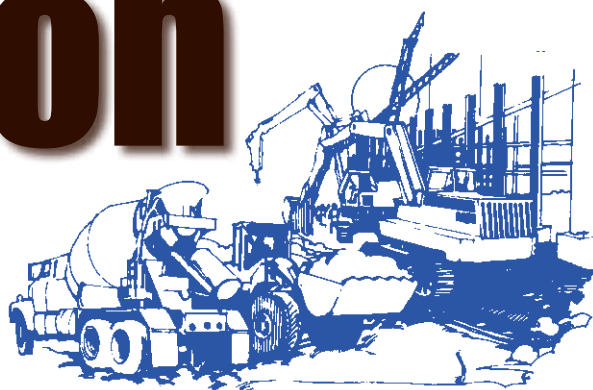




Construction NEWS



Vol. 38 No. 9

LABOR UPDATE 2022

\$1.50



Giving Young Drivers Training To Get Them Up and Running

Teamsters 456 Training Director Denise June is leading a program that combines hands-on instruction on construction jobsites and supply yards with in-house use of an advanced cab simulator at the Local's headquarters in Elmsford, NY. The program fast-tracks the learning and skills new drivers will need to operate construction dump trucks and other specialty vehicles. See story, page 3.

Hundreds of Millions Go Unspent For Capital Work since 2017: Study

By JOHN JORDAN

YORKTOWN, NY— Hundreds of millions of dollars in state and federal funds for infrastructure are going unspent as the condition of Hudson Valley roads, bridges, sewers, and other critically important infrastructure continues to worsen, according to an in-depth report issued recently by the Construction Industry Council of Westchester & Hudson Valley, Inc.

“The alarming state of our infrastructure is of concern to everyone in the Hudson Valley who drives our roads, drinks our water and crosses our bridges,” said CIC Executive Director John Cooney, Jr. “We know there is funding available that would go a long way toward addressing the problems, but rather than guess, we decided to take a hard look at the data. Hudson Valley Pattern for Progress did a thorough independent analysis and has provided us with a fact-based platform from which to move forward.”

The CIC, which commissioned the Hudson Valley Infrastructure Gap study, is a broad-based, heavy construction trade association. The goal of the study was to analyze and confirm the extent of the scope of the infrastructure shortfall and extent of public funding that is being “left on

the table” as well as why so many needed projects are not going forward despite funding availability.

The report pointed to organizational obstacles primarily due to the complexities in the approval process and lack of municipal staffing among the nearly 250 municipalities of the nine counties in the Hudson Valley: Westchester, Putnam, Dutchess, Columbia, Rockland, Orange, Ulster, Sullivan and Greene. These logjams have resulted in many municipalities failing to apply for infrastructure funding despite the pressing needs of replacement and repair of local roads, bridges and wastewater facilities and networks.

At a press conference staged at the Yorktown Highway Department offices on Sept. 13, officials with the CIC and the report's author, the Hudson Valley Pattern for Progress, were joined by members of organized labor.

Among the most alarming findings of the report was that only 11% of the more than \$3.9 billion appropriated statewide in 2017 for water infrastructure projects was spent as of March 2020.

“While our federal and state governments allocate millions of dollars for road, bridge

Please turn to page 8

Mount Vernon, Westchester County Celebrate Opening of Fully Renovated Memorial Field

By JOHN JORDAN

MOUNT VERNON, NY—At a recent ceremony to mark the end of a long-delayed effort to rehabilitate the storied Memorial Field, speakers recalled its noteworthy past and its bright future.

Memorial Field had been a destination in Mount Vernon for more than 90 years and at one time played host to such iconic entertainers as Michael Jackson and the Jackson Five, James Brown and Ella Fitzgerald, hosted sports teams such as the minor league team of the New York Giants, the Mount

Vernon High School football team and even was the backdrop for the iconic Coke commercial featuring “Mean” Joe Greene of the Pittsburgh Steelers filmed in 1979.

However, for many years the facility fell into disrepair and a host of city and county administrations struggled to come up with a plan to rehabilitate it. In November, 2008, the City of Mount Vernon and Westchester County settled on an inter-municipal agreement whereas the county would renovate Memorial Field. After almost 12 years of regression

from that point, city officials and the county agreed upon an ambitious plan several years ago to move forward on the long-delayed restoration project.

The project cost at one time was \$20 million, went up to \$25 million and upon completion was calculated at \$40 million. The new stadium is equipped with 3,900 seats, a lighted field equipped for football, soccer, lacrosse and field hockey, an

eight-lane track, a sound system capable of handling major concerts or events, three tennis courts and a skate park. The project utilized MWBE contracts and created nearly 400 labor jobs.

The project was completed by the LandTek Group with design completed by Woodard & Curran. In addition to LandTek executives, also in attendance at the event were Construction In-

dustry Council of Westchester & Hudson Valley, Inc. Executive Director John Cooney, Jr. and Edward Doyle, president of the Building Trades of Westchester and Putnam Counties.

Westchester County Executive George Latimer said at the Sept. 21st press conference held at Memorial Field, “I want this project to be a symbol of real change within the City of Mount Vernon. A symbol that shows that what seems impossible is possible if government can put ego aside and work together. I

Please turn to page 11



The next chapter of Memorial Field got off on the right foot for Mount Vernon residents as Mount Vernon High School defeated the Yonkers Force 32-24 on Sept. 24. The contest marked the first time Mount Vernon High School's football team played at Memorial Field since 2007.

Inside

Albany Update	13
Safety Watch	15
Financial Management	23
What's New & Who's News ..	28
Low Bids	34

PRESORTED
STANDARD
U.S. POSTAGE PAID
WHITE PLAINS, NY 10610
PERMIT NO. 146

Address Service Requested
629 Old White Plains Road, Tarrytown, NY 10591



ELMSFORD

VIRTUAL QUARRY™

DISPOSAL OF CLEAN ROCK, CONCRETE, ASPHALT



Custom Blend Aggregate
Tracking Pad Stone
Select Granular Fill
Analytically Clean Fill
Recycled Sub-base

Manufactured Sand
Pipe Backfill Sand
Clean Recycled 3/4



50 S. Warehouse Ln
Elmsford, NY 10523

Thalle Industries’
ROCKSTAR SERVICE
keeps your project moving™

Joe Perrone 919 201-1111

jperrone@thalleindustries.com
thalleindustries.com



Everything you need. Plus equipment.

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

UnitedRentals.com | 800.UR.RENTS
© 2017 United Rentals, Inc.



CIC, Teamsters Launch 'Hands-on' Training Program Thanks to New 'Hold-Harmless' Insurance for Employers

TARRYTOWN, NY—New “hold-harmless” insurance protection coverage for CIC employers is accelerating the pathway for young drivers to acquire the skills they need to operate construction dump trucks and other specialty vehicles. The goal is to help satisfy the growing demand for qualified and fully trained drivers of construction equipment.

“You can call this ‘old-school, hands-on apprenticeship training,’” said Denise June, training director of Teamsters 456. “Finally, trainees can now have one-on-one learning with a journey-member trainer in the cab to learn how to operate the actual equipment contractors and employers use in supply yards, over the road and on their jobsites.”

The on-the-job training program covers a variety of construction vehicles, including dump trucks, flowboys, tractor trailers, ready-mix concrete trucks as well as fuel and waste trucks.

The “Practical Drivers Training Program,” presented by CIC in partnership with Teamsters L.U. 456, also includes supplemental-related classroom instruction and high-tech simulation training at the Local’s union hall in Elmsford, NY. Teamster membership requires a Class A and Class B commercial driver’s license along with the endorsements stipulated by the Department of Motor Vehicles.

A pilot project took place this summer on a non-active work area adjacent to the Lincoln Avenue bridge replacement and paving project on the Hutchinson Parkway in Mount Vernon, she noted. There, six young trainees were able to “shadow” experienced drivers on the actual equipment used for the project in a safe and protected zone.

“A new Local 456 Teamster will ride along in a CIC member’s truck with an experienced driver. The trainee would first observe how the truck is operated to suit the needs of the

operation, whether it’s asphalt paving, excavation, ready mix concrete, utility trench work or general excavation,” explained CIC Executive Director John Cooney, Jr. “After enough practical observation of the truck and the construction operation, the trainee would swap seats with the experienced driver and under the trainer’s supervision demonstrate he or she can operate the vehicle. This is the best and practical way to train a new recruit and help satisfy the call for ‘Drivers Wanted.’”

The special insurance coverage was key to the creation of the program, Mr. Cooney added. “It holds the CIC employer harmless.”

For more information on the Practical Drivers Training Program, visit www.cicnys.org or call Mr. Cooney at 914-631-6070 or at john@cicnys.org.



Trainees benefit from one-on-one learning in the cab with a journey-member trainer to accelerate their learning to operate actual equipment used on jobsites.

READY ON DAY 1



ELEC825 ensures that Local 825 Operating Engineers are the most highly skilled, most expertly trained and most credentialed heavy equipment operators.



@ELEC825
www.ELEC825.org

ELEC825 is the labor management fund of Operating Engineers Local 825

Advertising in
**Construction
NEWS**

Doesn't Cost!
It Pays!

Call Sharon
914-631-6070
for information.

Business, Labor, Utilities Team Up To Advance Climate, Energy Goals

ALBANY—A group of four business, labor, construction trades and energy organizations have developed seven principles the state should follow to address what they say are shortcomings of the current version of the Scoping Plan drafted by the New York State’s Climate Action Council (CAC).

The Independent Power Producers of New York, The Business Council of New York State, the New York State AFL-CIO, and the New York State Building & Construction Trades Council jointly formulated the seven principles that they state lays out a foundation for meeting New York State’s goals while keeping New Yorkers’ lights on and their energy affordable and clean. The CAC is a 22-member committee tasked with preparing a plan to achieve the Climate Leadership and Community Protection

Act’s (CLCPA) clean energy and emission reduction targets to address climate change.

The coalition charged that



the current draft Scoping Plan is “complicated, could greatly impact affordability for ratepayers, has no comprehensive analysis of implementation costs for ratepayers, and could have a detrimental effect on the economy and all New Yorkers.” The final scoping plan is set to be finalized in January 2023.

The seven principles agreed

upon by the coalition and released on Aug. 29, which should be included in the final New York State climate plan, are:



- Maintains safe, reliable, and resilient energy infrastructure.
- Communicate impacts on energy consumers and businesses.
- Create and retain high quality union jobs.
- Leverage the power of markets to achieve decarbonization.
- Reduce emissions from all sectors, including transportation and heating.
- Promote development and maintenance of needed energy infrastructure.
- Support fuel and technology diversity.

President and CEO Gavin J. Donohue of the Independent Power Producers said, “These four organizations coming together clearly demonstrates the magnitude of our clean energy goals and how all options should be on the table for discussion. The Climate Action Council is responsible for the complicated task of creating a

draft Scoping Plan, but the current version could have a serious negative impact on all New Yorkers. Together, we believe this set of principles lays the groundwork for what should be considered in our climate plans to ensure a realistic approach to achieving the state’s aggressive goals. These concepts were developed by experts of the energy, business, and labor sectors based on factual data, studies and trends.”

He added, “We cannot lose sight on the importance of our existing renewable resources while we continue our efforts to invest in new and innovative renewables and technology. We all support the transition to a cleaner energy future, but we must be realistic and work toward our goals in a responsible manner as we develop zero emission dispatchable technologies to maintain reliability while meeting the CLCPA’s targets.”

Mario Cilentio, president of the New York State AFL-CIO said “Combating climate change while protecting workers is a top priority for the union movement. We are committed to being a leader in this fight and look forward to working with our diverse partners to find solutions that will achieve the state’s ambitious clean energy goals while creating and retaining high quality union jobs.”

Gary LaBarbera, president of the Building & Construction

Trades Council of Greater New York said “Investing in clean infrastructure plays a crucial role in New York’s status as a global leader in renewable energy and creates thousands of middle-class careers with benefits for our state’s hardworking people. More than ever before, we need to continue funding these projects that combat climate change and create opportunity and stability for the tradesmen and tradeswomen who are fundamental in achieving these energy-efficiency goals.”

The coalition noted that the draft Scoping Plan has some positive proposals, and the CAC has done good work to see that the state meets the CLCPA’s targets. “New York State has the most ambitious climate goals in the country and achieving them is no easy task, but how those targets will be achieved remains in question. The draft plan has shortcomings that need to be addressed if New York is to maintain reliability and affordability,” the coalition noted in its announcement.

The coalition also noted that each of the four organizations represent a large and diverse number of New Yorkers. While each supports the transition to a cleaner energy future, they also understand that all solutions must be considered to reach the CLCPA’s targets of 70% renewable energy by 2030 and being 100% zero-emitting by 2040.



Construction NEWS



Vol. 38 No. 9

LABOR UPDATE 2022

PUBLISHER

Ross J. Pepe

ASSOCIATE PUBLISHER

John T. Cooney, Jr.

EXECUTIVE EDITOR

George Drapeau III

MANAGING EDITOR

John Jordan

ASSOCIATE EDITOR

Sheila Smith Drapeau

ADVERTISING MANAGER

Sharon Regan Masciovecchio

BUSINESS/OFFICE MANAGER

Karen Zedda

ADVERTISING SALES OFFICE

629 Old White Plains Road
Tarrytown, NY 10591
(914) 631-6070

TYPOGRAPHY/DESIGN/PRINTING

Westmore News, Inc.

Construction Industry Council
of Westchester & Hudson Valley, Inc.

Chairman: George Pacchiana
President: Ross J. Pepe

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

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

Please make checks out to the Construction Industry Council.

Advertising rates: Available upon request.

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

BUSINESS & EDITORIAL OFFICE

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

Environmental Bond Act ‘Vote Yes’ Coalition Launches Major Media Campaign for \$4.2 Plan

NEW YORK—The Vote Yes for Clean Water and Jobs Coalition announced on Sept. 7 the launch of a seven-figure media campaign to encourage New York voters to vote ‘Yes’ on Proposition One, the \$4.2 billion measure called The Clean Water, Clean Air, and Green Jobs Bond Act. To win voter approval, a robust, multi-platform campaign is now rolling out across the state and will include an array of traditional and new media messaging.

The diverse coalition of more than 200 organizations, including the Construction Industry Council of Westchester & Hudson Valley, Inc., represent employers, organized labor, environmental advocates, business trade organizations, local government groups and citizen community groups.

If it passes on Nov. 8, the funding measure will include monies for projects designed to protect clean drinking water, modernize aging infrastructure, improve public health and safety, and conserve New York’s natural resources. The initial two video spots focus on Proposition One’s ability to help update New York’s outdated water infrastructure.

Some of the capital improvement projects are identified and have been designed while other projects have yet to receive authorization and allocations for design.

Among the key leaders from the business, construction, organized labor, and environmental sectors that support the bond act’s passage are:

- John Cooney, Jr, Executive Director of the



Construction Industry Council of Westchester & Hudson Valley, Inc.

- Bill Ulfelder, New York Executive Director for The Nature Conservancy
- Thomas A. Callahan, President of the NYS Conference of Operating Engineers
- Robert Wessels, Executive Director of the General Contractors Association of New York
- Gary LaBarbera, President of the New York State Building Trades Council
- Vincent Albanese of the NYS Laborers’ Organizing Fund
- Melva M. Miller, Chief Executive Officer for the Association for a Better New York
- Kate Kurera, Deputy Director for Environmental Advocates New York
- Bill Banfield, Assistant to the Executive Secretary-Treasurer of the NASRCC
- Ned Sullivan, President of the environmental group Scenic Hudson
- Amy Chester, Managing Director of Re-build by Design
- Manna Jo Greene, Environmental Director for the Hudson River Sloop Clearwater
- Tracy Brown, President of the Hudson Riverkeeper

To learn more, visit the coalition’s website, www.voteyescleanwaterandjobs.com.

NY Building Congress Reveals Ambitious 100-Year Project List for Next Century

NEW YORK—The New York Building Congress recently released a report outlining essential transit, housing, and infrastructure projects that New York City must undertake over the next 100 years for economic growth and a prosperous, equitable future for New York City.

“For 100 years, the New York Building Congress and its members have been committed to advancing developments and projects that improve New Yorkers lives and create a stronger, more functional, beautiful and equitable city,” said Ralph J. Esposito, Chair of the New York Building Congress and Carlo A. Scissura, President and CEO of the New York Building Congress. “Looking ahead to our great city’s future, we will continue our advocacy and efforts to advance the critical projects outlined in this report. There has never been a more opportune time to get to work on bold, visionary projects for future generations.”

Drawing on the Building Congress’ last 100 years of experience driving the building industry and shaping New York, the Hundred Year Report outlines a vision for a thoughtful and robust investment in building and infrastructure projects across the city.

The bipartisan passage of the historic federal Infrastructure Investment and Jobs Act positioned New York to think long-term about transportation and infrastructure improvements. As such, infrastructure projects are featured prominently in this report, the Building Congress states.

Over the next 10 years, the Building Congress calls on the city to complete the Gateway Program, advance the Penn Station redevelopment, tear down and reconstruct the Brooklyn-Queens Expressway, reimagine the Port Authority Bus Terminal, complete the Interborough Express, and prioritize phase two of the 2nd Avenue subway expansion.

These projects alone will generate trillions of dollars in annual economic output, service millions of commuters, create hundreds of thousands of jobs, and transform Midtown Manhattan into a world-class transportation hub.

The Building Congress also proposes several innovative, out-of-the-box solutions to some of the most pressing problems facing New York City, including the housing crisis, transit access and climate change:

Repurpose the David N. Dinkins Manhattan Municipal Building as Housing: The Dinkins Building was designed in the early 1900s to be one of the largest office buildings in the world, but today, it is outdated and run down. The report suggests relocating city worker to existing, modern

spaces across the five boroughs, transferring ownership to the private sector—following broad community engagement and public outreach—and fully renovating it into a mixed-use development. Then earmark the proceeds raised exclusively for NYCHA capital improvements.

Build Floodgates for Long-term Coastal Resiliency: Building off of the momentum of the Lower Manhattan Coastal Resiliency Project, the report proposes a cohesive, citywide plan to protect New York City from future storm surges and sea level rise is critical. Large, adaptable flood barriers must be constructed around the most vulnerable coastal areas to protect our communities.

Construct a New Bridge to Connect Hunts Point to Rikers Island, LGA: After



Among the short-term projects the New York Building Congress wants to see move forward is the multi-billion-dollar redevelopment of Penn Station in Manhattan.

the jail facility is demolished, the Building Congress says the city should build a new bridge to connect the Bronx to Rikers Island and Queens to improve access to food and produce mar-

kets and distribution centers in Hunts Point with a direct connection to Queens and Long Island, reduce congestion, and expand bus service to hubs in the Bronx, such as Yankee

Stadium.
Rebuild Borough of Manhattan Community College: Borough of Manhattan Community College is an
Please turn to page 9

STEEL & PRECAST CONCRETE FABRICATION FACILITY INSPECTIONS

ASPHALT MIX DESIGNS & PERFORMANCE TESTING

FIELD INSPECTIONS & TESTING

AGGREGATE CONSENSUS PROPERTY TESTING

PETROGRAPHIC ANALYSIS OF CONCRETE & AGGREGATE INCLUDING XRD ANALYSIS

SPECIALIZED CONCRETE TESTING

- Alkali-Silica Reactivity (ASR)
- Rapid Freeze-Thaw
- Chloride Content & Permeability
- Ground Penetrating Radar
- And many others

Advance Testing

EST. 1984

CONSTRUCTION MATERIALS TESTING + INSPECTION

BUILDINGS | ROADS | BRIDGES | TUNNELS | AIRPORTS | POWER

845.496.1600 • www.advancetesting.com

Attorney's Column

Court Sanctions Contractor For Despoiling Evidence

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

When a contractor consults with an attorney regarding a claim—either a claim they intend to assert against another contractor, an owner, etc., or a claim that's being asserted against them—the conversation will ultimately turn to how will that claim either be proven or refuted.

While this column has often warned that “if it ain't in writing, it didn't happen,” a



Borough Construction Group, LLC v Red Hook 160 LLC serves as a reminder that those who destroy evidence can be sanctioned for doing so, with at-

struction of a project located at 160 Imlay Street in Brooklyn. Shortly after construction commenced, the relationship between the parties soured. On Nov. 30, 2017, in response to complaints by Red Hook, a representative of Borough sent an email claiming that Red Hook was “trying to lay foundation for a potential lawsuit down the road,” and refuting the complaints leveled against Borough in that correspondence.

Red Hook asked the judge to issue discovery sanctions against Borough, arguing that the missing text messages were critical to its claims and defenses. Red Hook opposed that motion, arguing (as it did directly to Borough) that any prejudice to Red Hook's case was minimized by the fact that the sought text messages were obtainable from third parties.

The court granted Red Hook's motion for discovery sanctions. In doing so, the court relied on established case law holding that once a party “reasonably anticipates litigation,” it is under an obligation to preserve all records and communications relating to the subject matter of the anticipated litigation.

related warning (for those not old enough to remember Oliver North and the Iran-Contra Affair) is that once it's in writing, keep it that way—regardless of how detrimental the writing may seem. The recent case of

tendant adverse effects on the lawsuit.

Background

In September of 2016, Borough Construction Group entered into a contract with Red Hook 160 for the con-

As time passed, matters did not improve. On Aug. 10, 2018, Red Hook sent Borough a default notice setting forth Borough's alleged failings on the project, which included delays, blown budgets, unper-

formed and defective work and improper billing. While the notice requested a meeting to determine whether Borough could cure its claimed deficiencies, Red Hook reserved all of its rights. Ultimately, on Sept. 24, 2018, Red Hook terminated Borough's contract. Borough quickly filed a \$2.5-million mechanic's lien, followed just as quickly by a lawsuit to foreclose the lien. In response, Red Hook asserted various counterclaims alleging that Borough breached its contract, and its principals engaged in a fraudulent kick-back scheme.

During the lawsuit, Red Hook demanded that Borough produce all communications, including text messages, between Borough's principals and others involved with the project. When Borough produced its documents, it was apparent to Red Hook that certain text messages, which had been demanded, were missing. When Red Hook pointed this out to Borough, the company responded that “it is outside the usual course of business for the Responding Parties to preserve text messages for more than a matter of days or weeks (at most) and, thus, any text messages that you may be seeking were automatically deleted long prior to the prospect of any litigation between the parties (and, thus, any obligation on the part of the Responding Parties to preserve electronically stored information).”

Borough elaborated in later correspondence that “it seems that you are already in possession of text messages from third parties that are responsive to your inquiry” and, thus, claimed that there was no prejudice to Red Hook as the result of the failure to preserve the documents. Red Hook then asked the judge to issue discovery sanctions against Borough, arguing that the missing text messages were critical to its claims and defenses. Red Hook opposed that motion, arguing (as it did directly to Borough) that any prejudice to Red Hook's case was minimized by the fact that the sought text messages

were obtainable from third parties. Borough also argued that its text messages were not relevant once it was terminated from the project, and were unrelated to Red Hook's claims.

Decision

The court granted Red Hook's motion for discovery sanctions. In doing so, the court relied on established case law holding that once a party “reasonably anticipates litigation,” it is under an obligation to preserve all records and communications relating to the subject matter of the anticipated litigation. The court set the date on which the obligation to preserve records arose as the date of the termination, finding that it could not be said that a reasonable party would have surely anticipated litigation prior to that date (despite the earlier saber rattling). With that date set, the court specifically held that “one of the very purposes of discovery is to examine the contemporaneous thoughts and beliefs of the parties.” Accordingly, the court rejected any arguments that the sought text messages were not relevant—resoundingly rejecting the argument that Borough could unilaterally determine what text messages were relevant—and that there was no prejudice because the messages could be procured from elsewhere. The court also noted that for the same reasons, Borough's own discovery demands to Red Hook required Red Hook to produce all of Borough's text messages “without regard to relevancy, duplicity or any other basis for non-disclosure.”

Finally, as to the sanction itself, given the volume and regularity with which text messages were used to communicate, the court determined that it would permit the jury to draw a negative inference at trial: i.e., conclude that the text messages were not preserved because they would not have supported—or would have outright refuted—Borough's claims and defenses.

Comment

As all courts are courts of
Please turn to page 18

Retiree healthcare made simple.

Established in 2005, currently servicing 250+ clients, we are the industry leader in the design, implementation, management & service of group retiree Medicare Advantage (MA/MAPD) and Medicare Part D (EGWP) plans. Our retiree solutions help plan sponsors save money, extend the life of the benefits, and add a concierge level of service for both the retirees and client staff.

laborfirst®

For any additional information or requests, please contact us:

Toll Free: 800-716-0774 • www.laborfirst.com
3000 Midlantic Drive, Ste. 101 • Mount Laurel, NJ 08054



ECCO
ECCO III ENTERPRISES, INC.

HEAVY HIGHWAY | BRIDGES & STRUCTURES | RAIL & TRANSIT FACILITIES
SITE DEVELOPMENT | PILE DRIVING | FOUNDATIONS | CONCRETE
STRUCTURAL STEEL ERECTION | ASPHALT & CONCRETE PAVING
MECHANICAL | NOISE WALL | ENVIRONMENTAL | WATER & UTILITIES
DESIGN-BUILD, BEST-VALUE & ALTERNATIVE DELIVERY



SAFE, TIMELY, QUALITY WORKMANSHIP

201 Saw Mill River Road, Yonkers, NY 10701
Phone: 914-963-3600 | Fax: 914-963-3989 | www.eccoiii.com

An Equal Opportunity Employer

Hundreds of Millions in Unspent Infrastructure Funds Available for DPWs, Transportation in Hudson Valley

Continued from page 1

and sewer work, all too often the local municipalities who are responsible for most of the projects fail to tap into the funds. The primary reason is that the application process for the funding is time consuming and complicated,” Mr. Cooney explained. “Many municipalities, particularly the smaller ones, simply don’t have the time and staff needed to apply.”

Mr. Cooney added, “That’s one aspect of a complex problem that can no longer be ignored. The CIC is committed to using the report’s findings as the basis for initiating a campaign to educate local governments on the extent of the problem and to offer solutions. We will begin by presenting our findings to our state legislators, followed by the county leaders for their input, and then move to the towns and villages.”

Adam Bosch, president and CEO of Hudson Valley Pattern



Work began in October 2021 on the Wurts Street Bridge over Rondout Creek in Kingston. The span has been closed since September 2020. Construction is expected to be completed next year.

for Progress, said the report underscores the need for infrastructure planning, support, and a new model to help communities access government funds for infrastructure. He noted that in many cases municipalities must first design and then bond infrastructure projects and then engage in a complex approval process for federal and state reimbursement funds.

“Communities across the Hudson Valley need help to plan for the maintenance of their infrastructure and to access the government funds

that will allow them to upgrade roads, bridges, and their waterworks,” Mr. Bosch said. “Our small towns and villages do not have the staff or time to navigate bureaucratic systems that make it too difficult for them to receive infrastructure money. As a result, many of them are forgoing programs that are meant to help. Our communities are entitled to much of this money, and we ought to create systems that help them put our taxpayer dollars to work more effectively and efficiently.”

For a municipal perspective, Yorktown Supervisor Matthew Slater, while noting the significant infrastructure projects the town is undertaking, affirmed many of the issues highlighted in the report that local governments are facing in securing funding for infrastructure projects.

“What you just heard is 100% accurate and it is a major problem,” he said. “The report and what you are hearing really confirms what all of us in local government already know—we are on the verge of an infrastructure crisis and we need help. We need the state’s help and we need the federal government’s help.”

Some of the key report findings include:

- Many municipalities do not have the staffing and expertise to apply for grants and other federal funding programs, and thus don’t apply.

“The report and what you are hearing really confirms what all of us in local government already know: we are on the verge of an infrastructure crisis and we need help.”

—Matthew Slater, Yorktown Supervisor

KOMATSU®

Northeast Distributors
Serving CT, NY, NJ, PA, MD, DE

EXCAVATORS

DOZERS

WHEEL LOADERS

TRUCKS

MOTOR GRADERS

FORKLIFTS

FORESTRY

EQUIPMENT SALES - RENTALS - PARTS - SERVICE

We Offer a Large Variety of Equipment to Meet Your Needs

We're Proud to Partner with these Brands to Offer You the Highest Quality Equipment & Support

Holbrook, NY 631-563-7600

Yonkers, NY 914-738-5100

Holmes, NY 845-878-4004

Pine Bush, NY 845-744-2006

www.KomatsuAmerica.com

Hundreds of Millions in Unspent Infrastructure Funds Available for DPWs, Transportation in Hudson Valley

Continued from page 8

prove county bridges, yet only \$28.4 million has been allotted by Bridge-NY (the major source of funding) over the past two years.

- A municipal workforce labor shortage created by retirements, lack of training and overall changes in the workforce, are slowing construction projects.
 - A lack of capital planning and infrastructure management is resulting in problems in budgeting and scheduling repairs.
- The CIC-Pattern Hudson Valley Infrastructure Gap report also offered a series of recommendations to address the issue that Yorktown Supervisor Matthew Slater described at the press conference as “approaching an infrastructure crisis.”
- Those recommendations were:
- Develop strategic planning to upgrade infrastructure according to its life cycle.
 - Invest in asset management systems that will catalogue infrastructure assets, set maintenance schedules, track life cycles, and provide an objective basis for funding repairs and replacements.
 - Join relevant trade associations such as the NYS Association of Town Superintendents

- of Highways, American Public Works Association, New York State American Waterworks Association, to help create helpful connections for advocacy and problem-solving.
- List projects in Statewide Transportation Improvement Plan (STIP). Projects cannot get federal aid unless they are listed as part of the four-year plan.
 - Initiate projects quickly to avoid cost increases, labor shortages, higher interest rates and materials costs/supply chain issues.
 - Consider outsourcing work to private contractors when it is safe, efficient and effective.
 - Ensure succession planning to capture the institutional knowledge of longtime employees before they retire.
 - Create an Infrastructure Academy through a public-private partnership to strengthen the workforce pipeline for those in trades related to



Considerable funding has been spent by Westchester County to upgrade the Yonkers Wastewater Treatment Plant. A major contract was recently let by the Westchester County DPW to undertake upgrades to the HVAC and odor control systems at the complex.

- infrastructure.
- Create a capital asset and infrastructure council.
 - Make CHIPs funding more reliable by guaranteeing a minimum amount over a three-year or five-year period, rather than making it a bargaining chip in the annual state budget.
- The complete report can be found by visiting <https://cicbca.org/>.

Infrastructure Project List For Next Century

Continued from page 5

outdated, horizontal cluster of buildings spanning four city blocks in the high-opportunity Tribeca neighborhood. Replacing this campus with a modern, vertical campus will free up entire city blocks for development. The Building Congress proposes this space could be used to build an educational hub with K-12 facilities and tech industry training facilities.

The Building Congress in its report also calls for the construction of a Long Island Sound Crossing between New York and Connecticut in the next 10 to 25 years.

The report is the second in the Building Congress’ Hundred Year Report Series. The first, released in May 2022, outlined policy priorities for transportation, infrastructure, housing, climate resiliency and workforce development over the next 100 years. The final report of the three-part series, to be focused on the people who will shape the future of New York, is forthcoming.

The New York Building Congress, a broad-based membership association celebrating its 101st year, is committed to promoting the growth and success of the construction industry in New York City and its environs. Learn more about the New York Building Congress at www.buildingcongress.com.

Infrastructure, now and the future



- Safe roads, bridges, trains and tunnels
- Healthy water and sewer systems
- Modern energy, including solar, wind and natural gas

BETTER BUILDING BEGINS HERE
WWW.IUOE825.ORG
GREG LALEVEE
IUOE General Vice President
Business Manager, Local 825

Roads, bridges keep us moving

Regional
Bid Alert
Sponsored by

WTR

WESTCHESTER
TOOL RENTALS

wtrrentals.com • 914-592-2016

NYSDOT - Region 9

Bid Letting Date: Oct. 6, 2022

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

Contract# D264864
PIN# 906786
FA Proj.# YS30-9067-863

Project Description: median barrier installation, NYS Route 17 (Future I-86), Towns of Thompson and Mamakating, Sullivan County.

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

Goals: DBE: 6.00%

Bid Letting Date: Oct. 6, 2022

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

Contract# D264881
PIN# 906781
FA Proj.# Z0E1-9067-813

Project Description: structures: joint rehabilitation and overlay, two NYS Route 17 (Future I-86) bridges over County Route 28, Town of Windsor, Broome County.

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

Goals: DBE: 3.00%

Bid Letting Date: Oct. 20, 2022

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

Contract# D264882
PIN# 906784
FA Proj.# Z0E1-9067-843

Project Description: bridge deck maintenance, six NYS Route 17 (Future I-86) bridges, Towns of Deposit & Sanford, Broome, Delaware counties.

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

Goals: DBE: 8.00%

NYSDOT - Region 10

Bid Letting Date: Oct. 6, 2022

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

Contract# D264858
PIN# 0BWW22

Project Description: bridge maintenance repairs - various locations, night time work, Nassau, Suffolk counties.

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

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

Bid Letting Date: Oct. 6, 2022

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

Contract# D264851
PIN# 005931

Project Description: bridge rehabilitation, westbound NY Route 27 over Barnes Road, Town of Brookhaven, Suffolk County.

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

Goals: MBE: 5.00%, WBE: 12.00%, SDVOB: 6.00%

**Westchester County
DPW**

Bid Due Date: Oct. 5, 2022

Contract: 16-512 (\$100.)

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

Title: Secondary System Rehabilitation, Yonkers Joint Wastewater Treatment Plant, Yonkers, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required to replace, rehabilitate and/or upgrade the secondary system process equipment and related controls at the Yonkers Joint Wastewater Treatment Plant. This project will include work on the various plant processes, including but not limited to, the secondary plant water, plant effluent water, high pressure wash- down, secondary compressed air, process air header, tank canopy and fire suppression systems. Work will also include mechanical and electrical controls, plumbing and any other ancillary equipment or work as required. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$4 million to \$5 million.

MANDATORY PRE-BID INSPECTION: 10:00 AM, September 7, 2022; meeting at Yonkers Joint Water Resource Recovery Facility – Administration Building’s Lobby, 1 Fernbrook Street, Yonkers, NY. 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: Oct. 12, 2022

Contract: 18-522 (\$100.)

Title: Tarrytown Pump Station Rehabilitation – Phase II, Saw Mill Sewer District, Tarrytown, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required to renovate the existing pump station systems as well as the existing administration building which houses the office and personnel facilities at the Tarrytown Pump Station, including but not limited to structural and interior alterations to the office area, control area, lunch room, locker and restrooms and storage rooms. In addition, the modifications will integrate the new HVAC, electrical and plumbing service into the existing control, monitoring and plumbing systems. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$4.25 million to \$5.25 million. MANDATORY PRE-BID INSPECTION: 10:00 AM, September 13, 2022; meeting at Tarrytown Pump Station, 7 South Depot Plaza (on the eastside of Metro North RR tracks, approximately 1000 ft. south of Depot Plaza in the Village of Tarrytown), Tarrytown, NY. 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.

**New York State
Dormitory Authority**

Bid Due Date: Oct. 5, 2022

Title: City University of New York, Bernard M. Baruch College, Phase 2 Field Building Renovation and Associated Asbestos Abatement

Contract: CR25 General Construction

Project# 3592009999

Sealed bids for the above Work located at Bernard M. Baruch College, 17 Lexington Avenue, New York, New York 10010 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside “BID ENCLOSED” and “ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO.” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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

be required to agree to be bound by the PLA.

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

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

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

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on Oct. 5, 2022, will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY’s website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Alex Ladias, Project Manager, 17 Lexington Avenue, Suite 213 Room 212, New York, New York 12207, 646-210-1571, aladias@dasny.org (the Owner’s Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Thursday, Sept. 22, 2022, at 10:00 AM at 17 Lexington Avenue, Conference Room 211, New York, New York 10010. Contact Alex Ladias at 646-210-1571. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new “GENERAL CONDITIONS for CONSTRUCTION” dated June 17, 2021, that contain significant revisions from those documents previously contained in DASNY’s Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new “GENERAL CONDITIONS for CONSTRUCTION” dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY’s Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY’s website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

Bid Due Date: Oct.12, 2022

Title: City University of New York, City College of New York, Shepard Hall IT Upgrade and Associated Asbestos Abatement

Contract: CR41 General Construction

Project # 3130809999

Sealed bids for the above Work located at City College of New York, Shepard Hall, 259 Convent Avenue, New York, New York 10031 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be

clearly marked on the outside “BID ENCLOSED” and “ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO.” DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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

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

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

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

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on Oct. 12, 2022, will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY’s website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Vadim Raskin, Sr. Project Manager, 138th Street and St. Nicholas Terrace, DASNY Red Trailer, New York, New York 10031, 646-210-3952, vraskin@dasny.org (the Owner’s Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY’s website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting is scheduled on Tuesday, Sept. 6, 2022, at 10:00 AM via Microsoft Teams video conference. Contact Vadim Raskin at 646-210-3852. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new “GENERAL CONDITIONS for CONSTRUCTION” dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY’s Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new “GENERAL CONDITIONS for CONSTRUCTION” dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY’s Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY’s website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

CONTRACTOR EQUIPMENT & SUPPLY

WTR

WESTCHESTER
TOOL RENTALS

wtrrentals.com • 914-592-2016

11 Vreeland Ave., Elmsford, NY 10523

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



A host of state, county and city officials were on hand for the ribbon cutting at Memorial Field, including pictured at center, Mount Vernon Mayor Shawyn Patterson-Howard, Westchester County Executive George Latimer and Director of Operations for Westchester County Joan McDonald.

Mount Vernon, Westchester County Celebrate Opening of Fully Renovated Memorial Field

Continued from page 1

graduated from high school on this field, and I look forward to working with Mayor Shawyn Patterson-Howard as we watch the next generation of Mount Vernon’s leaders make their own memories on this field.”

Mr. Latimer praised all those involved in the joint initiative with the City of Mount Vernon, including the Westchester County Board of Legislators, Deputy County Executive Ken Jenkins and Chief of Operations Joan McDonald.

Memorial Field will be co-managed until the end of the year by Westchester County and the City of Mount Vernon. County officials stated that procedures for booking the field are still being developed. The City of Mount Vernon fully owns Memorial Field.

Mount Vernon Mayor Patterson-Howard said at the event, “Memorial Field has been the heart and soul of the City of Mount Vernon for a very long time. It is the crossroads of our community and one of the landmarks that connect us all because it helps to knit, tie, and bind us together through its history and now through its future. This partnership of trust with Westchester County symbolizes progress at its best and I am thankful for County Executive George Latimer and the entire executive team for your diligence and tenacity to see us to the completion of this project and for hosting today’s ribbon cutting.”

The mayor also acknowledged the County Board of Legislators, former elected officials, community partners, and

“everyone who has contributed to this process and for understanding just how much the new Memorial Field will mean to the economic development, public health, pride, moral and community cohesion of the City of Mount Vernon.”

The LandTek Group, Inc COO John Sulinski said of the project, “LandTek is proud to be the general contractor tasked with the rebuilding of Memorial Field. It has been a rewarding experience to work with Westchester County and the City of Mount Vernon. Our project team and vast athletic field design and construction knowledge assisted in completing this modern stadium complex. It’s extremely gratifying to see an iconic location such as Memorial Field renovated to become a premier athletic facility showcase that the surround-



Westchester County Executive George Latimer said the \$40-million renovation of Memorial Field would not have been possible without the cooperation between the state, county and City of Mount Vernon.

ing community will utilize for many years.”

The new chapter of Memorial Field’s history began on Saturday, Sept. 24, when the Mount Vernon Knights football team took the field for the first time at the stadium since 2007 and defeated the Yonkers Force 32-24.

TILCON NEW YORK INC.

WE'RE HERE TO SERVE YOU

LOCATIONS

- Brooklyn Terminal • Clinton Point Quarry & Asphalt • Flushing Terminal • Goshen Quarry
- Haverstow Quarry & Asphalt • Maybrook Asphalt • Mt. Hope Quarry & Asphalt
- Newburgh Asphalt • North Bergen Asphalt • Oxford Quarry & Asphalt • Pompton Lakes
- Quarry & Asphalt • Port Jefferson Terminal • Port Washington Terminal
- Riverdale Quarry & Asphalt • Tomkins Cove Quarry • Totowa Asphalt
- West Nyack Quarry & Asphalt

RECYCLING LOCATIONS

- Bronx • Kearny • Mt. Hope • Oxford • Pompton Lakes • Riverdale

MOBILE CRUSHING NOW AVAILABLE!

STONE/ASPHALT/CONSTRUCTION/RECYCLING

MATERIAL ORDERS

1-855-659-1100

1-800-872-7762 (TRAPROC)-NY

1-800-789-7625 (ROCK)-NJ

EMAIL ADDRESS

tnjorders@tilconny.com

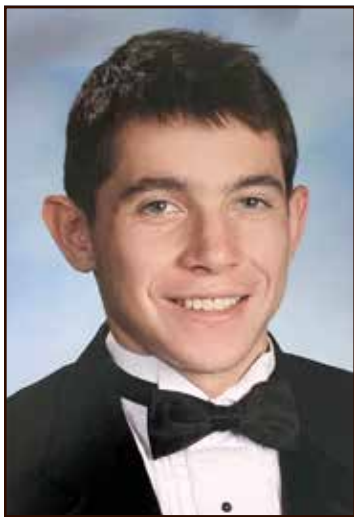
CORPORATE OFFICE

9 Entin Road, Parsippany, NJ 07054

973-366-7741 • www.tilconny.com

TILCON

A CRH COMPANY



Robert Caulfield



Justin Ely



Massimo Fante



Mark Griffin



Liberty Hunsberger

CIC'S Louis G. Nappi Construction Labor-Management Scholarship Fund Awards \$80,000 to 16 College Students in Hudson Valley Region in 2022

TARRYTOWN, NY—Fifteen college and one graduate student will start the fall semester each with a \$5,000 grant from the Louis G. Nappi Construction Labor-Management Scholarship Fund for studies in Engineering, Architecture, Mathematics and Applied Sciences for the 2022-2023 academic year. The announcement of the \$80,000 in scholarships awards was made by Ross J. Pepe, President of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC).

As a major construction industry financial-aid program, the Louis G. Nappi Fund was established in 2009 by Mr Nappi (1920-2014), a former CIC Chairman (now *Emeritus*). It was Mr. Nappi's vision that the hard sciences of Mathematics and Engineering were essential pathways for the U.S. to re-establish American companies as world leaders in transportation and infrastructure construction.

The scholarship fund is a living testimony to Mr. Nappi who served as CIC Chairman from 1986 to 1991, Mr. Pepe explained. "Lou's commitment to Engineering and Science lives on today in these scholarships and through these students as many of them have graduated and have entered the workplace. Lou believed that giving students the financial means to pursue higher education and advanced degrees would help our nation's construction and building industries regain global competitiveness and preeminence."

Scholarship Committee Chairman William Mascetta, President of Transit Construction Corp. of Yonkers, NY,

congratulated the winners and their parents at the July awards luncheon. During his address, he emphasized the importance of balancing the forces and demands of rapidly expanding technology these students will face in the future along with the importance to continue to grow and develop as individuals. "This is how we forge meaningful, lasting relationships with people in business and in life," he said.

"Human understanding and interaction skills do not happen by accident," he explained. He pointed to the increasingly digital world of Zoom, office cubicles, remote work and emails that can stifle interaction with co-workers, associates and others. "We run the risk of losing mutual respect for one another by operating only in this tech world, which is essentially black and white, in an industry that is more a grey-zone environment. Human interaction is critical to develop mutually respectful, working relationships. This is a key to success," he concluded.

Mr. Mascetta thanked the members of the Scholarship Committee representing labor and management, and he applauded the students' parents for their support for education and hard work during the challenges endured over the past two years of the pandemic. He also acknowledged a member of the Nappi family present, Dean DiNatale, who is the grandson of Mr. Nappi and a member of the scholarship committee.

Marking its 13th anniversary, the Louis G. Nappi Scholarship Fund has awarded more than \$850,000 in 203 grants to some 92 students attending more than 70 colleges and universities throughout the U.S. Scholarship recipients reside mainly in the Lower and Mid-Hudson Valley, and are related to employees of CIC-member companies or affiliated unions. The participating labor unions are Laborers International Union of N.A. Local 60, International Union of Operating Engineers Local 137, and the International Brotherhood of Teamsters Local 456.

For information on the

program and application, visit the association's website, www.cicnys.org.

Scholarship Winners

Taylor Bruck, 20, of New Paltz, NY, is a junior studying Computer Science at Binghamton University in Binghamton, N.Y. She is the daughter of Thomas Bruck, a member of Operating Engineers L.U. 137. Taylor also received Louis G. Nappi Scholarship grants in 2020 and 2021.

Robert Caulfield, 20, of Blauvelt, NY, is a junior studying Civil Engineering at Manhattan College in Riverdale, NY. He is the son of Timothy Caulfield of Yonkers Contracting Co., Inc., a CIC-member company. Robert also received a Louis G. Nappi Scholarship grant in 2020 and 2021.

Charlotte Caulfield, 18, of Blauvelt, NY, is a freshman studying Health Science at Quinnipiac University in Hamden, CT. She is the daughter of Timothy Caulfield of Yonkers Contracting Co., Inc., a CIC-member company.

Justin Ely, 18, of Chester,

NY, is a freshman studying Civil Engineering at Union College in Schenectady, NY. He is the son of Jordan Ely of Argenio Bros., a CIC-member company.

Massimo Fante, 20, of Sleepy Hollow, NY, is a Junior studying Biological Sciences at Cornell University in Ithaca, NY. He is the son of Mark Fante of Darante Construction Ltd., a BCA- and CIC-member company. Massimo also won Louis G. Nappi Scholarship grants in 2020 and 2021.

Jamie Lynn Fortunato, 20, of Fairfield, CT, is a senior studying Biology/Pre-med at the University of Wisconsin at Madison. She is the granddaughter of Anthony Guido, a member of Operating Engineers L.U. 137. Jamie Lynn also won Louis G. Nappi Scholarship grants in 2020 and 2021.

Mark Griffin, 20, of Yonkers, NY, is a junior majoring in Aerospace and Mechanical Engineering at the University of Buffalo. He is the son of Lisa Griffin and nephew of Vincent Romagnoli of Yonkers Contracting Company, Inc., a CIC-member company. Mark also won a Louis G. Nappi Scholarship grant in 2021.

Liberty Hunsberger, 18, of Edwardsburgh, MI, is a freshman studying Engineering and Business Administration at Saint Mary's College in Notre Dame, IN. She is the daughter of Scott Hunsberger CIC-member company Michels Pipeline, Inc.

Kellen Keefe, 18, of Westport, CT, is a freshman at the University of Indiana in Bloomington. He is the son of Matthew Keefe of Halmar International, and CIC-member company.

Please turn to page 13



Kellen Keefe



Lauren Liberto



Daniella Mulvey



Kirsten Stepien



Robert Stepien



Jenna Weber



Genevive Zorilo



Ava Zorilo

Orange C.E. Newhaus Plans Boost to Infrastructure Spend in 2023

Wants Faster Progress on Route 17/I-86 Expansion

By JOHN JORDAN

GOSHEN—In preparation for his annual budget address scheduled to be delivered in late September, Orange County Executive Steven M. Neuhaus recently discussed his plans to significantly ramp up county infrastructure spending thanks to surpluses from federal funding through the American Rescue Plan, as well as county sales tax.

In addition, Mr. Neuhaus said he plans to propose a significant property tax cut due to the county's strong financial position at the moment and also complained that New York State officials have told him that the Route 17 expansion initiative will require another three years of study.

"Some counties are using (American Rescue Plan Act) money for social programs and things like that. For the most part, all of my ARPA money is going towards infrastructure,"

he said in a report published in Real Estate In-Depth. "We have \$75 million coming in," and added the prospect of \$20 million of additional funding

and the tax rate. You will also see less debt."

While he did not provide capital budget totals, he said that Orange County will under-



"This thing is like 'Sasquatch,' it's like urban folklore that there is going to be a third lane on Route 17...I want to see asphalt being put down. I don't want to see (three more years of) studies."

—Orange County Executive Steven M. Neuhaus

"for a new Medical Examiner's office and also all sorts of other major infrastructure projects."

He continued, "When I present my budget in a couple of weeks you are going to see some massive infrastructure projects listed on it, you are going to see a property tax cut for the taxpayers, and I am thinking a significant one in the tax levy

takes significant work to upgrade its county-owned buildings and its park system.

Among his larger concerns, however, is the recent announcement by New York State that the roadway expansion of Route 17 is at least three years in the future because more studies are needed before construction can begin.

"Three more years of studies

before you even start to see a plan, and then you are going to have to fight for more funding to get that plan implemented," he fumed.

Mr. Neuhaus then criticized the state's maintenance of

in community affairs for the Engineers Labor-Employer Cooperative (ELEC 825) as well as a member of the 17-Forward-86 Coalition, echoed County Executive position concerning the three-year timeline of the Route 17 expansion.

"This is an important project for the Hudson Valley, the state and the region. The fact that \$1 billion was allocated in the New York State budget for the environmental review and construction of an additional lane on Route 17 is testament to how vital this project is for our safety and economic well-being," Mr. Ortega stated. "We're waiting for the DOT to finish its procurement process to start the environmental impact study, and we look forward to continuing to work with the administration and move this project forward."

At press time, NYS DOT had not yet responded to CONSTRUCTION NEWS for comment.

ALBANY UPDATE

NYS DMV Advances CDL Road Test Program To Address Severe Truck, Bus Driver Shortage

Qualified Third-Party Public/Private Entities Now Eligible to Participate

ALBANY—New York State announced on Sept. 23 the start of the second phase of a plan to allow third parties to offer the Commercial Driver License road test, expanding eligibility to public and private entities. The program is designed to ease the acute shortage of bus and truck drivers.

Any qualified third party is now eligible to apply for certification through the Department of Motor Vehicles. Allowing third parties to offer road tests is expected to ameliorate commercial driver shortages, the state noted. This next phase will allow any qualified third-

party entities in New York State, including school bus, tour bus and trucking companies, to administer commercial driver's license road tests. Increasing the number of testing sites statewide is expected to reduce the wait time so that more licensed commercial drivers will be on the road faster.

Under the program, the DMV has established a rigorous training and monitoring system to qualify CDL examiners to safely administer the road tests in compliance with state and federal regulations.

NYS DMV Commissioner Mark J.F.

Schroeder said, "New York, like every state in the nation, has been experiencing a shortage of licensed commercial drivers...We at DMV are taking action to change that. By approving these third parties to conduct commercial road tests, we are giving trucking and transportation companies the tools to get their newest drivers licensed and qualified to work, faster. These drivers are crucial to almost every aspect of life in New York in every corner of the state, and we are need more of them.

The application for becoming a third-party testing entity, including opportunities for "for-hire" entities, can be found on the DMV website www.dmv.ny.gov/dmv/third-party-cdl-testing-program.



By approving third parties to conduct commercial road tests, NYS DMV is giving trucking and transportation companies the tools to get their newest drivers licensed and qualified to work, faster.

State to Award \$225 Million in Grants For Water Infrastructure Projects

ALBANY—Environmental Facilities Corporation President and CEO Maureen A. Coleman noted in early September that clean water and drinking water infrastructure projects can be "daunting financial undertakings for New York State communities, large

and small, yet are so critical to the health and safety of New Yorkers." EFC serves as a conduit for low-cost financings and grants to affordably build projects that will protect water quality for years to come.

EFC recently closed accepting ap-

plications for some \$225 million in grants available through the Water Infrastructure Improvement (WIIA) and Intermunicipal Grants (IMG) programs. This latest round of grants are designed to help make water infrastructure investments more af-

fordable for local governments and create jobs in the manufacturing, engineering, construction, plant operations, and related industry sectors. Local governments can learn more about future grant opportunities at efc.ny.gov/wiia.

CIC'S Louis G. Nappi Construction Labor-Management Scholarship Fund

Continued from page 12

Lauren Liberto, 17, of New Rochelle, NY, is a freshman studying Finance and Accounting at the University of Delaware in Newark, DE. She is the sister of Thomas Norberto of Laborers Local 60 of Hawthorne, NY.

Daniella Mulvey, 22, of Valhalla, NY, is a graduate student pursuing a Masters in Architecture at the University of Pennsylvania in Philadel-

phia. She is the daughter of Dennis Mulvey, an employee of Stratis Contracting Corp., a CIC-member company. Daniella is also a recipient of Louis G. Nappi Scholarship grants in 2020 and 2021.

Robert Stepien, 20, of Wayne, NJ, is a junior studying Civil Engineering at the Stevens Institute of Technology in Hoboken, NJ. He is the son of Robert Stepien, Sr., an employee of Halmar International, a CIC-

member company.

Kirsten Stepien, 18, of Wayne, NJ, is sophomore studying Engineering Management at the Stevens Institute of Technology in Hoboken, NJ. She is the daughter of Robert Stepien, Sr., an employee of Halmar International, a CIC-member company.

Jenna Weber, 20, of Southbury, CT, is junior studying Biology at Penn State University in State College, PA. She is the daughter of James Weber,

a member of Operating Engineers Local 137 of Briarcliff, NY.

Ava Zorilo, 20, of Wappingers Falls, NY, is a junior studying Health Science Program at Pace University in New York. Ava is the daughter of a member of Operating Engineers L.U. 137 of Briarcliff, NY. Ava was also

a recipient of Louis G. Nappi Scholarship grants in 2021.

Genevieve Zorilo, 18, of Wappingers Falls, NY, is a freshman studying Basic Medical Sciences at Pace University in New York. Ava is the daughter of a member of Operating Engineers L.U. 137 of Briarcliff, NY.

LOW BIDS Every Month in the Construction NEWS



Fall Membership Meeting Sponsorship Opportunity

Thursday, October 6, 2022
Westchester Marriott
6:00 PM - 9:00 PM



FALL MEETING SPONSORSHIP \$750

Benefits Include:

- Logo and company website listed in Event Program.
- Logo displayed in PowerPoint presentation.
- Opportunity to distribute company literature and promotional items to attendees.
- Press Release announcing Sponsorships.

Call 914-631-6070 for more information

Event Registration Is Open cicbca.org/events
Event Speakers



Matthew J. Driscoll
Executive Director, NYSTA



Adam Bosch
President & CEO, Hudson Valley Patterns for Progress

Construction Industry Council - Building Contractors Association
629 White Plains Road, Tarrytown, NY - 914-631-6070 cicbca.org

2023 Annual Mid-Winter Meeting

March 1 - 5 **Naples, Florida**



cicbca.org



Safety Watch

An Exemplary Safety Program On Paper is Not Enough

By COSTAS CYPRUS, ESQ.

Secretary of Labor v. TNT Crane and Rigging, Inc. demonstrates how companies must maintain work safety rules that not only specifically address the requirements of applicable OSHA safety rules and standards, but they also take measures to ensure adequate compliance.

TNT Crane and Rigging, Inc., is a crane service provider from Houston, TX with more than 250 employees and numerous offices. On May 15, 2016, in Georgetown, TX, a TNT employee was seriously injured during the disassembling of a crane when it contacted a power line. As a result of the incident, OSHA cited TNT for two violations of OSHA's Cranes and Derricks in Construction Standards. The OSHA Review Commission ultimately affirmed both violations as against TNT.

On the incident day, four TNT employees (the crane operator, a spotter/rigger (SR1), a second spotter/rigger (SR2),



burns and other injuries.

After the incident, an OSHA Compliance Safety and Health Officer investigated. Although the officer was unable to inspect the original jobsite, the officer conducted interviews offsite with witnesses and took photos to recreate the scene. OSHA issued two citations: Violation # 1 - Exposure of employees to the hazard of electrical shock by failing to use at least one of the measures required to prevent encroachment or contact

no dispute that the TNT crew disassembled the crane without a required protective measure in place to prevent encroachment before disassembly began. Similarly, Violation # 2 involved the crew's collective failure to maintain the required clearance during disassembly. Prior to disassembly, the crew conducted a JSA together and then met as a group to discuss the work prior to commencement. Although two of the crew members expressed concerns, they were reassured by the other two crew members and all agreed to proceed. Therefore, the crane operator/supervisor's knowledge of the other crew members' violative conduct could be imputed to TNT, as is consistent with the relevant precedent.

TNT's defense before the commission was that the crane operator engaged in unpreventable employee misconduct. To succeed on that defense, TNT must show that it had established work rules to prevent violative conditions from occurring, adequately communicated

those rules to its employees, took steps to discover violations of those rules, and effectively

SR2 and the driver expressed concerns over the exact location due to nearby powerlines, but the crane operator reassured them it would be disassembled in the same location in which the crane was assembled and that there would be a 20-foot buffer zone from the power line.

enforced the rules when violations were discovered. The commission found that TNT failed to establish work rules that were specific enough to ensure the violative conditions from occurring.

As to Violation No. 1, although TNT's work rule shared some similarities with the OSHA standard, it did not pro-

vide the specific requirements mandating that an employer implement an encroachment prevention measure prior to crane disassembly to ensure that a 20-foot distance from the power line is maintained when any part of the crane could breach that distance. TNT's safety policy only mentioned one of the applicable provision's numerous encroachment prevention measures.

As to Violation No. 2, the commission found that TNT did have work rules in place that addressed the requirement of the applicable standard and it properly communicated those rules to its employees through various trainings, safety programs/manuals, orientations, etc. However, TNT failed to sufficiently monitor compliance of those rules and effectively enforce them when violations were discovered and therefore could not establish a UEM defense. TNT claimed it monitored compliance through inspections and surprise audits by submitting inspection docu-

Please turn to page 18

Both violations rested upon the commission's reasoning that the violative conduct was collaborative here. It was not just the crane operator's activities but the activities of the entire crew, collectively.

and a driver) were completing the disassembly of a 275-ton mobile crane, which had been used to install new antennas on a communication tower. All four employees met to discuss a plan for disassembly. The crane operator (and supervisor) created a job safety analysis before the breakdown and discussed it with the three other crew members. The plan was for the crane operator to reposition the crane to lower the boom onto the semi-truck while SR2 would spot and hold the hoist line to keep it taut, the driver would drive the semi-truck once the boom was on the flatbed and SR1 would spot and guide the truck. SR2 and the driver expressed concerns over the exact location due to nearby powerlines, but the crane operator reassured them it would be disassembled in the same location in which the crane was assembled and that there would be a 20-foot buffer zone from the power line. Therefore, the powerlines would be avoided. Nevertheless, as the crane operator was lowering the boom of the crane and retracting the hoist line, the load line came into contact with a powerline. SR2 who was holding the load line was electrocuted and sustained severe

with power lines while disassembling a crane; Violation # 2 - Placing part of a crane and load, whether partially or fully assembled, closer than the minimum approach distance (MAD) to a power line.

To prove a violation, the Secretary of Labor (SOL) must show by a preponderance of the evidence that (1) the cited standard applies, (2) there was failure to comply with the cited standard, (3) employees had access to the violative condition, and (4) the cited employer either knew or should have known of the condition with the exercise of reasonable diligence. The cited safety standards clearly applied to the work that was being conducted at the time of the incident and that there was non-compliance and exposure to the hazardous condition. The issue that the commission addressed in its most recent decision was whether TNT had knowledge of the violative condition, which it determined that it did.

Both violations rested upon the commission's reasoning that the violative conduct was collaborative here. It was not just the crane operator's activities but the activities of the entire crew, collectively. As for Violation # 1, there was



TOCQUEVILLE

Asset Management L.P.

Michael J. Paton
mpaton@tocqueville.com

212-698-0812

40 West 57th Street, 19th Floor
New York, New York 10019

International Union of Operating Engineers Local 137



**JEFF LOUGHLIN
WAYNE HELLER
JAMES SASSO
JOHN MCGILL
JOE SCHNEIDER
DANIEL FENYO
MICHAEL MILLER**

**BUSINESS MANAGER
PRESIDENT
VICE PRESIDENT/BUS. AGENT
RECORDING CORR. SECRETARY
TREASURER
FINANCIAL SECRETARY
BUSINESS AGENT**

Executive Board

**John Belardi – Ronald Burgess – Rocco Miceli – Michael Miller
David Ryan - Rocco Sanseverino**

1360 Pleasantville Road Briarcliff Manor, NY 10510 (914)762-0600

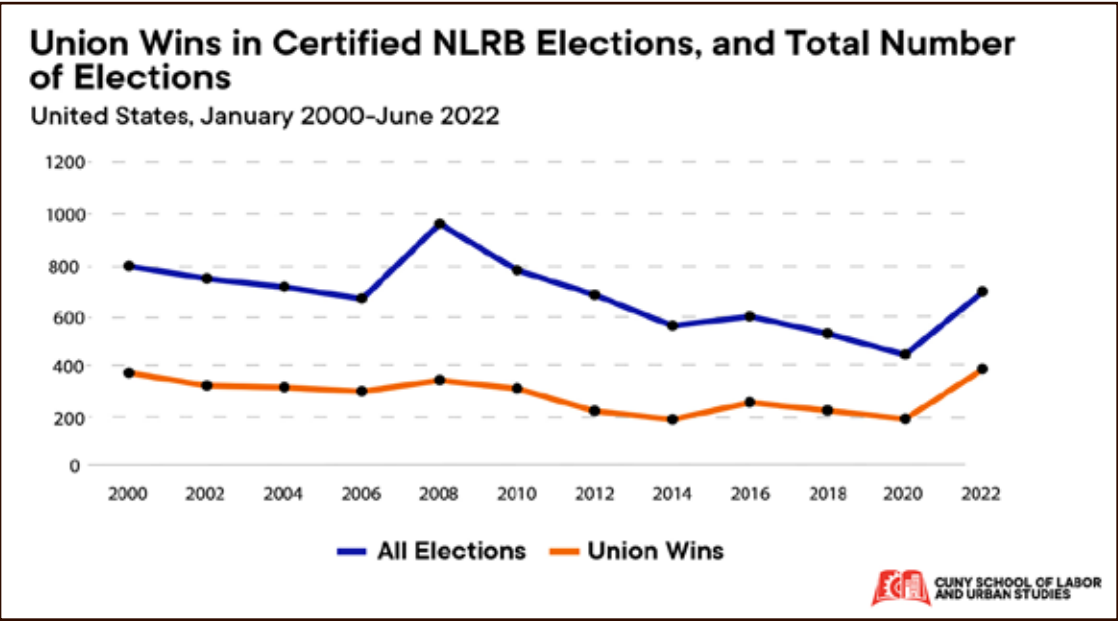
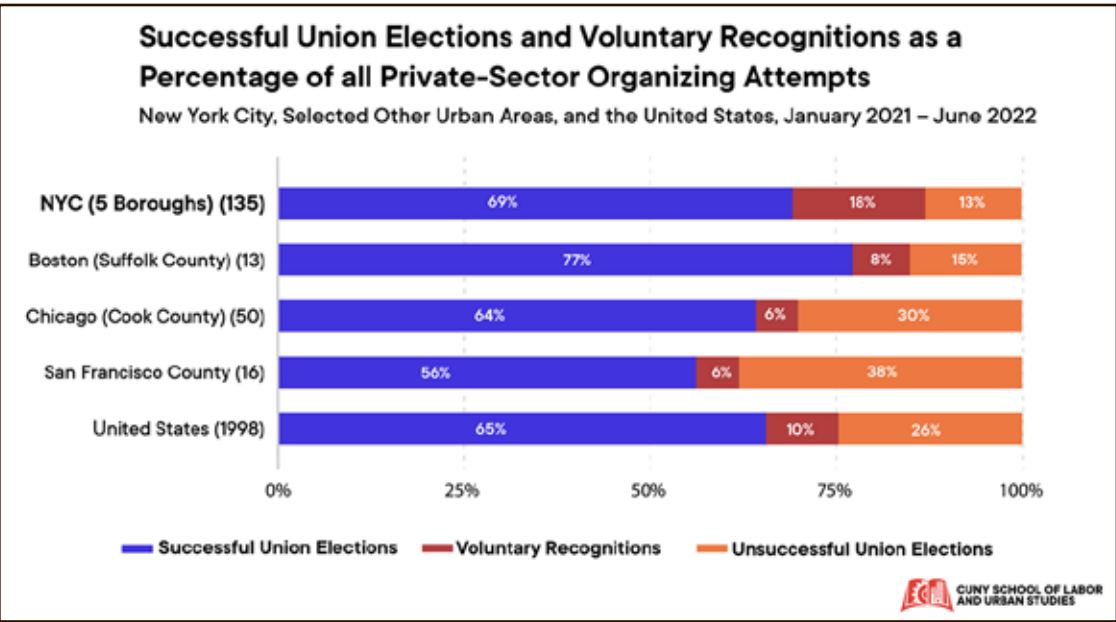
NYC Gains by Labor Plays Leading Role In Private-Sector Union Growth in U.S.

NEW YORK— New York City leads the recent uptick in private-sector union organizing at companies like Starbucks and Amazon. A new report released earlier this month by the CUNY School of Labor and Urban Studies—entitled “State of the Unions 2022: A Profile of Organized Labor in New York City, New York State, and the United States”—analyzed new union membership and union election wins across the nation’s major cities.

The report also details the geographic, demographic and occupational makeup of union membership in New York City, New York State and the nation.

workers involved in unionizing. The recent growth of organizing and unionization, however, has not reached a scale insufficient to reverse the long-term downward trend in private-sector union density. Labor unions represent only 6% of private-sector workers nationally and only 12% of those in New York.

Employer opposition to unionization remains fierce, and U.S. labor law enables employers to use a variety of tactics to delay both union recognition and contract negotiations, the report states. The 2022 uptick in U.S. unionization is modest relative to the U.S.



“The new wave of labor activism reflects several recent developments,” said report co-author Ruth Milkman, Distinguished Professor at the CUNY School of Labor and Urban Studies and the CUNY Graduate Center. “The pandemic spotlighted the injustices faced by ‘essential workers’; public support for labor unions increased to the highest level in decades; and a new generation of college-educated Millennials and Gen-Zers is actively organizing unions.” She added that the labor shortage has played a role, reducing the risks to workforce, which numbers over 160 million. It would have to spread far more widely to move the needle in either New York or the nation.

“While this recent surge of labor activism has invigorated overlooked workers and the U.S. public in general, it hasn’t yielded a total number of newly organized workers large enough to impact either the nation’s or New York City’s overall level of private-sector union density,” noted Joseph van Der Naald, co-author of the report and a Ph.D. candidate in Sociology at the CUNY Gradu-



Advertising in
Construction NEWS
Doesn’t Cost! It Pays!
Call Sharon at
914-631-6070
for information.

ate Center.

New York’s Leading Role

More workers were newly unionized in New York City from January 2021 to June 2022 as a share of the labor force than in any of the other urban areas studied. New York City also leads the nation in the share of all organizing efforts that resulted in union recognition during this period. New York City’s private-sector unionization rate has been roughly double the national average for many years now.

The report also notes that while public and media attention has focused disproportionately on unionization efforts at iconic companies like Amazon, Apple and Starbucks, extensive organizing has also occurred in other private-sector settings during the 2021-22 period.

Both in the city and in the nation, many unions have been actively organizing non-unionized workers for decades—long before the recent surge of labor activism. The growth of private-sector union organizing in cities across the United States has generated extensive media coverage of organizing at high-profile companies like Starbucks and Amazon. Yet, as this report shows, any significant resurgence will require much larger-scale efforts, it noted.

PRO ASPHALT
800 CANAL ST, MT VERNON NY 10550
OPEN FOR YOUR EMERGENCY WINTER ASPHALT NEEDS
POTHOLE REPAIR
ROAD MAINTENANCE
UTILITY WORK
COLD MIX AVAILABLE
M-F 7:00am - 3:30pm
OPEN ALL WINTER
PLANT: 914.663.7663 ADRIANE@PROASPHALTNY.COM

TRANSIT CONSTRUCTION CORP.



BUILDING TOMORROW TODAY



CLIENT SATISFACTION * QUALITY CONSTRUCTION * ON TIME * ON BUDGET

William Mascetta
President

Norman C. Fell
Executive
Vice President

Main Office

618 SAW MILL RIVER ROAD
YONKERS, NEW YORK 10710

Warehouse

1015 SAW MILL RIVER ROAD
YONKERS, NEW YORK 10710

TEL. [914] 476-0465 * FAX [914] 476-2051
WWW.TRANSITCORP.COM
INFO@TRANSITCORP.COM

Gallup Poll: Labor Unions Have 71% Approval Rating

WASHINGTON—A Gallup Poll released on Aug. 31 found that 71% of Americans approve of labor unions. The approval rating is the highest for organized labor ever recorded by Gallup since 1965.

Gallup reports that labor unions scored a 68% approval rating last year and 64% before the pandemic began.

The latest approval figure comes amid a burst of 2022 union victories across the country, with high-profile successes at major American corporations such as Amazon and Starbucks. The National Labor Relations Board reported a 57% increase in union election petitions filed during the first six months of fiscal year 2021.

Support for labor unions was highest in the 1950s, when three in four Americans said they approved. Support only dipped below the 50% mark once, in 2009, but has improved in the 13 years since and now sits at a level last seen nearly 60 years ago, Gallup reported.

Mario Cilento, president of the New York State AFL-CIO, said of the Gallup Poll findings: “The data from Gallup confirms what we are seeing right here in New York State as workers organize in the cannabis and agriculture industries and at Amazon, Starbucks, and at nonprofits.”

He added, “When you think of the challenges that workers faced throughout the pandemic, it has become very clear that at no other time in recent memory has it been so vitally important to be able to have a voice in the workplace. That is exactly what union membership gives you and this poll confirms workers recognize that we are much stronger together. It’s that simple.”

Attorney’s Column

Continued from page 6
equity, courts will not countenance inequitable conduct designed to thwart the true administration of justice. Accordingly, although in this case it was found that the text messages were intentionally discarded, even a negligent failure to preserve crucial evidence is subject to sanction. Further, depending on the nature of the prejudice resulting to the victim, a court is not constrained to only offer a negative inference; it can go so far as to strike pleadings and grant an immediate judgment to a party.

Given the informality of the media of email and text messages, many such communications are made “from the hip” or “off the cuff.” Accordingly, a party may quickly come to regret sending one or more such communications. However, by engaging in the improper “self-help” of deletion, a party

is risking the imposition of what can be more severe sanctions. In that regard, a party who knows that such communications exist would be well advised to consult with experienced construction counsel who can work to control how such communications come out—and, crucially, work to provide favorable context of the communication to potentially blunt its impact.

About the author: CIC General Counsel Thomas H. Welby, an attorney and licensed professional engineer. He is the founder of and senior counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the tri-state metropolitan area. Gregory J. Spaun, general counsel to the Queens and Bronx Building Association, and an attorney and a partner with the firm, co-authors this series with Mr. Welby.

Safety Watch

Continued from page 15

mentation that included safety checklists. Yet, this particular site was never inspected nor audited. TNT’s practices and the submitted documentation were insufficient as no one from TNT could provide details on how often worksites were generally inspected/audited, what kinds of sites were inspected, etc.

TNT’s submitted documentation showed no evidence as to the effectiveness of their monitoring/auditing plan, except that one existed on paper. Lastly, TNT failed to establish they effectively enforced the rules when violations were discovered. Although the crane operator in this instance was discharged, TNT could not offer any other evidence of prior

disciplinary action of an employee for violating powerline safety rules, which begs belief given the size of the company. The fact that the crane operator and the rest of the crew collectively were involved in violative conduct actually was evidence of TNT’s lax enforcement of these rules.

About the author: Costas Cyprus is an associate attorney practicing construction law and commercial litigation with Welby, Brady & Greenblatt, LLP, in White Plains, NY. He can be reached at 914-428-2100 and at ccyprus@wbglp.com. The articles in this series do not constitute legal advice and are intended for general guidance only.

CLIENTS **FIRST** RESULTS



Our national presence and localized attention provides a solid foundation for client driven success.

COUNSEL TO THE CONSTRUCTION INDUSTRY

New York, NY | River Edge, NJ | Washington, D.C. | Chicago, IL | Los Angeles, CA
Oakland, CA | Miami, FL | Austin, TX | Dallas, TX | Houston, TX | pecklaw.com

LOW BIDS Every Month in the
Construction NEWS

Advisory | Tax | Audit

Certainty is what we have delivered to the New York Construction industry for 40 years.

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

STRENGTH IN CERTAINTY

Carl Oliveri, CPA, CCIFP
Construction Practice Leader
grassicpas.com/construction

GRASSI
ADVISORS & ACCOUNTANTS



MEDIATION & ARBITRATION



CONSTRUCTION LAW



EMPLOYMENT & LABOR LAW



REAL ESTATE & LAND DEVELOPMENT



COMMERCIAL LAW

When Construction Problems Require Legal Solutions.

Knowledge & Knowhow

WB&G's comprehensive knowledge and insights into the intricacies of the construction and real estate industries are invaluable resources for companies, municipalities and business organizations seeking pragmatic and successful approaches to solve their legal challenges. For more than thirty years, WB&G's commitment and dedication to provide exceptional legal service have infused the firm with the knowledge and knowhow to achieve practical and favorable results for its clients.



For more than 30 years WB&G is proud to serve the members of the Construction Industry Council of Westchester & Hudson Valley, Inc., and the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

11 MARTINE AVENUE, 15TH FLOOR, WHITE PLAINS, NEW YORK 10606
 PHONE: 914.428.2100 FAX: 914.428.2172 www.WBGLLP.com

NEW YORK | NEW JERSEY | CONNECTICUT | MANHATTAN



Construction NEWS



Section 2

LABOR UPDATE 2022

Page 21

NY State Seeks Bids for \$3B In Renewable Energy Projects

ALBANY—New York Gov. Kathy Hochul announced on Sept. 21 the release of New York's sixth competitive solicitation calling for 2,000 megawatts or more of new large-scale renewable energy projects. The projects will have the capacity to power at least 600,000 New York homes and maintain the predictable pace of state-contracted opportunities for private renewable energy developers.

Once selected, the development of these projects is expected to spur nearly \$3 billion in clean energy investments and create more than 2,000 jobs in the green economy. Bringing more clean energy onto the grid accelerates progress toward achieving New York's goal to obtain 70% of electricity statewide from renewable sources by 2030.

With the latest solicitation, New York is accelerating the most ambitious state-led clean energy agenda in the United States, contracting with more than 120 new large-scale land-based renewable energy facilities including solar farms, onshore wind farms, and hy-

droelectric facilities—some of which have been paired with energy storage. The projects selected through this solicitation are expected to generate approximately 4.5 million megawatt hours of renewable electricity per year, enough renewable energy to reduce carbon emissions by 2 million metric tons—the equivalent of removing a half-million cars from the road annually.

The New York State Energy Research and Development Authority expects to notify the awarded developers in the spring of 2023. Payments under these awards will not commence until projects have obtained all required permits and approvals and become operational to power New York.

NYSERDA Doreen M. Harris President and CEO said, "Coming off a historic award group earlier this year, New York is moving ahead with full force as we look to build more large-scale renewable energy projects across the state in our march towards the state's renewable energy goals and beyond."

Notable provisions in this



On Sept. 21, the New York State Office of Renewable Energy issued siting permits to two firms to develop, design, construct, operate, maintain and decommission two major solar energy facilities in the state. These projects will bring a combined 320 megawatts of clean energy to New York homes and businesses and generate more than \$54 million to local economies.

solicitation include but are not limited to:

- Delivering job creation and benefits to disadvantaged communities by favorably evaluating projects that can tangibly advance benefits

for historically underserved communities, and strongly encouraging workforce development commitments and partnerships with labor and trade organizations.

- Setting a minimum U.S.

iron and steel purchase requirement to encourage the utilization of domestic steel in the construction of solar and wind facilities and requiring developers to provide oppor-

Please turn to page 34

State Accepting Applications for More Than \$2 Billion In Available FEMA Funds for Climate Change Projects

ALBANY—New York State officials announced on Sept. 16 that state agencies, counties, cities, towns, villages and tribal governments throughout New York State can now apply for new funding to support initiatives designed to boost resiliency and mitigate the effects of climate change, including the threats of flash flooding, wildfires and hurricanes.

This year, FEMA will make up to \$2.295 billion available to states through the Building Resilient Infrastructure and Communities grant program and up to \$800 million through the Flood Mitigation Assistance grant program.

"We have seen the devastating impacts of climate change and extreme weather far too often in New York State, and in response we are preparing for the future," Gov. Kathy Hochul said. "My administration will continue to invest in resiliency measures across the state to ensure our infrastructure can withstand the next so-called 100-year storm, and I encourage all of our local government partners to apply for

this critical funding."

The Building Resilient Infrastructure and Communities and Flood Mitigation Assistance funding programs

This year, FEMA will make up to \$2.295 billion available to states through the Building Resilient Infrastructure and Communities grant program and up to \$800 million through the Flood Mitigation Assistance grant program.

are nationally competitive mitigation grants which prioritize projects that promote natural risk reduction to public infrastructure and disadvantaged communities, as well as solutions that work towards enhancing climate resilience and reducing carbon emissions.

Building Resilient Infrastructure and Communities funds may be used for: capability and capacity building activities; mitigation projects and management costs.

Flood Mitigation Assistance funds may be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the

National Flood Insurance Program including: project scoping; technical assistance; community flood mitigation projects; individual structure/property-level flood mitigation projects and management costs.

Division of Homeland Security and Emergency Services Commissioner Jackie Bray said, "The weather of yesterday is no longer the weather of tomorrow. Governor Hochul is leading the fight against climate change here in

New York State and we are proud to work hand in glove with local communities to enhance our resiliency, protect our infrastructure and keep New Yorkers safe from the devastating impacts of extreme weather."

The State Division of Homeland Security and Emergency Services will review the applications from eligible sub-applicants and assist with any questions on the process. DHSES has scheduled a series of informational webinars about the BRIC and FEMA programs for sub-applicants:

10 a.m. to 11 a.m. Wednesday, Sept. 28
11 a.m. to Noon, Tuesday, Oct. 4
3 p.m. to 4 p.m. Wednesday, Oct. 12
Noon to 1 p.m., Tuesday, Oct. 18

Visit dhSES.ny.gov/recovery to register or contact DHSES' Hazard Mitigation Office at HazardMitigation@dhSES.ny.gov for more information. Applicants also may register for FEMA webinars to learn more.

DHSES is requesting that applications be submitted by Wednesday, Nov. 9, 2022.

Laborers’ International Union of North America, Local 60



- Anthony Ascencao.....Business Manager
- Frank Bisignano..... President / Training Director
- Carlos Gonzalez..... Vice President / Training Instructor
- Michael MoreiraSecretary Treasurer / Field Representative
- Jacinto FragosoRecording Secretary / Field Representative
- Andrew Ferraro..... Executive Board Member / Training Instructor
- Joseph Scipioni Executive Board Member

140 Broadway, Hawthorne, NY 10532
914-769-0300 • www.liunalocal60.com

Financial Management

The Inflation Reduction Act: What's In and What's Out

By PHILLIP ROSS, CPA, CGMA, PARTNER

President Biden signed the \$430-billion Inflation Reduction Act of 2022 in a low-key ceremony in August, and on Tues., Sept. 12, stepped out onto the White House South Lawn with lawmakers, cabinet members, activists and interest groups who supported the measure. The public event gave the President an opportunity to discuss its impact on a number of fronts, including corporate tax—one of the key issues in the legislation.

Here are some of the highlights of the IRA-2022:

Corporate Alternative Minimum Tax (AMT)—A 15% alternative minimum tax on adjusted financial statement income of corporations (excluding S corporations, regulated investment companies and real estate investment trusts) with profits over \$1 billion. The AMT will only apply if it exceeds a taxpayer's regular tax for the year and is expected to be levied on less than 150 companies per year, effective for tax years beginning after Dec. 31, 2022.

Your company would be considered an applicable corporation if the average annual adjusted financial statement income ("Average Annual AFSI") of the corporation and



after Dec. 31, 2021.

Stock Repurchases—A 1% stock buyback excise tax based on the stock's repurchased fair market value. The goal is to spur corporations to issue dividends instead of repurchasing outstanding shares as a way of increasing their stock price.

Internal Revenue Service (IRS) Funding—Increased funding for the IRS to improve customer service and expand audit initiatives and compliance enforcement.

Other Items

Two-year extension of the cap on excess trade or business losses of pass-through entities, which was originally scheduled to terminate in 2026.

Increasing the Research

receipts in no more than the past five tax years.

A host of new climate and energy programs and extensions of existing incentives geared toward expanding renewable energy tax credits and permitting companies to sell or transfer certain credits.

Changes to the 179D commercial building deduction, the act which incentivizes the construction and renovation of energy-efficient buildings.

Beginning in January 2023, these changes will potentially allow contractors to earn up to \$5.00/sf of tax deduction for qualifying projects. This change is a notable increase from the current tax deduction of up to \$1.88/sf of building area. Contractors can potentially qualify for this larger deduction by designing and installing qualified energy-efficient systems in certain buildings, which now include many buildings that were previously ineligible to participate in 179D such as those owned by nonprofits, religious groups and educational institutions. There

are also prevailing wage and apprenticeship requirements to meet in order to qualify for

The bill includes a 15% alternative minimum tax on adjusted financial statement income of corporations (excluding S corporations, regulated investment companies and real estate investment trusts) with profits over \$1 billion.

the larger deduction.

Lastly, 179D will allow taxpayers to qualify for an energy improvement tax deduction at a lower threshold. Under the old law, a building had to show a 50% energy savings over a benchmark structure. Now, the starting point is half that—a 25% savings—with a lower

deduction that increases based on the savings.

The current tax provisions that were not addressed by the act and which will remain in place include:

- The reduced 21% corporate income tax rate enacted under the Tax Cuts and Jobs Act of 2017;
- Personal tax rates will not change regardless of income level or personal net worth;
- The current rules on the taxation of carried interest are unchanged; and
- No increase to the \$10,000 cap on state and local tax deductions.

For more information on how the Inflation Reduction Act impacts you and your business, reach out to your CPA.

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.

Other key provisions of the bill are changes to the 179D commercial building deduction, the act incentivizes the construction and renovation of energy-efficient buildings. Beginning in January 2023, these changes will potentially allow contractors to earn up to \$5.00/sf of tax deduction for qualifying projects.

the other members of its Controlled Group) for a three-tax-year period exceeds \$1 billion (the "\$1 Billion Test"). An applicable corporation is subject to the AMT in its first taxable year occurring after it satisfies the \$1 Billion Test that ends

Credit against payroll taxes for qualified small businesses from \$250,000 to \$500,000. A qualified small business is defined as a trade or business with less than \$5 million in gross receipts in the current tax year and has a history of earning gross re-

Run in good company.

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

For Membership Information, Call:
George Drapeau III, Director of Membership Services
(914) 631-6070

Construction Industry Council of Westchester and Hudson Valley, Inc.
629 Old White Plains Road, Tarrytown, NY 10591



CAMPBELL

Serving NJ contractors since 1921



FOUNDRY
800 BERGEN ST.
HARRISON, NJ 07029
Ph: 973-483-5480
Fax: 973-483-1843
sales@campbellfoundry.com

BERLIN YARD
175 JACKSON RD.
BERLIN, NJ 08009
Ph: 856-767-0400
Fax: 856-767-4320
greg@bridgestate.com

MATERIALS
1235 HARRISON AVE.
KEARNY, NJ 07032
Ph: 201-998-3765
Fax: 201-998-3764
sales@campbellmaterials.com

Campbell Foundry is celebrating our Centennial this year. Working with the best team to serve the finest customers in the greatest Construction Marketplace since 1921.

Thank you to everyone who has made the first century a success.



We Are Pleased To Introduce Our
Newly Paved 8 Acre Kearny Storage Facility.
All Your Construction Needs, All In One Place

MTA, Amtrak Award Penn Station Design Contract

NEW YORK—The Metropolitan Transportation Authority, in partnership with NJ TRANSIT and Amtrak, has approved a contract for the redesign of Penn Station to a joint venture led by FX Collaborative Architects LLP and WSP USA Inc., with the acclaimed British architect John McAslan + Partners as collaborating architect.

The base contract of up to \$57.9 million would develop the preliminary station design and would last for one year. This contract includes options covering preliminary design for improvements to nearby subway stations and design and engineering support as the station reconstruction moves forward.

McAslan + Partners designed the 2012 transformation of London's historic King's Cross Station, creating a 165-yard-long semi-circular departures concourse that integrates regional and intercity railroads with each other and with the



The base contract of up to \$57.9 million would develop the preliminary station design and for improvements to nearby subway stations and design and engineering support as the station reconstruction moves forward.

London Underground while welcoming natural light from the sky through 1,000 glazed

and translucent triangular roof panels.

"Since crews took a wreck-

ing ball to the original Penn Station in 1963, generations of New Yorkers have been united

in their call to build a new station worthy of New York," Gov. Hochul said when announcing the contract award on Sept. 21. "By approving the contract for the redesign of Penn Station, we move another step closer to getting it done. The transformation of Penn cannot come soon enough, and we look forward to building a world-class station that puts New Yorkers first, delivers a rider-focused transit experience, and a great neighborhood they deserve."

The FX Collaborative and WSP joint venture developed the Penn Station Master Plan unveiled last year that evaluated alternatives and created the preferred redesign plan for Penn Station as a single-level facility centered around a grand train hall with a 450-foot long sky-lit atrium between Madison Square Garden and 2 Penn Plaza. The design called for by the MTA's contract will advance that preferred alternative and will:

- Relieve overcrowding and improve passenger flow and orientation.
- Improve safety by increasing platform and station egress and accessibility.
- Alleviate the cramped, disjointed circulation areas with widened concourses and high ceilings.
- Create a clear street presence that integrates with the surroundings.
- Optimize retail and other revenue generation.
- Integrate Penn Station with Moynihan Train Hall and the planned Penn Station Expansion.

Janno Lieber, MTA Chair and CEO said, "Awarding the design contract is a huge step forward in Governor Hochul's effort to make Penn Station once again a safe, world-class transit facility. The work will take place on an aggressive timetable. The opening of Grand Central Madison in just a few months provides us with a once-a-century opportunity to rebuild Penn Station. With a sizeable percentage of LIRR riders expected to shift their trips to Grand Central Madison, Penn Station will have five years with lower customer volumes before a new influx of customers arrives on Metro-North Railroad by 2027. The MTA wants to get the most disruptive work done before then, so I'm thrilled we are moving forward quickly with the design phase of this massive, long-delayed effort."

Jamie Torres-Springer, President of MTA Construction & Development, said, "We are excited to recommend a team that has a track record of designing projects that achieve world-class design excellence while improving safety and being constructible, our singular focus as we seek to finally give Penn Station's 600,000 daily riders the station they deserve."

Amtrak Board Chair Tony Coscia said, "This step brings Amtrak passengers, New York

Please turn to page 31

AMERICAN SHORING INC.

MADE IN THE USA

See our Entire Line! Call for Catalogs Including:

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

• We can provide you with the world's largest or smallest trench box or shoring system.

• Get high production numbers while keeping your workers safe.

• We will show you how with our on-site supervision.

• Contact us for the world's very best shoring.

• We will deliver on time.

FACTORY DIRECT

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

Factory & Corporate Office:

207 Lake Street (Route 32)
Newburgh, NY, 12550
1.845.562.4477

New England Area

238 E Cherry Street
Shrewsbury, MA 01545
1.508.842.2822

MidAtlantic Area:

506 Pulaski Highway
Joppa, MD 21085
1.443.313.3461

Or Phone us Toll Free from anywhere:

1-800-407-4674

www.americanshoring.com

E-Mail us at: sales@americanshoring.com

Laborers Local 235



**Skilled Laborers
Quality Workmanship
Safety & Dependability**

Dario Boccarossa
Business Manager/Secretary Treasurer

914-592-3020

Bronx Hunts Point Project Secures \$110-Million USDOT Federal Grant

NEW YORK—New York City Mayor Eric Adams announced on Sept. 15 that the Hunts Point Produce Market has been selected for a \$110-million federal grant to upgrade and improve its facilities.

The funding comes from a U.S. Department of Transportation (USDOT) Infrastructure for Rebuilding America (INFRA) grant and will be used to strengthen critical freight movement and improve the environment, public health, and quality of life for the Hunts Point community.

“Just two months into my administration, I committed to help kickstart the redevelopment of this critical local and national asset, and, with \$110 million, I know this funding will help us take a significant step forward,” said Mayor Adams. “I am grateful to USDOT and



The new produce market will be an approximately 1 million-square-foot, state-of-the-art intermodal freight facility with more than 800,000 square feet of refrigerated warehouse space and 200,000 square feet of ancillary space.

all our partners, in and out of government, for fighting for this funding, for our city’s economic comeback, and for the Hunts Point community. I look forward to continuing to work

with them to deliver the rest of the funding we need to get this critical project done.”

The new produce market will be an approximately 1 million-square-foot, state-of-the-art

intermodal freight facility with more than 800,000 square feet of refrigerated warehouse space and 200,00 square feet of ancillary space. The new facility will be compliant with the U.S. Food

and Drug Administration’s new Food Safety Modernization Act and will expand much-needed refrigerated warehouse space and pallet capacity—eliminating 1,000 diesel-powered refrigerated trailer units currently idling onsite as additional storage and significantly reducing emissions in the surrounding community. The redevelopment will also improve site circulation and coordination of inbound and outbound traffic, and will facilitate increased rail usage.

The grant application was prepared by the New York City Economic Development Corporation, the New York City Department of Transportation, and the New York City Department of Small Business Services.

“This critical funding is going to catapult our efforts to transform the produce market into a state-of-the-art environmentally sustainable facility that its 2,000 workers, local businesses, and community neighbors deserve,” said NYCEDC President and CEO Andrew Kimball. “We want to thank Mayor Eric Adams, Senator Schumer, Congressman Ritchie Torres, the Hunts Point Terminal Produce Market Cooperative and its businesses, Teamsters Local 202, and the more than 30 elected officials and organizations who advocated for the produce market to receive this grant.”

The produce market distributes more than 2.5 billion pounds of produce a year to New York City and the New York metropolitan region. The market employs thousands of New Yorkers and supplies 25% of the city’s fresh produce.

The produce market is one of the key areas of redevelopment that was outlined in Mayor Adams’ “Rebuild, Renew, Reinvent: A Blueprint for New York City’s Economic Recovery” and his “Hunts Point Forward” plan announced earlier this year. Redeveloping the produce market will:

- Protect and strengthen the food supply chain on the city, regional, and national levels;
- Keep and grow the 2,000 quality jobs at the produce market;
- Reduce emissions on city-owned land in Hunts Point, where residents face a disproportionate burden of environmental hazards relative to the rest of New York City;
- Support market business growth and use the produce market space more efficiently; and
- Create a global model for 21st Century urban food distribution.

“Revitalizing the Hunts Point Produce Market will have a direct economic and environmental impact—not only nationally but especially



Protecting Your Priorities[®] since 1969

Levitt-Fuirst has grown to become one of the largest independent insurance agencies in the tri-state region specializing in the construction and real estate industries. We understand the unique insurance-related service expectations of these industries.

Our 75-person staff includes a special team of skilled professionals dedicated to being the one-stop shop for all your insurance and bonding needs. We established and continue to manage Safety Group 458, a Workers Compensation safety group that can save your company up to 45% on Workers Comp premiums.

To learn more about how Levitt-Fuirst can help meet your insurance needs, please call **914-457-4200** or email info@levittfuirst.com.

Group Discounts: Up to 45% off Workers Comp Insurance premiums

Complete Insurance & Bonding Solutions: Liability, property, auto, equipment, workers comp and bonding

The “Independent Agent” Difference: Our client relationships span generations

Insurance Certificates: Fast and accurate delivery and 24/7 access to get you on the job ASAP

Boutique Insurance Services: Customized insurance and bonding programs to fit your company’s unique needs



**SALUTING HALMAR'S
DEDICATED EMPLOYEES
WHO CONTINUE TO BUILD SUCCESSFUL PROJECTS,
ESPECIALLY DURING THE PANDEMIC**

HALMAR
International

GREAT PEOPLE BUILD GREAT PROJECTS
BRIDGES | HIGHWAYS | RAIL | AVIATION | TUNNEL
845.735.3511 | www.halmarinternational.com

WHAT'S NEW & WHO'S NEWS

Thalle Industries Keeps Busy on High-Profile Jobs

BRIARCLIFF MANOR—With the summer construction season at its peak, Thalle Industries has been providing rock and other quarry products to many of the region's high-profile construction sites.

"Virtually every construction project requires some form of rock or stone, whether that's for asphalt, concrete or fill," said Glenn Pacchiana, Thalle Industries' president and CEO. "We are proud to supply high-quality, locally-sourced construction materials to our clients as they improve the built environment for the Hudson Valley's residents."

Thalle Industries is an environmentally responsible supplier of high-quality virgin and recycled aggregate, asphalt products and brownfield fill



The Amazon distribution center in Hawthorne, N.Y. currently under construction.

PHOTO COURTESY OF THALLE INDUSTRIES.

for the construction industry. Thalle produces virgin stone products at its Fishkill, N.Y. quarry, while recycled stone comes from its Virtual Quarry® in Elmsford, N.Y.

Every day this summer, thousands of commuters have driven by Thalle Industries' highest-profile projects, including:

- Interchange at I-287 and the Saw Mill River Parkway: The ramp reconstruction will address the weakening of the mechanically stabilized wall ramp to eliminate stability concerns.

- Amazon warehouse in Hawthorne: Thalle is supplying thousands of tons of stone

products for the \$99-million project under construction on the former site of the Green Valley Nursery at 211 Saw Mill River Road.

- Regeneron in Greenburgh/Mount Pleasant: Last month the biotechnology company broke ground on a \$1.8-billion research, preclinical manufacturing and support facilities project that will create at least 1,000 new full-time jobs in the next five years. Thalle is providing stone to various contractors at the site.

- Broadview Senior Housing at SUNY Purchase: The mature-adult community offers elegant apartment homes and villa residences with first-class amenities, including multiple dining venues, fitness center, indoor heated pool, spa and salon,

state-of-the-art theater, library, and more. Thalle provides stone products.

- Croton-Harmon Yards Complex: The final phase of the reconstruction of the century-old complex will result in a new maintenance facility to service the Metro-North Railroad's electric fleet. Thalle is supplying stone and asphalt, with some of the rail yard's construction debris sent to Thalle's Elmsford recycling center.

Recently completed construction projects that used Thalle products include two sports fields at the Walter Panas High School in Cortlandt; shoreline rocks at Lighthouse Landing in Sleepy Hollow; and asphalt for the Pudding Street Bridge over the Taconic State Parkway in Putnam Valley, NY.



Michael Fleischer

Former Thruway and DOT Exec. Joins Brown & Weintraub

ALBANY—Government relations and strategic consulting law firm Brown & Weintraub recently reported that Michael Fleischer, who has 25 years of transportation and public infrastructure experience, has joined the firm.

Mr. Fleischer served as Executive Director of the New York State Thruway Authority from 2003 to 2011. As the Chief Executive Officer of the

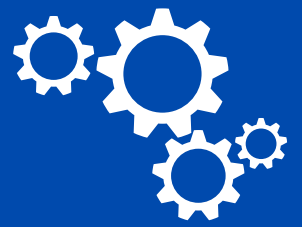
570-mile Thruway and the 524-mile state barge Canal System, he managed the day-to-day operations of the Authority while directly reporting to a board of directors consisting of seven members appointed by the governor of New York State. He developed and executed a statewide campaign to build support for the financing of a multi-year capital program, which included the

first successful toll modification program implemented in nearly 20 years while focusing on preserving the Thruway's infrastructure, E-Z Pass improvements, enhanced customer service, and operational efficiencies

Mr. Fleischer, a New York State licensed attorney, also worked at the New York State Department of Transportation from 1995 to 2003, including

serving as First Deputy Commissioner at NYSDOT, where he was directly responsible for the development and implementation of the department's \$1.65-billion annual highway and bridge program and the department's \$4-billion annual budget, including funding for aviation, rail, ferry and transit programs, as well as the administrative functions of the

Please turn to page 34



Engineering Knowledge, Innovation, Inspiration

An Educational Course for Engineers

6 LU / HSW

AIA Approved / NYS Acceptable



Course Provider:

Affiliated with:



cicbca.org



Wednesday, October 19, 2022

Limited to 45 Participants

\$125 online registration

cicbca.org/22eng

Construction Advancement Institute
Attn. Laurel Brunelle, Laurel@BCANYS.org
or Matt Pepe, matthew@cicnys.org
Phone: 914-631-1033 or 914-631-6070

Abigail Kirsch Catering Center
81 Highland Ave.
Tarrytown, NY 10591



International Brotherhood of Teamsters Local 456



Louis A. Picani, President

Joseph Sansone, Secretary Treasurer

Dominick Cassanelli Jr, Vice President

Roger Taranto, Recording Secretary

James McGrath, Trustee

Thomas Medeiros, Trustee

Robert Richardson, Trustee

Al Liberatore, Business Agent

Anthony Tortora, Business Agent/Organizer

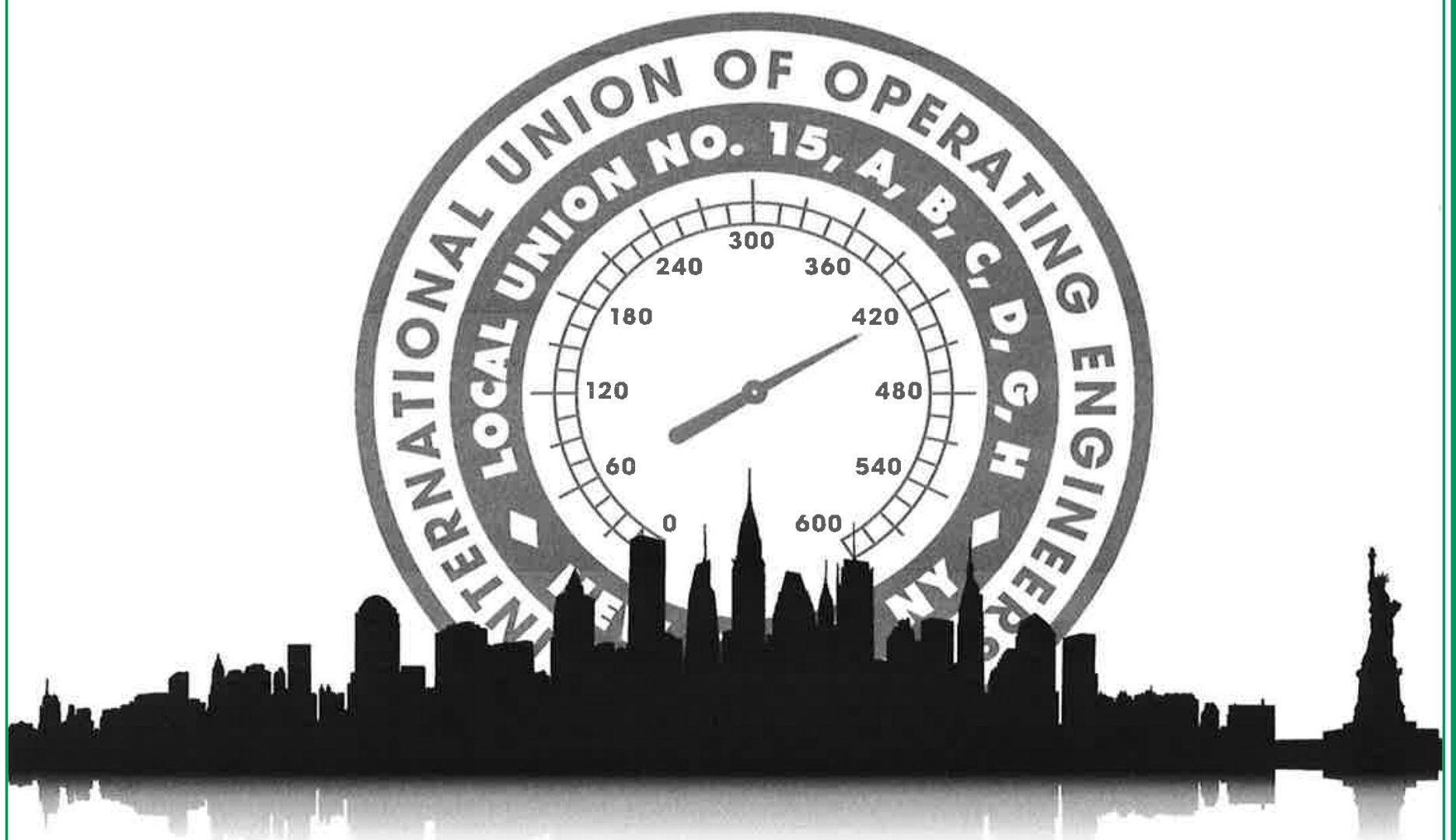
Denise June, Training Director

160 South Central Avenue, Elmsford, New York 10523

(914) 592-9500

Fax (914) 592-4266

Compliments of



**INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 15, 15A, 15B, 15C, 15D, 15G, 15H**

THOMAS A. CALLAHAN
President and Business Manager
International Vice President

Christopher R. Thomas

Michael A. Salerno

John W. McNamara

Andrew K. Cullimore

Daniel J. Gilmartin

Peter A. Donofrio

Anthony R. LaRosa

Robert G. Shaw, Jr.

44-40 11th Street — Long Island City, New York 11101

Hunts Point
Secures \$110M
Federal Grant

Continued from page 26
locally right here in the Bronx,” said Phillip Grant, CEO, Hunts Point Produce Market. “Thank you to our tireless advocate Senate Majority Leader Charles Schumer, our local congressional champion Ritchie Torres, and the Biden administration for recognizing how pivotal, impactful, and essential it is to revitalize our public market. We are hopeful that with the outstanding support we have received from our federal and city leadership that we will be able to secure the additional public support needed to truly revitalize our market and, as a result, significantly improve our region’s food infrastructure for generations to come.”
“Teamsters Local 202 applauds the work and commitment of City Hall and Senator Schumer to the produce center,” said Daniel J. Kane Jr., president, Teamsters Local 202. “We look forward to continuing our mission of rebuilding this important New York asset; this is a good first step, the best by far to date.”

Penn Station
Design Contract

Continued from page 24
and New Jersey commuters, and local residents closer to a new Penn Station for the 21st Century. Building upon the ongoing improvements already underway at Penn, this design effort will help the three railroads develop a common, realistic, and achievable plan for reconstructing Penn Station while ensuring continued train operations and complete coordination with the Gateway Program investments. We thank Governors Hochul and (New Jersey Gov.) Murphy for their leadership and partnership and look forward to further collaboration as we transform New York Penn Station into a world-class, state-of-the-art train station.”
The recommendation for the design joint venture follows an open, competitive request-for-proposals process that was widely advertised and sent to 106 prequalified firms and attracted five proposals from firms and joint ventures that were reviewed and scored by representatives from MTA Construction & Development, Amtrak, and NJ TRANSIT, and assisted by a Technical Advisory Committee with additional representatives from the Long Island Rail Road, Empire State Development and the New York City Economic Development Corporation.
In keeping with the MTA’s aggressive nation-leading program to encourage the growth and development of certified Disadvantaged Business Enterprises, the MTA’s Department of Diversity and Civil Rights has assigned a 22.5% DBE goal to the contract.

Report: New Yorkers’ Household Debt on the Rise

ALBANY—The average household debt in New York climbed to a new high of \$53,830 at the end of 2021. While New Yorkers trail the national average debt burden (\$55,810), student loan and credit card debt per capita were well above the national average, with student loan balances 335% higher than they were in 2003, according to a report released on Sept. 21 by State Comptroller Thomas P. DiNapoli.
“Households across the nation have record levels of debt, after a temporary decline at the onset of the pandemic in 2020. We’re seeing debt rise for New Yorkers with student loans, mortgages and credit cards,” Mr. DiNapoli said. “Borrowing can help individuals achieve their personal and financial goals, but high levels of debt can cause damaging long-term consequences. I urge policymakers to improve access for individuals and families to financial education resources,


so they are better prepared to build a stronger financial future.”
At the end of 2021, national household debt totaled \$15.6 trillion with New York households accounting for \$869.4 billion, or 5.6%, of the national total, ranking New York fourth in the nation after California, Texas and Florida. Debt has increased 4% nationally and 2% in New York in the first two quarters of 2022 and is now the highest on record, exceeding previous highs from 2008. For both New York and the nation, mortgage debt made up the vast majority of household debt, at \$601.2 billion (69.2%) and \$10.9 trillion (70.2%), respectively.
New York fares better than the nation and peer states (California, Florida, Texas, Illinois and Pennsylvania) on per capita consumer debt in relation to the average personal income level in the state. On that measure, New Yorkers have a debt ratio of 57% compared to



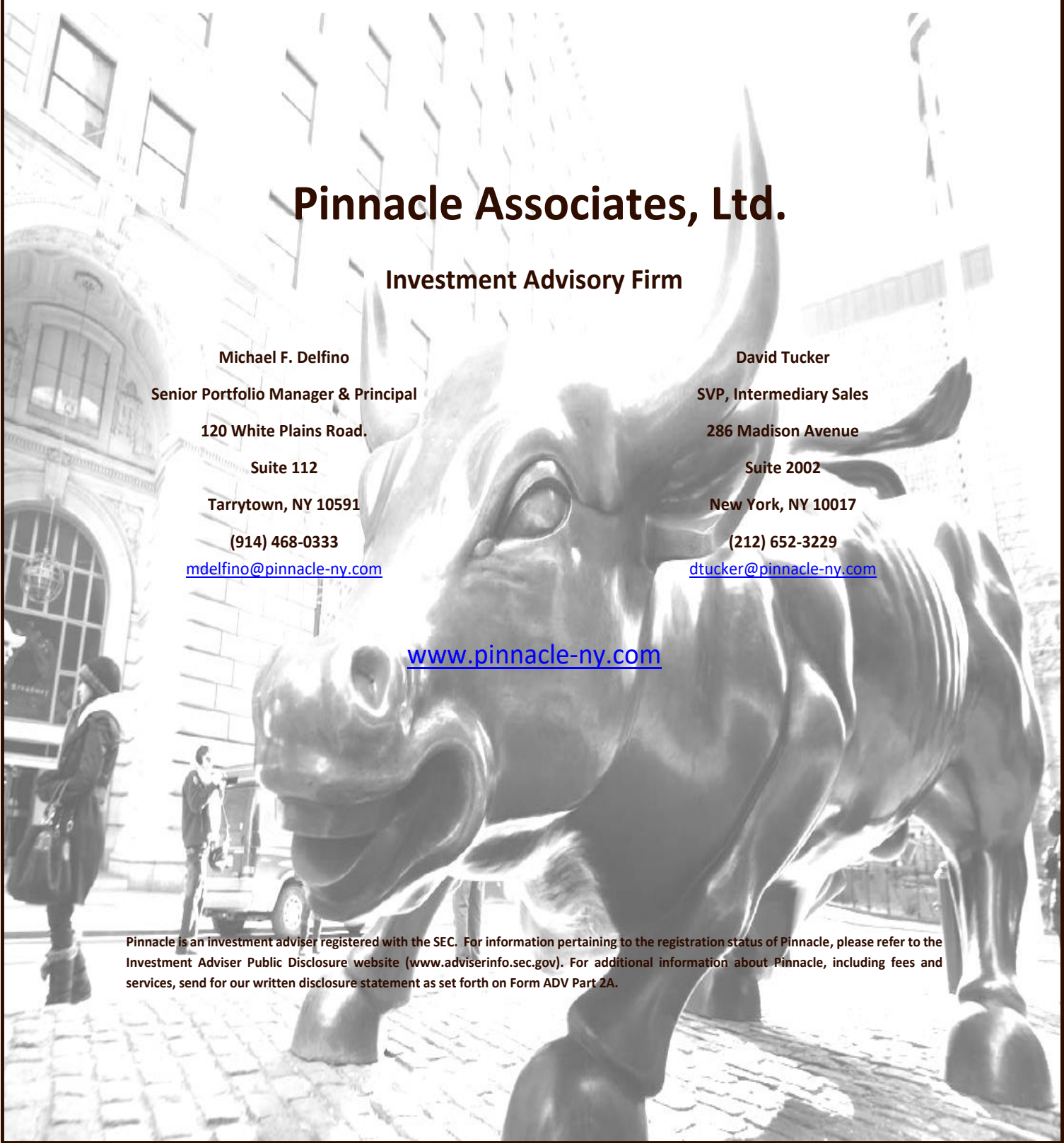
New York State
Comptroller
Thomas DiNapoli

73% for the United States as a whole. However, Mr. DiNapoli’s report found per capita debt in New York differs in notable ways from the national profile: mortgages and auto loan debt are lower, while credit card and student loan debt are higher.
New York’s per capita credit card debt was \$3,520 in 2021, seventh in the nation, and credit card balances were a larger share of per capita household debt in New York (7%) than nationally (5.5%). Credit card

debt typically has substantially higher interest rates than other types of household debt and can be indicative of financial stress when used for routine expenses.
New York’s per capita student loan balance was \$6,180 in 2021, 11th in the nation, representing growth of 335% from 2003. The high growth rate was less than the national average (432%) and peer states (448%). Mr. DiNapoli said President Biden’s new student loan forgiveness program should help New Yorkers struggling with student loan debt.
New York’s delinquency rate of 2.1% for consumer debt also exceeds the national average of 1.9%, but is lower than it was before the pandemic (3.8%). Credit card debt had the highest share of delinquent accounts at 8.9% in 2021. The delinquency rate of 0.9% for mortgage loans is highest in the peer group and nearly double the 0.5% national rate.



PINNACLE
ASSOCIATES LTD.



Pinnacle Associates, Ltd.

Investment Advisory Firm

Michael F. Delfino
Senior Portfolio Manager & Principal
120 White Plains Road.
Suite 112
Tarrytown, NY 10591
(914) 468-0333
mdelfino@pinnacle-ny.com

David Tucker
SVP, Intermediary Sales
286 Madison Avenue
Suite 2002
New York, NY 10017
(212) 652-3229
dtucker@pinnacle-ny.com

www.pinnacle-ny.com

Pinnacle is an investment adviser registered with the SEC. For information pertaining to the registration status of Pinnacle, please refer to the Investment Adviser Public Disclosure website (www.adviserinfo.sec.gov). For additional information about Pinnacle, including fees and services, send for our written disclosure statement as set forth on Form ADV Part 2A.

EPA: General Electric Co. to Study Lower Hudson River Contamination

ALBANY, NY – Under a legal agreement with the U.S. Environmental Protection Agency announced on Sept. 13, General Electric Co. has agreed to investigate the Lower River portion of the Hudson River PCBs Superfund site to determine next steps for addressing contamination.

Under the terms of the legal administrative agreement, GE will immediately develop a plan for extensive water, sediment, and fish sampling involving a 200-mile stretch of the Hudson River between the Troy Dam and the mouth of the New York Harbor. While polychlorinated biphenyls (PCBs) will be a focus of the data collection in the Lower Hudson River, other contaminants will be evaluated as well. The new data is needed to determine from a scientific standpoint the best path forward, even in advance of a po-



Based on its agreement with the U.S. EPA, General Electric will investigate possible contamination of a 200-mile stretch of the Lower Hudson River.

tential formal set of studies that would be required to develop a plan or plans for cleanup, EPA officials stated. The agreement requires data collection to begin in early 2023. GE will also pay EPA's costs to oversee the work. "The sampling that GE is conducting will allow us to better understand and evaluate

the conditions and potential contamination in the Lower Hudson River environment," said EPA Regional Administrator Lisa F. Garcia. "The information will help us determine whether and how to prioritize investigations in each portion of the Lower Hudson and how to best address contamination."

EPA plans to keep the Community Advisory Group for the Hudson River PCBs Superfund site and the public informed and involved as data is collected and follow-up decisions are made. EPA will also look to engage with communities along the lower Hudson, including communities that have environmental justice concerns.

Under the terms of the administrative agreement, GE will sample multiple fish species, sediment and water from various locations throughout the Lower Hudson River. There will be three different sediment sampling programs, each from a different range of depths of the river bottom. Collecting sediment at various depths and locations allows EPA to better understand where contamination is present and has deposited over time. GE will implement two of the three sediment

programs in 2023. The third program, which includes the collection of deeper sediment samples, will occur in 2024.

Results of the sampling will inform EPA's investigations moving forward. GE remains legally responsible for its PCBs that migrated to this area. EPA is continuing to evaluate whether other parties may also be liable for PCBs, as well as other contamination in the Lower Hudson.

The new data will supplement information collected during EPA's investigation of the Lower Hudson River in the 1990s and the periodic monitoring of Lower Hudson River fish and water by GE under EPA oversight since 2004. EPA has also been gathering additional information and data about the Lower River in coordination with New York State and other project stakeholders since 2019 to support these efforts. GE is reimbursing EPA for the costs incurred for planning the work.

New York State Department of Environmental Conservation Commissioner Basil Seggos said, "New York State is committed to a comprehensive cleanup and restoration of the Hudson River. EPA's agreement directing GE to undertake additional sampling in the lower Hudson is a critical step to address historic PCB contamination. This new data will supplement the extensive sampling efforts previously conducted by DEC, EPA, and GE to evaluate the health of one of New York's most important waterbodies. New York State DEC looks forward to continuing to work with EPA to understand what further actions can be taken to address unacceptable levels of contamination that remain in the river."

The Hudson River PCBs Superfund site includes the 200-mile stretch from Hudson Falls to the southern tip of Manhattan in New York City. EPA's 2002 Record of Decision addressed the sediment in the 40-mile stretch of the Upper Hudson River between Fort Edward and Troy, New York. The dredging and capping work in the Upper Hudson River was conducted between 2009 and 2015.

EPA continues to monitor the post-dredging recovery of the Upper Hudson River and is evaluating PCB contamination in the Upper Hudson River floodplain. The investigation of the floodplain is being done under a separate legal agreement with GE under EPA oversight.

Between the 1940s and 1970s, GE discharged PCBs into the Hudson River from its two former capacitor manufacturing plants in Fort Edward and Hudson Falls, New York. These PCBs contaminated the river and its sediment from the Hudson Falls plant to New York Harbor, and contaminated certain areas of the floodplain along the banks of the river during high water and flood events.

Is your construction company benefiting from a reliable, effective advisor?



For nearly a century, we've worked closely with construction firms like yours, providing specialized guidance in many areas including tax-saving strategies, cash flow projections and financing, key employee retention and attraction, succession planning, and bonding.

When your financial future matters most, Anchin helps you meet your challenges and succeed with

VISION • INSIGHT • POSSIBILITIES



Phillip Ross, CPA, CGMA
Partner and Construction Leader
Phillip.Ross@anchin.com



Christopher Kelly, CPA
Construction Partner
Christopher.Kelly@anchin.com



anchin.com/construction





NEW YORK'S 2022 ENVIRONMENTAL BOND ACT: \$4.2 BILLION FOR CLEAN WATER, CLEAN AIR, AND GREEN JOBS

On November 8, New York voters have a once-in-a-generation opportunity to protect clean water, reduce pollution, and create jobs. The Clean Water, Clean Air, and Green Jobs Bond Act will provide \$4.2 billion to improve water quality, repair wildlife habitat, protect family farms, create parks, modernize infrastructure, and expand renewable energy.

The Bond Act will...

- ✓ Improve public health
- ✓ Increase access to nature
- ✓ Protect people from deadly heat & flooding
- ✓ Support nearly 100,000 jobs
- ✓ Dedicate at least \$1.5 billion to disadvantaged communities



CLEAN WATER & CONSERVATION

At least \$650 million will be invested in projects to protect clean water by upgrading water infrastructure; replacing lead pipes; and supporting farmers' work to improve soil health and prevent pollution from reaching our lakes and rivers.

The Bond Act will invest at least \$650 million in land conservation, farmland protection, new parks and trails, and upgrades to existing parks, expanded trails, campgrounds and nature centers.



CLEAN AIR & PUBLIC HEALTH

The Bond Act will help New York achieve its ambitious climate goals and clean our air by investing \$1.5 billion in projects that cut pollution through increased energy efficiency and renewable energy use in public buildings; planting street trees and establishing community gardens; and building cooling centers and green roofs that help New Yorkers during heatwaves. Funds will also help improve the health of farms and forests so they can store more carbon.

Congratulations

Stacey Braun Associates, Inc.

INVESTMENT ADVISERS

377 Broadway
New York, New York
10012-3934

(212) 226-7707

LOW BIDS

ECCO, ELQ, Harrison & Burrowes, Brennan Win Bridge, Road Work

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

ELQ Industries Inc. of New Rochelle, NY was the lowest of four bidders at \$8,438,734.88 for PMI paving Route 9 in the Town of Poughkeepsie, NY in Dutchess County.

Harrison & Burrowes Bridge Constructors of Glenmont, NY was the lowest of nine bidders at \$27,467,764.72 for bridge rehabilitation project: I-287 over MNRR and I-287 over Midland Avenue in the City of Rye, NY in Westchester County.

Thomas M Brennan/DBA: Brennan Construction of Brewster, NY was the lower of four bidders at \$812,991.00 for culvert replacement at Lower Road (CR12) / Tributary to the Wallkill River in the Town of Wawayanda, NY in Orange County.

ECCO III Enterprises Inc. of Yonkers, NY was the lowest of four bidders at \$2,852,557. for highway where & when at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Thruway Authority Names DA Collins J. D'Annunzio for Project Awards

ALBANY—The New York State Thruway Authority reported recently the selection of two apparent low bidders for work in the Hudson Valley.

J. D'Annunzio & Sons, Inc., of South Plainfield, NY was the lowest of eight bidders at \$31,827,000. for replacement of the North Avenue Bridge over I-95/New England Thruway at Milepost NE 5.76 in Westchester County.

DA Collins Construction of Wilton, NY was the lowest of three bidders at \$5,237,091. for mill and inlay and miscellaneous work from Milepost 74.1 to Milepost 76.5 in Ulster County.

NY State Seeks Bids for \$3B In Renewable Energy Projects

Continued from page 21
tunities for U.S.-based steel suppliers to participate in the renewable energy industry, in keeping with the intent of the New York Buy American Act.

- Requiring that workers associated with the construction of any awarded facility be paid the applicable prevailing wage to ensure construction quality and ensure family-sustaining jobs for New Yorkers.

- Encouraging and preferentially evaluating developers that commit to utilizing New York State Minority- and Women-Owned Business Enterprises (MWBEs) and Service-Disabled Veteran-Owned Businesses (SDVOBs).

- Incentivizing proposers to avoid development on the highest quality agricultural lands, and commit to co-utilization measures to support continued agricultural operations as well as funding to support regional agricultural operations.

- Ensuring that communities that will host successfully awarded projects are fully involved in the development process, and that proposers demonstrate a commitment to

frequent and active community engagement.

- Continuing to encourage proposals that cost-effectively pair renewable energy with energy storage technologies, including preferential evaluation of proposals that place storage facilities in primarily fossil-served regions of the state.

Eligible projects include any large-scale renewable project that can be certified as a Tier 1 renewable technology and entered operation after Jan. 1, 2015. Participating projects not yet in operation must show evidence that they are capable of reaching commercial operation by May 2025, with the option to extend to May 2028.

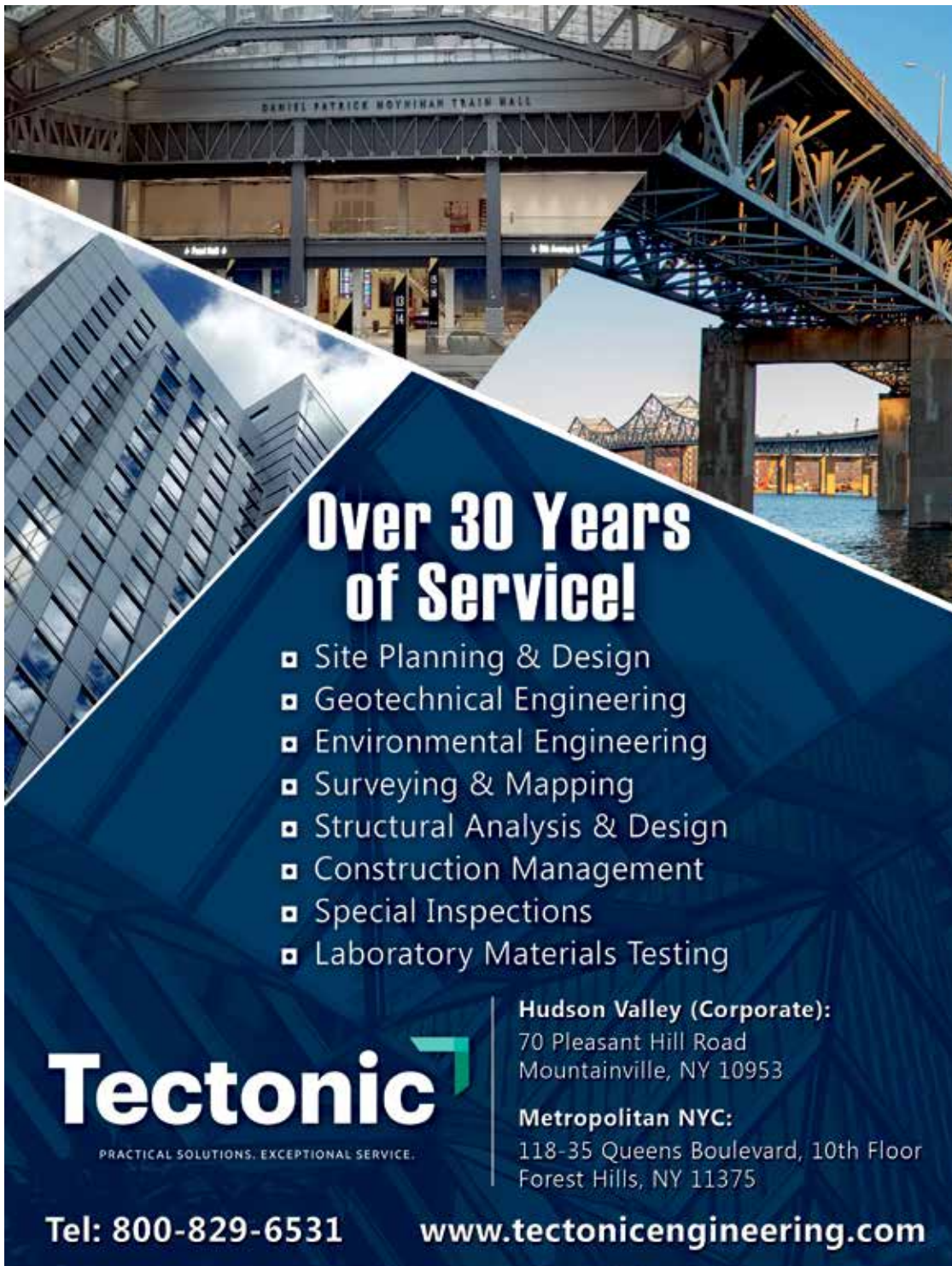
Interested proposers can apply on NYSEDA's Tier 1 Solicitations webpage. Step One Eligibility Applications are due on Nov. 16, 2022, by 3:00 p.m. ET. A webinar will be held on October 6, 2022, at 1:00 p.m. ET to provide more information on this solicitation. Those interested in the webinar can sign up on the webinar registration page and are encouraged to register and submit questions in advance to RES@nyserda.ny.gov.

Former Thruway and DOT Exec. Joins Brown & Weintraub

Continued from page 28
agency, including the Offices of Budget and Finance, Engineering, Human Resources, and the Directors of Public Affairs and Governmental Relations.

His government service

career began with more than six years in the New York State Legislature, including posts on the staffs of State Senator John R. Dunne (Nassau County) and State Senator John B. Daly (Niagara County).



Over 30 Years of Service!

- ▣ Site Planning & Design
- ▣ Geotechnical Engineering
- ▣ Environmental Engineering
- ▣ Surveying & Mapping
- ▣ Structural Analysis & Design
- ▣ Construction Management
- ▣ Special Inspections
- ▣ Laboratory Materials Testing

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

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

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

Tel: 800-829-6531 **www.tectonicengineering.com**



BUILT BETTER	BUILT SAFER	BUILT UNION
---------------------	--------------------	--------------------

Eastern New York Laborers District Council:

Samuel Fresina, Business Manager

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

LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

LOCAL 190, ALBANY, Anthony Fresina, Business Manager

LOCAL 235, WESTCHESTER, Dario Boccarossa, Business Manager

LOCAL 754, ROCKLAND COUNTY, Stephen Reich, Business Manager

The NYS Laborers offer:

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



668 WEMPLE ROAD, Glenmont, New York 12077
PHONE: (518) 462-9350 | FAX: (518) 462-9359

HALCYON CONSTRUCTION CORP.

*New York City is blessed with natural harbors.
We help keep them clean.*

Owls Head Sewage Treatment Plant

Brooklyn, NY

Photo by Assad Dilmaghani, VP

**65 MARBLE AVENUE
PLEASANTVILLE, NY 10570
914-741-1112**