is a new site closer to the Rye Lake Water supply and its existing infrastructure that it would acquire from Westchester County in what would basically be a land swap of same sized parcels. The initial site, although nearby, is located in a residential zone. The site of the current proposed plant is on 13.4 acres of land at the Westchester County Airport that is zoned for non-residential use.

WJWW is working with the county toward a purchase/sale transaction between the county and WJWW involving an equal exchange of the two parcels.

"This is the most effective method of protection for WJWW to provide safe, clean drinking water," Mr. Kutzy said. "The plant will not only provide a current solution, but will ensure WJWW's water supply is

well-positioned to meet future demands."

WJWW has completed a project feasibility study and a detailed project design is underway. Mr. Kutzy said that WJWW is looking to enter into a Project Labor Agreement (PLA) for the project with a single general contractor encompassing all the trades.

"The PLA is expected to provide more efficiencies in the contract procurement process as well as help WJWW save money, and ensure a timely completion of the water filtration plant," he said. "The PLA is a win-win in that the project will also create hundreds of well-paying construction jobs with benefits."

Some of the details of the project according to its preliminary design call for a ground-up construction of a three-floor building totaling approximately 80,000 square feet. The building will consist of primarily concrete, masonry and steel and would be built on a site totaling between three to five acres that would include parking, access and storm water controls. The remainder of the

site would be left undisturbed, Mr. Kutzy noted.

The WJWW is a nonprofit public benefit corporation formed in 1927 by its three-member municipalities: the Village of Mamaroneck, the Town of Mamaroneck, and the Town/Village of Harrison pursuant to the provisions of Chapter 654, Laws of 1927, State of New York to acquire, construct and provide a joint water works. WJWW supplies water to its member municipalities and to portions of the cities of Rye and New Rochelle, serving 59,629 consumers through 14,682 service connections. WJWW also supplies water on a wholesale basis to the Village of Larchmont and Suez Water Westchester, which supplies water to the City of Rye, Village of Rye Brook and Village of Port Chester, which collectively represent approximately another 60,000 consumers.

To educate the public about the details of the water filtration plant, WJWW has launched a website—wjwwfiltration.org—that includes information about the project and the SEQRA process.

State Budget's \$311B Infrastructure Plan Invests In Roads, Bridges, Mass Transit, Green Economy Continued from page 1

John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, said, "This budget addresses the infrastructure's massive needs and is consistent with the promise to advance bold transportation and development projects that Gov. Cuomo has announced earlier this year. Economic recovery, growth and prosperity are not easily won back, so we are encouraged by what the governor and the Legislature have done. This is a positive first step in our journey, and it demonstrates the resiliency and moxie that New Yorkers are known for across the globe."

"We know that the only path to recovery is to build our way out of this crisis, and the budget enacted by our state leaders ensures we do just that," said Carlo A. Scissura, president and CEO of the New York Building Congress. He later added, "This bold spending plan not only paves the way for new roads and bridges, green energy projects, clean water infrastructure and affordable housing, but it creates a reimagined Penn Station complex with better MTA and Amtrak service and progresses the Restore Mother Nature Bond Act, which would result in nation-leading investments to benefit the environment. The New York Building Congress applauds our state leadership for this necessary, transformative budget and we look forward to continuing to work with them to build a better New York for all."

Some of the overall highlights of the budget include: a record \$29.5 billion in school aid; \$29 billion in public and private green economy investments; \$2.4 billion for rent and homeowner relief; \$2.4 billion for child care; \$2.1 billion for excluded workers; \$1 billion for small business recovery; a first-in-the-nation plan to make broadband Internet affordable and legalizing mobile sports betting and recreational marijuana. The budget did not include moving the timeline up for downstate casinos, however.

In terms of transportation and infrastructure spending, the budget includes the following:

The FY 2022 Enacted Budget provides \$6.2 billion for the second year of a record \$12.3-billion, two-year DOT Capital Plan that will facilitate the improvement of highways, bridges, rail, aviation infrastructure, non-

MTA transit and DOT facilities. Compared to the final two years of the last DOT Capital Plan, this is an increase of \$3.4 billion, or 38%, state officials noted.

The budget also features a total of \$1 billion for strengthening local highways and bridges: Funding for the Consolidated Highway Improvement Program (CHIPS) and the Marchiselli program increases by \$100 million to \$577.8 million and

level of funding in the program's history. Appropriations include \$40 million for solid waste programs, \$90 million for parks and recreation, \$151 million for open space programs and \$19 million for the climate change mitigation and adaptation program. This investment will provide funding for critical environmental programs such as land acquisition, farmland protection, invasive species

the two offshore wind farms will yield a combined 2,490 megawatts of carbon-free energy, spurring another \$8.9 billion in investment.

New York has secured commitments from companies to manufacture wind turbine components within the state and build the nation's largest offshore wind program. Plans to make New York State a global wind energy manufacturing

The budget also provides funding for several megaprojects in Manhattan. As part of the Transformational Midtown West Development and with the completion of the Moynihan Train Hall, the state will launch a comprehensive \$16-billion project to expand and reconstruct the existing Penn Station. The fully renovated Penn Station, including the iconic new Long Island Rail Road entrance on 7th Avenue that opened on Dec. 31, 2020, will comprise a widened and completely reconstructed 33rd Street LIRR concourse and an expanded and completely transformed station.

Additionally, at least eight new tracks will be constructed south of the existing Penn Station to add capacity, cut down on delays, and improve operations. This will be a signature transportation project creating nearly 60,000 direct jobs, and involving the federal government, Empire State Development, the Metropolitan Transportation Authority, New Jersey Transit and Amtrak.

As part of the transformational Midtown West Development, the FY 2022 Enacted Budget includes funding to support the governor's proposal to extend the High Line in Manhattan to give pedestrians seamless access to the elevated pathway from the recently opened Moynihan Train Hall. As part of a public-private partnership, Brookfield Property Group will partner with Empire State Development, the Port Authority of New York and New Jersey and Friends of the High Line to build an L-shaped connection from the 10th Avenue terminus of the High Line to Brookfield's Manhattan West public space.

The budget, which includes significant funding for affordable housing and school construction, also includes a provision that New York uses "Buy American" principles in manufacturing of renewable components and requires prevailing wage for construction labor peace agreements for operations and manufacturing.

While the budget includes aid to renters, landlords and middle-class tax cuts, it also comes with revenue raisers targeted to the wealthy.

The Enacted Budget implements a surcharge on high earners through Tax Year 2027 that sets a top rate of 10.9% for all filers earning more than \$25 million. The surcharge raises \$2.8 billion in FY 2022, rising to \$3.3 billion in FY 2023.

It also implements a surcharge on corporate tax rate that increases the business income tax rate from 6.5% to 7.25% for three years through tax year 2023 for taxpayers with business income greater than \$5 million. It also increases the capital base method of liability estimation to 0.1875% from the 0.025% rate in effect last year. These changes raise \$750 million in FY 2022 and \$1 billion in FY 2023.

"We know that the only path to recovery is to build our way out of this crisis, and the budget enacted by our state leaders ensures we do just that."

—Carlo A. Scissura, president, CEO, New York Building Congress.

funding for Extreme Winter Recovery is set at \$100 million. The Enacted Budget also provides \$100 million of new funding to localities responsible for State Touring Routes, increases highway aid through the PAVE NY program by \$50 million to \$150 million, and maintains funding of local bridge projects through the BRIDGE NY program at \$100 million. This represents an overall year-to-year increase of \$285 million.

The FY 2022 Enacted Budget also allocates \$110 million in New York Works capital funding for the Office of Parks, Recreation and Historical Preservation. This funding will aid the ongoing transformation of the state's flagship parks, and support critical infrastructure projects. The budget also includes \$75 million for the Department of Environmental Conservation to address a variety of capital needs to improve access to state lands and rehabilitate campgrounds.

In terms of clean water infrastructure, the FY 2022 Enacted Budget adds a \$500-million appropriation to support clean water, raising the state's total investment to \$4 billion and continuing to fulfill the governor's \$5-billion clean water commitment.

The budget also renews record funding—\$300 million—for the Environmental Protection Fund; the highest

prevention and eradication, enhanced recreational access, water quality improvement and an aggressive environmental justice agenda, state officials said.

The budget also authorizes the governor's \$3-billion Restore Mother Nature Bond Act. If approved by voters in the November 2022 general election, this initiative will make significant investments across the state to combat climate change, reduce flood risk, invest in resilient infrastructure and revitalize critical fish and wildlife habitats. It will do this by connecting streams and waterways, right-sizing culverts and dams, restoring freshwater and tidal wetlands, reclaiming natural floodplains, restocking shellfish populations and upgrading fish hatcheries, preserving open space, conserving more forest areas, replanting more trees, reducing contamination from agricultural and storm water runoff and expanding renewable energy.

As part of the governor's \$29-billion green economy program that involves both public and private investment, the state will contract with Equinor Wind US LLC for the development of two new offshore wind farms more than 20 miles off the shore of Long Island, in what is the largest procurement of renewable energy by a state in U.S. history. Upon completion,

powerhouse include upgrades to create five dedicated port facilities. These projects include: the nation's first offshore wind tower-manufacturing facility to be built in the Port of Albany; facilities at the South Brooklyn Marine Terminal; greater activity at Port Jefferson and Port of Montauk Harbor in Long Island. Together, the projects will leverage almost \$3 of private funding for every \$1 of public funding, for a combined \$644 million investment in these port facilities.

New York State will construct a new green energy superhighway of 250 miles. The \$2-billion project will create opportunities to maximize the use of renewable energy for the parts of the state that still rely on polluting fossil-fuel plants. Construction has already started on the New York Power Authority's 86-mile Smart Path project from Massena to Croghan and key projects in Western New York, Mid-Hudson and the Capital Region.

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

The FY 2022 Enacted Budget provides non-MTA transit systems with another \$20 million of capital aid, for the second installment of a \$100-million five-year program to support transit agencies' transition to electric buses. Under this program, five of the largest upstate and suburban transit authorities will electrify 25% of their fleets by 2025 and 100% by 2035.

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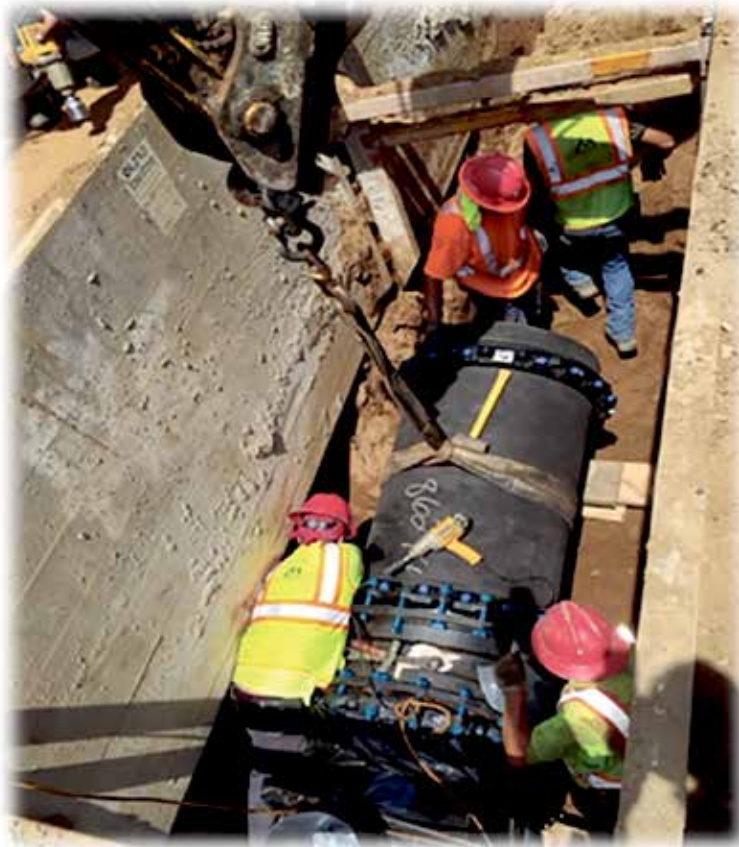
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Attorney's Column

Appellate Court Denies Petition to Cancel Mechanic's Liens Without Address of Lienor

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

We have written about how powerful a tool a mechanic's lien can be for a contractor to secure its payment, and how that tool comes with certain responsibilities (such as providing a verified itemized statement of lien upon proper demand, and being accurate in the assertions made in the lien, among others). Another responsibility is to properly set forth the information required by Sec. 9 of New York's Lien Law, which sets forth the information that is to be included in the Notice of Lien.

However, as a court recently reminded us in the case of *Matter of Malbro Construction Services v Straightedge Builders, Inc.*, such requirement is not a

trap for the unwary, and Sec. 9 should be interpreted liberally in accordance with the purpose of the Lien Law—which is to protect the beneficial interests of lienors.

Background

Prior to 2017, petitioner Malbro Construction Services, Inc., entered into several contracts with homeowners affected by Hurricane Sandy to perform remedial work to their homes under the auspices of the

New York City Build it Back program. Malbro retained the services of Straightedge Builders, Inc., as one of its subcontractors for the required work.

In August of 2017, Straightedge filed mechanic's liens on five of the properties on which it worked as a subcon-

tractor to Malbro. On the form Notice of Lien, the address used for Straightedge was clearly that of the attorney it used to file the liens, and not the "the business address of such firm, or corporation" that is the lienor, as is required by Sec. 9 of the Lien Law. Malbro commenced a special proceeding to cancel the liens based on what it characterized as the facial defect, arguing that without the lienor's actual

Malbro commenced a special proceeding to cancel the liens based on what it characterized as the facial defect, arguing that without the lienor's actual address, it could not serve a Demand to Foreclose under Section 59 of the Lien Law.

address, it could not serve a Demand to Foreclose under Sec. 59 of the Lien Law (which requires either personal service on the lienor, or service upon someone of suitable age and discretion at the lienor's last known address). Straightedge opposed the motion, arguing that the listing of the attorney's address was proper and, in any event, there was no prejudice because Malbro was aware of Straightedge's ad-

dress because it was on both the contract and every check sent by Malbro to Straightedge.

Decision

The court denied Malbro's motion, holding simply that "the alleged defects in the liens [are not] fatal." Malbro appealed, and the motion court's order was affirmed. In doing so, the appellate court cited well settled case law that "in determining the validity of a notice of lien, the requirements of the Lien Law are 'to be construed liberally to secure the beneficial interests and purposes thereof. A substantial compliance with its several provisions shall be sufficient for the validity of a lien and to give jurisdiction to the courts to enforce the same.'" In concluding, the appellate court held that Straightedge's Notices of Lien complied substantially with the requirements of Sec. 9.

Comment

As we saw here, courts can save a mechanic's lien with an exercise of discretion in determining that a defect was not prejudicial and the notice nevertheless "substantially complied" with the requirements of Sec. 9 of the Lien Law. However, the better course of action would be to review the requirements of Sec. 9 and, using the statute as a checklist, insert accurate information in response to all seven criteria set forth. While the common sense "it's the address where you mailed the checks" argument ultimately prevailed here, a lot of time, effort and money could have been saved for the simple want of double checking the information on the lien form as it was being completed. Further, since this holding was made, essentially, as an exercise of the court's discretion, there is no guarantee that another judge in another courtroom would exercise his or her discretion in the same manner.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and is the Founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, an attorney and a partner with the firm, co-authors this series with Mr. Welby.

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Economic Outlook

Economists See COVID Impacts Easing

By MICHAEL PATON

After an unprecedented economic slowdown caused by the COVID-19 pandemic and associated public health restrictions, the U.S. economy has enjoyed a partial rebound through the second half of 2020. With the passage of the \$1.9-trillion COVID aid bill, most economists believe that the economy is set to respond even further.

Moreover, widespread inoculations against COVID-19 should generate faster growth in the latter half of 2021, allowing the economy to accelerate even further. The federal legislation, just passed, contains a substantial (although temporary) expansion of health-care subsidies, extended unemployment benefits, direct checks to American families, increases in child tax credits and budgetary relief to states and localities. Critics of the legislation believe that the



size of the bill is too large and may cause increased inflation. It will certainly increase the cumulative federal debt.

With this bill now passed, the administration is gearing up for its next big legislative priority: a multi-trillion-dollar infrastructure package. Although most of the details are not yet available, a sweeping infrastructure bill would include billions of dol-

lars for updating highways, bridges and water and sewer lines, while also expanding broadband networks into rural areas. Spending on infrastructure—and the jobs created by big-ticket projects—enjoys widespread public support. Some Republicans have indicated that they would support a narrower bill focused on roads and broadband. But, they have tempered that support by voicing concerns over how a package will be paid for. During the election campaign, Mr. Biden suggested it could be funded by increasing taxes on corporations and wealthy individuals. There will clearly be opposition to this program as too expensive, once again adding to the nation's growing debt if passed.

More locally, New York City's labor markets have been improving. By the end of 2020,

The predominant forecast risk continues to be the COVID-19 pandemic and the pace of the current efforts to inoculate the U.S. population against the virus, according to New York City government economists.

about one-third of the jobs lost (or approximately 900,000 jobs) have been recovered and more appear on the way as we moved into 2021. According to the New York City Office

of Management and Budget, total employment in the city is expected to rebound 4.6% in 2021, accelerate to 5.8% in 2022, and then slow to 1.4% by the end of the forecast horizon in 2025. However, employment is projected to remain below the prior 2019 peak of about 4.7 million until 2023—lagging the national recovery.

The city's housing market slowed considerably in 2020. New York City Department of Finance data indicate that through the first three quarters of 2020, housing sales totaled 24,700—a 30% reduction from the same period of the prior year. All property types suffered a downturn, with sales of condos, co-ops, and single-family homes each falling by over 25%. As the pandemic intensified, large numbers of people fled the city for residential space in the suburbs, where housing sales were robust. The City's Office of Management and Budget forecasts total sales volume to decline by about 24% for the full year of 2020 and, due to low mortgage rates and pent-up demand, rebound 17.3% in 2021.

Average prices declined four percent through the first three quarters of 2020 from the prior year due to weakness in the luxury market, with condo prices declining 12%. Controlling for price variations due to compositional shifts, repeat-sales index data from StreetEasy—based on activity in Manhattan, Queens and Brooklyn—reveal that prices fell one percent year-to-date (YTD) through November from the prior year.

Douglas Elliman Real Estate reported that for full-year 2020, the average sales price in Manhattan was about one percent higher than the prior year while the sales volume 30% lower. The increase in prices is likely biased upward as a result of the introduction of higher transfer tax on high-valued properties in 2019. In addition, a small share of high-value condo and single-family homes also skewed the average price upward (for example, 10 sales at 220 Central Park South that exceeded \$30 million each). The rental market has continued to weaken due to soft demand. The StreetEasy repeat-rent index, also based on activity in Manhattan, Queens and Brooklyn, was down 1.9% through November 2020 relative to the same period in the prior year. The impact was greatest in Manhattan, where rents were down 3.5%.

According to New York City government economists, the predominant forecast risk continues to be the COVID-19 pandemic and the pace of the current efforts to inoculate the U.S. population against the virus. The course of the

Please turn to page 24

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Orange County IDA Board of Directors Fires Managing Director, CEO Resigns

By JOHN JORDAN

NEW WINDSOR, NY—At a special meeting of the newly constituted Board of Directors of the Orange County Industrial Development Agency on March 30, the IDA Board voted to terminate the contracts of the managing director of the IDA and its Accelerator programs. On April 5, the chief executive officer of the IDA submitted her resignation.

The Orange County Industrial Development Agency is currently operating under a cloud as its operations are being investigated by the Orange County District Attorney, in partnership with the New York State Comptroller's Office, and the New Windsor Police Department. In

early March, the Orange County Legislature, frustrated over attempts to secure financial documents from the Orange County Industrial Development Agency, voted to remove the entire seven-member IDA Board of Directors.

The newly constituted IDA Board at its March 30 special meeting voted 4-1 with one abstention to terminate contracts for managing director services with Vincent Cozzolino (Orange County IDA Managing Director) and Galileo Technology Group of Kingston on a host of contracts with the agency and its affiliates. According to the resolution, approved by the IDA Board, Cozzolino/Galileo Technology Group Inc. was paid an annual salary of \$70,000 a



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year as managing director of the Orange County Industrial Development Agency.

The IDA also terminated contracts for managing director services that paid Galileo Technology Group: \$80,000 for the Orange County Business Accelerator; \$72,000 for the Middletown Accelerator campus; \$72,000 for the Newburgh and

New Windsor Accelerator campuses; \$72,000 for the Warwick Accelerator campus; \$72,000 for the Highland Falls Accelerator campus and a \$125-an-hour fee not to exceed \$300,000 for services relating to the Accelerator's Without Walls program. Not including fees for the Without Walls program, Galileo Technology Group earned a total of \$438,000 in annual payments for managing director services for the IDA and the various Accelerator locations.

The IDA Board also approved a resolution by a 5-1 vote to have Orange County Attorney Langdon Chapman coordinate legal services of the various legal coun-

Please turn to page 26

Orange County IDA Approves Incentives For \$150M Cannabis Project in Warwick

By JOHN JORDAN

WARWICK, NY—A reconstituted Orange County Industrial Development Agency Board of Directors approved incentives on March 30 for a \$150-million cannabis cultivation, extraction and manufacturing facility project at the Warwick Valley Office & Technology Corporate Park to be developed by Chicago-based Green Thumb Industries.

The approval by a 5-0 vote with one abstention came the night before Gov. Andrew Cuomo signed a bill legalizing recreational marijuana for those 21 years of age and older in New York State.

Rebecca Brown, market president/

New York for Green Thumb Industries, said at the IDA session that once all approvals are secured, the firm would move ahead with the first phase of the project that will involve more than \$30 million in construction costs, approximately \$8 million in the purchase of equipment and fixtures, as well as the cost of acquisition of the 38.1-acre parcel.

The total project will involve the construction of more than 400,000 square feet of new industrial space. The company will purchase the remaining eight lots available—approximately 40 acres—at the Park, at 40-95 John Hicks Drive, to build out a state-of-the-art cultivation

and manufacturing facility. Once fully operational, Green Thumb will employ approximately 125 full-time employees at the Town of Warwick site, with a competitive compensation package including full benefits, according to its application submitted to OCIDA. No financial terms of the transaction were released.

"We are grateful to the Warwick community for their support in the approval of the proposed tax incentives for what we hope will be the future home of our New York cultivation and production facility," said Green Thumb Founder and CEO Ben Kovler. "Planting a flag at a former federal prison that used to incarcerate people for



The new cannabis facility will be built at the Warwick Valley Office & Technology Park in Warwick, NY.

cannabis and will now employ people to grow cannabis is another example of the full circle nature of this industry. We are proud and humbled to be in this spot and look forward to creating hundreds of jobs, generating a lot of vital tax revenue, en-

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

Indian Point Energy Center



Financial Management

Construction Firms: Get Ready to Compete For a Coming Wave of Infrastructure Work

By PHILLIP ROSS, CPA, CGMA, PARTNER

With the arrival of a new vaccine supply, there's increasing optimism that the market will be getting back to normal more quickly, especially with President Biden's announcement about vaccinating all adults by May. Still, the pandemic has left a lasting mark on the types of spaces that are in demand for new work styles, rising industries and ways of living.

The slowdown saw a reduction in new projects as funding dried up and construction companies saw their pipelines decrease. As the built environment industries ramp back up and construction firms look to complete current projects, industry leaders are trying to anticipate the next wave of projects so they can make sure that their teams are well-positioned to bid on, win and—most importantly—deliver these jobs effectively and on time.

Construction experts widely expect the industry will need time to get back to normal levels of pre-pandemic activity, and until then, the bidding competition is going to continue to be tighter than normal. It's crucial to ensure your firm has the proper resources, personnel and strategies in place for the work that will become available.

With this in mind, review your teams' expertise and look at where you may have knowledge gaps. You may need to up-skill some of your teams or look at new hires as an investment in your company's growth. For instance, you may be too heavily weighted toward high-rise residential and commercial office work. With infrastructure, life sciences, healthcare, data centers, industrial and logistics projects in demand, these are areas where you can shore up your foundations.

This will also mean working with your finance and human resources teams to review budgeting and resource planning—from business development and marketing to project management and engineering—to ride strategic growth sectors.

In upcoming columns, I'll take a look at these sectors. Let's begin this month with a focus on a hot topic in New York right now, public infrastructure work.

Infrastructure is Back

Previously, much-needed infrastructure work has been held back by budget concerns. However, many business leaders believe that is anticipated to change. With the recent change in administration, funding should improve to deliver on much-needed projects and initiatives, such as the Gateway Tunnel and Moynihan Station, among many other projects. In fact, the Biden administration is anticipated to pursue infra-



structure aggressively over the next few years, planning to allocate \$50 billion in stimulus funding to New York: including \$12.6 billion to the state, \$10.64 billion to local governments, \$8.8 billion to the transit system

and \$418 million to airports. So, while questions remain about the ability of New York State and city to match funding, there is optimism.

Because of these state and local budget concerns, though, public-private partnerships are likely to be one of the potential solutions. Some also believe that if budget shortfalls due to COVID-19 are severe enough, public agencies like the MTA, which possess a great deal of valuable holdings, may look to monetize some strategic assets, especially if congestion pricing stalls. Regardless, this much-needed work is going to open up many

bidding and workforce opportunities. There are a great number

Previously, much-needed infrastructure work has been held back by budget concerns. However, many business leaders believe that is anticipated to change. With the recent change in administration, funding should improve to deliver on much-needed projects and initiatives, such as the Gateway Tunnel and Moynihan Station.

of others that may align with your firm's strategy, so it's important to start preparing now for a long-term infrastructure campaign.

The Gateway Tunnel and Moynihan Station are perhaps the most high-profile right now, with even President Biden campaigning on these projects. The tunnel is particularly pressing, as it is the only rail connection between the city and New Jersey—and it is 110 years old. After several years of halted federal support for infrastructure, Secretary of Transportation Pete Buttigieg is on the record as saying he's enthusiastic to work with Senator Schumer

on this. The economic impact of a new and improved tunnel would be far-reaching—and for individual companies, talent

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WHAT'S NEW & WHO'S NEWS

Peckham Industries Names Damian Murphy CEO

BREWSTER, NY—Peckham Industries Inc. announced on March 29 that its Board of Directors has named Damian Murphy, 51, Chief Executive Officer, effective April 12, 2021. Murphy, who has more than 25 years of experience in the construction materials sector, working with both public and privately held companies, will serve as a member of the company's Board of Directors.

Mr. Murphy succeeds John R. Peckham, who has served as president and Chief Executive Officer since 1992. Mr. Peckham will become Chairman of the Peckham Industries Board of Directors and will ensure a smooth transition.

"Damian is a great choice to become Peckham's next CEO and lead the company forward in this next phase of growth and value creation of this nearly 100-year-old company, one of the largest family-owned businesses in the construction materials industry," said Mr. Peckham.

"I am stepping down as President and CEO of Peckham Industries, Inc. on April 12, 2021 after 43 years with the business. I can't begin to express my sincere gratitude to everyone who has brought our company success over that time through hard work, cooperation, and dedication. I have had the great fortune of working with exceptional people throughout, and the company has prospered and grown. I want to see that success continue and I look forward to welcoming Damian to Peckham Industries as its new President and CEO. I am confident that Damian's leadership will continue this progress," said Mr. Peckham.

"I am humbled and honored to be chosen to lead Peckham Industries forward. Under John's leadership PII has overcome adversity and tough economic times," said Mr. Murphy. "It has thrived and grown to be the leader in the market, built upon strong family values of doing what is right and supporting



John R. Peckham

the community. It is an exceptional business. I am excited to work with the Peckham team and continue to deliver quality products and services to our customers in a safe and friendly environment."

Mr. Murphy most recently founded OPL Advisors, an advisory firm to the industry. Prior to that, he was part of the original founding team at Summit Materials and served as regional president through



Damian Murphy

its growth, initial public offering (IPO) and continued expansion. He also served in company and regional president roles for Oldcastle-CRH in the mid-Atlantic and Midwest regions. Prior to that he served as vice president of Aggregate Industries' Rocky Mountain region, responsible for aggregates and hot mix asphalt production and sales. Before joining Aggregate Industries, Mr. Murphy worked in the mid-Atlantic region for a

top 10 privately held aggregate supplier and began his career in Europe. Mr. Murphy received a Bachelor of Engineering degree with a concentration in Minerals Engineering from the Camborne School of Mines in the United Kingdom and holds a Master's in Business Administration from the University of Dayton, OH.

Privately held Peckham Industries, Inc. is a family-operated company since 1924 headquartered in Brewster NY that employs nearly 1,000 people at more than 25 facilities located in Connecticut, Massachusetts, New York and Vermont. Peckham and its subsidiaries provide road construction materials and road construction services, including hot mix asphalt, liquid asphalt, asphalt emulsion, stone and aggregates, ready mix concrete, and liquid calcium chloride, as well as precast concrete components for large-scale construction projects throughout the Northeast.

Longtime Lowey Aide Joins County Government

WHITE PLAINS—Patricia Keegan, longtime aide to former U.S. Rep. Nita Lowey, has joined the Westchester County Department of Social Services as Assistant to Commissioner Leonard Townes and will work on internal and external communications.

Ms. Keegan served for more than 26 years as District Director to Congresswoman Lowey, supervising constituent services and community outreach in her two offices in Westchester and Rockland, until the Congresswoman retired in January. Prior to that, she was Director of Communications for the New York State Education De-



Patricia Keegan

partment and also previously worked as a reporter and editor for the then Gannett Westchester Newspapers.

Former Putnam EDC Director Joins Comm. Brokerage Firm

NEWBURGH, NY—Jill Varricchio, the former president of the Putnam County Economic Development Corporation, has joined Cushman Wakefield/Pyramid Brokerage in Newburgh as a licensed New York State real estate agent.

At the PCEDC, Ms. Varricchio facilitated International Distillery's purchase and building of its \$40-million facility in Carmel. As the owner and president of a promotional products distributorship and direct mail services for more than 20 years, she developed and implemented national marketing campaigns, company stores and corporate



Jill Varricchio

programs for national and international corporations and associations.

Ms. Varricchio has been Chief Advancement Officer for Independent Living, chaired the Orange County Chamber of Commerce, Junior Achievement of the Hudson Valley, was on the SUNY Orange Foundation Board and is currently a director on the four county Dispute Resolution Center. She has a BA from Northeastern University, Master's degree in Education & Counseling from Springfield College and is a graduate of The Leadership Orange institute where she was awarded Leader of the Year.

Dodge Data & Analytics Merges with Blue Book

JEFFERSON VALLEY, NY—Dodge Data & Analytics and The Blue Book Building & Construction Network announced on April 15 that they are combining their businesses in a merger. Dodge's owner, Symphony Technology Group—a leading private equity firm focused exclusively on business-to-business data, software and analytics companies—facilitated the transaction.

Dodge and The Blue Book have each successfully served the construction industry for more than 100 years, and their combined expertise and capabilities will give current and prospective customers access to the industry's leading platform for data insight, market intelligence, firm discovery and networking. The combination will result in the Dodge | Blue Book Construction Industry Database, containing more than 10 billion data elements and comprising the most com-

plete, up-to-date and accurate information about projects, people, firms and products in the industry.

"The Blue Book is one of the most respected brands in the construction industry, providing an indispensable resource for construction professionals to find one another to facilitate the connections necessary to deliver commercial construction projects," said William Chisholm, managing partner at STG. "Combining The Blue Book with our existing portfolio company Dodge, the market leader in construction project information, allows us to create an indispensable resource for every firm on a local, regional or national level seeking information, connections and unique insights to create new relationships and to grow their business."

Dodge CEO Daniel McCarthy will lead the combined company and The Blue Book President

and General Manager Brian Tonry will continue in his current role. Former Blue Book CEO Richard Johnson will be integral in the combination of the two companies and will serve as a member of the combined company's Board of Directors.

"The construction industry is undergoing a major digital transformation across the entire business lifecycle, and uniting Dodge and The Blue Book will provide construction business leaders the data and digital connections that help fuel their growth," said Mr. McCarthy. "We're confident that our combined offering will be unmatched and will help our customers improve their planning, win more new business and cultivate stronger relation-

ships with the decision-makers that are involved in specifying products and awarding contracts for billions of dollars of construction projects every year."

The Dodge and The Blue Book combination will offer a unified approach for new business generation, business planning, research and marketing services users can leverage to find the best partners to complete projects, and to engage with customers and prospects to promote projects, products and services.

"The Blue Book and Dodge have enjoyed a decades-long partnership of working together, so officially merging our businesses is a natural evolution, not only for the two

companies, but for the construction industry overall," said Mr. Johnson. "Bringing together these two market leaders will allow us to innovate faster, develop even more advanced solutions and scale our operations to keep up with the changing demands of our customers and the industry."

Following the merger, the company headquarters will remain at the Dodge campus in Hamilton, NJ and The Blue Book headquarters in Jefferson Valley, NY, will become a primary office for the company.

Owl Rock served as administrative agent and sole lead arranger for the debt financing. Paul Hastings and Shearman & Sterling acted as legal advisors to STG.

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Indian Point 3 to Shut Down by April 30

PSC to Vote on Indian Point Decommissioning, Buchanan Property Cleanup Plan on May 13

By JOHN JORDAN

NEW YORK—Shortly after the last Indian Point reactor powers down for good, the New York State Public Service Commission will vote on a plan to decommission, dismantle and clean up the controversial Indian Point Energy Center in Buchanan, NY on May 13.

On April 15, New York Attorney General Letitia James announced her office has reached a provisional agreement with Camden, NJ-based Holtec International and its subsidiaries regarding the decommissioning and cleanup of the Indian Point nuclear power facility. The joint proposal, which is subject to approval by the New York State Public Service Commission, was negotiated by the state of New York, environmental organizations, Entergy (the current owner of Indian Point), and Holtec. If approved by the PSC, the agreement would transfer ownership of the nuclear power facility to Holtec, which would be responsible for the swift, complete, and safe decommissioning and remediation of the facility and site, state officials said.

The Indian Point Unit 2 nuclear reactor shut down on April 30, 2020. Indian Point Unit 3 will shut down by April 30, 2021.

"We have worked hard to ensure that Indian Point is dismantled and cleaned up responsibly and safely," said Attorney General James. "Once fully approved, this agreement will result in a safer, faster, and more thorough decommissioning process that exceeds stringent federal standards. We will

continue to work diligently to see this closure through with an eye toward the safety of millions of New Yorkers."

In 2017, Entergy agreed to close the two remaining and operating nuclear reactors at Indian Point. In November 2019, Entergy and Holtec filed an application for license transfer with the federal Nuclear Regulatory Commission. In January 2020, the NRC announced that it was considering approval of an application by Entergy to transfer the Indian Point license—and the facility's trust funds to pay for decommissioning—to Holtec to implement the facility's decommissioning.

Holtec obtained the NRC's approval to use the trust money, not only to conduct the required radiological decommissioning, but also to fund spent fuel management and site restoration. Of the approximately \$2.4 billion of aggregated decommissioning trust funds, Holtec estimated that it will spend more than \$630 million for spent fuel management alone, which raised concerns according to the Attorney General whether the remaining funds were adequate to conduct safe and comprehensive decommissioning at a site known to harbor substantial contamination.

In February 2020, Attorney General James filed a petition on behalf of the State of New York to intervene in the NRC license transfer proceeding, arguing that the transfer violated the NRC's rules. Attorney General James also requested that the NRC hold a public hearing on whether Holtec



The Indian Point Energy Center in Buchanan is to be sold by Entergy to Holtec International, which will decommission the complex that will involve dismantling the nuclear reactors and cleaning up the site.

demonstrated financial qualification, whether it had shown adequate financial assurance for decommissioning, and whether its decommissioning plans would actually ensure adequate funding for decommissioning and the other activities for which Holtec sought to use the decommissioning trusts, particularly long-term spent fuel management at the site.

In January 2021, the NRC rejected New York's petition to intervene, and denied a hearing to address the state's concerns regarding the decommissioning plan proposed by Holtec. Attorney General James filed a lawsuit challenging the NRC's decision.

The joint agreement with Holtec regarding the proposed license transfer and to address the state's concerns, is intended to ensure that adequate funds are available to complete the project subject to state oversight. Under the agreement, Holtec is required to adhere

to financial and administrative provisions, including:

- Maintaining a minimum balance of no less than \$400 million in the Decommissioning Trust Fund for 10 years following the Transaction Closing Date;

- Maintaining a minimum balance of no less than \$360 million in the Decommissioning Trust Fund at partial site release from the NRC for costs related to waste management and radiological cleanup of the site;

- Requiring Holtec to return 50% of the money it recovers from the Department of Energy for spent fuel management costs to the Decommissioning Trust Fund;

- Conducting site restoration and remediation under an order on consent with the New York State Department of Environmental Conservation, which will oversee the hazardous materials

Please turn to page 20

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Indian Point 3 to Shut Down by April 30 Continued from page 19

cleanup at Indian Point, including through the use of an on-site monitor;

- Providing funds for state and local emergency management and response;
- Providing financial and project reporting to the state and the public through a website and other channels to ensure transparency regarding project status and costs.

Per additional agreement terms, the Office of the Attorney General, Riverkeeper, the Town of Cortlandt and the Hendrick Hudson School District will withdraw their lawsuits against the NRC, which are currently pending in the U.S. Court of Appeals for the District of Columbia Circuit.

“The difficult but necessary decision we made four years ago to shut down the safely and securely operated Indian Point Energy Center was hardest on our dedicated and professional employees,” said Leo Denault, Entergy’s chairman and CEO. “I want to thank the team at Indian Point for their service and for finishing strong. We are pleased to have reached a comprehensive and equitable agreement relative to the prompt decommissioning of Indian Point with the

many stakeholders who were involved in the process,” added Mr. Denault.

Entergy and Holtec said in a joint statement that the agreement with New York State resolves issues of financial assurance, site restoration, financial reporting, continued funding for state and local emergency management and response activities, a memorandum of understanding with local taxing jurisdictions concerning property taxes, and the dismissal of the D.C. Circuit litigation relating to Indian Point transfers by the state and local entities who are parties to the litigation and signed the joint proposal.

The sale of Indian Point following its permanent shutdown will benefit the community by enabling the facility to be removed and the site remediated decades sooner than otherwise thought possible, they added.

“Holtec is pleased to have found common ground and reached consensus with the State of New York, and the interested parties, on a joint petition that supports the prompt, safe, and efficient decommissioning of Indian Point,” said Holtec’s President and

CEO Dr. Kris Singh. “Our commitment to be a good neighbor and shared goal of protecting the health and safety of the public and the environment, were key to reaching agreement on a number of issues. This joint proposal provides for additional financial assurance, oversight as well as environmental protections that serve to mitigate risk and protect the interests of the local communities and citizens of New York.”

Holtec plans to begin the decommissioning process at Indian Point promptly upon taking ownership and expects to release most of the site for re-use by the 2030s, as much as 40 years sooner than if Entergy continued to own the facility. As part of the agreement between the companies, Holtec will initially provide job opportunities for more than 300 of Entergy’s current employees at Indian Point and it also has agreed to honor the collective bargaining agreements that apply to current employees.

“I commend Attorney General James for her diligent efforts on this agreement,” said Westchester County Executive George Latimer. “Westchester County stands to face the largest

impact from this process and thanks to the Attorney General’s leadership, the community at large will have an increased role and better clarity on what is to come next. I look forward to working with the Attorney General as this process continues to play out.”

“I have the honor of serving on Governor Cuomo’s Indian Point Closure Task Force and the local town of Cortlandt Task Force advocating for the safe decommissioning of IPEC Nuclear Power Plant. I was quite relieved when our Attorney General, Letitia James, listened to the concerns of labor, elected officials, school officials, community groups and small business leaders,” said Tom Carey, President of the Westchester-Putnam Central Labor Body AFL-CIO. “I am currently a local labor leader and a former employee at the plant. In fact, my entire family worked for over five decades at IPEC. I applaud Attorney General James’ steadfast pursuit to ensure the decommissioning will undergo stringent guidelines for the continued safety of labor’s workforce and of our entire local community.”

Westchester Supports White House Infrastructure Plan Continued from page 4

to their responsibility for the contamination.

Other federal priorities include having the US DOT implement a host of regulations to prevent bridge strikes on local highways. In Westchester County there were 329 bridge strikes on county and state parkways between 2017 and 2020.

The county is also asking federal lawmakers to develop a safe solution for high level ra-

dioactive waste transportation and disposal at Indian Point Energy Center in Buchanan, support for the net neutrality and help fund the development of affordable broadband access, the domestic violence prevention and services efforts, opioid abuse prevention, treatment and enforcement and for the county’s flood hazard mapping and risk analysis program.

Among some of its top

federal legislative priorities rejecting any cuts to Medicaid and any shift of costs from the federal to state government and the opposition of the block granting and/or privatization of programs such as Medicaid, Medicare, and Social Security that would result in people losing benefits. Westchester also supports funding for mental health services, and requiring adequate coverage for mental

health and substance abuse prevention and treatment. The county noted that COVID-19 has greatly exacerbated the mental health crisis in Westchester and it supports community-based mental health services for youth and young adults.

Westchester County also supports full funding for the HUD Section 8 Program as well as fully funding CDBG, HOME, and ESG programs. County

officials noted that within two years of its reinstatement by the Latimer administration, the Westchester County Urban Consortium has grown to 31 communities and is preparing to accept a new slate of infrastructural projects. These communities, along with four entitled cities, currently rely on CDBG funds for these projects and the benefits they provide.



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Regional Bid Alert

New York State DOT Region 8

Bid Letting Date: April 22, 2021

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

Contract# D264503
PIN# 881395
FA Proj.# ZS3E-8813-953

Project Description: Dutchess Co., special surface treatment and sidewalks and Towns of East Fishkill, LaGrange and Poughkeepsie.

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

Goals: DBE: 6.00%

Bid Letting Date: May 6, 2021

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

Contract# D264510
PIN# 881469
FA Proj.# Z0E1-8814-693

Project Description: Dutchess, Orange, Westchester Cos., guiderail replacements Dutchess, Orange and Westchester counties.

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

Goals: DBE: 10.00%

Bid Letting Date: May 6, 2021

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

Contract# D264514
PIN# 881545
FA Proj.# ZS3E-8815-453

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., wrong way driving and low clearance bridge counter measures, R8, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester counties.

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

Goals: DBE: 10.00%

New York State DOT Region 9

Bid Letting Date: April 22, 2021

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

Contract# D264474
PIN# 980736

Project Description: Broome, Tioga Cos., highway job order contract (JOC).

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

Bid Letting Date: April 22, 2021

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

Contract# D264475
PIN# 980738

Project Description: Chenango, Otsego, Schoharie Cos., highway job order contract.

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

Bid Letting Date: April 22, 2021

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

Contract# D264476
PIN# 980740

Project Description: Delaware, Sullivan Cos., highway job order contract, No Plans.

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

Bid Letting Date: April 22, 2021

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

Contract# D264497
PIN# 980741
FA Proj.# ZS3E-9807-413

Project Description: Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan, Tioga Cos., wrong way driving sign replacement at various locations, No Plans.

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

Goals: DBE: 4.00%

Bid Letting Date: May 6, 2021

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

Contract# D264493
PIN# 901655
FA Proj.# Z0E1-9016-553

Project Description: Broome Co., preventative maintenance resurfacing project: US Route 11, NY Route 12, Town of Chenango, in Broome County., Night Time Work.

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

Goals: DBE: 6.00%

Bid Letting Date: May 6, 2021

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

Contract# D264506
PIN# 950122

Project Description: Broome Co., I81 - RT 17 interchange concrete pavement repair and friction treatment: City of Binghamton, Town of Dickinson in Broome County, Night Time Work, No Plans.

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

Goals: DBE: 5.00%

New York State DOT Region 11

Bid Letting Date: May 5, 2021

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

Contract# D264422
PIN# X11026
FA Proj.# Z23E-X110-263

Project Description: Bronx Co., replacement of Bronx River Parkway Bridge over Metro North Railroad in New York City, Night Time Work, Prebid Meeting, Best Value Procurement, PLA Candidate.

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

Goals: DBE: 10.00%

Bid Letting Date: May 13, 2021

New York State Department of Transportation
Contract Management

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

Contract# D264420
PIN# X72716
FA Proj.# Z0E1-X727-163

Project Description: Bronx Co., replacement of ramp OCH and rehabilitation of 4 bridges over I-95 (Cross Bronx Expressway) in New York City, Night Time Work, Prebid Meeting.

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

Goals: DBE: 10.00%

New York State Thruway Authority

Bid Letting Date: April 28, 2021

Contract: TANE 21-9/D214781

Project Description: Resurfacing a Portion of the New England Thruway (I-95) from Milepost NE 8.8 NB to NE 10.8 NB and Milepost NE 13.0 to NE 14.1 NB and SB, including the vertical jacking of three bridges in Westchester County in accordance with the plans and specifications.

Goals: MBE- 7% WBE- 8% SDVOB- 3%

Bid Deposit: \$750,000.00

Westchester County DPW

Bid Due Date: April 21, 2021

Contract: 16-522 (\$100.)

Title: Sewer System Rehabilitation, Drake Avenue and Hudson Park Siphon Chambers, New Rochelle Sanitary Sewer District, New Rochelle, NY.

Description: The work under this contract consists of providing all necessary labor, material and equipment required to rehabilitate the Drake Avenue and Hudson Park Siphon Chambers in he New Rochelle Sanitary Sewer District in New Rochelle, NY. This work provides for upgrading of sewer system components and related controls reaching the end of their useful life including, but not limited to, bar screens, sluice gates, stop logs, ladders, gratings, steps, railings and ventilation system. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$6 million to \$6.9 million.

Mandatory Pre-Bid Inspection: 10:00 a.m., March 30, 2021; meeting at the first site – 290 Drake Avenue, New Rochelle, NY 10805. MANDATORY attendance is required. Bids will be rejected from contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

CONTACT: John Coelho, 914-995-5144.

Bid Due Date: April 21, 2021

Contract: 20-503 (\$100.)

Title: Rehabilitation of Taxiway L between Runway 11/29 and Taxiway C, Westchester County Airport, Towns of Harrison and North Castle and Village of Rye Brook, NY.

Description: The work under this contract consists of providing all necessary labor, material and equipment required to mill and pave Taxiway L between Runway 11/29 and Taxiway C. Work also includes replacement of taxiway edge lights, replacement of taxiway signage and installation of all taxiway pavement markings. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$2.7 million to \$3 million.

Mandatory Pre-Bid Inspection: 10:00 a.m. April 8, 2021; meeting at Building No. 10, Airport Maintenance, 14 Loop Road, Westchester County Airport, New York. MANDATORY attendance is required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: James Antonaccio, 914-995-6343.

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

Rye Playland Bankruptcy Settlement Accepted

WHITE PLAINS, NY—The Westchester County Board of Legislators, by a vote of 13-4 on April 12, approved a bankruptcy court settlement with Standard Amusements regarding the management of Rye Playland that should end the controversy over the future of the amusement park.

The settlement was negotiated by the county and Standard, the terms of which were previously approved by the bankruptcy court. The agreement gives the county improved terms compared with the 2016 agreement, which had become the subject of the dispute in Standard's bankruptcy reorganization filing, county officials stated.

Under the settlement, Standard will invest \$35 million in rides and food and other improvements at Playland and will begin day-to-day management of Rye Playland on Dec. 1, 2021. At present, the property will be co-managed by Standard Amusements and the county.

The settlement also gives the county significant new oversight over Standard's operation of the park—controls that were not in the 2016 agreement. These new oversight powers include the power to review and approve Standard's construction plans, approval of new rides, new and more specific financial reporting requirements for Standard and county approval of an annual operating plan for the park, among others.

The settlement contains new terms under which Standard can assign the contract to another company. The county will now have the ability to object to an assignment, and there are new requirements that any company that might take on the contract must have years of amusement park management experience and demonstrated financial wherewithal.



Under the terms of the settlement agreement between Westchester County and Standard Amusements, Standard will invest \$35 million in rides and food and other improvements at Rye Playland and will begin day-to-day management of the park on Dec. 1, 2021.

There are also improved financial terms for the county. Under the 2016 agreement, the county shared only in Standard's net profit and only after Standard recouped its capital investment. Under the settlement, the county will be paid from the beginning out of gross revenue over \$12 million. The county also will receive an annual fee starting at \$300,000 in 2022, increasing to \$400,000 in 2023 with annual adjustments thereafter.

In addition, under the settlement, if Standard fails to generate at least \$12 million in gross revenue per year for four straight years, the county may terminate the contract.

Standard first reached a deal with the county in

2015, then secured an amended deal in 2016, but its relationship with Westchester soured when County Executive George Latimer took office in 2018. Later, Standard Amusements filed for Chapter 11 bankruptcy protection.

The settlement preserves crucial protections for workers. Any county workers at Playland now, not hired by Standard, or who do not want to work for Standard, will continue to be employed elsewhere by the Parks Department. Standard is committing to continuing to hire a diverse slate of young seasonal workers during the summer as well as older workers.

Board Chairman Ben Boykin (D-White Plains, Scarsdale, Harrison) said, "The choice we faced in this vote was not between our theoretical best agreement or no agreement at all. Our choice was between voting to approve this settlement, or voting not to approve this settlement and allowing Standard to assume the original contract in bankruptcy court. In approving this settlement, we are voting to give the county much better

financial terms, more oversight over Standard's work and operations at Playland, and more outside investment from Standard in this park which is a jewel in the crown of our Parks Department."

Law and Major Contracts Chair Nancy Barr (D-Harrison, Rye Brook, Port Chester) added, "Although this agreement might not represent the dream contract we would have negotiated if we were starting from scratch, it is clear after three months of deep and detailed review that this settlement represents enormously improved terms for the county and a better future for Playland than would be the case under the 2016 agreement."

WASHINGTON UPDATE

Trottenberg to Fill No. 2 Spot As U.S. DOT Deputy Secretary

WASHINGTON—Polly Trottenberg was sworn in on April 14 afternoon as the Deputy Secretary of Transportation by Secretary of Transportation Pete Buttigieg in a private ceremony, following her Senate confirmation a day earlier.

Ms. Trottenberg brings more than 25 years of public sector experience across all levels of government to the role. Most recently, she served for seven years as the Transportation Commissioner for New York City, where she headed an agency of nearly 6,000 employees responsible for the safe, efficient and equitable operations of New York City's transportation network. As commissioner, she also led the New York City Department of Transportation through the COVID-19 response and recovery, prioritizing transforming city streets to promote livability, sustainable transportation and economic recovery.

U.S. Secretary of Transportation



**Deputy Sec. of Transportation
Polly Trottenberg**

Pete Buttigieg said, "We could not be more delighted to welcome Polly Trottenberg back home to the U.S. Department of Transportation as Deputy Secretary. She earned a reputation here and as Commissioner of NYCDOT as a brilliant, thoughtful, effective

public servant whose work improved the lives of millions of travelers. Her passion and skill arrives at a critical moment as we work to transform our infrastructure, create millions of good jobs, advance safety and equity, and combat climate change."

Previously, Ms. Trottenberg served in the Obama administration as the Assistant Secretary and Under Secretary for Policy at the U.S. Department of Transportation. During her five years at the Department, she developed and implemented transportation policies to address the needs of state and local transportation agencies on every type of project from roads and bridges, to transit and rail, to airports, ports and pipelines.

Ms. Trottenberg's additional policy and managerial experience includes her time in the U.S. Senate, where she served U.S. Senator Daniel Patrick Moynihan, Majority Leader Charles Schumer and Senator Barbara Boxer.

She graduated from Barnard College and received her Master's in Public Policy from Harvard's Kennedy School of Government.

MTA Chairman and CEO Patrick J. Foye said, "I want to congratulate former New York City Transportation Commissioner and former MTA Board member Polly Trottenberg on her confirmation to serve as deputy transportation secretary at USDOT. As a leading expert on transportation policy, Deputy Secretary Trottenberg is uniquely qualified for this critical role. I'm confident she will deliver for Americans on the federal level—just as she did in New York—as the administration seeks to pass and implement the historic infrastructure program outlined in the American Jobs Plan. We are excited to continue working with Polly and Secretary Buttigieg to strengthen and promote public transportation while we recover from this unprecedented crisis."

ALBANY UPDATE

PSC Approves \$800 Million in Funding For Con Edison's Reliability Projects

ALBANY—The New York State Public Service Commission reported on April 15 it had approved a request by Consolidated Edison Company of New York, Inc. to recover the costs of three transmission projects valued at \$800 million—the Rainey to Corona Project, the Gowanus to Greenwood Project and the Goethals to Greenwood Project. These projects are known collectively as the Transmission Reliability and Clean Energy Projects, or TRACE projects.

"It is clear that New York State is in the middle of a fundamental change in the generation and delivery of electricity," said Commission Chair John B. Howard. "Priority has shifted to ensuring

renewable, clean sources are integrated into the grid while polluting sources are being phased out. Given this fact, it is expected that additions and modifications to the utilities' transmission infrastructure will be needed to accommodate the cleaner sources of electricity while ensuring reliability. These are much-needed, welcomed changes that will improve all of our lives for the better."

Work is expected to commence immediately, with the first project, known as Rainey, operational by the start of the summer 2023 and the Gowanus and Goethals projects operational by the start of the summer 2025. Given the fact that the projects will have climate

benefits statewide, the allocation and sharing of these projects' costs will be evaluated and considered in future Commission orders.

The TRACE projects are needed for reliability in 2023 and 2025 and to address deficiencies in two of Con Edison's transmission load areas because of the retirement or unavailability of older, higher air polluting power plants that generate power when demand for electricity peaks.

Simple-cycle combustion turbines (known as peakers or peaking units) are used to meet peak electric demand during the summer, which is typically the worst air quality period. In 2019,

the New York State Department of Environmental Conservation adopted regulations requiring peakers comply with regulations limiting allowable nitrogen oxide (NOx) during the ozone season, and if they can't comply, they need to be retired.

The peaker plants being retired are: the Con Edison 59th Street GT1 (17.1MW) and 74th Street GT units 1&2 (37MW) in Manhattan; Con Edison's Hudson Ave unit 5 (16.3MW) in Vinegar Hill, Brooklyn; the Helix Ravenswood units 1, 10 & 11 (68.6MW) in Long Island City, Queens; the NRG Astoria GTs (240MW) in Astoria, Queens; and the NRG Arthur Kill GT1 unit (20MW) in Staten Island.

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It's Time to Apply for College Grants CAI to Award Up to \$50K In Scholarships in 2021

TARRYTOWN, NY – A leading educational advocacy group for the building trade, the Construction Advancement Institute, announced it will start accepting applications for tuition support for undergraduate and graduate studies by students whose families are affiliated with Building Contractors Association of Westchester & Mid-Hudson, Inc., as well as four building trade local unions in the region.

Qualifying students should have their sights set or be enrolled to study Engineering, Architecture, Construction Technology, Construction Management or related subjects as determined by the selection committee.

The announcement was made by BCA Chairman Fred Sciliano, vice president of LeChase Construction Services, LLC, of Armonk, NY. Up to 10 scholarship awards of \$5,000 each will be awarded, Mr. Sciliano said.

To be eligible for a college grant, students should be relatives to employees of companies that are members of the BCA, or whose relatives are employees of companies that contribute to the Industry Advancement Program of the BCA.

The children or relatives of affiliated building union locals, including Carpenters Local 279, International Union of Operating Engineers Local 137, Building Construction Laborers Local 235, and Bricklayers Local 1 (formerly Local 5) are also eligible to apply for CAI scholarship aid.

The digital application is now available at www.caiwestchester.org. For additional information, contact Laurel Brunelle at laurel@bcany.org or (914) 631-1033 (office) or 914-563-9165 (cell).

The deadline to submit a grant application is June 18, 2021.

Financial Management

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acquisition and retention would receive a boost, as commuters will be less concerned of a NJ Transit commute.

There is excitement around Mayor de Blasio's recent announcement that New York City will "un-pause" \$17 billion in capital projects. More than 1,700 projects have been scheduled to restart. Projects include construction of new schools, park upgrades, major library projects, work on protecting cyclists and pedestrians, and repairs and replacement of sewer and wastewater management infrastructure. Many of these projects were put on hold due to the pandemic and the resumption will be great news for the industry.

New transportation work within the five boroughs also could move ahead, such as extending the Second Avenue Subway and building a new AirTrain connecting LaGuardia Airport—infamous for its motor

vehicle-only access—with the LIRR and subway. Both Carlo A. Scissura, chief executive of the New York Building Congress, and Rick Cotton, executive director of the Port Authority, have expressed a desire to have this project progress.

In addition to Moynihan, Penn Station is moving closer to a major renovation, as is the Port Authority Bus Terminal. Similarly, the BQE is urgently in need of shoring up, particularly in Brooklyn Heights under the Promenade, where a number of solutions have been under consideration. With funding, these and more can move forward, and your firm should be ready for when that happens.

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

Economic Outlook

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economic recovery is inexorably linked to the direction of the pandemic and the third wave of infections reveals the inherent difficulty of limiting the spread of the highly contagious disease. The enormous loss of lives, jobs and income, and the widespread disruption of human activity, will likely result in long-lasting changes in consumer behavior and

business practices, requiring an indeterminate period of adjustment and recovery.

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

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LOW BIDS

NYSDOT Awards \$87.7M in Work In NYC-HV Regions

ALBANY—The New York State Department of Transportation recently announced the selection of 10 apparent low bidders for work in the New York City/Hudson Valley regions.

Westmoreland Construction Inc. of the Bronx, was the lowest of seven bidders at \$4,743,800.00 for regional drainage cleaning on bridges and highways throughout New York City in the Bronx, Kings, New York, Queens and Richmond counties.

Bove Industries Inc. of East Setauket, NY was the lowest of 13 bidders at \$18,989,250.00 for where and when general repair contract for highways and bridges in the Bronx, Kings, New York, Queens and Richmond counties.

Westmoreland Construction Inc. of the Bronx, NY was the lowest of four bidders at \$11,717,436.19 to replace or repair deficient sign structures at various locations in New York City in the Bronx, Kings, New York, Queens and Richmond counties.

El Sol Contracting ES II Enterprises of Maspeth, NY was the lowest of seven bidders at \$12,498,080.00 for bridge maintenance repairs at various locations, all counties of New York City in the Bronx, Kings, New York, Queens and Richmond counties.

Paleen Construction Corp. of Somers, NY was the lowest of nine bidders at \$1,108,280.00 for culvert job order contract: NYSDOT Region 8, region wide in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Coyle Industries Inc. of Hopewell Junction, NY was the lowest of five bidders at \$1,204,445.52 for stormwater management MBC, Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

A. Colarusso & Son Inc. of Hudson, NY was the lowest of eight bidders at \$1,467,961.25 to replace various culverts on Route 44/55 and 17K in the towns of Crawford and Gardiner in Orange and Ulster counties.

El Sol Contracting ES II Enterprises of Maspeth, NY was the lowest of eight bidders at \$19,970,000.00 for HOV lane operation: Gowanus Expressway and Prospect Expressway in Kings County, NY.

Tully Construction Company Inc. of Flushing, NY was the lowest of nine bidders at \$15,167,423.70 for Grand Central Parkway pavement preservation: Queens, NY.

R. DeVincentis Construction of Binghamton, NY was the lowest of two bidders (and one informal) at \$839,985.52 for JOC bridge maintenance in Delaware and Sullivan counties.

Abbott & Price, Atlantic Electric, Johnson Controls Land DPW Bids

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

Abbott & Price, Inc. of Millwood, NY was the lowest of 15 bidders at \$4,793,317.00 for infrastructure improvements, Tibbetts Brook Park in Yonkers.

Atlantic Electric Inc. of Mahopac, NY was the lowest of four bidders at \$3,275,175.00 for countywide installation of data, telephone and branch circuitry, various locations in Westchester.

Johnson Controls, Inc. of Hawthorne, NY was the lower of two bids at \$1,150,512.00 for countywide boiler maintenance in Westchester.

Triumph Construction Lands Utility Relocation Work on NYS Thruway

ALBANY—The New York State Thruway Authority announced recently that **Triumph Construction Corp.** of the Bronx was the lowest of seven bidders at \$1,984,640.00 for New York Division at Milepost N.E. 5.76 utility relocation at North Avenue Bridge over I-95 in Westchester in accordance with the plans and specifications.

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Orange County IDA Board of Directors Fires Managing Director, CEO Resigns

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sels engaged by the IDA. The Board, by a 6-0 vote, approved having Orange County Economic Development Director Bill Fioravanti handle economic development responsibilities at the IDA.

On April 5, Orange County IDA Chief Executive Officer Laurie Villasuso resigned from her post after nearly a decade with the organization.

Ms. Villasuso in a statement released to *CONSTRUCTION NEWS*, stated, "I have enjoyed my nearly 10 years in service to the IDA, and am deeply proud of the work I have done for the economic development of Orange County. However, in light of the recent change of direction at the IDA, and uncertainty surrounding my role within the present makeup

of the organization, I have decided to resign from my position as the CEO of the Orange County IDA."

Justin Rodriguez, spokesman for Orange County Executive Steve Neuhaus, said of the IDA actions in late March, "County staff will serve the IDA on a temporary basis at the request of the new IDA Board. The IDA will work to be a strong and vital partner in support of creating quality jobs for Orange County while having an efficiently run operation. Orange County is ideally situated for companies that want a high quality workforce, great transportation network and far lower costs than the immediate metropolitan area."

In early March, the Orange County Legislature, frustrated over attempts

to secure financial documents from the Orange County Industrial Development Agency, voted to remove the entire seven-member IDA Board of Directors.

The new IDA Board, consists of Dan Bloomer, Director of Operations for Orange County; Mike Torelli, Business Development Director, New York Stewart International Airport; County Legislator Paul Ruszkiewicz; John Douthit, president, 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.

Orange County Executive Neuhaus, New York State Senator James Skoufis, who serves as the chairman of the Sen-

ate Investigations Committee, and State Senator Michael Martucci released a joint statement concerning the legislature's action removing the Orange County IDA Board. "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."

The IDA Board at its March 30 session elected Mr. Torelli as its chairman; Mr. Douthit as vice chairman; Mr. Etzel as second vice chairman; Ms. Pierri as secretary and Mr. Odock as assistant secretary.

Orange County IDA Approves Incentives for \$150M Cannabis Project in Warwick

Continued from page 13

abling well-being and changing people's assumptions on cannabis."

Green Thumb is a leading cannabis consumer packaged goods company and owner of Rise Dispensaries. The incentives authorized by the OCIDA's resolution are sales and use tax exemption, mortgage recording tax exemption, a 15-year property tax abatement and the issuance of taxable revenue bonds. The Warwick Technology Park project is subject to regulatory approvals.

The OCIDA Board applauded the project and the IDA's role in the transaction. "We are thrilled to help bring Green Thumb to Orange County, along with 125 good-paying permanent jobs, more than 100 construction jobs and \$50 million in capital investment in the first phase alone," the IDA noted in a prepared statement. "We are also satisfied knowing that this property will return to the town and

county tax rolls, including full allotments from day one to special district charges like police and fire. The bottom line is that Green Thumb is a leading company in a fast-growing sector and they will fit in perfectly with the economic and agricultural landscape of the Town of Warwick."

This project is the result of an ongoing collaboration between the OCIDA and the Warwick Valley Local Development Corporation (LDC) which owns the land at the park. Warwick Town Supervisor Michael Sweeton, who is also a member of the LDC, lauded the work of the OCIDA that helped land Green Thumb in Warwick.

"With Green Thumb Industries' purchase of the remaining lots, we can expect a significant boost in our economy in 2021 and the complete build-out of the park," said Mr. Sweeton. "I'm grateful to the LDC and the IDA and Accelerator for creating a great partnership that will bring new jobs, revenue, and a new

industry to the Warwick Valley."

Green Thumb has 13 manufacturing facilities, licenses for 97 retail locations and operations across 12 U.S. markets. Established in 2014, Green Thumb employs more than 2,400 people and serves thousands of patients and customers each year. Green Thumb manufactures and distributes a portfolio of branded cannabis products including Beboe, Dogwalkers, Dr. Solomon's, incredibles, Rythm and The Feel Collection. The company also owns and operates rapidly growing national retail cannabis stores called Rise Dispensaries.

Maureen Halahan, president and CEO of the Orange County Partnership, heralded the deal that will bring significant investment and jobs to the Town of Warwick. "The attraction of Green Thumb comes from a far greater vision in planning and development. The Warwick Valley Office & Technology Corporate Park

was purposefully designed to attract clean industry, new jobs and tax ratables for the school district and local community. Green Thumb meets all three criteria, and the local economy will benefit," Ms. Halahan said.

Formerly a New York State Correctional Facility, the Warwick Valley Office and Technology Corporate Park sits within 150 acres in the Town of Warwick. The prison property was shuttered in 2011 and purchased by the Town of Warwick LDC. Since that time, the LDC and economic development officials in Orange County have worked collaboratively to attract new businesses to the property, develop community spaces, and develop 10 "shovel-ready" pad sites.

No timeframe on when construction on the project could begin was released, although the *Middletown Times Herald Record* reported that the company hopes to begin construction by May 1.



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